CONGRESSIONAL RECORD:

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CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-FIFTH CONGRESS, SECOND SESSION.

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VOLUME XXXI, PART V.

CONGRESSIONAL RECORD,

FIFTY-FIFTH CONGRESS, SECOND SESSION.

Three thousand copies of Army Regulations, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives.

Two thousand copies of the Military Laws of the United States, of which 650 shall be for the use of the Senate and 1,350 for the use of the House of Representatives.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The Chair recognizes the Senator from Iowa [Mr. ALLISON].

Mr. ALLISON. In view of the circumstances, I think I will not ask the Senate to continue the consideration of the sundry civil appropriation bill to-night. I understand that there is a report about to be made.

INTERVENTION IN CUBAN AFFAIRS.

Mr. DAVIS. I submit the report of the committee of conference on House joint resolution 233.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the amendments of the Senate to the joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein, having met, after full and free conference report to their respective Houses as follows:

That they have been unable to agree.

C. K. DAVIS,
J. B. FORAKER,
JOHN T. MORGAN,
Managers on the part of the Senate.

ROBERT ADAMS, Jr.,
JOEL P. HEATWOLE,
HUGH A. DINSMORE,
Managers on the part of the House.

Mr. DAVIS. Mr. President, so far as I can with propriety, I will state in a few words the points of disagreement.

There was no difficulty in agreeing to the House amendment whereby the recognition of the independence of the Republic of Cuba was stricken out. The point of contention was the restoration of the words "are and." Upon that the differences were irreconcilable, and from that the disagreement resulted.

Mr. MORGAN. The Senator from Minnesota in making that statement speaks for the majority of the committee in each House. There were members of the conference committee who insisted upon a recognition of the Republic of Cuba and presented every form of view on that subject that could be presented, and could get no recognition of it in any form. That failing, they were willing to make an effort to get a recognition of the right of the people of Cuba to be free and independent, and that failed, because, as the Senator from Minnesota has stated, a majority in the House were not in favor of recognizing them as being free and independent. I do not believe there is any use to send this committee back for the purpose of trying to get an agreement.

Mr. FORAKER. Mr. President——

Mr. MASON. May I ask the Senator from Alabama to repeat his last sentence?

Mr. MORGAN. I said that I did not believe there was any use to send the conferees back for the purpose of getting an agreement unless the House recedes from its action.

Mr. FORAKER. Mr. President, I think it is due to the Senate to say that I have been very greatly disappointed. I stated to the Senate, before the conference committee was appointed, I had reason to believe, on account of information that had been given to me, that if we would appoint the conferees to meet with the conferees of the House, we could agree, provided on behalf of the Senate we would yield the Turpie amendment. It was with what I thought was an understanding that by yielding that amendment we might come to an agreement that I consented to serve on the conference committee. When I speak of assurances, I speak of what was said to me by members of the House who had voted in opposition to the Turpie amendment in the House, and what was said to me by Senators who had so voted in the Senate.

When, therefore, we went into conference, although it was not because I had changed my mind about it, but in order that we might have harmony and unity of action with respect to this important matter, we did promptly agree to abandon the Turpie amendment, provided the words "are and" might be restored in the first proposition, so as to make it read "that the people of the Island of Cuba are and of right ought to be free and independent."

Mr. MORGAN. And to say nothing about the republic?

Mr. FORAKER. To say nothing at all about the republic.

Mr. MORGAN. I did not agree to that.

Mr. FORAKER. We thought that would be satisfactory, but we found out to our very great disappointment that it was not satisfactory to those who represent the House. I do not know what is now the proper course to pursue, but I want to say one other word in justification of our course in refusing to agree. It seems to me that if we are not to recognize the independence of the people of Cuba that they are free and independent we thereby negative the proposition upon which we have been proceeding, that Spain by her conduct has forfeited her sovereignty, and that as a result there is no sovereignty there at all. If there be no sovereignty of Spain in that island, surely the people of that island are free and independent, and it seems to us to be absolutely unjustifiable upon principle that we should fail to recognize the independence of the people of that island.

But there is another reason. If we are to intervene in the affairs of Cuba with force of arms, we are to fight somebody, if fighting becomes necessary. War is to be the result, and if war be the result it will be war between the Government of the United States and the Kingdom of Spain and all the subjects of Spain. Until we recognize the independence of the people of the Island of Cuba the people of that island, as to their legal status, remain the subjects of Spain; and we are declaring war when we declare war against Spain, if we come to that, against the people of the Island of Cuba as well as the subjects of Spain elsewhere. Therefore, it seemed to me to be a point so absolutely vital that I could not get the consent of my mind to abandon. Under no circumstances do I think we ought to yield that point.

Mr. COCKRELL. I move that the Senate further insist upon its disagreement to the amendments of the House.

Mr. CHANDLER. And ask for a further conference.

Mr. COCKRELL. No.

Mr. MORGAN. Before that is done I desire to say that I have not yielded the recognition of the Republic of Cuba.

The VICE-PRESIDENT. The motion before the Senate is that the Senate further insist upon its disagreement to the amendment of the House to the amendment of the Senate to House joint resolution 233.

Mr. CHANDLER. I ask for the yeas and nays.

Mr. HOAR. Mr. President, I wish to say one word upon the suggestions which have been made by the Senator from Ohio [Mr. FORAKER]. I suppose that if we go to war and send our ships into Cuban waters and our armies onto Cuban territory, if we have recognized an existing government there we must put our troops and our soldiers under the command of that government.

Mr. COCKRELL. Not at all.

Mr. FORAKER. Will the Senator from Massachusetts allow me? I think he must have misunderstood me. We yielded the point as to the government. We did yield that for the sake of harmony.

Mr. HOAR. We must put our ships and our soldiers under the command of that government. We must do just as France did when she recognized the independence of the colonies of Great Britain. She put her troops under the command of George Washington.

Now, that I am not prepared to do. What I want to do is to leave the President of the United States, the Commander in Chief of our forces, master of that situation. I hold that he has the constitutional power to recognize the independence of Cuba, and that the moment we land our forces or send our ships there he will recognize that independence; but he will do it on such terms and conditions as he sees fit to make, and among those terms and conditions, I suppose, if he does what I presume everybody here would have him do, will be the retaining the control of all military and naval operations there on the part of our ships and our troops in his hands.

Now, I do not want to embarrass that question with any doubtful phrases. To say "they ought to be free" I like better, because "of right and ought to be" seems to be a little implication that in fact they are not free. If I agreed with the Senator from Ohio I would prefer the phrase without the words "of right" rather than with them, but he knows better what he wants, of course, than anybody else.

Mr. FORAKER. It is the language of the Declaration of Independence.

Mr. HOAR. True; but the circumstances attending the Declaration of Independence were different, and I have pointed out the difference. I do not want this matter to be embarrassed by any doubt about phraseology. I do not want it to be said that these words "free and independent" mean recognition or to have any lurking, doubtful, disputed meaning in this resolution. So, what I think we ought to do is to pass the substance of the House resolution, or what the House have now agreed to, and I think when that is done all these things will be added unto it.

You will have within ten days everything you desire. You will have had it in a constitutional way. You will have had it in a way that does not entangle or commit the American people, and you will have it in a way where the President, the House, and the Senate will not be embarrassed in regard to the characteristics of either of these branches of the Government as individuals, for they certainly represent the great masses and sentiments of the

American people, and you will have it in a way in which the President, House, and Senate will all be agreed.

Mr. MILLS. Mr. President, it seems to me that the criticism upon the language "are and of right ought to be free" is a hundred years too late. This language is quoted from the Declaration of Independence, where it twice occurs. That remarkable document which we and our ancestors have been reading as our political creed for a hundred years lays down the great fundamental principles of liberty. So we have understood. In the first place, they declare as a self-evident truth that all men are created equal. We have been taught to believe that that is the orthodox faith of all free people. It has been ours. We have met annually at every Fourth of July, that consecrated and holy day in our history, and had this creed read to ourselves and to our children. These truths are self-evident: First, that all men are equal.

Does not that apply to Cuba as well as to the United States? Is not Cuba in the same position now that the Continental Congress was in 1776? Had not the blood of the patriots flowed in Boston and at other places before the declaration was made? Were not the people of the colonies under the power of the mother government then as the people of Cuba are under the power of the mother government in that island to-day? How can you draw a distinction?

My friends, the fathers who settled these colonies maintained that freedom was the gift of God; and they meant what they said when they used the words, that "all men are equal" and that "these colonies are, and of right ought to be, free and independent colonies." What had they been saying to George III in the beginning of the Revolution? Sir, when we signed this document, we expatriated ourselves and left our allegiance behind us. They said, "We came here as men with God-given rights to establish a government for ourselves, and we did not bring your government with us; we owe you nothing."

They said that the right of expatriation was a natural right; and they said, besides, "We hold these truths to be self-evident, that all men are created equal, and that they have certain inalienable rights, among which are life, liberty, and the pursuit of happiness"—rights that can not be transferred to king or any other government; natural-born, God-given rights, as it is said in the Declaration of Independence.

Therefore they said they were free and ought to be free by God's gift and not by the gift of any crown. So we say of the people of Cuba, maintaining our own faith and applying it to the people of Cuba, they, too, are equal with us. They, too, have the same inalienable rights that we have—a right to life and to liberty and to the pursuit of happiness. We say, besides, that governments are instituted among men, not inherited.

Crowns do not descend by inheritance in this country; kings do not rule here by divine right; but we said, governments are instituted among men, deriving their just powers from the consent of the governed. That is our creed. We apply it to Cuba. We say there can be no just government in Cuba except it comes from the consent of the governed, and it is for that reason that I have been standing here for two years fighting for the right of the people of Cuba to govern themselves, to prescribe their own mode of government and enforce it among themselves.

In the criticism made by the House of Representatives about the declaration "are free" instead of "ought to be free," they simply turn their backs upon the history of their own country—turn their backs upon the doctrine of our own country that men are born free. Natural rights, this declaration of independence says—natural rights, among which are the right to life, the right to liberty, the right to pursue happiness.

Mr. President, it is a very small thing at a supreme moment like this for the House of Representatives to criticise the creed written in the Declaration of Independence. That which the committee have surrendered to them is much more important, and I am in favor of the course suggested by the Senator from Missouri [Mr. COCKRELL], to insist that we will not abandon our creed even in this supreme moment.

Several SENATORS. Vote! Vote!

Mr. DANIEL. I ask that the motion may be stated.

The PRESIDENT pro tempore. The question is on agreeing to the motion made by the Senator from Missouri [Mr. COCKRELL] that the Senate further insist upon its disagreement to the amendments of the House.

Mr. DANIEL. Mr. President——

Mr. FORAKER. And ask for a conference.

Mr. DAVIS. And ask for a further conference, I suggest.

Mr. COCKRELL and others. No.

Mr. DAVIS. I move to amend the motion by adding the words "and ask for a further conference."

Mr. STEWART. Let the request for it come from them.

Mr. MASON. I did not hear the suggestion of the Senator from Minnesota.

The PRESIDENT pro tempore. The Senator from Minnesota moves to amend the motion by adding that the Senate shall ask for a further conference with the House.

Mr. COCKRELL. It is not an amendable motion. We would have to divide it if it were a joint motion.

Mr. CHANDLER. I did not understand that was the motion.

Mr. MASON. It was not the motion, but it is proposed to be amended by the Senator from Minnesota.

Mr. COCKRELL. The point of order is that it is not amendable. You must first put the question——

Mr. CHANDLER. It is not an amendable motion, I think.

Mr. DAVIS. Let the point of order be decided.

Mr. DANIEL. Mr. President, have I the floor?

The PRESIDENT pro tempore. The Senator from Virginia has been recognized.

Mr. DANIEL. Mr. President, it seems to me that the report of our conferees and their statement of the considerations which actuated their disagreement make our last stage even worse than the first, and that there is nothing at this juncture the Senate can do with any regard to its conviction, and the grave reasons which they have assigned for their conviction, but to insist upon their disagreement with the House. It would seem from the report of our conferees that all recognitions of freedom are to be erased from the resolution should we ratify what has been done by the House.

I have read, Mr. President, with great care and respect, and I will add with my entire concurrence, the admirable statement of the doctrine of intervention made by the national Republican party in the last campaign. In that document I read these words:

> We reassert the Monroe doctrine in its full extent, and we reaffirm the right of the United States to give the doctrine effect by responding to the appeal of any American state for friendly intervention in case of European encroachment.

There are two leading American thoughts in that resolution, and I care not who uttered them, whether it were the Republican convention or the Democratic convention or the Populist convention, they contain a doctrine upon which every American may stand, for it is part of our common heritage which no party can appropriate to the exclusion of any other portion of the American people. Those two thoughts which are engraved in that statement of the national Republican party are, first, that the intervention of the United States should be in response to the appeal of an American state, which state in this instance is the Republic of Cuba.

The second thought is that the intervention so made in response to the appeal of the American state must be "friendly intervention," not "hostile constraint," and must be intervention in behalf of that state against encroachment. All of these encroachments against human nature which have been recited by those who have been witnesses of the tyranny of Spain in Cuba have been aimed at and have fallen upon the Cuban Republic and its adherents, and so history written in blood and tears has made up the awful case against which the national Republican convention directed its American anathema in its platform.

Time and again have we recognized in so far as we might the existence of a republican government in Cuba. The House of Representatives two years ago and the Senate alike recognized that republic and asked that belligerent rights should be accorded to it. In this Congress the Senate has repeated that opinion and passed resolutions recognizing the republic and according to it, not, indeed, independence in the family of nations, but those belligerent rights which can only be predicated of government in war.

Yea, Mr. President, unconsciously to these authors, perhaps, and yet with as precise and potent legal effect, the resolutions which came over to this body from the House of Representatives, and I might also add the message of the President, do themselves informally recognize a Cuban Government. Why do I say this? Because "war" is a term of international law. It can not be predicated in a legal sense or in an international sense of anything else but government. If two men fight upon a street, it is a mere individual quarrel. If a mob or riot attack an arsenal or railroad bridge or what not, they do not rise above the dignity of mob or riot or emeute or insurrection or whatsoever else you may call it. They are trespassers and lawbreakers—no more.

But no matter what they destroy, no matter what may be their numbers, nothing that they may do is war. War is that which can only be carried on by organization, and the only organization which can conduct war, according to the municipal law of the United States and according to universal international law, is government. It may not be an independent government; it may be a government which is denied the right of independence, but it is de facto government and as such entitled to certain respect, and having annexed to its de facto character certain international rights and privileges.

Mr. President, in the resolutions originally passed by the House of Representatives and in the message of the President we are told

that it is necessary for the United States to intervene in order to stop war. War can not be stopped unless war exists. War can not exist unless two governments are engaged in combat, and although it is sought by the resolutions which are commended to us to ignore the Cuban government, it is upon a doctrine which has been conceded in the resolutions and in the papers submitted to us. It is vain after this recital to contend that Congress can not recognize a government, and that it is an exclusive Executive prerogative.

Mr. President, it is essential, as many of us believe, in order to put this Government in its best attitude toward its own institutions and toward the civilized world, to persevere in that line which is laid down by the National Republican Convention and which is in harmony with the American thought upon this subject, to relieve us of domestic and international complications, and to prevent, as pointed out heretofore by the honorable Senator from Alabama and to-night by other Senators upon this floor, the inevitable consequence of having those in Cuba who have appealed for intervention put in common line and attitude with our Spanish enemies.

War dissolves the bonds of society and draws a dead line between all the citizens of one country and all the citizens of another. The moment that the United States declares war, or that which is the equivalent of war, it ranks Spain and all her subjects, and the Cubans in common with them, upon the other side of the line of battle, and ranks all Americans upon this side of the line. It is, therefore, in my judgment, and I reach that judgment with regret, for it is my earnest desire to agree with my colleagues here, necessary for the Senate to insist upon its disagreement. If we do not in some form recognize the Cuban Government, we leave it in identity with the Spanish oppressor.

Mr. MASON. Mr. President, if I may be permitted to use the language of an ancient lover of liberty, "I do not rise to waste the night in words." I desire to state—and if I be wrong in my statement, those of you who are more learned in parliamentary affairs will state it correctly to me—the parliamentary situation.

The House of Representatives sends to the Senate of the United States a joint resolution familiar to all, which was amended by the Senate of the United States in preamble and resolution, taking out all of the House preamble and inserting all of the Senate preamble, and taking out all of the House resolution and inserting all the Senate resolution, and, as a matter of parliamentary fiction, sending back to the House of Representatives the Senate joint resolution as an amendment to the House joint resolution. The House concur in all of the Senate amendments save two, whereby they strike out the words "are, and," taking out the mere bouquet, the mere sentiment expressed, which could not in any way in a preamble interfere with the Executive function, and also striking out what is known to this body as the Turpie amendment.

I understood the Senator from Ohio [Mr. FORAKER] to state that if we agreed to a conference, upon his information and judgment we would recede from the material amendment known as the Turpie amendment, whereby formally we declared in a legislative way for the independence of the Republic of Cuba, leaving only a mere suggestion to the Executive in the preamble that the Cuban people are and ought to be free. In other words, Mr. President, the friends of the Turpie amendment upon this side of the Chamber were willing to sacrifice, in order to secure immediate action, the material suggestion which was claimed interfered with Presidential prerogative, in order to have speedy action, as was suggested by the Senator from Maine [Mr. FRYE] who now occupies the chair.

I wish to be understood in my vote, and I wish to be understood in this particular: While I have spoken often upon this question, I have not taken one minute of this body's time since the committee report came before it until now, and I take this moment in order that I may state, as every Senator ought to have the right to state, his position and his intention before the vote is taken. I am informed now by the Senator from Ohio that he was misinformed as to the intention; that the things he had a right to presume upon he had been misled about, and that the committee of conference on the part of the House of Representatives, whom we had supposed, if we yielded to them all the substance of independence, would yield to us at least the poor privilege of saying that the people of Cuba are and ought to be free, would not yield it.

The night is late, and the hour is late, and the parliamentary situation is this: We, friends of Cuba as we have been, without arrogating to ourselves a divine thought or claiming a monopoly of human sympathy, the men who have fought and pleaded in this Chamber for recognition even of the belligerent rights of the struggling men, are told in this late hour that the Administration and the power of the country say to us that we shall not have even the poor privilege of paying our compliments to the struggling men of Cuba; that we must even abandon the movement and the hope that food and shelter and protection shall go to the suffering men, women, and children of Cuba. We must abandon even every thought of it, or they will withhold from the concentrados the bread and meat which are to come from the generous heart of the American people.

Understand me, Mr. President. This is the notice they serve upon us, and this is the notice I am here to answer, "That you shall not have intervention unless you concede to the technical demands of the Administration." We have conceded it. We have yielded it, and I am here to yield more. My vote is to be given to you and your demands, and with my vote I give you notice that I shall watch the outcome of events. Understand me, Mr. President. The notice you serve on us is this: The ten concentrados on the Republican side shall not even have a ship to carry food to the women and children who are starving; we will lock you in deadlock. That is the notice served upon us by the Senator from Maine. We will refuse to the dying children even the bread to keep life unless you give up your ideas.

We gave up our ideas. We surrendered at 4 o'clock upon the proposition that we might have a chance to express in this resolution the hope that Cuba and the people of Cuba might be free. You have denied us that by your conference report. The powers that control, the powers that manipulate, the men who pull the strings, have driven us to the position where you say to us who have stood for this proposition, "You must abandon even an expression of sympathy for Gomez and his army, to get bread for the women and children who are dying in Cuba;" and I say to you now, "I do not honor you, I do not care for you, I capitulate; but as I love my children I do not surrender." [Applause in the galleries].

Several SENATORS. Vote! Vote!

Mr. MASON. I beg pardon of my friends in the Senate; I have but few, and I care for less at this stage of the game.

I wish you to understand me. While I shall vote for any proposition that sends a ship afloat and opens the guns and takes food to the women and children, remember that while I have capitulated I have not surrendered even one iota of the doctrine which I have preached from the pulpit in this corner of the Chamber. I enlisted in this fight for the women and children who were being murdered. I have made my fight in public and in private, in open brawl upon the street, and in private contact with men of brains. I have met you. You have conquered me. I quit to-night upon this proposition; I surrender and vote with you; but I give you notice that to-morrow morning I will try the remainder of this case, and if God lives and right is right, independence of Cuba will be adopted in the Senate before I pass from this sphere of life.

Mr. President, I am done. I would have been more effective if I had been more quiet, possibly, but I have spoken what I have felt. I have rested upon the thought that in the final contact and the final settlement the men who control affairs in the conference committee would give us a chance at least to pay an honest tribute to Gomez and the 30,000 men who have fought for the independence of Cuba. I said to you the other day, before this report was made, that I hoped for intervention and independence, but that if I could not get intervention and independence I would take one or the other, as you gave it to me. You are in power. You have the votes. I am going to vote with you. I am going to give you intervention to-night, and to-morrow I shall ask independence, and I will fight you as I have from this side until you give it to the people of Cuba.

Mr. HAWLEY. Mr. President, perhaps I can assist the Senator from Illinois a little. Possibly somebody else may like this suggestion. I suggest a resolution in this form:

Resolved, etc., That the United States of America will vindicate the right of the people of Cuba to be a free and independent state.

That is what we mean, and it is not yet in the resolutions.

Mr. ALLEN. Make it "a republic."

Mr. WHITE. Mr. President, I desire to inquire what is the question before the Senate at this time?

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Minnesota.

Mr. WHITE. Let the amendment be declared from the desk, Mr. President.

The PRESIDENT pro tempore. That a further conference be asked with the House of Representatives, and that the conferees be appointed by the Chair.

Mr. WHITE. Mr. President, there is a very small minority——

Mr. ALLEN. I rise to a parliamentary inquiry, if the Senator will permit me.

Mr. WHITE. Certainly.

Mr. ALLEN. I ask the Chair if the pending question is not on the motion of the Senator from Missouri [Mr. COCKRELL]?

The PRESIDENT pro tempore. The Chair begs the Senator's pardon.

Mr. ALLEN. That the Senate insist upon its amendment without a conference.

The PRESIDENT pro tempore. But the Senator from Minnesota [Mr. DAVIS] moved to amend that motion by adding to it

"and that the Senate ask for a further conference to be appointed by the Chair."

Mr. CHANDLER. Is that amendment in order?

The PRESIDENT pro tempore. The Chair has no doubt that it is in order; but after it is adopted, then the question will be clearly divisible.

Mr. CHANDLER. I ask for a division of the question.

The PRESIDENT pro tempore. It is clearly divisible.

Mr. WHITE. Mr. President, there is a very small minority in this Chamber which, in spite of adverse criticism, has consumed exceedingly little time; and as a member of that minority I regret the consumption of time of which I have been this evening an unwilling witness. I trust that this matter may soon be brought to a conclusion. Dissenting most radically, as I do, from the majority sentiment of this Chamber, I yet appreciate in the presence of the great crisis that is about upon us, and is indeed upon us now, that we ought to solve this matter with but little disputation. I trust that the question now before the Senate may be soon presented and will be early determined. ["Vote!" "Vote!"]

The PRESIDENT pro tempore. The question is on the motion of the Senator from Missouri [Mr. COCKRELL] that the Senate further insist upon its disagreement to the amendments of the House of Representatives. Is the Senate ready for the question?

Mr. MILLS. I call for the yeas and nays.

Mr. GORMAN. I supposed the Senator from Minnesota made that motion, did he not?

Mr. COCKRELL. That was withdrawn.

Mr. FORAKER. I think there is practically an agreement.

Mr. COCKRELL. I have no objection to the other motion being put.

Mr. ALLISON. I trust the demand for the yeas and nays will not be pressed upon this question, but that we shall take the vote viva voce.

The PRESIDENT pro tempore. Is there a second to the call for the yeas and nays? In the opinion of the Chair there is not.

Mr. ALLEN. Mr. President——

Mr. CHANDLER. I suggest to the Senator from Minnesota that there is no occasion for a vote by the yeas and nays on this question.

Mr. STEWART. Yes; let us vote by yeas and nays.

Mr. SPOONER and others. Oh, no.

Mr. CHANDLER. I ask for a viva voce vote on the first part of the question.

Mr. ALLEN. After the Chair stated the motion of the Senator from Missouri [Mr. COCKRELL] and the proposed amendment of the Senator from Minnesota [Mr. DAVIS], the Senator from Missouri said he did not care, and now the question is whether the entire proposition is to be put as amended or whether it is to be divided.

The PRESIDENT pro tempore. The Chair put very distinctly the proposition made by the Senator from Missouri.

Mr. ALLEN. By itself?

The PRESIDENT pro tempore. By itself.

Mr. ALLEN. That is right.

Mr. FORAKER. Let me remind the Chair that the Senator from Missouri accepted the amendment, as I understood him.

Mr. COCKRELL. No.

Mr. FORAKER. Very well.

The PRESIDENT pro tempore. The question is the adoption of the motion of the Senator from Missouri [Mr. COCKRELL].

The motion was agreed to.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. DAVIS] moves that the Senate ask for a further conference, and that the Chair appoint the conferees on the part of the Senate.

Mr. CHANDLER, Mr. WOLCOTT, and others. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I am paired with the Senator from New Jersey [Mr. SMITH], who is detained at home by sickness. If he were present, he would vote "nay," and I should vote "yea."

Mr. PASCO (when Mr. MURPHY'S name was called). The Senator from New York [Mr. MURPHY] is absent. He stands paired with his colleague [Mr. PLATT of New York]. If present, I am informed that the senior Senator from New York would vote "nay."

Mr. ALDRICH (when Mr. WETMORE'S name was called). My colleague [Mr. WETMORE] is detained from the Senate by illness. If he were present, he would vote "yea." He is paired with the Senator from Georgia [Mr. BACON].

Mr. BACON. In consequence of the statement made by the senior Senator from Rhode Island [Mr. ALDRICH], I was about to announce that I would withdraw my vote, but I will let it stand for the present, in order that I may transfer my pair to some one else.

Mr. COCKRELL. My colleague [Mr. VEST] is necessarily detained from the Senate, and I suggest that the Senator from Georgia transfer his pair to him.

Mr. BACON. I transfer my pair with the Senator from Rhode Island [Mr. WETMORE] to the Senator from Missouri [Mr. VEST], and will let my vote in the negative stand.

Mr. COCKRELL. My colleague is not able to be present to-night.

Mr. PLATT of New York (after having voted in the affirmative). I am paired with the senior Senator from New York [Mr. MURPHY], who, I am informed, has not voted. Therefore I withdraw my vote.

Mr. GEAR. As I stated, I am paired with the Senator from New Jersey [Mr. SMITH]. I will transfer that pair to the Senator from Maryland [Mr. WELLINGTON], who is absent, and vote. I vote "yea."

Mr. WHITE (after having voted in the affirmative). On this vote I am paired with the Senator from South Carolina [Mr. TILLMAN], who is detained from the Chamber by illness. If he were present, he would vote "nay" and I should vote "yea." I withdraw my vote accordingly.

Mr. BUTLER (after having voted in the negative). I understand by an arrangement announced by the Senator from Iowa [Mr. GEAR], his pair with the Senator from New Jersey [Mr. SMITH] has been transferred to the Senator from Maryland [Mr. WELLINGTON], with whom I was paired, and so I will let my vote stand.

The result was announced—yeas 39, nays 40; as follows:

YEAS—39.

Aldrich,	Fairbanks,	Hansbrough,	Platt, Conn.
Allison,	Faulkner,	Hawley,	Pritchard,
Burrows,	Foraker,	Hoar,	Proctor,
Caffery,	Frye,	Lodge,	Quay,
Carter,	Gallinger,	McBride,	Sewell,
Clark,	Gear,	McMillan,	Shoup,
Cullom,	Gorman,	Mason,	Spooner,
Davis,	Gray,	Morrill,	Warren,
Deboe,	Hale,	Penrose,	Wilson.
Elkins,	Hanna,	Perkins,	

NAYS—40.

Allen,	Cockrell,	McLaurin,	Pettus,
Bacon,	Daniel,	Mallory,	Rawlins,
Baker,	Harris,	Mantle,	Roach,
Bate,	Heitfeld,	Martin,	Stewart,
Berry,	Jones, Ark.	Mills,	Teller,
Butler,	Jones, Nev.	Mitchell,	Thurston,
Cannon,	Kenney,	Money,	Turley,
Chandler,	Kyle,	Nelson,	Turner,
Chilton,	Lindsay,	Pasco,	Turpie,
Clay,	McEnery,	Pettigrew,	Wolcott.

NOT VOTING—10.

Morgan,	Smith,	Walthall,	White.
Murphy.	Tillman,	Wellington,	
Platt, N. Y.	Vest,	Wetmore,	

So the motion was rejected.

Mr. CARTER. I move that the Senate do now adjourn.

Mr. CULLOM and others. Oh, no!

Mr. ALLISON. I hope the Senator will not insist on that motion.

Mr. CHANDLER. I ask for the yeas and nays on that motion.

Mr. ALLISON. I hope the Senator from Montana will withdraw the motion. If he does so I will move that the Senate take a recess for one hour.

The PRESIDENT pro tempore. The Chair did not understand the Senator from Montana [Mr. CARTER].

Mr. CARTER. At the suggestion of the Senator from Iowa [Mr. ALLISON] I withdraw the motion to adjourn.

Mr. ALLISON. Then I move that the Senate take a recess for one hour.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and at the expiration of the recess (at 10 o'clock and 15 minutes p. m.) the Senate reassembled.

Mr. CARTER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Deboe,	Lindsay,	Pettus,
Allen,	Fairbanks,	Lodge,	Platt, Conn.
Allison,	Faulkner,	McBride,	Proctor,
Bacon,	Foraker,	McEnery,	Quay,
Baker,	Frye,	McLaurin,	Rawlins,
Bate,	Gallinger,	McMillan,	Roach,
Berry,	Gear,	Mallory,	Sewell,
Burrows,	Gorman,	Martin,	Shoup,
Butler,	Gray,	Mason,	Spooner,
Caffery,	Hanna,	Mills,	Stewart,
Cannon,	Hansbrough,	Mitchell,	Teller,
Carter,	Harris,	Money,	Thurston,
Chandler,	Hawley,	Morgan,	Turley,
Chilton,	Heitfeld,	Morrill,	Turner,
Clark,	Hoar,	Nelson,	Turpie,
Clay,	Jones, Ark.	Pasco,	Warren,
Cockrell,	Jones, Nev.	Penrose,	White,
Cullom,	Kenney,	Perkins,	Wilson,
Davis,	Kyle,	Pettigrew,	Wolcott.

The PRESIDENT pro tempore. In answer to the roll call 76 Senators have responded. A quorum is present.

WAR WITH SPAIN.

Mr. MORGAN. I introduce a joint resolution, and ask that it may be reported at the desk and laid upon the table, subject to be called up at some other time.

The PRESIDENT pro tempore. Is there objection to the introduction of the joint resolution? The Chair hears none, and it will be read.

The joint resolution (S. R. 153) declaring war against Spain, and for other purposes, was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the United States of America, without fault on their part, being involved in hostilities with Spain, on account of the war that is being waged by that power against the people of Cuba, the conduct of which is inhuman in its character; has long disturbed the peace of the United States; has greatly injured our commerce; has violated the rights of our people, guaranteed by treaties; has destroyed their lives by assassination and their property with the torch, and has culminated in the loss of the lives of our officers and sailors through the criminal destruction of the battle ship *Maine* while it was at anchor in the bay of Havana, on a visit of courtesy; and also for other well-known causes:

First. The Congress of the United States declares that a state of war exists between the Government of Spain and the Government and people of the United States.

The foregoing declaration does not apply to the government of the Republic of Cuba, or to the people who are included in its citizenship.

Third. The President of the United States is required to use the land and naval forces of the United States in executing and maintaining this declaration of war until an honorable peace is concluded and the future safety and welfare of the people of the United States and the independence of Cuba are secured by the expulsion of the armed forces and the dominion of the Spanish Government from the Island of Cuba.

The PRESIDENT pro tempore. The joint resolution will lie on the table, in the absence of objection.

FORT MAGINNIS MILITARY RESERVATION.

Mr. CARTER. I ask unanimous consent for the consideration of the bill (S. 161) providing for disposal of lands on abandoned portions of the Fort Maginnis Military Reservation, in Montana, and for the relief of certain settlers thereon.

The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

The Secretary proceeded to read the bill.

Mr. CARTER. I withdraw the request presented by me for the consideration of the bill, in view of the fact that I observe that the messenger from the House of Representatives has appeared in the Chamber.

The PRESIDENT pro tempore. The Senator from Montana withdraws the request. The Chair will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House further insists upon its amendments to the amendments of the Senate to the joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ADAMS, Mr. HEATWOLE, and Mr. DINSMORE managers at the conference on the part of the House.

INTERVENTION IN CUBAN AFFAIRS.

The PRESIDENT pro tempore. The Presiding Officer lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
April 18, 1898.

Resolved, That the House further insist upon its amendments to the amendments of the Senate to the joint resolution 233, authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein, and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. ADAMS, Mr. HEATWOLE, and Mr. DINSMORE be managers of the conference on the part of the House.

Mr. DAVIS. I move that the Senate accede to the request for a further conference, and that the committee be appointed by the Chair.

The PRESIDENT pro tempore. The Senator from Minnesota moves that the Senate accede to the request of the House of Representatives for a further conference, and asks that the Chair appoint the conferees. Senators in favor of the motion will say "aye"——

Mr. ALLEN. Mr. President——

The PRESIDENT pro tempore. The Senator from Nebraska.

Mr. ALLEN. I ask for a division of that question.

Mr. GRAY and others. Oh, no.

Mr. ALLEN. Senators say "Oh, no;" but I say yes. I do ask for a division of it.

The PRESIDENT pro tempore. The Senator has a right to a division if he requests it.

Mr. ALLEN. Senators can outvote me if they desire.

The PRESIDENT pro tempore. The Chair will put the question on the first part of the proposition, that the Senate agree to the further conference asked by the House of Representatives. The question is on that branch of the motion.

The motion was agreed to.

Mr. ALLEN. Now, Mr. President, so far as the other question is concerned, when it is before the Senate I desire to amend it by offering a substitute.

The PRESIDENT pro tempore. It is before the Senate now.

Mr. ALLEN. I desire to amend it by offering a substitute that we proceed under the rule to the selection of conferees.

Mr. MASON. Mr. President, if I understand the question——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. ALLEN. I do.

Mr. MASON. I rise to ask a question for information. If I understand the pending question, it is that the Chair shall appoint the conferees on the part of the Senate?

Mr. ALLEN. Yes, sir; but I suppose that is subject to amendment like any other motion or any other proposition that is before the Senate.

Mr. President, the rules point out specifically and plainly the course the Senate shall pursue in a case of this kind. I offer my amendment in the same manner that I offered a similar amendment this afternoon, not because I have any doubt in my mind as to the fairness of the presiding officer—I do not want to be put in the light of reflecting upon his fairness—but because the rules require the Senate, unless unanimous consent to the contrary is given, to proceed to select the conferees.

Mr. GALLINGER. Unless otherwise ordered.

Mr. ALLEN. Well, unless otherwise ordered. That is, the rules require that the Senate shall make the selection. There is no discretion about that.

Mr. GRAY. "Unless otherwise ordered."

Mr. ALLEN. I do not agree with the Senator from Delaware that "otherwise ordered" means that we can select an agent to do our work for us.

Mr. GALLINGER. If the Senator will permit me, it seems to me that that clause of the rule, "unless otherwise ordered," clearly points out the fact that it is competent for the Senate to order the business to be done in any other way it sees fit, and that in placing it in the hands of the presiding officer the Senate has ordered it otherwise than is provided for in the first clause of the rule.

Mr. ALLEN. No, Mr. President; that is not it. The rule says that we shall proceed by ballot unless otherwise ordered. The words "otherwise ordered" do not mean that the Senate shall abandon its power to make the selection to some other person or delegate that power. It means that the Senate shall proceed by ballot to discharge a duty imposed upon it, unless it sees fit to adopt some other means, namely, by a yea-and-nay vote, or by a resolution, or in some other form, to select the conferees. The duty imposed on us can not be delegated unless we see fit to abandon all canons for construction or unless we see fit, as we do ordinarily in unimportant matters, to let the Chair make the appointment.

Mr. MASON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. ALLEN. I do.

Mr. MASON. If the motion is carried, made by the Senator from Minnesota, that the conferees be appointed by the Chair, is it not otherwise ordered in the language of the rules of the Senate?

Mr. ALLEN. Not in contradistinction to taking it by ballot. "Otherwise ordered" means in some other way than by ballot.

Mr. GRAY. That is some other way.

Mr. ALLEN. The Senator from Delaware says it is in another way, but that does not cover up the fact that we have no power to delegate the selection of the conferees by the Chair. We have no power to take that out of our own hands; the words "otherwise ordered" do not go to that extent.

Mr. SPOONER. If that were true, then we would have to do it by ballot, and in no other way.

Mr. ALLEN. Not at all. We can do it by resolution. We can do it by a vive voce vote. We can do it in a variety of ways. That is what those words mean, if they mean anything.

Mr. President, I realize as fully, I trust, as any Senator here the necessity and desirability of concluding this important matter as speedily as possible. I trust I am not insensible of the surroundings or of the gravity of the situation or the importance of the question; and yet, Mr. President, I am not prepared to surrender my convictions or my vote unless I am compelled to do so. I am not in an attitude to surrender without being captured, and I am not in a frame of mind to be captured without resistance, regardless of what frame of mind some other Senators may be in.

Mr. President, if we were right last Thursday and Friday and Saturday and until 6 o'clock to-night, we are right now. If when the distinguished Senator from Ohio [Mr. FORAKER] made his speech a day or two ago he was right, then he is right now. Right is right, and time and circumstances do not convert right into wrong or wrong into right. Has anything been offered by way of argument on this subject to change the minds of Senators? Have any new facts been presented? Not a thing.

Mr. GRAY. The disagreement of the House is a new fact.

Mr. MASON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. ALLEN. Certainly.

Mr. MASON. There has been an argument offered that has appealed to many gentlemen in this Chamber, men who have stood with you in all this contest.

Mr. ALLEN. I am sorry they do not stand with me now.

Mr. MASON. The proposition has been made to your colleagues in this fight that you shall not even have the privilege of carrying the food to the women and children and the starving people of Cuba unless you relinquish a certain political demand in your resolution.

Mr. ALLEN. And the Senator from Illinois surrenders to duress.

Mr. MASON. I do not surrender. I capitulate and serve notice that to-morrow the fight is open again. You can enjoy my right, if you are willing.

Mr. ALLEN. Some time ago we heard the Senator's argument—mañana, mañana, to-morrow, to-morrow.

Mr. MASON. We want what we can get to-day. We will make the fight for more to-morrow.

Mr. ALLEN. Yes; if the Senator from Illinois was right a week or two ago, he was right up to 6 o'clock this afternoon.

Mr. MASON. I am right to-night, as I was then.

Mr. ALLEN. I hope so.

Mr. MASON. I am for the same proposition, but I do not refuse half a loaf because I can not get the full loaf. I will fight for the other half of the loaf to-morrow, and you will fight with me.

Mr. ALLEN. Yes; I will keep on fighting with the Senator as far as he is right, and against him when he is wrong.

No, Mr. President, there is no excuse. Every Senator here understands and the world understands that there is an ulterior motive underlying this contest. Does any man suppose for one moment that the President of the United States is standing on the question whether he or Congress has the constitutional right to recognize the independence of the Republic of Cuba? I do not characterize that too strongly when I say it is a subterfuge. There is no real contest on that question. If it were a mere question of propriety, the President would waive it.

It has been a contested question in the history of this Government from its organization down to the present time. In my humble judgment, which controls my action, there can be no doubt that Congress, in conjunction with the President of the United States, is charged with the duty and the responsibility of recognizing the existence of a foreign state. I am willing to take the judgment of great lawyers upon some questions, but I am not willing to be driven from that position by the most eminent gentlemen in this Chamber or outside of it.

What is it, then, that is hidden beneath this controversy or back of this controversy? Sir, it is nothing but an organized attempt on the part of certain American and European capitalists to saddle on the government that may be erected in the Island of Cuba an indebtedness amounting to over $500,000,000. Senators may pooh-pooh it and deny, it is nevertheless a living truth, and we will not have adjourned this session of Congress and gone to our homes two weeks until that fact will be made to appear to every citizen of this country.

Now, Mr. President, we are to have a surrender. One Senator said the changed circumstances were that the House had insisted. If the House is right, we ought to surrender. If the House is right, we ought never to have taken the position we have taken for the last week. If the House is wrong, is that any reason why we should be wrong or any excuse for our being wrong? That may satisfy the judgment and the consciences of some gentlemen. It does not satisfy mine.

We have had some experience here to-night. I speak and desire to speak in the most respectful language I am capable of coining or collecting in connection with the appointment of conferees. A conference committee presupposes the selection of gentlemen, if they can be found, who have not foreclosed the question to be submitted to them, who are in a judicial frame of mind, who are willing to take it up and consider it and debate it in all its different phases until they reach a conclusion such as a court ought to reach after considering evidence.

We were informed while we were debating that question that the House conferees were already out here somewhere waiting for the Senate conferees, standing no doubt out in the lobby of the Senate waiting for the Senate conferees to meet them; and, sir, in the nature of things the conferees could not have been in session when they did get together to exceed half an hour. The honorable Senator from Ohio says—I do not propose to quote his language, but simply give the substance of it—they had been together but a moment or two, or at least a few moments, until all attempt to sustain the Senate amendment recognizing the existence of the Cuban Republic was abandoned by the Senate conferees.

Two Senators, a majority of the Senate conferees, who had opposed the adoption of the amendment were placed in judgment on that amendment, to decide whether it should remain a part of the resolution or not. The honorable chairman of the committee was opposed to it. We know that. He did not pretend to secrete the fact that he was opposed to it. The distinguished Senator from Alabama was opposed to it and addressed the Senate against it. He did not secrete or attempt to secrete the fact. How do you expect to obtain a free and full conference from the House of Representatives when they know Senators are falling over one another to get an opportunity to surrender to them? Is the same farce to be put on the boards again within two hours from the time it first appeared?

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. ALLEN. I do.

Mr. PETTUS. The Senator ought to state that the senior Senator from Alabama on that committee supported the views of the Senate to the end.

Mr. ALLEN. Oh, the junior Senator from Alabama is altogether too sensitive. I am not saying anything at all derogatory to his colleague. He is a gentleman for whom I have the highest conceivable respect and about whom I expect to speak in language as polite as my poor vocabulary will permit me. But I submit, of course, to the interruption.

Are we to have this scene over again? Are we to go to the world and say seriously that we made an honest struggle to maintain this amendment? The world will not believe us. Why, sir, there is not a man, woman, or child so obtuse between the Atlantic and Pacific oceans who will believe we were in earnest if we carry on this farce any further. There is a clear majority in the Senate in favor of the amendment.

Why fritter away our opportunity and the force and effect of the amendment by permitting the appointment of conferees who are hostile to it? Is it a matter of delicacy with us? Am I to abandon my sense of right and my conviction of duty because some gentleman may say I had reflected upon the fairness of the presiding officer? No, sir; I will not do that. I will not abandon my sense of duty and my conviction because some man may elevate his nose at me at an angle of 45 degrees and sneeringly say I have reflected upon somebody. I can stand such reflections. But I never could stand my own consciousness of abandoning my duty at a critical moment, and I never would undertake to explain it.

Now, what is the condition here? We said here a little over an hour ago that we did not want any further conference with the House, and now we are asked to confer with them again, and I suppose we are to send out conferees again as we sent them out an hour or two ago. We carried that motion by simply 1 majority. Are we to repeat this farce? Are we to finally surrender to the dictates of the House and the power, whatever it may be, behind the House, or that surrounds it and influences it? Are we to submit to a majority held there in the hands of one man, who do not dare to carry out their honest convictions?

No, Mr. President, the Senate would stain itself with insincerity if it pursued a course of that kind any further. Why not say to the world, We stand for the recognition of the independence of the Republic of Cuba, and if any other branch of this Government does not see fit to accept independence and recognize it, let that branch of the Government accept the responsibility to the people of the United States?

The PRESIDENT pro tempore. The question is on the motion of the Senator from Nebraska to amend the motion by striking out the words "by the Chair" and inserting instead thereof the words "by ballot."

Mr. ALLEN. On that question let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. WETMORE], and therefore I withhold my vote for the present.

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH]. I transfer that pair to the Senator from Maryland [Mr. WELLINGTON], and vote "nay."

Mr. PLATT of New York (when his name was called). I am paired with the senior Senator from New York [Mr. MURPHY]. He not being present I withhold my vote.

Mr. WHITE (when his name was called). On this vote I am paired with the Senator from South Carolina [Mr. TILLMAN], who is unavoidably detained. Were he present he would vote "yea" and I should vote "nay."

The roll call was concluded.

Mr. CARTER (after having voted in the negative). My colleague [Mr. MANTLE] was unexpectedly called from the Chamber a few moments ago and requested me before leaving to protect him in any vote that was cast during his absence. Not knowing how he would vote on this question, I will stand paired with him, and therefore withdraw my vote.

The result was announced—yeas 28, nays 40; as follows:

YEAS—28.

Allen,	Daniel,	Mallory,	Rawlins,
Bate,	Harris,	Martin,	Roach,
Butler,	Heitfeld,	Mills,	Stewart,
Cannon,	Kenney,	Mitchell,	Teller,
Chilton,	Lindsay,	Money,	Turley,
Clay,	McEnery,	Pettigrew,	Turner,
Cockrell,	McLaurin,	Pettus,	Turpie.

NAYS—40.

Aldrich,	Faulkner,	Jones, Nev.	Pritchard,
Allison,	Foraker,	Kyle,	Proctor,
Baker,	Frye,	Lodge,	Quay,
Berry,	Gallinger,	McBride,	Sewell,
Burrows,	Gear,	McMillan,	Shoup,
Caffery,	Gorman,	Mason,	Spooner,
Chandler,	Gray,	Morgan,	Thurston,
Clark,	Hale,	Morrill,	Warren,
Cullom,	Hanna,	Nelson,	Wilson,
Davis,	Hansbrough,	Pasco,	Wolcott.
Deboe,	Hawley,	Penrose,	
Elkins,	Hoar,	Perkins,	
Fairbanks,	Jones, Ark.	Platt, Conn.	

NOT VOTING—12.

Bacon,	Murphy,	Tillman.	Wellington,
Carter,	Platt, N. Y.	Vest,	Wetmore,
Mantle,	Smith,	Walthall,	White.

So the amendment to the motion was rejected.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Minnesota [Mr. DAVIS] that the conferees be appointed by the Chair.

The motion was agreed to.

The PRESIDENT pro tempore. The Chair appoints as the conferees the Senator from Minnesota [Mr. DAVIS], the Senator from Alabama [Mr. MORGAN], and the Senator from Ohio [Mr. FORAKER].

RECESS.

Mr. MASON. I move that the Senate take a recess for one hour.

Mr. CARTER. I move to amend by making the time thirty minutes.

Mr. MASON. I accept the amendment.

The PRESIDENT pro tempore. The Senator from Illinois moves that the Senate take a recess for thirty minutes.

The motion was agreed to; and (at 10 o'clock and 55 minutes p. m.) the Senate took a recess until 11 o'clock and 25 minutes p. m., at which hour it reassembled.

Mr. ALLISON. I move that the Senate take a further recess until 12 o'clock.

The motion was agreed to; and (at 11 o'clock and 26 minutes p. m.) the Senate took a recess until 12 o'clock, midnight, at which hour it reassembled.

HOUSE BILLS REFERRED.

The bill (H. R. 6512) granting an extension of letters patent No. 20694 to Mary J. Day, inventor, was read twice by its title, and referred to the Committee on Patents.

The joint resolution (H. Res. 175) for a survey of the harbor at Sheboygan, Wis., was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 227) providing for the compilation and printing of parliamentary precedents of the House of Representatives was read twice by its title, and referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. CARTER presented a petition of Butte City Division, No. 294, Order of Railway Conductors, of South Butte, Mont., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. ELKINS presented a petition of Division No. 369, Order of Railway Conductors, of Parkersburg, W. Va., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a petition of the congregation of the Third Presbyterian Church of Wheeling, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the Third Presbyterian Church of Wheeling, W. Va., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes when imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Third Congregational Church of Wheeling, W. Va., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

Mr. SEWELL presented resolutions adopted by the board of directors of the Prudential Insurance Company of America, of Newark, N. J., expressing their admiration for the exalted patriotism displayed by the President in regard to war with Spain, and, in the event of war, pledging their support to the Government both morally and financially; which were ordered to lie on the table.

He also presented a petition of the Grand Lodge, Independent Order of Mechanics, of the State of New Jersey, praying that the Government grant belligerent rights to the Cuban patriots, and extending sympathy to the families of those who met their deaths by the explosion of the U. S. battle ship *Maine;* which was ordered to lie on the table.

He also presented resolutions adopted by the Board of Trade of Jersey City, N. J., indorsing the action of the President and urging Congress to rigidly and thoroughly investigate the matter of the destruction of the U. S. battle ship *Maine*, and tendering a regiment of infantry to the Government in the event of war with Spain; which were ordered to lie on the table.

He also presented a petition of the committee on applied Christianity of the Northern New Jersey Congregational conference, of Nutley, N. J., praying for the ratification of the arbitration treaty between the United States and Great Britain; which was ordered to lie on the table.

He also presented a petition of the Young People's Society of Christian Endeavor of the Presbyterian Church of Pennington, N. J., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Society of Christian Endeavor of the Presbyterian Church of Pennington, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Young People's Society of Christian Endeavor of Pennington, N. J., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

REPORTS OF A COMMITTEE.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 4110) to amend the act entitled "An act to provide for the location and satisfaction of outstanding military bounty land warrants and certificates of location, under section 3 of the act approved June 2, 1858," asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 3963) to permit certain parties to intervene in the equity cause of the United States against Morris and others, pending in the supreme court of the District of Columbia, asked to be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia; which was agreed to.

BILL INTRODUCED.

Mr. ELKINS introduced a bill (S. 4431) to define and prescribe the duties of the officers of the Inspector-General's Department of the Army, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

PROPOSED RECESS.

Mr. MASON (at 12 o'clock and 5 minutes a. m., Tuesday, April 19, 1898). I move that the Senate take a recess until 12 o'clock and 30 minutes a. m.

Several SENATORS. No! No!

Mr. COCKRELL. The Senate can be considered in constructive recess.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Illinois that the Senate take a recess until 12 o'clock and 30 minutes a. m. [Putting the question.] The noes appear to have it.

Mr. MASON. I call for the yeas and nays.

The yeas and nays were not ordered.

The motion was rejected.

Mr. MASON. I move that the Senate take a recess until 12 o'clock and 25 minutes a. m.

The motion was rejected.

After some little delay,

Mr. MASON. I move that the Senate take a recess until 12 o'clock and 24 minutes a. m.

The motion was rejected.

INTERVENTION IN CUBAN AFFAIRS.

Mr. DAVIS (at 1 o'clock and 15 minutes a. m., Tuesday, April 19, 1898). Mr. President, on behalf of the committee of conference I submit a conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the amendment of the Senate to the joint resolution (H. Res. 283) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its amendment numbered 1, in line 1, striking out the words "are, and."

That the Senate recede from its disagreement to the amendment of the House numbered 2, in line 2, to strike out all after the word "independent" to and including the word "Island," in line 4; and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the resolution omitting in line 2 thereof the words "and Republic;" and agree to the same.

C. K. DAVIS,
J. B. FORAKER,
Managers on the part of the Senate.

ROBERT ADAMS, JR.,
JOEL P. HEATWOLE,
Managers on the part of the House.

Mr. COCKRELL. I move to disagree to the conference report.

Mr. HAWLEY. I suggest that we first have the resolution read as it would stand if amended by the report.

Mr. GALLINGER. That is right.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. DAVIS. I move the adoption of the report.

Mr. WOLCOTT. I ask that the chairman of the committee explain in the main to us what the agreement is.

Mr. GALLINGER. Would it not be better to have the joint resolution read as it would stand if the report were agreed to?

Mr. DAVIS. Let it be read, and then afterwards, if it be necessary, I will explain the report.

Mr. WOLCOTT. Very well.

The SECRETARY. Strike out all after the resolving clause and insert:

First. That the people of the Island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

Mr. COCKRELL. Mr. President, I insist upon my motion to disagree to the conference report and to further insist upon the disagreement of the Senate to the amendments of the House to the Senate amendment.

Mr. STEWART. Let us have the yeas and nays.

The VICE-PRESIDENT. The question before the Senate is——

Mr. COCKRELL. Let us have the yeas and nays.

The VICE-PRESIDENT. The yeas and nays are called. Is the call sustained?

Mr. DAVIS. I desire to raise the question of order that my motion on the adoption of the report is first in order.

Mr. COCKRELL. Mine was certainly made first, beyond any question.

Mr. GEAR. A motion to agree takes precedence.

The VICE-PRESIDENT. It seems to the Chair immaterial what the form of the motion is. One is that the conference report be agreed to, and the other that it be disagreed to.

Mr. ALLISON. The motion is to bring the two Houses together. That is the first motion in order which is an agreement.

Mr. HOAR. That is perfectly well settled.

The VICE-PRESIDENT. Both motions are before the Senate. It seems to the Chair that the best way to take the vote will be on the adoption or rejection of the conference report.

Mr. ALLISON. That is right.

Mr. MASON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. Mr. President, in order that the action of each Senator may be properly understood, I desire to state my understanding of the effect of the vote we are now about to take. It is simply to record the position of each Senator upon the particular amendment which is affected by the conference report, to wit, the amendment known as the Turpie amendment. In other words, while all of the resolution was read to-night, the vote to be cast has no reference whatever to any part of the resolution, except such parts as are in issue between the two Houses.

Mr. FORAKER. The vote, I suppose, will cover the proposition to restore the words "are, and."

Mr. BACON. Of course. I understand that, but the object I have in making the statement is that as the entire resolutions were read it might without suggestion appear that the vote which we cast is far-reaching enough to include the entire resolutions. I desired to make the suggestion in order that there might be no misunderstanding that the vote simply relates to the particular amendments which are in issue, or rather in difference between the two Houses.

Mr. GRAY. As I understand it, we are about to vote now upon the report made to the Senate by the managers of the conference on the part of the Senate. They have reported an agreement with the House conferees. Those who vote "yea" will vote to sustain the action of the conferees of the Senate in agreeing with the conferees of the House as to a proposition upon which both the Senate and the House may come together.

Mr. JONES of Arkansas. The joint resolution as passed by the Senate went from the Senate to the House. It was passed by the House in exactly the same terms that it passed the Senate, except that the two words "are and" and the provision recognizing the independence of the Republic of Cuba were stricken out. By the agreement of the conferees the words "are and" are agreed to be left exactly as they were in the joint resolution when it went from the Senate to the House.

The joint resolution has, therefore, passed both the Senate and the House, and no part of it is in controversy on the conference report before us except the one item as to whether we shall recede from our declaration in favor of the independence of the Republic of Cuba.

The sole question left is whether the Senate will agree to the conference agreement which proposes that the Senate shall agree to the action of the House in striking out the provision for the independence of the Republic of Cuba. Those of us who believe that we ought not to recognize the Republic of Cuba and that the House was right in striking that out ought to vote for the report of the conference committee. Those of us who believe that the Senate was right in providing for the recognition of the independence of the Republic of Cuba, it seems to me, are compelled to vote "nay" on agreeing to the conference report.

The VICE-PRESIDENT. The question is, Shall the report be agreed to? on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH]. By consent I will transfer my pair to the Senator from Maryland [Mr. WELLINGTON], and vote "yea."

Mr. GRAY (when Mr. GORMAN'S name was called). The Senator from Maryland [Mr. GORMAN], who is absent from the Senate this evening, asked me to state that he is paired with the Senator from Texas [Mr. MILLS]. If the Senator from Maryland were present, he would vote "yea."

Mr. COCKRELL. And the Senator from Texas [Mr. MILLS] would vote "nay."

Mr. PLATT of New York (when his name was called). I am paired with my colleague [Mr. MURPHY]. I understand that he is detained at home by illness. Not knowing how he would vote, I will withhold my vote. If he were present I should vote "yea."

The roll call was concluded.

Mr. BACON (after having voted in the negative.) I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], who is detained from the Senate by sickness. I transfer my pair to the junior Senator from Missouri [Mr. VEST] and permit my vote to stand.

Mr. ALDRICH. I will announce in this connection that if my colleague [Mr. WETMORE] were present, he would vote "yea."

Mr. COCKRELL. My colleague [Mr. VEST], if present, would vote "nay."

Mr. THURSTON (after having voted in the affirmative). I understand that the Senator from South Carolina [Mr. TILLMAN] is detained from the Chamber on account of illness. I have a general pair with that Senator. I therefore withdraw my vote. If he were present, I should vote "yea."

The result was announced—yeas 42, nays 35; as follows:

YEAS—42.

Aldrich,	Fairbanks,	Kyle,	Pritchard,
Allison,	Faulkner,	Lodge,	Proctor,
Baker,	Foraker,	McBride,	Quay,
Burrows,	Frye,	McMillan,	Sewell,
Carter,	Gallinger,	Mason,	Shoup,
Chandler,	Gear,	Morgan,	Spooner,
Clark,	Gray,	Morrill,	Warren,
Cullom,	Hale,	Nelson,	Wilson,
Davis,	Hanna,	Penrose,	Wolcott.
Deboe,	Hansbrough,	Perkins,	
Elkins,	Hawley,	Platt, Conn.	

NAYS—26.

Allen,	Cockrell,	McLaurin,	Rawlins,
Bacon,	Daniel,	Mallory,	Roach,
Bate,	Harris,	Mantle,	Stewart,
Berry,	Heitfeld,	Martin,	Teller,
Butler,	Jones, Ark.	Mitchell,	Turley,
Caffery,	Jones, Nev.	Money,	Turner,
Cannon,	Kenney,	Pasco,	Turpie,
Chilton,	Lindsay,	Pettigrew,	White.
Clay,	McEnery,	Pettus,	

NOT VOTING—12.

Gorman,	Murphy,	Thurston,	Walthall,
Hoar,	Platt, N. Y.	Tillman,	Wellington,
Mills,	Smith,	Vest,	Wetmore.

So the report was agreed to.

Mr. ALLISON. I move that the Senate adjourn.

Mr. ELKINS. I move that the Senate adjourn until the day after to-morrow.

Mr. ALLISON. I withdraw the motion for the present.

The VICE-PRESIDENT. The motion is withdrawn.

Mr. ALLISON. I withdraw it for the reason that a message should be sent to the House before adjournment.

Mr. HAWLEY. I raise the question of no quorum. It is necessary to keep a quorum here.

The VICE-PRESIDENT. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Davis,	McMillan,	Rawlins,
Allen,	Elkins,	Mallory,	Roach,
Allison,	Faulkner,	Mantle,	Shoup,
Bacon,	Foraker,	Martin,	Spooner,
Baker,	Gallinger,	Mason,	Stewart,
Bate,	Gear,	Mitchell,	Teller,
Berry,	Gray,	Money,	Thurston,
Butler,	Hanna,	Morgan,	Turley,
Caffery,	Hansbrough,	Nelson,	Turner,
Cannon,	Harris,	Pasco,	Turpie,
Carter,	Hawley,	Penrose,	Warren,
Chandler,	Heitfeld,	Pettigrew,	White,
Clark,	Jones, Ark.	Pettus,	Wilson,
Clay,	Kenney,	Platt, Conn.	Wolcott.
Cockrell,	McBride,	Pritchard,	
Cullom,	McEnery,	Proctor,	
Daniel,	McLaurin,	Quay,	

The VICE-PRESID ENT. Sixty-five Senators ave answered to their names. A quorum is present.

Mr. PASCO. If the theory is that the House can not act after the adjournment of the Senate, in order to avoid the inconvenience of staying here two or three hours longer, why can we not simply take a recess?

Mr. CULLOM. The message has gone to the other House.

Mr. PASCO. The Senator from Iowa suggests to me that as soon as the message is delivered we can adjourn.

Mr. ALLISON (at 1 o'clock and 40 minutes a. m., Tuesday, April 19). I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned until 12 o'clock meridian, Tuesday, April 19, 1898.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 18, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

CUBA.

A message from the Senate being announced,

Mr. COX, its Secretary, said: I am directed by the Senate to inform the House that the Senate has passed the joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein, with certain amendments; in which it requests the concurrence of the House.

The SPEAKER. The Chair will submit to the House, House resolution No. 233, with the amendments of the Senate.

The Clerk read as follows:

Joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein.

Whereas the Government of Spain for three years past has been waging war on the Island of Cuba against a revolution by the inhabitants thereof without making any substantial progress towards the suppression of said revolution, and has conducted the warfare in a manner contrary to the laws of nations by methods inhuman and uncivilized, causing the death by starvation of more than 200,000 innocent noncombatants, the victims being for the most part helpless women and children, inflicting intolerable injury to the commercial interests of the United States, involving the destruction of the lives and property of many of our citizens, entailing the expenditure of millions of money in patrolling our coasts and policing the high seas in order to maintain our neutrality; and

Whereas this long series of losses, injuries, and burdens for which Spain is responsible has culminated in the destruction of the United States battle ship *Maine* in the harbor of Havana and in the death of 260 of our seamen;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the President is hereby authorized and directed to intervene at once to stop the war in Cuba to the end and with the purpose of securing permanent peace and order there and establishing by the free action of the people thereof a stable and independent government of their own in the Island of Cuba; and the President is hereby authorized and empowered to use the land and naval forces of the United States to execute the purpose of this resolution.

IN THE SENATE OF THE UNITED STATES,
April 16, 1898.

Resolved, That the joint resolution from the House of Representatives (H. Res. 233) entitled "Joint resolution authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein," do pass with the following

AMENDMENTS:

Strike out all after the resolving clause and insert:

First. That the people of the Island of Cuba are, and of right ought to be, free and independent—

[Applause]—

and that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island.

[Applause.]

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

[Applause.]

Strike out the preamble and insert:

"Whereas the abhorrent conditions which have existed for more than three years in the Island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with 266 of its officers and crew, while on a friendly visit in the harbor of Havana, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore."

Amend the title so as to read:

"Joint resolution for the recognition of the independence of the people and Republic of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect."

[Applause.]

Mr. DINGLEY. I move that the House concur in the Senate amendments to the joint resolution, with the amendment which I send to the desk; and on that motion I move the previous question.

Mr. BAILEY. Mr. Speaker, the gentleman will——

The SPEAKER. The Clerk will read.

The Clerk read as follows:

I move to concur in the Senate amendments to House joint resolution No. 233 with an amendment striking out in the first paragraph the words "are, and," and also the words "and that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island;" so that the first paragraph of said Senate amendment will read as follows:

"First. That the people of the Island of Cuba of right ought to be free and independent."

[Applause.]

Also amend the title of said joint resolution by striking out the words "and Republic."

Mr. DINGLEY. On that I move the previous question.

Mr. BAILEY. A parliamentary inquiry.

Mr. JOHNSON of Indiana. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Maine demands the previous question. The Chair will hear the parliamentary inquiry of the gentleman from Texas.

Mr. BAILEY. I desire to ask the Chair whether, pending the motion to concur with an amendment, it is in order to make a motion simply to concur?

The SPEAKER. The Chair thinks that that motion would be in order, but the pending motion precedes it.

Mr. BAILEY. Then the vote must first——

The SPEAKER. The vote must first be upon the motion to concur in the Senate amendments with the amendment of the gentleman from Maine.

Mr. JOHNSON of Indiana. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Indiana. I desire to inquire whether it would be in order at this time for me to ask unanimous consent of the House to submit some remarks in antagonism to this motion, and whether it would be according to the rules for the House to give its permission if it desired to do so?

The SPEAKER. It would not be in order.

Mr. BROMWELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BROMWELL. The Speaker having decided that the motion to concur would be in order, but that the previous motion to

concur with an amendment takes precedence, I now wish to offer a motion to concur in the Senate amendments. [Applause.]

The SPEAKER. The Chair trusts the House will restrain itself.

Mr. BAILEY. A parliamentary inquiry, Mr. Speaker. If the motion of the gentleman from Maine should prevail, the House would then never be brought to a vote upon the motion of the gentleman from Ohio [Mr. BROMWELL]?

The SPEAKER. If the House should concur in the Senate amendment with an amendment, that would end the matter.

Mr. BAILEY. Then the only way——

The SPEAKER. That is not a parliamentary inquiry. The Chair desires to answer the parliamentary inquiry of the gentleman.

Mr. BAILEY. After I state it, if the Chair declares it is not a proper parliamentary inquiry, I will make no further insistence on it. Is the Chair content that I state it?

The SPEAKER. Certainly; the gentleman may make any parliamentary inquiry.

Mr. BAILEY. My parliamentary inquiry is this: That unless the motion of the gentleman from Maine is defeated, the House will never be permitted to come to a vote——

Mr. DINGLEY. Mr. Speaker, is that a parliamentary inquiry?

The SPEAKER. The Chair thinks that is not a proper form in which to put a parliamentary inquiry. The House must understand that the answer to a parliamentary inquiry is entirely optional with the presiding officer; that the purpose of making a parliamentary inquiry or of answering it is to guide the House; and therefore the presiding officer must state the proposition as he understands it.

Mr. BAILEY. It was for the very purpose——

The SPEAKER. The Chair desires to state to the House that if the motion of the gentleman from Maine should be agreed to, the matter will then go back to the Senate, the House having finished its part of the work.

Mr. BAILEY. But unless this is agreed to it will not preclude the House from taking a vote on the other proposition submitted by the gentleman from Ohio?

The SPEAKER. The Chair has answered the question as he understands it.

Mr. BAILEY. If the Chair will permit me, I think the Chair has answered only a part of it.

The SPEAKER. The Chair thinks he has answered the question so that every member of the House can understand it.

Mr. BAILEY. The Chair has fairly and fully answered one part of the inquiry; but I simply desired, if possible, an answer to the other portion of it in order that the House might clearly understand it.

The SPEAKER. The Chair has answered the parliamentary question submitted by the gentleman, and fully; and the Chair thinks that every member on the floor understands it.

Mr. SULZER. I rise to a parliamentary inquiry.

The SPEAKER. The Chair will be glad to hear the parliamentary inquiry of the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, if the gentleman from Ohio, on his motion to concur in the Senate amendment, had also demanded the previous question, would not that motion to concur then have taken precedence over the motion of the gentleman from Maine?

The SPEAKER. It would not.

Mr. SULZER. Then, if the Chair will permit me, I desire to call attention to page 354 of the Manual, holding to the contrary——

The SPEAKER. The Chair has already answered the parliamentary inquiry of the gentleman from New York.

Mr. TERRY. Mr. Speaker, I would like to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TERRY. I wish to inquire, if the motion of the gentleman from Maine [Mr. DINGLEY] is voted down, if it will not then be in order to move to concur in the Senate amendment and thereby bring the two Houses to an immediate agreement?

The SPEAKER. The Chair thinks that parliamentary inquiry has already been answered. [Laughter.]

Mr. BAILEY. I demand the yeas and nays on the motion of the gentleman from Maine.

The SPEAKER. The gentleman from Maine asks the previous question——

Mr. LACEY. Before that, Mr. Speaker, permit me to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LACEY. This proposition is to concur with an amendment, but does not deal with the preamble to the resolution. Now, I wish to know whether the adoption of that resolution would preclude us from making necessary corrections in the preamble of the resolution itself; for instance, whether there were 260 or 266 of our seamen lost by the destruction of the *Maine*? If we are to adopt this, we ought not be precluded from making the preamble state exact facts.

Mr. DINGLEY. Mr. Speaker, that is not a parliamentary inquiry.

The SPEAKER. The gentleman from Maine demands the previous question and the gentleman from Texas asks for the yeas and nays——

Mr. BAILEY. I did not desire, Mr. Speaker, to ask the yeas and nays on the motion for the previous question. I am entirely willing that that shall be ordered.

The SPEAKER. The gentleman does not demand the yeas and nays.

The question is on the demand of the gentleman from Maine for the previous question.

The previous question was ordered.

Mr. DINGLEY. There will be twenty minutes for debate under the rule on each side. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on agreeing to the motion of the gentleman from Maine to concur in the Senate amendment with an amendment.

The question was taken; and the House proceeded to divide.

Mr. BAILEY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nays 156, answered "present" 2, not voting 19; as follows:

YEAS—178.

Acheson,	Davidson, Wis.	Joy,	Quigg,
Adams,	Davison, Ky.	Kerr,	Ray,
Aldrich,	Dayton,	Ketcham,	Reeves,
Alexander,	Dingley,	Kirkpatrick,	Robbins,
Arnold,	Dolliver,	Knox,	Royse,
Babcock,	Dovener,	Kulp,	Russell,
Baker, Md.	Eddy,	Lacey,	Shannon,
Barham,	Ellis,	Landis,	Shattuc,
Barney,	Evans,	Lawrence,	Shelden,
Barrett,	Faris,	Linney,	Sherman,
Barrows,	Fischer,	Littauer,	Showalter,
Bartholdt,	Fletcher,	Loudenslager,	Smith, Ill.
Beach,	Foote,	Lovering,	Smith, S. W.
Belden,	Foss,	Low,	Smith, Wm. Alden
Belford,	Fowler, N. J.	Lybrand,	Snover,
Belknap,	Gardner,	McCall,	Southard,
Bennett,	Gibson,	McCleary,	Southwick,
Bishop,	Gillet, N. Y.	McDonald,	Spalding,
Booze,	Gillett, Mass.	McEwan,	Sperry,
Boutell, Ill.	Graff,	McIntire,	Sprague,
Brewster,	Griffin,	Mahon,	Steele,
Broderick,	Grosvenor,	Marsh,	Stevens, Minn.
Brownlow,	Grout,	Mercer,	Stewart, N. J.
Brumm,	Grow,	Mesick,	Stewart, Wis.
Bull,	Hager,	Miller,	Stone, C. W.
Burleigh,	Hamilton,	Mills,	Stone, W. A.
Burton,	Harmer,	Minor,	Strode, Nebr.
Butler,	Hawley,	Mitchell,	Sturtevant,
Cannon,	Heatwole,	Moody,	Tawney,
Capron,	Hemenway,	Morris,	Tayler, Ohio
Chickering,	Henderson,	Mudd,	Thorp,
Clark, Iowa	Henry, Conn.	Northway,	Tongue,
Clarke, N. H.	Henry, Ind.	Odell,	Updegraff,
Cochrane, N. Y.	Hepburn,	Olmsted,	Van Voorhis,
Codding,	Hicks,	Otjen,	Walker, Mass.
Connell,	Hilborn,	Overstreet,	Walker, Va.
Connolly,	Hill,	Packer, Pa.	Wanger,
Corliss,	Hooker,	Parker, N. J.	Ward,
Cousins,	Hopkins,	Payne,	Weaver,
Crump,	Howard, Ala.	Pearce, Mo.	Weymouth,
Crumpacker,	Howe,	Pearson,	Williams, Pa.
Curtis, Kans.	Howell,	Perkins,	Yost,
Dalzell,	Hull,	Pitney,	Young, Pa.
Danford,	Hurley,	Prince,	
Davenport,	Jenkins,	Pugh,	

NAYS—156.

Adamson,	Davey,	Lanham,	Rixey,
Allen,	Davis,	Latimer,	Robb,
Bailey,	De Armond,	Lentz,	Robertson, La.
Baird,	De Graffenreid,	Lester,	Robinson, Ind.
Baker, Ill.	De Vries,	Lewis, Ga.	Sayers,
Ball,	Dinsmore,	Lewis, Wash.	Settle,
Bankhead,	Dockery,	Little,	Shafroth,
Barlow,	Dorr,	Livingston,	Shuford,
Bartlett,	Driggs,	Lloyd,	Simpson,
Bell,	Elliott,	Lorimer,	Sims,
Benner, Pa.	Ermentrout,	Loud,	Slayden,
Benton,	Fitzgerald,	Love,	Smith, Ky.
Bland,	Fitzpatrick,	McClellan,	Sparkman,
Bodine,	Fleming,	McCormick,	Stallings,
Botkin,	Fowler, N. C.	McCulloch,	Stark,
Bradley,	Fox,	McDowell,	Stephens, Tex.
Brantley,	Gaines,	McMillin,	Stokes,
Brenner, Ohio	Greene,	McRae,	Strowd, N. C.
Bromwell,	Griffith,	Maddox,	Sullivan,
Broussard,	Griggs,	Maguire,	Sulloway,
Brown,	Gunn,	Mahany,	Sulzer,
Brucker,	Handy,	Mann,	Sutherland,
Brundidge,	Hartman,	Marshall,	Swanson,
Burke,	Hay,	Martin,	Talbert,
Campbell,	Henry, Miss.	Maxwell,	Tate,
Carmack,	Henry, Tex.	Meekison,	Taylor, Ala.
Castle,	Hinrichsen,	Meyer, La.	Terry,
Catchings,	Howard, Ga.	Miers, Ind.	Todd,
Clardy,	Hunter,	Moon,	Underwood,
Clark, Mo.	Jett,	Newlands,	Vandiver,
Clayton,	Johnson, Ind.	Norton, Ohio	Vincent,
Cochran, Mo.	Johnson, N. Dak.	Norton, S. C.	Warner,
Colson,	Jones, Va.	Ogden,	Wheeler, Ala.
Cooney,	Jones, Wash.	Otey,	Wheeler, Ky.
Cooper, Tex.	Kelley,	Peters,	White, Ill.
Cooper, Wis.	King,	Pierce, Tenn.	Williams, Miss.
Cowherd,	Kleberg,	Rhea,	Wilson,
Cox,	Knowles,	Richardson,	Young, Va.
Cummings,	Lamb,	Ridgely,	Zenor.

ANSWERED "PRESENT"—2.

Berry, Boutelle, Me.

NOT VOTING—12.

Barber,	Curtis, Iowa	Osborne,	Vehslage,
Bingham,	Fenton,	Powers,	Wadsworth,
Brewer,	Hitt,	Sauerhering,	White, N. C.
Brosius,	Kitchin,	Skinner,	Wilber.
Cranford.	McAleer,	Strait,	

So the motion to concur with an amendment was agreed to.

Mr. TALBERT. Mr. Speaker, I desire to ask indefinite leave of absence for my colleague [Mr. STRAIT]; he is very ill in bed.

The SPEAKER. The Clerk will announce the pairs.

Mr. BERRY. I am paired with the gentleman from Illinois [Mr. HITT]. I voted, and desire to withdraw my vote, and to vote "present." I desire to have the RECORD indicate that I would have voted in the negative had the gentleman from Illinois [Mr. HITT] been present.

The SPEAKER. The gentleman's vote will be withdrawn and his statement will appear in the RECORD.

The Clerk announced the following pairs:

Until further notice:

Mr. BROSIUS with Mr. MCALEER.

Mr. WADSWORTH with Mr. OSBORNE.

Mr. CURTIS of Iowa with Mr. STRAIT

Mr. BINGHAM with Mr. KITCHIN.

Mr. HITT with Mr. BERRY.

Mr. POWERS with Mr. BARTLETT.

For this day:

Mr. WILBER with Mr. CRANFORD.

Mr. FENTON with Mr. BREWER.

Mr. BARBER with Mr. VEHSLAGE.

Mr. SAUERHERING with Mr. SKINNER.

Mr. BARTLETT. As announced, I am paired with the gentleman from Vermont [Mr. POWERS]. On yesterday, after the passage of the resolution by the Senate, I saw the gentleman from Vermont, and got his permission to vote as I saw fit upon this resolution.

Mr. BOUTELLE of Maine. Mr. Speaker, I voted "aye," because I was in favor of the amendment of my colleague [Mr. DINGLEY], striking out the recognition of the existence of the so-called Republic of Cuba. As that amendment has prevailed by a majority that is not dependent upon my vote, and as I am strongly opposed to the remaining resolutions, but could not defeat them by voting with the Democrats, I withdraw my vote. I desire to be recorded "present."

The SPEAKER. The gentleman withdraws his vote.

Mr. LAMB. Mr. Speaker, if the gentleman from North Carolina [Mr. KITCHIN] were here, he would vote "no."

Mr. BAILEY. Mr. Speaker, I request, in view of the importance of this vote, that it be recapitulated.

The SPEAKER. The Chair will order a recapitulation.

Mr. BARNEY. Mr. Speaker, my colleague [Mr. SAUERHERING] is necessarily absent on account of illness in his family. I desire to announce that if present, he would vote in the affirmative.

Mr. GROSVENOR. My colleague [Mr. FENTON] was suddenly called away on Saturday. He is probably on his way back. If he were here, he would vote "aye" upon this resolution.

Mr. SULZER. I desire to say that my colleague [Mr. VEHSLAGE] is unavoidably absent. If he were present, he would vote "no."

Mr. BAILEY. I desire to say for the gentleman from Wyoming [Mr. OSBORNE] that he was called to his home last Saturday. If he were present, he would vote "no."

The SPEAKER. The Clerk will recapitulate.

The Clerk recapitulated the names of those voting.

The result of the vote was announced as above recorded.

The announcement of the result was received with applause on the Republican side.

On motion of Mr. DINGLEY, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will proceed with the call of committees.

Mr. JOHNSON of Indiana. Mr. Speaker, inasmuch as there has not been any opportunity for debate on the various concrete propositions which have been before the House recently on this Cuban matter, and inasmuch as the moving of the previous question by the gentleman from Maine [Mr. DINGLEY] a few minutes ago and the action of the House in sustaining it prevented any individual expression of opinion on the matter, I ask, as one who believes that war with Spain is entirely unnecessary, and who antagonizes in toto all the propositions which have been before this House leading to such an event, that I be given time, not to exceed an hour, in which to submit some remarks to the House in support of my opinions.

Mr. ARNOLD. I object.

The SPEAKER. The gentleman from Pennsylvania [Mr. ARNOLD] objects.

Mr. JOHNSON of Indiana. I should like to have the question put to the House, Mr. Speaker, when the House is quiet. I can hardly believe it possible when I desire to express myself in temperate language upon this subject, that any gentleman will object to my having an opportunity to do so.

Mr. PEARSON. Regular order!

The SPEAKER. The gentleman from North Carolina [Mr. PEARSON] calls for the regular order.

Mr. BAILEY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAILEY. Is the demand for the regular order equivalent to an objection to the request of the gentleman from Indiana?

The SPEAKER. The Chair thinks if the gentleman will continue to notice he will gradually learn parliamentary procedure. The Clerk will proceed with the call.

The CLERK. The Committee on Indian Affairs.

Mr. BAILEY. A parliamentary inquiry. I desire to know if it is in order for the Speaker, in response to a respectful inquiry of a member of this House, to make such a reply as that?

The SPEAKER. Not to a respectful inquiry; no. [Great applause on the Republican side.] The House will be in order; and the Clerk will proceed.

Mr. BAILEY. Mr. Speaker, I desire to ask if the Speaker intends to say that the inquiry——

A MEMBER. Regular order!

Mr. BAILEY (continuing). Which I made was not respectful?

The SPEAKER. The Speaker simply desires to rest his statement in the knowledge which the House has as to this fact.

Several MEMBERS. Regular order!

The SPEAKER. The regular order is demanded.

Mr. BAILEY. Deliberately I desire to say if the Speaker intended to say——

The SPEAKER. The Clerk will proceed.

Mr. BAILEY. I desire to say——

The SPEAKER. The gentleman is not in order.

Mr. BAILEY. I am in order. I denounce that statement of the Chair as false. If the Chair intended to make that statement—— [Applause on the Democratic side.]

The SPEAKER. There is no difficulty about a question of fact before witnesses. The Clerk will proceed. [Cries of "Regular order!"]

The CLERK. The Committee on Indian Affairs.

PRIVILEGED QUESTION.

Mr. SHERMAN. Before calling up anything from the Committee on Indian Affairs, I desire to rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. SHERMAN. It interests the whole House, so I trust I may have order.

The SPEAKER. The House will be in order.

Mr. SHERMAN. Mr. Speaker, upon Wednesday last, following the submission to the House of the report of the Committee on Foreign Affairs on the Cuban resolutions, and while there was excitement and some confusion upon the floor, Mr. BRUMM of Pennsylvania, addressing Mr. BARTLETT of Georgia, said——

Several MEMBERS. Order!

The SPEAKER. The Chair has been asking for order for some time, and hopes the House will grant order.

Mr. SHERMAN. Mr. BRUMM of Pennsylvania, addressing Mr. BARTLETT of Georgia, said:

If you say what I state is untrue, you lie.

Mr. BRUMM. Mr. Speaker, I ask for order.

Mr. RICHARDSON. We can not hear what the gentleman says.

The SPEAKER. The Chair would be very glad to have order, but he can not compel order when disorder is participated in by a majority of the House. Will the House have the kindness to remain in order until this question of privilege is disposed of?

Mr. SHERMAN. Mr. Speaker, as this question concerns not me, but every member of the House, I will begin anew; and inasmuch as I am submitting a question which has already been prepared, I read from the manuscript, so that there can be no misunderstanding.

Upon Wednesday last, following the submission to the House of the report of the Committee on Foreign Affairs on the Cuban resolutions, and while there was excitement and some confusion upon the floor, Mr. BRUMM of Pennsylvania, addressing Mr. BARTLETT of Georgia, said:

If you say what I state is untrue, you lie.

A personal encounter between these gentlemen immediately thereafter was prevented by the interference of other members and of the Sergeant-at-Arms. A meeting of a friend of each gentleman and a third member, called into conference with them, has since been held and the understanding and position of each explained. This discloses the fact that the use of the epithet by

Mr. BRUMM was based upon the supposition that Mr. BARTLETT had previously stated that a remark made by Mr. BRUMM was untrue; that Mr. BARTLETT was not aware that Mr. BRUMM had made such a remark, and was not addressing himself to Mr. BRUMM. With this understanding Mr. BRUMM desires to withdraw the epithet applied to Mr. BARTLETT, and each gentleman desires to apologize to the House for a breach of its rules. [Loud general applause.]

Mr. BRUMM addressed the Chair.

Several MEMBERS (to Mr. BRUMM). Let it go.

Mr. BRUMM. Mr. Speaker, at the request of gentlemen around me to let the matter drop where it is, I am perfectly willing. I did not rise for the purpose of contradicting anything in the statement. I was going to repeat what had transpired. But it does seem to me, in the interest of all parties, not myself, that something should be said regarding the newspaper reports of the controversy.

Mr. COX. Mr. Speaker——

Several MEMBERS (to Mr. BRUMM). Let it drop.

Mr. BRUMM. I simply want to say, of course, I am willing——

Several MEMBERS. Let it drop.

Mr. BRUMM. I will let it drop where it is.

The SPEAKER. The Clerk will proceed. The gentleman from New York is recognized, as chairman of the Committee on Indian Affairs.

RAILROAD COMPANIES IN INDIAN TERRITORY.

Mr. SHERMAN. Mr. Speaker, I present for consideration House bill 8349, granting additional powers to railroad companies created by laws of the United States and operating lines in the Indian Territory.

Mr. MCEWAN. Mr. Speaker, I rise to ask for order.

The SPEAKER. The Chair thinks the best method of obtaining order is to facilitate the departure of members who have no interest in the pending matters. The Chair will therefore wait until members retire to the cloak room. [After a pause.] The Clerk will now report the bill.

The Clerk read as follows:

Be it enacted, etc., That it shall and may be lawful for any company created by or existing under the laws of the United States and operating a line of railroad, either wholly or partially, in the Indian Territory to enter into contracts for the use or lease of the railroad and other property of any railroad company whose line may now or hereafter connect with its line upon such terms as may be agreed upon by the respective companies, and to use and operate such road or roads in accordance with the terms of such contract or lease, but subject to the obligations imposed upon the respective companies by their charters or by the laws of the United States or of the State or Territory in which such leased road may be situate.

Mr. TERRY. Mr. Speaker, I would like to have the report read.

The SPEAKER. The Clerk will read the report.

The report (by Mr. SHERMAN) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 8349) granting additional powers to railroad companies created by laws of the United States and operating lines in the Indian Territory, respectfully report:

The provisions of this bill authorize railroad companies created by or existing under the laws of the United States and operating lines of railroad either wholly or partially in the Indian Territory to lease the railroad and other property of any railroad company whose line may now or hereafter connect with the line of such company, subject to the condition that the obligations imposed upon the respective companies by their charters, or by the laws of the United States or any State or Territory applicable thereto, shall govern in the use and operation of any such leased roads. It is further provided that the act shall not apply to companies whose lines are parallel or competing.

The authority thus proposed to be conferred is one that is almost universally exercisable throughout the United States, under the laws of the different States. The right has already been conferred by special acts of Congress to different railroad companies named in the acts, and its extension to companies created by an act of Congress would seem to be advisable and judicious, having in view the better results, both as to the service rendered to the public and the lowering of rates that generally follows the consolidation of one or more short lines into a larger system.

The committee therefore recommend passage of the bill.

Mr. MCEWAN. Mr. Speaker, I would like two or three minutes to speak on this matter.

Mr. SHERMAN. I will yield to the gentleman from New Jersey.

Mr. SIMPSON. Mr. Speaker, I hope the gentleman from New York in charge of this bill will make some explanation of it.

Mr. TALBERT. Mr. Speaker, a parliamentary inquiry. I want to ask if we are proceeding under unanimous consent?

The SPEAKER. The House is proceeding under a call of the committees, and the matter is legitimately before the House.

Mr. SHERMAN. If the gentleman from Kansas had followed the reading of the report, which is quite short, but comprehensive, it would need no explanation. It is a bill to permit railroad companies in the Indian Territory to enter into a lease with other roads where they are not parallel lines.

Mr. MCEWAN. I would like to ask what member of the committee made the report? I have not the report before me.

Mr. SHERMAN. I made the report from the Committee on Indian Affairs.

Mr. MCEWAN. May I inquire if the statement contained in this report, to wit: That the consolidation of railroads has heretofore resulted in cheapening the rates, is made on facts within his own knowledge? Does he state that as a fact within his own knowledge?

Mr. SHERMAN. If I state it in the report, I do.

Mr. MCEWAN. Well, Mr. Speaker, I want to take issue on that. I say it has been my observation that the consolidation of roads, or the putting of several roads under one management, does not result in the lowering of rates at all, as a general proposition. We know as a matter of fact in the history of railroads that consolidating them, in the past ten years, has resulted in putting up rates. It does away with all elements of competition. One road tries to get the freight at a lower rate than another. This is not so when all roads are owned or managed by the same company. When under one management it enables that management to put up rates. For one, I want to express my opposition to any bill that enables roads to consolidate. I do not think it has been proven best for the interests of the country heretofore.

The question was taken; and on a division (demanded by Mr. TODD) there were—ayes 68, noes 21.

Mr. TODD. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. It is apparent to the Chair that there is no quorum present; therefore the yeas and nays will be considered as ordered, and the Clerk will call the roll. The doors will be closed and the Sergeant-at-Arms will send for members.

Mr. CARMACK. Mr. Speaker, what is this roll call on?

The SPEAKER. On the passage of the bill. The Clerk will call the roll.

The question was taken; and there were—yeas 102, nays 76, answered "present" 15, not voting 102; as follows:

YEAS—102.

Acheson,	Davenport,	King,	Royse,
Adamson,	Davey,	Kirkpatrick,	Russell,
Aldrich,	Davison, Ky.	Kulp,	Settle,
Allen,	Dayton,	Lacey,	Shattuc,
Arnold,	Dingley,	Landis,	Shelden,
Babcock,	Dolliver,	Lawrence,	Sherman,
Barham,	Dorr,	Lewis, Ga.	Showalter,
Barrett,	Driggs,	Lewis, Wash.	Smith, Ill.
Barrows,	Eddy,	Linney,	Smith, S. W.
Bartholdt,	Ellis,	Littauer,	Smith, Wm. Alden
Bartlett,	Ermentrout,	Little,	Snover,
Belden,	Evans,	Lorimer,	Southwick,
Belford,	Fischer,	Loud,	Spalding,
Belknap,	Foote,	Loudenslager,	Sperry,
Bell,	Gardner,	Low,	Sprague,
Bennett,	Gibson,	Lybrand,	Steele,
Bishop,	Gillet, N. Y.	McClellan,	Stevens, Minn.
Booze,	Gillett, Mass.	McDonald,	Stewart, N. J.
Bradley,	Griffin,	Maddox,	Stone, C. W.
Brenner, Ohio	Grosvenor,	Mahon,	Stone, W. A.
Broderick,	Grow,	Mann.	Strode, Nebr.
Brown,	Hager,	Marshall,	Sturtevant,
Brownlow,	Hamilton,	Mercer,	Sulloway,
Brucker,	Harmer,	Meyer, La.	Swanson,
Brumm,	Hay,	Miers, Ind.	Tawney,
Bull,	Heatwole,	Minor,	Tayler, Ohio
Burleigh,	Henderson,	Mudd,	Thorp,
Burton,	Henry, Conn.	Northway,	Tongue,
Butler,	Henry, Ind.	Odell,	Updegraff,
Campbell,	Hepburn,	Packer, Pa.	Van Voorhis,
Cannon,	Hicks,	Parker, N. J.	Ward,
Capron,	Hilborn,	Payne,	Warner,
Carmack,	Hill,	Pearce, Mo.	Weaver,
Chickering,	Hooker,	Pearson,	Weymouth,
Cochrane, N. Y.	Hopkins,	Perkins,	Wheeler, Ala.
Connolly,	Howell,	Pitney,	Williams, Pa.
Corliss,	Hull,	Pugh,	Yost,
Cousins,	Hurley,	Quigg,	Young, Pa.
Crump,	Johnson, N. Dak.	Ray,	Young, Va.
Curtis, Kans.	Kerr,	Richardson,	
Dalzell,	Ketcham,	Robbins,	

NAYS—76.

Bailey,	Davis,	Lanham,	Robertson, La.
Baker, Ill.	De Armond,	Lents,	Robinson, Ind.
Ball,	De Graffenreid,	Lester,	Shafroth,
Bankhead,	De Vries,	McCulloch,	Shuford,
Berry,	Dockery,	McDowell,	Slayden,
Bland,	Fitzgerald,	McEwan,	Sparkman,
Bodine,	Fitzpatrick,	McRae,	Stark,
Botkin,	Fleming,	Maguire,	Stephens, Tex.
Brewer,	Gaines,	Maxwell,	Strowd, N. C.
Brundidge,	Greene,	Meekison,	Sullivan,
Burke,	Griffith,	Moon,	Sulzer,
Castle,	Handy,	Norton, Ohio	Sutherland,
Clark, Mo.	Henry, Miss.	Ogden,	Talbert,
Clayton,	Henry, Tex.	Olmsted,	Tate,
Cochran, Mo.	Hunter,	Otey,	Terry,
Cowherd,	Jett,	Pierce, Tenn.	Todd,
Cox,	Jones, Va.	Rhea,	Vincent,
Danford,	Kleberg,	Ridgely,	Wanger,
Davidson, Wis.	Lamb,	Robb,	Williams, Miss.

ANSWERED "PRESENT"—15.

Benner, Pa.	Elliott,	Johnson, Ind.	Stallings,
Cooper, Tex.	Faris,	Moody,	Taylor, Ala.
Cooper, Wis.	Graff,	Simpson,	Underwood.
Dinsmore,	Griggs,	Sims,	

NOT VOTING—102.

Adams,	Crumpacker,	Knox,	Powers,
Alexander,	Cummings,	Latimer,	Prince,
Baird,	Curtis, Iowa	Livingston,	Reeves,
Baker, Md.	Dovener,	Lloyd,	Rixey,
Barber,	Fenton,	Love,	Sauerhering,
Barlow,	Fletcher,	Lovering,	Sayers,
Barney,	Foss,	McAleer,	Shannon,
Beach,	Fowler, N. C.	McCall,	Skinner,
Benton,	Fowler, N. J.	McCleary,	Smith, Ky.
Bingham,	Fox,	McCormick,	Southard,
Boutell, Ill.	Grout,	McIntire,	Stewart, Wis.
Boutelle, Me.	Gunn,	McMillin,	Stokes,
Brantley,	Hartman,	Mahany,	Strait,
Brewster,	Hawley,	Marsh,	Vandiver,
Bromwell,	Hemenway,	Martin,	Vehslage,
Brosius,	Hinrichsen,	Mesick,	Wadsworth,
Broussard,	Hitt,	Miller,	Walker, Mass.
Catchings,	Howard, Ala.	Mills,	Walker, Va.
Clardy,	Howard, Ga.	Mitchell,	Wheeler, Ky.
Clark, Iowa	Howe,	Morris,	White, Ill.
Clarke, N. H.	Jenkins,	Newlands,	White, N. C.
Codding,	Jones, Wash.	Norton, S. C.	Wilber,
Colson,	Joy,	Osborne,	Wilson,
Connell,	Kelley,	Otjen,	Zenor.
Cooney,	Kitchin,	Overstreet,	
Cranford,	Knowles,	Peters,	

So the bill was passed.

The following pairs were announced:

On this vote:

Mr. WALKER of Massachusetts with Mr. CUMMINGS.

Mr. MOODY with Mr. MCMILLIN.

The result of the vote was announced as above stated.

Mr. SHERMAN. I move to reconsider the vote just taken and to lay that motion on the table.

Mr. TODD. I move to recommit the bill with instructions to insert the following amendment:

Provided, That this act shall not apply to parallel or competing lines.

The SPEAKER. It is too late to make that motion. The bill has passed.

Mr. TODD. Then I ask unanimous consent to explain certain things in regard to this bill which are deceptive, by reason of which members have voted contrary to what would have been their judgment if the facts had been understood. The official report of the committee, which was just read to the House, states explicitly:

It is further provided [in the bill] that the act shall not apply to companies whose lines are parallel or competing.

Many members being unable to procure copies of the bill, and, assuming that the statement in the committee report was true, voted for the bill. I showed a copy to the chairman of the committee, and he expressed surprise that it had been omitted. If the bill is allowed to pass without this provision, it will be the most stupendous outrage ever perpetrated upon the people of this country, as it will lead to indiscriminate pooling and consolidating.

The SPEAKER. The gentleman asks consent to address the House with regard to the bill just passed.

Mr. SHERMAN. I do not wish to object, but I think we can by unanimous consent get at what the gentleman desires. I believe the difficulty which he desires to point out is that the wording of the bill does not prohibit the leasing of parallel lines. Now, if it may be done by unanimous consent, I ask unanimous consent that there be added to the bill this proviso:

Provided, That this shall not apply to lines which parallel each other.

Mr. RICHARDSON. I think that amendment ought to be adopted.

Mr. MCMILLIN. The phraseology ought to be "competing lines."

Mr. SHERMAN. Parallel and competing lines are the same thing.

Mr. TODD. What is the objection to making the phraseology "competing and parallel?" The committee report states that it is already in the bill, and upon this untrue statement to the House it received a favorable vote.

Mr. SHERMAN. No, I will not consent to that. I will ask unanimous consent for inserting the language I have stated.

Mr. MCMILLIN. There is no such thing literally as one road paralleling another. Occasionally roads are substantially parallel, but the question is as to whether the roads are competing.

Mr. TODD. The matter to which I referred was this: In the report of the committee there is this statement:

It is further provided that the act shall not apply to companies whose lines are parallel or competing.

Now, various members have told me that they voted for the bill because the report stated that this provision was in it. The chairman of the committee now admits that it is not in the bill.

The SPEAKER. If there is an amendment to be submitted by unanimous consent, the Chair would like to have it submitted in proper form—in writing.

Mr. SHERMAN. I send the amendment to the desk.

The Clerk read as follows:

Provided, That the terms of this bill shall not apply to paralleling lines.

Mr. TODD. I move to amend the amendment by inserting after "paralleling" the words "and competing."

It is the evident purpose of this bill and its main object to legalize railroad consolidation, and a careful examination discloses that the bill is more dangerous and far-reaching than appears on the surface. By its provisions any railroad owning any track in the Indian Territory can consolidate with other roads outside, which includes all the country.

It is not required in the bill that the consolidation shall all be confined to the Indian Territory, but any road that enters the Territory can consolidate with any line that touches its own line at any point in the United States. The exact wording of the bill is:

It shall and may be lawful for any company created by or existing under the laws of the United States, and operating a line of railroad either wholly or partially in the Indian Territory, to enter into contracts for the use or lease of the railroad and other property of any railroad company whose line may now or hereafter connect with its line upon such terms as may be agreed upon by the respective companies, etc.

Under this act, if the New York Central or Pennsylvania or any system wish to make a consolidation of the railroads of the country, all they need to do is to buy or lay a few miles of track in the Indian Territory; or some great line which already has entered the Territory, like the Santa Fe, could make the consolidation. This dangerous power given the railroads, combined with the fraudulent methods by which it has been passed, should secure its prompt repeal or amendment.

Mr. ARNOLD. I object to the amendment of the gentleman from Michigan [Mr. TODD]. I have no objection to the amendment of the gentleman from New York.

Mr. CARMACK. I will ask what objection there can be——

Mr. SHERMAN. I have stated my request. Let gentlemen object to it if they wish.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. TALBERT. I make the point of order that in order to amend the bill the vote on its passage must first be reconsidered.

The SPEAKER. This can only be done by unanimous consent.

Mr. HAY. I object.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. TODD. I now ask unanimous consent to offer an amendment that the words "and competing" shall be added.

The SPEAKER. Objection is made.

Mr. HAY. I withdraw my objection.

The SPEAKER. The Chair will again submit the question to the House. The gentleman from New York asks unanimous consent to insert in the bill just passed the amendment which will be read:

The Clerk read as follows:

Provided, That the terms of this act shall not apply to paralleling lines.

Mr. SHATTUC. I object.

Mr. MCMILLIN. Then I hope the gentleman from New York will not insist on the passage of the bill.

Mr. SHERMAN. It has passed.

Mr. MCMILLIN. I hope the bill will not leave the House in its present form. The report states explicitly that the bill contains such a provision, while in fact it does not.

Mr. SHERMAN. As I understand, my amendment was just inserted by unanimous consent.

The SPEAKER. It was not. Objection was made.

Mr. SHERMAN. I thought my request was allowed.

Mr. SHATTUC. I withdraw my objection.

The SPEAKER. The Chair will put the question again and would like the House to give attention. The gentleman from New York asks unanimous consent to add to the bill just passed the proviso which the Clerk will read.

The Clerk read as follows:

Provided, That the terms of this act shall not apply to paralleling lines.

The SPEAKER. The Chair suggests that the request for unanimous consent should be for the reconsideration of the action by which the bill was passed and of the action by which it was engrossed and read a third time.

Mr. SHERMAN. Mr. Speaker, if it be permissible to ask unanimous consent, rather than to go through all of that formula, I will say to the gentleman who makes objection to the bill in its present form that I will myself appear before the Senate committee and request this proviso to be put in the bill.

Mr. TODD. But, Mr. Speaker, I think this is the proper time to do it, while the matter is before the House.

Mr. DOCKERY. This is a question of considerable importance, and I think we had better dispose of it now.

Mr. SHERMAN. I have no possible objection. I am willing that gentlemen, if they can get it in shape to meet their views,

shall do so by unanimous consent. I do not wish to give authority to competing railroads to consolidate. That is not my intention at all in drawing the bill. If they can put the language in proper shape to meet that point, I will accept their suggestion.

Mr. DOCKERY. Not only parallel lines, but competing lines.

Mr. SHERMAN. I would suggest to write after the word "parallel," in the bill, the words "and competing" lines.

Mr. TODD. That is the amendment which I have already proposed.

Mr. McMILLIN. That would meet the point, I think.

Mr. EVANS. Before the gentleman from New York agrees to that, I would ask him if all of the railroads in the Indian Territory are not practically competing lines?

Mr. SHERMAN. Oh, I think not.

Mr. EVANS. It seems to me that the amendment now suggested would nullify the purpose of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York that the proceedings so far, with reference to the bill, be vacated?

There was no objection.

The SPEAKER. There being no objection, the action by which the bill was passed, by which it was ordered to a third reading and was accordingly read the third time, will be considered as vacated.

Now the question is on agreeing to the amendment presented by the gentleman from New York in its present form, which the Clerk will report.

The Clerk read as follows:

Add after the word "parallel" the words "and competing;" so as to read "parallel and competing lines."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

FORT SMITH AND WESTERN RAILROAD COMPANY.

Mr. SHERMAN. I now call up for present consideration the bill (H. R. 9477) to amend section 8 of the act of Congress approved March 2, 1896, granting a right of way to the Fort Smith and Western Coal Railroad Company through the Indian Territory, and for other purposes.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That section 8 of the act of Congress approved March 2, 1896, granting a right of way to the Fort Smith and Western Coal Railroad Company through the Indian Territory, and for other purposes, be, and the same is hereby, amended so as to read as follows:

"SEC. 8. That said railway company shall build and complete its said railway on or before December 31, 1900, or this grant shall be forfeited; that said railway company shall construct and maintain, continually, all road and highway crossings and necessary bridges over said railway whenever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same."

Mr. SHERMAN. I ask for the reading of the report accompanying the bill.

The report (by Mr. LITTLE) was read, as follows:

The Committee on Indian Affairs, to whom was referred House bill 9477, having had the same under consideration, return the same to the House with the recommendation that it do pass.

The charter of this company will expire in March, 1899, and, the company having expended a considerable sum of money in surveying its route and in the preliminary work looking to the construction of this road, your committee believe that the time for the completion of this road granted by the bill should be allowed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. RIDGELY. What road is this, I would ask the gentleman?

Mr. SHERMAN. The Fort Smith and Western Coal Railroad Company.

But I will refer the gentleman from Kansas to the gentleman from Arkansas [Mr. LITTLE] who made the report, and who can answer any questions with reference to it.

Mr. RIDGELY. Then I would ask the gentleman what road is referred to here, and what is the length of it?

Mr. LITTLE. This is a contemplated line running from Fort Smith westward to connect with the Missouri, Kansas and Texas Railroad in the Indian Territory.

Mr. RIDGELY. How long is it?

Mr. LITTLE. Well, some 75 miles, I should think.

Mr. RIDGELY. And this is a proposition to extend the right or charter of the company?

Mr. LITTLE. Yes; until 1900.

Mr. TALBERT. Is that all the change in the bill?

Mr. LITTLE. Yes, sir; and it has all of the safeguards usually embodied in these bills.

Mr. SIMPSON. Has any work been done upon the road?

Mr. LITTLE. Well, they have spent a considerable sum of money.

Mr. SIMPSON. In construction, or simply laying out the road?

Mr. LITTLE. Well, surveying and plotting.

Mr. SIMPSON. And no construction has been done?

Mr. LITTLE. The act of construction has not actually begun, but everything is ready for it.

Mr. SIMPSON. Then, in other words, they want to hold the charter until 1900 with a view to a possible purchaser?

Mr. LITTLE. Oh, no; they have no desire to sell the road. They propose in good faith to construct it.

Mr. SIMPSON. But if a purchaser offers a fair sum for the charter, no doubt they would accept?

Mr. LITTLE. I do not believe it. I think it is not likely. They expect to build the road themselves with their own money, and all they ask is this extension of time for a very brief period to enable them to complete the plans now in view.

Mr. RIDGELY. You state that this is intended to give a connection between the Missouri, Kansas and Texas Railroad and Fort Smith?

Mr. LITTLE. Yes, that is the purpose of the bill and the only purpose, except local business.

Mr. RIDGELY. Are the people who manage this enterprise Fort Smith people?

Mr. LITTLE. Yes, principally.

Mr. RIDGELY. All right. I am for Fort Smith.

Mr. SIMPSON. I should like to ask the gentleman from Arkansas [Mr. LITTLE] another question. Is it not a fact that there are so many rights of way granted through the Indian Territory that practically the whole Territory is absorbed and taken up with these railroad rights of way?

Mr. LITTLE. I will say to the gentleman that there is no other right of way granted which leads in the direction in which this right of way does, from Fort Smith intersecting the Missouri, Kansas and Texas. It crosses a large tract of country which is without railroad connection at present. When it comes to lines running north and south, a large number of rights of way have been granted.

Mr. TALBERT. I will ask the gentleman from Arkansas if there is any guaranty that if this extension of time is granted, no further extension will be asked?

Mr. LITTLE. I do not think any further extension will be necessary.

Mr. SIMPSON. Is there any provision in this bill to prevent them selling the right of way?

Mr. LITTLE. There is no provision authorizing it that I remember of. The charter was granted two years ago. They do not want to sell it. You can not buy it.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

Mr. SHERMAN. That is all which the Indian Committee desire to present, Mr. Speaker.

NATIONAL REUNION MONUMENT ASSOCIATION.

Mr. MERCER. Mr. Speaker, I desire to call up Senate resolution 110, a joint resolution authorizing the National Reunion Monument Association to erect a monument in the city of Washington to the Union soldiers, sailors, and marines of the war of the rebellion.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Reunion Monument Association, an organization chartered and incorporated under the laws of the District of Columbia for the purpose of erecting a monument in the city of Washington to the Union soldiers, sailors, and marines of the war of the rebellion, be, and hereby is, authorized to erect said monument on such Government reservation in said city as may de designated by the Secretary of War; the design of said memorial to receive his approval.

Mr. MERCER. Mr. Speaker, I ask unanimous consent that the report upon this bill be printed in the RECORD and not read at the desk. It is not necessary that it should be read, I think.

The SPEAKER. The gentleman asks unanimous consent that the report be printed in the RECORD. Is there objection?

There was no objection.

The report (by Mr. MERCER) is as follows:

The Committee on Public Buildings and Grounds, to whom was referred Senate joint resolution No. 110, having fully considered the same, report it back with the recommendation that it do pass.

The resolution simply asks for authority from Congress by the National Reunion Monument Association to erect on ground belonging to the United States within the limits of the city of Washington a suitable monument to the soldiers, sailors, and marines who served the nation during the war of the rebellion. It asks for no appropriation of money, but simply asks the authority to erect the monument proposed on a site to be selected by the Secretary of War. The organization is incorporated under section 545 of the Revised Statutes of the United States, and was perfected July 13, 1898. A copy of the certificate of incorporation and record of same is hereto attached, marked "Exhibit A."

The organization has been holding preliminary meetings with a view to active work in carrying out its object ever since its incorporation, and has so far progressed as to be ready to enter upon its legitimate work as soon as a location has been secured for the monument. The object and purpose of the organization has been indorsed by the National Encampment of the Grand Army of the Republic, by the National Encampment of the Union Veteran Legion, and by other soldier organizations. A copy of the resolution of the National Encampment of the Grand Army of the Republic is hereto attached, marked "Exhibit B." A copy of the resolution of the Union Veteran

Legion is also attached, marked "Exhibit C." The indorsement of the Department of the Potomac is also attached hereto and made a part of this report, and marked "Exhibit D."

The organization does not ask of Congress that any particular location shall be selected, but simply petitions that the Secretary of War be given authority to select an eligible site for the monument on grounds within the city of Washington belonging to the Government of the United States. The committee is firmly of the opinion that the request is a most reasonable one. Sites have been granted and set apart for monuments to army and naval heroes, generals and admirals, and it seems but fitting that the Congress of the United States should authorize the designation and setting apart of a desirable location for the erection of a monument to the soldiers, sailors, and marines who served in the Union Army and Navy during the war for the Union. This is a project in which the soldiers, sailors, and marines throughout the United States are deeply interested, and awaiting our action in the premises before responding to the call for funds to carry out this grand object.

EXHIBIT A.

Certificate of incorporation of the National Reunion Monument Association.

[Received for record July 13, 1898, 10.50 a. m.]

To all whom it may concern:

This is to certify that we whose names are hereunto signed, citizens of the United States, a majority of whom are residents of the District of Columbia, are desirous of forming an organization under section 545 of the Revised Statutes of the United States for the District of Columbia, as follows:

First. The name of this society shall be The National Reunion Monument Association.

Second. This association to continue as an incorporate body for twenty years.

Third. Its objects are: (1) The erection on Grand Army place, in the city of Washington, D. C., of a suitable monument to the soldiers, sailors, and marines who served the nation during the war of the rebellion; (2) to secure the proper marking of the spots on said Grand Army place where the various military and naval organizations held their reunions during the twenty-sixth national encampment of the Grand Army of the Republic.

Fourth. The number of directors for the first year shall consist of nine persons, selected from the incorporators here named.

JOHN McELROY.	[SEAL.]	D. W. HOUGHTON.	[SEAL.]
A. H. G. RICHARDSON.	[SEAL.]	HOWARD M. GILLMAN.	[SEAL.]
JOHN C. S. BURGER.	[SEAL.]	GILBERT THOMPSON.	[SEAL.]
A. B. JAMESON.	[SEAL.]	GILBERT M. HUSTED.	[SEAL.]
RICHARD HENDERSON.	[SEAL.]	E. R. CAMPBELL.	[SEAL.]
DAN. A. GROSVENOR.	[SEAL.]	WILLIAM H. MICHAEL.	[SEAL.]
WM. S. ODELL.	[SEAL.]	M. A. DILLON.	[SEAL.]
L. P. WILLIAMS.	[SEAL.]	MARION T. ANDERSON.	[SEAL.]
E. S. GODFREY.	[SEAL.]	WM. H. WEBSTER.	[SEAL.]
A. VON HAAKE.	[SEAL.]	THEODORE F. LANG.	[SEAL.]
W. H. LOWDERMILK.	[SEAL.]	D. F. McGOWAN.	[SEAL.]
E. W. WHITAKER.	[SEAL.]	GEO. REDWAY.	[SEAL.]
G. W. WILSON.	[SEAL.]	A. J. GUNNING.	[SEAL.]
CYRUS BUSSEY.	[SEAL.]	G. W. CLARK.	[SEAL.]
F. C. REVELLS.	[SEAL.]	B. F. CHASE.	[SEAL.]

DISTRICT OF COLUMBIA, *ss:*

Personally appeared before me, E. F. Bingham, chief justice of the supreme court of the District of Columbia, the persons whose names are subscribed to the foregoing certificate, and acknowledged signing the same for the purpose therein named.

Witness my hand and seal this 12th day of May, A. D. 1898.

[SEAL.] E. F. BINGHAM,
Chief Justice of the Supreme Court of the District of Columbia.

OFFICE OF RECORDER OF DEEDS,
Washington, D. C., August 29, 1898.

This is to certify that the within is a true and verified copy of a certificate of incorporation, and of the whole of such certificate, as received for record on the 15th day of July, 1898, 10.50 a m.

[SEAL.] GEO. F. SCHAYER,
Deputy Recorder of Deeds.

EXHIBIT B.

Copy of resolution unanimously adopted at the Twenty-seventh National Encampment of the Grand Army of the Republic at Indianapolis, Ind., September 7, 1893.

Resolved, That the national encampment approve the plan of the National Reunion Monument Association, of Washington, D. C., for the erection in the national capital of a memorial to the rank and file of the Union armies, Navy, and Marine Corps who fought for the suppression of the rebellion from 1861 to 1865. (See page 211, Proceedings National Encampment, Grand Army of the Republic, Indianapolis, Ind., September 7, 1893.)

EXHIBIT C.

Copy of resolution unanimously adopted at the Twelfth National Encampment of the Union Veteran Legion at Columbus, Ohio, September 23-25, 1897.

Resolved, That the Twelfth National Encampment of the Union Veteran Legion heartily approve the plan of the National Reunion Monument Association, of Washington, D. C., for the erection in the national capital on Grand Army Place of a memorial to the rank and file of the Union armies, Navy, and Marine Corps who fought to uphold the nation's honor from 1861 to 1865, and this encampment commends the patriotic spirit that prompted this association to render justice to those who on land and sea bore the brunt of battle.

EXHIBIT D.

[General Orders, No. 8.]

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
GRAND ARMY OF THE REPUBLIC,
Washington, D. C., December 1, 1897.

* * * * * * *

V. The department commander takes this occasion to commend to the favorable consideration of his comrades the organization known as the National Reunion Monument Association.

It was formed in 1892, at the time of the assembly of the national encampment of our order in this city, its object being "to erect in the national capital a memorial to the rank and file of the Union armies, Navy, and Marine Corps who fought for the suppression of the rebellion from 1861 to 1865."

It is the purpose of this association to locate the monument upon the ground known as Grand Army Place, south of the Executive Mansion. The Twenty-seventh National Encampment indorsed the movement and it was highly commended by Commander in Chief John G. B. Adams in General Orders, No. 5, March 8, 1894.

The undertaking is a worthy one and appeals strongly to all Union ex soldiers, sailors, and marines and to all patriotic citizens as an effort to recognize in part the services of the rank and file in preserving the Union.

This is the only organization of the kind which has the official sanction of the Grand Army of the Republic. It was incorporated May 12, 1893. Its plan of operations has been mapped out, chairmen of committees have been appointed, and the association will enter upon the collection of funds for the purpose above named early in the new year.

All posts and comrades in this department are earnestly requested to give their cordial support to this patriotic enterprise.

By command of Thomas S. Hopkins, department commander.

ARTHUR HENDRICKS,
Assistant Adjutant-General.

Mr. CANNON. Is this a Senate bill?

Mr. MERCER. It is a Senate joint resolution.

The SPEAKER. It is a Senate joint resolution, which the Clerk will again report to the House.

The joint resolution was again read.

Mr. DOCKERY. I do not desire to object to this, but it is not in order under this call. I shall not make the point of order on it.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MERCER, a motion to reconsider the last vote was laid on the table.

MINING-TUNNEL RIGHTS.

Mr. GROSVENOR. Mr. Speaker, I desire to call up the bill (H. R. 7442) to amend section 2323 of the Revised Statutes of the United States, relating to tunnel rights.

The bill was read, as follows:

Be it enacted, etc., That only 750 feet on each side of the center line of a tunnel site (described in section 2323, Revised Statutes of the United States) shall be reserved for tunnel locations: *Provided*, That any location made in a tunnel may take any part of 1,500 linear feet on one side and the remainder on the other; or the owner of said tunnel site may take a full claim of 1,500 feet on one side and 1,500 feet on the other side, if that part of said claims, extended beyond 750 feet of the center line in said tunnel, does not conflict with any prior location.

SEC. 2. That any vein or lode cut in said tunnel shall be staked on the surface and recorded within sixty days from the time the same is cut in the tunnel, in the manner provided for locations at the surface, as far as practicable, otherwise the same shall be subject to discovery and location outside of the unabandoned workings of said tunnel claim by any other qualified person.

SEC. 3. That the owner of said claim shall be entitled to all ore to the apex of what are called by miners generally vertical lodes, though such apex may not be included in the boundaries as staked on the surface.

Mr. HUNTER. Is there a report accompanying that bill?

Mr. GROSVENOR. Let the report be read.

The SPEAKER. If there be no objection, the report will be read.

Mr. HUNTER. An explanation will be sufficient.

Mr. GROSVENOR. I think the report will convey a clearer and better idea of it.

The report (by Mr. GROSVENOR) was read, as follows:

The Committee on Mines and Mining, to whom was referred the bill (H. R. 7442) to amend section 2323 of the Revised Statutes of the United States, submitted the following report:

The bill (H. R. 7442) seeks to amend section 2323 of the Revised Statutes of the United States, which read as follows:

"Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within 3,000 feet from the face of such tunnel on the line thereof not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties, after the commencement of the tunnel and while the same is being prosecuted with reasonable diligence, shall be valid."

A discovery from the surface entitles the miner to 1,500 feet in length and 600 feet in width, and also the same area when the discovery is made in a tunnel. Tunnels are usually run at right angles to the general course of the veins. The Supreme Court has held that the tunnel claimant may take his whole claim on either side of the tunnel that he may desire after he cuts the vein, and he is required to give no notice nor to protest against anyone applying for a patent on any ground within 1,500 feet of the line of the tunnel. Yet when he cuts a vein in the tunnel he may take his claim all on one side, though it covers ground actually purchased of the Government by others within the 1,500-foot limit.

The evil that section 1 of this bill seeks to cure is to confine the right of the tunnel claimant to 750 feet on each side of the line of the tunnel should the extension of the claim beyond 750 feet from the line of the tunnel conflict with the rights of any prior locator. If the tunnel claimant does not conflict with any other locator, he may, under section 1 of this bill, take a full claim on one or both sides of the line of the tunnel.

As the law now stands, the claimant is entitled to only 1,500 feet of the vein, but not being confined to either side or to any portion on one side and the remainder on the other, and having the right to choose his whole claim on either side or a part on one side and the remainder on the other, renders anyone locating a claim within 1,500 feet of the line on either side of the tunnel subject to the will of the tunnel claimant if he cuts the same vein, or in effect severs; and there are 3,000 feet in width out of which he can only extend his lines 1,500 feet.

Section 2 simply requires a tunnel claimant to stake his claim at the surface and record the claim within sixty days from the time the vein is cut, otherwise it will be deemed that he has abandoned the same should any other locator discover the same claim outside of the tunnel and locate the same. These lands are sold by the Government to the claimants for $5 per acre, and the interest of the Government, as well as those of prospectors, requires that there should be no ambiguity about the intention of claimants or as to the specific ground desired.

Section 3 of the bill gives the claimant all ore from the point touched to the surface, even though the apex of the vein may depart from the side lines.

Mineral veins rarely extend vertically. These veins vary irregularly

from a vertical position. Tunnel locations are on what miners call blind lodes, or lodes the top or apex of which is covered up with earth or débris, and the location of the apex can only be estimated until more thoroughly developed than is possible before the sixty days for staking and recording.

We append hereto letters from the honorable Secretary of the Interior and the honorable Commissioner of the General Land Office, favorably recommending this measure.

We therefore report the bill (H. R. 7442) back to the House with the recommendation that it do pass.

DEPARTMENT OF THE INTERIOR, *Washington, February 5, 1898.*

SIR: I have the honor to hand you herewith a report from the Commissioner of the General Land Office on H. R. 7442, entitled "A bill to amend section 2323 of the Revised Statutes of the United States, relating to tunnel rights."

For reasons stated in his report the Commissioner concurs in the amendments proposed and recommends the passage of the bill.

I concur in the Commissioner's recommendation.

Very respectfully,

C. N. BLISS,
Secretary.

Hon. JOHN C. BELL,
House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 5, 1898.

SIR: Under your instructions, I have the honor to submit herewith my report, in duplicate, on House of Representatives bill No. 7442, Fifty-fifth Congress, second session, entitled "A bill to amend section 2323 of the Revised Statutes of the United States, relating to tunnel rights."

In order to render the somewhat uncertain provisions of existing law relative to mining tunnels, and the rights incident thereto, more definite, I think the section of the United States Revised Statutes named in the bill should be carefully amended.

Rights to tunnels per se are not adjudicated by this Department, but in determining rights to mining claims it sometimes occurs that the rights provided for in said section 2323 are necessarily carefully considered.

I have considered the amendments proposed in this bill and concur in them, and therefore return the bill with my favorable recommendation.

Very respectfully,

BINGER HERMANN, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Mr. GROSVENOR. This bill was introduced by the gentleman from Colorado [Mr. BELL] who is not present. The necessity for this legislation seems to have grown out of a change by a recent decision of the Supreme Court of the United States in what had been the accepted law of the mining country. I yield to the gentleman from Colorado [Mr. SHAFROTH], who understands the matter. I will say that the report was drawn by the gentleman from Colorado [Mr. BELL], the author of the bill.

Mr. SHAFROTH. Mr. Speaker, I am sorry that my colleague [Mr. BELL] is not in the House at this time, because he is somewhat more familiar than I with the proposed legislation. The necessity for this bill has arisen by reason of a decision of the Supreme Court of the United States. It was understood and generally accepted by people that whenever they located a tunnel site they were entitled to claim on all veins or lodes that intersected the tunnel an equal distance on each side of the tunnel to the extent of 750 feet. The Supreme Court, however, has decided that upon striking a vein the tunnel owner has a right to take all of the distance given to him by law, to wit, 1,500 feet on the vein from either side of the tunnel.

That, of course, gives the tunnel-site owner a considerable advantage over what the miners thought he possessed; and inasmuch as it is found to work a hardship, as the distance allowed is considerable from the tunnel, it has been deemed best by the miners in our section of the country that the distance should be limited. This bill attempts to limit it by requiring that the tunnel-site owner shall claim a distance of no more than 1,500 feet along the vein, half of which shall be on each side of the tunnel, instead of allowing him 1,500 feet on either side of the tunnel, as the law now provides, which practically gives him control of a width of 3,000 feet. It really cuts down the right of the tunnel-site owner to one-half what it is at the present time, except where there is no conflict.

Mr. TALBERT. Do I understand the bill to mean that he was only confined to 1,500 feet on each side, still having a right to 3,000 feet? Do I understand this reduces the amount one-half?

Mr. SHAFROTH. It reduces the amount one-half.

Mr. TALBERT. And requires him to confine himself to 750 feet on each side.

Mr. LOUD. Instead of 1,500 on one side.

Mr. SHAFROTH. Instead of 1,500 on one side.

Mr. GROSVENOR. It simply now defines what has been the accepted law of Colorado and mining States always.

Mr. SHAFROTH. That is what it practically does.

Mr. TALBERT. It cuts them down one-half?

Mr. SHAFROTH. It cuts them down one-half, from claiming all on one side of the tunnel.

Mr. TALBERT. And does not let them get all on one side.

Mr. RIDGELY. I would like to ask the gentleman a question here.

Mr. SHAFROTH. Certainly.

Mr. RIDGELY. This bill provides that if he has taken 750 feet it shall not apply, except to extend beyond the 750 feet would conflict with claims already established.

Mr. SHAFROTH. I did not get your question. Repeat it, please.

Mr. RIDGELY. The bill, as I understand it, only applies within the limit of 750 feet where to go beyond that, going to 1,500 feet, would not conflict?

Mr. SHAFROTH. That is right.

Mr. RIDGELY. He has still the privilege of going 1,500 feet, providing it does not conflict?

Mr. SHAFROTH. Providing it does not conflict with any location of a mining claim; that is right.

Mr. LOUD. He could not go any distance if he conflicts with anybody's rights.

Mr. SHAFROTH. That is true as to known veins; but it attempts to limit him to 750 feet on each side of the tunnel on blind lodes that may have been discovered after the tunnel site has been located.

Mr. LOUD. Why do you want to do that?

Mr. SHAFROTH. It was generally accepted by the miners as the law, and they acted upon it for years. That has been the understanding, and the decision of the Supreme Court that a man could go to the extent of 1,500 feet on either side of the tunnel was something that the miners did not contemplate.

Mr. LOUD. Why should not the tunnel men have the same right as the surface men?

Mr. SHAFROTH. Well, in the first place, the law now gives them a much greater right, and for that reason it seems to me that it ought to be limited.

Mr. LOUD. The surface miner has 1,500 feet and 300 feet on each side.

Mr. SHAFROTH. He has 1,500 feet in one direction and 300 feet on each side in some States, and in others only 150 feet on each side of the vein. The tunnel-site claimant, however, now has the right to follow the veins he intersects 1,500 feet in either direction from the tunnel.

Mr. TALBERT. It does not affect the surface man?

Mr. SHAFROTH. It does not affect the surface man on any lode that outcrops, but it does as to any blind lode. If the tunnel is located before the mining claim and the assessment work is done each year, the tunnel-site claimant can hold 1,500 feet on either side of the tunnel of all the blind lodes intersected, even if he intersects them after they have been discovered by the lode claimant. Now it is thought best to limit that right to 750 feet, so that the lode claimant can at least have some part of the blind lodes discovered by him.

The lode claimant thinks he ought to have the right to the blind lodes he has discovered, although the tunnel had been commenced a long distance from him, leading toward his claim. Of course the tunnel-site men believe that they ought to have the right to take the full 1,500 feet of the blind lodes. Now, then, as there is always a conflict, something in the nature of a compromise is provided. Instead of allowing 1,500 feet on the vein from either side of the tunnel, a tunnel-site claimant shall have only 750 feet; but where there is no conflict, then he can go the full 1,500 feet on either side of his tunnel.

Mr. LOUD. By this bill?

Mr. SHAFROTH. Yes, sir.

Mr. HARTMAN. Will the gentleman allow me to make a suggestion, in response to an interrogatory made by the gentleman from New Jersey or the gentleman from California?

Mr. SHAFROTH. Certainly.

Mr. HARTMAN. I want to say that instead of reducing the area that the tunnel-site man can have down below what the surface man has, it does nothing of the kind.

Mr. SHAFROTH. Oh, no.

Mr. HARTMAN. On the contrary, it reduces it down to the same amount that the surface man has. Under the law as it now stands, the tunnel man has 3,000 feet while the surface man has but 1,500 feet. It puts them on an equality as far as the actual width is concerned. It does something better, and that is, it makes it impossible for an irresponsible fellow, who finds out that somebody has discovered a surface claim on the side of a slope or mountain which is valuable, from going down and commencing his tunnel for the purpose of levying toll or blackmail against the man who has a valuable claim on the slope of a mountain. Personally I am frank to say that I think the bill affects my State but very little, but I think the equity and justice of the thing is in favor of the passage of the bill.

Mr. SULLIVAN. Do I understand the gentleman to state that a person who has located upon and discovered a vein on the surface can be interfered with by a tunnel man still further down the mountain running under his claim and take that right away from him?

Mr. SHAFROTH. Not on a discovered vein that outcrops, but within the side lines of that claim there may be other veins, called blind lodes, and within those side lines as to veins not discovered, if the tunnel strikes one, they may go 750 feet on each side. The old law was 1,500 feet on either side.

Mr. SULLIVAN. Is it not a fact that in different districts they have different rules?

Mr. SHAFROTH. Yes; there are several districts in our State——

Mr. BELL. They do not now.

Mr. SHAFROTH. The Gilpin County mines have all been located 75 feet on each side of the vein.

Mr. SULLIVAN. The laws or rules, as I understand, differ in different districts. Does this bill attempt to disturb those in any way?

Mr. SHAFROTH. No, it does not; all it attempts to do is to obviate the decision which was rendered by the Supreme Court, and which did away with what we supposed were the rights of the locators of lode mines as against the locators of tunnel sites. It really makes the law as we have always understood it, and as the miners have acted upon it.

Mr. SHANNON. Is this a general law that applies to all the States?

Mr. SHAFROTH. It is a general law that applies to all the States.

I will now yield to the gentleman from Colorado [Mr. BELL].

Mr. BELL. Mr. Speaker, I drew this bill. I will make a short statement in regard to it. Congress passed an act saying that any man that located a tunnel for the discovery of blind lodes and developed the tunnel right with reasonable diligence, that is, did a reasonable amount of work on the tunnel site every six months, should hold all blind veins or lodes cut in the tunnel to the same extent as if he had discovered them at the surface.

The Department of the Government held that the line of the tunnel was simply the width of excavation, and any man might go on and prospect and explore the surface so he did not get on the line of the tunnel. The line of the tunnel is 3,000 feet in length. One thousand five hundred feet of any vein cut in a tunnel can be located the same as on veins located at the surface. The Supreme Court at an early day held that the location at the surface where a locator sunk a discovery shaft, if he did not say how much he claimed on one side and how much on the other, then he should be deemed to take only 750 feet one way and 750 feet the other way from the discovery shaft as against any subsequent locator.

Following the analogy of that, the people generally in mining countries thought that when they prospected with a tunnel and cut a vein therein they would be required to take 750 feet on the one side and 750 feet on the other side of the tunnel.

Now, here is the case overruling these understandings. The Rico-Aspen case, decided recently by the Supreme Court of the United States. The Jumbo No. 2 lode was located and patented before the same was cut in the Group tunnel. The first discoverers had one about 800 feet from the line of the tunnel. The tunnel claimants were not in the neighborhood of the Jumbo No. 2 claim when it was discovered at the surface.

Tunnel claimants can do a reasonable amount of work every six months and hold a tunnel. Fifty dollars' worth of work every six months would probably be held as sufficient. This would excavate about 5 feet, and it would take them thirty years to go from end to end of tunnel site. Now, these men had discovered on the surface this Jumbo lode some 800 feet from line of tunnel. When this tunnel got up to the Jumbo vein, instead of taking 750 feet on each side of their tunnel line, they concluded to take the whole or most of the 1,500 feet on one side of the tunnel and takes in everything that the Jumbo No. 2 had done.

Now, our local courts have heretofore invariably held to the contrary. The local courts, which are generally better versed in mining laws even than the Supreme Court, had held that they were entitled to only 750 feet on each side, but the United States Supreme Court held that they might take 1,500 feet on either side; and it made no difference that the Jumbo claimants had patented and paid for the ground. No protest was ever made. The court said to the tunnel claimant that he might locate his tunnel and keep it alive and secure an inchoate right to any lode within a radius of 3,000 feet.

The claim of the Group tunnel was held to be good, because they first located the tunnel and had done a reasonable amount of work on it every six months. The Supreme Court holds that the man who comes up here [illustrating] in advance is not required to protest—not required to say a word; that he may go on and get his patent from the Government. But if the man locating a tunnel here [illustrating] comes up afterwards and finds a lode in this tunnel—twenty years afterwards or at any time—he may take the ground away from the other man, by virtue of his having started down here [illustrating] on a tunnel previous to such discovery.

Mr. TALBERT. Provided the discovery of the mineral was made prior to that time?

Mr. BELL. Yes; if it were made prior to the time that he began this work. The only point is that the man starting his tunnel is liable to occupy twenty years getting up to the other end.

Mr. KING. I suggest to the gentleman that, instead of using the word "here" on map in stating this matter, he use language which will make the statement intelligible when printed.

Mr. BELL. Now let me show the point in this matter. The Secretary of the Interior, the Commissioner of the Land Office, and all parties interested ask that this bill be passed because it simply complies with the construction of the original act and what we thought it ought to be and what we thought it was from the passage of the act down to 1896.

Now, all we seek to do is this: When this man starts in here [illustrating from map]——

A MEMBER. Going in from the tunnel.

Mr. BELL. Yes; going in from the tunnel—the law provides that the claimant shall have 1,500 feet on the lodes that he discovers. Now, you do not know when you get out here [illustrating] to locate whether you are going to take 1,500 feet on this side or 1,500 feet on the other; therefore it severs 3,000 feet in width instead of 1,500 feet. We always understood that the quantity reserved was 1,500 feet in the aggregate—750 feet on one side and 750 feet on the other. The whole purpose of this bill is to confine a locator to 750 feet on each side, making the location definite; otherwise every location of a tunnel amounts to a reservation of 3,000 by 3,000 feet instead of 1,500 by 3,000 feet as Congress intended.

Mr. WILLIAMS of Mississippi. Under the present construction, as I understand, the tunnel man can hold a club over the other man.

Mr. BELL. Yes, sir; as it is now, he holds dominion over 3,000 by 3,000 feet.

Mr. RIDGELY. Suppose the tunnel man starts in prior to the surface man, not knowing whether he may find any mineral or not, and the surface man afterwards develops a vein of mineral. Can the tunnel man change the direction of his tunnel at will?

Mr. BELL. No; the line of the tunnel must be staked. The only question about the matter is whether he shall stake the location all on one side or all on the other side, or whether there shall be a definite understanding that he shall stake 750 feet on one side and 750 feet on the other side of the actual excavation.

Mr. RIDGELY. It seems to me that the bill is very fair and ought to be passed.

Mr. BELL. It simply makes the law what we for years thought it was.

Mr. SMITH of Arizona. We always thought that to be the law. Under the present construction it would be impossible to locate more than one mining claim under a tunnel location.

Mr. BELL. Under the old tunnel location?

Mr. SMITH of Arizona. I mean the tunnel that you start in with. In other words, when you discover mineral, you can, under a tunnel location, locate only one mining claim, whereas the surface man can locate a dozen.

Mr. BELL. This bill provides that one may stake two claims, provided nobody else has taken the ground before he gets it.

Mr. SMITH of Arizona. I know such was the old construction of the law before the decision which has been referred to.

Mr. BELL. There is another point in this case. The Supreme Court of the United States also held that if this man [illustrating] cuts the vein down in the tunnel, he need not mark it out at the location up here [illustrating]; he need not give anybody any notice whatever, except to set up a stake at the mouth of the tunnel, telling people that he has a lode away up here somewhere. This bill provides that he must stake it at the surface, so that a man walking over the ground will know that it is located.

Mr. CONNOLLY. Does not this bill make a change in letting the miner take the ore to the surface?

Mr. BELL. The bill so provides, but I think there is really no change.

Mr. CONNOLLY. That is a change, is it not?

Mr. BELL. It is not, properly speaking, a change. It simply makes definite something which otherwise might be indefinite. The existing law provides that on a surface location, if you have the ground, say a parallelogram, 300 feet by 1,500 feet, you must find the apex here [illustrating], and having the apex of a lode inside of the boundaries entitles the claimant to all ore to the center of the earth, though it departs from the vertical so as to go outside of the boundaries in its downward course. By cutting a blind lode below the surface we may assume that it has two apexes, one to that part of the vein above and one to that part below the tunnel.

Now, the apex gives the ore in the mine located at the surface to the center of the earth; but if it crosses the side lines, then a different condition is presented. If the apex comes down here and departs from the side lines, the claimant loses all of the claim from the place of departure.

Now, in tunnel locations you do not find the apex, as it is below the surface of the earth.

I provide in my bill that the man must mark his location at the surface, so that it will be visible to anybody, and that he may have

all ore from tunnel to surface, though the vein departs from side lines from tunnel upward.

Mr. KING. After the discovery of the vein?

Mr. BELL. After the cutting of the vein in the tunnel.

Mr. TALBERT. As the law stands, if I understand it correctly, it provides that a man must do a little work each six months?

Mr. BELL. That is correct.

Mr. TALBERT. Now, what is meant by a "little" work?

Mr. BELL. Well, the law says it shall be a "reasonable amount" every six months.

Mr. TALBERT. What is a "reasonable amount"?

Mr. BELL. Fifty dollars each six months is considered by miners to be a reasonable amount in the meaning of the law.

Mr. TALBERT. And what is the limit of time?

Mr. BELL. Well, you can figure for yourself. If you will take a tunnel say 3,000 feet long, it is considered sufficient work if he puts in $50 each six months, or a hundred dollars' worth of work each year; and it will take him about thirty years to go from end to end, if the ground is worth $10 per foot.

Mr. SULLIVAN. As I understand it, there is no limitation of time in the sense of the loss of his rights over the mine, provided he does his work. All he has to do is to do a certain amount of work each year which is by the law considered a reasonable amount, and that continues his title indefinitely.

Mr. BELL. Referring again to the tunnel, a man will start a tunnel in the side of a hill with the expectation of being able to strike paying ore at some distance farther in—say within 500 feet. He may make a strike before going very far. But these tunnels, as a rule, are in mining countries which show no surface indications—in other words, there is no outcrop of the ore.

Mr. KING. If the gentleman will allow an interruption: Suppose a man commences the construction of a tunnel anticipating the striking of pay ore at 500 feet from the surface. Some other person in the meantime, after the work on the tunnel has been pursued for a distance, say, of 1,000 feet from the mouth of the tunnel, finds a paying vein and takes possession of it on the surface, in the direction of the line of the tunnel. The man who starts the tunnel fails to find a vein at the 500 feet distance, as he anticipated, but believes that he can strike the vein found by the man on the surface at 1,000 farther, and continues the tunnel anticipating the striking of that vein below the surface. What other rules, if any, do you apply to the man who made the surface location?

Mr. BELL. If it is a surface claim, the tunnel would not have any effect upon it.

Mr. SULLIVAN. You mean that there is no change of existing law?

Mr. BELL. No. The tunnel claim is simply a blind claim that does not appear on the surface. If the ore vein appears at the surface, it presents a different question and is dealt with under another mining law.

A MEMBER. Well, if a man strikes some other kind of vein in the tunnel, he would probably take advantage of it.

Mr. BELL. That is generally the case.

Mr. KING. Then I understand the gentleman that this bill does not change the tunnel law at all?

Mr. BELL. Not at all as to taking out ore from where cut to the surface. I require a record and put in this provision as a safeguard. [Cries of "Regular order!"]

The SPEAKER. The Chair would suggest to gentlemen that the House desires to hear the colloquy now going on and asks gentlemen to be in order.

Mr. BELL. The only point here is that it permits the owner to take the ore to the top or apex of the vein, though it depart from the side lines, in its trend upward, the same as downward. I think this is but declaratory of the present law, put in as a precaution.

Mr. GROSVENOR. I should like to inquire of the gentleman from Colorado, who is speaking in my time, if he does not think the House is now ready to vote on this?

Mr. BELL. I think so.

Mr. GROSVENOR. I ask for a vote, Mr. Speaker.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

The Committee on Labor was called.

Mr. GARDNER. Mr. Speaker, the Committee on Labor are prepared and desire, when reached on this call, to bring up the bill known as the eight-hour bill, but considering the thinness of the House and the state of the minds of members I ask that the committee be passed without prejudice.

The SPEAKER. The gentleman asks that the Committee on Labor may be passed without prejudice. Is there objection?

There was no objection.

Mr. GROSVENOR. I should like to make a motion to adjourn.

Mr. RAY of New York. Oh, I hope not.

Mr. GROSVENOR. I withdraw it, if the gentleman wants to do anything.

The SPEAKER. The Clerk will proceed with the call of committees.

The Committee on Invalid Pensions was called.

PENSION TO DESERTED WIFE OR MINOR CHILD OF A SOLDIER.

Mr. RAY of New York. Mr. Speaker, I call up the bill (H. R. 1055) to amend section 4766 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 4766, Title LVII, of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following additional proviso, namely: "*Provided further*, That in case any resident pensioner of the United States being insolvent and having deserted his lawful wife or minor children (the wife being a woman of good moral character), and a court of competent jurisdiction in any State having duly adjudged the pensioner guilty of desertion, the Commissioner of Pensions is hereby directed, upon a certified copy of the judgment of said court being filed in his office, to cause one-half the pension due and coming due to said pensioner to be paid to the deserted wife, or in case there is no wife, to the guardian or legal custodian of the minor children during their minority."

The Committee on Invalid Pensions recommended the following amendments:

In lines 7 and 8 strike out the words "and having deserted" and insert in lieu thereof the word "deserts."

From lines 9, 10, and 11 strike out the following: "and a court of competent jurisdiction in any State having duly adjudged the pensioner guilty of desertion."

From lines 12 and 13 strike out the following: "upon a certified copy of the judgment of said court being filed in his office" and insert in lieu thereof the following: "upon being satisfied by competent evidence of such desertion."

Mr. RAY of New York. Mr. Speaker, instead of having the report read, I ask unanimous consent to print it in the RECORD. Then I will make a brief explanation, so that you will all understand it.

The SPEAKER. The gentleman asks unanimous consent to print in the RECORD the report of the committee upon the bill now before the House. Is there objection?

There was no objection.

The report (by Mr. KERR) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1055) giving to the deserted wife or minor child of a soldier one-half his pension in cases of desertion of the wife or child, submit the following report:

The object of this bill is to so amend section 4766, Title LVII, of the Revised Statutes of the United States as to give the deserted wife and minor child or children of a soldier, or the minor child or children, in case there is no wife, one-half of such soldier's pension.

As the law now stands a soldier husband drawing a pension may, without cause, desert his wife and child, or his minor children, leaving them in destitute and necessitous circumstances while he draws the full pension allowed by the Government.

The duty of a husband to support his wife and children is enforced by this bill to the extent of one-half the pension of a soldier who abandons that duty by deserting his wife and minor children, or his minor children in case there is no wife, provided the deserted wife is a woman of good character. The plainest dictates of justice require of the husband the discharge of this duty to the extent of his ability, and it is also the duty of the Government to compel him to discharge this duty to the extent of its ability. It must be conceded that it is wise and just to compel a man who willfully deserts his wife and child or children without just cause to surrender at least one-half his pension to their support.

Your committee is of the opinion that the wife should not be obliged to procure the decision of a court adjudicating the question of desertion before having the benefit of the law, but think that it is sufficient to leave that question to the decision of the Commissioner of Pensions, who will be able to speedily ascertain the facts and withhold one-half the pension in the meantime.

Mr. RAY of New York. Mr. Speaker, the whole effect of this bill is to add a provision by way of amendment to the Revised Statutes giving one-half of the pension of a soldier to his wife or minor children in case the soldier drawing that pension abandons his wife or minor children without just cause. That is all there is of it. It says to the Commissioner of Pensions that he is to retain one-half the pension and pay it to the wife or children, as the case may be, under those circumstances.

Mr. SULLIVAN. One half to go to the soldier and the other half to them?

Mr. RAY of New York. Yes. Now he gets the whole of it.

Mr. GROSVENOR. Who is to decide the question of desertion?

Mr. RAY of New York. On due proof made to the Commissioner of Pensions. Of course, he can stop payment of one-half the pension if complaint is made, and then he investigates, and if he finds that the soldier has deserted his wife, she being of good character, and minor children, he may then pay one-half to the widow or to the children, as the case may be.

Mr. KING. Will the gentleman allow me to ask him a question?

Mr. RAY of New York. Yes.

Mr. KING. Who is to determine whether the man deserts? That is, perhaps, a mixed question of law and fact, and it is a question which frequently arises in court.

Mr. RAY of New York. It is to be decided by the Commissioner of Pensions, on proof made before him. If complaint is made to the Commissioner by the wife or the minor children, or by the guardian in their behalf, that the soldier has, without

cause, deserted the wife and children, and they make proof of the desertion, and the wife makes proof that she is a woman of good character, then the Commissioner may retain and pay one-half of the pension to the wife or to the minor children.

Mr. KING. He is to exercise that quasi-judicial function?

Mr. RAY of New York. Certainly.

Mr. FITZPATRICK. Does the bill go far enough to provide that if the father should desert the children, if there is no mother, that then the children may be considered?

Mr. RAY of New York. Certainly; if there is no wife, then it goes to the minor children, and it goes to the wife for her and the minor children in case there are both.

Mr. FITZPATRICK. My only question is whether the wording of the bill is sufficient to carry that into effect.

Mr. RAY of New York. The amendment carries it into effect. It has been very carefully worded.

Mr. WHEELER of Kentucky. I should like to ask the gentleman from New York a question.

Mr. NORTON of Ohio. I ask the gentleman to yield for a question.

Mr. RAY of New York. Certainly; but if my colleague on the committee will wait a moment, I will answer the other gentleman first.

Mr. NORTON of Ohio. Very well.

Mr. WHEELER of Kentucky. Where a decree of divorce has been granted by a court of competent jurisdiction, why not make that conclusive evidence?

Mr. RAY of New York. It was written in the bill in the first instance that the wife or the children must go to the court and get a decree of some kind, showing that he had deserted. We concluded that that would be too cumbersome, and take too long and be too expensive. It is perfectly safe to leave it with the Commissioner of Pensions. Now, if the fact has been adjudicated by any court that the husband has deserted the wife or children, then the production of the decree of the court would be conclusive evidence with the Commissioner. In such case there will be no necessity for further proof. The bill requires proof to the satisfaction of the Commissioner, and it is presumed that he will accept the judgment and decree of a court of competent jurisdiction on the question of desertion. The report explains the object of the bill.

Mr. WHEELER of Kentucky. Is that provided for in the bill?

Mr. RAY of New York. It is provided in the bill that if it is proved to the satisfaction of the Commissioner of Pensions that a soldier has left, deserted his wife and minor children, or a wife or minor children, in case there are not both, he may then suspend the payment of one-half of the pension and pay such one-half to the wife or to the minor children.

Mr. WHEELER of Kentucky. Unless you have a provision in the bill that that shall be res adjudicata, can not the Commissioner of Pensions open the case and hear testimony on both sides and determine it?

Mr. RHEA of Kentucky. I suppose if he returns to his wife there would be no longer any reason for them to pay it to both.

Mr. WHEELER of Kentucky. You did not catch the point of my question. Unless the decree of divorce shall be conclusive, I say that would not debar the hearing of testimony to determine the question and to decide whether the wife or the husband was at fault.

Mr. RAY of New York. Why neither party should be debarred?

Mr. WHEELER of Kentucky. In the event of a judicial decree?

Mr. RAY of New York. A judicial decree will be conclusive evidence.

Mr. WHEELER of Kentucky. That is what I am talking about.

Mr. RAY of New York. If a proper court has decreed that the soldier has deserted the wife, that will be taken as conclusive evidence.

Mr. WHEELER of Kentucky. That ought to be.

Mr. RAY of New York. And would be conclusive until it was set aside.

Mr. TALBERT. I desire to ask the gentleman if the Commissioner of Pensions has recommended this legislation?

Mr. RAY of New York. He approves it, and certainly there is not a citizen of the United States of good moral character that does not approve it.

Mr. TALBERT. Is this a unanimous report of the committee?

Mr. RAY of New York. Yes, sir.

Mr. NORTON of Ohio. There is one suggestion I desire to make to the chairman of the committee. I am heartily in favor of the bill, but a thought has struck me of an amendment that I hope the chairman will agree to. Suppose the mother shall desert the children of the soldier—and a case has come to mind just now—ought not the bill to be so amended as to give the amount to the children in that case?

Mr. RAY of New York. Oh, you might provide for every possible contingency; but it is very clear in case a father deserted a wife and children, and then the mother deserted the minor children, that the Commissioner of Pensions would not pay any pension to the mother who was not taking care of the children. He would give it to the minor children——

Mr. NORTON of Ohio. But pay it all to the father when he had deserted them?

Mr. RAY of New York. Because it is only paid to the mother to enable her to take care of the children, and it gives it to the children equally with the mother; so that if it should appear the mother had deserted her children the Commissioner of Pensions would not pay it to her, but to the minor children.

Mr. SHAFROTH. In view of the usual affection between mother and children, is it not an almost impossible case that is stated?

Mr. RAY of New York. That is a perfect safeguard. No good mother will desert her minor child.

Mr. UNDERWOOD. I should like to ask the gentleman a question.

Mr. RAY of New York. Certainly.

Mr. UNDERWOOD. Under the present law, when a pensioner dies his pension ceases.

Mr. RAY of New York. How is that?

Mr. UNDERWOOD. Under the present law, if the pensioner dies his pension ceases. Then a new pension is granted to the widow. Now, I want to know, if, under this law, all the pension is given to the widow and minor children, whether that will be an extension of the pension after the death of the original pensioner?

Mr. RAY of New York. Oh, certainly not. It does not extend the pension. It simply provides that the pension drawn by the soldier, during the time that he draws it, shall go to the wife or minor children, or to both, in case he deserts them. Now, when he dies, he ceases to draw pension, or to be entitled to it. Then, of course, nobody draws the pension. The widow would apply then, and if she got a pension of course it would go to herself and her children. This bill only applies to the pension of the soldier during the time he draws it.

Mr. UNDERWOOD. There is nothing in the law to extend the original pension?

Mr. RAY of New York. Not a word.

Mr. RIDGELY. Suppose a soldier should desert his wife and children and die without the knowledge of the Commissioner. How do you provide that the pension may not go on being paid to the widow?

Mr. RAY of New York. Well, I supposed the gentleman knew that a pension can not be drawn by the soldier unless at the end of every three months he executes his voucher and affidavits showing that he is living and entitled to receive it. If he goes away and dies, he can not do that; so the pension stops; and then the widow, on proving the death, would apply and get a pension for herself and children.

Mr. RIDGELY. I understood that to be the law, but I heard some gentlemen around me asking the question.

Mr. RAY of New York. There is no trouble about that.

Mr. ROBINSON of Indiana. I would like to ask the gentleman what would be the effect in case the Commissioner of Pensions did ascertain there was a desertion and he had paid the pension to the wife or husband as the bill provides, and there should be thereafter a divorce granted to either one of the parties?

Mr. RAY of New York. A divorce granted?

Mr. ROBINSON of Indiana. Subsequent to the payment, under the provisions of this bill, to the respective parties?

Mr. RAY of New York. What the effect of that would be would depend altogether upon which party obtained the divorce. If the soldier himself should apply and get a divorce from the wife on the ground of infidelity, that would be pretty conclusive proof that she was not a woman of good character, and in that case, of course, she would not be entitled to any part of the pension, and the children would be if the father deserted them. The bill authorizes the Commissioner of Pensions to investigate the matter, and if he finds that, without cause, the soldier has deserted the wife, or the wife and children, or the children, that then, if she is a woman of good character, during the continuance of that desertion he may pay one-half of the pension to the wife, or to the wife and children, or to the children if there is no wife.

Mr. ROBINSON of Indiana. Would it be paid to the wife subsequent to the divorce of one of the parties in any case?

Mr. RAY of New York. Why, certainly not, under this bill.

Mr. NORTON of Ohio. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Ohio for an amendment?

Mr. RAY of New York. No, I do not; the gentleman was present and voted for the bill as it was amended, and the amendment suggested will only tend to confuse the bill.

Mr. NORTON of Ohio. I think not.

Mr. RAY of New York. Let me look at it.

Mr. NORTON of Ohio. I will read it. It is to strike out the words "one-half" and insert the word "all."

Mr. RAY of New York. Oh, that would never do.

Mr. CONNOLLY. Will the gentleman from New York allow me a question?

Mr. RAY of New York. Certainly.

Mr. CONNOLLY. How would your bill affect a case of this kind: Suppose a husband abandons the wife and she obtains a divorce for abandonment. Under your bill would one-half of the pension of the husband be paid to the wife after the divorce?

Mr. RAY of New York. If the husband deserted the wife and left her without means of support——

Mr. CONNOLLY. And she obtained a decree of divorce.

Mr. RAY of New York. And then she goes to work and gets a decree of divorce on the ground of desertion, I think it would. It would in some States.

Mr. CONNOLLY. Suppose she married somebody else——

Mr. RAY of New York. I do not know that I understand the gentleman clearly.

Mr. CONNOLLY. I understand the bill provides in case the husband deserts the wife——

Mr. RAY of New York. If the wife should get a divorce from the husband on account of desertion, and the law of the State permitted an absolute divorce, dissolving the bonds of matrimony, for that cause she would no longer be his wife and therefore would take no benefit under this bill.

Mr. CONNOLLY. Does your bill provide for a case of that kind?

Mr. RAY of New York. Certainly, the way it is worded; but take it in New York State, where desertion is not a ground for absolute divorce, but is a ground for separation from bed and board; then they are still man and wife, and the wife might get the liberty that such a decree would give her and still be entitled to one-half of the pension, and in that case she ought to have it. But where the matrimonial relation is absolutely dissolved, where there is an absolute divorce, then they are no longer husband and wife, and she would have no part of the pension.

Mr. CONNOLLY. My question was whether your bill met a case of that kind.

Mr. RAY of New York. Certainly it does.

Mr. OLMSTED. Will the gentleman allow me to put a question?

Mr. RAY of New York. Certainly.

Mr. OLMSTED. If the pensioner deserts the wife and takes the children with him, who gets the pension?

Mr. RAY of New York. I think the wife would get one-half of it and he would have the other half. But mind you, under this bill she must be a woman of good character; and if she is a woman of good character, she will never desert her children under 16 years of age.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ENLISTMENT BY VETERANS OF THE LATE WAR, ETC.

Mr. RAY of New York. Mr. Speaker, I call up House bill 9598, to encourage enlistment by veterans of the late war during the coming war with Spain.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act (in the event of war) no person now on the pension rolls of this Government, or who may hereafter be placed thereon for service rendered prior to the passage of this act, who may enlist in either the Army or the Navy of the United States, shall by such enlistment be deprived of said pension, but the same shall continue during his term of enlistment and thereafter.

SEC. 2. That this act shall take effect immediately.

The following amendment, recommended by the committee, was read:

Amend the title so as to read: "A bill to encourage enlistments by veterans of the late war during the anticipated war with Spain."

Mr. RAY of New York. Now, Mr. Chairman, I ask unanimous consent to print the report in the RECORD without reading it.

There was no objection.

The report (by Mr. RAY of New York) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9598) entitled "A bill to encourage enlistments by veterans of the late war during the anticipated war with Spain," have fully considered the same and respectfully report:

The object of this bill is to secure early enlistments in the Army and Navy of the United States, in case enlistments are invited by the Government, by those who are able-bodied and bore arms on either side of the conflict in the late civil war.

In case of war the services of capable and experienced men are much more valuable than those of equal patriotism and valor who have not been baptized in the fire of battle. Recent events make it more than probable that considerable additions to our land and naval forces will soon become necessary.

Within 70 miles of our shores lies a beautiful and fruitful island with a population composed of intelligent and liberty-loving human beings, entitled to be treated as such. This island is ruled by Spain and has been since the discovery of the Western Continent by Christopher Columbus. Whenever the attention of Spain has been diverted from this colony, the people have prospered and made rapid advancement; but no sooner has considerable progress been made in civilization and the accumulation of wealth than the oppressive hand of the mother country has been placed on this people and oppression of the men and brutal and bestial outrage of the women has followed, while every form of taxation has been resorted to to rob the people of the fruits of their toil and keep them in a condition of abject servitude.

This oppressed people has struggled for a good government, which has been repeatedly promised but never given. A few years ago a Cuban rebellion promising success was only subdued by pledges of reform, but no sooner had the rebels laid down their arms than every promise was broken, every assurance disregarded, and every form of outrage resorted to.

In the struggle for liberty now in progress the people has been subjected to almost every form of barbarity. The men have been treacherously murdered, the fair women and beautiful girls have been the victims of the lust of brutal Spanish soldiers, and finally the old men, the women, and children have been herded like cattle and then starved. It is stated to-day that Spain now promises to turn these weak people into the barren and desolate fields to secure food if they can. If they go now, it is to die in the open woods and swamps, for food is not to be had.

Those whose words are not doubted, and recently from the island, tell us that haggard, starving mothers sit with their starved and dead babies in their arms, waiting for liberty or death, while Spanish fiends gloat over their misery. Mere boys, who shout for liberty, are shot by Spanish soldiers. This is but an incident in Spain's mode of exterminating a people she can not conquer. The United States will permit no interference by any European power. The time is at hand when she herself must interfere, for true Americanism can tolerate no more of this barbarity. But a few weeks since a magnificent warship of the American Navy made a friendly visit to the harbor of Havana. She was taken in charge by a Spanish pilot, an officer of Spain, conducted to an anchorage but little used, and placed directly over a submarine mine planted by Spanish officials, and the exact location of which must have been known to the Spanish Government.

The representative of the Spanish nation in Washington, while beguiling our Executive with smiles of pretended friendship and promises of immediate measures to end the horrible condition of affairs in Cuba, was writing and sending to Spain letters abusing the loved and respected Chief Magistrate of this Republic. Caught in the act, he was requested to quit our shores, but while he yet lingered there came the appalling news that "the *Maine* is blown up and hundreds of brave and patriotic seamen have been sent to the presence of their Maker without a moment's warning." Spain not only denies complicity in this crime that has no parallel in modern history, but denies the crime itself. She makes no effort to discover or punish the criminal, for she knows such effort, honestly made, will demonstrate to the world her own cowardly criminality and responsibility. Spanish officials alone had the means or knowledge necessary to secure the explosion of that mine beneath the *Maine*. Mines and powerful torpedoes do not float about Havana Harbor like bullheads in a pond.

It is true that the destruction of the *Maine* is but an incident of the whole transaction, but it is an incident of such magnitude and horror that the civilized world shudders at its mention. American blood has been shed and our American homes desolated. The feeling is widespread and universal that the hand of Spain must be taken from the throat of the Cubans. We are fully aware that the foot of that cruel, crafty, degenerate, and bigoted nation has never been planted on a foot of God's green earth but murder, misrule, outrage, and desolation have followed. The United States is the proper guardian of the rights of all the people of the Western Hemisphere, and is able and willing to insure a decent regard for the rights of mankind.

In this struggle Cuba has really won her independence. In open civilized warfare she has triumphed. War is terrible and to be avoided, if possible, without sacrificing national honor. It was once said, "War, pestilence, and famine are the three greatest calamities that can befall mankind." May it not be truly said that Spanish rule, war, pestilence, and famine are the four greatest calamities that can befall mankind, and that Spanish rule is the greatest of all wherever tolerated? Spanish rule is misrule. Can this nation tolerate these things? Our President insulted, our Navy blown up, our marines murdered by Spanish officials, our neighbors murdered, starved, outraged, and still no just cause for armed interference? A Spanish war fleet on its way here, and still no cause for action?

The verdict of the people of this nation has been rendered. It is approved by all thinking, reasoning, civilized human beings. Cubans murdered and starved on the land, and American seamen and sailors and marines murdered on the high seas!

Can we wonder that the men who "wore the blue" and those who "wore the gray" in 1861-1865, and who know what war is, long to avenge these wrongs and make Cuba free?

This bill says that they may, when the time comes, without losing any right they now possess. All patiently wait the action of the Executive—our trusted President—hoping with him that diplomacy may win without a resort to arms, but in the meantime it is well to prepare for what may be inevitable, for Cuba must be free.

But very few will be benefited by the provisions of this bill, but every patriotic citizen and every veteran, South and North, will hail its passage with patriotic fervor as a measure of justice. If war comes, it will cost blood and many precious lives will be sacrificed, but far better that men die in a struggle for liberty, to advance civilization, to overthrow tyranny, to save the lives of others, than that the extermination of a people be permitted by the slow and horrible process of starvation.

War will cost money, but those who pay the taxes where the flag of our Union floats will gladly toil both day and night to furnish the means to enable our Government to maintain its honor abroad, its self-respect at home, and guarantee life, liberty, and the pursuit of happiness to the people of oppressed and downtrodden Cuba.

The bill is reported back by a unanimous vote and with the recommendation that it pass. Amend the title as indicated.

Mr. SULLIVAN. I would like to ask the chairman of the committee if this applies to all classes of persons drawing pensions.

Mr. RAY of New York. I do not quite understand the gentleman.

Mr. SULLIVAN. If I understood the bill, it is to allow veterans of the late war to serve in the event of a war with Spain regardless of the fact that they may be on the pension rolls.

Mr. RAY of New York. No; the gentleman does not quite get the scope of the bill. The scope of the bill is this: If any veteran of the late war now drawing a pension is in such a shape physically that he shall be accepted into the military service of the United States and serve, that he may continue to draw his pension notwithstanding such service.

The bill does not say that they may be accepted nor that they

shall be accepted into the service. In case a soldier has a physical disability, and yet one which enables him to serve, he will continue to draw his pension. Now, let me illustrate. During the late war a great many men had an arm shot off, or it was amputated, like Gen. Phil Kearny, who, I think, lost an arm in the Mexican war; he was still continued in the United States service, and was a magnificent officer and soldier. Now, in a case like that, suppose that a man in the late civil war lost an arm or a leg and still his services would be valuable in case we have a war, as drill master or in charge of a post, he would do the same duty as an able-bodied man; and if he is accepted into the service, he is to draw his pension.

That is all there is to the bill. It can not benefit but very few of the old veterans, but it may benefit many scattered through the land who may obtain a position in the Army in charge of a post or for the purpose of drilling troops or any other purposes, and who may be very valuable to the nation because of their experience in war and their acquaintance with the tactics of the Army.

Mr. SULLIVAN. The point of my inquiry was whether the bill was limited to any particular class or whether it affected all classes. The explanation of the gentleman makes it clear that it is immaterial to what class he belongs, although, of course, the general presumption is that it would not apply to persons drawing pensions on the ground of great physical disabilities.

Mr. RAY of New York. That is true; and there would be only exceptional cases.

Mr. MOODY. I desire to ask the gentleman from New York a question, based upon a letter of inquiry which I received to-day from a veteran. I wish to know whether there is anything in the existing law which upon the reenlistment of a veteran would either forfeit or suspend his pension?

Mr. RAY of New York. Yes, sir; that would be the effect; and it is the object of this bill to prevent that, in case such a man is accepted into the service.

Mr. RIDGELY. I think the bill ought to pass. I have a few letters from old veterans bearing upon this question.

Mr. RAY of New York. The commander of the Grand Army of the Republic for the State of New York was here, and called my attention to this matter when the bill was introduced. Grand Army men and old veterans all through the country are in favor of the measure.

Mr. FITZPATRICK. Will the bill apply to any other persons than to those drawing pensions? Is it broad enough to cover soldiers who may hereafter draw pensions?

Mr. RAY of New York. It will not apply to anyone unless he is receiving a pension before his service in the Army begins.

Mr. FITZPATRICK. If I understood the reading of the bill correctly, it applies only to those persons who are now drawing pensions.

Mr. RAY of New York. Or to those who may hereafter draw pensions. It applies to anyone who has been allowed a pension before actually entering into the service.

Mr. FITZPATRICK. That is satisfactory.

Mr. CLARDY. Is there anything in the present law that would deprive these soldiers of their pension if they joined the Army?

Mr. RAY of New York. Certainly; and that is the reason the bill is presented.

Mr. Speaker, I move the previous question, and call for a vote.

Mr. GIBSON. I give notice that if the previous question is voted down I shall ask to offer an amendment repealing the law which prohibits Confederate soldiers from drawing pensions. I hope the previous question will be voted down. Now is the proper time to meet that question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER pro tempore. Without objection, the amendment to the title will be agreed to.

There was no objection.

On motion of Mr. RAY of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

SUSPENSION OR CANCELING OF PENSIONS.

Mr. RAY of New York. I now call up the bill (H. R. 80) providing procedure in certain pension cases.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension laws shall be withheld, suspended, modified, or canceled except for fraud, clerical error, mistake of fact, or recovery from disability: *Provided, however*, That nothing herein contained shall be construed to entitle any person to more than one pension for the same service, nor to affect or enlarge the pension rights of widows and others under sections 4702, 4705, and 4708 of the Revised Statutes of the United States and acts supplemental to and amendatory thereof.

SEC. 2. That in every case where an adjudicated pension is sought to be withheld, suspended, modified, or canceled, a full statement of all the facts, duly sworn to, shall be filed with the Commissioner of Pensions by the person or officer of the United States making such allegation. When said statement is filed in the Pension Department, or within thirty days thereafter, a certified copy of the same shall be transmitted to the pensioner whose pension is sought to be so withheld, suspended, modified, or canceled, and the case assigned to a special examiner of the Pension Department for investigation. Such special examiner shall, as soon as practicable thereafter, and having first given such pensioner and the person making such statement at least twenty days' notice thereof, in writing, proceed to take such evidence as may be submitted to him touching the merits of such case. All such evidence shall be reduced to writing, and shall be by question and answer, under oath, in open session, and such pensioner shall be privileged to appear at such investigation in person and by attorney, and given full and fair opportunity to hear all testimony and face all witnesses, to cross-examine, and to rebut or substantiate any facts alleged or disputed. Such investigation shall be conducted at the county seat of the county in which the person affected resides, and the depositions of witnesses residing outside of said county shall be taken as near as may be in accordance with the practice of the State or Territory in which said witness resides. When said investigation shall be concluded by said examiner, a full report thereof, in writing, shall be made by him to the Commissioner of Pensions, who shall determine the case.

If said charge is sustained, then said pension shall be withheld, modified, suspended, or canceled, as the Commissioner of Pensions shall determine; but no pension shall be withheld, suspended, modified, or canceled until a full determination of said investigation. The right of appeal shall remain as now allowed by the Pension and Interior Departments.

SEC. 3. That all acts or parts of acts inconsistent herewith or repugnant to the provisions of this act are hereby repealed.

The amendments reported by the committee were read, as follows:

Strike out in line 23, page 2, after the word "the," at the beginning of said line, the following: "county seat of the county in," and insert in lieu thereof the following: "town or post-office nearest."

Also, insert after the word "and," in line 24, page 2, the following: "at his residence, if he is unable to leave the same, and."

Mr. TALBERT. I ask that the report be read.

Mr. RAY of New York. I call for the reading of the report in my time. I do not wish to occupy the floor.

The report (by Mr. SAMUEL W. SMITH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 80) providing procedure in certain pension cases, respectfully submit the following report:

This measure seeks to prevent any pension from being withheld, suspended, modified, or canceled when once the same shall have been adjudicated and allowed, except for fraud, clerical error, mistake of fact, or recovery from disability. In the event any effort is made to seek a modification, cancellation, or suspension of any such pension, some responsible person must first make declaration in writing of the causes why such pension should be so modified, canceled, or suspended, and the pensioner shall be allowed an opportunity to be heard.

The procedure for the investigation of any such proposed modification is simple, direct, and just. The machinery of the Pension Department already in force in the division of special examination takes charge and prosecutes such investigation by directing an officer of the Department already in the field to proceed to the town nearest the residence of the pensioner, and there, by depositions, reduce to writing all information that he may find both for and against the proposition of such proposed modification, cancellation, or suspension of said pension. This examination is had after due notice to the party and witnesses in interest, and may be pursued in any locality where any witnesses may reside. Such evidence shall then be reported to the Department, where it is considered and passed upon under the direction of the Commissioner of Pensions.

No additional officers of the Government are provided for by the bill. No additional expense other than that already provided for the expense of the special examination division is intended, and no pension which has heretofore been modified, suspended, or canceled is sought to be restored by this bill. The clear and avowed purpose of the measure is to put at rest all further anxiety and disturbance of mind of pensioners who may fear that they may be called upon without proper notice and time in which to defend the pensions which have already been granted them. It guarantees to the survivor of the rebellion, whose average age is now about 60 years and who holds a certificate of the Government entitling him to a pension, that security and peace of mind which should come to him in his declining years.

No effort is sought to evade the right of the Government to modify, suspend, or cancel any pension where the same has been obtained through fraud or where an honest mistake of fact on which such allowance was based has been made, nor where there shall be a recovery from the disability. But where the pensioner has been granted his certificate after a thorough investigation on the part of the Government, who has required the most careful investigation of all evidence by different boards, it is only just and right that the burden of proof should shift to the shoulders of the Government when it seeks to modify, cancel, or suspend the finding which she herself has already entered.

It must be remembered that when these claims have once been allowed all the papers and every line of testimony is retained in the files of the Department, and the pensioner himself holds nothing but his certificate. Even the witnesses who have furnished this evidence have in a great majority of cases become scattered, taking up their abode in their old age with their children, losing their identity among their comrades, or have died. The pensioner himself has dismissed from his mind all knowledge of details upon which his claim was originally based, and in too many instances, by reason of age and the very disabilities for which he is pensioned, has lost his mental vigor, and is no longer able to conduct a second case in defense of his claim. Such being the well-established facts, the Government can not afford to place upon his shoulders the responsibility and burden of defending his right to the claim whenever called upon.

The procedure provided by the bill requiring that such investigation shall be conducted by question and answer and allowing the party affected to be confronted by his accuser in the light of day, as in all ordinary tribunals of justice, is fair and honest, and is no more than what the Government should do in such cases.

Your committee, having carefully considered the bill, respectfully report the same back to the House with the recommendation that it do pass with the following amendments:

Strike out in line 23, page 2, after the word "the," at the beginning of said line, the following: "county seat of the county in," and insert in lieu thereof the following: "town or post-office nearest."

Also insert after the word "and," in line 24, page 2, the following: "at his residence, if he is unable to leave the same, and."

Mr. RAY of New York. I do not know whether any gentleman desires any explanation of this bill.

Mr. DOCKERY. I should like to hear an explanation.

Mr. TALBERT. I wish to know in what particular this bill proposes to change the present method of procedure.

Mr. RAY of New York. It does not change it to any great extent, but it provides clearly and explicitly that before any pension shall be taken away the pensioner shall have twenty days' notice to enable him to prepare for the hearing; that if he is unable to leave his home, the parties conducting the proceedings shall go to his home, otherwise to the nearest post-office; that the witnesses who are within reach shall be called; that each party (the Government and the soldier) shall have the right to examine and cross-examine; that the evidence shall be reduced to writing and sent on to the Pension Bureau, where it will be preserved. If the witnesses do not reside where they can be reached otherwise, an officer is to be sent to take their evidence in writing, with the privilege of both parties to examine and cross-examine.

Mr. TALBERT. The bill dispenses with the necessity of the pensioner coming here to defend his right?

Mr. RAY of New York. He is not obliged to come here; and there is nothing like an ex parte proceeding. The bill gives both the Government and the soldier a chance to be heard in the proceeding.

As the gentleman from Indiana [Mr. OVERSTREET] introduced this bill, and may really be said to be its father, I will yield to him ten minutes, or longer should he desire more time.

Mr. OVERSTREET. Mr. Speaker, the purpose of this bill, primarily, is to put at rest that anxiety and suspense which every pensioner now experiences from the fear of having his pension taken from him without an opportunity on his part to be heard.

The difficulty about the present law, or rather the lack of definite provision of law, is that the Pension Department may at any time merely suspend the pension, giving the pensioner a notice that unless he shall, within a fixed limit of time establish his continued right to the pension or show why it should not be suspended, it will be canceled.

Mr. DOCKERY. Under the present law he has thirty days.

Mr. OVERSTREET. Yes; thirty days under the present law.

But, Mr. Speaker, the difficulty is that the pensioner having established his case primarily and got his pension, has dismissed from his mind the details of the testimony on which he relied originally. His witnesses whom he called upon for the examination in the first instance are scattered Thousands of old soldiers throughout the country who have rendered benefits mutually to each other in this respect have changed their residences and taken up their abode with their children living elsewhere, and in many instances these men in old age have lost their identity with their old comrades in arms and it is impossible in many cases to find their post-office address, and therefore it is not possible to obtain anew the evidence on which to base the claim for pension under the new proceedings inaugurated by the Office.

This bill merely shifts from the pensioner the burden of proof onto the shoulders of the Government. Primarily he has had to prove his case before all of the different boards of the Pension Office—first, the investigation of the Department; second, the examination of examining surgeons; then he has to pass before the board of review, the board of final review, and so on, before adjudication has been made of his case. Now, having taken the initiative to establish the facts that the pensioner has a right to the claim, the Government issues a certificate.

Every syllable of proof that has been produced, and that is on file, is retained by the Pension Bureau, and the pensioner has nothing except his pension certificate. That being so, when subsequently the Government seeks to modify, change, or annul, in any way, that pension, or perhaps to cancel it altogether, it should be upon its shoulders to establish, by primary proof, its right to so modify, change, or cancel. And all in the world that this modification of the law does, after the Government has, of its own accord, forced the pensioner to establish beyond all controversy his right to a pension, is that it shall take up and initiate the proceedings and must prove its right to thus modify, change, or cancel.

There is no disposition whatever, Mr. Speaker, to question the right of the Government to modify or cancel pensions in all cases where there was fraudulent action in obtaining the pension or where a mistake of fact or anything of that sort is shown. It admits all rights now in force to inquire into those two things and also to suspend a pension when the soldier has recovered from the disability for which the pension was originally granted. It only provides the procedure through which the facts are to be ascertained and the methods by which the evidence is to be taken in the investigation by the Government. It is provided that the investigation shall be conducted by question and answer and allowing the person affected to be confronted with his accuser and hear the testimony.

Now, if this bill becomes a law, it does not restore to the pension rolls any individual whose pension has been suspended. It does not add a dollar of expense to the expenses incurred already, for the whole procedure is followed through the method now obtaining in the department of the Bureau known as the special examination division. If any individual knows that a soldier has been receiving from the Pension Office a pension to which he was not entitled, or if it shall appear to anyone who brings the charge that this pension has been granted through a mistake of facts or fraud, he should have the confidence in his own opinion to express himself and support his allegation by proper proof and not undertake to place the responsibility of his charges upon the pensioner by anonymous letters or other such practices and take from the soldier the pension he has been drawing without giving him an opportunity of being heard in his own defense.

I repeat, then, that it is only just and right, where the pensioner has been granted a certificate after a thorough investigation by the Government, which retains all of the evidence before the different boards, that it is but just and proper that the burden of proof shall be put on the shoulders of the Government when, on allegation by anonymous letters or otherwise, it seeks to modify, cancel, or suspend the order already entered. After a charge has been filed against the pensioner—after some person who claims to have discovered that the pension was improperly granted has had the manhood to file the charge before the proper officers of the Bureau, he should also have the manhood to follow up his charges by presenting the proof in support of the same.

In the second place, no person, after a pension has been suspended by the Commissioner upon the investigation on satisfactory proof, shall have a right to receive the pension under this bill. But you can deprive him of a pension only when it is established by proof that it should be withdrawn from him. In other words, it simply puts the pensioner and the Government on a common plane, which obtains in every justice's court throughout the United States, namely, that the pensioner has a right to be confronted by his witnesses; he has a right to be heard in contradiction to the charge that he is not entitled to the pension, and after all the testimony has been heard it leaves the disposition of the case, upon the proof, to the Commissioner of Pensions for competent adjudication and determination.

If then it is found that there has been a mistake of fact, or that there has been fraud perpetrated, or that there has been a recovery from the disability, thereupon the Commissioner exercises the right to modify, suspend, or cancel the pension.

Mr. TALBERT. I see this bill has a repealing clause.

Mr. OVERSTREET. Yes; everything repugnant to it is repealed.

Mr. TALBERT. How does it compare with the present form of procedure?

Mr. OVERSTREET. The difficulty is that there is no procedure fixed by law.

Mr. TALBERT. I am not opposing this bill.

Mr. OVERSTREET. The practice which obtained very disastrously in the last Administration was that notice was given to the soldier to show cause, within thirty days, why his pension should not be dropped, and upon his failure to show cause his pension was dropped and the only method of its restoration was by private act.

Mr. TALBERT. This gives him a better opportunity?

Mr. OVERSTREET. This gives him a better opportunity.

Mr. TALBERT. Does it meet with the sanction of the Commissioner of Pensions?

Mr. OVERSTREET. He approves it.

Mr. SHANNON. If I am not mistaken, the sharp distinction between the present procedure and that provided for in the bill is that the burden of proof is shifted.

Mr. OVERSTREET. Exactly so. Under the present practice the burden continues on the soldier. Under this bill it is shifted to the Government. [Applause.]

Mr. RIDGELY. Is there any objection to an amendment being made to this bill that would bar the Government from raising, at this late day, the question of disability existing prior to the war or the soldier's enlistment?

Mr. OVERSTREET. Well, I will say to the gentleman from Kansas that personally I have no objection, but that is so different from the intention of this bill that I think it would be unwise to propose such an amendment at this juncture.

Mr. RIDGELY. I should like to ask the committee if they have any objection to that amendment—will the committee allow an amendment barring the Government from raising the question at this late day of previous disability and requiring the soldier to prove that he was in perfect health prior to his enlistment?

Mr. RAY of New York. I will say to my good friend that that question is already covered by a bill reported from the Committee on Invalid Pensions, which will be brought before the House at the very first favorable opportunity.

Mr. RIDGELY. I am glad to hear it.

Mr. RAY of New York. It would be out of place here. That is another question.

Mr. RIDGELY. I should like permission to occupy two minutes in stating a case in my district.

Mr. RAY of New York. I will yield to the gentleman three minutes.

Mr. RIDGELY. It is both unfair and unjust for the Government at this late day—nearly thirty-five years since the war closed—to raise the question as to whether a soldier was sound when he entered the service or not. I know a case which I wish to state, as it will have a bearing upon the law which we are assured by the chairman of the committee will soon be presented for our action. A totally disabled old soldier in my State was drawing a pension of $24 per month for injuries to his hearing received in the service, according to the decision of the Department based on testimony gathered years ago. During the last Administration this old soldier was notified that unless he made proof within thirty days that some defect of his hearing, for which he was drawing a pension, did not exist in degree before he enlisted his pension would be canceled. The investigation took place. All of the evidence that the soldier was able to present was furnished to the Department, and the pension was continued at that time.

During the present administration that same old soldier received notice: "Unless you prove that your hearing was not in any degree defective before you went into the service your pension will be cut off at the end of thirty days." Many of the witnesses who had testified have since died, and the soldier was unable to marshal sufficient evidence to satisfy the Commissioner that his hearing was not in some degree defective at the time of his enlistment. His pension has been cut off by the present administration, thirty-five years after the man entered the service, because the Government raised this question and seems to have found some little evidence.

I have read the testimony of the witnesses, and two of them said that they remembered the man, and in their judgment his hearing was somewhat defective, although they testified that they did not believe that the man himself was conscious of the fact that he was somewhat hard of hearing. Yet this present administration has cut off that old soldier's pension on the same charge that the last administration permitted it to stand. I say that we should pass a law not only to restrain the present Commissioner, but all Commissioners of Pensions in the future, from raising any question at this late day to compel a soldier to prove his soundness previous to his enlistment, when the Government's medical examiners accepted him and declared that he was qualified to enter the service.

I hope the bill that we are assured by the committee will soon be before us will be supported by every man upon this floor. Let us restore every pension that has been cut off for the above reasons, and forever put a stop to canceling pensions on account of the physical condition of the soldier prior to or at the time of enlistment.

Mr. RAY of New York. Mr. Speaker, in order that there may be no misapprehension whatever as to this bill and the force, effect, and propriety of it, I beg the indulgence of the House for a few moments while I explain the present law and the proposed law. One gentleman indicated to me that he was afraid it would throw the bars down and the doors wide open, so that no pension could be stopped, even when it had been granted by fraud, and that the bill is so framed that no one would dare or care to make an allegation against the validity of any pension.

Now, the present law on this subject is as follows; and it is an act approved December 21, 1898, and reads:

Provided, That no pension heretofore or that may hereafter be granted to any applicant therefor under any law of the United States authorizing the granting and payment of pensions on application made and adjudicated upon shall be deemed and held by all officers of the United States to be a vested right in the grantee to that extent that payment thereof shall not be withheld or suspended until, after due notice to the grantee of not less than thirty days, the Commissioner of Pensions, after hearing all the evidence, shall decide to annul, vacate, modify, and set aside the decision upon which such pension was granted. Such notice to grantee must contain a full and true statement of any charges or allegations upon which such decision granting such pension shall be sought to be in any manner disturbed or modified.

Now, you see, Mr. Speaker and gentlemen of the House, that this does not provide for the taking down of the evidence in the presence of a representative of the Government and of the soldier, and the right of examination and cross-examination of witnesses. It does not provide as to the place of examination. So that now soldiers are oftentimes put to great inconvenience, and the Pension Office many times acts upon evidence that is not in writing and which the soldier has no opportunity to explain or to controvert.

Now, calling attention to the bill itself, one gentleman suggests that this language would throw the door wide open. I read from section 2:

That in every case where an adjudicated pension is sought to be withheld, suspended, modified, or canceled a full statement of all the facts, duly sworn to, shall be filed with the Commissioner of Pensions by the person or officer of the United States making such allegation.

Now, my friend who brought my attention to this said that no one in the neighborhood of the pensioner would dare to make an allegation against a pensioner. He would not dare to make an affidavit charging him with fraud. My answer to that would be that any man in a neighborhood who has reason to believe and does believe that a soldier is drawing a pension fraudulently ought to have the moral and physical courage to say so; and if he has not, then he has no business to speak upon that subject at all. But, passing that, which would be sufficient answer for me, I will say this, that the bill does not contemplate anything of that kind. It contemplates this: That before a pension shall be suspended, modified, or canceled some person shall make an allegation in some manner to the Commissioner of Pensions.

The Commissioner of Pensions will then send a special examiner to the neighborhood, who, without notice to the soldier or pensioner, will carefully look into the matter, and if he finds there is substantial evidence of fraud or wrongdoing, being an officer of the United States and not living in that neighborhood, but at some remote point, he will reduce the charges to writing, verify them on information and belief, and perhaps partly on personal knowledge, and file the statement containing the charges. Then the soldier has twenty days' notice in which to prepare to meet these charges, and the parties then go to trial upon the questions involved, the same as either you or I would go to trial on a criminal charge in a question of fact in any court in Christendom. That is certainly fair and just, not only to the soldier, but to the Government. Now, then, does any other gentleman desire to be heard?

Mr. RIDGELY. I would like to ask the gentleman if he thinks that twenty days' notice is sufficient?

Mr. RAY of New York. It is twenty days' notice, and it is to be sent by mail to the town or post-office nearest which the person affected resides.

Mr. RIDGELY. And it is twenty days from the time he receives the notice?

Mr. RAY of New York. Yes; twenty days' notice after receipt of the charges.

Mr. RIDGELY. And then they examine the witnesses in his neighborhood.

Mr. RAY of New York. Yes; and if they have to take evidence abroad, they do it as it is done in various States, appoint commissioners at those places, and witnesses for both parties are to be examined and cross-examined, and then the evidence is all sent in together.

Mr. Speaker, if no other gentleman desires to be heard, I move the previous question on the bill.

The previous question was ordered; and under the operation thereof the amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. RAY of New York. That is all we have, Mr. Speaker.

COMMITTEE ON PATENTS.

Mr. HICKS. Mr. Speaker, I was absent in my committee room when the Committee on Patents was called, and I ask unanimous consent to recur to it.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the call recur to the Committee on Patents, passed during his absence.

Mr. DOCKERY. What is his request?

The SPEAKER pro tempore. The gentleman from Pennsylvania requests a return in the call to the Committee on Patents, passed during his absence.

Mr. DOCKERY. Mr. Speaker, I have no objection to that, having an understanding with the gentleman that he will not call up a certain bill.

The SPEAKER pro tempore. Is there objection?

Mr. McEWAN. I reserve the right to object.

The SPEAKER pro tempore. The gentleman will have to determine whether he will object now.

Mr. McEWAN. I will not make it upon condition of a bill not being brought up that has been attempted to be brought up several times and I objected to it.

Mr. HICKS. That is not going to be brought up.

Mr. McEWAN. If it is understood that that bill is not to be presented, I will not object; otherwise I will, certainly.

Mr. HICKS. What bill does the gentleman refer to?

Mr. McEWAN. The one by which two or three hundred men would be given undue advantages.

Mr. HICKS. I will not inflict that bill on the gentleman to-day.

Mr. DOCKERY. That is the bill the gentleman agreed he would not call up.

The SPEAKER pro tempore. Is there objection?

Mr. McEWAN. Very well; I will not make any objection.

The SPEAKER pro tempore. Is there objection? [After a pause]. The Chair hears none, and the Clerk will call the Committee on Patents.

TRADE-MARKS ON BOTTLES, ETC.

Mr. HICKS. Mr. Speaker, I desire to call up House bill No. 72, to provide for the registration of trade-marks on bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, and other receptacles and vessels used in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, and to prevent the fraudulent use of the same in such commerce.

The bill was read, as follows:

Be it enacted, etc., That any and all persons, firms, and corporations engaged in manufacturing, bottling, packing, or selling soda water, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages, or medicines, medical preparations, perfumery, compounds, mixtures, or other articles of merchandise in bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels, with his, her, its, or their name or names or other marks or devices branded, stamped, engraved, etched, blown, impressed, or otherwise produced upon such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels used by him, her, it, or them in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, may obtain registration of such name or names or other marks or devices so used, as follows: Any such person, firm, or corporation may file in the Patent Office of the United States, to be recorded, a written statement specifying the name, domicile, citizenship, place or places of business, and post-office address of such person, firm, or corporation, and giving a description and a facsimile of the name or names, or other marks or devices so used by him, her, it, or them, respectively, and the usual name of the article or articles manufactured, bottled, packed, or sold by such owner in such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, boxes, kegs, tins, or other receptacles or vessels, said statement declaring that such person, firm, or corporation is, at the time of such filing, the owner of such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels, and that the same are used in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, and that such person, firm, or corporation has at the time a right to the use of such name or names, or other marks or devices, sought to be registered, and that no other person, firm, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; and said statement shall be sworn to by such person, or by a member of such firm, or an officer of such corporation before a notary public or other officer competent to administer oaths, who shall attach his official seal to the same: *Provided, however*, That for each such statement so filed, and at the time the same is filed, the person, firm, or corporation filing the same shall pay into the Treasury of the United States the sum of $25 as a fee for such registration, and shall comply with such regulations as may be prescribed by the Commissioner of Patents: *Provided further*, That no registration shall be allowed under this act except by persons, firms, or corporations domiciled in the United States or located in any foreign country, or tribes which, by treaty, convention, or law, afford similar privileges to citizens of the United States.

SEC. 2. That when any registration has been made as provided in section 1 of this act the Commissioner of Patents may issue a certificate in the name of the United States of America, under the seal of the Department of the Interior, and signed by said Commissioner, stating and specifying the name, place, or places of business, and post-office address of the person, firm, or corporation obtaining such registration as owner, and giving a description of the registered name or names, or other marks or devices, so used on such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels fully as set forth in said statement filed under section 1 of this act, and such certificate shall state that such name or names, or other marks or devices, have been registered by such owner in accordance with this act, giving the title and date hereof. Such certificate of the Commissioner of Patents shall, in any prosecution under this act, be prima facie evidence of registration in accordance with this act and also prima facie evidence that the person, firm, or corporation so registered as owner is the true owner of the bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels, the name or names, or other marks or devices, on which have been so registered.

SEC. 3. That after the name or names, or other marks or devices, which appear on any bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels have been registered as provided in section 1 of this act, any person, firm, or corporation who shall use in traffic any such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels, or make the same the subject of commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than $200, or be imprisoned not more than four months, or both, at the discretion of the court.

SEC. 4. That nothing in this act contained shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use or sale of such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels might have had if this act had not been passed.

SEC. 5. That the Commissioner of Patents is authorized to make rules and regulations and prescribe forms for the transfer of the said certificates of registration, and for recording the said transfers in his office.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the amendments of the Senate to the joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein.

CUBA.

The SPEAKER. The Chair submits to the House the following action on the part of the Senate of the United States:

The Clerk read as follows:

Resolved, That the Senate disagrees to the amendment of the House to the amendments of the Senate to joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein.

Mr. DINGLEY. Mr. Speaker, I move that the House insist and ask for a conference, and upon that I ask the previous question.

The SPEAKER. The gentleman from Maine moves that the House insist upon its amendment and ask for a committee of conference, and upon that he moves the previous question.

Mr. BAILEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAILEY. I desire to inquire if a motion to recede from the House amendment and concur in the Senate amendment does not take precedence over the motion of the gentleman from Maine to insist?

The SPEAKER. The Chair will examine that matter.

Mr. BAILEY. I desire, while the Chair is examining it, to call the Chair's attention to a decision in the Twenty-ninth Congress, on page 696 of the Journal of the first session.

The SPEAKER. Does the gentleman mean the Twenty-ninth Congress or the Twentieth Congress?

Mr. BAILEY. In the first session of the Twenty-ninth Congress this identical question arose.

The SPEAKER. The Chair had the Digest of the Twentieth Congress, but that decision does not seem to be applicable.

Mr. BAILEY. The precedent cited in the Twenty-ninth Congress is the very question—the Senate amended the House bill and the House amended the Senate amendment.

The SPEAKER. The Chair was satisfied upon general principles that a motion to recede would be in order, but his attention, however, was called to the Digest, which, it seems, made an incorrect reference; probably was intended to refer to the Twenty-ninth Congress instead of the Twentieth, and the precedent is in accordance with the general principles.

Mr. BROMWELL. Mr. Speaker——

The SPEAKER. Does the gentleman rise to make a motion to recede——

Mr. BROMWELL. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendments and concur therein, and on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Ohio to recede and concur. As many as are in favor of the question will, when their names are called, say "aye"——

Mr. BAILEY. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The Chair supposed the yeas and nays would be asked for.

The yeas and nays were ordered.

The SPEAKER. As many as are in favor of the proposition that the House shall recede and concur with the Senate will, when their names are called, say "aye," and those opposed "no." The Clerk will call the roll.

The question was taken; and there were—yeas 146, nays 172, answered "present" 3, not voting 84; as follows:

YEAS—146.

Adamson,	Cummings,	Lanham,	Sayers,
Allen,	Davey,	Latimer,	Settle,
Bailey,	Davis,	Lentz,	Shafroth,
Baird,	De Armond,	Lester,	Shuford,
Balt.	De Graffenreid,	Lewis, Ga.	Simpson,
Bankhead,	De Vries,	Lewis, Wash.	Sims,
Barlow,	Dinsmore,	Little,	Slayden,
Bartlett,	Dockery,	Livingston,	Smith, Ky.
Belknap,	Dorr,	Lloyd,	Sparkman,
Bell,	Driggs,	Lorimer,	Stallings,
Benner, Pa.	Elliott,	Love,	Stark,
Benton,	Ermentrout,	McClellan,	Stephens, Tex.
Bodine,	Fitzgerald,	McCormick,	Stokes,
Botkin,	Fitzpatrick,	McCulloch,	Strowd, N. C.
Bradley,	Fleming,	McDowell,	Sullivan,
Brantley,	Fox,	McMillin,	Sulloway,
Brenner, Ohio	Gaines,	McRae,	Sulzer,
Bromwell,	Greene,	Maddox,	Sutherland,
Broussard,	Griffith,	Maguire,	Swanson,
Brown,	Griggs,	Mann,	Talbert,
Brucker,	Gunn,	Marshall,	Tate,
Brundidge,	Hartman,	Maxwell,	Taylor, Ala.
Burke,	Hay,	Miers, Ind.	Terry,
Campbell,	Henry, Miss.	Moon,	Todd,
Carmack,	Henry, Tex.	Newlands,	Underwood,
Castle,	Hinrichsen,	Norton, Ohio	Vandiver,
Catchings,	Howard, Ga.	Norton, S. C.	Vincent,
Clardy,	Hunter,	Otey,	Warner,
Clark, Mo.	Jett,	Peters,	Wheeler, Ala.
Clayton,	Johnson, N. Dak.	Pierce, Tenn.	Wheeler, Ky.
Cochran, Mo.	Jones, Va.	Rhea,	White, Ill.
Colson,	Jones, Wash.	Richardson,	Williams, Miss.
Cooney,	Kelley,	Ridgely,	Wilson,
Cooper, Tex.	King,	Bixey,	Young, Va.
Cooper, Wis.	Kleberg,	Robb,	Zenor.
Cowherd,	Knowles,	Robertson, La.	
Cox,	Lamb,	Robinson, Ind.	

NAYS—172.

Acheson,	Davidson, Wis.	Johnson, Ind.	Pugh,
Adams,	Dayton,	Joy,	Quigg,
Aldrich,	Dingley,	Kerr,	Ray,
Alexander,	Dolliver,	Kirkpatrick,	Reeves,
Arnold,	Dovener,	Knox,	Robbins,
Babcock,	Eddy,	Kulp,	Royse,
Baker, Ill.	Ellis,	Lacey,	Russell,
Baker, Md.	Evans,	Landis,	Shannon,
Barber,	Faris,	Lawrence,	Shattuc,
Barham,	Fischer,	Littauer,	Shelden,
Barney,	Fletcher,	Lond,	Sherman,
Barrett,	Foote,	Loudenslager,	Showalter,
Barrows,	Foss,	Lovering,	Smith, Ill.
Bartholdt,	Fowler, N. J.	Low,	Smith, S. W.
Belden,	Gardner,	Lybrand,	Smith, Wm. Alden
Belford,	Gibson,	McCall,	Snover,
Bennett,	Gillet, N. Y.	McCleary,	Southard,
Bishop,	Gillett, Mass.	McEwan,	Southwick,
Boose,	Graff,	McIntire,	Spalding,
Bontell, Ill.	Griffin,	Mahon,	Sperry,
Boutelle, Me.	Grosvenor,	Marsh,	Sprague,
Brownlow,	Grout,	Mercer,	Steele,
Brumm,	Grow,	Mesick,	Stevens, Minn.
Bull,	Hager,	Miller,	Stewart, N. J.
Burleigh,	Hamilton,	Mills,	Stewart, Wis.
Burton,	Harmer,	Minor,	Stone, C. W.
Butler,	Hawley,	Mitchell,	Stone, W. A.
Cannon,	Heatwole,	Moody,	Strode, Nebr.
Capron,	Hemenway,	Morris,	Sturtevant,
Chickering,	Henderson,	Mudd,	Tawney,
Clark, Iowa	Henry, Conn.	Northway,	Taylor, Ohio
Clarke, N. H.	Henry, Ind.	Odell,	Thorp,
Cochrane, N. Y.	Hepburn,	Olmsted,	Tongue,
Connell,	Hicks,	Otjen,	Updegraff,
Connolly,	Hilborn,	Overstreet,	Van Voorhis,
Corliss,	Hill,	Packer, Pa.	Walker, Mass.
Cousins,	Hooker,	Parker, N. J.	Walker, Va.
Crump,	Hopkins,	Payne,	Wanger,
Crumpacker,	Howard, Ala.	Pearce, Mo.	Ward,
Curtis, Kans.	Howe,	Pearson,	Weymouth,
Dalzell,	Howell,	Perkins,	Williams, Pa.
Danford,	Hull,	Pitney,	Yost,
Davenport,	Jenkins,	Prince,	Young, Pa.

ANSWERED "PRESENT"—3.

Berry,	Brewer,	McAleer.

NOT VOTING—94.

Beach,	Davison, Ky.	McDonald,	Skinner,
Bingham,	Fenton,	Mahany,	Strait,
Bland,	Fowler, N. C.	Martin,	Vehslage,
Brewster,	Handy,	Meekison,	Wadsworth,
Broderick,	Hitt,	Meyer, La.	Weaver,
Brosius,	Hurley,	Ogden,	White, N. C.
Codding,	Ketcham,	Osborne,	Wilber.
Cranford,	Kitchin,	Powers,	
Curtis, Iowa	Linney,	Sauerhering,	

So the motion of Mr. BROMWELL, that the House recede from its amendment and concur in the Senate amendment, was rejected.

Mr. BREWER. Mr. Speaker, I am paired with the gentleman from Ohio, Mr. FENTON; and therefore I withdraw my vote. Were he present, I should vote "aye."

Mr. DOCKERY. My colleague, Mr. BLAND, has been called from the Hall on account of illness. If present, he would vote "aye."

Mr. BAILEY. My colleague, Mr. CRANFORD, is detained at home by sickness in his family. He sent to inquire of me after the former roll call if I thought there would be another one to-day. I did not think there would be, and sent him word to that effect.

Mr. DALZELL. My colleague, Mr. BROSIUS, is detained from the House by illness. If present, he would vote "no."

Mr. HENDERSON. My colleague from Iowa, Mr. CURTIS, is absent from the city on important business. Were he present, he would vote "no."

Mr. GROSVENOR. My colleague, Mr. WEAVER, is unexpectedly absent from the House. If present, he would vote "no." I make the same statement in regard to my colleague, Mr. FENTON, who has not yet arrived.

Mr. SULZER. My colleague from New York, Mr. VEHSLAGE, is unavoidably absent. If present, he would vote "aye."

Mr. SHERMAN. My colleague, Mr. WADSWORTH, was called home on Saturday last on important business. Were he present, he would vote "no."

Mr. LAMB. The gentleman from North Carolina, Mr. KITCHIN, who is unavoidably absent, would, if present, vote "aye."

The following additional pairs were announced:

Mr. KETCHAM with Mr. BLAND, on this question.

Mr. MCDONALD with Mr. MEEKISON, on this vote.

Mr. HURLEY with Mr. MEYER of Louisiana, on this question.

The result of the vote was announced as above stated. [Loud applause].

Mr. DINGLEY. I now ask for a vote on my motion that the House insist on its amendment and ask for a conference.

Mr. JOHNSON of Indiana. Mr. Speaker, I rise to a parliamentary inquiry. We have voted that we would not recede. Now, if we should vote to insist, what would be the parliamentary status?

The SPEAKER. The effect would be that the House would insist on its amendment to the amendment of the Senate, and would ask a conference.

The question was put.

The SPEAKER. The ayes have it.

Mr. BAILEY. I call for a division.

The SPEAKER proceeded to count the House; but before the count was concluded,

Mr. BAILEY said: Mr. Speaker, to save time, I withdraw the call for a division and will not ask for the yeas and nays.

So the motion of Mr. DINGLEY was agreed to.

On motion of Mr. DINGLEY, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Members who desire to engage in conversation will retire to the cloakrooms; and the House will come to order.

Mr. BAILEY (after a pause). Mr. Speaker, has the Chair appointed the conferees?

The SPEAKER. The Chair has not yet appointed the conferees.

Mr. BAILEY. Is the Chair waiting until they are appointed before further business is proceeded with?

The SPEAKER. The House will meanwhile proceed with business.

Mr. BAILEY. If there were no reason to the contrary, I was going to demand that the House proceed with other matters; but in view of the fact that the Chair was waiting——

The SPEAKER. The appointment of conferees can be made and announced at any time; other business may be interrupted for the announcement.

Mr. BAILEY. What I was trying to arrive at was whether there is any good reason why business should be in a state of suspense. If so, I am willing that this condition shall continue. If there be no reason——

The SPEAKER. The Chair has suggested that the business of the House go on.

Mr. BAILEY. Then I will demand the regular order.

TRADE-MARKS ON BOTTLES, ETC.

The SPEAKER. The question is on the third reading of the bill, the title of which will be read.

The Clerk read as follows:

A bill (H. R. 72) to provide for the registration of trade-marks on bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, and other receptacles and vessels used in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, and to prevent the fraudulent use of the same in such commerce.

Mr. MCMILLIN. I ask consent that the bill be reported again.

The SPEAKER. Without objection, the bill will be again read.

Mr. HICKS. I think if my friend from Tennessee will hear the report it will satisfy him in regard to this matter. The bill has already been read at length.

Mr. MCMILLIN. I only wanted to get some idea of the nature of the bill. If the report shows that sufficiently, I am entirely willing that it be read instead of having the bill read again.

Mr. BAILEY. I thought the question was on the third reading of the bill.

The SPEAKER. It is. If there be no objection, the Clerk will proceed with the reading.

Mr. BAILEY. I simply desire to say that if this matter will occupy much time I would ask the Chair to appoint the conferees, in the hope that our conferees might, as soon as possible, confer with those of the Senate, and that we may dispose of this matter before both Houses adjourn to-night.

The SPEAKER. The Chair desires to say that he expects of the House the usual courtesy with regard to his appointments. It is not his purpose to delay the matter beyond what is necessary, and whatever he may do, he again says, will be under the eyes of the House.

Mr. BAILEY. And everybody on this side is entirely willing for the Chair to take a proper time; but I understood the Chair to say, in response to my inquiry, that the Chair was ready to name them at any time.

The SPEAKER. The gentleman misunderstood the Chair.

Mr. BAILEY. I did. I understood the Chair to say that.

Mr. BOUTELLE of Maine. I ask for the regular order, Mr. Speaker, if there is any regular order.

The SPEAKER. The Clerk will proceed with the reading of the bill.

The bill H. R. 72 was again read.

Mr. HICKS. Mr. Speaker, does any gentleman desire to make any remarks on this bill? If not, I ask that it be placed upon its passage.

The SPEAKER. The question is upon the engrossment and third reading of the bill.

Mr. HOPKINS. Before that is done, I think there ought to be some explanation of this bill.

Mr. CORLISS. I ask for the reading of the report.

Mr. HOPKINS. This is a matter of very great importance to the manufacturing and commercial interests of the country, and it ought not to pass this body without being well understood.

Mr. HICKS. I hold in my hand the report of the committee, giving, I think, full and sufficient reasons why this bill should become a law. I can not express myself in better language than I did in my report. I therefore ask for the reading of the report.

The SPEAKER. The Clerk will read the report.

The report (by Mr. HICKS) was read, as follows:

The Committee on Patents, to whom was referred the bill (H. R. 72) to provide for the registration of trade-marks on bottles, siphons, casks, etc., and other vessels used in commerce with foreign nations or among the several States, etc., submit the following report:

This bill is an important measure, and the subject-matter thereof was carefully considered by the Committee on Patents, first by a subcommittee and then in general committee, and the voice of the committee was unanimous in favor of the speedy enactment of the measure into law. This same measure was considered in the Fifty-fourth Congress by the Committee on Interstate and Foreign Commerce, and that committee said in their report:

"This measure is intended to protect not only the reliable manufacturers and merchants against the unlawful use of receptacles well known and established in the markets as containing reliable goods, but also seeks to especially preserve for the consumer the original article and prevent the substitution of cheap and spurious merchandise in casks, boxes, and other receptacles known to contain reliable articles of merchandise in the first instance.

"This measure will extend the wise provisions of the trade-mark to the casks, bottles, and other receptacles. The importance of its provisions has been urged for many years by the leading business concerns, boards of trade, and commercial journals of the country. The Oil, Paint and Drug Reporter, one of the leading trade journals, in the interest of its patrons has urged the adoption of such a law, and the necessity for the passage of this bill seems urgent from the information received in the consideration thereof."

Numerous petitions were presented to your committee, representing many industries and manufacturing institutions, all of which urge the necessity of the protection granted in the pending bill. It is claimed by these industries and institutions that there is not in the law, as it now exists, adequate protection against the dishonest and fraudulent use of labels and trade-marks. Genuine articles sold by honest dealers, under skillfully designed and selected trade-marks, are so frequently the subject of piracy and dishonest dealing that the public are continually imposed upon, as well as retail dealers, who have difficulty in distinguishing the good from the bad and the real from the imitations. In view of the importance of honesty and fair dealing in business and trade, and the protection of the honest manufacturer, who is proud of his "trade-mark" and name, from the fraudulent dealer who depends upon his ability to impose his worthless articles upon an unsuspecting public by reason of his ability to unlawfully appropriate an honest trade-mark to further his imposition and fraud, it is, in the judgment of your committee, important to our manufacturing industries that this bill become a law, and they therefore urge its speedy enactment.

Mr. HICKS. Mr. Speaker, this measure was reported to the Fifty-fourth Congress by the Committee on Interstate and Foreign Commerce. It was unanimously reported by that committee and passed the House. In this Congress it was referred to the Committee on Patents and unanimously reported from that committee. We believe it to be a meritorious measure. I ask for the passage of the bill.

Mr. ROBBINS. I should like to ask the gentleman in charge of this bill whether it affects the liquor industry of the country in any way? There was a bill recently passed authorizing the branding of corks, etc. I see this bill provides for labels and trade-marks on bottles.

Mr. HICKS. I yield sufficient time to my friend, Mr. CORLISS, of Michigan, the author of the bill, who can explain fully to my colleague the object of the measure.

Mr. CORLISS. In answer to the inquiry of the gentleman, I will state that the liquor associations desire the passage of this measure, for the reason that under the present condition of affairs when a cask or bottle is stamped as containing a recognized liquor, there is now no protection under national law to prevent the substitution of a spurious article.

Many of the States have this law, but if a person manufactures liquor or any other substance that is to be sold in a cask or a bottle, he is not protected against the retailer taking the bottle or cask which is supposed to contain good whisky or some other standard article, putting in a spurious article, and selling it to the public under the old label, thereby deceiving customers. There is a great deal of complaint against this sort of thing, and there is no doubt that this is a good bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CORLISS, a motion to reconsider the last vote was laid on the table.

STATE TRADE-MARKS, ETC.

Mr. HICKS. Mr. Speaker, I now ask for the consideration of the bill (H. R. 4584) to create State trade-marks and to protect foreign and interstate commerce.

The bill was read, as follows:

Be it enacted, etc., That in order to prevent the false branding or other marking of goods, wares, or merchandise, the product of any State or Territory of the United States or of the District of Columbia, which are or are intended to become articles of foreign or interstate commerce or commerce with the Indian tribes, the governor of any such State or Territory and the Commissioners of the District of Columbia are hereby authorized and empowered to adopt a public trade-mark each for his or their respective State, Territory, or the District aforesaid, and file a description and illustration of the same in the Patent Office of the United States; but no such trade-mark or label shall be entitled to such registration which consists of or simulates the arms, seals, or other insignia of the United States, or of any State or municipality, or of any foreign nation, or which is offensive to public sentiment or morals.

SEC. 2. That upon the receipt of any description and illustration of a trade-mark as provided in the preceding section, and upon payment of a fee of $25, the Commissioner of Patents shall register the same, and a certificate of such registration, fully describing such trade-mark, shall be issued in the name of the United States of America, under the seal of the Department of the Interior, and signed by the Commissioner of Patents, and a full record thereof be made and kept in books for that purpose. Copies of any such trade-marks, and of the descriptions accompanying the same, and of the certificate of registry, when duly authenticated by the Commissioner or Assistant Commissioner of Patents, shall be received in evidence in all courts and by all officers of the United States, and shall be conclusive proof of the adoption and registration of such trade-marks.

SEC. 3. That every such trade-mark shall be used only under and in accordance with such rules, regulations, and restrictions as may be provided by or according to the laws of the State, Territory, or District adopting and filing the same, and upon goods, wares, and merchandise produced, grown, or manufactured therein, and upon packages and wrappers containing the same.

SEC. 4. That every person who, contrary to the provisions of this act or to the laws, rules, regulations, and restrictions of any State or Territory or the District aforesaid, affixes the registered trade-mark of such State, Territory, or District, or causes or procures the same to be affixed, or any colorable imitation thereof, calculated to deceive the public, to any goods, wares, or merchandise which are or are intended for sale, shipment, consumption, or use without and beyond the boundaries of such State, Territory, or District, or to any package or wrapper containing the same, shall be liable to an action on the case for damages for the wrongful use of said trade-mark at the suit of the owner thereof; and the party aggrieved shall also have his remedy according to the course of equity to enjoin the wrongful use of such trade-mark used in commerce with foreign nations, or among the several States, or with the Indian tribes, as aforesaid, and to recover compensation therefor in any court having jurisdiction over the person guilty of such wrongful act; and courts of the United States shall have original and appellate jurisdiction in such cases without regard to the amount in controversy.

SEC. 5. That every person who shall knowingly deal in, or sell, or keep, or offer for sale, or cause or procure the sale of, any goods, wares, or merchandise, in order that the same may become, or after they have become, subjects of foreign or interstate commerce, to which, or to the package or wrapper containing the same, there is fraudulently affixed any public trade-mark, as provided in this act, or any colorable imitation thereof calculated to deceive the public, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as provided in section 4 of this act.

SEC. 6. That every person who fraudulently fills, or causes or procures to be fraudulently filled, any package, or fraudulently uses, or causes or procures to be used, any wrapper to which is affixed any public trade-mark registered pursuant to the provisions of this act, or any colorable imitation thereof calculated to deceive the public, with any goods, wares, or merchandise, with intent to deceive or mislead any purchaser or user of the same as to their true character, origin, or source, shall, if said goods, wares, or merchandise have become or are intended to become subjects of foreign or interstate commerce or commerce with the Indian tribes, be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as provided in section 4 of this act.

SEC. 7. That if any person shall brand, mark, stamp, stencil, label, name, or describe any goods, wares, or merchandise, or any package or wrapper containing the same, which have or may become subjects of foreign or interstate commerce, in such manner as may be calculated to deceive or mislead any purchaser or user of the same as to the true character of such goods, wares, or merchandise, or as to the place where they were grown, produced, or manufactured, or shall cause or procure the same to be done by others; or if any person for himself, or as the agent or factor for another, or as a member of any copartnership, or as a manager, superintendent, agent, or representative of any corporation, shall have in his possession or under his control any goods, wares, or merchandise which he knows or has good reason to believe bear any public trade-mark, or any brand, mark, stamp, stencil, label, name, or description, in contravention of the provisions of this act, he is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 4 of this act.

The Committee on Patents recommended the following amendments:

The Committee on Patents, to whom was referred the bill (H. R. 4584) entitled "A bill to create State trade-marks and to protect foreign and interstate commerce," beg leave to submit the following report, with several amendments, and recommend that said bill do pass.

In line 12, page 3, section 4, strike out the words "owner thereof" and insert the words "State, Territory, or District adopting the same."

In line 13, page 3, section 4, strike out the word "his" and insert the letter "a" therefor.

In lines 16 and 17, page 3, section 4, strike out the words "and to recover compensation therefor."

In line 10, page 4, section 5, strike out the words "section four of."

In line 13, page 4, section 6, strike out the words "section four of."

In lines 18 and 19, page 5, section 7, strike out the words "as provided in section four of this act," and insert the words "by a fine not to exceed the sum of $1,000, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court."

Mr. HICKS. Mr. Speaker, I move to amend this bill by striking out all of section 7 as it now exists and substituting therefor a penalty clause, which shall read as follows——

Mr. ROBBINS. Mr. Speaker, I should like to have order. This seems to be a very important bill, changing the whole trade-mark laws of the country.

Mr. HICKS. Oh, no.

Mr. ROBBINS. We want to hear something about it. It seems to be a very radical measure.

Mr. HICKS. My motion is that all of section 7 as read be stricken out, and that a penalty clause be inserted, to read as follows:

In all convictions under this act the person or persons so convicted shall be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed $1,000, or imprisonment not to exceed one year, or either or both such fine and imprisonment, at the discretion of the court.

I now move the passage of the bill with the amendment.

Mr. DOCKERY. Has there been any general debate?

The SPEAKER. The Chair desires to suggest to the gentleman from Pennsylvania that the section which he moves to strike out has several amendments pending upon it. Action must first be taken upon the amendments.

Mr. HICKS. Of course we want to get it in the proper parliamentary form.

The SPEAKER. The question is first on the amendments before the motion to strike out is put.

Mr. DOCKERY. Mr. Speaker——

Mr. HICKS. I want, of course, to get the bill in proper parliamentary form.

Mr. DOCKERY. This bill seems to be a very important measure.

Mr. HICKS. It is, and concerns important interests that include all the food producers of the country.

Mr. DOCKERY. Changing the law in respect to trade-marks. I am not familiar with this question, but it does occur to me that the bill can very properly go over until the House is in proper condition for its consideration. Under existing surroundings a bill of this importance, with a large number of sections, should be considered by the House. The committee is proposing to strike out one section, so that it is apparent that the committee itself has found some objection to its own measure. I do not know anything about the bill, but a gentleman on my right states that it changes the law relating to trade-marks so that States may establish trade-marks; and objection is also made by one or two gentlemen that jurisdiction is given to the United States courts without reference to the amount involved. It is obvious, Mr. Speaker, that it is an important measure, and I do not think it should be pressed for action until the House is in proper condition to consider it.

Mr. HICKS. I will state, in reply to my friend, that this bill is pressed by the food-producing interests of the country. They have appeared before the committee and urged the enactment of a measure such as this. The clause that we agree to strike out, section 7, is stricken out at the request of the wine and liquor producers of the country, they claiming that it interferes especially with their interests, and we agreed, rather than have any serious opposition here upon the floor and interfere with interests that we have no desire nor intention to antagonize, that we will not insist upon the enactment of section 7, but insert a penalty clause instead thereof. I yield five minutes to the gentleman from New York [Mr. CHICKERING].

Mr. CHICKERING. I thank the gentleman, but do not desire to take up the time of the House. The measure meets the requirements of the interests of my people fully.

Mr. HICKS. The gentleman from New York [Mr. CHICKERING] represents the dairy interests of New York State. The assistant secretary of agriculture of that State, the superintendent of the dairy and food commission of New York, and the representatives of the American Produce Exchange, of the city of New York and also of the State of New York, all appeared before the committee and urged the enactment of this measure. I believe that this amendment which has been suggested to the measure will not antagonize the food-producing interests and will in no way interfere with the real object of the measure. There should be no serious objection to the enactment of the bill into law.

Mr. BARTLETT. How does it change the law?

Mr. HICKS. It does not change the present law.

Mr. DE VRIES. With that section out, there will be nothing that will interfere with the wine and liquor interests of the country?

Mr. HICKS. Nothing.

Mr. DE VRIES. And the practice of branding for Sauterne, Burgundy, etc., will not be prohibited by any provision of this bill?

Mr. HICKS. No, sir. The gentleman from New York [Mr. FISCHER] has examined the measure and agrees to it. He thinks with this section 7 stricken out there can be no objection to the bill. He can speak for himself.

Mr. FISCHER. I want to ask the gentleman from Pennsylvania a question. The question has been asked by friends about me. It relates to section 5. As I understand that section, it simply intends to prohibit the refilling of bottles and casks that are already marked and labeling them with other brands.

Mr. HICKS. The gentleman correctly interprets that paragraph of the bill.

Mr. FISCHER. And section 7, to which I called your attention, is obnoxious to the wine and liquor interests?

Mr. HICKS. Yes, sir; that is your claim.

Mr. FISCHER. And your committee has stricken it out, merely inserting a penalty in its place?

Mr. HICKS. Yes; I do this to prevent antagonism to the part of the bill I am specially desirous of caring for, as already stated by me.

Mr. DE VRIES. Section 6 also applies only to refilling. Is that not true?

Mr. HICKS. Yes, sir; that is correct.

The SPEAKER. The question is on the committee amendments to the section that is proposed to be stricken out.

Mr. BARTHOLDT. Mr. Speaker, will it be in order to move to recommit the bill to the committee?

The SPEAKER. It will be in order to recommit.

Mr. BARTHOLDT. I make such a motion.

The SPEAKER. The gentleman from Missouri moves to recommit the bill to the committee.

Mr. DOCKERY. Pending that motion, I suggest to the gentleman from Pennsylvania that some accommodation of differences be made, so that the bill may be withdrawn. It does not seem to me that this is an opportune time to consider the bill.

Mr. HICKS. I will withdraw the bill on the request of my friend from Missouri and in view of the disposition of the House not to consider the bill at this time.

Mr. BARTHOLDT. I consent to its being withdrawn, Mr. Speaker.

The SPEAKER. The bill is considered as withdrawn.

Mr. HICKS. I would like for it, however, Mr. Speaker, to retain its place and for the Committee on Patents to retain its place on the call of committees.

The SPEAKER. If there be no objection, the gentleman can call it up at some other time and his committee retain its place.

There was no objection.

Mr. RIDGELY. I would like to say a word upon this bill itself, Mr. Speaker.

Mr. ARNOLD. It is withdrawn.

Mr. RIDGELY. To the committee, not to the House.

Mr. ARNOLD. Regular order!

ORDER OF BUSINESS.

Mr. HICKS. I now call up for consideration the bill H. R. 8620.

Mr. GROSVENOR. I move that the House do now adjourn.

The SPEAKER. Pending that, the Chair announces as conferees on the joint resolution relating to Cuba Mr. ADAMS, Mr. HEATWOLE, and Mr. DINSMORE.

Mr. BAILEY. A parliamentary inquiry.

The SPEAKER. The gentleman from Ohio moves that the House adjourn.

Mr. BAILEY. Is it in order, pending the motion to adjourn, to move to take a recess until 8 o'clock to-night.

The SPEAKER. The Chair thinks not.

Mr. BAILEY. Then the motion to take a recess can only be voted on if the motion to adjourn be voted down?

Mr. CANNON. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Now, on the appointment of this conference committee and its being reported to the Senate, if the Senate should assent to the conference and appoint conferees, would not the House have to be so notified before the conference committee could go to work? Would the matter be in conference until both bodies had assented?

The SPEAKER. The Chair thinks not.

Mr. GROSVENOR. I withdraw the motion.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 310. At act for the relief of Johnson Hays;

S. 504. An act granting an increase of pension to Mrs. Christine C. Barnard;

S. 603. An act granting a pension to Clarissa E. Hobbs;

S. 1345. An act granting an increase of pension to Sarah Brumm;

S. 1466. An act granting an increase of pension to Ransom S. Angell;

S. 1467. An act granting a pension to Adolphine Krez; and

S. 1751. An act granting an increase of pension to Moses M. Crants.

LEAVE TO PRINT.

Mr. FITZGERALD requested leave to print on the resolution reported by the Committee on Foreign Affairs relating to the condition of affairs in Cuba.

The SPEAKER. The Chair desires to call the attention of the House that the gentleman from Massachusetts [Mr. FITZGERALD] asks permission to print in the RECORD his views on the Cuban question.

Mr. SOUTHWICK. I object.

Mr. ARNOLD. Mr. Speaker, I move that the House take a recess until 8 o'clock.

Mr. CANNON. Mr. Speaker, is that debatable? It seems to me that the House message ought to get to the Senate in fifteen minutes, and we ought to get a reply before 6 o'clock. Then if we do get that reply the matter will be in conference, and we can take a recess or an adjournment just as the House thinks proper.

Mr. ARNOLD. I will withdraw the motion, Mr. Speaker.

REPRINT OF H. R. 7130.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the reprint of House bill 7130 and the report thereon.

Mr. McMILLIN. What bill is that?

Mr. SHERMAN. It is the so called anti-scalping bill, and is liable to be reached pretty soon, and we want a reprint for that reason.

Mr. FITZGERALD. Before that request is granted, Mr. Speaker, I desire to ask the gentleman from New York [Mr. SHERMAN] how much notice members will get before that bill is called up? It is a very important bill, and I think we ought to have some notice.

Mr. GROSVENOR. If gentlemen are in their seats, they will need no notice.

Mr. SHERMAN. It will be reached on the call of committees. I do not know when that will be. We are on the call of committees now, and that is the reason I want the reprint.

The request of Mr. SHERMAN was agreed to.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess for fifteen minutes.

Mr. BAILEY. I desire, Mr. Speaker, to ask, as a matter of fact, whether the Senate has been notified of our action and the appointment of the conferees?

The SPEAKER. The Chair is unable to say. The report has been directed to be made. If there is no objection, the House is in recess until 20 minutes past 5.

The recess having expired, the House (at 20 minutes past 5 o'clock) was called to order by the Speaker.

Mr. STEELE. Mr. Speaker, I ask unanimous consent for a fifteen-minute recess.

The SPEAKER. Is there objection to the motion of the gentleman from Indiana? The Chair hears none; and accordingly the House is in recess until 25 minutes of 6 o'clock.

The recess having expired, the House (at 5 o'clock and 35 minutes) was called to order by the Speaker.

Mr. PAYNE. Mr. Speaker, I understand that no message from the Senate is ready, and I ask that the House take a recess until 6 o'clock.

The SPEAKER. If there is no objection, the House will be in recess until 6 o'clock.

There was no objection.

The recess having expired, the House (at 6 o'clock) was called to order by the Speaker.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 8 o'clock this evening.

Mr. CANNON. Mr. Speaker, while we were waiting for a message from the Senate which does not seem to come, the gentleman from Missouri [Mr. DOCKERY] made a suggestion a few minutes ago that seems to me worthy of consideration—that we might by unanimous consent remain in session with the understanding that no business was to be transacted, except to receive the message from the Senate; and if any message should be received, upon receipt of the same, the House, by unanimous consent, is to stand adjourned until to-morrow. [Cries of "Oh, no, no!"] I will withdraw the suggestion, as there seems to be so much objection to it.

Mr. PAYNE. I insist upon my motion, Mr. Speaker.

The motion of Mr. PAYNE was agreed to; and accordingly the House took a recess until 8 o'clock.

AFTER RECESS.

The recess having expired, the House, at 8 o'clock p. m., resumed its session.

ORDER OF BUSINESS.

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent that members may have five days to print remarks in the RECORD upon the Cuban resolutions. There has been no opportunity for debate.

The SPEAKER. The gentleman from Kansas [Mr. SIMPSON] asks unanimous consent that members may have five days to print remarks in the RECORD on the Cuban question.

Mr. JOHNSON of Indiana. I object. I have no objection to the gentleman from Kansas speaking now, if he desires. [A pause.] I withdraw my objection.

Mr. PAYNE. I think there can not be a more useless expenditure of public money than the printing of such remarks in the RECORD. I object.

Mr. SIMPSON. What the gentleman from New York says might be true of his own remarks.

Mr. GAINES (to Mr. PAYNE). The people do not want any more of your "Paine's Celery Compound." That is the reason you object.

The SPEAKER. Objection is made.

Mr. VINCENT. I ask that all gentlemen have leave to print their remarks except the gentleman from New York.

The SPEAKER. The Chair understands that objection is made.

Mr. VINCENT. Is there objection to my request?

The SPEAKER. The Chair thinks there is objection.

Mr. VINCENT. I would like to ask unanimous consent of the gentleman from New York to publish remarks in the RECORD.

The SPEAKER. The Chair understands that the same objection operates.

CUBA.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its disagreement to the amendments of the House to the amendments of the Senate to the joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAVIS, Mr. FORAKER, and Mr. MORGAN as the conferees on the part of the Senate.

After the lapse of some time,

A further message from the Senate, by Mr. PLATT, one of its Clerks, announced that the Senate further insists upon its disagreement to the amendments of the House to the amendments of the Senate to the joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba and for the purpose of establishing a stable and independent government of the people therein. [Applause.]

Mr. ADAMS. Mr. Speaker, I present the conference report, which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the joint resolution (H. Res. 233) for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect, having met, after full and free conference report to their respective Houses as follows:

That they have been unable to agree.

ROBERT ADAMS, Jr.,
JOEL P. HEATWOLE,
HUGH A. DINSMORE,
Managers on the part of the House of Representatives.

C. K. DAVIS,
J. B. FORAKER,
JNO. T. MORGAN,
Managers on the part of the Senate.

Mr. ADAMS. Mr. Speaker, I move that the House further insist on its amendments to the amendments of the Senate to House joint resolution No. 233 and ask for a further conference. On this motion I move the previous question.

Mr. DINSMORE. I rise to a parliamentary inquiry.

Mr. BROMWELL rose.

Mr. DINSMORE. I yield to the gentleman from Ohio [Mr. BROMWELL].

The SPEAKER. The gentleman from Arkansas yields to the gentleman from Ohio.

Mr. ADAMS. I still hold the floor.

The SPEAKER. The Chair understands that the gentleman from Ohio takes the floor for the purpose of making a motion.

Mr. BROMWELL. I move that the House recede from its disagreement to the amendments of the Senate and concur therein. [Applause.] And on that motion I demand the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Ohio that the House recede and concur. [The question was put.] The noes seem to have it.

Mr. DINSMORE. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 145, nays 177, answered "present" 1, not voting 82; as follows:

YEAS—145.

Adamson,	Colson,	Henry, Tex.	Mann,
Allen,	Cooney,	Hinrichsen,	Marshall,
Bailey,	Cooper, Tex.	Howard, Ga.	Martin,
Baird,	Cowherd,	Hunter,	Maxwell,
Ball,	Cox,	Jett,	Meekison,
Bankhead,	Cummings,	Johnson, N. Dak.	Meyer, La.
Barlow,	Davey,	Jones, Va.	Miers, Ind.
Bartlett,	Davis,	Jones, Wash.	Moon,
Belknap,	De Armond,	Kelley,	Newlands,
Bell,	De Graffenreid,	King,	Norton, Ohio
Benner, Pa.	De Vries,	Kleberg,	Norton, S. C.
Benton,	Dinsmore,	Knowles,	Otey,
Berry,	Dockery,	Lamb,	Peters,
Bodine,	Dorr,	Lanham,	Pierce, Tenn.
Botkin,	Driggs,	Latimer,	Rhea,
Bradley,	Elliott,	Lentz,	Richardson,
Brantley,	Ermentrout,	Lewis, Ga.	Ridgely,
Brenner, Ohio	Fitzgerald,	Lewis, Wash.	Rixey,
Bromwell,	Fitzpatrick,	Little,	Robb,
Broussard,	Fleming,	Livingston,	Robertson, La.
Brown,	Fowler, N. C.	Lloyd,	Robinson, Ind.
Brucker,	Fox,	Lorimer,	Sayers,
Brundidge,	Gaines,	Love,	Settle,
Burke,	Greene,	McClellan,	Shuford,
Campbell,	Griffith,	McCormick,	Simpson,
Carmack,	Griggs,	McCulloch,	Sims,
Castle,	Gunn,	McDowell,	Slayden,
Clardy,	Handy,	McMillin,	Smith, Ky.
Clark, Mo.	Hartman,	McRae,	Sparkman,
Clayton,	Hay,	Maddox,	Stallings,
Cochran, Mo.	Henry, Miss.	Maguire,	Stark,

Stephens, Tex.	Sutherland,	Underwood,	Williams, Miss.
Stokes,	Talbert,	Vandiver,	Young, Va.
Strowd, N. C.	Tate,	Vincent,	Zenor.
Sullivan,	Taylor, Ala.	Warner,	
Sulloway,	Terry,	Wheeler, Ky.	
Sulzer,	Todd.	White, Ill.	

NAYS—177.

Acheson,	Danford,	Johnson, Ind.	Quigg,
Adams,	Davenport,	Kerr,	Ray,
Aldrich,	Davidson, Wis.	Ketcham,	Reeves,
Alexander,	Dayton,	Kirkpatrick,	Robbins,
Arnold,	Dingley,	Knox,	Royse,
Babcock,	Dolliver,	Kulp,	Russell,
Baker, Ill.	Dovener,	Lacey,	Shannon,
Baker, Md.	Eddy,	Landis,	Shattuc,
Barber,	Ellis,	Lawrence,	Shelden,
Barham,	Evans,	Linney,	Sherman,
Barney,	Faris,	Littauer,	Showalter,
Barrett,	Fischer,	Loud,	Smith, Ill.
Barrows,	Fletcher,	Loudenslager,	Smith, S. W.
Bartholdt,	Foote,	Lovering,	Smith, Wm. Alden
Beach,	Foss,	Low,	Snover,
Belden,	Fowler, N. J.	Lybrand,	Southard,
Belford,	Gardner,	McCall,	Southwick,
Bennett,	Gibson,	McCleary,	Spalding,
Bishop,	Gillet, N. Y.	McDonald,	Sperry,
Boone,	Gillett, Mass.	McEwan,	Sprague,
Boutell, Ill.	Graff,	McIntire,	Steele,
Boutelle, Me.	Griffin,	Mahon,	Stevens, Minn.
Brewster,	Grosvenor,	Marsh,	Stewart, N. J.
Broderick,	Grout,	Mercer,	Stewart, Wis.
Brownlow,	Grow,	Mesick,	Stone, C. W.
Brumm,	Hager,	Miller,	Stone, W. A.
Bull,	Hamilton,	Mills,	Strode, Nebr.
Burleigh,	Harmer,	Minor,	Tawney,
Burton,	Hawley,	Mitchell,	Tayler, Ohio
Butler,	Heatwole,	Moody,	Thorp,
Cannon,	Hemenway,	Morris,	Tongue,
Capron,	Henderson,	Mudd,	Updegraff,
Chickering,	Henry, Conn.	Northway,	Van Voorhis,
Clark, Iowa	Henry, Ind.	Olmsted,	Walker, Mass.
Cochrane, N. Y.	Hepburn,	Otjen,	Walker, Va.
Codding,	Hicks,	Overstreet,	Wanger,
Connell,	Hilborn,	Packer, Pa.	Ward,
Connolly,	Hill,	Parker, N. J.	Weaver,
Cooper, Wis.	Hooker,	Payne,	Weymouth,
Corliss,	Hopkins,	Pearce, Mo.	Williams, Pa.
Cousins,	Howe,	Pearson,	Yost,
Crump,	Howell,	Perkins,	Young, Pa.
Crumpacker,	Hull,	Pitney,	
Curtis, Kans.	Hurley,	Prince,	
Dalzell,	Jenkins,	Pugh,	

ANSWERED "PRESENT"—1.

McAleer.

NOT VOTING—82.

Bingham,	Davison, Ky.	Odell,	Sturtevant,
Bland,	Fenton,	Ogden,	Swanson,
Brewer,	Hitt,	Osborne,	Vehslage,
Brosius,	Howard, Ala.	Powers,	Wadsworth,
Catchings,	Joy,	Sauerhering,	Wheeler, Ala.
Clarke, N. H.	Kitchin,	Shafroth,	White, N. C.
Cranford,	Lester,	Skinner,	Wilber,
Curtis, Iowa	Mahany,	Strait,	Wilson.

So the motion was rejected.

The Clerk announced the following additional pairs:

For this day:

Mr. CLARKE of New Hampshire with Mr. CATCHINGS.

On this question:

Mr. HITT with Mr. WHEELER of Alabama.

On this vote:

Mr. STURTEVANT with Mr. BLAND.

Mr. ODELL with Mr. SWANSON.

Mr. BINGHAM with Mr. VEHSLAGE.

Mr. SWANSON. Mr. Speaker, I am paired with the gentleman from New York, Mr. ODELL, who is detained on account of very serious illness in his family, which made it impossible for him to be here to-night. If he were present, he would vote "no" and I should vote "aye."

Mr. DOCKERY. Mr. Speaker, my colleague, Mr. BLAND is detained from the House by illness. If present, he would vote "aye."

Mr. BARTLETT. Mr. Speaker, I desire to state, although I am paired with the gentleman from Vermont, Mr. POWERS, I have voted upon this question by his special permission.

Mr. LAMB. Mr. Speaker, if the gentleman from North Carolina [Mr. KITCHIN] were here, he would vote "aye."

Mr. DINSMORE. Mr. Speaker, I ask for a recapitulation of the vote.

The SPEAKER. The Clerk will recapitulate the vote. The Chair, however, begs to suggest to the House that the attention of members is essential.

The Clerk recapitulated the names of those voting.

Mr. WHEELER of Alabama. Mr. Speaker, I desire to say that I am paired with the gentleman from Illinois [Mr. HITT]. If I could have voted, I should have voted "aye."

The result of the vote was announced as above recorded.

The announcement of the vote was received with applause on the Republican side.

The SPEAKER. The question is now upon the motion of the gentleman from Pennsylvania [Mr. ADAMS] that the House insist and ask for a further conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. ADAMS, Mr. HEATWOLE, and Mr. DINSMORE.

Mr. ADAMS. I move that the House take a recess until 11 o'clock.

Mr. MITCHELL. I move to amend that by making it until 10.30.

Mr. JOHNSON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion of Mr. JOHNSON of Indiana was rejected.

The SPEAKER. The gentleman from Pennsylvania moves that the House take a recess until 11 o'clock.

Mr. MITCHELL. I move to amend that by making it 10.30.

Mr. BROMWELL. I move to amend the motion of the gentleman from Pennsylvania by making it 10.30 o'clock.

The SPEAKER. The gentleman from Ohio moves to amend, to take a recess until 10.30 o'clock.

Mr. MITCHELL. I withdraw the amendment, Mr. Speaker.

The SPEAKER. As many as are in favor of the motion of the gentleman from Ohio will say "aye."

Mr. SIMPSON. What is the amendment.

Mr. BAILEY. We are unable to hear.

The SPEAKER. The motion of the gentleman from Ohio is that the House take a recess until half past 10.

The amendment of Mr. BROMWELL was rejected.

The motion of Mr. ADAMS was agreed to.

Accordingly (at 10 o'clock and 14 minutes p. m.) the House took a recess until 11 p. m.

The recess having expired, the House, at 11 o'clock p. m., resumed its session.

Mr. DALZELL. Mr. Speaker, I move that the House take a recess for half an hour.

The motion was agreed to.

Accordingly the House took a recess until 11.30 p. m.

The recess having expired, the House, at 11.30 o'clock p. m., resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate still further insists upon its disagreement to the amendments of the House to the amendments of the Senate to the joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAVIS, Mr. MORGAN, and Mr. FORAKER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 504) granting an increase of pension to Mrs. Christine C. Barnard.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 164) granting an increase of pension to John P. Thomas, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. CANNON, and Mr. KENNEY as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 7318) for the relief of Frank Loyd, of Georgia.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1751. An act granting an increase of pension to Moses M. Crantz;

S. 1467. An act granting a pension to Adolphine Krez, widow of Conrad Krez, late colonel Twenty-seventh Wisconsin Infantry and brevet brigadier-general of volunteers;

S. 1466. An act granting an increase of pension to Ransom S. Angell, late private of Company G, First Regiment Wisconsin Cavalry;

S. 1345. An act granting an increase of pension to Sarah Brumm;

S. 603. An act granting a pension to Clarissa E. Hobbs;

S. 310. An act granting a pension to Johnson Hays; and

S. 3. An act to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. STEELE. Mr. Speaker, I understand that the Senate has taken a recess until 12 o'clock. I move that the House take a recess until 12 o'clock.

The motion was agreed to.

Accordingly the House (at 11 o'clock and 33 minutes p. m.) took a further recess until 12 o'clock midnight.

The recess having expired, the House, at 12 o'clock midnight, resumed its session.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until half past 12.

The motion was agreed to.

Accordingly (at 12 o'clock and 1 minute a. m.) the House took a recess until 12.30 a. m.

The recess having expired, the House, at 12.30 o'clock a. m., resumed its session.

Mr. DINGLEY. Mr. Speaker, I move that the House take a recess until 1 o'clock.

The motion was agreed to.

Accordingly (at 12 o'clock and 32 minutes a. m.) the House took a recess until 1 o'clock a. m.

The recess having expired, the House, at 1 o'clock a. m., resumed its session.

Mr. SIMPSON. Mr. Speaker, I desire unanimous consent that I may be allowed to print some remarks in the RECORD on this Cuban question. Some time ago I asked unanimous consent for all the members to do so, but there seemed to be some objection to that. I have not had opportunity to express my views on this important subject heretofore.

I have been trotting back and forward between here and the Senate to hear the debate, and I am very much interested in it. I have a few remarks I should like to submit. Therefore, I ask unanimous consent that I may be allowed to print my remarks in the RECORD.

Mr. FOOTE. I ask unanimous consent that the gentleman be allowed to make a speech now. [Laughter.]

The SPEAKER. The gentleman from Kansas asks unanimous consent that he may be allowed to print some remarks in the RECORD on the Cuban question.

Mr. MCEWAN. I should like to have a sample of what he is going to say before I give consent.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. SOUTHWICK. I object.

The SPEAKER. Objection is made.

Mr. FITZGERALD. I ask unanimous consent that the gentleman from Kansas be given five minutes in which to express his views on the Cuban situation.

Mr. GROSVENOR. I move as an amendment that he be allowed to do so either in the Hall or out on the steps. [Laughter.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the amendments of the Senate to the joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein.

Mr. COX. Mr. Speaker, I ask to have that read from the Clerk's desk.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *April 18, 1898.*

Resolved, That the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the amendments of the Senate to the joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein.

The Clerk also read the conference report.

Mr. ADAMS. Mr. Speaker, I present the report of the committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the joint resolution (H. Res. 233) for the recognition of the independence of the people and Republic of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1, in line 1, striking out the words "are, and."

That the Senate recede from its disagreement to the amendment of the House numbered 2, in line 2, to strike out all after the word "independent," to and including the word "Island," in line 4; and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the resolution, omitting in line 2 thereof the words "and republic," and agree to the same.

ROBERT ADAMS, JR.,
JOEL P. HEATWOLE,
Managers on the part of the House of Representatives.

C. K. DAVIS,
J. B. FORAKER,
Managers on the part of the Senate.

Mr. ADAMS. Mr. Speaker, I move the House adopt the report of the conferees, and on that I move the previous question.

The SPEAKER. The gentleman from Pennsylvania moves that the House agree to the report of the committee of conference, and on that asks the previous question.

Mr. BAILEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. ADAMS. I do not yield the floor.

Mr. BAILEY. The previous question being ordered now, would there be twenty minutes on each side allowed for debate?

The SPEAKER. The Chair thinks not on this subject.

Mr. BAILEY. I am sure I would have no disposition to occupy the whole twenty minutes, but I think we would desire as much as three, or perhaps five, minutes on this side.

Mr. ADAMS. Mr. Speaker [cries of "Vote!"], I do not wish to be discourteous; but the hour is very late——

Mr. NORTON of Ohio. Let us have the resolution read as it will read when adopted. I would like to have the resolution read, so that we may fully understand it. I believe we do understand it, but still I would like to have it read as it will appear when amended.

The resolution was read, as follows:

A joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Resolved, etc., First. That the people of the Island of Cuba are, and of right ought to be, free and independent.

[Applause.]

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

[Cheers and loud applause.]

Mr. JOHNSON of Indiana. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Indiana. Under the rules there is twenty minutes given to each side for debate, is there not?

The SPEAKER. The Chair thinks not.

Mr. JOHNSON of Indiana. When the previous question is moved and there is no previous debate?

The SPEAKER. When the previous question is ordered on a subject debated. The object of that rule was to prevent a proposition being presented without any debate; but these propositions have had such debate as the House saw fit to give them.

Mr. JOHNSON of Indiana. When, Mr. Speaker, was there any discussion?

Mr. BAILEY. I submit that this particular question has not been discussed.

The SPEAKER. That is the rule. For instance, when a matter has been discussed in Committee of the Whole, that is regarded as debate, and such has been the rule in all these matters. It was an extension of the privilege under a demand for the previous question, and had that intention, and that only.

Mr. BAILEY. I perfectly agree that if this precise question had been before the House and had been discussed at any other stage of the proceedings, that then we would not be entitled to this debate. For instance, if when the matter was presented a motion was made to insist, and debate had occurred, and then it had come back to the House, and, at a different stage of the proceedings, again a motion to recede or concur was made, the matter having been once debated, it would not be open to debate the second time.

But the question now is upon the report of the conference committee, and that matter neither exactly nor for the purpose of this vote generally has been presented to the House. In support of that contention it perhaps will happen that many gentlemen who voted one way on a previous roll call may vote another way on this roll call. Therefore it must be that the question before the House now is not a question which has been debated by the House during this legislative day.

The SPEAKER. The Chair has considered the question, and after consideration it seems very clear to the Chair that the proposed debate is not possible under the rules of the House.

Mr. BAILEY. I shall not appeal from the decision of the Chair or raise any question of that kind. I then ask the gentleman from Pennsylvania to withhold his demand for the previous question until I shall possibly occupy two or three minutes. [Cries of "Regular order!"]

Mr. ADAMS. Mr. Speaker, I do not wish to be discourteous in the slightest way, but if time is granted to the gentleman from

Texas, there are gentlemen on this side of the House who are urging me to give them time; and owing to the lateness of the hour and the great fatigue of those who have participated in this matter. I must insist upon the demand for the previous question.

Mr. BAILEY. I then ask the gentleman from Pennsylvania to yield five minutes to this side and five minutes to that side. [Cries of "Vote!"]

The SPEAKER. The gentleman from Pennsylvania asks for the previous question.

Mr. DOCKERY. Pending that demand for the previous question, I ask unanimous consent that five minutes' debate be allowed on this side to the gentleman from Texas and five minutes on the other side.

The SPEAKER. But the gentleman from Pennsylvania has refused that request.

Mr. DOCKERY. He has not refused a request for unanimous consent. I ask unanimous consent.

The SPEAKER. The gentleman from Missouri asks unanimous consent for five minutes' debate on each side.

Mr. LOUDENSLAGER. Regular order!

The SPEAKER. The gentleman from New Jersey demands the regular order.

Mr. JOHNSON of Indiana. Mr. Speaker, this is an unprecedented and indecent proposition. [Cries of "Regular order!" "Regular order!"]

The question was taken; and on a division (demanded by Mr. BAILEY) there were—ayes 176, noes 75.

Mr. BAILEY. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 121, answered "present" 2, not voting 59; as follows:

YEAS—173.

Acheson,	Curtis, Kans.	Hurley,	Reeves,
Adams,	Dalzell,	Jenkins,	Robbins,
Aldrich,	Danford,	Johnson, N. Dak.	Royse,
Alexander,	Davenport,	Ketcham,	Russell,
Arnold,	Davidson, Wis.	Kirkpatrick,	Shannon,
Babcock,	Dayton,	Knox,	Shattuc,
Baker, Md.	Dingley,	Kulp,	Shelden,
Barber,	Dolliver,	Lacey,	Sherman,
Barham,	Dorr,	Landis,	Showalter,
Barney,	Dovener,	Lawrence,	Smith, Ill.
Barrows,	Eddy,	Linney,	Smith, S. W.
Bartholdt,	Ellis,	Lorimer,	Smith, Wm. Alden
Belden,	Evans,	Loudenslager,	Snover,
Belford,	Faris,	Lovering,	Southard,
Belknap,	Fischer,	Low,	Southwick,
Bennett,	Fletcher,	Lybrand,	Spalding,
Berry,	Foote,	McCleary,	Sperry,
Bishop,	Fosa,	McDonald,	Sprague,
Booze,	Fowler, N. J.	McEwan,	Steele,
Boutell, Ill.	Gardner,	Mahany,	Stevens, Minn.
Boutelle, Me.	Gibson,	Mahon,	Stewart, N. J.
Brewster,	Gillet, N. Y.	Marsh,	Stewart, Wis.
Broderick,	Gillett, Mass.	Maxwell,	Stone, C. W.
Brown,	Graff,	Meekison,	Stone, W. A.
Brownlow,	Griffin,	Mercer,	Strode, Nebr.
Brumm,	Grosvenor,	Mesick,	Sulloway,
Bull,	Grow,	Miers, Ind.	Tayler, Ohio
Burleigh,	Hager,	Mills,	Thorp,
Burton,	Hamilton,	Minor,	Tongue,
Butler,	Harmer,	Mitchell,	Updegraff,
Cannon,	Heatwole,	Morris,	Van Voorhis,
Capron,	Hemenway,	Mudd,	Walker, Mass.
Chickering,	Henderson,	Northway,	Walker, Va.
Clark, Iowa	Henry, Conn.	Olmsted,	Wanger,
Clarke, N. H.	Henry, Ind.	Otjen,	Ward,
Cochrane, N. Y.	Hepburn,	Overstreet,	Warner,
Codding,	Hicks,	Packer, Pa.	Weaver,
Connell,	Hilborn,	Payne,	Weymouth,
Connolly,	Hill,	Pearce, Mo.	White, Ill.
Cooper, Wis.	Hooker,	Perkins,	Yost,
Corliss,	Hopkins,	Pitney,	Young, Pa.
Cousins,	Howe,	Prince,	
Crump,	Howell,	Pugh,	
Crumpacker,	Hull,	Ray,	

NAYS—121.

Adamson,	Clayton,	Hinrichsen,	McRae,
Allen,	Cochran, Mo.	Howard, Ga.	Maddox,
Bailey,	Cooney,	Hunter,	Maguire,
Baker, Ill.	Cooper, Tex.	Jett,	Marshall,
Ball,	Davey,	Johnson, Ind.	Martin,
Bankhead,	Davis,	Jones, Va.	Meyer, La.
Barlow,	De Graffenreid,	Jones, Wash.	Moon,
Bartlett,	De Vries,	Kelley,	Newlands,
Bell,	Dinsmore,	King,	Norton, Ohio
Benner, Pa.	Ermentrout,	Kleberg,	Norton, S. C.
Bodine,	Fitzgerald,	Knowles,	Ogden,
Botkin,	Fitzpatrick,	Lamb,	Otey,
Bradley,	Fleming,	Lanham,	Peters,
Brantley,	Fowler, N. C.	Latimer,	Pierce, Tenn.
Brenner, Ohio	Fox,	Lentz,	Rhea,
Brewer,	Gaines,	Lewis, Ga.	Richardson,
Broussard,	Greene,	Lewis, Wash.	Ridgely,
Brucker,	Griffith,	Little,	Rixey,
Brundidge,	Griggs,	Livingston,	Robb,
Burke,	Guna,	Lloyd,	Robertson, La.
Campbell,	Handy,	Love,	Robinson, Ind.
Carmack,	Hartman,	McClellan,	Sayers,
Castle,	Hay,	McCulloch,	Settle,
Clardy,	Henry, Miss.	McDowell,	Shafroth,
Clark, Mo.	Henry, Tex.	McMillin,	Shuford,
Simpson,	Stokes,	Taylor, Ala.	Williams, Miss.
Sims,	Strowd, N. C.	Terry,	Wilson,
Slayden,	Sullivan,	Todd,	Zenor.
Sparkman,	Sulzer,	Underwood,	
Stark,	Sutherland,	Vehslage,	
Stephens, Tex.	Tate,	Wheeler, Ky.	

ANSWERED "PRESENT"—2.

Cummings,	Moody.

NOT VOTING—59.

Baird,	De Armond,	McAleer,	Stallings,
Barrett,	Dockery,	McCall,	Strait,
Beach,	Driggs,	McCormick,	Sturtevant,
Benton,	Elliott,	McIntire,	Swanson,
Bingham,	Fenton,	Mann,	Talbert,
Bland,	Grout,	Miller,	Tawney,
Bromwell,	Hawley,	Odell,	Vandiver,
Brosius,	Hitt,	Osborne,	Vincent,
Catchings,	Howard, Ala.	Parker, N. J.	Wadsworth,
Colson,	Joy,	Pearson,	Wheeler, Ala.
Cowherd,	Kerr,	Powers,	White, N. C.
Cox,	Kitchin,	Quigg,	Wilber,
Cranford,	Lester,	Sauerhering,	Williams, Pa.
Curtis, Iowa	Littauer,	Skinner,	Young, Va.
Davison, Ky.	Loud,	Smith, Ky.	

So the previous question was ordered.

The following pairs were announced:

Until further notice:

Mr. HICKS with Mr. BANKHEAD.

Mr. STEWART of New Jersey with Mr. CLAYTON.

For this day:

Mr. BROMWELL with Mr. STALLINGS.

Mr. KERR with Mr. TALBERT.

For the remainder of this day:

Mr. MILLER with Mr. VANDIVER.

Mr. GROUT with Mr. ELLIOTT.

Mr. QUIGG with Mr. CUMMINGS.

Mr. STEWART of New Jersey. Mr. Speaker, I am announced as being paired with Mr. CLAYTON. I was not paired upon this question, and he has voted.

Mr. CUMMINGS. Mr. Speaker, I desire to withdraw my vote. I am paired with Mr. QUIGG, who has gone home sick, but it does not extend to the final vote.

Mr. BANKHEAD. Mr. Speaker, my pair was withdrawn, and I therefore voted.

The result of the vote was then announced as above recorded.

Mr. McMILLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. Would it be in order at this stage, upon the consideration of the conference report, to move that the House recede from its amendment to the Senate resolution and concur in the same?

The SPEAKER. It would not be in order, because a conference report is to be accepted or rejected in its entirety. The question is on agreeing to the conference report.

Mr. MAHANY, Mr. McMILLIN, and Mr. DOCKERY called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 311, nays 6, answered "present" 1, not voting 38; as follows:

YEAS—311.

Acheson,	Broussard,	Danford,	Griggs,
Adams,	Brown,	Davenport,	Grosvenor,
Adamson,	Brownlow,	Davey,	Grow,
Aldrich,	Brucker,	Davidson, Wis.	Gunn,
Alexander,	Brumm,	Davis,	Hager,
Allen,	Brundidge,	Dayton,	Hamilton,
Arnold,	Bull,	De Armond,	Handy,
Babcock,	Burke,	De Graffenreid,	Harmer,
Bailey,	Burleigh,	De Vries,	Hartman,
Baird,	Burton,	Dingley,	Hawley,
Baker, Ill.	Butler,	Dinsmore,	Hay,
Baker, Md.	Campbell,	Dockery,	Heatwole,
Ball,	Cannon,	Dolliver,	Hemenway,
Bankhead,	Capron,	Dorr,	Henderson,
Barber,	Carmack,	Dovener,	Henry, Conn.
Barham,	Castle,	Driggs,	Henry, Ind.
Barlow,	Chickering,	Eddy,	Henry, Miss.
Barney,	Clardy,	Ellis,	Henry, Tex.
Barrows,	Clark, Iowa	Ermentrout,	Hepburn,
Bartholdt,	Clark, Mo.	Evans,	Hicks,
Bartlett,	Clayton,	Faris,	Hilborn,
Beach,	Cochran, Mo.	Fischer,	Hill,
Belden,	Cochrane, N. Y.	Fitzgerald,	Hinrichsen,
Belford,	Codding,	Fitzpatrick,	Hooker,
Belknap,	Colson,	Fleming,	Hopkins,
Bell,	Connell,	Fletcher,	Howard, Ga.
Benner, Pa.	Connolly,	Foote,	Howe,
Bennett,	Cooney,	Fosa,	Howell,
Benton,	Cooper, Tex.	Fowler, N. C.	Hull,
Bishop,	Cooper, Wis.	Fowler, N. J.	Hunter,
Bodine,	Corliss,	Fox,	Hurley,
Booze,	Cousins,	Gaines,	Jenkins,
Botkin,	Cowherd,	Gibson,	Jett,
Boutell, Ill.	Cox,	Gillet, N. Y.	Johnson, N. Dak.
Bradley,	Crump,	Gillett, Mass.	Jones, Va.
Brantley,	Crumpacker,	Graff,	Jones, Wash.
Brenner, Ohio	Cummings,	Greene,	Kelley,
Brewster,	Curtis, Kans.	Griffin,	Ketcham,
Broderick,	Dalzell,	Griffith,	King,

Kirkpatrick,	Mann,	Rhea,	Stewart, Wis.
Kleberg,	Marsh,	Richardson,	Stokes,
Knowles,	Marshall,	Ridgely,	Stone, C. W.
Knox,	Martin,	Rixey,	Stone, W. A.
Kulp,	Maxwell,	Robb,	Strode, Nebr.
Lacey,	Meekison,	Robbins,	Strowd, N. C.
Lamb,	Mercer,	Robertson, La.	Sullivan,
Landis,	Mesick,	Robinson, Ind.	Sulloway,
Lanham,	Meyer, La.	Royse,	Sulzer,
Latimer,	Miers, Ind.	Russell,	Sutherland,
Lawrence,	Mills,	Sayers,	Tate,
Lentz,	Minor,	Settle,	Tawney,
Lewis, Ga.	Mitchell,	Shafroth,	Tayler, Ohio
Lewis, Wash.	Moody,	Shannon,	Taylor, Ala.
Linney,	Moon,	Shattuc,	Terry,
Littauer,	Morris,	Shelden,	Thorp,
Little,	Mudd,	Sherman,	Todd,
Livingston,	Newlands,	Showalter,	Tongue.
Lloyd,	Northway,	Shuford,	Underwood,
Lorimer,	Norton, Ohio	Simpson,	Updegraff,
Loudenslager,	Norton, S. C.	Sims,	Van Voorhis,
Love,	Ogden,	Slayden,	Vehslage,
Lovering,	Olmsted,	Smith, Ill.	Walker, Mass.
Low,	Otey,	Smith, Ky.	Walker, Va.
Lybrand,	Otjen,	Smith, S. W.	Wanger,
McCleary,	Overstreet,	Smith, Wm. Alden	Ward,
McClellan,	Packer, Pa.	Snover,	Warner,
McCormick,	Parker, N. J.	Southard,	Weaver,
McCulloch,	Payne,	Southwick,	Weymouth,
McDonald,	Pearce, Mo.	Spalding,	Wheeler, Ky.
McDowell,	Pearson,	Sparkman,	White, Ill.
McEwan,	Perkins,	Sperry,	Williams, Miss.
McIntire,	Peters,	Sprague,	Wilson,
McMillin,	Pierce, Tenn.	Stallings,	Yost,
McRae,	Pitney,	Stark,	Young, Pa.
Maddox,	Prince,	Steele,	Young, Va.
Maguire,	Pugh,	Stephens, Tex.	Zenor.
Mahany,	Ray,	Stevens, Minn.	The Speaker.
Mahon,	Reeves,	Stewart, N. J.	

NAYS—6.

Boutelle, Me.	Gardner,	Loud,	McCall.
Brewer,	Johnson, Ind.		

ANSWERED "PRESENT"—1.

Clarke, N. H.

NOT VOTING—38.

Barrett,	Elliott,	Miller,	Talbert,
Berry,	Fenton,	Odell,	Vandiver,
Bingham,	Grout,	Osborne,	Vincent,
Bland,	Hitt,	Powers,	Wadsworth,
Bromwell,	Howard, Ala.	Quigg,	Wheeler, Ala.
Brosius,	Joy,	Sauerhering,	White, N. C.
Catchings,	Kerr,	Skinner,	Wilber,
Cranford,	Kitchin,	Strait,	Williams, Pa.
Curtis, Iowa	Lester,	Sturtevant,	
Davison, Ky.	McAleer,	Swanson,	

So the report of the committee of conference was agreed to.

Mr. DOCKERY. My colleagues, Mr. BLAND and Mr. VANDIVER, are absent from the House on account of sickness.

Mr. McINTIRE. I voted "aye" on this proposition. I was, however, paired with Mr. BROMWELL. I am informed that if he had been here, he would also have voted "aye."

Mr. CLARKE of New Hampshire. I am paired with the gentleman from Mississippi, Mr. CATCHINGS. I have voted in the affirmative, but wish to withdraw my vote and answer "present."

Mr. LAMB. If Mr. KITCHIN, of North Carolina, were here, he would vote "aye."

Mr. LATIMER. My colleague, Dr. STRAIT, is absent on account of sickness. If here, he would vote "aye."

Mr. CUMMINGS. My colleague, Mr. QUIGG, is absent on account of sickness. If here, he would vote "aye."

The SPEAKER. On this question the yeas are 310, the nays 6. [Loud applause on the floor and in the galleries.]

On motion of Mr. ADAMS, a motion to reconsider the vote just taken was laid on the table.

Mr. ADAMS. I move that the House do now adjourn.

Mr. BAILEY. Would the gentleman from Pennsylvania [Mr. ADAMS] and the gentleman from Maine [Mr. DINGLEY] be content if, when the House adjourns, it adjourn to meet on Wednesday next?

Mr. DINGLEY. I call the attention of the gentleman from Texas to the fact that the Senate is not now in session, and in order that this resolution may be sent there and signed by the Vice-President, the House should meet to-morrow.

Mr. BAILEY. I did not know that the Senate had adjourned.

The motion of Mr. ADAMS, that the House adjourn, was agreed to; and accordingly (at 2 o'clock and 45 minutes a. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KLEBERG, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4190) authorizing the Secretary of the Interior to issue a permit to the American Invalid Aid Society, of Boston, Mass., to occupy and use 160 acres of land, being part of Fort Stanton, N. Mex., reported the same without amendment, accompanied by a report (No. 1109); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SOUTHARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the Senate (S. 3145) to establish an assay office at Seattle, Wash., reported the same without amendment, accompanied by a report (No. 1110); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORT OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. BELKNAP, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3804) for the relief of James McKenzie, reported the same with amendment, accompanied by a report (No. 1111); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 5484) for the relief of Robert Langston; and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 9928) for the coinage of so much of the silver bullion purchased under the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," as represents the gain or seigniorage of such bullion, and for other purposes—to the Committee on Coinage, Weights, and Measures.

By Mr. HINRICHSEN: A joint resolution (H. Res. 236) providing for a survey and estimates for a waterway from the controlling works of the Chicago Drainage Canal, near Lockport, Ill., to the mouth of the Illinois River—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 9929) for the benefit of the Interstate Land Company of Colorado, and Robert L. Lindsay, of the State of Missouri—to the Committee on Private Land Claims.

By Mr. GILLET of New York: A bill (H. R. 9930) to increase the pension of Escort C. Wells—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 9931) granting an honorable discharge to Lewis Benedict—to the Committee on Military Affairs.

By Mr. HAMILTON: A bill (H. R. 9932) granting a pension to Harriet Gailhouse—to the Committee on Invalid Pensions.

By Mr. HINRICHSEN: A bill (H. R. 9933) to increase the pension of William Newnom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9934) for the relief of William B. Payne—to the Committee on War Claims.

By Mr. HUNTER: A bill (H. R. 9935) to pension Levi C. Mann—to the Committee on Invalid Pensions.

By Mr. MAGUIRE: A bill (H. R. 9936) to correct the military record of Henry Finnegass—to the Committee on Military Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 9937) to confirm the title of Aimable Bertrand to a certain tract of land in the parish of St. Landry, La.—to the Committee on Private Land Claims.

Also, a bill (H. R. 9938) for the relief of Millard F. Edwards, late postmaster at Amite City, La.—to the Committee on Claims.

By Mr. SMITH of Kentucky: A bill (H. R. 9939) for the relief of Anthony McAndrew, of Louisville, Ky.—to the Committee on Claims.

By Mr. SULLIVAN: A bill (H. R. 9940) for the relief of the Baptist Church at Red Banks, in Marshall County, Miss.—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 9941) granting an increase of pension to Mrs. Ivern Googins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9942) granting a pension to Mrs. Catharine Weiss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9943) granting an increase of pension to George W. Johnson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition of the Woman's Christian Temperance Union and citizens of Delton, Sauk County, Wis., for the passage of a bill prohibiting the sale of intoxicating liquors in the Capitol building and grounds—to the Committee on Public Buildings and Grounds.

By Mr. BARTHOLDT: Petition of the officers and trustees of the United States Brewers' Association, in opposition to the proposed increase of the tax on beer—to the Committee on Ways and Means.

Also, resolutions of the Florists' Club of St. Louis, Mo., in opposition to the practice of distributing cut and decorative flowers from Government greenhouses—to the Committee on Agriculture.

Also, petition of Iron Mountain Lodge, Brotherhood of Locomotive Firemen, and Cigar Makers' Union No. 44, all of St. Louis, Mo., favoring the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT: Petition of T. D. Tinsley, John C. Eads, J. T. Moore, and other citizens of Macon, Ga., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Petition of citizens of Joliet, Ill., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CASTLE: Petition of the Woman's Christian Temperance Union of Elvinore, Cal., in favor of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. CURTIS of Kansas: Petition of N. Frankhouser and 39 other citizens of Osage City, Kans., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ERMENTROUT: Resolutions of the Chamber of Commerce of the State of New York, in reference to Senate bill No. 3354, to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of the State of New York, in favor of reciprocity with Canada and Newfoundland—to the Committee on Ways and Means.

Also, memorial of the American Forestry Association, against House bill No. 8428, in reference to Executive order of February 22, 1897—to the Committee on the Public Lands.

By Mr. GIBSON: Petitions of citizens of Mossycreek, Bull Run, Lenoir, and Luttrell, Tenn., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Petition of John L. Benedict in support of bill granting an honorable discharge to Lewis Benedict—to the Committee on Military Affairs.

By Mr. GROUT: Petitions of Rev. L. P. Tucker and the Methodist Episcopal and Congregational churches of Northfield, Vt., praying for the enactment of legislation to forbid the transmission of lottery messages by telegraph and to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Methodist Episcopal and Congregational churches of Northfield, Vt., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HENDERSON: Communication from the Dubuque (Iowa) Trades and Labor Congress, in favor of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, telegrams from leading grocerymen, wholesale and retail, in the Third Congressional district of Iowa, protesting against an internal-revenue duty upon tea and coffee—to the Committee on Ways and Means.

By Mr. LITTLE: Petition of J. C. Hale and 58 citizens of Fordyce, Ark., asking for the passage of a bill restricting railroad fares to 2 cents per mile for passengers—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL: Resolution of the Roxburghe Club, Roxbury, Mass., against House bill No. 8428, in reference to Executive order of February 22, 1897—to the Committee on Public Lands.

Also, petition of the Boston Plate Printers' Union, No. 3, protesting against the use of steam presses in the Bureau of Engraving and Printing—to the Committee on Appropriations.

Also, petition of the Boston Merchants' Association, urging the passage of the so-called Spooner health bill, in relation to establishing a commission of public health and defining its duties—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Boston Merchants' Association, of Boston, Mass., urging the passage of the Cullom bill relating to extension of authority granted Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. McINTIRE: Petition of citizens of Baltimore, Md., Fourth Congressional district, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHANY (by request): Petition of the American Forestry Association, against House bill No. 8428, in reference to Executive order of February 22, 1897—to the Committee on the Public Lands.

By Mr. NORTON of Ohio: Petition of Charles W. McKee and 39 other citizens of Bloomville, Ohio, in favor of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTSON of Louisiana: Paper to accompany House bill No. 9904, relating to the claim of John A. Sigur—to the Committee on War Claims.

Also, paper relating to the claim of the widow of Odile Felicite Deslonds, to accompany House bill No. 9906—to the Committee on War Claims.

Also, paper to accompany House bill No. 9905, for the relief of Burlin Starns, of Livingston Parish, La.—to the Committee on Claims.

Also paper to accompany House bill No. 9907, for the relief of Louis Barron—to the Committee on War Claims.

By Mr. RUSSELL: Resolutions of the New Haven Chamber of Commerce, in favor of a treaty of reciprocity with Canada and Newfoundland—to the Committee on Ways and Means.

Also, resolutions of the New Haven Chamber of Commerce, in support of House bill No. 8066, relating to appropriations to aid in the holding of a national exposition of American products and manufactures in Philadelphia—to the Committee on Interstate and Foreign Commerce.

By Mr. SHAFROTH: Petition of the West Side Woman's Christian Temperance Union, of Denver, Colo., favoring the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. SHERMAN: Petitions of Department Grand Army of the Republic, State of Minnesota; St. Paul (Minn.) Chamber of Commerce; Division 177, Order of Railway Conductors, Alliance, Ohio; M. R. Walters and 9 others, Veechdale, Ky.; A. S. Morton, M. D., and 29 others, Fishville, Ky.; James L. Dysart and 23 others, Marion, N. C.; E. C. Monteith and 31 others, Bushnell, N. C.; James M. Winston and 14 others, Millport, Ala.; C. C. Duson and 39 others, Crowley, La.; C. J. Thompson and 39 others, Opelousas, La.; E. Lamb and 159 others, Gretna, La.; W. C. Black and 237 others, New Orleans, La.; Fred Park, jr., and 9 others, Mossycreek, Tenn.; W. H. Kenner and 38 others, Huntington, Ind.; J. R. Acuff and 29 others, Trenton, Ga.; Judge O. F. Littlefield and 11 others, Jesup, Ga.; R. O. Medlock and 2 others, Norcross, Ga.; M. M. Fadeley and 12 others, Ashburn, Va.; E. B. Gew and 2 others, Bealton, Va.; F. C. Monfort and 56 others, Cincinnati, Ohio, favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petition of W. H. Kenner and 40 other citizens of Huntington, Ind., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Resolutions of the Minnesota Historical Society, in favor of Government ownership of Fort Ticonderoga—to the Committee on Military Affairs.

By Mr. TAWNEY: Petitions of H. H. Hastings and other citizens of Owatonna; L. E. Stanley and others, of Leroy, and citizens of Waseca, Minn., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Minneapolis and St. Paul Fire Department Relief associations, in opposition to Senate bill No. 2736, to establish a Government insurance department—to the Committee on Interstate and Foreign Commerce.

By Mr. VANDIVER: Petitions of the Women's Missionary Society of Senath, Mo., in favor of bills to raise the age of protection for girls, to forbid the interstate transmission of lottery messages by telegraph, to protect State anti-cigarette laws, and for the protection of the first day of the week in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Women's Missionary Society of Senath Mo., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Women's Missionary Society of Senath, Mo., praying for the enactment of legislation prohibiting the interstate transmission of newspaper descriptions of prize fights, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Women's Missionary Society of Senath, Mo., praying for the enactment of legislation substituting voluntary arbitration for railway strikes—to the Committee on Labor.

SENATE.

TUESDAY, *April 19, 1898.*

Prayer by Rev. FRANK M. BRISTOL, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. PETTIGREW, and by unanimous consent, the further reading was dispensed with.

USELESS PAPERS IN TREASURY DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in conformity with the provisions of the act of Congress approved February 16, 1889, a schedule of papers, documents, etc., on the files of that Department which are not needed in the transaction of the public business and have no permanent value or historical interest; which was referred to the Committee on Finance, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the amendments of the Senate to the joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 80) providing procedure in certain pension cases;

A bill (H. R. 72) to provide for the registration of trade-marks on bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, and other receptacles and vessels used in commerce with foreign nations, or among the several States, or with Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, and to prevent the fraudulent use of the same in such commerce;

A bill (H. R. 1055) to amend section 4766 of the Revised Statutes of the United States;

A bill (H. R. 7442) to amend section 2323 of the Revised Statutes of the United States relating to tunnel rights;

A bill (H. R. 8349) granting additional powers to railroad companies created by laws of the United States and operating lines in the Indian Territory;

A bill (H. R. 9477) to amend section 8 of the act of Congress approved March 2, 1896, granting a right of way to the Fort Smith and Western Coal Railroad Company through the Indian Territory, and for other purposes; and

A bill (H. R. 9598) to encourage enlistments by veterans of the late war during the anticipated war with Spain.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President.

A bill (S. 310) for the relief of Johnson Hays;

A bill (S. 504) granting an increase of pension to Mrs. Christine C. Barnard;

A bill (S. 603) granting pension to Clarissa E. Hobbs;

A bill (S. 1345) granting an increase of pension to Sarah Brumm;

A bill (S. 1466) granting an increase of pension to Ranson S. Angell;

A bill (S. 1467) granting a pension to Adolphine Krez;

A bill (S. 1751) granting an increase of pension to Moses M. Crants;

A bill (S. 3154) to amend an act entitled "An act giving the consent of the United States to the erecting of a bridge across Portage Lake, Houghton County, Mich., between the villages of Houghton and Hancock," approved March 3, 1891;

A bill (S. 3627) to create a board of local inspectors of steam vessels for the customs district of Alaska; and

A joint resolution (H. Res. 233) for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and Government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of District Assembly No. 49, Knights of Labor, of New York City, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented sundry petitions of citizens of New York City, praying for the passage of the so-called anti-scalping ticket bill; which were ordered to lie on the table.

He also presented petitions of Freedom Plains Lodge, No. 191, Independent Order of Good Templars, of Freedom Plains; of the Woman's Christian Temperance Union of Lagrange; of the congregations of the Baptist Church, the Methodist Church, and the Presbyterian Church of Angelica, and of St. Paul's Methodist Episcopal Church, of Athens, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of Freedom Plains Lodge, No. 191, Independent Order of Good Templars, of Freedom Plains; of the congregations of the Reformed Baptist Church and the Lutheran Church, of Athens, and of the Hattie Allen Stoker Union, of Elmira, all in the State of New York, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the congregations of the Methodist Church, the Baptist Church, and the Presbyterian Church, of Angelica; of St Paul's Methodist Episcopal Church, of Athens; of Freedom Plains Lodge, No. 191, Independent Order of Good Templars, of Freedom Plains, and of the Woman's Christian Temperance Union of Lagrange, all in the State of New York, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a memorial of the Woman's Christian Temperance Union of Richmond, Ind., remonstrating against the repeal of the prohibition laws now in force in the Territory of Alaska; which was referred to the Committee on Territories.

He also presented petitions of the Ministerial Association of Greensburg; of the Epworth League of the Centenary Methodist Episcopal Church, of Greensburg; of the Baptist Young People's Union of Richmond; of the Young People's Society of Christian Endeavor of the Presbyterian Church of Greensburg, and of the Young People's Society of Christian Endeavor of the First Methodist Episcopal Church of Greensburg, all in the State of Indiana, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. MITCHELL presented a petition of E. B. Wolcott Post, Grand Army of the Republic, Department of Wisconsin, of Milwaukee, Wis., praying for the enactment of legislation to prevent the desecration of the national flag; which was referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Pilgrim Congregational Church, of Milwaukee, Wis., and a petition of the congregation of the Oakland Avenue Methodist Episcopal Church, of Milwaukee, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the Pilgrim Congregational Church, of Milwaukee, Wis., and a petition of the congregation of the Oakland Avenue Methodist Episcopal Church, of Milwaukee, Wis., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of the Pilgrim Congregational Church, of Milwaukee, Wis., and a petition of the congregation of the Oakland Avenue Methodist Episcopal Church, of Milwaukee, Wis., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Federated Trades Council of Milwaukee; of Cigar Makers' Union No. 182, of Madison; of Union No. 160, Brotherhood of Painters and Decorators, of Milwaukee; of Local Branch No. 18, National Association of Steam Fitters and Steam Fitters' Helpers, of Milwaukee, and of Council of Milwaukee, Brotherhood of Carpenters and Joiners, of Milwaukee, all in the State of Wisconsin, praying for the passage of the so-called eight-hour bill, the prison-labor bill, the anti-injunction bill, and the bill for the relief of American seamen; which were referred to the Committee on Education and Labor.

Mr. TURLEY presented the petitions of R. E. Price and 24 other citizens, of A. V. Warr and 10 other citizens, and of J. H. Roberts and 37 other citizens, all in the State of Tennessee, praying for the passage of the so-called anti-scalping ticket bill; which were ordered to lie on the table.

Mr. BURROWS presented a petition of Central City Lodge, No. 121, Brotherhood of Railroad Trainmen, of Jackson, Mich., praying for the passage of the so-called postal savings bank bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Allen, Mich., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall

become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. WELLINGTON presented petitions of the Men's Guild of the First Congregational Church of Baltimore; of the congregation of the Bennet Memorial Methodist Episcopal Church, of Baltimore; of the Epworth League of Hyattsville, and of the Willing Young Woman's Christian Temperance Union, of Baltimore, all in the State of Maryland, praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented petitions of the Men's Guild of the First Congregational Church of Baltimore; of the congregation of the Bennet Memorial Methodist Episcopal Church, of Baltimore; of the Epworth League of Hyattsville, and of the Willing Young Woman's Christian Temperance Union, of Baltimore, all in the State of Maryland, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Men's Guild of the First Congregational Church of Baltimore; of the congregation of the Bennet Memorial Methodist Episcopal Church, of Baltimore, and of the Willing Young Woman's Christian Temperance Union, of Baltimore, all in the State of Maryland, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of Epworth League, Chapter No. 212, of the East Baltimore Station Methodist Episcopal Church; of the congregations of the East Baltimore Station Methodist Episcopal Church, the Broadway Methodist Episcopal Church, and the Bennet Memorial Methodist Episcopal Church, of the Men's Guild of the First Congregational Church, and the Willing Young Woman's Christian Temperance Union, all of Baltimore, and of the Epworth League of Hyattsville, all in the State of Maryland, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. DAVIS presented a petition of Arbitration Lodge, No. 320, of St Paul, Minn., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a memorial of 12 citizens of North St. Paul, Minn., remonstrating against the enactment of legislation to establish in the Treasury Department a division to regulate insurance companies; which was referred to the Committee on Interstate Commerce.

He also presented the memorial of J. P. Furber and 19 other citizens of Minnesota, and the memorial of A. L. May and 18 other citizens of Minnesota, remonstrating against the passage of the so-called anti-scalping ticket bill, or any similar measure; which were ordered to lie on the table.

He also presented a petition of 25 citizens of Oxford, Minn., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Custom Tailors' Benevolent Union, No. 89, of Minneapolis, Minn., praying for the passage of the so-called eight-hour bill, the prison-labor bill, the anti-injunction bill, and the bill for the relief of American seamen; which was referred to the Committee on Education and Labor.

He also presented a petition of the Republican League of St. Louis County, Minn., praying for the adoption of a postal savings system and approving the course of the Administration with reference to Cuban affairs; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented a petition of the Baptist Ministers' Conference of St. Louis, Mo., praying for the settlement of the Cuban question so as to secure to every inhabitant of that island full liberty of conscience; which was ordered to lie on the table.

Mr. COCKRELL. I present a memorial addressed to the President and the Congress of the United States from the committee for the Baptist Ministers' Conference of St. Louis and vicinity, praying that in the settlement of the Cuban question the offices of the Government be used to the utmost to secure to every inhabitant of the Island of Cuba full liberty of conscience. I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. COCKRELL presented a petition of the Woman's Missionary Society of the Baptist Church of Sumach, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Missionary Society of the Baptist Church of Sumach, Mo., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Missionary Society of the Baptist Church of Sumach, Mo., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Lyon Grange, No. 1343, Patrons of Husbandry, of Lewis County, Mo., praying for the enactment of legislation to secure to the people of the rural sections of the country free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Missionary Society of the Baptist Church of Sumach, Mo., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Missionary Society of the Baptist Church of Sumach, Mo., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Woman's Missionary Society of the Baptist Church of Sumach, Mo., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Missionary Society of the Baptist Church of Sumach, Mo., praying for the enactment of legislation to prohibit, so far as the power of Congress extends, the reproduction of prize fights by the kinetoscope or other kindred devices; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Missionary Society of the Baptist Church of Sumach, Mo., praying for the enactment of legislation to prohibit the interstate and mail circulation of newspaper descriptions of prize fights; which was referred to the Committee on the Judiciary.

Mr. MILLS presented a petition of sundry citizens of Schulenburg, Tex., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. PRITCHARD presented a petition of the State meeting of the North Carolina Yearly Meeting of Friends, praying that all honorable means be used to prevent war and that the efforts of our people be directed to relieve the present suffering in Cuba and toward the adjustment of all claims in accordance with the principle of sound reason and gospel love; which was ordered to lie on the table.

Mr. LINDSAY presented a petition of sundry citizens of Springfield, Ky., praying for the enactment of legislation to secure protection against the adulteration of pure wheat flour; which was referred to the Committee on Manufactures.

He also presented a petition of the Woman's Christian Temperance Union of Elk Falls, Kans., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Baptist Church of Tompkinsville, Ky., and a petition of the Woman's Christian Temperance Union of Elk Falls, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the Baptist Church of Tompkinsville, Ky., and a petition of the Woman's Christian Temperance Union of Elk Falls, Kans., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. PLATT of Connecticut presented a petition of the Woman's Christian Temperance Union of East Haven, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of East Haven, Conn., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of East Haven, Conn., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

Mr. McBRIDE presented sundry petitions of Woman's Christian Temperance Union of Oregon, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. NELSON presented a petition of the Minnesota Historical Society, praying for the purchase and preservation by the Government of Fort Ticonderoga, N. Y.; which was referred to the Committee on Military Affairs.

He also presented a memorial of members of the fire department of New Ulm, Minn., remonstrating against the enactment of legislation to establish in the Treasury Department a division to regulate insurance companies; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Goodhue, Minn., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4416) granting a pension to May F. Hilliard;

A bill (H. R. 1547) granting a pension to Sarah E. Daub;

A bill (H. R. 4435) to pension Gratia H. Martin; and

A bill (H. R. 7355) granting an increase of pension to Elizabeth Connelly.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with amendments, and submitted reports thereon:

A bill (S. 2919) granting a pension to Olivia Worden, widow of the late John L. Worden, United States Navy;

A bill (H. R. 5775) granting a pension to Lewis K. Whitmore, a locomotive engineer in the military service and employ of the United States during the late civil war; and

A bill (H. R. 3889) granting an increase of pension to Mrs. Calista Hadley.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1039) to grant a pension to Samuel L. Busick; and

A bill (H. R. 2078) to pension Laura E. Davenport.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1482) granting a pension to John Stanage; and

A bill (H. R. 2850) granting a pension to Sarah Spangler.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (H. R. 6515) granting a pension to Grace Gudgell, reported it with amendments, and submitted a report thereon.

Mr. KYLE. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1683) granting a pension to Frederick Andros, to submit an adverse report thereon, and to recommend its indefinite postponement.

Mr. ALLEN. By whom was the bill introduced?

The VICE-PRESIDENT. The bill was introduced by the Senator from South Dakota [Mr. PETTIGREW].

Mr. KYLE. The claimant formerly resided in my own State. He has been dead for two or three years.

The VICE-PRESIDENT. The bill will be indefinitely postponed, in the absence of objection.

Mr. SHOUP, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7482) granting a pension to Eliza B. Lowry; and

A bill (H. R. 137) for the relief of Annie Saffell.

Mr. SHOUP, from the Committee on Indian Affairs, to whom was referred the bill (S. 4073) to ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect, reported it with amendments, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9204) to regulate the construction of barbed-wire fences in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (H. R. 2119) to grant a pension to Miss Sallie Work, reported it with amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 8819) granting a pension to Gemima Millsap; and

A bill (S. 2757) granting an increase of pension to Robert C. Rogers.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 9205) to authorize the extension eastwardly of the Columbia Railway, to report it without amendment.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. McMILLAN. I move that the bill (S. 3446) to authorize the extension eastwardly of the Columbia Railway, being Order of Business 570 on the Calendar, be postponed indefinitely, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

BILLS INDEFINITELY POSTPONED.

Mr. McMILLAN. I move that the bill (S. 3535) authorizing the Baltimore and Potomac Railroad Company to establish a cab service, and for other purposes, being Order of Business No. 621, be indefinitely postponed.

The motion was agreed to.

Mr. FAULKNER. I move that the bill (S. 3365) relating to the Eckington and Soldiers' Home Railway Company, being Order of Business No. 531, be indefinitely postponed, the committee having already reported a House bill on the same subject.

The motion was agreed to.

PARLIAMENTARY PRECEDENTS OF THE HOUSE OF REPRESENTATIVES.

Mr. LODGE. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 227) providing for the compilation and printing of parliamentary precedents of the House of Representatives, to report it favorably without amendment, and I ask for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. COCKRELL. I should like to make an inquiry. If this is of any value, why should we not have some copies of it?

Mr. LODGE. We have those under the provision for the usual number. Then there is a provision for the House members to have a certain number of bound copies for themselves. As it is peculiarly a House matter I did not, of course, desire to interfere with it. The usual number covers our share.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

Mr. ALLEN. Would it not be well in the same connection to have a compilation of the Senate precedents also?

Mr. LODGE. The joint resolution provides for the usual number, which gives us our share of the compilation. It also provides for 500 extra copies for the use of the House. As it is simply a compilation of House decisions and House matters, I did not feel that it was necessary for us to interfere with the desires of the House in that respect, as it is peculiarly a House document.

Mr. ALLEN. I did not know but that we might have printed as a part of the same volume the Senate precedents.

Mr. LODGE. I beg pardon. I did not understand the Senator's question. He suggests that we should add our volume of precedents to it?

Mr. ALLEN. Yes, sir; and have all in one volume.

Mr. LODGE. We have provided for that in a separate volume, as the Senator knows, which the Senator from Missouri [Mr. COCKRELL] discussed here the other morning. I think we passed it then.

Mr. STEWART. I am glad the Senator from Nebraska does not urge his objection against printing this document. I think the members of the House ought to have all the copies of their own precedents that they want; they work so smoothly.

The joint resolution was passed.

DESTRUCTION OF THE BATTLE SHIP MAINE.

Mr. LODGE, from the Committee on Printing, to whom was referred the concurrent resolution submitted yesterday by Mr. QUAY, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 copies of the message of the President of the United States, dated March 28, 1898, together with the report of the naval court of inquiry upon the destruction of the United States battle ship *Maine* in Havana Harbor, February 15, 1898, and the testimony taken before the court, 6,500 copies for the use of the Senate and 13,500 for the use of the House of Representatives.

REPORT ON CUBAN AFFAIRS.

Mr. LODGE. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted yesterday by the Senator from South Dakota [Mr. PETTIGREW], to report it with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendments of the committee were, in line 2, to strike out "100,000" and in lieu thereof to insert "20,000;" in line 7 to strike out "40,000" and insert "7,500;" and in the same line to strike out "60,000" and insert "12,500;" so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there

be printed 20,000 copies of the report of the Committee on Foreign Relations of the United States Senate relative to affairs in Cuba, including the message of the President of the United States, the correspondence and the testimony and reports of consuls, 7,500 for the use of the Senate and 12,500 for the use of the House of Representatives.

The amendments were agreed to.

Mr. SPOONER. I will inquire of the Senator from Massachusetts if this covers the testimony taken before the Spanish court of inquiry and the report? It is my impression that it does.

Mr. LODGE. I understand that that is embodied in the report of the Senate Committee on Foreign Relations, of which the 20,000 copies are authorized to be printed.

Mr. DAVIS. The report and proceedings of the Spanish court of inquiry are in that report.

Mr. SPOONER. So that will be covered.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution as amended.

The concurrent resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 4432) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CANNON introduced a bill (S. 4433) to provide for the purchase of a site and for the erection of a public building thereon at Ogden, in the State of Utah; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McMILLAN introduced a bill (S. 4434) authorizing the attorney for the District of Columbia and his assistants to administer oaths and affirmations; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4435) granting a pension to Charles Farmer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4436) for the holding of terms of United States courts for eastern district of Michigan at Port Huron; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. DAVIS introduced a bill (S. 4437) granting a pension to B. H. Randall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

INDEPENDENCE OF CUBA.

Mr. ALLEN. I introduce a joint resolution which I ask be read at length and referred to the Committee on Foreign Relations.

The joint resolution (S. R. 154) recognizing the political independence of the Republic of Cuba, and for other purposes, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the political independence of the Republic of Cuba, the capital of which is located at Cubitas, is hereby recognized by the United States of America as the lawful government of the Island of Cuba, and that the United States hereby pledges to said Republic its friendly offices in the adjustment of its financial affairs with the Kingdom of Spain, or the holders of Spanish bonds or indebtedness, issued against or made chargeable to Cuba, that so far as the influence of the United States may properly be exercised, it will insist that said republic shall not be charged with the bonded, or other indebtedness of Spain, contracted during or prior to hostilities between the respective governments of Cuba and Spain.

Mr. BUTLER. The Senator from Nebraska this morning offers a joint resolution to recognize the independence of the Cuban Republic, the purpose of which is not only to guarantee freedom to the people of the island, but to prevent them from being mortgaged to the Spanish bondholders. The purpose of the resolution is admirable and all patriots favor it. But it is clear from the vote last night that this resolution can not pass Congress. The majority of the House and the Senate on last night voted to strike that identical provision from the resolutions passed. So the majority of Congress is against the independence of the Cuban Republic.

But in order that the resolution just offered by the Senator from Nebraska may cover the whole question, I suggest that it might be well to amend the joint resolution or extend it so as to protect the people of Cuba from the franchise grabbers of the United States as well as the holders of Spanish bonds. The lobbies that we have surrendered to were composed of more than Spanish bondholders.

It is well known that the action of Congress last night in refusing to recognize the independence of the Cuban Republic means that if Gomez and his patriots do not surrender to the franchise grabbers as well as the bondholders the scheme is to set him aside and set up a government that will do the bidding of the common financial and monopoly syndicate of looters and pillagers of that fair island. The great Republic of the United States has turned its back on the brave band of patriots in Cuba under the lead of the gallant Gomez who have already won their liberty. Our Army and Navy is to be used to force them to surrender to a gold and monopoly syndicate and mortgage the island and its future generations. We are to force them to submit to an industrial slavery worse than Spanish rule under autonomy. Our action is indefensible; it is cruel; it is humiliating; it is worse.

Mr. President, it is useless to offer a supplementary measure to protect the Cubans from such injustice, oppression, and robbery, for it will never pass.

Mr. STEWART. I hope the joint resolution will be referred and seriously considered by the committee. It is very pleasing. It is much like the precautions which we all admire so much of locking the barn door after the horse is stolen.

Mr. ALLEN. I drew the joint resolution with some care. I think it embraces substantially all that could be set forth in a resolution of this character, or having the purpose this one has. I have myself not the slightest doubt that the Island of Cuba is to pass into the hands of a syndicate of financial cormorants, financial buzzards, financial vultures, unless the United States takes prompt steps to check that conspiracy. I am not at liberty, of course, to anticipate what action will be taken on the resolution by the Committee on Foreign Relations. I am bound to presume in this, as in all other cases, that it will act with the degree of promptness which the gravity of the situation requires. If it does not, my remedy will be open to me in the future.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Foreign Relations.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. McMILLAN submitted an amendment relative to the payment of awards for land taken under condemnation proceedings for the extension of Connecticut avenue, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment relative to the payment of balance of salary to John E. Foley, late office deputy, and others, in the office of the United States marshal for the district of Indiana, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. LODGE. I offer an amendment, which I intend to move at the proper time to the naval appropriation bill, which I ask to have printed and referred to the Committee on Naval Affairs.

Mr. CHANDLER. I ask that the proposed amendment may be read.

The VICE-PRESIDENT. If there be no objection, the amendment intended to be proposed by the Senator from Massachusetts will be read.

The SECRETARY. It is proposed to insert at the proper place in the naval appropriation bill the following:

The Secretary of the Navy is hereby authorized to grant a revocable license to the Fitchburg Railroad Company to excavate and construct, without expense to the United States, and to use, subject to the prior right of use of the United States, a dock not less than 570 feet in length and not less than 160 feet in width, on the north side of Hoosac Pier No. 7, at the navy-yard at Boston, the land to be taken equally from the land of the United States and from land of the Fitchburg Railroad Company, in the State of Massachusetts, according to plans on file at the Navy Department, and subject to the control and approval of the Secretary of the Navy.

The VICE-PRESIDENT. The proposed amendment will be ordered to be printed and referred to the Committee on Naval Affairs, in the absence of objection.

EDGAR S. ECKLES.

Mr. DAVIS. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Senate be authorized and directed to pay, out of the contingent fund of the Senate, to Edgar S. Eckles the sum of $15 for reporting and transcribing the statement of C. F. Koop, made before the Committee on Foreign Relations of the Senate on the 21st day of February, 1898, in relation to the condition of affairs in the Island of Cuba.

Mr. HOAR. I suppose there can be no possible objection to the resolution, but the statute requires that all such matters shall go to the Committee on Contingent Expenses. Otherwise, the account will not be allowed at the Treasury Department.

Mr. GALLINGER. Let the resolution be again read.

The VICE-PRESIDENT. Under the rule, the Chair understands that it must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. DAVIS. Let it go to the committee.

The VICE-PRESIDENT. The resolution will be so referred.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 80) providing procedure in certain pension cases;

A bill (H. R. 1055) to amend section 4766 of the Revised Statutes of the United States; and

A bill (H. R. 9598) to encourage enlistments by veterans of the late war during the anticipated war with Spain.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 8349) granting additional powers to railroad companies created by laws of the United States and operating lines in the Indian Territory; and

A bill (H. R. 9477) to amend section 8 of the act of Congress approved March 2, 1896, granting a right of way to the Fort Smith and Western Coal Railroad Company through the Indian Territory, and for other purposes.

The bill (H. R. 72) to provide for the registration of trade-marks on bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, and other receptacles and vessels used in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, and to prevent the fraudulent use of the same in such commerce, was read twice by its title, and referred to the Committee on Patents.

The bill (H. R. 7442) to amend section 2323 of the Revised Statutes, relating to tunnel rights, was read twice by its title, and referred to the Committee on Mines and Mining.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask the Senate to proceed to the consideration of the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes.

Mr. PETTUS. I propose an amendment to the bill, which I send to the desk.

The SECRETARY. It is proposed to insert:

To provide for the coaling of ships of war and their tenders, barges, and other vessels at the wharves and elevators at the city of Mobile, and for victualing and watering of ships of war at said wharves, $200,000, or so much thereof as may be necessary, to be expended, under the direction of the Secretary of War, in deepening and widening of the channel leading into Mobile Bay from the Gulf of Mexico and up to the wharves at Mobile, Ala.; and the Secretary of War shall decide and direct on what particular part of said channel such money shall be expended for the purposes aforesaid, to be immediately available.

Mr. PETTUS. Mr. President, I ask the Senator in charge of the bill to consent to this amendment. It is an appropriation which is strictly to be used by the Secretary of War for war purposes, and is to be expended by him for those purposes alone. I ask the Senator from Iowa to allow the amendment to be made.

Mr. ALLISON. When this matter was under consideration some days ago, by direction of the Committee on Appropriations I was instructed unanimously by that committee to make the point of order upon the amendment as being without authority of law and without recommendation from any Department of the Government and without having an estimate. The Senator from Alabama offered his amendment and had it referred to the Committee on Commerce. That committee reported it back and asked its reference to the Committee on Military Affairs. I understand that the Committee on Military Affairs has reported adversely, or, at least, if it has not already reported adversely, it has recommended such a report.

Whilst I sympathize with the Senators from Alabama in their desire to secure this appropriation, I repeat what I said some days ago, that it stands upon all fours with a large number of similar appropriations, except that others have had an estimate from the Department and this amendment is without an estimate from the Department. So I am constrained to make the point of order upon the amendment.

Mr. SPOONER. I should like to inquire of the Senator from Iowa if this appropriation is, as I infer was intimated by his remark, purely an appropriation for commercial purposes or whether there is in it an element of protection to Mobile Harbor in the hostilities to which we are about to proceed. I have asked for an exigency appropriation at Ashland, Wis., but it was only to protect property. Of course it is remote from the seacoast and there entered into it no element of protection to life in the event of hostilities.

I understood the other day when this proposition was made that it was essentially to protect Mobile Harbor. I myself think that from all I have been able to ascertain that the Southern harbors are less protected than almost any of the harbors upon our coast.

The rule, of course, to which the Senator from Iowa refers, is a rule which is often invoked, and it is a wise rule; but if there is in this appropriation an element of self-defense, having reference to the possibility, or I might say the fact of war, ought it to be excluded by a point of order which under ordinary circumstances would be perfectly right? I myself think that the amendment ought to be so drawn that the Secretary of War may make this expenditure if in his judgment the safety of Mobile Harbor requires it. I am perfectly willing, so far as I am concerned, to have the line observed between a mere appropriation for commercial purposes and one for defensive purposes; and I am not willing to vote to exclude any appropriation here for the protection of any Southern harbor or Northern harbor either if there is reasonable ground to believe it is necessary, simply because the Committee on Commerce, which is not charged with the substantive matter of defense, does not see its way clear to report it.

If the Senator from Iowa believes this sum of money may be necessary to protect the people of Mobile against attack from a foreign force, I hope he will feel at liberty to withdraw his point of order, provided the amendment is so drawn as to limit the power of expenditure to a defensive rather than to a commercial purpose.

I feel about it just as the Senators from Alabama in that regard. If they have an exposed port there on the Gulf, which is so situated as to invite hostile operations, that fact should be taken into account in considering whether the point of order should be made, and in considering by the Senate whether the point should be sustained by the Senate if made.

Mr. PETTUS. I again call the attention of the Senator from Iowa in charge of the bill to the fact that this is not an appropriation for any other purpose than to authorize the Secretary of War to expend a certain sum of money, or so much thereof as may be necessary, on the channel in Mobile Harbor for the purpose of enabling the necessary supplies for the Army to be carried through that harbor. The Secretary of War is to direct what part of the work shall be done with the money, at what particular place the work shall be done for the purposes stated in the amendment. That gives the whole subject into the hands of the Secretary of War. He is confined by the very terms of the amendment to the purposes stated, and those are simply war purposes.

I hope the Senator, considering it in that light, which was not the case with the former amendment I proposed, will not interpose an objection to this amendment. I do not think the Senator in charge of this bill has considered it in that light.

Mr. HAWLEY. I desire to ask the Senator from Alabama whether the pending amendment is precisely the proposition which he submitted a few days ago or not?

Mr. PETTUS. It is not.

Mr. ALLISON. In substance it is the same.

Mr. PETTUS. It has the same amount appropriated, to be used on the same channel; but in this amendment it is provided that the money shall be used under the direction of the Secretary of War and for the purposes stated in the amendment.

Mr. HAWLEY. I ask that the amendment may be again read.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The Secretary again read the amendment.

Mr. HAWLEY. A similar measure was before the Committee on Military Affairs. It has been changed and improved somewhat, I think. It now gives absolute discretion to the Secretary of War to so regulate the deepening and widening of the channel as to afford the commercial advantages sought for, and I suppose at the same time does not make a fine opening for an enemy. One of the officers of the Department—I forget whether it was the Secretary of War or the Chief of Engineers—did not like to clean out a fine, new harbor which we might not be able to thoroughly defend, or for which we had not the guns and other provisions. That officer made a military objection to the proposition, and the Senator wisely seeks to obviate that by leaving all that question to the discretion of the Secretary of War.

While the committee disapproved of the proposition as it stood then, and I suppose I was authorized or directed to report it adversely, I let it drop, thinking that it would be the kindlier way of disposing of it. That is my connection with the matter. It is a very ungracious thing to oppose two Senators who are anxious to introduce a valuable improvement in commerce, and yet there are some other considerations.

Mr. PETTUS. Mr. President, I desire to state again in substance that there is not one dollar of this money which can be expended under the amendment by the Secretary of War unless he thinks it necessary for the purpose stated in the amendment, but the whole matter is in his charge. He can spend so much as and no more than he thinks is necessary for that purpose.

Mr. GORMAN. Mr. President, I trust the Senator from Alabama will withdraw the amendment. There has been a desire on the part of everybody in the Senate, and I am sure it has been shown by our votes heretofore, to gratify the Senator from Alabama in all these improvements; but the conditions are such that if this bill shall be loaded down with amendments of this sort, making new appropriations for river and harbor work, we shall be overwhelmed.

I say to the Senator that we have in all the States having great ports along the Atlantic coast a pressure for increased appropriations at this session such as I have never known; but, like the case the Senator presents, after all, when it is boiled down, it is simply a matter of an appropriation for increased commercial facilities. There is not one of these ports which barges can not now enter. It is only a question of deepening the channel. Take Baltimore or New York, where the commerce is great and where the pressure is equally as great as it is at Mobile. I have been compelled to decline in committee, as I shall be in the Senate on this

bill, to advocate increased appropriations; and yet such appropriations might be urged precisely with the same force for war purposes as the one which the Senator proposes.

There is another thing which I wish to say to our friends on this side of the Chamber. We are making immense appropriations in this bill, and shall be obliged to do so in the bills which are to follow. In those bills we shall make large appropriations to meet the actual necessities for the preparation for hostilities. We can not, therefore, be too careful, Mr. President, in my judgment, in eliminating from the bill every item on that account except those which are recommended by the Department and are absolutely necessary to conduct the war.

The Secretary of War in this case has said frankly that this appropriation is not necessary for his purposes at present, as I understood.

Mr. PETTUS. The Senator is mistaken.

Mr. GORMAN. I understood the Secretary's indorsement to say that he did not recommend at this moment the appropriation for deepening Mobile Harbor. Of course, I stand corrected if the Senator says I am wrong.

Mr. PETTUS. The Secretary of War expressly recommended the passage of this particular appropriation. I know there were two dispatches from him. He indorsed on the back of the amendment itself—not this amendment, but upon another amendment of a similar character—a recommendation that that particular amendment should be adopted.

Mr. GORMAN. Beyond that, Mr. President, we have been compelled—and I think properly it ought to be the rule always in the consideration of the sundry civil appropriation bill—not to make an appropriation on account of any one of these improvements unless heretofore authorized by law. Otherwise we shall make a river and harbor bill of the sundry civil appropriation bill. I therefore trust the Senator from Alabama will not embarrass or put into an awkward position those of us who are in sympathy with him and who would be glad, as an individual proposition, to support on a regular river and harbor bill the appropriation for which he asks.

Mr. PETTUS. Mr. President, I am inclined to think myself that I have no right to force a vote on this amendment at this time, because this bill, as I understand it, is now in Committee of the Whole, and the Senate has once voted upon the question; but I give notice now that when the bill gets into the Senate I shall insist on having a vote on the amendment.

Senators, when this Senate desires to pass a law which is just and right it ought to be done. I say most emphatically that if this amendment is not allowed, every other appropriation which this bill carries of millions of money in reference to appropriations for rivers and harbors ought to be wiped out of the bill as with a sponge.

I withdraw the amendment for the present.

The VICE-PRESIDENT. The amendment is withdrawn. The bill is open to amendment.

Mr. ALLISON. I ask that the bill may be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. The bill is in the Senate and open to further amendment, but the first question will be on concurring in the amendments made as in Committee of the Whole.

Mr. WILSON. I believe I had a motion pending to disagree to a committee amendment on page 67, lines 21 and 22.

Mr. GORMAN. I hope the Senator from Washington will postpone his motion for a moment until the Senator from Missouri [Mr. COCKRELL], who desires to be present when it is acted upon, comes into the Chamber.

Mr. COCKRELL entered the Chamber.

Mr. GORMAN. I see the Senator from Missouri has come in.

Mr. ALLISON. On page 67 there are two contested amendments to be disposed of in the Senate. I ask that all the amendments not reserved may be concurred in in bulk, and I ask that the amendment suggested by the Senator from Washington [Mr. WILSON] may be reserved, so that it will not be concurred in now.

The VICE-PRESIDENT. Will the Senate concur in the amendments made in Committee of the Whole, reserving the amendments named by the Senator from Washington?

Mr. ALLISON. There are a series of those amendments, three or four of them.

The VICE-PRESIDENT. Offered by the Senator from Washington?

Mr. ALLISON. Not offered by the Senator from Washington. They are other amendments which were agreed to in Committee of the Whole, which are now reserved for a separate vote in the Senate.

The VICE-PRESIDENT. The Chair understands. Is there objection to concurring in the amendments not reserved?

Mr. MORGAN. I desire to make a reservation.

Mr. TELLER. I desire to offer an amendment to one of the amendments made by the Senate as in Committee of the Whole.

Mr. ALLISON. That will be in order.

Mr. TELLER. Then I make no objection to the suggestion of the Senator from Iowa.

Mr. MORGAN. I desire to make a reservation in the Senate of an amendment which I offered, and which was ruled out of order as in Committee of the Whole.

Mr. ALLISON. The Senator can offer his amendment in the Senate. That does not affect this question.

The VICE-PRESIDENT. Will the Senate concur in all the amendments except those which have been specially reserved?

The amendments made as in Committee of the Whole which were not reserved were concurred in.

Mr. TELLER. I desire to offer an amendment to the amendment to the bill as originally printed on page 74, the amendment with reference to the lands granted to the Northern Pacific Railroad Company. I find in the RECORD of April 5 that there was some considerable change in the text of the amendment ordered to be printed so that we might have the amendment before us as it was proposed to be amended. It is a considerable change from the language originally reported by the committee. In order that the Secretary may be able to find the proper place in the bill, I think I may as well read the text as it appears in the RECORD just before the proviso beginning—

Provided, however, That the Secretary of the Interior shall ascertain, etc.

The VICE-PRESIDENT. That is on line 8, page 74, of the printed bill.

Mr. TELLER. Just preceding that proviso the amendment now reads:

But all selections of unsurveyed lands shall be of odd-numbered sections to be identified by the survey when made, and patent therefor shall not issue until after the survey.

After the word "therefor" I move to insert "shall issue to and in the name of the corporation surrendering the lands before mentioned, and such patents."

The VICE-PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to amend the amendment, on page 74, line 7, after the word "therefor," by inserting:

Shall issue to and in the name of the corporation surrendering the lands before mentioned, and such patents.

Mr. TELLER. That is agreed to, I suppose.

The VICE-PRESIDENT. Without objection, the amendment to the amendment will be agreed to. The question is on the adoption of the amendment as amended.

The amendment as amended was agreed to.

Mr. ALLISON. Now I ask to return to page 67. If I understand it, there are two amendments reserved, the amendment in line 7, striking out certain words, and the amendment striking out certain words in lines 21 and 22. I think those are the only two amendments on that page.

The VICE-PRESIDENT. The amendments referred to will be stated.

The SECRETARY. The Senate, as in Committee of the Whole, adopted an amendment, on page 67, line 7, after the words "shall be," to strike out "selected by the Secretary of the Interior, and;" so as to read:

Provided, That agents and others employed under this appropriation shall be allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation.

The Senate, as in Committee of the Whole, also adopted the amendment on page 27, line 21, after the word "persons," to strike out "to be designated by the Secretary of the Interior for duty;" so as to read:

Provided, That forestry agents and supervisors, and other persons under this appropriation, shall be allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each, and actual necessary expenses for transportation, etc.

The VICE-PRESIDENT. What is the motion of the Senator from Iowa?

Mr. ALLISON. I make no motion. The Senator from Washington desires to reserve those amendments.

Mr. COCKRELL. Those are committee amendments. The committee recommend that they be stricken out.

Mr. ALLISON. The Senator from Washington desires a separate vote on the amendments. I do not see him in his seat at this moment.

Mr. WILSON entered the Chamber.

Mr. CARTER. The Senator from Washington is now present.

Mr. WILSON. I gave notice that I should enter a motion that the Senate disagree to the amendment of the committee on page 67, line 21 and part of line 22, striking out the words "be designated by the Secretary of the Interior for duty." My desire is to ascertain, if possible, the object the committee had in striking out those words.

It seems to me, Mr. President, that we are making an appropriation here for the purpose of protecting certain forest reservations from fire and to ascertain and advertise certain dead trees. That may be so. You placed the responsibility of the administration of the act of June 4, 1897, on the Secretary of the Interior, and here

you are taking it away from him and giving it to somebody who, every time a fire is to be put out or a tree is to be felled or a dead tree which has fallen is to be sold, is to have the power of designating the man who will carry the law into effect. I should like to have some explanation of that.

It seems to me that we are going a good way. These reservations are far remote. If we need a man to patrol them, or if we need a man to put out fires or to prevent fires from taking place there, or to have a force looking after the dead timber, I should like to know who is going to designate the man? This is an ordinary character of labor.

Mr. ALLISON. I will briefly respond to the Senator from Washington as to the purpose of striking out the words recommended to be stricken out by the committee. As the text appeared when the bill came to the Senate, the agents and others to be employed in connection with the preservation of the timber, etc., are provided for in lines 7 and 8, on page 67, and substantially the same words are used respecting the protection of the forest reservations. The Secretary of the Interior could himself select these agents and employees; but now, the words having been stricken out in Committee of the Whole, the civil-service law prevails in the selection of the agents and employees, so that in case the Secretary of the Interior desires to make selections of agents and others, he will draw them from the civil service. That I understand to be the contention respecting these two amendments. This is the only explanation that I can give.

Mr. WILSON. Mr. President, I had presumed that that was what was intended by striking out the words I have mentioned. It seems to me that we have reached the height of absurdity in this business. Every time we want a man to put water on a fire in one of the forest reservations, or every time that we want to select an individual to tell whether a tree is dead or not and have it advertised for sale, or when we want a man to walk around the reservation to see that a conflagration is not taking place, or to count the dead trees, we have got to wait before we can get a bucket of water, I suppose, until we can go to the Civil Service Commission for their authority to designate some one to perform such service.

This class of employment is very ordinary. It must come from the State in which the reservations have been made, and the employment is only for a portion of the year; it can not extend over the entire year; it is only needed during the summer months, and if we have to go through the detail of getting the advice and consent of the Civil Service Commission before we can designate an axman or a forester or an inspector, or a man to count the dead trees, or a man to put out a fire, or a man to keep sheep out of the reservation, it seems to me to have placed the whole business on a very absurd and ridiculous plane.

We only have to make these appointments in the summer time. They are temporary in a large measure, a very ordinary character of employment; and if we are to be delayed and harassed owing to the time to be consumed by those gentlemen, who are so solicitous about preserving the forests, in making the selections, they will all burn up before we can get any designations. I do not believe that there has been any recommendation here from the Department in this matter. The placing of the responsibility upon the Secretary, considering the limited time the men are employed during each year, it seems to me would warrant the Senate in receding from the amendment proposed by the committee.

Mr. CARTER. It is very obvious that the suggestions made by the Senator from Washington are particularly applicable to the matter here under consideration. It is proposed by the amendment of the committee to make the civil-service rules applicable to all persons employed in preventing depredations on the public timber lands, and likewise those persons who may be from time to time employed to assist in extinguishing forest fires. If an adequate fire force is to be constantly employed to prevent the spread of forest fires during the summer and autumn seasons, it would be necessary to employ a very large force in order that it may be an adequate force. I take it the practical way to avoid thus encumbering the pay roll with a continuous force for, say, from four to six months each year would be to place one of these forest reservations under the control of one or two practical men, who would be authorized and empowered, should an emergency arise and a forest fire get under headway and beyond their control, to, for the time being, employ persons in the immediate vicinity to extinguish the fire.

It is a fact so well known as not to require any comment here that the destruction of our forests, particularly in the intermontane country, where their preservation is very desirable, occurs chiefly from fire. Where one foot of timber is cut down and used for commercial purposes ten thousand feet are destroyed within plain view of the people in the fall and summer of each recurring year.

Mr. President, it is utterly impracticable to keep a force constanty employed within the midst of these forests capable of coping with any fire which may at any time break out. In the very nature of things, as a practical proposition, the force ought to be somewhat flexible; and I suggest that there is much strength in the observation of the Senator from Washington that a fire would have run its course before you could apply to the Civil Service Commission and get people to put it out by carrying up the water or by whatsoever means might be employed for its extinguishment. It is practically absurd. I can not conceive that the committee will insist upon an amendment that will lead to such a conclusion.

This is entirely apart from the elementary principle underlying the question of civil service as a method of administering the affairs of the departments of Government. The ordinary clerkship within the Departments probably can be better filled through a system which works, in a measure, automatically and by chance, rather than through the ordinary political selection, which is always accompanied by frequent removals and changes in the force. But when this principle is carried to the extent of being made applicable to the employment of a man to put out forest fires, to carry a bucket of water up the mountain side to extinguish a flame, I submit that it is so utterly absurd as really to jeopardize, if insisted upon, the civil-service scheme as applied properly to the Departments.

The inherent weakness in the contention of the advocates of civil service throughout has been in the fact that they have not at any time shown any wise sense of discrimination in limiting the application of the civil-service scheme. They would have it apply to all things—to the cook at Indian agencies, to the man who works in the blacksmith shop, to the farmer, if you please, and to each and every employee; and the questions which are naturally propounded—unnaturally propounded, I will say—to the blacksmith, or the cook, or the chambermaid lead to the most ridiculous inferences with reference to the character of the civil-service scheme, and it is because of no inherent difficulty with the scheme itself, but the misapplication of it.

Mr. WILSON. Will the Senator from Montana permit an interruption on the line of argument he is now making?

Mr. CARTER. Certainly.

Mr. WILSON. Speaking of the application of the civil service, really in the only appointment made in my State where we should have had as a matter of fact a civil-service examination, to wit, the supervisor of Indian schools, there was no examination, and they pushed an appointee into that place, where we should have had an examination, without any whatever.

Mr. CARTER. I have no doubt some strange things occur.

Mr. WILSON. I have the authority for that fact here.

Mr. COCKRELL. Let us have it read.

Mr. CARTER. They let the superintendent in without examination and examine the cook.

Mr. COCKRELL. I think we ought to have that. If it is true, it is a fearful assault on the President of the United States and the Civil Service Commission, and I am compelled to come to his defense to-day.

Mr. WILSON. This was made before the President of the United States was inaugurated. The present incumbent has nothing to do with it.

Mr. COCKRELL. How is that?

Mr. WILSON. It was made before the present President was inaugurated.

Mr. COCKRELL. That does not make any difference. He is only following the footsteps of his predecessor; it is merely a continuation of the same thing.

Mr. WILSON. There is this difference, that the order had issued and the civil-service order had gone into effect, and Mr. Anderson, the commissioner of the Puyallup commission had gone out of office, as the Senator well knows, by reason of an amendment placed upon the sundry civil act saying the appointment of the Puyallup commission should expire on the 1st day of December. Later, on the 26th day of February, I think, by Mr. Secretary of the Interior Francis, of the Senator's own State, he was appointed a supervisor of Indian schools without any examination whatever, in gross violation of the order that had been issued by the previous President of the United States. If we are going to have examinations, let us have them for the schools and not for men who take a bucket of water and put out a fire.

Mr. COCKRELL. The Senator does not expect me to defend the late President?

Mr. WILSON. If the Senator will not defend his own President, I will say that in many things I have very high admiration for the late President of the United States.

Mr. COCKRELL. I have no doubt about it. A large number of the Republican party have that opinion of him. There is no question about it. There is much greater admiration for him there than in the ranks of the Democratic party.

Mr. WILSON. The Democratic party is a little bit sentimental at all times.

Mr. CARTER. Mr. President, having become somewhat rested up during the interruption, I feel that the matter can be submitted about where it is. I am not opposed to a proper application of the civil-service rules or a proper administration of the civil-service law. I want it distinctly and clearly understood that as

to clerical work not requiring the exercise of administrative discretion I believe the civil-service laws and rules should apply and be properly applied. But it so happens that when a bureau of any sort is created by Congress, as aptly suggested by the Senator from Wisconsin yesterday, it begins to reach out like an octopus. It stretches in all directions to encompass everything within reach.

The civil-service organization, impersonal, intangible, irresponsible, so far as public sentiment is concerned, undertakes to wield the lash over Presidents and Secretaries and Senators and Members of the House so, as a matter of fact, men in fear and trembling rise to tell the plain, unvarnished truth about ordinary matters of administration for fear they will be publicly denominated spoilsmen, if you please. Let it be understood that the true friends of civil-service reform and administration in this country are those who would confine the law and its rules to legitimate and proper limits, and not undertake its extension to such a degree as to make it utterly absurd and ridiculous. That extension is sought by and would be accomplished through the proposed amendment of the committee, and I think the amendment ought to be disagreed to.

Mr. CLARK. Mr. President, one suggestion only in regard to the appropriation and the expense of administering the law as it must be administered if the amendment of the committee is allowed to stand. It must be obvious to every Senator and to the committee itself that these foresters and forestry agents must be selected from the section of country immediately surrounding the reservation. For instance, as to one of the reservations in my own State, I will state that the nearest point to a railroad is some 50 or 60 miles across an almost inaccessible mountain range. The nearest available route to that reservation is at least 100 miles from a railroad. All above it are settlers, within easy calling distance. Those settlers, under the provisions of this measure, would not be competent to be employed as foresters or forestry agents, because they could no more pass the civil-service examination than could I or could the members of the Appropriations Committee of the United States Senate. We all alike would be excluded from the fact that we would be unable to pass the civil-service examination.

The cheapest labor that can be employed is the labor nearest to the scene of action. The law provides that none of these men shall be paid to exceed $3 per diem and expenses of transportation. The expenses of transportation, if these men were employed, would be nothing. On the other hand, let the Senate remember that if they come under the civil-service rules the men must be selected, from whatever part of the United States they may come, who stand highest upon the civil-service list. The consequence may be that the Government, out of the $50,000 appropriation, would have to pay the expense of transportation from New England or Florida or Texas, or the most remote point, wherever might be the places of the residence of the men selected. From a purely economic point of view, I hope the Committee on Appropriations, having in view the welfare of the Treasury of the nation and wanting to conduct these matters not only efficiently, but with economy, will not insist upon the amendment which they have reported to the bill, but will recede.

Mr. COCKRELL. Mr. President, I am delighted to see the distinguished Senator from Maine [Mr. HALE] here. I hope he will use his persuasive and forceful power in bringing the Republicans into line with their President to-day. I should like to see the Republicans, instead of attempting to slap their President in the face, stand loyally by him as they were appealed to do the other day.

Mr. President, here is a deliberate, a premeditated——

Mr. HALE. Mr. President——

The PRESIDING OFFICER (Mr. PASCO in the chair). Does the Senator from Missouri yield to the Senator from Maine?

Mr. COCKRELL. With pleasure.

Mr. SPOONER (to Mr. HALE). I think the advice is not bad.

Mr. HALE. No. I say to the Senator that I fully concur with him and hope that upon all important matters the Republicans will be found, as they were at the end of the great controversy over the Cuban resolution, in solid rank in favor of sustaining the President. I wish I could say I hoped that on matters of great import which involve patriotic considerations and not party considerations we could find the Democratic party also joined with the Republicans in sustaining the Administration in patriotic endeavors; and I appeal to the Senator from Missouri to aid me and others to that end, that upon all these matters party jarrings shall cease and we will rally in common forces to support the Administration without regard to party. I welcome the day when the Senator will join with me in persuading both sides to stand by the President.

Mr. COCKRELL. I will welcome the day, too, Mr. President, when I can honestly and conscientiously, as a legislator, a member of a coordinate and coequal branch of this Government, approve of the policies of the President. Then I will stand by him whether he be Republican or Democrat. But if the Senator expects me to be a tail to the kite of the President, to bow submissively to his will, to swing to his coat tail, and to indorse everything he says and everything he recommends, and surrender the power of the legislative branch of the Government, and meekly bow to him and make him more than an emperor, he is very much mistaken.

Mr. HALE. I wish to say right there that we all know the Senator from Missouri well and have the highest respect for his intentions, and I do not think the wildest flight of imagination here on the part of any Senator has been able to picture the Senator from Missouri swinging to the coat tails of anybody.

Mr. COCKRELL. No; and they never will, either.

Mr. HALE. No; I do not think so.

Mr. COCKRELL. When we had a Democratic President, elected by Democratic votes, and he undertook to pursue a policy which I believed was repugnant to the doctrines of the party, to the best principles of our system of government, and to the interests of the people, I did not appeal to anybody to stand by the President and follow his policy; that he was the leader of the party and we must sustain him. No, sir; I repudiated him on that question.

Mr. WILSON. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington will state his parliamentary inquiry.

Mr. WILSON. I am afraid my amendment is going to be lost.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. HALE. The Senator from Missouri did not; but if the Senator had believed as we believed yesterday, that the President was right, he would have appealed to his associates to stand by him, and they would have stood by him. The Senator did not believe, under the conditions he has described, that the President was right, although he had helped to elect him. We believed the President was right——

Mr. COCKRELL. Oh, I have no doubt about that.

Mr. HALE. And are very glad we came out of that triumphant, with the party arrayed in a solid line.

Mr. COCKRELL. This is a very good opportunity. I was glad to see the Senator from Maine come in. I wanted a pathway to this discussion.

Our Government is a peculiar one. We have a President, not a ruler; a servant of the people, placed there to execute the will of the people as expressed in the laws of the land enacted by Congress and sanctioned by him. Not a dollar of the millions and hundreds of millions raised can the President expend without the sanction of Congress, coming from the people. He has his separate functions, and they are limited, exceedingly limited. He can recommend to Congress measures; he can, by and with the advice and consent of the Senate, appoint ambassadors, judges, and other officers, and he has the weak power of recognizing a consul, an ambassador from a foreign country, but he can not appoint an ambassador or consul to any foreign country.

Mr. SPOONER. If the Senator will allow me, can he not appoint an envoy?

Mr. COCKRELL. And not one single envoy can the President of the United States appoint in the sense of the word "ambassador" or as provided in the Constitution without law authorizing it. No President has ever attempted to do it. They have exercised the general governmental power of appointing a representative of their own to visit foreign countries, but they can not appoint an ambassador or a minister or a consul until the Congress of the United States has authorized it. The only power on earth which the President can exercise is to receive an ambassador, a minister, or a consul, and I challenge anyone to show anything to the contrary.

We have heard a great deal about the President's prerogative of receiving and recognizing foreign governments. How can he recognize a foreign government? He can recognize it by recognizing the representative of that government, and that is the full extent of his power. That is the beginning and the end of it, the alpha and the omega of his power.

Now, that binds the judicial branch of the Government. Certainly it does. It does not necessarily bind the legislative branch of the Government, unless they assent to it, directly or indirectly. It remains that way until some action is taken. Senators talk about Congress undertaking to infringe upon the power of the Executive and take away from him his prerogatives of recognizing the independence of a government.

What did we do? What did we propose? We proposed to recognize the independence of Cuba, subject to what? To the approval of the President. Would it not have been his act as much as ours? How were we encroaching upon the prerogatives of the President? It is mere tweedledee and tweedledum to talk any such stuff. We were not going to recognize, independently of the approval of the President, the Republic of Cuba. We proposed it to the President, and had he sanctioned it, it would have become effective. There was no encroachment upon the prerogative of the President—not one particle.

There was no taking away from him of his right. It was proposed to him from us to recognize the Cuban Government. If he assented to it, it was recognition; if he did not, it was not;

and yet here we had discussions for a week nearly in defense of the President and appeals from the Senator from Maine and the Senator from Wisconsin. "Oh, we must not override the prerogative of the President," his prerogative of recognizing, when the only power he has is merely from that one little clause there, that he can receive ambassadors. That is the only right that is given. It is there. There is his power.

The Senator from Maine the other day talked as if it were treason for the Senators of the United States to refuse to follow the policy of the President. The President's policy! Does the Senator from Maine forget what occurred from 1865 to 1869, when the President did have a policy—a Republican President—and when a Republican Congress trampled it under their feet and passed bill after bill over his veto, reversing his policy, and compelling him by law to execute the reverse of his policy?

Mr. GRAY. And then finally impeached him.

Mr. COCKRELL. And then undertook to impeach him. I remember the appeal of the Senator from Maine, that we must follow the policy of the President, and how he came here, in the most solemn and dramatic manner, for the purpose of impressing the Senate in the hour of its last vote, and said there never had been such a spectacle presented in the history of the country as Congress undertaking to thwart the policy of the President. I was astounded to hear such expressions come from that distinguished Senator, when he ought to have known the record and history of his country.

I believe there was another Republican President who had a policy, and it was that great soldier, that distinguished President, General Grant. He had a policy. It was to purchase Santo Domingo, and a Republican Congress trampled that policy under their feet and rejected it. Yet the Senator from Maine tells us that it was an anomalous case for us to be opposing the policy of the President. I believe there was another President who had a policy, and that was President Cleveland. Did Congress in every instance bow to his policy? By no means, Mr. President. Some Senators and Members followed and some did not, and that policy was repudiated by his own party in the Chicago platform.

Mr. President, let me say, once for all, that so long as I honestly believe the President of the United States, whether he is a Republican or a Democrat, is acting within the spirit of his constitutional power and recommending measures to Congress which are wise and politic and just, just that long will I sustain him, whether he is a Republican or a Democrat. It would be a disgrace to our system of government if the Senate or House of Representatives or both should become subservient to the dictation of a President, I do not care who he is. We are coordinate and coequal branches. He recommends; we act. As I once told a Democratic President, "It is your prerogative to recommend legislation to Congress, and it is our prerogative to do as we please." I said to him, "You recommend legislation against silver. We do not intend to carry it out. We make recommendations to you for appointments. You have a perfect right to do as you please. Just as we will do with our prerogative you have a right to do with yours."

The branches of Government must be kept separate and independent. No man of any party is under obligation to follow the President of his party or the opposite party unless the President is right. The President has no right to declare a policy and then have Senators appealed to to stand by that policy because it is the President's policy. That is not the ground upon which the Senator from Maine ought to have placed it. That is not the ground upon which a Senator can justify his action. He should have undertaken to vindicate the policy and show that it was right, instead of appealing to Senators to sustain it because it was the President's policy.

Mr. MANTLE. Will the Senator from Missouri permit me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. MANTLE. Since the Cuban question has been brought up again this morning, and the statement has been made, as I understand, by the Senator from Maine [Mr. HALE] that the action taken by the united vote of the Republicans upon this side of the Chamber was a support of the President's policy, I should like to ask the Senator from Missouri if, in his judgment, the resolutions adopted were the resolutions asked for by the President of the United States; whether, as a matter of fact, they are not infinitely stronger; whether, as a fact, they do not go very much further than what was asked for by the President of the United States? If that is true, as a matter of fact, I ask the Senator if it does not follow that the action here taken was not the action asked for by the President, and consequently was not a support of the policy advised by the President?

Mr. COCKRELL. I thank the Senator from Montana for mentioning that point. There are so many things coming up this morning that I was going to pass that point over, but let me say, and I say it without fear of successful contradiction, that the policy indicated in the resolution which was passed and voted for by the Senator from Maine was in direct conflict with the recommendation of the President of the United States.

Mr. HALE. Why did not the Senator from Missouri vote for it?

Mr. COCKRELL. Because I did not think it was right; because I did not think it went far enough in the direction of the opposite policy.

I wish to call attention to the very essential points in the President's message which indicate what he believed and recommended. That is the question. All the other is mere surplusage. I read from page 4 of his message:

In April, 1896, the evils from which our country suffered through the Cuban war became so onerous that my predecessor made an effort to bring about a peace through the mediation of this Government in any way that might tend to an honorable adjustment of the contest between Spain and her revolted colony, on the basis of some effective scheme of self-government for Cuba under the flag and sovereignty of Spain.

That is what President McKinley says was the proposal of President Cleveland. Now, mark the language, Senators, if you please:

On the basis of some effective scheme of self-government for Cuba under the flag and sovereignty of Spain.

Mr. TELLER. From what page does the Senator read?

Mr. COCKRELL. About the middle of the fourth page.

It failed through the refusal of the Spanish Government then in power to consider any form of mediation, or, indeed, any plan of settlement which did not begin with the actual submission of the insurgents to the mother country, and then only on such terms as Spain herself might see fit to grant.

I read now from the bottom of page 4:

By the time the present Administration took office a year ago, reconcentration—so called—had been made effective over the better part of the four central and western provinces, Santa Clara, Matanzas, Havana, and Pinar del Rio.

The agricultural population to the estimated number of 300,000 or more was herded within the towns and their immediate vicinage, deprived of the means of support, rendered destitute of shelter, left poorly clad, and exposed to the most unsanitary conditions.

That was at the beginning of the present Administration, in the spring of 1897. Then, as he states in the next few lines:

By March, 1897, according to conservative estimates from official Spanish sources, the mortality among the reconcentrados, from starvation and the diseases thereto incident, exceeded 50 per cent of their total number.

Mr. President, I turn again to page 7:

The war in Cuba is of such a nature that short of subjugation or extermination—

Mark the words—

subjugation or extermination a final military victory for either side seems impracticable. The alternative lies in the physical exhaustion of the one or the other party, or perhaps of both.

Spain can not conquer the Cubans; the Cubans, without access to seaports, can not drive the Spaniards from their fortifications in the cities. It is a death struggle. That is the condition. Now I read again from page 7:

Realizing this, it appeared to be my duty, in a spirit of true friendliness, no less to Spain than to the Cubans who have so much to lose by the prolongation of the struggle, to seek to bring about an immediate termination of the war.

Mark you, "an immediate termination of the war."

To this end I submitted, on the 27th ultimo, as a result of much representation and correspondence, through the United States minister at Madrid, propositions to the Spanish Government looking to an armistice until October 1 for the negotiation of peace with the good offices of the President.

In addition, I asked the immediate revocation of the order of reconcentration, so as to permit the people to return to their farms and the needy to be relieved with provisions and supplies from the United States, cooperating with the Spanish authorities, so as to afford full relief.

The reply of the Spanish cabinet was received on the night of the 31st ultimo. It offered, as the means to bring about peace in Cuba, to confide the preparation thereof to the insular parliament, inasmuch as the concurrence of that body would be necessary to reach a final result, it being, however, understood that the powers reserved by the constitution to the central Government are not lessened or diminished. As the Cuban parliament does not meet until the 4th of May next, the Spanish Government would not object, for its part, to accept at once a suspension of hostilities if asked for by the insurgents from the general in chief, to whom it would pertain, in such case, to determine the duration and conditions of the armistice.

The propositions submitted by General Woodford and the reply of the Spanish Government were both in the form of brief memoranda, the texts of which are before me, and are substantially in the language above given.

* * * * * * *

With this last overture in the direction of immediate peace, and its disappointing reception by Spain, the Executive is brought to the end of his effort.

He has thrown up the sponge; "is brought to the end of his effort." What plainer language was ever uttered? What plainer proposition could there be than the statement of the President that he had been "brought to the end of his effort." He could do no more. He had asked certain things that had been refused. Among those things there is no intimation, direct or indirect, that the independence of the Republic of Cuba was essential or necessary or would be expected. It was that the war should be brought to an end.

Now, what does he say? I come to the gist of the matter:

In my annual message of December last I said:

"Of the untried measures there remain only: Recognition of the insurgents as belligerents; recognition of the independence of Cuba; neutral intervention to end the war by imposing a rational compromise between the contestants, and intervention in favor of one or the other party. I speak not of forcible annexation, for that can not be thought of. That, by our code of morality, would be criminal aggression."

Here are three propositions which he says he mentioned to Congress—"Recognition of the insurgents as belligerents; recognition of the independence of Cuba; neutral intervention to end the war by imposing a rational compromise between the contestants," taking them both, each by the throat and collar, one in either hand, and bringing them to an adjustment and making them settle. Mark the language, the significant language, "neutral intervention."

Thereupon I reviewed these alternatives in the light of President Grant's measured words.

He did not think then, without quoting it all, that we ought to recognize their belligerent rights.

Nothing has since occurred to change my view in this regard; and I recognize as fully now as then that the issuance of a proclamation of neutrality, by which process the so-called recognition of belligerents is published, could, of itself and unattended by other action, accomplish nothing toward the one end for which we labor—

"Toward the one end for which we labor." Mark it.

What is that end? I ask the attention of Republican Senators. What is that end?

Accomplish nothing toward the one end for which we labor—the instant pacification of Cuba and the cessation of the misery that afflicts the island.

Independence of Cuba? No, sir; not a particle. There is no such purpose, no such end.

Could, of itself and unattended by other action, accomplish nothing toward the one end for which we labor.

We are laboring for an end. We are striving for an end. What is it?

Pacification of Cuba and the cessation of the misery that afflicts the island.

Not the independence of Cuba; not the freedom of Cuba from Spanish rule and dominion; not the taking away from Cuba the flag of Spain and her military power and her barbarous and cruel treatment. So much for that.

Now, he takes up the question of recognition. Let us see what he says. On page 10, after arguing against recognition, he says:

Nor from the standpoint of expediency do I think it would be wise or prudent for this Government to recognize at the present time the independence of the so-called Cuban Republic. Such recognition is not necessary in order to enable the United States to intervene and—

What? Intervene and what—

and pacify the island.

"To intervene and pacify the island!" Not intervene and secure to the Cubans a stable, free, and independent government. Oh, no; pacify them! Take each side by the throat, and bring them together and say, "You shall settle this and stop fighting." If the Spaniards quit and the Cubans do not, make the Cubans quit; pacify them; the end for which we are aiming is pacification.

To commit this country now to the recognition of any particular government in Cuba might subject us to embarrassing conditions of international obligation toward the organization so recognized.

How? How? I ask. He says:

In case of intervention our conduct would be subject to the approval or disapproval of such government.

Now, in case of recognition, what would be the result? It is an independent government. There is no liability on the part of the United States for anything on the face of the earth, above it, or beneath it, and no man can show it. There is no liability on the part of the United States in recognizing the independence of the government in any shape, manner, or form. No writer can show one word, or one line, or one sentence in any authority on earth that would make the United States, directly or indirectly, liable for anything.

Mr. ALLISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. COCKRELL. Certainly.

Mr. ALLISON. The Senator has quoted from the President's message in which he speaks of pacifying the island. Let me call attention to the fourth clause of our resolution passed yesterday, which is as follows:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof.

Mr. PETTIGREW. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from South Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Frye,	Mason,	Sewell,
Bacon,	Gallinger,	Mills,	Shoup,
Berry,	Gear,	Morrill,	Stewart,
Burrows,	Gorman,	Nelson,	Teller,
Butler,	Gray,	Pasco,	Thurston,
Caffery,	Hale,	Penrose,	Tillman,
Cannon,	Hawley,	Perkins,	Turner,
Carter,	Heitfeld,	Pettigrew,	Vest,
Chandler,	Jones, Ark.	Pettus,	Warren,
Clark,	Lindsay,	Platt, Conn.	Wellington,
Cockrell,	McBride,	Pritchard,	White,
Deboe,	McMillan,	Quay,	Wilson.
Fairbanks,	Mallory,	Rawlins,	
Faulkner,	Mantle,	Roach,	

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum is present. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2680) amending "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893.

Mr. HALE. I ask that the unfinished business be informally laid aside that the Senate may proceed with the appropriation bill.

The PRESIDING OFFICER. Unanimous consent is asked that the unfinished business be informally laid aside. Is there objection? The Chair hears none, and it is so ordered.

Mr. HALE. I wish to state that in view of the general desire expressed by Senators for an early adjournment to-day, I do not propose to ask the Senate to proceed to the consideration of the naval appropriation bill until to-morrow morning. When the conclusion of the sundry civil bill is reached, the Committee on Appropriations will not ask the Senate to remain longer in session, as owing to the fatigue of the long, protracted session yesterday there is a general desire to adjourn early.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of Senate bill 371.

Mr. HALE. In the absence, for the moment, of the Senator who is in charge of the sundry civil appropriation bill, I can not consent that any other business shall intervene, but I desire that the Senate shall go on with that bill. The Senator in charge of it is very desirous of finishing it to-day. It is almost finished.

The PRESIDING OFFICER. Objection is made to the request of the Senator from South Dakota. The appropriation bill is before the Senate. The Senator from Missouri [Mr. COCKRELL] is entitled to the floor.

Mr. COCKRELL. I had the floor and yielded it to the Senator from Iowa. He will be back in his seat in a moment. I ask that the bill may be delayed for a few moments. I am anxious to answer his question. It will take but a moment.

Mr. PETTIGREW. I ask that the bill which I indicated be taken up and disposed of while waiting. That was my idea in calling it up. It is a very short bill.

The PRESIDING OFFICER. If there is no objection, the Senator from South Dakota will proceed.

SARAH E. CAMPBELL.

Mr. PETTIGREW. I ask the Senate to consider the bill (S. 371) granting a pension to Sarah E. Campbell.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Sarah E. Campbell, widow of Charles T. Campbell, late colonel of the First Pennsylvania Artillery Reserve Corps, colonel of the Fifty-seventh Pennsylvania Volunteer Infantry, and brigadier-general of volunteers, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes.

The PRESIDING OFFICER. The Senator from Missouri is entitled to the floor.

Mr. COCKRELL. I am waiting to hear the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Missouri yields to the Senator from Iowa.

Mr. ALLISON. I merely called the attention of the Senator from Missouri to the fourth clause in the joint resolution we passed, showing that that clause uses the phraseology in the President's message. That is all I wished to say.

Mr. COCKRELL. You mean the word "pacification?"

Mr. ALLISON. Yes, sir.

Mr. COCKRELL. That was inserted when in the first part of the resolution there was a distinct and unequivocal recognition of the independence of the Republic of Cuba, and as a matter of course it must be taken in connection with that, and then in connection with the language that is used.

Now, Mr. President, let us go a little further. We have been told that we did not follow the President, that we did not carry out his policy. I think the President could well exclaim, "Save me from my friends!"

The President was once a member of a legislative branch of this Government, a member of the House of Representatives, a coordinate and coequal branch with the executive branch of the Government and possessing ten thousand more powers and different kinds of power than the executive possesses. When President McKinley was a member of the House, we had a Republican President, and that Republican President had a policy, and that policy was to prevent the coinage of the standard silver dollars. A bill was introduced in the House of Representatives by Mr. BLAND declaring

for the free and unlimited coinage of the old standard silver dollars at the ratio of 16 to 1, of 412½ grains, 9 parts fine.

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER. Will the Senator from Missouri yield to the Senator from Kentucky?

Mr. LINDSAY. Before the Senator from Missouri goes off on the silver question, if he will permit me I should like to ask him a question.

Mr. COCKRELL. I am not going into that question.

Mr. LINDSAY. If he is not going to discuss silver, I will wait. If he is going to discuss it, I can not wait.

Mr. COCKRELL. The President's policy was known. It was rumored everywhere that the President would veto a free-coinage bill. That was noised all abroad here. The Republicans were appealed to, just as the distinguished Senator from Maine the other night appealed to Republicans, to stand by the President and support his policy. When that bill came to a vote in the House—I have it in my hand just as it passed the House of Representatives. It was a bill for the free and unlimited coinage of the old standard silver dollar, and making it a full legal tender. And who voted for it? The Hon. William McKinley, a Representative from the State of Ohio, in direct conflict with the views of the President. When that bill came to the Senate, it fell into the hands of my distinguished friend the senior Senator from Iowa, and it became known as the Bland-Allison law.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. COCKRELL. Certainly, as many as you please.

Mr. SPOONER. I ask the Senator whether in the present exigency it ought not to be considered that for the time being the statute of limitations has run on that?

Mr. COCKRELL. Oh, no; never on principles. Principles are like the eternal mountains. They are the landmarks as long as the earth lasts. They are beacon lights. They are monuments that never fade and never perish. Principles never change. Policies will change, but principles never. When that bill was remodeled into the Bland-Allison law, which authorized the purchase of, I believe, 4,000,000 ounces—or dollars was it?

Mr. ALLISON. Four million dollars was the maximum.

Mr. GRAY. From two to four.

Mr. COCKRELL. It authorized the purchase of from two to four million dollars' worth per month and its coinage in the discretion of the President, but still left the silver dollar a full legal tender for the payment of all debts, public and private, unless otherwise expressly specified. That bill went back to the House, and there it passed the House with the vote of the distinguished Representative from Ohio, William McKinley, for it. That bill passed and went to the President—a Republican President, who had a fixed policy—and that Republican President vetoed that bill, gave all the power he could to sink it to death. When the question of passing the bill over the President's veto came before the House of Representatives the Hon. William McKinley was still a member of that body, and in defiance of a Republican President's veto he voted to pass the bill over the President's veto, and it was passed and became a law.

President McKinley may thank his friend from Maine for his intercession in his behalf when his own record stultifies all that the Senator from Maine attempts to bring up in his defense. When President McKinley was a member of the House of Representatives he felt that he was a member of a coordinate and coequal branch of this Government; that the President had a right to recommend; that that was the end of his power; and when he recommended, if the Representative from Ohio, as he was then, did not believe that it was right, and just, and proper, it was his duty, his bounden duty, to vote against it, and he did not hesitate to exercise that power. Were he in the Senate to-day, and if the Senator from Maine were in his place, and a measure was to come up he would doubtless exercise the same power. He can not thank, it seems to me, any Senator or Representative coming in and making an appeal to follow a measure because the President recommends it. He did not pursue that policy. No.

Mr. LINDSAY rose.

Mr. COCKRELL. Now I will hear the Senator from Kentucky.

Mr. LINDSAY. I ask the Senator if that was not about the time that the Stanley Matthews resolution was passed?

Mr. COCKRELL. Certainly.

Mr. LINDSAY. And whether that resolution represented the will of the Administration?

Mr. COCKRELL. And he voted for it. I thank the Senator for naming it. They were in direct conflict. Just before this bill was passed over the President's veto the celebrated Stanley Matthews resolution was passed, declaring all the obligations of this Government to be legally and honestly and justly payable in standard silver dollars of 412½ grains weight, nine parts fine. It went to the House, and there received the support of the then Representative McKinley, in direct conflict with the President's policy and as a declared expression of policy opposed to the President. That was its object. It was to let the President know that Congress did not stand by his policy.

Mr. TILLMAN. I suggest to the Senator from Missouri that it was the difference between whose ox is gored. At that time he was a Representative and thought that Congress had some rights. Now he is President and thinks we ought to follow him.

Mr. COCKRELL. No; I will not bring any charge of that kind, because he has not undertaken in his message, which we have before us, to dictate to Congress.

Mr. TILLMAN. Then his friends claim it for him.

Mr. COCKRELL. I know it is his unwise friends, if the Senator from Maine will permit me to say so—his indiscreet friends, who bring a plea that he himself would not bring and that his whole record shows is not correct. If there is anything in the record of Mr. McKinley as a Representative from Ohio it is that he had his own policies and followed them whether they were the policies of the President or not; that he recognized that the Congress of the United States was a coordinate, coequal branch of this Government, and had the right to enact laws whether the President favored or opposed them; that the President had his constitutional right to veto them, and that was all he had.

Nothing could become a law without his—the President's—approval unless passed by two-thirds of both bodies—the Senate and House. That was enough power for him. He was content then, and he is doubtless content to-day. I have never believed a word of the rumors that were circulated all around here that if we passed the joint resolution with the clause in it recognizing the independence of the Republic of Cuba, President William McKinley would veto it. I think it was done by his indiscreet friends for the purpose of whipping in those who were not disposed to follow their recommendations and their policies, not those of the President.

But now let us come back to the policy of the President and see what it was.

Mr. HALE. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Missouri yield?

Mr. COCKRELL. Certainly; as a matter of course.

Mr. HALE. I do not want to prolong the discussion, but before the Senator sits down I should like to have him answer this question: Why, on the proposition which passed the Senate, the first of which resolved that the people of the Island of Cuba are, and of right ought to be, free and independent; on the second, which demands the withdrawal of the Spanish forces and the abandonment of Cuba; on the third, which authorizes the President to use the Army and Navy to that end, and on the fourth, which repudiates the theory of annexation—why was it that on the roll call on those resolutions, covering such broad grounds of immediate action toward the independence of Cuba, thirty-five Democrats were found almost in solid rank voting "nay?" I wish the Senator would explain that. I can understand that the Senator is sensitive and that his associates are sensitive overnight.

Mr. COCKRELL. Not a bit of it. I never rejoiced more in my life over any vote I ever cast than the vote I cast last night. I am glad of it, and it will stand as a monument of my devotion to the interests of a struggling people for a free and independent government in answer to their appeals to the oldest Republic in the world, which appeal I am sorry has been unheeded.

Mr. HALE. I want the Senator before he sits down to explain the reasons why, when it was apparent that that was all that could be done, and also in the view that afterwards his associates in another body took the ground of voting for these resolutions, and did it——

Mr. COCKRELL. The questions were entirely different.

Mr. HALE. Why did the thirty-five Democrats who voted against these resolutions and would not put themselves on record in favor of them take that attitude and seek to prevent any action?

Mr. TILLMAN. Mr. President——

Mr. COCKRELL. Wait a minute. I will answer the Senator from Maine myself.

Mr. HALE. I did, in a speech made on Saturday last, which has been alluded to and which has aroused some trouble, make a little forecast, and that was that I predicted that the Senators who had been clamoring for war, clamoring for action, who were denouncing the President, and in some cases—not the Senator from Missouri himself—abusing the President, ere long would be found voting "no" and obstructing the movement. I did not expect a realization to come so soon as Monday night. I did not expect, when we had come to resolutions that covered every ground but one, that meant immediate intervention and freedom for Cuba and the interposition of the armies and navies of the United States—I did not quite think that so soon as Monday night we would find almost the solid Democratic party voting "no." It came sooner than I expected, and I was a better prophet than I supposed myself to be.

Mr. COCKRELL. I am glad to hear the Senator sounding his own praises. "A prophet is not without honor save in his own country."

Mr. HALE. It is very moderate, indeed. I did not expect the realization of the prediction would come so soon.

Mr. COCKRELL. Are you through?

Mr. HALE. The Senator will oblige me very much if, before he sits down, he will give me an explanation of this matter.

Mr. COCKRELL. If the Senator wants to make a speech, he can make it after I get through with mine and yield the floor. I am willing to answer any question.

Mr. HALE. Very well.

Mr. COCKRELL. In the language of the Senator from Georgia [Mr. BACON], uttered last night upon this floor when the question came as to whether the Senate of the United States would agree to the amendment of the House of Representatives striking out the clause recognizing the independence of the Republic of Cuba, which was the only issue then before the Senate and everything else was settled, the Senator from Georgia said:

Mr. President, in order that the action of each Senator may be properly understood, I desire to state my understanding of the effect of the vote we are now about to take. It is simply to record the position of each Senator upon the particular amendment which is affected by the conference report, to wit, the amendment known as the Turpie amendment. In other words, while all of the resolution was read to-night, the vote to be cast has no reference whatever to any part of the resolution except such parts as are in issue between the two Houses.

Mr. FORAKER. The vote, I suppose, will cover the proposition to restore the words "are, and."

Mr. BACON. Of course. I understand that; but the object I have in making the statement is that as the entire resolutions were read it might without suggestion appear that the vote which we cast is far-reaching enough to include the entire resolutions. I desired to make the suggestion, in order that there might be no misunderstanding, that the vote simply relates to the particular amendments which are in issue, or rather in difference, between the two Houses.

Then the Senator from Arkansas [Mr. JONES] said:

The joint resolution as passed by the Senate went from the Senate to the House. It was passed by the House in exactly the same terms that it passed the Senate, except that the two words "are and" and the provision recognizing the independence of the Republic of Cuba were stricken out. By the agreement of the conferees the words "are and" are agreed to be left exactly as they were in the joint resolution when it went from the Senate to the House.

The joint resolution has, therefore, passed both the Senate and the House, and no part of it is in controversy on the conference report before us except the one item as to whether we shall recede from our declaration in favor of the independence of the Republic of Cuba.

The sole question left is whether the Senate will agree to the conference agreement which proposes that the Senate shall agree to the action of the House in striking out the provision for the independence of the Republic of Cuba. Those of us who believe that we ought not to recognize the Republic of Cuba and that the House was right in striking that out ought to vote for the report of the conference committee.

And they did.

Those of us who believe that the Senate was right in providing for the recognition of the independence of the Republic of Cuba, it seems to me, are compelled to vote "nay" on agreeing to the conference report.

And we did; and we voted right; and I am proud of the vote.

Mr. MANTLE. May I interrupt the Senator from Missouri for a moment?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. COCKRELL. Certainly.

Mr. MANTLE. I merely wish to interject here the statement that while 35 of us voted last night, as was well said by the Senator from Missouri [Mr. COCKRELL], against striking out from the resolutions the recognition of the Republic of Cuba, it is also a fact that all of us, with some 30 more, had previously voted for all that the Senator from Maine [Mr. HALE] voted for last night with the addition of the recognition of the Republic of Cuba.

Mr. COCKRELL. That is very true, and I was just going to state it.

Mr. BACON. The Senator from Maine voted against the resolutions when they were before the Senate.

Mr. COCKRELL. Yes; he voted against them because they had recognition in them, and we voted against the conference report because it did not contain the recognition of the Republic of Cuba, and our vote was perfectly consistent. All of us, with one or two exceptions, had voted for the passage of the resolutions. They went to the House of Representatives and the House voted for them and passed them. The question that was in the House was an entirely different question from the question presented here. That body had already agreed to the resolutions, and therefore they were perfectly justified in voting as they did, and we would not have been justified in voting otherwise than we did, because we would not have expressed the sentiments and views of individual Senators if we had not so voted.

Mr. TILLMAN. Will the Senator allow me?

Mr. COCKRELL. I will yield to the Senator from South Carolina for just a minute.

Mr. TILLMAN. I want to ask the Senator from Maine a question. Does he claim any part or parcel in the paternity of the resolutions which were passed last night?

Mr. HALE. I certainly helped to pass them.

Mr. TILLMAN. After you had fought them for four days.

Mr. HALE. After I had fought for the freedom of Cuba without the scheme of recognition being added to the resolutions.

Mr. COCKRELL. If the Senator wants to ask me a question, I will answer, but I am not going to have other Senators interject their speeches into mine. There is plenty of time, and we have nothing else to do but to talk about this question. Remember, I never occupied a minute of the time of the body on this question when it was important to have prompt action; but it has now passed, and we can talk as much and as long as we please.

Mr. HALE. If the Senator does not yield, I will not insist on putting questions to him.

Mr. COCKRELL. I am always glad for a question, but not for a speech.

Mr. SPOONER. I want to appeal to my friend from Maine [Mr. HALE] that he should not interject any remarks of his into any political speech of the Senator from Missouri. It is not fair.

Mr. HALE. I think there is something in that. I was going to answer the Senator from South Carolina [Mr. TILLMAN], but if the Senator from Missouri [Mr. COCKRELL] desires to go on, as the Senator from Wisconsin [Mr. SPOONER] has suggested, and complete his exculpatory speech, his political speech, I shall not intervene.

Mr. COCKRELL. I do not care a continental cent whether you call it a political speech or not. I am not hidebound.

Mr. HALE. I think the Senator from Wisconsin is probably correct.

Mr. COCKRELL. I want you to understand distinctly that I am a Democrat; that I believe in the cardinal, imperishable, and monumental principles of that oldest, grandest, and noblest of all political organizations that has ever existed on American soil—the Democratic party.

Mr. HALE. I thought so.

Mr. COCKRELL. I want to say further that the Senator made some remarks when he lectured us the other night that we would be found opposing the President. If the Senator expects us to vote for every project brought in here that is to be covered by the honored name of the President, regardless of whether it be right or wrong, he will find that he is mistaken. Whenever the President adopts a policy which we know is for the best interests of the country, and is honest, just, and wise, then we will support it just as heartily as if it were the policy of a Democratic President; but we will oppose measures which we regard otherwise, just as we would oppose them if proposed by a Democratic President. We are no tail to anybody's kite. We are, so far as I am concerned, at least, not dragged around at the coat tail of any man.

I regard the Presidential office as the highest in the world—the highest in the gift of the people of the world. I honor the Presidential position; but it is a constitutional position. The President is not a czar; he is not an emperor; he is not a king; he is not a ruler, but he is the representative of the American people, placed in the position of President under a written Constitution, in which all his powers are defined, and side by side with him to administer this Government is the coordinate and coequal branch, the legislative branch, the Senate and House of Representatives, and side by side with them, but created by them, is the judicial branch, the judiciary to declare the intent and meaning of the laws enacted by the Senate, the House of Representatives, and the President.

Now, Mr. President, we are not going to be driven to support any measure which may come in here and be labeled "The policy of the President." No, no; I want that distinctly understood in the beginning. We will sustain the President in all proper movements to carry out the resolution which has been adopted. What is it? To drive every Spaniard from every foot of Cuban soil and establish there the Republic of Cuba—the independent, free Republic of Cuba.

Mr. BUTLER. Will the Senator allow me?

Mr. COCKRELL. Certainly.

Mr. BUTLER. The indefinite and colorless resolutions of the House of Representatives were improved in a number of particulars by the Senate, and every improvement put upon the House resolutions was put there by the solid votes of those of us who voted last night and who have on every occasion voted for Cuban independence. Every single improvement was made by the solid Populist and Silver Republican vote and almost solid Democratic vote. There was another improvement that we wanted. It was important; it was vital. It was recognition of the independence of the Cuban Republic. This important improvement would have perfected the resolutions. We put this in once. The House struck it out. Last night 35 of us voted to put it back, and thus make the resolutions perfect and effectual; but we did not have enough votes to accomplish the object. That is the case in a nutshell.

Mr. COCKRELL. That is no doubt true. It is true that every improvement and addition which bettered the resolutions proposed by the Committee on Foreign Relations, as adopted by the Senate, was supported by those who voted against striking out

the clause recognizing the independence of the Republic of Cuba; and nearly all of them were opposed by the distinguished Senator from Maine——

Mr. BUTLER. Every one of them.

Mr. COCKRELL. And those who are lecturing us now in regard to our action.

Mr. HALE. Then what the Senator means to say is that he and his associates were opposed to any action in the way of intervention, to any movement whatever in the direction of free Cuba, unless they could get absolute recognition of the Cuban insurgents as a government? I ask the Senator whether it does not amount to that? What the Senator from North Carolina said, that they voted to perfect the resolutions, and when they got them perfected, because they could not get that one distinctive thing, the recognition of the Republic of Cuba——

Mr. COCKRELL. We did not vote against them.

Mr. HALE. Then they voted against the resolutions.

Mr. COCKRELL. We did not do any such thing. That has been explained. I have explained it in the language of the Senator from Georgia [Mr. BACON]; I have explained it in the language of the Senator from Arkansas [Mr. JONES], and I have explained it in my own language. What we voted for was not to recede from our position recognizing the independence of the Republic of Cuba. We had voted for every other one of the propositions the Senator from Maine voted for last night. He is the only one who has been turning somersaults.

Mr. HALE. Did not the Senator vote finally against the adoption of the conference report?

Mr. COCKRELL. Not at all. We voted against the striking out of the recognition of the Cuban Republic.

Mr. HALE. The RECORD shows plainly.

Mr. COCKRELL. The RECORD shows what it shows exactly. Now, does the Senator undertake to quibble over such a little thing as that? What was that conference report? It was that the Senate should recede from its disagreement. That was all there was of it. Every particle of the remainder of the resolutions had been agreed to, and that was all there was left of the question at that time, and it was so stated upon the floor of the Senate. The Senator can not quibble upon that and undertake to say that 35 of us voted against the resolutions or against any kind of a measure at all. We had thrust upon you and upon others who were opposing us the resolutions which you had to take in the end.

Mr. HALE. Does the Senator deny that the resolutions I have read, which passed the Senate and passed the House of Representatives, will become the law of the land when the President signs them?

Mr. COCKRELL. As a matter of course; everybody knows they will.

Mr. HALE. Did not the Senator vote against them?

Mr. COCKRELL. No, sir; not in that sense of the word.

Mr. HALE. The RECORD so shows. The RECORD shows 35 votes against them.

Mr. COCKRELL. I voted against striking out that one clause recognizing the Republic of Cuba. Suppose, however, our vote had prevailed, what would have been the result? We would have still insisted upon the adoption of the resolution as it had been passed by the Senate; and we would have got it in that form; that would have been the end of it, and that included the recognition of the Republic of Cuba, and then the Senator would have voted against it.

Mr. HALE. Rather than have voted for that resolution.

Mr. COCKRELL. We had already voted for the resolution and had acted upon it. I hope the Senator from Maine will not undertake such a pettifogging quibble here, which would not be worthy of an attorney in a justice's court. If we had succeeded in disagreeing to the conference report and had insisted upon our amendment and the House had yielded and it had come before us in that way, would the Senator then have voted for it?

Mr. HALE. I voted against it whenever I had an opportunity.

Mr. COCKRELL. Then you would have voted against anything——

Mr. HALE. No; I did not believe that it was necessary, in order to secure the freedom of Cuba, that we should insist upon a resolution recognizing the insurgent government, but the Senate took that ground. The Senator may undertake to try to get out of it as much as he pleases, but the country will come to realize——

Mr. COCKRELL. We are not afraid of the country.

Mr. HALE. That 35 Democrats were found solidly voting against that proposition.

Mr. COCKRELL. We will appeal to the country. We are not afraid of the sovereign people of this country, not a bit of it.

Mr. HALE. You ought to be.

Mr. COCKRELL. We are willing to trust to the verdict of the people and to trust to their intelligence. They can not be hoodwinked and deceived in any such way as the Senator supposes.

Mr. CANNON. Mr. President——

Mr. LINDSAY. I will ask the Senator from Missouri whether the position of the Senator from Maine is not this, that he and the Republican House of Representatives would have defeated all legislation rather than have concurred in the original resolution passed by the Senate for the recognition of the Cuban Republic, for which ten Republicans voted?

Mr. COCKRELL. Inevitably.

Mr. CANNON. Will the Senator allow me?

Mr. MANTLE. Mr. President, if the Senator from Missouri will permit me to interrupt him——

Mr. COCKRELL. It is not an interruption. I am always glad to yield.

The PRESIDING OFFICER. The Senator from Utah [Mr. CANNON] has appealed once or twice to the Senator from Missouri.

Mr. COCKRELL. I did not hear his voice.

Mr. CANNON. I desire to ask the Senator from Missouri to permit me to propound an inquiry to the Senator from Maine, if the Senator from Maine will also permit me. I want to ask if it be a truth in the consideration of this body that the vote against the adoption of a conference report which recommends a conclusion of the two Houses on an agreement made in that conference report is a vote against the measure concerning which the conference was had?

Mr. HALE. That is a fair question, and the Senator is entitled to a fair answer. A great many of the most important statutes which have ever been enacted came out of antagonisms between the two Houses which are left to conference committees to adjust, and those statutes are finally enacted as the report of the conference committee.

The question then comes pitilessly, "Shall the report be adopted?" And if it is adopted, the proposition the committee makes becomes law, so far as the body is concerned. Then it is always understood that those who are in favor of the proposition becoming law, no matter whether they want more or less, if they believe that is all they can get, they vote for the adoption of the conference report, and that report becomes law; it has the same legal effect as if it was a bill on the table being read by the Secretary, and the Chair says, "Shall the bill pass?" and those in favor will vote "aye" and those opposed will vote "no," and they will stand in the estimate of the public upon that vote.

They may declare that they wanted something else, and so did not vote for it; that they were only voting on the report and not on the bill; but the pitiless logic is that the only way that you can pass a bill or joint resolution under such circumstances is to vote in favor of the adoption of the report; and if you want to kill it, the only way is to vote "no." That record shows 42 yeas and 35 nays on the adoption of the conference report on this subject. So that has become law, or will become law when the President signs it, which was made by the attitude of the Senators who voted for it.

Mr. CANNON. Mr. President——

Mr. SPOONER. Will the Senator yield to me for a moment?

Mr. CANNON. I have not the floor except by the courtesy of the Senator from Missouri.

Mr. COCKRELL. Go on. I am glad to hear you all talk.

Mr. CANNON. If the Senator from Missouri will permit me, I desire to continue the inquiry of the Senator from Maine. His answer was much more frank than the disingenuous presentation of the case, which was so disingenuous that it would seem quite unusual to me, coming from the Senator from Maine; but in his answer he gave a saving clause in the use of the words "if they believe that that is all they can get." Now, I desire to put the question to him in this way, since he has made that the basis of his answer: Are Senators voting who did not believe that this was all that they could get, also to come under the Senator's condemnation as having voted against the resolutions which were put into the body of this enactment by their votes directly, and against the votes of those who now claim the credit for the enactment?

Mr. SPOONER. Will the Senator allow me to answer the question?

Mr. CANNON. By the courtesy of the Senator from Missouri [Mr. COCKRELL] I would prefer to have an answer from the Senator from Maine [Mr. HALE] on that distinct part of the proposition involved.

Mr. HALE. No; I do not condemn the Senator if the Senator believed he ought to get more and was ready to take the responsibility of voting against what he could get. I can not condemn him, for he had a right to do that; but clearly he must accept the condition that if his favorite measure or proposition was struck out, as it had been in this case, therefore he would vote against any action, provided he could not get what he wanted; in other words, if he could not get the recognition of the insurgent government, he would not vote for any other form of intervention which would secure freedom to Cuba.

Mr. CANNON. Mr. President, the Senator assumes the entire case as being as he presents it; that that is all which we could get. I will agree to that as the Senator's statement.

Mr. HALE. It had been shown that the House of Representatives had taken this attitude repeatedly.

Mr. CANNON. It had been shown merely in this way——

Mr. HALE. We were told that the House would back down, but every vote the House took increased its strength against this proposition.

Mr. CANNON. Because the House knew, and so did the country through the newspapers and from statements uttered on this floor, that certain gentlemen in this body were ready to recede just as soon as the fire got hot enough. That is why the House refused to back down.

Mr. LINDSAY. To capitulate, not recede.

Mr. CANNON. When the Senator from Maine on Saturday last used the expression that we had but a temporary majority here, he spoke more wisely than the rest of us knew. When he made that declaration he knew how brief was the strength of that majority and how soon it would fade away under fire from the White House and from another quarter in this Capitol.

Still, Mr. President, the Senator from Maine has not yet directly answered my question. I am new to parliamentary usage and new to the finesse of transactions of this character, and I desire to learn now from an authority, whose judgment I would most esteem in this body, whether it be a fact that a man who, having voted for a bill at every stage of it to perfect it to a certain condition, when he finds that one of the essential elements has been conceded by the conferees of his own House, votes against the conference report presented, may be afterwards designated as having voted against that bill itself? That is the inquiry I desire to propound to the Senator from Maine.

Mr. HALE. That is determined when the bill passes.

Mr. CANNON. Why does he vote against the bill?

Mr. HALE. He can only say "no." That is the only way. If he had a majority with him, he could have defeated it.

Mr. CANNON. Does the Senator say that a vote against a conference report, which in his judgment he considers the vital point involved, is a vote against the bill itself?

Mr. HALE. Undoubtedly.

Mr. CANNON. And we may consider that view to be the judgment of the Senator from Maine?

Mr. HALE. Undoubtedly.

Mr. SPOONER. Will the Senator allow me?

Mr. CANNON. I have been occupying the floor by the courtesy of the Senator from Missouri, and with his permission I shall be glad to hear from the Senator from Wisconsin.

Mr. SPOONER. That is the trouble about the attitude of some of our friends.

Mr. TELLER. I want to say to the Senator that I hope he will not worry himself on our account. We shall get along very well.

Mr. SPOONER. That assumes that we consider the Senator one of our friends. I consider him one of my friends; but the inexplicable thing to me was this: That when there was reported here last night a disagreement between the House and the Senate proposition, which my friend from Utah [Mr. CANNON] had very much at heart, and the Senate voted to adhere, our friends on the other side should have voted almost solidly against any further conference for the purpose of getting an agreement which possibly would have carried out and accomplished what they most desired.

Mr. COCKRELL. There was no such motion at all as that before the Senate.

Mr. SPOONER. There was, certainly.

Mr. COCKRELL. It was distinctly stated by me that I would move to insist on the amendment of the Senate after the conference report had been rejected. That motion was to disagree; and we on this side voted against agreeing to the report. Had that vote carried, what would have been the result? There would have been a disagreement, and the resolution would have gone back to the House for its further consideration; and it would not have involved the defeat of the joint resolution.

Mr. SPOONER. Had not the Senator voted against a motion to request a further conference?

Mr. COCKRELL. I had; but it was in order to secure a further chance of the House accepting the Senate resolution.

Mr. TELLER. They had not asked for a conference.

Mr. COCKRELL. They had not asked for it. I wanted the House to pass upon it again. We ought to have known better; but yet we thought there was probably something of the House of Representatives left.

Mr. SPOONER. It was a party play, Mr. President, in the face of a great exigency; an attempt to put on one side of this Chamber the particular men who disagreed with the other side in a hole on the question of the freedom of Cuba.

Mr. COCKRELL. Not at all. Not at all. It was not meant to put anybody in a hole.

Mr. TELLER. I should like to say one word.

Mr. COCKRELL. In a moment. The question upon which we voted was whether we would agree to the conference report. Had the "noes" prevailed there would have been a disagreement, and that would not have defeated the resolution, for the resolution would still have been in conference between the two Houses, and we would still have been contending over the clause recognizing the independence of the Republic of Cuba. That was all there was in it.

Mr. CANNON. I hope the Senator from Missouri will permit me to make one observation.

Mr. COCKRELL. Certainly.

Mr. CANNON. I regret to say, Mr. President, that I can not be content with the answer received from the Senator from Maine, who, as I believe, is skilled in parliamentary usage, and his wonderful clearness should have been sufficient to convey an accurate answer to the inquiry which I propounded.

I beg to state to the Senator from Missouri and ask his consideration of this proposition, as being one which appeals to my common sense: We had already passed the joint resolution through this body. The decisive vote concerning that joint resolution was the yea-and-nay vote by which the declaration of the will of the Senate was on that, and no subsequent vote upon a conference report, either for or against, can affect in any way the record which was made up, and which will stand so long as the archives of the Government shall last, as the will of this Senate and the will of the personnel of this Senate on that joint resolution.

Mr. COCKRELL. There is no question about that.

Mr. MONEY. Will the Senator from Missouri allow me?

Mr. COCKRELL. The Senator from Georgia has asked me half a dozen times to yield.

Mr. BACON. I simply desire to say one thing. The Senator from Maine [Mr. HALE] and the Senator from Wisconsin [Mr. SPOONER] are evidently pluming themselves upon the fact that they secured the passage of these resolutions. I want to call attention to the fact that neither the Senator from Maine nor the Senator from Wisconsin has ever voted for these resolutions, and the RECORD will not show that they did.

Mr. TELLER. They voted against the resolutions.

Mr. BACON. They voted against them every time, and there is no place which either of the Senators can put his finger upon to show that he ever voted for the resolutions, and I will prove it right here.

Mr. HOAR. Will the Senator from Georgia allow me?

Mr. BACON. Pardon me for a moment. Permit me to complete my statement, and I will yield to the Senator with pleasure.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. BACON. There has been but one occasion upon which the Senate has voted on the resolutions which finally passed the Senate, and that was on Saturday last, when the identical resolutions were passed by a vote of 67 yeas to 21 nays, the only difference between the resolutions and those which came back from the House being the amendments to the first resolution. The first resolution related exclusively to the independence of Cuba, and of the Republic of Cuba. Now, the first resolution, which is the only one that ever came into dispute, had no reference whatever to intervention or to any action on the part of this Government. It related exclusively to the simple question of the recognition of the independence of the people of Cuba and to the recognition of the Republic of Cuba. The other resolutions are these, and I want to read them in order that the point may be made clear. I begin with the second resolution that passed the Senate on Saturday night last:

> Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.
>
> Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.
>
> Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

I assert as a fact, and as a parliamentary fact, that the Senate voted on those three resolutions which I have read but once, and that was last Saturday night, and that upon that occasion there were 67 yeas and 21 nays, and the Senators who then voted in the negative have never had an opportunity since to vote in the affirmative on it, and have never voted in the affirmative since.

Mr. SPOONER. Mr. President——

Mr. BACON. Will the Senator from Wisconsin pardon me for a moment? Among those 21 nays are the names of the Senator from Maine [Mr. HALE] and the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. That is right.

Mr. BACON. The nays are as follows——

Mr. SPOONER. That is right——

Mr. BACON. Pardon me. The 21 nays who voted against those three resolutions, and who have never since voted for them, and who will never again have an opportunity to vote for them, are as follows:

Aldrich,	Hale,	Morrill,	Wellington,
Allison,	Hanna,	Platt, Conn.	Wetmore,
Burrows,	Hawley,	Platt, N. Y.	White.
Caffery,	Hoar,	Pritchard,	
Elkins,	McBride,	Sewell,	
Fairbanks,	McMillan,	Spooner,	

That is the only record that can be found up to the present date where the question whether the Senate should or should not pass those three resolutions was ever acted upon by the Senate, and upon that occasion the twenty-one names which I have mentioned were recorded in the negative.

Mr. HOAR. Will the Senator yield to me for a moment?

Mr. BACON. I will yield for a question, but I do not propose to occupy the floor any length of time. I do not desire to yield for the purpose of a speech.

Mr. HOAR. I do not wish to make a speech and I do not want exactly to put a question. I want to repeat a verse of Dr. Watts.

Mr. BACON. I prefer that the Senator should indulge in his poetical diversions in his own time and not in mine, and I object.

Mr. HOAR. It is so exceedingly apt that I should like to do it now.

Mr. BACON. I object to the Senator's proceeding.

Mr. HOAR. Of course, if——

Mr. BACON. The Senator will have ample opportunity. He is gifted in that direction. He has very large resources. I prefer that he use his own time for that purpose.

Mr. ALLISON. Will the Senator from Georgia yield to me for a question?

Mr. BACON. Yes, sir; for a question.

Mr. ALLISON. What becomes of those who voted for the third reading of the joint resolution and its passage?

Mr. BACON. The passage? The question of its passage was never before the Senate except that one time.

Mr. ALLISON. Did it not pass the Senate after its third reading yesterday?

Mr. TELLER, Mr. COCKRELL, and others. No, no.

Mr. SPOONER. Mr. President——

Mr. BACON. And the RECORD will not show it.

Mr. COCKRELL. It was read the third time but once. No measure ever is read the third time but once.

Mr. SPOONER. Could it possibly have become a law without the adoption of the conference report by both Houses?

Mr. BACON. Of course I am coming to that point. Yesterday the question was on the conference report.

Mr. SPOONER. Yes.

Mr. BACON. And so the conference report——

Mr. SPOONER. Could it ever possibly have become a law, I ask the Senator from Georgia, without the adoption in both Houses of the conference report?

Mr. COCKRELL. Yes; another conference could have been ordered and another conference report adopted.

Mr. BACON. I am coming to the conference report. The conference report had no relation whatever to either of the three resolutions which I have read—none whatever. The conference committee had no relation to that, and no vote upon the conference report could have any relation or any reference to the three resolutions which I have read. I repeat, that the RECORD—and everything that was done is in print—can not show the place where either of the 21 Senators whose names I have read ever voted for either of these three resolutions.

Mr. TILLMAN. Yet the Senator from Maine now claims they did.

Mr. BACON. Of course.

Mr. TELLER. I suggest to the Senator from Georgia that of those three propositions the conference committee had no possible charge.

Mr. BACON. None on earth.

Mr. COCKRELL. They could not touch them.

Mr. BACON. It is a matter of elementary knowledge known to every Senator here and to every tyro elsewhere that matters of difference between the two Houses are the only things which go into conference. Nobody can dispute that fact.

What was the difference between the two Houses? Was there any difference between the two Houses as to the three resolutions I have read? Not a particle. We passed a joint resolution here containing those three resolutions, and our action so far as those three resolutions were concerned was final. The joint resolution went to the House, and the House passed the same three resolutions without amendment, and their action as to those three resolutions was final, and they had no further opportunity to act upon them. As to the first resolution——

Mr. FAIRBANKS. Mr. President——

Mr. BACON. Will the Senator from Indiana pardon me for a moment? I will then yield with pleasure.

As to the first resolution, there were two differences. We had passed the first resolution on Saturday last in these words:

> That the people of the Island of Cuba are, and of right ought to be, free and independent, and that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that Island.

That is what we passed. When it went to the House, as to that resolution, and that alone, the House made a disagreement. It made no disagreement as to either of the other three resolutions or any part of them, any line or letter of them, but they did make a disagreement as to the first resolution. They made two disagreements. They said, in the first place, that the words "are, and" ought to come out, so that it would simply read "That the people of the Island of Cuba of right ought to be free." That was one difference. We said the words "are, and" ought to be in. They said they ought to be out.

Another difference was that they said that part of it which recognized the Republic of Cuba ought to come out. We said it ought to be in. There were two differences, and a conference committee was asked of the two Houses. For what? To pass on the three resolutions I have read? Certainly not. Each House had agreed to them. The Senate had agreed to them, although the 21 gentlemen whose names I have mentioned voted against them, and the House had agreed to those three resolutions; but as to the first resolution there were two differences, and we had a conference for the purpose of settling the differences on the first resolution, and that alone.

Now I repeat, that it is a principle which no man can dispute that a conference committee has no jurisdiction over anything except as to the differences between the two Houses, and that those differences were such as I have here stated and related in no manner to anything else. Therefore when the conference committee reported——

Mr. SPOONER. If my friend the Senator from Georgia will allow me——

Mr. BACON. Permit me to complete the sentence. Therefore when the conference committee reported, they could report nothing beyond their jurisdiction.

Mr. SPOONER. Of course not.

Mr. BACON. They attempted nothing beyond their jurisdiction. They simply attempted to compose the differences between the two Houses, to compose the differences as to those two amendments to the first resolution, and when they came in and when we refused to agree to the recommendation of the conference committee, we made no refusal as to the three resolutions with which they had nothing to do, and when we agreed to their recommendation we did not agree to anything which related to the three resolutions with which they had nothing to do.

Mr. SPOONER. My friend the Senator from Georgia, who is not only very able, but always frank, will agree that whatever measure may be passed by the two Houses of Congress, whether there may be one resolution or two or three or four or ten, when as to one of them there arises a difference, none can become effective without an agreement as to that difference. If there is a deadlock between the two Houses as to a single difference concerning one of a dozen resolutions, it kills the whole business.

Mr. BACON. Unless there is a final agreement, of course.

Mr. SPOONER. I say if there is a failure to agree.

Mr. COCKRELL. There was no failure to agree. It went right back into conference.

Mr. BACON. When the Senator from Wisconsin wishes to ask me a question, I am glad to yield, but I do not think he ought to stop me to argue the matter.

Mr. SPOONER. That is right.

Mr. FAIRBANKS. Mr. President——

Mr. CHANDLER. I ask the Senator from Georgia——

Mr. BACON. The Senator from Indiana some time ago asked me to yield, and I now yield to him.

Mr. FAIRBANKS. I ask the Senator from Georgia whether or not a vote in favor of concurrence in the final conference report was not in effect a vote for the various resolutions to which the Senator has just alluded?

Mr. BACON. It might have been in spirit; it was not in fact.

Mr. FAIRBANKS. Was not a vote for or against concurrence in the final conference report in effect a vote for or against the resolutions?

Mr. BACON. No; by no means.

Mr. FAIRBANKS. Mr. President——

Mr. BACON. The Senator will pardon me for just a moment. It was by no means, as I was endeavoring to show when I yielded to the Senator from Wisconsin. The conference committee has no jurisdiction outside of the differences between the two Houses, the matter in difference between the two Houses. Their report can cover nothing except as to matters of difference between the

two Houses; and therefore, inexorably, our vote can not have reference to anything except as to matters in difference between the two Houses.

Mr. SPOONER. Unless it is composed, the whole business drops.

Mr. BACON. I yield now to the Senator from New Hampshire.

Mr. CHANDLER. I should like to ask the Senator from Georgia to state here why he and I and other Senators voted not to concur in the House amendments?

Mr. SPOONER. I rise to a point of order. I do not exactly know how the Senator from Georgia can tell why the Senator from New Hampshire did anything.

Mr. BACON. I will state why I did, and will leave out the Senator from New Hampshire.

Mr. CHANDLER. That does not concern the Senator from Wisconsin.

Mr. SPOONER. If the Senator from New Hampshire——

Mr. CHANDLER. The Senator from Georgia and I had a common purpose in those votes, and I propose to ask the Senator a question about it, if the Senator from Wisconsin will let me.

Mr. SPOONER. Mr. President——

Mr. CHANDLER. If the Senator from Wisconsin would not interrupt me except with my consent, I would be very much obliged to him.

Mr. SPOONER. I beg pardon.

Mr. CHANDLER. I ask the Senator what the assumed motive was in voting to nonconcur in the House amendments?

Mr. SPOONER. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Wisconsin will state it.

Mr. SPOONER. I should like to ask the Senator from New Hampshire, if it will not be an unparliamentary interruption, what he means by an assumed motive as a basis?

Mr. BACON. I will ask that both Senators will——

Mr. CHANDLER. If the Senator from Wisconsin is done and will kindly sit down, I will go on with my business.

Mr. SPOONER. I will sit down when the Senator answers the question.

Mr. BACON. Mr. President, I claim the floor.

Mr. TILLMAN. If the Senator from Georgia will——

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. BACON. It is very much easier for each gentleman to argue in his own time——

Mr. TILLMAN. I am merely trying to answer the Senator from Wisconsin.

Mr. CHANDLER. I will ask the Senator——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. Yes, if I may yield to him alone.

Mr. SPOONER. Mr. President——

Mr. BACON. But I see that that contingency has already fallen through.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. The Chair must sustain the right to the floor of the Senator who has it. The Senator from Georgia has the floor, and he yields to the Senator from New Hampshire for a question.

Mr. SPOONER. Mr. President——

Mr. CHANDLER. I do not yield to the Senator from Wisconsin.

Mr. SPOONER. I have not asked the Senator to.

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield.

Mr. CHANDLER. I will ask my question of the Senator from Georgia in another form. Was it not the object in voting not to concur in the House amendments to secure, if possible, action by the House receding from those amendments?

Mr. BACON. Most undoubtedly. It could have been nothing else.

Mr. CHANDLER. Was not that the object of every vote against concurring and in favor of insisting?

Mr. BACON. Undoubtedly.

Mr. CHANDLER. Then I will ask the Senator this question: Whether, no matter how long that voting continued, the object and purpose of it was not the same—to secure, if possible, the action of the House receding from those amendments?

Mr. BACON. The purpose in each case was to secure the action which we had originally taken, and to embody that as law, which action was the only part about which there was any difference, and which action was one relating exclusively to the question of the independence of the people of Cuba and of the Republic of Cuba.

Mr. President, I did not rise with any expectation—I am occupying the floor by the courtesy of the Senator from Missouri——

Mr. COCKRELL. Proceed.

Mr. BACON. I rose with no expectation of occupying so much time. I desired to call attention from the RECORD to the fact that the Senators who now claim that they alone passed the joint resolution, that those who have occupied the floor of the Senate for this purpose, have had but one opportunity to vote for the resolution, and that then, so far from availing themselves of that opportunity, the RECORD shows they voted against it.

Mr. SPOONER. Will my friend the Senator from Georgia allow me to interrupt him for a moment?

Mr. BACON. For a question?

Mr. SPOONER. No.

Mr. BACON. Then I decline to yield.

Mr. SPOONER. The Senator does me injustice if he imputes to me the position or declaration that I voted for these resolutions.

Mr. MONEY. The Senator from Georgia says the Senator from Wisconsin did not.

Mr. SPOONER. I have not said that I voted for the resolutions.

Mr. BACON. Very well.

Mr. SPOONER. I do not want the Senator——

Mr. BACON. I will take it back, if the Senator admits he did not. If he admits that he did not, what I said does not apply to him.

Mr. SPOONER. Of course, when these resolutions——

Mr. BACON. Now, Mr. President——

Mr. SPOONER. If my friend will permit me as a matter of fairness, I will state that when these resolutions were before the Senate I did not vote for them.

Mr. BACON. The RECORD shows that the Senator did not.

Mr. SPOONER. I voted against them.

Mr. BACON. So the RECORD shows.

Mr. SPOONER. I voted against the first one because I regarded it as a legislative falsehood, declaring a fact which I did not believe to be a fact.

Mr. BACON. I voted for it because I regarded it as a legislative truth.

Mr. SPOONER. I voted against the last one, which is what is called an ultimatum, upon the ground—I may have been mistaken, but I was sincere about it, and as good a friend of Cuba, too, as my friend the Senator from New Hampshire [Mr. CHANDLER], not talking so much about it, however——

Mr. BACON. Mr. President——

Mr. SPOONER. Pardon me for a moment.

Mr. BACON. I thought the Senator from Wisconsin was through.

Mr. SPOONER. No. I did that because I believed it was not a function of Congress to declare an ultimatum against a foreign government, and that it was in no sense a law. But when the time came that there was an agreement on the main proposition between the two Houses and a disagreement as to one point, even though, if it had been left to me, I would not have voted for it, I yielded.

Mr. BACON. But the Senator never had the second opportunity to vote for it.

Mr. SPOONER. Wait a moment. I yielded. I voted at the end, when the conference committee had reported an agreement, for the report in order to compose the differences, in order to bring about a legislative adjustment between the two Houses, when I feared there might be no other way. In a sense I voted for something which I did not believe. I voted for something which I had denounced upon the floor of the Senate; and I did it not because I am fond of swallowing, or am willing to do so ordinarily, my own words, or in any sense stultifying myself; but I did it—and I thank my friend the Senator from Georgia for permitting me to say it—because I regarded it as a great and momentous transaction. I thought small differences of opinion ought not to hold us apart, and that we should, if it were possible to do it, come to an agreement that something might emanate from the legislative department to the President, that the reconcentrados who were starving might be relieved, and that the people who claim to love Cuba so much might afford the President an opportunity to aid Cuba.

Mr. BACON. I want to make two remarks in regard to what the Senator has just said. In the first place, I have labored with considerable earnestness to prove that the Senator has never voted for these three important resolutions. I think I have proved it; and in the second place the Senator has admitted it that he never did.

Mr. SPOONER. If the Senator——

Mr. BACON. I object to the Senator taking me entirely off the floor.

Mr. SPOONER. If the Senator will allow me one moment, I will not interrupt him again.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. I said I was going to make two remarks, and he

has allowed me to make one. I will repeat the first one, as the Senator was engaged in the conference he was having with the Senator from Massachusetts [Mr. HOAR], and possibly did not hear it. I said that I had labored with considerable earnestness to endeavor to prove that the Senator from Wisconsin had never voted for the three important resolutions.

Mr. SPOONER. I admit it.

Mr. BACON. And I went on to say, which the Senator did not hear, and which I am now repeating for his benefit, that I had not only proved it, but that the Senator now admitted it.

Mr. SPOONER. I admitted it from the beginning.

Mr. BACON. Very well.

The second remark I desire to make in regard to the Senator's remarks during the interruption is this: The Senator in the course of his interjection, and in the latter part of it, went on to say why he had voted for the resolutions, although he did not agree with them. I say the Senator is mistaken. He never voted for them.

Mr. SPOONER. I never said I did.

Mr. BACON. I think the RECORD will show that the Senator did.

Mr. SPOONER. I said I voted for the conference report, which, if adopted, would adopt the three resolutions for which I had not voted.

Mr. BACON. The Senator is entirely wrong. The conference report had no reference to these three resolutions, and if there is anything which can be demonstrated in logic it has been demonstrated and need not be repeated, that the conference report had nothing to do with these three resolutions, because there was no difference between the two Houses on the three resolutions. The conference report was limited to the differences on the first resolution.

Mr. SPOONER. How could they have been passed without an agreement to some conference report?

Mr. BACON. The conference report simply related to those differences as to——

Mr. SPOONER rose.

Mr. BACON. The Senator will certainly permit me to make a statement without interrupting me before I get through a sentence even. The trouble is, the Senator is engaged in a colloquy, and in the midst of a number of his advisers around he does not hear what I reply, and then he makes an interruption which relates to something I did not say.

Mr. SPOONER. I did not utter a word. I simply shook my finger.

Mr. BACON. The Senator shook it in a way so that I thought possibly it might go off. The proposition is a plain one, that the time when the Senate passed upon these three resolutions, which have probably now become a law by the signature of the President, was on the evening of Saturday, the 16th day of April; that the Senate voted upon them then, and has never voted upon them at any other time.

Mr. FAIRBANKS. If the Senator from Georgia will allow me just a question, I will ask him whether the resolutions which have now probably become a law would have become a law except in pursuance of the vote found on page 4040 of the CONGRESSIONAL RECORD?

Mr. BACON. The question which the Senator from Indiana asks me is, in substance, exactly the same question that the Senator from Wisconsin asked me, and which I was trying to answer at the time when the Senator from Indiana interrupted me for the purpose of asking it again. It is necessary to have a logical sequence in a statement of a proposition, and before I can get to the conclusion the Senator repeats identically the same question. I was coming exactly to the question as to what was the effect of the vote of last night, if the Senator will permit me to get that far.

Mr. FAIRBANKS. I am willing that the Senator should answer one inquiry or the other. Either will satisfy me.

Mr. BACON. I will certainly do so if the Senator will give me an opportunity, at least to the best of my ability; whether satisfactorily to others or not, they must judge.

I repeat the proposition in order to state it properly. The only time these three resolutions which relate to intervention in Cuba have ever been passed upon by the Senate was Saturday evening; that the only differences between the two Houses were as to the first resolution, relating entirely to the matter of independence, and that they did not relate in any manner to either of these three propositions; that upon those differences the conference committee was appointed, whose duties were limited to those differences, whose report must have been limited to those differences, and that when it came to the Senate for a vote the votes were limited to those differences. In other words, when we had the vote last night we did not vote for these three resolutions in any manner, directly or indirectly. We could not change them. Our action as to them had been final. The action of the House as to them had been final. We could not amend them. The House could not amend them. The conference committee could not amend them. They were all three final.

Mr. FAIRBANKS. Will the Senator allow me to ask him a question? Would the joint resolution have gone to the President for his signature and have become a law without the vote of last evening?

Mr. BACON. Most undoubtedly not; and if the Senator had permitted me, that was the next step which I was about to take and which I was about to state.

Mr. FAIRBANKS. I ask the Senator, then, if the joint resolution would not have become a law but for the vote of last evening, whether he aided in making it a law by his vote against it?

Mr. BACON. If we had prevailed, it would have become a law just the same. Those three resolutions would have become a law just the same.

Mr. HOAR, Mr. SPOONER, Mr. CULLOM, and others. Oh, no!

Mr. BACON. I beg the Senators' pardon. Possibly I might be allowed to state a proposition before the Senators enter their judgment and verdict finally.

Mr. SPOONER. It was so plain a case that I felt at liberty to do it.

Mr. CULLOM. So did I.

Mr. BACON. The differences between the two Houses related exclusively to the first resolution. If we had prevailed, the matters to which the House objected would have remained in the joint resolution and it would have become law with that matter in it. So the joint resolution would not have been defeated if we had prevailed. I am speaking about the Turpie amendment. On the other hand, when the Turpie amendment was not permitted to prevail, as under the conference report it was excluded, the resolutions have become a law without the Turpie amendment. But under our action, whichever side prevailed, the three resolutions would have become law, just as they have become law, without alteration. But in the one case they would have become law with the recognition of the Cuban Republic. In the other case they would have become law, as they probably already have done, without the recognition of the Cuban Republic.

Now, Mr. President, one other word and I will stop. The Senator from Maine in the course of his remarks twitted the Senator from Missouri with the fact that the Democrats in the House had voted in the affirmative on the conference report and the Democrats in the Senate had voted in the negative on the conference report. I desire to point, I think with perfect ease, to the fact that in each case the Democrats, both in the Senate and the House, voted for the accomplishment of practically the same purpose. When the House agreed to the conference report, they had no vote to make on the Turpie amendment, because they had never agreed to the Turpie amendment. Consequently, it not having been recommended that they should agree to that amendment, it was not before them in any way. The House had stricken out the words "are and," and they were called upon by the conference report to restore those words. Now, when they voted to restore those words, they voted that the resolutions should declare——

Mr. HOAR. Who has stricken them out?

Mr. BACON. Pardon me a moment. When they voted to restore the words "are and" they voted that the declaration should read that "the people of Cuba are and of right ought to be free." Consequently their vote in that instance was in the interest of the independence of Cuba.

On the other hand, when the report came to the Senate for our action, we had nothing to do with the voting on the question as to restoration of those words, because we had already put them in, and we were not called upon to restore them. What we were called upon to do was to recede from the proposition that the Republic of Cuba should be recognized as free and independent; and when we voted "nay," we voted in the interest of the independence also of the Cuban Republic.

So, while the House voted in the affirmative on the conference report, they voted in the interest of the independence of Cuba; and in the Senate, while we voted in the negative on the conference report, we equally voted in the interest of the independence of Cuba. They voted on one proposition and we voted on another, and both propositions were included in the conference report.

Mr. SPOONER. Will the Senator from Georgia allow me?

Mr. BACON. Certainly.

Mr. SPOONER. An affirmative vote for the conference report as it was presented to the Senate and House last night meant a demand of the United States, supported by the President in command of the land and naval forces of the United States, to bring it about, that the Spanish Government should withdraw all claim of authority from Cuba and withdraw her land and naval forces from Cuba and Cuban waters, did it not?

Mr. BACON. No, sir; decidedly not.

Mr. SPOONER. Then, as the conference report was adopted, what did pass?

Mr. BACON. The conference report had nothing to do with either one of the three resolutions which related to the question that the Senator now speaks of.

Mr. SPOONER. No; but the Senate, by the adoption of the conference report, composed all differences between the two Houses, did it not?

Mr. BACON. And those differences did not relate to that subject at all.

Mr. SPOONER. Wait a moment. The adoption of the conference report composed all differences between the two Houses, did it not?

Mr. BACON. Yes.

Mr. SPOONER. And enabled the two Houses to send the joint resolution to the President for approval, did it not?

Mr. BACON. Yes.

Mr. SPOONER. And that measure, which, by this agreement between the two Houses, was sent to the President for his approval, demanded the withdrawal by Spain of all authority and troops from Cuba, did it not?

Mr. BACON. Well, ask your question, and I will answer it.

Mr. SPOONER. I am asking it. Did it not?

Mr. BACON. I will answer when you get through.

Mr. SPOONER. I have asked it.

Mr. BACON. Are you through?

Mr. SPOONER. I want a categorical answer.

Mr. BACON. I decline to answer the question until you finish.

Mr. SPOONER. I say——

Mr. COCKRELL. Oh, that has been thrashed over and over fifty times at the lowest calculation—the same thing over and over again.

Mr. BACON. Yes; I think it has.

The PRESIDING OFFICER. Does the Chair understand the Senator——

Mr. BACON. I yield the floor to the Senator from Missouri.

Mr. COCKRELL. I have been extremely good-natured, but I believe it is time to bring this to a close.

The PRESIDING OFFICER. The Chair understands the Senator from Georgia to yield to the Senator from Wisconsin.

Mr. TELLER. I rise to a question of order.

Mr. MONEY. Will the Senator from Missouri yield to me?

Mr. COCKRELL. Does the Senator from Wisconsin desire to interrupt me to ask a question of me?

Mr. TELLER. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Chair understands that the Senator from Georgia has the floor, yielding to the Senator from Wisconsin.

Mr. BACON. No, sir.

The PRESIDING OFFICER. And the Senator from Wisconsin is entitled to the floor.

Mr. BACON. I yielded the floor to the Senator by whose courtesy I held it, and that is the Senator from Missouri.

The PRESIDING OFFICER. The Chair understood that the Senator from Georgia had yielded to the Senator from Wisconsin who asked him a question before he sat down.

Mr. SPOONER. The Senator from Missouri had yielded to the Senator from Georgia, and I could not, of course, hold the floor.

Mr. COCKRELL. That is the reason why I asked you if you wanted to put a question to me.

Mr. SPOONER. No, sir; I did not. I want to put a question to the Senator from Georgia.

Mr. MONEY. I ask the Senator from Missouri if he will yield to me for a moment?

Mr. COCKRELL. If not for too long a time. I have been yielding and I have been very good-natured. But I am very willing to indulge him. I will yield for a short time.

Mr. MONEY. I will not abuse the patience of the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri declines to yield further.

Mr. COCKRELL. No; I said that I would yield to the Senator from Mississippi for a short time.

Mr. SPOONER. I wish the Senator from Missouri would yield to me for a moment.

The PRESIDING OFFICER. Does the Senator from Missouri yield?

Mr. COCKRELL. If for a question, I will yield, but I think I have shown a great deal of patience. I have listened to everybody and I want to get through. I want to do some talking myself. I have not talked any for a month. I did not open my mouth in the whole discussion of Cuban affairs. Everybody else has talked. The Senator from Wisconsin occupied five or six hours.

Mr. SPOONER. Oh, no.

Mr. COCKRELL. I am perfectly willing to yield for a question. I will answer any question, but I have started here and gotten to a certain point. I have been reading from the President's message, and I want to get through with it. I do not know how many hornets' nests I shall stir up as I go along, but still I should like to proceed with the President's message.

Mr. President, I was discussing armed or neutrality intervention. I was quoting from the President's message on page 10, where he said:

There remain the alternative forms of intervention to end the war, either as an impartial neutral by imposing a rational compromise between the contestants or as the active ally of the one party or the other.

We have heard a great deal about the President's policy and that we must follow the President's policy, and we have been lectured because we were opposing the President's policy. I am trying to find out now exactly what was the President's policy and recommendation. I want Senators to note these words:

There remain the alternative forms of intervention to end the war, either as an impartial neutral by imposing a rational compromise between the contestants—

"Rational compromise between the contestants"—

or as the active ally of the one party or the other.

Which one of these horns of the dilemma does the President take? He says:

There remain the alternative forms of intervention to end the war, either as an impartial neutral by imposing a rational compromise between the contestants—

Making them both submit; making them both equally submit, neither in favor of one nor the other. Now, what does he say?

As to the first, it is—

What is that? "An impartial neutral by imposing a rational compromise between the contestants."

As to the first, it is not to be forgotten that during the last few months the relation of the United States has virtually been one of friendly intervention—

"Friendly intervention!"—

in many ways, each not of itself conclusive, but all tending—

Where tending?—

tending to the exertion of a potential influence toward an ultimate pacific result—

"An ultimate pacific result!"—

just and honorable to all interests concerned. The spirit of all our acts hitherto has been an earnest, unselfish desire for peace and prosperity in Cuba, untarnished by differences between us and Spain, and unstained by the blood of American citizens.

Now listen:

The forcible intervention of the United States as a neutral—

Mark the language—

The forcible intervention of the United States as a neutral to stop the war—

The phrase "to stop the war" is repeated hereafter—

The forcible intervention of the United States as a neutral to stop the war, according to the large dictates of humanity and following many historical precedents where neighboring states have interfered to check the hopeless sacrifices of life by internecine conflicts beyond their borders, is justifiable on rational grounds. It involves, however—

What? I ask Senators to listen. It involves what—

It involves, however, hostile constraint—

"Hostile constraint"—

upon both the parties to the contest as well to enforce a truce as to guide the eventual settlement.

There is the recommendation of the President of the United States. Nothing less and nothing more and nothing else. There it is:

The forcible intervention of the United States as a neutral to stop the war, according to the large dictates of humanity and following many historical precedents where neighboring states have interfered to check the hopeless sacrifices of life by internecine conflicts beyond their borders, is justifiable on rational grounds. It involves, however, hostile constraint upon both the parties to the contest as well to enforce a truce as to guide the eventual settlement.

Now he gives the ground for it. He goes on and discusses all about it. Then he tells about the naval court of inquiry. What does he say in the end? I read from page 13:

The long trial has proved that the object for which Spain has waged the war can not be attained. The fire of insurrection may flame or may smolder with varying seasons, but it has not been and it is plain that it can not be extinguished by present methods. The only hope of relief and repose from a condition which can no longer be endured—

Is what? What is the only hope? I appeal to Senators. What is the only hope of the President? He says this is unendurable. Now, what is the only hope?—

The only hope of relief and repose from a condition which can no longer be endured is the enforced pacification of Cuba.

The enforced pacification of Cuba. Not the independence of Cuba. Not the recognition of the independence of Cuba. Not the expulsion of Spain from Cuba, but the enforced pacification of Cuba by the United States, taking Spain and Cuba, respectively, each by the throat, and forcing them to terms. As I said before, as I quoted:

It involves, however, hostile constraint upon both the parties to the contest as well to enforce a truce as to guide the eventual settlement.

That was the way of it. Enforce the truce and then guide the settlement and constrain both parties. That was the recommendation, pure and simple, and no living man can take the message and make anything else of it.

In the name of humanity, in the name of civilization, in behalf of endangered American interests—

Says the President—

which give us the right and the duty to speak and to act, the war in Cuba must stop.

Must stop how? By the constrained intervention "upon both the parties to the contest." There it is. Yet the Senator from Maine [Mr. HALE] asked us to follow the President's policy; he said that that is the policy to follow. Did he follow it?

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. COCKRELL. In one moment. Now, I want to do justice to the President. I want to show that what his policy was is not the policy that was carried out, and is not the policy that was recommended by any committee of the Senate or of the House. Neither the resolution passed by the House nor that passed by the Senate is a fair interpretation of that policy. Now, what does he say?

The issue is now with the Congress. It is a solemn responsibility. I have exhausted every effort to relieve the intolerable condition of affairs which is at our doors.

"I have done all I can as the President of the United States in the exercise of my Executive functions. The matter now rests with the Congress." He has given his views. He has made his recommendations. He is powerless to do more, and he leaves the matter entirely to Congress.

Mr. GRAY. Will not the Senator from Missouri in fairness read the next paragraph where he stopped?

Mr. COCKRELL. I am going to read it all.

Mr. GRAY. Read the paragraph beginning, "In view of these facts."

Mr. COCKRELL. I intended to read that before. I will read it. Now, what is his further recommendation?

In view of these facts and of these considerations, I ask the Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the Government of Spain and the people of Cuba, and to secure in the island the establishment of a stable government, capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own, and to use the military and naval forces of the United States as may be necessary for these purposes.

How? By the armed intervention, as he has recommended, as he has stated could be done by compelling the forces to come together and agree to a pacification. That would give a stable government and protect the rights of the people. It would not be an independent republic and it would not be the expulsion of Spain. Then he says:

In the interest of humanity and to aid in preserving the lives of the starving people of the island I recommend that the distribution of food and supplies be continued.

Did the President recommend that the distribution of food supplies should be continued when he undertook to expel Spain from Cuba? Why, no; it was upon the theory that he was going to put the strong arm of the United States upon the Spanish Government with one hand and upon the Cuban government with the other and constrain them to terms, and while doing that he would issue rations to the people to prevent starvation. That is the only interpretation you can make of it; there is no other on earth that you can give to it. Then he says:

The issue is now with the Congress. It is a solemn responsibility. I have exhausted every effort to relieve the intolerable condition of affairs which is at our doors. Prepared to execute every obligation imposed upon me by the Constitution and the law, I await your action.

"I await your action." This was as every President ought to have done. He awaits the action of Congress. Now, Mr. President, what was the action of Congress? Did we authorize him to place his mailed hand upon the Spanish and the Cuban governments and bring them together and constrain them to a peace and then make a settlement? Not a bit of it. Did we authorize and empower him to do anything? Not a bit of it. There is no authority and power here. It is a direct command. There is a great deal of difference between the two.

Mr. MONEY. The language is "directed and empowered."

Mr. COCKRELL. "Directed and empowered." The language of the resolution is perfectly explicit:

That it is the duty of the United States to demand, and the Government of the United States does hereby demand—

What? Demand that pacification shall occur in Cuba? Demand that constraint shall be put upon the Cuban and Spanish governments and bring them to a truce and a final settlement? No, no; it is that the Government demands—

that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

There it is. There is no equivocation about it. It is not authorizing and empowering, but it is directing and authorizing the President to do a specific act and giving him the power to do it. That was not in the President's recommendation; not a bit of it. And yet the Senator from Maine undertakes to say that these resolutions are in accordance with the policy of the President. They are directly the reverse of the policy of the President. What is the next clause? It reads:

That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States to such extent as may be necessary to carry—

To carry what? To carry the demand for Spain to withdraw from Cuba and from Cuban waters; to withdraw its authority as a government and its forces; to give up the Island of Cuba. What does the first sentence mean?

That the people of the Island of Cuba are, and of right ought to be, free and independent.

That is the recognition of the Republic of Cuba by innuendo, by indirection; it is not a specific recognition.

Mr. SPOONER. Will the Senator from Missouri allow me to interrupt him?

Mr. COCKRELL. Certainly.

Mr. SPOONER. The Senator is in favor of the declaration "That the people of the Island of Cuba are and of right ought to be, free and independent?"

Mr. COCKRELL. I voted for it and the Senator voted against it.

Mr. SPOONER. But he did not believe it.

Mr. COCKRELL. I did believe it was true.

Mr. SPOONER. Never mind; the Senator was in favor of a demand upon the part of the United States that the Government of Spain should withdraw from Cuba——

Mr. COCKRELL. Yes.

Mr. SPOONER. All her land and naval forces, was he not?

Mr. COCKRELL. Yes, and I voted for it.

Mr. SPOONER. The Senator voted against it.

Mr. COCKRELL. I voted for it and you against it. I voted for it and the RECORD shows you voted against it. I am astonished that the Senator from Wisconsin should resort to such a subterfuge. It is the weakest bosh I ever heard of. It is not swill, much less soup. There is no strength about it. There is nothing in it. He voted against it and I voted for it, and when it came to the pinch I voted against receding from it with the view of getting another vote in the House, or another conference until the House would yield, as it ought to have done.

Mr. CHANDLER rose.

Mr. COCKRELL. I see the Senator from New Hampshire [Mr. CHANDLER] is very anxious to do something or to ask me something. I do not know for what purpose he has risen.

Mr. CHANDLER. The Senator from Missouri does not care to finish his speech to-day?

Mr. COCKRELL. Oh, no.

Mr. CHANDLER. I ask the Senator to yield for a motion to proceed to the consideration of executive business.

Mr. COCKRELL. All right.

Mr. CHANDLER. I make that motion, Mr. President.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, April 20, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 19, 1898.

RECEIVERS OF PUBLIC MONEYS.

Andrew J. Edsall, of Bozeman, Mont., to be receiver of public moneys at Bozeman, Mont., vice John F. Asbury, whose term will expire May 4, 1898.

Louis W. Eldridge, of Lewistown, Mont., to be receiver of public moneys at Lewistown, Mont., vice John P. Barnes, whose term will expire May 7, 1898.

John Horsky, of Helena, Mont., to be receiver of public moneys at Helena, Mont., vice Jeremiah Collins, whose term will expire May 7, 1898.

Charles H. Norris, of Fowler, Cal., to be receiver of public moneys at Visalia, Cal., vice Edward A. Pueschel, term expired.

William J. French, of Alva, Okla., to be receiver of public moneys at Alva, Okla., vice James W. Coman, removed.

Thomas P. Kennard, of Lincoln, Nebr., to be receiver of public moneys at Lincoln, Nebr., vice William B. Morrison, resigned.

Samuel A. Young, of Inyankara, Wyo., to be receiver of public moneys at Sundance, Wyo., vice Thomas A. Dunn, whose term will expire April 16, 1898.

PROMOTIONS IN THE ARMY.

To be second lieutenants.

ARTILLERY ARM.

Sergt. Samuel C. Vestal, Company E, Second Infantry, April 12, 1898, to fill an original vacancy.

Corpl. Thomas H. R. McIntyre, Company E, Fifth Infantry, April 12, 1898, to fill an original vacancy.

Sergt. Maj. Robert McCleave, First Infantry, April 12, 1898, to fill an original vacancy.

Corpl. Richard H. McMaster, Company D, Tenth Infantry, April 12, 1898, to fill an original vacancy.

INFANTRY ARM.

Sergt. John Robertson, Troop C, Second Cavalry, April 12, 1898, vice Saffarrans, Sixth Infantry, promoted.

Private James V. Heidt, general service, April 12, 1898, vice Pierce, Sixth Infantry, promoted.

Sergt. Joseph D. Bradley, Company D, Twelfth Infantry, April 12, 1898, vice Wahl, Fifth Infantry, promoted.

Sergt. Charles S. Lincoln, Company B, Second Infantry, April 12, 1898, vice Jackson, Twenty-fourth Infantry, promoted.

Corpl. Patrick H. Mullay, Troop B, Sixth Cavalry, April 12, 1898, vice Donworth, Fourteenth Infantry, promoted.

POSTMASTERS.

Frederick O. Prouty, to be postmaster at Cuba, in the county of Allegany and State of New York, in the place of R. S. Armstrong, deceased.

Sumner W. Thompson, to be postmaster at Davis, in the county of Tucker and State of West Virginia, in the place of Owen Willison, whose commission expired March 19, 1898.

COLLECTOR OF INTERNAL REVENUE.

Frederick von Baumbach, of Minnesota, to be collector of internal revenue for the district of Minnesota, to succeed William H. Harries, removed.

JUSTICE OF THE PEACE.

Luke C. Strider, of the District of Columbia, to be justice of the peace in the District of Columbia (assigned to the city of Washington), his term expiring May 3, 1898.

PROMOTIONS IN THE NAVY.

Pay Director Edwin Stewart, to be Paymaster-General and Chief of the Bureau of Supplies and Accounts in the Department of the Navy.

Ensign Ashley H. Robertson, to be a lieutenant (junior grade) in the Navy, from the 1st day of February, 1898, vice Lieut. (Junior Grade) John J. Blandin, promoted.

Ensign Carlo B. Brittain, to be a lieutenant (junior grade) in the Navy, from the 6th day of February, 1898, vice Lieut. (Junior Grade) Albert L. Key, promoted.

Ensign Casey B. Morgan, to be a lieutenant (junior grade) in the Navy, from the 16th day of February, 1898 (subject to the examinations required by law), vice Lieut. (Junior Grade) Friend W. Jenkins, deceased.

Ensign William M. Crose, to be a lieutenant (junior grade) in the Navy, from the 10th day of March, 1898 (subject to the examinations required by law), vice Lieut. (Junior Grade) William L. Howard, promoted.

Lieut. (Junior Grade) Wiley R. M. Field, to be a lieutenant in the Navy, from the 14th day of March, 1898, vice Lieut. Oswin W. Lowry, deceased.

Ensign John F. Hubbard, to be a lieutenant (junior grade) in the Navy, from the 14th day of March, 1898, vice Lieut. (Junior Grade) Wiley R. M. Field, promoted.

Thomas Drayton Parker, to be an assistant engineer in the Navy, under the provisions of private resolution No. 3, approved March 18, 1898.

UNITED STATES MARSHALS.

Henry Z. Osborne, of California, to be marshal of the United States for the southern district of California, vice Nicholas A. Covarrubias, whose term will expire May 16, 1898.

John H. Shine, of California, to be marshal of the United States for the northern district of California, vice Barry Baldwin, whose term will expire May 29, 1898.

REGISTERS OF THE LAND OFFICE.

Edward Brassey, of Lewistown, Mont., to be register of the land office at Lewistown, Mont., vice David Hilger, whose term will expire May 7, 1898.

George D. Greene, of Boulder, Mont., to be register of the land office at Helena, Mont., vice William E. Cox, whose term will expire May 7, 1898.

Frank D. Hobbs, of Salt Lake City, Utah, to be register of the land office at Salt Lake City, Utah, vice Harvey N. McGrew, who was appointed November 5, 1897, during the recess of the Senate, and whose nomination was rejected April 12, 1898.

SURVEYOR OF CUSTOMS.

Leander M. Shubert, of Iowa, to be surveyor of customs for the port of Council Bluffs, in the State of Iowa, to succeed Russell N. Whittlesey, removed.

APPOINTMENTS IN THE NAVY.

Richard H. Robinson, a citizen of Ohio, to be an assistant naval constructor in the Navy.

Frederic C. Brown, a citizen of Massachusetts, to be a chaplain in the Navy, to fill a vacancy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 19, 1898.

SECRETARY OF LEGATION.

Henry J. Lenderink, of Iowa, to be secretary of the legation of the United States at Santiago, Chile.

RECEIVER OF PUBLIC MONEYS.

Fred Butler, of Leadville, Colo., to be receiver of public moneys at Leadville, Colo.

UNITED STATES MARSHAL.

Edwin R. Durham, of Missouri, to be marshal of the United States for the western district of Missouri.

UNITED STATES ATTORNEYS.

Patrick H. Rourke, of North Dakota, to be attorney of the United States for the district of North Dakota.

Robert G. Evans, of Minnesota, to be attorney of the United States for the district of Minnesota.

COLLECTOR OF INTERNAL REVENUE.

Frederick von Baumbach, of Minnesota, to be collector of internal revenue for the district of Minnesota.

APPOINTMENTS IN THE NAVY.

Edgar Thompson, a citizen of Missouri, to be an assistant surgeon.

Thomas Drayton Parker, to be an assistant engineer.

PROMOTIONS IN THE NAVY.

Pay Director Edwin Stewart, to be Paymaster-General and Chief of Bureau of Supplies and Accounts in the Navy Department.

Lieut. John A. H. Nickels, to be a lieutenant-commander.
Lieut. (Junior Grade) John J. Blandin, to be a lieutenant.
Lieut. Clinton K. Curtis, to be a lieutenant-commander.
Lieut. (Junior Grade) Albert L. Key, to be a lieutenant.
Lieut. (Junior Grade) William L. Howard, to be a lieutenant.
Lieut. (Junior Grade) Wiley R. M. Field, to be a lieutenant.
Lieut. Theodric Porter, to be a lieutenant-commander.
Ensign Frank M. Russell, to be a lieutenant (junior grade).
Ensign Frank Marble, to be a lieutenant (junior grade).
Ensign Ashley H. Robertson, to be a lieutenant (junior grade).
Ensign Carlo B. Brittain, to be a lieutenant (junior grade).
Ensign Casey B. Morgan, to be a lieutenant (junior grade).
Ensign William M. Corse, to be a lieutanant (junior grade).
Ensign John F. Hubbard, to be a lieutenant (junior grade).

APPOINTMENTS IN THE ARMY.

To be post chaplains.

The Rev. J. H. Sutherland, of West Virginia.
The Rev. Dwight Galloupe, of New Jersey.

PROMOTIONS IN THE ARMY.

Medical Department.

Maj. Henry Lippincott, surgeon, to be deputy surgeon-general.
Capt. George McCreery, assistant surgeon, to be surgeon.

Infantry arm.

First Lieut. Charles Richard Tyler, Sixteenth Infantry, to be captain.

Second Lieut. William Payne Jackson, Twenty-fourth Infantry, to be first lieutenant.

Second Lieut. Albert Bernard Donworth, Fourteenth Infantry, to be first lieutenant.

Cavalry arm.

First Lieut. James Waterman Watson, Tenth Cavalry, to be captain.

First Lieut. Percy Edwards Trippe, Tenth Cavalry, to be captain.

Second Lieut. Richard Larremore Livermore, Tenth Cavalry, to be first lieutenant.

Second Lieut. Thomas Michael Corcoran, Tenth Cavalry, to be first lieutenant.

Second Lieut. Robert John Fleming, Seventh Cavalry, to be first lieutenant.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 19, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. Res. 233. Joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of

Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

THE VOTE ON CUBA.

Mr. EVANS. Mr. Speaker, I have been requested by my colleague, Mr. DAVISON, to state to the House, so that it may go upon record, that on account of sickness he was not present during last evening's session of the House. Had he been present, he would have voted in accordance with the votes he had previously cast; he would have voted to agree to the report of the conference committee.

PERSONAL EXPLANATION.

Mr. GROSVENOR. I rise to a question of personal privilege. I ask that an editorial in to-day's New York Sun be read by the Clerk.

The Clerk read as follows:

A CALL FOR A VOLUNTEER.

The most useful service which the Hon. CHARLES HENRY GROSVENOR, of Ohio, can render his country at this critical time is to get up in the House and ask Mr. REED to recognize him for a personal explanation.

[Laughter.]

If he is recognized, he should then proceed personally to explain that when he remarked in the House of Representatives on Thursday, April 7, that "this war will be fought under the banner of the Republican Administration of this Government, or it will not be fought at all," he did not mean to be understood, as he certainly has been understood by certain patriotic Democrats in Congress, that this war is to be a Republican war.

Let General GROSVENOR stand up like the man he is and state the exact truth. If this war is fought at all, it will be fought under the flag of the United States. General GROSVENOR can do his country and his Administration this great service. Will he volunteer?

[Laughter.]

Mr. GROSVENOR. Mr. Speaker, I have volunteered. [Laughter.] There is but one statement of fact in the article just read that I in any possible way controvert; and that is, that there is any Democrat on this floor who construed my statements in my remarks of April 7 in the manner indicated by that editorial paragraph. I will make a very brief statement; and I am sure the House at least will be satisfied with it.

There had been a very severe assault, as we all understood, upon the Administration by gentlemen on this floor; and in reply, having traversed the various grounds upon which the allegations had been made, I came finally to the point objected to by the New York Sun. There had been at that time, as is well known, more or less disposition to disorganization on the Republican side of the House, and one distinguished gentleman who occupied the floor that afternoon had pointed this out with considerable force and with a degree of insinuating pleasantry, if it was pleasantry, that was quite suggestive to us on this side. Having, as well as I could, combated the charges against the Administration as I understood them to be made——

The SPEAKER. The Chair ought to say that this is proceeding by general consent.

Mr. GROSVENOR. Well, Mr. Speaker, I do not want the Chair to be put in any awkward position. I ask unanimous consent of the House——

Mr. BAILEY. I ask unanimous consent that the gentleman be allowed to conclude his statement.

Mr. GROSVENOR. I ask that privilege. I think it has been granted a great many times heretofore.

The SPEAKER. If there be no objection, the gentleman from Ohio will be allowed to proceed. The Chair hears no objection. The Chair simply wanted to call the attention of the House to the matter, because the precedents in regard to questions of personal privilege do not go quite so far as to recognize this matter as such.

Mr. GROSVENOR. I do not know exactly where I left off. I will ask the privilege of connecting what I am to say with what I have said.

Having combated as well as I could what I understood to be the allegations which had been made on the other side, I then appealed to the Republican side of the House, and incidentally to the entire House, to cease attacks upon the Administration. I will read the language which I used. And I beg to say that no line or word or punctuation mark was changed by me, for I never saw the matter as written out by the official reporters from the time I made my remarks until they made their appearance in the RECORD. Here is my language:

Here comes a matter which the whole world will say controlled the Administration as it ought to have been controlled; and the world will be notified to-night that the President of the United States has been assailed by a distinguished Representative on this floor, his motives impugned, his integrity censured, his whole action charged as being instigated by criminal purpose. And this in a body that boasts that it is going to stand by the Administration!

Now, gentlemen, let me tell you another thing. This war will be fought under the banner of the Republican Administration of this Government or it will never be fought at all. We may differ about how it ought to be inaugurated, and honestly. Some of you may have an opinion different from mine, and I honor you for that. But when the time comes the Commander in Chief of the Army of the United States will command the column that will crush the power of Spain, or it never will be crushed.

That is the entire reference, the entire statement, verbatim, of everything said by myself in reference to that branch of the subject.

My purpose, Mr. Speaker, was not to intimate that the Democratic party of this country was not as loyal to the country as was the Republican party; and I had taken occasion to state, earnestly, at the time of the passage of the $50,000,000 emergency bill, my unqualified indorsement, and, indeed, my profound delight, at the record of the Democratic party with reference to it. My proposition, which I was seeking to enforce, was that this Administration having three years to serve, the war that we were entering upon, probably, at that time, and certainly now, would have to be conducted under the Administration of the present Chief Executive of the United States; and I was appealing to gentlemen on this floor not to hamper the Administration in any manner, but to stand together solidly in its support.

And now, if it is necessary, Mr. Speaker, and I certainly think it is not, I will say that I believe this war will be as energetically waged, both in the machinery necessary to carry it on and the response to the call for arms by the Administration, by the Democrats and by the Populists as by the Republicans; and especially do I believe that the response of patriotism will come from every Southern State, from every ex-Confederate soldier who is capable of bearing arms, and will be joined in by one triumphant echo of victory among the people of the South and by the loyal men who wore the blue. [Prolonged applause.]

COMMITTEE ON MILITARY AFFAIRS.

Mr. HULL. Mr. Speaker, I ask unanimous consent of the House that the Committee on Military Affairs may be permitted to sit during the sessions of the House.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PERSONAL EXPLANATION.

Mr. WHITE of North Carolina. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WHITE of North Carolina. I simply desire to say that I was unavoidably absent last evening, having traveled 450 miles yesterday and last night in the attempt to get here for the purpose of voting on the Cuban resolution. I got here at 8 o'clock this morning, after the vote had been taken last night; and now desire to say that if I had been present, I should have voted in the affirmative on the final passage of the resolutions.

CHANGE OF REFERENCE.

The following changes of reference were announced by unanimous consent:

The bill H. R. 9662—from the Committee on Military Affairs to the Committee on the Militia.

The bill H. R. 9816—from the Committee on the Post-Office and Post-Roads to the Committee on Interstate and Foreign Commerce.

House Document No. 415—from the Committee on Naval Affairs to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. DINGLEY. Mr. Speaker, in view of the fact that the members of the House are exceedingly wearied by the all-night session, and the desire seeming general that they may have a rest to-day, I move that the House do now adjourn. [Applause.]

The motion was agreed to; and accordingly (at 12 o'clock and 30 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9863) to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 1112); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9862) to amend subdivision 10 of section 2238 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 1113); which said bill and report were referred to the House Calendar.

Mr. ELLIS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 6087) granting to the State of Kansas the entire remaining portion of the abandoned Fort Dodge Military Reservation in said State as an addition to and for the use of the State Soldiers' Home, reported the same

without amendment, accompanied by a report (No. 1115); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. Res. 237) appointing four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, accompanied by a report (No. 1116); which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9454) for the relief of Jeronemus S. Underhill, reported the same without amendment, accompanied by a report (No. 1114); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 9944) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes—to the Committee on Military Affairs.

By Mr. HURLEY: A bill (H. R. 9945) to make the 12th day of February a national and legal holiday, in memory of Abraham Lincoln—to the Committee on the Library.

By Mr. COWHERD: A bill (H. R. 9946) to amend an act entitled "An act to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes"—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CARMACK: A bill (H. R. 9947) for the relief of Martha A. Booth, administratrix—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 9948) granting a pension to Sarah Gordon—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 9949) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased—to the Committee on War Claims.

By Mr. MIERS of Indiana: A bill (H. R. 9950) granting relief to Henry Null, of Greene County, Ind.—to the Committee on Military Affairs.

By Mr. MILLER: A bill (H. R. 9951) for the relief of Mrs. Druzilla Stump—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CLARKE of New Hampshire: Petition of Daniel Webster Council, No. 22, United American Mechanics, of Concord, N. H., praying for the passage of Senate bill No. 112, amending the immigration laws—to the Committee on Immigration and Naturalization.

Also, petition of the Christian Endeavor Society of Sunapee, N. H., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. CONNELL: Petition of Robert Taylor Lodge, No. 418, Knights of Pythias, of Vandling, Pa., indorsing House bill No. 6468, praying for a lease of public land from the Government for the establishment of a national Pythian sanitarium—to the Committee on the Public Lands.

By Mr. ERMENTROUT: Petition of the United States Brewers' Association, protesting against the imposition of any additional tax on beer—to the Committee on Ways and Means.

Also, protest of the Chicago Federation of Labor, against the passage of the anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. HURLEY: Petition of the United States Brewers' Association, protesting against the imposition of any additional tax on beer—to the Committee on Ways and Means.

By Mr. JOHNSON of Indiana: Resolutions of citizens and religious denominations of the Sixth Congressional district of Indiana, against the passage of a law dispersing William Duncan and Indians of Annette Island—to the Committee on the Public Lands.

Also, petition of the Woman's Christian Temperance Union and various citizens of Richmond, Ind., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. LOUDENSLAGER: Petition of the Grand Lodge of New Jersey, Independent Order of Mechanics, for the recognition of the belligerent rights of the Cubans—to the Committee on Foreign Affairs.

By Mr. McRAE: Resolution of the Board of Trade of Little Rock, Ark., in support of House bill No. 6066, relating to appropriations to aid in the holding of a national exposition of American products and manufactures in Philadelphia—to the Committee on Interstate and Foreign Commerce.

By Mr. MIERS of Indiana: Papers to accompany House bill to remove the charge of desertion against Henry Null—to the Committee on Military Affairs.

By Mr. MILLER: Evidence in support of House bill for the relief of Mrs. Elizabeth Stump—to the Committee on War Claims.

By Mr. SHAFROTH: One thousand two hundred and sixty-eight petitions of citizens of the State of Colorado, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petitions of Order of Railway Conductors, No. 278, Dennison, Ohio; H. C. Boughton Division, No. 33, Andrews, Ind.; Blue River Lodge, No. 61, Brotherhood of Railroad Trainmen, Princeton, Ind.; Order of Railway Conductors, No. 320, Dayton, Ohio; R. W. Taylor and 19 others, Chewalla, Tenn.; E. A. McDonald and 9 others, Heiskell Station, Tenn.; Z. T. Watkins and 19 others, Ooltewah, Tenn.; A. M. Shell and 22 others, Piney Flats, Tenn.; F. F. Allison and 7 others, Lavonia, Ga., and Senator D. J. Griffith and 8 others, Lewiedale, S. C., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: Protests of the J. M. Bour Company, R. A. Bartley, the Dow & Snell Company, and the Paddock Overmyer Company, all business firms of Toledo, Ohio, against the internal-revenue tax on tea and coffee—to the Committee on Ways and Means.

By Mr. TODD: Petition of the Woman's Christian Temperance Union and other citizens of Allen, Mich., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. VINCENT: Papers to accompany House bill No. 8715, for the relief of W. J. Randolph—to the Committee on War Claims.

SENATE.

WEDNESDAY, *April 20, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. WILSON, and by unanimous consent, the further reading was dispensed with.

BASIS OF TREASURY STATEMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 5th instant, certain information relative to the ascertainment of the amount of gold in actual circulation after deducting the reserves in the Treasury and in the banks, and stating that the starting point of the estimate of the stock of gold in the United States is the calculation made of the stock June 30, 1872, by Dr. Henry R. Linderman, then Director of the Mint, etc.; which was referred to the Committee on Finance, and ordered to be printed.

THE NICARAGUA CANAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State, submitting an estimate of an additional appropriation of $50,000 for the survey and examination of the Nicaragua Canal; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HALE presented the memorial of F. W. Clair and 19 other citizens of Maine, remonstrating against the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. ALLEN presented a petition of A. E. Burnside Post, No. 29, Department of Nebraska, Grand Army of the Republic, of Bladen, Nebr., praying that the President of the United States and the Congress take immediate action for the relief of the starving

Cubans, and also for the recognition of the Island of Cuba; which was referred to the Committee on Foreign Relations.

Mr. McMILLAN presented a petition of the National Building Trades Council of America, praying for the enactment of legislation to grant the right of franchise to citizens of the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of the Congregational Christian Endeavor Society of Owosso, Mich.; of the Woman's National Sabbath Alliance, and of the Woman's Christian Temperance Union of Big Prairie, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Christian Temperance Union of Big Prairie, Mich., praying for the enactment of legislation to prohibit interstate gambling by telegraph, telephone, or otherwise, to substitute voluntary arbitration for railway strikes, to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws, and to prohibit the reproduction of prize fights by the kinetoscope or other kindred devices; which were referred to the Committee on the Judiciary.

He also presented a petition of the Congregational Christian Endeavor Society of Owosso, Mich., and a petition of the Woman's Christian Temperance Union of Big Prairie, Mich., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented a petition of Local Union No. 330, Cigar Makers' International Union, of Alpena, Mich., praying for the passage of the so-called eight-hour bill, the prison-labor bill, the anti-injunction bill, and the bill for the relief of American seamen; which was referred to the Committee on Education and Labor.

He also presented a petition of Farrell Division, No. 94, Brotherhood of Locomotive Engineers, of Marquette Mich., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a petition of the Congregational Christian Endeavor Society of Owosso, Mich., praying for the enactment of legislation to prohibit the interstate circulation of newspaper descriptions of prize fights; which was referred to the Committee on the Judiciary.

He also presented a petition of the Congregational Christian Endeavor Society of Owosso, Mich., praying for the enactment of legislation to prohibit kinetoscope reproductions of prize fights in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Congregational Christian Endeavor Society of Owosso, Mich., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the Congregational Christian Endeavor Society of Owosso, Mich., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union, of the congregations of the Baptist Church, the Presbyterian Church, and the Methodist Episcopal Church, the Epworth League, and the Christian Endeavor Society, all of Tekonsha, in the State of Michigan, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance unions of Oakland, Imlay City, and Lambertville; of the Congregational Christian Endeavor Society of Owosso; of the congregations of the Climax Methodist Episcopal Church, the Scott Methodist Episcopal Church, and the Baptist Church, of Climax; of sundry citizens of Pickford, and of the Woman's Christian Temperance Union, the Epworth League, the Christian Endeavor Society, the Baptist Young People's Union, and the congregations of the Methodist Episcopal Church and the Presbyterian Church, of Tekonsha, all in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. QUAY presented a petition of the board of directors of the Commercial Exchange of Philadelphia, Pa., praying for the enactment of legislation regulating and defining the grades of flour; which was referred to the Committee on Manufactures.

Mr. TELLER presented a petition of the board of directors of the Chamber of Commerce of Denver, Colo., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a petition of the Freight Bureau of Denver, Colo., praying for the adoption of the so-called Cullom amendment to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. MANTLE presented a petition of Black Eagle Division, No. 358, Order of Railway Conductors, of Great Falls, Mont., and a petition of Butte City Division, No. 294, Order of Railway Conductors, of Butte, Mont., praying for the passage of the so-called anti-scalping ticket bill; which were ordered to lie on the table.

Mr. TURPIE presented a petition of Republican Camp, No. 1, of Veterans and their Sons, of Indiana, praying that section 1754 of the Revised Statutes of the United States, be amended to the effect that the provisions of the statute giving preference to the soldiers who were discharged by reason of disabilities incurred in the service shall be extended to all honorably discharged Union soldiers of the war of the rebellion; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of Huntington Lodge, No. 55, Brotherhood of Railroad Trainmen, of Huntington, Ind., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which was referred to the Committee on Education and Labor.

Mr. FRYE presented a petition of the Christian Endeavor Society of Brownville, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. PASCO presented a petition of the Board of Trade of Jacksonville, Fla., praying that an appropriation be made to complete the inland waterway along the Atlantic coast; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6161) for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River in said District, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5883) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. MONEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by Mr. PETTUS on the 22d of March relative to the stating of an account by the Postmaster-General with the Mobile and Ohio Railroad Company during the period between July 12, 1876, and January 25, 1889, intended to be proposed to the Post-Office appropriation bill, reported it with an amendment in the nature of a substitute as an amendment intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on appropriations and printed; which was agreed to.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1928) for the relief of William Stephenson Smith, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3144) for the relief of Finetta Nalle, reported it with amendments, and submitted a report thereon.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the bill (S. 4191) to readjust the boundary of the National Zoological Park and preserve its seclusion between Park road on the east and Cincinnati street and Connecticut avenue on the west, reported it with an amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on the District of Columbia, to whom was referred the bill (S. 3696) to amend an act entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia," approved July 29, 1892, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1018) granting a pension to Sarah E. Ingham; and

A bill (H. R. 7554) granting a pension to William Iott.

BILLS INTRODUCED.

Mr. CAFFERY (by request) introduced a bill (S. 4438) for the relief of the estate of Raymond Pocheiu, deceased, late of New Orleans, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHOUP introduced a bill (S. 4439) to relieve owners of mining claims who enlist in the military service of the United

States for duty in the war with Spain from performing assessment work during such term of service; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. FORAKER introduced a bill (S. 4440) granting a pension to Josiah B. Deeter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 4441) granting a pension to Sarah S. Barker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 4442) removing the charge of desertion from the name of Milton G. Markland, of Salem, Ind.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PROCTOR introduced a bill (S. 4443) to establish a board of national defense and to secure unity of action between the War and Navy Departments; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced a bill (S. 4444) to correct the military record of Franklin J. Myers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4445) for the relief of the city of Philadelphia; which was read twice by its title, and referred to the Committee on Finance.

Mr. GEAR (by request) introduced a bill (S. 4446) granting a pension to Emma Thurston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHILTON introduced a bill (S. 4447) for the coinage of so much of the silver bullion purchased under the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," as represents the gain or seigniorage of such bullion, and for other purposes; which was read twice by its title.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance.

Mr. CHILTON. No; I ask that it may lie on the table.

The VICE-PRESIDENT. It will lie on the table.

Mr. TELLER introduced a joint resolution (S. R. 155) authorizing the Secretary of War to exchange a battery and equipments with the governor of the State of Colorado; which was read twice by its title, and referred to the Committee on Military Affairs.

ARANSAS PASS HARBOR IMPROVEMENT.

Mr. MILLS submitted the following concurrent resolution; which was referred to the Committee on Commerce, and ordered to be printed:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to prepare and submit plans, specifications, and estimates for the improvement of Aransas Pass Harbor, State of Texas, and especially to make plans and estimates for the removal of the sand bar at Aransas Pass and the deepening of the channel across said bar to a depth of at least 20 feet and a width of at least 150 feet at the bottom, so as to furnish an inlet for the passage of vessels from the Gulf of Mexico into Aransas Harbor; and in preparing said plans, specifications, and estimates the Secretary of War, or such Government engineers as he may designate to do the work, may consider the feasibility of utilizing such breakwaters now at said pass, constructed by the Aransas Pass Harbor Company, or the utilizing of any part of the same, and the value such use of such breakwater or material may be to the United States in deepening said channel; and in the estimate of such valuation any permanent damage which, in the opinion of the Government engineers, may have occurred by reason of the construction of said breakwater to said harbor or pass, or additional expense to the United States made necessary by reason of said attempted improvements in future improvements of said harbor or pass, shall also be considered by said engineers and reported by them. The engineers shall also report the approximate cost of construction of any breakwater of the said company which may be used by the Government, and also report the approximate cost of removing any part of said breakwater if it is deemed necessary to remove any portion of it.

That the Secretary of War is further directed to report to Congress at its next session.

FINANCIAL POLICY.

Mr. ALLEN. I offer a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That in the opinion of the Senate no circumstances can arise in the relations of the United States of America and the Kingdom of Spain that will warrant an increase of the interest-bearing bonded indebtedness of this Government, or that will in any manner interfere in the reform of the financial affairs of the United States on lines laid down in the National People's Party platform of July, 1896.

Mr. HALE. Let the resolution go to the Committee on Finance.

The VICE-PRESIDENT. The resolution will be so referred, if there be no objection.

Mr. ALLEN. Oh, no. I want to have the resolution either considered at this time or passed over under objection until to-morrow.

Mr. HALE. Let it go over.

The VICE-PRESIDENT. The resolution lies over.

PRESIDENTIAL SUCCESSION.

Mr. HOAR. I ask that the joint resolution (S. R. 86) proposing an amendment to the Constitution of the United States, being the joint resolution providing for the succession of the Presidency, be made the special order for Wednesday, May 4. Though I think there will not be much objection or much discussion, I do not like to call it up as matters are ordinarily called up.

The VICE-PRESIDENT. What hour does the Senator suggest?

Mr. HOAR. The 4th of May, at 2 o'clock.

The VICE-PRESIDENT. The Senator from Massachusetts asks that the joint resolution (S. R. 86) proposing an amendment to the Constitution of the United States, shall be made the special order for Wednesday, May 4, at 2 o'clock in the afternoon. Is there any objection to the request? Unanimous consent seems to be given.

Mr. CANNON. What was the request?

The VICE-PRESIDENT. That Senate joint resolution 86 be made the special order for Wednesday, May 4, at 2 o'clock. The Chair hears no objection, and the order is made.

ROBERT SPAUGH.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (H. R. 294) for the relief of Robert Spaugh.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Robert Spaugh $750, for money paid out by him on the 16th day of September, 1863, under certain confiscation proceedings against the property of John Vogler, in the district court of the United States in the State of Indiana.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. LAWRENCE RIVER BRIDGE.

Mr. PLATT of New York. I ask unanimous consent for the present consideration of the bill (H. R. 4929) extending the time for the completion of bridge across St. Lawrence River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 4 of the act approved February 9, 1893, authorizing the St. Lawrence Railway Company, of the State of New York, to build and maintain a bridge across the St. Lawrence River at some point in St. Lawrence County, State of New York, as amended by the act approved February 15, 1896, by extending the time for the completion of the bridge to February 9, 1899.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the Senate now proceed to the consideration of the sundry civil appropriation bill. I see Senators on the floor. I take it they are rising to morning business. If so, I will yield for that purpose after the appropriation bill is taken up.

The VICE-PRESIDENT. Is there objection to the present consideration of House bill 8428, being the sundry civil appropriation bill? The Chair hears none, and lays the bill before the Senate.

Mr. ALLISON. I yield for morning business.

FORT MAGINNIS MILITARY RESERVATION LANDS.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill which I send to the desk.

Mr. ALLISON. Is that the bill which was partially considered a few evenings since?

Mr. CARTER. It is the same bill. I think it is entitled to special consideration.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent for the present consideration of a bill which will be read for information.

The Secretary read the bill (S. 161) providing for disposal of lands on abandoned portions of the Fort Maginnis Military Reservation, in Montana, and for the relief of certain settlers thereon; and the Senate, by unanimous consent, proceeded to its consideration as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in line 6, after the word "entry," to strike out the words "except section 2301 of the Revised Statutes;" so as to make the section read:

That all lands which have heretofore been excluded from the limits of the Fort Maginnis Military Reservation, in the State of Montana, shall be open to the operation of the laws regulating homestead entry and to entry under the town-site laws and the laws governing the disposal of coal lands, desert lands, and mineral lands, and shall not be subject to sale under the provisions of an act relating to the sale of abandoned military reservations.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "That," to strike out "all entries" and insert "any entry;" in line 2, after the word "faith," to insert "by a legally qualified person;" in line 5, after the word "shall," to insert "if regular in form and free from adverse claim;" in line 7, after the word "Interior," to insert "upon application of the entryman, if made within one year from the approval of this act;" and in line 8, after the word "directed," to insert "where adverse interests have not intervened;" so as to make the section read:

SEC. 2. That any entry heretofore made in good faith by a legally qualified person under either the homestead, town-site, desert-land, or mineral-land laws of the United States upon any of the excluded portions of said Fort Maginnis Military Reservation shall, if regular in form and free from adverse claim, be held valid, and the Secretary of the Interior, upon application of the entryman, if made within one year from the approval of this act, is directed, where adverse interests have not intervened, to reinstate such entries under either of said laws as he may heretofore have canceled because of a construction based upon the opinion that the laws mentioned in section 1 of this act did not apply to the abandoned portions of said reservation.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD KING.

Mr. CLARK. I ask unanimous consent for the present consideration of the bill (S. 133) for the relief of Richard King.

The VICE-PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read the bill as in Committee of the Whole.

The Secretary read the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 6, before the word "thousand," to strike out "five" and insert "three;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Richard King, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, being compensation in full for expenses incurred and permanent injury sustained by said Richard King by reason of being shot by the gross carelessness and neglect of a soldier of the United States Army.

Mr. COCKRELL. Is there a report with the bill?

Mr. CLARK. There is a report from the Committee on Military Affairs, Report No. 774.

Mr. COCKRELL. Let the report be read. It is a short one.

The Secretary read the report submitted by Mr. SHOUP March 24, 1898, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 133) for the relief of Richard King, have examined the same and submit the following report:

This is a bill for the relief of Richard King, and provides for the payment to him of the sum of $5,000, as compensation in full for expenses incurred and permanent injuries sustained by said Richard King by reason of being shot by the carelessness and neglect of a soldier of the United States Army. The facts in the case are substantially as follows, as shown by affidavits of civilians and by reports of military authorities having knowledge of the circumstances:

Richard King was shot by a soldier of Troop F, Ninth Cavalry, while that troop was on route from Rawlins, Wyo., to Fort Duchesne, Utah, on June 7, 1894. On that day King was herding his sheep about 25 miles southwest of Baggs, Wyo., and about three-quarters of a mile off from the Thornburg road. Between 9 and 10 o'clock a. m. he was shot through the body and fell on his face. Upon raising himself he was able to see two men with horses who seemed to him to be going away from him. He motioned to the men and one of them proved to be a colored soldier, and when asked why he shot King, said he "thought he was an antelope." Both men then left, one ostensibly to find the surgeon and the other to find King's wife, who was in camp about three-quarters of a mile away. After waiting some time he crawled toward his camp, and upon arrival there found the soldier had not made his appearance. Upon examination afterwards, as is shown by official reports, the man failed to find the camp of King, and fearing that King would die had not reported the accident to his command.

During the afternoon the hospital steward of the command came to King's camp, having been ordered to do so when notice of the shooting was given to the command by the second soldier. His report to the military authorities sets forth the serious nature of the wound, and corresponds in its material features with the affidavit of Dr. W. S. Bennett, who afterwards attended King. King suffered for a long time, incurred over $600 expenditure for medical services, his only property, a herd of sheep of some 2,000 head, were badly scattered and never recovered, and he sustains, from all the evidence, a life-long injury, which will forever prohibit him from active labor. The affidavit of Dr. Bennett, above referred to, says: "He will live, but can never be a strong, able-bodied man." He further states that in two cases out of three such a gunshot wound would result fatally. The Secretary of War, after a full official investigation and with all the official reports before him, says:

"After a very careful review of the evidence in the case, it is the opinion of this Department that it was one of those most unfortunate accidents for which no one seems really to blame. Indeed, it is a case which it is very likely would appeal to the sympathy of Congress, and would seem to be a very proper one to be brought to the attention of that body by Mr. King or his representative, but it is not thought that the War Department should take the initiative in the matter."

The Acting Judge-Advocate-General, in his report upon all the evidence and official information in the case, says:

"I do not find that any culpability attaches to Capt. H. W. Wright, Troop F, Ninth Cavalry, in this case. On being apprized of the shooting, he appears to have dispatched at once the medical officer of his command to seek out and attend the wounded man, and to have done all that could be expected of him under the circumstances.

"But Mr. King has certainly a most equitable claim upon the United States on account of these injuries and expenses—the result of the negligent act of the United States soldier. The Secretary of War, however, would of course not be authorized to entertain an unliquidated claim of this character in the absence of legislation of Congress. The case is thus eminently one for relief by that body, to whose attention it is recommended that the Secretary invite this appeal at the earliest opportunity."

Major-General Schofield, commanding the Army at the time, concurs in the recommendation of the acting Judge-Advocate-General.

The correspondence, evidence, and official reports to the War Department, all of which have been submitted to the committee, fully warrant a recommendation be made to report the bill favorably, without amendment.

The passage of the bill is therefore recommended, with the following amendment:

In line 6 strike out the word "five" and insert in lieu thereof the word "three."

Mr. GALLINGER. Mr. President, about a year ago, as I remember the matter, a claim somewhat of this nature was before the Senate to pay a citizen of some other country for injury received from careless firing by a Union soldier. I then called attention to the fact that in the Forty-ninth Congress a bill passed the other House in behalf of a citizen of New Hampshire who sustained a very grievous injury in the harbor of Portsmouth from the acknowledged careless practice of the gunners in the fort. The bill came to this body and did not receive favorable consideration.

During the discussion the Senator from Wisconsin [Mr. SPOONER], who I think at the time the bill passed the House was either chairman of the Committee on Claims or a member of that committee, explained at length that he gave very careful consideration to the New Hampshire claim; that his sympathies were very strongly aroused; but that he could not come to a conclusion that the Government ought to pay for damages of this kind, even though they occurred through the carelessness of soldiers of the United States, and that he drew a wide distinction between a claim on behalf of a citizen of a foreign country and a citizen of our own country.

Mr. President, I have never revived the New Hampshire claim, for the reason that I assumed that that was to be the policy of the Government. I simply rose now to say that if this claim is to pass Congress I propose at the earliest opportunity to endeavor to get consideration for the New Hampshire claim, which is a much stronger one than this, and which incurred suffering and sorrow to a much greater extent than this did, because it caused the death of two persons, and it was acknowledged by the United States officials that the firing of the guns was utterly inexcusable, and that it was the fault of the Government and the fault of nobody else.

I do not rise to oppose this claim if the Senate cares to pass the bill, but I want to put myself upon record as being in favor of exact justice in this particular, and if we are to enter upon this I think very doubtful procedure, I shall feel it my duty to press upon the Senate certainly favorable consideration for a claim that involves more equities than does this claim.

Mr. PLATT of Connecticut. I should like to have the bill go over for a day. I want to examine it further.

Mr. ALLISON. I hope the Senator from Wyoming will agree to that course.

Mr. CLARK. Very well.

The VICE-PRESIDENT. The bill lies over.

YALOBUSHA RIVER BRIDGE.

Mr. MONEY. Mr. President——

Mr. ALLISON. I will yield to the Senator from Mississippi, giving notice that after that I shall object to the consideration of any bill on the Calendar.

Mr. MONEY. I ask unanimous consent to call up the bill (H. R. 8569) providing for the construction of a bridge across the Yalobusha River, between Leflore and Carroll counties, in the State of Mississippi. It is a bill simply extending the time for building a bridge, and it has been favorably reported by the Senate Committee on Commerce, after having passed the other House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes.

Mr. ALLISON. At the adjournment last evening we were considering an amendment on page 67, made as in Committee of the Whole. I believe that is about the only remaining matter under consideration. I hope we can have it disposed of at an early hour. I think the Senator from Missouri [Mr. COCKRELL] had the floor on the amendment at the time of adjournment.

Mr. COCKRELL. If the Senator from Washington [Mr. WILSON] desires to say anything, I will yield the floor.

The VICE-PRESIDENT. Does the Senator from Washington desire to say anything further on the amendment?

Mr. WILSON. I have nothing to say upon the motion that I made. I did intend to answer briefly the statement brought out

in the remark of the Senator from Montana [Mr. CARTER] and the reply made by the Senator from Missouri [Mr. COCKRELL]; but if we can have a vote upon my motion to recede from the amendment made as in Committee of the Whole, of course I would be glad to have it.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. COCKRELL. We shall have to discuss the question of receding from the amendments. I am in favor of the action that was taken by the full committee to strike out these provisions, which would take this subject from under the civil-service law.

Mr. ALLISON. I did not know but that the Senator from Washington would be content to take a viva voce vote on the question. We could in that way get rid of it very soon. However, I do not wish to interfere at all with its full consideration.

Mr. WILSON. I understand that the Senator from Missouri is ready to proceed. I desire to say just a word or two in defense of my position in this matter before the general debate is closed; but if there were to be no further debate, of course I would not care to discuss it. I should like to hear the Senator from Missouri.

Mr. COCKRELL. Mr. President, I have only a word or two to add on the particular question we were discussing yesterday, and that is about Cuba.

Prior to the receipt of the President's message I thought there was no question but that the President had notified Spain that the independence of Cuba was absolutely required. It was so stated in the press as coming authoritatively; it was so stated by others who had opportunities to know what had been done. When the message disclosed the fact that the President had never said to Spain that Cuba must be free, I felt that it was our duty then to take the initiative in recognizing the independence of Cuba. The President had the right to recognize the independence of Cuba. We supposed that he had told the Spaniards that Cuba must be an independent government. That is the reason why I for one insisted all the time that we should have in the resolution a distinct and unequivocal recognition of the Republic of Cuba, and that is the reason why I voted for every provision in the line of a declaration that the people of Cuba are and of right ought to be a free and independent nation.

We secured that, but we failed to secure the other provision which we thought was essential.

I hope the President will construe the resolutions which have been adopted as an unequivocal declaration on the part of Congress that the Cuban people must be free, and that not one particle of restraint or constraint shall be imposed upon them by the power of the United States, either directly or indirectly. Aid, comfort, strength, and force must be given to them, instead of restraint, and they will at no distant day achieve that freedom for which they have fought so long and endured so much. That is all I desire to say on this particular branch of the question.

The Senator from Colorado [Mr. TELLER] asked me to yield to him yesterday, and while I was yielding to almost everybody, I find that I did not finally yield to him. I yield now, and trust he will make his remarks in his own time.

Mr. TELLER. Mr. President, if there is to be a political debate on an appropriation bill it can not, I think, be laid at our door.

Since the unfortunate occurrence in the harbor of Havana, when the battle ship of the United States was blown up, there has been intense excitement in the public mind over that question. For one, I realized the position in which it put the President. I had on various occasions, in a very brief way, expressed my opinion as to what the Administration preceding the present Administration ought to have done, and what the present Administration ought to do. I think my criticisms were always strictly within proper rules and at no time tinged with any extreme partisan feeling.

When the President of the United States grappled with the question concerning the destruction of the *Maine*—which I felt was a different question from any he had been handling before—knowing how much the public mind was excited, I refrained from any discussion of the question, as did nearly all of what may be called the opposition to the present Administration. Later, when the debate was precipitated by those who call themselves supporters of the Administration, and somewhat severe criticism, I think, was indulged in on the other side of the Chamber—on the Democratic side, if you choose—there was some criticism of the course of the President; but I do not recall that there was any offensive criticism by any Senator who does not consider himself a supporter of the Administration. There was general criticism in the country of what was regarded as the delay of the President. There was a good deal of impatience expressed in another place by those who professed to be the supporters of the present Administration.

Mr. President, I am bound to say that, in my judgment, the criticism as to the delay of the Administration in dealing with the question concerning the destruction of the *Maine* was not a fair criticism. I do not think there was undue delay. I felt that the Administration in dealing with a question of that kind had a right to deal with it in a dignified way. There were disputed questions of fact which had to be determined, and then the responsibility was to be deduced from an examination of those facts; and, so far as the opposition in the Senate was concerned, there was no attempt to press the Executive, there was no haste on the part of those who do not support him; but there was a good deal of haste on the part of some of the supporters of the President in this Chamber.

So we proceeded, Mr. President, until we received the message of the President on the 11th day of this month. I hope no one will consider that I am unduly criticising the President when I say that the message was a great disappointment to the American people, and that it was a great disappointment to the members of this body, irrespective of their party associations. We had been told over and over again by the public press, and we had been told by the friends of the Administration here, that the President of the United States had submitted to Spain an ultimatum, and that that ultimatum was that Spain should get out of Cuba; in other words, that she should recognize the independence of the Cuban Republic.

When the message came to us, we found that no such submission had ever been made to Spain; on the contrary, we found there had been submitted to Spain a proposition that Spain should cease her warfare on the Island of Cuba until next October, which Spain had in an arrogant way declined, and later, at the request of the Pope, and perhaps of the powers, had acceded to it. What has become of that armistice? I do not know whether it is in existence or whether war is flagrant in Cuba, as it has been so long. I am not advised.

Mr. President, while not approving what has been done, I do not intend now to enter into any criticism of it. I have felt from the beginning that if we were to have war—which I believed might have been avoided, as I have said heretofore, by a proper treatment of this subject by the preceding Administration or by this, or by both—but if we are to have war, Mr. President, I have been anxious that the American people should be a unit, not only the body of the people of the United States, but that there should be unity here in this body and in the other. But, Mr. President, it seems that the friends of the Administration here are not willing to have that kind of condition prevail. If there is to be a war between us and Spain, they desire to see a war between the different political factions or the political parties of this country.

We had proceeded with a fair degree of unanimity up to last Saturday. When the President of the United States in an informal way asked Congress to give him the control of $50,000,000—a thing never done before in this country; for, while we did vote to give such a power to President Lincoln, that was in the midst of an active and important war—there has never been in the history of this country any such power placed in the hands of an Executive as that which was placed in the hands of the present Executive by the united vote of this body and, practically, I think, the united vote of the other. The Democrats in another place responded as promptly to that informal demand as they did here; and the President of the United States received a power that the English people would not give to the Queen of Great Britain, I think, under any circumstances that might arise. That was at least indicative of a desire not to engage in party politics.

When the House resolutions came to us, we had before us a report from the Committee on Foreign Relations, a majority of which I think consists of Republicans—I am not sure as to that, but I think a majority are Republicans—at least the report of the committee came to us on the main feature of those resolutions without division. Upon one point there was a division, and that was whether or not we should recognize the independence of Cuba.

Mr. President, in order to see what influence the minority report should have upon the Senate and how it should be dealt with, I think it is necessary to go back to 1896, when we passed through this body a resolution to which I desire to call the attention of the Senate. On the 28th day of February, 1896, the Senate passed this resolution:

Concurrent resolution.

Resolved by the Senate (the House of Representatives concurring therein), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

There was a square, unequivocal declaration on the part of the Senate of the United States, and subsequently by the House of Representatives, that there was a government of some kind in the Island of Cuba; and that declaration was made two years ago.

That government has been maintained with great vigor ever since; it is in control of a large part of the island; it has been enabled to contend with the greatest army which Spain has ever sent to the Western Hemisphere, a greater army than she ever sent to conquer the revolted provinces in South America. That army has contended with Spain, notwithstanding an outlay on the part of Spain which has been unequaled by any outlay ever heretofore made by her. Yet it is said on this floor that there is no such thing as a government in Cuba which we can fairly recognize.

Mr. President, the resolutions which I have read are in the statutes of the United States, as concurrent resolutions go into those statutes. Now, it is said that the President of the United States has the absolute control over that question, and therefore they count for nothing. Those resolutions passed the House of Representatives because that House agreed to the report of the committee of conference by a very large vote, a vote of 247 yeas to 27 nays, a report which passed this body by a vote of 64 to 6.

The President of the United States, not the present Executive, did not see fit to recognize, as he might, and, as I think, he should, no matter whether the power was with him or not—he did not see fit to recognize the existence of that government, nor to extend to it, as he might have done without reference to our vote, belligerent rights.

That was the condition up to the 20th day of May, 1897, when this Senate by a vote of 41, as I recollect, to 14 passed a resolution declaring that those people were entitled to belligerent rights; which resolution went to the House of Representatives, and has not since been heard of.

When the Committee on Foreign Relations made their report, there came to us a minority report, or rather an appendix to the committee's report, I should perhaps say, being a declaration that those people were entitled to recognition, and that the Government of the United States would recognize the Republic of Cuba. On a vote taken, after discussion in this body, the resolutions were amended by the insertion of that clause by a vote of 51 to 37, being a majority of 14 in favor of the proposition.

In that majority were a number of very prominent Republican members of this body. There were at least three Senators who voted for that, and who, I think, made speeches in favor of it—in fact, I know they did—who have held very high positions in their States in addition to the positions which they now hold as the representatives of those States. There was in that majority at least one Senator who had sat in a Republican Cabinet. There were some Democrats who did not vote for that, but who voted with the minority.

Mr. President, I have been a member of this body for a great many years, and have always been an active participant, more or less, in its proceedings, and a close observer, and I assert here now that in my experience I have never seen so much temper exhibited as was exhibited by the defeated party on that occasion. The fifty-one Senators who cast that vote were treated here as if they had committed a crime.

Then came the proposition of the Senator from Minnesota [Mr. DAVIS], the chairman of the Committee on Foreign Relations, to substitute the resolution which we had perfected or amended for that of the House of Representatives. On that there were 67 yeas and 21 nays.

Before the vote was taken we were treated to two very remarkable speeches. In the first place, the senior Senator from Maine [Mr. HALE] addressed the Senate in a manner which struck me then as being—and I called the attention of the Chair to it at the time—entirely out of order. It was the first time in my experience in this body that I had ever heard the Senate threatened with an Executive veto in so many words; it was the first time in this body that I had ever heard a statement made to affect the vote that the House of Representatives would enter into a deadlock with us. A majority of 67 against 21 were assailed as a temporary majority about to be, I suppose, destroyed by some influence which was not exactly stated.

Mr. GRAY. May I call the attention of the Senator to the vote on that question? It was 60 to 28.

Mr. TELLER. That was the first vote—60 to 28. I had reversed that. I had put the next vote first, but the principle was the same.

Here was a great big majority, more than two-thirds of the Senate, that had declared that there was a proper condition existing for the recognition of the Republic of Cuba. We had declared more than two years before that there was a government in the Island of Cuba.

Mr. GALLINGER. And a majority of Republicans voted for it.

Mr. TELLER. A majority of Republicans in this Chamber voted for that. I need not say, Mr. President, that it was a representative majority of the Republicans who voted with us. At once we were assailed and charged with making politics out of this question. Although we had never entered into any political discussion, although we had made no attack upon the Executive, yet we were told that this would be treated as an attack upon the Executive. For a week we heard it whispered about this Chamber in the most indecent manner, as I have always felt the statement to be, that the President would veto any joint resolution that was sent to him that included the recognition of the Republic of Cuba. I deny here that any man had the right to speak for the Executive on that question, for the Executive himself had declared in the most emphatic terms in his message that he had exhausted diplomacy, that the matter must be left with us, and that he would be content with whatever we should do.

The Senator from Maine said the President had marked out a course that we were to follow. Well, suppose he had, were the Senate of the United States obliged to follow it? But the President had marked out no course for us to follow; and if he had, I would not myself have followed it, unless it comported with my judgment; and I hope no other Senator would, Mr. President.

The advice of the Executive is frequently persuasive; the advice of the Executive is frequently good; but it is a very poor administration of public affairs which will allow the Executive to dictate to the legislative branch of the Government what it shall do.

I insist, Mr. President, that the Executive made no attempt to interfere. I do not think he is subject to any criticism whatever in that view, for I have not heard from any respectable source that he ever authorized any man to say that he was dissatisfied with that provision of the resolutions as we passed them; nor do I believe that he would have vetoed the resolutions if that provision had been adopted. The Senator from Maine when asked whether he spoke by authority, disclaimed that he spoke by authority.

After the Senator from Maine had concluded, the distinguished senior Senator from Massachusetts [Mr. HOAR] addressed the Senate in the same strain, not as to the threat of an Executive veto—I do not mean that—but as to the criticism of those of us who had seen fit to differ with him in our votes. That Senator said—and I think he did not say it with the carelessness with which we sometimes speak, for, if I mistake not, he spoke with great deliberation:

> Mr. President, I can not vote for the joint resolution because it introduces, and I believe was meant to introduce, discord and divided counsels in what ought to be the act of a united country.

Mr. President, up to that time I challenge any man to show any ground for such a statement. There had not been a speech made in the Senate by any Senator who voted for the resolutions which would have justified a charge that the resolutions were amended by adding the recognition of the Republic of Cuba for the purpose of having divided counsels. We had voted here two years before that it was the duty of the Government of the United States to secure the independence of a government that we had especially pointed out as a government of the Island of Cuba that had been carrying on war with Spain. That was a direct recognition of that government by the Senate of the United States by a very large vote, to which I have called the attention of the Senate.

There were a number of Senators here who had addressed the Senate before those resolutions were passed in favor of the recognition of the independence of Cuba. The Senator from Massachusetts himself, though not present and voting, was vouched for by his colleague [Mr. LODGE] on the floor of the Senate as ready and willing and desiring, if present, to vote for that clause of the resolution—that was Mr. Cameron's amendment—which provided:

> *Resolved further*, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

The colleague of the Senator stated that he was authorized to say that the senior Senator from Massachusetts would vote for that resolution if he were present on the floor.

Divided counsels! Mr. President, I want to repeat that there was no foundation for that statement except that the Senator feared that there would be a division because he and his associates were not willing to submit to the views of the majority. There could have been no other reason. I do not want to use harsh terms, but the language of the Senator was somewhat severe. He then proceeded to speak as follows:

> I can not vote for it because it undertakes to direct, contrary to all our legislative precedents, a coordinate branch of the Government—the Executive—ordering him to proceed at once, when his constitutional and legal duties are defined by the Constitution and not by the lawmaking power.

That, of course, did not touch upon the recognition of the independence of Cuba, but the other provisions, the first, second, and third, I suppose were intended to be referred to.

The Senator then called the attention of the country to the case of Texas, which he seemed to assume was parallel with that of Cuba, inasmuch as a condition of war existed in the State of Texas at that time. There is no parallel at all between the cases. A state of war did exist at the time when that declaration was made. There had been three battles fought on American soil between Mexican troops and our own; but whether there was or was

not, the Senate of the United States by a large majority had exercised a constitutional power to declare that they recognized—whether it was effective or not, they had a right to do that—the independence of the Republic of Cuba. The President asked us practically to make war, and it was a practical declaration of war, as everybody knows, and if we added to it this provision we had a right to do so.

Mr. President, in my judgment these speeches were made partly out of the excitement which arose from the fact that certain Senators had been voted down, partly out of a feeling perhaps of resentment, and partly out of a notion that some good might come to the Republican organization by getting up a political discussion. I dislike to see a political discussion going on at such a time, and yet we can not well retire from it.

Yesterday the Senator from Maine assumed that everybody who had voted against the conference report had voted against the resolutions. I need not go over that ground. The Senator from Georgia [Mr. BACON], who had the floor by the courtesy of the Senator from Missouri [Mr. COCKRELL], answered that point so clearly that it does not need any further elucidation. I only want to say that had the vote that we gave prevailed, there would have been further consideration of the subject and there would have been in that resolution to-day the recognition of the independence of the Republic of Cuba. The House of Representatives, in my judgment, would have yielded. They did not yield because they had the assurance from this Chamber that this "temporary majority" was likely to be frittered away and that we would back down from the amendment which we had put on with so much force and with such a majority.

Mr. President, I do not need to make any defense to the people whom I represent as to my attitude on the Cuban question. All I need say to the people of Colorado is that when the vote was taken, my name was found in one column and the name of the Senator from Maine was found in the other. They know where the Senator from Maine has been on the Cuban question from the beginning. All I need to say, if anybody criticise me, is that I voted against the conference report and the Senator from Maine [Mr. HALE] voted for it. It will take something stronger than the mere statement here which the Senator makes, that now we are all in favor of the freedom of Cuba, to make the people of this country believe that he is now the special champion and defender of Cuban interests. There has been no vote given by the Senator from Maine in the interest of Cuba. Every vote that he has given for three years has been against it.

In 1896 the Senator was found among the negative votes. On the 20th of May last, when we declared for belligerency, the Senator was found amongst the negative votes. There has been no vote given where the Senator has not been found against that which looked to the aid and assistance of Cuba. When we took the vote in this Chamber on the passage of the resolutions as they finally passed the Senate, the Senator from Maine recorded himself against them; and he wants the public now to understand that the only reason why he voted for them was because they contained a recognition of Cuban independence, a boon that the Cuban patriots had begged of us for three long years.

Mr. FAIRBANKS. If the Senator from Colorado will permit an interruption, I should like to ask him whether on the 23d of May last, if that be the correct date, the Senator from Maine, to whom he has just referred, did not vote for a resolution which looked directly to securing the independence of Cuba?

Mr. TELLER. What was the resolution?

Mr. FAIRBANKS. A resolution directing the President of the United States to tender his good offices to the Spanish cabinet with a view of restoring peace in the island and securing the ultimate independence of Cuba.

Mr. TELLER. Mr. President, that did not necessarily mean the independence of Cuba any more than the suggestion made by the President that it might require force upon the insurgents as well as upon Spain meant the independence of Cuba. It meant that there might be such an arrangement as would secure a government in Cuba which would recognize the sovereignty of Spain or the recognition of Cuban independence, if that could be secured.

The Senator from Indiana [Mr. FAIRBANKS] gave his vote against the recognition of belligerency, against the acknowledgment of a fact that was as patent then as it is to-day, with the declaration of the President in his message that a state of war has existed in Cuba for three years. If it existed three years ago, he knew it. He knew it when he came into office. He knew it every hour from that time down to the present. The Senator from Indiana knew when he voted "nay." It was not denied that there was war; but they said, "It is not policy for us to recognize it." So said the men who now talk about their sympathy for Cuba—a sympathy that comes in at the eleventh hour, a sympathy that comes in when their sympathy is scarcely needed—when the act of Spain has driven this country into a condition where its honor and, I may say, almost its integrity require that we should treat this matter as we have treated it.

Mr. President, I predict that if the loss of the *Maine* had not occurred, the Senator from Indiana would still be giving a vote that there is no war in Cuba and has been none. I do not find that any Senator who counted himself with the twenty-one Senators who voted against the resolution has been working in the cause of Cuban freedom and Cuban independence—not one.

I do not care to say these things. I only say them because of what I regard as an unfair attack upon us who were not willing to surrender the right to declare our judgment that the patriots of Cuba had a republic of their own. I would not give a continental for the sympathy expressed here by those who could not go to that extent, at least. In my judgment that was an essential feature of this case. Had we declared six months ago that there was a government in Cuba which was entitled to be recognized by us, you would have had no threatenings of war; you would have had no haste to get battle ships and to get your troops in array. That alone would have given to these people the independence to which they are entitled and which they have practically won without our assistance.

Mr. President, what can be and what was the objection to saying that the republic existed? As I said before, it is the same government of which we spoke in 1896. It is the same government which has maintained itself in Cuba against 200,000 Spanish soldiers. It is the same government which has maintained itself against the moral support that this Government has given to the Spaniards for three long years. It is the same government which maintained itself, and still maintains itself, against the moral support which has been given to Spain within the last four months by the present Administration, when it entered into negotiations with Spain for a reciprocity treaty concerning and touching only the products of the Island of Cuba. Was not that saying to the world, "We know that Cuba is not to be free; we know that Cuba is still to remain under Spanish control and under the Spanish flag?"

I have heard it charged by the friends of Cuba—I do not charge it, but I have heard it charged—that that negotiation was entered into and opened for the express purpose of giving that moral support to Spain. I have been led to say these things because those who have been the enemies of Cuba and the friends of Spain, or who if they have not been either have been indifferent to the cause in Cuba, have now assumed that they are the patriots and that we have forsaken the cause of Cuba.

No complications could have come from the recognition of the Republic of Cuba. The Senator from Massachusetts [Mr. HOAR] says our troops would be under the control of the Republic of Cuba. Our troops would probably have been under that control if we had agreed that they should be. It would have depended exactly upon the terms on which we went there. We could have gone there and ignored, I suppose, the patriots of Cuba; but does anybody believe that it would have been wise, proper, or just that we should? Those people have made a fight, a gallant fight, a fight for liberty, a fight for freedom, under the most adverse circumstances that a people ever did. It has been even a more gallant contest than that of our fathers. It has been made under circumstances more difficult, and yet they have maintained it; and Spanish soldiers, and Spanish assassination, and Spanish bribery, and Spanish lawyers alike have been incapable of subduing them. They are entitled, if we go down there, to take part with us in this contest. All we need to do is to give them some of the appliances of war and let them take care of the balance of the Cuban soldiers.

I believe to-day a ringing declaration of sympathy with them and recognition of their independence are all they need. It is not necessary that we should intervene. The President thought it was. I was myself willing to give him the power, because I did not care under those circumstances to do what might appear to be against the interests of Cuba, although I believed all the time that much less would have answered the purpose. The Committee on Foreign Relations tell us that if two years ago the President of the United States had acceded to our request, if you choose to call it such, and had recognized the belligerency of those people, that alone would have secured their independence; and I believe that the committee have stated the case properly. I believe that was all it was necessary for us to do then. It was all that it was necessary for us to have done six months ago. I do not know now that belligerency alone would be sufficient, but I believe yet if we declare their independence and indicate our sympathy and our support, our moral support alone, they can maintain their independence against Spain, as they have done during the last three years.

A very intelligent newspaper man came to see me the other night and I said to him, "How long can these people maintain themselves against Spain?" He said, "They can maintain themselves for all time. Spain can not dislodge them, and Spain can not defeat them." It was said here that Gomez had stated that he could maintain the struggle for twelve years. I asked this young man, "Can he maintain it for twelve years?" He said, "The Cuban people can maintain it for two hundred years, if

necessary, because they do not intend under any circumstances to surrender to Spain." Here are a people who decline all efforts to compromise, all efforts at concession from Spain, and say, "Cuban independence or nothing." They have a right to do that. Independence or nothing was what we put upon our flag when we went to war with the mother country. I do not know that we had to punish by death people who proposed to surrender, as the Cubans have had to do, they say, but at all events if any man had proposed to surrender after that contest began, he would have met with derision and probably with something worse. We went into it for independence. So has Cuba gone into it for independence.

Mr. President, why is it there is such an anxiety that we should not recognize the government in Cuba? Why is it that it seems to be so popular in certain sections that there should be a stable government organized under the control of the United States? We declared in the fourth resolution that we were not going to exercise sovereignty over the island. I think myself that is a valuable feature of the resolution. Why should we be anxious to establish a government? I do not know. We hear all sorts of rumors. We hear of a syndicate in another place, not here in Washington but outside, which has been formed for a truly laudable purpose, the development of the island.

That may be eminently proper, but I know what it means or I know what it may mean. As has been said here, it may mean the recognition of certain bonds. It may be the recognition or it may not be of that indebtedness, but it will afford opportunity such as rarely comes to men for peculations, for the organization of combines and syndicates and trusts to deal with questions there. I do not say that that is the fact, but I do say it is a great deal safer for us, better for our credit, to let the people of that country have the government they have maintained there for three years, and I do not believe the American people will tolerate anything like a destruction of that republic.

It may not be so good a republic as ours; it may not be so good as we had at the close of the Revolutionary war; but it is a government which answers all purposes, to the extent that the Senator from Vermont [Mr. PROCTOR] the other day rose and stated that the people under the flag of Cuba are as free as those in any part of the United States. There is a government there, as the Senator from Ohio [Mr. FORAKER] tells us, composed of men of high character and standing, men who are the equal, as he said, of our own Executive and our own Vice-President. It is high praise that a people in Cuba, with the conditions there existing, can select from their ranks men of such exalted character to preside over their government. Such a government ought to be entitled to recognition, and nobody ought to lose his temper because a majority of the Senate believe that such a government exists.

Mr. HOAR. Amen!

Mr. TELLER. The Senator says nobody has.

Mr. HOAR. I did not say "nobody has." I beg pardon. I said, "Amen."

Mr. TELLER. A Senator next to me did.

Mr. HOAR. I beg pardon.

Mr. TELLER. I do not know that anybody was excited or angry, and yet if the indications were anything to judge from, there was more feeling over putting that provision in the resolution than anything I have seen in the Senate in many a day. Of course I do not mean to say that Senators did not believe it was a very vicious thing to do. I do not know but that it was perfectly proper that the majority, the 60 who voted for it, should be lectured by the 20 who voted against it. The Senator from Rhode Island [Mr. ALDRICH] got up here and in a melodramatic tone said, "Oh, I had hoped we would be together." There were 60 of us together on that proposition which we believed to be essential to carry out the very purpose and object on which the President had asked us to legislate; but the Senator from Rhode Island did not agree with us, and some other Senators, I believe, were also in the same position. They were begging for support.

The Senator from Maine [Mr. HALE] told us yesterday that we ought to stand by the President. The President of the United States will have the united support of the American people in any contest that goes on between this people and Spain, and neither the Senator from Maine nor any other Senator will be able to get up a diversion and get into the condition, as was said somewhere else and not here, to claim that if this war is to be carried on, it will be under the Republican flag and by a Republican Administration and it will be a Republican war. If it is carried on at all it will be carried on under the American flag, and a due proportion of the men who do not agree with the Republican party and its measures and policies will be found fighting under that flag. The Republican party have no monopoly of the patriotism of this country, and they will have no monopoly of fighting our battles, either; and they ought not to want it. I regard it as an affront to decency to have the suggestion made that this is to be a partisan war.

Mr. CHANDLER. May I ask the Senator from Colorado a question? Where was any such proclamation made? I have not noticed it myself.

Mr. TELLER. I have a slip in my pocket cut from a newspaper, saying that it was made in a place about which I am not at liberty to speak.

Mr. CHANDLER. I feel at perfect liberty to speak about an utterance attributed to General GROSVENOR, which he explaind he did not make in any such sense as the Senator attributes to it. He called attention to the fact that the Administration was Republican, and that if there was a war it would have to be fought under the present Administration, but that it would be sustained by Republicans, Populists, and Democrats alike. I did not feel like letting the Senator's statement——

Mr. TELLER. I have not made any charge against General GROSVENOR. I do not know that I care to hear——

Mr. CHANDLER. As I was about to say, I did not like to let the Senator's statement pass unchallenged. I have never seen a statement that could be fairly called an assertion that this is to be a Republican war.

Mr. TELLER. Whatever the statement was, it seems, according to the Senator from New Hampshire, to have been such a one as requires explanation.

Mr. CHANDLER. Many of the Senator's own innocent and patriotic statements require explanation to be entirely plain.

Mr. TELLER. I have not made any statement of that kind, and never would.

Mr. BUTLER. Will the Senator from Colorado allow me to call his attention to the fact that substantially the same thing was stated by the senior Senator from Maine [Mr. HALE] April 16, just before the taking of the vote substituting the House joint resolution for the Senate joint resolution.

Mr. TELLER. The Senator can read it.

Mr. BUTLER. It is to be found on page 3990 of the CONGRESSIONAL RECORD of that day. The Senator from Maine [Mr. HALE] said:

> If war must needs come, its conduct will not be in the hands of the Democratic party; if war must needs come, the country will not turn to the Democratic party for the conduct of that war; if war must needs come, it will not be by the Democratic party that the flag of the United States will be borne. The war will be conducted--and, I hope and pray, to a speedy termination—by that great soldier and statesman, the President of the United States, and the people will rally to him.

And so on. While that is not exactly the language which the newspapers quoted, and to which the Senator from Colorado has referred as coming from a member of the other House, it was said under circumstances which made it in effect the same statement, while referring to an alleged attempt of Mr. Bryan and his followers to inject politics into the situation.

While I am on my feet I will say that the statement of the Senator from Maine [Mr. HALE], that Mr. Bryan's trip here influenced the voters and was intended to do so, is, as far as I am concerned and as far as the Populists are concerned, entirely unfounded. The position of the Populist party had been taken and was known before Mr. Bryan came here. Not a single Populist attended that banquet, and not a single one, so far as I know, has had any conference with him about it. The statement was gratuitous, to say the least, absolutely unfounded, and, in my judgment, entirely out of order and improper to have been made here.

Mr. TELLER. Whatever may have been said here or elsewhere, I think it is unfortunate that there is an attempt made to give this question a partisan outlook. I regretted very much the suggestion made the other night that Mr. Bryan had anything to do with this question. I understood from the public press that Mr. Bryan had come to the city to attend a banquet given in memory of Jefferson by Democrats. I did not see him. I did not communicate with him. I did not hear from him, and I had not even heard of what was done at the meeting. But before the meeting was held, before Mr. Bryan came into the town, we had all found our position on this question.

Nobody that I know of changed front on that question except later, and they were not Bryan men, either. I do not believe that Mr. Bryan had any influence upon the votes or attempted to have or desired to have. Mr. Bryan's name was dragged in because he was the candidate of the Democracy in 1896 to give it partisan movement, and I think I shall not be out of order if I say, in my judgment, for the purpose of creating a division here and, if possible, driving the Democrats away from the support of the President in the effort to maintain our honor and our dignity and to assist Cuba. While I do not speak for the Democrats, I will say that I do not believe they will be able to do that.

I regret very much that we should have attempted on this floor to put into the resolutions a recognition of Cuba. I was for it. I had voted for it two years ago when an opportunity came. I had publicly expressed my desire to vote for it again, although I had expressed a willingness to take simple belligerency if we could get that at the time, because I feared we could not get more. But we have emphasized the fact to the world that Congress has declared

that there is no Cuban Republic; and this morning in the paper a diplomatic official of Spain says "the people of the United States are now about to intervene in behalf of a people that they themselves admit can not conduct a government." It would have been better, perhaps, in the interest of Cuba, in the interest of our own position before the world, if we had not made that effort, and yet I feel, so far as I am concerned, that it was properly made.

We had a right to suppose that the men who voted with us for the recognition of the independence of Cuba, Senators who represent sovereign States, knew what they wanted and knew what was the fact. We voted on Saturday, and on Monday we voted again practically for it. We declared that we would not recede from it, and we let the House ask the conference from us, as we had a right to do, and it was a proper parliamentary proceeding that they should. Yet within an hour after that we were informed on this side—and I speak now of myself as sitting on the other side—that, whatever the conference committee should do, before it was appointed, we could not any longer look to the 10 votes of those who sit on this side of the Chamber.

Then I felt that a decent procedure would require us to let those ten men who had voted with us, if they wanted to, take back the votes they had given before; and I suggested, if that was the condition, it was not worth while to have a conference report. The Senator from Ohio [Mr. FORAKER] said we will get valuable concessions. Of course I said nothing more. We did get a very valuable concession. We got the words "are, and" put back. There is not anybody here who does not know that it did not materially and valuably change the sentiment in the first resolution. Everybody knows that. Was it a play or did somebody think so then, or was it a method of letting out our ten colleagues, our ten allies, who stood by us for a day or so?

Mr. President, I think it would have been better to have retired squarely than by such a flank movement as that. I would not speak of this if I did not feel that that movement had hurt the cause of Cuba throughout the world. In that way there was secured a declaration practically that there is no Cuban Republic, when it is a fact we all know that it does exist. The world will say we knew it existed and we are afraid to deal with it, or that we have some ulterior purpose; that, after all, it is not that you are going there in the interest of the human race; you are not going there to increase the area of human freedom, but you are going there for the purpose of conquest. That is what they are saying now in Europe, and it gives them good cause to say so. The fourth provision of the resolution, in my judgment, will not have the same effect it would have had if it had been backed up by a declaration of the independence of the people of the island under the control of the government of the Republic of Cuba.

Our committee came here and said the people of Cuba are free and independent. The Senator from California [Mr. WHITE] showed how absurd that was. A free and independent people without government is a simple absurdity. Such a thing never existed on the face of the earth, and can not exist. If they are free and independent, they have a government there. You might say they ought to be free; you might say they are entitled to freedom; but if you say they have not got a government there, then you can not say truthfully that they are a free people, for I repeat, freedom can only exist when limited and supported by law.

Mr. President, the absurdity of making the American Senate, in the interest of small politics, to, I believe, declare a state of things that could not exist, a free and independent people without any restriction or protection of law——

Mr. BUTLER. Will the Senator from Colorado allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. TELLER. I yield to the Senator.

Mr. BUTLER. If the statements made by the Senator from Ohio [Mr. FORAKER] about the status of the Cuban Republic are correct—and I do not question them—and if the statements made in his work on the American Revolution by John Fiske about the condition of our Government during our Revolution are correct, then the present Cuban Republic is a better and more stable government, is better organized, than the Government we had in the Revolutionary war during the campaign which ended at Valley Forge. I have been looking carefully over Mr. Fiske's book, and I have marked a number of pages that describe the condition of our Government, and the Government of the Republic of Cuba is vastly superior to the one we had at that time.

Mr. TELLER. I have made the statement that, in my judgment, the Cubans have a better government than we had. Of course we had a different government. We had the States to take care of local affairs, but that government is just as strong as the Continental Government was, or the confederacy of States, if you choose to so call them. They have performed every function of a general government.

Mr. FORAKER. Will the Senator from Colorado allow me to interrupt him a moment?

Mr. TELLER. Certainly.

Mr. FORAKER. I do not want to engage in this debate, but in view of the fact that I insisted as earnestly as I could upon the recognition of the Republic of Cuba, I wish to call attention in this connection to what was said in the Senate on the 28th of February, 1896, by the present Secretary of State, Mr. Sherman, who was then a Senator from Ohio. He said:

> The objection has been made, not in debate here, but in the public press, that the Cubans have no organized government; that they have no local habitation and name; that they have no legislative powers; that there is nobody elected to make laws. That is absolutely untrue. Here in this little pamphlet—

Which I see, by referring to a previous part of his speech, was something that had been published in relation to the conditions in Cuba—

> are the proceedings of the government of Cuba and of the people of Cuba in organizing the government. Here is a statement of the growth of the revolution, of the battles and campaigns, and contemporaneous with these movements the preliminary organization of local self-government as constituted.
>
> Sir, much to my surprise, because I took up the general idea that those people, in the first instance, were merely a band of discontents, having no organization, with whom we could not deal, it is shown by this official document, communicated to the Secretary of State, that they have gone through all the formulæ of self-government as fully and completely as the people of the United States did at the beginning of the Revolution.
>
> This little document shows the organization of the legislature, the military organization, the election of a president, M. Cisneros, a man of high character, of conceded ability, a man of property and standing, who also, I believe, took a prominent active part in the revolution of 1868 to 1878, besides being eminent in civil life.
>
> Here are rules for the regulation of the army. Here are stipulations made as to the treatment of prisoners, how they shall be dealt with, and it is a remarkable fact that in all the battles fought by these wandering "robbers and bandits," as they have been called, whenever they captured a soldier of the Spanish army they released him and allowed him to return to his command. This humane and generous treatment is far different from the universal custom of the Spanish troops when one of the rebels is taken. He is sent to a prison in Africa by the Spanish troops or is treated harshly and in some cases murdered. These are poor men; the army is composed of native Cubans and men some of whom have been freed from slavery, black people, but they have shown no signs of being guilty of the barbarous atrocity of which I shall have to speak hereafter, I am afraid injudiciously.

That is as far as I care to read. The part to which I wanted to call attention, particularly, was the statement made by Mr. Sherman two years ago in the Senate that he had been surprised, as I was surprised, when he came to investigate, to find that they had a government thoroughly organized and in successful operation. If that was true two years ago, and unquestionably it was, and if it be true, as it unquestionably is, that from that day until this that government, with its army, has withstood the combined assaults of Spain upon it, it is a government which we have a right to recognize according to all the principles of international law, for it is not only standing as it then stood in defiance of the power of Spain, but now it can be said, as it was not said and could not be said then, that Spain has ceased to be attended in her efforts to conquer those people with any reasonable hope or expectation of success. That is said; it is said by the President of the United States in the message which he sent us.

It was because two years ago the truth was, as Mr. Sherman stated it in the speech from which I have read, and because from that day until this that truth has been made more and more strong, that I felt in dealing with this question at this time we had a right to recognize that government, and that it was our duty to recognize that government. I think it was unfortunate that we did not recognize it, but it may not be as unfortunate as I imagined, for I think quickly, speedily, possibly even now, on the very day when the ultimatum has been sent to Spain pursuant to the resolutions that passed here, this Government has practically recognized the Republic of Cuba, and I think possibly it is true—we will all know it by to-morrow morning—that that government is to-day being officially dealt with by the official representatives of this Government, as it should be.

Mr. HOAR (in his seat). That has probably happened.

Mr. FORAKER. The Senator from Massachusetts made a remark which I did not hear.

Mr. HOAR. I beg the Senator's pardon; I did not intend to interrupt him. I exclaimed what was simply in my mind, without being conscious myself that I spoke. What I said was what the Senator is now saying and what I said some time ago would probably happen.

Mr. FORAKER. Yes; I have no doubt the Senator predicted this, for he has been talking along this line, as I recollect, at various times. The only difference between the Senator and myself was as to when the recognition should come.

Mr. HOAR. And as to the question of constitutional power.

Mr. FORAKER. I have no trouble about constitutional power. I want to say to the Senator with respect to that question that every time he refers to it he talks about it as though it was a settled and established fact beyond all controversy that recognition is exclusively an Executive function.

Mr. HOAR. The Senator will pardon me. He said the only difference between him and me was what he stated, to which I added,

"and the question of constitutional power," on which we also differed. I did not mean to make any affirmation about it except to state the fact of our difference.

Mr. FORAKER. There is that additional difference. I think I have perhaps said heretofore in the Senate, and I want to say again, that I do not at all agree with the Senator from Massachusetts that the recognition of either independence or belligerency is an exclusively Executive function. I want to say further that every time that question has been raised here in Congress, and it has been raised repeatedly, Congress has always contended that it had a right to participate at least with the Executive in all questions determining our foreign policy, including questions of recognition of belligerency and recognition of independence.

But if the Senator from Colorado will pardon me just one minute further, I wish to say a word in answer to the suggestion of the Senator from Massachusetts [Mr. HOAR] the other evening that the proposition to recognize the independence of the Cuban Government had been as he thought injected into this debate merely for purposes of discord. I do not think the Senator could have been very deliberate in his consideration of this subject when he made that statement. I perhaps have a special right to answer that question in view of the fact that I introduced that proposition in the resolutions which I offered in the Senate, and which have now in substance, except as to one proposition, been adopted.

The resolutions that I introduced contained four propositions. One was that the people of the Island of Cuba are free and independent. That has been adopted. Another was that this Government should recognize the Republic of Cuba as the true and lawful government of that island. The third was that by reason of the character of that war, in its results upon our commerce and because of the humanitarian question involved, it was the duty of this Government to demand that Spain should at once abandon the island. The fourth proposition was that the President should be authorized and directed to carry these resolutions into effect. Three of these propositions have been accepted. The one in regard to the recognition of the republic was stricken out in the way all are familiar with. I had no thought of discord when I introduced that proposition. I was familiar with this record. I supposed it was a conceded fact that they had at least a de facto government in the Island of Cuba known as the Republic of Cuba.

The PRESIDING OFFICER. The Senator from Ohio will suspend for a moment. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. MILLS. I ask unanimous consent that the unfinished business may be laid aside informally.

The PRESIDING OFFICER. The Senator from Texas will allow the Chair to have the unfinished business stated.

Mr. MILLS. Certainly.

The SECRETARY. A bill (S. 2680) amending "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Ohio will proceed.

Mr. FORAKER. Mr. President, I have only a word or two more to say. I supposed it was a conceded fact, conceded by everybody, that there was such a government as the Republic of Cuba. I supposed all were familiar with this record, and I supposed surely it was a conceded fact on the part of the Administration, the present Administration, when the present Secretary of State acting here as a Senator had employed the language which I have quoted.

Furthermore, as an answer to the suggestion that this proposition was introduced for purposes of discord, I will state that before the proposition was introduced here I talked with the President in regard to it. I showed him the resolution, and while he had some concern as to the form of it, I did not understand that he had any objection to it on principle. With me it was only a question as to the particular time when that resolution or something else like it should be introduced. Events came quickly, one thing following after another, and it seemed to me after the *Maine* report was in that the way was clear for some action to be taken, and that that was an appropriate time to introduce the resolution, and I introduced it.

That resolution was introduced at a time when it was being given out through the press, and I suppose it was at least a semi-official announcement, that the President had notified Spain as a condition precedent to everything else which might be agreed upon that there should be on the part of Spain a recognition of the absolute independence of the people of the Island of Cuba. That was given out, I supposed, with authority. We were made to understand in our committee that that condition precedent had been made, and I had no idea that in introducing my resolutions I was not in harmony with at least the general purposes of the Administration with respect to this question. And so it was I had no thought or purpose to create any discord, but was only intending and purposing to discharge, according to my conviction, what I conceived to be a very grave, important, and responsible duty.

That resolution was introduced, injecting that proposition into this controversy, I do not recall now how many days, but a week or ten days before the President's message came in. I supposed that when we received the President's message we would be advised that a recognition on the part of Spain of the independence of Cuba had been insisted upon. I was forced to conclude when the message was read that that demand had not been made; otherwise surely the President would have made some mention of it.

A day or two later, however, I saw in a newspaper what I understood to be a semiofficial statement that such a telegram had been prepared, and that after it had left the hands of the President, upon being revised by the Attorney-General, he had taken the liberty to strike out the word "independent" and insert in lieu of it the word "stable." But even that statement showed that the recognition of an independent government there was in harmony with the ideas of the President. The Senator from Nebraska [Mr. THURSTON] has just now kindly handed me the newspaper article to which I have referred, and I will read it in order that it may appear in the RECORD in connection with the remarks I have just been making. It is taken from the Washington Post. It is entitled "Why independence was omitted."

It became known yesterday why independence was omitted from the message. When President McKinley first made his propositions to the Spanish Government, he announced that the war must cease in Cuba and an independent government be established. This dispatch was changed by Attorney-General Griggs to read "stable government," which, it was claimed, was the diplomatic phrase for the independence desired. When Minister Woodford submitted that dispatch to the Spanish prime minister, he was asked if "stable government" meant independent government, and at once replied in the negative, assuring Señor Sagasta that the United States looked only to a system of self-government like the Canadians enjoy.

Afterwards, believing that he might have made a mistake, Mr. Woodford cabled the President as to the intention of this Government, and was promptly informed that the word "stable" must be interpreted "independent." As all suggestions for independence had caused much indignation and resistance on the part of the Spanish Government, Minister Woodford feared to make his demand, and, as a matter of fact, the ultimatum for independence was never officially laid before Spain, Mr. Woodford believing that it would be a constant irritation and menace in what might follow. He repeatedly suggested it to Señor Sagasta in private as being the view of the President, but as it had never been submitted in writing, the President had to omit it from the message. This is the explanation semiofficially made of the President's message.

Mr. CHANDLER. Mr. President, may I ask the Senator from Ohio a question?

Mr. FORAKER. Certainly.

Mr. CHANDLER. He having read the newspaper statement as to this diplomatic correspondence, I ask him whether the Committee on Foreign Relations, before it made its report to the Senate recommending the resolutions which have passed, knew what the diplomatic correspondence actually was, or were the members of the committee obliged to take it from a newspaper; and did they take it from the newspaper slip which the Senator from Nebraska has just handed to the Senator from Ohio to refresh his recollection as to what the diplomatic correspondence was?

Mr. FORAKER. Answering the Senator from New Hampshire, I will state that the Committee on Foreign Relations has never been advised as to what the diplomatic correspondence is, except only a statement has been generally made of the character I have already stated, that the demand of this Government was a recognition on the part of Spain of the independence of Cuba.

Mr. ALLISON (in his seat). That demand was made.

Mr. LINDSAY. Mr. President——

Mr. TILLMAN. May I ask the Senator from Ohio a question?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. FORAKER. I want the statement just made by the Senator from Iowa [Mr. ALLISON] first to go upon the record. I understand the Senator from Iowa to say now that the demand was made, but, if he will pardon me, I would rather he would make it in his own way.

Mr. ALLISON. Although I have no authority to say so, as I have not conversed with anybody who has heard it stated, I understand there is no question of the fact that that demand was made of Spain; that it was sent to the Spanish Government and a copy of it was sent to the Spanish minister in this city.

Mr. HALE. That is, that the intervention of the President should be to the end that an independent government should be established; not that the so-claimed government of the insurgents should be recognized, but that the intervention of this Government should be to the end that an independent government should be established. I suppose the Senator does not think that the demand was put in the form of Spain being required to recognize the insurgent government.

Mr. PASCO. I wish to suggest to the Senator from Iowa to be a little more clear in stating just exactly what that demand was, because his language is indefinite.

Mr. ALLISON. One can not be very clear when he is giving hearsay evidence. Therefore I only intimated to the Senator

from Ohio that I had learned from sources which I considered reliable that in the course of this correspondence the President did say to the Spanish Government that there must be an independent government in Cuba; and that demand was submitted not only to the Spanish Government in Madrid, but a copy of it was sent to the minister here. Perhaps I ought not to say this in public debate, but so understanding the fact, I did say so to the Senator from Ohio in my seat. As I do not speak in this matter except, as I state, from hearsay, I can be no more definite in my statement than I have been.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. TILLMAN. I should like to ask the Senator from Iowa or the Senator from Maine, or anyone else here who is expected to be the mouthpiece of the Administration on this subject, to answer this question: Is it the rule of the President to allow the Attorney-General to change a word in his dispatch to a foreign government without his consent, and is it the rule of the ministers sent abroad by the United States to refuse to deliver the dispatches that are sent to them?

Mr. HALE. I do not consider this to be a very important controversy just now; I do not think the Senator from Ohio does.

Mr. FORAKER. No; I do not, so far as the matter itself is concerned.

Mr. HALE. It is not claimed by anybody, whatever the dispatch was, that it originally was intended to be a recognition of the so-called government of the insurgents, but it was a proposition that this country would intervene to the end that there should be in Cuba a free and independent government.

Mr. TILLMAN. From whom does the Senator from Maine get that? Out of the air?

The PRESIDING OFFICER. Senators will please address the Chair.

Mr. HALE. The Senator from Ohio has followed this matter very closely. I do not suppose the Committee on Foreign Relations claims that that original dispatch, before it was at all altered, if altered by the Attorney-General, covered the proposition that Spain was to recognize that particular government, but that we should establish there a free and independent government.

Mr. FORAKER. Mr. President, I never heard of the proposition that we were to establish any kind of a government in Cuba until we got the message of the President. What I heard, what we all heard, in so far as I have any information, was this: That the President was diplomatically negotiating through our minister, Woodford, with the Government of Spain, and that in the course of those negotiations he had instructed the minister to make certain demands, and that he had made a condition precedent to everything else the absolute recognition of the independence of the people of Cuba. That is the way it came to me. I have not seen the correspondence; I do not know what it would disclose. We would be glad to see it if we could.

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. FORAKER. If the Senator will pardon me just a moment until I add another sentence, I will state why I have dwelt upon it. I want to make it appear, by showing these facts, that at the time when this proposition was incorporated in these resolutions, and when they were subsequently insisted upon, there was no thought thereby of creating any discord. On the contrary, we thought we were doing exactly what it would be the purpose of this Government to do, for I will confess frankly that it never occurred to me that if we were to recognize the independence of the people of Cuba, we would deny recognition to that political organization under the direction and control of which that independence had been achieved. I supposed the republic would be recognized, as a matter of course, if we declared that the people of the island were free and independent, and it was not an idle purpose we had in putting that into the resolutions.

The reason may not have been valid for it, but my idea was a very simple one. I thought if we recognized the independence of the people of Cuba, as we do in the first paragraph, and I thought we were entitled to do it, according to the principles of international law applicable, we thereby at once changed the legal status of the people of Cuba from that of subjects of Spain to inhabitants of that island. That was highly important if we were to have war, for when we make war on Spain we make war on all her subjects everywhere. I am sure I did not want to make war on the Cubans, even technically. Then I had this further purpose. When I drafted the resolution and put the second proposition in, that we would recognize the Republic of Cuba as the true and lawful government of the island, it occurred to me, as I undertook to set forth in the remarks I made the other day, that if we went down there and intermeddled, to use an international law term, in the affairs of another people, and drove the Spanish Government out and set up a government of our own, and failed to recognize the government that was there, we at least ran a serious risk of being liable for the debts for which the revenues of that island have been pledged.

I have never seen the form of that pledge; I have never seen the legislation whereby those revenues were pledged; I have been unable to get it, although I have tried to get it. Therefore I do not know what the exact facts are, but I have seen it stated over and over again, without any contradiction, that by the Kingdom of Spain the revenues from the Island of Cuba have been pledged to the payment of a certain indebtedness, at least the interest. It seemed to me that we ran a risk of becoming liable for that indebtedness, and it not occurring to me that there was any objection upon principle to the recognition of the Republic of Cuba, but it occurring to me that by that recognition we could shut the door against that possible liability, I thought it was wise to insert that proposition. That is all there was of it, and all this talk which has since arisen about a combination between Democrats and certain Republicans at the instigation of Mr. Bryan is entirely without any foundation, so far as I am aware.

I have never had the good fortune to so much as even see Mr. Bryan. I never saw him to know him, at least. I have no acquaintance with him. I never had any communication with him directly or indirectly on this subject or any other.

I have acted in this matter, Mr. President, from the beginning without a thought that partisan politics would at any stage become a feature of the controversy. I have felt that it was not a political question. It is a question, it is true, with respect to which political parties have made declarations; but the true interpretation of the declarations which have been made in the party platforms would make them all mean practically one and the same thing.

Therefore, in dealing with the subject, I have had no thought with respect to any of my colleagues to stop and consider and inquire whether they were Populists, Democrats, or Republicans. I have felt this was a great national question, a great international question, a question in dealing with which we should remember, not that we are Democrats or Populists, or Free Silver Republicans, or stalwart and unqualified Republicans, but only that we are Americans—Americans all.

I have sought to deal with the matter in that spirit. I intend to go on dealing with it in that spirit. I have no feeling of hostility toward anybody who has a duty to discharge with respect to it. The duties of the President have been of the most serious and grave character. I think he has in the discharge of them undertaken, according to his best judgment, to do his whole duty. He may have made mistakes. I do not know who has the right to say whether he has made mistakes or not; but it may be that with respect to this matter he has perhaps not done exactly as others might have done if they had been in his place, but only time can tell whether the President has made a mistake or whether, if others had been in his place and had acted differently, they would have made a mistake.

Let us, instead of cavilling about these matters and trying to draw party lines, remember that this is a question with respect to which we should try to be united; and it was because it was a question of that character that I was willing, after I had done my full duty in an effort to get a recognition of the Republic of Cuba, to abandon that proposition in the interest of harmony, and to secure an agreement and pass the resolutions.

That is all I care to say, Mr. President.

Mr. TILLMAN. Mr. President——

Mr. TELLER. I have not yielded the floor.

Mr. TILLMAN. I do not want to take the floor; but I just want to ask a question, if the Senator from Colorado will allow me.

Mr. TELLER. Very well; go ahead.

Mr. TILLMAN. I understood the Senator from Ohio [Mr. FORAKER] in the opening, or shortly after the opening of his remarks, to state that he had reason to believe that either already, or in the very near future, the Cuban Government, this republic which exists in the minds of some of us, but does not exist in the minds of others, had been recognized or would be recognized.

Mr. FORAKER. I said practically in this sense, to be more particular—I think I did make that statement—that some representatives of this Government, if not already dealing with the representatives of that government duly accredited to this Government by that government, will in the immediate future be dealing with them just as it occurs to me we should want to deal with them if we recognize the Cuban Government. That was another purpose I had in view.

Mr. TILLMAN. The Senator has no positive information on that subject?

Mr. FORAKER. I have positive information, but it is not official.

Mr. TILLMAN. It seems to me, after reading the speech of the gentleman who was the Senator from Ohio at that time and who is at present Secretary of State, that the present Secretary of

State must stultify himself beyond redemption if he refuses to recognize the republic which two years ago he contended existed in Cuba.

Mr. TELLER. I had intended to call the attention of the Senate to the speech of the Secretary of State, but as the Senator from Ohio [Mr. FORAKER] has referred to it, I will not do so now.

Mr. BUTLER. Will the Senator from Colorado pardon me for a moment?

Mr. TELLER. Certainly.

Mr. BUTLER. Mr. President, that statement made by the present Secretary of State has been read and placed in the RECORD. In order to make the record complete, and show what the position of our Government has heretofore been, I will ask permission to insert in my remarks several extracts from the History of the Revolution, by John Fiske, which will show that the position of our Government during the Revolution was similar to that of the Cuban Republic.

The PRESIDING OFFICER. Without objection, the order to print in the RECORD the matter referred to by the Senator from North Carolina will be made.

The extracts referred to are as follows:

Until toward the close of the Revolutionary war, indeed, the United States had no regularly organized Government. At the time of the declaration of independence a committee had been appointed by Congress to prepare articles of confederation, to be submitted to the States for their approval. These articles were ready by the summer of 1778, but it was not until the spring of 1781 that all the States had signed them. While the thirteen distinct sovereignties in the United States were visible in clear outline, the central government was something very shadowy and ill defined. Under these circumstances, the military efficiency of the people was reduced to a minimum.

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There was really more danger in such intrigues than in an exhausted treasury, a half-starved army, and defeat on the field. The people felt it to be so, and the events of the winter left a stain upon the reputation of the Continental Congress from which it never fully recovered. Congress had already lost the high personal consideration to which it was entitled at the outset. Such men as Franklin, Washington, Jefferson, Henry, Jay, and Rutledge were now serving in other capacities. The legislatures of the several States afforded a more promising career for able men than the Continental Congress, which had neither courts nor magistrates, nor any recognized position of sovereignty. The meetings of Congress were often attended by no more than ten or twelve members. Curious symptoms were visible which seemed to show that the sentiment of union between the States was weaker than it had been two years before.

Instead of the phrase "people of the United States," one begins in 1778 to hear of the "inhabitants of these Confederated States." In the absence of any central sovereignty which could serve as the symbol of union, it began to be feared that the new nation might, after all, be conquered through its lack of political cohesion. Such fears came to cloud the rejoicings over the victory of Saratoga, as at the end of 1777 the Continental Congress began visibly to lose its place in public esteem and sink step by step into the utter degradation and impotence which was to overwhelm it before another ten years should have expired.

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As the nullity of Congress made it ever more apparent that the country as a whole was without a government, Washington stood forth more and more conspicuously as the living symbol of the union of the States. In him and his work were centered the common hopes and the common interests of all the American people. There was no need of clothing him with extraordinary powers. During the last years of the war he came, through sheer weight of personal character, to wield an influence like that which Perikles had wielded over the Athenians.

Mr. TELLER. The statement made by the Senator from Ohio [Mr. FORAKER] that the Government of the United States is about to recognize the independence of the Republic of Cuba may be true. If that be so, it will certainly be a justification of our action in inserting in the resolutions the provision for the recognition of the Republic of Cuba, if we needed any justification for that act. We all remember the report which the then Senator from Pennsylvania, Mr. Cameron, made on the recognition of the independence of Cuba and the proof which he adduced in that debate of the character of the government there.

On the 28th day of February, 1896, I voted to recognize the independence of Cuba. I have never changed my view, and I do not think that I can be charged with having voted for a similar provision the other day simply for the purpose of either embarrassing the Executive or creating divided counsels.

I do not believe that the President of the United States has at any time asked or demanded of Spain the recognition of the independence either of the Government of Cuba as it now exists or of the people thereof, because I find nothing in the President's message which indicates anything of that kind; and it seems to me if he had been making a report to us—for that is what his message really is—he would have made some mention of that. He mentions, however, the fact that he had demanded of Spain at one time that there should be a cessation of hostilities between the Government of Spain and insurgents, which Spain had declined to grant. The President himself makes a case, according to my notion of international law, for the recognition of the Government of Cuba.

We were told here with great emphasis yesterday and the day before, and also on Saturday last, that it would be a violation of international law to recognize the independence of Cuba. That is a question for the government which makes the recognition, and when it is made no one has any business to complain. It is not an offensive act; it is not a cause for war. It is simply a question, Does the government making the recognition believe that there is a government existing there, although it may not be as great a government as that of Great Britain or of France; but is it a government which performs the functions of government for the people within its borders? It may not maintain international relations. Of course it can not maintain international relations until some government has first recognized it. It may not have a flag which it can float on the sea, or it may not have ships, because it can not have those things until some government recognizes the government as independent. Therefore it is certain that before it can have those things some government must take the initiatory steps and recognize the existence of a new government. It does not make any difference what government does it, provided it is done. But there is great influence and great force when a Government like ours recognizes a new state.

The President says that he submitted the question of an armistice to the Government of Spain on the 27th of March, and on the last day of the month he received a reply stating in substance that Spain would not assent, but that the matter might be left to the autonomous government of Cuba, and if there is any paper government or any ephemeral government in Cuba it is the autonomous government, for it has neither form nor shape nor confidence, and it is not even recognized by the Spaniards themselves.

Mr. President, I do not care to extend this discussion, except to say that, in my judgment, if any man will take up the report of the Committee on Foreign Relations and read it carefully he can not escape the conclusion that the report was originally written so as to be in harmony with the resolutions as they passed the Senate. The committee says, on page 7 of the report:

Upon due consideration of all of the relevant facts of the relations of this Government with Spain, including the destruction of the *Maine*, and of the history of the rebellion, it is the opinion of your committee that the United States ought at once to recognize the independence of the people of Cuba.

I ask any Senator acquainted with international law when and how we could recognize the independence of a people without recognizing a government; and I challenge any Senator to find a single precedent in history where that has been done where there has not been such a recognition. You may recognize the fact that a people ought to be free, and that they have earned their freedom, and all that. The committee evidently, when they wrote that report, had not the slightest doubt; but when the "change came over the spirit of their dreams" they changed what was the recognition of the government of Cuba to "the independence of the people of Cuba."

I desire to call the attention of the Senate—and I ask leave to insert it in my remarks—to an extract from the report of the committee on page 8.

The PRESIDING OFFICER. Without objection, that order will be made.

The extract referred to is as follows:

The recognition of the independence of the people of Cuba is justified and demanded by the highest considerations of duty, right, and policy.

The insurgents hold the eastern portion of the island, to the practical exclusion of Spain. This possession extends over one body of territory comprising fully one-half of the area of Cuba.

The extermination by Spain of the peaceful inhabitants of the western portion of the island has so affected the balance of population between these moieties of Cuba that the insurgents comprise in the eastern half nearly one third of the population of the island. That third of the population pays taxes to them, serves in their armies, and in every way supports and is loyal to them. This situation has existed ever since the first few months of the war. The armies of Spain under Campos, Weyler, and Blanco, successively, have been repelled in every invasion that they have attempted on the eastern half of the island.

The cause of Spain has continually grown weaker and that of the insurgents has grown stronger. The former is making no substantial effort for the recovery of these lost provinces. Their people are secure from invasion and cruel administration. Spain has never been able to subject them to her unprecedented and murderous policy of concentration and extermination. Her armies have been more than decimated in the attempt to subdue them. Two hundred thousand of her soldiers have failed to reduce the insurgents. The few reenforcements that she is now sending to Cuba do not supply a tithe of her losses caused by battle and disease.

Her control over the western portion of the island is dominance over a desolation which she herself has created. Even there she controls only the territory occupied by her cantonments and camps. Outside these the insurgents are everywhere in presence.

Mr. TELLER. Mr. President, what benefit, what advantage, could result to the people of Cuba by declaring that they were free? There would some come to them if we declared for a recognition of their government, but none could come to them from a simple declaration that they were free.

More than that, the committee describe the condition of the country. They say:

The preceding observations have assumed a certain control and sovereignty by Spain over the western portion of Cuba. We have indicated its character. It is limited to scattered and fortified areas, and it is not a civil sovereignty. It is merely a military occupation of fortified places. Even this dominion has been made possible and continues only by the infliction of a policy for which the history of no people (excepting possibly that of Spain herself) furnishes any example.

The world knows what that policy is and all civilization execrates it. Can you say that Spain has control of the island to-day, in

view of what the committee have said? It is a mere military occupation, they say. The report continues:

It consists in compelling, under penalty of death, the rural population of the western part of the island to leave their homes, their fields, their stock, and other chattels, and mass themselves between the outskirts of certain designated towns and a military cordon intercepting their return into the country.

Then the committee speak of the desolation that followed that order. On page 11 they say:

The recognition of the independence of the people of Cuba entitles the United States to insist that the war shall be conducted in accordance with those humane laws which have been ordained by the common consent of the civilized world, and which have done so much to mitigate the horrors of warfare. So long as this Government abstains from such recognition Spain is entitled to insist that we agree with her that the insurrection is merely a treasonable riot and not a formal and organized rebellion, and that she is therefore entitled to execute upon the insurgents and upon American citizens, and all persons upon the island, the penalties of a domestic code which is an affront to civilization.

The United States has been in this attitude of concurrence ever since the beginning of the war.

That supports the statement I have made that we have given our moral support to the inhuman Government of Spain.

It has, as a consequence, in a spirit of forbearance—

I would amend that by saying in a spirit of cowardice—

It has, as a consequence, in a spirit of forbearance, submitted to many atrocities perpetrated by Spain upon our own citizens which, under recognition, would have had no warrant in international law and would have afforded just grounds of procedure by this Government under its acknowledged principles. Citizens of the United States have been condemned to death by military tribunals in violation of their treaty rights. The expostulations of this Government have been in effect merely petitions for royal clemency.

I shall not read more from the report.

The President of the United States has declared in the most emphatic manner that Spain has lost the island, and certainly she can not have dominion over it if she has lost it. The Republican convention made a similar declaration two years ago the coming June. The President in his message says:

The long trial has proved that the objects for which Spain has waged the war can not be attained.

Mr. President, when that fact is known to the world, how much longer must we wait before we recognize the government established in Cuba? Whenever it shall appear that the government waging the war is incapable of putting down the rebellion, then there is the right on the part of every other country in the world to recognize the government which is contending against it. It is not even necessary to wait until that time. The President declares:

The fire of insurrection may flame or may smolder with varying seasons, but it has not been and it is plain that it can not be extinguished by present methods.

Mr. President, I trust and hope that the Senator from Ohio [Mr. FORAKER] has not been misinformed. I trust that we may hear in a few days that the President of the United States has recognized the Republic of Cuba. It will save us infinite complications, in my judgment, and a great danger which is imminent if we shall go into an intervention in Cuban affairs without such declaration.

Now, Mr. President, though I did not intend to be so lengthy in speaking on this question, I want to go back to my starting point. I regret as much as anybody the necessity of intervention in the affairs of Cuba. I am oppressed all the time with the feeling that if we had done the right thing, as I said before, we could have avoided war.

I have never wanted to see war between Spain and the United States. I do not now wish to see it. I should be delighted, and I should give the President great praise, if to-day he could compromise this matter consistently with the dignity of the people of the United States and the liberty of the people of Cuba. I have not been one of those who were impatient of delay. I know if the President could have brought about what we desire without war, we could have afforded to wait, even though it cost some lives in Cuba; because a war, Mr. President, will cost many lives. I know that we shall not get out of this war without great expense, which I count but little compared with the loss of life and the other evil consequences which always flow from war.

I am not in favor of this war, nor shall I be of the next. I am for peace if it can be honorably had. We have now put the matter in the hands of the President, practically as I suppose he wanted it, not perhaps exactly, but in a way. If Spain is disposed now to accede to a reasonable demand, which is that she shall recognize the independence of the Island of Cuba, and which she can only do, I suppose, by the recognition of some government there, either the one which is now established there or one which can be established—if that is done, of course we shall have no further complaint.

The *Maine* incident is a matter to be left, according to the President, to further diplomatic consideration; but if war comes, no taunt from those who call themselves the friends of Cuba par excellence, or who attach themselves to the Administration to a degree that they will follow every dictum, every request, and every suggestion, will drive me from the support of my flag and my country.

You can not make this a Republican war; you can not make it a party war. Much as you may desire it shall be, I say it will not be a party war. It will be a war of the American people, conducted under the American flag; and I want to say to the Senators who claim that it shall be a Republican war, or that a Republican Administration has got to fight it, that they can not make political capital in an intelligent country like ours by attempting to array those who are not the supporters of the Administration against it, or by insisting by mere mouthing that others are not as patriotic as they are.

Mr. President, I should despise myself if I treated the present Executive of the United States, in case of war, any differently from the way I would have treated the man for whom I gave my vote if he had been elected President of the United States. I despise any man who will make political capital out of the misfortunes of the nation, who will in the hour of conflict stop to consider "How will this affect my interest or the interests of my party?" How will it affect the interests of the country? is the question to be put to every man and to be answered by every man, without reference to his prejudices or his passions.

It is a question to be answered from that patriotic impulse, which makes every man stand by his flag whether or not he believes the flag always covers as just a cause as it ought to cover. Although he may believe that blunders have been made and are being made, yet it is his duty, if he can not cure the blunders, to stand up and defend his country until the conflict is over and the crisis has passed. Then he may stand up and criticise to the fullest extent the conduct of affairs which have passed away. No criticism is justified at such a time that will embarrass, that will hinder, that will obstruct.

When the Senator from Maine said he expected to find the Democratic party hindering and obstructing, I think he spoke without due reflection, because he has no reason to suppose that the Democratic party will be less patriotic and less urgent and insistent upon maintaining the honor and integrity of the Government than will be his party.

Mr. President, I am going to do as the Senator from Maryland [Mr. GORMAN] said the other day he was going to do. I am going to forget that William McKinley was elected President on the Republican ticket. More than that, I am going to forget the methods by which he was elected; I am going to forget the class of men who stood back of him and by him; I am going to forget a hundred things that I have criticised; I am going to put them back of me; and I am going to stand up for every effort of his to maintain the integrity, honor, and dignity of the American people; and I believe every Senator on this floor has the same sentiments that I utter. I wish, instead of the Senator from Maine appealing to us to stand by the President, he would have the goodness to admit that up to this hour the President has not any reason to complain of any man who sits in this Chamber or in the other House who does not belong to his political party.

Mr. HALE. Mr. President, I doubt very much whether any profit is likely to come from the prolongation of this discussion. We were in sharp conflict for ten days up to a late hour on Monday last. The President of the United States had declared in his message—and I am glad that Senators give him the credit of being sincere and honest—that—to quote his language—

Nor from the standpoint of expediency do I think it would be wise or prudent for this Government to recognize at the present time the independence of the so-called Cuban Republic. Such recognition is not necessary in order to enable the United States to intervene and pacify the island. To commit this country now to the recognition of any particular government in Cuba might subject us to embarrassing conditions of international obligation toward the organization so recognized. In case of intervention our conduct would be subject to the approval or disapproval of such government. We would be required to submit to its direction and to assume to it the mere relation of a friendly ally.

I thought the words were wise, that the sentiment was commendable, and believed when the message was first read that it would in due time have its effect upon Congress and upon the country. The two Houses came almost to a deadlock, the House of Representatives taking the proposition of the President, acting upon it, and sustaining the President in his view as given in the passage which I have just read. A majority of the Senate took the other view and voted that repeatedly. When at last it was found that here was pronounced antagonism, the result of which would be, if prolonged and crystallized, that nothing would be done, out of that condition emerged an actual result—a report finally from a committee of conference, made up on the part of the Senate of Senators who had from the beginning been earnest friends of independence in Cuba, a report which was submitted to us in those late hours to an interested, not excited, but earnest body, wearied with the protraction of the struggle, but yet willing to stay in order that something should come out of it, that we should relieve ourselves of the position where nothing could be done.

The committee of conference on the part of the two Houses having agreed in their proposition, which left out the feature that had raised such a controversy and had raised the issue with the House of Representatives—the recognition of the so-called insurgent government—reported. They established a policy. They submitted it to the Senate. It was not what pleased everybody. It did not in all respects in its language and formality of phrase please some of us. It did not please others because it did not go far enough. It did not please in itself undoubtedly all the members of the conference who reported it; but under the gravity of the conditions and because something should be done the committee reported as follows:

First. That the people of the Island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

Upon that, Mr. President, the Senate voted. I will not read the vote in detail; it is to be found on page 4040 of the RECORD. Forty-two Senators voted in favor and 35 Senators voted against it. When the House took it up and by a great vote adopted it, it made it the line of action which is to be pursued in this matter, and when the President on receiving it from both Houses signed it, he accepted it as the rule of action. The conflict, Mr. President, departed from these Halls. The outlining of what should be done had been given. A majority of both Houses had declared to the President that they gave him this power, and all the solemn responsibility of so carrying out that line of policy which was enunciated by a majority of both Houses of Congress left our shoulders and rested on the President of the United States and his constitutional advisers.

I have not heard from that day to this that any attempt has been made to prolong this discussion by any Senator who voted with the majority and whose policy was adopted, but perhaps fearful as to what the future will bring, yet hopeful, all have been willing that the President should take up this burden and carry it out in the exercise of his good sense and his known and admitted patriotism.

Now, Senators who voted in the minority have the perfect right to renew this discussion, as the Senator from Missouri [Mr. COCKRELL] did yesterday, as the Senator from Colorado [Mr. TELLER] has done to-day; but with the highest respect to both of those Senators, with whom I have served long and with whom I have always had pleasant relations, I repeat that I doubt the profitable nature of this discussion when the responsibility is somewhere else.

I do believe we would present to the American people and to the world a spectacle of calmness and wisdom and self-restraint and unity, as the Senator from Illinois [Mr. CULLOM] suggests, if, after the act of last Monday night, which must be settled in the future, we went on as the Senator from Iowa has been trying to do, to pass upon other business of the Government. I can not refrain from saying that there were a hundred things I had gathered in my mind when the Senator gave notice that he intended to speak upon this matter, which I had intended to say in answer to the Senator from Colorado, but with this view in my mind, pressed upon it so strongly, I will not, for the sake perhaps of what would be an inadequate answer, prolong the discussion. I leave it, so far as I am concerned, where it is, and the fate of war, if war must come, must be now largely contributed to and settled by action in another branch of Government.

It has encouraged me in this view, that I will not go into controversy either with the Senator from Missouri or the Senator from Colorado, that the Senator has in his latest utterance before he took his seat assured us, with the fidelity that characterizes him when he takes a position, that he means to sustain the Government. I have no doubt whatever of it.

Mr. TELLER. Will the Senator from Maine allow me to interrupt him?

Mr. HALE. I do not know but that I am through.

Mr. TELLER. I should like to say to the Senator, what he, perhaps, may have forgotten, that on Saturday night, after the Senator made his speech, which I have criticised somewhat, but not so much as I would have done on Saturday night, in my desire to get a vote I stated that I would not then delay the Senate, but that later I would take occasion to make some remarks in defense of what I thought was our position. Therefore I took the occasion to-day, not for the purpose of continuing the discussion, but because I had waived that right at the time and I thought I was justified, and I think so now. I am quite willing, so far as I am concerned, to drop the political feature of this case or to keep it up, if it is insisted upon; but it will not be kept up on my part unless somebody else insists upon it.

Mr. HALE. I had intended to say something in regard to the few remarks I submitted on Saturday night, but I refrained from doing so because this other view stood so strongly in my mind, that we will be in all respects better off if we leave the present conditions, grave as they are, solemn as they are, tragic as they may well be in the future, to the Executive and his advisers and go on and do the business of the Republic.

Mr. WARREN and Mr. COCKRELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WARREN. I yield to the Senator from Missouri.

Mr. COCKRELL. The Senator from Maine [Mr. HALE] undertook and pretended to read what he called the conference report, knowing that it was not the conference committee's report just as well as he knew his existense; but he told the Senate that it was the conference report. I do not like that kind of procedure. I will read the conference report now.

Mr. HALE rose.

Mr. COCKRELL. You read yourself what you called the conference report. Now, I will read the conference report.

Mr. HALE. Let the Senator from Missouri read the conference report.

Mr. COCKRELL. I will.

Mr. HALE. I have read its results.

Mr. COCKRELL. Ah, but you did not say it was the result. You said you read the conference report.

Mr. HOAR. I call the Senator from Missouri to order.

The PRESIDING OFFICER. The Senator from Massachusetts will state the point of order.

Mr. HOAR. I do not make the point of order upon the Senator's last statement in regard to a Senator on this floor, to wit, that he asserted something that he knew was not true——

Mr. HALE. I did not understand the Senator from Missouri to say that.

Mr. HOAR. I do not raise that point, because I am sure the kind heart and the gentlemanly nature of that Senator did not intend what his words seemed to me to mean. But, after those words, I must insist on the rule that Senators must address the Chair and not address individuals in this body.

Mr. COCKRELL. I have addressed the Chair.

Mr. HOAR. The Senator used the words, "you read so and so" or "you said so and so," turning to the Senator from Maine. I make that point.

Mr. COCKRELL. That is well taken.

The PRESIDING OFFICER. The point made by the Senator from Massachusetts is sustained by the Chair, and the Senator from Missouri will proceed in order.

Mr. COCKRELL. I stated, and I repeat, that the Senator from Maine said that he read the conference report, and thereupon he read the resolutions which were passed. Now, I say again that was not the conference report.

Mr. HALE. Let me say——

Mr. COCKRELL. Therefore, I mean to read the conference report, and I will proceed to read it, and then I will hear the Senator from Maine.

Mr. HALE. Now, does the Senator——

Mr. COCKRELL. Let me read the conference report, and then I will hear the Senator from Maine.

The PRESIDING OFFICER. The Senator from Missouri declines to yield.

Mr. COCKRELL. I decline to yield until I read the conference report, and the Senator will say it is the conference report.

Mr. HALE. I will reply to the Senator.

Mr. COCKRELL. I read from the RECORD:

INTERVENTION IN CUBAN AFFAIRS.

Mr. DAVIS (at 1 o'clock and 15 minutes a. m., Tuesday, April 19, 1898). Mr. President, on behalf of the committee of conference I submit a conference report.

The report was read, as follows:

"The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the amendment of the Senate to the joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

"That the House recede from its amendment numbered 1, in line 1, striking out the words 'are, and.'

"That the Senate recede from its disagreement to the amendment of the House numbered 2, in line 2, to strike out all after the word 'independent' to and including the word 'Island,' in line 4; and agree to the same.

"That the Senate recede from its disagreement to the amendment of the House to the title of the resolution omitting in line 2 thereof the words 'and Republic;' and agree to the same.

"C. K. DAVIS,
"J. B. FORAKER,
"*Managers on the part of the Senate.*

"ROBERT ADAMS, Jr.,
"JOEL P. HEATWOLE,
"*Managers on the part of the House.*"

Mr. President, that was the report. Now, I have no objection

to the Senator undertaking to make it appear that we were voting against the joint resolution, and we have defined exactly what we did vote for, but I do object when the Senator gets up and reads the resolution which was passed and calls it the conference report, when it was not.

Mr. HALE. Let me say just there——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Maine?

Mr. WARREN. Certainly.

Mr. HALE. Nobody knows any better than my friend the Senator from Missouri, because we have had together large experience in reports of conferees, that from any report, the formal, technical report, such as the Senator has just read, which strikes out a word here and inserts a word there, and puts in a clause here and a clause there, no man can tell what is the result of the report. Nobody can tell the result of any conference report from the formal reading of figures and numbers. Now, to show that that is true, and that I was entirely correct in reading what I say was the result of the report, let me read what followed when the report had been read as the Senator from Missouri has read it:

Mr. COCKRELL. I move to disagree to the conference report.
Mr. HAWLEY. I suggest that we first have the resolution read as it would stand if amended by the report.

Nobody could tell from the formal report what had been done.

Mr. GALLINGER. That is right.
The VICE-PRESIDENT. The Secretary will read as requested.
Mr. DAVIS. I move the adoption of the report.
Mr. WOLCOTT. I ask that the chairman of the committee explain in the main to us what the agreement is.

Because you could not tell from what the Senator from Missouri has just read. Again:

Mr. GALLINGER. Would it not be better to have the joint resolution read as it would stand if the report were agreed to?
Mr. DAVIS. Let it be read, and then afterwards, if it be necessary, I will explain the report.
Mr. WOLCOTT. Very well.

And then, in order to show the Senate what the formal report had done, there was read what I read here, and after that no man asked an explanation. I do not need to say anything more.

Mr. WARREN. Mr. President, I think the pending question is one of business rather than of politics. I have failed to see anything in the proposition now before the Senate to bring up these momentous political questions or debates or to provoke this heavy artillery of oratory. I have concluded, however, that we are pursuing an old and usual custom. We are picking up the scraps, the bits of cold victuals, hot stuff, and so forth, left over, that every well-regulated family has to enjoy for a few days after there has been a rich and elegant feast. We have had a feast, a national one. We had, indeed, a feast of reason and a flow of soul here during the last week. We have had memorable speeches from all sides of this Chamber, all bristling with loyalty, courage, statesmanship, and patriotism. No recognized political party has been found wanting in its allegiance to the United States, the honor of the country, or its purpose to liberate the suffering Cubans and assist them in establishing an independent republic.

It is true there have been in certain quarters very severe criticism of the President of the United States. In my judgment a great many splendid speeches have been marred with that indulgence, but I have not taken those criticisms seriously. I do not believe that the country is going to take them seriously. I do not believe that they seriously disturb the President of the United States, because it seems to me the country must see, what we in this Senate see, that while we are perhaps on the verge of war—one nation against another—fighting for the good and the future liberty of a down-trodden people, yet there is another conflict not far away in which we on the Republican side will fight alone against the allied forces, as it seems from present indications, of Democrats, Populists, Silver Republicans, Independents, and others.

It is necessary of course that the allied anti-Republican forces have sinews of war, and they are now proceeding to create them. Literature is always considered necessary, and it is more convenient to have it frankable; hence all this frenzied oratory. So into these speeches on a patriotic subject there must be infused a little politics. Fine speeches must be the sugar coating to cover the insidious political poison that goes out to the reading public. That is all there is to it, in my judgment. Of course it is expected that with the present very great interest in Cuban matters every speech on the subject will be read, and so the long-suffering reader—the voter—must take this political medicine which the allied mixers have prepared, whether it is palatable or not.

It is to be, as I understand, a fight of the G. O. P. against the field; the elephant against all the other inhabitants of the zoo. It is possible that that great and powerful animal may be conquered in the coming conflict by the combined efforts of all the others, but he will be an alive and powerful elephant still. In my own judgment, however, if I may be permitted to make the prediction, the elephant will be not only alive, but in command of the ring, at the end of the fracas, and he will have his trunk with him, and will have come to stay.

Mr. President, I am one of those who have not felt it necessary during this discussion to declare my allegiance to the United States nor to protect the President against these attacks. I am both glad and proud that I have the privilege of being among those termed supporters of the President. I believe that every Senator who sits in this body, no matter under what political banner he trains, has away down in his heart the utmost respect for the present incumbent of the White House. I believe that every Senator is willing to acknowledge and does acknowledge to himself that we have an honest, able, patriotic, statesmanlike occupant of the White House presiding over the destinies of the nation. It has been pretty well shown here that every Senator is really willing and ready to loyally support the President in the coming conflict. That was shown by the manner in which $50,000,000 was voted, and it would have been shown just as readily and completely if $500,000,000 were asked for, in my opinion.

Mr. ALLEN. I do not wish to interfere with the debate——

Mr. WARREN. I yield to the Senator from Nebraska.

Mr. ALLEN. I wish to ask the Senator from Wyoming, who is a fair-minded man, if he does not believe that all Senators here who are classed as the opposition have shown the utmost respect for and confidence in the President of the United States by their votes on this subject?

Mr. WARREN. Yes; I have said that, and I hasten to say it again; and it is only in explanation of the disrespectful remarks contained in some of the speeches that I allude to them, contending as I do that they are not serious and were only injected for home consumption as a matter of cheap, frankable political ammunition.

Now, if I may be excused, and if I am not out of order, I should like to address myself to the subject before the Senate. I presume it will not be out of order to take up the real subject now before us.

Mr. WILSON. Does the Senator from Wyoming refer to my motion to recede?

Mr. WARREN. Yes; the motion to recede.

Mr. WILSON. It has got a little lost here in the last two or three days. I am very glad to learn that we are coming back to the motion I made yesterday at 12.30 o'clock.

The PRESIDING OFFICER. The Chair will take the liberty to state that the question before the Senate is on concurring in the amendment made as in Committee of the Whole.

Mr. WARREN. Then the parliamentary condition is the motion to concur——

The PRESIDING OFFICER. That is the conditon.

Mr. WARREN. Then the parliamentary condition is a motion to concur in the amendment offered by the Senate Committee on Appropriations to the bill as it came from the House?

The PRESIDING OFFICER. That is a proper motion, the Chair will state.

Mr. WILSON. I do not care, but that is not the motion I made. However, it is immaterial, as it accomplishes the same purpose. I may not have the exact parliamentary language.

The PRESIDING OFFICER. The Chair states the proper parliamentary question. The bill is now in the Senate, and the question is on concurring in the amendment made as in Committee of the Whole. The Senator from Wyoming will proceed.

Mr. WARREN. I hope that the motion to concur will not prevail. The House of Representatives have in the bill very properly provided for a certain specific way in which certain employees of the Government shall be selected—that is to say, they shall be selected by the Secretary of the Interior. I do not know how they could well help inserting such language if they wished to have the matter move along satisfactorily and to have these new places that are to be provided for filled with competent persons, as they should be filled.

The provision is for the selection of the foresters, care-takers of the forests, etc. Such employees have never heretofore been selected through the civil service. There has never heretofore been an examination held by the civil service of any person to hold one of the similar places which have been created or filled. The proposition before us is for the employment of some men at a small per diem for certain portions of the year, possibly the whole year in some cases, and provides, as it should do, that the Secretary of the Interior may appoint or employ. The men who will naturally be employed for this purpose can not well be examined under any known rule or method of civil-service examination.

A civil-service examination, as I understand it, is largely on paper and goes to show what a man's knowledge may be of arithmetic and geography and various other studies and facts. The personality of the party whom he employes does not enter into it; the matter whether he is a person of good judgment and whether the person has the experience in this particular branch of business seem to have no opportunity of examination. For this purpose

it matters not whether the men who are to be employed can write a sentence grammatically or spell a half dozen words in succession correctly. You require pioneers; you require men capable of great physical endurance, men capable of going without sleep, without food, under exposure and in all weathers, and to travel great distances.

The genius of civil service is that men may rise or fall on their own merits and on their own capabilities. Men are examined and put to work, and usually, as in the matter of clerks, a man's sphere of action is confined to perhaps 4 feet or 10 feet square in some office. Others are working along side of him in the same line. Over these clerks we find a chief of division or a chief clerk. Therefore their daily work is examinable, and is examined from time to time. They are marked and credited accordingly, some go up and some go down, all of which is very proper; but when we select a man for the kind of work proposed in the measure under discussion, we must consider that first his pay is almost or quite on the basis of a laborer, and such places have heretofore been considered outside the civil service. Then, his term of office is merely at will; he is hired per diem. His service is to be away out on the frontier, most of the time hundreds of miles from human habitations.

A man has to go there into the forest and live alone. He has to be alert, a man who can mount a horse and ride a hundred miles at great speed, go without food, or perhaps taking a biscuit or two in his saddlebags and riding continuously three or four days at a time. They are men who have to be intrusted with the hiring of a great many more men in case of forest conflagration. They are men who have no one over them who can examine their work or know what they are doing for months at a time.

They are men who ought to be personally known to the appointing power or ought to be known to some one who can vouch for them and state to the appointing power the capacity and the personality of the person, his experience, what he is able to do. This move is not an encroachment upon the civil service, because the proposition is one that can not properly come under the civil service. It is merely a direction how these men, who are to work by the day, shall be employed. I do not understand why the Senate Appropriation Committee propose to cut out the words "by the Secretary of the Interior," and I should be very sorry to see them cut out. That is all I have to say at present. I hope the motion to concur will fail and that the House language will be restored.

Mr. HOAR. Mr. President, I had intended to say something in reply to the Senator from Colorado [Mr. TELLER], as he referred to me by name or designation in his remarks. But the Senate seems to be rather sleepy, and I feel somewhat sleepy myself; and as the Senator from Colorado has departed the realm, I think I will not proceed.

Mr. STEWART. Mr. President, I want to say one word about the matter that has been discussed here. I think it was unfortunate that the usual and established policy of the United States in dealing with Spanish-American colonies struggling for liberty was not pursued in the case of Cuba. Both Houses of Congress repeatedly signified their desire that Cuba should be treated as all the other Spanish-American colonies had been treated, and various resolutions were proposed recommending the recognition of the belligerent rights of Cuba. This has been the overwhelming sentiment of Congress for the last three years. There can be no doubt about it.

I think it was very unfortunate that the President of the United States did not pursue in this case a policy similar to that pursued by Monroe and by Jackson. I believe all the trouble we now have has resulted from a departure from the policy heretofore adopted in dealing with the Spanish-American colonies. I do not intend to protract the discussion, but I wish to call attention for a few moments to the course of Mr. Monroe, during whose Administration nearly all the South American countries acquired their independence. I began to call attention to this point the other day, but the Senate was not at the time in a mood to listen to much on the subject. Mr. Monroe in his first annual message, referring to the South American colonies struggling for liberty, said:

> Through every stage of the conflict the United States have maintained an impartial neutrality, giving aid to neither of the parties in men, money, ships, or munitions of war. They have regarded the contest not in the light of an ordinary insurrection or rebellion, but as a civil war between parties nearly equal, having as to neutral powers equal rights. Our ports have been open to both, and every article the fruit of our soil or of the industry of our citizens which either was permitted to take has been equally free to the other.

This was in 1817, and he continued to call the attention of Congress from time to time to the condition of the colonies, always reiterating the same sentiment. I now read from his annual message of December 7, 1819. He said:

> In the civil war existing between Spain and the Spanish provinces in this hemisphere the greatest care has been taken to enforce the laws intended to preserve an impartial neutrality. Our ports have continued to be equally open to both parties and on the same conditions, and our citizens have been equally restrained from interfering in favor of either to the prejudice of the other.

Finally, after they had pursued the even tenor of their course sufficiently long to make him believe that they ought to be admitted, he did not cry out "prerogative," as unfortunately Mr. Olney did in the last Administration when these matters were being considered, claiming that the Congress of the United States had nothing to do with it. With jealousy of prerogative the conflict commenced which has led us into the trouble. We did not hear that from Monroe or from Monroe's Attorney-General or anyone in those times. On the contrary, when President Monroe had arrived at the conclusion that their independence ought to be admitted, he addressed a special message to Congress in 1822, commencing thus:

> In transmitting to the House of Representatives the documents called for by the resolution of that House of the 30th of January, I consider it my duty to invite the attention of Congress to a very important subject, and to communicate the sentiments of the Executive on it, that, should Congress entertain similar sentiments, there may be such cooperation between the two departments of the Government as their respective rights and duties may require.

That message was addressed to both the Senate and the House. He then went on and stated the condition and gave it as his opinion that all those republics should be recognized. The message and accompanying documents were referred to the Committee on Foreign Relations, discussed deliberately, an elaborate report was made, and a resolution was passed declaring it to be the opinion of Congress that those republics should be recognized, concurring fully with the President in his opinion. To carry out the views jointly entertained by Congress and by the Executive, I find that an appropriation was made on the 4th of May, 1822. I read from the Statutes at Large, volume 3, page 678:

> *Be it enacted, etc.*, That, for such missions to the independent nations on the American continent as the President of the United States may deem proper, there be, and hereby is, appropriated, a sum not exceeding $100,000, to be paid out of any money in the Treasury not otherwise appropriated.

The President and Congress went on hand in hand, the President year after year communicating to Congress the condition of things, communicating to Congress the fact that he had allowed both parties equal privileges in trade with us; that he had observed a strict neutrality, informing them year after year in his message of the progress of events in those colonies, and when he thought they had matured he called upon Congress for cooperation, and said if they concurred with him in opinion, the republics would be recognized. The President contemplated joint action, and there was joint action and perfect harmony. There was not a word said about prerogative.

Mr. ALLISON. May I ask the Senator from Nevada to read again the first clause of the statute?

Mr. STEWART. It reads as follows:

> That, for such missions to the independent nations on the American continent as the President of the United States may deem proper, there be, and hereby is, appropriated, a sum not exceeding $100,000.

The President said he would go ahead if Congress saw proper; and then they turned around and appropriated the money and told him to go ahead if he thought proper. He told them in his message what he thought. There was no cranky prerogative suggested in that proceeding.

President Jackson has been alluded to in the debate. With all that has been said about the stubbornness of Jackson, he was not an Olney, but he was a Jackson. There is a wide difference between them. It is very interesting to see how this matter was treated by Andrew Jackson. In the case of Texas, President Jackson sent a message to Congress in December, in answer to a resolution, in which he stated the condition of Texas and then negatived this prerogative business. This is what he said with regard to his prerogative. I read now from the third volume of the Messages, page 267:

> In the preamble to the resolution of the House of Representatives it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur, and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and Legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution, and most safe, that it should be exercised, when probably leading to war, with a previous understanding with that body, by whom war can alone be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country and a perfect guaranty to all other nations of the justice and prudence of the measures which might be adopted.

President Jackson said there never had been a case where there had been any strife over prerogative; that if the case was likely to lead to grave consequences Congress must be consulted; and to show his perfect willingness, although in this message he thought the time was premature, he said in conclusion he would be guided by the views of Congress even on that subject. In concluding the message he said:

> Having thus discharged my duty by presenting with simplicity and directness the views which after much reflection I have been led to take of this important subject, I have only to add the expression of my confidence that if

Congress shall differ with me upon it their judgment will be the result of dispassionate, prudent, and wise deliberation, with the assurance that during the short time I shall continue connected with the Government I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country.

This was the pledge he made to them in the message when he suggested it was premature. He left the matter to Congress to cooperate with him.

Mr. ALLISON. Will the Senator allow me to suggest that that is the case now?

Mr. STEWART. I was applying my remark to the prerogative I have heard claimed for the President, that owing to the international character and the magnitude of the question we have nothing to do with it. I have heard too much of that claim, and it has led to all this trouble.

Now, let me follow it up. How did the question terminate with reference to Texas? On the 3d of March, 1837, the last day of his service as President, Andrew Jackson sent the following message to the Senate:

In my message to Congress of the 21st of December last I laid before that body, without reserve, my views concerning the recognition of the independence of Texas, with a report of the agent employed by the Executive to obtain information in respect to the condition of that country. Since that time the subject has been repeatedly discussed in both branches of the Legislature. These discussions have resulted in the insertion of a clause in the general appropriation law passed by both Houses providing for the outfit and salary of a diplomatic agent to be sent to the Republic of Texas whenever the President of the United States may receive satisfactory evidence that Texas is an independent power and shall deem it expedient to appoint such minister, and in the adoption of a resolution by the Senate, the constitutional advisers of the Executive on the diplomatic intercourse of the United States with foreign powers, expressing the opinion that "the State of Texas having established and maintained an independent government capable of performing those duties, foreign and domestic, which appertain to independent governments, and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper, and in conformity with the laws of nations and the practice of this Government in like cases, that the independent political existence of said State be acknowledged by the Government of the United States." Regarding these proceedings as a virtual decision of the question submitted by me to Congress, I think it my duty to acquiesce therein, and therefore I nominate Alcée La Branche, of Louisiana, to be chargé d'affaires to the Republic of Texas.

That is very different from the treatment of the resolution of the two Houses of Congress which passed more than two years ago declaring in favor of the recognition of the independence of Cuba. We heard nothing from the Executive direct, but from his Secretary of State we heard that we were meddling with what was none of our business; that to attend to this matter was executive and not legislative business. That was the first time we heard prerogative set up and the assertion that the Executive would have no cooperation with the legislative branch in dealing with the belligerent rights or the independence of Spanish-American republics.

Now, what would have been the result if we had not departed from the course pursued by Monroe and by Jackson and by every other President previous to the time when we commenced dealing with Cuba? If we had followed in the case of Cuba the precedents established for a hundred years, what would have been the result? Cuba would have had the same rights in our markets that Spain had. You would not have had the whole Department of Justice, with all its deputy marshals, and Secret Service agents hunting down friends of Cuba wherever there was any suspicion that they would send aid to the patriots of that island. We would not have had to spend $2,000,000 to police the sea, to blockade Cuba, and cut off supplies. It would have been impossible, in my opinion, for Spain to have starved hundreds of thousands of her own subjects, the Cubans, to death in a war of extermination if we had not assisted Spain in cutting off supplies.

The Secretary reminds Spain that if they had done as much as we did in cutting off supplies, they would have been much more successful. Why was this departure taken? I say it is a warning to the Executive that it is better to go along with Congress and cooperate with the legislative body than to set up the question of a prerogative. Prerogative has driven us into this war, whereas cooperation with Congress in treating with Cuba and respect for the opinions of the majority of Congress and the whole country would have relieved us of all responsibility, and Cuba would have been free.

No one questions but that Cuba would have acquired her freedom if she could have had the same privileges in our ports to purchase supplies that Spain had. No one doubts that at all. Why was the departure made? I say those who claim these prerogatives for the President ought to point out some beneficial result from the new departure. While I will follow as loyally the flag of the country in my support of the President as any other Senator here, I do not want it conceded for one moment that the Executive in this matter has been wiser than his predecessors or that he has been wiser than Congress. He took a new departure, and there ought to be some fruits to indicate the wisdom of it before we hear prerogative lauded. All the great and good Presidents before the question of Cuba came up said that in such a case there would be no conflict on that subject. There were many cases where cooperation was absolutely necessary, cases that would involve war and require immediate legislation, and Congress must be consulted.

Where it is a mere matter of form, and where there is no necessity for it, Congress does not want to be consulted. But the recognition of governments is a question to be considered by the whole power of this Government, and every department of it should be brought into exercise. That course is necessary for harmonious relations and to accomplish the result desired. Jackson and Monroe did not feel themselves above consulting Congress. They did not propose to go forward and take the question in their hands as a prerogative. Both recognized that the President, in carrying out a scheme of this kind, needed the lawmaking power, which had to make appropriations and pass laws, and which, in case of war, must furnish the sinews of war.

They recognized in Congress such a thing as the power to declare war, the power to make appropriations, and other powers high and sacred, more specifically granted than the mere inference that the matter of receiving diplomatic agents gives the President a prerogative. That may be, and in many cases is, a mere matter of form. The President does that, but cases may arise, as suggested by the great Presidents and all the statesmen of that period, where something more than a matter of form is involved, and in all such cases it is the duty of the President to cooperate with Congress. In the case of Cuba this has always been his duty. There has always been a threat that if we would recognize the independence of Cuba Spain would resent it, and there might be war.

The President, under those circumstances, with those threats staring him in the face, has no right, if there is a probability of war, to recognize Cuba and plunge this country into war. He has no right whatever, by indirection, to assume the war-making power. This new scheme of prerogative, which was thundered forth by the Secretary of State when Congress passed a resolution almost unanimously for Cuban independence, was a departure which ought not to have been followed, but President Cleveland followed it and President McKinley followed it. If it had been departed from and the old policy had been adopted at any time before the blowing up of the *Maine*, everybody knows we would not have been involved in war with Spain.

From this hour I hope there will be cooperation, and that the President will realize that he is not the entire Government; that he will recognize that there is, in addition to the Executive, the legislative department, and that they must cooperate in the great concerns where legislative and executive action are both required.

I hope there will be no more statements made here such as were made on Saturday night, accusing us of interfering with the prerogatives of the President, because we participate in this matter. The President never has replied to the resolutions of Congress recognizing Cuban independence. Congress has been ignored by the executive department in that regard, and that is a great misfortune for the country, and has occasioned the sad results we now see; but we can not remedy them now by crimination or recrimination.

I simply rose to protest against the suggestion that this was a matter of prerogative and not a matter of joint action of both the legislative and executive departments of the Government, which are necessary to carry on war and to maintain the recognition of Cuba.

Mr. CHANDLER. Will the Senator allow me a word right there?

Mr. STEWART. I am through.

Mr. CHANDLER. I agree entirely with what the Senator has said, but I learn from the Washington Star of this evening the following:

The President in his ultimatum to the Spanish Government transmits a copy of the resolutions passed by Congress, which resolutions he states he has signed. He demands that Spain withdraw her army and navy forces from Cuban waters as required by the terms of the act of Congress (no date for the withdrawal being mentioned), and then states that if a satisfactory answer is not received here "before Saturday next" he will proceed at once to carry the resolution of Congress into effect.

Now, I suggest to the Senator from Nevada whether we ought not, under these circumstances, whatever past differences have arisen among us, to let them pass by without further discussion and stand by the President, who is going to carry these resolutions into effect on Saturday next by a general movement of the Army and Navy of the United States to give independence to Cuba.

Mr. STEWART. I most certainly shall stand by the President in his movement to carry out the resolutions of Congress, but I shall regret more and more as time passes that those resolutions did not include the essential point of the recognition of the Government of Cuba. I shall regret that; the President will regret it; and Senators on the other side will regret it. It is a departure leading to the same difficulties which were inaugurated by Mr. Olney's prerogative letter. It is a departure, I say, because in all

cases heretofore when a determination had been reached to sustain a government not as strong as the government of the Republic of Cuba, it was done by the cooperation of the Executive and Congress recognizing their political rights; and without a recognition of their political rights, as I said before, if we go upon that island, we go as conquerors. If my country declares war and goes as a conqueror, I am with my country, but I will not say that I advise my country to filibuster or to conquer Cuba and to divide the patrimony of that country. I will not say I advise that, for I do not.

The President of the United States has already before him in the resolutions a sufficient indorsement of Congress for action on his part; he has got before him as much as any President need have, for the resolutions show that the legislative department is in favor of the recognition of the Republic of Cuba; and if the President will rise now above party and recognize that government before he invades the island, the whole world will bless him and foreign nations and everybody else will say the act was right and patriotic. But whether he does that or not, whether he pursues such policies as I think he ought to pursue or not, I shall stand by him in carrying out the resolutions, wrong and unjust as I think they are without the recognition of the Cuban Republic—fraught with difficulties and consequences which may be lamentable. Still it is my country; and if that is the decree, let it be executed, no matter what the result may be.

I have no doubt that we shall all regret it. I have no doubt that it will lead to complications which will make us all sorrowful; but we can not afford to have any division of sentiment amongst the people or any division amongst ourselves as to the support of the Executive in the war which is probably before us.

Mr. ALLEN. Mr. President, I think the President of the United States stands in more danger from his friends than from his enemies. When we adjourned Monday night, after taking the final vote, I supposed there was a general good feeling in the Chamber and that no one would find that it comported with self-respect to seek partisan advantage from the circumstances or history of this question in the Senate. I supposed we were all, in what we said and did, actuated by a lofty sense of patriotism. I did not suppose it possible that the senior Senator from Maine [Mr. HALE] would join the jingoes at this late hour and make the heroic leap he has made to reach the political band wagon before it moved off.

I do not like to talk of a Senator in his absence, but the Senator from Maine seems to have voluntarily retired; but if any man has been consistent, open, and notorious in his hostility to Cuba and the Cubans and every interest held sacred by that people, that man is the senior Senator from Maine.

Mr. President, at the first session of the Fifty-fourth Congress, I think it was, we passed what are commonly known as the Cameron concurrent resolutions by a vote of fifty-odd to six, recognizing the belligerent rights of the insurgents of Cuba. There was, as I recall the fact, but one Senator in this chamber who saw fit to contest on the floor of the Senate the propriety of those resolutions, and that was the senior Senator from Maine. He was the open and avowed sympathizer of Spain and Spanish policies at that time.

Again, Mr. President, when a year ago we passed a concurrent resolution on the same subject—the resolution introduced by the Senator from Alabama [Mr. MORGAN] the Senator from Maine opposed it, and in every instance in the history of the Cuban question in this chamber, where a vote has been taken, he has voted against any proposition looking to the recognition of the Cuban Republic.

From the opening of the war in Cuba to this moment there has not been a time, nor a vote taken on the subject, that the Senator from Maine has not spoken and voted against everything and every resolution, including the one we passed on Monday last.

Now, under such circumstances, it seems to me remarkable that the Senator from Maine should shy his castor into the ring and claim to be the only champion of the people of Cuba at this time.

Mr. CARTER. Does the Senator state that the Senator from Maine voted against the resolution passed on Monday?

Mr. ALLEN. I do. I say he voted against the resolution passed on Monday. There is not a word or syllable in the resolution passed on Saturday, and again brought before the Senate on Monday, which the Senator from Maine voted for. He voted against the whole proposition at all times.

Mr. President, when a man sets himself up as a public teacher he ought to possess some experience or have done something to qualify him to instruct others.

Mr. SEWELL. Will the Senator from Nebraska allow me to interrupt him?

Mr. ALLEN. I will.

Mr. SEWELL. On his statement that the Senator from Maine did not vote for anything of that character, I will ask what does the Senator call voting for concurrence in the conference report? Is not that a vote for the resolution?

Mr. ALLEN. That was not a vote for the resolution; no, sir.

Mr. SEWELL. I maintain that it was.

Mr. ALLEN. I maintain that it was not, and I will submit it to arbitration. [Laughter].

Mr. President, on Saturday last we took a direct vote on the passage of the resolution which has to-day become a law by the signature of the President. The Senator from Maine voted against every word and line in it. The Senator from New Jersey knows that fact. The Senator from Maine antagonized it; he wanted to defeat it, and he would have defeated the House resolution, wishy-washy as that is, if he could have done so. In other words, it has been manifest to the Senate and the country all through the contest, from its inception to the present time, that the Senator from Maine has been pro-Spanish, to put it in plain and unequivocal words.

Now, what did the Senator do on Saturday night? When the conference committee reported in favor of adhering to the House amendment to the Senate resolution against the recognition of the existence of the Republic of Cuba, the Senator from Maine voted to sustain that report and reject the amendment, and that was as near as he ever came to voting for the resolution in favor of the recognition of Cuba.

Mr. President, the remarks of the Senator from Maine are sinister and carry with them a purpose which neither he nor any other Senator ought to have under the circumstances. There has never emanated from the other side of this Chamber, from the commencement of the war in Cuba to this moment, a resolution recognizing the independence of the Republic of Cuba; not one. Out of the forty-odd Republican Senators on the other side not one of them has ever introduced or advocated—I will not say have not advocated—but not one has ever introduced a resolution to recognize the existence of the present Republic of Cuba.

Mr. TILLMAN. The Senator from Ohio [Mr. FORAKER] did the other day, did he not?

Mr. ALLEN. I do not know, but I will make an exception; but that was within two or three weeks. Yes, I will make an exception as to that Senator.

Mr. CARTER. How about Mr. Cameron, of Pennsylvania?

Mr. ALLEN. Mr. Cameron never introduced a resolution to recognize the Republic of Cuba. He introduced a resolution to recognize belligerency and tendering the good offices of this Government, but that resolution was not permitted to pass the House of Representatives. It passed here, it is true, but it fell asleep on its road to the other branch of Congress, then, as now, in the hands of the Republican party. The resolution which was passed last May has never been permitted to see the light of day in the other branch of Congress.

The Senator from Maine, who has attacked the opposition, as he calls us, has never yet uttered a word in favor of Cuba or introduced a bill or a resolution for the relief or recognition of the Cuban people; yet he comes before the world and the political footlights here and poses as the only and great champion of Cuban recognition at the last hour!

Mr. President, the Senator from Maine has a peculiar faculty for extricating himself from difficulties—a faculty I admire. He reminds me very much of a distinguished Union general during the recent civil war—I do not know but that he is yet alive—he never won a battle in his life—not one, and he was in many of them—but he had a peculiar genius for extricating himself from critical situations. So, Mr. President, it became known in the Army that General So-and-so was "not much in action, but was hell on retreat." (Laughter.) So he will pass down into history, so far as those who were in the Army are concerned, as a great man on retreat.

The Senator from Maine is a great man on retreat. Within the last two days, for the first time in the long struggle for Cuban freedom that has been going on in Congress, we find the open and avowed champion of Spanish sentiment in this Chamber coming to the front at the last hour and claiming that victory belongs to him and his party. I am glad to know that there is not another Senator on that side of the Chamber who feels he could consistently, in the light of what has transpired, make that claim, or sustain the Senator from Maine in his claim.

I have no desire to gain political advantage from this question. If I did, I could say, and say truthfully, the first and only resolutions that were ever offered in this body looking to the recognition of political independence for the Republic of Cuba, until the last two or three weeks, came from Populists. Those resolutions were introduced over two years ago, and have been introduced at every session of Congress since then, and sometimes two or three have been offered during a session—not for the recognition of belligerent rights of the insurgents, but recognizing the existence of the Republic of Cuba.

I am not claiming superiority in this respect, but I want to see enough dignity, enough manhood, and enough of ordinary decency, if I may be permitted to use the expression, manifested here so that every man will be perfectly willing to give every other man due credit for patriotic motives in his votes and speeches; and I regret

exceedingly that anyone should feel himself at liberty to take a partisan advantage of the situation presented.

Mr. President, I have never thus far during the present Administration uttered a word of disrespect for the President of the United States. I shall not do so. If I can not win a political battle without belittling the President or questioning his motives, I will fail. I do not agree with him on many of his policies and I rejoice in the fact that I do not. It is a source of satisfaction to me to know that I do not. But he is the President of the United States, and, as such, charged with grave responsibilities—a man, I believe, having an honest purpose to serve his country as best he can, although mistaken in his policies. We have reached that peculiar crisis in the history of our country when it becomes my duty, as it will be my pleasure, to support the President in all lawful measures in waging a successful war against Spain and her colonies, if war unfortunately must come; and yet, Mr. President, speech after speech has been made by Republicans within a day or two in defense of the President when he has not been assailed, and when no one has questioned his capacity to deal with the subject, and a stranger would suppose in listening to them the President was on trial for some great offense.

No Senator will go further to strengthen the arm of the President in what he may do in this great crisis than I will. I will not lay a straw in his pathway. I will stand by him because I am an American citizen and a patriot, and I have not reached the low-water mark of intellectuality or morality where I would be willing to make peanut politics out of the gravity of a situation like this.

And, Mr. President, what more can be offered? When Democrats, Populists, and Free-Silver Republicans come forward, honestly tendering their services to the President at this time, because our common country and institutions are at stake, are we to have it insinuated from the other side that we are opposing the President in waging war against Spain? Can not our professions be taken in the same spirit of honesty and disinterested patriotism in which they were made? Is there a man so lost to a sense of the situation, so lost to patriotic motives and purposes, that he is willing to stand in the Senate Chamber of the United States, under such circumstances, and charge "the opposition," as the Senator from Maine sees fit to call us, as being opposed to the President?

Mr. CARTER rose.

Mr. ALLEN. I will listen to the Senator from Montana.

Mr. CARTER. Mr. President, in coming up through the streets of the city some sixty minutes ago, I observed that the patriotic citizens were hanging flags in nearly every window and on every flagstaff in the city. The evening papers announce that troops are concentrated on our southern borders. It is said that the Navy of the United States is ready for action, and that Saturday will probably be the day when the first blow will be struck, if it is not struck before. The sundry civil appropriation bill is pending before the Senate; the naval appropriation bill has not been passed; and it seems to me that these great appropriation bills to defend and strengthen the Army and the Navy——

Mr. ALLEN. I think I can understand what the Senator is going to say.

Mr. CARTER. I wish to ask the Senator a question.

Mr. ALLEN. Certainly.

Mr. CARTER. These facts being conceded, everyone admitting that the thirty-five Senators who have voted against this conference report made a mistake perchance, I propose that we agree to accept their apology and say nothing more about it, merely leaving with them the admonition that they say no more, but proceed to enact the sundry civil bill this evening.

Mr. ALLEN. The Senator could not retire from his interruption without leaving a slight sting and misrepresentation in his question. It was impossible for that Senator, even with his usual sense of justice, to interrupt and ask a question and retire without the question carrying with it an imputation, which I think in his less merry moments he would not make.

Mr. President, the Senator speaks about the flags being hung up in this city. I am glad to know they are hung up from Maine to Texas and California.

Mr. President, the flag of the United States is an emblem of our national sovereignty. It unifies the people, and I know what the flag means as well as the Senator from Montana; in fact it means more to me than it does to him, for I have taken it in my hands in the grim smoke and carnage of battle, and I do not think the Senator from Montana ever did. I know what it means. I have carried it in action when riddled with shot and shell, and it has a peculiar significance to me and not a mirthful one either. I have stood by it when it could be dimly distinguished in alternate clouds of smoke and rays of sunshine, and guarded it when thirty-one of my own comrades fell dead or desperately wounded in action, and under such circumstances there is no mirthful feeling in me when referring to the flag of my country.

Mr. CARTER. Mr. President, I imagine the Senator misconceives the spirit in which the suggestion was made. His devotion to the flag no one has questioned and no one can question. The disposition of the thirty-five Senators who voted against the conference report on Monday evening to do that which was right and just and patriotic and proper no one questions or can question.

I do regret that the Senate on that occasion did not present that solid front which another branch of this Government presented in dealing with the question. I believe it would be better now to prepare for the event that our action has induced rather than to undertake mutual explanations or exculpatory remarks or criminating or incriminating suggestions on the floor of the Senate, whatsoever may be the effect upon the fortunes of political parties hereafter.

Mr. ALLEN. No one has made any incriminating remarks that I know of, or at least no one on this side of the Chamber has. If I have made any I want to say I am unconscious of it and that I am so obtuse I can not see it. But I will call attention to a little history, for time is not so valuable, Mr. President, but that it is proper to take up and consider this matter in the light of the fact that this discussion has been thrust upon us without our invitation.

On the 14th instant House joint resolution No. 233 was laid before the Senate by the Vice-President in the following language:

The Chair lays a joint resolution from the House of Representatives before the Senate.

The joint resolution (H. Res. 233), authorizing and directing the President of the United States to intervene to stop the war in Cuba and for the purpose of establishing a stable and independent government of the people therein, was read the first time by its title.

It was at the suggestion of the Senator from Minnesota [Mr. DAVIS] read in full. The Senator from Minnesota then said: I move that the joint resolution lie upon the table.

And then ensued a brief discussion, in which the Senator from Rhode Island [Mr. ALDRICH], the Senator from Minnesota [Mr. DAVIS], and I participated.

The Senator from Maryland [Mr. WELLINGTON] at that time, or shortly after, moved an adjournment. The motion was defeated. The Senator from Maine [Mr. HALE] did not vote, I think.

Mr. President, I will ask to put in the RECORD the various yea-and-nay votes in their chronological order, without stopping now to read them.

On the motion of the Senator from Maryland to adjourn, the following vote was taken:

YEAS—10.

Bate,	Clay,	Elkins,	Wellington.
Caffery,	Daniel,	McBride,	
Chilton,	Deboe,	Turley,	

NAYS—61.

Aldrich,	Frye,	McLaurin,	Quay,
Allen,	Gallinger,	McMillan,	Rawlins,
Allison,	Gear,	Mallory,	Roach,
Bacon,	Gorman,	Mantle,	Sewell,
Baker,	Gray,	Martin,	Shoup,
Berry,	Hansbrough,	Mason,	Stewart,
Burrows,	Harris,	Mills,	Teller,
Cannon,	Hawley,	Money,	Thurston,
Carter,	Heitfeld,	Morgan,	Tillman,
Chandler,	Hoar,	Penrose,	Turner,
Clark,	Jones, Ark.	Perkins,	Vest,
Cullom,	Jones, Nev.	Pettigrew,	Warren,
Davis,	Kenney,	Pettus,	Wilson.
Fairbanks,	Lindsay,	Platt, Conn.	
Faulkner,	Lodge,	Pritchard,	
Foraker,	McEnery,	Proctor,	

NOT VOTING—18.

Butler,	Mitchell,	Platt, N. Y.	Wetmore,
Cockrell,	Morrill,	Smith,	White,
Hale,	Murphy,	Spooner,	Wolcott.
Hanna,	Nelson,	Turpie,	
Kyle,	Pasco,	Walthall,	

So the Senate refused to adjourn.

On the Turpie-Foraker amendment "that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island," the following yea-and-nay vote was taken:

YEAS—51.

Allen,	Gallinger,	Mason,	Roach,
Bacon,	Harris,	Mills,	Smith,
Baker,	Heitfeld,	Mitchell,	Stewart,
Bate,	Jones, Ark.	Money,	Teller,
Berry,	Jones, Nev.	Murphy,	Thurston,
Butler,	Kenney,	Nelson,	Tillman,
Cannon,	Kyle,	Pasco,	Turley,
Chandler,	Lindsay,	Penrose,	Turner,
Chilton,	McEnery,	Perkins,	Turpie,
Clay,	McLaurin,	Pettigrew,	Vest,
Cockrell,	Mallory,	Pettus,	White,
Daniel,	Mantle,	Quay,	Wilson.
Foraker,	Martin,	Rawlins,	

NAYS—37.

Aldrich,	Fairbanks,	Hoar,	Sewell,
Allison,	Faulkner,	Lodge,	Shoup,
Burrows,	Frye,	McBride,	Spooner,
Caffery,	Gear,	McMillan,	Warren,
Carter,	Gorman,	Morgan,	Wellington,
Clark,	Gray,	Morrill,	Wetmore,
Cullom,	Hale,	Platt, Conn.	Wolcott.
Davis,	Hanna,	Platt, N. Y.	
Deboe,	Hansbrough,	Pritchard,	
Elkins,	Hawley,	Proctor,	

ABSENT—1.

Walthall.

So the amendment was agreed to.

The Senator from Maine [Mr. HALE] voted nay. The amendment was agreed to and became part of the Senate resolution.

The junior Senator from Maine [Mr. FRYE] moved to strike out of the first line of the joint resolution the words "are, and", so that if amended the paragraph would read:

First. That the people of the Island of Cuba of right ought to be free and independent, etc.

On motion of the Senator from Minnesota [Mr. DAVIS] to lay the proposed amendment on the table, a yea-and-nay vote was taken with the following result:

YEAS—55.

Allen,	Faulkner,	Mallory,	Quay,
Bacon,	Foraker,	Mantle,	Rawlins,
Baker,	Gallinger,	Martin,	Roach,
Bate,	Hansbrough,	Mason,	Smith,
Berry,	Harris,	Mills,	Stewart,
Butler,	Heitfeld,	Mitchell,	Teller,
Cannon,	Jones, Ark.	Money,	Thurston,
Chandler,	Jones, Nev.	Murphy,	Tillman,
Chilton,	Kenney,	Nelson,	Turley,
Clark,	Kyle,	Pasco,	Turner,
Clay,	Lindsay,	Penrose,	Turpie,
Cockrell,	Lodge,	Perkins,	Vest,
Daniel,	McEnery,	Pettigrew,	Wolcott.
Davis,	McLaurin,	Pettus,	

NAYS—33.

Aldrich,	Frye,	McMillan,	Spooner,
Allison,	Gear,	Morgan,	Warren,
Burrows,	Gorman,	Morrill,	Wellington,
Caffery,	Gray,	Platt, Conn.	Wetmore,
Carter,	Hale,	Platt, N. Y.	White,
Cullom,	Hanna,	Pritchard,	Wilson.
Deboe,	Hawley,	Proctor,	
Elkins,	Hoar,	Sewell,	
Fairbanks,	McBride,	Shoup,	

ABSENT—1.

Walthall.

So Mr. FRYE's amendment was laid on the table.

In this instance also the Senator from Maine [Mr. HALE] voted in the negative again.

And the Senator from Maine voted against the amendment of the Senator from Alabama [Mr. MORGAN].

On motion of the Senator from Minnesota [Mr. DAVIS] to strike out all of the House resolution but the enacting clause, and substitute the Senate resolution as amended, containing a clause recognizing the independence of the Republic of Cuba, the vote was as follows:

YEAS—60.

Allen,	Faulkner,	Mantle,	Quay,
Bacon,	Foraker,	Martin,	Rawlins,
Baker,	Gallinger,	Mason,	Roach,
Bate,	Hansbrough,	Mills,	Shoup,
Berry,	Harris,	Mitchell,	Smith,
Butler,	Heitfeld,	Money,	Stewart,
Cannon,	Jones, Ark.	Morgan,	Teller,
Chandler,	Jones, Nev.	Murphy,	Thurston,
Chilton,	Kenney,	Nelson,	Tillman,
Clark,	Kyle,	Pasco,	Turley,
Clay,	Lindsay,	Penrose,	Turner,
Cockrell,	Lodge,	Perkins,	Turpie,
Cullom,	McEnery,	Pettigrew,	Vest,
Daniel,	McLaurin,	Pettus,	White,
Davis,	Mallory,	Proctor,	Wolcott.

NAYS—28.

Aldrich,	Fairbanks,	Hawley,	Pritchard,
Allison,	Frye,	Hoar,	Sewell,
Burrows,	Gear,	McBride,	Spooner,
Caffery,	Gorman,	McMillan,	Warren,
Carter,	Gray,	Morrill,	Wellington,
Deboe,	Hale,	Platt, Conn.	Wetmore,
Elkins,	Hanna,	Platt, N. Y.	Wilson.

ABSENT—1.

Walthall.

So Mr. DAVIS's motion was agreed to.

The Senator from Maine voted against recognition again.

On motion of the Senator from Minnesota [Mr. DAVIS] that the Senate concur in the amendment of the House of Representatives striking out recognition of the Republic of Cuba, a yea-and-nay vote was taken, as follows:

The result was announced—yeas 32, nays 46; as follows:

YEAS—32.

Aldrich,	Fairbanks,	Hansbrough,	Pritchard,
Allison,	Faulkner,	Hawley,	Proctor,
Burrows,	Frye,	Hoar,	Shoup,
Carter,	Gear,	Lodge,	Spooner,
Clark,	Gorman,	McMillan,	Warren,
Cullom,	Gray,	Morgan,	Wetmore,
Deboe,	Hale,	Morrill,	Wilson,
Elkins,	Hanna,	Platt, Conn.	Wolcott.

NAYS—46.

Allen,	Foraker,	Martin,	Roach,
Bacon,	Gallinger,	Mason,	Stewart,
Baker,	Harris,	Mills,	Teller,
Bate,	Heitfeld,	Money,	Thurston,
Berry,	Jones, Ark.	Nelson,	Tillman,
Butler,	Jones, Nev.	Pasco,	Turley,
Caffery,	Kenney,	Penrose,	Turner,
Cannon,	Kyle,	Perkins,	Turpie,
Chandler,	Lindsay,	Pettigrew,	Vest,
Clay,	McLaurin,	Pettus,	White.
Cockrell,	Mallory,	Quay,	
Daniel,	Mantle,	Rawlins,	

NOT VOTING—11.

Chilton,	McEnery,	Platt, N. Y.	Walthall,
Davis,	Mitchell,	Sewell,	Wellington.
McBride,	Murphy,	Smith,	

So the motion was rejected.

The Senator from Maine [Mr. HALE] voted in the affirmative again, thus again showing his absolute and consistent hostility to the recognition of the independence of Cuba.

The conference committee finally agreed to strike out Cuban recognition, and so reported to the Senate.

On motion of the Senator from Missouri [Mr. COCKRELL], the Senate further insisted on its disagreement to the amendment of the House resolution recognizing independence. Upon the motion of the Senator from Minnesota [Mr. DAVIS], that the Senate ask for a further conference, a yea-and-nay vote was taken, as follows:

YEAS—39.

Aldrich,	Fairbanks,	Hansbrough,	Platt, Conn.
Allison,	Faulkner,	Hawley,	Pritchard,
Burrows,	Foraker,	Hoar,	Proctor,
Caffery,	Frye,	Lodge,	Quay,
Carter,	Gallinger,	McBride,	Sewell,
Clark,	Gear,	McMillan,	Shoup,
Cullom,	Gorman,	Mason,	Spooner,
Davis,	Gray,	Morrill,	Warren,
Deboe,	Hale,	Penrose,	Wilson.
Elkins,	Hanna,	Perkins,	

NAYS—40.

Allen,	Cockrell,	McLaurin,	Pettus,
Bacon,	Daniel,	Mallory,	Rawlins,
Baker,	Harris,	Mantle,	Roach,
Bate,	Heitfeld,	Martin,	Stewart,
Berry,	Jones, Ark.	Mills,	Teller,
Butler,	Jones, Nev.	Mitchell,	Thurston,
Cannon,	Kenney,	Money,	Turley,
Chandler,	Kyle,	Nelson,	Turner,
Chilton,	Lindsay,	Pasco,	Turpie,
Clay,	McEnery,	Pettigrew,	Wolcott.

NOT VOTING—10.

Morgan,	Smith,	Walthall,	White.
Murphy,	Tillman,	Wellington,	
Platt, N. Y.	Vest,	Wetmore,	

So the motion was rejected.

The Senator from Maine [Mr. HALE] again putting himself on record against the recognition of Cuba.

Another conference was had with the same result, and another yea-and-nay vote was taken to adopt the conference report, striking out recognition of Cuban independence, with the following result:

YEAS—42.

Aldrich,	Fairbanks,	Kyle,	Pritchard,
Allison,	Faulkner,	Lodge,	Proctor,
Baker,	Foraker,	McBride,	Quay,
Burrows,	Frye,	McMillan,	Sewell,
Carter,	Gallinger,	Mason,	Shoup,
Chandler,	Gear,	Morgan,	Spooner,
Clark,	Gray,	Morrill,	Warren,
Cullom,	Hale,	Nelson,	Wilson,
Davis,	Hanna,	Penrose,	Wolcott.
Deboe,	Hansbrough,	Perkins,	
Elkins,	Hawley,	Platt, Conn.	

NAYS—35.

Allen,	Cockrell,	McLaurin,	Rawlins,
Bacon,	Daniel,	Mallory,	Roach,
Bate,	Harris	Mantle,	Stewart,
Berry,	Heitfeld,	Martin,	Teller,
Butler,	Jones, Ark.	Mitchell,	Turley,
Caffery,	Jones, Nev.	Money,	Turner,
Cannon,	Kenney,	Pasco,	Turpie,
Chilton,	Lindsay,	Pettigrew,	White.
Clay,	McEnery,	Pettus,	

NOT VOTING—12.

Gorman,	Murphy,	Thurston,	Walthall,
Hoar,	Platt, N. Y.	Tillman,	Wellington,
Mills,	Smith,	Vest,	Wetmore.

So the report was agreed to.

And again the senior Senator from Maine put himself clearly on record against the recognition of Cuban independence.

And, Mr. President, this is the end of the history of the resolution so far as yea and nay votes are concerned. The resolution was then concurred in and went to the President, was signed and became a law.

All through the history of the resolution it is made obvious that the Senator from Maine [Mr. HALE] antagonized recognition in every conceivable form and resorted to all parliamentary tactics to encompass its defeat. Under such circumstances, when it is known to the Senate and to the country that the opposition to the resolution in this Chamber came from the other side, with the exception of three or four on this side—every vote cast against it was an Administration Republican vote—it does seem to me that it requires considerable assurance, at least for a Senator whose whole record has been against Cuba and to whose sympathy their condition has never appealed, to make this assault upon Democrats, Populists, and Free-Silver Republicans. I am not willing to say that those who cast their votes against the resolution were not actuated by proper motives—I do not question that. I do not believe, however, they were accurate in their conception of a proper policy. I do not question their hearts; I simply question their heads.

I believe if a year ago the question of recognition of the existence of the Cuban Republic had been taken closely in hand by the President and he had sent an agent to Cuba to investigate the conditions prevailing there, and, having found they were such as have been reported to us, he had indicated to the Spanish throne that a change in Spanish policy in the Island of Cuba must be had, we would not now be upon the verge of war.

Mr. President, that would have required a fixed and definite purpose. But the President did not see fit to do so. I am not charging him with dereliction of duty. He was in a better position, possibly, to know what course should be pursued than I was. I certainly did not have the means of knowledge he had. But I have always believed, and I believe now, the best diplomacy and the best policy in any case is to convey our ideas to the person or power with whom we are dealing in language so plain and distinct that our purpose can not be misunderstood.

Mr. CANNON. Will the Senator from Nebraska yield to me?

Mr. ALLEN. Certainly I will.

Mr. CANNON. I understand the Senator to direct his remarks to those on this side who claim to be responsible for the credit or the discredit of the joint resolution as it went to the President. I wish to call the Senator's attention to one phase of the question, in order that he may direct his remarks to it if he should care to do so before sitting down, on the part of those who have been the friends of Cuba in this Chamber from the beginning. There has been a constant desire for recognition of Cuba, which would have brought the freedom of the people of Cuba without war by the United States against Spain, and which would not in itself have constituted sufficient provocation of war by Spain against the United States.

The joint resolution as it went to the President and as it became a law was for intervention without recognition. Intervention without recognition in this case we have reason to believe does not mean the freedom of the people of Cuba. If there be any comfort on the part of those who now claim the responsibility for the joint resolution as it went to the President, I trust the Senator from Nebraska will allow them to extract that comfort. On our part we wanted recognition without war. We wanted the freedom of Cuba from that recognition. They now claim credit for having secured Cuban intervention, which means war without the absolute certainty of the freedom of the Cuban people.

Mr. ALLEN. There can be no doubt that the Senator has stated the facts exactly as they are. No member of the allied forces has ever sought to bring about an armed conflict between this country and Spain. We have all believed, as I expressed myself a moment ago, that if a firm policy had been pursued a year ago even, we would be well out of the difficulty without the slightest danger of a conflict of arms.

We have dealt with this question, and I am willing Congress should bear its portion of responsibility. We have been so vacillating and so uncertain as to the course we have pursued that I do not wonder Spain has gathered courage. There were those, sir, who would have permitted the 266 men who went down with the *Maine* to lie in the mud of Havana Harbor and rot without entering a word of complaint rather than bring on a conflict of arms, because to do so would be to injure commercial relations and unsettle business. I am not of that number.

I am of the number who believe it was Spanish treachery that sent our battleship to the bottom of the harbor, and I believe the war, if we have one, will date from the 15th day of February, 1898, for the blowing up of the Maine was an act of war itself. But I have never for one moment desired this Government to enter into negotiations to receive a moneyed compensation for the loss of that ship and for the loss of human life. Such a course, Mr. President, would belittle that great catastrophe.

I want to see it possible, and I pray God it may come in the next thirty days, Spain driven from every foot of the Western Hemisphere. I think we ought to drive her from the Philippine Islands, from Cuba, and from Porto Rico. I would go further, Mr. President, if I had it within my power to do so. I would drive her from every island in the sea. I would lay waste Cadiz, Barcelona, and invade and destroy Madrid itself, if war is to come. I do not want to see war. I dread it as much as any citizen can, but if Spain shall defy our power or our authority on this continent, let us give her, and through her to Europe, a lesson that will not be forgotten for a hundred years to come.

Mr. President, when the Senator from Ohio [Mr. FORAKER] was addressing the Senate a few moments ago he referred to the fact that he supposed a demand had been made on the Spanish Government for a recognition of the Republic of Cuba before the President's message was sent to us, conferring on us jurisdiction of the question and charging us with responsibility for its settlement. I wish to say I had supposed the same thing; in fact, I had not doubted it, and I learned from that Senator for the first time this afternoon that even the Committee on Foreign Relations was ignorant of the fact at the time it acted. Is it possible the State Department is run as a close corporation, so that even the Committee on Foreign Relations, that is required to deal with this international question, is not placed in possession of accurate official information?

It would seem so. Of course those of us who are not members of that committee, and who may be, I suppose, properly classed as the groundlings of the Senate, are not expected to know anything of the fact. But is it possible that the State Department is conducting its negotiations respecting this great international question with such secrecy as not to even take the Senate Committee on Foreign Relations into its confidence to the extent of giving it the necessary information on which to properly act? Why was not a demand made on Spain for the recognition of the Republic of Cuba before the question was sent to Congress? Was everything done that could be in diplomacy to bring about an adjustment of this matter? Certainly not, Mr. President.

If I understand the situation now, there has never to this moment been a demand on the Spanish Government for the recognition of the Republic of Cuba, not even at this time. And why not? Senators say there is no government in Cuba. Mr. President, I say in all sincerity and respect that I do not believe that statement. In fact, I know it to be untrue. There is a government there. When the President speaks of there not being a government on the Island of Cuba he contradicts himself, for at other places in his message he speaks of the existence of the insurgents. "We may have to intervene," says the President, "and place hostile constraint on both parties," and how can we intervene in a controversy to which there is but one party, and how can we place hostile constraint upon the action of both parties, unless there are two parties to the controversy to constrain?

Mr. President, it is in public documents on our desks, it is in evidence before the Committee on Foreign Relations, undisputed and indisputable, that the Cuban Republic has possession of four of the eastern provinces of the island. They have occupied those provinces for the last two years and a half of the struggle now going on. They have military possession. They have their President and a full line of national officers, with a capital. They have their governors of provinces. They have as complete a judicial system as some of our Territories and States. They have a perfect system of levying and collecting taxes. They have schools and schoolhouses supported by public taxation. They print their own school books. They have as perfect a state as can be found on many of the islands of the sea.

What is there, then, about this Republic that is imperfect? No Senator has undertaken to point out wherein it is defective. I have listened with deep interest, and with the expectation that some one would state wherein the Republic whose capital is at Cubitas is defective or deficient. Sir, Senators have been as silent as the grave on that subject. They have asserted and asseverated, they have repeated the assertion time and again, but not one has pointed out in what respect the Republic was different from any other Republic in an incipient state.

During the Revolutionary struggle our capital was on wheels. The capital of the Republic of Cuba was established at Cubitas shortly after the breaking out of the war, and has never been moved since. Ours was moved, if I recollect rightly, seven different times during the Revolutionary struggle. It was on wheels with the army, and under the protection of the army, and yet we were a Republic then as Cuba is a Republic now.

What motives actuate antagonism to the Republic of Cuba? Sir, every reasonable human being acts from some motive, or refrains from acting in a given case from motive. Whenever we say or do a thing there is a motive behind it. We all understand that. Why is the President standing upon the mere technicality that is untenable, that the question of recognition is exclusively an Executive prerogative? Is it that he is particularly concerned one way or the other as to the exercise of that power? No, Mr. President, that is not it; but there is an influence existing that does not reach the President, but that does reach the politics of the country and the business interests; that has done all in its power to prevent recognition of the Cuban Republic, and that influence would coin human blood and souls into dollars if possible.

It has no patriotism wherever it exists. It would sink this, or any other Republic, to the very depths of hell if it could make money out of the act. What is behind the antagonism of the recognition of the Republic of Cuba? Have not Gomez and his patriotic followers won their spurs? Have they not shown by more than three years of successful warfare their capacity to contend with the Spaniards? Nobody can doubt it. Why are they not recognized, then? Tell me that men can fight successfully for their freedom and firesides for three years and not be competent to govern themselves! I do not believe it.

Mr. President, any government would be a great improvement on the existing conditions in Cuba. It is not because the competency of the Cubans is questioned or questionable. It is not because they have not won the right to govern themselves. It is not because God has not given to every people the right to govern

themselves that this opposition is made. It is because of sinister influences behind the whole transaction.

Mr. President, I have no hesitancy in saying what I think those influences are. I may be treading on delicate ground, but I do it knowingly and fearlessly. I know that the Spanish-Cuban indebtedness—and I speak now of the bonded indebtedness, amounting to over $500,000,000, $175,000,000 of which has been issued during the present war—was held in the first instance principally by the Bank of Spain, but that indebtedness and those bonds have passed out of the hands of Spain and into the possession of English, French, and German financiers. If there is such a thing as an international innocent holder of negotiable paper, I suppose those financiers will claim they are innocent holders of this indebtedness charged against Cuba.

Every influence that syndicate can bring to bear through their American agents—and their American agents are powerfully aided and abetted by that portion of our own financiers who have some of those Spanish-Cuban bonds—has been employed to prevent the recognition of the independence of Cuba. And why? Why, sir, simply to perpetuate Spanish sovereignty in Cuba, because as long as the dirty yellow flag of Spain is permitted to float over the Island of Cuba and the mere nominal sovereignty of Spain is exercised there, just so long those bonds will be good and enforcible against the people of Cuba, principal and interest. But, Mr. President, the moment the people of Cuba overthrow the Government of Spain and establish a new one out of the citizenship there, that fact will carry down the Spanish-Cuban indebtedness and it will be lost to its holders forever.

Mr. GALLINGER. If the Senator from Nebraska will permit me, I have heard a good deal about the Spanish bonds, but I know but very little about them. I notice the Senator says that some of them are held in this country. Does the Senator know how large an amount, or approximately how large an amount, of these bonds is held in this country?

Mr. ALLEN. I do not know, except what I have seen in the press.

Mr. GALLINGER. If the Senator will permit me further, he said that malign influences had been exerted on the part of these holders of bonds in England, France, Germany, and the United States. The Senator surely does not mean to intimate that either the President of the United States or the Congress of the United States has been influenced in that way?

Mr. ALLEN. Mr. President, before I made the statement I thought I had disclaimed in as emphatic language as was necessary that the President was in no way responsible for or connected with it.

Mr. GALLINGER. I am not now making a defense or an apology for anything I have done in this debate or in the votes I have cast, but I notice that the senior Senator from Ohio has made a disclaimer, it having been charged upon him that he had Cuban bonds. The same thing has been charged upon me by some irresponsible parties, that I probably had Cuban bonds or had been offered Cuban bonds.

Mr. ALLEN. Does the Senator want to know whether I have any Cuban bonds or not?

Mr. GALLINGER. No. What I was about to say was that this talk to the effect that men are influenced by bonds, either Spanish or Cuban, is getting to be very common in the newspapers, and I do not think we ought to dignify it in the debates in the Senate. That is the way I feel about it. Now I will ask the Senator whether he has ever seen any quotations of these Spanish bonds in price lists in this country?

Mr. ALLEN. I have.

Mr. GALLINGER. And does the Senator really believe that they are held in this country to any very considerable extent?

Mr. ALLEN. I do not know how reliable the information is that I have, as in the nature of things I could not have strictly accurate information of the amount, but I have been informed that from $100,000,000 to $120,000,000—I am speaking of the bonds issued by the Spanish Government against Cuba and held in the United States.

Mr. GALLINGER. I had not supposed that to be true. Of course I had no knowledge whatever, and I asked for information. I did not know but that the Senator might know something definitely about it.

Mr. ALLEN. I give it to the Senator as I received it.

Now, Mr. President, there is one influence that is opposed to the recognition of the Republic of Cuba simply because the destruction of Spanish sovereignty in Cuba at this time would destroy that debt.

There is another influence at work against the recognition of Cuba. When the Senator from New Hampshire asked me a question a moment ago, I said I disclaimed at the outset in plain language any intention of imputing that the President knows or knew anything about it. I do not think he knows. I do not think he even knows anything more than any citizen gathering his information from the press. But I am not prepared to say that influence has not affected Congress. I do not want to be misunderstood. We know that constituents exercise a powerful influence on the course of Senators and Representatives from the money States. When rightfully exercised, it is proper. I am not disclosing a political secret that the humblest citizen does not know when I say the financial and business interests of a constituency are consulted and have a powerful influence in those sections where money controls.

I say that so far as evidence goes, that so far as you can deduce a conclusion from the existence of a fact or a group of facts, this influence has been in Congress and it is now here. The world ought to know, as we do, that the agents of this syndicate have been in this Capitol and are here to-day. And what are they here for? Not for their health, evidently, and not through patriotic motives. They are here to shape the course of legislation as far as that can be done from the outside.

Mr. GALLINGER. Would the Senator name one of these men? I have not seen them.

Mr. ALLEN. Now, that is an old dodge to ask, "Will the Senator name someone?" It has become a chestnut.

Mr. GALLINGER. But as a matter of fact——

Mr. ALLEN. The Senator will name to a committee someone, if it is necessary.

Mr. GALLINGER. I think the Senator ought to name them here.

Mr. ALLEN. I do not think so.

Mr. GALLINGER. If those men are around here trying to corrupt Congress I think we ought to know who they are.

Mr. ALLEN. I do not think so.

Mr. GALLINGER. None of them have approached me. Probably I am not of sufficient account.

Mr. ALLEN. They have not approached me, I am glad to say, but I see them. It is not necessary that a crow should approach me that I should know that it is a crow. When it flies over we can see it, and sometimes it gets in such close proximity that we can smell it.

Mr. GALLINGER. But the Senator would not hesitate to say it was a crow?

Mr. ALLEN. But I would not want to say it was Jim Crow, or any other particular crow.

Mr. GALLINGER. I think that is as near as the Senator is to it. He does not know whether it is Jim Crow or any other kind of crow.

Mr. ALLEN. The Senator knows very well that I am treading very closely to the truth in this statement.

Now, Mr. President, there is another influence. Does any man suppose an agent of that kind has a patriotic motive. We might as well say that a jackal preying on his victim feels compassion for him, as to say such a man is inspired by patriotism. Mr. President, he knows no country and no flag; he is the enemy of all government, so far as it may conflict with his financial interests. He is a political Ishmaelite. His hand is against every government, and every government's hand ought to be against him.

Mr. President, there is still another influence. We can not shut our eyes to what we see in the press, even after making due allowance for exaggeration. Suppose we discount 50 per cent of what we read as exaggeration, just as a cautious lawyer when questioning a proposed witness before placing him on the stand will discount 50 per cent of what he says as untrue, or incapable of proof. Then we have, after the discount is made, we find we have another powerful factor in this country, opposed to the recognition of the Cuban Republic. It is represented by American and English financiers. I suppose that is the proper name to give them, for it would not do to call them a harsher name, for every man who has a spoonful of brains and a pocket full of money, though he may have robbed the dead to get it, regards himself as a financier.

These English and American financiers represent, it is said, $200,000,000, and want to buy out the Island of Cuba and set up a government of their own there, something like that of Hawaii, that will permit them to loot every poor devil from the eastern to the western point of the island. It has been stated in the press, and some Senator may know more about it than I do—I only know of it as I get it in the papers, for I am not thrown into contact with this class of men—that they have organized to purchase Cuba from Spain. They will never permit the recognition of the Republic of Cuba—never, Mr. President—as long as water runs down hill and grass grows, unless the Cubans will pledge themselves, their property, their bodies and souls, to the payment of that and an additional indebtedness. It is a gigantic international hold-up. The Cubans are told to stand and deliver, and a mortgage is to be placed on their country that will enslave them and their children for generations.

Mr. HOAR. How much is this debt that the Senator speaks of?

Mr. ALLEN. I am not speaking about a debt now. I am speaking about a syndicate that is going to purchase Cuba.

Mr. HOAR. I will not interrupt the Senator unless he is willing. The point of my question is this: I heard the debt stated by some gentleman on this floor at $500,000,000.

Mr. ALLEN. I gave it from the New York Commercial a few days ago. That paper on the 4th of this month in its leading editorial stated the debt to be $519,000,000.

Mr. HOAR. What would be the value, financially, of a pledge of a people of fifteen hundred thousand at the end of this war to pay a debt of $519,000,000?

Mr. ALLEN. I am not discussing that point, but I will come to it later.

Mr. HOAR. The Senator understands the subject much better than I do. Does he not think that such a proposition would be treated by a good many people as rather ridiculous, and they would not be thought to have much financial sense if they supposed that the pledge was worth anything?

Mr. ALLEN. Let us see how accurate the Senator from Massachusetts is in his deduction.

Mr. HOAR. I merely put a question. I did not express an opinion.

Mr. ALLEN. I can not express any opinion because there is no statement upon which an opinion could be predicated. How far would financiers take the pledge of fifteen hundred thousand people in Cuba for a debt of $519,000,000? The Senator loses sight of the potential possibilities of that people and its increase of population and its development of industries in the next four or five or ten years.

Mr. BACON. Will the Senator from Nebraska permit me to make a suggestion in this connection?

Mr. ALLEN. Yes.

Mr. BACON. I have never seen one of those bonds, but I understand that the pledge is of the revenues from the customs duties for the payment of the interest. The interest on $519,000,000 at 4 per cent—and I understand their bonds are 4 per cent—is $20,000,000.

Mr. ALLEN. No; they are five and six per cent bonds.

Mr. BACON. Twenty million dollars a year is very much less than Spain has been in the habit of collecting each year as her revenue from Cuba. So the security is not the insignificant one that the Senator from Massachusetts would suggest. I do not know that I am correct, but if that is the correct statement the Senator will perceive that the present revenues of Cuba would be a very material security for that amount.

Mr. HOAR. The Senator will pardon me. That would be a debt nearly double that of the most debt-burdened nation in the world.

Mr. BACON. It is an immense debt; there is no doubt about that.

Mr. HOAR. I speak with great deference, because the Senator from Nebraska is a financier in the sense of a man who has given great study to that class of questions, but not a dealer in bonds at all; and therefore I wish to get his judgment. I suppose, with great deference to the Senator, that there is not a financier on the face of the earth who would practically regard the obligation of Cuba to pay a debt of $519,000,000 at the end of this struggle as of the slightest value whatever.

Mr. MILLS. Will the Senator from Nebraska yield to me for a moment?

Mr. ALLEN. Certainly. However, I should like to finish what I have to say, as it is getting late.

Mr. MILLS. Does the Senator decline to yield?

Mr. ALLEN. No; go on.

Mr. MILLS. The representatives of the Cuban government state officially that the taxation they pay to Spain annually is $26,000,000. That is more than 4 per cent on $500,000,000.

Mr. ALLEN. But $700,000 of that amount is spent in the Island of Cuba. All the rest is taken away.

Mr. MILLS. Of that amount only $700,000 is spent in Cuba. They pay a taxation equivalent to more than 4 per cent on $500,000,000 of debt. Of course the bondholder never wants a debt paid, but the bondholder is interested in the prompt payment of the interest. The principal is a permanent investment, and no holder of any bond in the world which pays a good interest wants to have the principal paid.

Mr. HOAR. If I may make one observation, there are a good many American States which have treated a much smaller burden of debt than that as such a burden upon their inhabitants and upon their resources as to make it utterly impossible to be borne.

Mr. ALLEN. I did not hear the Senator from Massachusetts, but I will proceed to close my remarks as speedily as possible. I had no idea of talking ten minutes when I rose.

Mr. SPOONER. Will my friend allow me to ask him a question, not for the purpose of debate at all, but only for information?

Mr. ALLEN. Yes.

Mr. SPOONER. I noticed in a little colloquy we had the other day on the subject that the Senator spoke of Cuban bonds, and I replied by saying Spanish bonds. The Senator understands that all of this indebtedness is Spanish indebtedness, does he?

Mr. ALLEN. It is all Spanish indebtedness charged against Cuba.

Mr. SPOONER. A large part of it is secured by an attempt to hypothecate the customs?

Mr. ALLEN. Yes; the revenues.

Mr. SPOONER. There never has been any Cuban obligation, so to speak, has there?

Mr. ALLEN. The Senator is right. In all my reference to bonds I do not refer to any supposed bonds issued by the present republican government of Cuba or the Cuban junta, or whatever you may call it. I mean the bonds issued by Spain, the payment of which is chargeable to the revenues of Cuba.

Mr. SPOONER. What led me to ask the question in part was because, in looking over a book of statistics last night which stated the debt of Spain, there was reference to an external debt of Spain, guaranteed by Spain, and I did not know but that there might be some colonial debt or something of the sort. I beg the Senator's pardon. I was only trying to get at the fact.

Mr. ALLEN. Certainly. Now, Mr. President, one word in answer to the Senator from Massachusetts—I regret that he has gone—and I will return to the point where I was interrupted by him and try to finish. If the Senator from Massachusetts were permitted to put a question and answer it himself he could defeat any man in this Chamber in argument, and in this case he did put and answer his own question to me before leaving the Chamber.

Mr. President, the financiers of any country would jump at an opportunity of getting a mortgage on the revenues of the Island of Cuba for $500,000,000. The island has almost unlimited possibilities of growth in population and wealth. So the suggestion of the Senator from Massachusetts carries no weight with it.

But I was talking of the syndicate that was to purchase the island, the syndicate representing, as has been stated, a capital of $200,000,000. When the Senator from Massachusetts interrupted me, I was saying that influence has been present in Washington, and is now here antagonizing the Republic of Cuba. I am saying nothing more than any ordinarily intelligent reader of current news knows to be a fact.

Here, then, are two powerful influences against recognition. They have been felt in business circles. Their influence is felt in politics; it is felt everywhere, and it is due to those influences, supplemented by another I will mention briefly that has, in my judgment, resulted in the defeat of the amendment recognizing Cuban independence.

Sir, I want to speak of a third influence, and it is also of a financial character. All of them seem to be financial, for they could not be humane under the circumstances. I want to speak of another influence that has worked against Cuban recognition and that is the franchise syndicate organized in this country, the purpose of which is to control every valuable franchise in Cuba, and many could be named. That influence does not want the present Republic of Cuba recognized until it shall have had an opportunity to put its hands on Cuba and shape its government and fit and mold it to its purposes.

And so, Mr. President, there are altogether three powerful agencies or influences, every one of them sinister in their purposes, that have antagonized the recognition of Cuba. But, Mr. President, there is not a Christian organization in the United States, nor a church among the many hundreds of thousands; there is not a university, college or common school, or an honest man or woman who is disinterested, that is not in favor of the unconditional recognition of the present Republic of Cuba.

But these influences are against it. Every patriotic sentiment, every impulse of justice, every consideration that would move disinterested and high-minded men, has been and is in favor of recognition. Every Shylock, every greedy, slimy buzzard who has sought to make a fortune or assist others to do so out of the death and blood and suffering of the men, women, and children of Cuba, have been against recognition, and their influence has been felt in Congress and in this Capitol.

Mr. GALLINGER. Will the Senator permit me?

Mr. ALLEN. I will.

Mr. GALLINGER. The Senator, unintentionally no doubt, makes his statement a little too strong. A very distinguished clergyman in my State, a man whose motives have never been impeached or questioned, circulated a petition asking the Senators from New Hampshire not to vote for the independence of Cuba, and one of the strongest letters I have received urging me to vote for it came from a distinguished banker in my State.

Mr. ALLEN. There are exceptions.

Mr. GALLINGER. So the Senator's statement is too broad. With the Senator's permission—because he is very courteous—I want to say as to the matter of the Spanish bonds that a gentleman representing one of the largest banks in the city of Boston, a man whose word would be taken by any person who knows him, has communicated to me the fact that he has never seen a Spanish bond in this country, that he never heard of one in a bank in this country, and that he does not believe that there is a Spanish bond in this country unless brought here in the pockets of a Spaniard. That

is the opinion of a distinguished banker, who has business relations with other banks in all the great cities of this country, and who, it seems to me, in his business transactions would have known something on that point if there were very many Spanish bonds in the United States, and the Senator from Nebraska says there are over a hundred millions.

Mr. ALLEN. I am always very glad to be interrupted by the Senator from New Hampshire, but how valuable the suggestion is—that a banker has never seen a Spanish bond, and therefore he does not believe such a bond exists—I do not know.

Mr. PLATT of Connecticut. May I ask the Senator a question?

Mr. ALLEN. The King of Siam called an English traveler a liar who said that water congealed into ice in his country, because the King had never seen such a thing in Siam. There is no force in such a suggestion.

Mr. PLATT of Connecticut. If the Senator will allow me, on what evidence does he say that there are any Spanish bonds in this country?

Mr. ALLEN. Was the Senator here a moment ago when I made my statement?

Mr. PLATT of Connecticut. I was not, but I understood the Senator had stated that there were more than a hundred million of Spanish bonds in this country.

Mr. ALLEN. What I said will appear in my remarks.

Mr. PLATT of Connecticut. I want to know the ground for the Senator's statement.

Mr. ALLEN. I made my statement upon press dispatches and press discussions.

Mr. PLATT of Connecticut. I did not suppose, until the Senator made the statement, that anybody really believed that there was a Spanish bond in this country.

Mr. ALLEN. I did not suppose there was a man in the United States who doubted it, and I presume that the Senator from Connecticut is the sole exception.

Mr. GALLINGER. I have cited the fact that a very distinguished banker in Boston says he doubts it.

Mr. ALLEN. Why talk about "distinguished bankers?" Can we not talk about the common people and "common bankers?"

Mr. GALLINGER. We can talk about men who have paid special attention to such matters.

Mr. ALLEN. Can not we talk about a banker without referring to him as being "distinguished?" For what is he distinguished?

Mr. GALLINGER. Distinguished in the business world.

Mr. ALLEN. Is he distinguished for the rate of interest he charges and the discounts he makes?

Mr. GALLINGER. Not at all; because on the loans he made in Nebraska he has lost both principal and interest in most cases.

Mr. ALLEN. The distinguished banker has made no loans in Nebraska, or, if he has, he had a fool for an agent to make them, who probably came from the town where "the distinguished banker" lives.

But, Mr. President, aside from the remarks I have made, I desire to say but little else, and I hope I may be permitted to conclude, for the peace of mind of the Senate as well as my own, but I want to enter my protest against this namby-pamby rot that has grown up in the Senate of referring to every man as "a distinguished man." Every time we happen to refer to a man in this Chamber he is either a "very learned professor," or a "very gallant soldier," or a "very distinguished banker," or an "exceptionally bright and experienced surgeon," as the case may be.

Mr. GALLINGER. If the Senator will allow me——

Mr. ALLEN. The "poor common fellow" who is just an "ordinary banker," an "ordinary soldier," or an "ordinary professor," or an "ordinary divine or lawyer," or whatever his occupation may be, is never referred to here.

Mr. GALLINGER. If the Senator will permit me, on more than a score of occasions in addressing the Senate—and when I have asked courtesies from the Senator from Nebraska he has never denied me—I have alluded to the Senator as "the distinguished Senator from Nebraska."

Mr. ALLEN. That was an error, Mr. President. [Laughter.] I have sometimes thought that some man would do this world good who would take up and discuss what the great unknown man in the world has accomplished, the man whose name, or the men whose names, have never been mentioned.

Mr. HOAR. Why do you call him the "great unknown?" [Laughter.]

Mr. ALLEN. Well, then, the unknown, if that will suit you better.

Now, Mr. President, that is a mirthful remark of the Senator from Massachusetts. There are times when men can see mirth in their own sayings when nobody else can see it. [Laughter.] But let that pass.

I want to say that these influences I have mentioned have conspired against the recognition of the Republic of Cuba, and no amount of tittering, no amount of laughter or mirth-making in this Chamber or elsewhere, will disparage or obscure the fact I have stated.

Here are Spanish-Cuban bondholders, the proposed purchasers of the Island of Cuba, and the franchise syndicate, all cooperating hand in hand to destroy Gomez and his army and the Republic and set up a plastic government of their own and place at the head of it a tool, and control its legislative and judicial and executive branches in their own interest.

Mr. President, if in the light of these facts, in the light of these circumstances, now apparent as they must be—and they will become more apparent as the weeks roll around—Senators want to defend themselves and their action denying the Cuban people recognition, I am willing they should, but I am sorry to be compelled to believe that the time has come in the history of this great Republic of ours when such sinister influences could so fasten themselves upon public men and upon a great public measure and defeat the recognition of the Cuban Republic.

And one word more, and I will yield to my friend from Iowa [Mr. ALLISON], as I see he is impatient, and when I trespass on his patience I am ready to believe I have exhausted the patience of everyone else—one word more, because this is all I will have to say on this question, so long as we hereafter keep in the beaten pathway.

I want to see a policy adopted by the United States that will go further than any that has been announced from the other side of the Chamber, from this, or from the White House. Whether I shall remain in public life or go out of it, I will always give every influence I possess to the end that this Government shall put under republican form of government every foot of the Western Hemisphere as speedily as that can be done. I have nothing to secrete about my views of that question. I would not forcibly colonize Central and South America, nor the islands, but, Mr. President, whenever any portion of the people of one of those countries should arise in rebellion, asserting the right of self-government, I would recognize them as a republic and enforce their recognition upon the world.

Mr. THURSTON. Mr. President——

Mr. ALLISON. Does the Senator from Nebraska wish to proceed now?

Mr. THURSTON. I wish to occupy but a few moments, and I should prefer to go on now.

Mr. PETTUS. I desire to call the attention of the Senate to the fact that a case was set for trial this evening in executive session.

Mr. THURSTON. I assure the Senator that I shall detain the Senate but a very few moments, and I should like to proceed now.

Mr. President, nothing ever comes from thrashing over old straw but chaff and dust. The joint resolution passed by the two Houses of Congress was signed by the President of the United States at 11 o'clock and 24 minutes this morning. It is now a part of the law of the land. The policy of that resolution is not in whole the original policy of the Executive as disclosed by his message; it is not, as a whole, the policy of the House of Representatives as disclosed by its first action; it is not, as a whole, the policy of the Senate as disclosed by its first vote; but, Mr. President, to-day it is the policy of all the branches of this Government and of all the people of the United States. At 11 o'clock and 24 minutes to-day, Mr. President, the time for party discussion ended. I stood here on the floor of the Senate with ten Republicans and I voted just as long as there was a hope with the Democrats upon the other side for the recognition of the Republic of Cuba. From first to last I voted my conscience and my judgment. I deprecated any action, I deprecated any speech, that could possibly be shaded with a partisan meaning.

Up to the time that this joint resolution became a law, it was a proper thing for all Senators to express their views and to criticise the views of others. I did regret that certain Senators on this side, Republican Senators, found it necessary on yesterday to charge from this floor the Democrats upon the other side with having voted against the joint resolution that is now the law. I also regretted the countercharge made upon the other side that certain Republicans on this side voted against the joint resolution which is now the law. On the first vote that adopted those resolutions in the Senate sixty-seven Senators voted for them. Those who voted against sustaining the conference report afterwards did not thereby reverse their action on that vote, and I stand here as a Republican to say that those sixty-seven men, thus committed to the resolutions which are now the law, did support them and never wavered in their support because of the vote passed on the conference report.

I also say, Mr. President, and it is true, that all but two of the twenty-one Senators who first voted against those resolutions did to all intents and purposes vote for them, and made them the law of the land on the final vote upon that conference report; and the true record stands that the Senators on this floor, Republicans

and Democrats and Populists and Free Silver Republicans, or what you please, all of them voted at one time or another for these resolutions which are now a law, except three Senators.

Mr. President, we have raised the flag of the United States, and all American hands are outstretched to keep it in the sky, to bear it to victory against the enemies of our country. Let us not weaken the upholding hands by any further partisan discussion, by charges and countercharges as to which particular party has done the most to raise on high the standard of liberty and humanity.

Mr. President, there will come a time on the hustings at the fall elections and before the people when partisan debate may be resumed. Let us wait until then. Until Cuba is free, until the single star of that republic takes its place in the diadem of nations, until the hungry women and children are fed, until Spain is driven from the Western World, for God's sake let us rally around the flag without distinction of party, stop our party quibbles, and be American citizens for the honor and glory of our common country.

Mr. ALLISON. Mr. President, I hope we can have an understanding now respecting a conclusion of the sundry civil bill. I believe it has been concluded with the exception of two amendments which have been reserved by the Senator from Washington [Mr. WILSON]. I ask at this time that there may be placed in the bill an amendment which I think will be agreed to by unanimous consent.

Mr. PETTUS. The Senator, as I understand, is trying to make an arrangement as to what is to be done about proceeding with the amendments to the sundry civil bill. We have another matter set for trial this evening.

Mr. ALLISON. If the Senator had listened to me for a single moment further he would have seen that it is not my purpose to occupy any time this evening.

Mr. PETTUS. It does occupy time to consider other amendments.

Mr. ALLISON. If the Senator will allow me, when the arrangement to which he has referred was made last night I distinctly stated that I should object to it unless the sundry civil bill was completed before that matter should be taken up. It was then stated that the arrangement to which the Senator refers could go on to-morrow evening. Now, I am trying to so arrange as to consume as little time as possible in the completion of the sundry civil bill, which, I think Senators will all agree, is an important thing to do. The amendment which I propose to offer is an amendment which has been suggested to me by the Committee on Foreign Relations, and which it is important and necessary should pass, as I believe it will pass, without amendment and without debate. It relates to the amount of the Bering Sea award to the British Government. The senior Senator from Alabama [Mr. MORGAN] has made a special request, as have other Senators of the Foreign Relations Committee, that the amendment be placed on the sundry civil bill instead of on the deficiency bill.

Mr. PETTUS. I am not objecting to any amendment, but I am objecting to a violation of a positive agreement of the Senate.

Mr. CARTER. I wish to state for the benefit of the Senator from Alabama, who probably did not hear—indeed, I doubt whether it was possible for him to hear—the arrangement as entered into at the time the agreement to vote upon the Alabama case was entered into. For the purpose of allowing the Senator from Massachusetts an opportunity to be heard on that case, it was suggested that it ought to be disposed of to-day. The Senator from Iowa in charge of the pending bill suggested that he would not object to that arrangement if it did not interfere with the consideration of the sundry civil appropriation bill; and he was assured that such interference would not occur, and, if it did, that the Alabama case would go over until Thursday. I believe the Senator from Alabama did not hear that portion of the conversation.

Mr. PETTUS. I was here and heard everything that was said.

Mr. ALLISON. If the Senator will yield to me a moment—I certainly wish no controversy with any Senator about the agreement which was made last evening——

Mr. HOAR. Let the amendment be read.

Mr. ALLISON. I desire the Senate, if it will, to pass upon the amendment, and then I shall desire to ask unanimous consent that the two reserved amendments now pending be voted upon to-morrow at 1 o'clock without further debate.

Mr. COCKRELL. I want just three minutes to explain my position on those amendments.

Mr. HOAR. I suggest to the Senator from Iowa that he say ten minutes.

Mr. ALLISON. Very well, I will say that ten minutes debate be allowed, five minutes on each side, and that then the vote be taken on the reserved amendments.

Mr. CHILTON. I do not understand that there are any amendments reserved. I do not understand that the amendments made as in Committee of the Whole have been adopted in the Senate, and there is one particular amendment about which I desire to make an explanation, which will not take long.

Mr. ALLISON. Then I ask unanimous consent that this bill be taken up to-morrow at the close of the routine morning business, and that we proceed under the five-minute rule of debate without interruption until it is completed.

Mr. CHANDLER. I ask the Senator to allow his amendment to be adopted before making that request.

Mr. ALLISON. I ask that the amendment may be read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 141, after line 17, it is proposed to insert:

BERING SEA AWARDS.

To enable the President to pay to the Government of Her Britannic Majesty the amount awarded by the commissioners appointed pursuant to the stipulations of the convention of February 8, 1896, between the United States and Great Britain, providing for the settlement of the claim presented by the latter against the former in virtue of the convention of February 29, 1892, $473,151.26. This appropriation is made without the admission that any liability exists for any loss of prospective profits to British vessels engaged in pelagic fur sealing or for interest on the sums awarded to Great Britain, and without admitting the authority of the arbitrators to make any award on the basis of damages for the arrest or detention of vessels not included in the submission contained in the treaty.

Mr. HOAR. I suggest to the Senator from Iowa that he insert the words "to be immediately available."

Mr. ALLISON. I modify the amendment by inserting the words "to be immediately available" after the amount appropriated.

The VICE-PRESIDENT. That modification will be made, and the words "to be immediately available" will be inserted after the amount "$473,151.26." The question is on the amendment as modified.

Mr. ALLISON. I will state that the money will be due under the stipulations of the treaty on the 16th of June next.

The amendment as modified was agreed to.

Mr. ALLISON. I now ask unanimous consent that the bill may be proceeded with to-morrow morning immediately after the routine morning business shall have been concluded, and that the amendments to it shall be considered and debated under the five-minute rule, what we know as Rule VIII.

The VICE-PRESIDENT. The Senate has heard the request of the Senator from Iowa for unanimous consent. Is there objection?

Mr. PETTUS. I think the five-minute rule is too short. I do not expect, myself, to make any argument at all, but I have an amendment to propose to the bill, which may require more time than that.

Mr. ALLISON. As the Senator from Alabama may have an important amendment, I am perfectly willing that an exception shall be made as to the amendment to be offered by him, and that he may have such time as he may desire to present his argument for the amendment. I do not know, however, what the amendment is.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa with the modification made in reference to the Senator from Alabama [Mr. PETTUS]? The Chair hears none, and that is the order.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 21, 1898, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 20, 1898.

RECEIVERS OF PUBLIC MONEYS.

Louis W. Eldridge, of Lewistown, Mont., to be receiver of public moneys at Lewistown, Mont.

John Horsky, of Helena, Mont., to be receiver of public moneys at Helena, Mont.

Andrew J. Edsall, of Bozeman, Mont., to be receiver of public moneys at Bozeman, Mont.

REGISTERS OF THE LAND OFFICE.

Frank D. Hobbs, of Salt Lake City, Utah, to be register of the land office at Salt Lake City, Utah.

Edward Brassey, of Lewistown, Mont., to be register of the land office at Lewistown, Mont.

George D. Greene, of Boulder, Mont., to be register of the land office at Helena, Mont.

PROMOTIONS IN THE ARMY—TO BE SECOND LIEUTENANTS.

Artillery arm.

Sergt. Samuel C. Vestal, Company E, Second Infantry.
Corpl. Thomas H. R. McIntyre, Company E, Fifth Infantry.

Sergt. Maj. Robert McCleave, First Infantry.
Corpl. Richard H. McMaster, Company D, Tenth Infantry.

Infantry arm.

Sergt. John Robertson, Troop C, Second Cavalry.
Private James V. Heidt, general service.
Sergt. Joseph D. Bradley, Company D, Twelth Infantry.
Sergt. Charles S. Lincoln, Company B, Second Infantry.
Corpl. Patrick H. Mullay, Troop B, Sixth Cavalry.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 20, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

APPROVAL OF CUBAN JOINT RESOLUTION.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed a joint resolution of the following title:

On April 20, 1898:

A joint resolution (H. Res. 283) for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

[The announcement of the approval of the joint resolution was received with applause.]

PRINTING OF CERTAIN MILITARY PUBLICATIONS.

Mr. PERKINS. Mr. Speaker, I would like to ask unanimous consent to take from the Speaker's table Senate joint resolution 150, and put the same upon its passage at this time.

The SPEAKER pro tempore (Mr. PAYNE in the chair). The joint resolution will be read, subject to objection.

The joint resolution was read, as follows:

Joint resolution (S. R. 150) authorizing the printing of extra copies of the military publications of the War Department.

Resolved, etc., That the Secretary of War be authorized to print, in excess of the 1,000 copies authorized by the act of January 12, 1895, such extra number of copies of the military publications of the War Department as may be necessary for the instruction of the National Guard of the various States.

Resolved, That there be printed for immediate distribution by the Secretary of War to the National Guard of the various States the following manuals, regulations, and drill books:

Three thousand copies of Infantry Drill Regulations.
One thousand copies of Cavalry Drill Regulations.
One thousand five hundred copies of Light Artillery Drill Regulations.
One thousand copies of Manual of Drill for the Hospital Corps.
Three thousand copies of Manual of Arms, Infantry Drill.
Three thousand copies of Army Regulations.
Five hundred copies of Regulations Pertaining to Uniforms.
Five hundred copies of Military Laws of the United States.
Five thousand copies of Manual for Army Cooks.
One thousand copies of Handbook of Subsistence Stores.
One thousand copies of Manual for Subsistence Department.
One thousand copies of Manual for Medical Department.
One thousand copies of Manual for Quartermaster's Department.
Five hundred copies of Paymaster's Manual.
Two hundred copies of Manual of Photography.

Also, that there be printed the following:

Three thousand copies of Infantry Drill Regulations, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives.

Six hundred copies of Cavalry Drill Regulations, of which 200 shall be for the use of the Senate and 400 for the use of the House of Representatives.

One thousand five hundred copies of Light Artillery Drill Regulations, of which 500 shall be for the use of the Senate and 1,000 for the use of the House of Representatives.

Two thousand copies of Manual of Arms, Infantry Drill, of which 650 shall be for the use of the Senate and 1,350 for the use of the House of Representatives.

Three thousand copies of Army Regulations, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives.

Two thousand copies of the Military Laws of the United States, of which 650 shall be for the use of the Senate and 1,350 for the use of the House of Representatives.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. PERKINS. Mr. Speaker, for the information of the House I desire to have the following letter read.

The Clerk read as follows:

APRIL 19, 1898.

DEAR SIR: Permit me to call your attention to the necessity of passing Senate joint resolution No. 150, which passed the Senate yesterday (page 4453, CONGRESSIONAL RECORD). As you will see by my letter (CONGRESSIONAL RECORD, page 4426), these publications are at present neither for sale nor for distribution. Both Houses of Congress, as well as the War Department, are deluged with applications from hundreds of officers and men of the militia, who are in great want of drill tactics, etc.

Yours, truly,
A. W. GREELY,
Chief Signal Officer.

Hon. GEORGE D. PERKINS,
Chairman Joint Committee on Printing.

Mr. PERKINS. The publications called for under the resolution are regarded as urgent by the War Department, and the letters referring to the publication and which were submitted in the other body in connection with its passage will be found on the pages of the RECORD indicated in the letter that I have just had read.

Under the law, however, of 1895, in all cases where Congress orders additional copies printed it is provided that the "usual number" shall be printed. In this case it is not necessary to print the usual number, and I wish to submit an amendment to the resolution which I have prepared.

The SPEAKER pro tempore. The amendment will be read.

The Clerk read as follows:

Add on page 3, after line 18, the words:
"Under this resolution the usual number not to be printed."

There being no objection, the amendment was considered, and agreed to.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment joint resolution (H. Res. 227) providing for the compilation and printing of parliamentary precedents of the House of Representatives.

The message also announced that the Senate had passed joint resolution and bill of the following title; in which the concurrence of the House was requested:

H. Res. 150. Joint resolution authorizing the printing of extra copies of the military publications of the War Department;

S. 4420. An act providing for the publication and distribution of a supplement to the Revised Statutes.

The message also announced that the Senate had passed concurrent resolutions of the following titles; in which the concurrence of the House was requested:

Concurrent resolution.

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 copies of the report of the Committee on Foreign Relations of the United States Senate relative to affairs in Cuba, including the message of the President of the United States, the correspondence, and the testimony and reports of consuls, 7,500 for the use of the Senate and 12,500 for the use of the House of Representatives.

Also:

Concurrent resolution.

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 copies of the message of the President of the United States dated March 28, 1898, together with the report of the naval court of inquiry upon the destruction of the U. S. battle ship *Maine* in Havana Harbor, February 15, 1898, and the testimony taken before the court, 6,500 copies for the use of the Senate and 13,500 for the use of the House of Representatives.

The message also announced that the Senate had passed with amendments the bill (H. R. 2768) for the relief of George Peyton from the charge of desertion and to grant him an honorable discharge; in which the concurrence of the House was requested.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 140. An act granting an increase of pension to Mary E. Law—to the Committee on Invalid Pensions.

S. 3111. An act granting a pension to Cornelia M. Mason—to the Committee on Invalid Pensions.

S. 4420. An act providing for the publication and distribution of a supplement to the Revised Statutes—to the Committee on Printing.

Senate concurrent resolution No. 34—

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 copies of the message of the President of the United States, dated March 28, 1898, together with the report of the naval court of inquiry upon the destruction of the United States battle ship *Maine* in Havana Harbor, February 15, 1898, and the testimony taken before the court, 6,500 copies for the use of the Senate and 13,500 for the use of the House of Representatives—

To the Committee on Printing.

Senate concurrent resolution No. 36—

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 copies of the report of the Committee on Foreign Relations of the United States Senate relative to affairs in Cuba, including the message of the President of the United States, the correspondence and the testimony and reports of consuls, 7,500 for the use of the Senate and 12,500 for the use of the House of Representatives—

To the Committee on Printing.

THE MILITARY ESTABLISHMENT.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to report back the bill (H. R. 9944) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes, and I ask unanimous consent for its immediate consideration.

I want to say, Mr. Speaker, that this is not the bill for the reorganization of the Army, but is a bill to authorize the President to call for volunteers. The bill has been considered in committee, the report is being written, and there are only a few amendments, which the committee can explain in a minute. As the report can not be read at this moment, I will say that the amendments simply provide for changing the bill as submitted by the Department so that the governors of the States shall absolutely commission all regimental and company officers and organize the companies and regiments before they can be mustered into the service of the United States.

Mr. DOCKERY. Will my friend allow me to suggest that this bill ought to be considered in Committee of the Whole?

Mr. RICHARDSON. I suggest that it be first read before unanimous consent is given for its consideration. I ask that the bill be reported.

Mr. HULL. Of course it is right for it to be read. I will say that I have had a letter from the Secretary of War urging its immediate passage. I have had a telephone message from the White House this morning, urging that it be adopted to-day, and a dispatch has just been laid on my desk from the Secretary of War, saying that it is imperatively necessary for this measure to be at once considered.

Mr. BAILEY. May I ask the gentleman from Iowa if it makes any change in existing law, except to authorize the President to call for volunteers?

Mr. HULL. None at all.

Mr. BAILEY. And leaves the volunteers——

Mr. HULL. That is, as the committee amends it, it makes no change in the methods by which volunteers have always been organized under our laws.

Mr. BAILEY. Is the committee report unanimous?

Mr. HULL. A unanimous report, as I understand it.

Mr. SHAFROTH. I ask for the reading of the bill.

Mr. CLARK of Missouri. I should like to ask the gentleman from Iowa a question for information about this bill. Does not this bill give the President of the United States the right to commission the colonels, lieutenant-colonels, majors, and so forth, in the volunteer service, which right has always been given heretofore to the governors of the States?

Mr. MARSH. It does not.

Mr. HULL. The bill as submitted gives the President that right, on the nomination of the governors of the States, but the committee have unanimously changed that so as to leave it entirely in the hands of the governors of the States.

Mr. HENDERSON. Is this the bill which was recommitted the other day?

Mr. HULL. This is not the bill which was recommitted the other day, but a bill that was submitted by the War Department and introduced by me for the first time yesterday.

Mr. HENDERSON. An entirely new bill?

Mr. HULL. An entirely new bill, on different lines and for entirely different purposes.

Mr. McEWAN. I should like to ask whether this bill provides for a permanent increase in the number of men in the Regular Army and the number of officers?

Mr. HULL. Mr. Speaker, this bill has nothing whatever to do with the organization of the Army. It simply provides that the President may call for volunteers and commission major-generals, brigadier-generals of volunteers, and staff officers, as he must have the power to do before he can go on.

Mr. LOW and Mr. COOPER of Texas asked that the bill be read.

Mr. HULL. I suggest that the Clerk read the bill as amended by the committee.

The SPEAKER. Without objection, the bill will be so read.

The Clerk read as follows:

Be it enacted, etc., That all able-bodied male citizens of the United States, and persons of foreign birth who shall have declared their intention to become citizens of the United States under and in pursuance of the laws thereof, between the ages of 18 and 45 years, are hereby declared to constitute the national forces, and, with such exceptions and under such conditions as may be prescribed by law, shall be liable to perform military duty in the service of the United States.

SEC. 2. That the organized and active land forces of the United States shall consist of the Army of the United States and of the militia of the several States when called into the service of the United States: *Provided*, That in time of war the Army shall consist of two branches which, shall be designated, respectively, as the Regular Army and the Volunteer Army of the United States.

SEC. 3. That the Regular Army is the permanent military establishment, which is maintained both in peace and war according to law.

SEC. 4. That the Volunteer Army shall be maintained only during the existence of war, or while war is imminent, and shall be raised and organized, as in this act provided, only after Congress shall have authorized the President to raise such a force: *Provided*, That all enlistments for the Volunteer Army shall be for a term of three years, unless sooner terminated, and that all officers and men composing said army shall be discharged from the service of the United States when the purposes for which they were called into service shall have been accomplished, or on the conclusion of hostilities.

SEC. 5. That when it becomes necessary to raise a Volunteer Army the President shall issue his proclamation stating the number of men desired, within such limits as may be fixed by law, and the Secretary of War shall prescribe such rules and regulations, not inconsistent with the terms of this act, as may in his judgment be necessary for the purpose of examining, organizing, and receiving into service the men called for: *Provided*, That all men received into service in the Volunteer Army shall, as far as practicable be taken from the several States and Territories and the District of Columbia in proportion to their population.

SEC. 6. That the Volunteer Army and the militia of the States when called into the service of the United States shall be organized under, and shall be subject to, the laws, orders, and regulations governing the Regular Army: *Provided*, That each regiment of the Volunteer Army shall have one surgeon and one assistant surgeon, and that all the regimental and company officers shall be appointed by the governors of the States in which their respective organizations are raised: *Provided further*, That when the members of any company, troop, battery or battalion, or regiment of the organized militia of any State shall enlist in the Volunteer Army in a body, as such company or regiment, the regimental and company officers in service with the militia organization thus enlisting may be appointed by the governors of the States.

SEC. 7. That all organizations of the Volunteer Army shall be so recruited from time to time as to maintain them as near to their maximum strength as the President may deem necessary, and no new organization shall be accepted into service from any State unless the organizations already in service from such State are as near to their maximum strength of officers and enlisted men as the President may deem necessary.

SEC. 8. That all returns and muster rolls of organizations of the Volunteer Army and of militia organizations while in the service of the United States shall be rendered to the Adjutant-General of the Army, and upon the disbandment of such organizations the records pertaining to them shall be transferred to and filed in the Record and Pension Office of the War Department.

SEC. 9. That in time of war, or when war is imminent, the troops in the service of the United States, whether belonging to the Regular or Volunteer Army or to the militia, shall be organized, as far as practicable, into divisions of three brigades, each brigade to be composed of three or more regiments; and whenever three or more divisions are assembled in the same army the President is authorized to organize them into army corps, each corps to consist of not more than three divisions.

SEC. 10. That the staff of the commander of an army corps shall consist of 1 assistant adjutant-general, 1 inspector-general, 1 chief quartermaster, 1 chief commissary of subsistence, and 1 chief surgeon, who shall have, respectively, the rank of colonel; 1 assistant adjutant-general, who shall have the rank of captain, and the aids-de-camp authorized by law. The staff of the commander of a division shall consist of 1 assistant adjutant-general, 1 inspector-general, 1 chief quartermaster, 1 chief commissary of subsistence, and 1 chief surgeon, who shall have, respectively, the rank of lieutenant-colonel, and the aids-de-camp authorized by law. The staff of the commander of a brigade shall consist of 1 assistant adjutant-general, 1 assistant quartermaster, and 1 commissary of subsistence, each with the rank of captain, and the aids-de-camp authorized by law. The staff officers herein authorized for the corps, division, and brigade commanders may be appointed by the President, by and with the advice and consent of the Senate, as officers of the Volunteer Army, or may be assigned by him, in his discretion, from officers of the Regular Army or the Volunteer Army, or of the militia in the service of the United States.

SEC. 11. That the President is hereby authorized to appoint in the Volunteer Army, by and with the advice and consent of the Senate, not exceeding one major-general for each organized army corps and division, and one brigadier-general for each brigade, and any officer so selected and appointed from the Regular Army shall be entitled to retain his rank therein: *Provided*, That each general officer of the Volunteer Army shall be entitled to the number of aids-de-camp authorized for an officer of like grade in the Regular Army.

SEC. 12. That all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army.

SEC. 13. That the President may, upon the recommendation of the governors of States, appoint officers of the Regular Army in the grades of field officers in organizations of the Volunteer Army, and officers thus appointed shall be entitled to retain their rank in the Regular Army: *Provided*, That not more than one officer of the Regular Army shall be commissioned in any one regiment of the Volunteer Army at the same time.

SEC. 14. That the general commanding a separate department or a detached army is authorized to appoint from time to time military boards of not less than three nor more than five officers of the Volunteer Army to examine into the capacity, qualifications, conduct, and efficiency of any commissioned officer of said army within his command: *Provided*, That each member of the board shall be superior in rank to the officer whose qualifications are to be inquired into: *And provided further*, That if the report of such a board is adverse to the continuance of any officer, and the report be approved by the President, such officer shall be discharged from service in the Volunteer Army, at the discretion of the President, with one month's pay and allowances.

Mr. DOCKERY. Mr. Speaker, I have thought of insisting on the consideration of this bill in Committee of the Whole, but in view of the amendments to be offered by the committee, as I understand them——

Mr. McMILLIN. Mr. Speaker, I think the bill is so important and involves such a possible expenditure that it ought to have its first consideration in Committee of the Whole. I am entirely willing that it be considered, but think it should be considered under the rules of the Committee of the Whole.

Mr. HULL. I will ask that it be considered in the House as in Committee of the Whole.

Mr. McMILLIN. I think the bill is of such importance as to justify the demand for its consideration in Committee of the Whole. Is there a report accompanying it?

Mr. HULL. The report is now on the Clerk's desk. It only amends a couple of sections.

Mr. McMILLIN. Members have been unable to get the report. It provides for a very grave and important emergency, and entails necessarily a very heavy expense, and I think that for that reason it ought to be considered in Committee of the Whole. The report has not been printed, so that it could be on the desks of members.

Mr. HULL. I am very anxious to accommodate myself to the wishes of the House, but it seems to me that we could have it considered safely in the House as in Committee of the Whole,

and if it is as important as the executive officers of the Government think it, the sooner we get through the consideration of the bill the better.

Mr. McMILLIN. I am as anxious for its consideration as my friend, and as zealous in furthering its purpose, and I speak the sentiment of all around me on the subject. But I think it is well to consider it in that way that we consider measures involving heavy expense.

Mr. CANNON. Let me ask the gentleman a question. Does his asking unanimous consent to consider it in the House as in Committee of the Whole include considering it for amendment under the five-minute rule?

Mr. HULL. Oh, certainly.

Mr. SULLIVAN. Do I understand the gentleman is asking unanimous consent to consider it?

Mr. HULL. It will take unanimous consent to consider it at all. I submit that request, for unanimous consent to consider the bill in the House as in Committee of the Whole.

Mr. RICHARDSON. We will not agree to that.

Mr. HULL. Then I ask unanimous consent for its consideration, and the rule will govern it in Committee of the Whole.

Mr. DOCKERY. Ask its consideration in Committee of the Whole.

Mr. RICHARDSON. There is no objection to unanimous consent to consider the bill. Ask your unanimous consent to go into Committee of the Whole.

Mr. HULL. I will ask unanimous consent that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill just read.

Mr. McMILLIN. We are entirely willing to have that, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9944. The gentleman from Iowa.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with and that general debate may be considered as closed, and that we proceed to consider the bill under the five-minute rule, with the understanding that ample time will be given to express views upon any points raised.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with and that general debate be considered as closed, and that the bill be considered under the five-minute rule.

Mr. BAILEY. I have no objection to that, except that I should prefer the gentleman from Iowa would undertake to explain the whole bill at one time and in one connection. There is no report. Many of us are not even aware of the amendments the committee have recommended. I believe a connected explanation of the whole bill would be preferable to reserving a discussion as each——

Mr. HULL. I will say to my friend from Texas that I could do it in the five minutes, but will do it at once.

Mr. COX. Mr. Chairman, as a member of the committee, and on the opposite side so far as politics is concerned, I claim the right to make a statement in regard to this bill, and not to be limited to five minutes.

Mr. GAINES. That is right.

Mr. HULL. I yield to the gentleman from Tennessee.

The CHAIRMAN. Is there objection to dispensing with the first reading of the bill?

Mr. BAILEY. We have no objection to that.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. SAYERS. Mr. Chairman, I desire to ask the gentleman in charge of the bill a question.

Mr. HULL. I yield to the gentleman from Texas to ask a question.

Mr. SAYERS. From the examination of the bill, with the amendments to be proposed by the committee, which I have been able to give to it, I think it a very proper measure; but there is one point, and only one point, that I desire to have the gentleman in charge of the bill explain to the committee. I ask his attention to the closing paragraph of section 10, commencing with line 13. If I understand the provision of this section correctly, it provides that all the staff officers of the corps, division, and brigade commanders shall be appointed by the President without reference to recommendation by the governors of the States. I wish the gentleman to inform the committee why this departure from the method of the appointment of line officers.

Mr. HULL. I will say, Mr. Chairman, that the organization of the regiment proper, from colonel down, was regarded as belonging to the governors of the States.

Mr. GROSVENOR. That has never been the custom with general officers.

Mr. HULL. There never has been a time in the history of the volunteer force that the appointment of general officers was in the power of governors of the States.

Mr. GROSVENOR. Or the members of the staff of the volunteer corps, either.

Mr. McCLELLAN. Would it not in operation turn out that the quotas of a great many of the States will not furnish enough for an independent brigade, division, or army corps, and would they not thus have to have commissions signed by different governors?

Mr. HULL. Yes. The President must have the power to appoint general officers. There is no difficulty about that, I want to say to the gentleman from Texas.

Mr. BURKE. Mr. Chairman, many of us would like to hear the gentleman from Iowa, but can not hear one word that he says.

The CHAIRMAN. The committee can make no progress unless the committee is in order, and certainly the whole committee can not stand around about the gentleman from Iowa.

Mr. HULL. Mr. Chairman, I want to say that this bill in its general provisions follows the past history of the Government in the organization of the volunteer force. The governors of the various States organize the volunteer regiments, commissioning all officers of the regiment. The President commissions all major and brigadier generals and staff officers of brigade, division, and corps commanders. To deprive the President of this power would destroy the efficiency of the Army. Further, I do not believe you have the right to take away from the President, by and with the advice of the Senate, the right to appoint general officers and their staff.

It is, as reported, substantially on the line of the entire organization of the volunteer force during our civil war; it is on the line of the organization of the volunteer force for the Mexican war. The bill as originally submitted provided that the governors of the States should nominate the regimental officers, but that the President should commission them on the nomination of the governors of the different States; but the committee believed that was not the proper way to organize the regiments, and unanimously changed the language of the bill so that the governor of each State has absolute power to organize the regiment for his State and tender it to the President of the United States, to be mustered into the volunteer service.

The joint resolution passed by both Houses authorized the President to use the entire militia force of the United States, if he desires to; but his contention or theory, I think I am safe in saying, is that if we are to have a war, under that joint resolution it must be fought by the volunteer force of the United States and not by the militia. Militia can be used to repel invasion, but not to invade a foreign country. This bill was introduced as submitted by the War Department, met the approval of all of the executive officers of the Government, and was passed upon by the committee, whose amendments have been explained. This morning the Secretary of War says that the bill is of such importance that we should at once change it to meet the wishes of the committee by having the governor commission all the officers up to and including the rank of colonel.

Mr. GROSVENOR. I entirely agree, but I want to suggest to the gentleman, in the light of our experience in the last war, whether it would not be wise to place in the bill a peremptory requirement that the surgeons of the various regiments organized should keep the record much more perfect than anything which has heretofore been done, so that the condition of every soldier on every day could be ascertained and reported, under the provisions of this bill, to the Surgeon-General's Office in the city of Washington.

Mr. SAYERS. That would be a matter of regulation.

Mr. HULL. That is a matter of regulation and not a matter for legislation, but I have no objection to it.

Mr. PARKER of New Jersey. Mr. Chairman, if I remember right, in the last war the officers of the regiment were appointed by the governors of the States, and after they got into the service if an officer had to be cashiered or a promotion was to be made, that was done by the President——

Mr. MARSH. Oh, no.

Mr. HULL. No; the governor filled all vacancies.

Mr. PARKER of New Jersey. If there was a promotion made, was it made by the governor?

Mr. HULL. Promotions were made by the governor up to and including the rank of colonel.

Mr. RAY of New York. Will the gentleman from Iowa allow me?

Mr. HULL. Certainly.

Mr. RAY of New York. I would not interrupt the gentleman at this time but for the fact that I have to go into a conference committee very soon. I noticed in the newspapers a statement that there was to be a civil-service examination for all officers of the State militia mustered into the service of the United States with their organizations. I see that the provisions as to that have been stricken out of the bill, but I want to call attention to section 5, where it provides:

That when it becomes necessary to raise a volunteer army the President shall issue his proclamation stating the number of men desired, within such limits as may be fixed by law, and the Secretary of War shall prescribe such rules and regulations, not inconsistent with the terms of this act, as may in his judgment be necessary for the purpose of examining, organizing, and receiving into service the men called for.

Now, what I want to inquire is, is it the design to compel the officers who shall be appointed by the governors of the various States to submit to an examination by some board appointed by the Secretary of War as to their competency and fitness to hold a commission which is given them by the governor?

Mr. HULL. I want to say in reply to the gentleman from New York that this section providing for an examination and organization to be received into the service means an entirely different thing than what was attempted to be provided for in section 6. When these companies and regiments are ready to be mustered in, they are examined by a surgeon as to their physical qualification.

Mr. RAY of New York. It is the same old law we had in the civil war.

Mr. HULL. It is the same provision that we had in the civil war. Section 6 provided for officers——

Mr. RAY of New York. I only wanted the gentleman to assure the House that there is nothing in that section providing for a civil-service examination as to the fitness of the officers commissioned by the governors of the several States.

Mr. HULL. It could not be subject to such an interpretation as that.

Mr. MARSH. Will the gentleman from Iowa allow me?

Mr. HULL. Yes.

Mr. MARSH. I will say to the gentleman from New York that this bill, as it was sent to our committee from the War Department, provided that the officers should be appointed by the President. That has been stricken out, and the governor is authorized to appoint them. Now, the word "examining," in line 24, section 5, that he called attention to is in harmony with the original bill, which provided that the President should appoint the officers, but inasmuch as the amended bill authorizes the governors to appoint those officers, I think it would be perfectly proper, and I submit this to the chairman of the committee, to strike out the word "examining."

Several MEMBERS. That relates to physical examination.

A MEMBER. Then it ought to be so stated.

Mr. MARSH. If the word "examination" means physical examination, let some definite explanatory word be inserted so as to do away with all question as to the meaning of this language. I want to say to the gentleman from New York [Mr. RAY] that there was no intention—far from it—on the part of the Committee on Military Affairs to establish a "civil-service reform" in the Army.

Mr. RAY of New York. I did not suppose there was. Now, if the gentleman from Iowa will allow me one question, I will not disturb him further during the entire consideration of this bill. I call his attention to section 14, which provides that—

The general commanding a separate department or a detached army is authorized to appoint from time to time military boards of not less than three nor more than five officers of the Volunteer Army, to examine into the capacity, qualifications, conduct, and efficiency of any commissioned officer of said army within his command.

Now, it is provided in a prior part of the bill that certain officers of the Volunteer Army shall be taken from the Regular Army; and section 14 does not limit in any way the places from which these examiners may be taken, so that "a general commanding a separate department or a detached army" may go anywhere through the Volunteer Army and pick out the Regular Army officers——

Mr. HULL. Absolutely not.

Mr. MARSH. It is confined to volunteers.

Mr. RAY of New York. No, it is not; because you have provided that officers holding certain grades or ranks in certain capacities shall be taken from the Regular Army and made members of the Volunteer Army. These may be selected to act on the boards of examination and they would oust the volunteer officer whenever they got at him.

Mr. HULL. I do not yield for the gentleman's statement, because it is not correct. I do not want it to come out of my time. I shall be glad to answer any question of the gentleman if he will give me a chance, or my colleague on the committee [Mr. MARSH] can answer it.

Mr. SAYERS. I suggest that the gentleman from Iowa be permitted to have the bill considered by sections, so that as we reach each section it can be separately discussed.

Mr. HULL. That is what I desire.

Mr. SAYERS. In that way we can understand the bill better.

Mr. BENNETT. May I ask the gentleman a question?

Mr. HULL. I want to ask again that we consider the bill under the five-minute rule, so that we may not go over the same ground twice.

A MEMBER. That consent has been granted.

The CHAIRMAN. The gentleman from Iowa moves that the bill be considered under the five-minute rule. Is there objection?

Mr. JOHNSON of Indiana. It is stated on the floor that such consent has already been granted. Is that true?

The CHAIRMAN. Consent has not been granted.

Mr. JOHNSON of Indiana. Then I ask the gentleman to give me a little time for general debate. We are now, I believe, in Committee of the Whole, and I desire to submit some remarks.

Mr. HULL. I hope the gentleman will not take up the time in that way. In view of the statement of the executive officers as to the urgency of passing this bill, I trust the gentleman will not object to my request.

Mr. JOHNSON of Indiana. I have not objected to it; but have appealed to the gentleman to ascertain whether he would not afford me an opportunity to address the Committee of the Whole.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. JOHNSON of Indiana. I am trying to get an arrangement with the gentleman if possible; but I shall not press my request if there is objection from him.

Mr. MARSH. Will the gentleman in charge of this bill state to the House whether the President has sent word to the Committee on Military Affairs expressing great anxiety for the immediate passage of this bill in substantially the form now before us?

Mr. HULL. The Secretary of War telephoned me from the White House this morning that it was exceedingly important the bill should pass at once, and he asked me that it be reported and brought before the House immediately. Afterwards I received from him this dispatch:

I hope you will introduce your bill this morning. Time is now very valuable. On the whole, I am inclined to think that requiring commissions to be signed by the President for the militia would cause friction and opposition by the governors, who naturally might feel that this was taking some of their powers from them. Can you change that and hasten the passage of the bill as rapidly as possible?

Mr. MARSH. I simply asked the question of the gentleman from Iowa in order that this information might go before the House so that every gentleman here might see that we ought to devote ourselves to the consideration of this bill, and this bill alone, until it is finished.

Mr. JOHNSON of Indiana. Mr. Chairman, I do not wish to put myself in the attitude of interfering in any way with the speedy passage of necessary legislation. I would be the last man on the floor of the House who would do that, because when the die is once cast, my lot is with those who maintain the flag of my country; and I shall then be anxious to see that the war is prosecuted vigorously to a successful conclusion. But it seems to me that time is not so precious that the gentleman can not allow me from thirty to forty-five minutes in which to submit some views which I think may be found to bear on this bill. If the committee, however, thinks that the emergency is so pressing that I can not be afforded this simple privilege, I shall not stand here opposing its will.

But inasmuch as when the concrete propositions looking to war with Spain were pending it was absolutely impossible for any man who doubted their wisdom to get the floor to express his views, it is due to myself, to my posterity, to my constituents, and to the conservative sentiment of this country that before hostilities are actually brought upon us I should have an opportunity to make known the motives and reasons which induced me to take the stand I did take and to cast the vote I did on the question of peace or war.

Now, having said this much, I will not oppose the will of the committee. If the committee chooses to acquiesce in the request of the gentleman from Iowa, I will not as a single individual interpose my objection, but will cheerfully give way. I do not wish to stand in the way of making preparations to meet this unnecessary war, if it must come. [Applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa that the general debate be now closed?

Mr. HANDY. Before that, Mr. Chairman, I would like to have some explanation of the bill in one especial particular.

Mr. JOHNSON of Indiana. I will not stand in the way or oppose the wish of the committee, whether time be given to me or not. But I would ask, in view of the fact that there seems to be a disposition on the part of the gentleman in control of the bill to refuse to yield—I would ask that time be given to me after the

completion of the bill; and if a single gentleman objects to this request, I will not insist upon it.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. PEARCE of Missouri. I object.

Mr. HULL. Mr. Chairman——

Mr. LEWIS of Washington. I ask unanimous consent that the gentleman from Indiana [Mr. JOHNSON] be allowed thirty minutes.

The CHAIRMAN. The gentleman from Iowa is entitled to the floor.

Mr. HULL. I have asked, Mr. Chairman, that my request be submitted.

Mr. JOHNSON of Indiana. I ask unanimous consent that I be permitted, immediately after the completion of this bill by the committee, to address the committee for, say, forty-five minutes.

Mr. COX. I hope that request will be granted.

The CHAIRMAN. That would be a matter for the House to determine. After the bill is reported, it will be in the House.

Is there objection to the request of the gentleman from Iowa?

Mr. TAWNEY. What is the present motion? The request of the gentleman from Indiana that he may be permitted to occupy forty-five minutes after the bill has been reported from the committee?

The CHAIRMAN. The request of the gentleman from Iowa is that general debate be closed now.

Mr. JOHNSON of Indiana. I will not object, if the gentleman from Iowa sees fit—having the right to grant me time—to refuse me my request.

Mr. LOUDENSLAGER. Mr. Chairman, who has the floor?

The CHAIRMAN. Nobody has the floor. The gentleman from Iowa has submitted a request that general debate be now closed, and the Chair is trying to get the sense of the committee upon that request.

Mr. COX. Mr. Chairman, as a member of the committee I wish to say that general debate on the bill can do no harm. In fact, I am opposed to cutting off anybody who desires to express his views on the bill. I think, therefore, at present it would be well to proceed for a few minutes in the general discussion and see if we can not arrive at a proper conclusion without enforcing the rules of the House which would enable a majority to stifle debate. For one I desire a few minutes myself, as a member of the committee, and I think the same privilege ought to be given to other gentlemen who desire to be heard.

Mr. HULL. I was going to say to my colleague that after we get into the five-minute debate, I would be perfectly willing to yield him such time as he desired.

Mr. COX. I think it would do no harm for members generally who wish it to have an opportunity of expressing themselves upon the bill, and of course while I do not wish to object to the views of my colleague, I hope he will allow the debate to run for a short time. I am satisfied, however, that we can soon arrive at a conclusion.

Mr. HULL. As I have stated, if we get to the five-minute debate, I will yield the gentleman such time as he desires.

Mr. COX. That would be a great courtesy to me and entirely satisfactory. Although other members may want to express themselves——

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. OGDEN. I object.

Mr. HULL. Then I yield so much time as he may desire to my friend from Tennessee. How much time does the gentleman desire?

Mr. COX. Do not limit me. I will get through quick enough. I want such time only for the explanation of my views.

Mr. HULL. Then I yield such time as the gentleman desires.

Mr. COX. Thank you, sir.

Mr. Chairman and gentlemen, the object of the bill, if we can get it clearly in our minds, is one that I do not think will produce any serious opposition; and yet there is a clause in the bill, or a section, to which I wish to call attention at the proper time in view of securing an amendment to it so as to make the bill consistent with the other amendments put into the bill by the committee.

Now, what is the purpose of the bill? If we get that clearly in mind, we will have no trouble, I think. It is to authorize the President of the United States to call out the volunteer forces of the United States, and the amount or number he desires to call out, the limit, is left to his own discretion. Now, then, if there is an emergency here and the President shall decide that there is such an emergency, I do not hesitate a moment to give him full authority in the premises. If you are going to war, go to war and fight it out as quick as possible. The trouble about it in the minds of some men, however, lies in this—that is, the mode of calling out the troops—and it seems to have arisen in the minds of some gentlemen that the President is going to appoint the officers over the volunteer forces.

Now, the original bill provided that in calling these forces into the service the commissioned officers, which would include colonels, lieutenant-colonels, majors, captains, and lieutenants, were to be appointed by the President. That is eliminated from the bill. There is no such provision in it. It is clear and distinct. Why was that taken out of the bill? It will be perfectly plain to anyone who will reflect for a moment. The purpose was to leave the State organizations and their officers to be commissioned by the governors of the States. That is the law of the States. I for one earnestly opposed taking away the power from the governors of States to commission the officers of the State guards or State troops and putting it into the hands of the President.

Mr. GAINES. Does this bill propose to do that?

Mr. COX. I have said and I say again that was in the original bill; but we have taken out every vestige of it.

Mr. WILLIAMS of Mississippi. Upon that point I want to ask the gentleman if the language in lines 9, 10, and 11, on page 8, has been stricken out? The language to which I refer is as follows:

> And that all the regimental and company officers shall be appointed by the President upon the recommendation of the governors of the States in which their respective organizations are raised, subject to such an examination as to fitness and capacity as the President may prescribe.

Mr. COX. That has been stricken out by the unanimous vote of the committee. Now, let me conclude my statement. How do we stand when the forces are called out? The forces called out are officered under the laws of the States, from colonels down. Not only that, but if you will examine the amendments in the bill, you will see that organizations created under the laws of the State, companies, battalions, regiments, or troops, or other organizations of that kind, must be accepted by the President just as he finds them, and there is but one man who can change the officers of an organization, and that is the governor of the State. That is the law now in every State in this Union in regard to State troops.

Mr. RIDGELY. Will the gentleman yield for a question?

Mr. COX. With pleasure.

Mr. RIDGELY. Under this law can the National Guards of the various States be mustered into the Volunteer Army?

Mr. COX. Why, yes; there is no trouble about that.

Mr. RIDGELY. I did not have any doubt of it, but I wanted the statement of the gentleman.

Mr. COX. Not only can they be mustered in, but they can be mustered in with their present officers, unless the governor of the State displaces those officers. The President can not do it.

Mr. SPALDING. The board can.

Mr. COX. I will come to that in a minute. There is no doubt about the provisions of the bill. I can very readily see that if we had taken away from the governor the power to commission these officers that serious trouble might result.

Now, Mr. Chairman, if I can have the attention of the chairman of the committee [Mr. HULL], I should like to call his attention to this language, which I think ought to go out of the bill——

Mr. WILLIAMS of Mississippi. Where is it?

Mr. COX. In section 5; and I will read enough of the section to make my point plain:

> SEC. 5. That when it becomes necessary to raise a volunteer army the President shall issue his proclamation stating the number of men desired, within such limits as may be fixed by law, and the Secretary of War shall prescribe such rules and regulations, not inconsistent with the terms of this act, as may in his judgment be necessary for the purpose of examining, organizing, and receiving into service the men called for.

Now, what is the trouble about that? That section could be very well construed to mean that the Secretary of War, under rules and regulations adopted by him, might exclude the State organizations——

Mr. TALBERT. Will the gentleman allow me to ask him a question?

Mr. COX. Let me finish my sentence. I was remarking that that part of that section might be construed that the State organizations, as provided for, might be excluded by the rules and regulations authorized by this bill under authority to be given to the Secretary of War, not upon the organization, but upon some other ground, and I do not think that ought to be in this bill.

Mr. TALBERT. I will ask the gentleman if there is anything in this bill, as amended, that would prevent the volunteer troops from electing their own officers?

Mr. COX. Under the State organizations of troops all the officers are commissioned by the governor.

Mr. TALBERT. I know that.

Mr. SPALDING. In many instances by election.

Mr. COX. Almost always, I might say.

Mr. GAINES. Will my colleague——

Mr. COX. Give me one minute and I will make it so clear that there will be no trouble about it. In the civil war I know that when a company recommended a man for captain, our governor commissioned him, and when ten companies recommended a man

for colonel, he commissioned him colonel, but the commission must come from the governor.

Mr. TALBERT. That is what I wanted to make plain. It will give them their choice?

Mr. COX. Why, certainly; the governor is not going to appoint men that his people do not want.

Mr. GAINES. Now, as to this provision of the Constitution.

Mr. COX. I know the provision of the Constitution.

Mr. TALBERT. Now, as to the examining boards.

Mr. COX. I will come to that in a minute.

Mr. TALBERT. Does not that prevent them from making the choice of their own officers? I know the bill looks very fair upon its face?

Mr. COX. Well, just a minute. If I do not make it plain, shoot another question at me.

Mr. STEELE. I would like to ask the gentleman a question, right there.

Mr. COX. Let me get through with this now. Now, here is the proposition. The officers are commissioned by the governor. No act of Congress can direct the governor how or whom he shall commission, because that is a matter that belongs to State legislation and not to Congress.

Mr. TALBERT. But just here it states they are to be received under such regulations as the Secretary of War may direct.

Mr. COX. I just called the attention of the chairman of the committee to that and stated that it ought to go out, and I am going to move an amendment of that kind.

Mr. HAY. Will my colleague allow me to call his attention to this provision that "the Secretary of War shall prescribe such rules not inconsistent with the terms of this act." If he will examine sections 6 and 7 he will see that these two sections cover the objection that is raised to the bill.

Mr. COX. I think it is plain in the bill, but a bill can never be made too plain. I think I understand it.

Mr. KLEBERG. Will the gentleman allow me to ask him a question?

Mr. COX. In a minute. But I do not want to be understood that I will vote for any bill that confers upon the President of the United States the power to appoint officers in the volunteer service.

Mr. GAINES. Such a law would be unconstitutional.

Mr. COX. I understand the provision of the Constitution.

Mr. TALBERT. The bill might prevent the election of these officers, and in an indirect way give the power to the President.

Mr. COX. If my friend will think one moment, how will you put in an act of Congress a provision for volunteer officers of the different States when the State law controls that?

Mr. GAINES. Will my colleague allow me to read one provision in the Constitution?

Mr. COX. I understand what the Constitution provides in regard to it.

Mr. GAINES. You have not quoted it.

Mr. WILLIAMS of Mississippi. Does this bill increase the Regular Army by one man?

Mr. COX. Not a man.

Mr. WILLIAMS of Mississippi. Are you certain of it?

Mr. COX. I know it.

Mr. KLEBERG. This is not the bill for that purpose?

Mr. COX. Oh, no; this is the bill to increase the volunteers.

Mr. BERRY. Will the gentleman just read that for himself? [Indicating section in Constitution.] That reserves the right to the States.

Mr. COX. Certainly; and so does this.

Mr. BERRY. The bill says he shall be examined by the order of the President.

Mr. SPALDING. That is simply a physical examination.

Mr. COX. That is what it means. I will get through in a minute. I say it ought to go out of the bill.

Mr. BERRY. That is as to his fitness and capacity.

Mr. COX. I think if the chairman of the committee will examine it, there will be no trouble about its going out.

Mr. HICKS. Will the gentleman permit an interruption?

Mr. COX. Yes, sir; with pleasure.

Mr. HICKS. Will my friend kindly put his interpretation upon the paragraph commencing in line 13, of page 5, as to the effect it would have on States having a National Guard, for instance?

Mr. COX. Well, if that was all there was in the bill, it might have a pretty serious effect; but other parts of the bill are for mustering in organizations of the States with their officers commissioned by the governor. Now, what else can you do?

Mr. HICKS. Will my friend point that out, and give his interpretation?

Mr. COX. I have gone over that, and if you will look through section 6, as amended, you will have no trouble about that.

Now, Mr. Chairman, my colleague on the committee here I have no doubt is correct in another construction, that even that part is provided for in another portion of the bill. That, I think, ought to make it clear and distinct, and the reason I think so is this: That no man that is in a State organization and has been accepted in a State organization either in regiment, company, or battalion, should be examined by the United States as to whether he should go in or not.

Mr. BERRY. Does not your bill say that he shall be examined for fitness and capacity?

Mr. COX. Well, sir, I am going to strike out that when we come to it.

I will say to my friend from Kentucky [Mr. BERRY] that that matter has all been stricken out by the committee. Now, Mr. Chairman, I do not know of anything else that I can say.

Mr. KLEBERG. Will the gentleman from Tennessee allow me a question?

Mr. COX. Yes, sir.

Mr. KLEBERG. Is it not a fact that the bill placed before the members is one that has not the amendments of the committee upon it?

Mr. COX. That may be so. I think one trouble that has got into the House is that this bill is pressed with all the earnestness our executive officers can put forth. I assume they know what they are doing, and I have no reason to think otherwise. But it has come in here, and most of the members have the old original bill on their desks and not the amended one. That is what has produced so much trouble, but we have done the best we could to explain it in the shape it is.

Mr. HEPBURN. Will the gentleman from Tennessee allow me a question?

Mr. COX. Certainly.

Mr. HEPBURN. In regard to section 11, how does the gentleman construe the word "may," in the twenty-third line? Is that mandatory or directory?

Mr. HULL. That has all been stricken out.

Mr. STEELE. Mr. Chairman, I should like to ask the gentleman from Tennessee a question.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Indiana?

Mr. COX. I will.

Mr. STEELE. How many officers and how many men will constitute a company under this bill?

Mr. COX. We did not legislate on that subject. Each State has its own law as to the number of men that shall constitute a company.

Mr. HAY. Under the Volunteer Army proposed to be raised in this bill no organization has been provided for at all. That will come when the bill to reorganize the Army comes into the House. Whatever may be put in as the number of men to constitute a company of infantry in the Regular Army will have to be followed in the Volunteer Army.

Mr. COX. Will the gentleman allow me to reply to him? Under the bill to reorganize the Army, one of the great questions is what shall be the size of a company. That will come up when this bill comes into the House. When we do get that bill in, the State troops, the State guards, the State soldiers I may say, will most naturally conform their organizations to the provisions of that bill.

Mr. STEELE. That is what I wanted to get at. Under the law of March 3, 1863, it was provided that where a company fell below the minimum number, at that time sixty-six men, they should be deprived of a second lieutenant. In the Regular Army to-day, as I understand it, the maximum is sixty-six.

Mr. COX. This bill does not touch that subject.

Mr. STEELE. It provides that they shall come under the organization prescribed for the Regular Army.

Mr. HAY. If the gentleman will read section 7 of the bill, he will see that that is provided for.

Mr. DRIGGS. I should like to ask the gentleman from Tennessee [Mr. COX] if he is absolutely certain about the provisions of this bill as amended, that it leaves the appointment of the officers to the governors of the States?

Mr. COX. Yes; there is no doubt about that, and no bill would ever get my vote that did not provide for that—that did not leave the appointment of the officers to the governor.

Mr. SPARKMAN. Section 4 provides:

> That the Volunteer Army shall be maintained only during the existence of war, or while war is imminent, and shall be raised and organized, as in this act provided, only after Congress shall have authorized the President to raise such a force.

I want to ask the gentleman whether it will require further legislation after this?

Mr. COX. I do not think so.

Mr. SPARKMAN. Where does the authority come from, then, to organize the volunteer force?

Mr. COX. We authorize the President to do it.

Mr. HAY. And it says "while war is imminent."

Mr. SPARKMAN. But only after Congress has authorized the President to act.

Mr. SULZER. We have authorized the President to act.

Mr. BENNETT. Has the gentleman from Tennessee any information as to the probable course in relation to the volunteer officers of militia above the rank of colonel?

Mr. SULZER. That will depend upon how many are called out.

Mr. BENNETT. Will they be called out?

Mr. HAY. That will depend upon whether the President chooses to appoint them as brigadiers or not.

Mr. BENNETT. There is no intention, as far as the gentleman from Tennessee knows, as to the President calling out the brigade and their staff officers above the rank of colonel?

Mr. COX. I do not know what is in the mind of the President, except that he urges the passage of this bill.

Mr. BENNETT. This bill does not call for it.

Mr. SULZER. No; it does not.

Mr. McCULLOCH. In section 6 you provide that the President shall appoint the regimental and company officers on the recommendation of the governors of the States.

Mr. COX. Oh, no; everything that goes to the appointment of the officers, the commissioned officers, is left to the governors of the States, up to and including the rank of colonel.

Mr. McCULLOCH. I want to ask this question: Where a State from its quota furnishes a sufficient number of its own to constitute a brigade, why not allow the governor to dictate the appointment of the brigadier-general?

Mr. SULZER. I think that ought to be so.

Mr. COX. I do not think it ought to be so, but I will not object to your amendment. It never has been the law.

Mr. GRIGGS. It never ought to be.

Mr. SETTLE. I should like to be informed as to the status of the National Guard under this bill. Is it intended that the President shall leave to the governors of the several States upon whom he will call——

Mr. COX. Oh, no; there is a section in the bill providing that the President shall call upon each of the States for its proportion of troops——

Mr. SETTLE. And that the governor shall exercise his discretion?

Mr. COX. Certainly.

Mr. Chairman, I think I have taken more time than I ought to have done; and I yield the floor.

Mr. HULL. Mr. Chairman, I now ask unanimous consent that general debate be closed, and that we proceed under the five-minute rule, which will give every gentleman an opportunity to discuss the bill or present any amendment.

Mr. HANDY. I wish to say to the gentleman from Iowa that there is a feature of the bill proper to be discussed in general debate which has not been touched upon—which has not been brought at all to the attention of the House. Before the general debate closes I should like to be heard briefly on that part of the bill. This bill, Mr. Chairman, if the gentleman will pardon me——

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. HANDY. I shall object if I can not get an opportunity——

The CHAIRMAN. Objection is made.

Mr. HANDY (continuing). To present that phase of the question. If I may be heard a moment——

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] has the floor.

Mr. HULL. I yield a moment to the gentleman from Illinois [Mr. MARSH].

Mr. MARSH. I simply wish to ask the gentleman from Delaware upon what phase of the bill he wants information?

Mr. HANDY. This bill comes into the House as an emergency bill—to meet a present emergency—but it is in fact a permanent piece of legislation, to remain upon our statute books indefinitely—not only during the present emergency, but for all future occasions when war may be imminent.

Mr. HAY. I object, and call for the regular order.

The CHAIRMAN. The regular order is demanded. The gentleman from Iowa has the floor.

Mr. McMILLIN. I thought the gentleman from Delaware was recognized.

The CHAIRMAN. The gentleman from Iowa had the floor and yielded to the gentleman from Illinois [Mr. MARSH], who asked the gentleman from Delaware a question. The gentleman from Delaware was proceeding by unanimous consent. Objection has been made to the request that general debate be closed. The gentleman from Iowa has the floor.

Mr. HAY rose.

Mr. HULL. I yield to the gentleman from Virginia [Mr. HAY] for the purpose of ascertaining what he desires.

Mr. HAY. I desire that any gentleman who wishes to speak on this bill be given an opportunity to do so. Therefore, I suggest that general debate on the bill be allowed for one-half hour, fifteen minutes to be given to each side.

Mr. HULL. I will ask, then, unanimous consent that general debate on the bill close at 2 o'clock.

Mr. HANDY. Who would control the time—two gentlemen in favor of the bill? I am opposed to the bill in the form in which it stands, because of its permanent feature. I should be satisfied with it as an emergency measure.

Mr. McMILLIN. Then clearly the gentleman from Delaware would have the right to control the time in opposition.

The CHAIRMAN. The time would be controlled by a friend and an opponent of the bill.

Mr. SULZER. How much time would the gentleman from Delaware wish to occupy?

Mr. HANDY. I do not know just how long. I simply want to present some facts clearly to the House.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Iowa?

Mr. CUMMINGS. I object until I can ask the gentleman from Iowa a question.

The CHAIRMAN. The gentleman from New York objects.

Mr. HULL. I will hear the gentleman from New York.

Mr. CUMMINGS. I ask the gentleman to inform us wherein this bill differs from the law in force when we raised volunteers thirty-five years ago?

Mr. HULL. I will say to the gentleman that I have not compared this bill word for word with the law in force thirty-five years ago; but the text of this bill as approved by the committee provides for the same method of raising and equipping troops that we had at the time the gentleman refers to. But the laws in force at that time were temporary—for an emergency only. We were required, in presenting this bill, to present either a temporary measure or one which should become permanent law. We prefer a permanent law.

Mr. CUMMINGS. Has the gentleman looked at the law under which volunteers were raised for the Mexican war?

Mr. HULL. I have. That was a very short act.

Mr. CUMMINGS. Will the gentleman state how it differed from this bill?

Mr. HULL. It simply provided that the President have power to call out the militia of the United States and to enlist 50,000 volunteers. He enlisted the 50,000 men, largely volunteers, and called out none of the militia, as I understand. But the appointment of the general officers and the organization of brigades and divisions are the same in this bill that they were during the civil war and Mexican war.

Mr. HANDY. But the method of raising troops under this bill is entirely different.

Mr. McMILLIN. Let me ask the gentleman from Iowa a question. Does the gentleman from Iowa seek to take advantage of the trouble now existing to make this a permanent law, or is it only temporary in its operation to meet an emergency?

Mr. HULL. I hope it is a permanent law that will stand until it is repealed.

And, Mr. Chairman, the fact that we are to-day, in the face of the present crisis, when the executive officers of the Government appeal to Congress to give them power to carry out the order of Congress—the fact that we are standing here and fighting for a bill to enable them to carry out the express order of Congress for the purpose of raising troops to meet an emergency is an evidence that the bill itself should be a permanent law. [Applause.]

This Congress wants war. It passed by an overwhelming majority the resolution that it would have war if its wishes were not complied with. Now, when the executive officers of the Government come and ask authority to organize the force to execute the will of Congress and its mandates, it seems to me the time has come for us to place on the statute books some kind of a law that will enable these officers to perform the functions assigned them without coming to Congress on every occasion and fighting here to secure a provision of law to meet the emergency that we have ourselves inaugurated. If we had such a law the President would now be able to act. We want such a permanent law, so that when Congress speaks the Executive may have power to execute the order of Congress without waiting for quibbling and discussion in the National Legislature.

Mr. McMILLIN. Has it not always been the policy of this Government to give absolutely the war-making power into the hands of Congress?

Mr. HULL. And Congress does it under this bill as absolutely as it does it now. There is no change made in that regard. The President can not take action until Congress has seen fit to exercise its legislative will and gives him authority by inaugurating a state of war, as was done by our adopting the joint resolution in regard

to Cuba, or as would be the case if Congress in the future should declare war against any country.

It is always in order in war to order out the militia, but the limitation on the use of the militia found in the Constitution makes the employment of this force ineffective except in case of invasion. Is it not better to have a law which will enable the President to promptly proceed to execute the mandate of Congress than to paralyze his work by the uncertainty, as now is the case?

Mr. MARSH. Mr. Chairman——

Mr. HULL. Mr. Chairman, I yield to my colleague on the committee from Illinois.

Mr. SULZER. I move that general debate be closed at 2 o'clock.

The CHAIRMAN. The motion is not in order, the gentleman from Illinois [Mr. MARSH] having been recognized.

Mr. HAY. I move that the committee rise for the purpose of closing debate.

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. MARSH. Mr. Chairman, I would like to have the attention of the House for a few moments, and especially the gentleman from Tennessee who sits now on my left [Mr. MCMILLIN].

Mr. MCMILLIN. The gentleman always has that when he speaks.

Mr. MARSH. Thank you. And I want his careful attention, as I have no doubt he always gives.

He raises the point that this bill, providing for the creation of this force, is a permanent law. I want to say to the gentleman that in my opinion it is not a permanent law.

Mr. MCMILLIN. I simply asked the gentleman from Iowa [Mr. HULL] if it was a permanent law, and he said that it was.

Mr. MARSH. Well, I would be obliged to differ, as I sometimes do, I am sorry to say, with the chairman of my committee.

Now, let me call your attention, if you will give it carefully for a moment, to the fifth section of the bill from which I read:

That when it becomes necessary to raise a volunteer army the President shall issue his proclamation, stating the number of men desired, within such limits as may be fixed by law.

Now, this bill does not fix any limit, and in the absence of the fixing of the limit the President can not call out a single volunteer.

Then the gentleman says: "Where is the law that authorizes the calling out of additional men beyond the Regular Army?" I will say to the gentleman from Tennessee and to the gentlemen of the committee that the authority is to be found in the declaration of war that we passed only a few days ago. That declaration, which is only temporary in its character, and applies only to the coming war—that declaration authorized and directed the President to use the land and naval forces of the United States, including the militia of the different States—that militia amounting to 10,000,000 men—for the necessities that may arise during the war; and under that authority, and under that alone, the President can execute the fifth section of this bill. So that when the coming or existing war is over, when the war with Spain ceases, and this act still stands on the statute books, there can be no call for troops without further action by Congress.

A MEMBER. That is right.

Mr. MARSH. Now, Mr. Chairman, I think I have demonstrated beyond any question that the authority under this bill to call out volunteers is confined to the war that you inaugurated by your declaration a few days ago.

Mr. CANNON. Will the gentleman allow me an interruption?

Mr. MARSH. Certainly.

Mr. CANNON. Section 4 provides—the gentleman read from section 5——

Mr. WILLIAMS of Mississippi. I was just about to call attention to section 4.

Mr. CANNON (continuing). Section 4 provides, in line 7, page 2—

That the Volunteer Army shall be maintained only during the existence of war, or while war is imminent, and shall be raised and organized, as in this act provided, only after Congress shall have authorized the President to raise such a force.

Now, is it not a fact that under this section—this provision for raising a volunteer army to go into service at once on the inauguration of the war—and after this war is over, while this section would remain in force for general regulations on the statute books, that what it provides in the way of raising troops could not be undertaken by the President until, in some subsequent event, the Congress of the United States has authorized it? In other words, the President would have no power in that direction without authority of Congress? We simply leave the machinery intact to carry it into execution under the will of Congress in case it shall be authorized on a subsequent occasion?

Mr. MARSH. Why, Mr. Chairman, that is the very point that I took the floor to demonstrate, because of the suggestions that had been made by the gentleman from Tennessee [Mr. MCMILLIN]. This law, so far as the power of the President to call out troops is concerned, is confined to this existing war.

Mr. COX. Will my colleague yield to me for one question?

Mr. MARSH. Certainly.

Mr. COX. Do I understand you to say that I take the position——

Mr. MARSH. No; I was talking about the gentleman from Tennessee, Mr. MCMILLIN.

Mr. HULL. I yield three minutes to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Chairman, I desire to say that in my judgment the bill, with the amendments proposed by the committee, should be passed, and that, too, without delay, as has been requested by the Secretary of War and the President. We are right upon the verge of war. We have authorized the President to do things which will involve us in war. The resolutions authorizing him to do those things received the almost unanimous support of this House, and for one, with such a measure as this presented to the House, I am opposed to further quibbling. [Applause.] Let men who oppose the measure speak for themselves, and not for the Democratic side of the House. [Applause.]

Mr. HULL. Mr. Chairman, I have three minutes left, and in that time I want to move that the committee rise for the purpose of limiting debate.

Mr. DOCKERY. Let us try to get an agreement.

Mr. HULL. We can not agree.

Mr. HANDY. You will not agree to give gentlemen opposed to the proposition any time at all for general debate. I want half an hour.

Mr. HULL. I move that the committee do now rise for the purpose of closing general debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9944) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes, and had come to no conclusion thereon.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of this bill; and pending that, I move that general debate be closed.

Mr. BAILEY. Mr. Speaker, may I have the attention of the gentleman from Iowa?

The SPEAKER. Does the gentleman from Iowa yield?

Mr. HULL. For a question, yes.

Mr. BAILEY. I think probably there are only two or three gentlemen on this side who desire to oppose the bill, and they feel that, inasmuch as they can not vote for it, they ought to have an opportunity to state the grounds of their opposition.

Mr. HULL. I have no objection to being absolutely fair with them, and in the Committee of the Whole——

Mr. BAILEY. Suppose you close debate at half past 2.

Mr. HULL. I want to pass this bill to-day.

Mr. BAILEY. You will.

Mr. HULL. There is no certainty that we shall finish the bill to-day under any such arrangement.

Mr. BAILEY. I myself believe the bill ought to be passed——

Mr. HULL. In order to obviate the difficulty, I move that general debate be closed in thirty minutes, and I will give the opposition the entire time.

Mr. BAILEY. That is acceptable.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into the Committee of the Whole on the state of the Union for the further consideration of House bill 9944, and pending that, moves that all general debate be closed in thirty minutes.

The motion to close general debate in thirty minutes was agreed to.

The House then resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9944, with Mr. PAYNE in the chair.

The CHAIRMAN. By order of the House, general debate has been limited to thirty minutes. The Chair understands that all the time is to be controlled and used by those who oppose the bill.

Mr. HULL. Mr. Chairman, I simply want to know to whom to yield. I suppose to the gentleman from Delaware [Mr. HANDY]. I yield to the gentleman from Delaware.

Mr. LEWIS of Washington. Will the gentleman from Iowa allow me to ask him a question before the debate begins?

The CHAIRMAN. If no gentleman desires to take the floor in opposition to the bill, the Clerk will read.

Mr. HANDY. The gentleman from Delaware is occupying the floor, but yielded to the gentleman from Washington to ask a question of the gentleman from Iowa, and the gentleman from Washington is striving to get the attention of the gentleman from Iowa for that purpose.

The CHAIRMAN. There is so much confusion it is almost impossible to hear anything that is said.

Mr. LEWIS of Washington. Will the gentleman from Iowa permit me to ask him a question? Will the gentleman from Iowa let me know what view the committee had, or his own view, as to lines 24 and 25 of section 11, on page 5? After those lines there is a proviso—

Provided, That each general officer of the Volunteer Army shall be entitled to the number of aids-de-camp authorized for an officer of like grade in the Regular Army.

Mr. HULL. That is all stricken out. If the amendment of the committee is agreed to, we strike out the words:

Who may be selected from the line or staff of the Regular or Volunteer Army, or of the militia in the service of the United States.

That leaves the bill without that limitation, and the President can make his selections for general officers, subject only to consent of the Senate.

Mr. LEWIS of Washington. Mr. Chairman, I thank my friends for anticipating what I intended to say, but in a minute I want to call your attention to the following strict regulation of the Army:

And any officer so selected and appointed from the Regular Army shall be entitled to retain his rank therein.

I want to ask the chairman of the committee, if a man shall be appointed in this way, if he is to be entitled to the rank he had in the United States Army in the anticipated engagement, or if he acquires a rank in this present engagement, is he to hold it for the balance of his career?

Mr. HULL. He retains the rank that he had in the Regular Army at the time of appointment only, as they did in the civil war, if they accept a commission in the Volunteer Army, which is only temporary and is surrendered at close of the war.

Mr. LEWIS of Washington. It is to give him the same rank in the future engagement and any additional rank by being appointed an officer in the Volunteer Army.

Mr. HULL. The general debate is running in the time of the gentleman from Delaware.

Mr. LEWIS of Washington. I asked the gentleman a question, and he can afford to answer it without feeling that it is taking anything from him.

Mr. HANDY. Mr. Chairman, I do not wish to be put in the attitude of opposing legislation along this line. There is no man in the House who realizes more fully than myself the absolute importance of getting men ready for the field. You not only have to get guns ready, ships ready, and ammunition ready, but you must get men ready for war. In my opinion, we ought to have commenced this work of getting men ready for the field some time ago. I am not seeking the floor to-day for the purpose of delaying this bill. In this connection let me send to the Clerk's desk and have read in my time a joint resolution which I offered on April 14, very nearly a week ago, and which has since been before the Committee on Military Affairs. That resolution will show that, instead of being opposed to calling out the volunteer force, instead of being desirous of delaying such legislation, I was, perhaps, the first man in the House to move in the direction of such legislation.

The Clerk read as follows:

A joint resolution (H. Res. 234) to authorize the employment of volunteers in case of war.

Resolved, etc., That the President be, and he is hereby, authorized to call for at once and to accept the services of volunteers, either as cavalry, infantry, artillery, or other branches of the military service, in such numbers, not exceeding 400,000, as he may deem necessary for the purpose of prosecuting any war that may be declared by the Congress of the United States: *Provided*, That the services of the volunteers herein mentioned shall be for such time as the President may direct, not exceeding three years nor less than six months, and they shall be disbanded at the end of the war. In calling for the volunteers herein provided for the President shall from time to time issue his proclamation stating the number desired, either as cavalry, infantry, artillery, or other branches of the military service, and the States from which they are to be furnished, having reference in any such requisition to the exigencies of the service at the time, and equalizing as far as practicable the number furnished by the several States according to population.

SEC. 2. That said volunteers shall be, while in the service of the United States, subject to the rules and regulations governing the Army of the United States; and the President shall be authorized to appoint, by and with the advice and consent of the Senate, such general and staff officers for the organization, administration, and command of the forces provided for in this act as may be required according to the present rules and regulations governing the Army of the United States, and in accordance with the existing statutes of the United States.

Mr. HANDY. Mr. Chairman, it does not follow because legislation is important and necessary along this line that every part of the legislation brought in here by our committee is wise and ought to be passed. It does not follow because a particular form of legislation is recommended by the War Department that it is necessarily wise and ought to pass. The Committee on Military Affairs stands here with amendments to the legislation proposed by the War Department, showing that in the opinion of the committee itself the War Department is not infallible in proposing this legislation.

We have, in the bill before us, legislation which amounts to a complete revolution of the policy which Congress has pursued from the beginning of our Government in the matter of raising armies. We have had foreign wars before, and we have had a great domestic war. In every case hitherto Congress went to work to provide for and to raise an army, and fixed the terms and conditions upon which the army should be raised at that time. Now, when this emergency comes upon us, this bill is introduced simply as an emergency measure, and it is urged as something that ought to be passed without any general debate. But this bill, after meeting the present emergency, must be considered as a bill that will stay on the statute books for years and years to come. How permanent such legislation is likely to be, Mr. Chairman, may be shown by illustration. We have on our statute books to-day legislation along this line passed in 1792. In section 1625 of the Revised Statutes we find:

SEC. 1625. Every able-bodied male citizen of the respective States, resident therein, who is of the age of 18 years and under the age of 45 years, shall be enrolled in the militia.

That has been on the statute books unaltered and unrepealed since 1792. The provisions of section 1642 have been on the statute books since February 25, 1795.

SEC. 1642. Whenever the United States are invaded or are in imminent danger of an invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may deem necessary to repel such invasion or to suppress such rebellion, and to issue his orders for that purpose to such officers of the militia as he may think proper.

The first section of the bill introduced by the committee, the bill now before us, is substantially nothing more than section 1625 of the Revised Statutes. There is no particular reason why it should be reenacted. Leaving the first three sections of this bill, which do not seem to me objectionable, I come to the part of the bill to which I object, to the part I hope to see amended. Section 4, Mr. Chairman, of this bill says, and I ask attention of gentlemen around me:

That the Volunteer Army shall be maintained only during the existence of war, or while war is imminent, and shall be raised and organized, as in this act provided, only after Congress shall have authorized the President to raise such a force, etc.

Now, the gentleman from Illinois [Mr. MARSH] pointed out that it will be necessary hereafter in order to get the advantage of this act, in case any war occurs, for Congress to authorize the President to raise such a force; and the gentleman from Illinois [Mr. CANNON] remarked very truly that Congress could do that in two lines. The latter remark depicts the exact situation of the matter, Mr. Chairman, if this bill becomes law and remains on the statute books. All that Congress will have to do hereafter to raise armies will be simply to pass a resolution authorizing the President to proceed to raise armies. Congress may simply declare war and "authorize the President to raise such a force," and the Executive will do the rest.

That is not the view of this matter taken by the men who wrote the Constitution of the United States. Section 8 of Article I declares it to be among the powers of Congress "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." The next clause of that section gives Congress another power, to wit, "To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years." To raise and support armies is therefore a part of the constitutional duty of Congress, not a part of the duties of the President merely. In all of the wars of the past Congress has executed that duty. Congress has passed the laws for raising armies. The Constitution does not look with favor on permanency in this matter, for to that clause which gives power to raise and support armies there is a modification and limitation:

But no appropriation of money to that use shall be for a longer term than two years.

Congress itself can not provide money for an army for a longer term than two years. The whole idea of the Constitution is that the armies are to be temporary; that armies are to be kept always within the power and within the controlling hand of Congress. Armies are not to be put in unlimited measure and unlimited numbers in the hands of the Chief Executive. Yet this bill is so drawn that hereafter—fifty years hereafter or one hundred years hereafter, for the present legislation has remained over one hundred years on the statute books—a simple resolution authorizing the President and Executive then in power would give him under this bill unlimited control to raise an army consisting of every able-bodied man in the United States, and to appoint the officers of that army and keep them in power for three years thereafter.

Why, Mr. Chairman, at the opening of the civil war Congress, July 22, 1861, passed a law authorizing the President, under well-defined limitations, to call out not more than 500,000 volunteers. Yet gentlemen come in here and ask Congress in this bill to give the President power to call out 12,000,000 volunteers. That is not wise legislation. You say he does not want 12,000,000 volunteers. Of course not. You say he will not call them out. Of course not. Then why give him the power to call them out? What is the purpose in it? I am not here in opposition to the President of the United States. I am not here asking Congress to limit unduly the powers of the President of the United States. He does not need 12,000,000 volunteers.

Let us fix a limit, as Congress has always fixed a limit in the past. Make it 300,000; make it 400,000; make it 500,000; make it any limit you choose. What is the use, and where is the wisdom of giving to the President of the United States such power as no ruler on God's green earth has to-day, save only the Czar of Russia? He does not want to use it. The present occupant of the White House can undoubtedly be safely trusted with it. I do not believe for a moment that he will misuse it, but why set such a precedent? Why make such legislation as will furnish a justification in some distant day, when some man may be President of the United States who does want to use such power and use it wrongfully?

Mr. Chairman, I am not opposed to legislation to call out the Volunteer Army of the United States. I am simply in favor of having wise legislation to that end by pruning and cutting down the bill before us. The first two or three sections of this bill are harmless so far as I can see. They will not change anything that exists to-day. Then comes section 4, and then section 5. Those two sections ought, if we are to do what is wise and prudent in the matter of good legislation, to be stricken out, and something definite, something temporary, something applying merely to the present emergency, put in the place of them.

Let us meet the present war. We need not this morning, in the hurry of legislation, try to provide for future wars. We need not be interested in what may happen twenty-five or fifty years from now. Let us pass an emergency bill to meet the emergency now upon us, calling out troops for this war. Let us stop there. That will be wise; that will be judicious. Even at the danger of being put in the light of opposing war legislation, which would be entirely unjust to me, I have ventured to point out the justice and wisdom of such a course.

Mr. Chairman, I now yield five minutes to the gentleman from Illinois [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I desire the attention of the chairman of the Committee on Military Affairs to section 13. That section is as follows:

SEC. 13. That the President may, upon the recommendation of the governors of States, appoint officers of the Regular Army in the grades of field officers in organizations of the Volunteer Army, and officers thus appointed shall be entitled to retain their rank in the Regular Army: *Provided*, That not more than one officer of the Regular Army shall be commissioned in any one regiment of the Volunteer Army at the same time.

Now, doubtless that provision is all right, but I am not so well posted upon it as to determine what is meant by the rank there of the soldier of the Regular Army. In the next place, I want to know if this is an existing law?

Mr. HULL. I will say to the gentleman from Illinois that an officer of the Regular Army can only be put in the volunteer regiment by request of the governor of the State. During the civil war we had several officers commissioned as officers in the volunteer regiments. This is the same provision. They retain the rank they had in the Regular Army, and when they are mustered out of the Volunteer Army, they go back into the Regular Army with the same rank that they formerly had, subject to any promotions which may be theirs of right.

Mr. HUNTER. That is the law to-day?

Mr. HULL. No; I do not believe it is the law to-day. We have no law to-day, but it was the law in force from 1861 to 1865.

Mr. WILLIAMS of Mississippi. It was the law during the civil war.

Mr. MARSH. I suppose that no officer of the Regular Army has the right to-day to remain in the Army and accept a commission from the governor, without authority of law.

Mr. HUNTER. Certainly not.

Mr. MARSH. This merely confers authority to be exercised upon the application of the governor and at the discretion of the President.

Mr. HUNTER. Well, Mr. Chairman, I do not wish to occupy the time of the House in any discussion of the provisions of this bill. I think it is a good bill; I think the committee has prepared it with great care, and that it ought to pass and pass at once.

Mr. HANDY. I yield the remainder of my time to the gentleman from Washington [Mr. LEWIS]. If he does not desire to use the whole of it, I will then relinquish the floor, as I know of no other gentleman on this side who wants to take part in the general debate.

Mr. LEWIS of Washington. I do not wish any time for the purpose of discussion. But a day or two since I manifested my anxiety respecting the officers of the National Guard, of whom I am one. There is a provision in this bill which I thought related to that subject; and I sought from the gentleman from Iowa, the chairman of the committee, a response to what I deemed a courteous inquiry. He did not, however, find it agreeable to respond so that I might determine whether or not I desired to amend the bill. I now respectfully ask the distinguished gentleman from Illinois [Mr. MARSH], a member of the committee, to give me his views as a committeeman in regard to the meaning of these words beginning in the last line of page 5 of the bill and continuing on page 6:

And any officer so selected and appointed from the Regular Army shall be entitled to retain his rank therein.

If an officer should, as suggested by the gentleman from Indiana [Mr. HUNTER], be taken from the Regular Army and put into the volunteer service, does this language mean that he shall retain his rank in the Regular Army or that he shall retain for all future time such rank as he may attain in the volunteer service?

A MEMBER. It means either.

Mr. MARSH. I do not think it means either.

Mr. LEWIS of Washington. Then, may I ask my friend from Illinois to give me what he understands to be the meaning of this clause, which is the only thing in this bill at present which gives me any anxiety?

Mr. MARSH. I will give the gentleman my understanding of the effect of that provision.

Mr. LEWIS of Washington. I should be glad to hear it.

Mr. MARSH. Suppose there is a first lieutenant in the Regular Army whom the governor of my State desires to make a major in a volunteer regiment. That can not be done under the existing law, but under the provision of this bill, by the consent of the President or the Secretary of War, the commission may issue to that lieutenant for a majorship in an Illinois regiment. Now, that officer may be in that Illinois regiment two or three years, but under the provision of this bill he will retain his rank in the Regular Army precisely as if he had never been commissioned in the Volunteer Army; and if at the end of two years' service his rank in the Regular Army would have been that of major, he retains that rank with the right of promotion in his regiment of the Regular Army.

Mr. HUNTER. That explanation is satisfactory.

Mr. MARSH. During our recent war a large number of Regular Army officers were detailed and allowed to hold positions in the volunteer service. In such cases they retained their rank in the Regular Army. For instance, Phil Sheridan, who was a lieutenant in the Regular Army, was made a colonel in a volunteer regiment, and he retained his rank in the Regular Army while he remained in the volunteer service.

A MEMBER. And was in the line of promotion.

Mr. LEWIS of Washington. Then there is no intention that the words "shall be entitled to retain his rank therein" should give the officer a rank in the volunteer force corresponding with his rank in the Regular Army?

Mr. MARSH. There is no such intention; and the bill can have no such effect.

Mr. LEWIS of Washington. I wish to express my thanks to my honorable friend from Illinois for this explanation. He has answered the query to my satisfaction.

Mr. TALBERT. I wish to call the attention of the chairman of the committee to a passage in the bill, beginning in line 21, page 2:

The Secretary of War shall prescribe such rules and regulations, not inconsistent with the terms of this act, as may in his judgment be necessary for the purpose of examining, organizing, and receiving into service the men called for.

Has that provision been stricken out?

Mr. HULL. No, sir.

Mr. TALBERT. When I called the attention of the gentleman from Tennessee to this language, he said he was opposed to the provision; and I understood him to say that it had been stricken out.

Mr. HULL. No; he certainly did not say it had been stricken out.

Mr. TALBERT. Does not the gentleman think this provision would enable the Secretary of War to prevent the organization of volunteer troops according to their own ideas in respect to the choice of officers? May he not intervene and prevent even the appointment of officers by the governor?

Mr. HULL. I ask the gentleman to listen to me a moment. This provision does not affect the officers at all. It is practically the same provision we had in force during the civil war. The

Government of the United States would not accept a regiment unless the members of that regiment were examined to ascertain whether they complied with the requirements for a United States soldier.

Mr. TALBERT. It seems to me that the provision authorizing the President to "issue his proclamation stating the number of men desired, within such limits as may be fixed by law," covers the ground sufficiently; and that the other provision to which I have called attention gives the Secretary of War an extended stretch of power which he has not under existing law, and which might, in practice, interfere with the proper organization of the volunteer troops.

Mr. HULL. When we reach that part of the bill it will be easy to settle this question.

Mr. HENRY of Mississippi. I understand it is agreed that when we reach section 5 we shall be allowed to insert, in connection with the word "examining," a provision that the examination shall be a medical or physical examination?

Mr. HULL. I would like to say to the gentleman from Mississippi that when we reach the various sections of the bill, each will be open to amendment, and the sense of the committee can be taken upon them.

I believe the time for general debate has expired?

The CHAIRMAN. The time has expired; and the Clerk will report the bill by sections.

The Clerk read section 1 of the bill, as follows:

Be it enacted, etc., That all able-bodied male citizens of the United States, and persons of foreign birth who shall have declared their intention to become citizens of the United States under and in pursuance of the laws thereof, between the ages of 18 and 45 years, are hereby declared to constitute the national forces, and, with such exceptions and under such conditions as may be prescribed by law, shall be liable to perform military duty in the service of the United States.

Mr. LACEY. Mr. Chairman, I move to strike out the last word, simply to call the attention of the committee to the importance of making a permanent law at this time. A permanent law can be readily changed if, after an experience of the next few months, it becomes necessary, and I wish to call your attention to the present law, enacted a very long time ago.

Section 1628 is the law of the land to-day and provides as follows:

Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or firelock of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot pouch, and powder horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear so armed, accoutered, and provided when called out to exercise, or in service, except that when called out on company days to exercise only, he may appear without a knapsack. And all arms, ammunition, and accouterments so provided and required shall be held exempted from all suits, distresses, executions, or sales for debt or for the payment of taxes. Each commissioned officer shall be armed with a sword or hanger and spontoon.

What is a spontoon? The members of this House never saw one.

Mr. SULZER. When was that law enacted?

Mr. LACEY. In 1792.

Now, that is the law existing at this time; and the reason that this old law of 1792 is still in force is because in 1846 and 1847, when we were legislating for the Mexican war, we passed laws providing especially for that occasion. In 1861 and afterwards we passed laws calling for volunteers from time to time, and they were passed with reference to the particular occasion existing for calling out troops to fight in that war.

The gentleman from Iowa, my colleague, Mr. HULL, introduces a bill which proposes an entire change in the present military law with regard to calling out the militia in time of war, and provides that the old law shall be disregarded and that this shall remain as a permanent measure on the statute books, subject, of course, to amendments from time to time as the experience of the approaching war will demonstrate.

I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment being withdrawn, the Clerk will proceed with the reading of the bill.

The Clerk read section 4, as follows:

SEC. 4. That the Volunteer Army shall be maintained only during the existence of war, or while war is imminent, and shall be raised and organized, as in this act provided, only after Congress shall have authorized the President to raise such a force: *Provided*, That all enlistments for the Volunteer Army shall be for a term of three years, unless sooner terminated, and that all officers and men composing said army shall be discharged from the service of the United States when the purposes for which they were called into service shall have been accomplished, or on the conclusion of hostilities.

Mr. MOODY. Mr. Chairman, I move to strike out the last word. I hope I may have the attention of the chairman of the committee for a moment or two while I address myself to one provision of this section.

Mr. LACEY. If the gentleman from Massachusetts will allow me, I wish to offer an amendment to this section, and I believe it is an amendment that will cover the point, as I understand it, that he desires to address himself to.

Mr. MOODY. If that is done it will be satisfactory to me.

Mr. LACEY. Then, Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert in line 10, page 2, after the word "Congress," the following: "has or;" so that it will read:

"That the Volunteer Army shall be maintained only during the existence of war or while war is imminent, and shall be raised or organized, as in this act provided, only after Congress has or shall have authorized the President to raise such a force," etc.

And also, in line 11 of page 2, insert the following: "or to call into the actual service of the United States the militia of the several States."

Mr. MOODY. Mr. Chairman, I am not quite sure that the amendment offered by the gentleman from Iowa [Mr. LACEY] covers the criticism I am about to make with reference to this portion of the bill.

Mr. LIVINGSTON. What is the purpose of the last amendment?

Mr. MOODY. If the gentleman from Georgia will permit me to state the question in my mind, I think he will see that I meet the point in his mind.

I desire to speak to the question I rose first to speak on a few moments ago. This law, although a permanent law, is absolutely inoperative except in times when the Congress of the United States shall specially have authorized the President of the United States to act under it. That appears in the section under consideration in these words. "The Volunteer Army shall be raised and organized, as in this act provided, only after Congress shall have authorized the President to raise such a force."

The bill itself does not propose to confer any authority upon the President to act under its provisions. The amendment offered by the gentleman from Iowa [Mr. LACEY] is intended to remedy that defect. But I am not quite sure that it will have that effect. The gentleman from Illinois [Mr. MARSH] in his remarks stated to the committee that the authority to employ the machinery provided in the act has already been conferred on the President by the passage of the resolution the day before yesterday. But in my opinion, Mr. Chairman, he is clearly wrong in that respect, and I will call the attention of the House to the provision of the resolutions adopted at that time:

That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States and to call into the actual service of the United States the militia of the several States, etc.

Now, the authority conferred upon the President by the Cuban resolutions, so called, was twofold: First, to use the land and naval forces of the United States; second, to use the militia of the States; but now we propose to create a third body, the Volunteer Army of the United States, and we propose to create the Volunteer Army of the United States under the condition which I have pointed out to the House. Now, it can not be possible that the authority vested in the President of the United States by the Cuban resolutions authorizes him to act under the machinery provided for by this act, because the Volunteer Army of the United States is not a part of the land and naval forces of the United States until it shall have been raised and organized by the President, under the permission which Congress must hereafter give him.

Mr. LIVINGSTON. If this bill passes, then it will become a part of the land forces of the United States.

Mr. MOODY. Now, that comes right to the vital point. If this bill passes, the Volunteer Army will not become a part of the land and naval forces of the United States, because the power given in this act to raise the Volunteer Army is conditional upon the subsequent permission of Congress to raise and organize it.

Mr. MARSH. Will the gentleman allow me?

Mr. MOODY. Yes; certainly.

Mr. MARSH. Does the gentleman from Massachusetts hold that the militia of this country are not a part of the land forces?

Mr. MOODY. I do not hold that at all. The militia of this country are clearly a part of the land forces which can be employed under the provisions of the Constitution, and are specifically authorized to be called out by the so-called Cuban resolution. But if I understand the question, the Volunteer Army of the United States is an entirely distinct body from the militia of the United States, although when the Volunteer Army is raised and organized, it will no doubt be composed, to a large extent, of the militia.

Mr. MARSH. It can not be composed of anybody but the militia, because every able-bodied male citizen of the United States between the ages of 18 and 45 years, and every person of foreign birth who has declared his intention to become a citizen, is declared by law to be a militiaman.

Mr. MOODY. Mr. Chairman, I do not agree——

Mr. MARSH. That is the law that has been upon the books and is there now.

Mr. MOODY. I do not agree that the Volunteer Army which shall hereafter be raised under the provisions of this special act is a part of the militia, although the men who compose the Volunteer Army may be the very men who compose the militia and who are liable to service in the militia. But the Volunteer Army of the

United States is a United States organization and not a State organization, and that is the difference between the militia and the Army of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOODY. Mr. Chairman, I should like just one minute more.

The CHAIRMAN. Without objection, the gentleman's time will be extended a minute.

There was no objection.

Mr. MOODY. Mr. Chairman, I feel that I am right about this subject. I feel that it would be very dangerous to send this bill to the President without at the same time sending him some specific authority to act under it, and that it would not do to rest upon the authority contained in the resolutions which passed two or three days ago.

You can not find the authority which this act proposes that Congress shall give to the President as a condition precedent to the authority conferred upon him in any act which passed Congress before this bill becomes a law. You can not get authority to act under a law passed this week by the provisions of a law passed last week. Now, Mr. Chairman, I should have proposed an amendment to this bill conferring during this emergency, the express power upon the President to act under this law; but it seems to me, as this is to be a part of the permanent statutes of the United States, that it would be a good deal safer, the moment this bill passes the House, to introduce a special bill giving the President authority to act on it and send it out of Congress to the President as the next bill which shall go from this body.

[Here the hammer fell.]

Mr. HAY. Mr. Chairman, I shall try to answer the objection of the gentleman from Massachusetts. If I understand the gentleman, the point is that under this bill the President could not raise the army which this bill proposes to raise.

Mr. MOODY. Until further authority is given.

Mr. HAY. Until some further bill is passed.

Mr. MOODY. Yes.

Mr. HAY. I call the gentleman's attention to section 2 of the bill, which provides:

That the organized and active land forces of the United States shall consist of the Army of the United States and of the militia of the several States when called into the service of the United States: *Provided*, That in time of war the Army shall consist of two branches, which shall be designated, respectively, as the Regular Army and the Volunteer Army of the United States.

Now, I say that the provision in section 2 makes the army which the gentleman is talking about a part of the forces of the United States.

Mr. MOODY. Let me call the gentleman's attention to the fact that the Volunteer Army can not come into existence until Congress specially authorizes it to be raised and organized. There can not now be any such thing as a volunteer army. There is not any such thing to-day. If this act passes, there can not be any such thing, unless you can find, somewhere on the statute books, authority to act under it; and I say you can not find it in the Cuban resolutions.

Mr. HAY. If the gentleman will permit, I say you can find this authority in section 5 of this bill, where it provides:

And the Secretary of War shall prescribe such rules and regulations, not inconsistent with the terms of this act, as may in his judgment be necessary for the purpose of examining, organizing, and receiving into service the men called for.

Mr. MOODY. Let me, then, state to the gentleman that the President can not issue his proclamation until Congress authorizes it. The purpose of this bill is to create the organization of volunteer armies. That is controlled by Congress, and a very proper provision.

Mr. HAY. Then, as I understand it, the gentleman means to say that the President of the United States can not issue a proclamation of war unless he is authorized in this bill. I do not understand that to be so.

Mr. MOODY. The gentleman is wrong about that.

Mr. HAY. Now, in section 6, I call the gentleman's attention to this provision:

That the Volunteer Army and the militia of the States when called into the service of the United States shall be organized under, and shall be subject to, the laws, orders, and regulations governing the Regular Army.

Mr. HENRY of Mississippi. Will the gentleman allow me to ask him a question?

Mr. HAY. Certainly.

Mr. HENRY of Mississippi. Where is there any authority which authorizes the President of the United States to call out anybody in that? It says, "when called." I think the gentleman from Massachusetts is right about it.

Mr. HAY. There is a section in this bill, which I do not remember at present, that does provide it.

Mr. SULZER. I will call the attention of the gentleman to the Cuban resolution, which provides that the President shall use the land and naval forces and the militia force of the United States.

Mr. HENRY of Mississippi. But he has to have authority to call them out.

Mr. MOODY. It does not authorize the President of the United States to call them out.

Mr. SULZER. The Cuban resolution authorizes him to call them out, because it says he shall use the land and naval forces and the militia force of the United States.

Mr. HAY. Section 9 provides:

That in time of war, or when war is imminent, the troops in the service of the United States, whether belonging to the Regular or Volunteer Army or to the militia, shall be organized, as far as practicable, into divisions, etc.

So that this bill gives the President ample power to call into the service of the United States every soldier, whether he be in the Regular Army or in the Volunteer Army, and that no further legislation is necessary than that which has already been had to give the power to the President which he ought to have.

Mr. RAY of New York. It can not be possible, Mr. Chairman, that any member of this House desires an imperfect bill to go to the President, especially in such times as these; and after consultation with several members of the House who are good lawyers, I think they all agree that this bill ought to contain some provision authorizing the President to call out, call into the service of the United States, a volunteer army such as is here provided for. And I think that the gentleman from Iowa [Mr. LACEY] has an amendment to propose that will cover the ground. It is idle to say that this bill as now framed authorizes the organization of a volunteer army aided by the provisions of the Cuban resolutions.

The only thing the Cuban resolution authorizes the President to do is to call to his aid the militia force of the several States as now organized, the militia to come to our aid if the President calls it; but there is no provision by which the President can use the militia for the purposes for which we want to use a volunteer army; and therefore I shall give way soon to my friend from Iowa in order that he may offer his amendment, which will cover the ground suggested by the gentleman from Massachusetts [Mr. MOODY], which, it seems to me, will do the work that we intend to do; and if that is not adopted, then at the end of the bill we ought to add a provision authorizing the President of the United States to create and call into the field a volunteer force of not less than 500,000 men, to serve three years or a lesser time under the provisions of this act.

Mr. KNOX. Will the gentleman allow me to ask him a question?

Mr. WHEELER of Kentucky. I want to call the attention of the gentleman to section 5.

Mr. RAY of New York. I will give way in a minute. My attention has been called to that.

Mr. WHEELER of Kentucky. Now, listen to its phraseology:

That when it becomes necessary to raise a volunteer army the President shall issue his proclamation stating the number of men desired.

Mr. MORRIS. Read the next line.

Mr. WHEELER of Kentucky (continuing)—

Within such limits as may be fixed by law.

Mr. RAY of New York. And we have made the provision in section 4—

That the Volunteer Army shall be maintained only during the existence of war——

Mr. WHEELER of Kentucky. We have declared war.

Mr. RAY of New York (continuing)—

or while war is imminent, and shall be raised and organized as this act provides only after Congress shall have authorized the President to raise such a force.

Mr. WHEELER of Kentucky. Then section 5.

Mr. RAY of New York. That we have not done. We must, by this bill or some other, authorize the President to raise the force we want.

Mr. WHEELER of Kentucky. Section 5 gives him authority.

The CHAIRMAN. The gentleman from Iowa [Mr. LACEY] has been recognized.

Mr. LACEY. Mr. Chairman, I have endeavored to use the exact language of the Cuban resolutions in this amendment. It is not the language that would have been used if this matter had come up for the first time, but in order to authorize the President to call out this volunteer force, this amendment says that he may do so when Congress has authorized him to call into actual service the militia of the several States, giving the exact language of the Cuban resolution, and have supplemented that resolution with authority to call out the volunteer force. I have submitted it to the chairman of the committee, and, after examination, he thinks it would cover the case.

Mr. DOCKERY. Then how will the section read?

Mr. LACEY—

That the Volunteer Army shall be maintained only during the existence of war or while war is imminent, and shall be raised and organized, as in this act provided, only after Congress has or shall have authorized the President to raise such a force or to call into the actual service of the United States the militia of the several States.

That provides, if Congress hereafter authorizes him to call the

forces in, he may do so, or if it authorizes him to call the militia, he may do so, or if Congress had authorized him, he may call those forces in. In the joint resolution approved and sent in this morning we use that language, that he is authorized to call out the militia.

Mr. MOODY. I agree with the gentleman from Iowa that the amendment as proposed will entirely cover the difficulty, and that the President will have full authority in any existing emergency; but I question, and I submit whether that would be a wise, permanent part of the law. It would cover the existing emergency very clearly, because the President is to call out the militia.

Mr. LACEY. Congress will never again pass a resolution directing the militia to be called out for a foreign war. Consequently Congress will correct the resolution hereafter.

Mr. MOODY. I think that is a complete answer to my suggestion.

Mr. MARSH. Will the gentleman allow me an interruption?

Mr. LACEY. Certainly.

Mr. MARSH. One of the very constitutional grounds upon which the President is authorized to call out the militia is in case of a foreign war.

Mr. LACEY. Yes; but it requires an act of Congress to put the constitutional right into operation. In the Cuban resolution we call it the militia, and I think we ought to call it the militia here, so as to have the two tacked together and have no doubt about this power. I have conferred with several gentlemen about me, and they think the words now cover the difficulty suggested by the gentleman from Massachusetts [Mr. MOODY].

Mr. MARSH. Perhaps it will if there is any difficulty in the bill, but I do not think there is. I think when you have written it in you will want to write it out. It makes the law a special one instead of a general one. It simply shows the trouble which gentlemen are liable to get into who undertake to amend a pretty-well matured statute without giving it much consideration.

Mr. LACEY. The bill is only three hours old, and I have given it as much attention as my friend from Illinois. We are taking the statute on the wing, and he and I have had occasion to examine military matters a good deal.

Mr. MARSH. It is certainly thirty-six hours old, and I think it is two weeks old.

Mr. LACEY. It is too weak if it is two weeks old, and it needs a little strengthening. I now yield to the gentleman from Kentucky [Mr. FITZPATRICK].

Mr. FITZPATRICK. Mr. Chairman, I see it is provided here, if I understand it from the marks there are across some of the lines, that the governors of the States shall appoint certain officers mentioned in the sixth section.

Mr. LACEY. We have not reached that section yet.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LACEY. I just want a minute or two to reply to the gentleman from Illinois [Mr. MARSH]. The use of the word "only" in the second line of section 4 is what renders the amendment necessary, because you can call them out only when Congress has done a certain thing it has not done, but has done the other thing.

Mr. SULZER. But it says "where war is imminent," and it is imminent now if it ever was.

Mr. HUNTER. Mr. Chairman, I want to ask the chairman of the committee if the committee does not think it would be a proper amendment to fix the limitation at two years instead of three years. Would it not have a good effect on volunteers? None of us expect the war to last three years, or two years even.

Mr. HULL. The question as to the length of time is limited to "during the war." When the war closes, as fast as possible the volunteers will be mustered out.

Mr. HUNTER. But, as an incentive to enlist, would it not be better to have two years as a maximum instead of three years? Would it not be a wise provision at this time? I only make the suggestion. I do not want to antagonize the committee.

Mr. HULL. The amendment of the gentleman from Iowa has nothing to do with that provision. I want to say to my friend from Iowa [Mr. LACEY] and my friend from New York [Mr. RAY], both good lawyers, that the committee as a whole regard the amendment as of no special importance, even after what has been said, but it makes more emphatic what the bill takes into consideration and provides for. I want to say that while the gentleman from Iowa may say it is a hastily considered measure, it has been considered by the law officers of the Government several weeks, is their ripe judgment, not hastily formed, but their mature judgment, where they have had all the laws of the United States before them; and I want to say that I believe this House would have done better if they had taken the bill as it came from the law officers, not my bill, not the committee's bill, but after the committee had amended it.

Mr. MARSH. And commissioning the officers.

Mr. HULL. I say we have protected the power of the governors in this respect.

Mr. MOODY. I wish to ask the gentleman from Iowa whether this bill was framed before the passage of the so-called Cuban resolutions?

Mr. HULL. The framing of the bill was commenced shortly after it was determined that the so-called Cuban resolutions would be enacted.

Mr. MOODY. It was framed before they were finally passed?

Mr. HULL. Certainly.

Mr. MOODY. Then, as it is perfectly clear that the only authority claimed for the exercise of the President's power under this measure is in the Cuban resolutions, the gentlemen who framed this statute contemplated that Congress should give an express permission to the President to exercise the authority which the bill proposes to confer upon him.

Mr. HULL. So far as I am concerned, I shall not antagonize the amendment.

Mr. MARSH. The amendment makes the language of the section read thus:

Only after Congress has or shall have authorized the President to raise such a force, or to call into actual service the militia of the United States.

Now, sir, ever since 1792 there has been, and there is to-day, a statute in force authorizing the President to call into the United States service the militia of the country. This amendment amounts to absolutely nothing; it simply repeats what is contained in the law of 1792 and what has existed as law from that time to the present.

Mr. LACEY. I concede that the gentleman would be right but for the fact that we are now about to pass a law which says that the President shall not call out any forces until authorized by Congress. Does not my friend lose sight of that clause of the bill?

Mr. MARSH. No, sir. We are passing here a law authorizing the President to call out troops. Now, I will read the section with the amendment; and let me say that in the remark I made a little while ago about gentlemen undertaking to amend a statute without having given it much consideration, nothing was further from my thoughts than to impugn in the least degree the professional standing of my friend from Iowa, because professionally as well as personally I have a very high estimate of him. Now, let me read the first clause of section 4:

SEC. 4. That the Volunteer Army shall be maintained only during the existence of war, or while war is imminent, and shall be raised and organized, as in this act provided, only after Congress shall have authorized the President to raise such a force.

That is the text of the bill. The amendment is in these words:

To call into the actual service of the United States the militia of the several States.

Mr. RAY of New York. The gentleman has not stated the proposed amendment.

Mr. MARSH. The gentleman says I have not stated the amendment.

Mr. RAY of New York. You have stated only a part of it.

Mr. MARSH. Now, will the gentleman listen? I took this bill up to the Clerk's desk and required the Clerk to interline the identical amendment of the gentleman from Iowa; and I do not believe that the Clerk has misled me.

Mr. RAY of New York. The gentleman omitted the words "has or," after "Congress," in the tenth line. In the amendment that clause reads: "after Congress has or shall have authorized," etc.

Mr. MARSH. The suggestion of the gentleman simply reenforces my point.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MARSH. I move to amend by striking out the last word.

The CHAIRMAN. The gentleman will proceed.

Mr. MARSH. I have no professional pride about this section, but I desire the House to understand it. The section as amended would read:

That the Volunteer Army shall be maintained only during the existence of war or while war is imminent, and shall be raised and organized, as in this act provided, only after Congress has or shall have authorized the President to call into the actual service of the United States the militia of the several States.

Now, the suggestion of the gentleman from New York [Mr. RAY] does not affect my point. There has been, as I said, upon the statute books since 1792 a provision giving the President authority to call into the actual service of the United States the militia of the several States, and this authority was given for the purposes prescribed in that act—to enforce the law, to suppress rebellion, and to repel invasion. Those are the three grounds on which the President is authorized to call the militia into the actual service of the Government.

Now, the resolution which we passed here declaring war or providing for armed intervention in the Cuban matter authorized in so many words the use not only of the land and naval forces, but of the militia of the United States. This amendment of the gentleman from Iowa puts nothing into this bill that is not in it already, that is not already the law.

Mr. RAY of New York. Then it does not hurt it.

Mr. MARSH. I know it does not hurt it, but what is the use of repetition? What is the use of attempting to make the House believe that the amendment embraces something new, something which is not already the law? That is all I have to say.

Mr. HULL. Mr. Chairman, I move that debate on this paragraph be now closed.

Mr. HANDY. Not on the paragraph; on the amendment.

Mr. HULL. Very well; on the amendment.

The CHAIRMAN. The question is on the motion of the gentleman from Iowa that all debate on the pending amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Iowa [Mr. LACEY].

The amendment was adopted.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 294. An act for the relief of Robert Spaugh;

H. R. 4929. An act extending the time for the completion of bridge across St. Lawrence River; and

H. R. 8569. An act providing for the construction of a bridge across the Yalobusha River, between Leflore and Carroll counties, in the State of Mississippi.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 371. An act granting a pension to Sarah E. Campbell.

THE MILITARY ESTABLISHMENT.

The committee resumed its session.

Mr. McMILLIN. Mr. Chairman, before reading the next section of the bill I wish to ask the gentleman from Iowa in charge of the bill if he does not think the best interests of the Government will be subserved by fixing the limit of the time of enlistment at a shorter period than three years—that fixed in the bill? I for one feel that there is very much in the remarks of the gentleman from Illinois concerning the inexpediency of requiring enlistments for three years. There is no man in the United States, and probably no man outside of the United States who does not live in Spain, who believes that this war can possibly last two years, much less three.

Mr. SULZER. It will not last thirty days.

Mr. McMILLIN. I agree with my friend from New York that it will last but a very short time. And it strikes me, therefore, that possibly many young men might be hampered, who desired to enlist, by this three-year clause, because business and other engagements require them to shorten the time, possibly; and where there is no need for such a long enlistment it seems unwise to drive, and this possibly would drive, a great many young men from entering the service.

I do not know that I have sufficient repugnance to the length of the term provided to induce me to offer an amendment myself; but I think the gentleman in charge of the bill might offer an amendment to reduce the limit here, which would have no effect upon the bill otherwise than to possibly enable many men to enlist who could not otherwise do so.

Mr. HULL. I wish to say to the gentleman from Tennessee that the term of three years is entirely conditioned on the war lasting that long. The bill provides that they shall be discharged from the service of the United States—mustered out—immediately on the conclusion of hostilities.

Now, we did learn one thing in reference to enlistments during our late civil war. That is, that short terms of enlistment were demoralizing and exceedingly expensive to the Government. I fully agree with my friend that the war will not be of long duration; but if it should be kept up in a desultory manner by carrying on an isolated or guerrilla warfare, as some of the papers in Spain threaten, it may take longer than the gentleman suggests, and the three-years term of enlistment would certainly do no harm. These men would be discharged from the service as soon as the war ends. I do not think it would be terrorizing to the young men of the country even to assume that they would be needed for three years in this service.

Mr. McMILLIN. I do not wish, Mr. Chairman, my suggestion to be misunderstood. So far as the danger is concerned, I do not believe there is a young man in the United States who is able to enlist who would be terrified by the possibility of the struggle being prolonged for three years. But my suggestion was that many young men who could and would enlist under all circumstances for one or two years might by business surroundings be prevented from entering the service for a period of three years. If one year or two years is made the term, a great many persons could enlist who would otherwise be unable to do so; and I only made the suggestion in view of the fact that there are many thousands of young men who would be glad to enlist if they could enter for short terms.

I ask the chairman of the committee to consent to modifying the provision here to one year.

Mr. HULL. I would not do that. I do not think it economy, wisdom, or good policy.

Mr. HUNTER. I do not wish to antagonize the committee by offering an amendment——

Mr. McMILLIN. Mr. Chairman, I will test the sense of the committee myself. I move to strike out "three years" and insert "two years" in this section. The chairman of the committee himself does not believe the war will last three years.

Mr. CANNON. Why not put it "thirty days," if it is only to last until breakfast time?

Mr. McMILLIN. I do not seek any such amendment as that. The gentleman from Illinois may if he desires.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 12, page 2, strike out "three" and insert "two."

Mr. McMILLIN. I do not want to advertise to the world that we expect the war to last for three years. It will not. We will prosecute it in such shape that it can not possibly last two years or one year; for there will be no enemy to meet by that time.

Mr. RIDGELY. Mr. Chairman, a word on the amendment.

I am not very tenacious myself on the question of making the change from three years to two, as proposed by the amendment of the gentleman from Tennessee, but I do want to say here that I believe we had better retain the term of three years as fixed in the bill. The question of getting volunteers for a three-years term of enlistment, so far as that is concerned, does not afford me any serious consideration. The State of Kansas alone will furnish all of the three-year volunteers that may be needed in this war, if you will give us a chance; we are ready, let us pass this bill and act promptly. I hope the debates may be cut short, and that this bill may be passed within the next hour and sent on to completion.

Having told the President to drive Spain out of Cuba, let us hold up his hand and hasten the good work. Let us retain the bill as the committee reported it, and save the three-years clause. I am opposed to cutting it down. Having at last ordered Spain to stop its butchery and starvation at our very door, let us hasten every preparation to enforce the order.

Mr. DOCKERY. Mr. Chairman, I only desire to say that we should, if necessary, fight it out on this line for the next three years. I do not think it will require so long myself, but this provision in the bill seems to be a wise and economical provision, and I hope it will be retained. [Cries of "Vote!"]

The question being taken on the amendment of Mr. McMILLIN, it was rejected.

Mr. HANDY. Mr. Chairman, I desire to offer an amendment in the nature of a substitute for the paragraph.

The CHAIRMAN. The Clerk will report.

Mr. HANDY. I should like the attention of the committee to the reading of the substitute.

The Clerk read as follows:

That the President be, and he is hereby, authorized to call for at once and to accept the services of volunteers, either as cavalry, infantry, artillery, or other branches of the military service, in such numbers, not exceeding 400,000, as he may deem necessary for the purpose of prosecuting the impending war: *Provided*, That the services of the volunteers herein mentioned shall be for such time as the President may direct, not exceeding three years nor less than six months, and they shall be disbanded at the end of the war.

The CHAIRMAN. The question is upon agreeing to the substitute offered by the gentleman from Delaware.

Mr. HANDY. Mr. Chairman, the purpose of this substitute is to make this legislation apply to this impending war instead of applying to all future wars. I take it to be the part of wisdom for us to legislate for our own time. We do not have wars every year. Let us hope they will be less frequent in the future than in the past. We have a right to anticipate that after the war upon which we are now entering there will not be another war for thirty or forty years. It is not necessary for us here and now to pass legislation that can not come into force and effect for thirty or forty years. Let us content ourselves in meeting the present emergency.

I confess I think the limitation put in my proposition is perhaps wider than need be. I have said 400,000. Probably 100,000 would be enough, but the 400,000 are certainly enough. That is a good deal smaller number than the bill itself authorizes. There is no limit in the bill this side of the whole 12,000,000 men in the United States capable of bearing arms.

The House will have before it in this substitute a chance to vote directly as to whether it wants at this time to legislate for this war or whether it desires to legislate not only for this war but for all future wars.

I do not care whether this bill is five hours old or thirty-six hours old, or even whether it is two weeks old. I question, even

with its enormous age of two weeks, suggested by a member of the committee, whether it has been sufficiently considered to be certainly wise for all future time. If we are able to-day to do the wise thing for our present situation, that is enough. I desire that Congress should keep its hand immediately on the armies to be raised, yet I want to give full, ample, complete, and immediate power to the President in this matter. Let us be satisfied with that. The substitute authorizes 400,000 men to be called for at once, put into camp at once, trained at once to take care of themselves, learning how to cook for themselves, how to camp out in the open air, how to take the life of a soldier, getting hardened to it. These soldiers are to be enlisted for not less than six months and not more than three years, in the discretion of the President, to be disbanded at the end of the war. That substitute seems to me wise.

I wish to say to the House that the substitute is not based upon my own very meager military knowledge. It was drafted after consultation with one of the first military intellects in the United States. It is taken from a bill which I prepared and submitted to some soldiers whose names I do not care to mention, but who have reputations throughout the country as of the first order of military intellect, long before the present bill was known to me. So it is not merely my own idea in regard to the matter, but it meets my approval because it has a limit, because it is for the present occasion, because it provides without any doubt or hesitation that the President may act at once. I should like to see volunteers called for to-morrow.

Mr. HULL. I hope the amendment will be voted down. The committee could not accept such an amendment as that.

Mr. COWHERD. Let us have the amendment reported again.

Mr. CUMMINGS. Does not the gentleman from Delaware know that they have a Corps of Engineers in the Army?

Mr. HANDY. That is provided for.

Mr. CUMMINGS. You leave that out.

Mr. HANDY. The engineers are not left out. My substitute says:

Cavalry, infantry, artillery, or other branches of the military service.

Mr. OLMSTED. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Delaware [Mr. HANDY] has expired.

The question is on the amendment of the gentleman from Delaware, which will be reported by the Clerk.

The amendment was again read.

The amendment was rejected.

The Clerk read as follows:

SEC. 5. That when it becomes necessary to raise a volunteer army the President shall issue his proclamation stating the number of men desired, within such limits as may be fixed by law, and the Secretary of War shall prescribe such rules and regulations, not inconsistent with the terms of this act, as may in his judgment be necessary for the purpose of examining, organizing, and receiving into service the men called for: *Provided*, That all men received into service in the Volunteer Army shall, as far as practicable, be taken from the several States and Territories and the District of Columbia in proportion to their population.

Mr. TALBERT. Mr. Chairman, I move to amend by striking out, after the word "law," in line 21, page 2, all down to and including the word "for," in line 25.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 21, strike out, after the word "law," "and the Secretary of War shall prescribe such rules and regulations, not inconsistent with the terms of this act, as may in his judgment be necessary for the purpose of examining, organizing, and receiving into the service the men called for."

Mr. TALBERT. Now, Mr. Chairman, I offer this amendment because I think these words entirely unnecessary. The first part of section 5 provides:

That when it becomes necessary to raise a Volunteer Army, the President shall issue his proclamation stating the number of men desired, within such limits as may be fixed by law.

Mr. RAY of New York. The words are absolutely necessary.

Mr. TALBERT. Well, possibly I differ with the gentleman, distinguished and intelligent as he is.

Mr. RAY of New York. Let me ask my friend how would you get these men into the service if you do not under rules and regulations?

Mr. TALBERT. It says within such limits as may be fixed by law. If this bill is not passed at all, there is sufficient law on the statute books to prosecute the war with vigor. I do not see any necessity for it; and I for one am opposed to legislation when it is even doubtful or unnecessary.

Gentlemen upon this floor have spoken very lightly about the war in which we are about to engage. But let me tell you, gentlemen, men spoke very lightly about the last war. I heard men speaking of drinking all the blood that would be spilled or shed and taking all the powder in their coffee that would be used during the last war. But they would have had a considerable turn of it before they got through. [Laughter.] Now, to use a homely illustration, when two dogs get into a fight, every dog who hears the barking and yelping will make for that scene and will enter into the fight. You are beginning a war with Spain. How do you know but what when the fight begins every nation upon this earth may possibly get into it before it is ended.

Mr. DINGLEY. Then we ought to hurry.

Mr. TALBERT. I am in favor of legislation to prepare us for war. I do not want to hamper the President in anything pertaining to it. I want to strike out these words here because it gives the Secretary of War power which, in my humble judgment, may hamper the volunteers of the United States, and may prevent them, possibly, from electing or naming their own officers. They do not go in as servants, but as soldiers and men, and they would like to have something to say about the election of the officers who are to command them. They do not wish to be put into the hands of a Regular Army officer. They wish to be kept separate and distinct from the others.

I maintain, sir, that if these words are not stricken out it gives additional power to the Secretary of War, if he sees proper to hamper them in their organization, and possibly in the last may enable him to put such officers over them as may not be acceptable to them. Let them go in unhampered. Let them go in not as servants but as soldiers, having ample opportunity to name the officers under whom they are to serve. They will be more efficient. They will feel like soldiers and not like servants. I hope that this amendment will prevail.

The question was taken; and the amendment was rejected.

Mr. HUNTER. Mr. Chairman, in section 5——

Mr. MARSH. Mr. Chairman, section 5——

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MARSH. Which gentleman?

The CHAIRMAN. The gentleman on the right of the aisle.

Mr. HUNTER. This section provides:

That when it becomes necessary to raise a volunteer army the President shall issue his proclamation stating the number of men desired, within such limits as may be fixed by law.

Now, in this bill there is no limitation fixed by law for the number of men that is to be called for. He might call for several millions. It seems to me that there ought to be an amendment inserted fixing the limitation, so that the President may call within that limitation, if this law is to be properly construed.

Mr. COX. Will the gentleman allow me to ask him a question?

Mr. HUNTER. Certainly, with pleasure.

Mr. COX. Now, the point that you are making there is that the President ought to be restricted in the number of men that he calls for?

Mr. HUNTER. No, sir.

Mr. COX. This section, if you read it carefully—you are a member of the committee, I believe——

Mr. STEELE. If the gentleman will permit me, this refers to an act——

Mr. COX. I want to get at the point now. Now, it is not your idea that the President shall be restricted to a certain number of men that he shall call for?

Mr. HUNTER. According to the construction I place upon it, that section says in plain terms that when it becomes necessary to raise a volunteer army the President shall issue his proclamation stating the number of men desired within such limits as may be fixed by law. Now, this law we are creating to-day fixes no limit except the entire militia of the States, which would be 10,000,000 or 12,000,000.

Mr. COX. Now, your meaning is that the President shall call them all out at once?

Mr. HUNTER. Yes, sir.

Mr. COX. Now, why not? If you are going to war, go to war.

Mr. HUNTER. I have no objection to that construction. With that construction of the law I am perfectly willing that it shall stand, and I shall not offer the amendment I contemplated. But my view is that there should be a limitation of 400,000 or 500,000 men, and that he shall call for such proportion as he may require.

Mr. STEELE. Was that section 6?

Mr. HUNTER. Section 5.

Mr. SAYERS. The gentleman offered no amendment.

Mr. LITTLE. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add after the word "Columbia," in line 2, page 3, these words: "and the Indian Territory."

And after the word "population," in line 3, page 3, add the following language:

"And any company, troop, battalion, or regiment from the Indian Territory shall be formed and organized under such rules and regulations as shall be prescribed by the Secretary of War."

Mr. HULL. Mr. Chairman, I would like to hear the amendment reported again, as there was so much confusion that I did not hear it.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. HULL. The only objection I have to that is that you would

have to wait an indefinite time for the apportionment to know whether they could fill the quota or not. The other Territories have governors and can act at once.

Mr. LITTLE. This country to which my amendment applies embraces a large territory—as large as many of the States of this Union. It embraces a population of 400,000 people, more than 300,000 of whom are whites and 80,000 Indians. I know from communications received from these people that they are anxious to bear their part of the burdens of this war, if one is to come. I will say to the gentleman from Iowa that the Secretary of War can easily name a colonel, and they can have the regiments by the time they could have them from the States. There is no governor of this Territory to appoint them, but according to the amendment it is left to be organized under such rules and regulations of the Secretary of War as he may prescribe.

I insist that these people ought to have an opportunity to participate in the struggle that is to come. They are as brave and courageous as any you will find in the States of this Union, and are loyal to the flag of our common country. They have no representative upon this floor to speak for them, but knowing many of these people personally, I bear cheerful testimony to their courage and loyalty, and I feel at this momentous period in our history that I can speak for them, and in any regiments that may be formed in that country you will find the white man and Indian standing side by side, vying with each other as to who shall render the most loyal service to the country and do the highest acts of courage on the field of battle. Shall they be denied this privilege?

I hope not, Mr. Chairman, and if allowed to participate in the coming conflict, when the war is over and the roll of honor is called you will find the troops from the Indian country standing side by side with the gallant sons of the States of this Union. Let the amendment be adopted and place these people on a footing of equality with the people of the several States, and give them this opportunity to add new glory and additional fame to our national arms, and you will have done simple justice.

Mr. HULL. Let us have a vote on it, and it will probably be adopted.

The amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I ask that the word "Alaska" be added to the amendment just adopted.

Mr. SMITH of Kentucky. Oh, we could not get our reindeer up there in time to get the troops back. [Laughter.]

Mr. STEPHENS of Texas. I ask, Mr. Chairman, that the word "Alaska" be added after the words "Indian Territory."

Mr. HULL. I object to that, as it would delay the raising of troops. I hope it will be voted down.

Mr. STEPHENS of Texas. I think Alaska ought to be represented.

The CHAIRMAN. The Clerk will report the amendment.

The amendment of Mr. STEPHENS of Texas was read, as follows:

Amend by adding, after the word "Territories," in line 2, page 3, the words "and Alaska."

The amendment was rejected.

Mr. LINNEY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Insert in line 3, page 3, after the word "population," the following: "*Provided also*, That nothing in this section shall be construed to prevent the various companies and regiments of the Volunteer Army from electing their officers."

Mr. LINNEY. Mr. Chairman, I believe that is a very valuable amendment. I may be mistaken, of course, as I have not a great deal of experience in war matters. However, three years as a private soldier in the war convinced me that there is nothing that attracts and commands the admiration, even of the very bravest men of the citizen soldiery, more than the privilege and right of electing their own officers. Now, the amendment suggested by the member from South Carolina had more in it than many members suppose. In my opinion the bill vests in the Secretary of War the power to prescribe such regulations as will have the effect of preventing companies of citizen soldiers from electing their officers. I wish to exclude by this amendment any such conclusion as that.

I know, Mr. Chairman, that the tyranny of the Army, the discipline of the Army, is more to be dreaded than the bullets and the bayonets that are used by the adversary. Soldiers have felt it and dreaded it to a greater extent than they dread the actual conflict on the battlefield; and if you would render the Army service popular, if you would encourage the young men of the country to volunteer—and there is not going to be such a rush on the part of the volunteers as many gentlemen suppose—you should adopt this amendment. I believe the young men of North Carolina are as brave as ever existed on God's green earth; and yet, if it is known that they are not to have the privilege of electing their officers or to have the privilege by ballot of saying who shall be their colonel and captain, it will have a very strong tendency, at least, of deterring the young men from enlisting in my State, and I have no doubt it would to the citizens of other States of the Union. I hope the gentleman will concede that this amendment is necessary and allow it to be adopted.

Mr. GROSVENOR. Mr. Chairman, if I were going to plant in the organization of the volunteer force a seed of sin that should grow up to death, if I wanted to make the Army that is to go forth to fight a caucus of ward politicians, I would adopt the amendment proposed by the gentleman from North Carolina. The original organization of the regiments will be under the command and direction of the governor of the State, and, as in 1861, they will be entitled to choose their own officers, but from that time forward to inject into the force of men that ought to be a disciplined organization a caucus, held every time a lieutenant resigns or a captain is killed, would be to perpetuate a system of disorganization that would absolutely destroy all organization and all discipline whatever.

Mr. LINNEY. Will the distinguished gentleman from Ohio allow me a question?

Mr. GROSVENOR. Certainly.

Mr. LINNEY. I ask the gentleman whether he does not know that such men as General Pender—men who stood at the very head of the best officers of the Republic—were elected by the vote of their regiments? Many of the most efficient officers in the Southern army were elected by their companies and regiments.

Mr. GROSVENOR. I know this. I entered the Army in the early days of 1861, and I know what the ex-soldiers around me will testify to—that between that time and the end of 1862 more than one-half of the officers who had been elected were sent home, either upon their own recognition of their total unfitness or by the action of these examining boards that every army must have. There never was a volunteer force organized in the world that was not compelled to have in it the power to get rid of its political soldiers who had worked their way into official positions. Why, sir, there was a colonel of an Ohio regiment—this is a matter of record—who was elected by the overwhelming vote of the ten companies of his regiment; he went into the battle of Shiloh, and after the battle wrote a letter, telling General Sherman that he had discovered he was totally unfit to command troops or to stay in a battle. [Laughter.]

Mr. COX. He was an honest man, at any rate.

Mr. GROSVENOR. And he went out of the service. The same thing was true of a considerable percentage of the volunteer officers who went into the service under the elections of that day.

Mr. RAY of New York. That man was from Ohio, I believe. [Laughter.]

Mr. GROSVENOR. I am willing to certify that it was not the gentleman from New York. [Laughter.]

Now, then, after a while there come these vacancies. How are they to be filled? They are to be filled by the governors of the States, upon the recommendation—of whom? Upon the recommendation of the commanding officers of the troops in the field. The method of appointment amounts to a system of rewards for efficiency and bravery that you can not have under any other system. Do you want to call a caucus of a regiment on the eve of a battle to see who shall be colonel of it? If the lieutenant-colonel has proved himself fit for the place, he will be promoted upon the recommendation of the general commanding, through the governor of the State. If he is not fit for the place, the major of the regiment will be promoted over him. You can not have a caucus of a military organization in the field without demoralization.

Mr. PEARCE of Missouri. Mr. Chairman, I hope with a great deal of earnestness that this proposed amendment will be voted down. The experience stated by the gentleman from Ohio [Mr. GROSVENOR] was, I believe, the experience of every officer who served during the war. This scheme was tried in 1861, and it was found to be absolutely destructive of all discipline and efficiency.

The first thing that you must have in order to render an army efficient is impartiality on the part of officers of regiments and companies toward their men, and that impartiality you can not have under the system proposed by the amendment of the gentleman from North Carolina. Without consuming further the time of the Committee of the Whole, I beg gentlemen to vote this amendment down.

Mr. TALBERT. Mr. Chairman, I can not say anything as to the experience of the gentleman from Ohio or the experience of the gentleman from Missouri, because during the war they were in a different section of the country from where I was—that is, most of the time. [Laughter.] If their experience was that they had untrue soldiers in the Army—men who were hospital rats, men who sought the first opportunity to get excused from the service on account of physical disability and go home—I want to say we had no such officers in the Confederate army. [Applause on the Democratic side.] It may be you had men in your Army [addressing the Republican side of the House] fighting for this

thing and that thing and the other thing. I know that you had some fighting, as has been frequently charged, for "dirdeen dollars a month." It may be that such men ought to have no voice in electing their officers. But we had none such in the Southern army.

I rose to say that the best officers we had, and about all we had, on the Confederate side during the late war were men who had been elected by the vote of the soldiers who served under them. I hope the amendment of the gentleman from North Carolina will be adopted. I repel the insinuation that it will work disorganization and give us an undisciplined and unworthy army. I will say again that if you want the men of this nation, whether from the East or the West, the North or the South, to volunteer, you must not lead them to believe that after they have volunteered they must serve under a martinet, under a tyrant, but you must give them ground to believe that they will be allowed to select the men whom they are to follow.

You must let them believe and understand that no bill or legislation will be introduced or passed which will bar them from having a free expression of opinion as to who they shall follow in time of danger and in time of battle.

I hope the amendment of the gentleman from North Carolina will obtain. I shall vote for it.

Mr. MORRIS. I would like to ask the gentleman a question, with his consent, before he takes his seat.

Mr. TALBERT. Certainly, I will yield for a question. You know that you may ask a question that I can not answer, for certain classes of people can do that. [Laughter.]

Mr. MORRIS. I wish to ask the gentleman simply a question for information.

Mr. TALBERT. I would be very glad to answer the gentleman, if I can.

Mr. MORRIS. Was it not a fact that early in the war, during the organization of the Confederate armies, the officers were elected by the privates?

Mr. TALBERT. They were elected all through the war; that is to say, at the beginning of the war and toward the end of it.

Mr. MORRIS. Was it not found out very soon after the beginning of the war to be an entirely impracticable system, and the custom soon ended?

Mr. TALBERT. No, sir; it was not found to be an impracticable system. It continued all through the war; and the very best officers in the Confederate army were men chosen from the ranks in that way.

Mr. MORRIS. But did not they abandon it early in the war?

Mr. TALBERT. No; they did not. They always elected the officer.

Mr. MORRIS. I think the gentleman is mistaken.

Mr. TALBERT. What I mean to say is that no such appointments as are contemplated in this bill were made. Of course officers were promoted for gallantry and heroic conduct and efficient service.

Mr. LIVINGSTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa in charge of the bill is recognized.

Mr. HULL. I yield a minute to my friend from Louisiana [Mr. OGDEN].

Mr. OGDEN. Mr. Chairman, as I happened to be a Confederate soldier in the late war, for the purpose of throwing some light on the history of that struggle in regard to the election of the officers of the army, I wish to state that regiments were organized and went into the service under officers whom they elected for themselves, but after they were in the service no officer was ever elected above the grade of third lieutenant.

Everything went up by promotion or seniority. No such thing could have occurred in that service as this provision for the election by the soldiers themselves of an officer holding the rank of captain or colonel, because as vacancies occurred the officers were promoted in the order of their seniority; that is to say, the major went up a step, the captain went up a step, and so on; and the only man who was elected when a vacancy occurred was the third lieutenant, who was taken from the minor officers or from the ranks. It was found in this case that an election was better than appointment, because the third lieutenant was chosen from the best and brainiest soldiers in the ranks.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LIVINGSTON. I would like to ask the gentleman from Iowa a question for information.

Mr. HULL. Certainly, I will yield to the gentleman.

Mr. LIVINGSTON. I see it is provided that these officers shall be subject to such examination as to fitness as the President may require. That will not preclude the military education?

Mr. HULL (interrupting). I understand the gentleman's question, but he will see that that is all out of the bill by the amendment of the committee.

Mr. LIVINGSTON. Very well.

Mr. HULL. I yield now two minutes to the gentleman from Virginia [Mr. WALKER].

Mr. WALKER of Virginia. Mr. Chairman, I only rise to say that from my limited experience in the civil war I know that an army which elects its officers will be wholly inefficient. I do know the fact that the election of the officers of the regiment will ruin the discipline of any army and its efficiency, no matter where it may be in the world.

It is not worth while to say that all men are brave. All men are not brave; and while all men will fight when properly led and disciplined, if they are not properly led and not properly disciplined you can not count upon them in the hour of danger.

Now, Mr. Chairman, speaking of the rule of the Confederate army, I do not recollect how far that went in all the States, but do know that in the command I served in during most of the time officers were promoted by orders and not by election. It might not have been strictly according to law, but in war the law is silent, and I do know that the commands that were most efficient were officered by men who were promoted for bravery and for efficiency in the service.

Mr. LINNEY. Will the gentleman allow me to ask him a question?

Mr. WALKER of Virginia. Certainly.

Mr. LINNEY. Who is the best judge of the good conduct and bravery of the soldier in the ranks—the governor of the State at home, the President of the United States, or the man's comrades?

Mr. WALKER of Virginia. I would answer that the best judge is the officer in immediate command. The best judge of the proper conduct of the soldier in the ranks is the captain of the company; the best judge of the proper conduct of the captain and the minor officers is the colonel, if the colonel performs his duty properly, and the best judge of the efficiency of the colonel is the brigade commander.

[Here the hammer fell.]

Mr. HULL. Mr. Chairman, simply a word in conclusion of this debate. The next section provides that the governor of the State shall have absolute control so far as the officers of the various regiments of the State are concerned, and this amendment to this section is not pertinent, because it belongs properly in the next section. This section provides only for the mustering into the service of the regiment, and does not affect the question of officering them at all.

I move that all debate on the section be now closed.

The motion was agreed to.

The question being taken on the amendment proposed by Mr. LINNEY, the amendment was rejected.

The Clerk read as follows:

SEC. 6. That the Volunteer Army and the militia of the States when called into the service of the United States shall be organized under, and shall be subject to, the laws, orders, and regulations governing the Regular Army: *Provided*, That each regiment of the Volunteer Army shall have one surgeon and one assistant surgeon, and that all the regimental and company officers shall be appointed by the President upon the recommendation of the governors of the States in which their respective organizations are raised, subject to such an examination as to fitness and capacity as the President may prescribe: *Provided further*, That when the members of any company or regiment of the organized militia of any State shall enlist in the Volunteer Army in a body, as such company or regiment, the regimental and company officers in service with the militia organization thus enlisting may be appointed by the President, subject to such an examination as to the fitness and capacity of said officers as he may prescribe, to be officers of corresponding grades in the same organization when it shall have been received into the service of the United States as a part of the Volunteer Army.

Mr. HULL. The committee have proposed certain amendments to this section. I ask the Clerk to report those amendments.

The CHAIRMAN. The Clerk will report the first amendment offered by the committee.

Mr. COX. I want to know how that section will read when amended?

The CHAIRMAN. The Clerk will report the first amendment.

Mr. COX. All right.

The Clerk read as follows:

In lines 10 and 11 strike out the following words: "President upon the recommendation of the;" so that it will read: "shall be appointed by the governors of the States."

Mr. KITCHIN. Mr. Chairman, I have an amendment to offer to that amendment.

The amendment of Mr. KITCHIN was read, as follows:

Insert in line 12, page 3, after the word "raised," the following:

"Under the same regulations, terms, and conditions under which the governors of the several States now appoint or commission such officers in the military forces of their States."

Mr. HULL. I raise the point of order that that is not an amendment to the amendment.

Mr. KITCHIN. I ask that it be withheld for a minute.

The CHAIRMAN. The amendment of the gentleman from North Carolina is not in order until the other amendment is acted upon.

Mr. WILLIAMS of Mississippi. The gentleman has asked that his amendment be withheld.

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. FITZPATRICK. I should like to ask the chairman of the committee a question for information. Who is to appoint and commission the officers of that part of the Volunteer Army to be raised from the District of Columbia?

Mr. HULL. I suppose without any question the President of the United States would do that.

Mr. GROSVENOR. He occupies a position with reference to the National Guard of the District similar to that occupied by the governor of a State.

Mr. FITZPATRICK. There is no provision in reference to it in the bill.

Mr. GROSVENOR. The President now appoints all the officers of the National Guard in this District.

Mr. DOCKERY. The general statute fixes that.

Mr. HULL. There is a general statute fixing that.

The committee amendment was agreed to.

Mr. HULL. The committee submit another amendment.

The CHAIRMAN. The Clerk will report the next amendment reported by the committee.

The Clerk read as follows:

In lines 12, 13, and 14, strike out the following words:
"Subject to such an examination as to fitness and capacity as the President may prescribe."

The amendment was agreed to.

Mr. HULL. Mr. Chairman, there is another amendment further down.

The Clerk read as follows:

In line 15, after the word "company," insert the words "troop, battery, battalion."

The amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, there is another committee amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the committee.

The Clerk read as follows:

On page 3, line 19, after the words "by the," at the beginning of the line, strike out the remainder of the section and insert "governors of the States."

So that it will read:

May be appointed by the governors of the States.

Mr. HULL. I want to add to that the words "and Territories."

The CHAIRMAN. Without objection, the amendment will be modified as suggested by the gentleman from Iowa.

Mr. HENRY of Texas. Do you not think that in line 17 you ought to put in the words "troop, battery, battalion?"

Mr. HULL. Yes; but we can not do that until we adopt the committee amendments, when the gentleman from Illinois [Mr. MARSH] will move that amendment.

Mr. MARSH. I will move that.

Mr. DE ARMOND. Mr. Chairman, it seems to me that the concluding words of this section ought hardly to be stricken out. Why ought these words in line 20, and ending with the section, be stricken out? It seems to me these words, beginning in line 20, "to be officers of corresponding grades in the same organization when it shall have been received into the service of the United States as a part of the Volunteer Army," when we make this amendment, ought to remain.

Mr. HULL. He would have to require an examination by the governor, and we might find that very irksome. It was in the bill originally, but now it is provided that the President prescribe rules and regulations.

Mr. DE ARMOND. The chairman of the committee does not seem to understand my suggestion. I am not speaking about the examination of the officers. I am speaking of striking out these words at the end of the section, which declare the position these officers shall have after being appointed by the governor. Why ought they not to remain? I think your amendment ought to be confined in line 19 to striking out the words "subject to such examination as to fitness and capacity of said officers as he may prescribe," and then insert these words that I have spoken of.

Mr. HULL. I would have no objection to that, but they would have a corresponding grade in any event when mustered into United States service.

Mr. DE ARMOND. I think these words ought to remain.

Mr. HICKS. Why not start in at the word "subject?"

Mr. DE ARMOND. I think by striking out this provision for examination and leaving the remaining words in the section it will be all right.

Mr. MARSH. Will the gentleman allow me? The provision as it now stands, with the committee amendment, will allow these National Guard regiments to go into the service with the same officers and character of officers that they now have prescribed by their State laws. For instance, in Illinois we have three battalions and three majors. But under the general law you probably have but two majors. So that with the provision as it now stands not only do they have three majors in the Illinois National Guard, but each battalion has an adjutant, and under this provision they go in with their battalion adjutant and their three majors; and if you insist upon putting back into the bill the language that you have indicated, you will simply require them to conform in their organization to the regular troops, which is not desirable, I think. Better leave it where it is. The National Guard is well protected and cared for in that provision.

Mr. DE ARMOND. I think this language would not be subject to the objection suggested. It seems to me that these officers received into the volunteer service as enlisted men according to this phraseology would be officers of corresponding grades in the same organization when it shall have been received into the service of the United States as a part of the Volunteer Army. I think it simply declares that when they go in, they shall occupy the same position as before.

Mr. GROUT. Do you think that language is necessary? Would it not be sufficiently clear when they are already in their organization covered by the term "thus enlisted," may be appointed by the governor of the State?

Mr. DE ARMOND. It may be, Mr. Chairman. I merely wish to call attention to it, thinking that these words could be left in with profit.

Mr. GROUT. They could, with propriety, be left in.

The CHAIRMAN. The question is on the committee amendment as modified.

The question was taken; and the amendment as modified was agreed to.

Mr. CUMMINGS. Mr. Chairman, I want to suggest to the gentleman from Iowa that you have got the governors of the States and Territories in there, but you have made no provision for the appointment of troops in the Indian Territory.

Mr. HULL. But the amendment itself covers that. The gentleman from Illinois [Mr. CONNOLLY] has an amendment to offer which I think ought to be offered.

Mr. CONNOLLY. I offer the following amendment.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I would like to ask the gentleman——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 6, line 9, by striking out the word "and," between the word "surgeon" and "one," and insert after the word "surgeon" where it occurs the second time in said line the words "and one chaplain."

The amendment was agreed to.

Mr. WILLIAMS of Mississippi. I wish to ask the gentleman a question for information. Will the gentleman from Illinois yield for me to ask the gentleman a question? Now, in the various States there are such officers, for example, as "adjutant-general of the State" and of the rank of "brigadier-general." When these volunteers go into the service of the United States, with what rank do they go into the service?

Mr. HULL. They do not go in at all. They are State officers only.

Mr. MARSH. Mr. Chairman, I offer the following amendment:

At the beginning of line 17, on page 3, I move to insert the words "troops, battery, battalion."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the beginning of line 17, page 3, insert the words "troops, battery, battalion."

So that it will read:

"As such company, troops, battery, battalion, or regiment," etc.

The amendment was agreed to.

Mr. KITCHIN. Mr. Chairman, I offer the amendment which is on the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert in line 12, page 3, after the word "raised," the following:
"Under the same regulations, terms, and conditions under which the governors of the several States now appoint or commission such officers in the military forces of their States."

Mr. HULL. Mr. Chairman, I hope that amendment will not be adopted.

Mr. KITCHIN. Mr. Chairman, the purpose of the amendment I have just offered is to qualify or modify the powers of the governor. It is right for the governor to be authorized to appoint the company and regimental officers, but I think he should be restrained by the same regulations which govern his appointment and commission of such officers in the State militia. I understand that in some of the States the governor has unqualified authority to appoint any man he sees fit to these positions; that is, the official positions of the company and the regiment. In other States the privates of the companies elect their commissioned officers, and these commissioned officers elect the officers of the battalions and regiments.

Of course this does not apply, and my amendment can not apply to the Regular Army of the United States, but only to the Volunteer Army. This pending bill maintains the distinction throughout between the Volunteer Army and the Regular Army. The

Volunteer Army is practically the same class of troops as the State militia; and in my opinion the laws regulating the appointment of officers in the militia should apply to these State forces that go into and make up the Volunteer Army. I think this amendment is a proper one and is absolutely essential to the general and enthusiastic enlistment of volunteers. It is certainly not subject to the objections that were made a few minutes ago against the amendment offered by my colleague from North Carolina [Mr. LINNEY], because there will be more favoritism displayed and more danger of acquiring incompetent and unsuitable men for officers in an unqualified power in the governor to select them than there will be in allowing the privates to select the commissioned officers of the company and these officers to select the officers of the regiments and the battalions.

These men who volunteer to defend their country's rights are not conscripted, and should not be subjected to the ironclad rules of the United States Army in the appointment of their officers. As volunteers they should have the right to name their immediate superiors. If it is known that the governor has the absolute power to make the appointments in his own discretion, without ascertaining the wishes of the privates, I fear there will be hundreds of men who would be glad to answer the President's call for volunteers, but who would be deterred by the fact that they would have no voice in the selection of the officers who were to command them. I feel sure that such will be the case in my State and in others where the privates elect their officers in the State militia.

Mr. DOCKERY. Mr. Chairman, I hope the amendment will be reported again.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk again read the amendment.

Mr. COX. Mr. Chairman, let us just think a moment upon this. The organization of the militia under the governor of a State is just as decided and emphatic as any laws can make it. Now, then, if we can not trust the governor of the State in the appointment of officers, whom can we trust? Now, a friend on my right suggests, Suppose we have a partisan governor. Suppose we have a Republican governor, suppose we have a Democratic governor, it will work just as well for us as it does against us. Now, are we going to try to organize an army upon the idea as to whether the governor is a Republican or a Democrat? I never thought of that before, and I do not think of it now.

Mr. KITCHIN. May I interrupt the gentleman a moment?

Mr. COX. No; one word first. You are trying to go to war, and if your Republican governor will not fight or do right, it is no fault of ours. If our Democratic governor will not do right, it is no fault of ours. I do hope that we shall keep this political question out of this, and I do hope, further, that if we go to war there will be no Democrats and no Republicans and no Populists in the fight. [Applause.]

Mr. KITCHIN. Will the gentleman allow me to correct him?

Mr. COX. Yes.

Mr. KITCHIN. We are not trying to go to war, though it seems inevitable now; but the gentleman from Tennessee seems to have the impression that my amendment has something political in it. This is what I desire to correct, for in this he is wrong. I will state that it does not apply to a Populist, to a Republican, or to a Democrat as such, but to every governor of every State alike. It proposes to make every governor conform in his appointments to the same regulations that are prescribed by the people of the State that elected him for the militia. It has no politics in it, and can not be so construed.

Mr. COX. That is very handsome, but it is not very solid.

Mr. KITCHIN. Then the gentleman does not comprehend it.

Mr. COX. Matters of comprehension are matters of comparison. I am not going to vote in this Congress on a question of war upon any political consideration whatever. Now, I think we mean war, and I am for fighting it out right square up, quick and fair. I want no advantage for my people more than I concede to anybody else.

Mr. KITCHIN. I will consent that the State of Tennessee be excepted, if the gentleman so desires.

Mr. COX. You need not except Tennessee. She will furnish more soldiers than your State will in any war.

Mr. KITCHIN. The record does not show that she has done it.

Mr. COX. Yes; it does.

Mr. DE ARMOND. Mr. Chairman, I move to amend the amendment by striking out the last word. It seems to me that the amendment offered by the gentleman from North Carolina can not be objectionable. It simply prescribes for the officering of this volunteer force, whose officers are to be appointed under this bill by the governors of the respective States, the same regulations precisely as apply to the governors in the discharge of their duties with respect to the officers of the militia. If this amendment be adopted, the governor of each State will appoint the officers in the volunteer organization as he appoints those of the militia who may be incorporated in the Army.

I do not think that the amendment is unreasonable. I believe it will be beneficial. The National Guard, known as such, and the volunteer forces raised otherwise are practically the same thing. They are all citizen soldiers, all volunteer soldiers. If there is reason why any part of them should select their officers, it seems to me there is equal reason why the other part should have the same privilege. Why should the militiamen select their officers and the governor appoint the persons thus selected, and at the same time the volunteers not have the right to select their officers, while the governor, not the President, is given the power to appoint?

If the bill had remained as it was, with the President making the appointments, I see clearly how, conforming it in that way to the regulations of the Regular Army, there would not be a selection of the officers by the privates in the ranks. But when you lodge the appointing power of the two organizations in the same place, why should not the men who may volunteer in those organizations yet to be formed—State organizations, to be officered by the State—have precisely the same control and authority in the selection of their officers as those who are now members of State organizations already formed? That is all that this amendment does. I really believe it ought to be adopted, if the militiamen, the National Guardsmen, are to be permitted to select their own officers, and everybody concedes that they should be.

Mr. HANDY. Has the gentleman noticed the effect of the word "now" in the amendment? As offered by the gentleman from North Carolina, the amendment requires that the appointments made by the governors of the various States shall be in accordance with and under the conditions under which they now appoint officers of the militia. This bill is to be a permanent bill. Before the war is over the laws of the various States may be different from what they are now. I think that the word "now" should at least be stricken out.

Mr. DE ARMOND. I am inclined to think that the word "now" should be stricken out. I suppose there would be no objection to that.

Mr. HULL rose.

Mr. KITCHIN. If I can have——

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] is recognized.

Mr. HULL. If the gentleman from North Carolina wishes to modify his amendment by striking out the word "now," I have no objection, but I do not wish to yield the floor.

Mr. KITCHIN. That is all that I desire.

The CHAIRMAN. If there be no objection, the amendment will be modified by striking out the word "now."

There was no objection.

Mr. HULL. Mr. Chairman, I hope this amendment will not be adopted. In this bill we have gone as far as we ought to go in recognizing the power of governors of the States. This amendment is intended to circumscribe the power of the governors and seems to presuppose that they will not act from high motives or will not obey the laws of their States if they have special laws on the subject. I do not believe it is competent for us in this bill to undertake to go to work and vitalize all the laws of the different States for perfecting the organization of the National Guard and militia so as to make those laws apply to the volunteer force which may be mustered into the service of the United States.

I think we can safely trust the governors with some power in this matter. Let the governor commission every officer from colonel down to and including second lieutenant for all vacancies that may occur during the war. But the militia laws might be entirely out of place as to the manner in which the governor should exercise that discretion and might force the governor to appoint an incompetent man.

Mr. Chairman, I move that all debate upon the pending amendment be closed.

The motion was agreed to.

The question being taken on the amendment of Mr. KITCHIN, it was rejected; there being on a division (called for by Mr. KITCHIN)—ayes 58, noes 90.

Mr. HULL. I send to the desk an amendment, which is not a committee amendment, but has been agreed to by several members of the committee in the last few minutes.

The Clerk read as follows:

Add to section 6 the following:

"And shall when so appointed be officers of corresponding grades in the same organization when it shall have been received into the service of the United States as a part of the Volunteer Army."

Several MEMBERS. That is right.

The amendment was agreed to.

Mr. PEARCE of Missouri. I move to amend by adding, after the word "company," in line 17, section 6, the words "troop, battery, and battalion."

Mr. MARSH. Mr. Chairman, the amendment offered by the gentleman from Missouri has already been adopted in two places, but it needs to be adopted here to complete the section.

The CHAIRMAN. The gentleman will state the amendment again.

Mr. PEARCE of Missouri. After the word "company," in line 17, add the words "troop, battery, and battalion."

The amendment was adopted.

Mr. HULL. I would like to ask if the words "and Territories" have been added after the word "States" in line 11?

The CHAIRMAN. They have been inserted.

Mr. PEARCE of Missouri. I move a further amendment, to strike out the word "and" between the words "regimental and company" in line 17.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection.

Mr. DE ARMOND. Mr. Chairman, I move to strike out the word "may," in line 18, and insert in lieu thereof the word "shall;" so that it will read:

And company officers in service in militia organizations thus enlisted shall be appointed, etc.

That conforms with the provision in the early part of the section, in line 8.

Mr. HULL. I would like to call the attention of my friend from Missouri to the fact that in line 10 of this provision it is provided that the governor shall have the right to appoint. But if you put instead of the word "may" the word "shall," you limit his discretion as to the power of appointment and as to whom he shall appoint. The word "may" is better there, unless you want him to appoint a certain man regardless of his capacity.

Mr. DE ARMOND. I think this part of the provision relates to a different matter. From line 10 down to line 14 the provision relates to the volunteers. So far as the beginning of line 14 the provision relates to the incorporation into the service of the United States as a part of its Army of the organized militia of the States. But the provision here is as to the appointment of militia officers to go into the service of the United States.

Mr. HULL. That is my objection—the very point of it. There may be militia officers that the governor may see are not fit to go into war in command of troops, being over age or for some other reason unfit for the service—may not be qualified mentally. Now, if you put in the word "shall," you force the governor to take every incompetent man in the militia and make the appointment. That is to say, you make it imperative upon him to put them all in. It is a dangerous thing to do. [Cries of "Vote!"]

The question was taken on the amendment of Mr. DE ARMOND; and it was rejected.

Mr. STEELE. I desire to know of the gentleman from Iowa if we ought not to amend this bill in section 6 to provide for more than sixty-five men total in each company? The present law provides for only that number in the company, including the noncommissioned officers, the quartermaster-sergeant, the wagon master, and all others.

Mr. HULL. That, Mr. Chairman, opens up a question very different from that dealt with by the bill, and if presented now will precipitate, no doubt, a long and needless discussion. Another provision of law will doubtless be considered at some time in the near future with regard to that matter, and it seems to me better at this time that we should not incorporate such a provision in this bill, but take that up on another occasion and dispose of it. This bill does not treat of regimental or company organization.

Mr. STEELE. You allow here only 650 men to a regiment, being 65 to each company. The act of March 3, 1863, provides that companies which have fallen below the maximum shall be deprived of their second lieutenant. Now, the result of this provision will be that when your regiment goes into service with its 650 men, in ten companies, perhaps the very first engagement, or even before the regiment is actually in the field at all, a company would find itself below the minimum, and would lose an officer who may have won his spurs in action, and yet could not be promoted under the law.

Mr. HULL. That is a matter that we would have to deal with separately and when we come to a bill for a better organization of the Army.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read section 8, as follows:

SEC. 8. That all returns and muster rolls of organizations of the Volunteer Army and of militia organizations while in the service of the United States shall be rendered to the Adjutant-General of the Army, and upon the disbandment of such organizations the records pertaining to them shall be transferred to and filed in the Record and Pension Office of the War Department.

Mr. GROSVENOR. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Add in line 13, page 4, after the words "War Department," the following: "And regimental and all other medical officers serving with volunteer troops in the field or elsewhere shall keep a daily record of all soldiers reported sick or wounded, as shown by the morning calls or reports, and shall deposit such reports, with other reports provided for in this section, with the Record and Pension Office, as provided herein for other reports, returns, and muster rolls."

The amendment was adopted.

The Clerk read section 10, as follows:

SEC. 10. That the staff of the commander of an army corps shall consist of 1 assistant adjutant-general, 1 inspector-general, 1 chief quartermaster, 1 chief commissary of subsistence, and 1 chief surgeon, who shall have, respectively, the rank of colonel; 1 assistant adjutant-general, who shall have the rank of captain, and the aids-de-camp authorized by law. The staff of the commander of a division shall consist of 1 assistant adjutant-general, 1 inspector-general, 1 chief quartermaster, 1 chief commissary of subsistence, and 1 chief surgeon, who shall have, respectively, the rank of lieutenant-colonel, and the aids-de-camp authorized by law. The staff of the commander of a brigade shall consist of 1 assistant adjutant-general, 1 assistant quartermaster, and 1 commissary of subsistence, each with the rank of captain, and the aids-de-camp authorized by law. The staff officers herein authorized for the corps, division, and brigade commanders may be appointed by the President, by and with the advice and consent of the Senate, as officers of the Volunteer Army, or may be assigned by him, in his discretion, from officers of the Regular Army or the Volunteer Army, or of the militia in the service of the United States.

Mr. HULL. Mr. Chairman, I wish to amend this section by adding the words "Chief Engineer," in line 24. The engineer battalion is an important one, and this officer on the staff, the Chief Engineer, should not have been omitted in this section, in my judgment.

I move to insert, therefore, the words "one Chief Engineer" after the words "Adjutant-General," in line 24.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Iowa.

On page 4, line 24, after the words "Adjutant-General," insert the words "one Chief Engineer."

Mr. HAY. Ought not that to come in in another part of the bill?

Mr. HULL. You refer to section 10?

Mr. HAY. Yes; that provides not only for the staff of the Commander of the Army, but also for the brigades and divisions.

Mr. HULL. This provides only the Chief Engineer for the Army Corps. We are not providing for brigades and divisions at all.

Mr. HAY. All right; I only wanted to know if this was the proper place for it.

Mr. HENRY of Mississippi. Does not the gentleman think there ought to be an inspector-general for a brigade?

Mr. HULL. This is for a corps. The staff of the commander of an army corps shall be so and so.

Mr. HENRY of Mississippi. The bill says:

The staff of the commander of a brigade shall consist of one assistant adjutant-general, one assistant quartermaster, and one commissary of subsistence, each with the rank of captain, and the aids-de-camp authorized by law.

I do not see anything about an inspector-general.

Mr. SHANNON. The gentleman from Iowa is talking about another thing. Let him get through with that.

Mr. HULL. This is on page 4.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. GRIFFIN. Mr. Chairman, the bill as printed does not provide for a judge-advocate for each corps. I move an amendment. After the word "subsistence," in line 1, page 5, I move to insert the words "one judge-advocate."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 5, line 1, after the word "subsistence," insert the words "one judge-advocate."

The amendment was agreed to.

Mr. HENRY of Texas. I move to insert, in line 10, after the words "adjutant-general," the words "one assistant inspector-general."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi.

The Clerk read as follows:

In line 10, page 5, after the words "adjutant-general," insert the words "one assistant inspector-general."

Mr. GROSVENOR. Oh, no!

Mr. HULL. I do not believe we need him.

Mr. GROSVENOR. Not at all.

The amendment was rejected.

Mr. LACEY. I move to insert before the word "colonel," in line 2, page 5, the word "lieutenant."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 2, page 5, before the word "colonel," insert the word "lieutenant."

Mr. LACEY. Upon that amendment I wish to be heard for a moment.

The CHAIRMAN. The gentleman from Iowa.

Mr. LACEY. The rank provided for these corps officers, quartermaster, inspector-general, and adjutant-general, in the late war

was the rank of a lieutenant-colonel. I do not see any reason why we should give them a higher rank in this war than that which was found adequate in the last war. A little later on, if this amendment is adopted, it will necessitate a further change in line 8, by reducing the rank of division officers to major instead of lieutenant-colonel. I will move that later, provided it is the sense of the committee that this change ought to be made.

Mr. EVANS. It ought not to be made.

Mr. LACEY. This provides for a large number of full colonels upon the staff of the commander of a corps. The rank that heretofore has been found sufficient is that of lieutenant-colonel. That was fully adequate in the four years' war through which we passed.

Mr. GROSVENOR. I think the gentleman is quite mistaken.

Mr. LACEY. No; I am not mistaken.

Mr. GROSVENOR. Not only was the rank that of colonel, but in the division staff the assimilated rank, under a special act of Congress, was given to captains, so that they had pay of a lieutenant-colonel.

Mr. LACEY. A man was either appointed as a lieutenant-colonel, or they could take a second lieutenant and detail him to act as the adjutant-general of a corps, and when this detail was made, that made him a lieutenant-colonel as long as he served in that position. The rank was lieutenant-colonel whether he held it by assignment or by commission. It was not above that in any instance.

Mr. GROSVENOR. I think the gentleman is mistaken.

Mr. LACEY. We had an adjutant-general with a higher rank who was assigned to that duty, but that was not the rank properly attaching to that particular position. This is a proposition to increase the rank of all these officers.

Mr. GROSVENOR. I should like to ask the chairman of the committee [Mr. HULL] if the present organization of the Army provides for officers of this rank in these positions?

Mr. HULL. My understanding is that this follows what the Regular Army could now have if they had an army corps. It is to give the volunteer officers the same rank that the Regular Army officers would have, as I understand it, under the general statute. I do not believe this ought to be cut out.

Mr. LACEY. Where is there any statute providing that the adjutant-general of a corps in the Regular Army shall have the rank of colonel? There is no such authority. The gentleman is mistaken.

Mr. GROSVENOR. If the amendment should prevail, the adjutant-general of an army corps, if he happened to be a volunteer officer, finding himself in contact with an adjutant-general of the Regular Army, would be outranked by that officer, notwithstanding he may have been much longer in the service. This operates to put them upon exactly the same footing, so that we may not have these questions of rank that we had so often during the war.

Mr. LACEY. There is no provision at all for any colonel in the regulations. The gentleman is drawing upon his imagination. We are providing for a colonel, and providing for a higher rank of the staff than we did in the late war; and I say we ought not to do that.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

Mr. HANDY. I would like to call the attention of the chairman of the committee to line 2, on page 5. I move to strike out the words "one assistant adjutant-general, who shall have the rank of captain." I would like the chairman of the committee to explain the necessity for that officer. If he is necessary, I am willing that those words should stay in. The adjutants-general seem to be more amply provided for than other staff officers in the bill. In each corps there is an adjutant-general on the staff. There is an adjutant-general on the staff of each brigade commander. Then, in addition to the adjutant-general of the corps and the adjutant-general of every brigade, this gives an assistant adjutant-general on the staff of every corps commander.

Now, there is no assistant inspector-general, there is no assistant quartermaster-general, no assistant commissary-general of subsistence, no assistant chief engineer; but the adjutant-general, who is simply the clerk through whom the orders go out, has this assistant. If the other chiefs of staff do not need an assistant, the adjutant-general, perhaps, does not need one either.

Mr. CONNOLLY. He is pretty nearly the whole thing.

Mr. STEELE. The adjutant-general has more work to do than all the others put together.

Mr. RICHARDSON. He is a very important officer, and he is an active, working man. [Cries of "Vote!"]

Mr. HANDY. I wanted an explanation from the chairman of the committee, if he would be kind enough.

Mr. HULL. The motion is to strike out the words "one assistant adjutant-general, who shall have the rank of captain." No man who has ever been in the Army will state that the adjutant-general is little more than a clerk. Now, he may be able to get along without an assistant adjutant-general's help, but the War Department do not think so; and I think this bill, so far as it goes in that respect, is a very good one. Every man who served in the late war knows that the adjutant-general's office needs an assistant, if we have an adjutant-general of a corps. I simply hope the amendment will be voted down.

Mr. HANDY. I did not mean to say, if I did say it, that the adjutant-general was "little more than a clerk." What I meant to say was that his duties are of a clerical character.

Several MEMBERS. No.

Mr. HANDY. The adjutant-general is the man through whom all the orders go out. That is enough to make him a busy man. The inspector-general is the eyes and ears of the commander. He inspects everything. The adjutant-general is, for the commander, the hand that writes the orders and sends out all military papers. If the chairman thinks that this assistant adjutant-general is needed, I will withdraw the motion.

The amendment was withdrawn.

The Clerk read as follows:

SEC. 11. That the President is hereby authorized to appoint in the Volunteer Army, by and with the advice and consent of the Senate, not exceeding one major-general for each organized army corps and division, and one brigadier-general for each brigade, who may be selected from the line or staff of the Regular or Volunteer Army, or of the militia in the service of the United States, and any officer so selected and appointed from the Regular Army shall be entitled to retain his rank therein: *Provided*, That each general officer of the Volunteer Army shall be entitled to the number of aids-de-camp authorized for an officer of like grade in the Regular Army.

With the following amendment:

On page 5, line 23, after the word "brigade," strike out the words "who may be selected from the line or staff of the Regular or Volunteer Army, or of the militia in the service of the United States."

The CHAIRMAN. The question is on the amendment offered by the committee.

Mr. JETT. I want to ask the gentleman if that amendment has been adopted?

Mr. HULL. It has not.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 13. That the President may, upon the recommendation of governors of States, appoint officers of the Regular Army in the grades of field officers in organizations of the Volunteer Army, and officers thus appointed shall be entitled to retain their rank in the Regular Army: *Provided*, That not more than one officer of the Regular Army shall be commissioned in any one regiment of the Volunteer Army at the same time.

Mr. GROUT. Mr. Chairman, I want to inquire of the chairman of the Committee on Military Affairs if it is intended to leave this section in that form?

Mr. HULL. I will say, Mr. Chairman, that the committee in considering this section took this view of it that an officer of the Regular Army might be called for by the governor of a State, but the President had no power of his own motion to commission one. We regarded it of so little importance as to whether he shall be commissioned by the governor or the President that we let it stand where it is.

Of course he will be the only officer to receive the commission from the President. The governor might want to appoint an officer of the Regular Army the colonel of a regiment. Now, if the idea of the gentleman from Vermont is offered as an amendment, so that the governor should not commission him without the consent of the President, I have no objection to it, because if the governor should commission a Regular Army officer as a volunteer officer without consent of the President the man would lose his rank in the Regular Army. He would be discharged.

Mr. RICHARDSON. Mr. Chairman, it is impossible to hear the gentleman.

Mr. HULL. So far as the action of the committee was concerned, and my friends on the committee will correct me if I am in error, the idea was, this being a Regular Army officer, he might be commissioned by the President, if the governor of the State requested it, without impairing the general principle of the bill, that the governor must retain the entire control of the organization of the regiment.

Mr. CONNOLLY. Does not the Constitution give to the governor the right to appoint all these officers?

Mr. HULL. That is a question some have raised; I think not.

Mr. CONNOLLY. It is not a question, when you come to consider the matter.

Mr. MARSH. I suggest to the gentleman from Iowa that that change had better be made.

Mr. HULL. I have no objection to it.

Mr. MARSH. That these officers of the Regular Army going into the Volunteer Army should be commissioned by the governor. This provision is evidently a new feature, and the reason for it I have never heard. It is the first time that it has been provided that the President may commission a volunteer officer.

Mr. GROUT. I then move this amendment: In line 12, after the word "the," strike out "President may upon the recommendation of the;" and after the word "States" insert the word

"may;" so that it will read: "That the governors of States may appoint officers," etc.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

In line 12, page 6, after the word "the," strike out the words "President may upon the recommendation of the;" and after the word "States" insert the word "may;" so that it will read: "That the governors of States may appoint officers," etc.

Mr. GROUT. Mr. Chairman, I want to make a further suggestion there, that the governor of any State may, "with the consent of the President."

Mr. HULL. That is right. Offer that amendment.

Mr. GROUT. Mr. Chairman, if we pass this law authorizing the governor of the State to appoint an officer from the regular service in this volunteer force, and provide that he shall not lose his rank in the Regular Army, it will be done with the consent of the President, his consent will be obtained under the provisions of this bill, and it is wholly unnecessary.

Mr. MARSH. It would give the governor a chance to make a raid on the Regular Army officers.

Mr. HULL. I hope the gentleman will not object to putting in the words "upon consent of the President," because without that you may ruin the efficiency of the Regular Army entirely. You limit and destroy the power of the President as Commander in Chief.

Mr. GROUT. I think practically there would be no invasion of the Regular Army; but if the gentleman thinks it is necessary to cut that off, I will not object.

Mr. DOCKERY. Your amendment seems to give the governor concurrent jurisdiction with the Executive, and I might add, almost exclusive jurisdiction.

Mr. GROUT. No, it simply gives him the opportunity to appoint some officers of the Regular Army without their losing their rank.

Mr. DOCKERY. What is the purpose of your amendment?

Mr. GROUT. To authorize the governor to appoint from the Regular Army officers, if he sees fit, to the volunteer forces, and that they shall not lose their rank in the Regular Army.

Mr. DOCKERY. Do you propose that the governor shall invade the Regular Army and make an appointment without the consent of the President?

Mr. GROUT. I do not object to having the consent of the President put in if gentlemen insist on it. I will accept the modification.

Mr. WALKER of Virginia. Section 13 would then read "that the governor of any State may, with the consent of the President, appoint officers of the Regular Army in the grades of field officers," etc.

Mr. GROUT. I will accept that modification.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 12, page 6, strike out the words "that the President may, upon the recommendation of the governors of the States," and insert "that the governor of any State may, with the consent of the President."

So that the same shall read:

That the governor of any State may, with the consent of the President, appoint officers of the Regular Army, etc.

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I move to amend by adding after the word "States," the words "or Territories;" so as to harmonize with what we have done heretofore.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 13, after the word "States," insert the words "or Territories."

The amendment was agreed to.

Mr. DOCKERY. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee the proper construction of the proviso to section 13:

Provided, That not more than one officer of the Regular Army shall be commissioned in any one regiment of the Volunteer Army at the same time.

Mr. HULL. The idea of the Department is that in any State organizing a regiment, with no officer of sufficient intelligence and experience to drill them, an officer of the Regular Army may be sent there; and to distribute the officers among as many organizations as possible, it is provided that only one officer shall be commissioned in any one regiment at the same time.

Mr. DOCKERY. If that is the idea the gentleman seeks to express in his proviso, it seems to me the language used is somewhat confusing.

Mr. HULL (reading)—

Provided, That not more than one officer of the Regular Army shall be commissioned in any one regiment of the Volunteer Army at the same time.

I think it clear.

Mr. WILLIAMS of Mississippi. It should be that "not more than one officer from the Regular Army shall be in commission."

Mr. DOCKERY. That phraseology is certainly not clear. I think I understand what the chairman of the committee desires to accomplish, but the language is faulty.

Mr. EVANS. It should read that "not more than one officer of the Regular Army shall be in commission in any one regiment of the Volunteer Army."

Mr. WILLIAMS of Mississippi. That is it.

Mr. DOCKERY. If that is the proper and technical phrase, all right, but there should be some change.

Mr. SPALDING. An officer is not "in commission;" a ship is said to be "in commission."

Mr. HULL. I want to say to the gentleman from Missouri that the construction of the War Department would be the same if you put in the words "shall not be in commission."

Mr. DOCKERY. I know the chairman of the committee desires to have his bill explicit and not misleading, and I suggest that he amend it. Mr. Chairman, I will move to strike out the word "commissioned," in lines 17 and 18, so that the section shall read "that not more than one officer of the Regular Army shall be in any one regiment of the Volunteer Army at the same time."

Mr. WALKER of Virginia. Mr. Chairman, I would suggest to the gentleman from Missouri [Mr. DOCKERY] to amend it so that it will read "not more than one officer of the Regular Army shall hold a commission in any one regiment," etc.

Mr. DOCKERY. That is better, Mr. Chairman. I withdraw the amendment I offered and accept the one offered by the gentleman from Virginia.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

In line 17, after the word "shall," strike out the words "the commission" and insert the words "hold a commission:" so as to read: "Not more than one officer of the Regular Army shall hold a commission in any one regiment," etc.

The amendment was agreed to.

Mr. GIBSON. Mr. Chairman, I move to strike out the entire proviso, and I wish to give this reason for it: When the President of the United States and the governor of a State concur I think that is sufficient restriction. So I move to strike out the proviso entirely.

Mr. RICHARDSON. It was impossible for me to hear what my colleague [Mr. GIBSON] said in explanation of his amendment. I should like to hear his reason for offering it.

Mr. GIBSON. My reason is that under the section as amended the governor and the President of the United States must concur in appointing a Regular Army officer; and I say the concurrence of the President and the governor is a sufficient restriction.

Several MEMBERS. That is so.

Mr. DE ARMOND. As I understand the gentleman from Tennessee, his suggestion is that the appointment can not be made at all except with the consent of the President.

Mr. GIBSON. I move to strike out the entire proviso.

Mr. DE ARMOND. As I understand, the appointment can not be made at all by the governor except with the concurrence of the President——

Mr. GIBSON. That is it.

Mr. DE ARMOND. And therefore the gentleman thinks the proviso is unnecessary, owing to the other amendment.

Mr. GIBSON. Precisely.

Mr. HULL. I hope the amendment will not prevail, because the proviso which the gentleman proposes to strike out will at least serve the purpose of preventing a great deal of pulling and hauling to get these commissions.

Mr. RICHARDSON. I should like to hear the section read.

The section was again read.

The question being taken on the amendment of Mr. GIBSON, it was agreed to.

Mr. RICHARDSON. I move to strike out the last word. I wish to ask the gentleman from Iowa whether he thinks it wise to retain the limitation in this section to field officers alone. The effect of the restriction, if I understand the section correctly, would be to exclude company officers. It would not permit the appointment of any officer below the grade of major. Is that correct?

Mr. HULL. It would not be possible to get a line officer of the Regular Army to leave his company command in order to accept a line appointment or commission in the volunteer force. It seems to me that the provision in its present form is a wise one. The chances are that the applications for places of this kind would be mainly to command regiments, as was the case in the beginning of the civil war.

Mr. RICHARDSON. I understand that very well; but it occurred to me that possibly there might be second lieutenants of the Regular Army who would be very glad to take an assignment to a captaincy in the volunteers.

Mr. HULL. I do not believe the efficiency of a regiment would demand such a transfer so much as it would to have a field officer in command to instruct the regiment. For that reason I would rather not have company officers appointed.

Mr. RICHARDSON. I would not like to put my opinion against that of the chairman of the committee; but it occurred to me it might be well to add after the word "field" the words "or company;" so as to read "field or company officers."

Mr. HULL. I do not think such an amendment would be desirable.

Mr. LACEY. I move to amend by striking out the last word. I wish merely to inquire of the chairman of the committee as to the effect of the language in line 2 and line 16 of page 6, in regard to officers of the Regular Army retaining their rank. My inquiry is whether there ought to be any provision to the effect that these Regular Army officers holding positions in the volunteers shall not continue to draw their pay as officers in the regular service. Is anything of that kind necessary to prevent the drawing of double pay?

Mr. HULL. They can not draw pay except upon the rank in which they are serving. When they accept a higher command in the volunteer service, they relinquish the pay of the lower rank in the Regular Army.

The Clerk, resuming the reading of the bill, read the following:

SEC. 14. That the general commanding a separate department or a detached army is authorized to appoint from time to time military boards of not less than three nor more than five officers of the Volunteer Army to examine into the capacity, qualifications, conduct, and efficiency of any commissioned officer of said army within his command: *Provided*, That each member of the board shall be superior in rank to the officer whose qualifications are to be inquired into: *And provided further*, That if the report of such a board is adverse to the continuance of any officer, and the report be approved by the President, such officer shall be discharged from service in the Volunteer Army, at the discretion of the President, with one month's pay and allowances.

Mr. RAY of New York. I move to amend by inserting after the word "five," in line 23, the word "volunteer;" so as to read: "five volunteer officers of the Volunteer Army."

Just one word of explanation.

Several MEMBERS. That is all right. Let us vote.

Mr. RICHARDSON. I do not understand exactly the effect of this amendment.

Mr. RAY of New York. I will explain its meaning and the necessity for it. We have provided in previous sections of this bill for placing Regular Army officers in the volunteer organization. Now, when I was in the military service, I could not but observe the jealousy between the Regular Army officers and the volunteer officers. Therefore if a volunteer officer is to be tried as to his ability and capacity, I want him to be tried by an impartial board. For this purpose I want it clearly provided in this bill that that board shall be made up of his peers—made up of volunteer officers.

Several MEMBERS. That is right.

Mr. HULL. Let us vote on the amendment. There is no objection to it.

The amendment was agreed to.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the bill, as section 15, the following:

SEC. 15. That members of the enrolled militia of the District of Columbia and of the several States and Territories employed in any of the Departments or other branches of the public service of the United States, including the government of the District of Columbia, when called into the military or naval service of the United States, shall, while in such service, be granted leave of absence from such employment without pay other than the leave of absence pay to which they may be entitled when called into military or naval service; and upon honorable discharge from such military or naval service they shall be entitled to resume their said employment as of the grade held and at the pay received by them at the time of their entry into the military or naval service. Temporary appointments, when absolutely necessary in the judgment of the head of a Department, may be made to fill vacancies occasioned by granting leaves of absence herein provided for, but all such appointments shall be temporary and shall cease and determine immediately on the honorable discharge from the military or naval service of the persons holding such positions, and on leave of absence as herein authorized. The provisions of this section shall also apply to all other officers or employees of the United States Government who shall enter the military or naval service of the United States, whether they belong to the militia or not at the time of such entry into said military or naval service.

Mr. DOCKERY. Mr. Chairman, I will not reserve a point of order on this amendment; but it occurs to me that the effect of the amendment would be to put the appointment of all temporary officials in the hands of the Department officials and take them outside of the provisions of the civil-service law.

Mr. CANNON. No; I will say to my friend from Missouri I have examined the matter and it will not affect the civil-service law at all, in my judgment. It is not intended to have, and will not have, I think, that effect.

Mr. LOUD. Of course the heads of the Departments would have the right to appoint temporarily.

Mr. DOCKERY. Has the gentleman from Illinois examined the amendment carefully?

Mr. CANNON. I have.

Mr. DOCKERY. I am perfectly willing to accept the judgment of my friend from Illinois in that respect.

Mr. RICHARDSON. Mr. Chairman, there is so much confusion on the floor that we can not hear what is going on. It was impossible, in the first place, to hear the reading of the amendment suggested by the gentleman from Illinois. I wish to ask to have it read again.

Mr. HAY. Mr. Chairman, I make the point of order that the amendment is not in order. It provides for a separate class of employees not contemplated in the bill under the present law.

The CHAIRMAN. The Chair thinks it is rather late to submit the point of order now, after the debate has proceeded.

Mr. HAY. I have not been able to hear a word of the debate.

Mr. RICHARDSON. Let us have order, Mr. Chairman, before we try to proceed.

The CHAIRMAN. Gentlemen will take their seats, and conversation upon the floor must cease. All business will be suspended until the committee is in order.

Mr. GROSVENOR. I ask that the Clerk read again the pending amendment.

The amendment was again reported.

Mr. GROSVENOR. Mr. Chairman, I do not believe that section ought to be adopted. Certainly it ought not to be attached to this bill for several reasons, mainly because nobody can understand what effect it may have with reference to these various employees of the Government. Now, there may be an emergency that might possibly arise at some future time when it will be necessary to hold out some premiums or inducements for the enlistment of soldiers. I do not think it will arise. It ought not certainly to arise until at least the 12,000,000 and more of effective soldiers that we can muster now have had each one an individual opportunity of going into the Army, if he sees proper.

I do not think there is any necessity for the amendment. It will make great confusion in the management of the Departments, and is favoritism in favor of men who are already favored by the Government. I am opposed to it and hope it will be defeated.

Mr. RICHARDSON. I would like to ask the gentleman from Illinois a question. I notice the amendment relates to the employees of the Departments, and the amendment is limited to them.

Mr. CANNON. Oh, no.

Mr. RICHARDSON. The point is that the Government Printing Office is not considered as a "Department" of the Government. Would this apply to that department?

Mr. CANNON. It means all Government employees.

Mr. RICHARDSON. If the amendment is broad enough to take in the Government Printing Office with the rest, I do not object.

Mr. CANNON. It does.

Mr. RICHARDSON. For I want to include the employees of the Government Printing Office as well as the other employees of the Government.

Mr. CANNON. They are included.

A single word, Mr. Chairman. This amendment was prepared with some care——

Mr. HEPBURN. By whom?

Mr. CANNON. Well, by somebody who can prepare amendments better than I can, and almost as well as my friend from Iowa.

Mr. HEPBURN. Who is the beneficiary under it?

Mr. CANNON. I will show you. There are numbers of letter carriers, clerks, and others, some of whom have applied to me suggesting legislation of this kind. Now, in the States and the District of Columbia there are many of these employees already in the State or District of Columbia militia. Many of them desire to enlist and go into active service with their regiments and companies in the service of the United States in case of war. Some of them are getting twelve hundred, some sixteen, some eighteen, and some two thousand dollars a year, while some of them are getting less than that. Take the Government Printing Office, for instance, the Bureau of Engraving and Printing, or take the letter-carrier force, and other Government officials, and you will find a number who are receiving much less than any of these.

Now, the object of this legislation is to allow any man that is in the public service to-day to enlist in the Regular Army if he desires to do so, or in the volunteer service if he so desires, going with the regulars or the militia company to which he may be attached, and rendering service in that connection for the Government. When he leaves his Government employment and steps out and goes into the service of the United States his pay stops in the civil office he formerly held. But if the amendment is adopted, when he comes back, honorably discharged from the service, the temporary appointment that was made necessary of somebody to fill his place while he was in the Army ceases, and he goes back into the same position that he held before—the position he held when he went into the military service of the country.

In my judgment it is all right, and therefore I will offer it and ask a vote of the House upon it.

Mr. GROSVENOR. I should like to ask the gentleman from Illinois a question in regard to this amendment. Why would it

not be wise to provide that all professional men, clerks in stores, and employees of manufacturing institutions——

A MEMBER. And members of Congress.

Mr. GROSVENOR. And members of Congress, shall all come back and take their places, with the same property and rights?

Mr. CANNON. I will reply to that by saying that many men, from patriotic motives, if you choose—I always like to say that a man has a patriotic motive—make proclamation that all persons who leave their employment shall receive employment when they return. Many of them make the additional proclamation that the pay of the employees who go into the Army shall go on while they are absent. But the gentleman says: "Why not provide that members of Congress shall have their places restored? Why not provide that professional men can take up their practice?" Purely because we have no power to provide that, but we have the power to provide this.

Mr. HEPBURN. Would you so provide, if you had the power?

Mr. STEELE. The civil-service law holds their jobs hard enough to suit me.

Mr. GROSVENOR. How can you say that a man comes back fitted for the place that he held before?

Mr. CANNON. It has not been my observation that the competent employee in civil life loses his competency by serving his country in the Army.

Mr. GROSVENOR. Suppose he has been wounded in the service and is disabled or sick?

Mr. CANNON. If he is wounded and disabled and comes back and goes to his employment and can not perform his duties, he will be discharged the same as anybody else.

Mr. FARIS. Mr. Chairman, the amendment proposed by the distinguished gentleman from Illinois [Mr. CANNON] is one of the legitimate outgrowths of the present system of civil service practiced by the Government of the United States. The only surprise that I evince is that the amendment should have been proposed by the gentleman who submits it. The proposition involved is in line with keeping the favored ones in the classified service in their positions for life.

Mr. Chairman, if an amendment of this sort is to be put upon this bill, which offers and extends a premium to men who have been already greatly favored by the Government, to procure their enlistment, what shall we say to the millions of young men, just as able, just as patriotic, throughout the different States of this Union to whom this appeal will go to rally to the succor of their country from motives of high patriotism and disinterestedness? What shall we say to the young men in clerkships, in colleges, on the farms, who are expected to enlist from patriotic impulse and after hostilities take their chances again in the race of life?

Mr. GROSVENOR. If the gentleman will allow me, if the call shall only be for 50,000 men, the great State of Indiana will not get 2,000 of her young men in the Army, and the District of Columbia can furlough the entire outfit and send them into the Army and save their places for them to come back to.

Mr. STEELE. You do not mean from Indiana!

Mr. FARIS. The suggestion of my distinguished friend from Ohio, General GROSVENOR, discloses the ridiculousness of the proposed amendment. Mr. Chairman, I simply want to raise my voice and register my vote against any such proposition as this. We are in a crisis. Now comes the time when the Government must appeal to the patriotic sentiment of the young men of this entire nation, and I for one am not ready to meet, except with rebuke, any proposition that will confer a favor of this sort on any citizens of the United States.

I confess, Mr. Chairman, that since this agitation has begun I have wondered how many of the young men protected by the civil-service regulations in their places in Government employ will rally under the appeal that the President of the United States will soon issue when this bill becomes a law. I now record my serious doubt of a generous response from that quarter to an official call for volunteers. If we are going to hold out to them such an inducement as this, such a bounty as was never before placed before men who are invited to volunteer, it will be such a disappointment to the free men of the country who have not had place and favors from their Government as may prevent, in many communities, a liberal response to an expected call to arms in succor of the Union. I wish to say in my place on this floor that I not only have no sympathy with such a proposition, but I desire to see the sentiment of this House honestly expressed in overwhelming it with a negative vote. [Cries of "Vote!" "Vote!"]

Mr. CANNON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, sometimes you get oratory and expressions and sound without proper meaning. Now, you would suppose, to hear the gentleman from Indiana talk, that this was a proposition that would provide that if a letter carrier in his city of Terre Haute that belongs to the militia of the State of Indiana, and gets his little $800 or $900 a year, wants to enter with his company into the service of the United States for three years—you would suppose, to hear my honorable friend from Indiana talk, that the letter carrier would draw his pay as letter carrier.

Mr. FARIS. Oh, no!

Mr. CANNON. The gentleman says "no."

Mr. FARIS. If the gentleman will yield a moment——

Mr. CANNON. The gentleman has just had the floor; but that is not it. I know the provision is not that way. His civil pay ceases when he enters the military service of his country. Now, what else happens? It provides that his other constituent, that does not go into the Army, may be appointed as a letter carrier in Terra Haute, temporarily.

Mr. FARIS. Under the civil-service law.

Mr. CANNON. Yes, under the civil service, and will hold that job down three years, while the soldier letter carrier is fighting the battles of his country. Now, when the war ceases and the battle-scarred soldier comes out, this provision says, "You shall have your job as letter carrier back, and the three-year temporary fellow shall go out." Whereupon my friend thinks the country is about to be ruined. Now, that is all there is of it. I am for it, and am ready to vote. [Cries of "Vote!"]

Mr. BRUMM. Why do you not repeal the civil-service humbug, and that will answer the proposition?

Mr. CANNON. I am not talking about the civil service. I am not seeking to repeal it or perpetuate it, but I am making that just and proper provision, that I think ought to be made for the people who hold these offices, that they may have them when they come back, and that the peace fellow may go out. [Cries of "Vote!"]

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Illinois.

Mr. FLEMING. Let us have the amendment read.

The CHAIRMAN. It has been read twice.

Mr. FLEMING. I ask to have it read.

The CHAIRMAN. Without objection, the amendment will again be read.

Several members objected.

The CHAIRMAN. Objection is made.

The question was taken; and the amendment was rejected.

Mr. SMITH of Illinois. I offer an amendment.

The Clerk read as follows:

On page 7, after the word "allowance," in line 7, amend by adding as an additional section, to be numbered section 15, the following:

"That all acts and parts of acts inconsistent with the provision hereof be, and the same are hereby, repealed."

The amendment was agreed to.

Mr. HULL. I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be adopted and the bill do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9944 and had directed him to report the same back with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HULL. I move that the House do now adjourn.

ENROLLED BILLS.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 7318. An act for the relief of Frank Loyd, of Georgia.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. R. 110. Joint resolution authorizing the National Reunion Monument Association to erect a monument in the city of Washington to the Union soldiers, sailors, and marines of the war of the rebellion;

S. 3. An act to approve a compromise and settlement between the United States and the State of Arkansas.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, a Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 371. An act granting a pension to Sarah E. Campbell—to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CAPRON, for one week, on account of death in his family.

To Mr. WILSON, for one week, on account of death in his family.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the chief of division of stationery, printing, and blanks of the Treasury Department submitting an estimate of appropriation for that Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a communication from the Court of Claims submitting an estimate of appropriation for compensation and expenses of commissioners of the Court of Claims appointed to take testimony under section 1075 of the Revised Statutes—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of D. C. Edmonson, administrator of Matilda O'Neal, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of Washington Weir, administrator of Levi B. Fields, John W. Wright, and Hugh Murdock, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3544) to provide for submitting to the Court of Claims for determination the rights of the Delaware Indians in the Cherokee Nation, the Mississippi Choctaws in the Choctaw Nation, the Chickasaw freedmen in the Chickasaw Nation, and intermarried persons in the Choctaw, Chickasaw, and Cherokee Nations, and for other purposes, reported the same with amendment, accompanied by a report (No. 1118); which said bill and report were referred to the House Calendar.

Mr. DAVIS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9281) authorizing the construction of three bridges across the Conecuh River, a navigable stream, in Escambia County, Ala., reported the same without amendment, accompanied by a report (No. 1119); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Kansas, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 4108) granting to the Washington Improvement and Development Company a right of way through the Colville Indian Reservation, in the State of Washington, reported the same with amendment, accompanied by a report (No. 1117); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SULLIVAN, from the Committee on Claims, to which was referred the bill of the House (H. R. 415) to authorize the Secretary of the Treasury to settle the mutual account between the United States and the State of Florida, heretofore examined and stated by said Secretary under the authority of Congress, and for other purposes, reported the same without amendment, accompanied by a report (No. 1120); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLIVAN, from the Committee on Claims, to which was referred the bill of the House (H. R. 6816) to pay certain judgments against John C. Bates and Jonathan A. Yeckley, captain and first lieutenant in the United States Army, for acts done by them under orders of their superior officers, reported the same without amendment, accompanied by a report (No. 1121); which said bill and report were referred to the Private Calendar.

Mr. McEWAN, from the Committee on Claims, to which was referred the bill of the House (H. R. 1319) for the relief of William R. Wheaton and Charles H. Chamberlain, of California, reported the same with amendment, accompanied by a report (No. 1123); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Printing was discharged from the consideration of the bill (H. R. 7721) for the relief of Robert F. Thompson for services rendered by him for compilation of the laws relating to Indian affairs; and the same was referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STARK: A bill (H. R. 9952) to provide for calling forth, organizing, arming, and disciplining the reserve militia, and for governing them while employed in the service of the United States, and for other purposes—to the Committee on Military Affairs.

By Mr. MOODY: A bill (H. R. 9953) authorizing the Secretary of War to survey the harbor of Beverly, Essex County, Mass.—to the Committee on Rivers and Harbors.

By Mr. NORTON of Ohio: A bill (H. R. 9954) to provide for the better protection of railroad employees and others—to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: A bill (H. R. 9955) to transfer the county of Menard, in the State of Texas, from the western district of Texas to the northern district of Texas, and for other purposes—to the Committee on the Judiciary.

By Mr. SMITH of Arizona: A bill (H. R. 9956) granting the Santa Fe and Grand Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona—to the Committee on the Public Lands.

By Mr. DALZELL (by request): A bill (H. R. 9957) authorizing sale of the title of the United States in lot 1, square 1113, in the city of Washington—to the Committee on the District of Columbia.

Also, a bill (H. R. 9958) relating to the military establishment of the United States—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 9994) for the reclamation of arid lands, and for other purposes—to the Committee on the Public Lands.

By Mr. PEARSON: A joint resolution (H. Res. 238) to readmit Nellie Grant Sartoris to the character and privileges of a citizen of the United States—to the Committee on Foreign Affairs.

By Mr. SMITH of Arizona: A joint resolution (H. Res. 239) relative to rights of way for railroads through forest reserves—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 9959) granting a pension to Jessie Goldie—to the Committee on Invalid Pensions.

By Mr. BODINE: A bill (H. R. 9960) granting a pension to Johnson Mize, of Laclede, Mo.—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 9961) for the relief of John Corwine—to the Committee on Naval Affairs.

By Mr. COONEY: A bill (H. R. 9962) to pension Felix G. Sitton at the rate of $30 per month—to the Committee on Pensions.

Also, a bill (H. R. 9963) for the relief of Daniel Bentley—to the Committee on War Claims.

Also, a bill (H. R. 9964) to pension Martha McSwain, widow of William McSwain—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 9965) for the removal of the charge of desertion against Thomas Bird—to the Committee on Naval Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 9966) for the relief of Benjamin Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9967) for the relief of James O. Sanborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9968) granting a pension to Sarah T. Emery—to the Committee on Pensions.

Also, a bill (H. R. 9969) for the relief of Charles Geske—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9970) for the relief of Hiram B. Hatten—to the Committee on Military Affairs.

By Mr. DE GRAFFENREID: A bill (H. R. 9971) granting a pension to Elder H. Kinney—to the Committee on Pensions.

By Mr. HILL: A bill (H. R. 9972) to remove the charge of desertion from the military record of Thomas Lee—to the Committee on Military Affairs.

By Mr. HINRICHSEN: A bill (H. R. 9973) for the relief of Edward L. Simpson, late postmaster of Carrollton, Ill.—to the Committee on Claims.

By Mr. KERR: A bill (H. R. 9974) to remove the charge of desertion against John Pierce—to the Committee on Military Affairs.

Also, a bill (H. R. 9975) to pension David C. McMillen—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 9976) to increase the pension of Nathaniel Townsend—to the Committee on Invalid Pensions.

By Mr. LEWIS of Washington: A bill (H. R. 9977) for the relief of John Thurman, of Portland, Oreg.—to the Committee on Claims.

By Mr. LORIMER: A bill (H. R. 9978) for the relief of Joseph Tousaint, alias Touzin—to the Committee on Claims.

By Mr. LOVERING: A bill (H. R. 9979) granting an increase of pension to Albert S. Shepard—to the Committee on Invalid Pensions.

By Mr. McEWAN: A bill (H. R. 9980) granting an additional pension to Henry Van Gelder, of Jersey City, N. J.—to the Committee on Invalid Pensions.

By Mr. MOODY: A bill (H. R. 9981) granting a pension to Delia Kimball—to the Committee on Invalid Pensions.

By Mr. MUDD (by request): A bill (H. R. 9982) for the relief of the estate of Matilda Shields, deceased, late of Alexandria, Va.—to the Committee on War Claims.

Also (by request), a bill (H. R. 9983) for the relief of Elizabeth Thomas, of the District of Columbia—to the Committee on War Claims.

By Mr. OTEY: A bill (H. R. 9984) for the relief of the heirs of Edward O. Watkins, of the State of Virginia—to the Committee on War Claims.

By Mr. PETERS: A bill (H. R. 9985) granting a pension to Caleb May—to the Committee on Invalid Pensions.

By Mr. RIXEY (by request): A bill (H. R. 9986) for the relief of Mrs. Marian W. Pollard—to the Committee on War Claims.

Also (by request), a bill (H. R. 9987) for the relief of the heirs of Martin Matthew, deceased, late of Prince William County, Va.—to the Committee on War Claims.

Also (by request), a bill (H. R. 9988) for the relief of Rachel Dyer, of Fairfax County, Va.—to the Committee on War Claims.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 9989) for the relief of W. L. Bernard, of West Baton Rouge Parish, La.—to the Committee on Claims.

By Mr. SOUTHARD: A bill (H. R. 9990) to increase pension of George W. Swift—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9991) to pension John C. Purdy—to the Committee on Invalid Pensions.

By Mr. SULLIVAN: A bill (H. R. 9992) for the relief of the estate of Louisa A. Ragsdale, deceased, late of Tate County, Miss.—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 9993) for the relief of the heirs of Joseph Jennison—to the Committee on War Claims.

By Mr. DAVISON of Kentucky: A bill (H. R. 9995) for the relief of Eliza J. Richardson—to the Committee on War Claims.

By Mr. PUGH: A bill (H. R. 9996) for the relief of John McGowan—to the Committee on Military Affairs.

By Mr. DAVISON of Kentucky: A bill (H. R. 9997) for the benefit of the Nicholasville Baptist Church—to the Committee on War Claims.

Also, a bill (H. R. 9998) for the relief of Mike S. Elkin—to the Committee on War Claims.

Also, a bill (H. R. 9999) for the relief of G. W. Rogers—to the Committee on War Claims.

Also, a bill (H. R. 10000) for the relief of Thomas W. Caldwell—to the Committee on Military Affairs.

By Mr. PEARSON: A joint resolution (H. Res. 240) for the relief of W. P. Roberts, late a consul of the United States at Victoria, British Columbia—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of the Commercial Exchange of Philadelphia, Pa., favoring the passage of Senate bill No. 3027 and House bill No. 6705, for pure flour—to the Committee on Ways and Means.

By Mr. BELKNAP: Petition of Sprague, Warner & Co., of Chicago, Ill., in opposition to a tax on stocks of coffees and teas at present in the United States—to the Committee on Ways and Means.

By Mr. BODINE: Papers to accompany House bill granting a pension to Johnson Mize—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petition of the Young People's Union of the Church of the Mediator, of Providence, R. I., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. CODDING: Petitions of the Church of Christ and Ward Methodist Episcopal Church, of Canton, Pa., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of the Church of Christ and Ward Methodist Episcopal Church of Canton, Pa., to forbid the sale of intoxicating beverages in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. COONEY: Petition of the committee of the Baptist Ministers' Conference in the city of St. Louis, Mo., for the establishment of freedom of conscience in the Island of Cuba—to the Committee on Foreign Affairs.

Also, petitions of Adolph Striker, J. C. Harrison, and other citizens of Marshall, Mo., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Railroad Temperance Association and 500 citizens of Sedalia, Mo., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. DALZELL: Resolutions of the Chamber of Commerce of Pittsburg, Pa., favoring the passage of House bill No. 8066, relating to appropriations for a national exposition at the city of Philadelphia—to the Committee on Interstate and Foreign Commerce.

Also, petition of Ormsby Division, No. 465, Brotherhood of Locomotive Firemen, of Pittsburg, Pa., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. FISCHER: Affidavits to accompany House bill No. 9525, granting an increase of pension to Ann Graves—to the Committee on Pensions.

Also, affidavits to accompany House bill No. 5700, to remove the charge of desertion standing against James Hickey—to the Committee on Naval Affairs.

Also, affidavits to accompany House bill No. 5701, to remove the charge of desertion against James Hogan, alias James Henneesy—to the Committee on Naval Affairs.

By Mr. FOWLER of New Jersey: Petitions of the Presbyterian Christian Endeavor Society, Congregational Church of Christ, First Methodist Episcopal Church, and Central Council, No. 131, Junior Order United American Mechanics, all of Westfield, Union County, N. J., to forbid the transmission of lottery messages by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petition of Newark Conference, Bishop Godsall, presiding, of East Orange, N. J., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Baptist Church of Tompkinsville, Ky., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: Petition of the heirs of John H. Timberlake, deceased, late of Albemarle County, Va., requesting reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. HENDERSON: Protest of J. B. Morgan and other citizens of Davenport, Iowa, against Congressional action for the erection of a monument to the late Gen. Albert Pike—to the Committee on the Library.

Also, telegram of Myers, Cox & Co., of Dubuque, Iowa, protesting against additional tax on tobacco in stock—to the Committee on Ways and Means.

Also, telegram of the Fowler Company, of Waterloo, Iowa, protesting against the imposition of an internal-revenue tax on tea and coffee—to the Committee on Ways and Means.

By Mr. HENRY of Indiana: Resolutions of Camp No. 1 of Republican Camp of Veterans and their Sons, of Indiana, relating to civil service—to the Committee on Reform in the Civil Service.

By Mr. JONES of Washington: Petition of F. D. Boyles and other citizens of the State of Washington, in relation to arid lands—to the Committee on the Public Lands.

By Mr. KERR: Petition of citizens of Mansfield, Ohio, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Norwalk, Ohio, asking for the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. LENTZ: Petition of citizens of Blacklick, Ohio, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. McALEER: Resolution of the Commercial Exchange of Philadelphia, in favor of House bill No. 8066, for an appropriation

for a national exposition of American products and manufactures in Philadelphia, Pa.—to the Committee on Ways and Means.

By Mr. MCCALL: Petition of the Boston Stationers' Association, favoring currency reform based on the gold standard—to the Committee on Banking and Currency.

By Mr. MANN: Petition of Peter Hand Brewing Company and sundry other brewers, of Chicago, Ill., urging as a matter of justice and fairness that in case an additional tax of $1 per barrel be imposed, a rebate of 15 per cent be allowed on all stamps bought, in order to reimburse them for stamps destroyed, lost, and used upon returned beer, so as not to compel them to pay a tax upon beer not sold—to the Committee on Ways and Means.

By Mr. PEARSON: Petition of Nellie Grant Sartoris, for readmission to the character and privileges of a citizen of the United States—to the Committee on Foreign Affairs.

By Mr. PETERS: Petitions of the United Brethren Congregation of Lecompton, Kans., asking for the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia and to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petition of the United Brethren Congregation of Lecompton, Kans., to prohibit the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. SLAYDEN: Petition of citizens of Menard County, Tex., asking that said county be placed in the northern judicial district of Texas and made returnable to the Federal district court at San Angelo—to the Committee on the Judiciary.

By Mr. SOUTHARD: Petition of E. W. Purrett and other citizens of Toledo, Ohio, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Woman's Christian Temperance Union, Methodist Episcopal Church, First Presbyterian Church, Central Congregational Church, and St. John's Methodist Episcopal Church, all of Toledo, Ohio, praying for the enactment of legislation to forbid the interstate transmission of lottery messages by telegraph and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union and certain churches of Toledo, Ohio, in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. STEVENS of Minnesota: Petition of the Chamber of Commerce of St. Paul, Minn., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STURTEVANT: Protest of R. S. Lewis and 45 other citizens of Pennsylvania, against the passage of the anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLER of Ohio: Petitions of H. C. Downer and other citizens of Waynesburg; J. W. McFerron and others, of East Liverpool; J. E. Hanlon and others, of Summitville; J. A. Stambaugh and others, of Bayard, and E. J. Broderick and others, of Wellsville, in the State of Ohio, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Ministerial Association of Lawrence and Franklin townships, Stark and Summit counties, Ohio, in favor of a bill for protection of the Sabbath in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of the Woman's Christian Temperance Union of East Liverpool; Methodist Episcopal Church of Wellsville, and Favorite Tent, No. 175, Independent Order of Rechabites, of East Liverpool, Ohio, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union of Marlboro, Ohio; Young People's Society of Christian Endeavor of the First Presbyterian Church, Favorite Tent, No. 175, Independent Order of Rechabites, of East Liverpool, Ohio, and First, Second, and United Presbyterian churches of Wellsville, Ohio, favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the First, Second, and United Presbyterian churches of Wellsville; Woman's Christian Temperance Union of Marlboro; Christian Endeavor Society of First Presbyterian Church, and Favorite Tent, No. 175, Independent Order of Rechabites, of East Liverpool, Ohio, asking for the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia and to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

By Mr. UPDEGRAFF: Petition of Letts, Spencer, Smith & Co., of Mason City, Iowa, protesting against taxing stocks of coffee, tea, etc., on hand—to the Committee on Ways and Means.

By Mr. VEHSLAGE: Petition of the United States Brewers' Association, protesting against the imposition of any additional tax on beer—to the Committee on Ways and Means.

By Mr. WARD: Petition of Lodge No. 405, International Association of Machinists, of New York City, relating to a contract awarded the Brown Hoisting Machine Company, of Cleveland, Ohio—to the Committee on Labor.

By Mr. YOUNG of Pennsylvania: Petition of George Peabody Lodge, No. 213, Knights of Pythias, of Wissahickon, Pa., indorsing House bill No. 6468, praying for a lease of public land from the Government for the establishment of a national Pythian sanitarium—to the Committee on the Public Lands.

Also, petition of the Commercial Exchange of Philadelphia, Pa., favoring the passage of House bill No. 6705 and Senate bill No. 3027, to prevent the adulteration of flour—to the Committee on Ways and Means.

Also, resolution of the General Society of Colonial Wars, Philadelphia, Pa., in favor of the purchase of Fort Ticonderoga by the Government—to the Committee on Military Affairs.

SENATE.

THURSDAY, *April 21, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MILLS, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of sundry citizens of Huntington, Ind., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a petition of the congregation of the Baptist Church of Richmond, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. FORAKER presented a petition of the Epworth League of the Methodist Episcopal Church of Salem, Ohio, praying for the enactment of legislation to prohibit the reproduction of prize fights by the kinetoscope or other kindred devices; which was ordered to lie on the table.

He also presented a petition of the Epworth League of the Methodist Episcopal Church of Salem, Ohio, praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which was referred to the Committee on Education and Labor.

He also presented a petition of the Epworth League of the Methodist Episcopal Church of Salem, Ohio, praying for the enactment of legislation to prohibit the interstate and mail circulation of newspaper descriptions of prize fights; which was referred to the Committee on the Judiciary.

He also presented a petition of the Epworth League of the Methodist Church of Salem, Ohio, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Epworth League of the Methodist Church of Salem, Ohio, and a petition of the Woman's Christian Temperance Union and the Christian Endeavor Society of the Christian Church of Yellow Springs, Ohio, praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance unions of Garfield, Quaker City, Peebles, and Yellow Springs; of the congregations of the First Presbyterian Church of Lancaster, the Methodist Episcopal Church of New London, the Methodist Episcopal Church of Pataskala, the Methodist Church and the Disciples' Church of West Mansfield, the Methodist Episcopal Church and the Church of Christ of Quaker City, the Methodist Episcopal Church of Troy, the First Congregational Church of Troy, the Presbyterian Church and the Methodist Episcopal Church of Yellow Springs, the Methodist Episcopal Church of Nelsonville, the Congregational Church of South Newbury, the Methodist Episcopal Church of Tiltonville, the Port Union Methodist Episcopal Church, the Valley Chapel Methodist Episcopal Church, and the Glendale Methodist Episcopal Church, of Glendale; of Liberty Tent, No. 29, Independent Order of Rechabites, of East Liverpool; of the Union Meeting of the Young People's Society of Christian Endeavor of Nelsonville; of the Young People's Society of Christian Endeavor of the Presbyterian Church of Rushsylvania, and of the Epworth League of the Methodist Church of Salem, all in the State of Ohio, praying for the enactment of

legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Woman's Christian Temperance unions of Garfield, Ridgeville Corners, Quaker City, Yellow Springs, and Peebles; of the congregations of the First Presbyterian Church of Lancaster; the Wesleyan Methodist Church of Alexandria; the Methodist Episcopal Church and the Church of Christ, of Quaker City; the Congregational Church of South Newbury; the First Congregational Church of Troy; the Methodist Episcopal Church of Troy; the Presbyterian Church and the Methodist Episcopal Church, of Yellow Springs; and the Port Union Methodist Episcopal Church, the Valley Chapel Methodist Episcopal Church, and the Glendale Methodist Episcopal Church, of Glendale; of the Christian Endeavor Society of the First Congregational Churchof Troy; of the Young People's Society of Christian Endeavor of the Presbyterian Church of Rushsylvania; of Liberty Tent, No. 29, Independent Order of Rechabites, of East Liverpool, and of the Epworth League of the Methodist Episcopal Church of Salem, all in the State of Ohio, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of Chatham Grange, No. 1437; Logan Grange, No. 3; Union Ridge Grange, No. 1470; Homer Grange, No. 691; Thurman Grange, No. 1416; Chagrin Falls Grange, No. 1439; Freeman Grange, No. 1168; Fulton Grange, No. 217; Canaan Grange, No. 857; Hope Grange, No. 406; Jackson Grange, No. 1221; Darby Grange, No. 779; Industry Grange, No. 96; Bradford Grange, No. 877; Liberty Grange, No. 223; Chesterfield Grange, No. 367; North Lima Grange, No. 1476; Washington Grange, No. 253; Oak Grove Grange, No. 1428; Montville Grange, No. 666; Harrison Grange, No. 151; Dublin Grange, No. 1409; Milan Grange, No. 342; Townsend Grange, No. 1392; Plainfield Grange, No. 1326; Wabash Grange, No. 236; Sugar Ridge Grange, No. 1482; Valley Grange, No. 1411, and Wolf Creek Grange, No. 1434, Order of the Patrons of Husbandry, all in the State of Ohio, praying for the enactment of legislation to secure to the people of the rural sections of the country the advantages of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance unions of Quaker City, Yellowsprings, Darbyville, Peebles, and Rushsylvania; of the congregations of the Methodist Church and the Disciples Church of East Mansfield; the Methodist Episcopal Church and the Church of Christ, of Quaker City; the Presbyterian Church and the Methodist Episcopal Church of Yellowsprings; the Methodist Episcopal Church of Newport Center; the Port Union Methodist Episcopal Church, the Valley Chapel Methodist Episcopal Church, and the Glendale Methodist Episcopal Church, of Glendale; the Methodist Episcopal Church and the Presbyterian Church of Palaskala; the Methodist Episcopal Church of New London; the First Presbyterian Church of Lancaster, and the Wesleyan Methodist Church, of Alexandria; of the Christian Endeavor Society of the Disciples Church of Rushsylvania; of the Presbyterian Sunday school and 67 citizens of Troy; of the Christian Church Sunday school and 56 citizens of Troy; of the Baptist Sunday school and 45 citizens of Troy; of the Methodist Episcopal Sunday school and 50 citizens of Troy; of the English Lutheran Sunday school and 34 citizens of Troy; of the Epworth League of the Methodist Church of Salem, and of Liberty Tent, No. 29, Independent Order of Rechabites, of East Liverpool, all in the State of Ohio, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Jackson Grange, No. 407; Fairmount Grange, No. 1458; Chatham Grange, No. 1437; Gnadenhutten Grange, No. 1486; Washington Grange, No. 1464; Bradford Grange, No. 877; Union Grange, No. 1450; Forest Grange, No. 841; Center Grange, No. 444; Newark Grange, No. 1004; Bloomingville Grange, No. 325; Freeman Grange, No. 1168; Springfield Grange, No. 499; Marlboro Grange, No. 1401; Chandlersville Grange, No. 1471; Richfield Grange, No. 1296; Oak Grove Grange, No. 1468; Gustavus Grange, No. 1417; Jackson Center Grange, No. 587; Darby Grange, No. 77; Industry Grange, No. 96; Liberty Grange, No. 223; Enterprise Grange, No. 472; Fallsburg Grange, No. 854; Burr Oak Grange, No. 541; Clyde Grange, No. 364; Jackson Grange, No. 403; Liberty Hill Grange, No. 1087; Union Grange, No. 21; St. Joseph Grange, No. 1082; Waterford Grange, No. 231; Wabash Grange, No. 236; Paulding Grange, No. 332; Labanon Grange, No. 1462; Progressive Grange, No. 1362; Hartford Grange, No. 1497; Tallmadge Grange, No. 1350, and of Fidelity Grange, No. 1333, of the Order of Patrons of Husbandry, all in the State of Ohio, praying for the enactment of legislation to secure to the people of the country protection against the use of adulterated food products; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Jackson Grange, No. 407; Fairmount Grange, No. 1458; Logan Grange, No. 3; Guadenhutten Grange, No. 1486; Washington Grange, No. 1454; Union Ridge Grange, No. 1470; Union Grange, No. 1450; Forest Grange, No. 841; Newark Grange, No. 1004; Center Grange, No. 444; Bloomingville Grange, No. 325; Springfield Grange, No. 499; Marlboro Grange, No. 1401; Chandlersville Grange, No. 1471; Jackson Grange, No. 1221; Richfield Grange, No. 1296; Oak Grove Grange, No. 1463; Gustavus Grange, No. 1417; Jackson Center Grange, No. 587; Fallsburg Grange, No. 854; Jackson Grange, No. 403; Enterprise Grange, No. 472; Glyde Grange, No. 364; Burr Oak Grange, No. 541; Montville Grange, No. 666; Harrison Grange, No. 151; Liberty Hill Grange, No. 1087; Washington Grange, No. 253; Oak Grove Grange, No. 1428; St. Joseph Grange, No. 1082; Townsend Grange, No. 1392; Fidelity Grange, No. 1333; Tallmadge Grange, No. 1350; Hartford Grange, No. 1479; Wolf Creek Grange, No. 1434; Progressive Grange, No. 1362; Lebanon Grange, No. 1462, and Paulding Grange, No. 332, Order of the Patrons of Husbandry, all in the State of Ohio, praying for the enactment of legislation to secure to the people of the rural sections of the country free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented a memorial of sundry business firms of Evansville, Ind., remonstrating against the imposition of an internal-revenue tax on tea and coffee; which was referred to the Committee on Finance.

Mr. DANIEL presented a petition of the Board of Trade and the Business Men's Association of Norfolk, Va., praying that one of the new United States battle ships be named the *Virginia*, and that one of the cruisers be named the *Norfolk;* which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Board of Trade and Business Men's Association of Norfolk, Va., remonstrating against the imposition of an internal-revenue tax on coffee and tea now in the hands of merchants; which was referred to the Committee on Finance.

He also presented a petition of the legislature of the State of Virginia, praying for the establishment of the proposed battlefields park near Fredericksburg, Va.; which was referred to the Committee on Military Affairs.

He also presented a petition of members and officers of Company E, Second Infantry, National Guard of Virginia, and a petition of the Lynchburg Home Guards, of Lynchburg, Va., praying that House bill No. 2876, to promote the efficiency of the militia, be amended so that the annual appropriation for the National Guard shall be not less than $1,000,000; which were referred to the Committee on Military Affairs.

He also presented a petition of Blue Ridge Division, No. 184, Order of Railway Conductors, of Clifton Forge, Va., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a memorial of the Central Labor Union of Southeastern Virginia, remonstrating against the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a petition of Local Union No. 133, Cigar Makers' International Union, of Richmond, Va., and a petition of the Old Dominion Lodge, International Association of Machinists, of Newport News, Va., praying for the passage of the so-called postal savings bank bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Reedy Woman's Christian Temperance Union, of Caroline County, Va., praying for the enactment of legislation to prohibit, so far as the power of Congress extends, the reproduction of prize fights by the kinetoscope or other kindred devices and also the interstate and mail circulation of newspaper descriptions of the same; which was ordered to lie on the table.

He also presented a petition of the Reedy Woman's Christian Temperance Union, of Caroline County, Va., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which was referred to the Committee on Education and Labor.

He also presented a petition of the Reedy Woman's Christian Temperance Union, of Caroline County, Va., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Reedy Woman's Christian Temperance Union, of Caroline County, Va., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented petitions of the Young People's Christian Union of Singers Glen; of the Baptist Young People's Union, of Singers Glen; of the Woman's Christian Temperance Union of

Singers Glen, and of the Reedy Woman's Christian Temperance Union, of Caroline County, all in the State of Virginia, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

Mr. CAFFERY, from the Committee on Commerce, to whom was referred the bill (H. R. 7748) to provide for a survey of Elk River, in Tennessee and Alabama, reported it without amendment.

Mr. MILLS, from the Committee on Commerce, to whom was referred the bill (S. 4334) appropriating $25,000 for the repairs on the levee on the Ohio River at Shawneetown, Ill., reported it without amendment.

Mr. McLAURIN, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 2691) to amend section 9 of an act entitled, "An act to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes," reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 2016) relating to the Washington, Woodside and Forest Glen Railway and Power Company, of Montgomery County, Md., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2799) to redeem outstanding certificates issued by the board of audit and the board of public works of the District of Columbia; and

A bill (H. R. 4101) granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington Parish for the benefit of the Congressional Cemetery.

Mr. NELSON, from the Committee on Commerce, to whom were referred the following bill and joint resolution, reported them severally without amendment:

A bill (H. R. 9552) permitting the building of a dam across Rainy Lake River; and

A joint resolution (H. Res. 175) for a survey of the harbor at Sheboygan, Wis.

Mr. KENNEY, from the Committee on the District of Columbia, to whom was referred the bill (S. 4227) for the relief of the heirs of Charles M. Skippon, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8972) to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington," reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 2035) for the remuster of Francisco V. De Coster as captain of Companies A and D, Mississippi Marine Brigade Cavalry Volunteers, reported it with an amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (H. R. 863) granting a pension to Francis Shetais, alias Frank Stay, reported it without amendment, and submitted a report thereon.

MAPS AND CHARTS OF ALASKA.

Mr. HANSBROUGH. On behalf of the junior Senator from Rhode Island [Mr. WETMORE], chairman of the Committee on the Library, I report a resolution and ask that the resolution, with the accompanying document, be referred to the Committee on Printing.

The VICE-PRESIDENT. The resolution and accompanying document will be referred to the Committee on Printing.

Mr. WOLCOTT. I ask that the resolution be read.

The Secretary read the resolution, as follows:

Resolved, That there be printed in pamphlet form 1,000 copies of the Descriptive Catalogue of Maps and Charts of Alaska and Adjacent Regions now in the Library of Congress; 500 copies for the use of the Senate and 500 copies for the use of the Library of Congress.

WEST FORK RIVER, WEST VIRGINIA.

Mr. ELKINS. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. Res. 116) authorizing the Secretary of War to make a survey of the West Fork River, West Virginia, and prepare estimates of the cost thereof, to report it without amendment. I ask unanimous consent that the joint resolution be considered at this time. It is short. It has passed the House and is simply a direction for a survey. It is reported unanimously by our committee.

Mr. ALLISON. The Senator from West Virginia was not here last night when we arranged that after the routine morning business this morning the sundry civil appropriation bill should be taken up and disposed of.

Mr. FAULKNER. I will state to the Senator from Iowa that this is a very short bill, and it is a unanimous report from the committee. It is a House joint resolution, and it will not take a moment to pass it.

Mr. ALLISON. I merely call attention to the understanding.

Mr. FAULKNER. The agreement was to be carried out after the morning business is through. It is not through yet. I understand there is no objection to the consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole. It directs the Secretary of War to cause a survey and submit an estimate for the improvement of the West Fork River, West Virginia, from its mouth to the city of Clarksburg, W. Va., by a system of locks and dams, the proper location of necessary dams, as well as probable cost thereof.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELLIE GRANT SARTORIS.

Mr. MORRILL. I ask leave to present the petition of Nellie Grant Sartoris, asking to have her citizenship restored. I also introduce a joint resolution to carry out the purpose, and I ask leave for the present consideration of the joint resolution. The joint resolution will explain that when she was married she took away her citizenship, and now she has been back here a resident since 1894 and desires to be restored to her citizenship. I am sure, if the Senate will hear the joint resolution read and learn the facts set forth in the preamble, there will be not a single objection to it.

The joint resolution (S. R. 156) readmitting Nellie Grant Sartoris to the character and privileges of a citizen of the United States was read the first time by its title and the second time at length, as follows:

Whereas Nellie Grant Sartoris, widow, daughter of the late Gen. Ulysses S. Grant, being a natural-born citizen of the United States, married in 1874 Algernon Charles Frederick Sartoris, a subject of the Queen of Great Britain, and emigrated to Great Britain, becoming thereby, under the laws of Great Britain, a naturalized British subject, to be recognized as such by the United States, according to the provisions of the convention relative to naturalization between the United States and Great Britain of the 13th of May, 1870; and

Whereas the said Nellie Grant Sartoris has since returned to the United States and renewed her residence therein, and petitioned Congress to be readmitted to the character and privileges of a citizen of the United States under and by virtue of the provisions of Article III of the convention aforesaid: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Nellie Grant Sartoris, daughter of Gen. Ulysses S. Grant, be, and she is hereby, on her own application, unconditionally readmitted to the character and privileges of a citizen of the United States, in accordance with the provisions of Article III of the convention relative to naturalization between the United States and Great Britain concluded May 13, 1870.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

ARANSAS PASS HARBOR IMPROVEMENT.

Mr. MILLS. I am instructed by the Committee on Commerce, to whom was referred the concurrent resolution relative to the improvement of Aransas Pass Harbor, State of Texas, to report it without amendment, and I ask for its immediate consideration.

Mr. HALE. Under the arrangement that was made last night——

Mr. MILLS. Oh, I understand. That does not cover morning business.

Mr. HALE. I must object to the consideration of any bills that are reported.

Mr. MILLS. We have passed two this morning, and I understand that this is morning business. If the Senator says that such business was not embraced in that agreement, of course I will not violate the agreement.

Mr. HALE. Of course it is not morning business to pass bills and resolutions. It is morning business to receive them.

Mr. MILLS. Then I will not press the request.

The VICE-PRESIDENT. The concurrent resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. TURPIE introduced a bill (S. 4448) to correct the military record of John W. House; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GEAR introduced a bill (S. 4449) granting a pension to William L. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL (by request) introduced a bill (S. 4450) for the relief of John H. Eggborn, of Culpeper County, Va.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. QUAY introduced a bill (S. 4451) granting a pension to Nancy Barger; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 4452) authorizing the Campbell-Lynch Bridge Company to construct a bridge across the Arkansas River at or near Webbers Falls, Ind. T.; which was read twice by its title, and referred to the Committee on Commerce.

NONEXPORTATION OF WAR MATERIAL.

Mr. QUAY. I introduce a joint resolution and ask that it may be placed upon its passage. I will state before the joint resolution is read that it is the same that was introduced on Saturday by the Senator from Connecticut [Mr. HAWLEY] and objected to at that time, I think, by the Senator from Alabama [Mr. PETTUS]. I am informed by the Secretary of War that it is very important that the resolution should be passed at once. There was also an objection made, I believe, by the Senator from Maryland [Mr. GORMAN] who is not in his seat. I propose upon its passage to allow it to lie on the table until the Senator from Maryland comes in.

The joint resolution (S. R. 157) to prohibit the export of coal or other material used in war from any seaport of the United States was read the first time by its title, and the second time at length, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized, in his discretion, and with such limitations and exceptions as shall seem to him expedient, to prohibit the export of coal or other material used in war from any seaport of the United States until otherwise ordered by Congress.

Mr. ALLISON. What does the Senator from Pennsylvania propose?

Mr. QUAY. I propose to have the joint resolution put on its passage and allow it to lie over until the Senator from Maryland enters the Chamber. If he should still object, I will of course move to reconsider the vote by which it was passed.

Mr. ALLISON. I trust the Senator will allow it to lie on the table, and call it up later. We have a unanimous-consent agreement that we shall go on this morning after the routine business with the appropriation bill. I have been compelled to object to several other matters that are in the order of morning business. Of course this measure will pass during the day.

Mr. QUAY. I have no objection to that course, with the understanding that it may be called up at any time when the Senator from Maryland is present.

Mr. ALLISON. That is all I desire.

The VICE-PRESIDENT. The joint resolution will lie on the table for the present.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. FAIRBANKS submitted an amendment relative to the payment of the claims of George W. McCray, M. M. Defrees, Christian M. Kirkpatrick, and of the Western Paving and Supply Company, for work done in Indianapolis, Ind., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PAY OF STENOGRAPHER.

Mr. DAVIS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report statements before the Committee on Foreign Relations April 7, April 8, and April 12, 1898, be paid from the contingent fund of the Senate.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the bill (S. 435) for the relief of the legal representatives of John C. Howe, deceased, having been presented to the President on April 7, 1898, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.

WASHINGTON AND GLEN ECHO RAILROAD COMPANY.

Mr. McMILLAN. I submit a conference report on the bill (S. 924) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet. I ask that the report be read.

The Secretary proceeded to read the report.

Mr. ALLISON. If it is suggested that the conference report be considered now, I repeat, it is in violation of the agreement made yesterday.

The VICE-PRESIDENT. The report of the committee is being made and is being read to the Senate. No action has been asked upon it.

Mr. ALLISON. If no action is asked, very well.

Mr. CHANDLER. I ask that the report be printed in the RECORD without reading.

Mr. McMILLAN. I thought a conference report was always in order.

The VICE-PRESIDENT. It is, for presentation, but not for consideration except by consent. The order suggested will be made, and the conference report will be printed in the RECORD without reading.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 924) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same amended as follows: In lieu of the proposed sections insert the following as a proviso at the end of section 1:

"*And provided further*, That the Commissioners of the District of Columbia shall have the power to make and to enforce all reasonable and usual regulations for the operation and maintenance of that portion of the lines within the District of Columbia."

And the House agree to the same.

JAMES McMILLAN,
J. H. GALLINGER,
A. P. GORMAN,
Conferees on the part of the Senate.

J. W. BABCOCK,
JAMES D. RICHARDSON,
Conferees on the part of the House.

ROBERT B. RODNEY.

Mr. KENNEY. I move that the Committee on Naval Affairs be discharged from the further consideration of the bill (S. 3237) for the relief of Robert B. Rodney, paymaster, United States Navy, retired, introduced by me on the 17th of January last, and that the same may be withdrawn.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with an amendment the joint resolution (S. R. 150) authorizing the printing of extra copies of the military publications of the War Department.

The message also announced that the House had passed a bill (H. R. 9944) to provide for temporarily increasing the military establishment of the United States in the time of war, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; which were thereupon signed by the Vice-President:

A bill (S. 3) to approve a compromise and settlement between the United States and the State of Arkansas;

A bill (H. R. 7318) for the relief of Frank Loyd, of Georgia; and

A joint resolution (S. R. 110) authorizing the National Reunion Monument Association to erect a monument in the city of Washington to the Union soldiers, sailors, and marines of the war of the rebellion.

FINANCIAL POLICY.

The VICE-PRESIDENT. The Chair lays before the Senate resolution No. 342, coming over from yesterday, offered by the Senator from Nebraska [Mr. ALLEN].

Mr. ALLEN. Without having the resolution read, I desire to have it go on the Calendar, that I may discuss it at length at some other time.

The VICE-PRESIDENT. The resolution will be placed on the Calendar.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. Now, Mr. President——

The VICE-PRESIDENT. Under the agreement made yesterday, the Chair lays before the Senate the sundry civil appropriation bill, being House bill 8428.

The Senate resumed the consideration of the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes.

Mr. MONEY. Mr. President, I see in the Morning Times this statement:

There will be no privateering.

A little farther down in the column there is the following statement:

The State Department announces that the United States will abide by the war regulations prescribed by the treaty of Paris.

I desire, in view of this public print which has been brought to my attention, to inquire of any member of the Committee on Foreign Relations present whether there is any knowledge that this is true, as stated in the paper?

Mr. PLATT of Connecticut. We have not been able to hear what was stated in the paper.

Mr. MONEY. It is stated in the paper that there will be no privateering; that the State Department has announced that the United States will abide by the regulations of the convention of

Paris in 1856, which declared that privateering was piracy. I desire to ask if any member of the Foreign Relations Committee can inform the Senate whether this statement made in the newspaper this morning is true or not?

Mr. DAVIS. I have heard nothing about it except what I saw in the paper this morning. I have no information whatever upon the subject.

Mr. MONEY. I have no disposition to raise any issue whatever with the President at this moment, but I have thought that the urgent appeals made by the friends of the Administration were entirely unnecessary; that there is no member of the Senate at this moment who would default in the high duty which he owes to his country, but would cordially and earnestly support the Administration in the exercise of its constitutional authority to conduct the war with all the vigor possible. I do not now believe that there has been the slightest necessity for those appeals in the Senate in that behalf, but if this is true, as reported now, it is well that the Senate should take notice that the power conferred upon the President and upon the Congress by the Constitution should be distinctly defined and well understood. There is not a Senator here who does not know that the President and his Cabinet have not the slightest power over the subject-matter here spoken of, but that the power to issue letters of marque and reprisal belongs exclusively to the Congress of the United States.

I also understood (if it is not the case, it is just as well to have it stated) that the United States and Spain are the only great sovereignties which have not signed the Paris convention. I take occasion to say that while it has been repeatedly stated in the Senate in the course of the debate that the United States was not one of the grand signatories to that convention, at the same time the United States have not been properly set before the world in that regard. The United States did not sign that convention, not because she was opposed to abolishing privateering, but because she demanded more than the powers assembled in Paris were willing to grant. In everything as respects the rights of countries the United States has, to her indelible honor, taken the lead for the last hundred years. She insisted that the property of private citizens should be respected everywhere, on sea as well as on land, and it was because the sovereignties assembled at Paris refused to make that concession that she declined to sign the treaty of Paris.

Now, Mr. President, with a considerable commercial marine——

Mr. MASON. I did not understand the reason given. Will the Senator state it again?

Mr. MONEY. I said that the United States failed to sign the convention of Paris, not because she was opposed to abolishing privateering, but because she insisted upon a ground more advanced, as was her custom, than the other powers were willing to take.

Mr. HOAR. Mr. President, if this debate is to continue, I shall insist that it shall continue in secret session.

Mr. MONEY. I propose to make a few remarks on this subject, that, as I before stated, if there was any difference between the legislative and executive branch on this question, it might be distinctly understood.

Mr. HOAR. If the President has even done something which the Senator thinks is beyond his constitutional power, we have no notice of it but in this newspaper. I submit to the Senate, as a precedent for our conduct during the time before us, that we had better avoid these discussions as far as possible in public. I ask the Senator whether he considers it worth while to declare to Spain or any other country what our policy is going to be just yet by discussion in the Senate. I submit that to the Senator's consideration. There is no doubt, of course, about the constitutional provision.

Mr. MONEY. Mr. President——

Mr. HOAR. I will not interfere with the Senator, because I know his great patriotism and great wisdom.

Mr. MONEY. I had almost concluded when I was interrupted by the Senator from Massachusetts.

Mr. ALLISON. I do not wish to interrupt the Senator from Mississippi, but I ask if he is informed of the unanimous agreement made last evening?

The VICE-PRESIDENT. The Chair supposed the Senator from Mississippi was talking under the arrangement made last night, under the five-minute rule. His time has not yet expired.

Mr. MONEY. I understand that I am speaking under the five-minute rule. I expected to confine myself to the agreement mentioned by the Senator from Iowa. I had no design whatever to precipitate any discussion; I do not propose to take part in any discussion; but I thought it was my duty to call attention to this statement. I supposed when I rose that some member of the Foreign Relations Committee could assure me whether it was true or not. But whether it is true or not, it certainly does nobody any injury to call attention to the fact that this proposition, if ever made at all, can not be tolerated by the Congress of the United States.

The powers to issue letters of marque and reprisal are confided by special delegation to the two Houses, and it is just as well now that those Senators who are in the confidence of the Administration and who exerted their influence over the Senate to secure a thorough cooperation should exert the same influence, which they no doubt have and are entitled to have with the Senate, upon the Executive. I say, because I realize the importance to have a thorough cooperation, that there should be no infringement by either party upon the rights and prerogatives and powers of the other.

Having submitted that much and called the attention of the Senate to this statement, I have nothing more to say, sir.

The VICE-PRESIDENT. The time of the Senator from Mississippi has expired.

Mr. MORGAN. I wish merely to state that the Committee on Foreign Relations have no jurisdiction of the question. The question of the conduct of the war belongs to the Committee on Military Affairs.

Mr. HOAR. I desire, without any reference to what has been said, but as this is a convenient opportunity, to give notice that if any question be raised in the Senate in regard to the policy or the management of the United States in the conduct of the war, I shall, if present, insist on the rule which provides for dealing with such subjects in secret legislative session; and if I can find any other Senator to agree with me, that rule will be enforced.

Mr. MASON. Mr. President, I desire, in just one minute, to say that I intend to be entirely consistent in joining with the Senator from Massachusetts in that effort. I have taken a position that I believe to be the fair one, that there is no need of executive sessions in this body except in time of war. I am perfectly willing now to say that I agree with the Senator from Massachusetts and I shall insist in every way I can to have the private business of the Senate done with closed doors. I think it was the original intention of the framers of the Constitution that we should have executive sessions only in time of war.

The VICE-PRESIDENT. The question is on concurring in the amendment of the committee on page 67.

Mr. COCKRELL. The first amendment on page 67, lines 7 and 8, is in the proviso, which reads:

Provided, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior and allowed per diem.

The Committee on Appropriations recommend that the words "selected by the Secretary of the Interior and" shall be stricken out and that the clause shall be left to read:

That the agents and others employed under this appropriation shall be allowed per diem, subject to the rules and regulations, etc.

Mr. PLATT of Connecticut. Will the Senator read the clause again as it will read if the words are stricken out?

Mr. COCKRELL. If the words are stricken out the clause will read:

That agents and others employed under this appropriation shall be allowed per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence, etc.

In other words, it leaves these officers just where the President of the United States has placed them by his orders issued in pursuance of the civil-service law. This is an attempt upon the part of the House to destroy the civil-service law entirely, to wipe it from the statute books piecemeal by piecemeal. I appeal to friends upon the other side to know whether they intend to commence encroachments upon the civil-service law in this piecemeal way, which they have indorsed from year to year and Administration after Administration. The President has the power beyond any question to-day to take these particular officers out of the control of the civil-service law, and is it possible that we are going to say to the President, "You will not listen to your staff officer, your Secretary; we will take away from you the power you have exercised and give it to the Secretary of the Interior?"

Mr. CLARK. Will the Senator from Missouri yield to an inquiry?

Mr. COCKRELL. Not out of my five minutes.

Mr. President, the objection has been made in regard to the other clause, which refers to the forest reservations, that under the civil-service law there will be no time for examinations after a fire starts up. The Senators making that argument themselves contradicted that very position. How? They stated that these employees would not be needed the year round; that they would not be needed in the wet season; that they would only be needed in the dry season. Then there will be over half the year within which the Civil Service Commissioners may act and have agents ready to be appointed when the season for fires begins. It will not hold to say that the civil-service laws can not be enforced in these cases.

Mr. President, I insist that we shall stand by the recommendations of the Committee on Appropriations and leave these officers just where the President of the United States has put them. He has put them there. There they are. He has the right to take them out from the civil-service law. We had a committee of this Congress to investigate this whole matter. Here is the

report of that committee, signed by Senators PRITCHARD, LODGE, KENNEY, MORRILL, ELKINS, WOLCOTT, CHILTON, and HARRIS. They do not recommend that we shall legislate and abrogate what the President has done. They recommend their suggestions to the Executive for his consideration. But, oh, no; the House will not let us do that. The House is going to come by force of arms and take away from the President the right he has exercised of placing these men under the civil-service rules. The question is, Shall we concur in the amendment of the Committee on Appropriations? I hope there will be a universal response of "yea."

Mr. WILSON and Mr. CLARK addressed the Chair.

The VICE-PRESIDENT. The Senator from Washington.

Mr. WILSON. If the Senator from Wyoming desires to take the floor, I will yield to him with pleasure.

Mr. CLARK. No; proceed.

Mr. WILSON. Mr. President, I hope that the Senate will not concur in the amendment made as in Committee of the Whole. I think myself that we have enough officers now in the classified service without extending it any further to these very unimportant employees.

Let us examine it and see. What character of an examination would be necessary for a man simply to patrol a forestry reservation? I desire to say that I have no personal hostility to a reasonable and fair and legitimate civil service: but I have considerable hostility to one that, in my judgment, is conducted upon lines that are full of deceit and full of humbuggery, if I may use that expression. I know that the Civil Service Commission will take any advantage upon earth to secure the appointment of one of their people, whether he has been examined for the particular office or not. They say that they have a classified list for officers, when, as a matter of fact, they have no classified list for those officers. I know that in my State they certified the other day a clerk in a United States land office. They never had any examination for those positions. They just certified him from a list, and they had not asked him a single solitary question upon the duties that pertained to the office, for I examined every one of them very carefully.

Now, here we are creating a few offices of a very moderate nature. It is to be employment at a dollar and a half and two dollars and two dollars and a half a day; axmen, who must be familiar with wood and trees, with what is dead and living, and what is down and what is permitted to be sold; and it is proposed that before we can take any action whatever we have got to go to the Civil Service Commission and secure temporary employment during the summer months. They are not really offices; the employment expires from time to time.

The Senator from Missouri, a day or two ago, when he commenced his very able discussion of the Cuban question on this amendment, stated that I had made a very gross and violent attack upon the President and upon the Civil Service Commission in a statement I made here. I want to correct that. I will read the language of the Senator from Missouri when he requested me to have the letter read. It so happened that in the State of Washington at one time we had what was known as the Puyallup Indian Commission. It went along for a year or two, or perhaps three years, when we sought an additional appropriation, and one of the provisions (I stated it was in the sundry civil bill; I wish to correct that and state it was in the Indian appropriation bill) of the Indian appropriation act, on page 23 of the act for the year ending June 30, 1897, provided for an appropriation of $4,000 to be immediately available:

> And said commission shall conclude its work and terminate on or before the 1st day of December, 1896.

The commission absolutely terminated on the 1st day of December, 1896; they went out of office. Nevertheless the Civil Service Commission at a later date appointed Mr. Anderson to be a supervising inspector of Indian schools. When I made my statement here the Senator from Missouri said it was a very gross attack upon the Civil Service Commission. Permit me to read, Mr. President——

The VICE-PRESIDENT. The time of the Senator from Washington has expired.

Mr. WILSON. I thought we had ten minutes under the agreement.

The VICE-PRESIDENT. Five minutes.

Mr. GALLINGER. Mr. President——

Mr. CLARK. I ask unanimous consent that the Senator from Washington may proceed.

Mr. GALLINGER. Mr. President, a little less than a year ago, in traveling through a Western State, I chanced to meet a gentleman who was an agent of the Government of the United States. I fell into conversation with him and ascertained that he had been sent as an agent of the Government to investigate, as I remember it, depredations on the timber reservations of that part of the country. In conversation I asked him if he had been appointed under the civil service. He said he had not, for the reason that the Civil Service Commission had not then formulated a list of questions; that he was appointed for ninety days, at which time, as I understood him to say, his commission would be revoked, and then either he or somebody else would be appointed to perform ninety days' more service for the Government. He was traveling in Pullman cars at the expense of the Government on his way to some distant point in the country, having been sent, I believe, from the city of Washington. That illustrates the working and the economy of so-called civil service in some governmental matters.

Mr. President, I may not understand this question, but as I do understand it, here is a provision for a few men to be appointed by the Government to exercise some kind of jurisdiction over the forests belonging to the Government.

Mr. COCKRELL. The first amendment does not relate to forestry agents, but the other does. The first one is for protecting timber on the public land and the settlement of claims for swamp lands and swamp-land indemnity. That is the first amendment. Then the next amendment is for the protection and administration of forest reserves.

Mr. GALLINGER. I am not going to be very exact in my statement on this point, but want simply to make a general statement concerning it. Here are two provisions for the appointment of a few men at a very small salary to perform the duties of the Government in a distant part of the country, and the proposition is seriously made to us by the Committee on Appropriations of the Senate that they shall be examined by the Civil Service Commission and sent out, very likely from the city of Washington, at large expense to the Government, to perform duties which from the very nature of the case they know nothing about.

Mr. TELLER. Will the Senator from New Hampshire allow me to suggest to him that we have made no such proposition; that if they are not included in the present system of civil service, they will not be in.

Mr. GALLINGER. Precisely.

Mr. TELLER. And if they are in, the President can take them out if he wants them out.

Mr. GALLINGER. I understand all about that, and that does not in the least degree qualify my statement.

Mr. TELLER. If the Senator will allow me, his statement is not correct. They are not within the provisions of the law unless they are put in by order of the President.

Mr. GALLINGER. Precisely. I understand that, too.

Mr. TELLER. And if we let it alone and they are not in, then they are still out.

Mr. GALLINGER. I understand, and I prefer to keep them out. I know of no reason why either Congress or the President should include these officers, at the pay of a dollar and a half or thereabouts a day, in the civil service, and impose upon the public service a class of men who, in the nature of things, will have no qualifications for the performance of their duties. There are men in Colorado, there are men in California, there are men in Oregon who understand infinitely more about this business than any man whom the Civil Service Commission can discover in Washington or anywhere else; and I think it is bad policy for us to extend the civil service in that direction. My judgment is that it is extended already further than it ought to be, and I think we ought to call a halt when it comes to the appointment of a few men to perform such duties as are required of these men at the meager salary which they are to receive.

For that reason I shall vote against the amendment proposed by the Committee on Appropriations.

Mr. CLARK. Mr. President, I accept the statement of the chairman of the Committee on Appropriations—I am compelled to accept it—that the object of this amendment to the House bill is to place all these officers under civil-service rules and to put them into the classified service. This would be a very serious thing if it were not so grotesque. It creates a new line of officers to be provided for from the certified list of the Civil Service Commission, who have never been thought of before, and it is extending the powers of the Civil Service Commission to a class of employees who have never yet been subject to its provisions.

The Senator from Missouri is correct in his conclusions, but wrong in his premises. Under the second amendment——

Mr. COCKRELL. I did not speak of the second amendment. I was discussing the first amendment.

Mr. CLARK. I supposed the Senator was speaking of both amendments. I will speak of the first amendment and the second amendment, and consider them together in a general way, because both are closely identified.

This provision places under the control of the Civil Service Commission men who act as ordinary laborers a hundred miles from a railway, in the depths of the forest and beyond mail facilities, out alone with a bucket by their side and a rifle upon their back, and makes them subject to the control of the civil-service authorities in the city of Washington.

The Commissioner of the General Land Office informs me that he expects to employ these men at a rate not to exceed a dollar

and a half a day. Why, Mr. President, it is ludicrous to say that such men shall be selected by the Civil Service Commission in the city of Washington after passing an examination. A man never could pass a civil-service examination and at the same time be fit for the service which this amendment proposes.

I hope, Mr. President, that the Senate of the United States and even the Committee on Appropriations will see the situation absolutely as it is, and will see that efficient service will be marred, will see that no good can come by placing these appointments under the civil service, and will see that the very object of this provision will be prevented if the amendment of the Committee on Appropriations is adopted.

Mr. TELLER. Mr. President, if these men are not already under the civil-service rules by virtue of some order, it is not necessary to make any suggestion in the amendment concerning them.

Mr. CLARK. May I interrupt the Senator for a moment?

Mr. TELLER. You may interrupt me for a moment.

Mr. CLARK. Only for a moment. I made my statement upon the statement made by the chairman of the committee who reported the bill, that the object was to place these men under the classified service, and I prefer to avoid any question as to that matter.

Mr. TELLER. Mr. President, we are not placing them under the civil service, and we are providing that the President shall not place them there. That is what we are providing for, and that is all we are providing for now. We propose to leave that subject to the President.

Some of these people ought to be under the civil-service regulations and some, as suggested by the Senator from Wyoming [Mr. CLARK], ought not to be. It would be absurd to put some of them under the regulations of that service. We propose to leave the whole matter to the Department, and the Secretary of the Interior will see what positions he thinks ought to be under the civil-service rules and what ought not to be, and the President will very likely agree with him. The whole matter will be left practically to the Commissioner of the General Land Office, and we do not want to legislate here so that he can not manage it.

Mr. WILSON. Mr. President, I wish to make a brief statement, and I ask if I may be permitted to make it under the agreement under which we are acting?

Mr. COCKRELL. Not on this bill.

Mr. CLARK. The Senator from Washington can speak on the second amendment.

Mr. WILSON. Mr. President, a single word. It is very unkind of the honorable Senator from Missouri [Mr. COCKRELL] to make the statement which he has made. I do not care anything about it particularly, but he took over a day to speak on my motion, and I sat here in my chair for two days and listened to the honorable Senator.

Mr. COCKRELL. What statement did I make?

Mr. WILSON. He made a charge against me in his opening speech that I made a gross attack upon the Administration and upon the Civil Service Commission. That is the utterance the honorable Senator made. Then he started out with his speech—an interesting speech, covering the Cuban question and other questions—and when I have just five minutes to reply to the honorable Senator, he says, "You can not speak on this bill," whilst he has spoken an entire day upon my motion.

Mr. COCKRELL. I beg pardon. I did not say you could not speak.

Mr. WILSON. As the honorable Senator walked down the aisle he said, "You can not speak on this bill." I think I am quoting his exact language, and I submit to that honorable Senator, whom I esteem and admire—nay more, whom I love—that it was not fair to object to my speaking for five minutes after he had spoken an entire day on my motion, his speech involving the whole Cuban question, the standard silver dollar, and all we have got to do is to get the old Hawaiian question up again and then we shall have all our former contentions fought over again.

Mr. COCKRELL. I spoke on the first amendment. If the Senator wants to speak on the second amendment, he has a perfect right to do so. The Senator can speak for five minutes.

Mr. WILSON. I do not want to speak at all. I do not care whether I speak or not. That is entirely uninteresting. But I want to deny the statement that the honorable Senator from Missouri attributed to me two days ago.

The VICE-PRESIDENT. The first amendment before the Senate is on page 67, in line 6, after the words "shall be," to strike out "selected by the Secretary of the Interior and." The question is on concurring in that amendment.

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I am paired with the Senator from New Jersey [Mr. SMITH]. If he were present, I should vote "nay."

Mr. MCMILLAN (when his name was called). On account of my pair with the Senator from Kentucky [Mr. LINDSAY] who is not present, I withhold my vote.

Mr. PLATT of New York (when his name was called). I am paired with the senior Senator from New York [Mr. MURPHY], and therefore withhold my vote.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Mississippi [Mr. WALTHALL] who is detained from the Senate by serious illness. I do not know how he would vote on this proposition if present, and therefore I withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. He being absent, I withhold my vote. If he were present, I should vote "yea."

Mr. TURPIE (when his name was called). I inquire whether the senior Senator from Vermont [Mr. MORRILL] has voted?

The VICE-PRESIDENT. The Senator from Vermont has not voted.

Mr. TURPIE. I withhold my vote, as I am paired with that Senator.

The roll call was concluded.

Mr. CHILTON (after having voted in the affirmative). I see the Senator from Minnesota [Mr. DAVIS] with whom I am paired is not in the Chamber, and I therefore withdraw my vote.

Mr. BACON (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. In his absence, I transfer that pair to the junior Senator from Kansas [Mr. HARRIS], and will permit my vote to stand.

The result was announced—yeas 33, nays 24; as follows:

YEAS—33.

Allison,	Gray,	Martin,	Rawlins,
Bacon,	Hawley,	Mills,	Sewell,
Bate,	Hoar,	Money,	Stewart,
Berry,	Jones, Ark.	Morgan,	Teller,
Caffery,	Kenney,	Pasco,	Turley,
Clay,	Lodge,	Perkins,	Turner.
Cockrell,	McEnery,	Pettigrew,	
Daniel,	McLaurin,	Platt, Conn.	
Faulkner,	Mallory,	Proctor,	

NAYS—24.

Allen,	Cullom,	Hanna,	Quay,
Burrows,	Deboe,	Hansbrough,	Roach,
Cannon,	Elkins,	Mantle,	Shoup,
Carter,	Fairbanks,	Penrose,	Warren,
Chandler,	Foraker,	Pettus,	White,
Clark,	Gallinger,	Pritchard,	Wilson.

NOT VOTING—32.

Aldrich,	Hale,	Mason,	Thurston,
Baker,	Harris,	Mitchell,	Tillman,
Butler,	Heitfeld,	Morrill,	Turpie,
Chilton,	Jones, Nev.	Murphy,	Vest,
Davis,	Kyle,	Nelson,	Walthall,
Frye,	Lindsay,	Platt, N. Y.	Wellington,
Gear,	McBride,	Smith,	Wetmore,
Gorman,	McMillan,	Spooner,	Wolcott.

So the amendment was concurred in.

The VICE-PRESIDENT. The next reserved amendment will be stated.

The SECRETARY. The Senate, as in Committee of the Whole, agreed to an amendment, on page 67, line 21, after the word "persons," to strike out "to be designated by the Secretary of the Interior for duty;" so as to read:

Provided, That forestry agents and supervisors, and other persons under this appropriation, shall be allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each, and actual necessary expenses for transportation, etc.

The VICE-PRESIDENT. The question is on concurring in the amendment.

Mr. FAULKNER. I think that identically the same question is involved in that amendment as the one which the Senate has just passed upon.

Mr. CLARK. It is not at all the same question. It applies to a different class of employees entirely.

The VICE-PRESIDENT. The question is on concurring in the amendment.

Mr. WILSON. Mr. President, I believe I am entitled to five minutes under the rule to discuss this amendment?

The VICE-PRESIDENT. The Chair so understands.

Mr. WILSON. I am not violating, I trust, any agreement that has been made. I do not want to do that.

The VICE-PRESIDENT. The Senator from Washington is entitled to the floor.

Mr. WILSON. Mr. President, I was just about to state my reasons and reply to the statement of the honorable Senator from Missouri [Mr. COCKRELL], that I have made an attack on the Civil Service Commission or upon the President. So far as the matter of an attack upon the Civil Service Commission is concerned, I hope that is true. I shall be very glad to be considered as attacking that honorable body at any time, because I have not

a particle of confidence in them at any time or any place or under any circumstances. I wish to state that publicly.

When, however, the honorable Senator stated that in the statement I made I had attacked the President, he was a little hasty, because the statement that I made was with reference to the late Democratic President of the United States, and not to the present occupant of the White House.

It so happened that I said in regard to the Puyallup Commission that it expired by law December 1, 1896. Nevertheless the Civil Service Commission appointed, without any examination whatever, one of the members of the Puyallup Commission into a civil-service place, to wit, supervisor of Indian schools, a position where we need a civil-service examination, it would seem to me, if we need it anywhere. They used in this letter that they drafted and wrote to a commission of the Senate which was making an examination in regard to these matters the following language—and I ask the attention of the honorable Senator from Missouri to it because he asked me to read that letter——

Mr. COCKRELL. What is the date?

Mr. WILSON. February 12, 1898. The letter says:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., February 12, 1898.

To the COMMISSION:

In accordance with instructions, I have the honor to submit the following in regard to the appointment of James T. Anderson as superintendent of the Indian school at Tacoma, Wash.:

The Indian Bureau advises this office that Mr. Anderson was originally appointed by President Cleveland as a member of the Puyallup Indian Commission, and was serving as such when the May 6, 1896, order brought into the classified service so many positions in the Indian service. The Secretary of the Interior decided that the Puyallup Commission, among others, was classified by such order.

I do not believe the Secretary of the Interior ever decided any such foolish thing, because he would not decide that certain offices were under the civil service that did not exist at the time he made his decision, for the commission had been abolished by the aid and assistance of the honorable Senator from Missouri, who assisted in framing the Indian appropriation bill, which provided that those offices should expire December 1, 1896.

Shortly afterwards, the work of the Puyallup Commission being about at an end—

It had ended December 1, 1896—

Mr. Anderson was transferred to the position of supervisor of Indian schools (section 129, Manual of Examinations, revised to January 1, 1898), which position was also classified May 6, 1896.

The commission had expired, and notwithstanding they had gone out of office, they certified, without examination, the appointment of this man as supervisor of Indian schools.

Mr. President, I submit that that was not an attack upon the present President of the United States. I submit that this commission were going very far out of their way. When they wanted a supervisor of Indian schools, they could have had an examination for that purpose. They should not have attempted to force that man into this position and then place a blanket over him and give him an office for the balance of his natural life—a gross violation of the order of May 6, 1896, and it was made by the Civil Service Commission; and the gentleman at that time occupying the position of Secretary of the Interior, Mr. Francis, was from the State that the honorable Senator from Missouri so honorably represents.

It was for that reason I made that statement. That condition has gone on, that man still holding that position. I do not know whether he is qualified or not. I only know that, without any examination or without any record of any examination, they took a man from an office that had expired, that had gone out of existence by special legislation on the Indian appropriation bill, and put him into a classified office to remain for all time. That is why I made the statement. It seemed to me to be a gross perversion and violation of the order of May 6, 1896.

I desired only to make that statement, Mr. President.

The VICE-PRESIDENT. The time of the Senator has expired. The question is on concurring in the amendment in line 21, on page 67, which has been stated.

The amendment was concurred in.

Mr. PETTUS. I propose an amendment on page 87, after line 14, by inserting the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 87, after line 14, it is proposed to insert:

For dental pathologist for the Army Medical Museum, $1,800.

Mr. PETTUS. That amendment has once been passed by this body without any objection. It has been directly estimated for and recommended by the head of the Department, and I ask that it may be inserted in the bill.

Mr. ALLISON. I will say to the Senator that the amendment is not germane to this bill, this being not a bill to provide for salaries, but for sundry civil expenses. I will not, however, object at this moment, leaving the matter to be considered carefully by the conference committee.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Alabama [Mr. PETTUS].

The amendment was agreed to.

Mr. MORGAN. Mr. President, I ask unanimous consent that I may be permitted to offer the amendment which I send to the desk. It is not in order if objected to.

The VICE-PRESIDENT. The amendment offered by the Senator from Alabama [Mr. MORGAN] will be stated.

The SECRETARY. On page 108, after line 21, it is proposed to insert:

For maintenance of the channel of Mobile Harbor by dredging, $30,000, to be immediately available, and to be expended under the direction of the Secretary of War.

Mr. MORGAN. Mr. President, in the last appropriation bill for rivers and harbors there is the following appropriation:

Improving Mobile Harbor, Alabama: For maintenance of the channel by dredging, $60,000, $10,000 of which may, in the discretion of the Secretary of War, be used for engineering and contingent expenses connected with the superintendence and inspection of the work of dredging carried on under the provisions of the joint resolution of Congress approved March 16, 1896.

That fund, Mr. President, has been almost entirely exhausted. A considerable part of it has been expended in the dredging out of that channel of an English ship which got lodged there in time of storm, so that it has drawn the fund down to almost the minimum. There is no safety at all in sending any troops to Mobile to be sent out by ships through that channel unless we make some provision for keeping the channel clear by dredging.

I ask now the modest sum of $30,000, though the sum not regularly estimated for but stated by the engineer in charge is $60,000. I have, however, reduced it one-half; and I hope I can get that public service allowed. I think the chairman of the committee will not object to the amendment.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Alabama [Mr. MORGAN].

The amendment was agreed to.

The VICE-PRESIDENT. The question before the Senate is, Shall the amendments be engrossed and the bill be read a third time?

Mr. CHILTON. There is one amendment undisposed of about which I wish to ask an explanation. It is found on page 141. It seems to be an appropriation to pay the salary of a secretary or clerk to a judge after he retired, and hence ceased to do duty as an officer of the United States.

Mr. ALLISON. Will the Senator allow me a moment to explain?

Mr. CHILTON. Certainly.

Mr. ALLISON. This is a small sum allowed to the late Associate Justice Field to enable him to complete a work commenced before his successor was appointed. It only covers a period of about three months. I think, while the amendment may not be strictly in order, it is a very just and appropriate expenditure for that distinguished jurist, who served so long and so faithfully as an associate justice of the Supreme Court of the United States.

Mr. CHILTON. The amount, as stated by the Senator from Iowa, is small, and ordinarily it would not be worth while to make a contest over $397; but a small item might involve a principle which would be far-reaching. It would be unfortunate for the Government of the United States to commence paying salaries to secretaries of retired officers. The only theory on which an officer is entitled to a secretary or clerk is to give necessary assistance to the discharge of official duties, and it would be manifestly a dangerous departure to pay for the services of a secretary of a judge or any other officer after that officer had ceased to have official duties to perform.

If this amendment is not carefully guarded, it may lead to a heavy charge upon the Treasury. The next thing, of course, we will have to pay for clerks for all retired judges. It is already proposed that the circuit judges and the district judges shall be provided with clerks, and when these judges retire they can well claim the continuation of their clerks at public expense. No other retired judges have been allowed secretaries. Such jurists as Mr. Justice Swayne and Mr. Justice Strong get along in private life upon the liberal salary which the Government paid them, and I do not think we should make this case one which may give us future embarrassment.

The salary referred to in this case is for three months only. If he is entitled to it for three months, it seems to me he would be entitled to it for the three following months, and so from quarter to quarter indefinitely.

If the Senator from Iowa will accept an amendment, which I have prepared, which will protect the Treasury from any future burden on a similar score, I shall make no further objection at this hour:

Provided, That hereafter no allowance or compensation for clerks or secretaries of officials of the United States retired from active service shall be authorized.

Mr. COCKRELL. I hope the Senator from Iowa will accept that amendment. There is no objection to it.

Mr. CHILTON. The Senator from Arkansas asks me to read the language to which I have offered the amendment. It is found on page 144, beginning in line 6, and is as follows:

Authority is hereby given to the Secretary of the Treasury to pay out of the appropriation for stenographic clerks for associate justices of the Supreme Court, to Irwin B. Linton for services as such clerk to Stephen J. Field, retired associate justice, for the months of December, January, and February last past—

These months cover a time subsequent to his retirement, bear in mind—

the sum of $397.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars" in line 13, page 141, insert:

Provided, That hereafter no allowance or compensation for clerks or secretaries of officials of the United States retired from active service shall be authorized.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HARRY EARLE.

Mr. MORGAN submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the chairman of the Committee on Foreign Relations is authorized to certify for payment out of the fund for the contingent expenses of the Senate the sum due Harry Earle for mileage and allowance as a witness before said committee, not to exceed the sum of $50.

Mr. GALLINGER subsequently said: The Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Alabama this morning for the payment of a witness before the Committee on Foreign Relations, directs me to report the same, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. GALLINGER. I suggest that the words "out of the contingent fund of the Senate" be inserted instead of the phraseology used.

The amendment was agreed to.

The resolution as amended was agreed to.

MILITARY PUBLICATIONS OF THE WAR DEPARTMENT.

Mr. LODGE. I ask the Chair to lay before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 150) authorizing the printing of extra copies of the military publications of the War Department.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 150) authorizing the printing of extra copies of the military publications of the War Department, which was, on page 3, after line 18, to insert "under this resolution the usual number not to be printed."

Mr. LODGE. I move that the Senate concur in the amendment.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 9944) to provide for temporarily increasing the military establishment of the United States in the time of war, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

NONEXPORTATION OF WAR MATERIAL.

Mr. HAWLEY. I ask the unanimons consent of the Senate to call up a brief joint resolution relating to the export of coal. It is on the table now.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Connecticut that the Senate proceed to the consideration of the joint resolution (S. R. 157) to prohibit the export of coal or other material used in war from any seaport of the United States?

Mr. CHANDLER. I will not object, if it will not lead to debate.

Mr. HAWLEY. I hope it will not.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. HAWLEY. It has not been read.

Mr. COCKRELL. Let the joint resolution be read subject to objection.

The VICE-PRESIDENT. The joint resolution will be read, subject to objection.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the President is hereby authorized, in his discretion, and with such limitations and exceptions as shall seem to him expedient, to prohibit the export of coal or other material used in war from any seaport of the United States until otherwise ordered by Congress.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. HAWLEY. I hope it will be taken up and passed.

Mr. FAULKNER. Personally I have no objection to the passage of the joint resolution, but I suggest that the Senator from Maryland [Mr. GORMAN], when it was read the other day, objected; and he stated to me, immediately after making objection, that he desired to make some remarks on it before it passed.

Mr. HAWLEY. I can add to that this statement: In a conversation following immediately after that I suggested an exception like that in the old embargo act of 1807; and with the discretion in the President over limitations, he would have no objection.

Mr. QUAY. As I understand it, the objection of the Senator from Maryland was to the measure as it was introduced by the Senator from Massachusetts as a substitute for the original resolution of the Senator from Connecticut, which was absolutely prohibitory and allowed the President no discretion. The objection was that the President should have discretion, and that the joint resolution ought not to pass except in that form.

Mr. FAULKNER. I desire to have it understood that I make no objection to the joint resolution.

The VICE-PRESIDENT. The Chair so understands.

Mr. CAFFERY. I inquire of the Senator from Connecticut whether it could not specify the articles the exportation of which shall be prohibited?

Mr. HAWLEY. It would be very difficult. There might have been something more of description, but it is impossible to go into the minute description of fulminates and percussion caps and primers and ramrods.

Mr. CAFFERY. Suppose we say, "Coal and munitions of war."

Mr. JONES of Arkansas. It does practically now.

Mr. CAFFERY. Then I should be satisfied with it.

Mr. CHANDLER. I suppose it is well known what war material is. It seems to me that discretion may be safely left to the President.

Mr. CAFFERY. Does the joint resolution say "war material?"

Mr. CHANDLER. Materials used for war.

Mr. HAWLEY. For war.

Mr. CAFFERY. Then I have nothing more to say.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. LINDSAY. As I caught the reading of the joint resolution, when the embargo is made by the President it remains in force until Congress acts upon it. Is there any reason why the President should not have the right to relieve the embargo, when in his opinion it can be properly done, without awaiting the action of Congress? It is a Presidential embargo, and why should he not have the power to remove it.

Mr. HAWLEY. I would have no objection to a line saying that the President may, when in his judgment it is proper, remove the embargo.

Mr. LINDSAY. To be removed by the President or by Congress.

Mr. QUAY. I ask that the joint resolution be again read. As I remember, it simply gives the President the right to restrict the exportation of coal and other munitions of war. There is no absolute embargo unless the President lays it.

Mr. LINDSAY. The joint resolution does not give him the power to remove the embargo. That is the point I make.

Mr. CHANDLER. He could undoubtedly put limitations upon his own act.

Mr. QUAY. There is no difficulty about that, I think.

Mr. JONES of Arkansas. I suggest that we insert the words "for such time as, in his opinion, may be necessary."

Mr. LINDSAY. Something of that sort.

Mr. HAWLEY. As it reads now it is until otherwise ordered by Congress. Shall we say "until otherwise ordered by the President or Congress?" It must be one or the other.

Mr. LINDSAY. That is all right.

Mr. HALE. That will cover it.

Mr. JONES of Arkansas. Let the joint resolution be read.

Mr. HAWLEY. Let the joint resolution be read as it will read if amended.

The SECRETARY. If amended, the joint resolution will read:

Be it resolved, etc., That the President is hereby authorized, in his discretion, and with such limitations and exceptions as shall seem to him expedient, to prohibit the export of coal or other material used in war from any seaport of the United States until otherwise ordered by the President or by Congress.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2728) for the relief of George Peyton from the charge of desertion, and to grant him an honorable discharge.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8875) to amend an act entitled "An act to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi."

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 20,000 copies of the message of the President of the United States dated March 28, 1898, together with the report of the naval court of inquiry upon the destruction of the battle ship *Maine*, etc.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 20,000 copies of the report of the Committee on Foreign Relations of the United States Senate, relative to affairs in Cuba, including the message of the President of the United States, the correspondence, etc., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the joint resolution (S. R. 157) to prohibit the export of coal or other material used in war from any seaport of the United States.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of House bill 9378, being the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that in the reading the committee amendments be considered as they are reached.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head "Pay of the Navy," on page 2, line 7, after the word "dollars," to insert "to be immediately available."

The amendment was agreed to.

The next amendment was, in line 8, page 2, after the word "available," to strike out:

And the Secretary of the Navy is hereby authorized to enlist at any time after the passage of this act as many additional men as in his discretion he may deem necessary to man the ships in commission: *Provided*, That the total number of men and boys in the general service and under training shall not exceed 12,750 men and 1,000 boys.

And insert:

And whenever, within the next twelve months, an exigency may exist which, in the judgment of the President, renders their services necessary, the Secretary of the Navy is hereby authorized to appoint from civil life and commission such acting officers of the line and staff, not above the rank or relative rank of lieutenant, as may be requisite: *Provided*, That such officers shall serve only during the continuance of the exigency under which their services are required: *And provided further*, That such officers so appointed shall be assigned to duty with rank and pay of the grades established by existing law.

The amendment was agreed to.

The next amendment was, on page 2, after line 24, to insert:

That hereafter no professors of mathematics in the Navy shall be appointed, but in lieu thereof, and as vacancies occur by retirement or otherwise among the members of the present corps of professors of mathematics attached to the Naval Observatory, astronomers shall be appointed by the President, upon the recommendation of the Secretary of the Navy, for such duty; and the astronomers so appointed shall, during the first five years of their service, receive compensation at the rate of $3,500 per annum, during the second five years at the rate of $4,000 per annum, and after ten years from date of appointment at the rate of $4,500 per annum. Such astronomers shall be appointed from civil life, and shall be chosen solely with respect to their fitness from among astronomers of repute, without other restriction than that they shall, at the time of their appointment, be citizens of the United States; and the number of civilian astronomers appointed in pursuance of this act shall at no time exceed five.

Mr. HALE. I ask that the amendment may be passed over for the present. I will call it up later.

The VICE-PRESIDENT. That will be the order.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 6, after line 24, to insert:

Naval training station, Yerba Buena Island, California (for apprentices): Toward the erection of buildings for the naval training station and for the construction of a wharf and bulkhead for approach to the same on Yerba Buena Island (Goat Island), California, $50,000, said improvements to cost complete not more than $100,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Ordnance," on page 8, after line 11, to insert:

For repairing and improving the telephone line connecting the Navy Department and Washington Navy-Yard with the naval proving ground at Indian Head, to be immediately available, $10,000.

The amendment was agreed to.

The next amendment was, under the subhead "Torpedo station, Newport, R. I.," on page 9, after line 21, to strike out:

For the manufacture of smokeless powder, $22,000.

The amendment was agreed to.

The next amendment was, on page 10, line 4, after the word "dollars," to insert "in all, torpedo station, $75,500;" so as to make the clause read:

Enlarging storehouse, improvements and repairs to seaman gunners' quarters, and providing more adequate accommodations for the increasing number of torpedo boats sent to the station for outfits and torpedo work, $10,500; in all, torpedo station, $75,500.

The amendment was agreed to.

The next amendment was, on page 11, line 7, after the word "States," to strike out "and to enable it to collect and tabulate information relative to the defense of the coast;" so as to make the clause read:

For arms, accouterments, signal outfits, boats and their equipments, and printing of the necessary books of instruction for the Naval Militia of the various States, under such regulations as the Secretary of the Navy may prescribe, $90,000.

The amendment was agreed to.

The next amendment was, on page 13, line 12, before the word "officer," to strike out "an" and insert "a line;" in the same line, after the word "detailed," to insert "temporarily;" and in line 14, after the word "officer," to insert "during such detail;" so as to make the clause read:

That a line officer of the Navy may be detailed temporarily as assistant to the Chief of the Bureau of Ordnance in the Navy Department, and that such officer during such detail shall receive the highest pay of his grade, etc.

The amendment was agreed to.

The next amendment was, on page 13, after line 23, to insert:

That whenever, in the judgment of the Secretary of the Navy, the public interests require the use in the naval service of any invention or discovery covered by letters patent issued to any officer of the Navy, whether retained in his ownership or assigned to others, said Secretary shall proceed to use said invention or discovery in the manner and to the extent required by such naval service, and such royalties and compensation as may be equitably due such officer, considering all the circumstances connected with the making of the invention or discovery, and especially all facilities in originating, working out, or perfecting the invention which the officer may have enjoyed by reason of his official position, may be recovered by suit brought by said officer in the Court of Claims. Said court shall make rules for the trial of such cases, conforming as far as may be with the rules established by the Supreme Court for the practice in courts of equity, and all cases shall be determined within one year from the filing of the petition therein unless, in the discretion of the court, upon sufficient cause shown, the time is extended, and in all such cases appeals may be allowed to either party to the Supreme Court of the United States. The Secretary of the Navy is hereby prohibited from making any contract or payment for the use of any patent taken out by any naval officer.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Equipment," on page 16, line 6, after the word "cents," to insert "and the Hydrographic Office shall hereafter be attached to and be a part of the Bureau of Equipment."

The amendment was agreed to.

The next amendment was, on page 16, after line 8, to insert:

For one steam water-boat for use at the Norfolk Navy-Yard, $6,000.

The amendment was agreed to.

The next amendment was, on page 23, line 24, under the subhead of "Naval Home, Philadelphia, Pa.," after the word "fund," to strike out:

And whenever any officer, seaman, or marine entitled to a pension is admitted to the Naval Home at Philadelphia, or to a naval hospital, his pension, while he remains there, shall be deducted from his accounts and paid to the Secretary of the Navy for the benefit of the fund from which such home or hospital, respectively, is maintained; and section 4813 of the Revised Statutes of the United States is hereby amended accordingly.

The amendment was agreed to.

The next amendment was, on page 26, after line 17, to insert:

The Secretary of the Navy is hereby authorized and directed to cause to be commenced, within three months after the passage of this act, and the Attorney-General is hereby directed to carry on, proceedings for the condemnation of the following tract of land for the use of the United States for the Norfolk Navy-Yard, for the purpose of constructing a wet dock, and for other purposes, namely, the tract of land known as the Cedar Grove property, containing 50 acres, with a water front of 1,600 feet on the Elizabeth River, immediately opposite to the Gosport Navy-Yard, in the State of Virginia, under the act of Congress approved August 1, 1888, entitled "An act to authorize the condemnation of lands for sites of public buildings, and for other purposes," and other laws of the United States, so as to completely vest in the United States the title of said land. And all such proceedings shall be reported to Congress at its next session by the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, on page 27, line 14, after the word "dollars," to insert:

Dredging a channel from the outside to the naval station, $100,000; constructing a wharf adjoining the timber dry dock, $75,000; one locomotive crane and track for dry dock, $70,000.

On page 28, line 1, before the word "thousand," to strike out "eighty-five" and insert "three hundred and thirty;" and in line 2, after the word "cents," to strike out:

Provided, That none of the above amounts appropriated for the naval station at Port Royal shall be available or used until the United States shall

have acquired all right and title to the land claimed by Agnes A. Niver adjacent to the land where the dry dock now is, and involved in litigation in the United States Court of Claims, except that $1,000 of the $15,000 appropriated for the quay wall may be used to preserve the same.

So as to make the clause read:

Naval station, Port Royal, S. C.: Quay wall, $15,000; repair shop (for steam engineering), $50,000; dredging a channel from the outside to the naval station, $100,000; constructing a wharf adjoining the timber dry dock, $75,000; one locomotive crane and track for dry dock, $70,000; for the payment of the amounts awarded to the owners of the several tracts of land at the naval station, Port Royal, S. C., recently condemned for the use of the United States, in addition to the amount heretofore appropriated for the purchase of land at that station, $20,325.50; in all, $330,325.50.

The amendment was agreed to.

The next amendment was, on page 28, after line 10, to strike out:

Naval station, Key West, Fla.: The Secretary of the Navy is hereby authorized to consolidate the following sums heretofore appropriated, namely: Act of July 26, 1894, for coal shed, $10,000; act of March 2, 1895, for coaling pier, $40,000, and act of June 8, 1896, for coal shed (additional), $4,000, and to expend the aggregate, $54,000, or so much thereof as may be necessary, for the construction of a coal shed inside the iron pier at the United States naval station, Key West, Fla.

The amendment was agreed to.

The next amendment was, under the subhead "Navy-Yard, Mare Island, Cal.," on page 29, after line 14, to insert:

To enable the Secretary of the Navy to repair and reconstruct, where necessary, the buildings, including the naval hospital building, recently damaged by earthquake at the Mare Island Navy-Yard, Cal., $350,000, to be immediately available.

Mr. HALE. I move to amend the amendment by striking out after the word "buildings," in line 16, the words "including the naval hospital building."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 30, line 9, after the word "such," to strike out "navy-yards and stations" and insert "navy-yard or station;" and in line 11, before the word "thousand," to strike out "two hundred and twenty-five" and insert "one hundred and fifty;" so as to make the clause read:

Housing torpedo vessels: Hauling out and housing torpedo vessels at such navy-yard or station as may be selected, $150,000.

The amendment was agreed to.

The next amendment was, under the subhead "Repairs and preservation at navy-yards and stations," on page 30, line 17, after the word "timber," to insert "granite or concrete faced with granite;" and on page 31, line 9, after the word "dollars," to insert:

And the Secretary of the Navy is hereby authorized, in his discretion, to build either or all of said docks of granite or concrete faced with granite, and in such case the limit of the cost of either or all of said docks is increased $300,000.

So as to make the clause read:

Toward the construction of four timber, granite, or concrete faced with granite dry docks, $300,000 each; in all, $800,000; said dry docks to be not less than 700 feet in length, and of other dimensions sufficient to meet the present and probable future requirements of the largest vessels of the Navy and auxiliary fleet. One of these docks to be located at the navy-yard, Portsmouth, N. H., to cost, when completed, not exceeding $825,000; one at the navy-yard, Boston, Mass., to cost, when completed, not exceeding $825,000; one at the navy-yard, League Island, Pa., to cost, when completed, not exceeding $825,000, and one at the navy-yard, Mare Island, Cal., to cost, when completed, not exceeding $825,000; and the Secretary of the Navy is hereby authorized, in his discretion, to build either or all of said docks of granite or concrete faced with granite, and in such case the limit of the cost of either or all of said docks is increased $300,000.

Mr. HALE. In line 13, on page 31, I move to strike out the words "or all" after "either;" so as to read "either of said docks."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 31, line 15, after the word "one," to strike out "double-sided;" in line 16, after the word "dock," to strike out "of the type known as the" and insert "which shall be a;" and in line 17, before the word "dock," to strike out "self-docking;" so as to make the clause read:

Toward the construction of one steel floating dock which shall be a combined floating and graving dock, $300,000, said dock to be located at the naval reservation at Algiers, La., to be capable of lifting a vessel of 15,000 tons displacement, and 27 feet draft of water, to cost, including moorings and wharf, $950,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 23, to insert:

The Secretary of the Navy may employ, and pay out of the appropriations for dry docks herein authorized, such additional expert aids, draftsmen, writers, and copyists as may be necessary for the preparation of plans and specifications, to an amount not to exceed $10,000.

The amendment was agreed to.

The next amendment was, on page 32, line 5, after the word "authorized," to insert "under the limitations hereinbefore provided;" and in line 6, before the word "construction," to insert "entire;" so as to make the clause read:

And the Secretary of the Navy be, and is hereby, authorized, under the limitations hereinbefore provided, to make contracts for the entire construction of said dry docks, and steel floating dock, and in each case the contract shall be awarded to the lowest best responsible bidder.

The amendment was agreed to.

The next amendment was, on page 32, after line 8, to insert:

The Secretary of the Navy is hereby authorized and directed to appoint a board of naval officers to determine the desirability of locating and constructing a dry dock of sufficient capacity to take the largest naval ship in the harbor of Galveston or Sabine Pass, Texas, or in the waters adjacent thereto; and to report such finding to the next session of the present Congress; and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated to defray the expenses of said board.

The amendment was agreed to.

The next amendment was, on page 49, line 22, under the head of "Repairs, Naval Academy," after the word "dollars," to strike out:

For the erection of new buildings at and for the use of the Naval Academy, Annapolis, Md., of the character and to the extent that the Secretary of the Navy may in his judgment deem necessary and practicable under the appropriation, in accordance with plans to be determined upon by the Secretary, and for the removal of such old buildings as may in the judgment of said Secretary be necessary to be removed for the convenient and suitable location and construction of the said new buildings, $500,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 7, to insert:

The Secretary of the Navy is authorized to contract for the construction, at the Naval Academy, Annapolis, Md., of a building suitable for use as an armory, at a cost not to exceed $300,000; a boathouse, at a cost not to exceed $300,000; a power house, at a cost not to exceed $100,000; four double houses for officers' quarters, at a cost not to exceed $80,000; for grading, electric-light wiring, removing old buildings, and preparing plans, at a cost not to exceed $90,000; for constructing the line of sea wall on the river side, piling, dredging, and filling in, as may be necessary, $150,000; and the sum of $500,000 is hereby appropriated toward the construction of the public works herein authorized.

The amendment was agreed to.

The next amendment was, on page 57, after line 3, to strike out:

Repairs to marine barracks, Annapolis, Md., $1,500.

Mr. HALE. On page 59, line 18, after the word "ships," I move to strike out "designed to carry" and to insert "carrying."

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 59, line 18, after the word "ships," it is proposed to strike out "designed to carry" and to insert "carrying;" so as to read:

Coast-line battle ships carrying the heaviest armor, etc.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 59, line 23, after the word "Maine," to insert "and four harbor-defense vessels of the monitor type, each having one or two turrets, and to cost, exclusive of armament, not exceeding $1,250,000 each;" so as to read:

That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract three seagoing coast-line battle ships carrying the heaviest armor and most powerful ordnance upon a displacement of about 11,000 tons, to have the highest practicable speed for vessels of their class, and to cost, exclusive of armor and armament, not exceeding $3,000,000 each, one of said battle ships to be named the *Maine;* and four harbor-defense vessels of the monitor type, each having one or two turrets, and to cost, exclusive of armament, not exceeding $1,250,000 each.

The amendment was agreed to.

The next amendment was, in the same clause, on page 60, line 2, before the word "torpedo," to strike out "twelve" and insert "sixteen;" in line 3, before the word "tons," to strike out "three hundred and fifty" and insert "four hundred;" in line 7, before the word "thousand," to strike out "four million six hundred and eighty" and insert "six million nine hundred;" in line 18, before the word "contracts," to strike out "The" and insert:

And not more than 2 of said battle ships, and not more than 2 of said harbor-defense vessels, and not more than 5 of said torpedo-boat destroyers, and not more than 4 of said torpedo boats shall be built in one yard or by one contracting party, and the.

On page 61, line 9, after the word "ships," to insert "and 1, and not more than 1, of the aforesaid harbor-defense vessels;" in line 15, after the word "vessel," to insert "or either of them;" in line 18, after the word "ships," to insert "or harbor-defense vessels;" and in line 19, after the word "vessel," to insert "or either of them;" so as to read:

And 16 torpedo-boat destroyers of about 400 tons displacement, and 12 torpedo boats of about 150 tons displacement, to have the highest practicable speed, and to cost in all, exclusive of armament, not exceeding $6,000,000; and 1 gunboat to take the place of the U. S. S. *Michigan*, to cost, exclusive of armament, not more than $260,000, said gunboat to be constructed on the Great Lakes or their connecting waters: *Provided*, That said construction of said gunboat shall conform to all existing treaties and conventions. And not more than 2 of said battle ships, and not more than 2 of said harbor-defense vessels, and not more than 5 of said torpedo-boat destroyers, and not more than 4 of said torpedo boats shall be built in one yard or by one contracting party, and the contracts for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all said vessels all of the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," and amendments subsequently made thereto as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, except as to premiums, which are not to be offered, the notice of any proposals for the same,

the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, save that in all their parts said vessels shall be of domestic manufacture; and, subject to the provisions hereinafter made, one and not more than one of the aforesaid seagoing battle ships, and one and not more than one of the aforesaid harbor-defense vessels, shall be built on or near the coast of the Pacific Ocean or in the waters connecting therewith: *Provided*, That if it shall appear to the satisfaction of the President of the United States, from the biddings for such contracts when the same are opened and examined by him, said vessel, or either of them, can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding 4 per cent above the lowest accepted bid for the other battle ships or harbor-defense vessels provided for in this act, he shall authorize the construction of said vessel, or either of them, elsewhere in the United States, subject to the limitations as to the cost hereinbefore provided.

The amendment was agreed to.

The next amendment was, on page 61, line 24, to increase the appropriation "for construction and machinery," from $7,648,473 to $13,648,473.

The amendment was agreed to.

The next amendment was, on page 62, line 18, after the word "for," to insert "the four harbor-defense vessels;" in line 19, before the word "torpedo-boat," to strike out "twelve" and insert "sixteen;" in the same line, after the word "torpedo-boat," to strike out "destroyer" and insert "destroyers;" in line 21, before the word "hundred," to strike out "five million six" and insert "seven million one;" and on page 63, line 3, after the word "tests," to insert: "and royalty for steel face-hardening process, not to exceed one-half cent per pound, whenever the United States is legally bound to pay the same;" so as to make the clause read:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by the act of July 26, 1894, of the vessels authorized under the act of March 2, 1895, of those authorized by the act of June 10, 1896, of the three torpedo boats authorized by the act of March 3, 1897, and of those authorized by this act, including the completion of ordnance outfit for the four harbor-defense vessels, the sixteen torpedo-boat destroyers, and twelve torpedo boats named herein, $7,162,800: *Provided*, That the total cost of the armor according to the plans and specifications already prepared, for the three battle ships authorized by the act of June 10, 1896, shall not exceed $3,210,000, including all cost of nickel in the same, and exclusive of the cost of transportation, ballistic test plates, and tests, and royalty for steel face-hardening process, not to exceed one-half cent per pound, whenever the United States is legally bound to pay the same, and no contract for armor plate shall be made at an average rate to exceed $400 per ton of 2,240 pounds, including nickel as aforesaid.

Mr. HALE. Instead of the words used in line 5, on page 63, I move to insert the words "and which can not be made use of without payment of royalty."

The PRESIDING OFFICER (Mr. BACON in the chair). The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 63, line 5, in the amendment reported by the committee, it is proposed to strike out the words "whenever the United States is legally bound to pay the same" and to insert "and which can not be made use of without payment of royalty;" so as to read:

Provided, That the total cost of the armor according to the plans and specifications already prepared for the three battle ships authorized by the act of June 10, 1896, shall not exceed $3,210,000, including all cost of nickel in the same, and exclusive of the cost of transportation, ballistic test plates, and tests, and royalty for steel face-hardening process, not to exceed one-half cent per pound, and which can not be made use of without payment of royalty, and no contract for armor plate shall be made at an average rate to exceed $400 per ton of 2,240 pounds, including nickel as aforesaid.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 63, line 10, before the word "authorized," to insert "and herein;" and in line 11, before the word "hundred," to strike out "by Congress, one," and insert "three;" so as to make the clause read:

Equipment: Toward the completion of the equipment outfit of the new vessels heretofore and herein authorized, $375,000.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. On page 61, line 7, I move to insert the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 61, line 7, after the word "manufacture," it is proposed to insert "except that no proposal for torpedo vessels shall be considered unless the bidder is already in possession of adequate plant; and that the advertisement relating to the proposals for such vessels may be published for three weeks only."

Mr. CHANDLER. I should like to have that amendment read again in connection with the text.

Mr. HALE. This provision is to be inserted so that the three months' advertisement provided by law shall not apply to torpedo boats, so that contracts can be promptly made.

The PRESIDING OFFICER. The Secretary will read the amendment in connection with the context.

The SECRETARY. If amended as proposed, the bill will read:

The contracts under which they are built, except as to premiums, which are not to be offered, the notice of any proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, save that in all their parts said vessels shall be of domestic manufacture; except that no proposal for torpedo vessels shall be considered unless the bidder is already in possession of adequate plant; and that the advertisement relating to the proposals for such vessels may be published for three weeks only.

Mr. CHANDLER. I am not objecting to that amendment, but I hope the Senator in conference will please guard against any inference that the torpedo boats may be built of any other materials than those of domestic production.

Mr. HALE. The intention of the amendment is only to save time.

Mr. CHANDLER. I fear when the word "except" is put in there it may lead to a construction that as to the torpedo boats the materials need not be of American manufacture.

Mr. HALE. That point will be looked after in conference.

The amendment was agreed to.

Mr. HALE. On page 10, after line 24, I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 10, after line 24, it is proposed to insert:

Experiments with armor-piercing projectiles: For conducting experiments in firing armor-piercing projectiles charged with high explosives under service conditions from naval guns at high velocities, and for the purpose of determining whether the destructive effect of shells so charged is greater than that of similar shells charged with gunpowder, and whether they can be placed on board naval vessels on the same footing as shells loaded with gunpowder, $25,000.

The amendment was agreed to.

Mr. HALE. On page 2, line 19, after the word "lieutenant," I move to insert "and warrant machinists."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 19, after the word "lieutenant," it is proposed to insert "and warrant machinists;" so as to read:

And whenever, within the next twelve months, an exigency may exist which, in the judgment of the President, renders their services necessary, the Secretary of the Navy is hereby authorized to appoint from civil life and commission such acting officers of the line and staff, not above the rank or relative rank of lieutenant, and warrant machinists as may be requisite.

The amendment was agreed to.

Mr. HALE. On page 17, after line 21, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17, after line 21, it is proposed to insert:

To enable the Secretary of the Navy to execute the provisions of section 1552 of the Revised Statutes, authorizing the Secretary of the Navy to establish at such places as he may deem necessary suitable depots of coal and other fuel for the supply of steamships of war, $250,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. CHANDLER. Before the Senator offers another amendment, I wish to call his attention again to page 2, where an amendment has already been made, authorizing the appointment of warrant officers. I see the provision is:

That such officers shall serve only during the continuance of the exigency under which their services are required.

I wish to ask the Senator whether that clause is intended to authorize the appointment from civil life of any officers for any specified time? For instance, according to the terms of the contract, those officers are only to serve during the emergency and their authority as officers is to terminate when that exigency ceases, whatever it may be.

Mr. HALE. It is limited to twelve months, anyway. It is discretionary with the President as to the extent of the exigency, within the twelve months.

Mr. CHANDLER. I do not think it so reads, if the Senator will permit me. The limitation of twelve months is to the appointment.

Mr. HALE. Yes.

Mr. CHANDLER. If the appointment is only for the exigency, then the amendment is satisfactory; if, however, it is intended to allow the President to make appointments for any given length of time, then it is objectionable. I think, taking the sentence as a whole, that these appointments can not be made except in general terms for the exigency.

Mr. HALE. Undoubtedly; and they can not be made at all after twelve months.

Mr. CHANDLER. The Senator is correct about that; and with that understanding, I do not object to the language.

Mr. PERKINS. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, after line 9, it is proposed to insert:

For tearing down and removing the present naval hospital building and appendages recently destroyed by earthquake at the navy-yard, Mare Island, Cal., and erecting a new naval hospital and appendages at that place, to be immediately available, $100,000.

Mr. CHANDLER. I ask the Senator whether if that is adopted it leaves the words "naval hospital building" out?

Mr. PERKINS. Those words have already been stricken out.

The VICE-PRESIDENT. The question is on the amendment of the Senator from California [Mr. PERKINS].

The amendment was agreed to.

Mr. HALE. On page 56, after line 25, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 56, after line 25, it is proposed to insert:

For repair of barracks and officers' quarters at Mare Island Navy-Yard, Cal., damaged by earthquake, $5,425, to be immediately available.

The amendment was agreed to.

Mr. HALE. I ask now to go back to page 2, where we passed over an amendment beginning in line 25.

The VICE-PRESIDENT. The amendment which was passed over will be stated.

The SECRETARY. On page 2, after line 24, the Committee on Appropriations propose to insert:

That hereafter no professors of mathematics in the Navy shall be appointed, but in lieu thereof, and as vacancies occur by retirement or otherwise among the members of the present corps of professors of mathematics attached to the Naval Observatory, astronomers shall be appointed by the President, upon the recommendation of the Secretary of the Navy, for such duty; and the astronomers so appointed shall, during the first five years of their service, receive compensation at the rate of $3,500 per annum, during the second five years at the rate of $4,000 per annum, and after ten years from date of appointment at the rate of $4,500 per annum. Such astronomers shall be appointed from civil life, and shall be chosen solely with respect to their fitness from among astronomers of repute, without other restriction than that they shall, at the time of their appointment, be citizens of the United States; and the number of civilian astronomers appointed in pursuance of this act shall at no time exceed five.

Mr. LODGE. Mr. President, I asked to have that amendment passed over because it seemed to me to make a very undesirable change. In the first place, the amendment makes absolutely no provision for Annapolis. The committee seem to have lost sight entirely of the fact that the law requires that there should be three professors of mathematics in certain departments at Annapolis, and they are there serving, as a matter of fact, at this moment. This amendment applies only to those who are detailed to duty at the Naval Observatory.

Undoubtedly, Mr. President, there have been abuses in the appointment to the corps of professors of mathematics. Persons have been appointed to that corps who had absolutely no qualifications for the position, as intended, I think, by the law, and have been assigned to duties, such as librarians and positions of that sort, for which this corps was never intended; but that fact does not seem to me in the least to militate against the inadvisability of the change that is here proposed.

I want particularly to call attention to the matter of the Naval Academy. I think everyone will admit the importance to every institution of learning of having professors whose appointment there is permanent. No university, no institution of learning could possibly go on or maintain its standing if its professors and teachers were being changed every three years, which is the ordinary time of a line officer's assignment to duty. As a matter of fact, there ought to be more professors of mathematics at Annapolis now than there are at present. At West Point, where the standard of education has been of the very highest, and which has been of the greatest possible credit to the country, the professors are a permanent body, regularly commissioned officers of the Army, with military rank and title, and the pay of professors. The professors at Annapolis, being under the control of the Secretary of the Navy, ought also to be officers of the Navy with relative rank.

Moreover, by having a permanent corps of that kind we shall have a body of scientific men who can be detailed to specific scientific duties, just as one of the professors of mathematics is now the ordnance expert, and has been for thirteen years on duty in the Ordnance Department here, where a highly scientific education is very necessary.

This proposed change will also involve an increase of expense which seems to me wholly needless. Under the present pay of the Navy these professors of mathematics get a certain increase as their time of service goes on, and that is proposed by this amendment; but the amendment increases the pay of the professors a thousand dollars a year. Yet that increase will not enable us, in my judgment, to get so good a class of men as we now get.

There is great inducement to men of high scientific attainments to enter the Navy as professors of mathematics, because they get a relative rank and recognized position in the service and a retiring pension in their old age. They had rather have that than to get much higher pay and be liable to be thrown out in their old age without anything. The roll of the men who have been brought into the naval service under the existing system contains distinguished names. It includes in our own time such men as Newcomb, one of the greatest of living mathematicians, if not the greatest; Asaph Hall, discoverer of the moons of Mars; Professor Harkness, who is at the head of the Nautical Almanac now. Names like those show that men of the highest scientific attainments are attracted to the Government service, which, although it offers very much lower pay, by giving the dignity of rank and the security of a retiring pay enables them to come in and attracts them there.

I wish also to call attention to the fact that the corps of professors of mathematics was abolished in 1866, owing to the fact that at that time, just after the war, there was a great influx of line officers for whom it was very much desired to find shore duty. The system proved such a failure that six years later, in 1872, they returned to the old system of professors of mathematics.

I object, Mr. President, and it seems to me the reasons are very strong, to the abolition of the corps. I think it will injure the service which the Navy desires to get from these men; and this amendment, in any event, makes no provision whatever for Annapolis.

The character of the education at Annapolis, that which has given it its standing, has been the work of the permanent men there, the professors of mathematics, of whom Chauvenet was the most distinguished and who by his services there gave immense reputation to the Academy. This amendment makes no provision for professors of a permanent kind at the Academy. They could throw that whole teaching force at once into the hands of line officers, who necessarily are shifted every three years. It can have no other effect than to cause the instruction at Annapolis to deteriorate; and I believe it will have the same effect in the appointments to the Naval Observatory for which other provision is made. We get better men at lower rates of pay under the present system, where we offer them the dignity of rank, than we could ever get, in my opinion, by offering them higher pay and giving them no rank and no security of tenure.

Mr. CHANDLER. I should like to ask the Senator from Massachusetts, before he finishes his statement and argument, to tell the Senate what is the employment of the present professors of mathematics at the Naval Academy?

Mr. LODGE. Of course the Senator understands as well as I do that the term "professor of mathematics" is a mere technical designation. It does not mean that they shall all be mathematicians, and the law itself recognizes that, because in the act of May 21, 1864, it is provided that—

Three professors of mathematics shall be assigned to duty at the Naval Academy, one as professor of ethics and English studies, one as professor of the Spanish language, and one as professor of drawing.

It is simply under this that they have been enabled to get permanent professors in those departments, and until 1890 regular assignments were made to Annapolis. The other professors of mathematics (I think there are four or five of them, five I think) are at the Naval Observatory——

Mr. CHANDLER. They are astronomers.

Mr. LODGE. They are astronomers and mathematicians, pure and simple. I have the Naval Register here. It will give the exact duty on which they have been.

Mr. CHANDLER. I should like, if the Senator will allow me——

Mr. LODGE. One is director of the Nautical Almanac. That is Professor Harkness, and that is purely a mathematical post.

Mr. CHANDLER. Those are all mathematical posts.

Mr. LODGE. One is at the Naval Observatory; one at the Naval Academy; one at the Nautical Almanac Office; one at the Naval Observatory; one at the Naval Academy; one at the Naval Observatory; one is superintendent Library and War Records Office (of course it was never intended by law that a professor of mathematics should be there); one is at the Bureau of Ordnance, whose services have been required there for thirteen years (they are mathematical and scientific services); one in the Bureau of Yards and Docks (I have not the least idea what his duty is there as professor of mathematics), and the last one is at the Naval Observatory.

Mr. CHANDLER. The Senator from Massachusetts in answering my question has brought out very distinctly the anomaly that is sought to be corrected by this amendment. The professors of mathematics who are connected with the Naval Observatory are engaged in astronomical work, and there is certainly no objection on the part of anyone to terming astronomical work mathematical work; but the three professors who at the Naval Academy are engaged, one in teaching ethics and English, the other Spanish and other modern languages, and the third teaching drawing, can not with any propriety any longer be termed professors of mathematics. That is the anomaly which the Senate Committee on Appropriations wish to remove.

Mr. LODGE. If the Senator will allow me, that is a matter of law. That anomaly is created by the act of 1864, which provided that under the head of professors of mathematics—it is a mere question of title—there should be three permanent professors assigned to specific duties at the Naval Academy. That has been in force for thirty-four years.

Mr. CHANDLER. It is a law, and the anomaly ought no longer to exist.

Mr. LODGE. What harm can it do?

Mr. CHANDLER. The Senator from Massachusetts will admit that it is always a great deal better in private and in public life to call things by their right names, and there is not any sort of propriety in calling a teacher of ethics and English a professor of mathematics, or in calling a professor who is teaching modern languages a professor of mathematics, because the Senator knows that the teaching of modern languages is not the teaching of an exact science, which mathematics is.

Mr. LODGE. If it is merely a matter of change of designation, why not provide for three professors at Annapolis? What I want to save is the permanent corps of professors at the Academy. I do not care what you call them. I want to get some permanent men there, such as there have always been, who are practiced teachers. But your amendment makes no provision for the Nautical Almanac, which is purely mathematical.

Mr. CHANDLER. A professor of mathematics can go on with the Nautical Almanac. As a matter of fact, it is now being conducted by Professor Newcomb, who is a professor of mathematics on the retired list and is not affected by this amendment at all.

Mr. LODGE. I beg the Senator's pardon. It is not conducted by Professor Newcomb. The Director of the Nautical Almanac is Professor Harkness. Professor Newcomb has been employed there under a special appropriation made last year, which has now expired, or will soon, to conclude certain tables and computations. The Director of the Nautical Almanac is Professor Harkness, who has been for many years at the Naval Observatory, and with him is another professor of mathematics. That is pure mathematical work.

Mr. CHANDLER. The Senator from Massachusetts said I was mistaken. I think he ought to withdraw that remark, because he admits himself that this work is being done by Professor Newcomb, which is all I said.

Mr. LODGE. I beg the Senator's pardon. It is not being done by Professor Newcomb. He has been employed in special work in that office under a special appropriation, which expires on the 1st of July.

Mr. CHANDLER. The Senator from Massachusetts is better prepared to speak about modern languages and mathematics than I am, and therefore he may be correct. Professor Harkness is in nominal charge of the Nautical Almanac, but I understand the work is being done under the direction of Professor Newcomb, a retired professor of mathematics, in pursuance of a special law of Congress.

Mr. LODGE. If the Senator will allow me, a professor of mathematics, William Harkness, is director of the Nautical Almanac. That is the statement.

Mr. CHANDLER. I have not denied that.

Mr. LODGE. The Senator from New Hampshire said Professor Newcomb was in charge of it.

Mr. CHANDLER. I said, or intended to say, that he was doing the work.

Mr. LODGE. He is doing a small part of it.

Mr. CHANDLER. The point is so small that I withdraw it.

Now, the Senator from Massachusetts admits that we ought to get rid of this anomaly, by which three professors of mathematics are engaged in teaching ethics and English, modern languages, and drawing; and that is one thing which this amendment does, and now for the rest of it——

Mr. LODGE. Get rid of it by abolishing them; not by changing their names, but by wiping it out of existence.

Mr. CHANDLER. It is possible that that may be true, but we do get rid of that anomaly. Now I come to the objection made by the Senator from Massachusetts directly. Of course, if he wished to accomplish directly the object which he seeks, he would move to strike out line 25, on page 2, and a portion of the first line at the top of page 3, which prohibits the appointment of any further professors of mathematics. The remainder of the amendment provides that hereafter as professors of mathematics at the Observatory disappear by retirement or otherwise, their places shall be taken by astronomers, so called. I suppose the Senator from Massachusetts does not object to having the astronomers at the Naval Observatory called astronomers.

Mr. LODGE. Not in the least.

Mr. CHANDLER. He does not insist on having them called professors of mathematics, doing duty as astronomers.

Mr. LODGE. None in the least.

Mr. CHANDLER. The provision here as to the astronomers is a very liberal one. It provides for longevity pay for them, and that longevity pay is recited in the act, and after ten years from the date of their appointment they reach the compensation of $4,500 per annum, none too large for such magnificent scientific work as these gentlemen do, but large as Government salaries go.

The further provision is that they shall be appointed from civil life, shall be chosen solely with respect to their fitness from among astronomers of repute, without any other restrictions than that they shall be at the time of their appointment citizens of the United States, and not to be more than five, and not to be appointed under civil-service rules. I wonder that the Senator from Massachusetts does not propose to provide that they shall be appointed after examination by Commissioner John R. Procter and his associates, so as to see whether they are fit to be astronomers at the Naval Observatory. This amendment makes ample provision for the work of the Naval Observatory, and no friend of the Naval Observatory ought to ask any more liberal provision than is here made.

As to the remaining point of the Senator from Massachusetts that these permanent professors ought to be appointed at the Naval Academy, I do not think so. I think it will be a great deal better to provide for professors there as we have occasion to provide for them. If vacancies occur among the professors of mathematics, who are now engaged in teaching ethics and English, modern languages, and drawing at the Naval Academy, I think it is better that Congress shall provide, if there is need, for permanent instructors in ethics and English, modern languages, and drawing, giving them such salaries as may be proper and giving them such length of tenure as may be proper.

I for one do not believe in appointing a corps of professors at the Naval Academy for life as officers of the Navy. I think it is a great deal better to wipe out this anomaly which for the first time in thirty-four years there has been an opportunity afforded to get rid of. It is a great deal better to get rid of it at this time, and if there are needed permanent professors at the Naval Academy instead of line officers, to provide by future legislation of Congress for such officers.

Mr. HOAR. I do not understand the subject very well, and I suppose what the Senator says is true. I should like to ask where is the authority for supplying the necessary instruction at Annapolis now provided for by the professors of mathematics there if one of them should die and if this provision passes as it is. What is going to happen?

Mr. CHANDLER. What will happen will be that the Secretary of the Navy will detail officers of the Navy skilled in ethics and modern languages and in drawing to do the duty of those posts until Congress shall provide additional members of the regular corps of the Academy, if Congress sees fit in its wisdom so to provide.

Mr. HOAR. Then, in other words, by this sweeping clause, you abolish the existing condition, and, so far as Annapolis is concerned, if there should be a vacancy, what would happen?

Mr. CHANDLER. The three professors of mathematics engaged in doing this business, so far as I know, are very healthy in mind and body, and they are doing their duties with zeal and energy, and will hold out a great deal——

Mr. HALE. They are not abolished.

Mr. CHANDLER. They will hold out a great deal longer possibly than the Senator from Massachusetts and I will hold out doing our duties in this Chamber.

Mr. MORRILL. Mr. President, I hope if the Committee on Appropriations have any amendment by which the officers now employed at the Naval Observatory are to be improved by a longer term of service, they will adhere to it. I was delighted to hear the Senator from Massachusetts criticise the Naval Academy on account of its three years' term of service. That is the fault which has afflicted the Naval Observatory for years, and now the time has come when every good naval officer that we have should be employed on our ships of war.

It is true some members have been employed, like Asaph Hall and the other gentleman mentioned who long had charge of the Nautical Almanac, who have reflected credit on the Government, but otherwise than that the Naval Observatory has stood at a standstill. It costs now, by the employment of naval officers, with naval pay, nearly twice as much as is paid out for the London Naval Observatory. Therefore I am glad to see some approach toward employing officers who have learned something more to qualify them for the duties necessary in the Naval Observatory than merely how to navigate vessels at sea. So I hope the Committee on Appropriations, if they have any proposition to improve the Naval Observatory, will adhere to it.

Mr. HALE. Mr. President——

Mr. CHANDLER. Will the Senator from Maine allow me one word in reply to the distinguished Senator from Vermont?

Mr. HALE. Certainly.

Mr. CHANDLER. I will state that he has created the impression that the work of the Naval Observatory is done by naval officers on three-years detail. The Senator is not quite correct in that statement. Naval officers are so detailed, and the head of the Naval Observatory has always been a naval officer, but the Senator from Vermont will remember that there have been at all times engaged in the astronomical work of the Observatory professors of mathematics who have been skillful astronomers, employed under the law of Congress provided for that purpose. The

Senator does not wish to create the impression that the work of the Naval Observatory is now done by naval officers upon three-years detail.

Mr. MORRILL. I wish to create the impression according to the facts, and the facts are that the leading man of the Naval Observatory has generally been changed every three years, and I desire that officers shall be employed there who will make it their life business—who will have some pride in their vocation, and not be where they are liable to be ordered off at any moment.

Mr. CHANDLER. The Senator is right in his present statement. The head of the Observatory has always been a naval officer, not detailed necessarily for three years, but subject to change in due time, and the reason for that has been that the Naval Observatory is a naval institution.

I understand very well the views of the Senator from Vermont, and I have the highest respect for them. The Senator from Vermont believes that the Naval Observatory should have a civilian head, and he has introduced bills for that purpose which have been carefully considered by Congress. An attempt has been made once or twice by the Naval Affairs Committee, the Senator from Maine will remember, to have appointed a commission composed of naval officers and eminent civilian astronomers to determine what shall be the scope of the work of the Naval Observatory; but although the Senate has two or three times passed such a provision, it never has passed the House of Representatives.

I agreed with the Senator from Vermont that this subject should be investigated and that there is room for discussion as to the scope of the work of the Naval Observatory, but until the scope of that work is defined and so long as the Naval Observatory is a naval institution, attached to the Naval Department, I think it ought to have a distinguished naval officer at the head of it. That is the only difference between the Senator from Vermont and me.

Mr. MORRILL. It merely has a misnomer for a name. It might just as well be entitled an agricultural observatory as a naval observatory.

Mr. CHANDLER. I should like to ask the Senator from Vermont whether it is not his opinion that the Naval Observatory should be entirely detached from the Navy?

Mr. MORRILL. Yes, but I have no objection to the employment of some naval officers there.

Mr. HALE. I was hoping talk would not break loose on little matters on the pending bill. It is a very great bill. The Senate has accepted it and practically passed it. I know the Senator from Connecticut [Mr. HAWLEY] is waiting with an important measure in relation to the military to get it through this afternoon. It is not very essential what is done about this matter. The Secretary recommends it, and in his report he discusses the reasons why it is better to do this. My impression is, the better way to be rid of it is to strike out, in line 25, at the bottom of page 2, and at the head of page 3, the words:

Hereafter no professor of mathematics in the Navy shall be appointed, but in lieu thereof, and.

So that it will read:

That as vacancies occur by retirement or otherwise among the members of the present corps of professors of mathematics attached to the Naval Observatory, etc.

Mr. LODGE. Just a word.

Mr. HALE. I do not care to argue it.

Mr. LODGE. I do not desire to detain the Senate. My objection was to the abolition of the corps. Of course the question of transferring the observatory from the Navy is not involved in the amendment—not the least in the world. I think it would be a great blunder, but there is no need of arguing it here. This simply relates now to the astronomers, and provides that they shall be appointed from civil life. They are appointed from civil life now. If we can get better astronomers in this way, I am not in the least disposed to oppose it, and the change proposed by the Senator from Maine satisfies me entirely.

Mr. HALE. I move, on page 2, line 25, after the word "That," to strike out all of the amendment down to and including the word "and," on page 3.

The SECRETARY. After the word "That," in line 25, page 2, it is proposed to strike out the words "hereafter no professors of mathematics in the Navy shall be appointed, but in lieu thereof, and;" so that it will read:

That as vacancies occur by retirement or otherwise among the members of the present corps of professors, etc.

Mr. CHANDLER. Only one word. The Senator from Maine was called out of the Chamber, and he asked me to defend this clause against the junior Senator from Massachusetts. I have done it as best I could. Now the Senator from Maine has given in, and so I gracefully retire.

Mr. HALE. I am very much obliged to the Senator from New Hampshire.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LODGE. I desire to offer an amendment. On page 24, after line 19, I move to insert what I send to the desk.

The amendment was read and agreed to, as follows:

The Secretary of the Navy is hereby authorized to grant a revocable license to the Fitchburg Railroad Company to excavate and construct, without expense to the United States, and to use, subject to the prior right of use of the United States, a dock, not less than 570 feet in length and not less than 160 feet in width, on the north side of Hoosac Pier No. 7, at the navy-yard at Boston, the land to be taken equally from the land of the United States and from land of the Fitchburg Railroad Company, in the State of Massachusetts, according to plans on file at the Navy Department, and subject to the control and approval of the Secretary of the Navy.

Mr. CHANDLER. I offer an amendment to which I hope there will be no objection.

The SECRETARY. It is proposed to insert:

That the Secretary of the Navy is hereby directed to consider the subject of the erection in the city of Washington of a suitable statue of David D. Porter, lately the Admiral of the United States, and to report to Congress concerning the general design, reasonable cost, and appropriate location of such a statue.

Mr. HALE. Let the amendment come in on page 14, at the end of line 23.

Mr. HOAR. I do not want to delay the bill or excite debate, but why should we take in reference to this distinguished officer a course different from that pursued in all other like cases? Congress has always determined the question of the propriety of so honoring a great soldier or a great sailor, and the statue has been obtained by a commission composed of the chairman of the Committee on the Library, the Architect of the Capitol formerly, and the head of the proper Department, the Secretary of the Navy in this case. It seems to me a little peculiar that in regard to a statue to honor the great name of Admiral Porter we should ask a Department officer to say whether it is expedient to erect the statue.

Mr. CHANDLER. I agree with what the Senator from Massachusetts says. I would be very glad to have an appropriation made by Congress for a statue to Admiral Porter. The subject has already been discussed in this Chamber. But so much difficulty has been experienced in obtaining these appropriations, by reason of discussion as to where the monument should be located and the conditions that should be imposed surrounding its erection, that I have thought a proper preliminary to the erection of a statue of Admiral Porter would be to ascertain from the Navy Department what would be a suitable design and what would be a proper location. Then, with that data before us, I think Congress will have no hesitancy in making the necessary appropriations. If the Senator from Massachusetts will move an amendment to make the appropriation at this time, I shall be very glad to have it done.

Mr. HOAR. I do not suppose the committee would consent to put into the appropriation bill at this time an appropriation for that purpose.

Mr. HALE. All such appropriations go on the sundry civil or the deficiency appropriation bill.

Mr. HOAR. I am perfectly willing to make no further objection to the amendment, though I still do not think it is the best way to do. I suggest to the Senator to strike out the words "consider the subject," etc., and simply say:

The Secretary of the Navy is hereby directed to report to Congress a suitable design for a statue of David D. Porter and the cost of it.

Mr. CHANDLER. I should prefer that language.

Mr. HOAR. If the Senator will modify it in that way, I will not object. I confess I do not like the way of doing it that is proposed.

The VICE-PRESIDENT. Does the Senator from Massachusetts move an amendment?

Mr. CHANDLER. I accept the amendment of the Senator from Massachusetts.

The VICE-PRESIDENT. The amendment is accepted.

Mr. HOAR. I move to amend by substituting this language:

The Secretary of the Navy is hereby directed to report to Congress a suitable design for a statue of David D. Porter, to be erected in the city of Washington, and the reasonable cost thereof.

Mr. CULLOM. I myself think it ought to be a separate bill.

The VICE-PRESIDENT. The question is on the amendment submitted as a substitute.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The VICE-PRESIDENT. Shall the amendments be ordered to be engrossed and the bill to be read a third time?

Mr. BUTLER. Do I understand that the naval appropriation bill is now on its final passage?

The VICE-PRESIDENT. It is now on its final passage.

Mr. BUTLER. I wish to offer an amendment which I have not quite ready. I should like to have the attention of the Senator from Maine. On page 63 it is provided:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by the act of July 26, 1894.

I simply want to ask what vessels were provided for in that act. Can the Senator from Maine inform me?

Mr. HALE. That I do not recall.

Mr. BUTLER. Reference is here made to the acts of 1894, 1895, 1896, and 1897; but, unfortunately, I have not looked them up. Can the Senator from Maine tell me what vessels were provided for by those acts?

Mr. HALE. In one of the acts two ships were provided for.

Mr. BUTLER. Two battle ships?

Mr. HALE. In one act; and in another act, three.

Mr. BUTLER. In the act of 1894 two battle ships were provided for. Are those the *Kearsarge* and the *Kentucky*?

Mr. HALE. It was the act either of 1894 or 1895 which covered the *Kearsarge* and *Kentucky*. I do not remember which.

Mr. BUTLER. Then three vessels were provided for in another one of the acts. There are four acts referred to here. Can the Senator tell me what ships were provided for in the acts of 1896 and 1897? Were a great many of them provided for in those acts?

Mr. HALE. They are all battle ships. This appropriation was intended to cover and clean up all of the armor contracts in reference to all the ships provided for by the different acts.

Mr. BUTLER. Can the Senator tell me how many battle ships in all are covered by these acts?

Mr. HALE. Five.

Mr. BUTLER. Five battle ships, I understand, are provided for.

Mr. SPOONER. The Senator from North Carolina is not heard here. If he would speak a little louder, I should like to hear what he has to say.

Mr. BUTLER. The proviso to this section fixes the sum total to be paid for armor. Is it the intention of the section to fix the price for all the vessels named in all the acts specified in the bill?

Mr. HALE. Not, of course, where contracts have been made before; but in contracts to be made hereafter, at the rate of $400. We can not interfere with contracts that have already been made, but we make appropriations to cover the armor for ships where contracts have been made, and also some provision for those that are now building and for the future. But of course we can not interfere with cases where contracts have been made.

Mr. BUTLER. And for how many of these battle ships have contracts already been made?

Mr. HALE. For the *Kearsarge* and *Kentucky*, and all before that.

Mr. PETTUS. Mr. President, Senators in this part of the Chamber have no opportunity of knowing what is being considered.

Mr. HALE. Does the Senator from North Carolina propose an amendment?

Mr. BUTLER. I will propose one in a moment. For the information of the Senator from Alabama, I will state that here is a provision in the naval appropriation bill which seems to make an appropriation for armor and armament for all of the battle ships that are now being constructed or that have been provided for by law, including this act. The provision is on page 62, beginning at line 10.

Mr. HALE. The Senator will notice that the provision is "toward the armament." We appropriate something every year for armament as it is needed. As a ship is built and armor is put upon her and she is floated and goes into service, under this appropriation the Department has the authority to clean up all the old contracts and pay all that has not been heretofore paid. We put in a provision that it is for the ships provided for in the different acts in the past, and we also put in for the present. The pending bill is like all others in that respect. We do not in any one year, I will state to the Senator, appropriate enough money for the entire armament or armor of a ship, but we appropriate as it is needed and called for by the Department. The language is "toward the armament."

Mr. BUTLER. The section seems not to be clear. All that we understand is that so much money is being appropriated and that that is not enough, but it is "toward the armament and armor" of the vessels. Probably under this indefinite language the Department is given carte blanche to make a contract for armor for all the vessels at any price that it sees fit.

Mr. HALE. Will the Senator look at the provision on the next page?

Mr. BUTLER. The Senator from Maine calls my attention——

Mr. HAWLEY. Will the Senator from North Carolina kindly yield to me a moment? We are supposed to be at the verge of active fighting, of war. It is necessary to empower the President to raise troops. A bill for that purpose passed the House yesterday evening. It is here in the Senate. The Committee on Military Affairs is ready to report upon it favorably, with some amendments, regretting that it is necessary to amend it, because we should have been glad to concur in the bill exactly as it came from the House. The prolongation of this debate prolongs the hour when the President may call upon the several States for their quota of troops. You see that it is of the very highest importance. I dread a long debate on armor. That is what I am afraid of.

Mr. TILLMAN. The armor can wait. There will be no delay if the Senator from Maine will agree to let the pending bill be laid aside temporarily and let the other bill pass, as I asked him to do a moment ago.

Mr. HALE. I do not know of any bill that is more important than the one pending.

Mr. TILLMAN. It is certainly more important to call out the volunteers than to provide for vessels that can not be built in three years.

Mr. HALE. I appreciated the situation and that the Senator from Connecticut had in charge a bill of importance which ought to be considered. So during the morning, while the naval appropriation bill has been before the Senate, I have taken no time whatever, because I was desirous that it should be gotten out of the way. The Senate very generously accepted the bill as it came from the committee, and no criticism was made upon it nor attempt to change its provisions.

I should hope that under the circumstances the Senators from South Carolina and North Carolina would not insist upon bringing up the old question about armor, because I believe the committee has a fair provision, and I do not think discussion will in any way change it. I do not think that any proposition for the Government to establish an armor plant, which has been decisively voted down in the Senate, will get any lodgment upon this bill. I should be very glad to have the bill put upon its passage. I can not, of course, control the action of the Senator from South Carolina and the Senator from North Carolina.

Mr. TILLMAN. It happens, if the Senator from Maine will allow me, that the Senator from North Carolina and myself are members of the Naval Committee. The matter of armor has been before the Senate at three sessions since I have been here, and at each session the Senate by an overwhelming vote has refused to pay the exorbitant prices demanded by the armor monopoly. The Senate fixed in the appropriation act, by a vote of 2 to 1, a limit of $300, thereby expressing their view that the prices we have paid have been exorbitant and outrageous, and demanding that the armor-plate factories, which the Government itself created and presented to the present owners, should be reasonable in dealing with the Government.

But those people have seen fit to stand back, because we were in their power apparently, and have refused to yield one iota. They did come down from the amount of $425 last year to $400 this year. The Naval Committee, of course, as it did before, by the vote of a majority, recognized the claim, I suppose, that the armor-plate factory had upon them, and voted that sum; but the Senate refused to ratify it. We gave notice to the committee the other day that we must have the question of an armor-plate factory discussed. I hope the Senator from Maine will allow the Senator from Connecticut to pass his Army bill and let this bill go over until to-morrow, until we can get the facts ready to present to the Senate.

Mr. HALE. I will not——

Mr. HAWLEY. If the Senator from Maine will permit me, I think this would not be a serious interruption. I have been assured on both sides of the Chamber that the Army bill will pass easily.

Mr. HALE. I was going to say that I would not hinder that bill, because I think it is important that it should be passed; but as soon as the Army bill is passed, I shall ask the Senate at once to resume the consideration of the naval appropriation bill, because there are very important matters in this bill. Three great battle ships are hung up to-day because there is no opportunity to make any contracts for armor upon them. It is a spectacle in sight——

Mr. TILLMAN. Will the Senator tell me if he expects, under any possible condition, to get those ships at once? Suppose the bill passes to-day, when will they be completed and ready for battle?

Mr. HALE. In the present grave situation, with war imminent, the United States ought not to present to the world the spectacle of three great battle ships hung up absolutely, with the work upon them uncompleted, because Congress will not give authority to make contracts. The sooner we get out of that predicament the better.

Mr. TILLMAN. Are not those the vessels being completed now, that were launched the other week?

Mr. HALE. Those are not the vessels.

Mr. TILLMAN. There are three new vessels authorized in this bill. I wish to call the attention of the Senator from Maine to the fact that I have heard him say in the committee that he would never vote for the building of another battle ship until this question of armor had been settled to the satisfaction of the Senate.

Mr. HALE. Well, it is all settled in this bill.

Mr. TILLMAN. Yes, it is settled simply because we do not propose here to obstruct the Government in time of war; but we are going to build a larger Navy than we now have or have ordered in the pending bill.

Mr. HALE. Let me appeal to the Senator. I am going to give way to the Senator from Connecticut.

Mr. TILLMAN. I ask the Senator from Maine to give way and allow the naval appropriation bill to go over until to-morrow morning.

Mr. HALE. I can not consent to that course. I must ask the Senate to take it up directly after the Army bill is finished.

Mr. TILLMAN. If the Senator will excuse me for interrupting him, I have seen so many Senators who have had their requests granted on the suggestion that the time when they were to speak should be deferred that I am astonished the Senator from Maine should undertake to press this matter when the Senator from North Carolina and myself ask for a little more time.

Mr. HALE. The Senator will have all the time to discuss the matter that he requires. It is different from the ordinary case where a Senator who is to deliver a speech by himself says he would like time to deliver it. We are right in the midst of active and thick business. The naval appropriation bill is one of the most important of all the bills of the session, and I do not feel authorized to delay it. I shall not undertake to push the Senator to close debate, or at first to move to lay his amendment on the table, but I think we must go on with it as soon as we get through with the bill the Senator from Connecticut has charge of.

Mr. TILLMAN. I will say for the information of the Senator from Maine that I am not well, else I would have been in the Senate and I would have brought this question up before the amendments were through with; in other words, before we reached the third reading of the bill. If he insists, I will inform him that he will not get it through to-night.

Mr. HALE. We will wait and see. If the Senator is unwell, I shall not press him unduly, of course; but we will take the bill up, and I hope that the Senators, either one or the other, will prepare the amendment that they propose to offer, so that we may know what is before us; and then we will see, when the time comes, what we shall do in the course of business.

The VICE-PRESIDENT. The naval appropriation bill will be temporarily laid aside.

Mr. HALE. For the present I yield to the Senator from Connecticut.

Mr. CHANDLER. I shall not object to the request of the Senator from Connecticut provided the Senator from Maine will insist upon the completion of the naval appropriation bill to-night. This is what I intended to say before the Senator from South Carolina spoke of his ill health. Of course that——

Mr. HAWLEY. The naval appropriation bill will take care of itself when we get to it.

Mr. CHANDLER. I propose to take care of it now, with the permission of the Senator from Connecticut.

Mr. HAWLEY. I propose to push the business of the country for the raising of an army.

Mr. CHANDLER. The Senator from Connecticut will not deter me by any threat of that kind from saying now what I intend to say.

Mr. HAWLEY. I do not think of it. Nobody ever thought of doing that.

Mr. CHANDLER. I hope the Senator did not, but he seemed to have that disposition.

Mr. HAWLEY. I wish I could.

Mr. CHANDLER. Mr. President, I think it is of equal importance with the bill which the Senator from Connecticut has in hand that the naval appropriation bill should be finished before we adjourn to-day. The Senator from Maine has mentioned the battle ships. The provisions for the new battle ships, as the Senator from Maine knows, are not the only provisions in the bill which ought to be made a law immediately.

Mr. HALE. By no means.

Mr. CHANDLER. The bill is full of war appropriations.

Mr. HALE. Immediate appropriations.

Mr. CHANDLER. Appropriations which are to be made immediately available, and which are quite as important as the bill which the Senator from Connecticut has in charge, although the Senator from Connecticut at this time thinks the only important measure is the bill which he has in his hand.

Now, this is what I intended to say if the Senator from Connecticut had not tried to stop me—and I believe I have said it, although he did try—had it not been for the statement of the Senator from South Carolina that his health would not permit him to go on and say what he chooses to say on the naval appropriation bill. That is another consideration. But I do ask the Senator from North Carolina and the Senator from South Carolina to endeavor to stay here to-night until the naval appropriation bill is disposed of. I have helped the two Senators to make a declaration of war and now I want to spend our time in getting ready for it just as much as the Senator from Connecticut does.

Mr. HAWLEY. Mr. President, I do not feel very kindly toward the Senator from New Hampshire. This is not my personal business by any manner of means. I do not intend to go into a comparison as to the importance of these several bills. I have always been a staunch friend of the Navy and of its enlargement. I have never voted for anything but the highest figure in that matter. But the Army bill, I think, is about as important business as we have, because the President can not call for troops until the bill shall have been passed. If there is need of preparation for war in this country anywhere, of any description, it is the raising of an army.

The VICE-PRESIDENT. The Senate will receive a message from the House of Representatives.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. 294) for the relief of Robert Spaugh;

A bill (H. R. 4929) extending the time for the completion of bridge across St. Lawrence River;

A bill (H. R. 8569) providing for the construction of a bridge across the Yalobusha River between Leflore and Carroll counties, in the State of Mississippi;

A joint resolution (S. R. 150) authorizing the printing of extra copies of the military publications of the War Department;

A joint resolution (S. R. 157) to prohibit the export of coal or other material used in war from any seaport of the United States; and

A joint resolution (H. Res. 227) providing for the compilation and printing of parliamentary precedents of the House of Representatives.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. The bill (S. 4432) to provide for temporarily increasing the military establishment of the United States in time of war was referred yesterday to the Committee on Military Affairs at the same time that it was presented in the House. The House passed the bill last night. It came over here to-day, and the Senate committee has spent some hours in studying it carefully, hoping to be able to report it without any change, desiring its speedy passage, but it is obliged to make a few amendments. The Senate committee instructs me to report favorably with amendments the bill (H. R. 9944) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9944) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes.

The VICE-PRESIDENT. The Secretary will read the bill.

The bill was read, as follows:

Be it enacted, etc., That all able-bodied male citizens of the United States, and persons of foreign birth who shall have declared their intention to become citizens of the United States under and in pursuance of the laws thereof, between the ages of 18 and 45 years, are hereby declared to constitute the national forces, and, with such exceptions and under such conditions as may be prescribed by law, shall be liable to perform military duty in the service of the United States.

SEC. 2. That the organized and active land forces of the United States shall consist of the Army of the United States and of the militia of the several States when called into the service of the United States: *Provided*, That in time of war the Army shall consist of two branches, which shall be designated, respectively, as the Regular Army and the Volunteer Army of the United States.

SEC. 3. That the Regular Army is the permanent military establishment, which is maintained both in peace and war according to law.

SEC. 4. That the Volunteer Army shall be maintained only during the existence of war, or while war is imminent, and shall be raised and organized, as in this act provided, only after Congress has or shall have authorized the President to raise such a force or to call into the actual service of the United States the militia of the several States: *Provided*, That all enlistments for the Volunteer Army shall be for a term of three years, unless sooner terminated, and that all officers and men composing said army shall be discharged from the service of the United States when the purposes for which they were called into service shall have been accomplished, or on the conclusion of hostilities.

SEC. 5. That when it becomes necessary to raise a volunteer army the President shall issue his proclamation stating the number of men desired, within such limits as may be fixed by law, and the Secretary of War shall prescribe such rules and regulations, not inconsistent with the terms of this act, as may in his judgment be necessary for the purpose of examining, organizing, and receiving into service the men called for: *Provided*, That all men received into service in the Volunteer Army shall, as far as practicable, be taken from the several States and Territories and the District of Columbia and the Indian Territory in proportion to their population. And any company, troop, battalion, or regiment from the Indian Territory shall be formed and organized under such rules and regulations as shall be prescribed by the Secretary of War.

SEC. 6. That the Volunteer Army and the militia of the States when called into the service of the United States shall be organized under, and shall be subject to, the laws, orders, and regulations governing the Regular Army: *Provided*, That each regiment of the Volunteer Army shall have one surgeon, one assistant surgeon, and one chaplain, and that all the regimental and company officers shall be appointed by the governors of the States in which their respective organizations are raised: *Provided further*, That when the members of any company, troop, battery, battalion, or regiment of the organized militia of any State shall enlist in the Volunteer Army in a body, as such company, troop, battery, battalion, or regiment, the regimental, company, troop, battery, and battalion officers in service with the militia

organization thus enlisting may be appointed by the governors of the States and Territories, and shall when so appointed be officers of corresponding grades in the same organization when it shall have been received into the service of the United States as a part of the Volunteer Army.

SEC. 7. That all organizations of the Volunteer Army shall be so recruited from time to time as to maintain them as near to their maximum strength as the President may deem necessary, and no new organization shall be accepted into service from any State unless the organizations already in service from such State are as near to their maximum strength of officers and enlisted men as the President may deem necessary.

SEC. 8. That all returns and muster rolls of organizations of the Volunteer Army and of militia organizations while in the service of the United States shall be rendered to the Adjutant-General of the Army, and upon the disbandment of such organizations the records pertaining to them shall be transferred to and filed in the Record and Pension Office of the War Department. And regimental and all other medical officers serving with volunteer troops in the field or elsewhere shall keep a daily record of all soldiers reported sick or wounded, as shown by the morning call or reports, and shall deposit such reports, with other reports provided for in this section, with the Record and Pension Office, as provided herein for other reports, return and muster rolls.

SEC. 9. That in time of war, or when war is imminent, the troops in the service of the United States, whether belonging to the Regular or Volunteer Army or to the militia, shall be organized, as far as practicable, into divisions of three brigades, each brigade to be composed of three or more regiments; and whenever three or more divisions are assembled in the same army the President is authorized to organize them into army corps, each corps to consist of not more than three divisions.

SEC. 10. That the staff of the commander of an army corps shall consist of one assistant adjutant-general, one chief engineer, one inspector-general, one chief quartermaster, one chief commissary of subsistence, one judge advocate, and one chief surgeon, who shall have, respectively, the rank of colonel; one assistant adjutant-general, who shall have the rank of captain, and the aids-de-camp authorized by law. The staff of the commander of a division shall consist of one assistant adjutant-general, one inspector-general, one chief quartermaster, one chief commissary of subsistence, and one chief surgeon, who shall have, respectively, the rank of lieutenant-colonel, and the aids-de-camp authorized by law. The staff of the commander of a brigade shall consist of one assistant adjutant-general, one assistant quartermaster, and one commissary of subsistence, each with the rank of captain, and the aids-de-camp authorized by law. The staff officers herein authorized for the corps, division, and brigade commanders may be appointed by the President, by and with the advice and consent of the Senate, as officers of the Volunteer Army, or may be assigned by him, in his discretion, from officers of the Regular Army or the Volunteer Army, or of the militia in the service of the United States.

SEC. 11. That the President is hereby authorized to appoint in the Volunteer Army, by and with the advice and consent of the Senate, not exceeding one major-general for each organized army corps and division, and one brigadier-general for each brigade, and any officer so selected and appointed from the Regular Army shall be entitled to retain his rank therein: *Provided*, That each general officer of the Volunteer Army shall be entitled to the number of aids-de-camp authorized for an officer of like grade in the Regular Army.

SEC. 12. That all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army.

SEC. 13. That the governor of any State or Territory may with the consent of the President appoint officers of the Regular Army in the grades of field officers in organizations of the Volunteer Army, and officers thus appointed shall be entitled to retain their rank in the Regular Army: *Provided*, That not more than one officer of the Regular Army shall hold a commission in any one regiment of the Volunteer Army at the same time.

SEC. 14. That the general commanding a separate department or a detached army is authorized to appoint from time to time military boards of not less than three nor more than five volunteer officers of the Volunteer Army to examine into the capacity, qualifications, conduct, and efficiency of any commissioned officer of said army within his command: *Provided*, That each member of the board shall be superior in rank to the officer whose qualifications are to be inquired into: *And provided further*, That if the report of such a board is adverse to the continuance of any officer, and the report be approved by the President, such officer shall be discharged from service in the Volunteer Army, at the discretion of the President, with one month's pay and allowances.

SEC. 15. That all acts and parts of acts inconsistent with the provisions hereof be, and the same are hereby, repealed.

Mr. HAWLEY. At the end of line 18, section 4, on page 2, I move to insert:

Provided further, That the existing organized militia of any State or Territory or the District of Columbia may, at the discretion of the President, be mustered into the service for a term of one year.

If any explanation of that is needed, it will be found in the consideration that the National Guard are, as a rule, very well prepared, indeed a majority of the 113,000 are men who have been from one to five or six or eight or ten years in many cases members of regiments. They are very proud of their discipline and their drill, and extremely ambitious to get into the Army. They are composed of a very excellent and oftentimes of a busy class of men, and it has been doubted whether they would feel it right to go into the service for three years. They will start with what we may call a six months' advantage over the ordinary untrained volunteers, anyhow, and the committee, on the whole, thought it would be wise to give to the President this discretion to take certain troops, if he chose, for one year.

Mr. BACON. Where does the amendment come in?

Mr. HAWLEY. At the end of section 4, line 18, on page 2.

Mr. PROCTOR. It is line 17 of the printed bill.

Mr. BACON. That is correct.

Mr. HAWLEY. I am not quite sure in what line it may be in the other copy of the bill.

Mr. BACON. I suggest to the Senator to still further amend, after the words "term of one year," by inserting "or until the close of hostilities;" so as to make it conform to the other provisions of the bill.

Mr. HAWLEY. If they are disposed to go into the service they will not object to the ordinary provision as to enlistment. This is to cover the cases of a good many very excellent men who will not be able to serve three years, and at the end of one year, if they want to stay longer, there will be abundant opportunity, and they can be reenlisted as a whole battalion.

Mr. BACON. I understand the general provision in the bill looking to the discharge of this volunteer body at the close of the war would apply to this enlistment as well as to the others.

Mr. HAWLEY. No doubt there will be an opportunity given them to serve as long as they please.

Mr. BACON. In that view, I withdraw the amendment I suggested.

Mr. CHANDLER. The Senator from Connecticut spoke a little indistinctly when he moved to take up the bill, and I did not understand from his statement whether or not it had the consideration of the Military Committee, of which he is the distinguished chairman.

Mr. HAWLEY. The bill has been diligently studied by eight of the eleven members of that committee for more than two hours to-day, and every one of them is a man who has been in one service or the other during the recent war.

Mr. CHANDLER. Are the amendments the Senator proposes also approved by the committee?

Mr. HAWLEY. What does the Senator think I am doing—moving my amendments? I am reporting them from the committee.

Mr. CHANDLER. I say the Senator was a little indistinct when he started in, and I did not hear him say either that he moved to take up the bill to-day on behalf of the committee or that the amendments which he proposed were amendments which the committee had directed him to offer. If that is what the Senator means to say, I should be very glad to know it.

Mr. STEWART. Let the amendment be stated from the desk.

Mr. HAWLEY. Shall I devote two minutes to the instruction of the Senator from New Hampshire [Mr. CHANDLER], or shall I go on and read the amendment?

Mr. STEWART. Let the amendment be read at the desk.

Mr. COCKRELL. Yes; let the amendment be read at the desk, and then we can all hear it.

Mr. STEWART. We want to hear what the amendment is.

Mr. HAWLEY. I will read it once more, and I know I can make myself heard. The amendment I propose is as follows:

Provided further, That the existing organized militia of any State or Territory or the District of Columbia may, at the discretion of the President, be mustered into the service for a term of one year.

Mr. FAULKNER. The amendment must be reported from the desk before we can vote upon it. We might as well let that be done now.

Mr. HAWLEY. I am quite willing to have it read again.

The VICE-PRESIDENT. The amendment will be stated by the Secretary.

The SECRETARY. At the end of line 18, section 4, on page 2, it is proposed to insert the following:

Provided further, That the existing organized militia of any State or Territory or the District of Columbia may, at the discretion of the President, be mustered into the service for a term of one year.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. HAWLEY. On page 3, line 14, section 6, the Committee on Military Affairs instruct me to move to strike out the words "one assistant surgeon" and insert "two assistant surgeons." That is what we had during the late unfortunate unpleasantness in all of the regiments that I know anything about—a surgeon and two assistant surgeons.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. HAWLEY. In the same section, section 6, on page 3, line 23, I move to strike out the word "may" and insert the word "shall."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 6, on page 3, line 23, it is proposed to strike out "may" and insert "shall."

The amendment was agreed to.

Mr. HAWLEY. At the end of section 6, on page 4, I move to insert a further proviso:

Provided further, That the President may authorize the Secretary of War to organize companies, troops, battalions, or regiments, possessing special qualifications, from the nation at large, and under such rules and regulations, including the appointment of the officers thereof, as may be prescribed by the Secretary of War.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. HAWLEY. In section 10, page 5, line 13, before the word "colonel," I move to insert the word "lieutenant."

The amendment was agreed to.

Mr. HAWLEY. In line 16, on the same page, and in the same section, after the words "assistant adjutant-general," I move to insert "one engineer officer."

The amendment was agreed to.

Mr. HAWLEY. In the same section, on page 5, line 19, after the words "rank of," I move to strike out "lieutenant-colonel" and insert "major."

The amendment was agreed to.

Mr. HAWLEY. In line 21 of the same section, and on the same page, after the words "assistant adjutant-general," I move to insert "one engineer officer."

The amendment was agreed to.

Mr. HAWLEY. On page 5, section 10, line 23, after the word "captain," I move to insert "one surgeon."

The amendment was agreed to.

Mr. HAWLEY. In line 4 of section 10, on page 6, at the close of the section, I move to insert these words:

Provided, That when relieved from such staff service said appointments or assignments shall terminate.

The amendment was agreed to.

Mr. HAWLEY. These are all the amendments the committee has to offer.

Mr. BACON. Mr. President, I desire to call the attention of the committee to what I regard as the necessity for an amendment to a portion of this bill. I will first, however, explain the circumstances which give rise to the desire to do so, in order that the Senate may see whether or not it is proper to put it on the bill. It is in reference to a portion of the bill, on page 3, relative to the volunteering of troops, companies, battalions, or regiments as organizations. As to those troops, companies, battalions, or regiments that are now in the militia service of the States, the bill provides that they may volunteer as organizations. I will say that this matter has been brought to my attention by citizens of my State who have written me on the subject.

The militia organizations of the several States—or I will speak more particularly of my own State—are composed of men who, under the law, have enlisted for a term of years. Under the State law they are regularly enlisted soldiers. They were enlisted with a view to domestic requirements and service. Therefore a number of men are in those organizations who are so circumstanced that they can not, with justice to themselves or their families, go into other kinds of service. For instance, a person writing to me states that in a certain company there are four young men, all of them sons of a widowed mother, and of course if all four of them were to go, it would be a very great hardship.

Mr. HAWLEY rose.

Mr. BACON. The Senator will pardon me a moment, in order that I may make the matter clear.

Mr. HAWLEY. Certainly; I am not impatient.

Mr. BACON. The difficulty that is presented is this: If these were purely volunteer organizations in a State, from which one of the members could resign at will, there would be no trouble, because he could resign and somebody else could take his place.

Again, a provision in this bill looks to the volunteering of all the members of an organization as such. The Senator from Wyoming [Mr. WARREN] shakes his head; but the bill certainly does not say to the contrary. I will read the language of it:

Provided further, That when the members of any company, troop, battery, battalion, or regiment of the organized militia of any State shall enlist in the Volunteer Army in a body, as such company, troop, battery, battalion, or regiment, the regimental, company, troop, battery, and battalion officers in service with the militia organization thus enlisting shall be appointed by the governors of the States and Territories.

There are two points I want to make, or at least I wish to have them covered by an appropriate amendment. I suggest, in the first place, after the word "members," in line 18, the insertion of the words "or the majority." That will enable the majority of the company to control the action of the body, so that as a body its enlistment may be received, even though all of them do not volunteer. The other point I want to cover is this: In view of the fact that these men are now enlisted men under the law of the State, and can not resign from that organization, and in view of the fact that the legislature can not be called in session to change the law, I want to suggest the propriety of the insertion of an amendment here which will permit resignations from that body, so far as the matter of volunteering can be affected by such resignations, and supplying the places of those men by others.

As I have said, this is a practical difficulty which has been called to my attention by letters from my State. These organizations desire to enlist, but at the same time there are a number of members of them already enlisted under the State law who can not possibly go, and unless some arrangement is made by which those who can not go can be allowed to get out, and others who can go and who are eager to go can get in, there is going to be trouble. That is the sole purpose I desire to accomplish.

I suggest that in order to accomplish what I have suggested and to put beyond the possibility of doubt what is meant, that those two amendments had better be incorporated. One is to insert after the word "members," in line 18, on page 3, section 6, the words "or the majority;" and the other is, to provide simply where the body thus enlisted, or the organization thus enlisted, shall not be of the required number, that at or before the time of enlistment the number may be filled up.

Mr. HAWLEY and Mr. SEWELL addressed the Chair.

The VICE-PRESIDENT. The Senator from Connecticut first addressed the Chair, and he is recognized.

Mr. HAWLEY. With the permission of the Senator from New Jersey [Mr. SEWELL], I will go on with a brief explanation, which might as well be made now, though the Senator from New Jersey is perhaps the most experienced officer of the National Guard in the Senate.

Nobody can be compelled to volunteer service. That would be a contradiction of terms. This is the way it will work, in our imagination: The State of Connecticut will probably be called on to furnish a regiment. One regiment of the National Guard there says "98 per cent of the men have already volunteered;" another says "90 per cent have volunteered." That is unusual, probably; but the governor will call them together and find out very easily who wishes to be discharged from the State service and go into the United States volunteers for three years or the war. It will then leave all this matter, at any rate, in the hands of the governors of the States—in mine, certainly. Then it will be the duty of the governor——

Mr. BACON. There is so much talking in the Chamber that I am absolutely unable to hear the Senator. The Senator is speaking plenty loud enough, but other people are speaking equally as loud as he.

Mr. HAWLEY. I think there must be something in that. I never had any difficulty in being heard by 3,000 men in a grove speaking in a political campaign.

It is the business chiefly of the governor to make up his quota. When he is called on for one of his regiments, he may think it far better to take the veterans of the National Guard as they stand; and when he has called one of them to the place of muster, it will be easy to ascertain who is unwilling for whatever reason to enlist for three years, and the company or regiment is more or less reduced by those declining to serve. The governor must see that he answers the call of the Federal Government and that he sends a regiment. I think there will be no trouble in nineteen cases out of twenty in enlisting from what you may call the graduates of the National Guard, from the men who have served nine or ten years, or from other patriotic citizens. I do not know whether that answers the Senator's question or not.

Mr. BACON. The Senator, then, understands that the provision found in the sixth section, where it speaks of the members of a company, troop, battery, battalion, or regiment enlisting in a body, does not require unanimous enlistment, but only such an enlistment of the organization——

Mr. HAWLEY. You never can get exactly the 1,000 men called for.

Mr. BACON. The Senator misunderstands me. I am not speaking about the number called for. I am speaking about the number of the members of the organization as it exists.

Mr. HAWLEY. When the governor of a State is told to send a regiment of 1,000, he calls together a battalion, and that in our State would not be 1,000. Even the ten companies of a regiment would not fill up the quota of a thousand men; but it is his business to make the number a thousand if the National Government calls for them. Nobody can be forced, as I have already said, to become a volunteer.

Mr. CLAY. I would like to ask the Senator, Is it not true that the State militia can not be called out at all unless they volunteer?

Mr. HAWLEY. For certain duties they can be called out. The Constitution of the United States provides for all that. They can not, however, be called out to go to Cuba or to Mexico.

Mr. CLAY. I understand that.

Mr. HAWLEY. They can not be taken out of the country. They may go of their own free will.

Mr. CLAY. That is the way I understand it.

Mr. SPOONER. It seems to me there is some point in the inquiry put by the Senator from Georgia [Mr. BACON], and that is this: The bill says:

Provided further, That when the members of any company, troop, battery, battalion, or regiment of the organized militia of any State shall enlist in the Volunteer Army in a body, etc.

Mr. HAWLEY. Yes; they go as a body, even if they take but 750 men. They take along the regimental skeleton.

Mr. SPOONER. That begs the Senator's question. He puts the question whether the true construction of the language does not involve that the men of a company, troop, etc., shall enlist as a body, and whether, therefore, there should not be some amendment offered which induces the very elasticity to which the Senator refers, which is evidently intended.

Mr. HAWLEY. We found it in our late war.

Mr. PROCTOR. I think there is no practical difficulty about this. In every State there is some provision for the discharge of men. These companies will be filled up. It will be done by the discharge of men and the enlistment of others before they volunteer

in the service. That will all be adjusted in advance naturally and properly. I think there is no practical difficulty about it as it is. That is the way it always has been. It was so in the war of the rebellion. It will all be adjusted in the hands of the Government and the local authorities. The men who can not come will be discharged and their places will be filled. Then the body will enlist as a body.

Mr. PETTUS. Mr. President, this bill provides for three distinct classes of the Army, and if Senators will notice they will see that the difficulty which the Senator from Georgia [Mr. BACON] suggests is provided for. There is first the Regular Army. Then there is a volunteer army. The Volunteer Army come of their own accord, and are accepted or not as the War Department sees fit. If they volunteer, they volunteer for three years or until the war is closed. Then they constitute, as it were, a part of the Regular Army for the time being, being officered, however, by the governor of the State. Then there is a third class, and that is the main class whom this bill is particularly designed to induce to go into the Army, and to go in as organizations.

So far as that class is concerned, they are allowed to go into the Army for twelve months, and they are the only class allowed to be received for that length of time. They are the militia, strictly and technically the militia of the United States. They are, though, the organized part of the militia. It is considered of the utmost importance, on account of their drill, their custom of obeying orders, their knowledge of the service they have to perform, their long training, if we are to have a war, that they be part of our forces. They are more valuable than any other men you can get to volunteer. So far as I know, they compose the very best men in the United States for the purposes intended.

Now, they are allowed to volunteer for one year. They go then as volunteers and not as militia at all. When they volunteer into the service of the United States they volunteer for three years. Then they are not of the militia at all, but they are like all other volunteers, subject to the rules and regulations which are prescribed for volunteers and not for the militia. The criticism of the Senator from Georgia applies to those who volunteer, and if a man does not volunteer he can not be compelled under that clause to go into the Army at all. The governor can not supply him as a volunteer unless he chooses to go.

Mr. ALLEN. Will the Senator from Alabama permit me to ask him a question?

Mr. PETTUS. Certainly.

Mr. ALLEN. The Senator is versed as to the Constitution and the constitutional history of this country. Where do we get authority for making any distinction between the Regular Army, the Volunteer Army, and the militia?

Mr. PETTUS. We get it through almost every line of the Constitution. We get it from the war-making power as a whole. If a nation has the right to make war, it has the right to prescribe the rules and conditions under which it will make it. It is as clear as the noonday sun.

Mr. ALLEN. If the Senator will permit me, I must question that somewhat. The power to make war of course carries with it the incidental power to raise armies and navies, but I insist, with the Senator's permission, of course, that the distinction between a regular army and a volunteer army does not and can not exist; that the only distinction we have and can have under our form of government is the United States Army, whether regulars or volunteers, and the militia of the States.

Mr. PETTUS. That is the only distinction made in the pending bill, sir.

Mr. ALLEN. The bill speaks of regulars and volunteers and militiamen.

Mr. PETTUS. It calls them by those names, but there is no distinction between them.

Mr. ALLEN. That is what I thought. They are all one thing.

Mr. PETTUS. But the militia is an entirely different thing. The militia constitute no part of the Army of the United States except when called into actual service. That may be done. When called they must come according to the call or according to the arrangement made by the war-making power and the governor, who has special charge of them in the first instance.

I am not discussing the volunteers. When they choose to come into the Army as volunteers, they come in for the time prescribed by the law for volunteers and they can not come under that head unless they volunteer. But in reference to this class, whom it is considered of the utmost importance to have, the organized militia, it is proposed that they may be enlisted for one year. It is to be expected that the governor of each State will organize the particular companies that want to go into the war and that he desires to go into the war, in such manner as the State authorizes him to do, and in such manner as will suit. The very idea which the Senator from Georgia suggests has been considered by the committee, and it was considered very fully. The governor of each State will so arrange it that the organized militia that goes into the Army will go freely and of its own accord. They no doubt can do it. Some of the men can not go, of course. Some of the men are not expected to go. That is a matter of arrangement between the governor and the company that goes, and no doubt it will be arranged to the satisfaction of everybody by the governor of the State himself.

We ought by all means in the world to get the organized militia, if we want any addition to our Army, and we ought to get it on such terms as we can get it, and can get it all or a sufficient number of them, for we will not need all of them in all probability.

Mr. KYLE. Will the Senator allow me? The question raised by the Senator from Georgia is this: Are the members of the militia of the several States, whether they are taken individually or collectively, compelled to go with their companies?

Mr. PETTUS. That is not true in reference to volunteers at all. The man who goes, no matter what company he belongs to, is not compelled to volunteer.

Mr. KYLE. I take it, if the Senator will allow me, that section 4 and also section 6——

Mr. PETTUS. Read them.

Mr. KYLE. I read from line 12:

That all enlistments for the Volunteer Army—

Meaning if they choose to enlist——

Mr. PETTUS. Yes; the Volunteer Army. That is what it refers to.

Mr. KYLE. Volunteers from the militia, as I understand it.

Mr. PETTUS. Certainly, if they want to.

Mr. KYLE. On page 3, again, section 6, it is provided further:

That when the members of any company, troop, battery, battalion, or regiment of the organized militia of any State shall enlist in the Volunteer Army, etc.—

Making it a voluntary act upon their part.

Mr. PETTUS. Certainly.

Mr. KYLE. So that no individual or company is compelled to go into the service of the United States as a volunteer company unless it chooses to do so.

Mr. PETTUS. No, sir. No individual, no organization, no company, battalion, or regiment is compelled to go as a volunteer, and we do not expect that any of them will go without their full consent. But the organized militia are not compelled to go as volunteers at all. It is expected that they will consent to go, of that the great body of them will consent to go, and that the companies will be filled up by others. Such as do not want to go will stay at home and such as want to go will fill up the regiments. That is the expectation.

Mr. KYLE. As I understand, it is a voluntary act upon the part of these individuals. There are in all our militia companies in the several States numbers of persons who, because of family relations or otherwise, can not go. They will determine that amongst themselves. If parties choose to retire, the gaps will be filled by other parties who want to go.

Mr. PETTUS. As the governor may direct or consent.

Mr. KYLE. Certainly. I was talking with the Secretary of War this morning, and I learned that there are thousands upon thousands begging for the opportunity to go who can not go, because there will be no opportunity.

Mr. BACON. I have prepared an amendment, which the Senator from Vermont [Mr. PROCTOR] as one of the committee has seen, and he recognizes the propriety of it.

Mr. PETTUS. I have the floor, and I do not like to be ignored in that way.

Mr. BACON. I was just going to ask the Senator from Alabama if he would permit me to offer it. If the Senator had given me the opportunity, that is what I proposed to do.

Mr. PETTUS. I think that ought to have preceded.

Mr. BACON. I will take it all back, and ask the Senator to permit me to offer an amendment which has been submitted to the Senator from Vermont, and ought to be submitted to all, and I want it read so that it may be understood.

Mr. PETTUS. I am perfectly willing to yield.

Mr. BACON. Nevertheless, I will wait until the Senator from Alabama concludes.

Mr. PETTUS. I have explained this bill, I think, as far as I am able to do, and I have tried to show that no organization of the organized militia can be compelled to go under the volunteer clause. They can not be compelled to volunteer. But when you come to the organized militia whom we extremely desire to have in the Army, we give them the privilege of going into the Army for one year and not as volunteers, but as organized militia, and that will be done under the direction of the governors of the States. He will be called on to furnish so much of the organized militia. He will furnish it in such a way as the law of his State authorizes and he can furnish it in no other way. Those who do not want to go will stay at home. Their places will be taken by others and in that way we will have——

Mr. CAFFERY. Will the Senator from Alabama permit me to ask him a question?

Mr. PETTUS. Certainly.

Mr. CAFFERY. I desire to ask the Senator whether it is not necessary under his construction, with which I entirely agree, that when the militia organization presents itself for enrollment in the Army of the United States—it is not as volunteers—that each company or battalion, as the case may be, or regiment have its full complement of men under the organization of the State; whether they could present themselves, for instance, as a regiment of a less number than organized under the State organization?

Mr. PETTUS. The organization, as I understand it, is made under the State, but the number to be in the company or the number to be in a regiment is a matter of United States regulation when calling them out. The governor will be called on to furnish so many men, composed in a certain way; such a number of companies and such a number of regiments, in all to be a certain number of men from a certain State. But the point I am aiming at is, that the organization now existing need not include all the individuals of the present organization. Some of them will fall out and others will fill their places, and the regiment will be full, or about full, when mustered in.

Mr. SEWELL. Mr. President, the War Department is very anxious, for many reasons, to get the services of the National Guard in the approaching war. The first and greatest is that these organizations have been improved in the different States in the last ten years, so that their standard to-day is very high. They are thoroughly armed and equipped. The militia of most of the States go into camp every year. They are well officered, under a system of examination, and the State governments take great pride in them and spend a great deal of money on them. In my own State we spent this year for armories and for the care of the National Guard something like three hundred and fifty or four hundred thousand dollars, while we draw $8,000 from the Government.

Mr. HAWLEY. May I say we in Connecticut just about spent our proportion according to population, about $150,000, on the National Guard last year?

Mr. SEWELL. These men can be put into the field in twenty-four hours. They have everything, and, next to the Regular Army, they will be the most effective troops possible. The volunteers can come afterwards, if the President calls for volunteers; but our experience in the late war was that it took six months at least to make a regiment effective, and by the time you got them on the line of battle you had about 60 per cent of them, whereas these men are accustomed to drill and accustomed to the camp. They are excellent rifle shots. In my own State, and, in fact, in all the States, there are ranges, so that the men have kept up, as far as citizen soldiers can, with the limited time they can give to it, with the Regular Army in efficiency; and the Department, recognizing that fact, wishes to secure their services now for the field.

The objection stated by the Senator from Georgia [Mr. BACON] practically does not exist. The call will be to the governor of the State. He will designate two regiments or three regiments of so many men. He will put his National Guard in camp. He will say to the first regiment, "How many volunteers are there here?" The organization volunteers. A few men drop out, one saying, "I can not go; I have my family to support," or giving some reason or other, or he is not physically able, or something of that kind. His place is taken by somebody from the next company. So the companies are made up by the governor, and when he presents the line of ten companies, the regiment, with its mustering officer to muster in, under the act, he presents a full organization. These companies or regiments do not volunteer to the Government. They are under the orders of the State until they are formed in line and sworn in under the Government of the United States. Then they become volunteer troops.

But they are a body of men who are so far ahead of what you can raise in six months that I thought it essential that they should not be required to serve a three-years term. I think it is very doubtful whether you could get, from our National Guard, organizations to serve for three years. They are men of high character, very largely; men of intelligence, splendid soldiers, but men who can not leave their homes for that period. Therefore I suggested this amendment in relation to reducing it for the organized bodies of the National Guard to one year. If one year is not sufficient, we will have volunteers to take the place. I trust the bill will go through just as it is. It covers every objection which the Senator from Georgia can make to it, from the explanation I now make that the governor of the State is the one who organizes the troops and who fills up the companies where they are not full enough and makes the regiment and turns it over to the Government.

Mr. CAFFERY. The Senator from New Jersey [Mr. SEWELL] has explained the matter so fully that it hardly needs any other explanation; but I draw the attention of the Senator from Georgia to the wording of this section, and he will see from it that it is the full organization only of militia or National Guards which can be tendered as a volunteer organization for the military service of the United States:

Provided further, That when the members of any company, troop, battery, battalion, or regiment of the organized militia of any State shall enlist in the Volunteer Army in a body, as such company, troop, battery, battalion, or regiment.

The members of the State organizations volunteer in a body, as a company, troop, or battalion. If, therefore, in the case he supposes some of the members of the troop, company, or battalion, or regiment choose to resign before——

Mr. FAULKNER. Decline to volunteer.

Mr. COCKRELL. Decline.

Mr. CAFFERY. Decline and do not volunteer, upon the governor of the State, as stated by the Senator from New Jersey, will devolve the duty of filling the places of the men who resign, and the regiment will be presented full for the service of the United States. There is no difficulty whatever that I can see from the wording of the section which it is necessary should be obviated by the amendment proposed by the Senator from Georgia.

Mr. BACON obtained the floor.

Mr. PROCTOR. Mr. President——

Mr. BACON. I yield to the Senator from Vermont.

Mr. PROCTOR. I will be glad to hear the Senator's amendment stated for the information of the Senate.

Mr. BACON. Before submitting the amendment I wish to say just one word. What I desire to accomplish by this bill is exactly what the Senator from New Jersey says can now be accomplished under it. The difficulty, to my mind, is that while the plan outlined by the Senator from New Jersey is entirely correct and meets every possible contingency, the bill itself does not make provision which would justify or bring about the enforcement of the plan suggested by him.

Mr. SEWELL. I should like to suggest to the Senator from Georgia that the company or the regiment is not presented to the United States until it is full.

Mr. BACON. That I understand. The Senator from New Jersey has already stated that.

Mr. SEWELL. It is by the State government and under the State laws that it is organized.

Mr. BACON. The Senator has so stated.

Mr. SEWELL. And the State can not compel them to volunteer.

Mr. BACON. I understand that is the proposition of the Senator.

Mr. SEWELL. I will add, if the Senator will allow me, that this bill has received the very careful consideration of the War Department, I think. It certainly had two hours' attention in the Committee on Military Affairs of this body, a large majority of whose members served in the late war, and some of whom, like myself, have served ever since in the National Guard. We are pretty conversant with the entire situation in relation to all these matters, and I think the committee's judgment ought to be trusted.

Mr. BACON. If I may be permitted, a large part of what Senators have said has no relation whatever to the difficulty which I suggest and which I desire to have corrected. There are two classes of enlistments provided for in the bill outside of the Regular Army. One is the enlistment of regiments which have no connection or relation to the State militia or the National Guard, as it is sometimes called. In the former case, of course, there is no trouble about it, because it is simply a case of individual enlistment and the formation of the persons into a regiment in the different States by the governors. But there is a distinct provision here that existing organizations may as a body enlist. Now, there is certainly a distinction between the two. They are not the same thing at all, and these existing bodies exist under laws of the States, which, if they are like the State of Georgia, have laws making each member of the company an already enlisted man.

The Senate will remark that if the governor of a State were simply called on for a certain number of volunteers, he would have the right to order out one of these companies or regiments, and the men, being enlisted, would have no say so as to whether they would go or not. They would be compelled to go because they have already been enlisted.

Mr. HAWLEY. They could not be compelled to go outside of the boundaries of the country.

Mr. BACON. I understand that fully. That is not the point I am speaking about. I am speaking of a State being called on for a certain number of troops, and I want this law made so clear that there will be no trouble about it. This difficulty has already been suggested among the members of these organizations. They do not understand the fact that they will be allowed to do what the Senator from New Jersey says they will. What I propose is simply to put in the bill in words what the Senator now says the bill means. I simply wish to make it clear beyond doubt. The suggestion which I make is that in the eighteenth line, after the word "members," the words "or the majority" should be inserted; so as to read:

That when the members or the majority of any company, troop, battery, battalion, or regiment of the organized militia of any State shall enlist in the

Volunteer Army in a body as such company, troop, battery, battalion, or regiment, the vacancies in such company——

Mr. COCKRELL. "Each of the members."

Mr. BACON. The Senator from Missouri [Mr. COCKRELL] suggests to me the words "each of the members." That is exactly the trouble I am trying to get around. It is impossible to find a company where each of the members would be in a position to volunteer.

Mr. ALLEN. If the Senator will permit me to interrupt him—I do not desire to do so without his consent—I suggest that he insert, after the word "when," in line 17, the words "a majority of."

Mr. BACON. I put the words "or the majority" after the word "members." It is the same thing.

Mr. ALLEN. My suggestion will accomplish just exactly what is desired.

Mr. BACON. After the word "regiment," in the twenty-first line, I propose to insert further the words:

The vacancies in such company, troop, battery, battalion, or regiment may at or before the time of said enlistment be filled, and the regimental company, troop, battery, and battalion officers in service with the militia organizations thus enlisting shall be appointed by the governor.

Mr. SEWELL. The Senator from Georgia is there usurping the functions of the State. The governor is called upon for the organization of so many men, and the Senator seeks to provide that the Government shall accept a lot of organizations half full.

Mr. BACON. No; I do not.

Mr. SEWELL. That is the way your amendment reads.

Mr. BACON. Not at all. The Senator did not hear the last part of the amendment, which expressly provides that "the vacancies in such company, troop, battery, battalion, or regiment shall at or before the time of said enlistment be filled."

Mr. SEWELL. Very good. That is the function of the governor of the State absolutely.

Mr. HAWLEY. They have got to be filled.

Mr. SEWELL. They do not come under United States control until they are presented.

Mr. BACON. I repeat that the Senator and myself do not differ as to the objects we wish to accomplish. The only difference between us is this: He says that under the bill as at present drawn that can be done. I simply wish to express it so as to put it beyond the possibility of doubt that it can be done, and not leave it as a matter of construction. That is the only difference.

Mr. SEWELL. I suggest to the Senator that he is embarrassing the situation by providing for the admission of ragged companies when there is no necessity for it, and when it is the function of the State to provide the whole company.

Mr. BACON. Certainly the Senator did not hear the reading of the amendment which I offer——

Mr. SEWELL. Yes, I did.

Mr. BACON. Or he would not make such suggestions, because there is no contemplation of the admission or reception of a company that is not full. On the contrary, the amendment which I offer expressly provides that at the time or before the company shall be filled up. The Senator did not hear those words.

Mr. President, as I said, this is not a mere fancy of mine. I am bringing this matter to the attention of the Senate because the militia companies of my State, the National Guard, as they are called elsewhere, are, I suppose, without exception anxious to be received into the service. This has been a practical difficulty which is now being discussed among them, and they have asked me to present it. So it is not simply fancy or imagination on my part. They are met and confronted with this very difficulty, and they want it removed by the language of the law being made so plain that there can be no doubt about it.

If, after what I have suggested, the Committee on Military Affairs, who, of course, have charge of this matter and the responsibility for it and are much better capable of judging of it than I am, do not desire to have the amendment embodied in the bill, of course I will not press it; but I do think there can be no possible objection to placing in the bill language which will permit to be done that which the Senator from New Jersey now says can be done without it.

Mr. HAWLEY. The proviso which has been so much discussed is not one that is directed toward enlistment. These words are recited: "Company, troop, battery, battalion, or regiment of the organized militia of any State shall enlist in the Volunteer Army in a body as such company, troop," etc. The officers enlisting shall be appointed by the governors of the States and Territories. That is what the paragraph is built for. After the President of the United States has called on the governor of a State for a regiment, he does not bother himself any longer. The governor has the trouble on his shoulders; and I think he will have very little in most cases. I do not see the necessity of the amendment. I think it would simply embarrass the bill.

Mr. FAULKNER. I inquire of the Senator from Georgia whether the first amendment he offers might not be construed as meaning that the governor of a State could offer half of the numerical number of a regiment, there being a majority or little over of those men who have volunteered to enlist in the Army of the United States? I ask the Senator whether it would not leave it in doubt, as a matter of construction, as to what is proper? Whereas under the language of the bill, everyone understands that no man can be a volunteer in the United States Army unless he individually and personally obtains the consent of his own mind to that particular act.

As the Senator from New Jersey well remarked, when a State is called upon for one regiment and the militia is also called out, they will be brought together in camp. The governor will call for volunteers, if it is to be only one regiment, to the number required to constitute a regiment. Any man who does not volunteer for that purpose, of course, still remains a member of the militia. But he does not become a member of the volunteer force under the provisions of this bill. When a sufficient number of men have volunteered to constitute a regiment called for by the President of the United States from that State, the governor then presents that regiment with the officers appointed by himself for the purposes of being enrolled and sworn in as a part of the volunteer forces of the United States Government.

Mr. ALLEN. Will the Senator from West Virginia permit me to interrupt him? The Senator holds, I understand, that the bill expresses the thought that the governor of West Virginia can say "I will enlist the First West Virginia Infantry, but the personnel of that infantry may change in its officers and men."

Mr. FAULKNER. Of course. If the governor called upon the first volunteer infantry regiment in the State of West Virginia, he would call upon them to volunteer for service as volunteers under the call of the President. Now, if only one-third of that regiment chose to volunteer——

Mr. ALLEN. He would make up the balance?

Mr. FAULKNER. He would make up the balance and allow the other members of the National Guard of that State from other regiments to volunteer into the first regiment of volunteers from the State of West Virginia to constitute the number called for by the President of the United States from that State.

Mr. WARREN. With raw recruits.

Mr. SEWELL. If the Senator from West Virginia will allow me, I will give an illustration of what is proposed by applying it to the State of New Jersey, which has a fair average number of National Guards, well equipped. Just as soon as the President calls for so many men, so many organizations, the whole body of the National Guard will be put in camp. If two regiments are called for of ten companies, the six or eight regiments there will be formed. The organization of one company will be selected, commencing with number one, and any officer or man who does not want to volunteer steps to the rear, and the roll is called of the rest and they are put down as volunteers. The next regiment is taken in the same way, and sufficient officers and men volunteer, and that organization is made up, and so on. Now, that is what will be done in my State. It is what the War Deparment suggest. They want these organizations, but they want the men to volunteer.

Mr. FAULKNER. I will state further that this matter is fully understood by the militia of my State. The War Department has already been advising them in reference to this question, and throughout the State, under instructions from the War Department, the officers in charge of the National Guards of the State of West Virginia have already been ascertaining the exact number of men who are willing to volunteer as a part of the volunteer force of the United States Government as distinguished from the militia.

Mr. HAWLEY. So with my State.

Mr. FAULKNER. In my town, for example, two weeks ago, under a suggestion of the War Department, a meeting of the company located in that town, composed of eighty-three members, was called, and the suggestion was made to them that under the demand of the Government they might be required to go as volunteers beyond the territory of the United States, and under the view of the War Department they could not be required as militia to do so. They were asked if they were willing to sign an enlistment as volunteers into the regular service of the United States, and out of the eighty-three members of that militia company eighty-three of them signed the roll agreeing to enlist in the service of the United States. It is thoroughly and completely understood by the militia officers of the State how these regiments will be made up, under exactly the provision as suggested by the Senator from New Jersey, and in the mode prescribed by the bill as reported by the committee.

Mr. HAWLEY and others. Question!

Mr. BACON. As the suggestion which I have made does not meet with the approval of the Senate, I will not offer it as an amendment.

The VICE-PRESIDENT. If no further amendment be proposed as in Committee of the Whole, the bill will be reported to the Senate.

Mr. DANIEL. Mr. President, I desire to call the attention of

the chairman of the committee to the fact that there is no assistant inspector-general provided for in the bill for the commander of a brigade. There is an assistant inspector-general provided for the commander of a corps and one for the commander of a division, but the bill provides, on page 5, line 20:

> The staff of the commander of a brigade shall consist of one assistant adjutant-general, one assistant quartermaster, and one commissary of subsistence, each with the rank of captain, and the aids-de-camp authorized by law.

It omits an inspector-general. I would not place my opinion against that of the more experienced military men of the Senate, but I beg leave to call attention to this omission.

Mr. SEWELL. Will the Senator allow me to suggest that we went through the late war without an assistant inspector on the brigade staff? The one inspector on the division staff is quite sufficient to inspect the brigade.

Mr. DANIEL. I was not aware of that fact. In the troops with which I had the honor to serve in the late war the assistant inspector-general of brigade was an officer as regular and as well known as the colonel of a regiment. My own service was that of a staff officer for a considerable time, and I will give it as my own opinion, for whatever it may be considered worth, that the inspector of a brigade upon the staff of a brigadier-general is one of the most important staff officers in the Army. He is the inspector who comes in closest contact with the troops, and he is a very necessary and desirable officer to serve his general upon the field of battle. The casualties amongst staff officers are very great in time of war. Such limited experience as I have had in the observation of military affairs has fixed the opinion upon my mind that the assistant inspector-general of brigade is an exceedingly important officer.

If the gentlemen who have this measure in charge, whose opinion is worth much more than my own, were opposed to this suggestion, I should not insist upon it; but I think it is an exceedingly important item of organization and that it makes the Army harmonious through all the divisions of the Army of which there is a general in command. The inspector of a brigade is the chief camp officer of the brigade, to see that the brigade is properly camped, and to attend to all those sanitary conditions which are so essential to the health and care of troops, especially if they be in a climate in which special conditions must be carefully and specifically attended to. And when the troops are in motion, when the general is in battle, he is an exceedingly useful officer to serve upon the staff in time of need. I will simply suggest this now and not offer it as an amendment unless what may be said may lead me to do so.

Mr. PROCTOR rose.

Mr. DANIEL. I will add another thought before I yield, with the permission of the Senator from Vermont, who seeks to take the floor. It is very properly provided respecting the staff in the bill, and it seems to me a most admirable bill, that the President may, in his discretion, assign officers to staff duty. It would not therefore necessarily lead to a multiplication of offices, but affords a place where officers who may not be for the time being appropriately assigned may have a most important position given them for field service.

Mr. PROCTOR. Mr. President, I hardly think it necessary to provide for this officer. A brigade would not require the constant service of an inspector, and it is within the province of the commander of a brigade to detail an officer for such inspection duty as is necessary.

Mr. BATE. Mr. President, I must differ with the Senator from Vermont [Mr. PROCTOR], my colleague upon the Committee on Military Affairs, in regard to this. It was certainly overlooked by some of us. Symmetry, it seems to me, should be preserved in the bill. Inspectors are given to the corps commander and the division commander, and I do not see why we should not preserve that symmetry and give an inspector also to the brigade commander.

My attention before the committee certainly was not called to the matter. Some of us there were struggling as much as we could to prevent an excessive number of staff officers. We did not want to see the service made top-heavy. But this matter seems to have been overlooked, and I differ with my friend from Vermont in regard to it.

I think the bill ought to be amended so as to provide for an inspector of brigade. The importance of that office is well known. I believe it is a historic fact in connection with our late war that neither army started out with an inspector of this character. I do not know that they had an army inspector even for a division, or a brigade, or a regiment; but we found the necessity of it. It is one of those necessary things that grew up in the progress of the war. It was found to be very essential to have an inspector, and he was generally one of the most useful officers known to the command. I think the office is essential. The proposition made here to insert a provision for this purpose is very proper, and it would be practicable.

The bill, taking it all in all, is a very good measure. There are some things in it of which I do not approve, and there are some things I should like to put into it; but, taking it as a whole, it certainly is a bill with about as little objection to it as one that could be gotten up under the circumstances. It was the disposition of the Committee on Military Affairs, of which I am a member, to pass the bill as it came over from the House, and that course was decided upon when some of these questions sprang up, and the amendments which have been presented to the Senate were favorably acted upon. Now, as the bill has to go back to the House, and will probably go into a conference, we might as well amend it where we think amendment necessary. I think the proposition of the Senator from Virginia [Mr. DANIEL] to insert a provision for a brigade inspector is certainly proper and right, in order to make the bill symmetrical. A brigade inspector would certainly prove to be a useful officer.

Mr. HAWLEY. Mr. President, I do not feel disposed to resist or spend time upon this proposition. I can only say that I consulted in regard to it with my colleague on the committee, the Senator from New Jersey [Mr. SEWELL]. We commanded brigades for a very considerable time and had no such officer. I have the opinion that if a brigadier who is worth anything, with his three colonels, if they are worth anything, and his thirty captains, if they are worth anything, and all the surgeons, who are practically inspectors going from camp to camp, if these men, amounting to from 40 to 45, whose business it is to look after the camp, can not inspect it, it is a bad lot.

Mr. BATE. But what is everybody's business is nobody's business. That is true, generally, and it applies especially to the military establishment.

Mr. HAWLEY. My experience is that the surgeons are directed to go through all the parts of the camp, even to look at every meal into the camp kettles and to inspect everything about the camp in the way of general care, etc. That duty, you can easily imagine, always has a man to attend to it; and the colonel himself should inspect constantly.

Mr. PROCTOR. I would not underrate the importance of inspection, but that not so many inspectors are needed as the other staff officers is shown by the fact that in the Regular Army there are only about half as many inspectors as adjutants-general, and not a quarter as many as there are commissaries and quartermasters. The proportion fixed in the bill conforms to the practice of the Regular Army.

Mr. ALLEN. Mr. President, I think there are two or three things about this bill that ought to be explained. Take that portion of section 10, for instance, beginning with line 24, which reads as follows:

> The staff officers herein authorized for the corps, division, and brigade commanders may be appointed by the President, by and with the advice and consent of the Senate, as officers of the Volunteer Army, or may be assigned by him, in his discretion, from officers of the Regular Army or the Volunteer Army, or of the militia in the service of the United States.

I do not know what that means. I have been studying it for some time.

Mr. HAWLEY. What line is that?

Mr. ALLEN. It starts with line 24, on page 5, and concludes with that section—section 10.

> The staff officers herein authorized for the corps, division, and brigade commanders may be appointed by the President.

That is the first proposition. Are we to have officers appointed by the President for that specific purpose as staff officers, who have no connection with the regiments, who are not members of some regiment? I infer from this language——

Mr. SEWELL. Of course, we will follow precedents. When you appoint a brigadier-general you give him a staff, but not necessarily from his command. The commissary may be taken from any place; a civilian may be appointed. You appoint two aids. You appoint a surgeon. They do not necessarily come from the Army, because the Army can not spare all these officers.

Mr. ALLEN. Then my understanding of that provision was correct; that is, that we are to have officers with the ranks provided for in this section who have no connection with the Army except as they serve on the staff of some commanding general.

Mr. SEWELL. The President, of course, can appoint them from the Army. He can take a lieutenant in the Army and make him a captain or commissary if he pleases, and he goes back to his rank in the Army as soon as the war is over.

Mr. ALLEN. The second proposition is that these officers are to be appointed by the President of the United States, and that provision I understand from the bill will reach the volunteer regiments that are raised by the different States, and will authorize the President to appoint, for instance, from my State or the State of the Senator from New Jersey staff officers not recognized by the governors of those States.

Mr. SEWELL. It only refers to the rank above colonel, which is in the jurisdiction of the President of the United States. The brigade commanders are not furnished by the States.

Mr. ALLEN. No, Mr. President; because these staff officers do

not rise above the rank of colonel. The highest rank on the staff of a commander of a corps is a lieutenant-colonel under this bill as it has been amended. The President is authorized to appoint the staff officers of a volunteer general, and that authority is taken away from the governor.

Mr. SEWELL. It never existed in the State. It has always been exercised by the President where the rank is above that of colonel.

Mr. ALLEN. I do not know. Of course the Senator from New Jersey has been an officer of distinguished service, and my service was not such as to give me special information in that line, but I do submit this thought, that the moment the President invades what I regard as the proper province of the governor of a State in the organization of the troops from that State, appointing officers to serve with them and command them, that moment we fail to get the best services of those troops.

Mr. PETTUS. Will the Senator allow me?

Mr. ALLEN. I will.

Mr. PETTUS. This bill does not provide for the acceptance of a brigade in a State. It expressly provides for accepting regiments, and there never has been, so far as I know, any such organization in the last forty years where the President did not appoint in some way the commanding officer of all brigades, whether they were volunteers or otherwise.

Mr. ALLEN. The Senator from Alabama is talking about one thing and I am talking about an entirely different thing.

Mr. WARREN. If the Senator will yield to me a moment, I think I can enlighten him on that point.

Mr. ALLEN. I yield to the Senator.

Mr. WARREN. As to the officers appointed by the governors of the States, they reach only to the rank of commander of a regiment.

Mr. ALLEN. Yes.

Mr. WARREN. Those regiments go out. One may be from the State of Nebraska, a volunteer regiment, and it may be in a brigade with a regiment of the Regular Army. So it becomes necessary to have a brigade commander and a staff, and they must be appointed by somebody. They are appointed usually by promotion. For instance, a colonel is made a brigadier-general. Of course, it would not lie in the province of the governor of Nebraska or the governor of Wyoming to appoint a brigade commander where there is, perhaps, only one regiment, we will say, from that State. So that this has to do with the staff which is connected only with a corps, a division, or a brigade, and which must necessarily be appointed by the President, by and with the advice and consent of the Senate, the same as is done in the Regular Army now.

Mr. ALLEN. That does not explain it. What I am trying to avoid, or what I should like to avoid if it be possible, is the right of a regular officer to be appointed by the President on the staff of a volunteer general, or from interfering in any manner with the volunteer soldiers.

Mr. PROCTOR. Will the Senator from Nebraska allow me a sentence?

Mr. ALLEN. I will.

Mr. PROCTOR. This bill reserves to the governors of the States all the rights they have ever had, all that they had during our war of the rebellion, and it puts nothing into the hands of the President but what has always been there under every law, and what must necessarily be there.

Mr. ALLEN. The fact that it does not do anything more than what has been done heretofore does not prove that it is right One error does not make right another error for which it is used as a precedent.

Mr. WARREN. May I ask the Senator what he would suggest about it? I think if he would undertake to suggest a plan, he would come back to the same proposition which is made in this bill.

Mr. ALLEN. I was laboring under the supposition that during our late war the staff officers were chosen by the commanding officers themselves, subject to the approval of the Secretary of War.

Mr. WARREN. That was by courtesy only, however.

Mr. ALLEN. I think that is true. I think I know of some cases where it was true.

Mr. SEWELL. Will the Senator allow me to correct him?

Mr. ALLEN. Certainly.

Mr. SEWELL. It is customary to allow the general commanding a brigade or a division or a corps to select his aids with the approval of the Secretary of War, but not the bureau officers, who are a great part of the staff, the surgeons, the commissaries, the adjutants-general, and other such officers. They are appointed direct by the War Department. They are sometimes appointed from civil life and are sometimes junior officers of the Army. The provision in this bill is that where a junior officer of the Army is appointed to a higher grade during this war, for instance, he does not lose his place, but it is kept open for him to go back to when he is mustered out with higher rank.

Mr. ALLEN. I think I can make myself understood by the Senator from New Jersey. Suppose the quota to be raised for the prospective or present war from New Jersey shall consist of four regiments, constituting a brigade, who is to appoint the commander of that brigade if the four regiments shall be brigaded together?

Mr. SEWELL and Mr. HAWLEY. The President of the United States.

Mr. ALLEN. That would be wrong. If that brigade comes from the State of New Jersey, the commander ought to be appointed by the governor of New Jersey, and the staff officers ought to come from the troops constituting the brigade.

Mr. SEWELL. If the Senator will allow me to illustrate further, suppose Colorado or Idaho, being almost adjoining States, should be called on for but one regiment each and with them might be placed one regiment from Iowa and probably one from another State, who should appoint the brigade commander under those circumstances if not the President?

Mr. ALLEN. In that case, of course, the appointing power must reside in the President or some other officer. There is no doubt about that. But should the men who are appointed to these positions have no other connection with the Army than that of occupying staff positions?

Mr. President, I am not in a position to know, and do not profess to know, how these things ought to be done; but I do know that during the late war, so far as the troops in the field were concerned, their staff officers, as a rule, came from the regiments constituting the brigade or division or corps, as the case might be. For instance, if my friend from New Jersey were the major of a regiment, he might be detailed to discharge the duties of a staff officer on the staff of the brigadier commanding his brigade; but I do not believe there were any distinct staff officers at that time to any great extent, and I do not see why there should be now.

Mr. President, I may not understand the mysteries of military science to the extent of warranting me in saying much about this subject, but here is another thing in connection with this bill arising from the same paragraph:

> The staff officers herein authorized for the corps, division, and brigade commanders may be appointed by the President, by and with the advice and consent of the Senate, as officers of the Volunteer Army, or may be assigned by him, in his discretion, from officers of the Regular Army or the Volunteer Army, or of the militia in the service of the United States.

I think that paragraph is conspicuous chiefly for its bad English, its wretched composition. I move to strike out the words in lines 9, 10, and 11, in section 11, on page 6, as follows:

> And any officer so selected and appointed from the Regular Army shall be entitled to retain his rank therein.

That section provides:

> SEC. 11. That the President is hereby authorized to appoint in the Volunteer Army, by and with the advice and consent of the Senate, not exceeding one major-general for each organized army corps and division, and one brigadier-general for each brigade, and any officer so selected and appointed from the Regular Army shall be entitled to retain his rank therein.

In other words, the President may take a graduate of West Point from his proper rank in the Regular Army and make him a major-general or a brigadier-general of volunteers, and when the war is at an end he will retain the rank of major or brigadier general, as the case may be, in the Regular Army.

Mr. ALLISON and Mr. SEWELL. It is just the reverse of that.

Mr. WARREN. He retains the same rank he had in the Regular Army.

Mr. ALLEN. Then the use of the language is very unfortunate if the reverse is true.

> SEC. 11. That the President is hereby authorized to appoint in the Volunteer Army, by and with the advice and consent of the Senate, not exceeding one major-general for each organized army corps and division, and one brigadier-general for each brigade, and any officer so selected and appointed from the Regular Army shall be entitled to retain his rank therein.

Mr. WARREN. Will the Senator yield to me for a moment?

Mr. ALLEN. Yes, I will yield.

Mr. WARREN. An officer so selected and appointed from the Regular Army to the Volunteer Army—for instance, a captain of the Regular Army is appointed a colonel, we will say, in the volunteers. When he has served his term out in the volunteer service he is merely a captain again in the Regular Army. He simply does not lose the rank he held in the Regular Army before his assignment to the volunteers.

Mr. ALLEN. Now I have the Senator from Wyoming exactly where I want him and exactly where I want gentlemen who advocate this measure; and that is, they disclaim that such an officer will retain the rank of general to which he has been appointed, and now claim what I suspected was true when I first read the paragraph—although I did not suppose it possible—that a captain in the Regular Army could be promoted to the office of brigadier or a major general in the Volunteer Army, thus displacing men in the volunteer service in the line of promotion, holding on to his captaincy in the Regular Army with one hand and with the other to the brigadiership in the volunteer service. I understand, then, that about all you want with the volunteer soldiers is to

furnish you men to carry muskets, and you will furnish the officers from some other source. Is that the understanding of the Senator from Wyoming?

Mr. HAWLEY. There are two examples to the contrary right here in this Chamber.

Mr. ALLEN. I do not know to what the Senator is referring, and I am not concerned about it at all.

Mr. President, is that fair to the Volunteer Army? I have no disposition at this late hour, and at a time when probably the bill ought to be passed, to enter into a discussion of the relative merits of the Volunteer and Regular Army; but if the volunteer soldier is the man on whom this Government depends in the hour of danger to fight its battles, is it good policy or justice to close the avenue of promotion to that soldier and say that the man who has been educated from childhood by the Government, who has been fed and clothed, and who never earned a dollar in his life, shall occupy an important position in the Regular Army, at the same time holding another position in the volunteer service, occupying in fact two positions, and by that means prevent the promotion of a worthy volunteer officer? I do not believe that is just, and I do not think any man lives who can show it is just.

I have nothing to say against the Regular Army officer. I want frankly to say, however, that I do not take as kindly to the Regular Army as a great many men do; but it is necessary in a way, and its rights should be preserved. But, Mr. President, we can not get the best results from a Volunteer Army in time of war—and that is when we want it, and the only time we want it—unless we say to every worthy man who serves in the Army, from the ranks up to the commander in chief: "Nothing shall be laid in the way of your promotion if you show yourself competent to serve the Government in its hour of danger."

Mr. HAWLEY. What is the matter with Logan?

Mr. ALLEN. I am not talking about Logan or anybody else. Logan was not a West Pointer or a Regular Army officer, and he never held two positions in the Army at the same time. I do not know that there is anything wrong with Logan, or SEWELL, or HAWLEY, or any other volunteer officer, or any of the gentlemen on this side who served during that time.

I want to impress on the Senate the fact that this provision, in so far as it permits, for instance, a captain of the Regular Army to hold his captaincy and draw his pay as a captain of the Regular Army and at the same time hold the rank of general in the volunteer service, thus displacing some worthy volunteer and receiving the pay and emoluments of a volunteer, is unjust.

Mr. WARREN. He does not do that, and can not do it under the law.

Mr. ALLEN. The bill does exactly that, and nothing short of that.

Mr. CARTER. Will the Senator permit me to interrupt him?

Mr. WARREN. The Senator from Nebraska must know that the general law positively prohibits a man from drawing two salaries under the United States Government, no matter in what service he may be.

Mr. ALLEN. Then you have an officer in the Regular Army, a captain, for instance, who has never been displaced, who is also at the same time a volunteer general, though he is drawing but one salary, I suppose.

Mr. WARREN. Yes.

Mr. ALLEN. I am glad to know, Mr. President, that there has been that much caution taken in hedging about this provision; but suppose the Senator from Wyoming, who was himself a distinguished military officer, is correct in this respect——

Mr. WARREN. I beg to correct the Senator——

Mr. ALLEN. When this officer holds two offices, a captaincy in the Regular Army and a brigadier-generalship in the volunteer service, does he not deprive some person of occupying one of those offices who has a right to it? Does the Senator from Wyoming want to enact such a measure? It is strange, utterly strange, inconceivably strange, that no measure can pass this Congress without favoritism in it, and rank favoritism.

Mr. KYLE. I should like to ask the Senator from Nebraska what West Point is for if it is not for the purpose of graduating officers for the various regiments of the United States in case of war? I recognize that volunteer officers are as good as West Point graduates.

Mr. ALLEN. I am glad to know that.

Mr. KYLE. At the same time we are engaged in our ordinary vocations of active business life; we can not keep up with the military operations of the day, and when war breaks out we are all raw recruits, and there must be somebody who is conversant with military tactics and military science. When the war is ended, probably some of the volunteer officers will be retained in the Army, but the great majority will go back to private life. The Regular Army officer devotes his whole life to the service of his country. He wants to be assured that when the war is over he will not have to go into private life, but that he may return to his former position of captain, or whatever it may be, in the Regular Army.

Mr. ALLEN. I was not aware that the batteries had been opened on West Point, and I am not conscious of the fact that West Point needs any defense or explanation at my hands. I have said—and if it is any gratification to the Senator from South Dakota, I will repeat it—that I recognize the Regular Army as a necessity and West Point as a necessity, but as between the Regular Army and the Volunteer Army I want it distinctly understood that I stand for the Volunteer Army, which is the only army in the history of this Government which has ever done efficient service when needed. We do not need an army in time of peace except for police purposes. There is the fault in this bill, Mr. President, for it is a fault, in my judgment:

SEC. 13. That the governor of any State or Territory may, with the consent of the President, appoint officers of the Regular Army in the grades of field officers in organizations of the Volunteer Army, and officers thus appointed shall be entitled to retain their rank in the Regular Army.

Here is the same thing in the bill again, crowding out some worthy and competent volunteer officer, who has spent years in qualifying himself to discharge the duties of his position, by this method of appointing a Regular Army officer to field service in the Volunteer Army.

Mr. DANIEL. I call the attention of my friend to the fact that there is only one such officer to be detailed to a regiment.

Mr. ALLEN. Very well. Why do we need that one officer to a regiment and why must he be a field officer? It would not do for the man to be a lieutenant or a captain or something of that kind, but he must be a field officer, and, presumably, the highest officer the regiment has—a colonel. The section proceeds:

And officers thus appointed shall be entitled to retain their rank in the Regular Army.

Here is this favoritism again of which I have spoken appearing in this section. He is a captain and a general, or a general and a captain, as his individual interests may require.

Mr. PETTUS. Will the Senator allow me? I desire simply to ask him a question.

Mr. ALLEN. What is it?

Mr. PETTUS. I desire to ask the Senator from Nebraska whether he can not see a distinction between a man retaining his rank and holding the office?

Mr. ALLEN. No, Mr. President; in my intellectual obtuseness I can not see the distinction between a man holding a rank and not holding the office at the same time. If he holds the rank, he is the officer de facto and de jure.

Look at section 14 of the bill, and there is the death trap of the volunteer service:

That the general commanding a separate department or a detached army is authorized to appoint from time to time military boards of not less than three nor more than five volunteer officers of the Volunteer Army to examine into the capacity, qualifications, conduct, and efficiency of any commissioned officer of said army within his command: *Provided*, That each member of the board shall be superior in rank to the officer whose qualifications are to be inquired into: *And provided further*, That if the report of such a board is adverse to the continuance of any officer, and the report be approved by the President, such officer shall be discharged from service in the Volunteer Army, at the discretion of the President, with one month's pay and allowances.

The general commanding a separate department or a detached army, under this provision can constitute his military board of five volunteer officers, or officers holding volunteer positions, who retain their rank in the Regular Army, and every member of that board, while he is nominally a volunteer officer, is, in fact, a Regular Army officer; and it puts it in the power of the board to discharge every volunteer officer from the service, if they see fit to do so, without any remedy or appeal, and fill their places with Regular Army officers.

Mr. President, it is dangerous to the volunteer service. It is unjust to the volunteer service. I do not know that I shall offer any amendments, because I think they would be voted down and it would be work of supererogation for me to do so. But I wish to call the attention of the country and the Volunteer Army to the defects in the bill.

Mr. SPOONER. Does the Senator from Nebraska want to discourage enlistments?

Mr. ALLEN. No, I do not; and the Senator from Wisconsin knows I do not.

Mr. SPOONER. Of course I know it.

Mr. ALLEN. I want to see every man this Government may need for the approaching war enlist, and I have no doubt every man will enlist whose services are needed. I have advocated this for two years. I am glad war is coming, if it can not be avoided with honor. I am so glad to see it come that I say to the Senator from Wisconsin, who has just suggested to me that possibly I want to discourage enlistments, that if he will go with me, I will resign my seat in the United States Senate and carry my musket in the Army as I did thirty years ago.

Mr. SPOONER. I did not mean to intimate that the Senator intended to discourage enlistments. I was making a suggestion sotto voce that the tenor of his remarks might have that effect. That is all I meant.

Mr. ALLEN. These things go into the CONGRESSIONAL RECORD. They are read in cold type. While they are mirthful to us and

signify nothing, many times they signify a great deal when read by persons not present at the time they are spoken.

Mr. SPOONER. Anybody who reads the remark will read my explanation of it. I would not impeach the Senator's loyalty for a moment.

Mr. ALLEN. I simply thought I would make the proposition; and I say to the Senator from Wisconsin it is still open.

Mr. SPOONER. I understood the Senator from Nebraska to make the proposition that he would go in as a private if I would go in as a private.

Mr. ALLEN. Yes, sir.

Mr. SPOONER. Does the Senator want to intimate that he will not go into the service unless I go into the service with him?

Mr. ALLEN. The Senator must go with me. I like his company.

I have not said what I have in a spirit of carping criticism. I am not a pessimist. I am an optimist. I see some good even in the pending bill, a modicum of good, but I believed it my duty, as it certainly is my pleasure, to point out what I regard as the rank favoritism of the measure. I think the young men who are to enlist and fill our Volunteer Army, officers and men, and upon whom will fall the brunt of the fighting and the greatest amount of mortality, ought to know these provisions; and having pointed them out, if the Committee on Military Affairs still persist in the error of their ways, thinking they know all about this matter and that nobody else knows anything about it, I am willing they should take the responsibility.

Mr. HOAR. I should like to ask one question about this matter, which I do not entirely understand. Are these volunteers, after they are in the service of the United States, militia or are they United States troops?

Several SENATORS. Volunteers.

Mr. HAWLEY. United States volunteers.

Mr. SEWELL. The term is "volunteers."

Mr. HOAR. The Senator from Iowa and the Senator from Connecticut and the Senator from New Jersey, all of whom are high authority on this subject, say that they are United States troops.

Mr. SEWELL. Volunteers.

Mr. HOAR. Volunteers. If that be the case, how can you get the authority under the Constitution for the governor of a State to appoint United States officers? I understand that the volunteers in the late war, where the officers were appointed by the governors, still retained to that extent and for that purpose the character of militia, and that the appointment was vindicated in that way. I suppose it is contemplated that these volunteers are to be or may be sent out of the country. If they are to be sent out of the country, they can not be militia any longer, because the Constitution only gives the Congress power "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." Then it goes on to provide for organizing, arming, and disciplining the militia, reserving to the States, respectively, the appointment of officers, and so on.

My difficulty is this: I do not mean to express an opinion, but only to ask a question. Does the precedent of the late war, in which there was no purpose to send and no actual sending in any way of our forces outside of the country, so that they retained the character and quality of militia, apply to the present case? If it does not, and we are making a law for a new and different case, can we lawfully give the Government of the United States the power of appointing these officers, if they are militia? And if they are not militia, can we lawfully give that power to the governor? I merely want to ask the question.

Mr. HAWLEY. I suggest that the Senator postpone his question for about two years. We carried on a foreign war very nicely and never had any difficulty about it. Men volunteered to go out of the country.

Mr. HOAR. The Government appointed the officers, did it not?

Mr. HAWLEY. I do not know. I was not in the war of 1812, but so far as I know the governor has always appointed the colonel, the lieutenant-colonel, the major, captains, lieutenants, and so on.

Mr. COCKRELL. In the Mexican war the volunteers were arranged almost exactly similar to this, and the governors of the States appointed the colonel and subordinate officers. That force was raised to go out of our own country.

Mr. DANIEL. Mr. President, I desire to say just a few words about this bill which I hope may have the unanimous support of the Senate. I differ with the honorable Senator from Nebraska [Mr. ALLEN] as to the views he has expressed in respect to the regulars and volunteers. I believe that the provision of the pending bill by which the governor of a State is authorized to appoint regular officers of the United States as field officers among the volunteers will be highly beneficial to the volunteer service and one which will be welcomed by them as a benefit accorded to them by the Government of the United States.

It may be in many cases that the quota of field officers of the regiments is full and that they are provided with satisfactory and skilled officers, but we all know that the volunteer systems of many of the States have not been perfected and that many of their officers have been chosen because of popularity among their associates rather than for any eminent military ability. It would be a boon to them, or it might be in some cases, to have associated with them in the conduct of their military affairs some skilled and highly educated officer of the United States.

As to the general officers, Mr. President, there is a fitness of things in according that prerogative to the President to appoint them all which, it seems to me, scarcely admits of debate. If there is any lesson which our own military experiences in this country have taught that is more conspicuous than another, it is that military education at West Point added no little to the ability in the field of officers who were so fortunate as to possess it. I look upon the military history of this country as a thorough vindication of the utility of that institution. Undoubtedly there are in a military people like our own thousands of men who, after gaining experience in the field, prove themselves worthy of any command; but those were exceptions to the rule and did not constitute the rule. Our military experiences have also shown that where men were otherwise equal, their military training at West Point gave them eminent superiority over others who were otherwise their peers.

I hope, sir, that this measure may be passed unanimously, and I think the Senate and the House are both to be congratulated that a bill has been so quickly devised and has been commended to us with so many provisions which seem to adjust nicely the autonomy of the nation and the States.

The VICE-PRESIDENT. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HAWLEY. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. SEWELL, and Mr. COCKRELL were appointed.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask that the consideration of the naval appropriation bill may be resumed, in order that one or two amendments may be offered. I shall not ask the Senate to go on with its consideration further to-night.

The Senate resumed the consideration of the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes.

Mr. BUTLER. I submit the amendment which I send to the desk.

The SECRETARY. On page 63, after the word "same," in line 5, it is proposed to strike out all down to and including the word "aforesaid," in line 8, and insert in lieu thereof the following:

And no contract for armor plate for said three battle ships shall be made at an average rate to exceed $400 per ton of 2,240 pounds, including nickel, as aforesaid; and no contract for armor plate other than for the said three battle ships shall be made at an average rate to exceed $300 per ton of 2,240 pounds, including nickel, as aforesaid.

And in case the Secretary of the Navy shall find it impossible to make contracts for said armor within the limit of $300 as to price above fixed, he shall be, and is hereby, authorized to proceed at once to purchase or establish a Government armor factory of sufficient capacity to make such armor, and proceed to manufacture the same. In executing this authority he shall prepare a description and plans and specifications of the land, buildings, and machinery suitable for the factory; and shall advertise for proposals to furnish such land, buildings, and machinery, as a whole plant or separately, for the land, or buildings, or the whole or any part of said machinery; and he shall make a contract or contracts for such land, buildings, and machinery with the lowest responsible bidders.

The Secretary shall also appoint an armor-factory board, to consist of competent naval officers of suitable rank, to advise and assist him in executing the authority hereby conferred. For the establishment of said armor factory the sum of $1,500,000, or so much thereof as may be necessary, is hereby appropriated, and in addition the sum of $1,000,000 is appropriated to be used in making at said factory the armor for the vessels herein and heretofore authorized.

Mr. HALE. I ask that the amendment may be printed.

The VICE-PRESIDENT. The amendment will be printed.

Mr. TILLMAN. I offer two amendments which were reported by the Naval Affairs Committee and left out of the bill by the Appropriations Committee. I send up a telephone message which I received from the Secretary of the Navy to-day in answer to a telegram.

Mr. HALE. There is no necessity for reading the message. Let the amendments be stated.

The SECRETARY. On page 27, line 18, after the word "dollars," it is proposed to insert:

Electric light and power plant, $20,000; increasing facilities for storage and handling coal, $20,000.

In line 1, page 28, strike out "thirty" and insert "seventy;" and add "to be immediately available" at the end of the paragraph.

The VICE-PRESIDENT. The question is on agreeing to the amendments proposed by the Senator from South Carolina.

The amendments were agreed to.

Mr. TILLMAN. I ask that the telephone message be printed in the RECORD.

The paper referred to is as follows:

Senator B. R. TILLMAN:

The Department is advised by Bureau of Yards and Docks that it is important that Port Royal Station be equipped with electric plant for lighting buildings, wharfs, and dry dock, to enable work to be done at night as well as day, at the estimated cost of $20,000. Also desirable that modern mechanical appliance be installed for expeditious handling of coal, at estimated cost of $20,000.

J. D. LONG.

Mr. HALE. There is now nothing left of the naval appropriation bill except the proposition submitted by the Senator from North Carolina [Mr. BUTLER] in relation to armor and an armor plant. I shall call it up as early as possible, in order that it may be disposed of and the bill passed.

EXECUTIVE SESSION.

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 22, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 21, 1898.

POSTMASTER-GENERAL.

Charles Emory Smith, of Pennsylvania, to be Postmaster-General, vice James A. Gary, resigned.

SECOND SECRETARY OF LEGATION.

William E. Bainbridge, of Iowa, to be second secretary of the legation of the United States at Peking, China, vice Edward K. Lowry, resigned.

CONSULS.

Frederick H. Allison, of New York, to be consul of the United States at Tegucigalpa, Honduras, vice William Myers Little, resigned.

Hans J. Smith, of South Dakota, to be consul of the United States at Port Louis, Mauritius, vice John P. Campbell, resigned.

SURVEYOR OF CUSTOMS.

Perry M. Lytle, of Pennsylvania, to be surveyor of customs in the district of Philadelphia, in the State of Pennsylvania, to succeed P. Gray Meek, whose term of office has expired by limitation.

PENSION AGENT.

Augustus J. Hoitt, of Lynn, Mass., to be pension agent at Boston, Mass., vice Henry B. Lovering, term expired.

REGISTER OF LAND OFFICE.

William H. Ludden, of Spokane, Wash., to be register of the land office at Spokane, Wash., vice Matthew E. Logan, term expired.

RECEIVER OF PUBLIC MONEYS.

Samuel A. Wells, of Spokane, Wash., to be receiver of public moneys at Spokane, Wash., vice Lafayette M. Flournoy, term expired.

INDIAN AGENT.

William J. Pollock, of the District of Columbia, to be agent for the Indians of the Osage Agency in Oklahoma Territory, vice Lieut. Col. Henry B. Freeman, United States Army, relieved from duty as acting Indian agent.

POSTMASTERS.

Hiram A. Huse, to be postmaster at Bath, in the county of Sagadahoc and State of Maine, in the place of E. F. Kelley, whose commission expired March 29, 1898.

John Lovejoy, to be postmaster at Rockland, in the county of Knox and State of Maine, in the place of Parker T. Fuller, whose commission expired March 29, 1898.

Winchester G. Lowell, to be postmaster at Auburn, in the county of Androscoggin and State of Maine, in the place of John H. Twombly, whose commission expired April 7, 1898.

George W. Stearns, to be postmaster at Rumford Falls, in the county of Oxford and State of Maine, in the place of J. H. McKeeman, whose commission expired April 7, 1898.

Moses P. Stiles, to be postmaster at Norway, in the county of Oxford and State of Maine, in the place of A. J. Rowe, whose commission expired April 7, 1898.

Catherine A. Endsley, to be postmaster at Somerset, in the county of Somerset and State of Pennsylvania, in the place of Solomon Uhl, whose commission expires April 27, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 21, 1898.

POSTMASTER-GENERAL.

Charles Emory Smith, of Pennsylvania, to be Postmaster-General.

APPOINTMENTS IN THE NAVY.

Richard H. Robinson, a citizen of Ohio, to be an assistant naval constructor.

Frederic C. Brown, a citizen of Massachusetts, to be a chaplain.

SURVEYOR OF CUSTOMS.

Leander M. Shubert, of Iowa, to be surveyor of customs for the port of Council Bluffs, in the State of Iowa.

ASSISTANT APPRAISER OF MERCHANDISE.

Jacob Shaen, of California, to be assistant appraiser of merchandise in the district of San Francisco, in the State of California.

MARSHALS.

John H. Shine, of California, to be marshal of the United States for the northern district of California.

Henry Z. Osborne, of California, to be marshal of the United States for the southern district of California.

JUSTICE OF THE PEACE.

Luke C. Strider, of the District of Columbia, to be justice of the peace in the District of Columbia (assigned to the city of Washington).

POSTMASTERS.

James H. Rabbitts, to be postmaster at Springfield, in the county of Clark and State of Ohio.

Bert V. Gibson, to be postmaster at Mineral Wells, in the county of Palo Pinto and State of Texas.

Catherine A. Endsley, to be postmaster at Somerset, in the county of Somerset and State of Pennsylvania.

William H. Haughawout, to be postmaster at Webb City, in the county of Jasper and State of Missouri.

Romie P. Dryer, to be postmaster at Lagrange, in the county of Lagrange and State of Indiana.

Sumner W. Thompson, to be postmaster at Davis, in the county of Tucker and State of West Virginia.

Frederick O. Prouty, to be postmaster at Cuba, in the county of Allegany and State of New York.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 21, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

Mr. HULL. Mr. Speaker, last night when the House adjourned I did not ask unanimous consent that the bill to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes, might be reprinted, so the amendments could be properly followed. I now ask unanimous consent that it be reprinted.

There was no objection.

ORGANIZATION OF ARTILLERY.

Mr. HULL. I have here, Mr. Speaker, the remarks of an expert on the proposed organization of artillery, and by request of the Committee on Military Affairs I ask unanimous consent that it may be printed in the RECORD, so that it may be familiar to members.

The SPEAKER. The gentleman from Iowa, chairman of the Committee on Military Affairs, asks unanimous consent to print in the RECORD remarks on the proposed organization of artillery, House bill 9878, by C. D. Willcox, first lieutenant, Seventh Artillery.

Mr. RICHARDSON. Mr. Speaker, I would like to ask the gentleman if it is by request of the minority of the committee as well as the majority?

Mr. HULL. Both sides; the minority is more anxious than the majority to have it printed.

Mr. RICHARDSON. I do not object to printing it in the RECORD, but it would be much more serviceable if it was printed as a document. The RECORD is a very good place to bury it.

Mr. HULL. Then, Mr. Speaker, I ask that it be printed in the RECORD, and as a document, too.

Mr. RICHARDSON. Unless you want to bury it, it had better be printed as a document.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

The paper referred to is as follows:

REMARKS ON THE PROPOSED ORGANIZATION OF ARTILLERY, H. R. 8873.

[By C. De W. Willcox, first lieutenant, Seventh Artillery.]

The principle underlying the recommended organization of the heavy batteries is that each should contain within itself all the elements necessary to its efficient service. As these batteries are intended chiefly for service on the coast, it may and does happen that more frequently than not a battery will be required to serve isolated from other batteries. Manifestly it must be, to a certain extent, an independent organization, in the sense that it can not rely upon other units to supply its deficiencies.

To take up the proposed organization in detail, it is remarked, first, that it proceeds on the assumption that at least two reliefs must be supplied. The service of a seacoast battery in time of war will prove extremely arduous. Officers and men must be ready at any time, by day and by night, at a moment's notice, to man their guns and to open fire. This requires never-ceasing watchfulness and instant readiness, since a fortified position, as a rule, will have to develop its full offensive power in the very shortest possible time after the hostile squadron or ship is sighted. In other words, the guns of one of our seacoast batteries in time of war will substantially have to be manned for twenty-four hours out of the twenty-four.

It requires no argument to show that if the authorized strength were just enough to man the guns and to perform the auxiliary services and no more, the service of the battery would break down, since it is of course impossible to keep one and the same set of men on duty continuously. They must be relieved just as a guard is relieved. Now, this relief is provided by the proposed organization. If approved by Congress, the respective seacoast batteries will have two complete shifts of noncommissioned officers and men. Let us note here that an ideal solution would consist in furnishing three reliefs, as is the case in foreign services, but it is thought by economy of effort two reliefs can be made to answer.

The proposed organization is imperatively necessary, however, for other and different reasons. Few people realize the vast amount of preparation necessary to fire a shot so that it will strike the target. The gun must be served and aimed, of course, but not only that, it must while in action be continuously supplied with ammunition. This ammunition must first be prepared. But this is not all. A shot that misses is worse than a shot wasted, and so the most accurate information possible must be obtained in order to aim the piece as it should be aimed if we would hit the enemy's ship. This information is furnished, as everyone knows, by the range finders, and the range-finder service calls not only for the observers themselves but for telegraph and telephone operators to transmit the observations to the guns. Furthermore, these observations will have to be immediately applied to the determination of the probable direction of motion of the vessel—the usual case in action between ships and forts. The list of auxiliary services is not yet exhausted, however.

In a first-class seacoast work a very considerable use of power, whether steam, electric, or water, will have to be made. We must then have the necessary personnel for handling the power. To illustrate, if we use steam, we must have engineers and firemen; if electricity in addition to the steam generators, we must have electricians for the dynamos, search and other electric lights, and for the electric appliances in general. And, in general, a modern high-power gun being in reality a machine, it is clear that each battery must have machinists able to keep the carriages and other mechanical appliances in condition and to repair them when necessary. Each of the auxiliary duties mentioned must have its special detail of men, and each, moreover, must have two reliefs, just as the men serving the actual piece. One engineer, for example, could not be expected to be in attendance continually upon his engine.

So far only the fighting elements of the battery have been brought forward, but there are others quite as important and quite as necessary to the efficiency of the battery. The men must be fed and clothed; their material wants in general provided for; the position must be guarded and policed; the barracks and public property generally cared for. And all these duties must be performed without trenching on the fighting strength of the battery, for otherwise it will not reach its highest efficiency, and it is the highest efficiency that the country expects and is entitled to expect.

In view of these considerations, it is believed that the proposed organization is both rational and economical. Let us see how this organization applies to a battery of two 10-inch or two 12-inch guns, constituting, as these guns do, the main direct-fire armament of our seacoast forts.

Nature of duty.

General service of the battery ..... 1 first sergeant. 2 musicians. 1 wagoner. 2 artificers.

	One relief.			Two reliefs.		
	Sergeants.	Corporals.	Privates.	Sergeants.	Corporals.	Privates.
1. Service of the piece	2	2	28	4	4	56
2. Supply of ammunition	2	.....	20	4	.....	40
3. Range-finder service	2	2	2	4	4	4
4. Plotting board	1	.....	2	2	.....	4
5. Steam engine	1	1	3	2	2	6
6. Electric power	1	.....	5	2	.....	8
7. Machinists	1	.....	4	2	.....	8
8. Search light	1	.....	2	2	.....	4
9. Duties not susceptible of division into two reliefs, i. e., quartermaster, commissary, clerks, cooks, guard, police, litter bearers, and as a small reserve for sick, and wounded and other casualties	.....	.....	.....	.....	.....	20
Total	11	5	66	22	10	102

The guiding principle in the distribution of noncommissioned officers has been to place a sergeant in charge of each kind of duty as enumerated.

The foregoing organization is based on a unit of two 10 or 12 inch guns. It applies equally well to the 8-inch, but as this piece is so much lighter, one battery with the organization here given will be adequate to the service of four 8-inch rifles, in full accordance with the intention of the War Department to assign to each battery either two 10 or 12 inch guns or four 8-inch guns. Experience may suggest changes in the distribution of duties from that given here, but it is safe to say that it will not suggest a reduction of numbers if we expect our seacoast batteries to develop their full power. And if they are not to develop their full power, it is pertinent to ask why they were ever built.

FIELD BATTERIES.

In regard to field batteries, let us clear the ground once for all by stating that the number of guns to a battery, fixed the world over by a vast experience, including our own American experience, is six. To reduce this number would simply overturn not only the drill, which rests on a basis of six guns, but also the combat tactics, the organization, the relation of the field artillery to the other arms, and would give us, instead of a system thoroughly tested by the widest experience, an anomalous and vicious system, the only certain feature of which is that its results would be wholly uncertain.

The personnel, then, must be that required by a battery of six guns, as set forth in the proposed organization, if efficiency and economy are the results sought, and, as in the case of the coast batteries, it is inconceivable that anything short of the highest efficiency can be considered. Bearing this in mind, let us premise that a field battery must fight its guns, care for its men and horses on the march, in action, and in camp, and at all times keep its material in condition and in readiness to go into line of battle.

It is at once evident that these duties call for a full observance of the principle of division of labor, and hence require a considerable personnel for their proper execution. Let us see how the proposed organization satisfies the requirements of the case.

We have first of all a first sergeant for the general service of the unit, a quartermaster-sergeant who is responsible for the performance of the very important duties of the supply and distribution of rations and of forage, and a veterinary sergeant for the no less important duty of caring for the health of the horses. Six sergeants are required to act as chiefs of piece. Each of these is in immediate charge of a gun, and is continuously responsible for its efficient service and condition. Of the fifteen corporals, six are needed to aim the pieces. No argument is needed to bring out the importance of this duty. The remaining nine are stationed one at each caisson or ammunition wagon, and have charge of the preparation and service of the ammunition. Two farriers are not excessive for the 147 horses of the battery. "No foot, no horse." The two artificers are practically machinists. Their business is to keep in repair, as far as possible, the breech mechanism and other parts of the material, should these be injured in action or on the march. The one saddler will obviously have his hands full in caring for the harness and the horse equipment generally. The two musicians, in addition to their duties in giving signals, also act as orderlies for the captain in communicating with his subalterns. The wagoner looks after the battery wagon and forge, together with the store wagon.

Of the 141 privates, 1 carries the guidon or battery color, while 48 serve as drivers. There is a small reserve of drivers, 8 in all, found to be necessary by experience in the field. The remaining privates are cannoneers. Their duties consist in the service of the pieces themselves and in the preparation of ammunition under the direction of the caisson corporals. Others are employed in constructing epaulments or parapets when recourse is had to them to protect the guns, in clearing the way for the pieces over difficult or in wooded country, and others again in performing the service of ammunition supply when the store of the battery has to be replenished. Furthermore, as in the case of a seacoast battery, guards are necessary and so are cooks. Horses, too, must be fed, groomed, and watered. Lastly, the battery must contain within itself a sort of reserve to meet the various exigencies that present themselves in every situation.

No attempt is made here to specify the number of privates to be assigned to the various duties enumerated, because naturally these will vary according to circumstances. An assignment suited to one case would in all likelihood be wholly unsuited to another and a different case. Two things only are certain: The occurrence of unforeseen difficulties, and the necessity of overcoming them by the resources of the battery itself. And this necessity can be satisfied, as shown by experience, only by giving a field battery a sufficient personnel, the personnel set forth in the bill under consideration.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House was requested:

S. R. 157. Joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States; and

S. 161. An act providing for disposal of lands on abandoned portions of the Fort Maginnis Military Reservation, in Montana, and for the relief of certain settlers thereon.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. Res. 110. Joint resolution authorizing the Secretary of War to make a survey of the West Fork River, West Virginia, and prepare estimates of the cost thereof.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to joint resolution (S. R. 150) authorizing the printing of extra copies of the military publications of the War Department.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, a Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 161. An act providing for disposal of lands on abandoned portions of the Fort Maginnis Military Reservation, in Montana, and for the relief of certain settlers thereon—to the Committee on Public Lands.

REPRINT OF PRESIDENT'S MESSAGE.

Mr. PERKINS. Mr. Speaker, I present a privileged report from the Committee on Printing.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Concurrent resolution.

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 copies of the message of the President of the United States dated March 28, 1898, together with the report of the naval court of inquiry

upon the destruction of the U. S. battle ship *Maine* in Havana Harbor, February 15, 1898, and the testimony taken before the court, 6,500 copies for the use of the Senate and 13,500 for the use of the House of Representatives.

The concurrent resolution was agreed to.

REPRINT OF REPORT ON AFFAIRS IN CUBA.

Mr. PERKINS. Mr. Speaker, I also present another privileged report from the Committee on Printing.

The Clerk read as follows:

Concurrent resolution.

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 copies of the report of the Committee on Foreign Relations of the United States Senate relative to affairs in Cuba, including the message of the President of the United States, the correspondence, and the testimony and reports of consuls, 7,500 for the use of the Senate and 12,500 for the use of the House of Representatives.

Mr. PERKINS. Mr. Speaker, I desire to submit an amendment to that resolution.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Amend by striking out the words "seventy-five hundred" and inserting "sixty-five hundred" in lieu thereof.

Also, by striking out "twelve thousand five hundred" and inserting in lieu thereof "thirteen thousand five hundred."

Mr. McMILLIN. Mr. Speaker, these two documents bear somewhat on the same subject, and I would like to ask the gentleman whether they might not be printed together, or are they too voluminous to be printed in one volume?

Mr. PERKINS. They are rather too voluminous to be printed in one volume; they have been printed separately heretofore.

Mr. DOCKERY. Mr. Speaker, I am in favor of printing the documents. I regret, however, that there is nothing coming from the majority of the House Committee on Foreign Affairs that is deemed worthy of printing.

The amendments were agreed to.

The resolution as amended was agreed to.

BRIDGE ACROSS THE YAZOO RIVER.

The SPEAKER laid before the House the bill (H. R. 8875) entitled "An act to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi," with Senate amendments.

The Senate amendments were agreed to.

GEORGE PEYTON.

The SPEAKER laid before the House the bill (H. R. 2768) entitled "An act for the relief of George Peyton from the charge of desertion, and to grant him an honorable discharge," with Senate amendments.

Mr. ZENOR. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

CORRESPONDENCE BETWEEN STATE DEPARTMENT AND CONSUL-GENERAL AT HAVANA.

Mr. ADAMS. Mr. Speaker, I offer a privileged report from the Committee on Foreign Affairs, it being resolution No. 290.

The SPEAKER. The Clerk will report.

The Clerk read the resolution, as follows:

Resolved, That the President be, and he is hereby, requested, if not deemed incompatible with the public interest, to communicate to the House of Representatives copies of all the correspondence which has taken place between the State Department and the United States consul-general at Havana since the 1st day of May, 1896, and up to the present time, together with copies of any reports made to, and documents transmitted by, the said consul-general during the aforesaid period.

The resolution was agreed to.

SAFETY OF AMERICANS AT MATANZAS, CUBA.

Mr. ADAMS. I am directed by the Committee on Foreign Affairs to present a privileged report. They report back with amendment the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives, That the Secretary of State be, and he hereby is, directed to inform the House of Representatives, if such information be not incompatible with the public interest, what steps, if any, have been taken to protect the lives and property of the 300 Americans left by Consul Brice at Matanzas, in the Island of Cuba.

The amendments reported by the committee were read, as follows:

In lines 1 and 2 strike out "Secretary of State" and insert "President;" strike out "directed" and insert "requested;" so as to read: "That the President be, and he hereby is, requested to inform the House," etc.

Mr. BAILEY. Before the resolution is adopted, I should like to ask the gentleman from Pennsylvania [Mr. ADAMS] whether he is informed and can tell the House why it was that these American citizens were left at Matanzas. Were they left there because they themselves declined to leave or because of some inefficiency of the consul?

Mr. ADAMS. Mr. Speaker, I am happy to state to the gentleman from Texas, as a matter of fact, that three ships were sent to Havana to bring away Americans, and the consul was directed to notify all Americans who wished to leave that they could do so. Strange as it may appear, but few took advantage of the opportunity thus offered. This resolution was introduced by the gentleman from New York [Mr. MAHANY], and the committee thought it best that it should pass in order that further information, if any be deemed necessary, may be given to the House. But, as a matter of fact, while there were American citizens left there, it was of their own free will; they had opportunity to get away if they so desired. It is a curious fact that in the various ports of Cuba American citizens have not availed themselves of the opportunity offered them for leaving. They did not seem to realize the full danger that was upon them, although officially notified by the consuls of our country.

Mr. MAHANY. Mr. Speaker, in connection with this matter, I wish to say that press dispatches published on Monday stated that—

All Saturday and yesterday Matanzas, Cuba, was in a state of siege. Rioting commenced Saturday against the new war taxes, and last night the situation had grown so serious that it was announced that the municipality had suspended the tax.

These dispatches further say:

During the riots all the consuls and consular agents raised the flags of their nations at their offices for the protection of foreigners. The only flag that was not seen was the American flag.

The Buffalo News, commenting on this intelligence, observes:

For nine days there has been no American flag in Matanzas to protect Americans there. A large number got away from the city on the American steamer *Seguranca* yesterday, but there must be many there yet. There were 350 when Consul Brice came away a week ago Saturday.

A massacre of Americans in Matanzas may be the next news from there—and we have a fleet of gunboats a hundred miles away from the spot.

It is a reproach to the American people that Americans should be left unprotected under such conditions. It is easy to rescue them. Protection to them would not be war. It would not be half so warlike as the resolutions passed by either House of Congress or the message of the President.

While Congress debates the threadbare theme of war for Cuba our flag should not be missed from any point in Cuba where Americans need its protection.

I submit these newspaper extracts as a part of my remarks. I hope the resolution will pass, so that the House and the country may be informed as to what steps, if any, have been taken for the protection of American lives and American property in Cuba.

Mr. CANNON. I want to ask the gentleman from New York [Mr. MAHANY] whether that newspaper clipping is from the New York Sun?

Mr. MAHANY. Oh, I think the gentleman from Illinois should spare jesting on a matter so serious as the subject under consideration.

Mr. ADAMS. I simply wish to state, for the information of the House, that in all the Cuban ports the American citizens have been placed under the charge of the English consuls; and from the prompt way in which the consul in Havana acted the other day when an American citizen who had been arrested was promptly discharged, I do not think there need be any great fear that any harm will come to our citizens there.

Mr. MAHANY. If that is the gentleman's judgment, it will do no harm to pass the resolution.

Mr. ADAMS. I have reported the resolution favorably, and I hope it will pass. I am only making this statement so that it may be understood that the Administration has done everything necessary for the protection of American citizens; and however desirable this information may be, it does not imply that adequate steps have not been taken for their safety.

Mr. MAHANY. In that opinion I fully coincide, but I prefer to know.

Mr. HENDERSON. I am in favor of the adoption of the resolution because I think this information will fully show the activity and wisdom of the Administration at all points.

Mr. HENRY of Mississippi. I should like to hear the resolution read again.

The resolution was again read.

The amendments reported by the committee were agreed to.

The resolution as amended was adopted.

NELLIE GRANT SARTORIS.

Mr. PEARSON. I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. Res. 226) to readmit Nellie Grant Sartoris to the character and privileges of a citizen of the United States.

Whereas Nellie Grant Sartoris, widow, daughter of the late Gen. Ulysses S. Grant, being a natural-born citizen of the United States, married in 1874 Algernon Charles Frederick Sartoris, a subject of the Queen of Great Britain, and emigrated to Great Britain, becoming thereby, under the laws of Great Britain, a naturalized British subject, to be recognized as such by the United States, according to the provisions of the convention relative to naturalization between the United States and Great Britain of the 13th of May, 1870; and

Whereas the said Nellie Grant Sartoris has since returned to the United States and renewed her residence therein, and petitioned Congress to be readmitted to the character and privileges of a citizen of the United States under and by virtue of the provisions of article 3 of the convention aforesaid: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Nellie Grant Sartoris, daughter of Gen Ulysses S. Grant, be, and she is hereby, on her own application, unconditionally readmitted to the character and privileges of a citizen of the United States, in accordance with the provisions of article 3 of the convention relative to naturalization between the United States and Great Britain concluded May 13, 1870.

Mr. BAILEY. I desire to ask the gentleman from North Carolina if there is any precedent for any proceeding of this kind?

Mr. PEARSON. I am not aware, Mr. Speaker, that there is a precedent. The language of the resolution, however, is copied from the treaty which was concluded in 1870, between the United States and Great Britain, which gives express authority for the proposed course of procedure, and I take it, in view of the action of the Committee on Foreign Affairs, which was entirely unanimous, and in view of the distinguished services of this lady's father—General Grant—and in view, particularly, of the fact that she has a son now in the United States who has tendered his services to the Government to serve under Gen. Fitzhugh Lee, I feel sure that there will be no opposition to the resolution.

Mr. BAILEY. I desire to say simply that this is a little extraordinary, but in view of the services of the lady's father, which have been rendered for the country, and the services her son desires to render at this time, I am willing that it shall pass by consent.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, and was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CONTESTED ELECTION—PATTERSON VS. CARMACK.

Mr. KIRKPATRICK. Mr. Speaker, I desire to call up for present consideration the contested-election case of Patterson *vs.* Carmack.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

1. *Resolved*, That E. W. Carmack was not elected a member of the Fifty-fifth Congress from the Tenth Congressional district of the State of Tennessee, and is not entitled to the seat now held by him.

2. *Resolved*, That Josiah Patterson was elected a member of the Fifty-fifth Congress from the Tenth Congressional district of the State of Tennessee, and should be awarded the seat now held by contestee.

Mr. RICHARDSON. Mr. Speaker, I want to raise the question of consideration. The House has had no notice that this case would be called up to-day; and, having entered upon an era of peace and good feeling, I hope the House will not agree to consider it.

The SPEAKER. The question is, Will the House now proceed to consider the contested-election case called up by the gentleman from Pennsylvania?

The question was taken; and on a division there were—ayes 98, noes 103.

Mr. KIRKPATRICK. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 129, answered "present" 8, not voting 100; as follows:

YEAS—118.

Adams,	Dalzell,	Hull,	Royse,
Aldrich,	Danford,	Hurley,	Russell,
Alexander,	Davenport,	Johnson, Ind.	Shelden,
Babcock,	Davison, Ky.	Johnson, N. Dak.	Showalter,
Baker, Md.	Dingley,	Kerr,	Smith, Ill.
Barber,	Dolliver,	Lacey,	Smith, Wm. Alden
Barrows,	Evans,	Landis,	Southard,
Bartholdt,	Faris,	Linney,	Sprague,
Belford,	Fischer,	Loud,	Steele,
Belknap,	Fletcher,	Low,	Stevens, Minn.
Bishop,	Foss,	Lybrand,	Stewart, Wis.
Booze,	Fowler, N. J.	McCall,	Stone, C. W.
Boutell, Ill.	Gardner,	McDonald,	Stone, W. A.
Boutelle, Me.	Gibson,	McEwan,	Strode, Nebr.
Bromwell,	Gillet, N. Y.	Mahon,	Sturtevant,
Brown,	Gillett, Mass.	Marsh,	Sulloway,
Brumm,	Grosvenor,	Mercer,	Tawney,
Burleigh,	Grout,	Mesick,	Tayler, Ohio
Burton,	Grow,	Mills,	Thorp,
Cannon,	Hager,	Minor,	Tongue,
Chickering,	Hamilton,	Moody,	Wadsworth,
Clark, Iowa	Harmer,	Northway,	Walker, Mass.
Cochrane, N. Y.	Hawley,	Overstreet,	Walker, Va.
Codding,	Hemenway,	Parker, N. J.	Warner,
Connolly,	Henderson,	Payne,	Weaver,
Cooper, Wis.	Henry, Ind.	Pearson,	Weymouth,
Cousins,	Hepburn,	Perkins,	White, Ill.
Crumpacker,	Hicks,	Pitney,	Yost.
Curtis, Iowa	Hill,	Pugh,	
Curtis, Kans.	Howell,	Ray,	

NAYS—129.

Adamson,	Broussard,	De Graffenreid,	Henry, Tex.
Allen,	Brucker,	De Vries,	Hilborn,
Bailey,	Brundidge,	Dinsmore,	Howard, Ala.
Baird,	Burke,	Dockery,	Howard, Ga.
Baker, Ill.	Butler,	Driggs,	Hunter,
Ball,	Campbell,	Elliott,	Jenkins,
Barlow,	Castle,	Fitzpatrick,	Jones, Va.
Bartlett,	Clardy,	Fleming,	Jones, Wash.
Bell,	Clark, Mo.	Fowler, N. C.	Joy,
Benner, Pa.	Cochran, Mo.	Greene,	Kelley,
Benton,	Cooney,	Griffin,	King,
Berry,	Cooper, Tex.	Griffith,	Kirkpatrick,
Bland,	Cowherd,	Griggs,	Kitchin,
Bodine,	Cox,	Gunn,	Kleberg,
Botkin,	Cummings,	Handy,	Knowles,
Bradley,	Davey,	Hartman,	Lamb,
Brantley,	Davis,	Hay,	Lanham,
Brenner, Ohio	De Armond,	Henry, Miss.	Latimer,
Lester,	Marshall,	Rixey,	Sulzer,
Lewis, Ga.	Maxwell,	Robb,	Sutherland,
Lewis, Wash.	Meekison,	Robertson, La.	Swanson,
Little,	Meyer, La.	Robinson, Ind.	Talbert,
Livingston,	Miers, Ind.	Sayers,	Underwood,
Lloyd,	Moon,	Settle,	Vandiver,
Love,	Newlands,	Shafroth,	Vehslage,
McClellan,	Norton, Ohio	Sims,	Vincent,
McCormick,	Norton, S. C.	Slayden,	Wheeler, Ky.
McCulloch,	Otey,	Smith, Ky.	Williams, Miss.
McDowell,	Peters,	Sparkman,	Young, Va.
McMillin,	Pierce, Tenn.	Stark,	Zenor.
McRae,	Rhea,	Stokes,	
Maguire,	Richardson,	Strowd, N. C.	
Mahany,	Ridgely,	Sullivan,	

ANSWERED "PRESENT"—8.

Acheson,	Hopkins,	Mann,	Stephens, Tex.
Broderick,	Loudenslager,	Reeves,	Stewart, N. J.

NOT VOTING—100.

Arnold,	Dayton,	Lorimer,	Sherman,
Bankhead,	Dorr,	Lovering,	Shuford,
Barham,	Dovener,	McAleer,	Simpson,
Barney,	Eddy,	McCleary,	Skinner,
Barrett,	Ellis,	McIntire,	Smith, S. W.
Beach,	Ermentrout,	Maddox,	Snover,
Belden,	Fenton,	Martin,	Southwick,
Bennett,	Fitzgerald,	Miller,	Spalding,
Bingham,	Foote,	Mitchell,	Sperry,
Brewer,	Fox,	Morris,	Stallings,
Brewster,	Gaines,	Mudd,	Strait,
Brosius,	Graff,	Odell,	Tate,
Brownlow,	Heatwole,	Ogden,	Taylor, Ala.
Bull,	Henry, Conn.	Olmsted,	Terry,
Capron,	Hinrichsen,	Osborne,	Todd,
Carmack,	Hitt,	Otjen,	Updegraff,
Catchings,	Hooker,	Packer, Pa.	Van Voorhis,
Clarke, N. H.	Howe,	Pearce, Mo.	Wanger,
Clayton,	Jett,	Powers,	Ward,
Colson,	Ketcham,	Prince,	Wheeler, Ala.
Connell,	Knox,	Quigg,	White, N. C.
Corliss,	Kulp,	Robbins,	Wilber,
Cranford,	Lawrence,	Sauerhering,	Williams, Pa.
Crump,	Lentz,	Shannon,	Wilson,
Davidson, Wis.	Littauer,	Shattuc,	Young, Pa.

So the House refused to consider the election case.

Mr. WILLIAM A. STONE. Mr. Speaker, my colleague, Mr. BINGHAM, is absent, sick, and wishes to be excused. He is paired. If present, he would have voted "aye" on this question.

The Clerk announced the following pairs:

Until further notice:

Mr. BENNETT with Mr. GAINES.

Mr. ROBBINS with Mr. FOX.

Mr. UPDEGRAFF with Mr. TAYLOR of Alabama.

Mr. CORLISS with Mr. HUNTER.

Mr. PRINCE with Mr. HINRICHSEN.

Mr. VAN VOORHIS with Mr. LENTZ.

Mr. MANN with Mr. JETT.

Mr. SHERMAN with Mr. MEYER of Louisiana.

Mr. HOPKINS with Mr. TATE.

Mr. STEWART of New Jersey with Mr. CLAYTON.

Mr. PACKER of Pennsylvania with Mr. STEPHENS of Texas.

Mr. BROSIUS with Mr. ERMENTROUT.

Mr. LOVERING with Mr. WHEELER of Alabama.

Mr. HITT with Mr. BERRY.

Mr. WILBER with Mr. MADDOX.

The following pair was announced for this day:

Mr. CLARKE of New Hampshire with Mr. CRANFORD.

The following pairs were announced on this vote:

Mr. WARD with Mr. TERRY.

Mr. WARNER with Mr. BANKHEAD.

Mr. BINGHAM with Mr. STRAIT.

Mr. REEVES with Mr. CATCHINGS.

Mr. KETCHAM with Mr. OSBORNE.

Mr. ACHESON with Mr. WILSON.

Mr. LOUDENSLAGER with Mr. STALLINGS.

Mr. MEYER of Louisiana. Mr. Speaker, I am paired with the gentleman from New York, Mr. SHERMAN, on all questions save election cases, and therefore I permit my vote to stand in the negative on this proposition.

Mr. WILLIAM A. STONE. I ask that the vote be recapitulated.

Mr. STEWART of New Jersey. I am paired with the gentleman from Alabama, Mr. CLAYTON, and desire to withdraw my vote.

Mr. REEVES. I am recorded as having voted on this proposition. I wish to withdraw the vote, as I am paired with the gentleman from Mississippi, Mr. CATCHINGS.

Mr. STEPHENS of Texas. I am paired with the gentleman from Pennsylvania, Mr. PACKER, and desire to withdraw my vote.

Mr. RICHARDSON. I make the point that the motion for the recapitulation of the vote is dilatory. [Laughter.]

The SPEAKER. The vote is rather a close one, and the Chair will direct a recapitulation.

The vote was recapitulated.

Mr. KIRKPATRICK. I desire to change my vote, Mr. Speaker, to the negative.

The SPEAKER. The change will be made.

The result of the vote was then announced as above recorded.

Mr. KIRKPATRICK. Mr. Speaker, I move to reconsider the vote just taken.

Mr. RICHARDSON. I move to lay that on the table.

The SPEAKER. The gentleman from Pennsylvania [Mr. KIRKPATRICK] moves to reconsider the vote by which consideration was refused, and the gentleman from Tennessee [Mr. RICHARDSON] moves to lay that motion on the table. The question will be taken on the latter motion.

Mr. KIRKPATRICK. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 123, nays 126, answered "present" 4, not voting 102; as follows:

YEAS—123.

Adamson,	Cummings,	Lamb,	Ridgely,
Allen,	Davis,	Lanham,	Rixey,
Bailey,	De Armond,	Lester,	Robb,
Baird,	De Graffenreid,	Lewis, Ga.	Robertson, La.
Baker, Ill.	De Vries,	Lewis, Wash.	Robinson, Ind.
Ball,	Dinsmore,	Little,	Sayers,
Barlow,	Dockery,	Livingston,	Settle,
Bartlett,	Driggs,	Lloyd,	Shafroth,
Bell,	Elliott,	Love,	Sims,
Benner, Pa.	Fitzpatrick,	McClellan,	Slayden,
Benton,	Fleming,	McCormick,	Smith, Ky.
Berry,	Fowler, N. C.	McCulloch,	Sparkman,
Bland,	Greene,	McDowell,	Stark,
Bodine,	Griffith,	McMillin,	Stephens, Tex.
Botkin,	Griggs,	McRae,	Stokes,
Brantley,	Gunn,	Maguire,	Strowd, N. C.
Brenner, Ohio	Handy,	Marshall,	Sullivan,
Brewer,	Hartman,	Martin,	Sulzer,
Broussard,	Hay,	Maxwell,	Sutherland,
Brucker,	Henry, Miss.	Meekison,	Swanson,
Brundidge,	Henry, Tex.	Meyer, La.	Talbert,
Burke,	Hilborn,	Miers, Ind.	Terry,
Campbell,	Howard, Ga.	Moon,	Underwood,
Castle,	Hunter,	Newlands,	Vandiver,
Clardy,	Jones, Va.	Norton, Ohio	Vehslage,
Clark, Mo.	Jones, Wash.	Norton, S. C.	Vincent,
Cochran, Mo.	Kelley,	Otey,	Wheeler, Ky.
Cooney,	King,	Peters,	Williams, Miss.
Cooper, Tex.	Kitchin,	Pierce, Tenn.	Young, Va.
Cowherd,	Kleberg,	Rhea,	Zenor.
Cox,	Knowles,	Richardson,	

NAYS—126.

Adams,	Davison, Ky.	Joy,	Russell,
Aldrich,	Dingley,	Kerr,	Sauerhering,
Alexander,	Dolliver,	Kirkpatrick,	Shelden,
Babcock,	Dorr,	Lacey,	Showalter,
Baker, Md.	Dovener,	Landis,	Smith, Ill.
Barrows,	Ellis,	Lawrence,	Smith, Wm. Alden
Bartholdt,	Faris,	Linney,	Snover,
Belknap,	Fischer,	Lorimer,	Southard,
Bishop,	Fletcher,	Loud,	Sperry,
Booze,	Foss,	Lybrand,	Steele,
Boutell, Ill.	Fowler, N. J.	McCall,	Stevens, Minn.
Brown,	Gardner,	McDonald,	Stewart, Wis.
Brumm,	Gibson,	McEwan,	Stone, C. W.
Burleigh,	Gillet, N. Y.	Mahon,	Stone, W. A.
Burton,	Gillett, Mass.	Marsh,	Strode, Nebr.
Butler,	Griffin,	Mercer,	Sturtevant,
Cannon,	Grosvenor,	Mesick,	Sulloway,
Chickering,	Grout,	Miller,	Tawney,
Clark, Iowa	Grow,	Mills,	Tayler, Ohio
Cochrane, N. Y.	Hager,	Minor,	Thorp,
Codding,	Hamilton,	Mitchell,	Tongue,
Colson,	Harmer,	Moody,	Walker, Mass.
Connolly,	Hawley,	Northway,	Walker, Va.
Cooper, Wis.	Heatwole,	Overstreet,	Wanger,
Cousins,	Hemenway,	Parker, N. J.	Warner,
Crump,	Henderson,	Payne,	Weaver,
Crumpacker,	Henry, Ind.	Pearson,	Weymouth,
Curtis, Iowa	Hepburn,	Perkins,	White, Ill.
Curtis, Kans.	Hill,	Pitney,	Yost,
Dalzell,	Howell,	Pugh,	Young, Pa.
Danford,	Hull,	Ray,	
Davenport,	Johnson, N. Dak.	Royse,	

ANSWERED "PRESENT"—4.

Broderick,	Hopkins,	Loudenslager,	Stewart, N. J.

NOT VOTING—102.

Acheson,	Cranford,	Kulp,	Shannon,
Arnold,	Davey,	Latimer,	Shattuc,
Bankhead,	Davidson, Wis.	Lents,	Sherman,
Barber,	Dayton,	Littauer,	Shuford,
Barham,	Eddy,	Lovering,	Simpson,
Barney,	Ermentrout,	Low,	Skinner,
Barrett,	Evans,	McAleer,	Smith, S. W.
Beach,	Fenton,	McCleary,	Southwick,
Belden,	Fitzgerald,	McIntire,	Spalding,
Belford,	Foote,	Maddox,	Sprague,
Bennett,	Fox,	Mahany,	Stallings,
Bingham,	Gaines,	Mann,	Strait,
Boutelle, Me.	Graff,	Morris,	Tate,
Bradley,	Henry, Conn.	Mudd,	Taylor, Ala.
Brewster,	Hicks,	Odell,	Todd,
Bromwell,	Hinrichsen,	Ogden,	Updegraff,
Brosius,	Hitt,	Olmsted,	Van Voorhis,
Brownlow,	Hooker,	Osborne,	Wadsworth,
Bull,	Howard, Ala.	Otjen,	Ward,
Capron,	Howe,	Packer, Pa.	Wheeler, Ala.
Carmack,	Hurley,	Pearce, Mo.	White, N. C.
Catchings,	Jenkins,	Powers,	Wilber,
Clarke, N. H.	Jett,	Prince,	Williams, Pa.
Clayton,	Johnson, Ind.	Quigg,	Wilson.
Connell,	Ketcham,	Reeves,	
Corliss,	Knox,	Robbins,	

So the motion to lay on the table the motion to reconsider was rejected.

The Clerk announced the following additional pairs:

For this day:

Mr. WARD with Mr. OGDEN.

On this vote:

Mr. HICKS with Mr. FITZGERALD.

The result of the vote was announced as above recorded.

The SPEAKER. The question recurs on the motion to reconsider.

The question was taken.

Mr. RICHARDSON demanded a division.

Pending the division,

Mr. RICHARDSON demanded the yeas and nays.

The question was taken; and there were—yeas 127, nays 123, answered "present" 4, not voting 101; as follows:

YEAS—127.

Adams,	Davenport,	Hurley,	Sauerhering,
Aldrich,	Davison, Ky.	Johnson, Ind.	Shelden,
Alexander,	Dingley,	Johnson, N. Dak.	Showalter,
Babcock,	Dolliver,	Joy,	Smith, Ill.
Baker, Md.	Dorr,	Kerr,	Smith, S. W.
Bartholdt,	Dovener,	Kirkpatrick,	Smith, Wm. Alden
Belford,	Eddy,	Lacey,	Snover,
Belknap,	Evans,	Landis,	Southard,
Bishop,	Fenton,	Lawrence,	Spalding,
Booze,	Fischer,	Linney,	Steele,
Boutell, Ill.	Fletcher,	Loud,	Stevens, Minn.
Boutelle, Me.	Foss,	Lybrand,	Stewart, Wis.
Broderick,	Fowler, N. J.	McDonald,	Stone, C. W.
Bromwell,	Gardner,	McEwan,	Stone, W. A.
Brown,	Gibson,	Mahon,	Strode, Nebr.
Brumm,	Gillet, N. Y.	Mercer,	Sturtevant,
Bull,	Gillett, Mass.	Mesick,	Sulloway,
Burleigh,	Griffin,	Miller,	Tawney,
Burton,	Grosvenor,	Mills,	Tayler, Ohio
Cannon,	Grout,	Minor,	Thorp,
Chickering,	Grow,	Mitchell,	Tongue,
Clark, Iowa	Hager,	Moody,	Walker, Mass.
Cochrane, N. Y.	Hamilton,	Northway,	Walker, Va.
Codding,	Harmer,	Parker, N. J.	Wanger,
Connolly,	Heatwole,	Payne,	Warner,
Cousins,	Hemenway,	Pearson,	Weaver,
Crump,	Henderson,	Perkins,	Weymouth,
Crumpacker,	Henry, Ind.	Pitney,	White, Ill.
Curtis, Iowa	Hepburn,	Pugh,	White, N. C.
Curtis, Kans.	Hill,	Ray,	Yost,
Dalzell,	Howell,	Royse,	Young, Pa.
Danford,	Hull,	Russell,	

NAYS—123.

Adamson,	Davis,	Latimer,	Ridgely,
Allen,	De Armond,	Lester,	Rixey,
Bailey,	De Graffenreid,	Lewis, Ga.	Robb,
Baird,	De Vries,	Lewis, Wash.	Robertson, La.
Baker, Ill.	Dinsmore,	Little,	Robinson, Ind.
Ball,	Dockery,	Livingston,	Sayers,
Bartlett,	Driggs,	Lloyd,	Settle,
Bell,	Elliott,	Love,	Shafroth,
Benner, Pa.	Fitzpatrick,	McClellan,	Sims,
Benton,	Fleming,	McCormick,	Slayden,
Bland,	Fowler, N. C.	McCulloch,	Smith, Ky.
Bodine,	Greene,	McDowell,	Sparkman,
Botkin,	Griffith,	McMillin,	Stark,
Brantley,	Griggs,	McRae,	Stephens, Tex.
Brenner, Ohio	Gunn,	Maguire,	Stokes,
Brewer,	Handy,	Marshall,	Strowd, N. C.
Broussard,	Hartman,	Martin,	Sullivan,
Brucker,	Hay,	Maxwell,	Sulzer,
Brundidge,	Henry, Miss.	Meekison,	Sutherland,
Burke,	Henry, Tex.	Meyer, La.	Swanson,
Campbell,	Howard, Ga.	Miers, Ind.	Talbert,
Castle,	Hunter,	Moon,	Terry,
Clardy,	Jones, Va.	Newlands,	Underwood,
Clark, Mo.	Jones, Wash.	Norton, Ohio	Vandiver,
Cochran, Mo.	Kelley,	Norton, S. C.	Vehslage,
Cooper, Tex.	King,	Ogden,	Vincent,
Cowherd,	Kitchin,	Otey,	Wheeler, Ky.
Cox,	Kleberg,	Peters,	Williams, Miss.
Cranford,	Knowles,	Pierce, Tenn.	Young, Va.
Cummings,	Lamb,	Rhea,	Zenor.
Davey,	Lanham,	Richardson,	

ANSWERED "PRESENT"—4.

Berry,	Hopkins,	Loudenslager,	Stewart, N. J.

NOT VOTING—101.

Acheson,	Cooper, Wis.	Lents,	Robbins,
Arnold,	Corliss,	Littauer,	Shannon,
Bankhead,	Davidson, Wis.	Lorimer,	Shattuc,
Barber,	Dayton,	Lovering,	Sherman,
Barham,	Ellis,	Low,	Shuford,
Barlow,	Ermentrout,	McAleer,	Simpson,
Barney,	Faris,	McCall,	Skinner,
Barrett,	Fitzgerald,	McCleary,	Southwick,
Barrows,	Foote,	McIntire,	Sperry,
Beach,	Fox,	Maddox,	Sprague,
Belden,	Gaines,	Mahany,	Stallings,
Bennett,	Graff,	Mann,	Strait,
Bingham,	Hawley,	Marsh,	Tate,
Bradley,	Henry, Conn.	Morris,	Taylor, Ala.
Brewster,	Hicks,	Mudd,	Todd,
Brosius,	Hilborn,	Odell,	Updegraff,
Brownlow,	Hinrichsen,	Olmsted,	Van Voorhis,
Butler,	Hitt,	Osborne,	Wadsworth,
Capron,	Hooker,	Otjen,	Ward,
Carmack,	Howard, Ala.	Overstreet,	Wheeler, Ala.
Catchings,	Howe,	Packer, Pa.	Wilber,
Clarke, N. H.	Jenkins,	Pearce, Mo.	Williams, Pa.
Clayton,	Jett,	Powers,	Wilson.
Colson,	Ketcham,	Prince,	
Connell,	Knox,	Quigg,	
Cooney,	Kulp,	Reeves,	

So the motion to reconsider was agreed to.

The SPEAKER (during the roll call). The Chair thinks it should be stated to the House that the practice of reporting names to the Clerk for counting out of order is not proper. That is sometimes done, as the Chair knows; but it is an objectionable practice, and every vote should be given as it is in the House.

Mr. ADAMS. Mr. Speaker, my colleague, Mr. BINGHAM, asked me to say that he is absent on account of sickness.

The following additional pairs were announced:

For the remainder of the day:

Mr. BARHAM with Mr. BARLOW.

Mr. HICKS with Mr. FITZGERALD.

The result of the vote was then announced as above recorded.

Mr. RICHARDSON. Mr. Speaker, I ask a recapitulation of the vote.

The SPEAKER. The Chair thinks, the vote being very close, there should be one. The Clerk will recapitulate the vote.

The vote was recapitulated.

Mr. BERRY. Mr. Speaker, I had been paired with the gentleman from Illinois, Mr. HITT. The gentleman from Alabama, Mr. WHEELER, came to me the other day and asked me to allow him to transfer the pair to him. I am still paired by the Sergeant-at-Arms with Mr. HITT. I do not know how the mistake occurred.

The SPEAKER. Has the gentleman voted?

Mr. BERRY. I have voted, sir; but if I ought to respect the pair with Mr. HITT, I will withdraw my vote.

The SPEAKER. The Chair can not decide that. The pair is an arrangement between members.

Mr. BERRY. I vote "present" for safety.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is whether the House will now consider the resolutions.

The question was taken; and the House determined to consider the resolutions.

Mr. KIRKPATRICK. Mr. Speaker——

Mr. BRUNDIDGE. Mr. Speaker, I offer the substitute resolutions.

The SPEAKER. Does the gentleman from Pennsylvania consent to offering the substitute?

Mr. KIRKPATRICK. I believe that is the usual way.

The SPEAKER. The gentleman will send up the substitute, and the Chair will cause it to be read. The Clerk will read the substitute resolutions proposed by the minority.

The Clerk read as follows:

Resolved, That E. W. Carmack was duly elected a Representative to the Fifty-fifth Congress of the United States, and is entitled to the seat.

Resolved, That Josiah Patterson was not elected a Representative to the said Congress, and is not entitled to the seat.

Mr. KIRKPATRICK. I yield to the gentleman from Michigan for a moment to make an announcement.

Mr. BRUNDIDGE. Mr. Speaker, I want to state that the arrangement made with the gentleman from Pennsylvania was that the time should be four hours on a side.

Mr. KIRKPATRICK. The time agreed on is four hours on a side; and I ask unanimous consent that the time allowed be four hours on a side, the time of the minority to be controlled by the gentleman from Arkansas [Mr. BRUNDIDGE] and the time on behalf of the majority to be controlled by myself.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that debate be limited to four hours on a side. Four hours to be controlled by the gentleman from Pennsylvania [Mr. KIRKPATRICK] and four by the gentleman from Arkansas [Mr. BRUNDIDGE].

Mr. DINGLEY. I make the suggestion that the particular time for voting should be agreed upon, and not that the time allowed be four hours; then gentlemen will know when the question is to be voted on. Let the agreement be some definite time to-morrow for voting on the question.

Mr. KIRKPATRICK. I would make that suggestion.

The SPEAKER. The vote to be taken at 5 o'clock to-morrow.

Mr. McMILLIN. Mr. Speaker, to-morrow being Friday, as considerable time has been used this evening, that will not give the eight hours for debate. To-morrow is private bill day, and the House takes a recess at 5 o'clock.

Mr. BRUNDIDGE. I suggest that the vote be taken the first thing after the reading of the Journal on Saturday morning, the debate to be closed to-morrow.

Mr. KIRKPATRICK. I think it ought to be taken at the conclusion of the debate.

Mr. RICHARDSON. The House will have to take a recess at 5 o'clock.

The SPEAKER. The Chair thinks that could be arranged by having the evening session vacated.

Mr. McMILLIN. I would suggest that is taking private-bill day away from us, and I would like, if we can, to make some arrangement by which that will remain. I know this is a question of the highest privilege.

Mr. KIRKPATRICK. I ask unanimous consent to fix the time for voting at half past 4 to-morrow evening.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the vote be taken at half past 4 o'clock to-morrow evening, and at the conclusion of the vote the House be in recess for the evening session.

Mr. RICHARDSON. I suppose the gentleman will not object to our having our four hours?

Mr. KIRKPATRICK. We will take our time equally.

Mr. RICHARDSON. You would certainly give us the four hours?

Mr. MIERS of Indiana. To get eight hours we will have to run until ten minutes past 5, as we only have three hours remaining this evening.

Mr. RICHARDSON. I hope it will be kept 5 o'clock; then we can extend the session so as to take the vote. They are determined to take the Private Calendar away from us to-morrow. I supposed that that would be the result by taking to-morrow for the consideration of this case.

Mr. HOPKINS. If you put it off until after half past 4 and there is more than one roll call, it will carry us past 5 o'clock.

Mr. DINGLEY. If there be no objection, we can continue debate until 6 o'clock to-night.

Mr. RICHARDSON. Then, Mr. Speaker, I make this request: That to-morrow be devoted to the Private Calendar and Saturday to debate, and that we take a vote on Saturday evening.

Mr. WALKER of Virginia. Make it another day.

Mr. RICHARDSON. We are going to get as many days as we can.

Mr. GIBSON. Give us next Tuesday to consider bills on the Private Calendar.

The SPEAKER. The Chair desires to submit to the House the proposition that the House be in session until 6 o'clock to-night, that a vote be taken at half past 4 to-morrow, the session to be extended until the conclusion of the vote, and then the House be in recess. Is there objection? [After a pause.] The Chair hears none.

Mr. McMILLIN. Mr. Speaker, I did not want to make the request I am about to make before, for fear I might complicate the matter, but I now ask unanimous consent that Tuesday be substituted for Friday as private-bill day.

Mr. DINGLEY. I wish to say, Mr. Speaker, that there is a probability that some more important measures may be before the House on that day, and I therefore do not want to consent to that.

Mr. McMILLIN. Then, Mr. Speaker, I ask unanimous consent that Saturday be substituted for Friday; that is not likely to interfere with any report from the Committee on Ways and Means.

Mr. DINGLEY. Saturday has been set apart for eulogies.

The SPEAKER. Saturday has been set apart for eulogies, and besides that there is an election case, which would override any consent of the House.

Mr. MESICK. Mr. Speaker, inasmuch as there has been some difficulty in regard to taking up for consideration this case, I now announce that I will call up on Saturday the case of Richard A. Wise against William A. Young, a contested-election case from the Second Congressional district of Virginia.

Mr. KIRKPATRICK. Mr. Speaker, I desire to ask unanimous consent that the contestant, Mr. Patterson, be allowed an opportunity on the floor of the House to address the House, his time to be taken out of the time of the majority.

Mr. RICHARDSON. There will be no objection to that, Mr. Speaker, on this side, I am authorized to say, provided the contestant makes his speech in time so that this side may have one hour in which to reply to it. We do not want him to close the case.

Mr. KIRKPATRICK. I think we are entitled to close the case and to manage the division of time on our side as we see fit.

Mr. RICHARDSON. We have no objection to your closing the case, but not with the contestant.

Mr. HOPKINS. That has always been customary.

Mr. RICHARDSON. We want to be fair; but if the gentleman wants to speak, let him use his hour so that we can have an hour to reply.

Mr. WALKER of Virginia. I do not think, Mr. Speaker, that the other side has any right to control the time on our side.

Mr. RICHARDSON. We do not want to do that.

Mr. WALKER of Virginia. Yes, you do; you want to say how we shall control it. I did not know that the contestant expected to speak until this minute, but we certainly propose to control the time on our side.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. KIRKPATRICK]?

Mr. RICHARDSON. We can not consent if the contestant is to conclude the case. If we can have an hour after he speaks we make no objection. We can not give our consent that the contestant shall conclude the case.

Mr. WALKER of Virginia. Then, Mr. Speaker, I object to the contestee speaking in his own behalf.

Mr. RICHARDSON. That can not be done. He is a member of the House and has a right to speak.

Mr. WALKER of Virginia. I object to his speaking unless he speaks first on that side.

Mr. RICHARDSON. This side will control that.

Mr. KIRKPATRICK. Mr. Speaker, upon further reflection I am willing to so arrange the time of the majority that the contestant shall make his speech during the progress of debate, and the close of the argument will be reserved for some other member of the House.

Mr. STEELE. That is because of the notice given to the other side.

Mr. KIRKPATRICK. Yes; I am obliged to do it to give the contestant an opportunity to be heard.

Mr. CANNON. Has it been usual for the contestant by unanimous consent to close the case?

Mr. KIRKPATRICK. Yes.

Mr. RICHARDSON. What is the suggestion of the gentleman from Illinois?

Mr. CANNON. I ask if it has been the usual custom for the contestant by unanimous consent to close the case?

Mr. MESICK. It was done the other day in the case of Thorp against Epes.

Mr. RICHARDSON. It was not done in the case of Yost against Tucker.

Mr. WALKER of Virginia. Yes; it was.

Mr. RICHARDSON. It has not been the general custom.

Mr. GROSVENOR. Mr. Speaker, I would like to say to the gentleman from Tennessee [Mr. RICHARDSON] that I hope he will never refer to the case of Yost against Tucker as an authority on any question in this House.

Mr. MOODY. I should like to say to the gentleman from Tennessee that in the Fifty-fourth Congress, with one exception, the contestant had the close. I know nothing of the practice before that.

Mr. RICHARDSON. There has been no universal practice about it.

Mr. HOPKINS. It has always been customary for the contestant to close the case.

Mr. KIRKPATRICK. Mr. Speaker, I understand the parliamentary situation is that I have proposed to the House that the contestant be allowed an opportunity to be heard, and that the disposition of the time of the majority is under the control of myself, representing the majority of the committee, and that the proposition before the House is whether we have the unanimous consent of the House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the contestant be allowed to address the House. Is there objection?

Mr. RICHARDSON. Is that all the request?

The SPEAKER. That is all.

Mr. RICHARDSON. Then I object. I understood that he was to give us an hour after the contestant speaks.

Mr. KIRKPATRICK. No; I did not agree to that.

The SPEAKER. The suggestion was made, but the Chair did not understand the gentleman from Pennsylvania to accede to it.

Mr. RICHARDSON. We object. We are willing that the contestant should speak any time during the debate if we can have an hour afterwards.

The SPEAKER. The gentleman from Pennsylvania [Mr. KIRKPATRICK] is recognized to control one half the time and the gentleman from Arkansas [Mr. BRUNDIDGE] to control the other.

Mr. MOODY. I desire to correct the statement which I made to the gentleman from Tennessee a few moments ago. I misunderstood the question. I should have said that the contestant's side had the close.

Mr. GROW. Is it agreed that the vote be taken at 4.30 o'clock to-morrow?

The SPEAKER. That is the agreement.

[Mr. KIRKPATRICK addressed the House. See Appendix.]

Mr. KIRKPATRICK. How much time have I remaining, Mr. Speaker?

Mr. MIERS of Indiana. Mr. Speaker, how much time has been occupied on behalf of the contestant?

The SPEAKER. The gentleman has spoken one hour and thirty-five minutes.

PREVENTION OF COAL SHIPMENTS.

During the delivery of Mr. KIRKPATRICK's remarks the following proceedings occurred:

Mr. HULL. Will the gentleman, before he proceeds, yield to me for just a moment?

Mr. KIRKPATRICK. Certainly.

Mr. HULL. Mr. Speaker, the gentleman from Pennsylvania yields to me for the purpose of asking unanimous consent for the immediate consideration of a resolution of great importance to be passed now, prohibiting the exportation of coal and war materials.

Vessels are now ready to proceed to sea with coal cargoes. The Senate has passed and sent to the House the resolution to which I call attention, and it is important that it should be passed by the House and reach the Senate before the close of this day's session to prevent the shipment of large quantities of these articles.

The SPEAKER pro tempore (Mr. MCCALL in the chair). The Clerk will report the resolution, after which the Chair will ask for objection.

The Clerk read as follows:

Joint resolution (S. R. 157) to prohibit the export of coal or other material used in war from any seaport in the United States.

Resolved, etc., That the President is hereby authorized, in his discretion, and with such limitations and exceptions as shall seem to him expedient, to prohibit the export of coal or other material used in war from any seaport of the United States until otherwise ordered by the President or by Congress.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. RICHARDSON. No objection whatever.

Mr. HULL. There is no objection, I think, at all to it, Mr. Speaker.

Mr. WALKER of Virginia. Mr. Speaker, one moment. I represent a district largely engaged in the exportation of coal. I want time to think of that matter. I do not wish to consent to a proposition of this kind without some little examination.

Mr. HULL. If we do not pass the resolution at once, thousands of tons of coal will leave to-night.

Mr. GREENE. It should be passed without delay.

Mr. WALKER of Virginia. I will cheerfully vote for any resolution that is considered necessary to meet the present conditions or those that may arise; but I want an opportunity of looking into the matter.

Mr. GAINES. The object of the resolution is to stop sending coal supplies to nations that are friendly with Spain.

Mr. HULL. It puts it in the power of the executive department of the Government to stop the shipment of coal or war munitions to any place where they may likely reach the Spanish Government. [Cries of "Vote!" "Vote!"]

Mr. WALKER of Virginia. I can not give my consent to the consideration of the resolution without more examination.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. WALKER of Virginia. I object.

Mr. DOCKERY. Let it be noted that the objection does not come from this side.

Mr. WALKER of Virginia. I object until I can look into it.

Mr. NORTON of Ohio. Then let the gentleman go on record as objecting.

Mr. WALKER of Virginia. I am ready to go on record for anything I do or say.

The SPEAKER pro tempore. Objection is made.

Mr. WALKER of Virginia. I must object for the present.

Subsequently Mr. HULL said: The gentleman from Pennsylvania [Mr. KIRKPATRICK] yields again for me to ask the unanimous consent of the House for the immediate passage of the resolution of the Senate in regard to shipments of coal. I ask that it be read.

Mr. RICHARDSON. It has just been read.

Mr. WALKER of Virginia. I ask that it be read again.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent for the immediate consideration of the resolution which the Clerk will again report.

The joint resolution was again reported.

Mr. DOCKERY. I hope that will be agreed to.

Mr. WALKER of Virginia. I will withdraw my objection, because I do not care to put myself in opposition to the sentiment of the House. I objected before because there were large coal interests in my district. I did not know how they would be affected, nor do I now. I desired to have an opportunity to look at the resolution and consider it, but I will withdraw my objection.

Mr. GAINES. It puts the matter entirely in the hands of the President, does it not?

Mr. HULL. Entirely.

Mr. MCEWAN. Does not the gentleman from Iowa think it would be better to prevent the exportation of these materials from any point in the United States? This simply prevents exportation from any seaport. There is remaining the Mexican frontier and the entire Canadian border.

Mr. HULL. I think that amending the resolution will simply result in delay, and we want to get it into effect to-day to stop the shipment of cargoes to-night.

Mr. DOCKERY. It ought to be passed at once.

The SPEAKER pro tempore. Is there objection to the consideration of the joint resolution?

There was no objection.

Mr. DOCKERY. I do not know that I caught correctly the reading of the joint resolution. I suppose, however, that it will not apply to provisions?

Mr. HULL. It applies to anything that is used in war.

Mr. DOCKERY. I ask for the reason that a number of shipments have been recently made to the Spanish army by certain merchants in New York, and I was in hopes that it would be far-reaching enough to stop the trade in army supplies.

Mr. HULL. That will be in the discretion of the President.

The question was taken, and the joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

CONTESTED-ELECTION CASE—JOSIAH PATTERSON VS. EDWARD W. CARMACK.

Mr. GROSVENOR. Mr. Speaker, by agreement with the manager on the other side, I am to occupy fifteen minutes at this time rather than wait until a later period in the discussion.

Mr. KIRKPATRICK. I yield fifteen minutes to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, it is said that politics makes strange bedfellows, and I am told that from time to time, during the progress of this debate, it will probably be shown that the contestant in this case has been upon more than one side of some of the political questions of the day, and in order that the fact may be shown that the Tennessee politician can get on more than one side of a political question I propose to lay before the House some evidences of the expertness of the contestee in that same direction.

There is something down in the atmosphere of Shelby County that seems to have a very singular effect upon the minds of the politicians, and they have a way of most fluently and effectively making known their opinions. I propose to read some very sparkling and brilliant and able editorials from the pen of the contestee, taken from the Memphis Commercial-Appeal.

I am surprised that the gentleman succeeded in getting any votes at all, and I am afraid now that he was elected by Republican votes, for I propose to show you that the Republican party is the only organized political party that, so far as my information goes, from the extracts I shall read, has escaped the power of his very trenchant pen. It will be borne in mind that on the 23d of March, 1892, there was a good deal of danger threatening the Democratic party from the predatory incursion into it of the free-silver element, and the distinguished gentleman [Mr. Carmack], standing upon the watchtower of his party, warned his party upon that subject in the following eloquent language:

THE DEMOCRATIC PARTY'S DANGER.

As the Commercial predicted when Crisp was elected Speaker, * * * the tariff question has taken a back seat in Congress. It has from an early day been overshadowed by the silver question. * * * It has been virtually abandoned by the friends of tariff reform, who have turned their fickle affections to a new favorite—the silver question. * * * They defeated Mr. MILLS and put a creature of their own in the Speaker's chair.

That "creature" was Mr. Crisp.

They sent the tariff question to the foot. They put the silver question at the head. They twirled their fingers at Grover Cleveland and shouted, "Where is your tariff issue now? You are against free coinage of silver, are you? Well, we will make free coinage a Democratic issue. That will dispose of you." They laughed in high glee. * * * He (Hill) had already put the free-silver lunatics upon the box and given them the reins. * * * In order to unhorse Cleveland, they delivered the Democratic party over, bound hand and foot, to a lot of political maniacs.

[Applause and laughter on the Republican side.]

That is good language and I indorse every word of it. Now, I can hardly imagine that a man can be elected in Shelby County and in the adjoining section without the votes of the colored people. On the 23d of April, 1893, the same vitriolic editor paid his compliments to the colored brother, and if any of the colored brethren are present as members of the House to-day, I want them to hear a delineation of their race, coming fresh from the pen of the distinguished contestee.

Mr. CARMACK. The gentleman might send for him, for he does not appear to be in.

Mr. GROSVENOR. I think the gentleman will hardly send for him if he is the sort of fellow whom the gentleman has here described.

Mr. CARMACK. I want him to hear it.

Mr. GROSVENOR (reading):

PROGRESS OF THE NEGRO.

Northern newspapers and Northern people who have little information on the subject and have given little thought to it sometimes take a very hopeful view of the progress of the negro. The New York Herald, for instance, makes the wildly extravagant expression: "No race in any age ever carried an equal distance in the same time;" and it adds: "This country furnishes him with a good chance in the race of success."

The assertions are not true with respect to the negro race. As a matter of fact the negro as a race has made no visible progress since the war. The percentage of illiteracy among them is probably not so great, and of course they own more property than they did when they could own no property at all but we may as well look the ugly truth in the face. It is a patent, notorious fact that the younger generation of negroes is far, very far, from being an improvement on the older. They have a smattering of book learning, but they are none the better off on account of it. They are shiftless, lazy, idle, insolent, vicious, turbulent, and born thieves. Those who have made any real study of the progress of the negro since the war know he is progressing toward barbarism, and he will go as far in that direction as the law allows. He is to-day essentially a savage who is forced by law to respect the forms of civilization. He has utilized his freedom only to give rein to his barbaric instincts.

I suppose that is the reason the gentleman must have got their votes.

In so far as he is civilized he is still a slave to the superior race. In so far as he is free he is still a savage. As a whole, the people of this country must sooner or later awake to the fact that the negro is impervious to the influences of civilization and so incapable as to make him have no place in shaping the destinies of a great people.

APRIL 23, 1893.

Mr. MAGUIRE. May I ask the gentleman from what he is quoting?

Mr. GROSVENOR. I am quoting from the newspaper of the gentleman from Tennessee.

Mr. MAGUIRE. I thought perhaps he was quoting from the contestant's speech on "The negro in the race of life."

Mr. GROSVENOR. In the olden time, if you had lived in the backwoods, as I have, you would understand the force of the term "backfire." When the fire got out we went out in front of the fire and set the leaves on fire, so as to cut off the spread of the fire. I am doing that with the record of your contestee. [Laughter and applause.] Now, one of the favorite sons of modern Democracy, and the man who had more to do with the shaping of party destinies in 1896 than any other one man, living or dead, was John P. Altgeld, of the State of Illinois. He was the ideal Democrat of that State, and is to-day. He dominated and had put in the resolutions of that convention a doctrine which, from one end of this country to the other, we charged was revolutionary. Now, the gentleman from Tennessee, on the 7th day of July, 1894, after the achievement of Altgeld as governor at least of the State, made the following truthful comments upon that gentleman:

We have been wondering that the loud yip-yap of the blatant anarchist John P. Altgeld was not heard in the land. We could not imagine what Altgeld was doing with his mouth while the forces of anarchy and violence which he had done so much to promote were holding their carnival and celebrating their jubilee within his blessed jurisdiction.

And yet the Republican speaker or writer who has dared to hint in a gentle and Christianlike manner that there was a tendency, or a possibility of a tendency, toward anarchy connected with the Democratic party has been rebuked hundreds of times within my hearing on this floor.

Perhaps Altgeld was too full of pleasurable emotions to wreck his happy thoughts upon expression. At last, however, Altgeld has emerged. He comes forth to protest against the exercise of lawful authority in putting down a violent and tumultuous mob and in enforcing a duty that he, as governor of Illinois, has failed to do.

How many times did we hear that during the campaign of 1896, about the purpose of the Republican party to use the troops. How often did we hear of the tendency toward despotism. How often did we hear denunciation of the tendency of the Republican party toward centralization of power.

He demands that the President shall withdraw the Federal troops from Chicago, in order that he may revel undisturbed in the orgies of crime.

I did not know what he was trying to order those troops for, but I think he was vindicating my proposition.

The letter from Altgeld to Cleveland is a piece of grotesque and dumfounding impudence that will wander through history without a companion.

I want to call attention to the magnificent language of this gentleman.

He says that "the law has been thoroughly executed, and every man guilty of violating the law has been brought to justice." On the very same day that this audacious falsehood was penned, the mayor of Chicago issued a proclamation reciting the fact that the strikers had overturned a number of cars on the Lake Shore and Michigan Southern, while the police stood idly by, unable or unwilling to prevent it. While Altgeld at Springfield declares that there is no trouble of consequence at Chicago, Mayor Hopkins, in Chicago, is confessing the impotence of local authorities to prevent the obstruction of traffic, the destruction of property, and the assaulting of peaceful citizens for attempting to carry on their lawful business. The condition of Chicago, as Altgeld very well knows, is of widespread and continued resistance to lawful authority, a conspiracy to paralyze traffic by lawless force on the part of the State authorities.

That is the first time I ever knew of the existence of this indictment. Until recently I never had heard the State authorities of Illinois charged with having been in a conspiracy to paralyze the traffic by lawless force.

Now, here is one of the most beautiful expressions in the English language:

The icy peak that tops this towering exhibition of frozen impudence is the bland assertion that "should the situation at any time become so serious that we can not control it with State forces, we will ask Federal assistance."

JULY 7, 1894.

[Laughter.]

There are a few words here on the subject of a gentleman by the name of Debs. The laborers and those interested in organized

labor, the organized strikers in Shelby County, must have rejoiced when they read this:

At this juncture the jail opens its loving arms and takes him to its restful bosom. He refuses to give bail because he wants a good excuse to get out of the strike business. He can now say that victory was within his grasp when the mailed hand of plutocracy clutched the scruff of his free-born neck and hustled him off to jail.

[Laughter.]

Debs will doubtless be entertained in prison as becomes a fallen king. He will recline on soft cushions, be supplied with choice wines and cigars, and fare sumptuously every day. But, for rhetorical purposes, he may be considered as chained to the wall and feeding upon the vapors of the dungeon. This will help to lend a little pathos to his inglorious descent, and will, at any rate, solve the great problem of how to turn a damned thing loose.

JULY 18, 1894.

[Laughter.]

There is somebody by the name of Martin Irons; who he is I really do not know.

The late unlamented Martin Irons has heretofore enjoyed the undisputed distinction of being the blue-ribbon ass among all so-called labor leaders in the United States. But Irons, if he still lives, must look to his laurels. The able Mr. Eugene V. Debs evidently harbors a hellish design to pluck them from his brow and twine them about his own magnificent ears. Debs, by virtue of the autocratic power foolishly reposed in him, is the genius of destruction. He is waging a wicked, ruthless, reckless, and causeless war upon innocent people and upon the general public, in the pure wantonness of despotic power and pure cussedness of a malignant spirit.

JULY 3, 1894.

I nearly indorse that.

Now, if there is any Populist here, and I believe there is, if they have not consented to be swallowed up, I have a few words for their consideration.

Mr. GAINES. Do not forget that the contestant voted for Bryan.

Mr. GROSVENOR. The gentleman from Tennessee will have a full opportunity.

MENACE OF POPULISM.

That is what I have been talking about for years. This was in 1894.

Populism in its later manifestations is something worse than the vain and incoherent babblings of queer freaks and low demagogues.

[Laughter.]

It shows that misery seeks company.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GROSVENOR. I wish to have five minutes more.

Mr. KIRKPATRICK. I ask that the gentleman have five minutes more.

Mr. CARMACK. I ask that the gentleman have unlimited time. He is making a very fine speech.

Mr. GROSVENOR. I will use a part of the time.

Mr. BERRY. May I interrupt the gentleman by the inquiry, Is he reading this evidence in behalf of the contestant or the contestee?

Mr. GROSVENOR. Oh, I am reading it. [Laughter.]

Mr. BERRY. Will he be kind enough to state whether the contestant and the contestee did not vote for William J. Bryan?

Mr. GROSVENOR. I will say that there was very considerable doubt about the contestant——

Mr. BERRY. You are answering for the contestant?

Mr. GROSVENOR. I am trying to say that there has been great doubt on either side of the question.

THE MENACE OF POPULISM.

Populism in its later manifestations is something worse than the vain and incoherent babbling of queer freaks and low demagogues.

I do not know whether the Populists on this floor can fill that invoice or not. [Laughter.]

It is an organized revolutionary force, distinctly anarchist in its tendencies, utterly violent and vicious in its teachings. No sensible, thoughtful, reasoning man has any excuse for mistaking the nature and significance of Populism as it now is.

It has largely sought to ally itself with all the turbulent, incendiary, and vicious elements of society, and whenever it has been in power it has almost openly avowed its sympathy with lawbreakers. The language employed by its leaders is that of the anarchist beer dens in the slums of New York.

That is the association you are getting into when you try to associate yourselves with the Democratic party on this floor. [Laughter.]

The party indeed is an organized menace to the peace of society. Its rule means social and industrial chaos.

JULY 17, 1894.

The next is headed "No hope in Populism."

* * * It is certain that every thoughtful, sober-minded, and intelligent man will endure anything rather than have the country given over to the mad rule of a lot of flannel-mouthed anarchists.

[Laughter.]

Now, Mr. Speaker, several times in the progress of my political career I have spoken about the Populists in terms of sharp criticism, and I even intimated that they were steering a little in the direction of anarchy, but I never knew, and never mentioned for want of knowledge, that they had flannel mouths. [Laughter.] I call the attention of any Populist from Kansas to the following choice language:

Tyranny, despotism, anything is better than rampant anarchism and delirium tremens statesmanship of the Kansans and their infatuated followers.

Mr. BOTKIN. He borrowed that from the Republican papers and Republican speakers of Kansas.

Mr. GREENE. Will the gentleman allow me a suggestion?

Mr. GROSVENOR. Yes.

Mr. GREENE. I simply want to make this remark: My friend Mr. Carmack has reformed, and the gentleman from Ohio is still in the dark. [Laughter.]

Mr. GROSVENOR. Mr. Speaker, when the gentleman from Nebraska [Mr. GREENE] got up and pointed, it reminded me of a severe denunciation I once heard by a preacher, who called upon various characters represented in human nature to reform and repent. Among others he cried out, "Oh, ye hypocrites!" when a man jumped up and, pointing to a friend by the name of Ponder, said, "Why don't you stand up?" [Laughter.]

They are now tearing their shirts for free silver coinage. Yet they are the very fellows who reviled it with unmeasured scorn, as a "mere drop in the bucket," and spurned with contempt the very suggestion of uniting with the Democratic party to obtain it. * * * The ghastly caricatures, the characterless vagabonds, and the scurvy knaves that took the lead in that wild movement knew that they would have no place in any organism where character and intelligence were requisite to leadership. While shouting for silver, they are not the friends of silver.

SEPTEMBER 8, 1893.

Now, here is something that comes down to the more recent organization of the People's Party, and it is headed—

ADULLAMITES.

The People's Party was invented for the especial accommodation of all the misplaced and partyless patriots of the country—the stragglers and deserters of real, live, sure-enough parties. It is a sort of cave of Adullam for all querrulous and unsatisfied politicians—a place where they can get together and swear off their wrath in picturesque profanity. It is simply a great "cussin" club, and its platform is "Damn it."

[Great laughter.]

If there is any good to come of it, it is simply as a sanitary measure. As a receptacle for all the refuse and garbage, the dead cats and turnip tops, the so-called "People's Party" may serve a useful purpose.

[Laughter.]

The Democratic party will be cleaner, and the political atmosphere will be cleaner after all the John McDowells have been flushed out of the gutters.

JULY 11, 1892.

And finally, Mr. Speaker, we come to

MR. CRISP AND THE CURRENCY QUESTION.

* * * The appointment of a bullheaded and uncompromising free-coinage committee by the Speaker would do much to frustrate an effort to bring about an adjustment of differences of opinion.

I wish I had the names of that committee. I know that Mr. BLAND, of Missouri, was at the head of it. [Laughter.] I have heard him called an uncompromising free-coinage man before this, but never heard the other adjective applied to him. [Laughter.]

The committee appointed by Mr. Crisp before was just such a committee as would do all in its power to block and defeat any measure except an absolute free-coinage bill, which would not have a ghost of a show to become a law. * * * If Mr. Crisp is so completely under the control of the "free-silver or bust crowd" that he can not, or dare not, put a bit in the mouth of the rantankerous fanatics and give prudent counsels and common sense a fair show, Mr. Crisp is not the man who should be Speaker of the House.

JUNE 21, 1893.

Mr. Speaker, I respectfully submit that I should consider it a personal loss to have a gentleman capable of such language as that lose his seat in the House of Congress if we could only induce him to occasionally turn his attention to explanations of how much improvement there has been in the various elements of the politics that he denounced so bitterly a short time ago.

The Committee on Coinage, Weights, and Measures in that House that are called by the very expressive title was Mr. BLAND of Missouri, Mr. Tracey of New York, Mr. Kilgore of Texas, Mr. Epes of Virginia, Mr. Stone of Kentucky, Mr. ALLEN of Mississippi [laughter], Mr. BANKHEAD of Alabama, and Mr. Rayner of Maryland. And now I am getting down to those not necessary to name, for they were not "bullheaded." [Laughter.]

Now, Mr. Speaker, this shows and illustrates fully, not that the gentleman from Tennessee has been guilty of unprecedented acrobatic performances in politics, for he does not stand alone. It illustrates American politics; it illustrates the possibility of what can be accomplished by a man of brilliant genius and industry in the pursuit of fame. [Applause.]

Mr. BRUNDIDGE. Mr. Speaker, when the gentleman from Ohio [Mr. GROSVENOR] asked for time to make his speech in this matter, he announced that he knew nothing about the case, but he wanted to have a little fun. His speech has demonstrated that fact. But I listened with considerable care and attention to the speech of the gentleman from Pennsylvania [Mr. KIRKPATRICK], and I want to say that neither the record in this case nor the testimony, nor the law of the case, will at all sustain him in the conclusions he has reached and the opinions he has set forth on the floor of this House.

This district, as has been stated, is composed of four counties; and before the contestant can claim that he was elected and is entitled to a seat on this floor from the Tenth Congressional district of Tennessee, it is incumbent on him to prove by a fair preponderance of the evidence two things: First, that the contestee did not receive a majority of the votes cast at that election; and in the second place, that he (the contestant) did so receive them.

Now, in what way has it been attempted to establish these facts? First, when he served his notice of contest he charged fraud in every county, almost in every precinct of every county. But it is a significant fact that in the counties of Shelby and Hardeman, in which was cast two-thirds of the entire vote of the district, although the contestant had charged that he had been defrauded of more than a thousand votes in the county of Shelby alone, yet when it came to the proof and to a hearing of the case he admitted that the election in both those counties was absolutely fair and free from fraud. He abandons his issue as to those two counties, where, as I have stated, two-thirds of the entire vote of the district was polled; and in those two counties, it is a little singular that the contestee, Mr. Carmack, received 64 majority.

Now, that takes out of this case those two counties. It takes out of the case two-thirds of the entire vote of the district. We come, then, to consider only a few precincts in the counties of Fayette and Tipton—two, I believe, in Tipton, and eight in Fayette. Those are the only precincts about which a contention is made before this House. The contestant stands before this House asking to have counted for him the Republican vote of the county of Fayette and the county of Tipton. No man has ever been more vindictive, no man has ever gone further, either upon the floor of this House or upon the stump in those counties, to denounce the Republicans of that district and of these two counties than the contestant himself.

Yet, Mr. Speaker, we now have the humiliating spectacle of a man who did this in campaign after campaign standing here asking to have Republican votes counted for him, votes that he never received, and asking the Republicans of this House to place him in a seat to which he was not elected.

It is true the contestant received the indorsement of the two branches of the Republican party in this, the Tenth Congressional district. One branch was the "Lily Whites," as they called themselves; the other, the "Black and Tans," as they were known. Let us look for a moment to see how these indorsements were obtained.

The white Republicans say that they indorsed Mr. Patterson because he was in accord with them upon the money question. There may have been some such reason for their action. I can readily see how there was; for just at that time the contestant was going over the country making speeches in the interest of "sound money," as he called it, or the "gold standard," and to that extent in the interest of the Republican party. But upon that question he had undergone a most miraculous change, as he had previously been an avowed free-silver advocate. The Republicans, however, inasmuch as he had come out at last for "sound money," doubtless thought that he would "stick;" and hence they indorsed him for that reason, and almost exclusively for that reason.

But after he had received this indorsement—after he had obtained the indorsement of the white Republicans for this position—he continued to make his speeches in the interest of sound money and in the interest of the Republican party until the day the election came. When that memorable occasion arrived, when the contestant was put to the test to say, under the solemnity of a ballot, whether he was for sound money or free silver, he goes to the polls quietly and casts his vote for William J. Bryan, the Chicago platform, and free silver.

Mr. MAGUIRE. And for Patterson.

Mr. BRUNDIDGE. That fact is admitted. Thus it was that the white Republicans of the Tenth district of Tennessee realized that the contestant had put up a job on them, that he had not been sincere in securing their indorsement. That was enough of itself to have disgusted the white Republicans with him forever, as doubtless they are by this time down in Tennessee. But that is not one-third as bad as his treatment of the negroes. How did he get their indorsement? Mark you, I am speaking from the record.

Mr. LINNEY. The gentleman says that Mr. Patterson voted for Mr. Bryan. For what candidate did he declare himself during the campaign?

Mr. BRUNDIDGE. There is no record that he ever declared for anybody. He evidently put himself in the attitude of playing "good God and good devil," so that if McKinley should be elected, he could say to him, "I made sound-money speeches for you all over the country;" and if Bryan should be elected, he could say, "See, I voted for you; I voted the Democratic ticket."

But what was his attitude in regard to the colored convention? They met for the purpose of nominating a candidate for Congress. They had a candidate of their own color—W. A. Fields. But the friends of the contestant went to this convention of colored men and said, "Here, we will make it to your financial interest if you will indorse Mr. Patterson." In other words, the Republican convention was bought and paid for; and W. A. Fields, the colored candidate, issued his circular to colored people of that district denouncing the purchase, and asking the colored people in God's name to refuse to be delivered in accordance with the sale which had been made.

Now, let us look for a moment at the testimony of W. M. Porter, who seems to have been a prominent colored man down there. Porter says that he attended the St. Louis convention; that he went there and explained to Mr. Hanna that there was a difference between the white and colored Republicans in his district; and Hanna told him to go home and see whether he could not harmonize that difference; and he went home and started out to do it. Now, what was the first important step that he took in the interest of harmony?

He was a delegate to the colored Congressional convention. What does he say in reference to this sale. When he was asked what he knew about it, he said:

They asked me what I thought about it, and I told them I thought it was a splendid thing if they could get any money. They said: "You understand how to manage the affair," and they took my counsel, and I issued out the money; and after I issued it out, there was $5 left, and Mr. Strickland came up and said I had worked all day and ought to have that, and I took it and went down town and treated away about $2 of it and bought beer and——

You see it was a proposition to sell outright.

Now, what further? The question was asked him, "Do you know this man Johnson?"

He answered, "Yes, sir."

The question was again asked, "Did you give him any money?" He said, "Yes; I gave him $5."

Q. He did not refuse it?
A. No, sir.
Q. He took it the first time you offered it?
A. Yes, sir; and cut up because I did not make it ten.

[Laughter.]

I told him I did not have that to spare; that no man got that much unless it was Froman, who went out and would not take that. Finally I gave him $15.

Mr. Speaker, this is the testimony by which the contestant in this case received the indorsement of the colored people of this district—the indorsement of the colored Republicans from the Tenth district of Tennessee.

Now, what else occurred? When this indorsement had been secured in this way, Porter, the man who disbursed the money, was selected to go out and make speeches for the colored people in the interest of the contestant. What does he do? He first states that he went into Fayette County, where the gentleman from Pennsylvania [Mr. KIRKPATRICK] says all of the colored people, or 95 per cent of them, were voting the Republican ticket, and for the contestant. What kind of a reception did he meet with in Fayette County?

He says that when he got to Fayette County he went, in the first instance, to W. S. Lally. He was the chairman of the Republican committee of that county. What did Lally tell him? He said he explained to Mr. Lally his purpose, which was to canvass the county for the Republican ticket and for the contestant. Mr. Lally said to him, "That is all right. You can go through the county and make speeches for the Republican ticket, but if you attempt to uphold the contestant in this county they will kill you before you get out of the county. It is all right for you to go and make your speeches so far as the Republican ticket is concerned. But," he says, "I want you to understand, if you go out in the county of Fayette, urging these colored people to vote for Patterson, they will kill you before you get out of the county."

They hated him and despised him in that county. Why did they? Because, sir, the testimony in this case discloses the fact that in this county, in the little town of Oakland, only a very short time before, the contestant had stood on the stump and denounced these negroes in language strong and emphatic. It was then that he declared that if he had to be elected to office by colored votes he would spurn to accept it, and did not want a colored man to vote for him.

What a wonderful change has come over the spirit of his dream! He not only wants those who voted for him now to be counted in his behalf, but he has asked us to give him the votes of a great many others who did not vote for him at all. Upon what theory or principle? There can be but one. That is that he bought them and paid his money for them and is entitled to have the goods delivered.

But, as I was saying, when this man struck the county of Fayette, Mr. Lally, the secretary of the Republican committee, tells him that in that county the negroes will kill him if he agitates the cause of the contestant, Mr. Patterson. He says the first speech that he undertook to make there the colored people put all kinds of questions to him, asking him if the contestant had been

this, that, or the other, and if he did not make this or that speech denouncing them. How did he explain it to them? Here is what he said:

I always, like every slick politician, had a way to get out of everything when the darkies asked me questions.

[Laughter.]

He had a way of "getting out of everything." But, now, what else does he say? He says he went down into Fayette Corner—that is a precinct in the county of Fayette—and made speeches in the interest of the contestant. What did they do to him there? Why, sir, one of the greatest outrages that have ever been perpetrated in the South occurred to this distinguished colored orator when he struck Fayette Corner. He said when he went to the schoolhouse to make a speech, he had not fairly got started until all of the colored directors came to him and said, "If you are going to make a speech urging the colored people to vote for Mr. Patterson, you can not speak here. You must go out."

He said that he saw there was going to be trouble, and he got his gripsack and went out. He went and made his speech, but he had to do it in the woods, standing on a log, and in the rain at that. [Laughter.] The colored people refused to allow him to speak in their schoolhouse for the purpose of advocating the cause of the contestant, and yet the gentleman from Pennsylvania says there is no reason why he did not get all of the colored votes in Fayette County.

But there is another thing that is worthy of consideration. This district was confessedly Democratic by some 2,000 or 2,500 votes, as is shown by the testimony of Mr. Dutrow, the chairman of the Republican committee of the district. This district had a majority of 2,500, a conceded Democratic majority; and yet, sir, we find, although it is charged by the gentleman that the contestee had control of the election machinery of the county and in the district, he is returned to the House and holds a certificate on a returned majority of only 365 votes.

Now, what effort was made? What was done? What improper thing transpired in the holding of this election in the Tenth Congressional district of Tennessee? Gentlemen, I am going to refer to the testimony concerning some of these districts in the order in which my friend from Pennsylvania [Mr. KIRKPATRICK] has discussed them. I challenge him, I challenge any man to controvert or dispute the correctness of what I am about to say. When it became evident that the negroes of Fayette County would not support the contestant in this case, what trick and job was put up by his friends in order to induce them to do so? Separate voting places were established. They met and declined to participate in the vote at the regular voting place and organized a polling place of their own. Nothing can be clearer than that. There can be but one legal election held at the same place on the same day.

When these men left their legal voting place and organized polls of their own, in order to place a guard and watch upon these colored people and upon their votes, they violated the law, and they knew it. What did this House say upon the same question? In the case of Gause *vs.* Hodges, in the Forty-third Congress, the majority of the committee used this language in reporting upon that matter. In that case in three counties—Independence, Jackson, and Woodruff—separate precincts were attempted to be established and set up, upon a provocation apparently more sufficient and stronger than the one set up in this case. What did the committee say?

INDEPENDENCE, JACKSON, AND WOODRUFF COUNTIES.

In each of these counties, at one or more voting places, persons considering that they had a right to vote, which right had been denied them at the regular polls, and perhaps others who simply desired to vote, organized what has been called "outside polls." The persons assuming to act as officers at these outside polls made returns to the clerk of the county, and the contestant claims that the votes thus returned shall be counted.

The committee are unable to find any authority for such a proceeding in either State or national law.

The national law provides a way in the election of Congressmen and Presidential electors by which persons having the right to vote can make that right available to them when it is denied them at the regular poll. These persons did not think proper to pursue this course. They resorted to this new scheme outside the law, subversive of the purity of elections and revolutionary in the extreme.

It can not be urged that the persons making these returns are election officers. Their certificate, then, can have no legal force, and can furnish no evidence that what they certify to is correct.

There is no evidence that a single one of these participants at the outside voting had any legal right to vote, and the whole claim for the allowing of the vote rests simply upon the certificate of these self-constituted and illegal officials.

Now, Mr. Speaker, the vote counted by the majority of the committee at these outside polls can not legally be counted, and it has been so held by this House.

Mr. MCCULLOCH. Is it necessary to count these votes in order to seat the contestant?

Mr. BRUNDIDGE. It certainly is. Now, Mr. Speaker, I say, this being the law, let us look at some of these townships in the order in which the gentleman from Pennsylvania [Mr. KIRKPATRICK] has discussed them.

Take district No. 2, Eola. At this precinct the returned vote is, Carmack 172 and contestant 24. The majority of the committee in their report say that this vote should be changed because of the fact that the returns from this district have been impeached, and that the returns should stand, for the contestee 134 and for the contestant 63. By whom is it claimed, Mr. Speaker, that the return of three judges and two clerks, made upon their solemn oath, should be overturned? Remember, they have been placed upon the stand and have sworn that the election in this precinct was absolutely fair and free from fraud.

Who impeaches that return? Who impeaches that testimony to the satisfaction of the majority of this committee? There are but four witnesses in all. Mark you, four against five. The first is George B. Hendon. Hendon says that he was sent down there in the interest of the contestant and in the interest of a fair election. He says in his testimony that the principal distinction which he has attained in life is as a ballot-box stuffer in the State of Tennessee.

Mr. LITTLE. Who is that?

Mr. BRUNDIDGE. George B. Hendon. He admits that he has stuffed ballot boxes in the interest of the contestant every time he has run for office, and is ready to do so again. Yet he swears in his testimony that there was fraud in this precinct, and asks to have it thrown out.

Who is the next witness? The next witness is R. M. Fowler. He says that he went down there as a bodyguard to Hendon; that on the way down they stopped and got a supply of whisky, and that he and the other witness, W. J. Smith, were drunk during the day of the election and do not know what occurred.

These are the supporting witnesses for this grand mogul, George B. Hendon.

The fourth and last witness is Howard Huskins, a negro. Huskins says that he saw many of the colored people vote for the contestant, and he furnished them the tickets. Yet, Mr. Speaker, he is an ignorant negro, as shown from his own testimony, for he says that on the tickets he furnished was both the name of McKinley and the name of a man for United States Senator, but he does not know who he was.

But it is shown that Huskins's testimony is absolutely false, because one of the very colored men who he says voted for the contestant was put upon the stand and says it is not true, and that he not only voted for the contestee, but worked for him all day at that precinct.

Now, these four men are the witnesses who impeach this return, and I say that they are witnesses whom no man, I care not whether he is a lawyer, judge, or juryman, would take for a moment to impeach the testimony of one reputable witness, much less of five. You would not consider it, would you?

I say put as many of these rascals on the witness stand as you would, yet you can not put enough of them in this House to impeach the testimony of one honest man, much less the sworn returns of five reputable officers. Now, when I tell you that that is all the testimony upon which the returns of this precinct are thrown out, I do but tell you, Mr. Speaker, what the record in this case shows, and I ask any man to controvert it.

But let us look at the other precincts. Take Fayette Corner. The vote in this precinct was, for the contestee, 138; for the contestant, 84. The majority of the committee admit—although they say they must throw this precinct out—they admit that the proof is not as satisfactory as they would like to have it. But they say that there are some circumstances that supply the place of direct proof, and they will work this township or precinct on circumstances. What are the circumstances that justify throwing out the votes for Fayette Corner? The committee say they are two—first, because the judges of the election would not allow Mr. Patterson's friends to select one of their own number as judge, and second, because they say his friends were not permitted to witness the count. What is the proof of that?

There is no contention made, Mr. Speaker, but what both parties, the Republican and the Democratic party, were represented in the selection of the judges of election in that precinct. It is not contended that there was not a Republican there, serving as the law provided that there should be; but they say they did not allow Patterson's friends to take part. I will show to you, Mr. Speaker, the character of the men they had been having there. These men sent there were experts in contested-election cases in Fayette County. They admitted on cross-examination that they had been ballot-box stuffers all their lives.

But it is claimed in this precinct that J. M. Crawford was not permitted to witness the count. That is circumstance No. 2; and that is all that is relied upon to exclude this precinct. The evidence in this case shows, and it is uncontroverted, that when Crawford went and demanded to witness the count he did so in the most violent and profane manner, and the judges said to him he would not be permitted to enter the room: "The room is small, and from the manner you come, you have come to make trouble, and we will not permit you to come in here."

Mr. CARMACK. And I would remind the gentleman the testimony shows that there was a crowd of others with him, all trying to get in at the same time.

Mr. BRUNDIDGE. The judges did right, and every man with a fair mind, regardless of politics, will admit that the judges did do right; and yet these are the only circumstances by which this precinct is impeached and the vote thrown out absolutely, and I challenge my friend who has just taken his seat to deny it.

Mr. McCULLOCH. And is this district thrown out on this man's testimony?

Mr. BRUNDIDGE. It was thrown out on no testimony of a direct witness, but simply on these circumstances, which, it is claimed, impeach the returns.

Take the precinct of Yumyum. There the gentleman from Pennsylvania [Mr. KIRKPATRICK] says the most glaring frauds were committed. He says this is a large Republican and a large colored district. That is true. The proof in the case shows that there were from 500 to 600 colored voters in the district of Yumyum. But, Mr. Speaker, there were not more than 250 of them that ever voted or offered to vote. Why? The reason assigned for it is given in this record, and the testimony is furnished by Mr. Dutro, chairman of the Republican committee in the city of Memphis.

They said, "Mr. Dutro, why was it that the contestant did not get the votes in Yumyum, and yet did get so many in No. 5, which is right by the side of it?" He says, "Well, I will tell you. We refused to distribute any of the campaign fund in that district, and our people were very much chagrined at it." Yes, the colored voters were very much "chagrined" in Yumyum. Their brothers over in No. 5 were getting a distribution of the campaign fund, and they wanted to get it, too, and failing, they were very much displeased; and another witness says that they stayed away from the polls and did not vote and did not offer to vote. The reason for this is fully expressed and explained by Mr. Dutro's failure to distribute his campaign fund.

But who went to Yumyum to impeach the returns? Now, it is disclosed that the contestant was very unpopular in that district. He not only had very few of the colored people supporting him, but he did not have a white man in that district for him. So he sent two trusted and worthy lieutenants down to Yumyum, to see that they had a fair election. Who does he send? E. E. Carpenter. And Carpenter says on the stand that he went down there and he went expressly for the purpose of seeing that they had a fair election. And yet he discloses that the first important step he took in his endeavor to secure a fair election was an attempt to bribe every judge and every clerk of election there. [Laughter and applause on the Democratic side.] He offered one $50 and another $25.

Mr. BENTON. Does that appear in the testimony?

Mr. BRUNDIDGE. It is shown that he made this attempt in the testimony, and I give the number and page in which it appears in the report I filed in this case, and you can turn to it. What else does he admit? He admits that he has been a warm friend of the contestant ever since he has been in politics, and he says that he served as a judge of election in Fayette County every year, and that he never yet had signed and sworn to a return that was not false.

He says that he has been stuffing ballot boxes every time there was an opportunity given him, and he admits that he is ready to do it again. [Laughter.] That is the fellow they sent down to Yumyum to get a fair election.

Mr. RICHARDSON. He said he had been doing that for Colonel Patterson?

Mr. BRUNDIDGE. He said he had been doing it ever since Colonel Patterson had been in politics there, and he was ready to do it again.

Mr. STEELE. Is that a common practice in Tennessee?

Mr. RICHARDSON. No, sir.

Mr. BRUNDIDGE. It was in this district during the time it was under the control of the contestant. [Laughter.]

What else did he say? Why, the testimony discloses the fact, by 20 colored witnesses put on the stand, that the contestant was very unpopular there, and the colored people would not support him. When Carpenter failed to bribe the judges and when he failed to secure a fair election, he comes back home and reports that "We didn't come out so well at Yumyum." They said to him, "Now, Carpenter, your job is not over. This election has got to be contested. We want you to get ready and go back to Yumyum, and we want you to go as our paid agent and servant;" and he went. What did he go for? Carpenter was going back upon an entirely different mission.

Mr. ALLEN. He went back to get a fair election.

Mr. BRUNDIDGE. He was going back to help the contestant to get his seat instead of to get a fair election. He rounded up 75 colored people in Yumyum, but only 36 of them were put on the stand. The record discloses the fact that these 36 were never permitted to go on the stand until Carpenter had taken them into a private room and drilled them as to what their testimony should be and who they must say they voted for, and I challenge my friend to deny it.

Now, this man Carpenter having failed to bribe the judges of election, it is decidedly probable that he had better success with the negro witnesses, and it is upon this character of testimony that this House is asked to disregard the vote of Yumyum and set aside the sworn returns of the officers of election and count the 38 votes for the contestant——

Mr. CARMACK. I want to remind my friend that some of the witnesses, and especially Carpenter, spoke of the character of the negro witnesses in that district where he formerly lived, and said there was none of them worthy of belief in a court of justice.

Mr. BRUNDIDGE. I remember, now, that that was in the record, but I was not disposed to give much credit to it, because I do not think there is a negro on earth that ought not to be believed in preference to Carpenter.

Carpenter admits that not only was he paid and received the money from the contestant to do this job, but says he was indicted in 1888 for the small offense of stuffing a ballot box, and the contestant brought him out of it after several trials, and so they stood like a band of brothers together, working on this November day in the interest of a fair election in the grand old State of Tennessee—this band of ballot-box stuffers and these perjured rascals.

But let us take district No. 6, of Galloway. In this district there were two elections. This was the district in which they set up outside polls. J. E. Griffin and A. S. Wilder, both witnesses, say that Braden, the officer selected to hold the election at this precinct, had stated that he would not hold an election, and upon that they proceeded to organize a voting place, and the majority of the committee say that the vote at that poll should be counted and the vote at the regular precinct should be thrown out.

What were the circumstances? Braden went to Galloway for the purpose of holding the election and opening the voting place, as it was his duty to do. He got two of the judges to serve and started out to find a Republican and selected one, an intelligent man, and started to the polls with him, when a friend of the contestant, a man by the name of Oscar Wilder, violently laid hands on him and said, "You shan't serve as an election judge in this precinct," and pulled him away. Then it was that the officer went back and searched and found another man and started off to open the polling place according to law, when these friends of the contestant said the second man should not serve, and then it was the officer said, "If that is the way we are to be treated, I won't hold any election."

That was just what they wanted him to say. They had been tantalizing him and trying to get him to say just that. When he said it they went to another place in the town and opened a polling place of their own. But when they did let the officer alone the uncontradicted proof is that he did find a Republican to serve, and he went and opened the polls, and the election was held fairly and honestly, free from fraud; so free that no objection or charge is made against it. And yet they say the regular box at this place must be thrown out because these side-show fellows had opened them a voting place down somewhere else, and had succeeded by their own misconduct in delaying the opening of the regular and legal polls.

I say, Mr. Speaker, that this course of conduct can not be justified, and is not justified, by law or testimony.

But take Oakland; and what do we find? At Oakland the contestant's friends claim that they had a suspicion they were not going to be treated fairly; they did not know anything about it, oh, no; but they had a suspicion. They had been so absolutely pure in their political methods that they could even anticipate a fraud by suspicion. They employed legal counsel, who said to them, "Now, you fellows are not going to get a fair show; and when you go down to Oakland don't vote at the regular box, but open a voting place of your own; start one to suit yourselves." And so they did.

They went down there and organized themselves; they had themselves sworn in to hold an election, but this proceeding was so palpably a fraud, it was so outrageously against law and decency, that the judges who had themselves sworn in to hold that election at a place where the majority of your committee say the votes cast should be counted, when the time came they took their ballots and went off to the regular polls at some distance and there cast them. Not a single man of them would vote at the box he himself had opened.

Mr. KIRKPATRICK. Is it not true that the record discloses the fact that those judges and clerks voted at their own box?

Mr. BRUNDIDGE. It is not.

Mr. KIRKPATRICK. I have a reference to the testimony which shows that they did.

Mr. BRUNDIDGE. If the gentleman will give me his references, I will agree to read the testimony from the record. The record discloses the fact—and it is not contradicted—that the judges and clerks went to the regular voting precinct and cast

their ballots; that they did not vote at the box they had organized. If the gentleman will turn to the testimony in regard to Oakland, he will find that I am correct. The gentleman is correct so far as Galloway is concerned.

Mr. KIRKPATRICK. I am speaking of Oakland.

Mr. BRUNDIDGE. But what else occurred? At this Oakland precinct, as the testimony shows, 80 colored people voted the Democratic ticket—voted for the contestee in this case—80 in one precinct.

Now, what excuse does this contestant give for having these votes which were cast at this outside poll in Oakland precinct counted? What does he say about it? Let me show you. He says, in his notice of contest:

> They were legal voters, and their votes ought not to be lost simply because they were badly advised as to which of the boxes they should vote at.

Yet it was his own followers who gave the advice. This outside poll was set up at their instigation, and the law was violated under their instructions. And then they come in here and beg the question, and say you ought not to throw out those votes because the voters had bad advice.

What else occurred? It is shown by the testimony that not only 80 colored voters in Oakland Township voted for the contestee, but it is shown that in other townships from 30 to 40 colored voters marched up and voted for the contestee. And in one of the precincts the evidence discloses the fact that after the friends of the contestant had put tickets with his name upon them in the hands of these colored voters, urging them to go and vote them, they went up to the polls and quietly let the tickets drop on the floor and asked the judges to furnish them with the Democratic ticket, and they voted it; and they took special pains to vote for the contestee.

The witness who testified to this remarkable state of affairs is a man who came from Pennsylvania—an old Federal soldier. He says that the first vote he ever cast was for Abe Lincoln for President of this country. And they try to impeach the evidence of this old Federal soldier in a very peculiar way.

Mr. KIRKPATRICK. If the gentleman will allow me to interrupt him——

Mr. BRUNDIDGE. Certainly.

Mr. KIRKPATRICK. I find by referring to the record—pages 38, 39, 40, 41, 43, 48, and 49—that the clerks and judges voted at box No. 2 in the Oakland district. The gentleman can refer to the record.

Mr. BRUNDIDGE. The judges themselves, as the gentleman will see if he will turn to their testimony, have sworn in this case that they voted at box No. 1.

Mr. KIRKPATRICK. The testimony of the judges and clerks themselves will be found on the pages to which I have referred, where they testify that they voted at box No. 2 and not at box No. 1—not one of them. The gentleman is entirely mistaken. He has—not purposely, of course, but actually—misstated the testimony. I call his attention, for proof of what I have said, to the citations I have given.

Mr. BRUNDIDGE. Yes; and if I do not furnish the gentleman with citations of the testimony where the judges have testified that they voted at box No. 1, I will agree to abandon this case.

Mr. KIRKPATRICK. It is the testimony of the judges and clerks themselves that I have referred the gentleman to.

Mr. BRUNDIDGE. And I am going to refer the gentleman to the testimony where they have sworn the other way.

But, as I was saying, it was sought to impeach the Federal soldier who swore that he saw these colored men drop these Patterson tickets and take tickets with the contestee's name on them and vote them. How do you suppose they tried to impeach him? By putting some witness on the stand to swear that he was not worthy of belief? No, Mr. Speaker. There was but one question asked upon the cross-examination by which he was sought to be impeached, and that was, "Are you not a pensioner? Don't you draw a pension?"

Mr. SMITH of Kentucky. Do I understand the gentleman to say that this is a Union soldier, who saw colored men throw down ballots at the polls with the contestant's name on them and take up a Democratic ballot, and they sought to impeach his testimony because he was a pensioner?

Mr. BRUNDIDGE. They asked him that question for that purpose.

Mr. SMITH of Kentucky. To impeach his veracity?

Mr. BRUNDIDGE. Yes; and in order to reject the vote.

Now, take the testimony in regard to the district of Mason. Here the testimony consists of that of four or five colored hirelings, by which they attempt to impeach the returns in this precinct by showing that colored voters went to the polls and cast their ballots for contestant; and yet they did not put a single voter on the stand, not a single witness amongst those who claimed that such a thing occurred, to prove how they voted or for whom they voted or when or where they voted. And it was at this precinct where they were also seen to drop the Republican tickets—the tickets with the contestant's name on them—and take up the tickets of the Democratic party, with the contestee's name on them, and deposit and vote them.

What else? Why, in the Mason precinct, as shown by the report of the majority of the committee, two colored men, whose testimony is set forth, by the name of Boyd, who say they voted for contestee, swore also that they stayed around the polls and worked with the men of their own race all day in the interest of the contestee, Carmack, and urging others of their race to do the same. And not only that, but they testified that other colored men were engaged in the same way, trying to secure votes for the contestee. This testimony is uncontroverted and undenied. There is no attempt to contradict it. How, then, can the gentleman from Pennsylvania assume that the colored people of this county were Republicans, and enthusiastic, as he expressed it, in their support of the contestant?

But let us take the precinct of Tabernacle. Here they also had a double election, as it is called. The regular officers were not there to hold the election. The officer in that precinct, after waiting for a proper length of time, and the regular judges not coming, proceeded, as the law directed him to do, to select judges from the freeholders, and open the polls and conduct the election. Shortly after the polls were opened the regular judges came, and said: "Here, we want to serve at this election;" and the ones who had opened the polls under the law said to them, "Take your seats and serve. We have no objection." But they declined to serve. They said: "No, we will not serve, for we believe you have stuffed the ballot box."

The box was opened and there was found to be but one vote in it, which had just been cast. Still they refused to serve and went to another part of the same precinct and opened another ballot box and held another election. There is no testimony that the election was not held at the proper time, in the proper place, and in the proper manner, and yet, notwithstanding the fact that these officers of election had a perfect right to open the polls and conduct the election under the circumstances, the majority of the committee claim that the purity of the election has been tainted and that this regular box contains nothing that is legal and binding or sacred about the ballots cast in it.

It amounts to simply saying to the contestant, or to any other man interested in an election, "If you think you can get your judges and clerks and other officers of election who will do you more good than those who are legally and regularly appointed, then you need not submit your claims to them, but you can go off and hold your own election with your own judges wherever you please." If the contestant had the right to set up a separate and distinct ballot box in the various voting precincts, every other candidate for every other office would have precisely the same right. Why, Mr. Speaker, such a proposition does not rise to the dignity of even good nonsense. It is ridiculous to assume such a position.

But they say there was a conspiracy in Fayette County, and the sheriff of Fayette County was a friend of the contestee, and therefore, on that account, they claim there was a conspiracy. Is there any proof of that in the record? It appears nowhere in this testimony. It is not established by a single scintilla of testimony; and yet the gentleman from Pennsylvania claims that the circumstances to which he calls attention are proof of this conspiracy. I deny it. Let us see now what are the facts. In five precincts of Fayette County the contestant got a good, handsome majority of the votes polled, and they were so returned for him.

In the entire district the contestee's majority is only 365. Does any sane man believe that if they had entered into a conspiracy with the friends of the contestee to defraud the contestant of his vote in that county, they could not have carried all of the precincts as easily as those they did carry and not have given to the contestant five of them? Does anybody believe that if they started in to work such a conspiracy, they would not have returned for Mr. Carmack more than 365 majority?

The man who finds evidence of a conspiracy upon that testimony—upon testimony so flimsy, so light and airy as that—is either not viewing it from a fair and unbiased standpoint, or else he does not know the evidence of a conspiracy when he sees it. There is one way, and one only, by which the contestant can be seated in this case. That is for this Congress to say by its vote to the colored people of Tennessee and the colored people of this district of Tennessee, notwithstanding they despise the contestant and did not and would not vote for him, "We find you have been bought by and sold to the contestant; you are still slaves, and we propose to deliver you and count your votes for him, regardless of your wishes; for when you are sold and paid for, you must stay sold." You can not put it any other way.

But there is one other question here, Mr. Speaker, to which I wish to call the attention of this House, and that is the question of the poll tax. The evidence in this case discloses the fact that

3,000 colored people had their poll tax paid for them by friends of the contestant in this case, and they voted at that election on poll-tax receipts so obtained. The laws of Tennessee require that before a man can be a legal voter he must pay the poll tax assessed against him before the election comes off.

Mr. RICHARDSON. For the preceding year.

Mr. BRUNDIDGE. Yes. Now, I do not controvert the doctrine that a man can vote upon a poll tax paid for him by an agent, provided the party paying it was his agent, or provided the party paying it, although he paid it without previous authority, had his action in paying it ratified by his principal.

Mr. RICHARDSON. And provided his principal pays him back the money.

Mr. BRUNDIDGE. But, Mr. Speaker, a ratification of the act does not consist alone in taking the receipt and voting on it, as the gentleman from Pennsylvania [Mr. KIRKPATRICK] says. Every standard law authority, and every decision worthy to be classed as the decision of a court of competent jurisdiction in this country, holds that you must go further than that. They all hold that where a man's tax is paid by another not previously authorized to do so, then before he becomes a legal voter he must ratify that act, not by merely taking the receipt and voting on it, but either by paying the money back or promising to pay it. In this case no promise was ever made. None was ever exacted from any man to whom they furnished a poll-tax receipt that he would pay it back, either in the near future or at any other time.

Mr. WILLIAMS of Mississippi. One question right there. Did they ever give any of these poll-tax receipts, paid for by the contestant, to anybody who did not promise to vote for the contestant?

Mr. BRUNDIDGE. They say they did not if they knew it, and they thought they knew what they were doing.

Mr. KIRKPATRICK. There is not a word of testimony anywhere in which it is stated that they promised to vote for the contestant in consideration of those receipts.

Mr. BRUNDIDGE. I will not yield to the gentleman to discuss that now.

Mr. KIRKPATRICK. I want to ask you a question, if you will permit me.

The SPEAKER pro tempore (Mr. LOUD). The time of the gentleman has expired.

A MEMBER. He has unlimited time.

Mr. RICHARDSON. I ask that he be allowed to conclude his remarks.

The SPEAKER pro tempore. The Chair believes that is a customary privilege under the circumstances.

Mr. KIRKPATRICK. I should like to ask the gentleman a question, if he will yield.

The SPEAKER pro tempore. Does the gentleman from Arkansas yield?

Mr. BRUNDIDGE. Not now. I will yield when I get through with my remarks.

Mr. KIRKPATRICK. I want to ask you a question pertinent to this discussion and not intended to disturb your argument at all. You are discussing the question of poll-tax receipts. I understand that the report of the minority claims only a deduction of seventy-five voters who voted upon poll-tax receipts alleged to have been paid for after the election. Am I correct in that?

Mr. BRUNDIDGE. Yes.

Mr. KIRKPATRICK. And that you make no claim upon any other poll-tax receipts?

Mr. BRUNDIDGE. That is, for the purpose of this case, we do not deem that the proof was sufficient to throw them out.

Mr. KIRKPATRICK. That is it.

Mr. BRUNDIDGE. But I say to you that I have no doubt but what every one of them were illegal. The testimony is that these receipts were paid for by men who were never authorized to pay the poll tax of any one of these voters. And that is not all. They were paid for and issued to the agents in blank, who took them in bulk and carried them to the voting precincts and issued them and filled them in, as the occasion required, to the men who would promise to vote for the contestant.

Mr. WILLIAMS of Mississippi. Does the record show that they were issued in blank?

Mr. BRUNDIDGE. The record shows that they were issued in blank and that they were hawked about at these voting precincts. For what purpose? For the purpose of aiding in a fair election? No. They were given out for the purpose of debauching the ballot of the State of Tennessee.

Mr. KIRKPATRICK. I should like to ask the gentleman where the record shows that they were issued in blank.

Mr. BRUNDIDGE. The man who paid for them says he gave them to his agents and instructed them to furnish them to the men who would promise to support the contestant, and that if they were given to anybody else he did not know it.

Mr. KIRKPATRICK. What page of the record?

Mr. BRUNDIDGE. Turn to the testimony of Mr. Randall and you will find it.

Mr. KIRKPATRICK. I do not know of that page at all.

Mr. RICHARDSON. Who was Randall? Tell who Randall was.

Mr. BRUNDIDGE. Randall was the secretary of the Republican committee, and he says that he was put in charge of that particular work.

Mr. KIRKPATRICK. What page was that? Will you state it?

Mr. SMITH of Kentucky. I will find it for the gentleman.

Mr. BRUNDIDGE. Now, Mr. Speaker, this was not to relieve the voter of the burden of the poll tax, or anything else, other than to furnish him a consideration for his vote. And every court in this country has held it to be bribery pure and simple; and it is the meanest, most contemptible character of bribery that was ever resorted to. It is mean, because you simply go to a man and pay him a pitiful sum for putting his vote in the ballot box. It is contemptible, because it is degrading to manhood and the elective franchise.

I do not believe there is a lawyer in this House, I do not believe there is a man, whether he is a lawyer or not, who does not agree with me, regardless of what his politics may be, that this is the worst character of bribery, and when proven invalidates the ballot and makes it illegal. The supreme court of the gentleman's own State, the State of Pennsylvania, has something to say upon this subject of paying one's poll tax. I want to read it to him, because evidently from the discussion he has made he has never run across it. How do they say in the State of Pennsylvania the poll tax may be paid? I read, Mr. Speaker, from 12 Philadelphia, page 626:

> A citizen may vote upon the payment of another of the proper tax for him, provided such payment be appropriated at the time it is made in the discharge of the tax against the citizen by name.

The court decided that unless it is so appropriated at the time of the payment a voter is not a legal voter, and his ballot should not be counted. Where is there a line of testimony in this case that shows that there was ever one dollar of this poll tax appropriated to anybody's name until after the election, and for that matter not even to this day? They were issued in blank, and hawked and peddled out over the district, and there could be no appropriation.

The evidence shows that $150 of this poll-tax money that was to be paid upon these poll-tax receipts in this way was not paid until sixteen days after the election was over. The law of Tennessee says that the poll tax must have been paid before the voter can legally vote. That being the case, the committee says as to 75 of these votes there can not be a particle of question nor a shadow of doubt, the poll tax being $2 in the State of Tennessee. In my own mind I have no doubt but what the whole 3,000 ought to be thrown out; not a particle. It was debauchery, it was bribery, it was corruption, it was meanness and deviltry and everything that tended to prevent fairness of the ballot and purity of the election.

Now, this being the case, and these being the facts in this case, I submit from the record and from the testimony, and I ask you, gentlemen, regardless of your politics, must this contestee be unseated in this way? He is as justly and as honestly entitled to his seat in this House as any man, I do not care who he is. If he is turned out, it will not be upon the testimony and the law in the case, but it will be for some motive and for some reason that has never yet been made public upon this floor, and will not be when this debate closes. Gentlemen, you may perpetrate this outrage upon the contestee because you have it in your power; you may perpetrate this outrage upon the noble people of the grand State of Tennessee for the same reason—because you have it in your power.

Mark my word for it, it is not the last of it. Wrongs of this kind do not always go unrebuked and unpunished. It may be wrong, but I take to my soul considerable satisfaction from the reflection that—

> Time at last sets all things even,
> And if we do but watch the hour,
> There never yet was human power
> Which could evade, if unforgiven,
> The patient search and vigil long
> Of those who treasure up a wrong.

I believe it will be so in this case. Gentlemen, if this contestee is unseated upon this testimony and the circumstances in this case, he will be returned by his people, with their confidence and their love, by a majority that no man need ever question in the future. [Loud applause on the Democratic side.]

LEAVE TO PRINT.

Mr. GROUT. Mr. Speaker, I ask unanimous consent to print remarks in the RECORD upon the Cuban war resolutions.

The SPEAKER pro tempore. The gentleman from Vermont [Mr. GROUT] asks unanimous consent to print in the RECORD some remarks upon the Cuban question.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. Res. 227. Joint resolution providing for the compilation and printing of parliamentary precedents of the House of Representatives;

H. R. 294. An act for the relief of Robert Spaugh;

H. R. 4929. An act extending the time for the completion of bridge across St. Lawrence River; and

H. R. 8569. An act providing for the construction of a bridge across the Yalobusha River, between Leflore and Carroll counties, in the State of Mississippi.

The SPEAKER announced his signature to enrolled joint resolutions of the following titles:

S. R. 157. Joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States; and

S. R. 150. Joint resolution authorizing the printing of extra copies of the military publications of the War Department.

LEAVE TO PRINT.

By unanimous consent, leave to print was granted as follows:

To Mr. MCDOWELL, to print remarks on the Cuban question.

To Mr. SIMPSON, on request of Mr. WILLIAMS of Mississippi, to print remarks on the Cuban question.

LEAVE OF ABSENCE.

By unanimous consent, Mr. WHEELER of Alabama obtained leave of absence for four days, from April 20, on account of important business.

APPOINTMENT ON COMMITTEE.

The SPEAKER pro tempore announced the appointment on Joint Committee on the Disposition of Useless Papers in the Executive Departments Mr. MINOR of Wisconsin and Mr. BREWER of Alabama.

Mr. KIRKPATRICK. Is there anyone else to speak on that side?

Mr. RICHARDSON. There are only four Republicans on the floor, and gentlemen can proceed. I move that the House do now adjourn.

Mr. WALKER of Virginia. We wanted to go on until 6 o'clock, but you can take it out of the time.

The motion to adjourn was agreed to.

And accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Navy, replying to the resolution of the House of the 15th instant relating to the evidence before the court of inquiry which investigated the destruction of the battle ship *Maine*—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a schedule of papers, documents, etc., on the files of the Treasury Department, which are of no use in the transaction of business and of no historical interest, this schedule being transmitted in compliance with the act of Congress approved February 16, 1889—to the Joint Committee on Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HICKS, from the Committee on Patents, to which was referred the bill of the House (H. R. 7346) to amend section 4896 of the Revised Statutes, reported the same without amendment, accompanied by a report (No. 1133); which said bill and report were referred to the House Calendar.

Mr. HENRY of Indiana, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 1913) to protect the insignia and the name of the Red Cross, reported the same with amendment, accompanied by a report (No. 1135); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Kansas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 8480) providing for the sale of the surplus lands on the Pottawatomie and Kickapoo Indian reservations in Kansas, and for other purposes, reported the same with amendment, accompanied by a report (No. 1134); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9878) for the better organization of the line of the Army of the United States, reported the same with amendment, accompanied by a report (No. 1138); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BARBER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3553) granting a pension to Bvt. Lieut. Col. Amos Webster, reported the same with amendment, accompanied by a report (No. 1126); which said bill and report were referred to the Private Calendar.

Mr. STURTEVANT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6831) granting a pension to Taylor McFarland, reported the same with amendment, accompanied by a report (No. 1127); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1118) granting an increase of pension to Mary E. Chamberlin, reported the same with amendment, accompanied by a report (No. 1128); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8670) granting a pension to Pryor Perkins, reported the same with amendment, accompanied by a report (No. 1129); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3596) granting a pension to Mrs. Bettie Gresham, reported the same with amendment, accompanied by a report (No. 1130); which said bill and report were referred to the Private Calendar.

Mr. STEVENS of Minnesota, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1131) granting a pension to Adonia Huard, of New Orleans, La., widow of Hypolite Huard, deceased, reported the same with amendment, accompanied by a report (No. 1131); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3565) to grant a pension to Theresa Bonnaveau, reported the same with amendment, accompanied by a report (No. 1132); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7696) for the relief of William Christenberry, reported the same with amendment, accompanied by a report (No. 1136); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 104) to increase the pension of Lucretia C. Waring, reported the same with amendment, accompanied by a report (No. 1137); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SAYERS: A bill (H. R. 10001) imposing and providing for the collection of a tax on incomes—to the Committee on Ways and Means.

By Mr. KNOWLES: A bill (H. R. 10002) to authorize the issue of Treasury notes, for the redemption thereof, for the free coinage of silver, and for other purposes—to the Committee on Banking and Currency.

By Mr. BELL: A bill (H. R. 10003) to coin the silver bullion in the Treasury, and for other purposes—to the Committee on Banking and Currency.

By Mr. GRIFFIN: A bill (H. R. 10004) relating to retired officers of the Army in time of war—to the Committee on Military Affairs.

By Mr. BROWN: A bill (H. R. 10005) to recognize the services of soldiers and sailors and encourage patriotic responses to calls for volunteers—to the Committee on Reform in the Civil Service.

By Mr. BROWNLOW: A bill (H. R. 10006) for military postal service—to the Committee on the Post-Office and Post-Roads.

By Mr. COWHERD: A bill (H. R. 10007) to amend section 9 of the act entitled "An act to grant to the Fort Smith and El Paso Railway Company a right of way through the Indian Territory, and for other purposes"—to the Committee on Indian Affairs.

By Mr. HULL (by request): A bill (H. R. 10021) to increase the efficiency of the Army of the United States in time of war by organizing a field telegraph corps—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRENNER of Ohio: A bill (H. R. 10008) to remove the charge of desertion from the record of John H. Cheevers, late United States Navy—to the Committee on Military Affairs.

Also, a bill (H. R. 10009) to remove the charge of desertion from the record of Martin Walsh, late United States Navy—to the Committee on Military Affairs.

Also, a bill (H. R. 10010) granting pension to Anthony Bollinger, late private Company E, Nineteenth Ohio Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 10011) to remove the charge of desertion from the record of William H. Mozier, alias William H. Parliament, late private Company F, Fifteenth New Jersey Volunteer Infantry—to the Committee on Military Affairs.

By Mr. BRUCKER: A bill (H. R. 10012) for the relief of William E. Cummin, captain Company I, Tenth Regiment Michigan Cavalry—to the Committee on Invalid Pensions.

By Mr. DOCKERY: A bill (H. R. 10013) to increase the pension of Joseph H. McGee—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 10014) granting an increase of pension to George Kerr, of Louisville, Ky.—to the Committee on Invalid Pensions.

By Mr. FISCHER (by request): A bill (H. R. 10015) for the relief of August Bolten and Gustav Richelieu—to the Committee on Claims.

By Mr. HARMER: A bill (H. R. 10016) to remove the charge of desertion against Peter Smith—to the Committee on Military Affairs.

By Mr. JOY: A bill (H. R. 10017) for the relief of William H. Miller—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 10018) granting a pension to Mary J. Brown—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 10019) to increase the pension of Isaac Morgareidge from $30 to $36 per month—to the Committee on Invalid Pensions.

By Mr. MITCHELL: A bill (H. R. 10020) for the relief of the Central National Bank, of the city of New York—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Madison Lodge, No. 419, Knights of Pythias, of Uniontown, Pa., in support of House bill No. 6468, granting land at Hot Springs, Ark., for the purpose of erecting and maintaining a sanitarium thereon—to the Committee on the Public Lands.

By Mr. ALLEN: Petition of W. W. Lake and other citizens of Aberdeen, Miss., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BARHAM: Petitions of the First Baptist Church of Eureka, Cal., favoring bills to protect State anti-cigarette laws and to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the First Baptist Church of Eureka, Cal., to prohibit the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. BELKNAP: Resolutions of brewers of the State of Illinois, protesting against the imposition of any additional tax on beer—to the Committee on Ways and Means.

Also, petitions of John A. Tolman Company and Durand, Kasper Company, of Chicago, Ill., protesting against an internal-revenue duty upon tea and coffee in stock—to the Committee on Ways and Means.

By Mr. BRENNER of Ohio: Petition of 40 citizens of Eaton, Ohio, favoring the passage of House bill 7130 and Senate bill 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: Resolutions of the Chamber of Commerce of Cincinnati, Ohio, favoring the passage of House bill No. 8066, relating to appropriations for a national exposition at the city of Philadelphia—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Ohio Brewers' Association, protesting against the imposition of any additional tax on beer—to the Committee on Ways and Means.

By Mr. BROWNLOW: Petition of 20 citizens of Rogersville Junction, Tenn., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BRUCKER: Telegram of Melze, Smart & Co., of Saginaw, Mich., in opposition to a tax on stocks of coffees and teas—to the Committee on Ways and Means.

By Mr. BULL: Petition of the Central Congregational Church of Providence, R. I., protesting against the passage of House bill No. 9481, to create a permanent reservation on Annette Island, southeastern Alaska, for the use of the Metlakahtla Indians and other natives of Alaska—to the Committee on Indian Affairs.

By Mr. FOSS: Petitions of Durand & Kasker Company, Reid, Murdock & Co., John A. Tolman Company, and Sprague, Warner & Co., all of Chicago, Ill., in opposition to a tax on stocks of coffees and teas at present in the United States—to the Committee on Ways and Means.

Also, petition of Peter Hand Brewing Company and sundry other brewers, of Chicago, Ill., urging as a matter of justice and fairness that in case an additional tax of $1 per barrel be imposed a rebate of 15 per cent be allowed on all stamps bought, in order to reimburse them for stamps destroyed, lost, and used upon returned beer, so as not to compel them to pay a tax upon beer not sold—to the Committee on Ways and Means.

By Mr. GROUT: Petition of the Congregational Church of Peacham, Vt., Rev. J. R. Williams, pastor, for the passage of bills to forbid interstate transmission of lottery and other gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Congregational Church of Peacham, Vt., for the bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the District of Columbia.

Also, petition of the Congregational Church of Peacham, Vt., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HARMER: Petition of Peter Smith, late of Company K, Ninth Regiment New Hampshire Volunteers, to accompany House bill for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. HURLEY: Petition of the Manufacturers' Association of Brooklyn, N. Y., indorsing President McKinley for the position he has maintained in seeking to secure peace with honor—to the Committee on Foreign Affairs.

Also, resolutions of the Buffalo Merchants' Exchange, of Buffalo, N. Y., in favor of the passage of Senate bill No. 3354, to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Virginia (by request): Petition of the Reedy Woman's Christian Temperance Union, of Rutherglen, Caroline County, Va., praying for the enactment of legislation substituting voluntary arbitration for railway strikes—to the Committee on Labor.

Also (by request), petition of the Reedy Woman's Christian Temperance Union, of Caroline County, Va., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also (by request), petition of the Reedy Woman's Christian Temperance Union, of Caroline County, Va., praying for the enactment of legislation prohibiting in the District of Columbia and the Territories kinetoscope reproductions of pugilistic encounters and also the interstate transportation of materials of the same—to the Committee on Interstate and Foreign Commerce.

Also (by request), petitions of the Reedy Woman's Christian Temperance Union, of Caroline County, Va., for the passage of a bill to prohibit the interstate transmission of gambling matter by telegraph, to protect anti-cigarette laws, and for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the Judiciary.

By Mr. KING: Sundry petitions of citizens of Salt Lake City, Ogden, Richfield, and other cities in the State of Utah, asking for an amendment to the patent laws—to the Committee on Patents.

By Mr. KITCHIN: Petition of J. S. Ray and 6 other citizens of Kernersville, N. C., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LAMB: Petitions of citizens of Richmond, Manchester, and vicinity, State of Virginia, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: Petition of Mickleton Grange, No. 111, Patrons of Husbandry, of Mickleton, N. J., relating to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. LYBRAND: Petition of the Woman's Christian Temperance Union of St. Paris, Ohio, favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. McCLEARY: Resolution of the Minneapolis (Minn.) Division, No. 117, Order of Railway Conductors, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, letter of Capt. Ed. S. Bean, captain of Company D, First Regiment National Guard, State of Minnesota, favoring the Army reorganization bill—to the Committee on Military Affairs.

By Mr. MANN: Two petitions of citizens of Chicago, Ill., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ODELL: Petitions of Rockland Woman's Christian Temperance Union, of Sullivan County, N. Y., favoring the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia and the Territories, to protect State anti-cigarette laws, to prohibit kinetoscope reproductions of prize fights, and to forbid interstate transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petition of the Rockland Woman's Christian Temperance Union, of Sullivan County, N. Y., praying for the enactment of legislation prohibiting the interstate transmission of newspaper descriptions of prize fights, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Rockland Woman's Christian Temperance Union, of Sullivan County, N. Y., for the passage of a bill prohibiting the sale of intoxicating liquors in the Capitol building and grounds—to the Committee on Public Buildings and Grounds.

Also, petition of the Rockland Woman's Christian Temperance Union, of Sullivan County, N. Y., in favor of legislation which will more effectually restrict immigration and prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Petitions of the Ontario County Woman's Christian Temperance Union, of Clifton Springs, N. Y., praying for the enactment of legislation to forbid the interstate transmission of lottery messages by telegraph, to protect State anti-cigarette laws, the enactment of a Sunday-rest law, and to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Ontario County Woman's Christian Temperance Union, of Clifton Springs, N. Y., in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of Ontario County Woman's Christian Temperance Union, of Clifton Springs, N. Y., favoring the passage of a bill to prohibit the reproduction of prize fights by kinetoscope in the District of Columbia and the Territories and the interstate transmission of newspaper descriptions of such fights—to the Committee on Interstate and Foreign Commerce.

Also, petition of Ontario County Woman's Christian Temperance Union, of Clifton Springs, N. Y., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes—to the Committee on Labor.

By Mr. RAY of New York: Petitions of the Young People's Society of Christian Endeavor of Hobart, and Christian Endeavor Society of South Edmeston, N. Y., in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Christian Endeavor Society of South Edmeston, N. Y., for the passage of bills to forbid the interstate transmission of gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on the Judiciary.

By Mr. RIDGELY: Petition of C. B. Young and other citizens of Chanute, Kans., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petition of Order of Railway Conductors, Division 181, Chillicothe, Ohio; Order of Railway Conductors, Division 166, Newark, Ohio; Order of Railway Conductors, Division 26, Toledo, Ohio; Graham C. Campbell and 32 others, Burkeville, Va.; J. L. Roser, M. D., Jellico, Tenn.; B. H. Patterson and 30 others, Baxley, Ga.; C. H. Otey and 16 others, Arthur, Tenn., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WM. ALDEN SMITH: Resolution of the Board of Trade of Grand Rapids, Mich., favoring the passage of Senate bill No. 3027 and House bill No. 6705, for pure flour—to the Committee on Ways and Means.

By Mr. SPERRY: Resolutions of the Chamber of Commerce of New Haven, Conn., favoring the passage of House bill No. 8066, relating to appropriations for a national exposition at the city of Philadelphia—to the Committee on Interstate and Foreign Commerce.

By Mr. TODD: Memorial of Kalamazoo Lodge, No. 50, Benevolent and Protective Order of Elks, that the destruction of our battle ship *Maine* and its crew should be the foremost issue in the war with Spain—to the Committee on Foreign Affairs.

SENATE.

FRIDAY, *April 22, 1898.*

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

O Thou, who art father of the fatherless and judge of the widow, we come into Thy presence bowed and heavy in heart because of the departure from among us of the senior Senator from Mississippi—a gallant soldier, a great lawyer, an eminent statesman, wise, upright, fearless, tender, gentle, kindly, and constant, loyal to friendship, magnanimous, and generous to all men. Every home in Mississippi bewails his loss as that of a father, and all who knew him well honored, revered, and loved him.

Grant Thy blessing to his bereaved and heartbroken wife. Support her under this crushing bereavement. Sustain his daughter and all the members of the family.

And grant, our Heavenly Father, that this unspeakable loss to every one of us, to the Senate and to all who knew and loved him, may bring home to us the sense not only of sorrow, but of cheer in the hope of resurrection and eternal life, which Thou hast given to us in Thy Son, in whose sacred name we offer our prayers. Amen.

Mr. MONEY. Mr. President, I ask the unanimous consent of the Senate that the prayer of the Chaplain be printed in the RECORD.

The VICE-PRESIDENT. Is there objection? The Chair hears no objection to the request, and the order is made.

On motion of Mr. COCKRELL, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9944) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. GRIFFIN, and Mr. HAY managers at the conference on the part of the House.

The message also announced that the House had passed a joint resolution (H. Res. 238) to readmit Nellie Grant Sartoris to the character and privileges of a citizen of the United States; in which it requested the concurrence of the Senate.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9944) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9944) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 6, 7, 9, and 10, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with amendments as follows: Strike out the matter inserted by said Senate amendment; and on page 2 of the bill, in line 14, strike out the word "three" and insert in lieu thereof the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "and" and insert in lieu thereof the words "not to exceed 3,000 men;" and the Senate agree to the same.

JOS. R. HAWLEY,
W. J. SEWELL,
F. M. COCKRELL,
Managers on the part of the Senate.

J. A. T. HULL,
M. GRIFFIN,
JAMES HAY,
Managers on the part of the House.

The report was agreed to.

REPORT ON CUBAN AFFAIRS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the resolution of the Senate to print 20,000 copies of the report of the Committee on Foreign Relations of the United States Senate relative to affairs in Cuba, including the message of the President of the United States, the correspondence, and the testimony and reports of consuls.

The amendments were read, and agreed to, as follows:

In line 6 strike out "7,500" and insert "6,500."
In line 7 strike out "12,500" and insert "13,500."

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 9944) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes; and it was thereupon signed by the Vice-President.

PRINTING OF MILITARY ESTABLISHMENT ACT.

On motion of Mr. COCKRELL, it was

Ordered, That 5,000 copies of H. R. 9944, as signed by the presiding officers of the two Houses, be printed for the use of the Senate.

DEATH OF SENATOR WALTHALL.

Mr. MONEY. Mr. President, it is my sad duty to announce to the Senate that fifteen minutes after 5 on yesterday afternoon, the 21st of April, EDWARD CARY WALTHALL, late a Senator in this body from the State of Mississippi, departed this life at his place of residence in this city.

This distinguished soldier, this true patriot, this wise statesman, this accomplished gentleman has left behind him a memory fragrant with good deeds and courteous words. It is not my intention now to extend any remarks upon his character or his services. At a time which the Senate will appoint those who knew and loved him here will speak in his eulogy. I simply desire to offer for the consideration of the Senate the resolutions which I send to the desk.

The VICE-PRESIDENT. The resolutions will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. EDWARD C. WALTHALL, late a Senator from the State of Mississippi.

Resolved, That a committee of nine Senators be appointed by the Vice-President to take order for superintending the funeral of the deceased which will take place in the Senate Chamber to-morrow, Saturday, at 12 o'clock m., and that the Senate will attend the same.

Resolved, That as a further mark of respect entertained by the Senate for his memory his remains be removed from Washington to Holly Springs, Miss., in charge of the Sergeant-at-Arms and attended by the committee, who shall have full power to carry this resolution into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives and invite the House of Representatives to attend the funeral to-morrow, Saturday, at the hour named, and to appoint a committee to act with the committee of the Senate.

Mr. MONEY. I ask for the adoption of the resolutions.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from Mississippi.

The resolutions were unanimously agreed to; and the Vice-President appointed as the committee under the second resolution Mr. MONEY, Mr. BERRY, Mr. BATE, Mr. PETTUS, Mr. SPOONER, Mr. GRAY, Mr. PROCTOR, Mr. PASCO, and Mr. CANNON.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justice and associate justices of the Supreme Court of the United States, the diplomatic corps (through the Secretary of State), the Major-General Commanding the Army, the senior Admiral of the Navy, and Commissioners of the District of Columbia to attend the funeral of the Hon. EDWARD C. WALTHALL, late a Senator from the State of Mississippi, in the Senate Chamber at 12 o'clock to-morrow.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the expenses incurred by the select committee appointed to take order for the funeral of the late Senator EDWARD C. WALTHALL be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the said committee.

Mr. MONEY. I move that the Senate do now, in honor of the memory of the late Senator WALTHALL, adjourn.

The motion was unanimously agreed to; and (at 2 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 23, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 22, 1898.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Col. William Hoit Nash, assistant commissary-general of subsistence, to be Commissary-General of Subsistence, with the rank of brigadier-general, April 21, 1898, vice Cushing, retired from active service.

Artillery arm.

Philip Raymond Ward, of New York, to be second lieutenant, April 20, 1898, to fill an original vacancy.

SURVEYOR OF CUSTOMS.

Charles H. Ross, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa, to succeed M. A. Frawley, whose term of office has expired by limitation.

THIRD LIEUTENANTS, REVENUE-CUTTER SERVICE.

Eugene Blake, jr., of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed Edwin V. D. Johnson, promoted.

Frank B. Goudey, of Massachusetts, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed William H. O. Hay, promoted.

James F. Hottel, of the District of Columbia, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed John P. J. Ryan, resigned.

Paul C. Prince, of the District of Columbia, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed William E. W. Hall, promoted.

William J. Wheeler, of Virginia, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed Samuel P. Edmonds, promoted.

Philip H. Scott, of Virginia, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed Walker W. Joynes, promoted.

Frank W. Smith, of Massachusetts, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed Henry L. Peckham, promoted.

Herman H. Wolf, of Ohio, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed John G. Berry, promoted.

POSTMASTER.

Elisha W. Smith, to be postmaster at Franklin, in the county of Venango and State of Pennsylvania, in the place of John E. Adams, whose commission expired March 9, 1898.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 22, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed with amendments the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, in which the concurrence of the House was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 9944) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes, had asked a conference with the House on the bill and amendments, and had appointed Mr. HAWLEY, Mr. SEWELL, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House to concurrent resolution 36 of the Senate relative to affairs in Cuba.

The message also announced that the Senate had passed joint resolution (S. R. 156) readmitting Nellie Grant Sartoris to the character and privileges of a citizen of the United States; in which the concurrence of the House was requested.

SENATE JOINT RESOLUTION AND HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution and House bill (with Senate amendments) of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 156. Joint resolution readmitting Nellie Grant Sartoris to the character and privileges of a citizen of the United States—to the Committee on Foreign Affairs.

H. R. 8428. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, with Senate amendments—to the Committee on Appropriations.

MILITARY ESTABLISHMENT.

Mr. KIRKPATRICK. Mr. Speaker, I call for the regular order.

Mr. HULL. Mr. Speaker, I ask unanimous consent to call up House bill 9944, to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes, on which there are disagreeing votes of the two Houses on the amendments of the Senate; and I move that the House nonconcur in the Senate amendments and agree to the request of the Senate for a conference.

The motion of Mr. HULL was agreed to.

The SPEAKER appointed Mr. HULL, Mr. GRIFFIN, and Mr. HAY as conferees on the part of the House.

Mr. HULL. Mr. Speaker, I want to say to the House that on account of the peculiar conditions existing, which it is unnecessary for me to more particularly refer to, the conferees have had an informal meeting and have agreed, and I submit the report of the conferees of the House.

Mr. RICHARDSON. That can only be by unanimous consent.

The SPEAKER. The Chair thinks it can come only by unanimous consent.

Mr. HULL. Then, Mr. Speaker, I ask unanimous consent.

Mr. RICHARDSON. I would like to have the report read.

The SPEAKER. The report should be read first.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9944) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 6, 7, 9, and 10, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with amendments as follows: Strike out the matter inserted by said Senate amendment; and on page 2 of the bill, in line 14, strike out the word "three" and insert in lieu thereof the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "and" and insert in lieu thereof the words "not to exceed 3,000 men;" and the Senate agree to the same.

J. A. T. HULL,
M. GRIFFIN,
JAMES HAY,
Managers on the part of the House.

JOS. R. HAWLEY,
W. J. SEWELL,
F. M. COCKRELL,
Managers on the part of the Senate.

The SPEAKER. The consideration of this depends upon the unanimous consent of the House.

Mr. McMILLIN. Mr. Speaker, I hope before consent is given we shall have some idea given us by written statement or otherwise as to the effect of this report.

Mr. HULL. There is a written statement.

Mr. McMILLIN. I would like to hear the statement read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

STATEMENT.

The conferees on the part of the Senate and House have agreed as follows:

1. Amendment numbered 1 of the Senate provides for two terms of enlistment, one for volunteers not organized into organizations under State laws for a term of three years and those organized under State laws for a term of one year. The Senate recedes from this proposition, and the agreement is that the entire enlistment of both classes shall be uniform for a period of two years.

2. The House agrees to amendment numbered 2, which provides for two assistant surgeons for each regiment of volunteers in place of one. This makes the number of assistant surgeons the same as we had during the civil war.

3. The third amendment of the Senate, which makes it imperative on the governors to appoint officers as they are now commissioned in the militia, the Senate recedes from, so that the governor may or may not appoint such officers, in his discretion.

4. The fourth amendment, authorizing the President to organize companies, troops, battalions, or regiments possessing special qualifications: The Senate recedes from its amendment and the conferees agree to the same with an amendment striking out the word "and," in line 10, and inserting the words "not to exceed 3,000 men;" so that the President may organize such special organizations up to but not exceeding 3,000.

5. The fifth amendment is the rank of officers on the staff of corps commander; the House agrees to reduce the rank to lieutenant-colonel.

6. The sixth amendment provides for an engineer officer on the staff of the commander of a division.

7. The seventh amendment reduces the rank of staff officers of division commanders from lieutenant-colonel to major.

8. The eighth amendment adds an engineer officer to the staff of a brigade commander, from which the Senate recedes.

9. The ninth amendment adds one surgeon to the staff of a brigade commander, to which the House agrees.

10. The tenth amendment simply provides that the staff appointments terminate immediately upon the necessity for such details ceasing.

J. A. T. HULL,
M. GRIFFIN,
JAMES HAY,
Managers on the part of the House.

Mr. McMILLIN. Mr. Speaker, I demanded the reading, and I do not object. I think this is an improvement on the bill as it originally passed.

The SPEAKER. Is there objection to the present consideration? [After a pause.] The Chair hears none.

Mr. DOCKERY. Mr. Speaker, I desire simply to enter my protest against amendment 4 as agreed to by the conferees. I think all the volunteer forces should be raised by a call upon the governors of the States.

The SPEAKER. The question is on agreeing to the conference report.

Mr. COX. Mr. Speaker, in regard to amendment 4, "not to exceed 3,000 men," I do not object to it, but I want it distinctly understood that that amendment is accepted on the understanding that these men are to be mustered out immediately upon the cessation of hostilities.

Mr. McMILLIN. Does the bill as framed require the mustering out?

Mr. COX. I think it does, although not in as plain language as I wish it did.

Mr. HULL. I think there can be no question that under the terms of this bill every man enlisted under the bill will be mustered out.

Mr. McMILLIN. The bill requires it?

Mr. HULL. Absolutely requires it.

The report of the conferees was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote whereby the report was agreed to was laid on the table.

CONTESTED-ELECTION CASE—PATTERSON VS. CARMACK.

Mr. KIRKPATRICK. Now, Mr. Speaker, I desire to renew the request that I made yesterday for unanimous consent of the House that the contestant, Mr. Patterson, be heard in his own behalf, and I am willing that he should be allowed to speak at this time or immediately after a speech from the other side.

Mr. RICHARDSON. We are perfectly willing that the gentleman should proceed at once.

The SPEAKER. Is there objection to allowing the contestant to address the House? [After a pause.] The Chair hears none.

Mr. KIRKPATRICK. I now yield fifty-five minutes to the contestant, Mr. Patterson.

Mr. PATTERSON (the contestant). Mr. Speaker, I am grateful to the House for this opportunity. I have prepared what I desire to go into the RECORD, and as it will take every moment of the time allowed to me to present to the House what I have to say, and there is ample opportunity for the other side to reply, I shall not for that reason yield to interruptions during that time.

Mr. Speaker, he who stands on the banks of the Potomac when at high tide, with no object within the range of his vision but a whirlpool, may be deceived by appearances and imagine the current is running to its source; but when his vision has a wider sweep he is no longer deceived by the driftwood and knows its course is eastward to the sea.

So he who seeks the solution of a cause pregnant with important results to the individual litigants, or to the public, is often puzzled with doubt and uncertainty when looking only to the conflicting circumstances immediately surrounding the transaction. But when he looks beyond to the environments, about which there is no dispute, doubt is dispelled and the truth is transparent in the midst of contradictory testimony. Every important issue, whether to be determined in the tribunals of justice or in the halls of legislation, is always surrounded by undisputed facts which, when properly understood in their relations to the main fact, throw a flood of light upon it, laying bare the truth and justice of the case.

Be it known, I have been a Democrat from my youth up, until now my life measures three-score years. Always active in party service, prior to 1890 I was engaged in professional pursuits. In 1890, without solicitation on my part, I was nominated and elected without serious opposition to the Fifty-second Congress. I entered public life a pronounced Democrat and an earnest advocate of tariff reform. As tariff reform had been almost the sole issue in the three preceding Presidential campaigns, I had been a student of the question and had participated in its discussion. As the discussion of the silver question had not materially entered into any Presidential campaign, I had never given it serious consideration.

Without professing any knowledge of the subject, or so much as attempting its elucidation in any speech I had ever made, I assumed, like most of my colleagues from the South, that I was for free coinage, and so stated whenever I made reference to the subject. It was not considered by me a party issue. The contestee, at that time editor in chief of a daily newspaper published in Memphis, denied that it was a party issue, and bitterly denounced his party associates as "fanatics and maniacs" who were attempting to make it such.

The country recognizes in Grover Cleveland the foremost champion of a sound currency. Whatever may be the inconsistencies of others, he was known to all the world as an unflinching and consistent opponent of the free and unlimited coinage of silver. With a full knowledge of his record, Tennessee was the first State

in the Union to demand his nomination in 1892. But for the persistent efforts of the delegations from the Southern States he could never have been nominated in the national convention over the opposition of his own State.

Shortly after the nomination, and before the campaign opened, the Senate passed a free coinage bill and sent it to the House. I voted against its consideration. Some of my Democratic colleagues took me to task. I was charged with materially aiding in the defeat of the measure, and the prediction was made that my action would result in my retirement to private life. But I had in the contestee a zealous if not an able defender. He not only denounced my assailants, but gave me unstinted praise. That fall I was returned to Congress by a majority of 5,376 over the candidate of the Farmers' Alliance. I had no Republican opponent.

When I returned to Washington in December, 1892, to attend the short session of the Fifty-second Congress, I was elated over the election of Mr. Cleveland. I rejoiced in a triumphant Democracy. I believed we had in Mr. Cleveland a great conservative leader who had the confidence of the entire country, and I thought I saw in the coming future a long era of Democratic ascendency.

It was at this juncture that I saw for the first time the danger signal. It was pointed out to me that prior to the passage of the Sherman law 90 per cent of all the duties collected on importations was paid in gold, and it was then less than 8 per cent. I realized a want of confidence in the stability of our currency not only pervaded our own but foreign markets. Day by day it became more apparent that nothing but the most prompt and patriotic action on the part of the President and Congress, giving our own people and the world to understand that the public credit was inviolable, would avert a great disaster. Day by day it became more apparent that while the Democrats had achieved a signal triumph at the polls on the tariff question, now that they had assumed the responsibilities of government they were hopelessly divided on a question of far greater moment which directly threatened the public credit and the welfare of the people in all the walks of life.

On the day that Grover Cleveland delivered his inaugural address the receipts of gold at the custom-houses had fallen to less than 4 per cent of the amount collected. As I witnessed the scene and saw the cutting sleet beat into his face, I thought it was symbolical of that other storm which was soon to burst over his head. How he stood erect in that great emergency, undaunted by faction or loss of party prestige, for the honor of his country and the welfare of his countrymen, let history determine. It was during this period I unselfishly and assiduously devoted myself to the study of the financial problem. I tried to find the path of duty and patriotism as best I could. No student ever studied a problem under more favorable conditions.

As I progressed I saw the abstractions of science daily illuminated by the commercial transactions transpiring throughout the country. I saw the man of affairs by actual experience arriving at the same conclusion in his countingroom which the scholar by abstract reasoning reached in the privacy of his library. I was thus engaged when the intelligence came that India had closed her mints to silver, resulting in that commodity taking a wild leap downward in the market. I daily witnessed that not a dollar of gold was going through the custom-houses into the Treasury; and then I saw our country, like a stranded ship, go down into the vortex of a great financial maelstrom. I arose from that investigation thoroughly convinced that it was utterly impracticable for this country, or any other country, to throw open its mints to the free, unlimited, and independent coinage of silver and hope thereby to secure and maintain the bimetallic standard.

I was then and am now unalterably convinced that it is impossible. I believed then and believe now that the attempt would result in silver monometallism. I thought then and think now that it would be a frightful calamity to the country and to all the people of the country for the United States, in the face of civilization and the enlightened opinion of mankind, to abandon the gold and adopt the silver standard.

It seems that contestee studied the problem and arrived at the same conclusion, for on the 26th day of July, 1893, he wrote:

> The Commercial has not advocated and does not advocate the free and unlimited coinage of silver at the present ratio. The Commercial believes in the utilization of both metals in our currency, but it recognizes that it is not possible for this country to maintain the parity of the gold and silver dollar at the present ratio.

At the extra session of Congress in 1893 I voted to repeal the purchasing clause of the Sherman law and against the free coinage of silver. Subsequently I voted for and advocated every measure which looked to the establishment of the country more firmly on a gold basis, for the improvement and extension of our banking facilities, and for opening the way for a permanent place in our circulation for silver by making it our only money below the denomination of $10.

In the meantime I adhered to the doctrine taught by contestee, that the free coinage of silver was not a party issue or a test of any man's democracy. On the final passage of the bill to repeal the purchasing clause of the Sherman law I made a short speech, in which I said it was not a test of party fealty, but a scientific problem about which Democrats differed and had the right to differ. I claimed the right to remain in the party organization and there to advocate my views on the question, and I freely conceded the same right to Democrats who differed from me.

In 1894 I was opposed for the nomination by a free-silver advocate of marked ability, and after a long canvass, in which I distinctly advocated the cause of sound money, I was nominated in the primaries by a majority of 2,300 and was elected to the Fifty-fourth Congress by a majority of 4,696 over my Republican competitor, Mr. J. W. Brown, who testifies in my behalf that my election was conceded by the Republicans, who made no serious effort to defeat me.

After my election in 1894, down to the nomination of Mr. Bryan at Chicago in 1896, I persistently advocated the cause of sound money. I was principally instrumental in calling the sound-money convention which met at Memphis in May, 1895. It was the first nonpartisan convention called to consider the financial question, and it was composed of men whose presence would reflect honor on any country or any cause. Subsequently the advocates of free coinage had a convention at Memphis in which the free-silver Democrats and Populists made their first coalition. It was there that the bimetallic league was conceived which was afterwards organized here in Washington. Up to the meeting of the national convention at Chicago I did all any man of my capacity could do to prevent a declaration in favor of free coinage, but the Bimetallic League had its way and the adoption of what is known as the Chicago platform and the nomination of Bryan was the result.

In the meantime contestee had veered with the popular tide. He is singularly gifted in the use of vituperative adjectives and adverbs. The fulsomeness of his praise is only equaled by the fierceness of his denunciation. At all times and under all circumstances he is a stranger to moderation and forbearance. At one time the leaders of the silver movement were "fanatics and maniacs," bent on the destruction of the Democratic party; now they were the paragons of wisdom and the possessors of every public virtue. At one time Mr. Cleveland was an ideal statesman in whose leadership he rejoiced unceasingly; and now he was the "Buffalo Hangman." At one time he gave me unmeasured praise for voting against the consideration of a free coinage bill; and now I had betrayed my trust and my party.

At one time he was cyclonic in his denunciation of the Populists, and hurled at them every epithet in his vocabulary; and now he wooed them as softly as a cooing dove. He tortured Altgeld, Debs, and Sovereign during the Chicago riots to the extent that men can be tortured with pen and ink; and now he was ready to make them an apology as obsequious as the torture had been cruel. A delegate from the State at large to the Chicago convention, he exulted in the work it accomplished. There was no limit to the ardor of his zeal. In a vision he saw Lombard and Wall streets "crucifying mankind on a cross of gold," and he determined to go to the rescue.

In that great emergency he intuitively saw that deliverance would never come until he could secure for his country the free and unlimited coinage of silver at the ratio of 16 to 1, overthrow government by injunction, inaugurate Bryan as President, and secure for himself a seat on this floor as the representative of "crucified mankind." After the adjournment of the convention he immediately returned to Memphis, and declared himself a candidate for Congress. It is needless to say that every Democrat who did not adopt his new-born faith was now a traitor to the party.

At this juncture, I was disheartened. To me the action of the Chicago convention was an appalling political mistake. Personally I was disposed to follow the example of Turner of Georgia, and go at once to private life. This perhaps would have been the wiser course. But there were thousands of Democrats in the district who believed with me and insisted on my candidacy. I could not bring myself to the conclusion that it was my duty to get out of the Democratic organization. I believed with others that the Chicago platform was a miscarriage. I thought it was a mistake that could be and would be corrected. I never realized the extent and permanency of the movement and that it was a situation beyond control.

On the other hand, I could not yield my convictions on a subject so paramount in importance and so far-reaching in its results. I had persistently clung to the idea that it was not a party question or a test of party fealty. For three years I had insisted, in season and out of season, that a man could believe what he pleased and say what he pleased on the silver question and still be a Democrat. In this way I reached the conclusion that I could consistently with duty and honor announce my candidacy subject to the action of the Democratic party. In doing so I distinctly

MILITARY ESTABLISHMENT.

Mr. KIRKPATRICK. Mr. Speaker, I call for the regular order.

Mr. HULL. Mr. Speaker, I ask unanimous consent to call up House bill 9944, to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes, on which there are disagreeing votes of the two Houses on the amendments of the Senate; and I move that the House nonconcur in the Senate amendments and agree to the request of the Senate for a conference.

The motion of Mr. HULL was agreed to.

The SPEAKER appointed Mr. HULL, Mr. GRIFFIN, and Mr. HAY as conferees on the part of the House.

Mr. HULL. Mr. Speaker, I want to say to the House that on account of the peculiar conditions existing, which it is unnecessary for me to more particularly refer to, the conferees have had an informal meeting and have agreed, and I submit the report of the conferees of the House.

Mr. RICHARDSON. That can only be by unanimous consent.

The SPEAKER. The Chair thinks it can come only by unanimous consent.

Mr. HULL. Then, Mr. Speaker, I ask unanimous consent.

Mr. RICHARDSON. I would like to have the report read.

The SPEAKER. The report should be read first.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9944) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 6, 7, 9, and 10, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with amendments as follows: Strike out the matter inserted by said Senate amendment; and on page 2 of the bill, in line 14, strike out the word "three" and insert in lieu thereof the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "and" and insert in lieu thereof the words "not to exceed 3,000 men;" and the Senate agree to the same.

J. A. T. HULL,
M. GRIFFIN,
JAMES HAY,
Managers on the part of the House.

JOS. R. HAWLEY,
W. J. SEWELL,
F. M. COCKRELL,
Managers on the part of the Senate.

The SPEAKER. The consideration of this depends upon the unanimous consent of the House.

Mr. MCMILLIN. Mr. Speaker, I hope before consent is given we shall have some idea given us by written statement or otherwise as to the effect of this report.

Mr. HULL. There is a written statement.

Mr. MCMILLIN. I would like to hear the statement read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

STATEMENT.

The conferees on the part of the Senate and House have agreed as follows:

1. Amendment numbered 1 of the Senate provides for two terms of enlistment, one for volunteers not organized into organizations under State laws for a term of three years and those organized under State laws for a term of one year. The Senate recedes from this proposition, and the agreement is that the entire enlistment of both classes shall be uniform for a period of two years.

2. The House agrees to amendment numbered 2, which provides for two assistant surgeons for each regiment of volunteers in place of one. This makes the number of assistant surgeons the same as we had during the civil war.

3. The third amendment of the Senate, which makes it imperative on the governors to appoint officers as they are now commissioned in the militia, the Senate recedes from, so that the governor may or may not appoint such officers, in his discretion.

4. The fourth amendment, authorizing the President to organize companies, troops, battalions, or regiments possessing special qualifications: The Senate recedes from its amendment and the conferees agree to the same with an amendment striking out the word "and," in line 10, and inserting the words "not to exceed 3,000 men;" so that the President may organize such special organizations up to but not exceeding 3,000.

5. The fifth amendment is the rank of officers on the staff of corps commander; the House agrees to reduce the rank to lieutenant-colonel.

6. The sixth amendment provides for an engineer officer on the staff of the commander of a division.

7. The seventh amendment reduces the rank of staff officers of division commanders from lieutenant-colonel to major.

8. The eighth amendment adds an engineer officer to the staff of a brigade commander, from which the Senate recedes.

9. The ninth amendment adds one surgeon to the staff of a brigade commander, to which the House agrees.

10. The tenth amendment simply provides that the staff appointments terminate immediately upon the necessity for such details ceasing.

J. A. T. HULL,
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Managers on the part of the House.

Mr. MCMILLIN. Mr. Speaker, I demanded the reading, and I do not object. I think this is an improvement on the bill as it originally passed.

The SPEAKER. Is there objection to the present consideration? [After a pause.] The Chair hears none.

Mr. DOCKERY. Mr. Speaker, I desire simply to enter my protest against amendment 4 as agreed to by the conferees. I think all the volunteer forces should be raised by a call upon the governors of the States.

The SPEAKER. The question is on agreeing to the conference report.

Mr. COX. Mr. Speaker, in regard to amendment 4, "not to exceed 3,000 men," I do not object to it, but I want it distinctly understood that that amendment is accepted on the understanding that these men are to be mustered out immediately upon the cessation of hostilities.

Mr. MCMILLIN. Does the bill as framed require the mustering out?

Mr. COX. I think it does, although not in as plain language as I wish it did.

Mr. HULL. I think there can be no question that under the terms of this bill every man enlisted under the bill will be mustered out.

Mr. MCMILLIN. The bill requires it?

Mr. HULL. Absolutely requires it.

The report of the conferees was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote whereby the report was agreed to was laid on the table.

CONTESTED-ELECTION CASE—PATTERSON VS. CARMACK.

Mr. KIRKPATRICK. Now, Mr. Speaker, I desire to renew the request that I made yesterday for unanimous consent of the House that the contestant, Mr. Patterson, be heard in his own behalf, and I am willing that he should be allowed to speak at this time or immediately after a speech from the other side.

Mr. RICHARDSON. We are perfectly willing that the gentleman should proceed at once.

The SPEAKER. Is there objection to allowing the contestant to address the House? [After a pause.] The Chair hears none.

Mr. KIRKPATRICK. I now yield fifty-five minutes to the contestant, Mr. Patterson.

Mr. PATTERSON (the contestant). Mr. Speaker, I am grateful to the House for this opportunity. I have prepared what I desire to go into the RECORD, and as it will take every moment of the time allowed to me to present to the House what I have to say, and there is ample opportunity for the other side to reply, I shall not for that reason yield to interruptions during that time.

Mr. Speaker, he who stands on the banks of the Potomac when at high tide, with no object within the range of his vision but a whirlpool, may be deceived by appearances and imagine the current is running to its source; but when his vision has a wider sweep he is no longer deceived by the driftwood and knows its course is eastward to the sea.

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Be it known, I have been a Democrat from my youth up, until now my life measures three-score years. Always active in party service, prior to 1890 I was engaged in professional pursuits. In 1890, without solicitation on my part, I was nominated and elected without serious opposition to the Fifty-second Congress. I entered public life a pronounced Democrat and an earnest advocate of tariff reform. As tariff reform had been almost the sole issue in the three preceding Presidential campaigns, I had been a student of the question and had participated in its discussion. As the discussion of the silver question had not materially entered into any Presidential campaign, I had never given it serious consideration.

Without professing any knowledge of the subject, or so much as attempting its elucidation in any speech I had ever made, I assumed, like most of my colleagues from the South, that I was for free coinage, and so stated whenever I made reference to the subject. It was not considered by me a party issue. The contestee, at that time editor in chief of a daily newspaper published in Memphis, denied that it was a party issue, and bitterly denounced his party associates as "fanatics and maniacs" who were attempting to make it such.

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in the Union to demand his nomination in 1892. But for the persistent efforts of the delegations from the Southern States he could never have been nominated in the national convention over the opposition of his own State.

Shortly after the nomination, and before the campaign opened, the Senate passed a free coinage bill and sent it to the House. I voted against its consideration. Some of my Democratic colleagues took me to task. I was charged with materially aiding in the defeat of the measure, and the prediction was made that my action would result in my retirement to private life. But I had in the contestee a zealous if not an able defender. He not only denounced my assailants, but gave me unstinted praise. That fall I was returned to Congress by a majority of 5,376 over the candidate of the Farmers' Alliance. I had no Republican opponent.

When I returned to Washington in December, 1892, to attend the short session of the Fifty-second Congress, I was elated over the election of Mr. Cleveland. I rejoiced in a triumphant Democracy. I believed we had in Mr. Cleveland a great conservative leader who had the confidence of the entire country, and I thought I saw in the coming future a long era of Democratic ascendency.

It was at this juncture that I saw for the first time the danger signal. It was pointed out to me that prior to the passage of the Sherman law 90 per cent of all the duties collected on importations was paid in gold, and it was then less than 8 per cent. I realized a want of confidence in the stability of our currency not only pervaded our own but foreign markets. Day by day it became more apparent that nothing but the most prompt and patriotic action on the part of the President and Congress, giving our own people and the world to understand that the public credit was inviolable, would avert a great disaster. Day by day it became more apparent that while the Democrats had achieved a signal triumph at the polls on the tariff question, now that they had assumed the responsibilities of government they were hopelessly divided on a question of far greater moment which directly threatened the public credit and the welfare of the people in all the walks of life.

On the day that Grover Cleveland delivered his inaugural address the receipts of gold at the custom-houses had fallen to less than 4 per cent of the amount collected. As I witnessed the scene and saw the cutting sleet beat into his face, I thought it was symbolical of that other storm which was soon to burst over his head. How he stood erect in that great emergency, undaunted by faction or loss of party prestige, for the honor of his country and the welfare of his countrymen, let history determine. It was during this period I unselfishly and assiduously devoted myself to the study of the financial problem. I tried to find the path of duty and patriotism as best I could. No student ever studied a problem under more favorable conditions.

As I progressed I saw the abstractions of science daily illuminated by the commercial transactions transpiring throughout the country. I saw the man of affairs by actual experience arriving at the same conclusion in his countingroom which the scholar by abstract reasoning reached in the privacy of his library. I was thus engaged when the intelligence came that India had closed her mints to silver, resulting in that commodity taking a wild leap downward in the market. I daily witnessed that not a dollar of gold was going through the custom-houses into the Treasury; and then I saw our country, like a stranded ship, go down into the vortex of a great financial maelstrom. I arose from that investigation thoroughly convinced that it was utterly impracticable for this country, or any other country, to throw open its mints to the free, unlimited, and independent coinage of silver and hope thereby to secure and maintain the bimetallic standard.

I was then and am now unalterably convinced that it is impossible. I believed then and believe now that the attempt would result in silver monometallism. I thought then and think now that it would be a frightful calamity to the country and to all the people of the country for the United States, in the face of civilization and the enlightened opinion of mankind, to abandon the gold and adopt the silver standard.

It seems that contestee studied the problem and arrived at the same conclusion, for on the 26th day of July, 1893, he wrote:

> The Commercial has not advocated and does not advocate the free and unlimited coinage of silver at the present ratio. The Commercial believes in the utilization of both metals in our currency, but it recognizes that it is not possible for this country to maintain the parity of the gold and silver dollar at the present ratio.

At the extra session of Congress in 1893 I voted to repeal the purchasing clause of the Sherman law and against the free coinage of silver. Subsequently I voted for and advocated every measure which looked to the establishment of the country more firmly on a gold basis, for the improvement and extension of our banking facilities, and for opening the way for a permanent place in our circulation for silver by making it our only money below the denomination of $10.

In the meantime I adhered to the doctrine taught by contestee, that the free coinage of silver was not a party issue or a test of any man's democracy. On the final passage of the bill to repeal the purchasing clause of the Sherman law I made a short speech, in which I said it was not a test of party fealty, but a scientific problem about which Democrats differed and had the right to differ. I claimed the right to remain in the party organization and there to advocate my views on the question, and I freely conceded the same right to Democrats who differed from me.

In 1894 I was opposed for the nomination by a free-silver advocate of marked ability, and after a long canvass, in which I distinctly advocated the cause of sound money, I was nominated in the primaries by a majority of 2,300 and was elected to the Fifty-fourth Congress by a majority of 4,696 over my Republican competitor, Mr. J. W. Brown, who testifies in my behalf that my election was conceded by the Republicans, who made no serious effort to defeat me.

After my election in 1894, down to the nomination of Mr. Bryan at Chicago in 1896, I persistently advocated the cause of sound money. I was principally instrumental in calling the sound-money convention which met at Memphis in May, 1895. It was the first nonpartisan convention called to consider the financial question, and it was composed of men whose presence would reflect honor on any country or any cause. Subsequently the advocates of free coinage had a convention at Memphis in which the free-silver Democrats and Populists made their first coalition. It was there that the bimetallic league was conceived which was afterwards organized here in Washington. Up to the meeting of the national convention at Chicago I did all any man of my capacity could do to prevent a declaration in favor of free coinage, but the Bimetallic League had its way and the adoption of what is known as the Chicago platform and the nomination of Bryan was the result.

In the meantime contestee had veered with the popular tide. He is singularly gifted in the use of vituperative adjectives and adverbs. The fulsomeness of his praise is only equaled by the fierceness of his denunciation. At all times and under all circumstances he is a stranger to moderation and forbearance. At one time the leaders of the silver movement were "fanatics and maniacs," bent on the destruction of the Democratic party; now they were the paragons of wisdom and the possessors of every public virtue. At one time Mr. Cleveland was an ideal statesman in whose leadership he rejoiced unceasingly; and now he was the "Buffalo Hangman." At one time he gave me unmeasured praise for voting against the consideration of a free coinage bill; and now I had betrayed my trust and my party.

At one time he was cyclonic in his denunciation of the Populists, and hurled at them every epithet in his vocabulary; and now he wooed them as softly as a cooing dove. He tortured Altgeld, Debs, and Sovereign during the Chicago riots to the extent that men can be tortured with pen and ink; and now he was ready to make them an apology as obsequious as the torture had been cruel. A delegate from the State at large to the Chicago convention, he exulted in the work it accomplished. There was no limit to the ardor of his zeal. In a vision he saw Lombard and Wall streets "crucifying mankind on a cross of gold," and he determined to go to the rescue.

In that great emergency he intuitively saw that deliverance would never come until he could secure for his country the free and unlimited coinage of silver at the ratio of 16 to 1, overthrow government by injunction, inaugurate Bryan as President, and secure for himself a seat on this floor as the representative of "crucified mankind." After the adjournment of the convention he immediately returned to Memphis, and declared himself a candidate for Congress. It is needless to say that every Democrat who did not adopt his new-born faith was now a traitor to the party.

At this juncture, I was disheartened. To me the action of the Chicago convention was an appalling political mistake. Personally I was disposed to follow the example of Turner of Georgia, and go at once to private life. This perhaps would have been the wiser course. But there were thousands of Democrats in the district who believed with me and insisted on my candidacy. I could not bring myself to the conclusion that it was my duty to get out of the Democratic organization. I believed with others that the Chicago platform was a miscarriage. I thought it was a mistake that could be and would be corrected. I never realized the extent and permanency of the movement and that it was a situation beyond control.

On the other hand, I could not yield my convictions on a subject so paramount in importance and so far-reaching in its results. I had persistently clung to the idea that it was not a party question or a test of party fealty. For three years I had insisted, in season and out of season, that a man could believe what he pleased and say what he pleased on the silver question and still be a Democrat. In this way I reached the conclusion that I could consistently with duty and honor announce my candidacy subject to the action of the Democratic party. In doing so I distinctly

announced my disapproval of the nomination of Bryan and my uncompromising opposition to the financial plank in the Chicago platform.

In this way did I collide with the contestee in the Tenth Congressional district of Tennessee. It comprises Fayette, Hardeman, Shelby and Tipton counties. By the census of 1890, Fayette had a population of 28,878; Hardeman 21,020; Shelby 112,740, and Tipton 24,271. This preponderance of Shelby, owing to the growth of Memphis, is much greater now than it was then, but at that time it had 38,571 more population than the other three counties combined. It had more than twice the white population and a large majority of the Democratic voters of the district. It was the declared policy of the party in the district to make nominations for Congress by means of a primary election. This was done in 1894. My friends were naturally very much in favor of a primary, first, because of the preponderating vote of Shelby, and, secondly, because in the event a convention was called, the three country counties would inevitably defeat my nomination under the two-thirds rule which obtains in Democratic conventions. For the same reasons the friends of contestee were opposed to a primary.

The district committee was composed of five members, three of whom were sound-money and two of whom were free-silver Democrats. When the committee met to take action it was known that a majority were in favor of a primary. Prior to that time my friends had approached the friends of contestee with a proposition to the effect that we would consent to a primary in which none but known Democrats should be allowed to vote, with the understanding that each one of us should have a judge and clerk of election of our own choosing at each voting place. This offer was rejected.

When the committee met, the two free-silver members retired from its deliberations and thereupon the majority of the committee ordered a primary in which Populists and free-silver Republicans were excluded from participation, and none but known Democrats were allowed to vote. At that primary I was the only candidate and was nominated by 5,600 votes.

The two free-silver members of the committee, after they withdrew, proceeded to arbitrarily, and without the semblance of right, appoint three free-silver Democrats to take the place of the three sound-money Democrats, and this revolutionary and illegal committee called a convention. In making the call all party lines were obliterated and all men without regard to color or past party affiliations who would agree to support the nominee of the convention were invited to participate in the selection of delegates, and were eligible to election as delegates. The contestee was nominated by a convention thus constituted.

I have now derived my title and the title of contestee to the nomination, and I do not hesitate to say that I held the commission of the party organization. I say that no fair-minded or just man can read the record and come to any other conclusion. The only pretext for discrediting my nomination is grounded on the assumption that every sound-money Democrat is disqualified to hold a commission in the party and was by reason of his opinions beyond the pale of the organization.

Some two weeks after my nomination by the Organized Democracy the Republican Congressional convention was held at Memphis. When I was 50 miles away canvassing in the country, for reasons of its own, distinctly set out in its platform, that convention indorsed my candidacy with great unanimity. It recognized me as a Democrat by expressly declaring it would not make a nomination. It was a choice between contestee and myself. The reasons assigned in its platform for its action were that my friends were in favor of fair elections, and I was a sound-money advocate. I made no concessions to it and it made none to me. The Democratic organization which nominated me and the Republican organization which indorsed my candidacy each had its own campaign committee and operated independently. No overture was made by either organization to the other, and the transaction was alike honorable to both.

It was now that the fortunes of contestee waned. He who had returned in triumph from Chicago a few short weeks before was now sinking under the tide of Republican as well as Democratic opposition. With him it was "help me, Cassius, or I sink." Who in this emergency could sustain him like Bryan? Bryan had no scruples about party regularity. With an utter disregard of the traditions and associations of the past and an utter abandonment of party alignments, policies, and principles, he had succeeded in molding the advocates of free coinage at the ratio of 16 to 1 into one great political organization of which he was the chosen leader. On the battle flag of one division of this grand army was inscribed the motto, "Free silver and protection;" on another, "Free silver and free trade;" on another, "Free silver and government ownership of railroads;" on another, "Free silver and the overthrow of government by injunction;" while on the guidon of the commander in chief was inscribed "Free silver the paramount issue."

Bryan was as swift as the wind in coming to the relief of contestee. In his speech at Memphis, after delivering a panegyric on contestee, he said:

> If we are right in the position we have taken, if the Democratic party is right in its platform, then the man who does not stand upon that platform, no matter how good a Democrat he may have been before, is no Democrat now; and no man can claim to be a friend of mine who says he wants to elect me because I am the regular nominee and then tie my hands and make me powerless.

No man can misunderstand the significance and importance of this language. I am not finding fault with Mr. Bryan. Whatever else may be said of him, he has been consistent and faithful to his ideals. First elected to Congress in 1890 by a coalition of Democrats and Populists, he voted for Weaver in 1892, and was recognized in Congress more as a Populist than as a Democrat. Prior to the Chicago Convention he had publicly and defiantly declared at Jackson, Miss., that he would not support the nominee of that convention in the event it adopted a platform in favor of the gold standard. As he was then the nominee of that convention he took no backward step, and proceeded to remorselessly excommunicate every Democrat who was not for the free coinage of silver.

The effect of this speech in the district was instantaneous and far-reaching. The free-silver Democrats who were supporting me on account of the regularity of my nomination almost to a man abandoned me and transferred their support to contestee, while a very large proportion of the sound-money Democrats abandoned Bryan and voted directly for McKinley. The city of Memphis, which usually went from 3,500 to 4,000 Democratic, gave a majority for McKinley, and he received in the district 7,526 more votes than did General Harrison in 1892.

And yet such was my fealty to the Democratic organization that I stood at my post in the party ranks exactly where I stood in 1894, and all I claimed was the right to maintain my convictions and denounce what I believed to be a grave party mistake. I saw 1,500,000 Democrats break ranks and vote for McKinley in order to avoid what they regarded as a great impending disaster. I saw a Democratic President and every member of his Cabinet withhold their support from Mr. Bryan. I saw every Democrat to whom the party looked for leadership five short years before driven from its councils. I saw Mr. Bryan, the nominee of the party for the Presidency, go into the district and appeal to Democrats to repudiate me and vote against me, notwithstanding the regularity of my nomination. I saw both of the electors for the State at large and the district elector canvass the district against me. I saw the State committee, acting on the advice of Mr. Bryan, repudiate my nomination and indorse the candidacy of contestee.

In short, I saw the free-silver organization composed of Democrats, Populists, and free-silver Republicans ruthlessly trample under foot party ties and associations, and under the leadership of Mr. Bryan ride roughshod over every Democrat who dared to protest. And I, in the midst of these environments, still delusively hugging the hope to my heart that the time for reconsideration in the councils of the party would come, went to the polls and for the sake of regularity voted for every elector on the Bryan ticket.

No honest man with my convictions could do more to maintain his party relations. But alas! how delusive the hope, how vain the sacrifice! I am at last brought face to face with the alternative where I must surrender my convictions on a great public question involving the welfare of my country or bow my neck to the headsman. I will never capitulate; I accept the inevitable.

The canvass proceeded to its close on the lines which Bryan himself had drawn. If it was fierce, prescriptive, and harsh, Bryan had so willed it. If Democrats were divided into factions fiercely inveighing against each other, Bryan would have it so. The order had gone forth to castigate every sound-money Democrat until he bowed in submission to the Bryan knout or in despair broke away from his party affiliations. There was to be no toleration for dissenters, and every Democrat, however old or however scarred in the party service, had to embrace the Chicago creed or go to the stake.

The sound-money Democrats and Republicans had a large majority in the district, and the defeat of contestee was inevitable if a fair election could be secured. Bryan's speech had prepared the way for the employment of desperate means to accomplish desperate ends.

In view of the very able, impartial, and judicial presentation of the case by the gentleman from Pennsylvania [Judge KIRKPATRICK], in the majority report, and his argument and that of his associate [Mr. COCHRANE], before the House, I shall not attempt in the brief time alloted to me to discuss the facts of this case. I will content myself with briefly calling the attention of the House to a few salient facts incontestably established by the proof.

1. The sound-money Democratic vote in the district was large. Mr. Thomas G. Boggs, the secretary of the Sound Money League, a gentleman of high character and great intelligence, with better opportunities for information, perhaps, than any other man in Memphis, testified that the league had a membership of 2,000, 80

per cent of whom were Democrats. He also testifies that the Patterson Democratic Club had a membership of 3,500; and that in Memphis, a city of 100,000 people, 75 per cent of the men engaged in banking, commercial, manufacturing, and professional pursuits, were my supporters. I was nominated, when there was no other candidate, in a Democratic primary by 5,600 votes.

2. The record is replete with proof that the election machinery in the district was in the hands of contestee's partisans, and my friends were untiring in their efforts to secure for me representation at the polls. And the evidence is clear that they were denied representation at every voting place where fraud is charged in counting the vote as cast.

3. The record shows, and the majority of the committee so find, that I was actually elected by a majority of 36 on the face of the returns; and contestee secured the certificate of election from the governor because the sheriff of Fayette County, an intense and reckless partisan of contestee, who did not dare to go on the stand to testify in his behalf, refused to receive one return from Galloway, in said county, wherein it was shown that I received 247 votes, and another return from Oakland, in the same county, wherein it was shown I received 154. If these returns had been forwarded to the governor, as it was his duty to do, instead of contestee being apparently elected on the face of the returns by a majority of 365, I would have been elected on the face of the returns by a majority of 36.

4. In the tenth district of Tipton County, where the sound-money Democrats were especially intelligent and alert, the proof shows I received 212 votes and contestee 41, and the officers of election, all of whom were unscrupulous partisans of contestee, reversed the returns, giving contestee 212 and me 41 votes. This crime was confessed by one of the judges to an unimpeachable citizen of the county after the returns were made out and before they were sent to the governor, and the confession was wrung from him because the evidence disclosed in the record pointed irresistibly to the truth of the admission.

5. Contestee's partisans had resolved that mankind should not be "crucified on a cross of gold," and so in their desperation they applied these methods without regard to race or color. At Braden all the colored Republicans except 3 declined to vote at that box, and so none but the sound-money Democrats were caught in the trap. The proof shows conclusively that 14 white men of the highest respectability, including the principal citizens of the place, and 3 colored men voted for me. They allowed me 4 votes in the returns and counted the other 13 for contestee. The commission of this crime was so transparently proven in the record that it was admitted by contestee's counsel in the argument before the committee. In district 9, at Mason, the colored Republicans declined to vote at that box and voted at another box in the same district. The proof shows that 16 white men voted scratched tickets; 4 voted for the Palmer and Buckner electors, and 6 for B. F. Sherrod, the sound-money candidate for Representative; and not a scratched ticket, a vote for Palmer and Buckner, or for Sherrod, ever came out of that box. The colored judge, who had sense enough to know he could not protect my interest, testified that another judge, after the polls closed, under pretense that his feet were cold, took the cigar box in which the ballots were deposited into another room where there was no fire, and there the counting was done. He explains by saying that the picture on the cigar box from which the counting was done was not like the picture on the cigar box in which the ballots were deposited. It is useless to add that the judge whose feet were cold did not testify on behalf of contestee.

6. There are 7 other voting places involved in this contest, there being 12 in all. I will not go into particulars further than to call the attention of the House to the fact that up to these contested precincts, all of which were normally Republican, I had beaten contestee in the balance of the Congressional district 1,207 votes. In these Republican precincts, where the commission of fraud was predicted weeks before the election; where my friends persistently sought representation at the polls, and where it was in every instance denied, contestee, after the returns from Galloway and Oakland had been suppressed by the sheriff of Fayette County, had enough votes counted for him to overcome my majority of 1,207 in the balance of the district and give him a majority on the face of the returns of 365. Had his partisans taken up arms on the morning of the election and driven from the polls every sound-money Democrat and every Republican at each of the 12 voting places involved in this contest, I would have beaten him by a substantial majority. That he holds the seat by virtue of the votes of sound-money Democrats and Republicans cast for me and counted for him is beyond controversy with any fair-minded student of this record.

Mr. Speaker, I realize that this is a legislative and not a judicial body. I have therefore congratulated myself that the record in this case was referred to a subcommittee of which the gentleman from Pennsylvania (Judge Kirkpatrick) was chairman. A stranger to me, I never knew his mind until his conclusions were announced to his associates. I now know he has been painstaking, exhaustive, and judicial in his study of the case. This is especially gratifying to me in view of the fact that political importance has been attached to this contest. It is useless to disguise the fact that the advocates of sound money would be glad to know I had a good case; and the advocates of free coinage would be glad to know I had a bad one. The asperities which have grown out of the contest I regret, but I know he who would avoid asperities in public life must have flexible convictions. I have been represented on one side of the House as an extreme partisan Democrat, and on the other as one who has gone over to the Republican party. These representations are made for a purpose and they are not true. I wish to say in all candor that I am not conscious of any material modification or change in my political opinions.

In the better days of the contestee and before he discovered anybody was pressing a "crown of thorns on the brow of labor," he stated in an editorial, dated December 2, 1892, after Mr. Cleveland was elected and before he was inaugurated:

> The currency question is not a political issue. It does not touch any of the essential principles upon which the two great parties are divided. It is nonsense to say that a man who believes in a strict construction of the Constitution, who holds to Jeffersonian principles as to the functions of government, who is opposed to centralization, and who is in favor of local self-government is not a Democrat because he believes that it would be dangerous for the country to undertake alone the free and unlimited coinage of silver.

By that standard I am every inch a Democrat.

Bryan, on the contrary, says the man who does not believe in the free, unlimited, and independent coinage of silver at the ratio of 16 to 1 by this country independently of all other nations is "no Democrat now."

By that standard I am not a Democrat. If Bryan is to be accepted as the Democratic Messiah and the Chicago platform is to be accepted as the Democratic plan of salvation, then I utterly disbelieve in the one and utterly repudiate the other. I know Bryan and his followers have absolute control of the Democratic organization and will remain in control of it until after the next presidential election. I have no doubt Bryan will be again nominated on the Chicago platform, or a platform even more objectionable. I realize that the forces marshalled behind him are formidable and may possibly carry the country. I recognize the fact that in making silver the paramount issue and in bringing otherwise discordant organizations under his standard, Bryan and his associates from the standpoint of political expediency have managed their affairs with great skill and adroitness. I further accept as true the inevitable result that these discordant organizations are utterly powerless to bring about tariff reform or to accomplish the adoption of any other Democratic measure until after the "paramount issue" has been disposed of. So far as I am concerned, without taking the time to count the number or reckon the cost, I will take my stand with the sound-money Democrats who do not indorse Bryanism and who believe its approval by the country would be extremely disastrous to the public welfare. With them I will take council and abide their resolution.

Personally I believe an alignment of the sound-money forces is desirable. It is useless to disguise the fact that the sound money Democrats are now in the minority. They can not hope to hold the offices or to assume directly the responsibilities of government. However, by virtue of their number, intelligence, and patriotism they hold the balance of power. Teller is not a Democrat, Jones is not a Populist, and Butler is not a Republican. And yet Teller, Jones, and Butler marshal their forces under the leadership of Bryan, the great political three in one, for the single purpose of reversing the order of civilization by discarding the gold and adopting the silver standard. On the other hand, the Republican party has gone forward and occupied the ground held by the late Democratic Administration by explicitly declaring for the maintenance of the gold standard and the stability and parity of our currency. This is the exact and only issue. We can accomplish nothing in the one direction but silver monometalism, and in the other it is in our power to place the United States on an enduring financial basis. The issue is single, but it is momentous. To vote as we believe does not make us Republicans any more than voting as they do makes the free silver Republicans Democrats. It would be just as logical to insist that the Republican party was Democratic because, differing with Mr. Cleveland in most things, it agrees with him substantially on the financial question, as it would be to say that the sound money Democrats are Republicans because, differing with the Republican party in most things, they agree with it on the so-called "paramount issue."

Wellington was not a Prussian, Blucher was not an Englishman, but Wellington and Blucher won the battle of Waterloo; and so in view of the situation which confronts the country I see no reason why the sound-money Democrats and the sound-money Republicans marshaled under their respective standards should not accept the issue so defiantly tendered and go forward in their allied strength to deliver the Republic from the danger which menaces it. The danger passed, we may then hope, but not until

then, for a reorganization of the Democratic party on the lines laid down by its founders.

Mr. Speaker, I have done with this miserable business. The record shows that personally I preferred the private station to a seat on this floor acquired at the end of a contest. I saw the annoyance, the vexation, and the humiliation through which I would have to pass. My own happiness and the happiness of my family did not lie in that direction. It is a path I would have shunned. I was a peer on this floor for six years and in that time I made many valued friends. When I saw these friends converted into judges to pass on my conduct and motives, I avoided them from a sense of delicacy and propriety. And yet, connected with my attitude before the country, I find something to give me gratification. Men like contestee and myself, in the busy activities of American life, can only attract public attention for an hour. Once seen and we are lost forever in the ungarnered reputations of our times. And yet there are those who will remember us and treasure our good deeds and wish to forget our evil ones. Our children and our children's children are always interested in our history. When I look back on my brief and inconspicuous public career I am not ashamed of the legacy I leave my children. An ex-Confederate soldier and representing a district from the South that was intensely Confederate during the war, I have without apology for the past and without compromising its sacred memories on all occasions attempted to feel and think and act as an American citizen who saw in the welfare of the whole country the happiness and prosperity of every part of it.

When the panic of 1893 came with all its distress and accompanying complexities, I did not pause to learn the current of public opinion, but I tried to investigate the cause and did that which I believed was best for the country. I thought I saw in the free-silver propaganda not only a menace to commercial prosperity, but a menace to the public credit and the national honor. I have done what I could to prevent either being sullied. When, to my great sorrow, I saw a large majority of my own party take a different course, instead of surrendering my convictions I have maintained them and done my utmost to prevent what I believed would be a catastrophe to the party and the country. I believe in party fealty, but I believe in fealty to country first. Whether right or wrong, I believed I was right and I am willing to take the consequences of my belief. Whether right or wrong, I do not believe the present attitude of the Democratic party on the financial question, which it asserts, and which I think is paramount in importance to all others, is one that will redound to the honor of the country, the maintenance of the public credit, or the general welfare of the people, and I am willing to take the consequences of my unbelief. Those who are so eager to retire me to private life are not more anxious to accomplish their purpose than I am to go.

What I have done in the past has been from a sense of duty, and not from the love of place, and in my future conduct I hope to be inspired by the same motive. All that I ask from those who so radically differ from me is to believe I think I am right on a great public question which concerns the welfare of our country, and that while I think so I will have the patriotism to say so, and to maintain my convictions even at the cost of my political fortunes. I take some pride in this. I look to the future to vindicate my course, but whether it will or not, I am persuaded a man who holds fast to the truth as God has given him light to see it does not live in vain. Difficulties may bristle in his pathway, faction may hawk and tear at him, and he may suffer the keenest of all regrets which follow the stab of timid and recanting friends, but there is joy in the consciousness that error will ultimately perish and truth will survive forever. [Applause.]

Mr. RICHARDSON. I yield one hour to the gentleman from Mississippi [Mr. ALLEN].

[Mr. ALLEN addressed the House. See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9944) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes.

CONTESTED-ELECTION CASE—PATTERSON VS. CARMACK.

Mr. CARMACK. Mr. Speaker——

Mr. RICHARDSON. The gentleman has as much time as he desires, in the time of this side. How much time is left to the minority, Mr. Speaker?

The SPEAKER. One hour and twenty-two minutes.

Mr. CARMACK. Mr. Speaker, it is only as a matter of justice to my constituents and against my own inclination that I consume the time of this House. I should rather prefer that the House would proceed with all possible swiftness to the final act of this little drama, and ring down the curtain as quickly as may be on the closing scene. Whatever may be the action of this House, it will be but a trifling incident in the country's history, and of no transcendent importance even in my own. While the world stands every day will have its to-morrow, and I am not yet so old that I need grieve for the event of one little hour. If this term in Congress represented to me, as possibly it does to another, the last floating fragment of a shipwrecked ambition, I might clutch at it with desperate eagerness and contemplate its loss with agony of soul. Such, I am proud to say, is not my condition.

So far as my individual political fortunes are involved in this contest, if I know my own heart, Mr. Speaker, I am absolutely indifferent to the issue. There is another and a higher tribunal which will review these proceedings and sit in solemn judgment upon your verdict. If this House shall decide against my right, to the arbitrament of that great tribunal I shall make my appeal. It is within the power of this House, by a mere act of force, to strip a member of his commission. It is not within its power to take from him the respect of his neighbors, his constituents, his friends. It may, by the same act of force, bestow that commission as a gift from its own hands upon another, but it can not bind up with the gift the esteem and confidence of his people at home. [Applause on the Democratic side.]

That is a possession, gentlemen of this House, which it is not yours to give nor yours to take away. I had rather lose this seat, having obtained it, as I believe, by the honest, unbought suffrages of my countrymen, than to receive it as the gift of this House, having been denied it by my people at home. [Applause on the Democratic side.] I had rather be stripped bare of all official honors and go back to the plain people from whom I sprung than to barter their respect and confidence for the meretricious splendors of a passing hour. [Renewed applause.] I had rather remain forever on a common level with the great mass of my countrymen than to creep and crawl to some petty eminence of official power and from there look down on an outraged and indignant people. [Applause.]

That man, Mr. Speaker, has lived too long who lives to despise the plain people by whose strong arms he was lifted up, over whose shoulders he has climbed to greatness; who, in his declining years, in the evening of his life, seeks to barter the honest loyalty of his lifelong friends for a sordid, selfish, and precarious alliance with his lifelong enemies. [Applause on the Democratic side.]

Mr. Speaker, there may be advantages in such a situation which my poor mind can not discern; but to me it seems that there is no object in this world more to be pitied than the man who abandons the friends of his youth and the home of his childhood to become a despised and distrusted menial in a stranger's house. [Applause on the Democratic side.]

If such a man have not the heart of a courtier or a slave; if he was not born to

> Crook the pregnant hinges of the knee
> Where thrift may follow fawning;

if his soul be not utterly dead within him, there must come a time when he will look down with shame on his present condition and look back with longing to the friends he has deserted and the people he has betrayed. No matter with what Brummagem glitter and tinsel pomp he may be surrounded, the time will surely come when, like the captive Jew amid the splendors of a foreign land, he will sit him down by the waters of Babylon and weep when he remembers Zion. What shall he do then, Mr. Speaker, when those who have taken him captive require of him a song? How can he sing the Lord's songs in a stranger's land?

Oh, Mr. Speaker, he must learn to chant hymns to his conqueror in a foreign speech and babble the praises of his master in an alien tongue. [Applause.] But even this is not all, nor the worst. He must drink the cup of humiliation to the very dregs. He must turn with bitterness upon his own country. He must become the accuser of his own friends; in that last and lowest depth of his descent, in which all pride and self-respect have perished utterly, he must learn to malign the land where his mother rocked his cradle and slander the people among whom he was born. [Applause.] A few years ago the contestant stood in his place in this House and denounced as false and slanderous a tirade of abuse against the people of his own district.

He stands here to-day to repeat the very accusations he then denounced, against the very people he then defended, amid the plaudits of the very accusers he then opposed. [Renewed applause.] It is hard, Mr. Speaker, to believe that it is the same person who has appeared in these two rôles; and yet in all essential particulars they are one and the same. When this contestant ceased to rant about negro domination and began to cant about purity of elections, he changed his methods without changing his character. I say to the honorable gentleman, the mere fact that he has added his voice to that of the defamers of his people lends neither truth nor dignity to the slander. He can not elevate to a plane of respectability the calumniators of his country, though he may easily and by a very short step descend to their level.

I stand here, sir, to repel the assaults made upon my people

from whatsoever quarter they may come; to refute the accusations against their honor and good name by whatsoever lips they may be uttered; and having done that, I am ready to accept with a light heart whatever verdict the House may choose to record. Side by side with that verdict shall stand the testimony and the law, which shall vindicate or put to shame the action of this House. [Applause.]

It has been said, Mr. Speaker, with grave injustice I hope, that every step in the trial of a contested-election case is but a mockery of law and of legal procedure; that at last the question is decided upon considerations of party interest or of party prejudice, and that all these tedious and costly proceedings are but barren and empty formalities, the mere husks and shucks of the law, in which there is no kernel of justice and no grain of right.

If I should assume, Mr. Speaker, as I do not and shall not, that the dominant party in this House would be controlled by such considerations, that it would be influenced by some sense of political obligation incurred, that it would be governed by the absurd and preposterous belief that a political or party advantage is to be gained by seating this contestant, then I should have frankly to admit that I have nothing which I can oppose to such a motive. I must frankly say to this House that in the last campaign, with all my heart and soul, I supported the nominees and the platform of the Chicago convention. [Applause on the Democratic side.] I expect to do the same thing in 1900. [Renewed applause.]

Politically speaking, there is not and can not be any common ground between myself and the majority of this House. I can not come to you and say that in the last campaign, while I publicly proclaimed myself a supporter of the regular Democratic organization, I was secretly false to my public professions. I can not appeal to you on the ground that, while I was a Democrat every day, I was a Republican every night. I can not appeal to you by saying that, while I proclaimed myself a supporter of Bryan at the front door, I was for McKinley in the back alley. [Laughter.] A man can not be the kind of a Democrat I am, Mr. Speaker, and aid the Republican party any more than he can be the kind of Republican you are and aid the Democratic party. [Laughter.]

I shall not assume, Mr. Speaker, as I have said, that this House will be governed or influenced by any such considerations; but such is not, and has not been, the assumption upon which this contestant has proceeded. From the very beginning of this contest he has made his appeal, not to the law, not to the evidence, not to a sense of right and justice upon the part of this House, but to the very personification of party spirit and of party power. He has made his appeal from the very beginning to a tribunal unknown to the Constitution and the law.

Mr. Speaker, about three days after the election—on the 6th day of November, I believe it was—the contestant published an interview in an afternoon paper in Memphis, in which he said he had not yet decided whether or not to prosecute this contest; that the people were annoying him on every street corner to make known what his intentions were, and he begged them in this interview to wait a day or two until he could receive the advice and counsel of certain friends before making up his mind. A few hours after that something occurred, some fact transpired, that caused the gentleman to suddenly come to a conclusion, and he prepared another statement, which was published in the morning paper, announcing his purpose to prosecute this contest to the bitter end.

It so happened, Mr. Speaker, that upon the same day there appeared an Associated Press dispatch from New York containing an interview with the Hon. John R. Fellows, saying he had just called upon the Hon. MARK HANNA and appealed to him to come to the relief of the Hon. Josiah Patterson in the contest he was about to prosecute for my seat. [Laughter.] About the time, Mr. Speaker, when this contestant was travailing in an agony of doubt and uncertainty, appealing to his hot and importunate partisans not to press him to an immediate decision, but to wait, wait until he could hear from certain friends whose names and whose habitations he did not give—about that time, perhaps at that very hour, the Hon. John R. Fellows, of New York, was closeted with the Hon. MARK HANNA, of Ohio, appealing to that omnipotent and universal Warwick to come to the relief of the Hon. Josiah Patterson, of Tennessee. [Laughter.]

Mr. Speaker, these things may have been mere coincidences, but there was what Mr. Blaine used to call "a suspicious contemporaneousness" in the proceedings; and that suspicion will be deepened if we follow the honorable gentleman to the city of Washington and see him here pursuing the same eminent individual, dogging his footsteps like a shadow and clinging to his person like an undergarment. [Laughter.] Let us see him especially on the day after that great Senatorial election in Ohio, which gave new life to the Republican party and established the Almighty on his throne [laughter]; let us see him on that day ascending the steps of the White House, and let us see him meeting there the distinguished gentleman from Ohio, Mr. GROSVENOR. Let us see him take that gentleman in his arms and say to him: "GROSVENOR, I am just going up to see the President and tell him that there is no Republican in the country that rejoices as much over Senator HANNA'S election as I do." [Laughter and applause.]

Then let us see him again, Mr. Speaker, a few moments afterwards, appealing to two newspaper correspondents who had been interested witnesses of this unguarded ebullition—let us see him appealing to them tearfully and prayerfully and frantically, for God's sake, not to publish this moving incident, because it would ruin him in Tennessee—"For God's sake, don't let the people at home know that I have been caught in a compromising position with the Hon. MARK HANNA." [Laughter.]

Gentlemen on the Republican side, that is the man. If you want him, take him. If you can make him useful in your business, you are welcome to him. [Laughter.] I mention these facts, Mr. Speaker, in order to show the desperate methods resorted to by this contestant to obtain a seat in this House. He invoked the magic name of Bryan to carry him through a Democratic constituency.

He is now invoking the magic name of HANNA to carry him through a Republican House. When he gets through here and some new exigency or new necessity confronts him, God knows what he will do.

Mr. Speaker, the contestant and myself must both go back to the Tenth district of Tennessee; we must there fight out our differences; and I say to him the time will come when it will be said of him, as was once said of another and, if possible, a greater man, "This man might have been spared if he had not appealed unto Cæsar." [Applause.]

Now, Mr. Speaker, before proceeding to discuss more elaborately the details of this case, I wish to direct a few remarks to some of the speeches that have been made on this floor. I shall not stop to discuss the remarkable production written and read upon the floor by the contestant himself. So far as I could gather its meaning, it seemed to be chiefly an essay upon the personal pronoun and the single gold standard—what "I" have done, what "I" think, what "I" am going to do, and what "I" am. [Laughter and applause.] I shall not attempt to discuss that remarkable essay, but I wish to direct a few remarks to the speech made by the distinguished gentleman from Ohio [Mr. GROSVENOR].

I always tremble, Mr. Speaker, at the thought of confronting so valiant a tongue slugger and so accomplished a lip artist as the gentleman from Ohio. [Laughter.] His prowess in this arena entitles him to be regarded as the veritable "blue-gum nigger" of debate, an oratorical scorpion whose tongue is his tail. [Laughter.] In the course of that gentleman's criticism upon myself, my distinguished friend from Nebraska interrupted him to say that I had reformed but the gentleman from Ohio had not. Mr. Speaker, it will be a very sad day for reform if he ever does. I feel about the gentleman from Ohio a good deal like an old colored preacher down in Tipton County, in my district, felt about a certain convert. This preacher had just concluded a powerful exhortation and the voices of the congregation were quavering on the second line of that good old hymn—

While the lamp holds out to burn
The vilest sinner may return.

It was just at this juncture that a particularly tough old reprobate, with chicken feathers all over his head, got up in the back part of the audience and started toward the altar. The preacher for one moment stood speechless and aghast with horror, then, throwing up his hands, he exclaimed at the top of his voice, "Deacon Simmons, for Gawd's sake blow out de lamp." [Laughter.] If the honorable gentleman from Ohio should ever show a disposition to reform and come in our direction, I want to "blow out the lamp" before he gets there.

The gentleman from Ohio says that "politics sometimes make strange bedfellows." They do indeed. We do not need to be reminded of that fact when we see the white beard of the distinguished statesman from Ohio gleaming above the coverlid side by side with the illuminated countenance of this contestant. [Laughter.]

It seems but yesterday that the gentleman from Ohio was denouncing the contestant upon this floor as a "political guerrilla" and a "political tramp." In his character of tramp the contestant has at last arrived at the hospitable door of the gentleman from Ohio. I trust the gentleman will make him saw wood for his dinner. [Laughter.]

The gentleman saw fit to read certain editorials of mine—editorials written in 1892—in which I opposed making the silver question the dominant issue of that campaign. It is true, Mr. Speaker—and I am at the confessional now, confessing all my sins as well as proclaiming all my virtues [laughter]—it is true that at that time I was a somewhat blind and enthusiastic supporter of Grover Cleveland, while the gentleman from Ohio and his leader, Mr. McKinley, were denouncing him because of his hostility to silver and his support of that monster iniquity, the single gold standard. I am sorry I did not receive to my heart the warnings uttered by the gentleman from Ohio then. I am sorry he has forgotten them now. [Laughter.]

As to what the gentleman has said about my opposition to the Populists, I will simply say that we have had our fight and buried our differences. The Populist nominee for Congress in 1892 and the Populist nominee for Congress in 1894 stumped the district for me in 1896. I will say further that at the time these editorials were published both the contestant and myself were making war upon the principles of the Populist platform.

We went together before the Populists of Tennessee and appealed to them to lay aside their vagaries with respect to the subtreasury bill and the land-loan scheme and come and unite with us, and we would both stand by them for the free coinage of silver at 16 to 1. [Applause on the Democratic side.] That is the proposition that he and I made to them from every stump in Tennessee. In 1896 they accepted our proposition, and I have manfully stood by the promise I made, but this contestant has not. [Applause.]

Mr. Speaker, the facts and the law of this case have been argued so clearly and so ably by my distinguished friend from Arkansas [Mr. BRUNDIDGE] and my distinguished friend from Mississippi [Mr. ALLEN] that I feel as if I were traveling over a beaten track and repeating a twice-told tale. But there are certain general considerations which I wish to present because they bear strongly on the inherent probabilities of the case and are necessary to a clear understanding of its merits. The gentleman from Pennsylvania [Mr. KIRKPATRICK], as well as the contestant and his counsel, lays a great deal of stress upon the claim that the contestant was the regular nominee of the Democratic party.

Through page after page of his printed brief he denounces me as a bolter and a disorganizer and claims that he was the regularly chosen candidate of the regular Democratic organization—the same organization of which William J. Bryan, whom he claims to have supported, was the Presidential nominee. Indeed, Mr. Speaker, he refused to enter into a joint discussion with me on the express ground that I was a bolter and that such discussion would tend to create disaffection in the ranks of the regular Democracy and make possible the loss of Tennessee to the State and national Democracy.

He was so much afraid that Bryan would lose some votes! He took the Democratic organization under his special care and protection. He was the protector, the champion, the guardian angel of the regular Democracy in the Tenth Congressional district. He would not suffer any bolter or disorganizer like myself to do harm to the great Democratic party and its chosen leader. Why, in the spring of 1896, contestant even went so far as to say in a published interview that he would "swallow anything the Democratic party puts into its national platform without retching, even though it declare for the free and unlimited coinage of silver at the ratio of 16 to 1. Why, if the Democratic party should declare for the free and unlimited coinage of pewter, I would still stick to and shout for the grand old Democratic party."

His newspaper supporters openly appealed to free silver Democrats to support the contestant as the regular nominee, just as Colonel Patterson, as they declared, was giving a loyal support to William J. Bryan. In order to enforce this appeal, the contestant himself, in the opening speech of his campaign, intimated that if Bryan should be elected, he (Patterson) would feel it to be his duty to vote for the free, unlimited, and independent coinage of silver at the ratio of 16 to 1. [Applause.] Now, Mr. Speaker, I am willing to concede all the importance which the gentleman claims for this question. But let me ask him if he has paused to consider the personal consequences to himself if perchance he should sustain that contention? He bore his assumed character of the regular Democratic nominee and loyal supporter of Bryan to the end of that campaign. To the very last hour of it he continued to appeal in this character for the suffrages of his people. But the gentleman now no longer claims to be even a member of the regular Democracy.

When this contest was shifted from a Democratic constituency to a Republican House, he shifted his political affiliations to suit the exigencies of the new situation. In a dozen flamboyant interviews for the edification of the Republicans of this Chamber he has proclaimed himself the implacable foe of the very organization in whose name he appealed for the suffrages of his constituents, and by whose aid he claims to have been elected a member of this House. I say to the honorable gentleman that he was not the nominee of the Democratic party; but if he was, and if, as he claims, he was elected to this House as the chosen candidate and representative of that organization, then he can not hold a seat here as a member of another party without betraying the trust of his constituents and disgracing the commission he holds. [Applause on the Democratic side.] I might safely leave the gentleman to rend his viscera upon either horn of this dilemma. [Laughter.] But in memory of the kindly feelings of other days, when I was a faithful follower of his standard, I intend to extricate him from this predicament, and I will do so by showing that his alleged Democratic nomination was a farce and a fraud.

The entire question of the regularity of our respective nominations is comprehended in the disputed election of Congressional committeeman for the county of Fayette. If Dr. J. A. Albright was elected, a majority of the committee was favorable to me. If Mr. Hendon was elected, a majority was favorable to the contestant. Now, the undisputed facts in regard to this election, which occurred at the primaries in 1894, are that the canvassing board of the district canvassed the incomplete official returns from Fayette County and announced a majority for Hendon as the result of this canvass; but the further facts are that the returns from some districts did not reach the canvassing board, because through mistake they had been addressed to the former secretary of the county committee, who had gone out of office just one week before and who happened then to be absent from the State, and they did not reach the chairman of the county committee, who was a member of the canvassing board, until after the other returns had been canvassed.

That these delayed returns are absolutely authentic and correct is admitted by all, and that Dr. Albright was elected as shown by the complete official returns was never denied throughout the controversy by any living man. Hendon's claim is based upon the bare technicality that the canvass of the incomplete returns concluded the whole question. It must be borne in mind that the contestant at the time of election of committeeman from Fayette County had absolute control of the party machinery, and Hendon himself, his candidate for committeeman, was one of his principal managers and manipulators. The contestant's contention, therefore, simply amounts to this, that the fault or failure of his own friends to bring the complete official returns before the canvassing board concludes the case against the candidate whom they desired to defeat.

It is claimed that Hendon's election was contested before the canvassing board, decided, and acquiesced in. The only basis for this claim is that upon the discovery that the returns from some of the precincts were missing a letter or telegram to that effect was sent to Col. Casey Young, who laid the matter before the canvassing board at its meeting in Memphis. The board simply decided that its authority was strictly limited to canvassing the official returns and that they could hear no evidence outside of the returns.

It is not true, Mr. Speaker, as stated by the contestant, that his alleged committee made any offer or suggestion with respect to giving my friends a fair representation at the primaries. There was no such offer or suggestion nor any intimation to that effect, nor did I or my friends ever hope to obtain anything of that kind at their hands.

But, Mr. Speaker, higher authorities than either the contestant or the gentleman from Pennsylvania [Mr. KIRKPATRICK] have passed upon this question. The whole matter was submitted to the Democratic State committee, which passed upon the question just as they did upon a contested nomination from the Seventh district, in which my friend and colleague, Colonel COX, was interested. That committee decided, with practical unanimity, that mine was the regular committee, mine the regular convention, and that I was the regular nominee. I was recognized as such by the chairman of the national executive committee and by the chairman of the national Congressional committee. I was so recognized by every Democratic electoral candidate and by every one of my present Democratic colleagues in this House. I was nominated by the largest Democratic convention ever assembled in the city of Memphis—a convention presided over by that grand and heroic old Democrat, the late Senator Isham G. Harris—blessed be his memory forever! [Applause on the Democratic side.]

The contestant was nominated by a so-called Democratic primary, which was even more farcical and fraudulent than the one in which he obtained his nomination over Col. Casey Young two years before. Although there was none to oppose him, though there was absolutely no excitement and not a single carriage or worker at the polls, the returns from that election showed a Democratic vote of about 3,500 in the city of Memphis alone, or almost as many as he received of Democrats, Republicans, and all on the day of election. Now, it so happened that, knowing the habits of this contestant in Democratic primaries, we placed watchers at the different polls in Memphis and at other places in the district and kept count of the voters; and the result showed that the vote returned for him in the city of Memphis alone was about four or five times as large as the vote actually cast for him in all the four counties of the Congressional district, including the city of Memphis. [Laughter.]

Why, for instance, Mr. Speaker, in the Second Ward of the city of Memphis the vote actually cast was 38, and the vote returned was 234. In the Fourth Ward 59 men voted, and the number of votes returned was 323. In the Fifth Ward the number of votes actually cast was 50, and the number returned 417. In the Seventh Ward the number actually cast was 128, and the number returned 221. In the Eighth Ward the number cast was 97, and the number returned 408. In the Ninth Ward the number

cast was 23, and the number returned was 397. In the Tenth Ward the watchers, instead of stationing themselves where they could watch the count without being suspected, went in and sat down in the presence of the judges and notified them of their purpose. The result was that while in the other wards the returned vote ran from 200 to 400 and over, the vote returned from this ward was only 45, or only 12 more than the vote actually cast.

All these facts, Mr. Speaker, were published broadcast, and the officers in those primaries were publicly challenged to deny them. Not one of them has ever denied these charges to this good hour. Why, sir, we placed upon the witness stand the man who had charge of the box in the fifteenth district, which is a suburb of Memphis, and he testified that the number of votes actually cast for the contestant in that district was 37, while the number returned was 347. Why, in a number of districts a considerable vote was returned for this contestant, though no polls were opened and not a solitary vote was cast.

Mr. RHEA of Kentucky. And nobody running against him?

Mr. CARMACK. No; he was just doing this from force of habit. [Laughter.]

Yet the next day the contestant came out in an interview returning thanks for this magnificent outpouring of the unterrified Democracy; it was, he said, the proudest moment of his life. [Laughter and applause.] The plain fact was that they simply stuffed the ballot boxes to the limit, made false and fraudulent returns, and then praised God for the performance. [Laughter.] The whole truth is, Mr. Speaker, that this pretense of a Democratic nomination on the part of this contestant was simply a fig leaf, an utterly inadequate fig leaf, intended to partially conceal the nakedness of his undemocracy. [Laughter.] That fig leaf was simply for campaign purposes, and now that the campaign is over, he casts aside even this primitive vesture; he proceeds to unmask his beauty to the moon, and he goes bounding forth before the bulging eyeballs of his startled countrymen in all the picturesque loveliness of beauty unadorned. [Great laughter and applause.]

But, Mr. Speaker, one party and one nomination would not suffice for this insatiate archer. A solemn and deliberative conclave of colored Republicans ringed his Jovian brow with a black-and-tan halo, and the "Lily Whites" added another of a paler tint. One Democratic and two Republican parties, he would have us believe, united to crown him with their indorsement; and thus bearing his threefold balls and triple scepter, he went forth conquering and to conquer. [Laughter and applause.] Contestant was now prepared to do business with all parties, and in pious obedience to the apostolic injunction "to be all things to all men." [Laughter.]

Among Democrats he was a Democrat; among Republicans he was a Republican; and on one of the islands of the Mississippi River, inhabited mostly by negroes, his partisans actually circulated the report that the Hon. Josiah Patterson was a colored man. [Great laughter.] Mr. Speaker, the remarkable confusion which prevailed in that district with respect to the contestant's political and ethnological status [laughter] reminds me of nothing so much as of the Mississippi flatboat man who declared that he was "half horse and half alligator, with a heavy cross of snapping turtle." [Laughter.] He seems to have been one of those hybrids sometimes begotten in the hot lust for office, a political mule, having neither pride of ancestry nor hope of posterity. [Laughter on the Democratic side.]

Mr. Speaker, I am going to tell the plain truth as to the methods by which the indorsement of that Black and Tan convention was secured for this contestant. It was secured by debauchery and corruption. It was bribed. It was bought. The Black and Tan movement was a revolt on the part of the colored Republicans who had grown weary of being used by the white politicians simply as the tools of their trade. The leaders of this movement had made vigorous efforts to secure proper representation for the colored brother at the Republican State convention, and again at the Republican national convention, but in every case had been outwitted and overreached by the white politicians. They then organized for the Congressional campaign under the leadership of William A. Fields, an able colored Republican of excellent character, a justice of the peace and ex-member of the legislature. When that convention was about to assemble, one of Fields's lieutenants, by the name of Johnson, came to him with the information that Patterson's friends were buying up his supporters.

This man Johnson had located the scene of operations in the house of Mose Strickland, who had been one of Fields's most active supporters. He went there, walked in unannounced, walked into the back room, and there found the said Strickland with a colored supporter of this contestant dividing out a roll of greenbacks among a party of Fields's supporters. Johnson denounced them for selling out Fields and they tried to coax him into silence and offered him a part of the money. These facts are not and never have been denied.

Why, Mr. Speaker, contestant's leading friends and managers no longer pretend to deny, but openly confess, that they did obtain control of that Black and Tan convention by bribery and corruption, and if this contestant will ask me for the names of his friends who have made this remarkable confession I will give them to him on the floor of this House. [Applause.] William A. Fields issued a circular to his people in the district, in which he said:

To the colored voters of the Tenth Congressional district of Tennessee:

FELLOW-CITIZENS: Because of a somewhat prominent connection with a movement mostly confined to colored Republicans, undertaken in the early summer for the purpose of ridding the party of notorious "bosses" and organizing on a basis of fairness and honesty, I deem it proper and my duty to make the following statement:

On the 7th of September a "handful" of colored men styling themselves "delegates" met in "convention" in the city of Memphis, and, along with other "proceedings," "called" the Republican Congressional convention of the Tenth district to meet in the same place the next day, September 8, at same time constituting themselves delegates thereto. This small clique of political adventurers met the next day as arranged, and for and in consideration of a certain sum of money, corruptly received by them and divided among themselves, they did then and there proceed to indorse the Democratic nominee for Congress, and to bargain and advise that all the colored voters of the district should support and vote for the candidate of the Democratic party.

I object to such action and protest against it in the name of common decency and of the honest voters of the district. First, because these men, without show or shadow of authority, for so much money in hand, basely and corruptly received, did misrepresent and bargain to sell out the honest, intelligent, and patriotic colored voters of the county and district.

Secondly, I object and protest because the man whom they indorse, for so much cash in hand, has by his public utterances on occasions innumerable during the past five years shown himself the bitterest, most implacable enemy of the colored people. He has denounced us as savages, unfit and incapable to exercise the rights of citizenship, a menace to American civilization.

Thirdly, I object and protest because this corrupt and venal action on the part of a few thoroughly discredited, self-styled leaders, tends wrongly and falsely to fix upon the honest masses of colored voters the name and reputation of selling their votes to the highest bidder without regard to principle or decency.

Finally, as a humble member of the Republican party, as one among the honest voters of my people, I call upon all honest, intelligent, and patriotic men of my race in the Tenth Congressional district to vindicate themselves and their integrity of purpose in political matters by repudiating, to a man, this monstrous corruption on the part of these demagogues and tricksters. We have been shamefully sold "for a price." Let those who made the corrupt bargain "deliver the goods" if they can.

Let us demonstrate to the world that we do not intend to obey the selfish behests of corrupt "bosses" on the one hand, nor on the other to be basely betrayed and sold out "like dumb driven cattle" by the no less venal and corrupt "leaders" of our own race.

Respectfully, yours,

WM. A. FIELD.

MEMPHIS, TENN., *September 25, 1896.*

Mr. Speaker, this contestant was not the nominee of anything except of a stuffed ballot box and a debauched negro convention. I was the nominee of the regular Democratic party, representing a platform and a sentiment, however, which appealed to many more than the members of the Democratic party; and it was under these conditions that contestant and I went before the people of the Tenth Congressional district. The gentleman from Pennsylvania [Mr. KIRKPATRICK] would have you believe that as the contestant was the regular Democratic nominee he must have gotten the Democratic vote, and because he was indorsed by the Republicans he must have gotten the Republican vote.

Now, mark how plain a tale shall put him down. In the county of Shelby there is no pretense that a single vote was fraudulently cast, fraudulently counted, or fraudulently returned. If the contestant actually received the Republican vote, then he only received 158 Democratic votes in the entire county of Shelby, including the city of Memphis. If, on the contrary, he received any large proportion of the Democratic vote, he must have failed to receive a very large proportion of the Republican vote. The same is true of the county of Hardeman, in which he makes no charge of fraud.

Mr. Speaker, I wish now to deal with the county of Fayette, in which the contestant locates most of his charges of fraud. The gentleman from Pennsylvania [Mr. KIRKPATRICK] has conjured up a horrible conspiracy to defraud, whose chief actor is alleged to be Mr. J. E. Boswell, the sheriff of the county. One of the principal grounds for charging this conspiracy is the failure of the county court to appoint the judges and clerks of election, leaving the appointment to be made, as in such cases the law requires, by the sheriff, with the advice of three justices of the peace or three freeholders. This charge necessarily assumes that the county court was into the conspiracy to defraud the contestant. If this be true, then there was no necessity whatever, so far as the alleged purpose was concerned, in relegating this duty to the sheriff.

The county court itself, if it had desired to defraud this contestant, could have selected suitable instruments for that purpose as readily as the sheriff himself, and the fact of its not doing so will hardly strike a reasonable man as evidence of its purpose to accomplish what it did not attempt to do. The county court having failed to appoint judges and clerks, the sheriff proceeded to appoint them, in strict compliance with the law and according to the uniform custom of the county. Contestant's own managers in that county testified that the judges and clerks were appointed precisely as they had always been in that county.

The county court never had exercised the right to appoint judges and clerks, but had uniformly left that duty to be performed by the sheriff, with the advice of three justices or three freeholders. Such had been the uniform custom during the whole time that the contestant had control of the party machinery in that county. It is a little remarkable, Mr. Speaker, that in every case where the methods and precedents established by this contestant and his friends have been followed they have instantly seized upon it as conclusive evidence of a criminal intent. [Laughter.] The suspicion may be perfectly natural with them, but I protest against the injustice of judging other people's motives according to their own standard of political morality.

If this was a conspiracy to which the sheriff was a party, how do we account for the fact that in a number of districts persons were appointed as judges and clerks entirely satisfactory to the contestant, and even the very men whom he had named and selected? That the sheriff of this county was and is my supporter is true, and I am proud that it is true. He is an honorable man, a gentleman, and a Democrat. But I emphatically deny that there is the slightest ground for the false and reckless accusations that have been made against him. The truth is, Mr. Speaker, that the contestant arrogated to himself the right to name judges and clerks, and Sheriff Boswell failed to find any mention of him in the constitution or the law. The contestant had not, except in his own estimation, risen to the dignity of a separate political party.

Another evidence of a general purpose to defraud, which the committee finds eminently satisfactory, is the fact that in some districts the negro vote was largely for the contestant and in other districts overwhelmingly for me. This seems strange, incomprehensible, and incredible to a majority of this committee. Yet if the fact be that way, and if it be shown to be so in districts where there is no question as to the honesty of the count, it is hardly worth while to waste time in speculating upon it. Now, it is shown by contestant's own witnesses that I received one-third of the negro vote in the Moscow district.

In the Oakland district, counting the two boxes, I received about two-fifths of the negro vote, and that fact is not disputed by a syllable of testimony in the record. Yet in the adjoining district I received only one-tenth. Why, then, seek to base a conclusion upon an assumed improbability of what the undisputed testimony shows to be an actual fact? Mr. Speaker, the fact is easily explained. The contestant's manager in that county testified that in district No. 9, where he owned large interests, the entire negro vote was, through his influence, cast for the Democratic ticket in 1892 from President down.

The negro is subject to local influences, and where the white men of any particular community are practically united and active it is but reasonable to suppose that they can and do exercise a large influence over their negro dependents. In all of the districts where the negro vote was polled for contestant he had a respectable body of rich and influential white supporters, who actively organized the negroes in his interest. There is, therefore, nothing at all strange in the difference of sentiment of negro voters in districts Nos. 4 and 5. In No. 5 contestant had a number of active white supporters. In No. 4 he had none, and in addition to this the chairman of the Republican Congressional committee testified that he had failed or refused to send any campaign fund into that district, and that the negroes there were very much dissatisfied.

Now, Mr. Speaker, I desire to present some preliminary observations with respect to this county which, in my judgment, are necessary to any intelligent study of the facts of the case. Fayette County for many years has been a strongly Democratic county.

For years past the contestant had been in absolute control of all the election machinery in that county, and it has steadily rolled up majorities of from 1,000 to 2,000 for him and the rest of the Democratic nominees. It is shown beyond question that I received practically the entire Democratic vote in that county. That I should have received, therefore, a majority of the total vote is perfectly natural, unless we are to assume that the contestant has heretofore obtained his majorities by fraud.

It is true, Mr. Speaker, that the majority of the people in that county are negroes, and the contention of the contestant now is that the negroes are all Republicans and that as Republicans they must have voted for him. Upon this point I desire to introduce the contestant himself as a witness. His testimony deserves the highest degree of credibility, upon the principle that when a man makes a statement against his own interest, it is to be accepted as true, no matter what the character of the witness may be. [Laughter.] In 1893 the contestant made a speech upon the floor of this House, in which, in answer to a question from General HENDERSON, of Iowa, he said:

> The truth about the matter is that the Republican party makes the mistake of assuming that every colored man is naturally and per se a Republican, and if his vote is not counted for the Republican party and its candidate, there must have been some fraud. That is altogether a mistake.

Mr. Speaker, that statement by the contestant is proven to be true by the testimony in this case. Numbers of contestant's own witnesses testify that the negroes frequently vote the Democratic ticket. His principal manager in that county cites the fact that in one large negro district, in which he resided at the time, about 200 negroes voted the Democratic ticket from President down, and that not a single one of them voted the Republican ticket. But, Mr. Speaker, I do not wish to be understood as saying that there has never been any fraud in Fayette County. The truth is that there are and for years have been two Democratic factions in that county, one known as the "ballot-box stuffers" and the other as the "antiballot-box stuffers."

The former, up to the last campaign, were in absolute control of all the party and election machinery. The latter, under the leadership of a number of the best and most influential citizens of the county, have waged open warfare on the fraudulent election methods of the other faction. They have held that where the white people are practically united the bulk of the negro vote can be honestly controlled, if only patience, tact, and careful management are brought to the task. The other faction have not thought it worth while to put themselves to this trouble, preferring the easier method of stuffing the ballot box and falsifying the returns. The men who were active in the management of my campaign were the men who for years past have been standing out manfully for a free ballot and a fair count. These facts are shown in the record, and it is further shown that their Democracy has been called in question by the contestant's friends because they would not condone the frauds perpetrated by them. On the other hand, the contestant has been most intimately identified with all the ballot-box stuffers and election crooks of that county.

There was not one man conspicuously identified with his campaign in that county, and who appeared upon the witness stand, who is not shown to be an habitual election criminal by his own testimony; not one. I challenge him here and now to name one, to name one man, who took a conspicuous part in the management of his campaign in that county who is not steeped in fraud to the very lips. Name one! One! One only! I repeat the challenge! Name one friend who took a conspicuous part in your campaign in Fayette County who is not shown to be smeared with election frauds from his head to his heels—name one!

Mr. DE GRAFFENREID. Can you not do it?

Mr. CARMACK. And yet, Mr. Speaker, the gentleman from Pennsylvania [Mr. KIRKPATRICK] tells us that the Republicans of that district supported Colonel Patterson because he and his friends were in favor of honest elections. [Laughter.] But, Mr. Speaker, we have in this record not alone the fact that the contestant has habitually associated with men of this character, and selected his political managers exclusively from among them; not alone the fact that he has acquiesced in and accepted the benefits of their frauds, but that he has been an open instigator and inciter of crimes against the elective franchise, and that fact I will establish out of the contestant's own mouth and out of the mouths of his witnesses.

For years, Mr. Speaker, he has been delivering the most violent and intemperate harangues against the crime of negro suffrage. For years he has traversed that district declaring that he wanted no negro to vote for him and that he would not accept an office if he had to obtain it by negro votes. For years he has been execrated and denounced by the Republican press and the Republican politicians of the State as the embodiment of everything corrupt and wicked in politics. I do not fear to challenge my Republican colleagues from Tennessee to say if this is not true. For years he has been proclaiming that this is a white man's country and that the white men must fight to control it by all methods, at all hazards, and to the last extremity. Upon whatever occasion he has addressed the people, whether at a Confederate reunion, a political barbecue, a female seminary, or a Sunday-school picnic, "This is a white man's country" has been the burden of his song. It never ceased, in his estimation, to be a white man's country until after the Hon. Josiah Patterson had ceased to be a white man's candidate. [Laughter.]

In a speech delivered at a Confederate reunion at Somerville, in this very county of Fayette, in 1889, the contestant devoted the principal part of his remarks to a denunciation of the evils of negro suffrage.

> Invariably is he manipulated—
>
> Said he—
>
> by white men who have forfeited the respect of their neighbors and who care nothing for the negro but to advance their own interests or ambitions.

Mr. Speaker, that sounds to me very much like an impartial comment upon the man who debauched the Black and Tan convention to promote his own interests and ambitions. But, continuing with this speech, the contestant said:

> The time has come when thinking men should look this question fairly in the face. We must not deceive ourselves or others. The races will never amalgamate. They will never separate and distribute themselves between political parties. As long as there is a contest pending for political supremacy the negro will belong to one party and the white man to another. This is the status of the race question in the South, and it might as well be understood

that the white man intends to assert his intelligence, his courage, and resources to maintain at every hazard the ascendency. When asked by what legal or constitutional right the white man asserts his supremacy, we answer that there is a "higher law," and appeal to that unwritten law of civilization, which is that virtue, intelligence, and manhood shall rule the world.

Mr. Speaker, we must consider the circumstances under which this speech was delivered. It was delivered in a county having an undoubted negro majority. At that time a contested-election case was pending in this House from that very district on account of frauds alleged to have been committed in that very county. It was delivered at a time when the contestant was engaged as volunteer counsel for men under indictment in the Federal courts for the commission of those frauds. It was at such a time and under such circumstances that the contestant delivered this speech advising the people to abandon all effort to control the negro vote by argument or persuasion, telling them that the negro would always and must always be the political enemy of the whites; and then, in answer to the question propounded by himself, how under such circumstances the white man was to control, he made his appeal to a "higher law"—a higher law than the Constitution, a higher law than the statutes of the country. Let me ask if any ingenuity can import into this speech any other meaning than that of an open defense and instigation of election crimes?

No wonder, Mr. Speaker, that the Republican then contesting Mr. Phelan's seat in Congress copied this extract into his brief as an evidence of the total depravity of Democratic leadership in that district. [Laughter.] And even when he appeared as counsel for the parties indicted in the Federal court, he demanded the acquittal of his clients by a repetition of the same political harangue, denouncing the crime of negro suffrage, proclaiming that this was a white man's country and the white men had a right to and intended to rule it at all hazards, even declaring that he had rather see that community cursed with yellow fever, cholera, and all the plagues of Egypt than to see it under the domination of the Republican party. It was this most extraordinary speech that was reproved by Hon. Howell E. Jackson from the bench because of its intemperate character and because it was an insult to the honesty and intelligence of the jury.

When we are told, Mr. Speaker, that the contestant received the solid Republican support of that county, I put the question to every man of common sense if all the probabilities are not against it and if it will not require the most powerful and unquestioned evidence to establish that fact.

There is another fact that adds to its improbability, and that is the fact that the leading white Republicans of that county, including the chairman of the Republican county committee, were bitterly opposed to the contestant and supported me in that campaign. Contestant's principal manager taunted me on the witness stand with the fact that nearly all the leading Republicans of that county were my friends and supporters. They supported me not from any particular affection for myself, but because of their invincible repugnance to the contestant. I ask the House to bear these facts in mind when they come to judge as to the weight of the testimony and the credibility of witnesses in this county.

I desire now, as briefly and as rapidly as possible, to review the testimony in those districts where the gravest charges have been made. The first district is No. 2, or what is known as the Eola district. The chief witness for this district is a gentleman by the name of George Hendon, who was sent, together with one R. N. Fowler, from Somerville to "vote the negroes," as he expressed it, for Colonel Patterson. Hendon testified that he and his brother, Mr. Thomas Williamson, and Mr. T. K. Riddick had been Colonel Patterson's principal managers in that county for some years, and that they had controlled the politics of the county in his interest. His interest in the election, he said, was due entirely to his personal devotion to Colonel Patterson. Mr. Hendon first emerges from the twilight of tradition into the broad sunlight of history in 1888, when he broke up a Republican meeting, called to celebrate the election of Harrison, by threatening to kill a prominent white Republican if the meeting was held.

This Republican was forced to appeal to the circuit judge and other prominent Democrats to protect his life against Hendon's violence. Mr. Hendon proclaimed himself, with every manifestation of pride, to be an all-round election crook. The following extract from his testimony gives a pretty fair idea of his character:

Q. Haven't you said over and over again that negroes had no more business voting than mules?
A. I have.
Q. And that expressed your true belief about it, didn't it?
A. It did.
Q. Does it express your true belief about it now?
A. It does.
Q. Did you ever engage in stuffing ballot boxes, Mr. Hendon?
A. I have.
Q. Did you ever engage in stuffing ballot boxes for Josiah Patterson?
A. I don't know; but if I didn't it was because I didn't have the chance.
Q. If you had a chance, you would do that for Colonel Patterson?
A. Yes, sir; I would.
Q. You have been a great political friend and partisan of Colonel Patterson for a number of years, haven't you?
A. I have.
Q. And he is a great friend of yours?
A. I presume so. I take him to be.

This is the man upon whose testimony you are asked to disfranchise the people of that district. Mr. Hendon did not live in that district. He was sent there with this man Fowler because the contestant was so unfortunate as to have no friends in the district upon whom he could rely. The contestant complains that we refused to appoint a white supporter of his a judge at that precinct. The truth is that he had only one white supporter in the entire district on the ground, and he a disreputable character by the name of "Jap" Smith, who was too drunk even to vote. Hendon's testimony was to the effect that a negro by the name of Howard Huskins issued tickets to the negroes, and that he took down their names as they went up and voted. Upon this point he is flatly contradicted by Huskins himself, who says that the name was written down whenever the ticket was delivered and not when it was deposited, and Hendon himself admits that the negroes did not uniformly go up and deposit their ballots as soon as the ticket was delivered. So the whole of this testimony rests simply upon the fact that a certain number of tickets were issued.

So far from Hendon's testimony being corroborated, as claimed in the report of the majority, by Fowler, Huskins, and Smith, it is contradicted by them in material particulars. Huskins is an ignorant negro, who did not even know the name of the candidate for Congress upon the tickets he claims to have issued. He claimed prior to the election to be a Carmack man, but he was paid $5 of Patterson money for his services on the day of election. Fowler was paid $10, but his testimony was not worth the tenth part of what was paid for it. Indeed, so far from corroborating Hendon, he corroborates the returns. He was sent there for the purpose of helping Hendon "secure a fair count," and when asked how many Patterson tickets he saw voted he answered: "About 30;" or only 6 more than the number returned.

So far as the Honorable "Jap" Smith is concerned, his testimony, even under the most favorable conditions, would not corroborate anything. When contestant controlled the machinery in that county, "Jap" was always the sheriff's deputy, holding the election in district No. 2. He was an old standby of the contestant. When asked if he had not uniformly stuffed the ballot box, sworn to false and fraudulent returns, and committed perjury, he declined on the advice of counsel to answer the question, on the ground that his answer might incriminate him, as it undoubtedly would if he had told the truth. He cheerfully admitted that he got drunk whenever he could get the money, and always made it a point to get drunk on election day. On this particular election day he was roaring drunk until he got too drunk to roar [laughter], and was carried home insensible. He was impeached by a number of credible witnesses, and no man could be found in the county who would believe him on his oath in a court of justice.

In district No. 3 a majority of the committee acknowledge that they have grave doubts, but they promptly proceed to resolve these doubts in favor of the contestant. They admit that the testimony for contestant is not satisfactory as to this district; but as it is the best they can get, they will have to put up with it. Their grounds for rejecting this district are that the contestant's friends were not allowed to have a particular judge of their choice, and that the judges did not throw open the door and allow the contestant's representative, one J. M. Crawford, to come in while the count was proceeding. As to the first objection, it is sufficient to say that the judges appointed an intelligent negro Republican, who could read and write, in strict conformity to the law.

The freeholders, who chose the judges, refused to regard the contestant as a political party, but took him at his word and considered him as a candidate claiming to be the regular Democratic nominee and a supporter of Bryan, as I was. As to the second objection, the proof shows that the room in which the election was held and the vote counted was a very small room, crowded with furniture; that Crawford did not ask to be allowed to witness the count, but demanded it in a violent, profane, and threatening manner. This man Crawford, an old friend of contestant, was a ballot-box stuffer of long standing and great renown, having been under indictment in the Federal courts for such offenses. When he demanded entrance, a crowd of my friends and others gathered around the door, declaring that if Crawford went into the room, they would do so too.

But Crawford finally did enter the room, and promptly proceeded to justify the action of the judges in excluding him by trying to intimidate the negro judge and prevent his signing the returns. That the negroes in this district frequently voted the Democratic ticket is shown by contestant's own witnesses, as is also the fact that he was exceedingly unpopular and, in fact, utterly detested by them. It was in this district that the negroes refused to allow his colored orator, Porter, to speak in their schoolhouse as soon as they found out he was for Patterson.

My friend from Arkansas [Mr. BRUNDIDGE] has so thoroughly covered district No. 4 and so utterly annihilated the contestant's contention with regard to it, that I shall waste little time upon it.

Take the sworn statements of the officers and judges of election, thoroughly honest and reputable men, and set them against the testimony of contestant's hired men and of their drilled and instructed witnesses, and no impartial mind can hesitate to accept the sworn returns as the real truth of the controversy.

The contestant's man, Carpenter, expressed himself as entirely satisfied with the judges appointed at that precinct, saying that he would not be afraid to risk his life with them. He was so well satisfied, indeed, that he made no effort to "keep tab" on the voters according to his original intention. Mr. Carpenter, who had formerly lived in that district, frankly declared that there were very few negroes in the district, if any, whose testimony under oath was entitled to credit. As he and a disreputable negro by the name of McGowan selected the witnesses for contestant for that district and put them through their preliminary paces, I am inclined to agree with him with respect to these particular witnesses at least.

The recommendations of the committee as to No. 8, or the Oakland district, are in utter defiance both of the law and the evidence. In this district contestant's friends, about 1 o'clock in the afternoon, after the vote had been proceeding about four hours, without one solitary thing having occurred during that time of which complaint is made in this record, went off and organized a separate poll. That this was entirely illegal is shown by the very authority which is cited to justify it, which reads as follows:

> In extraordinary cases, and where it appears that in no other way can the actual will of the voters be ascertained, a resort to methods not technically in accordance with statutory direction may be justifiable; and upon proof that a full, fair, and honest election has been held by those only who are qualified voters, under these circumstances the returns from such an election, when duly proved, may be considered and counted.

According to this, a separate polling place thus set up, with so-called officers thus selected, without any legal authority whatever, bound by none of the sanctions and subject to none of the penalties of the law, can only be justified or excused when "there is no other way" to make known the will of the voter. Can it be alleged that it was the only possible way for the voters to express their choice in that district, when there, a few yards distant, a regular election was regularly proceeding, under regularly selected officers? Is it sufficient to justify this action that somebody had some suspicion that something wrong would be done? But even if wrong or fraud had been contemplated and attempted, was "there no other way" in which the voters could protect themselves without opening an illegal election?

Why, Mr. Speaker, if we are to accept the findings of this committee, they did find another way in a number of districts to make their votes effective in spite of the alleged frauds of the election officers. Why did they not adopt the plan which according to the majority of the committee was so entirely successful at districts No. 2, 10, 11, of Fayette County, and No. 10 in Tipton? Such a revolutionary proceeding, setting aside all the forms and sanctions of law, is not to be justified according to the law cited in this report except when there is "no other way." And yet this very same report finds that contestant's friends in that county had planned and practiced "another way" by which the choice of the voters was determined with absolute accuracy under like conditions.

It is true that contestant's friends, appreciating, no doubt, the force of this objection, had invented an excuse to obviate it. They pretended to believe that firearms had been stored in the room where the election was being held and that they feared that somebody would be murdered if an attempt was made to keep count of the votes as they were cast. This pretense is proven to have been an absolute falsehood, having no shadow of foundation in fact, and the men who circulated it did not believe it. I am glad to note the fact that the majority of the committee has treated it with the contempt it deserves, for it is not even mentioned in their report. This rumor about the firearms, which was put in circulation on election day, and never heard of until then, is the alleged excuse for organizing a separate election; and yet it is shown that days beforehand contestant's friends had made all their arrangements to hold this separate election.

The plain truth of the matter is that contestant's friends found that they were not able to control the negroes at this box. In spite of all they could do, two-fifths of the negroes voted for me at this box, and no effort is made to dispute this fact. It stands proven, established, uncontradicted by a syllable of proof in the record. Finding that my friends were controlling the negro vote, the contestant's managers started this rumor for the purpose of frightening as many as possible from the polls. Why, Mr. Speaker, the very men who organized this separate election, upon whose suggestion and upon whose advice it was opened, went and cast their votes in the regular box, and did so after seeing and talking with contestant's attorney of record in this case.

The report of the committee alleges several grounds for suspecting a purpose to defraud in this district. One is the failure of the sheriff to appoint a certain man as judge of the election, after saying he was going to do it. Now, Mr. Speaker, the sheriff—that is to say, the sheriff's officer at this box—had no authority to appoint the judges; it was to be done by him on the advice of three justices, or, in their absence, of three freeholders. The appointment in this case was made with the advice of three freeholders, and one justice of the peace there present approved the appointment. The appointment was made in exact conformity to law as it had been universally construed in that county and State and in exact accordance with the uniform, unbroken precedents of many years.

Another excuse is the alleged "extreme confidence" of my supporters, which statement is based simply upon some wild talk about betting on the part of one man and two boys; and lastly the committee alleges the tremendous fact that six men solemnly swear that they voted for contestant in box No. 1, whereas the returns only give him 5! It is a little remarkable that the committee should have alleged this terrible fact about the 6 votes as an evidence of conspiracy to defraud, and yet themselves in summing up this district only accord 5 votes to the contestant at box No. 1. Why was this committee not fair enough to tell the plain truth about this matter, and say that one of the six men who swears to have voted for contestant voted two tickets folded together, one for myself and one for Patterson, both of which tickets were thrown out, as the law requires? This man had promised both parties before the election and assured both afterwards that he had voted according to his promise. He voted this double ticket to keep the letter of his promise. Yet upon such flimsy testimony as this the committee bases its charge of a conspiracy to defraud.

The majority of the committee are very keen to find suspicious circumstances to justify their report, but singularly blind to circumstances of like character on the other side. It is a terribly suspicious circumstance that a supporter of mine who had no connection with the election did some wild talk about betting 50 to 1 on the result. It is not at all suspicious that contestant's chosen managers in other districts, who claimed the right to dictate the appointment of judges of election, actually had bet money on the election. It does not occur to this committee as at all suspicious that in a near-by district a justice of the peace who, according to contestant's contention, should have had a controlling voice in the appointment of judges, had been paid $25 by him, or that the man who sought to force his own appointment as judge had been paid $25.

It is not at all suspicious that nearly every man who worked for him at the polls and a very large proportion of those who appeared for him on the witness stand had been paid money by the contestant or by his friends. It is a damning fact if a Republican judge at a precinct which gave a majority for me had to "make his mark," but it is not considered worthy of mention when contestant's friends, as at Galloway, organized a separate box and appointed an ignorant negro who has to make his mark. Nor is it at all suspicious when at this same box contestant's judges retire into a back room and lock the door before proceeding to count the vote.

Mr. Speaker, I will deal briefly with only one other district in this county—the Macon district, or No. 11. The committee bases its finding with regard to this district chiefly upon the testimony of one Dennis Clay, corroborated, as they claim, by Gentry and Boswell. Of this man Clay nothing harsh could be said that would not understate the truth in regard to his character. He is a perfect monster of vice and depravity, a combination of meanness, cowardice, and ferocity such as, in my knowledge of men, I have never known. Brutal and inhuman in dealing with the negroes, he is utterly craven in dealing with men of courage and spirit. One of his common practices was to entrap a poor negro into some petty offense and then obtain his labor without reward by holding over him the threat of a criminal prosecution. He was impeached by witness after witness, and no man could be found willing to swear that he was worthy of belief on his oath.

Of Mr. Gentry we need only say that he cheerfully confessed himself a ballot-box stuffer, and said that he thought it was perfectly right as between a Democrat and a Republican to commit election frauds, though he confessed to some conscientious scruples on the subject as between two Democrats. He admitted that he was an officer of election in 1894, and that the ballot box was stuffed for contestant upon that occasion. It was just after that performance that he received an appointment, through contestant's influence, as messenger in this House—a position which he only held for three weeks, being drunk, as he cheerfully admitted, from the day he landed in the city of Washington to the day he left it.

Mr. Gentry was regularly employed by the contestant at a salary of $50 per month, and was still borne on the pay roll at such salary when he testified in this case. The testimony of Clay was to the effect that he called out to Boswell whenever a voter cast a ballot for the contestant, and that Boswell marked it down and kept the count. So far from Boswell's testimony corroborating the testimony of Clay, as claimed in the majority report, it materially contradicts it and supports the sworn returns of the election. Boswell on cross-examination admitted that he did not know whether Clay called out wrong to him or not, and when

asked how many votes he himself saw cast for Patterson answered: "About 50." This was just 6 more than the number returned. That any man who pays the slightest regard to the credibility of witnesses can accept such testimony against the sworn statements of men of unimpeachable character is to me incomprehensible, and especially so when we bear in mind the fact, proven and undenied, that two of these men had been approved and selected in advance by contestant's friends in that district.

The contestant has drawn a terrible bill of indictment against the election officers in districts Nos. 9 and 10 of Tipton County, the polling place in both districts being in the town of Mason. In the former district he made one fatal mistake—that is to say, in addition to his other evidence, he undertook to prove by the voters themselves how they cast their votes, with the result that he proved just exactly the number of votes counted and returned for him by the election officers. It was precisely the same mistake, with precisely the same result, as at box No. 1 of the Oakland precinct. If the contestant had not himself by this error of judgment positively established beyond doubt or question and by his own proof the correctness of the returns in district No. 9, the committee would doubtless have found abundance of "suspicious circumstances" to justify the rejection of these returns; as it is, they are forced to admit them.

But in district No. 10 they carefully avoided this error. They put witnesses upon the stand, the chief of whom was one Mr. T. W. Green, who swore that they kept count of 169 votes that were cast by negroes for the contestant; but upon the most rigid cross-examination Mr. Green, though he professed to be acquainted with every negro in the district, could not remember a solitary one who so voted, even when their names were read to him. I say without hesitation that this testimony would not be regarded as evidence in any court of justice in the land. If the sworn returns of the election officers are to be impeached by outside testimony, other than the testimony of the voters themselves, it is at least necessary that the names of the voters alleged to have been defrauded, shall be given, in order that there may be an opportunity to rebut the testimony.

That these men, who claim to have kept the count, could not or would not give the name of a single individual voter whom they saw vote for the contestant is strongly suggestive of a deliberate purpose to prevent the refutation of their statement by this method. The testimony of the judges and clerks and the officers of election is clear and positive and their characters unimpeached. The district for years has been strongly Democratic, the contestant in past elections having always carried the district by overwhelming majorities. In these past elections the very men by whose testimony the election of 1896 is sought to be impeached counted and returned the vote. They acknowledge that all the facts and circumstances alleged to be indicative of a purpose to defraud contestant characterized the elections held by them. Yet they swear that such election and the count and return of the vote were absolutely honest and fair. I received almost the solid Democratic vote of this Democratic district.

I venture to say, Mr. Speaker, that if this contestant had attempted to prove by the voters themselves for whom they voted for Congress, he would have established the verity of the election returns in district No. 10 as completely as he did in district No. 9.

Mr. Speaker, I now close this case and submit it to the judgment and the conscience of this great jury. My duty has been done and I am ready to receive with patience the verdict of this House, only begging leave to remind you that your verdict must be rendered under the solemn sanction of your oaths according to the testimony and the law. I assure you, Mr. Speaker, that I have been more concerned to defend my constituency against calumnious accusations than I have been to retain a seat for the fragment of a term in Congress. I would that the words I have uttered were more worthy of the noble constituency whose cause I plead.

In their name I appeal from whatever there may be of sectional prejudice and passion in this House, to whatever there may be of a broader, higher, and nobler sentiment. These people, sir, are of high and noble lineage. The blood of the heroes who fought at Kings Mountain and at New Orleans is in their veins. They are the sons of the sires who blazed the pathway of civilization through the primeval forests of America and builded a temple of liberty in the wilderness of this western world. [Applause.] In whatever sphere of action it has pleased God to place them, whether in the quiet walks of peaceful citizenship, or in the highest stations of civic power and duty, or amid the storm of death on the red field of battle, they have everywhere illustrated those high qualities of American manhood that have made glorious the history of this Republic. [Applause.]

I am proud to be the champion of such a people. I speak, sir, for my native State, for my native South. It is a land that has known sorrows; a land that has broken the ashen crust and moistened it with her tears; a land scarred and riven by the plowshare of war and billowed with the graves of her dead, but a land of legend, a land of song, a land of hallowed and heroic memories. To that land every drop of my blood, every fiber of my being, every pulsation of my heart, is consecrated forever. [Applause.] I was born of her womb, I was nurtured at her breast, and when my last hour shall come I pray God that I may be pillowed upon her bosom and rocked to sleep within her tender and encircling arms. [Loud applause.]

Mr. RICHARDSON. Mr. Speaker, how much time remains to the minority?

The SPEAKER pro tempore (Mr. HULL). Ten minutes.

Mr. RICHARDSON. We reserve the remainder of our time.

Mr. KIRKPATRICK. The gentleman from New York, Mr. COCHRANE, will close the argument upon our side of the case. Therefore we will wait——

Mr. RICHARDSON. I do not hear the gentleman's statement.

Mr. KIRKPATRICK. The gentleman from New York, Mr. COCHRANE, will close our side of the case. He is the only speaker, I believe, who is left.

Mr. RICHARDSON. Is it the intention that all your time remaining shall be consumed by one gentleman?

Mr. KIRKPATRICK. I think that is the understanding. How much time have the minority?

Mr. RICHARDSON. Only ten minutes; and they will not use that time if it is the intention that all the remaining time on the other side shall be used by one speaker.

Mr. KIRKPATRICK. The gentleman from North Carolina [Mr. WHITE] would like the privilege of addressing the House for about ten minutes; and then the gentleman from New York will follow. I therefore ask unanimous consent that the gentleman from North Carolina have the privilege of addressing the House for ten minutes and that the argument on our side be then closed by the gentleman from New York.

Mr. RICHARDSON. It comes out of your time.

Mr. KIRKPATRICK. Yes, sir.

Mr. RICHARDSON. Then you do not need to ask unanimous consent.

Mr. KIRKPATRICK. I am asking for unanimous consent. Inasmuch as I understand the minority do not propose to use their remaining ten minutes, I ask unanimous consent that the gentleman from North Carolina have the use of those ten minutes. I suppose there will be no objection to that.

Mr. RICHARDSON. I do not understand that the gentlemen on that side desire to use any other than their own time.

Mr. KIRKPATRICK. That is all. We want to take the vote at half past 4.

Mr. RICHARDSON. How many minutes remain to the majority, Mr. Speaker.

The SPEAKER pro tempore. Forty-nine minutes.

Mr. KIRKPATRICK. I understand, Mr. Speaker, that a full hour, or very nearly a full hour, remains before half past 4 o'clock. The gentleman from New York [Mr. COCHRANE] had expected to use forty-five minutes. We would very much like to have the gentleman from North Carolina [Mr. WHITE] occupy——

Mr. RICHARDSON. That would extend the time on the other side ten minutes.

Mr. KIRKPATRICK. Yes.

Mr. RICHARDSON. We can not agree to that.

Mr. WILLIAMS of Mississippi (to Mr. KIRKPATRICK). Give the gentleman from North Carolina ten minutes of your time.

Mr. KIRKPATRICK. Very well; we will agree that the gentleman from North Carolina shall occupy ten minutes of our time, leaving forty minutes for the gentleman from New York to close on our side.

The SPEAKER pro tempore. The Chair calls the attention of the gentleman from Pennsylvania to the fact that his side has only forty-eight minutes remaining.

Mr. KIRKPATRICK. Out of that time I desire to yield to the gentleman from North Carolina eight minutes, and then the gentleman from New York will close the case on our side. Let us understand this matter. I want the attention of the gentleman from Tennessee.

Mr. RICHARDSON. You have it.

Mr. KIRKPATRICK. I understand there are to be no more speeches on the other side of the House.

Mr. RICHARDSON. That is right.

Mr. KIRKPATRICK. You surrender the balance of your time?

Mr. RICHARDSON. Yes, sir.

The SPEAKER pro tempore. The Chair understands, then, that the majority surrender the balance of their time; that the ten minutes belonging to the minority are to be occupied by the gentleman from North Carolina; and that the debate be then closed by the gentleman from New York.

Mr. RICHARDSON. That is not the agreement at all.

The SPEAKER pro tempore. The Chair wants to know what the proposed agreement is.

Mr. KIRKPATRICK. I want the Chair to understand my proposition. My proposition is that the gentleman from North

Carolina have eight minutes to address the House, and that then the debate be closed by the gentleman from New York.

Mr. RICHARDSON. I think the usual——

The SPEAKER pro tempore. The Chair will state the proposition of the gentleman from Pennsylvania. It is that the gentleman from North Carolina have eight minutes and that the debate be closed by the gentleman from New York. Is there objection?

Mr. RICHARDSON. One word. The usual rule has been that those who open have the right to close, but with only one speech. We do not object to that; but we shall object to there being two speeches, the time divided. We reserve the remainder of our time, to be occupied in an intermediate speech.

Mr. KIRKPATRICK. You can do that, but let it be understood that the gentleman from New York [Mr. COCHRANE] is to close the debate.

Mr. WILLIAMS of Mississippi. I want to see whether I understand this agreement.

The SPEAKER pro tempore. There is no agreement. The gentleman from Pennsylvania proposes now to yield eight minutes of his time to the gentleman from North Carolina [Mr. WHITE]. That gentleman is recognized for eight minutes.

Mr. WHITE of North Carolina. Mr. Speaker, if half of what has been said against either of these gentlemen contending for a seat on this floor is true, I doubt very much whether either ought to have a seat in the Congress of the United States. [Laughter and applause.]

There is an old adage, Mr. Speaker, "that when thieves fall out just men can get their deserts." It is a great pity that the Rebublicans of Tennessee, in this particular district, had not a man to bring forward as a candidate at the time that these two Democrats were fighting over the position.

But the bone of contention between them seems to be as to how the negro vote was cast in that district. Both sides seem to have been basing some bold claims upon these votes, and also that there is a "higher law"—as they both claim—than either the statutes of the United States or the Constitution itself, and yet both sides claim that they are entitled to a seat on this floor by virtue of those negro votes. Well, my opinion is, Mr. Speaker, that if the contestee is correct in his statement, and taking his own evidence as true, in the language of the lawyers, if political honesty were an indictable offense, you could not obtain a bill against him, not even in a court of equity.

I shall have to vote for the contestant, not from any pleasure or feeling of consideration grown of love or political affiliations, but on the ground that we are taught in morals that a man is never required to choose between two sins, but he may be required at times to choose between two evils; and when that condition is presented to me, I always take the lesser one. [Laughter.] I shall accept Mr. Patterson, therefore, as a kind of reformer—as the smaller of two evils presented to me—and swallow him with my eyes closed. [Laughter and applause.]

This case, however, Mr. Speaker, is not the only one which seems to indicate that somebody on this floor thinks that there is "a higher law" in reference to the negro voter, whenever his condition is being considered here, than the Constitution even of the United States. I took the pains, while the gentleman from Mississippi [Mr. ALLEN] was speaking, to run over the statements given by the members from his State with reference to the votes cast in that State in the last election; and I have made a little calculation which I will submit to you. I find that in the State of Mississippi—and these figures, I suppose, are based on the census of 1890—according to a statement made by the gentlemen from his State, as laid down in the CONGRESSIONAL RECORD, there were 1,146,268 population in the State of Mississippi.

According to the ordinary election rules throughout the country, at an average, there ought to have been 229,252 votes cast in that election. And yet the combined votes cast for the Democratic members of the Mississippi delegation occupying seats on this floor were only 42,694. And about how many votes did the Republicans receive? Of course they got all the balance—only 3,214. Somewhere in the neighborhood—notwithstanding the Presidential election then pending—somewhere in the neighborhood of 150,000 voters that we may presume to have had a right to vote; and even presuming the right of "transferring," as we have heard it expressed on this floor, had a right to cast their votes in that election—in the neigborhood of 150,000 votes of black men were suppressed and not allowed to vote because they were negroes.

The question, Mr. Speaker, that ought to concern the United States Congress at this time, in my opinion, is as to whether or not there is a republican form of government in the State of Mississippi, the State of South Carolina, the State of Louisiana, and other Southern States when you take up this record and examine the votes cast. The question is, sir, as to whether the United States will sit supinely by and see that these matters are relegated to the States themselves, and that gentlemen can come here and occupy seats by the suppression of the vote of their district, simply because they are of a different complexion, of a different race or different politics, without any investigation made or protest entered. The lifeblood of the Union is thus being sapped; little by little it may be, but surely sapped, and one day or the other it will not be a Cuban question that confronts us; it will not be a question of standing by and putting down the Spaniards, but it will be a question as to whether or not the Federal Constitution in this great Republic of ours shall be perpetuated or not. [Applause.]

These are matters that may not be exactly germane to the subject under consideration, but matters that should engage the thoughtful statesmen of the country. These are matters that ought to be looked into. The votes—districts in Southern States like that under consideration—with a voting population anywhere from 30,000 to 50,000, yet the combined vote cast is less in some instances than 5,000. And why is this? Not because there is an indifference on the part of the black men about their franchise; for outside of his own home and his own beloved family, there is no one thing so dear to the heart of the colored man as his right to American citizenship, and yet he is not permitted to exercise that right.

Still gentlemen come here and speak about the "negro" and the "darky," and talk of him in dialect and old plantation language. It seems to me that such language, coming from the plantations in Mississippi and elsewhere, had better be uttered at home and not brought here in this dignified body. They come, however, and claim that there are "fair elections" in all these cases where such a disparity in the votes is shown.

You can not feel this, Mr. Speaker and gentlemen, as I do. There is a great contention on that side of the Chamber, and sometimes on this side of the Chamber, for the leadership. But I am easily the leader of one thing, and that is the black phalanx on this floor. [Laughter.] I have no rival, and I will not be disturbed in that leadership. [Laughter.] Let the leaders on these two sides get together, including myself, that we may legislate for the whole people.

The condition reminds me of an anecdote I once heard at school when I was a boy.

The SPEAKER. The time of the gentleman has expired.

Mr. WHITE of North Carolina. Well, I will not tell my "school anecdote." [Laughter.]

Mr. RICHARDSON. We surrender the remainder of our time. May I ask what time remains?

The SPEAKER pro tempore. Seven minutes on the minority side and thirty-nine minutes on the other.

Mr. COCHRANE of New York. Mr. Speaker, in the limited time assigned to me in which to consider this conteste-delection case of Josiah Patterson against E. W. Carmack, from the Tenth Congressional district of the State of Tennessee, I shall attempt to confine myself to a discussion of the facts as they appear in the record of this case and to the application of the legal principles which I conceive properly to apply to them. I shall not attempt to discuss the political aspects of this case. That has been done by the gentlemen who have preceded me. I have listened with interest and with pleasure to the entertaining addresses of the gentleman from Mississippi [Mr. ALLEN] and the gentleman from Tennessee [Mr. Carmack], the contestee in this case.

But not a single argument has been put forward by either of those gentlemen which bears upon the merits of the case in the remotest degree. What matters it to us, Mr. Speaker, whether the contestee or the contestant in this case have in years past been Republicans, Democrats, or Populists; or, if they have been Democrats, whether they were Gold Democrats or Silver Democrats? What have we to do with the past history and the record and the affiliations and the personalities of these contesting parties? The simple question for us to determine is who, upon the law, and who, upon the evidence in the case, is entitled to the seat in this House. It is a contest between two Democrats, both claiming to represent the Tenth Congressional district of the State of Tennessee, and therefore we may approach it, at least on the Republican side, without political bias or prejudice.

Now, Mr. Speaker, I understand full well that it is difficult for members of the House, not having made a study of the record in the case, to arrive at a rational and proper conclusion upon the merits of it. I know full well the difficulty which a member of the committee encounters in considering the case. But, fortunately, this case is so constituted that its controlling features are within a narrow compass. The salient points of the case are such that they may be easily and readily grasped, and it shall be my effort, in the short time that I have at my disposal, to place them before the House in as comprehensive a form as I may be able to do.

This case was the first one which was taken up by your Committee on Elections No. 3. Two full days were given to the argument of the case, double the time that was given to any of the others that came before the committee. It was then referred to a subcommittee, and I, speaking as one of that subcommittee, can say that we approached the consideration of the case free from

political affiliations, free from personal prejudice or bias, and influenced only by a desire to do even and exact justice between the parties to the contest, and to find out who was entitled to the seat, fairly and honestly, upon the record which was presented to us.

Now, to begin with and in order to consider its proper bearing upon the case, let us look for a moment at the origin of the contest. This contest, as has been intimated, had its origin in point of time in the year 1894. In respect to place, it had its origin in the Congressional convention of that year for the Tenth district of Tennessee which nominated a Democratic candidate for member of Congress. The cause of this contest was the division of the party into the two factions of Gold Democrats and Silver Democrats. In that convention the contestant in this case was the choice of the convention over his silver opponent. He was elected and served his term as a member of the Fifty-fourth Congress. The same convention which nominated him in 1894 selected a Congressional Democratic committee.

The Tenth Congressional district of the State of Tennessee is composed of four counties—Shelby, Hardeman, Tipton, and Fayette. The county of Shelby is twice as large as any of the other counties. From that county two Gold Democratic members of the Congressional committee were selected. From the county of Hardeman and the county of Tipton, a Silver Democrat was selected from each. From the county of Fayette there was a contest, a Gold Democrat and a Silver Democrat each claiming the election. That convention decided, upon the merits of that controversy, in favor of the Gold Democrat.

Nothing more was heard from that contest until the time came in the year 1896 for the Congressional committee so selected to call a Congressional convention. Then the Silver Democrat from Fayette County renewed his claim and presented anew his contest to the committee. Upon a hearing he was again defeated. Twice were his claims adjudicated adversely to him. Thereupon he withdrew, and with the two Silver Democrats from that convention formed a new committee. That committee called the convention which nominated the contestee in this case. The original committee called the convention which nominated the contestant.

It is obvious from these facts that the claim of the contestant to be the regular nominee of his party is well founded. His candidacy bears the stamp of regularity. The convention which nominated the contestee was called by two bolting members of the committee, who associated with themselves a third man whose claims had been twice judicially determined against him. No regularity can be predicted upon such a state of facts. But for the purposes of this argument I care not one iota who was the regular nominee in that contest. Those are the facts. I leave them to your consideration.

I care not whether the contestant or the contestee was the regular nominee of the Democratic party. The question is, Who got the most votes at the polls? I mention the facts here as leading up to another point in my argument, which is, that the seat of the controversy was in the county of Fayette. It was in that county that the contest arose, beginning over the differences in the party as to the money question, and as growing out of that who was elected a committeeman on the Congressional committee from that county.

After the nomination of the contestant in the manner in which I have described, it became a matter of importance as to what the Republicans would do. The district was safely Democratic, but here were two Democrats running against each other. The chairman of the Republican Congressional committee has testified in this case that the views of the contestant were more nearly in accord with those of the Republican party on the money question, and that he was the choice of 90 per cent of the Republican voters in that district, and therefore he received the indorsement of both wings of the Republican party for the office which he now claims.

Now, let us see what the situation is with regard to Fayette County, the storm center in this contest. Ten districts are contested here to-day. Eight of those ten are in the county of Fayette. Only two of them are in Tipton County, which adjoins Fayette. The ten districts form one contiguous territory. Outside of those ten districts the contestant is conceded to have a majority, according to the returns, of 1,207. He was defeated in the entire district, according to the returns, by 365. So that it was necessary in these ten contested districts not only to overcome his returned majority of 1,207 in the remaining part of the district, but also to give him enough more to give him a majority of 365 in the district.

And it must be borne in mind that in these ten districts the colored vote was very large. One thousand one hundred and twenty colored voters and 950 white voters resided in these contested districts. So that it was necessary for the contestee, in order to overcome the majority of 1,207 against him in the rest of the district and get a majority of 365 in the entire district, to get every white voter in these contested districts, and to get about three-quarters of the colored voters in addition.

An effort has been made to make it appear that the colored voters in these ten districts were in revolt against the contestant. Such is not the fact. The evidence in this case does not warrant any such conclusion. We know almost well enough to take notice of it judicially that in Presidential years, no matter what may be the case in local elections, the colored man almost invariably votes the Republican ticket. Now, what was the evidence in this case? I quote from page 13 of the supplemental record, where Chairman Dutro, chairman of the Republican Congressional committee, testifies as follows:

Q. Now, do you know the political preferences of the colored people in the Tenth Congressional district and can you tell us whether they are Democrats, Populists, or Republicans?

A. They are Republicans.

Q. Now, do you mean by this that they are all Republicans, or that the overwhelming majority are?

A. I wouldn't want to state that they are all Republicans, and I wouldn't want to state that the greatest percentage are, but I am satisfied and found that some are under obligations to white people, and will vote as they want them to. There is not many of them. I made a special effort to find out in which districts they were, and I didn't find but few.

Q. Do I understand you then that your answer is this: That the colored people are all or nearly all Republicans, but that some may be influenced by white men?

A. Yes, sir.

Q. Can you make for us, Mr. Dutro, any estimate of the per cent of colored people who can not be controlled by white men to vote against the Republican ticket?

A. I should think there was 95 per cent of them that could not do anything with. I am speaking on national and State elections; of course, on local elections that is a different thing.

Q. Well, now, you have stated that you paid special attention to Fayette County and made repeated trips to that county. Did you find in Fayette County any greater dissatisfaction among the Republican voters there than you found elsewhere?

A. No, sir.

Q. Is it not your opinion, then, that not less than 90 per cent of the colored voters could not be influenced?

A. Yes, sir; I think that is true.

He testifies further that he issued special instructions while distributing Republican tickets just previous to the late election that all be voted straight, as he recognized the situation, knew that the silver men had a majority of the election judges, and feared that they might throw out the votes if any name was scratched.

Still further, William Porter, a prominent colored man, a witness for contestee, testifies that he canvassed nearly the entire Congressional district, and that his canvass of Fayette and Hardeman counties was particularly close, he making speeches in every civil district in Fayette County, and leaving that county upon the day previous to the election.

He swears that his meetings in Fayette County were very largely attended by the colored people, his own opinion being that he spoke to practically every colored voter in Fayette County. He states further that his custom was at the conclusion of his speeches to take a vote as to how the colored men present stood upon the political issues of the day, and that the overwhelming majority in every district in Fayette County was in favor of the straight Republican ticket and Josiah Patterson for Congress. He kept a list of all colored persons of whom he heard who did not propose to vote this ticket, and sent their names in to the Republican committee. Of such persons in Fayette County there were only 53 out of a total vote of between 3,000 and 4,000.

So that, in the seven voting precincts in Fayette County, where the negro vote is largest and outnumbers the white vote many times, and where there was every reason to suppose that Mr. Patterson would get the largest majorities, the returns show that Carmack received over 6 votes to Patterson's 1, while in the remainder of the county, including the precincts where the white vote was the largest, Patterson's majority is 348.

Let us go a step further in this case. We have seen that the contest over the nomination arose in Fayette County. We have seen that this contest over the election centers around ten contested precincts in Fayette County or contiguous thereto. We have seen that in these precincts, which are largely colored, the contestee must have received over three-fourths of the colored votes, and we have seen that this is incredible. Now let us consider the election law of the State of Tennessee and its provisions in regard to the selection of election judges and the organization of voting places, and let us see how this law was carried out in these precincts which are contested. The election code of Tennessee provides as follows:

The sheriff and, if he is a candidate, the coroner shall hold all elections. The county court shall appoint three judges for each election place, who shall be of different political parties.

Now, in all four of these counties, except the county of Fayette, that provision of the law was in a measure at least complied with. The county court selected the election judges for every voting precinct, and they were published in the newspapers of the county in October preceding the elections, as the law of that State requires; but in this single county of Fayette not a single election judge was appointed by the county court. Not one in all the voting precincts of this county. This provision of the law was in no respect complied with. What should be done in a case of that kind?

The election law of Tennessee further provides as follows:

If the court fails to make the appointment, the sheriff, with the advice of three justices of the peace, and if none be present, three reputable freeholders shall appoint said judges.

In that county the sheriff was the warm personal friend and the close political adherent of the contestee. They were political brothers, so to speak. The friends of the contestant applied before election day, in view of the fact that the court had failed to make the appointment of judges, to the sheriff to appoint the judges in accordance with the provisions of the law, to give them representations at the polling places and to make public by publication in the newspapers who those appointees were to be.

The law absolutely required that both parties should have proper representation in the electoral boards. The sheriff failed to give such representation in these ten contested districts. Nothing of the kind was done; no publication was made; and that being so, he absolutely failed in that respect to carry out the provisions of the law.

How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has twenty-two minutes.

Mr. COCHRANE of New York. Now, Mr. Speaker, let me further call attention for a moment to the character of the judges selected by the sheriff, in these contested districts in Fayette County, to represent the Republican party and the contestant in this case.

No. 2 (Eola). Cephus Futrel, an ignorant negro; could not read or write; made his mark on the returns. (Record, page 412.)

No. 3 (Fayette Corners). Billie Marbury, an ignorant negro; could not read or write; made his mark on the returns. (Record, page 414.)

No. 4 (Yumyum). Harry Thompson, professes ability to read a little; signs his name by mark. (Page 416.)

No. 6 (Braden). Austin Rogers, an ignorant negro; could not read or write; makes his mark. (Page 419.)

No. 8 (Oakland). Louis Wilson, ignorant negro; could not read or write; makes his mark. (Page 420.)

No. 10 (Piperton). William Wright, an ignorant negro; could not read or write; makes his mark. (Page 432.)

No. 11 (Macon). Abe Haslett, an ignorant negro; could not read or write; makes his mark; an idiot. (P. 434.)

No. 9. Mack Harris, an ignorant negro; could not read or write; makes his mark. (P. 429.) Mack Harris voted the Democratic ticket. (Redd's Dep., p. 504.)

No. 10 (Rossville). G. W. Taylor. Taylor, it seems, could read and write, but in this election voted for Carmack, according to his own statement.

No. 6 (Galloway). All the judges of election were white Democrats.

Such was the character of the judges that this sheriff, the close friend and political adherent of the contestee in this case, selected to represent the Republican party and the contestant at the voting places in the county of Fayette. Now, what is the law bearing upon this state of facts? It has been reiterated over and over again by Congress and needs no repetition here. I refer briefly to the following cases:

Threet vs. Clark, Digest Elections, Fifty-first Congress, page 182; McDuffie vs. Turpin, ib., 295; Hill vs. Catchings, ib., 804; Buchanan vs. Manning, Digest Election Cases, Forty-seventh Congress, 2 Ells., 295-336; Donnelly vs. Washburn, Digest Election Cases, Forty-sixth Congress, 1 Ells., 48, and the majority report in Thorp vs. McKinney, decided in the Fifty-fourth Congress.

It has been held in these cases that—

Where the course is systematically pursued of appointing on the election boards, to represent the minority or opposition party, persons not indorsed by that party, and as to whose loyalty to the party whose interests they are expected to guard there is a question, or of appointing persons who are unable to read and write when there would be no difficulty in finding men well qualified in those respects, this ought of itself to be considered evidence of conspiracy to defraud on the part of the election officers. (Report Threet vs. Clark, Digest Election Cases, Forty-first Congress, page 182.)

It is abundantly proved, and in fact nowhere denied, that it was possible to appoint at each of said precincts and wards competent persons and well-known Republicans to act as judges of election, and the failure to do so is prima facie evidence of fraud and misconduct on the part of the electoral boards. (Page 7 of majority report in Thorp vs. McKinney, Fifty-fourth Congress.)

The same principle has been adopted by this Congress in the case of Thorp vs. Epes, recently decided. I have thus given very briefly some of the general features of this case.

We have seen that contest for the formation of the Congressional committee occurred in 1894 in Fayette County. We have seen that this contest was renewed in 1896. We have seen that the contest over the result of this election centers around Fayette County. We have seen that the contested districts are in Fayette County. We have seen that outside of them the contestant had a large majority, and that that was overcome by the result of the vote in these contested districts in Fayette County, notwithstanding there was a large colored voting population there.

We have seen, in addition to that, that the county courts willfully refused to obey the law in appointing election officers in this county. We have seen that the sheriff violated the law in not giving the Republicans and the contestant proper representation there and in unlawfully appointing ignorant judges of election who could not read or write. We have connected one by one the links in the chain of circumstances leading up to just what we would expect to happen there, viz, gross frauds and illegalities operating against the contestant in this case. Fayette County has been the storm center of this election contest in all its various phases.

Now, briefly let me call your attention to three or four precincts and see just what was done therein. I shall not have time to go over them all, nor is it necessary, for the result in three or four of them will determine this case. Let us first take the precinct of Galloway. This was the case where there were two boxes, which have been referred to. In this district there were three justices of the peace, two favorable to the contestant and one favorable to the contestee. They met the night before election and requested the sheriff's officer, who was to hold the election there, to appoint a judge satisfactory to them.

This he declined absolutely to do, and on the morning of election, although under the law the polls were to open at 9 o'clock, the opening was delayed until 11 o'clock by this officer under the vain pretext, as he claims, that he could not find a satisfactory Republican judge. It is conceded that there were upon the ground 200 Republicans, but notwithstanding that fact he went three-quarters of a mile out of his way in order to get an ignorant colored man to act as a Republican judge, and notwithstanding the fact that the Republicans on the ground agreed upon a man and requested him to make the appointment as one which would be satisfactory to them.

These facts upon their face carry an impress of fraud. Why should this officer holding this election refrain from appointing a man of their own choice if he intended to give the Republicans a fair and honest representation? Having got the board selected according to his own idea, the Republicans appeared there with pencil and paper prepared to keep a tally and count of the number of Republican votes. Then the officer holding this election, whose name was Braden, declared that he would not hold an election at all, and he and his board, consisting of three judges and two clerks, got up and left the building and went away.

There can be no question about these facts. They are sworn to by Justice Griffin and Mr. Wilder. They are sworn to by these two witnesses in the case, and it is not controverted by a single witness on the part of the contestee. There were six officers—a sheriff's officer, three Democratic judges and two Democratic clerks—any one of whom could have been produced to have controverted these facts if they were not true. Not one of them was called except one, and he declares that he was not there at the time and does not know what took place. So we have the positive evidence of these two witnesses that the sheriff's officer absolutely declined to hold the election there and that he and his board got up and left the building at 11 o'clock in the forenoon of that day.

It is an elementary rule in law as well as in morals that the failure of a person to deny what is charged against him is attributable to his inability honestly to make the denial. We must take these facts as absolutely substantiated, as absolutely proved. What is to be done in view of an agreed state of facts like that? What is the legal principle which is to be applied? Again the law of Tennessee answers the question. I quote again from the Tennessee statute:

If the sheriff or other officer whose duty it is to attend the particular place of voting fail to attend, any justice of the peace present, or, if no justice is present, any three freeholders, may perform these duties, or in case of necessity may act as officers or inspectors.

Here we have a board refusing to hold the election, going out of the building, and it is not contradicted that they did so. Then this justice of the peace—Justice Griffin—in strict conformity with the statute of Tennessee in such case made and provided, assembled a new board, selected three judges and two clerks in strict accordance with the law of Tennessee, swore them in, and proceeded to hold an election just as the Tennessee State law provided he might do. It was a board organized in strict accordance with the law. After the voting had commenced, after ballots had been deposited in the box, Braden and his original board returned to their place and reopened their polling box.

The gentleman from Arkansas has argued—and I will admit it to be true for the purposes of this argument—that there can be but one voting place in any precinct. I claim that that being so, box No. 2, as it is designated in the case, was the legal box, under the undisputed facts in this case and under the law of the State of Tennessee; and I claim that every vote deposited in box No. 1, so called, was an illegal vote; that after that election board had dispersed and gone out and announced their purpose of holding no election, and had not returned until the other place was organized and the other box opened in accordance with the law of Tennessee, box No. 1 failed to become a legal box and that every vote cast therein is a nullity. In that box there were deposited 62 votes for the contestee. In box No. 2, organized in strict accordance with the Tennessee law, there were deposited 247 votes. These were disregarded by the election officers in making up the returns and the 62 were counted.

Mr. Speaker, it has been claimed here that both these boxes should be counted. Very well, if you count them both you set a precedent which you must follow in the precinct of Oakland, where a similar state of facts occurred. And if you count both boxes in both precincts, then you elect the contestant. That gives him a majority over the 365 and elects him to the seat which he claims he is entitled to. But if you do not—take whichever horn

of the dilemma you please, I care not which; argue if you will that there was but one legal box in that precinct, and it makes a difference of 309. Throwing out the 62 and counting the 247, it makes a difference of 309 in the result, which brings the contestant within 56 votes of an election.

There was another voting place in this civil district known as Braden, and there this state of affairs existed. Seventeen votes, it was proved, were cast there for the contestant, yet only 4 were returned for him. It was admitted on the argument before the committee that 13 votes had been taken from the contestant and given to the contestee. Under the law established in such cases, we would be justified in suppressing the returns upon the ground of fraud and giving to each party the votes he has legally proved. We have not done so. We have simply changed the result by adding 26, which, it was admitted by the contestant, might be done in this case, making a difference in the result of 26, or bringing the contestant within 30 of an election.

In regard to this precinct of Galloway, I should have remarked as a corroborative circumstance of the fact that fraud was intended that it was proved by the evidence of two witnesses that Dr. Battle, in whose office box No. 1 was established, and a close friend and adherent of contestee, made a cold-blooded business proposition to the Republican managers that he would see that all the votes were counted for the contestant, Patterson, if the votes for the other candidates should all be counted for the contestee. He swears to that himself; and as bearing somewhat on the election methods there, I wish briefly to call attention to his testimony on this point, given at page 198 of the supplemental record.

58. Q. Do you know of any conversation between Mr. Osca Wilder, Mr. Cunningham, John Braden, and a number of others there in your office before the polls opened that morning?

A. I know of a conversation between Mr. Osca Wilder and myself.

59. Q. Do you know of any propositions having been made to Mr. Osca Wilder there at that time?

A. Yes, sir; I proposed to Mr. Osca Wilder to settle this thing and not have a big row among the white people here.

60. Q. Did you propose any means or manner of settling it?

A. I was not the officer of the election to hold or run it. Only talked as a citizen in order that there should be harmony among the white folks. I suggested to Mr. Wilder that it would be better to put in a Patterson man and count the vote fairly as far as Patterson was concerned.

61. Q. Was Mr. Wilder willing to this?

A. No, sir; I don't think he was. He was talking like he was, but I don't think he was.

62. Q. You didn't think he was willing?

A. No, sir.

63. Q. Was that the only conversation you ever had with Mr. Wilder?

A. No, sir. We had had various conversations before that, months and weeks before the election.

64. Q. Do you know anything, or hear anything, about a proposition being made to Mr. Wilder that if he would agree to the election being held up there that he and his friends should vote there, and that Colonel Patterson should have all the votes cast for him?

A. I was the one that proposed that to Mr. Wilder.

Now, let me pass on rapidly to the voting precinct of Eola, in district No. 2. In this district the Republican judge was an ignorant colored man who could not read or write. The colored voters here voted an open ticket. Four witnesses testify that one of their number gave out the open tickets with the contestant's name upon them. All of these witnesses swore that they saw those ballots deposited in the box. They swore that 61 ballots were cast in this way. They stationed themselves so that they could see the ballots handed out to the voters and by them deposited. The names of the 61 voters were kept and are produced. One white man in addition testified that he voted for contestant. Here were 62 votes sworn to by these four witnesses which were deposited in that box for the contestant.

None of the 62 voters were called to disprove it. None of the six election officers save one were sworn or attempted to make any denial, only one election officer put upon the stand. Not one of the clerks, not the sheriff's officer who held the election, only one of the judges—only one of the six who participated in holding that election—went upon the stand to deny this evidence, and his denial is evasive and inconclusive.

Here you have the evidence of four witnesses, corroborating each other and corroborated by all the circumstances of the case, that 62 votes were cast for the contestant in this voting precinct. Yet there were returned for him only 24.

Counting for him only, therefore, the difference between the 62 and 24 votes, it gives him a majority of 38, enough to elect him to the seat claimed here. We need not apply the stringent and drastic rule of law that we would be authorized to apply in such cases—that where the returns are impeached for fraud, we can throw them out and only count for each candidate those votes he actually proves he received. That rule will be unquestioned. We do not seek to do it in this case. It is not necessary. If we count for the contestant only the votes clearly proven to have been received by him at these precincts, it will give him the election.

I take up the case of Yumyum. This was a district where the black people were very largely in excess, and where they were well organized and enthusiastic for the contestant. They were organized in the most careful, deliberate, and effective manner for this election. Yet the returns for that precinct only give 10 votes to the contestant and 305 votes for the contestee. There were less than 100 white voters and over 300 colored voters in the precinct, and yet, as I have said, there are only 10 votes returned for the contestant and 305 for the contestee.

What is the evidence in regard to this precinct? Why, 39 witnesses went on the stand and testified that they voted the Republican ticket, with the name of the contestant on it, for member of Congress. Nobody contradicts it, nobody attempted to impeach or discredit them. Therefore either the returns are to be discredited in this case or else the 39 witnesses and the friends and workers for contestant have been guilty of willful perjury and subornation of perjury. You can not assume otherwise. You must assume, on the testimony given, that these returns were grossly falsified or else the 35 or 40 witnesses who swore they voted for the contestant swore to what they knew was false.

These 39 include all the witnesses who were called to testify. How many more would have so testified it is impossible to tell. But the number was sufficient to discredit the returns as absolutely unreliable. It is needless to go further over these contested districts. The same element of fraud which prevails in the districts considered prevails throughout the entire 10 districts. Fraud was rampant in every one of them. In the case of each one of these 10 districts the same evidences of fraud were disclosed. There is overwhelming proof on the part of the contestant that this condition of affairs existed as to each one of these contested districts.

Mr. Speaker, I believe that we should decide these election cases on the law and evidence submitted. I am not one of those who believe that a Democrat ought to be turned out because he is a Democrat or a Republican put in because he is a Republican. The Constitution of our Government placed upon this body the duty of judging the elections, qualifications, and returns of its members. We are not to decide arbitrarily, although we have the power to do so.

Our decision should be a judicial one in fact as well as in name. It should be based upon a judicial consideration of the evidence and a proper application of legal principles. Any other decision would be a display of brute force. Although we have the power, we should exercise it judicially and not arbitrarily. Judged by this standard and by every principle of law, of equity, and of justice, the contestant should be awarded the seat which he claims. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

ARMY REORGANIZATION BILL.

Mr. KIRKPATRICK. Mr. Speaker, I call for the regular order.

Mr. HULL. Before the gentleman proceeds I would like, with his consent, to submit a request for unanimous consent.

The SPEAKER. As the vote is to be taken at half past 4 o'clock, if there be no objection, the Chair will hear the request of the gentleman from Iowa.

Mr. KIRKPATRICK. I do not object.

Mr. HULL. I wish to submit a request, Mr. Speaker, that when the House adjourns to-day it be to meet at 10 o'clock to-morrow morning.

I will say that I make that request because the Committee on Military Affairs has had an urgent suggestion from the General of the Army and from the War Department, reenforced to-day by a dispatch which I will read, so you may know the importance of at once disposing of the bill for the reorganization of the Army to-morrow in some way.

I will ask the Clerk to read the telegram I send to the desk.

The Clerk read as follows:

WAR DEPARTMENT, *April 22, 1898.*

Hon. JOHN A. T. HULL:

War Department regards prompt passage of Army reorganization bill a matter of supreme importance. This bill is so closely related to the volunteer bill that the passage of both measures appears to be an urgent necessity.

G. D. MEIKLEJOHN,
Assistant Secretary of War.

Many MEMBERS. Pass it now!

Mr. HULL. That might not be possible——

The SPEAKER. The gentleman from Iowa asks unanimous consent that when the House adjourns to-night it be to meet at 10 o'clock to-morrow morning. Is there objection?

Several MEMBERS. Why not pass the bill now? [Cries of "Vote!" "Vote!"]

The SPEAKER. The House must be in order, so that the Chair can hear the response of the members. Is there objection to the request of the gentleman from Iowa?

Mr. HULL. Mr. Speaker, at the request of gentlemen on both sides, I will submit the request for unanimous consent that the bill be taken up immediately on the close of the present election case. [Cries of "That's right!"]

Mr. CONNOLLY. I object to that.

Mr. SULZER. Let us dispose of it now.

Mr. CONNOLLY. I object.

Mr. BAILEY. If the gentleman from Iowa will give me his attention for a moment: I doubt if the Senate would be in ses-

sion, and no time could be gained by acceding to the request. I am willing to dispose of the matter at once——

Mr. NORTON of Ohio. The Senate has already adjourned.

Mr. BAILEY (continuing). Or agree to a recess until 10 o'clock, if we are certain we can get consideration of the matter at that time. Now, if the Senate is going to remain in session to-night——

Mr. NORTON of Ohio. The Senate adjourned at 2 o'clock.

Mr. HULL. I will say to my friend in perfect frankness that the Senate will not be in session until 12 o'clock to-morrow.

Mr. McMILLIN. The gentleman's bill has not been printed, so that members can get hold of it, has it?

Mr. HULL. It has been printed, and is accessible to members.

Mr. HOPKINS. I should like to ask the gentleman from Iowa if the Senate will be in session to-morrow?

Mr. HULL. It will be in session at 12 o'clock.

Mr. RIDGELY. I hope the request for a meeting at 10 o'clock will be agreed to.

Mr. BAILEY. Let us have it understood that when the House adjourns until 10 o'clock to-morrow it shall reconvene for the special and sole purpose of considering this matter.

The SPEAKER. The Chair will add that suggestion to the request of the gentleman from Iowa, that when the House adjourns it adjourn to meet at 10 o'clock, but that only this matter which has been presented to the House shall be considered.

Mr. ALLEN. I desire to inform the House that the funeral of Senator Walthall will take place in the Senate Chamber at 11 o'clock to-morrow, and I unite in the request of the chairman of the Committee on Military Affairs that we come here and get through with this thing in time to go as a body and attend the funeral of Senator Walthall at 11 o'clock.

The SPEAKER. The Chair thinks that can be arranged for.

Mr. HULL. I understand that the funeral is to be at 12 o'clock.

Mr. ALLEN. There may have been some change in the programme in the Senate, but at whatever time the funeral takes place, I hope it may be arranged that the House shall participate in a body.

The SPEAKER. The Chair thinks arrangements can be made with regard to that to-morrow.

Mr. BRUCKER. If unanimous consent is given to agree to this request, will that cut out the evening session this evening?

The SPEAKER. That will cut out the evening session.

Mr. BRUCKER. I should like to ask the gentleman from Iowa what is the object of cutting out the evening session?

Mr. CONNOLLY. That was not a part of the request. The request was only that we adjourn until 10 o'clock to-morrow.

The SPEAKER. This request itself does not cut out the evening session.

Mr. MIERS of Indiana. I understood that the adjournment would take place at the conclusion of the evening session.

The SPEAKER. Whenever the adjournment takes place, it will take place until 10 o'clock to-morrow morning, if the request is granted. Is there objection?

There was no objection.

Mr. McMILLIN. The request, I believe, was not put in such form as to prevent consideration of the bill in Committee of the Whole. It would be considered under the rules of the House.

The SPEAKER. There has been no arrangement whatever with regard to that.

CONTESTED-ELECTION CASE—PATTERSON VS. CARMACK.

The SPEAKER. The hour of 4 o'clock and 30 minutes having arrived, at which time the House ordered a vote to be taken on the contested-election case, the Clerk will read the resolutions which are submitted to the House.

The Clerk read as follows:

1. *Resolved*, That E. W. Carmack was not elected a member of the Fifty-fifth Congress from the Tenth Congressional district of the State of Tennessee, and is not entitled to the seat now held by him.

2. *Resolved*, That Josiah Patterson was elected a member of the Fifty-fifth Congress from the Tenth Congressional district of the State of Tennessee, and should be awarded the seat now held by contestee.

Mr. RICHARDSON. Mr. Speaker, I ask that the minority resolutions be read, and that the Chair state that the vote will first be taken on the minority resolutions.

The SPEAKER. The Clerk will now read the minority resolutions, which it is proposed to substitute for the majority resolutions.

The Clerk read as follows:

Resolved, That E. W. Carmack was duly elected a Representative to the Fifty-fifth Congress of the United States, and is entitled to the seat.

Resolved, That Josiah Patterson was not elected a Representative to the said Congress, and is not entitled to the seat.

The SPEAKER. The question is upon the substitute.

Mr. WALKER of Virginia. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. RICHARDSON. Mr. Speaker, I understand that the minority resolutions do not mention the district. I ask that the resolution be put in the usual form—that the words "Tenth district of Tennessee" be added. I am not sure that they are in the resolution.

The SPEAKER. The resolution does not so state.

Mr. RICHARDSON. I ask that that be inserted.

The SPEAKER. If there be no objection, the proper words will be inserted.

Mr. COX. Mr. Speaker, I make the request that on the vote on this resolution no vote be recorded unless announced in the open House, so that the Clerk can hear it.

The SPEAKER. The Chair has already given that direction, and that course will be followed in this case and in all others.

The question was taken; and there were—yeas 138, nays 120, answered "present" 5, not voting 92; as follows:

YEAS—138.

Adamson,	Davey,	Knowles,	Ridgely,
Allen,	Davis,	Lamb,	Rixey,
Bailey,	De Armond,	Lanham,	Robb,
Baird,	De Graffenreid,	Latimer,	Robertson, La.
Baker, Ill.	De Vries,	Lentz,	Robinson, Ind.
Ball,	Dinsmore,	Lester,	Sauerhering
Barlow,	Dockery,	Lewis, Ga.	Sayers,
Barney,	Driggs,	Lewis, Wash	Settle,
Bartlett,	Elliott,	Little,	Shafroth,
Beach,	Ermentrout,	Livingston,	Shuford,
Bell,	Fitzgerald,	Lloyd,	Sims,
Benner, Pa.	Fitzpatrick,	Love,	Slayden,
Benton,	Fleming,	McClellan,	Smith, Ky.
Berry,	Fowler, N. C.	McCormick,	Sparkman,
Bland,	Fox,	McCulloch,	Stark,
Bodine,	Gaines,	McDowell,	Stephens, Tex.
Botkin,	Griffith,	McMillin,	Stokes,
Bradley,	Griggs,	McRae,	Strowd, N. C.
Brantley,	Gunn,	Maddox,	Sullivan,
Brenner, Ohio	Handy,	Maguire,	Sulzer,
Brewer,	Hartman,	Mahany,	Sutherland,
Broussard,	Hay,	Marshall,	Swanson,
Brucker,	Henry, Miss.	Maxwell,	Talbert,
Brundidge,	Henry, Tex.	Meekison,	Terry,
Burke,	Hilborn,	Meyer, La.	Todd,
Campbell,	Howard, Ga.	Miers, Ind.	Underwood,
Castle,	Hunter,	Moon,	Vandiver,
Clardy,	Jenkins,	Norton, Ohio	Vehslage,
Clark, Mo.	Jones, Va.	Norton, S. C.	Vincent,
Cochran, Mo.	Jones, Wash.	Ogden,	Wheeler, Ky.
Cooney,	Joy,	Otey,	Williams, Miss.
Cooper, Tex.	Kelley,	Peters,	Young, Va.
Cowherd,	King,	Pierce, Tenn.	Zenor.
Cox,	Kitchin,	Rhea,	
Cummings,	Kleberg,	Richardson,	

NAYS—120.

Aldrich,	Curtis, Kans.	Hepburn,	Pugh,
Alexander,	Dalzell,	Hill,	Ray,
Babcock,	Danford,	Howe,	Royse,
Baker, Md.	Davenport,	Hull,	Russell,
Barham,	Davidson, Wis.	Hurley,	Shelden,
Barrows,	Davison, Ky.	Johnson, Ind.	Smith, Ill.
Bartholdt,	Dayton,	Johnson, N. Dak.	Smith, Wm. Alden
Belden,	Dingley,	Kerr,	Southard,
Belford,	Dolliver,	Ketcham,	Southwick,
Belknap,	Dovener,	Kirkpatrick,	Spalding,
Booze,	Evans,	Lacey,	Sperry,
Boutell, Ill.	Faris,	Landis,	Sprague,
Boutelle, Me.	Fenton,	Loud,	Steele,
Bromwell,	Fletcher,	Lybrand,	Stewart, Wis.
Brown,	Foss,	McCall,	Stone, C. W.
Brownlow,	Fowler, N. J.	McCleary,	Stone, W. A.
Brumm,	Gardner,	McDonald,	Strode, Nebr.
Bull,	Gibson,	Mercer,	Sturtevant,
Burleigh,	Gillet, N. Y.	Mesick,	Sulloway,
Burton,	Gillett, Mass.	Miller,	Tawney,
Cannon,	Graff,	Minor,	Tayler, Ohio
Chickering,	Grout,	Moody,	Thorp,
Clark, Iowa	Grow,	Northway,	Walker, Mass.
Cochrane, N. Y.	Hager,	Olmsted,	Walker, Va.
Codding,	Hamilton,	Otjen,	Wanger,
Connolly,	Hawley,	Overstreet,	Weymouth,
Cousins,	Heatwole,	Payne,	White, Ill.
Crump,	Hemenway,	Pearson,	White, N. C.
Crumpacker,	Henderson,	Perkins,	Yost,
Curtis, Iowa	Henry, Ind.	Pitney,	Young, Pa.

ANSWERED "PRESENT"—5.

Bishop,	Mann,	Updegraff,	Warner.
Griffin,			

NOT VOTING—92.

Acheson,	Eddy,	Lovering,	Shannon,
Adams,	Ellis,	Low,	Shattuc,
Arnold,	Fischer,	McAleer,	Sherman,
Bankhead,	Foote,	McEwan,	Showalter,
Barber,	Greene,	McIntire,	Simpson,
Barrett,	Grosvenor,	Mahon,	Skinner,
Bennett,	Harmer,	Marsh,	Smith, S. W.
Bingham,	Henry, Conn.	Martin,	Snover,
Brewster,	Hicks,	Mills,	Stallings,
Broderick,	Hinrichsen,	Mitchell,	Stevens, Minn.
Brosius,	Hitt,	Morris,	Stewart, N. J.
Butler,	Hooker,	Mudd,	Strait,
Capron,	Hopkins,	Newlands,	Tate,
Carmack,	Howard, Ala.	Odell,	Taylor, Ala.
Catchings,	Howell,	Osborne,	Tongue,
Clarke, N. H.	Jett,	Packer, Pa.	Van Voorhis,
Clayton,	Knox,	Parker, N. J.	Wadsworth,
Colson,	Kulp,	Pearce, Mo.	Ward,
Connell,	Lawrence,	Powers,	Weaver,
Cooper, Wis.	Linney,	Prince,	Wheeler, Ala.
Corliss,	Littauer,	Quigg,	Wilber,
Cranford,	Lorimer,	Reeves,	Williams, Pa.
Dorr,	Loudenslager,	Robbins,	Wilson.

So the substitute was agreed to.

The following pairs were announced:
Until further notice:
Mr. HOPKINS with Mr. TATE.
Mr. ACHESON with Mr. WILSON.
Mr. HOOKER with Mr. CATCHINGS.
Mr. LOVERING with Mr. WHEELER of Alabama.
Mr. STEWART of New Jersey with Mr. CLAYTON.
Mr. MANN with Mr. JETT.
Mr. UPDEGRAFF with Mr. TAYLOR of Alabama.
Mr. PRINCE with Mr. HINRICHSEN.
Mr. WARNER with Mr. BANKHEAD.
On this question:
Mr. SHOWALTER with Mr. STRAIT.
Mr. CLARKE of New Hampshire with Mr. LAWRENCE.
Mr. MAHON with Mr. BUTLER.
Mr. WADSWORTH with Mr. CRANFORD.
Mr. FISCHER with Mr. MARTIN.
Mr. MCEWAN with Mr. SIMPSON.
Mr. LOUDENSLAGER with Mr. STALLINGS.
Mr. BISHOP with Mr. GRIFFIN.
Mr. VAN VOORHIS with Mr. OSBORNE.
Mr. LOW with Mr. MCALEER.
Mr. GROSVENOR with Mr. GREENE, from Thursday, April 21, until Monday, April 25.

Mr. REEVES. Mr. Speaker, I hear by the announcement of the pairs that Mr. CATCHINGS and Mr. HOOKER are paired. I refrained from voting, with the understanding that I was paired with Mr. CATCHINGS. If he is paired there, I want to vote.

Mr. RICHARDSON. Mr. Speaker, it is impossible to hear.

The SPEAKER. The gentleman from Illinois will repeat his statement.

Mr. REEVES. Mr. Speaker, the announcement of the pairs shows that the gentleman from Mississippi, Mr. CATCHINGS, is paired with the gentleman from New York, Mr. HOOKER. I refrained from voting with the understanding that I was paired with the gentleman from Mississippi. If I am not paired with him, I desire to vote.

Mr. RICHARDSON. There will be no objection to that idea, Mr. Speaker; I know there will not be by this side.

The SPEAKER. If there be no objection, although the Chair is hardly permitted under the rule to entertain the request, and this must not be regarded as a precedent by gentlemen——

Mr. RICHARDSON. If the gentleman loses his vote by a misapprehension, I wish him to have an opportunity to vote.

Mr. REEVES. I was paired yesterday with the gentleman from Mississippi on the preliminary vote on this matter, on the request of a gentleman on that side.

The SPEAKER. The Chair thinks the gentleman had better content himself with the announcement.

Mr. REEVES. I would have voted "nay."

The SPEAKER. The Chair thinks it is proper in such cases to vote and then withdraw the vote.

Mr. REEVES. I would have voted "nay."

Mr. WARNER. Mr. Speaker, I voted "nay." I find that I am paired with the gentleman from Alabama, Mr. BANKHEAD. I agreed to pair with him, and was informed by some gentleman that Mr. BANKHEAD had paired with another gentleman; but I see that my pair is announced as with Mr. BANKHEAD, and I withdraw my vote.

Mr. WILLIAM A. STONE. Mr. Speaker, my colleague, Mr. BINGHAM, is absent sick. If here, he would vote "nay."

Mr. PAYNE. Mr. Speaker, my colleague, Mr. QUIGG, is absent on account of sickness, and I ask that he be indefinitely excused.

The SPEAKER. Without objection, the request of the gentleman from New York, that his colleague be given, indefinitely, leave of absence, will be granted.

There was no objection.

The result of the vote was then announced as above recorded.

On motion of Mr. RICHARDSON, a motion to reconsider the vote by which the substitute was agreed to was laid on the table.

The SPEAKER. The question is now on the adoption of the resolutions as amended.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. HEPBURN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MOODY. A parliamentary inquiry, Mr. Speaker.

Mr. RICHARDSON. The minority resolutions have been substituted.

The SPEAKER. The minority resolutions have been substituted for those of the majority, and the question is, Shall the resolutions as amended pass?

Mr. MOODY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOODY. If the amended resolutions are defeated, will that leave the seat vacant?

Mr. COCHRAN of Missouri. A parliamentary inquiry.

The SPEAKER. The Chair will decide that question after the vote is taken, if necessary, so far as it is in his power to decide it.

Mr. COCHRAN of Missouri. A parliamentary inquiry. Is not the substitute resolutions to the effect that Carmack was elected to the seat in Congress? I will ask if the adoption of that resolution does not close the subject?

The SPEAKER. The adoption of that resolution does close the subject.

Mr. COCHRAN of Missouri. That is that he was elected.

Mr. STEELE. Mr. Speaker, I make the point of order that 5 o'clock has arrived.

The SPEAKER. The Chair thinks that the point of order is not well taken——

Mr. STEELE. That is the hour at which a recess is to be taken.

The SPEAKER. The Chair thinks the rule has been modified by unanimous consent.

Several MEMBERS. Regular order!

The SPEAKER. The Chair is enforcing the regular order.

Mr. FARIS. Mr. Speaker, in the confusion a moment ago it was impossible for gentlemen in this part of the House to understand the observation of the Speaker as to the effect of the vote which has just been announced. I ask the Speaker to repeat the observation.

The SPEAKER. The Chair thinks he will not repeat the observation, because it was in answer to a parliamentary question, and he hardly thinks he will take upon himself at present to decide that without further consideration of the subject.

Mr. BROMWELL. A parliamentary inquiry.

Mr. BLAND. Mr. Speaker, the roll call has been commenced.

Mr. FARIS. What is the effect of a yea vote on this question?

The SPEAKER. That each gentleman must decide for himself. The Clerk will call the roll.

Mr. CANNON. What is the question?

Mr. FARIS. I wish to know what a yea vote means on the proposition.

Mr. HAMILTON. I ask for the reading of the resolution.

The SPEAKER. The Clerk will read the resolution again, if there is no objection.

The Clerk again read the resolution.

Mr. DALZELL. Mr. Speaker, I ask for a separate vote on the two propositions.

Mr. RICHARDSON. I make the point of order, Mr. Speaker, that that comes too late.

The SPEAKER. The Chair thinks it is too late. The Clerk will proceed and call the roll.

The question was taken; and there were—yeas 136, nays 118, answered "present" 2, not voting 100; as follows:

YEAS—136.

Adamson,	Cranford,	Kleberg,	Richardson,
Allen,	Cummings,	Knowles,	Ridgely,
Bailey,	Davey,	Lamb,	Rixey,
Baird,	Davis,	Lanham,	Robb,
Baker, Ill.	De Armond,	Latimer,	Robertson, La.
Ball,	De Graffenreid,	Lentz,	Robinson, Ind.
Barlow,	De Vries,	Lester,	Sauerhering,
Barney,	Dinsmore,	Lewis, Ga.	Sayers,
Bartlett,	Dockery,	Lewis, Wash.	Settle,
Beach,	Driggs,	Little,	Shafroth,
Bell,	Elliott,	Livingston,	Shuford,
Benner, Pa.	Ermentrout,	Lloyd,	Sims,
Benton,	Fitzgerald,	Love,	Slayden,
Berry,	Fitzpatrick,	McClellan,	Smith, Ky.
Bland,	Fleming,	McCormick,	Sparkman,
Bodine,	Fowler, N. C.	McCulloch,	Stark,
Botkin,	Fox,	McDowell,	Stephens, Tex.
Bradley,	Gaines,	McMillin,	Stokes,
Brantley,	Griffith,	McRae,	Strowd, N. C.
Brenner, Ohio	Griggs,	Maguire,	Sullivan,
Brewer,	Gunn,	Mahany,	Sulzer,
Broussard,	Handy,	Marshall,	Sutherland,
Brucker,	Hartman,	Maxwell,	Swanson,
Brundidge,	Hay,	Meekison,	Talbert,
Burke,	Henry, Miss.	Meyer, La.	Terry,
Campbell,	Henry, Tex.	Miers, Ind.	Todd,
Castle,	Howard, Ga.	Moon,	Underwood,
Clardy,	Hunter,	Norton, Ohio	Vandiver,
Clark, Mo.	Jenkins,	Norton, S. C.	Vehslage,
Cochran, Mo.	Jones, Va.	Ogden,	Vincent,
Cooney,	Jones, Wash.	Otey,	Wheeler, Ky.
Cooper, Tex.	Kelley,	Peters,	Williams, Miss.
Cowherd,	King,	Pierce, Tenn.	Young, Va.
Cox,	Kitchin,	Rhea,	Zenor.

NAYS—118.

Aldrich,	Burleigh,	Dingley,	Heatwole,
Alexander,	Burton,	Dolliver,	Hemenway,
Babcock,	Cannon,	Dovener,	Henderson,
Barham,	Chickering,	Evans,	Henry, Ind.
Barrows,	Clark, Iowa	Faris,	Hepburn,
Bartholdt,	Cochrane, N. Y.	Fenton,	Hicks,
Belden,	Codding,	Fletcher,	Hill,
Belford,	Connolly,	Foss,	Howe,
Belknap,	Cousins,	Fowler, N. J.	Johnson, Ind.
Bishop,	Crump,	Gardner,	Johnson, N. Dak.
Booze,	Curtis, Iowa	Gibson,	Kerr,
Boutell, Ill.	Curtis, Kans.	Gillett, Mass.	Ketcham,
Boutelle, Me.	Dalzell,	Graff,	Kirkpatrick,
Bromwell,	Danford,	Griffin,	Knox,
Brown,	Davenport,	Grow,	Lacey,
Brownlow,	Davidson, Wis.	Hager,	Landis,
Brumm,	Davison, Ky.	Hamilton,	Loud,
Bull,	Dayton,	Hawley,	Lybrand,

McCall,	Payne,	Snover,	Tawney,
McCleary,	Pearce, Mo.	Southard,	Tayler, Ohio
McDonald,	Pearson,	Southwick,	Thorp,
Mercer,	Perkins,	Spalding,	Walker, Mass.
Mesick,	Pitney,	Sperry,	Walker, Va.
Miller,	Pugh,	Sprague,	Wanger,
Minor,	Ray,	Steele,	Weymouth,
Moody,	Reeves,	Stewart, Wis.	White, Ill.
Northway,	Royse,	Stone, C. W.	White, N. C.
Olmsted,	Russell,	Stone, W. A.	Yost.
Otjen,	Shelden,	Strode, Nebr.	
Overstreet,	Smith, Ill.	Sturtevant,	

ANSWERED "PRESENT"—2.

Cooper, Wis. Ellis.

NOT VOTING—98.

Acheson,	Gillet, N. Y.	McAleer,	Simpson,
Adams,	Greene,	McEwan,	Skinner,
Arnold,	Grosvenor,	McIntire,	Smith, S. W.
Baker, Md.	Grout,	Maddox,	Smith, Wm. Alden
Bankhead,	Harmer,	Mahon,	Stallings,
Barber,	Henry, Conn.	Mann,	Stevens, Minn.
Barrett,	Hilborn,	Marsh,	Stewart, N. J.
Bennett,	Hinrichsen,	Martin,	Strait,
Bingham,	Hitt,	Mills,	Sulloway,
Brewster,	Hooker,	Mitchell,	Tate,
Broderick,	Hopkins,	Morris,	Taylor, Ala.
Brosius,	Howard, Ala.	Mudd,	Tongue,
Butler,	Howell,	Newlands,	Updegraff,
Capron,	Hull,	Odell,	Van Voorhis,
Catchings,	Hurley,	Osborne,	Wadsworth,
Clarke, N. H.	Jett,	Packer, Pa.	Ward,
Clayton,	Joy,	Parker, N. J.	Warner,
Colson,	Kulp,	Powers,	Weaver,
Connell,	Lawrence,	Prince,	Wheeler, Ala.
Corliss,	Linney,	Quigg,	Wilber,
Crumpacker,	Littauer,	Robbins,	Williams, Pa.
Dorr,	Lorimer,	Shannon,	Wilson,
Eddy,	Loudenslager,	Shattuc,	Young, Pa.
Fischer,	Lovering,	Sherman,	
Foote,	Low,	Showalter,	

So the resolution was adopted.

The following additional pair was announced:

Mr. MUDD with Mr. MADDOX, on this question.

The result of the vote was then announced as above recorded.

On motion of Mr. RICHARDSON, a motion to reconsider the vote whereby the resolution was adopted was laid on the table.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 9944. An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes;

H. R. 8875. An act to amend an act entitled "An act to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi;"

H. Res. 116. Joint resolution authorizing the Secretary of War to make a survey of the West Fork River, West Virginia, and prepare estimates of the cost thereof; and

H. R. 2768. An act for the relief of George Peyton from the charge of desertion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. EDWARD C. WALTHALL.

Resolved, That a committee of nine Senators be appointed by the Vice-President to take order for superintending the funeral of deceased, which will take place in the Senate Chamber to-morrow, Saturday, at 12 o'clock m., and that the Senate will attend the same.

Resolved, That as a further mark of respect entertained by the Senate for his memory, his remains be removed from Washington to Holly Springs, Miss., in charge of the Sergeant-at-Arms and attended by the committee, who shall have full power to carry this resolution into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives, and invite the House of Representatives to attend the funeral to-morrow, Saturday, at the hour named, and to appoint a committee to act with the committee of the Senate.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message further announced that, in compliance with the foregoing resolution, the Vice-President had appointed as said committee Mr. MONEY, Mr. BERRY, Mr. BATE, Mr. PETTUS, Mr. SPOONER, Mr. GRAY, Mr. PROCTOR, Mr. PASCO, and Mr. CANNON.

Mr. ALLEN. Mr. Speaker, Senator WALTHALL was one of the most distinguished and loved and lovable men that our State ever produced. As a mark of respect to him, I now move that the House attend his funeral from here to-morrow in a body, and that a committee of nine be appointed to attend his funeral in Mississippi; and as a further mark of respect, I move that the House do now adjourn.

Mr. DINGLEY. One moment. Before that question is put, I would like to inquire whether the Committee on Pensions desire an evening session?

Mr. ALLEN. Whether the committee desires an evening session or not, I move that the House do now adjourn.

The SPEAKER. The question is on agreeing to the motion that the House attend the funeral in a body, and that a committee of nine be appointed to attend the funeral in Mississippi.

The motion was agreed to.

The SPEAKER appointed as the committee Mr. ALLEN, Mr. FOX, Mr. HENRY of Mississippi, Mr. LOVE, Mr. SULLIVAN, Mr. WILLIAMS of Mississippi, Mr. BARTLETT, Mr. SPALDING, and Mr. JOHNSON of Indiana.

The motion of Mr. ALLEN was then agreed to; and accordingly the House, in accordance with its previous order (at 5 o'clock and 32 minutes p. m.), adjourned until 10 o'clock to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph Holt against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting estimates of deficiencies in appropriations for homes for disabled soldiers and sailors—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. EDDY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2755) to authorize the President of the United States to cause certain lands heretofore withdrawn from the market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law with certain restrictions, reported the same without amendment, accompanied by a report (No. 1146); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9638) to increase the number of surgeons in the United States Army, reported the same with amendment, accompanied by a report (No. 1148); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Arizona, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9956) granting the Santa Fe and Grand Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve, in northern Arizona, reported the same without amendment, accompanied by a report (No. 1149); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BOTKIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 990) to pension George E. Welles, late colonel Sixty-eighth Ohio Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 1139); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1472) granting an increase of pension to Bettie Hord Brown, reported the same with amendment, accompanied by a report (No. 1140); which said bill and report were referred to the Private Calendar.

Mr. CASTLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4315) to increase the pension of George D. Phinney, reported the same with amendment, accompanied by a report (No. 1141); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1702) granting an increase of pension to Nancy G. Allabach, reported the same without amendment, accompanied by a report (No. 1142); which said bill and report were referred to the Private Calendar.

Mr. BARBER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3612) to increase the pension of Thomas D. Porter, reported the same with amendment,

accompanied by a report (No. 1143); which said bill and report were referred to the Private Calendar.

Mr. WARNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8037) granting a pension to Lizzie Waltz, reported the same with amendment, accompanied by a report (No. 1144); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9755) for the relief of Matilda Waedel, reported the same with amendment, accompanied by a report (No. 1145); which said bill and report were referred to the Private Calendar.

Mr. STEVENS of Minnesota, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7844) to increase the pension of Mary Broggan, reported the same with amendment, accompanied by a report (No. 1147); which said bill and report were referred to the Private Calendar.

Mr. RIXEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 796) for the relief of the heirs of the late Mrs. Catherine P. Culver, reported the same with amendment, accompanied by a report (No. 1150); which said bill and report were referred to the Private Calendar.

Mr. YOST, from the Committee on Claims, to which was referred the bill of the House (H. R. 5680) for the relief of George W. Graham, reported the same with amendment, accompanied by a report (No. 1151); which said bill and report were referred to the Private Calendar.

Mr. BRUMM, from the Committee on Claims, to which was referred the bill of the Senate (S. 1711) for the relief of the legal representative of George McDougall, deceased, reported the same with amendment, accompanied by a report (No. 1152); which said bill and report were referred to the Private Calendar.

Mr. SULLIVAN, from the Committee on Claims, to which was referred the bill of the House (H. R. 2077) for the relief of Robert D. Benedict, reported the same with amendment, accompanied by a report (No. 1153); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9968) granting a pension to Sarah T. Emery—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10010) granting pension to Anthony Bollinger—Committee on Military Affairs discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SKINNER: A bill (H. R. 10022) imposing a war tax of $5 on every deal of purchase or sale made through or executed by any stock, produce, or other exchange, or any corporation, company, or person, of a speculative character—to the Committee on Ways and Means.

By Mr. BELL: A bill (H. R. 10023) to authorize the Secretary of War to furnish books of military instruction published by the War Department to the organized militia and volunteer forces of the United States—to the Committee on Printing.

By Mr. LOW: A bill (H. R. 10024) providing for a woman's American department in the Paris Exposition of 1900—to the Committee on Appropriations.

By Mr. STEPHENS of Texas: A bill (H. R. 10049) to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to open their reservation for settlement—to the Committee on Indian Affairs.

By Mr. BARNEY: A bill (H. R. 10050) to indemnify the State of Wisconsin for swamp and overflowed lands therein granted by Congress to said State, but disposed of by the Government, for cash and otherwise, and to quiet the title of settlers and other purchasers of lands within said State from the United States, and for other purposes—to the Committee on the Public Lands.

By Mr. HULL: A bill (H. R. 10051) to increase the number of post quartermaster-sergeants in the United States Army—to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 10058) to repeal an act forbidding banks which have withdrawn circulation to increase circulation within six months thereafter—to the Committee on Banking and Currency.

By Mr. HAWLEY: A joint resolution (H. Res. 241) providing for the printing and distribution of the consular correspondence respecting the condition of the reconcentrados in Cuba, the state of the war in that island, and the prospects of the projected autonomy, for distribution among foreign countries—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELFORD: A bill (H. R. 10025) to remove the charge of desertion from the military record of Martin Delany—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 10026) for the relief of the estate of Joseph Worley, deceased, late of Hamblen County, Tenn.—to the Committee on War Claims.

By Mr. CARMACK: A bill (H. R. 10027) for the relief of Mary C. Jackson, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10028) for the relief of the Baptist Church at Grand Junction, Tenn.—to the Committee on War Claims.

By Mr. DAVEY: A bill (H. R. 10029) for the relief of the estate of Phillip McGuire and Catherine McGuire, of New Orleans, La.—to the Committee on War Claims.

By Mr. GREENE: A bill (H. R. 10030) granting a pension to Elizabeth Millett, widow of J. E. Millett, late lieutenant of Company E, Thirty-first Iowa Volunteers—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 10031) granting a pension to John Brisban, of Columbus, Ind.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10032) granting a pension to Mahala Hyatt, of Rexville, Ind.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10033) granting a pension to George B. Millican—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10034) restoring Alexander D. Harper to the pension roll—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 10035) for the relief of the estate of S. N. Clark, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10036) for the relief of the estate of W. W. Dunton, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10037) for the relief of the estate of William M. Bowles, deceased, late of Mississippi—to the Committee on War Claims.

By Mr. LANHAM: A bill (H. R. 10038) for the relief of W. B. Morrow—to the Committee on War Claims.

By Mr. LIVINGSTON: A bill (H. R. 10039) for the relief of estate of Margaret Barge, deceased, late of Campbell County, Ga.—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 10040) for the relief of Andreas Schneider—to the Committee on Invalid Pensions.

By Mr. LOVE: A bill (H. R. 10041) for the relief of Hampton Wall, of Amite County, Miss.—to the Committee on War Claims.

By Mr. MARSH: A bill (H. R. 10042) for the relief of Stephen A. St. John—to the Committee on Military Affairs.

By Mr. MAXWELL: A bill (H. R. 10043) for the relief of Elijah McKendry—to the Committee on Military Affairs.

By Mr. MEEKISON: A bill (H. R. 10044) granting a pension to Joseph Wagstaf—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 10045) for the relief of W. O. Rodney, of Pointe Coupee Parish, La.—to the Committee on War Claims.

By Mr. SULLIVAN: A bill (H. R. 10046) for the relief of J. N. McIntyre, of Tippah County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10047) for the relief of estate of W. E. Tomlinson, deceased, late of Benton County, Miss.—to the Committee on War Claims.

By Mr. VANDIVER: A bill (H. R. 10048) for settlement of claim of Mrs. Lydia Chapman—to the Committee on Claims.

By Mr. CODDING: A bill (H. R. 10052) granting a pension to Rev. Gilbert M. Chamberlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10053) granting a pension to Fanny Fletcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10054) to correct the military record of Hiram Sheldon—to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 10055) granting a pension to James Burnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10056) increasing the pension of James Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10057) granting pensions to William Allen and Isaac Garman—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 10059) for the relief of

Zachine Dugat, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10060) for the relief of Susan S. Bailey, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10061) for the relief of Belisaire Cormier, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10062) for the relief of Mary M. Hopkins, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10063) for the relief of Mrs. Raymond Riu, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10064) for the relief of Edgar Breaux, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10065) for the relief of the estate of Owen Conlen—to the Committee on War Claims.

Also, a bill (H. R. 10066) for the relief of Auguste Alvarado, of Lafayette, La.—to the Committee on War Claims.

Also, a bill (H. R. 10067) for the relief of estate of Louisa Breaux, deceased, late of Lafayette, La.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Grocers and Importers' Exchange of Philadelphia, Pa., in opposition to a tax on stocks of coffees and teas at present in the United States—to the Committee on Ways and Means.

Also, resolutions of Gauntlet Lodge, No. 500, Knights of Pythias, of Philadelphia, Pa., in support of House bill No. 6468, granting land at Hot Springs, Ark., for the purpose of erecting and maintaining a sanitarium thereon—to the Committee on the Public Lands.

By Mr. BABCOCK. Papers to accompany House bill No. 9882, to increase the pension of Justus Freer—to the Committee on Invalid Pensions.

By Mr. BARTLETT. Petition of the heirs of William R. Hardin, deceased, late of Monroe County, Ga., praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of the Board of Trade of Macon, Ga., protesting against the imposition of an internal-revenue tax on tea and coffee on hand—to the Committee on Ways and Means.

By Mr. BELFORD: Resolutions of the Manufacturers' Association of New York, indorsing President McKinley for the position he has maintained in seeking to secure peace with honor—to the Committee on Foreign Affairs.

Also, resolutions of the Grocers and Importers' Exchange of Philadelphia, Pa., in opposition to a tax on stocks of coffees and teas—to the Committee on Ways and Means.

Also, resolutions of the Merchants' Exchange of Buffalo, N. Y., in favor of the passage of Senate bill No. 3354, relating to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. BOUTELLE of Maine: Petition of the Woman's Christian Temperance Union of Dexter, Me., for the passage of bills to forbid interstate transmission of lottery and other gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Christian Endeavor Society of Brownville, Me., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. BRUCKER: Petition of Symons Bros. & Co., of Saginaw, Mich., protesting against an internal-revenue tax on tea and coffee in stock—to the Committee on Ways and Means.

By Mr. BULL: Protest of the Grocers and Importers' Exchange of Philadelphia, Pa., against an internal-revenue tax on tea and coffee now held in stock—to the Committee on Ways and Means.

Also, protests of Thomas A. Willard and E. A. Phelan, representing a large proportion of the tea trade of the United States, against a tax on stock now on hand—to the Committee on Ways and Means.

By Mr. CLARKE of New Hampshire: Petition of citizens of Swiftwater, N. H., asking for the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia and to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petition of citizens of Swiftwater, N. H., to prohibit the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. CURTIS of Iowa: Petition of the Christian Endeavor Society of Pleasant Prairie, Iowa, protesting against the passage of House bill No. 9481, to dispossess the Indians of the Island of Annette, southeastern Alaska—to the Committee on Indian Affairs.

By Mr. CURTIS of Kansas: Petition of citizens of Neosho Falls, Kans., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. EDDY: Resolutions of the Board of Trade of Minneapolis, Minn., and the Chamber of Commerce of St. Paul, Minn., in support of House bill No. 8066, relating to appropriations to aid in the holding of a national exposition of American products and manufactures in Philadelphia—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Minneapolis Division, No. 117, Order of Railway Conductors, of Minneapolis, and the Chamber of Commerce of St. Paul, Minn., favoring the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the executive committee, American Forestry Association, against House bill No. 8428, in reference to Executive order of February 22, 1897—to the Committee on the Public Lands.

By Mr. ERMENTROUT: Petitions of the Government Commissioners on Tea Standards and of Commissioners of the Tea Trade in the United States at New York; also memorials of Grocers and Importers' Exchange of Philadelphia, and Kurtz & Myers, of Reading, Pa., protesting against an internal-revenue duty upon tea and coffee in stock—to the Committee on Ways and Means.

Also, memorial of Blackwell's Durham Tobacco Company, protesting against additional tax on tobacco in stock—to the Committee on Ways and Means.

By Mr. GIBSON: Two petitions of citizens of Jellico and Whitepine, Tenn., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE: Papers to accompany House bill granting a pension to Mrs. Elizabeth Mellett—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to George W. McCloughan—to the Committee on Invalid Pensions.

Also, petition of the Methodist Episcopal Church of Overton, Nebr., urging the passage of a bill to prohibit the sale of liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Methodist Episcopal Church of Ord, Nebr., or the passage of bills to forbid interstate transmission of lottery and other gambling matter by telegraph, to raise the age of protection for girls to 18 years, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Overton, Nebr., to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

By Mr. GRIFFITH: Telegrams of Elmer E. Scott, of Madison; E. G. Nicklaus, of Madison; the John C. Groub Company, and Henry Price, and others, of Seymour, Ind., protesting against the imposition of an internal-revenue tax on tea and coffee now in stock—to the Committee on Ways and Means.

Also, decree of the circuit court of Jefferson County, Ind., filed in support of bill granting a pension to George B. Millican—to the Committee on Invalid Pensions.

Also, memorial of officers and members of Joseph R. T. Gordon Post, No. 201, Grand Army of the Republic, of Indiana, in support of bill granting a pension to Mahala Hyatt—to the Committee on Invalid Pensions.

Also, petition of Jason B. Brown and 130 other citizens of Seymour, Ind., asking that the name of Alexander D. Harper be restored to the pension rolls—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of the Woman's Christian Temperance Union of Cambridgeport, Vt., Abbie A. Wyman, presiding, praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Cambridgeport, Vt., asking for the passage of the bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of Cambridgeport, Vt., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HENDERSON: Petition of Thomas Smith and other citizens of Farley, Iowa, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Petitions of Des Moines Conference of the Evangelical Association of the State of Iowa, for the passage of bills to prohibit interstate gambling by telegraph, to raise the age of protection for girls to 18 years, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of Des Moines Conference of the Evangelical Association of Iowa, in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. HURLEY: Petition of the Grocers and Importers' Exchange of Philadelphia, Pa., against the internal-revenue tax on tea and coffee in stock—to the Committee on Ways and Means.

By Mr. LEWIS of Georgia: Two petitions of citizens of Americus, Ga., and the Chamber of Commerce of Macon, Ga., protesting against a revenue tax on coffee and tea now in the hands of dealers throughout the country—to the Committee on Ways and Means.

By Mr. McALEER: Protests of the Grocers and Importers' Exchange of Philadelphia, Pa., United States Government Commissioners on Tea Standards, and Commissioners of the Tea Trade of the United States, against increase of the internal-revenue tax on tea and coffee on hand—to the Committee on Ways and Means.

Also, protest of Blackwell's Durham Tobacco Company, of Philadelphia, Pa., against additional tax on tobacco in stock—to the Committee on Ways and Means.

By Mr. McCLELLAN: Four petitions of citizens of New York City, favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McRAE: Petition of the Methodist Episcopal Church South of Hope, Ark., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. MARSH: Petition of 80 citizens of Warsaw, Ill., against the passage of Senate bill No. 2736, for the regulation of insurance companies—to the Committee on Interstate and Foreign Commerce.

By Mr. PUGH: Papers to accompany House bill No. 9996, for the relief of John McGowan—to the Committee on Military Affairs.

By Mr. RAY of New York: Petition of the Congregational, Baptist, and Methodist churches of Oxford, N. Y., for the passage of bill to forbid interstate transmission of lottery and other gambling matter by telegraph—to the Committee on the Judiciary.

Also, petition of the Congregational, Baptist, and Methodist churches of Oxford, N. Y., to forbid the sale of intoxicating beverages in Goverment buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Universalist Church of Oxford, N. Y., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. WM. ALDEN SMITH: Petition of North Plains Farmers' Club, of Ionia, Mich., in opposition to giving away homesteads—to the Committee on the Public Lands.

By Mr. SNOVER: Telegram of Sprudel Water Company, of Mount Clemens, Mich., protesting against an internal-revenue tax on mineral water, etc.—to the Committee on Ways and Means.

Also, protest of F. Saunders & Co., of Port Huron, Mich., against the imposition of an internal-revenue tax on tea and coffee—to the Committee on Ways and Means.

By Mr. SOUTHWICK: Petition of Excelsior Republican Club, of Albany, N. Y., for the punishment of the assassins of Postmaster Baker and members of his family, at Lake City, S. C.—to the Committee on the Post-Office and Post-Roads.

Also, three petitions of German Roman Catholic societies of Albany, N. Y., against the passage of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of James H. Wanning and 5 other citizens of Albany, N. Y., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Cohoes, N. Y., for the passage of a bill to forbid the sale of intoxicating beverages in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Woman's Christian Temperance Union of Cohoes, N. Y., praying for the enactment of legislation to forbid the interstate transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

By Mr. STRODE of Nebraska: Petitions of Grace Methodist Episcopal Church, of Lincoln, Nebr., favoring the passage of bills to protect State anti-cigarette laws and to raise the age of protection for girls—to the Committee on the Judiciary.

Also, petition of the Grace Methodist Episcopal Church, of Lincoln, Nebr., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. STURTEVANT: Remonstrance of citizens of Erie, Pa., against Senate bill No. 2736, regulating insurance—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union and Methodist Episcopal and Christian churches of Springboro, Pa., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. TODD (by request): Resolution of the Board of Trade of Grand Rapids, Mich., favoring the passage of Senate bill No. 3027 and House bill No. 6705, for pure flour—to the Committee on Ways and Means.

By Mr. TONGUE: Petition of the First Methodist Episcopal Church of Brownsville, Oreg., in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the First Methodist Episcopal Church of Brownsville, Oreg., for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the First Presbyterian Church of Brownsville, Oreg., for the passage of a bill forbidding the interstate transmission of lottery and other gambling matter by telegraph—to the Committee on the Judiciary.

By Mr. WANGER: Petitions of the Evangelical Association and Woman's Christian Temperance Union, of Perkasie, Pa., in favor of the bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union and Evangelical Association, of Perkasie, Pa., for the passage of bills to forbid the interstate transmission of gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Woman's Christian Temperance Union and Evangelical Association, of Perkasie, Pa., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. YOUNG of Virginia: Petition of the heirs of William G. Webber, deceased, late of Norfolk County, Va., requesting reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

Also, petition of George W. Scott, of Norfolk County, Va., asking reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Susan Booth, deceased, late of Nansemond County, Va., praying that her war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Adolphus Goddin, deceased, late of James City County, Va., asking reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Benjamin A. Nance, deceased, late of Charles City County, Va., asking reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Orloff M. Dorman, deceased, late of Norfolk County, Va., praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

SENATE.

SATURDAY, *April 23, 1898.*

FUNERAL OF SENATOR WALTHALL.

The casket containing the remains of the deceased Senator was brought into the Senate Chamber.

The VICE-PRESIDENT called the Senate to order at 12 o'clock meridian.

At one minute past 12 o'clock the members of the House of Representatives, preceded by the Sergeant-at-Arms and Clerk and headed by the Speaker and Chaplain, entered the Senate Chamber. The Speaker was escorted to a seat on the left of the Vice-President, the Sergeant-at-Arms, Clerk, and Chaplain were assigned to seats at the right of the Vice-President's desk, and the members of the House occupied the seats on the floor provided for them.

They were soon followed by the dean and members of the diplomatic corps, the Chief Justice and associate justices of the Supreme Court of the United States, the President of the United States and his Cabinet ministers, and the Commissioners of the District of Columbia, who were respectively escorted to the seats assigned them on the floor of the Senate Chamber.

The committee of arrangements of the two Houses and the family and friends of the deceased Senator were also shown to the seats reserved for them.

Rev. W. H. MILBURN, D. D., the Chaplain of the Senate, offered the following prayer:

Almighty God, who through Thine only begotten Son has overcome death and opened unto us the gate of everlasting life, as we come to pay the tribute of our honor and affection to the memory

of our beloved friend and brother, we bless Thee that we mourn not as those without hope, being assured that the good man in passing hence lays aside the vesture of decay to be clothed with a garment worthy the nobility of his character, and to enter upon a life exempt from cares and toils and sorrows, in a world where is no more death, neither sorrow, nor shall there be any more pain, for the former things have passed away.

Bring home this consolation to all that gather here to-day, in whose recollection the image of our beloved and noble friend will endure for the rest of mortal life. And especially grant that Thy Heavenly tenderness and grace may come to the heart of the bereaved and smitten widow, between whom and her husband through many, many years a union of almost unexampled sweetness and beauty existed. Comfort her, O Lord Jesus, and grant that the sense of resurrection and eternal life may come with all its benignant power to her heart. And let those of the family who share her grief likewise share this comfort.

Let Thy grace be upon us all; and as we are moving to the bourne of that undiscovered country grant that our lives be worthy of the vocation whereunto we are called, that when we gather up our feet to depart it may be in peace and with the blessed hope of everlasting life. Through Jesus Christ, Thy Son, our Saviour. Amen.

The VICE-PRESIDENT. Senators, by order of the Senate the usual business will be suspended this day to enable the Senate to participate in the funeral ceremonies deemed appropriate upon the death of EDWARD C. WALTHALL, late an honored member of this body from the State of Mississippi. The reading of the Journal will be dispensed with.

Rev. RANDOLPH HARRISON MCKIM, D. D., assisted by Rev. LOUIS G. WOOD, read the burial service of the Episcopal Church, including the hymn beginning:

Abide with me, fast falls the eventide,
The darkness deepens, Lord, with me abide.

The VICE-PRESIDENT. The body of our late brother will now be committed to the charge of the officers of the Senate and the committee representing the two Houses of Congress, to be conveyed to his late home in Mississippi, there to be buried among his family and friends.

The casket was borne from the Senate Chamber by the pall bearers, selected from the Capitol police, and was accompanied by the committee of arrangements of the two Houses and the family and friends of the deceased Senator.

The invited guests having retired from the Senate Chamber,

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 12 o'clock and 43 minutes p. m.) the Senate adjourned until Monday, April 25, 1898, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 23, 1898.*

The House met at 10 o'clock a. m. The Journal of yesterday was read and approved.

CORRECTION.

Mr. BELFORD. My colleague, Mr. ODELL, is noted in the RECORD as not voting yesterday. I wish to say he was absent by reason of the death of his son. Had he been present, he would have voted for the majority resolutions in the contested-election case.

ORDER OF BUSINESS.

Mr. MESICK. Mr. Speaker, I desire to renew my notice that at the conclusion of the business now under consideration or about to be called up by the gentleman from Iowa [Mr. HULL] I shall call up the election case of Wise *vs.* Young.

Mr. BAILEY. I merely desire to observe that, in view of the fact that we have all come here to provide for the common defense of the country, these partisan matters might well be pretermitted while we are engaged in the business of the nation.

The SPEAKER. The Chair understands the gentleman from Michigan to give notice that after this matter has been disposed of, he will then call up the election case.

Mr. MESICK. Yes; at the conclusion of the bill which the gentleman from Iowa desires to call up.

Mr. HULL. Mr. Speaker, I think I do not violate any propriety by saying that as the House will be expected to go to the Senate at 12 o'clock, and as at 2 o'clock, according to previous order, eulogies are to be delivered in the House upon a deceased Senator—and for that reason we have met here at 10 o'clock—we hope that the bill I am about to call up may go through speedily.

Mr. BAILEY. In view of the statement just made by the gentleman from Iowa—and I was aware of the circumstances that he has stated—I ask the gentleman from Michigan whether he will not withdraw the notice he has given about trying to call up the contested-election case? The gentleman can call it up on Monday just as well as to-day.

Mr. PAYNE. I think it will facilitate the passage of this bill if the gentleman from Michigan will change his notice so as to name Monday.

Mr. WILLIAM A. STONE. The case can be called up on Monday after the reading of the Journal just as well as to-day.

Mr. MESICK. In view, then, of the fact that the situation is as it is, I will withdraw the notice I have given and give notice that I will call up this election case on Monday next.

REORGANIZATION OF THE ARMY.

Mr. HULL. I now ask that the bill (H. R. 9878) for better organization of the line of the Army of the United States be taken up and considered in the House——

Mr. DOCKERY. I trust the gentleman is not going to ask that we waive the consideration of the bill in Committee of the Whole.

Mr. HULL. I hope the gentleman from Missouri [Mr. DOCKERY] will allow the bill to be considered in the House as in Committee of the Whole. Time is going to be taken up, at any rate, in sending the bill back and forth between the two Houses, and we certainly can get as correct an idea of the bill in the House as in Committee of the Whole and make better time. I will say to the gentleman that the call for troops is being withheld in expectation of favorable action of the House this morning on this bill, and I have assured the War Department that I believe the House will indorse the request of the General of the Army and the Secretary of War and all parties concerned for the prompt consideration of the bill. If the House chooses to reject the bill, of course the call for troops can be issued on the basis of the present law, which is ten companies and single battalion.

Mr. DOCKERY. I wish to say for myself—and I am speaking only for myself—that my request for the consideration of this bill in the usual way does not contemplate one moment of delay beyond the time necessary to consider the measure properly.

Mr. HULL. I think we can get through with the bill sooner in the House.

Mr. DOCKERY. I do not know why.

Mr. UNDERWOOD. I will say to the gentleman from Iowa [Mr. HULL] that there are some features of this bill to which I am very much opposed, and we would have a better chance to eliminate them in Committee of the Whole than in the House. Therefore, if the request of the gentleman from Iowa requires unanimous consent. I must insist on the bill being considered in Committee of the Whole.

Mr. HULL. I understand it will require unanimous consent.

Mr. DOCKERY. The demand that the bill be considered in Committee of the Whole is not prompted by any desire to delay its consideration.

Mr. HULL. As a single objection would probably prevent the consideration of the bill in the House as in Committee of the Whole, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering House bill No. 9878.

Mr. HAY. I suggest to the gentleman that before going into Committee of the Whole we had better have some agreement as to the time we are going to stay there.

Mr. HULL. I was going to include that in my motion.

Mr. DOCKERY. I do not think that is necessary.

Mr. HULL. I think it is absolutely necessary. Therefore, pending the motion to go into Committee of the Whole, I move that at 11 o'clock a vote be taken on a motion that the committee rise and report the bill to the House, and that immediately upon the rising of the committee a vote be taken on the bill and pending amendments.

Mr. MCMILLIN. It is utterly impossible to know now whether we shall get through the bill by that time. There is every anxiety to consider the bill and consider it speedily, but it ought also to be considered carefully.

Mr. HULL. Will gentlemen agree to limit general debate to thirty minutes?

Mr. MCMILLIN. I am entirely willing to do that.

Mr. BAILEY. I am inclined to think that the five-minute debate would be sufficient.

Mr. HULL. I would like very much to proceed under the five-minute rule immediately, if possible, and if gentlemen on that side will agree to my request, I will modify it and ask that the general debate be closed at once and that we proceed in Committee of the Whole under the five-minute rule.

Mr. MCMILLIN. Has the bill been read?

Mr. HULL. It has not yet been read.

Mr. MCMILLIN. It will be time enough when the bill is read to fix that. There will be no unnecessary delay in the consideration of the bill, I can assure the gentleman.

Mr. HULL. That can not be done in Committee of the Whole.

Mr. MCMILLIN. It can be done in Committee of the Whole by unanimous consent just as well as in the House.

Mr. HULL. Then, Mr. Speaker, I ask that the bill be read, the bill (H. R. 9878) for the better organization of the line of the Army of the United States.

The bill was read at length.

The Committee on Military Affairs recommend the adoption of the following amendments:

Strike out the words "one hundred," in line 24, page 2, and insert "eighty-four."

Strike out of line 25, page 2, the words "twenty-two" and insert in lieu thereof "six," and add the following proviso:

"*Provided*, That in the event of a call by the President for either volunteers or the militia of the country the President is authorized to accept the quotas of troops of the various States and Territories, including the District of Columbia, as organized under the laws of the States and Territories, including the District of Columbia."

Insert, after the word "promotion," in line 23, on page 4, the words "or honorable discharge."

Strike out all after the word "men," in line 1, on page 5, and insert the following:

"And nothing contained in this act shall be construed as authorizing a permanent increase of the commissioned or enlisted force of the Regular Army beyond that now provided by the law in force prior to the passage of this act, except as to the increase of twenty-five majors provided for in section 1 hereof."

Mr. HULL. Mr. Speaker, in order to insure the action of the House to-day on the bill, and the consideration of it promptly under the five-minute rule, I ask unanimous consent that the House resolve itself into Committee of the Whole—or I make the motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill, and pending that I ask that all general debate be closed in five minutes.

Mr. RIDGELY. You can not make that motion now.

Mr. HULL. Oh, yes; I can.

Mr. McMILLIN. I ask the gentleman from Iowa to proceed with his first proposition, that general debate run for thirty minutes. We ought to have a full explanation of the bill from the gentleman himself. I do not desire to say anything upon it, and am sure there will be no delay by gentlemen on this side.

Mr. HULL. Very well; I am satisfied to do anything to expedite the matter. I ask unanimous consent that general debate be closed in Committee of the Whole in thirty minutes.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion of Mr. HULL was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the bill H. R. 9678. The first thing will be the reading of the bill.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the first formal reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. All general debate has been limited by consent of the House to thirty minutes, and the gentleman from Iowa is recognized.

Mr. HULL. Mr. Chairman, I want to be called down after I have occupied five minutes.

This bill, as reported at the present time, is a very material change, as will be seen from the original bill as reported from the Committee on Military Affairs, in its provisions regarding what shall be done with the officers and also the enlisted men at the close of hostilities. I shall leave to other members of the committee a more detailed discussion of the bill in its various features; and simply wish to say at this time that the General of the Army was before our committee and recommended that the infantry force of the United States should be modified in accordance with the plan suggested here, informing us that the force is not sufficient in the time of war with the present limited number of privates.

These companies have a full complement of officers and only fifty privates, each company with a full force of regimental company officers, and it will be but a few months before the companies will probably be reduced to twenty-five men each on a fighting basis. That number will not be sufficient to perform effective service, and in officers is enormously expensive.

The question of keeping up the Regular Army at present amounts to an expenditure of at least $23,000,000 a year in time of peace, and if the Congress of the United States refuses to authorize a sufficient fighting force for the various companies and regiments in time of war, then that amount is simply spent for the practical purpose of keeping up the Regular Army as an ornament. Do gentlemen opposed to this bill want this?

The General of the Army urged that we should make the various companies of infantry 100 privates each; but after a conference with the National Guard officers from the various States—so many of whom were here quite recently—we fixed the number of privates for each company at 84, which number, with noncommissioned officers, make 106 enlisted men, to conform with the number provided in a large majority of States in their organization of the National Guard, but make no change in the officers.

I want to say further that the War Department on yesterday telegraphed and telephoned to me that it was exceedingly important to have this bill passed at once, so that the call for troops could be issued, and which would enable the Executive in the call to prescribe the mode of organizing the volunteer forces. I answered that I believed the bill would pass the House without doubt to-day, and that I had very little doubt that it would pass the Congress of the United States promptly. Otherwise the regulations would prescribe for volunteers the present organization of the Regular Army.

Mr. DOCKERY. Will the gentleman allow me a moment?

Mr. HULL. Well, I have only desired to take up five minutes.

Mr. DOCKERY. We ought to have a full explanation of the bill.

Mr. HULL. I was going to say I will yield time to gentlemen on the committee who will debate that question, and describe the features of the bill more fully. I was only desirous of stating at this time the wishes of the War Department.

The General, as I have said, is exceedingly urgent in reference to the organization of the infantry. This organization is suggested with the idea of effecting a landing in Cuba, and it will take a short time—possibly several weeks—to bring the troops properly under control, and discipline and harden the volunteers into soldiers, as well as to drill and equip the troops and thus make an efficient army. The Guard may be familiar with tactics, but it will take time and work to harden and mold them into effective soldiers.

The Government of the United States has done something that no other nation on earth would do—go into war without any provision whatever for a land force. The volunteers, of course, will supplement the Army and become the fighting force of the nation in time, but it takes time, and the Government of the United States has never yet got ready for a war until war is upon us. Now, in this case we have provided absolutely by this bill that the only time when we can have any increase of the Regular Army, not of the official force only, but of the enlisted men, is while hostilities are actually existing; and I want to say further that the experts on our coast defenses were unanimous in the opinion that it would be absolutely impossible to put volunteer forces in command of your coast defenses and have them educated in three months so that they could man the guns and defend our coast from an attack of the enemy.

The increase in artillery is absolutely imperative, because of the changed conditions of your artillery. You have your great disappearing guns. Knowledge gained in our civil war is no benefit. The same conditions do not exist. It is a matter of education of months, of the most skilled officers, to understand the management, to understand the range finding, to understand the sighting, to understand how to hit the object; and with a vessel going 22 knots an hour, even two minutes' delay may defeat the very object of your coast defenses. By putting ignorant and untrained men—and by ignorant I do not mean ignorant men in the general sense, but ignorant of this specialty—into this work, you absolutely leave every point of attack in the United States without a defender. You might as well have no coast defense.

Mr. SAYERS. Is the gentleman prepared to inform the committee positively——

The CHAIRMAN. The gentleman's five minutes have expired.

Mr. HULL. I will withhold enough time to answer the gentleman's question.

Mr. SAYERS. Is the gentleman prepared to inform the committee positively that when war shall have ceased, the Army, including the commissioned officers as well as the noncommissioned officers and privates, shall resume its peace basis? I ask his attention to lines 3 and 4 on page 5, which read as follows:

That at the end of any war in which the United States may become involved the Army shall be reduced to a peace basis by the absorption through promotion or honorable discharge of supernumerary commissioned officers.

Mr. HULL. I think section 6, with the amendment drawn by Colonel GRIFFIN, Colonel MARSH, and Colonel COX, makes that absolutely clear. The question was fully gone over in committee and I think is clear. It is on page 5, and I want to say——

Mr. COX. I want to ask the attention of the gentleman from Texas to that language.

Mr. HULL. And I want to say if there is any doubt about that, the Congress of the United States in session can legislate at any time and provide means by which this provision of law shall at once be carried into effect.

When the two companies that are now unformed, provided for in the second section of the bill, two companies to each infantry regiment—for that is all it applies to, except the additional lieutenants of artillery—when they are disbanded there will be supernumerary officers, unless there are vacancies enough in the other companies of the line to absorb them through the transfer from those companies to the other companies of that regiment. If there is a surplus left after that, then it is assumed that the War Department will transfer the best officers, and the least deserving

officers of the other supernumeraries will be the ones that will be granted an honorable discharge.

Mr. BAILEY. I want to ask the gentleman from Iowa why he does not provide that the enlisted men may be absorbed through promotion? It might happen that a company in the Regular Army would be so depleted in the war that there would be many vacancies, and that the men who enlisted——

Mr. HULL. I think I catch the point of my friend, and I want to say that in the case of enlisted men the word "transfer" covers that entire subject. The noncommissioned officers are not commissioned by the President, but by the company officers, or by the colonel, on the recommendation of the captain. Of course, in transferring enlisted men from one company to another, there could be a noncommissioned appointment, if the captain and the colonel desire. So that I think the word "transfer" covers absolutely the same thing as the other covers concerning the officers who are commissioned.

Mr. BAILEY. My whole anxiety was that the men and the officers should be placed precisely upon the same footing.

Mr. HULL. They are through this.

Mr. BAILEY. And so the gentleman from Iowa in charge of the bill says to the House that the only promotion which will absorb any of these additional officers will be in cases where officers now serving in the companies now organized, or officers then serving in the companies now organized——

Mr. HULL. That is better.

Mr. BAILEY. Shall resign or die, and these men shall simply be assigned to those places.

Mr. HULL. That is right.

Mr. BAILEY. But in no instance will there be an increase of officers under this bill except the twenty-five majors, that seem to be the necessary number under the three-battalion organization.

Mr. HULL. Precisely; that is all there is to it.

Mr. COX. One minute.

Mr. HULL. The real object of the language of that section is absolutely for the purpose of preventing increase of the officers or men in time of peace.

Mr. BAILEY. I think the language is sufficient. I think it does it; but I want it clearly understood in the House before the House agrees to that construction.

Mr. HULL. I now yield five minutes to the gentleman from Alabama.

Mr. McMILLIN. Before the gentleman yields, I wish to ask him whether the effect of the bill is to make any increase in the Army at all in times of peace except the increase of the twenty-five majors?

Mr. HULL. The bill as now prepared makes absolutely no increase except the twenty-five majors.

Mr. McMILLIN. And no increase is possible except to that extent?

Mr. HULL. I think absolutely none.

Mr. DOCKERY. I desire to ask the gentleman a question.

Mr. HULL. I yield to the gentleman.

Mr. DOCKERY. The chairman of the committee can explain the bill. I desire to ask the gentleman whether or not he does not think it would be wise to amend the bill in this respect?

That at the end of any war in which the United States may become involved the army shall be reduced to a peace basis by the absorption of transfer or promotion.

Mr. HULL. No, because under the law, and this bill especially, officers are not promoted in their regimental organizations, but where there is a vacancy it is filled by the senior officer from any regiment in the Army in that arm of the service, so that promotion makes transfer under the law.

Mr. RIDGELY. I wish to ask the gentleman a question, if he will yield.

Mr. HULL. Yes.

Mr. RIDGELY. I think we are all agreed upon the necessity of reorganizing our Regular Army, but there seems to be this difficulty with your committee. You seem to be attempting to reorganize the Army upon the twelve-company basis of three battalions of four companies each without increasing the number of men that we have in the Regular Army and without reducing the number of officers. Now, the question I wish to ask is, Why not at once have that reorganization? Let us assume that the Army as it is now organized is simply a mass of men and officers. Now let us organize it with twelve companies filled up to the law as we pass it, and officer it, and have three battalions, without any difference in the number of regiments at all.

Mr. HULL. Mr. Chairman, it does not make any more regiments, and the bill does provide for a difference in the war strength and the peace strength. When in war, we need more fighting men, but in time of peace we do not need the fighting men; and we keep up the Regular Army officers on the theory that in time of war we have a trained body of men ready for war. This bill will increase the number of fighting men in time of war and disband them in time of peace.

Mr. CLARK of Missouri. One question.

Mr. RIDGELY. Just a word.

Mr. CLARK of Missouri. Why do you have twelve first lieutenants?

Mr. HULL. Under the regulations one first lieutenant is detailed as adjutant and one first lieutenant is detailed as quartermaster.

Mr. HOPKINS. Before the gentleman yields, I would like to ask if these twenty-five majors are to be selected absolutely on account of seniority?

Mr. HULL. They are, and it will take twenty-five captains who served during the civil war and have been in the Army as captains and lieutenants ever since.

Mr. HOPKINS. These men ought to be selected on account of merit rather than on account of seniority.

Mr. HULL. You can not do that under the law, and it is not right. Every one of these men must have been in the Army a long time before he can get his majority, and he has to pass a strict examination of his qualifications, both mentally and morally.

Mr. HOPKINS. But it excludes the promotion of men in the Army who may have military genius of the first order, and I think it ought to provide for both classes.

Mr. HULL. Military genius is not developed in time of peace, as we have had during the last thirty years.

I yield five minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Chairman, the bill that is now before the House could not pass the Congress of the United States except under extraordinary circumstances like the present; and I do not believe that the Congress of the United States, because we have gone to war, should become hysterical and wish to rush legislation through here that is not approved by the people and will not meet the approval of the people, simply because it is claimed that an exigency exists that requires some special action. Now, I did not object yesterday when unanimous consent was asked to call up this bill, because I believed that the bill was entitled to a hearing, but I do not think it ought to pass, and know that it does not meet the approval of the people of the United States in its present status, and we should be allowed reasonable time in which to discuss its provisions and amend the various paragraphs.

It comes in here under false pretenses. It is not a bill to reorganize the Army. It is a bill to increase the standing army of the United States from 26,000 men that it now has to 61,000 men.

Mr. MARSH. In time of war.

Mr. UNDERWOOD. In time of war, if the gentleman wants it that way. There is a sentiment among a few people of this country that want a large standing army in the United States in time of peace as well as in time of war, and the gentlemen on this floor who are advocating this bill brought it in here some weeks ago, without any provision that the Army should be reduced in time of peace. It is their intention and their desire to fix a permanent standing army on the people of this country.

Mr. MARSH. Does the gentleman charge that upon the committee?

Mr. UNDERWOOD. Did the committee's first bill provide for any decrease after the war was over?

Mr. MARSH. It provided for mustering out every one of the soldiers, the enlisted men, down to 26,610.

Mr. UNDERWOOD. As originally reported?

Mr. MARSH. As originally reported.

Mr. UNDERWOOD. I did not so understand it. I say the sentiment behind this movement, my understanding of the bill when it came before this House, was that the committee did not originally provide for that decrease.

Mr. KING. The bill as originally drawn did not provide for the decrease——

Mr. MARSH. It did not provide for the decrease of officers, but it did for the enlisted men.

Mr. UNDERWOOD. It may be the bill as originally drawn that I saw. But whether it did so or not the sentiment of the gentlemen behind it is to increase and keep a standing army in this country in time of peace as well as in time of war, and although this bill provides the decrease shall come in time of peace and the Army be reduced to its present basis when the war is over, I say that they know that if we once increase it pressure will be brought to bear on Congress, in the hurry and excitement of business, to maintain the Army on the basis you are increasing it to now. Your constituents and my constituents do not want the standing army of the United States to fight this war. There is hardly a man on this floor who has not received letters from his constituents stating that they would be glad to volunteer, glad to fight for their country, if they can be officered by their home men.

They want to know their officers and be officered by men who have been raised and who have lived among them. That is the sentiment of the people of this country, and there is no reason why this bill should pass to-day in order that the President can issue the proclamation. The gentlemen who bring this bill before the

House know that at this very hour the President of the United States can issue his proclamation calling for volunteers under the bill that we passed yesterday.

Mr. HULL. Will my friend remember that we have already statutes that prescribe what a regiment is?

Mr. UNDERWOOD. Did not your bill yesterday provide what a regiment shall be?

Mr. HULL. Not what a regimental organization should consist of.

Mr. UNDERWOOD. Wherein does this bill make any difference?

Mr. HULL. Read the bill all through and you will see.

Mr. UNDERWOOD. The bill provided that volunteers should be called out on the basis of the present organization of State troops——

[Here the hammer fell.]

Mr. HULL. I yield five minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. I should like to have order, Mr. Chairman.

The CHAIRMAN. The committee will please be in order, and gentlemen will cease conversation.

Mr. HULL. Mr. Chairman, the gentleman from Illinois [Mr. MARSH] will control the balance of the time.

Mr. HAY. Mr. Chairman, I am surprised at the remarks of the gentleman from Alabama [Mr. UNDERWOOD]. He says that the Congress of the United States has become hysterical. It seems to me that the gentleman himself is hysterical. We can consider this bill, and it has been considered very fully and very freely in different forms for more than three weeks. Now, the gentleman says the people of the United States do not want this bill. I say that if the people of the United States know what this bill is, they do want it. What is it? This bill, Mr. Chairman, is a bill for the purpose of reorganizing the Army.

The increase made in this bill is made for the purpose of obtaining the three-battalion formation. The three-battalion formation is recognized by every military authority in the world to be the best formation that can possibly be made. If we are to go to war now, if we send our troops to the front now, the infantry would go to certain death; because under our present formation we can not compete with men who have the three-battalion formation, which is the civilized formation of the world. That is the reason for increasing the infantry. The cavalry is not increased at all, the artillery is increased because we are compelled to have the batteries upon our seacoast properly manned.

Mr. UNDERWOOD. Is it not possible for a military committee to draft a bill that will reorganize the Army, without increasing the Army?

Mr. HAY. It is only possible by consolidating the regiments and thereby legislating out of office worthy officers who ought not to be legislated out of office and who are needed in the present crisis.

The gentleman talks about carrying on war with the volunteers. But it is necessary that there should be some nucleus around which to train these volunteers. Let the gentleman undertake himself to drill a company, and I venture to say it will be weeks before he can bring that company into such a state of efficiency as will fit them to go into battle.

Mr. SMITH of Arizona. Months, not weeks.

Mr. KING. I wish to ask the gentleman from Virginia [Mr. HAY] whether it is not the primary purpose of this bill to furnish commands for officers and for graduates of West Point, who would not have commands if this bill were not passed?

Mr. HAY. No, sir; that is not the purpose of this bill at all; its purpose is to put the Regular Army upon such a footing that it will not be a mere ornament, as was said by the gentleman from Iowa, but will be a defense, a tower of strength to the United States in this war which is now being waged with Spain.

Mr. KING. I wish to ask the gentleman another question: If the primary purpose of the bill is not what I have just indicated, is not that really the result?

Mr. HAY. No, sir; because every officer who may be commissioned and go into the war under this bill—every officer added to the Army by the provisions of the bill—will be discharged from the Army immediately upon the cessation of hostilities. There is no question about that. There is no proposition here to increase the standing army. A standing army is a permanent thing. This is a temporary measure; and if it passes, the Army, when this war ends, will not be increased to the extent of one man or one officer.

[Here the hammer fell.]

Mr. MARSH. I yield the balance of the time to the gentleman from Tennessee [Mr. COX], a member of the Committee on Military Affairs.

The CHAIRMAN. The gentleman from Tennessee [Mr. COX] is recognized for five minutes.

Mr. COX. Mr. Chairman, if we can for one moment bring our minds to bear on what we are trying to do, I think we shall get out of the trouble which seems to hang over this question with members who have not given it proper examination. What is the proposition here? You have your Army—the skeleton of an army. Its companies are mere skeletons; it is not in a fighting condition at all. Now, what does this bill propose? So far as any increase of the Army is concerned, it simply proposes to call for men to volunteer in the Regular Army if they choose to do so. But it does not disturb the State organizations in the least; it will have no effect on them whatever.

Now, it will be entirely a matter of choice with each individual whether he will go into the Regular Army. If he chooses, he can keep out of the Regular Army and go into the volunteer service. Yesterday we passed the bill for calling out volunteers. We got it in good shape. Now, if there are men who desire to go into the Regular Army, to become soldiers under the officers of the Regular Army, what objection is there to it? On what ground can there be an objection?

Mr. KING. Will my distinguished friend permit me a moment?

Mr. COX. Now, let me carry you right along one step further. Suppose we say we will increase the Regular Army. Why, gentlemen, do you not want the Army of the United States increased if you are going into war?

Mr. KING, Mr. WILLIAMS of Mississippi, and others. No.

Mr. COX. You do not want the Regular Army increased in time of war?

Mr. WILLIAMS of Mississippi. No, sir; not the Regular Army.

Mr. COX. What are you going to do in this matter?

Mr. KING. Depend on the volunteers and the militia.

Mr. COX. We already have passed the bill for volunteers.

Mr. WILLIAMS of Mississippi. And we are satisfied.

Mr. COX. Then you ought to discharge your Regular Army, for it can not fight in the condition in which it now is.

A MEMBER. Do away with it altogether.

Mr. GAINES. If it can not fight under the present circumstances, we ought to discharge it.

Mr. COX (to Mr. GAINES). How much do you know about the Regular Army? [Laughter.]

Mr. GAINES. As much as some people who think that they "know it all." [Laughter.]

Mr. COX. Now, the point is this: I have said on this floor more than once that I am as much opposed to the increase of the Regular Army as any man. But when it comes to going to war (and we are going to war) I want an army that can fight. I want our Army to consist either of volunteers or regular troops according to where the men who enlist in this force may please to go. Now, what are you going to do? Are you going to march out this skeleton of a Regular Army in battle array with an average of about six or eight men to a company? That is the peace basis. We propose now to bring the Regular Army up to a war basis. And whenever the war shall cease every additional man and every additional officer will be mustered out of the service except the twenty-five majors.

Gentlemen, I leave the question with you. I think we had better be prepared with both volunteer and regular forces. I will not vote to increase the Regular Army in time of peace; I will not vote for one additional man in time of peace. And members of our committee worked for a week in order to reach proper restrictions in this regard, so that there might be no permanent increase.

Mr. SMITH of Arizona. Your purpose was only to make the Regular Army efficient in time of war?

Mr. COX. That is all. Now, if gentlemen do not want the Regular Army efficient in time of war, let this force be abolished. But I want it efficient. I want it to fight, if we are going to have any fighting.

Mr. WILLIAMS of Mississippi. Could not the Regular Army be made equally efficient by consolidating the troops and introducing the three-battalion system?

Mr. COX. Let us see how we would do that. The gentleman says "consolidate." Does that increase the force? Let the gentleman answer for himself. Does the consolidation increase in any respect your force?

Mr. WILLIAMS of Mississippi. No.

Mr. COX. Then, of course, the gentleman does not get the necessary number of men, and that is the essential point. That is what we are fighting for. You have got to have the men to do the fighting. Now, you say——

Mr. WILLIAMS of Mississippi. But the gentleman misapprehends. They would go out as skeleton companies and be ineffective as instruments of war, he says, because they do not have the three-battalion system.

Mr. COX. Yes.

Mr. WILLIAMS of Mississippi. But I say there is nothing to keep you from keeping up a proper force under the present system by filling up the companies and organizing them into the three-battalion system, by consolidation if you so desire.

Mr. COX. You are right in that. But let us talk together a

little while and we will understand each other better. You can do that, as you suggest, but you will not have the force that you will have by filling up the skeleton companies. It will not be a force strong enough for active operation, if you need a large force.

Now, all of us know that nobody goes into the Regular Army except by a voluntary act. Let me give you a little history on that point—I refer to what transpired in our late war. There was a tremendous war; and when the offer was made to men to volunteer in the Regular Army, that Army never reached but 23,000 or 24,000 men. All the work was done by volunteers.

The CHAIRMAN. The time of the gentleman has expired.

The general debate having now been exhausted, the Clerk will report the first section of the bill for debate and amendment.

The Clerk read as follows:

Be it enacted, etc., That hereafter the peace organization of each regiment of infantry now in service shall embrace 1 colonel, 1 lieutenant-colonel, 2 majors, 10 captains, 12 first lieutenants, 10 second lieutenants, 1 sergeant-major, 1 quartermaster-sergeant, 1 chief musician, 2 principal musicians, 2 battalions of 4 companies each, and 2 skeleton or unmanned companies; the organized companies to be constituted as now authorized by law: *Provided*, That nothing herein contained shall be construed as abolishing the office of chaplain in each regiment of colored troops: *And provided further*, That the vacancies in the grade of major created by this section shall be filled by promotion according to seniority in the infantry arm.

Mr. MARSH. Mr. Chairman, the Army organization bill, which was before the House some two weeks ago, reported by the Committee on Military Affairs and did not meet the approbation of the House, but which was recommitted to the committee, provided for infantry companies of 250 men. This bill provides for infantry companies of 106 men. That bill provided that the infantry regiments should be enlisted up to 3,000 enlisted men. This bill provides that they may be recruited up to 1,252 men. This bill provides that the cavalry shall have 100 men to a company.

And now I submit to gentlemen on both sides of this House if 106 enlisted men to an infantry company and 100 enlisted men to a cavalry company is not a small enough organization? Is it sensible to put into the field well-trained and educated officers—captains and first and second lieutenants—to command but forty or fifty men in a company?

My own judgment, I want to say now, not directly in connection with what I have been saying—but I want to say to this House, and I want to say it to the country, that the provisions in the former bill that was sent back to the committee providing for 250 enlisted men in a company and 3,000 men in the regiments of infantry did not have the approbation of the War Department nor the General of the Army nor the officers connected with the War Department; and if the impression made in the House was that the company organization of 250 men and the regimental organization of 3,000 men was the result of the recommendation of the army officers or of the War Department, I desire to say now to the House and to the country that that was a mistake.

Mr. RIDGELY. Why did the committee put it in, then?

Mr. MARSH. Some other person may answer that question other than myself.

I say this simply to the country, in justification of the War Department, and in justification of the regular officers of the Army. I have hunted in vain for a Regular Army officer anywhere who will say that a company of infantry should contain more than 150 men. It has been stated by as high authority as any in the War Department that the number of 106 men in an infantry company, to use the words of the officer before our committee, an officer sent there by the War Department on the request of the Military Committee, that this number is the ideal number, the unit—"an ideal number for the organization of an infantry company."

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARSH. I would like, with the consent of the committee, to be permitted to proceed for five minutes longer.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MARSH. Now, Mr. Chairman, the large increase that is here made in the artillery, in my judgment, from the very best information that I can obtain from the best informed men connected with the Army, is warranted on the assumption that 200 men to a company in the heavy artillery battery is the number that ought to be recruited. And I have not time to read it, but I will call the attention of those gentlemen who may differ with me on that subject to the testimony of Lieutenant Willcox, of the Seventh United States Artillery, delivered before the Committee on Military Affairs, and whose statement is embodied in the report of the committee.

Mr. Chairman, since the civil war the mode and manner of handling seacoast defenses have changed as greatly as has naval construction from the old wooden ship to the present steel battle ship. Now, there is one provision in this bill that I desire to call to the especial attention of this House. I do not want this House to pass this bill with the slightest misunderstanding as to what its effect is. We do provide in the last section for the muster out and honorable discharge of all enlisted men above 26,610. We do provide that the official line of the Army, when the war is over, shall be reduced to the number that is now allowed by law, excepting the twenty-five majors. But, gentlemen, the bill does not provide for the mode and the manner of ascertaining what officers shall be mustered out and honorably discharged, and it was thought by your committee that it was best to leave the question as to the mode and manner of ascertaining who should be mustered out, of the supernumerary officers, to the Congress when that times comes.

Mr. DOCKERY. Will the gentleman——

Mr. MARSH. And now, Mr. Chairman, I have made this statement in order that the House may understand the effect of this provision as I understand it. My understanding may be incorrect.

Mr. DOCKERY. Will the gentleman allow me a question? I understand the gentleman from Illinois makes the very frank statement that the effect of the last section of this bill is to leave the officers in service, inasmuch as the bill does not provide the manner in which they shall be mustered out of service. Therefore, if I understood him aright, it requires additional legislation to muster them out.

Mr. KING. And you never can get that after you get them in.

Mr. MARSH. Perhaps you may be wrong in that. I did not mean to state that positively; but it will either require additional legislation to provide the manner of mustering them out, or it may be—and that is for the lawyers to determine—that under this authority the President of the United States can arbitrarily select Lieutenant Jones and Captain Wilkes and Lieutenant-Colonel Smith, and whomsoever he pleases, upon his own ipse dixit and judgment, and muster them out. I believe that the law is susceptible of that kind of a construction.

Mr. KING. Will the distinguished gentleman permit me?

Mr. MARSH. And, Mr. Chairman, as I have said before, I have called the attention of this House to this provision, because I want no one to be able to say at any time in the future that he has been misled by this committee.

Mr. DOCKERY. That is right.

[Here the hammer fell.]

Mr. HULL. Mr. Chairman, I want simply to say, in regard to the question of mustering out, that it would be a matter of regulation if Congress takes no steps; but the fact that the supernumerary officers would have to be mustered out is, in my judgment, absolute, and if there is no further legislation, a regulation of the War Department as to the selection of the men to be mustered out would be absolute.

Now, I want, in closing, in addition to that, to send to the Clerk's desk and have read a telegram received from the Adjutant-General of the Army, and then I want to make a very brief statement as to a telephonic message from the White House.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WAR DEPARTMENT, *April 23, 1898.*

Hon. J. A. T. HULL:

Have sent your telegram to President in order to get authoritative reply. All plans of this Department are being built on prompt passage of three-battalion bill. Have just seen Senator CULLOM, and he thinks it quite possible to have Senate assemble after funeral to-day to consider any Army bill that will pass the House. Let me know as things progress.

H. C. CORBIN, *Adjutant-General.*

Mr. HULL. Now, Mr. Chairman, I want to say in addition that the President called me up by telephone, through his private secretary, and in answer to the inquiry that I sent to the Department said that they were holding the call there, and that on the assurance that the bill would be passed it would be signed at once, and the Secretary of War then came to the telephone and authorized me to say to the House that the call would be signed immediately, and that the President expressed the hope that Congress would respond by the prompt passage of the bill, so as to save all complications.

I give the House the benefit of the information I have directly from the executive branch of the Government, and, in addition to this, I have a message in my hand sent to the Hon. GEORGE W. STEELE, of Indiana, from the Adjutant-General of the Army, which expresses the views of the Department, saying:

WAR DEPARTMENT, *April 23, 1898.*

To Col. GEORGE W. STEELE:

The immediate passage of three-battalion bill is matter of great importance, as I understand the President is holding back call for volunteers until action is had.

H. C. CORBIN, *Adjutant-General.*

The latter part of that is done away with by the statement of the Secretary of War that the call will be signed on the assumption that Congress will pass the bill.

Mr. UNDERWOOD. Will the gentleman from Iowa allow me to ask him a question right there? I ask if the volunteer bill that we passed the other day did not provide that these State troops should volunteer in their present organizations?

Mr. HULL. The bill passed the other day simply provided for the commissioning of the officers of those organizations. It had

nothing to do with the company or regimental organization whatever, except that they should come in under the rules and regulations applicable to the Regular Army. This bill deals with company and regimental organizations in time of war.

Mr. BAILEY. Mr. Chairman, it is not a very high compliment to those who have heretofore been in charge of our military department for them to tell the House of Representatives that in the very face of a war they are not organized to meet its requirements. It seems to me that in these thirty years of peace the military establishment of the Government ought to have been so far perfected that they could go to battle without delaying for the action of Congress. I pass that, however, without further comment; and coming to this bill, I desire to say that if I had possessed the power to have framed it I would have framed it upon a different line.

It seems to be universally admitted that we must reorganize our system and adopt the three-battalion system. Realizing that necessity, I would have met it by consolidating the companies which are already provided, and I would have reorganized the Army without adding a single man to it, even in this time, because I believe it better to fight this war with volunteers than by an addition to the Regular Army. But if we could not have obtained such action as that, then I should have agreed with our friends on the Military Committee, that it being necessary to reorganize, if we could not reorganize on our plan we would have reorganized upon another, provided this reorganization was limited to the exigencies of the war.

The committee have very wisely, as I believe, adopted a provision that makes the provisions of this bill operative when, and only when there has been a declaration of war. Still we were not content on this side of the House, so jealous are we, and, I think, so jealous ought we to be, of any increase of the standing army in time of peace or for the purposes of peace, that we were opposed to it in that form, because we did not think it provided a sufficient guaranty for the disbandment of the addition to the army after the war was over. This objection was so strong that the House recommitted this bill to the Committee on Military Affairs.

That committee have reported it back with another and very important amendment. They have provided that all the men added to the Army for the war shall be dismissed when the war is over. If they had made it perfectly clear that these men were to be dismissed without further legislation of Congress, then, although on this side of the House we do not think it the wisest way to have dealt with the emergency, yet, inasmuch as it was the only way the House would deal with it, and inasmuch as we had safeguarded it to the extent that it was only operative in time of war, we would have supported that as the best, not that could be done, but as the best that would be done and as better than to leave it undone. I say now to the gentleman from Iowa that he can practically command the united support of the whole House for his bill if he will remove all doubt about the manner in which the officers are to be discharged.

Mr. HULL. If the gentleman will read the last proviso there and can suggest an amendment that will make it more absolutely certain, the committee will accept it, because we expected it to be absolute.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAILEY. I should like to have five minutes longer.

There was no objection.

Mr. BAILEY. I believe all ambiguity could be removed with reference to the officers if that language employed with reference to the privates were adopted:

Provided further, That at the end of any war in which the United States may become involved the Army shall be reduced to a peace basis by the absorption or transfer or honorable discharge of supernumerary commissioned officers and the honorable discharge or transfer of supernumerary enlisted men.

Now, it would require no legislation of Congress, because these officers are defined and the privates both are defined, and at the close of the war the company that had these officers would simply be mustered out of the service. There would be no question of promotion or absorption. The transfer would be allowable, I grant you. Suppose a vacancy created by death or by any other cause in a company now existing; I would have no objection to transfer either the men or the officers from the companies which this bill authorizes to be added to the Army over to those companies which now exist. All I desire, and all this side of the House desires, is that the additions to the Army shall be kept separate from the existing Army, so that when the war is over they can go out of the service as if they had never been in it.

Mr. COX. One moment in that connection, if the gentleman will yield to me?

Mr. BAILEY. Certainly.

Mr. COX. The very same difficulty has been gone over time and time again in the committee. Now, then, that last clause put in there as an amendment, is not that strong enough and sufficient to cut any increase out?

Mr. BAILEY. The fact that it is a subject of controversy—the fact that the gentleman from Illinois, a member of the committee, here admits that it may require further legislation, I think emphasizes the necessity to make it so plain that it can not be misunderstood.

Mr. HAY. If the gentleman will permit me a suggestion. I understand what the gentleman wants is to get out of the service at the end of the war these two companies that are added, with their officers.

Mr. BAILEY. And the skeleton companies that are filled up.

Mr. HAY. If the gentleman could guarantee that these officers or men were not going to be killed, then he could get these exact men out; but otherwise you can not by any amendment or legislation upon this bill get these very people out.

Mr. BAILEY. I do not agree with the gentleman from Virginia. I think the added companies are separate and distinct from the existing companies. Now, all I desire is that the added companies, officers and all, shall be kept so distinct that at the end of a war they can simply be taken out of the Army, as if they had never been in it.

Mr. STEELE. Will the gentleman from Texas allow me a suggestion? He will find this difficulty: That as the war progresses the officers commissioned in the two skeleton companies may be promoted to some other company under the present law.

Mr. BAILEY. That does not affect my contention; I recognize that. The officer going into that company at the end of the war would be in another company, and would have taken the place of somebody else; and, being in that company, he is not touched. We do not desire to follow a man from one of these companies into another company and take off his uniform, because he could not go into the other company until he succeeds some other man.

Mr. STEELE. Do you not think the only fair way would be to leave it to such regulations as the Secretary of War might establish, or to provide for a commission to agree upon what officers the service could best dispense with?

Mr. BAILEY. I do not. I believe the House now can so far perfect this bill that every man in these added companies and every officer at the end of the war can be cut out of the Army without any further legislation.

Mr. DOCKERY. Mr. Chairman, I think there is now entire unanimity in support of the proposition to reorganize the Army on the three-battalion basis, and to make a sufficient increase during the war in the number of men to effect such reorganization. I am glad to have the views of the gentleman from Texas [Mr. BAILEY] in support of the proposition I made at the outstart of this debate, that the proposed reduction to a peace basis should be perfected by inserting the word "transfer." I am informed by another gentleman on the committee that in his judgment the word "transfer" should be incorporated.

Mr. MARSH. You do not intend to say that I made any such suggestion?

Mr. DOCKERY. No; I was speaking of the gentleman from New Jersey [Mr. PARKER].

Mr. MARSH. He is not a member of the committee.

Mr. DOCKERY. Well, for the moment I thought he was. At all events, he is a military gentleman. In the absence of an amendment which would relieve the difficulty, and following the suggestion of the gentleman from Texas [Mr. BAILEY], the House might agree to a proviso to this effect—something along this line; I am not particular as to the phraseology—that the President shall be required to make proper regulations to reduce the Army to a peace footing at the end of the war.

Mr. HULL. I have no objection to that.

Mr. HAY. That would make it much weaker than it is now.

Mr. DOCKERY. The gentleman from Virginia says it would make it weaker than it is now. I do not know whether it would or not. I know that the committee say, and I do not question their good faith, that they want to muster out not only the enlisted men, but the supernumerary officers; and they propose two methods of getting rid of the officers, one by absorption through promotion and the other by honorable discharge. It occurred to me that the word "transfer" would relieve the difficulty, and if they are not willing to accept that suggestion and the suggestion of the gentleman from Texas [Mr. BAILEY], then it seems to me we should give power to the President or the Secretary of War to perfect regulations that will accomplish the purpose that we all agree is desirable to accomplish, and that is, to muster out the supernumerary enlisted men and the supernumerary officers. The amendment, the gentleman from Virginia [Mr. HAY] says, may make it weaker. It seems to me, although the language may be lame, it is in the right direction and would make it strong enough to cover the end desired.

Mr. BAILEY. My idea would be this: Strike out the words "absorption through promotion" and insert in lieu of that the word "transfer," and then add "under such regulations," etc.

Mr. HULL. The objection I have to the word "transfer" is that there may be vacancies in the artillery. It seems to me that

the matter is covered by the words "promotion under the law of the United States."

Mr. BAILEY. My idea is this: If the company now existing and the company added had both reached the end of the war, and in the company now existing there was a vacancy, and there was a specially meritorious man in the company added, I would be willing to say that the Secretary of War might take the meritorious officer and transfer him to the existing company.

Mr. MARSH. That is the effect of the bill as it now stands.

Mr. BAILEY. I am not familiar with military phraseology. You call it promotion where I would call it a transfer.

Mr. HULL. Let me say to the gentleman that if that language suits him better, I am perfectly willing to strike out the word "promotion," so that the clause will read: "absorption through transfer or honorable discharge under such regulations as the War Department may prescribe."

Mr. BAILEY. That is right.

Mr. DOCKERY. I think that objection meets the contention of the gentleman from Texas and myself.

Mr. COX. That was the idea of the committee.

Mr. CONNOLLY. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 5, page 1, strike out "twelve" and insert "ten;" so as to read: "ten first lieutenants."

Mr. CONNOLLY. Mr. Chairman, this first section relates entirely to the peace organization of the Army. The section starts out by prescribing who shall be officers in the peace organization. It is not affected by the last two sections of the bill at all, which relate purely to the war footing of the regiments. This first section prescribes that in time of peace a regiment shall have 1 colonel, 1 lieutenant-colonel, 2 majors, 10 captains, 12 first lieutenants, 10 second lieutenants. Now, there is no reason on earth why there should be 12 first lieutenants to a regiment when there are 10 captains and 10 second lieutenants. It is proposed to have in time of peace a regiment consisting of 8 full companies and 2 skeleton companies, with full sets of officers for all these companies. Where will you put the two additional first lieutenants? There is no place for them.

Some gentleman has said that these two extra first lieutenants for each regiment are provided so that one of them may be adjutant and one quartermaster. But if you do that, you will have 14 first lieutenants with each regiment in time of peace, because the law to-day provides that there shall be for each regiment an adjutant and a quartermaster and that these shall be extra lieutenants.

Now, we are providing for the regular force of lieutenants. The law with reference to the adjutant and the quartermaster will continue as it is. These two officers will still be extra lieutenants. You propose to provide here for 12 regular first lieutenants for each regiment, while the law on the statute books already provides that there shall be 2 additional lieutenants—the adjutant and the quartermaster, who shall be extra. I insist that in providing for the peace organization we should not increase the number of first lieutenants. If we do, we make 50 new officers for these regiments in time of peace, while everybody on each side of the House proclaims that we want no increase except the 25 majors.

[Here the hammer fell.]

Mr. HULL. Mr. Chairman, I want to make a statement, which will occupy not more than two minutes. Under the existing law with reference to the Regular Army, the adjutant and quartermaster must be detailed from the first lieutenants of the regiments.

Mr. CONNOLLY. Oh, no; from either the first or second lieutenants.

Mr. HULL. No; they are detailed from the first lieutenants.

Mr. CONNOLLY. No; the law is that they may be detailed from either the first lieutenants or the second lieutenants.

Mr. HULL. Let that matter pass as to the law. These officers are, as a matter of fact, detailed always from the first lieutenants, and have always had the rank of first lieutenants in our wars of the past. It is better so, as many officers are thus trained in staff duties.

This idea that we have under the laws of the United States a large surplus of officers is not true. The law allows 100 officers to be detailed as instructors in colleges. Do you want to cut them off? It allows 57 officers to be detailed at the Military Academy. To take them away would practically destroy the Military Academy. Do you want to cut them off? Then the law provides for details of officers as military attachés at the different diplomatic posts. Acting in this capacity, these officers give the Government most valuable information. It would not do to cut them off. Then there are details for Indian agencies.

The details under the law as it now stands amount to 325 officers. You must not only have these extra officers, but you must take them from companies organized which have their complement of privates to meet the details now provided for by the laws of the United States. So that this idea of there being a surplus of officers is not true. No member of Congress would consent to abolish these details.

Mr. Chairman, I move that all debate on this paragraph and amendments thereto be now closed.

The motion of Mr. HULL was agreed to.

The question being taken on the amendment of Mr. CONNOLLY, it was rejected.

Mr. HULL. I now ask unanimous consent that we take up section 7, in order that an amendment may be offered to meet the objection of the gentleman from Missouri [Mr. DOCKERY] and the gentleman from Texas [Mr. BAILEY].

Mr. LACEY. I object.

Mr. HULL. I do not mean that we shall not return to the sections passed over.

The CHAIRMAN. Objection is made. The Clerk will read the next section of the bill.

The Clerk read as follows:

SEC. 2. That upon a declaration of war by Congress, or a declaration by Congress that war exists, the President, in his discretion, may establish a third battalion for each infantry regiment, consisting of four companies, to be supplied by manning the two skeleton companies and by organizing two additional companies. The vacancies of commissioned officers in the additional companies shall be filled by promotions by seniority in the infantry arm, and by appointments in accordance with existing law; and hereafter all vacancies occurring in the cavalry, artillery, and infantry above the grade of second lieutenant shall, subject to the examination now required by law, be filled by promotion according to seniority from the next lower grade in each arm.

Mr. LACEY. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert, in line 17, on page 2, after the word "arm," the following:

"*Provided*, That during the time of actual war promotions for gallantry in the field may be made, for any vacancies in any grade in the Army, without such examination and without regard to seniority."

Mr. LACEY. Mr. Chairman, a word in explanation of the amendment.

This bill in its present form takes from the President of the United States the power of rewarding gallantry in the field by preventing him from promoting officers who won distinction in time of battle. It requires that no man shall be promoted except in the order of seniority, and that he must then pass something like a sort of civil-service examination.

I say now, to show the injustice of it, that General Custer never could have risen above the rank of orderly sergeant if he had been required to pass a strict civil-service examination.

Mr. SPALDING. Oh, the gentleman is mistaken. General Custer graduated at West Point.

Mr. LACEY. What I mean is that he did not get his diploma until he went into the field——

Mr. SPALDING. He graduated at West Point.

Mr. LACEY (continuing). And he did not get his diploma until he earned distinction in the field by his own gallantry. He went from West Point, in other words, without his diploma.

Mr. SPALDING. You are entirely mistaken.

Mr. LACEY. Well, I am simply reciting history.

Mr. SPALDING. That is incorrect.

Mr. LACEY. He went from West Point without his diploma.

Mr. SPALDING. The gentleman is mistaken.

Mr. LACEY (continuing). And won his major-general's stars in the field by demonstrating his capacity, bravery, and ability as an officer. And yet, I repeat, he could scarcely have passed a high civil-service examination. If he had been required, under what I understand to be the provisions of this section of the bill, to submit to an examination, he might not have passed.

Mr. SPALDING. Oh, the gentleman is entirely mistaken.

A MEMBER. To whom does the gentleman from Iowa refer?

Mr. LACEY. I was speaking of General Custer, who won his commission and his spurs in the service in the field, and who might not have gone through a severe technical examination required of him for promotion under this bill.

Mr. SPALDING. That is not true at all as to General Custer.

Mr. LACEY. I repeat, history shows that he could not have passed a high technical examination.

Mr. MARSH. Will you yield to me for an inquiry?

Mr. LACEY. No, sir; let me explain the amendment a moment.

Mr. SPALDING. I hope the gentleman will allow me a question, in view of the statement he has made.

Mr. LACEY. Certainly.

Mr. SPALDING. I wish to state that I was in the Army of the Potomac myself when General Custer served there on General McClellan's staff, in 1861, after his graduation from West Point.

Mr. LACEY. He went from West Point without a diploma and did not get it until after his service in the field. And yet there never was a more gallant or splendid officer. And I mean that as a compliment to General Custer. He showed the good material he was made of as soon as he got in action. I admire General Custer greatly. He was a typical soldier.

Mr. SPALDING. I repeat, my friend is entirely mistaken in reference to General Custer's career at West Point.

Mr. LACEY. Very well; let it go that way. I do not yield further. I am only talking history, which is accessible to everybody.

The point is this: In time of peace it is well enough to say that men should be examined by boards for promotion, and be promoted, also, only according to seniority. But if you take from the President the power of rewarding marked gallantry in the field of battle, by promoting men on the field, and require them to go up only by seniority you will have men being promoted from the bureau service in the Department who may not have seen any actual service, and have every promotion only by seniority, or in some other way than for gallant services, to the exclusion of those who won their honors on the field of battle.

General Sheridan would not have been able to pass the highest kind of a technical examination, according to history; many officers that are never heard of would have gone ahead of him in a board examination; and General Forrest could hardly read or write, and yet he was one of the most distinguished and gallant officers in the Confederate army.

Mr. SAYERS. That is not true.

Mr. LACEY. In reference to General Forrest?

Mr. SAYERS. Yes; about not being able to read and write.

Mr. LACEY. I say he was hardly able to read and write.

Mr. SAYERS. That is not true, sir. That was a mistake.

Mr. LACEY. Then you will have to change history. That is the commonly accepted understanding as to this successful soldier. But in order to avoid controversy I am willing to concede, to accommodate these gentlemen, that General Sheridan was an engineer officer who graduated with the highest honors, that General Forrest graduated at Yale, and General Custer graduated at the head of his class at West Point. That does not alter the point here materially, but such is not my understanding of their good points. I say it is a mistake, and a serious mistake, to deprive the President of the power of rewarding gallantry on the plains of Cuba or in siege of the fortifications on that island, and to provide that before he can promote a man who has shown his gallantry, who has won the victory for his country, perhaps, in battle, he must be examined by some board of officers and pass an examination, or that he will have to be promoted and submit only to promotion in accordance with the rules of seniority in the Army. It ought not to be a question of mere years, Mr. Chairman, in time of war. Our best soldiers were not those who passed the highest technical examination. Grant was 21 in a class of 39. We should not in this war deprive ourselves of the highest of all tests of promotion—actual gallantry in the field. [Applause.]

Mr. HULL. I want to say to the House that this question of promotion has been fought over in the Regular Army for a great many years, and the provisions of the bill comply substantially with the general law, except that the bill equalizes the law that fixed first lieutenants in their places when the seniority bill was passed. The provisions of the bill affect only the Regular Army, and this bill, as it stands to-day, meets the wishes of 99 out of 100 of the officers of the Regular Army. It is fair and just, and this House should let it alone.

Mr. WILLIAM A. STONE. Yes; but not 99 out of 100 of the people of the country.

Mr. GAINES. No doubt it meets the approval of the officers, but how about the soldiers?

Mr. HULL. Officers and men both.

Mr. WILLIAM A. STONE. Not of the old soldiers.

Mr. STEELE. Yes; of the old soldiers.

Mr. WILLIAM A. STONE. Not of the people of the country.

Mr. HULL. This does not touch the volunteer soldiers. It is an equitable method of promotion, the result of experience and protracted discussion.

Mr. LACEY. Why should not a man be promoted for gallantry in the Regular Army?

Mr. STEELE. He is, when Congress authorizes it.

Mr. HULL. I want to say, Mr. Chairman, that it is supposed that no man who is not gallant in action will be promoted. My colleague [Mr. LACEY] seems now to believe that there is something to consider in the Regular Army, when only a few days ago, if his statement amounted to anything, he said it was organized out of tramps and demoralized citizens of the Republic. That statement was an insult to as brave and true a body of men as are to be found.

I want to say, Mr. Chairman, in answer to that speech that he made here a few days ago, that the Regular Army is to-day composed of citizens of the United States, many from our own State of Iowa, and no man can enlist in it as a private or be commissioned as an officer who is not a citizen of the United States, or has not taken out his first papers. The officers of the Regular Army are the brightest young men of the several districts of the United States, and are entitled to our respect and confidence. And I want to say further that I believe the men whose whole lives are devoted to the service of their country, when they unite on a matter of this kind, which affects only themselves, are better judges of what is just and right than any class of men can possibly be whose time is devoted entirely to other matters. I ask that the amendment be voted down.

Mr. HANDY. Mr. Chairman, if I can have the attention of the committee for a moment, I wish to say that I thoroughly approve of the purpose of the amendment offered by the gentleman from Iowa [Mr. LACEY]. Our troops are about to go into the field, and this bill proposes, when the troops go into the field, to fix a principle of promotion by seniority, and by that alone. When the troops of Napoleon went forth to war, it is an old saying that every French soldier carried in his knapsack the baton of a marshal of France. The possibility of promotion depended upon gallantry, upon aptitude, and upon conduct in the field. This bill makes promotion depend solely upon length of service in a particular grade. I thoroughly approve of the purpose of the gentleman from Iowa to give rapid promotion and high command to officers who show capacity for high command.

I ask the attention of the gentleman from Iowa [Mr. LACEY] for a moment, to see if he will not apply that principle a little further. Does not the gentleman from Iowa think there should also be a pathway open from the enlisted man to the officer's straps in the Army?

Mr. LACEY. There is now. This law does not take that away. This law only takes away——

Mr. HANDY. If the gentleman will listen to me for a moment, I should like to have him accept the following addition to his amendment:

And it shall be in the power of the President, by and with the advice and consent of the Senate, to promote enlisted men to the grade of second lieutenant, for gallant and meritorious service in the field.

Mr. STEELE. We can do that now.

Mr. LACEY. That is the law now.

Mr. HANDY. Would you object to accepting that amendment?

Mr. STEELE. It would be superfluous.

Mr. HANDY. I do not think it would be superfluous.

Mr. WHEELER of Kentucky. It is already the law.

Mr. HANDY. What is the objection to it, if it is already the law?

Mr. LACEY. My amendment does not change the law. It is to prevent this bill from changing existing law in this respect.

Mr. HANDY. Mr. Chairman, I know of no provision in law to-day whereby an enlisted man can become a commissioned officer because of gallant and meritorious service in the field. There is a law by which he can come up for examination and win a commission by a competitive examination. Just as the gentleman from Iowa [Mr. LACEY] wants an officer who is brave, gallant, and meritorious in service to go up without strict regard to seniority, so I want the enlisted man who proves gallant, meritorious, and efficient to get his first commission on that ground of merit, instead of on the ground of a sort of military-service examination. I offer, Mr. Chairman, as an amendment to the amendment offered by the gentleman from Iowa [Mr. LACEY] the following. Add to his amendment the following words——

The CHAIRMAN. As a substitute for the amendment?

Mr. HANDY. No; as an addition in the nature of an amendment to the amendment.

The CHAIRMAN. The gentleman offers the following amendment to the amendment, which the Clerk will report.

Mr. WHEELER of Kentucky. A parliamentary inquiry. Is it in order to offer as an amendment a part of the statute, existing law, and reenact it?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the amendment the following:
"And it shall be in the power of the President, by and with the advice and consent of the Senate, to promote enlisted men to the grade of second lieutenant for gallant and meritorious service in the field."

The CHAIRMAN. The Chair thinks the amendment to the amendment is in order. The gentleman from Texas is recognized.

Mr. SAYERS. Mr. Chairman, referring to the amendment offered by the gentleman from Iowa, I wish to take positive and direct issue with the remarks made by the gentleman from Iowa and the gentleman from Delaware. If the amendment proposed by the gentleman from Iowa should prevail—and I do not say it with any intentional disrespect to the present Administration—the experience of the late war, on both sides, shows that there will be the greatest possible danger of favoritism being exercised in the promotion of officers, and the subaltern who has the strongest political "pull" in Washington either through Congressional influence or otherwise will be able to secure promotion that he does not deserve over more meritorious associates.

Mr. HANDY. This limits it to gallantry in the field.

Mr. SAYERS. Gallantry in the field! What does the word mean? It is a broad term, a very broad term. There may be one officer who has served gallantly in a dozen actions, and he may not get promotion, and yet another officer who happens to distinguish himself only in a single action, if he has political influence,

will secure promotion over the head of the one that is altogether the more deserving. Under present law, as I understand it, the President can exercise his discretion in the promotion of all officers over the rank of colonel. He can take his brigadier and major generals from the ranks, if he should please.

Mr. MARSH. And also the staff.

Mr. SAYERS. And also the staff. I trust the amendment offered by the gentleman from Iowa will not prevail, because it will open the way to the exercise of political influence, the most baneful influence that can be exerted in the administration of military affairs, and especially so in the time of war.

Mr. HANDY. What objection have you to an enlisted man, if he shows especial gallantry, receiving the shoulder straps of a second lieutenant?

Mr. CUMMINGS. He gets it now.

Mr. SAYERS. I am speaking entirely with reference to the amendment offered by the gentleman from Iowa.

Mr. HULL. Let us vote the amendment down. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Delaware to the amendment of the gentleman from Iowa.

The question was taken; and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Iowa.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

SEC. 3. That upon a declaration of war by Congress, or a declaration of Congress that war exists, the enlisted strength of a company, troop, and battery, respectively, may, in the discretion of the President, be increased to comprise not exceeding:

For each company of infantry: 1 first sergeant, 1 quartermaster-sergeant, 4 sergeants, 12 corporals, 2 musicians, 1 artificer, 1 wagoner, and 100 privates; total enlisted, 122.

The amendments recommended by the committee were read, as follows:

Strike out the words "one hundred," in line 24, page 2, and insert "eighty-four."

Strike out of line 25, page 2, the words "twenty-two" and insert in lieu thereof "six," and add the following proviso:

"*Provided*, That in the event of a call by the President for either volunteers or the militia of the country, the President is authorized to accept the quotas of troops of the various States and Territories, including the District of Columbia, as organized under the laws of the States and Territories, including the District of Columbia."

The CHAIRMAN. The question is on the amendments offered by the committee.

The question was taken; and the amendments were agreed to.

Mr. OLMSTED. I offer the following amendment.

The Clerk read as follows:

Insert in line 19, page 2, after the word "exists," the following: "or after Congress has or shall have authorized the President to use the entire land and naval force of the United States and to call into the actual service of the United States the militia of the several States."

Mr. HULL. I have no objection to that at all, but I think it is unnecessary.

Mr. BAILEY. Mr. Chairman, I could not hear, as there was so much confusion; and relying upon the chairman of the committee to see about it, I did not listen to that. I will ask the Clerk to report that amendment again.

The amendment was again reported.

Mr. BAILEY. Mr. Chairman, I think that amendment ought not to prevail.

Mr. OLMSTED. I think I am entitled to be heard upon it.

Mr. BAILEY. This bill is drawn on the theory—does the gentleman desire to be heard on his amendment?

Mr. OLMSTED. It seems to me, Mr. Chairman, that this amendment is necessary in order to make this bill immediately operative.

Mr. STEELE. The President can make it operative if you give us a chance to pass it.

Mr. OLMSTED. If this bill is intended to become immediately operative, the amendment I have offered seems important. It now provides for the increase of the enlisted strength of the several companies, troops, and batteries only "upon a declaration of war by Congress or a declaration of Congress that war exists."

Now, the Cuban resolution is not a formal declaration of war. It does empower the President to "use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States," for certain purposes and upon certain contingencies. While almost certain to lead to war, that was not a formal declaration, for if Spain shall to-day, before the hand upon that clock reaches the hour of 12, accede to the demand contained in that resolution, there will be no war. We know now that she will not accede, and so there will be war. Nevertheless, the Cuban resolution was not a formal declaration of war by Congress, and Congress has made no formal declaration that war exists. My amendment is in the language of the Cuban resolution, and provides that Congress having conferred upon the President such powers as are in that resolution enumerated, this bill shall become immediately operative, without waiting for any further or more formal declaration of war. It is quite in line with the amendment to the Volunteer Army bill suggested by the gentleman from Massachusetts [Mr. MOODY] and offered by the the gentleman from Iowa [Mr. LACEY], and if important there, is equally so here. It will remove the necessity of any forced construction and remove all doubt.

Mr. BAILEY. Mr. Chairman, I simply desire to say this: That the bill is drawn upon the theory that Congress shall make a declaration of war, and if this language is adopted in section 3, it ought to have been adopted in section 2. I think the committee's bill is more carefully drawn, and we ought to vote this amendment down.

Mr. HULL. Vote it down.

The question was taken, and the amendment was rejected.

Mr. SETTLE. I desire to offer an amendment.

Mr. HULL. I move that the committee do now rise.

The Clerk read as follows:

After line 7, page 3, add the following:

"*Provided further*, That it is not intended hereby to take away from the governors of the respective States their right to determine how the quota of the States may be furnished, whether from the organized militia or volunteers."

Mr. HULL. I want to say that this has nothing to do with that at all, and it would be utterly impossible for us to begin now——

The CHAIRMAN. Does the gentleman make a point of order upon it?

Mr. HULL. Yes.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SETTLE. Mr. Chairman, I desire to be heard on that point of order.

Mr. HULL. Mr. Chairman, I move that the committee do now rise.

The motion of Mr. HULL was agreed to.

The committee accordingly rose; and Mr. PAYNE, Chairman of the Committee of the Whole House on the State of the Union, reported that the committee had had under consideration House bill 9878, for the better organization of the line of the Army of the United States, and had come to no resolution thereon.

The SPEAKER. The hour having arrived, the House in accordance with its order already made, will now in a body attend the funeral services of the late Senator WALTHALL.

Thereupon the House, preceded by the Speaker and the Sergeant-at-Arms, proceeded in a body to the Senate.

At 12.15 the members of the House, headed by the Speaker and Sergeant-at-Arms, returned to the Hall, and the House was called to order by the Speaker.

ELECTION CASE OF BROWN AGAINST SWANSON.

Mr. MIERS of Indiana. Mr. Speaker, I ask unanimous consent that the members not having heretofore filed or joined in the general views of members in the contested-election case of Brown against Swanson may have another week in which to file their views.

The SPEAKER. The gentleman from Indiana asks unanimous consent that members of the committee in the election case of Brown against Swanson may be allowed another week in which to file their views. Is there objection?

Mr. CRUMPACKER. In view of the fact that the case was argued before the committee about three months ago, and the report was before the committee for consideration some three or four weeks, and, by practically unanimous consent of the committee, ten days were given to the dissenting members to file dissenting views, and believing that gentlemen are as well prepared to-day as they will be in a week from to-day, I shall object.

The SPEAKER. Objection is made.

Mr. MIERS of Indiana. Mr. Chairman, I desire to file the views of the majority, and I also desire to file supplemental views of three gentlemen who signed the majority report.

The SPEAKER. The Chair understands that the gentleman has that permission from the House.

REORGANIZATION OF THE ARMY.

Mr. HULL. Mr. Speaker, I now move that the House resolve itself into the Committee of the Whole on the state of the Union for the further consideration of House bill 9878, and pending that, I would suggest that there are eulogies set for 2 o'clock. I think without doubt we shall finish the bill before 2, but to avoid any difficulty that may follow if we do not complete the bill in that time, I ask unanimous consent that the eulogies follow immediately upon the conclusion of the consideration of this bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the eulogies be postponed until the close of the consideration of the bill in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL. Mr. Speaker, I now renew my motion that the House resolve itself into Committee of the Whole for the further consideration of House bill 9878.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of House bill 9878 for the better reorganization of the line of the Army of the United States, with Mr. PAYNE in the chair.

Mr. HULL. Mr. Chairman, in the confusion which arose by reason of the House going to the Senate to attend the funeral services, I raised the point of order to the amendment offered by the gentleman from Kentucky [Mr. SETTLE]. I now withdraw that point of order, so that the amendment can be before the committee for debate on its merits.

Mr. SETTLE. I appreciate the courtesy of the gentleman from Iowa.

The CHAIRMAN. The amendment will be reported.

The Clerk read as follows:

After line 7, page 3, add the following:

"*Provided further*, That it is not intended hereby to take away from the governors of the respective States their right to determine how the quota of the States may be furnished, whether from the organized militia or volunteers.

Mr. SETTLE. Mr. Chairman, I shall not occupy the committee over two minutes. I would not have offered the amendment if I had thought it was not in order, because I am far from an obstructionist, as the Chair knows. I submit that the proviso recommended by the committee is out of order for that matter. This bill affects the reorganization of the Regular Army.

The CHAIRMAN. The Chair would suggest to the gentleman from Kentucky that there is now no point of order before the committee.

Mr. SETTLE. I know there is not, Mr. Chairman. Yesterday or day before we passed what is known as the volunteer bill. Under the provisions of that bill—under a call for volunteers—it rests with the governors of the respective States to determine whether in making their call in their respective States they shall call on the organized militia or the volunteers. Now, the committee's proviso in this bill, which is not a volunteer bill, but which is intended to perfect the reorganization of the Regular Army, is subject to the point of order that it itself is not germane, but having been adopted it, is clear to me that my amendment, being to that proviso, is in order.

I understand the point of order proceeds on the theory that this amendment of mine relates to the volunteer corps and has no reference to the bill, but it is intended to amend the proviso, which does relate to the Volunteer Army. Now, my amendment was offered in order to reconcile the apparent differences in the bill we passed yesterday and the bill with this proviso in, because with that proviso unamended it leaves the whole discretion to the President of the United States calling for volunteers of any State whether he will call for National Guards or the enrolled militia, whereas the former bill leaves it to the governors.

So that without such an amendment, in my State, if our quota should be only 2,000, and the active militia should amount to that number, the President of the United States could call for all those 2,000 out of the active militia, excluding utterly the other volunteers who might desire to enlist. It is because this bill gives this authority to the President, while the bill passed yesterday gives it to the governor——

Mr. HULL. Let me say to the gentleman that the bill passed yesterday gave to the governors of their respective States so absolutely the right to determine how the quota should be fixed that I do not believe this amendment is necessary. I think the gentleman is right in his proposition that this proviso does inject into a Regular Army bill a provision with regard to volunteers, but it was done in order to let them go in on their organization, which the other bill did not provide for.

Mr. SETTLE. I think it did.

Mr. HULL. The two bills must be construed together. The other bill allows the governor to tender to the President an organization. This bill would authorize the President to accept that organization as tendered by the governor. But I do not believe it gives to the President any right to determine how the quota of a State shall be filled.

Mr. SETTLE. I understood the gentleman to say to me this morning that that was, in his judgment, the effect of the proviso.

Mr. HULL. No; the gentleman misunderstood me.

Mr. SETTLE. Then, what harm would my amendment do?

Mr. HULL. I think it is simply cumulative.

Mr. SETTLE. I think it removes any doubtful construction.

Mr. MARSH. I do not think it does any harm whatever.

Mr. SETTLE. Then, why not let it go on the bill?

Mr. HULL. It is simply piling up words.

Mr. SETTLE. I think I must insist on the amendment, though the statement of the gentleman in charge of the bill does much to remove my objections.

Mr. PEARCE of Missouri. Mr. Chairman, one great difficulty about the amendment of the gentleman from Kentucky is this: We now have laws and regulations governing the enlistment of men in the Regular Army which do not govern the enlistment of men in the State militia.

Mr. SETTLE. This applies to volunteers.

Mr. PEARCE of Missouri. This bill applies to the Regular Army.

Mr. SETTLE. I know that; but this amendment is intended to apply to volunteers.

Mr. PEARCE of Missouri. But this is a bill for the increase of the Regular Army in case of war. Now, the laws and regulation applicable to enlistments into the Regular Army apply to the enlistment of men under this section.

Mr. SETTLE. I make no question as to that.

Mr. PEARCE of Missouri. Then how are you going to reconcile your system for the enlistment of men into the Regular Army with the absence of that system in regard to the militia in the respective States? If the amendment be adopted, our statutes will have to be re-formed entirely in this respect.

[Here the hammer fell.]

Mr. SETTLE. I should like to have two or three minutes more.

The CHAIRMAN. If there be no objection, the time of the gentleman from Kentucky will be extended three minutes.

There was no objection.

Mr. SETTLE. Mr. Chairman, my friend from Missouri [Mr. PEARCE] should understand that my amendment and the original proviso have no regard to the manner of enlistment or the rules regulating enlistments.

The amendment is intended only to make clear what is now doubtful as to the power of the governors of the respective States. The purpose is to give the governor authority to determine whether he will call on the active militia or the enrolled militia, or in what proportion he will call upon both. He may want to divide the number called for between the two organizations. In the State of Kentucky, where we probably will be entitled to only about 2,000 volunteers, we have perhaps that number now organized in the active militia. I want the authority left with the governor to say whether he will take all of the quota of 2,000 out of the organized militia, or will allot a certain proportion of the troops called for to the volunteers.

The gentleman from Illinois [Mr. MARSH] says that this amendment can do no harm. It may, I think, do good in settling this question of doubtful construction.

Mr. PEARCE of Missouri. Suppose that 30 per cent of those men in the State of Kentucky are ineligible to enlistment under the laws regarding enlistments in the Regular Army?

Mr. SETTLE. The governor must, of course, furnish recruits that come up to the requirements.

Mr. PEARCE of Missouri. But the governor can not violate the laws of the Government.

Mr. SETTLE. We do not propose that he shall do so. He must, of course, comply with the laws regulating the qualifications of those who desire to enlist. All that the amendment has regard to is the class out of which recruits may be obtained.

Mr. MARSH. The law in regard to calling out volunteers provides for a physical examination of the men who may be tendered by the governors.

Mr. SETTLE. That does not militate against my amendment.

Mr. HAY. As I understand, the purpose of this amendment is to permit the National Guard, which is already organized, to be called out first. Under the amendment the President can immediately, if the governors of the States so desire, call out the National Guard, already organized into regiments and ready to go into service. This does not affect at all the volunteer forces. It does not affect at all the right of any man to volunteer or the right of the President to override the governor in the appointment of officers or the enlistment of men. But it is intended, as I understand, only for the purpose I have stated, so that the troops now organized in the States may be called out at once and sent to the front, because they are organized and ready to go. That is the meaning, as I understand, of the amendment.

Mr. SETTLE. You will find that embodied in the bill passed on yesterday. [Cries of "Vote!" "Vote!"]

The question was taken on the amendment of Mr. SETTLE; and it was rejected.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the amendment I send to the desk.

The CHAIRMAN. The Chair thinks the entire section should be read, to which this amendment is offered. The Chair did not observe that the entire section was not read before the amendments heretofore offered were submitted.

The remainder of the section was read, as follows:

For each troop of cavalry: One first sergeant, 1 quartermaster-sergeant, 6 sergeants, 8 corporals, 2 farriers and blacksmiths, 2 trumpeters, 1 saddler, 1 wagoner, 78 privates; total enlisted, 100.

For each battery of heavy artillery: One first sergeant, 22 sergeants, 10 corporals, 2 musicians, 2 artificers, 1 wagoner, 162 privates; total enlisted, 200.

For each battery of field artillery: One first sergeant, 1 quartermaster-sergeant, 1 veterinary sergeant, 6 sergeants, 15 corporals, 2 farriers, 2 artificers, 1 saddler, 2 musicians, 1 wagoner, 141 privates; total enlisted, 173.

For each company of engineers: One first sergeant, 10 sergeants, 10 corporals, 2 musicians, 64 first-class privates, 63 second-class privates; total enlisted, 150.

The quartermaster and veterinary sergeants provided for in this section shall have the pay and allowances of sergeants of their respective arms.

Mr. STEPHENS of Texas. Mr. Chairman, I now offer the amendment I send to the desk, to which I think there will be no objection.

The Clerk read as follows:

In line 6, page 3, after the word "Columbia," insert the words "and Indian Territory."

Mr. STEPHENS of Texas. The other day, in the volunteer bill, a provision was inserted permitting the Indian Territory to organize their militia, and the same provision of law ought to be enacted in this bill.

Mr. HULL. Mr. Chairman, I am perfectly willing to let the amendment go in. There is no objection to it.

Mr. STEPHENS of Texas. Very well; I will not occupy further time of the committee.

The amendment was agreed to.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read sections 4, 5, and 6 of the bill.

Section 7 was read, as follows:

SEC. 7. That in time of war every officer serving with troops operating against an enemy who shall exercise, under assignment in orders issued by competent authority, a command above that pertaining to his grade, shall be entitled to receive the pay and allowances of the grade appropriate to the command so exercised: *Provided*, That a rate of pay exceeding that of a brigadier-general shall not be paid in any case by reason of such assignment: *Provided further*, That at the end of any war in which the United States may become involved the Army shall be reduced to a peace basis by the absorption through promotion of supernumerary commissioned officers and the honorable discharge or transfer of supernumerary enlisted men; and nothing contained in this act shall be construed as authorizing a permanent increase of the enlisted force of the Regular Army beyond that now provided by law.

The CHAIRMAN. The Clerk will report the amendments recommended by the committee.

The Clerk read as follows:

In line 4, after the word "promotion," insert the words "or honorable discharge."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Strike out, in lines 6, 7, 8, and 9, the following words: "and nothing contained in this act shall be construed as authorizing a permanent increase of the enlisted force of the Regular Army beyond that now provided by law" and insert the following: "and nothing contained in this act shall be construed as authorizing a permanent increase of the commissioned or enlisted force of the Regular Army beyond that now provided by the law in force prior to the passage of this act, except as to the increase of twenty-five majors provided for in section 1 hereof."

The CHAIRMAN. The Chair would state that if there are to be amendments to this part of the section, to the amendment, they should be made now.

Mr. PEARCE of Missouri. I do not care, Mr. Chairman, to detain the committee under the present circumstances, with any remarks on the bill, because I am anxious to have it pushed to a speedy enactment. But I have some views on the general subject, and I would like to present them for consideration. I would therefore ask unanimous consent of the committee to print in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The question being taken on the amendments of the committee, they were agreed to.

Mr. BAILEY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 4, strike out the words "absorption through promotion," and insert in lieu thereof the words "transfer to the same arm of the service;" and after the word "discharge," in line 4, insert the words "under such regulations as the Secretary of War may establish."

Mr. BAILEY. I ask the Clerk to report the section as proposed to be amended.

The Clerk read as follows:

Provided further, That at the end of any war in which the United States may become involved the Army shall be reduced to a peace basis by the transfer to the same arm of the service, or honorable discharge, under such regulations as the Secretary of War may establish, of supernumerary commissioned officers, etc.

Mr. HULL. I have no objection to the amendment.

Mr. GRIFFIN. If the gentleman from Texas will allow me a moment, I think it would be preferable to use the words transfer "in the same arm" and not "to the same arm" of the service.

Mr. BAILEY. I accept that modification. Instead of transfer "to" put it transfer "in" the same arm; using the preposition "in" instead of the preposition "to."

Mr. PEARCE of Missouri. I would ask the gentleman if that contemplates an inhibition against the transferring of officers from the infantry, for instance, into the artillery branch of the service?

Mr. BAILEY. It does, undoubtedly.

Mr. PEARCE of Missouri. I do not think that a wise provision.

Mr. MARSH. Further, will the gentleman allow me to ask him if this precludes the transfer of a lieutenant of artillery to the staff, if there is a vacancy on the staff?

Mr. BAILEY. I intend—and I believe that would be the sense of the House—to prevent the transfer from one branch of the service to another. The object is to permit the transfer from one company to another, the officer still remaining in the same branch of the service. I think, for instance, an officer serving with the infantry ought not to be transferred to the cavalry; but if there is a transfer to be made at all, it should be to the same branch of the service in which the officer formerly served. That is the effect of the amendment.

Now, Mr. Chairman, the only question is this: Some gentlemen have supposed that the language "under such regulations as the Secretary of War may establish" gave an authority too large. The plain answer to that is that we all, on this side of the House, desire that men added to the Army during the war shall be mustered out of it at the conclusion of the war; and I would not vote for the bill if I thought those additions could not be mustered out without coming to Congress for authority to do so. The command to muster them out is written in the bill itself.

That they must be mustered out under certain regulations is perfectly obvious, whether those regulations be established by the Secretary of War or by the House of Representatives. If we withhold the authority from the Secretary of War, he may say it is impossible to muster the men out until Congress passes a law to do so. It is utterly impossible for him to seriously abuse the authority, and unless it be given it might be possible for us to find an army of 60,000 men on our hands until legislation could be obtained from Congress. We know how difficult that is, and it seems to me we ought not to leave it for future legislation.

Mr. PEARCE of Missouri. It seems to me, Mr. Chairman, that that is an unwise provision in this law, for one special reason. There can be no doubt but that the great need of this country in the future will be for the development, if development takes place at all, not of the infantry branch of the service, or of the cavalry branch of the service, but of the artillery branch of the service. When the present projections are completed there will be from 85 to 90 batteries of artillery for the defense of our 5,000 miles of coast line. It will take 15 men to every mounted gun to take care of and operate that gun, and if any absorption is to take place, in my judgment it ought to take place from the infantry and the cavalry, instead of the artillery branch of the service, in order that there may be the development of knowledge in that branch of the service necessary to the defense of the country.

Mr. SMITH of Arizona. Will the gentleman permit me, then——

Mr. PEARCE of Missouri. One moment—in order that when any future exigency shall arise we shall not have to go through with this primary-school education of officers to adapt them to the scientific knowledge of the artillery service. And with all deference to my friend from Texas [Mr. BAILEY], I believe that it would be most unwise to limit this process of absorption to the particular branch of the service in which the man might be engaged at the time the absorption began.

Mr. BAILEY. I desire to say to the gentleman from Missouri that if we had reached the end of the war, I would very cheerfully support a proposition to take one or two, or as many companies as it might be necessary to take, from the infantry branch of the service and transfer them to the artillery.

Mr. SMITH of Arizona. Then, in that line, why would not your amendment carry out its purpose, and the one at which you are aiming, if, at the end of your amendment, you should provide, not in exact words, but to this effect:

Except in case of transfer from the infantry to the artillery arm of the service.

Mr. HULL. I would not undertake to do that in that way.

Mr. BAILEY. I am frank to say that perhaps there is no man on this floor who knows less about the military service of this Government than I do. I believe I have never opened the statute books of the country to examine the laws or the regulations relating to this department of the Government. But my earnest purpose is to provide what is necessary for this emergency, and leave the other provision to be made in time of peace.

Mr. KNOWLES. Mr. Chairman, I am aware of the fact that what I am about to say will have no weight whatever with this House. At such times as this the voice of reason is not apt to be heard amid the din of war. But I wish to put myself on record as opposed to the increase of the standing army under any circumstances.

When the "powers that be" desire to get unjust legislation through Congress, they always seek to do it under false pretenses. The bill under consideration is such a measure. It is a bill to increase the Regular Army to 61,000 men under the pretense of a necessary change in tactics.

I am heartily in favor of a change in tactics of the United States

Army. The present formation, as has well been said by the gentleman in charge of this bill, is an obsolete one. It is no more adapted to the present methods of warfare than was the Roman phalanx. To rush men into battle in double rank, close order, against the weapons of to-day, would be folly indeed.

But, Mr. Chairman, this change of tactics, giving our Army the extended-order, open-rank system, under which all modern armies except ours are organized, does not require an act of Congress. It is a matter entirely within the jurisdiction of the War Department. This was practically admitted by the gentleman from Iowa in his opening address upon the first consideration of this bill. In reply to an inquiry of his colleague, Mr. HEPBURN, Mr. HULL said:

> When the law went into effect limiting the Regular Army to so many men the War Department issued regulations, "skeletonizing," as they called it, 10 regiments of infantry and 2 regiments of cavalry.

Mr. Chairman, I undertake to say that the question of tactics to be adopted for the use of the Army is not a necessary subject for Congressional legislation. It is a matter entirely within the control of the War Department, as determined by the proper army board appointed for that purpose. Many changes of tactics have been made within the last thirty years because of the changes in arms and ammunition. This is the first time that I have ever heard that such a change must be made by an act of Congress.

But, Mr. Chairman, the extended order of formation, so far from being an excuse for increasing the number of men in the company or regiment, is exactly the opposite. It is a reason for making companies, battalions, and regiments smaller. Under the proposed law a company would consist of 106 men, which, if extended in open order, according to the new tactics, would be one-eighth of a mile in length, to be commanded by four officers, while a regiment composed of twelve such companies would extend nearly 2 miles.

Mr. LEWIS of Washington. In a deploy drill?

Mr. KNOWLES. Yes. It will be plainly seen that it would be an impossibility for four company officers to command a line one-eighth of a mile long, and still more impossible for the four line officers of a regiment to command a line 2 miles long.

At the present time the number of men in a company is sixty-six, commanded by a captain and two lieutenants. Such a company extended in open order would occupy a space 600 feet in length, and a regiment of ten such companies would occupy a space 1 mile in length. Such a formation would need the undivided attention of all the regimental and company officers provided for in this bill. I therefore favor that portion of the bill increasing the number of company and regimental officers.

Now a word in regard to the relative efficiency of regulars as compared with volunteers. I had the honor to serve three years and nineteen days as a soldier in the Army of the Potomac. My experience there, and I think I voice the sentiment of all men who served in that army, is that the regulars in that war were not a howling success. The fact is, they were a hiss and a byword in the mouth of every soldier. If we wanted to say that a regiment was absolutely worthless, we said they "were of no more account than the regulars." It is evident that this was the opinion of General Grant himself, as will be seen from the following extract taken from his Personal Memoirs, volume 1, page 283:

> In the Army of the Potomac there was what was known as the "regular brigade," in which, from the commanding officer down to the youngest second lieutenant, every one was educated to his profession. So, too, with many of the batteries; all the officers, generally four in number to each, were men educated for their profession. Some of these went into battle at the beginning under division commanders who were entirely without military training. This state of affairs gave me an idea, which I expressed while at Cairo, that the Government ought to disband the Regular Army, with the exception of the staff corps, and notify the disbanded officers that they would receive no compensation while the war lasted except as volunteers. The register should be kept up, but the names of all officers who were not in the volunteer service at the close should be stricken from it.

Mr. Chairman, we have heard much about "emergency." But how shall this emergency be met? By waiting the slow process of enlisting 35,000 men in the Regular Army, arming, equipping, and drilling them for actual service, or by calling on that great army of 200,000 of the National Guard already organized, officered, armed, and equipped, and composed of the very best material in the nation? Enlistment in the Regular Army is a very slow process. There is a well-formed prejudice against a standing army, and men are not drawn to that organization by motives of patriotism or love of country. They look with suspicion upon a standing army, and justly so. Upon the question of emergency, then, this bill is a failure.

Mr. Chairman, what I have heretofore said is not intended as a reflection upon the Regular Army of to-day. I have nothing to say of its present make-up or its efficiency; but I do know that men who enlist in the Regular Army are not apt to be the best material upon which a nation may depend in times of danger. On the other hand, men who volunteer to defend their country in times of war do so from entirely different motives from those which actuate the men who enlist in the Regular Army. They tender their services in defense of their country with the full knowledge of the danger which confronts them, and they do it from purely patriotic motives and love of country.

Mr. Chairman, every victory won within the history of this nation has been won by volunteers. There is no need of a standing army. We are a nation of soldiers, ready to spring to arms at the first scent of danger to our flag. Our safety is in the keeping of the common people, who have ever shown themselves ready to give up their lives cheerfully for their flag and their country. On the other hand, the epitaph which might justly be written over the graves of all the great nations which have perished from the earth is this: "Died of a standing army."

Mr. GRIFFIN. Mr. Chairman, the only question to which I desire to address a few observations is the suggestion made by the gentleman from Missouri [Mr. PEARCE], who desires that an amendment should be submitted in addition to that which the gentleman from Texas has submitted, to the effect that transfers of officers from the infantry arm of the service may be made to the artillery. I desire to say, Mr. Chairman, that this question of promoting from one arm of the service to another is one which has occasioned more difficulty and more trouble than any other one question.

Legislation latterly has been upon the line of a more just provision, and now to go back to the same old basis, which gave us such unsatisfactory results, would be a step backward rather than an advance. The artillery arm of the service is one in which the fewest promotions have occurred. The opportunities have been less. The number of the force in the artillery arm has been small, while in the cavalry and infantry promotions have gone ahead at a much more speedy rate. I am heartily in favor of the amendment proposed by the gentleman from Texas, but I do not think it ought to be loaded with the obnoxious proposition suggested by the gentleman from Missouri, and I hope favorable action will not be had thereon.

Mr. HULL. Mr. Chairman, I move that all debate on this paragraph close in ten minutes.

Mr. KING. Mr. Chairman——

Mr. UNDERWOOD. Mr. Chairman, I hope the gentleman in charge of the bill will not try to push it through in that way.

Mr. HULL. I want to get it out of the way of the eulogies, as I agreed to.

Mr. KING. I think the gentleman ought not to do that. Some of us have amendments which we think are pertinent.

The question was taken on the motion of Mr. HULL; and the Chairman declared that the ayes had it.

Mr. UNDERWOOD. Division, Mr. Chairman!

Mr. HULL. I yield to the gentleman from Kentucky [Mr. WHEELER].

Mr. UNDERWOOD. I called for a division.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky.

Mr. UNDERWOOD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. UNDERWOOD. I called for a division on the vote.

The committee divided; and there were—ayes 71, noes 4.

Mr. UNDERWOOD. I do not wish to raise any question, but I wish the country to see that the gentleman from Iowa is forcing this bill through without a reasonable opportunity for debate with only seventy-five men in the House.

Mr. WHEELER of Kentucky. Mr. Chairman, I intend to support this measure, and I do not like to be placed in the attitude of supporting any measure that provided for a permanent increase of the standing army. Gentlemen are doing injustice to us on this side of the Chamber who intend to support this bill, as I do, by holding out that idea to the country. The only element of danger in this measure has been eliminated, in my humble judgment, by the amendment suggested by the gentleman from Texas, although I think that amendment will result in some injustice to the graduated officers of West Point.

It occurs to me where a man devotes his life to military affairs, if the fortunes of war should throw him into one of these new companies, that of necessity ought not to retire him from the Army. In some cases it will result that way under the amendment offered by the gentleman from Texas; still, I think the amendment ought to be adopted. This committee has considered the bill carefully for a month. The minority is represented by some of the best Democrats on this floor, headed by the distinguished gentleman from Tennessee [Mr. COX], who has had ten years' experience in Congress.

In addition, there is the gentleman from Virginia [Mr. HAY] and the gentleman from New York [Mr. SULZER] and other Democrats, aided by the labors of the gentleman from Iowa and other members of the Military Committee, who state there is no provision for a permanent increase in the Army. I know, Mr. Chairman, it is a popular thing to oppose an increase in the standing army. It is against the genius and spirit of our people and of

the Republic. I am unalterably opposed to it myself; but I protest, in the name of decency, against the conduct of those who would seek to place their colleagues in the attitude of favoring a permanent increase of the standing army of the country, when, as a matter of fact, this bill contains no such provision.

Now, we have a nucleus in the Regular Army which we propose to increase in time of war. No intelligent and patriotic Representative would surely take the position that it would be best for this country to abolish trained soldiers. We have trained officers, and we should have trained men. I have had some little experience in playing soldier, but I would not attempt to give my judgment to the vast array of accomplished military heroes who have addressed the House this morning. It is to be presumed, however, that the committee having charge of this measure and the benefit of the advice of the War Department knows better what the country needs in times of war than those of us who have not heard their statements and have given absolutely no attention to the subject under discussion.

I am willing to put some confidence in the declaration of the gentleman having charge of this measure. It ought to go through, in my judgment, because we find, as has been stated, that all the civilized nations of the world now use the three-battalion system, whatever that may be. It is high time that we realize both in time of peace and war we should have the best system on the face of the globe. We do not know what the future will bring forth. I grant we have people enough in this country in the shape of the militia for our wars, but you can not take a green company of men and make perfect soldiers of them in twenty-four hours.

Now, I do not propose to narrate my military experience, but I have commanded a company to a limited extent in my day, and I say it is perfectly absurd to take a company of raw militia, although as brave as Julius Cæsar, and put them into the Army and expect good service out of them immediately.

Mr. KING. Was your experience in the Mexican war or in the civil war?

Mr. WHEELER of Kentucky. Neither one; I was a tin soldier—a kind of a cornstalk captain—but I have had as much experience, I think, as the distinguished gentleman from Utah.

Mr. KING. More, I guess.

Mr. WHEELER of Kentucky. I do not intend to offer any advice to the House on military affairs. We have heard from my friend from Utah. He has a pocketful of amendments now to offer to this bill.

Mr. KING. Only one.

Mr. WHEELER of Kentucky. I protest that we shall let the committee in charge manage this bill, and show the confidence we have in our committee. [Applause.]

Mr. DOCKERY. Mr. Chairman, I want to say a word, and will then yield the remainder of my time to the gentleman from Utah [Mr. KING]. This bill increases the standing army from a peace footing of 28,610 men to 61,010 during the war period. The seventh section of the bill with the amendment now pending offered by the gentleman from Texas [Mr. BAILEY] would seem to make clear the purpose of the bill to muster out at the close of the war both the enlisted men and the officers and restore the Army to a peace footing. That is the obvious intent of the section as it is proposed to be amended.

The authorized increase of the standing army by the bill is 34,400 men in time of war. Of course, to the extent of that increase, the bill stands in the way of the citizen soldiery.

I desire, in conclusion, to submit one prediction. It costs nothing, and perhaps, therefore, is valueless, but I venture the prediction that not to exceed 2,000 men will enlist under the provisions of this bill. The regular officers, however, are cared for liberally; but the overwhelming proportion of the men who are to enlist to fight this war with Spain will be mustered under the terms of the bill approved by the President yesterday, authorizing a call upon the volunteer soldiery of the country. This bill, it is true, as I have stated, authorizes an increase during the war of 34,400 men, but the men who are to enroll to fight our battles will do so, in my opinion, in the ranks of the National Guard. It seems to me that the provisions of the bill authorizing a call for volunteers are ample to furnish all the troops required. With this statement, Mr. Chairman, I yield the remainder of my time to the gentleman from Utah [Mr. KING].

Mr. KING. Mr. Chairman, I rise for the purpose of offering an amendment to this measure providing that this act shall expire by limitation at the end of two years from and after the date of its passage. This legislation is purely experimental. If it is valuable at all, if it has any meritorious feature, it will be demonstrated during the next two years. If it has vicious features, they will be clearly manifested, and the wisdom of our action if this amendment be adopted will be vindicated. The repeal of the law will follow and no further legislative act required. If it proves to be advantageous and successful, it can easily be reenacted at the end of that time.

It seems to me, Mr. Chairman, that if it is necessary to increase the standing army in time of war, and it is arbitrarily increased at this time, why select the number 64,000? It may be claimed that because we are fighting an inferior foe that number will be sufficient. Suppose we shall have war with some foe like England or Germany. It might be essential, if the arguments of my friends be correct, that we should increase it to 100 000 men, instead of 64,000 men, as this bill provides. Why not limit the duration of this bill and provide the time when it shall expire? My friend from Iowa [Mr. HULL] says no. It seems to me, from the fact that he objects, that one of the purposes of the act is, as suggested by one gentleman who has spoken, to provide berths and places and stations for the men who are graduates of West Point and to secure their promotion and to give them higher positions.

Mr. SMITH of Arizona. Do you include the Democratic members of the committee in that accusation?

Mr. KING. I did not make the charge against anybody in particular. I did not use the word "committee." I charge upon my own responsibility that that is one of the results of this bill. I do not think this result was contemplated by at least some members of the committee; but I have no doubt from the explanations that have been made that one of the results of this bill will be to enable men in the Army, officers who have no position, to have a position that will be more advantageous than that they now have.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment of the gentleman from Texas.

Mr. GRIFFIN. I ask that it be read again.

The Clerk read as follows:

Amend line 4, so as to read:

"The Army shall be reduced to a peace basis by the transfer in the same Army service, or honorable discharge, under such regulations as the Secretary of War may establish, of supernumerary commissioned officers," etc.

Mr. HULL. Nobody objects to that.

The amendment was agreed to.

Mr. DOCKERY rose.

The CHAIRMAN. Does the gentleman from Missouri [Mr. DOCKERY] desire to offer an amendment?

Mr. DOCKERY. Yes, sir; by way of suggestion. I will not press it if the gentleman from Iowa is not willing to accept it.

The amendment of Mr. DOCKERY was read, as follows:

Strike out "at," in line 2, page 5, and insert "within sixty days after;" so that as amended the clause will read:

"*Provided further*, That within sixty days after the end of any war," etc.

Mr. HULL. I have no particular objection to that amendment——

Mr. DOCKERY. I understand the chairman of the committee does not object to the amendment.

Mr. HULL. I will say, however, I think it is not a good amendment.

The question being taken, the amendment of Mr. DOCKERY was rejected; there being—ayes 36, noes 71.

Mr. KING. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add as a new section the following:

"SEC. 8. This act shall expire by limitation at the expiration of two years from and after the date of its passage."

Mr. HULL. I hope the amendment will not be adopted.

The amendment was rejected.

Mr. SMITH of Arizona. Before this bill is reported to the House, there is one matter to which I wish to call the attention of the chairman of the committee.

The CHAIRMAN. Debate is closed; and this can proceed only by unanimous consent.

Mr. SMITH of Arizona. So I understand; but I think there will be no objection to my making this suggestion. I call the attention of the gentleman from Iowa to the word "soldiers," at the end of line 14, page 4. Is that word intended to include officers?

Mr. HULL. Officers never get extra-duty pay; but under the general military laws soldiers do.

Mr. SMITH of Arizona. That is the point on which I wanted information.

Mr. HULL. I move that the committee rise and report the bill to the House with the recommendation that the amendments be adopted and the bill as amended passed.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 9878) for the better organization of the line of the Army of the United States, and had directed him to report the same back with amendments and with the recommendation that the amendments be adopted and the bill as amended passed.

The SPEAKER. The question is on agreeing to the amendments reported from the Committee of the Whole.

No separate vote being demanded, the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

Mr. HULL. I ask unanimous consent that the bill as amended be printed.

The SPEAKER. In the absence of objection, that order will be made.

There was no objection.

EXPLANATIONS OF VOTES, ETC.

Mr. BINGHAM. I desire to make an explanation as to the RECORD. In the report of the vote taken April 18 on agreeing to the report of the committee of conference on the Cuban resolutions it is simply stated that I was paired with the gentleman from New York, Mr. VEHSLAGE. In connection with that statement I wish to say that I was absent on account of serious illness, and that, if present, I would have voted in favor of agreeing to the conference report.

Mr. MOODY. Mr. Speaker, the report of yesterday's proceedings in the RECORD represents me as having voted on the roll call in the election case (which is correct) and also as being paired with the gentleman from Georgia, Mr. MADDOX. I did not hear the announcement of the pair, and I was not, in fact, paired. I am informed that the announcement was due to a clerical error.

The SPEAKER. The necessary correction has already been made.

Mr. ELLIOTT. Mr. Speaker, I move that the House take a recess until 2 o'clock.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LORIMER, for one week, on account of important business.

To Mr. CONNELL, for eight days, on account of important business.

EULOGIES ON THE LATE SENATOR EARLE.

Mr. ELLIOTT. Mr. Speaker, I ask the adoption of the following resolutions.

The SPEAKER. The resolutions submitted by the gentleman from South Carolina will be read.

The resolutions were read, as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of JOSEPH H. EARLE, late a Senator from the State of South Carolina.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a public servant, the House of Representatives, at the conclusion of these memorial services, adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

The resolutions were adopted.

Mr. ELLIOTT. Mr. Speaker, JOSEPH HAYNESWORTH EARLE, the youngest of nine children, was born at Greenville, S. C., on April 30, 1847. His family was one of the most distinguished in the State, having furnished, through many generations, men conspicuous for their public service. Most prominent among them were Elias Earle, great-grandfather of Senator EARLE, who was a member of Congress from South Carolina from 1805 to 1807, from 1811 to 1815, and again from 1817 to 1821, and was the first Commissioner of Indian Affairs of the United States; Samuel Earle, a cousin, who was a member of Congress from 1795 to 1797; Gen. John Baylis Earle, his great-granduncle, who served in Congress from 1803 to 1805, and Judge Baylis John Earle, a cousin, who was circuit judge of South Carolina for nine years.

Young EARLE, having lost his mother when he was 2 years old and his father three years later, was taken to the neighborhood of Sumter and reared by his guardian. Fortunately for him, no doubt, while treated with great kindness, he was not indulged. His education was gained at the academy at Sumter, to which place he walked 5 miles every morning and back in the afternoon.

In 1864, as was the case with pretty much all lads of the South at that day, when only 17 years old, he enlisted in the Confederate army and served till the close of the war. The same diligence and faithfulness that had made him first in his class at school now distinguished him in the stern ordeal of a soldier's life, and when the war came to an end, although yet under 18 years of age, he had risen to the grade of sergeant. It may be worthy of record that his health, which had been very poor, was greatly improved by his service in the army, and this was a very common experience, notwithstanding the extraordinary privations which the Confederate soldiers had to endure. Whether his army life correspondingly improved the character of our dead friend I am not in a position to state, but I do know that in no instance that came under my observation did that service fail to be most beneficial in that respect. In many instances it simply revolutionized the man. It was a providential ordeal to prepare the Confederate survivor for the stern duties and trials that were soon to confront him. What those trials were will never be known except by those who were called upon to endure them.

The Southern people have never been given to unmanly complainings, and their wonderful success in bringing order out of chaos and prosperity out of ruin has made even the participants in the struggle forget many of its difficulties. Consider for a moment the outlook with which young EARLE was confronted in April of 1865. On the threshold of life, his education cut short, his fortune gone, his influential kinsmen powerless to help him, the social system of his State destroyed, everything in ruins and disorder.

And yet this was precisely the condition that confronted every Southern lad of that day. Fortunately our dead colleague set his face in the right direction; he determined to complete his education if he could. But for this we would not, perhaps, be to-day paying our tributes to him as United States Senator from South Carolina.

In some way he managed to enter Furman University, and by teaching school maintained himself there for two years, at the end of which time he was compelled by want of means to give up the struggle. As illustrating the condition of the times, it may be mentioned that this studious and promising young man, a member of one of the prominent families of the State, could not pay the half of a dollar for a text-book. By hard study, however, he made two years serve pretty well the purpose of a full term, and acquired an admirable education, standing, as ever, at the head of his class.

In 1868 he was elected principal of an academy in Greenville County, and, by devoting his spare hours to studying law, became qualified for entrance to the bar, to which he was admitted in April, 1870, by Hon. James L. Orr, formerly Speaker of this House, then a circuit judge of South Carolina.

He commenced the practice of law at Anderson, where he had married, in 1869, his cousin, Ann Wilton Earle.

In 1875 he removed to Sumter, where his boyhood had been spent, and where he began a career that soon brought him into prominence in the State. He took a prominent part in the exciting scenes of 1876, when there was a fierce contest for mastery between two rival governments in South Carolina, which was settled without bloodshed only by the wisdom and statesmanship of Governor Hampton.

In 1878 and again in 1880 he was elected to the State house of representatives from Sumter County, and in 1882 he was elected her senator, and served for four years with distinction and honor. In 1880 he was a delegate to the national Democratic convention at Cincinnati, and again in 1884 to the convention at Chicago, and was a member of and spokesman for the committee appointed to notify the candidates of their nomination.

In 1886 Senator EARLE was nominated for the office of attorney-general of South Carolina, after a sharp contest, and was chosen at the ensuing election. He was reelected to the same office in 1888, and served the State throughout the two terms with great distinction and success, having an unusually large number of difficult cases to conduct. His high sense of official responsibility was well illustrated by his determination not to burden the State by the employment of special counsel in these cases, although their importance and the practice of some of his predecessors might well have made their employment excusable.

In 1888 quite a determined effort had been made to put Senator EARLE forward as a candidate for the nomination for governor, but he felt bound to decline it, and very honorably did decline it, in consequence of a promise made to the incumbent that he would not oppose him for reelection.

In 1890 Senator EARLE did become a candidate for the nomination for governor, and went through a campaign that has probably never been surpassed for excitement and aggressiveness. The rival candidates addressed meetings in every part of the State amid the intensest excitement, difficult to be understood by people of other States to whom active contests for public office are common occurrences.

There were not many men then living in South Carolina who had witnessed any serious division of the white people of the State as to the selection of officers. Throughout this struggle Senator EARLE had opportunities for displaying the finest qualities of man—bravery, dignity, presence of mind, fine intellectual powers, and great self-control. As he was overwhelmingly defeated in the contest, while I will not on this occasion enter into any partisan discussion, I deem it my duty to say in his justification that it was not because of his advocacy of any erroneous public policy nor of any, even the slightest, smirch on his character, public or private.

As I remember it, he was particularly called upon to defend the State administration, of which he was a member, and he did this most successfully. Later on he was urged to head an independent ticket against the Democratic candidates, but this he very promptly and properly declined to do.

In 1894 Senator EARLE, having in the meantime moved to Greenville, was elected by the legislature one of the circuit judges of South Carolina, always a position of great honor. Having

been for years a laborious lawyer, then for two terms a very successful and hard-working attorney-general, and having fine intellectual abilities and the qualities best suited for the bench, Senator EARLE at once took a leading place among the judges of the State. He presided with great dignity and calmness, was most courteous in his demeanor to everyone, was patient in hearing argument and most careful to make himself familiar with and thoroughly understand every detail of the case, and, more than all, he had a most accurate knowledge of decided cases, and a thorough comprehension of the principles of the law.

I take it that conscientious discharge of every duty was the most conspicuous and valuable trait in Senator EARLE's character, and this it no doubt was that at once established among the people his reputation as an admirable judge and secured for him at their hands his last and highest honor. After being only two years on the bench, Senator EARLE became a candidate at the primary election for the Democratic nomination for United States Senator, which necessitated a second time his canvassing every county in the State and involved him in another sharp contest, in which he was successful, though not until a second election had been held to decide the result.

This nomination, it must be understood, was made not through the medium of a convention, but by the direct vote of the people, and, as the nomination was equivalent to an election, Senator EARLE was substantially elected to the Senate by a direct vote of the people—probably the first instance of the kind in the history of the country, and the amplest vindication of the wisdom of giving to the people themselves the selection of their highest officers.

Hardly had Senator EARLE taken his seat, in March, 1897, before he became seriously ill, making it necessary for him to return to his home at Greenville, where for a month he made a vain struggle for life. The end came on the afternoon of the 20th of May, 1897. To use the words of another, "The night before he had each member of the family come in and kiss him 'good-bye;' and he remained in full possession of his senses until the very moment of death. Asking that the window be opened so that he might see the green trees and sunshine, smell the flowers, and hear the music of the birds, and taking his wife's hand in his own, he looked up and smiled, just as a beam of sunshine lit up his countenance; then closed his eyes, folded his hands on his breast as though in prayer, and in an instant was no more."

So he passed away upon the very threshold of the great position to which his State had elected him, just as he had reached the height of his ambition. It seems almost tragic that it should have been thus—that after years of toil and struggling with so much fierce antagonism in his upward career, he should have been cut off just as he had worthily won the place in which, secure from strife, he could render his people his very best service.

Senator EARLE had in early life joined the Baptist Church, and continued to the end a consistent member of it. His family life was of the happiest; he was devoted to his home; he loved and cherished all within it, and he was loved by them with deep and strong affection. His death was a grievous loss to the State; to his widow and children it was an unmeasured calamity.

Had Senator EARLE been spared to serve his people in the Senate no one can doubt that he would have added greatly to his reputation and to the honor of his State. His life had been a busy one. He had never been idle. He had worthily won and worthily worn all the honors that had come to him. He had faithfully discharged all the varied duties of the offices he had held, and he entered the Senate fully equipped for most distinguished service. He had never before failed to gain new honors with each new trust. His people had high expectations of him, and he knew it and would never have disappointed them. May our State long be spared such another disaster as was his untimely taking off.

Mr. HAMILTON. Mr. Speaker, JOSEPH H. EARLE, lawyer, legislator, just judge, United States Senator, and always gentleman, died at his home in Greenville, S. C., Thursday, May 20, 1897.

He fought his way from orphaned boyhood to manhood.

He began life in fortunate poverty.

He became a teacher in order to earn the means to complete his own education, and in imparting knowledge to others fixed in his own mind the important fundamental basis of his own knowledge.

Not being born to affluence, he was not surfeited into idleness and irresolution.

Driven by necessity, he was strengthened by the effort he was compelled to make.

Satiety has its drawbacks. The tissue weakened by fatty degeneration is good for a struggle of no kind.

The discipline which makes stalwarts is not casual, dilettante effort.

The iron on the anvil and the human life are shaped to usefulness and forms of beauty by fire and steady hammering.

The rude lines in which Dickens interprets the sound of the hammer on the anvil have a wider significance:

"Beat it out, beat it out, with a blow and a shout, beat it out."

JOSEPH H. EARLE fought the fight out bravely.

He preferred the race, the contest, the quick-drawn breath, the swift blow and counter, the quick play of eye and hand and brain, yea, even defeat, in a battle well fought.

He was one of those who would rather "sing the song of the vanquished" in heroic, sinewy, brainy effort than dawdle in comfortable repletion.

He used his talents.

He responded at the call of opportunity.

He toiled to eminence, and when at last he stood where ambition had lured him, death summoned him.

I was one of those who followed to its final resting place the body of him who had been but a few days before a United States Senator from the proud State of South Carolina.

On our way from the nation's capital to Greenville we passed through regions marked by battlefields where once had glowed the camp fires of two great wars, where names of stations stirred memories of history not yet ancient but now lapped and overlapped by the swift sweep of events.

Through regions where colonial heroes, roused to the full stature of liberty, fought for a cause whose then dimly foreseen future we live our little day in.

Through regions where Washington and his compeers, "nobles by right of an earlier inheritance, and priests by the imposition of a mightier Hand," had lived and thought and fought—had felt the fierce joy of victory and the sharp sting of defeat, and then, like him whose body lay in state at Greenville, insensible to reverence or respect, had gone their way to "dusty death."

A little farther southward Whitney thought out the thing that crowned cotton king—the invention that ranks among the causes of the greatest war of modern times, and which human littleness and cupidity almost stole from him.

Of all these—thinkers, statesmen, and warriors—who aspired to revise the chart of science and of nations little is left but broken vestiges of daring footsteps.

Fifty years from now how many people in the United States are there who will remember, strong as he was, high as he had climbed, the Senator whose body was being borne to its burial; who will remember the gentlemen who followed his body to the grave?

Verily, "Man giveth up the ghost, and where is he?"

I remember well the day of the funeral, the old church, the earnest sermon, the solemn music, and, finally, that last beautiful scene beside the open grave, when all those who stood near joined in singing that hymn of hope and consolation, "Nearer my God to Thee." And again the sunset sky was brightened by the bow of promise. Again death was robbed of victory.

Peace and Faith were there because again, as thousands of times before, the awful sorrow of parting between husband and wife and father and children had been assuaged by Paul's words, "This mortal must put on immortality."

That night in the old churchyard at Greenville one mound was there which had not been before.

"Time, burrowing like a mole below the ground, marked his track by throwing up another heap of earth."

But above that grave in the solemn stillness the words of Paul had again lifted up the hearts of those who listened, and late into the night, mingled with the rush and roar of our returning train, the words kept recurring:

"For if the dead rise not, then is not Christ raised:
And if Christ be not raised, your faith is vain."

What of our pitiful hope—our puny achievement?

What even though we reach above the level of everyday heroism, which begins with work and ends with enough to eat?

What even though we attain position, if oblivion awaits us?

To the wife and children who mourn his loss what consolation is there that he wove the purple of his own power—what consolation in the withered leaves of his civic wreath?

"As the breath of the oxen in winter:" as the quick star that runs along the sky; as the little shadow that loseth itself at sunset; such is the order of our being; the order that passeth away.

"If after the manner of men I have fought with beasts at Ephesus, what advantageth it me."

What though we fight the beasts of passion, dishonesty, and cupidity, and all the tigers that lurk in the jungle of the human brain, "what advantageth it us, if the dead rise not?"

"But thanks be to God," Paul's argument and its glorious transforming conclusion give new value to life;

Make discipline valuable;
Make suffering logical;
Lay stress on what we are, not on what we do;
Give consolation to the wronged,
And make great the humble in spirit.

All that we may make or win of wealth or glory here is of no

moment in the republic of the grave or the kingdom of heaven, but the vital question is, "What is the state of the soul at the last?"

If Christ be not raised, then is our faith, our work, our struggle vain.

Mr. TERRY. Mr. Speaker, in the noonday of his usefulness and fame an honored public servant was stricken down. In the midst of the busy cares of official life his fellow-servants pause for a moment to pay a tribute to his worth.

Eulogy, Mr. Speaker, is kind speech, but it is seldom just. It says too much or it says too little. Of a character like that of Senator EARLE too much can not be said. He was truly an honest, just, and manly man.

He was with us here but a brief time, but during that time I became quite intimately acquainted with him. We boarded at the same hotel. From the time I first saw him I felt drawn to him by that subtle and mysterious mental force which often compels us to like or dislike persons without knowing why. He was a true type of a Southern gentleman in all which that time-honored phrase implies. He was noble in nature, as well as name, and might well be classed as belonging to that glorious order which—

Since the days of old,
Has kept the lamp of Chivalry
Alight in hearts of gold.

He had won and was worthy of the respect and honor of a gallant and noble people. He was descended from a family which was always prominent in South Carolina. His ancestry was distinguished not only in this country, but in England, and many of them rendered gallant service in the war of the Revolution, battling for freedom side by side with Washington and "Light Horse Harry Lee." He was born April 30, 1847. In 1864, at the age of 17, he enlisted in the ranks of the Confederate army and discharged in the fullest measure the duties of a soldier. The close of the war left him in poverty, and he had to rely upon his own exertions for support and education. He chose the law as his profession, and was admitted to the bar in 1870.

In 1878 he was elected to the house of representatives of South Carolina. In 1882 he was elected to the State senate. In 1886 he was elected attorney-general of South Carolina, and in each position served with marked ability and distinction. In 1896 he was elected to the United States Senate. He was sworn in on the 4th of March, 1897; but, his health failing, he left Washington about May 1, and died May 20. His service in the United States Senate was perhaps the shortest of anyone ever elected to that illustrious body. His feet had hardly crossed the threshold of the realization of his highest hopes and ambition when he was stricken down. Truly it has been said, Mr. Speaker, "What shadows we are! What shadows we pursue!"

As shadows cast by cloud and sun
Flit in the summer's grass,
So in Thy sight, Almighty One,
Earth's generations pass;
And as the years, an endless host,
Come pressing swiftly on,
The brightest names that earth can boast,
Just glisten and are gone.

There is but one thing certain in life, Mr. Speaker, and that is death. All else is wrapped in cloud and obscurity. At the entrance to life and at its exit "there sits the veiled form of Mystery," instinct with desire and hope, but silent as marble, and with revelation frozen on her lips. So long, however, as there is a cradle or a grave on earth, Faith and Religion will endure; and it is a basic principle of Christian faith that "the living strive, but the dead alone are glorious."

In life he was a true soldier; and when the final summons came, he was not afraid, but heroically, as ever did knight of the Cross, he saluted with a stainless sword the spotless majesty of the risen Christ and bowed his head to death.

By appointment of the Speaker, I went to Greenville, S. C., as one of the committee of the House to attend the funeral of Senator EARLE. I could readily perceive that he had not only received the honors, but had won the devoted affection of his constituency. From what had lately been his happy home, we bore his remains to the Baptist Church, where he had always worshiped.

The sermon of his pastor was short and simple in its wording, but grand in its conception. It suggested far more than it said.

We stand—

Said he—

in the overshadowing mystery of death, a mystery which no human philosophy has been able to relieve of its gloom. * * * A noble and beautiful life has been cut short in the hour of its supreme usefulness. We thank God there rests upon it no stain of dishonor. In it truth has not been sacrificed, and courage has not faltered. * * * He trusted the Lord Jesus Christ, and was considerate of his fellow-man. He gave his distinguished abilities in faithful service to his country. He had a high and worthy ambition and rose by patient, persevering effort from the common walks of life to the highest honor in the gift of his State, and died in the fullness of his powers.

It was a noble tribute, Mr. Speaker, to a noble man. Nothing could have been more appropriate than the beautiful hymn that was sung on that occasion:

Ere we reach the shining river
Lay we every burden down;
Grace our spirits shall deliver,
And provide a robe and crown.

Listening to that short but eloquent sermon and beautiful hymn, and contemplating the character and career of such a man as Senator EARLE, I felt that death to him was but the entrance to a higher life; that this huge earth, with its over-arching sky and mighty dome, lit with the sun by day and by night "fretted with the fires of golden stars," is but a vast Westminster that gives shrine and tomb to all the noble dead, who, having served the will and purpose of the King of Kings, have laid down life's honors to receive from His hands the guerdons of eternity; and when in the hush and reverent silence of the vast multitude, gathered there to do honor to his memory, we had consigned his body to the tomb and turned away, my heart again and again prompted my lips to repeat the sentiment:

Speak no more of his renown;
Lay your earthly fancies down.
In the vast cathedral leave him;
God accept him, Christ receive him!

Mr. TALBERT. Mr. Speaker, "In the midst of life we are in death." Often in the fitful pauses of busy life we are called upon to solemnly reflect upon the departure of relatives, friends, and associates; and now, in accordance with a time-honored custom of Congress, we pause in our proceedings to-day and turn aside from the regular routine of business for a few moments to pay our last respects to one of our departed friends and coworkers at the other end of the Capitol—the late junior Senator from South Carolina, JOSEPH HAYNESWORTH EARLE.

In his death our State has lost a faithful and able representative and the United States Senate a very useful and valuable member. Had he been spared a sufficient length of time, I am sure his career in the Senate would have been one of credit to himself and honor to his State. But, as has been suggested by one of his colleagues, his Senatorial career is perhaps the shortest one in the annals of that body. Only about eight weeks was he a member thereof, having been sworn in the 4th day of March, 1897, and died the 20th day of May following.

But brief as was his service in that body, he had time enough to endear himself to its individual members and to reveal to them the possibilities of the man. While there he made only one speech, and that a very brief one, taking not more than five minutes' time. But those who had the privilege of hearing it, I am told, were most favorably impressed thereby. While he observed all the courtesies of that august and dignified body, he at the same time showed that he had opinions of his own and knew how to express them and was not afraid to do so.

Death, under almost any circumstances, is sad, but peculiarly so was the death of Senator EARLE. He was a man of excellent parts, great capabilities, and lofty ambition. But just as he had entered the field of what appeared to be his greatest usefulness, just as he had reached the goal of his ambition, he was cut down—cut down like the flower of the field that to-day blooms and gives out its fragrance to all about it, and to-morrow is gone. And he leaves behind a devoted wife and nine children to mourn his loss. Surely they ought to have, and do have, our most profound sympathy, for God has called away from them and us a brave soldier, an able jurist, and a true representative of the people. I never had the pleasure of visiting him in his home, where he was surrounded by a most interesting family, but those who have say he was a true and faithful father and a kind and loving husband.

Like many others of our most useful men, he was left an orphan boy at the tender age of 5 years, and he fell into the hands of a Christian aunt, by whom he was brought up. The property left him by his father, who was a wealthy lawyer, having been squandered, we are told, by a reckless guardian, he came to know something of the hardships of life. He was brought up on the farm and had to do farm work, only receiving a common-school education. When the war first came on, he was too young to go in, but in April, 1864, he enlisted in "Charles Battery" and served to the end. After the war he began teaching school, and by this means raised money enough to attend college, and he entered Furman University, Greenville, S. C., where he received his higher education.

He again taught school and at the same time read law and was admitted to the bar in 1870, and afterwards engaged in the practice of his newly chosen profession, which he continued to do till the time of his death, whenever his official duties did not conflict. In his law practice he met with decided success, and the only speech he made in the Senate during his short term of service there revealed the fact that he had become an able constitutional lawyer.

Although Senator EARLE was in the United States Senate only

about eight weeks, he was no novice in legislative work. He had had six years of legislative experience long before he came to Washington. I had the honor to serve with him during four of these six years in the house of representatives and State senate of our State—from 1882 to 1886. He had already been in the lower house from 1878 to 1880. During these four years of colegislative work I always found him courteous and fair, open and frank, but able and determined in the advocacy of any measure that he championed. It was there that he laid the foundation for his later and merited promotion to the office of attorney-general of his State. He was elected to this office in 1886, just at the close of his service as State senator, and he discharged its duties with rare ability, and there made a record for himself that any lawyer might well be proud of.

In 1890 our State underwent a political revolution that submerged General EARLE in defeat in his notable campaign for the governorship against our present senior Senator. In this campaign he was unfortunate and happened to be on the wrong side, but he certainly made a wonderful and manly fight, considering all the circumstances. While he saw and knew himself doomed to defeat, he never wavered or faltered, but fought squarely on to the finish. A most gallant fight it was. It revealed the fact that he was made of the right sort of stuff to serve his people in any position with which they might see fit to honor him.

After this defeat he did not "sulk in his tent" or split off from his party, but, like the true man he was, he put his shoulder to the wheel, and, falling in with the wishes of a majority of his people, did all in his power to carry our Democratic standard to success as against an independent movement that was unfortunately inaugurated in our State at that time. He bore his defeat like a man, and here he again laid another foundation for promotion, which placed him in the circuit judgeship of the Eighth judicial circuit, in which capacity he was yet serving with distinction and ability when his people saw fit, through their chosen representatives, now to elevate him to the highest office within their gift—that of United States Senator.

But, alas, hardly had he entered upon the discharge of its responsible duties when God, by a strange providence of His, but in infinite wisdom, called him from the stage of human action and took him to Himself, and we are left to lament his departure. But why should we mourn? For our friend and brother is infinitely better off, and our loss, after all, is only heaven's gain, for we have the assurance that he was a Christian man and not afraid to die. This should be very consoling indeed to his colleagues, to his friends, and especially to his loved ones, from whom he has taken his final departure.

His Christian example was one worthy of imitation, for we feel sure that in all his undertakings he had an eye single to the honor and glory of his Master, and that amid all his trials and changing and perplexing circumstances, and in spite of his lofty ambition to make a name for himself, and to write his name high on the roll of fame, he never forgot his God, and his duty to Him. But rightly realizing that the real and true object of life, after all, is to prepare for death, he lived the life of a devoted Christian, and simply fell asleep only to awake in a better land.

Just here, Mr. Speaker, I feel that I can do no better in my attempt to express my sentiments relative to our departed friend than to read an extract from the language of the officiating clergyman at his funeral, which is as follows:

> We stand under the overshadowing mystery of death, a mystery which no human philosophy has been able to relieve of its gloom. In this instance its darkness has been intensified by the peculiar circumstances in which the stroke has fallen. A noble and brilliant life has been cut short in the hour of its supreme usefulness. We thank God that there rests upon it no stain of dishonor.
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> In it truth has not been sacrificed and courage has not faltered. Death has put a period to a career in the private and public vicissitudes of which there has been consistently maintained a bearing which suggests in the fullness of the original meaning that fine old designation, gentleman. He feared God and feared no man; he loved righteousness and scorned every mean thing; he trusted the Lord Jesus Christ and was considerate of his fellowman; he gave his distinguished abilities in faithful service to his country. He had a high and worthy ambition, and rose by patient, persevering effort from the common walks of life to the highest honor in the gift of his State, and died in the fullness of his powers.
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> But out of respect to his known wishes I can not extend these remarks. His record is before God and before man. It is for God to judge; it is for us to cherish precious memories and be stirred by his example to high endeavor, and in the sorrow which we can not but feel, to listen not to the vain speech of man, but to the words of Him who speaks out of the unknown and eternal with infinite knowledge and love, and whose voice alone can bring comfort and peace to broken hearts.

Thus, as a soldier is stricken down sometimes in the final hour of triumph, so fell General EARLE with his newly won honors but barely grasped and his wreaths and laurels gained only that they might wither and die on his grave. In thinking of him, I am reminded of Curran's felicitous words touching the royal blood of Lord Edward Fitzgerald: "More noble than the nobility which first ennobled it, which, like a rich stream, rises till it hides its fountain."

No darts of detraction were ever hurled at his character, which resembled a polished mirror in which the world could see the whiteness of his soul. Greater was he in approaching death than he was in life, being able to say with Paul, "O death, where is thy sting? O grave, where is thy victory?"

And when we carefully consider his life and his remarkable career, along with many others of a similar type—how he rose from obscurity to prominence, and that in spite of obstacles and many adverse circumstances—we are forced to acknowledge the truthfulness of the little verse that says:

> Lives of great men all remind us
> We can make our lives sublime,
> And departing, leave behind us
> Footprints on the sands of time.

Mr. LANHAM. Mr. Speaker, for the third time during the course of my Congressional service, it devolves upon me to speak of South Carolina's dead. First Evins, then Stackhouse, and now EARLE have all been taken away in the midst of useful public life at this Capitol and called from time to eternity. No grief can come to South Carolina and its people that I do not share, no loss that I do not deplore. That State is my ancestral home, and holds the ashes of my kindred. Five generations of my people are represented within its cemeteries.

The death of Senator EARLE was a severe stroke to South Carolina. Were we to judge from a human standpoint, it came most inopportunely, and ended a career which promised much to his State and country. Much was expected of him, and we have no reason to doubt that had he lived, his future course and conduct, as his past had done, would have fully justified the aspirations of his friends and received the approval of his people. Coming to the Senate when he did, and under the circumstances that marked the political victory which brought him there, his entry upon his new engagements was of more than ordinary significance. His introduction to Federal politics was at that period of his life when his intellectual power was most vigorous, when his discretion was mature and reliable, when youthful impetuosity had been supplanted by graver contemplation, and when he was prepared, as the result of experience and observation, to act with ripe judgment and sound deliberation.

He had passed the period when any solicitation to notoriety, or temporary triumph, or more selfish exploitation could dominate his action. He had reached the point where soberness of thought, soundness of propositions, accuracy of conclusions, and stability of purpose were most consulted and observed; where the best capabilities of his head and the highest qualities of his heart asserted their appropriate functions.

He was a man of sterling character, one who could be trusted in all important concerns, who was worthy of private confidence and entitled to public esteem. Personal ambition and desire for prominence were with him subordinated to the greater question of duty, and the cause and consequence were of more moment to him than individual exaltation.

His death was to many of us wholly unexpected, and came at a time when, from poor finite judgment, the greatest work and usefulness of his life lay out before him. Little did we imagine when we met him here that his taking off was so soon to come. The dispensation which removed him is to us inscrutable.

Of his acts as a Federal legislator but little can be said. His time and service were too brief to afford suitable opportunity for the full development of his aptitude and capacity for such work. No man, however strong and comprehensive his intellect may be, can, within the period to which he was limited in the Senate of the United States, demonstrate the full measure of his power, or conspicuously impress his personality on that great body. From what has been said of him by his associates there, it is gratifying to observe that he readily invited their highest esteem and consideration, and made easy approach to their respect and confidence. His antecedents and mental equipments are a complete guaranty to what he would have discovered in adaptability to and efficiency in the high station to which he had been called.

Perhaps no estimate of a man's real worth is so certain and reliable as that which is placed upon him by those among whom he has lived the longest, by his immediate neighbors and those with whom he has intimately mingled for years in daily intercourse. A man is always best known and understood at home, and if there he be above reproach and invulnerable to adverse criticism, if those who have had opportunity to observe and introspect his uniform course and character, his goings out and comings in, can testify to his merit, he has an unfailing certification which is entitled to full faith and credit wherever he may go and by all with whom he may come in contact. Tested by this rule, Senator EARLE was worthy to receive the utmost consideration. His people loved and trusted him.

I shall never forget the impressive scene of his funeral—the gathering of his neighbors to pay him final tribute. They came representing every walk and condition, white people and black, old and young, to do him the last sad honors. From every lip fell words of tenderness and regard, every tongue affirmed his praise, and every heart evinced its sorrow. No higher testimonial

of a truly good man was ever offered than that bestowed upon him by his pastor, whose words have been reproduced by gentlemen who have preceded me. I listened to these words with extraordinary interest, and felt that they epitomized the true nobility of human character, leaving nothing more, nothing better to be declared.

To live the life of the good and to die the death of the righteous should be the highest aspiration of all mankind. The "toil for triumphs of an hour," to "wade in wealth or soar in fame," to struggle for and receive the plaudits of the world, the utmost temporal achievements are vain and satisfy not when the time comes for the final transit of the soul. When called to "walk through the valley of the shadow of death" only "the rod and staff" of the Master can bring comfort.

Was he prepared to die? This is a question which, whether uttered or unexpressed, is of supreme importance, and always presses itself upon our attention when those we know and love are taken from us. We have heard it asked from our childhood. If surviving friends and relatives can feel assured in an affirmative answer, much of solace is afforded, and resignation to the Divine will is made more easy. It is comforting, indeed, to believe that our departed friend was ready for the summons. That he was finally faithful, entitled to the Christian's reward, and now awaits in the better, brighter land a joyful reunion with the loved ones who are to follow, is a sweet and abiding consolation.

Mr. Speaker, the frequency with which death has visited the membership of the Fifty-fifth Congress, and of which the sad scene we have just witnessed in the Senate Chamber and the ceremonies there observed upon the recent death of Senator WALTHALL are a forceful reminder, should convey to us all a solemn admonition. It is an old saying that "all men think all men mortal but themselves;" but we must know that ere long we shall all go hence, and that the dread mortality common to all humanity shall in each of us discover a victim in its own way and at its own time. To those of us especially who have passed the half-century mark by the calendar, and who realize that the middle milestone in the journey of life is behind us, the thought of death is serious and the necessity for preparation is apparent. It will not, it can not, be long until we shall all reach the end. May it then be said of us, as we believe it can now be affirmed of him whose virtues we here commemorate, "He was ready and prepared to meet his God."

Mr. LATIMER. Mr. Speaker, the late Senator EARLE, whose memory we recall, and to whom we pay tribute to-day, was born in Greenville, S. C., on April 30, 1847. At the age of 2 years his mother died. At 5 years his father died. He was taken by his aunt, Mrs. Heriot, to her farm in Sumter, and cared for as her own child. He was trained by the hardships of farm life to that untiring energy and close economy which so aided him in achieving the success to which he attained in the hard struggle that ended only when death came. His early education was acquired under trying disadvantages, having to walk to school 3½ miles. When 14 years of age he had a serious accident. While riding a spirited horse on one occasion, the animal fell, breaking his leg in three places, causing him to be an invalid for more than a year. After his recovery he joined the Confederate army in July, 1864, and made a gallant soldier.

Ardent, courageous, patriotic, and loyal to his State, he grasped the sword in her defense. Through hardship and untold privations he followed the immortal leaders of the Southern army, amid the vicissitudes of fortune, to their final defeat.

After the war there was nothing in the outlook of the country nor in its social and political condition to animate or give buoyancy to his youthful spirits or to guide him to an elevated plane of manhood and usefulness. His aunt's house lay in the track of the Union Army, and desolation all around, and a thorough social upheaval, united with a galling oppression from without, tended to make the prospect cheerless and hopeless. But that manly courage which he inherited and hardihood acquired by his experience as a soldier qualified him for the conquest of adverse conditions and for his final triumph over all discouragements. Among his most striking characteristics was self-reliance, and it stood in good stead at this trying period.

His education was meager, such only as he had acquired in the common schools. Realizing the importance of education, he entered Furman University, and there pursued his studies until forced to leave college because his meager means were exhausted. Not having sufficient money to complete his education, he taught school for two years, thereby making money with which to pay, in part, obligations contracted at the university. During this time he studied law. In 1869 he married his cousin, a daughter of Col. John Baylis Earle, of Anderson County, and moved to Anderson, and there began the practice of his profession. After one year's residence in Anderson he moved to Sumter, S. C., and there, among the friends and scenes of his childhood, continued his career as a lawyer and public man. He took a prominent part in the memorable political campaign of 1876, when the State was redeemed from carpetbag rule.

He was elected in 1878 to the lower house of the legislature, in 1882 to the State senate, and in 1886 he was elected attorney-general. In 1888 he was offered the nomination of governor, but declined on account of pledges to his friends. In the memorable campaign of 1890 a thorough canvass of the State was made for the office of governor by Captain Tillman and General EARLE, when political feeling ran high and thousands of admiring friends greeted the noted South Carolinians at each county seat in the State. When public sentiment was largely against Senator EARLE, the manner in which he met his opponent and the manly courage and heroic faith in the cause he championed won for him the respect and admiration of all who witnessed the contest. Though defeated for the office of governor of South Carolina, his manly bearing in defeat so endeared him to the people of the State that at the first opportunity—in 1894—he was elected circuit judge by a legislature composed largely of his old opponents. In 1896 he was chosen to fill the highest office in the gift of his State—that of United States Senator. He took his seat March 4, 1897, and died May 20 of the same year.

The people of South Carolina expected much of Senator EARLE in his new field. Nobly endowed, with a character untarnished, devoted to his State and to his people, we had a right to expect much of him. Those who differed from him still entertained for him the most marked respect. His powers in debate were of the highest order. He was always cool and clear-headed and often aggressive. His courage was unsurpassed, as his supporters and opponents will alike bear witness. His honesty was unquestioned and his conduct was always above reproach. His experience as a lawyer and judge made him conservative and fair-minded. He never descended to low personalities when engaged in controversies nor assailed character when in partisan warfare. Vituperation was foreign to his nature.

His public record covers a period when courage, high ability, and absolute integrity were required to meet grave and important exigencies. It is a proud satisfaction to know that his connection with the history of South Carolina and the part he bore in all these trying emergencies were wholly honorable to himself and conspicuously serviceable to his State and country. His was a changeless sincerity. He was never in disguise. He was the soul of honor, and had a contempt for anything mean or sordid. So highly endowed was he by nature and with so many estimable traits, he was particularly fitted to discharge the duties of the exalted positions to which he was called by an admiring people. He enjoyed the companionship of friends and made it pleasant and enjoyable for them to be with him. High-toned, manly, and dignified in manner and conduct, he treated everyone, both high and low, in the way becoming a gentleman, and he expected like treatment in return. He was a genuine type of the best element of the South.

He was called apparently before his work was finished. He did not die of old age, nor of lingering decay. Death came to him in the fullness of his powers. Step by step he had climbed the ladder of fame and filled each station with great ability. He had just reached the goal of his ambition when elected to the United States Senate. However, the full measure of his capabilities had not been reached, and his career was prematurely brought to a close by an untimely death. He was an active worker up to the very close of his life. When the end came, there was no stain upon his name and his fame was undimmed. His name will survive long in the history of his State and the country.

As has been well said, "the history of man and human progress is a story of sacrifice, devotion, and self-denial. As we look down the ages and let pass before the view the toils and the struggles, the failures and the successes, the lights and the shades of human character and efforts, and, above all, when we look into our own souls and try to square ambition with achievement, desire with consummation, hope with possibility—aye, all the contradictions and paradoxes of conduct and aspiration—we rise from the contemplation with the conviction that through all these there is a higher destiny."

Mr. Speaker, that this noble man spent nearly fifty years in the battle of life, and a large part of that time in the public service of his State, and passed through the most heated political contest known to South Carolina, or to any other State, and with a large majority of his people against him, and yet not one charge of any kind was ever made affecting his honor, integrity, or ability, marked him as one of the noblest works of God—"an honest man." No South Carolinian ever felt that the honor or dignity of his State would ever be lowered while intrusted to JOSEPH EARLE.

He was of the solid, even-tempered, well-balanced order of men, to whom only can the safety and perpetuity of great interests and

the grave responsibilities of guiding a great country be confidently intrusted. For the emulation of youth a nobler example than our deceased friend has left us can scarcely be presented.

In his death the State has lost the service of one of her truest sons; the nation a statesman of the greatest promise.

Fortunate are we if this pause in the busy duties of public service shall aid us in making ready, as was Senator EARLE, for the call that came to him, and which will surely come to each of us. Would to God we had more such characters in public life—men who love the truth and spurn pretense; men who love God and whose lives mark their devotion to His precepts.

Mr. BARROWS. Mr. Speaker, on such an occasion as this we are all on the same side of the House, and our unity is the unity of sympathy and friendship. It is not for me to-day to frame any formal epitaph. It is for those who have known and loved Senator EARLE to chisel the polished eulogy which shall be the true monument to his life and service. I only wish, as one who stood by his grave, to drop a little clod of tribute. My acquaintance with him was as transitory, as flitting, as might be the passage of a bird over his grave.

I saw him but twice; once in an hour which must have been to him, as it was to me, one of the most solemn hours of his life, the hour in which he took the oath of office in the Senate. When I saw him again, it was not really to see him. He lay there in the home which was his sanctuary of affection, and the light had gone from his eye. He was not there. And so it would not be for me to speak very much of a man whom I knew so little, and I do not like the mere perfunctory tum-tum of the hired mourner.

But there are two ways of knowing men. We may know them personally and directly. We may come to bask, as it were, in the full light and sunshine of their personality, and we may know them also as their lives have been conducted through the lives of others, and that is the way in which we must know many men. It is a joy, of course, to have the first hand and immediate acquaintance with those who come within the range of our own lives, but in many lives we can only feel their power as they are conducted through the lives of others. That is the way in which our lives are brought into range with the great lives of history.

The names of the great men of America—Washington, Jefferson, Madison, Monroe—are just as real to us as the names of any who live about us, and their lives are incorporated in the solidity and perpetuity of our institutions. They are also conveyed to us from year to year, as they will be to others from century to century, by the influence of their character. So it is as we see men from time to time. We see not only the men themselves, but we see those who have influenced their lives. We see the life of the teacher who has helped mold the man. We see the life, perhaps, of the preacher to whose sermons he has listened. We see the life of the mother that has been taken up and incorporated into the life of the man and is exhibited in his tenderness, his conscientiousness, and other traits which make him worthy and honorable. Thus, when we touch men at any point, we find other lives revealing themselves through them.

So I have felt, Mr. Speaker, although I did not know Senator EARLE, although I could only give, as it were, a mere kodak impression, a mere flash-light impression of his face and all its refinement of character, and must leave to others the portraiture with all its truthfulness of delineation and color, yet I felt that I got a very definite impression from his character by going to his home, by entering into the State where he was known and loved, and where he had made such a mark. One could hardly pass into that town, one could not leave the train, without feeling at once that he was in an atmosphere which had been made warmer by the life of this man, and made clearer, too, by his own perceptions of truth.

Then there was the testimony of others, and how generous that testimony was. Some of it was intended for my ear, and some of it was not. Much of it came unbidden. The gentleman from Arkansas [Mr. TERRY] has spoken of eulogy as the kindly, pleasant word, but in political life there is a good deal of cacology; there are a great many words that are not kindly words, and the contest is severe and bitter. So it is all the more significant that one could in his own State get the testimony of men who stood over against him. Generous foemen they were, and as generous in giving their tribute to his honesty, to his manliness, to his conscientiousness, which the gentleman from South Carolina [Mr. ELLIOTT] has referred to as being perhaps the most distinguishing trait in his character.

It was delightful to get this testimony. Then there was the silent, almost wordless, tremulous testimony of those who stood near and dear to him in his own home, that testimony that comes not in formal utterances, but which you feel in the very atmosphere of the place. It was a joy to me to feel that he had left behind him those stalwart young men who could stand up and encourage and strengthen, by their sympathy and manliness, the dear mother who needed their help and strength in that hour. That was a tribute to his character as a father.

Other gentlemen have referred to the tribute of his pastor, to his fidelity as a Christian in the relations in which he was brought, and we have just had a delineation of many of the striking features of his character in public life, showing how honest, how elevated, and how generous he was.

Mr. Speaker, while we have been called upon to-day, especially by the gentleman from Michigan [Mr. HAMILTON], to think of the consolations which we are obliged to invoke from the life beyond, and while I know how those consolations need to be invoked in the sad hour when we think how transitory life is and that many lives must get their main reward from beyond, yet it is an immense satisfaction to me to think that the influence of a life like that of Senator EARLE is not lost now and here, but that it goes on propagating itself, making itself felt in civil life, in the community where it was lived out, and is carried down as a blessed and precious memory. I do not ask the question, then, whether such a man was prepared to die. The single thing I ask was, Was he prepared to live? And when I have that testimony, that seems the whole, all that is necessary.

I think the members from this House who went down there, as they have thought of the scene in the home and in the churchyard, where there was a requiem of birds, with the fragrance of the flowers under the new-leaved trees—I think they thought there was some compensation in death. Death brings its separation, but does it not also bring its unity? My friend from South Carolina said he would be glad to have some one go down from Massachusetts, because the feeling between South Carolina and Massachusetts was a strong one, an old one, and a tender one, which had survived all the severity and hardships of war.

And it was a glad thing, though a sad thing, that I could go down and have the honor of representing the State of Massachusetts, and could feel, too, as did my friend, that in this separation and the stings of death there was an opportunity for a new unity between these two old States, which are symbolized not only in the stars in the firmament of our flag, but also in its stripes. Mr. Speaker, there is no State in the Union, I think, where such virtues as made up the character of Senator EARLE are more appreciated, more honored, than in the State a part of which I have the honor to represent. Massachusetts does honor and will honor conscientiousness, generosity, and nobility in civic life. We are told by the apostle that—

> None of us liveth to himself, and no man dieth to himself.

So it is to me gratifying to think that this man did not live for himself; that the life was diffused; that its fruitage has gone into the community and can not be lost. We know it is taken up into the life of the State and becomes a part of its heritage. A good man does not live to himself, and he does not die to himself. We ask the question sometimes in our sober moments whether life is worth living; and there are some lives which make the problem difficult. But such a life as that of Senator EARLE is in itself sufficient answer. When we see that he struggled and triumphed over difficulties, that he rose step by step in the estimation of the community, and won one victory after another, and at last honorably reached one of the highest places of public life and then passed away in the full estimation of mankind, that certainly we know is a life worth living. I find in him, Mr. Speaker, but another interpretation, another worthy illustration, of the nobility of Southern chivalry.

Mr. STOKES. Mr. Speaker, we do most honor ourselves when we bestow upon the honored dead the just meed of praise. For the purposes of earthly existence that praise, however high and however worthily bestowed, is powerless to benefit the departed spirit. The word of praise and appreciation sparingly uttered or wholly withheld when it would have been priceless for inspiration to noble achievement falls now upon deaf ears. The pulses that might have thereby been thrilled with nobler aspiration are now dull and unresponsive. And yet it is not a fruitless function that we perform to-day.

The tribute bestowed upon the worthy dead, like the quality of mercy, blesses the giver as well as the beneficiary. Our own hearts and minds are chastened and subdued by these solemn pauses in the absorbing pursuits of active life.

In this aspect alone they are well worth the time expended. But there is another, let us hope.

Powerless as they are upon the dead for inspiration or achievement, but potent in their reflex upon ourselves, they may be even more potent for comfort, for consolation to the family and friends. They may even prove fruitful of high ideals in the minds of younger men—ideals of thought, ideals of activity, ideals of Christian living.

Mr. Speaker, it was not my fortune to know Senator EARLE intimately. Our lives had few points of tangency; unusually few for men in active public service in the same State. The

circles of our official functions touched but seldom; those of our social and personal almost never.

We differed widely upon political questions of absorbing interest. Each was an active partisan of his particular school of thought, but always under the ægis of the great Democratic organization. From this aspect it might be proper and natural for me to confine myself to some silent testimonial of sorrow for the untimely death of our fallen brother. Some silent tribute of respect for his memory, some mute tender of sympathy to the loved ones left behind, might fill the measure of reasonable expectation—leaving to those who knew him well the sad though grateful task of portraying his virtues.

But, Mr. Speaker, there is another and a different aspect. While Senator EARLE did not belong to me in the sense of personal friendship, yet, in a wider sense, as a distinguished Carolinian, one who has contributed a worthy page to the history of our State, he is the property of all Carolinians, and I am here to-day to testify to the country that he has a sure abiding place in the esteem and affection of all factions and all parties in his own State. In a still broader sense, as a patriotic American, as a noble exponent of Christian citizenship, he has become the property of us all. His upright life in public station and in private walk has become a part of the rich heritage of our common country.

The measure of the richness of that heritage it is the high privilege of his colleagues in House and Senate to unfold to the country at large. In the presence of this public sorrow, this public calamity, we stand with heads bowed; yet our hearts are aglow with generous pride over the triumphs of our fallen comrade. In this presence we forget all differences; we bury forever all personal rivalries and animosities, and turn away from the contemplation of all save the ennobling lessons of a noble life.

I have said that I had little opportunity for personal test and study at close range of the character of Senator EARLE. That is true in a literal sense; and yet I have touched his tangents, so to speak, at many points. One thing has impressed me particularly—the uniformity of the impression he made upon those who came into personal contact with him. That impression most frequently found expression in a uniformity of utterance.

"He is a high-minded man" or a "high man" seemed to be the form of expression spontaneously suggested in the minds of most people; and the genuineness of the quality which it expressed was attested in the most practical and searching way, in this, that in the midst of heated political campaigns, when party and factional feeling ran high, no man, however bitterly opposed, ever charged or, I think, for a moment seriously thought of dishonesty or dishonor in the same connection with this man.

Again, Mr. Speaker, the rare quality of the man was concretely evidenced in the fact that though Senator EARLE in 1890 led the most vigorous and aggressive assaults upon what was manifestly a ground swell of public opinion, yet within four years he was elevated to the bench on the crest of that same popular wave before which he had formerly gone down.

That he should in 1896 have been chosen by popular vote in the primaries of his party as his party's candidate for United States Senator but completes the circle of a remarkable political career. But his political career, remarkable as it was, I shall not dwell upon. It has been minutely portrayed by others. I prefer to spend the few moments that I shall occupy the floor in holding up those characteristic qualities which constituted the personality of the man.

Several traits contributed to the apparent transformation of public sentiment referred to. Of the minor traits perhaps none paved the way more fully to this remarkable renaissance of popularity than the uniform sincerity and courtesy of the man. He wielded the keen edge of sarcasm and ridicule with the deft hand of a Saladin; but in the fiercest contest of partisan heat he rarely lost his suavity of manner, and never within my knowledge did he fail in dignified courtesy. Above the turmoil of excitement that surged around him, his spirit was serene and kindly.

> As some tall cliff which rears its awful form,
> Swells from the vale and midway braves the storm,
> Though round its breast the rolling clouds are spread,
> Eternal sunshine settles on its head.

Yet he was not lacking in spirit. None quicker than he to respond to studied offense. The only occasion upon which I heard him speak during the heated campaign of 1890 presented just such an instance. In the midst of his speech some one in the audience made a remark which he, Senator EARLE (then attorney-general of the State and a candidate for governor), construed as reflecting upon his integrity. Prompt as the report after the flash, and sharp as the crack of a pistol, came the response. Yet none was readier than he to make amend when the offense was withdrawn.

Another thing has impressed me, Mr. Speaker, as I have touched the lives of those who have been in touch with the life of Senator EARLE; that is the firm hold he held upon the confidence and love of the Christian denomination to which he subscribed his faith. More than once have I been surprised to find the name of JOSEPH H. EARLE honored in the home circle of a humble member of the Baptist Church. Honored as a soldier? Yes. Honored as an eminent lawyer? Yes. Honored as a jurist and just judge? Yes, all this; and then I thought there was a tenderer element in the incense of honor to his name as a Christian statesman and exponent of Baptist culture, integrity, and fidelity.

Such recognition, abiding in the breasts of his co-religionists living in the byways quite as frequently as when living on the thoroughfares of thought and activity, constitutes, in my judgment, the highest possible attestation to the quality of the man.

Mr. Speaker, there can be no worthier epitaph written of any man than that which is written in the hearts of the humble—a thousandfold more than that reflected in the plaudits of the proud.

If I were to attempt to sum up in one term the quality which lay at the foundation of the character of Senator EARLE, I could find no fitter term than the single word faithful—faithful to social obligations, to political obligations, to public obligations, to private obligations, to family obligations, and, back of all, faithful to his obligations to his God. In this last consisted the secret of his power, as it has constituted the secret of all true power, of highest power, in all the ages.

The fathers, in framing our language, recognized this elementary fact. In all the experience of the past, fullness of faith in God has ever been the condition of highest fidelity to human trust and responsibility. The man who has had most faith in God has exhibited highest fidelity in all relations to his fellow-man. And so it has come about that the effect has its name from the efficient cause. The faithful man primarily is the man full of faith in God.

Mr. Speaker, this is the noblest lesson, the most valuable message that comes back from the mute lips of our dead colleague to those of us who survive him.

I have every reason to believe that the full faith in God which inspired and sustained fidelity to all duty and trust inspired and sustained him in his last earthly moments. It could not be otherwise. The faith that had illumined the pathway of duty in public station and in private walk must also have illumined his pathway through the dark valley into the bright plains of celestial immortality. The same creative hand that implanted that faith in his breast, and filled his breast with immortal aspiration, still reigns, and He is just. The existence of the faith, the abiding presence of the hope, is the highest guarantee of the fulfillment of that hope.

> Strong Son of God, immortal Love,
> Whom we that have not seen Thy face
> By faith and faith alone embrace,
> Believing when we can not prove;
> Thine are these orbs of light and shade;
> Thou madest life in man and brute;
> Thou madest death; and lo, Thy foot
> Is on the skull which Thou hast made.
> Thou will not leave us in the dust;
> Thou madest man, he knows not why;
> He thinks he was not made to die;
> And Thou hast made him; Thou art just.

Mr. Speaker, this is the message borne back to us from his silent tomb. Let us profit by the message and the lesson.

And now what shall I say, what word of comfort utter, to the widow in her weeds and the orphan in his woe?

I can do nothing better than point them to that lesson and that prayer.

Mr. Speaker, in one of the most beautiful prose poems ever conceived, Longfellow portrays the bitterness, the sorrow, the gloom, the hopeless desolation of one whose life companion had been snatched away from his side. His wanderings finally led him (by chance, shall we say?) to a rude little chapel in a foreign land, whose open door invited the weary wanderer to its darkened coolness.

He went in. Silence and solitude abode with the coolness there. Nothing was there to move the spirit to devotion. The rude pictures and funeral tablets did not appeal to the artistic sense. Yet the appointed hour and the man had met. The days and weeks and months of weary suffering had wrought their appointed purpose. Through the blinding tears that welled up from a heart burdened with bitter recollections, sore and bleeding, he read on a marble tablet this inscription:

> Look not mournfully into the past. It comes not back again. Wisely improve the present. It is thine. Go forth to meet the shadowy future without fear and with a manly heart.

He accepted it as a message from the silent occupant of the tomb. He arose from the ashes of his grief with a new purpose and a new hope, determined to meet the future with a brave heart.

Through their blinding tears may the widow and the orphaned children, as they assemble around the faithful father's tomb, read the same lesson and realize the rich heritage which is theirs—the heritage of an unsullied history, the heritage of an immortal hope. Theirs be the hope, the consolation; theirs and ours the lesson

and the prayer. May they and we gather inspiration from his life for a better life—

> Life that dares send
> A challenge to its end,
> And when it comes, say, Welcome, friend!

Mr. NORTON of South Carolina. Mr. Speaker, after the eloquent portrayal of the virtues and character of the late Senator JOSEPH H. EARLE by the many distinguished members of Congress who have preceded me, I can not hope to add much that is new in his life, but nevertheless a sense of duty to the people of South Carolina and to the memory of a distinguished son of my native State impels me to bring my tribute of respect to lay upon the grave of the lamented dead. In doing this I can speak from the knowledge that comes from a more or less intimate official as well as personal acquaintance.

It was my pleasure to serve with him in the general assembly of South Carolina, he in the upper and I in the lower house. I followed close upon his term as attorney-general in the office of comptroller-general. These two offices being closely allied, fine opportunity was given me to judge of his work and habit as a public officer from this point of contact. My duties as a State officer required my presence in every county of the State at least once a year; and thus during his entire term of circuit judge I was afforded opportunity to know the man and understand something of the appreciation in which his people held him. I had also the pleasure of canvassing the State with Judge EARLE in 1896 as a candidate for reelection in the same State primary which nominated him for United States Senator.

So from a personal knowledge of his official record as a legislator, State officer, and judge, extending over more than ten years of contemporaneous service, and of his reputation as a citizen and Christian gentleman, I may be allowed briefly to speak of Senator EARLE—a manly man, a patriotic citizen, and a faithful public servant.

His youthful days, while filled with struggles to reach that position in life for which his talents eminently qualified him, was not ill suited to develop fitting faculties for the work he was called upon to perform for his State. Left an orphan at the age of 5 by the death of his parents, and penniless by the loss of his inherited fortune, he was brought from his home in Greenville to that of his aunt, Mrs. Mary Haynesworth Heriot, at Sumter. Here he spent his boyhood and obtained the rudiments of his education. He worked his way through college by teaching school, and supported himself in the same way while preparing to enter the profession of law. The surmounted difficulties of his youth formed for Senator EARLE a stairway to that higher plane of life on which he played so well his part. His struggles wrought out in him that cultivated mind and strengthened character, that development of latent power that might have lain dormant, which gave to the service of the State a well-rounded man.

From farm boy to Senator he touched every phase of the life of his people. He understood them and sympathized with them, and they never lost confidence in their friend.

Youthful struggles for merited position in life early merged into a patriot's fight for the merited position of his State in the sisterhood of States.

He was too young to enter the army at the beginning of the civil war, but did so later and was with General Johnston when he surrendered in 1865. He returned to his home to struggle with his people and his State to obliterate the sad traces of a fratricidal strife unequaled in the history of the world. The gloom and desolation that settled like a pall over the South darkened the most impressionable years of his young manhood. The feelings of a people were voiced in the words quoted by Alexander H. Stephens during those dark days:

> The star of hope shone brightly in the West,
> The hope of liberty—the last, the best;
> That, too, hath set upon our darkened shore,
> And hope and freedom light our homes no more.

Those were stout hearts and steady hands that struggled and fought for higher and better things in those days, and few stouter or steadier than Captain EARLE's, of Sumter. Daring spirits were roused in his State by a power that tried to overawe; strong minds carried hope to our people even amid that terrible chaos more horrible than war. Among these was found our future Senator. As a young lawyer Captain EARLE lent the aid of a clear head and active hand to the redemption of his State from an industrial and political chaos. He took an active part in the famous semimilitary struggle that overthrew at its zenith the debauchery of power and plundering of funds that characterized the carpetbag government—in the memorable dispersion of the vultures that plucked at the vitals of the "prostrate State."

As a representative from Sumter County from 1878 to 1880 and senator from the same county until 1886, he aided a new administration of affairs to restore justice and order and preserve good government to his native State. His efficient service in these positions was recognized by his promotion to the office of attorney-general of the State in 1886. He was an unsuccessful candidate for governor in 1890. In 1894 he was elected by the general assembly judge of the eighth circuit. In 1897 he won the nomination before the Democratic primaries for United States Senator.

It may not be unfitting for me to bear the testimony of a rather intimate knowledge to the splendid record of Attorney-General EARLE. My official duties led me to examine and compare with some care the opinions and constructions of the tax laws of the State given by different attorneys-general, not only for the guidance of the administration of the tax department, but also for the purpose of correctly adjusting tax regulations to the provisions of a new constitution. The opinions of General EARLE I always found to be equal in full grasp and clear, strong statement to any from the long line of illustrious gentlemen who had previously filled that office in South Carolina.

Into the position of judge he carried the same characteristic ability and painstaking labor. He maintained spotless the ermine with which the representatives of his people had clothed him. As lawyer and judge his record stands the test of the closest scrutiny. He will not suffer from comparison with the brilliant minds of a State which has given a lustrous galaxy of famous men to the service of her people and their country.

In his political life Senator EARLE was uniformly and deservedly successful. He performed with credit to himself the duties of every position in which he was placed by the suffrages of his people. He met defeat once—in the revolutionary campaign for governor in 1890. Yet he came out of the fight unsullied, retaining the confidence of his people and the respect of his political opponents. Naturally a conservative in thought and action, he opposed, with all his strong powers of mind, his straightforward but polished address, the radical tendencies of one faction of his party. But he never let his conservatism lapse into reactiveness. Amid all the prejudices and bitterness of the clash between extreme radicals and reactionists he did not lose his head. He gave the strength of his influence to those who continued, undisturbed by clamor, to labor for peace and progress in the State.

By experience as well as native ability Senator EARLE was well fitted to represent his State in the Congress of the United States. He understood thoroughly the needs of his people and was willing and anxious to work for them. During his short service in the Senate he made but one speech—a concise, pointed argument upon a resolution introduced by himself providing for the reorganization of the Senate committees, so that he might have his assignments. The resolution was passed over, and before it came up again he was taken sick. He did not again appear on the floor of the Senate. His last public act as a representative of his State was to demand as a right a place in the organization of the Senate where he could effectively work for his people. "It is my duty to call the attention of this body to the fact that the State of South Carolina has two Senators and that only one of them has been assigned to committees" were among the last words of Senator EARLE.

It may be vain to speculate on what might have been. But we can not but feel that had not his career as United States Senator been so soon cut off with little more than a month's service, Senator EARLE's high abilities and broad mind, encouraged by higher honors and stimulated by exercise in a new and broader field of duty, might have won for him and his native State a prouder position in the history of his country. The orphan boy who dauntlessly struggled against adverse circumstances toward the realization of the splendid dreams of the morning of his youth, at the noonday of his life reached the goal of his ambition. But the fruits of his success were denied him. In the providence of God he was called away from the scenes of his earthly triumphs. But, true to the tenets of his Christian faith, he had no complaint; he made no murmur. He had built in accord with the principles that "too low build they who build beneath the stars;" and with unfaltering trust in the justice as well as the mercy of his Creator, when the summons came, "like one who wraps the drapery of his couch about him and lies down to pleasant dreams," Senator EARLE gently passed away and his spirit returned to the God who gave it.

A worthy epitaph to the Christian life and conscientious labors of Senator EARLE may be found in the saying:

> Integrity of life is fame's best friend,
> Which only after death can crown the end—

for such is the crown that those who know him best place upon his life. That wholeness of mind and fullness of character which is the best friend of fame, those lofty aspirations and exalted ideals which spring from the impulse of a pure ambition, these are the laurels of life's battle he can not be denied, the flowering of life's growth he leaves in the memories of his people.

> He made life—and He takes it—but instead
> Gives more: Praise the Restorer, Al-Mu'hid!

He who died at Azan sends
This to comfort faithful friends:

Faithful friends! it lies, I know,
Pale and white and cold as snow;
And ye say, "Abdullah's dead!"
Weeping at my feet and head.
I can see your falling tears,
I can hear your cries and prayers,
Yet I smile and whisper this:
"I am not the thing you kiss;
Cease your tears and let it lie:
It was mine, it is not I."

Sweet friends! what the women lave
For its last bed in the grave
Is a tent which I am quitting,
Is a garment no more fitting,
Is a cage from which at last
Like a hawk my soul has passed.
Love the inmate, not the room;
The wearer, not the garb; the plume
Of the falcon, not the bars
Which kept him from the splendid stars.

* * * *

Now the long, long darkness ends.
Yet ye wail, my foolish friends,
While the man whom ye call "dead"
In unbroken bliss instead
Lives, and loves you: lost, 'tis true
By any light that shines for you;
But in light ye can not see
Of unfulfilled felicity,
And enlarged Paradise;
Lives the life that never dies.

—*Edwin Arnold.*

Mr. McCLEARY. Mr. Speaker, this forenoon in the Senate Chamber we participated in the funeral services of the late Senator WALTHALL, of Mississippi. This afternoon in this Chamber the ordinary duties of the House have been suspended in order that we may pay tribute to the memory of JOSEPH H. EARLE, late Senator from South Carolina. Thus is impressed upon us anew the thought that "in the midst of life we are in death." We are reminded that against the grim reaper neither wealth nor station is any defense.

The boast of heraldry, the pomp of power,
And all that beauty, all that wealth e'er gave,
Await alike the inevitable hour;
The paths of glory lead but to the grave.

Replying to a request that he explain death, Confucius said: "How can I explain death, when I do not understand life?" In the presence of death we pause to consider the purpose of life. Perhaps the most comforting and encouraging view is that which regards this life as a preparation for the life to come. Thus life becomes opportunity; its purpose is the building of character. This view reconciles us to differences in wealth, in talents, and in station; it explains temptation; it dignifies endeavor.

As the plant with its roots in earth takes the crude materials thereof and transforms them into forms of beauty and fragrance, so man with his feet on earth must take the commonplace earthly events and use them as a means of growth in grace.

From the reek of the pond the lily
Has risen, in raiment white,
A spirit of air and water,
A form of incarnate light.
Yet, except for the rooted stem
That steadies her diadem,
Except for the earth she is nourished by
Could the soul of the lily have climbed to the sky?

Mr. Speaker, it was not my good fortune to be personally acquainted with Senator EARLE. My only knowledge of him is that which I have derived through others. And yet, though I never looked into his face except on that sad day nearly a year ago when it was last seen by mortal eyes, the noble cast of his countenance betokened such elevation of character that I have accepted as without exaggeration the warm words of praise which I have heard of him. The thought that flashed through my mind as for a moment I gazed upon his features was this: "He was distinctively a gentleman."

Perhaps no other expression in our language embodies more that is admirable in human life than that fine old title "gentleman." It implies the due and proper blending of gentleness with manliness, tenderness with fearlessness, grace with strength. It suggests gentleness without weakness, strength without rudeness. I can readily believe that Senator EARLE was a man of kindly dignity, with manners gracious yet commanding, and that his life was indeed "without fear and without reproach." Neighbors and family alike testify to his kindliness. His boyhood's struggle, his record as a soldier, and gallant political contests all testify to his manliness.

To offer consolation to the stricken ones is the generous office of old and valued friends, but I would be false to the dictates of my heart did I not at least offer them for comfort the words of the good Quaker poet:

How strange it seems, with so much gone
Of life and love, to still live on!

* * * *

Yet Love will dream and Faith will trust
(Since He who knows our need is just)
That somehow, somewhere, meet we must.

Alas for him who never sees
The stars shine through his cypress trees!
Who, hopeless, lays his dead away,
Nor looks to see the breaking day
Across the mournful marbles play!
Who hath not learned, in hours of faith,
The truth to flesh and sense unknown,
That Life is ever lord of Death,
And Love can never lose its own!

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that members have leave to print remarks in the RECORD.

The SPEAKER. The gentleman from South Carolina asks leave for members to print remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. WILSON. Mr. Speaker, there is a Greek legend of a chieftain of a besieging force who, after arduous and valiant endeavor having scaled the walls of the beleaguered city, stood upon the crest of the parapet, with victory in his grasp and with none to stay his footstep or arrest his taking the citadel of his ambition, when suddenly a thunderbolt descended and struck him lifeless to the earth.

Such a scene pictures the taking-off of Senator EARLE. His was an earnest, aspiring, ambitious life. His nature was of a serious and austere cast. There was no levity in it. He was the personification of an unbending dignity. His character spoke in his bearing and manner. He was upright, calm, deliberate, even poised. The seeming coldness of manner that characterized him was but the expression of a cool, judicial judgment that dominated and controlled his conduct and, perhaps unconsciously, his bearing toward those with whom he was thrown in casual contact. He was far removed from effusiveness, almost into the realm of reserve, but he was not unapproachable. The ever-present instinct of the gentleman and a generous, sensitive, kindly nature kept him in close touch with his fellows and contributed to giving him the strong hold which during his whole career he had upon their admiration, esteem, and friendship. In no community in which he ever resided did he fail to make his impress by the strength of his mind and character or to fasten to him with hooks of steel friends who were drawn to him by the sterling worth, kindness, and gentleness of his nature.

His aspirations and ambitions were great. He had measured his own resources, he knew his capabilities, and he strove to make the most of them. There was nothing sordid or unworthy in them. His life was an open book. He lived and died amongst his people, who knew his outgoing and incoming. His highest place was amongst those by whom he was best known. There was no sham or tinsel about him. He was intensely real and genuine. His ambition was to achieve greatness in the service of his people. His life's record proclaims how well he succeeded. It should not have been otherwise. He was a typical son of his State, and it is an enduring source of regret that he was not permitted to live to exemplify in the high station which he so briefly occupied the character of his people and the principles for which three generations of them have stubbornly contended. He was a legitimate outgrowth of all that was best and truest in the history of his State. By lineage and association there breathed in him honor, high purpose, and devotion to the faith of his fathers. All that was great in their past lived in him. No South Carolinian ever blushed for him; none failed to recognize in him his fit representative.

The beloved soil of his State, upon which were fought one-third of the battles of the Revolution, held all that was mortal of two hundred years of his ancestry and kinsmen. In their day and generation they had thrilled with the pride and striven for the high destiny of their State. They had shared in making her history; in achieving her just title to the star that is hers upon the flag of the Union; in defending her in the last supreme struggle which settled by the one method of final arbitrament the hitherto irreconcilable differences of sentiment and constitutional construction existing between the sections, and in peace robing her in such prosperity as has been possible for her under existing laws.

Oliver Wendell Holmes but reechoes Mirabeau when he says that the education of a man must begin many years before he is born. His character, too, is the growth of the generations to which he owes his existence. The life of Senator EARLE was one continued exhibition of high morality, purity of soul, and Christian charity; such a life as is a source of strength and elevation

to any community. Suspicion never dared approach him. He seems to have intuitively modeled his life after the superb rectitude, spotless purity, and humble Christian faith of Robert E. Lee, than whom there was none more knightly, pure, and noble amongst all the sons of men.

In his daily walk and conversation he illustrated the purity of his mind and the honesty of his heart, prime essentials both to the exercise of public trust and to proper political preferment.

Washington said:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert those great pillars of human happiness, those firmest props of the duties of men and citizens.

He was too brave a man to deal in falsehood and deception. No one ever questioned his absolute fearlessness or doubted his word or honesty. What more should be said of any man? He was truly a Chevalier Bayard, "sans peur et sans reproche." He was not a Bourbon. He lived in the present, guided by his inherited instincts and principles, and possessed of abilities which eminently qualified him to adorn every position which he occupied. It is tempting, in speaking of a friend who is gone, to use strong words to portray him as he was. In this instance it is difficult to do his memory justice without seeming to indulge in that pardonable weakness, for he was in truth a most striking character, an uncommon man.

He was not a genius, unless genius be as denominated by Thomas Carlyle, "an infinite capacity for taking pains." His abilities were not scintillating. They were of the strong, clear, logical, and solid order. The elements were so mixed in him as to present a peculiarly well-rounded, vigorous, and complete mind. The words of George McDuffie, delivered in Charleston with reference to Robert Y. Hayne, apply with striking appropriateness to Senator EARLE:

> It is not so much by any one faculty standing out in prominent relief as by the admirable adjustment of all his moral and intellectual qualities that he was distinguished from other men.

His temperament was calm and even, but little susceptible to excitement, and in consequence emergencies found his judgment cool and at its best. He was not afraid of work, and realized in his early youth that his future and his fortunes were to be carved out by his own energy and industry. There was nothing of the skyrocket about him. His light was steady and enduring. He began his labor at the foundation. His advance was sure and measured. He worked his way to the highest pinnacle of place, power, and usefulness to which any son of his State can for this and perhaps another generation aspire.

The first years of his mature youth found him in the wake of a desolating and impoverishing war, for he was born in 1847. But he was not too young to take up arms for his State, though suffering from an accident which maimed him for life. In 1865, along with the other soldiers of the South, he resumed the peaceful walks of life and took his place in the ranks of the people in their great work of rehabilitating their fortunes and restoring their State to her historic greatness. With but little else than his own character and ability he began the career which made the man whose name and memory we to-day here honor and revere.

Others have spoken to you of his life work, traced his history, and presented his biography, from which statement of facts there shines a record of spotless integrity, refined courtesy, devotion to truth, unflinching courage, commanding abilities, fidelity to duty, untiring industry, lofty ambition, gentleness, kindness, Christian faith and charity, and great achievements. I shall not indulge in repetition. To those who knew him the story needed not to be told. To the country in whose service he died it will be a source of pride that so pure a character and so clear and strong a mind was by the vote of her people elevated to so high a station.

He had faith in the people and they had faith in him. From his earliest associations he mingled with them and was one of them. His heart beat in sympathy with them, and they knew and felt it. What concerned them concerned him. He was in accord with their best interests. All of his political record disclosed his earnest, honest purpose to secure equal rights for all under the law and the Government. It was this sense of his fidelity to their interests and of genuine sympathy and at-oneness with themselves that more than anything else gave him his hold upon the confidence of the people, that took him from the State senate and made him attorney-general, in which position he established for himself the high reputation as a lawyer which subsequently placed him upon the bench, where he exemplified the model judge without a superior in his State.

While far removed, because of a rather severe, dignified reserve, from demonstrativeness, and with but little of the social qualities and elements that constitute personal magnetism, the people knew from his daily walk and conversation, from the work and record of his life, that he was their friend and that his character and abilities were for them a tower of strength. With such foundation, his popularity with them was sure and fixed and would have been enduring; not a meteor in the political firmament, but a fixed star in the councils of the nation.

He was not sensational. He cultivated none of the arts to attract attention to himself. He never occupied extreme positions or attitudinized. He did not seek notoriety. His light was not a fitful glamour. There was nothing of the drum major about him. He was sincere, genuine, substantial. In the Senate the world would not have heard of him by self-trumpeting. He would not have suddenly flared before the public eye. But in a few years the country would have realized his presence.

The weight of his character and abilities would have made itself felt. He would have builded himself into the confidence and esteem of the people. His hand would have been seen in the legislation of the country. His voice would have been heard wherever needed; always true, strong, resolute, clear, and logical. His colleagues would have found in him a man whom they could trust, a valuable friend, a redoubtable antagonist, always courteous and considerate. The character portrayed by the record of his life would have there received its best and highest illustration. The whole Union would have appreciated it and congratulated itself upon its possession, and would have felt grateful to his State for giving it such a Senator.

He came here from his people to begin work for them. He was permitted only to begin. Within a few short weeks the "silver cord was loosed," the "golden bowl was broken." He returned to his people to peacefully and bravely lay down his life, which had been devoted to their interests, and to meet the summons which had no terrors for him.

Sadly they bore him through the city of Greenville, "beautiful for situation," like the city of Zion, attended by thousands of friends of his youth and of his mature years, assembled from far and near, to attest their love and esteem, to his resting place under the familiar trees that seem to bend tenderly over him, with the blue mountains lifting high their heads around him, fit emblems of his pure and noble character. There he sleeps.

He has left behind him the example of a life most worthily lived, a name and memory that will ever be cherished by his people; and as sweet incense to the objects of his fondest devotion, in whose presence his life found its only perfect happiness, the priceless heritage, "he lived as he was born, a gentleman."

The SPEAKER. In accordance with the direction of the House, as a further mark of regard for the deceased Senator, the House is now declared adjourned until Monday at 12 o'clock noon.

And accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a communication from the Attorney-General, relating to the payment of the account of George E. Bird, for compensation as special district-attorney, was taken from the Speaker's table, referred to the Committee on Appropriation, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8066) to authorize and encourage the holding of a National Exposition of American Products and Manufactures, especially suitable for export, at the city of Philadelphia, in the State of Pennsylvania, in the year 1899, reported the same without amendment, accompanied by a report (No. 1154); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9994) for the reclamation of arid lands, and for other purposes, reported the same with amendment, accompanied by a report (No. 1161); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MIERS of Indiana, from the Committee on Elections No. 3, submitted the views of the majority in the contested-election case of Claude A. Swanson *vs.* John R. Brown (Report No. 1070, part 2); which said views and report were referred to the House Calendar.

He also, from the same committee, submitted the views of the minority in the contested-election case of Claude A. Swanson *vs.* John R. Brown (Report No. 1070, part 3); which said views and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1481) granting an increase of pension to Gen. Halbert E. Paine, reported the same with amendment, accompanied by a report (No. 1155); which said bill and report were referred to the Private Calendar.

Mr. CASTLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3660) granting a pension to Thomas Edsall, reported the same with amendment, accompanied by a report (No. 1156); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4169) granting an increase of pension to Simeon Stevens, reported the same without amendment, accompanied by a report (No. 1157); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 727) granting a pension to Olive H. South, of Jackson, Ohio, reported the same with amendment, accompanied by a report (No. 1158); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9187) to pension Missouri B. Ross, reported the same with amendment, accompanied by a report (No. 1159); which said bill and report were referred to the Private Calendar.

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4811) granting a pension to Mrs. Jane E. Zink, reported the same with amendment, accompanied by a report (No. 1160); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LEWIS of Washington: A bill (H. R. 10068) to levy and collect an inheritance tax upon all estates exceeding $10,000, for the expense of the war of Spain against the United States, and to create an emergency—to the Committee on Ways and Means.

By Mr. WHEELER of Alabama: A bill (H. R. 10069) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes—to the Committee on Military Affairs.

By Mr. DINGLEY: A bill (H. R. 10083) to provide ways and means to meet war expenditures—to the Committee on Ways and Means.

By Mr. BROMWELL: A joint resolution (H. Res. 242) providing for printing maps of Cuba—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELDEN: A bill (H. R. 10070) for the relief of the heirs of Asa O. Gallup—to the Committee on War Claims.

By Mr. BELL: A bill (H. R. 10071) for the relief of Jose Manuel Valdez—to the Committee on Military Affairs.

By Mr. CATCHINGS: A bill (H. R. 10072) for the relief of Sallie A. Woolfolk, of Bolivar County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10073) for the relief of the estate of S. A. Snodgrass, deceased, late of Bolivar County, Miss.—to the Committee on War Claims.

By Mr. CRUMP: A bill (H. R. 10074) to remove the charge of desertion from the military record of John B. Elliott—to the Committee on Military Affairs.

By Mr. DAVIDSON of Wisconsin: A bill (H. R. 10075) to grant a pension to Louisa Maria Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10076) to grant an increase of pension to Jane Ann Ward—to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 10077) to increase the pension of Levi Moser—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 10078) to remove the charge of desertion from the military record of Daniel O'Donnell, late private of Fifth United States Artillery, commanded by General Terrell—to the Committee on Military Affairs.

By Mr. MILLS: A bill (H. R. 10079) to pension Alvin C. Mason, late captain of Company E, Sixteenth Vermont Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 10080) granting a pension to Frances E. Utley Davis—to the Committee on Invalid Pensions.

By Mr. YOST: A bill (H. R. 10081) for the relief of Jacob Falwell, of Nelson County, Va.—to the Committee on War Claims.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 10082) for the relief of Capt. Martin Hammer—to the Committee on War Claims.

By Mr. HANDY: A joint resolution (H. Res. 243) for the relief of ex-Cadet Engineer W. B. Carswell—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petition of Iron Molders' Union No. 286, of Sheboygan, Wis., in favor of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BELKNAP: Petitions of the Best Brewing Company, Citizens' Brewing Company, and Gottfried Brewing Company, all of Chicago, Ill., protesting against the imposition of any additional tax on beer—to the Committee on Ways and Means.

Also, petition of Charles Barker, wholesale tobacconist, of Chicago, Ill., protesting against additional tax on tobacco in stock—to the Committee on Ways and Means.

Also, petition of William R. Manierre, of Chicago, Ill., protesting against the imposition of an internal-revenue tax on tea and coffee on hand—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of the Woman's Christian Temperance Union of Pittsfield, Me., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Woman's Christian Temperance Union of Pittsfield, Me., for the passage of bills to forbid interstate transmission of lottery and other gambling matter by telegraph, to raise the age of protection for girls to 18 years, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

By Mr. COCHRANE of New York: Petition of the Woman's Christian Temperance Union of Claversack, N. Y., for the passage of bills to prohibit interstate gambling by telegraph, to raise the age of protection for girls to 18 years, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Claverack, N. Y., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. CONNELL: Petition of 222 citizens of Scranton, Pa., in favor of legislation which will more effectually restrict immigration and prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

By Mr. DANFORD: Petitions of the session of the Kirkwood Presbyterian Church of Bridgeport, Ohio, asking for the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia, to protect State anti-cigarette laws, and to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petition of the session of the Kirkwood Presbyterian Church of Bridgeport, Ohio, to prohibit the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. DAVIDSON of Wisconsin: Petition of J. E. Kennedy and 28 other citizens of Oshkosh, Wis., against the levying of a tax on tea and coffee now in hands of dealers—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Oshkosh, Wis., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. E. J. Meyer and other citizens of Fond du Lac County, Wis., in favor of the passage of a bill to permit the erection of a Catholic chapel at West Point—to the Committee on Military Affairs.

Also, resolutions of members of the Methodist Episcopal Church, St. John's Universalist Church, and Young People's Christian Union of said Universalist Church, the Baptist Young People's Union of the First and Second Baptist churches, the First Methodist Episcopal Church, Second Baptist Church, Epworth League of the German Methodist Episcopal Church, and members of said church, all of Oshkosh, Wis., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Young People's Christian Union of Neenah,

Wis., in favor of the passage of bills to investigate the labor problem, to forbid the sale of intoxicating liquors in Government buildings, and other bills pending in Congress—to the Committee on the Judiciary.

By Mr. ELLIOTT: Resolutions of the Grand Army of the Republic, Department of Georgia, advocating the establishment of the Castle Pinckney Soldiers' Home and Sanitarium, in Charleston Harbor—to the Committee on Military Affairs.

By Mr. JOHNSON of North Dakota: Petition of the Presbyterian Church and Society and the Woman's Christian Temperance Union of Baldwin, N. Dak., asking for the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union and the Presbyterian Church and Society of Baldwin, N. Dak., to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of the Woman's Christian Temperance Union and the Presbyterian Church and Society of Baldwin, N. Dak., asking for the passage of bills to prohibit the transmission of gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

By Mr. KIRKPATRICK: Resolutions of the Grocers and Importers' Exchange of Philadelphia, Pa., in opposition to a tax on stocks of coffees and teas at present in the United States—to the Committee on Ways and Means.

Also, resolution of the council of the General Society of Colonial Wars, in favor of Government ownership of Fort Ticonderoga—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Petition of the Woman's Christian Temperance Union of Bedford, Ind., asking for the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

By Mr. MILLS: Papers to accompany House bill granting a pension to Miriam V. Kenny, widow of Samuel W. Kenny—to the Committee on Pensions.

Also, paper to accompany House bill granting a pension to Capt. Alvin C. Mason—to the Committee on Invalid Pensions.

Also, petition of brewers of Chicago, Ill., protesting against the imposition of any additional tax on beer—to the Committee on Ways and Means.

Also, petitions of William R. Manierre, John A. Tolman Company, Reid, Murdock & Co., Thomson & Taylor Spice Company, and J. H. Conard & Co., all of Chicago, Ill., protesting against the imposition of an internal-revenue tax on tea and coffee now in stock—to the Committee on Ways and Means.

By Mr. NORTON of Ohio: Petition of W. Carrick and 8 other citizens of Rockaway, Ohio, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. OLMSTED: Petition of the Woman's Christian Temperance Union and citizens of Harrisburg, Pa., for the passage of bills to forbid interstate transmission of lottery and other gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union and citizens of Harrisburg, Pa., urging the passage of a bill to prohibit the sale of liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. OTEY: Petitions of F. C. Thornton and 12 others, and M. M. Marton and 8 others, all citizens of Charlotte County, Va., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce and the Young Men's Business Association of Richmond, Va., asking the War Department to select Richmond as the point for mobilization of troops from such States as the Government may deem desirable—to the Committee on Military Affairs.

By Mr. SAUERHERING: Petition of the Union Congregational Church and the Woman's Christian Temperance Union of Windsor, Wis., for the passage of bills for the enactment of a Sabbath law for the national capital, and prohibiting the sale of intoxicating liquors in the Capitol building and grounds—to the Committee on Public Buildings and Grounds.

By Mr. SHERMAN: Petitions of Order of Railway Conductors, Division No. 289, Wellsville, Ohio; C. B. McNairy, M. D., and 22 others, Rockwell, N. C.; A. O. Starbuck and 15 others, Kernersville, N. C.; Z. T. Watkins and 19 others, Ooltewah, Tenn.; J. M. King and 7 others, Baldwin, Ga.; T. J. Mims and 19 others, Rogerville Junction, Ga., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SAMUEL W. SMITH: Petition of the Woman's Christian Temperance Union, Presbyterian, Baptist, and Methodist Episcopal churches, of Milford, Mich., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union, Baptist, Presbyterian, and Methodist Episcopal churches, of Milford, Mich., in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. SOUTHWICK: Petition of Julius Saul and business men of Albany, N. Y., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TONGUE: Petitions of the Christian Church Sunday school, Young People's Society of Christian Endeavor, and Union Sunday school of Scio, Oreg., for the passage of a bill to forbid the sale of intoxicating beverages in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. UPDEGRAFF: Petition of the Letts Spencer-Smith Company, wholesale grocers, of Mason City, Iowa, protesting against an internal-revenue tax on tobacco, tea, and coffee in stock—to the Committee on Ways and Means.

By Mr. YOST: Petitions of citizens of Lovingston, Myndus, Fabers, and Montreal, Va., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Pennsylvania: Petition of Fred. Oliver, of Charlotte, N. C., in favor of imposing a duty of $5 per ton on iron or copper sulphur pyrites—to the Committee on Ways and Means.

SENATE.

MONDAY, *April 25, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of Saturday's proceedings, when, on motion of Mr. CARTER, and by unanimous consent, the further reading was dispensed with.

WAR BETWEEN THE UNITED STATES AND SPAIN.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, was received by the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which the Secretary will read.

The Secretary read the message, as follows:

To the Senate and House of Representatives
of the United States of America:

I transmit to the Congress, for its consideration and appropriate action, copies of correspondence recently had with the representative of Spain in the United States, with the United States minister at Madrid, and through the latter with the Government of Spain, showing the action taken under the joint resolution approved April 20, 1898, "for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect."

Upon communicating to the Spanish minister in Washington the demand which it became the duty of the Executive to address to the Government of Spain in obedience to said resolution, the minister asked for his passports and withdrew. The United States minister at Madrid was in turn notified by the Spanish minister for foreign affairs that the withdrawal of the Spanish representative from the United States had terminated diplomatic relations between the two countries, and that all official communications between their respective representatives ceased therewith.

I commend to your especial attention the note addressed to the United States minister at Madrid by the Spanish minister for foreign affairs on the 21st instant, whereby the foregoing notification was conveyed. It will be perceived therefrom that the Government of Spain, having cognizance of the joint resolution of the United States Congress, and in view of the things which the President is thereby required and authorized to do, responds by treating the reasonable demands of this Government as measures of hostility, following with that instant and complete severance of relations by its action, which by the usage of nations accompanies an existent state of war between sovereign powers.

The position of Spain being thus made known and the demands of the United States being denied with a complete rupture of intercourse by the act of Spain, I have been constrained, in exercise of the power and authority conferred upon me by the joint resolution aforesaid, to proclaim under date of April 22, 1898, a blockade of certain ports of the north coast of Cuba, lying between Cardenas and Bahia Honda and of the port of Cienfuegos on the south coast of Cuba; and further, in exercise of my constitutional powers and using the authority conferred upon me by the act of Congress approved April 22, 1898, to issue my proclamation dated April 23, 1898, calling forth volunteers in order to carry into effect

the said resolution of April 20, 1898. Copies of these proclamations are hereto appended.

In view of the measures so taken, and with a view to the adoption of such other measures as may be necessary to enable me to carry out the expressed will of the Congress of the United States in the premises, I now recommend to your honorable body the adoption of a joint resolution declaring that a state of war exists between the United States of America and the Kingdom of Spain, and I urge speedy action thereon to the end that the definition of the international status of the United States as a belligerent power may be made known, and the assertion of all its rights and the maintenance of all its duties in the conduct of a public war may be assured.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, April 25, 1898.

Mr. DAVIS. I move that the message be referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. Without objection, that will be the order.

Mr. COCKRELL. And printed.

Mr. DAVIS. And printed.

The VICE-PRESIDENT. The message and accompanying papers will be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 9878) for the better organization of the line of the Army of the United States; in which it requested the concurrence of the Senate.

The message also transmitted to the Senate its resolutions on the death of Hon. Joseph H. Earle, late a Senator from the State of South Carolina.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 2768) for the relief of George Peyton from the charge of desertion;

A bill (H. R. 8875) to amend an act entitled "An act to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi"; and

A joint resolution (H. Res. 116) authorizing the Secretary of War to make a survey of the West Fork River, West Virginia, and prepare estimates of the cost thereof.

PAY OF THE ARMY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Paymaster-General of the Army, calling attention to the necessity for immediate action in the matter of deficiency appropriation for pay, etc., of the Army, 1898, amounting to $1,816,579.96; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of the New Hampshire Annual Conference of the Methodist Episcopal Church, of Dover, N. H., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the New Hampshire Annual Conference of the Methodist Episcopal Church, of Dover, N. H., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented petitions of the Annual Conference of the Methodist Episcopal Church, of Dover; of sundry citizens of Swiftwater; of the Epworth League of Newmarket, and of the Woman's Christian Temperance Union of Water Village, all in the State of New Hampshire, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the New Hampshire Annual Conference of the Methodist Episcopal Church, of Dover, of the Woman's Christian Temperance Union of Water Village, and of sundry citizens, all in the State of New Hampshire, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. QUAY. I present a memorial adopted by Kensington Lodge, No. 27, International Association of Machinists, of Philadelphia, Pa., and a memorial of the Central Labor Union of Wilkesbarre, Pa., remonstrating against the Government awarding the building of gun carriages or other work to the Brown Hoisting and Conveying Company, of Cleveland, Ohio, because of that company's hostility to organized labor and the illtreatment of its employees. I move that the memorials be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. QUAY presented a memorial of the mayor, councils, and sundry other citizens of Erie, Pa., remonstrating against the enactment of legislation prohibiting the collection of State licenses from fire insurance companies doing business in the several States; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Grocers and Importers' Exchange of Philadelphia, Pa., remonstrating against the imposition of an internal-revenue tax on tea and coffee; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Nottingham, Pa., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance unions of Armstrong County, Mansfield, Lincoln, and Carversville; of the congregations of the Methodist Episcopal Church, the Union Church, and the Baptist Church of Mansfield; of the Presbyterian Church of Faggs Manor and the Presbyterian Church of Glade Run; and of the Christian Endeavor Society of the Presbyterian Church of Faggs Manor, all in the State of Pennsylvania; and of the First Methodist Episcopal Church, the First Baptist Church, the Congregational Church, and the Woman's Christian Temperance Union, all of Homer, in the State of New York, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance unions of Armstrong County, West Grove, Mansfield, Lincoln, Nottingham, and Carversville; of the congregations of the Presbyterian Church of Glade Run; the Trinity Lutheran Church, of Selinsgrove; the Evangelical Lutheran Church of Martins Creek; the Methodist Episcopal Church of Richmond; the Evangelical Lutheran Church of St. Matthew in Mount Carmel; the Reformed Church and the Lion Primitive Methodist Church, of Mount Carmel; the African Methodist Episcopal Church of Franklin, and the Presbyterian Church of Faggs Manor; the Presbyterian Church, the Methodist Episcopal Church, the Epworth League, and the Independent Order of Good Templars, all of West Grove; the congregations of the Methodist Episcopal Church, the Union Church, the Baptist Church, and the Epworth League, of Mansfield; the Ministerial Association of Mount Carmel; the Reformed Sunday school of Selinsgrove; the Young People's Society of Christian Endeavor of the Trinity Lutheran Church, of Selinsgrove, and the Young People's Society of Christian Endeavor of the Reformed Church of Selinsgrove, all in the State of Pennsylvania, and of the congregations of the First Methodist Episcopal Church, the First Baptist Church, and the Congregational Church and the Woman's Christian Temperance Union, all of Homer, in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Woman's Christian Temperance unions of Armstrong County, West Grove, Mansfield, Lincoln, Nottingham, and Carversville; of the congregations of the Presbyterian Church of Faggs Manor; the Baptist Church of Picture Rocks; the First Presbyterian Church of Kittanning; the Trinity Lutheran Church, of Selinsgrove; the Evangelical Lutheran Church of Mount Carmel; the Reformed Church and the Lion Primitive Methodist Church, of Mount Carmel; the Methodist Episcopal Church, the Union Church, the Baptist Church, and the Epworth League, of Mansfield; the Presbyterian Church, the Epworth League, and Independent Order of Good Templars, all of West Grove; the Young People's Society of Christian Endeavor of the Trinity Lutheran Church, of Selinsgrove, and the Ministerial Association of Mount Carmel, all in the State of Pennsylvania, and of the First Methodist Episcopal Church, the First Baptist Church, and the Congregational Church, all of Homer, in the State of Pennsylvania, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented a petition of Camp No. 1, Republican Camp of Veterans and their Sons of Indiana, of Indianapolis, Ind., praying that section 1754 of the Revised Statutes be amended to the effect that the provisions of that statute giving

preference to soldiers who were discharged by reason of disabilities incurred in the service shall be extended to all honorably discharged Union soldiers of the war of the rebellion; which was referred to the Committee on Civil Service and Retrenchment.

Mr. NELSON presented a memorial of the members of the fire department of Rochester, Minn., remonstrating against the enactment of legislation to establish a division in the Treasury Department to regulate insurance companies; which was referred to the Committee on Interstate Commerce.

Mr. CHILTON presented petitions of sundry citizens of Glen Rose, of the congregation of the First Christian Church of Palestine, and of the Woman's Christian Temperance Union of Palestine, all in the State of Texas, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the First Christian Church of Palestine, Tex., and a petition of the Woman's Christian Temperance Union of Palestine, Tex., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. TURPIE presented a petition of the Woman's Christian Temperance Union of Bedford, Ind., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Bedford, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of Bedford, Ind., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

Mr. TURNER presented a petition of the congregation of the First Christian Church of Tacoma, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Independent Order of Good Templars, No. 108, of Ortung; of the Woman's Christian Temperance Union of Tacoma, and of the congregation of the First Christian Church of Tacoma, all in the State of Washington, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented a petition of La Center Grange, No. 48, Patrons of Husbandry, of Washington, praying for the enactment of legislation to secure to the people of the rural sections of the country free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of La Center Grange, No. 48, Patrons of Husbandry, of Washington, praying for the enactment of legislation to secure to the people of the country protection against the use of adulterated food products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of La Center Grange, No. 48, Patrons of Husbandry, of Washington, praying for the enactment of legislation to secure to the people of the rural sections of the country the advantages of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PRITCHARD presented the petition of W. H. Merritt and 10 other citizens of Morrisville, N. C., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. DAVIS presented a petition of the Executive Council of the Minnesota Historical Society, praying for the purchase by the Government of the United States of Fort Ticonderoga, N. Y.; which was referred to the Committee on Military Affairs.

He also presented a petition of the Journeymen Stone Cutters' Union of Duluth, Minn., and a petition of Local Union No. 7, Brotherhood of Carpenters and Joiners, of Minneapolis, Minn., praying for the passage of the so-called postal savings bank bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., and a petition of Division No. 117, Order of Railway Conductors, of Minneapolis, Minn., praying for the passage of the so-called anti-scalping ticket bill; which were ordered to lie on the table.

He also presented memorials of members of the fire department of New Ulm, Rochester, Richmond, Fairmont, and Owatonna, all in the State of Minnesota, remonstrating against the enactment of legislation to establish a division in the Treasury Department to regulate insurance companies; which were referred to the Committee on Interstate Commerce.

He also presented a petition of 26 citizens of Goodhue, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of 26 citizens of Goodhue, Minn., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

Mr. GEAR presented a memorial of sundry cigar manufacturers of Des Moines, Iowa, remonstrating against the increase of the tax on tobacco and cigars already in stock; which was referred to the Committee on Finance.

He also presented a petition of the Evangelical Association of Des Moines, Iowa, and a petition of the Reorganized Church of Latter Day Saints, of Lamoni, Iowa, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Christian Endeavor Society, the Woman's Christian Temperance Union, the Epworth League, the Iowa State Christian Association, and the congregation of the Friends' Church, all of Albion, in the State of Iowa, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the Evangelical Association of Des Moines; of the Church of Latter Day Saints of Lamoni, the Woman's Christian Temperance Union, the Christian Endeavor Society, the congregation of the Friends' Church, the Iowa State Christian Association, the Epworth League, and the congregation of the Presbyterian Church of Albion, all in the State of Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Evangelical Association of Des Moines, Iowa, and a petition of the congregation of the Church of Latter Day Saints, of Lamoni, Iowa, praying for the enactment of legislation to prohibit the interstate transmision of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the Woman's Christian Temperance Union of Pittsfield, Me., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Pittsfield, Me., and a petition of Evergreen Lodge, Order of Good Templars, of Ripley, Me., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance unions of Dexter and Pittsfield and of Evergreen Lodge, Order of Good Templars, of Ripley, all in the State of Maine, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. MASON presented a memorial of sundry members of the fire department of Ottawa, Ill., remonstrating against the enactment of legislation to establish a division in the Treasury Department to regulate insurance companies; which was referred to the Committee on Interstate Commerce.

He also presented sundry petitions of citizens of Chicago and Coulterville, in the State of Illinois, praying for the passage of the so-called anti-scalping ticket bill; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Urbana; of the congregations of the First Baptist Church, the Christian Church, and the First Methodist Episcopal Church, of Urbana; of members of the Harrison School of Chicago, and of the Marie Chapel Woman's Christian Temperance Union, of Chicago, all in the State of Illinois, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. THURSTON presented the petition of Uriah Bruner, of

West Point, Nebr., praying for the enactment of legislation authorizing a certain class of merchant vessels to be made auxiliary to the United States Navy; which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Methodist Episcopal Church of Pleasant Dale, the Episcopal Church of St. Paul, and the Grace Methodist Episcopal Church, of Lincoln, and of Foote Post, No. 40, Grand Army of the Republic, of Ord, all in the State of Nebraska, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Episcopal Church of St. Paul, the Grace Methodist Episcopal Church, of Lincoln, and the Methodist Episcopal Church of Pleasant Dale, and of Foote Post, No. 40, Grand Army of the Republic, of Ord, all in the State of Nebraska, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the congregations of the Episcopal Church of St. Paul, the Grace Methodist Episcopal Church of Lincoln, and the Methodist Episcopal Church of Pleasant Dale, and of Foote Post, No. 40, Grand Army of the Republic, of Ord, all in the State of Nebraska, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2355) restoring to the pension roll the name of Annie A. Gibson; and

A bill (H. R. 2154) granting an increase of pension to A. V. Bloodgood.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 3953) granting an increase of pension to Calvin P. Lynn, reported it with an amendment.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 3963) to permit certain parties to intervene in the equity cause of the United States against Morris and others, pending in the supreme court of the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. HANNA, from the Committee on Pensions, to whom was referred the bill (S. 3506) for the relief of Mary E. Kline, helpless child of John Kline, late captain Company H, Thirteenth Regiment Pennsylvania Cavalry, reported it with amendments, and submitted a report thereon.

Mr. RAWLINS, from the Committee on Indian Affairs, to whom was referred the bill (S. 4317) to provide for the opening of lands containing asphaltum, gilsonite, elaterite, and kindred substances in the State of Utah, reported it with an amendment.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 4391) to amend section 4445 of Title LII of the Revised Statutes of the United States, reported it with an amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 4452) authorizing the Campbell-Lynch Bridge Company to construct a bridge across the Arkansas River at or near Webbers Falls, Ind. T., reported it without amendment.

Mr. CARTER, from the Committee on Military Affairs, to whom was referred the bill (S. 3799) to correct the military record of John Shelton, reported it without amendment, and submitted a report thereon.

Mr. THURSTON, from the Select Committee on International Expositions, to whom was referred the joint resolution (S. R. 141) regarding the holding of a Pan-American exposition in the year 1901 upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century, reported it without amendment.

MAPS AND CHARTS OF ALASKA.

Mr. LODGE, from the Committee on Printing, to whom was referred the resolution submitted by Mr. WETMORE on the 21st instant, reported favorably thereon, and moved its reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That there be printed in pamphlet form 1,000 copies of the Descriptive Catalogue of Maps and Charts of Alaska and Adjacent Regions now in the Library of Congress; 500 copies for the use of the Senate and 500 copies for the use of the Library of Congress.

BILLS INTRODUCED.

Mr. FORAKER introduced a bill (S. 4453) to authorize the President to employ the services of the retired officers and men of the Regular Army of the United States in certain contingencies; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALLEN introduced a bill (S. 4454) to correct the military record of James M. Hale, of Nebraska; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GEAR (by request) introduced a bill (S. 4455) to protect State laws which forbid the sale of cigarettes or of all forms of tobacco to minors by bringing imported tobacco in original packages under control of State laws; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. McMILLAN introduced a bill (S. 4456) to designate Gladstone, Mich., a subport of entry; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4457) to provide for the establishment of building lines on certain streets in the District of Columbia, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. PRITCHARD introduced a bill (S. 4458) for the relief of James Ballard; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DAVIS introduced a bill (S. 4459) granting an increase of pension to Laura M. Allen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 4460) to correct the record of Stephen W. Coakley; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. THURSTON introduced a bill (S. 4461) for the retirement of Maj. W. W. Lowe; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FAULKNER introduced a bill (S. 4462) to provide for a municipal building and court-house in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. ELKINS introduced a bill (S. 4463) for the relief of Wildey Lodge, No. 27, Independent Order of Odd Fellows, of Harpers Ferry, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4464) for the relief of John W. Vandine, of Hall's Mills, Wetzel County, W. Va.;

A bill (S. 4465) granting an increase of pension to James L. T. Sharp;

A bill (S. 4466) granting a pension to Joseph Fitzpatrick, of Glenville, Gilmer County, W. Va.; and

A bill (S. 4467) granting a pension to W. W. Hutchison, late of Company K, First West Virginia Infantry.

Mr. ALLEN. I introduce a joint resolution which I ask to be read at length and referred to the Committee on Foreign Relations.

The joint resolution (S. R. 158) declaring the existence of a state of war between the United States of America and the Kingdom of Spain was read the first time by its title, and the second time at length, and referred to the Committee on Foreign Relations, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a state of war now exists, and has since the 15th day of February, 1898, existed, between the United States of America and the Kingdom of Spain.

Mr. PENROSE (for Mr. GRAY) introduced a joint resolution (S. R. 159) for the relief of ex-Cadet Engineer W. B. Carswell; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DAVIS submitted an amendment providing for carrying into effect the provisions of sections 26 and 27 of chapter 543, volume 26, of the United States Statutes at Large, relating to the prosecution of certain Indian claims, intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying paper, was ordered to be printed, and referred to the Committee on Appropriations.

Mr. McMILLAN submitted an amendment relative to the admission to the mails as second-class matter of bulletins of vital statistics issued by the State Department, intended to be proposed by him to the Post-Office appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL submitted an amendment relative to the payment of the claim of the St. Louis and San Francisco Railroad

Company for transportation of United States mails, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO REVENUE BILL.

Mr. BUTLER. I submit two amendments intended to be proposed by me to the bill (H. R. 10083) to provide ways and means to meet war expenditures.

The first amendment which I offer proposes to strike out sections 28 and 29, which are the sections providing for the issue of $500,000,000 of bonds, and to insert a provision in lieu thereof.

The next amendment I submit, intended to be proposed to the same bill, is to add income-tax features to the bill.

The VICE-PRESIDENT. The amendments will be printed and referred to the Committee on Finance.

WORK OF THE PENSION BUREAU.

Mr. GALLINGER. I ask unanimous consent that 1,000 copies of Document 242 be printed for the use of the Committee on Pensions. It is a matter relating to the Pension Bureau.

The VICE-PRESIDENT. Is there objection to printing 1,000 copies of the document as requested?

Mr. COCKRELL. What is the document?

Mr. GALLINGER. It is simply a statement I had printed the other day concerning the work in the Pension Bureau. I ask that 1,000 copies be printed for the use of the Committee on Pensions.

The VICE-PRESIDENT. The Chair hears no objection, and the order will be made.

HOMESTEADS AND RIGHT OF WAY IN ALASKA.

Mr. HANSBROUGH. I move that House bill No. 5975, extending the homestead laws and providing for the right of way for railroads in the District of Alaska, and for other purposes, be reprinted, with the Senate amendments numbered.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 9878) for the better organization of the line of the Army of the United States was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL. I ask that the bill be printed.

The VICE-PRESIDENT. The Chair hears no objection, and that will be the order.

Mr. COCKRELL subsequently said: I ask that the Army bill be referred without printing, because the House of Representatives had the bill printed just as it passed there, and as we have the bill in a printed form, there is no occasion for reprinting it.

The VICE-PRESIDENT. So much of the order as ordered a reprint will be canceled.

Mr. HAWLEY subsequently said: I find it necessary, under the rules, to ask a special order for the printing of 300 additional copies of House bill 9878, for the better organization of the line of the Army of the United States. Let 300 extra copies of the bill as it passed the House be printed.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Is there objection to the request of the Senator from Connecticut that 300 additional copies of the bill to which he refers be printed? The Chair hears no objection, and it is so ordered.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 9878) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes.

Mr. HALE. Mr. President, the naval appropriation bill was substantially finished on Thursday evening, but the Senator from North Carolina [Mr. BUTLER] offered an amendment touching armor plate and the establishment of a Government armor plant, which was printed and came over. That amendment is now in order before the Senate. Before the Senator from North Carolina proceeds, I ask that the amendment be read.

Mr. CHANDLER. Will the Senator kindly yield to me to offer a little amendment that I wanted to offer before? It is simply to provide for a clerk at Port Royal. It will take but a moment.

Mr. HALE. Certainly.

The VICE-PRESIDENT. The amendment submitted by the Senator from New Hampshire will be stated.

The SECRETARY. On page 43, at the end of line 12, insert:

Naval station, Port Royal, S. C.: For one clerk to naval constructor, at $1,400.

The amendment was agreed to.

Mr. CHANDLER. A corresponding amendment should be made in the total in line 19.

The SECRETARY. In line 19, before "dollars," strike out "twenty-two thousand and seven" and insert "twenty-three thousand four hundred and seven."

The amendment was agreed to.

The VICE-PRESIDENT. The Secretary will read the amendment offered by the Senator from North Carolina [Mr. BUTLER].

The SECRETARY. On page 63, after the word "same," in line 5, strike out all down to and including the word "aforesaid," in line 8, and insert:

And no contract for armor plate for said 3 battle ships shall be made at an average rate to exceed $400 per ton of 2,240 pounds, including nickel as aforesaid; and no contract for armor plate other than for the said 3 battle ships shall be made at an average rate to exceed $300 per ton of 2,240 pounds, including nickel as aforesaid. And in case the Secretary of the Navy shall find it impossible to make contracts for said armor within the limit of $300 as to price above fixed, he shall be, and is hereby, authorized to proceed at once to purchase or establish a Government armor factory of sufficient capacity to make such armor, and proceed to manufacture the same. In executing this authority he shall prepare a description and plans and specifications of the land, buildings, and machinery suitable for the factory, and shall advertise for proposals to furnish such land, buildings, and machinery, as a whole plant or separately, for the land or buildings or the whole or any part of said machinery; and he shall make a contract or contracts for such land, buildings, and machinery with the lowest responsible bidders. The Secretary shall also appoint an armor-factory board, to consist of competent naval officers of suitable rank, to advise and assist him in executing the authority hereby conferred. For the establishment of said armor factory the sum of $1,500,000, or so much thereof as may be necessary, is hereby appropriated, and in addition the sum of $1,000,000 is appropriated to be used in making at said factory the armor for the vessels herein and heretofore authorized.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Carolina [Mr. BUTLER].

Mr. BUTLER. Mr. President, the Senate is familiar with the armor-plate question. Twice since I have been a member of this body the question has been discussed fully. It has been fully demonstrated that the price charged by the trust was exorbitant and that the armor furnished was defective. The facts have been put before the Senate and the country. By a large majority each time the Senate has refused to pay more than $300 a ton for the armor necessary for the battle ships now being built, making in all 8,000 tons of armor. But no provision has been made to secure the armor at that price. On both occasions when this matter was before the Senate, those of us who opposed paying more than $300 per ton pointed out the necessity of Congress providing some means to secure better armor for that price. We pointed out that if Congress failed to provide for the building of an armor-plate factory in case the armor trust would not furnish first-class armor for $300, then it was certain that we would not get the armor. The trust would simply wait till we were forced to have armor, and then make us pay their price. On each occasion a proposition was before the Senate to authorize the Secretary of the Navy to proceed to build an armor-plate factory, it having been demonstrated that better armor than the trust has been furnishing could be made in a Government factory as low as $226 per ton.

It was shown conclusively that a great deal of the armor manufactured by the armor-plate concerns is faulty and defective, and that on our battle ships which to-day are blockading the harbor of Havana there is defective armor which is liable to be pierced by an ordinary projectile thrown from the antiquated guns of Morro Castle.

At the last session of Congress the Secretary of the Navy was instructed to investigate this whole question and report to Congress. The investigation was made and we have the report. At a previous Congress the Secretary of the Navy had been instructed to investigate the cost of armor. That was while Mr. Herbert was Secretary of the Navy. He made a full investigation and we have his report. We have twice refused to pay more than $300 a ton, but twice we have failed to provide a way to get the armor at that price. What is the result? We find ourselves to-day where we must have the armor, and we find ourselves at the mercy of the armor trust, both as to quality and price.

Mr. President, we are now in the midst of war. The three battle ships that will soon be completed—the three that will need armor to be of service—must have armor, if the war continues, many months before an armor factory can be built. This danger was pointed out in the last Congress and the Congress before, but on various excuses some—enough to make a majority—who said they were opposed to paying more than $300 per ton for armor persuaded themselves into delaying for further and further investigation. We have spent two or three years in investigating, and our investigations have brought us right up to what we knew two years ago. To-day we must pay the price that the armor-plate trust charges for the three battle ships and run the chance of getting more defective armor, or we must decide to do without them.

I regret that our delay, our shortsightedness, has put the Government where, to-day, it is at the mercy of this trust. Recognizing that fact and recognizing that it is better in such an emergency to submit to an extortionate price, to pay $175 more a ton for armor than it would cost the Government to make it, I have offered an amendment which permits that price to be paid for the armor for these three battle ships, but prohibits contracts in the future at that price. I would never agree to such a proposition were we not in the midst of war.

But, Mr. President, why should we agree to pay that price in

the future? Why should we now delay longer to make provisions to protect the Government in the future? Why should we now neglect to provide that in the future our battle ships may be provided with good armor at a fair price? Therefore, in the same amendment I have proposed that the Government shall proceed to erect an armor-plate factory provided a contract can not be made at $300 a ton for the future after the three battle ships are finished. This very bill provides for three more battle ships, but it will take three years to build them.

This war will be over before we can build any more ships, but the war has shown how illy prepared we are for war. Everybody knows that this Government will, from the experience we have just had and are now having, proceed to put our country in a stronger position of defense, that we will proceed to build monitors for harbor defenses and such battle ships as our present experience shows will be most effective to defend our flag. We are not going to stop. We should have ample coast defenses, a first-class navy.

Mr. TILLMAN. Mr. President, this is an important matter. There are very few Senators in the body. I make the point that there is no quorum.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from South Carolina suggests the want of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Faulkner,	McLaurin,	Rawlins,
Allison,	Foraker,	McMillan,	Roach,
Burrows,	Gallinger,	Martin,	Sewell,
Butler,	Gear,	Mason,	Shoup,
Caffery,	Gorman,	Mitchell,	Stewart,
Carter,	Hale,	Murphy,	Teller,
Chandler,	Hansbrough,	Penrose,	Thurston,
Chilton,	Hawley,	Perkins,	Tillman,
Cockrell,	Heitfeld,	Pettigrew,	Turley,
Deboe,	Jones, Ark.	Pritchard,	Wilson,
Elkins,	Lodge,	Proctor,	Wolcott.
Fairbanks,	McEnery,	Quay,	

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, a quorum of the Senate is present. The Senator from North Carolina will proceed.

Mr. BUTLER. Mr. President, I have been appealed to by a number of Senators not to take time on this question. I am thoroughly in sympathy with the purposes those Senators have in view who want to pass the bill and get it into operation at once, so that the Navy Department may not be embarrassed, for there are a number of important provisions in it, and some of them may be urgent.

But, Mr. President, the short while that it will take to again call the attention of the Senate to the salient points that are at issue is not time wasted or time that we can ill afford to spend. It is necessary; it is a duty. We are now in this unpleasant position because we have failed to consider the consequences of delay. A number of Senators have warned Congress of the danger. I regret that their warnings and predictions are verified. I regret that when we warned the Senate two years ago and one year ago that we were delaying an important matter that might catch our Government unprepared that Congress did not heed. To-day we are face to face with the danger that we feared.

Mr. President, I for one yield to the demands of the armor-plate trust as far as the three battle ships are concerned, because we have met the emergency we feared we would meet. If Congress had decided two years ago to build an armor-plate factory we would to-day have the armor at $226 a ton cost to the Government for the three battle ships and for all future ships. I believe, too, we would have had more battle ships under way, because if this question had been settled so as to protect the Government Congress would have been willing and ready to have provided for more battle ships.

Mr. President, it appears to me that, whatever position any Senator has occupied on this question, he should not vote against this amendment, because it removes every argument which has been raised by those who have appealed to us in the past to pay $400 or $425 a ton. The Senator from Maine [Mr. HALE] and others have put their appeals and their arguments on the ground of emergency, on the ground that our Government would be the laughing-stock of the nations if we kept three battle ships hung up over this difference in the price of armor.

The Senator from Maine has even admitted that the price was too high—for argument's sake, at least, he has admitted it—but he said, Let us pay it, because we have three battle ships here now that need the armor, or will soon need it. We have reached an unfortunate position where I join him and say, Let us pay the outrageous price this time on account of the emergency, but let us not again delay to provide for the future. If we do, at the next Congress, when three more battle ships will be nearing completion, the Senator from Maine will again revive his emergency appeals and ask us to submit once more to the extortionate price of the trust. And so it will always be until we take the present to provide for the future.

Those of us who have thought that $300 was enough have never had our argument answered on its merits. It has been answered by various subterfuges. Now we are placed in an emergency that makes us yield to the argument of an emergency. We would not have had to yield if the Senate had provided for an armor-plate factory two years ago or even one year ago, for if we had provided for it, the minute that was done the armor-plate trust would have furnished the armor at $300 a ton.

But, Mr. President, there is something more than price, as important as that is. I say we have shown that armor as good as any that is on our battle ships to-day, and better than some of it, can be made for $226 a ton. It has been shown, and not disproved, that when we pay $300 a ton we are paying $74 profit on every ton; and $74 a ton profit after doing what? After having made the armor trust a free gift of the plants, for we have more than paid for the plants, according to the reports of the Secretary of the Navy, after paying $50 per ton for maintenance of the plant, after paying every item which the armor-plate trust says we ought to pay on account of the peculiar kind of work they are doing, including keeping them in repair, and after paying for every plate that is spoiled in their experiments. So they are not out a cent. We then pay them a net profit of $74 a ton if we pay $300 for the armor. But they are not satisfied with that. They do not risk a cent, for we pay for every contingency.

But they ask us to pay them $174 a ton profit above that. The $300 amendment we have passed twice and agreed to pay the trust $74 per ton profit; and now, in an emergency, we are agreeing, in order to protect the flag, to submit to the extortion and pay $174 a ton profit, after having bought the plants and given them to the companies and kept them in repair. But, Mr. President, how can any man who is representing the best interests of the taxpayers agree to do that in the future?

But there is something more important than price. What is it? I hold in my hand official proof that many of our battle ships afloat to-day have on them armor that is defective. Mr. President, it is treason against this Government to manufacture and to palm off on us and put on our battle ships defective armor. The consequences may be most disastrous. It is treason to manufacture such armor, and it is treason to permit it.

Mr. HAWLEY. Will the Senator allow me a word?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. BUTLER. Yes, sir.

Mr. HAWLEY. I emphatically deny that there is this mass of defective armor of which the Senator speaks on our ships, and if it should be so, I leave to the public opinion of the country to decide what sort of conduct upon its merit is a disclosure of this kind in this public place for the benefit of Spain.

Mr. CHANDLER. Will the Senator from North Carolina allow me a word?

Mr. BUTLER. Yes, sir.

Mr. CHANDLER. I agree with the Senator from Connecticut [Mr. HAWLEY] that if the fact were so, it ought not to be stated at this time; but I am sure the Senator from North Carolina [Mr. BUTLER] is mistaken. The investigation, which was made as to the Carnegie plate only, showed an occasional defect here and there; but there can not be any evidence to any considerable extent that any of the armor that is upon our battle ships is defective or has not full resisting power according to ballistic tests; and I ask the Senator from Maine [Mr. HALE] if I am incorrect in that opinion?

Mr. HALE. On the other hand, the armor that is on our battle ships is the best armor in all the world. There is no battle ship of the modern navies of any European power that has armor upon it that averages as good and as perfect in kind as that which is upon our ships. The Senator from North Carolina is mistaken.

Mr. BUTLER. Mr. President, if I am mistaken, then the Senate committee and the House committee, who investigated this question, are mistaken. I hold in my hand House of Representatives Document No. 1468, Fifty-third Congress, second session, which contains the result of an investigation on defective armor. I read from page 18, which gives a list of the vessels and the armor, naming them.

Mr. CHANDLER. Will the Senator please state more distinctly what the document is? It is not a Senate report, but a House report.

Mr. BUTLER. It is the report of the House committee which made the investigation, and after making the investigation the House passed a resolution directing the Secretary of the Navy to take off this defective armor, and the resolution came to the Senate, but by some mysterious influence was chloroformed and died in committee, without being acted upon here. It is nothing to the credit of the Senate that there is no Senate report, but here is a House resolution, and since this question has been raised, I ask the

Secretary to read the resolution passed by the House of Representatives, which will be found on page 20 of the document. The resolution was passed by the House at the second session of the Fifty-third Congress and referred to the Senate Committee on Naval Affairs, but was not acted upon.

The PRESIDING OFFICER. The Secretary will read as requested if there be no objection.

The Secretary read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized and directed to remove from the ships hereinafter mentioned the armor plates hereinafter mentioned, and subject said armor plates to the same ballistic tests, in every respect, as were given to the plates upon the ballistic tests of which the respective groups of armor plate containing the hereinafter-mentioned plates were accepted. The armor plates to be tested, with the ships from which they are to be removed, are as follows, to wit:

From the ship *Monadnock*, the 9-inch belt plate, No. 10, starboard, manufacturing number 448;

From the monitor *Terror*, the 7-inch belt plate, No. 6, starboard, manufacturing number 678;

From the ship *Oregon*, the 8-inch barbette plate, No. 567;

From the ship *Indiana*, the 4-inch casemate diagonal plate, No. 14, port, manufacturing number 233;

From the ship *Massachusetts*, the 4-inch casemate door, No. 379½.

Be it further resolved, That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the 13-inch belt plate KL, starboard, No. X8, from the ship *Monterey*, and ascertain whether said plate contains a pipe hole 4 feet long; and if such pipe hole be found, the Secretary of the Navy is hereby further authorized and directed to subject the said plate to a ballistic test identical in every particular with that which was given to the plate upon the test of which the group containing the said plate, X8, was accepted, and that the first shot be placed in that part of the plate containing the pipe hole.

The Secretary of the Navy is further requested and directed to send to the Congress a full and detailed report of the hereinbefore-directed tests, as soon as may be.

The members of the Committee on Naval Affairs of the House of Representatives heretofore engaged in investigating the armor-plate frauds, are hereby directed to witness, as far as possible, each of the hereinbefore-mentioned tests; and said tests are to be made at the Indian Head proving ground.

The Secretary of the Navy is authorized and directed to pay from any moneys heretofore appropriated for the increase of the Navy, under the head of armor and armament, such sums as may be necessary for the carrying out of the hereinbefore-directed tests, and for placing on the ships before mentioned other armor plates, in place of the plates removed for the purpose of being tested as hereinbefore directed.

Mr. BUTLER. Mr. President, this document is full of testimony—all the testimony that the House committee could get—showing how many defective plates there are on our ships, and it is reasonable to suppose that for every one they happened to detect there must be four or five more which were not discovered. It is reasonable to suppose that if the committee could by some hook or crook get one witness here and one there to prove by him that there was this defective plate in a certain lot of armor, there were many more defective plates that they could not get any witness to testify about.

Mr. HAWLEY. Mr. President, I must protest against this. I believe the Senator is properly and equitably out of order. He is doing this publicly. If privately he should write a communication to the Spanish Government disclosing the defects as to certain armor plates and pointing them out, he would be guilty of aiding and abetting treason.

Mr. TILLMAN. If the Senator from North Carolina [Mr. BUTLER] will allow me, I will state for the information of the Senator from Connecticut [Mr. HAWLEY] and others that all this matter has been on our records at least three times, and that those witnesses——

Mr. BUTLER. I intend to inform the Senator from Connecticut on that point and to reply to his unwarranted statement.

Mr. TILLMAN. Those witnesses who testified before that committee of the House of Representatives were employees of the Carnegie Company, and nobody else, and they confessed to these fraudulent transactions, by which they put off on the Government armor that was not up to the contract. The effort to have it appear here that those of us who are trying to prevent fraudulent contracts or padded contracts or the robbery of the Government in vessels that are to be built and can not be finished in three or four or five years from now, and after the Spanish war is over, are giving aid and comfort to the Spaniards will at least have no deterrent effect upon me.

As to whether the ships that are now afloat are defective or not, if they ever come in contact with the Spanish navy or the Spanish batteries at Havana the Spanish guns will show. We can not by telling here of the frauds practiced upon the Government in the past point out to any Spanish gunner where are the weak spots; but because one of the Spanish balls may strike one of these weak spots and send one of our battle ships to the bottom of the ocean, or the batteries at Morro Castle may do so, is no reason why we should be accused here of trying to aid and abet the enemy.

Mr. CHANDLER. The Senator has spoken of the failure by the Senate to act on the House resolution. The senior Senator from Pennsylvania [Mr. QUAY] knows something on that subject which I wish the Senator from North Carolina would allow him to state at this time. The manufacturers were perfectly willing that these plates should be taken off from the ships, but it was not deemed expedient by the Senate committee, of which I was not a member at that time, that it should be done.

Mr. TILLMAN. The Senator from Pennsylvania was not a member of the committee either at that time.

Mr. QUAY. I wish merely to state the facts in connection with the resolution that came from the other House to this body providing for the removal of plates alleged to be defective on the battle ships. The manufacturers had no objection to the passage of the resolution, but having been fined severely by the Government for the alleged defects, they asked that in case the plates were removed and stood the ballistic and other tests to be applied, their fines should be returned. When the resolution appeared here, I offered an amendment of that character, but I believe the resolution was dropped. I do not think it was pressed further. That is my recollection. There was no objection on the part of the manufacturers of the plates at all to their removal; they only requested that in case of their removal and they stood the ballistic tests, the fines already paid should be returned.

Mr. BUTLER. Mr. President, it is refreshing to be informed that the manufacturers had no objection to an investigation of this matter. Of course that would have great influence on Congress in the discharge of its duty in that regard.

I regret that the Senator from Connecticut has retired, because I am ready to reply to his very unwarranted and excited statement. The Senator rises in his seat and calls another Senator and suggests the probability of his being guilty of treason for calling attention to certain frauds which have been perpetrated upon the Government. If anyone is guilty of treason who is a member of this body, it is those, including the Senator from Connecticut, who have stood as a partisan by the armor-plate trust and helped them to perpetrate these frauds on the Government and get their exorbitant pay for doing so, thus endangering our ships, the lives of our sailors, and possibly to humiliate our flag, and all to put dishonest dollars into the coffers of a swindling trust. That is worse than robbery. Is it less than treason?

It is well known that before there was any war with Spain those of us who have been in favor of building an armor-plate factory in order that we might have the best armor and that there might be no temptation to palm off on the Government defective armor plate for a few paltry dollars to go into somebody's pocket have demanded that that course be taken in order that there might be no mishap to our Government and to our fleet; but the Senator from Connecticut has stood up and protested against any reduction of price. He has stood up and protested against anything that would give us better armor even at this price or at a lower price. He has protested against protecting our vessels, our sailors, and our flag by having sound armor on our battle ships. On one side was right and self-protection for the nation; on the other side was the armor-plate trust. He has stood with the trust. I do not charge him with treason; but if there is any treason connected with this armor-plate matter those who occupy that position are guilty of it.

Mr. President, the explanation which the Senator from Pennsylvania [Mr. QUAY] gives does not explain. The fact stands, and this report shows, not a few plates, but there are two pages full of such instances. There they are named [exhibiting], there they are designated, stating where the defective plates are on each ship, and this is published in a public document, which is no doubt in the hands of Spain, because Spain unfortunately has a few friends in this country who might get into the document room. With that information public, Spain has it. But if the Senator from Connecticut and a few others had acted and voted differently, those defective plates would not be on our ships. I regret that such defective plates are on our ships; I regret that the information is in the possession of Spain, but it is not my fault. It is the fault of the friends of the armor trust. The purpose of my amendment is to make it impossible that such plates can be put on our battle ships again.

Now, Mr. President, I propose to read from this document. The facts are already public property, and if they were not secrecy would not save one of our battle ships if a Spanish shot should hit one of these rotten plates. I am not surprised that some people do not want to hear about them. The *New York* is one of our ships that is now facing Morro Castle.

Mr. HALE. The *New York* is not a battle ship.

Mr. BUTLER. It is there as a flag ship. It has armor plate on it.

Mr. HALE. The *New York* is not an armor-plated battle ship.

Mr. BUTLER. But it has armor plate on it.

Mr. HALE. Only slight armor. It does not enter into it to any extent.

Mr. BUTLER. If it is slight, there is no reason why it should be defective and full of blowholes any more than if the armor plate was 10 or 20 or 30 or 40 inches thick. There is armor on it 10 inches thick.

Here is a 10-inch plate. I will not state where it is located for fear, if we become engaged with the guns at Morro Castle, their

guns will be pointed at that spot; but the number 490 is marked on it. We paid $9,134 for that plate. Here is the testimony about the defects of that plate. It will be found on page 109 of the same document, and it covers two pages. The man who made the plate admits in the testimony that he stole, or that another person stole and furnished to him, the Government stamp and put it upon the plate to show that it had been approved, and that the plate with a number of defects was passed upon the Government without being inspected, because the Government inspector, seeing the mark upon it, thought that it had been inspected.

Here is another war vessel, the *Monterey*, with a 13-inch defective plate, No. X-8, weight 17.5 tons. For that plate we paid $9,138.45, and here is the testimony showing the defects in it. Inasmuch as this testimony is compact, I will read it. It will be found on page 87 of the report.

Affidavit of T. F. Van Kirk:

ALLEGHENY COUNTY, ss:

Before me, an alderman of Pittsburg, came T. F. Van Kirk, of Homestead, Pa., who, being duly sworn, deposeth and saith that he has resided in Homestead some four years or more, commenced to work for the Carnegie Steel Company, Limited, in July, 1891, in the armor-plate shop, and worked until May, 1892, in said shop, when I then acted as assistant weigh master, until time of strike, June 30, 1892.

That during my employment with said company I was running planers and cutting-off machines, and during that time I have frequently known of defective armor plates being finished and shipped to the Government of the United States. That I have assisted and helped plug numerous plates, with the assistance and under the direction of John A. Potter, general superintendent—

Done under the direction of the general superintendent of the Government—

and John L. Agnew, superintendent of armor-plate department, Al Hubbard, and Frank Johanson. The following is a partial list of plates: Plate x-9, 13 inches, April 11 and 12, 1892. Plugged and hammered up. Forty holes in top and bottom of plate.

Forty holes plugged up!

This plate was afterwards finished, stamped, x-8, 13 inches, April 23 and 24, 1892. A great many holes in top of plate run in wire 4 feet or more in presence of my helper. The material in this plate was very bad, and in trying to plug, the plugs would fall in, but we finally doctored it up and it passed inspection.

Here is another plate:

X-15, 13 inches, April 28 and 29, 1892, plugged three holes and hammered a large number. Plate passed.

X-11, 13 inches, April 30 and May 1, 1892. Several large holes in end of plate. I did not fix plate, but George Plummer did.

B. 12, "Star.," 79,616, Saturday, November 7, 1891, was several small holes, when I came to work, which I stopped up and plate went through. See Mem. of George Plummer attached, as follows, etc., two big holes, etc.

B. 10, Port, 80,565, November 11, 1891. Fourteen holes plugged. Plate finished and stamped.

C. 3, Port, 80,564, November 12, 1891. One large hole and three small ones plugged. Finished and passed.

A. 5, "Star.," 80,932, November 12, 1891. Four holes plugged. Finished and passed.

X. 13, 13-inch belt armor plate, ship *Monterey*, April 2, 1892. George Plummer said not touch upper end until lower end is finished, account of holes. Had been plugged. I finished the other end. This all occurred at night.

Doing important work at night. Unless they were working under forced orders, the work certainly could have been done better in daytime, and why was it done at night? The following explains:

This all occurred at night when no inspectors around. Were constantly concealing defects in plates and bad steel. Have frequently stopped the cutting machines over defects when inspectors were coming around.

T. F. VAN KIRK.

Sworn and subscribed to this 7th day of March, 1894.

JAS. V. MASTERS, *Alderman.*

Mr. President, this whole book is full of that kind of testimony. Here are one, two, three, four, five, six, seven, eight, nine, ten vessels, every one of which must face, if we have a battle, an engagement sooner or later with the Spanish fleet; and there are from three to seven defective plates, according to this report, designated and named in every one of those vessels. The *Oregon* is now making around Cape Horn, and we have information that the Spanish torpedo boat at Montevideo is going to intercept her. The Navy Department gives us information this morning that the *Oregon* will be able to take care of herself against that Spanish torpedo boat.

Here we have a list of defective armor plates on that vessel. A plate that ought to resist a well-directed shot if the armor was what we bought and paid for—we paid over $8,000 for each defective plate—would be pierced easily if this testimony is true.

The Naval Committee of the House, in its report on these defective plates, denounces the placing of them on our ships as a crime. It denounces the company that made the plates, and also those who are responsible for permitting it. What does the committee say? I read from page 16 of the same report:

CRIMINALITY.

If the criminality of a wrongful act is to be measured by the deliberation with which it is committed, the magnitude of the evils likely to result from its perpetration, and the want of provocation with which it is done, the frauds which your committee have found are worthy to be called crimes. The servants of the Carnegie Steel Company (whether with or without the knowledge of the company), to increase their gains, deliberately continued for many months to commit acts whose natural and probable consequence would be the sacrifice of the lives of our seamen in time of war, and with them, perhaps, the dearest interests of the nation.

The company were hired to make the best possible armor plate and paid an enormous price for so doing. They were hired to make an armor that would stand the shots of an enemy and upon which the nation might rely in time of need. They were paid between $300 and $700 a ton and thousands of dollars a plate for so doing. Resting under these obligations, the company or its servants have perpetrated manifold frauds, the natural tendency of which was to palm off upon the Government an inferior armor, whose inferiority might perchance appear only in the shock of battle, and with incalculable damage to the country.

No fine or mere money compensation is an adequate atonement for such wrongs. The commission of such frauds is a moral crime of the gravest character. Your committee do not consider it as within their province to draft a criminal statute; but they do feel under obligation to call the attention of the House to the importance of protecting in the future the interests of the Treasury, the lives of our seamen, and the safety of the nation by appropriate legislation, denouncing as crimes all such acts of fraud and deception practiced upon the Government in connection with armor plate and other material of war, and making such acts severely punishable in all persons who commit them or aid and abet their commission.

Further on the House committee in its report says (page 17):

The efforts of the company (Carnegie), and of its superintendents, Cline, Corey, and Schwab, have been to satisfy your committee that the armor is up to the requirements of the contract, notwithstanding the false reports to inspectors, doctoring of specimens, plugging of plates, fraudulent re-treating of test plates, and "jockeying" of the testing machine. The unblushing character of the frauds to which these men have been parties, and the disregard of truth and honesty which they have shown in testifying before your committee, render them unworthy of credence.

Continuing, on page 18, the committee report says:

The terms of the resolution under which your committee is acting require them to ascertain the amount of damages. It is impossible, however, for them to do this with their present powers. The only way to determine the actual condition and strength of the armor is by subjecting certain plates of the groups passed by fraud to ballistic tests. This your committee has no power to do. For the information of the House, in relation to the question of further continuing this investigation by making such ballistic tests, your committee have ascertained the whereabouts of fifty-nine representative plates, alleged to have been falsely treated.

The following table shows their weight, cost, and defects, and the ships upon which they can be found:

LIST OF MOST IMPORTANT ALLEGED DEFECTIVE PLATES.

Size.	Location.	No.	Weight.	Cost.	Defect.
MONTEREY.					
13 inches..	Belt. K. L. starboard.	X8	17.5 tons.....	$9,138.45	Pipe 4 feet long, page 87.
13 inches..	Belt. No. 4. H. G. port.	X13	16.74 tons...	8,728.94	Bad holes, page 88.
7.5 inches..	After turret (port hole).	214	6.7 tons.....	3,929.38	Oil burned off.
7.5 inches..	.....do.....	225	9.2 tons.....	5,414.50	Do.
MONADNOCK.					
11.5 inches.	Barbette...	702	.....	$10,596.15	Changed colors; not heated; test pieces stretched, page 105.
11.5 inches.	.....	661	.....	15,507.05	Fake treatment after bending.
11.5 inches.	.....	985	.....	10,875.00	Test pieces stretched, page 105.
11.5 inches.	.....	669	.....	10,727.00	Tempered, no annealing.
9 inches....	Belt	448	No. 10, starboard.	7,043.00	Scrap ends only in furnace tested.
9 inches....	.....do.....	473	No. 13, port.	6,826.86	Heated to cherry for rectification after treatment.
		452	No. 8, port..	7,355.00	
		486	No. 12, starboard.	8,010.00	
NEW YORK.					
10 inches..	Barbette...	490	.....	$9,134.00	Test pieces substituted, p. 109.
10 inches..	.....do.....	X50	15.491 tons..	9,060.00	Annealing heat, five minutes.
10 inches..	.....do.....	X57	.....	8,992.00	Not heated for treatment.
10 inches..	.....do.....	X47	.....	9,108.00	Heated eleven hours to cherry red after tests.
10 inches..	.....	248	15.492 tons..	9,061.00	In pit from bending; no other heat.
5.5 inches .	Turret.....	2989	5.279 tons...	3,094.00	Heated one end thirty minutes; forty-eight hours in pit.
5.5 inches .	.....do.....	2953	6.399 tons...	3,749.00	Do.
4 inches....	Side.....	X18a	No. 9, starboard sponson.	2,410.00	Ends only oil burned off.
		X22a			
		X19b			
AMPHITRITE.					
9 inches....	136, belt	410	No. 13, starboard.	$6,890.00	Dipped in oil, burned off.
9 inches....	11 P, belt ..	307	.....	7,662.00	Do.
9 inches....	12 P, belt...	420	.....	7,758.00	Dipped in oil, ends changed.
5 inches....	Belt	218	.....	1,534.00	Dipped in oil, burned off.

LIST OF MOST IMPORTANT ALLEGED DEFECTIVE PLATES—Continued.

TERROR.

Size.	Location.	No.	Weight.	Cost.	Defect.
7 inches	Belt	492	No. 7, starboard.	$8,741.00	Ends only treated.
7 inches	do	705	No. 12, starboard.	8,023.00	Edges only heated.
7 inches	do	678	No. 6, starboard.	7,880.00	Do.

OREGON.

8 inches	Barbette	586		$8,231.00	Tempered O. K.; no annealing.
8 inches	do	583		8,214.00	One end only Bot.; other end blackened.
8 inches	do	587		8,008.00	Irregular treatment.

OLYMPIA.

4.5 inches	Barbette	370		$4,880.00	No treatment. Oil burned off.
4.5 inches	do	400		4,667.00	Do.
4.5 inches	do	408		4,886.00	Do.

Four-inch casemate.

INDIANA.

Plate.	No.	Location.	Cost.	Defect.
Diagonal	222	No. 13, starboard	$2,172.00	Insufficiently heated before annealing.
Do	224	No. 15, port	2,530.00	Do.
Do	226		419.00	Fourth treatment same.
Do	233	No. 14, port	2,540.00	Edges only.
Do	237	No. 12, port	2,162.00	Ten minutes heat, thirty-six hours pit.
Side	240	No. 4, port	3,235.00	Blue heat anneal.
Do	241	No. 4, starboard	3,419.00	Do.

MASSACHUSETTS.

Diagonal	253	No. 13, starboard	$2,157.00	Not oil-tempered.
	324	No. 5, starboard	3,394.00	On fourth and fifth heat top ends only heated.
	332	No. 4, port	3,414.00	
Door	379½	do	720.00	No treatment at all.

OREGON.

	273	No. 2, port	$3,849.00	In oil cold burned off.

Four-inch sponsons.

Ship.	No.	Location.	Cost.	Defect.
New York	2641	No. 7, port	$2,433.00	Ten minutes heat before annealing.
	2557	No. 5, port	2,377.00	Do.
	X19B	No. 9, starboard	2,408.00	Ends only treated.
Columbia	A284	No. 6, starboard	2,469.00	Do.
	502	No. 4, starboard	1,210.00	Do.
Minneapolis	449	No. 7, port	2,744.00	Oil burned off.
	663	No. 6, starboard	2,444.00	Edges only for annealing.
	645	No. 3, starboard	2,444.00	Do.
Olympia	2453	Starboard after between 64 and 65.	3,117.00	Oil burned off.
	2136	Port after between 57 and 58.	3,120.00	Do.
	472	Port forward, No. 29 frame.	3,080.00	Oil burned off; heated to cherry after treatment.
Cincinnati	627	No. 2, starboard	2,909.00	Ends only.
	641	No. 3, port	2,909.00	Do.
Raleigh	2050	Port after board	2,880.00	Do.
	2063	Port forward board.	2,860.00	Do.

Mr. President, the question of price, important as it is, pales into insignificance compared to the rottenness, to the treason—yes, that is the word to use for it—to the treason that this document exposes. The difference in the price of armor for these three battle ships (to say nothing of future battle ships) would be more than enough to build a Government armor factory; but that saving, great as it is, is slight compared to the value of a battle ship, the lives of our sailors on it, and the protection of our national honor.

Each one of these battle ships to-day has as brave sailors on it as went down on the *Maine* in Havana Harbor. Let a hostile projectile from a Spanish man-of-war hit a defective plate, and not only goes down a magnificent battle ship, costing over five millions, but there go down the lives of 200 or 300 American sailors. Not only that, but let enough of them go down, and the Spanish guns will be bombarding every American city on the Atlantic coast that has not, fortunately, been made impregnable by coast defenses. Who is responsible for this? And is this not the treason that needs to be branded?

Mr. President, shall we longer submit to having greed and treachery plaster our battle ships with rotten armor? At such a time, Mr. President, we ought to have the best materials that human ingenuity can devise. I am willing to pay for the best; but I am not willing to pay for the best and get the poorest. I am not willing to have defective armor at any price. I am willing to pay for the best, and it ought to be treason for any firm to furnish anything less than the best, and it ought to be treason for any man who occupies a place on the floor of the House of Representatives or the Senate to permit it by his vote.

Mr. President, the amendment which has been offered makes the best of a bad bargain, and submits to getting the best armor plate we can at an extortionate price for these three battle ships now nearly finished; but it provides that in the future we shall get the best armor that the Government can make; that there shall be no blowholes in it; that it shall not be plugged; that men shall not lie and perjure themselves about it in order to put a few corrupting dollars into their pockets. It provides that there shall be armor on our battle ships that will protect our property, that will protect the lives of our seamen, and that will protect the honor of the nation and its flag. That is all the amendment does. It is the best we can do now; and will there be any American Senator who will agree to less?

Mr. STEWART. I should like to inquire of the Senator from Maine about what time these battle ships can be completed if we enter into the contracts now?

Mr. HALE. The three battle ships that have been hung up for lack of armor, for which contracts were authorized by Congress, can probably have all the armor supplied in the course of the next twelve or fourteen months.

Mr. STEWART. Then the Senator thinks the ships will be ready for us in eighteen months?

Mr. HALE. Yes, and perhaps before that. They will, of course, be very much hurried, as, under the pressure of actual war, as the Senator knows, all operations are greatly expedited by double work, night and day, but under the ordinary way of doing business in these establishments they can furnish this armor—and the ships are ready for it now—in twelve or fourteen months.

Mr. STEWART. Is there anything in the bill as reported by the committee which in any way commits the United States to further contracts at this time?

Mr. HALE. No. Every contract stands by itself.

Mr. STEWART. Then, Mr. President, although I have acted with the Senator from North Carolina [Mr. BUTLER] in this matter——

Mr. TILLMAN. Before the Senator commits himself, he had better arrive at all the facts. The three battle ships which are now being built are provided for in the pending bill at the price demanded by the armor trust. We do not fight it. We say, "Take that;" but we are trying to prevent contracts being made for the three new ships provided in the bill just come over that are not yet contracted for at all, and for the four harbor-defense vessels, also involving four or five million dollars' worth of armor.

Mr. HALE. The Senator from Nevada, I suppose, sees what is brought out by this amendment. The proposition for the establishment of an armor-plate factory by the Government is intended to take the place of future contracts. Of course if that passes there will be no future contracts. Neither the Committee on Naval Affairs nor the Committee on Appropriations think it would be wise to commit us to a Government plant now. They believe that better contracts can be made in the future and at less expense to the Government than by a Government plant, but if the scheme which the Senator from North Carolina has introduced and of which the Senator from South Carolina approves takes effect, if it passes and the plant is made, there will be no more contracts.

Mr. TILLMAN. Except for the three ships now on the stocks.

Mr. HALE. They would have to be provided for, of course.

Mr. STEWART. How soon will contracts be necessary for these ships?

Mr. HALE. The three ships authorized by this bill?

Mr. STEWART. Yes; for the armor plate.

Mr. HALE. The contracts ought to be made probably within the next six months or a year, so that as they proceed in their construction the first armor will be prepared and ready. I presume those contracts will be made some time during the next year. Others will be made at once.

Mr. BACON. Will the Senator from Maine permit me?

Mr. STEWART. I rose to make some remarks in regard to this matter.

I agree with my friend that under the circumstances we should take the armor for these three ships, but I do not want to see the

Government committed either to building a plant for the manufacture of armor plate or contracting for armor plate at present, because we will have more information with regard to this class of ships if we really have war with Spain and have battles. There will be great chances that it will revolutionize the whole business, and I do not want to vote to commit the Government to building or contracting beyond these particular ships. It may be that this war will continue sufficiently long so that we will require these ships; and if that unhappily be the case, we would regret that we did not have them built. But I think it would be very unwise now to commit the Government to any particular class of ships, in view of the possibility of war, which always revolutionizes such matters and brings to light what is really needed in naval warfare.

Mr. HALE. I think the Senator from Nevada is quite right about that. We are in something of a realm of mystery about the capacity, the endurance, and the efficacy of the modern battle ship. It has not been tested, and I shall not be in favor of anything for the future, beyond these three ships, which obliges the Department to go on and make any more contracts. If I were Secretary of the Navy—and I have no doubt any prudent Secretary of the Navy would do the same thing—I would bear in mind the considerations presented by the Senator from Nevada. He ought to do it.

Mr. STEWART. If that is the understanding, and we will not be involved before this matter is tested, I have no objection to allowing the bill to pass and shall vote for it as reported by the committee. I should be opposed to any measure that is to involve us in anything more in this line before we have an opportunity to see what is required, because it may be that these battle ships will not answer the purpose which is now supposed. A war may make an entire revolution in the mode of naval warfare, as was made during our war. The little *Monitor* revolutionized the naval construction of the world.

Mr. BUTLER. Will the Senator from Nevada pardon me for a moment?

Mr. STEWART. Certainly.

Mr. BUTLER. If the Senator from Nevada holds those views, then he should be making a speech in favor of striking out the provision in the pending bill for building three more battle ships. This bill provides for more battle ships to be begun now; and if we do not make provision now, we will be appealed to by the Senator from Maine and others who have seen fit to occupy the position they have, and which I can not understand, not to delay the finishing of the three ships provided for in the pending bill, and again to submit to the demands of the armor trust and accept their defective armor. If we are not going to provide for some way to make the armor, let us strike the provision for three battle ships out of the bill now. If your argument is good that we do not know in what the war will result, let us not go to the expense of building three battle ships until the war is over. But if we are going to put them in the bill, let us provide for some way in which we can armor them properly.

Mr. STEWART. There is much force in what the Senator from North Carolina says. I believe it would be better if the money to be spent for battle ships were spent on monitors or on small craft, which can be constructed and brought into use immediately, during the existence of the present war. Battle ships can not be built quickly. If we start now, we could have none of them built for this war, unless it is protracted beyond everyone's calculation. I believe that what money should be expended now should be for such appliances as can be improvised immediately and used at once. That is the reason why I shall vote for the armor plate, because the war may last a year, and I do not believe we can commence the building of armored ships and have them constructed in time for the war. I think the money should be expended in monitors or light-draft ships that can be speedily constructed to be used in defense of harbors. I think the whole force of the Government should be directed to means that may be used during the present war; that we should not anticipate the future until the war has progressed far enough to show us what will be the needs of the future.

Mr. BACON. Will the Senator from Maine permit me to ask within what time it is anticipated that the three battle ships authorized by this bill can be completed, not speaking of those now on the stocks?

Mr. HALE. I think they will be built, under the conditions of expedition to which I have alluded, in considerably less time than these other ships. I think they will be built and ready in three years.

Mr. BACON. Three years?

Mr. HALE. Perhaps a little inside of that. The others have taken four years.

Mr. BACON. The reason why I ask the question is this: Of course we all deprecate in any way throwing any obstacle in the way of the Navy Department in any preparation that may be deemed necessary to meet the emergency now upon us; and it is important that we should, as far as possible, differentiate the expenditures which are required for the war upon which we now enter and those which may be required or desired or asked for after the war shall have been terminated. That is the only purpose I have in making the inquiry. I should myself, of course, sacrifice very largely my personal opinion in any matter on this subject if it were necessary to provide the proper defense in the present emergency. I wish to know, in order that I may govern myself accordingly in that regard.

Mr. HALE. I suppose the consideration which perhaps governed the other branch, and certainly governs the committees of this branch, is not the expectation that the three battle ships provided for in this bill would ever be used in the present war.

Mr. BACON. That is what I want to know.

Mr. HALE. Everybody hopes that the duration of the war will be much less than the time necessary to finish one of the ships; but the main consideration was that if we have a war, we learn a lesson; that is, that there may be future war, and that the Government ought to be in readiness with a good, strong, efficient naval force for any emergencies; that we should never be found in the condition we are now, where we wish we had more of these ships. It is not an emergency, but it is to prepare for a possible future.

Mr. ALLEN. Do I understand the Senator from Maine to say that the battle ship is an experiment?

Mr. HALE. I say it has not been demonstrated by any actual conflict what is the efficacy of the modern battle ship.

Mr. ALLEN. Does anybody know whether or not it is a fighting machine?

Mr. HALE. There can be no doubt that they are great fighting machines. The testimony of the aggregate world of naval powers is that they are the best, and all naval powers have embarked in their construction; but they have proceeded as men do and as nations do sometimes, without demonstration. It has never yet been shown what will happen in a great naval battle to one of these enormous structures when a battle ship is opposed upon one side to another.

Mr. ALLEN. All we have to act upon, then, is simply the judgment or advice of what, I suppose, are called the naval experts?

Mr. HALE. They combine, of course, great ordnance, tremendous power of gunnery, and they have almost impregnable armor; but it is not yet known by the test of battle, the last, stern, crucial test, which will be the better of the two, the ordnance, the guns, or the armor, and they have combined the two.

Mr. ALLEN. We do know that the monitor is a good fighting machine.

Mr. HALE. I know that my mind has been rather self-educated about the monitor. I have found myself this year and lately unconsciously coming to the conclusion that while we should have a good fleet of battle ships for operations farther away from the coast perhaps, we ought to have a good supply of harbor-defense ships of the monitor kind, with low free board.

Mr. ALLEN. I think that is right.

Mr. HALE. That is why the committee have provided for four of them in the bill, and I think that meets the general commendation of Senators who have investigated the subject.

I agree with the Senator from Nevada that that is going to be a very valuable feature. I will say to the Senator from Nebraska that I think the provision for four monitors is one of the best features in the bill.

Mr. STEWART. I should like to remark that I fully agree with the Senator from Maine that we should continue a policy of preparation for defense. The only thing that I desire to suggest in that connection is that the new contracts ought to be made in the light of the tests that we have before us. Contracts should not be made for any of these expensive ships without that final test, if there should be an opportunity to have it made. Consequently I hope the contract will be delayed until we see how the great ships behave themselves in actual battle.

Mr. TILLMAN. Mr. President, I shall detain the Senate but a few moments in presenting what I have to say on the matter of armor. It has been up whenever the question of the Navy has been under discussion since I have been in the Senate. The Senator from New Hampshire [Mr. CHANDLER] is deserving of the credit of having, by the investigation ordered on his motion, brought out the facts which have already reduced the price of armor from about $550 or $600 per ton down to $400 a ton. But the facts presented in the investigation before the Committee on Naval Affairs—and the Senator from New Hampshire himself collated those facts and presented them here in an able speech which nobody has ever been able to answer, and which convinced the Senate—showed that $300 was a liberal price to pay for armor.

I want the Senate to understand clearly just what we are proposing to do here, because a great many have disclosed by their questions that they do not know what the bill proposes. There were three battle ships provided for in the naval appropriation act over a year ago which are already named, already contracted for, and are now on the stocks being built. The pending bill provides that the armor for those three battle ships shall be contracted

for at the minimum price of $400 a ton, which the armor monopoly has at last agreed to take, I suppose, and therefore there is no delay whatever intended by the amendment of the Senator from North Carolina as to the completion of the three ships, the *Illinois*, the *Alabama*, and the *Wisconsin*, now under contract. The pending bill, however, provides for three additional battle ships not yet named and for four harbor-defense vessels, in all aggregating the sum of $14,000,000 outside of armament and armor; and our experience has shown us that the armor and armament constitute nearly one-half the cost of a naval vessel.

The question where the armor for these seven additional war vessels is to come from and what price we are to pay for it is the one before the Senate. When the Naval Committee was investigating what was a fair price for armor, we postponed contracting for armor for the *Kentucky* and the *Kearsarge*, and last year we postponed contracting for the armor for the three vessels now on the stocks—the *Wisconsin*, the *Alabama*, and the *Illinois*—limiting the price to $300 a ton.

The Secretary of the Navy was instructed by resolution of the Senate to investigate this question and to take up the cost of the armor as made by the Carnegie and the Bethlehem companies. Secretary Herbert reported—and I have his report here and nobody has dared to dispute it—that the two armor plants now in this country have had their plants paid for by the Government and presented to them, in effect. In other words, they have had every dollar of capital which they have invested returned to them, and the Bethlehem Company have had in addition an average dividend of 22 per cent on the investment. The Carnegie Company have had all the investment they made returned to them with an average dividend of 10 per cent on the investment. In other words, the companies have got back every dollar which they have put into their armor factories and have had this interest on their money. And both now own the plants.

Now, we asked these men to sell us armor at a reasonable price. We asked them to show us their books in order to bring out the facts as to what armor costs. They refused. They would not give the Secretary of the Navy access to their books to enable him to determine whether the price they demanded was or was not a fair one. But the three experts appointed by the Secretary of the Navy, the two who are on detail at the armor factories and one other, have agreed in an approximate estimate as to the cost of material and labor in a ton of armor, and they put it at $197. The factories acknowledge that that is true. In other words, instead of giving their figures they say, "We take your estimate," showing that the actual cost is below $197.

Now, it is contended by those who are opposed to the erection of a Government armor plant that Government work always costs a good deal more than contract work done by private parties, and that this Government can not afford to go into the experiment of establishing an armor plant of its own and have armor cost it more than we can buy it for in the market. If the average price of Government work—and I consider that this is a fair figure to put upon the excess—is 50 per cent above that of private work, and then if the actual cost in labor and material is $197 a ton, 50 per cent additional would make a ton cost us $300 in a Government plant. If we were going to stop and never go on with this, we could say, "We can not afford to go into the experiment and spend a million or a million and a half dollars on a plant." But who is here prepared to say that the United States will not continue to expand its Navy?

I think the condition we are in to-day demonstrates the necessity of a large navy for this country, and that we are not going to stop short, building no more ships of any sort after the present war shall have demonstrated what kind should be built. We all know there will be armor of some kind on those ships. Shall we have an armor plant of our own and save this money to the taxpayers or shall we give these monopolies the benefit, not only of the gift we have already made to them but of future contracts, which would double or treble what we have already spent with them?

Mr. President, I for one will never consent by my vote to commit this Government to pouring more money into the coffers of these two monopolies. We can build an armor plant of our own and we can make armor that will have no holes in it—will have no spongy places in it. There will be no fraudulent or defective plates. Gentlemen contend that it is better not to do this; that these two great corporations have invested all this money, and that the Government owes them something. The Secretary of the Navy has told us that we owe them nothing; that we have repaid every dollar that was ever invested, and if their plants were struck out of existence by lightning or dynamite or fire or anything else that could destroy them, they would lose nothing, and would have had heavy interest on the money invested while it was in use.

Mr. CHANDLER. Would the Senator from South Carolina think it would be advisable for the United States to establish an armor-plate factory of its own merely for the armor that is to be put upon the three new battle ships that are authorized by the proposed act? Would it pay, in other words, rather than to pay $400 a ton for the armor for those three ships, to establish an armor-plate factory? If we are uncertain as to whether we shall build any more armored battle ships, is it wise administration to delay two or three years in order to establish an armor-plate factory and wait on these three new ships?

Mr. TILLMAN. The three ships provided for in the bill will not be delayed an hour.

Mr. CHANDLER. The additional three ships?

Mr. TILLMAN. Do not let us get the three ships mixed.

Mr. CHANDLER. Would that pay unless we are going to authorize more battle ships, about which we are absolutely uncertain?

Mr. TILLMAN. We will certainly authorize more armored ships. Whether they will be battle ships, with high free boards out of the water, or low monitors, we do not know until we have tried in battle which style is best. Yet this bill commits the Government and authorizes and directs the Secretary of the Navy to contract for three more battle ships in face of the fact that we do not know whether or not they are of any account.

Mr. CHANDLER. How certain is the Senator that within a reasonable period we shall build any more than these three battle ships and the monitors?

Mr. TILLMAN. Were we any more certain when the Senator from New Hampshire called for an investigation to stop this thing? Is there not much more probability under existing conditions and the disposition we have seen displayed in Europe to aid Spain, if they dared, that we need a navy three or four or five times as large as we have? The Senator knows he is merely playing with words and facts. It is not worthy of him to get up here and undertake to say that he is not in favor of a large navy.

Mr. CHANDLER. I am willing to deal with the question of an armor-plate factory if we authorize any future ships, but as to these three new ships we ought not to wait for the armor. It will take three years anyway, if we make a contract with the present armor-plate manufacturers, to get these new ships ready.

Mr. TILLMAN. Will the Senator answer me a question?

Mr. CHANDLER. I want to make my first statement. I am not in favor of waiting two or three years to build an armor-plate factory to furnish armor for these ships.

Mr. TILLMAN. Does the Senator mean the three ships provided for in this bill——

Mr. CHANDLER. The three new ships provided for in the bill.

Mr. TILLMAN. And the four harbor-defense vessels, both together involving an expenditure for ten or twelve thousand tons of armor. If there is a profit of a hundred dollars a ton on the armor—and I believe it is a hundred and fifty dollars—and the Government can make the armor for $250 or less, then there is enough profit on the vessels ordered in this bill to build a factory and have the Government own it. Why is the Senator from New Hampshire so solicitous now to take care of these factories when he is the man who started the investigation and showed up their fraud and their greed? Why has he changed front?

Mr. CHANDLER. Simply for the present emergency, because I want these ships completed within one or two or three years, and not five or six or seven years.

Mr. TILLMAN. It is very certain that if we, in the same bill which authorizes the three new battle ships and four harbor-defense vessels, authorize the Secretary of the Navy to contract for armor or build a factory to make it, we will get the armor by the time the hulls are ready for it. It is simply a question whether the Senate of the United States will sit here silently, knowing the fact that we have a monopoly in this country which to-day stands and says to the Government, "You must give a hundred dollars a ton more for armor than a fair price." That is all it is. The Senator from Maine last year in this discussion said it was cheaper to contract for Government work with private parties rather than for the Government to build anything of itself. Why are we making guns at the Watervliet Arsenal and here at the navy-yard? If we can not manufacture armor, why do we build guns?

Mr. HAWLEY. Will the Senator let me explain it to him?

Mr. TILLMAN. Yes; I will be glad to have anyone explain why we can do one and can not do the other.

Mr. HAWLEY. These guns are all forged, rough turned, and prepared for the last stage by contract with private parties. They come here to be bored up to two-thousandths of an inch and fitted together.

Mr. TILLMAN. That is no answer at all, for the reason that we can contract for the steel, which is the basis of the armor, at a cost of 2 cents a pound, including the nickel, or about that.

Mr. BUTLER. If the Senator from South Carolina will pardon me, the Secretary of the Navy, Mr. Herbert, in the investigation which Congress directed him to make, the result of which is found in House Document No. 151, Fifty-fourth Congress, second session, page 54, recommends that the Government establish not only an armor-plate factory, but a gun factory; and in the Senate document which I hold in my hand the Senator from New Hampshire

[Mr. CHANDLER], who conducted the investigation and made the report, recommends the same thing, following the recommendation of the Secretary of the Navy.

Mr. TILLMAN. He was a Democratic Secretary of the Navy, however.

Mr. CHANDLER. The Senator does not intend to misrepresent me. The recommendation was only conditional on the failure of the armor-plate manufacturers to accept the prices fixed by law.

Mr. TILLMAN. Why do you not make them accept the price that you yourself said was a just one, $300? You argued it right here and proved it. Now, why go back on your argument and your own report?

Mr. CHANDLER. With the Senator from North Carolina at my rear and the Senator from South Carolina with his instruments in front of me, I am considerably puzzled. The reason is this: We can not afford to wait, and we can not afford to build an armor-plate factory with reference to armor that is now in sight to be built. It is perfectly clear that if this country will agree to build two battle ships a year for the next ten or fifteen years we can get the price of armor down even below $400 a ton; but as long as we build the ships two at a time or three at a time and refuse to make a time contract extending over many years we can not expect to get our armor for less than $400 a ton. If we were prepared to make a time contract and give these two companies work extending over the next ten or fifteen years, we could probably get a less rate than $400 a ton.

The whole question of the battle ships of the future and of the method of getting the armor and the price to be paid for the armor is to be left open. I want to see the three new ships and the four monitors built as soon as possible, and I am not in favor, under the circumstances, of establishing an armor-plate factory with the expectation that we will get the armor from that factory for those ships. The Senator from South Carolina and the Senator from North Carolina know that we could not get it in any kind of season even if we chose to put $3,000,000 into the plant.

Mr. TILLMAN. Mr. President, I do not know anything of the kind. I know this, that there is enough armor provided for in the pending bill to build an armor factory according to the estimate of Secretary Herbert, which report the Senators from New Hampshire and Maine have commended on this floor as being a painstaking document and one reflecting great credit on that officer. He declared that the estimate he made was after a most thorough investigation of the cost of a plant here, as well as the estimate of the naval attaché in London, who investigated the cost of the plant in England, and that of our naval attaché in France, that the cost of a plant for an armor-plate factory would be about $1,500,000. Those three estimates go to show that there is enough armor provided under this bill to make the Government own its own plant when these three new vessels are built, instead of being in the same fix that we are in to-day and at the mercy of this monopoly. That is why I want the factory. I want to prevent the future extortion and robbery of the taxpayers.

Mr. PERKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from California?

Mr. TILLMAN. Certainly.

Mr. PERKINS. I only desire to say to my friend from South Carolina that my recollection is that when Secretary Herbert appeared before our Committee on Naval Affairs we were paying $540 a ton for this armor plate—yes, we were paying nearly $600, as I recollect it—and he said at that time that $400 was, in his opinion, a fair price, and if the Government could obtain it at that rate he would not recommend the construction of a plant by the Government. That is my recollection of his statement.

Mr. TILLMAN. And yet a year ago Congress tried to get those people to accept $425 a ton, and they refused. By waiting a year we have saved $200,000 on 8,000 tons. That is what we have done by sitting down and doing nothing for a year. Now we can not afford to do nothing any longer. The Senator from New Hampshire, and the Senator from California, and the Senator from Maine know that we are going to have a larger navy than we have ordered in this bill. Where is the armor to come from?

Mr. PERKINS. But I wish to say to my friend from South Carolina that we have the same common object in view. We all want a navy, and we want an efficient navy. The war that we are now just entering upon will demonstrate whether the ironclad battle ship is a formidable implement of warfare, as many of its advocates have believed. I for one think, with the Senators from Maine and New Hampshire, that it has not been fully demonstrated yet that the battle ship will prove in active service what its many friends and advocates have believed.

England has changed her plans in the last twenty years—yea, in the last five years. The ship she built five years ago is not the ship she is building to-day. When the *Camperdown* ran into the *Victoria* in the naval maneuvering and exercises in the Mediterranean Sea it was a revelation to all nautical and naval men. I believe in the next sixty days we will make a new chart of naval warfare and it will be laid down upon new lines. I fully agree with my friend from South Carolina that we should go slowly in these matters and should not make contracts in the future that will embarrass us.

Mr. TILLMAN. Yet this very bill provides for contracts for three new battle ships.

Mr. PERKINS. Only three ships.

Mr. TILLMAN. That is $9,000,000—a small amount to a millionaire from California, but a very big sum to a poor farmer from South Carolina. That is a difference in the point of view, perhaps. The $3,000,000 is for the hull. The armament and armor will cost $2,000,000 or $2,500,000 more, making these three battle ships cost us $15,000,000 or $16,000,000 when completed. You say you want to go slow. Why not put a proviso in this bill that the Secretary of the Navy may, in his discretion, not contract for the vessels?

Mr. PERKINS. We tried that last year at his suggestion, and the result is that we are humiliated to-day by having three battle ships, for the sake of $25 or $50 a ton, lying idle at their moorings. It was bad policy.

Mr. TILLMAN. They are on the stocks.

Mr. PERKINS. No——

Mr. TILLMAN. They are not off the stocks at all.

Mr. PERKINS. But the contract for the armor plate has not been let. As the Senator from New Hampshire has said, and most forcibly, too, this work takes only a part of the time of the plant. If we had continuous work it could be made for less. We have a trip-hammer or press in these works that cost over $500,000. That was thrown aside; it was useless for the work. My friend from South Carolina, with his great resources, financially speaking, and they far exceed anything from our Western Senators, would not engage in any business enterprise and invest his capital unless he had assurances of continuous work. He would rather work for 5 per cent profit manufacturing cotton, where he could have continuous work, than manufacture armor plate where he could make 30 per cent profit and have work only a part of the time for his machinery and plant.

Mr. TILLMAN. Yes; and if the Government would make a contract with me by which I got back every dollar I invested in the plant and 25 per cent dividend on the money, I should like to go into one and burn up the plant as soon as I got through.

Mr. PERKINS. The other side of the question is that the interest on the plant is running always.

Mr. TILLMAN. But if the Government is to give a plant to a man, the Government had better own it itself. The question of interest ought not to enter here. There is no interest on this Capitol building. When an American citizen comes into this city and stands off and sees it in front of him and looks at this beautiful structure and is told that it cost twenty, thirty, or forty million dollars, he does not think about the interest invested in it. And when the Government erects an armor plant we do not care what the interest is. We have spent the people's money, and there it is and we have got it. We do not count interest on the battle ship that costs $5,000,000. We do not consider those things. The question is the future cost to the taxpayer and the continuous strain here to give to private corporations that which should go to laborers.

Mr. PERKINS. Mr. President, one word more and then I am done. I do not wish to be placed in the position of advocating the armor-trust combination.

Mr. TILLMAN. I should like to know what the Senator is advocating, then.

Mr. PERKINS. That is what I want to state. It is a trust that England, France, Germany, and other governments are in as well as that of the United States. There is more paid to-day for armor plate by the French Government and the English Government than we are paying. I am ready to vote to establish a plant by this Government costing a million and a half, or two million and a half, if it is necessary, when it is demonstrated that armor-clad ships are the vessels of war that we want to build our Navy with. In the next three months, unless the signs of the times are not prophetic, we shall have a demonstration, I think, that will satisfy us fully whether they are what their friends believe they are.

Mr. TILLMAN. Will the Senator, then, and those who are with him on this question, consent to strike out the appropriation for armor for the three new ships and let us wait until we have discovered whether we want them at all or not?

Mr. PERKINS. I do not think that we should stop making powder to-day because it is not as good powder as we have made.

Mr. TILLMAN. But you say in one breath you do not want to build any more ships until we see whether they are any good or not, and then you turn around and refuse to stop the building of three which will cost $15,000,000. The Senator's position appears to be very contradictory.

But I want to call the attention of the Senate to one fact. If in a Government armor plant the armor costs every dollar that we

now pay, $400 or $500 a ton, the bulk of that money will go to the artisans and mechanics and laborers and machinists who make it. The raw steel and the nickel represent a very small part of this amount. The men who sweat over it are the men who deserve to have the great amount of money that will be given to do the work. But if we are to continue in this way, if Senators are opposed to having the mechanics and machinists of America employed in an armor factory, but prefer to have Carnegie and Bethlehem get 22 or 25 per cent or 40 or 50 per cent, I can not help it. The Senate must vote on this proposition as to whether it is willing to stand here and by its action continue this monopoly with its hand on the throat of the Government and saying to us, "Stand and deliver." We have proven that we are paying nearly twice what the armor is worth, and we will do it because—because what? I can not understand, and those who thus vote must be prepared to explain and defend such action.

Mr. BACON. Mr. President, I desire to ask whether the amendment proposed by the Senator from North Carolina [Mr. BUTLER] will affect the armor plate which is designed for the monitors as well as the armor plate which is designed for the three battle ships authorized by the bill? If so, I suggest that the propositions be separated, because it is not wise to interfere in any manner with the prompt construction of vessels which will be needed in the present war. I should like to have the information.

Mr. TILLMAN. Will the Senator from Georgia excuse me? Does he expect that any of the harbor-defense ships will be completed in time to take part in this war? That would be impossible unless the war should last three or four years.

Mr. BACON. The Senator from South Carolina may be right about that, but still there is a possibility. I do not regard it as in the range of probability that any of the three battle ships authorized will be used in this war, but it is altogether probable to my mind that the monitors may be used in it. If I had my preference in the matter, I would devote the entire amount to monitors rather than to battle ships. I have very much more faith in the monitor than I have in the battle ship, and the time for the construction of monitors is very much less than that needed for the construction of battle ships. Therefore I would very much prefer that the amount of money which is authorized to be appropriated for the construction of battle ships should be put into monitors. I do not offer any amendment, however, to that effect, because the Naval Committee in charge of this matter have considered it and determined it.

While I agree with the positions taken by the Senators from South Carolina and North Carolina that the price is an exorbitant one, I am unwilling that there should be any embarrassment as to the construction of the monitors, because they may be completed in time to be of use. I do not regard the question as to the three battle ships as in any wise related to the present emergency, but that as to the monitors may, and for that reason I desire information as to the amendment.

Mr. HALE. Mr. President, I do not know that I ought to take even five minutes, because this is pretty much all that is left of the bill, but I will say that the two committees, the Naval Committee and the Committee on Appropriations, have done the best they could in this bill. I believe it to be a good bill. We fixed $400 as the price of the armor for the three battle ships that are now hung up, which were authorized two or three years ago to be built. That is a saving on each battle ship of about $500,000 over what we have been paying; and I leave that part there.

Now, the committees are opposed absolutely to the construction of a Government armor plant. In the first place, as has been said, nobody can tell whether we shall want it for the future. In the next place, it will be the most expensive way of making armor that the wit of man can devise. If we should build an armor plant it would cost two dollars for every dollar that is estimated. It would take two years' time to build it for every year that is estimated. It would take three years fully to get a Government armor plant ready to turn out armor for the Government.

Mr. TILLMAN. Upon what information does the Senator make that assertion?

Mr. HALE. From my general experience in reference to governmental matters. There never was a ship built in the navy-yards already established, to say nothing of new ones, that did not cost almost two to one what it cost by private contract.

Mr. TILLMAN. Who got the benefit of that cost?

Mr. HALE. The unfortunate ship that went down in Havana Harbor, the *Maine*, a second-class battle ship, built in a navy-yard, cost almost as much money as the great battle ships that are double her tonnage; and it is always so.

Mr. TILLMAN. Will the Senator from Maine tell me who got the advantage of the extra cost?

Mr. HALE. I do not know who got the advantage; the taxpayers paid the bills.

Mr. TILLMAN. But the question is, Who got the money?

Mr. HALE. The Government spent it, and spent two dollars for one.

Mr. TILLMAN. To whom did it pay it out?

Mr. HALE. It paid it to everybody.

Mr. TILLMAN. It paid it to the workmen who built the vessels.

Mr. HALE. If the Senator says he is willing that Government work shall cost two to one because more money is paid out, that is another thing. My school of thought is the other way. It is that the Government ought to get all its work done as economically as possible.

Mr. TILLMAN. Will the Senator allow me right there?

Mr. HALE. Yes.

Mr. TILLMAN. My proposition is that the Government can build armor in its own factory at a maximum price of $300 per ton, according to the estimates of all the experts who have had this matter in hand, including the Senator from New Hampshire [Mr. CHANDLER].

Mr. HALE. That is, in a Government plant?

Mr. TILLMAN. In a Government plant.

Mr. HALE. The land bought and paid for?

Mr. TILLMAN. Everything.

Mr. HALE. If the armor plant were erected, the money sunk that is put into it, then we would have the question, How much the plant would be employed? You have not a permanent crew; you have to put on men at a high price; you have to put the eight-hour law in force.

Mr. TILLMAN. But the men will get it, not a corporation up in Pennsylvania who make 22 per cent on their investment.

Mr. HALE. Now the Senator discloses what is at the foundation of his theory. He is for a paternal government that does all things.

Mr. TILLMAN. I am for protecting the laborer just a little, and you do not want to do it. That is all the difference between us.

Mr. HALE. I am in favor of the Government getting its contracts as cheap as it can, as cheap as anybody else does. I am not one who believes in a paternal theory of government. But I am not going into that subject.

The committees are opposed to this amendment. I do not think there is any danger that the Senate will pass it. We have voted on it more than once, and the Senate has always voted against a Government plant. I do not think that now in the present condition we can get any better bill than what is offered to the Senate. Therefore, unless some one else desires to debate the amendment, I shall move to lay it on the table.

Mr. TELLER. I wish to say a word.

Mr. HALE. I yield to the Senator from Colorado.

Mr. TELLER. I do not care about debating the amendment particularly. I simply want to say that on a former occasion I voted against paying $400 a ton for armor. I voted that way because I believed it could be produced for $300. I believe so yet. But, Mr. President, we have three ships in the course of construction. It is possible, as the Senator says, that they will not be ready for any emergency now on us; yet we do not know but that we shall need them just as much two years or three years from now as we need them to-day. I agree with the Senator from North Carolina [Mr. BUTLER] that these people have us in their power and that we have got to yield to them. Therefore I am going to vote in favor of the committee's conclusion that we should pay $400 a ton.

Mr. BUTLER. If the Senator from Colorado will pardon me, I will state that the amendment which I have offered permits $400 per ton to be paid for armor plate for the three battle ships now being constructed.

Mr. TELLER. So I understand.

Mr. BUTLER. It simply proposes that for the three battle ships contracted for in the bill, which probably will not be finished for two or three years; and for any others in the future, if we can not get the armor for $300 per ton, a Government factory shall be erected. It is the same question we voted on before, just simply yielding to the armor-plate trust on the three battle ships now nearing completion.

Mr. FAULKNER. I ask the Senator from Colorado whether the amendment does not also apply to the monitors, limiting the right of the Secretary of the Navy to contract in excess of $300 per ton?

Mr. BUTLER. In answer to the Senator from West Virginia, I will say that the Senator from Georgia raised that point, and it seemed to me very pertinent. As the monitors probably can be finished within a year, and they may be finished for this war, I shall be willing to submit to the armor-trust price for them or for any other vessels that we may get ready for this war.

Mr. TILLMAN. I suggest to the Senator from North Carolina to so modify his amendment as to exclude them.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived. It will be stated.

The SECRETARY. A bill (S. 2690) amending "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893.

Mr. HALE. Let that be laid aside temporarily.

The VICE-PRESIDENT. If there be no objection, the unfinished business will be laid aside temporarily. The Senator from Colorado is entitled to the floor.

Mr. BUTLER. I will adopt the suggestion of the Senator from Georgia [Mr. BACON], which I think is a timely one. I will change the amendment so as to have it apply only to battle ships, and not to the monitors, torpedo boats, and torpedo-boat destroyers for anything they may need. The monitors are the real thing, though. If they can be gotten ready, I am willing that the Department may contract for the armor at any price.

Mr. TILLMAN. Except the three which are already on the stocks?

Mr. BUTLER. Yes; so that the amendment will not apply to the monitors or anything but the battle ships.

The VICE-PRESIDENT. The Senator from Colorado is entitled to the floor.

Mr. TELLER. Mr. President, I do not wish to embarrass the Government in making contracts for armor for anything that we have authorized now to be built and that can be built within, say, three years. I do not suppose the new battle ships can be built within that time.

Mr. BUTLER. The amendment, as I propose to modify it, will not apply to anything that has not been authorized.

Mr. TELLER. I have not risen to object to the Senator's amendment, but to explain why I am willing now to vote for $400 when a year ago I voted for $300. I believe we were then justified in that vote; but the conditions are now entirely different from what they were then.

Mr. HALE. I am desirous of getting the bill through so that it will be out of the way of the Senator from Connecticut [Mr. HAWLEY], who wishes to bring in the bill for the reorganization of the Army.

The VICE-PRESIDENT. The amendment of the Senator from North Carolina is before the Senate.

Mr. ALLISON. I should like to ask the Senator from Maine a question before he takes his seat. How long will it take to complete these battle ships if we shall adopt the amendment of the Senator from North Carolina, which would require two or three years to build a plant and four or five years more, I suppose, to execute the provision relating to armor?

Mr. HALE. I have already stated it. The Senator was not here.

Mr. ALLISON. I beg pardon; I was not in the Chamber.

Mr. HALE. Under the provisions of the bill these ships will be built in about three years—considerably less time than it has taken to build other ships, because they will be expedited. On the other hand, if it is put off, if the Secretary of the Navy tries to get a contract for $300 a ton, but can not, and takes a year in doing that (for he is not to start to build a Government plant until he has done that), and then starts a Government plant, it will take two or three years more, and I have no doubt that it would be five or six years before one of these ships could be finished.

Mr. TELLER. You mean the three ships authorized in the bill?

Mr. HALE. Authorized in the bill. I move to lay the amendment on the table.

Mr. BACON. I ask that the amendment may be read.

Mr. BUTLER. I have offered an amendment to the amendment, after the word "plate," in line 4, to insert the words "for battle ships."

Mr. HALE. The Senator does not need to move it. He can modify his amendment.

Mr. BUTLER. I modify it in that way, so as to read: "and no contract for armor plate for battle ships other than the said three battle ships shall be made," etc.

The VICE-PRESIDENT. There being no objection, that will be the shape in which the amendment stands. The Senator from Maine moves to lay the amendment as modified on the table.

Mr. BUTLER. Before the motion is put, I want to answer the question asked by the Senator from Iowa [Mr. ALLISON].

Mr. HALE. Of course my motion cuts off debate, but I will withdraw it for the moment, that the Senator may be heard. After that I shall renew it.

Mr. BUTLER. The Senator from Iowa asks how long it would delay the building of these battle ships if the amendment should be adopted. It would not delay the building of them an hour if the armor-plate trust would furnish the armor for $300.

Mr. HALE. Suppose they do not?

Mr. BUTLER. If they do not, we can have an armor-plate factory ready—and I challenge the statement of the Senator from Maine—before these ships are ready for their armor. We know, as the Secretary of the Navy states, and I have his report here, that if we provide for building an armor-plate factory, then the Government is protected, and he believes he can get the plate at a reduced price if Congress authorizes the establishment of a plant in case it can not be obtained at that price. We all know that the minute the Government says it is going to build it, the minute the law is passed, you will never have to execute it, because these parties will come up and make a contract. Do you tell me that men who have not got a dollar invested, men who have their plants paid for by the Government, who have them maintained by the Government, will not make armor at a profit of $74 a ton when they can do it, but will sit down and let the Government build a factory? It is absurd. There is not a Senator who can stand up with a straight face and make the proposition.

Mr. President, it is too plain for controversy. We may quibble, we may hedge, we may dodge, and we may offer a thousand excuses, but it does not remove the plain business proposition. The cold fact is that the moment the Government provides they must accept a price that will pay them $74 a ton profit or that we will build a factory we shall get all the armor we want for $300 a ton.

Now, Mr. President, one word further. The amendment does not prohibit the finishing of the three ships now authorized. The amendment does not prohibit the buying of armor at $400 for the monitors provided for in the bill. The amendment simply applies to future battle ships; that is all. Let it be understood that the amendment applies only to battle ships that may be built or authorized in the future. Every Senator on this floor has admitted that they are an experiment. Then let us strike them out of the bill. Any Senator who wants to be consistent in that statement must vote to strike out the three battle ships and wait until the war is over. If we provide in the bill for the battle ships, we should provide some way to get the armor. If they are an experiment, let us strike them out. The Senator from New Hampshire says it will not do for these three battle ships. If we agree to build two more in the future, then let us try it.

Mr. CHANDLER. I did not say that. I simply say it is futile to talk about a Government armor plant for these ships.

Mr. BUTLER. How many would it be the desire to have built before the Senator would be in favor of providing for an armor factory rather than to purchase the armor?

Mr. CHANDLER. I answer in this way, Mr. President, that if we would make a long, ten years' contract with the two concerns now in existence we would not need then to build any armor plant, because they would make their rate so low that the Government could not afford to build a plant.

Mr. TILLMAN. Will the Senator explain to me the difference between making a long continuing contract with somebody else and doing it yourself?

Mr. CHANDLER. Mr. President, there is a difference, as has already been pointed out by the Senator from Maine, between contract work and Government work. The object of a Government plant is stated to be on account of the exorbitant price charged by the private manufacturers. Now, I say if we would give a ten years' contract for 30,000 tons of armor to the existing contractors they would make a rate upon that armor which would be satisfactory even to the Senators from North Carolina and South Carolina, I think.

Mr. TILLMAN. On the contrary, the Senator contends that if the Government establishes its own plant and makes its own armor it will cost as much again as we are buying it for; but he does not get around the proposition which I advanced, that that money should go into the hands of the mechanics and artisans and machinists and laborers rather than into the hands of the Carnegie and Bethlehem companies.

Mr. BUTLER. There is a report made by the Senator from New Hampshire on behalf of the Naval Committee, in which he figures $300 as a fair price for armor, and in it he covers the following points:

Materials in ingot	$30.13
Materials consumed in manufacture	56.75
Labor	43.50
Keeping plant ready for use	9.80
Shop expenses	2.33
Office expenses and contingencies	3.34

We are paying office expenses for them, not including it as profit.

Administration, superintendence, and engineering	$21.40

All charged up to the Government. How much does that make a ton? It makes only $167.30. All that is included in $167.30. Then the Senator from New Hampshire goes on and adds:

For reforging	$12.00

He adds again:

For maintenance of plant—

Counted twice—

thirty dollars.

Then what does he do? The Senator from New Hampshire, after covering office expenses, after covering administration, after covering everything that it seems could be conceived of, adds $30 a ton to keep the plant in order, and then adds 33⅓ per cent profit. If you figure the profit on all this amount, you will find that when added up it makes less than $300 a ton by 50 cents.

Mr. President, there are his own figures. Those of us who are supporting this amendment have agreed to pay $100 a ton more than that for the armor for the three battle ships, for the monitors, and for everything else we need in this war; but we do protest against paying an extortionate sum, and no quibbling, no

dodging, no hedging, can excuse any Senator for wanting this Government to pay other than this amount for armor.

This amendment is to provide that in the future—that is it, and nothing else—we shall not pay over $300 a ton for armor plate. That is the whole question, and nothing else; and it can not be dodged; it can not be explained away; and this emergency has nothing to do with it. We submit to the trust during this war. We simply ask that in the future we shall have the Government protected and have better armor plate and at a fair price, and that is all that the amendment covers.

Mr. HALE. Mr. President——

Mr. CHANDLER. I simply want the Senator from Maine to allow me to say that the price of $300 a ton would, in my judgment, be ample if the Government were prepared to make a contract for either fifty or sixty thousand tons of armor, extending over the next ten or fifteen years; and that was the basis of the proposition of the Illinois Steel Company. When they were asked to come down to this low price, they expressly said that they could not do it unless they could have a large contract running over a long time. That is the only difference between me and the Senator from North Carolina.

Mr. HALE. I move that the amendment lie upon the table.

Mr. PETTIGREW. I simply wish to ask a question, if the Senator from Maine will allow me.

Mr. HALE. Very well.

Mr. PETTIGREW. I ask the Senator from New Hampshire, did not the Illinois Steel Company offer to furnish armor plate under the conditions stated by him for $250 a ton?

Mr. CHANDLER. I think they did offer to furnish armor plate for less than $300 a ton, but their proposition involved fifty battle ships, at least. To accept their bid exactly as they made it the Government would have bound itself to build fifty battle ships, which of course was out of the question.

Mr. HALE. I renew my motion to lay the amendment upon the table.

The VICE-PRESIDENT. The Senator from Maine moves that the amendment offered by the Senator from North Carolina [Mr. BUTLER] lie upon the table. The motion is not debatable.

Mr. TILLMAN. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I am paired with the Senator from Minnesota [Mr. DAVIS], and therefore withhold my vote.

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH]. If he were here, I should vote "yea."

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL], and therefore withhold my vote.

Mr. MARTIN (when his name was called). I am paired with the senior Senator from Montana [Mr. MANTLE]. If he were present, I should vote "nay."

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER].

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST].

Mr. TURLEY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER], and therefore withhold my vote.

Mr. CLARK (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent from the city. He is paired with the Senator from Washington [Mr. TURNER].

The roll call was concluded.

Mr. MORGAN. I wish to announce that my colleague [Mr. PETTUS] is absent by order of the Senate.

Mr. MALLORY (after having voted in the affirmative). I desire to inquire if the Senator from Vermont [Mr. PROCTOR] has voted?

The VICE-PRESIDENT. The Senator from Vermont has not voted.

Mr. MALLORY. Then I withdraw my vote, as I have a general pair with that Senator.

Mr. SEWELL. I desire to state that my colleague, the senior Senator from New Jersey [Mr. SMITH], is unavoidably detained from the Senate by serious sickness in his family.

Mr. LODGE. I desire to state that my colleague [Mr. HOAR] is absent from the city. He has a general pair with the junior Senator from Alabama [Mr. PETTUS].

Mr. BACON (after having voted in the negative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], who is unavoidably detained from the Senate. The junior Senator from Pennsylvania [Mr. PENROSE] has a general pair with the junior Senator from Delaware [Mr. KENNEY]. I suggest to the Senator from Pennsylvania that we transfer those two pairs in order that he and I may both vote, and I will let my vote stand.

Mr. PENROSE (after having voted in the affirmative). I have already voted, not observing that the Senator from Delaware [Mr. KENNEY] with whom I am paired was absent, but under the arrangement suggested by the Senator from Georgia [Mr. BACON] I will let my vote stand.

Mr. BACON. The Senator's vote can stand, and I will allow mine to stand.

Mr. TURLEY. I desire to state that my colleague [Mr. BATE] is absent by order of the Senate, and that he is paired with the Senator from Kentucky [Mr. DEBOE].

Mr. MILLS. I transfer my pair with the Senator from New Hampshire [Mr. GALLINGER] to the Senator from Utah [Mr. CANNON], and vote "nay."

Mr. FAULKNER. I desire to state that certain Senators are necessarily detained from the Senate by reason of an official duty which has been assigned them by the Senate to attend the funeral of the late Senator from Mississippi, Mr. Walthall. They are the Senator from Mississippi [Mr. MONEY], the Senator from Arkansas [Mr. BERRY], the Senator from Florida [Mr. PASCO], the Senator from Tennessee [Mr. BATE], the Senator from Alabama [Mr. PETTUS], the Senator from Delaware [Mr. GRAY], and the Senator from Utah [Mr. CANNON], all of whom are engaged in that official duty. I wish this statement to cover the entire time of their absence.

Mr. CULLOM (after having voted in the affirmative). The announcement made by the Senator from West Virginia [Mr. FAULKNER] calls to my mind the fact that I have a general pair with the senior Senator from Delaware [Mr. GRAY], but I think, if present, he would vote on this question the same way I do; otherwise I should withdraw my vote.

Mr. LODGE (after having voted in the affirmative). I have just learned that the junior Senator from Georgia [Mr. CLAY] is absent. That Senator is my pair, and, as he is absent and I do not know how he would vote if present, I withdraw my vote.

Mr. WILSON. I announce that I am paired with the Senator from Florida [Mr. PASCO] on this question.

The result was announced—yeas 36, nays 14; as follows:

YEAS—36.

Allison,	Foraker,	McEnery,	Platt, Conn.
Burrows,	Frye,	McMillan,	Pritchard,
Caffery,	Gorman,	Mason,	Quay,
Carter,	Hale,	Mitchell,	Rawlins,
Chandler,	Hanna,	Morgan,	Roach,
Clark,	Hawley,	Murphy,	Sewell,
Cullom,	Jones, Nev.	Nelson,	Shoup,
Fairbanks,	Lindsay,	Penrose,	Wellington,
Faulkner,	McBride,	Perkins,	Wolcott.

NAYS—14.

Allen,	Heitfeld,	Pettigrew,	Vest,
Bacon,	Jones, Ark.	Teller,	White.
Butler,	McLaurin,	Thurston,	
Harris,	Mills,	Tillman,	

NOT VOTING—38.

Aldrich,	Deboe,	Mallory,	Spooner,
Baker,	Elkins,	Mantle,	Stewart,
Bate,	Gallinger,	Martin,	Turley,
Berry,	Gear,	Money,	Turner,
Cannon,	Gray,	Morrill,	Turpie,
Chilton,	Hansbrough,	Pasco,	Warren,
Clay,	Hoar,	Pettus,	Wetmore,
Cockrell,	Kenney,	Platt, N. Y.	Wilson.
Daniel,	Kyle,	Proctor,	
Davis,	Lodge,	Smith,	

So Mr. BUTLER's amendment was laid on the table.

Mr. HALE. I offer the amendment which I send to the desk, which is the last I have to propose to the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, after line 24, it is proposed to insert:

To enable the Secretary of the Navy to enlist at any time after the passage of this act as many additional seamen, landsmen, and boys as he may deem necessary to man the ships of the Navy, or in use by the Navy as a temporary force therefor, and for pay of the same, $8,830,000, or so much thereof as may be necessary.

Mr. GORMAN. I inquire of the Senator from Maine what is meant by the phrase "temporary force?" There ought to be, it seems to me, some limit in this authorization—for instance, I think it should be "during the war." I am unwilling that anyone should be authorized, no matter whether it be the Secretary of the Navy or the President of the United States, to enlist any number of men without limit as to time.

Mr. HALE. I have no objection to adopting the Senator's suggestion. The amendment was drawn hurriedly.

Mr. GORMAN. I suggest to the Senator that he limit the time to two years or during the war.

Mr. HALE. I think the last suggestion is the better one. It is to be only a temporary force, and, as Senators all know, the Government is now in this emergency putting into the service a great many vessels, which it is buying and equipping for patrol forces, for transports, and everything of that kind.

Mr. COCKRELL. I move to add the words "during the existing war."

Mr. HALE. I think that is a very proper amendment. This is to be a temporary force. I accept the amendment.

The VICE-PRESIDENT. The amendment will be so modified. The question is on the amendment as modified.

Mr. ALLEN. Let the amendment be read as it has been modified.

The VICE-PRESIDENT. The amendment as modified will be read.

The SECRETARY. On page 2, after line 24, it is proposed to insert:

To enable the Secretary of the Navy to enlist at any time after the passage of this act as many additional seamen, landsmen, and boys as he may deem necessary to man the ships of the Navy or in use by the Navy, as a temporary force therefor during the existing war, and for pay of the same, $2,500,000, or so much thereof as may be necessary.

Mr. HALE. I will modify the amendment further by adding the words "the same to be immediately available."

The VICE-PRESIDENT. The amendment will be further modified as suggested by the Senator from Maine. The question is on the adoption of the amendment as modified.

The amendment as modified was agreed to.

Mr. HALE. The Senator from Nebraska [Mr. ALLEN] has an amendment to offer to which I do not object.

Mr. ALLEN. I offer the amendment which I send to the desk, to come in after line 8 on page 63.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 63, after line 8, it is proposed to insert:

That hereafter all first-class battle ships and monitors owned by the United States shall be named for the States, Territories, and Districts of the United States, respectively, and shall not be named for any city, place, or person until the names of the States, Territories, and Districts shall have been exhausted: *Provided*, That nothing herein contained shall be so contrued as to interfere with the names of States already assigned to any such battle ship or monitor.

Mr. HALE. I have no objection to that amendment.

The amendment was agreed to.

Mr. GORMAN. I offer the amendment which I send to the desk, to come in on page 32, after the word "thereto," in line 14.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 32, line 14, after the word "thereto," it is proposed to insert:

And a dry dock of the same capacity in the waters of the Chesapeake Bay above the mouth of the Potomac River.

Mr. CHANDLER. The amendment does not provide for building a dry dock, but only for an inquiry as to the advisability of doing so?

Mr. GORMAN. That is all.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORGANIZATION OF THE LINE OF THE ARMY.

Mr. HAWLEY. The Committee on Military Affairs, to whom was referred the bill (H. R. 9878) for the better organization of the line of the Army of the United States, has had the same under consideration, and instructed me to report it favorably with sundry amendments. I ask for the immediate consideration of the bill.

The VICE-PRESIDENT. Is there objection?

Mr. ALLEN. Let it be read at length for information.

Mr. HAWLEY. May I ask that the amendments be submitted as the bill is being read?

Mr. ALLEN. I have requested that the bill be first read for information.

Mr. HAWLEY. Very well.

The VICE-PRESIDENT. The bill will be read for information, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That hereafter the peace organization of each regiment of infantry now in service shall embrace 1 colonel, 1 lieutenant-colonel, 2 majors, 10 captains, 12 first lieutenants, 10 second lieutenants, 1 sergeant-major, 1 quartermaster-sergeant, 1 chief musician, 2 principal musicians, 2 battalions of 4 companies each, and 2 skeleton or unmanned companies, the organized companies to be constituted as now authorized by law: *Provided*, That nothing herein contained shall be construed as abolishing the office of chaplain in each regiment of colored troops: *And provided further*, That the vacancies in the grade of major created by this section shall be filled by promotion according to seniority in the infantry arm.

SEC. 2. That upon a declaration of war by Congress, or a declaration by Congress that war exists, the President, in his discretion, may establish a third battalion for each infantry regiment, consisting of four companies, to be supplied by manning the two skeleton companies and by organizing two additional companies. The vacancies of commissioned officers in the additional companies shall be filled by promotions by seniority in the infantry arm and by appointments in accordance with existing law; and hereafter all vacancies occurring in the cavalry, artillery, and infantry above the grade of second lieutenant shall, subject to the examination now required by law, be filled by promotion according to seniority from the next lower grade in each arm.

SEC. 3. That upon a declaration of war by Congress, or a declaration of Congress that war exists, the enlisted strength of a company, troop, and battery, respectively, may, in the discretion of the President, be increased to comprise not exceeding:

For each company of infantry: One first sergeant, 1 quartermaster-sergeant, 4 sergeants, 12 corporals, 2 musicians, 1 artificer, 1 wagoner, and 84 privates; total enlisted, 106: *Provided*, That in the event of a call by the President for either volunteers or the militia of the country the President is authorized to accept the quotas of troops of the various States and Territories, including the District of Columbia and Indian Territory, as organized under the laws of the States and Territories, including the District of Columbia.

For each troop of cavalry: One first sergeant, 1 quartermaster-sergeant, 6 sergeants, 8 corporals, 2 farriers and blacksmiths, 2 trumpeters, 1 saddler, 1 wagoner, 78 privates; total enlisted, 100.

For each battery of heavy artillery: One first sergeant, 22 sergeants, 10 corporals, 2 musicians, 2 artificers, 1 wagoner, 162 privates; total enlisted, 200.

For each battery of field artillery: One first sergeant, 1 quartermaster-sergeant, 1 veterinary sergeant, 6 sergeants, 15 corporals, 2 farriers, 2 artificers, 1 saddler, 2 musicians, 1 wagoner, 141 privates; total enlisted, 173.

For each company of engineers: One first sergeant, 10 sergeants, 10 corporals, 2 musicians, 64 first-class privates, 63 second-class privates; total enlisted, 150.

The quartermaster and veterinary sergeants provided for in this section shall have the pay and allowances of sergeants of their respective arms.

SEC. 4. That when recruited to their war strength the President may add one second lieutenant to each battery of artillery; such offices to be filled by appointments, as prescribed by existing law.

SEC. 5. That in time of war the President shall cause the batteries of artillery authorized by law to be organized as heavy or field artillery, as in his judgment the exigencies of the service may require.

SEC. 6. That in time of war the pay proper of enlisted men shall be increased 20 per cent over and above the rates of pay as fixed by law: *Provided*, That in war time no additional increased compensation shall be allowed to soldiers performing what is known as extra or special duty: *Provided further*, That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired.

SEC. 7. That in time of war every officer serving with troops operating against an enemy who shall exercise, under assignment in orders issued by competent authority, a command above that pertaining to his grade, shall be entitled to receive the pay and allowances of the grade appropriate to the command so exercised: *Provided*, That a rate of pay exceeding that of a brigadier-general shall not be paid in any case by reason of such assignment: *Provided further*, That at the end of any war in which the United States may become involved the Army shall be reduced to a peace basis by the transfer in the same arm of the service or honorable discharge under such regulations as the Secretary of War may establish of supernumerary commissioned officers and the honorable discharge or transfer of supernumerary enlisted men; and nothing contained in this act shall be construed as authorizing a permanent increase of the commissioned or enlisted force of the Regular Army beyond that now provided by the law in force prior to the passage of this act, except as to the increase of twenty-five majors provided for in section 1 hereof.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment reported by the Committee on Military Affairs was, in section 3, page 3, after the words "District of Columbia," at the end of line 7, to insert:

In companies, troops, and batteries, each to contain, so far as practicable, the number of enlisted men authorized in this act for each arm of the service, and battalions of not less than 3 such companies and regiments of not less than 10 nor more than 12 such companies; but this proviso shall apply to companies, troops, batteries, battalions, and regimental organizations, and none other: *Provided further*, That in volunteer organizations received into the service under this act and existing laws 1 hospital steward shall be authorized for each battalion.

The amendment was agreed to.

The next amendment was, in section 3, on page 3, line 24, after the words "one hundred and fifty," to insert:

In time of war there shall be added to the Signal Corps of the Army 10 corporals, 100 first-class privates, and 40 second-class privates, who shall have the pay and allowances of engineer troops of the same grade.

The amendment was agreed to.

The next amendment was, on page 4, line 15, section 6, after the word "duty," to insert:

But in the discretion of the President retired officers of the Army may in time of war be employed on active duty, except in the command of troops, and while so employed shall receive the full pay of their grade.

Mr. ALLEN. I think this amendment needs some explanation. If it is the purpose of the amendment simply to call into the service retired officers for full staff duty and duty of that kind, I have no objection to it; but I have been informed—my information may be wrong, however—that the purpose of this amendment is to call into the service a general who has lately retired, very much in the capacity in which General Halleck acted during the recent war. If that be true, I think the amendment ought not to be adopted.

Mr. HAWLEY. Nothing was further from the thought of the committee in putting that amendment in. The matter has been discussed considerably, because there are several hundred officers of the Army on the retired list. Some, of course, have passed, by reason of the disabilities of age, beyond the time when they ought to be employed, and do not desire to be employed; but there are many of them in as good health as the majority of the Senate and abundantly capable of discharging certain duties outside of what you may call active service and are ready and willing to do it, as, for example, to take charge of the muster of troops or to serve on certain staff appointments, etc. It is provided especially, as

Senators will see, that it shall be except in command of troops. That was to avoid all controversies of the kind the Senator has suggested. The case the Senator supposes could not possibly arise under the bill.

Mr. ALLEN. It would not give him command of troops in the field, but it would put him in the attitude of commander in chief.

Mr. HAWLEY. Nothing of that kind, I am sure, was in contemplation, because the words "except in the command of troops" were put in by the committee.

Mr. ALLEN. With the assurance of the Senator that nothing of the kind is contemplated, I certainly have no objection to the amendment.

Mr. HAWLEY. I have not heard of it in connection with this amendment.

Mr. LINDSAY. I desire to ask the Senator whether or not the adoption of this bill would affect the organization of volunteer regiments which is being carried out; whether it would require those regiments to consist of three battalions, with the additional number of officers?

Mr. HAWLEY. I do not think the power of the President to raise troops in the ordinary old-fashioned way, the way he did in the war, by authorizing some good man, probably to be the colonel, to recruit the regiment, is interfered with; but we contemplate, I will say frankly, that after the regiments come in it will be sought to assimilate them with the Regular Army—that is, a regiment of 12 companies in 3 battalions, or in some cases it would be of 8 companies and 2 battalions.

Mr. LINDSAY. I understand that the National Guard regiments are generally organized upon the basis of 10 companies.

Mr. HAWLEY. Some are 8 and some 10. It will be sought to have the regiments of 10 companies raised 2 more companies, because it is the judgment of modern military authorities universally that it is best, and the practice in every country but our own, to have a three-battalion regiment, 4 companies in a battalion.

Mr. LINDSAY. I agree to all that. Yet it would be exceedingly unfortunate just at this time to pass a bill which would sow the seeds of discord with the organized National Guard regiments and prevent them from coming in under their present organization, where they come with 10 companies, each company full, as the law requires.

Mr. HAWLEY. Mr. President——

Mr. SEWELL. There is an amendment to the bill which covers that very case.

Mr. HAWLEY. I was just about to read that.

Mr. LINDSAY. I wish the Senator would explain it.

Mr. HAWLEY. It says:

In companies, troops, and batteries, each to contain, so far as practicable, the number of enlisted men authorized in this act for each arm of the service, and battalions of not less than 3 such companies and regiments of not less than 10 nor more than 12 such companies, but this proviso shall apply to companies, troops, batteries, battalions, and regimental organizations, and none other.

Mr. CULLOM. Can a regiment be composed of less than 12 companies?

Mr. HAWLEY. There may be a regiment of 10 companies.

Mr. LINDSAY. I see here a proviso to section 3, which, I think, answers the question. My attention was called to the point by a statement in the newspapers yesterday that the President deferred to call for troops in order that he might make them conform to this bill. But I think the proviso answers the question and settles the difficulty.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was, in section 7, line 4, after the word "service," to insert the words "or absorption by promotion;" so as to read:

Provided further, That at the end of any war in which the United States may become involved the Army shall be reduced to a peace basis by the transfer in the same arm of the service or absorption by promotion or honorable discharge under such regulations as the Secretary of War may establish of supernumerary commissioned officers and the honorable discharge or transfer of supernumerary enlisted men.

Mr. HAWLEY. That is to regulate equitably the manner of retiring and disposing of superfluous officers.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BACON. I simply desire, before the bill is put upon its passage, that the committee amendment to the proviso on the third page be read again in order that we may hear it. I will not ask for the reading now if it interrupts the order.

Mr. COCKRELL. All the amendments have been agreed to.

The VICE-PRESIDENT. All the amendments have been agreed to.

Mr. BACON. I simply desire to hear it read.

The VICE-PRESIDENT. The Secretary will report the amendment referred to.

Mr. GORMAN. Read the clause as it stands.

Mr. COCKRELL. Read the whole proviso as agreed to.

Mr. BACON. As already agreed to. I understand it has been agreed to.

The SECRETARY. The proviso at the top of page 3 reads:

Provided, That in the event of a call by the President for either volunteers or the militia of the country the President is authorized to accept the quotas of troops of the various States and Territories, including the District of Columbia and Indian Territory, as organized under the laws of the States and Territories, including the District of Columbia, in companies, troops, and batteries, each to contain, so far as practicable, the number of enlisted men authorized in this act for each arm of the service, and battalions of not less than 3 such companies and regiments of not less than 10 nor more than 12 such companies, but this proviso shall apply to companies, troops, batteries, battalions, and regimental organizations and none other: *Provided further*, That in volunteer organizations received into the service under this act and existing laws one hospital steward shall be authorized for each battalion.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 10086) declaring that war exists between the United States of America and the Kingdom of Spain; in which it requested the concurrence of the Senate.

WAR BETWEEN THE UNITED STATES AND SPAIN.

The VICE-PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 10086) declaring that war exists between the United States of America and the Kingdom of Spain was read the first time by its title, and the second time at length, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, First. That war be, and the same is hereby, declared to exist, and that war has existed since the 21st day of April, A. D. 1898, including said day, between the United States of America and the Kingdom of Spain.

Second. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry this act into effect.

Mr. DAVIS. I move that the doors of the Senate be closed.

Mr. PLATT of Connecticut. I second the motion.

The VICE-PRESIDENT. The motion is seconded, and the Senate will proceed in session with closed doors.

The Senate, with closed doors, proceeded, as in Committee of the Whole, to consider the bill; and it was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

The bill was unanimously passed.

EXECUTIVE SESSION.

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After some time spent in executive session the doors were reopened.

ARKANSAS RIVER BRIDGE.

Mr. JONES of Arkansas. I ask unanimous consent to call up the bill (S. 4452) authorizing the Campbell-Lynch Bridge Company to construct a bridge across the Arkansas River at or near Webbers Falls, Ind. T., reported this morning from the Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARANSAS PASS HARBOR IMPROVEMENT.

Mr. MILLS. I ask unanimous consent to call up Order of Business 1022, being a concurrent resolution directing the Secretary of War to prepare and submit plans, specifications, and estimates for the improvement of Aransas Pass Harbor, Texas.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to prepare and submit plans, specifications, and estimates for the improvement of Aransas Pass Harbor, State of Texas, and especially to make plans and estimates for the removal of the sand bar at Aransas Pass and the deepening of the channel across said bar to a depth of at least 20 feet and a width of at least 150 feet at the bottom, so as to furnish an inlet for the passage of vessels from the Gulf of Mexico into Aransas Harbor; and in preparing said plans, specifications, and estimates the Secretary of War, or such Government engineers as he may designate to do the work, may consider the feasibility of utilizing such breakwaters now at said pass, constructed by the Aransas Pass Harbor Company, or the utilizing of any part of the same, and the value such use of such breakwater or material may be to the United States in deepening said channel; and in the estimate of such valuation any permanent damage

which, in the opinion of the Government engineers, may have occurred by reason of the construction of said breakwater to said harbor or pass, or additional expense to the United States made necessary by reason of said attempted improvements in future improvements of said harbor or pass, shall also be considered by said engineers and reported by them. The engineers shall also report the approximate cost of construction of any breakwater of the said company which may be used by the Government, and also report the approximate cost of removing any part of said breakwater if it is deemed necessary to remove any portion of it.

That the Secretary of War is further directed to report to Congress at its next session.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. GORMAN. I ask the Senate to consider the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes.

The Secretary proceeded to read the bill; which had been reported from the Committee on the District of Columbia with amendments.

Mr. PETTIGREW. I shall object to the consideration of the bill at the present time. I do not wish to delay final action upon any of these bills. There are several of them relating to street-car lines in the city of Washington, and I wish to offer an amendment that will be germane to all of them. I shall be very glad to fix a time to take them up for consideration in the Senate. I should like to know a day in advance before they are to come up.

Mr. GORMAN. I ask that the consideration of the bill may go on and that the amendments of the committee at all events may be considered now and disposed of. That course will not interfere with the Senator from South Dakota, if he desires to offer any amendment to the bill hereafter.

Mr. PETTIGREW. With the understanding that my objection can be interposed at any time, I shall certainly be willing that that course shall be pursued.

Mr. GORMAN. Let us perfect the bill, at all events, by action upon the committee amendments.

The VICE-PRESIDENT. The Chair hears no objection, and the reading of the bill will be resumed.

The Secretary resumed and concluded the reading of the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on the District of Columbia was, in section 1, line 5, after the word "franchises," to insert "or any part thereof;" in line 7, after the words "Columbia and," to insert "of;" and on page 2, line 1, after the word "lines," to strike out the comma and insert the words "in the District of Columbia;" so as to make the section read:

That the Eckington and Soldiers' Home Railway Company of the District of Columbia be, and it is hereby, authorized to purchase or lease the property and franchises or any part thereof of the Maryland and Washington Railway Company of the District of Columbia and of the Columbia and Maryland Railway Company of Maryland, and the Maryland and Washington Railway Company is hereby authorized to sell or lease its property and franchises to the said Eckington and Soldiers' Home Railway Company: *Provided*, That only one fare, not exceeding the rate now authorized by law, shall be charged for a single continuous ride over all the lines in the District of Columbia affected by such purchase or lease.

The amendment was agreed to.

The next amendment was, to insert as a new section the following:

SEC. 2. That the powers conferred in an act entitled "An act relative to the Rock Creek Railway Company of the District of Columbia" (now the Capital Traction Company), approved March 1, 1895, relative to joint management, lease, purchase, or sale of connecting or intersecting lines, are hereby conferred upon the Eckington and Soldiers' Home Railway Company and all other street-railway companies in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 2, section (2) 3, line 14, after the word "operated," to strike out "or hereafter owned or leased;" in line 20, before "months," to strike out "nine" and insert "twelve;" and at the end of the section to insert the following proviso:

Provided, That in case of any lines purchased or leased by said Eckington and Soldiers' Home Railway Company, such lines within the city of Washington shall be fully equipped with said underground electric system within twelve months from the completion of such purchase or lease.

So as to make the section read:

SEC. 3. That the said Eckington and Soldiers' Home Railway Company, under the supervision of the Commissioners of the District of Columbia, shall fully equip all its lines now owned and operated within the city of Washington with an underground electric system essentially similar to the underground system now in use by the Metropolitan Railroad Company in said city, upon plans to be submitted to and approved by the said Commissioners, and shall have its cars regularly running by said system within twelve months from the passage of this act: *Provided*, That before permits shall be issued to begin such work all taxes and special assessments due and unpaid to the District of Columbia, and all indebtedness due the employees for labor, or due others for coal, feed, horseshoes, and other supplies, contracted for by the receiver of the said Eckington and Soldiers' Home Railway, duly appointed by the court, and used on behalf and for the benefit of said company, during such receivership, and to be approved by the court appointing such receiver, shall first be paid: *Provided*, That in case of any lines purchased or leased by said Eckington and Soldiers' Home Railway Company, such lines within the city of Washington shall be fully equipped with said underground electric system within twelve months from the completion of such purchase or lease.

The amendment was agreed to.

The next amendment was, in section [3] 4, page 3, line 20, after the word "street," to strike out:

Between the intersections of New York avenue and Fifth street and Fifth street and G street NW., unless the roadway of Fifth street be increased to a width of 44 feet between curbs, one track shall be abandoned, and in lieu thereof a single track shall be constructed on Fourth street NW. between New York avenue and G street.

And in line 5, page 4, after the word "points," to strike out:

Provided, That if Fifth street be not widened as above stated, the double tracks of the Belt Railway Company on Fourth street W., between G street and New York avenue N., shall be abandoned, and the Belt Railway Company shall have the privilege of using the tracks of the Eckington and Soldiers' Home Railway Company between the points named on G street, Fifth street, and New York avenue.

So as to make the section read:

SEC. 4. That the route of the Eckington and Soldiers' Home Railway Company shall be as at present, with the following changes, to wit: Between the intersections of T and Third streets NE. and R and Second streets NE., one track shall be abandoned, and in lieu thereof a single track shall be constructed between the same points on T and Second streets NE.; between the intersections of Eckington place and Florida avenue and New York avenue and First street NE. both tracks shall be abandoned, and in lieu thereof a double track shall be constructed between these two points, crossing Florida avenue and on First street; a single track between First and C streets and Fourth and D streets NE. shall be abandoned, and in lieu thereof a single track shall be constructed on D and First streets NE. between these points: *Provided further*, That the abandoned tracks shall be removed, and the single tracks, with all the necessary switches, turn-outs, etc., shall be located subject to the approval of the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section (4) 5, page 5, line 2, after the word "act," to insert "or otherwise;" and in line 3, after the word "indebtedness," to strike out the semicolon and the words:

And before any stock, bond, or trust deed shall be executed the amount thereof shall be ascertained and fixed by the Commissioners of the District of Columbia, and for this purpose said Commissioners are hereby authorized to subpœna and examine witnesses and take such testimony as may be necessary to enable them to make such determination and fix the amount of issues: *And provided further*, That an appeal may be taken from the decision of said Commissioners to the supreme court of the District of Columbia, and any stock or bonds issued in excess of the amount authorized by said Commissioners or said court, or in violation of the provisions of this act, shall be null and void.

And to insert the following proviso:

Provided, That such stock and bonds shall be issued to such an amount and upon such terms as may be agreed upon by the majority stockholders of such company: *And provided further*, That the additional issue of such bonds and stock shall not in the aggregate exceed the amount necessary for effecting any such purchase, lease, or acquisition and for the construction, reconstruction, and equipment aforesaid.

So as to make the section read:

SEC. 5. That the Eckington and Soldiers' Home Railway Company is hereby authorized to issue its capital stock and its bonds to an aggregate amount sufficient to cover the cost of the property and franchises whose purchase or lease is herein provided for and the cost of the construction, equipment, and reequipment of the railway lines now owned by the said Eckington and Soldiers' Home Railway Company or hereafter to be acquired by said company, and to secure said bonds by mortgage or deed of trust of any part or all of its property and franchises, as now owned or hereafter to be acquired under the provisions of this act or otherwise, subject to any prior mortgage indebtedness: *Provided*, That such stock and bonds shall be issued to such an amount and upon such terms as may be agreed upon by the majority stockholders of such company: *And provided further*, That the additional issue of such bonds and stock shall not in the aggregate exceed the amount necessary for effecting any such purchase, lease, or acquisition and for the construction, reconstruction, and equipment aforesaid.

The amendment was agreed to.

The next amendment was, in section (7) 8, page 6, line 17, before the word "months," to strike out "nine" and insert "twelve;" so as to make the section read:

SEC. 8. That on and after twelve months from the passage of this act the Eckington and Soldiers' Home Railway Company shall pay to the District of Columbia, in addition to all other taxes now required to be paid by the said Eckington and Soldiers' Home Railway Company, the sum of $50 for each and every day thereafter until said road shall be completed.

The amendment was agreed to.

The next amendment was, on page 7, to insert the following as a new section:

SEC. 10. That the Eckington and Soldiers' Home Railway Company is hereby authorized to change its name to City and Suburban Railway Company by a majority vote of its stockholders, such change to become operative when a certificate of the action of the stockholders shall have been recorded in the office of the recorder of deeds of the District of Columbia; such certificate to be signed by the president, attested by the secretary, and the corporate seal to be attached thereto.

The amendment was agreed to.

Mr. GORMAN. I understand the Senator from South Dakota desires to offer an amendment to this bill and also to the Belt Line Railway bill. With that understanding, the bill having been perfected by the adoption of all the committee amendments, I ask that it may lie over, so as to give the Senator from South Dakota an opportunity to prepare his amendment, if he desires that course to be pursued.

Mr. PETTIGREW. I ask, in addition to the request of the Senator from Maryland, that the bill be printed as amended.

Mr. GORMAN. Very well.

The VICE-PRESIDENT. If there be no objection, that will be the order.

Mr. GORMAN. As the Senator from South Dakota desires to

amend both bills, I ask that the Belt Line Railway bill shall be perfected in the same way. Senators will recognize the condition of these roads. One of them must be sold under an order of court and some legislation must be had to sue them. I ask that the committee amendments to that bill be acted upon and will then let the bill go over.

Mr. PETTIGREW. The Senator from New Hampshire has another bill of the same purport in regard to street railroads. So far as I am concerned, I am perfectly willing to take up these matters to-morrow morning and dispose of them, letting them all go over now. I shall object.

Mr. GORMAN. Then I ask consent that these railroad bills be taken up at that time, after being perfected this afternoon so far as the committee amendments are concerned.

Mr. CHANDLER. The Senator will very kindly state the nature of his amendment, so that we need not be taken by surprise when he moves it.

Mr. PETTIGREW. I am perfectly willing to state its nature. I desire to amend all these bills so that at any time after five or ten years the government of the District of Columbia or the Government of the United States can acquire the property without paying for the franchise, and thereby, if it chooses, operate the roads in the interest of the public.

Mr. CHANDLER. By paying the value of the property.

Mr. PETTIGREW. By paying the value of the property without paying for the franchise. The Traction Company is stocked for $333,000 a mile, and no one pretends but that a very large proportion of that amount is the supposed value of the franchise.

Mr. ALLEN. The Senator means the actual value of the property.

Mr. PETTIGREW. I say the franchise is stocked; that which belongs to the public, and which has no business to be made to enrich private holders.

The VICE-PRESIDENT. Does the Senator from Maryland make any further request?

Mr. GORMAN. I ask that the bill may be laid aside without losing its place on the Calendar.

Mr. COCKRELL. And reprinted.

Mr. GORMAN. And reprinted as amended.

The VICE-PRESIDENT. The bill will be reprinted, if there be no objection. The Chair hears none.

CAPITAL RAILWAY COMPANY.

Mr. CHANDLER. I am obliged to the Senator from South Dakota in one respect, and in another I am disappointed at his conduct. I had hoped that he would not object to this little bill which I ask may now be considered, being the bill (H. R. 5149) to amend the charter of the Capital Railway Company. It is a bill which passed the House extending the time for the Capital Railway Company to complete its road and authorizing it to use its trolley over the Navy-Yard Bridge.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I object.

The VICE-PRESIDENT. Objection is made, and the bill will lie over.

MARY F. HILLIARD.

Mr. GALLINGER. I ask unanimous consideration for the bill (S. 4416) granting a pension to May F. Hilliard.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of May F. Hilliard, widow of George H. Hilliard, late of Company C, First Massachusetts Cavalry, and to pay her a pension of $12 per month.

Mr. GALLINGER. In line 6 I move to strike out the word "May" and insert "Mary."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting a pension to Mary F. Hilliard."

WASHINGTON AND GLEN ECHO RAILROAD COMPANY.

Mr. McMILLAN. I call up the conference report submitted by me on the 21st instant upon Senate bill 924.

The Senate proceeded to consider the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 924) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same amended as follows: In lieu of the proposed sections insert the following as a proviso at the end of section 1:

"*And provided further*, That the Commissioners of the District of Columbia shall have the power to make and to enforce all reasonable and usual regulations for the operation and maintenance of that portion of the lines within the District of Columbia."

And the House agree to the same.

JAMES McMILLAN,
J. H. GALLINGER,
A. P. GORMAN,
Conferees on the part of the Senate.

J. W. BABCOCK,
JAMES D. RICHARDSON,
Conferees on the part of the House.

Mr. ALLEN. I think the report ought either to be explained or printed, so that we may know what it is.

The VICE-PRESIDENT. It has already been printed.

Mr. McMILLAN. The purpose is to enable the little road out here in the country to buy a right of way of 600 feet to connect their line with another line at Chevy Chase to get into the District of Columbia.

Mr. ALLEN. It simply gives the right to purchase?

Mr. McMILLAN. The right to purchase the right of way.

Mr. ALLEN. I have no objection.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

THE QUARTERMASTER'S DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General of the Army, recommending, in view of the immediate requirements of the Army and in order to supply it promptly during active hostilities, that legislation be provided by Congress to suspend, until such time as hostilities shall cease, the provisions of law applicable to the Quartermaster's Department as published in the annual appropriation acts for the support of the Army; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 10086) declaring that war exists between the United States of America and the Kingdom of Spain; and it was thereupon signed by the Vice-President.

SARAH SPANGLER.

Mr. GEAR. I ask for the present consideration of the bill (H. R. 2850) granting a pension to Sarah Spangler.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the invalid pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Spangler, dependent mother of John Spangler, private in Company A, Ninth Ohio Cavalry Volunteers, and to pay her a pension at the rate of $12 a month.

Mr. PLATT of Connecticut. What is the use of putting in the word "invalid" before "pension roll"? It is not usual to put that word in.

Mr. COCKRELL. And it is not true.

Mr. PLATT of Connecticut. It might as well be stricken out.

The SECRETARY. In line 4, strike out "invalid" before "pension roll."

Mr. GEAR. I suggest that that amendment would cause a conference, and this woman is nearly 84 years of age.

Mr. PLATT of Connecticut. I will withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RAINY LAKE RIVER DAM.

Mr. NELSON. I ask unanimous consent for the consideration of the bill (H. R. 9532) permitting the building of a dam across Rainy Lake River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It grants the consent of Congress to the Koochiching Company, its successors and assigns, to construct across the Rainy Lake River, at any part of the rapids in section 27, township 71 north, range 24 west of the fourth principal meridian, in the State of Minnesota, a dam, canal, and works necessarily incident thereto, for water-power purposes. The dam shall be so constructed that there can at any time be constructed in connection therewith a suitable lock for navigation purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY C. CASE.

Mr. ALLEN. I ask unanimous consent to call up the bill (H. R. 2762) granting a pension to Mary C. Case.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 9,

before the word "dollars," to strike out "twenty-five" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Case, widow of Augustus Phillips, late a first lieutenant of Company D, One hundred and eighty-fourth Regiment New York Volunteers, and pay her a pension at the rate of $17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. KYLE, and Mr. MITCHELL were appointed.

LIFE-SAVING STATION NEAR GLOUCESTER, MASS.

Mr. LODGE. I ask unanimous consent that the Senate consider the bill (S. 4142) to provide a life-saving station at or near Dollivers Neck, near Gloucester, Mass.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in line 4, after the word "station," to strike out "at or near Dollivers Neck, near Gloucester," and insert "on the westerly side of the harbor of Gloucester;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station on the westerly side of the harbor of Gloucester, Mass., at such point as the General Superintendent of the Life-Saving Service may recommend.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide a life-saving station on the westerly side of the harbor of Gloucester, Mass."

CHARLOTTE J. GOTTWALS.

Mr. McMILLAN. I ask unanimous consent to call up the bill (H. R. 8602) for the relief of Charlotte J. Gottwals from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to exempt all real estate lying in the District of Columbia heretofore purchased by and conveyed to Charlotte J. Gottwals, of the District, from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEONARD I. BROWNSON.

Mr. PROCTOR. I ask unanimous consent that the bill (S. 4183) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers, may be taken up and considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. I move to amend, in line 3, on page 2, after the word "pay," by inserting the word "bounty," and before the word "allowance" by inserting the word "other."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend, in line 3, on page 2, after the word "pay," by inserting the word "bounty," and in the same line, before the word "allowance," to insert "other;" so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized to revoke and set aside so much of General Orders, No. 21, headquarters middle military division, dated September 18, 1864, as dismissed First Lieut. Leonard I. Brownson, Company K, Fifth Vermont Volunteers, for absence without leave and for conduct prejudicial to good order and military discipline, and to grant and cause to be issued to said Leonard I. Brownson a certificate of honorable muster out of the service as of the date of September 18, 1864; and said Leonard I. Brownson shall not be entitled, by virtue of this act, to any pay, bounty, or other allowance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGREEMENT WITH INDIANS OF FORT HALL RESERVATION.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (S. 4073) to ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect.

Mr. PLATT of Connecticut. Let the bill be read for information, subject to objection.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with amendments, in section 5, on page 10, line 7, after the word "Idaho," to strike out:

Provided, That each settler on said lands under the provisions of the homestead laws shall, at the time of making his original entry, pay the sum of 50 cents per acre, in addition to the fee and commissions now required by law, and at the time of making final proof shall pay the further sum of $2 per acre: *And provided further*, That payment shall be made at the rate of $5 per acre for any of said lands entered under the town-site or mineral laws, and at the rate of $2.50 per acre for any of said lands entered under the stone and timber laws.

And in line 21, after the word "abridged," to strike out "except as to the sum to be paid as aforesaid;" so as to read:

SEC. 5. That upon the completion of the allotments and the preparation of the schedule provided for in the preceding section the residue of said ceded lands shall be opened to settlement by the proclamation of the President, and shall be subject to disposal under the homestead, town-site, stone and timber, and mining laws of the United States only, excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of Idaho; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States, shall not be abridged.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9878) for the better organization of the line of the Army of the United States, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. MARSH, and Mr. COX managers at the conference on the part of the House.

ORGANIZATION OF THE LINE OF THE ARMY.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9878) for the better organization of the line of the Army of the United States and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HAWLEY. I move that the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. PROCTOR, and Mr. COCKRELL were appointed.

GEMIMA MILLSAP.

Mr. ALLISON. I ask unanimous consent for the present consideration of the bill (H. R. 8819) granting a pension to Gemima Millsap.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment in line 7, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll the name of Gemima Millsap, dependent mother of Milton Millsap, late a member of Company I, Thirty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. ALLISON. I hope the amendment reported by the Committee on Pensions will not be agreed to and that the bill will be passed as it came to us from the other House. I will say that I have furnished evidence satisfactory to the chairman of the committee that this bill should pass as it passed the House of Representatives. The beneficiary is an old lady, 93 years of age, absolutely dependent, and totally blind.

Mr. GALLINGER. I accede to the request made by the Senator from Iowa from a circumstance which was overlooked in the committee, that this woman is 93 years old, totally blind, and gave four sons to her country. I think most of them were lost during the war.

Mr. ALLISON. They all either died of disease contracted in the service or were killed in the service.

Mr. GALLINGER. Under those circumstances, I will not insist on the amendment.

The VICE-PRESIDENT. The question is on the adoption of the amendment reported by the Committee on Pensions.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC M'CONNAUGHAY.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 4043) for the relief of Isaac McConnaughay, private, Company H, Fortieth Iowa Infantry Volunteers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. I move to strike out the word "any" in line 5, on page 2.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 5, before the word "reason," it is proposed to strike out "any;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue to Isaac McConnaughay a certificate of honorable discharge, to date from the 16th day of November, 1863, as a private of Company H, Fortieth Iowa Infantry Volunteers, it having been established that the services rendered in that company and regiment in the name of Isaac McConnaughay subsequent to that date were rendered by Thomas J. McConnaughay; and the said Isaac McConnaughay shall hereafter be held and considered to have been in the military service of the United States as a member of said organization from the 14th day of August, 1862, until honorably discharged from the service as herein provided; but it is further provided that he shall not be entitled to any pay, bounty, or allowances by reason of the relief herein granted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM S. DEMOTT.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (H. R. 8035) increasing the pension of William S. Demott.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of William S. Demott, late first lieutenant of Company F, One hundred and twenty-first Regiment Indiana Volunteers, and to pay him a pension of $50 per month, in lieu of any pension that may now be paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELK RIVER SURVEY IN TENNESSEE AND ALABAMA.

Mr. TURLEY. I ask unanimous consent for the present consideration of the bill (H. R. 7748) to provide for a survey of Elk River, in Tennessee and Alabama.

Mr. HAWLEY. Mr. President, I shall not object to the consideration of the bill, but I know the Senate has been waiting here a long time expecting action on the military bill. It is quite an impossibility, I find, to finish that bill to-night, and I am willing to move an adjournment.

Mr. COCKRELL. I hope the Senator will withhold his motion until the pending bill can be passed.

The VICE-PRESIDENT. Is there objection to the consideration of the bill named by the Senator from Tennessee [Mr. TURLEY]?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7748) to provide for a survey of Elk River, in Tennessee and Alabama.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REMOVAL OF SUITS TO UNITED STATES COURTS.

Mr. CHILTON. I ask unanimous consent for consideration at this time of the bill (H. R. 7337) for the removal of suits from the courts of the State of Texas to the courts of the United States in the State of Texas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in cases of removal of suits from the courts of the State of Texas to the courts of the United States in that State, the removal shall be to the United States court in the division where the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States court, shall be deemed to refer to the terms of the United States courts in such division.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 26, 1898, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 25, 1898.

SECOND SECRETARY OF LEGATION.

William E. Bainbridge, of Iowa, to be second secretary of the legation of the United States at Peking, China.

SURVEYOR OF CUSTOMS.

Perry M. Lytle, of Pennsylvania, to be surveyor of customs in the district of Philadelphia, in the State of Pennsylvania.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

Paul C. Prince, of the District of Columbia, to be a third lieutenant.

William J. Wheeler, of Virginia, to be a third lieutenant.

Philip H. Scott, of Virginia, to be a third lieutenant.

Eugene Blake, jr., of Maryland, to be a third lieutenant.

Frank B. Goudey, of Massachusetts, to be a third lieutenant.

James F. Hottel, of the District of Columbia, to be a third lieutenant.

Frank W. Smith, of Massachusetts, to be a third lieutenant.

Herman H. Wolf, of Ohio, to be a third lieutenant.

POSTMASTER.

Elisha W. Smith, to be postmaster at Franklin, in the county of Venango and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 25, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

CUBA.

The SPEAKER laid before the House the following message of the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives
of the United States of America:

I transmit to the Congress, for its consideration and appropriate action, copies of correspondence recently had with the representative of Spain in the United States, with the United States minister at Madrid, and through the latter with the Government of Spain, showing the action taken under the joint resolution approved April 20, 1898, "for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect."

Upon communicating to the Spanish minister in Washington the demand which it became the duty of the Executive to address to the Government of Spain in obedience to said resolution, the minister asked for his passports and withdrew. The United States minister at Madrid was in turn notified by the Spanish minister for foreign affairs that the withdrawal of the Spanish representative from the United States had terminated diplomatic relations between the two countries, and that all official communications between their respective representatives ceased therewith.

I commend to your special attention the note addressed to the United States minister at Madrid by the Spanish minister for foreign affairs on the 21st instant, whereby the foregoing notification was conveyed. It will be perceived therefrom that the Government of Spain, having cognizance of the joint resolution of the United States Congress, and in view of the things which the President is thereby required and authorized to do, responds by treating the reasonable demands of this Government as measures of hostility, following with that instant and complete severance of relations by its action which, by the usage of nations, accompanies an existent state of war between sovereign powers.

The position of Spain being thus made known and the demands of the United States being denied with a complete rupture of intercourse by the act of Spain, I have been constrained, in exercise

of the power and authority conferred upon me by the joint resolution aforesaid, to proclaim under date of April 22, 1898, a blockade of certain ports of the north coast of Cuba, lying between Cardenas and Bahia Honda and of the port of Cienfuegos on the south coast of Cuba; and further, in exercise of my constitutional powers and using the authority conferred upon me by the act of Congress approved April 22, 1898, to issue my proclamation dated April 23, 1898, calling forth volunteers in order to carry into effect the said resolution of April 20, 1898. Copies of these proclamations are hereto appended.

In view of the measures so taken, and with a view to the adoption of such other measures as may be necessary to enable me to carry out the expressed will of the Congress of the United States in the premises, I now recommend to your honorable body the adoption of a joint resolution declaring that a state of war exists between the United States of America and the Kingdom of Spain, and I urge speedy action thereon, to the end that the definition of the international status of the United States as a belligerent power may be made known, and the assertion of all its rights and the maintenance of all its duties in the conduct of a public war may be assured.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, April 25, 1898.

STREET PARKING, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill H. R. 5880.

The Clerk read as follows:

A bill (H. R. 5880) to vest in the Commissioners of the District of Columbia control of street parking in said District.

Be it enacted, etc., That all jurisdiction or control, under sections numbered from 236 to 240, both inclusive, of the Revised Statutes of the United States, relating to the District of Columbia, and under section 1818 of the Revised Statutes of the United States, of street parking in the streets and avenues of the city of Washington, provided for by section No. 225 of the Revised Statutes of the United States, relating to the District of Columbia, be, and the same is hereby, transferred to and vested in the Commissioners of the District of Columbia; and said Commissioners are hereby authorized to make such reasonable regulations as in their judgment may be necessary for the care and protection of such street parking, and to attach to such regulations such penalties as will secure their enforcement: *Provided*, That this act shall not affect in any manner the provision in the act of March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes;" that no permits for projections beyond the building line on the streets and avenues of the city of Washington shall be granted except upon special application and with the concurrence of all of said Commissioners and the approval of the Secretary of War; and the purview of said provision is hereby extended to the entire District of Columbia.

SEC. 2. That all laws or parts of laws inconsistent herewith are hereby repealed.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Missouri [Mr. COWHERD] who reported the bill.

Mr. COWHERD. Mr. Speaker, this is a bill giving to the Commissioners of the District control of what is known as the street parking. When it was found necessary to pave the streets of Washington, they were so wide that a law was passed authorizing and permitting the authorities of the District of Columbia to set out the curbs, which has left a small portion of ground between the building line and the sidewalk line, over which there was some dispute as to who held authority. Lately some parties have been encroaching upon this little strip of land, and the District Commissioners attempted to put them off. The question was taken into court, and it was held that the authority rested with the Secretary of the Interior. But properly it should be in the District Commissioners.

This bill has been recommended by the Secretary of the Interior. It was prepared in the office of the District Commissioners, and simply gives them control of what is known as the street parking. In fact, up to this time, so complicated has this question been by the different acts passed, that no department of the Government had authority to lay gas or water pipes through these little strips of land. The last section of the bill is simply intended to keep in force a section in one of the appropriation bills that no erections of any kind are to be placed on this strip without a permit shall be obtained from the Secretary of War and the Commissioners of the District. It does not change existing law except to give the Commissioners authority over that little strip of land. I believe the bill is not opposed by anyone.

Mr. McMILLIN. Does the bill give any power to transfer the right to them or simply give them jurisdiction over the administration of the law?

Mr. COWHERD. I do not understand what the gentleman means by "transfer of right."

Mr. McMILLIN. Does it change the law as to the title to the property?

Mr. COWHERD. Not at all. It simply gives them control of it as they have control of the streets.

Mr. McMILLIN. It gives control to the Commissioners instead of the Secretary of the Interior.

Mr. COWHERD. Instead of the Secretary of the Interior and the Chief of Engineers, where the court holds it now is.

Mr. RIDGELY. Does it give them the power to lease the land?

Mr. COWHERD. Not at all; the only power to do that is under the appropriation act passed in 1891, and this does not affect existing law in that respect at all.

Mr. TODD. I would like to inquire whether the power given the Commissioners would weaken the power of Congress to rescind at any time?

Mr. COWHERD. Not at all; it does not affect the power of Congress to change or alter it at any time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. MESICK. Mr. Speaker, I desire to call up the election case of Richard A. Wise against William A. Young.

The SPEAKER. The gentleman will send the resolution to the desk.

Mr. BABCOCK. Mr. Speaker, I would like to have the gentleman from Michigan withhold that until the District Committee can complete its business, which will take but a few minutes.

Mr. MESICK. Mr. Speaker, I will withhold that, then, for fifteen minutes.

PROTECTION OF PROPERTY IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of House bill 8063, to amend "An act for the preservation of the public peace and protection of property in the District of Columbia," approved July 29, 1892.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, asks for the present consideration of House bill 8063, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia," approved July 29, 1892, be, and the same is hereby, amended by adding after the word "offense," in the last line of section 1, the following: "and the court may, in its discretion, order restitution to the party injured to the amount of the injury done;" so that said section shall read:

"That it shall not be lawful for any person or persons to destroy, injure, disfigure, cut, chip, break, deface, or cover or rub with or otherwise place filth or excrement of any kind upon any property, public or private, in the District of Columbia, or any public or private building, statue, monument, office, dwelling, or structure of any kind, or which may be in course of erection, or the doors, windows, steps, railing, fencing, balconies, balustrades, stairs, porches, or halls, or the walls or sides, or the walls of any inclosure thereof; or to write, mark, or paint obscene or indecent words or language thereon, or to draw, paint, mark, or write obscene or indecent figures representing obscene or indecent objects; or to write, mark, draw, or paint any other word, sign, or figure thereon, without the consent of the owner or proprietor thereof, or, in case of public property, of the person having charge, custody, or control thereof, under a penalty of not more than $50 for each and every such offense; and the court may, in its discretion, order restitution to the party injured to the amount of the injury done."

That said act be further amended by striking out sections 5 and 6 and inserting in lieu thereof the following:

"That it shall not be lawful for any person or persons within the District of Columbia to congregate and assemble in any street, avenue, alley, road, or highway, or in or around any public building or inclosure, or any park or reservation, or at the entrance of any private building or inclosure, and engage in loud and boisterous talking or other disorderly conduct, or to insult or make rude or obscene gestures or comments or observations on persons passing by, or in their hearing, or to crowd, obstruct, or incommode the free use of any such street, avenue, alley, road, highway, or any of the foot pavements thereof, or the free entrance into any public or private building or inclosure; that it shall not be lawful for any person or persons to curse, swear, or make use of any profane language or indecent or obscene words, or engage in any disorderly conduct in any street, avenue, alley, road, highway, public park or inclosure, public building, church, or assembly room, or in any other public place, or in any place wherefrom the same may be heard in any street, avenue, alley, road, highway, public park or inclosure, or other building, or in any premises other than those where the offense was committed, under a penalty of not more than $25 for each and every such offense."

That the said act be further amended by striking out the eighth section and inserting in lieu thereof the following:

"That all vagrants, all idle and disorderly persons, persons of evil life or evil fame, persons who have no visible means of support, persons repeatedly drunk in or about any of the streets, avenues, alleys, roads, highways, or other public places within the District of Columbia, persons repeatedly loitering in or around tippling houses, all suspicious persons, all public prostitutes, and all persons who lead a lewd or lascivious course of life, shall upon conviction thereof be fined not to exceed $40, or shall be required to enter into security for their good behavior for a period of six months. Said security shall be in the nature of a recognizance to the District of Columbia, to be approved by the court, in a penalty not exceeding $500, conditioned that the offender shall not for the space of six months repeat the offense with which he or she is charged and shall in other respects conduct themselves properly."

That section 9 be amended by inserting, after the words "public square," where it occurs the second time in said section, the words "or public or private building;" so that said section shall read:

"That it shall not be lawful for any person or persons to make any obscene or indecent exposure of his or her person or their persons in any street, avenue or alley, road or highway, open space, public square, or other public place or inclosure, in the District of Columbia, or to make any such obscene or indecent exposure of person in any dwelling or other building or other place wherefrom the same may be seen in any street, avenue, alley, road or highway, open space, public square, or public or private building or inclosure, under a penalty not to exceed $250 for each and every such offense."

The amendments recommended by the committee were read, as follows:

Amend by striking out the word "by," in line 6, page 1, all of line 7, all of

line 8, all of line 9, and all of line 10, and insert, after the word "amended," in line 6, the words "to read as follows."

Further amend, on page 2, line 15, by striking out all after the word "offense," and all of line 16 and all of line 17.

Mr. McEWAN. Mr. Speaker, I have sent for a copy of the bill. I want to look over the first few lines of the second section.

Mr. JENKINS. I will say to the gentleman from New Jersey that that is the present law.

Mr. McEWAN. Then it would be of no use for me to speak against it. I think, however, it is crowding the poor people of the District pretty hard when they can not go into the parks on a warm evening or a Sunday afternoon and sit down in a group of half a dozen without running the risk of it being held to be an unlawful assemblage. I have always felt that the parks were especially for the use of the poor people. They do not always talk in subdued tones or smile instead of laughing. By this bill the police can regulate their tone and their expressions of pleasure. However, if that is the law at present, it is no use, as I have learned from experience, to say anything further against it, but I desire to protest against such enactments.

The committee amendments were agreed to.

Mr. JENKINS. Mr. Speaker, I desire to submit an amendment.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Add at the end of the bill the following:

"That the taking and carrying away of the property of another in the District of Columbia without right so to do shall be a misdemeanor, punishable by a fine not to exceed $40."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote whereby the bill was passed was laid on the table.

GALEN E. GREEN.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that House bill 6460, for the relief of Galen C. Greene, may be considered in the House as in Committee of the Whole.

Mr. McMILLIN. Let us first have the bill read, Mr. Speaker.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Galen E. Green be, and he is hereby, authorized to close Cuvier street, as shown on the plat of said Galen E. Green's subdivision of part of the Girl's Portion in the District of Columbia, as per plat recorded in liber, county No. 6, folio 40, in the surveyor's office of the District of Columbia, and all the right, title, and interest of the said United States of America in and to said street by virtue of any act done or record made by or on behalf of said Green is hereby released, granted, and conveyed to said Green, his heirs and assigns, in fee simple, as fully to all intents and purposes as if no such act had ever been done or record made.

Amend the title so as to read: "A bill for the relief of Galen E. Green."

Mr. JONES of Virginia. Mr. Speaker, I think this bill ought to be considered in Committee of the Whole.

The SPEAKER. The gentleman from Virginia objects.

Mr. BABCOCK. Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the purpose of considering this and other bills reported by the Committee on the District of Columbia.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House for the consideration of House bill 6460, for the relief of Galen C. Greene, and other private bills of the District of Columbia, Mr. LACEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House, and has under consideration House bill 6460, for the relief of Galen C. Greene.

Mr. JENKINS. Mr. Chairman, this bill——

Mr. McEWAN. Has the bill been read?

Mr. JENKINS. It has; the bill was read in the House. Does the gentleman wish it to be read again?

Mr. McEWAN. No.

Mr. JENKINS. Mr. Chairman, this bill simply provides that a certain street in the city of Washington, known as Cuvier street, in a plat of ground laid out by one Galen C. Green, be vacated. There are no rights involved, other than those of Mr. Green. The street is the property of Green. At the time he laid out the plat he supposed the street would be necessary. On account of laying out other streets by the District the street is not necessary and no one has any right in the street other than Green himself. The bill has been referred to the Commissioners of the District and to the District attorney and they have reported favorably. Now I will ask for a vote on the bill.

Mr. JONES of Virginia. I should like to have the report in this case read.

Mr. JENKINS. I have no objection to the report being read in my time.

The report (by Mr. JENKINS) was read, as follows:

The Committee on the District of Columbia have had under consideration the bill (H. R. 6460) for the relief of Galen E. Green, and respectfully report the same back to the House with an amendment, with the recommendation that the same as amended do pass.

Amend the title by striking out "C. Greene" and inserting in lieu thereof "E. Green;" so as to read: "For the relief of Galen E. Green."

From a careful examination of all the facts presented to your committee, the committee find that the beneficiary, Galen E. Green, made a subdivision of 21 acres of land, lying on Brightwood avenue, county, in 1886, for his own convenience of said subdivision. He designated a proposed street, called Cuvier street, 50 feet wide by 500 feet deep, all surrounded by his own property. This street runs east and west, and has never been open to the public, has always been fenced with his other property, and is now improved. No one has any interest in the street other than himself.

Some time ago Mr. Green abandoned the plan of ever wanting to open the street. Since that time the act commonly known in the District of Columbia as the "highway act" has become a law and affords two streets about 100 feet from the proposed Cuvier street, which makes it absolutely necessary to abandon the proposed street. Even if the highway act should be repealed, as has been suggested, it will make no difference with reference to the rights of any person in the District of Columbia other than Mr. Green, and it will not afford any objections whatever to the passage of the bill.

The bill was submitted to the Commissioners of the District of Columbia, and their letter to the chairman of the committee (made a part of this report) shows that they have no objection whatever to the passage of the bill.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 18, 1898.

DEAR SIR: The Commissioners, after a thorough investigation, are unable to discover any objection to the abandonment of Cuvier street, as proposed in H. R. bill 6460, "for the relief of Galen E. Green," which was referred to them at your instance for their examination and report.

Very respectfully,
JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Hon. J. W. BABCOCK,
Chairman Committee on the District of Columbia,
House of Representatives.

The amendments reported by the committee were agreed to.

Mr. JENKINS. I move that the bill as amended be laid aside to be reported favorably to the House.

The motion was agreed to.

MATHILDA AKERBLOM MOLIN.

Mr. BABCOCK. I call up the bill (H. R. 9414) for the relief of Mathilda Akerblom Molin.

The bill was read, as follows:

Be it enacted, etc., That all real estate lying in the District of Columbia purchased by and conveyed to Mathilda Akerblom Molin, of said District, prior to the passage of this act, be relieved and exempted from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887, and all forfeitures incurred by force of said act are, in respect of such real estate, hereby remitted.

Mr. BABCOCK. I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

Mr. BABCOCK. I move that the committee rise and report to the House the two bills which have been acted upon.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY reported that the Committee of the Whole House had had under consideration the bill (H. R. 6460) for the relief of Galen E. Green, and had directed him to report the same back with amendments and with the recommendation that the amendments be adopted and the bill passed. He also reported that the Committee of the Whole House had had under consideration the bill (H. R. 9414) for the relief of Mathilda Akerblom Molin, and had directed him to report the same back with the recommendation that it be passed.

GALEN E. GREEN.

The House proceeded to the consideration of the bill (H. R. 6460) for the relief of Galen E. Green.

The amendments reported from the Committee of the Whole House were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, the title will be amended as recommended by the committee.

There was no objection.

MATHILDA AKERBLOM MOLIN.

The House next proceeded to consider the bill (H. R. 9414) for the relief of Mathilda Akerblom Molin; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

VIRGINIA ELECTION CONTEST—WISE VS. YOUNG.

Mr. MESICK. I now call up the report of the Committee on Elections No. 3 on the case of Wise *vs.* Young, from the Second district of Virginia.

The SPEAKER. The resolution reported by the committee will be read.

The Clerk read as follows:

Resolved, That Richard A. Wise is entitled to a seat as Representative from the Second Congressional district of Virginia in the Fifty-fifth Congress, and that William A. Young, the sitting member, is not entitled to his seat.

Mr. BURKE. On this question I desire to raise the question of consideration.

The SPEAKER. The gentleman from Texas [Mr. BURKE] raises the question of consideration. The question is, Will the House now consider the resolution just read?

The question being taken, there were—ayes 104, noes 102.

Mr. BURKE. I call for tellers.

Mr. MESICK. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 121, answered "present" 8; not voting 80, as follows:

YEAS—146.

Adams,	Davenport,	Ketcham,	Russell,
Aldrich,	Davidson, Wis.	Kirkpatrick,	Sauerhering,
Alexander,	Davison, Ky.	Kulp,	Shannon,
Babcock,	Dayton,	Lacey,	Shattuc,
Baker, Md.	Dingley,	Landis,	Sherman,
Barham,	Dolliver,	Lawrence,	Showalter,
Barney,	Dorr,	Linney,	Smith, Ill.
Barrett,	Dovener,	Littauer,	Smith, Wm. Alden
Barrows,	Eddy,	Loudenslager,	Snover,
Bartholdt,	Ellis,	Lovering,	Southard,
Belden,	Evans,	Low,	Sperry,
Belford,	Fenton,	Lybrand,	Sprague,
Belknap,	Fischer,	McDonald,	Steele,
Bingham,	Fletcher,	McIntire,	Stevens, Minn.
Booze,	Foss,	Mahany,	Stewart, Wis.
Boutell, Ill.	Fowler, N. J.	Mahon,	Stone, C. W.
Boutelle, Me.	Gibson,	Marsh,	Stone, W. A.
Brown,	Gillet, N. Y.	Mercer,	Strode, Nebr.
Brumm,	Gillett, Mass.	Mesick,	Sturtevant,
Bull,	Graff,	Mills,	Sulloway,
Burleigh,	Griffin,	Minor,	Tawney,
Burton,	Grosvenor,	Mitchell,	Tayler, Ohio
Butler,	Grow,	Morris,	Thorp,
Cannon,	Hager,	Northway,	Tongue,
Chickering,	Hamilton,	Otjen,	Updegraff,
Clark, Iowa	Hawley,	Overstreet,	Van Voorhis,
Cochrane, N. Y.	Hemenway,	Packer, Pa.	Walker, Mass.
Codding,	Henderson,	Parker, N. J.	Walker, Va.
Cooper, Wis.	Hepburn,	Payne,	Wanger,
Corliss,	Hilborn,	Pearce, Mo.	Weaver,
Cousins,	Howe,	Perkins,	Weymouth,
Crump,	Hull,	Pitney,	White, N. C.
Crumpacker,	Hurley,	Pugh,	Williams, Pa.
Curtis, Iowa	Jenkins,	Ray,	Yost,
Curtis, Kans.	Johnson, N. Dak.	Reeves,	Young, Pa.
Dalzell,	Joy,	Robbins,	
Danford,	Kerr,	Royse,	

NAYS—121.

Adamson,	Davey,	Lester,	Robertson, La.
Bailey,	De Armond,	Lewis, Ga.	Robinson, Ind.
Baird,	De Graffenreid,	Lewis, Wash.	Sayers,
Baker, Ill.	De Vries,	Little,	Settle,
Ball,	Dinsmore,	Livingston,	Shafroth,
Barlow,	Dockery,	Lloyd,	Shuford,
Bell,	Driggs,	McAleer,	Simpson,
Benner, Pa.	Elliott,	McClellan,	Sims,
Bennett,	Fitzgerald,	McCormick,	Slayden,
Benton,	Fitzpatrick,	McCulloch,	Smith, Ky.
Bland,	Fleming,	McDowell,	Sparkman,
Bodine,	Fowler, N. C.	McMillin,	Stark,
Bradley,	Gaines,	McRae,	Stephens, Tex.
Brantley,	Greene,	Maguire,	Stokes,
Brenner, Ohio	Griggs,	Marshall,	Strowd, N. C.
Brewer,	Gunn,	Martin,	Sulzer,
Broussard,	Handy,	Maxwell,	Sutherland,
Brucker,	Hay,	Meyer, La.	Swanson,
Brundidge,	Henry, Tex.	Miers, Ind.	Talbert,
Burke,	Howard, Ga.	Moon,	Taylor, Ala.
Carmack,	Hunter,	Norton, Ohio	Terry,
Castle,	Jones, Va.	Norton, S. C.	Todd,
Catchings,	Jones, Wash.	Ogden,	Underwood,
Clardy,	Kelley,	Otey,	Vandiver,
Clark, Mo.	King,	Peters,	Vincent,
Cochran, Mo.	Kitchin,	Pierce, Tenn.	Wheeler, Ala.
Cooney,	Kleberg,	Rhea,	Wheeler, Ky.
Cooper, Tex.	Knowles,	Richardson,	Zenor.
Cowherd,	Lanham,	Ridgely,	
Cox,	Latimer,	Rixey,	
Cummings,	Lentz,	Robb,	

ANSWERED "PRESENT"—8.

Berry,	Henry, Ind.	Meekison,	Smith, S. W.
Connolly,	Hopkins,	Moody,	Spalding.

NOT VOTING—80.

Acheson,	Cranford,	Howell,	Powers,
Allen,	Davis,	Jett,	Prince,
Arnold,	Ermentrout,	Johnson, Ind.	Quigg,
Bankhead,	Faris,	Knox,	Shelden,
Barber,	Foote,	Lamb,	Skinner,
Bartlett,	Fox,	Lorimer,	Southwick,
Beach,	Gardner,	Loud,	Stallings,
Bishop,	Griffith,	Love,	Stewart, N. J.
Botkin,	Grout,	McCall,	Strait,
Brewster,	Harmer,	McCleary,	Sullivan,
Broderick,	Hartman,	McEwan,	Tate,
Bromwell,	Heatwole,	Maddox,	Vehslage,
Brosius,	Henry, Conn.	Mann,	Wadsworth,
Brownlow,	Henry, Miss.	Miller,	Ward,
Campbell,	Hicks,	Mudd,	Warner,
Capron,	Hill,	Newlands,	White, Ill.
Clarke, N. H.	Hinrichsen,	Odell,	Wilber,
Clayton,	Hitt,	Olmsted,	Williams, Miss.
Colson,	Hooker,	Osborne,	Wilson,
Connell,	Howard, Ala.	Pearson,	Young, Va.

So the House determined to consider the election case.

The following pairs were announced:

Until further notice:

Mr. PRINCE with Mr. HINRICHSEN.

Mr. ACHESON with Mr. WILSON.

Mr. STEWART of New Jersey with Mr. CLAYTON.

Mr. MANN with Mr. JETT.

Mr. HICKS with Mr. BANKHEAD.

Mr. BROSIUS with Mr. ERMENTROUT.

Mr. HOPKINS with Mr. TATE.

Mr. CLARKE of New Hampshire with Mr. STALLINGS.

Mr. HITT with Mr. BERRY.

Mr. SPALDING with Mr. FOX.

Mr. CODDING with Mr. WILLIAMS of Mississippi.

Mr. SAMUEL W. SMITH with Mr. HENRY of Mississippi.

Mr. HILBORN with Mr. LOVE.

Mr. LORIMER with Mr. CAMPBELL.

Mr. WARNER with Mr. ALLEN.

Mr. MCEWAN with Mr. VEHSLAGE.

Mr. CONNELL with Mr. DAVIS.

Mr. HOOKER with Mr. CATCHINGS.

Mr. HENRY of Indiana with Mr. GRIFFITH.

Mr. CONNOLLY with Mr. MEEKISON.

Mr. HARMER with Mr. LENTZ.

The following pairs were announced for this day:

Mr. ODELL with Mr. OSBORNE.

Mr. HILL with Mr. COCHRAN of Missouri.

Mr. BEACH with Mr. SULLIVAN.

Mr. OLMSTED with Mr. LAMB.

Mr. HEATWOLE with Mr. MADDOX.

The following pairs were announced on this question:

Mr. MOODY with Mr. BARTLETT.

Mr. BROMWELL with Mr. CRANFORD.

Mr. HENRY of Indiana. Mr. Speaker, I am paired with Mr. GRIFFITH, my colleague from Indiana, and desire therefore to withdraw my vote.

Mr. SPARKMAN. Mr. Speaker, my colleague, Mr. DAVIS, found it necessary to leave the city in order to make some arrangements for his son to enlist in the Army, who is very desirous of doing so. I find that he is paired with the gentleman from Pennsylvania, Mr. CONNELL. If present, he would vote "no" on this question.

Mr. BERRY. Mr. Speaker, I desire to withdraw my vote, being paired with the gentleman from Illinois, Mr. HITT.

Mr. MANN. Mr. Speaker, I am paired with the gentleman from Illinois, Mr. JETT, and wish to withdraw my vote.

The result of the vote was then announced as above recorded.

The SPEAKER. The gentleman from Michigan is recognized.

Mr. MESICK. Mr. Speaker——

Mr. BURKE. Mr. Speaker, I wish the resolutions of the minority of the committee to be reported by the Clerk.

The SPEAKER. The gentleman from Texas desires to offer the resolutions of the minority as a substitute?

Mr. BURKE. Yes, sir.

The SPEAKER. The Clerk will report the resolutions of the minority, without objection.

The resolutions were read, as follows:

Resolved, That William A. Young was duly elected a Representative to the Fifty-fifth Congress of the United States, and is entitled to the seat.

Resolved, That Richard A. Wise was not elected a Representative to the said Congress, and is not entitled to this seat.

Mr. BURKE. Mr. Speaker, I wish to suggest a slight verbal amendment by inserting in each of the resolutions just reported the words "from the Second district of the State of Virginia."

The SPEAKER. If there be no objection, the Clerk will report the resolutions as amended.

The Clerk read as follows:

Resolved, That William A. Young was duly elected a Representative to the Fifty-fifth Congress of the United States from the Second district of the State of Virginia, and is entitled to the seat.

Resolved, That Richard A. Wise was not elected a Representative to the said Congress from the Second district of the State of Virginia, and is not entitled to this seat.

Mr. BURKE. I ask that these resolutions be considered as pending before the House.

The SPEAKER. The gentleman desires that the resolutions reported by the minority of the committee be considered as pending. Without objection, that will be ordered.

Mr. MESICK. I would like the Clerk to read again the resolution I sent up, Mr. Speaker—the report of the committee.

The resolution reported by the committee was again read.

Mr. MESICK. Mr. Speaker, we have agreed that there shall be consumed in the consideration of this case four hours on a side, and I yield four hours of the entire time to the gentleman from Texas, Judge BURKE, who will have control of the time of the minority, as we have agreed upon; that is to say, one half of the time to be used by the majority and the other half by the minority. I ask unanimous consent that that arrangement be acceded to by the House.

The SPEAKER. The gentleman from Michigan asks unanimous consent that four hours of the time for general debate be accorded to either side, and that the time be at the disposal of the gentleman from Texas [Mr. BURKE], representing the contestee, and the gentleman from Michigan, representing the contestant, eight hours being thus consumed in the consideration of the report of the committee. Is there objection?

There was no objection.

[Mr. MESICK addressed the House. See Appendix.]

Mr. MESICK. Mr. Speaker, I now yield the floor to the gentleman from Pennsylvania [Mr. ADAMS], and I would like to ask how much time I have occupied?

The SPEAKER pro tempore (Mr. MCCALL in the chair). The gentleman has occupied fifty-four minutes.

DECLARATION OF WAR BETWEEN THE UNITED STATES AND SPAIN.

Mr. ADAMS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania [Mr. ADAMS] asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10086) declaring that war exists between the United States of America and the Kingdom of Spain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, First. That war be, and the same is hereby, declared to exist, and that war has existed since the 21st day of April, A. D. 1898, including said day, between the United States of America and the Kingdom of Spain.

Second. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry this act into effect.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ADAMS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. ADAMS, a motion to reconsider the last vote was laid on the table.

Mr. PAYNE. I should like to suggest to the gentleman from Pennsylvania whether the title of the bill is broad enough to cover the body of it. The title recites that war exists. Should it not also recount the fact that it has existed since April 21?

Mr. ADAMS. This comes from the Attorney-General.

Mr. PAYNE. Then I will not say anything further about it.

CONTESTED-ELECTION CASE—WISE VS. YOUNG.

Mr. BURKE. Mr. Speaker, it should be a subject of regret, not only to the contestant, but likewise to the contestee, as well as to members who are seeking to present their views in this case to the House this afternoon, that we find so few members of the body present and listening to that presentation.

It is reversing the ordinary rule that prevails in courts of justice, where grave issues are submitted to the jury. They remain in their seats in the jury box, and are at least presumed to be better prepared to pass upon the issues of fact presented to them than they would be had they retired to their respective rooms, as many of the members of this House have done to-day.

Mr. Speaker, in the long series of years that have passed since the Government was organized, many remarkable scenes have been witnessed in this House, but I venture to assert that never has there been presented a scene altogether as remarkable as that which has been presented here to-day.

It may not be amiss, at the very threshold of this case, to call attention to the condition of affairs which now confront the American people. If there has ever been a time in the history of the American Republic when patriotism should come to the front and partisanship should retire to the rear, I submit, in a spirit of manly frankness, that that time exists to-day.

But what is this remarkable scene that we have witnessed upon the floor of this House to-day? Why, sir, in the midst of a contested-election case—a case presenting more grounds for stirring up violent partisanship and party feeling than any other class of cases—we are interrupted in its progress by the acting chairman of the Committee on Foreign Affairs, who presents to the House of Representatives of the American Congress a declaration of war against a heretofore friendly nation. So anxious, so zealous, so partisan, and so earnest have gentlemen become in prosecuting these contested-election cases, that they are unwilling even to permit them to go over, and the House is compelled to interrupt the proceedings in a contested-election case, to give consideration to a declaration of war. I say that never has there been, and I trust to God that never will there be again in the future, a parallel case of such partisan feeling.

Mr. Speaker, I can conceive of but one higher tribunal in the United States than this tribunal which is now sitting in judgment upon this case, and that is the tribunal which may be organized in the other end of this Capitol, charged upon the oaths of its members with the trial of some prominent official of this Government, against whom articles of impeachment have been presented charging high crimes and misdemeanors.

The representatives of over 72,000,000 of American freemen are sitting here in calm and deliberate judgment upon the rights not only of the contestant and contestee, but also upon the rights of the people of the Second Congressional district of Virginia, to say who shall represent them upon the floor of this House.

Mr. Speaker, I take it, as a lawyer, that this high tribunal, sitting in judgment upon this case, must be governed by the well-known rules of law which prevail and obtain in cases of this character. And before I go further let me say, that I was amazed at the position assumed by the distinguished gentleman from Pennsylvania [Mr. KIRKPATRICK] one day last week in the discussion of a contested-election case, that of Patterson *vs.* Carmack. I have not had the pleasure of reading the gentleman's speech, because it has not been published in the RECORD, but if I correctly understood him in the legal position which he assumed upon the floor of this House, it was, that in the determination of cases of this character in the House of Representatives, the House could absolutely ignore and set aside the solemn judgment of the supreme court of any State in this Union, which has passed upon the legality or binding efficacy of the election law of that State.

Mr. KIRKPATRICK. Will the gentleman yield to me?

Mr. BURKE. With pleasure.

Mr. KIRKPATRICK. I think the gentleman has misunderstood me. My position simply was that this body is a court, exercising in cases of this kind judicial power, and that its decisions and deliverances, in the line of its jurisdiction, are binding upon it precisely as the decisions of State courts are binding upon those courts in the interpretation of the statutes, and the precedents set by this body have the same power and efficacy in guiding and controlling the deliberations and decisions of this body that the decisions of State courts have in guiding and binding the deliberations of those State courts, and that in the decisions of this House of Representatives upon an election law, so far as they relate to the election and qualification of its own members for the purposes of its action, its own former deliverances are of more binding efficacy upon it than the decisions of State courts.

Mr. BURKE. Then I am not very far wrong in the assumption I have made, giving the gentleman the benefit of his own interpretation. I regret that his speech has not been published. I say that on his own interpretation, on the statement which he has just made, he asserts that the decision of the House of Representatives in a contested-election case, as to any statute of any State regulating the election of members of this House, is absolutely binding upon and overrules all other decisions. That is the substance of the gentleman's statement here.

Mr. KIRKPATRICK. If the gentleman will allow me one word more——

Mr. BURKE. With pleasure, always, to my friend from Pennsylvania.

Mr. KIRKPATRICK. I wish to add to what I have already said that the Constitution of the United States has conferred upon this body ultimate and exclusive jurisdiction in election cases in judging of the election and qualifications of its members. So far, therefore, as it passes upon a Federal statute regulating the election of members of Congress, or, in the absence of a Federal statute, so far as it passes on any State statute regulating the election of members of Congress, for that purpose and to that extent it is subject to the interpretation, decision, and judicial deliverance of this body, and its decisions, to that extent and within that limit, are precedents that are binding upon this body.

Mr. BURKE. I am glad, Mr. Speaker, that the gentleman is receding, to some extent, from the position that he has heretofore taken upon that question. I take it, Mr. Speaker, that no well-informed man in this country would deny for a moment but that the House of Representatives, under the provisions of the Constitution of this country, is the exclusive judge of the election and qualifications of its membership.

But I submit, Mr. Speaker, this discretion and judgment should be exercised in the well-defined limits of the laws of this country. And aside from that, and beyond that, for a moment let us see what any other conclusion or contention would irresistibly lead to. Why, we would have here the supreme court of New York, for instance, upholding the legality of their election laws, the House of Representatives of the United States discarding and denouncing the legality of the same election laws, and the Supreme Court of the United States, in possibly some cases, deciding to uphold and maintain the decision of the supreme court of the State of New York in the same election laws. You see at once where it would lead.

And I say again, sir, that where that discretion and that judgment is conferred on the House by the Constitution of this country,

they should be exercised within the well-known and well-defined limits of existing law. Any other contention, Mr. Speaker, would result in confusion confounded in this land, and it would have a tendency to break up a harmonious whole that has ever been intended to be preserved not only by our State but also by our Federal judiciary in this country. When I hear so distinguished a gentleman as my friend from Pennsylvania, an ex-attorney-general of that great Commonwealth, take that position, I say, Mr. Speaker, that it should challenge the attention of the most thoughtful members of this House.

Mr. GAINES. Will the gentleman from Texas permit me? I did not hear the statement of the gentleman from Pennsylvania, and I would like the gentleman to restate it briefly.

Mr. BURKE. In substance it was this, that in passing on the election and qualifications of the members of this House, where the election had been held under a law of a State and the legality and constitutionality of the law had been upheld by the supreme court of that State, that this House could annul it if it saw fit to do so.

Mr. KIRKPATRICK. That is hardly a fair statement of the proposition which I advocated, if the gentleman will allow me.

Mr. BURKE. I will, with pleasure. I do not want to misrepresent anyone, and certainly not my friend from Pennsylvania.

Mr. KIRKPATRICK. I know that, and I acknowledge the great courtesy the gentleman has always manifested toward me. I wish simply to say this, that this body having had conferred upon it by the Constitution jurisdiction, for purposes of its own preservation and the maintenance of its own dignity, of all questions relating to the qualifications and election of its members, it acts in that regard as a court; and so far as the State law, in the absence of a Federal election law, relates to the election of members of this body, it is a court of ultimate jurisdiction and its own decisions and its own deliverances are the expression and the evidence of the law so far as it relates to questions of this character. Of course positive statutes are to be accepted, but mere judicial interpretation is to be adopted so far as by its intrinsic force and reasoning commend itself to the judgment of this body exercising its proper judicial function.

Mr. GAINES. In the Forty-second Congress——

Mr. KIRKPATRICK. Now, one moment. Anything else would be to derogate from the dignity and power of this House. So that when a State court passes upon a matter relating to the admission or qualification of members of Congress, while its deliverances and decisions are entitled to great respect and should not be lightly regarded, they can only commend themselves to this House so far as they meet their judgment and comport with the decisions of this court of high authority. If it were otherwise, it would be in the power of an outside jurisdiction, of an inferior jurisdiction, to destroy, to impair, to derogate from that high and unlimited power which is vested in this national court in questions of this kind.

Mr. BURKE. Then if my friend from Pennsylvania is through with respect to this matter, I wish to ask him one question.

Mr. KIRKPATRICK. Certainly.

Mr. BURKE. I ask him if he contends that this House can declare the act of a sovereign State unconstitutional?

Mr. KIRKPATRICK. I do not intend to say that this body can arbitrarily do so, or do so generally; but in passing upon the election or qualifications of its own members it may incidentally determine the meaning and application of a statute or constitution to the case in hand, guided by its own precedents.

Mr. BURKE. How can you do it unless you do so arbitrarily?

Mr. KIRKPATRICK. I do not say that this body can do so without any sufficient and proper reason; but I say that this body, under the sanction of their oaths and under those principles which guide the deliberations of every court, has the right in the light of the law to say what the law is, based upon precedents and all proper and rightful interpretation of that law and the effect of the law. In a conflict with the utterance of any outside power, of any inferior court, such inferior jurisdiction must yield under the high privilege conferred by the Constitution, just as the decisions of our own State supreme courts are superior to the decisions of the lower court, and as the decisions of our own supreme courts are superior to those of some other State where there has been a different decision. The decisions, therefore, of our court must guide it in preference to the decision of any inferior court or an outside court; and, in that respect, I hold that my position is well taken and sustained by the authority of this House.

Mr. GAINES. In making your report in the Carmack and Patterson case did you not follow not only the construction of the courts of Pennsylvania, but inferior courts of that State on the question as to what was and who had the right to make the legal payment of poll tax?

Mr. KIRKPATRICK. I have been always entirely consistent with what I am saying now, that we may resort to the decisions of another State, or even of an inferior jurisdiction, for reasons which may govern us in our deliberations here, but when it comes to the question of final authority, if this court is by its own independent investigation satisfied with the law as revealed in its own precedents and under its higher and better judgment of what the law really is, it to that extent supersedes and is superior to the deliverance of any inferior court or court of outside jurisdiction. This seems to me the only correct view of the high powers of Congress. Any other view is destructive of its constitutional prerogatives and independence.

Mr. BURKE. Mr. Speaker, I never want to treat anyone discourteously, but I believe the further the gentleman from Pennsylvania goes the worse he gets on this proposition.

Mr. GAINES. I would like to ask the gentleman from Pennsylvania [Mr. KIRKPATRICK] a question. In the face of your proposition that you are not bound by the construction of State laws by State courts of last resort at all, are you not lying in the face of the decision of this House in the Forty-second Congress, presided over by Mr. Blaine, in which the House held that Congress should be bound by the construction of State courts of State laws; that it was the policy of our laws, and that the public welfare required it? The Supreme Court of the United States has also repeatedly so held.

Mr. BURKE. I believe, Mr. Speaker, with courtesy to all gentlemen on each side, I shall have to go ahead with my remarks.

Mr. KIRKPATRICK. I have no further reply to make. I have stated my position, and I am sustained, I think, by every good lawyer in this House.

Mr. BURKE. I may be mistaken, Mr. Speaker, in entertaining the opinion I do, but if so, I think a great many others are mistaken with me, and that is that we have in this country a judicial system to interpret the efficacy and binding force of the laws, both State and national, and this is the first time, sir, with all respect to my friend from Pennsylvania [Mr. KIRKPATRICK], that I ever heard it gravely announced that the legislative branch of this Government was competent to act as a judicial tribunal; not only to act as a judicial tribunal, but to absolutely overturn and overrule the well-considered decisions of the supreme court of a sovereign State of this Union.

Mr. GROW. Will the gentleman from Texas allow me to interrupt him?

Mr. BURKE. Certainly; yes.

Mr. GROW. I take it, Mr. Speaker, this is the question, and the only one involved. The members of this House are now elected under State laws. As to the decision of a court of a State on its laws applicable to the election of State officers, I take it the gentleman is right in his position. But are we not authorized, and is it not a proper exercise of our power, to determine what is mandatory and what is directory in a State law when applied to the election of members of this House?

Mr. BURKE. I will ask the venerable gentleman from Pennsylvania if, in the exercise of that discretion, the House ought not to be governed and controlled by the well-recognized rules of judicial interpretations and decisions, both State and Federal?

Mr. GROW. I did not make myself fully understood, perhaps. The decision of a State court would be binding in the construction of the laws of any State as to the election of any of its officers, and the decision ought to be respected; but we are the court to decide what is mandatory and what is directory in its laws when applied to the election of members of this House. We are the authorized and highest court to pass upon that question.

Mr. BURKE. After the direct question has been settled by the supreme court of the State? I do not agree with the gentleman, and I do not think anyone else would. But, Mr. Speaker, I will not pursue this suggestion further, for to my mind it is so radically inconsistent with the rights not only of the State but with the rights of the membership of this House that I believe a bare statement of the suggestion emanating from the distinguished gentleman will carry with it its own refutation.

The Second Congressional district, Mr. Speaker, is composed of 11 counties and 4 cities. The secretary of the Commonwealth of Virginia certifies to this House that in the election for a member of Congress from that district in November, 1896, William A. Young, contestee, received 15,787 votes, and the contestant, Wise, received 13,390 votes. It may not be amiss, indeed it strikes me that it is proper, to refer to the fact that since 1890 this district has been uniformly represented in the halls of Congress by a Democrat. And it may be suggestive, and carry some force with the suggestion, to call the attention of the House, Mr. Speaker, to the vote in that district for Congress for the years 1890, 1892, 1894, and 1896, and contrast those votes.

And after contrasting them since 1890, I want then to ask the candid, deliberate judgment of the membership of this House to point out and show me where the returns of 1896 are reeking with that fraud and corruption that the gentleman from Michigan [Mr. MESICK] has proclaimed exists in that district.

Mr. WALKER of Virginia. Will the gentleman from Texas allow me to interrupt him?

Mr. BURKE. Certainly.

Mr. WALKER of Virginia. If the gentleman will look at the history of the district, he will find that prior to the passage of the present election law it returned Republicans to this House. No election has been allowed to return a Republican since that law was passed, and to compare the vote under the old law with the vote under the present law is no evidence of the wish or will of the people.

Mr. YOUNG of Virginia. I would like to ask the gentleman from Virginia one question.

Mr. BURKE. I will yield.

Mr. YOUNG of Virginia. When was the law the gentleman speaks of passed?

Mr. WALKER of Virginia. It was passed, I believe, about 1884 or 1886.

Mr. YOUNG of Virginia. You are talking of the Walton law.

Mr. WALKER of Virginia. I am talking about the first one that passed.

Mr. YOUNG of Virginia. Was not there a Republican member from the Second Congressional district up to 1888?

Mr. WALKER of Virginia. Yes; and the reason is very plain, they did not learn how to cheat for three or four years under that law.

Mr. YOUNG of Virginia. That comes very well from the gentleman from Virginia.

Mr. WALKER of Virginia. Why from me?

Mr. YOUNG of Virginia. You have had very great experience.

Mr. WALKER of Virginia. No, sir; I have had no experience in fraud. I do not charge the people of Virginia with fraud, and never did, and when gentlemen continually strive to represent that I am maligning my people, they state what is untrue. I do not say that offensively, but I say it is not true. I never applied my remarks to the people at large, but to the corrupt people who have got control of the ballot box and who are not sustained by the good people of either party.

Mr. YOUNG of Virginia rose.

Mr. BURKE. I believe, Mr. Speaker, I shall be compelled to go on.

All that I have to say with reference to the suggestion of the gentleman from Virginia [Mr. WALKER] is that he should withdraw three reports at least that he has made in the Fifty-fifth Congress in these contested election cases before he can escape from the charges made against him, and one of these is the identical report now under consideration.

I do not profess to be so familiar as the gentleman from Virginia [Mr. WALKER] is with reference to the politics of Virginia. I understand that he has trained on both sides of the political lines in that State, having been an intense and violent Democrat there until the Democrats refused to nominate him for attorney-general in 1885. I do not know that that is true——

Mr. WALKER of Virginia. May I interrupt the gentleman?

Mr. BURKE. Yes, sir; certainly.

Mr. WALKER of Virginia. The insinuation which has been made several times on this floor—I know the gentleman knows nothing about it—that I assumed my position in politics because I did not get an office is wholly and unqualifiedly false. I changed my politics from no such consideration. I quit the party when Mr. Cleveland ceased to be a Democrat. I was asked by the Democratic party to vote for Mr. Cleveland after he had, in my opinion, ceased to be a Democrat.

Mr. BURKE. History tells us, and sacred history at that, of one remarkable and instantaneous conversion, and that was upon the occasion when Saul of Tarsus was on his way to Damascus. The scales, as it were, fell from his eyes, and he was permitted to see things in a light different from that in which he had before viewed them. So, after this Democratic State convention in Virginia had refused to nominate the gentleman [Mr. WALKER of Virginia] for attorney-general, the political scales fell from his eyes, according to his own statement, after Mr. Cleveland was defeated.

Mr. WALKER of Virginia. May I correct the gentleman?

Mr. BURKE. With pleasure.

Mr. WALKER of Virginia. The gentleman is mistaken again. I voted with the Democratic party for two years after that. So the gentleman is talking about matters he does not know as well as I do.

Mr. BURKE. I confess I am not as well posted in the history of the gentleman as he is himself. But I submit that when the political scales fell from the gentleman's eyes a few years ago, he was then permitted to see things in a light, politically speaking, entirely different from that in which he had before viewed them. Now, whether he was right then or wrong now I assume not the province of determining. I leave that to the conscience of the gentleman himself.

In 1890 the Democratic nominee in the Second Congressional district of Virginia received 13,484 votes. The Republican nominee received 12,317 votes. In 1892 the Democratic nominee in that district received 17,381 votes; and there were two Republicans running, whose vote aggregated about 12,500. In the election of 1894 the Democratic nominee received 12,375 votes, the Republican nominee 8,868. In 1896, as I have just stated, the Democratic nominee received 15,787 votes, and the Republican nominee, Mr. Wise, the contestant in this case, received 13,390. Now, let us analyze these votes for a moment; and I wish to present this analysis, because here rests a most potent suggestion in refutation of what the gentleman from Michigan [Mr. MESICK] has just stated in regard to the suppression of the Republican vote in that district.

Why, sir, in 1892 the Democrats received nearly 2,000 more votes than they did in 1896; and in 1896 they received nearly 5,000 less than they did in 1894. In 1894 the Republican nominee received 8,868 votes; in 1896 the Republican nominee received 13,390 votes—a difference of nearly 5,000 votes. Yet, Mr. Speaker, we are blandly told by the gentleman from Michigan [Mr. MESICK] that this case is reeking with fraud and corruption. "Fraud and corruption," "the suppression of Republican votes," when you received nearly 5,000 more votes in 1896 than you did in 1894 and the Democrats 2,500 less! That does not look as if there was "fraud and corruption" to the detriment of the Republican candidate. But if a diminution of votes is to be considered as evidence of the fact that a party has suffered by "fraud and corruption," then it looks as if the Democrats suffered in that way.

Mr. GAINES. Will the gentleman yield to me a moment?

Mr. BURKE. Yes, sir.

Mr. GAINES. For the enlightenment of the distinguished ex-attorney-general of Pennsylvania [Mr. KIRKPATRICK] I wish to read the rule laid down by McCrary on Elections, section 422, the passage which I alluded to just now:

> The House of Representatives of the United States in construing a State law will follow the construction given it by the authorities of the State whose duty it is to construe and execute it. Where a given construction has been adopted and acted upon by the State authorities, the Federal Government should abide by and follow it. It was so held by the House of Representatives of the United States in the matter of the election of Representative from the State of Tennessee.

That was in the Forty-second Congress, presided over by Mr. Blaine, a distinguished Republican.

Mr. McCrary, who made this report to the House, says:

> It is a well-established and most salutary rule that where the proper authorities of the State government have given a construction to their own constitution or statutes, that construction will be followed by the Federal authorities. This rule is absolutely necessary to the harmonious working of our complex governments, State and national, and your committee are not disposed to be the first to depart from it.

This rule has been repeatedly followed in other like contests in this House, and the question is ably discussed in the Lynch *vs.* Chalmers case.

> And in the case of Burch *vs.* Van Horn, the House refused to go into an inquiry as to the validity of the new constitution of Missouri upon the ground that it had been recognized as valid by the people and by all the departments of the State government.

Mr. KIRKPATRICK. In answer to the suggestion of the gentleman from Tennessee I wish to say that I might refer him to a number of other cases decided by the Congress of the United States where the doctrine is laid down that in case a State statute, so far as it relates to the election of members of Congress, conflicts with the laws of Congress passed upon the subject, the Federal statute supersedes to that extent the State law, and the Congress of the United States has final jurisdiction; and if there is a conflict of interpretation as between the courts of a State and the Congress with reference to State laws, so far as they relate to the election of members of Congress, being regarded to that extent as virtually Federal in their character, Congress, acting in its judicial capacity, and being exclusively the judge of the election returns and qualifications of its own members, shall have precedence and superior authority under the circumstances, and its own rulings take priority of judicial decisions in the State.

Mr. GAINES. But there is a precedent of a Republican Congress when it was presided over by Mr. Blaine.

Mr. KIRKPATRICK. I do not know what precedent the gentleman refers to. This is the doctrine of Congress and the law as laid down by Congress.

Mr. BURKE. Mr. Speaker, I trust I will not be interrupted further. While I do not object in the least to ordinary interruptions in the course of my argument, I do object to being cut off in this manner and thus break the continuity and force of the discussion. I hope, therefore, gentlemen will allow me to proceed without interruption, at least for a while.

Mr. Speaker, the gentleman from Michigan (Mr. MESICK) opened this case and frankly told the House that he had had some experience in contested-election cases up in the State of Michigan. I was very much surprised to hear the suggestion coming from that gentleman. I thought that there were only contested-election cases in certain localities, and that in other favored localities contested-election cases were absolutely unknown. But I confess that I am both surprised and gratified to learn from the gentleman that they even have contested cases in the State of Michigan.

Mr. Speaker, the gentleman has seen fit to refer to the record in this case, and has denominated the action of the judges in holding and conducting that election as "fraudulent;" or, rather, has suggested that the "fine Italian hand" of these judges is visible throughout this entire record. I submit to you, Mr. Speaker, and the membership of this House that if you take the report, drawn by the majority of the committee, and analyze it, you will find that the "fine Italian hand" of the judges of election in the State of Virginia in this Congressional district will sink into utter insignificance when compared with this report.

Let me for my own gratification, and perhaps, also, for the edification of the House—and I am sure that it will be assuring and consoling to the gentleman from Michigan and those who signed the report with him—let me call your attention as members of the House to some suggestions contained in that remarkable report; and I do it, gentlemen, for the reason that I want you, as Representatives of a great and free constituency from your respective States, to answer me this question: How would you like for such suggestions and charges as are here embodied in this report to be made against the people of your Congressional district? Let us see what they are.

The gentleman speaks of the "fine Italian hand of the judges." I want to call his attention to that hand of the committee that has with one brush obliterated over 1,500 votes for the contestee in this case, and with the return sweep of the brush, as it were, obliterated over 1,700 more at the same time. With two strokes of the blue pencil they disfranchised 3,300 free men in the State of Virginia. That is avowed in the report; and the reasons for it are as powerful, and as cogent, as the reasons the gentleman from Michigan gave for it, in his opening speech. What are these reasons? Let me call your attention to a few of them, and I shall not weary you with many extracts from this report. Here is what the gentleman says—and I may say in passing that it is a reproduction of the exact words from the brief of the contestant in this case. Here is what this report says:

In ten precincts of the district the evidence of fraud is so overwhelming that we hesitate not for a moment to throw out the returns.

That is a strong reason, gentlemen; that is a strong reason why a judge, sworn to hear and determine a case according to law and evidence, as the gentlemen were who signed this report, shall determine it in that way; that is a most cogent reason why 1,500 freemen should be disfranchised.

The evidence of fraud is so overwhelming that we hesitate not—

Oh, no; they hesitate not!—

for a moment to throw out the entire returns.

That was so radical a proposition that the gentleman himself who prepared the report, my friend from Michigan [Mr. MESICK], added this suggestion:

A brief statement of the evidence concerning each precinct ought to accompany a step so radical.

Well, I think so myself. But, gentlemen, would you be satisfied with a "brief statement of evidence" which accompanies it—a brief statement of evidence concerning each precinct, accompanying a step so radical as that?

Mr. MESICK. Will the gentleman allow me a question?

Mr. BURKE. Certainly.

Mr. MESICK. We have the evidence relating to all of them.

Mr. BURKE. I understand that. I am speaking now of the action of the gentleman as a judge in this case. I am speaking of the evidence reported by his action as a judge on the bench should act, and I ask you, gentlemen, how would you like to have your constituents spoken of, especially by one who is to act as judge upon the case, in such a manner as that? Take it home with yourselves and answer the question if you can.

Let me go further. He then takes up the precinct of Longview, in Isle of Wight County, and devotes a few lines to it. What is the conclusion of these judges who are sworn to try this case?

Little argument is necessary concerning a precinct like this.

The voters of this precinct are freemen, and this is presumed to be a government of the people, yet they brush it aside with the suggestion that no argument is needed to sustain their finding in the case.

They decide that there was fraud, and sweep out the returns entirely, disfranchising 300 freemen who voted at this box with two strokes of a blue pencil.

But that is mild. Let me call your attention to some other suggestions of these judges. Let me take the case of Carrollton precinct. This is the conclusion of the committee:

The contestant proved that all the judges and clerks were Democrats.

That was enough! Yet the distinguished gentleman who drew this report knew as well as I know that the supreme court of the State of Virginia has expressly declared that the fact that all of the members of the election board belong to one political party does not invalidate the election.

Mr. YOST. That is in the law itself.

Mr. BURKE. And the supreme court of Virginia has sustained that law.

Mr. LANDIS. Do you think yourself that that is right and fair?

Mr. BURKE. What?

Mr. LANDIS. That the election officers should all belong to one political party?

Mr. BURKE. I will say to my friend, frankly and candidly, that I do not think it is fair. I would rather not see it. But, gentlemen, we profess to live in a country where law and order prevail. We have down in my State a distinguished character who was for a number of years the chief justice of our supreme court and for a number of years the governor of the State. He is affectionately known among all classes down in Texas as the "Old Alcalde," Governor Roberts. On one occasion when the old man was governor a bill passed both houses of the legislature which he expressed his determination to veto on account of its doubtful legality. A committee of the senate and house waited upon the old man and said to him, "Governor, it will never do to veto that bill. Why, if you do Texas will go to hell." The old man straightened himself up and said, "Gentlemen, I want to say this to you, that if Texas goes to hell while I am governor she has got to go according to law." [Laughter.] And that is exactly the position that I take, not only in contested-election cases but in all other cases as well.

My whole experience, training, and education have been such that I am ready to exclaim concerning the law, "Though it slay me, yet will I trust it." Let the law be enforced. I am a law-abiding man. I believe in upholding and vindicating the majesty of the laws of my country, both State and national.

Mr. WALKER of Virginia. May I interrupt you for one moment?

Mr. BURKE. Yes.

Mr. WALKER of Virginia. Do you not think it is equally incumbent upon the men who run the elections in Virginia to follow the law? Why is it that they receive no censure for violating the law in every case and at all times? And furthermore, is it not a fact that no precinct has been thrown out, in this or any other case, simply because all the judges were of one party? It was where they were of one party and where frauds were brought home to them. That was the fact in all such cases.

Mr. BURKE. The gentleman is so in the habit of exclaiming, "Fraud! fraud!" that he is almost like a parrot. Whenever the parrot opens its mouth it says, "Polly! polly!" and whenever the gentleman opens his mouth in a contested-election case he cries, "Fraud! fraud!" on every occasion, and seems to think that this cry is sufficient to establish the truth of his charges without any proof whatever——

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. BURKE. Certainly, I always yield to the gentleman from Ohio.

Mr. GROSVENOR. I understand the gentleman to say that he is in favor of the enforcement of the law, and that one of the provisions of the Virginia law—as well as of other election laws—of which he approves, is the having of a division of the election boards between the parties.

Mr. BURKE. Yes.

Mr. GROSVENOR. Now, if it be true that a persistent refusal to obey that law is the rule in any locality in the United States, what is the remedy?

Mr. BURKE. Does the gentleman ask me that question?

Mr. GROSVENOR. Certainly.

Mr. BURKE. I will answer it very frankly.

Mr. GROSVENOR. I ask it in good faith.

Mr. BURKE. I believe the gentleman asks the question in good faith, and I shall answer it in good faith, for I never treat the gentleman in any other way except candidly and fairly. My respect for him is too high. I answer that question in the only way in which it can be answered, and no one knows it better than the distinguished gentleman from Ohio. Let the law-making power remedy the evil complained of. If the legislature of Ohio has incorporated something into an election law which the people of Ohio are opposed to, let the law-making power of that State revoke it, and so remedy the evil complained of.

Mr. GROSVENOR. But in the given case the law-making power has done all it can do.

Mr. BURKE. No.

Mr. GROSVENOR. It has provided for a fair board of election.

Mr. BURKE. Yes.

Mr. GROSVENOR. But the people will not administer the law. Now, is there any better way to reach a rapid and effectual reformation than to deny to all candidates the profits which grow out of a violation of the law?

Mr. BURKE. I think the gentleman misunderstands the law of Virginia. I will state to the gentleman that the Virginia election law expressly declares that the fact that all the judges belong to one political party, does not invalidate the election.

Mr. YOST. May I interrupt the gentleman just there for one

moment? Does not the law expressly declare that the judges of election shall be chosen from opposing or different political parties wherever possible?

Mr. BURKE. That is one of the provisions of it. The terms of it are absolutely unmistakable.

Mr. MESICK. What did the supreme court decide on that question?

Mr. BURKE. The supreme court upheld the law. The supreme court of Virginia has upheld the constitutionality of the law. The gentleman is familiar with the decision of the supreme court and there is no use in reading it here.

Mr. MESICK. I know they squinted at it.

Mr. BURKE. Whether they squinted at it or not, it is a decision of the court; the highest court of that State.

Mr. MESICK. Will you yield to me for a moment? I know that they state that that provision of the law was not mandatory. They get around it in that way, by simply saying that it was not mandatory.

Mr. BURKE. Now let me go a little further, gentlemen; and, as I stated before, I want every member of this House, be he Republican, Democrat, or Populist, to answer this question: "How would you like this mode of procedure in your district?" That is the way to test it. Here it is. Here is what my friend from Michigan [Mr. MESICK] says in quoting from the Court-House precinct. Here is what the judge upon the bench, for he is such a judge, says: "The details of the fraud are conclusive." How would you like that? That is what he says about this precinct, voting several hundred men. Here is a brief statement of five lines, and it winds up by saying, "The details of the fraud are conclusive." That is the statement of the judges in this case. Does it stop there? Oh, no.

In another case, where there were nearly 300 votes polled, here is the decision of the judges in that case: "In our opinion the fraud is conclusively proven." Now, here is the opinion of these judges in another case, where there were several hundred voters: "The return from here is a palpable fraud, with no other basis than the perjury of the judges." Ordinarily, in every State in this Federal Union to-day, the judges of election are chosen from the best class of citizenship in their respective communities. And yet these gentlemen, with no knowledge of the facts or circumstances connected with this case, deliberately tell you that the returns in this case are upheld alone by the perjury of the judges.

That is the statement of the judges sworn to hear this case and try it according to the law and the evidence. Is that all? In another case, in Warwick County, they say this: "The return from this precinct is absolutely unreliable and tainted with fraud." As I stated to the gentleman from Virginia, they cry "Fraud!" "Fraud!" It comes up spontaneously. No suggestion to sustain it except the testimony of a few ignorant and illiterate negroes, as I will proceed to show, against honorable, upright men in their community, standing in their community, my friends, as well to-day, according to the facts, as I stand in mine or as you stand in yours. These men, they say, are doing this by fraud, perjury, rascality, and corruption, while the proof shows that they stand as well in their respective localities as any member on the floor of this House stands in his.

The SPEAKER pro tempore. The Chair will state that the gentleman from Texas has already occupied an hour.

Mr. BURKE. I will state, Mr. Speaker, that by consent of my side I am to consume as much time as I desire.

Now, I will give another case in the Nelson precinct. Here is the conclusion of these judges of the committee without stating another thing: "The fraud of the election judges was proved so plainly that it is beyond dispute." Here is another: "The details of this precinct are too long to be repeated, but make the returns unworthy of any credit whatever."

Here is just one more. This is a whole ward in the city of Norfolk, where, I think, there were 600 or 800 voters. Here is the conclusion. Not only do they run a blue pencil through it and disfranchise the freemen of that ward, but they stick upon them this stigma: "The return is utterly unworthy of credit, and should be ignored." That is the conclusion, gentlemen, the majority of this committee have reached in ten of these election precincts.

Mr. CUMMINGS. Will my friend allow me?

Mr. BURKE. Yes.

Mr. CUMMINGS. Do I understand the gentleman to say they do not cite any testimony in support of that?

Mr. BURKE. They simply produce 6, 10, 12, and sometimes as high as 20 lines.

Mr. MESICK. That is simply the report of the committee.

Mr. BURKE. It is the report of the committee. I did not say it was not.

Mr. LANDIS. Do I understand the gentleman to say that there are submitted but 8 or 10 lines giving evidence of fraud in these various precincts?

Mr. BURKE. In this report.

Mr. LANDIS. In the evidence before the committee?

Mr. BURKE. There are three volumes of testimony, containing in all 4,000 pages, I will say to my friend.

Let me call the attention of the House to another suggestion, and that is this: There was a great disagreement among the Republicans in the Second Congressional district of Virginia respecting the candidacy of Dr. Wise. It seems that the prevalent idea in that State among the Republican brethren is to divide in factions in almost every Congressional district.

This district is not an exception to the rule. There was great disagreement in that contest. Two nominating conventions were held, one nominating Dr. Wise and the other nominating Mr. Dyer. There are two factions there, it is understood, so far as the testimony goes; one is known as the Lamb and Wise faction, and the other is known as the Bowden faction. The antagonism existing between these two factions is proved to be more bitter and more vindictive to-day than exists toward the Democratic party on the part of either one of the factions. Now, after the factions had nominated these two men, it was found that there were irreconcilable differences there, and ultimately there was a withdrawal upon the part of one of the nominees, Mr. Dyer, leaving Wise in the field, but the Dyer faction at once indorsed the candidacy of the Gold Democrat, Whaley.

Now, gentlemen, at the expense of being a little tedious—and I promise you I am not going to be tedious with this testimony but for a few moments—I want to submit to you the testimony of a few of the leading representative white Republicans in the Second Congressional district of Virginia, men who do not come before the notary public signing their names with their marks, and the testimony of whom is not in the precise words that seem to mark the testimony of all the illiterate trash which encumbers this record from one end to the other.

They are educated gentlemen, ex-Congressmen from that district, senators and representatives from that district, sheriffs, judges, and others, men who are the equal of the contestant Wise on any part of the ground. Every one of them is a Republican and one of them is a national committeeman of the Republican party for the State of Virginia, Mr. Bowden, and for two or three terms a member of this House from that district. Now, gentlemen, bear with me one moment while I read from his testimony:

George E. Bowden, being sworn, deposes as follows:

Examined by Judge Brooke:

Q. What is your name, age, residence, and occupation?

A. Name, George E. Bowden; residence, 360 Freemason street, Norfolk, Va. I am at present employed as a master in the receivership proceedings of the Norfolk and Western Railroad. I will be 45 years of age next July.

Q. Are you a Democrat or a Republican?

A. I am a Republican.

Q. How long have you been a Republican?

A. I have never been anything in politics but a Republican.

Q. Your father was a Republican before you, wasn't he?

A. Yes, sir; I may add that I have the distinction of being a member of the Republican national committee from Virginia to-day, elected by a unanimous vote at the St. Louis convention, one vote dissenting. I had 23 out of 24.

Q. Was the one vote recorded against you, or did some one decline to vote?

A. I think one was recorded against me.

Q. You are also the same George E. Bowden who represented this district in Congress two terms?

A. Yes, sir; I am.

Q. Have you any objection to saying who you voted for for President?

A. None whatever.

Q. For whom did you vote?

A. I voted for McKinley and Hobart.

Q. Is it not a fact, Mr. Bowden, that you were, so far as this neighborhood was concerned, one of the very original McKinley men?

A. Yes, sir; that is true. It may be said that I was one of the McKinley leaders in Virginia, one of the first that his friends suggested should take hold of the fight for him; commencing about September, 1895, and kept up unremittingly until the close of the polls on election day, both as to his nomination and election.

Q. In that connection, do you object to saying whether you favored or opposed Dr. Wise for Congress from this district?

A. I have no objection to saying that I was opposed to his nomination, and held that he was never nominated.

That is the kind of man he is. Then he goes on and states that he would not vote for Wise, that he did not consider him the nominee of his party, and that he refused to vote for him. That is the evidence, gentlemen, of George E. Bowden, for four years a member of this House, a Republican from his birth up to this moment, and at present the national committeeman from the State of Virginia. Now, that ought to be pretty good testimony for a Republican House. He has recently (so I am informed, I did not know it before), been appointed by President McKinley as collector of the port of Norfolk. I think he is pretty well indorsed.

Mr. CRUMPACKER. Does the gentleman claim that the contestant is seeking to count the vote of Mr. Bowden?

Mr. BURKE. No; my friend must not seek to switch me off in that manner. I have stated that there were dissensions among the Republicans of this district, and that Wise could not receive his full party vote, and I am going to show it by the testimony of such men as Bowden, and if I do not show it, then you can unseat this contestee and let him go.

Now, I want to refer for a moment to the testimony of Thomas Lowry, on page 2954. Here it is:

Q. What is your name, age, residence, and occupation?
A. Thomas Lowry; age, 50; residence, Norfolk; occupation, contractor at Ocean View.
Q. Do you object to stating whether you are a Democrat or a Republican?
A. I have been a Republican for twenty-five years.
Q. Have you taken a prominent part in the management and deliberations of the Republican party of this city?
A. I have been chairman of the party for twelve years.
Q. Are you chairman of the party now?
A. I am, and am so recognized by the State committee.
Q. Were you made a delegate or present at the convention—the Republican convention—in Hampton in last August?
A. No, sir; I was not.
Q. Do you know what was the result of the convention which was called to meet there on the 5th of last August?
A. The regular Republican convention met there last August and nominated John J. Dyer, and there was a rump convention met there and nominated Dr. Wise.
Q. Did the members of these two conventions start out as the members of one convention, and then split, or did they begin by having two conventions?
A. My understanding of it is that Mr. Carney, who is the district chairman, did not admit our delegates. The regular certified delegates he did not admit to the convention, and our people did not get into the convention. I say our people; I mean the Dyer people—the Bowden people.
Q. The anti-Wise?
A. Yes, sir.
Q. From the very start, as I understand you, there was conflict of opinion as to whether Mr. Wise was nominated by any Republican convention—I mean any regularly constituted Republican convention?
A. Yes, sir; we never considered that he was nominated by any convention.
Q. Is it true that after the meeting of the Republican conventions at Hampton, when Dyer was nominated by the convention that you claim was the proper one, and when Dr. Wise claims to have been nominated by the other convention which he claimed was the proper one, that from that very time there was a split in the Republican party in the Second Congressional district so far as the Congressman was concerned?
A. Yes, sir.
Q. We hear very frequently in politics, Mr. Lowry, of splits in parties, and so frequently, in fact, that we very frequently come to the idea that they do not amount to much. Was this a very wide and strong difference of opinion in the party?
A. Yes, sir; and still exists.
Q. And still exists?
A. Yes, sir.
Q. During the whole campaign, Mr. Lowry, was Dr. Wise recognized as the regularly nominated candidate for Congress by the Republicans of the Second Congressional district?
A. At no time.

That is the testimony of a man who has been Republican chairman for twelve years in that county, a man of position, a man of standing, and a man of influence.

Is that all? Bear with me one moment more. Here is a man by the name of Roberts, T. K. Roberts. Let me read you what he says:

Q. State your name, age, residence, and occupation.
A. Forty-two; showman.
Q. Were you one of the judges of election at the second precinct, Second Ward, in the city of Norfolk, at the election held November 3 for President, Vice-President, and Congressman?
A. Yes, sir; at the Granby street precinct.
Q. Who served with you?
A. Mr. Dey and Mr. Bradford.
Q. By whom were you appointed judge of election?
A. By the electoral board.
Q. Did the judges take the oath prescribed by law before commencing to receive the ballots on the morning of election?
A. Yes, sir; I think Mr. Dey swore us in.
Q. Was the election in that precinct fairly conducted and the votes correctly canvassed and returned?
A. Yes; as far as I know.
Q. To which political party do you belong?
A. The Republican party.
Q. Were you a delegate to either of the conventions called and asked for to nominate a Republican Congressman from this district?
A. I was, to both.
Q. From which precinct?
A. The Granby street precinct.
Q. Which of these conventions was considered the regular convention?
A. I considered the Bowden.
Q. Who was the nominee of that convention?
A. Mr. Dyer.
Q. Was there any dissatisfaction in the city of Norfolk amongst Republicans as to the candidacy of Dr. Wise after the convention met and he and Dyer had each been nominated?
A. Yes, sir; there was dissatisfaction all the way through.
Q. Did that dissatisfaction extend to the extent of their refusing to vote for Dr. Wise on election day?
A. As far as I could learn; I did myself.
Q. Were there any Republicans in the city of Norfolk who never did recognise Dr. Wise as the Republican candidate?
A. Yes, sir.

Mr. MESICK. Will the gentleman allow me an interruption?

Mr. BURKE. Certainly.

Mr. MESICK. Do you not know, as a matter of fact, that Dyer withdrew?

Mr. BURKE. Oh, yes; I stated that to the House, and I stated that the withdrawal of Dyer, as the last witness states, never did heal the dissensions that existed in the party against Dr. Wise and his candidacy.

Gentlemen, time forbids that I should go extensively into the character of this testimony. I will state to you that I have here the testimony, in addition to this, of Messrs. Palmer, West, Nichols, Burrows, Lindsey, Hodges, and Madden, all gentlemen of standing and position in the Second Congressional district, white Republicans all their lives—some of them State senators, some sheriffs, ex-sheriffs, clerks, representatives in the legislature—and every one of them bear out the contention that I have made, that these disagreements and dissensions among the Republicans in the Second Congressional district of Virginia brought about by the nomination of Dr. Wise for Congress in that district never were healed.

And they voted against him throughout the whole district. If that be true, is it to be wondered at that he was defeated for Congress in a district that had for six years sent a Democrat here—a district in which he received even from their own standpoint considerably more votes than the Republican nominee had received two years before with all this opposition, it being a Presidential year; and all of us know the difference between the votes in a Presidential year and the votes in an "off year," as it is termed?

Gentlemen, I have selected two election precincts, one where the committee blotted out ten boxes and one where they blotted out fourteen boxes. I have selected these two precincts for specific reference because of the fact that the report of the majority of this committee has referred by name to both, and has challenged the attention of this House to certain frauds or irregularities which they allege exist in both of them. The first of them is Myrtle box, in Nansemond County. I am going to refer briefly to the testimony of two or three witnesses there, and then take up the other box. I refer, first, to the testimony of George W. Williams, on page 1445, part 2. He voted at Myrtle, Nansemond County.

Q. For whom did you vote for Congressman in that district?
A. I voted for R. A. Wise.

Here is a man, a white Republican of long years' standing, as is shown by the testimony, who declares that he voted for R. A. Wise. This vote was cast at one of the boxes to which the majority of the committee have called especial attention, and which they have obliterated with the mark of a blue pencil—thrown it out.

1. Q. Were you the Republican judge at Myrtle precinct at the election held November 3, 1896?
A. Yes.
2. Q. Did you see anything throughout the day, in the general conduct of the election, that you thought unfair? If so, state what it was, and give the names of the persons you saw doing it.
A. I did not.
3. Q. Was the counting of the ballots and the verification of the same conducted according to law, in your opinion?
A. It was.
4. Q. Was the ballot box out of your sight during the day?
A. It was not.

Here is one of the Republican judges who states that the ballot was fair at Myrtle precinct; that the election was conducted fairly; that he was there the entire day, and that nothing wrong was done there that day.

Do we stop there? Let us go just one step further. I refer to the testimony of C. W. Luke, on page 1457. This is another white man who states that he voted for R. A. Wise for Congress; that he was one of the judges of election at that box; that everything there was conducted fairly and squarely; that there was no cheating and no wrongdoing there.

The other witness to whom I refer is Mr. W. Copeland. There, gentlemen, are three witnesses who testify positively and unequivocally to the fact that they were judges at the box; that they were Republicans; that everything was carried on fairly and squarely. And yet this judicial committee, with one stroke of the pencil, absolutely obliterates that return and asks this House not to count it. And they dwell specially on that box.

The next box is in Harrison precinct, Charles City County. Without being wearisome in presenting this testimony, I will say that I have here the evidence of twelve witnesses, most of them responsible white men, every one of whom writes his own name and every one of whom voted for R. A. Wise for Congress. Each of these men testify that the election was fair, so far as they could see or know; and yet this committee just wipes out with one stroke of the pencil that large box of over 300 men—says you can not count those votes and asks this House to uphold their finding in this matter.

This whole record, with its voluminous pages (nearly 4,000), you will find to be bristling with testimony of this character. The same kind of questions are put to hundreds and hundreds of illiterate negroes, and their answers are almost precisely the same in every instance. It is a rule of law which has obtained from the time of the Year-Books down—a rule every lawyer on this floor is familiar with—it has grown almost into a legal maxim so strongly and potently has the idea riveted itself upon the minds of the profession—that wherever a large number of witnesses appear in a case, and each, parrotlike, responds in the same way to interrogatories, it is a suspicious circumstance, and such testimony should challenge the closest scrutiny and investigation.

Gentlemen, I have seen three or four election contests presented

in this House, and in every one of them it seems that the colored man has been brought forward as a controlling factor. I was born and reared among the colored people of this country. I know them well. I know their disposition. I know their temperament a well as I do that of my own race. Confiding? Yes; they are a confiding race of people. Vicious? No; but owing to their surroundings, and owing to the situation and condition by which they have been environed, and for which they are not responsible, they are not so truthful as the whites. I would not if I could, and I could not if I would, deprive them of a single privilege that they enjoy to-day in this country—not one.

But, gentlemen, when you ask me to sacrifice the interests and the rights of the fair, blue-eyed Anglo-Saxon in order that this race may push to the front over them, I say to you never will it be done, or never can it be done, by my vote. Give them every privilege, give them everything they can enjoy under the Constitution and under the laws of this country. Give them as free a ballot as you have for yourselves; but I say to you, gentlemen—and I measure my words, because I speak upon a subject with which I am entirely familiar—I say to you that you can not measure the credibility of the negro by the standard you erect for the white man. You can not possibly do it. "The Ethiopian can not change his color, nor can the leopard change his spots." It is the decree of God Almighty himself that the Anglo-Saxon of this country will dominate and control it. It ought to do it, and it will do it.

Mr. YOST. In spite of the majority?

Mr. BURKE. No, sir. I do not add anything of the kind. My friend from Virginia has no higher respect or appreciation for the rights of the majority than I have. My whole life attests it. Wherever I am known, that is borne out to the fullest extent. I believe in justice and in right. I believe in the will and in the rights of the majority in this country; but I say to the gentleman, and he knows it as well as I do, that you can not measure the credibility of the negro by the standard you erect for the white man. He knows it if he is a Southern man, as I understand him to be, and if he has resided amongst them as I have. It can not be done, and it ought not to be undertaken.

Mr. Speaker, no graver problem ever confronted a people on the face of this earth, than that which has confronted the people of the South for more than thirty years, and I believe history will attest the fact, that no people has endeavored more honestly to meet and solve that problem on the lines of exact justice to all, than have the Southern people.

Mr. Speaker, you know not what we had to contend with. You know not what conditions confronted us thirty years ago. Desolation and gloom hung over the entire land. There sat around the hearthstones of almost every household in the Southland a Rachel, mourning for those who had gone out in the bright, joyous strength of manhood and youth, and who had returned no more to the old hearthstone forever.

Gloom was there; sorrow and desolation were there. A race of people, their former servants, was raised to a political level with them. A race of people that pay to-day only 2 per cent of the taxes paid by the Southern States—the white people paying 98 per cent and colored people 2 per cent—placed upon a political level, and given control of State governments in some instances. But the white people of the country addressed themselves to the changed conditions that confronted them with a determination that nothing short of absolute success should follow their efforts in that direction.

They have organized schools, they have erected colleges for the colored youth, they have taxed themselves to give the colored people an education, and have done everything that a brave and true people could be called upon to do, except to place the negro upon a social level with themselves and their families. That they will not do and neither should they do it—never.

Mr. Speaker, I have now consumed more time in the discussion of this case than I had intended to do when I began. Nearly two thousand years ago a new commandment was given from the lips of Him "who spake as never man spake before," and it was this:

Whatsoever ye would that men should do unto you, do ye even so unto them.

Gentlemen, by this standard I invoke your consideration of the facts and law of this case presented here to-day; and if that standard is adhered to that was erected by the lowly Nazarene, I have no fear of the result of the contested-election case now pending. I want to see the time come—and God grant that it may be now—when men sitting in judgment on a case like this and similar cases, shall exercise their calm, honest, deliberate judgment, uninfluenced by the appeal of party or political partisanship.

Ask yourselves this question: How would you like your case to be considered by the representatives of the American people upon the floor of this House? And with that answer to your own conscience, I am willing to abide this case. [Applause on the Democratic side.]

Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore. The gentleman has occupied one hour and thirty-seven minutes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 10086) declaring that war exists between the United States of America and the Kingdom of Spain.

CONTESTED-ELECTION CASE—WISE VS. YOUNG.

Mr. MESICK. I yield one hour to the gentleman from Virginia [Mr. YOST].

Mr. YOST. Mr. Speaker, at the very outset I want to dispose of the claim of the gentleman who has just taken his seat [Mr. BURKE] that Mr. Wise was not recognized as the nominee of the Republican party in the Second district of Virginia. I have a letter here from the national Republican committee, which I will read.

Mr. MIERS of Indiana. Is that a part of the record?

Mr. YOST. I understand that it is incorporated in the record. I have the original here.

Mr. MIERS of Indiana. I wish the gentleman would refer me to the page of the record.

Mr. YOST. I am advised that it is in the record. It reads as follows:

NEW YORK, *October 23, 1896.*

MY DEAR SIR: If there be any refusal to support you in your district among Republicans, the national committee deeply regrets it.

You are the recognized candidate, and every Republican in the district owes you his vote.

The idea of your retirement is impracticable, and may as well be abandoned.

Every Republican and every sound-money Democrat should now unite on you to obtain the highest possible vote for a sound-money representative from your district.

By direction of the national committee:

N. B. SCOTT,
Member Republican National Executive Committee,
Member of Committee for the Conduct of the Campaign in Virginia.

DR. RICH. A. WISE, *Williamsburg, Va.*

Now, here is a letter from J. W. BABCOCK, which is also in the record, I understand. Mr. BABCOCK is chairman of the national Republican Congressional committee.

Mr. MIERS of Indiana. What is the date of that letter?

Mr. YOST. October 26, 1896. It is addressed to the Republican voters of the Second Congressional district of Virginia, and reads as follows:

HEADQUARTERS REPUBLICAN CONGRESSIONAL COMMITTEE,
Hotel Normandie, Washington, D. C., October 26, 1896.

To the Republican Voters of the Second Congressional District of the State of Virginia:

This committee was called upon some time since to investigate the question as to who was the regular nominee in this district, but before it became necessary for us to take any action Mr. Deyer, having at heart the best interests of the Republican party, has withdrawn from the race, which leaves Hon. R. A. Wise in the field as the regular Republican nominee for Congress in the Second district. We desire to congratulate both Mr. Wise and Mr. Deyer upon the happy termination of this controversy, and we earnestly appeal to the Republicans of the district to give Mr. Wise a loyal and hearty support and elect him to the Fifty-fifth Congress by a decisive majority.

J. W. BABCOCK, *Chairman.*
L. D. APSLEY, *Vice-Chairman.*
D. H. MERCER, *Secretary.*

Mr. MIERS of Indiana. If everything was harmonious, why was the committee issuing circular letters within ten days of the election pleading for harmony?

Mr. YOST. The letter of Mr. Babcock ought to answer the gentleman's question. It shows there had been two claimants to the nomination; that one of them withdrew, leaving Mr. Wise as the nominee and the only Republican candidate. Personally, I know very little about the controversy. It was not of enough importance for people up in the other part of the State to know there was any controversy going on. I do know this, however, and it seems to me it covers the whole case, that as a matter of fact Mr. Wise ran 352 ahead of McKinley. That ought to settle it. Notwithstanding the fact that Mr. Bowden and his friends said that they were making herculean efforts for McKinley and trying to defeat Wise, Mr. Wise ran 352 ahead of McKinley. So that disposes of all this talk about his not being the regular nominee. Besides, as suggested by the gentleman from Indiana [Mr. CRUMPACKER], we are not trying to count the votes not cast for Mr. Wise, but only those which were cast for him.

Now, the attempt has been made by the distinguished gentleman from Texas [Mr. BURKE] to lay special stress on the sanctity of the Virginia election law and to insist that, under a strict construction of that law, certain votes claimed by contestant should not be counted.

Bad as that law may be, partial and partisan as it unquestionably is, it is nevertheless the law under which these candidates sought election and under which this case should be decided, and we are willing, aye, we are anxious, to meet the gentleman exactly on that plane. No effort has been made to declare the law unconstitutional. So the issue is narrowed down to a question of fact respecting the administration of the law and the results reached thereunder.

And just here, in my judgment, will be found the very core of this case.

The Virginia election law, as has been amply demonstrated on this floor, is a unique statute. It vests in the hands of a partisan electoral board the whole machinery of election in each city and county. These electoral boards are composed of three members—all Democrats—and generally the most partisan members of their party. This board appoints all judges of election, and no suggestion or recommendation of any Republican is ever given the slightest consideration in the selection of any of the judges. This electoral board appoints the registrars, and every solitary one of those registrars is a Democrat. This electoral board prints the official ballot. With the exception of the printer chosen to execute the work—and none but a Democrat is ever chosen for that purpose—they alone are cognizant of the appearance, character, or contents of those ballots until they are voted.

No representation whatever is given to any save one political party. That single party is invested with all the power, and upon it should rest the responsibility. In this case, how has that power been exercised? How has that responsibility been met? Have those intrusted with the administration of the law discharged their trust in accordance with its spirit and its letter? They were acting under a solemn oath. The obligation resting upon them transcended in sanctity and overshadowed in importance any mere act of the elector. If they failed to discharge their duty, then it became well-nigh impossible for the elector to exercise his right as a citizen in strict conformity to the statute.

If the conditions precedent to the exercise of that right were grossly and corruptly faulty, how could the act of voting in itself be perfect? And if it was imperfect, who is responsible for that imperfection? It did not lie within the power of the elector to correct the violations of law by the officers; it did lie within the power of the officers to prevent infringement of the law by the electors. There could not have been a corrupt violation of the law by the elector. His sole object was to deposit one ballot in the box which should reflect his will as a freeman. For this he stood in line all day long; for this he was willing to sacrifice, and did sacrifice. No other purpose was in his mind; no other power did he possess.

The whole object and purpose of the election was to give him the opportunity to register his will. The very officers employed were paid by him to make plain the way for the exercise of his duty. And now, when it is shown that those officers willfully violated the law with a corrupt purpose, are you going to hold them guiltless and punish the victims of their nefarious work? When you deprive the elector of the vote which he did everything in his power to lawfully deposit, you not only perpetrate an injustice and outrage upon an innocent party, but you reward with the only approval they covet those who planned and executed that outrage. You give full effect to their fraud and encourage them to repeat the same tactics when the next opportunity occurs.

I want to call particular attention to just one or two provisions of the Virginia election law. As stated, the electoral boards are composed, in every instance, of Democrats. They appoint all of the judges of election. The law provides that the judges of election at each precinct shall be chosen, "whenever possible," from members of different political parties. This is a mandatory provision of the law, the wisdom and reason of which are apparent. No honest man would want it otherwise, even if the law did not command it. There is no law, there is no rule of this House, to compel the Speaker to appoint the members of an Election Committee from different political parties; but no Speaker has ever yet been so indifferent to public opinion as to refuse minority representation. What would be the inference if it were announced at the opening of Congress that the Speaker, a Republican, had ignored the Democrats altogether in making up the Elections Committee? Would not the bare fact be looked upon as an affront to public decency and perilous to public interests? And what weight would the conclusions of a committee so constituted carry?

Mr. MIERS of Indiana. Will the gentleman allow me to ask him a question?

Mr. YOST. Certainly.

Mr. MIERS of Indiana. If he appointed two Republicans and one Democrat and the Republicans were to carry out the same policy, what difference is there between two to one and three to none?

Mr. YOST. I did not hear the gentleman's question, and hope he will repeat it.

Mr. MIERS of Indiana. If he appoint a clear majority of Republicans and give the Democrats no representation in the way of final action, what difference if there were two to one or three to none?

Mr. YOST. Why, if you had given us that difference in this case we would have been happy. All we asked was minority representation among the judges, but you gave us no representation. As to the Elections Committee, if there had been no Democratic representation there would have been no opportunity for the contestee to make a defense at all, for I feel certain that no Republican who had examined this record would hesitate for a moment to seat the contestant. But this is begging the question. You know it would be unfair to appoint all the members of the Election Committee from one political party, just as you know it was unfair and unlawful to appoint these judges of election from one political party.

Mr. BRUMM. There would have been one issue of violating the law upon which a man could have brought a criminal action.

Mr. YOST. I do not know about that. As a matter of fact, no Speaker has ever done it; but can you say it was not done in practice in this Second district?

Mr. YOUNG of Virginia. In how many precincts was this done where they were all Democratic judges?

Mr. YOST. I think in fourteen or fifteen.

Mr. YOUNG of Virginia. I think if you look through the record you will not find as many as that. You are leading the House to suppose that in all of these districts——

Mr. YOST. Oh, I will get to that presently. I will show you that where there was not a direct violation of the law there was an indirect violation—a violation of the spirit of the law in the selection of these people whom you claim were Republicans. You can not find between the lids of that record of 4,000 pages a single solitary instance in which the electoral board accepted the recommendation of the Republicans for representation on these precinct boards.

Now, let us go a little further on the same line. Suppose in the Committee of the Whole, upon a closely contested question, the Chairman should select two of the most intense supporters of one side of that question to act as tellers, would not the bare fact of such a selection create suspicion and excite disgust? But to carry the parallel still further, suppose the side represented by those tellers was manifestly in the minority, notwithstanding which they reported it in the majority; does any man believe for a moment that this House would submit to such an outrage? And if you would in that case revolt against such methods, have you the right to approve and uphold those methods when practiced by others?

In a number of instances there was no Republican officer at the precincts in the Second Congressional district. What excuse do these election officials give for this plain, palpable violation of the law? None on earth, except that it was the easiest mode of obtaining a political advantage. They knew they were in the minority; they knew that if they obeyed the law faithfully and honestly performed their duty, the party they represented would be ousted from power. What other motive could have impelled them? They did not violate the law and cheat for pure love of such pastime. They must have had an object; they must have aimed at some result.

If the triumph of their party could have been attained by legitimate means, there would have been no occasion to resort to the illegitimate. Unscrupulous as they may have been, it is reasonable to suppose that the course pursued by them was a matter of necessity and not of choice. No friend of theirs would contend that it was a matter of choice; and if it was a matter of necessity, it changed the result and imposes upon this House the duty of redressing the wrong.

But, you ask, is it proven that they did thus violate the law? Yes, in scores of instances; and where it was not violated in the letter it was violated in the spirit. In many places where there was a nominal compliance with the requirements of the statute—it was merely nominal—the Republican judges appointed were ignorant or corrupt, and thus became the willing or unwilling tools in carrying out the purposes of those who selected them. Mark you, the law requires that the men selected to act as judges shall not only be members of different political parties, but discreet citizens—men of character, intelligence, and honesty.

There is another important provision of the law which I want to call your special attention to, and which bears particularly on the duties of the judges, so that as we go along we will not only be able to estimate the character of the men selected as judges, but also the manner in which they discharged their duties.

The Virginia election law provides an official ballot. This ballot is printed and distributed by Democrats to Democrats, and no Republican ever sees it until he goes to vote. Here is the ballot [exhibiting] voted in 1896 at the election under consideration. The law provides that the names of all candidates whom the voter does not wish to vote for shall be erased with pen or pencil mark extending three-fourths through the length of the names designed to be erased, leaving unmarked the names of candidates he desires to vote for. In case the voter is physically or educationally unable to prepare his ballot, the law provides that one of the judges of election, designated to assist such voters, "shall render him" (that is, the illiterate voter) "assistance in preparing his ballot by reading the names and offices to be voted for on the ballot and pointing out which name or names the said elector may wish to strike out, or otherwise aid him in preparing his ballot."

The law has been construed by the court of appeals of Virginia in the case of Pearson *vs.* Board of Supervisors (91 Va.). At the time this decision was rendered the duty of assisting illiterates

was imposed on an officer called a special constable. Since then the law has been changed, and the duties of that special constable are now performed by one of the judges. It is conceded that every word uttered by the court concerning the constable applies with full force to the marking judge, who is the successor of the constable. In construing the law applicable to the duties of the constable, the court says:

It is the duty of the constable to render to him who is blind, or unable by defective education to read, every assistance asked for and required by the elector to aid in preparing his ballot.

Mark the language of the court.

It will be seen that the law, as construed by the highest State court, makes no distinction between the man who is physically and the man who is mentally blind. It puts the two on the same plane. If either asks the judge to assist him, the judge must do it. In the language of the court, the "judge must render the assistance which the voter asks for." If the voter asks to have his ballot marked, the judge must mark it in accordance with the request. That is the duty of the judge. The object of his appointment is to enable the ignorant voter to cast a ballot which shall be counted for the candidates he intended to vote for. If the judge is honest, the ignorant voter will have no difficulty in having his ballot prepared so as to express his will. If the judge is dishonest, the voter is at his mercy.

If the judge is honest and capable, the law will be carried out and the result will reflect the will of the electors. If the judge is not honest, then the object of the election will be defeated, for the result will not be in accordance with the will of the majority. Yet all through this record I do not know of one man—is there one man, I ask the gentleman from Texas [Mr. BURKE], is there a single, solitary marking judge who from his own testimony is shown to have marked the ballot for the illiterate voter just exactly as the voter asked him to do?

Mr. BURKE. I venture to answer the question in the affirmative.

Mr. YOST. In what case?

Mr. BURKE. I will find a number of cases.

Mr. YOST. What cases?

Mr. BURKE. I can not tell the gentleman the cases now, but I will obligate myself to show them to him.

Mr. YOST. The gentleman will admit that there were a number of cases in which the judges did not perform this duty?

Mr. BURKE. I know that witnesses testify that in a number of cases they did; and in other cases they testify they did not.

Mr. YOST. Now let us examine some of this testimony and see whether we can not find a reason for this contest. The very first question is: Had those requirements of the law which antecede the voter's act been complied with?

As stated, the law provides not only that these judges shall be appointed from members of different political parties, but that they shall be discreet citizens—men of character, standing, and integrity. Were they such men?

Were the judges selected, as the law required, from members of both political parties? And did the marking judges perform their duty as the law commanded them to do and as they were paid to do?

Now, I am going to take up one of the very precincts which has been referred to by the gentleman from Texas and also by the gentleman from Michigan—the precinct of Longview. The gentleman from Texas could not see any reason whatever for throwing out that precinct. What were the facts? If, when the gentleman was commenting on the majority report, only reading to you the conclusions from it, you had followed him down in the matter he was reading, you would have seen that each one of those conclusions was preceded by the reason, and the overwhelming reason, for the conclusion. It was right there before him, and he should have read it all.

Take this precinct of Longview. Of course, in a case like this we can only take up one or two precincts as illustrative. But here is a precinct selected and referred to by the gentleman who has preceded me. Let us, though it may be somewhat tedious, go into the testimony of the judges of election themselves. They do not even claim to have complied with the law.

It is conceded that all of the judges and clerks were Democrats. This, then, at the start, was a plain violation of the law, and would in itself excite suspicion and lead us to look with distrust upon their official acts.

The returns show 162 votes cast, 127 returned; 35 votes, or over 20 per cent, thrown out. Of the vote returned, Young got 102, Wise 25. Wise put 75 voters on the stand who swore they voted for him, and all but 6 of them swore the judge assisted them in preparing their ballots. There can be no doubt of the corrupt action of this judge, or else fifty men deliberately perjured themselves. He not only failed to render the assistance the law required, but actually marked ballots for Young which the voter asked him to mark for Wise. Deducting the 75 proven for Wise from the total of 162 leaves 87, or 15 less than was returned for Young.

Let us see what the judges of elections themselves say. I refer to the testimony of C. C. Brock, one of the judges, whose deposition will be found on pages 3117 to 3120. I read from his testimony:

Q. To what political party do James Coaltes, J. W. Bell, and yourself belong?

A. The Democratic party, of course.

He answers as if it were preposterous down there to ask any judge of election to what party he belonged.

Q. Were you the three judges of election at this precinct?

A. Yes, sir.

Q. To what political party does Dr. L. C. Brock and A. W. Brock, clerks of election at Longview precinct, belong?

A. My opinion is that they belong to the Democratic party.

Q. When J. W. Bell was taken from the bystanders by the two other judges to serve as judge of election were any Republicans present who under the law were qualified to fill that position?

A. I suppose there was.

Q. In assisting illiterate voters did you see any of those illiterate voters mark their ballots contrary to the way they told you they wished to vote?

Mark you, this man was there to see that the voter, whether mentally blind or physically blind, should have an opportunity to deposit his vote in the form in which he wished to have it. He is asked:

In assisting illiterate voters did you see any of those illiterate voters mark their ballots contrary to the way they told you they wished to vote?

A. I did, even after I had tried to explain to them the way they should mark their tickets.

Q. Did you send them for another ticket and cause the one they had defaced to be returned to the judges?

A. In one case I did—

The law provides that in every case where a ballot has been defaced it shall be taken back to the judges, who shall give the voter a fresh ticket—

A. In one case I did, and in other cases they would not adhere to what I said, but said they would vote the ticket as it was.

Q. Did you tell them if they placed that ticket in the box it would count for no one for Congress, or that they would vote for the candidate they did not desire to vote for if they voted that ballot?

A. We had only two and one-half minutes, and we could not go through a long controversy, but I gave all the information I could in that time.

Q. Then voters did place their ballots in the ballot box, known by you to be improperly marked, on election day, did they not?

A. They did.

Q. Did these voters tell you they wished to vote for Wise or for Young?

A. Some of them could not call either of their names; did not know who they wanted to vote for.

Q. They simply told you they desired to vote a Republican ticket, did they, and you endeavored to point out to them the Republican candidates?

A. Yes; and I required them to call the names of the candidates they wanted to vote for.

Q. Then if they did not call the names, they could not vote for anyone, could they?

A. Some of them would vote anyway. I gave no instruction when they were unable to call names; I gave them no instructions, and they voted as best they could.

Q. Then you refused to instruct all voters if they could not call names?

A. I would ask them, "Who do you want to vote for as Congressman?" I tried to draw it out of them, and even then they did not know, and those I did not help; but in some cases, I think, I even called the names of both candidates, and asked them who they wanted to vote for, and in others I did not.

Q. You testified on your direct examination that you assisted the voters who asked you for help by showing them the names of the candidate or candidates they desired to vote for, and now you state that unless they called the names, with a few exceptions, you did not render them any assistance, but let them mark their ballots as best they could. How do you reconcile these two statements?

A. I do not try to reconcile them at all; let them go as they are.

Q. You stated that you prepared only one ballot for a sick man, who did not get out of his buggy. This gentleman did not enter the booth at all to vote, did he?

A. No, sir.

Q. Was he blind or disabled so as not to be able to prepare his own ballot except being sick?

A. He was physically disabled.

Q. He had full use of his hands and could see, could he not?

A. Yes.

Q. Is this gentleman generally reputed to be Democrat or Republican?

A. I think he is a Democrat.

Q. Did he prepare his ballot or did you?

A. I prepared the ticket according to his instruction and carried it to judge, who deposited it in his presence in the ballot box.

He went clear outside of his duty, outside of the law; went out to the road and got this ballot from the man in the buggy, who was capable of preparing his own ballot, and marked it and carried it in for him and put it into the box.

Now, I know, Mr. Speaker, that these matters are a little tedious; but they are referred to in the testimony, and I only want to submit a few points in connection with them because it would be impossible in any ordinary or reasonable length of time to go through the whole of it. But I want to meet the general statements which have been made by the gentleman from Texas, who proclaims that he found nothing in the testimony to discredit the returns in the Second District. And yet this testimony is the testimony of his own witnesses from the precinct he himself selected. I rely upon them to support the position I take in this case.

But to continue a little further down:

Q. You stated on your direct examination that you believed that each and every candidate received all of the votes intended to be cast for him, did you not?

A. Yes.

Q. You believe, then, that everything, so far as the election was concerned, at this precinct was done according to law, do you not?
A. I do think so.
Q. Have you ever read the election law of Virginia?
A. Yes, sir.
Q. Did you place your own construction on the law or did you ever ask a practicing attorney to construe it for you?
A. I have asked an attorney to do so.
Q. Who was this gentleman?
A. I have had information from Britt, of Suffolk; possibly Mr. Folk.
Q. To what political party do Messrs. Britt and Folk belong?
A. I think to the Democratic.
Q. Did you ever have instructions as to the way in which you should render assistance to illiterate voters from any other source?
A. Through conversation, I have, by different ones. I think I have heard Mr. W. S. Holland speak of it, Colonel Day, and Mr. Channers.
Q. Did you attend a conference of the judges of election at Isle of Wight Court-House or any other place in the county a few days prior to election?
A. I met with several of them at the court-house a few days before election.
Q. Did you ever talk with Mr. C. F. Day, chairman of the Democratic party of this county, as to your duties as judge of election?
A. I felt that I wanted all the information I could get, and I talked with him as well as others.

These men did not go to the law books for the law, but acted on the instruction of the Democratic chairman of the county committee. He corralled the judges of election before the day of election and gave them instructions, and under those instructions, and not under the law, they perpetrated these outrages on the voters of that district.

But here is another of the same character—a part of the testimony of a judge of election at the same precinct. He got his instructions, too, from the chairman of the Democratic county committee. The question was asked him:

Have you ever read the law of elections—the law of Virginia?

He answers:

Part of it; a very small part. I do not believe in law, anyhow.

[Laughter.]

This is but a fair sample of the testimony at the precincts which the committee throws out.

It will be seen that at every stage of the game this marking judge was violating the law in the interest of the Democratic nominee. He refused to obey the law and the plain mandate of the supreme court. He refused to render assistance to the illiterate Republican voters, but could find ample warrant in the law for not only marking the ballots of physically disabled Democrats, but permitted a Democrat to sit in his buggy and do his voting. Was the same consideration shown a Republican under circumstances which appealed far more strongly to every sense of justice and right? Turn to page 3127 and see how Republicans were treated.

George H. Parker, one of the three Democratic judges of election, testified:

Q. Was any registered voter deprived of the right to vote on that day?
A. Yes, sir. There was one man who came here and had to have two to vote. I stopped him and told him if he could get to the booth by himself I would assist him to prepare his vote, but that the law forbade more than voter and myself to be in the booth at once, and I could not allow them to be in there at the same time. He simply said, "They have to take me back again." I don't think he could have gotten to the booth without assistance.
Q. Then the judges refused to allow him to have this assistance, did they?
A. He just said to the parties who had him, "Take me back;" they took him back without voting.
Q. You would not have allowed anyone to bring him into the booth, nor did you make any attempt to assist him there yourself, did you; nor did you tell him you would assist him?
A. No; I did not. I would not.

It is proven on page 3129 that this old man was a negro. In one case a Democratic voter, educated, and with full use of his hands and eyes, drives to the polls in his buggy, and the judge of election hastens to mark his ballot as he asks, and carries it to the ballot box without ever entering the booth. On the other hand, a poor, decrepit, ignorant negro, aiming merely to exercise his duty as a citizen, is borne to the polls on the strong, black arms of two of his comrades. The judge of election meets him at the 40-foot line and tells him that under the law he can not come in, as none but the judge and voter are allowed in the booth. He will not permit the old man's friends to carry him in, he will not assist him himself, and so with pathetic resignation the old man tells them to take him back, and the Democratic judge gloats over another Republican ballot suppressed.

And yet this is called justice. This is the manner in which the so-called best people of Virginia, whom my friend from Texas extols, administer the law, and these are the methods which this House is asked to approve. And this is by no means an isolated case, but typical of the manner in which the election of 1896 was conducted in the Second district. If there were no testimony in the record except the testimony of the Democratic judges of election at the disputed precincts, it would be sufficient to absolutely demonstrate that the law was mocked and derided, and would justify this House in seating the contestant. This record teems with such testimony. It crops out in the examination of every witness and permeates and saturates the whole case. It was done by the friends of contestee. It was done in the interest of contestee. It was done for the purpose of defeating the will of the people, and now these shameless wrongdoers not only seek to take advantage of their own wrongful acts, but have the impudence to ask that this House make itself a party to their crime.

But my friend from Texas tells us that these officials are Virginia gentlemen and represent the virtue and intelligence of the old State. I deny it. They are a disgrace to the honest people of Virginia and a stigma upon her fair name. God forbid that the members of this House and the country should judge Virginians by any such standard. God forbid that the members of this House and the country should believe that the people of Virginia approve and applaud the practice of such methods. Do you suppose that our conception of manhood is to cheat and swindle and defraud the weak and ignorant? The Virginian who asserts such a proposition is a slanderer of the old State and unworthy to claim any heritage in her fame.

The prestige she has gained has been won on many a battlefield where the foe that faced her sons were worthy of their steel; on the hustings where giant met giant; in the council chamber of the nation where statesmen contended against statesmen, and whether the combat was in the field or in the forum, her sons have borne themselves as true men should, and handed down to history the record of deeds immortal. They were brave men; they were honest men who made that history, and every instinct of their nature would have revolted against a contemptible, pitiable disregard of all the rules of honor and of right in order to take advantage of a helpless fellow-man whose interests they had solemnly sworn to protect.

I repeat what I have heretofore stated: Had the law been respected, there would have been no contest here. Had the sworn officers of the law discharged their duty, every vote could have been cast and counted for the candidate it was intended. There is where all the trouble originated; there is where all of the responsibility rests. When you strike at this evil of foul elections, strike to the root, and let it be known that when officers violate the law, then every presumption is against them and against those in whose interests they operated. All the contestant in this case asks is that justice under the law shall be meted out. [Applause on the Republican side.]

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 10086. An act declaring that war exists between the United States of America and the Kingdom of Spain.

CONTESTED-ELECTION CASE—WISE VS. YOUNG.

Mr. BURKE. Mr. Speaker, how much time has been occupied upon each side?

The SPEAKER pro tempore. The majority have occupied one hundred minutes and the minority ninety-seven minutes.

Mr. BURKE. The gentleman from Michigan yielded one hour to the gentleman from Virginia [Mr. YOST]. The gentleman spoke only forty-five minutes. I ask the gentleman from Michigan if he will consume the balance of that hour?

Mr. MESICK. I prefer to have gentlemen on that side consume the remainder of the time to-day.

Mr. BURKE. I yield to the gentleman from Missouri [Mr. DE ARMOND] such time as he may desire.

Mr. DE ARMOND. Say half an hour.

Mr. BURKE. The gentleman indicates thirty minutes. If he desires more time, he may have it.

[Mr. DE ARMOND addressed the House. See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (H. R. 9878) for the better organization of the line of the Army of the United States with amendments in which the concurrence of the House was requested.

ARMY REORGANIZATION BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the bill be laid before the House at this time, in order that it may go into conference to-night.

Mr. MESICK. I yield to the gentleman for that.

The SPEAKER pro tempore (Mr. LOUD in the chair). The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 9878) for the better organization of the line of the Army of the United States.

Mr. HULL. Mr. Speaker, I move to nonconcur in all the amendments of the Senate, and ask a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER pro tempore announced the appointment of Mr. HULL, Mr. MARSH, and Mr. COX as conferees on the part of the House.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, the gentleman from Missouri is willing to go on to-morrow and conclude his remarks; and therefore I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted to Mr. ERMENTROUT, for three weeks, on account of important business.

LEAVE TO PRINT.

By unanimous consent, leave to print was granted to Mr. VINCENT, on the Cuban resolution.

The motion of Mr. DALZELL was then agreed to; and accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a copy of a letter from the Quartermaster-General of the Army recommending the temporary suspension of the provisions of law applicable to the Quartermaster's Department, as published in the annual appropriation acts for the support of the Army—to the Committee on Military Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. W. Long, administrator of Thomas S. Long, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Louis Newbeans, administrator of Benjamin Shirley, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. C. Macom, administrator of W. P. Forest, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a communication from the Paymaster-General of the Army calling attention to the need of an immediate deficiency appropriation for the pay of the Army—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation to pay Adolph Willing for services as census enumerator—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 1883) for the appointment of a commission to make allotments of lands in severalty to Indians upon the Uintah Indian Reservation, in Utah, and to obtain the cession to the United States of all lands within said reservation not so allotted, reported the same with amendment, accompanied by a report (No. 1172); which said bill and report were referred to the Committee of the Whole House on the State of the Union.

Mr. STEVENS of Minnesota, from the Committee on the Public Lands, to which was referred House joint resolution 35, reported in lieu thereof a joint resolution (H. Res. 245) declaring the lands within the former Mille Lac Indian Reservation, in Minnesota, to be subject to entry under the land laws of the United States, accompanied by a report (No. 1174); which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3081) granting an increase of pension to Michael J. Fogerty, reported the same without amendment, accompanied by a report (No. 1162); which said bill and report were referred to the Private Calendar.

Mr. BREWSTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3624) granting a pension to Pauline Robbins, of Sandusky, Sauk County, Wis., reported the same with amendment, accompanied by a report (No. 1163); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9765) to increase the pension of John N. Wiley, reported the same with amendment, accompanied by a report (No. 1164); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9322) granting a pension to Mary C. Gardheffner, reported the same with amendment, accompanied by a report (No. 1165); which said bill and report were referred to the Private Calendar.

Mr. CASTLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6064) to pension Mrs. Mary A. Watts, reported the same with amendment, accompanied by a report (No. 1166); which said bill and report were referred to the Private Calendar.

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5069) to pension Jacob N. Atherton, reported the same with amendment, accompanied by a report (No. 1167); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8266) to increase the pension of Mrs. Ann Gibbons, reported the same with amendment, accompanied by a report (No. 1168); which said bill and report were referred to the Private Calendar.

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1712) for the benefit of Joel H. Hallowell, of Covington, Ky., reported the same with amendment, accompanied by a report (No. 1169); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6841) granting pension to Capt. James C. Hervey, late Company I, Sixty-third Indiana Volunteer Infantry, and Company A, Ninth Indiana Volunteer Cavalry, reported the same with amendment, accompanied by a report (No. 1170); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 909) granting a pension to Lucy D. Heady, widow of Henry Heady, late Company F, Eighty-ninth New York Volunteers, reported the same with amendment, accompanied by a report (No. 1171); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2588) increasing the pension of Corrissanda L. McGuire, reported the same without amendment, accompanied by a report (No. 1175); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3271) to increase the pension of Mrs. Rebecca S. Foster, reported the same with amendment, accompanied by a report (No. 1176); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3474) granting a pension to John C. Brown, reported the same with amendment, accompanied by a report (No. 1177); which said bill and report were referred to the Private Calendar.

Mr. STURTEVANT, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 949) granting a pension to Levi R. Long, reported the same with amendment, accompanied by a report (No. 1178); which said bill and report were referred to the Private Calendar.

Mr. BOTKIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 166) granting an increase of pension to Samuel A. Smith, reported the same with amendment, accompanied by a report (No. 1179); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 156) to increase the pension of Capt. John H. Mullen, reported the same with amendment, accompanied by a report (No. 1180); which said bill and report were referred to the Private Calendar.

Mr. BREWSTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2981) granting an increase of pension to James W. Jackson, reported the same with amendment, accompanied by a report (No. 1181); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2219) granting a pension to Thomas Madden, reported the same with amendment, accompanied by a report (No. 1182); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 10084) to authorize the issue of Treasury notes to pay war and other expenditures—to the Committee on Ways and Means.

By Mr. KITCHIN: A bill (H. R. 10085) to prevent increased burdens of taxation on the people and to provide means for the support of the Government in the war with Spain—to the Committee on Ways and Means.

By Mr. McCULLOCH: A bill (H. R. 10087) to authorize the construction of a bridge across St. Francis Lake, at or near Lake City, State of Arkansas—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNLOW: A bill (H. R. 10088) for military postal service—to the Committee on the Post-Office and Post-Roads.

By Mr. DINGLEY: A bill (H. R. 10100) to provide ways and means to meet war expenditures—to the Committee on Ways and Means.

By Mr. HANDY: A bill (H. R. 10101) to increase the efficiency of the National Guard and the United States Naval Reserve—to the Committee on the Militia.

By Mr. GILLETT of Massachusetts: A joint resolution (H. Res. 244) declaring that privateers shall not be commissioned, and that merchant ships shall be exempt from capture—to the Committee on Foreign Affairs.

By Mr. STEVENS of Minnesota, from the Committee on the Public Lands: A joint resolution (H. Res. 245) declaring the lands within the former Mille Lac Indian Reservation, in Minnesota, to be subject to entry under the land laws of the United States (in lieu of H. Res. 35)—to the House Calendar.

By Mr. GAINES: A joint resolution (H. Res. 246) declaring a state of war to exist between the United States of America and the Kingdom of Spain, and reciting the reasons therefor—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BINGHAM: A bill (H. R. 10089) for the relief of the city of Philadelphia—to the Committee on Claims.

By Mr. DOVENER: A bill (H. R. 10090) for the relief of Michael Shepherd, of Halls Mills, Wetzel County, W. Va., late private of Company D, Forty-second Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. HEATWOLE: A bill (H. R. 10091) granting an increase of pension to George F. Gregg—to the Committee on Invalid Pensions.

By Mr. KULP: A bill (H. R. 10092) granting a pension to George W. Cromis, of Washingtonville, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10093) granting a pension to Augustus Newbury, of Northumberland, Pa.—to the Committee on Invalid Pensions.

By Mr. LENTZ: A bill (H. R. 10094) granting a pension to Joshua K. Gouldy—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 10095) granting an increase of pension to John H. Osborn—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 10096) for the relief of sureties of Oscar M. Welburn—to the Committee on Claims.

By Mr. LOW: A bill (H. R. 10097) to complete the record of Gottlob August Engel, second lieutenant, Seventh New York Volunteers—to the Committee on Military Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 10098) for the relief of the estate of George W. Hackett, deceased, late of East Baton Rouge Parish, La.—to the Committee on War Claims.

By Mr. ZENOR: A bill (H. R. 10099) for the relief of the legal representatives of Hicks King, deceased—to the Committee on Claims.

By Mr. DANFORD: A bill (H. R. 10102) to pension Martha J. Dunbar—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH: Petition of citizens of Renfroe, Ala., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BELKNAP: Protest of Edward Long, president of Importers' Chemical Company, of Chicago, Ill., against an import tax on cloves—to the Committee on Ways and Means.

Also, protest of Hamill & Co., Kellogg, Birge & Co., Buck, Reiner & Co., and Blom, Collier & Co., of Keokuk, Iowa, against any additional tax on tobacco—to the Committee on Ways and Means.

By Mr. BELL: Petition of the Roaring Fork and Eagle River Live Stock Association, at a meeting held in Carbondale, Colo., in opposition to ceding public lands to States—to the Committee on the Public Lands.

By Mr. BINGHAM: Preambles and resolutions of the Commercial Club of the city of Birmingham, Ala.; also preambles and petition of the National Association of Knit Goods Manufacturers of the United States, adopted in New York City April 7, 1898, commending the work of the Philadelphia museums in expanding the export trade of the United States and in the direction of increased trade relations with all foreign countries; also approving the holding of a national commercial exposition in the city of Philadelphia in June, 1899—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Grocers and Importers' Exchange, Philadelphia Bourse, recommending an impost duty on tea and coffee, but protesting against the passage of any internal-revenue measure in connection with it—to the Committee on Ways and Means.

By Mr. BOUTELLE of Maine: Petitions of W. M. Crowell and other citizens of Foxcroft; F. B. Frank and others, of Bangor and vicinity; C. F. Scales and others, of Guilford and vicinity; M. M. Folsom and others, of Oldtown, in the State of Maine, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Petition of the Baptist Church and Young People's Society of Christian Endeavor of Coventry, R. I., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Friends' Christian Endeavor Society of Anthony, R. I., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Woman's Christian Temperance Union of Washington, R. I., for the passage of bills to forbid interstate transmission of lottery and other gambling matter by telegraph and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

By Mr. CRUMPACKER: Petitions of W. F. Rosenbaum and others, of Wanatah; B. F. Bishop and others, of Idaville; F. W. Drake and others, of Effner, in the State of Indiana, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORD: Paper to accompany House bill for the relief of the widow of Robert S. Dunbar, late private of Company G, Fifty-second Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: Petition of Boone Division, No. 34, Order of Railway Conductors, of Boone, Iowa, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DOVENER: Papers to accompany House bill for the relief of Michael Shepherd—to the Committee on Invalid Pensions.

By Mr. FOSS: Resolutions adopted by the brewers of the State of Illinois, in convention assembled, protesting against the imposition of any additional tax on beer—to the Committee on Alcoholic Liquor Traffic.

By Mr. GIBSON: Resolution of the Presbytery of Union, at its session in the Second Presbyterian Church, Knoxville, Tenn., urging the passage of a bill prohibiting the sale of intoxicating liquors upon all Government reservations, in the Capitol, in immigrant stations, Soldiers' Homes, life-saving stations, and military posts—to the Committee on the Public Lands.

By Mr. GRIFFIN: Petition of the Woman's Missionary Society of the Congregational Church of Sparta, Wis., protesting against the passage of House bill No. 9481, to dispossess the Indians of the Island of Annette, southeastern Alaska—to the Committee on Indian Affairs.

By Mr. GROUT: Protest of the Grocers and Importers' Exchange of Philadelphia, Pa., against an internal-revenue tax on tea and coffee now held in stock—to the Committee on Ways and Means.

Also, petitions of the Congregational Church and Methodist Episcopal Church of St. Johnsbury Center, Vt., for the passage of bills to prohibit the interstate transmission of gambling matter by telegraph and to protect anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Congregational Church and the Methodist Episcopal Church of St. Johnsbury Center, Vt., asking for the passage of a bill to forbid the sale of intoxicating beverages in all

Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of Rev. F. T. Clark and Arthur C. Cole, of St. Johnsbury Center, Vt., asking for the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the District of Columbia.

By Mr. HANDY: Petitions of the Methodist Episcopal Church of Stanton, Del., asking for the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia, to protect State anti-cigarette laws, and to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Stanton, Del., in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. HEATWOLE: Petition of W. E. Rice and 26 other citizens of Goodhue, Minn., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of 26 citizens of Goodhue, Minn., in favor of the passage of a bill to prohibit the sale of liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. HILBORN: Petition of Stockton Grange, No. 70, Patrons of Husbandry, of Stockton, Cal., in favor of Senate bill No. 3354, for the regulation of commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Board of Trade of San Francisco, Cal., in relation to transportation lines on the Pacific Coast—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Resolutions of the Boone County Pomona Grange, Patrons of Husbandry, of Belvidere, Ill., in favor of the passage of Senate bill No. 3354, relating to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Lutheran Church of Forreston, Ill., and United Brethren churches of Forreston and Haldane, Ill., urging the passage of a bill to prohibit the sale of liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the United Brethren churches of Forreston and Haldane, and the Lutheran Church of Forreston, Ill., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the United Brethren churches of Forreston and Haldane, and the Lutheran Church of Forreston, Ill., asking for the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia and to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, resolutions of the brewers of Illinois, in opposition to the proposed increase of the tax on beer—to the Committee on Ways and Means.

By Mr. KITCHIN: Petition of J. H. Gooch and 18 other citizens of Sterns, N. C., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KULP: Resolutions of the New York Board of Trade and Transportation, indorsing House bills Nos. 9879 and 9735, relating to the regulation of bond issues of the United States—to the Committee on Ways and Means.

Also, resolutions of the Grocers and Importers' Exchange of Philadelphia, Pa., in opposition to a tax on stocks of coffees and teas—to the Committee on Ways and Means.

Also, protests of Thomas A. Willard and E. A. Phelan, representing a large proportion of the tea trade of the United States, against a tax on stock now on hand—to the Committee on Ways and Means.

Also, memorial of Blackwell's Durham Tobacco Company and letter of Ried & Co., of Milton, Pa., protesting against additional tax on tobacco in stock—to the Committee on Ways and Means.

Also, memorial of the executive committee, American Forestry Association, against House bill No. 8428, in reference to Executive order of February 22, 1897—to the Committee on the Public Lands.

Also, petitions of the Reformed Church, Zion Methodist Church, Slavonian Evangelical Lutheran Church, and the Ministerial Association composed of 14 churches, of Mount Carmel, Pa., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Ministerial Association, Reformed Church, Slavonian Evangelical Lutheran Church, and Zion Methodist Church, of Mount Carmel, Pa., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Ministerial Association, consisting of 14 churches, Zion Protestant Church, Reformed Church, and Slavonian Evangelical Lutheran Church, of Mount Carmel, Pa., praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. LACEY: Petitions of R. H. Warden, Cincinnati, Ohio; W. S. Egerton, of Albany, N. Y.; and R. C. Kincaid and Andrew Cowan, of Louisville, Ky., against House bill No. 8428, in reference to Executive order of February 22, 1897—to the Committee on the Public Lands.

Also, petition of the American Forestry Association, suggesting amendments to the forestry laws—to the Committee on the Public Lands.

By Mr. LENTZ: Petitions of C. C. Alward and 19 others, O. D. Dryer and 20 others, and W. C. McAllister and 19 others, all citizens of Columbus, Ohio, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTAUER: Petition of the Woman's Christian Temperance Union of Gloversville, N. Y., favoring the passage of a bill prohibiting the sale of intoxicating liquors in the Capitol building and grounds—to the Committee on Public Buildings and Grounds.

Also, petitions of the Woman's Christian Temperance Union of Gloversville, N. Y., for the passage of bills to forbid interstate transmission of lottery and other gambling matter by telegraph, to raise the age of protection for girls to 18 years, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

By Mr. LOUD: Petition of the United Presbyterian Church of San Jose, Cal., asking for the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

Also, petition of the United Presbyterian Church of San Jose, Cal., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. McEWAN: Petitions of the First Baptist Church, Reformed Church, Methodist Episcopal Church, and the Woman's Christian Temperance Union, of Bayonne, N. J., in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Reformed Church, Methodist Episcopal Church, First Baptist Church, and the Woman's Christian Temperance Union, of Bayonne, N. J., for the passage of bills to prohibit interstate gambling by telegraph, to raise the age of protection for girls to 18 years, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

By Mr. MANN: Petition of Clarence S. Darrow, Hope Reed Cody, Otto Gresham, Kitt Gould, L. B. Langworthy, Eli B. Felsenthal, and 1,000 other members of the Cook County bar, Chicago, Ill., protesting against the passage of House bill No. 30 or any similar bills calculated to interfere with the business of ticket brokerage and the buying and selling of railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON: Memorial of N. B. Forrest Camp, No. 4, of the United Confederate Veterans, of Chattanooga, Tenn., to print muster rolls of American wars—to the Committee on Military Affairs.

By Mr. MORRIS: Petition of citizens of Rainy Lake district, of the State of Minnesota, asking for the passage of House bill No. 9212, to extend the mineral-land laws of the United States so far as the same relate to gold and silver to the State of Minnesota—to the Committee on the Public Lands.

By Mr. NORTHWAY: Petition of the Woman's Christian Temperance Union of Lordstown, Ohio, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

By Mr. SHUFORD: Petition of the heirs of Thomas S. Martin, of Yadkin County, N. C., asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. SPRAGUE: Resolutions of the Boston Stationers' Association, in favor of the enactment of the currency bill of the monetary commission—to the Committee on Banking and Currency.

Also, resolutions of the Boston Merchants' Association, in support of the Spooner health bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Merchants' Association of Boston, Mass., in favor of the passage of Senate bill No. 3354, relating to the interstate-commerce law and the prerogatives of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Petition of Minneapolis Division, No. 117, Order of Railway Conductors, of Minneapolis, Minn.,

in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, protest of the Rochester (Minn.) fire department, in opposition to Senate bill No. 2736, to establish a Government insurance department—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS of Pennsylvania: Petition of Blackwell's Durham Tobacco Company, of Philadelphia, Pa., protesting against additional tax on tobacco in stock—to the Committee on Ways and Means.

Also, petition of the United States Brewers' Association, of New York, protesting against the imposition of any additional tax on beer—to the Committee on Ways and Means.

Also, resolutions of the Grocers and Importers' Exchange of Philadelphia, Pa., in opposition to a tax on stocks of coffees and teas at present in the United States—to the Committee on Ways and Means.

Also, protests of Thomas A. Willard and E. A. Phelan, representing a large proportion of the tea trade of the United States, against a tax on stock now on hand—to the Committee on Ways and Means.

Also, resolutions of the New York Board of Trade and Transportation, indorsing House bills Nos. 9879 and 9725, relating to the regulation of United States bond issues—to the Committee on Ways and Means.

By Mr. WHITE of North Carolina: Resolutions of the Lyceum of the Second Baptist Church of Washington, D. C., asking that colored men be given an equal chance with all other American citizens to prove their fighting qualities in the coming conflict with Spain, and that both in the Army and in the Navy no discrimination be allowed or tolerated on account of race or color—to the Committee on Military Affairs.

SENATE.

TUESDAY, *April 26, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. WILSON, and by unanimous consent, the further reading was dispensed with.

THE HOSPITAL CORPS OF THE ARMY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Surgeon-General of the Army relating to the Hospital Corps, and concurring in the recommendation of the Surgeon-General that legislation be enacted authorizing enlistments of members of the Hospital Corps as therein specified; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Surgeon-General of the Army stating that by the act of Congress approved March 16, 1896, the number of hospital stewards of the Hospital Corps, United States Army, was reduced to 100, and requesting for reasons therein set forth that this restriction be removed; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MURPHY presented a memorial of the Academy of Medicine, of Syracuse, N. Y., remonstrating against the passage of Senate bill No. 1063, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Troy, N. Y., praying for the passage of Senate bill No. 4168, for revising and perfecting the classification of letters patent and printed publications in the Patent Office; which was referred to the Committee on Patents.

He also presented petitions of the Woman's Christian Temperance unions of Albany, Venice Center, Fleming, and North Tonawanda; of the congregations of the First Baptist Church of Cortland, and of the Methodist Episcopal Church and the Baptist Church of Virgil, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Woman's Christian Temperance unions of Venice Center, Fleming, North Tonawanda, and Albany; of the congregations of the Homer Avenue Methodist Episcopal Church of Cortland, the First Methodist Episcopal Church of Cortland, and the Methodist Episcopal Church and the Baptist Church of Virgil, all in the State of New York, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance unions of Venice Center, North Tonawanda, and Albany; of the congregations of the Congregational Church of Cortland, the Methodist Episcopal Church and the Baptist Church of Virgil, all in the State of New York, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

Mr. PROCTOR presented a petition of St. Albans Division, No. 24, Order of Railway Conductors, of St. Albans, Vt., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Jamaica, Vt., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of Jamaica, Vt., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. SPOONER presented a petition of the congregation of the Congregational Church of Sparta, Wis., praying that Annette Island, on the coast of Alaska, be left in the possession of the Metlakahtla Indians and not opened up to settlement by white men; which was referred to the Committee on Territories.

He also presented a petition of the Woman's Missionary Society of the Congregational Church of Sparta, Wis., praying that the rights of the Metlakahtla colony of Indians in Alaska be respected; which was referred to the Committee on Territories.

He also presented a petition of the congregation of the Union Congregational Church of Windsor, Wis., and a petition of the Woman's Christian Temperance Union of Windsor, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, and also for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the presbytery of La Crosse, Wis., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Presbytery of La Crosse, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph, to raise the age of protection for girls to 18 years in the District of Columbia and the Territories, to enact a Sunday-rest law for the District of Columbia, to prohibit the kinetoscope reproduction of pugilistic encounters in the District of Columbia and the Territories, and to substitute voluntary arbitration for railway strikes; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Young People's Christian Union of Neenah, Wis., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Christian Union of Neenah, Wis., praying for the appointment of a commission to investigate the labor problem; which was referred to the Committee on Education and Labor.

He also presented a petition of the Young People's Christian Union of Neenah, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Young People's Christian Union of Neenah, Wis., praying for the enactment of legislation to prohibit sectarian appropriations; which was referred to the Committee on Appropriations.

He also presented a memorial of the F. E. Kennedy & Son Company and 34 other business firms of Oshkosh, Wis., remonstrating against the enactment of legislation levying a tax on tea, coffee, and tobacco already in stock; which was referred to the Committee on Finance.

He also presented a petition of the Young People's Christian Union of Neenah, Wis., praying for the enactment of legislation to prohibit the kinetoscope reproduction of pugilistic encounters in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Oshkosh, Wis., and a petition of the Young People's Christian Union of Neenah, Wis., praying for the enactment

of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Young People's Christian Union of Neenah, Wis., praying for the enactment of legislation to prohibit the transmission by mail or interstate commerce of newspaper descriptions of prize fights; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Christian Union of Neenah, Wis., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Young People's Christian Union of Neenah, Wis., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which was referred to the Committee on Education and Labor.

He also presented a petition of the Young People's Christian Union of Neenah, Wis., praying for the enactment of legislation to exclude illiterate immigrants; which was ordered to lie on the table.

Mr. CULLOM presented the memorial of J. J. Dougherty and 24 other citizens of Ottawa, Ill., and the memorial of the New Jersey State Exempt Firemen's Association, remonstrating against the passage of the bill to establish in the Treasury Department a division to regulate insurance companies; which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Belleville, Ill., praying for the enactment of legislation to secure protection against the adulteration of pure wheat flour; which was referred to the Committee on Manufactures.

He also presented petitions of the Woman's Christian Temperance unions of Kewanee, Shabbona, and Pawnee; of the congregations of the United Brethren churches of Forreston and Haldane, the Lutheran Church of Forreston, the Christian Church, the Congregational Church, and the Methodist Church of Batavia, the Baptist Church of Utica, the Rollo Auxiliary of the Illinois Woman's Home Missionary Union, and the Epworth League of the Methodist Episcopal Church of Odell, all in the State of Illinois, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Woman's Christian Temperance unions of Shabbona and Kewanee; of the congregations of the Methodist Episcopal Church of Leland, the United Brethren churches of Forreston and Haldane, the Lutheran Church of Forreston, the Christian Church, the Baptist Church, the Congregational Church, and the Methodist Church of Batavia, the Baptist Church of Utica; the Epworth League of the Methodist Episcopal Church of Odell; the Rollo Auxiliary of the Woman's Home Missionary Union, and Our Young People's Christian Union of the United Presbyterian Church of Aledo, all in the State of Illinois, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance unions of Kewanee and Shabbona; of the congregations of the Methodist Episcopal Church of Leland, the Lutheran Church of Forreston, the United Brethren churches of Forreston and Haldane, the Christian Church, the Congregational Church, and the Methodist Church of Batavia, and the Baptist Church of Utica; the Rollo Auxiliary of the Illinois Woman's Home Missionary Union; the Epworth League of the Methodist Episcopal Church of Odell, and Our Young People's Christian Union of the United Presbyterian Church of Aledo, all in the State of Illinois, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented a petition of the Grand Army of the Republic, Department of Minnesota, praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a memorial of the Boston Merchants' Association, of Boston, Mass., remonstrating against the enactment of legislation increasing the power of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

MEMORIAL OF ST. LOUIS SINGLE TAX LEAGUE.

Mr. COCKRELL. I present a memorial of the St. Louis Single Tax League, respecting the raising of revenue to meet the expenses of the impending war with Spain. I move that the memorial be printed as a document, and referred to the Committee on Finance.

The motion was agreed to.

APARTMENT HOUSES IN THE DISTRICT OF COLUMBIA.

Mr. MCMILLAN. I ask that Senate Document No. 204, being a letter from the Commissioners of the District of Columbia transmitting, in response to a resolution of the Senate of February 17, 1898, a report of the Acting Engineer Commissioner, Edward Burr, relative to apartment houses in the District of Columbia, be reprinted for the purpose of correcting certain omissions.

The VICE-PRESIDENT. There being no objection, it will be so ordered.

REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 3466) granting a pension to Sarah Hamilton, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3468) granting a pension to Laura E. Campbell, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MANTLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 4086) to authorize the Secretary of the Interior to issue a patent in fee to Mary Campbell, a Nez Percé Indian allottee, reported it without amendment, and submitted a report thereon.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 59) granting a pension to Joseph W. Skelton, of Nebraska, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 3052) to increase the pension of Louise M. Owens;

A bill (S. 575) for the relief of Lizzie M. Sibley; and

A bill (S. 576) for increase of pension to George Hayes.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4422) granting an increase of pension to George W. Gould; and

A bill (H. R. 9043) granting an increase of pension to Ann M. Smith.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4451) granting a pension to Nancy Barger;

A bill (H. R. 9210) granting an increase of pension to George H. Baldwin; and

A bill (S. 3693) granting an increase of pension to Leah L. Price.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4248) for the relief of Lewis Kyle, of Milton, Pa., reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 574) granting a pension to Sarah M. Bennett, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report accompanied by a bill (S. 4476) granting a pension to Sarah M. Bennett; which was read twice by its title.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 584) granting a pension to Mary I. Valentine;

A bill (H. R. 4692) to pension F. L. Botkin; and

A bill (S. 1631) granting an increase of pension to Henry Atkinson.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 3350) granting a pension to Blanche E. Barlow, reported it with amendments, and submitted a report thereon.

Mr. WOLCOTT, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 1596) to amend the postal laws relating to the use of postal cards, reported it without amendment, and submitted a report thereon.

Mr. WHITE, from the Committee on Commerce, to whom was referred the joint resolution (H. Res. 119) for the improvement of Humboldt Harbor, California, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. PROCTOR introduced a bill (S. 4468) to provide for a volunteer brigade of engineers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HEITFELD introduced a bill (S. 4469) opening mineral lands in Oklahoma under the mineral laws of the United States;

which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 4470) for the benefit of the schools of the city of Perry, Oklahoma Territory; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WOLCOTT introduced a bill (S. 4471) granting a pension to Harlan P. Orendorff; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4472) granting a pension to Edward J. Palmer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4473) for the relief of Louis Loeb; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 4474) to provide for temporarily increasing the naval establishment of the United States in time of war, and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SPOONER introduced a bill (S. 4475) granting a pension to Mary A. Lamb; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WHITE introduced a bill (S. 4477) extending the time for payment to the United States of moneys due from bona fide purchasers under the provisions of the act of Congress of March 3, 1887, relating to the adjustment of railroad land grants; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GEAR introduced a joint resolution (S. R. 160) providing for the listing of all unpatented lands in the State of Iowa by the Department of the Interior; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. SPOONER submitted an amendment relative to the reimbursement of Otto A. Risum, late postmaster at Pulcifer, Wis., for funds stolen from the post-office, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes; which was ordered to lie on the table and to be printed in the RECORD, as follows:

Page 7, at the end of line 10, insert the following as an additional section:
"SEC. —. That, at any time after five years from the date of the passage of this act, the Commissioners of the District of Columbia, or the Government of the United States, may acquire all the property of said company by purchase or otherwise for its actual value at the time the same is so acquired, without taking into account the value of any franchise now or heretofore granted, and may operate the same in the interest of the public, and the rights and privileges hereby granted shall be for a period of not to exceed twenty years."

CONSIDERATION OF PENSION BILLS.

The VICE-PRESIDENT. The morning business appears to be closed.

Mr. GALLINGER. I understand that the Senator from Connecticut [Mr. HAWLEY] will soon be ready to submit a conference report on the Army reorganization bill. I ask unanimous consent that until the conference report is brought in the time be devoted to considering private pension bills upon the Calendar.

The VICE-PRESIDENT. Is there any objection to the request made by the Senator from New Hampshire?

Mr. HALE. What is the request?

The VICE-PRESIDENT. The request is that the Private Pension Calendar be taken up until further business intervenes. The Chair hears no objection, and the first bill on the Private Pension Calendar will be proceeded with.

MAURICE M. WOODBURY.

The bill (S. 3219) granting an increase of pension to Maurice M. Woodbury was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll, at the rate of $30 per month, in lieu of the pension which he now receives, the name of Maurice M. Woodbury, late a corporal in Company C, Eighth Regiment of Maine Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FLORENCE N. WALDRON.

The bill (H. R. 5245) granting a pension to Florence N. Waldron was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Florence N. Waldron, helpless daughter of the late Capt. Samuel F. Waldron, Company I, Thirty-third Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE BARNES.

The bill (H. R. 3663) granting a pension to George Barnes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of George Barnes, of Company I, Twenty-fifth Missouri Enrolled Militia, and Company C, Eighty-seventh Missouri Enrolled Militia, on the pension roll, subject to the provisions and limitations of the pension laws, and pay him a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BENJAMIN F. MOULTON.

The bill (H. R. 802) granting a pension to Benjamin F. Moulton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, after the word "late," to strike out "of Company —" and insert "acting assistant surgeon of the;" and in line 7, before the word "dollars," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Benjamin F. Moulton, late acting assistant surgeon of the Tenth New York Heavy Artillery, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM D. SEAMANS.

The bill (H. R. 4981) granting an increase of pension to William D. Seamans, late private in Company L, Fourteenth New York Heavy Artillery, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "of," to strike out "all other pensions" and insert "that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of William D. Seamans, late a private in Company L, Fourteenth New York Heavy Artillery, and pay him a pension at the rate of $30 per month, in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William D. Seamans."

ANNIE WITTENMYER.

The bill (H. R. 1546) granting a pension to Mrs. Annie Wittenmyer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 5, before the name "Annie," to strike out "Mrs.;" and in the same line, after the name "Wittenmyer," to strike out "who rendered remarkable and unusual services as;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of Annie Wittenmyer, a hospital nurse during the late war of the rebellion, and to pay to her a pension of $25 per month.

The amendments were agreed to.

Mr. GALLINGER. I move to insert after the word "pension," in line 7, the words "at the rate."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Annie Wittenmyer."

MARGARET H. TOWNSEND.

The bill (H. R. 5105) granting a pension to Margaret H. Townsend was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret H. Townsend, former wife of Charles Townsend, late private in Company H, Tenth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM R. RHEA.

The bill (H. R. 8770) to repeal chapter 164, laws of 1871, approved March 3, 1871, being an act entitled "An act granting a pension to Hiram R. Rhea," was considered as in Committee of the Whole. It proposes to repeal chapter 164 of the laws of 1871, approved March 3, 1871 (16 U. S. Stat. L.), and entitled "An act granting a pension to Hiram R. Rhea."

Mr. COCKRELL. Let the report be read in that case.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. GALLINGER on the 12th instant, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8770) to repeal chapter 164, laws of 1871, approved March 3, 1871, being an act entitled "An act granting a pension to Hiram R. Rhea," have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted, and the passage of the bill recommended.

HOUSE REPORT.

In 1871 an act was passed by the Congress of the United States, based upon certain ex parte affidavits, granting a pension of $8 per month to one Hiram R. Rhea. It was approved March 3, 1871. (See 16 U. S. Stat. L., page 603.)

That act was granted upon the affidavits of Sidney S. McLean, J. L. Rhea, and William S. Rhea. The claim was that while in the service of the United States Government he received a severe gunshot wound or wounds at the hands of rebel bushwhackers. When it became known that Rhea had been pensioned reputable men remonstrated, and on a careful investigation by the Pension Bureau, it was ascertained that the special act was obtained by false affidavits.

The truth is that Hiram R. Rhea never was in the Union service, but was in the Confederate army. He was a bushwhacker and a robber, and engaged in the sneak killing of Union men and soldiers whenever opportunity offered. He was wounded by Federal soldiers who were trying to capture him. These facts are satisfactorily established by a mass of credible evidence. Rhea's pension was suspended some years ago, but he made no inquiry as to the cause of such action, and has made no attempt to disprove the allegations made against him.

The report reciting these facts was made from the Committee on Invalid Pensions by Mr. Martin, its chairman, in the second session of the Fifty-third Congress, but the bill was not acted on. (See Report No. 196, Fifty-third Congress, second session.)

It being abundantly proven that the special act sought to be repealed was obtained by fraud and perjury, and the beneficiary not having sought to disprove or even meet in any way such allegations, your committee report the bill back with the recommendation that it pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORGANIZATION OF THE LINE OF THE ARMY.

Mr. HAWLEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9878) for the better organization of the line of the Army of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 4.

JOSEPH R. HAWLEY,
REDFIELD PROCTOR,
F. M. COCKRELL,
Managers on the part of the Senate.

J. A. T. HULL,
B. F. MARSH,
N. N. COX,
Managers on the part of the House.

The report was agreed to.

FURTHER CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER (at 12 o'clock and 20 minutes p. m.). I ask unanimous consent that the further consideration of the Pension Calendar be continued until the hour of 1 o'clock.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears no objection, and the next bill on the Private Pension Calendar will be proceeded with.

ISAIAH F. FORCE.

The bill (H. R. 93) granting an increased pension to Isaiah F. Force was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaiah F. Force, late major in the One hundred and fortieth Regiment New York Infantry Volunteers, and to pay him a pension of $35 per month in lieu of all other pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VICTOR BEAUBOUCHER.

The bill (H. R. 1387) to increase the pension of Victor Beauboucher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Victor Beauboucher, late private, Company E, Twenty-eighth Massachusetts Volunteer Infantry, and to pay him a pension of $50 per month, in lieu of the pension which he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARA R. RODGERS.

The bill (S. 2541) granting a pension to Clara R. Rodgers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Cavalry," to insert "at the rate of $25 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara R. Rodgers, widow of Robert Edwin Rodgers, late major Fourth Ohio Cavalry, at the rate of $25 per month.

The amendment was agreed to.

Mr. GALLINGER. Before the amendment of the committee, just agreed to, I move to insert the words "and pay her a pension."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATHANIEL HAUGHTON.

The bill (H. R. 983) to grant an increase of pension to Nathaniel Haughton was considered as in Committee of the Whole. It proposes to place the name of Nathaniel Haughton, late colonel of the Twenty-fifth Ohio Volunteer Infantry, upon the pension roll and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY SPEIER.

The bill (H. R. 7523) granting an increase of pension to Mary Speier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Speier, widow of Capt. William Speier, late captain of Company I, One hundred and seventh Ohio Volunteer Infantry, and to pay her a pension of $20 per month in lieu of the pension she now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOVEZILA L. PATTERSON.

The bill (H. R. 3185) granting a pension to Lovezila L. Patterson was considered as in Committee of the Whole. It proposes to place the name of Lovezila L. Patterson, widow of Alexander V. Patterson, late surgeon of the One hundred and second Regiment Ohio Volunteer Infantry, on the pension roll and to pay her a pension of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE WILTSE.

The bill (H. R. 7628) granting a pension to Catherine Wiltse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine Wiltse, late widow of John Cummins, Company B, Fiftieth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD R. YOUNG.

The bill (S. 4298) granting an increase of pension to Edward R. Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward R. Young, late private in Company H, First United States Heavy Artillery, and to pay him a pension of $20 per month.

Mr. GALLINGER. I move to insert at the end of the bill the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KATHERINE L. CUSHING.

The bill (H. R. 4469) increasing the pension of Katherine L. Cushing, widow of William B. Cushing, late commander in United States Navy, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Katherine L. Cushing, widow of William B. Cushing, late commander in United States Navy, and to pay her a pension of $50 per month, in lieu of the pension now paid her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill increasing the pension of Katherine L. Cushing."

LUCY ORD MASON.

The bill (H. R. 2113) granting an increase of pension to Lucy Ord Mason was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy Ord Mason, widow of First Lieut. John S. Mason, jr., late of the First United States Infantry, and to pay her a pension of $25 per month, in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. TAYLOR.

The bill (H. R. 5809) granting a pension to Charles E. Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Taylor, late captain Company I, Fourth Pennsylvania Cavalry, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELLEN O'RORKE.

The bill (H. R. 1722) for the relief of Mrs. Ellen O'Rorke was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, before the name "Ellen," to strike out "Mrs.;" and in line 6, after the word "Army," to strike out "during the war of the rebellion;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ellen O'Rorke, late a volunteer nurse in the service of the United States Army, and pay her a pension at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Ellen O'Rorke."

CHARLES A. FOSTER.

The bill (H. R. 4979) granting a pension to Charles A. Foster was considered as in Committee of the Whole. It proposes to place upon the pension roll of the United States the name of Charles A. Foster, late acting assistant surgeon, United States Army, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANET WEMPLE.

The bill (H. R. 6680) granting a pension to Mrs. Janet Wemple was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, before the name "Janet," to strike out "Mrs.;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Janet Wemple, widow of Edwin H. Wemple, late a private in Company D of the Seventy-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $8 a month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Janet Wemple."

SARAH A. BLAZER.

The bill (H. R. 1944) to grant a pension to Sarah A. Blazer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Blazer, widow of Jacob Blazer, a member of Captain West's company of Tennessee Volunteers in the Indian wars, at $8 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOLIVAR J. PRIDGEN.

The bill (H. R. 3362) granting an increase of pension to Bolivar J. Pridgen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place the name of Bolivar J. Pridgen, an invalid Mexican war veteran, on the pension roll at the rate of $16 per month, the same to be in lieu of the pension now drawn by him.

SEC. 2. That this act shall take effect from and after its passage.

Mr. GALLINGER. I think the committee amendments should be nonconcurred in. The bill ought to pass as it came from the House.

The VICE-PRESIDENT. The committee amendment will be withdrawn, if there be no objection.

Mr. GALLINGER. Yes; let it be withdrawn.

The VICE-PRESIDENT. The committee amendment is withdrawn, and the bill stands as originally passed by the House.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALPHONSO FREEMAN.

The bill (H. R. 7165) granting an increase of pension to Alphonso Freeman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Alphonso Freeman, late a private in Company F, Second United States Dragoons (Mexican war), from $12, the amount now received by said Freeman under pension certificate No. 966, to $16 per month.

Mr. GALLINGER. I ask nonconcurrence in that amendment likewise.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. HAYS.

The bill (H. R. 8834) granting a pension to John B. Hays was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Hays, late captain and brevet major, Nineteenth Infantry, United States Army, and pay him a pension at the rate of $20 a month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EMORY T. HIPPLE.

The bill (H. R. 6988) for the relief of Emory T. Hipple was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls the name of Emory T. Hipple, permanently helpless child of William H. Hipple, late private, Company D, One hundred and forty-ninth Regiment of Pennsylvania Volunteer Infantry, and pay him a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Emory T. Hipple."

JAMES C. YOUNG.

The bill (S. 2338) granting an increase of pension to James C. Young was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "at the rate of $20

per month," and in line 7, after the word "Infantry,' to insert "and to pay him a pension at the rate of $20 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of James C. Young, late of Company C, Twenty-second Illinois Volunteer Infantry, and to pay him a pension at the rate of $20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to James C. Young."

SUSAN A. HUBER.

The bill (H. R. 1897) granting a pension to Mrs. Susan A. Huber, of Louisville, Ky., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the name "Susan," to strike out "Mrs.;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan A. Huber, widow of Jeremiah F. Huber, late captain in the United States Army, and pay her a pension at the rate of $20 per month, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Susan A. Huber."

LOVENIA BAYLES.

The bill (H. R. 747) granting an increase of pension to Lovenia Bayles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lovenia Bayles, widow of James M. Bayles, deceased, late a private and sergeant in Company A, Second Regiment New York Volunteers, in the Mexican war, and quartermaster and captain in the Fourth Regiment New York Volunteer Infantry, and to pay her a pension of $20 per month, in lieu of the pension which she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL J. MELVIN.

The bill (H. R. 7501) granting a pension to Daniel J. Melvin was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Daniel J. Melvin, private in company commanded by Capt. A. C. Gordon, Creek Indian war of 1836, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH ROGERS.

The bill (H. R. 7783) granting an increase of pension to Elizabeth Rogers was considered as in Committee of the Whole. It proposes to increase the pension of Elizabeth Rogers, of Lock, Bell County, Ky., widow of David S. Rogers, captain and major, First Tennessee Volunteer Infantry in the Indian wars, from $8 to $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. RYAN.

The bill (H. R. 7953) granting a pension to William C. Ryan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Ryan, invalid son of George W. Ryan, late a member of Company B, Fourth Regiment of Tennessee Infantry, and to pay him a pension of $15 per month from and after the passage of this act.

Mr. GALLINGER. After the word "invalid," in line 6, I move to insert the words "and dependent;" and in line 8, before the word "dollars," to strike out "fifteen" and insert "twelve."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SUSAN BROWNLOW BOYNTON.

The bill (H. R. 7793) to increase the pension of Susan Brownlow Boynton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan Brownlow Boynton, widow of Daniel T. Boynton, late assistant surgeon of the One hundred and fourth Regiment of Ohio Infantry, and to pay her a pension of $25 per month in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA M. TATE.

The bill (H. R. 711) granting a pension to Anna M. Tate was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna M. Tate, dependent mother of Blair Tate, late a private in Company K, Twenty-sixth Iowa Infantry Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA E. HESS.

The bill (H. R. 864) granting a pension to Maria E. Hess, widow of Florian Hess, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Maria E. Hess, widow of Florian Hess, a private in Capt. J. Rollin's company of Minnesota Volunteers, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Maria E. Hess."

ADELAIDE SESSIONS.

The bill (S. 1094) granting a pension to Adelaide Sessions was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "at the rate of $30 per month" and insert "subject to the provisions and limitations of the pension laws," and in line 9, after the word "Sharpshooters," to insert "and pay her a pension at the rate of $12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelaide Sessions, of Hubbardstown, Mich., widow of Nathanial Sessions, late of Company I, First Regiment (Berdan's) United States Sharpshooters, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE G. VOGEL.

The bill (H. R. 2203) granting a pension to George G. Vogel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George G. Vogel, formerly a private in Company M, Ninth Regiment Kansas Volunteer Cavalry, and Company C, Third United States Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH HOLT.

The bill (H. R. 4143) granting a pension to Elizabeth Holt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Holt, of Topeka, Kans., the stepmother of L. B. Holt, who was a private in Company L, Fifteenth Pennsylvania Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. GARRISON.

The bill (H. R. 4160) granting an increase of pension to George W. Garrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Garrison, and to pay him a pension of $30 per month, in lieu of the pension he is now receiving.

Mr. GALLINGER. After the word "Garrison," in line 6, I move to insert "late of Company I, Twelfth Pennsylvania Volunteers, and Company I, One hundred and second Pennsylvania Volunteers."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOSEPH MONTIETH.

The bill (H. R. 2253) granting an increase of pension to Joseph Montieth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Montieth, late a private of Company G, Third Regiment Maine Volunteer Infantry, and to pay him a pension of $40 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. SAVAGE.

The bill (H. R. 8515) to increase the pension of William H. Savage was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Savage, late captain Company A, Seventeenth Maine Volunteers, and to pay him a pension of $30 per month, in lieu of that which he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. CHANNING.

The bill (H. R. 1442) granting an increase of pension to John W. Channing was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Channing, formerly captain of Company E of the Seventh Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month, in lieu of the pension now drawn by him, to be paid to his legally qualified guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS S. HANCOX.

The bill (H. R. 3326) granting a pension to Thomas S. Hancox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas S. Hancox, as dependent father of William F. Hancox, late a member of Company E, Twenty-first Connecticut Volunteers, in the war of the rebellion, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK G. MOORE.

The bill (H. R. 1295) to increase the pension of Frederick G. Moore, late of Company I, One hundred and fifth Regiment New York Volunteer Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Frederick G. Moore, late of Company I, One hundred and fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of the pension he now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Frederick G. Moore."

EVA SEELEY.

The bill (H. R. 6928) granting a pension to Eva Seeley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place upon the pension roll the name of Eva Seeley, widow of Oscar Seeley, late paymaster's steward, United States Navy, who served during the late war on United States steamers *North Carolina*, *Connecticut*, and *Commodore Hull*, and pay her a pension of $16 per month in lieu of any pension now received by her.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Eva Seeley."

JOHN X. GRIFFITH.

The bill (H. R. 8636) granting an increase of pension to John X. Griffith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John X. Griffith, late of Company A, Seventy-seventh Illinois Volunteer Infantry, and pay him a pension of $30 a month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DAVID C. WARING.

The bill (H. R. 1855) granting an increase of pension to David C. Waring was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Waring, Company B, Eighth Regiment New York Volunteer Infantry, and Company I, Twenty-third Regiment, and pay him a pension of $20 per month in lieu of the pension he is now receiving.

Mr. GALLINGER. Since this bill was reported evidence has come to the committee which persuades me that the amendment ought not to be adopted, and I ask that it be nonconcurred in.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM S. ADAMS.

The bill (H. R. 7449) granting a pension to William S. Adams, late acting assistant surgeon, United States Volunteers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "thirty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of William S. Adams, late acting assistant surgeon, United States Volunteers, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to William S. Adams."

MARY B. HULINGS.

The bill (H. R. 8197) for the relief of Mary B. Hulings was considered as in Committee of the Whole. It proposes to place the name of Mary B. Hulings on the pension roll, and that she be paid a pension at the legal rate as the widow of Thomas M. Hulings, late colonel Forty-ninth Pennsylvania Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as read: "A bill granting a pension to Mary B. Hulings."

HANNAH C. PILE.

The bill (H. R. 5372) for the relief of Hannah C. Pile was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Hannah C. Pile, widow of Gen. William A. Pile, and to pay her a pension of $30 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting a pension to Hannah C. Pile."

JOEL BLACKMAN.

The bill (S. 4400) granting an increase of pension to Joel Blackman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joel Blackman, late of Company K, Fourth New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month, in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH JORDAN.

The bill (S. 4390) granting a pension to Sarah Jordan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Jordan, widow of Benjamin Jordan, late of Company H, First Regiment New Hampshire Heavy Artillery, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE C. TOWNSEND.

The bill (S. 3298) granting a pension to Caroline C. Townsend was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, at the end of line 10, on page 1, after the word "brevet," to strike out "for gallant and meritorious conduct at the battle of Chickamauga, Ga.;" and in line 1, page 2, before the word "dollars," to strike out "twenty-five" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Caroline C. Townsend, widow of the late Alfred Townsend, late a private in Company H, Ninth Regiment of Pennsylvania Reserves (Thirty-eighth of the line), and late second lieutenant and first lieutenant of the Eighteenth Regiment of Infantry, United States Army, and captain by brevet, and to pay her a pension at the rate of $17 per month, to commence at the date of the passage of this act and to be in lieu of the pension she is now receiving.

Mr. GALLINGER. I move to amend in line 1, on page 2, after the word "month," by striking out the words "to commence at the date of the passage of this act and to be."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. DAUB.

The bill (H. R. 1547) granting a pension to Sarah E. Daub was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Sarah E. Daub, formerly widow of Nathan Foreman, late a private in Company A, Fifty-first Pennsylvania Infantry, Company B, One hundred and eighty-third Pennsylvania Infantry, and Troop C, Second United States Cavalry, and widow of George W. Daub, late Company F, Fifty-first Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRATIA H. MARTIN.

The bill (H. R. 4435) to pension Gratia H. Martin, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gratia H. Martin, dependent mother of Carlos Martin, late of Company D, Twelfth Regiment of Vermont Volunteer Infantry, and of Company C, Eighth Regiment of Vermont Volunteer Infantry, and to pay her a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH CONNELLY.

The bill (H. R. 7355) granting an increase of pension to Elizabeth Connelly was considered as in Committee of the Whole. It proposes to place the name of Elizabeth Connelly, widow of John H. Connelly, late of Company F, Eighty-fourth New York Volunteers (Fourteenth New York State Militia), on the pension roll and to pay her a pension of $12 per month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVIA WORDEN.

The bill (S. 2919) granting a pension to Olivia Worden, widow of the late John L. Worden, United States Navy, was announced as next in order.

Mr. GALLINGER. Let that bill be passed over for the present. I make this request at the suggestion of the Senator introducing the bill.

The VICE-PRESIDENT. The bill will be passed over.

LEWIS K. WHITMORE.

The bill (H. R. 5775) granting a pension to Lewis K. Whitmore, a locomotive engineer in the military service and employ of the United States during the late civil war, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the words "pension roll," to insert "subject to the provisions and limitations of the pension laws;" in line 6, after the name "Whitmore," to strike out "of Binghamton, N. Y.," and insert "late a locomotive engineer in the military service of the United States;" in line 9, after the word "account," to insert "of;" and on page 2, line 1, after the word "duty," to strike out "and while in the service of the United States;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Lewis K. Whitmore, late a locomotive engineer in the military service of the United States, and pay him a pension at the rate of $25 per month, on account of wounds and consequent disabilities incurred in the line of duty.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Lewis K. Whitmore."

CALISTA HADLEY.

The bill (H. R. 3889) granting an increase of pension to Mrs. Calista Hadley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Calista Hadley, widow of Smith Hadley, late a soldier in the war of 1812, from the State of Ohio, at the rate of $16 per month, the same to be in lieu of the pension she is now drawing.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Calista Hadley."

SAMUEL L. BUSICK.

The bill (H. R. 1039) to grant a pension to Samuel L. Busick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel L. Busick, a teamster in quartermaster's department, and to pay him a pension of $12 per month, for wounds received in battle.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA E. DAVENPORT.

The bill (H. R. 2078) to pension Laura E. Davenport was considered as in Committee of the Whole. It proposes to place on the pension roll of the United States the name of Laura E. Davenport, formerly the widow of Bernard S. Uline, deceased, late of Company D, Thirty-fourth Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN STANAGE.

The bill (S. 1482) granting a pension to John Stanage was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Stanage, late of Company F, Second United States Infantry, and to pay him a pension of $12 a month.

Mr. GALLINGER. In line 4, after the words "pension roll," I move to insert "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRACE GUDGELL.

The bill (H. R. 6515) granting a pension to Grace Gudgell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "authorized," to insert "and directed;" and in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Grace Gudgell, of Tiskilwa, Ill., a blind and permanently helpless orphan daughter of John Gudgell, late captain of Company B, One hundred and twelfth Regiment Illinois Volunteer Infantry, upon the pension roll, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. GALLINGER. In line 4, after the name "Gudgell," I move to amend by striking out "of Tiskilwa, Ill."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FURTHER CONSIDERATION OF PENSION BILLS.

Mr. QUAY (at 1 o'clock p. m.). Mr. President, the time of the Senate will be fully occupied very soon with very important legislation, financial and otherwise, and this is probably the last opportunity that can be given for some time for the consideration of pension bills. I therefore ask unanimous consent that the Calendar of pension bills be proceeded with until it is disposed of.

Mr. GALLINGER. There are only eleven more cases.

Mr. QUAY. There are only eleven or twelve more pension cases on the Calendar.

The VICE-PRESIDENT. In the absence of objection, that order will be made.

ELIZA B. LOWRY.

The bill (H. R. 7482) granting a pension to Eliza B. Lowry was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Eliza B. Lowry, widow of Alexander Lowry, Company C, Eighty-third Pennsylvania Infantry Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE SAFFELL.

The bill (H. R. 137) for the relief of Annie Saffell was considered as in Committee of the Whole. It proposes to place the name of Annie Saffell, imbecile daughter of James Saffell, late of Company G, One hundred and seventy-fourth Ohio Volunteer Infantry, on the pension roll, and to pay her a pension of $12 per month, same to be paid to her guardian when appointed.

Mr. COCKRELL. I suggest to the Senator from New Hampshire that the same amendment which has been put in the other bills should be inserted in this, so that it will read, "and dependent."

Mr. GALLINGER. That amendment should be inserted. After the word "imbecile," in line 5, I move to insert "and dependent;" so as to read "imbecile and dependent."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting a pension to Annie Saffell."

MISS SALLIE WORK.

The bill (H. R. 2119) to grant a pension to Miss Sallie Work was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 8, after the word "Infantry," to strike out "and Sarah Work, his wife, now both dead;" and on page 2, line 1, before the word "dollars," to strike out "fifteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie Work, orphan, permanently helpless invalid daughter of James B. Work, late private of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month, and that same be paid to her legal guardian when appointed.

The amendments were agreed to.

Mr. GALLINGER. Let the words "and dependent" be inserted after the word "invalid," in line 6.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. After the word "invalid," in line 6, it is proposed to insert "and dependent."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Sallie Work."

ROBERT C. ROGERS.

The bill (S. 2757) granting an increase of pension to Robert C. Rogers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to fill the blank in line 6, before the word "dollar," by inserting "twenty-five;" so as to make the bill read:

Be it enacted, etc., That Robert C. Rogers, late passed midshipman, United States Navy, be, and he is hereby, granted and allowed, from and after the passage of this act, a pension at the rate of $25 per month, and the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of the said Robert C. Rogers on the pension roll at said rate in lieu of the pension now paid him.

Mr. GALLINGER. I submit what I send to the desk as a substitute for that bill.

The VICE-PRESIDENT. The substitute proposed by the Senator from New Hampshire will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert C. Rogers, late passed midshipman, United States Navy, and pay him a pension at the rate of $25 per month, in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. INGHAM.

The bill (H. R. 1018) granting a pension to Sarah E. Ingham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Ingham, late an army nurse, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM IOTT.

The bill (H. R. 7554) granting a pension to William Iott was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of William Iott, father of Thomas M. Iott, late of Company G, Fifteenth Michigan Infantry, Harrison Iott, late of Company I, First Michigan Cavalry, and John Iott, late of Company K, Eighth Michigan Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS SHETAIS.

The bill (H. R. 863) granting a pension to Francis Shetais, alias Frank Stay, was considered as in Committee of the Whole. It proposes to place on the pension roll, at $12 per month, the name of Francis Shetais, alias Frank Stay, late a scout in the Renville (Minn.) Rangers, in the Sioux war of 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed,

ANNIE A. GIBSON.

The bill (S. 2355) restoring to the pension roll the name of Annie A. Gibson was considered as in Committee of the Whole. It proposes to restore to the pension roll the name of Annie A. Gibson, widow of James Walters, of Company E, Thirty-eighth Regiment Massachusetts Volunteers, and to pay her a pension of $12 per month from and after the passage of this act.

Mr. COCKRELL. Of what use in the bill are the words "from and after the passage of this act," I ask the Senator from New Hampshire?

Mr. GALLINGER. Those words are not necessary, and I move that they be stricken out.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. In line 9, after the word "month," it is proposed to strike out "from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

A. V. BLOODGOOD.

The bill (H. R. 2154) granting an increase of pension to A. V. Bloodgood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of A. V. Bloodgood, late a member of Company H, One hundred and fifty-second Regiment of New York Volunteer Infantry, and to pay him a pension of $30 a month, the same to be in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALVIN P. LYNN.

The bill (H. R. 3953) granting an increase of pension to Calvin P. Lynn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Calvin P. Lynn, late a member of Company G, One hundred and fortieth Regiment Illinois Infantry Volunteers, on the pension roll and pay him a pension at the rate of $12 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY E. KLINE.

The bill (S. 3506) for the relief of Mary E. Kline, helpless child of John Kline, late captain Company H, Thirteenth Regiment Pennsylvania Cavalry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, on page 1, in line 7, after the word "Cavalry," to strike out "who, by reason of her helpless condition, is incapable of earning a support. Further, as she is not provided for in the pension laws of the United States, she should be provided for in the manner herein directed, and should be placed on the pension rolls of the United States," and insert "and pay her a pension;" and in line 2, on page 2, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll of the United States the name of Mary E. Kline, helpless child of John Kline, late captain Company H, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

Mr. GALLINGER. After the word "helpless," in line 5, I move to insert "and dependent."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mary E. Kline."

JOHN RUSTMAN.

Mr. CULLOM. I ask unanimous consent for the present consideration of the bill (H. R. 5325) for the relief of John Rustman.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to remove the charge of desertion now standing against the military record of John Rustman, late of Company I, Eighth Illinois Volunteer Infantry, and to issue an honorable discharge; but provides that no pay or allowances shall become due by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARKANSAS, TEXAS AND MEXICAN CENTRAL RAILWAY.

Mr. MILLS. I ask unanimous consent for the consideration of the bill (H. R. 2691) to amend section 9 of an act entitled "An act to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 9 of an act approved August 4, 1894, entitled "An act to grant the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes," by striking out the words "within three years after the passage of this act" and substituting in lieu thereof the following:

SEC. 9. That said railway company shall build not less than 50 miles of its railway in said Territory in each year after the passage of this act. That said railway company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now, or may hereafter, cross said railway's right of way, or may be by the proper authorities laid out across the same: *Provided also*, That the strip of land 200 feet in width, granted in section 2 of said original act, for stations along said line of railway, shall be limited to 2,000 feet in length.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CHILTON subsequently said: I wish to enter a motion to reconsider the vote by which House bill 2691 was passed a few moments ago. It was called up by my colleague [Mr. MILLS] in my absence. It needs a certain formal correction. I ask that the vote be reconsidered, and I shall call up the bill later.

The VICE-PRESIDENT. The Senator from Texas moves to reconsider the votes by which House bill 2691 was ordered to a third reading and passed.

The motion to reconsider was agreed to.

NANCY BARGER.

Mr. QUAY. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 4451) granting a pension to Nancy Barger, a lady 105 years old.

Mr. COCKRELL. What is the order of business?

Mr. QUAY. The bill has been reported to-day, and therefore is not upon the Calendar. The beneficiary being, as I have just stated, 105 years of age, I trust the Senate will take prompt action on the case.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to restore to the pension roll the name of Nancy Barger, widow of John Barger, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTION OF WILLS, ETC., AFFECTING REAL ESTATE.

Mr. FAULKNER. I ask unanimous consent for the present consideration of a bill (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEDALS OF HONOR TO NAVAL OFFICERS AND SEAMEN.

Mr. McMILLAN. I ask unanimous consent for the present consideration of the joint resolution (S. R. 19) to extend to the officers, warrant officers, petty officers, seamen and others, and marines of the United States Navy, the provisions of the joint resolution approved July 12, 1862, and the act approved March 3, 1863, and the joint resolution approved May 2, 1896.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. Let it be read for information.

The Secretary read the joint resolution; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported from the Committee on Naval Affairs with an amendment, in line 14, before the word "rosettes," to insert "medals;" so as to make the proviso read:

Provided, That the Secretary of the Navy shall be charged with the distribution of medals, rosettes, and ribbons to the officers and others of the Navy who may receive the medal of honor.

The amendment was agreed to.

Mr. COCKRELL. Let the report be read.

The Secretary read the report submitted by Mr. McMILLAN February 2, 1898, as follows:

The Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 19) to extend to the officers, warrant officers, petty officers, seamen and others, and marines of the United States Navy the provisions of the joint resolution approved July 12, 1862, and the act approved March 3, 1863, and the joint resolution approved May 2, 1896, make a favorable report upon the same.

The object of this joint resolution is to provide for the issue of a medal of honor, with the proper rosette and ribbon, to such officers and men of the Navy as may have heretofore or shall hereafter distinguish themselves by their gallantry in action.

Every naval or military service in the world recognizes the value of distinguishing in some manner those who have displayed special gallantry or heroism while serving their country in battle. A medal of honor has been granted to the officers and men of our Army as a form of recognition most suitable to the traditions of our country, and it seems most suitable to extend this to the officers and men of our Navy.

During the late war the thanks of Congress were conferred many times upon individuals and, collectively, upon the officers and men of the various squadrons for brilliant and decisive victories. This medal, although of small intrinsic value, would be highly prized as a distinctive recognition of their gallantry in action by those upon whom it should be conferred and by their descendants, and would serve to encourage others to emulate their example should the country again require similar services.

This resolution is earnestly advocated by the officers and men of the Navy as a measure of justice that will equalize the laws and place the sailor in the same light with the soldier in the eyes of his countrymen. The resolution was referred to the Secretary of the Navy for examination and report, and has the favorable indorsement from the Navy Department, as follows:

NAVY DEPARTMENT, *Washington, April 1, 1897.*

SIR: Referring to S. R. 19, joint resolution to extend to the officers, warrant officers, petty officers, seamen and others, and marines of the United States Navy the provisions of the joint resolution approved July 12, 1862, and the act approved March 3, 1863, and the joint resolution approved May 2, 1896, and to the committee's request of the 27th ultimo to be advised as to the views of the Department in regard thereto, I have the honor to state that, after careful consideration of this resolution, which is intended to place the enlisted men of the Navy on the same footing as those of the Army with regard to medals of honor, etc., the Department considers it eminently proper that this resolution should be enacted into law, and therefore recommends the same to the favorable consideration of the committee.

Very respectfully,

JOHN D. LONG, *Secretary.*

THE CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9878) for the better organization of the line of the Army of the United States.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5880) to vest in the Commissioners of the District of Columbia control of street parking in said District;

A bill (H. R. 6460) for the relief of Galen C. Greene;

A bill (H. R. 8063) to amend "An act for the preservation of the public peace and protection of property in the District of Columbia," approved July 29, 1892; and

A bill (H. R. 9414) for the relief of Mathilda Akerblom Molin.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 9878) for the better organization of the line of the Army of the United States; and it was thereupon signed by the Vice-President.

ORGANIZATION OF THE LINE OF THE ARMY.

On motion of Mr. COCKRELL, it was

Ordered, That 5,000 copies of House bill 9878, for the better organization of the line of the Army of the United States, be printed.

FRANCISCO V. DE COSTER.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 2035) for the remuster of Francisco V. De Coster as captain of Companies A and D, Mississippi Marine Brigade Cavalry Volunteers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That Francisco V. De Coster shall be held and considered to have been mustered into the service of the United States as a captain in the First Battalion of Cavalry, Mississippi Marine Brigade, on the 8th day of July, 1863, and to have served as such continuously thereafter until he was mustered out of service on the 29th day of August, 1864, and he shall be entitled to the pay and allowances of a captain of cavalry for the period comprised between said dates: *Provided*, That the pay and allowances actually received by him for the period covered by this act shall be deducted from the sum otherwise to be paid thereunder.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEON GODCHAUX AND ARTHUR LEGENDRE.

Mr. McENERY. I ask consent to call up the bill (S. 4010) confirming land title to Leon Godchaux and Arthur Legendre.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That the United States renounces and relinquishes all right and title held under the treaty of cession of date April 30, 1803, to the following described lands in the southeastern district of Louisiana: Sections or lots Nos. 37 and 38, in township 16 south, of range 18 east; lot or section 111, in township 15 south, of range 18 east; lot or section 32, in township 16 south, of range 19 east; lots or sections 35 and 36, in township 15 south, of range 19 east, west of the Mississippi River, in the parish of Lafourche, said lands being known and designated as above described in the surveys of the United States for the southeastern district of Louisiana.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill in renunciation of all right and title by the United States to certain lands in Louisiana."

PROTECTION OF FISH IN THE DISTRICT OF COLUMBIA.

Mr. PROCTOR. I ask unanimous consent to call up the bill (H. R. 6161) for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River in said District, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, in line 16, section 2, page 2, to strike out the words "or striped bass (otherwise known as rockfish);" in line 21, to strike out "which shall not include the taking of fish" and insert "nor catch nor kill any of the aforesaid species;" and in line 23, after the word "lines," to insert "having a succession of hooks or devices;" so as to make the section read:

SEC. 2. That no person shall catch or kill in the waters of the Potomac River or its tributaries within the District of Columbia any black bass (otherwise known as green bass and chub), crappie (otherwise known as calico bass and strawberry bass), between the 15th day of April and the 1st day of June of each year, nor have in possession nor expose for sale any of said species between the dates aforesaid, nor catch or kill any of said species of fish at any other time during the year except by angling, nor catch nor kill any of the aforesaid species by what are known as out lines or trot lines, having a succession of hooks or devices.

The amendment was agreed to.

Mr. GEAR. I ask that the section regarding the closed time be read again.

The Secretary read as follows:

SEC. 2. That no person shall catch or kill in the waters of the Potomac River or its tributaries within the District of Columbia any black bass (otherwise known as green bass and chub), crappie (otherwise known as calico bass and strawberry bass), between the 15th day of April and the 1st day of June of each year.

Mr. GEAR. I move to amend the bill by inserting the "1st day of April" instead of the 15th, so as to increase the duration of the closed season.

Mr. PROCTOR. I have no objection to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THE CIVIL SERVICE.

Mr. HARRIS. I ask unanimous consent for the consideration of the bill (S. 3256) in reference to the civil service and appointments thereunder.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Civil Service and Retrenchment with amendments.

The first amendment was, in section 1, line 7, after the word "provide," to strike out:

Or otherwise (and excepting only such appointments as are provided by the Constitution of the United States to be otherwise made, or made as now provided by law on nomination by the President, subject to confirmation by the Senate, or the chief deputy, chief clerk, or one holding a strictly confidential relation to the appointing power).

And in line 24, after the word "hearing," to strike out:

Nor shall the positions they may hold be abolished: *Provided, however*, That persons so preferred, or any such being in the Government employ at the time of the passage of this act, and receiving a compensation, wage, or salary of $1,200 per year or over, they being pensioners of the Government, shall surrender their right thereto, and such pension shall not be paid them thereafter while they remain in said employ receiving compensation, wage, or salary therefor.

So as to make the section read:

That in every Executive Department of the United States Government, and in each and every branch thereof, whether reached by competitive or noncompetitive examinations under the civil-service laws (in which case the rules and regulations affecting the same shall so provide) honorably discharged soldiers, sailors or marines, who served as such between April 12, 1861, and August 20, 1865, shall be certified and preferred for appointment to and retention in employment in the public service, and for promotion therein; age, loss of limb, or other physical impairment which does not in fact incapacitate, shall not disqualify them, provided they possess the business capacity necessary to discharge the duties of the position involved. And persons thus preferred shall not be removed from their positions except for good cause, upon charges and after a hearing.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That all officials or other persons having the power of certification for appointment to or of employment and promotion in the public service, as set forth in section 1 of this act, are charged with a faithful compliance with its terms, both in letter and in spirit, and a failure therein shall be a misdemeanor, and on conviction punishable as such, either through information laid or by indictment in the courts of the United States having jurisdiction.

The amendment was agreed to.

Mr. ALLISON. I desire to ask the Senator in charge of the bill whether in the amendments proposed they have stricken out that portion of the bill which prevents the abolition of an office?

Mr. PRITCHARD. That is stricken out.

Mr. ALLISON. I now notice that the words "nor shall the positions they may hold be abolished" are stricken out. I thought perhaps that was an unwise provision, and I see the committee recommend that it be stricken out.

Mr. HARRIS. It has been stricken out.

Mr. PRITCHARD. Yes; it has already been stricken out.

Mr. COCKRELL. Now let the bill be read as it has been amended.

The Secretary read as follows:

Be it enacted, etc., That in every Executive Department of the United States Government, and in each and every branch thereof, whether reached by competitive or noncompetitive examinations under the civil-service laws (in which case the rules and regulations affecting the same shall so provide), honorably discharged soldiers, sailors, or marines who served as such between April 12, 1861, and August 20, 1865, shall be certified and preferred for appointment to and retention in employment in the public service, and for promotion therein; age, loss of limb, or other physical impairment which does not in fact incapacitate, shall not disqualify them, provided they possess the business capacity necessary to discharge the duties of the position involved. And persons thus preferred shall not be removed from their positions except for good cause, upon charges and after a hearing.

SEC. 2. That all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

SEC. 3. That this act act shall take effect immediately.

Mr. ALLISON. I hope that the last section, declaring that the proposed act shall go into effect immediately, will be stricken out.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Iowa that section 3 be stricken out.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. CRABTREE.

Mr. COCKRELL. I ask unanimous consent to call up the bill (S. 4164) for the correction of the military record of James M. Crabtree.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to correct the military record of James M. Crabtree, late private Company D, Thirty-second Regiment Missouri Infantry, by removing therefrom the charge of desertion and substituting therefor "Absented himself without proper authority," etc.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN R. LEONARD.

Mr. COCKRELL. I ask unanimous consent to put upon its passage the bill (S. 4165) for the correction of the military record of John R. Leonard.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to correct the military record of John R. Leonard, private of Company D, Thirty-second Regiment Missouri Infantry, by removing therefrom the charge of desertion and substituting therefor "Absented himself without proper authority," etc.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT IN HONOR OF SAMUEL HAHNEMANN.

Mr. GALLINGER. I ask unanimous consent for the consideration of the joint resolution (S. R. 48) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on the Library with an amendment, in line 7, after the word "Columbia," to insert "other than the Capitol or Library grounds;" so as to make the joint resolution read:

Resolved by the Senate and House of Representatives, etc., That permission be, and the same is hereby, granted the Hahnemann monument committee of the American Institute of Homeopathy to erect a monument in honor of Samuel Hahnemann in such place in the city of Washington, D. C., other than the Capitol or Library grounds, as shall be designated by the officer in charge of the new Library building, the Joint Committee on the Library, and the chairman of the monument committee; and the sum of $4,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the building of a foundation upon which to place said monument; said monument to be presented to the people of the United States by the American Institute of Homeopathy, kindred associations, and citizens.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD KING.

Mr. CLARK. I ask unanimous consent for the present consideration of the bill (S. 133) for the relief of Richard King. The bill was up several mornings ago, and the report was read at that time.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 6, before the word "thousand," to strike out "five" and insert "three;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Richard King, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, being compensation in full for expenses incurred and permanent injury sustained by said Richard King by reason of being shot by the gross carelessness and neglect of a soldier of the United States Army.

Mr. COCKRELL. Let the report be read.

Mr. FRYE. It has been read once, and the bill has heretofore been read.

Mr. CLARK. I will state that the report was read on the 20th instant, and appears in the RECORD of that date.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POSTMASTER AT WASHINGTON, D. C.

Mr. CHANDLER. I ask for the present consideration of the bill (S. 2017) fixing the salary of the postmaster at Washington, D. C.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the salary of the postmaster at the city of Washington, D. C., shall be $6,000 per annum, beginning the 1st day of July, 1898.

Mr. COCKRELL. I should like to have some explanation. Let the report be read in that case. I believe there is a report.

Mr. CHANDLER. I will state it briefly.

Mr. COCKRELL. Or let an explanation be made.

Mr. CHANDLER. If the Senator will waive the reading of the report, I will state it briefly.

There is so much free matter in the city of Washington that the case is exceptional. If it were not for free matter the receipts of the office would give the postmaster $6,000, as several other offices in the country have receipts which give the postmasters $6,000. It is the enormous quantity of free matter with the receipts less than the amount required to give the salary under existing law which makes this an exceptional case. The receipts almost give the amount of $6,000, as the report will show. But under the circumstances it is thought by the Committee on Post-Offices and Post-Roads that this special bill ought to pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OFFICERS OF STEAM VESSELS.

Mr. FRYE. I ask leave to call up the bill (S. 4391) to amend section 4445, of Title LII, of the Revised Statutes of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 4445 of Title LII, of the Revised Statutes, by adding thereto the following paragraphs:

Every applicant for license as either master, mate, pilot, or engineer under the provisions of this title shall make and subscribe to an oath or affirmation, before one of the inspectors referred to in this title, to the truth of all the statements set forth in his application for such license.

Any person who shall make or subscribe to any oath or affirmation authorized in this title and knowing the same to be false shall be deemed guilty of perjury.

Every licensed master, mate, pilot, or engineer who shall change, by addition, interpolation, or erasure of any kind, any certificate or license issued by any inspector or inspectors referred to in this title, shall, for every such offense, upon conviction, be punished by a fine of not more than $500 and by imprisonment at hard labor for a term not exceeding three years.

Mr. FRYE. I move to strike out section 2, in the following words:

SEC. 2. That this act shall take effect immediately.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 4445, of Title LII, of the Revised Statutes of the United States, relating to licensing officers of steam vessels."

SYLVESTER H. MASE.

Mr. HAWLEY. I ask unanimous consent to call up the bill (H. R. 3608) removing the charge of desertion from the record of Sylvester H. Mase, a musician, Fifty-sixth New York Infantry.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

P. F. DUNDON.

Mr. WHITE. I ask unanimous consent for the present consideration of the bill (S. 3361) for the relief of P. F. Dundon, of San Francisco, Cal.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to remit to P. F. Dundon, of San Francisco, Cal., the penalty imposed under the contract for the construction of Grays Harbor light, Washington, and appropriates $2,900 for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY BIEDERBICK AND OTHERS.

Mr. SHOUP. I ask for the present consideration of the bill (S. 3323) to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, in line 8, after the word "allowances," to insert "from and after the passage of this act," and to strike out the proviso at the end of the bill in the following words:

Provided, That said pay and allowances shall be in lieu of any and all pensions that may have heretofore been granted to the persons hereinbefore named.

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to

cause Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell, survivors of the Lady Franklin Bay Expedition, to be enlisted as first-class sergeants of the Signal Corps of the Army, and to place them on the retired list of the Army with the pay and allowances, from and after the passage of this act, of sergeants of the Signal Corps who have been retired after continuous active service of fifteen years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUIT AGAINST MORRIS AND OTHERS.

Mr. BAKER. I ask unanimous consent for the consideration of the bill (H. R. 3963) to permit certain parties to intervene in the equity cause of the United States against Morris and others, pending in the supreme court of the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

QUARANTINE REGULATIONS.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2680) amending "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893.

Mr. FAULKNER. As the Senator from Louisiana [Mr. CAFFERY] is absent, I ask that the unfinished business be temporarily laid aside, without losing its place.

The VICE-PRESIDENT. If there be no objection, the unfinished business is laid aside. The Chair lays before the Senate bills from the House of Representatives for the purpose of reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 5880) to vest in the Commissioners of the District of Columbia control of street parking in said District;

A bill (H. R. 6460) for the relief of Galen E. Green;

A bill (H. R. 8063) to amend "An act for the preservation of the public peace and protection of property in the District of Columbia," approved July 29, 1892; and

A bill (H. R. 9414) for the relief of Mathilda Akerblom Molin.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 2 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 27, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 26, 1898.

SECRETARY OF STATE.

William R. Day, of Ohio, to be Secretary of State, vice John Sherman, resigned.

ASSISTANT SECRETARY OF STATE.

John B. Moore, of New York, to be Assistant Secretary of State, vice William R. Day, who has been nominated to be Secretary of State.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 26, 1898.

SECRETARY OF STATE.

William R. Day, of Ohio, to be Secretary of State.

CONSULS.

Frederick H. Allison, of New York, to be consul of the United States at Tegucigalpa, Honduras.

Hans J. Smith, of South Dakota, to be consul of the United States at Port Louis, Mauritius.

SURVEYOR OF CUSTOMS.

Charles H. Ross, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa.

PENSION AGENT.

Augustus J. Hoitt, of Lynn, Mass., to be pension agent at Boston, Mass.

POSTMASTERS.

Moses P. Stiles, to be postmaster at Norway, in the county of Oxford and State of Maine.

George W. Stearns, to be postmaster at Rumford Falls, in the county of Oxford and State of Maine.

Winchester G. Lowell, to be postmaster at Auburn, in the county of Androscoggin and State of Maine.

John Lovejoy, to be postmaster at Rockland, in the county of Knox and State of Maine.

Hiram A. Huse, to be postmaster at Bath, in the county of Sagadahoc and State of Maine.

REJECTION.

Executive nomination rejected by the Senate April 26, 1898.

NAVAL OFFICER OF CUSTOMS.

Henry Domas, of Louisiana, to be naval officer of customs in the district of New Orleans, in the State of Louisiana.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 26, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

INVESTIGATION OF TELEPHONE AND GAS COMPANIES IN THE DISTRICT OF COLUMBIA.

Mr. GROUT. Mr. Speaker, I ask unanimous consent that the select committee to investigate the telephone and gas companies of the District of Columbia have leave to sit during the sessions of the House.

There was no objection.

CORRECTION OF A VOTE.

Mr. CODDING. Mr. Speaker, I would like to ask a correction of the RECORD. My name appears on the roll call on yesterday as voting, and also as being paired with the gentleman from Mississippi [Mr. WILLIAMS]. The circumstance is due to my own inadvertence. I wish therefore to appear as present but not voting.

The SPEAKER. The Chair thinks the gentleman will have to be content with the mere verbal statement of the correction under the circumstances.

Mr. CODDING. I am content, Mr. Speaker, with the matter as it stands.

WAR TARIFF.

Mr. DINGLEY. Mr. Speaker, I am instructed by the Committee on Ways and Means to report back favorably the bill (H. R. 10100) to provide ways and means for war expenditures, with certain amendments and with favorable recommendation, which I ask to be referred to the Calendar of the Committee of the Whole House on the state of the Union.

The SPEAKER. The bill reported by the gentleman from Maine from the Committee on Ways and Means will be printed and referred to the Calendar of the Committee of the Whole House on the state of the Union.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent that the minority of the committee may have until to-morrow to file their views.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DINGLEY. Mr. Speaker, I desire in this connection to give notice that by an arrangement with the minority of the committee this bill will be called up for general debate to-morrow, immediately after the reading of the Journal; that the general debate will continue to-morrow and the next day, and that the bill will then be reported to the House with such amendments as may have been agreed to in Committee of the Whole, and a vote taken at 4 o'clock in the afternoon of Friday. This is an agreement concurred in by all of the members of the committee.

I ask the House to make this order.

Mr. GROSVENOR. The gentleman should state further that the voting on amendments will begin on Friday at 12 o'clock.

Mr. DINGLEY. I wish to give notice to the members of the House that the voting on such amendments as may be offered under the five-minute rule will begin on Friday at 12 o'clock. I make this announcement in order that gentlemen may be present at that time.

I ask the House, furthermore, to agree to an arrangement made by the members of the committee that sections 27 and 28 in the bill, referring to loans, shall be first taken up and considered under the five-minute rule. I make this by request of the minority of the committee.

The SPEAKER. The Chair will put the proposition of the gentleman from Maine——

Mr. BRUMM. I suggest that Tuesday be substituted instead of Friday for Private Calendar for all purposes, night and day.

Several MEMBERS. Let this matter be arranged first.

Mr. DINGLEY. I make that request, Mr. Speaker.

The SPEAKER. The gentleman from Maine, on behalf of the Committee on Ways and Means, asks unanimous consent that the House go into Committee of the Whole House on the state of the Union immediately after the reading of the Journal to-morrow; that general debate upon the bill just reported by him shall then commence and continue until the close of the session on Thursday, and that at the beginning of the session on Friday the debate under the five-minute rule shall begin, with the right to offer amendments, beginning with sections 27 and 28, and that the bill shall be reported to the House at 4 o'clock on that day with all amendments, and a vote then be taken.

Mr. BRUMM. And coupled with that, that Tuesday be substituted for Friday——

The SPEAKER. The Chair will put that request separately.

Mr. LACEY. Would that cut off amendments to other paragraphs of the bill?

The SPEAKER. It would not if they are reached.

Mr. LACEY. But to the previous paragraphs of the bill it may be desired to offer amendments.

Mr. WHEELER of Kentucky. I should like to inquire if it is intended to have evening sessions during the general debate on Wednesday and Thursday?

Mr. BAILEY. It is if they are desired. That is the understanding.

Mr. WHEELER of Kentucky. I think we ought to have evening sessions, so as to give greater opportunity for debate.

The SPEAKER. Is there objection to the proposition of the gentleman from Maine?

There was no objection.

Mr. DINGLEY. Now, Mr. Speaker, at the request of the minority, I ask further consent that the session to-morrow and Thursday commence at 10 o'clock in the morning.

Mr. STEELE. That was not agreed upon in the committee.

Mr. DINGLEY. The gentleman says that was not agreed upon. My request is, then, that there be evening sessions to-morrow evening and Thursday, for debate only, on this bill.

The SPEAKER. The gentleman from Maine asks unanimous consent that evening sessions be held. Does the gentleman desire to specify the time?

Mr. DINGLEY. To begin at 8 o'clock and to close at 10.30 o'clock in the evening.

The SPEAKER. On Wednesday and Thursday evening, that the House shall take a recess at 5 o'clock until 8 o'clock, the evening sessions to continue until 10.30 o'clock for debate only. Is there objection?

There was no objection.

Mr. BRUMM. I now ask unanimous consent that next Tuesday be substituted for Friday for the day and evening session.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that next Tuesday may be substituted for Friday, including the evening session.

Mr. BAILEY. Would it satisfy the gentleman from Pennsylvania to make that Saturday instead of Tuesday?

Mr. BRUMM. We can not get a quorum on Saturday. That has been our experience. The Richmond Locomotive Works bill will be up.

Mr. BAILEY. I should prefer Saturday, but will not interfere with the request.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none.

Mr. DOCKERY. That includes the evening session?

The SPEAKER. An evening pension session will be held.

Mr. RICHARDSON. I submit that the Chair did not include in the proposition the meeting at 10 o'clock.

The SPEAKER. The Chair did not understand that that was included in the proposition of the gentleman from Maine as finally submitted.

Mr. RICHARDSON. It was not submitted.

The SPEAKER. The Chair understood it was withdrawn.

Mr. RICHARDSON. Did the gentleman intend to include that request?

Mr. DINGLEY. I understand it is not desired.

Mr. BAILEY. That was desired, but there was objection to it in the committee, and, Mr. Speaker, it was purposely left open, so that if it is ascertained that it is necessary, why there will be an effort made to reach an agreement of that kind.

COPIES OF THE MILITARY ESTABLISHMENT BILL.

Mr. PERKINS. Mr. Speaker, I desire to present a privileged report from the Committee on Printing.

The SPEAKER. The gentleman from Iowa [Mr. PERKINS] desires to present a resolution.

The resolution was read, as follows:

Resolved, That there be printed of public act No. 67, "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, 30,000 additional copies, the same to be distributed through the folding-room of the House of Representatives.

Mr. PERKINS. This is privileged, Mr. Speaker.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:

H. R. 9378. An act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes.

The message also announced that the Senate had passed the following concurrent resolution; in which the concurrence of the House was requested:

Senate Con. Res. No. 37. Concurrent resolution directing the Secretary of War to prepare and submit plans, specifications, and estimates for the improvement of Aransas Pass Harbor, Texas.

The message also announced that the Senate had passed with amendment the bill (H. R. 2762) granting a pension to Mary C. Case, asked a conference with the House on the bill and amendment, and had appointed Mr. GALLINGER, Mr. KYLE, and Mr. MITCHELL as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9878) for the better organization of the line of the Army of the United States disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAWLEY, Mr. PROCTOR, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7337. An act for the removal of suits from the courts of the State of Texas to the courts of the United States in the State of Texas;

H. R. 7748. An act to provide for the survey of Elk River, in Tennessee and Alabama;

H. R. 8819. An act granting a pension to Gemima Millsap;

H. R. 8602. An act for the relief of Charlotte J. Gottwals from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

H. R. 9552. An act permitting the building of a dam across Rainy Lake River;

H. R. 2850. An act granting a pension to Sarah Spangler; and

H. R. 3025. An act increasing the pension of William S. Demott.

SENATE RESOLUTION AND HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, Senate resolution and House bill with Senate amendments were taken from the Speaker's table and referred to their appropriate committees as indicated below:

Senate Con. Res. No. 37. Concurrent resolution directing the Secretary of War to prepare and submit plans, specifications, and estimates for the improvement of Aransas Pass Harbor, Texas—to the Committee on Rivers and Harbors.

H. R. 9378. An act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, with Senate amendments—to the Committee on Naval Affairs.

RIGHT OF WAY OVER GRAND CANYON FOREST RESERVE IN ARIZONA.

Mr. SMITH of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9956) granting the Santa Fe and Grand Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona.

The bill was read, as follows:

Be it enacted, etc., That the Santa Fe and Grand Canyon Railroad Company, a corporation created and existing under the laws of the Territory of Arizona, is authorized to construct and maintain a railroad over and through the Grand Canyon Forest Reserve (heretofore reserved from entry or settlement and set apart as a public reservation by Benjamin Harrison, President of the United States, by proclamation of date the 20th day of February, 1893), said railroad to enter the said Grand Canyon Forest Reserve at such a point on the southern boundary of said reserve in Coconino County, Ariz., as may be found to be the most feasible for the route of said railroad, running in a northerly direction from Williams, Ariz.; thence proceeding by the most practicable route through a point at or near Lombard and the Bright Angel Trail to the Indian Gardens, and from said Bright Angel Trail in an easterly direction to the Little Colorado River; also to proceed by such side tracks, extensions, switches, and spurs as may be necessary to reach the various groups of mines in said forest reserve, all in said Coconino County; said right of way being granted subject to the rules and restrictions and carrying all the rights and privileges of an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, said act being hereby made applicable to the right of way hereby granted: *Provided*, That no timber shall be cut by said railroad company for any purpose outside of the rights of way herein granted.

Mr. MCEWAN. I reserve an objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SMITH of Arizona. The gentleman from New Jersey reserves an objection, in order that I may make an explanation.

In making the Grand Canyon Forest Reserve, in mapping it in an office without examination, they took in a great amount of ordinary desert country with no forest upon it at all. Now, in order to

get this right of way we have to come to Congress, because the country through which the right of way runs is included in the forest reservation. So we have to come to Congress for the privilege of passing over this desert ground. If it was not for this reservation, we could do so under the general law applicable to rights of way over the public land. This does not, in fact, affect any forest reserve or a tree upon it. It is only giving the right of way to allow this railroad to get from the Grand Canyon of the Santa Fe over to the Colorado River.

Mr. LACEY. There is a provision attached to the bill which prevents the cutting of timber outside of the right of way. Under the general right-of-way act for a railway over the public land they could go outside and cut timber. This limits it to the right of way.

Mr. McEWAN. Has this bill been recommended by the Secretary of the Interior?

Mr. LACEY. Yes; and unanimously reported by the Committee on Public Lands.

Mr. SMITH of Arizona. I saw the Commissioner of the Public Land Office and talked to him about it, and he said there was no reason on earth why it should not go.

Mr. LACEY. It leads to the scenery of the Grand Canyon of Colorado.

Mr. McEWAN. Is it a park?

Mr. LACEY. No; it is simply a forest reservation.

Mr. McEWAN. I withdraw objection.

The SPEAKER. Is there further objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HARTMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

[Cries of "Regular order!"]

REPRINT OF REVENUE BILL.

Mr. DINGLEY. Before that is done, I understand that the print of the war-revenue bill has been exhausted, and there is a desire on the part of many members that additional copies be printed. I ask unanimous consent that there be printed 5,000 copies of this bill, to be distributed proportionately to Members and Delegates.

Mr. DOCKERY. Does that include the amendments?

Mr. DINGLEY. The bill as reported.

The SPEAKER. The gentleman from Maine asks unanimous consent that 5,000 copies of the revenue bill just reported, as reported, be printed for the use of Members and Delegates, to be divided proportionately. Is there objection? [After a pause.] The Chair hears none.

CONTESTED ELECTION—WISE AGAINST YOUNG.

Mr. MESICK. Mr. Speaker, I yield to the gentleman from Texas.

Mr. BURKE. Mr. Speaker, I would ask how much time has been consumed on this side?

The SPEAKER. Two hours and five minutes.

Mr. BURKE. Two hours and five minutes on this side. How much on that side?

The SPEAKER. One hour and forty minutes.

Mr. BURKE. Then, Mr. Speaker, I yield so much time as the gentleman from Missouri may desire in extending his remarks begun yesterday.

[Mr. DE ARMOND addressed the House. See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9878) for the better organization of the line of the Army of the United States.

BETTER ORGANIZATION OF THE LINE OF THE ARMY OF THE UNITED STATES.

Mr. HULL. Mr. Speaker, I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9878) for the better organization of the line of the Army of the United States.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9878) for the better organization of the line of the Army of the United States having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 4, and agree to the same.

J. A. T. HULL,
B. F. MARSH,
N. N. COX,
Managers on the part of the House.

JOS. R. HAWLEY,
REDFIELD PROCTOR,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. HULL. Mr. Speaker, I ask that the statement be read.

The statement was read, as follows:

The conferees on H. R. 9878 have come to full agreement, as follows:

The House recedes from its disagreement to amendment numbered 1. This amendment prescribes that the companies, troops, and batteries shall, so far as practicable, contain the number of men provided for in this act, and authorizes a battalion of three such companies, and regiments of not less than ten nor more than twelve such companies, and limits the entire proviso to company, troop, battery, battalion, and regimental organizations. By the Senate amendment it is made to conform to the volunteer bill recently passed by Congress, and makes clear what the House intended by its own proviso. The "provided further" gives volunteer troops a hospital steward for each battalion in the volunteer organizations.

The House recedes from its disagreement to amendment numbered 2, giving the organization of the Signal Corps by direct enlistment and is made necessary by the fact that the present Signal Corps is made up by details of men in the Regular Army. Those men now serving in the Signal Corps are being ordered to rejoin their companies, and the result of it is additional legislation is necessary to have an organized Signal Corps in time of war.

The Senate recedes from amendment numbered 3, which provides for the employment of officers on the retired list being placed on active duty in time of war other than in command of troops. The conferees believe it would be better not to disturb the retired list in any sense whatever.

The House recedes from its disagreement to the fourth amendment, which simply provides one additional method of disposing of surplus officers on the conclusion of hostilities.

J. A. T. HULL,
B. F. MARSH,
N. N. COX,
Managers on the part of the House.

Mr. HULL. Now, Mr. Speaker, I move that the House adopt the report of the conference committee.

The conference report was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. HULL. Mr. Speaker, I now ask unanimous consent that 5,000 copies of this bill as passed and agreed upon by both Houses be printed and distributed to the folding room.

Mr. COX. Mr. Speaker, I would like to have the chairman include in that a certain number of the volunteer bill.

Mr. HULL. That has already been done.

The SPEAKER. The gentleman from Iowa asks unanimous consent that 5,000 copies be printed of House bill 9878. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, is that the maximum number of copies that can be printed under the rules? Inasmuch as 5,000 copies would give but about 15 to each member, I do not think it would be sufficient.

Mr. DOCKERY. How many were printed of the other bill?

The SPEAKER. Five thousand.

CONTESTED-ELECTION CASE—WISE VS. YOUNG.

Mr. MESICK. Mr. Speaker, I yield such time as the gentleman from Indiana [Mr. CRUMPACKER] may desire to occupy.

Mr. CRUMPACKER. Mr. Speaker, I will occupy the attention of the House for a short time only in the discussion of two or three features of this case. It has many phases and is somewhat complicated in detail; and I hope I may be able to explain, in a comparatively brief time, two phases of the case that are vital to the rights of the parties, and will control the result of the contest before this body.

The gentleman in charge of the case on behalf of the contestee criticised to some extent some expressions used in the report of the committee. He insisted that the committee was unnecessarily harsh in characterizing the conduct of some of the election officials of Virginia as fraudulent, and that some of the conclusions were unduly emphatic in declaring that fraud was conclusively established in connection with the election in question.

The gentleman also contended that it was a matter of no consequence that the election boards were composed entirely of Democrats in a number of precincts in the Second district, because the State of Virginia, by express provision of its legislature, declares that if the electoral boards shall not select members of the election boards from different political parties that fact shall not invalidate the election. He says that by virtue of that act of the legislature it is a matter of no consequence how election boards are composed, and that the House shall not consider that circumstance in the determination of the questions involved in this contest.

Mr. BURKE. Will the gentleman allow me a question?

Mr. CRUMPACKER. Certainly.

Mr. BURKE. There were 115 election precincts of the Second Congressional district of the State of Virginia. Now, I want the gentleman to state to the House how many of these election precincts were shown by proof to have had only Democratic officials on the election board. I ask the gentleman to state how many districts were shown to have been exclusively under Democratic control.

Mr. CRUMPACKER. Well, I have not the exact number in mind——

Mr. BURKE. Well, I can tell the gentleman, if he does not know.

Mr. CRUMPACKER. That may be, but it is not denied that some of them were so constituted. It is conceded that there were a number, and that fact is a potent circumstance in connection

with other facts in determining the question of fraud. That there were any of them is a circumstance to be considered.

I believe, and everybody will concede, that if at all of the voting precincts in the Second Congressional district of Virginia there had been no Republican representative on the various election boards, that alone would be sufficient to condemn the returns at every poll in the district. It would be convincing evidence of a conspiracy to control the result of the election by unfair means.

But where the omission occurs in a limited number of cases, where it is not systematic throughout the district, it is not alone sufficient to warrant the rejection of the returns. But whenever an election board is composed of members of one party only it is a circumstance to be considered in connection with other circumstances in determining whether fraud was perpetrated, and it is a most cogent item of evidence tending to prove fraud.

The rule is recognized all over the country that where an election board is composed entirely of the members of one political party it only requires a modicum of evidence in addition to warrant the inference of fraud, and the enactment of the Virginia legislature upon the subject has no force, but is simply declaratory of a principle of law which has existed ever since the organization of the Government—a principle that has existed ever since the establishment of republican institutions.

It has never been held that the occasional omission of this important safeguard is fraud per se, but a systematic omission at every precinct in a county or a district is adequate proof of conspiracy. The occasional omission of opposition members upon election boards is recognized everywhere as a circumstance that may be considered as bearing upon the question of fraud, and that is all the committee contends for in this case.

Now, I desire to call the attention of the House to two questions presented by the report. On page 10 of the report is a table showing the vote at 14 precincts, and at those precincts the entire vote cast was 3,707. The vote counted was 2,478, showing a rejected vote of 1,229, or about one-third of the entire vote cast. Of the votes that were counted, contestee received 1,735 and contestant received 634. The evidence proves beyond fair question that at least 1,229 electors voted for contestant—more than double the number counted for him—and 976 of these voters testified not only that they voted for him, but that they did not trust themselves to prepare their ballots, but went to the marking judge, the man who was appointed and sworn to perform that delicate and important duty, and had him do the marking for them. More than 900—about 400 more than contestant received at those 14 precincts—testified to that.

At the Adams Grove precinct, in Southampton County, the whole vote cast was 102. The vote counted for Congressional candidates was 49. Fifty-three votes, or more than one-half the entire poll at that place, were excluded because they were mismarked. Forty-five were counted for contestee and only 3 for contestant, and yet there were 55 witnesses who went upon the witness stand and testified that they voted for contestant at that precinct, and 38 of them testified that they went to the judge and had him prepare their ballots for them.

Now, I submit, Mr. Speaker, that no fair-minded man can place any confidence in that sort of election returns. Three votes were counted for contestant at a precinct where 55 men went upon the witness stand and swore they voted for him, and 38 of them testified that they used the precaution to have the election judge prepare their ballots for them, so they would make no mistake.

At Franklin precinct, in the same county, 511 votes were cast. Three hundred and fifty-four were counted. Two hundred and sixty-one were counted for contestee and 89 for contestant, and yet 146 witnesses testified not only that they voted for contestant but that they, each and every one of them, had the marking election judge prepare their ballots, so they might count for McKinley, Hobart, and Wise. And yet he got only 89, 57 less than the number who testified that the judges prepared the ballots for them. At every single one of these 14 precincts more witnesses testified that they voted for contestant, and had the judges prepare the ballots in order that they might do so, than were counted for him, and in the aggregate the number is nearly 400 more. I submit that if that is not conclusive evidence of fraud, I do not understand the meaning of that term.

What shall we do with precincts of that kind? They are utterly discredited. There could be no mistake that would lead to such results. It can be explained only upon the theory that the marking judge willfully and fraudulently mismarked the ballots of the voters; took the advantage of them in that silent, secret chamber, the election booth, where there was no eye to see and no ear to hear. When these helpless, unlettered colored people went to the Democratic marking judge with their suffrages in their hand, he abused his high trust and trampled under foot the sacred duty confided in him and stole from the helpless, confiding electors the votes that they undertook to cast for contestant. There is no other conclusion. The evidence is conclusive upon that subject. Over 900 witnesses testified to it.

Now, under a well-understood principle of law, a rule that is recognized all over this country, the returns at precincts that are tainted with fraud, as these returns are, must be rejected; and then, under another equally well-understood and well-settled principle of law, the parties are left without official evidence of the vote, and the vote that is proven aliunde, and that only, can be counted. At these 14 precincts the net gains to the contestant would be 1,696 by the rejection of the returns under principles well recognized over the country.

At 29 other precincts there were excluded nineteen hundred and odd votes, excluded because the facilities for voting were not such that they could exercise the privilege. There were sixty-nine and a fraction votes to the precinct thus excluded. Yet gentlemen say that these votes ought not to be counted. The evidence shows beyond contradiction that at the 29 precincts there were substantially 2,000 American citizens, men who possessed the right to vote, who went to the polls and attempted to exercise that right, attempted to vote for contestant, but could not, because, it is said, the facilities were inadequate!

The record gives abundant evidence of fraud, delay, discriminations that impeach the good faith of every one of those precincts. But it is a matter of no consequence in this connection whether the votes were excluded because of the fraud of the election officers or because the administrative officers in the State omitted to furnish adequate facilities to accommodate them all.

At the First precinct of the Fourth Ward in the city of Norfolk there is a registered vote of 1,100 colored and 400 white. In one precinct over 1,500 voters! The ballot was a long one, containing the names of about 70 candidates for the various offices, and nine-tenths of the colored voters required the assistance of the marking judge in preparing their ballots.

The act of voting is surrounded by so many impediments that it is morally impossible for a man who is unable to read to vote independently. He must have aid; he must be given instructions. As the law now exists in the State of Virginia, the Democratic election machinery furnishes the assistance. In a single precinct there were over 1,500 registered voters and only 483 were polled. Over 300 stood in line, many of them all day, waiting for an opportunity, clamoring for the privilege of exercising that right which is so dear to every American freeman, and they were denied it. Every one of the 800 went upon the witness stand and testified in detail to repeated and persistent efforts they made to vote and to the fact that their efforts were unavailing.

If they had been given the privilege of voting, they would all have voted for contestant. About 2,000 at these 29 precincts were denied the right to vote, and yet gentlemen say we are without remedy and that those votes can not be counted. The rule is well settled by repeated decisions of this House that where one who has a legal right to vote applies in a regular way to the voting precinct and does all in his power to exercise that right and fails through the fault of some one else, that vote may be counted. If a voter loses his vote by his own carelessness or inadvertence and not by misconduct or fraud on the part of the election officers, he can have no cause for complaint; but the rule is otherwise where the vote is excluded by the wrong of election officers.

The case of Waddill against Wise was the pioneer case on this subject, and the gentleman from Missouri, who has just preceded me, said that case went further than was justified by the decisions of the country. I submit that the case is in harmony with the best expression of writers and courts throughout the length and breadth of the country. But in the last Congress, in the case of Aldrich against Underwood, this House declared that votes could be counted under circumstances much less favorable to contestant than are presented in the case under consideration. In that case the official ballots were put in charge of the sheriff on the day before the election, and on the night before the election some one broke into his office and abstracted from the ballot box all the official ballots but 129. There were over 1,200 voters at the precinct.

On the morning of the election it was generally known that the ballots had been stolen, and it was publicly proclaimed at the polls, after the 129 remaining ballots had all been used, that as there were no more ballots, the election would be closed. Many voters went to their homes. About 2 o'clock in the afternoon they procured other ballots, and some 200 or 300 others voted. But it was proven that about 360 voters returned to their homes upon information that the ballots had been stolen, and the contestant, Mr. Aldrich, lost that many of his legitimate party majority at that precinct. The Committee on Elections, in a most elaborate and remarkably able report, recommended the counting of the 360 votes that were lost by reason of the announcement of the election officers that there were no ballots and the election was closed.

Three hundred and sixty were counted upon the estimate of witnesses that that number went to their homes without voting. The House by a decisive majority adopted that report.

Then, in the case of Yost against Tucker in the last House, in the report of the committee, prepared by Mr. MCCALL, a member of the present House, the rule was laid down as follows:

At this precinct thirteen voters testify that they were at the polls during a considerable portion of election day, were in line and desired to vote, and

would have voted for the contestant. There is also evidence showing that a supporter of the contestee, a Federal officeholder, was actively engaged in challenging Republican voters, and that he consumed a large part of the day in asking questions, and thus delayed the voting. It appears from the testimony of the contestee's witnesses that there were not sufficient voting facilities for all who wished to vote. According to the rule laid down in the case of Waddell *vs.* Wise, and McCrary on Elections (third edition, section 523), the contestant should be credited with 13 votes at this precinct.

In that case, Mr. Speaker, this House laid down the rule that men who were denied the right of voting because of inadequate facilities, when that fact was properly proven, should be counted in a contest. That report was approved by a substantial vote of the House and is one of the strongest precedents of a long line made by the decisions of the House.

Now, Mr. Speaker, at the 14 precincts to which I first adverted, the rejection of which is demanded by familiar principles, contestant will gain over 1,600 votes, and by counting the 1,900 excluded, about which there can be no sort of doubt under repeated decisions of the House, it will make a difference of 3,500 or 3,600 votes in the relation of the parties, and will elect the contestant by 1,200 majority. We do not need to speculate about the right of the House to count votes upon certificates or to consider them for any purpose. That question is not involved in the consideration of this case, but upon these two classes of votes alone—votes about which there can be no fair question on the evidence or the law—the contestant should be given his seat without hesitation or delay. [Applause.]

Mr. BURKE (to Mr. MESICK). How much time have you upon that side?

Mr. MESICK. I can not say.

Mr. BURKE. Mr. Speaker, it was my intention to have only one more speech on this side. We have a little over an hour remaining, and I ask the gentleman from Michigan [Mr. MESICK] if he has more than one speech remaining? I do not think it is right and fair that the majority should close with two or three speeches. It has been the universal custom, so far as my limited observation extends, in cases of this sort that the majority opens and concludes, but concludes with only one speech and not by two or three. If the gentleman from Michigan intends that there shall be more than one more speech, I think it is just and fair that he should now proceed.

Mr. MESICK. Mr. Speaker, the time is at the gentleman's disposal, and I have no objection as to how he consumes it, whether he consumes it with one speech or two or three speeches. However, I claim that we have the right upon this side to distribute the time as I may see fit.

The SPEAKER pro tempore (Mr. COUSINS in the chair). The gentleman can distribute the time as he sees fit, but the Chair thinks it is customary to close with one speech only. If the gentleman from Michigan wishes to yield his time for one speech only at the close, it is entirely proper.

Mr. WALKER of Virginia. Mr. Speaker, we can not tell whether one speech will be necessary or more on this side. We can not tell how many may want to reply to it. We do not know yet how many speeches we may yet need.

The SPEAKER pro tempore. The Chair thinks the majority should conclude with one speech, as suggested by the gentleman from Missouri.

Mr. BURKE. The gentleman from Texas.

Mr. WALKER of Virginia. I beg the gentleman's pardon.

Mr. BURKE. I was addressing the Chair and not the gentleman from Virginia.

Mr. WALKER of Virginia. I did not apologize to the gentleman from Texas. I apologized to the State of Missouri.

Mr. BURKE. I expect some apology ought to be made to the State of Virginia on the part of the gentleman.

Mr. MESICK. I would like to inquire if the other side expect to conclude the balance of their time with one speech?

Mr. BURKE. That is my intention at the present time, Mr. Speaker.

Mr. MESICK. I still insist that we have the right to divide the time as we see fit.

Mr. BURKE. Nobody objects to that, but the rule suggested by the Speaker has always been observed, as I understand it.

The SPEAKER pro tempore. The Chair will recognize any gentleman to whom the gentleman from Michigan yields.

Mr. MESICK. Then, Mr. Speaker, I yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I have not found it very beneficial to the elucidation of truth in one of these cases, that the debate should be participated in, as a general rule, outside of the committee that investigated it. The theory of a contested-election case is that the Committee on Elections, to whom the case has been referred, should carefully study the particular case and bring to the knowledge of the House all of the facts and the law, and as a general rule, not always followed, I have seen the House follow the report of the committee. There have been times when this has not been done, and while I have seldom participated in the debate growing out of these controversies, I have observed with a great deal of interest, and regret very often that when the House has deviated from the judgment of the committee, the greatest wrongs have been done.

I have heard in the last twelve or fourteen years a great many contests here, and I have only given to them such passing consideration as I felt it to be my duty as a member of the House; but while I have had strong opinions upon individual cases, I have had much stronger opinions upon the general principles involved in these election contests.

It is a startling and very unpleasant fact to me, that in this House we had at the beginning of this Congress over thirty contests; and the same was true in the Fifty-fourth Congress, and the same, to not quite so full a degree, has been going on ever since I have observed the situation. It has taken a vast amount of time and a great deal of earnest effort through the contests and a great expenditure of money, and in my judgment, without criticising one side more than the other, it has shipwrecked a great many consciences.

What is it that is causing all this? What is the real underlying difficulty that brings to the American House of Representatives upward of thirty contests in the election of 356 members. I look about me to ascertain the cause; and I find that these contests come almost altogether from the States where investigation has shown the statutes of the States themselves are disregarded by the election officers of the States. We have not had a contested-election case from Ohio—or only one—since I have been a member of Congress; and that one turned not upon any question of fraud either at the polls or in the count, but upon the technical question whether certain initials of a candidate were properly given in two or three tickets, the election being so extremely close.

Going over the entire country we find that in those States (and I believe the time has come when a man may speak plainly on that subject)—when those States were cursed, if you please—it is a strong statement for me to make—by the incursion into them of a party that took advantage of the disorganized condition of the country at the close of the war and a condition of disfranchisement of a very large body of the people—in those States these troubles have been maintained. In the States where disregard of law, and I do not propose now to locate who are responsible or who are irresponsible—in those States where controversies arose early and where organizations of men for the purposes of the disregard and overriding of law were made—these contests come from those sections of the country.

They do not come necessarily from Democratic States alone, nor from Republican States alone, for there are some of these States that are always Democratic from which we hear no complaint—seldom from Kentucky, only very seldom from Missouri. Those contests that have happened here from Missouri since I have been a member have been simply those based upon technical grounds, not upon any general allegations made and proved of the general application of fraudulent practices.

Now, coming down to a more direct argument as applicable to this case, by some means or other we find almost universal disapprobation of the results of the elections in the State of Virginia. The gentleman from Texas challenged anybody to charge the people of Virginia with being lawless. Why, I beg the gentleman to understand that I may apply the facts as developed in this line of cases coming from the State of Virginia without being charged with an aspersion upon that State. If the people of Virginia had their way, the law would be enforced. If the law were enforced, we would have none of these contests. The law of Virginia in the case of Wise *vs.* Langston allowed the colored man to have an equal right to vote with the white man; but the fact came to our knowledge that colored men were substantially excluded bodily from the polls; and no man will dispute that who was either a member of the House at the time or who has read the record since.

I believe there never was a case tried in this House that did so much to demoralize and dishonor the application and practices under these election laws of Virginia as the case of Yost *vs.* Tucker. I did not participate in the discussion of that case, but the most overwhelming proof of the organization and conspiracy of fraud was made in that case, and it was all made possible by the refusal of the election officers to carry into execution the will of the people of Virginia.

So my complaint is not that the people of Virginia are dishonest and are not chivalrous and upright, but it is because from some conditions which I can not locate and can not define there has grown up in that State a system first of law and second of disregard for law. I suppose it is not an unjust censure upon the State of Virginia to say that her election law up to the election of members of the Fifty-fourth Congress was a conspiracy of fraudulent purpose on the statute book.

Mr. DE ARMOND. Will the gentleman permit me?

Mr. GROSVENOR. Certainly.

Mr. DE ARMOND. I understood the gentleman to say that he did not participate in the discussion of the case of Yost *vs.* Tucker.

My recollection is that the gentleman did take part in that discussion, that he opposed the report of the committee, and that the House sustained the report.

Mr. GROSVENOR. Oh, no; the House overrode the report of the committee.

Mr. DE ARMOND. No; the House did not.

Mr. GROSVENOR. Oh, yes; it did.

Mr. DE ARMOND. The report was in favor of Mr. Tucker, the contestee. The gentleman from Ohio spoke in behalf of Mr. Yost, the contestant. The House decided that Mr. Tucker was entitled to the seat; and in its decision it seems not to have agreed with the gentleman from Ohio as to wholesale fraud in the election.

Mr. GROSVENOR. Well, I did not remember that I spoke in that case. I am delighted if I did. It preserves an honorable record upon this question. And I may say to the gentleman from Missouri, what I think he will justify in private conversation if not in public, that there has never been any misunderstanding as to how that report was brought about and how that result was effected.

Mr. DE ARMOND. Well, Mr. Speaker, on that point I wish merely to say, without regard to any information which the gentleman from Ohio may have, of which I know nothing, that the report in that committee was brought about by the fairest and best consideration that the committee could give it; and the decision in favor of Mr. Tucker was joined in by as honorable and able men on the gentleman's side of the House as sit here now or sat here then.

Mr. GROSVENOR. I have no doubt about that. I am not casting any aspersions upon anybody.

Mr. DE ARMOND. As to the methods of reaching the conclusion, I wish to say that I was a member of the committee at that time; and so far as I know—the gentleman said that in private conversation we might understand it alike—so far as I know there was no agency outside of the merits of the case itself that influenced the committee or weighed with them in reaching their conclusion. If the gentleman knows anything to the contrary, he knows what I do not know. If he is merely suspecting something to the contrary, I think he is doing injustice to the committee by his suspicions.

Mr. GROSVENOR. There was a minority of Republicans who signed that report——

Mr. DE ARMOND. Certainly.

Mr. GROSVENOR (continuing). And the result was the "dragon's tooth" of political fraud and villainy was sown that produced in Virginia the crop which has since been reaped. Can any honest man doubt it?

Mr. DE ARMOND. If the gentleman will allow me, I only wish to say that if he chooses to cast insinuations or aspersions upon the Republican members of the House simply because on investigation they reached a conclusion different from his, without investigation, of course he has a perfect right to do so. He is his own judge.

Mr. GROSVENOR. Well, the gentleman had his own time and I did not undertake to interfere with him, and hope he will not interfere with me. I think I can take care of myself. I have cast no aspersions of unfairness upon the action of any of the members of that committee, and if the gentleman thinks that it is "fairness" to stand up and apply a man's argument in the way that he has sought to do——

Mr. DE ARMOND. Will the gentleman permit me?

Mr. GROSVENOR. To do what? [Laughter.]

Mr. DE ARMOND. To make a single remark. If the gentleman did not mean what he said, then the gentleman afforded no foundation in fact for the contention between us. If he did mean what he said, and the gentleman from Ohio usually means what he says, then his language carried the assault and injustice on his Republican associates on that committee that I have suggested. Now, the gentleman can put it on any ground he pleases. That is the result.

Mr. GROSVENOR. Well, I am neither a schoolboy nor is the gentleman from Missouri a schoolmaster, and I will take care of what I said, and the gentleman can take care of what he said. I will give him credit for supporting the resolutions in the Tucker case if he is proud of it.

I was trying to apply an argument on that resolution to the pending case. I stand here now to say in that particular case from the State of Virginia that there was not any question made by a Republican, either on or off the committee, that the laws of the State of Virginia had been violated; and that is the argument I make. But I was generally pointing out that the law of Virginia had made it possible for the Tucker case to be raised and to be decided as it was decided, and that that law was a stigma on the State and was so recognized, and therefore has been repealed.

The law that permitted a ballot containing a large number of names to be printed in the German text, to be used for the purpose of confusing and confounding the voters of the Congressional district, when one of the election officers himself admitted practically that the scheme was carried on for the purpose of confusing the colored men, and when the officers of election admitted under oath that they did not aid the illiterate voters because they did not want them to vote, is a law to which I was referring, and a law that was wiped out; and let me say that the State of Virginia is to be complimented in so disposing of it.

But, Mr. Speaker, I was going on to say that such a total disregard of law engenders a disregard of law that affects both Democrats and Republicans alike, and I have been absolutely fair about it.

Now, coming to the condition and contention here. We find four cases of contests coming up from the State of Virginia. Three cases have been reported upon, two of them reported in favor of the contestant and the third reported by a divided report. I do not know exactly the status of the report at this time, but I believe the majority report, or a majority of the members of the committee, report in favor of the sitting member.

Mr. BURKE. If the gentleman will allow a correction, there were only three cases from Virginia.

Mr. GROSVENOR. I said that.

Mr. BURKE. I understood you to say that there were four.

Mr. GROSVENOR. Originally there were four, but three have been tried. The other, as I have said, is a case that comes up from a divided committee, and I am not certain what the report is. I may be wrong about the exact number; but that is my impression.

Now, coming to this case, I desired simply to meet the argument of the distinguished gentleman from Texas, who doubtless made the only argument that could be made in connection with the case from his standpoint; that while it was true, as I understood the concessions to be made, that the law of Virginia had been violated, yet it was not shown affirmatively by contestant that he had been in any way damaged in that regard or prevented from the declaration of his election thereby.

Mr. BURKE. Will the gentleman permit a question?

Mr. GROSVENOR. Certainly.

Mr. BURKE. I do not think the gentleman correctly states the position I assumed. It is this: The gentleman will remember that the election law of Virginia, under which this election was held in February, 1896, expressly declared that the fact that the judges and clerks of election at the various election precincts were all of one political party did not thereby invalidate the election.

Mr. GROSVENOR. I understood that.

Mr. BURKE. And that that law had been upheld and maintained by the highest court of adjudicature of that State.

Mr. GROSVENOR. But did not the gentleman admit that the law provided for minority representation?

Mr. BURKE. Yes.

Mr. GROSVENOR. Did he not admit that that law had not been complied with?

Mr. BURKE. I did; but the law expressly says that the failure shall not invalidate the election.

Mr. GROSVENOR. I care nothing about that. I will come to that in a moment. So we start out with an admitted violation of law, a willful, malicious, outrageous violation of law; for I say that there is no violation of law in this country which constitutes so great a crime against the whole body politic as the violation of the election laws of the country.

Mr. BURKE. Will the gentleman yield for one further suggestion?

Mr. GROSVENOR. Yes.

Mr. BURKE. I know the gentleman does not want to be wrong in this matter, or in any other matter. I do not believe he does. There are 115 election precincts in this district. Out of that number there were only 16 where this law was violated in the manner indicated.

Mr. GROSVENOR. Very well, 16.

Mr. WALKER of Virginia. If the gentleman will allow me, I do not know the number, but there were more than twice that number in which the judges were either all Democrats or the men appointed to represent the Republicans were ignorant and morally and intellectually unfit for the position.

Mr. BURKE. I say there were but 16 precincts where the election boards were composed entirely of Democrats.

Mr. WALKER of Virginia. I do not dispute the gentleman's language. I have not looked into it to see. But I say there were more than double that number in which the men who professed to represent the Republicans, appointed by the Democrats to represent the Republicans, were educationally and morally unfit to do so.

Mr. STRODE of Nebraska. Will the gentleman from Virginia allow me to ask him a question? In how many of these precincts of this district did those who appointed the election boards select the persons recommended by the Republican organization?

Mr. WALKER of Virginia. Not in one case, anywhere.

Mr. GROSVENOR. If I ever get time, I shall get along to the point of my argument. [Laughter.]

Mr. BURKE. I beg the gentleman's pardon.

Mr. GROSVENOR. I do not object. The gentleman is perfectly fair about it. It is the old story, gentlemen. Do not let us ever again be beguiled by it. It is very splendidly illustrated and illuminated in one of Tourgée's novels, where the colored men of a precinct in one of the Carolinas—North Carolina, I think—had 180 votes—180 members of a club. They organized early in the morning and saw to it that every one of their men was there and voted. The colored man who is the hero of the story doubted the charges of fraud that had been made, for they had put old Uncle Gabe or some other colored brother on the election board, and they charged him to watch what was going on; but they discovered to their great regret before long that the old man could not read.

After a while they shut the door and proceeded to count. The hero of the story got down on his knees and looked under the door. Old Gabe was drunk and sound asleep. Then this colored man saw one of the judges take about 180 ballots out of his pocket. They emptied the box and he dropped in 180 ballots, and they proceeded with the count. The hero of the story was discovered in Kansas City, Mo., on his way west. He said he had watched this proceeding, and he gave a very graphic account of it, and he said, "I don't propose to play agin that game no mo'." [Laughter.]

Mr. GAINES. You admit that is a story, though.

Mr. GROSVENOR. Oh, yes; a novel drawn from real life. [Laughter.]

Mr. GAINES. In your novel way.

Mr. GROSVENOR. Now, what I was trying to get at was, wherever there is deliberate and organized fraud, either in the refusal to execute the law or in direct and overt act, I shall apply henceforth, while I have the opportunity, one rule of action. Now, what is the evidence here? Here are a certain number, a material number, of these districts where there was a total disregard of the law so far as the constitution of the election board was concerned. In a certain other number there was deliberate fraud in the selection of candidates or applicants who were unfitted for and incapable in the discharge of their duties.

Now, the purpose is manifested, and it is conclusively manifested, when it appears that under the law itself a total disregard of the recommendations made by the minority party was experienced and that the election authorities, whoever they may have been, went outside and upon their own motion made these appointments. I hold it to be conclusively established that there is real fraud proved in the record in all this organization and movement and preparation, all these disregardings of the law are to be taken as evidence, with the result that was finally reached, that actual fraud was deliberately planned by the party who got the benefit of it.

Now, let us see what a real election law is, based upon the great idea of honesty in elections. There is no better exhibition of it in this country than in the State of Ohio. There is no more possibility of fraudulent elections and fraudulent voting to any material extent in the State of Ohio than there is when both the Republican party and Democratic party in that great State had been charged with dishonesty that was refuted by the testimony of the Democratic and Republican press of Ohio when that State was assailed here. What is our method? The secretary of state is the head of our election machinery of the State. Upon the nomination of the executive committees of the two parties casting the greatest number of votes at the preceding election, he appoints two Democrats, if they are the party having the largest vote, and two Republicans. These four men meet together and elect a clerk in each county.

Now, that is the county board in each county, consisting of two Democrats and two Republicans and a clerk that must be chosen by a vote by the board; but after a certain number of ballots and a disagreement then some method is devised by which some one of them is elected. Now, this election board appoint four men in every voting precinct of the county—two Democrats, two Republicans, one Democratic clerk, and one Republican clerk, and these men hold the election, certify the election, and make the returns. Now, I ask any gentleman here, suppose in a county in Ohio the election board at the county seat should proceed to omit to put any Democrat on that board, would not all the world say that was a deliberate purpose to commit fraud?

Men do not do that thing without any purpose in view. Men do not omit to obey the law of their State in a matter of that character unless they do it for a purpose; and when you have followed that stream down from the polluted source to the point where you find actual fraud, then the application of the rule which I am going to put directly is absolutely appropriate to the occasion. Now, I have no time to go into the details of two of these precincts, and I am not going to do it, because it has been done by others. I have the record of two voting places—Yates precinct, in Nansemond County, and Stanley precinct, in Warwick County.

I have read with great care the testimony of all the witnesses that testify in regard to these two voting precincts, and will sum it up now, and I will challenge contradiction in the proper way and at the proper time. There is absolute proof that in the organization of at least one of the boards there was a deliberate violation of law. There is absolute proof that in the administration of his duty as one of the judges of the election, one of the judges of the election not only refused to do his duty, but absolutely violated the law in the other direction. How did he get power to do that? Where did it come from? It came from that back ultimate power that has projected these frauds all along the stream, that have come down and permeated the whole Congressional district.

Not only so, but there is testimony in one ballot box that the men who actually cast their ballots for the contestant in this case—they were never cross-examined; there was never any dispute about it—came forward and showed that inside of that ballot box there was not found the number of ballots that had actually been cast. Not only that, but this: An election officer whose name has become very familiar to most of the committee, at least—it appears that he refused to aid this colored man, and on reading the testimony of one of them, it gives the most pitiful account of how he tried to get the information; that he stated that he could neither read nor write, and one of the cross-examiners upon that testimony asked him if he did not have hands and eyes.

That is the way they were treated. A man coming forward and making complaint for the benefit of the triers of fact, and when he stated that which nobody denied and nobody disputed, then or at any other time, how he had been in ignorance, unable to read or write, unable to tell anything about this terrible ticket, which on its very face suggests the idea of wrongdoing, or at least of the putting in the way of an honest, unintelligent voter an absolute stumbling block which would prevent him from voting as he desired to vote, and when appealed to for aid they had refused it, and when he came before this tribunal the question was put to him, "Haven't you got hands and eyes?" after he had said to them that he could neither read nor write!

Mr. BURKE. What precinct was that?

Mr. GROSVENOR. One of the two.

Mr. BURKE. The one you referred to?

Mr. GROSVENOR. One of the two. I do not remember the name now.

Mr. BURKE. Was it Creeds Bridge?

Mr. GROSVENOR. I will supply the gentleman with the fact as soon as I can. I do not want to stand here and hunt for it. This precinct I am now reading about is Yates precinct, but it is not the one to which I referred possibly before. The register proved that 91 colored men voted, and while 51 whites voted, Young's and Whaley's united vote was but 47. In the morning he went to this judge and asked him if he would assist voters, and he answered, "No; the law does not require it."

That justifies my statement that there was a premeditated purpose to violate the law from the start. In the evening 51 whites had voted, and the two Democratic candidates had 47 votes between them. Ninety-one colored men voted, and McKinley had 13 votes.

Now, this is a product of the organization under which the law of Virginia was violated. Thirteen out of ninety-one men. In Myrtle precinct—I have the exhibit here, and you are all familiar with it who have studied this record—I have the names of nine men who came forward and swore that they fixed their own tickets, and knew they had made no mistake about it, because they could both read and write; and forty-seven men who state they had requested that their votes should be marked.

The contestant examined nine men on the poll list who swore they voted for him. This is in Warwick County. Nine had voted for him, and they swore to it. The contestant examined 57 other men who swore they voted for him and asked J. H. Young to fix their ballots for them, which he did. Now, then, here are their names—here is the page of the deposition to which I refer: Nine and 57 are 66 men who swore either that they did actually fix their own tickets and voted for Wise, or they had asked this gentleman, whose connection with the whole transaction is shown by his own answer to the question, to fix their ticket, saying they wanted to vote for Wise, and the result of it all was that Wise got 48 votes.

Mr. BURKE. Will the gentleman from Ohio yield for one suggestion?

Mr. GROSVENOR. Yes.

Mr. BURKE. The gentleman has been quoting from Myrtle precinct.

Mr. GROSVENOR. This is Warwick County.

Mr. BURKE. The Republican judge of that box had been chairman of the Republican committee in that county for twelve years, and he swears that the election was just and fair.

Mr. GROSVENOR. I do not care who swears; there is the

demonstration of the fact that these men were cheated in their votes. The gentleman is very cautious in his testimony, but not quite cautious enough. Where J. H. Young fixed the votes the testimony is conclusive from every one of them that no other judge saw it. How much would you give for the opinion of some friend of Mr. Young that he did not know of any dissension?

Now, I shall not pursue this subject any further except to do this: I believe the House of Representatives is honestly opposed to fraud in election. I believe these gentlemen coming from the Southern States and those coming from the Northern States feel it to be a national disgrace almost that these continuous election frauds are of necessity ventilated in the House of Representatives. What is to be the cure for it? We have tried weighing and measuring; we have tried that. We have tried this thing, undertaking to take one of these miserable records and sift out and tell what ought to have been the result, and putting down upon the one side the votes that ought to be deducted and putting down on the other side the votes that ought to be added, and yet this thing goes right on.

When the courts of the country in trying a polluted ballot box or a polluted return, whether it be polluted by actual manipulation of the votes and figures, or whether it is polluted by an organized conspiracy to defeat the will of the majority—when the courts of the country and the legislative bodies of the country shall punish a man who has been the beneficiary of that transaction, then and not until then do we have pure elections in the United States of America.

The greatest minds of England sought for years, by corrupt-practice acts and by all sorts of tentative and imperfect measures, to cure the evil—the crime of fraud and intimidation and corruption in the election of the great body of the House of Parliament. No success was had until that great body of the most intelligent men in that country said they would no longer seek to punish in detail the men who had been guilty of the fraud, nor would they any longer attempt to decide over again what the election ought to have been. But they said they would impute to the sitting member holding the certificate under that sort of fraud or wrongful violation of law, whatever it was—they would impute to him every act of the men who had supported him that was in violation of law, and they would turn him out so that his constituency might know that thereafter there should be no profit by violation of the English law.

Mr. DE ARMOND. I did not understand the gentleman's statement as to the authority that had held the doctrine he has just laid down. I have never known any such doctrine to be held.

Mr. GROSVENOR. Does the gentleman ask for the authority?

Mr. DE ARMOND. I would like to know what authority has ever held that all the wrongdoing in an election is to be imputed to the sitting member?

Mr. GROSVENOR. It is the law of England to-day. If you desire to unseat a member of the British Parliament who has secured his election through frauds committed by his friends, you are not called upon to prove that he had knowledge of them.

Mr. DE ARMOND. I understood the gentleman to state that it had been decided in the English House of Commons that all the wrongs committed in an election were to be imputed to the sitting member. Now, I venture to say that no such thing has ever been decided.

Mr. GROSVENOR. What I stated was that the frauds were imputed to the party in whose interest they had been committed. That is the law of England to-day, and the practice of the English Parliament.

Mr. DE ARMOND. And I should like to ask the gentleman a question on another point of law. Is it not the law that, when it is uncertain whether certain votes should be counted for one party or should be subtracted from the vote of the other party, the case ought to be sent back for a new election?

Mr. GROSVENOR. There is strong support for that proposition.

Mr. DE ARMOND. In other words, is it not the settled doctrine of law that where a large number of votes are to be thrown out or a large number to be counted in, the result is necessarily rendered so doubtful and the process is so essentially an election by the deciding body that the matter is remitted to the home constituency?

Mr. GROSVENOR. I think the gentleman's suggestion has very great support both in principle and upon authority; but we are not trying that question here now. There is no complaint here that there has been any fraud committed by Mr. Wise; and I am trying to apply the doctrine that when you trace in one of these districts, whether it be in the city of New York, the State of Ohio, or the State of Virginia—when you trace a purpose, by proof recognized to be valid and binding, of a conspiracy to commit fraud, and that fraud has worked out a result in favor of a candidate for Congress, I say there will be no cure for it so long as the House of Representatives undertakes to screen the member and put the responsibility upon the irresponsible parties who have been guilty of the crime.

Now, to my mind there is here absolute proof of fraud. I look back to see where it had its emanation. I find it was in total disregard of the laws of Virginia; and therefore I vote to say that I impute to the sitting member in this case the wrongs that were done by somebody in his interest; and therefore I vote against his holding the seat.

Mr. BURKE. Mr. Speaker, what time is there remaining on each side?

The SPEAKER pro tempore (Mr. COUSINS). There remain an hour and ten minutes on the majority side and an hour and twenty-six minutes on the minority side.

Mr. BURKE. I yield to the gentleman from Virginia [Mr. JONES] as much time as he may desire to occupy.

[Mr. JONES of Virginia addressed the House. See Appendix.]

Mr. MESICK. Mr. Speaker, I yield now to the gentleman from Ohio as much time as he desires of that remaining to me.

Mr. GROSVENOR. Mr. Speaker, I am delighted that the champions of the contestee in this case have chosen as their mouthpiece a man who assails the entire Republican side of the House and tells them that they have not "manhood enough" to vote their own honest sentiments in this or any other case.

I am under great obligations to the management who have put forward a gentleman who for an hour and a half has poured out the sentiments and utterances, invectives, and denunciations we have listened to of men on this side of the House. That is the inspiration of just such fraudulent practices as we have presented in the record of this case. [Applause on the Republican side.]

I am delighted that this side of the House has had the opportunity to know just what the spirit of that sort of statesmanship is, when the gentleman from Virginia turns on this side of the House and hurls, in the last moment of his speech, a bitter denunciation against the character and independence of men on this side of the Chamber.

Now, I care nothing for the slang and slander hurled on Ohio men. But I desire to say to the gentleman from Virginia, for he would not allow me an opportunity of interrupting him when on the floor, although half of my time, practically, was taken up by interruptions from his side of the House—he would not allow me to make a single statement which would have saved him from some of the mistakes into which he has fallen and would have enabled him to leave out of the RECORD a part of his speech which can only cause him, I apprehend, mortification in future. I wish to say to him a single word.

And I will send to the desk and ask to have read a report from the Commercial-Tribune of yesterday, containing the official report of the committee of the Ohio senate in regard to the matter about which the gentleman has spoken, and ask the Clerk to read from the headlines down to the point I have marked with my pencil. And the gentleman from Virginia, if he will listen to it—and I do not care whether he does or not—will understand how easy it is to prate of a document which never had any official existence.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

A PETTY TRICK—CONTEMPTIBLE EFFORT TO HAVE WRONG REPORT ON HANNA CASE PRINTED—MR. BURKE IS TO BLAME—PERSONALLY GAVE OUT COPY OF THE ORIGINAL BRIBERY REPORT.

[By a Commercial-Tribune staff correspondent.]

COLUMBUS, OHIO, *April 24, 1903.*

Severe criticism is being made of the methods used to get before the public the misleading report of the Senatorial bribery investigation. These methods are characteristic of the whole course of persecution pursued by the defamers of Senator HANNA, and they are small—very small. Having failed to induce Senator Robertson to sign a report by which his intelligence and fairness would have been stultified, the anti-Hannaites then endeavored, by the publication of a false report, to make it appear that Senator HANNA had been found guilty of personal participation in alleged attempts to bribe John C. Otis.

As a matter of fact, the report officially spread upon the journal of the senate does exactly the opposite thing. Senator Robertson's conscientiousness, persisted in to the end, made the change. Embittered and disappointed doubtless by their failure to secure the submission and adoption of their malignant report, Senator Burke and his colleagues of the anti-Hanna element then resorted to the deception of giving out to the newspaper correspondents, as a copy of the report officially submitted, what was, in fact, a copy of the report drawn by Burke, edited by Kurtz, McKisson, Bliss, et al., and amended somewhat by Senator Fink. The difference is to be found in the fact that the true report does not connect Mr. HANNA directly with any attempt to bribe Mr. Otis, while the report given out to the newspaper men by Senator Burke and Official Stenographer Alensworth makes him a party of the first part.

BURKE WAS RESPONSIBLE.

I say advisedly that Senator Burke did this. When I called his attention yesterday to the fact that the report given out by Alensworth was not the report spread upon the senate journal, Senator Burke protested that he had told the stenographer to make the changes. I gave him credit for that protestation in the account carried by the Commercial-Tribune this morning. Subsequently I have learned that Senator Burke personally gave out a copy

of the misleading report, and it is a matter of record on the files of a Columbus afternoon newspaper that this misleading report was printed. The newspaper acted in good faith, of course, for its representative to whom Senator Burke gave the copy reposed in the senator sufficient confidence to take his word for its correctness.

There has been bias, malignity, and littleness all the way through the Hanna bribery investigation. But this substitution of reports, for the purposes of publication, is perhaps the meanest of all. And worst of all, it stultifies Senator Robertson, a man who tried to be entirely honest within his political convictions.

Mr. GROSVENOR. Mr. Speaker, Senator Robertson is a distinguished lawyer and judge of Cincinnati, and was elected upon the State Democratic ticket, as he has been before. It is not my fault that my colleague from Ohio [Mr. McDOWELL] made the mistake that he did in undertaking to say that that was the true report, because I tried, as you will all bear me witness, to point out exactly what the trouble was, but I was refused permission.

Mr. McDOWELL. Will the gentleman yield for a question?

Mr. GROSVENOR. Well, I will treat you better than I was treated; yes.

Mr. McDOWELL. What paper was the report published in which was read?

Mr. GROSVENOR. The Cincinnati Commercial Tribune.

Mr. McDOWELL. Under what date?

Mr. GROSVENOR. Of yesterday.

Mr. McDOWELL. Do you mean to say that the report was not submitted to the senate and voted upon?

Mr. GROSVENOR. This report; yes. Not that report; no, never. That is the whole of it; and I was trying to point it out. I did not want the gentleman from Virginia [Mr. JONES] to be so utterly misled, but my colleague insisted that it must be done, and he has done it. That is all.

Now, Mr. Speaker, let us see what else there is that involves the question of knowledge of the record and accuracy of statement. The gentleman from Virginia has seen fit to say that my statement regarding the number of precincts in which the law was disregarded was incorrect. Since that time a careful investigation of the record has been made, and I will lay before the House what it shows. There were thirty-four precincts where there were absolutely no Republican judges whatever. Thirty-four! In every other precinct except——

Mr. JONES of Virginia. Who made that statement?

Mr. GROSVENOR. I make that statement from a correct report to me made by the gentleman having charge of the case, and say it is true.

Mr. JONES of Virginia. From the gentleman having charge of the case?

Mr. GROSVENOR. You can have your contest with him.

In every other precinct except about eight there was no recognized Republican judge—only ignorant or corrupt men, set up by the Democrats against the wishes and protests of the Republicans. Now, that is the record that the gentleman has disputed. Why, Mr. Speaker, every statement I made was substantially true. Now, the gentleman from Virginia has seen fit to assail the colored brother, as usual, whenever there is apparent political necessity for it; and I do not believe that the colored man of the United States needs my assistance to set him right.

The colored men of the United States have made more progress along the pathways of Christian civilization and of the civilization of this age than any other people have made in all the history of the world in the same length of time since the emancipation proclamation of Abraham Lincoln. [Applause on the floor of the House and in the galleries.] They came from a condition of chattels; they came from a condition of two hundred years of slavery, and to-day in the great race of life they are setting examples that some of us might well emulate. I shall proceed to submit a few remarks upon that subject as reflecting upon the fairness of the assault of the gentleman from Virginia.

The fidelity of the colored man to this country ought not to be doubted. The American colored man has shown his patriotism to this Government. When he had no flag, no government, he showed his loyalty to his neighbor. In the Revolutionary war he was among the first to strike for American liberty, and was with the first to fill the patriot's grave.

In the war of 1812 he again offered his services, though a slave, to assist in protecting the flag of his masters.

Mr. JONES of Virginia. What is the gentleman reading from?

Mr. GROSVENOR. I am reading from my speech in this case, and if the gentleman from Virginia desires some good English I will assure him that if he will copy it there will be quite an improvement on his own.

Mr. JONES of Virginia. Will the gentleman state when the speech was made, so that I may find it?

Mr. GROSVENOR. It will do the gentleman no good. He had better have the matter referred to a master commissioner.

History records the fact that he was accepted, served, and was honorably discharged.

Again the colored man offered his services, this time to preserve the Union.

I commend that action of the colored man to the gentleman when he assails him the next time.

He was accepted, served, and was honorably discharged, and to-day, while we are considering this election case, the colored men of this city and throughout the country are organizing for the defense of this Republic, and are willing, anxious, to go to the front and meet the enemy.

[Applause in the galleries.]

The SPEAKER pro tempore. The galleries must not applaud. They must be in order.

Mr. GROSVENOR. Slavery was the crime of a nation, of the whole country—North and South responsible alike. Then came the great rebellion. Four long years of war, fighting for what? The principle that all men are created free and equal, and that in America every man should have a right to life, liberty, and the pursuit of happiness.

This great conflict was carried on to preserve the nation, to liberate a people. Four millions of human beings in manacles, and you enabled a race to uphold its hands in the free air without a chain. The colored man was a slave; you made him a citizen.

The great victory for human rights, the greatest of all the years, was won. Liberty was national; slavery was dead.

Liberty means universal education, light for every mind, knowledge for every child. It means that the ballot box is the ark of the covenant, and that this source of authority must not be poisoned. It means that the citizen of the Second Congressional district of the State of Virginia, native or otherwise, must be protected in his right to cast his ballot and to have it counted by honest, unprejudiced, fair-minded men.

Mr. Speaker, I believe that the report of the committee of this House, that has so patiently and carefully investigated this case, has made a presentment of the truth to this House, and I am glad that in the last hours of this debate the other side, failing to vindicate the position of the contestee, put forward a man who seems to have been utterly regardless not only of the rights of the men of that district that he is talking about, but also of the honor, integrity, and the rights of the members on this side of the House. [Applause on the Republican side.]

Mr. MESICK. Mr. Speaker, I call for a vote on this question.

The SPEAKER. The Clerk will report the resolutions.

Mr. BURKE. Mr. Speaker, a parliamentary inquiry.

Mr. MESICK. No time was fixed—about 4 o'clock.

Mr. BURKE. A parliamentary inquiry.

The SPEAKER. The gentleman from Texas.

Mr. BURKE. I wish to ask, Mr. Speaker, if it would be proper at this stage of the proceedings to present a motion to recommit this case to the Committee on Elections No. 3?

The SPEAKER. It depends upon the gentleman from Michigan, who has the floor.

Mr. MESICK. I move the previous question.

The question was taken; and the previous question was ordered.

Mr. BURKE. Now, Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

Mr. ROBINSON of Indiana. Mr. Speaker, we would like to have the motion presented for the information of members.

The SPEAKER (after a pause). The Chair has the impression that there is an authority on the subject, but does not find it just yet.

Mr. DE ARMOND. I think that in the last Congress a similar motion was offered in the case of Van Horn against Tarsney.

The SPEAKER. The Chair is of the impression it was in the Rinaker case—an Illinois case.

Mr. DE ARMOND. Yes; that is true.

Mr. RICHARDSON. Mr. Speaker, it has always been held in a like case that a motion to recommit is in order.

Mr. DE ARMOND. That motion was adopted in that case.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Resolved, That the contested election case of Richard A. Wise against William A. Young for a seat in the House of Representatives from the Second district of Virginia be, and the same is, recommitted to Committee on Elections No. 3, with instructions to examine the ballots cast for Representative in Congress in said district at the general election held on the first Tuesday after the first Monday in November, 1896; and that after such examination said committee report to this House as soon as may be practicable.

Mr. WALKER of Virginia. On that I call for the previous question.

The previous question was ordered.

The SPEAKER. The question is upon agreeing to the motion for recommittal as reported by the Clerk.

The question was taken; and on a division (demanded by Mr. BURKE) there were—ayes 85, noes 124.

Mr. BURKE. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The SPEAKER. As many as are in favor of agreeing to the motion to recommit will, when their names are called, say "aye," and those opposed "no." The Clerk will call the roll.

The question was taken; and there were—yeas 101, nays 147, answered "present" 10, not voting 97; as follows:

YEAS—101.

Adamson,	De Graffenreid,	Lewis, Wash.	Shafroth,
Bailey,	De Vries,	Little,	Shuford,
Baird,	Dinsmore,	Livingston,	Sims,
Baker, Ill.	Dockery,	Lloyd,	Slayden,
Ball,	Driggs,	McAleer,	Smith, Ky.
Bell,	Elliott,	McClellan,	Sparkman,
Benner, Pa.	Fitzgerald,	McCulloch,	Stark,
Benton,	Fitzpatrick,	McDowell,	Stephens, Tex.
Bland,	Fleming,	McRae,	Stokes,
Bodine,	Griggs,	Maguire,	Strowd, N. C.
Bradley,	Gunn,	Maxwell,	Sulzer,
Brantley,	Handy,	Meyer, La.	Sutherland,
Brenner, Ohio	Hartman,	Miers, Ind.	Swanson,
Brucker,	Hay,	Moon,	Talbert,
Brundidge,	Henry, Tex.	Norton, Ohio.	Taylor, Ala.
Burke,	Howard, Ga.	Norton, S. C.	Terry,
Castle,	Hunter,	Ogden,	Underwood,
Catchings,	Jones, Va.	Otey,	Vandiver,
Clark, Mo.	King,	Pierce, Tenn.	Vehslage,
Cochran, Mo.	Kitchin,	Rhea,	Vincent,
Cooney,	Kleberg,	Richardson,	Wheeler, Ky.
Cooper, Tex.	Lamb,	Rixey,	Wilson,
Cowherd,	Latimer,	Robb,	Zenor.
Cox,	Lentz,	Robinson, Ind.	
Cummings,	Lester,	Sayers,	
De Armond,	Lewis, Ga.	Settle,	

NAYS—147.

Adams,	Davison, Ky.	Howell,	Sauerhering,
Aldrich,	Dayton,	Hull,	Shannon,
Alexander,	Dingley,	Hurley,	Shattuc,
Babcock,	Dolliver,	Jenkins,	Sherman,
Baker, Md.	Dorr,	Johnson, N. Dak.	Showalter,
Barham,	Dovener,	Joy,	Smith, Ill.
Barney,	Eddy,	Kerr,	Smith, Wm. Alden
Barrows,	Ellis,	Ketcham,	Snover,
Bartholdt,	Evans,	Kirkpatrick,	Southard,
Belden,	Faris,	Knox,	Southwick,
Belknap,	Fenton,	Lacey,	Sperry,
Bingham,	Fischer,	Landis,	Sprague,
Bishop,	Foote,	Lawrence,	Steele,
Boutell, Ill.	Foss,	Littauer,	Stevens, Minn.
Boutelle, Me.	Fowler, N. J.	Low,	Stewart, N. J
Brewster,	Gardner,	Lybrand,	Stewart, Wis.
Broderick,	Gibson,	McDonald,	Stone, C. W.
Bromwell,	Gillet, N. Y.	McEwan,	Stone, W. A.
Brown,	Graff,	Mahon,	Strode, Nebr.
Brownlow,	Griffin,	Marsh,	Sturtevant,
Bull,	Grosvenor,	Mesick,	Sulloway,
Burleigh,	Grout,	Miller,	Tawney,
Burton,	Grow,	Mills,	Tayler, Ohio
Cannon,	Hager,	Minor,	Thorp.
Chickering,	Hamilton,	Mitchell,	Updegraff,
Clark, Iowa	Harmer,	Morris,	Van Voorhis,
Cochrane, N. Y.	Hawley,	Otjen,	Walker, Mass.
Cooper, Wis.	Heatwole,	Overstreet,	Walker, Va.
Corliss,	Hemenway,	Packer, Pa.	Wanger,
Cousins,	Henderson,	Payne,	Ward,
Crump,	Henry, Conn.	Pearce, Mo.	Weaver,
Crumpacker,	Hepburn,	Pitney,	Weymouth,
Curtis, Iowa	Hilborn,	Pugh,	White, Ill.
Curtis, Kans.	Hill,	Ray,	Williams, Pa.
Dalzell,	Hooker,	Reeves,	Yost,
Danford,	Howard, Ala.	Royse,	Young, Pa.
Davidson, Wis.	Howe,	Russell,	

ANSWERED "PRESENT"—10.

Clardy,	Fowler, N. C.	Linney,	Spalding,
Codding,	Henry, Ind.	Moody,	
Fletcher,	Lanham,	Northway,	

NOT VOTING—97.

Acheson,	Connell,	Loudenslager,	Prince,
Allen,	Connolly,	Love,	Quigg,
Arnold,	Cranford,	Lovering,	Ridgely,
Bankhead,	Davenport,	McCall,	Robbins,
Barber,	Davey,	McCleary,	Robertson, La.
Barlow,	Davis,	McCormick,	Shelden,
Barrett,	Ermentrout,	McIntire,	Simpson,
Bartlett,	Fox,	McMillin,	Skinner,
Beach,	Gaines,	Maddox,	Smith, S. W.
Belford,	Gillett, Mass.	Mahany,	Stallings,
Bennett,	Greene,	Mann,	Strait,
Berry,	Griffith,	Marshall,	Sullivan,
Booze,	Henry, Miss.	Martin,	Tate,
Botkin,	Hicks,	Meekison,	Todd,
Brewer,	Hinrichsen,	Mercer,	Tongue,
Brosius,	Hitt,	Mudd,	Wadsworth,
Broussard,	Hopkins,	Newlands,	Warner,
Brumm,	Jett,	Odell,	Wheeler, Ala.
Butler,	Johnson, Ind.	Olmsted,	White, N. C.
Campbell,	Jones, Wash.	Osborne,	Wilber,
Capron,	Kelley,	Parker, N. J	Williams, Miss.
Carmack,	Knowles,	Pearson,	Young, Va.
Clarke, N. H.	Kulp,	Perkins,	
Clayton,	Lorimer,	Peters,	
Colson,	Loud,	Powers.	

So the motion to recommit was rejected.

The following pairs were announced:

Until further notice:

Mr. LORIMER with Mr. CAMPBELL.

Mr. WARNER with Mr. ALLEN.

Mr. PRINCE with Mr. HINRICHSEN.

Mr. HENRY of Indiana with Mr. GRIFFITH.

Mr. OLMSTED with Mr. CLAYTON.

Mr. CONNOLLY with Mr. MEEKISON.

Mr. HILBORN with Mr. LOVE.

Mr. SAMUEL W. SMITH with Mr. HENRY of Mississippi.

Mr. CODDING with Mr. WILLIAMS of Mississippi.

Mr. SPALDING with Mr. FOX.

Mr. HITT with Mr. BERRY.

Mr. BROSIUS with Mr. ERMENTROUT.

Mr. HOPKINS with Mr. TATE.

Mr. HICKS with Mr. BANKHEAD.

Mr. MANN with Mr. JETT.

Mr. WHITE of North Carolina with Mr. FOWLER of North Carolina.

Mr. WADSWORTH with Mr. CRANFORD.

Mr. SHELDEN with Mr. TODD.

Mr. ODELL with Mr. MADDOX.

For this day:

Mr. MUDD with Mr. BROUSSARD.

Mr. FLETCHER with Mr. GAINES.

Mr. LOVERING with Mr. WHEELER of Alabama.

Mr. MCCALL with Mr. LANHAM.

On this question:

Mr. MOODY with Mr. BARTLETT.

Mr. LINNEY with Mr. CARMACK.

Mr. MAHANY with Mr. SIMPSON.

Mr. CONNELL with Mr. DAVIS.

Mr. BARBER with Mr. OSBORNE.

Mr. COLSON with Mr. MCMILLIN.

Mr. BELFORD with Mr. DAVEY.

Mr. TONGUE with Mr. CLARDY.

Mr. LOUDENSLAGER with Mr. STALLINGS.

Mr. NORTHWAY with Mr. MARSHALL.

Mr. PARKER of New Jersey with Mr. PETERS.

Mr. PERKINS with Mr. GREENE.

Mr. KULP with Mr. STRAIT.

Mr. WILLIAM A. STONE. Mr. Speaker, I want to vote.

The SPEAKER. Was the gentleman present and listening when his name was called and failed to hear it?

Mr. WILLIAM A. STONE. That is true, Mr. Speaker. [Laughter.]

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. WILLIAM A. STONE, and he voted "nay."

Mr. CLARDY. Mr. Speaker, I would like to know if Mr. TONGUE voted? I was paired with him, but he was here to-day.

The SPEAKER. Mr. TONGUE did not vote.

Mr. CLARDY. Then, Mr. Speaker, I wish to withdraw my vote and be recorded as present.

The result of the vote was then announced as above recorded.

The SPEAKER. The Chair thinks that properly the motion to recommit should have come in after the resolution had been perfected, after the substitute had been disposed of. The question now is on agreeing to the substitute.

The question was taken; and on a division (demanded by Mr. BURKE) there were—ayes 75, noes 132.

Mr. BURKE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 147, answered "present" 10, not voting 91; as follows:

YEAS—107.

Adamson,	Cowherd,	Lamb,	Robb,
Bailey,	Cox,	Latimer,	Robertson, La.
Baird,	Cummings,	Lentz,	Robinson, Ind.
Baker, Ill.	De Armond,	Lester,	Sayers,
Baker, Md.	De Graffenreid,	Lewis, Ga.	Settle,
Ball,	De Vries,	Little,	Shafroth,
Bell,	Dinsmore,	Livingston,	Sims,
Benner, Pa.	Dockery,	Lloyd,	Slayden,
Benton,	Driggs,	McAleer,	Smith, Ky.
Bland,	Elliott,	McClellan,	Sparkman,
Bodine,	Fitzpatrick,	McCormick,	Stark,
Botkin,	Fleming,	McCulloch,	Stephens, Tex.
Bradley,	Griggs,	McDowell,	Stokes,
Brantley,	Gunn,	McRae,	Sulzer,
Brenner, Ohio	Handy,	Maguire,	Sutherland,
Broussard,	Hartman,	Maxwell,	Swanson,
Brucker,	Hay,	Meyer, La.	Talbert,
Brundidge,	Henry, Tex.	Miers, Ind.	Taylor, Ala.
Burke,	Howard, Ga.	Moon,	Terry,
Carmack,	Hunter,	Norton, Ohio	Underwood,
Castle,	Jones, Va.	Norton, S. C.	Vandiver,
Catchings,	Jones, Wash.	Ogden,	Vehslage,
Clardy,	Kelley,	Otey,	Vincent,
Clark, Mo.	King,	Pierce, Tenn.	Wheeler, Ky.
Cochran, Mo.	Kitchin,	Rhea,	Wilson,
Cooney,	Kleberg,	Richardson,	Zenor.
Cooper, Tex.	Knowles,	Rixey,	

NAYS—147.

Adams,	Belden,	Bromwell,	Chickering,
Aldrich,	Belknap,	Brown,	Clark, Iowa
Alexander,	Bingham,	Brownlow,	Cochrane, N. Y.
Babcock,	Bishop,	Brumm,	Cooper, Wis.
Barham,	Boutelle, Me.	Bull,	Corliss,
Barney,	Brewster,	Burleigh,	Cousins,
Bartholdt,	Broderick,	Burton,	Crump.

Crumpacker,	Harmer,	McEwan,	Smith, Wm. Alden
Curtis, Iowa	Hawley,	McIntire,	Snover,
Curtis, Kans.	Heatwole,	Mahon,	Southard,
Dalzell,	Hemenway,	Marsh,	Southwick,
Danford,	Henderson,	Mercer,	Sperry,
Davidson, Wis.	Henry, Conn.	Mesick,	Steele,
Davison, Ky.	Hepburn,	Miller,	Stevens, Minn.
Dayton,	Hilborn,	Mills,	Stewart, N. J.
Dingley,	Hill,	Minor,	Stewart, Wis.
Dolliver,	Hooker,	Mitchell,	Stone, C. W.
Dorr,	Howard, Ala.	Morris,	Stone, W. A.
Dovener,	Howe,	Otjen,	Strode, Nebr.
Eddy,	Howell,	Overstreet,	Sturtevant,
Ellis,	Hull,	Packer, Pa.	Sulloway,
Evans,	Hurley,	Payne,	Tawney,
Faris,	Jenkins,	Pearce, Mo.	Tayler, Ohio
Fenton,	Johnson, N. Dak.	Pitney,	Thorp,
Fischer,	Joy,	Pugh,	Tongue,
Foote,	Kerr,	Ray,	Updegraff,
Foss,	Ketcham,	Reeves,	Van Voorhis,
Fowler, N. J.	Kirkpatrick,	Robbins,	Walker, Mass.
Gardner,	Lacey,	Royse,	Walker, Va.
Gibson,	Landis,	Russell,	Wanger,
Gillet, N. Y.	Lawrence,	Sauerhering,	Ward,
Graff,	Linney,	Shannon,	Weaver,
Griffin,	Loud,	Shattuc,	White, Ill.
Grosvenor,	Low,	Sherman,	Williams, Pa.
Grow,	Lybrand,	Showalter,	Yost,
Hager,	McCleary,	Skinner,	Young, Pa.
Hamilton,	McDonald,	Smith, Ill.	

ANSWERED "PRESENT"—10.

Boutell, Ill.	Davey,	Henry, Ind.	Spalding.
Brewer,	Fletcher,	Lanham,	
Codding,	Fowler, N. C.	Northway.	

NOT VOTING—91.

Acheson,	Connolly,	Lorimer,	Prince,
Allen,	Cranford,	Loudenslager.	Quigg,
Arnold,	Davenport,	Love,	Ridgely,
Bankhead,	Davis,	Lovering,	Shelden,
Barber,	Ermentrout,	McCall,	Shuford,
Barlow,	Fitzgerald,	McMillin,	Simpson,
Barrett,	Fox,	Maddox,	Smith, S. W.
Barrows,	Gaines,	Mahany,	Sprague,
Bartlett,	Gillett, Mass.	Mann,	Stallings,
Beach,	Greene,	Marshall,	Strait,
Belford,	Griffith,	Martin,	Strowd, N. C.
Bennett,	Grout,	Meekison,	Sullivan,
Berry,	Henry, Miss.	Moody,	Tate,
Booze,	Hicks,	Mudd,	Todd,
Brosius,	Hinrichsen,	Newlands,	Wadsworth,
Butler,	Hitt,	Odell,	Warner,
Campbell,	Hopkins,	Olmsted,	Weymouth,
Cannon,	Jett,	Osborne,	Wheeler, Ala.
Capron,	Johnson, Ind.	Parker, N. J.	White, N. C.
Clarke, N. H.	Knox,	Pearson,	Wilber,
Clayton,	Kulp,	Perkins,	Williams, Miss.
Colson,	Lewis, Wash.	Peters,	Young, Va.
Connell,	Littauer,	Powers,	

So the resolution submitted by the minority of the Committee on Elections was rejected.

Mr. GRIGGS. Mr. Speaker, my colleague, Mr. BARTLETT, has requested me to state that he is absent by detail of the House attending the funeral of the late Senator Walthall. If present, he would vote "aye."

Mr. BREWER (who had voted "aye"). I wish to withdraw my vote. I understand I am paired with the gentleman from Illinois, Mr. BOUTELL.

Mr. LEWIS of Washington. Mr. Speaker, I should like to vote "aye."

The SPEAKER. Was the gentleman present and listening when his name was called, and did he fail to hear it?

Mr. LEWIS of Washington. I was in the library adjoining the Hall. I had been listening previously, but I was not listening at the moment my name was called.

The SPEAKER. Under the statement made by the gentleman the Chair is unable to admit his vote.

Mr. DAVEY (who had voted "aye"). I desire to withdraw my vote. I am paired with the gentleman from New York, Mr. BELFORD.

Mr. HICKS. I withdraw my vote. I am paired with the gentleman from Alabama, Mr. BANKHEAD.

Mr. CANNON. Mr. Speaker, I wish to know how I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. CANNON. Is this the second vote touching this case?

The SPEAKER. It is.

Mr. CANNON. Well, then, I presume I ought not to be recorded. I was called out and did not know that a second roll call was being taken.

Mr. LEWIS of Washington. I should like to pair with the gentleman. [Laughter.]

Mr. CANNON. All right.

The following additional pairs were announced:

Mr. CANNON with Mr. LEWIS of Washington.

Mr. BOUTELL of Illinois with Mr. BREWER.

Mr. BARROWS with Mr. FITZGERALD.

The result of the vote was announced as above stated.

The SPEAKER. The question is now on adopting the resolution reported by the majority of the Committee on Elections.

The resolution was adopted.

On motion of Mr. MESICK, a motion to reconsider the last vote was laid on the table.

Mr. MESICK. I ask that Mr. Wise be now sworn in.

Mr. Richard A. Wise then came forward, and was duly qualified by taking the oath prescribed by law. As he took his seat he was greeted with applause on the Republican side.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE of Maine. Mr. Speaker, the Committee on Naval Affairs have instructed me to report back, with the amendments of the Senate, the naval appropriation bill and to move that the House nonconcur in the amendments and request a conference.

The motion was agreed to.

The SPEAKER announced as conferees on the part of the House Mr. BOUTELLE of Maine, Mr. HILBORN, and Mr. CUMMINGS.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHITE of North Carolina, for fifteen days, on account of important business.

To Mr. MARSHALL, indefinitely, on account of important business.

To Mr. SHELDEN, for two weeks, on account of important business.

To Mr. PERKINS, indefinitely, on account of sickness in his family.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent that my colleague, Mr. CRANFORD, be excused indefinitely on account of sickness in his family.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4142. An act to provide a life-saving station at or near Dollivers Neck, near Gloucester, Mass.;

S. 4183. An act for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers;

S. 4073. An act to ratify an agreement with the Indians of the Fort Hall Indian Reservation, in Idaho, and making an appropriation to carry the same into effect;

S. 4043. An act for the relief of Isaac McConnaughay, private Company H, Fortieth Iowa Infantry Volunteers;

S. 4116. An act granting a pension to May F. Hilliard.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 1018. An act granting a pension to Sarah E. Ingham;

H. R. 983. An act to grant an increase of pension to Nathaniel Haughton;

H. R. 868. An act granting a pension to Francis Shetais, alias Frank Stay;

H. R. 747. An act granting an increase of pension to Lovenia Bayles;

H. R. 1944. To grant a pension to Sarah A. Blazer;

H. R. 1855. An act granting an increase of pension to David C. Waring;

H. R. 1547. An act granting a pension to Sarah E. Daub;

H. R. 1442. An act granting an increase of pension to John W. Channing;

H. R. 1387. An act to increase the pension of Victor Beauboucher;

H. R. 1039. An act to grant a pension to Samuel L. Busick;

H. R. 7165. An act granting an increase of pension to Alphonso Freeman;

H. R. 5105. An act granting a pension to Margaret H. Townsend;

H. R. 4979. An act granting a pension to Charles A. Foster;

H. R. 4435. An act to pension Gratia H. Martin;

H. R. 4143. An act granting a pension to Elizabeth Holt;

H. R. 3362. An act granting an increase of pension to Bolivar J. Pridgen;

H. R. 3326. An act granting a pension to Thomas S. Hancox;

H. R. 3185. An act granting a pension to Lovezila L. Patterson;

H. R. 2253. An act granting an increase of pension to Joseph Montieth;

H. R. 2203. An act granting a pension to George G. Vogel;

H. R. 2154. An act granting an increase of pension to A. V. Bloodgood;

H. R. 2113. An act granting an increase of pension to Lucy Ord Mason;

H. R. 2078. An act to pension Laura E. Davenport;

H. R. 3008. An act removing the charge of desertion from the record of Sylvester H. Mase, a musician, Fifty-sixth New York Infantry;

H. R. 3963. An act to permit certain parties to intervene in the equity cause of The United States against Morris and others, pending in the supreme court of the District of Columbia;

H. R. 5325. An act for the relief of John Rustman;
H. R. 8770. An act to repeal chapter 164, laws of 1871, approved March 3, 1871, being an act entitled "An act granting a pension to Hiram R. Rhea;"
H. R. 93. An act granting an increased pension to Isaiah F. Force;
H. R. 711. An act granting a pension to Anna M. Tate;
H. R. 8515. An act to increase the pension of William H. Savage;
H. R. 7793. An act to increase the pension of Susan Brownlow Boynton;
H. R. 7783. An act granting an increase of pension to Elizabeth Rogers;
H. R. 7628. An act granting a pension to Catherine Wiltse;
H. R. 7554. An act granting a pension to William Iott;
H. R. 7523. An act granting an increase of pension to Mary Speier;
H. R. 7501. An act granting a pension to Daniel J. Melvin;
H. R. 7482. An act granting a pension to Eliza B. Lowry; and
H. R. 7355. An act granting an increase of pension to Elizabeth Connelly.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:
H. R. 9878. An act for the better organization of the line of the Army of the United States.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:
On April 13, 1898:
H. R. 1181. An act granting an increase of pension to Carrie F. Bissell, of Pueblo, Colo.
On April 15, 1898:
H. R. 907. An act granting a pension to Emily J. Miller;
H. R. 5965. An act granting a pension to Laura A. Barry;
H. R. 4320. An act granting a pension to Nancy Hollenbank;
H. R. 5964. An act granting a pension to Walter D. Weaver;
H. R. 722. An act granting a pension to Mrs. Sarah A. Denny;
H. R. 3290. An act granting a pension to Ellen Day;
H. R. 2246. An act to increase the pension of Elwin A. Scutt;
H. R. 6007. An act for the relief of Cora L. Robinson;
H. R. 5384. An act for the relief of Jerome A. Stanton;
H. R. 5156. An act granting an increase of pension to Daniel J. Smith;
H. R. 2198. An act granting an increase of pension to Joseph P. Harmon;
H. R. 4183. An act granting an increase of pension to Nicholas Gardner;
H. R. 6211. An act granting an increase of pension to Isabella G. Daniels;
H. R. 4194. An act granting an increase of pension to Samuel F. Fowler; and
H. R. 1971. An act to grant a pension to James J. Gibbs.
On April 21, 1898:
H. R. 7943. An act to make Knoxville, Tenn., a port of delivery and to create the office of surveyor of customs;
H. R. 7445. An act to amend "An act authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr.," and to extend the time for the completion of the bridge therein provided for.
On April 22, 1898:
H. R. 9044. An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes.
On April 25, 1898:
H. Res. 227. Joint resolution providing for the compilation and printing of parliamentary precedents of the House of Representatives;
H. R. 1246. An act for the relief of C. B. Bryan & Co.; and
H. R. 10086. An act declaring that war exists between the United States of America and the Kingdom of Spain.
On April 26, 1898:
H. R. 9878. An act for the better organization of the line of the Army of the United States.

ADDITIONAL COPIES OF WAR-REVENUE BILL.

Mr. DINGLEY. Mr. Speaker, I am informed that the copies of the war-revenue bill reported to the House to-day will not be ready for prorating before the day after to-morrow, on account of the time to be taken in the folding room, and it is important that there should be some copies, in addition to the usual number, for the use of members at the document room in the morning. I would therefore ask unanimous consent that 2,000 copies be printed, with the report, for distribution at the document room, in addition to the number usually printed, in order that members may obtain them in the morning.

The SPEAKER. The gentleman from Maine asks unanimous consent that 2,000 additional copies of the revenue bill presented by him, and to be considered by the House to-morrow, with the report thereon, be printed for the use of the House and distributed through the document room. Is there objection?

There was no objection.

And then, on motion of Mr. DINGLEY (at 4 o'clock and 50 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Surgeon-General of the Army requesting the removal of the limitation on the number of hospital stewards of the Army—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Assistant Secretary of War, transmitting a copy of a communication from the Surgeon-General of the Army relating to the Hospital Corps—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of deficiency in the appropriation for the publication of the Official Records of the War of the Rebellion—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for payment to United States Deputy Surveyors John G. Scurry and Henry K. Owens for resurveys of public lands in Washington—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the Senate (S. 442) referring to the Treasury Department the claims of sundry persons for examination, adjustment, and report to Congress, reported the same without amendment, accompanied by a report (No. 1195); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1475) granting an increase of pension to Elijah N. Parkhurst, reported the same without amendment, accompanied by a report (No. 1184); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1353) for the increase of pension to Farnham J. Eastman, reported the same with amendment, accompanied by a report (No. 1185); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 484) granting an increase of pension to Carlton W. Muzzy, reported the same without amendment, accompanied by a report (No. 1186); which said bill and report were referred to the Private Calendar.

Mr. COOPER of Texas, from the Committee on War Claims, to which was referred the bill of the House (H. R. 651) for the relief of the estate of Mary H. S. Robertson, reported the same with amendment, accompanied by a report (No. 1187); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 791) for the relief of the heirs of Catharine Gillin, reported the same without amendment, accompanied by a report (No. 1188); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6327) appropriating $100 to John M. Turner, of Butler, Pa., late of Company E, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, reported the same without amendment, accompanied by a report (No. 1189); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 369) for the relief of Benjamin S. Barnes,

reported the same without amendment, accompanied by a report (No. 1191); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the Senate (S. 227) for the relief of George A. Orr, reported the same without amendment, accompanied by a report (No. 1194); which said bill and report were referred to the Private Calendar.

Mr. BRENNER of Ohio, from the Committee on War Claims, to which was referred the bill of the Senate (S. 1895) for the relief of the heirs of Thomas J. Chace and Thomas J. Chace, jr., late of Monticello, Fla., reported the same without amendment, accompanied by a report (No. 1196); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9949) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased, reported the same without amendment, accompanied by a report (No. 1197); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1941) for the relief of John T. Brown, reported the same with amendment, accompanied by a report (No. 1198); which said bill and report were referred to the Private Calendar.

Mr. DAVISON of Kentucky, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5479) for the relief of Thomas V. Stirman's estate, reported the same without amendment, accompanied by a report (No. 1199); which said bill and report were referred to the Private Calendar.

Mr. OVERSTREET, from the Committee on War Claims, to which was referred House bill 1479, reported in lieu thereof a resolution (House resolution No. 295) for the relief of the heirs of Manette Marsons, deceased, accompanied by a report (No. 1200); which said bill and report were referred to the Private Calendar.

Mr. COOPER of Texas, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3697) for the relief of Martha E. Fleschert, reported the same without amendment, accompanied by a report (No. 1201); which said bill and report were referred to the Private Calendar.

Mr. YOST, from the Committee on Claims, to which was referred the bill of the House (H. R. 1615) to pay the Union Iron Works, of San Francisco, Cal., for extra work on the *Monterey*, reported the same without amendment, accompanied by a report (No. 1202); which said bill and report were referred to the Private Calendar.

Mr. BRUMM, from the Committee on Claims, to which was referred the bill of the House (H. R. 2048) for the relief of Samuel H. Sentenne and Paul Boileau, reported the same without amendment, accompanied by a report (No. 1203); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Claims, submitted a supplemental report on the bill (H. R. 1542) for the relief of John Breen (Report No. 614, part 2); which said report was referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows;

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2751) for the relief of John W. Fairfax, reported the same adversely, accompanied by a report (No. 1190); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8305) for the relief of the estate of Dennis O'Dea, late of Richmond, Va., reported the same adversely, accompanied by a report (No. 1192); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 7067) for the relief of Gideon Holton, reported the same adversely, accompanied by a report (No. 1193); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 10103) relative to the payment of claims for material and labor furnished for District of Columbia buildings—to the Committee on the District of Columbia.

By Mr. PIERCE of Tennessee: A bill (H. R. 10104) for the coinage of so much of the silver bullion purchased under the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," as represents the gain or seigniorage of such bullion, and for other purposes—to the Committee on Coinage, Weights, and Measures.

Also, a bill (H. R. 10105) to authorize the issue of Treasury notes to pay war and other expenditures—to the Committee on Ways and Means.

By Mr. BABCOCK: A bill (H. R. 10106) to provide for the establishment of building lines on certain streets in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. GREENE: A bill (H. R. 10107) authorizing the issue of United States paper currency, and making the same a legal tender—to the Committee on Ways and Means.

By Mr. KITCHIN: A bill (H. R. 10108) to prevent increased burdens of taxation on the people, and to provide means for the support of the Government in the war with Spain, and for the coinage of silver—to the Committee on Ways and Means.

By Mr. BRUCKER: A bill (H. R. 10109) to prevent increased burdens of taxation on the people, and to provide means for the support of the Government in the war with Spain—to the Committee on Ways and Means.

By Mr. HULL: A bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes—to the Committee on Military Affairs.

By Mr. OVERSTREET, from the Committee on War Claims: A resolution (House Res. No. 295) for the relief of the heirs of Manette Marsons, deceased (in lieu of the bill H. R. 1479)—to the Private Calendar.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BERRY: A bill (H. R. 10110) for the relief of J. W. Knox, of Carroll County, Ky.—to the Committee on War Claims.

By Mr. CODDING: A bill (H. R. 10111) to increase the pension of Eri Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10112) granting a pension to Helen L. Pepper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10113) to increase the pension of John Carpenter—to the Committee on Invalid Pensions.

By Mr. FENTON (by request): A bill (H. R. 10114) for the relief of Thomas F. Riley—to the Committee on Military Affairs.

By Mr. LENTZ: A bill (H. R. 10115) to pension Mary H. Beaton—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 10116) granting an increase of pension to Mrs. Missouri F. Morton, a widow of a soldier of the Mexican war—to the Committee on Pensions.

By Mr. STRODE of Nebraska: A bill (H. R. 10117) granting a pension to Martha Jennie Freer—to the Committee on Invalid Pensions.

By Mr. WILBER: A bill (H. R. 10118) for the relief of James H. Flanagan, late a private of Company G, Fourteenth Regiment United States Infantry—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Pennsylvania: A bill (H. R. 10119) for the relief of Abram G. Hoyt—to the Committee on Claims.

Also, a bill (H. R. 10120) to remove the charge of desertion from the military record of Adolph C. S. Hetzel—to the Committee on Military Affairs.

By Mr. CASTLE: A bill (H. R. 10122) to correct the military record of Homer L. Wells—to the Committee on Military Affairs.

By Mr. OGDEN: A bill (H. R. 10123) to confirm to Lucretia Williams the title to 1 square league of land in the State of Louisiana—to the Committee on the Public Lands.

By Mr. BODINE: A bill (H. R. 10124) granting a pension to Thomas M. Ferguson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARHAM: Petition of Norwegian and Danish Methodist Episcopal churches of Eureka, Cal., asking for the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of Norwegian and Danish Methodist Episcopal churches of Eureka, Cal., in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. BOUTELLE of Maine: Petition of G. P. Bailey and 14 other citizens of Sangerville and vicinity, State of Maine, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Resolutions of the Massachusetts State Board of Trade, pledging to uphold the President, Secretary of the Navy, and Congress in the interest of peace, or for preparation for war when peace measures fail, and calling for prompt and vigorous action—to the Committee on Foreign Affairs.

Also, resolution of the Massachusetts State Board of Trade, in favor of a bill to increase the merchant service, and approving any bill by which new lines of steamers may be built, of the most modern type, by American labor and American capital, that could be used, in case of war, as an adjunct to our Navy—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Protest of the Rochester (Minn.) fire department, in opposition to Senate bill No. 2736, to establish a Government insurance department—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Petition of W. L. Webster and 6 other citizens of McMillan, Tenn., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE: Resolution of the commissioners of Deuel County, Nebr., for a resurvey of part of Cheyenne County, in the State of Nebraska—to the Committee on the Public Lands.

By Mr. GROUT: Petitions of Rev. H. H. Hoyt and the Universalist churches of St. Johnsbury Center and West Concord, Vt., for the passage of bills to forbid interstate transmission of lottery and other gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. H. H. Hoyt and the Universalist churches of St. Johnsbury Center and West Concord, Vt., asking for the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Rev. H. H. Hoyt and the Universalist churches of St. Johnsbury Center and West Concord, Vt., in favor of the passage of a bill to prohibit the sale of liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HENRY of Connecticut: Petitions of the Woman's Christian Temperance Union of Willington, Conn., praying for the enactment of legislation to forbid the interstate transmission of lottery messages by telegraph, to protect State anti-cigarette laws, the enactment of a Sunday-rest law, and to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Willington, Conn., favoring the passage of a bill prohibiting the sale of intoxicating liquors in the Capitol building and grounds—to the Committee on Public Buildings and Grounds.

Also, petition of the Woman's Christian Temperance Union of Willington, Conn., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes—to the Committee on Labor.

Also, petitions of the Woman's Christian Temperance Union of Willington, Conn., praying for the enactment of legislation prohibiting in the District of Columbia and the Territories kinetoscope reproductions of pugilistic encounters and newspaper descriptions of prize fights—to the Committee on Interstate and Foreign Commerce.

By Mr. KLEBERG: Petitions of J. W. Allen and other citizens of Edna, Jackson County, and L. Seabrook and other citizens of Port Lavaca, Tex., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Protest of Lewis Johnson, of New Orleans, La., against the annulling of forest reservations—to the Committee on the Public Lands.

By Mr. MEYER of Louisiana: Petitions of C. W. Siler and 19 others, T. Hohn and 19 others, C. A. Brahl and 19 others, H. Mark and 16 others, E. E. Burnett and 19 others, E. J. Barrett and 16 others, citizens of the State of Louisiana, protesting against the passage of House bill No. 30 or any similar bills calculated to interfere with the business of ticket brokerage and the buying and selling of railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. OGDEN: Paper to accompany House bill in behalf of the claim of Lucretia Williams—to the Committee on the Public Lands.

By Mr. OTEY: Resolution of a committee of a lodge of International Association of Machinists of Salem, Va., remonstrating against the Government awarding the building of gun carriages or other work to the Brown Hoisting and Conveying Company, of Cleveland, Ohio, because of that company's hostility to organized labor and the illtreatment of its employees—to the Committee on Naval Affairs.

By Mr. ROBBINS: Petitions of William Ehman and 26 citizens of Hillside; Thomas Dennison and 24 others, of Millwood and vicinity; C. E. Nicholson and 23 others, of Derry Station and vicinity, State of Pennsylvania, in favor of legislation to more effectually restrict immigration and prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

By Mr. SHELDEN: Petition of certain societies and churches of Menominee, Mich., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petitions of the Friends' Church of Phlox, Ind., for the passage of bills forbidding the interstate transmission of lottery and other gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Friends' Church of Phlox, Ind., asking for the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Friends' Church of Phlox, Ind., in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. SULLOWAY: Petition of the Annual Conference of the Methodist Episcopal Church, Dover, N. H., in favor of a bill for protection of the Sabbath in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of the New Hampshire Annual Conference of the Methodist Episcopal Church, of Dover, N. H., and the Woman's Christian Temperance Union of Water Village, N. H., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Woman's Christian Temperance unions of West Stewartstown, Milford, and Water Village; Annual Conference of the Methodist Episcopal Church of New Hampshire; Epworth League of New Market, and Young People's Society of Christian Endeavor of the First Congregational Church of Milford, all in the State of New Hampshire, for the passage of bills to forbid interstate transmission of lottery and other gambling matter by telegraph, to raise the age of protection for girls to 18 years, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

By Mr. WADSWORTH: Petitions of the Woman's Christian Temperance Union of Lima, N. Y., for the bill which prohibits the interstate transmission of lottery messages and other gambling matter by telegraph; also for the bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; also for the bill to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Lima, N. Y., in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. WILBER (by request): Petition of Susquehanna Lodge, No. 71, Brotherhood of Locomotive Firemen, of Onconta, N. Y., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also (by request), petitions of the Baptist, Reformed, St. Paul's Methodist Episcopal, and Lutheran churches of Athens, N. Y., and the Woman's Christian Temperance Union of Coxsackie, N. Y., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also (by request), petitions of the Woman's Christian Temperance Union of Coxsackie, and Reformed Baptist and Lutheran churches of Athens, N. Y., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMS of Pennsylvania: Memorial of the executive committee American Forestry Association, against the passage of House bill No. 8428, in reference to Executive order of February 22, 1897, suspending indefinitely the orders creating forest reservations—to the Committee on the Public Lands.

Also, resolution of the council of the General Society of Colonial Wars, in favor of Government ownership of Fort Ticonderoga—to the Committee on Military Affairs.

Also, resolutions of the Chamber of Commerce of the State of New York, in reference to Senate bill No. 3354, to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of the State of New York, in favor of reciprocity with Canada and Newfoundland—to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *April 27, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. QUAY presented a petition of the Octoraro Woman's Christian Temperance Union, of Lancaster County, Pa., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. HAWLEY presented a petition of the congregation of the First Church of Christ of Groton, Conn., and a petition of the Woman's Christian Temperance Union of Willington, Conn., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Willington, Conn., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union of Willington, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol and all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of Willington, Conn., praying for the enactment of legislation to prohibit, so far as the power of Congress extends, the reproduction of prize fights by the kinetoscope or other kindred devices; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Willington, Conn., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Willington, Conn., praying for the enactment of legislation to prohibit the interstate and mail circulation of newspaper descriptions of prize fights; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Willington, Conn., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Willington, Conn., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

Mr. COCKRELL presented a petition of Golden Gate Lodge, No. 91, Knights of Pythias, of Boonville, Mo., praying for the establishment of a national Pythian sanitarium on the United States reservation at Hot Springs, Ark.; which was referred to the Committee on Public Lands.

Mr. SEWELL presented resolutions adopted by the Presbytery of Morris and Orange, in the State of New Jersey, favoring the position taken by the President in his endeavors to establish peace in the Island of Cuba; which were ordered to lie on the table.

He also presented a petition of the congregations of the First Methodist Episcopal Church of Dover; the Methodist Episcopal Church of Mount Fern; the Methodist Episcopal Church, the Reformed Church, and the First Baptist Church, and the Woman's Christian Temperance Union, of Bayonne, all in the State of New Jersey, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregations of the Methodist Episcopal Church, the Reformed Church, and the First Baptist Church, and of the Woman's Christian Temperance Union, all of Bayonne, N. J., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the congregations of the First Methodist Episcopal Church of Dover; the Methodist Episcopal Church of Mount Fern; the Methodist Episcopal Church, the Reformed Church, the First Baptist Church, and the Woman's Christian Temperance Union, of Bayonne; the Woman's Christian Temperance Union, the Epworth League of the Main Street Methodist Episcopal Church, the Young Woman's Christian Temperance Union, the congregation of the First Methodist Episcopal Church, the Wesley Methodist Episcopal Church, the First Baptist Church, and the Westminster Presbyterian Church, the Young People's Society of Christian Endeavor of the First Baptist Church, the Young People's Society of Christian Endeavor of the First Presbyterian Church, and the Young People's Society of Christian Endeavor of the Westminster Presbyterian Church, of Phillipsburg, all in the State of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the congregation of the Methodist Episcopal Church of Elwood, the Woman's Christian Temperance Union of Elwood, the Woman's Christian Temperance Union, the Epworth League of the Main Street Methodist Episcopal Church, the Young Woman's Christian Temperance Union, the congregation of the First Methodist Episcopal Church, the Wesley Methodist Episcopal Church, the First Baptist Church, the First Presbyterian Church, the Westminster Presbyterian Church, the Young People's Society of Christian Endeavor of the First Baptist Church, the Young People's Society of Christian Endeavor of the First Presbyterian Church, and of the Young People's Society of Christian Endeavor of the Westminster Presbyterian Church, of Phillipsburg, all in the State of New Jersey, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. CHANDLER presented a petition of the Woman's Christian Temperance Union of West Stewartstown, N. H., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented the memorial of S. C. Page and 16 other citizens of Maine, remonstrating against the passage of the so-called anti-scalping ticket bill, or any similar measure; which was ordered to lie on the table.

Mr. JONES of Arkansas presented a petition of the congregation of the Methodist Episcopal Church South of Hope, Ark., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. CARTER presented a petition of Livingston Lodge, No. 871, Knights of Labor, of Livingston, Mont., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. GEAR presented a petition of the Christian Endeavor societies of the Christian Church and the Presbyterian Church, and of the Epworth League, all of Clarinda, in the State of Iowa, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the Christian Endeavor societies of the Christian Church and the Presbyterian Church, and of the Epworth League, all of Clarinda, in the State of Iowa, praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor societies of the Christian Church and the Presbyterian Church, and of the Epworth League, all of Clarinda, in the State of Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Christian Endeavor societies of the Christian Church and the Presbyterian Church, and of the Epworth League, of Clarinda, Iowa, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Commerce, to whom was referred the joint resolution (H. Res. 149) directing the Secretary of War to submit plans and estimates for the proposed improvement of Hillsboro Bay, Florida, from its confluence with Tampa Bay, through Hillsboro Bay and River, to the city of Tampa, reported it without amendment.

Mr. McMILLAN. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 5880) to vest in the Commissioners of the District of Columbia control of street parking in said District, to report it with an amendment, and to submit a report thereon.

The VICE-PRESIDENT. The bill will be placed upon the Calendar.

Mr. McMILLAN. I move that the bill (S. 2879) to vest in the Commissioners of the District of Columbia control of street parking in said District, being Order of Business 909 on the Calendar, be indefinitely postponed, and that the House bill just reported by me be given the place of the Senate bill upon the Calendar.

The motion was agreed to.

Mr. PRITCHARD. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 8068) to amend "An act for the preservation of the public peace and protection of property in the District of Columbia," approved July 29, 1892, to report it without amendment and submit a report thereon.

The VICE-PRESIDENT. The bill will be placed upon the Calendar.

Mr. PRITCHARD. I move that the bill (S. 3696) to amend an act entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia," approved July 29, 1892, being Order of Business 1018 on the Calendar, be indefinitely postponed, and that the House bill now reported be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 3134) increasing the pension of Henry H. Blockson, of Huntington, Ind.; and

A bill (S. 3531) granting a pension to Amos L. Griffith.

Mr. FAIRBANKS, from the Committee on Immigration, to whom was referred the bill (S. 2953) to authorize the Secretary of the Treasury to lease a portion of Ellis Island to be used for distributing immigrants among the several States desiring immigration, and for other purposes, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. LINDSAY introduced a bill (S. 4478) granting an increase of pension to Thomas H. Taylor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 4479) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 4480) granting a pension to Winburn Hicks; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Winburn Hicks, praying for a pension; the affidavits of William Cole, George W. Cole, John Miller, S. A. Sparks, Jesse McGowan, and Wilson Miller, and letters from the War Department, Treasury Department, and Pension Bureau. I move that they be referred with the bill to the Committee on Pensions.

The motion was agreed to.

Mr. SEWELL introduced a bill (S. 4481) for the relief of William Young, alias William Lynch; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (H. R. 10100) to provide ways and means to meet war expenditures; which was referred to the Committee on Finance, and ordered to be printed.

Mr. CHANDLER submitted two amendments intended to be proposed by him to the bill (H. R. 4936) for the allowance of certain claims for stores and supplies reported by the Court of Claims under provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes; which were referred to the Committee on Claims, and ordered to be printed.

EQUIPMENT OF CUBAN ARMY.

Mr. STEWART. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved by the Senate, That the Secretary of War be, and he is hereby, directed to furnish the Senate with an estimate of the amount of appropriation necessary to arm, equip, subsist, and furnish with munitions of war the Cuban army now at war with Spain, and such additions as may be made thereto from the people of Cuba, until the Spanish army shall be expelled from the island of Cuba, or until the next session of Congress.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HALE. It should be referred to the Committee on Military Affairs.

Mr. STEWART. Mr. President, I think this is a matter that ought to be considered at a very early day. I do not know whether the War Department will feel at liberty to use the ordinary appropriations to supply and equip the Cuban army now in operation in the field, and I think perhaps it would be more satisfactory and safer to have a direct appropriation to be used for that purpose. I believe that immediate action is required. I learn from the public prints, and the course would be very natural, that General Blanco and others controlling the Spanish forces in Cuba are not only recruiting, but they are forcing the people, so far as practicable, into the Cuban army. If the Cubans have no other places to go, and have no arms and no provisions, a great many of them may be forced into the Spanish army and forced to occupy the position of enemies when, in fact, they are friends.

I think the utmost speed should be adopted, consistent with safety, etc., to supply the Cubans who are in the field with arms, particularly during this season when it is so dangerous to send our troops there. There is an abundance of them, and I would hate to have them conscripted into the Spanish forces. We need them as allies, and they can not be so unless we supply them. It seems to me we should have an understanding as to whether the Department can use the general appropriation or whether there should be an estimate made. I think the estimate, if made, ought to be made at an early day and that we ought to have what information there is on the subject, so that we can legislate intelligently. I am perfectly willing that the resolution shall be referred to the proper committee to consider the matter.

Mr. HALE. It seems to me the Committee on Military Affairs would be the proper committee. Of course this whole subject is a part of the war that is now going on and to be conducted by the Government, and the executive department of the Government can conduct the war better than we can. It is a grave question, I suggest to the Senator, whether any information as to what the Government proposes to do in Cuba should be brought out in the Senate or in public. All this will be saved if the resolution can go to the Committee on Military Affairs. Let it go there, and let the committee confer with the Department.

Mr. STEWART. I have no disposition to bring out any information, but I thought that this phase of the question ought to be called to attention because a question may arise as to whether the general appropriation can be used for this purpose.

The VICE-PRESIDENT. Without objection, the resolution will be referred to the Committee on Military Affairs.

Mr. ALLISON. I should like to state to the Senator from Nevada that I understand this whole subject is now being considered by the proper committee in the other branch, where appropriations usually originate for the support of the Army and Navy, and for all other purposes. I think I may say that the matter is being thoroughly investigated, covering every point perhaps suggested in the resolution of the Senator from Nevada. So I think I can assure him that there will be no delay on the subject.

Mr. STEWART. Let the resolution go the Committee on Military Affairs.

Mr. ALLEN. Let it be read again.

The Secretary again read the resolution.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Military Affairs.

SILVER BULLION IN THE TREASURY.

Mr. BACON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate of the United States, That the Secretary of the Treasury is directed to report to the Senate the following information relative to the item of $903,986.70 silver bullion as stated in the statement of the condition of the United States Treasury on the 26th day of April, 1898:

First. Under what law and at what time was said silver bullion procured?

Second. Is said silver bullion held by the Treasury for the payment or redemption of any specific obligation of the United States? If so, what obligation?

Third. What is the coin value of said silver bullion?

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BOUTELLE of Maine, Mr. HILBORN, and Mr. CUMMINGS managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 9956) granting the Santa Fe and Grand Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve, in northern Arizona, in which it requested the concurrence of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 21st instant approved and signed the following acts:

An act (S. 3457) to authorize the construction of a bridge over the Black River, at or near Pocahontas, Ark.; and

A bill (S. 3627) to create a board of local inspectors of steam vessels for the customs district of Alaska.

The message also announced that the President of the United States had on the 22d instant approved and signed the joint resolution (S. R. 157) to prohibit the export of coal or other material used in war from any seaport of the United States.

The message further announced that the President of the United States had on the 25th instant approved and signed the following act and joint resolutions:

An act (S. 3154) to amend an act entitled "An act giving the consent of the United States to the erection of a bridge across Portage Lake, Houghton County, Mich., between the villages of Houghton and Hancock," approved March 3, 1891;

A joint resolution (S. R. 110) authorizing the National Reunion Monument Association to erect a monument in the city of Washington to the Union soldiers, sailors, and marines of the war of the rebellion; and

A joint resolution (S. R. 150) authorizing the printing of extra copies of the military publications of the War Department.

NAVAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. HALE, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. QUAY, and Mr. GORMAN were appointed.

HOUSE BILL REFERRED.

The bill (H. R. 9956) granting the Santa Fe and Grand Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona was read twice by its title, and referred to the Committee on Public Lands.

GUSTAV ISAK DAHLBERG.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Congress:

I transmit herewith a report from the Secretary of State and accompanying papers relating to the claim against the United States of the Russian subject, Gustav Isak Dahlberg, master and principal owner of the Russian bark *Hans*, based on his wrongful and illegal arrest and imprisonment by officers of the United States district court for the southern district of Mississippi, and in view of the opinion expressed by the Department of Justice that the said arrest and detention of the complainant were wrongful and without authority of law, I recommend the appropriation by Congress of the sum of $5,000 to reimburse the master and owners of the vessel for all losses and damages incurred by reason of his said wrongful and illegal arrest and detention.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, April 27, 1898.

ORDER OF PROCEDURE.

Mr. HALE. I ask that the Senate proceed to the consideration of the Calendar of unobjected cases under Rule VIII, so that they may be taken up in their order.

The VICE-PRESIDENT. Is there objection to the request that the Senate now proceed to the consideration of unobjected cases on the Calendar under Rule VIII? The Chair hears no objection. The Secretary will announce the first bill on the Calendar.

PATRICK HANLEY.

The bill (S. 1737) to correct the military record of Patrick Hanley was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to remove the charge of desertion standing against Patrick Hanley, late a private in Company H, Twenty-eighth Regiment Wisconsin Infantry Volunteers, and to issue to him an honorable discharge, to date December 19, 1862.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. ATKINS.

The bill (S. 388) for the relief of William H. Atkins, formerly commissary sergeant, United States Army, was considered as in Committee of the Whole. It proposes to pay William H. Atkins, of St. Augustine, Fla., $145, the amount due him for travel pay and allowances from the place of his discharge to the place of his enlistment, as an honorably discharged soldier from the United States Army, under section 1290, Revised Statutes.

Mr. COCKRELL. Let the report be read in that case.

The VICE-PRESIDENT. The report accompanying the bill will be read.

Mr. PASCO. I will state that the bill has been before the Senate——

Mr. COCKRELL. I am perfectly aware of that. Just let the report be read.

Mr. PASCO. And it has passed heretofore.

The Secretary read the report submitted by Mr. MITCHELL January 27, 1898, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 388) for the relief of William H. Atkins, formerly commissary sergeant, United States Army, have had the same under consideration and respectfully report as follows:

A bill identical in terms was favorably reported by this committee in the second session of the Fifty-fourth Congress, and was passed by the Senate April 23, 1896. Similar bills have been favorably reported by this committee in the Fifty-first, Fifty-second, and Fifty-third Congresses. Your committee adopt the report of the Senate Committee on Military Affairs of the Fifty-fourth Congress and recommend the passage of the bill.

The facts as set forth in said report are as follows:

"The petitioner enlisted at New York, December 19, 1866, and served in Company B, Sixteenth United States Infantry, as private, corporal, sergeant, and first sergeant, until about April 21, 1869, when he was discharged by reason of being rendered supernumerary in the consolidation and reorganization of his company and regiment with Company F, Second United States Infantry. He reenlisted at New York, May 21, 1869, and was assigned to said Company F, Second United States Infantry, in which he served as a private, sergeant, and first sergeant until July 4, 1873, when he was promoted and appointed post commissary sergeant, serving as such until discharged May 21, 1874. He reenlisted at St. Augustine, Fla., and served there until about November 1, 1877, when he was transferred to Fort Craig, N. Mex., and was discharged there August 5, 1878, and being denied travel pay and allowance was compelled to expend the sum claimed to reach the place of his enlistment in Florida, a distance of 1,851 miles.

"He made his claim to the Second Auditor of the Treasury, who, under date of March 11, 1889, said: 'As you were discharged at your own request, by way of favor, you are not entitled to traveling allowances,' and his claim was disallowed.

"In Special Orders, No. 168, War Department, dated August 5, 1878, discharging the petitioner, the Adjutant-General uses the following language: 'He is not entitled to travel pay.'

"The Revised Statutes, section 1290, on the point at issue, provide as follows:

"'SEC. 1290. When a soldier is discharged from the service (except by way of punishment for an offense) he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel pay and commutation of subsistence for such time as may be sufficient for him to travel from the place of discharge to the place of his enlistment, enrollment, or original muster into the service, commuted at the rate of one day for every 20 miles.'

"Your committee fail to discover the semblance of any warrant in either the letter or spirit of this statute for the ruling of the Second Auditor or the language used by the Adjutant-General of the Army.

"In a letter to the Secretary of War from the Adjutant-General of the Army, dated March 14, 1890, it appears that the denial of travel pay in this case was 'based on the rules of the Treasury Department.'

"Your committee fail to conceive what right that Department or the War Office has to inject into a statute some fanciful rule of its own to defeat the plain intention of Congress, and to deny justice to men who faithfully serve their country on a very small stipend.

"It is true that because of the sickness of the wife of the petitioner he asked for his transfer to a milder climate or else his discharge, but there can be no degree of equity in pretending that a soldier who simply asks for his transfer or a discharge is thereby guilty of such an 'offense' as it was the manifest purpose of the lawmaking power to punish by deprivation of travel pay and allowance."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUSPENSION OF PENSION APPLICATIONS.

The next business on the Calendar was the resolution submitted by Mr. ALLEN and reported from the Committee on Pensions by Mr. GALLINGER January 27, 1898, instructing the Committee on Pensions to inquire and report by what authority the Secretary of the Interior or Commissioner of Pensions refuses to examine and pass on the application for increase of pension until the expiration of one year after original pension has been granted or rejected.

Mr. ALLEN. This resolution was introduced by me some time ago. The committee made an investigation, how extensive it was I do not know, and reported that the suspension was by authority. The committee, however, failed to cite any statute authorizing the Secretary of the Interior or the Commissioner of Pensions to make the rule. Since that time the Assistant Secretary of the Interior has held in at least two cases that the rule of the Commissioner of Pensions at which this resolution is directed was without authority of law and in violation of the statute.

What disposition should be made of the resolution under such circumstances I do not know. I do not see the Senator from New Hampshire [Mr. GALLINGER] in his seat. Possibly the Committee on Pensions may want to take the resolution back and make a further investigation. I suggest that it go over until the Senator from New Hampshire comes in.

The VICE-PRESIDENT. The resolution will lie over.

EDWIN HIGGINS.

The bill (S. 873) to remove the charge of desertion against Edwin Higgins was considered as in Committee of the Whole. It directs the Secretary of War to remove from the rolls of the Army the charge of desertion now standing against the name of Edwin Higgins, late private of Company H, Eleventh Regiment Michigan Volunteer Infantry, and to grant him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATE ELECTION CASES.

The Senate proceeded to consider the following concurrent resolution, submitted by Mr. CHANDLER, and reported by Mr LODGE from the Committee on Printing, January 31, 1898:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in muslin, in one volume, 3,000 copies of the Senate Miscellaneous Document No. 67, Fifty-second Congress, second session, being the compilation of Senate election cases from 1789 to 1893, and the appendix thereto prepared under the concurrent resolution of March 31, 1894, covering Senate election cases from 1893 to 1897; 1,500 copies for the use of the Senate and 1,500 copies for the use of the House of Representatives.

Mr. CHANDLER. The concurrent resolution should be amended by being brought down to the close of the present session of Congress, in accordance with the suggestion of the Senator from Missouri [Mr. COCKRELL]. In line 10 I move to strike out "1897" and insert "to the close of the present session of Congress."

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

PUBLIC LANDS IN MISSOURI.

The bill (S. 1586) to provide for the sale of public lands in Missouri was considered as in Committee of the Whole. It proposes that all public lands within the State of Missouri shall hereafter be subject to disposal at private sale in the manner now provided by law for the sale of lands which have been publicly offered for sale, whether such lands have ever been offered at public sale or not. But the actual settlers shall have a preference right, under such rules and regulations as the Secretary of the Interior may prescribe.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPITAL RAILWAY COMPANY.

The bill (H. R. 5149) to amend the charter of the Capital Railway Company was announced as next in order on the Calendar.

Mr. MCMILLAN. I ask that that bill may go over for the present.

The VICE-PRESIDENT. Without objection, the bill will be passed over.

EXTENSION OF COLUMBIA RAILWAY.

The bill (H. R. 9205) to authorize the extension eastwardly of the Columbia Railway was announced as next in order.

Mr. MCMILLAN. I should like to have the bill read.

Mr. ALLEN. I wish to inquire of the Senator from Michigan if this is one of the bills that the Senator from South Dakota [Mr. PETTIGREW] desires to amend?

Mr. MCMILLAN. I think the Senator from South Dakota desires to offer an amendment to all the District railway bills pending; but I should like to have the bill read, and then it can lie over after it is read. That will expedite it somewhat. It is an important bill and ought to be considered.

Mr. ALLEN. Very well.

The Secretary read the bill.

The VICE-PRESIDENT. Does the Senator from Michigan request that the bill lie over?

Mr. MCMILLAN. The Senator from South Dakota is now present, and I should like to have it considered.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. PETTIGREW. I offer an amendment, to come in as an additional section at the close of the bill.

The SECRETARY. It is proposed to add at the end of the bill as an additional section:

SEC. 10. That, at any time after five years from the date of the passage of this act, the Commissioners of the District of Columbia, or the Government of the United States, may acquire all the property of said company, by purchase or otherwise, at the actual cash value of the same based upon the cost of reconstruction at the time of acquiring said property without taking into account the value of any franchise now granted, and may operate or otherwise dispose of the same in the interest of the public.

The rights and privileges hereby granted shall be for a period of twenty years, unless the property of said company shall be sooner acquired by the Government, as herein provided.

Mr. ALLISON. I ask the Senator from South Dakota if he should not make some provision for the purchase? How are the Commissioners of the District of Columbia or the Government to purchase the road? Is it to be done at the expense of the government of the District of Columbia? Is it to be done by the appropriation of money or the issue of bonds, or in what way?

Mr. PETTIGREW. The purpose is to have the public acquire title to this property for the purpose of better serving the public in the transportation of passengers, etc. The question as to whether the road shall be paid for in cash or bonds will be a question to be determined when we decide to purchase the property. The amendment, without paying for that which we already own, gives the right to the possession of the streets to the public. If we decide to exercise that right, the means by which payment shall be made will have to be provided for by the legislation at that time.

Mr. MCMILLAN. Mr. President, I object to the amendment. In the first place, I do not believe the government of the District of Columbia would ever desire to purchase this road. It is a road running into the country from Fifteenth street east across the Eastern Branch to the District line, to connect with a small road running to Chesapeake Beach.

In the second place, the company could not build the road if there were such a provision in the bill. No one would lend money to build a road with a specific right to purchase in its charter.

In the third place, I do not think the provision is one that need be made at the present time. The law gives us the power to purchase any of these roads at any time should Congress so desire. Every charter has a provision that Congress may alter or repeal it at any time. At the present, when the companies are making great improvements in the railroads of the District, putting in underground electric power and trying to get a perfect system, it is a bad time to put in a clause which would prevent the owners from carrying on the work. It would prevent them from selling their bonds and securities and keep back improvements.

Therefore, I hope the amendment will be voted down.

Mr. PETTIGREW. Mr. President, I will state in this connection that it seems to me it is a very opportune time to provide for protecting the public in the future. We have to-day a city of 250,000 people. A generation hence there will be here a population of a million people. That the public has not been well served by private enterprise in the cities of the United States is well known to the world. In fact, the public has been served worse in the cities of the United States than in almost any other cities. The private ownership of public monopolies, the private ownership and occupation of the streets of cities, became so intolerable in England that all her great cities adopted the system of public ownership and are now operating the tramways of that country. A leading example is the case of Toronto, where a few years ago the city first acquired and afterwards leased its street-car lines. But of that I will speak later.

In the city of Washington we should have one system, broad and comprehensive, reaching every portion of the city where such facilities are necessary. It may be argued that these lines in the suburban portions of the city are unprofitable. It is well known that the lines in the center of the city are enormously profitable. If the city of Washington owned all the means of transportation within its borders, the lines which are enormously profitable would serve by the profit which they yielded to furnish to the suburban lines a better service than can now be obtained and thereby better serve the public.

This city ought to be the model of the cities of America, the best governed, and its people the best served. It ought to have the best street-railway system in the world; it ought to have the best water system; it ought to have the best gas service; and these things should not be made the subject of private monopoly or of private profit, but rather of public advantage. No revenue should be derived from them; nothing more should be charged than the cost of maintenance and the cost of operating, and thus distribute the advantages to every citizen who chooses to use the streets. In this way the cost of living would be reduced, the attractiveness of the city to the people as a place of residence would be increased, and its growth and prosperity largely enhanced.

Every citizen of Washington who is interested in its property and its welfare is interested in this question. Every citizen of the Republic ought to be in a position to point with pride to the service rendered to the people who inhabit its capital city. On the contrary, no person in this Republic would dare to so point to the service we have heretofore received from the natural monopolies, which are owned by individuals and used for personal profit.

We have one or two lines of street railroads where the stock has been watered three times above the actual cost of the property, where enormous profits go to individuals, and then we have several bankrupt lines, on which the service is as wretched as possible.

We have a gas company which furnishes the worst gas in the world at the highest possible price. We witness the fact that the stock of this company has been increased and increased and increased, without any reference to the increased cost of the plant or the cost of the service. When Congress has struggled to remedy the evil, when we said two years ago we would decrease the price of gas 5 cents a year for five years and finally bring it down to a dollar a thousand feet, the response came from the company by decreasing the quality of the gas, decreasing its illuminating power, and making the service, if it were possible, even more wretched than it was before.

Can any citizen of the Republic point with pride to the city of Washington as a sample of the success of private ownership of public monopolies? Can he so point to our gas system and gas service, to our wrecks of street-railway lines? Can he so point to the telephone service, which came under discussion here a few days ago, for which the people were charged two or three hundred per

cent more than the service was worth? And after a determined struggle we were able to afford in this body a measure of relief—not adequate, but a measure of relief—amounting to about 100 per cent.

How much better it would be if the city of Washington had a system of telephone service, full, complete, and adequate, operated by the public; how much better it would be if the city of Washington had one street-car system embracing all the avenues where such service is required, and to be extended as population increases in amount, than to have this disjointed, disconnected system, exhibiting in one case enormous profits, excessive capitalization, and all the evils of the corporate system inaugurated in this country, and on the other hand bankrupt roads furnishing the most wretched service, operated by ancient methods. It seems to me no one can doubt that we could look with more pride upon the capital city of this nation if these facilities, necessary to the very existence of a city and the happiness of its population, were owned and operated in the interest of the public. It seems to me there can be no dispute with regard to this question.

If this is true, then when shall we commence? We ought to have commenced long ago. There certainly will not be a better time in the future. Here upon our tables are seven or eight bills granting new charters and allowing extensions of old ones, and it seems to me that the time to assert this right is now.

It is urged by the Senator from Michigan [Mr. McMILLAN] that we have reserved the right to repeal the laws chartering these corporations, but it is also well known that these corporations claim vested rights; it is well known that the chief part of their property, which they stock and bond and sell to the public, is the franchise which we grant by these charters. If we can retake these properties under the provisions of the acts by which we can repeal the charters, then, certainly, Mr. President, let us not leave to them the chance to deceive the investing public, but make the provision clear and distinct in the law itself.

There are some provisions with regard to limiting the capital stock of these corporations. When the Washington and Georgetown Railroad was built, the capital stock was limited to $500,000.

The VICE-PRESIDENT. The Chair calls attention to the fact that the Senator's time has expired under Rule VIII. Is unanimous consent given that the Senator may proceed with his argument?

Mr. HANSBROUGH. I ask that the Senator from South Dakota may be allowed to proceed.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. PETTIGREW. If at the end of every five minutes I shall be obliged to get an extension of time, I think I shall object to the further consideration of these measures now and let them be brought up when such a rule will not apply.

Mr. McMILLAN. I hope the Senate will allow the Senator from South Dakota to go on and complete his remarks. There are a half dozen street railway bills on the Calendar which have been passed by the House of Representatives which it is important we should take up and dispose of in some way, and the companies who are asking for the passage of the bills are ready to go on with the work. I should like to have the bills disposed of this morning, if possible.

The VICE-PRESIDENT. There being no objection, the Senator from South Dakota will proceed.

Mr. PETTIGREW. I would rather the bill should be taken up by resolution of the Senate, and then the subject will be open for unlimited debate, because other Senators may perhaps want to speak upon the subject and not desire to be limited to the five-minute rule. If the other bills relating to the street railroads are to follow this one, the same question being involved, discussion will naturally follow, for if this amendment fails, I shall offer others.

Mr. CHANDLER. I inquire if it is in order to move that the Senate proceed to the consideration of the pending bill, notwithstanding the objection, and if that motion prevail, whether the debate will not be unlimited? If that is so, I will make that motion.

Mr. HALE. By unanimous consent——

The VICE-PRESIDENT. The Senator from South Dakota is proceeding by unanimous consent.

Mr. HALE. By unanimous consent, we were only to consider unobjected cases under Rule VIII.

Mr. CHANDLER. For how long?

Mr. HALE. For the day.

Mr. PETTIGREW. Then I object to the further consideration of the bill. I was not here when that understanding was arrived at.

The VICE-PRESIDENT. Objection is made to the further consideration of the bill.

Mr. WOLCOTT. I inquire whether some arrangement can not be made whereby the time of the Senator from South Dakota [Mr. PETTIGREW], whose remarks apply to all these bills, shall be enlarged? He is not in the habit of speaking often, and if he speaks upon each one of the bills when it is called up, he will have more to say than if he should speak to them all in one series of remarks. He represents a certain policy which he desires to have pursued here. I will say that the reason I make this request is that I understand all of these bills are important. The pending one I know to be of very great importance.

Mr. COCKRELL. Then why not move to proceed to its consideration?

Mr. WOLCOTT. I can not because of what the Senator from Maine [Mr. HALE] has said as to the unanimous-consent agreement.

Mr. COCKRELL. I thought we were proceeding in the ordinary way under Rule VIII, and that when an objection was made it would be in order to move that the consideration of a bill be proceeded with notwithstanding the objection.

Mr. WOLCOTT. We are proceeding under a unanimous-consent agreement, as I understand.

Mr. COCKRELL. I hope unanimous consent will be given.

Mr. HALE. The Senator from South Dakota can proceed by unanimous consent.

Mr. PETTIGREW. I myself object, under the circumstances.

The VICE-PRESIDENT. The Senator from South Dakota [Mr. PETTIGREW] objects.

Mr. WOLCOTT. If the Senator is permitted to proceed at length, he will not object, will he?

Mr. PETTIGREW. Yes, I will object under the circumstances of the unanimous-consent agreement. I should be very glad to have a time set for the taking up of these bills and disposing of them. I am willing that all the bills shall be considered when they can be fully debated.

Mr. CHANDLER. I give notice that to-morrow morning, after the routine morning business, I shall move to take up the bill which has been pending.

Mr. COCKRELL. Why not take it up at 2 o'clock to-day?

Mr. CHANDLER. The Senator from South Dakota proposes that it shall go over until to-morrow.

Mr. HALE. The bill can be taken up to-morrow morning, after the routine business.

Mr. CHANDLER. I will make that motion to-morrow morning, Mr. President.

Mr. PETTIGREW. I wish to say that I understood the day before yesterday that it was agreed that this subject should come up yesterday; but it was then postponed, and I then understood that it would come up to-day under our rule of unlimited debate, or I should not have commenced the discussion of the question.

The VICE-PRESIDENT. Objection being made, the next bill on the Calendar will be stated.

INCREASE OF MINIMUM PENSIONS.

The bill (S. 3385) to increase minimum pensions, and for other purposes, was announced as next in order on the Calendar.

Mr. COCKRELL. That bill is reported adversely, and I object to it. Let it go to the other Calendar.

Mr. ALLEN. That is a very important bill, and I should like to have unanimous consent to have it made the unfinished business after the disposal of the present unfinished business.

Mr. COCKRELL. I object.

The VICE-PRESIDENT. Objection is made.

Mr. ALLEN. Well, let it keep its present place.

The VICE-PRESIDENT. Objection being made, the bill will go over, retaining the place on the Calendar it now occupies.

OFFICIAL STATISTICS OF CITIES.

The joint resolution (S. R. 89) providing for the publication of official statistics of cities was announced as next in order.

Mr. ALLEN. I object to that bill.

The VICE-PRESIDENT. Objection is made, and the bill will go over.

FOG-SIGNAL VESSEL AT BLUNTS REEF, CALIFORNIA.

The bill (S. 3304) for establishing a fog-signal vessel at Blunts Reef, California, was announced as next in order.

Mr. ALLEN. I object to that.

The VICE-PRESIDENT. Objection is made.

Mr. WILSON. Was objection made to that bill, Mr. President?

The VICE-PRESIDENT. Objection has been made.

Mr. WILSON. Would it be in order to move that the Senate do now adjourn?

Mr. WHITE. Will the Senator yield to a motion for an executive session?

Mr. WILSON. I will say that the only reason I suggest a motion to adjourn is that it seems to be evident that there is going to be objection made to every bill called on the Calendar. If it is to be the case—and I assume that from the three objections which have been made—that objection will be interposed to every bill called up, there is no use of the Senate frittering away its time. I have no objection to an executive session. I do not really desire

to move to adjourn, but I do not want to sit here and listen to objections; and so I will move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Washington.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-seven minutes spent in executive session the doors were reopened, and (at 1 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 28, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 27, 1898.

COLLECTOR OF INTERNAL REVENUE.

Henry L. Hershey, of Pennsylvania, to be collector of internal revenue for the Ninth district of Pennsylvania, to succeed Raymond E. Shearer, removed.

ASSISTANT TREASURER.

Julius Jacobs, of California, to be assistant treasurer of the United States at San Francisco, Cal., to succeed Campbell P. Berry, whose term of office will expire by limitation June 14, 1898.

This nomination is made in lieu of that sent to the Senate January 27, 1898, which read "to succeed Campbell P. Berry, removed." The latter nomination is hereby withdrawn.

UNITED STATES ATTORNEY.

William D. Gordon, of Michigan, to be attorney of the United States for the eastern district of Michigan, vice Alfred P. Lyon, whose term expired February 6, 1898.

UNITED STATES MARSHAL.

William R. Bates, of Michigan, to be marshal of the United States for the eastern district of Michigan, vice Eugene D. Winney, whose term expired March 6, 1898.

SUPERVISING INSPECTOR.

Charles H. Westcott, of Michigan, to be supervising inspector of steam vessels for the Eighth district, to succeed John H. Galway, removed.

RECEIVERS OF PUBLIC MONEYS.

Joel A. Piper, of Lincoln, Nebr., to be receiver of public moneys at McCook, Nebr., vice Patrick Gibbons, whose term will expire May 28, 1898.

Frank H. Young, of Brokenbow, Nebr., to be receiver of public moneys at Brokenbow, Nebr., vice Andrew J. Robertson, whose term will expire May 24, 1898.

REGISTERS.

James King, of Boise, Idaho, to be register of the land office at Boise, Idaho, vice Charles Himrod, resigned.

Francis M. Rathbun, of Cambridge, Nebr., to be register of the land office at McCook, Nebr., vice Ambrose S. Campbell, whose term will expire May 28, 1898.

INDIAN AGENTS.

Daniel C. Miles, of Westminster, Mass., to be agent for the Indians of the Cheyenne and Arapahoe Agency in Oklahoma Territory, vice Maj. Albert E. Woodson, United States Army, relieved from duty as acting Indian agent.

Warren H. Rand, of Michigan, to be agent for the Indians of the Cheyenne River Agency in South Dakota, vice Charles T. McCoy, declined.

POSTMASTERS.

George Metzger, to be postmaster at Davenport, in the county of Scott and State of Iowa, in the place of F. A. Lischer, whose commission expired January 12, 1898.

E. Knowlton Fogg, to be postmaster at Lynn, in the county of Essex and State of Massachusetts, in the place of John D. Dennis, whose commission expires May 18, 1898.

John B. George, to be postmaster at Constantine, in the county of St. Joseph and State of Michigan, in the place of J. W. Gentzler, whose commission expired March 9, 1898.

Richard M. Johnson, to be postmaster at Middleville, in the county of Barry and State of Michigan, in the place of David Matteson, whose commission expires May 16, 1898.

C. T. Bailey, to be postmaster at Raleigh, in the county of Wake and State of North Carolina, in the place of C. M. Busbee, whose commission expired March 20, 1898.

P. J. O'Brien, to be postmaster at Durham, in the county of Durham and State of North Carolina, in the place of W. T. Blackwell, whose commission expired February 16, 1898.

Thomas H. Higgins, to be postmaster at Chester, in the county of Delaware and State of Pennsylvania, in the place of John L. Garrett, whose commission expired April 11, 1898.

Jacob S. Matthews, to be postmaster at Athens, in the county of McMinn and State of Tennessee, in the place of W. A. Cunningham, whose commission expired April 11, 1898.

(Thomas S. Matthews having been nominated to the Senate and confirmed through error.)

Eleanora Andrews, to be postmaster at Evansville, in the county of Rock and State of Wisconsin, in the place of James H. Hoskins, whose commission expired October 20, 1897.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. Rudolph Gustavo Ebert, assistant surgeon, to be surgeon, with the rank of major, April 17, 1898, vice McElderry, deceased.

Artillery arm.

Second Lieut. George Grant Gatley, Fifth Artillery, to be first lieutenant, March 21, 1898, vice Zalinski, Second Artillery, appointed assistant quartermaster, who resigns his line commission.

Infantry arm.

First Lieut. Wallis Olwin Clark, adjutant, Twelfth Infantry, to be captain, April 12, 1898, vice Halloran, Twelfth Infantry, deceased.

PROMOTION IN THE NAVY.

Lieut. Thomas H. Stevens, to be a lieutenant-commander in the Navy, from the 2d day of February, 1896, to fill a vacancy, said officer having been nominated and confirmed (subject to the examinations required by law) on March 1, 1895, and having, upon examination, been suspended from promotion for one year under section 1505, Revised Statutes.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 27, 1898.

ASSISTANT SECRETARY OF STATE.

John B. Moore, of New York, to be Assistant Secretary of State.

PROMOTION IN THE ARMY.

Subsistence Department.

Col. William Hoit Nash, assistant commissary-general of subsistence, to be Commissary-General of Subsistence.

APPOINTMENT IN THE ARMY.

Artillery arm.

Philip Raymond Ward, of New York, to be second lieutenant.

AGENT SALMON FISHERIES.

William S. Ballard, of the District of Columbia, to be assistant agent at the salmon fisheries of Alaska.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 27, 1898.*

The House met at 12 o'clock m. Prayer by Rev. EDMOND HEZ SWEM, of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

WAR TARIFF.

Mr. DINGLEY. Mr. Speaker, I call up for present consideration, under the order of the House heretofore made, the bill H. R. 10100.

The SPEAKER. In accordance with the order of the House heretofore made, the House will now resolve itself into a Committee of the Whole House on the state of the Union for the consideration of a bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10100) to provide ways and means to meet war expenditures.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The Clerk will report the bill.

The bill was read at length.

Mr. DINGLEY. Mr. Chairman, this bill, as its title indicates, is a war measure—a measure forced upon us by reason of the fact that the United States is now engaged in a war with Spain. War is always an expensive business. However desirable and necessary it may be at times, it always involves the necessity of exceptional taxation, as well as large loans. The expenses of war are enormous at any time, but particularly so in this modern period, with the great engines of destruction procured only at an enormous expense. The expenses of our civil war in one single year—1865—reached the enormous amount of eleven hundred millions of dollars. That war was fought, to be sure, on a much larger scale than this is to be fought, but at a time when the engines of war were less destructive and far less expensive than they are now.

When brought into such a contest as this it is essential that all the people of the country should stand as a unit, shoulder to shoulder, united as far as possible in all the efforts that may be put forth for the raising of funds to meet the enormous expenditures

involved in war, and united in the prosecution of it as well. Because it is only through such union as this that hostilities can be abbreviated and the contest brought to an end in the shortest possible period.

This demand on our resources for new taxation comes upon us at a time when we are just emerging from a long period of deficiency of our revenues and have just begun to see the light. In the months of February and March which have just passed our revenues exceeded our peace expenditures by the sum of about $3,000,000. The expenditures for March appearing in the Treasury statement include $4,000,000 paid on account of the $50,000,000 appropriation for national defense. There is no doubt if peace conditions had continued we should have already entered upon a period when our revenues would have been equal to and even exceeded our expenditures. But the appearance of war has entirely changed the situation.

The estimate of the Secretary of the Treasury that the revenues for the next fiscal year—an estimate made in December last—would be $390,000,000, under the peace conditions then existing, have been shown by the progress of events to be entirely within the reasonable probability. There is no doubt that the revenue for the next fiscal year, had we avoided the hostilities now upon us, or if they could have been avoided, would have exceeded $390,000,000, $200,000,000 of which would have come from customs, $165,000,000 from internal revenue and $25,000,000 from miscellaneous sources.

As our expenditures in the fiscal year 1896 were only $352,000,000 and in the last fiscal year only $365,000,000, it is evident that the tariff act of July 24, 1897, had in March already placed the country in a position, if peace conditions had continued, where the revenues would have been equal to, and in a short time in excess of, the expenditures.

But all this is now changed. We have entered upon a period of war. How long or how short it will be no human intelligence can correctly forecast. Even before the declaration of war we had begun to feel the spur which came from the sentiment of the people of the country that we should prepare for defense, our naval bill, our fortifications bills, and other appropriation bills being swelled generously in anticipation of such an event.

Then came the destruction of the battle ship *Maine*, on the 15th of February last, and from that time there has existed in this country a sentiment demanding that we should prepare for the national defense. Accordingly, on the 9th day of March, Congress responded to this sentiment by making an appropriation of $50,000,000 for the public defense. Under this appropriation and in consequence of it, liabilities have been incurred at the rate of about $25,000,000 per month, in preparation for the national defense, or at the rate of $300,000,000 per annum. It is evident that with such expenditures as this, soon to be swelled vastly beyond such figures, the Treasury will not long meet such a drain.

Mr. SAYERS. Before the gentleman proceeds, I would like to ask him a question.

The CHAIRMAN. Does the gentleman from Maine yield?

Mr. DINGLEY. Yes.

Mr. SAYERS. I would like to know if, in preparing this tax bill, he has taken into consideration any estimate as to the probable expenditure for one year?

Mr. DINGLEY. I will come to some suggestions on that point pretty soon, because it is very evident that there is hardly any intelligence that can forecast what the expenditure will be.

But not to be diverted from the point which I was about to consider, with reference to the present condition of the Treasury, I desire to say that gentlemen who take up the daily statement of the condition of the Treasury are liable to have a misapprehension with respect to the amount of the available cash on hand. On the day that we appropriated $50,000,000 for the national defense there appeared to be in the Treasury a cash balance of $225,000,000, including the one hundred million gold reserve.

This was apparent only, part of it being unavailable and part of it not belonging to the Government of the United States. Thirteen million dollars of fractional silver and minor coins, a part of which are worn and unavailable and the other part subject to the demands for currency throughout the country, are not available for ordinary purposes in any large amounts. In addition to that, $14,000,000 received from the sale of the Pacific Railroad is held by the United States Treasury for the payment of $14,000,000 of Pacific railroad bonds which mature on the 1st day of January next.

In addition to these sums there were on the 9th day of March $33,000,000 in the Treasury belonging to the bank-redemption fund, by which I mean the fund paid in by banks reducing circulation, failed, or in liquidation, to redeem their circulating notes, turned into the Treasury under the act of July 14, 1890, but subject to the continual drain for the redemptions of national-bank notes of such banks.

During the past year there has been a much larger amount of redemptions than of deposits, nearly to the extent of $8,000,000, which shows that this fund is now being seriously drawn on. Now, this $33,000,000 is held by the Treasury of the United States in trust. These amounts aggregate $60,000,000, either uncurrent or not belonging to the United States, to be deducted from the $225,000,000 apparent balance on the 9th day of March. Deducting this and there appears to be, and was actually belonging to the United States on the 9th day of March, the sum of $160,000,000 in the Treasury. One hundred million dollars of that belong to the greenback-redemption fund, leaving $65,000,000 available for all purposes of the Treasury.

Now, the working balance required in the Treasury for the purpose of carrying on the operations of the Government is about $40,000,000. It is inconvenient, and oftentimes unsafe, to run down the balance in the Treasury below that amount. This leaves only $25,000,000 belonging to the United States available for meeting the $50,000,000 appropriation of the 9th day of March. Now, in order to meet the other $25,000,000, we must draw from two sources, from the bank-redemption fund (and by that I do not mean the 5 per cent redemption fund, but the other redemption fund of which I have spoken), or from the $14,000,000 payable for Pacific railroad bonds on the 1st day of January next, or both; and these amounts must be returned to the Treasury hereafter.

It is evident from the expenditures in preparations for defense that have been made since the 9th day of March, and from the liabilities incurred and not yet paid, that we shall be obliged to use about $25,000,000 per month, commencing with March 10. About $35,000,000 in liabilities have been incurred up to Monday, and, I understand, yesterday a very considerable amount more. It is evident, therefore, that within a very few weeks, perhaps two weeks, perhaps three weeks, this appropriation will have been exhausted, and we shall be obliged to have recourse to other forms of taxation and to loans for the purpose of replenishing the Treasury.

I have made these statements in order that gentlemen may see that it will not answer for us with this country now in war, when we are gathering our armies in the field and sending our naval forces over the ocean to engage in war, to stand as silent spectators and decline or postpone such means of raising revenue and of borrowing as will meet the demands of the Government. It is in view of this fact that the Committee on Ways and Means have felt called upon to take early action with reference to replenishing the Treasury and furnishing a revenue for carrying on this war.

We assume that in doing this all the members of this House, as we trust, and all the citizens of this country will feel that they are patriots and citizens before they are partisans in such a matter. And, therefore, we trust that we may have such united action in this direction as will impress not simply Spain, but the nations of Europe with the idea that the people of the United States stand shoulder to shoulder united in the prosecution of the war, which has been undertaken, as they believe, for just and proper reasons.

Mr. Chairman, the Committee on Ways and Means have addressed themselves to the various methods that have been suggested for the raising of additional revenue. They naturally have had recourse to the legislation of the period of the civil war, when so large an amount had to be raised, and they have found, after a careful consideration of the question of taxation, that on the whole it is better at the present time, and we trust that that may be all that may be necessary, that about $100,000,000 additional revenue should be raised, and that entirely through internal-revenue legislation. Hence the war revenue bill which has been reported provides for internal-revenue taxes exclusively.

These taxes have been selected, first, because we have the machinery for the collection of them now, and they can be collected with but slight additions to the force and with but slight increase of expense. We have selected them also because they were a source of revenue successfully seized upon during the civil war, and because they are taxes either upon articles of voluntary consumption or upon objects where the tax will be paid by those who are ordinarily able to pay them; and we have refrained from putting a tax in a direction where it would be purely upon consumption unless the consumption is of an article of voluntary consumption, so that the consumer may regulate his own tax, following what is the accepted rule of taxation in all countries, with a view of imposing the least burden and disturbing the business of the country as little as possible.

Now I want to point out the direction in which we have proceeded. First, we have doubled the tax on fermented liquors, giving a rebate of 5 per cent, the estimated proportion of packages that are spoiled and which the owner does not receive compensation for. This increase of tax will yield about $33,000,000.

The rebate prior to the act of 1897 was 7½ per cent. We have reduced it to 5 per cent, for the reason that the evidence presented satisfies us that the proportion of spoiled packages is less than formerly, on account of improved processes of manufacture and

improved means of cold storage; and we have made the amount 5 per cent. This increase of tax on beer, as I have said, will give an additional revenue of about $33,000,000.

We have also doubled the tax on tobacco, now 6 cents per pound, raising it to 12 cents per pound, which will give an additional revenue of $15,000,000; and we have increased the tax on cigars and cigarettes $1 per thousand on each kind, giving an additional revenue of about $5,000,000. The act of 1897 increased the tax on cigars without increasing the tax on tobacco, so that by this arrangement the proportion between tobacco and cigars has been made almost exactly the same as it was before 1897.

We have provided also that the increased tax shall apply to stocks of tobacco and cigars on hand. As there has been some objection to this, I shall briefly state the reasons that controlled the committee in its action. Internal taxes applied to articles increase the cost and necessarily the selling price of the articles to the extent of the tax. When, therefore, an additional tax of $1 per thousand is placed on cigars and of 6 cents per pound on the tobacco, the increased cost of the article in the market is inevitably placed on the consumer.

In view of the fact that the Government proposes to increase the tax for the purpose of securing revenue, and the consumer must pay this increased price to the owner of the stock, this increase belongs to the Treasury, and not to the accidental holder of large stocks, who would gather that amount into his own pocket unless this provision were made. The committee with great unanimity in this matter, feeling that justice—justice to the Government, justice to all interests, justice to the different manufacturers of tobacco and cigars, some of whom have stocks and some of whom have not stocks—required it, determined that the increased tax should apply to stocks on hand as well as goods to be made hereafter.

This view is strengthened by the fact that when the tax has been reduced by the Government, the Government has refunded to the holder of stocks the amount of the reduction of the tax and given him the benefit, because the price would be reduced to the extent of the tax; and what was just for the owner of stocks when the tax was reduced is now just to the Government when the tax is to be increased.

We have also restored a special tax of $4.80 per annum upon dealers in tobacco and cigars. Many of you will probably remember that the tax on these special dealers was abolished in 1890. It had continued from the war period and subsequently up to 1890, with frequent reductions. It will produce about $5,000,000; and the belief is that a small tax of this kind will not only enable the officers of the Internal Revenue Bureau to better enforce the tax on tobacco and cigars, but will be so small as to not be felt by the individual dealer, and will yield a considerable revenue to the Government. Thus about $25,000,000 additional revenue will be secured from tobacco, cigars, cigarettes, and dealers.

We have restored the adhesive-stamp tax which existed from 1864 to 1872, placing it in large part on the basis of the law as it stood in 1866, with certain additions, including the tax on transfers of stock, etc., which was placed by the Senate as an amendment in the tariff bill of 1897 and was omitted in conference. This will produce a revenue of about $30,000,000; that is, so far as it can be estimated. The details of that stamp tax in large part are the same as they were under the act of 1866, which can be explained better in the debate under the five-minute rule.

We selected several articles of voluntary consumption, on which we have placed a stamp tax, not included in the act of 1866. They are chewing gum, mineral waters, beverages of all kinds not otherwise taxed under the internal-revenue laws, and wines. I should also add that we have restored the tax on proprietary medicines substantially as it existed in the act of 1866. It is estimated that the adhesive-stamp tax on instruments, bonds, etc., will reach, as I have said, $30,000,000.

How much will be raised on the four articles added it has not been found possible to estimate with any precision. It is not estimated by anyone at less than $5,000,000, and by many it is estimated at very much more. The committee felt that without precise data on which to make a statement they would leave the matter unestimated, being certain, however, that these articles will be large revenue producers.

We have increased the tonnage tax on vessels in the foreign trade only. There is no tonnage tax now on vessels in the coastwise trade, and none is placed on them by this bill. We have restored these taxes, not however to the amount of the war period, on which there will be an increased revenue of about two and one-half million dollars. The reasons for this increased tax lie in these facts.

Nine-tenths of the vessels in this trade are foreign, and during the war now before us, I regret to say, it is probable that nearly all will be foreign vessels. The tonnage tax we propose to apply to these vessels in the foreign trade is not much larger than that imposed by the leading European powers on vessels engaged in foreign trade precisely the same as France imposes and slightly larger than Great Britain imposes for the purpose of maintaining light-houses and other aids to commerce. It is believed that this is a just tax, which the Government is fairly entitled to under any conditions, and there is great propriety in restoring it to two-thirds of the figure which existed in the civil war.

We have repealed that provision of the act of 1886 which tendered to foreign powers reciprocity in tonnage dues, for the reason that in experience it has been found that it worked entirely to the benefit of other countries, and not in any manner to the benefit of this country.

It has been necessary to repeal the provision in the shipping act of 1886, dedicating the tonnage tax to the support of the Marine-Hospital Service. It will be remembered that the act of 1886 reduced the tonnage tax, and that a provision was inserted making a permanent appropriation of the receipts from the tonnage taxes for the support of the Marine-Hospital Service, so that since that time the Marine-Hospital Service has had the benefit of the amount received from this tonnage tax, which last year was in excess of $800,000. We believe that method of making appropriations is vicious.

Every appropriation should be distinctly made by Congress, and those who have expended it should report what has been done with the money. But the main reason for inserting this provision is that if we did not do so all of the two and a half millions would be permanently appropriated to the Marine-Hospital Service. After consultation with the chairman of the Committee on Appropriations, he has concurred in this provision making a special appropriation for the next fiscal year and leaving subsequent appropriations for the Marine-Hospital Service to be made annually.

Mr. CANNON. Will the gentleman from Maine allow me a suggestion?

Mr. DINGLEY. Certainly.

Mr. CANNON. On a subsequent examination I have ascertained that the gentleman from Maine and myself are both in error as to the amount of the tonnage tax for some years past. It is about $550,000, and should be reduced to that amount, instead of $750,000. I think his repealing clause is a little too broad, but that can be remedied under the five-minute rule.

Mr. DINGLEY. I should be glad if the chairman of the Committee on Appropriations, under whose jurisdiction this more properly comes, would prepare such an amendment as he thinks would meet the case.

Mr. CUMMINGS. Will the gentleman from Maine state what is the increase in the revenue that he expects by the increase of the tonnage tax?

Mr. DINGLEY. About two and one-half millions of dollars.

Now, all these increased taxes proposed by the bill will give an additional revenue of from ninety to one hundred millions of dollars, not less than ninety millions in any probable event, and not more than one hundred millions in any probable event. It is impossible to come nearer than that in any estimate, as what the revenue may be will depend largely on the condition of business.

But it is the opinion of many of those gentlemen who administer the revenue laws that not less than ninety millions, and some think one hundred millions, will be obtained from these provisions which I have described. All of them, it will be observed, are taxes on articles of voluntary consumption, or taxes on business paid by those who ordinarily can afford to pay them, disturbing business to the minimum extent, giving a measure of revenue immediately in the case of fermented liquors, tobacco, and cigars, or to be obtained as soon as the provisions go into effect as to other provisions.

The stamp provision will take effect the 1st of June, the special taxes upon dealers in tobacco will go into effect the 1st of July, and the increase on fermented liquors and tobacco on the day following the passage of this bill.

Having thus reviewed the subjects of taxation resorted to for the purpose of increasing the revenue, I am now brought to the question of borrowing. The additional revenue from the sources I have specified has been provided as a basis for the purpose of meeting current expenditures in part, for the payment of interest on what the Government may borrow, and also for maintaining the public credit.

But it is evident that the war upon which we have entered—unless all signs should fail, as I hope they may—is not to be simply a sixty days' affair, is not to be simply a three months' affair, is not to be even a six months' affair; and the more earnest we are in our preparations, the more unitedly we stand, the more means we provide for defense and offense, the more we arm the Government with the means of carrying on this war, the shorter it will be.

Mr. TALBERT. Will the gentleman allow me a question?

Mr. DINGLEY. Yes; I yield.

Mr. TALBERT. On page 9 of the bill——

Mr. DINGLEY. I can not yield to go into any matter of detail. I prefer to take up all such matters under the five-minute rule.

Mr. TALBERT. I simply wish to make an inquiry with reference to a provision under the head of "adhesive stamps." It is provided that—

On and after the 1st day of June, 1898, there shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, etc., the several taxes or sums of money set down in figures against the same, respectively, etc.

Now, this provision includes, among other things, mortgages. I wish to inquire whether it includes mortgages already given and recorded?

Mr. DINGLEY. Oh, no; it only includes mortgages that may be given after the passage of the act.

Mr. CLARDY. I should like to ask the gentleman a question.

Mr. DINGLEY. I prefer not to yield now, unless it is upon the point I am talking about.

Mr. CLARDY. It has immediate reference to the scheme of taxation provided in this bill.

Mr. DINGLEY. I prefer not to be interrupted now. I wish to complete my statement.

I was about to say it is evident that no measure of taxation that can be proposed can meet the expenditures of the war we have already entered upon. Some other provision must be made. What does every Government have to do after it has exhausted the appropriate means of taxation such as under its constitution are within its reach? It goes out and borrows. Unless we propose to conduct this war feebly—unless we propose to leave our Army in the field unfed, unclothed, unpaid—we have got to borrow.

No nation on the face of the earth ever escaped that necessity in war. Fortunate it is for this country that it has maintained its good faith in the past so fully that to-day it has almost the highest credit of any government on the face of the earth. [Applause.] Now, we must go out and borrow for the time being. There are contained in this bill two provisions with respect to borrowing for the purpose of carrying on this war effectively—for the purpose of sustaining our Navy on the seas and our armies in the field and securing as speedy a conclusion of hostilities as possible.

In the first place, in section 27 we authorize the Secretary of the Treasury to issue and sell not exceeding $500,000,000 of 10-20 3 per cent coin bonds, to be disposed of as a popular loan in the first place and from time to time as the public necessities may require. These bonds are to be issued in denominations of $25 and multiples thereof, $50 being the lowest bond that has ever before been issued.

And, although it is not specifically provided for in this bill, I may say that it is the intention of the Secretary of the Treasury, commencing with $200,000,000 of this loan, when authorized, to place it at the post-offices throughout the country, wherever that can be done [applause], and to offer these bonds first of all to the masses of the American people, who, I believe, will, not only for the purpose of investment but from patriotic motives, embrace the opportunity of subscribing for them.

And, on the supposition that the amount of subscriptions made will exceed the amount of the loan required by the Government, the circular to be issued by the Secretary of the Treasury will provide that every subscriber for the loan to the extent of a thousand dollars or less shall have the whole amount that he subscribes for, and those who subscribe for larger sums only proportional amounts, the object being to reach the masses of the people who may desire to make this investment.

Now, I wish to say a single word with regard, first, to the rate of interest—3 per cent. Some doubt has been expressed as to whether a 3 per cent bond can now be floated at par. The committee has obtained information, so far as possible, throughout the country in reference to the probability of disposing of such bonds——

Mr. MARSH. Let me ask the gentleman from Maine if the proposition is that these bonds shall be negotiated at less than par?

Mr. DINGLEY. Not at less than par.

And, Mr. Chairman, the belief of the committee and others who have the most information respecting the matter is that there will be no question whatever about being able to dispose of them.

But in order to make this absolutely sure—for it would be a serious misfortune not to have the loan taken—in order to make it sure, these bonds are made redeemable after ten years, at the option of the Government, and become payable in twenty years. The reason for making the bonds in this form is that it is believed that a five-year period, in the first place, might affect the placing of the bonds, especially the later issues; and it is important, therefore, in this view of the case, that they should run at least ten years, in order to make it certain that the bonds will be taken.

But the second reason influencing the committee was this: We found, on examination, that the existing loans of the Government are payable in such way that, even if we could place 5-20 3 per cent bonds instead of ten-twenties, the latter would be equally favorable for the Government for the reason that in 1904, six years from the present time, there will become due $100,000,000 of 5 per cent bonds.

Now, obviously all we shall be able to do at the end of the five years will be to redeem the $100,000,000 of 5 per cent bonds; and, as they bear 5 per cent interest, the Government, of course, would choose to call them in and pay them off rather than the 3 per cent bonds. In 1907 there comes due $559,641,500 of 4 per cent bonds, coming right along after we have completed the payment of the 5 percents. Of course the Government will call them in and pay them off before paying the 3 percents.

And having over five hundred millions of them, they will be all we can take care of, until the ten years' bonds falling due in 1908, when these new bonds will be redeemable at the pleasure of the Government.

So, Mr. Chairman, from the point of view of the Government's interest it is better that these bonds should bear the minimum time limit of ten years rather than the shorter term of five. And on the point of securing their being taken by the people at 3 per cent, it is evidently better that they should have a longer term to run.

Mr. McMILLIN. Will the gentleman permit me to interrupt him for a question?

Mr. DINGLEY. Certainly.

Mr. McMILLIN. The gentleman has indicated that the reason why the committee put the bonds at 10-20, instead of 5-20, is that we have other obligations that come due in 1904 and 1907?

Mr. DINGLEY. Yes, bonds bearing a higher rate of interest.

Mr. McMILLIN. But with the issue of bonds at 5-20, do you not have the option to take them up at the expiration of the five years, though you can not be forced to take them up until the expiration of twenty; and are you not, in that regard, just as well off as you would be at a longer term of 10-20?

Mr. DINGLEY. Undoubtedly the payment of five-twenties could be deferred; but it is doubtful whether the second or third issues could be placed at 3 per cent in time of war. Besides, the Government would gain no advantage by fixing the shorter term because of the large volume of higher interest bonds falling due in six and nine years.

Mr. McMILLIN. Does the gentleman think that a bond bearing even 3 per cent interest and not taxable would be difficult to dispose of even if it ran only for five years?

Mr. DINGLEY. No one can tell for a certainty, but there are fears that it could not be if the war should be prolonged.

Mr. McMILLIN. There are certain States in the Union now borrowing money at 3 per cent or 3½ per cent on time loans.

Mr. DINGLEY. But the gentleman must know, however, that since the Government has got into a war the conditions respecting loans have changed. You may find it difficult to borrow money at a particularly low rate of interest now, because the money market has been materially affected by the new conditions that confront us. We are going into the markets to sell the bonds for the purpose of meeting the expenses of a war, and we must take no risks.

Mr. HILL. If the gentleman from Maine will permit me, I would like to ask the gentleman from Tennessee if he knows of any State in the Union that is selling anything but a gold bond for less than 3 per cent interest?

Mr. McMILLIN. My own State is borrowing money upon merely a currency obligation; no coin obligation in it at all.

Mr. DINGLEY. On short time?

Mr. McMILLIN. Short time.

Mr. DINGLEY. Really a loan on call?

Mr. McMILLIN. No; not on call. It is a time loan.

Mr. DINGLEY. At what per cent?

Mr. McMILLIN. It has had to pay as high as 4 per cent, but recently has borrowed money at a less rate. The last loan, which was recently placed to meet an account that was falling due, was, I think, at less than 3½ per cent. Now, the Government of the United States could float a 3 per cent bond for any period.

Mr. GIBSON. Let me suggest to my friend that the low rate at which the State of Tennessee was able to float its bonds was based upon the expectation that the gentleman would be the next governor of that State, thereby insuring the payment of the bonds. [Laughter.]

Mr. DINGLEY. Now, Mr. Chairman, I prefer not to yield to any further interruption at this point. Having made provision for a permanent loan for an amount not exceeding $500,000,000, then it became important to make provision for the obtaining of money temporarily immediately, before the permanent loan can be placed, before additional revenue can be secured, and also for any contingencies that may come in the future. Hence, we have provided for a temporary issue of certificates of indebtedness, bearing interest at 3 per cent, payable in not exceeding one year, and providing that the amount that may be outstanding at any time shall not exceed $100,000,000.

Mr. WALKER of Massachusetts. Is one year the specific time stated in the certificate?

Mr. HOPKINS. No.

Mr. DINGLEY. The Secretary of the Treasury may make the loan for any time that does not exceed a year.

Mr. WALKER of Massachusetts. No fixed time.

Mr. DINGLEY. No fixed time; any time that does not exceed a year, giving the Secretary of the Treasury authority within those limits. The idea, of course, is apparent that immediately after the passage of this bill, before a dollar of additional revenue can be raised, before bonds can be placed, the Secretary of the Treasury will have to borrow, perhaps, $50,000,000 for a period not exceeding a year, or it may be three months, it may be two months, until the bonds can be placed and the means can be obtained whereby they may be funded on longer time.

Mr. SAYERS. If it will not interrupt the gentleman, I should like to hear him upon the proposition to borrow $500,000,000 on long time.

Mr. DINGLEY. Not exceeding that amount.

Mr. SAYERS. Not exceeding that. But the Government is authorized to borrow $500,000,000.

Mr. DINGLEY. Of course the loan will not be made except as the Government requires it. It is to be made in one or two hundred-million blocks.

Mr. SAYERS. But we speak with reference to the law, not with reference to what the Government will do. So there is $500,000,000 of a permanent loan and $100,000,000 of short loan. That makes $600,000,000.

Mr. DINGLEY. If both were working together.

Mr. SAYERS. Well, they can work together.

Mr. DINGLEY. Yes.

Mr. SAYERS. And $90,000,000 of taxation. Now, $690,000,000 is provided for by this measure. Of course I recognize the fact that no one can even approximate in time of war what the expenses will be; but in time of peace it is estimated that each soldier costs the Government about $1,000 per year. Now, $200,000,000 on that basis will provide for 200,000 soldiers in time of peace. Add a hundred million dollars more for war purposes, and we have $300,000,000 for an entire year for 200,000 men.

Mr. CANNON. But that does not include the Navy.

Mr. DINGLEY. Does the gentleman suppose we have got on our hands a war that will cost no more than $300,000,000 per annum?

Mr. SAYERS. I do not know; but Congress meets in December next, and if we shall find that we have a war on hand that will cost more than $300,000,000 we can then provide for it.

Mr. HOPKINS. This is only an authorization. There is no necessity to borrow the money unless the Government needs it.

Mr. DINGLEY. Now, Mr. Chairman, on that point I desire to call attention anew to the fact that in one year of the civil war the expenditure was eleven hundred million dollars on the part of the Federal Government.

Mr. SAYERS. The year to which the gentleman refers, I believe, was 1865.

Mr. DINGLEY. Eighteen hundred and sixty-five.

Mr. SAYERS. Those expenses were counted in greenbacks, which then commanded 50 or 60 cents on the gold dollar.

Mr. DINGLEY. So you do not think it would be wise to issue more greenbacks now and go back to that condition?

Mr. SAYERS. The gentleman must not evade the question. Why the necessity to provide for an expenditure of over $700,000,000 at this time when Congress will meet in December?

Mr. HENDERSON. Let me ask my friend a question. Suppose you have a hundred guns to buy to do the work. Is it not wise to provide for 500, because you want to have sufficient guns to do the work more effectively, and give confidence to our own country as well as impress the fact on other countries?

Mr. DINGLEY. I have yielded to this side issue, which comes out of my time.

Mr. SAYERS. Very well; I can not answer the gentleman now.

Mr. DINGLEY. Mr. Chairman, I desire to say right on this point, as there is a side discussion as to whether the amount authorized of the 10-20 bonds should be $500,000,000 or $400,000,000 or any particular amount, that that is secondary and immaterial, provided we establish the principle of authorizing the issue of bonds, in order to provide that this war shall be conducted vigorously and promptly, and the nations of Europe, as well as Spain, shall understand that we mean to stand unitedly and furnish every dollar that is required. [Loud applause.]

Mr. SAYERS. Mr. Chairman, I do not intend to allow the gentleman from Maine or the gentleman from Iowa by anything that they may say to exceed me in a desire to furnish the Government with all that may be necessary to carry on the war——

Mr. HENDERSON. I believe that, for one.

Mr. DINGLEY. And certainly I do.

Mr. SAYERS (continuing). Successfully and satisfactorily.

Mr. DINGLEY. I want to say, from a very long acquaintance with my friend from Texas, that I have never had any idea that he entertained any other purpose than that. [Renewed applause.]

Mr. HENDERSON. I thoroughly agree with the gentleman from Maine in that expression.

Mr. SAYERS. I thank the gentlemen. What I wish to say is this: That authority to the Government to provide for an expenditure of near $700,000,000 at this time will be to invite the greed and rapacity of every speculator in the country.

Mr. DINGLEY. This bill makes no appropriation. There can not be a dollar of any of these loans used until appropriated by Congress.

Mr. SAYERS. Mr. Chairman, we all know, no matter what party may be in power during war, Republican, Democratic, or Populist, if there is a surplus in the Treasury it would not remain there long.

Mr. DINGLEY. But the bonds are to be issued only as they are actually wanted to carry on naval and military operations.

Mr. SAYERS. Every person who desires to sell a vessel that he can not dispose of elsewhere, and everyone who may wish to sell horses or mules or wagons to the Government, will be represented here by influences that no administration can successfully resist.

Mr. DINGLEY. Mr. Chairman, I have yielded to my friend such time as I would not have felt free to yield to almost any other gentleman.

Mr. SAYERS. I thank the gentleman.

Mr. DINGLEY. I have nearly concluded what I wanted to say at the present time.

Mr. RICHARDSON. I want to ask the gentleman if he will yield to me for a question with reference to these certificates authorized by the last section?

Mr. DINGLEY. My time is being consumed. I will listen to one question.

Mr. RICHARDSON. How is the interest on these certificates to be paid—whether in coin or some other way? It does not provide how that interest is to be paid.

Mr. DINGLEY. They are simply temporary loans, lawful-money loans, and being temporary, what matter does it make in what money they are to be paid so long as every dollar of our money is kept equal to gold? [Applause.]

Mr. RICHARDSON. That is all right. I simply thought it ought to provide as to how it should be paid.

Mr. DINGLEY. It is only a temporary matter, and the interest is of no particular consequence.

Now, Mr. Chairman, I find I have used much more time than I intended. I desire to call attention to the substitute, which I observe from the public press is to be proposed or that has been proposed, to strike out this bond provision and insert the income-tax law of 1894, slightly modified, but not modified in any way so as to meet the decision of the Supreme Court of the United States.

I have simply to say with reference to this that there is surely no gentleman on this floor who does not understand that to strike out the bond provision and insert a provision of that kind would be one of the most dangerous things that was ever undertaken in the way of legislation in the time of war under the conditions which now exist.

The Supreme Court of the United States has decided that the income tax of 1894 is unconstitutional—unconstitutional because it is a direct tax—holding that a tax upon real estate or personal property is a direct tax, and that by one of the compromises of the Constitution, adopted at the urgent solicitation of gentlemen in the constitutional convention representing Southern States, it was expressly provided that direct taxes should be apportioned among the States according to population. Let me repeat, the Supreme Court of the United States, the highest court in the land, has pronounced the act of 1894 unconstitutional and a dead letter.

The decision of the Supreme Court of the United States in the case of Pollock *vs.* Farmers' Loan and Trust Company is as follows:

> In distributing the power of taxation the Constitution retained to the States the absolute power of direct taxation, but granted to the Federal Government the power of the same taxation upon condition that, in its exercise, such taxes should be apportioned among the several States according to numbers, and this was done in order to protect the States, who were surrendering to the Federal Government so many sources of income, the power of direct taxation, which was their principal remaining resource.
>
> Taxes on real estate being indisputably direct taxes, taxes on the rent or income of real estate are equally direct taxes. Taxes on personal property or on the income of personal property are likewise direct taxes.

The court says that a tax on incomes is a direct tax, which the States have under the Constitution reserved for their own purposes, except that in an exigency the Federal Government can use it, provided it is apportioned among the States according to population. As under existing conditions an income tax apportioned among the States according to population would be unequal, in that States where the average wealth per inhabitant is the smallest would oftentimes pay the largest income tax, no one desires to have the Federal authority use this tax for its own purposes.

In view of that fact, and in view of the decision of the Supreme Court, is it seriously proposed to deprive the Government of the means to borrow money to carry on the operations of the law by

borrowing, and to remand us to what may come out of a lawsuit already decided against us? It is so preposterous that I can hardly believe that any such proposition can be seriously made. War, Mr. Chairman, is earnest. War demands actual money, not lawsuits. War demands revenue, and it is our business to provide revenue surely, and not make the Government depend upon a lawsuit already decided against us.

Now, it is said that we may have a lawsuit, and the court will change its decision. Who knows it? Seven of the nine members of the same court that decided this question remain upon the bench. There have been two changes in the composition of the court, and of the two that went out one sustained the decision and the other opposed it. Two new members have gone into the court. Unless those two members should both vote to overrule the previous decision of the court, it would stand. Do you propose, even if it was desirable in time of peace——

Mr. KELLEY. How do you know how they stand?

Mr. DINGLEY. I decline to be interrupted.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. BARTLETT. May I ask the gentleman a question in regard to a matter in the bill?

Mr. PAYNE. Mr. Chairman, I ask that the gentleman be allowed to proceed for ten minutes longer.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman from Maine be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DINGLEY. If this were a time of peace, the necessities of parties and politics might call for some such play as that. Gentlemen seem to forget that we are in war, with all the necessities that arise from war. Let us cease endeavoring to fool the people with propositions which we know would fail to give us any revenue in all reasonable probability, and meet the responsibilities of providing this Government with means to carry on the war in which we are engaged. We should not be fooling with any such proposition as that in time of war for partisan ends. The decision of the Supreme Court has been made in this matter. I bow to it, and propose to perform my duties as a legislator in the light of the Constitution as construed by the highest court in the land.

Now, Mr. Chairman, there have been other suggestions for raising revenue which I have seen in public print, and perhaps they have been proposed elsewhere. One is to issue silver certificates on what is called the seigniorage of the silver bullion in the Treasury. What is seigniorage? It is in this case the profit made by the Government on the bullion when it shall be coined into dollars under the act of 1890, and this profit arises from the fact that the Government buys silver and coins into a dollar such weight of silver as costs it less than one dollar, and thereby assumes the obligation to keep the dollar so coined as good as gold. In this case the silver bullion is not coined yet, and there is thus far no profit.

The law provides that silver certificates may be issued on the deposit of silver dollars—not on the deposit of wind—which certify that the owner has deposited such dollars in trust in the Treasury. There can be no silver certificate issued until the dollar has been coined and deposited in the Treasury of the United States. A certificate stating that dollars had been deposited when they had not would certify to a falsehood. What are you going to issue silver certificates on? In due time, under the provisions of the act of 1890, every dollar will be coined of the silver bullion in the Treasury as required for the purpose of the act, namely, the redemption of Treasury notes issued for the purchase of such silver. It is being coined to redeem the Treasury notes to the extent of about $15,000,000 annually.

So that in four, or, at the most, five years, under existing law, what silver bullion now is in the Treasury will be coined as it is absorbed and wanted for the retail business of the country, and the law amply provides for it, when the profit is made and the seigniorage or profit is covered into the Treasury, and not before. The suggested proposition is to anticipate a profit before it has been earned, and in violation of the law under which the Treasury notes were issued, and is one of the absurdities of finance never heard of outside of the United States.

Mr. SHAFROTH. Will the gentleman from Maine allow me to ask him a question?

Mr. DINGLEY. Yes.

Mr. SHAFROTH. Does not the seigniorage of the silver amount to the difference between the purchasing value by the Government and the coinage value?

Mr. DINGLEY. It is the profit of the coined dollar that is seigniorage. There is no seigniorage until it is coined. There can not be.

Mr. SHAFROTH. Do you know how many grains of silver it takes for a dollar, and can it not be ascertained to the fraction of an ounce?

Mr. DINGLEY. You can not have seigniorage until you have coinage.

Mr. SHAFROTH. If you count 331 grains of silver to the dollar, you can.

Mr. DINGLEY. Such a proceeding would be a violation of the pledge given in the issue of the Treasury notes. Besides, if you should start to-day and put the whole force of our mints upon this work, it would take two years to coin the silver bullion that is on hand to-day if it should be coined right along. Under the law now it is coined as fast as it is absorbed into the business of the country. What is well done and settled should not be disturbed for the purpose of making a little political capital.

Mr. PAYNE. If this "wind" were all money, how long would the forty-two millions which it is calculated it would yield run the Government?

Mr. DINGLEY. We are now paying for the expense of mere preparation for war $25,000,000 a month. The expenses of actual war will very likely be double that amount. If you had the whole amount estimated to be obtained from this source, it would run the Government about twenty-three days.

Where there is coinage under the law, there is seigniorage or profit, and that is covered into the Treasury. These efforts to raise questions that have nothing to do with raising revenue when we are in the face of a war seem to me to be trifling with the interests of the country in a great crisis.

It is also proposed that we carry on the war by issuing more legal-tender notes or greenbacks instead of interest-bearing bonds or certificates of indebtedness. The advocates of the Micawber system of paying debts by signing another I. O. U. seem to forget our own experience from 1862 to 1879. They forget that if such notes are to be redeemed or paid that a coin-redemption fund must be provided for that purpose in order to keep them at par, and that so long as they are irredeemable they go on depreciating. The gentleman from Texas [Mr. SAYERS] has already called attention to the fact that our civil war cost us three or four hundred millions more in one year—1865—than it would if we had not necessarily issued legal-tender demand notes to pay for it. How much was lost by the people by such depreciated paper before we returned to specie payments in 1879 no one knows. Our experience with our legal-tender demand notes in the small volume now outstanding from 1893 to 1897 is fresh in our memory.

No, Mr. Chairman, the people of this country do not propose, after the experience of the past, unless there shall be such a fearful exigency as came upon us in the civil war, to resort now to the Micawber system of paying our bills.

Mr. KNOWLES. May I ask a question?

Mr. DINGLEY. I can not yield, as I have only a minute or two left.

Mr. Chairman, if I had not recently noticed some of these propositions presented seemingly to avoid doing what it is the duty of Congress to do in the face of a war, I should not have alluded to them. It seems to me we have before us an exigency which demands the patriotic consideration of every member of this body.

On Monday last, by unanimous vote, we declared war. I trust that, having taken the responsibility of declaring war, having called out troops, having sent our armed vessels upon the broad waters to maintain the honor and dignity of the Government, we shall now have patriotism rising to the height of the situation and having regard to the interest of the country, and that we shall have no more pettifogging over old controversies revived, at least until the actual needs of the country in the present exigency have been provided for. [Loud applause.]

Mr. BAILEY rose.

The CHAIRMAN. The gentleman from Texas [Mr. BAILEY] is recognized for one hour.

Mr. BAILEY. Mr. Chairman, we realize as fully as the proposers of this bill the necessity for raising money to conduct the war in which this Government has been compelled to engage; and we desire to say in the very beginning that we are ready now, as we shall be to the end, to provide all of the supplies which may be necessary to conduct this war to an early and successful termination. No one can exceed us in an earnest desire for the immediate and complete success of American arms; but, sir, we will not be led or driven by this patriotic impulse into the support of measures which do not commend themselves to our conscience and our judgment. We reserve the right to examine and criticise any bill which may be presented; and while we will be swift to vote for those which we deem just and wise, we will be certain to vote against those which we consider clearly unjust and unwise. There will be no difference between that side of the House and this as to the fact that the Government shall be abundantly supplied with the means to prosecute the war; but there will be differences as to the manner in which those means ought to be supplied; and yet, sir, I sincerely trust that these differences, however radical they may be, will be debated in a spirit and with a decorum suited to the gravity of this question as well as to the dignity of this assembly.

It does not come with good grace from the leader of that side to anticipate our action and stigmatize members on this side as "pettifoggers." He will learn before this crisis is over—what the country knew before it had well begun—that those who occupy seats on this side of the Chamber are to-day, as they have been from the earliest stage of this controversy, ready to subordinate their partisanship to their patriotism. Although we have been accused here and elsewhere of seeking partisan advantage, I challenge any gentleman on that side to examine the RECORD and point to a vote or an utterance which justifies that charge. We plead guilty to being partisans. We are Democrats because we believe that our policies are most conducive to the glory and welfare of our country, and we do not expect to become nonpartisans. When this trouble is over we will renew our contentions against you with undiminished vigor; but every man on this side, whether Democrat, Populist, or Silver Republican, is ready to forego his contest against your ideas—false as we believe them—until the war of rifles and swords is over. However much we may differ with our countrymen, we do not intend to fight them as long as there is a Spanish soldier in front of us with uplifted arm. [Applause.]

THIS BILL.

The gentleman from Maine in the early part of his speech declared that his committee had followed, or had nearly followed, the internal taxation levied to meet the expenses of the civil war. They have followed it, I regret to say, in those respects that fall most heavily on the producing and consuming masses of the land, but have refused to follow it in respect to those items which would fall upon the more prosperous classes. During the last war there was a tax on bank capital and bank deposits, which, if reenacted to-day even at the rate of one-half of 1 per cent, would yield $10,000,000; but the majority have refused to reenact it. If there is one kind of property above all others that ought to be subject to this extraordinary taxation to supply the means for an extraordinary emergency it is the bank deposits of the country. They are the only form of property which, though owned by one set of people, are used by another set for the profit and advantage of themselves. A large percentage of the banks pay no interest on deposits, while the average rate of interest which they receive upon the loans made from their deposits is more than 5 per cent. And yet, sir, although the banks are using the deposits at a rate of more than 5 per cent without compensation to the depositors, our friends on the other side, when searching for objects of taxation, overlooked that one which above all others ought to have been subjected to a tax.

I might enumerate others, but this will suffice for my purpose here, for it is not my intention to discuss this bill, either as to what it contains or as to what it omits. We say to the gentlemen on the other side of the House that we recognize the necessity for raising money, and we are willing to take what they have proposed if they will join us in a proposition to raise $100,000,000 more. Their proposition is to lay a tax upon the consumption of the country, and supplement that taxation on the wants of to-day by mortgaging the energies of children yet unborn. We will accept the proposition to tax the consumers of to-day if gentlemen on the other side will accept our proposition to make the wealth of the country divide with the want of the country the burdens of this war. [Applause on the Democratic side.] In other words, we will support your tax provisions, which you assume will raise $100,000,000, if, instead of your provision for the borrowing of money, you will take our income tax provision, that will raise $100,000,000 more; and we will pass a bill that will raise $200,000,000 to meet the necessities of war. [Applause on the Democratic side.] Will that be enough? The gentleman from Maine [Mr. DINGLEY] says that the war will cost $25,000,000 a month. I think that a reasonably fair estimate. If that be true, then, with the $119,000,000 which we now have in the Treasury above the $100,000,000 gold reserve, added to the $200,000,000 which we propose to raise, we will have ample for the next year, at least, without borrowing a single dollar. [Applause on the Democratic side.] We will pay the expenses of the war as we go. Having declared it, we will fight it, and pay the cost of it in our own generation. [Applause.]

If, however, gentlemen insist that they must have $100,000,000 before the tax can be made available, we will provide that also. We have an asset in the Treasury of more than $42,000,000, which we will place at your disposal. We will not only direct the Secretary of the Treasury to coin the seigniorage into silver dollars, but we will authorize him to anticipate that coinage by issuing silver certificates to defray the expenses as they are incurred. [Applause on the Democratic side.] If that is not sufficient—and according to your estimate it will not be—we will go further; and we will authorize the Secretary of the Treasury to provide the balance of the $100,000,000 which you say is immediately necessary by issuing $58,000,000 of United States legal-tender notes. [Applause on Democratic side.] There is no man who doubts that this Government can with perfect safety extend its circulation $58,000,000. I am as far from believing in fiatism as anybody in this House; I have never subscribed to the doctrine that Congress can make something out of nothing; but I know that this Government, in a time like this, can easily and safely increase its demand notes $58,000,000, and there is not a gentleman on the other side who would be willing to assert to the contrary.

With this $42,000,000 of seigniorage and the $58,000,000 of legal tender notes we will not only meet the expenses of the war, but we will relieve the business of the country from a strain which it must otherwise suffer on account of the withdrawal of gold from circulation. It must be remembered that when our ships go abroad they can not carry our notes. If notes are carried at all, they will be used merely as bank paper and sent back for collection. Our officers must take coin, and the drainage from the channels of trade within the next four months must inevitably be above the hundred million dollars which we propose to supply. Our proposition, therefore, not only meets the question from the standpoint of economy, but it meets it from the other and more important standpoint of preserving the business interests of the country from a dearth of circulation.

NO NECESSITY FOR $600,000,000 DEBT.

Mr. Chairman, the gentleman from Maine [Mr. DINGLEY], after stating that this war will cost at the rate of $25,000,000 a month, attempts, at the conclusion of his speech, to defend a proposition to authorize a debt of $600,000,000. The first proposition that came to this House at the extra session of Congress in 1861 did not propose to create half the debt the majority propose to-day. The bill reported by Mr. Stevens, and passed with but five dissenting votes, asked for a loan of only $250,000,000 at the beginning of the civil war.

Why do these gentlemen ask us to pledge the credit of this Government to an extent equal to the estimated cost of the present war for two years? What good reason can they offer for such a proposition? Do they doubt that we are ready to vote whatever is necessary and whenever it is necessary? Does anybody doubt that the party in power—I will not say the party in power, because there ought to be no party in a matter of this kind—does anybody doubt that those in power, whenever they need it, can lay a plain statement of their necessities before this House and get whatever may be needed? Nobody questions that. Then why ask us to mortgage our country for $600,000,000 when you tell us that $300,000,000 will be sufficient to defray the expenses of the war for an entire year. It proceeds either from a desire to provoke opposition, or from a failure to properly appreciate the delicacy of dealing with a great trust fund like the credit of this nation.

I believe that whenever the needs of the country require its credit to be used, it ought to be used, and I believe it ought to be used in the form that best serves the interest of the people. I am frank to say, however, that I believe the first credit to be used ought to be a non-interest-bearing credit. [Applause on the Democratic side.] When we have reached the safety limit there, then if we are compelled, in order to meet a necessity, to use its interest-bearing credit, I will vote to use it, but not until then. [Applause on the Democratic side.] That is our position, and we should not be asked, upon the threshold of a struggle which may be short and comparatively inexpensive—the length of it and the cost of it the gentleman from Maine [Mr. DINGLEY] himself says no human intelligence can forecast—to provide for two years in advance, when Congress will be in session to make appropriations as the need for them may arise.

The gentleman from Maine says that instead of providing for the expenses of this war by a loan, we propose to provide for it by a lawsuit. He shall not escape us in that way. We intend first to propose the income tax as a substitute for section 27, which will be asking you to tax the rich men of the present rather than the poor men of the next generation. [Applause on the Democratic side.] We shall propose to collect the money rather than to borrow it; but if you defeat that motion, and persist in borrowing when it is unnecessary, we shall attempt at the end of this bill to ingraft upon it an income tax that shall raise the money to pay the bonds which you intend to sell. [Applause on the Democratic side.]

This will give you the money now, and at the same time provide a fund for its repayment hereafter. The bill with this amendment will not postpone the expenses of the war for the decision of a court. It simply presents—and the people of this country are intelligent enough to understand it—the question of whether, having determined to borrow money, you are willing to lay taxes upon the wealthier and more prosperous classes in order to provide for its payment. If the majority vote down our motion to substitute an income tax for the loan provisions of their bill, they will still be compelled to face our other proposition, to provide for the payment of these bonds by the levy of an income tax, and it will not answer us at that point of the argument to say that we are attempting to make the expenses of the war depend upon the result of a lawsuit.

INCOME TAX.

Now, Mr. Chairman, at the risk of being tedious, I intend to examine the question which the gentleman from Maine says has already been concluded by a decision of the highest court in the land. That the question has been decided more than once, and decided differently at different times, we all understand. That it was recently decided against our contention I admit, but that it was decided under such circumstances or with such force of reasoning as to render that decision conclusive, I utterly deny. We all know that the decision was rendered by a bare majority of the court—five judges holding the law unconstitutional and void, while four of their brothers maintained that it was constitutional and valid. Not only so, but one of the five judges changed his opinion between the argument and the reargument of the case. I do not state this fact for the purpose of calling his honesty into question. I am willing to believe that he finally decided according to the truth and the justice of the matter as he was able to see it, but the fact that he did change his mind is a pertinent and proper subject of comment in this connection, because it establishes beyond the shadow of a doubt that the deciding vote was given by a judge whose own opinion was not well settled. Seeing that his country is now involved in a foreign war, and seeing that his own decision has denied it the power to lay any part of the burden of that war upon its wealth, that judge himself might resolve the doubt which has existed in his mind in favor of the validity of the law.

Besides all this, there have been two changes in the personnel of that court, and I do not believe that any man can say what is the opinion of the newly appointed judges.

Mr. HARTMAN. The gentleman from Maine said one of them decides one way and the other the other.

Mr. SAMUEL W. SMITH. Oh, no; you misquote him. He did not say that.

Mr. BAILEY. I will do those judges the honor to believe that no man knows how they would decide the question, and believing that the predecessor of one of them has decided it wrong, I want to see it decided again.

Have the gentlemen who denounce this suggestion as a reflection upon the court considered that the men who assailed the constitutionality of the income-tax law did so in the face of one decision expressly affirming the power of Congress to enact such a law, and in the face of other decisions, which it was necessary to overrule in order to reach the conclusion announced by the court? Ah, sir, it was worse even than this; not only were the Supreme judges asked to reverse the decision of their predecessors, but they were even asked to change the first opinion which they had rendered in that very case. The first judgment of the court, although it had impaired the integrity of the law, still left it upon the statute books, and the lawyers who now attack us for attacking that decision filed a motion to reopen and reargue the case. Can it be, Mr. Chairman, that the corporation lawyers are permitted to apply for the reopening of cases which have been decided against their clients, while the representatives of the people are assailed when they ask to reopen a case decided against their constituents? Sir, I have as much respect for the courts of this country as any man ought to have, and whether I agree with them or not I obey their decisions so long as they stand unreversed; but I am not of that slavish disposition which accepts the judgment of a court as infallible and considers a criticism of its wisdom as an act of petty treason. I am one of those who believe in the right of the people of this country to criticise the action of any department of their Government, Legislative, Executive, or Judicial, and I am one of those who believe that no question can ever be finally decided in this country by courts or Congress until it is decided right. A bare majority did not hesitate to overrule the unanimous judgment of that court in other times, and I have no hesitation in asking it to overrule its divided opinion in this particular case. If the question were clear, or if the opinion of the court were unanimous, we might then be expected to acquiesce in it, but under all the circumstances we have an undoubted right to question the wisdom of the decision, and to expose, if we can, the fallacies of its argument.

COURT HOLDS AN INCOME TAX A DIRECT TAX.

The court rests its decision entirely upon the proposition that an income tax is a direct tax within the meaning of the Constitution, and must, therefore, be apportioned among the several States of the Union according to population. Before proceeding to discuss the question of whether an income tax is a direct tax, it will be well enough for us to briefly review the constitutional requirement that direct taxes shall be apportioned among the several States of the Union according to their population. The gentleman from Maine [Mr. DINGLEY] has well said that this was one of the compromises of the Constitution; but he was not exactly accurate in his statement that it was adopted at the urgent request of the delegates from the Southern Colonies. The truth is that there were two widely different opinions in the Philadelphia Convention. The extreme men from the South demanded full representation in Congress for their slaves, and the extreme men from the North refused to allow any representation at all for slaves. This difference seriously threatened at one time to adjourn the convention without framing a Constitution, and it was at this critical juncture that the more conservative men from both sections concluded that something must be conceded by each side, and proposed a compromise by providing that both representation and direct taxes should be apportioned among the several States of the Union according to their population, to be ascertained by adding to the white people three-fifths of the slaves. They did not use the word "slaves," for that word does not appear in the original Constitution. It is said that Mr. Madison, with that great foresight which rendered him so useful to his country, looked forward to a time when slavery would be abolished, and purposely prevented any trace of it being left in the Constitution for which we are so largely indebted to him. But while "slaves" were not mentioned by name everybody understood that "three-fifths of all other persons" referred to "slaves," and to no other class. Thus a serious division was avoided by agreeing to apportion "representatives and direct taxes" according to the population of the several States. Everybody perfectly understood what the Constitution meant by "representatives," but it is extremely doubtful if any delegate in that convention had a precise or definite idea of what was meant by "direct taxes." The question was asked by the Hon. Rufus King, but no answer was given. If an answer had been attempted it would possibly have revived the original difference, and have thus defeated the compromise. The convention was anxious to put the whole question behind it, and left the meaning of the term to be ascertained by future Congresses and courts.

I will not venture to criticise the action of the framers of the Constitution in adopting important words of indefinite meaning. I am sure that they did the wisest thing that could have been done under the circumstances. The fault, if it be a fault, was with their circumstances and not with them. If they left the meaning of certain words to be determined by those who should come after them, they had a right to expect that their successors would each follow the construction adopted by those nearest to the Constitution, and all of their successors did pursue that wise course until this last unfortunate decision. It must not be forgotten, for it has a most important bearing upon this question, that the compromise which our forefathers were compelled to adopt introduced a very harsh and unjust rule of taxation. There was not a man in the constitutional convention who believed that taxes ought to be levied according to population instead of property. As a separate and distinct proposition it would not have received a single vote in that body or in any other body which has ever assembled in the history of this country. To illustrate its hardship and its injustice, I need only call your attention to a single example. If this Congress should lay a direct tax it would be compelled to apportion it among the several States according to the census of 1890. That census shows the State of New York to have a population a fraction more than five times as great as Arkansas, and it would, therefore, be required to pay a fraction more than five times as much tax as Arkansas. But, sir, the census of 1890 also shows that the wealth of New York is within a slight fraction of twenty times as great as the wealth of Arkansas; and so it would happen that with twenty times as much wealth, New York would only pay five times as much tax as Arkansas; and thus the poor man in Arkansas would be compelled to pay a tax rate upon each dollar of his property four times as great as the rich man in New York.

I have hurriedly reviewed the history of this compromise, and have endeavored to illustrate the hardship of the rule which it established, for the purpose of emphasizing the thought that a compromise involving such a hardship ought never to be extended by any court further than the plain letter of it requires; and this rule of construction becomes doubly important in view of the fact that the question which forced the compromise has long since disappeared from American politics. But, sir, although the slavery question, without which direct taxes would never have been levied according to population, has gone; and although the hardship of the rule which grew out of the dead slavery question is admitted, we find the court disregarding the historical truth, disregarding the admitted injustice, disregarding the unbroken line of decisions, and extending this rule beyond all their predecessors and teachers.

But, sir, the decision of the court is not only at variance with all former decisions of the same court, on the same question, but it is in conflict with the soundest principles of judicial reasoning. The first decision, while sustaining the constitutionality of the law, held it void as to the income derived from State, county, and municipal securities, and as to incomes derived from rent of real estate. That objection to the law I consider entirely sound, and we have conformed to the decision in that respect by excepting, in the amendment which we shall offer, the incomes derived from State, county, and municipal securities. Personally, I believed that such an exception ought to have been made in the act of 1894,

because the court had decided in the early days of the Government that the States, counties, and municipalities could not tax the incomes derived from Federal securities, basing the decision upon the ground that if they could do so they might impair the efficiency of the Federal Government. If that doctrine is sound, and I was not disposed to question it, I felt that it applied with equal force against a Federal tax upon the income derived from State, county, and municipal securities, because within their sphere the States, counties, and municipalities are as important as the Federal Government is within its sphere; and if the States, counties, and municipalities can not tax Federal securities, neither ought the Federal Government be permitted to tax State, county, and municipal securities. On that particular phase of the matter the opinion of the court is unanimous, and we accept it as a correct announcement of the law.

The second objection to the law is, in my judgment, indefensible from every standpoint. To hold that a tax upon an income derived from the rent of real estate is a tax upon the real estate itself is contrary to the common law of this land and to the common sense of these people. Tested by the narrowest and most technical rules of law the doctrine is untenable, and the argument with which the court seeks to sustain it reveals a remarkable confusion of thought. The court declares:

> It has always been considered that a tax upon real estate *eo nom* or upon its owners in respect thereof is a direct tax within the meaning of the Constitution. But is there any distinction between the real estate itself, or its owners in respect of it, and the rents or income of the real estate coming to the owners as the natural and ordinary incident of their ownership?

It is difficult for any lawyer to believe that the Supreme Court of the United States does not understand the obvious and essential distinction between rent and the income derived from it. The land itself is real property, and any action instituted by or against its owners respecting it is different from an action respecting the income which has been received from it. If an owner sues to establish the title, or to obtain the possession of his land, he must institute what the law calls a "real action;" whereas if he sues to collect the money which has become due for the use of his land the action is a personal one. In support of its decision, the court makes the following quotation from Coke's Lit.:

> As according to the feudal law, the whole beneficial interest in the land consisted in the right to take the rents and profits, the general rule has always been, in the language of Coke, that "if a man seized of land in fee by his deed granteth to another the profits of those lands to have and to hold to him and his heirs, and maketh livery *secundum formam chartæ*, the whole land itself doth pass. For what is the land but the profits thereof?" Co. Lit. 45.

This citation does not touch the merits of this controversy. It establishes, and establishes only, that a perpetual grant of rent is in effect a grant of the land upon which the rent is charged. The income-tax law, however, did not lay a tax upon rent, but merely upon the income derived from it; and the distinction between rent itself and the money received from it is one of the oldest, and to the well-trained legal mind one of the clearest, in the law of real property. I have in my hand one of the profoundest and most analytical treatises on the law of real property ever written. It is the great work of Prof. John B. Minor, who for so many years served as a professor of law in the University of Virginia. He was not only a great teacher, but as a text writer is not excelled by Blackstone or by Kent. He not only points out the plain distinction between rent and the money received for rent, but he condemns the very confusion which has misled the Supreme Court:

> Let it be observed that a rent is a *right*, of which the arrears, periodically accruing, are merely *the fruits*. In consequence of omitting to note the obvious distinction between the incorporeal right and the fruits or profits which periodically arise from it, we have it laid down that for a *freehold rent* reserved on a lease *for life*, or *in fee simple*, no action of debt lay by the common law during the continuance of the freehold out of which it issued, for that the law would not suffer a *real injury* to be remedied by an action *merely personal*. (1 Rol. Abr., 595; 2 Th. Co. Lit., 270, n. (U).) And provision had to be made for the case by Stat. 8 Anne, c. 14, which has been, in substance, enacted with us. (V. C. 1873, ch. 194, sec. 7; V. C. 1887, ch. 127, sec. 2787.) And under the influence of the same confusion of thought, not discriminating between *rent* and the *arrears of rent*, a prohibition was awarded in Miller *v.* Marshall, 1 Va. Cas. 158, to prevent a justice of the peace from taking cognizance of a claim for *arrears* of a freehold rent, because it was a *freehold estate*.
>
> The *rent* or *right* itself, where the estate, or interest therein, is an estate of *freehold*, can not be recovered in a *personal action*; but the *arrears*, like the severed fruits of the soil, are not *real property*, but *personalty*.

Keeping clearly in our mind this distinction between rent as an incorporeal right, and the money received in the payment of it, and remembering that the amendment which we shall offer does not propose a tax upon rent, but only upon the money after it has been received, the reasoning of the court is not only insufficient, but it is wholly inapplicable.

Turning from the law as a technical science, and subjecting the question to the test of practical experience and observation, the decision of the court is still more indefensible. Does any man really believe that the money which I have actually collected from the lessee of my land is a part of the land itself? Suppose I had leased my plantation for a term of years at a rent of one thousand dollars annually, to be paid on the first day of each January, will anybody contend that when my tenant came into my office on the second day of last January and paid me one thousand dollars in the lawful money of this country he delivered to me my own real estate? Because the money which he paid me was in return for the use of my land, did that convert the gold or silver coin or the promissory notes of the Government into real estate? Such a contention is so absurd that it is difficult to make a patient answer to it.

But, sir, suppose that, instead of money, it had been agreed that the rent should be paid in a part of the produce of the land; would that alter the case? Does the cotton or wheat which the tenant delivers to the landlord constitute a part of the land? To contend that it does is against all the learning of the law books. The ancient and well-established doctrine is that growing crops are a part of the land upon which they grow; but the doctrine is just as old, and just as well established, that when the crops are severed, they cease to be a part of the land, and become mere personal property. While crops are growing, they are subject to all the laws which govern real estate, but the moment they are gathered their whole character changes, and they are subject to the laws of personal property. This well-known distinction of the law the Supreme Court has completely ignored, and has decided, in effect, that the cotton when picked out of the field, and baled at the gin house, is still a part of the land which produced it; that the wheat, when harvested and thrashed, and stored in the granary, is still a part of the land upon which it grew. If the decision of the court is accepted, and if the doctrine is applied in all of its logical consequences, it would create a revolution both in legal procedure and in legal thought. It would revolutionize the law as it has come down to us through the centuries, and would render useless that vast store of learning which is at once the delight of the lawyer and the ornament of the legal profession.

THE SECOND DECISION.

But, Mr. Chairman, bad as the first decision was, it was still not so bad as the second one, for in that second decision the court repeats the follies of the first and adds another and, if possible, a greater one. It not only holds that a tax upon the income derived from real estate is a tax upon the real estate itself, but it goes further, and decides that a tax upon personal property, or upon the income derived from personal property, is a direct tax within the meaning of the Constitution, thus completing their reversal of the long line of decisions which had been repeatedly reexamined and reaffirmed. If a tax upon personal property is a direct tax, then the carriage tax was a direct tax, and the decision in Hilton *v.* The United States was an erroneous one. Yet, sir, this decision which the Supreme Court of to-day overrules was rendered by a court a majority of whose members had helped to frame the Constitution of the United States. If a tax upon personal property is a direct tax, then, sir, the beer and tobacco taxes of this very bill must be held invalid. If our opponents attempt to answer by saying that the tax is upon the sale of the beer and not upon the beer itself, I not only refer them to the language which explicitly lays the tax on "beer manufactured, stored or sold," but I answer that it is a senseless refinement to say that you can tax the sale of the brewer's beer and yet can not tax the income derived from its sale. If you can tax a manufacturer's right to sell his tobacco, what good reason denies you the power to tax the income which he receives from the sale which your own bill asserts the right to tax? No, Mr. Chairman, we might as well understand that if the decision on the income-tax law of 1894 is to be accepted as the settled law of the land, and is to be applied to the question of taxation, it will in time strip the Federal Government of all power to levy taxes except import duties and taxes by apportionment according to numbers instead of wealth. No fair-minded man can read the decision of the court, with its insinuating and offensive suggestion of a direct tax, without concluding that the judges who concurred in that decision prefer to see the Federal Government denied the power to tax the wealth of the country; or, if permitted to tax it at all, that we shall be compelled to do so under the unjust rule of apportionment according to numbers instead of the just rule of apportionment according to property.

JUSTICE OF THE INCOME TAX.

Mr. Chairman, if it were permissible at this time to enter upon a discussion of the merits of the income tax, more could be said than this House would have the patience to hear or I the strength to speak. It is the justest tax that the wisdom of Congress can devise. It is the only one that rises with a man's ability to pay it and falls with his inability to pay it. It is the only tax that is high when the citizen is prosperous and low when the citizen's prosperity fails. If a great establishment this year realizes a profit of $100,000, it can easily pay the tax, and if the reverses of trade or the misfortunes of the country next year reduce that business to a loss, it is required to pay no taxes. Such a law compels the citizen to contribute to the support of the Government according to his ability to do it, and only when he is able to do it. An *ad valorem* tax upon property worth $1,000,000 this year, with a profit of $100,000, would be neither more nor less than it would

be on the same property next year, still worth $1,000,000, but operated at a loss of $50,000. The direct ad valorem tax is the same whether an enterprise languishes or prospers; the income tax is large when profits are good and ceases when profits cease.

The statement that an income tax can not be collected is contradicted by the experience of this and every other government that has levied one. That some men escape it I grant you; but some men escape the direct taxes of the state by refusing to render their property for taxation, and would anybody on that account say that we ought to repeal those tax laws? The argument that an income tax ought not to be levied because some men will perjure themselves to evade it does not appeal to me. It is a weak plea to save the souls of rich perjurers from hell, where they ought to go if they swear to a lie to escape their taxes. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAILEY. I will ask but two or three minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. SWANSON. I ask that the gentleman be allowed to proceed until he concludes his remarks.

Mr. BAILEY. I have no desire to detain the committee, and shall do so only long enough to say that if I belonged to the rich and prosperous class I would testify my patriotism now by saying to the Government, "I am ready to contribute of my abundance to help my country in a crisis." [Applause on the Democratic side.] I would say so if for no higher reason because I would not want it written in our history, to be read by succeeding generations, that in this struggle the poor gave more freely of their blood than the rich did of their treasure. [Applause on the Democratic side.]

Mr. DOLLIVER. Mr. Chairman, I have not been able to avoid comparing the composure and calm of this debate and the incidents of it with the noise and riot and tumult and confusion incident to the proceedings of last week. And as I have reflected upon it, it has occurred to me that it stands for the difference between talking war and waging war, between the patriotic debate that goes before the conflict and the everyday controversies that are now to follow.

It is evident to everybody that when the Government of the United States put itself in an attitude involving a declaration of war, it became the immediate duty of Congress to take the steps necessary to provide the funds required to carry on military and naval operations.

Now, there are only two ways known to the experience of mankind for getting in hand the money necessary to support such a situation. One is by collecting it in cash, and the other is by borrowing it on credit.

The Committee on Ways and Means, after careful consideration, have made up their minds that in the present case we ought to pay as we go, as far as is consistent with a reasonable levy of war taxes. If we were engaged in an enterprise the object of which was to increase the national possessions, or any other form of material assets, the case might present a view somewhat different. But here, for the first time in the history of the world, a nation has of its own volition thrown away in advance all prospect of aggrandizement and has based its action upon disinterested grounds, so that what we are about to do, however it may minister to the present satisfaction and moral comfort of the community, concerns posterity vastly less than it concerns us.

It is we who have been stirred by the emotions of human sympathy. It is we who have been touched by the inspiration of compassion and charity, and it is hardly credible that we are going to belittle the great proceeding by leaving the expense of it to be borne by future generations.

So that your committee have made up their minds that we ought, as far as we can within reason, to pay as we go, and in so far as we are compelled to borrow, to make ample provision for the revenues necessary to manage and to finally discharge the debt.

I need not say to the House that the committee during the present Congress has had at least its share of work, and I had hoped that we might be able to get through without any further revenue legislation being required.

I have perhaps commented about as freely and possibly about as frequently as anybody else in this House upon the failure of the tariff legislation of 1894 to bring into the Treasury sufficient revenue, and especially upon the curious and persistent failure of the friends and promoters of that law to detect and recognize a deficit when they met it day after day and month after month in broad daylight.

While I have never tried to make an excuse for these gentlemen for not seeing what had happened after it had happened, I have learned to exercise a very lenient judgment in respect to the structure of that law and our subsequent experience under it. There is no possible art of calculation that can settle in advance what a given revenue law will bring forth. The elements of uncertainty are so numerous that it is no disparagement of any man's sagacity or intelligence that a law of that character disappoints his expectations.

We know now that no possible legislation would have stood up under the results of the panic which followed the election of 1892; that even the law of 1890 itself, as the shadows of that approaching storm began to fall upon the custom-houses, would in all likelihood have gone to pieces in the hurricane that followed. The fact is that a great many things get in a tariff bill and a great many things get out of it without the consent of those who are finally called upon to answer for the defects and shortcomings of the law.

Of no law, probably, is that truer than of the law enacted by the present Congress. In my humble judgment it was better adapted to the needs of the Treasury when it left this House than it ever was afterwards in any subsequent stage of its consideration. So that even if the law had failed, from a revenue standpoint, it would not have been necessary for the distinguished gentleman from Maine to take the full responsibility for its defects. But while no law has ever been subjected to the vicissitudes of so much careless handling between the time of its proposal and its last amendment, yet even in its final form it was well adapted to the purposes for which it was enacted.

In the first place, it was reasonably protective of the industrial interests of the United States, and from the day of its enactment every line of industry, every department of business, felt the thrill of renewed activity and life. The mercantile world began to look forward to the future with courage and good cheer. The idle multitudes in the great centers of industrial production found employment.

The farmers of the United States began to rejoice in increased prices, based upon a legitimate increase in the demand for breadstuffs and meats in the market places of the country and of the world, and every form of industry felt the influence of these improved surroundings. Dun's Weekly Review of Trade and Bradstreet's Commercial Review from week to week have contained indisputable evidence of the steady improvement and gradual restoration of business and industry.

I know that has been disputed, and I have heard men stand up here day after day, week after week, and month after month, disputing it, but I for one have never had the slightest temptation to reply, because from the very nature of the case the man in Congress or out of it who is not able to discern a gradual improvement in American business during the past year is obviously wanting in those faculties which are adapted to the comprehension of such a subject.

I am aware, also, of the fact that there is always enough trouble and misery in this world to enable persons so disposed to organize the discontent of the community into a formidable host, easily mobilized under a common flag of distress. Such political leaders even in the most satisfactory times have no difficulty in finding followers. I have never expected to see again times good enough in the United States to silence the lamentations of our friends on the other side.

Even the year 1893 could not do that, for the convention that nominated the Democratic candidate in plain words based its case upon the fact that the land was groaning in the midst of miseries and calamities too numerous to be named.

It is a curious paradox in human affairs that the preachers of the gospel of discontent, never without a hearing in prosperous times, are likely to lose their disciples when, under the pressure of real adversity, men begin to think soberly of their misfortunes. There is a fine satire as well as a practical philosophy in the quaint observations of Bishop Hooker in his great but now forgotten Book on Ecclesiastical Polity:

> He that goeth about to persuade a multitude that they are not so well governed as they ought to be shall never want attentive and favorable hearers, because they know the manifold defects whereunto every kind of regiment is subject; but the secret lets and difficulties which in public proceedings are innumerable and inevitable, they have not ordinarily the judgment to consider. And because such as openly reprove supposed disorders of state are taken for principal friends to the common benefit of all, and for men that carry singular freedom of mind, under this fair and plausible cover whatsoever they utter passeth for good and current. That which wanteth in the weight of their speech is supplied by the aptness of men's minds to accept and believe it.

[Applause.]

In the next place, the present tariff law was framed for the purpose of restoring the balance of receipts compared with the expenditures of the Government. I have already commented in a general way on the difficulty of forecasting with accuracy the amount of money to be derived from an untried law. It has been from the beginning the judgment of your committee that the act of 1897, tested in a reasonable state of prosperity and under normal business conditions, was calculated to produce a sufficient revenue in the absence of profligate and unnecessary expenditures.

If, as has been said, the Secretary of the Treasury in his report estimated a deficiency running into next year, the estimate was based, as everybody knows, upon estimated appropriations mainly

in the War Department and relating to rivers and harbors, so enormously beyond any probable action of Congress as to make the Secretary's figures useless, and, except for his legal duty to transmit these inflated estimates to Congress, wholly irrelevant.

It was foreseen from the start that the success of the tariff law of 1897 on its revenue side was handicapped by two things: First, by the low state of business in the country, and second, by the long delay in the consideration of the law after its general framework and principal features were known and read of all men. Nobody expected that the first months of the new law would show a sufficient revenue.

But again and again the honored chairman of the committee has assured the House that as the business revival progressed and as the immense stocks of goods brought into the country in anticipation of the proposed changes in the law were disposed of and passed into consumption normal conditions at the custom-houses would surely correct the shortage in receipts and before the end of the fiscal year would bring about a surplus of monthly revenues as compared with monthly expenditures.

This prediction of Governor DINGLEY, based upon a profound practical knowledge of American business, has turned out exactly true. In the month of January a surplus came in sight; in the month of February a surplus of nearly $2,000,000 is shown upon the books of the Treasury; and if we take out the expenses of the month of March, made necessary by war preparations, a surplus nearly as large appears in the receipts compared with the expenditure for the month; and there can be no reasonable doubt that had it not been for war and rumors of war the Treasury of the United States would from this time forward be able to take care of itself in the absence of a profligate expenditure of public money. [Applause.]

I have said these things because I want the House to understand that the measure which is here proposed is no confession on our part of the failure of the Dingley tariff law. It aims to create new revenues to cover new expenditures. It levies war taxes because we are on the threshold of war times.

I have listened with great patience to what gentlemen have had to say about these taxes, and I can afford to listen with sympathy, because there is nobody in this House who feels more uncomfortable about this necessity than I do.

Now, what taxes do we propose to levy? I had intended to go over with some particularity the items in the bill pending before this House, but the chairman of the committee has so fully stated every item and the circumstances connected with the various sections of the bill that it is unnecessary for anybody else on either side of the House to go over that subject. The chairman of the committee has given the House a complete statement of what we propose. The aggregate extraordinary revenue thus brought into the Treasury is estimated at near $100,000,000, and, if this bill becomes a law, will enable the Treasury to bear its burdens without casting the most of them on posterity.

The committee has considered all that has been said about the equity and justice of these taxes. So far as I am concerned, I confess that I do not see how a hundred millions of dollars can be raised in a way less calculated to burden and oppress the people of the United States. Fifty millions of it come out of two articles accepted in every country in the world as proper sources of revenue, and practically all the rest will be paid by that portion of the community least liable to be distressed by its payment. I confess that we expected that there would be a good many substantial criticisms of the measure.

Judging from the speech of my friend from Texas [Mr. BAILEY] just delivered, there are no positive objections to the bill except on account of what it does not contain. After careful consideration, those who are called upon to cooperate with us in presenting this measure to the House make no important complaint about any of the items of it. What do they do? They say that they are opposed to increasing the bonded debt of the United States. We also are opposed to increasing the bonded debt of the United States unless it is necessary to maintain the credit and the solvency of the Treasury of the United States.

But you know, and every business man knows, that however much money may be raised by these schedules, we will start out from this day practically with a Treasury unable to supply funds, and in the absence of money borrowed the Treasury will be helpless in the presence of these emergencies. What is the true state of the Treasury?

We have an aggregate cash balance, as reported April 26, 1898, of $219,157,981.80, from which must be deducted the following items as not available:

Matured debt payable on demand April 1	$1,283,780.26
National bank note retirement fund	31,946,933.50
Bonds and interest paid in current month	5,129,121.85
Uncurrent subsidiary coins	5,000,000.00
Working bank balances	18,512,936.22
Amounting in all to	61,872,771.83

From the $219,157,981.80 there must, therefore, be deducted $61,872,771.83, leaving $157,285,209.97, from which must be deducted the gold reserve of $100,000,000, leaving, on April 26, 1898, an actual available balance of $57,285,209.97. Against that is chargeable practically all of the $50,000,000 appropriation of last month, much of which has already been spent and all of which will soon be spent.

These figures show, so that any man familiar with business can understand it, that, if we except the gold reserve, there is now in the Treasury of the United States less than $60,000,000 available for the expenses of the great enterprise upon which we have just now embarked, of which $50,000,000 is already appropriated. So that, because we do not propose to leave the Treasury helpless in the presence of this exigency, we are for the bond provisions of this bill.

I believe the Treasury of the United States ought always to have the power to borrow the money necessary to supply current deficiencies of revenue. I do not believe there is wisdom or patriotism in leaving the Treasury of the United States more helpless in the face of its liabilities than are the ordinary business houses of the United States.

I do not know whether the amount which we seek to raise by these loans is excessive or not. I wish I could feel sure that we are asking authority to borrow too much money. Now, what do these gentlemen propose? They propose three things. First, that we shall reenact in a mutilated form the income-tax law of 1894.

Unlike my friend, I am not going into an argument on the merits of that tax. It is evident to my mind that there are two sides to it. Many gentlemen on our side of the House have expressed their opinion that the income tax, if it could be legally levied, would be a fair and productive tax. It is not necessary to go into an argument on that question here.

We are confronted with great expenditures. We are summoning the citizens of the United States, the young men of every State in the Union, to leave their business and assemble in military camps for the purpose of carrying on this war, and our friends on the other side undertake to revive a controversy that has not been in the public mind for years, and propose now to offer for the support of the Army and Navy of the United States the proceeds of a litigation which, as Governor DINGLEY has well said, has already been decided in advance against us.

I have no objection to a rehearing of the income-tax case. I have talked to a great many men, and I find that a great many notions are current about the income tax. My friend from Texas [Mr. BAILEY] says that our fathers who framed the Constitution had only a very dim and imperfect idea of what a direct tax was. He has also led us to believe that the Supreme Court of the United States to-day has a very dim and incorrect idea of what a direct tax is, and from the general tenor and direction of his remarks he leaves the impression upon my mind that there are mighty few people in this country who know what a direct tax really is. [Laughter on the Republican side.]

It is because of this uncertainty, because we need money and not law books, because we need revenue and not lawsuits, that I am opposed to mixing up this proposition with the income-tax controversy of 1894. [Applause.]

In the next place, he proposes to coin the seigniorage in the Treasury of the United States. That, also, sounds like the reappearance of an old friend in this Chamber. I have been studying for five years to make out what the seigniorage is; and from all I can understand, Governor DINGLEY has the definition exactly right. It is the profit arising from the coinage of money, owing to the difference between the cost of the material and the nominal value of the coin.

Yet these gentlemen make no proposition to coin the bullion in the Treasury. If they made that proposition, there might be something in it. I would be willing to go with them in the enactment of a law to direct the mints of the United States to coin into our subsidiary coinage at least $50,000,000 of the bullion in the Treasury. But what sort of a proposition is this? It is a proposition to support the United States out of the profits of our silver business during the last ten years.

What are the facts? We have in the Treasury of the United States 109,864,545 fine ounces of silver. We paid for it the sum of $99,349,753. It is worth to-day hardly half what we paid for it. Yet these gentlemen, with characteristic unction, propose to maintain this war and keep our armies in the field and our Navy upon the sea by realizing on the profits of a transaction that has already netted to the Treasury of the United States the loss I have just stated.

My friends, a proposition like that, so far as I am able to comprehend and fathom it, indicates on your part a frame of mind that swims in humbug like a fish in water. [Laughter.] There is no sense in it. Supposing this imaginary seigniorage of $42,697,336 were set apart for coinage, it would take all our mints at the least sixteen months to do the work.

What else do they propose? They propose, as the gentleman

from Texas says, to "exercise the noninterest-bearing credit of the United States." With demand liabilities approximating a billion dollars already outstanding, they ask us to run this war upon promissory notes. Yet they know, as every intelligent business man in the United States knows, that there is no way, and never has been any way in the history of the business of the world, to maintain the value of a promissory note unless you pay it or stand ready to pay it. And there is no way a government can stand ready to pay these promissory notes issued under circumstances such as now surround us that will not be more costly in the long run than the interest-bearing bonds themselves.

I say to the gentleman from Texas that a commercial panic, a disorder introduced into American business by a change in the standard of value, by the suspension of gold payments, by the debasement of our coinage, by a refusal to maintain the obligations of the United States which are payable on demand, will, in thirty days, do more damage and wrong to the people of the United States than all the armies and all the fleets of the world could do us in a five-years war. [Applause.] Therefore, good sense demands that we take care of the liabilities we now have instead of increasing them.

We are left, then, to two ways of getting this money—by taxation and by the negotiation of loans. I am in favor of both ways, using each of them as the necessities of the Government and the public credit may require. I know there are a good many people who say that the people of the United States will not stand it; that the time will come, and come very shortly, when they will rise up and resent the burden and outrage of these new tax assessments. I do not believe it.

If there ever was a case where a situation amounting to a declaration of war was the direct result of the wish and purpose of a people, it is this case. It is entirely creditable to the people of the United States that they have been governed throughout this troubled period by motives higher than party politics and more generous than their own material interest.

This country knew something in advance about the burdens and the expenses of war, and all these things the American people pondered in their hearts, while that mighty tide of public opinion was rising which has lifted the nation on billows of enthusiasm which no partisan leadership could either suppress or control.

It can not be said that the President of the United States has plunged his country into war.

If he had done so, heedlessly putting in peril the welfare of a country like this, instead of being entitled as he is to the respect and confidence of the world, it would be better that a millstone were hanged about his neck and that he were drowned in the depths of the sea. He is guilty of no such offense against the welfare of his country.

Instead of seeking to inflame public opinion, he has sought to moderate and direct it. Instead of throwing away the prospect of a peaceful settlement, he has put himself in alliance with every honorable influence in favor of such a solution of the perilous problem involved. He has been maligned by his enemies and misunderstood by his friends, because he has had the wisdom to inquire, the prudence to prepare, and the statesmanship to look before and after.

If the time should ever come when the American people, under the burdens laid upon them by our Cuban protectorate, should become resentful and complaining, there is at least one man in the public life of these times who will be able to look his countrymen squarely in the face and say to them, "I did the best I could to save my fellow-citizens from these afflictions." [Applause.]

And when I hear men, as I have heard them on my own side of this House, suggesting that the President has given his party in this crisis a timid and hesitating leadership, I can not forbear to express my own satisfaction that he has been great enough in heart and brain and conscience, in the presence of a public danger, to think of his country rather than of his party, and, instead of strutting before the world, has been willing to become in a real sense the servant of the American people whose will has been expressed in the Congress of the United States. [Applause.]

I do not pretend to be able to predict the size or the cost of the undertaking on which we have entered, but my conviction is that the prompt passage of this bill will shorten the war and that in the end we will gain all that we lose and infinitely more. We have already gained the outspoken sympathy of that great English-speaking world of which we are a part. [Applause.]

And more important than that, we have gained a new sense of the unity of our own people and our own country; a unity which has already killed the spirit of sectionalism; a unity that has taken the poison out of partisan strife; a unity that has brought in the better era of American patriotism; an era which I pray God may not now be sullied by unseemly partisan debate and by the resurrection of obsolete controversies out of which no public good whatever can come. [Applause.]

Nor do I think that our people will ever regret the part they have assumed. There are times in the life of nations when they move upon impulses so pure that the approbation of the national conscience is a full reward for all sacrifices, however grievous. [Applause.] Such an hour has come to the people of the United States, putting to silence the passion of party politics and lifting the whole nation above the care of stocks and bonds and lands and offices into the upper atmosphere, where the hidden secrets of liberty and civilization are revealed. [Applause.]

After more than fifty years of patient toleration the time had come at last to make an end of the state of anarchy in Cuba. As the moment for action approached every emotion was subordinated in the national purpose to the high and patriotic motives which mankind everywhere must approve.

We have not acted upon a sudden provocation, great or small. Again and again the nation has ignored its interests, conquered its sympathies, and restrained its wrath, that no just imputation might be made against us in the supreme court of the world's opinion. There is not a country of Europe which, if situated as we have been, would have endured what we have suffered in the succession of civil wars which for the last generation have desolated that helpless island of the sea. History will be our judge that in all these years, for the sake of the world's peace, we have chosen to wrong ourselves rather than give warrant to a suspicion of injustice against the Government of Spain.

We have not coveted her territory. We have not obstructed her administration. We have not withheld from her dynasty or from her people the offices of international courtesy and good will. If in times of insurrection and disorder we have interposed to promote the tranquillity of the island, our mediation has never concealed a hostile spirit, nor have we ever laid the weight of a little finger on the sovereignty of Spain.

In the crisis of the past three years, it is true, we have not been careless and unimpassioned spectators. We could not be without despising every instinct of the national life, without disowning every tradition of the national history. [Applause.] Yet, even under the pressure of popular feeling, we have scrupulously kept within the law of nations, not even sending a message of hope and courage to the struggling army of liberation in Cuba.

We have citizens there whose property has been totally destroyed, their business ruined, and they themselves cast into the military prisons of Havana or left to beg among the miserable refugees about Matanzas. Yet, though we speak the English tongue, we have consented to negotiate for their relief and have feebly tried to do with diplomatic correspondence what other countries are accustomed to do with shot and shell.

I do not complain. It was a part of the national policy of peace, a continuous incident of our hereditary mode of living with the Spanish race. Up to this time neither the love of liberty, nor the claims of humanity, nor the interests of commerce, nor the wrongs of injured citizens, have interrupted our amicable intercourse with Spain. A forbearance like that, such an anxiety to keep peace, born of neither weakness nor fear, presents a record of national self-restraint that has not escaped the attention of the world at large.

Even in the troubled time when rumor and hearsay successfully competed with the truth for a place in the headlines of the daily press, the President of the United States kept his course, refusing to be coerced or driven or turned aside, calm in the approbation of his own conscience, grateful for the confidence of men of sense, indifferent to the noise of cheap and transient tongues.

From the day he entered upon his great responsibility he has kept before his face one supreme and ultimate thing, the liberty of Cuba, and with it one ever-present hope, the peace and happiness of his own country. [Applause.] If any have grown restless and uneasy in the slow movement of events, if this Chamber has been degraded by brutal and incoherent slanders against his name, if the honest zeal of some has tried to outrun him to the goal and the crafty enthusiasm of others to run over him, the time for controversy with all such is past.

But as one who has never for a moment doubted his wisdom or his patriotism, I venture the prediction that when these days of feverish and babbling criticism are forgotten the world will hold in increasing honor that brave and kindly man who, in the midst of an unexampled clamor, his lips sealed by the very nature of his duty, has had the moral heroism to stand, while the smallest chance remained, the magistrate of a Christian people, exercising the influence of his office for an honorable peace. [Loud applause on the Republican side.]

The fact that all these humane aspirations of our Government, everywhere else well known, have called out no adequate response, either from Havana or Madrid, fully verifies the picture of Spain drawn by the historian Buckle—

> She sleeps on unmoved, unheeding, impassive, receiving no impression from the outside world and making no impression upon it.

Even the events of the last two months, in which our people have waited in pitiful silence while a board of officers, famous and honored in the service, have taken the testimony that tells the awful tragedy of our ill-fated man-of-war, have not awakened

her. That testimony, including the unanswerable witness of the wreck itself, is now before the world, and if the national indignation has not long since avenged the ghastly crime it is because all hearts have been moved by the revelation of a crime still more ghastly—the atrocity which deliberately planned the extermination of an innocent community and, within sight of our own shores, has turned the fairest landscape of the earth into a hideous spectacle of cruelty and torture.

The despair of men and women, the bitter cry of starving children, the agonies of the living, the skeletons of the dead—these incredible realities of Spanish warfare have driven from the minds of the American people all thought of themselves, of their commerce scattered to the winds, of their property despoiled, of their countrymen cast into dungeons, of their seamen entrapped and assassinated; all thought even of the ragged little army of freedom yonder in the invincible mountains of Santiago [applause], and filled the heart of the great Republic with a realization of its divine mission of help and mercy to the perishing multitudes of that wasted and stricken population. [Applause.]

We can not and will not stop to ask a recompense for our stately ship that lies broken and dismantled in the most infamous harbor of all the seas. We will not set a price upon the lives of our murdered sailors. We will not betray our dead. But the nation of America, laying down, as I fervently believe, every trace of partisan dissension, in the fear of God, counting all the cost, will exact from Spain indemnity in full for all the abuses of the past; not the spoil of subjugated provinces, but the emancipation of an oppressed race; not the ransom of besieged cities, but the creation of a new commonwealth; not the worn coinage of a bankrupt treasury, but the nobler satisfaction of saluting the flag of a free people, once outlawed and dishonored, now to be clothed with beauty and with victory, and to keep watch with tender gratitude forever above our unforgotten heroes of the *Maine*. [Long and continued applause.]

The CHAIRMAN. The gentleman from Colorado [Mr. BELL] is recognized for twenty minutes.

Mr. BELL. Mr. Chairman, the Populist party are unanimously in favor of fighting this war to a successful termination, and we are in favor of keeping the President's hands full of means with which to prosecute it at all times. But when it comes to the methods or means of raising revenue with which to prosecute the war, it is almost too much for the chairman of the Ways and Means Committee to throw out a net and say to us, "Come in. This is too important to divide on; we ought to present an unbroken rank to the enemy," while asking us at the same time to make that unbroken rank under the pet measure that meets his approval.

Now, you must patiently allow us to suggest the remedy we propose, and if our remedy is preferable, we may present an unbroken rank to the enemy as effectually if you come over and join us as will be presented if we go over and join you.

Mr. Chairman, we have before us the two remedies. One is an internal tax and interest-bearing bonds. For one, I am opposed to internal taxes, because, as a general proposition, you put several dollars, as I understand it, in the hands of the collectors for expenses of collection by the time you get one dollar into the Treasury of the United States. I am opposed to internal taxes generally, because you select certain articles to bear the whole burden, without a distribution over all the wealth of this country.

But the main feature of the bill that meets my disapproval is the bond issue. The majority could not have presented another measure to this House that would cause such a shudder to come over the American people as this measure that proposes to saddle a bond issue on the struggling masses of this nation. If it were really necessary I would say, "We will go with you." Yes; we would go with you to the uttermost limit rather than for one moment set back the efforts of the Administration in relieving this island from a condition that has become intolerable.

But why is a bond issue necessary? The majority, while it appeals to us to banish politics and banish anything that we have advocated heretofore—the very report presented by it spends the greater force of the committee in trying to bolster up the Dingley tariff bill that recently passed this House. They are anxious now that we make a great bond issue. A great per cent of the leaders of the majority have for a decade and a half, in times of peace, been insisting upon the same bond issue. Mr. Muhleman, the assistant secretary of the subtreasury in New York, has recently proclaimed to the country his reason why there is a great difficulty in our getting banking currency that he and the Republican party advocate.

He says it is the high price of bonds. He says if bonds were lower, that the banker could buy without paying 115 or 120 for them, then we would not only have an increase of national banks, but we would have an increase of national-bank currency, which is one of the objects of that party. But my friend from Iowa [Mr. DOLLIVER] thinks the coinage of the seigniorage, one of the remedies presented by the minority, is a fallacious one, too fallacious even to discuss. He brushes it aside with contempt. He says this coinage of $55,000,000 lying in the Treasury is too ridiculous an idea to command respect.

I want to inform my friend that while the seigniorage was $55,000,000 a few years ago, the Government of the United States has been coining it and coining it, until it is down now to $42,000,000. Why does he not apologize for that coinage, a coinage that is going on to-day? But my friend says that this is not money. The Supreme Court of the United States says that it is money. The Supreme Court of the United States says gold is not money; it says that silver is not money; it says that paper is not money, but that a legal decree of a legislative body makes the money of the realm. When I ask our friends what is the matter with the silver dollar, they say that it must be redeemable in gold to make it sound or honest. What a folly!

Do you mean to say the silver certificate is redeemable in gold? What a mistake. Your chosen Secretary of the Treasury does not say so. How does he say it is redeemable? The Secretary of the Treasury says the parity of the silver dollar is maintained, not by redemption in gold. He says the parity of the silver certificate is maintained, not by redemption in gold; because there never has been such a redemption. He says they are maintained at a parity with the gold dollar by the acceptance of them by the Government for dues, and are redeemed in that way.

Mr. CARMACK. Because it is a legal tender.

Mr. BELL. Let me give you what he says. You remember that when he came into office he began to make speeches, and over in Philadelphia Dr. Taylor, publisher of the Medical World, wrote him this letter:

PHILADELPHIA, PA., *November 1, 1897.*

DEAR SIR: Does the United States Treasury redeem silver dollars, silver certificates, and Treasury notes (coin certificates) in gold? If so, will you kindly inform me where application can be made for such redemption—perhaps at any of the subtreasuries?

If the United States Treasury does not redeem silver dollars, silver certificates, and Treasury notes (coin certificates) with gold, how can they be said to rest upon a gold basis? If they are not redeemable in gold, and hence if they do not rest upon a gold basis, how is their parity with gold maintained?

I do not ask the above with any view to demand gold in exchange for silver dollars, silver certificates, or Treasury notes, nor do I ask through curiosity. I ask for an important purpose, and I trust that you will give me an early reply, however brief the reply may be.

Very respectfully,

C. F. TAYLOR.

The SECRETARY OF THE UNITED STATES TREASURY,
Washington, D. C.

That was the question put to him in writing. Here is his reply, over his own signature:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., November 4, 1897.

SIR: In reply to your letter of the 1st instant, you are informed that the Department does not make a practice of redeeming silver dollars or silver certificates in gold. There is no law requiring such redemption. There is, however, the following legislative declaration in section 2 of the act of July 14, 1890:

"The Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion, it being the established policy of the United States to maintain the two metals on a parity with each other."

But while the Government does not specifically redeem either silver dollars or silver certificates in gold, it receives them the same as gold in the payment of all debts due to the United States. This amounts to a practical daily redemption of such dollars and certificates in large amounts.

It may be added that it was officially declared by the late Secretary of the Treasury that "although silver dollars and silver certificates have not, up to the present time, been received in exchange for gold, yet, if the time shall ever come when the parity can not otherwise be maintained, such exchanges will be made."

He says, as to what Secretary Carlisle said:

This would no doubt be the rule of action now if required to maintain the parity. Such a contingency, however, has not yet arisen, and so far as can now be seen is not likely to arise.

Respectfully, yours,

L. J. GAGE,
Secretary.

Mr. C. F. TAYLOR,
1530 Chestnut street, Philadelphia, Pa.

Now, gentlemen, there is the question in a nutshell, showing that the dollar is a legal decree, and effectually redeemable by its use. Our friend goes from the silver dollar and he talks about the Treasury note. I want to say to you that there never has been a war fought in this or any other country on anything except a national currency. The contraband of war takes away from you the power to buy munitions of war and war machinery in foreign countries. You have got to use essentially a national currency. War is a great, new business and requires a new supply of money that will circulate and not be hoarded.

This country fought the war of 1812 with England to a successful termination on Treasury notes when we had only 8,000,000 of people and with a small taxable property. During the war of 1846 with Mexico we issued $33,000,000 in legal-tender Treasury notes, receivable by the Government, and fought that war successfully. In 1861 we issued the greenbacks and fought the war of the rebellion. We broke the panics of 1837, 1857, and 1873 by large issues of Treasury notes.

From 1861 to 1879, a period of eighteen years, specie payment

was entirely suspended in this country, and we never had a more prosperous period in our history. The Bank of England suspended specie payment from 1797 to 1821 without disturbing her finances. All the wars of Europe, as well as of this country, have been fought on paper money.

Now, when my friend from Texas [Mr. BAILEY] says that you can not use a Treasury note of this Government in Berlin, in London, or anywhere else in a foreign country, I beg to differ from him. I want to say that a dollar issued by a government is as good as the government itself. When you take a dollar of this country to Berlin or to London it will pass at par, I care not from what it is made. Why? Not because of the intrinsic value, but because it is a check for the purchase of every bushel of wheat, every pound of pork, and every piece of beef that is for sale in this country. If this was a small, weak country, without commerce, the rule would be otherwise.

We have a nation now that produces one-third of the wealth of the world. We have a nation that contains the greatest export trade in breadstuffs, iron, steel, and many other things that are now universally used in great countries, making any kind of a United States dollar good in any of these countries, not for their metal value, but for the uses to which they can be turned. Wherever there is trade with the United States that dollar is at par.

Now, I want to state to our friends that when we reduced the greenback circulation, when we provided in 1879 that we would resume specie payment, we provided $114,000,000 in gold and said that on the 1st day of January we would redeem the greenbacks. When the 1st day of January came the holders were not there to have it redeemed. When the last day of January came we had redeemed about a million and a half with our $114,000,000 in gold. When we stopped burning the greenbacks, when we said you shall not reduce it below $346,000,000, the author of the resumption bill, Secretary Sherman, said that the people were so affectionately attached to the greenback that they were not willing to give it up. He said the money was most convenient, that it was a debt of the Government without interest, and that he was in favor of its remaining in circulation while we paid off our interest-bearing debt.

Now, if the $346,000,000 in greenbacks to-day is a debt without interest, why do you want to issue $500,000,000 in interest-bearing bonds for twenty years, the simple interest of which will be $300,000,000, and if you compound it from the quarterly payments, it will be probably a good deal more than the principal. Why do you want to issue bonds? I say you are not required to resort to that. Now, my friend Mr. DINGLEY attempted to cover up the hideousness of this issue by saying it shall be a popular loan. I want to say that in my judgment you will never have a popular loan. I want to say to you that in my judgment the men who manipulate these bonds will throw such restrictions around them that the bond syndicates and the bank syndicates will get the bonds and the people will simply have the privilege of paying them.

I am not dependent on my own judgment as to this. The assistant subtreasurer in New York, in criticising the resolution passed in New York for a public loan, makes the same assertion. He says:

> The plan would be all right were it not for the fact that the payments must be made in coin. That kills its effectiveness. Where are the people to get the gold and silver from? How many people can command sufficient hard coin to purchase the bonds?
>
> The money they deal with is not gold and silver money, and they can not get this kind of money in quantities without coming to the Treasury for it. That was the very thing that the Morgan syndicate agreed not to do when the previous bond issue was made. What the syndicate could accomplish is beyond the power of the rank and file of the people.
>
> Suppose a man has an account at a savings bank and tries to get gold or silver coin from his bank. The bank legally fulfills its obligations if it pays the depositor his money in paper currency; he has no right to demand gold or silver, and the bank would certainly take advantage of this at this juncture.

But here is another thing that it seems to me is overlooked. In my opinion any popular loan is a popular curse as well as a public loan a public calamity. I want to say to you, pass this bill to-morrow and publish it to the four corners of the earth that every post-office in the United States will have a quota of these bonds to dispose of to the community, and that community will begin to withdraw every possible dollar in currency from the active enterprises of the community. The man who has his money in a questionable avocation will begin to pull it out; and when you pull out money and put it into bonds, you drop it into the stagnant pool of commerce. [Applause.]

It decreases the working capital throughout the country, stops industry, depresses labor, and produces a general stagnation. The mere hope of a bond investment will start a process of hoarding which will continue until every bond is sold. If money should be hoarded only to the extent of the bonds sold, it would be bad indeed; but the probabilities are that from three to four dollars will be hoarded for every bond to be offered, just as bids for these bonds would probably cover four times the issue. It is a well-established economic proposition that every decrease in the ratio of working capital to labor decreases the price of labor under the unvarying law of supply and demand.

I say when you pull out the money from the circulation of the community and put it into bonds you drop it into a stagnant pool, and it is as effectually destroyed for the purposes of commerce and production as if you had sunk it in the bottom of the sea. We should avoid, if possible, all bond issues, not only to avoid the interest burden, but to leave the money in productive industries.

INCOME TAX.

We believe that ordinary justice demands that we should enact a reasonable income tax wherein the fortunate ones should contribute from their surplus for the expenses of this war, as a measure of compensation to the nonincome classes, who must fight this war, as they have all the country's battles in the past. I believe such a law as a war exigency is admissible under the Constitution. Our friends, speaking of beginning a war with a "lawsuit" should we enact an income tax, pass a severe reflection on the rich of this nation. The rich Spaniards in every land and clime are making great voluntary contributions to the Spanish war fund.

Is it possible that there is a man drawing an income of over $4,000 per annum in the United States so selfish or lost to his duty as a citizen who would question the moral or legal right of this Government to collect 2 per cent on his income in excess of $4,000? I believe the thought of a lawsuit or of hesitancy to pay such a war tax would be beneath the worst of them. We enacted and collected such a tax throughout the rebellion. A short time ago Justice Harlan, of the Supreme Court of the United States, in discussing this question before a law class in the Columbian University, said that such a tax would, in some measure, even up the duties that the rich owed to the poor, who always fought the country's battles.

In your bonded system you allow the rich to receive the great benefits of the interest-bearing bonds as a safe and most desirable investment for their money. Then when the nonincome classes, who make up the ranks of the Army, return they will be taxed for generations to pay the hundreds of millions of interest on these bonds.

In this frenzy we must not be forgetful of the struggling masses at home. When peace comes we will be held to a strict accountability for what we do under these pressing impulses.

I ask the privilege of extending my remarks in the RECORD.

The CHAIRMAN. I hear no objection.

Mr. SAYERS. Mr. Chairman, we have a proposition before us to put in the Treasury the sum of $690,000,000 through taxation and the sale of interest-bearing bonds, to be expended in the prosecution of the war. It is distinctively a war measure. The President of the United States has called for 125,000 volunteers. If all of these troops were in actual service, with the addition of the Regular Army and the Navy, they would approximate about 200,000 men.

We were told this morning by the gentleman in charge of the measure [Mr. DINGLEY], in his defense of the propositions submitted, that in 1865 we expended about $1,100,000,000; and in 1864 about $800,000,000 for war purposes. It must be borne in mind that during those years the Government was maintaining fully, if not more than, 1,000,000 of soldiers and sailors and a Navy, including vessels of all kinds, at least four times as large as the one we now have, with a currency worth from 40 to 60 cents on the coin dollar. The price of everything was then excessively high.

Now, Mr. Chairman, it may appear unpatriotic and ungracious to raise the question of economy in a crisis like the present. There is no gentleman on this floor, whatever his political opinion, who is prepared to go further than I in maintaining an effective Army and Navy during this war. For one I am willing to vote for every dollar that may be necessary to clothe, feed, and care for every soldier and sailor that may be enlisted and to provide him with the greatest abundance of all the appliances of war. I would not have him without a thing that is necessary to his comfort or efficiency.

But, taking the last year of the civil war as a basis—with an expenditure of about $1,100,000,000, with a much larger Navy than now, with over 1,000,000 men in the military service, and with the currency ranging from 40 to 60 cents on the dollar—the sum proposed of $690,000,000 is, in my judgment, extravagant and altogether unnecessary at this time.

Gentlemen say that the President and the Administration will not expend this money if it should not be necessary. I am not here to criticise or to call in question the action of the President or of his Administration.

It will be time enough to do so after the war shall have ended. But if I were a Republican and responsible for the acts of the Administration, I would be slow indeed to put at its command so large a sum of money. In my judgment neither the President nor the Cabinet will be able to resist the influences that will be

brought to bear in order to secure the expenditure of this money when once in the Treasury.

Already we have here in great numbers those who seek contracts with the Government. They are around these corridors; they haunt the rooms of the Appropriations Committee, of the Committee on Naval Affairs, of the Committee on Military Affairs. The President must be more than human if he would successfully repel the importunities that will be made to expend this money.

In the zeal of our patriotism, in our desire to prosecute this war successfully, we ought not to forget, Mr. Chairman, that the time will come when the people will have to respond. They ought to be heard now before we undertake this vast expenditure—not yet authorized, it is true, but it will be authorized. My friend, the chairman of the Committee on Appropriations, said it would have to be appropriated by Congress before it could be expended.

Sir, an appropriation of $50,000,000 passed Congress a few weeks ago in almost the twinkling of an eye. A large naval appropriation bill is ready to be passed. An Army bill has been passed; other large appropriations will surely follow. Inasmuch as Congress will meet again in December, even if a measure must pass authorizing the issuance of bonds (to which I am opposed), they ought not to exceed $200,000,000 at the furthest. A larger amount at the present time would be extravagant and unnecessary.

The cost of maintaining the Regular Army in the time of peace does not exceed, I am informed, $1,000 per man for each year. The 125,000 volunteers, together with the Regular Army and the Navy, making about 200,000 in all, should therefore, in peace, cost not more than $200,000,000 per annum.

An addition of $500 per man for war purposes, and which is a liberal allowance, would increase the expenditure to three hundred millions per annum. Henceforth and until the contest shall end we must rely upon ourselves for all munitions of war. We can not purchase them from abroad, nor can heavy guns or mortars or battle ships or cruisers be completed in so short a time as to demand so heavy an expenditure during the first year.

Double this amount, Mr. Chairman, and it all will be expended or covered by contracts. Gentlemen should remember that the expenditures are not always limited to the appropriations. There are such things as deficiencies, and these must be met by Congress. A surplus in the Treasury is always dangerous, both in peace and in war, and more especially in war. The most careful and economical administration can not prevent waste and extravagance during a period of actual hostilities.

Everything that the Government purchases will be at excessive figures. It has already been so. Besides, much that is unnecessary and altogether unfit will be bought. War is the time for speculation—for public plunder. General demoralization ensues, and the contractor revels in his ill-gotten gains. These are some of the reasons, Mr. Chairman, why I am opposed to putting so large a sum as $690,000,000 in the Treasury at this time.

It will be a temptation, and a very strong one, to speculators in gold to raid the Treasury, as was done under Mr. Cleveland's Administration. The bonds will be sold for gold. They will be paid in gold. But, sir, the gentleman from Iowa [Mr. DOLLIVER] asked the question if the war could be carried on with promises to pay. He should remember that our civil war, gigantic and long as it was, rested entirely upon a paper currency—upon promises to pay—on both sides, and there was no complaint by those who fought. Why should not the silver seigniorage be coined? It is but a small amount—not $50,000,000.

The soldiers will take it, the farmers who have produce to sell will take it, and that, too, at par.

And why should not an income-tax provision be attached to this measure? Why should not the wealth of the country be required to contribute to the burdens of the Government? Long lines of railway are enjoying profitable contracts for carrying the mails. They are realizing large sums of money from the transportation of troops and army supplies.

Why should they not be called upon to assist the Government in its time of need? Why should not that colossal concern, the Standard Oil Company, and kindred associations, be required to contribute to the expense of the war? These great corporations do not fall into the clutches of the taxgatherer.

Tobacco, snuff, cigars, patent medicines, mineral waters, and such like, Mr. Chairman, are made by this bill to contribute to the sinews of war, and the plain people—the men who do not ask for commissions before volunteering, but eagerly take their places in the ranks with their rifles in their hands and their knapsacks on their backs, and the pay of $13 per month—must be taxed for the tobacco they use and for the beer they drink when sitting around the camp fire.

There is no justice in the measure under consideration; there is no patriotism in it. The policy proposed is wrong from beginning to end. It is a purely Republican measure. It was prepared exclusively by Republicans. The minority of the committee were not consulted as to its formation.

The patriotism of the House was appealed to some weeks ago, and the response was prompt and emphatic. I stand ready, Mr. Chairman, to assist the Administration to the full extent of my ability in the prosecution of the war that is upon us; but it and its immediate advisers should put themselves upon broad and liberal grounds. They should throw mere party policy to the winds, and rest themselves solely and exclusively upon the patriotism of the entire country. Moreover, they should be just. They should require every interest between the two oceans and between the Great Lakes and Mexico to bear its proportionate share of the expense of the war.

I claim, without boasting, to be as patriotic as any other gentleman; but, sir, while we are sending forth our ships to do battle upon the ocean and to maintain the supremacy of our flag, and while we are calling upon 125,000 of our own kith and kin to take their places in the ranks, leaving their homes and firesides, many of them perhaps never to return, we should not forget, at this hour when we are providing for the raising of a vast sum of money, that other and larger class of people, those who toil with their hands and must bear the burdens of Government in peace and in war.

We should take exceeding great care that those burdens shall be so distributed and imposed as to fall impartially upon all, and so as to require from every person and every interest a just contribution. In this the pending measure is an unqualified failure. [Loud applause.]

Mr. LACEY. Mr. Chairman, I wish just sufficient time to have the following amendment read, so as to put it into the RECORD, that it may be examined by the committee before reaching the debate under the five-minute rule.

The CHAIRMAN. The gentleman will send his amendment to the desk.

The amendment proposed by Mr. LACEY was read, as follows:

Add at end of section 14 the following:

"*Provided*, That in addition to the methods provided in this act for affixing and canceling any stamp or stamps omitted by reason of accident, mistake, inadvertence, or urgent necessity and without willful design to defraud the United States of the stamp, or to evade or delay the payment thereof, wherever an action is pending or brought upon the instrument omitted to be stamped, or where such instrument, though not sued upon, may become necessary as evidence in any action, then it shall be lawful for the court in which such action may be pending to authorize the stamp required by this act to be then and there attached to such instrument and marked canceled by order of the court, by the court or clerk thereof, upon oath being made before such court that such stamp was not omitted for the purpose of avoiding or delaying the payment of the stamp tax provided in this act."

Provided further, That in such case the stamp to be so attached and canceled shall be double the amount required by this act to be attached to such instrument.

But the attaching and cancellation of such stamp by or under authority of such court shall have no other or further effect than to make such instrument lawful and admissible in evidence, and shall not have the effect of relieving any person or persons from any of the penalties provided by this act.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DOLLIVER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4164. An act for the correction of the military record of James M. Crabtree;

S. 4165. An act for the correction of the military record of John R. Leonard;

S. 4391. An act to amend section 4445 of Title LII, of the Revised Statutes of the United States, relating to licensing officers of steam vessels;

S. 4451. An act granting a pension to Nancy Barger;

S. 1094. An act granting a pension to Adelaide Sessions;

S. 3219. An act granting an increase of pension to Maurice M. Woodbury;

S. 4400. An act granting an increase of pension to Joel Blackman;

S. 4399. An act granting a pension to Sarah Jordan;

S. 4298. An act granting an increase of pension to Edward R. Young;

S. 3506. An act granting a pension to Mary E. Kline;

S. 3323. An act to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army;

S. 3298. An act granting a pension to Caroline C. Townsend;

S. 2757. An act granting an increase of pension to Robert C. Rogers;

S. 2541. An act granting a pension to Clara R. Rodgers;

S. 2355. An act restoring to the pension roll the name of Annie A. Gibson;

S. 2338. An act granting a pension to James C. Young;

S. 2035. An act for the remuster of Francisco V. De Coster as captain of Companies A and D, Mississippi Marine Brigade Cavalry Volunteers; and

S. 1482. An act granting a pension to John Stanage.

The message also announced that the Senate had passed bills of

the following titles with amendments in which the concurrence of the House was requested:

H. R. 802. An act granting a pension to Benjamin F. Moulton;

H. R. 137. An act for the relief of Annie Saffell;

H. R. 864. An act granting a pension to Maria E. Hess, widow of Florian Hess;

H. R. 1295. An act to increase the pension of Frederick G. Moore, late of Company I, One hundred and fifth Regiment New York Volunteer Infantry;

H. R. 1546. An act granting a pension to Mrs. Annie Wittenmyer;

H. R. 1722. An act for the relief of Mrs. Ellen O'Rorke;

H. R. 1897. An act granting a pension to Mrs. Susan A. Huber, of Louisville, Ky.;

H. R. 2119. An act to grant a pension to Miss Sallie Work;

H. R. 3663. An act granting a pension to George Barnes;

H. R. 3889. An act granting an increase of pension to Mrs. Calista Hadley;

H. R. 3953. An act granting an increase of pension to Calvin P. Lynn;

H. R. 4160. An act granting an increase of pension to George W. Garrison;

H. R. 4469. An act increasing the pension of Katherine L. Cushing, widow of William B. Cushing, late commander in United States Navy;

H. R. 4981. An act granting an increase of pension to William D. Seamans, late a private, Company L, Fourteenth New York Heavy Artillery;

H. R. 5245. An act granting a pension to Florence N. Waldron;

H. R. 5372. An act for the relief of Hannah C. Pile;

H. R. 5775. An act granting a pension to Lewis K. Whitmore, a locomotive engineer in the military service and employ of the United States during the late civil war;

H. R. 5809. An act granting a pension to Charles E. Taylor;

H. R. 6161. An act for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River in said District, and for other purposes;

H. R. 6515. An act granting a pension to Grace Gudgell;

H. R. 6680. An act granting a pension to Mrs. Janet Wemple;

H. R. 6928. An act granting a pension to Eva Seeley;

H. R. 6988. An act for the relief of Emory T. Hipple;

H. R. 7449. An act granting a pension to William S. Adams, late acting assistant surgeon, United States Volunteers;

H. R. 7952. An act granting a pension to William C. Ryan;

H. R. 8197. An act for the relief of Mary B. Hulings;

H. R. 8636. An act granting an increase of pension to John X. Griffith; and

H. R. 8834. An act granting a pension to John B. Hays.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

S. R. 48. Joint resolution granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann;

S. R. 19. Joint resolution to extend to the officers, warrant officers, petty officers, seamen and others, and marines of the United States Navy the provisions of the joint resolution approved July 12, 1862, and the act approved March 3, 1863, and the joint resolution approved May 2, 1896;

S. 133. An act for the relief of Richard King;

S. 1910. An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes;

S. 3256. An act in reference to the civil service and appointments thereunder;

S. 2917. An act fixing the salary of the postmaster at Washington, D. C.;

S. 3261. An act for the relief of P. F. Dundon, of San Francisco, Cal.; and

S. 4010. An act in renunciation of all right and title by the United States to certain lands in Louisiana.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in muslin in one volume 3,000 copies of the Senate Miscellaneous Document No. 67, Fifty-second Congress, second session, being the compilation of Senate election cases from 1789 to 1893, and the appendix thereto, prepared under the concurrent resolution of March 21, 1894, covering Senate election cases from 1893 to the close of the present session of Congress; 1,500 copies for the use of the Senate and 1,500 copies for the use of the House of Representatives.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. QUAY, and Mr. GORMAN as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2541. An act granting a pension to Clara R. Rodgers—to the Committee on Invalid Pensions.

S. 2355. An act restoring to the pension roll the name of Annie A. Gibson—to the Committee on Invalid Pensions.

S. 2388. An act granting a pension to James C. Young—to the Committee on Invalid Pensions.

S. 2035. An act for the remuster of Francisco V. De Coster as captain of Companies A and D, Mississippi Marine Brigade Cavalry Volunteers—to the Committee on Military Affairs.

S. 4164. An act for the correction of the military record of James M. Crabtree—to the Committee on Military Affairs.

S. 4165. An act for the correction of the military record of John R. Leonard—to the Committee on Military Affairs.

S. 4391. An act to amend section 4445, of Title LII, of the Revised Statutes of the United States, relating to licensing officers of steam vessels—to the Committee on the Merchant Marine and Fisheries.

S. 4451. An act granting a pension to Nancy Barger—to the Committee on Invalid Pensions.

S. 1094. An act granting a pension to Adelaide Sessions—to the Committee on Invalid Pensions.

S. 3219. An act granting an increase of pension to Maurice M. Woodbury—to the Committee on Invalid Pensions.

S. 4400. An act granting an increase of pension to Joel Blackman—to the Committee on Invalid Pensions.

S. 4399. An act granting a pension to Sarah Jordan—to the Committee on Invalid Pensions.

S. 3506. An act granting a pension to Mary E. Kline—to the Committee on Invalid Pensions.

S. 3323. An act to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army—to the Committee on Military Affairs.

S. 3298. An act granting a pension to Caroline C. Townsend—to the Committee on Invalid Pensions.

S. 4010. An act in renunciation of all right and title by the United States to certain lands in Louisiana—to the Committee on the Public Lands.

S. 3261. An act for the relief of P. F. Dundon, of San Francisco, Cal.—to the Committee on Claims.

S. 2917. An act fixing the salary of the postmaster at Washington, D. C.—to the Committee on the Post-Office and Post-Roads.

S. 3256. An act in reference to the civil service and appointments thereunder—to the Committee on Reform in the Civil Service.

S. 133. An act for the relief of Richard King—to the Committee on Claims.

S. R. 19. Joint resolution to extend to the officers, warrant officers, petty officers, seamen, and others, and marines of the United States Navy the provisions of the joint resolution approved July 12, 1862, and the act approved March 3, 1863, and the joint resolution approved May 2, 1896—to the Committee on Naval Affairs.

S. R. 48. Joint resolution granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann—to the Committee on the Library.

S. 4183. An act for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers—to the Committee on Military Affairs.

S. 4073. An act to ratify an agreement with the Indians of the Fort Hall Indian Reservation, in Idaho, and making an appropriation to carry the same into effect—to the Committee on Indian Affairs.

S. 4043. An act for the relief of Isaac McConnaughay, private Company H, Fortieth Iowa Infantry Volunteers—to the Committee on Military Affairs.

S. 4116. An act granting a pension to May F. Hilliard—to the Committee on Invalid Pensions.

Senate concurrent resolution.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in muslin in one volume 3,000 copies of the Senate Miscellaneous Document No. 67, Fifty-second Congress, second session, being the compilation of the Senate election cases from 1789 to 1893, and the appendix thereto, prepared under the concurrent resolution of March 21, 1894, covering Senate election cases from 1893 to the close of the present session of Congress; 1,500 copies for the use of the Senate and 1,500 copies for the use of the House of Representatives—

To the Committee on Printing.

WAR TARIFF.

The committee resumed its session.

[Mr. RIDGELY addressed the committee. See Appendix.]

The CHAIRMAN. By order of the House, the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10100) to provide ways and means to meet war expenditures, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. STRAIT indefinitely, on account of sickness.

BRIDGE ACROSS THE YAZOO RIVER, GREENWOOD, MISS.

Mr. CATCHINGS. Mr. Speaker, I ask unanimous consent to concur in some verbal Senate amendments to the bill H. R. 8875, which is a bridge bill. I think we have about a minute left before 5 o'clock.

The SPEAKER. There is about half a minute remaining. The gentleman from Mississippi asks unanimous consent to concur in the Senate amendments to a bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8875) to amend an act entitled "An act to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi."

Mr. CATCHINGS. Mr. Speaker, the Senate amendments are merely verbal. I ask the Clerk to read the report of the committee.

The Clerk read as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill H. R. 8875, with certain Senate amendments thereto, by Mr. ADAMSON, submit the following report:

The committee find that the bill passed the Senate with four amendments, which do not pertain in any respect to the substance of the bill, but merely make slight verbal alterations. They therefore recommend that the House concur in the said Senate amendments.

Mr. McEWAN. I should like to be informed what the amendments are.

Mr. CATCHINGS. Purely verbal, without changing the sense at all.

The SPEAKER. The hour of 5 o'clock having arrived, the House is in recess until 8 o'clock this evening, when the gentleman from Massachusetts [Mr. MOODY] will please take the chair.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. MOODY as Speaker pro tempore.

The SPEAKER pro tempore. By virtue of the order already adopted, the House will now resolve itself into Committee of the Whole House on the state of the Union, and the gentleman from New York will take the chair.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10100. The gentleman from Texas is recognized.

Mr. KLEBERG. Mr. Chairman, this is a bill upon which a great deal can be said, and no doubt will be said. It is unquestionably one of the most important and far-reaching measures which has engaged the attention of the Fifty-fifth Congress, and one which should be approached with calm and deliberation. This side of the Chamber is disposed to give it that full and impartial consideration which the subject merits, and is not willing that it should be forced in a false position before the country and denominated the party of obstruction.

For myself, as well as for those with whom I politically affiliate, I claim as much patriotism and as much national spirit as can be claimed by gentlemen on the other side of this Chamber. Gentlemen harp upon and delight in repeating the phrase that this is war and that this bill is a war measure, as though the situation were not fully realized and appreciated by members on this side of the House.

Why, sir, let me assure them that one of the gravest and most serious duties we have ever been called upon to perform as members of this Congress was to vote for a declaration of war and the resolutions which preceded it, and which were tantamount to a declaration of war. We fully appreciated the gravity of those measures, as every American patriot should appreciate them, but we saw what was in store for the future, and no member cast his vote lightly for these war measures thinking that the country was entering upon a picnic.

It seems strange, therefore, that we are to be told and admonished at every step that this is war and this bill a war measure, and that therefore this extravagant levy of public funds is justified. We are not to be swept off our feet by this storm of patriotism, as it may be denominated. While patriotism and American honor and manhood prompted us in joining the majority of this House to vote with them, and responding to the demands of the hour, and declare that Cuba must be free and Spanish dominion cease on that unhappy island; while we are now ready and willing to uphold the Executive as Commander in Chief of the Army and Navy of the United States and to give him all the forces necessary to prosecute this war successfully and vigorously, we shall not be diverted by empty clamor and undue excitement from a sober and deliberate discussion and consideration of this measure at this time. [Applause.]

Here is a measure which contemplates the expenditure of over $600,000,000, and it must be looked at as so much ready cash, as all the bonds and certificates provided for in this bill can be converted into cash within possibly a week or two weeks' time. Besides this the bill levies another $100,000,000 in additional taxes. It becomes a serious question, indeed, as to whether any such extraordinary measure is necessary at this time. The distinguished gentleman from Maine, chairman of the Committee on Ways and Means, informs us that this war in the present mobilized condition of the Army and Navy will require something like $300,000,000 a year. He also informs us the war will last over three months, over six months, and possibly over a year.

Well, grant this; and yet I can not see any good reason for this extraordinary levy of public money, with due regard to patriotism, caution, and precaution that should actuate both the Congress and the Administration. Why rush into extravagance at this time and provide for this enormous fund, which may never be needed? Why not make an appropriation for three months or for six months at a time?

I believe it would be far better and wiser for this Congress to remain in session until the war ends and to make appropriations as necessity may require and not guess at the events of the future and at once plunge the country headlong into debt. It is well enough at this time to remember a trite saying—that is, not to bid the devil good morning until you meet him.

If Congress makes provision for this large expenditure of $600,000,000 and the levy of $100,000,000 in war taxes, and the war should end in sixty or ninety days, then all of it will be really useless. Gentlemen tell us with a great deal of assurance that the Executive will not use or sell these bonds and certificates unless it be necessary, and the money will not be spent unless it be required.

Well, I venture to say that just as soon as this bill becomes a law the President will be beset by people who want bonds, and there will be a pressure brought to bear upon the Administration that is calculated to overawe it into the belief that this money is required to successfully carry on the war, so that in a short time the bonds will all have been sold and the money will be hoarded in the Treasury.

What is the use of it? Why this veritable panic for bonds? Is this the exhibition of patriotism and courage that is to be made by the great American people and its Congress? Out of the $50,000,000 already appropriated all the ships that could be bought and built are on the seas; most of the men are already equipped and in the field. Why, then, this extraordinary excitement in the face of these assuring facts? Would it not be the part of prudence as well as of courage in order to impress foreign nations, and would not this influence be far greater and more inspiring not to rush into extremes, but to go along as necessity requires and make appropriations as they are needed?

Now, what are the provisions of this bill? It is said that the taxes to be levied by this measure are aimed to rest lightly upon the taxpayer, and that only those who voluntarily submit to the payment of these taxes can be affected. Yet in the very first paragraph we are met with the fact that beer, the most commonly used beverage of the poor, has laid upon it a tax of $33,000,000.

Gentlemen say that this will be laid as a burden upon the wealthy brewers, when everybody knows who knows anything about the operation of a tax that the consumer generally pays the tax in the end, and that in this case especially it must fall on the consumer. Everyone must know that neither the brewer nor the retailer will pay this additional tax, but that it will be saddled on the consumer. The present tax on beer is the tax of the late civil war, and this is now to be increased 100 per cent, the brewer being allowed a discount of 5 per cent on stamps.

Now, gentlemen may make light of this. It may be said that the people who drink beer should pay and are able to pay the tax; that beer is a luxury, etc. But let me remind you that it is also the poor man's beverage, and one of the few luxuries in which he is permitted to indulge. The great laboring classes of this country are not drunkards, but they indulge in this lightest and most harmless of all alcoholic beverages and are not able to indulge in high-priced drinks, and upon them, the very men who are expected to fight this war, this tax will fall. The same can be said of the additional tax on tobacco. Tobacco has almost got to be a necessity, just as much so as tea or coffee, and it has laid on it an additional heavy tax.

Every man who uses tobacco in any shape, whether he chews

it or smokes it—and its use is almost universal—must help pay this additional tax.

Mr. CLARDY. If the gentleman will permit me, one suggestion right there: Not only is tobacco taxed enormously, but the tobacco on hand is also to be taxed again, which becomes double taxation.

Mr. KLEBERG. I accept the amendment of the gentleman from Kentucky; that is true; the bill so provides.

Now, Mr. Chairman, as long as it is possible, and it is possible at this time, we should pay as we go. If it is proposed to lay these taxes on the poor, why not tax at the same time the wealthy with a tax on incomes of $2,000 and above that sum, and instead of 2 per cent make it 3 per cent during this war? This would be a tax which would operate more equally upon the poor and rich alike.

By such a measure $100,000,000 could easily be raised, and if the beer and the tobacco tax is justifiable in war, certainly an income tax would be. Why do not the majority add this amendment? They tell us that it is unconstitutional, and that we fly in the face of the recent decision of the Supreme Court of the United States. I have yet to hear any gentleman assert that there is anything in that decision which says that an income tax can not be levied and collected in time of war. I say the Supreme Court will never decide that it can not be done, and this is an excellent time to enact such a tax. It is as just and as legal now and free of constitutional objection as it was in 1864, during the civil war. Why is it not done?

Now, Mr. Chairman, I want to say something with regard to the bond issue of $500,000,000 provided for in this bill and the $100,000,000 in certificates. There is no occasion or justification for this extraordinary measure. These bonds are to be paid in coin and bear 3 per cent and redeemable in ten and twenty years. According to the ruling of the Secretary of the Treasury, coin means gold and gold only; and when this House the other day voted down the Teller resolution, which provided that all obligations of the United States should be paid in either gold or silver at the present legal ratio of 16 to 1, it was a clear and explicit declaration that coin meant gold and gold only; and unless the mints are thrown open to the coinage of both gold and silver at the ratio of 16 to 1 these bonds will eventually be paid in gold, principal and interest.

If coin means gold and silver at the present legal ratio, why not say it in this bill and provide now for the free coinage of both metals at the legal ratio of 16 to 1, so that there can be no misunderstanding in the future? But the friends of this measure never expect to pay these bonds in anything but gold. I say it would be far better for the people and for the taxpayers, if such a large expenditure of money must be provided for, to issue, instead of the $500,000,000 in interest-bearing gold bonds, $500,000,000 in noninterest-bearing Treasury notes, redeemable at stated times. Such a measure would rest far more lightly on the shoulders of the taxpayer and would not imperil the public credit or bring about fiatism.

Of course such a large issue of Treasury notes or greenbacks is not at all necessary, and $50,000,000 in addition to the seigniorage, the surplus in the Treasury, and the tax that could be collected on incomes, bank deposits, railroad receipts, express and insurance companies, etc., would raise over $300,000,000, or an issue of $150,000,000 in Treasury notes, without adding one dollar of bonds, would run the war for six months. Why, then, saddle $500,000,000 of permanent interest-bearing gold bonds on posterity at this time?

Mr. Chairman, the people of Texas, whom I have the honor in part to represent, are as patriotic as any people in the United States. Sixty-two years ago, under the battle cry of "Remember the Alamo," "Remember Goliad," they achieved their independence and entered the family of nations. To-day they watch with pride another people, assisted by our own, struggling for liberty under the battle cry of "Remember the reconcentrados," "Remember the *Maine*," and they will do their part in striking the shackles of Spanish tyranny from the hands of the Cuban patriots.

They feel that the same indomitable spirit which animated the Texans under the gallant Houston now stirs the patriotism of the Cubans who follow Gomez. They admire the heroism of the Cubans in their brave struggle for liberty and feel deeply for the suffering reconcentrados; they are fully cognizant of Spanish tyranny in its war of extermination against a helpless and defenseless people and Spanish treachery against American citizens and American seamen; their manhood and patriotism is aroused to its profoundest depths and they, in common with American manhood throughout this entire Union, stand ready now to appeal to the arbitrament of arms.

They feel that the time for action has come, and that the storm is fast gathering which will drive Spanish dominion from the Western Hemisphere and pour shot and shell upon the nation which has provoked its wrath. They feel that to-day the people of the United States are a united people and are enlisting under one flag in the holy cause of liberty, of country, and humanity; that sectionalism has been wiped out; that there is no North, no South, no East, no West, and that this great Union of States acts as one in this emergency.

They feel that this great nation has thrown off its lethargy and like a giant has arisen from its long slumber of peace, and, panoplied in its splendid strength and patriotism, stands forth in magnificent battle array, and accepting the gauntlet which Spanish insolence has thrown to its feet, with the mien of a lion thunders in the ears of a treacherous foe:

Lay on, Macduff;
And damn'd be him that first cries, "Hold, enough!"

They are willing to back their patriotism with blood and treasure, but their patriotism, like American patriotism generally, is tempered with coolness, judgment, and good sense, and they expect their representatives to exercise these qualities in the halls of the National Legislature. Mr. Chairman, not until the necessity clearly arises will I vote for the issuance of bonds to fight this war. That necessity, in my opinion, has not yet arisen, and I trust may never arise. [Applause.]

The CHAIRMAN. The Chair will now recognize the gentleman from Tennessee [Mr. GIBSON].

Mr. GIBSON. Mr. Chairman, I rise to discuss not only the question of revenue to carry on the war with Spain, but also the causes that brought on this war.

Almost touching the shores of the United States is the Island of Cuba, the most beautiful island and the most fertile in all this Western Hemisphere, containing when the present insurrection began about 1,900,000 people and about 43,000 square miles, just about the population and area of my State of Tennessee.

CUBA'S FORMER STRUGGLES FOR LIBERTY.

Mr. Chairman, from my early boyhood I have been interested in the Island of Cuba and in the struggles of its people to obtain their freedom. I remember the expeditions of that heroic patriot, Narciso Lopez, and how he finally was defeated and he himself executed, dying a martyr to the cause of Cuban liberty, his last words being a prayer that some day his beloved island might be free. I remember, also, the gallant Crittenden, of Kentucky, a comrade of Lopez; how he was captured and brutally shot, and how, when ordered to kneel with his back to his executioners, he defiantly and grandly replied that an American never turned his back to his enemies and never kneeled except to his God.

I recall the many patriotic incidents of Cuba's ten years' struggle for liberty, from 1868 to 1878, battling against all the power of despotic Spain. The soil of Cuba has been reddened by the sacred blood of thousands of her heroic sons who have died in her holy cause, while thousands of other patriot sons have perished in dungeons because they would not bend their knees to the tyrants of Spain. But these martyrs did not die in vain.

They never fail who die
In a great cause. The block may soak their gore;
Their heads may sodden in the sun; their limbs
Be strung to city gates and castle walls;
But still their spirit walks abroad. Though years
Elapse, and others share as dark a doom,
They but augment the deep and sweeping thoughts
Which overpower all others and conduct
The world at last to freedom.

BEGINNING OF THE PRESENT INSURRECTION.

When, three years ago, Mr. Chairman, the patriots of Cuba again raised the flag of freedom and drew their machetes in its defense, the eyes of the whole American people turned toward that beautiful island and our prayers went up in their behalf. The Cubans had long been looking to this country for material assistance, but, despairing of any helpers, resolved to rely on their own right arms. And this was well, for no people deserve freedom who will not make great sacrifices to obtain it.

Who would be free, themselves must strike the blow.

And the Cubans began to strike, and to strike like heroes and like patriots. Victory after victory was won by them and republican government established. Believing them entitled to recognition as belligerents, and finding my constituents of the same belief, on January 20, 1896, more than two years ago, I introduced the following resolutions in this House:

Resolution favoring the recognition of the belligerent rights of the Cuban revolutionists.

Whereas the Cuban revolutionists have now for many months demonstrated their ability to withstand the military power of Spain, and have for months been in possession of two-thirds of their island; and

Whereas the Spanish Government, having failed to repress the revolution by civilized warfare, is reliably reported to have determined to inaugurate a campaign of blood and barbarity, the results of which will almost certainly be cold-blooded massacres and brutal butcheries; and

Whereas the first atrocity of a sanguinary character on the part of the Spanish authorities, in their campaign of carnage, will arouse an outburst of indignant wrath on the part of the people of the United States so unanimous and tremendous as to render the enforcement of our neutrality laws difficult, if not impossible; and

Whereas we, the free and freedom-loving citizens of America, can not afford to stand voiceless and motionless while our fellow-citizens of America are being butchered like beasts by foreign armies, almost before our very eyes, for no crime except that, like us, they love liberty and want their country

to be free: Therefore, in the interest of liberty and in the name of humanity and American brotherhood,

Be it resolved by the House of Representatives of the United States of America, That it is the sense of this House that the time has arrived for the recognition of the belligerent rights of the Cuban revolutionists, to the end that the further effusion of human blood may be prevented and the struggling patriots of Cuba be placed on a footing of equality with their Spanish enemies.

Resolved further, That the Committee on Foreign Affairs be instructed to report at an early day an appropriate resolution in favor of the immediate recognition of the belligerent rights of the Cuban revolutionists by the Government of the United States.

Other resolutions of a similar character were introduced into both Houses of Congress, and we finally resolved, on April 6, 1896, more than two years ago, both Houses concurring, as follows:

CONGRESS RECOGNIZES CUBAN BELLIGERENTS.

Resolved by the Senate (the House of Representatives concurring), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba, and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

Mr. Cleveland was then President, and he declined to take any steps towards recognizing the belligerency of the Cuban insurgents. But matters drifted from bad to worse until the Spanish Captain-General began to seize American citizens and thrust them into damp, dark dungeons. My people being indignant at such high-handed atrocities, on the 23d of February, 1897, I introduced the following resolutions into this House:

Joint resolution to enforce the rights of American citizens in Cuba.

Whereas many American citizens have been illegally and without sufficient cause arrested and imprisoned in the Island of Cuba by the Spanish authorities; and

Whereas some of these Americans thus wrongfully arrested and imprisoned have been thrust into dark and foul dungeons, and some of them have been denied the necessaries of life, and some have been maltreated without trial, and some have been inhumanly done to death; and

Whereas in a majority of the cases these Americans thus unlawfully arrested and barbarously dealt with have been denied the trial guaranteed them by the treaties between the United States and Spain, and have been treated in a manner unworthy of a civilized nation or a people professing to be Christians; and

Whereas it is well known that many of these Americans have been maltreated and some of them butchered, not because of any fault of theirs, but to enable Spanish officials to vent their hatred of the United States and to exhibit their animosity toward Americans in general; and

Whereas these wicked, illegal, and barbarous deeds of the Spanish officials in Cuba, sustained as they have been by the lawful authorities of Spain, are an intentional insult and injury to the whole people and Government of the United States; and

Whereas the further submission of the Government of the United States to these atrocities and outrages upon our citizens in Cuba will degrade our Government in the estimation of the lovers of liberty and justice the world over, and be at the same time a grievous wrong and humiliation to every citizen of the United States, an injury to one being an injury to all: Therefore, to the end that justice be done, the rights of American citizenship asserted and vindicated, the honor of our country sustained, and the laws of humanity and civilization enforced,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and directed to demand of the Spanish authorities in Cuba the immediate restoration to liberty of every American citizen, native born or naturalized, now imprisoned by them in the Island of Cuba.

SEC. 2. That in support of that demand the President of the United States be, and he is hereby, authorized and directed to accompany it by the presence of a sufficient number of United States ships of war to make the demand good; and if said demand is not granted within twenty-four hours that the city of Havana, and if need be other ports of Cuba, be bombarded until said demand is fully complied with and all of said American citizens delivered to the commander of our war ships.

A similar resolution was introduced into the Senate, but before action on either, Captain-General Weyler ordered some of the Americans to be released and the others better treated, and there the matter was allowed to rest for a season.

SPAIN'S DECLINE AND DESPOTISM.

Mr. Chairman, there was a day when Spain was a mighty nation and owned nearly the whole of South America and more than half of North America. She owned all of South America except Brazil and Guiana, and owned all of North America except Canada and that part of the United States north of Florida and east of the Mississippi.

It is hard at this day to realize that Florida, Louisiana, and all of our States and Territories west of the Mississippi were Spanish territory less than one hundred years ago. Indeed, Spain controlled the navigation of the Mississippi, and required every boat that sailed down it to pay her tribute money. It was this great fact that caused the discontent in the Mississippi Valley, of which Aaron Burr took advantage; and so great was the oppression of Spain that the people of my own State of Tennessee, in their constitution, demanded the free navigation of the Mississippi, and placed on her seal the device of a boat sailing on a river, as you will see by looking at it there above your head [pointing to the coat of arms of the State of Tennessee in the center of the ceiling of the Hall of the House], meaning by that sign to conquer our way to the sea, which we would have done had not Spain ceded the territory to France and France sold it to the United States.

Yes, Spain once owned nearly the whole Western Hemisphere. She was rich, she was powerful, she was warlike; but now she has lost nearly all of her possessions and has become poor and weak. Only Cuba and Puerto Rico are left to her on this side of the Atlantic, and for fifty years she has enslaved the people of these islands and robbed them of their hard earnings, robbed them of the money made from the sweat of their faces and the blood of their backs. Yes, Spain, in her pride and poverty, is treating Cuba like a poor but proud and once wealthy family treated their only slave before the war—made him do the work of three and gave him but little to wear and less to eat. [Laughter.] Spain wants Cuba to pay enough taxes to support the Queen and the boy King so they may dress in purple and fine linen and fare sumptuously every day. And to do this she levies upon the Cubans taxes so enormous as to confiscate nearly all the fruits of their labor and to make them but little more than slaves.

OBJECTIONS TO CUBAN INDEPENDENCE.

Some say, Mr. Chairman, that the Republic of Cuba is only a "paper government;" that it has no real existence. If the insurgents have only a "paper government," how does it happen that they have for three long and bloody years so successfully resisted the whole power of Spain to conquer them? Spain has sent against this "paper government" no less than three captains-general and 300,000 men, besides scores of ships of war, and yet this "paper government" has grown and strengthened all the time, and the power of Spain to suppress has grown weaker and weaker all the time.

Others say the insurgents are nothing but a lot of "mountaineers." Thank God, Mr. Speaker, for "mountaineers"! Read the history of freedom the wide world over, and you will find that the "mountaineers" have always been the first to raise the flag of freedom and the last to lower it. When liberty was dead or asleep everywhere else on the continent of Europe it was alive and awake in the Alpine Mountains. All that has been left of true religion and liberty on the continent of Africa for a thousand years is found in the mountains of Abyssinia. Take out of Asia the men of her mountains and what will be left would soon become the servants of servants and the mockery of men.

The men of the mountains have been that salt which has given the savor of liberty to the human race in all the ages of the past, and if you strike out of the grand volume of freedom the glorious deeds and patriotic sacrifices of the men of the mountains it would be like striking the sun, moon, and stars from the heavens above us.

How glorious, Mr. Chairman, the record of the mountain men in our own history! It was the men of the Green Mountains who fought the battle of Bennington and so crippled Burgoyne that he was forced to surrender at Saratoga. It was the mountain men of Tennessee and the Carolinas who defeated Ferguson at Kings Mountain and drove Cornwallis to Yorktown, where he was captured, a capture that ended the war of the Revolution.

And in our second war with England, when the British had captured Hull in the North, had seized this city of Washington and burned this Capitol here in the East, it was the mountaineers of the South who, under Jackson at New Orleans, hurled back the choicest troops in the British army, and made the valor and patriotism of the American soldier at once the pride and glory of our country and the wonder of the world.

PATRIOTISM OF THE MOUNTAINEERS OF THE SOUTH.

And in the late war between the States, when the men from the cities and plains of the South lifted up a new banner and sung a new song and fought for a new country, the mountaineers of the South, wherever found, whether in West Virginia or eastern Kentucky, whether in western North Carolina or in East Tennessee, were found ever true to the old flag of their fathers, ever singing the old songs of their mothers, and ever fighting for that country which Washington had done so much to found, which Jackson had done so much to preserve, and which Polk had done so much to enlarge.

And I feel bold to say here to-day that had it not been for the mountain men of the South; had it not been for their unswerving devotion to the Union; had it not been for their skill and enterprise as scouts and spies; had it not been for the valor and intrepidity of the more than 100,000 of them who joined the Union armies; had they not, by their stores and supplies and their reenforcements, saved Burnside at Knoxville; had they not opened and kept open that back door to the heart of the Southern Confederacy through which Sherman marched from Chattanooga to Atlanta and from Atlanta to the sea, no man can tell when or where or how the war of the rebellion would have ended.

So, Mr. Chairman, when I heard that the Cuban insurgents were mountain men, then I knew that they would never cease fighting until they had achieved the independence of their country. It is true, deceived by the false promises of Spain, some of them have at times suspended their struggle, but the great mass of the Cuban people have never allowed the sacred flame of liberty

to die out in their hearts; and at last the day of their deliverance is at hand, for—

Freedom's battle, once begun,
Bequeath'd by bleeding sire to son,
Though baffled oft, is ever won.

In the political campaign two years ago all of our great political parties declared that the people of Cuba should be free. I quote from the platforms:

DEMOCRATIC PLATFORM.

We extend our sympathy to the people of Cuba in their heroic struggle for liberty and independence.

POPULIST PLATFORM.

We tender to the patriotic people of Cuba our deepest sympathy in their heroic struggle for political freedom and independence, and we believe the time has come when the United States, the great Republic of the world, should recognize that Cuba is and of right ought to be a free and independent state.

REPUBLICAN PLATFORM.

From the hour of achieving their own independence the people of the United States have regarded with sympathy the struggles of other American people to free themselves from European domination. We watch with deep and abiding interest the heroic battle of the Cuban patriots against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty.

The Government of Spain having lost control of Cuba and being unable to protect the property or lives of resident American citizens or to comply with its treaty obligations, we believe that the Government of the United States should actively use its influence and good offices to restore peace and give independence to the island.

It will thus be seen, Mr. Chairman, that the people of the United States, speaking solemnly and deliberately through the national conventions of their great parties, have unanimously resolved and decreed that the people of the Island of Cuba should be free and independent, and if we fail to execute this mandate of the American people then will we fail in our duty, and to that extent we cease to be representatives of the people and become obstructionists and betrayers of the trust reposed in us by our constituents.

So fierce was the struggle, such was the slaughter of the combatants, such the sufferings of the noncombatants, and such the damage to the commerce of the island, that President Cleveland two years ago, as an act of humanity, made an effort to bring about a peace through the mediation of this Government on the basis of self-government by the Cubans under the Spanish flag. But the Government of Spain refused to hearken to our friendly intercession, and so the war continued.

SPAIN'S POLICY OF CONCENTRATION AND STARVATION.

Captain-General Weyler devised what is called the policy of "concentration," in pursuance of which he required all the people living outside of the cities to move into the cities and burned all their houses and destroyed or appropriated their cattle and horses. Perhaps, Mr. Chairman, I can not do better than to quote right here what President McKinley said in his message to us two weeks ago:

The efforts of Spain were increased both by the dispatch of fresh levies to Cuba and by the addition to the horrors of the strife of a new and inhuman phase happily unprecedented in the modern history of civilized Christian peoples. The policy of devastation and concentration inaugurated by the Captain-General's bando of October 21, 1896, in the Province of Pinar del Rio was thence extended to embrace all of the island to which the power of the Spanish arms was able to reach by occupation or by military operations. The peasantry, including all dwelling in the open agricultural interior, were driven into the garrison towns or isolated places held by the troops.

The raising and movement of provisions of all kinds were interdicted. The fields were laid waste, dwellings unroofed and fired, mills destroyed, and, in short, everything that could desolate the land and render it unfit for human habitation or support was commanded by one or the other of the contending parties and executed by all the powers at their disposal.

* * * * * * *

The agricultural population to the estimated number of 300,000 or more was herded within the towns and their immediate vicinage, deprived of the means of support, rendered destitute of shelter, left poorly clad, and exposed to the most unsanitary conditions. As the scarcity of food increased with the devastation of the depopulated areas of production, destitution and want became misery and starvation. Month by month the death rate increased in an alarming ratio. By March, 1897, according to conservative estimates from official Spanish sources, the mortality among the reconcentrados, from starvation and the diseases thereto incident, exceeded 50 per cent of their total number.

No practical relief was accorded to the destitute. The overburdened towns, already suffering from the general dearth, could give no aid. So-called "zones of cultivation" established within the immediate areas of effective military control about the cities and fortified camps proved illusory as a remedy for the suffering. The unfortunates, being for the most part women and children, with aged and helpless men, enfeebled by disease and hunger, could not have tilled the soil without tools, seed, or shelter, for their own support or for the supply of the cities. Reconcentration, adopted avowedly as a war measure in order to cut off the resources of the insurgents, worked its predestined result. As I said in my message of last December, it was not civilized warfare; it was extermination. The only peace it could beget was that of the wilderness and the grave.

And keep in mind, Mr. Chairman, that this is not the rhetorical language of a newspaper editorial or a campaign speech, but the moderate and measured words of a solemn state paper based on incontrovertible facts.

THE HORRORS OF SPAIN'S PRISON PENS.

Picture the condition of the Cubans to-day. All the farmers and villagers and country people forced to move into the cities, where they have been fenced in by a ditch called a "trocha," and on the outside of this ditch or "trocha" is a strong and high fence made of barbed wire, built to keep the country people inside and to keep the insurgents out, with little forts at every corner and all along the line, filled with soldiers who shoot every man, woman, or child who gets out or attempts to cross the line.

In these prison pens, Mr. Chairman, are concentrated all of the people of Cuba who are not with the insurgents. We all have read of Andersonville and Salisbury, but these Spanish prison pens are far worse than any our soldiers suffered in during the war of the rebellion, for in the Cuban prison pens are not only tens of thousands of men, but tens of thousands of women and children, many half clothed, many stark naked, many dying in the open air and on the open ground every hour, many lying around dead who have been left unburied for days and days, tens of thousands sick without nurses or medicine, hundreds of thousands starving slowly but surely to death, the cries of children for bread, the moans of mothers whose breasts yield no nourishment for their famishing babes, the curses of despairing men with no means to save their wives and children from starvation and diseases—such are the sights and sounds on the Island of Cuba to-day, and such have been the sights and sounds for over a year, until more than 200,000 people have died from starvation or from diseases incident to their living cooped up in these prison pens, with their exposure to the weather, to the horrible fumes from the filth and dead bodies, without physicians and without medicines. If ever any government has inaugurated a hell on earth, it is in Cuba to-day.

THE DESTRUCTION OF THE MAINE.

Affairs on the Island of Cuba were in this awful condition of anarchy, starvation, disease, and death, our Government doing nothing and uncertain what, under the law of nations, it might do, when, on the 15th of February last, the destruction of our magnificent war ship *Maine* in the harbor of Havana startled our people. Sometimes, Mr. Chairman, it takes a great calamity to awaken a man to his sins, and sometimes it takes a great calamity to awaken a nation to its duties.

Mr. Chairman, how was the *Maine* destroyed? The unanimous report of the court of inquiry was that she was blown up by an explosion of a mine placed under her bottom. Mr. Chairman, everybody knows that a mine large enough and strong enough to blow an immense and powerful ironclad ship into small pieces was no cheap affair, liable to be in the hands or possession of a private citizen. We know that the Spanish authorities in Havana did not allow private citizens to have such explosives in their possession.

We know that the Spanish officials did have mines and torpedoes, and we have the strongest evidence that they laid mines in the harbor, to be exploded by electricity from the shore. We know the *Maine* was anchored at a particular buoy, designated by a Spanish officer, a spot where it was very unusual for a vessel to be moored. We know that Spanish officials hated the *Maine* and wanted her destroyed, and that their only means of destruction were the mines and torpedoes in the harbor; and we know she was destroyed by them, and destroyed, too, at a time when these very same Spanish officials were specially enraged at the United States because of the expulsion of De Lôme, the Spanish minister, for his insulting letter about President McKinley and Cuban affairs.

In the light of these facts, who can doubt, Mr. Chairman, that the *Maine* was blown up by Spanish officials, especially when we consider that the Spaniards are reputed to be the most treacherous, the most revengeful, and the most perfidious of all people called civilized?

Never in the history of mankind was there committed a crime more cold-blooded in its conception, more diabolical in its premeditation, or more malignant and perfidious in its execution than the destruction of the *Maine* and the massacre of her crew.

To think, Mr. Chairman, that this magnificent ship of war, this grand marvel of naval architecture, this wonderfully harmonious combination of strength and symmetry, of beauty and power; this mighty and glorious American ship, fair as a visitant from heaven in the day of peace, but terrible as a demon from hell in the hour of battle; this ship, sleeping at night in what was supposed to be the absolute security of a friendly harbor, her crew of American heroes dreaming in their beds of love, or home, or glory; this ship and these men, without warning, in the twinkling of an eye, in the darkness and stillness of the night, blown to pieces, hurled into the vortex of the sea, and utterly destroyed, as though she was some

Perfidious bark,
Built in th' eclipse, and rigg'd with curses dark!

On February 28, a few days after the *Maine* had been blown up, believing that our country was on the eve of war, and believing it would be a war upon the sea and not on the land, and knowing that our Navy ought to be strengthened, I introduced the following:

Bill to provide for the national defense and for the assertion and maintenance of the national honor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $20,000,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any

money in the Treasury not otherwise appropriated, for the construction, purchase, repair, and equipment of such, and so many, vessels of war, and for the construction, purchase, and repair of such, and so much, material and stores of naval warfare, and for the enlistment, transportation, equipment, and subsistence of such, and so many, sailors, officers, marines, and other men, as in the judgment of the Secretary of the Navy the public welfare may require.

On March 8, Congress passed a bill appropriating $50,000,000 for the national defense. We all realized, Mr. Chairman, that war was near, and we considered it our duty to make preparation for it.

THE PRESIDENT CALLS ON CONGRESS TO ACT.

When the court of inquiry reported that the *Maine* had been blown up by a submarine mine, the indignation of the American people burst forth like a suppressed volcano, and a vow was registered in their hearts that the flag of Spain should cease to float over the Island of Cuba.

Sobered by the mighty responsibilities resting upon him, and anxious to make as much preparation for war as possible, the President moved calmly along, neither swayed by the whirlwind of public passion nor by the clamors of a partisan press, and on the 11th instant sent us a message wherein, after recounting the history of the Cuban rebellions and the efforts of Spain to suppress them by war and starvation, and the attempts of our Government to mediate, and after referring to the destruction of the *Maine*, despairing of any peaceful solution of the great and perplexing problem, he said:

> The long trial has proved that the object for which Spain has waged the war can not be attained. The fire of insurrection may flame or may smolder with varying seasons, but it has not been and it is plain that it can not be extinguished by present methods. The only hope of relief and repose from a condition which can no longer be endured is the enforced pacification of Cuba. In the name of humanity, in the name of civilization, in behalf of endangered American interests which give us the right and the duty to speak and to act, the war in Cuba must stop.
>
> In view of these facts and of these considerations, I ask the Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the Government of Spain and the people of Cuba, and to secure in the Island the establishment of a stable government, capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own, and to use the military and naval forces of the United States as may be necessary for these purposes.
>
> And in the interest of humanity and to aid in preserving the lives of the starving people of the island, I recommend that the distribution of food and supplies be continued, and that an appropriation be made out of the public Treasury to supplement the charity of our citizens.
>
> The issue is now with the Congress. It is a solemn responsibility. I have exhausted every effort to relieve the intolerable condition of affairs which is at our doors. Prepared to execute every obligation imposed upon me by the Constitution and the law, I await your action.

Voicing the sentiments of my own heart, and firmly believing that I was voicing the sentiments of the President and of my own constituents and of the great body of the American people, on April 12 I introduced the following resolution, which was referred to the Committee on Foreign Affairs:

> Joint resolution to terminate hostilities in and secure the independence of the Island of Cuba.
>
> Whereas the condition of affairs, social, political, commercial, and military, in the Island of Cuba, as shown by the President's messages and accompanying documents, can no longer be tolerated by the United States; and
>
> Whereas it is manifest from said messages and documents that no stable government can be maintained in Cuba under the authority of Spain; and
>
> Whereas the American people believe the time has come when, in the course of human events, the Island of Cuba should be a free and independent state: Therefore,
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be requested to enter upon negotiations with the Spanish Government looking to the withdrawal of its civil and military authorities from the Island of Cuba, and to the independence of the people of said island.
>
> *Resolved*, That in the event Spain should refuse to enter upon such negotiations, or entering upon them should fail to make such withdrawal in a reasonable time, the President is empowered and directed to at once grant belligerent rights to the Cuban insurgents, and to use such and so much of the military and naval forces of the United States as may be necessary to secure such withdrawal.

My purpose, Mr. Chairman, in presenting these resolutions was to give the President assurances of Congressional support in his diplomatic efforts to secure the withdrawal of the Spaniards from Cuba and to authorize him to grant belligerent rights to the Cuban insurgents and use our Army and Navy to compel the Spaniards to withdraw; and I know of a great many, both in and out of Congress, who believe that these resolutions are preferable to those adopted, and I am assured the President so thinks.

FEARS OF EUROPEAN INTERVENTION.

Some say, Mr. Chairman, it is too dangerous to aid the Cubans; that the other nations of Europe may combine against us. Mr. Chairman, when we hesitate to do our duty for fear of Europe we are already lost, and should at once take back our Declaration of Independence, declare George Washington a rebel and a traitor to his King, brand Andrew Jackson and his heroic host at New Orleans as wicked and lawless miscreants, tear the Stars and Stripes from our flagstaffs, disband our army, blow up the balance of our war ships, and on bended knees ask England to take us back again into her family and allow Canada to annex us under the British flag.

Oh, no, Mr. Chairman, we will not hesitate for fear of Europe. Our rights, our duties, do not depend on the favor of Europe. While the smile of Europe would be grateful in any war we might undertake, yet her frown would not deter us. Indeed, why should we expect her smile? Our people and form of government are a menace to every monarchy in Europe, and whenever we help another people to strike off the shackles of European bondage we are indirectly inciting the freedom-loving patriots of Europe to strike off their own shackles and overturn the thrones of kings and czars and emperors and become a free people, as we are to-day.

But Europe will not interfere. We go forth in this war not to conquer a people, but to make a people free; and if the kings of Europe should dare to interfere, we will do as France did a hundred years ago when the Kings of Europe undertook to interfere with her struggle for republican freedom. We will call a million of men to arms; we will bid the liberty-loving people of Europe to rise and strike for liberty; we will fill the seas with our war ships and privateers; we will drive out of this hemisphere every European nation not our ally, and we will thus inaugurate a new era of human liberty and make possible a grander destiny for the children of men. [Applause.]

THE WAR ONE OF DELIVERANCE.

It is sometimes said, Mr. Chairman, "Why does the United States attack a weak nation like Spain?" Mr. Chairman, we are not attacking Spain. We are going to the rescue of an oppressed people. We are going to drive a horde of tyrants and murderers out of Cuba, and off the American continent. If England were to maltreat Canada as Spain has maltreated Cuba, we would as promptly cross the Canadian border and drive the English out of Canada. The day of despotic European dominion on the continent of America has come to an end; and those European countries who still have colonies on this side of the Atlantic must understand that no tyranny or oppression of them will be tolerated.

Mr. Chairman, our Army and Navy do not go to Cuba in any war of revenge or glory or conquest. They go as the French came here in our war of independence—they go to deliver an oppressed people, they go to blow the trumpets of jubilee to the Cuban patriots, they go to raise the banner of national deliverance over the fairest island in the Western Hemisphere, and on that banner we will write: "Food for the starving; freedom for the captive; medicine for the sick; hope for the broken-hearted; liberty to all the land."

And there are others, Mr. Chairman—some who say that it is none of our business how Spain treats Cuba. What! None of our business if a fellow human being is being robbed or murdered or starved to death? Must I, like Cain, say, "Am I my brother's keeper?" Like the priest and Levite in the parable, must we "pass by on the other side" and leave the Cubans to die? Must we forget how France and Lafayette came to our rescue when we were struggling for independence? Must we forget how England, France, and Russia went to the rescue of Greece when she, like the Cubans of to-day, was waging a doubtful battle for freedom with the Turks? Must we forget how the great powers of Europe have recently intervened by force to save the Island of Crete from just such a tyranny as now curses Cuba?

There, Mr. Chairman, on your left hand is that magnificent portrait of Lafayette. Why have we put it there, unless it be to teach us a lesson of gratitude and patriotism? Out of that canvas he looks at us; out of the pages of our history he speaks to us; and what does he say? He bids us do for Cuba what he did for us.

Mr. Chairman, why has the great and good God builded up this free and mighty nation in this New World? You know what we all say on Fourth of July occasions. We talk of "tearing down thrones and making tyrants tremble." And yet here at our very doors are tyrants who are doing the "tearing down," and tearing down liberty at that, while some of us are doing the "trembling." What! Is the old spirit of Americanism dead? Have the fires of liberty ceased to flame in our hearts? Has the soul of John Brown ceased marching on?

> In the beauty of the lilies Christ was born across the sea,
> With a glory in His bosom that transfigured you and me;
> As He died to make men holy, let us die to make men free,
> While God is marching on!

Yes, Mr. Chairman, "God is marching on," and we are marching with Him; and we will march a million strong, if necessary, and will keep on marching until the armies and fleets of Spain are destroyed or driven off the Island of Cuba and the continent of America. [Applause.]

OUR DUTY AS A NATION.

We are the oldest and largest of the republics of America; we have for over a hundred years held ourselves forth as at once the model free government of the world and as the champion of republicanism in the Western Hemisphere; we have encouraged the people of South and Central America and of Mexico to strike for independence; we went to the rescue of Mexico when the soldiers

of France, during our civil war, had overthrown its free government; we have encouraged our little sister Cuba to imitate the example we have set her as her great sister; we have given her to believe that we would befriend her as we befriended Mexico as against France and as we befriended Venezuela as against England; and now this little sister is struggling for her liberties as we struggled for ours from 1775 to 1781. She has won many battles against great odds and has lost thousands of noble and heroic sons, as we won and lost in our battles; and now, having shown herself worthy of freedom, she asks that we come to her rescue as France came to ours in 1778; and now, Mr. Chairman, shall we go to the rescue of this little sister of the sea? Shall we say to Spain, "Hands off!" Shall we say to Spain, "Call off your dogs of war and your bloodhounds of murder!" Shall we say to Spain, "Get in your ships and leave this continent!" Shall we say to Spain, "Go! and go quick! for the memory of the *Maine* is burning like a fiery furnace in our hearts, and if our pent-up wrath breaks forth we will destroy you as you destroyed the *Maine* and her crew!" [Applause.]

At the suggestion of the President, and prompted by considerations of humanity and patriotism, and believing we owed it as a duty to mankind, on April 18 both Houses of Congress agreed on the following resolutions, which were duly approved by the President:

CONGRESS DIRECTS THE PRESIDENT TO INTERVENE.

Joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Whereas the abhorrent conditions which have existed for more than three years in the Island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with 266 of its officers and crew, while on a friendly visit in the harbor of Havana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the Island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

SPAIN ORDERED TO LEAVE CUBA AND WAR DECLARED.

In pursuance of these resolutions the President has demanded of Spain that she withdraw her authority and forces from the Island of Cuba; and, on her failure so to do, has ordered our ships to blockade the coast of Cuba, and called out 125,000 of the militia of the States; and on April 25 both Houses of Congress unanimously passed a bill declaring war against Spain, which bill the President immediately signed.

So now, Mr. Chairman, we are engaged in a war, and, as I have shown, engaged in a just war, a righteous war, a holy war, a war not for glory and not for greed, a war not of hate and not of revenge, but a war to rescue a neighboring people from an oppression the like of which has never before existed on the continents of America since Cortez massacred the Aztecs and Pizarro butchered the Peruvians. Congress and the President have highly resolved that there shall be no European despotism in this New World which we have consecrated to liberty, and that when any body of fellow-Americans appeal to us to deliver them from European tyrants, we will not hesitate to go to their rescue, cost what it may. And we call heaven and earth to witness that we draw our swords not as against Spain in Europe, but against Spain in America; not as against Spaniards, but against tyrants and murderers; not as against men, but against fiends who have outraged alike every law of heaven and every honorable impulse of humanity.

But, Mr. Chairman, while we must not hesitate because of the cost of this war, we must, nevertheless, prepare for the cost, and preparing for the cost, our Committee on Ways and Means have introduced this bill; and while if I had been intrusted with the drawing of it I would have made it somewhat different, nevertheless this can be said of the bill: It follows long-established principles of taxation for war purposes, and it will raise the requisite amount of money.

PAYING THE EXPENSES OF WAR.

The committee expects to raise about $90,000,000 of additional taxation without taxing anybody's house or anybody's farm or anybody's business, and submits the following estimate, showing the new taxes and the amounts from each source:

One dollar per barrel additional tax on fermented liquors, estimated to yield an increased revenue of	$23,000,000
Six cents per pound additional tax on tobacco and on tobacco in stock	15,000,000
A special tax of $1.80 per annum on dealers in tobacco and cigars, etc	5,000,000
An increase of $1 per thousand on cigars and cigarettes	5,000,000
A stamp tax on documents, instruments, checks, proprietary medicines, etc., substantially the same as it existed in 1866, with certain additions	30,000,000
A stamp tax on wines, mineral waters, and beverages sold in bottles, unestimated.	
An increase in the tonnage tax on vessels in the foreign trade	2,000,000

These are all taxes on objects which were assessed during or subsequent to the civil war with one exception, and therefore open up no new and untried system of taxation. They are all internal-revenue war taxes, that can be collected by the existing internal-revenue officials, slightly increased, with a small additional expense and with the minimum disturbance of trade.

In times of war we can not afford to be weighing probabilities or deliberating on theories; and the various patent schemes to raise money without taxing anybody except a few rich men and a few great corporations may do well enough to divert the attention of debating societies and expand the lungs and speeches of demagogues, but they can not be considered by men clothed with the tremendous responsibilities of raising hundreds of millions of extra dollars to enable our President to carry on successfully a war we have ordered him to wage. [Applause.]

We have declared war, Mr. Chairman. A declaration is mere talk. But war is not made by words. War is waged with men and ships, and guns, and ammunition; and all of these mean money, big money, cash money, money to-day, money right now and right here, money by millions and by hundreds of millions.

NO TIME FOR QUIBBLING OR CRITICISING.

I hope those gentlemen who were so loud in denouncing the President as vacillating because he did not make war on Spain more than two months ago, I hope those gentlemen who have been shouting "On to Havana!" ever since the *Maine* was destroyed and who have been charging the President with forgetting those murdered heroes who yet lie unavenged in the mud at the bottom of Havana Harbor—I hope all of these warlike and patriotic gentlemen will not refuse to come up and vote for this bill because it does not provide for the free and unlimited coinage of silver at 16 to 1, or because it does not provide an income tax, or because it makes no provision for an additional issue of greenbacks.

I hope these gentlemen will not let our soldiers suffer for food or clothing or our Navy fail for want of guns and ammunition while they quibble over the taxes on beer, wine, and chewing gum and deprecate a tax on cigarettes, bank checks, and patent medicines. He who quibbles in time of peace may please by his ingenuity, but he who quibbles in time of war disgusts by his frivolity, and there are occasions when frivolity is akin to treason.

Some gentlemen say that an income tax would pay half of the expenses of this war. Mr. Chairman, has not the Supreme Court declared an income tax unconstitutional? Oh, they say, the court may have changed its mind! What! Mr. Chairman, shall we rely upon the results of a lawsuit to carry on a great war? Will Spain wait a year while the lawsuit is going through the courts? What folly, Mr. Chairman! To carry on war we want sure money, and we want quick money, and this is what this bill will give us, and will give it without oppressing any man or any woman.

In conclusion, Mr. Chairman, I wish to say that it is no light matter to make war and vote away hundreds of millions of the people's money. I believe I fully realize the tremendous responsibility, but we are face to face with a great duty. I believe the God of nations will approve our action in this momentous matter. I believe our children and our children's children will approve it, as we to-day approve the wars our fathers waged in their day; and I believe the great majority of the brave and patriotic men and the true-hearted women of my country approve it; and so believing, I will give my vote and voice to this bill, and will give my vote and voice to every other bill that will hold up the hands of our President, that will encourage our Army and Navy, that will redeem Cuba from her bondage, and will lift the flag of my country still higher and make it shine still brighter. [Applause.]

Mr. WHEELER of Kentucky. Mr. Chairman, conscious of the fact that the patriotism as well as the honor of every citizen of the Republic is bound up in the successful issue of the struggle now going on between this country and Spain, the Democratic party, with a lofty conception of public duty and a high sense of official station, has with practical unanimity given its assent to every measure thus far proposed by the Administration. We realize it is essential to the welfare of the country that measures looking to the prosecution of the war now in progress should have the support of every member of this Chamber.

The Democratic party is willing to bury every question of partisanship, to look to that loftier and higher plane where party differences are forgotten and national honor and the success of our arms are alone considered. If this sentiment was the controlling principle on the other side of the Chamber, the revenue to successfully prosecute the war would be voted without a single protest. The liberation of the people of Cuba is not a party question. Cruelty, inhumanity, and barbarous methods impelled our country as a nation to intervene to put an end for all time to Spanish rule on this hemisphere.

If the high motive of disinterested patriotism alone controlled the gentleman from Maine [Mr. DINGLEY] in drafting this bill his appeal this morning to the members of this House while explaining the measure would not have been in vain. He urges us to rise above partisanship and consider the questions involved in this bill, not as Democrats or Republicans, but as American citizens. In view of his statement his own conduct in the matter is important. Did he consult any Democrat on the Committee of Ways and Means about the provisions of the bill? Not one. Who were his confidants in the matter? The Democratic members of the committee had no voice——

Mr. TAWNEY. Will the gentleman pardon me just there?

Mr. WHEELER of Kentucky. Certainly.

Mr. TAWNEY. The gentleman is entirely in error.

Mr. WHEELER of Kentucky. In what respect?

Mr. TAWNEY. The minority of the Committee on Ways and Means had full opportunity to make suggestions or amendments if they so desired.

Mr. WHEELER of Kentucky. Possibly; but that is an evasion of my statement, and not a denial of its truth. I state it to be true despite the fact the gentleman is himself a member of the Committee on Ways and Means, that this bill was drafted and printed before the Democrats on the committee were allowed to see it or even called into consultation about its provisions. Does the gentleman deny that?

Mr. TAWNEY. What is the statement of the gentleman?

Mr. WHEELER of Kentucky. That you completed the bill and had it printed before the Democrats were allowed to see it.

Mr. TAWNEY. Pardon me; the bill was printed before it was seen, even by the Republican members of the committee.

Mr. WHEELER of Kentucky. Then the gentleman from Maine deserves more severe censure, and his action is wholly unjustifiable.

Mr. TAWNEY. The bill was presented to the Democratic members on the committee for information and consideration just in the same form that the majority of the committee had it in print.

Mr. WHEELER of Kentucky. Even if that is true, what right had the chairman of the committee to closet himself with advisers selected by himself and draft a bill, when this House has provided a committee to be consulted in all such matters? What suggestion by the Democrats has been acted on by the committee in forming this bill?

Mr. TAWNEY. I will answer the gentleman. It is fair to state that the committee acted upon an amendment offered by the gentleman from Virginia [Mr. SWANSON] with reference to the tax on tobacco. In the next place, it acted on five separate and distinct amendments offered by the Democrats on the committee with respect to the issuance of bonds, certificates of indebtedness, the income tax, and other features of the bill.

Mr. WHEELER of Kentucky. Yes; and the Republicans voted them all down.

Mr. TAWNEY. Of course, because they were all wrong.

Mr. WHEELER of Kentucky. Wrong in your eye, because as a Republican partisan you propose to put this measure through regardless of the wishes of the Democrats on the committee. Mr. Chairman, I can not be interrupted further. I know it is desirable this measure should have the united support of both sides of the Chamber, and feel sure we on this side are willing to make any reasonable sacrifice to accomplish that end; but, sir, if this bill passes in its present form, it will ultimately entail more misery and unhappiness on the people of our country than the unsuccessful issue of the Spanish war.

This bill proposes to saddle upon the people of this country $500,000,000 of interest-bearing bonds, and before they are paid the sum will exceed $600,000,000. During the civil war there were 2,000,000 armed men in the field—one-half the country had passed from the control of the Government—and yet the first issue of bonds in that tremendous struggle was just one-half what is now proposed. Mr. Chairman, while our people with fervid patriotism and high resolve bare their breasts to Spanish bullets to give liberty and peace to the oppressed people of Cuba, their representatives are about to enact a measure which will prove a burden to children yet unborn.

No sound reason can be offered for issuing bonds at this time, and the chairman of the Committee on Ways and Means does not claim in his report that the issuance of bonds is a necessity of war, but it is asked for, he says, to "maintain the public credit." I call attention to the similarity of the language of the report to that of the Secretary of the Treasury in his testimony before the Committee on Banking and Currency last December, when he asked for authority to issue $500,000,000 of bonds, as he said, to "strengthen the public credit."

That was before we had a war, and, as the Secretary frankly declared, to more firmly fix the gold standard on this country. The proposition of the Secretary was repudiated even by a Republican Congress, but now that we are involved in war, advantage is being taken of our misfortune, and under the specious plea of necessity it is proposed to saddle this enormous debt on the citizens of the Republic. Why do we need so much money in the public Treasury at this time? After making all legitimate deductions, we have a net balance in the Treasury of $120,000,000, and according to the highest estimate this sum is sufficient to maintain our Army and Navy for five months.

Spain is bankrupt; every avenue through which she can raise revenue has long been exhausted. She has often defaulted on the interest on her public debt, and it is the marvel and wonder of the people of the world how she maintains her national integrity; yet this House is asked not only to lay burdensome taxes on our people, but to provide an enormous loan that will be a mortgage on the brawn and muscle of every laborer in this country for the next fifty years. Gentlemen speak of the war with Spain as though the magnitude of the conflict would shock the world. Surely these gentlemen have not read history aright.

Not since Lepanto, has Spain won a victory. For over one hundred years her people, in peace and war, have been palsied by poverty and ignorance. But, Mr. Chairman, we are told we should forget politics in considering this bill; that it is a patriotic measure to preserve the honor and dignity of our common country, and that Democrat and Republican alike can debate and amend it. If that is true, why is it that the plates from which to print the bonds and the paper they are to be engraved on are already prepared, even before this bill has been read in the House? Sir, the Republican party knows it has the votes and intends to pass this bill just as it is, no matter what Democrats may say.

Strike out the bond feature and you will soon see interest flag on the other side. It is said that although this bill may pass with a provision authorizing the Secretary of the Treasury to issue bonds, he will not exercise that power unless the necessities of war require it. This is mere nonsense. I hold in my hand at this moment a copy of a great New York paper, which says the Secretary of the Treasury is now in New York consulting with Wall street bankers about buying these bonds. If it was not intended to issue these bonds except as a necessity of war, why should the head of the Treasury hurry to New York and consult with national bankers about their purchase, even before Congress has said he shall have authority to issue them?

I confidently believe if this bill passes, the Secretary of the Treasury will issue the $500,000,000 of bonds provided for before the ink on the paper is dry; and although I do not believe the money derived from their sale will be used for supporting our Army and Navy, it will be used for retiring the greenbacks, and the pet scheme of the Republican party will be accomplished. Mr. Chairman, I will not support this bill. The people I represent, brave and patriotic as they are, are willing to make every reasonable sacrifice to insure the success of our arms and help the people of Cuba shake off Spanish tyranny, but they are not willing to increase the bonded debt of the country.

In my opinion, the issuance of bonds is not only unnecessary, but wholly indefensible. This bill adds $90,000,000 a year to the revenue, which, with the $119,000,000 available cash now in the Treasury, is more than enough to maintain the present Army and Navy until next December. If the war has not terminated by that time, and we find the Treasury embarrassed by lack of funds, Congress will be in session and can provide revenue. The Democrats have given notice that at the proper time we will offer an amendment providing for a tax on incomes, and we are told by the majority they will vote down the amendment because the Supreme Court has declared an income tax unconstitutional.

I shall not criticise the Supreme Court here, but I assert it to be true there is no law in this country higher than an enlightened, honest public opinion, and neither the people nor the lawyers believe the opinion of the Supreme Court is sound in principle or grounded in right. It is a sad commentary on the powers of government that no tax law has ever yet been drawn which levied tribute on the rich and poor with equality and justice. The widow's mite and the laborer's pittance go with crushing regularity to swell the general coffer, while the rich and powerful bid defiance to the law and pay toll alone to their voluptuous ease.

Sir, I have myself drawn a bill providing for a tax on the incomes which I feel sure is not unconstitutional, tested by the decision of the Supreme Court. I offered this bill as an amendment to the Dingley bill last spring, and it was voted down by the Republican majority. At the proper time I will offer it as an amendment to

this measure; and if adopted, it will add $75,000,000 annually to the revenue. While I am quite confident my bill is constitutional, I am equally confident the Republicans will not adopt it. Whatever may be the fate of my bill, I am heartily in favor of an income tax, and I feel confident the rank and file of the people of this country, irrespective of political belief, are also in favor of requiring the holders of great wealth to pay their just share for the support of the General Government.

If revenue is what was needed, why did not the Republicans put a tax on railroad tickets? Every State in the Union now has laws on its statute books fixing the maximum charge for passengers at 3 cents per mile; and if the committee had placed a tax upon railroad tickets, it would have forced these gigantic corporations to contribute something to the support of the Government. They are now receiving millions from the people for carrying troops and supplies, and in return pay absolutely nothing to the General Government. Why did they not tax bank deposits, as was suggested by the Democrats on the committee?

We know it is only the rich and powerful who carry large deposits in bank. They should be made to pay for the protection they receive. But, Mr. Chairman, I have neither the time nor the inclination to go into a discussion of the details of this bill. I rose only to say that I stand willing to hold up the hands of the Administration and to vote all supplies needful in the present war, but I can not and will not aid, either with my voice or vote, any measure that proposes to perpetuate the national banking system and fasten it, like the poisonous shirt of Nessus, on the people of our country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHEELER of Kentucky. One minute.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHEELER of Kentucky. I will risk the decision of the Supreme Court on that question. I would like to have permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. LEWIS of Washington. Mr. Chairman, I yield to the gentleman from Kentucky to make a request.

The CHAIRMAN. The gentleman from Washington yields to the gentleman from Kentucky, who makes the request that he be permitted to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LEWIS of Washington. Mr. Chairman, in the reports of the debates upon the Constitution, as given us by Elliott, we observe that George Washington remarked upon the constitution of the Supreme Court that its organization as proposed was intended to strengthen and support the institutions of the Republic. Luther Martin, of Maryland, said:

> This body, when all others shall fail, will be the stay and refuge and strength of our Government.

These two prophecies were commented upon in the Federalist by Alexander Hamilton, and we find him saying:

> The Supreme Court will be the guardians of the Constitution.

Adding that—

> These provisions and intents will be carried out, to the end that the people of the Government shall enjoy the full benefits of all its guarantees.

THE TEST OF TRIAL AND TIME.

Mr. Chairman, has time or circumstances developed the truth of either of these hopes or prophecies? Has the Supreme Court developed into a body for the preservation of the Constitution, the maintenance of its objects, and a source of strength to the Government, or has it not yet proved to be an adversary of the intent of the Constitution, the opponents of the Constitution's most salutary guarantees, and the destroyers rather than the upholders of the power of the people?

Webster, quoting Rousseau, hurled from the forum the famous saying:

> It is in the hour of trial we have a test of the righteous; it is in the day of danger we may know our source of refuge.

We are to-day confronted by the test of an hour which must decide for us whether the Supreme Court has served as a source of refuge in the day of our danger or whether it has not proven to be the rock upon which the hopes of a strong and self-sustaining people will be blasted. To-day a country of 72,000,000 inhabitants, with a property and credit of $80,000,000,000; a solvent nation with a commerce excelling any five of the nations of Europe and all the nations of Asia; with an internal strength of warfare drawn from the valor and virtue of its soldiery, which finds no parallel, far less superior, within the confines of civilization. Endowed with intelligence and accomplished intellects surpassing that possessed by any other age or generation and bounded on all sides by protecting seas upon whose bosom there floats to us the favors of the yielding earth! Then, we are blessed with ingenuity of invention—a modern process of development which exceeds even the dreams of fancy and excels the capacity of miracles. Add to all this the moral integrity and Christian virtues which ever make heroic and sublime the noblest and best of earth's people, and we have some faint realization of our nation.

WAR WITH SPAIN.

Yet, sir, this great people are to-day in a conflict with a nation that is benighted in the ignorance and gloom of superstition, crude in the developments of science and refined instrumentalities of life, bigoted in their hapless ignorance, reduced to inanity by distempered profligacy, indulging in institutions that have become obsolete with experience and in violation of modern morals or advanced civilization. A people who have never learned restraint upon either their immoral or brutal passions, to whom the art of the murderer is the science of warfare, and the wreaking of revenges the noblest attainment of the heart. A nation not one-fifth of our population, nor one hundredth of our commerce, nor one thousandth part of our opportunities and privileges. Add to this that they are a nation who have neither the approval nor encouragement of any of God's nations, and can not, with our belief in the justness of Providence, have either the guidance or commiseration of heaven.

STIFLED BY THE SUPREME COURT.

Yet, sir, in this unequal struggle, in this strange warfare, we, this great nation, find ourselves stifled, barricaded, circumscribed by limitations and shackled by conditions which are making that conflict either questionable in its result or so unnecessarily prolonged as to be cruel or infamous. Why? Because of the inability on our part to lay our hands upon those sinews which are the nerves of war—money and iron. Not that we are without it, not that we are powerless to obtain it, but because authority high in place have pronounced in several instances against the exercise by this nation of the opportunities and privileges which would give us the fullest quantity of each at the time of our need had the original purpose of our Constitution been carried out and its immediate designs and objects been executed.

You ask me who it is that stands as the great obstructor in the path along which we should rush to victory? I answer, the Supreme Court of the United States. That sacred institution that should have expressed the law of the people, not the desire of the people's enemies. That great institution whose decisions and mandates have resulted in weakening, where it has not destroyed, the powers of the Republic to preserve itself from embarrassments within and defend itself from assaults from without. We are told that $500,000,000 will pay the full and whole expense of this conflict for humanity which we have taken upon ourselves as the ambassadors of Christianity and liberty. Yet we are confronted with the question as to whether this five hundred million shall be wrung from the poor and defenseless or shall be taken from the amassed fortunes which the favors of our laws have enabled the privileged class to accumulate.

That it would be ordinarily the purpose of a humane man and a generous government to compel all those who could best afford, with the least loss, the sustaining and the bearing of such a conflict, all must likewise concede. Then why not do so? And the answer is, because those who are the wealthiest through the favors and privileges of the Government have likewise become the objects of its exemption and, being the most powerful, have wielded their influence to such ends and such purposes as to have distorted the Constitution, misled the highest tribunals of the Republic, and obtained for themselves immunity from a just contribution to the Government from which they had derived both their comfort and their riches.

INCOME TAX.

It is conceded that no tax is more just, none more uniform, none tested by time and experience which has produced more beneficial and important results than a tax laid upon the incomes of those whose fortunes double and quadruple in the amount of incomes as the Government permits by its laws protection and encouragement to the investment. Yet the Supreme Court of the United States have said that such a tax shall not be laid upon the wealthy because it is taxing them directly—that is to say, because it would be to directly tax them. Or, in other words, to make them pay directly to the Government a proportion of their wealth in return and support for the benefits enjoyed and the favors received.

Will anyone deny that the object of the Constitution when it provided that the people, for their "general welfare," could take such measures as to them seemed prudent and wise was to leave it to the people, through their agents, a legislative body, to say what, according to a just judgment and wisdom of the people, would be the best system to insure that general welfare? Will anyone dispute that the inherent right of the people of segregating their Government into distinct provinces, leaving to the people the saying of what policy in the form of taxation shall obtain, is just as clear as that left them to say what form of elections or form of the circulation of their money shall obtain, or the form of the policing and collection of their revenues? When this is done, has not that function of the legislative body speaking for the people been exercised over which no control can be had under our Constitution?

But it has pleased the Supreme Court to be unconscious of its separate functions and to exercise the supervisory jurisdiction over those questions which were intended by the form of our Government to be left solely to the legislative. In doing this the court has left the legislative powerless to protect its own nation and execute the will of its own people. The $500,000,000 could have been secured within twenty-four hours by a mere levy of 8 per cent upon the assessed property and income of the wealthy of this country, as shown by the latest State census and national returns.

Had the income-tax law been sustained there, there would have been in the Treasury, accessible to the nation for the purposes of the conflict, collected by the Government since the passage of the act, the sum of $300,000,000, leaving but $200,000,000 more to be obtained—with the limit of sixty days or six months—to be obtained by a tax on franchises alone. With such result, those whose toil ever pays the tax and who, in the final analysis, contribute every cent to the maintenance of Government would have been saved this unusual and unnecessary burden which must now be imposed upon them because of the omission of our highest tribunal to regard the spirit and intent of a people rather than the spirit and intent of the opponents of the Constitution.

I make mere note in passing of the immediate baleful effects of this unfortunate decision, and taking the words of those two memorable opinions of Mr. Justices Harlan and Brown, who spoke—with two other associates—on the side of the people, I remind the nation that, as prophesied by these learned scholars of the people's justice—these learned prophets of the Government's future—"that the hour has come when the Government, by virtue of such decisions, has become weak where it should have been powerful, has become defenseless where it should have been strong." And, lastly, the Government is now compelled to make levy upon the patriotism, loyalty, and sacrifice of those who must give up both their little property and likewise their life that the Government may be saved and the honor of the Republic maintained.

In the meanwhile those channels of prodigal wealth, drawn too oft from the oppressed and plundered, are being permitted to flow from one to the other of its possessors uninterrupted and untapped, though the smallest drain, the most imperceptible draft would have requited all of the necessities of the hour, to the felt loss of none, to the injury of none, while redounding to the glory of our country and to the perpetual peace of its citizens—

Tranquillity within, security from without.

CRITICISM (?) OF THE SUPREME COURT.

I am informed that it is not an exhibition of statesmanship, but, on the contrary, the display of a spirit of ignorance, disloyalty, and indecency, to criticise the Supreme Court. I deny this. I insist that under our form of government the Supreme Court, as likewise every institution in the Republic, is the creation of the people, and no creature in this Republic ought ever be above the criticism and control of its creator. There is no divinity that doth hedge the Supreme Court. In this Republic there is no "divinity that doth hedge a king," for under our Constitution we have no kings around which the halo of divinity may throw its encircling light. In this Republic every true American is an heir presumptive to liberty and heir apparent to God. [Applause.]

In answer to the assertion that we should not criticise the court, frequent reference has been made to the attitude of Lincoln, and as he criticised the decision of the Supreme Court that would have enslaved 4,000,000 black freemen. We now but criticise that other decision that would enslave more than 70,000,000 white freemen and deliver to destruction the unparalleled Republic of the world. But I assume to go further, and, as a Democrat, venture another and equally as valiant a precedent. It is when the Supreme Court of the United States, in defiance of the intent of the people and the meaning of the provisions of the Constitution, held that the sovereign attribute of the people to make and control their own money had been delegated to a private interest-gathering house—the United States Bank—President Andrew Jackson, in his famous veto message, said:

> The court has construed the law and the Constitution in all its phases and adopted its view. The Legislature and Executive have the right to construe the Constitution for itself. When they made oath to support and obey the Constitution they meant as they understood it, not as some other tribunal understands and construes it. * * * It is no duty of one exclusive department to yield its free judgment to the dictates of another.

He, too, had the javelins of venom, the darts of malice, and the arrows of bigotry hurled at him from secret covers by the cowardly and ignorant.

CRITICISM OF ENGLISH COURTS.

But before him, even in a land where the kingly prerogative of exclusive exemption from the touch of the people was ever indulged, there arose a great commoner, who, defending the rights of the people—as the beings of humanity—propounded the limits to which courts may go and the privileges to which the people may extend their approval or condemnation of these tribunals. I refer to Lord Chatham, in the great case of John Wilkes. Said he:

> We have the Magna Charta; we have the Statute Book and the Bill of Rights; we have that plain English reason, the foundation of all jurisprudence. We are told that court may determine every question not by any known positive law, but by the vague, undeterminate, arbitrary rule of what the noble lord has pleased to call the "wisdom of the court."
>
> With respect to the decisions of the courts of justice, I am far from denying them due weight and authority; yet, placing them in the most respectable view, I consider them not as law, but as evidence of the law. And before they can arrive even at that degree of authority it must appear that they were founded in and confirmed by reason, that they are supported by precedents taken from good and moderate times, that they do not contradict any positive law, that they are submitted to without reluctance by the people and are favored by the legislature, and, what in my judgment is far the most important, that they do not violate the spirit of the Constitution.

Continuing said he:

> I can not and I will not support a law that contradicts the Magna Charta and violates the Bill of Rights.

These famous utterances came to us in 1770 through the construction of the great charter of principles from which we founded and by which we molded our Constitution. If such criticisms were the privilege as to the parent of our Constitution, will any citizen of the Republic deny that same privilege to the offspring of that parent?

CRITICISMS DEPENDING UPON PERSONAL INTERESTS.

But we have later announcements showing that the enjoyment of criticism of the Supreme Court seems alone to depend upon the sources who find it necessary or convenient to make complaint. This is sadly illustrated in the fact that when the criticisms of the income-tax decision were made by the truly American citizens of the commonwealth—the eminent sources in the great cities—the beneficiaries and advocates of the exemption system cried out with horror at the display of such sacrilege and charged a want of reverence for the sacred tribunal.

But when that same tribunal decided that the railroads were subject to its jurisdiction, and that their freight-rate trust had to be dissolved because of its oppression and injustice to the citizen, these same sources which had previously professed reverence profound for this sacred institution now belched forth from the bowels of pent-up wrath and disappointment their dire condemnation, their flaming denunciation and consuming anathema upon what, as its principal organ, the Evening Post, of New York, described as "the court's anarchistic tendencies and blatant utterances of foolish demagogues, a decision which, going a step further, would bring a revolution."

These criticisms of such irreverent nature were joined in and voiced by four railroad presidents, a convention of eleven railroad lawyers, and seven trust-company representatives in a convention held in Chicago to devise methods to avoid the decision of the Supreme Court.

I make mention of these proceedings that it may be observed that the professed regard for the guaranties of the institutions of this country by a certain class in this land only extends to the extent of protecting themselves and to the laudation and approval of such action from any tribunal as inures to their sole benefit. That their professions of regard for the sanctity and integrity of any of the institutions of a free country in the abstract are dissemblance, hypocrisy, and venal falsehood is apparent.

THE SUPREME JUDGES UPON THEMSELVES.

I beg at this juncture to add a line from two great men, from the great Democratic heart that beats upon the supreme bench of this country. I refer to the judicial utterance of Justice Harlan, not uttered in the income-tax case, but in his dissenting opinion in the case to which I shall later on refer—Robertson *vs.* Baldwin, February, 1897. This learned justice has occasion to say what the attitude of a citizen can legally be to the law or decision which is in violation of the Constitution. After repeating the commentaries of Mr. Bryce upon our institutions and upon the Magna Charta and Bill of Rights of England, and making the distinctions which should prevail in each of these countries, he says:

> However, in this country the will of the people as expressed in the fundamental law must be the will of the courts. * * * No court is bound to enforce nor is anyone legally bound to obey a law of Congress inconsistent with the Constitution.

Says Mr. Justice Brewer upon a late occasion in a public address:

> It is a mistake to suppose that the Supreme Court is either honored or helped by being spoken of as beyond criticism. On the contrary, the life and character of its justices should be the objects of constant watchfulness by all, and its judgments subject to the freest criticism. The time is past in the history of the world when any living man or body of men can be set on a pedestal and decorated with a halo. True, many criticisms may be, like the authors, devoid of good taste, but better all sorts of criticisms than no criticisms at all. The moving waters are full of life and health; only in the still waters are stagnation and death.

THE SUPREME COURT HAS DESTROYED THE NAVY.

I have assumed to disclose wherein the Supreme Court, in violation of the injunction which should have enjoined it from laying hands upon the separate institutions of the Government, have deprived us of the opportunities to attach to our bodies the right

arm of war—money! Now, I proceed to disclose wherein that same tribunal, by a decision as unjust as it is oppressive, have denied us the power of the left arm—the iron; that is, the Navy, the seamen. Let us reflect a moment. Men may be summoned by the blare of trumpetry and the roar of drums to enlistment in infantry and move to the conflict against the enemy, and in the carnival of war may contribute their portion to victory or to the glory of defeat.

Previous equipment or necessity for practice or fitness may not be apparent or necessary. But in the Navy first comes the ordeals of the watch, the duty on board, the acquaintance with the rigging, the discipline of the quarterdeck, the manning of guns; then the rigor of the sea, the giddy reel of the whirling masts, and constant upheaval of sickness accompanying the experience; above all, an acquaintance with the water, its associations, the compass and its directions, navigation and its science. From what source shall we obtain men equipped in this direction? I quote the highest naval authority when I recall Captain Mahan, quoting his words:

From the merchant marine must come the seamen who shall man and equip the modern battle ship.

These expressions are but the echoes of such as Farragut and Gherardi in this country, and High Admiral Nelson in England. Yet have we any hope of increasing the seamen in our merchant marine? Have we any prospect of building up a strong, vigorous army of sailors in the ships of commerce? Whatever opportunities in this direction there once appeared, this honorable Supreme Court have blasted. Here in this land, with a constitution framed for the purpose of expressing the reformed will of freemen, having for its object in this very guaranty the announcement and enforcement of the fundamental principle of the Republic, "that all men are created equal before the law," intending, as was the supreme purpose and sublime mission, to guarantee every institution as exempt from slavery and to adorn the brow of every man with the insignia of sovereignty.

Though penned in the blood of the noblest of mankind, who died that it might be written, that in this Republic there should be no "involuntary servitude," no thralldom of man, and no slavery of the human body to the human master, yet this honorable Supreme Court, refusing to construe the ordinary shipping laws in harmony with the great body of the laws of this country; refusing to view these laws in the light of enactments which were intended to be guided, limited, and controlled by these constitutional guaranties of life, liberty, and the pursuit of happiness—on the contrary, this honorable court, warped and misguided by convictions obtained from the enemies of the people's government, has construed shipping laws which permit the engagement of the seaman to his master in the ordinary form of a labor contract, to mean articles of slavery, contracts by which he at once apprentices his body to ceaseless toil, to be cast into irons at the will of the brutal master, and as a pledge and mortgage of his mind of freedom and his soul of liberty all, at the disposal of a tyrant and under conditions that the poor seaman must submit to—though in ignorance of the compact when he made it—or take refuge to his death in the sea beneath!

THE SAILOR DECIDED TO BE A SLAVE.

I refer to the case of Robertson *vs.* Baldwin, decided by the court in February, 1897, where it is held that a seaman who had shipped upon board of the *Arago* from San Francisco to ports in the State of Washington, and then to Chile, or such other ports as the master might direct, could not, though having performed part of his service, leave the vessel at one of the ports because of the brutal treatment of the master without being subjected to either being cast in irons in the hold of the ship for disobedience or seized on shore by the posse of the law and confined in jail as a penalty for seeking his freedom.

The law of ordinary contract of hire would have permitted as the fullest penalty the mere forfeiture of the compensation. Will any man deny that such a decision will do more to avoid enlistment of seamen in the merchant marine than all other conceivable sources combined? Will a man, ignorant, untutored, hapless, and unfortunate, take his life in his hands to have it either beaten out by the brute that walks the quarterdeck of the ship or have it snuffed out in the darkness of a dungeon cell? All this for the mere obtaining an existence, and such an existence that few of us would undertake and all of us shun if any other alternative existed. Will not such a man, however tutored to the sea, however beneficial to the marine, however necessary to commerce—yea, however more may be his desire to be master of the mast—shun the sea, shun its vehicles, shun its carriages of freight and lives as he would a prison house, or as a Russian serf the dark hole where he is knouted by his master?

WHY SHOULD SEAMEN BE SLAVES?

Was it ever the intent of our Constitution to subject a seaman, forsooth that he should be a sailor, to any different rule or principle than applied to any other workman so far as concerns his liberty under the Constitution? Of any different law or justice? To any different right of life than any other man who was a toiler? Will any man admit the correctness of this decision without denying the virtue and justice of that provision guaranteeing equal privileges and immunities to all citizens under the law? What can be said in defense of this discriminating declaration of injustice and persecution toward the seaman in favor of the master, when to utter such a doctrine as to the farm hand and a planter, as to the bricklayer and a builder, as to the railway employee and a superintendent, as to the wharfinger and a longshoreman, would at once be met with derision and amazement by any just American? Yet this honorable Supreme Court has declined to grant a rehearing in a case involving so great a principle, and thus reasserted the doctrine of persecution.

To the distinguished honor of that eminent justice, Harlan, whose utterance in the cause of liberty may ever be found when liberty is assailed by its enemies—to his distinguished honor let it be observed he declined to join in such injustice and proclaimed against it in an opinion in which he says:

The court holds that within the meaning of the Constitution the word "involuntary" does not attach to the word "servitude" continuously and make illegal a service which was voluntary at the outset, but became involuntary before the agreed term of service was ended; consequently "an individual may, for a valuable consideration, contract for the surrender of his personal liberty for a definite time and for a recognized purpose, and subordinate his going and coming to the will of another during the continuance of the contract; not that all such contracts would be lawful, but that a servitude which was knowingly and willingly entered into could not be termed involuntary.

"Thus," the court proceeds, "if one should agree, for a yearly wage, to serve another in a particular capacity during his life and never to leave his estate without his consent, the contract might be void upon grounds of public policy, but the servitude could not be properly termed involuntary. Such agreements for a limited personal servitude at one time were very common in England, and by statute of June 17, 1823, 4 George IV, chapter 34, it was enacted that if any servant in husbandry, or any artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, laborer, or other person, should contract to serve for another for a definite time, and should desert such service during the term of the contract, he was made liable to a criminal punishment. The breach of a contract for a personal service has not, however, been recognized in this country as involving a liability to criminal punishment, except in the case of soldiers, sailors, and apprentices, and possibly some others, nor would public opinion tolerate a statute to that effect." * * *

"Of the meaning and scope of the constitutional interdict upon slavery no one can entertain doubt. A contract by which one person agrees to become the slave of another would not be respected in any court, nor could it become the foundation of any claim or right, even if it were entered into without constraint being used upon the person who assumed to surrender his liberty and to become the property of another. But involuntary servitude, no matter when it arises, if it be not the result of punishment for crime of which the party has been duly convicted, is as much forbidden by the Constitution as is slavery." * * * "The condition of one who contracts to render personal services in connection with the private business of another becomes a condition of involuntary servitude from the moment he is compelled against his will to continue in such service. He may be liable in damages for the nonperformance of his agreement, but to require him against his will to continue in the personal service of his master is to place him and keep him in a condition of involuntary servitude.

"It will not do to say that by 'immemorial usage' seamen could be held in a condition of involuntary servitude, without having been convicted of crime. The people of the United States, by an amendment of their fundamental law, have solemnly decreed that 'except as a punishment for crime, whereof the party shall have been duly convicted,' involuntary servitude shall not exist in any form in this country. The adding another exception by interpretation simply, and without amending the Constitution, is, I submit, judicial legislation. It is a very serious matter when a judicial tribunal, by the construction of an act of Congress, defeats the expressed will of the legislative branch of the Government. It is a still more serious matter when the clear reading of a constitutional provision relating to the liberty of a man is departed from in deference to what is called usage which has existed, for the most part, under monarchical and despotic governments." * * *

The thirteenth amendment, although tolerating involuntary servitude only when imposed as a punishment for crime of which the party shall have been duly convicted, has been construed, by the decision just rendered, as if it contained an additional clause expressly excepting from its operation seamen who engage to serve on private vessels. Under this view of the Constitution we may now look for advertisements, not for runaway servants, as in the days of slavery, but for runaway seamen. In former days overseers could stand with whip in hand over slaves and force them to perform personal service for their masters. While, with the assent of all, that condition of things has ceased to exist, we can but be reminded of the past when it is adjudged to be consistent with the law of the land for freemen who happen to be seamen to be held in custody that they may be forced to go aboard private vessels and render personal services against their will.

CHATHAM'S CONDEMNATION OF SUCH DOCTRINE.

I had called Lord Chatham as a witness of judicial injustice and as an authority for the privilege of denouncing it. Might I not invoke this eminent authority upon this present point, that it may be seen that even in England, before the days of the Revolution, it was seen that if such a policy as announced by our Supreme Court could prevail the merchant marine of that invincible country and the prowess of her glorious navies would have been swept from the existence of possibilities, and to-day the grandeur that is hers and the distinction which she boasts would have been an unknown thing? I refer to an attempt on the part of England to pass and execute the statute expressing the sense which the decision of our court expresses as the law.

Let it be recalled that this question arose in England immediately after the war had been declared by that nation against Spain in 1739. The object of impressing seamen into service was made apparent in the House of Commons. Sir Charles Wager stated as his justification for the oppressive measure what our Supreme

Court has stated as the justification for their decision, that "seamen ought to be treated as needing the protection of the law, as one entitled to have only half liberty that an ordinary adult has a right to enjoy." Said Lord Chatham:

Sir, the two honorable and learned gentlemen who spoke in favor of this clause were pleased to show that our seamen are half slaves already, and now they modestly desire you should make them wholly so. Will this increase your number of seamen, or will it make those you have more willing to serve you? Can you expect that any man will make himself a slave if he can avoid it? Can you expect that any man will breed his child up to be a slave? Can you expect that seamen will venture their lives or their limbs for a country that has made them slaves, or can you expect that any seaman will stay in the country if he can by any means make his escape? Sir, if you pass this law, you must, in my opinion, do with your seamen as they do with their galley slaves in France—you must chain them to their ships, or chain them in couples when they go ashore.

But suppose that this should increase both the number of your seamen and render them more willing to serve you, it will render them incapable. It is a common observation that when a man becomes a slave he loses half his virtue. What will it signify to have your ships all manned to their full complement? Your men will have neither the courage nor the temptation to fight; they will strike to the first enemy that attacks them, because their condition can not be made worse by a surrender. Our seamen have always been famous for a matchless alacrity and intrepidity in the time of danger. This has saved many a British ship, when other seamen would have run below deck and left the ship to the mercy of the waves, or, perhaps, of a more cruel enemy—a pirate. For God's sake, sir, let us not by our new projects put our seamen into such a condition as must soon make them worse than the cowardly slaves of France or Spain.

The learned gentlemen were next pleased to show us that the Government is already possessed of such a power as is now desired. And how did they show it? Why, sir, by showing that this was the practice in the case of felony, and in the case of those who are as bad as felons—I mean those who rob the public, or dissipate the public money. Shall we, sir, put our brave sailors upon the same footing with felons and public robbers? Shall a brave, honest sailor be treated as a felon for no other reason but because, after a long voyage, he has a mind to solace himself among the friends in the country, and for that purpose absconds for a few weeks, in order to prevent being pressed upon a Spithead or some such pacific expedition? For I dare answer for it, there is not a sailor in Britain but would immediately offer his services, if he thought his country in real danger, or expected to be sent upon an expedition where he might have a chance of gaining riches to himself and glory to his country.

I can not add a comment to the injustice of this decision that will illustrate the vicious consequences to our country more than to echo this greatest of champions in his plea for the rights of man who is the image of his Maker.

THIS CONGRESS MUST FREE THE SAILOR.

If we would hope for a distinguished navy; if we would expect success upon the seas; if we dream of a magnificent commerce, you must encourage the enlistment of men who will become sailors, captains, and admirals. You must make freemen of seamen, Americans of sailors, and men of these humble toilers, who make sacrifice of love, family, home, and often of life to serve their country's needs upon the treacherous seas. All honor to these unsung heroes of life's greatest tribulations!

Let us repeal this law. Let us lift up the sailor. Let us now efface this unjust decision from the records of our country and make ignominious and contemptible any man or set of men who would invoke the tyranny of this injustice to beat down the struggling seamen and destroy the possibility of a merchant marine and deny us the glory of an American navy.

THE DENIAL OF SELF-GOVERNMENT TO THE STATES OR TO THE INDIVIDUAL.

Lastly, I call to your attention the latest innovation on the part of this distinguished tribunal, the Supreme Court. It is the judicial announcement denying that any regulation of railroads by any State is both invalid and unconstitutional that does not guarantee a profit upon the investment or capital of the adventure. I refer to the several late decisions culminating in the Union Pacific Railroad against the State of Nebraska. The announcements are summed up in the statement "that the decision denies to the State the regulation of any railroads or interstate corporation."

BY WHAT RIGHT?

We ask under what authority of law or under what power of government this court derived the privilege to insist that railroads should have guaranteed to them profits upon their investments in every State in the Union which assumes to regulate their charges? Tax and regulation upon every other species of business are held as valid and as the exercise of the State sovereignty; but the railroads, the lines of transportation over which citizens must ride or be deprived of the liberty of locomotion, over which they must ship the products of their labor to market or be deprived of the opportunity of exchanging their commerce, over which every necessity must be transported or the citizen reduced to a stagnant condition or decay—these institutions must be assured a profit in any form of regulation, and notwithstanding the exorbitancy of their charges, the corruption of their methods, and the oppression of the people, all they are now called upon to do is to cut the wages of their employees to a minimum, corrupt the legislation, prostitute local venal judiciary to avoid competition, and continue endlessly the methods of extortion and infamy. To make sure their success they then enter upon their books false charges and debits of matter of expense which never existed. These, placed under the general head of benefits and improvements, create a construction mortgage company of a certain set of their preferred stockholders, mortgage the company to this new form of mortgage association, the income from the profits is at once credited to this imaginary mortgage debts, all going to the payment of the mortgage ostensibly, but in fact goes to the pockets of these favored stockholders.

The books thus showing a debt never paid, the less favored smaller creditors, together with laborers, may be cheated and swindled out of their dues, and when they call upon the company for their just proportion they are confronted with the statement by the mortgage company of their preceding right to the earnings of the road. And thus omnivorously devouring everything, these lesser creditors are deprived and defrauded. This showing upon the books, according to the decision of the Supreme Court of the United States, need but be presented as the evidence that the company is not making a profit, and therefore any schedule of charges prescribed by any State that is not high enough to let the company extort enough from the people to pay this imaginary debt to themselves and leave an excess—such regulation is void and such legislation unconstitutional.

Apparent it must be that all any company would have to do is to increase its imaginary debt by increasing the lie on the books, keeping the debt always ahead of the profits, however great the profits may be, and then there never appears an excess of income over the debt. Thus, such institutions never become subject to the law, as they never appear to be making a profit. Surely upon the face of this the infamy and injustice of the decision must cry out!

WHY THIS DISCRIMINATION IN FAVOR OF RAILROADS.

But passing this, why should the railroad be insured by the citizen a profit in its business venture? Why should not the State insure the farmer who plants his grain in the distress of seasons a profit upon his investment and guarantee him an exemption from loss? Surely his sacrifice is greater, and when he loses it is much more keen and far-reaching.

Why not insure the country merchant who goes into business by permitting him to exact prices sufficient to make a profit? Why not the wholesale dealer of the city? Why not the lumber dealer, the coal miner, the shipper upon the seas? Why have not each of these under this rule the right to demand that they be permitted to enforce any charge against the consumer as will guarantee them a profit, and thus all and each raise their prices gradually until, in order to reap the profits which would be guaranteed them under the policy of such decision, they so pillage the citizen by the gradual increase of prices until such citizen will be unable to purchase for his necessary wants anything whatsoever because of the extortion in the prices?

Then why will not the toiler, the laborer, the clerk, the salary earner equally have the right to say they, too, should have the right to force the employer, who has been insured by the court, to insure them in return a salary so high as will enable them to pay to these different business interests their increased price or profit which they have had lately added to them because of the insurance? Thus we conceive only in a slight way to what degree of confusion and destruction the natural and logical consequence of this decision of the State of Nebraska against the railroads must lead to.

THE GREATEST EVIL DENIAL OF SELF-GOVERNMENT.

But above and beyond all these evils pointed out lies the fundamental and indescribable evil which must follow the announcement and declaration that States may be plundered, pillaged, robbed, and disgraced by any systems within their midst, but that these States shall be powerless to either prohibit, control, or regulate these institutions of destruction. Does it not lead to the denial of the State to govern itself, and then a denial to the citizen of self-government, and the eventual placing of the State at the mercy, dictation, and control of any institutions in the form of a railroad or its like that may take up its seat of power within the limits of such State?

In such an event and under the consequences which must be bred as the results from these opinions of the court do we not have reversed that once republican fundamental principle that "government rests upon the consent of the governed," and the enforcement of that other new-found principle that the government must rest upon the consent of the governors? Where is the sovereignty of state, where is the sovereignty of the citizen? I answer, gone. One powerless, the other helpless. We are forced to submit to the gradual judicial legislation enacting the States out of power, the National Government in control centralizing the element of wealth and strengthening the influence of power.

Under these views as announced by the law by the Supreme Court the head of Government must eventually be the sole will of the President of the United States, and the existence of the States and the right of the citizens therein to wholly and exclusively depend upon the arbitrary will of such members of the Supreme Court as appointed by such President, voicing alone in their decisions the will of that Executive as his personal agents. This results as a conclusion that our Government is to be conducted and controlled by a single head under the name of President, who

thus takes more power to himself than is given to the king of any civilized land of earth, and not permitted even the Emperor of all the Russias.

The great English commoner well stated that, "Where law ended tyranny began," and "where judicial indifferences were displayed to the constitutional and charter rights of mankind there was initiated at once the most complete tyranny that could be devised under the form of free government; for such," as he said, "is the despotism which deceives the unsuspecting, while it ever destroys the trustful and obedient."

THE UNHOLY ASSAULTS MUST END OR THE GOVERNMENT WILL.

Then, to the end that these evil assaults, consciously or unconsciously, wittingly or unwittingly, made against free government, should cease, and that the great functionary, the Supreme Court of the United States, should be brought back to the original object of its creation—to wit, the protection of the Constitution, and not its destruction—I ask this House to proclaim that we are the guardians of the Constitution and protest against its being wounded in the House of its guardians. [Loud applause.]

Mr. SAYERS. Mr. Chairman, I ask leave to extend in the RECORD the remarks I made this afternoon.

There was no objection.

Mr. BRUMM. Mr. Chairman, I wish to give notice at this time of sundry amendments that I propose at the proper time to offer to this bill, and I ask unanimous consent at this time that they may be printed in the RECORD, so that the House may have notice of them.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to print in the RECORD certain amendments, the offering of which he gives notice of. Is there objection? [After a pause.] The Chair hears none.

Mr. BRUMM. I would like to read the amendments.

The CHAIRMAN. The time has all been portioned out.

The amendments of which Mr. BRUMM gives notice are as follows:

Page 2, after line 24, insert the following:

"SEC. 2. And from and after the passage of this act coal-oil distillers shall pay for each license the sum of $50. Any person who shall refine, produce, or distill crude petroleum or rock oil, or crude coal oil, or crude oil made of asphaltum, shale, peat, or other bituminous substances, shall be regarded as a coal-oil distiller under this act.

That there shall be levied and collected on all coal illuminating oil, refined, produced by the distillation of coal, asphaltum, shale, peat, petroleum, or rock oil, and all other bituminous substances used for like purposes, 3 cents per gallon: *Provided*, That such oil, refined and produced by the distillation of coal exclusively, shall be subject to pay a duty of 1 cent per gallon, anything in this act to the contrary notwithstanding.

That distillers of coal oil shall be subject to all the provisions of existing laws applicable to distillers of spirituous liquors, with regard to licenses, bonds, returns, and all other provisions designed for the purpose of ascertaining the quantity distilled and securing the payment of duties, so far as the same may, in the judgment of the Commissioner of Internal Revenue, and under the regulations prescribed by him, be necessary for that purpose.

On page 3, line 2, strike out the word "two" and insert the word "three."

On page 8, line 4, strike out the word "three" and insert the word "four."

On page 9, line 25, strike out the word "four" and insert the word "five."

On page 10, line 21, strike out the word "five" and insert the word "six."

On page 11, line 5, strike out the word "six" and insert the word "seven."

On page 13, line 18, strike out the word "seven" and insert the word "eight."

On page 15, line 10, strike out the word "eight" and insert the word "nine."

On line 20 strike out the word "nine" and insert the word "ten."

On page 16, line 7, strike out the word "ten" and insert the word "eleven."

On page 17, line 10, strike out the word "eleven" and insert the word "twelve."

On line 15, strike out the word "twelve" and insert the word "thirteen."

On page 20, line 12, strike out the word "thirteen" and insert the word "fourteen."

On page 21, line 1, strike out the word "fourteen" and insert the word "fifteen."

On line 9, strike out the word "fifteen" and insert the word "sixteen."

On line 10, strike out the word "sixteen" and insert the word "seventeen."

On page 22, line 4, strike out the word "seventeen" and insert the word "eighteen."

On line 13, strike out the word "eighteen" and insert the word "nineteen."

On line 18, strike out the word "nineteen" and insert the word "twenty."

On page 23, line 25, strike out the word "twenty" and insert the word "twenty-one."

On page 24, line 15, strike out the word "twenty-one" and insert the word "twenty-two."

On page 25, line 11, strike out the word "twenty-two" and insert the word "twenty-three."

On page 26, line 5, strike out the word "twenty-three" and insert the word "twenty-four."

On line 19, strike out the word "twenty-four" and insert the word "twenty-five."

On page 41, line 23, strike out the word "twenty-five" and insert the word "twenty-six."

On page 42, after line 16, insert the following:

"SEC. 27. That from and after the passage of this act there shall be levied and collected a tax of 10 per cent on all sums charged for the use and occupancy of any and all portions or parts of sleeping or parlor cars over and above the regular fare on all railroads."

On page 42, line 18, strike out the word "twenty-six" and insert the word "twenty-eight."

On page 43, after line 25, insert the following:

SEC. 29. That the Secretary of the Treasury be, and he is hereby, authorized, if required by the exigencies of the public service, for the payment of the Army and Navy, and other creditors of the Government, to issue on the credit of the United States the sum of $150,000,000 of United States notes, in addition to the amount of such notes heretofore authorized by acts of Congress, in such form as he may deem expedient, not bearing interest, payable to bearer, and of such denominations, not less than $1, as he may prescribe, which notes so issued shall be lawful money and a legal tender in payment of all debts, public and private, within the United States; and any of the said notes, when returned to the Treasury, may be reissued from time to time as the exigencies of the public service may require. And in lieu of any of said notes, or any other United States notes, returned to the Treasury and canceled or destroyed, there may be issued equal amounts of United States notes, such as are authorized by this act.

On page 44, line 2, strike out the word "twenty-seven" and insert the word "thirty."

On line 21, strike out the word "twenty-eight" and insert the word "thirty-one."

Mr. CLARDY. Mr. Chairman, I ask unanimous consent to have an amendment printed in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to have an amendment printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The amendment of Mr. CLARDY is as follows:

Strike out from line 5, page 4, the following: All on page 4, pages 5 and 6, and down to line 6 on page 7.

Mr. TAWNEY. Mr. Chairman, these amendments are simply, I understand, printed for information.

The CHAIRMAN. No amendments are offered and none can be pending at this time. The gentleman from Nebraska is recognized.

Mr. GREENE. Mr. Chairman, I do not intend at this time to enter into an elaborate discussion of the bill before the House. There is no gentleman upon this floor in proportion to his ability to be patriotic that I will admit is more sanguine in his desires for the successful prosecution of the war with Spain than I am.

I am not only for war at this time, but I have been for war ever since the Spaniards blew up our ship in the harbor of Havana. I am in favor of doing anything and all things that are essential to a successful prosecution of the trouble now on. I realize the fact that we must have money with which to carry on the war. We must have the money so that it can be used when occasion requires it.

I would not by any word, if I could, or by my vote, lay one obstacle in the pathway of the Government in reaching out in whatever direction the emergency requires to grasp all the sinews of war. So the position I take with regard to the pending bill is only a difference between gentlemen on that side of the Chamber and myself touching the methods to be employed in raising revenue with which to fight our battles.

I am opposed to the issue of bonds, opposed to them because I do not believe it is necessary to issue bonds in order to fight the war in which we are now engaged. I say to gentlemen upon this floor if I did so believe, if you can convince me that it is necessary to issue $500,000,000 of bonds, or $1,000,000,000 of bonds, in order that our armies may be victorious over the armies of Spain, I would vote for $1,000,000,000 of bonds. But I repeat that I do not believe such a step is necessary at this time.

We have in the Treasury, as stated by the chairman of the Ways and Means Committee, as I remember his statement now, available something like $60,000,000. That is available for the purposes of the present emergency. Why not, instead of issuing $500,000,000 of bonds at this time, issue $150,000,000 of Treasury notes supplementing the $60,000,000 in the Treasury, which would make $210,000,000?

Under the bill which the Ways and Means Committee has introduced before the House, aside from the bond proposition, the chairman, Mr. DINGLEY, informs us the bill will, in its internal features, produce from $90,000,000 to $100,000,000 annually. This would give us a sum equal to $300,000,000 for one year over and above the present revenues of the Government available to carry on the war.

Added to this is the silver seigniorage lying idle in the Treasury, amounting to about $42,000,000, making a total of $340,000,000, a much larger sum than the chairman of the Ways and Means Committee estimates will be needed to carry on the war for one year. This large sum of money, no one doubts, will fully equip our Army, amply feed and clothe them, and pay them for their services. We have already appropriated $50,000,000 to equip our Navy and strengthen our coast defenses, and have as a result a Navy greatly superior to the enemy.

At this time no one informed questions our ability to terminate the war in from six to twelve months; and, if we can, why should we pile up a debt of six hundred millions in bonds on the already burdened shoulders of our people when we can carry on the fight for twelve months without selling a single bond? Sir, our people are patriotic, they are willing to provide every dollar and every man necessary to vindicate the glory of our flag and the honor of the American name; but they will not hold us guiltless if in the name of patriotism we take advantage of their devotion to country to lay the foundation to plunder them in the future.

I say this large sum of money is not needed, and I have grave fears there is another object in view than the prosecution of the war with Spain. Lately we have heard a great deal said about

retiring the greenbacks, and the great obstacle in the way of it has been a lack of money in the Treasury to do it.

Can it be possible that the promoters of that scheme have taken advantage of the present crisis to issue the bonds they dare not issue in time of peace to create a large surplus in the Treasury with which, when the war is over, to retire the greenbacks?

I would not intimate that the Ways and Means Committee has any such object, but past experience is pregnant with the truth that men outside of Congress have taken advantage of conditions of war to secure legislation in their interests and against the interests of the whole people. This was notably so when we issued the greenback currency in 1862, and crippled it at the suggestion of money lenders, and thereby enabled them to coin millions out of the distresses of the civil war.

These experiences cause me to pause and carefully scan the ground over which we are asked to walk. Why ask so large a sum when it is admitted we can not expend it in one year in any possible legitimate way? Do you say the war may last longer than one year? If so, I answer: Congress will be in session from the first of next December until the 4th of March, 1899. Provide the money as I have indicated, which is ample until that time, and then if the war is not over we will be swift to provide ways and means to carry it on. You will still be here with your present majority.

Do you doubt your own ability to meet the situation when it shall arise? Why, then, this mad haste to sell this vast sum of bonds at this time? Is it a fear that before Congress meets in December the war will be over and the opportunity to sell bonds will have passed away? But gentlemen have said to me they feared we could not float $150,000,000 of greenbacks; that they would go below par.

If we can float $600,000,000 in bonds at par, why is it we can not float one hundred and fifty millions of currency? To ask the the question is to answer it. We can. But I have been cited to the fact that the paper money we issued in the civil war did go down to 50 cents, as compared to gold, and have been told the same would occur again if we resort to an issue of paper money. In answer to that I would say that the first paper money we issued in the civil war did not go below par with gold. I refer to the old demand notes.

These notes remained at par with gold as long as a dollar was in circulation. Why? Because they were a legal tender for all debts, public and private. Do you say they remained at par because they drew interest? If so, I answer that if that was all, then they should have fallen as low as greenbacks plus the interest on the demand notes. As they did not, then there was some other reason why they remained at par, and that reason was they were not dishonored by the Government, but were a full legal tender.

The greenback was a crippled currency, made so at the instance of the men who had cornered the gold to create a demand for gold. If you had left out of the act of February 25, 1862, the words "except duties on imports and the interest on the public debt," and kept it off the greenback dollar, it, like the demand note, would have remained at par with gold, we would not have had as many millionaires as we have and not half as many poor, and our national debt would to-day be paid.

The paper currency I propose that we issue now is not like the greenback. Let us issue, say, one hundred and fifty millions of paper currency, and make it a legal tender for all debts, both public and private. How would you get such money below par? Who would give a premium for a gold dollar when he has a paper dollar that will pay any and every debt the gold dollar will pay? No one. Such money never did and never will go below par with gold while the world stands and the Government which issued it lives.

You say that sounds like "fiatism"? Well, I have not time nor disposition to enter into a discussion of that question here; but let me say, in passing, there is not now, never was, and never will be any other kind of money among civilized men but "flat money," money made by decree of law.

But, leaving that thought for the prayerful consideration of my friends, let me ask you, why not use the means which I have indicated, at least until Congress meets in December? Confessedly they are ample. And, as I have said, if then the war is not over and we find it absolutely necessary to lay this load upon the weary backs of our people, they will bear it, and bear it cheerfully, but why lay this heavy load upon them now? Are our people to be scourged for their devotion to their country?

Shall we, because their great hearts are throbbing with a love of country and flag, take advantage of it to forge new chains for their limbs? Shall we take advantage of these conditions to write new mortgages upon the toil and sweat of their children? In God's name, let us not do it.

Sir, as I have said, I hope I love my country as dearly as any gentleman upon this floor. I am willing to do all things needful to protect its honor and defend its rights, but I remember the burdened people in their humble homes. I see in the far West the men to whom I owe all I am in their humble homes to-night.

I can almost hear the words of patriotic devotion as they read and discuss the outcome of the present war; many of them have or will bid their boys good-bye; some wives will soon say good-bye to the young husbands about to march to their country's call.

They sent me here to look after their interests as best I could. They expect me to do all that is necessary to aid in the successful prosecution of the war, but they do not expect me to be carried off my feet to lay unnecessary burdens upon them and their children. Sir, seeing, therefore, this bond question as I do, I can not as an honest man give it my support.

What I do I do from a conviction of right, and for my act I am willing to answer to my constituents and my God. I can not see my way clear to support this measure now, and until I am convinced it is right, I will never give my vote for its passage.

I ask unanimous consent to extend my remarks in the RECORD.

Mr. TAWNEY. Mr. Chairman, I ask that all gentlemen who address the committee to-night on the bill be granted permission to extend their remarks in the RECORD.

Mr. LOVE. Why not extend it to those who speak upon the bill to-morrow?

Mr. TAWNEY. For the reason that we are under a special rule for a particular purpose, and for debate only, and we can not extend the time to those who do not participate in the debate to-night.

The CHAIRMAN. Under the rules the RECORD is under the control of the House, and not of the committee. It is questionable whether the committee has a right to permit anybody to extend his remarks, and it would be even more questionable whether the committee would have the right to permit everybody to extend his remarks. It has been customary heretofore to allow individuals to extend their remarks in the RECORD, and perhaps it would be safer to proceed in that way. So the Chair will ask if there is any objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none.

Mr. KNOWLES. Mr. Chairman, I am opposed to this bill under consideration because it throws the burden of taxation upon the class least able to bear it. It practically exempts the great mass of wealth of the country from any share of the burdens of this war and throws the cost upon that class which must also furnish the soldiers and sailors who bare their bosoms to the shot and shell of the enemy.

Mr. Chairman, I can not possibly conceive a more unjust measure than the one under consideration. My idea of taxation is that its burden should be placed upon those best able to bear it. In other words, I believe that when this Government reaches into the poor family and takes the husband, the father, and the son to become food for the leaden rain and iron hail of the enemy it ought at the same time to reach into the coffers of the rich and take their money to pay the expenses of the war. Are the dollars of the rich any more sacred than the lives of the poor? Will it be any greater hardship for the millionaire to give up a small portion of his ill-gotten wealth than it will for the wife and children to give up the husband and father?

But what are the provisions of this bill? More than two-thirds of the whole amount to be raised falls upon the two articles most commonly used by the poor, beer and tobacco. The beer of the poor man is taxed, but the champagne of the rich escapes. The tobacco of the poor is taxed, but there is no thought of taxing the rich fabrics, diamonds, steam yachts, or fast horses of the rich. The soldier and sailor who fight their country's battles must also pay the cost of the war in every glass of beer they drink and every pound of tobacco sent from their homes.

Nay, more, even the express package sent him must bear its share of taxation, while the express monopoly itself goes scot-free. Even the sad telegram which announces his death in battle must also pay tribute to the Government, while the giant monopoly which controls our lines of communication are exempt from all the burdens of the state.

Mr. Chairman, why not tax the wealth of the country instead of throwing the entire burden of both fighting and paying upon the poor? What is there in wealth more sacred than in human life? Could not the committee in charge of this bill find some way to reach the great aggregations of wealth instead of throwing this burden all upon the beer, tobacco, and medicine of the poor? Or was it that the majority of the committee felt so grateful to these great trusts, monopolies, banking institutions, and millionaires for past favors that they have exempted them from all share in the burdens of the war, and have thrown upon the poor the burden not only of fighting the country's battles but of paying for it too?

Mr. Chairman, the nation has in its land values and public franchises a fund of its own creation sufficient for all public uses both in peace and war. No man creates these values. They are created by the community and are justly the property of the community, and should be taken for public use. No constitutional

objection can possibly be raised against such a tax, for the Constitution expressly permits direct taxes, provided they are apportioned among the States according to population.

It is a well-established fact that the value of land and public franchises everywhere are approximately proportioned to population. A tax of $50,000,000 per year might be levied upon these values and apportioned among the States according to population. If properly applied, such a system would reach the railways and other corporations using public franchises, and would be the most just and equitable of all taxes. The Government would but take back a small portion of the values which it has created and given to these holders of special privileges and which should be common property.

The next most just and equitable means of raising revenue is by the income tax. One hundred millions more could be raised from this source, and the burden of such a tax would fall where it belongs, namely, upon the wealth of the country. Under the present system of taxation, and under that proposed in this bill, people are taxed upon what they consume. Under such a system the poor man with a large family pays more taxes than the millionaire with no family. No man can defend such a system. The income tax will remedy this injustice and place the burden of taxation where it belongs.

It is argued that the income tax is out of the question because the Supreme Court has decided it unconstitutional. If so, then our so-called popular government is at an end. What folly to talk of popular government when an irresponsible junta, not elected by the people, appointed for life, often by the most corrupt influences in the nation, can dictate what laws Congress may enact.

For one hundred years we have had the income tax, and it has been passed upon and declared constitutional time and again by the court of last resort. And now that the millionaires and corporations have succeeded in getting a majority of their attorneys appointed upon the supreme bench, by virtue of having made large contributions to political campaign funds, they think to overthrow the Constitution, laws, and customs of a hundred years, and establish a despotism as absolute as that of Russia. Despotism consists in irresponsible power; it matters not whether that power is lodged in a king, czar, or a so-called court. It is despotism just the same.

Mr. Chairman, it was once said: "There is a divinity that doth hedge about a king." We have changed this old superstition to read: "There is a divinity that doth hedge about a court." I do not believe there is any public official or any body of such officials who are above criticism. Much less are the members of the United States Supreme Court. They are human, and very human. Some of their appointments have been badly tainted by corruption. Jay Gould paid $50,000 into the Republican campaign fund, in consideration for which his old attorney, Stanley Matthews, was appointed to a seat upon the Supreme Bench.

Most of the present members have been lifelong attorneys of great corporations, and were appointed because of that fact. The probate court which recently settled the estate of a deceased member of the Supreme Court found members of his family loaded down with Bell Telephone stock, which had been made valuable by a decision of that court. Advance decisions of that court get out in time for fortunes to be made in stocks affected by such decisions. With such evidences of the very human character of this tribunal, I for one see no reason to speak of it with such awe and reverence as is accorded it by some.

The remedy against judicial usurpation and tyranny is a constitutional amendment making our Federal judges answerable to the people at stated intervals at the ballot box. There are no more reasons why judges should hold their offices for life than that the President should hold his office for life.

When our forefathers established our Constitution, popular government was an experiment. Its framers partook somewhat of the prejudice of their time, favoring the theory that the people were incapable of self-government. This prejudice left its mark in several branches of our Government, namely, in our electoral college, and in the method of choosing Senators and members of the Supreme Court. Our forefathers had not yet arrived at that point where they dared trust the people fully. These relics of kingcraft are now rising up to plague us, and they must be abolished or our popular government will soon be destroyed and absolute despotism be established in its place.

But, Mr. Chairman, the most villainous portion of this bill is found in its last two sections. To issue $500,000,000 more of bonds under the gold standard means the reduction of the American people to a worse condition of slavery than that which the Cubans have endured at the hands of Spain. You may call them coin bonds, but under the gold standard you know they will be gold bonds.

Already the issuing of bonds and the destruction of bimetallism have been the means of transferring one-half the wealth of the country into the hands of 31,000 persons, or one-twentieth of 1 per cent, and the issuing of $500,000,000 more at this time means the absorption of the balance by the same class and the reduction of the people to absolute serfdom. There is no need of issuing one dollar in bonds. If our bonds are good, our Treasury notes are good. This is simply a scheme to tax the people $15,000,000 more per year for the benefit of the banks.

You talk about making this a popular loan. Who has the money to buy these bonds? Have the people money to invest at 3 per cent? Certainly not. But the bankers can afford to buy these bonds at 3 per cent, because they can deposit them and get 90 per cent of their money back again in national-bank notes, just as good money as that which they pay for their bonds. They can loan out these national-bank notes at 10 per cent and continue to draw interest upon the full face of their bonds. Can the common people who have a few spare dollars to invest derive any such advantage as this?

Mr. Chairman, I repeat the issue of $500,000,000 in bonds at this time under the gold standard means the absolute enslavement of the people. It will require more gold than there is in this country to pay the interest and principal of these bonds, and the same men own the gold who will own the bonds. When the bonds are due, they will say to the people, "Pay these bonds in gold." The people might well reply, "We have no gold; you have all the gold." "Very well," reply the bondholders, "we will sell you gold enough to pay these bonds, provided you give us enough of your various forms of wealth as we may dictate." That is just what they have been doing for the past thirty years, until they have absorbed the greater share of the wealth of the nation, and under the scheme put up in this bill they propose to absorb the balance. [Applause.]

Mr. Chairman, that was what the gold standard was established for. If you and I controlled one scarce commodity, the entire stock of which could be put into a space 22 feet square, and if the law declared that to be the only legal basis for money, the only medium of exchange, the only legal tender for debt, and if people could get none of that commodity to do their business with, to make their exchanges with, or to pay their debts with, except upon such terms as we might dictate, do you not see what a "dead, mortal cinch" we would have on everybody else?

Well, that is the gold standard in a nutshell. That is all there is of it. All the gold in the world can be put into a room 22 feet square, and a few men own it, and they say that substance which they own or control must measure all the wealth of the world—all the land, all the buildings, all the railways, all the ships upon the ocean, all the machinery, all the cattle upon ten thousand hills, as well as all the products of human labor. That is what they mean by "sound money," the money which they own and control, but which the people must have to do their business with and make their exchanges with.

And, Mr. Chairman, as long as they can make the people believe that, so long will these drones and parasites absorb the wealth produced by labor, while those who produce the wealth will be in poverty. That was why this robber class stole a bill through Congress demonetizing silver, that they might the easier corner and control the medium of exchange. James A. Garfield upon this very floor spoke the eternal truth when he declared that "they who control the currency of any country are absolute masters of all industry and commerce."

Mr. Chairman, the whole object and aim of the money monopolists in this country for the past thirty-five years has been to control the currency. When the war of the rebellion broke out the Government issued $60,000,000 of full legal-tender money, and there never was an hour during the darkest days of that rebellion but what those notes were worth their face in gold. Why? Because they were a full legal tender and fulfilled all the functions of money.

But the gold gamblers took alarm. They said, "Hold on; the Government is making money just as good as gold, and if this continues we can not speculate in gold, and our occupation will be gone." So they came down here to Washington and, by some unknown means, got a law passed by which the next and all subsequent issues had that fatal exception placed upon them making them a legal tender for all debts "except duties on imports and interest on the public debt."

What did that mean? It meant that the Government, the maker of that note, discredited it by refusing to receive it for taxes. Do you wonder that they depreciated? The only wonder to me is that they were worth the paper they were printed on, when the Government itself discredited them by refusing to receive them for taxes.

But the people had confidence in their Government and in the eternal justice of their cause, and so they accepted this money and used it to carry us through the most gigantic war of modern ages. And I do not remember of hearing it called dishonest money at that time. It was good enough to pay the soldiers. I served over three years in the Army of the Potomac, and that money was good enough to pay me at the rate of $13 per month.

But, Mr. Chairman, after the war was all over and the danger past, then it was that the money devils began to cry "dishonest money" and "rag baby." So they came down here again and got the funding act passed, by which that money which had served us so good a purpose was called in, put into the macerating machine, ground up into paper rags, and interest-bearing bonds issued in its place. And from that day to this it has been bonds, bonds, bonds. And they are rightly named, for our people are in bonds and our children will be in bonds after us.

Mr. Chairman, I desire to give notice that when section 27 is reached I shall offer the following amendment as a substitute for sections 27 and 28:

That the Secretary of the Treasury is hereby authorized to issue on the credit of the United States $250,000,000 of United States notes, not bearing interest, and of such denomination as he may deem expedient, not less than $5 each; and such notes herein authorized shall be lawful money and a legal tender in payment of all debts, public and private, within the United States, and shall be receivable in payment of all taxes, duties, excises, debts, and all demands of every kind due to the United States, and of all claims and demands against the United States of every kind whatsoever.

Mr. Chairman, money is the creation of the law. That is money which the law declares to be money. The idea that one kind of money should be redeemed in another kind of money was simply a trick invented by the money changers to make the people believe that one special commodity which the money changers controlled was the only legal money. They knew that as long as they could play this confidence game upon the people so long could they absorb their wealth.

Money, in its proper analysis, is a certificate of wealth produced or services rendered. Such will be these notes issued by the Government. They will be paid out to our soldiers and to those who furnish food, arms, and munitions of war. How are they to be redeemed? They are redeemed every time they pass from hand to hand, and are finally redeemed by the Government when they are received for taxes. Do they need any other redemption? Certainly not, except by those who desire to use their monopoly of gold to rob and plunder the people. [Applause.]

Mr. COWHERD. Mr. Chairman, if any one thing was made plain by the speeches of the two distinguished gentlemen representing the majority of the Ways and Means Committee on the floor this afternoon, it was that this bill should be passed because it was an emergency measure and the nation was facing a crisis. If any other thing was made plain by these distinguished gentlemen, it was that the man who opposed the measure brought before us by them was unpatriotic and partisan. I stand here to denounce both of those propositions. I do not believe we are facing any emergency. I do believe that if this Congress is entitled to any place in the history of our country, it will be entitled to the distinctive name of an "emergency Congress."

No measure of any importance has been brought into this House since the Fifty-fifth Congress met last March that was not announced to the country as an emergency measure. We passed the Dingley tariff bill without opportunity to read it or amend it, because the distinguished gentleman from Maine told us that the country was facing an emergency and we had to rush it through. We passed the bill to create a currency commission in forty minutes. We passed a bill appropriating $50,000,000 as an emergency measure—and very properly so—and without a dissenting voice gave to the President authority to use it as he deemed best. We passed resolutions to intervene, with twenty minutes' debate, as an emergency measure, and we declared war in one minute and forty seconds.

Now, Mr. Chairman, I think we have had enough of emergency legislation. I do not believe there is any necessity in passing measures in moments of hysteria because somebody announces that an emergency confronts the country. What is the emergency before us? We are at war, it is true; but with whom? We, who claim to be the greatest and strongest nation on earth, 70,000,000 people, with a magnificent territory and unlimited resources behind us, are waging war with a fifth-rate power in Europe, a power that is already in the last stages of disintegration, a government practically overthrown, fighting them here at our very doors and they 3,000 miles away from their base of supplies, a power that lately a handful of Cuban patriots on Cuban soil, without money, without means, almost without arms, has successfully fought for three years and practically overthrown.

And yet gentlemen bring in a bill carrying $700,000,000 to be raised by bond issue and taxation on the people of the country and demand that we pass it without consideration, without daring to amend it in any particular, because it is an emergency measure and it would be unpatriotic and partisan in us to oppose it. I insist that the Congress of the United States should not be rushed off its feet every time it is confronted by any so-called emergency.

I insist that the raising of practically $800,000,000, because we have $100,000,000 in the Treasury now over and above the gold reserve, to prepare for war with Spain is like preparing the paraphernalia of a lion hunt to bag a rabbit with. We know that Spain is bankrupt, her credit gone, her bonds selling to-day for one-third their face value. She can not raise one-fourth this amount if she mortgaged every asset she possesses. Why, then, do we need $800,000,000? We do not need any such amount of money. We can not use it. There is no necessity for putting these burdens upon the people.

Gentlemen say, "Oh, you can not tell how long this war will last. You can not tell how much money will be needed." There is at least one thing we can tell within reasonable limits, and that is how much money will be needed before this Congress meets again next December. We know we shall not need more men than the Regular Army of 60,000 and the Volunteer Army of 125,000, because it is practically given out (and I agree with the Administration in that) that our troops will not be used on Cuban soil until after the rainy season.

We know that the Navy can not be increased—at least not until next December—to a greater extent than authorized by the appropriations which have already been made for it. Therefore, I say it is reasonably and humanly certain that you can not use more than $200,000,000, and that can be provided in the manner pointed out by the gentleman from Texas [Mr. BAILEY] this afternoon, by the coining of the silver seigniorage, by the issuance of greenbacks if necessary, by using the money now in the Treasury that can be applied for this purpose, without placing a single additional burden upon any man, woman, or child in the United States. And I submit it is the part of wisdom and the part of patriotism for this Congress to follow such a plan.

Mr. Chairman, I have felt a little bit nettled when gentlemen on the other side continually say it is unpatriotic for us to oppose any measure they bring forward, especially with reference to the Cuban situation. Why, sir, the ink is yet wet on the page of history wherein it is recorded that that side of the House for twelve long, weary months fought every proposition looking to the welfare or relief of the Cuban people. [Applause on the Democratic side.]

Certainly, Mr. Chairman, there is no man on this side of the Chamber who is not willing to vote every dollar that may be needed and to raise by taxation all the revenue that may be necessary in order to make liberal appropriations for the Army and Navy of the United States engaged in this most righteous war. But how long has it been since gentlemen like the distinguished gentleman from Iowa, who this evening, in glowing periods, told us of that righteous and holy war—how long has it been since they exhausted every means, parliamentary and otherwise, to prevent our extending relief to the struggling patriots on Cuban soil? How many times have they voted out of order belligerency resolutions and resolutions recognizing the independence of the Cuban people?

Here for twelve weary months, while we at every opportunity, and even without opportunity, sought to bring this question forward, they continually opposed it—opposed it, too, while within sight of our shores, almost within shadow of yonder flag, within the hearing of our pulpits that weekly proclaimed the brotherhood of man, 200,000 of their fellow-men, with all your capacity to suffer and your capacity to love, were stretching their emaciated arms to our shores for help and turning away unheeded to go down to an untimely grave. While our cattle left untouched the corn in the feed box and our swine turned with satiety from the food in the trough, 200,000 of your fellow-men were dying from starvation—dying while you quibbled about parliamentary practice, while you pursued your policy of inaction and demanded that Spain be given yet a little more time for pacification.

And yet these gentlemen—after that conduct, kept up continuously since we met here last March—come to us and say, "You must rally round the measures that we bring into this House; you must not dare to oppose any bill we bring forward; you must vote for every burden that we propose to put upon the people of the country, or else we will brand you before the country as partisans and unpatriotic."

I say, Mr. Chairman, that the Democratic party in this Congress is willing to go as far as any party, and I am willing to go as far as any man, in providing all the necessary revenue and all the necessary money, and appropriating it after it is provided, to bring this war to a sudden, prompt, and victorious close. I believe that this war will be finished even before this Congress adjourns.

Believing that, and believing also that this money can be raised without adding anything to the burdens of taxation, without putting upon the statute books of the United States a bill which will stand there to plague us years after the last gun is fired, without adding an additional bill to help out and hide the failure of the Dingley tariff law, without adding a measure that will hurt and cripple business in every respect and hamper it with unnecessary shackles, aye, without adding any burden to the people now on earth or mortgaging those yet unborn, this war can be fought to a successful conclusion. [Loud applause.]

[Here the hammer fell.]

Mr. BENTON. Mr. Chairman, with an apprehension born of bitter experience, I as one member of this House have dreaded war. I know full well what it is. I thought I knew what was coming in case of war. Therefore I hoped against hope that the right might be done without war. I have believed that granting belligerency to Cuba would be all that was necessary. I have dreaded war, first, because it takes away from the home the sons and husbands and fathers of our country to fight and bleed and die. I have dreaded it because I knew there would come with it extraordinary taxation, which I know the people are ill prepared to meet. And I have dreaded it more because I knew from the experience of the past that the great political organization in control in this country would do just what it has done—would rush forward with a demand for bonded indebtedness to be fastened upon the people of this country.

In the very beginning of this war, without serious calculation having been made, we are asked to vote in the interest of patriotism $600,000,000 of bonds, carrying with them $300,000,000 of interest, if paid annually, and more than that sum when we count quarterly interest payments. We are invited by the majority here to lay aside politics, to be nonpartisan, to join the majority in patriotic Americanism. You of the majority want us to help you provide the sinews of war. And yet, Mr. Chairman, the majority of the Ways and Means Committee closet themselves for days, prepare a revenue bill carrying from ninety to one hundred and twenty million dollars of additional taxes, and ask authority to mortgage the people for $600,000,000 of securities, without permitting the minority members of that committee to be present.

After completing the preparation of your measure you invite the minority members to agree to your bill without suggesting amendments which that minority think will be in the interest of the plain people, who must of their sweat and toil provide the means of payment for these tremendous obligations. And when it was suggested that other means besides an enormous bond issue might be employed by the Government to successfully carry on the war, we are dubbed as "unpatriotic pettifoggers." These are harsh words, but they were used by the majority leader on this floor. When for twelve months we urged and insisted that belligerent rights be granted the struggling Cubans, you dubbed us "jingoes."

Mr. Chairman, is there no better way that the committee could have presented a measure to the House raising more money by taxation than what is proposed in this bill? My memory carries me back beyond that of most of you. I remember when the great corporate interests in this country were taxed to carry on the war for the preservation of the Union, and when the manufacturers of the country were called upon to pay their fair proportion of taxes for that purpose.

You have before you many hundreds of millions of property controlled by corporate interests in the country. You have railroads, telegraphs, telephones, national banks, manufacturing plants, that ought always, and especially in this crisis, to be made to bear some of the burdens of war taxation. Why did not the majority give the House an opportunity to vote to tax these great corporate interests? These great interests would, by fair calculation, if proper taxation had been imposed upon them, produce from seventy to ninety million revenue in addition to what you propose in this bill.

Mr. TAWNEY. Will the gentleman allow me to make a suggestion?

Mr. BENTON. Yes, sir.

Mr. TAWNEY. The gentleman says that these could have been taxed. I ask him what method he would propose for taxing the manufacturing industries and railroad corporations or railroad property?

Mr. BENTON. Exactly the same that was employed in the last war. Just turn to your statute books and you will find precisely what was done without the slightest trouble; or it may be done as you propose for taxing other business interests in the pending bill.

Mr. TAWNEY. Do you refer to an income tax?

Mr. BENTON. No, sir.

Mr. TAWNEY. What method was adopted, then, I ask the gentleman? And, further, what power has Congress under the Constitution to levy a direct tax on any kind of property?

Mr. BENTON. It has the same power to tax these interests that it proposes in the pending bill to tax other interests; but in this connection I have no hesitation whatever in saying that I think Congress has the authority, under the Constitution, to levy an income tax on any property it may find. I stand just where your ancestors stood when they said they would not swallow the "Dred Scott" decision because they believed it to be legally and morally wrong and unsound. I stand exactly where they stood when they made that declaration as to that particular decision, "While we obey the law as declared, it does not prevent us from insisting that the court erred, and no legal decision in a free government is considered final until it is settled right."

My friend from Washington [Mr. LEWIS] makes the suggestion that under the general-welfare clause of the Constitution, by which you pile up enormous tariff taxes, the Government of the United States in times like these can step forward and ought to have the power, and has it, under the Constitution, to tax anything it comes in sight of to raise revenues to carry on a war.

Gentlemen can not, as far as I am individually concerned, make sacred to me a decision of the Supreme Court that they know the American people do not believe in, never indorsed, and will never indorse—a decision which will only remain law until we get the court on a new hearing to repudiate that decision, in which the American people do not concur, and return to sound legal doctrine upheld for a hundred years. [Applause on the Democratic side.]

Now, Mr. Chairman, I say that, in addition to the ninety millions or one hundred and twenty millions, as it may be, that this bill will raise, there might have been added at least seventy-five millions more and placed on the wealth of the country, so that it may bear its just proportion of extraordinary taxes. I thought until to-day, Mr. Chairman, that we had at least $125,000,000 of free money in the Treasury; but I find the chairman of the Committee on Ways and Means has come in here and confessed that the Treasury officials have been "buncoing" the American people by pretending that they had that sum when they did not have it in the Treasury of the United States.

The proposition of the majority is to raise, by extraordinary taxation, about $100,000,000 (though I think their calculation much too small as to what will be raised on what they propose to tax), and to authorize the Administration to float $100,000,000 in certificates of indebtedness and $500,000,000 in bonds, carrying $18,000,000 of interest, payable in coin. We are asked to put upon the people, in taxes and interest charges, about $120,000,000.

And all this without any expansion of the currency of the country. This is unprecedented. This Government has never yet fought a war depending on gold alone to provide money. It is grossly unfair to the plain people to enormously raise their taxes without expanding the currency, so that prices of their products may rise rapidly in value, and thus furnish them the means to pay their increased taxes.

The people of the West and South are enthusiastically patriotic in this emergency. The great country west of the Mississippi and south of the Potomac will furnish more than 50,000 of the volunteers under the first call of the President. The fields, pastures, and granaries of the West will furnish food for the armies, and the cotton fields of the South will clothe in part and furnish covers for our armies. We will freely give of our blood and loyally bear heavy taxation, but we protest against having our future mortgaged without necessity. We of the minority propose to expand the money of the country by coining the silver in the Treasury, which is already the property of the Government, and to issue about $60,000,000 in Treasury notes or greenbacks.

This just demand is met with derision by the majority. Is this great inflation? Will this small sum of paper money threaten the financial integrity of a Government possessing $80,000,000,000 of wealth? It was this kind of money that carried the United States safely through the great civil war. The Union soldier was paid in this money. It went into the avenues of trade and business for years before it was declared a legal tender by the courts. The people think it a safe currency. When the resumption act came into effect in January, 1879, the people did not wish to have greenbacks redeemed. From the date of the resumption in 1879 down to October, 1891, only $34,000,000 of it had ever been presented for redemption.

It was only when Secretary Foster gave it out that such paper would be redeemed in gold that the rush began, and then it was not participated in by the people. It was only the money gambler that demanded the redemption of greenbacks. The traders ought to be sternly met by the Treasury Department with the declaration that if the demand for redemption is to be pressed, silver dollars will be paid. That would stop the raids.

Mr. Chairman, this is a time when plain language ought to be used. We do not need this money to be raised now on bonds. Six hundred million dollars will carry on the Government each single year with the war and this additional expense incurred. You now raise about $390,000,000 outside of the proposed revenue which this bill will furnish. Now, add $200,000,000 more, and with that sum you can carry on the war successfully to a conclusion. The blood and treasure of this mighty and patriotic people will be given without stint, but the field of speculation and coupon clipping should not be enlarged.

How many troops did we have during the war? Never less than 400,000 men under arms at any one time after July, 1861, and sometimes as high as 700,000 men under arms, and, notwithstanding the declaration made here to-day, your war did not cost exceeding $3,000,000,000. No such frightful figures can be expected in this war. You are not to have exceeding 200,000 soldiers in this war. For what do you need any more soldiers? And we

shall not need over $300,000,000 a year, added to the ordinary expenses of this Government, because the war should not last a year and because we shall not have over 200,000 men in the field. Nobody here believes that we shall call out more than that. What is the use for them? You have already expended $50,000,000 in preparing for war. You can not get any other ships ready for war in the next six or seven months, and we ought not to expend any more money than is necessary. Any man who believes as I do, any Southerner, is glad of this opportunity to show to the people of this whole country that we of the Southland are just as patriotic and just as loyal to your flag as you men who followed it in the days from 1861 to 1865. We will vie with you of the North and East in heroism. We will join you in carrying our flag to victory.

But, my friends, let me say to you that while we are willing to send our sons, our brothers, and our fathers to war from the South and the West, while we are willing to be heavily taxed now that the sinews of war may be furnished, we do not believe that the hands of our children should be tied and this burden of millions upon untold millions piled upon them until there is an absolute necessity for it. Give us six months more time, when Congress meets again, and then if this great gorgon of debt confronts us, and you make us see that it is necessary to raise $500,000,000, we will join you in providing means for further war expenses.

But when the war is just begun, when not a shot has been fired by one of our own pieces of artillery, when not a soldier has seen an enemy, is it fair, is it just, is it necessary, in the light of events as we see them to-day, to call upon the people, burdened as they are, to add seven or eight or nine hundred million dollars more to their already excessive financial cares? The mighty wealth of this Government can be called upon now for taxes, but the next generation should not be burdened with this war debt.

The South and West will spill their blood and let it run like water for human liberty, we will immolate our people on the altar of American patriotism, we will bear the burden and heat of the day, but we protest against an issue of bonds. We feel and know that this is wicked usurpation, is unjust, unnecessary, and willfully done in the interest of the inhuman bloodsuckers of the Republic. [Applause.]

The CHAIRMAN. The gentleman from Missouri [Mr. VANDIVER] is recognized.

Mr. VANDIVER. Mr. Chairman, without time to enter upon any particular plan of discourse, with no opportunity for introduction, argument, or conclusion, and perhaps only one breath in which to state the fact, I want to say that I am ready, as perhaps Cæsar would have said, to plunge "in medias res." I want it distinctly understood, though, that we have not forgotten that a little over a year ago we were making desperate efforts on this side of the Chamber to do that which would have obviated the necessity for doing that which we are now asked to do.

At the risk of having the dreadful epithet of "unpatriotic" thrown in my face, as it has been at every man on this side of the Chamber who refuses to swallow all that the stock gamblers and the bond syndicate wish to ram down our throats, I shall venture to call attention to that little bit of history, which should not and shall not be forgotten.

We sat here day after day and week after week last summer, proposing simply to recognize the belligerent rights of those struggling patriots in their efforts to establish a government for themselves. We were not even allowed to bring the question to a vote in this House. It must not be forgotten that upon those who refused us that privilege rests the responsibility for the crisis now impending. If that recognition had been given then, Spain could not have taken it as a "casus belli;" our battle ship and brave sailors would have been saved, and Cuba would have been freed by her own brave sons.

It must not be forgotten that within the last twelve months not only have two hundred and fifty or three hundred thousand of our fellow-beings in that unhappy island gone down to their graves, but within that period also many of our fellow-citizens have suffered, and the conditions have grown worse all the time until they finally culminated in the sinking of our great battle ship and the loss of 260 of her brave seamen. All of this seems to have at last brought the Administration to its senses; and now, since by legislation we have made it certain that the President of the United States is not going to turn the guns of this country against the patriots of Cuba, but will be compelled to turn them against their oppressors, we are ready to stand up here and vote for all measures that are necessary to carry on the war.

I say "since we have made it certain by legislation," because there is not a man in this Chamber who could tell from the reading of the President's message whether he intended to fight Cuba or to fight Spain. Although the Republican platform of 1896 declared in favor of Cuban independence, the President's message was a studied argument against independence of the Cuban Republic. Not only so, but the resolutions that were passed through this House for intervention scarcely made the distinction as to which party we were going to fight. Thanks to our friends at the other end of the Capitol, that evil is corrected, and we now know whom we are to fight.

But there is one consolation in all of this, and that is that it has afforded an opportunity for the people of this country to demonstate their patriotism. Ever since the sinking of our battle ship, the *Maine*, protests against further delay and petitions for something to be done have been pouring in upon the members of this House. From one end of the country to the other this swelling tide of patriotism has surged against these doors and demanded some expression here. From the gulf to the lakes, and "from the ocean where the morning dawn first laves her golden tresses to the rock-bound coast cradled in the eternal roar of the western wave," a tide of patriotism has swelled up and surged for entrance here until at last you have been compelled to listen to it and give it utterance. [Applause on the Democratic side.]

Now we are confronted with the necessity of carrying on this war. I am glad, I say, that it has afforded the opportunity for the people of this country to demonstrate the fact that while the miser may worship his gold, the speculator his stocks and bonds, there is something in the heart of the American citizen which keeps alive the flame of liberty.

I deplore the horrors of war, and yet, with John Ruskin, I may admit that it is the "foundation of art and the test of virtue."

I am glad that the time has come when the American people can demonstrate to the world that they love justice and humanity more than dollars and cents. I am glad that this occasion will demonstrate to the world that we consider it better to shoot down an oppressor than to cheat, wrong, or defraud a neighbor. [Applause.]

Who is that oppressor? Who is the tyrant whose cruelty crushes out the lives of a half million subjects, and whose treachery precipitates war and bloodshed upon a hitherto friendly nation? We all know that Spain has been the oppressor of mankind for more than four hundred years. There was a time when she had vast possessions, gallant soldiers, and great seamen. In the Old World her possessions extended from the shores of the Levant to the Pillars of Hercules, and in the New World from the crest of the Andes northward beyond the Sierra Nevadas. But they have now dwindled down to a little kingdom, a third-rate power among the nations of Europe, and a few small islands in the Atlantic.

A LITTLE SPANISH HISTORY.

In the language of a Western writer, Lawrence Carroll, the gifted editor of a country newspaper on the summit of the Ozark Mountains—

> The Spanish army once broke and beat back the Turkish power and imperiled the French Monarchy. Spain subdued the best part of Italy and made the Mediterranean a Spanish lake. In America her territory covered 60 degrees of latitude, reaching through both tropics. Besides Mexico, Central America, Venezuela, New Grenada, Peru, and Chili, Spain conquered Cuba, Santo Domingo, Jamaica, and the neighboring islands.
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> The flag of Castile floated over the Indies of the Occident from Florida on the northeast and California on the northwest to the pampas in southern Patagonia. The viceroys of His Majesty sat in palaces far richer and wider than Persia ever possessed or Rome ever ruled. * * * Since then Spain has lost her three Americas—North, South, and Central. With the exception of a dot on the map called Puerto Rico, Cuba is all that is left of her possessions in the Western Hemisphere that were once prodigious. All else is gone, and Cuba nears the hour of her deliverance. * * *
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> Walter Savage Landor declares that no gospel announces the glad tidings of resurrection to a fallen nation. Once down, down forever. It requires but little change of the text to declare. The Babylonians, the Macedonians, and the Spaniards prove it: Babylon is deserted, Macedon a den of thieves, and Spain a sinking ship.

Why this decline, this decay, of a great Empire? The explanation is simple. Spain alone, among all the great nations of Europe, lives in the past. She refuses to turn her eyes to the light of day. The dawn of a new civilization has never awakened her from her sleep of the Middle Ages.

A cloud of pedantic ignorance still hovers over her, as it did in the days of the Inquisition. Sixty-eight per cent of her population is illiterate. She has set her face against the new day. She worships the darkness. Strategy, treachery, and blind force are her only bulwarks. The divine right of kings among other nations has become only an iridescent dream of what once was, while with Spain that dream still seems a reality. Taciturnity is the characteristic of a Spaniard at the fireside of a friend and treachery his chief weapon in contest with an enemy. Cruelty and inhumanity have marked his pathway through the growth of all that great Empire, and that very inhumanity which was able to crush out the aborigines of America has been now for nearly three centuries crushing out the millions of his mixed and motley descendants.

"CRIME OF SPAIN IN THE NEW WORLD."

John W. Draper, in his great work entitled Intellectual Development of Europe, portrays most vividly the wholesale butchery and extermination by which the Spaniards completed the conquest of Mexico, Peru, and Central America, countries whose civilization in many respects surpassed that of the conquering tyrant. He says:

> It was one unspeakable outrage, one unutterable ruin, without discrimination of age or sex. Those who died not under the lash in a tropical sun died in the darkness of the mine. From sequestered sand banks, where the red

flamingo fishes in the gray of the morning; from fever-stricken mangrove thickets and the gloom of impenetrable forests; from hiding places in the clefts of rocks and the solitude of invisible caves; from the eternal snows of the Andes, where there was no witness but the all-seeing sun, there went up to God a cry of human despair. By millions upon millions, whole races and nations were remorselessly cut off.

The Bishop of Chiapa affirms that more than 15,000,000 were exterminated in his time. From Mexico and Peru a civilization that might have instructed Europe was crushed out. Is it for nothing that Spain has been made a hideous skeleton among living nations, a warning spectacle to the world? Had not her punishment overtaken her, men would have surely said, "There is no retribution; there is no God." It has been her evil destiny to ruin two civilizations, oriental and occidental, and to be ruined thereby herself. With circumstances of dreadful barbarity she expelled the Moors, who had become children of her soil by as long a residence as the Normans have had in England, from William the Conqueror to our time. In America she destroyed races more civilized than herself. Expulsion and emigration have deprived her of her best blood, her great cities have sunk into insignificance, and towns that once had more than a million of inhabitants can now only show a few scanty thousands.

Since these awful words of Draper were penned, now perhaps forty years ago, the same policy of oppressing, enslaving, and exterminating her own subjects has gone forward, until nothing remains in the Western Hemisphere but Cuba and Puerto Rico, and the god of nations has raised up this Republic, the asylum of the oppressed, the defender of the persecuted, that we may strike the final blow and drive Spain out of the New World, that every inch of its soil may be dedicated as the home of freedom. It is estimated that within the last three years a half million lives have been sacrificed in this one little island to the inhuman ambition and the damnable treachery of the Spanish Government, which calls itself Christian, while it crushes out all the life and hope which Christ died to inspire.

We sit in our churches on Sunday and sing of the triumphs of peace, and the minister invokes divine aid for the persecuted martyrs who die at the hands of the "unspeakable Turk," while here almost in sight of our shores, a so-called Christian nation has been allowed to carry on a war of extermination more brutal and savage in its atrocities than anything which has stained the pages of history since the Duke of Alva devastated and depopulated the Netherlands with fire and sword in the days when plunder, pillage, and rapine were the consecrated privileges of the conqueror.

Since that day the brutal license of the warrior has been somewhat restrained by the progress of civilization and the development of a more humane sentiment; but the conduct of the brutal Weyler remains unparalleled in the annals of modern warfare. Shall it continue? In the name of God, NO; in the name of America, NO! It was once the proud boast of a citizen of Rome that he could declare in any country where he might travel, "I am a Roman." It has since been the proud boast of a citizen of this country that "I am an American." But greater and grander than all this may be the boast of some future citizen of this Republic who has contributed his might to free the world of barbarism and butchery, when he can stand upon some mountain peak and exclaim to all the world, "I am a man; I fight for the rights of man."

THE REVENUES FOR WAR.

But now, Mr. Chairman, when it comes to the question as to the means by which we shall supply the Army of the United States in this contest, there we differ with you. The gentleman from Maine, the chairman of the Committee on Ways and Means, in introducing this bill this morning, put before us some astounding facts. We had been reading from day to day the statement of the Treasury Department, showing us that there remains in the Treasury an available cash balance of $220,000,000, round numbers, on the day when this bill was introduced, and to-day something over $219,000,000. Yet the gentleman from Maine figured it out that so much of it is unreliable and uncertain, so much of it "unavailable," that we really only have about $25,000,000, and I think if he had been given a little more time he would have figured the Treasury out in debt. [Laughter.]

Yet that gentleman stood on this floor less than one year ago and told us that his tariff bill, which was then before the House, was not only going to provide for the expenses of the Government economically administered in time of peace, but that it would afford us a surplus for war preparations, which might become necessary. Now he tells us that although we have since that time received about $57,000,000 for the sale of Pacific railroads, yet our Treasury account is so low that we have only $25,000,000, when a year ago we had $236,000,000—the day the tariff bill was passed.

Mr. Chairman, if any man on this side of the Chamber had stood here six weeks ago and undertaken to discredit the sworn statement of the Treasury officials as the gentleman from Maine has done to-day, he would have been ridiculed, scorned, and denounced as a partisan and a "pettifogger." But now it is necessary to furnish some excuse for this outrageous bond issue that is proposed, and so the "bell wether" from Maine leads the attack on the Treasury figures, and is followed by all of his flock.

But now, Mr. Chairman, what are the facts? After taking out the $100,000,000 gold reserve (that fetich which has been so long worshiped that shallow-brained people really believe in it)—taking out that $100,000,000 of gold reserve, I say, we still have, according to the Treasury statement, which I am obliged to accept in preference to the statement of the gentleman from Maine, because it comes as a sworn statement from an officer of the Government, $120,000,000 in round numbers. Now then, taking that $120,000,000 to-day as available for war purposes, I have a few things that I could easily have suggested to the gentleman from Maine if he had taken me into consultation.

The fact is he has lost a great deal in not having asked my advice on this subject. [Laughter.] If he knew how much he had lost, I am sure he would consult me before he introduces another bill here. Inasmuch as he has gone back to the civil war for precedents in the framing of his new tax bill, he should have incorporated in it some of the more important provisions that were enacted for the support of the Army during the civil war. My friend and colleague [Mr. BENTON] has already referred to the tax on manufacturers and corporations. I want to refer to them more in detail. But right here I wish to say that if those items and the income-tax items had been included in this bill they would have furnished an abundance of revenue for carrying on this war without any issue of bonds, and I will prove this statement from the records in the Treasury Department.

If we take the years of 1865 and 1866 as a period for calculation of the income of the Government (because both the expenses and the income reached their maximum at this time), we shall find that the average yearly tax on manufactures for these two years was $100,274,529, or, in round numbers, we will say, one hundred millions. The stamp tax for these same two years yielded an average revenue of $13,103,382, or, in round numbers, thirteen millions.

The tax on bank capital and deposits for the same period yielded a revenue of $2,710,459, or, in round numbers, something over two and one-half millions, while the income tax for these two years averaged $52,516,103, or in like round numbers fifty-two and one-half million dollars. Now, adding these together, we have in round numbers a total of one hundred and sixty-eight millions, or, more exactly stated, $168,614,473, which would be the exact amount of receipts from this source alone, with the same basis of calculation and the same per cent of taxation that prevailed in 1865.

But we must remember, first, that in 1865 the total taxable wealth of the country was less than $40,000,000,000, and fully one-fourth of that in the Southern States, and hence not taxable by the General Government; while now the taxable wealth amounts to more than $80,000,000,000, all within reach of the taxgatherer. And, secondly, that the population of the country has more than doubled since that period, and its commercial transactions have nearly trebled. Hence it would be safe to multiply the above figures by two and a half, and thus to conclude that an income tax, a manufactures tax, a bank-deposit tax, and a stamp tax, at the same rate of calculation, would now yield two and a half times the amount of receipts for the years 1865 and 1866.

Or, in short, the income tax, the manufacture tax, the stamp tax, and the bank-deposit tax would now yield us, at the very lowest calculation, $420,000,000 per year. And who will doubt that these forms of taxation are more just and equitable than the increased taxes imposed upon the poor by the bill introduced by the gentleman from Maine? In other words, if the gentleman from Maine had consulted me, I could have easily shown him that the $120,000,000 now in the Treasury would, according to his own statement of the cost of the war (that is, $25,000,000 per month), have maintained our Army and Navy for the period of five months, and then by coining the seigniorage of the silver bullion already owned by the Government we could have paid nearly two months' more of its war expenses, and by that time, if the war is prosecuted as vigorously as it should be, we know that it ought to come to a victorious close, and no more taxes would be needed.

But if not, then the income tax and other taxes which I have here suggested could be immediately collected, and would give us a regular income, over and above that already provided for the civil expenses of the Government, equal to $35,000,000 per month. In short, we could carry on the war as long a time as might be necessary at the rate of $25,000,000 per month and have $10,000,000 surplus every month, and do it, too, without issuing a single bond, which mortgages all the property of the present generation and the energies of the children yet unborn. For immediate use, if necessary, a hundred millions of greenbacks or Treasury notes could be speedily and safely issued, and we need not borrow a dollar on interest.

Now then, are we to be asked to exempt all incomes, manufactures, railroads, and bank stock from taxation, and to provide for the issuing of $600,000,000 of bonds and certificates? If so, I ask when you come to pass the bill that you will allow me the privilege, if I may hope and pray for so exalted a privilege on this floor, to say, "No; I will not do it."

Six hundred million dollars of indebtedness, interest-bearing bonds and certificates, to carry on a war against a government which has been unable in three years' time to put down a little insurrection which you have been for a year telling us is nothing but a local affair backed by about 10,000 or 15,000 people! And

we, the American people, are to put a burden of $600,000,000 upon ourselves in addition to this $100,000,000 of increased taxation in the first part of your bill, all in order to fight that country that can not whip 15,000 unarmed, half-fed, and unclothed and uncivilized poor devils down there in Cuba! [Laughter.]

Now, gentlemen, another reference and I am through—with all that I will be allowed to say, at least. One other provision in this bill I seriously object to. You seem to have hunted all over the world for something to tax, yet when you come to banks and bank circulation and national-bank notes, they are excepted explicitly on the twenty-eighth page, in the fourth line of that page. They are the privileged pets of the Government. [Applause on the Democratic side.]

Mr. Chairman, I am in favor of an income tax as a permanent principle, because I believe it to be the only tax which increases with the ability of the citizen to pay it and decreases as that ability declines. It is, therefore, the only tax which is perfectly just and equitable. I know it is said that the rich man with large income will evade it by not giving in his receipts. But if it is your object here to devise ways and means by which the rich tax-dodger may avoid paying his share of Government expense without commiting perjury, then I say you are engaged in an unholy business, attempting to thwart the decrees of Almighty God, which consign the perjured villain to the hottest place in Hades.

I know also it has been said that the income tax has been declared by the Supreme Court to be unconstitutional; but I reply that nine different statutes have been enacted by the Congress of the United States imposing an income tax, and seven times the Supreme Court has sustained their constitutionality. Furthermore, since the last decision was rendered the personnel of the court has changed. Two new judges have come in. Only three of the judges who voted against the constitutionality of the law are now on the bench, and no man can say what would now be the decision of the court. Besides this, it must be remembered that it has never declared an income tax for war purposes to be unconstitutional.

I therefore believe that the income tax now proposed by the Democrats and Populists in this body would be sustained by the Supreme Court and by that higher tribunal to which every believer in democratic government must bow in profound submission—the American people themselves. As to the other taxes here mentioned, they would have to be paid mainly by the rich and prosperous. And they are the people who are able and ought to be willing to pay the expense of the war.

The plan of the gentleman from Maine is to make the poor man pay the bills as well as fight the battles of his country. In the name of common humanity, I object to any further bonded indebtedness, the burden of which will fall upon the shoulders of impoverished labor and remain to plague us and our children for long years after the last gun is fired. [Applause on Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. VANDIVER. Mr. Chairman, I should like permission to extend my remarks in the RECORD, in order to insert in the RECORD a table of statistics which I have prepared and which, I think, will be of general interest.

There was no objection.

Table showing receipts from income tax from 1862 to 1872.

Year.	From corporations.	From personal income.	From salaries of United States officers and employees.	Grand total.
1862	$1,589,925.28	$455,741.26	$696,181.71	$2,741,858.25
1864	5,656,244.70	14,709,513.53	1,705,124.63	20,294,731.74
1865	8,519,527.00	20,400,671.69	2,820,491.33	32,050,017.44
1866	8,716,527.91	60,547,882.43	3,717,394.59	73,434,709.12
1867	7,943,796.69	57,040,640.67	1,029,991.98	66,014,429.34
1868	8,384,426.18	32,027,600.78	1,043,561.40	41,455,598.36
1869	9,204,824.46	25,025,088.86	561,932.52	34,791,855.84
1870	9,551,301.00	27,115,046.11	1,109,526.43	37,775,873.62
1871	3,940,498.81	14,434,943.30	787,202.55	19,162,650.75
1872	5,725,611.25	8,416,685.87	294,564.65	14,436,861.78
1873	1,017,517.14	3,927,252.76	117,541.72	5,062,311.63
Total	68,250,504.01	284,190,963.70	13,889,504.09	347,220,807.86

Table showing the collection of internal revenue under repealed laws.

	1863.	1864.	1865.
Manufactures and products	$16,524,989.24	$36,222,716.67	$73,318,450.37
Gross receipts	1,151,273.51	3,427,446.32	9,853,377.12
Sales	64,003.87	141,231.58	4,062,243.54
Special tax	4,700,195.73	5,205,503.94	9,806,914.25
Income	2,741,858.25	20,294,731.74	32,050,017.44
Legacies	58,592.61	311,161.02	806,731.85
Successions			39,951.32
Article in Section A	365,630.93	696,878.43	780,266.53
Bank deposits and capital		780,723.52	2,947,209.06
Adhesive stamps	4,140,175.29	5,894,945.14	11,162,302.14
Miscellaneous	719,218.57	709,550.73	30,220,207.40

Table showing collection of internal revenue under repealed laws—Continued.

	1866.	1867.	1868.
Manufacture and products	$127,220,608.66	$91,531,331.31	$81,649,902.56
Gross receipts	11,262,429.82	7,262,429.82	6,280,039.34
Sales	4,002,282.91	3,999,360.31	4,595,900.04
Special tax	14,144,418.05	13,627,903.25	11,889,549.09
Income	72,982,189.03	66,014,429.34	41,455,598.36
Legacies	924,823.97	1,222,744.96	1,518,387.64
Successions	246,154.88	636,570.19	1,365,023.60
Article in Section A	1,693,122.73	2,116,674.37	1,134,339.98
Bank deposits and capital	2,473,709.94	1,832,263.71	1,838,075.67
Adhesive stamps	15,044,373.18	16,094,718.00	14,852,252.02
Miscellaneous	9,750,087.32	354,699.90	34,310.37

	1869.	1870.	1871.
Manufactures and products	$3,345,302.95	$3,017,027.70	$3,631,516.00
Gross receipts	6,300,998.82	5,894,799.99	2,800,563.44
Sales	8,206,899.03	8,837,904.97	3,649,642.08
Special tax	9,940,917.02	11,020,787.78	5,002,452.85
Income	34,791,855.84	37,775,873.62	19,162,650.75
Legacies	1,244,837.01	1,672,582.93	1,430,067.34
Successions	1,189,756.22	1,419,242.52	1,074,979.79
Articles in Section A	893,653.46	907,442.09	376,960.45
Bank deposits and capital	2,179,489.12	3,004,663.67	3,621,459.61
Adhesive stamps	16,420,710.01	16,544,043.06	15,342,739.46
Miscellaneous	29,453.00	22,756.00	8,205.00

Mr. DAVIS. Mr. Chairman, I can hope to add nothing to this debate which has not already been said, nor can I hope to express the views I entertain half so well as they have already been expressed by other gentlemen on this side of the Chamber. I yield to no one on this floor in my desire to uphold the Administration in this hour of emergency; and if I can not get my own consent to vote for this bill in its entirety, it is not because I would throw one single impediment in the way of the Government, but it is because I believe there are better paths open to us for raising revenue for war purposes than by the chief method here proposed.

I realize that we must adopt extraordinary measures now for raising extraordinary revenues, and I heartily indorse some of the methods proposed by this bill. The chief method, that of authorizing the issuance of bonds, I shall not vote for until convinced that there is no other reasonable and satisfactory solution. Several methods are proposed in the measure now under discussion.

First. An increase in the excise tax—a heavier burden to be placed on tobacco and fermented liquors. As these are articles of voluntary consumption, it is urged that they are fit subjects for increased taxation. By this bill these articles, together with a dealers' license tax, are to be made to produce about $58,000,000 more revenue than they do under existing law.

Second. A stamp tax—a stamp on every note, bond, debenture, receipt, check, deed, bill of sale, and other contract paper of every kind and character. This method of taxation, we are told, will increase our revenues at least $30,000,000.

Third. A stamp tax on certain articles, as mineral waters, proprietary medicines, perfumeries, and the like, by which it is estimated we will raise $5,000,000 more.

Fourth. A tonnage tax on vessels doing a foreign trade, by which it is supposed we will raise two and a half million dollars.

Fifth. To issue bonds and borrow money to the extent, if need be, of $500,000,000.

Sixth. To borrow money on certificates of indebtedness in a sum not to exceed $100,000,000. By these several methods it is proposed that we shall raise for war purposes $700,000,000.

I have gotten the idea from some one during this discussion that the war will cost us something like $25,000,000 per month. I do not just remember whose estimate this is, but somehow it seems to be accepted as about the amount. And so, if we derived no revenues at all from any other sources than those provided in this bill, $700,000,000 would pay the expenses of a war for nearly two years, while the excise and license and stamp-tax features would continue to produce extraordinary revenues as long as they may remain upon the statute books.

Is there anyone in this presence who seriously believes this war is to continue for two years—or one year? For myself, I do not believe it, and I make bold to predict that it can not last even so long as six months. Great wars or wars between great commercial nations do not last as long as they did in former years. They disturb the world too much, and the nations combine to stop them. It will be so with this one, or I shall submit to be called a failure as a prophet. Cuba will be free and we shall be at peace long before autumn shall tinge the leaves now springing fresh and green.

I hope for this; I believe this. Need we, therefore, make preparation now for imposing so great a burden upon the people? Need we now have recourse to so large a bond issue as $500,000,000? Need we increase our already large interest-bearing indebtedness by so much as that? I am not unmindful of the fact that the bill provides for the issuing of these bonds only as they are required,

but I believe when the authority is once given the whole series will be issued. Nor do I intend by this to impute to the Administration any dishonesty or want of patriotism. The country knows the influences that would be brought to bear upon any Administration to cause it to go to the full extent of authority in the issuance of bonds.

It is urged by gentlemen on the other side that Congress can repeal the law authorizing bonds if it should turn out hereafter that any part of them may not be needed. To this suggestion the reply is simple. Congress will be in session for some weeks to come. It will be in session again in December of this present year. If by that time it is apparent that the war is to be protracted and that the revenues contemplated in this proposed bond issue are really needed, ample provision can then be made.

Let us strike out the bond feature of the pending measure. The other provisions of the bill will raise sufficient funds for present needs. If we borrow one hundred million on Treasury certificates and put in operation the increased excise tax and the stamp tax, this will provide us sufficient funds for present purposes. We may finally avoid the necessity of a large issue of interest-bearing bonds.

I shall not discuss politics or permit myself to be a partisan in the present emergency. I scorn the man who, for mere partisan purposes, would hesitate now to do his full duty toward sustaining the Administration. War is upon us, and in our demand for the freedom of Cuba and the vindication of our own national honor Republicans and Democrats and Populists have voted side by side.

I do not mean, therefore, to be partisan when I warn you to go slowly in issuing bonds. They have constituted one of the bones of contention in past campaigns, and they will be in issue in future campaigns. That you propose to make them "coin" bonds does not alter the case. The word "coin," as construed by the Treasury Department, has been found to be a delusion and a snare. The dominant party, even in this Congress, in its refusal to support the Teller resolutions, has declared that "coin" means only gold. Increased national obligations redeemable in gold means only added distress for the masses. Let us see to it that Cuba is made free, but let us take especial care that we do not enslave ourselves. [Applause.]

[Mr. DE VRIES addressed the committee. See Appendix].

Mr. RIDGELY. Mr. Chairman, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that he may extend his remarks made this afternoon in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LENTZ. Mr. Chairman, there is so much objection to this bill that I do not expect to present all I have against it on this occasion. I want to call your attention to the real conditions which confront us in considering this bill. It is not whether we are going to the rescue of suffering Cuba; it is not whether we shall avenge the assassination of 266 Americans. We have passed beyond those questions; we have passed upon them and settled them. The only regret that many of us have is that we were not more prompt in passing upon those questions.

Every man upon the American continent realizes what it means to have the butchery and assassination of these men; and to resent it as tardily as we have done humiliates every patriotic American and compels him to stand shamefaced before the whole world. If a single American had had his arm cut off at Havana Harbor in the criminal and treacherous manner of that assassination on that night in February, we ought to have resented it immediately. We ought, within ten or twelve days, to have demanded indemnity, restitution, and satisfaction, just as the German Emperor did when four of his subjects had been killed, not by the Spaniards, but by the Cuban insurgents. We have not yet awakened to a realization of what "national honor" means when we can go waddling and wabbling along, day in and day out, refusing to hear the cry of the people—"Remember the *Maine!*"—as voiced in the beautiful lines of the poet, F. J. Gould, of Youngstown, Ohio.

REMEMBER THE MAINE.

There's a voice that I hear that is wafted to me
From the South winds that weep o'er the waves of the sea;
On the soft winds of spring comes the plaintive refrain,
Let your battle cry be, Remember the *Maine!*
Remember the *Maine*, remember the *Maine*,
How by treachery and hatred our boys were slain,
Then through all our proud land let us proudly proclaim,
As we march to the front, Remember the *Maine!*

There's a voice that is heard throughout this broad land,
From the loftiest mount to the sea's deepest sand,
And each loyal heart takes up the refrain,
Let your battle cry be, Remember the *Maine!*
Remember the *Maine*, remember the *Maine*,
How by treachery and hatred our boys were slain,
Then through all our proud land let us proudly proclaim,
As we march to the front, Remember the *Maine!*

Who shall say that the voice that is whispered to-day
Comes not from our boys in Havana's dark bay,
And inspires every patriot to 'rise and proclaim,
Let your battle cry be, Remember the *Maine!*
Remember the *Maine*, remember the *Maine*,
How by treachery and hatred our boys were slain,
Then through all our proud land let us proudly proclaim
As we march to the front, Remember the *Maine!*

Then God bless the proud hero that grandly proclaims,
From the Halls of our Congress "Remember the *Maine!*"
Who towers like a giant above the poor soul
Whose battle cry ever is "Gold, more Gold."
Until by his grandeur they are forced to proclaim,
Let your battle cry be, Remember the *Maine!*
Remember the *Maine*, remember the *Maine*,
How by treachery and hatred our boys were slain,
Then through all our proud land let us proudly proclaim,
As we march to the front, Remember the *Maine!*

Now, we are asked, notwithstanding all this delay, to railroad revenue legislation through in the next two days; legislation far more important than the Dingley bill of a year ago, legislation for which there is ample time for every man upon this floor to have the time-honored privilege of debate in a parliamentary body in keeping with the diversified interests and dignity of a nation of 75,000,000 inhabitants. No man has abused the privilege of the floor in the United States Senate; no man abuses the privileges of the floor where you have a parliamentary body open to discussions of this kind, open to elaborate the facts, historical, logical, and legal, that enter into and are necessary for consideration to secure a wise and comprehensive decision. Arguments with proper summaries of all the facts that should be presented to the human mind before you decide a question like this can not be shut off without opening the door to error, injustice, jobbery, and fraud.

A few days ago we declared war with twenty minutes debate on a side, less time than is accorded to the trial of a petty case of assault and battery before the humblest justice of the peace in this American land. I say there is something out of joint when people can not confront discussion and debate. There is something to be concealed when legislation involving taxation and the issuing of bonds reaching up to six or seven hundred millions of dollars can not be fully discussed and elaborated before it is passed by a parliamentary body.

Mr. MOODY. Will the gentleman allow me an interruption?

Mr. LENTZ. Yes.

Mr. MOODY. I would like to ask the gentleman if he was in the House at the time when unanimous consent was given for the exact limit of debate under which the House is now acting?

Mr. LENTZ. I was.

Mr. MOODY. I would like to ask why the gentleman is not just as much responsible for the limitation of debate as any other member of the House?

Mr. LENTZ. I am not at all responsible, and for this very reason: We of the minority beg and accept whatever hours or minutes we can receive. We have nothing to do with fixing the amount of time for discussion. [Applause on the Democratic side.]

Mr. MOODY. A single objection would have sufficed.

Mr. LENTZ. Do you remember a single objection a few days ago to fix twenty minutes for debate, and how the Committee on Rules walked out into the back hall and then marched back again? I do not propose to permit any falsehood of that kind to go uncontradicted into the RECORD.

Mr. MOODY. And every Democrat on that side voted for the rule.

Mr. LENTZ. It is too late in the day to make any petty claim of that kind. You know that the committee have brought in rule after rule preventing debate. You know that your side could to-morrow extend this debate for a month if you wanted to, and I defy you to get upon the floor and ask for such a privilege as that. Let any one of you now, if you are willing to have this become a parliamentary body, ask to-morrow, if you dare, to extend this discussion for ten days, for the 357 members to be heard, if they desire it, before you put this tax upon the people.

Mr. TAWNEY. Will the gentleman yield a moment?

Mr. LENTZ. I will; but I can not yield very much time, for I have very little left.

Mr. TAWNEY. The gentleman understands perfectly well that the time for debate upon this measure was fixed by agreement between both sides of this House——

Mr. CLARK of Missouri. Under duress.

Mr. LENTZ. That is it exactly. I adopt the language of my friend from Missouri [Mr. CLARK]. "Under duress;" we are obliged to accept whatever you give us.

Mr. TAWNEY. Just one moment. In order to answer the statement of the gentleman from Missouri, I will say that the arrangement was made in the room of the Committee on Ways and Means, and the minority of that committee were given exactly what they asked for, so far as time is concerned.

Mr. LENTZ. Let the gentleman make his speech in his own time.

Mr. TAWNEY. I simply wanted to correct the gentleman's statement.

Mr. LENTZ. And I correct your statement by denying it. I say that this minority, from the time that we entered upon the extra session on the 15th of March, 1897, has trembled every time an important matter came up for discussion. We have sat here and wondered whether we would get twenty minutes on a side or an hour on a side. We have accepted whatever you have tendered, fearing that you would put us under the twenty-minute rule, and under that fear we gladly accepted in this case two days.

I was brought up in a German family. In the German language we have a maxim which says: "Do all the good you can; tell all the truth you know." I know some more truth about this matter. You talk about what was done in the Ways and Means Committee. I say the Republican end of the Ways and Means Committee met in secret session, and this side of the House had nothing to do with this bill. You never permitted the Democratic end of the committee to consider a line of it until you had it all prepared; and then you marched our men into the committee room and they sat and heard you read it, and it was passed through just like so much straw through a machine.

You talk about patriotism. You stand there with a "holier than thou" expression, with the thumbs of your insolence in the armpits of your impudence, talking patriotism to us. [Laughter.] We have voted $50,000,000 into the hands of this Administration to be used as it might see fit. We have voted for a reorganization of the Army. We have voted for the volunteers. We have voted that Cuba is free and independent. And you kept us here voting until 3 o'clock in the morning while you sat with silent lips, because "the power behind the throne" had closed your mouths.

A week before that you were anxious to have "action," "action," "action." And after the House resolution had gone to the Senate, where it was fully and learnedly discussed, and had come back here with a declaration that "the people of Cuba are, and of right ought to be, free and independent," merely appropriating the language of our own declaration of independence, you kept us here from early one morning until the next morning at 3 o'clock contending that the word "are" should not go in. You were willing to declare that the people of Cuba "ought to be free and independent!" My God! I thought every American citizen would agree that the Armenians in Turkey "ought to be free and independent;" that the Chinese "ought to be free and independent;" that the people of Hindostan "ought to be free and independent;" yet, in this year 1898, we were kept sitting here and voting until 3 o'clock in the morning in order to declare that the people of Cuba "ought to be free and independent!" It took you two weeks to find it out. [Laughter and applause.]

You have got the little gold dollar so close to your eyes that you can no longer see men. It shuts out all the universe. [Applause.] A 5-cent piece held before the eye of the plutocrat shuts out the sun and the stars and all this American continent. That is the trouble with you. Somebody has to lecture you once in a while and take you down for your hypocrisy when you stand in the streets, as they did in Jerusalem, and thank God that you are not like the rest of us. What have you done that was wise or patriotic or philanthropic? What have you done with reference to Cuba that justifies you in arraigning us? In what that is material in this case have we not led you or driven you to your duty? Where have we not met you and done the last hair's breadth of our full duty?

Now, what are you trying to do here? To railroad through a loan of five or six hundred millions. Why do you need it? Your Treasury statements on Monday may not be good, nor on Tuesday, and worse on Wednesday. Henry Ward Beecher said he had seen people so religious that they would not shave themselves on Sunday, but they would shave their neighbors on Monday. [Laughter.] This Republican Government issued its Treasury statement for Sunday on April 25, 1898. I hope it told the truth on Sunday. The dollars, I hope, were at rest on Sunday. I hope they could count them on Sunday. Here is the statement from the Treasury Department, sent to you and to me, telling us what we have over there.

And it says, in so many English words, not words that need an interpreter, "available cash balance, including gold reserve"—not a cash balance that needs an explanation, but an "available cash balance"—$219,803,145.26. The amount, it will be observed, is carried down to the last cent, 26 cents, not even giving the round quarter of a dollar. Two hundred and twenty million dollars, in round figures, on last Sunday in the Treasury, and $100,000,000 they say we must keep for a gold reserve. Why? Why, Mr. Chairman, that gold reserve has been down to $60,000,000, and even $40,000,000, at times. What does it mean, anyhow? We have about a billion dollars' worth of property to a million of people. That has been the traditional history of our country.

Every census establishes that to be about the proper ratio. If we have 75,000,000 people, then, we have about $75,000,000,000 worth of property. One hundred million dollars of gold is stuck up here in the Treasury as a sort of a security to the world for the payment of our debts! Why, just think of it for a moment! What does it mean? It would be just as logical for a man who owns a farm worth $7,500, if such a farm exists to-day in this country, or who owns a house and lot worth $7,500, to take a ten-dollar gold piece and nail it upon his gatepost and say, with a flourish, "There is my financial security for the payment of my debts!" [Laughter and applause.]

There would be just about as much sense in that as there is in keeping $100,000,000 in gold here as a security for our obligations. If the farmer is worth $7,500 and puts a ten-dollar gold ring on his finger, and says to the world that he is "financially responsible," and exhibits the ring as an illustration of his responsibility, who would regard him as worthy of consideration? It is the same kind of idiocy to say that we shall keep a hundred million dollars of gold in the Treasury, so that the nations of the world can see by that circumstance that we are solvent. [Laughter.]

Mr. Chairman, the 75,000,000 of men, women, and children on the continent of America are sufficient security for the payment of our obligations. A continent such as this, set apart and rolled out by the Almighty God in His own wisdom to become the footstool and the home of liberty and freedom, is the very best guaranty of our ability to satisfy all the obligations we assume. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENTZ. I would like, Mr. Chairman, to have a few minutes longer. There are some things further to which I desire to refer.

The CHAIRMAN. The Chair has already accorded to the gentleman five minutes more than the time originally promised him, but thinks he can yield to him three minutes more without infringing upon the time of other gentlemen.

Mr. LENTZ. Now, in the two or three minutes which I have, by the courtesy of the Chair, I wish to quote a very distinguished gentleman who in his lifetime was honored as a Senator and a governor. We called him "old Bill Allen." We have his monument out here in the Statuary Hall; and he once said that "you might as well try to run a powder house in hell as try to run an honest government with a full treasury." [Laughter.]

Now, if you have $220,000,000 in the Treasury to-day and are to raise $100,000,000 more by taxes in this bill, outside of the bonds, that will give you $300,000,000, and that is enough to carry on the war for a year on the figures which the gentleman from Maine [Mr. DINGLEY] gave to-day. I have demonstrated, and every honest man who has had time to look at the bill will agree with me, that in view of that condition we have ample time to discuss this bill and get a revenue measure that will not impose all of these taxes on the little glass of beer that the poor workman drinks or the pipeful of tobacco that the laboring man smokes.

Why not put $1 a bottle on the champagne that the "sporting man" or the millionaire opens and consumes? Instead of that you put 2 cents a pint. Why not put a revenue stamp on every purchase of diamonds and silks? In England every time a man steps up to a counter and makes a purchase of $5 or more the merchant is compelled to put a revenue stamp on the receipt which must be given with the purchase. When a man enters Tiffany's and buys a thousand dollars' worth of diamonds, the law should compel a receipt to be given for the purchase, with a proper revenue stamp of 25 or 30 per cent on the purchase, to be collected by the merchants themselves and paid over to the Government. You put 12 cents tax on a 15-cent pound of tobacco. If you want to tax the wealth of the country, here is the opportunity. Is it not strange that you overlook all of the vanities and habits of the wealthy classes in the country and find out and tax only the habits and pleasures of the working people and the common people?

We want you to join us in making a tax law here which will do equal and exact justice; and when you are preparing this bill, let our six Democratic members of the Ways and Means Committee into the committee room to see why you take the tariff off of coffee. Last week you proposed to put 4 cents a pound on Arbuckle's 700,000 sacks, which would have put into the Treasury in thirty days three and a half million dollars. In a day and a night that proposition disappears. If it had been 700,000 sacks in the groceries of the land, and they had sent in telegrams and letters, they would have been ignored; but it was in one trust, and, like the sugar trust a year ago, the coffee trust, known as Arbuckle's, has saved three and a half million dollars in a day and a night. I have no doubt that a bottle of champagne was opened on the result of it, and if it had been opened a month later they would have had to pay 2 cents tax on it. That is the only thing they would have regretted, that 2 cents tax.

Now, they have put a cent on a 25-cent bottle of patent medicine, 2 cents on a 50-cent bottle, 3 cents on a 75-cent bottle, and 4 cents on a dollar bottle. You can put a tax on tobacco, on beer, on patent medicine, and you can put it on anything that the poor

use, but you never think of the luxury and the extravagance of the rich, which ought to stand a tax in these times and show its patriotism.

Now, you say an income tax would be unconstitutional. Less than two years ago the wealth of the country declared that they had a monopoly of "patriotism" and "national honor." Why do you not let them show that they have got a monopoly of patriotism now and pay an income tax. If they have any patriotism, if they have any sense of national honor or any other kind of honor, they will not dare to resist such a law.

Nothing would suit us "anarchists" on this side, as you call us, so much as to hold them up to the scorn and contempt of about 72,000,000 of the 75,000,000 of American citizens. I defy the wealth of this country to resist such taxes as were levied in the civil war; and if you will put those taxes on, you need make no provision here for bonds. You have no right, you have no moral or honest excuse, for issuing a hundred million dollars of bonds, much less five hundred millions, and I venture to predict that you will put the bonds onto this bill by your own votes, and that you will not register one on this side of the aisle. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENTZ. Mr. Chairman, I should like to add some facts and figures, and I should like permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LENTZ. The legitimate business men of the capital district of Ohio, the wholesale and retail dealers in the necessaries and general commodities of trade and commerce, stand ready and willing to bear their just proportion of the money needed to prosecute with vigor and dispatch this war for the independence of Cuba and the punishment of Spain for murdering our American sailors. No more patriotic or liberty-loving citizens exist in any State. But in their name and on their behalf I protest against the unjust and discriminating features of this measure, which appropriates from $5,000 to $6,000 from the individual receipts of wholesale dealers and bears unjustly upon the small profits of retail dealers in articles used almost exclusively by the working classes, while the bond sharks are to be practically exempt from taxation.

Under section 2 you levy a tax of 12 cents upon the tobacco now stored in the Columbus wholesale and retail groceries, and of course in all stores throughout the United States, and yet you struck down your own proposition to levy a tax of 4 cents upon coffee because, it is alleged, the Arbuckles had 700,000 sacks on hand and that gigantic corporation would have to yield up $3,500,000. Some of the leading wholesale and retail grocers of my district came here seeking a fair hearing at the hands of the Ways and Means Committee. Did they receive the same consideration from your committee as the coffee and sugar trust interests received? Were these representatives of the honest and patriotic business and commercial interests of the country taken into the confidence of the Ways and Means Committee, as were the Arbuckles, the Searlses, and the Morgans?

It is contended by the chairman of the Ways and Means Committee that if the tax on tobacco and beer is unreasonably large, yet the people who use these articles have it within their own power to limit their use and thus regulate the amount of tax they pay. Theoretically this sounds very well. But that the gentleman does not believe his own theory is evidenced by the fact that in the very next breath he estimates that "this increase of tax on beer will give an additional revenue of about $33,000,000," and "about $25,000,000 additional revenue will be secured from tobacco, cigars, cigarettes, and dealers."

On these two items alone, affecting the poor and middle classes of our population, the gentleman from Maine [Mr. DINGLEY] proposes to raise $58,000,000, and justifies himself with the suggestion that this is a tax on habits, and that therefore the consumer can regulate his own tax. Statesmanship does not ignore habits. They are stern facts and conditions, and the right to tax them out of existence is a moral question and not a war measure. Every nationality has its habits and peculiarities. But when it is proposed to raise revenue to meet a sudden emergency, it is little less than criminal to levy the taxes upon the habits of one class and exempt the habits of another class. If you wish to regulate the people's habits, the time to do so is not when we are in the midst of war, but when we are in peace and dealing with moral questions only. Habits are almost as fixed as the bone and marrow of humanity. The habits of a nationality are the growth of centuries. As the poet Dryden said:

> Ill habits gather by unseen degrees
> As brooks make rivers, rivers run to seas.

It comes with poor grace from the gentleman from Maine [Mr. DINGLEY], where prohibition does not prohibit and hard cider and speak-easy saloons pay no taxes, to ask the good people of Ohio and all the Western and Southern States to either refrain from the use of tobacco and beer or pay as a penalty the entire expense of carrying on the war with Spain.

When the Republican end of the Ways and Means Committee went into secret sessions and took a monopoly of the country's patriotism with them, how did it happen that it never occurred to them that some of these taxes might be imposed upon the habits of the rich? Evidently the Republican end of the Ways and Means Committee have acquired such a "habit" of imposing upon the poor that they unconsciously did the poor this injustice as a mere matter of "habit." After finding that they could raise so many millions by taxing the habits of the poor, why did it not occur to these patriots to raise additional millions by taxing the silk and satin habits of the rich?

Why did it not occur to them that after almost doubling the price of tobacco by tax they could at least add a dollar a bottle to champagne and other imported and fancy wines and liquors? Why did it not occur to them while putting a stamp tax on the poor man's mortgage or proprietary medicines to put a stamp tax on the rich man's purchase of broadcloth and the like? While putting a stamp tax on the poor woman's cough medicine why did it not occur to them to put a stamp tax on "my lady's diamonds?" While putting a tax on the poor man's pleasure of smoking a pipe why did it not occur to them to put a tax on the rich man's pleasure carriages?

These many, many millions to be collected as war taxes must necessarily come from the pockets of the people, and it does not require much analysis of this bill to see that substantially all of the war revenues are expected to come from the poor and middle class families of the land, and very little to come from the rich families. Waldron, in his Handbook on Currency and Wealth, takes the census of 1890 and divides the families of the United States into those which he calls the poor and middle class families, and a second class which he calls the rich families.

In the first class he locates over 12,000,000 families. In the rich class he places something over 600,000 families. In the same table Waldron shows that the 12,000,000 of our middle-class families have a total annual income of $9,000,000,000, and the 600,000 rich families have a total income of $4,500,000,000. In other words, the 600,000 rich families receive one-half as much income as the 12,000,000 poor and middle-class families. Waldron also shows that 4,000,000 of the poor and middle-class families must each get along on an income of less than $400 a year; that more than one-half of this class of families must get along on less than $600 a year.

Need I say more on this subject? Is not it high time that the Republican end of the Ways and Means Committee explain to the 72,000,000 people of America who make up the poor and middle-class families why they have exempted the 3,000,000 who make up the rich class from the payment of war taxes? It seems to me it would not require a very high "sense of justice" to come to the conclusion that taxes ought to be paid by property and not by men, inasmuch as property is the principal object of concern not only of our police force, but also of our military and naval forces.

If organized government is maintained for the purpose of protecting the property and lives of men, and since it is only the poor and the middle class who offer up their lives in defence of a nation's honor, by what reason or logic can any fair-minded man come to the conclusion that property, or the income of property, should not pay its share of the taxes, particularly such taxes as are known as war revenue? Why should not the income of the 600,000 families contribute at least one-half of the war revenue, inasmuch as they have one-half of the income of the country?

Every member upon this floor has no doubt received the circular letter of the Knights of Labor, signed by John W. Hayes, general secretary-treasurer. I commend it to the Republican party for consideration, alongside the statements of favored representatives of bonds and corporate interests, who seem peculiarly exempt from taxation in this bill, and who can always secure a hearing without delay, while legitimate business men are sent home without a hearing. Writing for this organization, that has its assemblies in every Congressional district, under date of April 28, Mr. Hayes says:

WASHINGTON, D. C., *April 28, 1898.*

To the Members of Congress.

GENTLEMEN: I write you in behalf of the members of the Order of the Knights of Labor, many of whom reside in your district and voted for your election. The war-revenue bill (H. R. 10100) is now before the House of Representatives and is to be voted on Friday next. The tax features of the bill are perhaps necessary, and I have no wish to place any obstacle to taxation that is just and equitable. Sections 27 and 28 propose to increase the interest-bearing debt to the enormous sum of $300,000,000 that must be paid sooner or later by labor, to the impoverishment of their wives and children and to the babies that are yet unborn. Are the bond sharks, both native and foreign, forever to have a mortgage on this people and none to say them nay? We beg of you to help prevent the passage of this iniquitous measure. The roll of those who vote for it will be branded with the mark of the beast—the money power—that colossal and imperial despotism that toil not, neither do they spin.

Those who vote against this bond issue, though they may not prevent it will be heralded as the friends of labor. Labor at its task is not unpatriotic in asking this. Tax beer, tobacco; tax the clothes we wear and the shroud

we will sleep in, but until the last extremity, in God's great name, saddle us with no more bonds. There are over $200,000,000 now in the Treasury; $100,000,000 more will be raised by the taxes of this bill, and yet the insatiate maw of the money power cries, "Give! Give!" and is never satisfied. The nation is not in danger. We are not fighting the world, but only a very small and decrepit corner of it. If our Navy can not protect our shores, the proceeds of these bonds can not build another in time to save us. No Spaniard can land on these shores, for if he did, labor would rise as one man to defend their homes and country, without money and without price.

Vote for it, and we may say with John Boyle O'Reilly:

"Take heed of your civilization,
Ye on your pyramids built on quivering hearts!
There are stages like Paris in '93,
When the commonest men played terrible parts."

Let us, Mr. Chairman, hearken to this voice of organized labor—a nation's prosperity in time of peace—and from whose ranks spring the heroes who man our guns in time of war. The interests of labor go hand in hand with the interests of the manufacturer, the merchant, and the small storekeeper. Unequal and unjust taxation of the laborer strikes down the trade of the merchant. Let us be fair to all classes. With "equal and exact justice to all, special privileges to none," in this crisis of our nation, let us present to the world a united and patriotic people, fighting for our flag, our firesides, and a nation's honor, and on sea and on land the star-spangled banner shall float triumphant and the world shall know that the mission of America is to "proclaim liberty throughout all the land, unto all the inhabitants thereof."

Mr. OLMSTED. Mr. Chairman, the distinguished gentleman from Ohio [Mr. LENTZ] who has just taken his seat has informed this House and the country that a gold dollar held in front of the eye obscures everything else from sight. All the iniquities which he claims to have discovered in this war-revenue measure he attributes to that fact. I would suggest for his consideration the proposition that for properties of obscuration the honest little gold dollar is not comparable to the free silver coinage theory which proposes to impose upon the country silver dollars worth 45 cents each.

The 45-cent silver dollar held up before the optics of gentlemen upon the other side of the House seems to shut out and utterly exclude those rays of common sense which if permitted to enter would at once show the wisdom of the propositions contained in this bill. It proposes that a part of the revenue necessary for the conduct of the war with Spain shall be raised by present taxation, and the balance by the issuance of 3 per cent bonds. Against this latter proposition the gentlemen who have spoken to-night upon that side of the House have particularly urged their strenuous, vehement, and unreasonable objections.

I venture the suggestion that if this bill provided for the free coinage of silver, and made the bonds payable in silver dollars, which, at the present market price of that commodity, would be worth about 45 cents each, not one of these objections would have come from that side of the House. No, not even if the bill required the immediate issue of a thousand millions of such bonds. Why, Mr. Chairman, the silver dollar held before the eyes of the gentlemen upon that side seems so to obscure their vision that they are utterly unable to read, much less fairly interpret, the provisions of this bill.

Mr. ROBB. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. OLMSTED. Yes.

Mr. ROBB. I should like to ask the gentleman if he means by that statement that these bonds to be issued are to be paid in gold and in gold alone?

Mr. OLMSTED. I will answer the gentleman by referring to the arguments which have come from that side of the House to-day. The language of the act is that they shall be paid in coin. The fear which has been publicly expressed to-day and to-night upon that side of the Chamber is that the money of the United States will be kept so good, as it is to-day, that every dollar of our money will be worth a dollar in gold, and that therefore, substantially, the bonds will be paid in gold. They will be paid in dollars that are as good as gold. That is the theory, and that is the moving inducement to the gentlemen upon that side of the House to oppose this bill.

Mr. VANDIVER. I should like to know upon what authority the gentleman makes the statement that there would not be objection on this side of the House if the bonds were to be made payable in silver?

Mr. OLMSTED. That is the logical conclusion to be drawn from everything that has been said upon that side of the Chamber since this bill has been under discussion.

Mr. VANDIVER. That depends upon the logical condition of the mind that draws the conclusion. [Laughter and applause on the Democratic side.]

Mr. OLMSTED. That is the conclusion which will be drawn by every logical mind in the United States, which considers the illogical objections which the gentlemen upon that side of the Chamber have urged against the adoption of this most necessary and urgent war measure. [Applause on the Republican side.] Gentlemen upon this side of the House are willing and anxious to bear, and bear now, all reasonable burdens of Government and all reasonable burdens incident to the great emergency now upon us; but why shall the people of this country be compelled to raise by taxation, in one year, or in two years, the enormous sums necessary to defray all the expenses of the war?

Why not raise part of the money by the immediate sale of bonds, which bonds can be paid off at a later period and by a lower rate of taxes spread over a series of years? We are fighting not only for the glory and honor of those who live and pay taxes to-day, but also for the glory and honor of those who will be living and who will be paying taxes for some years to come, and they may as well pay part of this expense, as we are now paying part of the expense of the last war.

Mr. VANDIVER. Will the gentleman yield for a suggestion?

Mr. NORTON of Ohio also rose.

Mr. OLMSTED. One at a time.

The CHAIRMAN. The gentleman yields to the gentleman from Missouri.

Mr. VANDIVER. I would just simply say that we adhere to the principle that we are responsible for this war; that it is on us, and that we propose going on the principle that we pay as we go; and if we can not pay as we go, we will quit going.

Mr. OLMSTED. If we were to enact a revenue bill based upon the principles advocated by you and others upon your side of the House, we would have to quit very soon. We would have to quit before we got to going at all. At the very outset of the war we would find ourselves unable to pay and therefore unable to go; unable to go on with what we have already begun; unable to pay for the ships; unable to pay for the guns; unable to pay for ammunition; unable to pay for fortifications; unable to pay the soldiers who are already volunteering in response to the President's call. This country, instead of going forward to glorious victory, would be compelled ingloriously and at once to surrender all for which its land and naval forces have already been called into action.

Some gentlemen upon that side of the Chamber seem determined to destroy the credit of the Government by compelling the use of fiat money to bring about that result. They have opposed every reasonable method which has been suggested for the raising of the sinews of war. The gentleman from South Dakota, I think it was, who endeavored this evening to make it appear that this bill is framed in the interest of the rich as against the poor. He stated boldly that it imposed a tax upon the beer of the poor man and none whatever upon the wine of the rich man. The rich will drink more of the beer and pay more of the beer tax than will the poor. The tax, however, will fall upon the brewer and not upon the consumer. A glass of beer will still be sold for 5 cents.

The silver dollar in front of his eye so obscured and shortened his visual range that he seemed absolutely unable to read that provision found on page 41, wherein wines of every kind are directly and distinctly taxed to an amount equal to $4.90, as against $2 upon beer; and he utterly forgets that wines are already taxed ten times as heavily as beer. Why, even water—mineral water, the table water of the rich—is taxed at a higher rate than beer.

And who, let me ask, will pay the stamp tax imposed in Schedule A upon bonds and debentures, certificates of stock in corporations, and on all transfers of shares of stock in corporations? Who will pay the stamp tax upon bank checks, drafts, certificates of deposit, bills of exchange, letters of credit, brokers' notes, memoranda of sales of stocks upon exchanges, notes of hand, etc.? And who will pay the tax upon telegraphic and telephonic messages, the tax upon corporate mortgages, warehouse receipts, and all the other various items found in Schedule A, which, according to the estimate of the distinguished chairman of the Ways and Means Committee, will produce more revenue than any other section in the bill?

These taxes will be paid by persons of wealth, or at least by persons who are well to do. They are not the character of taxes which will fall upon the toiler in the mines, nor in the workshop, nor upon the railroad, nor at the plow. The bulk of these taxes will be paid by people of means.

The gentleman from Ohio also endeavors to make it appear, contrary to the fact, that champagne is treated more tenderly than beer. If he will offer an amendment providing that every man who drinks a bottle of champagne shall pay a war tax of $1, I will support it, and in that particular will give him credit for the greater degree of patriotism, because I think that he will pay a great deal more of the champagne tax than I will.

One gentleman who spoke this evening opposed a tax of 1 cent on telegraph messages, because it might happen that some poor man sending a telegram to his dying mother might have to pay that cent. Statistics show that nine-tenths of all the people of the United States do not send telegraphic messages at all, or at least very rarely. The other tenth who do send them are merchants, brokers, bankers, corporations, and business men generally. And

the same is true of express packages. No form of tax that could be devised would fall more lightly upon the poor than the taxes proposed in this bill upon the business of express companies, telegraph companies, and long-distance telephone companies.

Gentlemen with the silver dollar before their eyes are unable to see the advantages of this form of taxation. They oppose the proposition to raise part of the war revenues from such sources and part from bonds, and what do they propose instead? Why, a tax on incomes. I am not here at such a time to object to such a tax if it could be collected. But the Supreme Court of the United States has already declared it to be unconstitutional.

Gentlemen upon the other side have clamored for war in season and out of season. They endeavored to force the country into war when we were without ships, without guns, without ammunition, and without adequate coast defenses. They endeavored to force us into war without first exhausting the diplomatic means which modern civilization requires shall first be exhausted in an effort to avert armed hostilities. They endeavored to drive the country into war at such time, upon such pretext, and in such manner as would have condemned our action in the eyes of nations other than Spain and have embroiled us in difficulties with them.

The gentleman from Ohio [Mr. LENTZ] in particular demanded instant war and scurrilously and outrageously abused and vilified President McKinley and charged him with the basest motives in his endeavors to avert war and to maintain peace with honor. Now that war has come, how do the gentleman from Ohio and others upon that side propose to pay the expense? Why, by reenacting a statute that has already been declared invalid and under which not a dollar of revenue has been or can be raised.

But, gentlemen say, the Supreme Court of the United States was wrong in its decision. The Constitution of the United States provides that Congress may not levy direct taxes except in proportion to the population. Gentlemen say that that is unfair, because the population in Pennsylvania may be wealthier per capita than the population in some other States. Their quarrel is with the Constitution. Congress has no power to set that instrument aside.

The Supreme Court held, among other things in the income-tax cases, that a tax upon the incomes derived from land, for instance, is practically a direct tax upon the land and therefore prohibited by the Constitution. The gentleman from Texas [Mr. BAILEY], the Democratic leader, spent nearly an hour yesterday in an endeavor to show that when rent has reached the pocket of the land owner, it is no longer land or real estate, but is money, and therefore may be taxed.

Similar sophistry was indulged in by learned counsel in the famous Passenger Cases, reported in 7 Howard. The tax in question was imposed nominally upon the passengers, but the court held that it was a tax upon the vessel. Mr. Justice Grier, who delivered the opinion, said:

> We have to deal with things as we find them, and we can not change them by changing their names. Can a State levy a duty on vessels engaged in commerce, and not owned by her own citizens, by changing its name from a "duty on tonnage" to a tax on the master, or an impost upon imports by calling it a charge on the owner or supercargo, and justify this evasion of a great principle by producing a dictionary or a dictum to prove that a ship captain is not a vessel nor a supercargo an import?

Many years ago the State of California levied a tax upon bills of lading for the shipment of gold or silver out of the State. The Supreme Court of the United States held in Almy *vs.* State of California (24 Howard, 169), that although nominally upon the bill of lading, it was in substance a tax upon the thing exported and therefore void. Chief Justice Taney, who delivered the opinion, said:

> A tax or duty on a bill of lading, although differing in form from a duty on the article shipped, is in substance the same thing.

In the more recent case of the Philadelphia and Southern Mail Steamship Company *vs.* Commonwealth of Pennsylvania (122 U. S., 326) the same court decided that a tax upon gross receipts derived from interstate or international commerce was a tax upon the commerce itself. In Commonwealth of Pennsylvania *vs.* Western Union Telegraph Company, a case which I had the honor to argue, Chief Justice Fuller delivered his first opinion after appointment to the bench in support of the proposition that a tax upon receipts derived from interstate telegraph messages was, in effect, a tax upon the messages themselves.

In the famous case of the State tax on foreign-held bonds, reported in 15 Wallace, at page 300, reversing the supreme court of Pennsylvania, the Supreme Court of the United States held that a tax of 5 per cent imposed upon the interest upon corporate bonds was in substance a tax upon the bonds themselves, and therefore invalid as applied to bonds held by nonresidents. Upon this point the decision of the court in the income tax was in harmony with its previous rulings and with common sense.

If you tax a man upon the rent derived from his farm because so derived, or if you tax him upon all the wheat raised upon a certain farm because raised upon that farm, you will have difficulty in convincing him that his farm has not been made the subject of taxation. The gentleman from Texas admitted that income derived from the interest upon a municipal bond is a tax upon the bond itself. How, then, can he argue that income which consists of rent from a farm is not a tax upon the farm itself?

But, we are told, there have been changes on the Supreme Bench, which now contains two justices who did not participate in the former decision, and that possibly upon a rehearing under a new statute the court might come to a different conclusion. They propose, therefore, to reenact that tax and rest the success of our armies and navies upon the hazard that the immutable principles of law may be changed, or that the Supreme Court may change its mind. They propose to say to our brave soldiers and sailors, "Go ahead and fight, and we will pay you when the Supreme Court of the United States reverses itself."

There is no assurance and, indeed, no prospect of any such reversal, and it would in any event take the greater part of a year to get a test case into that court for its decision. That is the way the gentleman from Missouri intends that we shall "pay as we go."

Gentlemen who voted freely to issue 4 per cent bonds in time of peace will now vote against 3 per cent bonds to meet the exigencies of war unless they are made payable in silver. How would that work? Who would buy the bonds, and what would we get for them? If you want an example of the free-silver theory as applied to government indebtedness, turn to Mexico. Upon every Mexican bond held by a nonresident that Government has to pay in interest the equivalent of $12 in silver upon every hundred of principal.

We propose to borrow money at 3 per cent, and to do it by making it payable, principal and interest, in money which shall be kept as good as gold. We propose to make this a popular loan. The bonds are to be for $25, or multiples thereof, so that all the people may be taken into the partnership and have an interest in the Government and in the war.

The silver question before the eye of the opposition so blinds their judgment to all the dictates of patriotism, statesmanship, or even common business sense that they oppose this proposition and propose to destroy the credit of the Government, make its bonds utterly unsalable, and prevent it from raising the necessary funds by making them payable in silver or else defeating the issue entirely. And this they call paying as we go.

Mr. Chairman, this country, after four years of hardship and distress, was fairly entered upon a course of unexampled prosperity. I was not one of those who sought to drive our people from the downy bed of prosperity to the "flinty and steel couch of war"—war, with its sad concomitants of debt, taxation, devastation, and death. I was one of those who voted and who labored in season and out of season to sustain the President in his patriotic efforts to accomplish, without recourse to arms, all that humanity and a just regard for the dignity and honor of our flag required should be accomplished.

I voted for the House Cuban resolution because it left still an opportunity for an honorable, peaceful solution, which I hoped, almost against hope, might yet be accomplished. I voted against the Senate resolution because it would have closed the door utterly to further diplomatic negotiations, and because it proposed to recognize as an independent government, entitled to a place and standing among the nations and governments of the earth, the present so-called republican government in Cuba.

I was opposed to such recognition because there is no stable and fixed government there to be recognized; because President McKinley had advised against such recognition; because, in my judgment, the power of recognition is vested by the Constitution in the President and not in Congress, and because such recognition would substantially have placed the Army and Navy and Treasury of the United States at the service of a handful of men over in New York known as the Cuban junta. Should we now recognize that as an existing government? Then, in accordance with international law, when our armies land upon Cuban soil or our navies are in Cuban waters, they must fight under the Cuban flag and be under the direction of Cuban officers.

Our own gallant commander, Major-General Miles, the hero of a hundred battles, with Brooke and Merritt and Lee and Wheeler, or whomsoever may command our forces in Cuba, must serve under direction of Gomez, who, brave though he may be, has never in his life handled as many as a thousand men in one engagement. I opposed such recognition because, if treated as an independent government, the ten or a dozen men who control the affairs of Cuba might at any time conclude on their own account a treaty of peace with any other nation or even with Spain herself, whereby the United States would be left entirely out in the cold and be placed in a very equivocal condition, diplomatically and otherwise.

Even France, when she recognized our independence in the war of the Revolution, insisted upon a previous agreement that we would not make peace with England without her consent. And

yet it was proposed absolutely and without condition to recognize and treat as an independent sovereignty a goverment which Consul-General Lee testified before the Senate committee was nothing "except the skeleton form of a government—a movable capital," a capital which, according to the testimony of a Cuban officer, consisted of three houses and eight inhabitants, the controlling spirits of that government residing in the city of New York.

This testimony of General Lee was given April 12, 1898, before the Senate committee. It ought to have put an end at once to any thought of such recognition. But the gallant general was too popular. His reception by the country upon his return from Cuba was too much in the nature of an ovation. His name was even suggested as a possible Democratic nominee for the Presidency.

That did not suit William J. Bryan and the free silverites, and so it happened that at a banquet held in this city on the evening of the 13th of April, at which leading Senators and Members were present, Mr. Bryan declared that that government ought to be recognized, and after a speech by my friend the gentleman from Arkansas [Mr. DINSMORE], and upon a motion put by him, it was unanimously resolved that those present at the banquet, representing, as it was claimed, 6,000,000 voters who supported Bryan and the free-silver cause, should insist upon the Senate resolution, and thus some Senators who otherwise would have opposed it were brought to its support.

But, happily, we were enabled to defeat that clause; and now that we must fight, we will fight in Cuban waters and upon Cuban soil under our own beautiful and glorious banner, and under the direction of our own commanders. And when we have accomplished the noble purposes for which we fight we shall be in position to make peace upon our own terms. American citizens have been confined in Spanish prisons without cause, and indignities have been heaped upon others.

Our officers and representatives have been treated with scant courtesy. The property of American citizens upon the Island of Cuba has been destroyed without compensation. Our trade has suffered. Our commerce has been injured. We have been compelled for a long time to keep men and ships constantly employed, at great expense to our Government, to prevent American citizens from aiding the Cuban insurgents, in violation of neutrality laws. Our humane efforts to feed the starving on the Island of Cuba exasperated the Spanish people.

The irritation increased until finally, on the night of the 15th of February, while our battle ship *Maine* was lying peacefully at anchor at a buoy designated by the Spanish authorities, 258 American seamen and officers, sleeping under the American flag in a supposed friendly port, were, by the explosion of a submarine mine, hurled instantly into eternity, and the costliest and most perfect war ship the world has ever seen, the pride of the American Navy, was sent, a tangled mass of wreckage, to the bottom of the foul harbor of Havana.

With a patience for which they deserve inexpressible credit, the American people, stunned and shocked as they were by this awful crime, awaited patiently the result of a judicial investigation. But before it was received they were still further appalled by authentic reports and detailed narratives of crimes committed by or in the name of the Spanish Government upon innocent noncombatants, mostly women and children, upon the Island of Cuba, almost under the shadow of the Stars and Stripes, which for cold-blooded and hellish ingenuity of planning, success in execution, and extent of resultant suffering and death exceeded anything of which the present generation has ever heard or read.

Think of 300,000 deliberately herded together like cattle, prevented from obtaining the necessities of life, and doomed to die by slow starvation, more than 50 per cent of their number having already thus perished. The food contributed by charitable Americans or purchased by money appropriated by the American Congress, the reconcentrados were not permitted to cook, because they were not permitted to obtain the necessary fuel.

The reports of our consuls showed such a frightful state of facts that our Government, for a time, withheld them from publication until they were verified from other sources. When the report of the court of inquiry upon the *Maine* disaster was made known and the people became gradually acquainted with these further crimes against humanity, there came swelling and surging up to Congress the voice of seventy millions of indignant and outraged American citizens, demanding action. In response to the demand of the President of the United States, the Spanish order of reconcentration was nominally revoked; and yet the reconcentrados were not permitted to depart.

The Spanish Cortes pretended to appropriate a large number of pesetas (equal to $600,000) to their support, but not a peseta ever reached them. These facts and the discovery of the De Lôme letter showed the duplicity and the insincerity of Spanish dealing and Spanish promises. Then the President of the United States demanded that the Spanish troops should be withdrawn from Cuba and the people of that island be permitted to take care of themselves. The only reply was the recall of the Spanish minister from Washington and the discharge by the Spanish Government of the American minister at Madrid.

Thus were all negotiations ended between the two countries. The *Maine* is unavenged and unapologized for. The same revolting crimes against humanity are continued in Cuba, and every possible insult has been heaped upon our people, who have borne much and suffered long. And so it came about that both Houses of Congress unanimously declared war, and that war has existed since Spain literally threw in the face of the American people the ultimatum which the President by order of Congress had sent for her consideration.

The patriotism of the American people is stirred to the highest pitch. The different parts of the country vie with each other in patriotic offerings. It is a magnificent spectacle—that of this reunited country. Men who wore the blue and men who wore the gray in deadly combat against each other now march shoulder to shoulder against the common enemy. The services of brave and gallant generals of the late Confederacy are freely offered to the Government and I hope may be accepted.

It is the duty of the Government and the desire of the people to bring this war to a glorious and triumphant end as speedily as possible. To accomplish that purpose large sums of money are necessary and must be raised quickly. The people demand this and they will not be slow to punish those who, for the hope of gaining some slight party advantage, strive to weaken the hands of the Administration by withholding from it the financial support of which it is in such immediate and urgent need.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VANDIVER. I ask unanimous consent that the gentleman may have one minute to answer a question.

The CHAIRMAN. The gentleman from Ohio [Mr. MCDOWELL] is recognized for the balance of the time.

Mr. MCDOWELL. Mr. Chairman, I realize as fully as any member of this House the necessity of providing means for raising revenue to carry on the war in which we are engaged; and certainly no one on this side of the Chamber desires to obstruct or oppose without good and sufficient reasons any measure for that purpose. We were appealed to this afternoon by the chairman of the Committee on Ways and Means to let our patriotism rise to the height of the situation and put the measure through in short order; and it was intimated that it would be unpatriotic if we did not do so. I believe the country already commends the action of the members on this side of the House for patriotism in every measure relating to the Cuban question that has already come before us.

In all the preliminary measures which have preceded the present crisis we have responded heartily and promptly. We voted unanimously for the $50,000,000 emergency appropriation, although the chairman of that committee told us that it was not a war measure, but that it was a peace measure. We did not accept his statement. We believed that it was a war measure, and upon our own judgment and belief we voted for that measure. We gave hearty support to the bill to create two new regiments of artillery. We voted for the bill to create and to call out the Volunteer Army. We voted for the bill, promptly and unanimously, for the reorganization of the Regular Army, after it was so constructed as not to interfere with the National Guards of the country. We voted with substantial unanimity for the majority resolutions on Cuban intervention after our own resolutions had been rejected. Without a dissenting voice we passed a bill declaring war. Judged from the standpoint of patriotism, we believe that we have been just as patriotic in the eyes of the nation as our fellow-members on the other side.

Under date of April 12, 1898, the Washington Post, a conservative and independent newspaper, contained the following article:

THE DEMOCRATIC ATTITUDE.

There is at least one entirely pleasant and satisfactory feature of the situation so far as Congress is concerned, and that is to be found in the attitude of the Democratic members from the beginning up to the present moment. With one or two unimportant exceptions, which we are sure were deplored as sincerely on their side as they could possibly have been on the other, the Democrats have presented the spectacle of a sincere and patriotic conservatism—of a high-minded and admirable moderation.

They have done absolutely nothing to embarrass the Republican Administration in its effort to reach an honorable solution of the pending difficulties, and have in no case sought to make petty party capital of a delicate and critical national emergency. They have shown that there is in their ranks as noble a love of country as may be found in any of our political subdivisions, and they have extorted from their most determined opponents a tribute of unadulterated and unfeigned admiration.

On the occasion of the vote to sustain the President and his contemplated course, they were as prompt, as ardent, and as unanimous as were the Republicans, and ever since, through all the intricate and perilous evolutions of the episode, they have set the example of a patriotic temperance and a splendid self-restraint.

The country will never again doubt the devotion of the Democratic party to the flag, the Union, and its institutions. The Republican demagogue who, in any future political campaign, attempts to play upon that false and foolish note, will find himself repudiated as an impudent and vicious mountebank.

If we differ with the members upon the other side of this House in regard to the methods by which we shall raise the funds to carry on the war, it is not an evidence that we are unpatriotic. I

assert that it is patriotic to oppose measures that will place unnecessary burdens upon the people. It is patriotic to stand up for principles that are just and equitable. It is unpatriotic to levy taxes to such amount as are extravagant and unnecessary at this time.

We are heartily in favor of providing sufficient funds for equipping the Army and Navy thoroughly, to feed them well, to furnish them with everything that will contribute to their comfort and safety so far as possible. We do not want them to lack for anything that will enable them to prosecute the war vigorously and successfully. Since war has come, the American people want prompt, energetic action, and no party will respond more heartily and promptly to the country's call and needs than the Democratic party.

It must be admitted that there is urgent necessity for providing means to bring this war to a victorious termination. No one is more desirous of accomplishing this than I am. Some provisions in the bill under consideration meet my approval. The proposition to authorize the Secretary of the Treasury to issue $500,000,000 of 10-20 bonds does not meet my approval. I do not believe that the present emergency demands the amount of money—$700,000,000—for which this bill makes almost immediate provision.

We should studiously avoid an increase of the interest-bearing indebtedness of our Government. The issuing of bonds should come only when an emergency makes it an absolute necessity. Let us see what amount of money can be used for war purposes without issuing bonds now. According to the statement given out by the Secretary of the Treasury to-day there is in the United States Treasury an available cash balance, excluding the gold reserve, of $118,000,000, in round numbers.

But according to the statements of the gentleman from Maine [Mr. DINGLEY] we have only about $80,000,000 available for all purposes of the Treasury. It therefore appears that the system of bookkeeping of the Treasury Department is misleading. It may be safe to take $80,000,000 as the amount. For $42,000,000 silver seigniorage silver certificates could be issued. By the internal-revenue tax provision of this bill we are told $100,000,000 will be produced.

By the provision for a temporary issue of certificates of indebtedness another $100,000,000 can be produced. This would give us $302,000,000 to carry on the war until Congress would again be in session next December—a sum, in my judgment, greater than we shall need to drive Spain off the Western Hemisphere. Suppose we have doubts about this amount of money being sufficient. There are other well-tried and most satisfactory methods of raising war revenue.

INCOME TAX.

This bill should start off, first, with an income tax that would produce $100,000,000 or more annually. The ablest statesmen, lawyers, and economists have pronounced an income tax the most fair and just of all systems of taxation. Dr. Francis Wayland (Political Economy, page 257) says, speaking of income tax: "This is the most equitable of all taxes, since it touches men exactly according to their abilities." An income tax is not an untried thing. In time of the civil war we laid such tax, and no court of that time ever intimated that it was unconstitutional. During the existence of this law we collected $346,000,000. It is a notable fact that the law was repealed by a systematic and determined effort of certain politicians who sought to institute high-tariff taxes.

In 1842 Sir Robert Peel, premier of England, obtained from Parliament authority to levy an income tax for three years to meet a temporary deficiency in the revenues which then existed. This was not in time of war, but when England was at peace. The tax was effectual and satisfactory. In 1845, when the income tax was about to expire by limitation, Sir Robert Peel had come to the conclusion that it was a just tax, and, though himself a protectionist at that time, he considered it more fair than a custom tax. Although he had secured the tax as an expedient, on account of its satisfactory results he determined to keep it on principle.

Our present system of taxation falls too heavily upon those least able to bear it. The wealthy classes are not bearing their share of the burdens of the Government. By enacting this bill into a law we will make taxes more onerous on the poor. The internal revenue produced by this bill would come in a much larger proportion from the poor and moderately well-to-do classes than from the very wealthy. In other words, those possessing the greater part of the wealth of the country would not pay their share of the taxes.

This is certainly an opportune time to enact an income-tax law. The masses of the people would approve of such a measure, because it is right. The poor must fight the battles of the country, and the men with vast incomes should help to pay, according to their ability at least, the expenses of the war. But our friends on the other side say we must not insert the income-tax law of 1894 in this bill, because the Supreme Court has decided that act unconstitutional. We have a very distinct recollection of the history of that decision.

The court stood five to four against the constitutionality of the law after one of the judges had mysteriously reversed his former decision. That judge has not to this day given the reasons for his change of opinion. Who knows what he might do if the question should come up again? In time of war men are likely to act differently than in time of peace? They are more likely to be guided by patriotism than by partisanism, more influenced by a sense of justice than by prejudice or selfish motives.

Former courts have decided an income-tax law constitutional. One court only has decided it unconstitutional. In the minds of the people the question is not permanently settled, and it never will be settled until it is settled right.

The gentleman from Maine [Mr. DINGLEY] tells us if we pass an income-tax bill we may become entangled in lawsuits and the Government will not get the revenue which it needs. Can it be that wealthy Americans are less patriotic than the Spaniards? Wealthy Spaniards at home and abroad are making large voluntary contributions for the support of their Government.

Would the gentleman from Maine have us believe that our own citizens, who have made their millions at the mercy of the masses, would resist the authority of the Government to collect taxes that are just and equitable? Does he believe that the trusts and combines that have been so well cared for by his tariff law would refuse to bear their share of the burdens of this war? What a reflection upon the patriotism of American millionaires!

We on this side have been charged with playing for partisan ends. Let us see where partisanship has been exhibited. This bill was framed exclusively by Republican members of the Ways and Means Committee. The Democratic members were not invited to participate in the work of drafting the bill. They were not notified even when committee meetings were to be held. After the bill was prepared, the Democratic members of the committee were called in to hear it read, but were not given an opportunity to effect any changes.

The bill is a purely Republican measure. The evident intention of the majority is to railroad it through this House in the shape in which it was brought here. What consistency, then, is there in charging this side with partisanship when we make reasonable efforts to eliminate infamous propositions of the bill and insert popular provisions?

I believe that this bill has been framed for more purposes than the chairman of the committee has stated. It is well known that under the Dingley tariff law there is a deficit of $60,000,000, exclusive of the $54,000,000 received from the sale of the Pacific railroads.

The Government can not depend upon the sale of more railroads to even up the growing deficit under the present tariff act. Hence the gentleman from Maine [Mr. DINGLEY] has taken advantage of the present emergency to reenforce his tariff law. The committee has also increased the taxes on certain articles, from doing which they were prevented last year by a conspicuous Republican from Ohio, with the view that these rates shall be permanent. The most outrageous provision of the bill is the bond feature. That any party should designedly take advantage of the present crisis to place upon the American people $500,000,000 more of interest-bearing indebtedness is criminal.

There is absolutely no necessity for a bond issue at this period of the situation. It is within the powers of Congress to provide all the revenue needed without issuing bonds. Let us set about to do that. It seems to me that the very persons who were working to consummate a bond deal before this Government was allowed to take any action upon this Cuban question are now the ones who are determined to place a bond provision in this revenue bill.

It is unfortunate that there is an element in this country who believe a great public debt is a great public blessing.

I rejoice that on so many emergency measures brought in here in the last three months the two sides of this House have been able to unite so thoroughly. I wish this revenue bill was in such a shape that we on this side could consistently and conscientiously support it. Our opposition to it is not that we do not want to provide the funds to carry on the war. We believe there is a common ground upon which the parties in this House could and should meet. The best interests of our nation demand it.

The propositions offered by the minority are reasonable, sensible, and popular. First, let us provide for an income tax. Then coin the silver bullion in the Treasury or issue silver certificates in lieu thereof, provide for an increase of Treasury notes on the credit of the Government, and, if deemed necessary, levy moderate internal-revenue taxes on articles of voluntary consumption. A revenue bill containing these provisions would give us all the revenue we need to defeat a nation decrepit and despised.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. McDOWELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. TALBERT. Mr. Chairman, I ask unanimous consent to print my remarks in the RECORD.

There was no objection.

The CHAIRMAN. Under the rule heretofore adopted by the House, the committee will now rise.

The committee accordingly rose; and Mr. MOODY, Speaker pro tempore, having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole, reported that the Committee of the Whole House on the state of the Union had had under consideration House bill 10100, to provide ways and means to meet war expenditures, and had come to no resolution thereon.

The SPEAKER pro tempore. The hour of 10.30 having arrived, in accordance with the order heretofore adopted, the House stands adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General relating to the payment of the account of S. P. Hardwicke—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Marshall McCarmick, administrator of John Alexander, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a letter from Col. Royal T. Frank, of the United States Artillery School at Fort Monroe, Va., with several indorsements, in support of the proposition to suspend temporarily certain provisions of law applicable to the Quartermaster's Department—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RICHARDSON, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9068) to authorize Commissioners of District of Columbia to extinguish alley in square 465, reported the same without amendment, accompanied by a report (No. 1204); which said bill and report were referred to the House Calendar.

Mr. DE VRIES, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 3655) for examination and classification of certain lands in California, submitted a supplemental report thereon (No. 442, part 2); which said report was referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STURTEVANT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 258) to pension Margaret Wilber, of Blair, Nebr., reported the same with amendment, accompanied by a report (No. 1205); which said bill and report were referred to the Private Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9856) for the relief of Anna Merkel, reported the same without amendment, accompanied by a report (No. 1206); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 10099) for the relief of the legal representatives of Hicks Kings, deceased; and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CALLAHAN: A bill (H. R. 10125) authorizing the construction of a bridge across the Arkansas River—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHON: A bill (H. R. 10126) to amend section 2757 of the Revised Statutes of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. MITCHELL: A bill (H. R. 10127) amending the statutes relating to patents, relieving medical and dental practitioners from unjust burdens imposed by patentees holding patents covering methods and devices for treating human diseases, ailments, and disabilities—to the Committee on Patents.

By Mr. SMITH of Arizona: A bill (H. R. 10128) providing immediate revenue for prosecution of the existing war with Spain—to the Committee on Ways and Means.

By Mr. GROUT: A bill (H. R. 10129) to amend section 4696 of the Revised Statutes of the United States—to the Committee on Invalid Pensions.

By Mr. LEWIS of Washington: A joint resolution (H. Res. 247) authorizing the President of the United States to suspend all laws imposing discriminating duties on foreign ships coming to and departing from the ports of the United States (excepting Spain), to continue during war of Spain and United States—to the Committee on Ways and Means.

By Mr. HULL (by request): A joint resolution (H. Res. 248) providing for the listing of all unpatented lands in the State of Iowa by the Department of the Interior—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRADLEY: A bill (H. R. 10130) to relieve Thomas J. Murray from the charge of desertion—to the Committee on Naval Affairs.

By Mr. CALLAHAN: A bill (H. R. 10131) granting a pension to John H. Aldrid—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 10132) to remove the charge of desertion from the naval record of Charles Thompson—to the Committee on Naval Affairs.

By Mr. DRIGGS: A bill (H. R. 10133) for the relief of Daniel W. Perkins—to the Committee on Claims.

By Mr. GILLETT of Massachusetts: A bill (H. R. 10134) to increase the pension of John Keach—to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 10135) to increase the pension of Robert Litzinger—to the Committee on Invalid Pensions.

By Mr. KULP: A bill (H. R. 10136) granting a pension to George W. McCollin, of Watsontown, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10137) granting a pension to Charles C. Jones, of Northumberland, Pa.—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 10138) amending the military record of James Sullivan—to the Committee on Military Affairs.

By Mr. RIXEY (by request): A bill (H. R. 10139) for the relief of John A. Fairfax, of Fairfax County, Va.—to the Committee on War Claims.

Also (by request), a bill (H. R. 10140) for the relief of the trustees of New Salem Baptist Church, of Culpeper County, Va.—to the Committee on War Claims.

Also (by request), a bill (H. R. 10141) for the relief of the heirs of Thomas Tinder, deceased, late of Orange County, Va.—to the Committee on War Claims.

Also (by request), a bill (H. R. 10142) for the relief of the estate of Emanuel Wenner, deceased, late of Loudoun County, Va.—to the Committee on War Claims.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 10143) for the relief of Bertrand and Gaudin Cazes—to the Committee on Claims.

By Mr. SHOWALTER: A bill (H. R. 10144) to increase the pension of James Graham, a veteran of two wars—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 10145) for the relief of the heirs of William F. Martin, deceased—to the Committee on Claims.

By Mr. DAYTON: A bill (H. R. 10146) for the relief of the estate of William Smallwood, deceased, late of Jefferson County, W. Va.—to the Committee on War Claims.

By Mr. FARIS: A bill (H. R. 10147) granting an increase of pension to Alexander W. Duncan—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Petition of the heirs of Timothy Markham, deceased, late of Muscogee County, Ga., asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BENTON: Petition of the Woman's Christian Temperance Union of Milo, Mo., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM: Petition of the Woman's Christian Temperance Union of Germantown, Philadelphia, Pa., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Germantown, Philadelphia, Pa., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. BOUTELLE of Maine: Petition of Joseph Lynch and other citizens of North Dexter, Me., protesting against the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Protest of the Woman's Christian Temperance Union of Rhode Island, against the passage of House bill No. 9481, to dispossess the Indians of the Island of Annette, southeastern Alaska—to the Committee on Indian Affairs.

By Mr. DE VRIES: Petitions of the Ministerial Union of Chico, Cal., for the passage of bills to forbid interstate transmission of lottery and other gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Ministerial Union of Chico, Cal., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. FLETCHER: Petition of the Carpenters' Union of Minneapolis, Minn., favoring the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSS: Petition of the Central Body of Milk Dealers' Association of Chicago, Ill., protesting against the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petition of 37 citizens of Cass and Jackson counties, Mo., asking for the modification of the civil-service law—to the Committee on Reform in the Civil Service.

By Mr. GROUT: Petition of Mrs. Jennie L. Bronson and the Woman's Christian Temperance Union of East Hardwick, Vt., praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the District of Columbia.

Also, petition of Mrs. Jennie L. Bronson and the Woman's Christian Temperance Union of East Hardwick, Vt., for the passage of a bill forbidding the sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Mrs. Jennie L. Bronson and the Woman's Christian Temperance Union of East Hardwick, Vt., praying for the enactment of legislation to protect State anti-cigarette laws and to forbid the transmission of lottery messages by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. HANDY: Petition of Grace Methodist Episcopal Church Auxiliary of the Woman's Home Missionary Society of Wilmington, Del., in favor of certain measures to promote public morality—to the Committee on the Judiciary.

By Mr. HULL: Protest of Des Moines Millinery Company, Leader, Strauss & Co., and other wholesale firms of Des Moines, Iowa, against the passage of the Hoar bill prohibiting the importation of birds and feathers—to the Committee on Ways and Means.

By Mr. KULP: Protest of Tuckahoe Mineral Spring Company, against revenue on mineral waters—to the Committee on Ways and Means.

By Mr. McDOWELL: Petition of citizens of Millersburg, Ohio, and the Christian Church and English Reformed Church of Wooster, Ohio, for the passage of bills to prohibit interstate gambling by telegraph, to raise the age of protection for girls to 18 years, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Christian Church and English Reformed Church of Wooster, Ohio, and citizens of Millersburg, Ohio, favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. OSBORNE: Resolution of Rocky Mountain Division, No. 103, Brotherhood of Locomotive Engineers, of Laramie, Wyo., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. PITNEY: Petitions of the First Methodist Episcopal Church and Mount Fern Methodist Episcopal Church, of Dover, N. J., praying for the enactment of legislation to forbid the interstate transmission of lottery messages by telegraph, the enactment of a Sunday-rest law, and to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of Rev. W. H. McCormick and Rev. C. S. Woodruff, of Dover, N. J., in favor of the passage of a bill to prohibit the sale of liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. POWERS: Resolutions of St. Albans Division, No. 24, Order of Railway Conductors, of St. Albans, Vt., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. RIXEY (by request): Petition of Oliver Haws, of Loudoun County, Va., asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBBINS: Petitions of the Presbyterian Church and Woman's Christian Temperance Union of Plumville and Mahoning Baptist Church, of Denton, Indiana County, Pa., for the passage of a bill to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Presbyterian Church and Woman's Christian Temperance Union of Plumville and Mahoning Baptist Church, of Denton, Pa., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. ROBERTSON of Louisiana: Petition of Augustine Seizan, of the State of Louisiana, asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SHANNON: Petitions of the Woman's Sabbath Alliance and the Methodist Episcopal Church, of Elwood, N. J., for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN: Petition of council of administration, Grand Army of the Republic, State of Georgia; Division 193, Order of Railway Conductors, Bucyrus, Ohio; H. L. Jenness and 39 others, W. E. Camplinn and 39 others, George A. Barbour and 26 others, Rochm & Son and 39 others, and J. G. Standant and 39 others, all of Detroit, Mich.; Braston, Fendig & Co. and 34 others, Brunswick, Ga.; P. H. Sweet and 4 others, Whitehouse, Va.; T. C. Thornton and 20 others, Drakes Branch, Va.; R. Martin and 12 others, Lula, Ga.; F. M. Busby and 9 others and A. W. Bailey and 10 others, Hillsboro, Ala.; J. W. Berches and 22 others, McMillan, Tenn., and J. H. Gooch and 13 others, Stem, N. C., favoring the passage of House bill No. 7180 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SPRAGUE: Petition of the Massachusetts State Board of Trade, in favor of the extension of foreign commerce under the American flag and in American-built steamships, and indorsing the principle of discriminating duties and the payment of Government subsidies—to the Committee on Interstate and Foreign Commerce.

By Mr. WISE: Papers to accompany House bill relating to the claim of Jones & Tyler, of Virginia, for damages by Federal troops during the civil war—to the Committee on War Claims.

SENATE.

THURSDAY, *April 28, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

THE QUARTERMASTER'S DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from Col. Royal D. Frank, of the United States Artillery School, Fort Monroe, Va., together with its several indorsements in connection with War Department letter of the 25th instant, transmitting a letter from the Quartermaster-General recommending, in view of the immediate requirements of the Army and in order to supply it promptly during active hostilities, that legislation be provided by Congress to suspend, until such time as hostilities shall cease, the provisions of law applicable to the Quartermaster's Department as published in the annual appropriation acts for the support of the Army; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

USELESS PAPERS IN THE TREASURY DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting copies of letters dated April 26, 1898, from the Acting Comptroller of the Treasury and the Auditor for the Treasury Department, describing certain books, accounts, and papers on the files of their respective offices not heretofore reported, which are submitted with the

request that they be included with, and form a part of, the schedule of useless papers of the Treasury Department, etc.; which, with the accompanying papers, was referred to the Committee on Finance, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Merchants' Exchange of Buffalo, N. Y., praying for the enactment of legislation conferring upon the Interstate Commerce Commission powers which will enable it to enforce the provisions of the interstate-commerce law, especially unjust discriminations against individuals, firms, corporations, and localities; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance unions of Portville, South Elmira, South Dayton, Claverack, Scio, and Coxsackie; of the Christian Endeavor Society and the Epworth League of Portville; of the Young People's Society of Christian Endeavor of Hobart; of the Young People's Society of Christian Endeavor of the Seventh Day Baptist Church of Nile; of the congregations of the Methodist Protestant Church and the Methodist Episcopal Church of Lafargeville, the Baptist Church of Picture Rocks, and the Universalist Church of Oxford, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Woman's Christian Temperance unions of South Elmira, South Dayton, Claverack, Lima, and Coxsackie; of the Young People's Society of Christian Endeavor of the Seventh Day Baptist Church of Nile; of the congregations of the Methodist Protestant Church and the Methodist Episcopal Church of Lafargeville, and the Universalist Church of Oxford, all in the State of New York, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance unions of Portville, South Elmira, South Dayton, Claverack, Lima, and Coxsackie; of the Christian Endeavor Society and the Epworth League of Portville; of the Young People's Society of Christian Endeavor, of the Seventh Day Baptist Church of Nile; of the congregations of the Methodist Protestant Church and the Methodist Episcopal Church of Lafargeville; the Baptist Church, the Methodist Church, and the Congregational Church of Oxford, all in the State of New York, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. KYLE presented a petition of the congregation of the Congregational Church of Vermilion, S. Dak., and a petition of the Woman's Christian Temperance Union of Vermilion, S. Dak., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. QUAY presented a petition of the Homeopathic Medical Society of Germantown, Philadelphia, Pa., praying for the enactment of legislation placing qualified practitioners of the homeopathic school of medicine as surgeons in the naval and military establishments of the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 316, Cigar Makers' International Union, of McSherrytown, Pa., praying for the establishment of a postal savings-bank system; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a memorial of sundry brewers of Chicago, Ill., remonstrating against an increase of the tax on beer unless a rebate is allowed; which was referred to the Committee on Finance.

He also presented a memorial of the central body, Milk Dealers' Association of Chicago, Ill., remonstrating against the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a petition of the congregation of the Methodist Episcopal Church of St. Charles, Ill., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Trades and Labor Assembly of Galesburg, Ill., and a petition of Galesburg Lodge, No. 24, Brotherhood of Railroad Trainmen, of Galesburg, Ill., praying for the passage of the so-called postal savings-bank bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Baptist Young People's Association of Sandwich; of the Woman's Christian Temperance Union of St. Charles; of sundry citizens of Milledgeville, and of the Young Men's Christian Association of Woodstock, all in the State of Illinois, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union of St. Charles; of the Baptist Young People's Association of Sandwich; of the congregation of the Methodist Episcopal Church of St. Charles; of sundry citizens of Milledgeville, and of the Young Men's Christian Association of Woodstock, all in the State of Illinois, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Baptist Young People's Association of Sandwich; of sundry citizens of Milledgeville; of the Young Men's Christian Association of Woodstock, and of the Woman's Christian Temperance Union of Richland County, all in the State of Illinois, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Lumber Exchange of Buffalo, N. Y.; of Charles Barker and 23 other citizens of Milford, Del.; of Thomas R. Steele and 47 other citizens of Sussex County, Del.; of sundry citizens of Delaware; of E. H. James and 44 other citizens of Seaford, Del.; of J. Alexander Trope, of Camden, Del., and of the Produce Exchange of Toledo, Ohio, praying for the enactment of legislation increasing the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of South Greenville Grange, No. 225, Patrons of Husbandry, of Wisconsin, praying for the adoption of an amendment to the interstate-commerce law giving protection to the shipper and carrier alike; which was referred to the Committee on Interstate Commerce.

Mr. BUTLER. I present the petition of Mrs. Hubert Haywood, secretary of the North Carolina Society of the Daughters of the Revolution, praying for the passage of the bill making an appropriation of $10,000 for the erection of monuments to the memory of Brig. Gens. Francis Nash and William Lee Davidson, of North Carolina. I ask that the petition lie on the table, and as it is short I ask that it be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table, and to be printed in the RECORD, as follows:

[Regent, Mrs. Spier Whitaker; vice-regent, Mrs. Alex. Q. Holladay; secretary, Mrs. Hubert Haywood; treasurer, Miss Mabel Hale; registrar, Miss Marion T. Haywood.]

RALEIGH, N. C., ——, ——, 189—.

Resolved, That as North Carolinians and Daughters of the Revolution we most heartily and enthusiastically advocate and request the passage by the House of Representatives of the bill passed by the Senate and now pending in the House for an appropriation of $10,000 to carry into effect, though so tardily, two resolutions of the Continental Congress passed, respectively, in 1777 and 1781, directing the erection of monuments to the memory of Brig. Gens. Francis Nash and William Lee Davidson, of North Carolina, who were slain—the one at Germantown, the other at Cowans Ford on the Catawba River—while gallantly fighting for the independence of these United States.

MRS. HUBERT HAYWOOD,
Secretary North Carolina Society Daughters of the Revolution.

Mr. BUTLER presented a petition of Clyde Grange, No. 33, Patrons of Husbandry, of Clyde, N. Y., praying for the passage of Senate bill No. 3527, to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented a petition of the Woman's Christian Temperance Union of Canton, Mo., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. ELKINS presented a petition of Grafton Division, No. 190, Order of Railway Conductors, of Grafton, W. Va., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

THE NAVIGATION LAWS.

Mr. PASCO. I have received some communications addressed to me personally, but they are in the nature of memorials and relate to the interference with our coastwise trade caused by the pending condition of war. These communications are from the Jacksonville Board of Trade, from the Pensacola Chamber of Commerce, and from the Young Men's Business League of that city, and I desire to call attention to the remedies they suggest, so that they may receive the attention which the importance of the subject deserves.

I ask that the memorials be received and printed as a document. The subject to which they relate was called to the attention of the Senate the other day by the Senator from Maine [Mr. HALE].

who introduced a communication containing similar recommendations, which was printed and referred to the Committee on Commerce. The owners of American vessels are already declining charters, and as foreign vessels under existing laws can not engage in our coastwise trade, the lumber business of Florida and the neighboring States will be very seriously affected as long as the war continues. These conditions will interfere with our sawmills, and thousands of people will be thrown out of employment. I am not prepared to offer a suitable remedy, but the recommendations contained in these communications are important and are strongly presented, and it is proper that they be considered by a committee of the Senate; and I move that they be printed in one document and referred to the Committee on Commerce.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 3903) to promote the efficiency of the Revenue-Cutter Service, reported it without amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4433) to provide for the purchase of a site and for the erection of a public building thereon at Ogden, in the State of Utah, reported it without amendment.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1995) granting a pension to Mary Abercrombie Shufeldt, to report it adversely. At the request of the Senator from Connecticut [Mr. PLATT], I ask that the bill be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar, with the adverse report of the committee.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 99) granting a pension to Ira Ingraham, reported it without amendment, and submitted a report thereon.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

LOUISE M. OWENS.

Mr. GALLINGER. Two days ago an adverse report from the Committee on Pensions on the bill (S. 3052) to increase the pension of Louise M. Owens was adopted, and the bill was indefinitely postponed. I ask unanimous consent that the vote indefinitely postponing the bill may be reconsidered, and that the bill be placed on the Calendar as adversely reported.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none. The vote indefinitely postponing the bill is reconsidered, and the bill will take its place on the Calendar, notwithstanding the adverse report.

MEDALS OF HONOR TO NAVAL OFFICERS AND SEAMEN.

Mr. McMILLAN. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (H. Res. 24) relative to the medal of honor authorized by the acts of December 21, 1861, and July 16, 1862, to report it without amendment, and I ask for its immediate consideration. A joint resolution on the same subject was passed by the Senate the other day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McMILLAN. I move that the House of Representatives be requested to return to the Senate the joint resolution (S. R. 19) to extend to the officers, warrant officers, petty officers, seamen and others, and marines, of the United States Navy, the provisions of the joint resolution approved July 12, 1862, and the act approved March 3, 1863, and the joint resolution approved May 2, 1896.

The motion was agreed to.

THE COMMITTEE ON MILITARY AFFAIRS.

Mr. HAWLEY. The Committee on Military Affairs instruct me to ask permission to sit during the sessions of the Senate.

The VICE-PRESIDENT. Is there any objection to the request of the Senator from Connecticut? The Chair hears none, and the order is made.

BILLS INTRODUCED.

Mr. PLATT of New York (by request) introduced a bill (S. 4482) authorizing the Secretary of the Treasury to adjust and settle the account of the heirs of Alfred G. Benson with the United States; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4483) granting an increase of pension to John H. Crandall; and

A bill (S. 4484) granting a pension to Catharine Kelley, widow of John Kelley.

Mr. NELSON introduced a bill (S. 4485) granting a pension to John Lindquist; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas (by request) introduced a bill (S. 4486) granting a pension to John H. Martin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 4487) granting an increase of pension to Annie J. Bassett; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4488) for the relief of Matilda Pearson, widow of William E. Pearson; and

A bill (S. 4489) for the relief of the heirs of Henry Barnes, deceased.

Mr. WELLINGTON introduced a bill (S. 4490) to remove the charge of desertion from the military record of Rudolph Luteman; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 4491) granting an increase of pension to Susan D. Yates; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4492) for the relief of the estate of Jeremiah Kibler, deceased;

A bill (S. 4493) for the relief of Jacob Shank;

A bill (S. 4494) for the relief of Harmon Snyder;

A bill (S. 4495) for the relief of Dennis A. Litzinger; and

A bill (S. 4496) for the relief of the estate of John Hutton, deceased.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4497) granting a pension to Jane Allen;

A bill (S. 4498) granting a pension to James Ryan;

A bill (S. 4499) granting arrears of pension to Jane Stonebreaker

A bill (S. 4500) granting an increase of pension to Robert L. Boseley; and

A bill (S. 4501) granting an increase of pension to David T. Sipe.

Mr. ELKINS introduced a bill (S. 4502) to relieve Eli Shuman from the charge of desertion; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4503) to relieve Ludwig Rupprecht of the charge of desertion; which was read twice by its title, and referred to the Committee on Military Affairs.

PAY OF STENOGRAPHER.

Mr. HALE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report hearings before the Committee on Naval Affairs relative to armor and dry docks be paid from the contingent fund of the Senate.

REVENUE MEASURES.

Mr. BUTLER. I offer a resolution, which I ask to have read, printed, and go over under the rules until to-morrow morning.

The resolution was read, and ordered to lie over and to be printed, as follows:

Resolved, That the bonded indebtedness of the United States should not be increased, but that the necessary means to carry on the war against Spain should be raised by increasing the revenues of the Government, including a tax on incomes, and by issuing silver certificates against the seigniorage now in the Treasury, and by such additional issues of United States legal-tender notes as may be necessary.

SIOUX CITY AND PACIFIC RAILWAY.

Mr. GEAR. I ask leave to call up the bill (S. 120) authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company in relation to certain bonds issued by the United States in aid of the construction of said railway.

The Secretary read the bill, which had been reported from the Committee on Pacific Railroads with amendments.

Mr. WHITE. I desire to inquire what is the bill before the Senate.

The VICE-PRESIDENT. It is the bill (S. 120) authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company, etc.

Mr. HARRIS. I hope that bill will not be taken up now. There is a minority report concerning the bill. The Senator from Alabama [Mr. MORGAN] is not present——

The VICE-PRESIDENT. Is objection made to the present consideration of the bill?

Mr. WHITE. I think the bill ought to be placed on the Calendar.

The VICE-PRESIDENT. Objection is made, and the bill will be laid over.

Mr. GEAR. I ask that it be laid over without losing its place on the Calendar.

The VICE-PRESIDENT. That will be the order.

DISTRICT WATER-MAIN TAXES.

Mr. PROCTOR. I ask unanimous consent to call up the bill (H. R. 5883) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GORMAN. Let the report be read in that case.

The VICE-PRESIDENT. The report accompanying the bill will be read.

The Secretary read the report submitted by Mr. PROCTOR on the 20th instant, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 5883) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, make a favorable report upon the same.

The bill is identical with the bill H. R. 8279, of the Fifty-fourth Congress, which passed both Houses of Congress but reached the President too late for his signature. The reasons for the proposed legislation are given by the Engineer Commissioner of the District of Columbia, as follows:

"Under an old act of the legislative assembly of the District of Columbia water-main assessments were to be levied and notices thereof served by an official designated 'water registrar.' When the act providing a permanent form of government for the District of Columbia went into effect no provision was made for a water registrar, although he was continued in office until 1882, when Congress changed the form of appropriation for this officer from water registrar to chief clerk, leaving, however, the functions of the office practically the same.

"For a number of years subsequently the chief clerk of the water department levied the water-main assessments. In 1894 the flaw in this method of levying the assessments was discovered, the matter was taken into the courts, and in 1895 a decision was rendered on what is known as the "Burgdorf" case, declaring void the assessments made in this manner, and the assessments so levied which had not been paid at that time remain unpaid to the present day, aggregating in amount about $300,000.

"It may be interesting to note that in rendering the decision the court upheld the law in every respect, pointing out that the assessments were simply not levied by the official prescribed in the law—the water registrar. This opinion has been upheld in a subsequent one bearing on the same subject.

"The object of section 1 of the act is to enable the assessments lost through this pure technicality to be regained by the District. The last proviso in the first section excepts from the authority to reassess, under the original assessments, lots or parcels of lots which have been sold by former owners since the decision was rendered. This is to avoid much litigation which would ensue if it were endeavored to collect these assessments from the original owners. Inasmuch, however, as the parcels of ground thus excepted stand on the books as never having paid water-main assessments, and as new mains are being laid constantly, all of this land thus excepted will eventually have to pay a water-main assessment. The total proportional amount of land excepted under this last proviso is very small.

"Section 2 of the act is drawn up so as to permit the water and sewerage service to be extended to portions of the District which are being settled and which are not adjacent to the more thickly settled portion. This is very desirable from a sanitary standpoint; but to extend the water mains under existing law to such sections large quantities of farm lands would have to be passed through in many cases, which would have to be taxed $1.25 for each front foot (see act of August 11, 1894), entailing a great hardship on the owners of such unsubdivided property. In some instances where the public needs were so great that this had to be done the property owners have been well-nigh, or entirely, ruined. Examples of this can be cited along Tennallytown road.

"Under this section 2 the natural growth of settlements throughout the District will be helped, and while the abutting agricultural land will eventually be taxed for the water it will not have to pay the assessments until the water is actually taken.

"The object of section 3 is as follows: Water-main assessments under the law can be paid in four annual installments. At the time the Burgdorf decision was rendered, above referred to, some installments on land affected by the decision had been paid. Section 3 simply credits the owners of that property, when reassessment is made, with the amount previously paid."

Mr. GORMAN. I should like to have some explanation by the Senator from Vermont of one provision of the bill. The object, I take it, is to permit the extension of water mains in the suburbs of Washington without the usual assessment of $1.25 a foot on the property. If I caught the reading of the second section of the bill aright, it provides that property undivided shall not be assessed until the owners actually use the water. I should like to know from the Senator from Vermont in charge of the bill whether that is a fair adjustment.

Mr. PROCTOR. It seemed to the committee a fair adjustment that outside property with very large frontage should not be required to pay faster than improvements were made and the water could be used; that the owners should not be required to pay for the entire frontage, but should pay for it piecemeal as the land was built upon. It would subject persons to a very onerous and unjust tax, as the committee were unanimous in thinking, if the owner of a large strip of frontage were obliged to pay $1.25 a foot for the whole tract, when he would build only an ordinary house with 25 feet front, or perhaps 50 feet front.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GORMAN subsequently said: I desire to enter a motion to reconsider the vote by which the Senate passed House bill 5883. I simply ask to have the motion to reconsider entered, so as to prevent the bill from going to the other House.

The VICE-PRESIDENT. The motion to reconsider will be entered.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 93) granting an increase of pension to Isaiah F. Force;

A bill (H. R. 711) granting a pension to Anna M. Tate;

A bill (H. R. 747) granting an increase of pension to Lovenia Bayles;

A bill (H. R. 863) granting a pension to Francis Shetals, alias Frank Stay;

A bill (H. R. 983) to grant an increase of pension to Nathaniel Houghton;

A bill (H. R. 1018) granting a pension to Sarah E. Ingham;

A bill (H. R. 1039) to grant a pension to Samuel L. Busick;

A bill (H. R. 1387) to increase the pension of Victor Beauboucher;

A bill (H. R. 1442) granting an increase of pension to John W. Channing;

A bill (H. R. 1547) granting a pension to Sarah E. Daub;

A bill (H. R. 1855) granting an increase of pension to David C. Waring;

A bill (H. R. 1944) to grant a pension to Sarah A. Blazer;

A bill (H. R. 2078) to pension Laura E. Davenport;

A bill (H. R. 2113) granting an increase of pension to Lucy Ord Mason;

A bill (H. R. 2154) granting an increase of pension to A. V. Bloodgood;

A bill (H. R. 2203) granting a pension to George G. Vogel;

A bill (H. R. 2253) granting an increase of pension to Joseph Montieth;

A bill (H. R. 2850) granting a pension to Sarah Spangler;

A bill (H. R. 3025) increasing the pension of William S. Demott;

A bill (H. R. 3185) granting a pension to Lovezila L. Patterson;

A bill (H. R. 3326) granting a pension to Thomas S. Hancox;

A bill (H. R. 3362) granting an increase of pension to Bolivar J. Pridgen;

A bill (H. R. 3608) removing the charge of desertion from the record of Sylvester H. Mase, a musician, Fifty-sixth New York Infantry;

A bill (H. R. 3963) to permit certain parties to intervene in the equity cause of the United States against Morris and others, pending in the supreme court of the District of Columbia;

A bill (H. R. 4143) granting a pension to Elizabeth Holt;

A bill (H. R. 4435) to pension Gratia H. Martin;

A bill (H. R. 4979) granting a pension to Charles A. Foster;

A bill (H. R. 5105) granting a pension to Margaret H. Townsend;

A bill (H. R. 5325) for the relief of John Rustman;

A bill (H. R. 7165) granting an increase of pension to Alphonso Freeman;

A bill (H. R. 7337) for the removal of suits from the courts of the State of Texas to the courts of the United States in the State of Texas;

A bill (H. R. 7355) granting an increase of pension to Elizabeth Connelly;

A bill (H. R. 7482) granting a pension to Eliza B. Lowry;

A bill (H. R. 7501) granting a pension to Daniel J. Melvin;

A bill (H. R. 7523) granting an increase of pension to Mary Speier;

A bill (H. R. 7554) granting a pension to William Iott;

A bill (H. R. 7628) granting a pension to Catherine Wiltse;

A bill (H. R. 7748) to provide for a survey of Elk River, in Tennessee and Alabama;

A bill (H. R. 7783) granting an increase of pension to Elizabeth Rogers;

A bill (H. R. 7793) to increase the pension of Susan Brownlow Boynton;

A bill (H. R. 8515) to increase the pension of William H. Savage;

A bill (H. R. 8602) for the relief of Charlotte J. Gottwals from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

A bill (H. R. 8770) to repeal chapter 164, laws of 1871, approved March 3, 1871, being an act entitled "An act granting a pension to Hiram R. Rhea;"

A bill (H. R. 8819) granting a pension to Gemima Millsap; and

A bill (H. R. 9552) permitting the building of a dam across Rainy Lake River.

YOSEMITE NATIONAL PARK.

Mr. PERKINS. I ask unanimous consent to call up the bill (S. 3675) to examine, determine, and report the facts necessary to the establishment of free public highways in the Yosemite National Park, and appropriating moneys therefor.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLASSIFICATION OF LETTERS PATENT.

Mr. PLATT of Connecticut. I ask unanimous consent to call up the bill (S. 4168) for revising and perfecting the classification of letters patent and printed publications in the Patent Office.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Patents with an amendment, in section 2, line 4, after the word "act," to strike out "he" and insert "the Secretary of the Interior;" so as to make the bill read:

Be it enacted, etc., That for the purpose of determining with more readiness and accuracy the novelty of inventions for which applications for letters patent are or may be filed in the United States Patent Office, and to prevent the issuance of letters patent of the United States for inventions which are not new, the Commissioner of Patents is hereby authorized and directed to revise and perfect the classification, by subjects-matter, of all letters patent and printed publications in the United States Patent Office which constitute the field of search in the examination as to the novelty of invention for which applications for patents are or may be filed.

SEC. 2. That for the purpose of enabling the Commissioner of Patents to carry out the provisions of this act the Secretary of the Interior is hereby authorized to appoint from time to time, in the manner already provided for by law, such additional number of principal examiners, assistant examiners, first-class clerks, copyists, laborers, assistant messengers, and messenger boys as he may deem necessary: *Provided, however*, That the whole number of additional employees shall not exceed 4 principal examiners, 4 first assistant examiners, 4 second assistant examiners, 8 third assistant examiners, 8 fourth assistant examiners, 4 first-class clerks, 4 copyists, 6 laborers, 6 assistant messengers, and 6 messenger boys; that the annual expenses for this additional force shall not exceed the sum of $62,880.

The amendment was agreed to.

Mr. GORMAN. I should like to ask the Senator from Connecticut about the large increase in this force. I understand that in one of the appropriation acts, since this bill was reported, we have already made a very considerable increase. This provision, of course, will be in addition.

Mr. PLATT of Connecticut. I beg pardon.

Mr. GORMAN. The increase provided here will be in addition to that already provided for at this session. I ask the Senator if he has taken that into consideration?

Mr. PLATT of Connecticut. This bill was presented by me as an amendment to the sundry civil appropriation bill and was not accepted by the subcommittee on that bill; but the chairman of the committee [Mr. ALLISON] and the Senator from Missouri [Mr. COCKRELL], who were on the subcommittee, said it ought to be done, and that if I would introduce it as a bill there would be no objection to it on their part. Indeed, they assured me that if it were necessary they would help me to pass it.

At the last two sessions we incorporated, practically, in the legislative appropriation bill, by a Senate amendment, this bill, involving a little less money—I think $44,000—while the amount here appropriated provides that the sum shall not exceed $62,880; but it was disagreed to in conference.

This legislation is necessary if we are going to do the business of the Patent Office. I have received letters from all over the country about it. The business is falling behind because it is impossible to examine the patents to determine whether they are new and should be granted on account of novelty and keep up with the current work. The office has got from four to seven months behind. This bill is earnestly recommended by the Commissioner of Patents and also by the Secretary of the Interior. I have a report here showing the whole matter, and I think if the Senator from Maryland will examine it he will see the necessity for it.

Mr. GORMAN. I have no question about the necessity for some increase in the force. I am not antagonizing the bill at all.

Mr. PLATT of Connecticut. There was in the legislative appropriation bill a little increase of two examiners, or something of that sort, but it was for other work. The object of this bill is to so classify the matter which is in the Patent Office that it may be readily examined. The business is so great there that an average of only three hours can be given to the examination of each patent application, and it will be facilitated if the publications can be classified with reference to the subject-matter.

Mr. GORMAN. I have no doubt of that at all, but that is not the point of my inquiry. The Senator from Connecticut, who has gone into the matter very carefully, reported a bill for an increase, which is the measure just read. Pending the consideration of that bill an additional increase has been made in an appropriation act.

Mr. PLATT of Connecticut. No; not pending it, but before it.

Mr. GORMAN. Well, before it. I suggest to the Senator whether this bill ought not to be modified by deducting the amount of increase already made, but leaving the project to stand practically as it was reported. I want to give the Patent Office all the increase that is necessary, but I do not believe that it is wise to make a proposed increase on an appropriation bill and then come in with the original measure and pass it. I suggest to the Senator, if he will agree to lay the bill aside for a few moments and then reduce the number of persons by the exact number already provided for in the appropriation act, there will be no objection to it.

Mr. PLATT of Connecticut. I will say to the Senator from Maryland that this force is for a purpose other than that for which the increase was given in the legislative appropriation bill. It is for an entirely different purpose. That was a provision for the current work of the office. This is to take up the matter of classification of the publications which are there. I do not think that this force is too large.

Mr. GORMAN. I only know that the Commissioner of Patents, who, I think, is a very intelligent man, and his predecessor the same, wanted the increase that is contained in this bill, and with that he was entirely satisfied that the whole business of the office could be properly conducted. In the meantime we have made a slight increase, which is not satisfactory, but which I think ought to be deducted from the number embraced in this measure. I trust the Senator from Connecticut will let the bill be laid aside for a few moments, and I will then ask unanimous consent that it be taken up, when the proper amendment can be made.

Mr. PLATT of Connecticut. I am very anxious to have the bill pass this morning. I have no objection to its being laid aside temporarily for a few minutes.

The VICE-PRESIDENT. There being no objection, the bill will be temporarily laid aside.

ADULTERATION OF CANDY.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (H. R. 409) to prevent the adulteration of candy in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARKANSAS, TEXAS AND MEXICAN CENTRAL RAILWAY.

Mr. CHILTON. I ask unanimous consent for the consideration of the bill (H. R. 2691) to amend section 9 of an act entitled "An act to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes."

The VICE-PRESIDENT. The bill has been passed, and a motion to reconsider entered.

Mr. CHILTON. Has the motion to reconsider been only entered?

The VICE-PRESIDENT. The Chair is so informed.

Mr. CHILTON. I was under the impression that the motion had been acted on.

The VICE-PRESIDENT. The Chair is advised that the motion has been only entered.

Mr. CHILTON. I ask permission that the motion be now called up and acted upon.

The VICE-PRESIDENT. The question is on the motion to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion was agreed to.

The VICE-PRESIDENT. By unanimous consent, the bill is now before the Senate.

Mr. CHILTON. I wish to propose an amendment in line 7, on page 2, after the word "land," to strike out "two hundred" and insert "three thousand;" and in the same line, before the word "granted," to strike out the word "width" and insert the word "length."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 7, page 2, after the word "land," it is proposed to strike out "two hundred" and insert "three thousand;" and in the same line, before the word "granted," to strike out "width" and insert "length;" so as to read:

Provided also, That the strip of land 3,000 feet in length, granted in section 2 of said original act, for stations along said line of railway, shall be limited to 2,000 feet in length.

The amendment was agreed to.

Mr. WILSON. I should like to ask the Senator from Texas if the bill as now amended covers certain provisions which the committee of the other branch requires to be inserted in such bills? I only make the inquiry for the purpose of avoiding the necessity for the bill coming back from the other House. I notice that the House has amended my bills of this character so as to provide for a certain width of right of way and a certain length for terminal grounds.

Mr. CHILTON. The intention of the amendment is to cover that point. I will say to the Senator from Washington that this bill has passed the House of Representatives, and that the amendment which has been made is purely formal. The bill, as it reads now, does not state the facts as they exist in the act which it

amends, and the effect of the proviso to this bill is to cut down the reservation for stations from 3,000 feet to 2,000 feet.

Mr. WILSON. That is being done in all such bills in the other House, and I thought it had better be done here.

Mr. CHILTON. Yes; that is the idea.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CLASSIFICATION OF LETTERS PATENT.

Mr. PLATT of Connecticut. I ask unanimous consent that the bill (S. 4168) for revising and perfecting the classification of letters patent and printed publications in the Patent Office, which was laid aside temporarily, may be now considered.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PLATT of Connecticut. In compliance with the suggestion of the Senator from Maryland [Mr. GORMAN], I move, in line 11, section 2, before the words "principal examiners," to strike out "four" and insert "three;" in the same line, before the words "first assistant examiners," to strike out "four" and insert "two;" in line 12, before the words "second assistant examiners," to strike out "four" and insert "two;" in the same line, before the words "third assistant examiners," to strike out "eight" and insert "six;" and in line 13, before the words "fourth assistant examiners," to strike out "eight" and insert "five." I now ask the Secretary to read the proviso to section 2 as it will stand if these amendments be adopted.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. It is proposed to amend the proviso to section 2 so as to read:

Provided, however, That the whole number of additional employees shall not exceed 3 principal examiners, 2 first assistant examiners, 2 second assistant examiners, 6 third assistant examiners, 5 fourth assistant examiners, 4 first-class clerks, 4 copyists, 6 laborers, 6 assistant messengers, and 6 messenger boys; that the annual expenses for this additional force shall not exceed the sum of $82,880.

Mr. PLATT of Connecticut. I believe those amendments make the bill correspond to the suggestion made by the Senator from Maryland.

The VICE-PRESIDENT. The question is on the amendments submitted by the Senator from Connecticut.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAN-AMERICAN EXPOSITION ON CAYUGA ISLAND.

Mr. PLATT of New York. I ask unanimous consent for the present consideration of the joint resolution (S. R. 141) regarding the holding of a Pan-American Exposition in the year 1901 upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

JOHN FOX.

Mr. McMILLAN. I ask unanimous consent for the consideration at this time of the bill (H. R. 1263) for the relief of John Fox.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Navy to change the record of John Fox, a landsman of the U. S. S. *Quern*, so as to appear, "Nativity, New York City, and a volunteer," instead of, as the record shows, "Nativity, Montreal, Canada, and a substitute."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPROVEMENT OF HILLSBORO BAY, FLORIDA.

Mr. PASCO. I ask unanimous consent for the consideration of the joint resolution (H. Res. 149) directing the Secretary of War to submit plans and estimates for the proposed improvement of Hillsboro Bay, Florida, from its confluence with Tampa Bay, through Hillsboro Bay and River, to the city of Tampa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF GEORGE W. LAWRENCE.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 2693) for the relief of the estate of George W. Lawrence, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the administrator of the estate of George W. Lawrence, deceased, $17,221.54, in full payment and discharge of the claim for work done and material furnished in the construction of the hulls of the wooden double-enders *Agawam* and *Pontoosuc*, as per report of Thomas O. Selfridge, commodore and president of board, Senate Executive Document No. 18, first session of the Thirty-ninth Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANTON ERNST.

Mr. COCKRELL. I ask for the present consideration of the bill (S. 1495) to remove the charge of desertion from the military record of Anton Ernst.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to remove the charge of desertion from the military record of Anton Ernst, late of Company K, Second Maryland Infantry, and to grant him an honorable discharge to date as of October 15, 1862.

Mr. CHANDLER. I should like a little explanation from the Senator from Missouri who I see reported this bill. I will not ask to have the report read, but I wish to inquire whether, as a matter of fact, Anton Ernst did desert—whether the facts show that he deserted or whether there was a false appearance of desertion, which is to be corrected by this bill?

Mr. COCKRELL. Mr. President, you may rest assured of one thing, and that is that Anton Ernst did not actually desert, for, so far as I know, the Committee on Military Affairs has never relieved any actual deserter.

Mr. CHANDLER. That is the universal rule of the committee, I understand, in these cases.

Mr. COCKRELL. Let the report be read, Mr. President.

The VICE-PRESIDENT. There being no objection, the report accompanying the bill will be read.

The Secretary read the report submitted by Mr. COCKRELL February 17, 1898, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 1495) to remove the charge of desertion from the military record of Anton Ernst, have duly considered the same and submit the following report:

Your committee have fully reexamined this case and the additional evidence presented to your committee and not considered by the War Department in its refusal to remove such charge of desertion and to grant him a discharge as of date October 15, 1862, and find that House Report No. 1172, Fifty-fourth Congress, first session, made by Mr. GRIFFIN, from the Committee on Military Affairs of the House, correctly states the report from the War Department and the additional evidence now before your committee, and recommend the passage of the bill.

Said report is as follows:

"The Committee on Military Affairs, to whom was referred the bill (H. R. 4900) for the relief of Regina Ernst, having had the same under consideration, would report thereon as follows:

"It appears that Regina Ernst is the widow of Anton Ernst, who, according to the report of the War Department, was enrolled September 5, 1861, as a private in Company K, Second Regiment Maryland Infantry, to serve three years, and appears to have served faithfully until August 31, 1862. The muster roll for September and October, 1862, reports him 'Deserted from October 15, 1862.' He never rejoined his company, although he owed service to September 5, 1864. The medical records furnish no information concerning him. In applying for a removal of the charge of desertion from the record by the War Department, Regina Ernst, on June 22, 1891, testified that in 1862, when she brought her husband home from the Army 'under a furlough,' he was an invalid, suffering from asthma, heart affection, and the effects of the hardships of the service; that he was never thereafter in a fit condition to return to the Army, and was an invalid on her hands for ten years after she brought him home, she having to support him during that time by her daily toil.

"Under date of June 22, 1891, Comrade Boettger testified that he was second lieutenant of Ernst's company; that the said Ernst was a good, brave soldier, and never showed the slightest disposition to shirk his duty, always doing it manfully, and further corroborated so much of the widow's testimony as went to show that the soldier was suffering from a severe illness and was taken home 'under a furlough.'

"On July 7, 1891, Angeline Wennig and Wendelin Kessler testified that they saw the soldier when he was brought home from the Army; that he was in very bad condition and seemed to be suffering from asthma and lung trouble, being hardly able to get his breath at all; that they were his neighbors and saw him frequently, and that he was never able to return to the service, being almost entirely helpless.

"Philip Engerd, Daniel Cooper, and John Luber, on July 13, 1891, testified that they were members of the Second Maryland Infantry; that Ernst became very sick in the service, having a bad cough and difficulty in catching his breath—a wheezing way of breathing that was extremely noticeable on account of his unusual height; that his efforts to breathe caused him to bend over in a peculiar manner, and that he continued in this way 'until discharge.'

"John Gerhard, on September 9, 1890, declared under oath that he served with Ernst, who, during the latter part of his service, suffered from a severe hacking cough and cold brought on by exposure in the service.

"George Lintenberger, on July 16, 1891, testified that he served with Ernst, and corroborates the statement of Gerhard.

"John Luber, again, on July 17, 1891, corroborates the statements, substantially, of the witnesses Angeline Wennig and Wendelin Kessler.

"On August 29, 1891, Boettger, who also testified on June 22, 1891, stated, in reply to a letter from the War Department, that after the battle of Antietam, Md., September 17, 1862, when the regiment was encamped at Pleasant Valley, Ernst received a pass from First Lieut. F. W. Heck, then commanding the company, to go through the lines, he remembering the incident distinctly on account of the soldier's sickness. He further stated that he was not able to 'diagnose fully' the nature of the soldier's ailment, but was impressed at the time with the fact that he was a very sick man; that he seemed to be suffering from asthma, lung affection, and general debility.

"In reply to a letter addressed by the War Department to Louis Fleckenstein, late a lieutenant of Ernst's company, he stated, under date of September 5, 1891, that at and after the time said Ernst is shown by the records to have deserted he was an able-bodied man, and that he was charged with desertion according to the rules and discipline of war.

"On July 17, 1891, Regina Ernst again testified that her husband was a well man before his enlistment; that he was taken very ill while in the service and sent for her; that he was suffering from asthma in a bad form and had treated himself, using anything that was suggested to him, hoping to obtain relief; that after he went home he was treated by affiant with 'home remedies,' as it was thought that a physician 'would not be of much use;' that the spells would come on suddenly and he would suffer terribly; that he had no intention of deserting, and had he been able would have returned to the service, but was not fit for any work after he went home, and that it was impossible for her to furnish medical testimony.

"Hannibald Gutman and Henry Freund testified, under date of October 12, 1891, that this soldier was completely incapacitated from performing the duties of a soldier from the time he arrived home until the day of his death, in October, 1875, and that his wife supported him during this time; that Ernst was in good health when he enlisted, but was in wretched health after his return from the Army.

"On October 18, 1893, Regina Ernst, then being 62 years of age, made an affidavit, which has been presented to your committee, wherein she stated that after the battle of Sharpsburg, or Antietam, she went to the battlefield to see her husband, who had been sick, but participated in the engagement, and that he carried the company colors; that when she got to the camp, about September 20, 1862, she found her husband very poorly, so she went to Captain Seedsburg and got a pass to go home, and her husband was so much worse next day that Lieutenant Heck went to the captain and talked with him, and the captain told Heck to give a furlough to her husband with a pass for eight days, which he did, and then said if he was no better at the end of eight days tell him to stay till sent for; that she and her husband came to their home in Baltimore.

"When his eight days' furlough expired he was no better, nor did he ever get much better; that his disease soon developed into a severe case of asthma, and he never was able to go but a few blocks from their home or do any work, and for twelve years was an invalid, and died of the disability in 1876; that he never did desert in any way, but came away with his furlough, accompanied by her, and with full consent and knowledge of his superior officers, and never was able to go back or do any duty again during the remainder of his life.

"On September 15, 1894, Wanobatl Gutman, John H. Hoeck, and John Luher each testified of their personal knowledge that Anton Ernst was treated by one Dr. Troutman for several years after said Ernst returned home in September, 1862, until the death of Dr. Troutman, and corroborate the statement of the widow as to her husband's ill condition of health until his death, and the witness Gutman also corroborates the widow as to the fact that she supported her husband and family by her own labors until the time of his death.

"Your committee, after a careful review of the testimony, have arrived at the conclusion that the failure of the soldier Anton Ernst to return to his command and serve out the term of his enlistment and receive an honorable discharge was due to his serious illness, which so disabled him as to render him incapable of returning to his regiment.

"All the sworn testimony supports this conclusion, and the only statement which militates against the same is the one made by Louis Fleckenstein, late a lieutenant of Ernst's company, which is not, in the report of the War Department, stated to have been under oath, and hence your committee are unwilling that such statement should outweigh all the sworn statements supporting the conclusion at which the committee has arrived. It appears to your committee that the soldier left his command by permission, and hence no intention of deserting existed at that time, and during the remainder of the term of his enlistment his condition was such as to excuse him from returning to his command.

"Your committee therefore submit the following as a substitute bill, and recommend that the same do pass:

"'*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Antcn Ernst, late of Company K, Second Maryland Infantry, and to grant him an honorable discharge, to date as of October 15, 1862.'"

Mr. COCKRELL. Mr. President, the statements in the report are substantiated by the testimony in the case, that Anton Ernst was taken sick when the Army was not far from here. His wife went to him; he was taken home, and was bedridden the remainder of the time until he died.

Mr. CHANDLER. How does it happen, under those circumstances, that the records show that he deserted?

Mr. COCKRELL. Whenever a soldier is absent without leave, the charge is always made that it is desertion.

Mr. GALLINGER. I will supplement the suggestion of the Senator from Missouri by saying that there are scores of charges standing against soldiers now for desertion who left the Army almost at the close of the war. They went home from hospitals, and they did not get a discharge.

Mr. COCKRELL. And the absence without leave was charged as desertion.

Mr. CHANDLER. I understand very well the fact which my colleague states, that there were a great many of these cases at the close of the war, but in this case the man's wife says that she took her husband home and took care of him as an invalid for ten years, that he was sick when she took him away, and he was marked as a deserter. He had enlisted for three years, and this was in 1862, in the middle of the war, which is, I submit, somewhat a different case from the cases to which my colleague has alluded.

I am entirely willing to believe that the Committee on Military Affairs satisfied itself, or that the honorable Senator from Missouri [Mr. COCKRELL] who made the report satisfied himself, that there was in fact no desertion. I was inclined to ascertain, if I could, what was the evidence in this case—and there are similar cases—which convinced the committee that it was not a desertion.

Mr. COCKRELL. The evidence of his neighbors, who lived near him up to the time he died, was conclusive that from the time he got home until he died he never was fit for military service.

Mr. SPOONER. If the Senator will allow me, then the soldier died in the line of duty, to all intents and purposes.

Mr. CHANDLER. But ten years after he had been recorded as a deserter. I will ask the Senator to state when the first effort was made to have the charge of desertion removed?

Mr. COCKRELL. In 1891.

Mr. CHANDLER. Not until 1891. Then the Senator from Wisconsin [Mr. SPOONER] will note that it was a very long time after the so-called desertion and after the death of the soldier that his widow first thought of correcting his military record.

Mr. SPOONER. But, if my friend will allow me, there were men reported as deserters who, it was afterwards shown, died in battle. If a man went from hospital sick and remained bedridden and sick until he died, having incurred the disease in the Army and in actual service, in a large sense it ought to be considered that he died in the line of duty.

Mr. CHANDLER. In the enlarged sense of which the Senator from Wisconsin speaks, I am willing to accept that conclusion.

Mr. SPOONER. The Senator from New Hampshire——

Mr. CHANDLER. But I did have a desire to know—if the Senator will allow me to finish—how carefully the committee examined such cases where the desertion was in the middle of the war. I have never had any suspicion, or any great suspicion, of the cases to which my colleague has alluded. I know that a great many soldiers in the spring of 1865 considered the war as closed, that they had a right to go home, and went home, and the Departments and Congress have always treated those men with leniency. But here is a peculiar case, where the only evidence appears to be that the wife says she carried her husband home. If she went after him and found him sick in 1863 and took him home, of course it was a misfortune that there was not a leave of absence granted. Ten years afterwards, the Senator from Wisconsin, with a somewhat vivid imagination, suggests, the man just as much died in the service of his country as if he had died on the battlefield in 1862.

Mr. COCKRELL. Mr. President——

Mr. SPOONER. If the Senator from Missouri will allow me a moment, I learned when I was in the Senate before that the Senator from Missouri, like every other patriotic civilian and great soldier, hated a deserter or any man who from cowardice or any ulterior purpose had abandoned the service, and I accustomed myself to voting blindly for every bill relieving the charge of desertion which was reported by the Senator from Missouri, and I feel that way still.

Mr. CHANDLER. I am to infer, I suppose, from the statement of the Senator from Wisconsin that because he always voted blindly—and I admit with due comidence, proper confidence—for anything reported by the Senator from Missouri he means to suggest that I ought not to inquire——

Mr. SPOONER. Oh, no.

Mr. CHANDLER. That I ought not to inquire of the Senator from Missouri as to the special facts in this case. It is precisely because the Senator from Missouri is very careful, as well as very liberal, in all these cases that I was led to seek to obtain from him a statement as to this particular case, where a soldier was reported as deserting at the most critical period of the war, whether or not there was ample evidence that he did not in fact desert.

Mr. COCKRELL. Mr. President, I do not think any man who ever served honorably in any war can have any patience with deserters or shirkers or mere camp followers or men of that character.

This case was presented to me, and from the evidence in the case I have stated what the record shows in the report already read, which also contains the statement of his wife. Here is what one of the lieutenants of his company says:

Under date of June 22, 1891, Comrade Boettger testified that he was second lieutenant of Ernst's company; that the said Ernst was a good, brave soldier, and never showed the slightest disposition to shirk his duty, always doing it manfully, and further corroborated so much of the widow's testimony as went to show that the soldier was suffering from a severe illness and was taken home "under a furlough."

We all understand how it was in the beginning of the war, that company officers would give furloughs—they had no right to do so—and when the matter came to be decided by the Department, such furloughs were ignored as not being proper or legal authority for a soldier to go home. I will read further from the statement of this same officer. He says:

On August 29, 1891, Boettger, who also testified on June 22, 1891, stated, in reply to a letter from the War Department, that after the battle of Antietam, Md., September 17, 1862, when the regiment was encamped at Pleasant Valley, Ernst received a pass from First Lieut. F. W. Heck, then commanding the company, to go through the lines, he remembering the incident distinctly on account of the soldier's sickness. He further stated that he was not able to "diagnose fully" the nature of the soldier's ailment, but was impressed at the time with the fact that he was a very sick man; that he seemed to be suffering from asthma, lung affection, and general debility.

Mr. President, there is other testimony of the neighbors which shows clearly that this man was totally disabled from doing any military service from that time until he died.

Mr. WILSON. If the Senator from Missouri has finished, before he takes his seat I should like to make an inquiry for information. My understanding is that at some previous period Congress passed a law authorizing the Secretary of War upon certain evidence to grant discharges in meritorious cases.

Mr. COCKRELL. Yes.

Mr. WILSON. I know one instance which came up in my State where a soldier served through nearly the entire war, was severely wounded, and was granted a pension for it, and yet he was afterwards marked as a deserter. If the law has expired by reason of its limitation, why can it not be reenacted to cover all such cases?

Mr. COCKRELL. It is still in existence, but it defines only certain classes of cases, and the Department requires a certain class of evidence to satisfy it. This case is exceptional in that it does not come within the technical terms of the law.

Mr. WILSON. I am not discussing this particular case. I wish to get at the subject for information. Take, for illustration, this man who served during the war, was severely wounded, and the Pension Office granted him a pension. He went onto a collier, a vessel carrying coal, or something of that kind, was taken sick and sent to a hospital, and while in the hospital the vessel went out of commission. He supposed, when the war was over, everything was ended. He went home and was marked as a deserter; yet we had to come to Congress to get relief in a meritorious case of that kind.

Mr. COCKRELL. There has been a general law ever since 1884.

Mr. WILSON. It has never been enforced, then.

Mr. COCKRELL. Yes; there have been 10,000—probably 50,000—men relieved, but the Department are technical in their construction, and properly so, and they only relieve in strict compliance with the exceptions made in that law. The cases which we report here are exceptional ones, which the Department will not relieve.

Mr. WILSON. I should think the Department would grant relief where a man was shot to pieces and served five years and was marked as a deserter, and that it would not be quite so technical.

Mr. COCKRELL. The Departments do not act upon the equities. They act upon strict legal principles and within certain dates. If a man served a certain length of time and then left, or if he left one command and joined another within three months, then they can act; but if his absence ran over three months and one day they can not relieve, although he again went in and served faithfully to the conclusion of the war.

Mr. CHANDLER. I desire to state that, having examined the report in this case, I think the eulogium passed upon the Senator from Missouri by the Senator from Wisconsin is in every way deserved, and that the Senator has not acted without confidence or with any undue haste in this case. My attention was attracted to it, as I said, because the desertion was in October, 1862, a very critical period; but I find it to be true, as stated by the Senator from Missouri, that Ernst went home on a furlough, which his wife procured for him before she took him home, and that he was recorded as a deserter only because he did not come back.

Mr. COCKRELL. That was it.

Mr. CHANDLER. At the top of the third page the committee state:

> Your committee, after a careful review of the testimony, has arrived at the conclusion that the failure of the soldier Anton Ernst to return to his command and serve out the term of his enlistment and receive an honorable discharge was due to his serious illness, which so disabled him as to render him incapable of returning to his regiment.

So it would appear that this man was recorded as a deserter only because his company officers, after he had gone a month or two, thought he ought to have come back. They could not have known the facts except by hearsay, and in a case of this kind I think it was an erroneous record to make. Therefore the committee have rightly acted. The only record the company officers could properly have made would have been the fact that having been given a furlough or granted sick leave the soldier failed to return after being notified that he was expected to return. That would not have been a technical mark of desertion.

Mr. COCKRELL. As I understand the rules which were in force at the time, company officers had no discretion to make an excuse for his absence.

Mr. CHANDLER. Had they a right, after a man went away on furlough, to mark him as a deserter because he did not come back?

Mr. COCKRELL. They had no right to say how he was absent. He was absent without authority, and that was practically a charge of desertion.

Mr. CHANDLER. He was not absent without authority. The leave which was given to him expired.

Mr. COCKRELL. It expired. Then he was absent without authority.

Mr. CHANDLER. He ought to have returned; certainly.

Mr. COCKRELL. I know; but when a man's furlough expired and he did not return, he was absent without authority and was always charged with desertion.

Mr. CHANDLER. It is a mere difference in the way of expressing the fact; but it was only technical desertion, and I am very glad to find that the Senator has been very careful, and I hope he will always continue to be as careful as the Senator from Wisconsin thinks he always has been.

Mr. CARTER. I wish to ask the Senator from New Hampshire if the Senate is to understand that he is now entirely satisfied with the bill?

Mr. CHANDLER. Perceiving my friend the Senator from Montana upon the other side of the Chamber, at a safe distance from the scene of action, though I am unable to account for his desertion, I am glad to say that I am entirely satisfied with the bill, and I hope it will receive the support of the Senator from Montana.

Mr. CARTER. There is no apprehension of violence on the part of the Senator from Montana, so far as the Senator from New Hampshire is concerned.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS F. ROWLAND.

Mr. WARREN. I ask permission to call up the bill (S. 2474) for the relief of Thomas F. Rowland.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Thomas F. Rowland $82,460.95, in full payment of his claim for work done and material furnished in the construction of the hull and machinery of the iron double-ender *Muscoota*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN SHELTON.

Mr. PRITCHARD. I ask unanimous consent for the present consideration of the bill (S. 3799) to correct the military record of John Shelton.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to correct the military record of John Shelton, late of Company E, Second North Carolina Mounted Infantry, by entering his name on the muster rolls of said regiment and company as first lieutenant.

Mr. PRITCHARD. At the end of line 7, I move to strike out the period and insert what I send to the desk.

The amendment was read, and agreed to, as follows:

> And issuing to him a certificate of such service as first lieutenant.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HUMBOLDT HARBOR, CALIFORNIA.

Mr. WHITE. I ask unanimous consent for the present consideration of the joint resolution (H. Res. 119) for the improvement of Humboldt Harbor, California.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It requests the Secretary of War to submit detailed estimates from information now on file of the costs for the proposed dredging and improvement of Humboldt Harbor, California, as contemplated by the river and harbor act of June 3, 1896, and by the report of Cassius E. Gillette, captain of engineers, submitted to Congress in the report of the Chief of Engineers.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STREET PARKING IN THE DISTRICT.

Mr. McMILLAN. I ask unanimous consent for the present consideration of the bill (H. R. 5880) to vest in the Commissioners of the District of Columbia control of the street parking in said District.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, in line 9, after the word "Washington," to insert "north of the south building line of Pennsylvania avenue;" so as to read:

> That all jurisdiction or control, under sections numbered from 226 to 230, both inclusive, of the Revised Statutes of the United States relating to the District of Columbia, and under section 1818 of the Revised Statutes of the United States, of street parking in the streets and avenues of the city of Washington north of the south building line of Pennsylvania avenue, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ROBERT KENNISH.

Mr. BAKER. I ask unanimous consent for the consideration at this time of the bill (H. R. 5457) for the relief of Robert Kennish.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Navy to grant an honorable discharge to Robert Kennish, late a mate on board the U. S. S. *Restless*, as of the date of September 30, 1862.

Mr. COCKRELL. I ask that the report in the case be read, beginning with the words "Robert Kenniah enlisted."

The Secretary read from the report submitted by Mr. TILLMAN, from the Committee on Naval Affairs, February 15, 1898, as follows:

Robert Kennish enlisted and served on the U. S. S. *Restless* from November 1, 1861, to September 30, 1862; that during this period the said vessel was under the control of the Quartermaster's Department of the Army; that on the latter-named date the *Restless* was transferred from the Army to the Navy, and there is no official record of the service of the said Kennish from the said date. Mr. Kennish testifies that on the last-mentioned date he was sick and wholly unable to render any service, and that at St. Louis, Mo., he left the service, because of such sickness, with the knowledge and consent of his superior officers; that before leaving he secured a man to take his place, and that there was an understanding with some of the officials that in case he was unable to return they would send him a discharge. He further states that he never sufficiently recovered to perform military service, and never returned and never received his discharge.

The bill has been referred to the Secretary of the Navy for information and suggestions, and the official statement shows the service as stated herein, and does not show any charges against the soldier, so that his statement of the case is corroborated by the official records.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. GOULD.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4422) granting a pension to George W. Gould.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension George W. Gould, late first lieutenant and adjutant, First Vermont Volunteer Infantry, at the rate of $24 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GILSONITE DEPOSITS IN UTAH.

Mr. CANNON. I ask permission to call up at this time the bill (S. 4317) to provide for the opening of lands containing asphaltum, gilsonite, elaterite, and kindred substances in the State of Utah.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, in line 8, after the word "than," to strike out "two entries" and insert "one entry;" so as to make the bill read:

Be it enacted, etc., That all the lands of the Uncompahgre Indian Reservation, in the State of Utah, containing asphaltum, gilsonite, elaterite, and kindred substances are hereby declared open to public location and entry under the mineral-land laws of the United States; and no one person shall be allowed to make more than one entry of such lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PASS FROM GULF OF MEXICO INTO HORN ISLAND HARBOR.

Mr. MONEY. I ask unanimous consent for the present consideration of the bill (H. R. 8738) for the survey of the pass leading from the Gulf of Mexico into Horn Island Harbor, Mississippi, and a survey of said harbor.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened, and (at 2 o'clock p. m.) the Senate adjourned until to-morrow, Friday, April 29, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 28, 1898.

INTERNAL-REVENUE COLLECTOR.

Charles H. Treat, of New York, to be collector of internal revenue for the Second district of New York, to succeed John A. Mason, removed.

SURVEYOR-GENERAL.

Erastus A. Williams, of Bismarck, N. Dak., to be surveyor-general of North Dakota, vice Andrew Blewett, whose term will expire May 28, 1898.

PENSION AGENT.

Michael Kerwin, of New York, to be pension agent at New York, N. Y., vice Samuel Truesdell, term expired.

INDIAN AGENT.

William T. Walker, of Norman, Okla., to be agent for the Indians of the Kiowa Agency in Oklahoma Territory, vice Capt. Frank D. Baldwin, United States Army, relieved from duty as acting Indian agent.

POSTMASTERS.

George W. Dicus, to be postmaster at Rochelle, in the county of Ogle and State of Illinois, in the place of A. B. Pool, whose commission expired April 7, 1898.

Theodorus Hart, to be postmaster at Pittston, in the county of Luzerne and State of Pennsylvania, in the place of J. H. Mullin, whose commission expired March 14, 1898.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Edwin A. Anderson, to be a lieutenant in the Navy, from the 28th day of March, 1898, vice Lieut. Theodric Porter, promoted.

Lieut. (Junior Grade) John M. Poyer, to be a lieutenant in the Navy, from the 8th day of April, 1898, vice Lieut. David Daniels, deceased.

Lieut. (Junior Grade) Charles P. Eaton, to be a lieutenant in the Navy from the 13th day of April, 1898 (subject to the examinations required by law), vice Lieut. Frederic H. Lefavor, retired.

Lieut. (Junior Grade) John M. Ellicott, to be a lieutenant in the Navy from the 23d day of April, 1898 (subject to the examinations required by law), vice Lieut. Charles S. Ripley, retired.

Lieut. Commander Wells L. Field, to be a commander in the Navy from the 27th day of April, 1898, vice Commander Horace Elmer, deceased.

Lieut. Daniel D. V. Stuart, to be a lieutenant-commander in the Navy from the 27th day of April, 1898, vice Lieut. Commander Wells L. Field, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 28, 1898.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. Rudolph Gustave Ebert, assistant surgeon, to be surgeon.

Artillery Arm.

Second Lieut. George Grant Gatley, Fifth Artillery, to be first lieutenant.

Infantry Arm.

First Lieut. Wallis Olwin Clark, adjutant, Twelfth Infantry, to be captain.

RECEIVER OF PUBLIC MONEYS.

Samuel A. Wells, of Spokane, Wash., to be receiver of public moneys at Spokane, Wash.

SUPERVISING INSPECTOR OF STEAM VESSELS.

Charles H. Westcott, of Michigan, to be supervising inspector of steam vessels for the Eighth district.

REGISTER OF THE LAND OFFICE.

William H. Ludden, of Spokane, Wash., to be register of the land office at Spokane, Wash.

INDIAN AGENT.

William J. Pollock, of the District of Columbia, to be agent for the Indians of the Osage Agency in Oklahoma Territory.

POSTMASTERS.

Thomas H. Higgins, to be postmaster at Chester, in the county of Delaware and State of Pennsylvania.

George Metzger, to be postmaster at Davenport, in the county of Scott and State of Iowa.

Richard M. Johnson, to be postmaster at Middleville, in the county of Barry and State of Michigan.

E. Knowlton Fogg, to be postmaster at Lynn, in the county of Essex and State of Massachusetts.

Jacob S. Matthews, to be postmaster at Athens, in the county of McMinn and State of Tennessee.

George S. Avery, to be postmaster at Galena, in the county of Jo Daviess and State of Illinois.

George W. Smith, to be postmaster at Sweet Springs, in the county of Saline and State of Missouri.

John B. George, to be postmaster at Constantine, in the county of St. Joseph and State of Michigan.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 28, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. R. 7628. An act granting a pension to Catherine Wiltse;
H. R. 3326. An act granting a pension to Thomas S. Hancox;
H. R. 2850. An act granting a pension to Sarah Spangler;
H. R. 1039. An act to grant a pension to Samuel L. Busick;
H. R. 4979. An act granting a pension to Charles A. Foster;
H. R. 2203. An act granting a pension to George G. Vogel;
H. R. 5105. An act granting a pension to Margaret H. Townsend;
H. R. 2113. An act granting an increase of pension to Lucy Ord Mason;
H. R. 93. An act granting an increase of pension to Isaiah F. Force;
H. R. 7355. An act granting an increase of pension to Elizabeth Connelly;
H. R. 6770. An act to repeal chapter 164, laws of 1871, approved March 3, 1871, being an act entitled "An act granting a pension to Hiram R. Rhea;"
H. R. 7554. An act granting a pension to William Iott;
H. R. 1547. An act granting a pension to Sarah E. Daub;
H. R. 1442. An act granting an increase of pension to John W. Channing;
H. R. 7165. An act granting an increase of pension to Alphonso Freeman;
H. R. 5325. An act for the relief of John Rustman;
H. R. 711. An act granting a pension to Anna M. Tate;
H. R. 7793. An act to increase the pension of Susan Brownlow Boynton;
H. R. 7783. An act granting an increase of pension to Elizabeth Rogers;
H. R. 1944. An act to grant a pension to Sarah A. Blazer;
H. R. 3362. An act granting an increase of pension to Bolivar J. Pridgen;
H. R. 3008. An act removing the charge of desertion from the record of Sylvester H. Mase, a musician, Fifty-sixth New York Infantry;
H. R. 8515. An act to increase the pension of William H. Savage;
H. R. 3185. An act granting a pension to Lovezila L. Patterson;
H. R. 3025. An act increasing the pension of William S. Demott;
H. R. 9552. An act permitting the building of a dam across Rainy Lake River;
H. R. 8819. An act granting a pension to Gemima Millsap;
H. R. 7748. An act to provide for a survey of Elk River, in Tennessee and Alabama;
H. R. 7523. An act granting an increase of pension to Mary Speier;
H. R. 3963. An act to permit certain parties to intervene in the equity cause of the United States against Morris and others, pending in the supreme court of the District of Columbia;
H. R. 1067. An act to increase the pension of Victor Beauboucher;
H. R. 4143. An act granting a pension to Elizabeth Holt;
H. R. 7501. An act granting a pension to Daniel J. Melvin;
H. R. 3154. An act granting an increase of pension to A. V. Bloodgood;
H. R. 863. An act granting a pension to Francis Shetais, alias Frank Stay;
H. R. 7482. An act granting a pension to Eliza B. Lowry;
H. R. 7337. An act for the removal of suits from the courts of the State of Texas to the courts of the United States in the State of Texas;
H. R. 2253. An act granting an increase of pension to Joseph Montieth;
H. R. 8602. An act for the relief of Charlotte J. Gottwals from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;
H. R. 747. An act granting an increase of pension to Lovenia Bayles;
H. R. 4435. An act to pension Gratia H. Martin;
H. R. 1018. An act granting a pension to Sarah E. Ingham;
H. R. 2078. An act to pension Laura E. Davenport;
H. R. 983. An act to grant an increase of pension to Nathaniel Houghton;
H. R. 1835. An act granting an increase of pension to David C. Waring;

GUSTAV ISAK DAHLBERG.

The SPEAKER laid before the House of Representatives the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed:

To the Congress:

I transmit herewith a report from the Secretary of State and accompanying papers relating to the claim against the United States of the Russian subject, Gustav Isak Dahlberg, master and principal owner of the Russian bark *Hans*, based on his wrongful and illegal arrest and imprisonment by officers of the United States district court for the southern district of Mississippi, and in view of the opinion expressed by the Department of Justice that the said arrest and detention of the complainant were wrongful and without authority of law, I recommend the appropriation by Congress of the sum of $5,000 to reimburse the master and owners of the vessel for all losses and damages incurred by reason of his said wrongful and illegal arrest and detention.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, April 27, 1898.

QUARTERMASTER'S DEPARTMENT OF THE ARMY.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to submit the following report and ask unanimous consent for its immediate passage.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, which will be reported by the Clerk.

The Clerk read as follows:

Be it enacted, etc., That the operation of the following provisions of law be, and it is hereby, suspended until otherwise provided by law, namely:

The provision of the first section of the act entitled "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes," in the following words:

"*Provided*, That hereafter no part of this appropriation shall be expended in the purchase for the Army of draught animals until the number on hand shall be reduced to 5,000, and thereafter shall only be expended for the purchase of a number sufficient to keep the supply up to 5,000."

The provision of the first section of the act entitled "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1899, and for other purposes," in the following words:

"*Provided*, That hereafter no part of the appropriations for the Quartermaster's Department shall be expended on printing, unless the same shall be done by contract, after due notice and competition, except in such cases as the emergency will not admit of the giving notice for competition: *Provided further*, That after advertisement all the supplies for the use of the various departments and posts of the Army, and of the branches of the Army service, shall hereafter be purchased where the same can be purchased the cheapest, in the markets of the United States, quality and cost of transportation and the interest of the Government considered, except that purchases may be made in open market, in the manner common among business men, when the aggregate amount required does not exceed $200, but every such purchase shall be immediately reported to the Secretary of War."

And the words:

"*Provided*, That the number of horses purchased under this appropriation, added to the number on hand, shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service, and that no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster's Department, and an inspection by such Department, all under the direction and authority of the Secretary of War."

And the words:

"*Provided*, That no more than $1,000,000 of the sums appropriated by this act shall be paid out for the services of civilian employees in the Quartermaster's Department, including those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, camp and garrison equipage; that no employee paid therefrom shall receive a salary more than $150 per month, unless the same shall be specially fixed by law.

Mr. HULL. I would like to have the Clerk read the report and the letters of transmission.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 10121) to suspend the operations of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, having had the same under consideration, beg to report the same back to the House with the recommendation that it do pass with the following amendment:

Insert after the word "suspend," in line 4, page 1, the following words: "In the discretion of the Secretary of War, during the existence of war with Spain, or."

Your committee herewith submit a letter from the Secretary of War, inclosing a letter from the Quartermaster-General, and make the same a part of this report.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, April 23, 1898.

SIR: In view of the immediate requirements of the Army, and in order to supply it promptly during active hostilities, it is respectfully recommended that legislation be provided by Congress to suspend until such time as hostilities shall cease the provisions of law applicable to the Quartermaster's Department, as published in the annual appropriation acts for the support of the Army, viz, requiring advertisement before purchasing supplies, animals, etc.; limiting the amount to be paid for the hire of civilian employees to $1,000,000 annually, and that no employee of the Quartermaster's Department shall receive more than $150 per month; forbidding that the number of cavalry and artillery horses shall exceed the number of enlisted men and Indian scouts in the mounted service; that no part of the appropriation shall be paid for horses not purchased by contract, after competition, duly invited, and inspected by the Quartermaster's Department; also limiting the number of draft animals to 5,000.

For the purchase and prompt delivery of supplies the requirements of the law now in force should be suspended or modified so as to permit purchases in open market.

The force of civilian employees must necessarily be largely increased, and

in some instances, in order to secure certain classes of employees, such as masters of vessels, special agents, etc., whose services could not be secured for such amount of pay ($150), it will be necessary to exceed that sum.

A reasonable reserve supply of cavalry and artillery horses should be kept on hand to supply losses as they occur, to keep up the efficiency of the cavalry and artillery arms of the service. To do this efficiently and promptly, the requirements of the law now in force should be suspended or so modified as to permit purchases in open market and an inspection by officers other than of the Quartermaster's Department properly designated by the Secretary of War.

The number of the draft animals must necessarily be increased, as the Army will, no doubt, be operating off lines of railroad, and, in order to keep up its supply, hauling by teams must be resorted to.

The suspension or modification of the prohibitory and limiting provisions of the laws referred to is absolutely necessary to enable the Department to conduct its business under existing emergencies, and immediate action by Congress is required to relieve this Department of the operations of said laws.

Very respectfully, M. I. LUDINGTON,
Quartermaster-General, United States Army.

The SECRETARY OF WAR.

WAR DEPARTMENT, *Washington, April 25, 1898.*

SIR: I have the honor to transmit herewith a copy of a letter from the Quartermaster-General of the Army, recommending, in view of the immediate requirements of the Army and in order to supply it promptly during active hostilities, that legislation be provided by Congress to suspend until such time as hostilities shall cease the provisions of law applicable to the Quartermaster's Department as published in the annual appropriation acts for the support of the Army. As stated by the Quartermaster-General, the suspension or modification of the prohibitory and limiting provisions of the laws referred to is absolutely necessary to enable the Department to conduct its business under existing emergencies. Immediate and favorable consideration is recommended.

Very respectfully, R. A. ALGER,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. DOCKERY. What is the gentleman's request?

Mr. HULL. For the immediate passage of the bill.

Mr. DOCKERY. Do you not want first to ask for unanimous consent to consider it?

Mr. HULL. No, I will not, if it is going to take any time.

Mr. DOCKERY. I have examined the bill and I am not willing to——

Mr. HOPKINS. Mr. Speaker, if this is going to take any time I object to its consideration.

Mr. DOCKERY. It will not take but a moment as far as I am concerned. I do not object to it, except that I want four or five words stricken out, and those are in line 4, page 1, "until otherwise provided by law."

Mr. RICHARDSON. The gentleman has not yet got unanimous consent for consideration.

Mr. DOCKERY. He is asking unanimous consent to pass the bill, not for consideration. I am willing to follow the recommendation of the Secretary of War and the Military Committee, but I want those words, "until otherwise provided by law," stricken out.

Mr. HULL. They were left in with the idea that Congress might in two weeks from now, perhaps, pass a law absolutely repealing that provision. But I have no objection to striking them out.

Mr. DOCKERY. Very well, Mr. Speaker, I am well content with the bill with those words stricken out.

Mr. RICHARDSON. Has the bill been reported unanimously by the Committee on Military Affairs?

Mr. HULL. It has, and it is an emergency measure, too. I will ask, Mr. Speaker, unanimous consent to modify the committee amendment so as to strike out the word "or" and the words "until otherwise provided by law"—that is, to strike out the word "or" in the committee amendment first, and then strike out the words "until otherwise provided by law." I do not regard the words as meaning much anyhow.

The SPEAKER. The Chair thinks he will put the question of consideration first. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The question now is on agreeing to the amendments presented by the gentleman from Iowa to the committee amendments.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WAR REVENUE BILL.

Mr. DINGLEY. I call for the regular order.

Mr. McMILLIN. Pending that, I ask unanimous consent for an order which only the House can make. As there are a number of gentlemen who will not get time to speak on the revenue bill now pending by reason of the limitation imposed by the order, I ask consent that, within such reasonable number of days as may be thought advisable, permission to print be granted.

Mr. DINGLEY. What is the request?

Mr. McMILLIN. I request that for five days leave be granted to print remarks in the RECORD.

Mr. DINGLEY. On the revenue bill now pending.

The SPEAKER. The gentleman from Tennessee asks that general leave to print be granted for five days on the bill which is now before the Committee of the Whole.

Mr. McMILLIN. Five days from the conclusion of the debate.

The SPEAKER. The proposition is that leave be granted to file remarks for five days after the close of the debate. Is there objection?

There was no objection.

Mr. BAILEY. I desire to ask permission of the House to exercise such liberality as I may desire in revising the speech which I delivered yesterday. I delivered it without any preparation at all, and there are some respects in which I desire to extend and elaborate it. I ask permission of the House to do that.

Mr. WALKER of Massachusetts. I think the request does credit to the gentleman's head. I hope it will be granted.

Mr. McMILLIN. The request of the gentleman from Texas will be covered by the general leave.

The SPEAKER. The gentleman from Texas asks permission of the House to extend and modify——

Mr. BAILEY. Not modify.

The SPEAKER. To extend and revise his remarks. Is there objection? The Chair hears none.

Mr. DINGLEY. I ask unanimous consent that the hour for taking the recess to-day be 6 o'clock instead of 5. I make this proposition to meet the request of a number of gentlemen.

The SPEAKER. The gentleman from Maine asks unanimous consent that the recess to-day be taken at 6 o'clock instead of 5. Is there objection? The Chair hears none. The regular order has been called for, which is the consideration of the revenue bill in Committee of the Whole.

The House accordingly resolved itself into Committee of the Whole (Mr. SHERMAN in the chair) and resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

Mr. PAYNE. Mr. Chairman, wisely or unwisely, we are in the midst of war. I believe that the decision was a wise one, because none other would have been compatible with national honor. We could not sit tamely by and see the Kingdom of Spain carry on a war the most cruel, the most relentless, and the most inhuman, when it extended to the starvation of noncombatants, that has disgraced the pages of history, certainly in modern times. It is the part of humanity, Mr. Chairman, as it is wise business judgment, that having entered upon this war we make it "short, sharp, and decisive." As matters stand to-day, our resources in wealth and in men compared with those of Spain are overwhelming. But when we come to disciplined armies, when we come to seasoned soldiers, when we compare the drilled men on one side with those on the other, Spain in this particular has at the present moment largely the advantage of the United States. And it is but the part of prudence and the part of patriotism that we supply the Government with all the means necessary at our command.

And the first thing to be supplied is ample pecuniary means to carry on the war. As things stand to-day, there is not a dollar in the Treasury, beyond the $50,000,000 emergency fund already called for by the expenditures and contracts of the Government, available to carry on this war. We had $225,000,000 when we voted the $50,000,000. That left $175,000,000 in the Treasury. Thirteen million dollars of this amount was in uncurrent fractional currency and currency not available for the purpose of carrying on a war and paying large expenditures of the Government.

Fourteen millions of the amount remaining belonged to the fund to pay the bonds of the railroads which must be paid during the present year; $33,000,000 was held in trust as the redemption fund for the circulation of the national banks. Taking away this $60,000,000, we have $115,000,000 left in the Treasury, and taking from this $100,000,000 of gold reserve, we have but $15,000,000 left available to meet the ordinary expenditures of the Government of the United States. No man who has examined into the question will fail to admit that we should have at least $40,000,000 available every day in the year in order to carry on successfully the operations of the Treasury of the United States. If you add to the $15,000,000 balance above stated the sum of $25,000,000 out of the $33,000,000 of the bank redemption fund, you have only the $40,000,000 working balance, and not a dollar available to carry on the war.

And so we must make some provision for the extra expenditures that are sure to come in this present year. How much they will be no man can tell. We have been expending at the rate of $25,000,000 a month in the mere preliminary operations of the war for the last sixty days. Twenty-five million dollars a month means an expenditure of $300,000,000 a year, and I understood the gentleman from Texas [Mr. BAILEY] to say, or to concede, on yesterday, that it would need at least $300,000,000 for the next year to carry on this preparation and the war. But that evidently, Mr. Chairman, is not enough.

The other gentleman from Texas [Mr. SAYERS] figures that

with 200,000 men in the field we need a thousand dollars for each man, and he would make it $200,000,000 for the support and payment of the men in the field. But that makes no calculation for the engines of war; that makes no calculation for the ammunition, and sometimes it costs the paltry sum of $1,600 to fire a single gun! And if we are to have active operations, if we are to have a sharp and vigorous prosecution of the war, if we are to have decent and adequate preparations for its prosecution, it seems to me, as a matter of common prudence, that we ought to prepare for all of the money that we may need, even up to the $590,000,000 proposed by the pending bill.

The committee proposed by this bill to add $90,000,000 to the revenue by direct or indirect taxes—direct taxes on consumption, indirect taxes under the Constitution. This $90,000,000 will do something in the way of preparation. It will not pay the $200,000,000 that is conceded by the gentleman from Texas [Mr. SAYERS], it will not begin to pay the $300,000,000 conceded by his colleague, to be necessary. It will not pay the four or five hundred millions of dollars which every man who sits here calmly and contemplates the situation knows will inevitably be necessary if we are to carry on a vigorous war to a speedy termination.

The committee, in reporting that bill, have gone beyond the $90,000,000 of taxation. They propose, sir, to borrow money on the faith and credit of the people of the United States. They propose a bond issue which shall be a popular bond issue, open to the people, so that each citizen who has a saving of the sum of $50 or more may become a stockholder in the Treasury of the United States, may have some share in the prosecution of this war, and may become a creditor of the people of the United States, and at the same time get interest upon the investment.

They have made it so plain and so easy that each citizen could come in and take a part of the loan; it is expected that every post-office shall become an agency for the sale of these bonds; and when the people come to take them up and pay for them, they are not required to pay down gold dollars in exchange for the bonds, as the gentleman from Colorado seems to think, but they can pay for them in any money of the United States, because, thank God, every dollar of the United States is the equal of every other dollar. [Applause.]

But they say we are proposing too much; that we are giving too much money with which to carry on the war if we sell $500,000,000 worth of bonds. Mr. Chairman, I hardly think that the total amount will be necessary before next December. I do not think it will be required to sell bonds up to the full limit of $500,000,000, although gentlemen will bear in mind that not all of these taxes are available at once. The adhesive-stamp tax, for instance, in the bill, does not commence operation until the 1st of next June. The tax-gatherer can not go around at once, when the bill is passed, and begin to receive taxes on every item in it. But even without the $90,000,000, I hope it will not require an expenditure of $500,000,000 before next December.

What is proposed? I see that the Secretary of the Treasury, in a reported interview this morning, says he proposes to authorize the sale of $200,000,000 of bonds and put that into the Treasury of the United States. It seems to me that his judgment is correct in that regard. It is certainly not too much, and I do not believe that it is too little.

But suppose he were disposed to go on faster than this. Not a dollar can be expended until the Congress of the United States has appropriated the money and has authorized the expenditure of money by an appropriation bill; and I presume—I have no doubt, because I believe him to be an honest officer—that he will apportion the amount of bonds to be sold simply to meet the appropriations made by Congress, and every man in this body or in the other end of the Capitol will be enabled to see, as we proceed, just how much of the money is to be appropriated to carry on the war. This is the scheme proposed by the committee.

Some gentlemen object to this plan. But what do they propose to take the place of it? They seem to be willing that we should collect the $90,000,000 tax, but issue no bonds. They say not a bond must be issued. But we must carry on the war, hit or miss, in some way, and yet we can not issue bonds for the purpose of its vigorous prosecution. Now, what do they propose in lieu of the bond issue to raise the necessary money? Why, first and foremost, they propose to raise it by a tax on incomes. I have heard it estimated that they propose to raise $90,000,000 for the ensuing year by a tax on incomes in spite of the decision of the Supreme Court of the United States.

Well, in the first place, Mr. Chairman, their estimate is inflated beyond all reason, if the tax had not been declared unconstitutional. We had returns under the Wilson bill, and whatever some of the ex-officials may say to-day, they gave it out to the newspapers then that the tax was turning out a disappointment, and, instead of the $30,000,000 estimated at the time the Wilson bill was passed, that it was doubtful if that law would produce more than $15,000,000.

Now, by making it upon incomes above $2,000 they claim they are going to triple the thirty millions they estimated then, and make it $90,000,000. Perhaps the decision of the Supreme Court enters into their calculation. Why, it seems to me that even if this tax had been declared constitutional, it would be the height of folly to enter into this war and seek to prosecute it by any such uncertain taxation and estimate of taxation as that would be.

The gentleman from Texas [Mr. BAILEY] spent a large portion of his hour yesterday in arguing against the decision of the Supreme Court. I believe there was one part which had his approval, and that was that the tax on the income from municipal bonds was unconstitutional. He said that the court was unanimous upon this point, as it was; and as the gentleman from Texas agrees with the Supreme Court on this point, I suppose we may regard that point as actually settled. [Laughter on the Republican side.] But all other questions in that decision by the court were, to his mind, wrongly decided.

Well, Mr. Chairman, fortunately or unfortunately, wisely or unwisely, our fathers, when they made the Constitution of the United States and constituted the Supreme Court, made its decisions unreviewable by any other tribunal. If they had recognized in that instrument the right of an appeal, either to the gentleman from Texas or to the House of Representatives or to the Congress, there might be some use in making an argument against their decision. But because they did not have that foresight, and because they constituted the court as it is, it would seem to be the height of folly to propose to furnish the sinews of war from an income tax within three years after they have made a decision and when the personnel of the court has been changed only by the retirement of two members, one of whom was on one side of this question and the other on the other side.

The gentleman says that the decision of the court can not be right in reference to the income from real estate. I did not exactly understand his argument, but I understood him to say that possibly the court might be right in saying that rents before they were collected were a part of the realty, and a tax on rents before collection was a tax on real estate. But he said that when the rent was collected and went into the man's pocket or into his bank account, then it ceased to be rent and was a part of his income or some other portion of his property, and therefore was not a part of real estate, and that a tax upon that was not a tax upon real estate.

Well, that was all very well argued, as fully and clearly and succinctly, as tersely and as ably, before the Supreme Court, by more than one distinguished lawyer, and yet in the face of that the majority of the Supreme Court decided that a tax on income from rents was a tax on real estate, and that a tax on real estate was a direct tax. They announced, further than that, that the Supreme Court had always held that a tax on real estate was a direct tax, and they said, and they said truly, that a tax on rents had never been held by the Supreme Court not to be a tax on real estate.

Now, the gentleman concedes that a tax on the interest on municipal bonds, whether before the interest is collected or after the interest is collected and is in the pocket of the bondholder, is a tax on the money-raising power of the State that issues the bond, or a tax on the bond itself. He does not draw the fine distinction between the tax on the interest——

Mr. BAILEY. Will the gentleman permit me?

Mr. PAYNE. Certainly, although I hope the gentleman will not interrupt me at length, because my time is very limited.

Mr. BAILEY. The court has decided that the Government has no power to tax those bonds, either in one form or another, and therefore the question of a direct or indirect tax could not arise.

Mr. PAYNE. But that does not obscure the question at all. The gentleman might have better answered that question as Mr. Olney answered it. One of the Supreme Court justices asked him if he contended that the rent after it was collected was not a part of the real estate, and he said he did. Then he asked him if he contended that the interest collected on the bond after it had entered into the man's bank account was not a part of the bond, and Mr. Olney said he would discuss that question at some other time; that he was not now considering it.

Why, they are on all fours. If rent after it is collected is not a part of the real estate, then the interest on municipal bonds after it is collected is not a part of the bonds; and if you tax it, that tax does not interfere with the money-raising power of the state. Yet on such a contention, and on such a finespun argument, simply repeating the argument made before the Supreme Court, this House is gravely asked to enter upon a war and raise the sinews of war in the hope of getting the Supreme Court of the United States to reverse their judgment, or, as the chairman of the committee [Mr. DINGLEY] so well said, in the hope of collecting upon the result of a lawsuit, when the court had already decided against you, the money to carry on a war.

While this suggestion might do very well for Spain, with the difficulty they are having in raising money, when you come to a nation like the United States, and suggest that as the only means

of carrying on a great war, you insult the intelligence of the people of the United States. We can not rely upon the income tax to raise a single dollar of this money. Where is it to come from, then? Why, they propose that we shall issue $100,000,000 of Treasury notes, $40,000,000 of them Treasury notes under the act of 1890—not under the act, but in spite of the act of 1890—on the wind that was once in the silver and which is now entirely out of it, because it is not half what we paid for it then.

They do not propose to coin a dollar of it. That would be too slow a process; but simply to issue those notes based upon the seigniorage—based upon the profits of coinage that has never taken place—and $60,000,000 of greenbacks—$100,000,000. And with this and the $90,000,000 of taxation they are going to pay the $300,000,000 that one of them concedes is the least amount necessary to carry on the war for a year.

Well, that figuring will not do, gentlemen. I do not believe you will ever convince the American people that you are in earnest to make this war quick, sharp, and decisive, to prosecute it vigorously, with any such proposition as that. How are you going to get the balance of it? Draw it out of the Treasury? Get it out of the gold reserve? Is there any other way?

Why, if you issue this $100,000,000—these notes, both Sherman notes of 1890 and greenbacks—they are now kept at par because the Government has said for years that whenever one of them was presented and the money demanded, it would redeem them in gold. If you are going to issue these, you ought to have $35,000,000 more of gold reserve, unless you undertake at once and desire the greenbacks and the Treasury notes to go at a discount in the first few months of this war that is now upon us. So surely as you resort to this proposition, you will bring our paper money to a discount. Then bonds must be issued to keep up the gold reserve. These must be at 4 or 5 per cent under the law. With gold at a premium money can not be had for less. You may even have to offer 6, as in the sixties. If you could succeed in this undertaking, you would double the cost of the war.

Is there any other source from which they propose to get this money? Is there any other source suggested outside of this bill to get this money to carry on the operations of the Treasury of the United States? I have not heard it suggested yet.

I think there was a tax of 1 per cent on bank deposits, which the gentleman said would produce $10,000,000 or $15,000,000. Why, of course, that might be levied, and it might be collected. Why not put it on? Why, the bulk of the bank deposits in this country are deposits in the savings banks, that net a small rate of interest to the depositors; and when you put 1 per cent tax on those deposits you simply take it out of the depositor, and he has to pay it.

You are looking around you so as to compel the rich people of this country to pay the expenses of this war, and yet you suggest a tax upon the deposits in savings banks, whose depositors are generally and largely laboring men of this country. Now, these are the suggestions that are brought thus far in reference to this bill. The gentleman from Texas [Mr. BAILEY] made the astounding discovery that in this bill we propose a direct tax upon personal property; and he referred to the first section of it, the tax upon beer, which he said was a direct tax upon personal property.

Why, now, I was astonished to hear the gentleman make that remark. I have no doubt he has read and reread the decisions of the Supreme Court in the income-tax case of 1894, and possibly he had read the references when those decisions were made on almost every page to the Hylton case, decided in 1795; yet, if he had recollected those decisions—the decision in the Hylton case and the decision of the Supreme Court in 1894—he would have remembered that the tax upon carriages to be used by the owner or to be let for hire was held to be a tax not directly on the carriage itself but a tax on consumption, and justified only as a tax upon consumption of the article, and therefore a constitutional tax; and then, if he had carefully read the first section and every section in this bill, he would have seen that there was no direct tax in it, but every page and every line in it was a tax on manufacture, sale, or consumption; and he would have had no trouble about the Supreme Court or any other court having decided that any one of these taxes was an unconstitutional tax.

But, Mr. Chairman, I have taken more time than I expected to take when I took the floor. I do not wish to deprive other gentlemen of the opportunity to speak upon this bill. I say, in closing, as I said in the beginning, having entered upon this war, it is the duty of every citizen and every patriot to rally to the support of the Government. It is the duty of every member of Congress to throw aside his opinions, his political opinions, for the time, and to see to it that the Government has every dollar, every million dollars, every hundred million dollars, that the Government needs to carry on this war.

We want it prosecuted vigorously. We want a quick determination. We entered into it for the sake of humanity. For the sake of humanity, for the sake of our own people, we ought not to prolong it a single hour beyond what is necessary. We ought to make the result certain and sure and bring it about at the earliest possible moment, and certainly we should not hesitate to put the money into the Treasury of the United States that is necessary, whether from taxes or from bonds, making a direct levy upon the present or a mortgage on the future, or both. We should do our whole duty as patriots and as statesmen in this crisis.

When the war clouds roll away and the sun shall shine again—the sun of peace—it should shine on a people lifted up from the lowest degradation into which they have been plunged by the action of the Spanish Government in the last thirty years into the sunlight of peace and freedom and independence in the end that we may upon every act of ours, in war and in peace, as a nation, "invoke the considerate judgment of mankind and the gracious favor of Almighty God." [Applause.]

Mr. BAILEY. Will the gentleman from New York—I did not desire to interrupt him while he was speaking—will he permit me to ask him a question touching his learned discussion of the law? I desire to ask the gentleman whether or not he understood the Supreme Court in the income-tax case to overrule the decision in the Hylton case?

Mr. PAYNE. Why, certainly not; they distinguish that case.

Mr. BAILEY. They practically overruled it.

Mr. PAYNE. If the gentleman from Texas or any other gentleman will study that case, he will see that they did not overrule it.

Mr. BAILEY. Is the gentleman from New York a lawyer? [Laughter on the Republican side.] He does not talk like one; but I am asking him in all seriousness.

Mr. PAYNE. The gentleman from New York was not brought up in the same law school as the gentleman from Texas.

Mr. BAILEY. It would be better for him if he had been.

Mr. PAYNE. His law may do in Texas, but it would not do at all in our part of the country.

Mr. WHEELER of Alabama. Mr. Speaker, during the last few months the world has looked with admiration and surprise at the unmistakable evidence of the patriotic spirit and absolute unanimity of the American people. If anything further were necessary to show the existence of this sentiment, it is abundantly proven by the cheerful manner in which the people from all parts of our land have accepted the additional financial burdens placed upon them by the bill now under consideration.

I think this is the first time in the history of our country that a bill placing additional burdens upon the people has been brought before Congress without eliciting murmurs and numerous protests and objections.

The character of this bill has been foreshadowed for a month, and for more than a week a synopsis of its provisions has been published in every paper of the Union. I can state for myself that from the great State of Alabama, a State which I have the honor in part to represent on this floor, not a single complaint or suggestion has been sent to me by those devoted and patriotic people.

When we were three millions of people, without wealth or resources, our forefathers flocked to the standard of their country, and after seven years of sacrifices, hardship, and suffering, they conquered a peace from what was then the strongest nation on the earth. The spirit which imbued our forefathers at that time is, if possible, stronger to-day. It is stronger to-day than it was a century and a quarter ago, when our forefathers left plow in the field, left the workshop, and with one purpose and one spirit, laid life on the altar of their country. We all desire peace, but if we must have war, let us deal with that question in the true American fashion; let us say to the world that seventy millions of people, with seventy thousand millions of wealth, are all thrown into the scale, and all will be used if necessary to sustain the honor, prestige, and glory of the greatest nation on earth [applause], a nation ordained by God to carry the spirit of liberty, of self-government, and the principles of the Christian religion to the farthest corners of the earth.

When the events of the last three months are made public it will become apparent that the President of the United States exhausted every possible effort to maintain an honorable peace for our country, and that he continued these efforts until it became evident that almost within sight of our shores the descendants of the leaders of the cruel Spanish Inquisition were deliberately destroying the lives of hundreds of thousands of peaceful citizens, including old men, women, and children, and finally culminating in an American man-of-war, while on a friendly visit to Havana, being blown up and destroyed by a submarine mine, causing the instant death of 266 American officers and seamen, who were quietly sleeping, relying upon the protection of a nation which, up to that time, was protesting its friendly feelings toward us.

The denial of any complicity upon the part of any Spanish officials comes with bad grace in the absence of a single effort by the Government of Spain to hold its officers in Havana responsible, and in the absence of any effort on their part to discover and punish the perpetrators of the crime, a crime by which 266 Americans were hurled into eternity without a moment's warning.

These acts roused the heart of our country, and from all parts of the land came a cry for action, and the whole civilized world seemed, with one voice, to demand that we, the greatest Republic on earth, should rise in our might and do our duty to humanity.

It is well that the first paragraph of this bill provides for raising $35,000,000 by doubling the tax upon the products of the breweries of the United States, and it is here worthy of note that the representatives of this great industry—very largely of German nationality—came voluntarily before the Committee on Ways and Means a month ago and stated, speaking for the entire industry, that they recognized that the condition of the country would demand a large increase of revenue, and that they came, in a spirit of patriotism, to say that they were ready and willing to submit to the full share of these increased burdens, and they proposed then and there that a tax should be fixed as it appears in this bill. They were the first volunteers to propose to contribute millions for maintaining the honor and safety of our country. All honor to the descendants of the fatherland who have come and made their homes in this free Republic.

Mr. TALBERT. Is it not a fact that those men expect to get this tax back from the consumers?

Mr. WHEELER of Alabama. I do not think it is.

Mr. TALBERT. I did not know that they regarded the payment of this tax as a voluntary contribution on their part.

Mr. WHEELER of Alabama. Yes, a voluntary contribution.

Mr. TALBERT. Is it not to be supposed that they expect the consumers of beer to pay the tax?

Mr. WHEELER of Alabama. They did not consider that question. I do not think they will get it back. I think that this is a voluntary contribution coming from patriotic hearts, as they said, "We stand here willing to contribute our full part in the cause of our country." It seems to me they can not possibly get it back, because they informed us that this tax would not cause an increase in the retail price, that is, the price to the consumer.

This bill is essentially a war measure; that is to say, a measure to be enacted solely by reason of our being involved in war. It has also been alluded to as a Republican measure. This is true, if this expression is used to mean that the bill in the first instance was framed and is now controlled by the Republican party, which is now in the majority; and, as we all know, Republicans and Democrats radically differ upon nearly all economic questions. This must always be so in a representative republic like ours.

It is a government of parties, each party contending for the kind of legislation consistent with the principles which they espouse, the Democratic party always insisting upon laws which most justly and fairly distribute the burdens as well as the blessings of government. This war has also been alluded to as a Republican war and to be fought under Republican banners, and in the sense that it is to be conducted under a Republican Administration and by a Republican President, this allusion is correct, but the history of all American conflicts tells us that when confronted by a foreign foe, differences of this character are reduced to a minimum, and that the party in power has always been accorded the most cordial and hearty support by their opponents.

We are still Democrats and Republicans, but above all we are Americans; and in this conflict the Democrats will vie in generous rivalry with their Republican friends, each striving to excel in efforts to bring an early, complete, and glorious triumph to our cause. [Applause.]

I know I may be pardoned for alluding to the fact that the Democratic party of the State of Alabama only last week held their biennial State convention, and with unanimous voice and with an enthusiasm scarcely ever seen in a public gathering adopted a resolution which I ask the Clerk to read.

The Clerk read as follows:

RESOLUTION.

Resolved by the Democratic party of Alabama in convention assembled, That standing "to arms," as we do to-day, we pledge our lives and honor to the cause of our country—for its defense, for the maintenance of its honor and prestige, and for its support in any conflict with a foreign foe.

Mr. WHEELER of Alabama. Mr. Chairman, only on last Monday the proclamation of the President was sent forth throughout the country calling for the quota of troops from each of the various States in the Union. It was received by the governor of Alabama on Tuesday, and on Wednesday I received the following telegram, showing that in a single day the Alabama quota was organized, equipped, and ready to march forward in obedience to the call of the country. I ask that this telegram be read.

The Clerk read as follows:

MONTGOMERY, ALA., *April 27, 1898.*

Gen. JOSEPH WHEELER, *Washington, D. C.:*

Have no fund to transport, assemble, and maintain our quota. Can put the whole number anywhere desired in the State to-morrow or next day. Ascertain what arrangement to cover expense can be made and when and where the troops are wanted.

JOSEPH F. JOHNSTON, *Governor.*

Mr. WHEELER of Alabama. I will be pardoned, I know, Mr. Chairman, for showing in this manner the promptitude of the State of Alabama in responding to the call of the President. That telegram has been answered, and to-day throughout that great State strong men, with brave hearts, at the sound of patriotic music are marching with quick step to the places of rendezvous to endure and to fight, and, if need be, to die for their country. And what is true of Alabama is equally true of the other Southern States; and what is true of the Southern States is equally true of each and every one of the forty-five States of the Union.

The same enthusiastic spirit, the same evidences of devotion to country are manifested from Maine to Texas, and from the State of Washington to the State of Florida. With such a picture, there will be no hesitation in enacting a law providing the necessary means to sustain these brave men who are marching out to defend the honor of their country.

It was very proper that a bill of this magnitude should be carefully considered by the House in order that its details might be improved and perfected. I believe, so far as I can learn, that with regard to the first forty-three pages of the bill, comprising the first twenty-six sections, there is no material difference of opinion by any of the members of this body. The only question upon which members really differ is as to the advisability of that part of the bill which is found on page 44 and the first half of page 45.

Mr. FITZGERALD. I myself object to some of them.

Mr. WHEELER of Alabama. No doubt the gentleman might desire some change, but my assertion was that there was no material difference of opinion.

Mr. COX. There is not a single paragraph of the bill that some one does not object to.

Mr. WHEELER of Alabama. It may be true that the special interests affected are such that a change of some character might be suggested to most if not all the paragraphs of the bill; and I can assure my friend that after giving the matter careful consideration I would change the bill very materially if it were in my power; but my investigation also shows that a change which would affect one interest favorably would affect others very differently; but I am glad to inform my friend that I believe the committee are unanimous in agreeing to several changes which have been suggested, some by members on this side, some by members on the other side of this Chamber.

Very many of our wisest and most conservative people believe that in a war like this, a war for humanity, a war inaugurated for the highest and most holy purposes, the necessary expenditures had best be made by the people at this time rather than deferred to be paid with interest in coming years.

The New York Times is probably the most ably edited paper in the United States, and I might say the organ of the highest order of the conservative people of the country. The edition of April 27 has a very able editorial upon this subject, extracts of which I will read. They are as follows:

LET US PAY AS WE GO.

The cost of carrying on the war with Spain should be met by taxing the people instead of by borrowing money on the credit of the Government. That policy is commended to us both by justice and by expediency. It is a policy of wisdom and of safety.

The pacification of Cuba has been undertaken for the comfort, peace, and security of the people who now inhabit the United States. To them chiefly will accrue the moral and material benefits of the war. Posterity's share will be indirect and contingent. If Cuba becomes rich and prosperous our sons and grandsons will profit by the flourishing trade we shall build up with her, but the next generation would be but moderately grateful for the boon of free Cuba handed down to it with an unreceipted bill.

It is our war, and we should be willing to pay for it. We get a full equivalent in obtaining relief from the domestic unrest and tumult which the abominations of Spanish misrule inflict on us and in the moral satisfaction of a humane deed. Self-approval and the world's praise will richly reward us. We go to war for the stern joy of satisfying our own ideas of right and of humanity. Let us pay for the pleasure it gives us.

It was different in 1861. That war was fought to preserve the nation, that the glory of the flag and the greatness of the American name might be handed down an unimpaired heritage to all coming generations. The guardians of that high trust had the full right to assess upon all the beneficiaries, near and remote, the cost of its safe administration. It was just that posterity should assume and pay the bonds issued for money needed to maintain the indivisible Union. Nevertheless, the one mistake of the nation's financiers of that troubled day was that they trusted too much to bonds and greenbacks and hesitated to use the taxing power to the extent which the people would have borne, if not with gladness, at least with patriotism.

* * * * * * * * *

The Times urges Congress and the Administration to ask the American people to pay as they go in this war. The internal-revenue taxes laid in Mr. DINGLEY's bill will yield nearly a hundred millions, without touching tea and coffee or providing for any increase in the tax on alcoholic liquors. Add these imposts and still others not included in the present bill sufficient to bring the estimated annual product of the tax up to $150,000,000 or $200,000,000, and retain the section authorizing the Secretary of the Treasury to issue 3 per cent Treasury certificates redeemable at one year. These measures would enable the Government to carry on the war, and the internal-revenue taxes should be continued until the whole war bill, including the Treasury certificates, had been paid.

In our belief this is not destined to be a very long or a very costly war. It is better to keep our arrangement for paying its cost well in hand and under control than to issue twenty-year coin bonds upon which the country would go on paying interest until 1918. The money paid in taxes would come from the active capital of the country, but, being paid into the Treasury, would at once be paid out again, so that no contraction would occur, such as might happen if two hundred millions or more were suddenly drawn from the reserves of the country for bond purchases—since a great part of it would remain idle for a considerable time in the Treasury. It would be of immense

benefit to the country if the holders of accumulated capital, instead of timidly waiting for a Government bond investment, would put out their capital in industrial and commercial enterprises that would stimulate business activity throughout the country.

If the Government showed itself able to pay the cost of the war without running in debt, that fact would tend powerfully to put courage into the hearts of investors. It would show that we have only a small war on hand, which is a fact. We ought not to let ourselves drop into the depths of apprehension and business depression merely because we have a difference with a weak and shabby old remnant of a country one-fifth our size. English capital does not get chicken-hearted even when England has three wars on hand at a time, each one more troublesome than ours. If we pay for this war while we are making it, we shall prove to the world and to ourselves that it is not a very big war.

* * * * * * *

The people will not complain of taxes to provide money to put an end to the hell on earth in Cuba and punish the destroyers of the *Maine*. They are ready to put Spain out of Cuba without increasing the national debt.

Let us pay as we go.

It seems to me that an editorial from such a paper, with its surroundings, should be given thoughtful consideration. I am clearly of the opinion that it is our duty to incorporate in this bill a provision to collect an income tax so as to compel accumulated wealth to bear its proper proportion of Government burdens. I can not agree with those who insist that it has been determined by the highest tribunal of our country that an income tax is unconstitutional.

It will be remembered that the decision of the Supreme Court of the United States on the income-tax case was made by a divided court, four of the members of that tribunal contending that the act imposing an income tax was constitutional in all respects, and one of these four had the previous month concurred in that opinion; and Justice Field, one of the five who held the law unconstitutional, has been retired and his place is now held by Justice McKenna, and Justice Peckham is now on the bench in the place of Justice Jackson. Now, if Justice McKenna and Justice Peckham should take the view contended for by Justices Harlan, Brown, Jackson, and White, the decision would be in favor of and not against the constitutionality of such a law.

Again, in the final opinion of the court delivered on May 20, 1895, in overruling the Hylton case (3 Dallas, 171), the court gave out a strong intimation that if the law had been enacted to raise money to carry on a war the decision would have been different.

I read from 158 United States Reports, page 623:

In respect of the enactment of the carriage-tax act, and again to briefly consider the Hylton case (3 Dall., 171), so much dwelt on in argument, the act of June 5, 1794, laying duties upon carriages for the conveyance of persons, was enacted in a time of threatened war. Bills were then pending in Congress to increase the military force of the United States and to authorize increased taxation in various directions. It was, therefore, as much a part of a system of taxation in war times as was the income tax of the war of the rebellion.

There are now very strong reasons why the bill before us should be passed without a dissenting voice in either the House or Senate. We are now the greatest nation on earth, and the necessity for prompt and decided action must be apparent to all. We are dealing with an inferior nation and our prestige demands that the conflict should be sharp and decisive.

Not only is it important that we show a united front to Spain, but we must show to the world that all the resources and power of this Government can be brought into action without delay or hesitation. This is essential not only for this contest but for its effect upon any other enemy with whom we may hereafter be confronted. If this is done, it may be that this war will prove a blessing in saving us from conflicts with other and more powerful nations.

To-day there are more armed men on land and more war vessels on the sea than at any other period in the history of the world. We are now producing substantially about half the staples of the earth and are seeking trade in all the great markets of the world. This will of necessity create friction, and a good opportunity is now offered to make an exhibition of our strength and power. Let us, therefore, show to the entire world that in any contest with a foreign foe all the resources, all the wealth, all the power, and all the strength of the country, including the lives of our people will be offered and sacrificed if need be for the protection of the country, for its honor, and its prestige. [Applause.]

Mr. WHEELER of Alabama. I now yield fifteen minutes, or more if he desires it, to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Chairman, the bill under consideration imposes direct taxes upon the people of the United States and authorizes bonded liabilities amounting together in round numbers to $690,000,000. It is not my purpose to analyze the provisions of the internal-revenue features of the measure or to discuss its bond features, inasmuch as my time is limited and I have been requested to submit an exhibit showing the actual condition of the Treasury.

I may say, however, before proceeding to such a statement, that I regret that this bill comes to the House under circumstances which properly characterize it as a partisan measure. I regret this because, while there are evidences of partisanship in this body, perhaps not all on one side of the House, there is, happily, among the great body of the people an absence of partisanship upon the question of our contention with Spain. Among the ranks of the people no individual seeks partisan advantage in an hour like this, and, in my judgment, the people will in due time administer a proper rebuke for the partisan action taken here.

Mr. Chairman, if I had time, I should like to proceed along this line of discussion and read from the Kansas City Journal of Tuesday, April 26, 1898—one of the great Republican papers of the West—an editorial sharply criticising the action of the majority of the Committee on Ways and Means in reporting this measure without permitting the minority of the committee to participate in its preparation. I will insert it at this point in my remarks. It is as follows:

A RIGHTEOUS PROTEST.

The Democrats of the Senate and the House have a right to protest against the treatment they have received in the framing of the war revenue bill. The bill itself is a wise measure. It places the war tax upon shoulders best able to bear the burden and shields the weak from overtaxation. But it is not a party measure and should not have been treated as such. The minority members of the committee should have been permitted to assist in its framing, as the votes of their party are expected to help in giving it speedy passage.

The Democrats of the Senate and House, with some exceptions, have rallied to the call for Americanism and the subordination of partisanism in the present crisis. The President has been upheld. Intervention in the affairs of Cuba is now a fact. The resolution authorizing a declaration of war has been passed without debate. It is simple justice that while the Administration party is calling upon the other wing of national politics for support in decreeing hostilities, due consideration should be given the minority in framing measures for the prosecution of war.

Mr. Chairman, I desire now to make a frank statement of the present condition of the public Treasury; and if I misstate the condition in any respect I invite Representatives to challenge the statement, either as to items or as to aggregate. I do this, Mr. Chairman, because on yesterday the chairman of the Committee on Ways and Means [Mr. DINGLEY], in his opening remarks, following the lines of the report which accompanied the bill under consideration, made a statement of the Treasury situation—a statement which, in my judgment, is misleading and not in harmony with the actual facts. To be frank, Mr. Chairman—and I regret that the gentleman is not now present—I do not think the able gentleman from Maine dealt frankly or candidly with the House, as is his usual habit.

Mr. CLARK of Missouri. And honestly.

Mr. DOCKERY. My friend suggests "honestly." I desire to keep within the limits of parliamentary propriety and to be entirely diplomatic in these times [laughter], and will therefore adhere to the word "frankly." Following the gentleman from Maine came the gentleman from Iowa [Mr. DOLLIVER] with an address masterful in oratory, which stirred the House and provoked numbers of us on this side to loud, long-continued, and repeated applause.

Mr. TALBERT. But he did not touch the bill.

Mr. DOCKERY. But, sir, the gentleman from Iowa, when he leaves the domain of poesy and oratory, is not always at his best, and yesterday he was at his worst in respect to statistical exhibits. After concurring in the report made by Chairman DINGLEY, which sets out a certain condition of the Treasury, I find in his remarks a statement and exhibit at variance with the statement of the condition of the Treasury made by the gentleman's chief, the gentleman from Maine [Mr. DINGLEY].

I intend to occupy but a brief time, and ask the attention of the House while I cite some "dry facts," because I desire to tell the truth about the Treasury, and will endeavor to disclose the real situation.

Mr. HOPKINS. We will listen to you, then.

Mr. DOCKERY. I could hardly escape the truth if I followed my usual habit. [Laughter.] The gentleman from Maine [Mr. DINGLEY], in his report, says:

The apparent cash balance in the Treasury when the joint resolution appropriating fifty millions for national defense was passed was about two hundred and twenty-five millions, including the one hundred millions gold redemption fund, or one hundred and twenty-five millions excluding that fund.

That is correct. Continuing, he further says:

But this balance was only apparent, inasmuch as thirteen millions consisted of fractional silver, largely uncurrent, and minor coins, leaving only one hundred and twelve millions. But of this amount fourteen millions consisted of receipts from sale of Pacific railroad, held in the Treasury for the payment of that amount of Pacific railroad bonds due on the 1st of January next, and thirty-three millions of the bank redemption fund held for the payment of the notes of national banks failed, in liquidation, or reducing circulation. Deducting these amounts, and the actual available cash in the Treasury belonging to the Government at that time, exclusive of the greenback redemption fund, was only sixty-five millions.

Inasmuch as a working balance of about forty millions is required to properly carry on the operations of the Government, there remained only twenty-five millions belonging to the Government available for use in meeting the fifty-million appropriation.

After having thus reduced the Treasury balance to $25,000,000, he continues:

It will be necessary, in order to meet all of the expenditures under the fifty millions appropriation—all of which will have been expended within a few weeks—to use twenty-five millions of the bank redemption fund, a part of which must be replaced before the close of the present calendar year.

Mr. Chairman, that is the statement of the gentleman from Maine. Now let me quote the views of the gentleman from Iowa [Mr. DOLLIVER], who, I am glad to note, is present. Both of these gentlemen are members of the Committee on Ways and Means, and yet their statements do not harmonize. The gentleman from Iowa says:

We have an available cash balance, as reported April 26, 1898, of $219,157,981.80, from which must be deducted the following items as not available:

Matured debt payable on demand April 1	$1,283,780.26
National bank note retirement fund	31,946,993.50
Bonds and interest paid in current month	5,129,121.85
Uncurrent subsidiary coins	5,000,000.00
Working bank balances	18,512,936.22
Amounting in all to	61,872,771.83

From the $219,157,981.80 there must, therefore, be deducted $61,872,771.83, leaving $157,285,209.97, from which must be deducted the gold reserve of $100,000,000, leaving, on April 26, 1898, an actual available balance of $57,285,209.97. Against that is chargeable practically all of the $50,000,000 appropriation of last month, much of which has already been spent and all of which will soon be spent.

I do not ask the gentleman from Iowa to explain the "working bank balance" item, except as to the 22 cents. [Laughter.] I would like to know how he gets that. The other amount may go.

Mr. DOLLIVER. Let me call my friend's attention to the fact that the statement which I made related to day before yesterday, while the statement of the gentleman from Maine [Mr. DINGLEY] related to the condition of the Treasury a month previous.

Mr. DOCKERY. The statements are substantially the same as to available cash—$225,000,000 on the 8th of March and $219,000,000 on the day before yesterday.

Mr. DOLLIVER. There is not a difference in the statement amounting to anything which is not accounted for by the difference in the dates.

Mr. DOCKERY. Let us see. The gentleman from Iowa deducts what?

Matured debt, payable on demand April 1, $1,283,780.26.

In that deduction the gentleman is correct, but the item is not noted by the gentleman from Maine. The gentleman from Iowa [Mr. DOLLIVER] also deducts the national-bank retirement fund—in substantially the amount given by the gentleman from Maine; but on what authority the deduction is made I am quite at a loss to understand. Section 6 of the act of July 14, 1890, commonly known as the Sherman law, provides:

That upon the passage of this act the balances standing with the Treasurer of the United States to the respective credits of national banks for deposits made to redeem the circulating notes of such banks, and all deposits thereafter received for like purpose, shall be covered into the Treasury as a miscellaneous receipt—

That is the language of the law—

and the Treasurer of the United States shall redeem from the general cash in the Treasury the circulating notes of said banks which may come into his possession subject to redemption, etc.

This, Mr. Chairman, is the express provision of the statute covering the national-bank redemption fund into the Treasury.

Mr. DOLLIVER. Making it a trust fund for the purpose for which it was paid in originally.

Mr. DOCKERY. It was a trust fund prior to the passage of this act, and you covered the $54,207,975.75 into the Treasury to prevent a deficiency.

Mr. DOLLIVER. Would the gentleman collect that from the banks in trust and pay it out on general expenses?

Mr. DOCKERY. We collect other funds from banks, from internal-revenue taxes, and from customs, and pay them out. We also collect proceeds of the sales of public lands, which are covered into the Treasury as miscellaneous receipts. And so this national-bank redemption fund was deliberately covered in by the Sherman Act to avoid a deficiency, and by the terms of the law an indefinite appropriation is made to redeem the notes out of the general cash in the Treasury. And yet, Mr. Chairman, the gentleman from Iowa—perhaps not familiar with Treasury exhibits, I admit, and therefore I do not censure him with the severity that I do others—and the gentleman from Maine, seemingly for the purpose of laying broader foundations for increased taxes and enormous and unnecessary bond issues, eliminate a Treasury asset of $33,000,000 in order thus to declare an impoverished Treasury. If the Treasury is in fact bankrupt, it is obvious that an increased income is necessary, and the tax rate must increase in proportion to the increased Treasury demand.

Now, let us ascertain the facts. I challenge the attention of the House, because I desire to be accurate about this matter. I notice the gentleman from Illinois [Mr. CANNON] present, the chairman of the Committee on Appropriations, a gentleman thoroughly versed in Treasury affairs. If I make any misstatement, I ask him to correct me, because I do not wish to misstate. It might be inferred from the positions of the gentlemen from Iowa and Maine that the national-bank redemption fund was in fact a temporary deposit and so uncertain in volume as to make it of no reliance in sustaining the Treasury balance. Let the official records answer that inference. The amount turned into the Treasury by the act of July 14, 1890, was $54,207,975.75, and I now give the amounts in the Treasury on the 1st of April of each year since that period, as follows: 1891, $45,116,485.75; 1892, $38,804,830.75; 1893, $21,854,580.75; 1894, $25,957,602; 1895, $27,393,816; 1896, $21,291,999; 1897, $23,662,492, and in 1898, $32,612,218.50.

Mr. Chairman, that money is in the National Treasury by law, and it can not go out except it be taken from the general cash in the Treasury to redeem national-bank notes. The average actual balance ranges all the way from $25,000,000 to $30,000,000. I submit, Mr. Chairman, that it is not necessary to have any misunderstanding as to the volume and value of this deposit. It has repeatedly tided the Treasury over the shallow waters of a stringent Treasury situation, which continued for months and years. Its relation to the Treasury should not be involved in doubt or confusion. The law is too plain to require construction. The bill under consideration does not demand that we taint with suspicion this fund which, for eight years, has assisted us in postponing or limiting Treasury deficiencies.

Both sides of this Chamber and the people demand that we provide the Treasury with an ample income to vigorously prosecute the war with Spain; and the only existing difference is an honest difference of opinion, not as between Democrats, Republicans, Silver Republicans, or Populists, but between American citizens, as to the best means of accomplishing this result. We are only standing upon the threshold of war. No battle has yet been fought. It is impossible to estimate accurately the cost or duration of the approaching conflict. Congress will probably remain in session. At this time we are unwilling to increase the bonded debt; and even if we were willing, $500,000,000 would be an exorbitant bond issue. We prefer an appeal first to the noninterest-bearing debt, the coinage of the seigniorage, and the imposition of an income tax upon the wealth of the country. The coinage of the seigniorage in the Treasury, the issue of $58,000,000 of greenbacks, the proposed income tax, and the internal-revenue features of this bill will yield not less than $250,000,000, which, with the cash in our vaults, should be ample to prosecute the war for twelve months. The people of this country, however, out of their abundance, will give freely to the National Treasury, to the extent of its necessities, to uphold our flag; and it is not essential that the Treasury should be made to appear impoverished in order to arouse them to a proper sense of public duty.

Now, Mr. Chairman, I will continue a review of the exhibit of the gentleman from Iowa. The gentleman says that uncurrent subsidiary coin, amounting to $5,000,000, should be deducted from the available cash balance. He deducts only $5,000,000, while the gentleman from Maine [Mr. DINGLEY] coolly deducts $13,000,000, a little difference—only $8,000,000—between the gentleman from Maine and the gentleman from Iowa in this item alone!

Mr. DOLLIVER. If my friend will look at the matter, he will find that the gentleman from Maine said that a portion of this subsidiary coin was uncurrent, which was true. He said that the whole of it was unavailable, which was also true.

Mr. DOCKERY. He deducted the whole amount.

Mr. DOLLIVER. Give him the benefit of what he said as to the subsidiary coin.

Mr. DOCKERY. I do not say that he said that it was all uncurrent, but he deducted the whole amount as unavailable.

Mr. DOLLIVER. I do not know that that makes any difference. Would you carry on this war by paying the expenses in quarters and 10-cent pieces?

Mr. DOCKERY. We can use the quarters and 10-cent pieces in many directions. The $13,000,000 should be paid out to meet the expenses of the Government, as provided by law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTSON of Louisiana. I will yield time to the gentleman from Alabama.

The CHAIRMAN. The Chair does not understand what time has been yielded.

Mr. WHEELER of Alabama. I yield to the gentleman from Missouri, as I understand the gentleman from Louisiana yields me some time.

Mr. DOCKERY. I thank both gentlemen for their courtesy. The gentleman from Iowa estimates the "working bank balance at $18,512,936.22."

Mr. DOLLIVER. I said I made the statement on the authority of the Treasury Department, and I hope the gentleman will make his criticism on the Treasury officials, and not on me. The amount for working purposes in the banks and other Treasury agencies is found by deducting from the exact amount now on deposit $10,000,000, which can safely be withdrawn; hence the accuracy of the figures given, including the 22 cents.

Mr. DOCKERY. Then I am glad to have the privilege of acquitting my friend from Iowa of responsibility in this respect. Although a master in oratory and logic, he is not an expert in statistics, and I suspected that he had been misled by some one, because I know he is honest and wants to make a true statement. [Laughter.]

But I must hurry on. What is the status of the national defense fund of $50,000,000? Of the $50,000,000 appropriated, $39,004,800.77 was allotted up to and including April 23, and there is yet to be allotted $10,995,199.23 to the various departments. The Government has already expended of the amount allotted, up to and including April 26, $12,522,467.77.

There is yet to be expended of the amount allotted $26,482,333.

CONDITION OF THE TREASURY.

Now, Mr. Chairman, I will state the condition of the national Treasury, and I challenge successful denial. The entire available resources of the Treasury on the 26th of this month amounted to $261,087,576.29. This total is based on the actual cash in the Treasury at that date and the amount in the hands of disbursing officers and to the credit of agency accounts April 1. It includes the amount in the Treasury to pay checks and drafts outstanding, the amount to the credit of the Post-Office Department and other agencies, the disbursing officers' balances, the greenback-redemption fund, and $119,157,981.80 cash to meet all demands upon the Treasury. These are the available cash resources to the credit side of our account. Of course I exclude from this exhibit the fund for the redemption of uncurrent national-bank notes, because that is a trust fund.

Mr. Chairman, let us now determine what liabilities should be deducted from our cash resources in order to ascertain the net available cash balance. We will first deduct the $3,822,067.35 now in the Treasury to pay checks and drafts outstanding. We will also deduct $7,080,967.99 to the credit of the Post-Office Department and other agency accounts, and $31,076,559.15 in the custody of disbursing officers. Gentlemen of the House know that about 90 per cent of the vast expenditures of this Government are paid out by disbursing officers and audited afterwards. The money is advanced to these disbursing officers to make payments.

As I have already stated, $31,076,559.15 of public money is now in their hands. The three items of liability already deducted aggregate $41,929,594.49. To these we will add the so-called greenback-redemption fund of $100,000,000, and also the amount of bonds and interest paid during this month, not yet charged up, amounting to $5,129,121.85. To these Treasury liabilities we should also add $26,482,333 of the national-defense fund already pledged, $10,995,199.23 yet to be allotted, and $1,283,780.26 in the Treasury to pay liabilities which matured prior to April 1.

The total demands upon the Treasury thus deducted aggregate $185,820,028.83, leaving $75,267,547.46 of actual cash available in the Treasury to meet current expenditures.

But that is not all, Mr. Chairman, for, as already stated, we have an effective "working balance" of $31,076,559.15 in the hands of our disbursing officers. The gentleman from Iowa [Mr. DOLLIVER] estimates "working bank balances" at $18,512,936.22; but the gentleman from Maine [Mr. DINGLEY] says the "working balance" should be about $40,000,000.

A proper "working balance," in my opinion, is a sufficient balance to the credit of disbursing officers and agency accounts to meet all obligations as they may be presented. We have now such a balance to our credit on the Treasury books for the use of the Post-Office Department and the disbursing officers, amounting to $38,107,527.14. But it is true, Mr. Chairman, that in view of war expenditures we need more money than we have. Nobody controverts that. Let us not, however, appeal to the country on a subterfuge and under false pretenses by saying that our Treasury is bankrupt when we have $75,267,547.46 of money unmortgaged and $38,107,527.14 to the credit of the Post-Office Department and in the hands of disbursing officers.

But, Mr. Chairman, as my time is about up, I desire to add but a single word. I regret more than I can express the partisan action of the majority of the Committee on Ways and Means. I have incorporated in my remarks the editorial from the Kansas City Journal, one of the great Republican newspapers of the West, condemning this partisan action. I do so because I prefer not to make the criticism myself, but will allow this Republican paper to voice the note of just criticism.

Mr. GROSVENOR. Will the gentleman from Missouri allow me to interrupt him?

Mr. DOCKERY. Certainly.

Mr. GROSVENOR. Did the Kansas City Journal support the Republican party in 1896?

Mr. DOCKERY. The gentleman from Kansas [Mr. CURTIS] and the gentleman from Missouri [Mr. PEARCE], my colleague, can answer.

Mr. GROSVENOR. Is it not a paper owned by Mr. Van Horn?

Mr. SHAFROTH. Mr. Van Horn retired from the management of it before that.

Mr. CLARK of Missouri. Mr. Van Horn never wrote a word for that paper after the platform was adopted.

Mr. GROSVENOR. I know the paper advocated free silver and supported Bryan at one time.

Mr. DOCKERY. Oh, no, no.

Mr. GROSVENOR. Bryanism, then.

Mr. DOCKERY. I want to say this, Mr. Chairman, that the Kansas City Journal, under the management which controlled it during the campaign of 1896 and since that time, has been a Republican paper "in season and out of season."

Mr. GROSVENOR. I do not deny that.

Mr. DOCKERY. Its loyalty to the Republican party has never been questioned during this period, because since the change of management it has steadfastly adhered to the gold standard.

Mr. PAYNE. Does the gentleman from Missouri want to bring here, as a criticism from another source, what he does not want to say himself?

Mr. DOCKERY. Oh! I can not make the criticism in parliamentary terms. I leave it for a Republican paper to make it in my behalf. [Laughter.]

Mr. PAYNE. I do not think the gentleman ought to print anything that he will not father himself.

Mr. DOCKERY. Of course when I can get Republicans to speak in my behalf, I will do so, because of kindly personal interest in my friends on the other side. I will let Republican papers criticise the Republican majority and withhold my own criticisms until I go upon the hustings this fall, by which time, I trust, Spanish sovereignty in Cuba will have been extinguished and the liberation of Cuba an accomplished fact.

In conclusion, Mr. Chairman, I want to say that we should abandon these attempts to secure partisan advantage on this floor if we desire to be in harmony with the great body of the people. [Applause.]

Mr. WHEELER of Alabama. I reserve the balance of my time.

Mr. DALZELL. Mr. Chairman, so far as the remarks made by the gentleman from Missouri [Mr. DOCKERY] are concerned, I have to say in reply that this bill was prepared precisely as all revenue bills have been prepared that have been presented to any Congress within my recollection. It was prepared precisely as the McKinley law was prepared; it was prepared precisely as the Wilson law was prepared, first by the majority acting among themselves until they came to a conclusion, and then submitting that conclusion to the minority. The gentleman's charge is uncalled for and unjust, and it is in the line of the charge that he makes against this side of the House that we are dealing in matters for partisan purposes.

Mr. Chairman, that the pending measure is one of extraordinary character will be universally admitted and may be frankly conceded at the outset. It contemplates an extension of our internal-revenue system of taxation to a point not to be thought of for a moment unless demanded by a present exigency. It calls to mind the stirring days of the civil war when unusual burdens of taxation were willingly responded to by a patriotic people in defense of the integrity of the Union. Such an extraordinary measure can be justified only by the existence of extraordinary conditions. That such conditions do exist I take it no intelligent man will deny. Prior to the incoming of the present Administration the country was experiencing an era of serious industrial and commercial depression. What were the causes of that depression it is not worth while for us to discuss. Party feeling would influence us to attribute it to one cause or to another in accordance with our party views. Sufficient for my purpose that it did exist, and its existence no man will deny.

Following upon the election of Mr. McKinley to the Presidency and the passage of the existing tariff law, a period of renewed activity commenced in all lines of business. The sun of prosperity emerged from the horizon and was mounting the heavens toward the zenith. This is a proposition which I know will not be universally accepted. It has been the custom in this House upon that side of the Chamber to deny the existence of any renewed prosperity. But party arguments and party rhetoric must give way before the iron logic of facts.

Our exports have increased, especially in manufactures, until now, as to some manufactures, we are in possession of the markets of the world. Our factory doors have been opened; our furnace fires have been relighted; the army of the unemployed has enlisted in the army of labor; wages have been increased; our railroads have been profitably employed in transportation; our clearing-house exchanges have multiplied many fold, and, finally, our national receipts from customs have so grown as to exceed our normal national expenditures.

Prior to the war agitation in the last two months our receipts from customs exceeded by $3,000,000 or more what would have been our normal expenditures. It is no exaggeration to say that the outlook for both national and individual prosperity was of the brightest.

Into this pleasing prospect the grim demon of war was projected. Years of cruel domination by Spain in the Island of Cuba at last exhausted the patience of our people. Dramatic representations of the result of that domination fired their hearts. Long years of injury to our business and commercial interests added fuel to the flames of popular sentiment.

Regard and admiration for the Cubans struggling for their liberty still further added to the conflagration. The destruction of the *Maine* and the funeral song over 260 American tars, believed to have been summoned to their unannounced doom by Spanish treachery, filled to more than full the cup that our people were willing to drink, and the pressure for war became irresistible.

In that juncture I believe that the President of the United States, in his high office, used every justifiable means consistent with the demands of national honor to avert from this people the unspeakable disaster of war.

I do not believe he ever for a single moment harbored a thought that would not find an earnest and instant response in the heart of every brave and patriotic American. I believe that he was loyal to his country—as loyal to his country and his country's interests in his high place, charged with its terrible responsibilities, as he was when a boy he met the shock of battle in the field in defense of his country's flag. [Applause.]

Mr. Chairman, whatever may be the verdict of history with respect to the beginning of this war, of one thing I feel assured, and that is that it will be an honorable one so far as the name of William McKinley is concerned.

But it seems to have been ordained in the providence of God that even this peaceful nation should be compelled to take up arms; and whatever may have been our differences of opinion as to peace or war, they must cease in the presence of the enemys' cannon. We are brethren, and the cause of all is the sacred cause of each. One cause, one country, one flag, and, marching to the music of the Union, one great heart beat. [Applause.]

Even the apprehension of war had its depressing influence upon our revenues. Business at home was largely suspended. Men were unwilling to make new investments, to engage in new projects, or actively to continue old ones, since no one could know what the outcome was going to be. Universal suspense promoted universal stagnation.

Then, again, our revenues from customs began to fall off. Foreign contracts in large numbers that had already been made were canceled, and the crippling of the customs receipts became apparent from day to day. Such was the effect of the mere apprehension of war.

With war as an actual fact, the necessity confronts us of providing for its successful conduct and prosecution. And that brings us face to face with the question, How shall the war revenues be raised?

It will be admitted, Mr. Chairman, that they must be raised speedily and with certainty. They must be raised with due regard both to governmental needs and the rights of the individual taxpayers. They must be raised so as to conform to the fundamental maxim that taxes should be levied so as to be most easily paid and so as to impose the least possible and easiest borne burden upon the taxpayer.

In this juncture we find valuable information and wise guidance in the lessons of our own history and experience. Under the Constitution of the United States there is no limit upon the taxing power except the law of uniformity and the provision that direct taxes shall be apportioned among the States upon the basis of population.

It has been our historic policy to rely mainly for governmental support, in time of peace, upon indirect taxes collected through the custom-houses of the country, so as not only to raise revenue but to encourage and promote domestic manufactures. It has equally been our historic policy to rely in time of war, when revenues have become insufficient from other sources, upon internal-revenue taxation and upon loans. Such was our policy in 1812, when the inadequacy of the revenues resulted in the suspension of specie payments and in all of the evils that follow upon a variable currency.

Such was our policy in the late civil war, when a patriotic people willingly responded to burdens of taxation that seem now in the retrospect to have been almost too grievous to be borne. In 1866 our internal-revenue taxes aggregated the enormous sum of $310,000,000. Nothing short of the boundless resources of this great country and the equally remarkable patriotism of its citizens could have faced such a demand and not at the same time have faced bankruptcy and absolute ruin.

The path of duty therefore in this present emergency seems to be plain. We must resort again to internal-revenue taxes and to loans. We must appeal to the patriotism of our citizens and to the magnificent credit of our Government. Thank God, they are both sure reliances upon which to build our national defenses. A people which has consistently turned aside from every temptation to debase its currency, which has turned a deaf ear to every suggestion that would weaken the national credit, which has courageously kept faith with every creditor, foreign and domestic, has limitless possibilities in every money market in all the civilized world. [Applause on the Republican side.]

This, then, is the theory of the bill upon which you are asked to pass. It puts in pledge the patriotism and the credit of the American people, and there is no limit to the possibilities of either.

I will not undertake to deal with the bill in its details. The distinguished chairman of the Committee on Ways and Means covered that entire field yesterday, and it will be more completely covered in the debate that is to follow to-morrow. The taxes proposed are upon articles of voluntary consumption and upon such other articles in addition as will be borne only by those who are able to pay. Beer, tobacco, stamp duties, tonnage duties, loans—these cover the entire subject-matter of the bill.

It would seem, Mr. Chairman, as though this was a time, under existing circumstances, when all patriotic men should stand together. This is no time for the airing of economic fads. This is no time for experiment in legislation. This is no time to attempt to make party advantage. And above and beyond all other things, this is no time to attempt to force upon the statute books of the United States theories and policies condemned, and only recently condemned, by an overwhelming popular vote.

With the sound in our ears of the boys who are marching to the defense of the flag and the sound of the guns of our great fleet eagerly awaited, we should put aside disputed matters, and, single in purpose, follow along in the pathway blazed by experience.

Mr. Chairman, I have heard no objection to the matter contained in this bill, save one. So far as the internal-revenue features of the bill are concerned, no objection has been offered that I have heard.

Mr. LINNEY. Will the gentleman allow me a question right there?

Mr. DALZELL. Certainly.

Mr. LINNEY. I see that the number of planters of tobacco in the United States is 205,802. The entire value of the product is $34,000,000. Does the gentleman think it is fair to raise $25,000,000 upon a product that is confined mainly to four States?

Mr. DALZELL. Well, I will answer the gentleman when we reach that in the five-minute debate.

Mr. LINNEY. The aggregate of the crop is only $34,000,000.

Mr. DALZELL. I think it is hardly fair for the gentleman to inject a question of that kind at this time. He will have abundant opportunity to-morrow, and I shall take great pleasure in replying.

Mr. LINNEY. I wish to exclude the conclusion of the gentleman when he said nobody objected to that feature of the bill.

Mr. DALZELL. I did not say so. I said I had heard no objection to the bill.

Mr. LINNEY. Well, that is the same thing.

Mr. DALZELL. But it is said we ought not to issue bonds. Do the gentlemen who make that plea contend that the ordinary and extraordinary revenues of this Government will be sufficient to carry on a great war waged under the conditions of modern warfare? Will these gentlemen draw their fingers down over the pages of history and show me when and where and by whom any war was ever waged without the aid of the national credit? Loans can not be avoided, and the real question, therefore, is—and I beg you to mark it—whether or not this Government shall be allowed under this act to float bonds at 3 per cent interest, or be compelled, like the last Administration, to float bonds at a higher rate of interest? That is the question, and the only real question.

I regard the loan provision as one of the most beneficent features of this bill. It is an open door to patriotism. It is an invitation to the man who can not fight to share in the glory of his Government's support. It carries the responsibility of this war into every household and to every hearthstone. The man who can not carry a musket has a right to carry a bond, small or great. He has a right to come into the partnership and to share in its fruits, and you have no right to deny him.

But it is said that we should raise money by an income tax. Well, the answer to that is that there is an income-tax law on our statute books to-day. You do not propose to vary it in any material particular. It will gain no strength by being reenacted. It produces no revenue, because the highest judicial tribunal known to our system has pronounced it unconstitutional.

Mr. KELLEY. Has not the personnel of the court changed since that decision?

Mr. DALZELL. I decline to be interrupted. It can not be made constitutional by any rehash by the gentleman from Texas [Mr. BAILEY] of arguments made over and over again, and over and over again answered by the most distinguished lawyers of the American bar, answered when the income-tax law was on argument before the Supreme Court.

The gentleman from Texas was unfortunate yesterday in failing to suggest a single idea or in producing a single argument that possessed an element of novelty. It is unfortunate, I grant you, that our highest tribunal does not have his wisdom and legal lore. But he can not reverse the Supreme Court on this floor, and we can not permit him to exercise judicial functions elsewhere without suffering the irreparable loss that would result to us from his absence from this Chamber. [Laughter.]

Neither difference with the Supreme Court nor abuse of the Supreme Court will justify us in answering the call of the Treasury for money to carry on war by referring it to a statute that has been declared to be, and which under the law to-day is, unconstitutional. The mere suggestion that we shall depend for revenue upon the chance of a reversal of a judgment already rendered against us in a lawsuit that we are not certain can be undertaken partakes, in my humble judgment, in this great crisis, of imbecility.

Then, again, it is urged that we shall issue greenbacks; carry on a war by issuing promissory notes, by imperiling the national credit, deranging the national currency, and forcing upon our own people loans without interest. Enter upon these tempting and dangerous ways and where shall we have an end? To what extent shall we issue greenbacks? I will let the gentleman from Texas answer, "until we shall determine the limit of safety by going beyond it." A more reckless proposition never fell from the lips of any unthinking and thoughtless man. Issue greenbacks as an experiment to ascertain how many we can issue, and then go on issuing them until we have destroyed our credit! Surely that proposition needs no further reply!

What next? We are to coin the seigniorage. Out of that we are to get some $50,000,000, or thereabouts. Now, what is seigniorage? Originally when an individual brought his bullion to the mint for coinage the Government exacted a toll or price for the coinage. That was the Government's profit in the business of coining. But that does not apply to our case. In our case the Government purchased the bullion, and the term "seigniorage" has been extended so as to cover that case.

The profit made when the coin value exceeds the bullion value is the seigniorage. There can be no seigniorage without coinage. Seigniorage is the toll or price paid for coinage.

This subject has never been more lucidly explained than it was in a report of the Committee on Coinage, Weights, and Measures made to the Fifty-third Congress and drawn by my colleague from Pennsylvania [Mr. CHARLES W. STONE]. I quote from it:

> Without going into the derivation of the word or the learning of the lexicographers, it is safe to say that under every definition ever given in connection with money up to this time seigniorage is a result of coinage and only comes into existence when coinage has been actually completed. An examination of the use of the word in our statutes will verify this assertion. The act of 1890, under which all the bullion now in the Treasury was purchased, provides as follows:
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> "That the Secretary of the Treasury shall each month coin 2,000,000 ounces of the silver bullion purchased under the provisions of this act into standard silver dollars until the 1st day of July, 1891, and after that time he shall coin of the silver bullion purchased under the provisions of this act as much as may be necessary to provide for the redemption of the Treasury notes herein provided for, and any gain or seigniorage arising from such coinage shall be accounted for and paid into the Treasury."
>
> The act of 1878 provides, "and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury as provided for under existing laws relating to the subsidiary coinage," and exactly the same phraseology is found in the act of 1876 providing for the issue of certain silver coins.
>
> Referring to the act of 1853, providing for this subsidiary coinage and being the first law authorizing the purchase of silver bullion for coinage purposes, we find it provided that the Director of the Mint "shall charge himself with the gain arising from the coining of such bullion into coins of nominal value exceeding the intrinsic value thereof."
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> Although this measure of the gain arising to the Government from silver coinage remained authoritative for twenty years, it is not accurate, as the "intrinsic" value was a varying element in the comparison and did not always mark the real gain correctly. Hence, in the Revised Statutes of 1874, the phraseology was changed as follows: "The gain arising from the coinage of bullion purchased into coins of greater nominal or face value than the cost," and this may be accepted as the modern American idea of seigniorage. Hence it will be seen that there is and can be no "seigniorage" of bullion as long as it remains bullion, and the first section of the bill seeks to deal with something which does not exist.
>
> But the majority of the committee, erroneously, as we think, seek to change and broaden the meaning of the word "seigniorage" to cover the difference between the cost of the bullion on hand and its estimated coinage value, or what it would produce if coined. This difference, however, is not substance, not bullion, not coin, not anything tangible or corporeal; it is simply the faith and credit of the nation. Four hundred and twelve and one-half grains of standard silver are not a dollar. They only become such when they have ingrafted upon them the guaranty of the Government, not simply of the amount and purity of the silver, but that its exchangeable value shall always be and remain 100 cents, not in other silver simply, but in any money of the nation. Whenever the Government is unable to make good this guaranty the coin sinks at once to its commercial value.
>
> The real intrinsic value of the bullion in the Treasury can not be increased by legislation. You can increase its exchangeable value by adding the element of the nation's credit, and that increased value remains so long as the credit remains intact; but you can give equal exchangeable value to copper by the same process, only that a larger element of national credit must be added.
>
> You can go further and issue intrinsically worthless paper certificates or obligations based entirely on the credit of the nation, and while that credit remains unimpaired and untarnished these obligations become a part of the currency, equally acceptable with the hybrid certificates issued against a combination of the real value of the bullion and the added credit of the nation, as proposed by this bill. Any of these devices for an enlarged currency can be resorted to in an emergency if the necessity of the nation requires, but the credit of the nation ought never be traded upon except in case of necessity, and then it should be done boldly and frankly, with no juggling or sleight-of-hand devices to mislead the people as to the real nature of the transaction. If such necessity exists to-day, let it be frankly stated and fairly demonstrated and not hidden behind manufactured definitions and false methods tending to mislead the people.

The gentleman from Texas in this respect would out-Herod Herod. He is willing to anticipate the magic coinage of nothing by issuing certificates in advance claiming to represent something. They would therefore be a cheat and nothing else.

Now, Mr. Chairman, let us sum up these suggestions and take stock of the result: An income tax that produces nothing; greenbacks that depreciate the currency, imperil the national credit, and result in a net loss; the coinage of the seigniorage—the coinage of imagination, the coinage of something that does not exist. These are the suggestions; and so it is proposed that we shall fiddle while Rome burns.

Now, Mr. Chairman, I would it might be found possible in this supreme hour to join hands all around on things that are sure and stable; that, forgetting for the time being the theories and fancies and experiments in which some have faith, but which lack the proof of practice, we might postpone them until the storm is past, until the haven is reached, until in the blood and sacrifice that must come the old flag shall be baptized anew in another and a knightly crusade in the cause of liberty. [Loud applause on the Republican side.]

[Mr. McMILLIN addressed the committee. See Appendix.]

Mr. McCLELLAN. Mr. Chairman, I understood that the gentleman from Illinois [Mr. HOPKINS] was to be recognized next.

Mr. McMILLIN. Then I will reserve the balance of my time.

Mr. HOPKINS. Mr. Chairman, the bill we have under consideration is, as has been well stated by the gentlemen on this side who have preceded me, prepared not to carry on and pay the necessary expenses of the Government in time of peace, but to meet the expenses of the great emergency that is upon us. In framing the bill the Republican members of the Ways and Means Committee recognized the fact that we are just emerging from a serious business depression which has existed in the country for a period of nearly four years, and that in levying taxes upon the people we should see to it that they are so arranged as to be least burdensome upon them, and that a portion of this necessary expense of the war with Spain shall be extended into the future by borrowing money upon bonds to be issued under the authority contained in this bill.

Gentlemen on the other side of the Chamber who have spoken have paid little attention to the items contained in the bill. What criticisms they have made have been only of a passing character, and they have signified a willingness, so far as those items are concerned, to join with the majority in this House in enacting them into law. Their contention is, however, that the bonds authorized under this bill should not be issued; that other measures should be adopted for the purpose of raising additional revenue rather than enact into law the bond paragraphs of this bill.

What has been said against the bill as prepared by the Republican members can be easily answered. In fact, Mr. Chairman, I think the chairman of the Ways and Means Committee in presenting the views of our committee to the House and the country has shown fully and clearly that so far as $55,000,000 to be raised by this bill is concerned, it comes from articles of consumption and is a voluntary tax; that the balance is raised from tonnage dues, the bulk of which will be paid by wealthy people and by the trans-Atlantic steamship lines; that as to the stamp tax, it comes from a class of people who can well pay it. In the aggregate we raise $90,000,000 in this way. But every man who has given any thought to the subject understands better than I can express that with $90,000,000 additional revenue proposed by this bill we shall fall short of the amount of money necessary to carry on this war and meet its expenses.

The gentleman who has just preceded me [Mr. McMILLIN] has said that we can crush Spain in a short time, and has paid a glowing tribute to our Army and our Navy. I join with him in his encomiums upon the splendid Regular Army that we shall soon have in the field, the volunteer forces that are so promptly responding to the call of the President from every State of the Union, and that arm of our service which has given us a Bainbridge, Decatur, Perry, and a Farragut. But, Mr. Chairman, modern warfare on the sea is an experiment. No man can tell whether this war can be concluded in sixty days or in any given number of years. And it is important for us in the very inception of this war to make such ample preparations as to demonstrate not only to Spain but to the civilized world that the American nation proposes to conduct the war in a manner that will not only vindicate the honor and glory of the country, but will demonstrate its ability to cope with any of the great nations of the world.

How can we do this? We can best do it by maintaining an unsullied credit. We can do it as England did during the most heroic and glorious period of her history, in her struggle on land and sea with the first Bonaparte, when at one time he had all the nations of Europe combined against her. We can do it as all the great nations of the world have done in crises like this. Issue bonds and pledge the credit of the Government for their future payment.

In the bond paragraphs of the bill we have provided a way for

the President and his Secretary of the Treasury to borrow money on long time and at a low rate of interest. This bill, Mr. Chairman, has not been prepared upon party lines. We have not sought to obtain partisan advantage. Our sole and only purpose has been to provide ways and means for the Administration to maintain the integrity of our country and to successfully prosecute the war which the patriotism of this country has demanded. The war in which we are now engaged was not precipitated by the President of the United States. Exercising a wise conservatism that is alike creditable to his heart and his head, he exhausted all the resources of diplomacy before he resorted to the arbitrament of war.

The people of this country demanded that Spanish atrocities in Cuba cease; that that country of the Old World which invokes the practices and cruelties in war of the seventeenth century should no longer dominate and control the richest and most beautiful island in the Western Hemisphere. It was in response to this sentiment of the people, after, as I have said, all the arts of diplomacy had been exhausted by the President, that he called upon Congress for a declaration of war and upon the people to sustain him in giving liberty and peace to the oppressed people of Cuba. Under these circumstances there should be no party divisions in our councils. It is our country for which we are now legislating, and party spirit should not appear in our deliberations upon so important a measure—a measure that is to place in the hands of the President ample means to enable our Army and Navy to fully maintain, if not eclipse, the glories of the past.

I had hoped that the Democratic members of this House would consider the measure now under consideration in this same patriotic spirit; that they would vie with the Republicans in their efforts to speedily place under the control of the President of the United States money and means sufficient to arm and equip the Army and Navy for successful operations. Have they done this? They have not. They carp and criticise the bill without offering any new or more approved method of raising the necessary revenue for the successful prosecution of the war. They protest against the bond paragraphs of this bill and argue that the President, in the very inception of this war, the length and cost of which no man can foretell, shall not have authority to raise money by issuing bonds.

What do they suggest in lieu of the proposed bond issue? Some more efficacious and less burdensome plan? No. They come here with worn-out and threadbare ideas of the past. They come with propositions which in time of profound peace have been rejected by Congress and by the people. What do they propose in lieu of the bond issue that the bill authorizes? They have three propositions which were expressed yesterday by the gentleman from Texas [Mr. BAILEY] in his speech and again to-day by the gentleman from Tennessee [Mr. MCMILLIN] who has just preceded me. What are they? First, the coinage of the so-called seigniorage in the Treasury, providing thereby, as is contended by these gentlemen, $42,000,000 additional money for the Treasury. Second, a new issue of greenbacks to the amount of $58,000,000. Third, the reenactment of the old and unconstitutional income-tax law of 1894. Think of it for a moment.

With a foreign war already upon us, with the magnificent navy that Spain commands to-day armed and equipped and on its way, as the morning papers state, to our Atlantic coast, in this emergency, the leader of the Democratic side of the House and the distinguished gentleman from Tennessee [Mr. MCMILLIN] gravely argue that the enactment into law of the three propositions I have just stated is all this country needs to meet and conquer Spain upon the sea and drive her soldiers and her flag from Cuba. God save the country from such statesmanship!

The first proposition, Mr. Chairman, is one that has grown gray under the tutelage and patronage of the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. I will ask the gentleman from Illinois [Mr. HOPKINS] whether, if I reply to that remark in kind, he will call it politics?

Mr. HOPKINS. You can not reply in any other way than by politics. If you do, you will change your previous course.

Mr. BLAND. Well, I understand that the gentleman is talking politics and I propose to answer him in that way.

Mr. HOPKINS. I am not responsible for what the gentleman from Missouri understands, and I hope nobody else will be. As I was remarking, Mr. Chairman, when I was interrupted by the gentleman from Missouri, the first proposition is one that has grown gray under his championship. It is another effort to drive this country to silver monometallism. In 1893 President Cleveland called Congress together in extraordinary session in a time of profound peace for the sole and only purpose of stopping the purchase of silver bullion and the further coinage of silver dollars, holding that the continuance of the purchase of silver under the so-called Sherman law would endanger the credit of the Government and destroy the parity between the two metals, gold and silver, which this country has maintained for so many years. He said in his message to Congress:

> The people of the United States are entitled to a sound and stable currency and to money recognized as such on every exchange and in every market of the world. Their Government has no right to injure them by financial experiment opposed to the policy and practice of other civilized states nor is it justified in permitting an exaggerated and unreasonable reliance on our national strength and ability to jeopardize the soundness of the people's money. This matter rises above the plane of party politics. It vitally concerns every business and calling and enters every household in the land. * * * I earnestly recommend the prompt repeal of the provisions of the act passed July 14, 1890, authorizing the purchase of silver bullion, and that other legislative action may put beyond all doubt or mistake the intention and the ability of the Government to fulfill its pecuniary obligations in money recognized in all civilized countries.

In pursuance of this recommendation Congress repealed the purchasing clause of the act of July 14, 1890, the sole object of which, as I understand, was to assist the President of the United States in maintaining the credit of our Government and the parity between the two metals, gold and silver.

At the next session of Congress the gentleman from Missouri [Mr. BLAND] introduced and advocated the adoption of a measure practically identical with the seigniorage proposition suggested by the Democratic members of the House to aid the President in raising money to carry on our war with Spain.

Unfortunately for the interests of the country, this House was then under the control of the Democratic free-silver party, as was also the Senate of the United States, and the bill speedily passed both Houses of Congress and was sent to President Cleveland. Whatever may be said of that Democratic leader, he has the courage of his convictions, and when his party presented to him a measure fraught with so much danger to the best interests of the country he did not hesitate in the course he should pursue. He promptly vetoed the bill in a message that will be read with interest when the detracters of ex-President Cleveland are moldering in forgotten graves. In returning the bill to Congress without his approval, among other things, he said:

> I am not willing, however, to rest my objections to this section solely on these grounds. In my judgment, sound finance does not commend further infusion of silver into our currency at this time unaccompanied by further adequate provision for the maintenance in our Treasury of a safe gold reserve. * * * I am convinced that this scheme is ill advised and dangerous.

If ill advised and dangerous in a time of peace, what kind of legislation will it prove to be in the time of war, when the credit of our Government will be put to a most severe test to furnish the means for paying the expenses of the war?

We have in the Treasury of the United States at the present time 109,864,545.41 ounces of pure silver. This cost the Government $99,349,752.77. If this silver were placed upon the market to-day, at present prices, the Government could realize only $42,720,393.69. Here is a clear loss to the Government of $56,629,359.08, if, as I have said, the silver were to be placed upon the market and sold. Yet the free-silver gentlemen upon the other side of the Chamber propose to utilize what they term the seigniorage on this bullion in paying the expenses of this war.

What is seigniorage? It is the profit made by the Government on bullion when it shall be coined into dollars under the act of 1890. It can only arise from the fact that the Government buys silver at its commercial value and coins into a dollar what costs in the market to-day only 43 cents. In other words, 57 cents of our silver dollar at the present time is fiat. There is no profit, however, in our silver transactions until the bullion is coined into dollars, and then to make a profit the Government is compelled to maintain the 371¼ grains of pure silver in one of our standard silver dollars at a parity with the gold dollar. There is no authorization for the coinage of this bullion, only as it may be necessary to provide for the redemption of the Treasury notes provided in the so-called Sherman Act issued by the Government on the purchase of such bullion. And that law provides that every gain of seigniorage arising from such coinage shall be accounted for and paid into the Treasury as it is from month to month.

The bullion is held in the Treasury as security or pledge for the payment of the Treasury notes issued for the payment of the same, and when one of these Treasury notes is presented for redemption bullion sufficient is coined into dollars to make such redemption, and, as I have already stated, the difference between the cost of the bullion to the Government and the amount in a minted dollar makes the seigniorage. Now, it requires no argument to show that seigniorage as proposed by the gentlemen on the other side does not exist, under present conditions. As Mr. Hewitt, of New York, one of the ablest Democrats who ever held a seat on this floor, said:

> You might as well undertake to coin a vacuum as to coin seigniorage under the conditions proposed.

I remember very well the debate which was had in the House in the Fifty-third Congress, when, under the leadership of the gentleman from Missouri [Mr. BLAND], the Democratic party undertook to pass the bill for the coinage of seigniorage. It was denounced not only by Republicans but by many of the leading

Democrats, among them Mr. Hendrix, of New York, who stated that the principle involved was one fraught with danger to the Treasury and to the credit of the Government, and he claimed there was not a civilized country in the world with a settled financial policy that ever attempted what was sought to be brought about by the bill advocated by Mr. BLAND, of Missouri, and supported by the Democratic party at that time.

There can be no $40,000,000 of seigniorage, as contended for by gentlemen on the other side of the Chamber, until after the amount of silver bullion on hand is coined into silver dollars. And then, if by any chance the Government should lose the gold in the Treasury and be unable to maintain the parity between the two metals and the minted dollar should drop to its commercial value, instead of there being $40,000,000 of gain to the Government there would be a loss of more than $56,000,000 to the Government, as I have already shown by the figures quoted.

If, however, the Government should attempt to coin the silver bullion on hand, so as to secure the amount of so-called seigniorage, as contended by the Democrats, it would take nearly two years, running the mints continuously, to accomplish this. What sort of a measure, Mr. Chairman, is this to aid the Government at this time? What business ability must be possessed by men who advocate such a measure? Where is the patriotism that places country before party in a measure of this kind? Here is a proposition, as I have said, Mr. Chairman, that has not only been vetoed by the President, but was one of the issues that was passed upon by the people in the great Presidential campaign of 1896, which resulted in electing our honored President Chief Magistrate of the Republic.

In a war with a foreign country our financial credit is as important for its successful prosecution as naval or land victories. We could much better suffer a defeat in an engagement of our squadrons under Admirals Dewey and Sampson than to have a measure of this kind now enacted into law. More harm would come to the Government through this measure than a defeat of our Army in an attempt to land on Cuban soil. If we can maintain our financial credit, an army can be mustered and a fleet gathered that will wipe the Spanish nation not only from the Island of Cuba but the sea as well. With a broken credit, however, we would be powerless to successfully carry on warlike operations against the Spanish nation.

This is the first proposition advocated by Democratic members of the House as a substitute for the bill under consideration to enable the Treasury of the United States to sustain the credit of the Government in the emergency which is now upon us. What is their second proposition? It is to issue $58,000,000 of greenbacks.

Mr. TALBERT. Will the gentleman allow a question?

Mr. HOPKINS. Certainly.

Mr. TALBERT. What do you expect the Government to do with the bullion in the Treasury if they do not use it?

Mr. HOPKINS. Why, my friend, the Government has already issued and has in circulation Treasury notes issued for the purchase of this bullion to the full extent of its commercial value at the time of the purchase of the bullion, and, as I have already explained, this bullion is from time to time coined into dollars in quantities sufficient to redeem any of these outstanding Treasury notes that may be presented for redemption.

Mr. SHAFROTH. Why not coin it all, then?

Mr. HOPKINS. For the reason that the law provides that the Secretary shall coin as much as may be necessary to provide for the redemption of the Treasury notes provided in the act of July 14, 1890.

Mr. CLARK of Missouri. Why do they coin any of it if certificates outstanding equal all of it?

Mr. HOPKINS. If the gentleman had made a careful study of the so-called Sherman law, he would have known without asking me that question.

Mr. CLARK of Missouri. I shall be obliged for the information.

Mr. HOPKINS. The statute provides, as I have already indicated, that enough of this silver shall be coined from time to time to redeem any of the Treasury notes issued for the purchase of the same. Under this arrangement there is from time to time seigniorage which, under the practice of the Treasury as provided by law, is coined into money and covered into the Treasury. By this method, under the laws of 1878 and 1890, there has been $84,000,000 thus coined and turned into the Treasury and used in the ordinary expenses of the Government.

If gentlemen will look at the report of the Secretary of the Treasury, they will find in stating the receipts and expenditures for the current year 1897, that the third item in his report relates to profits on coinage, etc., aggregating over $7,000,000. From this it is apparent that the seigniorage is not permitted to lie idle in the Treasury, but is coined from time to time and used in the ordinary expenses of the Government. But, as I have already shown, there can be no seigniorage until the bullion is coined into dollars.

Mr. SHAFROTH. Can you not estimate that exactly now?

Mr. HOPKINS. Anybody can estimate that.

Mr. SHAFROTH. Then, why is not this available for coinage?

Mr. HOPKINS. Oh, Mr. Chairman, that would be like a man spending his salary in advance of his earning it.

Mr. MAGUIRE. The silver is there now.

Mr. HOPKINS. That would be like a corporation paying a dividend when the books of the company show nothing has been earned. There is no seigniorage of the character spoken of by the gentlemen who have interrupted me.

Mr. SHAFROTH. Mr. Chairman——

Mr. HOPKINS. I can not be interrupted further.

The CHAIRMAN. The gentleman declines to yield further.

Mr. HOPKINS. Every man knows that the gentleman from Colorado is wild on this subject. There is no argument or statement, however reasonable, that can change his views.

I now desire to return to the second proposition of relief proposed by the Democratic members of this House. What is a greenback? It is simply a promissory note of the United States Government to pay the amount of money expressed on its face. In other words, it is demand paper. The holder of this paper can present it to the Treasury of the United States and demand gold for the amount expressed on the face of the note at any time he chooses; and if the $58,000,000 of greenbacks proposed by the gentlemen on the other side who have preceded me in this debate were issued to-day, the holders of the notes to-morrow could present them at the Treasury and demand gold.

Does anybody doubt that this would weaken the credit of the Government? Let us look at this for a moment and see whether the Government would be benefited by the adoption of this proposition. Everybody understands that during the exigencies of the civil war, when we had no such wealth in the country as we have to-day, when we did not have the amount of money in circulation there is at the present time, and did not possess the banking facilities that are enjoyed to-day, those in control of the Federal Government in their great fight for the life of the Republic were constrained to issue what is commonly known as the greenback. It was deprecated by the ablest financiers of that day, and was only resorted to after exhausting the credit of the Government by bond issues and other methods that had been tried by the Secretary of the Treasury. It was a costly experiment, however, to the Government.

Financial writers tell us that it cost this Government double the amount of money to suppress the rebellion by the use of greenbacks that would have been incurred had we maintained a coin standard. The gentleman from Texas [Mr. SAYERS], in answer to a statement made by the gentleman from Maine [Mr. DINGLEY] that it required an expenditure of eleven hundred million dollars on the part of the Federal Government in 1865 to pay the expenses that year, stated that that was upon a greenback basis and that the greenback at that time commanded only 50 or 60 cents on the gold dollar.

From this you can see that it cost the Government between four and five hundred million dollars more that year to conduct the war and pay the expenses of the Government than it would had we been on a gold basis. And yet, with this experience before us, gentlemen upon the other side deliberately propose that we shall again issue greenbacks to enable the President to pay the extraordinary expenses that are incurred by reason of the present war. This admission of one of the leading Democrats of the House in itself is sufficient to condemn their attitude on this question. The reissue of a large volume of greenbacks means the destruction of the credit of our Government. We are not limited, however, to this costly experiment during the civil war to determine our course to-day. We have the experience of recent years in the use of greenbacks.

The act of May 13, 1878, forbids the further retirement of United States notes or greenbacks. This left outstanding $346,000,000 of greenbacks, in round numbers. The Treasury statement of April 27, 1898, shows that up to that date $515,774,881 of these notes had been redeemed at the Treasury, draining that amount of gold from the Treasury and impairing in that way and to that extent the ability of the Government to maintain a gold standard and the parity of the two metals, gold and silver. So that, in addition to a complete redemption of the $346,000,000 of greenbacks now in circulation, there has been a double redemption of $169,000,000 in round numbers.

In the financial panic of 1893 the then Democratic Secretary of the Treasury called the attention of this House and of the country to the fact that the law that provided for the reissue of these $346,000,000 of greenbacks created what he called a continuous chain that drained the Treasury of its gold and so impaired the credit of the Government that during the Cleveland Administration bonds were issued to the amount of $265,000,000, in round numbers, for the purchase of gold to maintain, as was claimed by that Administration, the parity of the two metals, gold and silver.

With these facts before us, how can Democratic members of this House seriously propose to resort to a further issue of greenbacks

and thus still further endanger the Treasury and paralyze the ability of the Government to maintain its credit? How long, Mr. Chairman, if we should break down the barriers that exist and authorize a further issue of greenbacks, would it be before the present Secretary of the Treasury would be compelled to announce to the country that he had no gold in the Treasury and that we were either upon a silver basis or a paper basis, as we were in 1865?

Is it the purpose of gentlemen upon the other side of the Chamber in voting for this measure to drive us to a silver basis? This is the logical conclusion to be drawn from the propositions which they advocate. Are they taking advantage of the crisis in our financial affairs which has been brought upon us by the existence of a war with Spain to gain what they lost by the vote of the people in the Presidential election of 1896? We are told in works that treat on banking, and also by experienced bankers, that a careful and prudent banker will not have in circulation more than three times the amount of money held in his bank for the redemption of this circulation.

The Secretary of the Treasury informs us in his annual report for the year 1897 that the Government—

> In addition to its liability for redemption in gold on demand of $346,000,000 of legal-tender notes must also hold itself in readiness to redeem in like manner $114,000,000 of Treasury notes of 1890 and to maintain through its Treasury the free interchangeability with gold of any part or all of $470,000,000 in silver now current with our people. The aggregate of these liabilities amounts to $930,000,000.

To do this we have authorized to be set apart in the Treasury $100,000,000 in gold as a redemption fund. It is apparent that the Treasury has already gone beyond all safe banking principles and that a conservative course would require a much larger redemption fund than the $100,000,000 in gold now provided by law. And yet the gentlemen on the other side of the Chamber propose to increase the $930,000,000 by an addition of another $100,000,000 when they know that a loss of confidence or any slight change in our monetary affairs might create a run upon the Treasury, by means of the greenbacks, and drain it of every dollar of gold that it now has.

If authority to issue bonds and borrow money is given, it is believed that all of the money that will be demanded to successfully carry on the war can be procured by what is known as popular loans from our own people, and that the Secretary of the Treasury will not be compelled to negotiate with any money syndicate of the Old World to obtain funds sufficient to pay all these extraordinary expenses of the Government. The people will respond as patriotically to the call of the President for money on the sale of these bonds as they are responding to the call for volunteers from all sections of our country.

It seems to me, Mr. Chairman, that every intelligent man must understand that this war can not be successfully prosecuted without maintaining the credit of the Government, and this can not be done without issuing bonds. It is as important, in the extraordinary condition that a foreign war brings upon us, to maintain the credit of the country as it is to win victories on sea or land. Without credit we would be without money, and without money our Navy will be paralyzed and our Army will be made useless. No heavier blow can be received by this nation, no more dangerous action can be taken against the interests of this country than to adopt these two propositions that have been urged by the gentlemen on the other side.

Gentlemen, Spain would rejoice more over your successful efforts to fasten these propositions you now advocate upon this country than she would over a naval victory. You can not afford to seriously insist upon thus embarrassing the Administration. Your voices were as loud and your votes as emphatic for aid to the struggling Cubans as those of the members upon this side of the Chamber. You must now assume your share of the responsibility in sustaining the President in a successful prosecution of this war. So much, Mr. Chairman, for the two propositions that have been urged by the Democratic members of this House in lieu of the bill prepared by the Republican members of the Ways and Means Committee.

Now, what is their third suggestion? They propose, Mr. Chairman, the reenactment of the income-tax law of 1894. Think of it for a moment! The reenactment of a law that has been declared unconstitutional by the Supreme Court of the United States; a law that, when it was considered in the House and Senate, was denounced as unconstitutional by every lawyer in both Houses of Congress; a law that the most intelligent Democrats then in public life pointed out to the gentleman from Texas [Mr. BAILEY] and the gentleman from Tennessee [Mr. MCMILLIN] and other advocates of that measure as being in violation of the plain principles of the Constitution.

The President of the United States failed to affix his signature to it. Immediately after it became a law without the signature of the President, men who were to be affected by it commenced legal proceedings which resulted in the Supreme Court holding that it was unconstitutional. Think of a proposition, Mr. Chairman, of this character as emergency legislation for the raising of funds to carry on a foreign war! The extra expenses incurred by the Government by reason of this war will aggregate more than a million dollars per day. It will amount to more than $350,000,000 in a year. Our present revenues are totally inadequate to meet this expenditure. Where is this money to come from?

The Republicans say to the President, "We will authorize you to issue 3 per cent bonds in sums of $25 and multiples thereof and let you call on the patriotic people of this country for a popular loan." The Democratic members say, "No; we will not allow that; but in lieu of it we offer you an income-tax bill, which is a copy of a law already declared unconstitutional, and which every intelligent man in this House knows, if it should become a law, would be declared unconstitutional by the Supreme Court of the United States." What kind of patriotism is it that moves a man, or set of men, to offer legislation of this kind to the President of the United States in the present emergency? Do these gentlemen think they can coerce the Supreme Court of the United States into violating the Constitution of the United States because they refuse to the President other means to raise money to pay the expenses of the Government?

It seems almost incredible, Mr. Chairman, that any gentleman can seriously and deliberately offer such a proposition as this as a substitute for the provisions contained in the bill that authorizes the issuing of bonds and the borrowing of money. Both the gentleman from Texas [Mr. BAILEY] and the gentleman from Tennessee [Mr. MCMILLIN] have indulged in long and elaborate arguments that this income-tax law of 1894 is constitutional and that the Supreme Court of the United States have committed a grave error in holding otherwise. I am doing no injustice to either gentleman when I say that the lawyers who represented the Government before the Supreme Court of the United States in that great controversy were quite as learned in constitutional law as either of the gentlemen who yesterday and to-day indulged in such harsh criticism of that court.

That court, in the consideration of the income-tax case, had a sworn duty to perform. If they found the law as passed by Congress was in violation of the principles of the Constitution as prepared by the fathers of the Republic, they must either overturn the Constitution or the law itself. Their oath of office required them to maintain in all its integrity the Constitution, and in obedience to that duty they declared this law to be unconstitutional. The Chief Justice, in his opinion, in speaking upon the subject of taxation, said:

> Thus in the matter of taxation the Constitution recognizes the two great classes of direct and indirect taxes and lays down two rules by which their imposition must be governed, namely, the rule of apportionment as to direct taxes and the rule of uniformity as to duties, imposts, and excises. * * * It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution with only one exception and only two qualifications. Congress can not tax exports, and it must impose direct taxes by the rule of apportionment and indirect taxes by the rule of uniformity.

That an income tax is a direct tax is conceded by all economic writers and by the highest and best judicial authority in this country and in England. Under our Constitution a direct tax can be imposed only by the rule of apportionment, which provides that it shall be in accordance with the representation in this House and by population. This principle of the Constitution was violated in framing the income-tax law of 1894. That law proposed to tax incomes over $4,000 of all persons a certain per cent. It mattered not whether the income came from real estate, personal property, from State and municipal bonds, or from any other source; no exception or exemption was made.

In discussing the law the Supreme Court said:

> The first question to be considered is whether the tax on rents from real estate is a direct tax within the meaning of the Constitution.

And they held that a tax on the income of real estate is a tax on real estate itself, and in violation of the Constitution and hence void. The gentleman from Texas [Mr. BAILEY], in his discussion yesterday on this question, said that so far as rent from real estate is concerned that no intelligent man ought to claim that it is a part of the real estate, and he devoted considerable time to demonstrate that the Supreme Court did not know and appreciate the true principles of law on this question. As against the opinion of the Democratic leader of the House, I desire to call the attention of the members who have not read all of the opinions of the different members of the court to what Mr. Justice Field said, the ablest Democratic judge who has sat upon that bench for fifty years, a man of great learning, of great intellectual force, and of high character. I read from his opinion:

> As stated, the rents and income of real property are included in the designation of direct taxes as part of the real property. Such has been the law in England for centuries and in this country from the early settlement of the colonies; and it is strange that any member of the legal profession should at this day question a doctrine which has always been thus accepted by common-law lawyers. It is so declared in approved treatises upon real property and in accepted authorities on particular branches of real-estate law, and has been so announced in decisions in the English courts and our own courts without number. Thus, in Washburn on Real Property, it is said that "a devise of the rents and profits of land, or the income of land, is equivalent to

a devise of the land itself, and will be for life or in fee, according to the limitation expressed in the devise."

Chief Justice Fuller, upon the same point, shows that from the days of Lord Coke to the present among lawyers and men capable of judging upon this subject that doctrine has never been seriously questioned. I do not know how gentlemen on that side of the Chamber may feel, but as for myself I am willing to follow the opinion of these two great Democratic judges instead of the gentlemen who denounce them upon this floor. The gentleman from Texas in the debate yesterday admitted that the income from municipal, State, or county bonds could not be taxed in the manner indicated in this income-tax law.

As was shown by my colleague, Mr. PAYNE, of New York, and by Mr. DALZELL, of Pennsylvania, in principle there is no difference between an income from municipal, State, and county bonds and the income derived from personal property or real estate. That is made so clear in the decision of Chief Justice Fuller that any man who is intelligent enough to appreciate a legal proposition ought to have no misgivings in the future on that question. The gentleman from Texas [Mr. BAILEY] in his speech yesterday, as I understood him, said that the framers of the Constitution knew little or nothing about direct taxation. Who were the framers, Mr. Chairman, of that great instrument which unites forty-five separate and independent States into one federated union? Washington and Franklin, Madison, Hamilton, Wilson, and Patterson, and others but little less distinguished. They were men who had studied all the sources of popular government in all times since civilized men formed themselves into governments, and in the preparation of this Constitution they brought into use all of this rich store of information and their great experience. They were men whose names will live as long as time lasts and whose lives form the richest pages of our national history. They were the representatives of separate and distinct sovereignties. They met in Philadelphia in the constitutional convention to devise a way by which on the surrender of certain of the respective sovereignties of their States they could form a Federal government.

Whatever was given to the Federal Government was so much surrendered by the States. They knew that the people of the thirteen States were desirous of preserving as much of their several sovereignties as possible and still form this Federal Government. The power of taxation was one of the first and most important questions that was discussed in this great constitutional body. They divided the power of taxation into direct and indirect taxation. Indirect taxation they gave to the Federal Government. The thirteen separate States represented in this Constitutional Convention had the power to levy and collect customs duties and to regulate commerce. They gave all this power to the Federal Government, but they retained the power of direct taxation, except as in the manner provided in the Constitution.

It was clearly understood by the members of the Constitutional Convention, and so explained in the assemblies of the various States when the Constitution was under consideration for rejection or adoption, that the States in giving up the power to regulate commerce and impose customs duties still retained the power of direct taxation, and the Federal Government could not interfere in the exercise of this right. Massachusetts and Virginia were States of greater wealth than New Hampshire and Georgia. The representatives from those States were not willing to accord to the people of New Hampshire and Georgia the power to levy direct taxes upon the property or citizens of their States.

This division of taxation was one of the great compromises that led to the adoption of the Constitution. The representatives of the various States proposed to reserve the power of direct taxation to the States, and to give to the General Government the power of indirect taxation coupled with the provision that if there should be an income tax imposed it should be apportioned in accordance with the representation in this House and the population of the various States. It is apparent to the student of constitutional history that this principle, that Congress possesses no power to impose direct taxation upon real estate and personal property and municipal bonds, etc., which is so clearly expressed in the opinion of Chief Justice Fuller, was not incorporated in the Constitution of the United States without the members of the convention fully understanding it and without the people of the various States that entered into this new governmental alliance understanding full well that their States still controlled in all matters of direct taxation.

Now, Mr. Chairman, I shall not pursue further this branch of the subject that has been brought here by the Democratic members of our committee. I think I have shown enough to demonstrate the advisability of rejecting this income-tax-law amendment on this emergency war measure. If members on this side of the Chamber paid close attention to what was said by the gentleman from Texas [Mr. BAILEY] yesterday, they can well understand why it is that the Democratic members of the House, the majority of whom come from the Southern States, are so anxious to fasten upon this country an income-tax law. In making his illustration to show the beauties of an income-tax law he drew a parallel between the States of New York and Arkansas. He said, as I now remember, that the wealth of the State of New York as compared with Arkansas was as 25 to 1, while the population was as 5 to 1; and from that he argued that New York should pay a greater portion of the national taxation than Arkansas.

In other words, a gentleman living in Arkansas, under this theory, can enjoy all the privileges and immunities of our Federal Government and pay only one-fifth of what it costs a citizen of New York. These gentlemen of the South now favor living under the Federal Government, but they want the expense of it to be borne by the people of the Northern States. This idea of a disparity of wealth in the various States was fully discussed in the Constitutional Convention, as I have already shown, and was one of the reasons why the States reserved to themselves the power and authority to impose direct taxes and limited the Federal Government to excise taxes, import duties, etc. I can not stop in the discussion to-day to speak in defense of this action of the framers of our Constitution and to show that direct taxes should be apportioned in accordance with the representation in this House and in accordance with the population of the several States.

It answers my purpose when I demonstrate, as I think I have, to unprejudiced members on both sides of the Chamber that upon a war measure an income-tax law should find no place; that such legislation, if we are ever to engage in it again, should be postponed to another day and to more peaceful times than those which surround us to-day. This is no time to fight over again a battle that has been fought in the courts and in Congress in years past. We have reached a time when we should stand shoulder to shoulder to meet a common enemy. We have reached a time when the patriotic sentiment of our country demands that our Army and Navy shall liberate Cuba from Spanish control and give the people of that beautiful island an independent form of government.

Let Spain understand by the vote which we shall give on the passage of this bill that her time has come; that her possessions in the Western Hemisphere are gone forever; that a rennited people are prepared to emulate the glories of the past in defense of liberty and free government. [Loud applause on the Republican side.]

I yield five minutes to my colleague on the committee, the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL. Mr. Chairman, there have been differences of opinion in this House and in the country upon the wisdom and the justice and the expediency of this war. There have been sincere doubts whether the burdens which would follow successful war would not be heavier than the burdens which we have now, and to get rid of which we proposed to fight the war. There have been honest and sincere differences of opinion upon this Cuban question in all its many phases.

But, Mr. Chairman, the time for differences has gone by. Upon the proposition now before this House there is, it seems to me, no ground whatever for any difference of opinion. Since war has been declared by the high constitutional authority of this Government and our war ships have been set in motion, and our youth have been summoned from their homes—destined, perhaps, like the youth of Athens, "to perish from the city like the spring from the year"—the high, and urgent, and patriotic duty that is upon us now is to give to those men whom we have summoned into a position of danger our prompt, ungrudging, and generous support.

I have said the time for difference has gone by; and it seems to me the time for debate has gone by also. If war can be declared without any discussion whatever in this House, surely when our soldiers are hurrying to our coast and when the thunder of our great guns and of the guns of Spain, blended together, has broken the stillness of the Cuban waters, it seems to me that the time for declamation has passed and that the time for action has come. [Applause.] Some other time, but not now, let gentlemen indulge in long legal arguments illustrating how much more they know about rudimentary law than the Supreme Court of the United States. Some other time, but not now, let gentlemen deliver impassioned and eloquent panegyrics upon our purity and disinterestedness of motive.

Those efforts, sir, are simply wasted now. The world is not listening to us to-day. The kind of eloquence that is now ringing in its ears comes not from the mouths of men, but from the lips of cannon. It is not looking at us. Its eyes are strained toward both the Indies, to that beleaguered island for whose deliverance we are fighting, and to the other side of the globe, in the far Orient, where our flag is floating under strange and new stars and our brave sailors are ranging our ships in hostile lines against the squadrons and batteries of Spain.

For my part, sir, I am willing to accept the bill which our able and competent committee has given us, and to accept it now. I am utterly opposed to the unsubstantial and dangerous position of the minority. When our country asks for the very bread of life, is

it seriously proposed to give her that ancient and empty chestnut of the income tax? Shall we make the time of her peril and importunity the heyday of financial lunacies and economical quackeries and force her to destroy her untarnished credit, when most she needs it, by a reckless issue of paper currency?

Let us, then, make immediate, sufficient, and certain provision for the maintenance of our fleets and armies, and in doing that I believe we will satisfy the desire with which the great and patriotic heart of the people of this country is bursting to-day. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MERCER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate the joint resolution (S. R. 19) to extend to the officers, seamen, and others, and marines of the United States Navy the provisions of the joint resolution approved July 12, 1862, and the act approved March 3, 1863, and the joint resolution approved May 2, 1896.

The message also announced that the Senate had passed without amendment joint resolutions and bills of the following titles:

H. Res. 149. Joint resolution directing the Secretary of War to submit plans and estimates for the proposed improvement of Hillsboro Bay, Florida, from its confluence with Tampa Bay, through Hillsboro Bay and River, to the city of Tampa;

H. Res. 119. Joint resolution for the improvement of Humboldt Harbor, California;

H. Res. 24. Joint resolution relative to the medal of honor authorized by the acts of December 21, 1861, and July 16, 1862;

H. R. 8738. An act for the survey of the pass leading from the Gulf of Mexico into Horn Island Harbor, Mississippi, and a survey of said harbor;

H. R. 5457. An act for the relief of Robert Kennish;

H. R. 1263. An act for the relief of John Fox; and

H. R. 400. An act to prevent the adulteration of candy in the District of Columbia.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 1586. An act to provide for the sale of public lands in Missouri;

S. 873. An act to remove the charge of desertion against Edwin Higgins;

S. 1737. An act to correct the military record of Patrick Hanley; and

S. 388. An act for the relief of William H. Atkins, formerly commissary-sergeant, United States Army.

WAR REVENUE BILL.

The committee resumed its session.

Mr. HOPKINS. Mr. Chairman, I yield now to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, the spirit of commercialism has been subordinated to the spirit of humanity. Patriotism is again supreme in our hearts. Greed and the love of gold have yielded to the touch of sympathetic nature. No nobler offering to humanity, no greater sacrifice of self-interest, no loftier example of human kinship has ever been made. A mighty nation, wholly devoted to the arts of peace, absorbed in trade and gain, permeated with the desire for wealth and comforts, without a powerful army and with only a moderate navy, goes to war with a determined, cruel, and revengeful people because it dares to fight for the right and is determined to stop forever the despotic and cold-blooded cruelty to and robbery of the Island of Cuba by the nation of Spain.

To our shame be it said that there are still those in our country who are unmoved by the piteous pleadings of the starving thousands in Cuba and whose eyes do not moisten or hearts swell when they read of the starving babes endeavoring vainly to draw sustenance from the breasts of dead and starved mothers.

Some of these have hypocritically preached tenderness and honor for years, and now their fear of suffering or their greed for gain overcomes all other emotions. But they are few in number. They do not count in this contest. They are the Judases of our nation's real honor.

A short time ago we engaged in a political contest in our land which many of us believed vitally involved the sacred honor of our country. The lesson of that campaign would have been lost if it had not taught our citizens that the honor of a country is above gain, above gold and silver, above ideas of currency or tariff, and that the honor of our country can only be sustained and upheld by the inner consciousness that we have done that which we believe to be right and sacred, whether it means war or peace; whether it means the beating of the sword into the plowshare or the plowshare into the sword. [Applause.]

We do not fight for a fancied slight; we do not fight for a commercial wrong; we do not fight for an increase of territory; we do not fight because our commercial spirit has been outraged; we do not fight because our land has been invaded; we fight because it has become necessary to fight if we would uphold our manhood; because the leader of nations on our continent can not stand idly by while Spain is, with cold blood and cruelty, slaughtering and starving our next-door neighbors to death; because unless we are willing to fight we must abandon our vaunted pretensions of enlightened humanity and civilization; because we can not "pass by on the other side."

And then we fight for honor. On the 25th of January last the U. S. warship *Maine*, on a peaceful errand, arrived in the harbor of Havana, after notice being given to the Spanish authorities at that place, and was taken to buoy No. 4 by the regular Spanish Government pilot. In the opinion of the board of inquiry the effect upon the *Maine* caused by the explosion on February 15 "could have been produced only by the explosion of a mine situated under the bottom of the ship."

That court found that the loss of the *Maine* was not in any respect due to fault or negligence on the part of any of the officers or members of the crew, and that it was destroyed by the explosion of a submarine mine, and that the inquiry court was unable to obtain evidence fixing responsibility for the destruction of the *Maine* upon any "person or persons." The *Maine* was moored at a place selected by the Spanish pilot; blown up by a submarine mine located under the ship. No person could have located the mine where it was except Spanish officials, and no one could have controlled the shore connection of the mine except Spanish officers.

The child who can add one to one and make two can tell what authority caused the destruction of the *Maine*. The act has not been disavowed by Spain; no Spanish official has been investigated, arrested, or punished. The people of America know who destroyed the *Maine*. The American Government and the Spanish Government know who destroyed the *Maine*.

It has been said that war was terrible; that war is hell. Let it be so! War was terrible when the English Parliament levied a small tax upon tea imported to this land, but our forefathers fought for freedom. They were not afraid of war, nor are their descendants.

War was terrible in 1812, but the American people, few in number and small in wealth, were not then afraid of the mighty power of Great Britain.

War was terrible in 1845, but our people were not afraid to help the liberty-loving Texans, and my father was among those who then fought for his country and for freedom to another state on this continent.

War was terrible, war was hell, in 1861, but it did not frighten either those who wore the blue or the gray in behalf of what they believed to be right and freedom.

Has war grown so terrible that we now are afraid of it? Shall we muffle our ears and blind our eyes and pluck out our hearts to the piteous moanings and pleadings of the starving thousands in Cuba because we are afraid to spill our blood? Thank God, the American people have red blood instead of ice water running in their veins!

I was for peace. I wanted this country to attend to her own affairs. I did not think that we ought to interfere between Spain and her rebellious subjects. I was not in favor of the Cuban plank in the national Republican platform when it was adopted. I did not then know the facts. No one now disputes the facts. The facts being admitted, the conclusion is inevitable. There is but one thing for us to do. We should free the Island of Cuba from Spanish interference or control. We should return the first deadly blow of war given us when the Spanish officials, by deliberate, preconceived intention, destroyed our war vessel and murdered our sailors. Whether war be terrible or whether war be hell or not, no people or nation is worth surviving or is entitled to the blessings of freedom who will not fight under such circumstances. We would all hail honorable peace, but there can be no honor coupled with peace now.

Have we grown so rich, so enervated, so attached to the unholy dollar, that we are afraid to fight for freedom? We freely tendered our sympathies to the Armenians suffering from Turkish cruelty. Shall we prove ourselves cowards by refusing to tender our sympathies, coupled with our might, to the Cubans?

No, Mr. Chairman, we have taken our stand. We insist that no nation on this continent shall have the liberty to torture and starve her subjects deliberately and coldly to death, and that position we are willing to defend with our fortunes and our lives.

Washington led an army and a people through a war against foreign oppression and to obtain their independence. Lincoln led the North through a war to preserve the integrity of our nation and the liberties and rights of our people. Lee led the people of the South through a war when they believed that they battled for the freedom of their firesides and the rights of their States. But the noblest and most inspiring example of history is President McKinley, holding aloft the Stars and Stripes over an undivided North and South, leading the American people and the

modern civilization to the rescue and relief of suffering and tortured and pleading humanity, for the sake of humanity, and to satisfy the longings of the enlarged soul. [Applause.]

Mr. Chairman, we can not carry on this war without money. It requires cash in hand. There must be no doubt in the start of the power of the Government to incur the necessary obligations and to pay all of its bills promptly. The Republican party proposes, as set forth in the bill now before the House, to raise the money by the means usually adopted in times of war. There is nothing new in the scheme proposed by the Republicans. No new experiment is to be made. On the other hand, the proposition submitted by the Democratic members of the committee is one of visionary schemes and theoretical speculations. It involves the change of the policy of our Government. It introduces at once the most bitter partisan politics; and if carried into effect by the adoption of it as a law, it strikes a deadly blow at the honor of our country and the preservation of its financial credit.

It is the duty of the Republican party at this time, while it is endeavoring to obtain freedom for a foreign people, to preserve unquestioned the integrity and honor of the credit of our country and to keep untarnished and uninjured the solid financial policy voted for by the American people less than two years ago.

The Republican party, which has never faltered in its duty, which has never failed in its obligations to the people, will not betray our country now.

A free flag will soon float over the Island of Cuba, and the honor and financial integrity of the United States will at the same time be absolutely maintained.

May God bless our President, our country, and our cause. [Applause.]

Mr. HOPKINS. I yield five minutes to the gentleman from Ohio [Mr. TAYLER].

The CHAIRMAN. The gentleman's time has expired. The gentleman has occupied the entire time.

The gentleman from New York [Mr. MCCLELLAN] is now recognized for fifteen minutes, yielded to him by the gentleman from Tennessee and the gentleman from Alabama.

Mr. MCCLELLAN. Mr. Chairman, the great mistake that we have always made in the past when we have gone to war, has been that we have underestimated the magnitude of the task which was before us. It has been a mistake that we have dearly paid for with blood and treasure. In the commencement of the war that now confronts us there is no indication of any intention to repeat that error.

The President of the United States has very properly called for more volunteers than it is probable we may require in the prosecution of the war, and it remains for us who are the money-raising power to stand loyally behind him and support him in raising sufficient revenue to bring the war to a successful termination. If there is any question as to the amount to be raised, let it be too much rather than too little. We can not err in that direction. The bill now under discussion is expected to raise by internal-revenue taxation about $100,000,000 annually.

There is no essential difference of opinion between the members of the majority of the committee and the minority as to the internal-revenue features of the pending bill. But we of the minority believe that if it can possibly be avoided we should not increase the bonded indebtedness of the nation at this time. [Applause on the Democratic side.] Ours is the richest country on earth, and its people are the most patriotic. When the honor of the country is involved, they are willing to make any sacrifice for its defense.

As this righteous war with Spain has occurred during the lifetime of the present generation, it is not only just but it is patriotic that if we can bear the expense of it we should do so, and not ask that it be borne by generations yet to come. [Applause.]

It is not only just that we should pay the expenses of this war as we fight it, but as a mere bald proposition of business it will be infinitely cheaper to the nation if we raise the means of carrying it on by revenues produced by extraordinary war taxation, rather than by increasing the interest-bearing indebtedness.

I think that we all agree, more or less, on this, and therefore it is only a question of opinion between us as to whether it is advisable or possible to raise sufficient revenues by taxation to meet the exigencies of the war without undue hardships upon the people of the country generally, or not. You of the majority believe that it is not possible. We of the minority believe that it is, and not only that it is possible but that it is right.

I have no deep-rooted personal objection to the issue of interest-bearing bonds, when the issue is a necessity, but I believe that it is the part of wise policy to refrain from issuing them now, at the very commencement of hostilities, if we can avoid it. In due time the minority will offer an amendment striking out the section of the bill which authorizes the issue of bonds and substituting in lieu thereof the income-tax provisions of the so-called Wilson law.

I do not propose to discuss the constitutionality of the income tax. That question has already been argued at great length and with great ability by gentlemen who have preceded me. I believe that the decision of the Supreme Court, holding that the income tax was unconstitutional, applied only in so far as it was a peace measure, and by implication declared that as a war measure it was constitutional. The effect of an income tax as a peace measure is foreign to the subject.

The great objection to the form of the income tax as it was contained in the Wilson Act was that as the exemption was made unduly high the great burden of the tax fell with unjust discrimination on that section of the country which I have the honor in part to represent. I wish that the exemption as contained in the proposed amendment were even lower than it is; but I believe that placed at $2,000 it will be sufficiently low to include in the operations of the law almost all those of our people who are not wage-earners. The great majority of the rank and file of the Army that we are about to raise will be wage-earners. They must bear the brunt of war. They must bear the burden and heat of the day.

There are only two kinds of taxes that are not ultimately paid by the consumer—the income tax and the license tax. A tax that falls upon the consumer, to be a revenue raising measure, must be a tax on the necessities of life. In other words, it must be a tax that falls with greatest hardship upon the poor. I believe that it is only fair, that it is only right, that those in the community who are not wage-earners should pay their share of the expenses of this war; and let me assure you that those in the community who would pay this tax have as much patriotism and are quite as ready to make sacrifices as are any other people in the land.

The income tax that was levied during the late war was paid without a murmur, because those who paid it believed that they were doing a real service to their country, and those who would pay it to-day would pay it with quite as much cheerfulness and with equal patriotism, because they would know that they were standing by their country in its hour of need.

I intend to vote for the income tax, because I believe that it is one of the fairest forms of taxation. I intend to vote for an income tax, because I believe that with such a law it would be possible to postpone, at least for the present, an increase in the bonded debt of the nation.

Mr. Chairman, on all questions involving the honor and the safety of the nation there ought to be no difference of opinion. There is a higher duty than that which we owe to party, and that is the duty we owe our country. I have confidence enough in the integrity and in the patriotism of our President to feel that in a crisis like this we, of all parties, should stand together in his support. I recognize the necessity of raising the means of carrying on this war, of raising sufficient means, and of raising it immediately. This is not a time to play politics. This is not a time to draw party lines.

If my ideas as to how the means for carrying on this war ought to be raised, should not prove to be the ideas of this House, if the views of the minority should be voted down, then I shall feel that it is my duty to refrain from putting even the insignificant obstacle of one vote in the way of the successful prosecution of this war. Then I shall feel that it is my duty, as a man and as an American, to ignore my personal predilections, to ignore my partisanship, and, forgetting that I am a partisan, to remember only that I am a citizen of the United States who loves his country. [Applause.]

If I have any time remaining, Mr. Chairman, I desire to yield it to the gentleman from Louisiana [Mr. ROBERTSON], who so courteously made way for me.

Mr. ROBERTSON of Louisiana rose.

The CHAIRMAN. The Chair understands that the gentleman from Louisiana desires recognition merely for the purpose of yielding his time.

Mr. ROBERTSON of Louisiana. No, sir.

The CHAIRMAN. Then the Chair will recognize the gentleman from Connecticut [Mr. RUSSELL] next.

Mr. ROBERTSON of Louisiana. If the Chair will permit me, when I saw the Chair a moment ago, I understood that I would be recognized after the gentleman from New York [Mr. MCCLELLAN] for one hour. I told the Chairman that I did not care to address the committee because I am not well enough to do so. I have just recovered from quite a serious spell of sickness, as the gentleman knows. I desire, however, to yield my time, and I thought it was understood by the Chair that that time would be accorded to me, to be yielded to the gentleman from Missouri [Mr. BLAND] and the gentleman from Nevada [Mr. NEWLANDS].

The CHAIRMAN. Not to occupy it at this time. If the gentleman simply desires to yield his time now, to be occupied later, the Chair recognizes him for that purpose. Otherwise the Chair recognizes the gentleman from Connecticut [Mr. RUSSELL].

Mr. ROBERTSON of Louisiana. The Chair will excuse me. I thought I understood—of course I might have been mistaken—that the Chair would yield to me for that hour at this time. Now, if I can not be recognized for the full hour, I want to make a request. The gentleman from Missouri [Mr. BLAND] has also been quite ill. He is anxious to get home as early as he can. I desire

to yield twenty minutes to him, and I ask that the Chair now yield the twenty minutes to him, and that after the gentleman from Connecticut [Mr. RUSSELL] has occupied the floor for his hour, that the Chair yield the other time to the gentleman from Nevada [Mr. NEWLANDS].

The CHAIRMAN. The Chair can not recognize the gentleman from Louisiana to occupy any time at this time, for the reason that that side has already occupied six hours and five minutes and the Republican side only four hours and three minutes, and desires, therefore, that the gentleman from Connecticut next occupy his hour.

Mr. ROBERTSON of Louisiana. Then, Mr. Chairman, I ask this now: I am not well. I understand that we will try to make an effort this afternoon to take a recess or adjourn over until 10 o'clock in the morning. If that should prevail, sir, I would like to know whether or not the Chair can recognize me in the morning at that hour?

The CHAIRMAN. The Chair can not promise to do that, not knowing whether there is going to be anything of that kind done.

Mr. BAILEY. I was about to say, and I may relieve the Chair at this point with the suggestion, that that suggestion came from the distinguished chairman of the Committee on Ways and Means. It was believed that he desired to occupy some further time; and I was entirely willing to accommodate him in that respect, and that might facilitate the understanding.

Mr. DALZELL. I think it is the purpose of the gentleman from Maine to make such a motion.

Mr. BAILEY. He so informed me, and I readily assented to it. May I inquire how much time the gentleman from Connecticut intends to occupy?

Mr. RUSSELL. I suppose I am recognized for an hour?

The CHAIRMAN. The gentleman is correct.

Mr. RUSSELL. I promised to yield ten minutes to the gentleman from Iowa [Mr. HENDERSON] and ten minutes to the gentleman from Massachusetts [Mr. LOVERING], and after that I shall occupy myself perhaps fifteen minutes.

Mr. BAILEY. Then, Mr. Chairman, that would bring the House within twenty-five minutes of the time that the recess will be taken this afternoon. I suggest to the gentleman from Louisiana that he take the chance of his hour in the morning. I am sure it will be given.

Mr. ROBERTSON of Louisiana. I am perfectly willing.

The CHAIRMAN. The gentleman from Texas will permit the Chair to call his attention to the fact that the time for taking the recess has been extended until 6 o'clock this afternoon, in his absence.

Mr. BAILEY. Then, as it is twenty-five minutes after 4, if the gentleman from Connecticut occupies his hour it will be twenty-five minutes after 5.

The CHAIRMAN. After the time has been taken on this side it may not be possible to divide what time is left to-morrow morning equally. Of course the desire of the Chair is to divide the time as nearly equally as possible between the two sides.

Mr. BAILEY. I understand the time between now and the recess this afternoon will about equalize the time on the respective sides of the House.

The CHAIRMAN. If the Republicans occupied all the time until 6 o'clock, it would come within half an hour of equalizing it.

Mr. BAILEY. What is the difference in the time now occupied?

The CHAIRMAN. Two hours and two minutes.

Mr. BAILEY. Any inequality could be corrected at the night session, leaving the two hours between the two sides to-morrow.

The CHAIRMAN. If it were equalized. The gentleman from Connecticut is now recognized.

Mr. RUSSELL. I yield ten minutes of my time to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON. Mr. Chairman, some weeks ago, when we were discussing the proposition of war, I predicted with emphasis that there would be no war. I find that I was a very poor prophet, and that my own convictions and hopes were largely the parent of the expressions of that hour.

No one in this body has regretted more than I the condition in which the country now finds itself. I have a contempt for myself when I find the animal in me dominating my actions. The days of the stake, of the intrigues and assassinations in palaces of kings, and the star chamber and the old Spanish Inquisition are things of the past; but with Europe, civilized Europe, trembling under the tread of armies, with the brutalities of Spain in Cuba confronting us, I find that the Dark Ages have not yet disappeared.

We are animals as well as men, and while living among animals I suppose at times we must resort to the habit of brutes. I speak perhaps severely, because I feel keenly on this subject. I despise war, and my hope is that the time will come, though not in my day, when intellect and conscience shall be the arbitrators of differences between nations and men. But it is not so now. The locks upon our doors and gates tell us that the time has not yet come. The massing of great armies and the building of fleets tell us that the time has not come; but gentlemen, it should be the aim of mankind to reach that time. But when our peace-loving Chief Executive finds justification for unfurling the flag of battle, I yield my convictions and say amen; and the time for action, for battle, has come.

In this trouble, in which we are, let there not be one copperhead in the Republic. [Applause.] Now, that the "dogs of war" are let slip, I shall bring my brain, and heart, and energy, to the support of the flag of my country. And, for one, I shall not be driven into the position of belonging to one side of the Chamber in the American Congress. [Applause.]

It is well known how brutally, how bitterly and savagely, the Scotch clans fought each other in the olden times, but when the flag of England approached the borders, and the slogan of war sounded through the lowlands and over the highlands, and the signal fires were kindled on the mountain tops, the fighters of the hour before became brothers. Let the example of my native land instruct us at this hour.

I note that thus far we have as a Congress stood together in declaring war, in rallying the young men of the land to respond to the call of the Chief Executive. Let us not send them to battle, I implore you, and at the same time cut in two their petty compensation and fret them by wrangling over the matter of ways and means. Let us not hurl them into the ranks of battle and the jaws of death and weaken one instant when we come to furnish the great sinews of war. I care not what your mode of taxation is. In this purely war measure let us be as wise as possible and embarrass the people as little as we can, but let us move with cash as rapidly as the young men in our land are moving with their patriotism and with their hearts' blood to lay on the altar of their country. We have taken steps that will cut down the revenues of this country. All our estimates are gone. We need men, bullets, and cash.

Ah, gentlemen, let us move up like men and brothers, patriots as we are, and give not scrimpingly, but so that the armies and navies of our country will know and feel that we have not been talking for buncombe, but talking for the honor and life of the nation as we view it.

I do not know what may be in the great overruling mind. We have in the past in this country looked in each other's faces with flashing eyes and frowning brows.

I know not but that the overruling God intends through these sad and tremendous events to erect monuments for citizens of this Republic where all can stand with uncovered heads. I know not but that "Marching through Georgia" and "Dixie's Land" may be laid away, and that the voices of this Republic may unite in singing new songs of patriotism. I know not but that the impending struggle may have in store a mission to fold tenderly and lay away the "bloody shirt," and bring us closer together as a nation. If this war has good in it, I think I can see where it will be manifest.

And now, members of the American Congress, let "this side" and "that side" be dropped; let Democrats and Republicans be forgotten; let us fold up our campaign speeches for the fall, and now and here let us as one man back up what we have done in the last few weeks, and give cash quickly and without reserve, and make certain the great unselfish step, the awful step, we have taken. This is my counsel, and from my heart. [Prolonged applause.]

Mr. RUSSELL. I now yield ten minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Chairman, as much as we regret the necessity for this warlike measure, we recognize the obligations we are under to promptly and effectively finish our work. But there are one or two amendments that it seems to me should be made to this bill, and I would have been glad to have offered them if I had had the opportunity. I will, however, content myself with making one suggestion, in the full belief that the committee will perfect their work before the bill becomes a law.

I notice that the committee in preparing this bill have followed very closely on the lines of the stamp act which was in force in 1866. In providing for a tax upon policies of insurance they have followed exactly those lines. Now, it is well known that since that time there have sprung up several new classes of insurance that are not covered by these provisions. There is what is known as profit insurance. There is also a class of insurance known as employers' liability insurance, and it amounts to many hundred millions of dollars.

I am myself the president of a company which insures very nearly seventy-five millions of wages of employees. It insures the employers against any legal liability for loss by injury to their employees. This class of insurance is not covered by any provision that has been made in this bill. I feel sure that the committee will attend to this before they complete their work.

Mr. Chairman, if I mistake not the temper of the American people, they are in no mood for partisan exhibitions. I will say

to those gentlemen who seek to make party capital in an emergency like this that they will have the people to reckon with. They do not rise to the dignity of patriotic legislators nor do they properly appreciate the seriousness of the question.

To be engaged in declaring war and at the same moment plotting their next political campaign betrays a desperate state of mind that is not worthy of true patriots. If our friends on the other side who are so anxious to inject into this debate their free-silver principles would but take for an object-lesson the financial condition of Spain to-day, they would bring but little heart to their work and would find much to discourage them. The most vulnerable point in the position of Spain to-day lies in the weakness of her credit and financial system based on a paper currency and silver legal tender. Mr. Chairman, I commend to those gentlemen the consideration and comparison of the financial conditions of Spain and our own country to-day.

Mr. RUSSELL. Mr. Chairman, war brings its burdens—heavy and grievous and numerous. The war is here. The burdens must be borne. All the varying opinions which prevailed in this country as to the controversy between the United States and Spain, all the varying sentiments and hopes as to the method of the settlement of that controversy, are now merged in the grim fact of actual warfare.

For many months it has seemed to me that the conclusion of war was inevitable. Believing thus, I welcomed with approval every strong and efficient preparation and every wise and patient consideration which marked step by step the progress of this country toward the actual declaration of war. It has not seemed to me that such preparation and such consideration were unreasonable delay. It certainly was not a shrinking from the responsibility. It was not a failure to recognize fully the gravity of the situation.

It was far from being anything else than a patriotic and proper action on the part of the Administration. And while invectives and criticisms and complaints may have been hurled at the Administration and its majority representation in this House for the progress which has been made toward the war in which we are now plunged, I believe the time will very soon come, or that it has already come, when the great mass of the people in this country will give their approval to every act which has marked the course of this Administration or the course of this House clear up to the present moment.

I do not think that the American people are impetuous for war. I believe it is creditable to their intelligence, to their self-control, to their good government, to themselves in every respect, that they should seek as they have done to preserve with honor and with dignity peace to their country. A people who are naturally peaceful are always stronger in a war which can not be averted when it is forced upon them. But all time for the consideration of the possibility of peace or the efforts for it is now passed, and we are actually engaged in a war which calls for and demands a united and a patriotic effort of all our people.

The first command, the first call, which comes to the Congress of the United States is to provide the ways and the means to meet the extraordinary expenditures of the war. Such a measure is now before this House for action. And I think I may say truthfully that in the preparation of this measure, and in its consideration thus far, there has been an unusual disposition on both sides of this Chamber to forget partisanship, to brush aside politics, and to provide liberally and efficiently for all the necessary expenditures of the war.

The majority of the Ways and Means Committee, charged, as is necessarily the majority of every committee, with preparing and presenting the legislation proposed, have given to this House a measure which provides for internal taxation—a measure to raise a revenue estimated by the chairman of our committee at $90,000,000 per annum. I am inclined to think he puts his figures quite low enough. I am inclined to think the internal-revenue sections of this measure will, in the first year that the law is in operation, furnish more than $100,000,000 of revenue.

In the consideration of this measure, so far as these internal-tax provisions are concerned, there is practical accord on both sides of the Chamber. Probably as much objection might be found among Republicans to particular items in these sections as could be found among Democrats to other particular items, the objections being local. But mainly we are all agreed as to the internal-tax provisions of the measure now under consideration. The controversy arises over the loan provisions. I think, also, we are well agreed that the internal-taxation provisions of this measure would not in themselves furnish sufficient revenue to be provided at this time for the exigencies of the war.

We differ when we leave the sections of internal-revenue taxation. The majority of the committee, and I believe the majority of this House, take the position that it is necessary at the very outset to provide means for borrowing money which shall be immediately available. Ready money in ample volume is necessary for war. With the credit and resources of this country, the ability to borrow money is a sinew of strength and a measure of economy in an emergency. The minority of the committee and the minority of this House propose to provide the additional revenue necessary over and above the internal taxation by the issue of money by the Government, incidentally by the coinage of the silver seigniorage in the Treasury, but practically by the issue of greenbacks.

The leader of the minority of the committee yesterday in his remarks stated the position of the minority of this House when he said that he proposed to test the untaxed credit of this country to the point of safety, and those around me say he added "and beyond that point." I do not think the gentleman, with consideration and thought, added the last. If he did, it was a dangerous proposition, and I have no doubt he will strike it out on revision. But the proposition is this: You propose, gentlemen, instead of our borrowing money by the issue of certificates of indebtedness and Government bonds, to issue greenbacks.

You propose to conduct the war on the coinage of silver seigniorage, surrounding which there is much mist and about which there is really only one fact, and that is that no seigniorage exists until the silver bullion is actually coined and there is really computed the difference between the cost of the silver bullion to the Government and its coined value as money. The profit that is then found, if any, is seigniorage. This uncertain quality surely can not be ascertained until the actual coinage of all silver bullion in the Treasury is made, and before the mints of the United States could do that work the war ought to be over, and will be if the Congress promptly and liberally furnishes the ways and means for its prosecution.

You propose to conduct the war on the issue of promissory notes and to still further invest the Government with banking functions. You revert to the old doctrine that a Government stamp makes value and makes money, recognized and current at the face denomination of the stamp. The people of this country repudiated that doctrine in time of peace. It is unsafe and unreliable for us to try it again in time of war. War will bring enough of hardships to our people, to our industries, and to our labor without the risk and danger of a depreciated money.

But those who oppose the borrowing of money for this war point to the greenback issues of the civil-war period. The greenbacks of the civil war were serviceable and necessary at that time, but they were depreciated money. They were the best we could do then. They are not the best we can do now. In this proposition it seems to me you entirely overlook the conditions which prevail in this country to-day, differing, as they do, most materially from those which prevailed during the prosecution of the late civil war. When the greenbacks were issued in the civil war, and when they were the money, to a considerable extent, on which the country relied to meet its expenditures in war, we had an interest-bearing debt on the country that amounted only to $64,000,000.

To-day we have an interest-bearing debt in the United States of more than $847,000,000. Then we had for money specie in the banks amounting in round numbers to $83,000,000, and a State-bank currency amounting to a little over $200,000,000, for which the specie held in reserve was about 40 per cent. To-day we have, as the reminiscence of civil war, $346,000,000 of greenbacks, more than $100,000,000 of Treasury notes, and more than $390,000,000 of silver certificates. Of greenbacks and Treasury notes we have $446,000,000, and considerably more outstanding, with a gold redemption fund of $100,000,000 to be maintained.

These conditions make all the more unsafe, all the more unsound, the result of the issue of greenbacks or of any kind of money which approaches near to the danger line of fiat money. And even with the better conditions prevailing in the country at the time the greenbacks were issued in civil war, it is a known fact that they depreciated to 50 per cent of their face value. With less favorable conditions to-day, can we reasonably expect to escape at least as full depreciation of a promissory-note money as afflicted us in the civil-war period? Do you believe that you could in this war emergency issue and keep in circulation at par, in greenbacks or in other forms of paper money which dangerously approach the line of fiat money, an amount of money equal to the loans authorized by this measure?

If this large sum of $500,000,000 be necessary in the prosecution of this war, and if it should be issued, just stamped by the Government, in greenbacks, and the greenbacks should depreciate as they did in the days of the civil war, then your $500,000,000 would, in fact, amount to $1,000,000,000. If a lesser amount should suffice for the successful and speedy ending of the war, and it should be issued, just stamped by the Government, in greenbacks to the extent of $300,000,000 or $100,000,000, and the greenbacks should depreciate as they did in the civil war, then your $300,000,000

or your $100,000,000 would, in fact, amount to $600,000,000 or $200,000,000.

On the other hand, if the money necessary for the prosecution of the war be secured, over and above what is realized by internal-revenue war taxation, by loans as authorized by this measure, what is the reasonable and safe result? If it be necessary to use the limit authorized by the measure and borrow $500,000,000, the payment of the loan at the rate of interest—3 per cent—and at the expiration of the bonded period—twenty years—would aggregate, principal and interest, $800,000,000.

If it be necessary to use only a portion of the money authorized to be borrowed, say $300,000,000 or $100,000,000, then the payment of the loan at the rate of interest—3 per cent—and at the expiration of the bonded period—twenty years—would aggregate, principal and interest, $480,000,000 or $160,000,000. So I say, in all reasonable consideration, the proposition to raise war funds safely, speedily, and sufficiently by the loan provisions of this measure offers a saving of from $200,000,000 to $40,000,000, according as the maximum amount of loan authorized by the measure or the probable minimum amount is found necessary, over the proposition to secure money by a greenback issue.

So, Mr. Chairman, it seems to me that in devising ways and means to provide the necessary money to carry on the war, there is in this loan proposition a clear, positive, profitable business principle in the authorization of a loan instead of the authorizing of the issue of greenbacks or any other form of paper currency. There is no disorganization of our fiscal system, no threatened disorder of business and wages and prices from this method of securing money for the prosecution of the war. We do not send soldiers to the field and seamen to the ships with the encouragement and bounty of a 50-cent dollar.

No one can tell as to the duration of the war in which we are now engaged. No one can tell how long it may continue or what its cost may be. No one can tell what may be the amount of the expense incurred by this conflict. All we can forecast is that war is expensive, and we know that this country was most insufficiently equipped to fight even Spain. Already expenditures in preparations, mainly naval preparations, warrant the belief that more than $40,000,000 per month will be necessary to efficiently prosecute this struggle. That business is strong and successful which has ample capital upon which to rely. War is a business. We ought not to hazard or risk any disaster in this war or to contribute to its continuation by failure to liberally provide all possible ways and means for its prosecution. Give the Administration a full bank account and trust it to wisely and economically and effectively expend the money to secure a quick and positive victory.

I have here a most interesting report made by the Secretary of the Treasury in 1880, giving in detail the expenditures growing out of the last war—the civil war—covering the period from July 1, 1861, to June 30, 1879, and it is interesting to know that the aggregate of the expenditures growing out of the civil war for that period amounted to $6,189,000,000, running up, as stated in the debate the other day, in one year to $1,100,000,000.

I shall publish as a part of my remarks this table, not, perhaps, in any way as an estimate of the expenditures of the war in which we are now engaged, though I am free to say, Mr. Chairman, that in my opinion the struggle is to be more prolonged and more expensive than is generally calculated by the country to-day. I refer to this report of war expenditures for the purpose of impressing on the House and on the country that war carries with it a tremendous expenditure of money, reaching out in many lines and covering many items of cost that we can hardly estimate at the beginning of the conflict.

I also refer to it for the purpose of impressing on the House and the country that with the possibility of these tremendous expenditures staring us in the face we should say and determine to-day, at the very outset, that we will provide for the Government promptly, fully, and efficiently all the means that can be reasonably, economically, and properly expended. We should do this in order to introduce the war, so to speak, with all the strength and all the vigor of a united and powerful people.

And I refer to this report also, Mr. Chairman, for the purpose of impressing on this House, and the country as well, that with the possibility of these enormous expenditures and with the surety of heavy cost there is the greatest necessity that there should be preserved for this country and for this Government and for the particular Administration charged with carrying on the war the fullest and best credit possible.

That credit is ours to-day. Do not weaken it by a fiat-money fiction. Do not disturb it by anything. Even a litigation over an income tax would not furnish us means for the prosecution of the war. It would give us neither money nor credit. It is still a law on the statute books, but it is unavailable, by a Supreme Court decision, for our needs to-day.

The Treasury statement showing expenditures growing out of the civil war, and covering the period from July 1, 1861, to June 30, 1879, is as follows:

Appropriation.	Expenditure growing out of the war.
Expenses of national loans and currency	$51,522,730.77
Premiums	59,738,167.73
Interest on public debt	1,764,256,198.45
Expenses of collecting revenue from customs	42,539,257.87
Judgments of Court of Claims	4,964,634.68
Payments of judgments Court of Alabama Claims	9,315,753.19
Salaries and expenses of Southern Claims Commission	371,321.89
Salaries and expenses of American and British Claims Commission	295,878.54
Award to British claimants	1,929,819.00
Tribunal of arbitration at Geneva	244,815.40
Salaries and expenses of Alabama Claims Commission	253,231.12
Salaries and contingent expenses of Pension Office	5,225,788.05
Salaries and contingent expenses of War Department	19,619,282.79
Salaries and contingent expenses of Executive Departments (exclusive of Pension Office and War Department)	23,833,271.97
Expenses of assessing and collecting internal revenue	112,803,841.31
Miscellaneous accounts	2,207,485.61
Subsistence of the Army	381,417,548.58
Quartermaster's Department	299,481,917.66
Incidental expenses of Quartermaster's Department	25,342,733.63
Transportation of the Army	236,793,885.56
Transportation of officers and their baggage	3,025,219.66
Clothing of the Army	345,543,880.20
Purchase of horses for cavalry and artillery	126,672,423.44
Barracks, quarters, etc	31,070,846.59
Heating and cooking stoves	448,731.45
Pay, mileage, general expenses, etc., of the Army	78,084,729.47
Pay of two and three years' volunteers	1,040,102,702.58
Pay of three months' volunteers	868,305.41
Pay, etc., of one hundred days' volunteers	14,386,778.29
Pay of militia and volunteers	6,126,952.65
Pay, etc., to officers and men in the Department of the Missouri	844,150.55
Pay and supplies of one hundred days' volunteers	4,824,877.68
Bounty to volunteers and regulars on enlistment	38,522,040.20
Bounty to volunteers and their widows and legal heirs	31,760,345.95
Additional bounty act of July 28, 1866	60,998,786.71
Collection and payment of bounty, etc., to colored soldiers, etc.	268,158.11
Reimbursing States for moneys expended for payment of military service of United States	9,635,512.85
Defraying expenses of minute-men and volunteers in Pennsylvania, Maryland, Ohio, Indiana, and Kentucky	597,178.30
Refunding to States expenses incurred on account of volunteers	31,307,243.00
Reimbursements to Baltimore for aid in construction of defensive works in 1863	96,152.00
Payment to members of certain military organizations in Kansas	296,097.28
Expenses of recruiting	1,297,906.35
Draft and substitute fund	9,713,873.13
Medical and Hospital Department	45,108,770.56
Medical and Surgical History and Statistics	196,048.32
Medical Museum and Library	55,000.00
Providing for comfort of sick, wounded, and discharged soldiers	2,232,785.12
Freedmen's Hospital and Asylum	123,487.49
Artificial limbs and appliances	509,283.21
Ordnance service	4,553,531.71
Ordnance, ordnance stores, and supplies	55,993,932.83
Armament of fortifications	10,218,472.00
National armories, arsenals, etc	23,903,489.33
Purchase of arms for volunteers and regulars	76,378,935.13
Traveling expenses First Michigan Cavalry and California and Nevada Volunteers	84,131.50
Payment of expenses under reconstruction acts	3,128,905.94
Secret service	661,587.43
Books of tactics	172,568.15
Medals of honor	29,890.60
Support of National Home for Disabled Volunteer Soldiers	8,546,184.76
Publication of Official Records of War of the Rebellion	170,998.98
Contingencies of the Army and Adjutant-General's Department	2,736,698.75
Payments under special acts of relief	1,088,406.83
Copying official reports	5,000.00
Expenses of court of inquiry in 1868 and 1869	5,000.00
United States police for Baltimore	100,000.00
Preparing register of volunteers	1,015.45
Army pensions	407,429,192.80
Telegraph for military purposes	2,500,065.80
Maintenance of gunboat fleet proper	5,244,684.32
Keeping, transporting, and supplying prisoners of war	7,659,411.60
Permanent forts and fortifications; surveys for military defenses; contingencies of fortifications; platforms for cannon of large caliber, etc., from 1862 to 1868	13,403,991.09
Construction and maintenance of steam rams	1,370,730.42
Signal service	143,797.56
Gunboats on the Western rivers	3,239,314.18
Supplying, transporting, and delivering arms and munitions of war to loyal citizens in States in rebellion against the Government of the United States	1,649,598.57
Collecting, organizing, and drilling volunteers	20,091,666.57
Bridge trains and equipage	1,413,701.75
Tool and siege trains	702,250.00
Completing the defenses of Washington	912,283.01
Commutation of rations to prisoners of war in rebel States	320,636.62
National cemeteries	4,162,848.32
Purchase of Ford's theater	88,000.00
Temporary relief to destitute people in District of Columbia	57,000.00
Headstones, erection of headstones, pay of superintendents, and removing the remains of officers to national cemeteries	1,080,185.54
State of Tennessee, for keeping and maintaining United States military prisoners	22,749.49
Capture of Jeff Davis	97,081.62

Appropriation.	Expenditure growing out of the war.
Removing wreck of gunboat Oregon in Chefuncte River, Louisiana	$5,500.00
Support of Bureau of Refugees and Freedmen	11,454,237.30
Claims for quartermaster's stores and commissary supplies	850,220.91
Miscellaneous claims audited by Third Auditor	47,111.00
Claims of loyal citizens for supplies furnished during the rebellion	4,170,904.54
Payment for use of Corcoran Art Gallery	125,000.00
Expenses of sales of stores and material	5,842.43
Transportation of insane volunteer soldiers	1,000.00
Horses and other property lost in military service	4,281,724.91
Purchase of cemetery grounds near Columbus, Ohio	500.00
Fortifications on the northern frontier	663,748.12
Pay of the Navy	74,462,304.34
Provisions of the Navy	16,368,623.82
Clothing of the Navy	1,594,700.98
Construction and repair	134,178,098.45
Equipment of vessels	25,174,614.53
Ordnance	31,422,094.37
Surgeons' necessaries	1,937,744.06
Yards and docks	30,300,302.07
Fuel for the Navy	11,340,232.68
Hemp for the Navy	898,252.27
Steam machinery	49,297,318.57
Navigation	2,528,247.00
Naval hospitals	499,662.94
Magazines	404,531.05
Marine Corps, pay, clothing, etc	7,757,615.18
Naval Academy	1,862,122.01
Naval Asylum, Philadelphia	586,655.89
Temporary increase of the Navy	8,123,766.21
Miscellaneous appropriations	2,614,044.77
Naval pensions	6,500,043.00
Bounties to seamen	2,821,530.10
Bounty for destruction of enemies' vessels	271,309.28
Indemnity for lost clothing	389,025.33
Total expenditures	6,189,929,908.58

Mr. Chairman, however much some of us may regret the necessity of war in which we are now plunged, however much some of us may have hoped that the war could be averted with the honor and the dignity of this country preserved, however much some of us sought in peace for justice to our Government and freedom for the oppressed Isle of Cuba, however much some of us hoped for peaceful restrictions on the oppression and inhumanity of Spain, still to-day we recognize that the war was inevitable.

It is not a war for revenge. However much the unfortunate and dastardly destruction of our battle ship in Havana Harbor may have induced and hurried along the struggle, still we do not look upon the war to-day as a war for revenge. No more do we look upon it as a conflict for the possession of additional territory. We look upon it as a war engaged in by this great country for the sake of a better civilization and a more perfect humanity on this continent. We look upon it as the culmination of a series of events which have been running along over more than a quarter of a century, as the culmination of oppression to the Cubans and of loss, disaster, and danger to ourselves—a culmination which could not be averted.

I read to-day in a newspaper from a sermon preached twenty-four years ago by that greatest of American preachers, Henry Ward Beecher, on "Cuba and the brotherhood of nations," a sermon following the *Virginius* affair. Mr. Beecher, in that sermon, said:

> This monstrous crime indicates what the condition of things is in that island, and shows against what elements the Cubans are in revolt. It is the duty of this Government, then, it is the duty of the people acting through their organs of government, to do whatever can be done with propriety in this matter. Let America bind up wounds, not make them. Quench the fires of war, not kindle them. But if God shall put into our hands the cup, bitter and fierce, that shall be poured out as a medicine to the nations, may that hand reach forth from a kindly heart, and may it be a medicine administered by love and kindness, though it be stern kindness and love, and not in fury, in wrath, or in revenge.

So, Mr. Chairman, we enter upon this war, not in fury, not in revenge, but in stern kindness and love, to correct the inhumanities and the uncivilized action of Spain on this continent. For many years we have suffered, seeking not to kindle the fires of war. Now, through the fierceness of those fires, if necessary, we will purge this continent of the oppression and the authority of Spain.

Mr. SPERRY. Mr. Chairman, I am one of those who did not feel like plunging our nation into war unless it was necessary to maintain the honor of our flag and our common country. Now that war is upon us and every day we are nearer the conflict of battle, I do not believe it becomes us to sit here and higgle or discuss long the internal-revenue bill that has been prepared with so much care and thought by the Ways and Means Committee in order to raise sufficient revenue to carry on the war already begun. I believe that the committee have considered well all the points involved in this measure.

There are some items that I would like to have changed in order to more fully meet the wishes of some of the people in my district who I have the honor to represent. But I know my people so well that I do not think that they would wish me to waste the time of this House in times like these to discuss minor points in this bill. In some few instances this bill may appear to be a little hard and, perhaps, in a few items unjust in its operations.

But, Mr. Chairman, the people I represent are patriotic. They come from a liberty-loving race, and are willing to sacrifice much, yes, life and property, if needs be, to sustain the honor of the flag we all love so well. Now, for us to fight over items that are considered just by the committee, who have well weighed every item subject to taxation embraced in the schedules presented, does not look to me just the thing to do when the nation is in want of money. Patriotism demands action—united action—now, that war is upon us.

Governor DINGLEY, in his opening speech upon this bill, gave us a clear and well-defined speech upon the principles involved and the bases upon which the committee acted in formulating this tax measure. I accept his remarks as true and am willing to vote for the bill, though I would change it in some particulars if I could have my way. The President, Mr. Chairman, has acted with great wisdom and care, guarding every point as best he could, so that if war should come we would be ready to meet the issue manfully and patriotically. Let us now do our duty, and let us so act upon this measure now before us as becomes wise and patriotic representatives of a great nation.

If the bond clause of the bill is not just what we would all like, remember that war is now upon us. Why stop here and discuss income-tax laws, which have been overruled by the Supreme Court? To raise this issue now can do no good, but much harm. Why "thrash over old straw?" Why attempt to raise this issue? We want money to carry on the war; we want it now. Certainly we can not get it by an income-tax law. Our friends on the other side of this Chamber were anxious weeks ago to declare war. Now that we have war upon us, why should they attempt to pass a bill by which we could not raise the money needed to carry on this war?

Pass the bill as the Democrats desire, and we would have a battle on our hands in the courts as well as upon the ocean. Now, is it not the part of wisdom to legislate so as to raise revenue for war expenses? Our object in this bill is to raise revenues. We need the money; we need it now; and patriotism demands that we shall pass a bill which will give us the money. We can not all of us have our own way. The bill is a well-considered product of the committee. Let us pass it; and when the war is over we can then take up the questions of income taxes and such other matters as belong to the domain of party politics. To-day the enemy engages our attention. Let us act like true Americans.

> "So nigh is grandeur to our dust,
> So near is God to man,
> When Duty whispers low, Thou must,
> The Youth replies, I can!"

[Applause.]

Mr. RUSSELL. I reserve the remainder of my time.

The CHAIRMAN. The gentleman from Connecticut reserves the balance of his time. The gentleman from Kentucky [Mr. EVANS] is recognized.

[Mr. EVANS addressed the committee. See Appendix.]

The CHAIRMAN. The Chair recognizes the gentleman from Texas in the time yielded by the gentleman from Louisiana.

Mr. LANHAM. Mr. Chairman, if we have not heretofore done so, we are now prepared to realize that we are in the midst of serious conditions. "Grim-visaged war" is upon us, and we must look it squarely in the face. We must anticipate and make suitable provision for its conduct and consequence. The causes which have led up to the situation are now matters of history, and the steps we have taken can not be recalled. All differences of opinion as to the propriety of our course thus far must now be merged in the supreme question of our country's cause, and to its promotion and in its success all American hearts must unite and all American tongues must speak "as the voice of one man."

What we are now considering is distinctively a war measure, and contemplates the procurement of the necessary means for the prosecution of war. Whether the contest upon which we have entered shall be long or short, the effects of what we now do will extend beyond its termination. We should not allow the emergency which invites our action to obscure a due consideration of what the results are to be nor sacrifice established convictions upon the idea of expediency.

The salient propositions of this bill are to "lay and collect excises" and to "borrow money on the credit of the United States." To the excise feature of the bill, as far as it goes, under the circumstances, it may be that no serious general objection can be urged; but that provision of it which involves the issuance of interest-bearing bonds to the extent of one-half billion of dollars is a proposition which should arrest thoughtful attention and to

which many of us can not subscribe. Under the construction which the party now in power gives to a governmental bond, it is an obligation to pay the amount nominated in gold coin, upon the ex parte insistence of the holder; and if that view be entertained with reference to bonds heretofore issued and now outstanding, it may be reasonably inferred that those here contemplated will be regarded in the same manner by those committed to the gold standard.

Mr. Chairman, a bond is always a burden, and it is doubly so when the means and instrumentalities through which it can be discharged are rendered limited and made less available by interpretation. While money may be obtained through the sale of bonds, it is nevertheless a stern and rigid fact that such bonds must be ultimately paid, with their accumulated interest. A day of reckoning, however postponed, must come at last. In sound economy the issuance of bonds is the very last resort, and should never be invoked if any other reasonable and available methods of procuring money can be found. Have we no other resources to meet the demands of the situation? And conceding, for the sake of the argument, that a bond issue is necessary, is it the part of wisdom or economy to authorize it to the vast extent of $500,000,000?

I do not believe that any issue of bonds is indispensable at this time. From all present indications and the probable duration of the war, it is not, I think, impossible for us to maintain our naval and military establishments and meet the expenses involved without incurring and imposing upon the people a bonded indebtedness. It is practical economy and sound policy to "pay as we go," if it can possibly be done.

With the probable and estimated returns from the internal taxation proposed, if we shall coin the dormant silver bullion now in the Treasury and supplement that by a limited issue of Treasury notes, it is not evident that the requirements of the situation can not be fully met.

If, in addition to this, an income tax is imposed and the huge accumulations of wealth are required to contribute a due proportion to the support of the Government in keeping with the privileges and protection they enjoy, it may be safely calculated that a sufficient revenue can be raised for all necessary purposes.

The burdens of taxation, whether in normal periods or upon extraordinary occasions, should be equitably distributed. The history of the decision of the Supreme Court upon the income-tax question, the circumstances attending its announcement, the undisputed fact that it is at variance with former precedents, the notable division of opinion among the judges, and the obvious injustice it has brought about, it seems to me, fully warrant the lawmaking power of the Government in demanding a resubmission of the matter involved by incorporating in the pending bill a provision for taxing incomes. We owe it to ourselves, to the preponderating legal thought of the country, to public satisfaction, to the common conscience, and the great body of the American people to afford an opportunity for the readjudication of the issue. I shall readily vote for the amendments to be offered by the minority of the Committee on Ways and Means.

Mr. Chairman, let us indulge the hope that the war in which we are engaged may be brought to a speedy close; that the objects which prompted its declaration may soon be accomplished; that the claims of Christian civilization may be duly maintained; that the rights of humanity may be established; that the intolerable brutality occurring almost within sight of our shores shall be made to cease; that the shackles may be struck from off a people struggling to be free, and that the Spanish bonk may be taken from out the Cuban heart and the Spanish form from off the Cuban shore.

When these things shall be achieved by American arms and foreign complications settled and Peace shall resume its wonted sway, let us further hope that our great Republic will, with renewed energy, devote itself to the mighty work of rehabilitation along the lines of wise domestic policies and the full conservation of those principles of government to which we as a people are peculiarly committed. [Applause.]

Mr. GRIGGS. Mr. Chairman, I ask the Clerk to read the amendment which I send to the desk.

The Clerk read as follows:

Insert in line 24, page 37, after the word "yard," the following: "except receipts for cotton in bales deposited by the actual producer thereof in the regular course of trade for sale."

The CHAIRMAN. The gentleman from Massachusetts is recognized in the remaining time of the gentleman from New York.

[Mr. FITZGERALD addressed the committee. See Appendix.]

The CHAIRMAN. Does the gentleman from California desire to be recognized now?

Mr. MAGUIRE. Not now.

Mr. UNDERWOOD. Mr. Chairman, if there is no one else who desires to speak, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10100, and had come to no resolution thereon.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that the order may be so modified that the House at 10.30 this evening take a recess until 10 o'clock to-morrow morning, and that from 10 to 12 is to be occupied in general debate. I am informed it is the understanding of the Committee on Ways and Means that that should be done.

The SPEAKER. The gentleman from New York asks unanimous consent that at 10.30 this evening, instead of adjourning, the House take a recess until 10 o'clock to-morrow morning, the time between that and adjournment to be taken up by debate. Is there objection? [After a pause.] The Chair hears none.

Mr. MCMILLIN. I desire to ask unanimous consent to print in the RECORD for the information of members an amendment I desire to offer to the bill to-morrow.

The SPEAKER. The gentleman from Tennessee asks unanimons consent to print in the RECORD an amendment—already offered?

Mr. MCMILLIN. To be offered to-morrow. The time for amendments has not been reached.

The SPEAKER. To be offered to-morrow. Is there objection? [After a pause.] The Chair hears none.

The amendment is as follows:

SEC. 27. That from and after the 1st day of January, 1899, and for each succeeding year thereafter, there shall be assessed, levied, collected, and paid annually upon the gains, profits, and income received in the preceding calendar year by every citizen of the United States, whether residing at home or abroad, and every person residing therein, whether said gains, profits, or income be derived from any kind of property, rents, interest, dividends, or salaries, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever, a tax of 3 per cent on the amount so derived over and above $2,000, and a like tax shall be levied, collected, and paid annually upon the gains, profits, and income from all property owned and of every business, trade, or profession carried on in the United States by persons residing without the United States. And the tax herein provided for shall be assessed, by the Commissioner of Internal Revenue and collected, and paid upon the gains, profits, and income for the year ending the 31st day of December next preceding the time for levying, collecting, and paying said tax.

SEC. 28. That in estimating the gains, profits, and income of any person there shall be included all income derived from interest upon notes, bonds, and other securities, except such bonds of the United States the principal and interest of which are by the law of their issuance exempt from all Federal taxation, and from State, county, and municipal bonds; profits realized within the year from sales of real estate purchased within two years previous to the close of the year for which income is estimated; interest received or accrued upon all notes, bonds, mortgages, or other forms of indebtedness bearing interest, whether paid or not, if good and collectible, less the interest which has become due from said person or which has been paid by him during the year; the amount of all premium on bonds, notes, or coupons; the amount of sales of live stock, sugar, cotton, wool, butter, cheese, pork, beef, mutton, or other meats, hay, and grain, or other vegetable or other productions, being the growth or produce of the estate of such person, less the amount expended in the purchase or production of said stock or produce, and not including any part thereof consumed directly by the family; money and the value of all personal property acquired by gift or inheritance; all other gains, profits, and income derived from any source whatever except that portion of the salary, compensation, or pay received for services in the civil, military, naval, or other service of the United States, including Senators, Representatives, and Delegates in Congress, from which the tax has been deducted, and except that portion of any salary upon which the employer is required by law to withhold, and does withhold, the tax and pays the same to the officer authorized to receive it. In computing incomes the necessary expenses actually incurred in carrying on any business, occupation, or profession shall be deducted, and also all interest due or paid within the year by such person on existing indebtedness. And all national, State, county, school, and municipal taxes, not including those assessed against local benefits, paid within the year shall be deducted from the gains, profits, or income of the person who has actually paid the same, whether such person be owner, tenant, or mortgagor; also losses actually sustained during the year, incurred in trade or arising from fires, storms, or shipwreck, and not compensated for by insurance or otherwise, and debts ascertained to be worthless, but excluding all estimated depreciation of values and losses within the year on sales of real estate purchased within two years previous to the year for which income is estimated: *Provided*, That no deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments, made to increase the value of any propety or estate: *Provided further*, That only one deduction of $2,000 shall be made from the aggregate income of all the members of any family, composed of one or both parents, and one or more minor children, or husband and wife; that guardians shall be allowed to make a deduction in favor of each and every ward, except that in case where two or more wards are comprised in one family, and have joint property interests, the aggregate deduction in their favor shall not exceed $2,000: *And provided further*, That in cases where the salary or other compensation paid to any person in the employment or service of the United States shall not exceed the rate of $2,000 per annum, or shall be by fees, or uncertain or irregular in the amount or in the time during which the same shall have accrued or been earned, such salary or other compensation shall be included in estimating the annual gains, profits, or income of the person to whom the same shall have been paid, and shall include that portion of any income or salary upon which a tax has not been paid by the employer, where the employer is required by law to pay on the excess over $2,000: *Provided also*, That in computing the income of any person, corporation, company, or association there shall not be included the amount received from any corporation, company, or association as dividends upon the stock of such corporation, company, or association if the tax of 3 per cent has been paid upon its net profits by said corporation, company, or association as required by this act.

SEC. 29. That it shall be the duty of all persons of lawful age having an income of more than $1,500 for the taxable year, computed on the basis herein prescribed, to make and render a list or return, on or before the day provided

by law, in such form and manner as may be directed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to the collector or a deputy collector of the district in which they reside, of the amount of their income, gains, and profits, as aforesaid; and all guardians and trustees, executors, administrators, agents, receivers, and all persons or corporations acting in any fiduciary capacity, shall make and render a list or return, as aforesaid, to the collector or a deputy collector of the district in which such person or corporation acting in a fiduciary capacity resides or does business, of the amount of income, gains, and profits of any minor or person for whom they act, but persons having less than $1,500 income are not required to make such report; and the collector or deputy collector shall require every list or return to be verified by the oath or affirmation of the party rendering it, and may increase the amount of any list or return if he has reason to believe that the same is understated; and in case any such person having a taxable income shall neglect or refuse to make and render such list and return, or shall render a willfully false or fraudulent list or return, it shall be the duty of the collector or deputy collector to make such list, according to the best information he can obtain, by the examination of such person, or any other evidence, and to add 50 per cent as a penalty to the amount of the tax due on such list in all cases of willful neglect or refusal to make and render a list or return; and in all cases of a willfully false or fraudulent list or return having been rendered to add 100 per cent as a penalty to the amount of tax ascertained to be due, the tax and the additions thereto as a penalty to be assessed and collected in the manner provided for in other cases of willful neglect or refusal to render a list or return, or of rendering a false or fraudulent return: *Provided*, That any person or corporation, in his, her, or its own behalf, or as such fiduciary, shall be permitted to declare, under oath or affirmation, the form and manner of which shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, that he, she, or his or her, or its ward or beneficiary, was not possessed of an income of $2,000, liable to be assessed according to the provisions of this act; or may declare that he, she, or it, or his, her, or its ward or beneficiary has been assessed and has paid an income tax elsewhere in the same year, under authority of the United States, upon all his, her, or its income, gains, or profits, and upon all the income, gains, or profits for which he, she, or it is liable as such fiduciary, as prescribed by law; and if the collector or deputy collector shall be satisfied of the truth of the declaration, such person or corporation shall thereupon be exempt from income tax in the said district for that year; or if the list or return of any person or corporation, company, or association shall have been increased by the collector or deputy collector, such person or corporation, company, or association may be permitted to prove the amount of income liable to be assessed; but such proof shall not be considered as conclusive of the facts, and no deductions claimed in such cases shall be made or allowed until approved by the collector or deputy collector. Any person or company, corporation, or association feeling aggrieved by the decision of the deputy collector, in such cases may appeal to the collector of the district, and his decision thereon, unless reversed by the Commissioner of Internal Revenue, shall be final. If dissatisfied with the decision of the collector such person or corporation, company, or association may submit the case, with all the papers, to the Commissioner of Internal Revenue for his decision, and may furnish the testimony of witnesses to prove any relevant facts, having served notice to that effect upon the Commissioner of Internal Revenue, as herein prescribed.

Such notice shall state the time and place at which, and the officer before whom, the testimony will be taken; the name, age, residence, and business of the proposed witness, with the questions to be propounded to the witness, or a brief statement of the substance of the testimony he is expected to give: *Provided*, That the Government may at the same time and place take testimony upon like notice to rebut the testimony of the witnesses examined by the person taxed.

The notice shall be delivered or mailed to the commissioner of internal revenue a sufficient number of days previous to the day fixed for taking the testimony to allow him, after its receipt, at least five days, exclusive of the period required for mail communication with the place at which the testimony is to be taken, in which to give, should he so desire, instructions as to the cross-examination of the proposed witness.

Whenever practicable, the affidavit or deposition shall be taken before a collector or deputy collector of internal revenue, in which case reasonable notice shall be given to the collector or deputy collector of the time fixed for taking the deposition or affidavit:

Provided further, That no penalty shall be assessed upon any person or corporation, company, or association for such neglect or refusal or for making or rendering a willfully false or fraudulent return, except after reasonable notice of the time and place of hearing, to be prescribed by the Commissioner of Internal Revenue so as to give the person charged an opportunity to be heard.

SEC. 30. The taxes on incomes herein imposed shall be due and payable on or before the 1st day of July in each year; and to any sum or sums annually due and unpaid after the 1st day of July as aforesaid, and for ten days after notice and demand thereof by the collector, there shall be levied, in addition thereto, the sum of 5 per cent on the amount of taxes unpaid, and interest at the rate of 1 per cent per month upon said tax from the time the same becomes due, as a penalty, except from the estates of deceased, insane, or insolvent persons.

Any nonresident may receive the benefit of the exemptions hereinbefore provided for by filing with the deputy collector of any district a true list of all his property and sources of income in the United States and complying with the provisions of section 29 of this act as if a resident. In computing income he shall include all income from every source, but unless he be a citizen of the United States he shall only pay on that part of the income which is derived from any source in the United States. In case such nonresident fails to file such statement, the collector of each district shall collect the tax on the income derived from property situated in his district, subject to income tax, making no allowance for exemptions, and all property belonging to such nonresident shall be liable to distraint for tax: *Provided*, That nonresident corporations shall be subject to the same laws as to tax as resident corporations, and the collection of the tax shall be made in the same manner as provided for collections of taxes against nonresident persons.

SEC. 32. That there shall be assessed, levied, and collected, except as herein otherwise provided, a tax of 3 per cent annually on the net profits or income above actual operating and business expenses, including expenses for materials purchased for manufacture or bought for resale, losses, and interest on bonded and other indebtedness of all banks, banking institutions, trust companies, saving institutions, fire, marine, life, and other insurance companies, railroad, canal, turnpike, canal navigation, slack water, telephone, telegraph, express, electric light, gas, water, street railway companies, and all other corporations, companies, or associations doing business for profit in the United States, no matter how created and organized, but not including partnerships.

That said tax shall be paid on or before the first day of July in each year; and if the president or other chief officer of any corporation, company, or association, or in the case of any foreign corporation, company, or association, the resident manager or agent shall neglect or refuse to file, with the collector of the internal-revenue district in which said corporation, company, or association shall be located or be engaged in business, a statement verified by his oath or affirmation, in such form as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, showing the amount of net profits or income received by said corporation, company, or association during the whole calendar year last preceding the date of filing said statement as hereinafter required, the corporation, company, or association making default shall forfeit as a penalty the sum of $1,000 and 2 per cent on the amount of taxes due, for each month until the same is paid, the payment of said penalty to be enforced as provided in other cases of neglect and refusal to make return of taxes under the internal-revenue laws.

The net profits or income of all corporations, companies, or associations shall include the amounts paid to shareholders, or carried to the account of any fund, or used for construction, enlargement of plant, or any other expenditure or investment paid from the net annual profits made or acquired by said corporations, companies, or associations.

That nothing herein contained shall apply to States, counties, or municipalities; nor to corporations, companies, or associations organized and conducted solely for charitable, religious, or educational purposes, including fraternal beneficiary societies, orders, or associations operating upon the lodge system and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, or associations and dependents of such members; nor to the stocks, shares, funds, or securities held by any fiduciary or trustee for charitable, religious, or educational purposes; nor to building and loan associations or companies which make loans only to their shareholders; nor to such savings banks, savings institutions or societies as shall, first, have no stockholders or members except depositors and no capital except deposits; secondly, shall not receive deposits to an aggregate amount, in any one year, of more than $1,000 from the same depositor; thirdly, shall not allow an accumulation or total of deposits, by any one depositor, exceeding $10,000; fourthly, shall actually divide and distribute to its depositors, ratably to deposits, all the earnings over the necessary and proper expenses of such bank, institution, or society, except such as shall be applied to surplus; fifthly, shall not possess, in any form, a surplus fund exceeding 10 per cent of its aggregate deposits; nor to such savings banks, savings institutions, or societies composed of members who do not participate in the profits thereof and which pay interest or dividends only to their depositors; nor to that part of the business of any savings bank, institution, or other similar association having a capital stock, that is conducted on the mutual plan solely for the benefit of its depositors on such plan, and which shall keep its accounts of its business conducted on such mutual plan separate and apart from its other accounts.

Nor to any insurance company or association which conducts all its business solely upon the mutual plan, and only for the benefit of its policy holders or members, and having no capital stock and no stock or shareholders, and holding all its property in trust and in reserve for its policy holders or members; nor to that part of the business of any insurance company having a capital stock and stockholders which is conducted on the mutual plan, separate from its stock plan of insurance, and solely for the benefit of the policy holders and members insured on said mutual plan, and holding all the property belonging to and derived from said mutual part of its business in trust and reserve for the benefit of its policy holders and members insured on said mutual plan.

That all State, county, municipal, and town taxes paid by corporations, companies, or associations, shall be included in the operating and business expenses of such corporations, companies, or associations.

SEC. 33. That there shall be levied, collected, and paid on all salaries of officers, or payments for services to persons in the civil, military, naval, or other employment or service of the United States, including Senators and Representatives and Delegates in Congress, when exceeding the rate of $2,000 per annum, a tax of 2 per cent on the excess above the said $2,000: and it shall be the duty of all paymasters and all disbursing officers under the Government of the United States, or persons in the employ thereof, when making any payment to any officers or persons as aforesaid, whose compensation is determined by a fixed salary, or upon settling or adjusting the accounts of such officers or persons, to deduct and withhold the aforesaid tax of 3 per cent; and the pay roll, receipts, or account of officers or persons paying such tax as aforesaid shall be made to exhibit the fact of such payment. And it shall be the duty of the accounting officers of the Treasury Department, when auditing the accounts of any paymaster or disbursing officer, or any officer withholding his salary from moneys received by him, or when settling or adjusting the accounts of any such officer, to require evidence that the taxes mentioned in this section have been deducted and paid over to the Treasurer of the United States, or other officer authorized to receive the same. Every corporation which pays to any employee a salary or compensation exceeding $2,000 per annum shall report the same to the collector or deputy collector of his district and said employee shall pay thereon, subject to the exemptions herein provided for, the tax of 3 per cent on the excess of his salary over $2,000: *Provided*, That salaries due to State, county, or municipal officers shall be exempt from the income tax herein levied.

SEC. 34. That sections 3167, 3172, 3173, and 3176 of the Revised Statutes of the United States as amended are hereby amended so as to read as follows:

"SEC. 3167. That it shall be unlawful for any collector, deputy collector, agent, clerk or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return by any person or corporation, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof, to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return or any part thereof or the amount or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office and be incapable thereafter of holding any office under the Government.

"SEC. 3172. That every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay any internal-revenue tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects.

"SEC. 3173. That it shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, special tax, or other tax imposed by law, when not otherwise provided for, in case of a special tax, on or before the 31st day of July in each year, in case of income tax on or before the first Monday of March in each year, and in other cases before the day on which the taxes accrue, to make a list or return, verified by oath or affirmation, to the collector or a deputy collector of the district where located, of the articles or objects, including the amount of annual income,

charged with a duty or tax, the quantity of goods, wares, and merchandise made or sold, and charged with a tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: *Provided*, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles and objects liable to pay any duty or tax, or any business or occupation liable to pay any tax as aforesaid, then, and in that case, it shall be the duty of the collector or deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: *Provided further*, That in case no annual list or return has been rendered by such person to the collector or deputy collector as required by law, and the person shall be absent from his or her residence or place of business at the time the collector or a deputy collector shall call for the annual list or return, it shall be the duty of such collector or deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post-office a note or memorandum addressed to such person, requiring him or her to render to such collector or deputy collector the list or return required by law, within ten days from the date of such note or memorandum, verified by oath or affirmation. And if any person on being notified or required as aforesaid shall refuse or neglect to render such list or return within the time required as aforesaid or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is false or fraudulent, or contains any undervaluation or understatement, it shall be lawful for the collector to summon such person, or any other person having possession, custody, or care of books of account containing entries relating to the business of such person, or any other person he may deem proper, to appear before him and produce such books, at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects liable to tax or the returns thereof. The collector may summon any person residing or found within the State in which his district lies; and when the person intended to be summoned does not reside and can not be found within such State, he may enter any collection district where such person may be found, and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

"SEC. 3176. When any person, corporation, company, or association refuses or neglects to render any return or list required by law, or renders a false or fraudulent return or list, the collector or any deputy collector shall make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector, and on his own view and information, such list or return, according to the form prescribed, of the income, property, and objects liable to tax owned or possessed or under the care or management of such person, or corporation, company, or association, and the Commissioner of Internal Revenue shall assess all taxes not paid by stamps, including the amount, if any, due for special tax, income or other tax, and in case of any return of a false or fraudulent list or valuation intentionally he shall add 100 per cent to such tax; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add 50 per cent to such tax. In case of neglect occasioned by sickness or absence as aforesaid the collector may allow such further time for making and delivering such list or return as he may deem necessary, not exceeding thirty days. The amount so added to the tax shall be collected at the same time and in the same manner as the tax unless the neglect or falsity is discovered after the tax has been paid, in which case the amount so added shall be collected in the same manner as the tax; and the list or return so made and subscribed by such collector or deputy collector shall be held prima facie good and sufficient for all legal purposes."

SEC. 35. That every corporation, company, or association doing business for profit shall make and render to the collector of its collection district, on or before the first Monday of March in every year, beginning with the year 1899, a full return, verified by oath or affirmation, in such form as the Commissioner of Internal Revenue may prescribe, of all the following matters for the whole calendar year last preceding the date of such return:

First. The gross profits of such corporation, company, or association, from all kinds of business of every name and nature.

Second. The expenses of such corporation, company, or association, exclusive of interest, annuities, and dividends.

Third. The net profits of such corporation, company, or association, without allowance for interest, annuities, or dividends.

Fourth. The amount paid on account of interest, annuities, and dividends, stated separately.

Fifth. The amount paid in salaries of $2,000 or less to each person employed.

Sixth. The amount paid in salaries of more than $2,000 to each person employed and the name and address of each of such persons and the amount paid to each.

SEC. 36. That it shall be the duty of every corporation, company, or association doing business for profit to keep full, regular, and accurate books of account, upon which all its transactions shall be entered from day to day, in regular order, and whenever a collector or deputy collector of the district in which any corporation, company, or association is assessable shall believe that a true and correct return of the income of such corporation, company, or association has not been made, he shall make an affidavit of such belief and of the grounds on which it is founded, and file the same with the Commissioner of Internal Revenue, and if said Commissioner shall, on examination thereof, and after full hearing upon notice given to all parties, conclude there is good ground for such belief he shall issue a request in writing to such corporation, company, or association to permit an inspection of the books of such corporation, company, or association to be made; and if such corporation, company, or association shall refuse to comply with such request, then the collector or deputy collector of the district shall make from such information as he can obtain an estimate of the amount of such income and then add 50 per cent thereto, which said assessment so made shall then be the lawful assessment of such income.

RETURN OF JOINT RESOLUTION TO SENATE.

The SPEAKER laid before the House the following request of the Senate; which was considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, *April 28, 1898.*

Resolved, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate the joint resolution (S. R. 19) to extend to the officers, warrant officers, petty officers, seamen, and others, and marines of the United States Navy the provisions of the joint resolution approved July 12, 1862, and the act approved March 3, 1863, and the joint resolution approved May 2, 1896.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1737. An act to correct the military record of Patrick Hanley—to the Committee on Military Affairs.

S. 873. An act to remove the charge of desertion against Edwin Higgins—to the Committee on Military Affairs.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that the House now take a recess until 8 o'clock.

The SPEAKER. The gentleman from New York asks unanimous consent that, instead of waiting until 6 o'clock, the House now be declared in recess.

There was no objection.

The SPEAKER. The gentleman from Connecticut, Mr. RUSSELL, will please take the chair at the evening session.

And accordingly (at 5 o'clock and 37 minutes p. m.) the House was declared in recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. RUSSELL as Speaker pro tempore.

The SPEAKER pro tempore. In accordance with the order already made, the House will resolve itself into Committee of the Whole House on the state of the Union.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10100.

[Mr. BURTON addressed the committee. See Appendix.]

Mr. BURTON. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. That has already been granted generally.

Mr. NORTON of Ohio. Mr. Chairman, I have been in favor of a declaration of war against Spain for more than twelve long months. I am now in favor of the prosecution of that war without delay, without a single day's hesitation, to the bitterest end and to the final grand victory.

Recognizing the fact that war exists, that we are face to face with the grave problem of providing for the raising of revenues to carry on this war, I say, with full consciousness of the meaning of my words, that I but voice the sentiments of my constituents, only utter the unanimous purpose and desire of every Democratic member of this House, when I speak my own convictions and express the fact that while I deplore the necessity for the immeasurable agony, the incalculable destruction, the infinite woe of war, yet better far that this war should come, though at the cost of untold treasure, of countless wealth, and human life, than the degradation of our country's honor; better all this sacrifice and misery than that we should fail to maintain our country's flag, that it may ever float aloft, the starry banner of freedom, the hope of humanity. [Applause.]

So we stand to-day, and all through the weeks past, as the days have come and gone, each pregnant with hope deferred—we have been ever ready, willing, and anxious to stand by our flag, maintain its honor, and protect its credit. We are in favor of furnishing every dollar of revenue that is necessary to prosecute this war, not merely because of our heart's prompting, "our country's cause, right or wrong," but because we believe its cause to be right and just.

I beg to say in all candor and with all kindness that we have been pleading with you gentlemen on the Republican side for months striving to arouse you from your lethargy and slumber, trying to induce you to action; and now that at last, with laggard step it is true, you have come over on our side and joined us in our patriotic demands, we have no hesitancy in joining as one man with you in securing and providing the revenue necessary for the maintenance of a vigorous defense. But, Mr. Chairman, when we come to the discussion of the means whereby this revenue is to be raised, we come to a parting of our ways. Even for the sake and pleasure of inflicting just punishment upon Spain we can not consent to do that which will drain the sources of industry in our land and seize the workingman's tools, the farmer's plow. We seek to defend the people's rights, not to oppose a just war.

In the recognition of the duty imposed upon us by our solemn oath of office, in obedience to our conception of the constitutional trust resting upon us, in the furtherance of the ancient principle that "laws are made to guard the rights of the people, not to feed the few," we can not join, without protest, in the methods

proposed in this bill to provide ways and means for war expenditures. We do not protest without pointing out a better plan. We do not object to this bill for the purpose of delay or raising futile objections. No! We are standing on the bed rock of principle and contend that there is a better way, a way by which this revenue may be raised without bearing down harder upon those who will have to face increased tasks with decreased cheer. We stand in behalf of the great mass of the people, the many as against the few.

For years the policy of this Government has been along the line of legislation tending to build up vast fortunes for the protected few at the expense of the many; for years the many and the poorer have borne the burdens that the few might prosper. I am not an alarmist when I repeat the trite saying that "the rich have grown richer and the poor poorer" in these later years as the result of legislation influenced by just such interests as are back of and directing the revenue measures of this Administration; the same interests that have had more to do with the procrastinating policy of the Administration in treating the war question than all others. It is the syndicate and trust, whose agents have been in the high counsels of state, to the exclusion of the common people, and now they propose that not only shall these noblest citizens of our land, the common people, representing not the moneyed wealth, but the brain and the brawn, coming from the farm and the workshop, the office and the store, these shall not only give their bodies as a living fortress to shield and maintain their country, but shall also first feel the weight and bear the financial brunt of the burden of taxation for national defense. [Applause.]

We say that these things ought not so to be. We stand here to plead for our country's honor, not only upon the battlefield but in the home and around the hearthstone of its humblest citizen. The great mass of the people are honest and patriotic. They favor the vigorous prosecution of this war and are ready to bear their share of the expense of the same, even while they ask the reason why; but the spirit of justice still dwells within their breasts and they ask that they be not compelled to "make bricks without straw." Mr. Chairman, the gentlemen of the majority have decried partisanship, and yet they are wholly partisan in their advocacy of this bill. We are taunted with certain defeat, but, sir, in warning my country of its peril I would rather lack success than fidelity.

Our patriotism is assailed; through their own perverted vision they see things falsely; they paint manly courage and patriotic zeal as great blunders and dark shame, their colors deepening and darkening as farther they stray from the fountain of truth. [Applause.]

We are charged with "un-Americanism." Let me say that no man living on this continent under the flag of America, anywhere under the arched vault of heaven, holds in his heart a greater love of his country, is truer to his flag than I. No one is more deeply in earnest or more concerned than I am on this particular question. In my home are heavy hearts, and there are those who look with deep, unfaltering anxiety toward the place where danger is thickest, where there is one for whom I would give my life to save from suffering and death. It comes with ill grace from that side of the House to make such charges—you who have delayed to declare in favor of the suffering patriots of Cuba; you who would defeat the recognition of what they are so justly entitled to, their independence; you who would also fasten the chains of financial slavery and serfdom upon your own fellow-countrymen. I say again that it ill befits you to make such false and despicable assertions against this side.

Patriotic to-night you are. Yes; patriotic to-day. Your flag is flying high, your uniform is bright, and your cheer is loud; but less than three weeks ago what position did you occupy on this question? How were we to find you or astertain what your position was? Then you were in dark gloom of deep cellars [laughter]; then you were in Wall street consulting with bankers and brokers, the men whose interests were money, and money only, not manhood, principle, and patriotism. You were making the dignity, honor, and manhood of the country subordinate to the dictates of a foreign money power.

Mr. Chairman, we, as a Government, have practically declared against privateering. We do not allow an individual, a private company, a corporation, or a syndicate to make war upon or attack the common enemy, even in times of war; and yet in time of war and in time of peace this Government permits attacks upon its own people by monopolies and bond trusts more direful in their results than the warfare of privateers. There is something more dangerous to our peace and to our interest than the menaces of Spain. Who fears Spain on this continent? There is no one who has the courage and decency of American citizenship who believes that the United States is in danger from Spain. But lurking in the bill you present to us is an insidious peril involving greater harm to American interests than could come from Spain if this war should perchance last a dozen years.

There is as much of Spanish inhumanity connected with this bill as ever existed in the Island of Cuba, and it strikes at the laboring man and the poor people of these United States. We are seeking to amend this bill, to strive to cut off the excrescences that are within it. You count upon the heat of battle and the enthusiasm of patriotism to fasten fetters upon our people. None of us grudges the funds necessary to fit out our ships and man the guns, but we do resist this attempt to invade the people's rights; and though we fail, we fail doing our duty to ourselves, our constituents, and our country. You may succeed in passing this bill here; you may fasten this grievous and pernicious system upon the people. The "true blues," whipped into line, kiss the rod that smites them, while whining under the lash, and pledge the tears in their eyes that they will obey their master. So, a bound party, you promise the money holders to levy an imposition upon the people that they may prosper, but you mistake the temper of the people, and in November will come back their reply, as we voice it to-day, "Millions for defense, but not one cent for tribute," either to foreign princes or domestic syndicates. [Applause.]

How brave, how grand, how glorious is this system you seek to perpetuate; a system under the provisions of which a poor widow who should enter a drug store to purchase a bottle of medicine to save the life of her sick child receives this proprietary medicine, worth 30 cents. On this you levy a tax of 2 cents, while in the Arlington you sit with your Committee on Ways and Means with the Arbuckles, the bankers, and the money changers drinking champagne on which you pay 4 cents a quart!

"Thou shalt not remove the ancient landmarks," says the Book, but that is what you are doing.

The lifeblood of the nation has been drawn from its veins; the circulating medium has been reduced. To provide revenue to carry on this war by bond issue, even if by popular subscription and placed in every post-office in the land, would be an assault upon the best and dearest good of our land; it would result in the still further contraction of our currency by the withdrawal of capital from the channels of production; prices and wages would fall, and profits lessen, to the manifest discouragement of industry. The real, true patriotic course is to put money into the channels and avenues of business and trade, thus increase the circulation, infuse life into industrial pursuits, and by so doing quicken the heart throbs of national existence, and prevent war from bringing stagnation and death to commercial and economic interests.

Mr. Chairman, we plead that the burden of this expense for the conduct of the war be not placed upon the laboring people of our country alone. Let the wealthy of the nation bear their share. Why should they be exempt? What divinity is there that surrounds and hedges them about that the Constitution and the courts are ever invoked to protect them whenever it is suggested that they should, even in a slight measure, contribute to the nation's sustenance? It seems very easy—so easy, indeed, that in a single night a bill may be brought forth, full fledged, able to withstand the assaults of the ablest and most learned attorneys of the United States, that bears within its provisions the taxation of the poor. But why is it that after months of careful deliberation, counsel, and thought a bill can not be framed to tax the income of the rich? What is the mysterious power and influence that stays legislation in this direction?

Ah, you fear the income tax. It is opposed to your interests. It reaches into the pockets of the corporations, the syndicates, and trusts, and through them it reaches you, their beneficiaries. After a century of judicial history, with decision after decision maintaining and upholding the legitimacy of the income tax, at last, by a most suspicious combination of circumstances, by the most violent subversion of precedent, reason, and logic, the law providing for it was declared unconstitutional. We eliminate the features of the law which, by the dictum of a majority of one, the Supreme Court says was unconstitutional, and submit it to you. Not one among you dare face the issue; not one is willing to try his lance in debate upon the merits of this amendment which we propose—a right to tax the rich as well as the poor; to reach the diamonds of the wealthy as well as the tin pail of the workingman; to impose a burden upon the champagne of the Shylock as well as upon the beer and tobacco of the people. This you meet with sneers, and cry "Let us be manly; let us issue bonds." [Applause on the Democratic side.]

Mr. Chairman, I listened to the gentleman from Iowa [Mr. DOLLIVER] with rapt attention, as he so eloquently and ably defended and championed the President of the United States. Seldom has there been a more glowing and impassioned eulogium pronounced than that uttered by the able member from Iowa, and yet how this President has been hampered, and delayed, and turned aside from the execution of the great purposes of his heart by the counsels of those by whom he has been surrounded, members of the Republican party, representatives not of the people, but of syndicates and trusts. I need not here express my admiration of the personality of the President, nor pronounce my respect for the high office he fills.

On this floor and elsewhere I have ever uttered my appreciation of his inherent patriotism and good intentions; but, sir, it has not been William McKinley, the man and patriot, that has spoken; it has not been in the exercise of his free will as President that the Administration has acted; if it had been, long ere this the world would have resounded with his praise, his name would have been spoken with blessing by every child of humanity in whose heart there lingered a spark of the spirit of liberty and humanity, and down through the long ages forever would his name be joined with Washington and Lincoln in an immortal triumvirate.

This has not been the case. A year ago he might have spoken, and Cuba would have been free; we would not have offered the unnecessary sacrifice of the *Maine*, and there would have been no war; but the mighty influence of the money power kept him silent then, and has kept him silent until the mightier influence of an outraged and aroused patriotic public sentiment compelled him to voice its desires.

You glory to-day that the President has never moved until necessity compelled. What necessity? The necessity of outraged public opinion. You yourselves sat silent in your seats; more than that, you even throttled free speech in the defense of Cuba upon this floor month after month, and you never became patriotic until you felt your seats shaking beneath you as the result of the indignation of your constituents? That, sir, is the naked, unvarnished truth. [Applause on the Democratic side.]

I fully agree with the gentleman from Iowa when he says, "Good sense demands that we take care of the liabilities we now have instead of increasing them." We must meet this question face to face, and meet it in a spirit of true patriotism as well as financial wisdom.

With the unconstitutional features pointed out by the United States Supreme Court eliminated, by exempting income derived from State, county, municipal, and school-district bonds, there could be derived from an income tax not less than $100,000,000 a year. The last official figures obtainable as to the total amount of the bonds named were those of the census report in 1890. At that time they amounted to $1,135,210,442. The interest upon them amounted to $45,408,417. One-third of these were held abroad, leaving the income derived from them by American citizens about $30,000,000. The United States has a little more than doubled its population since the last income tax was in operation, while the large incomes have been quadrupled. The largest amount received under the old income tax was in 1866, when $73,434,709.12 was realized. With double the population and the vast increase in the large incomes, exempting the comparatively small amount received from State and municipal bonds, the total could scarcely be less than $100,000,000, which would probably be sufficient to cover the defects of the Dingley bill as a revenue producer. [Applause.]

It is a well-known fact that the incomes in the United States are larger than those in any other country, while the population is much greater than that of the United Kingdom, France, or Italy. Last year the United Kingdom derived from income taxation $74,914,215. France derived $44,498,922. Italy derived $57,332,260.

Mr. Holmes, one of the best-known statisticians of this country, estimates the wealth of the United States at $50,000,000,000 and the number of families at 12,690,153. Of these, 11,593,887 families own $42,643,163,657. Nine per cent of the families own 71 per cent of the wealth. Families to the number of 4,047 possess 70 per cent as much as do 11,593,887 families.

Mr. Sherman says: "The facts conclusively demonstrate that the wealthiest class in the United States is vastly richer than the wealthiest class in Great Britain. The average annual income of the hundred richest Americans can not be less than $1,200,000, and probably exceeds $1,500,000." He divides the classes as: "Rich, 182,090 families, wealth, $43,367,000,000; middle, $7,500,000,000; working, $11,215,000,000. The United States are practically owned by one-sixtieth of its population."

It is well known that the class of people designated by Mr. Sherman as "middle" and "working," while owning less than 30 per cent of the wealth of the nation, contribute more than 80 per cent toward the payment of the expenses of the Government.

The Republicans are proud of pointing to their record of 1890, 1891, and 1892, and yet they now, having turned "right about face," want us to pursue exactly the opposite financial course from that of the Government during those years of prosperity. The present debt bearing no interest, which includes United States notes, old demand notes, national-bank notes, and fractional currency, amounts at this time to $386,974,069.64. In 1890 the noninterest-bearing debt amounted to $825,011,289.47. In 1891 it was $933,852,766.35. In 1892 it was $1,000,648,939.37. The interest-bearing debt is now $847,366,680. In 1890 it was $725,313,110; in 1891 it was $610,529,120; in 1892 it was $585,029,330. The interest-bearing debt has been increased since 1892 $262,337,350.

The noninterest-bearing debt has been decreased during the same period $613,674,869.73. And now we are asked to still further increase the interest-bearing debt. If the Republicans were willing to simply go back to the condition of 1892, we would pay $262,000,000 of the interest-bearing debt and increase the surplus in the Treasury without a dollar of bonds, or a dollar of increased taxation, by $351,000,000. Or, if they did not pay off the $262,000,000 interest-bearing debt, they would, by simply expanding the currency to the condition it was in 1892, place a surplus in the Treasury of $613,000,000. We have been constantly contracting the noninterest-bearing debt and expanding the interest-bearing debt.

There was in the Treasury on April 21 an available cash balance of $220,479,165. The cash in the Treasury July 1, 1861, at the time of our last war, was only $2,862,212.93. In 1862 it was only $18,863,659.90. In 1863 it was only $8,421,401.22. The financiers of that period were not frightened, and yet now, when there is $220,000,000 in the Treasury, we are in a panic to raise more revenue and are asked to issue bonds. In 1865 our total indebtedness, less cash in the Treasury, was $2,674,815,856.76. At the same time the cash in the Treasury on July 1 was only $5,832,012.98. We were not considered bankrupt and our bonds were good security. At present our total interest and noninterest-bearing debt is only $1,235,668,419, or less than half what it was in 1865, while our cash balance is $220,000,000, or forty-five times as much as it was then, and yet it is said that we are confronted with a great financial problem that can only be solved by the issuance of bonds.

On April 26, 1898, silver was quoted in London at 26 7/8 pence. Exchange in New York $4.85; equivalent value of a fine ounce of silver $0.56938. Bullion value of the United States silver dollars $0.46121. There was of silver bullion on hand April 1, 109,804,545.41 ounces, which cost $99,349,752.77. The coinage value of this silver is $142,047,088.99. The profit for seigniorage would be $42,697,336.22. There is cash in the Treasury $220,479,165. I am aware that this statement does not agree with the figures presented by the gentleman from Maine [Mr. DINGLEY], who says there is but "$65,000,000 available for all purposes" in the Treasury, and from that must be taken "the $50,000,000 appropriation of the 9th of March."

We are told by those on the floor of this House who ought to know that the greater part of this $50,000,000 has already been expended in the purchase of boats, equipments, and munitions of war, yet the report of the Secretary of the Treasury informs us that "the Treasury's total available cash balance is $220,479,165," only the slight difference of $205,479,165 from the statement of the member from Maine.

The chairman of the Committee on Ways and Means [Mr. DINGLEY] goes further, and with parental solicitude says that "the tariff act of July 24, 1897," has "placed the country in a position, if peace conditions had continued, where the revenues would have been equal to and in a short time in excess of the expenditures."

What are the facts? The Treasury reports show that the deficiency for the fiscal year of 1896 was $25,586,455; for 1897, $41,171,562, and for 1898, $6,031,019. It also shows that there is included in the receipts for 1898 the sum of $58,204,823, on account of cash received from sale of the Union Pacific Railroad, this amount having absolutely no connection whatever with the tariff act of July 24, 1897, conclusively proving that that act, the notorious "Dingley bill," is responsible for a deficiency of $64,235,842, an increase of $23,064,280 in ten months, as against $15,585,107 during the last year of the operation of the Wilson bill under the uncertainties and depressing influences of tariff legislation.

I have more faith than has the Ways and Means Committee in the efficiency of this revenue bill, if a constitutional income tax is added to it. They must believe that they have presented to this Congress a bill that will prove even a greater failure as a revenue producer than the Dingley law, for, with the vast amount now in the Treasury, they would not want to issue bonds unless they believed their bill would produce a great deficiency instead of raising the revenue necessary for the ordinary expenses of the Government. We have ample funds with which to provide for the extraordinary expenses, and if, in the judgment of the Ways and Means Committee, the bill they have presented will not provide for the ordinary expenses, they should take it back into the committee room and bring us another one that will provide for those expenses. If the bill will raise sufficient revenue, there is no need for bonds, and if it will not it should be amended so that it will. It is based upon the measure that was passed to provide for the expenses of the last war, and with double the population and four times the volume of business, and a war the nature of which precludes the possibility of its being as expensive as the last war, and a nation that is united instead of divided, it would seem to be comparatively a very easy matter to provide for this war.

With the money now in the Treasury, the profit from the coinage of the seigniorage, and the receipts from the income tax, we would have over $300,000,000. Now, to this amount, almost by the single stroke of the pen, you can add millions more without

for one instant jeopardizing the true interests of this country, without entering with ruthless step the homes of the poor, without robbing the husbandman on the farm, without doing injustice to any man, woman, or child. This you can do by allowing the issue of greenbacks. The greenback saved the nation once, even when you dishonored it. Let not your humanity and justice, your patriotism and honor be subordinated to your greed. Issue $50,000,000 of greenbacks and send them forth on their mission; start the troops on their march through Cuba; command the cannon to speak; batter down the walls of Morro Castle, and, "Lest we forget, lest we forget," avenge the *Maine!*" [Applause.]

You say that this would bring on an inflated condition of the currency. What utter nonsense, what absolute folly to make such a charge. Make the greenback a full legal tender for the payment of all debts, public and private, and they would be but a stimulus in the veins of commere and trade, that which is needed by the business of the nation at this time.

Make an issue of one hundred or two hundred millions of greenbacks and the nation will applaud you. Make it a hundred thousand dollars of interest-bearing bonds, and from the workshop and the farm, from the valley and the plain, nine-tenths of the American people will forever condemn you. [Applause.]

The voice of the money shark and lender is heard through their mouthpiece on this floor as he says, "Let us say that we will pay interest." That is the secret, the inspiration of the support of this clause providing for bonds. From the inner chambers of the bankers and brokers comes the message, "We must have our interest"—the Shylock's pound of flesh—and in response to the dictation of their masters the bonds are provided.

We denounce as false and wholly untrue the charge that this side of the House is opposed to "the enactment of wise legislation necessary to raise the money to prosecute this war." We are ready to support any wise legislation, but we are opposed to any legislation that places shackles upon the people and forces their contribution to the support of the Government into the coffers of syndicates and trusts.

You say, "Necessity drives." Yes, but it drives in the direction where the devil leads in this case. There is no necessity for the issuing of these bonds now. Let this issue of greenbacks be made, and the people will take them; the patriotism and the honor of the nation will protect them. Even granting that which I do not admit, that the issue might result in an inflation to such an extent as to cause a depreciation of the greenback currency, you have power in the hands of your President already by which, if under any fortuitous combination of bankers and politicians a depreciation should be brought about, he could at once put a stop to it by calling in the issue and issue bonds in any sum he pleases.

The only difference would be the rate of interest. This bill provides for interest at 3 per cent, and under the present authority of the President the bonds would bear 4 per cent. But you say that is only for redemption. Very well; issue your noninterest-bearing money, and then, if the necessity comes, issue your interest-bearing money. Even then there will be an enormous saving. These greenbacks, going out unhampered by the conditions and provisos with which you burdened the old greenback, would carry the prosecution of the war forward at least for two years before there could be any necessity for the issue of interest-bearing bonds.

How cowardly it is for you to stand here and cry aloud, under the pretense that the necessity is now so urgent. Day after day, month after month, you saw this coming. You declared that it would come, but that you were going to use all means, exhaust all efforts, to avoid it and bring about peace. You went down in humiliating, disgraceful, cowardly abasement, in the name of peace. You have failed. At this time we stand menaced by a foreign foe. The booming of cannons proclaims it at our doors. The mass of the American people, the bone and sinew of the state, the men to stand by your elbow in day of work or the day of battle, are ready and willing to do or die for our glorious country.

We offer our lives, our treasure, a free-will offering; but we do claim and demand that the holy impulses of patriotism be not trodden under foot and sacrificed at the demand of the Molochs of greed, who are willing to barter honor for gold. Let us act in full light of reason, declaring our manhood, breaking away from slavish subserviency to money interests, serving our country in its hour of danger by protecting its honor and life here in these halls as truly and well as upon the tented field or ocean wave. [Applause.]

Mr. HOWE. Mr. Chairman, the American people, through their Representatives in Congress, have sent forth the decree that the inhuman hand of Spain shall be taken from the throat of the Cubans, and that their fair isle shall be free from the domination of Spanish tyranny.

Ah, more, that the relic of barbarism of the Middle Ages shall never again have a foothold in this hemisphere, or darken the pages of its history.

The Spanish policy of subjugation or annihilation, together with the destruction of the U. S. battle ship *Maine* and her noble crew, ends forever Spanish rule in Cuba.

It would be a crime for the liberty-loving people of the United States to allow such an inhuman policy to continue longer.

We are about to demonstrate to the world that the righteous indignation of the American people, coupled with truth and justice, will not longer permit Spanish tyranny and inhumanity to prevail on the American continent. For, Mr. Chairman, we would be unworthy of the heritage that has come down to us from the men of the Revolution if we failed to crush to the death this vile monster of barbarity; the voice of the civilized world would rise up in condemnation if we failed to do our full duty in this matter.

As American freemen, we owe it to generations yet to come and to humanity the world over to strike down this reign of terror and vile monstrosity in the Island of Cuba.

Justice must be satisfied, the destruction of the U. S. battle ship *Maine* must be atoned for, the blood of the martyrs cry out for vengeance, and I am sure it does not cry in vain. "Vengeance is mine, saith the Lord God of hosts." He will brand the brow of Spain with eternal condemnation.

Mr. Chairman, while it is estimated that this emergency revenue bill will raise $100,000,000, I would have it raise $300,000,000; and in my opinion it could be done by placing a uniform tax on everything taxable in proportion as it is able to bear the burden. The imposition of such a tax would protect those who are taxed from bearing further burdens through bond issues.

I would in addition to this levy an assessment upon each State, the amount to be fixed in proportion to the assessed value of its property. By such a course there would be no need of borrowing money, and the issuing of bonds would be unnecessary, except for the first $100,000,000.

Mr. Chairman, I am in favor of any bill that has for its object the raising of revenue for the carrying on of this war. There is not a fiber in my nature that does not vibrate the quicker when I contemplate the inhuman atrocities committed by Spain in Cuba.

There are no party ties that can bind me to vote on this question; I vote for free Cuba, humanity, and American honor, and for it, if necessary, I would give up my life.

"Speak out, and let the whole world know Columbia guards the Western main."

The decree has gone forth. Cuba is even now free. [Applause.]

Mr. TALBERT. Mr. Chairman, in the few minutes that I shall have the privilege of occupying the floor on the measure now under consideration I shall not attempt to go into the merits or demerits of a war with Spain, for that matter, right or wrong, has now been decided, "the die is cast," "the rubicon is crossed." War is on, as the belching of the enemy's cannon from Morro Castle has already announced to the world. There is no alternative now left us; we must either fight or surrender. And which will we do? We have but to glance at the pages of our past history to find the answer recorded. Then if we must fight, we must have something with which to fight; and the best thing we can have is money, for it commands all the necessaries. How, then, will you get that money? Some have one plan, and some another. Some say one class ought to furnish it, and some say another.

Our friends of the majority say we must issue bonds, that we have not sufficient moneys with which to go to war, and this in spite of the statement of the distinguished chairman of the Ways and Means Committee that we now have some $60,000,000 available money in the Treasury and $42,000,000 of silver seigniorage, which makes $102,000,000, and that this bill, outside of the bond feature, will produce some $100,000,000, running it up to $202,000,000. And now, if this is not sufficient to run us till Congress meets again, why not issue noninterest-bearing Treasury notes based on the patriotism and good faith of the people of our country, instead of interest-bearing bonds to still further burden and oppress not only this present generation, but generations yet unborn?

Mr. Chairman, I am in favor of voting all the money that is necessary to carry on this war, but I think it is an outrage and a disgrace on our nation that this emergency should be taken advantage of to make more money for the rich and to still further grind down our poor laboring people into the very dust. Let me warn you, fellow-members, be careful of your actions at this time, lest you enrage (and justly so) this class of our people. As every citizen receives the protection of his country, so every one ought to bear his part in supporting his Government, both in times of peace and in times of war. And the more a man has to be protected by his Government, the more he ought to be willing to contribute and to sacrifice for its support, and especially in a time like this, when we are just approaching into the awful presence of cruel war. But, Mr. Chairman, in such times we find this class of our citizens gathering up their bags of gold and seeking secure hiding places. They are "invincible in peace and invisible in war."

I fully realize the fact, as I have already said, that we now need and must have money with which to wage this conflict, but am

not at all in sympathy with all the details of this bill that has been reported to the House by Mr. DINGLEY from the Committee on Ways and Means, because I believe it proposes to raise this desired revenue, in the greater part, from the wrong source. I believe its object is to raise it from the moderately well-to-do and the poorer, laboring classes of our people. And this is why I do not favor all of its details. For instance, there is the one item of medicine that this bill proposes to tax more heavily. It already costs a plenty, and this bill proposes to run it up still higher.

It seems that even when the poor man is sick and needs it more than all things else he is to be forbidden to have it. And when his wife and children whom he has left illy provided for get sick and are at death's door they must be doomed to die because they are not able to buy medicine. And all this is to be done by that Government that affords so much protection to the rich man's property but suffers the loved ones of the poor soldier to die while he is fighting so nobly for this same Government. I simply mention this as a sample and could give you others of a similar type but for lack of time.

War is an awful thing, but specially so for the poorer, working people of our country; for they always have the brunt of its battles and its hardships to bear. And this war, I take it, is no exception to the general rule that "it is the rich man's war and the poor man's fight." And the committee, Mr. Chairman, do not seem satisfied with the poor man doing the fighting, but they also seem disposed to make him pay the revenue that is required to carry it on. It is not right; it is unjust; it is unfair; yea, Mr. Chairman, I think it is an outrage! It seems to me that if the committee who has this matter in charge had wished to do the right thing, the best thing, and the thing in which there is the most justice to all the people, the poor as well as the rich, in addition to what I have already suggested, they should have reported a provision for an "income tax."

Then the rich, those who have the money, would have to pay into the revenues that are necessary to run this war, and it is right that it should be so, for the man who hast he money is the man who "talks" war, and is not satisfied without rumors of war, at least. But the poor man is the one who has the fighting to do. He has to bear all the hardships. And now you bring in a measure here which heaps up his burdens but the higher by still further taxing some of his necessaries. If a poor man is picked up and made to do the fighting for a cause, you who are in luxury and plenty and can stay at home and hoard up your money ought at least be made to pay the expenses of the fighting. And this would be the effect of an income tax, and that is why I am in favor of it.

But you say it is unconstitutional! It is impractical! The Supreme Court to the contrary notwithstanding, I believe that is all stuff, for we have had an income tax in operation in this country. If it was not unconstitutional then, why is it now? If it was not impractical then, why is it now? And even if it be granted that it is unconstitutional, we could bring it within the decision of the Supreme Court; and besides, this is no ordinary time. We are in the midst of war, as is evidenced by the moving to and fro of the soldiery of our country, and an emergency has risen and we should be governed accordingly and prepare to meet it, but meet it in the right way.

Let us incorporate in this bill this income-tax feature as an emergency measure if need be, as a war measure if necessary. But you say no, it will not do. You must not touch the dollars of the opulent and wealthy. You can go into the home of the poor and take the father away from the helpless wife and little ones whose only support he is, and you can take the only son from the poor weeping widowed mother, whose labor is her all, and you can march them off and into the bloody conflict, never to see home and loved ones again, and that is all right. Nothing is to be thought or said of it. But when you attempt to touch the dollar of the moneyed man to pay the expenses of these poor men and boys while they fight for you and your country, you throw up your hands in holy horror and exclaim, "No! No! Don't do it! Don't do it!"

I do not mean to reflect on anybody, but I tell you, Mr. Chairman, it is a nice state of affairs if the moneyed men of this nation can come to its Congress and say to any of its committees, "Thus and thus shall you report to your House, and thus and thus shall you not report," and can then go further and say to the judges on the Supreme Bench of our United States, "Such and such decisions shall you render, and such and such decisions shall you not render; you must pronounce the income tax unconstitutional."

I do not assert that this has been done; I only hope that such has not been the case, and if it has not, may God forbid that it ever shall be; but circumstances sometimes look very, very peculiar, indeed. But, fellow-members, this is no time for parleying over petty differences; no time for dillydallying and trifling, but it is time for action—wise and manly action. War is on us and you say we need money, and money we must have. If so, let us get it in the right way and from the right source, and in my opinion, that source is, in part at least, an income tax. I know that it will require nerve and backbone for some of you, representing the districts and interests that you do, to vote for this proposition and against this bond issue, but in my opinion the pressing necessity of the hour demands it, justice to the greater part of the country demands it, justice to ourselves demands it, and justice to our soldiers demands it.

Now, will we give it to them? Do any of you wear Wall street's collar? Are any of you shackled by the money power? Are you afraid to do your duty in this exigency by voting for an income tax and opposing the issue of bonds? God forbid! But if so, let me urge you in this momentous time to catch yourselves, as it were, by the boot straps and to lift yourselves above partisanship, sectionalism, and little petty differences. Rise up in your might and break off these manacles and bands of the moneyed interests of the nation, and, realizing the importance of the measure and the great justice of this step that I advocate, strike hands with us and vote for right against might. Support the income tax, oppose the issue of bonds, and let the moneyed men of the country think of you just whatever they may please to think, and the nation will rise up to call you blessed.

Be strong, be brave, and let your name
Henceforth Columbia be,
And wear the oaken wreath of fame,
The wreath of Liberty.

Mr. GRIGGS. Mr. Chairman, I shall detain the committee but a moment or two. Recognizing the fact that in the short time allowed me it is impossible to discuss all the objectionable features of this bill, which, under the plea of necessity, is being rushed through the House, I shall content myself with declaring my unalterable opposition to a bond issue and pointing out one provision of the stamp-tax section which, if enacted into law as it now stands, will work a great hardship on the cotton farmer of the Southern States. This provision is as follows:

Warehouse receipts for any goods, merchandise, or property of any kind held on storage in any public or private warehouse or yard, 25 cents.

The amendment offered by me proposes to insert, after the word "yard"—

Except agricultural products deposited by the actual grower thereof in the regular course of trade for sale.

In order that the committee may understand me fully, I will briefly explain the system of marketing cotton which prevails in the cotton-growing States.

The farmer begins gathering cotton in August and finishes in December. As he gathers it he gins and packs it into the bales known to commerce and deposits it in the nearest warehouse, taking a warehouse receipt for it. The cotton is then sampled and sold by the warehouseman and the warehouse receipt is delivered to the buyer as evidence of his purchase.

It will be readily seen from this simple statement that the tax of 25 cents on warehouse receipts would come directly out of the grower of the cotton, the farmer, and the smaller the farmer the heavier the tax.

The large planter might perhaps evade the tax in a measure by holding his cotton until he could put several bales on one receipt; but I believe that even in that case the law would be construed to mean one receipt for every bale of cotton, which would mean a tax of 25 cents on every bale of cotton grown in the United States. This would tax the farmers of the South $2,500,000 on a 10,000,000 bale crop, a sum equal to 1 per cent of the gross value of the money crop of the South, the market price of which is now below the cost of production.

I can not believe, Mr. Chairman, that with this statement before them the members of the Committee on Ways and Means will resist this amendment.

Mr. Chairman, I voted against war until it became inevitable. I did not despair of honorable peace until resolutions had passed both Houses, either one of which meant war. I voted, as I believed, for the best interests of that people across whose every home the black shadow of war has lain for thirty years, on whose business interests, for the last third of a century, "grim-visaged war" has sat, like "the Old Man of the Sea," consuming our energies, blocking our enterprise, and sapping our strength.

The people of Georgia were opposed to war. It was not from fear of war that they opposed it. A hundred battlefields made red with the blood of her sons freely poured out testify in language more eloquent than words their courageous devotion to a cause in which they believe. [Applause.]

Under the beautiful code of rules which controls this body and which, while permitting the discussion of every subject except that one before the House, prohibits any discussion of the matter under consideration, I had no opportunity of giving the reasons which led me to cast the vote I did on that question.

It is now too late to discuss it. It is no longer a question of peace or war. War it is, whether we favored it or not, and the only question now is how we shall end it speedily and successfully. "Ours not to reason why" now, and while the people of

Georgia did not favor war, they stand ready to-day, as they have always stood, to bear their just share of the burdens of government in war as well as in peace. But when you propose to tax them 1 per cent on the gross value of their cotton crop, when you propose that in addition to the other burdens imposed they shall pay 2½ per cent of the estimated annual revenue to be derived under this bill, you impose a burden which neither necessity demands nor circumstances excuse. [Applause.]

The farmer has long borne burdens under which no other class of the community would have remained quiescent. The producer of the nation's wealth, he has seen others gather the fruits of his toil and grow rich while he has grown poor.

This new burden imposed by this bill is unjust to him, is ungenerous in those who would press it, and is inexcusable in legislators who seek the public good.

I am sure that your candid consideration will lead you to the adoption of this amendment. [Applause.]

[Mr. MAGUIRE addressed the committee. See Appendix.]

Mr. MAGUIRE. Mr. Chairman, I desire to yield to the gentleman from Kansas [Mr. McCORMICK].

The CHAIRMAN. The time of the gentleman has expired, but the Chair will recognize the gentleman from Kansas [Mr. McCORMICK].

Mr. McCORMICK. Mr. Chairman, we are all Americans. We are, therefore, unanimously in favor of pushing with vigor this war with Spain to a successful termination.

Populists, Silver Republicans, Democrats, and Republicans are willing and ready to assist our President in this war with Spain. We will provide ample and sufficient money for its successful prosecution to a triumphant and glorious victory. Party affiliations are abandoned. We unite as American citizens in honor of the United States and our flag. I have much faith in the loyalty of our people to our country and flag, notwithstanding we may differ in many details as to conducting the affairs of state.

We who are on this side of the Chamber do not intend the Republicans to be more loyal to our country or give of their substance more readily than we.

Mr. Chairman, this bill under consideration, prepared by the majority of the Ways and Means Committee and submitted to this House, to provide money to carry on this war was not submitted to the minority of that committee, they having no opportunity to submit a report thereon. We are all of one mind upon this subject—that it will require much money to carry on this war to a successful end.

We may and will differ honestly as to the way and mode of securing means for such purposes. I hope our Republican friends will not charge disloyalty because we exercise our judgment as well as our rights as Representatives as to the best and most expedient way to replenish the Treasury for this emergency; and at the same time make it so that it will not be a burden upon the people.

I find no fault with portions of this bill. I notice, however, that certain features of it are subject to criticism. Taxes are most burdensome upon the individual of small business; that is to say, you have levied by the provisions of this bill a greater tax proportionately against the individual of moderate business than one of greater business. This is unjust. Men who are engaged in business of great capacity are more able to respond to such a task.

No country ever became great and powerful when the burden of taxation was most heavily upon the poor of such country. When I say "poor," I mean the ordinary business men. Those who toil and produce the wealth of the country—energetic men and women. Yet such is what you propose to do by this bill. I find no provisions to tax the speculator, the great corporations, and syndicates. Why not have these men of ease, who enjoy great wealth, bear their proportion of this patriotic burden? Do not my friends say that we on this side of the Chamber are not loyal to our country, because we try to have the burdens of this war borne by the rich as well as the man of small business?

I am unalterably opposed to the provisions of this bill which proposes the issue of bonds. There is no real demand for such bond issue now existing. There is now an available balance in the Treasury of the United States, according to the latest reports, of about $109,000,000 after deducting $100,000,000 gold reserve fund. You propose to replenish the Treasury by the tax provision of this bill $90,000,000 at least the first year.

Coin the seigniorage silver now idle in the Treasury, which will give to this country about $50,000,000. Issue $150,000,000 full legal-tender Treasury notes receivable by the Government. This kind of money has done valuable service for our country in the past, as in the wars of 1812, 1846, and 1861, and saved the country by breaking the panics of 1837, 1857, and 1873.

Mr. Chairman, it is estimated by Mr. DINGLEY, the honorable chairman having management of this bill, that the war will cost this country $25,000,000 per month, or $300,000,000 a year. Then I submit, Mr. Chairman, that the avilable money in the Treasury, to wit, $109,000,000; coin seigniorage (proposed), $50,000,000; legal-tender Treasury notes, $150,000,000; proposed result from this bill by tax, $90,000,000, will give us $399,000,000, more than sufficient to conduct this war for a year from this date.

Now, I am of the opinion that we should lay an income tax, thereby giving the more fortunate an opportunity to give of their surplus to bring this war to an honorable and speedy end. I am not of the opinion that my friends Messrs. DINGLEY and DOLLIVER are, that with such a law on our statute books we would have a lawsuit on our hands, and thereby cripple our chances of success in war. I hope our rich are loyal and true and would readily and cheerfully bear a good part of the burden of our war expenses, while those men who have no income go to the front and fight the battles of the country. Are the rich less loyal than the poor classes?

The history of this country proves with an unbroken chain of facts that the nonincome class of our people have always paid whatever tribute was demanded of them for the honor of our country, even to their lives. Even should this fortunate class that an income tax would affect object to complying with the demands of the law, I believe that the law would now be upheld by the Supreme Court. Why do I think so? Because it would be right. No question is settled until it is settled right. I believe in upholding that which is right and condemn and oppose that which is unjust and wrong.

In conducting this war against cruel Spain we see party strife and sectional differences fade away and die the death that will know no resurrection.

Mr. Chairman, there are times in the history of nations when its noble and patriotic people are moved by noble and patriotic impulses and purposes. We have reached that time in the history of our country. We remember our noble ship, *Maine*, and her gallant crew quietly sleeping in the harbor of Havana, when, in the twinkling of an eye—a flash, a mighty and thundering roar—all was lost.

The testimony of this awful crime is before the world. Then, when we hear the cry of the starving and helpless women and children of this brave, patriotic, and liberty-loving people, we are moved by Christian compassion. When we see skeletons there, thousands on every hand, with the agonizing cries of the living, then, and not till then, do we realize the realities of Spanish warfare of extermination.

All thought of self is lost sight of by the American people, and we go to the rescue of that perishing population, now almost wasted away under Spanish cruelty, in view of creating a new commonwealth where the flag of a free and a brave people will be established over a land so rich with God's blessings. Then shall we be avenged for the lives of our murdered sailors; then will our brave Army return fully satisfied and our honor maintained.

Mr. SLAYDEN. Mr. Chairman, as war had to be waged against Spain, I, as a Texan, rejoiced that it began on the 21st day of April. On the 21st of April, 1836, the battle of San Jacinto was fought and won, and the Lone Star banner floated triumphantly over the independent Republic of Texas.

All of tyranny and harsh government which the Texans fought against had come to Mexico as an inheritance from Spain.

That same tyrannical and harsh spirit in government has prevailed unto this day in all Spanish colonies, and has again and again aroused its victims to a resort to arms in an effort to throw off an intolerable yoke.

I regarded the coincidence in time in this war and that of the Texas struggle for independence as a happy omen for the persecuted Cubans. More than that, Mr. Chairman, there was another striking coincidence.

The banner under which Marti and Maceo died, and which Gomez has so gallantly kept aloft, is a single-starred flag like that which floated from the Alamo and at San Jacinto, and which for three years has invited the oppressed to come under its folds and breathe the air of freedom.

I have rejoiced at the part our Government is to play in this splendid drama. I am specially pleased that critics have been disarmed by the declaration that this Government neither seeks nor will it exercise sovereignty over the Island of Cuba. It is waging war upon a high plane, one which the world does not often see and which Europe can not comprehend. We are not fighting for territorial or political aggrandizement now, and God forbid that we should ever make war for spoils. We merely assert that all Americans have a divine inheritance of liberty, whether they be Cubans or North Americans; that they "are and of a right must be free and independent," and if necessary the United States will fight to make the declaration good.

Of the issue there can be no doubt. We will win, and win quickly

Mr. Chairman, a few days ago I was greatly amazed to hear a distinguished member of the Senate declare, when speaking of the Cuban crisis, that this was an hour of "supreme peril" for our country. Surely, sir, he can not have measured his words.

I thought it merely the extravagance of debate, one of those phrases which often, in the heat of debate, slips off the tongue without its full purport being understood by the man who utters it.

Yet now comes the majority of the Ways and Means Committee, apparently supporting the wild statement of the Senator, and seriously proposing a system of taxation and a measure of taxation altogether out of proportion to the enemy we have to meet.

I entertain the opinion that our available cash balance is amply large to enable us to fight and to win the war with Spain. It is preposterous to levy taxes as if we were to fight England, France, or Germany. We are asked to double internal taxes already as high as they were during the civil war and to levy some that will be specially odious. We are asked to authorize the Administration to increase the interest-bearing debt of the country by $500,000,000. And all this to meet the baby King of Spain!

In heaven's name, sir, what would we be called on to do if we had a war with a first-class nation? Europe has made mock of our frantic efforts to prepare for a war, the issue of which everybody but the Spaniard himself sees and admits.

Is this bill necessary? Is any hastily contrived legislation upon the great question of taxation ever advisable? Gentlemen urge us as patriots to forego discussion, and beseech us, in the name of a cause they know we love and will make any sacrifice for, to lay aside reason and the exercise of our legislative rights and to blindly follow the suggestions of the Administration.

Mr. Chairman, taxes are laid in this bill which in calm moments could not be passed, and the majority of the Committee on Ways and Means know it very well. The thought will force itself on my mind that in order to avoid a just system of taxation upon that class which is most skillful in dodging all taxes gentlemen take advantage of the war bogy and urge that which they would not dare undertake except under the cry of distress and emergency. Spain is not so powerful nor the danger we face so grave or imminent that this Congress can not afford to deliberate and to devise a system of taxation which will not press heavily upon the poorer people of our own time nor lodge a burden upon the generations to come. Congress will not adjourn immediately. We have $220,000,000 in the Treasury to meet every expense this war is likely to entail. Your bill without the bond issue will provide $100,000,000 more before you can possibly need it.

Should the expenses of war be greater than we have reason now to think they will be, Congress can then consider the propriety of issuing the interest-bearing bonds which Wall street, with its cent per cent patriotism, is so eagerly demanding.

We are told that we must not take advantage of such times as these to talk politics. I reply that still less should we take advantage of such times as these to defraud the people by issuing bonds by the hundreds of millions, bonds which are to go untaxed and which the people who moisten the earth with the sweat of their faces will have to pay, when the issue is not necessary to defend the honor of our country.

The distinguished gentleman from Maine, Mr. DINGLEY, has said that the bulk of these taxes will be collected upon luxuries; that users of beer and tobacco will pay the major part.

It is entirely possible, Mr. Chairman, that he is right; and it is, no doubt, true that men refrain from the use of beer and tobacco, and thus avoid the payment of that portion of the tax at least. But the habits of the people are what they are and will not be changed by this law; and it is absolutely certain that the poorer people of the country, whose luxuries are the humble beverage called beer and the solacing pipe, will be called upon to fight the war with Spain and then to pay the bill by an increased price upon their beer and tobacco.

Beer now pays the war tax of $1 per barrel. The tax upon tobacco is already so high that men of small means can not engage in its manufacture; and if this bill becomes a law, it will be turned over absolutely to the trusts.

In the very few minutes I am permitted to discuss this measure I can not do more than call attention to one other clause which, if it is not stricken out, will work a great hardship upon the cotton farmers of the South. I refer to that paragraph on page 40, beginning with line 10, which reads as follows: "Warehouse receipts for any goods, merchandise, or property of any kind held on storage in any public or private warehouse or yard, 25 cents." If that paragraph is enacted into law, Mr. Chairman, it will lodge an immediate and direct tax of 25 cents upon nearly every bale of cotton grown in this country. It is the general custom of the farmers of the South to take their cotton to the public yards to get it weighed and to take a receipt for it, which receipt is turned over to the buyer, who thereby gains possession of the cotton.

If the opportunity presents itself, I shall offer an amendment to that section of the bill; but as it appears very doubtful that we shall ever reach it in this House, I apprehend that Representatives from the South will be forced to appeal to the Senate to save their section from this harsh and unfair tax.

But, Mr. Chairman, there is no necessity for such measures as this. An income tax will yield the Government one hundred millions or more a year. It is a just tax, which will be paid by those who can afford it. It is automatic in the justice of its operation, as it falls upon those who can afford to pay it and ceases to be a tax when it can not be borne. Four times, I believe it is, in the history of this country the income tax has been decided to be constitutional. Once the Supreme Court has declared against its constitutionality. Did the court err four times, or did the court err in its final decision?

[Mr. CLAYTON addressed the committee. See Appendix.]

Mr. CARMACK. Mr. Chairman, the bill now before the House is commended to us as a war measure—it's authors and champions, as I understand them, do not claim that it is a just and equal plan of taxation. They submit it as confessedly a burdensome and oppressive system, made necessary by a sudden and extraordinary emergency. No man can deny or will pretend to deny that it will be vexatious, embarrassing, and injurious to the business of the country. Whether the internal taxes provided in this bill shall fall upon the manufacturer, the dealer, or the consumer, or shall be ultimately apportioned more or less equally among them, they must certainly prove a restriction upon trade and in many cases must seriously cripple and embarrass the industries directly affected.

From my own district protests have come thick and fast against certain features of the pending bill, which my correspondents assure me will work grievous hardships to the industries they represent. I am aware, Mr. Chairman, that every scheme of war taxation, where the emergency is great and comes suddenly upon the country, must be more or less oppressive and unequal in its operations. I know that this country is now confronted with such an emergency and that patriotism demands of us that we submit uncomplainingly to whatever burden may be necessary to a vigorous and successful prosecution of this war. But we must not be unmindful of the fact that it is in time of war and under the cloak of patriotism that the most vicious schemes of legislation obtain a foothold upon our statute books and the most infamous conspiracies of public plunder are carried into execution.

The voice of the true patriot must not be silenced by the cry of "demagogue," raised by those who are preparing to fatten on the calamities of their country. I stand ready to cast my vote for whatever measure may be necessary to supply this Government with the sinews of war. I should cheerfully vote for this bill if it were the best measure that could be framed under the circumstances—if in no other way or in no better way we could equip this nation for the struggle upon which it is embarked. The Committee on Ways and Means have refused even to consider the proposition to raise revenue by an income tax. It has preferred, instead, to gather its taxes from the great mass of consumers and from the daily earnings of the common people.

When this question is raised, gentlemen tell us that it is no time to bring up the vexed question of taxing incomes. Why, Mr. Chairman, it is the very time. Those who opposed it before did so on the ground that it was a tax never resorted to except in time of war. And now, when war is upon us, they tell us that this is not the time. The time when the country is suddenly called upon to meet an extraordinary demand for revenues, a time when the blood and the substance and the earnings of the common people are being freely contributed to sustain the honor and the glory of this nation; a time when the lords of monopoly are preparing for a new harvest of profit, wrung from the country's tears and bloody sweat—this is not the time, we are told, for the enormous income of the multimillionaire to bear a just share of the burden of supporting a Government by whose favor it has grown so great.

Why, Mr. Chairman, Chief Justice Fuller, in delivering the opinion of the court declaring unconstitutional the income-tax law, broadly intimated that as a war measure it would be sustained. The bill before us proclaims itself on its very face a war measure. Unless, therefore, we are ready to accept as a finality a decision which uprooted the law and set aside the precedents of a hundred years, this is the most propitious time to raise anew the question of whether avarice shall share with labor the burdens of taxation. I remember throughout the last campaign that a storm of denunciation fell upon the head of every man who dared to question the absolute righteousness of that decision. He was straightway branded as an anarchist, as a man who had no respect for law, as one who wished to upturn the very foundations of social order.

But the plain truth is, Mr. Chairman, that that decision does not and never will command the respect of the American people. The reasoning by which it was sought to be sustained and its revolutionary disregard of unbroken precedents have shocked the legal conscience of the country, while the remarkable circumstances attending the deliberations and final action of the court have stripped it of that reverence which should always attend upon the highest tribunal in the land. The dissenting opinions of the court will stand unanswered as a true exposition of the constitutional power of Congress in the matter of taxation.

Let this Congress proceed to amend this law in whatever particulars it is defective or justly obnoxious to constitutional objections, and I do not believe that any court will ever repeat that decision. Let us at least learn, Mr. Chairman, and understand once for all, whether or not our Constitution, as it stands, makes it impossible for this Government in the time of its direst necessities to gather revenue from those most able to bear the burden of taxation, and forces it to wring the means of subsistence from the toiling millions of the country.

I am not one of those who would use the taxing power to redistribute the wealth of the country. I would not use it for the mere purpose of taking from the rich man simply because he has too much; but if the enormous accumulation and concentration of wealth in the hands of a few is to be thus favored by exemption from the burdens of taxation how can we hope to keep alive the patriotic spirit in the hearts of the common people? Mr. Chairman, so excellent an authority as Mr. Thomas G. Shearman has shown that three-tenths of 1 per cent of the population in this country control 70 per cent of the property. Out of every $100 of the national wealth one man gets $70 while 299 divide the other $30 among them.

As an illustration of this rapid accumulation and concentration of wealth in the hands of a few, the New York Herald several years ago published a list of 177 private individuals who own about one-third of all the real estate in the city of New York. An able and responsible economist, Prof. Charles G. Spahr, in a recent work on the Distribution of Wealth, declares that one-tenth of the families in this country have as much income as the other nine-tenths; that 1 per cent composed of the richest have as much income as the 50 per cent composed of the poorest.

It is no answer to these facts, Mr. Chairman, to say that we are trying to array class against class, the rich against the poor. We mean nothing of the kind. We would plunder no man, even of his ill-got gains. We have no prejudice against rich men as such. We would put no obstacles in the way of any man's accumulating a fortune by thrift, enterprise, or genius. We would not disturb him in its enjoyment; but we do protest that the business of the country throughout every town and village in the land shall not be vexed and burdened and the earnings of the great body of the people be made to pay tribute while the accumulated wealth and the enormous incomes of the rich are allowed to go unburdened.

It is charged that we are trying to create prejudice against the great centers of population. We deny it. We simply call attention to the fact that the average wealth of families in the great cities is nearly three times as great as in the country districts, and beg leave to suggest that there must be something wrong in the system under which this vast disparity is found. It is charged that sectional prejudice is behind this demand for an income tax.

It is not true; but the fact that most of these great incomes are enjoyed in a favored section of our Union, the fact that the East, with but 30 per cent of the population of the country, owns as much of its wealth as the West and South, with 70 per cent, is strongly suggestive of some vicious principle in the legislation of the country. Those who are really doing their utmost to create prejudice of this character and to array class against class are those who resist every effort to fairly distribute the burdens of government.

The Committee on Ways and Means has refused to touch the silver seigniorage, which lies idle in the Treasury, a fund of more than $40,000,000, which can be made instantly available to meet the necessities of the Treasury and to relieve the people from some of the worst features, at least, of this oppressive and vexatious measure. But no; at the very suggestion of coining another silver dollar the gold-standard economists take instant alarm. No man in his right mind believes, what these people pretend to believe, that our financial system would be wrecked and ruined by such a pitiful addition to the volume of money.

But the fiat has gone forth, and we must levy taxes and issue bonds. We are comforted as to the latter proposition with the suggestion that it is to be a popular loan. The advantages of a popular loan, even if successful, are doubtful in the extreme. To take this money out of the business of the towns, villages, and country communities and lock it up in the Treasury would be more injurious to trade than to take it from the idle accumulations in the money centers of the East.

Mr. Chairman, I will not vote for this bill in its present form. It seems to me that this committee has collected most of the worst and most vexatious features of our former war taxes and included them in this bill. I shall vote against it, not because I am not willing to vote whatever taxes are necessary to prosecute this war, but because I believe another and a better measure can be and should be devised.

I am not willing to vote for the issue of interest-bearing notes of this Government when a moderate issue of noninterest-bearing obligations would not only provide the Government with the needed revenue but supply the people with a much needed addition to the volume of their money. I am afraid, Mr. Chairman, that we are about to repeat on a smaller scale the carnival of corruption and plunder that accompanied and followed our last war. And I will not be deterred from expressing my honest opinion because my patriotism may be called in question by some people who themselves have about as much right to be called patriots as the vultures that followed the Army have to be called soldiers.

Mr. HENRY of Texas. Mr. Chairman, at the proper time I intend to offer an amendment to this bill providing for taxing banking capital and bank deposits. I shall not undertake to discuss the features of the bill in detail. My amendment proposes to levy a tax upon the money centers of this country, where the wealth is accumulated. It is well understood that the money of the country is piled up in the Eastern and Northern centers. One bank alone reported the other day in the papers that it had on deposit in the city of New York $100,000,000. There are numerous banks in New York and other large money centers that have large deposits. These deposits should be taxed. I do not believe in any unequal or unjust taxation. But this amendment is but a renewal of the law which existed from 1864 until March 3, 1883. It was upon the statute books as a part of our internal-revenue system for nineteen years. If my amendment is adopted, it will be a means of raising over $10,000,000 annually, as past experience shows.

But the Ways and Means Committee has seen proper to leave any such measure out of consideration in the preparation of this bill, and to allow the banks with their vast capital and great deposits to go untaxed. I say, Mr. Chairman, that this amendment should be adopted. It is just that the wealth of the country should bear its due proportion of taxation.

I do not desire to make this a sectional question; but in order that we may more thoroughly understand where the money is located I desire to cite some figures from a report issued by the Treasury Department:

New England, with only 5,220,000 population, has a greater bank power than the Central States, which contain 24,720,000 people. Each inhabitant of New England has a per capita of $287.58 in bank power to depend upon for loans. The people of the Central States have a per capita of only $56.31 available for loans. The 20,172,000 people of the South fare worst of all. The average per capita of loanable capital there is only $19.05.

The Ways and Means Committee proposes to tax the South and West on bank checks and drafts. We all know that the Western and Southern banks draw on and through the banks in New York and the other money centers; and they are willing to pay this tax. But the Ways and Means Committee desires to let the very men who own and hold the money of the country escape taxation.

Mr. Chairman, I have letters from bankers in my district saying that they are patriotic and would not object to this tax. I have letters from national bankers saying that they would not object to a tax upon banking capital and deposits. Banks in the South and West will pay the bulk of this stamp tax. The great depositories in the East will largely escape it. My amendment proposes to include the colossal life-insurance companies also.

I believe that the banks should be taxed upon their capital and deposits, and these great life-insurance companies should bear a part of the burdens of the Government in peace and in war.

I believe that the wealth of this country should bear its just proportion of taxation. Fifteen thousand individuals in America own $31,500,000,000, nearly one-half of the wealth of this country, yet under our unjust systems of taxation they escape taxes almost entirely. Therefore I believe in an income tax. I believe that the decision of the Supreme Court overturning the law as it had been recognized for a hundred years was wrong. But we must bow to their will until the opportunity arises when we can change the personnel of that tribunal and wipe out this disgraceful and outrageous decision, or until their consciences compel them to render a just decision. Therefore I shall support the income-tax amendment proposed by the distinguished gentleman from Tennessee [Mr. MCMILLIN.]

Let us hurl back at the Supreme Court a just income-tax law and compel them to render a righteous decision and retrace the steps that our great judges traveled for nearly a hundred years—all the way from the Hylton case in 1796 until the Springer case in 1866. Such a tax will raise over $90,000,000 per annum. Let us throw the burdens also upon the great and rich corporations of the country that constitute the powerful and infamous trusts of the country. Make them respect the laws of this land and contribute their just quota of taxes. This Republican bill leaves them untouched and unscathed as the especial pets of the Republican party. Let us as patriots take these monsters by the throat and demand that they contribute their just share of taxes. You tax the poor man to the limit. Now tax these greedy cormorants to the uttermost. If you want to be patriotic and honest, make the Standard Oil Company contribute; make the great sugar companies pay; make the immense life-insurance companies contribute; make the great banking institutions put up a part of their gigantic capital and profits. An outraged people will yet drive you to this humane and just system of taxation.

I am bitterly opposed to another feature of this bill and shall

fight it to the death. You propose to issue $500,000,000 of coin bonds—which means gold bonds—just the amount proposed by Mr. Gage in his infamous measure in December last. That dapper little gentleman is now rattling around in New York City with the money ring trying to place those bonds and select his favorites. It is said that he has already prepared the plates for the engraving and issuance of that amount. He feels so certain that a Republican majority will lash this measure through the House that he has already fallen upon the bosom of his masters to deliver the message in order that they may begin to get ready to further plunder and rob the people. You say that it will only cost $300,000,000 to run this war the first year, and yet by this bill you seek to raise $600,000,000 at once. You want more than twice the amount provided to begin the late civil war. There is no shadow of excuse for this course; Congress is in session and we can each day or month this year provide the means for carrying on the war.

Ah, Mr. Chairman, this bond scheme means more than the sinews of war. It means misery, suffering, and death to the toiling millions for years to come. It means the perpetuity of the national banking system. It is designed chiefly to give the money power a new mortgage upon the resources, the bone and sinew of the land. It signifies that these bonds are never to be paid, but must continue as a permanent pedestal for the national-bank notes to rest upon. It is forced upon us now to fix for all futurity upon our children and children's children an enormous debt and burden to be carried on through the centuries to fatten the worshipers of Mammon.

I stand in my place here, as a Representative of my people, to denounce this bond issue as an infamous and disgraceful piece of legislation. It will entail more misery and oppression upon the people than the wars with Spain will bring to our nation.

I would to God that my people could escape the injuries of this gold-bond feature that is being forced upon a Democratic minority. But I can only do what a Democratic Representative should do—raise my voice against it and denounce it bitterly.

Let us coin the seigniorage of over $42,000,000, open our mints to the free coinage of silver, and issue Treasury notes redeemable in coin for $100,000,000 or more. Let us wipe out and destroy the unwarranted and illegal "gold reserve" and appropriate it for war purposes. We can do all this and carry on the war to a successful issue and never issue a dollar's worth of bonds.

I solemnly protest against this measure, and, standing upon this floor to-day as the Representative of a great district, denounce this bond feature as unjust, iniquitous, infamous! [Applause on the Democratic side.]

Mr. YOST. Mr. Chairman, I send to the Clerk's desk two amendments which I desire read and inserted in the RECORD.

The CHAIRMAN. The Clerk will read the amendments submitted by the gentleman from Virginia.

The Clerk read as follows:

Insert after line 16, page 30, the following:

"Palace-car and sleeping-car fares: On all tickets issued and fares collected by palace or sleeping car company or companies, 10 per cent of the amount charged or collected for such tickets or fares by said company or companies."

Strike out in line 23, page 27, the words "exceeding $20;" so as to read:

"Bank check, draft, or certificate of deposit not drawing interest, or order for the payment of any sum of money drawn upon or issued by any bank, trust company, or any person or persons, companies, or corporations at sight or on demand, 2 cents."

Mr. YOST. To-morrow, if the opportunity is afforded, when the House is in the Committee of the Whole under the five-minute rule, I shall offer these amendments to the pending bill. I desire them inserted in the RECORD, so that members may have the opportunity to examine them.

Mr. Chairman, war means sacrifice. The President acted wisely and well in endeavoring to avert by every means at his command an appeal to the last dread arbitrament. He knew something of war. He knew that in the fiery trail of Mars followed suffering and sacrifice, tragedy and tears. He knew that not only in the field, on the decks of our great battle ships, and in the fever-stricken camp would the dire consequences be felt, but that into every home the shadow would enter, and something of the hardship, if not the horror, of war be present there.

Bravely, manfully, he pleaded for peace. The highest courage did he show; the truest patriotism did he exemplify. Misunderstood by friends and maligned by enemies, conscious of his own purity of purpose, and looking solely to the welfare and best interests of those whose chosen representative he was, his course throughout the trying ordeal should bring him close and closer still to the hearts of the people. We who believed he was right then believe he is right now. But whatever beliefs we may have entertained and do entertain, whatever opinions we may hold not shared by others, this is not the time for their discussion. Our duty now is to provide revenue to carry on a war the signal guns of which have already thundered forth their message of destruction.

The treasure of the nation must be poured out by the million, and taxation harsh and hard to bear must be resorted to. None of us should seek to escape a fair contribution to the general fund which must be provided, and if the tax is equitably levied, few of us can escape. In laying the tax, however, regard should be had to the subjects of its levy. The burden should be adjusted so as to bear as lightly as possible upon shoulders already burdened in proportion to their strength. I can imagine something of the difficulties which confronted the Committee on Ways and Means in the preparation of this measure. They had just emerged from months of patient, conscientious investigation and tireless labor in the drafting of a tariff bill which covered the whole range of revenue production and, as a whole, was admirably apportioned. And the end crowned the work.

The trial to which that measure was subjected proved its adequacy and demonstrated its capacity to restore this nation to a business basis. Despite the unfavorable conditions with which at the very outset it was beset, despite the vast importations which came in under the lower rates and which deprived the Treasury of its just dues, despite the depression which prostrated every line of business, the Dingley bill in a few short months transferred the national balance from the debit to the credit side of the ledger and lifted the country from a condition of doubt and despondency to a plane of solid business prosperity. It transformed a debt-contracting into a debt-paying nation; it started the long idle wheels of industry; it restored public confidence, and, best of all, it set the wealth-creating power in motion by transferring a million men from the ranks of idlers to the ranks of industrial workers.

Responsive to the general conditions, the value of farm products increased, and every branch of production felt the healthy influence. The Committee on Ways and Means could well contemplate with satisfaction the work they had accomplished. But no leisure for such pleasant reflection was allowed. Suddenly, in a night, as it were, a new and different problem was presented. Almost before the quickest-brained could realize the drift of affairs, the country was plunged into a costly war, and millions were required to meet immediate and imperative demands. No time then to calmly survey the whole field of revenue production and nicely adjust the equities of taxation.

The cry was for cash, and cash at once. War was upon us, and war taxation was of necessity resorted to. Machinery for a quick and economical collection of such taxes was already in operation in the internal-revenue system, and so the subjects which could be most readily reached by that system were seized upon to supply the immediate demand. Necessarily a measure framed amid such surroundings was imperfect. The injustice and inequality of many of the schedules of this new bill must be apparent to those who carefully scrutinize them.

It can not escape notice that the heaviest part of the burden falls where the burden is already heavy. I shall not undertake to analyze the objectionable schedules, but I do want to call attention briefly to one or two of those which operate with particular hardship upon the people of the section I represent. I am aware, Mr. Chairman, that it is much easier to criticise than to formulate, and it is not for the purpose of merely criticising that I submit these remarks, but in the hope that they may be in some measure instrumental in at least modifying some of the harsher provisions of this bill.

Take, for instance, the tax on tobacco, which is doubled. The theory is that tobacco is more or less of a luxury; that the tax will ultimately be paid by the consumer, and that it will thus be widely distributed and become oppressive to none. If one stops to consider what this so-called luxury is already contributing to the support of Government, he might well pause to ask if it does not now bear its full share. It can hardly be called a luxury except in the sense that tea and coffee are luxuries; and that class of tobacco used by the poor—chewing and smoking tobacco—is taxed the heaviest. You double the tax there, whilst on cigars and cigarettes the increase is only 33 per cent.

Among the other oppressive schedules are the taxes on dealers in tobacco and on patent medicines, where the retail price will be increased. All these press heavily upon the poor and ought not to be resorted to. I shall not attempt now to discuss in detail the unjust provisions of this law, but content myself for the present with submitting the two amendments which I have sent to the Clerk's desk.

The first of these provides that palace-car and sleeping-car fares shall be taxed 10 per cent. What reasonable objection can be raised to this amendment? If those who travel in palace cars are required to pay the tax in addition to the present charge, not one in a hundred will ever feel it. Ninety per cent of those who indulge in this luxury could pay the additional fare as readily as they tip the porter. It would oppress none; rarely would it ever be felt. And yet it would yield as much to the Treasury as the tax on dealers in tobacco.

In 1893 the commissioner of railroads for Ohio, after careful investigation, estimated that every night 50,000 sleeping-car berths were made down, and that the average charge therefor was $3

per berth. This would mean $10,000 per day to the Government. Add to this 10 per cent on the increase since 1893 and a like percentage for the day fares collected and the revenue to the Government would not be less than $5,000,000 per year.

The other amendment which I submit strikes out the limitation on the amount of the checks upon which the tax shall be paid. The bill provides that all checks exceeding $20 in amount shall be taxed 2 cents each. Fully half the checks given are for less than $20. Why should not this tax be paid on all checks? The only reason assigned for the limitation is that some large concerns pay off their hands in checks, and that it might affect savings-bank depositors. It is safe to say that not 5 per cent of the employers of labor pay in bank checks.

The pay rolls are made up in cash, and the amount due each employee is placed in an envelope and handed him. Besides, this provision can be easily evaded, and it will be evaded. If any amount over $20 and less than $39 is to be paid, all that would be necessary to save the tax is to make out two checks instead of one. By this amendment the revenue from this source would be largely increased, if not doubled, and no one would be unjustly discriminated against thereby.

Mr. Chairman, as stated at the outset, I have submitted these amendments at this time so that they will appear in the RECORD, and thus, perhaps, challenge the attention of members. To-morrow in Committee of the Whole it will be in order to ask that these amendments be voted on. But what opportunity will then be afforded for offering them? Under the resolution adopted but one day is to be given to the consideration of the bill under the five-minute rule. We can not hope in that time to get consideration of amendments which are practical, and which, if the House had the opportunity to pass upon, would be adopted.

The whole day will doubtless be taken up in rehashing old campaign speeches on the income tax, the free coinage of silver, the issue of notes, and like talk. We know in advance that in order to carry forward this war and provide the million dollars a day it will cost, not only will taxes be increased and new subjects of taxation found, but that vast sums of money must be borrowed and the bonds of the Government be issued to raise this loan. And yet the prospect now is that the whole time allotted to amendments to this bill will be consumed in useless discussion of amendments which have not the slightest show of being passed, whilst those amendments which could be passed and which would in part lessen the oppressiveness of this measure will be denied consideration simply because certain gentlemen desire to make political capital and are seemingly indifferent to the real interests of the people.

What possible good can be accomplished at this stage of the proceedings by endless harangues over dead issues? The time for that kind of discussion has passed. We know in advance that a Republican House does not intend to incorporate an income tax in a revenue bill. It has some respect for the decision of the Supreme Court. We know in advance that a Republican House will not provide for an issue of bonds payable in gold or silver at the option of the Government. It has some respect for the credit of the nation, and knows at this time, when drains upon that credit are necessary, that every effort should be made to strengthen rather than impair it. Why, then, consume the time, which could be well employed, by thrashing over this old straw?

There can be but one answer. Some of the members are far more eager to serve political ends than to secure practical benefits for their constituents. And it is a noticeable fact that some of the very men who were loudest and most vehement in their demand for war, who would have precipitated hostilities months ago, and who were bitterest in their denunciation of the President and those who stood with him, are to-day seeking to tie the hands of the Government now that the full strength of the Government is most needed. This is no time for the manufacture of party capital.

The die has been cast. We have crossed the Rubicon. Whatever opinions we may have heretofore held, there should be no division of purpose now. Our fleets are on the seas, our armies are on the march, and the duty of Americans is to stand as one man in support of the fighting arm of the nation and to press the contest to a speedy and triumphant conclusion. To this end the revenue to sustain the cause must be raised, and he who undertakes at this late hour to embarrass the revenue-raising power by petty cavilings and criticisms for party purposes has little conception of his duty as a Representative or of the temper of the people.

If opportunity is given, I shall press for the consideration of the amendments submitted when the proper time comes, and shall do all I can to secure a modification of the tobacco, patent-medicine, and mineral-water schedules of the bill. If no change can be effected in the House, appeal will be had to the other branch of Congress. If in the end, however, the unjust features of the bill are not eliminated, we can only enter a protest and indulge the hope that the necessity for war taxation will not long continue, and that with the cessation of hostilities this burden will be immediately lightened, if not lifted. [Applause.]

[Mr. BRUCKER addressed the committee. See Appendix.]

Mr. SUTHERLAND. Mr. Chairman, on last Monday evening a caucus was held by the Populist and Free-Silver Republican Senators and Representatives to consider our position on the proposed measure embracing the bond scheme that is now under discussion. We adopted the following resolutions:

Resolved, That we oppose an increase of the bonded indebtedness of the United States, but we will promptly and cheerfully vote all necessary means to successfully prosecute the war by authorising further taxation, including an income tax, and authorizing the immediate coinage of the seigniorage, anticipating the same by the issuance of silver certificates, and by authorizing such an increase of the volume of legal-tender notes as may be necessary.

[Applause.]

On January 20, 1898, I voted for resolutions granting belligerent rights to the Cubans. I voted for the appropriation of $50,000,000 to be placed in the hands of the President for national defense. I favored and voted for the Senate amendment recognizing the Republic of Cuba, and, that proposition failing, I supported the conference agreement that passed both branches of Congress, that said that the people of Cuba are, and of right ought to be, free, and demanding that the Government of Spain relinquish its authority and withdraw its forces from Cuba and Cuban waters. [Applause.]

In this emergency I am willing to support the scheme of taxation provided for in the pending bill if the bond scheme is eliminated. I believe that in the struggle before us the wealth of the country should bear its just share of the burdens, and therefore an income tax should be imposed to the end that the man of millions as well as the laboring man should pay a fair proportion of the expenses.

More than $40,000,000 can be made immediately available by an act authorizing the coinage of the seigniorage, anticipating the same by the issuance of silver certificates. If sufficient revenue is not provided by these means, I favor a reasonable increase of the legal-tender notes or greenbacks. When the country was divided against itself and was passing through a four years' struggle, the greenback saved us, and will do so now.

I will support any or all of these propositions, but will not now support a proposition that means a mortgage on our posterity. With the hundreds of millions now in the Treasury and the money that can be raised by the plan of taxation provided for in this bill there is no occasion for the issue of bonds. When 70,000,000 people are engaged in the patriotic and glorious act of driving the Spaniard from the Western Hemisphere, avenging the loss of the *Maine* and upholding the Stars and Stripes, the speculator should rest content and, standing by, enjoy the glorious vision of a republic maintaining its honor and demonstrating its own fitness to exist. [Applause.]

If we need money to pay troops and salaries, buy guns and ammunition, equip and maintain ships, let us do as our fathers did thirty-five years ago—issue a noninterest-bearing obligation, and, with the resources of our country back of it, conduct the war to a successful conclusion. Experts estimate that our people are bearing a burden of indebtedness of more than $30,000,000,000. The people of to-day and the children yet unborn must pay this enormous indebtedness and the interest charges on it. I plead with you, gentlemen, to not at this time add to the people's burdens by providing for the issue of $500,000,000 of interest-bearing bonds. The Republican party ought not to fear legal-tender Treasury notes. The Hon. John Sherman, in his great Portland speech, in 1879, speaking of the Republican party, said:

We presided over the birth of the greenbacks and guarded them in the cradle.

You indorsed the Treasury note then, and your great leaders advocated it. Spaulding, the author of the law, and Thad Stevens, the great commoner, gave the influence of their mighty intellects in favor of it. Chase, the Secretary of the Treasury, believed the law ought to pass. Lincoln, the greatest character of the nineteenth century and whose memory will remain green as long as liberty endures and time is recorded, favored the measure that brought the ship of state safely into the harbor. Republicans before adding to the people's burdens ought to remember the teachings of the fathers, and in a reasonable degree adhere to the measures that stood the test of the crucible in the years gone by. [Applause.]

[Mr. PIERCE of Tennessee addressed the committee. See Appendix.]

Mr. DRIGGS. Mr. Chairman, this war with Spain has demonstrated one magnificent truth, and that is the spirit of devotion of the American people to their beloved land. [Applause.] This is not a war of party or section, but of us all. At the same time, however, we must realize that inasmuch as the goddess of political fortune has seen fit to favor the Republican party with the governing majority and power, that party will endeavor to conduct the

war somewhat along Republican lines and policy, and does it not behoove we of other political parties, not as partisans, but as Americans, in behalf of our common country, to assist the opposition in bringing this war to a speedy and successful termination?

There are many features of this revenue measure against which I am bitterly opposed. I do not favor the bond proposition, and would far rather have a war income tax, so that we might not be compelled to saddle posterity with a great war debt and interest charges, and also in order that we might pay as we go. Knowing, however, that I can not have what I, a partisan, desire, and realizing how necessary it is to have plenty of that sinew of war—money—I am willing to throw aside partisanship for citizenship, and will vote for this, to me, unwise feature of the bill.

I am forced further to favor this proposition in order that, no matter what may arise, the vastness of our preparations will make our Army and Navy so powerful that we can crush at the first real blow any force that may be sent against us. Is it not better to appropriate five hundred or even six hundred millions of dollars now than to allow this war to drag on until several billions of dollars will have to be expended and thousands of lives unnecessarily sacrificed? Do not let us count the cost, but let us grant enough money to give to the war arm of the Government the most absolute efficiency. [Applause.]

Mr. Chairman, in acting this way I am voicing not only my own sentiments but the sentiments of my party in Brooklyn, for at a great meeting of our Democratic general committee, representing more than 50,000 enrolled Democrats, the following, among other resolutions, was adopted:

Be it resolved by this Democratic general committee of Kings County, representing more than 50,000 enrolled Democrats, That we pledge our hearty and loyal support to our Government in this crisis, and that whether this war be long or be short, and we trust it will be short, we and those we represent will aid the constitutional authorities of our country by our means, our influence, and our personal service in bringing this war to a successful issue and in maintaining the flag of our country as the emblem of liberty and civilization.

[Applause.]

Speaking to this resolution, Mr. Bell, ex-chairman of the Democratic general committee of Kings County, said:

We are ready to defend the country, but not as partisans. Much as we love one party, we love our country infinitely more. We say as American citizens the Government shall be supported all the time in this contest, which we hope will be made short, vigorous, and decisive.

Mr. Grout, president of our borough, and a strong Bryanite, said:

The best partisanship is that which gives the best expression to American citizenship.

And now, Mr. Chairman, as the only Democratic Representative from Brooklyn, I desire to echo the sentiments of our general committee, for by pledging their support to this Republican Government they placed themselves above partisanship and upon the highest plane of loyal citizenship, and I believe, sir, that "the right" of the action of the Democrats of Kings County will make us all powerful in the future to battle for the principles of the party that we love so well and that has for its primary truths equal rights and equal privileges and not exclusive rights and few privileges.

I am proud of my home city, but I am prouder of the Democrats of that city, for their one cry is, "My country—right or wrong, my country!" [Applause.] Mr. Chairman, I believe further that every member of these Houses of Congress has so conducted himself during this history-making epoch that the world of to-day and the posterity of the future will say that we were believers in and defenders of the doctrines of freedom, national honor, and humanity as established by our fathers.

I have no desire to eulogize the body of which I chance to be a member, but is it not true that "to merit the applause of one's country along the difficult path of duty is the highest honor that can be bestowed and the most laudable ambition to which a man may aspire;" and now what is my individual duty?

Ah, sir, remembering the *Maine*, not forgetting the *Virginius* or the Crittenden atrocity, and knowing that the United States was the best friend Spain ever had, and keeping ever fresh in mind the horror, barbarism, and cruelties of Spanish colonial rule, my duty is to stand by the opposition and aid them by appropriating all the money desired for the conduct of this war, for the American people are judge and jury in this case, and if the Republican Administration misuses these war funds, the voters by their ballots on election day will render a verdict of guilty, for ye have betrayed your trust and have been weighed in the balance and found wanting. [Applause.]

Mr. LINNEY. Mr. Chairman, there is a spectacle presented to the United States that is truly inspiring. President McKinley is now the head of the patriotic forces who propose to vindicate the national honor, and William J. Bryan is a member of that august Army, the grandest spectacle, I say, that has ever been presented to any people. But a few months ago they were arrayed in fierce conflict, each being the leader of a separate antagonistic line of thought; but when the national honor is involved, the defeated champion of one line of thought, recognizing the patriotism and wisdom and superb courage of his competitor, forgets the past, forgets the stings of the past, and goes into the Army of which his honored competitor is at the head, a glorious example to my brother Democrats on the other side. [Applause.]

Mr. SHANNON. Will the gentleman from North Carolina allow me a question?

Mr. LINNEY. Certainly.

Mr. SHANNON. Did we not have another illustrious example of that thirty years ago when Douglas came to the aid of Lincoln?

Mr. LINNEY. Yes, I believe that is so; but Douglas did not represent all the opposition; he only represented one-third of it, and he stood as a lion in the Senate in support of the war policy of President Lincoln. [Laughter.]

Now, in this case what does it present? It teaches all of us a lesson. Some of our brethren on the Democratic side of this House have to-night used the expression "want of patriotism," and have attributed it to our side. Why, gentlemen, you were mad when you said that; you did not mean to say it. There is no "want of patriotism" on either side of this House, any more than there is "want of patriotism" in that grandest American, William McKinley, and that next grandest American, Mr. Bryan. They are both splendid representatives of valor, courage, patriotism, and statesmanship. Many of the best representatives of courage and intelligence on each side of this House politically have tendered their services to the Government in this war emergency.

General WHEELER, a valiant, dashing, Confederate war officer and now an active Democrat, will in all probability become a member of that same army with General CURTIS, a gallant Federal war officer and now a Republican. As far as it is possible for the people of the United States to suspend their politics and act solely as American citizens it will be done. And this war will, to a large extent, be divested of any political significance except in so far as the wisdom displayed by the party in power while it is being waged must of necessity have its influence on the popular mind. Statesmanship and merit displayed in its prosecution and the peaceful ending of the war always commands respect and support of the party in power.

My friends, we can not afford to get mad in this House. A mad man has not any more sense than a horsefly with his head off. [Laughter.] Why, sir, the great generals of the past have been calm and philosophic. Did not Cæsar leave upon record the most glittering gems of literature written in the very presence of armies, under as much excitement as the booming of cannon and the glittering bayonets now produce? The immortal Grant and Sherman, Lee, Jackson, and Longstreet were all cool and philosophic while on the field of carnage. And when we come to this House we can not afford to get mad. Cannons are not used here; bayonets are not used here; neither should books be used in anger, but in a way to command the admiration of the thinking world. [Laughter.]

Here we have the conflict of opinion; the only frays we can have here are intellectual. True it is that war stirs up passion. The hot waves of war fury may beat without and against these granite walls, but must not enter this Chamber. This being the case, Mr. Chairman, I think you can afford to examine carefully and minutely every revenue bill that is offered here looking to the support of the armies in the field. This war, of course, is now upon us by the consent and vote, I believe, of every member of this House save six. Being in the fight, we must show ourselves men. Many of the Republicans and some few of the Democrats were slow to bring themselves in line; but all being now in, we should show ourselves men, men upon the field of battle, as will be shown by our constituents—not very much by us, I reckon. [Laughter and applause.]

But while our armies are shedding additional luster upon American valor we should equal them in point of moral courage and allow no unwise or mean thing to reach our statute books under the cry of patriotism or any other influence. This House should, at every stage of the war, at least emulate the example of our Captain-General, the President of the United States. Notwithstanding the wrongs of Spain and the inhuman treatment of the Cuban patriots, the President now, I believe, before a single soldier's life has been lost, except the brave ones who manned the *Maine*, enjoys the confidence and admiration of every true, intelligent American.

The sober judgment of our forefathers perpetuated in the messages of our great Presidents, touching the principles of international law, were respected and had the force of precedent. Tested by the reasoning of the great war Presidents in great emergencies like this, our President is both a moral hero and a splendid representative of the superb soldierly qualities so often displayed on the field of battle. Both by education and service on the field President McKinley is perhaps better qualified to guide the ship of state through the fire flames of the most boisterous and tempestuous scenes than any other living American. Let us consult Presidents Taylor and Fillmore on this subject, in order to get the truth and silence unjust criticism.

President Taylor knew much of war, and had studied the principles of international law. In his inaugural address, he expresses himself as follows:

As American freemen, we can not but sympathize in all efforts to extend the blessings of civil and political liberty, but at the same time we are warned by the admonitions of history and the voice of our own beloved Washington to abstain from entangling alliances with foreign nations. In all disputes between conflicting governments it is our interest, not less than our duty, to remain strictly neutral, while our geographical position, the genius of our institution and our people, the advancing spirit of civilization, and above all the dictates of religion, direct us to the cultivation of peaceful and friendly relations with all other powers. It is to be hoped that no international question can now arise which a government, confident in its own strength and resolved to protect its own just rights, may not settle by wise negotiation, and it eminently becomes a government like our own, founded on the morality and intelligence of its citizens and upheld by their affections, to exhaust every resort of honorable diplomacy before appealing to arms.

President Fillmore, the great and learned Whig President, expressed himself in his first annual message tersely, as follows:

Nations, like individuals in a state of nature, are equal and independent, possessing certain rights and owing certain duties to each other, arising from their necessary and unavoidable relations, which rights and duties there is no common human authority to protect and enforce. Still they are rights and duties binding in morals, in conscience, and in honor, although there is no tribunal to which an injured party can appeal but the disinterested judgment of mankind and ultimately the arbitrament of the sword. Among the acknowledged rights of nations is that which each possesses of establishing that form of government which may be most conducive to the happiness and prosperity of its own citizens, of changing that form as circumstances may require, and of managing its internal affairs according to its own will.

The people of the United States claim this right for themselves, and they readily concede it to others. Hence it becomes an imperative duty not to interfere with the government or internal policy of other nations, and although we may sympathize with the unfortunate or the oppressed everywhere in their struggles for freedom, our principles forbid us from taking any part in such foreign contests. We make no laws to promote or prevent successions to thrones, to maintain any theory of a balance of power, or to suppress the actual government which any country chooses to establish for itself.

We instigate no revolutions nor suffer any hostile military expeditions to be fitted out in the United States to invade the territory or provinces of a friendly nation. The great law of morality ought to have a national as well as a personal and individual obligation. We should act toward other nations as we wish them to act toward us, and justice and conscience should form the rule of conduct between governments instead of mere power, self-interest, or the desire of aggrandizement. To maintain a strict neutrality in foreign laws, to cultivate friendly relations, to reciprocate every noble and generous act, and to perform punctually and scrupulously every treaty obligation—these are the duties which we owe to other states, and by the performance of which we best entitle ourselves to like treatment from them; or, if that in any case be refused, we can enforce our own rights with justice and a clear conscience.

Notwithstanding the weight of this authority, all tending to show that "He that passing by meddleth with the strife of another is like the man who holds a dog by the ears," after the blowing up of the *Maine* in the harbor of Havana war was inevitable. Presidents Taylor and Fillmore would have been even more conservative than President McKinley. It was wise and patriotic in our President to try by diplomacy to avert war, with all its horrid consequence in sacrifice of blood and treasure. He proposed the only remedy which can drive away the war clouds and defend the nation's honor and save the blood of his country.

Inspiration teaches that the soft answer subdueth wrath. Time, diplomacy, to the philosophic mind of our great President, being in harmony with the voice of God, as an assuager of both private and national wrath, was the remedy which should first be applied. After the blowing up of the *Maine* the temper of the American people was such that war was inevitable. I was of opinion that the President was right, and by my vote endeavored to stand by his policy, in the hope that a war, even with this weak and mean nation, might be averted. I felt that in voting for war I was voting to open tombs for some of our brave boys, one of whom was worth more than the whole Island of Cuba and every Spaniard on it, and our own people there could come away at the expense of our Government.

When, however, war was inevitable, I voted with the overwhelming majority of the House, yielding somewhat of my views with a desire of having harmony and unity in the strife to come, unity on the part of the House of Representatives in its resentment of the insult offered to our flag, amounting, in my opinion, to an act of war in blowing up the *Maine* and destroying the lives of the brave men of the *Maine*, and unity in our sympathies for suffering humanity on the part of the patriots of Cuba. But, Mr. Chairman, what is our duty here now? In the first place, we are to consider something of the character of the job in hand. What have we got to do? I believe, gentlemen of the House, that some of us are a little excited about this matter. I do not believe that Spain is much of a nation.

I believe we can wipe her out almost as easily as the late President Cleveland killed a duck [laughter], and even with more success, as illustrated in the achievements already of our battle ships. At any rate, the probabilities are that the war can not amount to much. Many lives will probably be lost, principally by disease, but the war will be a small affair in comparison with the great conflict between the States. Why, sir, where is Madrid, and where is Cuba? Madrid is 4,000 miles from Havana, and Cuba is only 101 or 102 miles from the United States.

A MEMBER. Eighty-five miles.

Mr. LINNEY. Only 85 miles from the United States. Spain has been indulging in her own cussedness for over two thousand years, until she has well-nigh exhausted herself. She is without the sympathy of any Christian nation on God's green earth. She is regarded as the pirate of the world, without sympathy anywhere, without a record for military genius on the part of her generals or for any superb courage like that which the American soldier displays in every contest. She stands foremost only in barbarity and cruelty. Therefore the other nations of the world are in sympathy with this Republic to-day, and no other nation in this universe is likely to extend any aid or influence in behalf of Spain.

Scipio expelled the Carthagenians from Spain in 206 B. C., and a constant war of about two hundred years followed and the turbulent disposition of the Spaniards can be traced in one broad line of blood, seldom broken, down to the present. History records that for a period of forty years in the history of Spain there was little less but civil war among the factions. Jealousy, hatred, distrust of one another, open revolt, successful rebellions, forced submission, and a longing for revenge had signalized them. The marriage of Ferdinand and Isabella was the beginning of the greatness of Spain, and Spain for a while was counted among the great powers of Europe.

In A. D. 1504 Queen Isabella died, and the last check upon the meanness of Ferdinand was removed. The dreaded Spanish fleet, her webfooted warriors, in the light of history, do not inspire terror. In Spain's effort in 1779 against England to regain Gibraltar, although the war was carried on for three years and seven months, Admiral Rodney defeated a Spanish fleet of superior force off Cape St. Vincent. Peace between Spain, France, and the United States and England was signed at Paris the 3d of September, 1783. Spain received Minorca and Florida. Spain's aid of Columbus contributed largely to her gaining a foothold in America, but encouraged by the example of the United States, the Spanish colonies in America renounced their allegiance to Spain in 1810 generally. Spain's cruelties, kept alive probably by the Spanish Inquisition, were felt in Florida in 1542 in the massacre of a Protestant colony.

In fact, up to the beginning of the seventeenth century Spain had reaped the greatest advantage from the settlement of the New World. Cuba, West Indies, Mexico, Central and South America were governed by viceroys, and the large Spanish population which occupied it was rapidly increasing. Before the close of the century the exports of the precious metals amounted to $20,000,000 per annum. The immense commerce between Spain and her colonies, by which the rich products of the colonies were exchanged for Spanish merchandise, inured greatly to the benefit of Spain. But Spain can not prosper; the Spaniard is naturally despotic, narrow-minded, and bigoted.

The Huguenots of France obtained a commission for that purpose from Charles IX, and sent Jean Ribault on a voyage. Ribault settled a colony of Protestants at St. Augustine, Fla., now the oldest town in the United States by forty years. Under Spanish directions the Spanish general, Melendez, with an army, captured and massacred the settlers. Spain's intolerance has greatly stirred up the great indignation of the Protestant world. The Spaniards are probably the only people of the world that could not maintain a republican form of government, even with the example of our own matchless form to guide them. Time and time again by the upheavals and civil wars in Spain the crowned heads have been thrown from power, but the Spaniard is incapable of self-government, and these revolutionists have relapsed into the slavery condition of the meanest subjects.

The loss of power by Spain has only kept pace with her bigotry and its legitimate daughters, despotism and injustice. Spain may be entitled to the commiseration of the philanthropist, but not to the admiration of anyone. Nations, like individuals, are largely what their environments make them. Among the most potent influences that shape and mold the character of a nation are its laws and lawgivers. The Spanish Inquisition has necessarily had a great influence on the inhabitants of Spain. No nation can be great or command the respect of Christian nations upon whose national life the degrading and brutalizing tendencies of the Inquisition has left deeply marked traces of its cruelty and inhumanity. Punishment of heretics by death was practiced first in the fourth century, but the Inquisition proper arose in the twelfth century. It was developed in the thirteenth century by Pope Innocent III.

The Spanish Inquisition was, however, recognized and put under the control of the state at the end of the fifteenth century, and became especially noted for its severity and the number of its victims who were burned, according to the sentence of the secular authority. All the known atrocities of this inquisition would require volumes to relate. Mr. McCabe, in his new History of the World, in speaking of this inquisition, refers the student of history to the auto-da-fé, the judicial process and judgment. The declaration of judgment was usually made with much solemnity in an

open place. The crimes were public professions of heresy, apostacy, witchcraft, etc. The poor convicts were brought from prison dressed in the sanbenito or robe of defamed criminals, which was worked with a cross and other designs, sometimes with grotesque scenes of infernal characters or torments, and varied in its color and pattern, in accordance with the severity of the sentence passed. The methods of inquisition were suspended in France in 1772, but obtained in Spain until 1834. The Congregation of the Holy Office still exists in Spain as a branch of the Papal system, but its chief concern is now with heretical literature; so that, according to Spanish legal and religious thought, at least one-half of the citizens of the United States would stand before the Congregation of the Holy Office as criminal authors of heretical literature. Such narrow-mindedness, bigotry, and intolerance necessarily degrade a nation, so that it can not claim the respect or sympathy of any Christian nation. No wonder all the advantages of the discoveries of Columbus have been lost to Spain. Such a nation can not long be either strong or free.

Owing to the distance from the United States to Spain, and from Spain to Cuba, and all these other infirmities that now attach to Spain and make her weak, this Republic of ours can not reasonably employ more than 200,000 troops to free Cuba. In fact, if Spain could not subdue the small army in Cuba in three years, how long now will it take Cuba and the United States combined to subdue Spain to the extent of depriving her of her dominion over the Island of Cuba? In all probability there will not be a Spanish soldier willing to fight the insurgent Cubans in three months from to-day. The American blockade of the Spaniards will drive them away if nothing else is done by the United States. Things are now reversed in Cuba. The Spanish soldier fighting for Spain will starve, while the Cuban patriots will not want for bread or powder and lead. Certainly this Congress should make liberal appropriations for this war; but we should limit our appropriation of the people's money to something somewhere in the range of reason.

The probabilities are that this war can not cost one-fourth as much as the late civil war between the States, and yet the present bill carries $680,000,000 in internal-revenue taxes and bonds to be sold. The war expenses of 1864 amounted to $800,000,000—only $110,000,000 more than this bill carries for the first year of the war with Spain. If I thought it were necessary, I would cheerfully vote for this frightfully large appropriation, and I have no doubt that the constituency I have the honor to represent would say I did the proper thing; but when the war may end before next December, and all the estimates that I have heard of do not exceed $200,000,000 up to that time, even if the Spaniards should fight like demons to their full capacity, it does seem to me that it is unwise to fasten a bonded indebtedness of $500,000,000 and an internal-revenue tax which operates unequally upon the States of the Union, which the next quarter of a century will find unpaid. I can not shut my eyes to the shocking inequalities of the burdens imposed by this measure.

It is not a party measure in any sense, and should not be. Intelligent Democrats will in some instances vote for it. Many intelligent Republicans disapprove it, and some will vote against it. Its inequalities in its taxation consist in this: There is an increase in the tonnage tax on vessels in the foreign trade of only $2,000,000. The great State of the Union, New York, is interested in this more than all the South and West. The increase of the tax on beer is $33,000,000, probably not more than 30 per cent of the value of the product; while the increase on tobacco is $25,000,000, a product chiefly raised in four States of the Union. There was raised in the United States in the year 1897 about 450,000,000 pounds of tobacco, valued at $35,000,000. The entire tax on this product of four States, if this bill becomes a law, will be $40,000,000, $5,000,000 of taxes in excess of the actual value of the product taxed. But it is said that tobacco is a luxury only, and not necessary to human existence. So it is; but how about beer? The healthiest men of the United States have never tasted beer. Tobacco, it is claimed, in its use answers the demands of an actual want. It prevents inconvenient and injurious corpulency. Beer produces corpulency and makes war upon the vitality of men.

In any of the large cities you frequently meet victims of beer, the beer drinkers, and note their unnatural condition. The result of drinking beer excites our commiseration and pity, yet beer is not taxed over 40 per cent of its value, while tobacco is taxed over 100 per cent of its value, and has an odious retrospective feature attached by this bill. Although the purchaser may have sold it under existing law and the manufacturer may have actually paid the taxes under existing law, yet he must pay it again. This is wrong and the additional tax is wrong to the producer. The friends of this tax contend that the consumer pays it all and the planter never feels it. Let us see how that is. Suppose North Carolina's tobacco planters should make 10,000,000 pounds of tobacco this year in excess of her consumption of tobacco and that amount should go upon the market for sale. Suppose Pennsylvania should make 10,000,000 pounds of wheat in excess of the wheat consumed in that State, and both tobacco and wheat should be taxed; would not the consumer pay the taxes as much in the case of the wheat as in the tobacco? By that process of reason, the advocates of unequal taxation could always prove that the consumer paid the burden, and that therefore taxation was a godsend to the producer. The fallacy of the argument consists in the failure to recognize the fact that in all systems of taxation, and especially where a specific article is selected to bear more than its ad valorem tax, the man at the bottom or beginning of the enterprise, the producer, in part at least, must bear the burden.

In proof of this proposition you have but to look at the temper of the manufacturers of tobacco from the leaf into plug or cigars. They have bought their present stock; their prices were to some extent regulated by the taxes existing at the time of their purchase. The planter also considered it, and both the planter and manufacturer, being mutually interested in the enterprise, kept their eyes steadily on this burden, this clip in the value of the product, in determining the price. Now, the manufacturers say: "The present bill is unjust to us, in that we bought our leaf tobacco from the barns in view of existing law, and in many instances have paid the taxes, and have obtained the authority of the Government under the seal and stamp of the Government to place this tobacco on the market. We have also operated our factories upon this basis; trained and untrained labor has been employed under existing conditions. We have contracted to sell our product at fixed prices, and now, after all this has taken place, the Government confuses, demoralizes, and for the time almost paralyzes the enterprise by placing a tax on tobacco which, when added to the present tax, is more than the value of all the tobacco in the United States."

I am every inch a North Carolinian. When I want the best thought of the age, I survey the entire intellectual field for light, as far as I am able. The late Judge Mitchell used to teach the North Carolina farmers that the cultivation of tobacco was the one great agricultural pursuit there. We are just beginning now to realize its truth. In fact, it is the greatest friend to the energetic, ambitious youth seeking to break the chains of poverty that bind him. The professions are all crowded. Henry VIII said concerning the member of Parliament who complained to the king that the king's artist had insulted him: "Well, I can make twelve members of Parliament out of twelve plowmen, but I can't make one such artist out of twelve members of Parliament." So twelve bright boys, sons of the plowman, may become twelve skilled tobacco growers who annually add much to the production of the country, but you may not add one pound of production of any character from the life's work of twelve professional men.

I deny also that a tax on tobacco or any other article to more than its value in the markets of the world benefits anyone, either producer or manufacturer. Let us see: Tobacco has at all times during the life of the United States, and long before, been regarded as valuable property. At one time in Virginia it was receivable for debts. The parson's tax was paid in tobacco, and old Patrick Henry immortalized himself in his great speech in the parson's tobacco-tax case. Then only a few hundred thousand pounds of tobacco were produced in the United States. It has grown until the exports of tobacco from the United States in 1897 was about 400,000,000 pounds, valued at $24,711,446.

There was a period in the history of the United States, from 1816 to 1862, that tobacco was not taxed at all by the Federal Government. In 1862 the production of tobacco amounted to 434,183,561 pounds. Then there were no taxes upon it by the Federal Government. The planter grew and sold it just as he did his cattle or his potatoes. No part of our farmers succeeded at anything else so well. Since the imposition of Federal taxation on tobacco, the producer, with only exceptional instances, where he produced exceptionally fine tobacco, has not realized as much for his product as he did during the forty-six years when it was untaxed, and the total production now is very little more in the United States than it was in 1862, being now 488,000,000 pounds, and in 1862, 424,000,000 pounds, while the population of the country has increased more than 100 per cent.

If that is true, as a fact, then it proves conclusively that such a tax as this bill proposes will injuriously affect the planter, manufacturer, and all interested in the enterprise. There are, Mr. Chairman, many wild and visionary ideas afloat about the blessings of war. War has no blessings; war is hell harnessed. An enthusiastic believer in the idea that war will bless this country by stimulating trade and business stated to me that we were going to have good times as the result of war. Well, I once heard of an individual who, possessing $9,000 in cash, spent it in one great debauch. He had a good time, possibly, during the debauch, but when it was over twenty years or more were necessary for him to recuperate both in purse and character. So war is a great national debauch.

Possibly the use of articles of production and consumption may be increased with the war exigencies, but to fight a war with interest-bearing nontaxable bonds at the rate of $500,000,000 every seven months, for I take it the Committee on Ways and Means

think it will take this much to run the Government until Congress meets in next December—should the war last four years, we will have a country so burdened with nontaxable interest-bearing bonds that will not add one dollar to the volume of currency, and the war greenback did in the war between the States, that our country will not be the happy country that it now is for the surviving heroes of the war to return to.

I think the amendment of the honorable gentleman from Pennsylvania [Mr. BRUMM], proposing to issue $150,000,000 of greenbacks in lieu of so much bond issue and internal taxes, should be adopted, for the reasons stated by that gentleman in the very elaborate and powerful argument he made on this floor. But, Mr. Chairman, if I am wrong in my views as to the proper legislation necessary to supply war money, there is another reason why this large expenditure should not be made at this time. We are legislating as though it were absolutely certain that we had a war upon us of the magnitude of the late war between the States. The probabilities are that this is a mistake.

Even if we contrast the American with the Spanish soldier, and the conditions of want of wealth on the part of the Spaniards to prosecute the war, want of sympathy from any part of the universe, and the great distance from Cuba to Madrid, to say nothing of the utter want of an inspiring cause to fight for on the part of the Spaniards, our soldiers are so vastly superior to the Spaniard that there can be no probability of the war lasting long. True, 4,000 miles on the seas furnishes the Spanish ships a good opportunity to run; but our pursuit with the men necessary to man our *Monitors* and *Merrimacs* will not be as costly as the naval conflicts of the late war.

When the North of us was arrayed against the South of us, we could scare up a fight almost any time within a hundred miles of the capital at Washington or Richmond. Why? Because the dashing, gallant South would not run, and often advanced upon the sturdy columns of the cool and calculating forces of the North. Sir, what sort of soldiery have we? It is not right to boast of ourselves, of course; let other people boast for us; but the natural results of our system of government and of the physical, intellectual, and moral condition of our people growing out of this new form of government, the world's best hope, will necessarily drive the human mind to the conclusion that here in America is the very best intelligence along the lines of statesmanship, and the very best soldiers and the best military genius the world has ever seen. We have here the highest type of manhood necessary to enact proper laws, and the very best military material to execute them, all the result of the molding influence of our matchless system of government.

What does history show us? Take the battle of Kings Mountain, for instance, fought down here in North Carolina. That battlefield, perhaps, is on the edge of the South Carolina line, but we certainly claim our share of it, and as the gentleman from South Carolina is not here, I think I may claim it all for North Carolina. [Laughter.] On Kings Mountain Ferguson, with his well-drilled troops, took a position, and he declared that by reason of his superior intelligence as a general, by reason of the superior discipline of his army, and by reason of the superiority of the weapons he had and the position he had selected that "God Almighty could not drive him from the heights of Kings Mountain." Yet old Ben Cleveland and McDowell, Campbell and Severe-Nollichucky Jack, took a crowd of squirrel hunters who knew nothing of the manual of arms, men who carried their arms upon their shoulders as if they were hunting squirrels—those men ascended Kings Mountain, assailed this giant in his stronghold, killed him, and routed his army. Four days afterwards the battle of Guilford Court-House was fought by untrained volunteer troops, and the arms of the colonies from that time on were triumphant.

One hundred and fifty of the enemy at Kings Mountain, including the commander, lay dead on the mountain; 810 were wounded and prisoners. All this soldierly bearing was because the American fights for his own crown. These men fought to be each a little king and not as serfs fighting for a king. Our soldiers now are even better than the heroes of Kings Mountain. Why? Because the heroes of that day fought in anticipation of a larger share of liberty to the subject. We have been the beneficiaries of their fond hopes and dreams for over a century. We know what it is to represent in our own individuality sovereignty; what it is to be little kings.

When the American soldier buckles on his armor it is to fight for himself, and hence it is that it only takes six weeks, as stated by General WHEELER on the floor of the House, to so drill the raw citizen soldier to make the best soldier of the world. They beat the Regular Army men, who often join the Army for money only. I have tried to have it put into our war bills that every company and regiment of volunteer troops shall elect their own officers. They may do it now, unless the Secretary of War and the governors of the States should make orders against it. The best officers of the army of the Confederate States were elected by the companies and the regiments. When the little kings go to engage in the most hazardous and most patriotic enterprise they should be allowed to cast their votes in selecting the officer who is to command them amid the fire flames of war and the solemnities stirred up by the death rattle of the dying heroes. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

[Mr. LITTLE addressed the committee. See Appendix.]

Mr. PETERS Mr. Chairman, I desire to here and now enter my protest against the passage of this bill. It is wrong. Especially that portion of it which proposes to issue five hundred millions of interest-bearing bonds is iniquitous and fraught with untold danger. Many of those who advocate the passage of the bill under the plea of war necessity admit that in general the issuing of bonds is wrong, but offer in extenuation that in this instance the end justifies the means. I can not see the virtue in doing evil that good may come. As in the beginning we, without one dissenting voice, voted the fifty millions appropriation for preparation for this war, so now we are unanimous in agreeing upon the necessity of providing sufficient money to prosecute it; but we can not all agree as to the methods proposed by the Republican members of the Ways and Means Committee. Those of us who presume to object to that part of the bill which proposes to issue interest-bearing bonds are branded as unpatriotic.

Mr. Chairman, if there ever was a much-abused word, it is the word patriotism as applied during the recent debates here and in the goldbug press of the country. When the Administration and its supporters were resorting to every trick and subterfuge imaginable to stave off and prevent the recognition of Cuban independence, they did it in the name of patriotism. They were at the last coerced into action by the rebellious spirits in their own party who were threatening revolt. Under this pressure the resolutions they passed were far in advance of the position of the Administration as indicated in the President's message.

They were absolutely forced into the position for which the minority on this side had been struggling for more than a year. And now some of these Pharisees have the effrontery to announce that they alone are the exponents of patriotism. It is time for an end of this vulgar display of partisanship and offensive exhibition of power. Those of the minority who by arguments, entreaties, and threats were urging prompt and decisive action recognizing Cuban belligerency, which would give the Cubans the opportunity to win their own independence and thus avert the catastrophe now upon us, were branded as agitators, jingoes, and everything else but patriots.

When the great war storm went surging over the country, sweeping everything before it and driving the Administration and its followers into a recognition of its plain duty, then began the hurry and rush of Republican legislation—all in the name of patriotism; no time for deliberation; no serious consideration of any question, however important. Any opposition to this precipitance is branded as unpatriotic. Mr. Chairman, all this talk about patriotism is mere partisan bombast. We are all patriots, and we are all, except a few people up in New England, eager to bend every energy toward the vigorous prosecution of the war.

In one county of the district which I have the honor to represent there are enough volunteers to fill the quota for the whole State. But where is the patriotism which would jump at the chance to fasten an incubus of debt upon our already overburdened people merely to furnish the opportunity for speculation to those who are fattening off of the necessities of others? We know that behind all this talk of patriotism and harmony lies concealed the purpose to use us as cat's-paws to pull Republican chestnuts out of the fire.

No man is more zealous than I for a united nation. I want perfect union not only in this generation, but as a heritage to future generations. By imposing upon posterity a burden of bonded indebtedness laden with the equivocal word "coin," we bequeath to them a veritable Pandora's box of discord and dissension; nay, more; we sow the seeds of evil which, if left to its full fruition, will culminate in revolution. You call us calamity howlers, prophets of evil; but it requires no gift of prophecy to foresee the results of this present vicious and iniquitous system of playing into the hands of the money changers and grinding the face of the poor. The distinguished gentleman from Iowa [Mr. DOLLIVER] in a fine burst of oratory gave utterance to the following contradictory statements:

> What we are about to do, however it may minister to the present satisfaction and moral comfort of the community, concerns posterity vastly less than it concerns us. It is hardly credible that we are going to belittle the whole proceeding by leaving the expense of it to be borne by future generations.

That very thing this bill proposes to do. By enacting this bill into law we leave a large part of the expense of the war to be borne by future generations, and this war entered into with a high and holy purpose is robbed of the halo of glory with which we would invest it in the eyes of the future historian. Those who

dare to oppose this bill which proposes, among other things, to issue five hundred millions of bonds, according to some of the Republican politicians and not a few of the blatant goldbug newspapers, are "internal enemies."

The New York Commercial of April 26 contained an editorial the opening and closing sentences of which I quote:

It is not putting the case too strongly to say that the Administration may not only have to fight the Spaniards in front, but the Populists and Congressional Free Silverites in the rear. * * * This is a case in which public opinion must be aroused and these internal enemies given an ultimatum as short and sharp as that which was sent last week to Madrid.

Mr. Chairman, the concluding sentence of this editorial epitomizes the attitude of the Republican majority of this House. The Democrats and Populists have all through the crisis through which we are passing shown a willingness to make every possible concession in order to promote harmony and uphold the President in prosecuting to a successful issue the great task he has before him. Concession after concession has been made in pursuance of that end. The alacrity with which the people, without distinction of party, are responding to the President's call for volunteers demonstrates that the nation is a unit in upholding the President in a vigorous prosecution of this war. The Democrats and Populists throughout the country have laid aside party prejudice and are working shoulder to shoulder with the Republicans.

The Populist governor of my State appointed to the most important military position in his gift a Republican, the son of a Republican ex-Congressman. On the other hand, the Republicans in this House have made no concessions whatever. They are taking advantage of the exigencies of the hour, and are attempting to enact obnoxious Republican legislation calculated to advance the interests of the party. It has been proclaimed by leading Republicans upon the floor of both Houses that this is a Republican war. In the Senate even the name of Bryan has been dragged forward in order to solidify the Republican ranks by appealing to party prejudice. If there is a word which strikes terror to the heart of a Republican, it is the name of William J. Bryan.

In the midst of all this war excitement the Republicans have spent more valuable time in putting out Democrats and seating Republicans than they have given to deliberating upon war measures. But yesterday a Democrat who had a majority of several thousand was unseated for a Republican. The time has come when it is necessary to call a halt. After all our patient yielding to the majority and setting aside, as it were, fealty to our party for the sake of the greater love we bear to our country, we are branded as "internal enemies" because we dare to oppose this radical Republican measure. We are given to know that we ought to be forced into line, and in no gentle manner, either; no coaxing, no argument, but an "ultimatum." It is time to define our position.

We are with you in every measure which does not conflict with our sense of right and justice to the common people. While we are weeping over the wrongs of suffering Cubans, let us not forget that we have millions of poor at home whose rights we dare not ignore. Charity begins at home. While protecting the helpless abroad, we have helpless ones at home who need protecting. We protest against the infamous policy which would entail upon our own people a yoke of bondage like the Spanish yoke in Cuba. Shall we free the Cubans by enslaving our own children? Had we not better leave the wretched Cubans to their fate than commit the atrocity of fastening upon generations yet unborn the shackles of a bonded indebtedness? It was the enslavement to bonded indebtedness which in the first place drove the Cubans into rebellion and culminated in the present tragedy. The necessity for issuing these bonds does not at present exist.

We have already appropriated fifty millions for preparation for war. There are more than two hundred millions in the Treasury. As we have waited until the commencement of the rainy season, it is out of the question to begin active hostilities with the Army on Cuban soil before the autumn. Why this undue haste to provide for an exigency which does not exist? There are other practical and feasible methods of raising a war revenue which will more equitably distribute the burden of taxation. It is not sufficient extenuation of this bond scheme to say that, by being of small denominations and at a low rate of interest, they will become popularized. That is only an adroit method of sugar coating the pill and reducing the size of the dose so as to make it more easily swallowed. We all know that it will contract the currency by withdrawing it from circulation and will serve to put additional power into the hands of the money kings. The burden of tax will come off of the poor. A poor man has no use for a bond. The scheme only affords fresh opportunities for speculators and sharks, who are always on the alert to profit by such exigencies as this.

We shall soon witness the spectacle which has been presented here in this House for the past twenty-five years. Whenever a money issue has been before this body, the Northern Democrats have always voted with the Republican party. Here is a measure claiming to be a war measure which will be of incalculable benefit to the North and East, but which will tax the South and West. And we shall doubtless see these so-called Democrats line up with the Republicans.

If Treasury notes were adequate to begin and prosecute the last war, which was an undertaking incomparably more prodigious and perilous than this can possibly be, why are they not good enough to prosecute the present war? The first sixty-two millions were full legal tender for all debts, public and private, and were as good as gold during the war.

In 1861 the population of the United States was only forty millions, of which one-half were in rebellion. The wealth of the nation was not more than one-fifth as great as at the present time. If under such conditions sixty-two millions of Treasury notes were successfully carried, we could under present conditions easily carry five hundred millions of Treasury notes. If a bond is good, a Treasury note is good. One bears interest, offers incentives to rapacity and greed, contracts the currency, and congests the lifeblood of the nation; the other bears no interest, increases the currency, thereby enhancing prices, stimulates trade, and is a beneficence.

One hundred millions of dollars could be raised by taxing incomes. Among all civilized nations the income tax has become an important source of revenue. The last decision of the Supreme Court on this point, if not reversed, will be more disastrous in its results than the ravages of war.

An increased taxation, equitably adjusted in proportion to the ability of each, would be cordially accepted by all, and would be in reality a free-will offering by the people. They are willing to give freely their lives and treasure for their country. And this war—the spontaneous impulse of the whole people, inspired by one high and holy purpose, fulfilling their manifest destiny—should not be degraded by an act of injustice such as this bill contemplates. We are able and willing to pay for it in a legitimate way. Why, then, force upon us this piece of legislation, which is obnoxious to so large a portion of our people?

For the sake of domestic concord, let us at this time refrain from any hasty legislation which will involve us in subsequent controversy and strife.

It is high time to sound a note of warning. We are rapidly approaching the danger line in our national development. The concentration of wealth in the hands of the few and the unequal burden of taxation upon the poor have already taken place. This condition, with its inevitable consequences, has wrought the destruction of every nation which has preceded us. Let us beware how we rush into legislation which will further tend to augment this condition.

If you issue these bonds, you do it at your peril. You will see the day when you will call upon the rocks and mountains to fall upon you and hide you from the wrath of an outraged and indignant people.

[Mr. LOVE addressed the committee. See Appendix.]

Mr. STEPHENS of Texas. Mr. Chairman, the Republican members of the Ways and Means Committee drafted this bill, having first excluded the Democratic members from the committee room, and have presented to this House the bill now under consideration to provide ways and means to meet war expenditures.

This bill proposes to raise money to carry on the war by a tax of $2 per barrel on beer, ale, porter, etc. Tobacco and snuff are taxed 12 cents per pound, and cigars and cigarettes are taxed from $2 to $4 per thousand. Stamp taxes are also levied on almost every character of written contracts and also on medicines, etc. The last tax provided for is a tonnage tax on vessels trading with the United States. Section 27 amply provides for the sale of $500,000,000 of 3 per cent interest-bearing bonds. Section 28, the last section of the bill, provides that the Secretary of the Treasury may borrow $100,000,000 at 3 per cent interest.

No member of this House who has any regard for his laboring and consuming constituents can vote for this bill. It will make the poor and laboring men fill the ranks in the Army and fight the battles of this war, and also pay nearly all of the war taxes. The poor people—the laborers of the country—use most of the taxed beer and tobacco. It is the poor farmer who gives the mortgages on his crops. It is the small stock raisers and traders that give bills of sale to their live stock and pay the greater part of the stamp tax on contracts. The great masses of laboring people use the patent medicines, drugs, etc., so heavily taxed under this bill.

The tonnage tax provided for in this bill will be paid finally by the consumer, and this burden, like all the others imposed by this bill, was designed by the Republican party to fall on the great masses of this country, most of whom are poor people. The great trusts and bond sharks, native and foreign, have a mortgage on the Republican party. It was their money that placed it in power, and this cowardly party does not dare to tax its wealthy

masters. Let me prove this proposition by a Republican governor. On the 18th of January, 1898, Governor Pingree, the present Republican governor of Michigan, said in a public address made by him in Buffalo, N. Y.:

In late years in our own country the influence of wealth in dictating legislative measures and government policies is becoming more and more apparent. Mr. Cleveland disrupted his own party in doing the bidding of a money syndicate which made enormous profits out of a scandalous bond deal. Today all of the trusts, all of the monopolies, every agency which is bleeding the country, has taken refuge under the wing of the Republican party because they fear the Democratic party which has kicked them out. To them party is a means to an end, and that end is to get rich at everybody's expense, right or wrong.

These are brave, true words. I can not understand how a man can remain in a party that he thus condemns. The doors of the Democratic party are always ajar for men like Governor Pingree.

The Republican party, in effect, by this bill says to the poor man of this country, "You must make targets of your bodies for Spanish bullets, and at the same time empty your pockets into the United States Treasury to pay the expenses of this war." The New York Commercial, a gold standard, boodleistic, Republican newspaper, on April 25, 1898, clearly shows that Governor Pingree's diagnosis of the present Republican party was correct. This paper in an editorial approves that part of this bill making the poor people of the country pay the war taxes and the six hundred millions of bonds this bill provides for, and sneeringly alludes to the Free-Silver Democrats, and calls them extremists and mutterers.

On April 27 this same journal calls the Houston Post a demagogic paper. The barking of this mangy Wall street boodleistic cur at the Houston Post reminds me of a lonely coyote baying the moon. This paper objects to the tonnage tax for the reason that the vessels so taxed belong to rich men. If this bill proposed to tax the drays owned by poor men in the cities, this boodleistic journal would say amen. These are the editorials that I refer to:

[New York Commercial, April 25, 1898.]

THE REVENUE FOR WAR.

In its main features the bill to provide additional revenue which has been made necessary by the war with Spain corresponds with previous anticipations of its character. Beer, tobacco, and stamp duties are relied upon to produce an increase in internal revenue to the extent of $100,000,000 per annum.

This action of the Ways and Means Committee will be supported by public sentiment, as will also the provisions for the issue, if necessary, of $500,000,000 of 3 per cent 10-20 Government bonds and $100,000,000 of 3 per cent one-year Treasury certificates of indebtedness. It is, of course, natural to find the free silver extremists already muttering in regard to the proposed bond issue and suggesting that an income tax would be in order, ignoring the fact that the Supreme Court has declared such a measure unconstitutional.

In the present state of the public mind regarding a proper prosecution of the war, any attempt by the silver party to obstruct or delay necessary financial legislation is not likely to meet with toleration. It may be premature to criticise the details of the bill, but there is one feature open to unfavorable views, namely, the imposition of a tonnage tax upon vessels engaged in foreign trade.

[New York Commercial, April 27, 1898.]

ENEMIES FROM WITHIN.

It is a deplorable fact that in these critical times the country may be called upon to face enemies from within as well as from without. Evidences multiply that the attempt of the Populists and silverites in Congress to force one or more of their odious measures upon the country, either in connection with or in substitution of the contemplated bond issue, will be persevered in, and will receive the hearty support of many of the Bryan organs throughout the country. The Commercial yesterday referred to this matter at some length, but the following extract from the editorial columns of the Houston Post justifies a return to the subject. We quote:

"No war tariff measure will be just that fails to include an income tax. All classes should be made to contribute to the extra expenses of the time. The men without incomes are likely to do the fighting and the other crowd should put up the bulk of the money, especially as they ordinarily escape any of the burdens of Government."

The neatness of this argument is so apparent on the surface that the mere reproduction of it should of itself be sufficient refutation. The facts are that the revenue measure, as framed, is one of the most equitable tax measures that have ever been prepared.

The truth is, however, that even the presentation of facts to the demagogic people and papers who support Populism in one or other of its forms will not convince them of the errors of their ways. They are willfully or innocently blind—even to their own narrow prejudices. The one way to deal with them is to oppose them in their every effort.

I am proud to state that, like the Houston Post, I am one of the free-silver demagogues and extremists who will continue not only to mutter but to roar and thunder the great truth in the ears of the American people uttered by Governor Pingree about the Republican party, viz, that "to them party is a means to an end, and that end is to get rich at everybody's expense, right or wrong."

This bill proves that Governor Pingree is right. Why is it that this bill does not tax the luxuries used by the rich? Why does it not tax the revenues of trusts and corporations, the diamonds, silks, fine laces, and other articles used by the rich? It taxes the medicine, beer, tobacco, and other things used by the poor most exorbitantly. It taxes the mortgage or bill of sale that the poor man must give on his last horse or cow or his crop to buy food for his family. Why does it overlook the multiplied millions belonging to the great corporations and trusts of this country?

When a Democrat, a Populist, or a Free Silver Republican demands (as did the Houston Post) that the rich men shall pay their part of the expenses of this war, some mouthpiece of plutocracy will rise up and call us mutterers, demagogues, or anarchists. We find the oil, the sugar, and all other trusts supporting this bill and standing shoulder to shoulder with HANNA and his gold-standard, corrupt, boodleistic Republican gang of tariff robbers.

Governor Pingree was right when he said that—

Every agency which is bleeding the country has taken refuge under the wing of the Republican party because they fear the Democratic party, which has kicked them out.

The greed of these rich and proud owners of the Republican party is responsible for this war with Spain. Twelve months ago the Senate sent to this House a resolution recognizing the belligerent rights of the Cuban patriots. The Democrats, Populists, and Free Silver Republicans have done everything that a minority could do to pass this resolution through this House. The Republican majority suppressed it. Our Navy has for twelve months aided the Spanish navy to keep the Cuban patriots from buying food, thus aiding in starving to death 200,000 Cubans, and in keeping munitions of war from being landed upon the island so that the Cubans could free themselves. American citizens are now in the penitentiaries of the United States, sent there by United States courts, for taking food and supplies to the starving, fighting, bleeding, dying Cuban patriots.

Had the Republican party twelve months ago acknowledged the belligerent rights or the independence of the Cuban Republic, we would not have lost the *Maine* and her crew; our Navy would not have patrolled the Island of Cuba to aid the Spanish cutthroats destroy by sword and famine one-half of a whole race of people. Filibustering expeditions would have furnished food, arms, and supplies to the Cuban rebels, and they would have gained their freedom by their own bravery and prowess without the interference of this country, and this war would have been wholly unnecessary. But Speaker REED and the Republican leaders would not permit this House to vote on the belligerency resolutions. The Spanish bond conspirators would not let the Cuban patriots have even a chance to free themselves unless they would agree with McCook and McKinley first to pay the Spanish bonds, amounting to about $400,000,000.

Had the Cuban patriots agreed to purchase their liberty from these cormorants by assuming these bonds, as John J. McCook, Senator ELKINS, President McKinley, and the Spanish minister had evidently (according to the Washington Post of April 10, 1898) agreed upon at a midnight meeting in this city, there would have been no war. The President withheld Minister Woodford's telegram from his Cabinet officers until these conspirators could be called together. But let the Post tell this ignominious story. (The Post is a strong Administration paper.)

The dispatch from Minister Woodford containing the news of the armistice was received at the White House shortly after 4 o'clock yesterday afternoon, etc. For good and sufficient reasons undoubtedly, its terms were not given out, although from Madrid by way of London its general tenor is made known. The secrecy attaching to it at the White House was very great, but it will be laid before a special Cabinet meeting to be held at 11 o'clock this (Sunday) morning.

Further on, in the same article, the Post says:

While none of the Cabinet officers last night (Saturday) was made acquainted with the substance of the Woodford dispatch, there were gathered at the White House many friends of the President, who have been planning for an outcome which should avert war without any harsh impositions upon Spain. All of them left the White House very much pleased with the outlook, and they asserted that peace had been attained. They believe that the armistice will be accepted by the President, and that the *Maine* incident will be arbitrated.

Further on in this article the Post says:

It is safe to predict that the Republican majority in Congress will do whatever the President recommends, etc. The Administration believes it has Congress thoroughly under control, and there is good foundation for this belief.

In the next article the Post editorially says:

The President spent last evening (Saturday) discussing with his personal friends the latest development in the Spanish situation. Among those present during the consultation was John J. McCook, of New York, who is largely interested in the Cuban bond and purchase propositon, and who spent several hours in the President's company. Another visitor was Senator ELKINS, who was summoned to the White House and who left a dinner party at his own house to be with the President. After leaving the White House, where the Woodford dispatch was discussed, Senator ELKINS returned to his residence, and was shortly afterwards joined there by Señor Polo y Bernabe, the Spanish minister. Senator ELKINS and his visitor remained in close consultation until nearly midnight.

On the next day (April 11) after this publication in the Post the President sent his famous message to Congress on the *Maine* disaster. The midnight kitchen cabinet meeting, composed of Spanish bond manipulators, *Maine* arbitration, peace-at-any-price conspirators, dictated the language of that message. Their object was to prevent the President from recommending to Congress the acknowledgment of the independence or belligerency of the Cubans, and they fully succeeded. He declared in favor of forcible intervention only, and said:

It involves, however, hostile constraint upon both the parties to the contest, as well to enforce a truce as to guide the eventual settlement.

Hostile constraint upon both parties meant war on the Cuban patriots unless they would let McKinley and his kitchen cabinet

guide the eventual settlement. He further says in his message that—

In view of these facts and of these considerations, I ask the Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the Government of Spain and the people of Cuba, and to secure in the island the establishment of a stable government, capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own, and to use the military and naval forces of the United States as may be necessary for these purposes.

Why did not the President use the word "independent" instead of "stable?" And again, what does he mean by "international obligations?" Does he not want the stable government that he is to set up in the island by the use of our Army and Navy to pay the Spanish-Cuban bonds? If the international obligations he refers to are not these bonds, then what does he mean by the use of that language?

Criticising the Democratic Administration, the Republican party drafted in 1896 a platform at St. Louis declaring—

The Government of Spain having lost control of Cuba and being unable to protect the property or lives of resident American citizens or to comply with its treaty obligations, we believe that the Government of the United States should actively use its influence and good offices to restore peace and give independence to the island.

This platform bound the Republican party to give an independent government to the island. Yet the President would not recommend Cuban independence in his message, and his followers in the House only wanted to declare in its resolution that Cuba ought to be free, etc. But the Democratic minority, after a seventeen-hours solid session, backed by the Senate, forced them to use the words "are and ought to be free," etc. These facts prove beyond cavil or doubt that our President, the Cuban-Spanish bondholders, and the Spanish minister had determined that Cuba should not be free unless she paid these bonds.

The secret midnight meetings at the White House and at the home of Senator ELKINS between the President, the Senator, and Señor Polo show that our President and the Spanish minister were then, as Butler has said:

Still amorous, and fond, and billing,
Like Philip and Mary on a shilling.

As another piece of evidence to prove that I am correct, I will call to the witness stand the Philadelphia Inquirer, a Republican Administration paper. On March 11, 1898, it published the following editorial:

THE PRESIDENT'S POLICY.

One of the New York papers has come to the conclusion that President McKinley is to take a hand in settling the Cuban question. It says that he is to send a message to Congress conveying the reports of the consuls and taking the ground that the fighting must be stopped.

New York is somewhat behind the times, but she is at last catching up. It was distinctly stated in the Inquirer that the President intended to put an end to hostilities and to secure the independence of Cuba.

His policy did not include forcible intervention, but it did propose to offer to Spain an honorable way out of her difficulties. To put it briefly, the President's proposition was that the Cubans should be permitted to purchase their freedom upon a cash basis, say $100,000,000, this Government to see to it that the interest on the bonds was paid. Had it not been for the explosion of the *Maine*, we have every reason to believe that this proposition would now be before the Spanish Cabinet. It has been delayed by the disaster in the harbor of Havana, but it has not been abandoned by any means.

It is clear by this editorial that this Government was to see that McCook & Co.'s bonds were paid.

I am in favor of an income tax, and believe that the Supreme Court would now hold such a tax constitutional. The Democratic party is denounced for criticising the decision of the Supreme Court on the income-tax question. The Republican party in its platform of 1860 strongly denounced the Supreme Court for rendering the Dred Scott decision on the slavery question in the following language, viz:

That we brand the recent reopening of the African slave trade, under the cover of our national flag, aided by perversions of judicial power, as a crime against humanity and a burning shame to our country and age; and we call upon Congress to take prompt and efficient measures for the total and final suppression of that execrable traffic.

Mr. Lincoln, in his first inaugural address, said:

I do not forget the position assumed by some, that constitutional questions are to be decided by the Supreme Court; nor do I deny that such decisions must be binding in any case upon the parties to a suit as to the object of that suit, while they are also entitled to very high respect and consideration in all parallel cases by all other departments of the Government. And while it is obviously possible that such decision may be erroneous in any given case, still the evil effect following it, being limited to that particular, with the chance that it may be overruled and never become a precedent for other cases, can better be borne than could the evils of a different practice. At the same time, the candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, that instant they are made, in ordinary litigation between parties in personal action, the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal. Nor is there in this view any assault upon the court or the judges. It is a duty from which they may not shrink to decide cases properly brought before them, and it is no fault of theirs if others seek to turn their decisions to political purposes.

This statement from the inaugural address of Mr. Lincoln proves that before the Republican party fell into the hands of a moneyed oligarchy it unsparingly in its platform and by its President criticised the Supreme Court. If a Democrat, Populist, or Free Silver Republican does the same thing now, the present boodleistic Republicans call him an anarchist and a demagogue. The Republicans enacted and enforced an income tax during the civil war and up to 1870, and the Supreme Court held it constitutional. When the Democrats in 1894 enacted a similar law, a majority of this same court holds it unconstitutional by 5 to 4. Thus it appears that for Republican-revenue purposes an income-tax law is constitutional; for Democratic-revenue purposes it is unconstitutional. The Republican party is now in power, and they can pass an income-tax law and their Republican Supreme Court will not, in my judgment, dare to hold it unconstitutional, because such a law now enacted would be a Republican war measure.

Justice Brown, then and now a member of that court, in his dissenting opinion says:

Congress ought never to legislate, in raising the revenues of the Government, in fear that important laws like this would encounter the veto of this court through a change in its opinion, or be crippled in great political crises by its inability to raise a revenue for immediate use.

Further on in his dissenting opinion this justice says:

I hope it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth.

The fears of this great judge have been fully realized. A sordid despotism of wealth, born, upheld, and nourished at the breast of the Republican party, has presented this infamous tax and bond bill in this House, and Republican votes will pass it and send it to the Senate, which body, may we not hope, will rise in their might and strangle this python of iniquity, conceived in greed and born of the devilish spirit of corruption? This oppression of the poor and unprotected citizens of our common country will arouse the millions of unpurchasable voters to action, and they will, in my judgment, destroy every vestige of this corrupt Republican boodleistic party and drive from office the fawning sycophants of wealth now holding office by Republican votes.

It is not necessary to lay the enormous burden of $700,000,000 of bonded indebtedness on the toiling masses of consumers, as provided for in this bill. The chairman of the committee reporting the bill [Mr. DINGLEY] states that $25,000,000 per month will pay the expenses of the war; then $300,000,000 will carry it on one year. No one believes that it will last that long. We have, in round numbers, $220,000,000 in the Treasury; we have $42,000,000 of silver seigniorage that we can coin and use, making $262,000,000; we can, beyond all question, safely issue $100,000,000 of full legal-tender United States Treasury noninterest-bearing notes.

This tax on beer, tobacco, and stamps, Mr. DINGLEY estimates, will produce $100,000,000 per annum. This will aggregate $462,000,000 without the issuance of a single bond. An income tax should produce $100,000,000 more, and this would keep up the gold reserve of $100,000,000 intact, and we will still have left a war fund of $460,000,000, when $300,000,000, according to Mr. DINGLEY, is all that we need to pay one year's expense of actual war.

What does the Republican party, then, propose to do with the $600,000,000 they intend by this bill to authorize the Secretary of the Treasury to sell bonds for? It is my deliberate judgment that they propose to retire the greenbacks now in circulation among the people of the United States with this enormous bond issue. This sordid despotism of wealth has been trying for years to find some excuse or means to retire the greenbacks, and now, under the guise of a war measure, the Republican party is urging the passage of this bond scheme for the purpose of using them to retire the greenbacks.

They will thus rob the people of the country of all of their noninterest-bearing United States Treasury notes, and in lieu thereof give the sordid despotism of wealth more interest-bearing bonds. A wise man once said to his countrymen, "Beware of Greeks bearing burdens." Would it not be well for Americans to beware of Republicans when they cry out that we must give authority to the Secretary of the Treasury to issue $600,000,000 in interest-bearing obligations under the guise of a war measure? It is not necessary to sell bonds to carry on this war. We can easily raise $100,000,000 per annum by a tax on incomes. This tax comes from men the most able to pay it.

The bill now under consideration takes the money from those the least able to pay it. The object of taxation is to protect both the lives and property of the citizens of the Government. History proves that the property of a country is harder to protect than the lives of the citizens. There is vastly more litigation in the civil courts over property rights than in the criminal courts, which protect the personal rights of the citizen. The rich man expects the Government to protect both his life and property, but when he is called upon to pay an income tax to help protect his property he refuses to do so and spends his money in defeating the law; hence he pays no more taxes to the United States Government than the poor man.

An income-tax bill should be passed by this Congress at once as a war measure. Then let the moneyed Shylock again appeal to

the Supreme Court to determine whether it is constitutional or not. If they still hold it to be unconstitutional, then the Constitution should be amended so as to levy both an inheritance and an income tax. During the special session of this Congress I introduced a joint resolution for these purposes. The Republican committee to whom it was referred has refused to report it back to the House for its action. Every civilized government except our own levies and collects taxes on incomes and inheritances.

Great Britain and the United States raise for the General Government just about the same amount each year—between five and six hundred millions. All our revenue comes from taxes upon consumption. Nearly every dollar is a punishment of somebody for using something necessary to life, health, or comfort.

By way of contrast note these items in Great Britain's net income from taxation last year:

Inheritance taxes	$75,000,000
Stamps	38,000,000
Income tax	86,000,000

All of these items—making together more than one-third of the total—come out of superfluity. Further, Great Britain raised in taxes upon imports and in excises—both levied wholly upon luxury or superfluity—no less than $270,000,000. Almost none of her vast revenue came from the consumption of necessity and comfort. That is, Great Britain takes the most from the most able, the least from the least able, while we take the least from the most able, the most from the least able.

The English system is far more just than ours. The rich men of England do not object to paying these income and inheritance taxes. Our own Government collected by an income tax in 1863 the sum, in round numbers, of $2,700,000; in 1864, $20,000,000; in 1865, $32,000,000; in 1866, $72,000,000. At the present time, with our vast increase of wealth, we could and should now collect $100,000,000 on incomes alone.

A just way to raise this war-tax money would be to impose a tax on the dividends of insurance, banking, and other incorporations. This tax was levied and collected during our civil war, and was held to be constitutional by our Supreme Court. I shall offer an amendment to this bill reenacting this old law. But I know that it will be either voted down or ruled out of order by the Republican majority of this House. The Republican party will do this country infinitely more harm by passing this tax and bond bill than can the Spanish army and navy combined.

The Spaniard can only do us a present harm. This infamous bill mortgages the energies, sweat, and toil of an unborn generation. It will retire our greenback currency, deprive us of its use, and thus destroy the value of produce and labor, and at the same time pay the rich bondholder interest on it. It will furnish a basis for future national-bank issues of money and make permanent the gold standard. In this hour of their country's peril, the money sharks by this bill are endeavoring to carry out Ben Jonson's advice to his son:

"Get money; still get money, boy,
No matter by what means;
'Tis that for which all virtue now is sold,
And almost every vice, almighty gold."

Whilst engaged in war with a foreign foe the American people have among them a far more dangerous enemy, who is trying to coin the Government's present emergency into gold. We should take and act on Pope's warning about the power of money. He said:

Trade it may help, society extend,
But lures the pirate, and corrupts the friend;
It raises armies in a nation's aid,
But bribes a senate, and the land's betray'd.

Mr. RHEA of Kentucky. Mr. Chairman, my opposition to the pending revenue bill shall not be accompanied by any apology, nor shall I make professions of my patriotism or Americanism to still the tongues of our censors on the other side of the House, who assume to guard the honor and integrity of this Government and to have cornered all the intelligence and wisdom of the ages. [Laughter and applause.]

I oppose the bill because it is essentially, fundamentally, radically wrong and oppressive. I oppose it in my own right as an American Representative, recognizing my responsibility to a constituency whose confidence I believe I hold and whose interests I know I represent. [Applause.]

On yesterday I listened with pleasure to the glowing periods and studied rhetoric of the gentleman from Iowa [Mr. DOLLIVER]. I listened with pleasure as he sang the praises of the President of the United States, declaring that his Christianity, his humanity, and his bravery would write for him a record in the history of the future not accorded, perhaps, to any American, living or dead.

I shall not censure the President of the United States; but, Mr. Chairman, there are those who believe—and on that side of the Chamber, too—that that bravery, that humanity, and that Christianity has sacrificed 250,000 Cuban lives by the slow process of starvation and sent 266 brave American sailors to the bottom of Havana Harbor.

The gentleman addressed his remarks largely to this side of the Chamber, and in the fervor of his eloquence and the splendor of his scorn dismisses us with the observation that we "swim in humbug like a fish in water." [Laughter.]

Mr. Chairman, in glowing metaphor he glided over the great questions of bonded indebtedness, coinage laws, and legal-tender issues "as gracefully as the swan glides over the surface of the lake, and, like the swan, seemingly totally unconscious of the depths beneath him." [Laughter.]

This bill is remarkable not so much for what it contains as for what is omitted from it. Rumor says, and I believe it to be authentic, that an effort was made by the Republican members of the committee to put a tax on railroad tickets before the minority were called into the conference, but the majority voted that down and applied the party lash, and then they called in the minority of the committee and told them what the majority intended to present to the House. That same rumor has it that an attempt was made to put a tax of 50 cents a barrel on the petroleum of the Standard Oil Company, which was also voted down before the minority members of the committee were invited to the conference.

The tax thus sought to be placed on railroad tickets would have been a tax on accumulated wealth. The traveling public could not have been made to pay it in the end by the railroads increasing the mileage charge, as the rates are now regulated by law in most, if not all, of the States. This favor to the railroads is not to be marveled at when it is recalled how many free excursions the railroads sent to Canton in the fall of 1896 to worship at the shrine of the unknown equation now at the other end of the Avenue. The same feeling inspired the committee, no doubt, that did the poet who wrote:

Woodman, spare that tree!
Touch not a single bough!
In youth it sheltered me,
And I'll protect it now.

These are a few of the things exempted. Now, what are included? Almost every article that enters into the daily consumption of the poor man. The sick, the feeble, the infirm can not go to a drug store to administer to their wants without feeling this tax. [Applause on the Democratic side.]

The farmer's tobacco is taxed high and unfairly. It will not do to say the consumer pays the tax on tobacco, for a little child doth know that all taxes on tobacco, either in the way of license to buy or deal in or on the product itself, must and does enter into the price which the producer receives. And you discriminate most unfairly in this tobacco tax. In Kentucky and other Southern States, where a heavy, fat tobacco is produced, that commands on a favorable market only moderate prices, you make it pay the same tax as the light and high-priced tobacco of Connecticut and other sections growing similar tobacco. In other words, you tax it by weight and not by quality or price in the market.

Again, if a man is compelled to borrow money, your tax law compels him, in addition to the interest he must pay the loaner, to pay the Government a tax in the shape of the stamp he must put upon the note he executes. Thus, the man in unfortunate circumstances and compelled to go in debt is taxed by his Government for being unfortunate, while the man who owned the money bears no part of the burden of government in its extremity.

You refuse to put a tax on incomes and thus make the idle and accumulated wealth of the country contribute any part of the expenses of the Government in a war with a foreign nation.

You refuse to use an asset of the Treasury, the silver bullion stored therein, to pay in part the necessary and extraordinary expenses of war. There is now about $42,000,000, at the present coinage ratio, of silver in the Treasury, seigniorage gained by the Government; yet you refuse to coin this silver and use this available asset of Government in the hour of urgent need for ready money to prosecute the war declared and begun.

You refused to follow the example of that wise and patriotic President, Abraham Lincoln, and issue a greenback legal tender to assist the Treasury in its need.

You reach the climax of the wrong and injustice put upon the people in your proposed tax law by concluding it with a proposition to issue $500,000,000 in bonds. Mr. Chairman, this is the crowning injustice of the whole measure. It is a singular coincidence that in his report to Congress at the extra session of last spring the Secretary of the Treasury named five hundred millions in bonds as the sum necessary to retire the greenbacks and "put the country on a more permanent gold basis," just the sum asked for in this proposed bond issue.

Can it be true that indirection is to accomplish what direction dare not undertake; that the necessities or pretended necessities of war are to be made the excuse to get the bonds, and this war with only a fifth or sixth class power, Spain, is to be fought and won on the $100,000,000 of certificates proposed to be issued by this bill and the tax wrung from the people, and the bonds used to do the work of destruction of the people and accomplish the Secretary's first wish?

Mr. Chairman, the country believes, and not without reason, that this bond issue is another concession to the greed of the capitalistic influences that have too long controlled the policy and written the laws of this Government.

Do not think you can deceive or cajole the people with a war cry and fervid appeals to patriotism. The people are patriotic, intensely so; they are for their Government and will sustain it with their blood and treasure, but they are thoughtful and discerning, Mr. Chairman, and will not fail to separate the chaff from the wheat. I shall not give my support to any measure that has a bond issue as a part of it. Coin the silver in the Treasury, supplement this with a legal-tender issue of greenbacks, gather your taxes, fight the war and win a glorious victory, but in freeing Cuba do not doom our people to a far worse slavery, the slavery of bonded debt.

Mr. VINCENT. Mr. Chairman, it may be a little presumptuous for a new member of the House to attempt to discuss a subject of so much importance as the one now under consideration. In fact, my short experience in this body has led me to doubt whether a new member has any rights upon the floor or whether he is entitled to any consideration whatever. It seems to be a long-established custom, fortified by the most infamous set of rules that ever restricted the rights of a legislative body, that a man must be a member of this House so many years that he has forgotten the needs and wishes of his constituents before he can get the privilege of expressing an opinion or entering a protest.

In order to get a hearing the new member must go to the Speaker or to some older member, or to one who is more fortunate in having been placed upon a good committee, and humbly beg for a little time. And when he does get the floor, some antiquated statesman who has been here so long that he thinks he owns the earth will try to throw him off his feet by asking him how long it has been since he arrived from the rural districts. It can be said, however, that such displays of extreme wit and profound statesmanship fail of their purpose, for the men who represent the "rural districts" are just as proud of their constituency as are those who come here to serve the trusts and corporations.

But, Mr. Chairman, as one of the new members, I wish to express my gratitude, in that spirit of humility becoming a "tenderfoot," for the blessed privilege of being permitted to retain the title of "Honorable;" and I suppose we ought to feel grateful that no rule, written or unwritten, has yet been established prohibiting us from drawing our salaries and mileage with that same degree of enthusiastic and patriotic devotion to the public interests which characterizes those of longer service. Why, Mr. Chairman, I am almost surprised that the Committee on Rules has not consigned those of us who are members of one of the minority parties to seats in the visitors' gallery. Such a rule would be scarcely more ridiculous and unjust than some of the rules now in force.

Speaking of rules, I desire to remark, incidentally, that I have gained some very valuable information during my short service in this body upon the subject of parliamentary law. I have learned that every motion made and every resolution introduced by a member of the Republican party on this floor is in order, while the same motion or resolution is usually out of order when it comes from a Democrat or a Populist. Some one suggests that it is a good rule because it works both ways. Nobody can deny that this works both ways; it works one way to let the Republicans have the floor, and it works the other way to shut out the opposition.

But, Mr. Chairman, there is one rule which seems to have more force and effect and is brought into requisition oftener than any other in this House, and that is the "gag" rule. The majority resorts to that rule every time any political question of great importance comes up. When the Teller-Matthews resolution came over from the Senate a few weeks ago, it was decided by a strict party vote that debate should be limited to less than five hours. Such indecent haste on the part of Republicans only confirms the cowardice and insincerity of their party upon the silver question. Why was it necessary to rush this resolution to a vote in such hot haste? During the extra session there were four months absolutely wasted by this House in doing nothing. From the 31st of March until adjournment on July 24 the only thing we did was to assemble twice a week, listen to the Chaplain's prayer, and vote on a motion to adjourn.

We were not even permitted to discuss or vote upon rules for our own government, and there was no pretense of complying with the rules of the last Congress, under which we were supposed to be operating. During that four months the committees might have considered many bills if there had been any committees and the House might have passed upon them. We might have done many things which we are neglecting to do now for the want of time. But, no; the gag rule was applied, and after the demands of the sugar trust and other millionaire monopolies were satisfied, we were kept standing around here with our hands in our pockets for four months waiting for the Speaker to tell us when we could be excused. [Applause on the Democratic side.]

Perhaps it may be very unwise for me to object to this manner of doing business. Perhaps I may like it when I become more accustomed to it. Possibly it may grow better with age; but I must say at this time I do not like it. Now, some one may ask: "What are you going to do about it?" Nothing at all, Mr. Chairman. What can I do but go out in the cloakroom and suppress the temptation to indulge in profanity? You will have to ask the Speaker if you want to know what any member of this House is going to do.

To-day we are presented with another proposition of vast importance, and I consider myself fortunate indeed in being permitted to enter a brief protest. In doing so I desire to take this occasion to denounce the tyrannical rules and customs by which we are bound and gagged. There was a time, Mr. Chairman, when each member on this floor had the right to speak for his constituency, but that was when this was a House of Representatives. Since it has become the House of Registers, in which the highest duty of its members is to register the will of the Speaker, no one has any rights or privileges except as they may be handed down to him from the throne.

Mr. Chairman, the bill under consideration calls for $600,000,000 of interest-bearing bonds, and to my mind that is sufficient reason why it should be fought to the bitter end. There has been no good reason presented, there can be no good reason given, why such a bill should be passed. It is true our country is engaged in war. It is a righteous conflict in which every American citizen is ready and willing to do his duty. All political parties are united in a determination to hold up the hands of the President and provide the Government with all the revenue that may be needed, but we do not agree upon the methods to be adopted in raising that revenue.

We upon this side have the same right to oppose a bond issue that you have to favor it, and I am at a loss to know what rule of logic the chairman of the Ways and Means Committee and his colleagues adopt when they assume that all members who are willing to mortgage future generations are patriots, while those who are not willing to do so are "partisans." They report a measure to this House that is positively vicious, and then say to us, "Vote for this or we will brand you as a partisan and an obstructionist."

Mr. Chairman, that is worse than partisanship; it is just a little worse than a very low order of pettifogging.

The gentleman from Iowa [Mr. DOLLIVER], in his remarks yesterday, drew a beautiful picture of the wonderful prosperity that had dawned upon the universe in general and the United States in particular as the direct result of Republican Administration and the Dingley tariff law, and then admonished us to refrain from degenerating into a partisan debate upon a question that should appeal only to patriotic impulses. He, too, assumed that it is the highest test of patriotism to glorify not only everything the Republican party has done but everything it proposes to do.

Mr. Chairman, I would not hesitate to vote for a bond issue if it were necessary to a successful prosecution of this war; but it is not necessary. On the contrary, there is not the shadow of an excuse for it. Not one man of all those who have spoken for this bill has given a reason why we should rush headlong into debt. What is the meaning of all this unseemly haste to issue bonds? And why is it proposed to issue six hundred millions at the very outset? Is it because the bond sharks are afraid that the war will be brought to a successful termination before they can get another turn at the wheel?

In the report which the committee has filed with this bill it is estimated that the internal-revenue taxes which the bill provides for will in the aggregate amount to $100,000,000 a year. Add this to the $600,000,000 which the bonds call for and we have $700,000,000, to say nothing of the money in the Treasury and the enormous revenues we were promised as a result of a tariff law. At a reasonable estimate, and according to the report of the committee, this will defray the expenses of the war two years and a half. Nobody believes the war will last six months, and it will not if it is vigorously prosecuted. But suppose it lasts much longer. Is that any reason why we should commence issuing bonds two years before we need the money? The gentleman from Iowa [Mr. DOLLIVER] says we must pay as we go, and in the same breath insists that we should issue bonds and borrow money. Like Mrs. Partington, he proposes to keep out of debt if he has to borrow the money to do it with.

Mr. Chairman, this war is being used as a pretext for carrying out a policy that has been slumbering in the breasts of a certain class of rich bankers for lo, these many years. They want more bonds as a basis for the national banking system, through which they propose to issue all the paper money that the people may be permitted to use. They want to enlarge that business which enables them to draw interest on double their capital. It is a part

of the deep-laid scheme they have been working upon for years, which contemplates the destruction of the silver dollar, and the substitution of national-bank notes for the greenback currency. If they are successful the time is coming when they will draw interest on every dollar that goes into circulation.

This is the objective point, Mr. Chairman. This is the meaning of the unrelenting warfare that has been made upon silver coinage. The opposition to silver is not because of any hatred of the white metal. It comes from those who desire to control the volume of money. With free coinage and greenbacks they can not do this. With the gold standard and national-bank notes they can do it. The contest is not really between gold and silver. It is between Government money and a sufficient volume of it upon the one side, and bank notes with the power to expand and contract upon the other.

The proposed bond issue not only calls for $18,000,000 a year interest, payable every three months, but it places still greater power in the hands of the bankers. And yet we are told, Mr. Chairman, that if we offer any objection it is because we desire to gain partisan advantage. We are invited to come up on a "high moral plane" and take our medicine without asking any questions. We are assured by gentlemen on the other side that they are running the only strictly first-class moral show on earth, and that all others are imitations.

Instead of issuing interest-bearing bonds, why not pass the bill introduced by the gentleman from Missouri [Mr. BLAND] providing for the issue of $150,000,000 of full legal-tender Treasury notes? Is it because they would not draw interest and could never be used as a basis for the present national banking system? Oh, you say, that would be going in debt, and we must pay as we go. Is a note which draws no interest any greater debt than one of the same denomination calling for 3 per cent interest? Will the strain upon our credit and resources be any less if we obligate ourselves to pay $160 at the end of twenty years than it would be if the obligation only called for $100? This is the difference between issuing bonds and issuing Treasury notes. For every $100 in bonds we issue we will have to pay $160 before we can cancel the debt, if the bonds are permitted to run the full limit of time specified in the bill.

Sixty dollars is what we will pay for the use of every $100 we borrow. More than $300,000,000 in interest alone is what your bond deal calls for. The value of all the farm products, including live stock, in the great State of Kansas last year was $230,000,000—$70,000,000 less than will be the interest on these bonds. And what do the people get for all this? Nothing; absolutely nothing. But you say it is necessary to the successful prosecution of the war and the freedom of Cuba. It is not true. Your plea is only a subterfuge, and a very flimsy one at that.

You object to running the war upon promissory notes. What are the bonds you are going to issue but promissory notes? And what will they be based upon? Like the greenback currency, they will rest upon the wealth and patriotism of 75,000,000 of the best and bravest people that ever inhabited God's footstool; and that is a better foundation than all the gold and silver that have come from the earth since Christ drove the money changers out of the temple. As my friend from Colorado, Judge BELL, said yesterday, the dollar issued by a government is just as good as the government itself—no better and no worse. This is also true of the bonds of a government. The money of a country is worth nothing when the government is destroyed. Neither are its bonds.

Another objection raised against Treasury notes is the danger, as we are told, of an inflation of the currency. Well, Mr. Chairman, I would rather have an inflation of greenbacks than an inflation of bonds, but it is not absolutely necessary to have either. The greenbacks can be pulled back into the Treasury by taxation as rapidly as they are paid out, and if we will adopt the proper system of taxation, by levying the tax upon those best able to pay, the burden would not be seriously felt.

In this way the money would be continually passing from the Government to the people and from the people back to the Government, doing good and performing its proper function with each transfer. But you say this would be "fiat" money! No more so than your bonds will be "fiat" bonds. The decree of law makes them both, and without it neither one would be worth the paper on which it was written. There is something wrong with the running gears of the man's soul who is so anxious to issue fiat bonds and so much afraid of fiat money.

But the sacred gold reserve might be endangered, you say, and it might be necessary to suspend gold payments if we issue more Treasury notes. If gold payments were suspended for all time to come it would be one of the greatest blessings that could befall our people. There never has been a great war fought without suspending specie payments upon the part of both governments engaged therein. The present war will probably not be of such a serious character as to make it profitable for speculators to draw the gold out of the Treasury. They have it in their power to bring about a suspension when they please, and they will do it when they think they can make something by it.

Your gold basis is a fraud and a sham, and always breaks down when it is needed most. It makes two kinds of money, one better than the other because the other must be redeemed by it. It is the history of all nations that in times of great difficulty the money changers walk up to the government counter and exchange the cheap money for the better until they have drawn it all out or compelled the government to abandon the idiotic practice by suspending specie payments. It has been truthfully said that a gold basis means that the gold is there when it is not wanted by the government, but it is not there when it is wanted.

But the issue of Treasury notes need not necessarily interfere with your gold basis. Make them payable, like the bonds you are about to issue, at the pleasure of the United States after ten or twenty years. This will obviate all danger of any increase in the demand upon the gold in the Treasury, in so far as the proposed issue of Treasury notes is concerned.

Now, Mr. Chairman, I think I have clearly demonstrated that the issuing of Treasury notes instead of bonds will not necessarily inflate the currency; it will not affect the gold reserve; it will not be a strain upon our credit or resources, and it will save the people $300,000,000 a year interest. Why not do it?

The bond is the Government's note with interest; the greenback is the Government's note without interest. The bond gives speculators additional advantages over our finances; the greenback takes the place, and is in fact money, and money is what we need. One is a curse, the other is a blessing.

A full legal-tender greenback, issued by the best and most substantial Government on the face of the earth, resting upon 75,000,000 of the most intelligent and enterprising people that ever inhabited the globe, is good enough money for anybody, and no American citizen will object to it excepting those who expect to profit by the issuing of bonds.

The greenback was good enough for Abraham Lincoln and the soldiers who fought to save the Union, and it has never, either in time of peace or war, depreciated one farthing below par in the performance of every function and obligation imposed upon it by the laws of our country. It was always as good as the law tried or pretended to make it. There can be no constitutional objection raised against it, for the United States Supreme Court has decided that it is constitutional in time of peace and in time of war; that the power to issue legal-tender paper money is purely a legislative function.

Mr. Chairman, it is not necessary to review the numerous bond steals that were perpetrated under the late Administration of Grover Cleveland. Neither is it necessary to call attention to the fact that the very men who are advocating the bill under discussion were the most ardent supporters of Mr. Cleveland's financial policy. These are matters of such recent date that a mere reference to them is sufficient condemnation. It is to be regretted, however, that the true history of bond legislation during and following the civil war is not so well known by the great mass of the people. It is customary for certain party leaders and other advocates of the moneyed interests to refer to those who bought bonds while the war was in progress and for several years after its close as patriotic philanthropists, who saved the nation by an unselfish sacrifice of their wealth.

They have tried to create the impression, and have succeeded in convincing many ignorant but well-meaning people, that these bonds were issued in exchange for gold. This is not true. Those bonds were sold for greenbacks. The very laws under which they were issued expressly stated that the Secretary of the Treasury should exchange them at par for currency notes. These notes were worth from 40 cents to 70 cents on the dollar in gold. The average was about 60 cents. In a speech in the Senate on December 17, 1867, John Sherman said:

> It became necessary to depreciate the notes in order to create a market for the bonds.

In another place in the same speech he says the paper money with which these bonds were bought "had been depreciated by our legislation intentionally."

So, Mr. Chairman, I suppose there will be no dispute over the fact that the paper currency was purposely depreciated by law, and at the same time made convertible into interest-bearing bonds at par. Instead of receiving gold and silver for its bonds the Government received only the paper money it formerly issued and purposely depreciated. These bonds were not only bought with greenbacks, but they were payable under the law and under the contract in the same kind of money. In proof of this assertion I again quote Mr. Sherman. The facts I am stating can be substantiated by scores of witnesses, but I content myself with the testimony of Mr. Sherman, because for many years his word upon financial subjects has been law with his party. To dispute any of his statements or conclusions is treason or repudiation.

On February 27, 1868, Mr. Sherman said (in a speech in the Senate):

Equity and justice are amply satisfied if we redeem these bonds at the end of five years in money of the same kind and of the same intrinsic value existing at the time they were issued.

* * * * * * *

There is no such burdensome loan negotiated by any civilized nation in the world as our 5-20 loan if it is to be paid in gold.

In the same speech Mr. Sherman says these debts were contracted in currency "and upon the express stipulation in the law that their principal should be paid in legal tenders and the interest in coin." But Mr. Chairman, have those bonds been paid, and is it proposed to pay those yet outstanding, according to equity, justice, and the contract? Not by any means. In 1869 a law was passed making them all payable in coin. This law added to the value of the bonds about $700,000,000. The word "coin" meant gold and silver dollars, as it does now; but our Presidents, Secretaries of the Treasury, and other "great financiers" have construed it to mean gold, in defiance of law and honesty; and under the existing order every dollar of these bonds is made payable in gold.

The men who are to-day railroading the present bill through this House even deny the Government's right to pay the so-called war bonds in silver dollars. The dollar which they now propose to pay has by legislation been made four times as valuable as the dollar which the bondholder invested. It will exchange for four times as much of the products of labor as it would when loaned to the Government. In other words, the bondholders loaned what the gold-standard advocates would now call "60-cent dollars" and are being paid in 200-cent dollars. In the meantime they have been paid double the amount of their original investment as interest, and notwithstanding the vast amount that has been paid on the principal, it would require as much of the products of the farm and factory to-day to cancel that debt as it would have taken when it was first made.

These, Mr. Chairman, are the "patriotic bondholders" we hear so much about as having come to the rescue of the Government in its hour of need. These are the men in whose interests the American Congress has been legislating for the past thirty years at the expense of everybody else. They and their descendants and agents are the men, and the only men, who are asking for the bond issue which you "patriots" on that side of the Chamber are proposing to cram down our throats as a "nonpartisan" war measure.

This bill will no doubt pass the House. If it fails, it will be the first instance during the present Congress that the demands of the wealth absorbers have not been acceded to. But I sincerely hope when the bill reaches the Senate, where the power over legislation has not all been delegated to one man, there will be a sufficient number of representatives of the people to hold it up until the war with Spain is brought to a close. The advocates of the bill would then be powerless to hide behind the war as an excuse for such legislation. But perhaps they might find some other excuse, for evil doers are never without a pretext for the crimes they are about to commit.

You refuse to entertain a proposition to issue noninterest-bearing notes; you decline to pass an income-tax bill, though it is scarcely possible that the Supreme Court would dare to rule against it in time of war. You will not tax corporate wealth, but you rush headlong with a six-hundred-million-dollar bond deal in spite of the fact that there is now, according to the statements of the Secretary of the Treasury, an available cash balance in the Treasury of $219,000,000; and what are you doing it for? Why, to enable 75,000,000 people to fight poor old bankrupt Spain with only 18,000,000 people, an empty treasury, no credit, and a revolution among her own people.

But you say this will be "a popular loan." Yes, indeed, Mr. Chairman, this will be a very popular loan with the bankers. All loans are popular with that class of individuals. Every bond deal that our Government has been guilty of has been called a "popular loan;" but the rich speculators always manage to get the bonds and draw the interest.

There is no pretense that greenbacks will not be received in payment for these bonds, and if the present policy of hoarding and retiring the greenbacks is adhered to, it will result in retiring every greenback now in circulation. That this is the fixed policy of the friends of this measure there is not the shadow of doubt. It is only a part of the "honest money" programme that has been mapped out so long. It comes from that same class of men who are continually prating about "national honor" and "national good faith." They not only have a monopoly on "national honor," but they come to us in this debate with a grand display of their superior quality of "patriotism." The "honor" they prate so much about is like that peculiar brand of virtue that must be labeled to distinguish it from vice.

It is not the first instance where men have shouted from the housetops about their honesty. It is not the first time that Pharisees have wrapped themselves in false robes and thanked God they were not like other men. It is an exhibition of false piety that is as distinguishing as it is hypocritical. Even General Weyler, the brutal butcher and murderer, talks glibly about "the national honor" of Spain. In a recent letter to a prominent man in the politics of that country he expressed his willingness to stand as a candidate for office, if "defense of national honor" was written upon the flag of his country. The more infamous the crime that has been committed or that it is proposed to commit, the more we hear about "honesty" and "national honor" and "patriotism" from the mouths of the criminals.

Innocent women and children upon the Island of Cuba have been starved to death by the thousands to maintain the "national honor" of Spain, and the hands of the self-appointed, professional defenders of national honor in the United States are red with the blood of the unfortunate victims. But worse than this, Mr. Chairman, is the fact that there is more suffering in our own country than there is in Cuba, and it comes as the direct result of legalized crime hidden behind the mask of "national honor" and "patriotism."

To-day the black curse of war hovers over the nation, and the men from the farms and the workshops must be relied upon, as they have always been relied upon, to fight our battles. We can not depend upon those who rank money higher than morals and dollars as more sacred than men. The capitalist stands ready to loan his money at high rates of interest on good security, while the soldier stands up to be shot at for $13 a month, resting his fate upon that of his country. When the war ends let us not repeat history by returning to the capitalist four times the value of his investment, while the soldier who is fortunate enough to reach home alive is taxed to replace the money he received while in the service.

APPENDIX.

DEPARTMENT OF STATE, *Washington, February 7, 1898.*

DEAR SIR: Your note of this date is received. You ask me whether, during our civil war, the bonds of the United States were paid for in United States notes, commonly called greenbacks.

During our entire civil war we received United States notes in payment for bonds. The interest on the bonds was paid in coin, and to enable the Treasury to do this the duties on imports were made payable in coin.

Very truly, yours,

JOHN SHERMAN.

Hon. JOHN W. GAINES.

During the war a greenback would purchase an equal amount of bonds of any character offered on the market. It paid at par for the five-twenties, the ten-forties, and the seven-thirties. It is now less valuable than these bonds only because it is dishonored paper, which, though due, is not paid, and is valuable only as forced currency, which we compel our citizens to take in payment of their debts, but refuse to take it for our own bonds except at a discount. We give the bond the benefit of the improving credit of the country, but deny it to the note.

* * * * * * * *

The effect of the legal-tender act was undoubtedly to depreciate our notes, but the process was very slow and gradual. For more than a year it scarcely operated as a depreciation, and during all that time the capital paid off by depreciated notes was invested in bonds, bank stocks, railroads, and manufacturing pursuits created by the war, which yielded as much in gold as the capital produced before the war. Capital lost nothing by the war, even when paid in greenbacks, for the demand for capital during the war made ample amends for loss by the depreciation in greenbacks.—*Senator Sherman*, Senate, January 27, 1869.

The question whether at any particular time, in war or peace, the exigency is such, by reason of unusual and pressing demands on the resources of the Government, or of the inadequacy of gold and silver coin to furnish the currency needed for the uses of the Government and of the people, that it is, as a matter of fact, wise and expedient to resort to this means, is a political question, to be determined by Congress when the question of exigency arises, and not a judicial question, to be afterwards passed upon by the courts. (Supreme Court of the United States in the case of Juilliard *vs.* Greenman, 1884.)

Mr. CRUMPACKER. Mr. Chairman, these are momentous times; this is a history-making epoch. I had hoped that civilization had reached that high standard where all international differences could be settled by the agencies of peace, and that the roar of cannon and the rattle of musketry in warfare would be heard no more.

But that hope has been dispelled. It was only a dream, a vision of that millennium so long promised and so tardy in its coming. For the fourth time in our young national life we are engaged in a deadly conflict with a neighboring power—one that was great and glorious centuries before the birth of our nation. But this is a war of humanity, not of conquest; of peace, not of passion. A war for such worthy motives can not help but be successful. Its strength is in its justice, and its glory in its righteousness.

The course of this country in its relations with Spain has been such that time will bring no occasion for apology and history will find no reason to condemn. Our noble-minded President has exhausted the arts of diplomacy in attempting to secure an honorable and lasting peace, but without avail. The people of this country would no longer consent to be disturbed by the cries of starving women and famishing children. The atrocities of Spanish warfare had too long disgraced civilization and shocked the conscience of mankind.

The peace of this hemisphere had been disturbed four times before during the present century by wars between Spain and Cuban patriots, and it had become evident there could be no permanent repose as long as Spain attempted to dominate that island. She is a retrogressive nation without sympathy with a progressive people. Her face is toward the western horizon, and the world will be the gainer when the sun of her national existence shall have disappeared from view forever. Her policy toward her dependencies is historically cruel and oppressive.

The barbarities of the Duke of Alva in the Netherlands, the cruelties of Pizarro in Peru, and the vandalism of Cortez in Mexico have had their climax in the atrocities of Weyler in Cuba. The primacy of this Government in the politics of the Western Hemisphere entails responsibilities which we have neither the right nor the disposition to shirk, and it has become our duty, not only to ourselves but to all mankind, to stop once and forever those recurring atrocities.

We waited with patience and equanimity until the world could see that armed intervention could no longer he delayed. We have resorted to the arbitrament of arms only as a final resort, and it is gratifying to note the unanimity with which the course of the Government is approved by all our people. No country ever entered upon a war with a more united and patriotic support than this has to-day. In all parts of the country, without respect to race or political ties, there is but one voice, and that is for aggressive action.

This hemisphere must be redeemed from the disgrace it has so long suffered and which culminated in the treacherous destruction of the brave men at their post of duty in the harbor of Havana. The response to the President's call for troops has been overwhelming. The people are ready and willing to do their part. But modern warfare is enormously expensive and fearfully destructive. It requires a large outlay to equip and maintain an efficient army and navy in times of war.

The bill under consideration is designed to provide this extraordinary revenue. The Dingley tariff law has already demonstrated its capacity to raise enough revenue to defray the ordinary expenses of the Government and yield a substantial surplus in addition. The country, under the benign operation of that law, had begun to feel the throb of returning activity and the impulse of renewed business energy. Laborers were finding employment and prices of products of all kinds were gradually returning to their old-time standard.

The exigencies of the existing war have deranged conditions to some extent, but the effect will not be lasting. The pending bill will raise an additional revenue of $100,000,000 a year by a system of internal taxation similar to that in operation during the civil war. It also provides for the issuing of $500,000,000 of 3 per cent interest-bearing bonds to the extent that they may be required. These provisions are absolutely necessary to the successful prosecution of the war. The taxes imposed are justified only as a war measure and should be continued only as long as the war shall last.

I have no sympathy with the carping criticism of the policy of issuing bonds to meet the demands of the existing crisis. The talk about an income tax in the face of the recent decision of the Federal Supreme Court that such a tax can only be imposed by the respective States is pusillanimous. The proposed bond issue is to take the form and aspect of a popular loan, and I have no doubt that every dollar issued will be taken and held by our own people. The denominations are to be such that those of small means can invest their accumulations in them with facility and safety.

The great throbbing heart of the American people is behind this movement, and every soldier and every dollar needed to successfully prosecute the war will be forthcoming. As much as I deplore the necessity of increasing the bonded debt of the country, I shall vote for this measure without hesitation, and my vote will have the loyal approval of every citizen of the district I have the honor to represent, regardless of party affiliation. I am voting the sons of America into war and the money of Americans to defray its expenses, and I fully appreciate the gravity of the situation.

The encouragement, however, is ever present that the people of this country are always ready to make sacrifices to secure the blessings of freedom to all mankind. The cruel slaughter of the officers and crew of the *Maine* was as bread cast upon the waters. A spirit of justice has arisen from that merciless martyrdom that will guard and protect the ill-starred Island of Cuba from tyranny and oppression for all time to come. [Applause.]

[Here the hammer fell.]

Mr. KITCHIN. Mr. Chairman, twelve months ago, during the extra session, the Democratic side of this House endeavored to have the resolutions recognizing the belligerent rights of the Cuban insurgents considered and passed by this body. These resolutions had passed the Senate. The Populists stood with us. The Republicans prevented their consideration. Repeatedly was the attempt revived, and repeatedly we met Republican opposition and prevention.

We believed then, and we believe now, that had those resolutions been adopted the Republic of Cuba would be independent and we would not be involved in difficulties with Spain. We believe that the truthful historian will find among the causes that led to the present conditions much vacillation, hesitation, and doubt, and many blunders, failures, and omissions on the part of our Government, none of which can be attributed to the minority of this House. Whether we are right in these opinions it is not proper now to determine, and probably it will never matter.

However, while such recognition was withheld, and withheld to the benefit of the holders of the Spanish-Cuban bonds and in accordance with the wishes of Spanish royalty, we were put to enormous expense patrolling our coasts, our commerce with Cuba shrank away, and 300,000 human beings, surrounded by Spanish bayonets, perished for the lack of bread. While such things were steadily offering rebuke to Spanish warfare, the brave followers of Gomez were holding aloft their banner of freedom and increasing in hope to soon drive kingly authority and misrule forever from the Gem of the Antilles. Amidst all this the sad disaster of the *Maine* explosion occurred, at once fixed the attention of the world on Cuban affairs, and scattered the seeds of war.

The cause of that explosion need not now be discussed. Its results filled the earth with horror. Days passed, and the President, after dealing with the situation most unsuccessfully through diplomatic means, sent his message to Congress. On that message no comment now is appropriate. The President recommended armed intervention in Cuba. Armed intervention bears the fruit of war. Armed intervention meant—it could only mean, war. Obeying the President's demand, Congress directed armed intervention; but in order to defeat the danger of our country's responsibility for the Spanish-Cuban indebtedness, Congress attached to that direction the recognition of the independence of the people of Cuba.

We realize that sometimes, owing to the imperfections of human nature, war becomes inevitable. When such times come, honor, safety, and right will not permit a nation to avoid it at the expense of duty, but such nation must enter it boldly, with a prayer to the God of battles for a quick and happy outcome. With such sentiments, the American Congress, when the matter was finally submitted to it, answered the President's message in the passage of the intervention resolutions.

War, which we would have averted, war, undesired and terrible, came. War, cruel and crushing, exists between us and Spain. Although we knew the political effect of this war would be in the interest of the Republican party—for if successful, and it must be, that party will have the prestige that always follows victory; and if the war is of long duration, then the general public opinion will be in favor of strengthening the party in control—yet we of the minority of this House, having no power whatever to check or hinder the majority or the Administration, have had no intention or inclination to retard or delay a speedy settlement of the matters involved in the present crisis.

The Washington Post, an independent newspaper with strong Administration leanings, in a recent issue, April 12, 1898, has said of the Democrats in Congress:

> They have done absolutely nothing to embarrass the Republican Administration in its effort to reach an honorable solution of the pending difficulties, and have in no case sought to make petty party capital of a delicate and critical national emergency. * * * The country will never again doubt the devotion of the Democratic party to the flag, the Union, and its institutions. The Republican demagogue who, in any future political campaign, attempts to play upon that false and foolish note will find himself repudiated as an impudent and vicious mountebank.

Such, Mr. Chairman, will be the verdict of the future on our conduct. The Spanish army and the Spanish navy, with their deadly guns pointing to us, destroy our divisions, obliterate our prejudices, and invite our broadest, highest patriotism. Thus as Americans, not partisans, we unite solidly against foreign danger without stopping to place the blame for the occasion. As one man we rise against the war powers of Spain without disposition to arouse party spirit by calling attention to the varying responsibilities for the unhappy situation that now confronts us.

In deference to the demands of the Administration through its friends, we unanimously appropriated $50,000,000 already in the Treasury, without emphasizing the vital differences in the doctrines, purposes, and tendencies of political parties. Thus do our actions speak for us. We have done all this, but in it all we have not risen above party; for, however high right, justice, and liberty bid us go, there we find Democracy in its native element.

But, sirs, the highest patriotism demands the greatest justice to our own people; and when the majority, as they have done, go beyond the limits of equity and disregard the fundamental principles of right in a tax bill, and endeavor to fasten upon the already

overburdened people the iniquitous, unjust, and partisan measures of the Republican party, our unity is broken and our differences appear. The same love of country and devotion to principle that require unity in strengthening the arm of the Government against Spain, require us to withhold that arm from placing injustice and oppression upon our own people.

The calling of the wrong a war measure shall not preclude the entrance of my earnest protest against it. Political appeals of political opponents to aid in the passage of the pending bill, and their demagogic insinuations of lack of loyalty upon us who would shield our taxpayers from this oppressive measure, fall in vain upon my ears. Under the guise of war necessity you can not deceive the intelligent voters of our country nor blind their eyes to the injustice and partiality of this bill which you ask us to support.

We are as anxious and determined as men can be that the Government shall be abundantly and promptly provided with the means of war; and we know that if we can defeat this obnoxious measure, we can and will then adopt measures which will amply and promptly support the Government, and which will rest equitably upon our people and demonstrate to the world that our mighty country is not dependent for its strength or its victories upon the banking houses of New York. [Applause.]

It was the boast of Demosthenes in his greatest oration that when he came to power in Greece he found the very wealthy citizens escaping just taxation, and that he boldly reversed that condition and exacted from them their proper share for the support of the Government. This alone should immortalize him. Mr. Chairman, we discover that condition here to-day. We would reverse it. We would write the income tax—a most just tax—again on our statute books, that the very wealthy may bear their just proportion of the burden of government, and we would trust in the truth that "nothing is settled until it is settled right" for the survival of such a tax through the Supreme Court's "fiery ordeal."

The personnel of that court has been changed since the last decision on this tax, and three years have perhaps added wisdom to the minds and cleared the intellectual vision of the judges who held against it. I will not attempt to repeat the irresistible arguments in favor of its constitutionality, as such arguments have, during this discussion, been convincingly and unanswerably made by the gentleman from Texas [Mr. BAILEY], the gentleman from Tennessee [Mr. MCMILLIN], and others. To-morrow, when the income-tax amendment is offered as a substitute for the bond feature of the pending bill, we hope enough Republicans will vote with us to adopt it; and if the majority prevent us from striking out the bond feature, we shall then hope that they will at least allow us to amend the bill by adding the income tax.

Let us say to the trusts and great corporations of our land: Since under Republican doctrines the Government has given you privileges which have enabled you to exact gigantic and often unearned fortunes from the sweat and labor of our people, now when that Government needs the sinews of war, under the Democratic doctrine of an income tax you shall contribute to the support of that Government, which has so largely favored you, your proper share for its necessary burdens.

Mr. Chairman, in addition to the income tax which Republicans declare, hope, and trust is unconstitutional, there are other measures for this emergency which carry no favoritism and no injustice in them. One of these measures, introduced by myself (H. R. 10108), will fully, quickly, and fairly meet the requirements of the situation. This bill, which has been referred to the Committee on Ways and Means, is as follows:

A bill to prevent increased burdens of taxation on the people, and to provide means for the support of the Government in the war with Spain, and for the coinage of silver.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed, as the exigencies of the public service require, for the payment of the Army and Navy and other creditors of the Government, to issue on the credit of the United States the sum of $500,000,000 of United States notes, in such form as he may deem expedient, not bearing interest, payable to bearer, and of such denominations, not less than $1, as he may prescribe, which notes so issued shall be lawful money and a legal tender in payment of all debts and dues, public and private, within the United States; and any of said notes, when received by the Treasury, shall be reissued as the public service may require. And when any of said notes may be redeemed, as hereinafter provided, they shall not be retired, canceled, or destroyed, but shall be reissued, paid out again, and kept in circulation. The said notes shall be redeemed by the Secretary of the Treasury in coin, on their presentation at the office of the Treasurer of the United States when redeemable, as hereinafter provided. The said notes herein authorized shall be divided into ten classes of $50,000,000 each, to be known as class A, B, C, D, E, F, G, H, I, and J, respectively, and the notes of the several classes shall be so marked or engraved as to distinctly show the class to which each note belongs, and the notes in the several classes A, B, C, D, E, F, G, H, I, and J shall be redeemable only in the years 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, and 1909, respectively, and in every tenth year thereafter, respectively.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be coined at the several mints of the United States, without delay, for the Government, all the silver bullion or seigniorage belonging to the United States into silver dollars of the weight of 412½ grains of standard silver, as provided in the act of January 18, 1837, on which shall be the devices and superscriptions provided in said act, which coins, together with the standard silver dollars now in circulation, shall be a legal tender at their nominal value for all debts and dues, public and private.

SEC. 3. That the proper officers of the several mints of the United States are hereby authorized and directed to receive silver bullion from the holders thereof when offered for coinage, and to coin the same for the benefit of said holders into such silver dollars as are provided for in section 2 of this act, upon the same terms and conditions on which said officers now receive and coin gold bullion for the benefit of its holders; and the silver dollars so coined shall be a legal tender at their nominal value for all debts and dues, public and private.

The Government now owns $42,000,000 of silver bullion, known as seigniorage, which under this bill would be at once convertible into money. The third section provides for the free and unlimited coinage of silver at 16 to 1 with gold. You may exclaim that there is no hope of getting such a measure through this Congress, since the Republicans are a unit against giving silver the same privileges that gold has. I know that on the Teller resolutions, during this session, the strength of the silver sentiment was tested in this House, when 180 Republicans voted against them and only 1 Republican in all this body voted for them, and the gentleman who cast that vote, my colleague from North Carolina [Mr. LINNEY], said in his remarks on those resolutions that he was not in favor of the free and unlimited coinage of silver.

But, Mr. Chairman, in times of a great national crisis it would well become the stanchest advocate and the blindest worshiper of the gold standard to reconsider his position, to ignore the demands of Wall-street influences, and to take position on the side of the great masses on the living issues now before the people. The object of the free-coinage section of my bill is to increase the amount of standard money, to cause higher prices for labor and products, to give new energy and enterprise to business, to destroy the financial reign of the gold dealers, and to restore prosperity to the great masses of our people. Nothing can more encourage the brave men in front, fighting their country's battles, nothing can more inspire the Army and Navy, and nothing can fill our enemy with greater fear than to know that back of our soldiers and sailors are a brave and determined people, energetic, prosperous, and hopeful.

The first section of my bill is so drawn as to absolutely prevent any great run on the Treasury hereafter with the proposed notes, and, in my opinion, such provisions might well be made to apply to all our currency. This section, you observe, gives the authority to issue so many of such notes up to $500,000,000 as the needs of the Government require, thus being limited to the necessities of the Government. But, Mr. Chairman, let me return to the pending bill. Its most prominent provision is its bond feature. It authorizes the Secretary of the Treasury to issue $500,000,000 of 3 per cent bonds, to run from ten to twenty years.

This is wrong and contrary to the best thought and best interests of the people. Until all other reasonable expedients fail, bonds should not be considered. The bill under present circumstances should never pass as long as it contains this bond provision, even if in other respects it had no faults, and I doubt if as many faults and as few merits have ever been so condensed in a similar measure. If the credit of the Government is to be used, and it is to be, then let it be in noninterest-bearing, full legal-tender United States notes. Why at this stage of the conflict entail upon the people millions of dollars of interest expense and contract the circulation by withdrawing therefrom the money which will buy the bonds, when such expense is altogether unnecessary and when the already contracted circulation can be easily and safely increased? [Applause.]

This is the question that every honest taxpayer will consider thoroughly, and, my Republican friends, you had better begin now to frame an answer to it for use among your constituents. Bonds, which are the first resort of the Republican party, should be the last resort of a statesman, and the last burden to be placed on patriots or borne by freemen. The necessity for bonds does not exist and in all probability will not arise during the war, and never should bonds be issued until our noninterest-bearing paper money falls below par. No one believes the present outstanding greenbacks will be worth less than 100 cents in the dollar during the war or at other times.

Notes such as those proposed in my bill will be upon higher and firmer ground than those now outstanding. The law under which the present greenbacks were issued made them legal tender for all debts and dues except interest on the public indebtedness and duties on imports. But the notes under my bill would be full legal tender for all debts and dues without any exception. Being full legal tender, they would not go below par, for the simple reason that no one would take less than 100 cents on the dollar for one when he could with it pay a dollar of taxes, or debts, etc.

The only reason the old greenbacks, which are redeemable in coin, ever fell below par was because of the exception clause in their legal-tender provision. Since they were not legal tender for import duties, the importer who had them was compelled with them to buy coin from its holders, who put the price of it up, which of course meant putting down greenbacks. The importer was compelled to have coin to pay import duties; but if he could

have used his greenbacks to pay import duties, he would not have been compelled to have coin, and his greenbacks would never have fallen on the market.

Mr. Chairman, I will not undertake to discuss the pending bill in detail. It is unnecessary to increase the tobacco tax. It can be avoided. "Unnecessary taxation is unjust taxation." It is troublesome and vexatious to require stamp taxes on notes, mortgages, bonds, checks, deeds, and other written instruments, and yet your bill does it. The measures advocated by Democrats would prevent the necessity for such taxation and destroy the excuse or pretext for bonds. But you increase the tobacco tax to 12 cents a pound. You tax the smallest leaf tobacco dealer $12 per annum and the largest $24.

You tax the poor man's mortgage, exceeding $100, fifty cents and increase the cost of the rich man's champagne two cents a pint. No man, after this measure goes into effect, can safely handle tobacco in any form, or handle beer, mineral water, chewing gum, perfumes, medicines, etc., or sign, deliver, or receive any written paper, document, contract, receipt, etc., without first investigating this law to ascertain whether or not he is violating its provisions.

Mr. Chairman, as a rule it is not our wealthy people who drink beer, chew tobacco, and give notes and mortgages. Go through the provisions of this bill, and you at once conclude that it bears more heavily upon the poor than on the rich. Sir, I believe that under this bill nine-tenths of the taxes levied will be borne by people who own less than one-tenth of the property of the country. It is a moral wrong, it is tyranny, it is not patriotism, it is not right to raise the money for this war by means of unequal and unjust taxation, and all the sophistry, all the eloquence, and all the demagogy of the country can not make it right.

Why did you not tax banks on their deposits? Why not tax telegraph instruments? Why not tax palace cars? Why not tax railroads on their tickets? Why not tax the trusts on their dividends? Why not tax articles which would affect the wealthy in the same proportion in which the tobacco chewer is affected by this bill? Unless taxation can be equalized, government is a robbery. Congress should be fearless to equalize taxation, regardless of the protestations of wealth. The humblest man, the most democratic Bryanite, is willing to pay his just share of taxation, but honest men can not be satisfied and will not cease their agitation until the richest corporation is made to pay its just share of taxation.

Overburdening one class is not more wrong and more unjust than underburdening another class. Until the Republican party changes its financial position and its methods of taxation it need not expect increase of strength from the agricultural sections or the laboring masses of our country. It may be and probably is true that the wealth of the land would, without great resistance, bear its proper share of the costs of this war; yet the Republican party has deemed it best not to adopt a tax measure that might perchance offend it. You can not say that wealth will pay the beer and tobacco taxes, for we know that the consumer pays the tax in every instance.

Mr. Chairman, I imagine that there is at least one consolation to the other side in contemplating this bill, and that is, that attention will be distracted from the failure of the Dingley tariff bill to produce sufficient revenue for the Government, just as the war prevents our considering the absence of the promised prosperity. It was by some ardent and trustful Republicans thought the Dingley bill would help all factory wages. Democrats never thought it, and in last December the gentleman from Maine [Mr. DINGLEY], in response to inquiries on the floor of the House by myself, admitted in substance that wages in Southern mills were not affected by the tariff. The Dingley bill has not satisfied the Treasury.

The taxes now proposed will go into the Treasury and help the tariff bill out of a most unfortunate condition, as the deficit at the beginning of this month under the Dingley tariff had amounted to more than $50,000,000 for its first eight months of operation, which deficit had been covered by the money received by the Government from the sale of its interests in the Union Pacific and Kansas Pacific railroads.

Mr. Chairman, having briefly outlined my objections to this bill, and having briefly referred to those measures which I think should be adopted in this emergency, I shall rely upon the intelligence, courage, and patriotism of the good people who have honored me with their confidence for the vindication of my position, believing that I have justly represented their sentiment and interests, and knowing that I have in their behalf taken that position in accordance with my best judgment.

I say this because I know that when any member of this House takes a position contrary to the wishes of the great capitalists, contrary to the views of the gold-standard advocates, contrary to the interests of those who prosper most when speculating in the transfers of United States bonds, he is by many looked upon as a dangerous and unsafe representative of an ignorant and unpatriotic constituency. And, sirs, many of the metropolitan newspapers are ready at once to hurl their shafts of ridicule at such a member.

Many of these newspapers, controlled by gold-standard interests and influences, whose proprietors rejoice in bond issues and condemn income taxes, already denounce the men who fail to approve the plan of taxation outlined by the gentleman from Maine [Mr. DINGLEY], the distinguished leader of the single gold standard element of this House. Blinded by selfish interests and mistaking their prejudice, bigotry, and conceit for conscience, intelligence, and patriotism, such papers are ready to denounce every man who refuses to be stampeded into supporting the bond feature of the pending bill and who dares to urge as a substitute therefor a "greenback" issue and the income tax as an obstructor of the public business.

But, sirs, the Representatives on this floor who believe in the righteous principles of the Chicago platform can not be intimidated or deceived, nor can they be deterred from their plain path of duty by false and furious press opinions. We propose to show the same patriotism when dealing with our own people as when repelling the powers of Spain. We shall contend against injustice and oppression upon our people however and wherever it may originate.

In conclusion, Mr. Chairman, I trust this war will soon be over, that our arms may soon be crowned with glorious victory, and that the gallant men who risk their lives for our common country may joyfully return to their families. I trust further that this tax law which is about to be placed on our statutes against our protest may soon be repealed. The taxpayers and home-builders have much against this Congress. They have failed to receive the promised prosperity. They have felt the oppression of the protective tariff. They have felt the tyranny of the gold standard. They have noticed your defeat of the Teller resolution, which declared our bonds payable in silver as well as gold. They will feel the annoyance, vexation, and burden of this tax bill. The people are patient, but they hold their steady course against injustice, and though by money and deception often beaten and baffled, they shall surely finally succeed and have all the wrongs of legislation corrected.

The great majority of the American people are agreed upon the bed-rock principles of government and upon the policies which should control Congressional action, and, though now divided into factions, I rejoice to think that all the strategy and influence of the Republican managers and all the pride, prejudice, and selfishness of political leaders can not always prevent united effort on the part of these great forces of right. Principle and patriotism will finally cast aside everything and everybody that creates or approves division, and then in one great, grand, harmonious body the believers in equality in the Government, the opponents of governmental privileges to the few, the lovers of liberty, and the enemies of oppression will strike down the unjust, tyrannous, and selfish influences which have dictated so much legislation, and drive from power that party which has become the protection and the instrument of the trusts and plunderers of the people and restore the Government and its laws to the simple and honest basis of right and justice as intended by our fathers. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCHRAN of Missouri. Mr. Chairman, if anything is absolutely certain in connection with this measure it is that there was no necessity whatever for hurrying it through Congress. Time for full discussion and opportunity to freely offer amendments should have been allowed. The time allowed for debate is barely sufficient to enable members of the committee to effectively discuss the bill. The committeemen consume the afternoon, and in the evening other members of the House are graciously permitted to speak to empty seats on the floor and an appreciative audience in the galleries.

Five, ten, or fifteen minutes are allowed to discuss a measure which proposes to place at the disposal of the Administration at one fell swoop $700,000,000!

Mr. Chairman, I have not been accorded sufficient time to go into details, but I affirm that, making allowance for the depreciation of the paper money of the period of the civil war, the pending bill contemplates larger provision for the expense of the war with Spain than was incurred in the years 1863 and 1864 in the prosecution of our great civil war. It provides for war taxes that will raise $100,000,000, for the issue of certificates of indebtedness for $100,000,000, and for the issue of bonds for $500,000,000. This, with a $113,000,000 surplus (exclusive of the $100,000,000 gold reserve) now in the Treasury, would create a war fund of $813,000,000.

Sir, I regard precipitate action upon such a measure as wholly indefensible. No emergency exists. As I have just stated, including the gold reserve, the surplus in the Treasury amounts to $213,000,000. The available $113,000,000 affords ample means for the defrayment of war expenses for months to come. In view of these facts, I denounce as a farce the procedure which, upon

such a measure, deprives members of this body of an opportunity to express their views, and which enables them to go upon record only by recourse to "leave to print."

What are the salient features of the tax provisions of this bill? It was devised by selecting from the tax laws in force in 1863, 1864, and 1865 their objectionable features—those most oppressive, those which vexed trade and irritated the citizen. It leaves untouched the features of the civil-war tax laws which, by laying a share of the burden of taxation upon the wealthy and prosperous classes, raised substantial revenues, and which, if resorted to now, would raise $500,000,000 a year with which to prosecute this war.

The gentleman from Ohio says an income tax is at best a measure for the promotion of perjury. Mr. Chairman, this is tantamount to charging that the wealthy classes are outlaws; that they are beyond the reach of the strong arm of the State. It is equivalent to the blunt assertion that the people of this Republic can find no way to impose upon men of large wealth a just proportion of the burdens of taxation. It is an indictment explicitly charging that in time of war, when poor men's sons are being shot on the battlefield, our millionaires stand ready to commit perjury to avoid payment of the funeral expenses of patriots slaughtered in the nation's defense.

Mr. Chairman, I do not believe this frightful arraignment is justifiable. On behalf of the large majority of the wealthy men of the section in which I reside I repel it. Unfortunately it is true that in the enforcement of all tax laws the burdens of the less opulent classes are rendered heavier by the evasion of just taxation systematically practiced by many of their wealthier neighbors, but an income-tax law would be as generally acquiesced in as tax laws generally are.

Mr. Chairman, I am unconditionally opposed to the feature of this bill which proposes an increase of $500,000,000 in the bonded debt. I denounce this proposal as an effort to use the exigencies of the situation as a means of furnishing the national bankers with a fresh argument in favor of extending and perpetuating the system which hopes to eventually monopolize the issue of paper currency in this country.

It is the old, old story—the people, moved by patriotism, stand ready to give their lives and devote their fortunes to the defense of their country's honor, and the money changers see in this magnificent picture of a great nation moved by the loftiest impulses of which men are capable only an opportunity to fatten upon the substance of their countrymen.

Gentlemen tell us that because the country is at war with Spain, therefore we should shut our eyes and unhesitatingly enact any law brought in here by the Committee on Ways and Means.

Mr. Chairman, perhaps the last generation was not to blame for allowing the vultures of the stock exchange to prey upon the country from the beginning to the end of the great civil war. Plausible excuses can be made for the adoption of measures of public defense out of which, during the war of the rebellion, the stock jobbers and gold gamblers made enormous fortunes at the expense of the Government and the people.

The fate of the Republic hung in the balance. The nation was fighting for existence. Nearly a million men were in the field. Twelve hundred ships maintained a blockade from Chesapeake Bay to the Rio Grande, and patrolled the seas to prevent the Confederacy from drawing supplies from foreign countries. America, divided against itself, was at war. It was a combat between giants, a conflict such as the world had never seen before and never will see again.

I think it has been abundantly proven, Mr. Chairman, that from the beginning to the end of that struggle the expenses of the Government were enormously enhanced by the evil machinations of those pirates of the financial world who, in peace and in war, thrive by conspiring against the best interests of the country and its people. If the Confederacy had no other ally, assuredly from Bull Run to Appomattox the stock jobbers and speculators in gold and bonds were its faithful and effective helpers.

Mr. Chairman, I predict that the war with Spain will not involve very great loss of life or the enormous expenditures which the framers of this bill pretend to think will be necessary. As the necessities of the case shall develop I stand ready to vote for equitable and just schemes of taxation capable of raising funds sufficient to pay the expenses of the Government. I unhesitatingly declare that until it shall be made apparent by actual events that the necessary funds can not be raised in any other manner I will not vote for any bill authorizing the issue of interest-bearing bonds.

Gentlemen pretend to regard with amusement the proposal to add $58,000,000 to the outstanding volume of Treasury notes. They know that at least $58,000,000 of the $346,000,000 said to be in circulation has been lost and destroyed during the thirty-six years in which the greenbacks have been in circulation, and that therefore the proposition which will be brought forward by the minority only contemplates restoring to circulation the amount of Treasury notes authorized by existing laws.

The proposition to coin the silver seigniorage, amounting to $42,000,000, is also condemned as a "fiat-money" scheme. And yet, since McKinley became President, 13,000,000 silver dollars have been coined. Mr. Chairman, the difference between parties on this subject is this: The thirteen millions coined by the McKinley Administration was used in retiring a similar amount of Treasury notes. No addition to the volume of money was effected. In the eyes of the Republicans in this body, to coin silver dollars without adding to the volume of money is all right, but to coin them to pay the expenses of the war and in such manner as to add to the volume of money and avoid an issue of bonds would be altogether wrong.

I represent a constituency unalterably opposed to this theory, and am not to be swerved from faithfully voicing their opinions by the pretense that war with Spain renders necessary an unconditional surrender to the apostles of scarce money.

Mr. Chairman, whether it be of brief or protracted duration, the war will render necessary an increase in the volume of currency available for the use of the people. Taxes are paid in cash. When this bill goes into effect large sums will be suddenly drawn into the Treasury. The heavy demands will be made in the first instance upon the brewers and tobacconists and the merchants and manufacturers who deal in articles subject to taxation.

Want of time prohibits me from going into details, but obviously the first exactions levied by this measure will weigh heavily upon an inconsiderable area, and some time will elapse before the burden is dispersed among the great mass of consumers, who, in the last analysis, bear all taxes imposed upon the wants and necessities of the people. The sale of bonds will lock up enormous sums. The bond feature of this bill was devised solely for this purpose. Under the pretext that the war with Spain must be supported, the war on the greenbacks is to be continued. By the sale of bonds those outstanding may be impounded in the Treasury.

Mr. Chairman, this scheme, if successfully carried out, will add to the burdens and losses occasioned by war the greater losses that must result from a further contraction of the currency. Not only am I opposed to the proposed issue of bonds, but I want to go on record as an advocate of the coinage of the seigniorage and the issue of Treasury notes sufficient in volume to add $100,000,000 to the currency, regardless of whether such a measure be rendered absolutely necessary as a means of defraying the expenses of the war.

Mr. Chairman, if the sole object of the Republican members of the Ways and Means Committee had been to provide for the expenses incurred in crushing Spain the work could have been done without any provision for increasing the national debt. During the civil war we had an Army of nearly a million men in the field and 1,200 ships on the seas. The average annual expense of maintaining this Army and Navy during the six years beginning July 1, 1860, was $——— in the currency of that period. Measured in gold, this annual outlay was about $300,000,000.

Mr. Chairman, enormous as this expense was, if the tax laws of 1864-65 were now in force they would produce three times the sum required to carry on that great struggle—the most expensive war known to history. Nobody dreams that the war with Spain will entail any such expense, but even if it should, the proposal to add $700,000,000 to $113,000,000 already in the Treasury before a shot has been fired is certainly indefensible and one which does not deserve the support of members of this body who are unwilling to convert a measure of public defense into a scheme for the perpetuation of the interest-bearing debt of the country.

Mr. Chairman, the people desire to pay the expense of the war with Spain in spot cash. I have said that the tax laws of 1864-65 would raise vastly more than $300,000,000 a year, in addition to the present revenues of the Government. In the limited time at my disposal I can not go into details, but ask gentlemen who doubt the statement to investigate the subject, and they will be convinced that I am not mistaken. In order to pay as we go on with the task we have undertaken, it will not be necessary to restore the tax burdens imposed during the civil war.

I believe the pending measure with the bond-issue feature stricken out would be ample. Recurring to the receipts of the Treasury under the tax laws of 1864-65, let me remind the gentlemen on the other side of the chamber that with the country divided and the laws inoperative in the revolted States, at a time when the volume of business in the country was much smaller than now, when only 25,000,000 people paid taxes into the Federal Treasury, internal taxation produced an enormous revenue.

No internal war taxes were imposed until 1863. Thenceforward the receipts from internal revenue crawled up from $37,000,000 for the year ending July 1, 1863, to $109,000,000 for the year ending July 1, 1864, to $209,000,000 for the year ending July 1, 1865, and to $309,000,000 for the year ending July 1, 1866; and permit me to again observe that the aggregate average expense of the civil war was less than $600,000,000 in greenbacks and less than $300,000,000 a year in gold.

Furthermore, Mr. Chairman, it is my firm belief that the war with Spain will not last twelve months. Exclusive of the gold reserve, we have over $113,000,000 in the Treasury. This Congress can sit here until events shall plainly show what is necessary. Congress should remain in session until ample provisions are made for the vigorous prosecution of the war. We are paid to sit here continuously if the exigencies of the public business require it. We ask our constituents to send us here, and if we do not want to stay we can resign, and numerous patriots will be willing to take our places. No emergency exists requiring the passage of the monstrous measure under consideration.

Spain will be ground to powder before snow flies. Even were the Spaniards our equals in power and resources, their overwhelming defeat inside of a year would be a certainty. Spain has undertaken to carry on war 3,000 miles from her base of supplies, in our own waters, and practically upon our own shores. She must transport arms, munitions, and provisions across the ocean. Spain is bankrupt, without credit, dependent upon charity, branded as the unfit among the nations of the earth, stricken with dry rot, lingering on the brink of that tomb in which will finally sleep the Turk and the Spaniard, twin survivors of the ages during which war meant the butchery of women and children and peace was rendered no less dreadful than war by the wickedness and cruelty of rulers who practiced robbery as a pastime and indulged in wanton violence merely for recreation.

In the very nature of things a war with such a people, carried on under such circumstances, can not be of protracted duration; and at its outset we are not called on to pass a bill providing for largely increased revenues and the addition of $600,000,000 to the interest-bearing debt. [Applause on the Democratic side.]

[Mr. SPARKMAN addressed the committee. See Appendix.]

[Mr. BURKE addressed the committee. See Appendix.]

Mr. SIMPSON. Mr. Chairman, I approach the discussion of this bill with a great deal of fear and trembling, for there is still ringing in my ears the accusation of the chairman of the Committee on Ways and Means to the effect that all those who may not on this occasion support this bill without any opposition will be guilty of demagogy, pettifoggery, or a lack of patriotism. Yet, notwithstanding that, I believe I have mustered up courage enough to offer a few remarks in regard to this bill. I notice, however, that running through the whole discussion on the Republican side of the Chamber there have been numerous appeals to the patriotism on this side of the House to support the bill without any undue criticism.

Now, I realize the necessity of adopting measures in this House that will raise taxes to carry on the war. But I do not realize the necessity that this nation should be bonded for that purpose to the extent of $600,000,000. This country, in my opinion, is not yet in a condition that it needs to adopt this extraordinary step. Pause and think for a moment of the difference between this country and Spain. Here is Spain, a seventh-rate nation, depending on the very threshold of this struggle upon borrowed capital and the private donations of her citizens, more than 3,000 miles from her base of supplies, unable to vanquish the insurgent people in arms in the Island of Cuba, so few in number and so poorly organized that this Government has refused to recognize their independence or their belligerent rights.

On the other hand, we are a nation of 75,000,000 of people, the richest and most powerful nation in all the world, with boundless resources that have hardly yet been reached by taxation, with millions of money in the Treasury, with a revenue law in operation which the chairman of the committee that framed it has assured us time and again will yield ample revenue—more than enough in times of peace to meet all our necessities. And here in this bill is a proposition to increase our revenues more than one hundred millions. Yet, notwithstanding all this, we must bond the country. What does that mean? To put the people in bonds for generations to come by borrowing money on the threshold of this war. I do not believe any such necessity exists or ever will exist if a proper bill be framed and proper effort be put forth to tax the people to carry on this war vigorously.

The chairman of the Committee on Ways and Means congratulated the country yesterday that if it had not been for this war breaking out his tariff bill would have provided ample revenue to run the Government. He said we were just about to emerge from the difficulties of the last revenue measure passed by the Democrats. Does he not know that this Republican Administration had to sell our interest in two railroads to keep up the revenues of the country to such extent as to meet its expenditures? [Applause.] I say that if it had not been for this war letting them out of their difficulties they never would have "emerged." Already they were below the surface, and nothing but the hat of the chairman of the committee was afloat on the sea of deficit. [Laughter.] They are a lucky party. In my opinion, this bond issue is for the purpose of covering up the shortcomings of the Dingley bill.

They complain that now we propose to offer as a substitute for the proposition to bond the country a proposition to collect taxes from the wealth of the country through the agency of an income tax. The wealth of this country is something sacred—almost as sacred as the gold reserve. We can not touch it, it seems.

Why, sir, do you know that when war exists in this country, the Government can take a man from his home, his fireside, his family, and put him in the front rank of the Army and have him shot for the benefit of his country? Yet the wealth of the country is so sacred that even in time of war we can not invoke an income tax to touch the wealth of the wealthy classes, even to pay the funeral expenses of the man who has been shot for the good of his country.

Why, sir, in time of war—and under the Constitution, too—it has been done time and again in this country. You can suspend every right of the people—the right of habeas corpus, the right of trial by jury, and every right valued as a part of Saxon liberty—all these rights may be swept away in time of war. Yet these gentlemen tell us that the wealth of the country is so sacred you can not lay hands on it to defend the country. Sir, if it were necessary in this struggle, I would not alone impress into the service of the Government every man able to bear arms in defense of his country, but I would empty every bank vault in its defense before I issued bonds. And you can do this under the Constitution if you want to do so.

I have my suspicions that all this undue and unseemly haste to rush this measure through now under excitement in time of war is altogether for the purpose of getting these bonds saddled upon the people, to carry out a programme mapped out some time ago in the interest of the money lords of this and other countries to take advantage of the people, appealing to their patriotism to authorize for war purposes an issue of bonds the authority for which has been sought in vain in times of peace. We can come to no other conclusion.

Therefore when the time comes to vote on this bill I shall register my vote against any effort to issue bonds, and as long as that proposition is in the bill I will never vote for it. I do not care how the war may be carried on; you could not make up the bill in any shape under present conditions, with this bond clause in it, that I would vote for. And let me tell you here to-night that if the Republican party succeeds in saddling that bonded debt upon the country under these conditions the people will rise in their just wrath and indignation and sweep you from power in the next election.

There is another resource of which we could avail ourselves, and that is to meet the expenditures for carrying on the war by issuing a full legal-tender Treasury note. That has been done in times gone by. Every man who knows the history of the struggle between the North and the South in the last war knows that the greenback, crippled as it was, not a full legal tender, was one of the potent factors in fighting the battles of the North.

What is a bond? It is a lien upon the resources of the country. All bonded indebtedness must be paid by the wealth produced by labor. It anticipates the time when the process of taxation can be set in motion and this wealth collected. The same security can be put behind the full legal-tender paper currency and can thus without any burden of interest float a debt that will fight our battles just as efficiently as a bonded debt. [Loud applause.]

I know we shall be met here with the statement that during the war of the rebellion we tried the experiment of issuing Treasury notes of the Government and that we suffered great loss thereby through the depreciation of these notes and the consequent enhancement of the cost of everything the Government had to pay for. We have been severely lectured by these gentlemen claiming to represent the intelligence and patriotism of the country upon the great impropriety of insisting at such a time as this upon any reforms of our currency system. We are solemnly assured that it is the part of true patriots to take whatever may be suggested by the party in power as law and gospel, simply because war has been declared and we are forced to expend vast sums in carrying it on.

Let us contrast here this assumption with the high ideals and lofty principles of another civilization. Every public meeting in Athens was opened with a curse on any one who should not really speak what he thought. "I have never defiled my conscience from fear or favor to my superiors," was a part of the oath every Egyptian was supposed to utter in the judgment hall of Osirus before admission to heaven.

Now, sir, I will go as far as any one in providing means for upholding the flag and for the maintenance of the supremacy of the Government. I will vote with the majority for the expenditure of such sums as are demanded for the support of the men who are to carry our flag wherever they are ordered to go. I will also vote for raising all the additions that may be deemed necessary for the Army and Navy. There shall be no stint in these regards so far as my vote and my influence can go. But I want it distinctly understood that it shall never be said that by my vote the

authorities of this country have been empowered to stretch out the hand of the Government and take the men while they are to go down on their knees to the money power and borrow the money. We had enough of this during the late unpleasantness.

Sitting here within sound of hostile guns across the Potomac, the representatives of the money power higgled for the price of their support of the Government, and their agents on this floor denounced as unpatriotic any endeavor to stem the tide that was setting toward a ruinous paternalism and seeking to establish a favored class in this country under the hateful policy of Alexander Hamilton, that the Government should take care of the rich that the rich might care for the poor, if they wanted to do so. And to-day they are repeating the old demand. They bring us fairly to a consideration of the question whether or not they are the men entitled to speak for the honor and good faith of the Government; whether or not they are the men to define and determine what is the true line of patriotic endeavor. In discussing the propriety of payment of the bonds of this Government in only one kind of coin, I had recent occasion to make a careful, and thus far unanswered, statement of the facts upon which just decision of this question might be had, and, with the kind permission of the House, I will repeat here a portion of my remarks relating to the pretension of Republican members of this House to stand for all that is sound and honest in finance.

If we shall find that these gentlemen have always stood for the honor and good faith of the nation; if we shall find that in the legislation affecting the finances they have always stood for that which was for the best interest of the people and for the defense of their honor, then we may well hesitate in our course and more carefully examine the arguments on which we have based our present judgment.

And in the determination of this question I shall be guided in this discussion by authorities that can not be fairly questioned by any gentleman on the other side, since I shall quote and consider only the statements of statesmen recognized as authority wherever Republicans gather for the purpose of prating of their devotion to the nation's honor.

We have heard much during this debate of the record of the Republican party in sustaining the nation's honor. The gentlemen so assuring us stand for the opponents of these resolutions. They and their kind have always been found allied whenever there was a demand from Wall street to be complied with. From the days of the war till now these gentlemen have occupied the same position.

Their party has been responsible for every act of legislation relating to the currency of the country for the past forty-five years, save and except for the few years of the incumbency of an alleged Democratic President, who, so far as this issue goes, was as good a Republican as the humblest devotee of Wall street. From 1861 to 1885 there was no possibility of the enactment of a law relating to the currency of the country that did not receive the sanction of the Chief Executive, a member and acknowledged leader of the Republican party.

Here, then, is a case in which it is easy to fix the responsibility. Here also is a case in which it must be permissible to quote in substantiation of assertions the statements of the acknowledged leaders of the political party responsible for legislation.

And right here let me make a single definition and explanation. Gradually the people of this country have been progressing from an objective to a subjective contest. The general contention has been between the plain people of the country and the privileged classes, the one seeking to regain lost rights, the other to enlarge their exactions upon the producing classes.

As the fight has waged it has finally happened that the people have been brought face to face with the acknowledged center of privilege. They have been taught by bitter experience that whenever the privileged class have felt the necessity for unusual effort, appeal has been made to what are known as the money centers for the means with which to carry on their warfare against the public weal. Fighting against the extension of the crime of granting public functions to private corporations, we have attacked the banking system of the country, and have demanded that the function of issuing the money of the people shall no longer be delegated to a favored class.

And the banking interest has responded to the call for help in a manner that has caused alarm even in circles recognized hitherto as Republican. In the conduct of their campaigns both Mr. HANNA and Mr. Bynum sought the sinews of war from the same source. They applied to the bankers, and they went to what is known as "Wall street" to make their application. Therefore it has come about that the term Wall street covers something more than a thoroughfare in New York City, having "a banking monopoly intrenched at one end and a transportation monopoly at the other."

It includes in the public mind the chief seat of power of the corporate monopolies of the country. Just as the term "slave oligarchy" once expressed the intrenched power of man over his fellow-man, so to-day the term "Wall street" stands for the fortress of privilege against which the people are directing their attacks. And in using this term in this discussion I want to be understood as including every form of special privilege granted by unjust legislation.

With these premises let us look briefly at the record and see how these Republican patriots have stood for the national honor and public faith.

We find from the record that in the early days of the war these patriots caused to be issued in payment of the soldiers and sailors of the Government and to the citizens who furnished supplies some $450,000,000 of greenbacks. These notes when issued were by law endowed with certain functions and uses. They were specifically fundable in any bond thereafter to be issued by the Government, at the option of the holder.

After this amount had been issued and paid out, these defenders of "sound money" and the public faith destroyed one of the uses of the greenbacks by "taking away the important privilege of funding them in a bond." And it must be noted here that the Republicans of that day had not progressed so far in their subservience to Wall street as to feel warranted in taking this action upon the personal order of an Executive, as is done to-day when a statute is to be annulled. They proceeded in regular form to repeal the statute and by law annulled a promise that was given to the holders of these notes. The contract between the Government and the holders of the notes was stated in the following language:

> And any holders of said United States notes depositing any sum not less than $50 or some multiple of $50 with the Treasurer of the United States or either of the assistant treasurers shall receive in exchange therefor duplicate certificates of deposit, one of which may be transmitted to the Secretary of the Treasury, who shall thereupon issue to the holder an equal amount of bonds of the United States.

The purpose of this provision was stated to be the linking of the greenbacks to a coin interest-bearing bond. It was one of the uses of the note upon which its value depended. Now, let some of these gentlemen who shout so loudly of their devotion to the honor of the Government and to the interests of the people explain in what manner this measure sustained the public faith. And as a guide to them in their investigations, let me call their attention to a declaration in this regard made by a Republican of good standing in their party, holding, when the legislation now under criticism was had, the position of chairman of the Finance Committee of the Senate, and to-day being nominally Secretary of State of the United States.

I refer them to the Congressional Globe, Part IV, second session Fortieth Congress, under date of July 14, 1868. The honorable gentleman was then discussing the financial legislation of his party during the war, and in reference to this action he said:

> It so happened as the war progressed that it was necessary for us to depreciate the value of the United States notes in order to induce them to flow more rapidly into the Treasury. What did we do? It was then our policy during the war to depreciate the value of these notes, so that they would come into the Treasury more freely for our bonds.
>
> Why, sir, we did a very natural thing for us to do. We increased the amount to $300,000,000, then to $450,000,000, and we took away this important privilege of converting them into bonds on the ground that while this privilege remained the people would not subscribe for bonds, and the notes would not be converted; that the right a man might exercise at any moment he would not exercise at all; and on this ground, that this clause prevented the conversion of the United States notes, we repealed it by the act of March, 1863.
>
> Now, what was the duty of the United States, as soon as the war was over, when we no longer had occasion to borrow money? It was to restore these notes to their former value. Every privilege that was given to them under former laws ought to have been promptly restored, unless we made them up to par of gold by retiring them from currency. That we could have done if we chose to embarrass our people then engaged in business. If we could not do that, we ought at least to give the holders of these notes our bond, bearing interest. Why not?
>
> I ask any Senator—and my friend from Maine [Mr. Fessenden] will find it very difficult to answer this question—why should not a man who holds these notes in his hands, which he is compelled by your laws to take, have the right to convert them into a bond? Why should they be less valuable than the bond? Why should he be compelled to sell at a discount in order to get a bond? Sir, it is wrong in principle, and from the very beginning of peace we ought to have restored this right to convert the legal-tender note into a bond, and the failure to do it, it seems to me, has postponed specie payments.

I propose to dwell upon this confession of the Republican high priest of "honest money" and unswerving friend of Wall street. I want the Republican members of this House and the country to have this matter fairly before them as a basis of judgment as to the standing of these gentlemen who arrogate to themselves a right to stand here and tell us what is for the best interest of the people and what makes for the public faith.

I call their attention, then—

First, to the fact that the then chairman of the Finance Committee of the Senate thoroughly appreciated the character of the men with whom he was allied. He declared, in stating the policy of his party in seeking to depreciate the value of United States notes as the war progressed, "Why, sir, we did a very natural thing for us to do." He was right. It was even then a "very natural thing" for a Republican to do. Is was as natural for them to defraud the taxpayer in the interest of the bondholder then as it is to-day. The Wall-street capitalist was then engaged in the

scheme of making money out of the Government in its extremity. He wanted to buy as many bonds as possible with as little money. He was seeking a coin interest-bearing bond.

He had terrorized and bulldozed the Congress to make the interest of its bonds payable in coin, and then proceeded to secure the depreciation of the greenbacks in which they were purchasable. The patriots who claim for themselves a monopoly of financial honor and wisdom were sitting here within sound of the guns across the river. They orated grandly of their devotion to the brave men who were fighting. They had paid those men in greenbacks which they had declared were not good enough for the lily fingers of the Wall-street bankers. And now they proposed to "depreciate the value of the United States notes" as the war progressed. And the great financier from Ohio declared that "it was the most natural thing for us to do." And he was right. It was as natural for a Republican and a "sound-money" defender of those days to perform the will of Wall street as it is to-day.

Second. I want to call the attention of the gentlemen on the other side, and to any ally who is out of place on this side of the House, to another important admission contained in this confession of their champion. He declares that they desired to depreciate the value of United States notes. And he shows his knowledge of economic laws to the extent of understanding fully that one of the easiest ways of causing a depreciation of United States notes was to destroy by law one of their uses.

Mr. Sherman knew that value resides largely in use, and that the surest way to cause a depreciation of the value of any money was to limit its uses. Herein he confesses to such knowledge of the law of cause and effect as to warrant a charge of criminal intent, not merely in respect to the action now under discussion, but also in respect to that later conspiracy under which the value of silver as a money metal was depreciated by the same agencies and at the behest of the same Wall street, by limiting its uses. These gentlemen can not claim for themselves ignorance of economic laws to relieve themselves of the charge of criminal legislation "as the war progressed." They knew what was required of them, and they were fully conscious of the effects of their acts. And it came very natural to them, according to the statement of their chief fugler.

Third. I want to call attention to the fact that the honorable gentlemen responsible for this legislation have never by statute restored the privilege thus taken from the holders of the greenbacks, though they were assured by their oracle thirty years ago that such a course was demanded by every principle of honor and every regard for the public faith. But Wall street has not demanded this, and it has been the most natural thing for these gentlemen to do to await the commands of Wall street. The gentlemen here to-day will find it as difficult to answer this proposition as it was for the Senator from Maine, to whom Mr. Sherman addressed himself. Nor will they make attempt. It is a matter they do well to avoid.

Fourth. Let me call attention to another fact revealed by the statement I have quoted. It was admitted by Mr. Sherman that by law the holders of the greenbacks possessed a certain guaranteed right. The provision of law I have above quoted was stated by Mr. Sherman in the speech from which the above confession is taken. But even then it had become a part of the Republican creed to be as careless of the terms of the contract as to-day, when the President of the United States tells a gathering of protected manufacturers that he will pay the bonds in gold regardless of the terms of the contract under which they were issued.

The only difference between the infamy of the earlier days and that of to-day is found in the fact that thirty years ago these friends of honest money covered their wrongdoing and anarchy under a statute, while to-day it is done by the unwarranted act of the Executive, regardless of the law. And it serves as an object lesson of the easy descent to Avernus.

At the close of the war a new condition confronted the friends of Wall street in the Congress of the United States. The positions of soldier and bondholder had been reversed. As the war progressed the soldier had been receiving greenbacks from the Government in payment for services. The bondholder had been paying greenbacks to the Government in purchase of its coin interest-bearing bonds. It now became the duty of the soldier in field and shop to earn the money with which the Government should redeem its obligations, as it was the privilege of the bondholder in banking house and office to receive his pay for money loaned under conditions he had dictated.

The conditions having been reversed, the action and policy of the Government was correspondingly changed. It was no longer the policy of the party in power to depreciate the value of United States notes. The same cunning that had stood for Wall street profits as the war progressed now stood for it when peace had come. The notes which had been depreciated that they might "flow into the Treasury more freely in the purchase of bonds" must be appreciated that the bondholder might be the more abundantly rewarded and possess a correspondingly increased command over future production. There was no question as to the terms and meaning of the contract with the bondholder.

His bonds were payable, interest in coin and principal in lawful money. The men highest in the councils of the Republican party fully agreed upon this point. Mr. Sherman has been often quoted upon this point, and his language admits of no possible doubt as to his understanding of the contract. He declared, as late as 1868, years after the close of the war:

> Your idea is that we propose to repudiate or violate a promise when we offer to redeem the principal in legal tender. I think the bondholder violates his promise when he refuses to take the same kind of money he pays for the bonds.

Thaddeus Stevens declared that if he thought the Republican party would pay in coin bonds it had agreed to pay in greenbacks, he would "vote for Frank Blair, even if a worse man than Horatio Seymour stood at the head of the ticket." Oliver P. Morton, then Senator from Indiana, and formerly its war governor, declared that they could not afford to meet their Democratic opponents on the stump in defense of such a proposition.

Yet, in spite of these warnings, the first financial act signed by President Grant was one making "a new contract for the benefit of the bondholder," to quote from the remarks of a prominent Republican. And just as to-day, when a new scheme of plunder is being hatched for the benefit of Wall street, it was called "an act to strengthen the public credit." Congress had responded as the war progressed to every demand of Wall street, and there was still the cry for more.

And if there be those who will aver that the bonds affected by the credit-strengthening act were payable in coin, then let them explain why the new act was passed. Or if it be declared that they were not so payable, let some defender of the nation's honor tell us what right they had to pass it.

CONTRACTION OF THE CURRENCY.

At the close of the war there was immediate change in the policy of the party in power, as I have shown. The tendency for four years of strife had been to increase the profits of the money lord at the expense of the producers of the wealth of the country. A short time was allowed for the banks to show their patriotism by aiding the Government to suppress the rebellion by taking its bonds as a basis for the issuance of their promises to pay, to be loaned at double interest to the people. And when the banks had extended their circulation in times of peace, there was raised in every organ of Wall street public opinion a cry for a contraction of the currency and a return to the coin basis.

We were told that we were suffering from an expansion and that we must "get down to hardpan." But there were men even in the Republican party of that day who foresaw the certain evil results to follow from such a course, and they boldly and forcibly warned their associates that it would be dangerous to the country and to the Republican party to insist upon such a course. Even Mr. Sherman, who had always come to the support of Wall street when occasion demanded, warned his partisans that bankruptcy and ruin would follow the proposed contraction of the currency. But he, too, was brought into the ranks of those who would do the bidding of Wall street, and became the most ardent advocate of a policy he had denounced as subversive of the people's prosperity.

There was every reason for the contrary policy. The youngest student of political economy could demonstrate that there was need of a larger volume of currency rather than of a contraction of the existing volume. Every artery of commerce in the Southern States was bare of the life-giving tool of trade. Their industries were to be revived. They had come out of the war with no money and nothing but their natural opportunities and their indomitable spirit. They needed money for the moving of the crops still remaining undestroyed. They needed money for future enterprises. Their natural draft upon the volume of the currency then in existence would have caused a too great contraction of itself.

Yet, in spite of all this, and in opposition to the warnings of men of their own party, the Republicans in power yielded again to the demands of Wall street and inaugurated an era of misery and misfortune by contracting the volume of the people's non-interest-bearing money in an interest-bearing bond. Nor were they without stern lessons of past adversity to guide them. In the disasters following upon the adoption of this policy by England at the close of the long war in the early days of the century we had a fearful example of the evil effects of contracting the volume of a people's currency.

But neither the warnings of their friends nor the lessons of history could withstand the demands of Wall street. The forced contraction of the currency was then and is now defended by the same men and with the same arguments. They wanted "an honest dollar." They wanted a sound currency, even while they admitted, in the words of John Sherman, that no system of currency could be devised upon a coin basis that would withstand the effect of adverse trade and panics.

They contracted the volume of the currency to which the people

had adapted their business affairs, with the result of robbing the men who had fought the war and enriching those who had higgled for the price of their support when the nation was struggling for existence. And then, as now, they prated of their devotion to "sound money and honest finance." They watched the horrors of the era following the panic of 1873 and continued to declare themselves the financiers of the nation and the defenders of the people against the evils of a dishonest dollar.

THE TRADE DOLLAR.

And these gentlemen of Wall street had another scheme of finance for which they stood defenders. They caused to be issued and paid out to the recipients of small sums of money what was known as the trade dollar, making it a legal tender in small amounts. After they had caused many millions to be coined and placed in circulation, they demonetized it in the hands of innocent holders and placed the loss where it could be less easily borne.

But when the sharpers of the financial circles had been able to buy all these trade dollars at a heavy discount, the same men who had rushed to do the will of Wall street enacted a law by which the Government took from the speculators every dollar at its par value. The infamy of this transaction appears by the simple statement. The plain people of the country were robbed by the demonetization of the trade dollar, and then they were robbed again by the enactment of a statute which caused them to be taxed for the purpose of recouping the losses of those who had purchased them at a discount. And this is a fair example of the wisdom and honesty always displayed by the men who pose in the American Congress as defenders of "honest money."

And still the list of criminal folly of which these men have been guilty is incomplete. They had secured the enactment of a new contract by which their bonds were to be payable in coin, and yet they were not satisfied. They proceeded to make further demands upon their willing and pliant tools. Wall street understands the value of a limited basis for the money of the people.

With silver and gold admitted to the mints as money metals on a strict equality it would be impossible for any banker to organize a syndicate for the absolute control of the people's money and the domination of the administration of national affairs. Pierpont Morgan would never have been able to compel the sale of Government bonds at so much less than the quoted price if he and his allies had been confronted with a firm Secretary of the Treasury, able and willing to offer silver as well as gold in payment of national obligations according to law.

It was not so much a question of a possible decline in the value of the metal. That they understood could be accomplished by depriving it of one of its uses. It was not so much the fear of an increasing production. It was simply the desire to make the basis as small as possible in order that it might be the more completely under the control of the Wall street gang. Therefore it was that the demand arose for the demonetization of silver. It was a thing to be done in the dark, and those who deny this proposition must explain how it happened that the men now standing as champions of the gold standard are the men who drafted resolutions accusing their political opponents of the crime of destroying silver as a money metal.

Wall street had its reasons, and it had determined that silver should be demonetized. Wall street had pliant tools in Congress, and its edicts were obeyed. That this was a move in the interest of the plain people, and not a direct bounty to those holding the bonds of the Government, is too palpable a falsehood to deceive the people. It is contrary to the admitted truths of political economy. There is no one so ignorant as not to know that a limitation of the moneys in which debts can be paid must be of injury to the debtor and a corresponding benefit to the creditor.

But there is another fact that closes the argument in this case. In the primary steps of the conspiracy for the demonetization of silver and for the installation of the single gold standard no party or clique dared openly declare their intention. While Republicans were plotting to effect the destruction of the silver money, they were in their platforms charging their opponents with this act as a crime. It is not many years since the gathering of the Republicans at Chicago in 1888, when they hurled this challenge at their opponents. Nor have the people forgotten the convention at which Mr. Harrison was renominated and this charge again repeated by some of the most prominent men of the party.

If they had not been ashamed of the crime they were perpetrating, they would not have so constantly cried "Stop thief!" And it will be noted that even to-day, though their Secretary of the Treasury openly avows his intent to commit the country more clearly to the gold basis, it is deemed an offense to the large majority of the party, who understand what will be the popular response to this tardy confession. There is every indication that a revolt is already culminating against the action of the new convert in the Treasury Department. It is based upon the fact that the Secretary is too honest in his statement of his position and that he has exposed the false pretense with which his new associates have been covering their real designs.

If the Republicans would claim the demonetization of silver as one of the creditable acts of their party, and if they would have us understand that upon this portion of their record they rely for support of their claim to have always been in favor of honesty in our financial legislation, will they be able to explain why it was that they so recently denounced their Democratic opponents for the crime of demonetizing silver? And if they still stand by the charge referred to, what will they answer to the charge that they have not only been inconsistent but absolutely dishonest in their action in this regard?

BOND DEALS.

In all this record nothing stands out more clearly than that some adequate force has constantly compelled legislation inimical to the best interests of the people. In every instance there has been a seeming design to reward the forestallers and nonproducers of the country and to divert from the industrious the fruits of their honest endeavor. There can be no effect without an adequate cause.

If there had been but one or two blunders committed while the nation was struggling for existence, we might not have been forced to a suspicion of wrong intent, nor should we have had so complete an indictment of the system for the protection of which all these wrong acts were committed. Against every one and all of these criminal acts there can be brought severe condemnation uttered by the leading members of the Republican party. While the schemes were hatching, that party in its conventions pronounced against the very policies their leaders were secretly conniving at.

In the Republican convention of 1868, when stern demand was made that the bonds of the Government should be paid according to the contract, there was a distinct declaration that the bonds should "be paid according to the letter and spirit of the contract under which they were issued." There was never a question as to the contract. It was as clear as the noonday sun that the five-twenties were payable, principal in legal tenders and interest in coin. This was the earnest declaration of the best men in the councils of the party, and it was in accord with the statute.

The policy of contraction was denounced by men who were accepted as leaders, and the agents of Wall street framed false statements to prove that no contraction had been proposed or accomplished. The debates in Congress make the demonstration most clear in this case, and there we can find, from the lips of no less a friend of Wall street than Mr. Sherman, bitter reproof and forceful demonstration of the fallacy of these arguments.

From all this the conclusion is inevitable that the men who have been responsible for such legislation have no standing in the court of public opinion. By their course they have forfeited our confidence and respect, and they have made perfect demonstration of the infamy involved in the system for which they stand. We can not, therefore, be asked to accept their statement of what is a good financial policy for this people.

And so false have been their utterances in the past we are even forced to seek better authority for our contention that the principles announced in these resolutions are in accord with the law technically and under the most strict construction. That is the first point for us to determine as honest representatives of an honorable constituency. We will, therefore, refuse to accept the plea in bar of the opponents of this declaration of principles and seek our support in other directions.

Nor are we left in this respect without authority that can not be properly discredited in Wall street. For we will first call to the support of our position the Supreme Court, before which it has of late been the teaching of Wall street that all men should bow in reverence. Yielding nothing to that demand for reverence, except so far as it has taught the plain truth, we present to the opponents of these resolutions some pointed declarations of the Supreme Court.

In the decision of the court in the legal-tender cases reported in 12 Wallace, the court quotes from its own decision in a prior case of Veazie Bank *vs.* Fenno, and says:

> Then a 10 per cent tax on State-bank notes in circulation was held constitutional, not merely because it was a means of raising a revenue, but as an instrument to put out of existence such a circulation in competition with notes issued by the Government.
>
> There this court, speaking through the Chief Justice, avowed that it is the constitutional right of Congress to provide a currency for the whole country; that this might be done by coin or United States notes or notes of national banks, and that it can not be questioned Congress may constitutionally secure the benefit of such a currency to the people by legislation.

Here is a clear statement by the court of last resort as to the power of Congress to absolutely control the currency of the people. The court further says:

> Every contract for the payment of money simply is necessarily subjected to the constitutional power of the Government over the currency, whatever that power may be, and the obligation of the parties is, therefore, assumed with reference to that power. Nor is this singular. A covenant for quiet enjoyment is not broken nor is its obligation impaired by the Government taking the land granted in virtue of its right of eminent domain. The expectation of the covenantee may be disappointed. He may not enjoy all he anticipated, but the grant was made and the covenant undertaken in subordination to the paramount right of the Government.

These quotations from the decision of the Supreme Court state

the accepted law as to contracts to pay money without a stipulation as to the kind of money to be paid. They set at rest the claim that a contract to pay money can only be legally discharged by the tender and payment of the kind of money demanded by the creditor. It places the seal of the court's dissent upon that most outrageous proposition recently made by Mr. McKinley at the Belshazzar feast of the protected manufacturers, that we can only sustain the honor of the country by paying our bonds in the best money recognized in the civilized world.

And the decision of the court is in accord with the plain principles of justice recognized in all the transactions of life. There is not a business man in the world who would consent to the adoption of the rule declared by Wall street in respect to the discharge of the nation's obligations. Nor is there a respectable lawyer in the country who would not advise his client to assume the position held by those who support these resolutions. I will not admit the debatableness of the proposition that what is right for the individual citizen can be a crime for the nation.

Here we have a fair statement of the record of the men who now ask that we shall repeat the experience of the war of the rebellion and frame a financial policy that shall meet the wishes of Wall street and exemplify the ideas of finance there prevailing. They denounce us as partisans because we will not allow them the privilege of legislating in the interest of a class under pretense of supplying the needs of the Government in the time of its peril. I have shown from the record of this class that they have never been right on a financial proposition. I have demonstrated that they have been consistent only in their support of measures that would plunder the producing classes in the interest of the bondholding class. I have shown that their pretenses have been denied by the highest court in the land. And now I claim that I have established ground upon which to challenge their assumption of superior financial wisdom or a higher patriotism.

It was not an exhibition of financial wisdom to so legislate "as the war progressed" as to depreciate the value of United States notes. It was not an exhibition of patriotism for men to frame every financial act of their party during a war for the maintenance of the Government in the interest of a bondholding class and then turn around and add further favors to the same class when the war had ended. Let us hear no more on this floor of the lofty patriotism of men who have been instruments in the hands of Wall street, and let us hear less of claims of a right to stand for the Democratic party by men who prostrate themselves at the feet of these forestallers and deny the faith that the fathers held and the faith that has so recently been illustrated in this House by the almost unanimous vote of the Democratic party.

There are indications that the nation must traverse this same road once more. The great toiling masses are to be once more subjected to the same system of spoliation. The bondholding class are again clamoring for bounties in the form of special legislation as in the past. Once more we are to have demonstrated that, under the system sustained by the majority, the great toiling masses of the country are to bear the main portion of the burdens imposed by the war, while the wealthier classes, safe from either enlistment or draft, speculate upon the blood and tears of their fellow-citizens.

I know we shall be told by some of the defenders of privilege and plunder that the wealthy classes are rushing to the aid of the Government. We shall be pointed to the statement of the Secretary of the Navy that certain rich men have actually offered to the Government to protect our commerce the magnificent yachts these forestallers dare not use during war times. And we shall be pointed to the fact that one of the beneficiaries of the most gigantic monopoly of the age has offered to the President of the United States as her contribution the sum of $100,000. But the great plain people of this country will understand that the sacrifices thus referred to touch no necessity of these people, nor infringes upon their full enjoyment of every luxury. While they are under the operation of unjust laws and by favor of special legislation enjoy vast revenues, which even their extravagance can not dissipate, it is an insult to the intelligence of the American people to intimate here that these offers display any faint semblance of real patriotism in comparison with the enforced tribute wrung from those whose war taxes make inroads upon the very necessities of life.

Let us hope that this great nation, on its road to a higher plane of civilization, may not be brought to the verge of despair and revolution to secure that liberty to which the people are justly entitled. But if we must repeat thus the experience of the past, we may keep in mind the suggestion of Thomas Jefferson:

> It is unfortunate that the efforts of mankind to recover the freedom of which they have been deprived should be accompanied with violence, with errors, and even with crime. But while we weep over the means, we must pray for the end.

And right here let me call the attention of some of the impatient members of this House, who have been complaining because of the slowness of the movements of this mighty nation against its feeble and almost bankrupt enemy, that in this, too, we are but repeating history. It must not be forgotten that the great Lincoln felt the power of the cormorants who were fattening upon the profits of the war, and was hampered in his efforts to bring the contest to a conclusion until the cunning of Wall street saw danger to their accumulations in the increasing burdens being placed upon the necks of the people. We have again started on this road. Fat contracts have not yet emptied our Treasury. The same patriots who filled their purses thirty years ago are joined with their sons in efforts to stand for the flag and a fat contract.

And there is another point to be noted which illustrates the marked distinction between the propositions of the Wall street element and the friends of the people. With their usual cunning, the monopolists make great pretense of offering what they term a "popular loan," and the eminent Secretary of the Treasury hobnobs in Wall street with the bankers of that section making terms for the larger amount to be allotted to that class. They tell us of their intention of offering a popular loan in the form of small bonds, to the amount of $100,000,000, and to have these small bonds placed in the hands of crossroads postmasters, so that all the people may have a chance to invest in them and to this extent show their patriotism and desire to aid the Government.

But there is a matter to be noted here that will not escape the attention of the inhabitants of the rural districts. They will soon see that this is but the establishment of a sort of drag net by which the savings of the plain people are to be drawn to the Government Treasury and probably deposited in the vaults of favored bankers to aid in the stimulation of that speculation which always characterizes the war period. The fact that this policy must result in a severe contraction of the currency possible to be used by the people has already been made manifest. Already the officials of the Treasury Department have been forced to suspend the usual facilities of merchants desiring paper money for the transaction of their business, and the result is seen in the enforced use of gold and silver where paper money has been used because of its greater cheapness of handling. Nor does it require argument to demonstrate that this condition is the result of natural causes, and that it will be rather intensified than relieved as the war progresses.

The Government has come into the financial field as a largely increasing user of money. For every bond that is issued under this bill there is to be a corresponding reduction of the currency available for use by the business world. If John Jones buys $500 of United States bonds, he must have just so much less money for use in his business. It is true that the money is still in the country. It may be true that it has again returned to the channels of trade. But it has not relieved the stringency in the sections from which it was drawn, where the only evidences of accumulated wealth are in the form of bonds in which the surplus has been invested. And unless there be provision made by the Government for a corresponding measure of relief, this stringency must perforce have the same effect it has always had under similar circumstances, and the people suffer in their industries because of a false and absurd financial policy.

And right here we see the contrast offered between the plans proposed on this side of the House. Everybody understands that money raised by the sale of bonds is to be a burden upon future production. It is a method of bonding posterity for the debts created by us. The bond is used as a means of avoiding paying now for the expenses we incur and placing that burden upon the necks of our descendants. But the issue of greenbacks to-day rests upon a different theory and law. That issue places the burden not upon future production, but rather upon past accumulations. It has been called a forced loan. I will accept the definition. It is essentially just in that it places the burden of raising the money for war where it places the burden of raising the men to fight the battles. We take the men from our increased population and do not await the birth and growth of a new generation to bear these burdens. I do not believe it will be difficult to convince the great plain people of the country of the justice of the plan by which at last it shall be held that human life is esteemed as sacred as accumulated wealth.

And now let us look for a moment at this plan for the issue of a noninterest-bearing evidence of the Government's indebtedness for use as money by the people. For it must be noted that no howl ever comes from the caverns of the bankers when the proposition is that we issue an interest-bearing security. It is only when we ask that we "smite the rock of public credit" and create a money for the people to use in their business that the banker cries "fiat money" and hears his voice echoed in this Hall by a few shallow-pated demagogues posing as Democrats, who would rather skulk in the cloak room than to vote for a proposition accepted by the almost unanimous voice of their party. It would be amusing, were it not disgusting, to hear the old outcry against the theory that the Government can create "something out of nothing." This evidence of ignorance of the fundamentals of political economy is all

the more astonishing in a House of Representatives wherein are such abundant specimens of the power of the people to create statesmen with such an economy of raw material. And I am quite sure of a prompt response to this suggestion from some of my Democratic friends on this floor when they consider how they have been forced to illustrate this ascendency of mediocrity, this exaltation of nothingness where great ability and integrity were at command.

Now, sir, what is this proposition against which Wall street and its organs make such bitter denunciation? It is simply that a people whose interest-bearing bonds bear a heavy premium shall have the privilege of using their noninterest-bearing notes as money rather than to use the notes of a lot of favored bankers bearing the indorsement of the Government. It is the culmination of the old fight between the people and the banks, for it must be remembered that it was only after the pressure of the war scare and the chance to appeal to the passions of men that the great Committee on Banking and Currency of this House—the 16 to 1 committee, wherein sixteen of its members seem to have united against the pretensions of its seventeenth member, its chairman—it is only now that these gentlemen have been able to agree upon a proposition for the delegation of the power of issuing money to the banks of the country. We have appreciated the difficulties attending the labor of this committee. We have read with amusement the diatribes of its chairman directed to the head of the Treasury Department, who had the daring to sit in that sacred committee room and in the presence of the great Massachusetts banker to demonstrate the absurdity and the infamy of the scheme prepared by that banker for the committee's approval.

But when war was declared all trouble among the majority members vanished, and they come before the country with one of the most infamous propositions that have ever emanated from a Republican committee, and that is as severe an arraignment as needs be made. Against the proposal made on this side the House, and cordially indorsed by the party I have the honor in part to represent on this floor, for the immediate issue of Treasury notes for the use of the Government and people, it is deliberately proposed that this great Government delegate to a lot of pet banks the power to issue money, and then to increase the interest-bearing debt of the people to be used as a perpetual basis for the issue of bank notes. The simple statement of the proposition is sufficient to enlist the cordial cooperation of all good citizens against this plot. But I want to state here some of the fundamentals underlying the proposition that only by the acceptance of the proposition for the issue of Treasury notes of full legal-tender money can the liberties of the people and their absolute rights be maintained.

I have already quoted from the dictum of the Supreme Court to show the undoubted right and power of this Congress to issue legal-tender Treasury notes. I want to make one further quotation from this authority, which must be accepted by the gentlemen who have been so eloquent in denouncing all who ventured to criticise the court. In the case of Juilliard *vs.* Greenman, decided in 1884, the court says, with but a single dissenting voice:

> We are irresistibly impelled to the conclusion that the impressing upon the Treasury notes of the United States the quality of being a legal-tender in payment of private debts is an appropriate means, conducive and plainly adapted to the execution of the undoubted powers of Congress, consistent with the letter and the spirit of the Constitution, and therefore, within the meaning of that instrument, necessary and proper for carrying into execution the powers vested by this Constitution in the Government of the United States.
>
> Such being our conclusion in the matter of law, the question whether at any particular time, in war or in peace, the exigency is such, by reason of unusual and pressing demands on the resources of the Government, or of the inadequacy of the supply of gold and silver coin to furnish the currency needed for the use of the Government and of the people, that it is, as matter of fact, wise and expedient to resort to this means is a political question to be determined by Congress when the question of exigency arises, and not a judicial question, to be afterwards passed upon by the courts.

Here we have the absolute and unqualified declaration of the right and power of Congress to issue paper money and to make it a full legal tender. This right stands on the same plane and subject to the same conditions as the power to levy and collect taxes. It is a right and power of great value in its exercise. The delegation of it to any private individuals or corporations is as much of a robbery of the people as would be the delegation of the right and power to levy and collect taxes. Nothing is clearer than that the failure of a government to exercise its powers where such exercise is of benefit to the people is an act of injustice. I maintain that in this important case the failure of the Government to fully exercise the power to furnish the people with an adequate circulating medium in the form of absolute legal-tender money is an abrogation of the plain right of the people.

And I further maintain that the delegation of this right and power over the money of the people to a lot of bankers is a gross violation of every principle of human justice and an act that treads closely upon the line which divides honor from infamy. We can all understand how the power of levying and collecting taxes arises upon the establishment of a government. Those of us who have forsaken the old notions upon which despotism has fattened and who have accepted the fundamentals of a scientific political economy understand that this right and power arises from natural causes, resting upon the very nature of man. We know that man is properly called "a gregarious animal," and that he must live in the company of his fellows. We know that, thus living, he is forced to the establishment of government, not because he would, but because he can not enjoy the natural rights he understands to belong to the race without the proper operation of government.

We understand that the operations of the government thus created brings to its treasury, under a proper system of administration, a surplus over expenses, just as the natural result of every intelligent application of human effort to natural opportunities results in a surplus over the wants of the man for the day. We understand that as the community increases and as the people become better instructed in the meaning of law and order and the value thereof to themselves, they the better comprehend that a constant and steadily increasing value attaches to the activity of the community, and that every delegation of the value thus arising tends to the enrichment of the few and the impoverishment of the many. Herein is stated briefly the fundamentals of the policy of administration for which I have pleaded on this floor and for which my constituents are constantly giving their best endeavors. We believe that if the Government were to delegate the right to levy and collect taxes to a favored class, and should relinquish its own rights in the premises, that the people would rise in rebellion, even though this were done under the lying nomenclature of "honest taxation" and a "sound fiscal system."

Believing this, we stand for the demand that the Government shall exercise its powers for the sole benefit of the people and not for the benefit of the banks. We would make this war distinguished from all that have preceded it in that the people were not robbed under guise of patriotism. It has been claimed that we have entered upon this war from the highest possible motives, and that it is a lesson for the whole world to see the country willing to sacrifice life and treasure for the purpose of advancing the cause of human liberty and with no thought of territorial aggrandizement. Admitting this, we have laid upon us the greater responsibility that we see to it that this high endeavor shall not be made the instrument of further enslaving the people ready for such sacrifices, and especially that it be not done under the exploded ideas and under the discredited leadership of men who have been demonstrated to have been always false prophets and dishonest leaders.

We ask that the Government shall issue full legal-tender notes for the carrying on of this war. We ask that these notes shall be receivable for all debts, public and private. We point to the fact that notes thus issued by a solvent government have always been worth their face value in gold. We point to the fact of a present necessity of the Government and people for an increased volume of money. We call attention to the fact that even Wall street agencies recognize this want to the extent of demanding the extension of the privileges of the banks of issue. And we demand that this want be filled by the issue of notes from which the people shall profit and on which they shall not be taxed in double tribute for the benefit of the bankers.

Against this proposition the majority of this House have declared in favor of abrogating the plain rights of the people and of their delegation to favored bankers. Against our protest they have declared in favor of the proposition that we shall raise money for the enfranchisement of less than 2,000,000 of inhabitants of Cuba by placing an odious and perpetual burden upon the necks of 75,000,000 of freemen in this country. We have learned from study of finance and from the lessons of history that this proposition of the bankers will result in untold misery to the masses and to the greater enrichment of the classes. We protest against this policy and declare that we will never vote for the issue of a bond of the United States under such conditions.

We believe the people of this country have learned the lessons at which I have hinted in this brief statement. We believe that this great people are becoming tired of the rule of an aristocracy of wealth and of the strutting of its emissaries on this floor as statesmen endowed with wisdom measured by the figures in their bank accounts. Thus believing, we are willing to go to our constituents on the record thus made and ask for their verdict. And we are confident that when the smoke of battle shall have cleared away we shall emerge from this conflict with these new and added burdens upon the toiling masses forming a lesson that shall lead the people to the overthrow and annihilation of a political system under which such injustice and cruelty have been possible.

Mr. BOTKIN. Mr. Chairman, when more than two years ago both Houses of Congress, by overwhelming majorities, passed a resolution according belligerent rights to the Cubans, I firmly believed that such action, if carried into effect, would result in the

freedom and independence of that infant Republic. The same resolution passed the Senate about a year ago, but despite repeated efforts of the minority to secure its consideration in this Chamber it "slept the sleep that knows no waking" in one of those mysterious chambers whose key dangles at the belt of the "master of the House."

In common with the American people I then believed that the recognition of the belligerent rights of those people would enable them to speedily achieve their independence from the Spanish yoke, stop the awful atrocities that have too long been permitted to disgrace our civilization, and avert war between this Government and that of Spain. With the American people I still believe that this policy would have thus resulted. But a different and hesitating policy was adopted, and, as a consequence, we are forced to deliver the oppressed and avenge the dead by the arbitrament of war.

Mr. Chairman, in the presence of this conflict, all the members of this House and all citizens of this country, North, South, East, and West, agree that the first task before our nation is to drive Spain from the Western Hemisphere. To do this requires money and men. Patriots from every section of our glorious Union are rallying round the flag, and we could, on short order, put millions of picked men into the field if necessary.

A few weeks ago, when the Administration requested an appropriation of $50,000,000 with which to put the Army and Navy in order, party lines faded under the white light of a common patriotism, and we voted that sum unanimously and with unparalleled enthusiasm. This House is just as unanimous and enthusiastic to-day as then in its desire to place immediately at the disposal of the Administration every dollar needed to prosecute a most vigorous and decisive war. But the questions as to the amount of money needed and the proper method of raising it are questions upon which men may and do honestly differ. And it does not become such a grave and distinguished gentleman as the chairman of the Ways and Means Committee to hurl the charge of pettifogging at those who differ from him upon these points; nor does it weaken the suspicion of the country that he and his friends are seeking to railroad this measure through Congress under the plea of patriotism and emergency in order to increase and extend the public debt in the interest of the gold standard and the national banking system.

I believe that we on this side of the Chamber—Democrats, Silver Republicans, and Populists—are practically a unit in our opposition to the bond feature of the pending bill and in our advocacy of an income tax, the coinage of the silver seigniorage in the Treasury, and the issuance of as much additional currency as may be needed in full legal-tender Treasury notes. While this is true, gentlemen on the Republican side seem to be of one mind against all these measures which we favor; of one mind in their determination to vote $500,000,000 of bonds and thus increase the interest-bearing debt of the people. Indeed, they seem always to be of one mind on all questions arising here, and the country has quite thoroughly learned whose that one mind is. [Laughter.]

Mr. Chairman, could I believe that the heavy war tax and the great increase of our interest-bearing debt proposed in this bill are essential to a speedy and triumphant termination of the war I should support it with all my strength. But as I profoundly believe that neither is really necessary and that both alike impose their burdens upon the producing and labor classes, I am constrained to oppose the bill. Further on I hope to be able to point out methods by which, in my judgment, all the sinews of war can be provided with no appreciable burdens upon the people and with no impairment of our national credit. My present objection to the war tax is based upon the fact that it is a levy upon the consumption of the country and not upon its wealth. Every thoughtful man knows that when a tax, either direct or indirect, is laid upon an article the price of that article to the consumer is thereby increased.

As an illustration of this principle, I quote the following explicit statement made by the distinguished gentleman from Maine [Mr. DINGLEY] in his speech of yesterday explanatory of the pending bill:

> We have provided also that the increased tax shall apply to stocks of tobacco and cigars on hand. As there has been some objection to this, I shall briefly state the reasons that controlled the committee in its action. Internal taxes applied to articles increase the cost and necessarily the selling price of the articles to the extent of the tax. When, therefore, an additional tax of $1 per thousand is placed on cigars and of 6 cents per pound on the tobacco, the increased cost of the article in the market is inevitably placed on the consumer.
>
> In view of the fact that the Government proposes to increase the tax for the purpose of securing revenue, and the consumer must pay this increased price to the owner of the stock, this increase belongs to the Treasury, and not to the accidental holder of large stocks, who would gather that amount into his own pocket unless this provision were made. The committee, with great unanimity in this matter, feeling that justice, justice to the Government, justice to all interests, justice to the different manufacturers of tobacco and cigars, some of whom have stocks and some of whom have not stocks, determined that the increased tax should apply to stocks on hand as well as goods to be made hereafter.

As a further proof of the proposition that this war tax will fall upon the consumer, I give the following quotations from this morning's New York Commercial:

> Manufacturers of proprietary medicines and chemical preparations, as well as makers of patented and copyrighted medicines, are receiving from firms throughout the country orders containing the following clause or its equivalent: "This order is sent on condition that you will pay for the necessary revenue stamps to stamp our stock on hand of your goods if the Government should pass a stamp-tax act, unless you advance your price on the passage of said act sufficient to cover the cost of the stamps."
>
> Inquiry was made yesterday among several large drug firms in this city with a view to learning the effect of such notices or conditional clauses upon the trade, and also their probable influence upon the prices of goods thus taxed. Opinions as expressed by the different firms were as follows:
>
> William R. Warner & Co.: "We have received notice substantially the same as the one mentioned. If the war tax is levied, we will undoubtedly raise the price of the article to cover the tax."
>
> W. S. Schieffelin & Co.: "We have refused orders containing such clauses. The Proprietary Association will meet Monday and take some action in the matter. Until then, or until something definite is done, we are not prepared to discuss the matter. If the stamps are affixed, the consumer will have to bear the addition in price to cover the tax."

Thus it will be seen that those medicines chiefly used by the poor who are unable to employ physicians are to be increased in price by this war tax. And this serves to illustrate the effect of the proposed bill upon all articles subject to its provisions.

During the delivery of his speech in this House yesterday in advocacy of the pending bill, the gentleman from Maine [Mr. DINGLEY] and the gentleman from South Carolina [Mr. TALBERT] engaged in the following colloquy:

> Mr. TALBERT. Will the gentleman allow me a question?
>
> Mr. DINGLEY. Yes; I yield.
>
> Mr. TALBERT. On page 9 of the bill——
>
> Mr. DINGLEY. I can not yield to go into any matter of detail. I prefer to take up all such matters under the five-minute rule.
>
> Mr. TALBERT. I simply wish to make an inquiry with reference to a provision under the head of "adhesive stamps." It is provided that—
>
> "On and after the 1st day of June, 1898, there shall be levied, collected, and paid, for and in respect to the several bonds, debentures, or certificates of stock and of indebtedness, etc., the several taxes or sums of money set down in figures against the same, respectively, etc."
>
> Now, this provision includes, among other things, mortgages. I wish to inquire whether it includes mortgages already given and recorded?
>
> Mr. DINGLEY. Oh, no; it only includes mortgages that may be given after the passage of the act.

Thus, under this bill existing mortgages would yield no revenue and existing interest rates would not be disturbed. But mortgages made after the passage of this act will yield a revenue and interest rates will be so increased as to cover the amount of the tax, and will be collected from the debtor.

The following section of the bill is very explicit in its provisions for the protection of those who are engaged in the manufacture and sale of goods by empowering them to add to the price of such goods a sufficient amount to cover the tax imposed:

> SEC. 25. That every person, firm, or corporation who shall have made any contract prior to the passage of this act, and without other provision therein for the payment of taxes imposed by law enacted subsequent thereto, upon articles to be delivered under such contract, is hereby authorized and empowered to add to the price thereof so much money as will be equivalent to the tax imposed on said articles by this act, and not previously paid by the vendee, and shall be entitled by virtue hereof to be paid, and to sue for and recover the same accordingly. And in all cases of articles manufactured or produced, in whole or in part, upon commission, or where the material is furnished by one party and manufactured by another, if the manufacturer shall be required to pay under this act the tax hereby imposed, such person or persons so paying the same shall be entitled to collect the amount thereof of the owner or owners, and shall have a lien for the amount thus paid upon the produced or manufactured goods.

The bill taxes bank drafts, bills of exchange, certificates of deposit, etc.; but everybody knows that when the banker pays the tax, he will get it out of his customer before the deal is finally closed. A tax is levied upon promissory notes, and will be paid, of course, by the debtor. The bill makes explicit exception of bank notes issued for circulation. This, together with the fact that the bonds owned by the national banker, and which constitute the basis of his banking enterprise, are exempt from this war tax and all other taxes, indicates the disposition of the American Congress to make concessions to capital.

But, Mr. Chairman, notwithstanding the manifest injustice of this tax upon the consumption of the country, I might be induced to support that part of the bill; and the country, in its present abnormal condition of war excitement and inflamed patriotism, would doubtless accept these burdens without a murmur but for that other and more monstrous provision for the increase of our interest-bearing debt. I am unconditionally opposed to the issuance of any further interest-bearing obligations; and I believe that all the people except those patriots who desire to speculate off the necessities of the Government in time of war are, or will be when thoroughly acquainted with the facts, in agreement with me.

My first objection to the bond scheme is that it seems to have been born of a purpose to deceive almost everybody except its special friends and promoters. The Ways and Means Committee is composed of eleven Republicans and six Democrats. The distinguished chairman has exhorted this House to rise above partisanism and, standing with him in the white light of a pure patriotism, pass this bill without questioning as a war-emergency measure. And yet in the preparation of this bill the Democratic

members of his committee were not consulted. Even the Republican members of the committee did not see the bill till after it was printed, as is shown by the following colloquy on this floor yesterday between the gentleman from Kentucky [Mr. WHEELER] and the gentleman from Minnesota [Mr. TAWNEY], a Republican member of the committee:

Mr. TAWNEY. What is the statement of the gentleman?

Mr. WHEELER of Kentucky. That you completed the bill and had it printed before the Democrats were allowed to see it.

Mr. TAWNEY. Pardon me; the bill was printed before it was seen even by the Republican members of the committee.

Mr. WHEELER of Kentucky. Then the gentleman from Maine deserves more severe censure, and his action is wholly unjustifiable.

The gentleman from Maine [Mr. DINGLEY] in his speech yesterday said:

Mr. Chairman, the Committee on Ways and Means have addressed themselves to the various methods that have been suggested for the raising of additional revenue.

As it seems plain that no suggestions were offered by the members of the committee, the pertinent query is, Who did suggest the methods that have been incorporated in the pending bill? The country knows that for many years every President and Secretary of the Treasury has made frequent pilgrimages to Wall street for counsel upon all questions affecting Government finance. Is it possible that the distinguished chairman has been mingling with these same financial experts? In the light of history the people will so conclude.

Mr. Chairman, the bond provision of this bill contains two disguised but monstrous deceptions. The report on the bill submitted by the chairman of the committee says:

We have given, therefore, authority to issue and sell not exceeding five hundred millions of 10-20 3 per cent coin bonds, to be offered as a popular loan, believing, as we do, that such a bond will be taken from time to time by the masses of the people.

In his speech yesterday the gentleman from Maine [Mr. DINGLEY] said:

In the first place, in section 27 we authorize the Secretary of the Treasury to issue and sell not exceeding $500,000,000 of 10-20 3 per cent coin bonds, to be disposed of as a popular loan in the first place and from time to time as the public necessities may require. These bonds are to be issued in denominations of $50 and multiplies thereof, $50 being the lowest bond that has ever been issued.

And, although it is not specifically provided for in this bill, I may say that it is the intention of the Secretary of the Treasury, commencing with $100,000,000 of this loan, when authorized, to place it at the post-offices throughout the country, wherever that can be done [applause], and to offer these bonds first of all to the masses of the American people, who, I believe, will, not only for the purpose of investment but from patriotic motives, embrace the opportunity of subscribing for them.

No one knows better than the gentleman that the banks and speculators will get the bonds. They, and not the people, are demanding an issue of bonds. In a recent conversation with a prominent Eastern banker he asked me if I thought the bond provision of the pending bill would pass both Houses. My reply was, "I am afraid it will." "Well," said he, "we bankers want it to pass, for we have piles of money we wish to invest in bonds." "But," I remarked, "it is stated that this is to be a popular loan—that the people are to take the bonds." "Oh, well," said he, "the banks have the money and will get the bonds."

That the advocates of this loan are not sincere in calling it a popular one is evident from an interview had yesterday in New York with the Hon. Lyman J. Gage, Secretary of the Treasury, and published in this morning's Washington Post. It is as follows:

NEW YORK, *April 27*.

Secretary of the Treasury Gage is in this city to-day. During the morning he was in conference with Assistant Treasurer Jordan, I. N. Seligman, James Speyer, and other leading financiers, and in the afternoon with representatives of the leading banks.

Secretary Gage, after the conference, said he thought it wise while in this city to hear what the leading financiers might have to say concerning the present condition of things and the outlook.

He was also desirous, he said, of getting their views on the financial measures now before Congress. "All the gentlemen present at the conference," continued Mr. Gage, "expressed a kindly interest in the popular features of the contemplated measures, and, so far as was necessary and proper, offered their cooperation in making the bond issue a popular loan."

The Secretary said he was not in favor of raising any issue at the present time calculated to cause discontent among those holding opposite political views. The bills pending should be adopted on their merits.

ALL SIDE ISSUES TO BE SUNK.

"There were no differences of opinion on this point," continued Mr. Gage. "All side issues are to be sunk, and all hands will get together and help sustain the credit and dignity of the country."

The money stringency was incidentally discussed, according to Mr. Gage, and nothing definite was decided on in the matter of placing our bonds in the European markets. It was admitted by Mr. Gage that some of the financiers thought the rate of interest on the new bonds ought not to be less than 3½ per cent, but most of them, he said, were satisfied with a 3 per cent bond.

Several questions will naturally possess the minds of thinking people who read this interview.

1. Why was Mr. Gage consorting with the Wall street gang yesterday, if this is to be a popular loan?

2. Why was he so anxious to get the views of "leading financiers" on the "financial measures now pending before Congress," if the people are to buy the proposed bonds and Congress is to appropriate the proceeds to carry on the war?

3. Why did those financiers express such "a kindly interest in the popular features of the contemplated measures and offer their cooperation in making the bond issue a popular loan"? Is it possible that the officials at Washington and the American people can not enter into negotiations without consulting Wall street and inviting its cooperation?

4. Why should any of the Wall street patriots object to the rate of interest proposed, since the people and not the aforesaid patriotic financiers are the interested parties?

The immortal Lincoln is credited with the saying that "you can fool all the people part of the time, and part of the people all the time, but you can't fool all the people all the time."

Thousands of people hitherto fooled by Wall street manipulations will surely see that the proposed loan is a cunning deception so far as its pretended popular features are concerned, and that it is purely and solely in the interests of speculators, who are always ready to pounce upon the Government in the hour of its necessities.

But by far the foulest deception in this bond provision is in the use of the word "coin." The framers of the bill did not dare to use the word "gold." Had they done so, the popular indignation would be so aroused that scarcely a member from the region west of the Alleghany Mountains would dare to support it. But the people know that under the law all our obligations, interest-bearing and noninterest-bearing, are payable in gold and silver coin. Hon. John G. Carlisle, then Secretary of the Treasury, in his official circular No. 128, issued July 1, 1896, after stating that the outstanding interest-bearing bonds amounted on that date to $847,316,750, says:

They are all redeemable in coin of the standard value of July 14, 1870, which was the date of the first of the refunding acts. The standard weights and fineness for coins at that date were the same as at present, the gold unit being a dollar of the standard weight of 25.8 grains and the silver unit being the silver dollar of the standard weight of 412½ grains. The interest on all these bonds is payable quarterly in coin of the same standard.

The Government has never issued any bonds payable, by their terms, either principal or interest, in gold coin or in silver coin. Before the war the obligations of the Government contained no statement as to the kind of money in which they should be paid, and none of the war obligations contained any such provision, except the certificates of temporary loan and the 7-30 notes of 1864 and 1865, which were all payable, by their terms, in lawful money.

While the people are led to believe that these proposed bonds are to be redeemable in gold and silver coin, the wily speculators and their servants have no such thought. In the annual report of the Secretary of the Treasury for the year 1897, Mr. Gage says:

The word "coin," now used to express the obligation in the public debt, is an ambiguous word. It is no doubt understood by the more discriminating public creditor to mean gold coin, and the solemn act of Congress pledging the maintenance of silver coin upon a parity with gold coin makes it impossible to construe the word "coin," as therein used, to mean anything other than gold or its full equivalent.

Thus you see "the more discriminating public creditor" is not fooled by the word "coin."

The Washington Post, an Administration organ, in its issue of January 28, 1898, contained the following glowing account of President McKinley's reception and speech at the banquet of the Manufacturers' Association in New York City:

TO PAY BONDS IN GOLD—MR. M'KINLEY ANNOUNCES HIS POSITION WITH EMPHASIS—NO "COIN" OR SILVER DOLLARS—HIS UTTERANCES AT THE BANQUET OF THE MANUFACTURERS' ASSOCIATION REGARDED AS A SIGNIFICANT DECLARATION OF THE POLICY OF HIS ADMINISTRATION—A MAGNIFICENT RECEPTION TENDERED HIM AND HIS SPEECH LOUDLY APPLAUDED—TARIFF AND FINANCE.

NEW YORK, *January 27, 1898*.

President McKinley to-night made a flat-footed and emphatic assertion that United States bonds shall be paid in gold. This statement, in view of the fact that the Teller resolution, declaring that the payment of these bonds in standard silver dollars is not in violation of the public faith or in derogation of the public credit, will be voted upon in the Senate to-morrow, is the most significant utterance yet made by the President. It places him squarely in opposition to the Teller resolution and also to the Senators of his own party who have supported its declaration.

The speech of the President was delivered at the banquet of the National Association of Manufacturers, and contained the following sentences:

"Nothing should ever tempt us—nothing ever will tempt us—to scale down the sacred debt of the nation through a legal technicality. Whatever may be the language of the contract, the United States will discharge all of its obligations in the currency recognized as the best throughout the civilized world at the times of payment."

When the President uttered these words, which indicate that he does not regard the word "coin" as meaning silver dollars, there was tremendous applause. Among politicians here to-night, however, the real significance of the utterance is appreciated even more than by the guests who actually listened to it. The discussion in the Senate has been followed with deep interest in New York, and the outspoken position of the President, while meeting with general favor among the financiers who have been seen to-night, also attracts attention because of the attitude in which it places Senators CHANDLER and WOLCOTT and the other Senators who are classed as supporters of the Administration. There is some expression of hope here to-night that the President's declaration may cause weakening in the support heretofore given to the Teller resolution by Republican Senators.

The fact is thus clearly established that bonds issued under the present Administration are to be redeemed in gold. But these same bonds are to be exchanged by the Government in the first instance for any kind of currency that purchasers may offer. This must be admitted by the promoters of the scheme, since they declare it to be a popular loan to be taken by the masses of the people, for the people have no gold.

If anyone possesses a doubt as to what kind of money the Government is to receive in payment for these new bonds when issued, the following statement by the distinguished gentleman from New York [Mr. PAYNE], who is honored with second place on the Ways and Means Committee, in his speech this afternoon, must forever resolve that doubt. He said:

> They have made it so plain and so easy that each citizen could come in and take a part of the loan. It is expected that every post-office shall become an agency for the sale of these bonds. And when the people come to take them up and pay for them they are not required to pay down gold dollars in exchange for the bonds, as the gentleman from Colorado seems to think, but they can pay for them in any money of the United States, because, thank God, every dollar of the United States is the equal of every other dollar.

The process will be as follows: The gold of the country, which is chiefly held by a few bankers and speculators, will hide out, as it always does in times of danger, and these same bankers and speculators who own practically all the surplus currency in the country will pay that currency to the Government for these bonds. The Government will pay this same currency to the soldiers, sailors, and contractors who are fighting the battles of the country. This kind of money is supposed to be good enough for the men who stand as a target for Spanish bullets. But when pay day comes the patriots who speculate on the life blood of the nation must have gold.

I further object to this bond scheme, Mr. Chairman, for the reason that its purpose and effect are to enrich a few men at the expense of the many. It will not be denied by well-informed and candid men that the masses of the people will eventually pay these bonds, principal and interest. The whole $500,000,000 will be issued, in the event of the passage this bill, and they will run the full twenty years. At the end of that period the people will have paid $300,000,000 in interest and will still owe the full amount of the principal.

The beneficiaries of this monstrous scheme are never wanting in apologists. The distinguished gentleman from Pennsylvania [Mr. DALZELL], in his speech this afternoon, said:

> I regard the loan provision as one of the most beneficent features of this bill. It is an open door to patriotism. It is an invitation to the man who can not fight to share in the glory of his Government's support. It carries the responsibility of this war into every household and to every hearthstone. The man who can not carry a musket has a right to carry a bond, small or great. He has a right to come into the partnership and to share in its fruits, and you have no right to deny him.

Truly, the loan provision is a "most beneficent feature of this bill;" beneficent to the privileged classes already named; beneficent to the men who are too patriotic to shoulder a gun and fight. As a result of this beneficent scheme, these pampered sons of wealth will be living in luxury off the sweat and toil of the masses long after the brave men who carried the musket and experienced the shock of battle shall have died of wounds and diseases incurred while serving their country at $15 per month.

This same class of patriots came to the front during our late civil war, not to carry muskets, to be sure, but to carry bonds, which, in the estimation of the gentleman from Pennsylvania and many others on that side of the Chamber, is quite as honorable and more refined than to carry a horrid gun!

In order to show the effect of our former bond issues upon the people and the bondholders, and to emphasize the enormity of the crime of increasing the interest-bearing debt of the people, I quote from the great speech of Hon. JOHN P. JONES, so long and at present one of the most distinguished members of the United States Senate, delivered in that body in October, 1893, and thoroughly sustained by the public records:

> Between 1862 and 1868 the United States Government sold bonds to the amount of $2,049,975,700. How much did the purchasers pay to the Government for those bonds—these men in whose behalf the legislative contribution box is made to pass around at almost every session of Congress in order that some new act or law more potent than those which have preceded may now and again be dropped into it for the better support of the bondholders?
>
> The amount received by the Government for those bonds was less than $1,400,000,000, or, to be exact, $1,371,424,228, being on an average for the entire issue 67 per cent of their face value.
>
> These bonds would have been honestly paid if paid in lawful money, no other money having been prescribed in the acts authorizing the issue, except that coin was prescribed for the payment of the interest. The very fact that it was deemed proper to provide that the interest should be payable in coin was a plain implication that the principal was not to be so payable. The maxim of law is that the inclusion of one is the exclusion of the other.
>
> However, on the clamorous insistence of the creditors, the people yielded so far as to declare in the "act to strengthen the public credit" and in the refunding act that the principal also should be paid in coin.
>
> For this $1,400,000,000 received by the Government of the United States there has already been paid back to the bondholders in principal alone $1,756,000,000, being $385,000,000 more than was altogether received. Besides, there has been paid as interest on the debt $2,538,000,000, or nearly twice the total amount received. There has been paid as a premium on bonds bought in $58,000,000. So that for the $1,400,000,000 received there has been paid in all to the bondholders the sum of $4,352,000,000.

Thus, after paying more than $4,000,000,000 on a public debt which at the close of the war amounted to two and a half billions in round numbers, we still owed on July 1, 1897, $847,365,130. And to pay this latter sum to the bondholders, as we must do within the next few years or extend the loan, would require more of the products of labor and of the farm at these latter-day, gold-standard prices than to have paid the entire debt at the close of the war at the prices that then prevailed.

When the gentleman from Pennsylvania was glorifying the patriotism of the men who are so willing to carry bonds in time of war, I thought of the battle-scarred veterans who carried their muskets from 1861 to 1865 in defense of the old flag, and who are now vainly imploring the wealthiest government on earth for just pensions; men of whom the world is not worthy; men whose shoes the bondholders are not worthy to stoop down and unloose.

The Western Veteran, of Topeka, Kans., the able and honored organ of the Grand Army of the Republic of the West, in a recent editorial on "Wall street and pensions," said:

> We have taken occasion to say heretofore that the attacks on the pension roll were inspired by the money brokers of Wall street; that they desired to prevent, as far as possible, the dispensing of money to the people, especially the people of the West, which did not pass through their hands. More and more the evidence of the truth of this fact comes to the front.
>
> It is painfully apparent that the atmosphere of Wall street very largely pervades the life of the national capital and has much to do with the shaping of public policy. We believe that money is the life of commerce and commerce is essential to the prosperity and growth of a nation, but we also believe that the people should control the money and not the money control the people. Justice should be done to all classes, and one who owns millions of dollars ought not to have the power to prevent justice being done to thousands who are not so fortunate.

To show how this Government has discriminated against the musket patriots and in favor of the bond patriots, I append the following table, taken from the annual report of the Secretary of the Treasury for 1897, showing the amount of pensions paid to the one class and the amount of interest paid to the other class from 1867 to 1897:

Year.	Pensions.	Interest.
1867	$20,936,551.71	$143,781,591.91
1868	23,782,386.78	140,424,945.71
1869	28,476,621.78	130,694,242.80
1870	28,340,202.17	129,235,498.00
1871	34,443,894.89	125,576,505.93
1872	28,533,402.76	117,357,839.72
1873	29,359,426.86	104,750,688.44
1874	29,038,414.66	107,119,815.21
1875	29,456,216.22	103,093,544.57
1876	28,257,395.69	100,243,271.23
1877	27,963,752.27	97,124,511.58
1878	27,137,019.08	102,509,874.65
1879	35,121,482.39	105,327,949.00
1880	56,777,174.44	95,757,575.11
1881	50,059,279.62	82,508,741.18
1882	61,345,193.85	71,077,206.79
1883	66,012,573.64	59,160,131.25
1884	55,429,228.06	54,572,378.48
1885	56,102,267.49	51,386,256.47
1886	63,404,864.03	50,580,145.97
1887	75,029,101.79	47,741,577.25
1888	80,288,508.77	44,715,007.47
1889	87,624,779.11	41,001,484.29
1890	106,936,855.07	36,399,284.05
1891	124,415,951.40	37,547,135.37
1892	134,583,052.79	23,378,116.23
1893	159,357,557.87	27,204,392.18
1894	141,177,284.96	27,841,405.64
1895	141,395,228.87	30,978,090.21
1896	139,434,000.98	35,385,028.93
1897	141,053,164.63	37,791,110.48
Total	2,111,272,824.72	2,302,021,446.10

The premiums paid by the Government on bonds from 1867 to 1897 amount to $118,087,010.09, making a total of $2,480,108,456.19 paid to the bondholders during that period. Thus in thirty years the Government has paid the bondholders $368,835,631.47 more in interest and premiums than it has paid the old soldiers in pensions.

Mr. Chairman, I hold that the country is under no great emergency. While I would not underestimate the strength of our enemy, yet the world knows that Spain is a weak and bankrupt nation. She has neither money nor credit. She is at the great disadvantage and expense of coming 3,000 miles to protect her supposed interests against the wealthiest and most powerful nation on the globe, that scarcely has to leave its doorstep to fight. Why, then, all this cry for bonds? Without elaborating my answer to this question, I will simply say there are just three reasons for passing the bond feature of this bill.

1. To give capitalists an opportunity to invest their idle capital in gilt-edged Government securities.

2. To perpetuate the national banking system. In 1904 $100,000,000 of existing bonds will be due. In 1907 $559,636,850 will be due. This will leave less than $200,000,000 outstanding after 1907, and as the present banking system is based upon our interest-bearing debt it follows that some scheme must be resorted to without delay for increasing that debt.

3. "To commit the country more thoroughly to the gold standard, remove, as far as possible, doubts and fears on that point, and thus strengthen the credit of the United States both at home and abroad."

Mr. Chairman, we have been regaled many times in this House and in the Republican press during the past year with glowing statements of the improved and improving condition of the Treasury and of the country. Just now, when gentlemen desire to foist upon the country a new bonded debt, leading Republican members are sadly bemoaning the almost bankrupt condition of the Treasury and belittling the resources of the country. In his speech yesterday the distinguished gentleman from Maine proved to his entire satisfaction that Secretary Gage fearfully perverts the truth when he states that there is a total available cash balance in the Treasury of $220,000,000 in round numbers, including the $100,000,000 of gold reserve, and showed that there is but $65,000,000. The gentleman from Iowa [Mr. DOLLIVER] drew a still more dismal picture by showing that there is but $57,000,000 in round numbers. Hence the necessity for bonds.

I beg to submit three measures, Mr. Chairman, that can be made to yield all the money we shall need without injury to our national credit and with equal justice to all.

1. An income tax. The first law involving this principle was enacted in 1794, taxing carriages owned by individuals. A suit was brought to set the law aside, and in 1796 the Supreme Court of the United States unanimously decided the law constitutional. There never was a dissenting opinion on the constitutionality of that law.

On August 3, 1861, the income-tax law which had passed both Houses as a war measure was approved, and went into effect on January 1, 1862. It was in vogue ten years without an adverse decision of the court or any member thereof. During that period this law yielded $346,000,000, the largest annual yield being $72,000,000. On August 28, 1894, another income-tax law was passed. A test case was brought in the Supreme Court and was decided the following year. In the first decision the court stood four for and four against its constitutionality, one judge being absent. This left the law intact. About one month after this the court sat again in the case, there being a full bench. One of the judges who formerly decided in favor of the law had changed his mind and was against it, while the judge who was formerly absent favored it, leaving the court four for and five against.

It is a monstrous proposition that the wealth of the country shall not be compelled to bear its just portion of the burdens of government. Mr. Thomas G. Shearman, one of the foremost economists of this country, in articles published in the Forum magazine in September and November, 1889, gives the following statements and statistics showing the concentration of wealth in the United States:

The St. Louis Globe recently published a list of seventy-two persons who were worth, collectively, the whole amount of our national debt, averaging $13,000,000 each. The wealthiest railroad manager in America in 1885 was worth $40,000,000, but not more. His heir died recently, leaving an estate of nearly $200,000,000, and there are several gentlemen now living who are worth $100,000,000 each. Within a short period a number of quiet, unobtrusive men, of no national fame, have died in Pennsylvania, leaving estates of over $20,000,000 each. Twenty living persons in the oil business are reputed to be as rich. Forty persons could be easily named none of them worth less than $20,000,000, and averaging $40,000,000 each.

At the lowest reasonable estimate there must now be more than 250 persons in this country whose wealth averages over $20,000,000 for each. But let us call the number only 200. Income-tax returns in Great Britain and in the United States show that in general the number of incomes, when arranged in large classes, multiplies by from three to to five fold for every reduction in the amount of one-half. For extreme caution, however, we estimate the increase in the number of incomes at a very much lower rate than this. At this reduced rate the amount of wealth in the hands of persons worth over $500,000 each in the United States would be about as follows:

200 persons, at $20,000,000	$4,000,000,000
400 persons, at $10,000,000	4,000,000,000
1,000 persons, at $5,000,000	5,000,000,000
2,000 persons, at $2,500,000	5,000,000,000
6,000 persons, at $1,000,000	6,000,000,000
15,000 persons, at $500,000	7,500,000,000
Total	31,500,000,000

This estimate is very far below the actual truth. Yet, even upon this basis, we are confronted with the startling result that 25,000 persons now possess more than half of the whole national wealth, real and personal, according to the highest estimate ($60,000,000,000) which anyone has yet ventured to make of the aggregate amount.

Making the largest allowance for exaggerated reports, there can be no doubt that these 70 names represent an aggregate wealth of $2,700,000,000, or an average of over $37,500,000 each. The writer has not especially sought for information concerning anyone worth less than $20,000,000, but has incidentally learned of 50 other persons worth over $10,000,000, of whom 30 are valued in all at $450,000,000, making together 100 persons worth over $3,000,000,000. Yet this list includes very few names from New England and none from the South. Evidently it would be easy for any specially well-informed person to make up a list of 100 persons averaging $25,000,000 each in addition to 10 averaging $100,000,000 each. No such list of concentrated wealth could be given in any other country in the world. The richest dukes in England fall below the average wealth of a dozen American citizens, while the greatest bankers, merchants, and railway magnates of England can not compare in wealth with many Americans.

The following table, showing how capitalists evade local taxation, is taken from the report of the bureau of labor statistics of Illinois for the year 1894, page 31, and compares Cook County (including Chicago) with twenty-two other counties, in respect of their several populations, and of the moneys of banks (other than national), bankers, brokers, and stock jobbers that were listed for taxation as of May 1, 1894:

Table showing moneys of bankers, brokers, etc., in twenty-three counties.

Counties.	Population. United States census of 1890.	Moneys of bankers, brokers, etc.	Amount of moneys of bankers, brokers, etc., to each person in county.
Cook	1,191,922	$43,925	$0.037
Peoria	70,378	279,684	3.974
Will	62,007	149,285	2.406
Rock Island	41,917	146,389	3.492
Sangamon	61,195	122,800	2.023
Lasalle	80,798	95,253	1.179
McDonough	27,467	69,104	2.244
McLean	63,036	86,454	1.373
Morgan	32,636	88,375	2.555
Pike	31,009	75,879	2.443
Kane	65,061	72,358	1.112
Brown	11,951	62,495	5.731
Christian	30,531	64,979	2.128
Knox	38,752	62,559	1.614
Washington	19,202	60,768	3.165
Jo Daviess	25,101	50,811	2.388
Vermilion	49,905	58,788	1.178
St. Clair	66,571	53,970	.811
Stephenson	31,338	80,257	1.604
Ogle	28,710	50,248	1.75
Marion	24,341	48,278	1.983
Bureau	35,014	47,323	1.352
Macon	39,089	44,442	1.137
Total	2,136,976	1,915,413	.901

According to this table the aggregate amount of the class of moneys above described, listed in Cook County for taxation in 1894, was only $43,925. The undervaluation is obvious. Under the revenue code moneys of this class include not only money actually "on hand," but also money "in transit," together with "the amount of funds in the hands of other banks, bankers, brokers, or others subject to draft," and "the amount of check or other cash items," not included in the preceding description.

It is in the highest degree absurd to suppose that the banks, bankers, brokers, and stock jobbers of a county comprising the commercial metropolis of the whole Western country, even though national banks be excluded from consideration, carry on their operations with less than $50,000 ($43,925), inclusive of money on hand and in transit, and of checks and other cash memoranda, and funds subject to draft.

This is only one of numerous instances known to the public of the outrageous shirking of capital. No question is settled permanently until it is settled right. A Congress will some day be elected that will enact an income-tax law, a President elected who will approve it, and a Supreme Court appointed that will righteously decide it constitutional, and so make it a permanent policy of our Government.

Now, I submit in all candor that if the income-tax law of 1861 to 1871 was constitutional and also proper as a war measure, and if we are in such financial straits as gentlemen are attempting to make this House and the country believe, we should at once pass an income-tax law, and thus give men of wealth who are so willing to carry our bonds an opportunity to bear some of the burdens of war.

2. In the second place, I would coin the $42,000,000 of seigniorage in the Treasury and issue silver certificates in anticipation of such coinage.

3. In the third place, I favor the immediate issuance of a sufficient volume of full legal-tender Treasury notes to meet all further demands for funds to carry on the war and defray the expenses of the Government. If this Government has sufficient credit to carry an interest loan of $500,000,000 at 3 per cent, it certainly can carry $200,000,000, or $500,000,000 if necessary, of noninterest-bearing Treasury notes. Besides, the soldiers, sailors, and contractors will cheerfully accept these notes for their services and goods.

Nor will these notes depreciate as did portions of similar issues during the late war, since there is absolutely nothing to threaten the life or stability of the Government now as then. The people are friendly to the greenbacks, the money of Lincoln, Spaulding, and old Thad Stevens; the money that fought our civil war to a successful termination after gold had hidden out. No one opposes this currency except those who desire to speculate on an interest-bearing debt, and their immediate friends and allies.

The Daily Capital, of Topeka, Kans., the acknowledged leading Republican daily of Kansas, in an editorial in its issue of January 4, 1891, said:

The Capital wishes to send a short message to Congress. It will be brief, but important to the West. It is this:

"Stop your windy speeches about the election bills, pass the Plumb measure for the free coinage of silver, and give the country one or two hundred millions more of paper currency."

It is not as long as the President's last message, but it will do the country and the Republican party more good, if it is acted upon, than a dozen messages like the last one. The West and South are growing very tired of seeing the money influences of the East stop the promised financial legislation.

I respectfully commend this bit of sound advice and warning to

my Republican friends in this House. The country is opposed to bonds. It is in favor of an income tax, of silver coinage, and full legal-tender Treasury notes. With these our national credit can be maintained, our honor remain unsullied, and our flag will proudly float over a nation of free, happy, and prosperous people.

[Mr. GUNN addressed the committee. See Appendix.]

Mr. SOUTHWICK. Mr. Chairman, a discussion of the developments which have led to the declaration of war by the United States against Spain would hardly be germane to the bill and the subject under consideration. We are engaged in war at the present time—a war which the Congress has authorized and directed, as a last recourse, when diplomacy failed to accomplish those objects which the diabolical murder of 267 American sailors in the harbor of Havana and of 200,000 men, women, and children on the Island of Cuba demanded to satisfy the patriotic and humane instinct of the American people.

We are engaged in a grander struggle than has ever yet been spread upon the pages of history. We have placed the sword in the hands of our soldier, statesman, and patriot, President McKinley, and have instructed him, as an act of retributive justice for the long trail of crime, cruelty, treachery, and murder which has marked Spanish dominion in this hemisphere, from the invasion of Mexico by Cortez and of Peru by Pizarro down to the destruction of the battle ship *Maine* on the 15th of last February, to drive the Spaniards back across the Atlantic.

It is a war waged not for conquest nor any other selfish object; rather for humanitarian purposes; to overthrow the rule of a power that has become intolerable at our very doors; to establish a new republic on the blood-soaked and tear-soaked ruins of Cuba.

War is at best an awful alternative. It personifies the demon of destruction—destruction of life and destruction of property. It appears in many phases—moral, patriotic, humanitarian, and economic. We have observed the other phases and are now considering the last—the economic; and our duty is to provide the material means which will permit a patriotic and humane people to accomplish its determination to haul down the flag which floats over Morro Castle and drive the Spaniards from the Island of Cuba. Thus and thus only will we close accounts with Hispania. [Applause.]

TO RAISE $35,000,000 ADDITIONAL REVENUE.

The pending bill is designed to supply the Government of the United States with the financial sinews of war. In addition to the available millions of dollars now in the Treasury, it proposes an increase in internal-revenue taxes which will yield an annual return of not less than $90,000,000 nor more than $100,000,000, according to the estimates of the skilled legislators among the Republican majority of the Ways and Means Committee, who have reported this measure, and the Treasury experts, who have figured as closely as their intelligence and experience permit.

In framing the pending measure hastily and under pressure of the great crisis with which the nation is confronted, it is freely admitted by the chairman of the Ways and Means Committee, Mr. DINGLEY, that recourse has been had to the methods employed by Congress during the war of the rebellion to secure the revenues of which the Government stands in such urgent need. The measure practically provides for a restoration of the so-called "war taxes" which were levied during the course of that great struggle.

Internal-revenue taxes rather than customs duties have been resorted to because they are more certain of collection, especially at a time like the present, when the issue to be decided is likely to be fought out upon the ocean and when the damage and hindrance to be wrought to shipping interests, which bear to our seaport towns the commerce on which duties are levied, is problematical. Increased internal-revenue taxes will yield revenue with more certainty, because they relate entirely to the domestic economy of the great American people, which can not be seriously disturbed by the outcome of the struggle on the ocean.

Moreover, the internal-revenue machinery necessary for the collection of increased internal taxes is already available, and can be manipulated to secure increased revenue at but slight additional expense. And still more important, the increase in existing internal-revenue taxes which is proposed and the addition of new taxes can be accomplished without serious disturbance to business conditions, without accompanying inconvenience or disaster to business interests.

Likewise, and perhaps more important than any other consideration, the increased taxes are to be levied on articles of voluntary consumption rather than articles of prime necessity; each consumer may regulate the amount of the tax which he will pay. So scrupulously has the Republican majority of the Ways and Means Committee adhered to this policy that it has even foregone purely revenue duties on tea and coffee—not necessities, but certainly comforts, rather than luxuries, of life—which were resorted to under stress of circumstances during the war of the rebellion, and which yielded liberal revenue to the Government.

The specific changes in internal-revenue taxes which are proposed in the bill can quickly be enumerated. They embrace a doubling of the taxes on fermented liquors, with a rebate of 5 per cent instead of the 7½ per cent which prevailed prior to the revenue bill of 1897. Improved processes of manufacture and cold storage justify the reduction in the rebate. The increased revenue to be derived from the increase in taxes on fermented liquors is estimated by the majority of the Ways and Means Committee to be about $33,000,000.

The tax on manufactured tobacco of 6 cents a pound is doubled and will give an estimated increase in revenue of $15,000,000.

On cigars and cigarettes the tax is increased a dollar a thousand, yielding a total estimated increase of $5,000,000.

As the revenue act of 1897 increased the tax on cigars without increasing the tobacco tax, the pending measure restores the proportion between tobacco and cigars which prevailed prior to the enactment of the 1897 bill. And, in this connection, it is proper to remark that the application of the increased taxes to tobacco and cigars already in stock, as well as to future manufactures, is intended to secure to the Government rather than to accidental holders the increase in prices resulting from such increase in taxes.

A reimposition of a tax of $4.80 on dealers in tobacco and cigars restores a tax which prevailed in war times and, after repeated reductions to the figures now proposed, was entirely repealed by the revenue law of 1890. This reimposition, it is estimated, will yield $5,900,000.

The adhesive-stamp taxes provided by the bill are a practical restoration of the law as it stood in 1866. They include taxes on transfers of stock, mortgages, and various other legal instruments, and will yield a revenue, it is estimated, of about $30,000,000—one-third, or nearly, of the total increase contemplated, and almost as much as the increase derived from the additional taxes on fermented liquors.

In addition to all the foregoing taxes, which were in operation at the close of the war, four additional sources of internal revenue have been selected. They are chewing gum, mineral waters, wines, and beverages of all kinds not taxed under existing internal-revenue provisions. The estimated increase in revenue from the four articles specified is $5,000,000.

The tonnage tax on foreign shipping, as it existed previous to 1872, will be reimposed, and will yield a revenue of about $2,500,000. This tax does not apply to the coastwise trade, which is monopolized by American shipping, but to vessels engaged in the foreign trade, nine-tenths of which are foreign bottoms, and, unfortunately, in the event of a prolonged war, the percentage of foreign vessels is likely to be increased rather than diminished.

A résumé of the estimated increase in revenues makes this showing:

Fermented liquors	$33,000,000
Tobacco	15,000,000
Cigars and cigarettes	5,000,000
Dealers	5,000,000
Stamps	30,000,000
Chewing gum, etc	5,000,000
Tonnage	2,500,000
Total	95,500,000

TO RAISE $500,000,000 IF NECESSARY.

Mr. Chairman, no nation in the history of the world, of which I have ever read or been informed, has carried on a great war with the financial sinews afforded by increased taxation. Under modern conditions I consider such an accomplishment beyond the resources of the wealthiest of nations and the most competent of legislators and financiers.

Our own great struggle between the Union and the Confederacy afforded abundant illustration of the necessity for supplementing even the most burdensome taxation with enormous loans; and the enormously increased expenses which perfection in the manufacture of death-dealing instruments for use both on land and sea has entailed since the close of that Titanic struggle warn us that Congress will be remiss in the performance of its duties unless it supplies the executive branch of the Government most liberally with the means necessary to bring present hostilities to the earliest and most successful conclusion.

Every nation, when it engages in war, becomes a borrower in the money markets of the world. There is no exception to this rule; and even the United States, with its vast natural resources, accumulated wealth, and intense patriotism, is subject to it. The duty of the hour is plain: It is to authorize the Government to raise money by the issue of bonds on the most satisfactory terms which legislative ingenuity can devise. Such a course is in the line not only of patriotism, but likewise of humanity; for as full provision for the necessities of war means short, sharp, and decisive work, so a crippling of the Government by withholding necessary funds might lead to a prolongation of the struggle and untold disasters to the American people.

To meet the emergencies of the hour the framers of the pending bill have provided that the Government shall be authorized immediately to issue $100,000,000 of certificates of indebtedness bearing 3 per cent interest and payable within a year. This provision is intended to meet the immediate situation without awaiting the delay incident to the collection of increased taxes or the raising of money by the issue of bonds, to which likewise delay inevitably attaches. That no provision specifying the kind of money in which these certificates shall be redeemed has been incorporated in the bill is not a matter of the slightest importance. An Administration is in power elected on the issue that every obligation of the United States shall be redeemed in gold dollars or dollars as good as gold, and that Administration will be in power when the proposed certificates shall mature.

Another provision of the bill authorizes the issue of $500,000,000 of 3 per cent bonds redeemable after ten years, at the option of the Government, and maturing in twenty years. It is intended to relieve the Government from the necessity of issuing 5 per cent bonds redeemable in ten years or 4 per cent bonds redeemable in thirty years, to which it would be forced by existing law.

THE LOAN TO BE A POPULAR ONE.

Moreover, the bill provides that this shall be a popular loan. The bond unit is to be $50 and multiples thereof. A fifty-dollar bond would be an obligation of the smallest denomination ever issued by the Government. The loan would be a popular loan in the full sense of the term. Under the provisions of the bill subscriptions would be opened at every post-office in the land, and the American people, rich and poor, would be invited to take these 3 per cent bonds at par. And the small subscribers would be favored before the larger ones were allowed their proportion.

Mr. Chairman, to my mind among the compensations of a destructive war nothing would exceed in importance the wide distribution of governmental obligations among the people. That the popular loan proposed would be a magnificent success we have no reason to doubt. It would result in a distribution of Government bonds for the first time in the history of the Government among the humble as well as the wealthy.

It would lead to the establishment in every community of an active, earnest, and direct interest in the proper, capable, and economical administration of the Government at Washington. Perhaps equally important at this stage in the great contest for the maintenance of the nation's financial honor and credit, it would form around every one of the thousands and tens of thousands of post-offices in the land a nucleus of sentiment in favor of sound and honest money which might be the determining factor in the struggle of 1900.

Mr. Chairman, no man regrets more than I to be compelled to introduce such a consideration as that just expressed, at this juncture. I have listened with regret to the introduction of the money question, which has figured in domestic politics for several years past, into the present discussion.

But war appears to have its political side. We have heard gentlemen on the Democratic-Populistic side of this Chamber propose that the sinews of war shall be provided by the issue of fiat money and by the coinage of a silver seigniorage alleged to exist in the Treasury; and I doubt not that before the discussion is concluded, both here and at the other end of the Capitol the project of free and unlimited conversion of the world's silver into 44-cent American "dollars" will be thoroughly exploited, not only as a means of defeating the Spaniards both by land and sea, but also as a panacea for the amelioration of domestic ills, both real and imaginary.

Not that I have the slightest idea that free silver coinage or fiat money, in any form or phase, will prevail in the present controversy. There is, I hope and believe, too much patriotism and good sense among the conservative Democratic if not the Populistic elements of the House and Senate for such political madness to carry away any considerable proportion of our political opponents. The free-silver devil has stalked forth into the House of Representatives, with forked tail and cloven hoof, and I doubt not that he will likewise make his presence manifest even more demonstratively in the Senate Chamber.

I would remind my friends of the opposition, however, that the matter under consideration is not the Teller resolution declaring that it would not be in contravention of justice and equity to pay existing obligations of the United States to bondholders, plow holders, hod holders, pen holders, and pension holders, in depreciated and dishonest money, but rather an emergency bill to provide the Treasury of the United States with the financial sinews of war in order that the murder of American sailors may be avenged; that victory may perch on our standards in the war with Spain, and that the Republic of Cuba may be added to the nations of the world. [Applause.]

Nor do I care to discuss the theory of an income tax as a means of raising the financial sinews of war. We want money, not law books; revenue, not lawsuits. The United States Supreme Court, the highest tribunal in the land, has decided that an income tax is a direct tax, being levied on the real estate, personal property, rents, and incomes of the people, and as a direct tax can only be levied by being apportioned among the States according to population. To that decision of the Supreme Court we all bow, and an income tax, levied in accordance with it, would be manifestly unfair toward the poorer States, and in operation would fail to accomplish the purpose intended.

RELIEF MUST BE IMMEDIATELY GIVEN.

Mr. Chairman, there is a necessity for the passage of the pending bill without any unnecessary delay. Let no man be deceived by the figures of the Treasury reports, which can be twisted, judging from what I have heard on this floor, to serve almost any conceivable purpose. Of the $225,000,000 of what are commonly termed "available assets" in the Treasury on the day that Congress passed the $50,000,000 appropriation for the President of the United States to use in his judgment and discretion, $100,000,000 was required for the redemption fund commonly known as the gold reserve, $33,000,000 was necessary for the redemption of the circulation of national banks which had failed, were liquidating, or were retiring circulation, and $14,000,000 will be required at the first of the coming year to redeem Pacific Railroad bonds which mature at that time. These obligations reduced the available assets to $78,000,000 before a single dollar of the $50,000,000 appropriated for the President's use was expended. That appropriation will shortly have been expended, and perhaps an additional emergency appropriation required. The margin of surplus at present is slim, when it is considered that there is $13,000,000 of fractional silver and other unavailable coin in the Treasury.

The friends of sound money have refrained from injecting any proposition into the pending bill which is calculated to produce irritation, discussion, and delay. It has not been sought to provide a gold-payment clause for the bonds authorized to be issued. They are made payable in "coin," the same as other bonds heretofore issued. The people are asked to take these bonds subject to their confidence in the good intentions and honesty of the American people, which would prompt the redemption of its obligations in gold dollars or dollars as good as gold.

Mr. Chairman, let us stand together in favor of this moderate, sensible, and effective measure, whose inspiration is drawn from the grand Lincoln and the Administration and Congresses that saved the Union in the dreadful days of secession and civil war. Let us be patriots rather than partisans. May the same unanimity that marked the passage of the fifty-million defense bill, the resolution for intervention, and the declaration of war—which knew no North and no South, no Republicanism, Democracy, or Populism—attend the passage of this revenue bill through the House of Representatives. [Applause.]

Mr. ROBINSON of Indiana. Mr. Chairman, this is an inspiring time for patriotic utterance. After days of patient waiting, weeks of anxiety, months of shocking distress from starvation, and years of cruel and unholy war, the people's chosen representatives have declared war against Spain, and we are now confronted with this momentous public question. We are here to perform a conscientious and patriotic duty.

The sovereign people who sent us here, in consonance with their rights, demand that we perform that duty well. It is said that "justice is the rightful sovereign of the world," and when members of this Congress, appealing to their most familiar notions of prudence and policy, enforce justice between the contending powers of Cuba and Spain, all nations, under whatsoever form of government, will applaud the act, not to speak of the supreme contentment that comes to the heart of every man who does a noble act.

The crisis admits of no delay; no middle ground can be found. Justice, international law, and humanity urge us on to the performance of that duty which we owe to ourselves, to our country, and to our God to rescue early the survivors of a downtrodden and suffering people from the tyrannical grasp of Spain.

Each time that we have turned from the plain high road of duty our difficulties have thickened around us.

Had the Cubans been recognized as belligerents by the former Administration, had this right been accorded to them a year ago, we would not be confronted by this crisis to-day.

Many could not or would not, through the gloom that clouded their vision, see the horrors in Cuba that reached such a dreadful culmination, but a research in Spanish history would have disclosed it all.

Procrastination has multiplied our embarrassments and losses and added to these horrors that shock to-day the civilized world.

Nothing but the most outspoken, vigorous policy, to the end that Cuba shall be free, will relieve us from the errors of delay.

The sons of those who fought for our freedom demand as much for Cuba.

The disciples who worship at the altar of Mammon, true to the traditions of their ancient progenitors, have counseled delay too long.

Let us make a bright page on American history and save American honor by a vigorous American policy.

It is too late now to do our duty and avert a war. That opportunity was presented in the special session of this Congress when the Senators of all political parties—Democrats, Republicans, and Populists—passed a joint resolution for Cuba; but it then came to the most numerous branch of the American Congress, and there, under the mysterious rules of the House of Representatives, it went to sleep in the catacombs of that House.

In the language of the Republican platform of two years ago, "Cuba is lost to Spain." That should have been the watchword after the election.

War is grim visaged and terrible only when it is fought to aid oppression and injustice. When it is waged for humanity, justice, and national honor it is the edict of heaven.

Many times have I thought and said that the era for civilized nations to war had passed. A war with Spain does not change my thoughts.

In the light of this Cuban strife, she is not a civilized country. The ghoulish spectacle of starving humans, murdered Americans and Cubans, starving babes drawing nourishment from the breasts of starving mothers, starts up in every corner of that isle under Spanish rule to mark her cruel course.

Our battle ship *Maine* lies at the bottom of Havana Harbor, an everlasting monument to the world of Spanish treachery and Spanish murder.

Two hundred and sixty-six defenders of American honor have gone to "sleep the sleep that knows no waking," and whether they sleep to-day in the soil of that island on which their eyes last rested, or in the soil of their native country to which they longed to come, or are washed by the waves of that hellish Spanish harbor, their "poor dumb mouths" cry out to us to defend their flag and maintain our own American honor.

In their deaths we find but a culmination of Spanish cruelty and Spanish rule.

Our nation should not, no other nation would, have placed their faith in Spanish promises or Spanish words.

The Spanish anticipatory verdict on the *Maine* disaster will be scorned alike on earth and in heaven. No nation will respect it. It will find its level in the world's estimation of Spanish character.

A Spanish head placed the *Maine* at her moorings, a Spanish hand planted the mine, Spanish power furnished the spark, a Spanish finger touched the button, and the work of death and destruction was done.

Let us grant early to the Cuban patriots what we longed for and received in our battles for independence.

Let us grant them independence, and retain for ourselves a place among the liberty-loving nations of the world, and at once preserve to ourselves and to our posterity the liberty which we now enjoy.

The powers of the world expect this action. None other will preserve our honor. In this time of patriotism let us be patriotic and overthrow this effort to bond the nation, and in lieu thereof let us pass an income-tax measure and compel those who are able to bear their just share of the burdens of taxation. [Applause.]

The CHAIRMAN. Under the previous order of the House the committee will now rise.

The committee accordingly rose; and Mr. RUSSELL having resumed the chair as Speaker pro tempore, Mr. SHERMAN reported that the Committee of the Whole House on the state of the Union having had under consideration the war tariff bill, had come to no resolution thereon.

RECESS.

And then (the hour of 10 o'clock and 30 minutes having arrived) the Speaker pro tempore declared the House in recess until 10 o'clock a. m., to-morrow, Friday.

The recess having expired, the House, at 10 o'clock a. m., Friday, April 29, 1898, was called to order by Mr. RUSSELL, Speaker pro tempore.

The SPEAKER pro tempore. Under the order heretofore made the House will resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the revenue bill.

THE WAR TARIFF.

The House accordingly resolved itself into Committee of the Whole, Mr. SHERMAN in the chair.

Mr. CURTIS of Kansas. Mr. Chairman, there may be some provisions in this bill that are objectionable. There are some I wish could be omitted. But, under the circumstances, it was the best that could be agreed upon, and I therefore heartily favor it, and would be glad to see it pass without a dissenting vote. It will furnish annually about $95,000,000 of additional revenue; it is a war measure and it can be repealed so soon as the war is over.

I have been more than pleased to note the expressions that come from the other side of this Chamber in reference to the waiving of all party lines for the purpose of presenting a solid front for all war measures. The appropriation of $50,000,000 made in this House with such a show of patriotism a few days ago was but the first step in carrying out our noble national policy. This measure will furnish millions more, if needed, and the news from every State that millions of men stand ready to respond to the first call for volunteers to enforce this policy, if need be at the cannon's mouth, shows the necessity for such legislation.

But while the gentlemen on the other side—and I am sorry that some who were here last night are not now present—are talking about burying political questions in this issue, the gentlemen from Kansas should have instructed their governor to keep politics out of the question in their own State. I am sorry to inform the House and the country that a Populist governor of the great soldier State of Kansas has deliberately ignored the National Guard of that State, and ordered the Second Regiment, which was fully prepared to volunteer and go to the front within a week, to send in their arms and equipments, and has refused to recognize them, the refusal being based on political grounds. I prove this statement by reading a dispatch just received by me from Hon. E. W. Hoch and others, of Marion, Kans., as follows:

> Governor Leedy to-day ordered all arms and equipments of our company to be forwarded to Topeka, thereby practically disbanding it. Entire Second Regiment wants to enlist as now organized, and is ready and equipped for immediate service. Leedy's action prevents this.

I want to make this statement, Mr. Chairman, because this action does not represent the sentiment of the people of our great State. I believe in first recognizing the National Guard. It is ready to immediately go to the front and share in whatever may come. The people of Kansas will not indorse the policy of any man who would ignore that organization for political purposes, ignore it for reasons of his own, or, perchance, because the majority of that guard are Republicans. But in a great crisis like this, so far as I am concerned, even if every member of the National Guard of the State was a Populist or a Democrat, I would favor their instant selection, allowing them to go to the front, as they so much desire and as the Administration so much desires, without regard for political considerations or political conditions. I think this is the sentiment of our people.

I am opposed to the issuance of bonds in time of peace, for I consider it a doubtful and an injurious policy, but at this time, when danger threatens, when liberty is attacked, when humanity is outraged, when a display of our resources and our power is necessary to maintain our unassailable position among the nations of the world, then, sir, only comes the question to the mind of every true American, How can we best and most quickly make preparation for the present and for the future?

The people of this country would have had us avert war if it could have been averted with honor, but no loyal man fears the result of this war, waged to uphold the integrity, the dignity, and the humanity and honor of the nation. The American people have applauded every act of this Administration and of Congress, and while a large majority are opposed to a war tax and a bond issue, yet they are not opposed to the provisions of this bill at this time. The President, by his firmness and consistency, has won the admiration of all, and we should not be backward in sustaining him in the trying ordeal through which he is now passing. The people rightly expect this Administration to put an end to the outrages which have been perpetrated by Spain in Cuba. The step of intervention was taken none to soon, and Spain has been informed that it is such intervention as will end only in the freedom of that island. This nation, all powerful, all supreme of the nations of the earth, did not seek war, rather it sought peace, sought the carrying out of the precepts of civilization, sought the prosperity of all, but its people could no longer remain silent and inactive in the face of the tragedy which was being enacted from day to day at our very threshold.

Congress will do well to follow the splendid example which the American people have set by their prompt response to the call for aid for the Cubans, whose prayer for relief, though weakened by starvation, disease, and torture inflicted in Spanish prisons erected in sight of their devastated homes, was heard, thank God, in time for a display of generosity and neighborly good will unequaled in any country, and which was supplemented by that sympathy which every true American feels for those who, after long suffering, arise at last to throw from their necks the yoke of a tyrant and an oppressor. [Applause.]

Now, Mr. Chairman and gentlemen, in the name of 266 assassinated American sailors, in the name of the fathers, mothers, wives, and children whose hearts are bleeding, in the name of thousands of starving Cubans, in the name of seventy millions of patriotic, liberty-loving American citizens, yes, in the name of that emblem of liberty suspended above the Speaker's chair, the Stars and Stripes, let us pass this bill. [Applause on the Republican side.]

Mr. BARLOW. Mr. Chairman, I rise, not for the purpose of

entering into the discussion of this revenue bill in all of its details, but to call attention to one feature of it, and that is the bond feature. In this connection let me call the attention of the House to an extract from a recent speech of the President of the United States at the now famous "$100-a-plate" banquet given him by the Chamber of Commerce in New York. Speaking of the payment of our bonds, he said:

> Nothing should ever tempt us—nothing will ever tempt us—to scale down the sacred debt of the nation through a legal technicality. Whatever may be the language of the contract, the United States will discharge all of its obligations in the currency recognized as the best throughout the civilized world at the time of payment.

This declaration has the indorsement of the Secretary of the Treasury, and, in fact, the whole Administration, and is to-day the fixed policy of the Republican party. So let all men realize that in voting for this bond issue they are placing another burden on the producers of our country, another $500,000,000 of gold bonds.

As for myself, I am opposed to another interest-bearing bond being issued by our Government. It is not necessary, and, in fact, it will be almost criminal to do so, in view of the experience of the last thirty years. This is an era of interest-bearing bonds. Every State, county, and municipality is overburdened with bonds now. The latest statistics show that the interest drain on our country is greater than the net profits of all our varied resources. We must call a halt, and now is the time to begin.

As above stated, I am opposed to the issuance of bonds by the Government, but I will not at this time enter into a discussion of the principles that I advocate. I think that it ought to be admitted by any fair-minded advocate of the issuance of bonds that the Government should only borrow money at interest when it needs money and can not obtain it without paying interest. I know that the policy of the present Administration is to retire the whole noninterest-bearing debt and replace it with an interest-bearing debt; but it is difficult for me to perceive how such a course can be openly advocated. I will not call it a Republican policy or a Democratic policy, contenting myself with stating that it certainly is not a Populist policy. In 1892 the Administration was supposed to be Republican, and yet during that Administration the noninterest-bearing debt constantly increased and the interest-bearing debt constantly decreased.

Since 1892 the interest-bearing debt has been increased from $585,029,330 to $847,366,680. The noninterest-bearing debt has been decreased from $1,000,648,989 to $386,974,060. If it was safe to carry a debt that was noninterest bearing of $1,000,000,000 in 1892, it is safe now. This would give us enough money to carry this war through to a finish according to the most liberal estimates. It would increase the money in the Treasury by over $600,000,000. The present situation as outlined by the Ways and Means Committee is that the revenues of the Government have to be increased in order to meet the increased expenditures that will be caused by the war with Spain. The committee have furnished us a bill which, by reviving some of the taxes imposed during the war of the rebellion, will increase the revenue. They have also inserted in their bill a provision for the issuance of bonds, which will increase the expenditure and not the revenue. The expenditures for interest on the public debt have been increased from $23,378,116 in 1892 to $37,791,110 in 1897. The bill before us for consideration proposes to still further increase this item of expenditure.

It is evidently not intended by the committee to provide a bill that would produce sufficient revenue for the expenses of the Government and the carrying on of the war, or they would have done so. It would not have required fifteen minutes' deliberation for the Ways and Means Committee to prepare such a bill. All that would have been necessary would have been for them to clip the provisions of the Revised Statutes in force from 1862 to 1872. In 1866 the collections from articles not now taxed amounted, according to the report of the Commissioner of Internal Revenue, to $953,754,120.49. This country has doubled in population since then. The South now once more pays her proportion of the taxes, and the business of the country has quadrupled. The transactions of the New York Clearing House in 1860 were $5,915,742,758; in 1897, they were $31,337,760,948. This shows that the business was six times as great as when the old war tax was passed. Assuming, for the sake of argument, that the business of the country has only doubled since 1866, the committee could, by simply reporting the old law for reenactment, have provided an additional revenue of over $500,000,000 per year. This does not take into account the coinage of the bullion now on hand, and leaves the question of silver entirely out of the calculation. It does not take into account the taxation of anything that was not taxed under the old law, and the constitutionality of that law was upheld in all of its provisions by the United States Supreme Court. If the committee had wanted additional revenue, they might have provided it by simply repealing the Dingley law and substituting in its stead the old Morrill law, which produced in 1892 over $229,000,000, or not less than $75,000,000 more than the Dingley law will produce unless there should be a remarkable revival between now and next August.

The Ways and Means Committee have produced many statistics to show the dire distress of the United States Treasury and the great increase of expenditures, but it will be remembered that this same committee brought us some very valuable statistics to show how much money the tariff bill would produce. The committee guessed wrong then, and they may be guessing wrong now. According to the Treasury statement issued by the Treasury Department to-day, there is over $218,000,000 of available cash on hand, while the chairman of the Ways and Means Committee disposes of all but $60,000,000 of it by explaining that it is not available.

There is no question that the noninterest-bearing debt of the United States could be increased several hundred million dollars; because that would not bring it back to the condition of the Treasury in 1892. If a business man, without any suggestion of insolvency and without the request of any creditor, should voluntarily, while his means were amply sufficient to meet all bills on presentation, exchange interest-bearing obligations for all his noninterest-bearing debts, his friends would at once advocate the appointment of a guardian for him on the ground that he was an idiot.

It is safe to say that such a course on the part of an individual or a private corporation was never yet advocated, and how a policy of this kind on the part of the Government can be vindicated is an unsolvable mystery.

This bond craze of to-day is a legacy of the civil war. It is a part of the most vicious monetary system in the whole world. It was fastened on this country by scheming knaves during the contest of the sixties; and while the brave men on both sides were sacrificing themselves in a struggle for principle, which resulted in the liberation of the 4,000,000 slaves, these shylocks and coupon clippers were completing their nefarious plans.

I will take the liberty of inserting the opinion of one of the greatest men of that period on this very question. Horace Greeley said:

> We boast of having liberated 4,000,000 slaves. True, we have stricken the shackles from the limbs of the former bondmen and brought all laborers to a common level, but not so much by elevating the former slaves as by practically reducing the whole working population to a state of serfdom. While boasting of our noble deeds, we are careful to conceal the ugly fact that by our iniquitous monetary system we have nationalized a system of oppression more refined, but none the less cruel, than the old system of chattel slavery.

There is less excuse for this bond issue than for any ever yet contemplated. The surplus is intact; there is a large cash balance in the Treasury; and no attempt has yet been made to test the value of this bill as a taxing measure. No one knows that it will not produce all the revenue required in the future, and the interests of the Government could not by any possibility suffer if we waited until our funds ran low before taking this unwise step. No one knows what the war is going to cost. We know that it has now been in progress a week. We have captured over $6,000,000 of prizes; half of this goes to the Government. The war so far has brought a revenue to the Government of half a million dollars a day. This feature has not been mentioned by the Ways and Means Committee. And, like the bill itself, time alone can determine how much revenue can be derived in this way. It is reported in the press that active military operations will not commence until about the 1st of October. If, during that time, we devote our principal energies to the capture of prizes, the result may have an important bearing as to the amount of revenue necessary. This would be a "pacific policy" and in perfect accord with the instructions given by the President to the commander of our fleet before Havana "not to return the fire from the forts of Havana." About the last thing that a man does is to mortgage his home, and the Government should not pledge its revenues by the issuance of bonds while it still has over $200,000,000 remaining idle in its vaults.

I am in favor of supporting the Government to the utmost in this war, and I would not withhold the appropriation of a dollar or any number of dollars that could be advantageously used; but I do not believe, when the Government requires more revenue, in providing a greater expenditure on account of interest.

This is a contest for humanity and freedom. Let us not enslave coming generations of Americans by the enlargement of our interest-bearing debt.

As I stated in the beginning, I am opposed to interest-bearing national bonds. Thirty years of history of our country have proven them to be a curse to the nation. I have strong convictions on this question and shall cast my vote against any measure that has in it any authorization for the issuance of one dollar of such obligations.

I know that the majority of this House do not agree with me on this bond question. I am convinced that the majority of the voters of the country do. The representatives of the people have been servants of the coupon-clipping bond clique for many years. But a new era is dawning. Light is being cast on the iniquities of our money system. Usury is the curse of all curses. While

only a part of a minority on this question, I am proud of the opportunity to cast my vote for what I know to be right.

They are slaves who dare not be
In the right with two or three.

The CHAIRMAN. The gentleman from Missouri [Mr. BLAND] is recognized for twenty minutes.

Mr. BLAND. Seventeen minutes, I believe, was the time yielded to me.

The CHAIRMAN. Seventeen minutes.

Mr. BLAND. Mr. Chairman, the proposition that meets with the greatest objection on this side of the House is the proposition to issue bonds to the extent of $500,000,000 at this time, because we are not only opposed to increasing our interest-bearing debt, unless under extreme circumstances, but because we do not believe that the time will ever come when in a war with a fifth-rate power like Spain we must appeal to that extreme measure to support our armies in their operations.

I regret, Mr. Chairman, that it has been said upon the other side of the House, and especially by the gentleman from Illinois [Mr. HOPKINS], whom I do not see in his seat and whose speech does not appear in the RECORD this morning, that we upon this side of the House have entered the domain of politics because we have brought forward a proposition to utilize a part of the assets of the Government now lying idle in the public Treasury in the form of silver, which, according to the gentleman's statement, is an exploded idea, and one vetoed by Mr. Cleveland in a former Congress.

We do not expect, Mr. Chairman, that great economic questions can be discussed in time of peace or in time of war or under any circumstances without creating divisions in this House, according to the theory of those who entertain political views which are antagonistic. We do not expect our Republican friends to proceed upon the line of the views that we entertain upon public questions and political economy. They believe differently from what we do. They are the advocates of a political economy entirely antagonistic to that entertained by this side of the House, and we will not accuse them of being partisans in a sense that will impugn their patriotism because they are proceeding upon the line of political views entertained by them. We know that not only in times of peace, but in times of war, the Republican party favors an interest-bearing debt. They are the advocates of bond issues.

The Secretary of the Treasury made a report long before any war was contemplated looking to further issues of bonds for the purpose of sustaining his political financial views, an immense bonded debt for the purpose of forming a basis for national banks and national-bank issues, in contravention of our theory that issues of paper money should be directly from the Treasury and by the Government. We did not expect them to bring forward a bill here for the coinage of forty-two millions of silver bullion lying idle in the Treasury, because they denounce the silver dollar as dishonest. We expect them to proceed upon the line of bonding the people of this country, no matter whether in war or in peace, for the purpose of carrying out their peculiar financial views. Therefore they must not suppose that we are ready now, or will be hereafter, to surrender our views upon public questions and political economy in order to follow them. If we are to lay down the question of party politics, we invite them to come to our proposition, but we do not expect that.

Now, Mr. Chairman, what is this bond question? These bonds are made payable in coin. The act of July 14, 1870, authorized the issue of coin bonds, and all the bonds issued by President Cleveland were predicated upon that act. It provided that the bonds should be paid in coin of the weight and fineness of the coins at that day, at which time both gold and silver had free access to the mints of this Government, the silver dollar the unit of account. Both had free and unlimited coinage at the ratio of 16 to 1. Those bonds were bottomed upon a bimetallic system. But what does this bill do? Does it provide that this coin shall be of the standard value of that date? These bonds will be of a different character in every respect.

The coin which is meant will be coin as interpreted now, when the mints are closed to the coinage of silver, except that particular part that is now in the Treasury as bullion; and knowing as we do that the Administration, the Executive and the Treasury Department, insist that the silver dollar is dishonest money and can not be paid as coin upon these bonds, either principal or interest; knowing as we do that but a short time ago the Republican majority in this House sustained that proposition by voting down a resolution declaring that the silver dollar was a proper coin for the payment of the public debt, bonds and interest, you must excuse us if we insist that under those conditions we can not go with you in your political theories in issuing a bond payable in coin that, so long as you have power at least, will be construed to mean nothing but gold.

And more so, because at this time the mints are closed to the free coinage of silver. But we shall insist if this bill passes—and I do not want to be misunderstood in that respect—the 400,000,000 silver dollars already coined, and a legal tender under the law, must be considered as "coin." And we do not give up the fight, if this bill passes and becomes the law, that the "coin" mentioned is silver as well as gold, because we have an immense amount of it in circulation, and so long as the mints of this Government are closed to one-half of the metal of the world that can be converted into coin under our Constitution, we, under no circumstances, unless it should become absolutely and extremely demanded, issue another bond payable in coin.

Now, Mr. Chairman, what is this seigniorage? It is simply to coin the bullion held in the Treasury in excess of what is necessary to redeem the outstanding notes issued for the purchase of this bullion. Under the law known as the Sherman law notes were issued for the purchase of the silver bullion now in the Treasury. Under that statute this bullion must be coined, as much as may be necessary, in the discretion of the Secretary of the Treasury, for the redemption of those notes, and the law itself states what is the seigniorage. It is that part that is not necessary for the redemption of the notes; or, in other words, it is that part which accrues as a profit, and that profit the excess of the coin above what is necessary for the redemption of the notes. That act was passed by the Republican party. We propose to pursue that act, except that we first coin the profit or the seigniorage and make it immediately available; and that is the only change that we make in respect to it.

Why, Mr. Chairman, the gentleman from Maine [Mr. DINGLEY] insisted that it was a violation of the law of July 14, 1890, known as the Sherman Act, to insist on the coinage of the seigniorage. That was the first time I ever heard the proposition made that to change a law is a violation of the law. If a change of a law is a violation, then that law was seriously violated when you repealed that part of it that provided for the purchase of 4,500,000 ounces of silver every month and to issue these Treasury notes upon it. You violated it then. Why not violate it now by coining it, so as to make this $42,600,000, in excess of that which is necessary to redeem the notes, immediately available?

I introduced a bill for that purpose, and I had a statement from the Director of the Mint, a telegram, stating the amount of this seigniorage bullion a few days ago, when the bill was introduced, was $42,600,000 and something over, showing that the Director of the Mint and the Treasury Department understand what seigniorage is, and how much there is of it. Now, we propose, Mr. Chairman, to issue silver certificates upon this bullion, provided it may be necessary, in advance of its coinage, so as to make the whole of it available, and that coinage shall take place as speedily as possible, so that the money may be held in the Treasury for the redemption of the certificates.

Why, it is said, Mr. Chairman, that we can not have them issued in this way; that a silver certificate means that there is a silver dollar in deposit for the redemption of the certificate. But when you know the bullion is in the Treasury—it may not be in the shape of a coin—the asset is there, the bullion is there to meet the certificate. Now, the fact is that the bullion is there; and the bill provides that it shall be coined for the redemption of the certificates. Now, the mints of this Government, like any other factory, if put to their full capacity instead of dismantling the mints, as you have done at New Orleans, if they were run to their capacity, this seigniorage could be coined in the next three months—the whole of it—without any difficulty, before, probably, there will be any call for the issue of a single silver certificate.

There is no difficulty about that. If you want to coin before the certificate is issued, go to work and coin it. The bill requires you to coin it, and it can be done inside of three months, no question about that. So that under no circumstances can any harm be done to anyone holding one of these certificates. He can go to the mint or Treasury and get his dollar for it. Especially is this so when we know that so far as gold and silver are concerned the people prefer the certificate, and scarcely ever demand its redemption.

Now, Mr. Chairman, I would like to go into the question of subsidiary money in the Treasury, but I have not time for that. The whole of it is available, and I doubt if there is a single quarter, half dollar, or dime in the Treasury to-day that is more defaced or mutilated than that in circulation every day throughout the country.

According to the last monthly statement from the Treasury Department there was in the Treasury $120,000,000 of available cash, independent of the gold reserve of $100,000,000. Including the gold reserve, there is at this time an available cash balance in the Treasury of $218,000,000—a few millions less than the last monthly statement. Excluding the gold reserve, there is now $118,000,000 of available cash in the Treasury. In order to be entirely fair and to be within the safest limits, we will deduct from this $118,000,000 some $39,000,000 now in the hands of the disbursing officer for the payment of accrued expenses. This would leave a net cash balance of $79,000,000. Add to this seventy-nine millions the one hundred and fifty millions we propose to give in

Treasury notes, and also the forty-two millions in silver certificates. This would make a net cash reserve in the Treasury for war purposes of $271,000,000.

It is a very liberal estimate to say that $25,000,000 per month will maintain our army and war expenditures necessary to take the Island of Cuba. Our declaration of war pledges us to take the Island of Cuba from under the control of Spanish authority and turn it over to the people of Cuba that they may govern themselves. It seems to me that our Army ought to be able, within the next six weeks, with the aid of our Navy, to compel General Blanco and his straggling bands of half-starved soldiers to evacuate Cuba without any great delay or any great cost.

At the rate of $25,000,000 per month of war expenditures to free Cuba, $271,000,000 would carry on the war for nearly ten months. In the meantime the extraordinary war taxes contained in the bill are estimated to raise $100,000,000 annually, so that, as a matter of fact, the bill with our amendments, and without the bond features, would put into the hands of the Administration $371,000,000 to be expended within the next twelve months. In the meantime Congress meets again on the first Monday in December next. By that time it should be known whether any greater expenditures should be provided for, or whether or not the war itself would not be concluded and the objects for which it is prosecuted entirely accomplished.

There can be no good reason, so far as the prosecution of the war is concerned, for resorting to the extraordinary power of issuing interest-bearing bonds. We are not in favor of increasing the bonded debt of the Government for many reasons. In the first place, it is a mortgage upon the future resources that we ought not to make, for we know not what the future may bring forth. Other occasions may arise for pledging the credit of the Government; and should such occasions occur, our credit and our ability to raise money would be restricted in proportion to the magnitude of our bonded debt.

Our bonded debt at this time amounts to a little less than $900,000,000. The present bill proposes to issue five hundred millions more of bonds, payable, principal and interest, in coin, the bonds subject to redemption after ten years and due in twenty years. The bill also provides for issuing $100,000,000 of certificates of indebtedness, payable in one year in lawful money and bearing 3 per cent interest, so that, as a matter of fact, the bill contemplates borrowing $600,000,000, bearing interest at the rate of 3 per cent.

But in calculating the bonded debt you have practically fixed upon the people of this country we will only include the $500,000,000 of 10-20 bonds before stated. This, with our present bonded debt of $900,000,000, as before stated, amounts to $1,400,000,000. Inasmuch as it can not now be claimed with any reasonable certainty that a single one of these bonds would be necessary at all, provided our propositions for issuing Treasury notes and the coinage of the seigniorage and other measures alluded to were adopted, we fear there are parties whose interests are being subserved in this bond issue, and whose interests are not being neglected, but, on the contrary, are being well cared for in the name of patriotism. I allude to the national banks and to those who believe in bank currency.

The increase of our currency by issuing one hundred and fifty millions in greenbacks and forty-two millions of silver, making near two hundred millions in all, would tend to increase prices and stimulate business by giving employment to labor, thus enabling our people to meet increased taxation and war expenditures without feeling any great burden. On the contrary, if we issue five hundred millions of interest-bearing bonds, the money paid for these bonds will go into the public Treasury and in a great measure be hoarded out of circulation, decreasing prices and prostrating business. We can not afford to do this in face of the fact that we have not now a sufficient amount of money in circulation.

Mr. SHAFROTH. Mr. Chairman, I regret exceedingly that the provisions of this bill concerning the raising of revenue are not separated from the provisions concerning the issue of bonds. I believe that every member of this House, irrespective of political party, desires to uphold the right arm of the Government in this struggle and to vote any quantity of revenue for the purpose of carrying to a successful issue the contest between America and Spain.

But, Mr. Chairman, when there is an attempt to incorporate into this measure of taxation the element of a bond issue, right there is where there is injected that particular policy of finance of the other side of the Chamber which makes it impossible for us to support this legislation. We had rather, by far, have the total expenses of this war, great as they may be, paid year after year by increased taxation than to issue one dollar of bonds. [Applause.]

Why are we so determined? Because we see in the issue of bonds, which this Administration has declared shall be payable in gold at the option of the holder, a danger and a menace which is beyond the mere question of raising revenue. It is because we believe that when bonds are issued, they strengthen the power of the capitalistic class over our Government, and consequently fasten more strongly the single gold standard upon our country. That condition we regard as destructive of the best interests of the people, and therefore we shall resist it to the best of our ability. Not until all the other powers of the Government to raise revenue are exhausted should we contemplate the burdening of posterity with interest-bearing obligations which will be construed as payable in gold.

But, Mr. Chairman, even if it becomes necessary to issue bonds, the occasion does not present itself now for that measure. The money and silver seigniorage now in the Treasury, together with the revenue to be raised by this bill, are sufficient, without borrowing a cent, to conduct the war with Spain for nearly a year according to the most extravagant estimate. No one can doubt but these funds are sufficient to meet the expenses until Congress convenes in December next. Then why should we have the question of a bond issue presented at this time? Notwithstanding the assaults that have been made against the condition of the Treasury by the chairman of the Committee on Ways and Means [Mr. DINGLEY] and by other able gentlemen on that committee, the statement is still issued from the Treasury Department this morning that there is an "available cash balance, including the gold reserve, of $218,841,000." The chairman of the Committee on Ways and Means asserts that this is only a seeming balance, but when he attempts to show wherein it is fictitious, he utterly fails.

What are the items that he claims should be deducted from this large balance? The first item of considerable moment which he brushes aside with a mere declaration is that there are $13,000,000 of silver coin in the Treasury, a part of which, he says, is uncurrent by reason of being worn. Why, the gentleman from Iowa [Mr. DOLLIVER] stated that of that $13,000,000 but $5,000,000 was uncurrent; and instead of the gentleman from Maine deducting only $5,000,000, he deducts the full $13,000,000 which he says is there.

Is that a fair way to deplete the Treasury? But not even that $5,000,000 should be deducted. Why? Because this Government can send that $5,000,000 to the mints of this country, and in the next thirty days have it coined into available current money. Even that money which is said to be uncurrent will circulate among the people if it is paid out by the Government. They are not mutilated, but worn coins which are still legal tender for limited amounts under our laws. Consequently, every dollar of that item is available or at least can be made available within one month.

The next item that he says should be deducted from these $218,000,000 is $33,000,000 in the Treasury for the redemption of the notes of national banks that have surrendered their circulation. Why, Mr. Chairman, we find a law on the statute books enacted by Congress not long ago that this fund shall be treated as a general balance in the Treasury, available for payment of any demands against the Government.

Why was it enacted? Because we found, instead of that fund decreasing, it was increasing, and it is not likely that there will be a demand to any considerable extent against that $33,000,000. It has been increasing because the banks have been going into liquidation and have been surrendering their circulation faster than there has been a demand to redeem these notes at the Treasury.

I have been informed at the Treasury Department that the only demand for the redemption of these notes is when they become worn or mutilated. These notes circulate among the people just as well after the banks have gone into liquidation as before, and there is no reason, therefore, for presenting the same for redemption. So, when we take into consideration the fact that this money will circulate and its redemption will not be demanded, we can conclude that no appreciable amount of the $33,000,000 will be withdrawn, and the item ought not to be deducted from the assets of the Treasury.

If you call this a demand against the United States Treasury which should be provided for by a distinct apportionment of the funds to meet it, you should also provide a fund of $346,000,000 in the Treasury to meet the demand of greenbacks outstanding. There is no more danger of a demand for the redemption of these particular bank notes than there is for the redemption of the greenbacks; consequently we find that these items deducted from the Treasury balance by the chairman of the Committee on Ways and Means are specifically recognized by law as belonging to the available cash balance, and are not any more likely to be demanded from the Treasury than the United States notes called greenbacks.

Again, he deducts $14,000,000 from the Pacific Railroad fund, which he says is in the Treasury for the purpose of redeeming bonds that are outstanding. Whether or not those bonds are held by the United States or by individuals I do not know. I have always understood that under the Thurman Act there was accumulated a large sinking fund, which the United States invested in its own bonds so that the fund would draw interest. These bonds are

not due until January 1; under any condition, unless a call is made for them by the United States, even if held by individuals, it is not likely they will be presented for payment.

Consequently there is no necessity for providing now in the month of April for that liability which can not fall due until January next, when Congress will be in session ready and willing to vote what means are necessary for the emergency. Therefore I maintain as to the items deducted by the gentleman from Maine [Mr. DINGLEY], that his contention is unwarranted and that they should not be deducted from the Treasury balance of the United States.

So that this statement from the Treasury Department that there is available in the Treasury a cash balance of $218,800,000 is true, notwithstanding the assertions of gentlemen to the contrary. Deducting $100,000,000 for the gold reserve, it still leaves $118,800,000 available for war purposes.

In addition to that large balance, there is in the Treasury over $42,600,000 of silver bullion, called seigniorage, resulting from the purchases of silver under the Sherman Act. Gentlemen have attempted to mystify the value of that asset. They have claimed that the amount of seigniorage can not be ascertained until all the silver in the Treasury is coined. Some have even intimated that the amount of the seigniorage is dependent upon the present price of silver.

Mr. Chairman, the amount of the seigniorage is easy to ascertain. It is the difference between the coinage value of the silver in the Treasury and the cost of the same.

I hold in my hand a statement from the office of the Director of the Mint, obtained by me this morning. It shows that there was on hand in the Treasury on April 1, 1898:

Of fine ounces of silver	109,864,545.41
Of the coinage value of	$142,047,088.89
This silver cost the Government	99,349,752.77
Leaving the coinage value of the seigniorage	42,697,336.12

Some gentlemen seem to apprehend great danger the moment the coinage of even a limited amount of silver is suggested. They recognize the difficulties the Government has experienced in maintaining the gold reserve, but they do not realize how much even the coinage of the silver bullion now in the Treasury will relieve the strain on that reserve.

There is outstanding $99,349,752.77 of Treasury notes issued to pay for this silver bullion. These notes, though issued for the payment of silver, and though intended by the law to be taken up by the silver so purchased when coined, have been construed by the Secretaries of the Treasury as redeemable in gold.

Silver dollars and silver certificates are not redeemable in gold. Therefore, by the coinage of that bullion and the taking up of these notes by the same, a large part of the strain on the gold reserve could be relieved.

However, whether that is done or not, the silver seigniorage, being an amount certain, can be coined by our mints in the next six months and swell the available cash balance (besides the gold reserve) to $161,500,000. To that amount add the $100,000,000 of revenue to be raised each year by this bill and you have the total sum of $261,500,000 available for the first year's expenditure of this war.

Now, Mr. Chairman, what is to be the nature of this war with Spain? It can not be a very expensive war, because it is not a fight of forces on land. It is the land forces that cost money. It is where there are to be mustered on the one side and the other unlimited numbers of men that drains the money out of the Treasury.

This war is bound to be confined to the high seas. We are not going to invade Spain. The troops we send to Cuba, though quite sufficient with the assistance of Gomez to drive the Spanish from that island, will not exceed 25,000. The fighting ships and boats of our Navy and of the Spanish navy are limited in number. As battle ships are contraband of war according to international law, foreign governments can not sell us any without making themselves liable to Spain for damages. Therefore the only way we can considerably increase our fighting force is by the slow process of building ships, which will only make demands upon the Treasury at their completion, and which can not be large for months and perhaps years.

The United States expended for the fiscal year ending June 30, 1862, to carry on the greatest war of modern times and to pay its Government expenses, only $474,761,819.

What is the necessity, therefore, at this time, of imposing an interest-bearing bonded and certificate debt upon the people of $600,000,000—enough, even according to the extravagant estimate of the gentleman from Maine [Mr. DINGLEY], to pay the expenses of the war for two years—when we do not believe the war will last more than a year and when we have sufficient revenue to meet all the expenses for that time?

Gentlemen say that all these bonds are not required to be sold at once, and hence may never be issued. Mr. Chairman, if the authority is given to issue these bonds, that authority will be exercised. It is almost impossible for any Administration to resist the influences that will be used to force the issue of these bonds. The number of brokers and agents that infest this Capitol to-day seeking contracts with the Government will be sure to make serious inroads upon such a fund.

It must be remembered that the Secretary of the Treasury, who approves this measure, recommended not three months ago that this exact amount in bonds be issued for the purpose of retiring the United States notes commonly called greenbacks and the United States Treasury notes issued under the Sherman Act. With the discretion vested in the man who believes they ought to be sold, if not for war purposes, for redemption purposes, is it not reasonable to conclude that they will surely be issued?

The selling of these bonds means the locking up in the Treasury of a very large amount of money that should be in circulation. It must be borne in mind that the ratio of credits to circulation is about 15 to 1, and that the retiring of $1 means the loss of $15 in credits. It must not be forgotten that the ratio of property values to circulation is about 30 to 1, and that the withdrawal of $1 of the currency means the destruction of $30 in property and commodity values.

It is therefore plain that by this bond issue, which at this time is entirely unnecessary, we are placing in the hands of the Secretary of the Treasury the weapons with which, if he desires, he can retire the greenbacks and Treasury notes and more thoroughly fasten upon this country his pet scheme—the single gold standard.

It is for these reasons, Mr. Chairman, that I shall vote against this measure.

[Mr. NEWLANDS addressed the committee. See Appendix.]

Mr. WALKER of Massachusetts. Mr. Chairman, I rise to ask unanimous consent. Here is a bill that involves a billion of dollars. I would ask the chairman of the committee that the committee rise. I would ask the chairman of the Ways and Means Committee to consent that the final vote be taken Monday at 4 o'clock, instead of this afternoon.

Mr. BLAND. I second the motion.

Mr. WALKER of Massachusetts. I can say there are some fearful mistakes in this bill.

Mr. MAGUIRE. You are right about that. [Applause on the Democratic side.]

Mr. WALKER of Massachusetts. I ask unanimous consent that the committee rise.

The CHAIRMAN. The gentleman from Ohio [Mr. TAYLER] is recognized.

Mr. WALKER of Massachusetts. I hope the Chair will put my request.

Mr. RICHARDSON. I submit nobody has objected.

Mr. WALKER of Massachusetts. No one has objected. This bill ought to be discussed.

Mr. RICHARDSON. I hope the Chair will submit the request for unanimous consent. That is legitimate.

The CHAIRMAN. The Chair has recognized the gentleman from Ohio.

Mr. RICHARDSON. But the gentleman from Massachusetts asks unanimous consent.

The CHAIRMAN. The Chair never recognized the gentleman from Massachusetts. In the second place, the gentleman from Massachusetts made no request except of the chairman of the Ways and Means Committee. He did not make any request of the Chairman of the Committee of the Whole.

Mr. TAYLER of Ohio. Mr. Chairman, I have distinguished amid the somewhat partisan declarations that we have heard on both sides of the House a certain note of patriotism which I think it is wise to consider. I do not think the body of the American people are caring very much what we say here. The body of the American people are only anxious that we act, and they are not especially anxious as to the manner in which we raise the revenue necessary to carry on this great war. As I understand it, the consideration of this bill presents a question at once partisan and patriotic. We confront our common enemy with a common country, united in purpose and animated with a singular unanimity. The defense of our flag is the defense of our honor, and in that inspiring effort there is no partisan politics.

The roar of Spanish cannon is met with the roar of American cannon. The chord of patriotism is struck by the finger of unity and sounds a note whose music thrills every heart at every hearthstone. If we shall emerge from this struggle with a full comprehension that our country is united in its hopes and its ambitions, even a bloody war will not have been fruitlessly fought, and the brave tars who went down in the harbor of Havana with the *Maine* will have died not alone to raise the banner of freedom over stricken Cuba, but will have given birth to a spirit of brotherly love in our own land. This is the patriotic side of the question.

But at the same time that we fight unitedly against our common enemy we can not lose sight of the practical fact that the Republican party is in power and that that Administration is responsible to the people for the conduct of the war; and in so far as we are thus responsible, our methods must be pursued. If the Republican party is to be held responsible and that party has convictions as to the manner in which money ought to be raised, then the methods of the Republican party should be pursued. If the Democratic party was in power to-day——

Mr. GAINES. Does the Republican party want to do all the fighting?

Mr. TAYLER of Ohio. I have but a moment, my friend. If the Democrotic party was in power and it presented here a measure involving the levying of an income tax, involving the free and unlimited coinage of silver, and that was the only method presented to us by which we could raise the sinews of war, I would vote with the Democratic party. [Applause.]

I have no such prejudice against any Democratic method of raising revenue as would prevent my voting with them if by so doing I could strengthen our arm against the common enemy. On all questions bearing directly on our sense of patriotism we ought to be united. On all questions bearing on methods, especially where those methods involve party questions, the policy of the dominant party must be expressed. Republicans, Democrats, and Populists, as parts of the common country, must bear the odium and disgrace of any reverse that may come. Politically the Republican party, the party in power, is the only one that will suffer from such reverses. [Applause.]

This is never to be avoided. It cannot be escaped. If the Democratic party were now in power, we might expect measures looking to the free coinage of silver and the issue of an irredeemable paper currency. The Republican party is pledged to oppose any such legislation, and surely it can not be expected to yield up its position now.

If the bill makes no provision for an income tax, it as truly does not declare against such a tax; and entirely apart from the question of the rightfulness of such a tax, its passage now, with its cumbersome machinery and the attitude of the Supreme Court, makes it, as an emergency method, exceedingly undesirable and unhappy.

This measure is presented by a great committee; it expresses their matured judgment. If I were framing it, I would change it in many particulars; but coming as it does, and recognizing the need for action, prompt and effective, I cheerfully support it. [Applause.]

I do it because I rejoice in the fact that amid all the froth and vemon, the demagogy and mendacity which have tainted the air of this Hall, one unmistakable fact appears, the end of Spanish rule on the Island of Cuba is at hand, and the sooner it comes the better for Cuba, for America, and for the world. As the conditions of Spanish misrule on the island are intolerable, so is its continued sovereignty over it intolerable. If Spain does not yet see it, she must be made to see it. We can not shut our eyes to this dominant fact. Speaking for myself, I do not wish to shut my eyes to it. The message of the President and his conduct since only emphasize the fact. It is evident that he realizes it as much as any man. If it were not for the discordant note which, in some quarters, a vicious mendacity has struck, we would proceed steadily and harmoniously to the inevitable and desired end.

Through such times as we have been passing wisdom and courage have joined hands and admonished us to hesitate to strike; but, striking, to strike hard. We have hesitated—properly, I think. History will commend us for it. Now that we must strike, we must strike hard. Thrice armed is he who hath his quarrel just.

If it were not for the tragic occurrence in the harbor of Havana, we might have been more patient; we might have hesitated longer. But the horror and the meaning of that awful tragedy have grown day by day. We see it now in the clearer light of a calm analysis. The finding of a competent board of our own citizens is a conclusion of a court of last resort and forever fixes the status of our judgment. It also determines our duty, and in the absence of explanation places the responsibility.

Let us look at the facts for a moment. Let us look at them dispassionately, if possible. Let us take such a position as we can justify to ourselves when the time of calm reflection comes and we are removed from the heat of a present injury and the entanglement of partisan politics.

The war ship *Maine*, with the consent of Spain, steams into the harbor of Havana. The Government pilot directs that she be anchored at a point under which is a destructive mine. At the moment when the vessel lies where the greatest destruction of life and property will follow an explosion, the mine explodes. There is no direct testimony fixing the responsibility for the explosion upon any particular person or persons. It occurred, however, in a harbor of Spain. Submarine mines are not placed in harbors by any but the power having sovereignty over them. Connection with the means of exploding them is to be obtained only by those having access to the very sanctum sanctorum of the sovereign's habitat.

In this case the fatal key that manipulated the fearful engine must be assumed to have been under the absolute control of the Spanish authorities. The presumption, therefore, is—the rightful presumption is—that the *Maine* was placed over a mine by Spanish authority, with the knowledge that it was so placed, and the mine was exploded by Spanish authority. Now, I am ready to admit, for the sake of the argument, that this presumption is rebuttable. Perhaps some one else put a submarine mine of great power in the harbor of Havana, under the frowning walls of Morro Castle; perhaps the connecting wire was run to some other place than the headquarters of the Spanish authority; perhaps some other hand made the fatal connection. This seems monstrous and impossible. But on the state of the proof the burden shifts to Spanish shoulders. The presumption is that Spain did it. Let her rebut the presumption. Has she attempted to do so?

We are told that she denies that the explosion was due to an outside force. If that is her only answer, then we must stand upon the report of our own board of inquiry, which has shown by incontestable proof that the *Maine* was destroyed by an outside force. If Spain did destroy the *Maine* was it not a cause for war? If the burden of showing that she did not destroy the *Maine* is on Spain, and she does not assume that burden and refuses to respond, is not the situation precisely the same as if she admitted her wrong? The fundamental principles of jurisprudence place her there, and the dilatory diplomacy of Spain ought not to obscure the issue.

Our action has been right. It is American; it is patriotic. The sense of justice which animates the civilized world commends it. In the peace that we shall bring about, even at the cost of war, we shall find a universal peace in the Western Hemisphere and the promise of perpetual peace on the North American continent. [Applause.]

Mr. WALKER of Massachusetts. Now, Mr. Chairman, I ask unanimous consent of the committee——

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] is recognized.

Mr. GROSVENOR. I yield ten minutes to my colleague [Mr. BROWN].

Mr. BROWN. Mr. Chairman, I am placed under obligations to my distinguished colleague from Ohio [Mr. GROSVENOR] for his kindness in yielding to me a portion of his time, which he could so well occupy in closing this most interesting debate

Mr. Chairman, I will attempt to very briefly review some of the more important provisions of this bill and perhaps add some observations on the necessity for its prompt passage.

More money is needed by the Government. This bill proposes to raise more money. It is a resort to what in times past we called war taxes. It is a bill to produce war money. It is made absolutely necessary by present conditions. The ordinary income of the Government is not sufficient to meet the demand now made for funds to carry on the war in which the nation has become involved.

If the war had not come, there would now be no necessity for a measure of this nature. Under the tariff law passed at the extra session of the present Congress last year, the income of the Government had already become about equal to its peace expenditures. In fact, during the months of February and March of the present year our revenues exceeded our expenditures by the sum of about $3,000,000, and it is as good as certain that if peace conditions had continued we would now be in the early days of a period wherein our revenues would equal and, indeed, exceed our expenditures. The tariff act of July 24, 1897, has already justified the hopes of its friends. As a measure for producing revenue needed for all the wants of the Government in time of peace, that act is already an established and undisputed success.

But the tariff act of last year was not designed to raise funds necessary to meet both peace and war expenses. At the time it became a law, last summer, it was hoped that the trouble between this country and Spain would pass by without resort to the firing of a hostile shot. Now all conditions are changed. We are in the beginning of a war, the end of which no man can see.

What is the necessity of raising additional money? We hear it said there is a Treasury balance in cash which is sufficient. This is not so. It is true there is an apparent cash balance in the Treasury of over $200,000,000, but many deductions must be made from this amount. There must be taken from this sum the gold reserve of $100,000,000. After deducting this amount and other sums which must be taken therefrom, there is actually in the Treasury now as an available cash balance less than $60,000,000, and from this amount there must be subtracted the sum of $50,000,000 heretofore appropriated by a single act; and, further, there has already been created—properly, no doubt—a deficiency of perhaps $35,000,000. So, as a matter of fact, there is substantially no cash on hand with which to continue the war.

Do we stop to consider the immense cost of war? It has been stated here in this debate that a single shot from some of our guns costs $1,600. The war preparations so far have cost the Government about $25,000,000 a month.

It is safe to say that the war expenses of the Government may be reasonably expected to reach $1,000,000 a day. If the war shall continue a year, though we may hope it will end in less than three months, we shall be put to a war expense of, say, $365,000,000. This money must be raised, or at least the measures by which it can be raised must be enacted by Congress, so that, whether we shall remain in session or adjourn, the Administration may be clothed with power to procure all the funds needed to meet all calls.

We call this an internal-revenue bill, and so it is. It produces money from internal sources. It taxes our own goods. It is not levied and collected on foreign imports. It is internal, not external. It opens sources of revenue not resorted to in ordinary times. It is an extraordinary measure for an extraordinary occasion. It is a kind of taxation which would not be favored, at least for the raising of so much money, in a time of peace. The expenses of war alone justify the raising of so much money from these internal sources.

It is expected that this measure, as it now stands, will produce about $100,000,000 a year, or, as it is more definitely figured, $95,000,000. The precise amount which will be produced can only be determined after the act has gone into operation.

It is provided in this bill that there shall be an increase of tax on fermented liquors. From this product it is expected $33,000,000 will be obtained. An increase of the tax on tobacco from 6 cents to 12 cents a pound, it is calculated, will produce $15,000,000. The increase to $1 a thousand on cigars and cigarettes, it is estimated, will put into the Treasury $5,000,000. Then the tax of $4.80 on each dealer in tobacco and cigars is restored, and this, it is believed, will add $5,000,000 more. There is also restored the adhesive-stamp tax, which it is figured will add to the income produced by this bill an additional $30,000,000.

We speak of some of these taxes as being restored, meaning by this that these sources of revenue were formerly resorted to by the Government. They were afterwards removed, and now we propose to restore them. There is also a tax imposed by this bill on chewing gum, mineral waters, wines, beverages of all sorts not otherwise taxed under internal-revenue laws, and proprietary medicines, which, it is estimated, will add $5,000,000 more. To these sums is added an increased tonnage on vessels in the foreign trade, which it is believed will increase the aggregate by the sum of $2,500,000, bringing the whole up to $95,500,000 for one year of this kind of internal taxation.

It is to be noticed of the products taxed by this bill, that they are what are designated as articles of voluntary consumption—that is, they are articles which men may consume or not, as they like. No tax is imposed on bread. Here are taxes collected from liquors, tobacco, and cigars, and other things, which people may consume or not, as they wish. The prices of the necessities of life are not to be raised by anything in this bill. And it is further to be observed that the large item of $30,000,000, to be derived from provisions relating to adhesive stamps, will be a sum that can be paid by those who have the ability to pay, as a general rule. Men who give bank checks have funds to check upon. Those who purchase drafts are able to pay for the required stamps. Those who sell lands and execute deeds therefor are presumed to be able to pay for the stamps required for their written conveyances; and so on through the long list of papers which will now require adhesive stamps. Those who will be put to the expense are those, as a general rule, who will be able to pay.

But if we are to have war expenses in the sum of at least $1,000,000 a day or $365,000,000 a year, and if this bill shall produce $95,000,000 a year, it will still be utterly insufficient to raise all the money needed to go ahead with the war. What then? Something still further is needed.

On the other side of the House it is proposed that we shall raise a large sum of money by what is called an income tax. It is proposed that we impose a tax on all incomes over a specified sum. There is much to be said in favor of an income tax, which falls upon those who actually have large incomes of money, and who, of all our people, may be presumed to be prepared to pay the proposed tax with the least injury or inconvenience to themselves.

This proposition is an old one. It has been talked about in Congress and out of Congress for a long time, and the people of the country are familiar with the arguments one way and the other, and with the history of legislation along this line. In 1894 Congress passed an income-tax law. What was the result? The Supreme Court of the United States decided that the law was unconstitutional. There is no occasion here to enter into a consideration of the grounds on which the Supreme Court made this decision. It is enough for us to know now that such a decision was made, and that it stands unreversed and apparently not questioned by the great body of the legal profession in this country. The court said squarely and directly that the provisions of the act of 1894 were contrary to the clear and explicit provisions of the Constitution, and this decision ended that law. It is on our statute books to-day, but it is a dead letter.

It is difficult to see on what safe ground gentlemen can place themselves in proposing that we put into this bill a provision taxing incomes. Men may say that it is fair to tax incomes and that they would be glad to see these incomes pay a large part of the financial burthens of war; but if this can not be done under the Constitution, what is the use to talk about it? It is claimed that provisions taxing incomes might be so framed as to meet the constitutional objections to the income tax, but this is a matter of very grave doubt; and being so, could we afford at this time to experiment upon a further trial of the effort to tax incomes? Would it be safe now, when money must be immediately raised, to attempt to raise it, or any large part of it, in a way which our highest court has said is absolutely contrary to the Constitution of the United States?

At best, this effort would bring us another lawsuit. We would again go to the Supreme Court. There would be people ready at an hour's notice to make a test question on which the Supreme Court would again be called upon to pass judgment on the constitutionality of the provision. In short, we would again and almost immediately be involved in a great lawsuit. Is this a time to invite lawsuits in the matter of money needed to carry on the war? Is this a time to try further experiments in this direction, and especially is it the time to put such a provision in the present bill? Certainly we ought to so enact this bill that it will be free from every question of doubt. It should not contain the germ of a lawsuit. It should be clear and plain, and such that it can be immediately put into operation, without the possibility that anybody will carry it to the Supreme Court to question whether it is in harmony with the Constitution.

If it should be regarded as the duty of Congress to attempt to pass an act raising money from incomes, why should not this be by a bill separate from all other bills, so that if it should fall it would not involve any other provisions in its fall, but would go down by itself and affect nothing else? Clearly, it is a mistake to try to put an income-tax provision into this bill.

What else is proposed on the other side of this House? It is said that we ought to raise some of these war moneys by the issue of silver certificates on what is called the seigniorage. What is this proposition? We have in the Treasury to-day about 110,000,000 ounces of silver. We paid for it about $100,000,000. Seigniorage is the profit which the Government derives by the coining of this bullion into money.

Silver bullion which costs the Government less than $1 is coined into $1. The difference between the cost of the bullion and the dollar coined therefrom is called the seigniorage. This profit which the Government makes, which is the amount of difference between the cost of the silver bullion and the amount of the coined money, is the seigniorage. But there is no seigniorage, there is no profit derived in this way, until the bullion is coined; and therefore there is now no profit and nothing on which to issue the proposed silver certificates. This profit, we are not to forget, is not ours until the bullion is actually coined; but even if we had authority to issue right now silver certificates on the difference between the cost of this bullion and the amount of the money which it would produce if coined, we still have the fact that the amount of these certificates, the amount thus raised, would not be sufficient to carry on the war a month.

This bill provides that the amount of money probably needed in addition to the $100,000,000 thus raised by taxation shall be obtained by the sale of bonds. The Secretary of the Treasury is authorized to issue and sell bonds to an amount not exceeding $500,000,000. It is proposed that these shall be disposed of so that the loan shall be a popular one. Bonds are to be issued in denominations of $25 and multiples thereof. These bonds are lower in denomination than any ever issued in this country. That is, we propose to raise $100,000,000, or about that sum, from the sources of taxation especially mentioned, and then we will borrow, if necessary, $500,000,000 more. The authority to do this is placed in the hands of the Secretary of the Treasury. He is not required to issue and sell all of these bonds, and it may be assumed that he will only issue and sell such amount thereof as may be necessary to raise the money needed.

If the war should happily end in a few weeks, or a few months, these bonds will not all be issued and sold. On the other hand, if the whole amount should be needed, there will be in the hands of the Administration the power to borrow the money. Of course it is a cause of regret that the nation is put to the probable necessity of borrowing money. We have never regarded a national debt as a national blessing. The national debt in 1865, at the close of the civil war, amounted to $2,385,000,000. This debt we proceeded to pay off, so that in 1893 it amounted to less than $500,000,000. We are not the friends of a national debt. We do not believe in a national debt, and when a national debt is created we believe in

paying it off. The only reason for the creation of the proposed debt now is necessity, and that necessity is created by war upon which we have entered in the belief that it is just and that we could not honorably have escaped it.

What is the cause of the war for the expenses of which we impose these taxes? We have stated the cause in the preamble to the resolutions which Congress recently adopted, in which we declare that our course is made necessary by "the abhorrent conditions which have existed for more than three years in the Island of Cuba, so near our own borders." We further say in this preamble that these conditions "have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with 266 of its officers and crew, while on a friendly visit to the harbor of Havana;" and we further say that these conditions, with the results, "can not longer be endured." Surely they can not "longer be endured."

Is there a civilized nation in Europe that would have endured such conditions, near its own borders, as long as we have endured these things here at our doors in the unhappy Island of Cuba?

What further do we say as one of the propositions on which we stand in waging this war? We say that "the people of the Island of Cuba are and of right ought to be free and independent." How could we say less? How could we, in the enjoyment of our freedom and independence, and believing in the freedom and independence of any people who strive to throw off the yoke of oppression—how could we do less than say that the people of the Island of Cuba are and of right ought to be free and independent? We, of all the nations in the world, ought to be the first to say this, and the first people for us to say it to are those who, almost within sight of our shores, have for more than three years vindicated their right to be free and independent.

It was further proposed by our resolutions, as they passed the Senate, that we should recognize the Republic of Cuba as the true and lawful government of that island. It seemed to me that this was also the proper thing for us to do, and I voted accordingly. It appeared to me that it was due the builders and defenders of the Republic of Cuba that we should recognize it as the true and lawful government of the Island of Cuba; but this is not perhaps a matter of vital importance now, for, as we have recognized the fact that the people of the Island of Cuba are and of right ought to be free and independent, we can and doubtless will at an early day recognize the independence of their republic.

And what further do we say in the declaration on which we have gone to war? We say this:

> That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

And what a grand declaration this is to be made now by our great Republic. Will not this declaration win for us the respect, regard, and admiration of thoughtful men throughout the world? We have no purposes of conquest, and we declare that fact to mankind. We do not seek to permanently acquire a single square foot of foreign ground by force of arms. How else could we so grandly state the unselfish nature of our purpose? We go out with our Army and our Navy in the cause of humanity. We raise our battle flags and carry them to the front with the determination to rescue a people from conditions which we say are a disgrace to Christian civilization.

It may be that in time to come, through friendly negotiations, Cuba may become a part of the territory of the United States, but this shall not come about through conquest. Did a people ever before in the world go to war with higher or purer motives? We can not expect indemnity from Spain. Even if we could exact it, she probably could not pay it. But whether this be so or not, we declare in a solemn way that we go to drive Spain from Cuba, but not to acquire Cuba. If success shall come of our effort—and of this no man can doubt—the end of the war will find us having gained no territory by military conquest. Will not such a war, waged on such high grounds, give us a standing in the respect of the world which we have never had before, and above all will it not make us all feel that we have done that which the right demanded, without hope of reward other than the satisfaction which comes from following the high path of duty?

The truth of the old saying that history repeats itself comes home to us now. History is to-day repeating one of its glowing chapters. The scenes of 1861, though on a smaller scale, are again enacted. The nation is once more aroused. Again we feel the enthusiasm which a just war creates.

The flag of our Union now represents States—forty-five of them—bound together not only by constitutional ties, but united in the common purpose of all their people, and this flag waves more proudly than ever from window and house top in all the land, and over recruiting station, and marching column, and assembling camp. It is more attractive than ever. It has more of brightness in its stars, and more of beauty in its stripes, and more of grace and glory in its folds than we have beheld there since the close of the civil war.

The blood of the generation past kindles in the veins of the young men of this day, and they go trooping away as their fathers marched. They go from home, and mother, and sister, and wife, and child, to do, and suffer, and die, if need be, for principle, for the honor of their country, and for humanity.

All honor to the surviving soldiers of the civil war, many of whom are anxious to again serve their country in the field, and all honor to the men who are now enlisting for the present contest. The Republic can not do enough for them. The money paid them is not compensation. They are entitled to far higher recognition. I would make the honorable discharge of the soldier or sailor of the civil war, or the honorable discharge of the soldier or sailor of this war, a certificate, fully entitling him to appointment to any office or position in the civil service of the United States, without any examination under the civil-service law, and without any examination or test, except that which the appointing officer might deem it proper to prescribe. On the 21st day of last month I introduced in the House a bill to give this effect to the honorable discharge of every soldier or sailor, whether of the civil war or of the present war. That bill is as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all persons who now are or who shall hereafter be honorably discharged from the military or naval service of the United States shall be eligible for appointment to all offices and positions in the civil service of the United States, at the discretion of heads of Departments or officers whose duty it shall be to make appointments to such civil service, without any examination or test other than such heads of Departments or officers may prescribe.
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> SEC. 2. That the rules made or which may hereafter be made under the provisions of an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, shall not hereafter apply to nor regulate the employment or appointment of persons who now are or who shall hereafter be honorably discharged from the military or naval service of the United States, as aforesaid, to offices or positions in said civil service nor to the removal of such persons therefrom, and in so far as said act can be construed to regulate or authorize the making of rules for the employment or appointment of persons honorably discharged as aforesaid to, or their removal from, offices or positions in the public service, the same is hereby repealed, and all rules which have been, or which may hereafter be, adopted or promulgated inconsistent with this act are hereby annulled and rescinded.

The civil-service law is so harmful to the public service, keeping persons in place after they become inefficient from age or other cause, and is so at variance with sound principle, and is so unfair and unjust to those who perform good, honest, and patriotic work for the success of their party, that I would prune it down to harmless proportions, leaving it to apply only to a few of the many classes of officers which it now covers. But, failing to secure its severe modification at this time, I would now at least repeal it in the case of every honorably discharged soldier or sailor. I shall hope that this bill may receive the favorable consideration of this House. I think it is properly entitled "A bill to recognize the services of soldiers and sailors and to encourage patriotic responses to calls for volunteers."

And history repeats not only the record of the soldier who obeyed, but it reproduces in some measure the picture of the leader who commanded. Lincoln was a poor boy; so was McKinley. Lincoln studied his books, told the truth, and loved his parents; so did McKinley. Lincoln was a soldier in the only military service required when he was young and strong. He volunteered to perform service against the Indians. McKinley, in the days of his maturing manhood, enlisted in the grand Army of the Union. Lincoln served in this House; so did McKinley. Lincoln as President was confronted by new problems; so is McKinley. Lincoln was careful, prudent, hearing all things, bearing all things, weighing all things, and slow to step but sure to stand; and the same is true of McKinley.

The repetition of history goes still further. On the 4th day of July, 1861, three months after the war had been commenced in the harbor of Charleston, in his message to Congress Lincoln declared that the policy he had chosen "looked to the exhaustion of all peaceful measures." Three months after this war commenced in the hateful harbor at Havana McKinley can declare that the policy he adopted "looked to the exhaustion of all peaceful measures." While we can not now see clearly, we will have faith that when the history of these times shall be written in the bright light of all the truth we shall be permitted to know that the caution of McKinley was the wisest of leadership; but whether this prove true or not, history will be sure to deal gently and lovingly with one who has made faithful effort, such as he has made, to avoid the unspeakable calamities of war.

If the revenues to be collected under this bill shall all be needed to prosecute this war, and if more shall be required, and if the new national debt shall be piled high, William McKinley can say to those who may still bear the burden in future years that he exhausted all peaceful measures to save the mighty cost; and if more of our battle ships shall go, with their gallant crews, to the bottom of the sea, he can truthfully say that he did not rashly

lead his country into war. But once in war, it can not be doubted or questioned that his purpose will be firm and his heart true to the best aspirations of the American people.

In one of his annual messages Lincoln said to those who occupied these seats, as McKinley might say to us, that they could not escape the history that would light them down to the latest generation. Some of us may not be lighted down to any very late generation by the history that is now being written, and yet even we can not expect to entirely escape its notice and its judgments. We are making our record as it will stand. To-day we must not be partisans, but patriots. We should forget the poor issues of the hustings. We should not dwell long upon the question, whether fanciful or real, of the profit of coining a little pile of silver bullion. We can resume that contention when our soldiers come back from Cuba. We can not long argue whether any particular object of taxation should have been brought into this bill, but should quickly raise the hundred million which the things now in the bill will surely produce.

Now, in the very sound of our guns, we can not afford to endanger this bill by any amendment putting into it a scheme of taxation which our highest court has pronounced unconstitutional. If the Congress should be in duty bound to tax the incomes of the rich to help pay the expenses of war, let it be done or attempted in a separate bill, which, failing before a constitutional objection, would not in any manner retard the collection of revenues from sources that are clearly within the taxing power. Action prompt and sure will best support the President, and will grandly show our enemies and the whole world that in the presence of danger we here can act in harmony, as the people we represent are moving together in the service of our common country and in the cause of our common humanity.

To pass this bill promptly and wisely spend these revenues in the purchase and building of ships, and in providing armaments and munitions of war, and in paying the soldiers and sailors who will fight our battles on land and on sea, will expel Spain from this fair portion of the earth; will give strength to homeless women, starving in pens and prisons, and nourishment to children perishing on the breasts of dying mothers; will build new homes in Cuba and turn the ashes of her waste places into the rich products of her fruitful fields; will show that men who have had the strength and courage to successfully resist the vast armies sent to subjugate them will be virtuous enough and great enough to maintain their independence; and will bring to us the best indemnity for the *Maine* and build the loftiest monument to her heroic dead.

Mr. GROSVENOR. Mr. Chairman, during the time allotted to me I shall endeavor to present some brief answers to some of the objections that have been made to the details of the pending measure. It will not be my purpose to disturb the peace of the House of Representatives on this occasion by pointing out any partisan development or purpose I may have discovered on either side of the House. It is an hour fraught with too momentous importance to the people of the United States and to the world for partisan discussion to have any place in the American Congress. For myself, I believe that this is a measure of patriotism; that the record that will be made here to-day will mark, to a very large extent, the attitude of individuals and parties toward the article and fact of war in which we are now engaged, in the public estimation.

During the war of the rebellion the great leader of the Democratic party in the country North, Mr. Douglas, said, "In an hour like this there can be but two parties in this country, one patriots and the other traitors." The circumstances under which he uttered that terrible denunciation do not apply to the present hour, for I concede that the question then involved being the life of the nation, and the question involved to-day being substantially one of the policy of the nation, the line of traitors and patriots can not with propriety be drawn.

So I yield all liberality to the man on the other side of this House who, in this hour of great peril to the country, comes forward with his peculiar notions and injects them here. I do not believe they are wise and prudent; I do not believe they are statesmanlike and sensible; but I will not attribute to the man who comes with one of these notions any unworthy motive, whether it be a bygone and forgotten one or an exploded one, or whether it be some new emanation, some new invention, as that presented by the gentleman from Nevada [Mr. NEWLANDS] to-day—an unheard-of proposition that I hope to be able to show to the House and the country is one of the most unreasonable and unlawful that has ever been proposed in an assembly of popular representatives. But I yield even to that gentleman that that most singular of all propositions that have ever been made upon the floor of Congress emanates from patriotism and a real desire to benefit his country.

So, with these preliminary remarks, let us proceed to the discussion briefly, for it must be brief, of the objections that have been made to this bill.

I might as well take up first the proposition of the gentleman from Nevada [Mr. NEWLANDS]. He advocates the levying of a tax by the General Government upon the corporations of the country through the instrumentality or the medium of their franchises or their gross receipts. Never before in any assembly of wise men in this country was such a proposition as that made. This side of the House has been charged, not only in this body but on all the hustings of the country, with having concealed about their opinion somewhere a purpose to destroy State government—to centralize the power in this country in the hands of the General Government. But never was this side of the House or the great party to which I have the honor to belong ever charged with the purpose of destroying State government through the instrumentality of taxation before.

Long ago, in the Supreme Court of the United States, in an opinion delivered by Chief Justice Marshall, the doctrine was laid down to this effect—I do not quote the exact words—that the General Government of the United States had no more power to tax the instrumentalities of the State government than the State government had to tax the instrumentalities of the General Goverment. And yet the gentleman from Nevada criticises the Ways and Means Committee of this House for not having moved forward with the whole power of the Federal Government to lay the foundation for the ultimate extinction of all State governments on the continent. If you can tax the corporations created under the laws of a State, either through the medium of its franchise or its gross receipts, you can put into the hands of the General Government the power to destroy absolutely all the corporations of the country created by the State government.

Mr. NEWLANDS rose.

Mr. GROSVENOR. I can not be interrupted, for want of time. The gentleman's speech was perfectly plain.

Not only that, but the corporations created by the State authority and the corporations located within the territorial domain of the State are the most beneficial and valuable sources of taxation that exist within the State government to-day. I wish I had with me now a statement of the proportion of the expenses of the States of this Union that are paid by corporations. I will make a statement and challenge contradiction. There is not a State government east of the Missouri River that would not go to protest and bankruptcy to-morrow if it was stripped of the power of taxation upon the corporations within its borders.

Mr. CHICKERING. That is true of New York.

Mr. GROSVENOR. And it is true of other States. Pennsylvania raises all of her State taxes by assessments upon corporations; Connecticut does the same; New Jersey the same. The time is rapidly coming—and I have long since advocated such a measure in the State of Ohio—when there will be no State taxation upon property. Let me say to gentlemen who want to strip the States of their income derived from the taxation of corporations that the property of this country—and I make the same argument in reply to the gentleman [Mr. KNOWLES] who wants the General Government to tax real estate or the values thereof—let me say to him and to all comers that the real estate, the tangible property of this country, is taxed now up to the last feather's weight that it can stand, and in many of the States vastly too much.

Mr. POWERS. May I ask the gentleman a question?

Mr. GROSVENOR. Yes, sir.

Mr. POWERS. I understand the gentleman to argue that the General Government can not tax a corporation created by State authority.

Mr. GROSVENOR. That is what I say.

Mr. POWERS. Why can it not impose such a tax just as well as tax an individual in a State?

Mr. GROSVENOR. Because such a tax becomes at once a direct tax. The gentleman ought not now to have interposed such an inquiry. He is a lawyer and he knows how steadily and persistently from the time of Chief Justice Marshall down the power of a State to tax the bonds of the Government and the instrumentalities of the Government has been forbidden; and the Supreme Court has announced over and over again that the same rule applies to any effort of the General Government to tax the instrumentalities of the State government.

Mr. GAINES. But the bonds of the Government are exempt under statute.

Mr. GROSVENOR. Mr. Chairman, the courts of the country decided during the period when the income tax was in force that it was unconstitutional to tax the salary of a judge or a legislator or the governor of a State, and for the same reason.

But let me go forward. I affirm that the Congress of the United States should never again attempt to strip the State governments of this country of their sources of revenue, for I stand here as a representative of men who to-day are taxed beyond their capacity to pay with profit and are looking in every direction to tax corporations, as we are doing in Ohio, to save the farms of the country from additional mortgages in the form of taxation.

It is said, Mr. Chairman, that we have a scheme here to tax the

poor man, because the poor man chews all the tobacco and drinks all the whisky and guzzles all the beer that is used in this country. I undertake to say to gentlemen who have uttered that statement that if they will investigate the truth they will discover that the poor men of this country, the men without accumulation of property or money, include a larger per cent of men who never drink beer at all and never smoke cigars at all than there is in the upper classes in point of property, the men who have money to spend.

But somebody says, "You tax beer and you do not tax champagne." Sir, the tax on champagne to-day under Federal law is ten times greater than the tax upon beer. Yet that sort of ignorance is bubbling out from this House of Representatives to stampede the people of this country upon this measure of taxation that we have brought in here as a Government measure.

And gentlemen talk about telegrams. Here comes a wise man, full of information and knowledge, who says that when the poor man, under this bill, sends a telegram to announce the death in battle of one of his comrades the Government charges him a cent for sending that dispatch. Mr. Chairman, actual statistics, which no intelligent man will controvert, show that only one human being out of eleven in the United States sends a telegram in the course of a year.

Mr. GAINES. Will the gentleman allow me to interrupt him?

Mr. GROSVENOR. Not at all.

The CHAIRMAN. The gentleman declines to yield.

Mr. GROSVENOR. In other words, ten out of eleven of the people of the United States do not send a telegram in a year; one out of eleven sends all the telegrams.

Who are the persons who send telegrams? I venture to say—and I think everyone who hears me will say it is a fair estimate—that 95 per cent of these telegrams are sent in the promotion of business from the rich, the well-to-do, the active business men of the country, to other rich men, other well-to-do men, other active business men. So that beyond all controversy the taxation of telegraphic dispatches is to come almost exclusively from the men of wealth.

Now, let me refer to another matter—express receipts. The express companies of this country are being pretty well taxed; I admit that. The president of one of the greatest express companies of this country told me the other day that if that great organization whose operations extend like steel bands throughout the whole United States could be assured of absolute immunity to the extent of 5 per cent of their gross earnings as profits, they would gladly sign a contract to that effect. The State of Indiana charges that company $450 a mile for the use of the railroad lines; the State of Kentucky, $700 a mile; and the line along the Ohio River, between Cincinnati and Louisville, was taxed almost $1,150 a mile, and was compelled to go out of business.

Gentlemen seem to think that in this country corporations are not paying taxes. Why, sir, there is no form of property in the country that pays such enormous taxes in proportion to the profits. Not very long ago I had occasion to participate in a great railroad contest where the question involved was whether, under a law of Ohio making taxes a first lien upon the property of an insolvent railroad in the hands of a receiver, it was a sufficient answer to show that the railroad company was not paying running expenses over and above the taxation. And on looking into the subject-matter I discovered that a long line of railroad corporations in the country were in exactly that condition—that they could not pay running expenses and pay taxes and keep themselves out of the insolvency courts.

I am not arguing now in favor of corporations, Mr. Chairman, but I am pointing out how absurd it is to talk, when a "pound of flesh" has already been obtained by the State governments, and argue that there should be a proposition here, coupled with a criticism of the Ways and Means Committee of this House, because they have not also taken the blood with the flesh through an unconstitutional measure and by unconstitutional legislation upon the floor of this House.

Now, it has been said that the poor men of the country are carrying on the war; that it is a war to be supported by the poor men, and not by the rich. Well, I think it would be well enough to wait and see before making such assertions. I suppose that perhaps more men will go and volunteer to serve the country who are poor than those who are rich, but I venture to predict that as large proportion of the wealthy men, considering their number, are already offering their services to the Government as of the poor men. The sons of three Presidents of the United States have already offered their services, and two are sure of commands in the Army and in active service. What has been contributed by them? Why, only on yesterday I received a telegram from the honorable Secretary of the Navy, which I will incorporate in my remarks, which is as follows:

NAVY DEPARTMENT, *April 28, 1898.*

To Hon. C. H. GROSVENOR:

In response to your inquiry, Miss Helen M. Gould, daughter of Jay Gould, has given the President $100,000. Mr. F. Augustus Schermerhorn has given his valuable yacht, the *Free Lance*, which will be used as a gunboat for the coast patrol. Mr. Dwight Braman, of Boston and New York, has given a sloop yacht for the same purpose. Mr. John Jacob Astor has tendered the yacht *Nourmahal*. Mr. Oliver Iselin has tendered a yacht. There may be others, but in the haste of the moment I do not recall them.

J. D. LONG.

Since that time Mr. George Gould has given his yacht, the *Niagara*, a beautiful and valuable boat; and so you see when any man on the floor of Congress or anywhere else charges a great segment of the country—a great class in the country—with shirking its duty in a crisis of this kind, they always make a great mistake, and one that is subject to correction.

Mr. Chairman, I am glad to see, looking over the daily papers, from one end of the country to the other, that the people of the United States have come forward in a manner wonderful to behold on this occasion. I know it has been telegraphed to Spain that the National Guard of this city has refused to go into service, and mutinied and went back. And I know another thing: I read in one of the morning papers a statement of some of the unfortunate utterances made on this floor, indicative of the probability that the Government of the United States was being opposed in the prosecution of the war.

But, sir, these matters are but momentary, and I know they will probably not affect any party, but they will affect the individuals guilty, and that guilt will cling to them in a degree that the fabled "shirt of Nessus" is said to have clung to him, and will not be removed from their shoulders.

But with reference to this question as to who pays the cost of the war, it may be said, in short, that the poor man pays by his musket, and the rich man pays by his musket and his money. I deny, therefore, that the tax bill is a war upon the poor and not upon the rich.

I have already pointed out telegrams; I have already pointed out items of taxation—beer, champagne, tobacco. I know but little of tobacco and do not know who uses it; but I imagine that the gentleman who pays a tax on a 25-cent cigar, not in this internal-revenue act, but in the combined act with the tariff—that a revenue is paid by him a little more toward the prosecution of the war than that paid by him who simply buys a "two-for-5-cents" cigar. And so, going over the whole matter in detail, we find this condition.

Take, for instance, the stamp act, by which we propose to raise $30,000,000, and $5,000,000 of new stamp, being $35,000,000 in all. This is more than one-third of the entire income from this measure. Who pays that? I venture to assert that ninety-five out of one hundred men, women, and children in the United States will not, if this war lasts ten years, ever put a stamp on a single document, or pay a penny toward that tax.

And so you see you are answered directly by an analysis of the very measure itself, and if you attempt, on the floor of this body, to array the poor people in this country in hostility to the Government in the prosecution of this war, if it means anything it does not mean hostility to the Ways and Means Committee, for we care nothing about that; it does not mean hostility in its baleful effect on the House of Representatives; it means in its ultimate effect an attempt, either unintentionally or viciously, to array the poor man of the country against his country. It is the cry of the demagogue. It is the cry that brings labor strikes to blood in our country. It is the battle cry of the men who create classes in the country. It is the watchword of the men who would put into the mouth of the blatant demagogue arguments to array the people of the country against the onward march of events in this great struggle on which we have entered.

So I show, and I show it conclusively, that out of this ninety-odd million dollars, possibly a hundred million dollars, including the tonnage tax of two and a half million dollars that will be paid by foreign countries, almost the entire tax is collected either from the wealth and business activity of the country or from the luxuries of the country. So you can not go before the people with this as a battle cry. It will not hold good, and the people will condemn the man who attempts it.

I am not talking now about your theories of finance. I will come to that subject directly. I am not complaining of the man who never can see a bill for the appropriation of money that there does not loom up before him a question of the seigniorage or of an untaxed national debt. One gentleman has said, "But what are the provisions of this bill? More than two-thirds of the whole amount to be raised falls upon the two articles most commonly used by the poor, beer and tobacco." Well, we expect to raise from tobacco and cigars and cigarettes and the dealers in them $25,000,000; we expect to raise upon the whole bill a hundred million dollars; and we expect to raise from fermented liquors $30,000,000, or $55,000,000 from those two sources. And the gentleman says that that is more than two-thirds of the whole of it, and that the poor man pays it.

Now, let me tell the House and the country that there has not been one man in all the United States of America who has opposed the additional tax on beer—not one. The brewers have

come forward and stated very frankly that every dollar of the money would come out of their pockets. I want to console the gentleman who is so afraid that the poor man is going to be affected in this matter of beer. He will be able to buy a 5-cent glass of beer long after this new excise tax goes into force. And the little trifle of less than one-tenth of a cent upon a quart of beer will be paid by the brewers, largely foreigners, for the brewing interests of our country have been so profitable that great syndicates of foreign capital have absorbed a large percentage of the breweries of the country, and this thirty-odd million dollars, in my humble judgment, every dollar of it, will come out of the pockets of the brewers.

Mr. BARTHOLDT. Will the gentleman permit one interruption?

Mr. GROSVENOR. Yes.

Mr. BARTHOLDT. I suppose the gentleman is aware of the fact that only one-third of all the beer sold in this country is sold by the glass, and that consequently the suffering will be with respect to the two-thirds sold to the laboring classes in cans and kettles and pitchers.

Mr. GROSVENOR. Very well; assume, now, that should be true. But I say to the gentleman that the first fellow in the State of Ohio who raises the price of a can or a pitcher of beer will find another fellow that will not do it, for it will be a simple extortion and justified by no possible construction of the law.

Mr. BARTHOLDT. The difference will not be in the price, but in the quantity sold.

Mr. GROSVENOR. If the gentleman will figure out the 85 cents additional and distribute it upon a pitcher of beer which holds 1 quart or 2 quarts, he will be able to illustrate to the country what a suffering time the poor fellow is going to have that wants to drink beer. It is enough for me to say that the only utterances that have come from the brewers—and I take great pleasure in testifying to it, for they have been more patriotic than anybody else—have been simply to come forward and ask us to give them the benefit of an old provision of the law that gave them a discount, as we fixed it at 5 per cent, on the spoiled beer that goes out from the brewery and has to be taken back when it is discovered to be vicious and bad. Otherwise than that they have as good as said to us: "Put on the tax, and we will pay it without a word of complaint."

Now, the gentleman was most unfortunate when he spoke about express packages, and pointed out that the express companies of the country were not to be taxed, but that the poor man was going to be taxed. If we had made the receiver of an express package put a stamp on it, that would have been a tax upon the poor man who received the package; but we have been careful to make it a penal offense for the express company to fail to put a stamp upon the package that they are going to send. So that instead of there being a tax upon the poor man growing out of the stamp to be placed on express packages, the tax comes wholly and absolutely off of the express companies.

Mr. KNOWLES. I should like to ask the gentleman from Ohio what would prevent the company from adding that much to the charge?

Mr. GROSVENOR. There is no power given under heaven and among men whereby you can prevent a man from charging more than he has been charging either for the sale of a commodity or the doing of an act. [Applause on the Democratic side.] And if the gentleman will devise now some scheme by which that can be done, why, we will at once apply it to beer, and the brewers shall not raise the price for it, and the same as to tobacco. Let us go ahead and work it out. Let us decree that the tobacco grower shall not sell his tobacco for a higher price and that the tobacco manufacturer shall not charge any higher price. At last you come back to the old proposition that you are in favor of carrying on the war, but you do not want to tax anybody to do it.

Mr. MAGUIRE. Will the gentleman yield to me for a question?

Mr. GROSVENOR. Yes.

Mr. MAGUIRE. Will not this tax always be shifted until such a plan is devised?

Mr. GROSVENOR. Until the millenium comes, and all men become honest, there will be shiftings; and I will venture to say that there are as many men in the United States hiding all their property from taxation that ought to return a very moderate sum as there are rich men who shave down the amount that they do return. We all understand how hard it is to gather taxes. We all understand how many devices there are to shift the burden from one to the other.

The wit of man has never yet devised a scheme whereby we could absolutely enforce a tax, but the stamp tax will come nearer to it than probably any other system of taxation, and, as I have shown, 90 per cent of it will come directly from rich and business men, and it is enough for us to have done this. It is enough for us to have so arranged these taxes as that primarily they are levied against the rich, and if shifted on the poor, that is not the fault of this House, the committee, or the Government.

Mr. PEARCE of Missouri. If the express companies shall undertake to practice a system of unfair extortion, may not the legislatures of the States and Congress have something to say?

Mr. GROSVENOR. Congress may have, for already State legislatures have taken about all that is left of the express companies.

Now then, Mr. Chairman, I will not discuss the question of bonds. I venture just this much into that domain. For thirty years the word "coin" wherever it appeared in the obligation of this Government has been construed to mean gold, and the practice of the Government has been to redeem that obligation in gold. Over the battle that was begun on this floor by a party which proclaimed "Not a man nor a dollar for this unholy war" was announced the dogma that the greenback dollar was not worth anything. And from that day to this this Government of ours has redeemed or offered to redeem every dollar of its obligations in gold, and the result has been that the greenback dollar, worth at one time but 38 cents on the dollar, is worth a dollar in every intelligent and civilized country of the world. Every dollar of our country's money is worth par.

The bondholder, who is condemned so vigorously here on this floor, gets no better dollar than the laborer who performs a day's labor on the street. The pensioner's dollar buys just as much in the markets of the world as the best redemption money of the coupon of the bondholder. It is a triumph of American financiering; and if I were to inject into this debate one word of partisan utterance in reply to the gentleman from Missouri [Mr. BLAND], I would say that every dollar of this money has been made thus good by the intelligence, the patriotism, and statesmanship of the Republican party, and the obstacles that it had to overcome to reach the mountain top of this glorious achievement have not been the conditions of the country, not the conditions of the world, but the condition of opposition to its policy in the country here at home. So we will alone borrow this money from the people.

We will borrow it in sums of $50 and upward, and I believe, Mr. Chairman, we shall have a demonstration of patriotism that was not exceeded when the French Government asked a loan to pay the heavy demands of the German Government at the end of the Franco-German war. I believe that that spectacle, when France rose up, exhuming the people's savings from the chests, stockings, and pockets of the people, with one grand rush of a great patriotic nation coming to the rescue of the Treasury, will be repeated. I believe that, in so far as it is necessary, this loan will be repeated by the American people, not alone as a profitable investment, but as a token to all the world that the people of the United States stand by this Administration, stand by the flag of their country, stand for the triumph of American arms over Spain, Austria, and everybody who sees fit to interfere in what we have undertaken to do. [Loud applause.]

Enough has been said upon our side in regard to this thing of introducing lawsuits into a measure of the Government to raise money. He who stands to-day with his back to the rising sun, looking through the fogs and mists of the past, rearguing questions that have been settled by the courts of the country and acquiesced in by the people of the country, little understands the sentiment and patriotism of the American people in this trying hour. Since the gentleman from Texas [Mr. BAILEY] made his speech, which I would have been glad to see before the closing hours of this debate, I have examined as well as I could the records of the constitutional convention that adopted the Constitution of the United States and adopted the provision for a direct tax, and I find no hesitation on the part of anybody.

There were in that convention wise men, whose work to-day is the wonder of statesmanship; and I find that step by step in the introduction, discussion, and adoption of the direct-tax proposition nowhere an utterance by Madison, Washington, Jefferson, or any of the great men in that constitutional gathering was there any hesitation or uncertainty about the proposition—and that has lived for more than one hundred and ten years—that in the extremity of the Government a direct tax may be levied, but in every instance, without debate, with a full concurrence of every member of the convention, it was to be levied in proportion to the population.

Mr. Chairman, I look forward to the time, not very far away, when as a result of Republican legislation upon the tariff system there will be such a shrinkage of revenue as will compel the statesmenship of this country to look about for other means of revenue. Whenever we establish an industry in this country the product of which enters largely into the revenue, as in the case of tin plate, and by the putting of a revenue and protective duty upon it we not only establish an industry that supplies our own demand, as in this case, but begins to send abroad its productions

to other lands, but we cut off revenue, and must look elsewhere for the means of supporting the Government.

And, Mr. Chairman, speaking for myself, I know of no more equitable system of taxation than a tax upon incomes—that is, indirectly upon the wealth of the people of the country; and when a proper system is inaugurated, whether it be by legislation of this country or by constitutional amendment, and the time has come when the necessity presents itself, I will join as heartily as the gentleman from Tennessee [Mr. MCMILLIN] or the gentleman from Texas [Mr. BAILEY] to carry upon the statute books of the country and into ultimate execution a system of taxation looking in that direction; and I will do more than that now, Mr. Chairman, if the gentlemen who are so anxious to get rid of taxes upon consumption and who are so anxious to tax incomes, if they are honest in it, I will aid them in a measure here now, to-day.

I will vote for a paragraph or a section in this bill levying a direct tax in pursuance of the Constitution upon the people of the United States; or, in other words, in the language of the Constitution, upon the people of the State, and then let the States of the country carry out this scheme. Why, our friends seem to look forward to the time as did the prophet of old looking for the time when the Messiah should come—they are looking forward to the time when by law they can put their hands into the pockets of the rich, taking of their income and carrying it to the Treasury of the Government. The time is here now, my friends.

You need not have any trouble about it. In three minutes' time, with pen, ink, and paper, you can draft a provision in this bill that will ultimately result in taxing the income of the people of the United States. Levy a direct tax of $20,000,000 per annum, or take $100,000,000, which the gentleman from Texas [Mr. BAILEY] would have; but I will not go that far. Let us make the provision of $20,000,000 direct tax. It will be at once apportioned to the States, and then the time has come when you can tax the income of the people of your State and apply that income to the payment of the claims against you for the direct tax. Do you not think it would be a splendid thing to do?

I think I can see some of our brothers from Kansas, from Nebraska, and Arkansas going home with banners on the cars that convey them, giving notice to the world that a system has been devised whereby the men of Kansas who have money and income have got to help pay the expenses of this war. I am ready for it now; are you? Are you ready to tax the incomes of the men of your State to pay your obligations to the General Government? If you are, I am ready to join hands with you.

Mr. MCMILLIN. Will the gentleman allow me an interruption?

Mr. GROSVENOR. I do not want to be interrupted; I have only two minutes left.

Mr. MCMILLIN. Then I will not interrupt the gentleman.

Mr. GROSVENOR. What does the gentleman want.

Mr. MCMILLIN. I want to ask the gentleman a question. The gentleman preaches about levying a direct tax. Was he not one of those who voted in favor of returning the direct tax after it was once collected?

Mr. GROSVENOR. Yes; and why? Because the State the gentleman lived in, and others, would not pay their share of it, and went to war to get rid of it. The tax ought to be levied alike on all of the States.

Mr. MCMILLIN. The State of Tennessee did pay a large portion of it, but owing to the presence of the Army it was impossible to collect the whole of it.

Mr. GROSVENOR. Well, it does not make any difference; I did not say anything against Tennessee. If the gentleman had not been from that State, I would not have mentioned the name of that grand old State at all. I hope to live to see the time when you will be willing to tax the income of the people of your State.

Mr. MCMILLIN. I am for it now, and I am going to offer an amendment to this bill to that effect.

Mr. GROSVENOR. No, you will not do it at all; you will not offer any such amendment.

Now, Mr. Chairman, this is a measure of loyalty, a measure of patriotism; it is a measure to maintain the Treasury of the United States. It is not for a party, it is not for a faction, but it is to uphold the honor and integrity of the Government, to carry the American flag and plant it in triumph not alone upon Morro Castle, but wherever in the world there is an enemy in arms against the people of the United States. [Applause.]

Mr. Chairman, I move that the committee now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 10100, to provide ways and means to meet war expenditures, and had come to no resolution thereon.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 58 minutes a. m.) the House adjourned until 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copies of communications from the Acting Comptroller and Auditor of the Treasury Department, including a supplemental list of useless papers in the Department was taken from the Speaker's table, referred to the Committee on Disposition of Useless Papers in the Departments, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5431) for the investigation of leprosy, reported the same with amendment, accompanied by a report (No. 1215); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9593) to increase the pension of Michael Meehan, reported the same with amendment, accompanied by a report (No. 1207); which said bill and report were referred to the Private Calendar.

Mr. RAY of New York, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9801) granting an increase of pension to Emer H. Aldrich, reported the same with amendment, accompanied by a report (No. 1208); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5402) to increase the pension of Louis Hirsch, reported the same with amendment, accompanied by a report (No. 1209); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2157) granting a pension to Herman Dellit, reported the same without amendment, accompanied by a report (No. 1211); which said bill and report were referred to the Private Calendar.

Mr. BELKNAP, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9669) to correct the military record of Patrick Dunphy, reported the same with amendment, accompanied by a report (No. 1212); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6317) to remove the charge of desertion against Alexander McKee, reported the same with amendment, accompanied by a report (No. 1213); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2412) to amend the military record of James Roche, reported the same with amendment, accompanied by a report (No. 1214); which said bill and report were referred to the Private Calendar.

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2694) to increase the pension now paid Mrs. Lucinda Booth, widow of Wiley Booth, a soldier of the war of 1812, reported the same with amendment, accompanied by a report (No. 1216); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 692) granting a pension to Abner Abercrombie, reported the same with amendment, accompanied by a report (No. 1217); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 125) granting an increase of pension to George W. Palmer, reported the same with amendment, accompanied by a report (No. 1218); which said bill and report were referred to the Private Calendar.

Mr. BELKNAP, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3297) to remove the charge of desertion from the military record of William Henry Woodward, reported the same with amendment, accompanied by a report (No. 1219); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS INTRODUCED.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRUCKER: A bill (H. R. 10148) authorizing and directing the Secretary of the Treasury to issue legal-tender notes

and to coin all the silver bullion belonging to the United States to prevent increased burdens of taxation on the people, and to provide means for the support of the Government in the war with Spain—to the Committee on Ways and Means.

By Mr. HULL (by request): A bill (H. R. 10149) to authorize the construction of a bridge across the Anacostia or Eastern Branch of the Potomac River on a line with Massachusetts avenue extended—to the Committee on the District of Columbia.

By Mr. KELLEY: A bill (H. R. 10150) to provide revenue by means of a tax on incomes—to the Committee on Ways and Means.

By Mr. SHAFROTH: A joint resolution (H. Res. 249) authorizing the employment of trained women nurses in the hospitals of the United States during war—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CHICKERING: A bill (H. R. 10151) for the relief of Hugh Brady, alias Hugh Smith, late a private in Company K, Eleventh Connecticut Volunteers—to the Committee on Military Affairs.

By Mr. COX (by request): A bill (H. R. 10152) for the relief of James Few and to remove charge of desertion—to the Committee on Military Affairs.

By Mr. HAMILTON: A bill (H. R. 10153) granting an increase of pension to Alfred Botton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10154) for the relief of W. F. Johnston—to the Committee on Military Affairs.

By Mr. HARTMAN: A bill (H. R. 10155) to increase the pension of Alexander Rogers—to the Committee on Pensions.

By Mr. HICKS: A bill (H. R. 10156) granting a pension to David C. Yingling—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 10157) to grant an increase of pension to Jeremiah Lockwood—to the Committee on Invalid Pensions.

By Mr. SETTLE: A bill (H. R. 10158) granting a pension to Mary A. Taylor—to the Committee on Invalid Pensions.

By Mr. STEWART of Wisconsin: A bill (H. R. 10159) to grant an increase of pension to Charles R. Pradt—to the Committee on Invalid Pensions.

By Mr. WHEELER of Kentucky: A bill (H. R. 10160) for the benefit of Thomas Coleman—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 10161) granting pension to soldier's widow—to the Committee on Invalid Pensions.

By Mr. LEWIS of Washington: A bill (H. R. 10162) to tax franchises of all corporations, companies, or other persons—to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Homeopathic Medical Society of Germantown, Philadelphia, Pa., asking for the same recognition in the National Guard, the State military, and the State hospital service as is or may be granted to any school of medicine—to the Committee on Military Affairs.

By Mr. BARBER: Petition of the Woman's Christian Temperance Union of Berlin, Md., for the passage of a bill to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL: Petition of R. A. McDonald and 93 citizens of Greeley and Rico, Colo., in favor of legislation to more effectually restrict immigration and prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

Also, resolutions of District Assembly No. 49, Knights of Labor, of New York, in opposition to the issue of Government bonds—to the Committee on Ways and Means.

Also, resolution of the city council of Denver, Colo., favoring an appropriation to properly fortify, man, and protect the works of the Government at Galveston, Tex., and to preserve the port and harbor of Galveston—to the Committee on Appropriations.

Also, petitions of citizens of Trinidad and Pueblo, Colo., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Woman's Christian Temperance unions of Gunnison and Burlington, Colo., in favor of the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. BOUTELLE of Maine: Petition of Henry Parker and 19 other citizens of Bangor, Portland, and vicinity, Maine, against the passage of the anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: Petitions of the Young People's Society of Christian Endeavor of the Presbyterian Church and the Baptist Church of Hillsboro, Ohio; the congregations of the Clarksville circuit of the Methodist Episcopal Church, Cincinnati Conference, State of Ohio, for the passage of bills to prohibit interstate gambling by telegraph, to raise the age of protection for girls to 18 years, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petitions of the Young People's Society of Christian Endeavor of the Presbyterian Church and Baptist Church of Hillsboro, Ohio; Methodist Episcopal congregations of the Clarksville circuit, Cincinnati (Ohio) Conference, for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of Rev. Leonidas O. Deputy, of Clarksville, Clinton County, Ohio, praying for the enactment of legislation prohibiting kinetoscope reproductions of prize fights in the District of Columbia and the Territories and newspaper descriptions of same—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. L. O. Deputy, of Clarksville, Ohio, praying for the enactment of legislation to substitute voluntary arbitration for railway strikes—to the Committee on Labor.

Also, petition of Rev. L. O. Deputy, of Clarksville, Ohio, favoring a bill to establish a Sabbath law for the national capital—to the Committee on the Judiciary.

Also, petition of the Friends' Church of Dover, Ohio, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. CAPRON: Protest of the Woman's Christian Temperance Union of Rhode Island, against the passage of House bill No. 9481, to dispossess the Indians of the Island of Annette, southeastern Alaska—to the Committee on Indian Affairs.

By Mr. CORLISS: Petition of the Baptist Church of Detroit, Mich., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Baptist Church of Detroit, Mich., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, five petitions of citizens of Detroit, Mich., protesting against the passage of House bill No. 30 or any similar bills calculated to interfere with the business of ticket brokerage and the buying and selling of railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMP: Resolutions of Typographical Union No. 18, of Detroit, Mich., and the Board of Trade of Grand Rapids, Mich., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the Tenth Congressional district of Michigan, asking that a fog whistle be located and maintained at Ottawa Point, Lake Huron—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Methodist Episcopal Church and Woman's Christian Temperance Union, of Sterling, Mich., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of Iron Molders' Union No. 164, Labor Council, Building Trades Council, and Trades and Labor Alliance, all of San Francisco, Cal., asking for the passage of House bill No. 6092, for the protection of free labor against convict labor—to the Committee on Labor.

By Mr. DINSMORE: Petition of United Confederate Veterans, for a military park on the Stone River battle ground, in Rutherford County, Tenn.—to the Committee on Military Affairs.

By Mr. FITZGERALD: Resolutions of the Nineteenth Army Corps Association, in favor of granting medals of honor to the volunteers of the "storming column" of Port Hudson—to the Committee on Military Affairs.

Also, petition of the Boston Merchants' Association, in favor of the passage of the Spooner health bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Board of Fire Underwriters of Boston, Mass., commending the policy adopted by President McKinley as the highest embodiment of true American statesmanship—to the Committee on Foreign Affairs.

Also, memorial of the American Forestry Association, opposing the vacation of forest reservations—to the Committee on the Public Lands.

Also, resolutions of the Boston Merchants' Association, favoring the passage of House bill No. 8066, relating to appropriations for

a national exposition at the city of Philadelphia—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Boston Chamber of Commerce, favoring the passage of Senate bill No. 3027 and House bill No. 6705, for pure flour—to the Committee on Ways and Means.

Also, resolution of the Roxburghe Club, of Roxbury, Mass., and memorial of the executive committee of the Massachusetts Forestry Association, against the passage of House bill No. 8428, in reference to Executive order of February 22, 1897, suspending indefinitely the orders creating forest reservations—to the Committee on the Public Lands.

Also, petition of the county board of the American Order of Hibernians of Suffolk County, Mass., protesting against "the English Government detaining in prison Irishmen who were convicted on perjured evidence for no other cause than loving their country too well"—to the Committee on Foreign Affairs.

Also, petition of the New England Iron and Hardware Association, of Boston, Mass., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. L. Winslow and other citizens of Dexter, State of Maine, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petitions of L. R. Kellogg and the Sunday school of the Congregational Church and Merle H. Willis and the Sunday school of the Baptist Church, of Jamaica, Vt., praying for the enactment of legislation to protect State anti-cigarette laws and to forbid the transmission of lottery messages by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Sunday schools of the Congregational and Baptist churches of Jamaica, Vt., for the passage of a bill forbidding the sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. LACEY: Protests of Thomas H. Macbride, of Iowa City, Iowa, and L. E. Holden, of Louisville, Ky., against the annulling of forest reservations—to the Committee on the Public Lands.

By Mr. LEWIS of Georgia: Petition of A. L. Moncrief and 21 other citizens of Musella, Ga., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS of Washington: Memorial of the St. Louis Single Tax League, suggesting methods of raising revenues for carrying on war with Spain—to the Committee on Ways and Means.

By Mr. LITTAUER: Petition of the Troy Conference of the Methodist Episcopal Church, held at Saratoga Springs, N. Y., favoring the passage of a Sabbath law for the national capital—to the Committee on the District of Columbia.

By Mr. LOUDENSLAGER: Resolutions of the Grocers and Importers' Exchange of Philadelphia, Pa., in opposition to a tax on stocks of coffees and teas at present in the United States—to the Committee on Ways and Means.

By Mr. McALEER: Resolutions of the Homeopathic Medical Society of Philadelphia, requesting a hearing with a view to obtaining recognition in the military and naval service of the United States—to the Committee on Military Affairs.

By Mr. McCLELLAN: Two petitions of citizens of New York City, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. McDOWELL: Petition of the First Baptist Church and First Presbyterian Church, of Granville, Ohio, for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the First Baptist Church and First Presbyterian Church, of Granville, Ohio, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Epworth League of Granville, Ohio, for the passage of bills to prohibit interstate gambling by telegraph and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

By Mr. MAHON: Petition of the Presbyterian Church of McAlevys Fort, Pa., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. OSBORNE: Petition of the International Association of Machinists, of Cheyenne, Wyo., asking that the machinery needed by the Government be purchased of manufacturers employing union labor—to the Committee on Labor.

By Mr. POWERS: Petition of the Epworth League of Bakersfield, Vt., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. RAY of New York: Petition of the Woman's Christian Temperance Union of Griffins Corners, N. Y., for the passage of a bill to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. SAUERHERING: Petition of 40 citizens of Madison, Wis., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SHUFORD: Petition of citizens of Catawba, N. C., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SNOVER: Petition of members of the bar of St. Clair County, Mich., asking that the United States court be held at Port Huron, Mich.—to the Committee on the Judiciary.

SENATE.

FRIDAY, *April 29, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MILLS, and by unanimous consent, the further reading was dispensed with.

ELIZABETH WHITE.

The VICE-PRESIDENT laid before the Senate a communication from the Court of Claims, transmitting the findings and opinion of the court in the claim of Elizabeth White, administratrix of Samuel N. White, deceased, *vs.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MILLS presented a petition of the Central Woman's Christian Temperance Union, of Dallas, Tex., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. ALLEN. I present resolutions adopted by District Assembly No. 49, of New York City. I ask that the resolutions be referred to the Committee on Finance, and, as they are short, that they be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Whereas there is great industrial depression throughout the country, caused, as we believe, by the hoarding of money; and

Whereas we are now on the eve of a war with Spain; and

Whereas it is reported in the public prints that the Congress of the United States is about to levy war taxes and authorize the issue of bonds; and

Whereas the Congress of the United States has on various occasions authorized the issue of legal-tender money for extraordinary expenses; and

Whereas the Supreme Court of the United States has affirmed the right of Congress to issue full legal-tender money in time of war or peace; and

Whereas in our opinion the scarcity of money among the people is the one great cause of the present distress and unrest among the masses; and

Whereas the levying of war taxes and the issuing of bonds will tend to greater intensify instead of lessening the burdens of the people: Therefore,

Be it resolved, That we are unalterably opposed to the issue of any bonds as being wholly unnecessary and against the interests of the people;

Be it further resolved, That we are opposed to the levying of any additional taxes of any kind whatever;

Be it further resolved, That we favor the passage of a law by Congress authorizing and directing the Secretary of the Treasury to issue full legal-tender money in sufficient volume for all extraordinary expenses in conducting our war with Spain; and

Be it further resolved, That the secretary of District Assembly 49 be instructed to forward copies of this resolution to United States Senator ALLEN of Nebraska and the Hon. Mr. BELL of Colorado.

Attest:

MICHAEL KELLY, *Secretary.*

Mr. McMILLAN presented petitions of the Woman's Christian Temperance unions of West Leroy and Dorrance, of the Cooper Charge of the Methodist Episcopal Church of the Michigan Conference, and of the congregation of the Ninde Methodist Episcopal Church of Detroit, all in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Woman's Christian Temperance unions of West Leroy, Dorrance, and Cooper, and of the congregation of the Ninde Methodist Episcopal Church of Detroit, all in the State of Michigan, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Methodist Episcopal Church of Elwood, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of sundry citizens of Ohio Grove, Ill., and a petition of the Young People's Society of Christian Endeavor of the Presbyterian Church of Sandwich, Ill., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by

telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Methodist Episcopal Church of Gardner; of sundry citizens of Ohio Grove, and of the Young People's Society of Christian Endeavor of the Presbyterian Church of Sandwich, all in the State of Illinois, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the congregation of the Methodist Episcopal Church of Gardner; of sundry citizens of Ohio Grove, and of the Young People's Society of Christian Endeavor of the Presbyterian Church of Sandwich, all in the State of Illinois, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. PASCO presented the petition of A. V. Chubbs, of Florida, vice-president of the American Forestry Association, praying that the Senate amendment to the sundry civil appropriation bill providing for a suspension of the forest reservations be amended by limiting the suspension to one year, pending survey; which was referred to the Committee on Appropriations.

Mr. NELSON presented a memorial of the Chamber of Commerce of St. Paul, Minn., remonstrating against the abrogation of the forest reservations; which was referred to the Committee on Appropriations.

He also presented a petition of the Central Woman's Christian Temperance Union of Winona, Minn., and a petition of the congregation of the Wesley Methodist Episcopal Church, of Winona, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Central Woman's Christian Temperance Union of Winona, Minn., and a petition of the congregation of the Wesley Methodist Episcopal Church, of Winona, Minn., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. TURPIE presented a memorial of Rich, Lieber & Co., of Indianapolis, Ind., remonstrating against the proposed tax to be placed on mineral waters; which was referred to the Committee on Finance.

He also presented the memorial of Meyer Bros., of Indianapolis, Ind., remonstrating against the proposed tax to be placed on chewing gum; which was referred to the Committee on Finance.

Mr. KENNEY presented a petition of Pomona Grange, Patrons of Husbandry, of Kent County, Del., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a petition of Daniel Webster Council, No. 22, Order of United American Mechanics, of Concord, N. H., praying for the enactment of legislation to exclude illiterate immigrants; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of the Woman's Christian Temperance Union of Canton, Mo., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Baptist Church of Canton, Mo., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Canton, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. FRYE presented a petition of the Maine Annual Conference of the Methodist Episcopal Church, of Norway, Me., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Maine Annual Conference of the Methodist Episcopal Church, of Norway, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Maine Annual Conference of the Methodist Episcopal Church, of Norway, Me., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Maine Annual Conference of the Methodist Episcopal Church, of Norway, Me., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

Mr. ALDRICH presented petitions of the Young People's Society of Christian Endeavor of Usquepaug, of the Epworth League of the Methodist Episcopal Church of Wickford, and of the Christian Endeavor Society of Block Island, all in the State of Rhode Island, praying for the enactment of legislation to raise the age of protection of girls to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance unions of Woonsocket, Newport, Summit, Usquepaug, Hope Valley, Arnolds Mills, and Phenix; of the congregations of the Free Baptist Church of Pascoag, the Baptist Church of Woonsocket, the Baptist Church and the Methodist Episcopal Church of Warren, the Mount Pleasant Baptist Church, of Providence, the Baptist Church of Usquepaug, the Methodist Episcopal Church of Wickford; of the Epworth League of Wickford, the Young People's Society of Christian Endeavor of Usquepaug, the Young People's Society of Christian Endeavor of Arnolds Mills, the Christian Endeavor Society of Hope Valley, and the congregations of the Noose Neck Church and Maple Root Church, of Summit, all in the State of Rhode Island, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance unions of Woonsocket, Newport, Warren, Summit, Usquepaug, Hope Valley, Arnolds Mills, and Phenix; of the congregations of the Methodist Episcopal Church of Phenix, the Methodist Episcopal Church of Arnolds Mills, the Noose Neck Church and Maple Root Church, of Summit, the Baptist Church and the Methodist Episcopal Church of Warren, the Free Baptist Church of Pascoag, the Baptist Church of Woonsocket, the Mount Pleasant Baptist Church, of Providence, the Baptist Church of Usquepaug, and the Methodist Episcopal Church of Wickford; of the Young People's Society of Christian Endeavor of Usquepaug; of the Epworth League of the Methodist Episcopal Church of Wickford; of the Young People's Society of Christian Endeavor of the Congregational Church of Kingston; of the Christian Endeavor Society of Block Island; of the Christian Endeavor Society of Hope Valley, and of the Young People's Society of Christian Endeavor of Arnolds Mills, all in the State of Rhode Island, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance unions of Warren, Summit, Usquepaug, and Hope Valley; of the congregations of the Free Baptist Church of Pascoag, the Baptist Church of Woonsocket, and the Methodist Episcopal Church of Arnolds Mills; of the Young People's Society of Christian Endeavor of Arnolds Mills; of the Young People's Society of Christian Endeavor of the Methodist Episcopal Church of Arnolds Mills; of the Young People's Christian Union of the Universalist Church of Chapel Four Corners, of Cumberland; of the Young People's Society of Christian Endeavor of the Globe Congregational Church, of Woonsocket; of the Young People's Society of Christian Endeavor of Usquepaug; of the Young People's Society of Christian Endeavor of the Congregational Church of Kingston; of the Young People's Society of Christian Endeavor of Hope Valley; of the Epworth League of the Methodist Episcopal Church of Wickford, and of the Christian Endeavor Society of Block Island, all in the State of Rhode Island, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. QUAY presented a petition of the United Labor League of Philadelphia, Pa., praying for the passage of the so-called postal savings bank bill; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF A COMMITTEE.

Mr. STEWART, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9414) for the relief of Mathilda Akerblom Molin; and

A bill (S. 3909) for the relief of Mrs. Harriet A. Ferguson.

CHATTANOOGA RAPID TRANSIT COMPANY.

Mr. BATE. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 5511) granting to the Chattanooga Rapid Transit Company the right to cross with its

track the Dry Valley road to the Chickamauga and Chattanooga National Park, to report it without amendment, and I ask permission to have the bill acted upon at once. It is very much needed at the city of Chattanooga—the Army is gathered there—and it will take but a moment to pass the bill. There can be no objection to it. It has passed the other House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BATE. I am directed by the same committee, to whom was referred the bill (S. 3480) granting to the Chattanooga Rapid Transit Company the right to cross with its track the Dry Valley road to the Chickamauga and Chattanooga National Park, to report adversely thereon, and move its indefinite postponement.

The motion was agreed to.

BILLS INTRODUCED.

Mr. MANTLE introduced a bill (S. 4504) to define and punish certain offenses by national banking associations and the examiners and receivers of national banks; which was read twice by its title, and referred to the Select Committee on National Banks.

Mr. BERRY introduced a bill (S. 4505) to authorize the construction of a bridge across Lake St. Francis, in the State of Arkansas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GORMAN introduced a bill (S. 4506) to provide for the payment of Northern Liberty Market House claims against the District of Columbia by drawback certificates; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4507) granting a pension to John Warman;
A bill (S. 4508) granting a pension to Elias Veatch; and
A bill (S. 4509) granting a pension to John H. Morrison.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 11, 27, 28, 29, and 54.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 44, 45, 46, 47, 49, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, and 74, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"And whenever, within the next twelve months, an exigency may exist which, in the judgment of the President, renders their services necessary, he is hereby authorized to appoint from civil life and commission such officers of the line and staff, not above the rank or relative rank of commander, and warrant officers, including warrant machinists, and such officers of the Marine Corps, not above the rank of captain, to be appointed from the noncommissioned officers of the corps and from civil life, as may be requisite: *Provided*, That such officers shall serve only during the continuance of the exigency under which their services are required in the existing war: *And provided further*, That such officers so appointed shall be assigned to duty with rank and pay of the grades established by existing law; and warrant machinists shall be paid at the rate of $1,200 dollars per annum."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the Secretary of the Navy to enlist, at any time after the passage of this act, as many additional seamen, landsmen, and boys as he may deem necessary to man the ships of the Navy, or in use by the Navy as a temporary force therefor during the existing war, and for pay of the same and of the temporary additional officers and warrant machinists hereinbefore authorized, $3,830,000, or so much thereof as may be necessary; and to enable the Secretary of the Navy to enlist, at any time after the passage of this act, the following additional force for the Marine Corps as a temporary force during the existing war, namely, not more than 60 gunnery sergeants with rank of first sergeants, not more than 60 corporals, and not more than 1,500 privates; and for pay of the same, including the temporary additional officers hereinbefore authorized, and for provisions, clothing, fuel, military stores, transportation and recruiting, and for contingent expenses on account of said additional force, $567,900, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "; in all, torpedo station, $97,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "; and the Secretary of the Navy is hereby authorized, in his discretion, to build one of said docks of granite or concrete faced with granite, and in such case the limit of the cost of said dock is increased $200,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "of domestic manufacture;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lines 5 and 6 of said amendment strike out the words "Sabine Pass, Tex., or in the waters adjacent thereto," and insert in lieu thereof the following: "in the harbor of Sabine Pass, or the waters tributary thereto, Texas;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "That hereafter all first-class battle ships and monitors owned by the United States shall be named for the States, and shall not be named for any city, place, or person until the names of the States shall have been exhausted: *Provided*, That nothing herein contained shall be so construed as to interfere with the names of States already assigned to any such battle ship or monitor;" and the Senate agree to the same.

EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

C. A. BOUTELLE,
S. G. HILBORN,
A. J. CUMMINGS,
Managers on the part of the House.

Mr. STEWART. Will the Senator from Maine state in a general way the points of agreement?

Mr. HALE. The result of the report is substantially the bill as it passed the Senate. About the only change of importance is to extend to the Marine Corps the provision for appointing temporary officers during the war, which was perhaps by inadvertence omitted in the original measure. In other respects the bill is substantially what it was as it passed the Senate.

The report was agreed to.

JOSEPH W. SKELTON.

Mr. ALLEN. I ask unanimous consent to call up for present consideration the bill (S. 59) granting a pension to Joseph W. Skelton, of Nebraska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "dollars," to strike out "one hundred" and insert "thirty;" and in line 8, after the word "act," to insert "in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of Joseph W. Skelton, late major of the Seventh Indiana Cavalry, United States Volunteers, and allow him a pension at the rate of $30 per month, from and after the passage of this act, in lieu of the pension he is now receiving, for his sufferings in Libby Prison while a private in the Seventeenth Regiment Indiana Infantry Volunteers, and for his meritorious services while first lieutenant and captain of Company F, Seventh Indiana Cavalry, and for the wounds received by him during both his terms of service.

The amendments were agreed to.

Mr. GALLINGER. In line 6, I move to strike out the word "allow" and insert the word "pay;" so as to read "and pay him a pension."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joseph W. Skelton."

SIOUX CITY AND PACIFIC RAILWAY.

Mr. GEAR. I ask leave to call up the bill (S. 120) authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company in relation to certain bonds issued by the United States in aid of the construction of said railway.

Mr. GALLINGER. I observe that there is a minority report in that case. I have no objection to the bill being read for the information of the Senate.

Mr. GEAR. It has been read; and the minority report can be read.

The VICE-PRESIDENT. The bill has been read. If there is no objection, it is now before the Senate.

Mr. MORGAN. Is the bill before the Senate?

The VICE-PRESIDENT. The bill is before the Senate subject to objection.

Mr. MORGAN. I object to it.

Mr. GEAR. I move that the bill be taken up. There is a unanimous report on the bill, with the exception of the amount that is to be paid for the road.

Mr. MORGAN. It is a unanimous report, except as to the minority report.

Mr. GEAR. I say it is unanimous except as to that one point.

Mr. MORGAN. When there is a minority report along with the majority report, it can scarcely be called a unanimous report.

Mr. GEAR. It is unanimous that there should be a settlement, and the difference is only as to the amount to be paid.

Mr. MORGAN. I do not know of any unanimity about it.

Mr. GEAR. I ask the Senator from Alabama to let the bill be acted upon.

The VICE-PRESIDENT. If there be no objection, the bill is before the Senate and open to amendment.

Mr. HARRIS. I desire to offer an amendment to the bill, to insert:

To be not less than the amount of the principal of the bonds issued in aid of the construction of said railroad.

Mr. GEAR. I ask that the minority report be read.

Mr. MORGAN. I do not yet understand how the bill got before the Senate. I object to it.

The VICE-PRESIDENT. Objection is made and the bill will lie over.

Mr. GEAR. I move that the bill be taken up notwithstanding the objection.

Mr. MORGAN. I suggest that while I have been notified I do not know whether that is the agreement or not.

Mr. GEAR. I notified the Senator from Alabama yesterday that I should move to take the bill up this morning.

Mr. MORGAN. I was speaking about another matter.

The VICE-PRESIDENT. Except by unanimous consent the motion of the Senator from Iowa can not be entertained until the hour of 1 o'clock.

Mr. HARRIS. I ask that the amendment which I have submitted to the bill be ordered printed and lie on the table.

The VICE-PRESIDENT. That order will be made.

Mr. COCKRELL. I call for the Calendar in regular order.

Mr. GEAR. I will withdraw my motion. The Senator from Alabama agrees that the bill may be taken up without objection on Tuesday next. Therefore I will wait.

RESTORATION OF ANNUITIES TO SIOUX INDIANS.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 3698) for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians.

The VICE-PRESIDENT. Is there objection to the consideration of the bill at this time?

Mr. ALLISON. I should be glad to hear the bill read first.

The Secretary read the bill.

Mr. ALLISON. That is a very important bill. It is reported from the Committee on Indian Affairs?

Mr. PETTIGREW. It is reported from the Committee on Indian Affairs, and is a unanimous report.

Mr. ALLISON. It involves three or four million dollars, two or three million anyway. I think it ought to be more fully considered than can be done in the morning hour. I was unable to gather the exact nature of the bill from the reading. Will the Senator from South Dakota explain it briefly?

Mr. PETTIGREW. The bill provides for restoring the annuities that were forfeited in 1864 to these Indians, deducting therefrom the amount that has been paid thereon. We have paid about five or six hundred thousand dollars on the annuities since 1890, leaving, I do not know just how much, but the balance is something over a million dollars, less than $2,000,000, that has not been paid. The bill proposes to place that to the credit of these Indians in the Treasury of the United States to draw interest at 3 per cent.

Mr. ALLISON. With interest?

Mr. PETTIGREW. Without interest.

Mr. ALLISON. It is not proposed to pay interest?

Mr. PETTIGREW. No interest whatever is computed.

Mr. SPOONER. I should like to ask the Senator from South Dakota a question. The effect of the bill, if passed, is to leave those Indians, so far as annuities are concerned, just as if the forfeiture act had never been passed?

Mr. PETTIGREW. Yes, sir.

Mr. SPOONER. So that they would be receiving their annuity for the very year in which the massacre occurred?

Mr. PETTIGREW. Yes, sir.

Mr. SPOONER. That is the intention?

Mr. PETTIGREW. That is the intention.

I wish to say that so far as the Sissetons and Wahpetons are concerned, not only were none of their chiefs or leading men in the Minnesota massacre, but they furnished nearly 300 of their own men as scouts. General Sibley's letter is here with regard to their excellent and gallant service. Those scouts were commanded by their chief, Renville. A few of their young men went into the Minnesota massacre. They escaped to British America, and they do not get a dollar of this money.

The tribe then, owing to the great indignation raised against all Indians, removed to Dakota. General Sibley says they furnished a guard against the hostile Indians, and protected the settlers of Minnesota up to 1868 and, in fact, ever since.

Mr. SPOONER. What was the ground on which the forfeiture act was passed?

Mr. PETTIGREW. Although there were about 6,000 of these Indians, some of the young men of this tribe and of other tribes, to the number of about 400, went into the Minnesota massacre and committed depredations. The excitement was so great that, without stopping to inquire whether it was just or unjust, Congress passed the act declaring the annuities forfeited. The indignation over the outbreak and the description of the horrible murders committed, incident of course to Indian warfare, so excited the people of this country that without studying or investigating the question, disregarding the fact that these Indians furnished 274 scouts who served all through that difficulty and all through the succeeding Indian wars; in spite of the fact that these people stood on the frontier, camping just over the line in Dakota, for years and years to turn back the hostile Indians, and that they protected that whole frontier, Congress forfeited the annuities without investigation.

Mr. SPOONER. I am asking only for information.

Mr. PETTIGREW. Certainly. It was an act of great injustice, and was so regarded, I think, by the people of that whole country.

Mr. GEAR. May I ask the Senator from South Dakota a question?

Mr. PETTIGREW. Certainly.

Mr. GEAR. The bill also proposes to reinstate the stipulation between the Medawakanton and Wahpakoota bands?

Mr. PETTIGREW. Yes, sir.

Mr. GEAR. Will the Senator object to an amendment? Most of those Indians, I understand, left this country and went over into Canada.

Mr. PETTIGREW. It does not embrace them.

Mr. GEAR. Are they excluded?

Mr. PETTIGREW. The amendment proposed as section 2 provides that the money shall be distributed among those now in the United States. I shall be glad to have an amendment excluding them absolutely. I think they are now excluded.

Mr. GEAR. If the bill is going to pass, I want to offer an amendment to exclude the descendants of those who took part in the massacre.

Mr. PETTIGREW. All those and their descendants are excluded.

Mr. SPOONER. Does the Senator from Minnesota [Mr. NELSON] favor this bill?

Mr. NELSON. Yes, sir.

Mr. PETTIGREW. Both Senators from Minnesota, I think, favor it.

Mr. ALLISON. I do not think the bill should pass under the rule limiting debate to five minutes. It is a matter that I have examined somewhat, and other Senators have examined it. I think it involves more than has thus far been indicated by the Senator from South Dakota.

It is true that nominally these annuities were forfeited. It is also true, so far as I know, that no Indian tribe has, during the intervening period between 1863 and the present, received more of the care and attention and wardship of the Government than have these very Sioux. We have expended immense sums of money upon them and for them, which, if we are to state an account with them, ought to be considered in dealing with this question. They have received more lands and more money for their lands than any other tribe of like number that I know of. They have now in the Treasury more than a million and a half of money drawing 4 per cent or 5 per cent interest, I am not certain which. It seems to me that there ought to be a careful accounting of all these matters before any adjustment is made as respects the annuities.

The Senator says very properly that we have paid a portion of these annuities since 1890. We have paid them. We paid the back annuities of all the people who were engaged in protecting the settlers of Minnesota and who were not active participants in the rebellion.

Mr. COCKRELL. Will the Senator from Iowa permit a question?

Mr. ALLISON. Certainly.

Mr. COCKRELL. Have we not since that performance made a new treaty in which every question in issue between us and those nations was settled and adjusted, and are we not carrying out that treaty to-day?

Mr. ALLISON. We have made two new treaties with these people. This question involves a very large sum of money. Of course I have not those treaties and the investigations and examinations before me and I am not prepared to-day to deal with this question, but it is my belief that these Indians are not entitled to anything on account of the forfeiture of those annuities. That is my belief, and I am not in favor of paying them anything. Therefore, if I can, I shall object to the further consideration of the bill.

Mr. PETTIGREW. Of course the objection throws the bill over, but I do not wish that the record shall be left as it now is.

After the Minnesota outbreak in 1867 we made an agreement with these people. We had not given them a thing since 1862. We had left them to starve, although they had been our allies and

fought in our Army. We then made an agreement with the Indians by which we provided that in place of the annuities certain sums of money should be paid them. After that agreement was made and the Indians had settled down upon their lands, it came to the Senate and the Senate struck out every dollar of compensation. The sum of money that they would have received under that treaty, made in good faith on the part of the Indians, if it had been ratified by the Senate, would be greater than they will get under this bill.

After we had stricken that out we sent the treaty back for ratification; and what could they do? Nothing but agree to it under duress. Then we left them for years without paying them anything or giving them any assistance whatever. But afterwards we purchased the rest of their land. We never have given them an acre of land. Afterwards we purchased several million acres of land at 10 cents an acre, making $800,000, and agreed to pay them $80,000 a year for ten years. We made those payments. After that we made some small appropriations of ten thousand or fifteen thousand dollars until 1889, when we made a new treaty by which we purchased the remainder of their land.

In every instance our course of dealing has been one which between man and man would place the United States in a position which would be discreditable and dishonest. We never made a treaty with those people, from their earliest history, and kept it. We would send out commissioners and make an agreement. It would come to the Senate and the Senate would strike out the material part of it, and then give presents to the chiefs and get it ratified. We did that clear up to 1867. In that case we struck out the provisions by which they were compensated for the loss of their crops and property, which the Government took to feed its Army—$120,000 worth of their crops. We struck out the provisions in the place of the old treaty provisions which amounted to millions of dollars, and left them, our allies, to starve.

This is all I care to say about it now, if the bill must go over. I wish to state that I shall move to take up the bill at the first convenient occasion next week, so as to admit of full discussion and let these questions come before the Senate and before the country.

Mr. SPOONER. If the Senator will allow me, I hope before the bill comes up again he will draft an amendment which will beyond any possible question exclude from participation in these annuities the Indians who took part in that massacre.

Mr. PETTIGREW. I shall be glad to do it.

Mr. SPOONER. It was a most causeless and devilish performance, which filled the whole country with horror. I knew something about it.

Mr. PETTIGREW. We hung 39 of them.

Mr. SPOONER. I know, and we ought to have hung 300.

Mr. PETTIGREW. I think that is true.

Mr. SPOONER. I will never myself vote to appropriate a dollar that will go to the men who murdered the women and children at that time.

Mr. PETTIGREW. I shall be very glad to have such an amendment adopted. I think it is entirely proper.

Mr. ALLISON. Of course that will not affect this matter, because only a few of those Indians are now surviving.

Mr. SPOONER. I know.

Mr. ALLISON. They have descendants, though not very numerous.

Mr. SPOONER. If the bill passes, that provision at least ought to be put into it.

Mr. ALLISON. I only wish to say that I do not object to the fullest and freest discussion of this whole question, and I repeat what I said a moment ago. I believe these people have been treated, as a rule, better than any Indian tribe I know of. I wish to say, further, that they have now per capita more land than the average farmer in South Dakota or Iowa, most of w[illegible] they are renting.

The VICE-PRESIDENT. The bill will go over under objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes; in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the joint resolution (S. R. 19) to extend to the officers, warrant officers, petty officers, seamen, and others, and marines of the United States Navy the provisions of the joint resolution approved July 12, 1862, and the act approved March 3, 1863, and the joint resolution approved May 9, 1896.

PAYMENT OF CLAIMS.

The VICE-PRESIDENT. The Secretary will announce the first bill on the Calendar.

The bill (S. 3545) for the adjustment and payment of certain claims against the Government of the United States was announced as first in order on the Calendar.

Mr. COCKRELL. I do not see the Senator from Colorado [Mr. TELLER] in his seat. He is chairman of the Committee on Claims and has charge of the bill.

Mr. CHANDLER. Why not let the bill be read, subject to objection after it has been read?

Mr. COCKRELL. It is a very long bill, and it is not worth while to have it read just now.

Mr. CHANDLER. There is no reason why it should not be read.

Mr. COCKRELL. It would simply be a waste of that much time, I think.

Mr. CHANDLER. Is there any other important business before the Senate?

Mr. COCKRELL. There are plenty of other bills just below this one on the Calendar, which we shall reach in order very soon.

Mr. CHANDLER. The bill will have to be read at some time, and it might just as well be read now.

Mr. COCKRELL. I do not know whether it will have to be read, if the Senator from New Hampshire please, because there is a House bill on the same question which may be taken up and considered, which would dispense entirely with the reading of this bill.

Mr. CHANDLER. As always, I yield my judgment to that of the Senator from Missouri. I understand him to object to the bill.

Mr. COCKRELL. I do not object to it; but I ask that it retain its place at the head of the Calendar, so that it can be taken up at any time.

The VICE-PRESIDENT. The bill will be passed over.

REFERENCE OF CLAIMS.

The bill (S. 3546) for reference of certain claims against the Government of the United States to the Court of Claims was announced as next in order on the Calendar.

Mr. COCKRELL. Let that take the same course.

The VICE-PRESIDENT. The bill will be passed over.

HOUSE BILL REFERRED.

The bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

SUITS BY CHICKASAW NATION.

The bill (S. 3091) to authorize the Chickasaw Nation to appeal certain cases from the district court to the Supreme Court of the United States was announced as next in order.

Mr. PETTIGREW. Let that bill go over. The same matter is being provided for in the Indian appropriation bill and also in the so-called Curtis bill.

The VICE-PRESIDENT. The bill will go over.

TICKET BROKERAGE.

The bill (S. 1575) to amend an act entitled "An act to regulate commerce" was announced as next in order.

Mr. GORMAN. Let that bill go over.

The VICE-PRESIDENT. The bill will go over.

RANK OF MILITARY ATTACHÉS.

The bill (S. 3559) to fix the rank of military attachés was announced as next in order.

Mr. COCKRELL. Let the bill be passed over.

The VICE-PRESIDENT. The bill will be passed over.

FORT MEADE, S. DAK.

The bill (S. 1580) making Fort Meade, S. Dak., a permanent military reservation and making appropriation for improvement of the same was announced as next in order.

Mr. COCKRELL. Let that bill be passed over for the present.

The VICE-PRESIDENT. It will be passed over.

INMATES OF NAVAL HOSPITALS.

The bill (S. 3013) to amend section 4813 of the Revised Statutes of the United States, relating to pensions drawn by inmates of naval hospitals, was announced as next in order.

Mr. GORMAN. I think that bill had better go over. I call the attention of the Senator from South Carolina [Mr. TILLMAN], who reported the bill from the Committee on Naval Affairs, to the fact that this provision is, I think, contained in the naval appropriation bill. I suggest that the bill be passed over for the present at any rate, and the matter can be looked into.

Mr. TILLMAN. Very well.

The VICE-PRESIDENT. The bill will be passed over.

DONATION OF CONDEMNED CANNON.

The bill (S. 219) donating condemned cannon and condemned cannon balls to S. A. Douglas Post, No. 69, Grand Army of the Republic, Department of Nebraska, at North Platte, Nebr., was announced as next in order.

Mr. COCKRELL. I think there is a general law authorizing

the donation of condemned cannon and cannon balls. I know there is such a provision of law in regard to the Army, and I think the same is true in regard to the Navy. It is always within the discretion of the Secretary to grant such donations, according to my recollection.

Mr. HAWLEY. A direct application to the Secretary of War or the Secretary of the Navy will secure condemned cannon or cannon balls in any reasonable case.

The VICE-PRESIDENT. Objection being made, the bill will go over.

The bill (S. 641) donating condemned cannon and cannon balls to Wadsworth Post, Grand Army of the Republic, of Helena, Mont., was announced as next in order.

Mr. COCKRELL. That is a bill of the same character. Let it go over.

The VICE-PRESIDENT. Objection being made, the bill will be passed over.

DISTRICT TAX-SALE CERTIFICATES.

The bill (S. 1217) for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments. The first amendment was, in section 1, on page 2, line 7, before the words "of lot twelve," to strike out "part" and insert "west half;" so as to read:

Certificate of sale of October 15, 1874, of west half of lot 12, in square 535, $34.91.

The amendment was agreed to.

The next amendment was, in section 1, on page 4, line 16, before the words "of lot sixteen," to strike out "part" and insert "south half;" so as to read:

Certificate of sale of January 3, 1876, of south half of lot 16, in square 140, $37.22.

The amendment was agreed to.

The next amendment was, in section 1, page 5, line 2, before the words "four dollars and eighty cents," to strike out "thirty-seven" and insert "seventy-seven;" so as to read:

Certificate of sale of January 3, 1876, of lot 23, in square 1077, $4.80.

The amendment was agreed to.

The next amendment was, in section 1, page 5, line 4, after the word "ten," to insert "in square;" so as to read:

Certificate of sale of January 3, 1876, of sublot 10, in square south of square 1059, $8.39.

The amendment was agreed to.

The next amendment was, in section 1, page 5, line 7, after the word "eleven," to insert "in square;" so as to read:

Certificate of sale of January 3, 1876, sublot 11, in square south of square 1059, $7.85.

The amendment was agreed to.

Mr. COCKRELL. In section 1, on page 1, after the word "certificates," at the end of line 13, I move to strike out "including interest at 6 per cent per annum for two years from the date of each certificate."

I do not think interest ought to be allowed in these cases.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The amendment submitted by the Senator from Missouri will be stated.

The SECRETARY. In section 1, page 1, after the word "certificates," at the end of line 13, it is proposed to strike out "including interest at 6 per cent per annum for two years from the date of each certificate;" so as to make the section read:

That the Commissioners of the District of Columbia are hereby authorized and directed to redeem such of the following tax-sale certificates issued by the government of the District of Columbia as shall be found to have become invalid or not collectible by reason of the neglect of the government of the District of Columbia, or of the proper officers thereof, to cause a report of the sale, in respect of which such certificates were issued, to be recorded among the land records of the District of Columbia, as required by law, by issuing to the holders and owners thereof drawback certificates for the amounts respectively found to be due them on such tax-sale certificates, namely, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CARRYING OF DEADLY WEAPONS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 5885) to amend section 5 of an act entitled "An act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes," approved July 13, 1892, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RED RIVER BRIDGE, LOUISIANA.

The bill (S. 3303) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River at or near the city of Shreveport, La., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments. The first amendment was, in section 1, line 7, after the word "Louisiana," to strike out "between the parishes of Caddo and Bossier, at a point within 1 mile from the upper or lower limits of said city, or between said points," and insert "at a point suitable to the interests of navigation, and in accordance with such plans as may be approved by the Secretary of War;" so as to read:

That the Shreveport Bridge and Terminal Company, a corporation existing under the laws of Louisiana, its successors and assigns, be, and is hereby, authorized to construct and maintain a bridge and all approaches thereto across Red River at or near the city of Shreveport, La., at a point suitable to the interests of navigation, and in accordance with such plans as may be approved by the Secretary of War, and to lay on or over said bridge a track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to said river, on either or both sides thereof, at or opposite such point, under the limitations and conditions hereinafter provided.

The amendment was agreed to.

The next amendment was, in the same section, page 2, line 27, after the word "be," to strike out the period and the word "Said" and insert "*Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the operation of the same: *Provided further*, That said;" in line 33, after the word "trains," to insert "and at the option of said company may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable rates of toll as may be fixed by said company and approved by the Secretary of War;" so as to read:

Provided, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the operation of the same: *Provided further*, That said bridge shall be constructed to provide for the passage of railroad trains, and, at the option of said company, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable rates of toll as may be fixed by said company and approved by the Secretary of War.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That said bridge shall be provided with one or more openings, each having not less than 100 feet clear channel way at low water, and in addition to said openings one or more fixed channel spans, if required by the Secretary of War, each having not less than 50 feet clear channel; and every part of the superstructure of said bridge shall give a clear headroom of not less than 6 feet above extreme known high-water mark: *Provided*, That all spans shall be located so as to afford the greatest possible accommodation to the river traffic: *Provided also*, That if the physical characteristics of the locality so require, and the interests of navigation be not injured thereby, the length of the fixed spans or the manner of openings may be reduced: *Provided also*, That for any two adjacent openings of 100 feet each one opening of 200 feet or more may be substituted if, in the opinion of the Secretary of War, the interests of navigation be not injured thereby: *Provided also*, That if the location of said bridge be such that fixed spans can be constructed so as not to interfere with the free navigation of said river, said company, its successors and assigns, shall have the right to construct a bridge with fixed spans, but the height of such spans above high water and low water and the width of such spans shall be approved by the Secretary of War before the construction thereof shall begin.

The amendment was agreed to.

The next amendment was in section [3] 2, page 3, line 1, after the first word "That," to strike out "all draw spans, if any are found necessary, and are required by the Secretary of War, by this act," and insert "if the bridge herein authorized shall be built as a draw bridge, the draw;" and in line 8, after the word "trains" to strike out:

And also that in case the opening of a draw is delayed by reason of the passing of a train, after the signal has been given from a boat ready to pass through, the draw shall be opened for the passage of such boat before another train is allowed to pass over the said span or spans; nor shall there be any unnecessary delay in the passage of trains over the bridge.

So as to make the section read:

SEC. 2. That if the bridge herein authorized shall be built as a draw bridge, the draw shall be operated by steam or other reliable power, and shall be opened promptly upon reasonable signal for the passage of boats, except when trains are passing over said span or spans; but in no case shall unnecessary delay occur in opening said draw after the passage of trains.

The amendment was agreed to.

The next amendment was, in section [8] 7, page 7, line 5, after the word "alterations," to strike out "conform to the provisions of this act and;" and in line 8, after the word "bridge," to insert "before or after completion;" so as to make the section read:

SEC. 7. That any bridge constructed under the authority of this act shall be built under the general supervision of the Secretary of War, and no changes or alterations in plans shall be made during the construction of said bridge or after its completion, unless said changes or alterations are authorized by the Secretary of War. That such alterations and changes as may be required by the Secretary of War in said bridge before or after completion, so as to preserve free and convenient navigation, shall be made under the direction of the Secretary of War, at the expense of the company or persons owning, controlling, or operating said bridge. That during original construction or in carrying out any authorized changes or repairs of said bridge, a navigable channel shall be preserved at the site of the bridge at all times, and the waterway of the river shall not be obstructed to a greater extent

than is absolutely necessary, and such lights and buoys shall be kept on all cofferdams, piles, etc., as may be necessary for the security of navigation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEDALS OF HONOR TO NAVAL OFFICERS AND SEAMEN.

The PRESIDING OFFICER laid before the Senate the joint resolution (S. R. 19) to extend to the officers, warrant officers, petty officers, seamen and others, and marines, of the United States Navy, the provisions of the joint resolution approved July 12, 1862, and the act approved March 3, 1863, and the joint resolution approved May 2, 1896, returned by the House of Representatives at the request of the Senate.

Mr. McMILLAN. A House bill on the same subject having passed the Senate, I move to reconsider the vote by which the Senate joint resolution was passed.

The motion to reconsider was agreed to.

Mr. McMILLAN. I move that the joint resolution be postponed indefinitely.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

REVENUE-CUTTER SERVICE.

Mr. FRYE. I should like very much to have the Senate consider the bill (S. 3903) to promote the efficiency of the Revenue-Cutter Service.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REDEMPTION OF CERTAIN REFUNDING CERTIFICATES.

The bill (H. R. 6258) to authorize the redemption and to limit the right of conversion of refunding certificate issued under authority of the act of February 26, 1879, was announced as the next business in order on the Calendar.

Mr. ALDRICH. By what committee was the bill reported?

The PRESIDING OFFICER. It was reported from the Committee on Finance.

Mr. ALLISON. The Senator from Indiana [Mr. TURPIE] reported the bill, and I think perhaps it may as well go over until he is present. I do not now remember the details of it. I ask that the bill go over without prejudice.

The PRESIDING OFFICER. The bill will go over without prejudice.

MRS. ELLEN SEXTON.

The bill (S. 2179) for the relief of Mrs. Ellen Sexton was announced as the next business in order on the Calendar.

The PRESIDING OFFICER. The Chair is informed that the bill has heretofore been read and considered as in Committee of the Whole.

Mr. PASCO. I should like to have the bill read.

Mr. ALLISON. Let it be read again.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill.

Mr. ALLISON. Which committee reported the bill?

The PRESIDING OFFICER. The Committee on Claims.

Mr. ALDRICH. Let the bill go over.

Mr. ALLISON. Without prejudice.

The PRESIDING OFFICER. The bill will go over without prejudice.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 1 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, May 2, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 29, 1898.

UNITED STATES CONSUL-GENERAL.

Samuel R. Gummeré, of New Jersey, to be consul-general of the United States at Tangier, Morocco, vice Frank C. Partridge, resigned.

UNITED STATES CONSUL.

Luther T. Ellsworth, of Ohio, to be consul of the United States at Puerto Cabello, Venezuela, vice Samuel Proskauer, resigned.

POSTMASTERS.

Charles G. Chamberlain, to be postmaster at Pacific Grove, in the county of Monterey and State of California, in the place of E. B. Daingerfield, whose commission expired April 5, 1898.

Shelley Inch, to be postmaster at Placerville, in the county of Eldorado and State of California, in the place of Andrew T. Culbertson, whose commission expires May 9, 1898.

John T. Lindley, to be postmaster at Ontario, in the county of San Bernardino and State of California, in the place of Frank E. Trask, whose commission expires May 9, 1898.

George A. Oakes, to be postmaster at Haywards, in the county of Alameda and State of California, in the place of John Obermuller, whose commission expired March 7, 1898.

Austin Young, to be postmaster at Randsburg, in the county of Kern and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

Maude Evans McLean, to be postmaster at Breckenridge, in the county of Summit and State of Colorado, in the place of G. H. Clarke, whose commission expired January 29, 1898. Through error she was nominated to the Senate and confirmed as Maud McLean.

Stephen A. Noyes, to be postmaster at Idaho Springs, in the county of Clear Creek and State of Colorado, in the place of C. A. Woodward, whose commission expires May 2, 1898.

Benjamin J. Maltby, to be postmaster at Northford, in the county of New Haven and State of Connecticut, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

Charles H. Rose, to be postmaster at Manchester, in the county of Hartford and State of Connecticut, in the place of C. I. Balch, whose commission expired April 7, 1898.

I. L. Trowbridge, to be postmaster at Naugatuck, in the county of New Haven and State of Connecticut, in the place of Thomas W. Ahern, whose commission expires May 3, 1898.

James H. Maull, to be postmaster at Georgetown, in the county of Sussex and State of Delaware, in the place of J. L. Thompson, whose commission expired April 7, 1898.

Charles W. Lewis, to be postmaster at Fernandina, in the county of Nassau and State of Florida, in the place of C. H. Leggett, whose commission expires May 15, 1898.

George J. Castle, to be postmaster at Carlinville, in the county of Macoupin and State of Illinois, in the place of V. H. Seigel, whose commission expired February 16, 1898.

Charles A. Coulter, to be postmaster at Lasalle, in the county of Lasalle and State of Illinois, in the place of Patrick Stuart, whose commission expired February 1, 1898.

David A. Courter, to be postmaster at Hinsdale, in the county of Dupage and State of Illinois, in the place of F. R. Irvine, whose commission expires May 29, 1898.

Levi W. Davison, to be postmaster at Earlville, in the county of Lasalle and State of Illinois, in the place of C. M. Snow, whose commission expired April 5, 1898.

Frederick W. Obermiller, to be postmaster at Mount Pulaski, in the county of Logan and State of Illinois, in the place of X. F. Beidler, whose commission expired April 11, 1898.

Edward C. Schumacher, to be postmaster at Bradley, in the county of Kankakee and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

P. C. Willoughby, to be postmaster at Anna, in the county of Union and State of Illinois, in the place of H. F. Bussey, whose commission expired February 16, 1898.

Silas D. Byram, to be postmaster at Liberty, in the county of Union and State of Indiana, in the place of John Lynch, whose commission expired April 17, 1898.

Frank C. Mosbaugh, to be postmaster at Cambridge City, in the county of Wayne and State of Indiana, in the place of Daniel Drischel, whose commission expired April 5, 1898.

Ewing Herbert, to be postmaster at Hiawatha, in the county of Brown and State of Kansas, in the place of John H. Meyer, whose commission expired April 18, 1898.

Henry F. Leib, to be postmaster at Oberlin, in the county of Decatur and State of Kansas, in the place of W. B. Mead, whose commission expired March 19, 1898.

D. E. McClelland, to be postmaster at Chanute, in the county of Neosho and State of Kansas, in the place of G. W. Farrelly, whose commission expired April 5, 1898.

William H. Harrison, to be postmaster at Flemingsburg, in the county of Fleming and State of Kentucky, in the place of Zelinda Ashton, removed.

James M. Wilson, to be postmaster at Falmouth, in the county of Pendleton and State of Kentucky, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

Newton H. Fogg, to be postmaster at Sanford, in the county of

York and State of Maine, in the place of H. E. Perkins, whose commission expired March 29, 1898.

Joseph W. Gary, to be postmaster at Caribou, in the county of Aroostook and State of Maine, in the place of M. A. Barrett, whose commission expired April 27, 1898.

D. K. Jewell, to be postmaster at Hallowell, in the county of Kennebec and State of Maine, in the place of P. H. Leighton, whose commission expired April 27, 1898.

H. C. Counaway, to be postmaster at Berlin, in the county of Worcester and State of Maryland, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

George G. Cook, to be postmaster at Milford, in the county of Worcester and State of Massachusetts, in the place of James Lally, jr., whose commission expires May 16, 1898.

William H. Foote, to be postmaster at Westfield, in the county of Hampden and State of Massachusetts, in the place of William Provin, whose commission expired March 15, 1898.

John H. Humphrey, to be postmaster at Athol Center, in the county of Worcester and State of Massachusetts, in the place of E. B. Horton, whose commission expired March 20, 1898.

George P. Smith, to be postmaster at Ipswich, in the county of Essex and State of Massachusetts, in the place of George A. Schofield, resigned.

Samuel Adams, to be postmaster at Bellaire, in the county of Antrim and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1898.

Charles H. Pulver, to be postmaster at Dundee, in the county of Monroe and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

John D. Smead, to be postmaster at Blissfield, in the county of Lenawee and State of Michigan, in the place of John Rentz, whose commission expired March 20, 1898.

Lewis P. Hunt, to be postmaster at Mankato, in the county of Blue Earth and State of Minnesota, in the place of John C. Wise, whose commission expires May 11, 1898.

Nels A. Lilyquist, to be postmaster at Winthrop, in the county of Sibley and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

James W. Brocaw, to be postmaster at Harrisonville, in the county of Cass and State of Missouri, in the place of R. S. Wooldridge, whose commission expired December 19, 1897. Through error Mr. Brocaw was nominated to the Senate and confirmed as J. C. Brocaw.

J. Porter Patton, to be postmaster at Monroe City, in the county of Monroe and State of Missouri, in the place of J. W. Johnston, whose commission expires May 9, 1898.

Joseph M. Phelps, to be postmaster at Centralia, in the county of Boone and State of Missouri, in the place of Jerry Bush, whose commission expired March 14, 1898.

John G. Richmond, to be postmaster at La Belle, in the county of Lewis and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1898.

Chester H. Smith, to be postmaster at Plattsmouth, in the county of Cass and State of Nebraska, in the place of W. K. Fox, whose commission expires May 5, 1898.

Horace French, to be postmaster at West Lebanon, in the county of Grafton and State of New Hampshire, in the place of Jennie B. Hosley, whose commission expires May 3, 1898.

F. E. Hoyt, to be postmaster at Milford, in the county of Hillsboro and State of New Hampshire, in the place of Edward Finerty, whose commission expired April 7, 1898.

William H. Foley, to be postmaster at Bordentown, in the county of Burlington and State of New Jersey, in the place of F. G. Wiese, whose commission expired April 7, 1898.

William B. R. Mason, to be postmaster at Bound Brook, in the county of Somerset and State of New Jersey, in the place of J. G. Smith, sr., whose commission expired April 7, 1898.

Furman L. Richardson, to be postmaster at Cape May, in the county of Cape May and State of New Jersey, in the place of J. W. Thompson, whose commission expired April 7, 1898.

Edwin P. Bouton, to be postmaster at Trumansburg, in the county of Tompkins and State of New York, in the place of J. T. Howe, whose commission expired March 28, 1898.

Albert P. Merriam, to be postmaster at Phœnix, in the county of Oswego and State of New York, in the place of F. K. Avery, whose commission expired February 12, 1898.

William N. Wallace, to be postmaster at Gowanda, in the county of Cattaraugus and State of New York, in the place of F. L. Mattocks, whose commission expired March 15, 1898.

Frank N. Webster, to be postmaster at Spencerport, in the county of Monroe and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

Dollie W. Garrett, to be postmaster at Henderson, in the county of Vance and State of North Carolina, in the place of William T. Cheatham, jr., whose commission expired March 23, 1898.

D. C. Bailey, to be postmaster at West Liberty, in the county of Logan and State of Ohio, in the place of Ben S. Leonard, whose commission expired March 5, 1898.

H. S. Enck, to be postmaster at Leipsic, in the county of Putnam and State of Ohio, in the place of W. W. Smith, whose commission expired April 17, 1898.

Tully McKinney, to be postmaster at Mechanicsburg, in the county of Champaign and State of Ohio, in the place of George H. Moody, whose commission expired April 17, 1898.

C. C. Marsh, to be postmaster at Shawnee, in the county of Perry and State of Ohio, in the place of J. L. Davis, whose commission expired April 17, 1898.

E. L. Vale, to be postmaster at Columbus Grove, in the county of Putnam and State of Ohio, in the place of P. K. Mapel, whose commission expired April 17, 1898.

Isaac N. Zearing, to be postmaster at Bellefontaine, in the county of Logan and State of Ohio, in the place of W. T. Haviland, whose commission expired April 17, 1898.

James D. Ames, to be postmaster at Hawley, in the county of Wayne and State of Pennsylvania, in the place of Patrick J. Langan, whose commission expired March 29, 1898.

John Grein, to be postmaster at Homestead, in the county of Allegheny and State of Pennsylvania, in the place of Charles Schmitt, whose commission expired March 29, 1898.

William Wirt Henderson, to be postmaster at Brookville, in the county of Jefferson and State of Pennsylvania, in the place of Walter Richards, whose commission expires May 5, 1898.

H. D. Patch, to be postmaster at Wilmerding, in the county of Allegheny and State of Pennsylvania, in the place of W. L. Hankey, whose commission expires May 9, 1898.

Charles E. Riggs, to be postmaster at Canton, in the county of Bradford and State of Pennsylvania, in the place of R. J. O'Donnell, whose commission expired March 29, 1898.

Frank G. Sairs, to be postmaster at Athens, in the county of Bradford and State of Pennsylvania, in the place of Nettie S. Johnson, whose commission expired March 19, 1898.

John D. Cotton, to be postmaster at Parker, in the county of Turner and State of South Dakota, in the place of B. H. Hurd, whose commission expires May 4, 1898.

George L. Fish, to be postmaster at Woonsocket, in the county of Sanborn and State of South Dakota, in the place of T. D. Samuels, whose commission expires May 4, 1898.

Frank S. Myers, to be postmaster at Redfield, in the county of Spink and State of South Dakota, in the place of T. E. Doyon, whose commission expired December 19, 1897.

Samuel Howerth, to be postmaster at Gallatin, in the county of Sumner and State of Tennessee, in the place of Ella Lewis, whose commission expires May 26, 1898.

Tyler Haswell, to be postmaster at Bryan, in the county of Brazos and State of Texas, in the place of A. W. Buchanan, whose commission expired February 14, 1898.

W. H. Webber, to be postmaster at Lampasas, in the county of Lampasas and State of Texas, in the place of T. H. Haynie, whose commission expired April 11, 1898.

Minnie A. Benton, to be postmaster at Saxtons River, in the county of Windham and State of Vermont, in the place of Helen I. Campbell, deceased.

James Ewart, to be postmaster at Colfax, in the county of Whitman and State of Washington, in the place of Oliver Hall, resigned.

B. C. Keller, to be postmaster at Port Angeles, in the county of Clallam and State of Washington, in the place of William F. Hooker, whose commission expired April 5, 1898.

Hattie H. Clarke, to be postmaster at Brodhead, in the county of Green and State of Wisconsin, in the place of Anna Kingman, whose commission expires May 4, 1898.

George R. Hall, to be postmaster at Oconto, in the county of Oconto and State of Wisconsin, in the place of L. S. Bailey, whose commission expired March 5, 1898.

W. A. Jones, to be postmaster at Oconomowoc, in the county of Waukesha and State of Wisconsin, in the place of C. W. Notbohm, whose commission expires May 28, 1898.

John Kellogg, to be postmaster at Reedsburg, in the county of Sauk and State of Wisconsin, in the place of H. C. Hunt, whose commission expires May 4, 1898.

Levi L. Odell, to be postmaster at Galesville, in the county of Trempealeau and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

Lewis S. Patrick, to be postmaster at Marinette, in the county of Marinette and State of Wisconsin, in the place of Joseph Fisher, whose commission expired March 19, 1898.

Elmer T. Beltz, to be postmaster at Laramie, in the county of Albany and State of Wyoming, in the place of Thomas J. Dayton, whose commission expired April 11, 1898.

PROMOTIONS IN THE ARMY.

To be additional second lieutenants—Corps of Engineers.

1. Cadet Frank C. Boggs, junior.
2. Cadet Clarke S. Smith.
3. Cadet William P. Wooten.
4. Cadet Lytle Brown.
5. Cadet Robert D. Kerr.
6. Cadet Earl I. Brown.
7. Cadet Amos A. Fries.

To be second lieutenants.

ARTILLERY ARM.

8. Cadet Manus McClosky.
9. Cadet John E. Stephens.
10. Cadet Thomas E. Merrill.
13. Cadet George A. Nugent.
14. Cadet William W. Hamilton.
16. Cadet William E. Cole.
17. Cadet Fox Conner.
18. Cadet Henry W. Butner.
20. Cadet Marcellus G. Spinks.
22. Cadet Jacob C. Johnson.
23. Cadet Henry L. Newbold.
30. Cadet Ernest D. Scott.

INFANTRY ARM.

11. Cadet Monroe C. Kerth.
12. Cadet Charles H. Munton.
15. Cadet Curtis W. Otwell.
19. Cadet Francis K. Meade.
21. Cadet Lambert W. Jordan, jr.
24. Cadet William F. Nesbitt.
25. Cadet James B. Gowen.
26. Cadet Harvey W. Miller.
27. Cadet Edwin D. Bricker.
28. Cadet Thomas F. Maginnis.
29. Cadet William W. Fiscus, jr.
31. Cadet Daniel G. Berry.
32. Cadet Edmund N. Benchley.
33. Cadet Malin Craig.
34. Cadet Harold Hammond.
35. Cadet Ralph E. Ingram.
36. Cadet Robert C. Davis.
37. Cadet Joseph F. Janda.
38. Cadet Alvan C. Read.
39. Cadet Ira C. Welborn.
40. Cadet Clarke Churchman.
41. Cadet David E. W. Lyle.
42. Cadet Alexander E. Williams.
43. Cadet Romulus F. Walton.
44. Cadet Charles W. Exton.
45. Cadet Guy V. Henry, jr.
46. Cadet Edward H. Martin.
47. Cadet Herbert A. Lafferty.
48. Cadet David P. Wheeler.
49. Cadet Conrad S. Babcock.
50. Cadet Edgar Ridenour.
51. Cadet Chauncey B. Humphrey.
52. Cadet Berkeley Enochs.
53. Cadet William L. Murphy.
54. Cadet Robert J. Maxey.
55. Cadet G. Maury Cral'é.
56. Cadet Joseph F. Gohn.
57. Cadet James H. Bradford, jr.
58. Cadet Wallace B. Scales.
59. Cadet David L. Stone.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 29, 1898.

COLLECTOR OF INTERNAL REVENUE.

Henry L. Hershey, of Pennsylvania, to be collector of internal revenue for the Ninth district of Pennsylvania.

REGISTER OF THE LAND OFFICE.

James King, of Boise, Idaho, to be register of the land office at Boise, Idaho.

PENSION AGENT.

Michael Kerwin, of New York, to be pension agent at New York, N. Y.

POSTMASTERS.

Elmer T. Beltz, to be postmaster at Laramie, in the county of Albany and State of Wyoming.

Eleanora Andrews, to be postmaster at Evansville, in the county of Rock and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 29, 1898.*

The House met at 12 o'clock noon. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

The SPEAKER. By order of the House, the House will now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 10100, to provide ways and means to meet war expenditures, and the gentleman from New York, Mr. SHERMAN, will take the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of House bill 10100, to provide ways and means to meet war expenditures, and in accordance with the previous order of the House the Clerk will read sections 27 and 28 of the bill.

The Clerk read as follows:

LOANS.

SEC. 27. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States the sum of $500,000,000, or so much thereof as may be necessary, and to prepare and issue therefor, at not less than par, coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of $50 or some multiple of that sum, redeemable in coin at the pleasure of the United State after ten years from the date of their issue, and payable twenty years from such date, and bearing interest payable quarterly in coin, at the rate of 3 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That the bonds authorized by this section shall be first offered as a popular loan under such regulations, to be prescribed by the Secretary of the Treasury, as will give opportunity to the citizens of the United States to participate in the subscriptions to such loan; and a sum not exceeding one-half of 1 per cent of the amount of the bonds herein authorized is hereby appropriated to pay the expense of preparing, advertising, issuing, and disposing of the same.

SEC. 28. That the Secretary of the Treasury is authorized to borrow from time to time, at the market rate of interest, not exceeding 3 per cent per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form as he may prescribe and in denominations of $50 or some multiple of that sum; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe: *Provided*, That the amount of such certificates outstanding shall at no time exceed $100,000,000; and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtedness authorized by this act.

Mr. MCMILLIN. I move to strike out section 27 and insert in lieu thereof the proposition of which I gave notice yesterday; that is, to insert in lieu of the bond proposition an income-tax proposition.

Mr. DINGLEY. As printed in the RECORD?

Mr. MCMILLIN. As printed in the RECORD, with this exception: The RECORD print fails to include two changes which I made. The first change strikes out $4,000 and inserts $2,000 as the amount of the exemption allowed, and the other change increases the rate of taxation on incomes from 2 per cent to 3 per cent.

The CHAIRMAN. The gentleman from Tennessee proposes to strike out section 27 and insert what the Clerk will read.

The Clerk read as follows:

SEC. 27. That from and after the 1st day of January, 1899, and for each succeeding year thereafter, there shall be assessed, levied, collected, and paid annually upon the gains, profits, and income received in the preceding calendar year by every citizen of the United States, whether residing at home or abroad, and every person residing therein, whether said gains, profits, or income be derived from any kind of property, rents, interest, dividends, or salaries, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever, a tax of 3 per cent on the amount so derived over and above $2,000, and a like tax shall be levied, collected, and paid annually upon the gains, profits, and income from all property owned and of every business, trade, or profession carried on in the United States by persons residing without the United States. And the tax herein provided for shall be assessed by the Commissioner of Internal Revenue and collected, and paid upon the gains, profits, and income for the year ending the 31st day of December next preceding the time for levying, collecting, and paying said tax.

The CHAIRMAN. Does the gentleman from Tennessee desire to discuss his amendment?

Mr. MCMILLIN. I do not at this time. I occupied yesterday rather more than my pro rata of time.

The CHAIRMAN. Then the Chair recognizes the gentleman from Massachusetts [Mr. WALKER] in opposition.

Mr. WALKER of Massachusetts. I desire to offer an amendment to section 27.

The CHAIRMAN. The gentleman has been recognized in opposition to the pending amendment.

Mr. WALKER of Massachusetts. I wish to offer an amendmend to section 27 as it stands.

The CHAIRMAN. An amendment is now pending; and while that is pending another amendment can not be offered except as an amendment to the amendment. The gentleman may have his proposition read as a portion of his remarks.

Mr. WALKER of Massachusetts. I want to be recognized on this question. If I may be indulged for a moment, let me say that we have now before us the great war measure of this war—

of more consequence than any other measure that will be presented here. And this most important measure is to be hurried through in this manner without being criticised or debated. I want to say to this House that the issuing of bonds in the manner here proposed will be approved of, as the gentleman on my right says, by the bankers of this country. But we are legislating for the people of the country [applause], and if this bill goes through with the bond provision in its present form, it will, in my judgment, cost this people from twenty to fifty millions more than if it goes through in proper form. I desire a chance to be heard upon this question, and heard upon the amendment which I wish to offer whenever it may be in order.

Mr. McMILLIN. I rise to a point of order.

Mr. DALZELL. I suggest to the Chair that an amendment to the section takes precedence of the motion of the gentleman from Tennessee [Mr. McMILLIN] to strike out the section and insert a substitute.

Mr. McMILLIN. While I am not engineering the proposition of the gentleman from Massachusetts, I was just going to say that my amendment is a substitute for section 27, and, that being so, an amendment to the original text is in order, my substitute still remaining pending.

The CHAIRMAN. The gentleman is correct. If he has offered a substitute, the amendment of the gentleman from Massachusetts is in order. It will be read.

The Clerk read as follows:

Mr. WALKER of Massachusetts moves to amend by striking out at the end of line 9, section 27, on page 44, the words "ten years from the" and all of lines 10 and 11 and the words "3 per cent per annum" and inserting the following words:

"One year from the date of their issue and upon the expiration of three years, or bonds payable after three years and upon the expiration of seven years, or bonds due on a certain day within three years from the date of such bonds, as the Secretary of the Treasury may elect, such bonds to bear interest at a rate not exceeding 3 per cent per annum."

Mr. WALKER of Massachusetts. Mr. Chairman, I am probably the only Republican who (from any indications I have had) proposes to take issue with this bill, or at least with two or three sections of it. As I have had no opportunity to discuss this measure in the general debate, I ask that I may now be allowed by general consent to proceed for fifteen minutes. I think the House will recognize that I am justified in this request.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed without interruption for fifteen minutes. Is there objection? The Chair hears none, and it is so ordered.

Mr. WALKER of Massachusetts. Mr. Chairman, I want to call the attention of the House to the fact that we have bonds coming due in 1904 to the amount of $100,000,000, and in 1907 to the amount of $559,640,650. It is now proposed to issue bonds to the amount of $500,000,000 more, to become due in 1908. It is thus proposed to crowd the payment of all these $1,100,000,000 bonds into two years.

It is proposed, furthermore, that we raise $100,000,000 of revenue not needed to carry on this Government in ordinary times. It is hoped that this war will not continue more than a few months. Certainly there is no probability that it will last more than two or three years. What are you going to do with your $100,000,000 of increased revenue? Unless this $100,000,000, mounting up possibly to four, five, and six hundred millions, is deposited by the Secretary of the Treasury in the banks of this country where it can be used by the people it will wreck the financial system, and by the Committee on Ways and Means. [Laughter and applause.] And the chairman of that committee knows it, if he will consider this proposition.

What are you going to do with this surplus revenue after the war closes? I ask the second member on the committee [Mr. PAYNE], or the gentleman from Pennsylvania [Mr. DALZELL], Will you meet this question, or will you not? Has it come to this—that when the Committee on Ways and Means presents a proposition to this House, we must follow that committee like sheep and vote for the proposition, right or wrong? [Applause.] I hope there will be no applause—not a sound. I am speaking to the bill. It is too great and serious a matter to be trifled with, even by applause.

A MEMBER. Well, you need not expect any on this side.

Mr. WALKER of Massachusetts. Have we ceased to be led? It has been proclaimed by a very able and honest and impartial and distinguished gentleman I admire above any man in the country that this House has ceased to be a deliberative body. Is it true that we have also ceased to be a legislative body? Shall we cease to be led and be commanded? Are we to be punched up in line by saber from behind and slapped on the stomach in front and wheeled into any line that may suit the powers that be? [Laughter.] I ask whether the members of this House are to be warped and swayed from their judgment in their action in great legislative enactments by anything of that kind? It is a shame that on this great measure we can not have even a reasonable time for debate.

I say now that this measure ought not to be voted upon until next Monday at 4 o'clock. That would give us a little time for fair debate. Shall we pass it to-day and send it over to the other end of the Capitol, to be kicked about there for two, three, or six months? Had we not better take time to discuss this most important of war measures?

Mr. Chairman, with the amendment proposed by myself the Secretary of the Treasury can issue his bonds so as to have them become due from 1908 on, an equal amount each year, and we will pay them from that date in equal amount until 1908 if we choose. With the bonds we now have due in 1907, in connection with those that become due in 1904, he can take his own time for their payment, according to the provisions of the amendment, refunding as many as necessary. Is not that common business sense? Is there a business man on the floor of the House who would make all of his notes come due on the same day—$100,000,000 in 1904; $559,000,000 in 1907; $500,000,000 in 1908? Would he not average the amount over each year of the ten? And yet to pay them we are to have an income of $100,000,000 a year between those years——

Mr. CANNON. Will the gentleman allow an interruption?

Mr. WALKER of Massachusetts. Certainly.

Mr. CANNON. As I understand this bill, it is a proposition to issue a ten-twenty-year bond, which bond can be paid by the Government after ten years—in 1908—if it so desires, and then, if it does not choose to pay them at that time, can pay them at any time within the next ten years thereafter. Is that not a fact?

Mr. WALKER of Massachusetts. Certainly. But what will you do with the hundred million dollars of revenue that you are receiving all the time between now and 1908?

Mr. CANNON. I will answer the gentleman from Massachusetts, as I understand it, because I am seeking for information, as no doubt the gentleman himself is. I understand, in the first place, that we have entered upon a war. I understand, in the second place, that this bill is calculated to raise an annual revenue of about $100,000,000. In 1904 you will have $100,000,000 to pay, in 1907 in the neighborhood of $600,000,000 to pay, without counting the intervening obligations. I understand, in the third place, when the war ceases, that it will be the duty of the general Congress to immediately—when we have no longer need for these revenues—to repeal the law. [Applause.] That is what I understand.

Mr. WALKER of Massachusetts. I am glad the gentleman has made the suggestion, and thank him for it. The proposition of the gentleman, or his suggestion, is in accord with the action we have seen on the floor of various members of this House, who have attempted to make it impossible for us to pay the honest debts of the Government to our own citizens, upon the ground that we have not sufficient revenue, and I think the gentleman himself was one of the opponents of such payments.

Mr. CANNON. Well, Mr. Chairman, we will discuss the question of claims when they are up for consideration. But when the question of the prosecution of this war is up, let us drop all other questions and devote our entire consideration to that. The gentleman and myself, as he knows, will not agree about these claims.

Mr. WALKER of Massachusetts. Then let us make, like sensible men, proper provision for the pending war.

I want to say to the chairman of the Committee on Appropriations that the people of the United States will never consent to repeal a solitary one of these taxes until we have paid the last dollar of the honest private claims due the citizens of this country and until we have paid every dollar of the bonds which have been issued and are due by the Government of the United States because of this war. [Applause on the Democratic side.]

Mr. CANNON. Will the gentleman allow me?

Mr. WALKER of Massachusetts. If you will extend my time, I would be very glad to yield to the gentleman for any colloquy.

Mr. CANNON. I have no objection to any extension the gentleman may want. But I suggest that there is not a man here who is in favor of voting for the legislation now pending who supposes that it will be intended as a revenue devoted to the purpose of paying private claims or anything else of that kind.

It is strictly and exclusively a war-revenue matter. I can not, therefore, agree with the gentleman in respect to his criticism of myself or the committee.

Mr. WALKER of Massachusetts. I am in favor of such legislation as will pay the last dollar that the war costs before it is repealed. I do not mean to refuse to the Government anything that is necessary in that regard. For the purpose of fighting the war, a system of taxation; and when peace is declared, instead of repealing that law it is our purpose to allow it to remain permanently upon the statute books until the last dollar of war debt is paid.

I want to say to the chairman of the Committee on Appropriations as well as to the chairman of the Committee on Ways and Means that the Government and the finances of the Government and the principles of taxation vary absolutely and differ absolutely

from those provided for the conduct of private citizens in income and expenditure.

Every dollar of interest that we continue is a tax on the people to pay, and unavoidably so, as there is no possible way for the Government to recoup it; but a private citizen can invest his surplus funds and use them in his business or lend them. You will find when you get on the stump after this war closes that you have got to meet this proposition of selling long-time high-interest bonds. When the Government allows a debt to stand for a single moment it becomes an additional burden of taxation on the people, as I will show you, but which the Secretary of the Treasury that we now have does not seem to realize. He fixes his eyes upon selling a given amount of bonds.

Mr. JOHNSON of Indiana. Will the gentleman permit me one question?

Mr. WALKER of Massachusetts. I will.

Mr. JOHNSON of Indiana. Does the gentleman think that the taxes levied by this bill are in excess of what will be necessary to prosecute the war?

Mr. WALKER of Massachusetts. Not at all; and I would make the total amount more rather than less; but I want the taxes so collected, and used to pay the debts of the Government as fast as they are collected, precisely as a private person would do, and not to put into the banks, to which the people object, or store them in the Treasury, a hundred millions a year, until it amounts to five or six hundred million dollars, disorganizing our whole financial system.

Mr. JOHNSON of Indiana. Where does the gentleman expect that money which is to be laid up to come from—the sale of the bonds?

Mr. WALKER of Massachusetts. Not at all. We have got to sell our bonds to run the war, but when the war closes we will have a hundred millions of revenue surplus per annum over what should be used in the meeting of the ordinary expenses of the Government, and that should at once be applied to the payment of the war bonds.

Mr. JOHNSON of Indiana. The point I am trying to get at is, where is this surplus to come from that the gentleman thinks is to be laid up?

Mr. WALKER of Massachusetts. The chairman of the committee on Ways and Means says this bill will produce a hundred millions per annum of revenue more than we need for ordinary expenses. That is where it is to come from.

Mr. JOHNSON of Indiana. Well, but I ask the gentleman——

Mr. WALKER of Massachusetts. Now, please let me go along, for my time is running.

Mr. Chairman, I want to call your attention to this, in illustration of what I say. From 1888 to 1891 this Government paid $361,686,065.02 of the bonded debt of the United States. Why? Because they must get surplus Treasury money into circulation, or it would have ruined our financial system. What did it cost to do that? It cost $56,268,649.78 in premiums on these bonds bought that went into the pockets of the bondholders, and the chairman of the Committee on Ways and Means, and the chairman of the Appropriations Committee now propose in this bill to repeat that experience over again.

Furthermore, let me say, Mr. Chairman, that the bonds that were sold in the last Administration, when the credit of the Government was at its lowest point, were sold under conditions which those who bought the bonds took into consideration, the same as money lenders do, justly and properly, and will in war times. I am not criticising them at all. But when we put out this large amount of bonds in war times we shall sell them at about par at 3 per cent. For the bonds that we put out under the last Administration, the face value of which was $262,315,400, we received $293,388,040.33, and the bondholders had in their pockets, had they sold their bonds on January 1, 1898, a clear profit of between $40,000,000 and $45,000,000, $40,812,817 at the least.

That is precisely what the chairman of the Committee on Ways and Means and the chairman of the Committee on Appropriations are inducing this House to do again. Rates of interest paid does not always indicate wisdom. A government had better pay 6 per cent for two years and then pay its debt than 3 per cent for five years and then pay. I submit that as a proposition to be acted upon and to be approved by this House; this bond feature is not justified at all. In 1889 our bonds sold to pay an income of only 2.09 per cent; in the three years, 1887, 1888, and 1889, of 2.29 per cent; in the eight years from 1883 to 1892, of 2.46 per cent. Within a year after the war closes we can refund our debts at 2½ per cent interest or less. Mr. Chairman, I want to say a word with reference to the Secretary of the Treasury. It is assumed that after having secured the approval of the Secretary of the Treasury we must obey and vote these bonds. Why, I saw a letter of the Secretary of the Treasury the other day approving a financial scheme drawn by an eminent citizen which I know if it were enacted into law would make a crisis in this country compared to which the crisis of 1893 was as a morning zephyr to a Western cyclone. [Laughter.]

Mr. GAINES. Will the gentleman tell us what it was?

Mr. WALKER of Massachusetts. No, sir; it is nothing that concerns this House—now at any rate.

Mr. Chairman, I want to say furthermore that the Secretary of the Treasury came before the Committee on Banking and Currency and made a statement with reference to the exchanging of certain bonds. To read the whole thing would be quite amusing to this House—the questions I asked him and the answers he gave. And when he got through asserting that there would not be a dollar more of total taxes collected and total principal and interest paid, and when I told him it could not possibly be so, he thought I was an exceedingly ignorant fellow who was hardly worthy of his consideration, as he waived me aside with a very gentle——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALKER of Massachusetts. I ask that I may continue for a few minutes.

Mr. HARTMAN. I ask unanimous consent that the gentleman have ten minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Massachusetts have ten minutes more. Is there objection?

Mr. HILL. I object if the attack on the Secretary of the Treasury is to be continued.

The CHAIRMAN. Is there objection?

Mr. HILL. I do not object if the gentleman wishes to discuss the bill.

The CHAIRMAN. Is there objection?

Mr. WALKER of Massachusetts. I propose to discuss this bill.

The CHAIRMAN. The Chair hears no objection.

Mr. WALKER of Massachusetts. Mr. Chairman, when it came to be investigated he was found to be $74,000,000 out of the way, as his proposition would have increased the public debt in interest and principal $74,000,000. Now, I have this to say of him: That in my judgment no man ever sat in the office of the Secretary of the Treasury that administered the Treasury of these United States with any more safety and ability than the man who now sits in the Treasury Department of the Government, but I want to say further that I have never seen a man in that high office that would give his opinions offhand on important measures so carelessly as the present Secretary of the Treasury. [Laughter and applause.]

The plain people do not object to taxation. The wage earners are entirely willing to pay fair taxes. I have had a little experience in trying to save money in salaries in the legislature of the State of Massachusetts, to save people from taxation, and in every case I have met the condemnation of the rank and file of the party and the people. What the people demand is work, work, work, and when necessary for the administration of the Government, the necessary taxation. The generosity, the public spirit, the patriotism of the masses of the people increase as you go down from the top, from beginning at the most wealthy until you get to the honest, industrious men at the bottom; and you will find the men at the bottom most free to sacrifice their lives, if the nation needs it, and their substance, if the nation needs it, to the town, the county, the State, or the nation.

We ought not to accept this bill as it is; and I hope it will be recommitted—recommitted to the committee, which I shall vote for when the motion is made. Every Republican ought to vote to recommit, that it may be perfected on proper lines. We have no right to put in any bill the most vexatious and perplexing and annoying tax that could be devised. How will this bill work all throughout the sparsely settled South and Northwest and the agricultural sections of this country? How will it work to the common people? A man wants to give his note to his neighbor, and before he can give a note he has to go 10 miles to get a stamp. Our farmers and our mechanics can not go about the country carrying an assorted lot of stamps in their pockets ready to put on notes, receipts, etc. Tax the rich. The rich do not object to taxation any more than the poor. Put the tax where they will be bound to pay; but do not make a tax that will be an annoyance.

Ah! but the chairman of the Committee on Ways and Means [Mr. DINGLEY], and probably the chairman of the Committee on Appropriations [Mr. CANNON], says: "The banks and corporations will print the stamps on their checks and other legal papers." Certainly; and about two-thirds of the tax will be collected without especial annoyance; but the other third will to collected with an annoyance such as no legislative body has a moral right to put on the people. The principles on which this Government are founded are constantly ignored, viz, that "a wrong to the meanest citizen is an injury to the whole community." Have we got to annoy and to invalidate legal instruments and cause excessive and unnecessary loss to a large number of men comparatively poor in order to get the necessary amount of taxes? We ought to

put a tax on tea and coffee. The people would hail with approval the putting of a war tax on tea and coffee; and I am told that it would yield $27,000,000. We ought to pass the Loud bill, and save anywhere from $6,000,000 to $12,000,000 by that bill. [Laughter and applause.]

I would like to ask the chairman of the Committee on Ways and Means if they considered that bill and the saving of that amount of money in the expenditures? I was told when a boy that a penny saved was a penny earned. I think it is true now, and I would like to ask the chairman of the committee if he has gone over the expenses of this Government to see if we can not save a few millions here and a few millions there. Why not put an import duty on silks, and the same duty on all manufactures of silks? Silk is manufactured in large establishments in a few localities, and it could be very easily done. Why not tax luxuries instead of these taxes of annoyance? [Applause on the Democratic side.] We want the work done, and we ought to pay the taxes. All over this country men will have to throw away all the blank money-instrument books they have, all the check books, etc.

I wish to say that I want to vote for this bill. There is no man who wants to vote for it more than I; but when the end comes the people will want to know why we provided long-time bonds. The people will want to know why we repealed these taxes, if we do repeal them before the war bonds are paid, rather than pay the bonds; and when the people ask us why we issued these long-time bonds in such a manner as to compel us to repeal this tax law before they could be paid, when we go upon the stump and we undertake to answer them, what are you going to say about it? I want to say that nearly all the people of this country demand that these taxes be levied and that they be kept on until the last dollar of the bonds of this war and of the country are paid; and I am with them.

Mr. GRIGGS. Will the gentleman allow me to ask him a question?

Mr. WALKER of Massachusetts. Yes, certainly.

Mr. GRIGGS. Has the gentleman's attention been called to the fact that this bill will cost every cotton farmer of the South 25 cents on every cotton bale?

Mr. SLAYDEN. That is 1 per cent.

Mr. GRIGGS. It will cost them $3,500,000 on a crop of 10,000,000 bales.

Mr. WALKER of Massachusetts. No; it is impossible for me to say what it will cost. A few features were so objectionable I have not analyzed it all the way through. [Laughter and applause.]

[Mr. TODD addressed the committee. See Appendix.]

Mr. SMITH of Arizona. Mr. Chairman, the war with Spain is at last upon us and the sinews of war must be instantly provided. Let us not, in the enthusiasm of our praiseworthy patriotism, however, rush blindly into legislation which will soon turn to our discomfiture and dismay. Let us not, under pretense of freeing the Island of Cuba, further enslave the producing classes of our own beloved land. There is little in the present measure that commends itself either to my judgment or my sympathy.

The limited time allotted me prevents an analysis of the bill at this time. Of it generally it is enough to say that it is ill advised, sectional, uneven in its burdens, and unlimited in its reign of terror. In the masquerade of a patriotic war measure Shylock's voice is heard in every sentence, and "long, felonious fingers" are reaching through it into the "pockets of posterity."

The majority of the Ways and Means Committee, in preparing this revenue bill among themselves, seem to have had an ear attentive to the popular demand for war, while both hands were active in forging chains with which to manacle our working classes in times of peace. There is neither patriotism, sense, nor judgment in issuing at this time the enormous interest-bearing debt of $500,000,000, or any part of that sum.

The boasted high-protection Dingley bill did not and could not raise sufficient revenue to meet the ordinary and current demands of the Government in time of peace, and you are taking advantage of war conditions to impose under false pretense an enormous tax, which more temperate tariff burdens would have avoided, to pay war expenses and meet at the same time our daily required payments.

As another excuse for issuing these bonds the chairman of the Ways and Means Committee, in explaining the measure, attempted to show and did assert that our Treasury was virtually bankrupt. The Treasury is not bankrupt, as I shall presently show; but even if it were, that circumstance would not justify this cruel tax. Mr. DOCKERY, of Missouri, an able and experienced member of the Committee on Appropriations, in answer to the gentleman from Maine [Mr. DINGLEY], clearly showed to this House, and boldly challenged contradiction, that the Treasury had, aside from the one-hundred-million gold reserve, over $75,000,000 ready on demand to meet extraordinary expenses.

In addition to this the Treasury holds, in round numbers, forty-five million in silver bullion on which certificates could easily issue. There being no other crying need in a war with Spain for the one-hundred-million gold reserve, this sum could easily be used as a further exigency asset, thus giving two hundred and twenty million ready in the Treasury for instant use. No man on this floor during this whole debate has ever dared estimate our war expenses at any sum above twenty-five million per month. The sum on hand, as I have shown, would easily pay all expenses of war up to the 1st day of November next. Your present bill, aside from the bond issue, it is estimated, will produce one hundred million a year.

From now till November, then, it should bring into the Treasury an additional fifty million, which would conduct the war with all necessary means to the 1st of January, 1899. Then, I ask, Mr. Speaker, what, in the name of all the heathen gods, do we want to issue any bonds at this time for? Congress meets in regular session the 1st of December next, and could then, if war continued, make proper provision for its energetic prosecution.

Mr. Chairman, in this holiest war of all time, I would not lay a straw in the way of our Army or Navy. I glory that my country is willing to endure another baptism of blood that this continent may be free from Spanish oppression or European control. I would give every dollar necessary to our valiant volunteers, our Army, and our Navy, that our flag might be upheld and our national honor maintained. These inspiring sentiments entertained by us all and doing honor to us all is being, it seems to me, used as dazzling light to blind our eyes to the future effect of this proposed legislation on our own country and the future prosperity of its people.

In this rapid succession of events and amid the whirl of war preparation let us pause long enough to get our bearings. What obligations are we assuming? You propose in the bill now under consideration to issue $500,000,000 in interest-bearing bonds. You have already appropriated $50,000,000, and the internal-revenue taxes provided for will reach, as estimated, one hundred million more each year, and this makes a grand total of $650,000,000 provided for at one session of Congress, the full half of which is unnecessary except for purposes which, with your patient indulgence, I will attempt to unearth and examine.

Did you notice how slow our Republican friends were in taking action in the Cuban matter? All the powers of earth and air and sea could not get a move on them. They refused for a year to permit a vote on Cuban belligerency and prevented as long as they could a vote on Cuban independence, and when, finally, under a question of privilege, Mr. BAILEY, of Texas, offered a resolution declaring the independence of Cuba it was ruled out of order by the Speaker. An appeal from the decision of the Chair was promptly made, and the question of recognition of Cuban independence depended on whether the ruling of the Chair should be sustained.

The Republican side, with a few honorable exceptions, voted with the Speaker, and Cuban independence was defeated. War is somewhat dangerous to trade and commerce. The money power, intrenched as it now is in this country, can get along well enough in time of peace. That power was interested in maintaining peace, and peace prevailed. The pride of our Navy was foully blown to death in the peaceful harbor of Havana, and peace was so much desired by the Administration that it was actually treated as a mere incident, accident, or side issue. How your tears flowed for Cuba, while your peaceful hands were folded over the few remaining Government bonds unpaid. You wondered what effect war would have on their sale, while your lamentations over your suffering neighbors were launched toward heaven.

I hate hypocrisy and double dealing. Why do you not come out from your cover like men and meet the minority in open, plain, truthful debate? Why do you not tell us plainly the real reason for asking six hundred million taxation to defray the expense of less than a three hundred million war? You never consented to war until humanity and patriotism, outraged at your homes, began shaking your seats beneath you here.

When driven by those to whom you look for future preferment, and forced on by the patriotic minority to some proper action in the line of Cuban freedom and humane, civilized warfare on that island, you seem to have taken counsel of the power that put you here, you seem to have advised with the money sharks, stock gamblers, bond syndicates, and devised ways and means for waging war and at the same time protect the "money interest" and the "sound business principles" and the "prosperity" of this set of Molochs who would barter patriotism for pelf and sell their country's honor for gold.

In obedience to the interest, if not at the command, of these public plunderers, you consent to issue, and over our protest you will authorize the issuance of five hundred millions of 3 per cent 10-20 bonds. This gives a safe harbor in which capital may anchor. It makes all the stronger those ties which, during the whole of your unhallowed ministry, have bound this country in partnership with favored private interest and pushed farther

from our hope the ideal of our fathers, who attempted to frame and thought they had built a government of equal rights and privileges to all under the law—a government, in fact, of the people, by the people, and for the people. I had, in my view of present conditions confronting my country, as soon pay tribute to foreign power as to any domestic syndicate.

The danger to this Republic lies right here. You levy an imposition on the people that the bondholder may prosper and withhold, by refusing to use means clearly in your reach, the proper amount of money to transact, under most favored conditions, the ordinary business of life. You thus double the wealth of one and the poverty of the other and draw a broad, dangerous line between classes in this country. Let me appeal to you, my countrymen, in the voice of patriotism, to avoid this wicked legislation. There are at hand so many easier, better, and quicker means of raising the necessary revenue, and no brood of ills and woes and heavy burdens will follow in their train.

Our first duty now is to strike out of this bill the whole section providing for the issuance of interest-bearing bonds and pass in lieu thereof an income-tax law. Ah, but you gentlemen on the other side seem to fear such tax. Did you ever notice how easy it is to frame a bill laying taxes on the poor, and at the same time the most experienced statesmen, erudite lawyers, and able legislators are unable to draft a bill or suggest a means reaching the income of the rich.

For a hundred years the Supreme Court held an income tax constitutional. It remained for the Supreme Court as then constituted, only a few short years ago, by a bare majority of one to declare such law unconstitutional. This last decision is at variance with all other decisions of that court on that question and is in direct conflict with sound principles of judicial reasoning. I will not here attempt an analysis of this decision or make an effort to expose its error.

The masterly argument of the gentleman from Texas [Mr. BAILEY] has made clear the fallacy of reason adopted in that decision, and has made equally clear to us all the wisdom of again forcing another and better—yes, a correct—decision of this most important question. The personnel of that court has changed since that decision. There are two new judges on the bench. The case was decided by a majority of 1. The people still have hope, if you will only have patriotism and courage. We submit an income tax to you instead of a bonded debt.

Not one of you will dare attempt to meet us in debate upon the merits of the amendment, which is simply a right to tax the rich as well as the poor, or, as said by Mr. NORTON of Ohio, "to impose a burden on the champagne of Shylock as well as on the beer and tobacco of the people." This you meet with sneers, and cry, "Pray, let us be manly; let us issue bonds." Bonds it will be. You have already settled that—settled it, probably, before war was declared. It was probably necessary to settle with the money kings in order that you would heed the people's demand that you free Cuba and avenge the *Maine*. It was probably the condition paramount on which you were permitted to vote for war.

When we present to you an income-tax amendment, you cry out "we need money right away;" "the court will decide the amendment unconstitutional," and "we will receive no revenue from it." When we offer to coin the silver in the Treasury or to issue certificates on the unpledged silver, you say it is money issued on nothing and is worthless, as there is no value in seigniorage, and no such thing as silver seigniorage. When we offer, as we do offer, to issue one hundred and fifty million Treasury legal-tender notes, in holy horror you scream "inflation," "inflation," and begin at once to paint a doleful picture of poor people suffering from having too much money.

Your ways and ours are different. We believe in issuing in emergency cases like this money instead of debts. We do not fear your cry of "inflation" and "cheap money." Money had better be a little cheap than to be so dear as to become unattainable. The issue of even $200,000,000 instead of doing injury would really benefit the whole country, encourage trade, foster enterprise, and put new life in every branch of legitimate business. No war was ever fought, and no great war will ever be successfully fought, as you are trying to fight this—on the gold basis.

But I refuse to permit myself to be led now into the question of free-silver coinage, no matter how great my temptation is, to reveal the danger which besets our country from the constant contraction of the circulating medium. It is enough here for me to know that with you if you will, but without you if you will not, we will in the beginning of the near century elect an Executive and a Congress that will restore the money under which the expiring century so auspiciously started our Republic on its grand march of triumph. With free coinage of silver and gold alike the Government can safely issue many hundred millions of dollars, with redemption promised in coin—easily enough can thus be issued to carry this war to a speedy and final victory for our side.

The whole inspiration of the proposed bond issue is to make somebody—yes, nearly everybody—pay heavy taxes in the way of interest for the benefit of the few who neither sow nor spin. As I have attempted to show that the bonds are not necessary, I will beg your indulgence to the consideration of certain facts which will convince any reasonable man of our ability to issue coin notes and keep them at par with the best money in the world. My attention has been called to the facts by the able speech of the Hon. W. C. JONES, of Washington, one of the ablest free-silver Republican bimetallists in public life. He lays down the undeniable premise that the amount of money necessary to any people is dependent on the business energy of that people, or, in other words, the producing and consuming power of a people measures the money necessary to the exchanges involved in their business.

An intelligent answer to the question how much silver, or paper based on silver, could we use, makes it necessary first to inquire into the volume of business transacted by us compared with the volume of business in the other parts of the world. It is evident, however, that the power of any nation to create a demand for money is measured by the volume of business transacted by the people of that country. The Hon. THOMAS B. REED, of Maine, present Speaker of this House, and in my opinion far the ablest Republican living to-day, on February 1, 1894, made a speech in Congress and presented the comparison thus:

> We produce one-third and the rest of the world, England included, two-thirds. The population of the world is 1,500,000,000, of which we have 70,000,000, which leaves 1,430,000,000 for the rest of mankind. We use all our manufactures, or the equivalent of them. Hence we are equal to one-half the whole globe outside of ourselves, England included, and, compared as a market with the rest of the world, our population is equal to about 700,000,000. I repeat, as compared with England herself as a market our people are equivalent to 175,000,000. As compared with the rest of the world, England included, we are equal as a market to 700,000,000. These figures more than justify the adjectives of the Englishman, and the cold facts of mathematics surpass the spasms of rhetoric.

This same Mulhall cited by Mr. REED presented to Public Opinion, in issue of June 6, 1895, an article measuring the nations by the number of foot-tons of effective energy daily devoted to the creation of wealth, and these are his figures:

United States	120,300,000,000
Great Britain	66,110,000,000
Germany	45,580,000,000
France	34,580,000,000
Austria	22,510,000,000
Italy	11,300,000,000
Spain	10,640,000,000

Measured in this way, twelve Spains would lack a fraction of equaling the United States in energy and productive power, and, of course, in demand for money to transact its business. How many Indias would it take to equal us, yet she alone by closing her mints caused silver to drop 17 cents in four days.

Mulhall further says, in comparing the productive power of different nations:

> An ordinary farm hand in the United States raises as much grain as three in England, four in France, five in Germany, or six in Austria, which shows that an enormous waste of labor occurs in Europe, because farmers are not possessed of the same mechanical appliances as in the United States.

And in commenting on these figures Mr. JONES, of Washington, in the Chicago Record, said:

> It takes six times as much money to handle the product of an American farm hand as that of the same kind of laborer in Austria. How many in India? And still our sages talk about per capita circulation as though the number of people in a country measured the amount of money required in the transaction of its business. If the United States were inhabited by 70,000,000 aborigines, instead of 70,000,000 progressive, industrious, intelligent, and civilized people, a gold circulation of $20 per capita instead of meaning an increase of business would mean that every redskin, papoose and all, would have a $10 gold piece hanging from each ear.
>
> Let my gold-standard friend consult the World's Almanac for 1895, or any other standard authority, and he will see that the people of this country produce the following proportion of the world's product:

	Per cent.		Per cent.
Cotton	64.00	Iron ore	28.00
Copper	40.00	Pig iron	35.19
Lead	35.00	Steel	38.47

> Nay, let him study one of the books his children use in school (Rand & McNally's Grammar-School Geography, last edition) and he may possibly realize how much better informed his children are than himself. On page 61 he will find the following:
>
> "The wonderful prosperity of the United States and the importance of its domestic commerce are indicated by the following facts: With one-twentieth of the population of the earth, it consumes one-fifth of the earth's entire production of sugar, three-tenths of its coffee, one-third of its iron, one-third of its steel, three-tenths of its copper, one-third of its lead, one-fourth of its cotton, one-third of its wool, one-third of its rubber, three-fifths of its coal, and one-half of its tin. The tonnage which passes through the Detroit River during the eight months of the year when it is clear of ice is greater by millions of tons than the entire clearances from the two greatest ocean ports of the world—London and Liverpool—during the whole year.
>
> "The American railroads transport annually about 620,000,000 tons of merchandise, valued at nearly $14,000,000,000. Each year this country produces and consumes five times as much manufactured material as Great Britain makes and exports to all the world. The entire exports of Great Britain, whose foreign commerce is greater than that of any other nation, amount to less than half of the domestic commerce which crosses the Apalachian Mountain system."
>
> But production and consumption do not alone measure the volume of a people's business. Where producer and consumer are neighbors, their exchange of commodities can be effected with comparatively little money. Not so when they are thousands of miles apart. The money needed to reduce their products to a common denomination is in use a considerable length of time, and freight and insurance in transitu demand a large addition to first

cost. This increased demand is measured approximately by the transportation of a country. Mr. Chauncey Depew presented this feature of the case in a recent speech as follows:

"The whole of the tonnage on the oceans of the world last year was about 140,000,000 tons, while the tonnage of the railways of the world carried 100 miles was about 1,400,000,000 tons. There are 400,000 miles of railroad in the world, of which 180,000 are in the United States. Of the 1,400,000,000 tons carried 100 miles last year on the railways of the world, 800,000,000 tons were carried by the railways of the United States. You take the 600,000,000 tons carried 100 miles on the railways of the world outside of the United States, and then you add to it 140,000,000 carried on the ocean in the commerce of the world upon the seas, and we still have in the 800,000,000 tons carried on the railways of the United States 60,000,000 tons more than on all railways of the world outside of the United States and in all the ocean commerce of the world put together. This internal commerce of the United States makes it the most wonderful market on the globe."

In the face of these facts, can our opponents say we are lunatics for asserting that this country transacts one-half as much business as all the rest of the world combined, or that we are capable of giving employment to one-third of the world's standard money? And will they explain to us why a nation which transacts one-third of the world's business can not sustain and employ one-third of the world's silver without embarrassment?

In view of these facts, why do we stand hesitating and doubting our ability to use all the silver we can mine, all the gold we can get, and maintain our paper money at par? This war, with the frightful horrors which may attend it, will be an unmeasured blessing to our country if, perchance, through it we break away from the single gold standard, release the grip of corporate greed from the throats of the people, and restore our finances as well as our patriotism to the purity of our earlier days.

I sincerely hope no Democrat or Populist or Silver Republican will vote for the bond issue of this bill. All who do it will one day regret it when they see, as they will see, its effects when peace shall be restored. The provision is more in the interest of banks than it is in the requirements of patriotism. The many will pay; the few will receive.

We offer our lives, our treasure, as a freewill offering to our country's call, but we demand that our patriotism be not trampled under foot at the demand of greed. In giving Cuba independence, let us ourselves break away from financial slavery, and in the happy hour of that victory which awaits our arms on sea and land let our people rejoice with exceeding joy at their liberation from conditions which have well-nigh bound them hand and foot. [Applause.]

Mr. MOON. Mr. Chairman, we have the history of no century of time in which the common people, ever in love by nature with freedom, have not appealed to arms that human rights might be respected and liberty enthroned in the seat of despotic power. From century to century this mighty struggle has gone on, and the star of human hope has alternately arisen and gone down in darkness until it was at last forever fixed in righteousness over the great Republic of the West.

This Republic was called into existence that truth, liberty, and justice might never pass away and hope never die in the bosom of enthralled nations. Taught by the lessons that corrupt and tottering empires, kingdoms, and republics had impressed, the fathers laid deep the foundation of this Government on the rocks of eternal justice. Impartial law, commanding uniformity and equality in taxation as the only safe means of defense against slavery, was charged with the guardianship of human rights. Standing alone in the world as the champion of liberty and protesting against the divine right of kings, we have taught the doctrine of the equality of men and that government can lawfully exist only by the consent of the governed; that taxation without representation was tyranny, and that revolt or rebellion against a parent state that denied these just principles in the conduct of human affairs was patriotism and a God-given and inalienable right.

We have said that when kingly power was broken on American soil it should never be reestablished, a doctrine essential to the protection of human liberty and the perpetuation of the principles of republics. When in behalf of humanity it shall become necessary that the principles of right and justice be enforced, the conscience of a sincere and enlightened people will not be satisfied with the intimation that we are not concerned in the affairs of other people; they will not tolerate the doctrine that we are not our "brother's keeper." Impressed as no other people on the earth have ever been with the essential justice of these views of government, we have called the world to witness the sincerity of our convictions. In the pulpit, at the bar, through the press, on the hustings, behind the counter, in the shop, in the mine and the field—everywhere that the voice of an American was heard—the truth of this cardinal doctrine has been promulgated.

A little beyond our borders, over a narrow neck of water, is the land of Cuba, a colony of the Kingdom of Spain, a monarchy 3,000 miles away. With a rich soil, clear water, and a beautiful sky, surrounded by all that nature could give to her children, the Cubans are still a race of slaves to barbarous Spanish masters. For years they have plead in vain for freedom from unjust taxation and for the recognition of some of those rights which even despots concede. Failing, they resisted. Spain has answered their supplication with torches and fire, dungeons of torture, death, and the grave. She brought to death by the sword and enforced starvation in less than three years 400,000 of noncombatants in Cuba, or nearly one-fourth of the entire population.

Aged men and women and innocent children have fallen victims of Spain's unrelenting wrath, and young women made subjects of the hellish lust of her barbarous soldiery. These scenes of wretchedness are enacted on American soil and almost in sight of our shores to perpetuate a foreign despotism destructive in its nature of republican institutions. Amid this ruin and woe we have been told that the Government of the United States must not intervene to restore justice and peace; that Spain has the right to inflict the death penalty on all of her helpless colonists who complain of her despotism and the infamous exercise of unwarranted power. To end all this unequal contest, to stop this work of assassination, to quiet our shores, and to protect our commerce and the interests of our people in Cuba we had a right to demand of Spain that she stop this reign of rapine and bloodshed. She answered our overtures for peace in the Island of Cuba with haughty denial of the right of intervention.

We sent on a peaceful mission a vessel of our Navy to the harbor of Havana. Spain anchored it over a submarine mine. It was lost by explosion, with the lives of 266 of our sailors. It was then that the majority of this House recognized for the first time the bleeding form of Cuba as she knelt at the altar of American freedom and begged that we might not permit her to be destroyed because of the prayers to liberty we taught her to lisp. Then the lethargy of the majority in Congress was aroused. It was then seen that war was inevitable. It was then known that if Congress and the President had heeded the advice of the minority and recognized the rights of the Cuban people more than a year ago the *Maine* and her brave men would be sailing the sea, that Cuba would have been free by her own exertion and the aid that such recognition would have secured, and the United States Government would not have been involved in a war which she could not now avert and be true to the principles of right and justice, law, and humanity.

But whatever may have been the part of wisdom, however easily real statesmanship and diplomacy might have averted the disaster of war, however ruinous the consequences of the neglect of duty deferred, the conditions have become such in the last few months that this Union of States could not avoid the conflict without dishonor. We are in the midst of war. Not a war for territorial aggrandizement, nor for treasure or revenge, but in vindication of the cause of the weak in the right against the powerful in the wrong. Our law says to the private citizen that he may use such force as is necessary to prevent one neighbor from unjustly taking the life of another, and, if necessary, that force may extend to the taking of the life of the assailant.

The United States denies to Spain or to any other country the right to enter on American soil and put to death her colonists for belief in the principles of republican government, and she has declared her intention to resist such methods by peaceful means, if possible; by armed intervention—which is war—when necessary. This war is a battle for freedom. Spain has offended the sense of justice of all mankind. We make no war for the material benefit of our posterity. We make no war for the preservation of the constitutional rights of our people. We come as the willing, conscience-bound allies of a wronged and oppressed people.

Our own sense of right has been outraged. The war is just, but it is essentially a war of and for the present generation. Posterity can have no interest in it and can obtain no benefit from it, except in the perpetuation of the evidence of a noble and just ancestry. This is all that coming generations can obtain from the struggle. To protect the integrity and the honor of our own times it would be cowardly to entail the expense on our children and our children's children. The sinews of war should be supplied by this generation. To bequeath a bonded indebtedness to our children to cover such expense would belie our glorious pretension. Our greatest danger is not in actual war. It lies in the disposition in such times to yield our conviction of duty to the masses of our own people to the apparent exigencies of the hour and in trusting to the future to extricate ourselves from the consequences of a departure from the true principles of taxation in raising a war revenue.

Gentlemen of the House all are loyal to the cause of the country. Revenue to prosecute the war must be raised. Congress must provide the ways and means. But the principle of uniformity and equality in taxation must not be departed from. It was unjust taxation that brought helpless Cuba to her condition. Let us not enslave our common people with a bonded indebtedness issued in the cause of Cuban freedom. I would rather see Cuba in bondage than to enslave the common people of my own country.

I would rather Spanish despotism would desolate every foot of her soil than to give $500,000,000 of bonds to enslave the present and coming generations of our own people. We need no measure of this character to successfully prosecute the war with Spain. The bill, by a tax on articles of consumption, carries more than

$100,000,000. We have appropriated $50,000,000. We have available $100,000,000 more. This sum is sufficient for present purposes and those of the near future. Congress can remain in session, if necessary, to meet the call of the Administration for any additional revenue for war purposes. Let us make haste slowly when we begin to tax the people.

Mr. Chairman, this is a war peculiarly of this generation in all of its motives and consequences. Let us pay for it. I object to the proposition in this bill to issue $500,000,000 in 3 per cent bonds or any other amount of bonds at any rate of interest. We are asked, Why the opposition to bonds? We answer, They are unnecessary. Next, a bond is the evidence of the Government's indebtedness. That indebtedness can not be contracted unless the Government has credit. The Government can have no credit unless its right to tax the people to raise revenue when constitutionally exercised will produce the revenue necessary to pay the debt or bond.

The realization on the bond depends, therefore, on the ability of the people to pay. The holder of the bond necessarily becomes the creditor of the people and the labor of the people is pledged not only to the payment of the bond, but of the interest on the bond. The bond represents a proportion of the wealth of the country. By law this bond is not taxable. The holders, therefore, of the $500,000,000 of bonds would lock up this much of the wealth of the country in nontaxpaying property, while the means of the people who pay the bonds would be the subject of taxation. Thus the wealthy would pay nothing of this tax and the common people would pay it all. The issuance of bonds results in the creation of nontaxable and nonproducing classes; bonds make slaves of the common people and idle aristocrats of the wealthy.

Again, if the Government has sufficient credit to float a large interest-bearing indebtedness, that same credit will enable it to float a noninterest-bearing indebtedness to the extent at least to which its revenues may reasonably be calculated within a limited period to extinguish that indebtedness, without withdrawing any of the wealth of the country from taxation by placing it in nontaxable bonds. The issuance of Treasury notes would accomplish this purpose. These notes would form a part of the circulating medium of the country, and replenish a currency already contracted beyond the point of toleration.

It is idle to say that these notes in this form would depreciate, so long as the people entertained any confidence in the ability of the Government, any quicker than the interest-bearing bonds would depreciate, for both are alike based on the credit of the Government. The bond bears interest and the Treasury note does not. That is the only difference on the face of the paper, but it is a portentous difference in the ultimate result of the two issues to the people. With little plausibility it is said that because the Treasury note does not bear interest it would not readily circulate.

The history of the past teaches otherwise. When we consider the fact that only 4 per cent of all our business is done with foreign countries, and that, therefore, gold is necessary only for actual use in 4 per cent of all our trade, and that when all the munitions of war must be purchased at home, and that none of the money to be raised is to go beyond our own confines for expenditure, it is apparent that the absence of an interest-bearing provision in the paper will not affect its value as a circulating medium so long as the United States is solvent. The Government is strong enough, in my judgment, to invest such money with full legal-tender power, and maintain it at par with gold as a permanent circulating medium. When the war is over, this proposed immense issue of bonds would be used as the basis of the formation of additional national banks of issue.

The whole currency of the country would more effectively be placed in the permanent control of the national banks, with unlimited power to expand and contract the same at their will, and the gold standard would be fixed forever, with all its infamous and corrupting influences, in the affairs of the Union; so fixed, indeed, that the sovereign power of the Government would be gone from over its currency, and nothing but revolution and bloodshed could restore constitutional rights to the people and arrest decadence in our institutions. We would then be in the condition in which Cuba is to-day—brought about by more insidious methods, and yet as intolerable.

A liberty-loving people would make the same choice between bonds and a noninterest-bearing paper currency that the Christian would make between eternal death and eternal salvation. Let the franchises of the great corporations of the country be taxed; let all men bear equally the burdens of taxation in proportion to their taxable property, and then there will be no deficiency in war revenues.

I might consent to taxation of almost any lawful form, for I would not agree that the Government for one moment shall need the means of prosecuting the war so long as there remained a single object of taxation; but there are no circumstances under which I would ever vote for the issuance of bonds—the unseverable links in the chain of human slavery.

Let us not mortgage the unborn generations. Let us not forget the sons of toil, who must pay this debt. Let every man of to-day do well his part, and our flag shall float in the Island of Cuba until every Spaniard is driven beyond the seas; the forests shall bend their lofty crests to kiss the silken folds of the emblem of freedom; the last remnant of a redeemed people shall come from the mountains, the hills, and the valleys of Cuba, and standing on the borders of Havana's harbor to celebrate the birthday of the new-born Republic, they shall "remember the *Maine*," and with tearful eyes turned to heaven, thank God that truth, justice, and liberty can never pass away so long as He shall permit the American Republic to live.

[Mr. MERCER addressed the committee. See Appendix.]

[Mr. MADDOX addressed the committee. See Appendix.]

Mr. MILLS. Mr. Chairman, I do not know that I can add anything new on the question before the House. I voted for the appropriation of $50,000,000, and in doing so believed it was the proper thing to do to help the starving people of Cuba to gain the liberty which they have fought for under adverse conditions.

I have voted for the resolutions demanding the withdrawal of the Spanish forces from Cuba and Cuban waters. I have voted for the resolutions declaring war, and I stand ready to vote for this revenue bill, in order that the necessary funds may be made available to properly back the resolutions passed by Congress. We tried to obtain the desired end by peaceful methods, but it looks as though by war only can it be attained. Well, if it takes war to free Cuba, let us have it, and let us provide the necessary funds to carry it on. We have waited long enough. The starving of helpless women and children must stop.

I want to say that the voting of $50,000,000 in this House for war was an act that I never expected to witness. I was in the Union Army during the war of the rebellion, and from the time that war closed in 1865 until now I never thought I should see war declared by the United States again; but I tell you, Mr. Speaker, it was worth every dollar of that fifty million to see on the floor of this House men who had met in bloody conflict—some in blue and some in gray—stand here side by side, shoulder to shoulder, and vote as a unit to maintain our national honor. I hope we will again stand here and vote as we did then to provide the money to carry this war to a successful and speedy end.

The great city of Chicago, a part of which I represent, has sent to the State capital nearly 4,800 of her citizen soldiers, who are not only ready and willing, but anxious to go, not for the $16 per month, but for humanity's sake, to free Cuba from the yoke of Spain, and to avenge the destruction of the 266 lives and the noble ship of war, the *Maine*, in a so-called friendly harbor in the silent watches of the night by the Spanish officers of Morro Castle. The silent victims of this unequaled treachery can not speak for themselves, but their mute lips need form no words. We do not forget them; their spirits are with us, and their names will be borne in the minds of the people long after their treacherous assassins have been driven from the American Continent forever.

I thank God that we have commenced the war and fired on their forts, and that we will soon land our forces in Cuba with arms and food for the patriots. I hope for an early termination of this war, and that we will be again at peace with all the world, and with a new Republic of Cuba added. When these things have come to us, if our Democratic friends can show that an income tax (which has been declared unconstitutional by our Supreme Court) is proper, it can be carefully considered and acted upon; but do not at this time of need try any doubtful schemes of taxation, for, as one of their apostles has said, "A condition, and not a theory, confronts us."

If the war is to go on, money must be provided as quickly as possible and by certain methods—taxation on things which can be gotten at readily and by the sale of bonds. The uncertainty of an income tax can not fill the measure of our immediate and pressing need. Let us put politics aside for the time and accept the measures which will bring us certain and prompt returns.

We can issue bonds and get the money quickly and cheaply, because the credit of this country is beyond the question of a doubt, and because we have always paid our bonds in honest money that is worth its face in any part of the civilized world.

I trust that the vote upon this bill will be unanimous and that the money will be in the Treasury when it is needed. Then we can feel that we have done our full duty, and victory over the oppressors of the unfortunate Cubans will be assured. The men now at the front and those preparing to go will feel that Congress is backing them and has confidence in their valor and patriotism.

I hope they may be able to return soon to their homes with honor to themselves and to their country, and with the feeling that they have done full duty to the country and to their fellowmen.

Long may they live and be remembered as brave and true sons of the great Republic of the United States of America.

Mr. STARK. Mr. Chairman, at the risk of being "branded as

unpatriotic," which, judging from the air of lofty scorn with which it is usually mentioned, must be a very distressing operation for the brandee, I am constrained by a sense of my duty as a Representative to record a protest against the bond provision of the measure under discussion. It is a favorite method with the advocates of a weak cause to endeavor to discredit opponents whom they can not answer; but a humble member of the party that has been called an aggregation of cranks, calamity howlers, anarchists, socialists, lunatics, etc., ad nauseam, should not object to a continuation of the tactics which have proven ineffectual to stop the rapid growth of reform sentiment or check the steady progress of our nation in the direction of a more complete financial and industrial emancipation. It is a grave indictment to charge a man with being unpatriotic in a great national crisis; but it has been noted in human experience that the man who most loudly vociferates "stop thief" has not always the high standard of morals that he would have the public believe.

The United States is at war with Spain, and the record of individuals and parties will show which has conceded most of partisanship for the achievement of patriotic ends. There will also be a record in the future by which every truly patriotic member who desires the best interests of his country can afford to be judged, no matter what present clamor may be raised against him.

A nation of more than 70,000,000 people, producing about one-third the wealth of the world, with the accumulated property of thirty-three years of industrious peace, and possessing, as has been stated by the gentleman from Maine, "almost the highest credit of any government on the face of the earth," is going forth to do battle with a nation of 17,000,000 people who for many centuries have been in a state of almost continuous internal and external conflict, and who are practically without resources, capital, or credit. Spain has not been able in thirteen years' warfare to subdue a few thousand Cuban insurgents, though it has had the advantage of greatly superior numbers, possession of all fortifications and military stores, and has spent in the effort more borrowed money than the Cubans ever possessed. In this unequal struggle the weaker power is 3,000 miles from its base of supplies and coal has been declared contraband of war.

Unless grossly mismanaged, such a conflict can not be serious to our Government. A bill has been introduced which provides for taxation and bonds that will, together with cash now available, provide an immediate war fund of nearly $800,000,000, and we are asked to adopt it in toto on the pleas of "emergency legislation" and the "exigencies of war." In event we refuse to comply, we are charged with lack of patriotism and "an attempt to find an opening for demagogic experiments through the necessities of the Government."

Now, what should a prudent and careful Representative do under such circumstances? I agree with the distinguished chairman of the Committee on Ways and Means that it was the part of wisdom for his committee to have "recourse to the legislation of the period of the civil war when so large an amount had to be raised," and be guided by the methods they found most effective in the time of trial. Not only should this be done in the matter of taxation, but if it be found necessary to raise a larger amount than can be produced by emergency taxation we should adopt the policy of our Government in the days of its greatest former crisis, and prefer an issue of legal-tender money to placing an additional bonded debt upon the nation.

The same high and correct motives that induced our Committee on Ways and Means to have recourse to the legislation of the civil war, the same faith that they evince in the wisdom, patriotism, and statesmanship of the founders of the Republican party, should animate all who are familiar with the success of the means adopted for providing adequate revenue during the war of the rebellion. The same conservative judgment that fears to make innovations upon their plan of taxation should guard us from the mistaken policy, which was early abandoned by the statesmen of that period, endeavoring to conduct war upon borrowed money.

Members of the minority are threatened with execration if they introduce and attempt to force the adoption of such campaign measures as the free coinage of silver, the income tax, and the coinage of the seigniorage in time of the nation's peril. Republicans are certainly culpable if they stand for a bond issue that, taken in connection with the late vote of the House of Representatives upon the Teller resolution, means nothing less than an endeavor to rivet the gold standard upon the United States beyond hope of deliverance. What more infamous attempt to place partisanship above patriotism could be imagined? It is true there has been an effort to thinly disguise the design and effect of the measure, but both are apparent to every reading, thinking citizen.

I know not whether declarations that indicate Falstaffian courage and Pecksniffian purity will mislead voters of the Eastern and Middle States, but in the Fourth district of Nebraska, which in this emergency furnishes about one-fourth of the quota of volunteers for the entire State, and which will play its full part in the great drama to be enacted, there is too high a standard of general intelligence to be easily swerved from their usual custom of construing present utterances in the light of past records. If it is wrong for the minority in time of public peril to seek an advantage for silver or the income tax, it can not be right for the majority to hold up before us the fear of national defeat and humiliation, and by such means to curse our country with a bond issue for the real purpose of strengthening the cause of gold.

In the name of common honesty, why should the majority demand a standard of patriotism to which they can not measure up? Why would it not be fair and right to postpone the settlement of past differences and conduct this contest to a successful conclusion by the issue of Treasury notes, against which there is no platform declaration of any party extant? The greatest speakers and writers of the Republican party have defended such a course as a war measure and questioned the patriotism of all who opposed it. Though the Republicans have been in power at various times since the civil war, $346,000,000 of non-interest-bearing currency, issued during that period, still remains in circulation as evidence that Republicans have never abandoned the greenback policy.

The kind of money that sustained the sires in fighting for freedom and Union from 1861 to 1865 will be loyally accepted by their sons while maintaining the honor of our flag and assisting to secure liberty for Cuba. The whole problem of providing adequate revenue without bringing partisanship into question can be solved by striking from the bill under consideration the sections providing for the issue of bonds and certificates of indebtedness and inserting in place thereof the following, which, though submitted by RICHARD P. BLAND, a Democrat, reenacts the war policy of ABRAHAM LINCOLN, a Republican, and would, in my judgment, receive the hearty support of every Populist and Silver Republican in Congress:

That the Secretary of the Treasury is hereby authorized and directed to cause to be engraved and printed United States Treasury notes to the amount of $150,000,000. Said Treasury notes shall be a legal tender in the payment of all debts, public and private, and be issued in like denominations as is now provided by law for United States notes commonly called "greenbacks." That the Treasury notes herein authorized shall be covered into the Treasury and paid out from time to time in the discharge of public expenditures as the exigencies of the Treasury may require. That a sufficient sum of money is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry this section into effect.

The amount of the issue as above provided is ample for present emergencies, and Congress should remain in session to assist the Executive in every way possible, and be ready to "vote all necessary means to successfully prosecute the war." Section 7 of the Constitution of the United States provides that—

All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

When the relative standing of the two nations is considered, it will be seen that it is unwise to incur unwarranted expenditures or make needless preparation for a struggle which may not be greatly prolonged. It is an evidence of weakness, not strength, for us to exhibit undue haste or willingness to mortgage our patrimony. What farmer having an illness in his family would consider it reasonable to create a large interest-bearing debt so long as physician, druggist, and merchant were glad to extend to him credit upon open account? Would he not prefer to meet liabilities as they came in, to rushing headlong to folly and ruin by mortgaging his homestead for a far greater sum than it was probable he would need, trusting to circumstances to find use for the residue, in order to make a display of his resources.

To vote this enormous amount of money, and place it in the hands of the Executive, and go home to fix political fences, would seem a very desirable course to some members who discourse very loudly of patriotism just now, but to me it does not seem a brave or manly thing to do. I can not see that we are justified in voting a certain sum of money and going home if our services are needed here. I am satisfied that the people of the district which I have the honor to represent can make choice of a Representative in Congress without any suggestions or influence from the man upon whom they have bestowed present honor.

No member should desire a reelection if his labors have not been satisfactory to his constituents; and if they are pleased with the record, he has nothing to fear. If by remaining in session, Congress can avoid a $600,000,000 bond issue, I, for one, would gladly stay at my post, intrusting my personal interests to the people I am trying to serve. We are charged by the Constitution with the especial duty of guarding the expenditures of the country, and we will be held to no light accountability if we provide a lump sum largely in excess of necessities and shift our responsibility to other shoulders by going home and saying to the Executive, "Use as much of this as may be necessary."

If the people desire that monarchical powers be given the President of the United States, they will take proper steps to confer them upon him. It is no disrespect to the Supreme Court to resent an encroachment by that body upon the domain of the National Legislature. It is no disrespect to the Chief Executive for us to live our own lives, do our own duty, and refuse to delegate any

of the powers conferred upon us by the Constitution. As I view it, we are no more justified in the course proposed than the cashier of a bank in time of panic would be warranted in taking a vacation, borrowing and turning over to the president of the institution enough resources to conduct operations during his absence, but leaving him to fill both stations during the emergency.

It may be that some citizens of the United States who are and have been in the receipt of fixed salaries, do not realize the full meaning of an issue of $600,000,000 in bonds and certificates of indebtedness, but the farm owners, home owners, and wage-earners of this country know what debt and interest mean. They know how the currency would be contracted and business affairs limited by the operation of a popular loan, and, despite the fact that a portion of the appropriations is paid to soldiers, they realize that these payments will be made in such small amounts as to be ineffectual to prevent the congestion of currency incident to the large military expenditures of war.

As a result of bitter experience, they fear currency contraction, concentration of wealth, and the cumulative power of interest. They are convinced that the struggle necessary to free our country from the bonded debt proposed will be far more arduous than any contest with Spanish soldiery. They have an object-lesson in the $346,000,000 of legal-tender money that has for thirty years rendered a service equal to—yes, even superior to—gold, as there has been no attrition. The people of this country have the intelligence to see their rights, and will have the courage to maintain them.

There is a belief that there may be a sinister motive in the proposition to issue so large an amount of interest-bearing obligations at this time; that when negotiated the war may suddenly be brought to a close and the remainder of the bond issue utilized to retire the present legal-tender notes, substituting interest-bearing obligations for the non-interest-bearing currency now in circulation. No party can be properly charged with such a scheme, but the emissaries of Shylock can always be depended upon to do his will. If this be true, we are beset by traitors from within as well as foes from without. It is not putting the case too strongly to say that in this event we will have to fight Spaniards in front and goldites in the rear, and that the latter will prove the more artful and dangerous from being nominally with us in the struggle.

In the language of a recent editorial utterance of the New York Commercial, "It would be one of the most atrociously unpatriotic and distinctively harmful actions that has yet been seen in an American Congress" to make class capital of the patriotic desire to protect the nation.

I maintain that the remedy suggested by Mr. BLAND, with a continuous session of Congress, is equal to any emergency, and so believing, I will cast my vote against any and every effort for the present increase in our bonded debt, no matter what epithets are showered upon me. Labor, which in the ultimate pays all interest, has rights which should be protected, and I must vote in accordance with my convictions.

Fully recognizing the responsibility which is upon each and every one of us, and desiring to measure up to the highest patriotism, I affirm that the course of action which I have suggested is to my mind and conscience entirely practical, for the best interests of our people and for our flag.

> No tyrant hath claimed that flag for his own;
> Its bright folds were never unfurled
> To flatter or shelter the glare of a throne;
> That banner was born for the world.

I hold with Commodore Decatur: "Our country. In her intercourse with foreign nations may she always be in the right; but our country, right or wrong."

Thank God, in this contest she is right, eternally right.

Mr. BERRY. Mr. Chairman, I have listened with a great deal of patience to the discussion upon this question in a great many long and tiresome speeches in the day and some very bright and brilliant ones in the night. Mr. Chairman, if I had to express an opinion, I believe the small artillery at night has done more effective work than the large guns in the daytime. I am among the small guns—not physically, but I suppose so considered on account of the brief experience I have had on the floor.

I would gladly support the amendment of the gentleman from Massachusetts [Mr. WALKER]; I would with still greater pleasure support the amendment of the gentleman from Tennessee [Mr. MCMILLIN]; but I would still rather support a proposition to strike out the twenty-seventh section of the bill as totally unnecessary. The twenty-eighth section, carrying $100,000,000 of 3 per cent certificates, and the $75,000,000 well ascertained to be at the disposal of the United States Treasury will provide for the maintenance of this war upon the extravagant basis suggested for the next seven months, or until Congress returns in December. There is a striking similarity between the amount of the bonds carried in this bill, $500,000,000, and the late suggestion of the Secretary of the Treasury that he wanted $500,000,000 for the purpose of retiring the greenbacks and putting the country more firmly upon the basis of the single standard.

Now, Mr. Chairman, the magnitude of this war, in my judgment, has been greatly exaggerated. Gentlemen upon the other side talk as if we were going into a contest with some of the great nations of the earth. Why, gentlemen, Spain is well represented by Don Quixote and Sancho Panza, and whenever they come in conflict with the United States of America they will find themselves in the condition that Don Quixote was when he struck the windmill. They had one little taste of it day before yesterday when three of the squadron were able to silence one of their best cluster of batteries near a city of 45,000 inhabitants.

I have no question that if the Government would take the reins off from Sampson he would reduce the city of Havana in two days, and the war would be at an end. Why do we want to provide an amount of money to put into the United States Treasury at this time that would carry on a great war for two years? I see no necessity for it whatever. Take the reins from Sampson's fleet. Take the reins from Dewey, on the coast of China, and the Philippine Islands will fall before to-night. Turn loose the fleet of Schley and let them strike a stunning blow. The Spanish navy to-day is crouching on their own shores, afraid to come out, and yet we are talking about going into a great war. The matter has been greatly exaggerated, and while we are pursuing a dilatory process we are defeating the very object for which this Government embarked in war. While we are acting upon this policy the reconcentrados are, no doubt, dying in the Island of Cuba by hundreds.

We are amply able to whip Spain, and the war can not last, in my judgment, ninety days unless we get into a complication with other powers; and if Germany or some other power wants to make common cause with Spain, it will be time enough to make appropriations for that when the time comes. It will be time enough then to pull out our roll and say: "Boys, we have got plenty of money." You can not scare anybody by simply raising $500,000,000 by this bill. If that is the case, let us raise $1,000,000,000 and say, "Here, we have more money than we need," and frighten the world.

Mr. MAGUIRE. The gentleman forgets that there are members on the other side who believe that a public debt is a public blessing.

Mr. BERRY. That will do for some people, but I do not think anybody really believes it. We do not need this money. If any question has been elucidated on the floor clearly, and has been asserted by the chairman of the Ways and Means Committee, it is that this war, on the most extravagant estimate, will not use more than $25,000,000 a month. Now, we have $75,000,000 in the Treasury and $100,000,000 raised by the 3 per cent certificates authorized in this bill, and there we have a preparation for seven months of war, and that will take us up to next fall, when the flag will be waving over Cuba, the Philippine Islands will be in our possession and Puerto Rico will be in our possession. We can take them in two weeks. Take the reins off from the fleets, and in six weeks Puerto Rico, Cuba, and the Philippines will be under the American flag. What is the use of talking about a great war? [Applause.]

Mr. CANNON. Mr. Chairman, I had not intended to say a word touching this bill. I will be frank with the gentleman from Massachusetts and with the House and say that I am not in all particulars pleased with this bill. If I had supreme power, I could not myself draw a bill with which I would be in all particulars pleased, if it levied taxes—war taxes or peace taxes. It is not practicable to make any such bill entirely satisfactory even to him who frames it. Taxation is not a pleasant thing to me, nor is it a pleasant thing to the country; but it is a necessary thing in order to sustain the Government in peace as well as in war; and we must so legislate as to distribute the burdens to the best advantage of all the people and with the least friction in the collection of the taxes.

I cast about inquiring to see whether I could propose an amendment to this bill. If I had the supreme power, I would strike out all stamp taxation except upon proprietary articles and insert something else. But I could not get a baker's dozen on the other side and probably not two dozen on this side who would agree to strike out stamp taxation except upon proprietary articles and put the burden upon some other articles.

Mr. GAINES rose.

Mr. CANNON. The gentleman must not rise. I have only five minutes. I talked about this matter among members and found that such a proposition did not meet with favor. Upon the whole, the sentiment in favor of stamp taxation is quite as strong in this House—on both sides of the House, so far as I can ascertain—as the sentiment in favor of any other form of internal taxation. So I have addressed myself as best I could, not being a member of the Ways and Means Committee, to making such suggestions as would get this bill into the proper form; and wherever

I had anything substantial to propose I have been met in a kindly spirit.

Now, one word touching the borrowing provision of this bill. Gentlemen say—notably the gentleman from Kentucky [Mr. BERRY]—that we are to have $100,000,000 increase of taxation. Yes; but that is not enough. He says we are to have $100,000,000 of one-year certificates. True; but that may not be enough.

Mr. BERRY. I will ask the gentleman——

Mr. CANNON. I have only five minutes.

As either or both of these provisions are not enough, or may not be enough, what is the wise thing to do? To adopt such legislation that we can adjourn later on—toward the 1st of July—and go to our homes, leaving the Executive to perform his legitimate functions? In this view it is proposed to give him authority to borrow $500,000,000. Gentlemen seem to assume—notably the gentleman from Texas [Mr. SAYERS] in his remarks on the day before yesterday—that this $500,000,000 was necessarily going to be borrowed. Not at all. Not one dollar of it will be borrowed unless the occasion for borrowing it in order to carry on the operations of the Government should arise.

Mr. WHEELER of Kentucky rose.

Mr. CANNON. My friend will recollect I have but five minutes.

Mr. WHEELER of Kentucky. I should like to suggest——

Mr. CANNON. Well, I will hear the gentleman.

Mr. WHEELER of Kentucky. It is stated in the press—and I have seen no denial of it—that the plates upon which to print these bonds are already prepared.

Mr. CANNON. I do not know as to that and do not care. The bonds will not be issued unless we enact this law, and they will not be issued unless your Government and mine needs the money to defend it.

Now, I say again, when anybody says that there is to be $500,000,000 borrowed and piled up in the Treasury he shows that he is ignorant upon the one hand or desires to misrepresent upon the other. Not one dollar will be raised by taxation, not one dollar will be raised by borrowing, except as it is needed. If the war ends in six months, as the gentleman from Kentucky thinks it will, then we shall be in position six months from now to repeal this taxation. It is very easy to find fault. It is very easy to criticise.

Now, in my judgment, the gentleman from Maine is right when he says that there ought to be authorized an issue of $500,000,000 of 10-20 bonds, payable in ten years at the option of the Government and with twenty years to run to final maturity. If we negotiate these bonds, we can begin paying them at our option in 1908, and from that on for ten years just as we please. We shall have $650,000,000 to pay between this time and 1908, which, I think, under any wise system of taxation, will take all the surplus that we ought to raise from taxation.

A gentleman near me suggests that the bonds will sell above par, and, if so, we ought to get the best prices for them that we can.

[Here the hammer fell.]

Mr. LEWIS of Washington. I send to the desk an amendment to the amendment.

The CHAIRMAN. The Clerk will read the amendment. [After examining the amendment.] The amendment which the gentleman sends up appears to be an amendment to another portion of the section.

Mr. LEWIS of Washington. I think the suggestion of the Chair is correct. My amendment deals more directly with the section; but I would like to have it considered as an amendment to the amendment and to submit what I wish to say upon the proposition.

The CHAIRMAN. The gentleman will be recognized for five minutes and can have his proposition read as a portion of his remarks. He can offer it at a later period.

Mr. LEWIS of Washington. Very well.

The Clerk read as follows:

On page 44, line 11, after the words "quarterly in," insert the words "standard gold and silver;" so as to read: "payable quarterly in standard gold and silver coin."

Mr. LEWIS of Washington. Mr. Chairman, I have observed in the public press that the distinguished Secretary of the Treasury when asked in the presence of a select conclave of bankers, meeting in the private room of Mr. Conrad N. Jordan in New York, whether these bonds would be payable in any other money than gold, replied that it was not exactly wise just now to agitate that question—that no political divisions ought now be opened by any assertions upon that point.

I rise now for the very purpose of agitating that question. It is an all-important question in this connection. If it is the purpose of Congress to pay these bonds only in gold, then the people of this country should know that fact, that their Representatives, being duly advised on the subject, might act accordingly on the proposition before us. If it is the purpose of the managers in charge of this matter to delude the people into the fanciful belief that these bonds are to be paid both in gold and silver by the use of the word "coin," they will not object to saying so unequivocally. If it is the purpose, as past events demonstrate, to provide that they shall be payable exclusively in gold, then let them say so, that we that are against such might oppose it. The people ought to know and we ought to know what is the exact purpose and object of the skillful manipulators.

Let us understand, Mr. Chairman, exactly what we are undertaking to do at this time. It is important to know it in order that we may vote understandingly, and in order to determine what will be the result if the bill succeeds.

We gather from the public records that as a "war measure" this Government sold interest-bearing bonds to the amount of	$2,049,975,700
That this Governments received from this sale only the sum of (discount on coin considered)	1,371,424,238
The profit to the purchaser at the outset was	678,551,462
We have paid as interest	2,538,000,000
Premiums paid for bonds not due	58,000,000
Paid on the principal of bonds	1,756,000,000
Total paid by us	4,352,000,000

The debt was $1,371,424,238. That is all we obtained. Yet by virtue of the premiums and increase of the worth of gold and the corresponding decrease of wages paid labor and the price paid for commodities, we have paid out of the endurances of our people $4,352,000,000—three times the full debt. Yet by force of the Government paying gold and buying it from bankers and paying interest upon it, the debt has so continuously increased that, measured in commodities—the proper standard of value—we still owe the full debt.

Mr. RICHARDSON. And still increasing.

Mr. FLEMING. And our commodities decreasing in price.

Mr. LEWIS of Washington. Mr. Chairman, our past Administrations have construed the word "coin" in the bonds to legitimately mean gold—and the option is given to the bondholder in that regard—notwithstanding the law upon the subject has been in the words of my amendment.

Now, sir, if the word "coin" is to receive the construction that has been practically given to the Teller resolution by this House and by the Administration, and make the word "coin" mean that they shall be payable in gold—and this is the purpose of our friends on the other side—if it is, the people shall know it; if it is not, you can adopt the amendment without injury or embarrassment.

We should understand that when the bonds are issued and the time of their payment shall have arrived, the Secretary of the Treasury is clothed with full power and discretion to say whether they shall be paid in gold or in silver, shall have the direction by this House that he shall not discriminate against silver and increase the bond debt of the people by making them buyers of gold at premium to pay a double interest to the holders—the interest on the bond, the price of the gold, and the interest upon that gold.

Mr. Chairman, let us not be buoyed off upon an imaginary patriotism to wrong the people by deluding them and then robbing them. Sir, the time of war has ever been the pat time for the pilferers of public confidence and the plunderers of the public Treasury to do their destructive work. They are cool, calculating, and determined. The people are confused or enthusiastic beyond reason. They are readily the subjects of prey to garnished thieves. This is the experience of every government—the credulous imposed upon, the trustful defrauded, and the truly patriotic surrendered in time to their enemy. We must watch this, aye, guard it, with a jealous eye, and place our public protest against it—by our vote condemn it. This scheme is a fraud. It is to provide bonds for those who could not have obtained them in the calm judgment of thoughtful people, and the man who votes for this provision of mortgaging their own people, placing the future generation in bondage, will for the remainder of his political life be seeking forgiveness from the people he wrongs, and for all his days be the conscious enemy of the country, the oppressor of the weak and defenseless.

In order, therefore, that there may be no repetition of past infamies under the guise of a flexible law, let us construe this one according to the professed intent of those who have tendered this bill. If they are false, they must be condemned before the nation.

[Here the hammer fell.]

Mr. DINGLEY. Mr. Chairman, I desire to say a single word in reference to the pending amendment offered by the gentleman from Massachusetts [Mr. WALKER].

If we had no outstanding bonds that would mature during the next six or eight years his suggestion would be entirely practicable and to the point. But we have bonds maturing to the extent of

$650,000,000 within that time, bearing the high rate of interest of 5 per cent on $100,000,000 and 4 per cent on $550,000,000.

Now, in view of the fact that we have bonds maturing within six years and eight years bearing this high rate of interest, it seemed clear to the Committee on Ways and Means, it seemed clear to the Secretary of the Treasury, it seemed clear to every expert consulted in reference to the matter, that we should proceed to call in, either by purchase or redemption at maturity, all of those high interest-bearing bonds first, and that if we had bonds bearing 3 per cent interest maturing in the intervening period it would be for the interest of the Government to pay first the 5 per cent bonds and the 4 per cent bonds which would mature after this bill had been enacted into law.

Therefore the committee, Mr. Chairman, came to the conclusion the bonds existing bearing these high rates of interest should be paid first, and nothing could be gained, so far as the interest of the Government is concerned, by making the new bonds redeemable in three or five years. The objection to making them redeemable in three or five years was that there was grave doubt—and there is grave doubt, in the judgment of every expert consulted in the matter—as to whether, being now in a state of war and the credit of the Government necessarily somewhat affected by the prevailing conditions of war, a bond redeemable within three years could be placed at par, especially if first offered to the public.

And in view of the unanimous opinion, not only of the majority members of the Ways and Means Committee, not only of the Secretary of the Treasury, but of all the experts in the Treasury Department and of all experts who have had anything to do with bonds in the past, that we would run grave risks in offering to the public as a popular loan a 3 per cent bond, payable within three years, it seemed clear to the majority of the members of the committee that we ought not to incur so grave a peril when we had 4 and 5 per cent bonds that could either be purchased or paid at maturity in sufficient amount to cover any possible surplus that there could be in the Treasury prior to 1898.

Mr. JOHNSON of Indiana. Before the chairman of the Ways and Means Committee takes his seat, I desire to ask him a question, not exactly in the line of what he has been saying, but I want to ask it for my own information. Did it occur to your committee that it would have been a thing possibly not unbearable to the people to have raised by means of taxation twice as much as you have provided for in the present revenue measure?

Mr. DINGLEY. It was thought by the committee that $100,000,000 of additional taxation was all that in justice ought to be laid upon the people at the present time. An exigency may arise in the future, although I hope not, when some other method of additional taxation may have to be had. I hope not. I believe to-day that it will not arise; but a hundred millions additional taxation seemed to the committee about the amount that ought to be laid at the present time.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Georgia [Mr. FLEMING] is recognized.

Mr. WALKER of Massachusetts. Mr. Chairman, I should like——

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. JOHNSON of Indiana. It did not occur, then, to the committee that the best thing to do was to resort now to taxation, leaving the issuing of interest-bearing bonds to meet possible future exigencies?

Mr. FLEMING. Mr. Chairman, as I have only five minutes, I can not let other gentlemen take my time.

The CHAIRMAN. The gentleman from Georgia [Mr. FLEMING] is entitled to the floor.

Mr. FLEMING. Mr. Chairman, I had very much desired to have the opportunity of submitting to the House an argument in support of that feature of the pending measure which provides for an income tax. It would be impossible, however, to make that argument with any satisfaction to myself in less than three-quarters of an hour or an hour; and not being a member of the Committee on Ways and Means, of course I foresaw that I would have no opportunity to have that time placed at my disposal. I will therefore take advantage of the privilege given by the House to print my argument in the RECORD within the next few days. For the present I will content myself with stating very briefly some of the propositions which I think I have been able to prove or will be able to prove in that argument.

The first proposition is that the income tax is the fairest and justest and the most philosophical tax that has yet been devised as a scheme of taxation. I say that proposition is true, whether you test it by abstract reasoning, or whether you test it by the practical experience of the leading civilized nations of the world.

My next proposition is that while it was supposed for a hundred years that the Constitution of the United States was the embodiment of political wisdom, yet if this recent decision of the Supreme Court invalidating an income tax is correct and must stand, the Constitution of the United States is fatally defective in a vital point necessary to the proper administration of a civilized government. I make that statement because the decision of the Supreme Court, while leaving in the power of Congress the abstract authority to levy a tax upon wealth, yet, as a matter of practical procedure, absolutely strips the American Congress of any and all power to levy a tax upon the wealth of this country and confines it within the limits of a tax on consumption.

Why do I say that? There are two kinds of direct taxation to which I shall refer. One is a tax on land, which we have still the abstract authority to levy. Let us look at that for a moment. I have gone back to the records and done some figuring on this. Under the land-tax law of 1861, if Rhode Island had paid her tax according to her land values, she would have paid fourteen one-hundredths of 1 per cent on her land values, and Missouri would have paid forty-nine one-hundredths of 1 per cent on her land values, or three and a half times as much. In other words, the farmer's real estate in Missouri would have been taxed three and a half times as much as the farmer's real estate in Rhode Island.

Coming again to the income tax that was levied upon all incomes from 1861 to 1870, the Supreme Court now say you can not levy it in direct proportion, as it was levied then, but you must apportionate it according to the population. Take the income tax of 1866, which averaged about 8 per cent on all incomes. If it had then been laid as the Supreme Court now say we must lay it for the future, the State of Massachusetts would have paid 2.8 per cent and the State of Minnesota would have paid 32.9 per cent upon the incomes of its citizens, or eleven times the amount which the citizens of Massachusetts would have paid.

In other words, if you levy a tax on the wealth of the country by means of an income tax in accordance with the decision of the Supreme Court, the people of one State will pay eleven times what those of another will pay on the same amount of income; and if you levy on land, they will pay three and a half times what the citizens of another State pay, for similar inequalities would be found to exist now as existed in 1861 and 1866. What is the result? It is that for all practical purposes we are stripped of the power to levy a tax either directly on wealth or indirectly on incomes. Therefore this great Constitution, which we thought embodied deep wisdom combining fundamental principles which might be applied for all time to come, is greatly defective at a vital point, if that decision is right.

I say that decision is not right. I say it is bad law. Nine times the Congress of the United States passed an income-tax law or passed a law amending one that had already been passed. Seven times the Supreme Court, by direct decision or by strongest implication, said that such a tax was legal. This last decision is a legal anomaly, a political anachronism, and an economic blunder.

[Here the hammer fell].

Mr. FLEMING. I will print my argument in full in the RECORD in a few days.

Mr. BARTHOLDT. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTHOLDT. I would like to know whether it is in order to discuss other features of the bill while this special section 27 is under discussion? If that be true, I would like to be recognized myself. These gentlemen are all speaking on all parts of the bill, while by unanimous arrangement only section 27 is to be considered, and, as I understand, five minutes allowed to either side.

The CHAIRMAN (Mr. HEPBURN). The Chair is unable to state. The present occupant of the chair was not present when that agreement was made.

Mr. DINGLEY. I ask unanimous consent that all debate on the amendment offered by the gentleman from Massachusetts be closed in five minutes.

Mr. WALKER of Massachusetts. I think I am entitled to be heard on my amendment.

The CHAIRMAN. The gentleman from Iowa has been recognized.

Mr. DINGLEY. I would like to have some limit, otherwise we will make no progress. I will wait until the gentleman is through.

Mr. LACEY. Mr. Chairman, I wish to commend the Committee on Ways and Means for bringing this bill in such a form as to eliminate political discussion. The question as to whether the bonds shall be paid in gold or silver has been expressly ignored by using the old word "coin," which has so long been included in all our bonds. Yet, notwithstanding this fact, I find some gentlemen have been unable to restrain their partisan zeal, and have insisted on discussing the financial question. I am reminded of an occurrence which took place last fall in Kansas. There was a funeral going on; a large audience had assembled, and the preacher happening to be a little late, one of the brethren arose and said he would like to utilize the time by talking about free coinage for a few minutes. That seems to be the situation that some gentlemen have found themselves in on the present occasion. The disposition, however, in the main has been to treat this subject from

a nonpartisan standpoint. I am gratified to find that feeling in this House. We ought to have but one motto, and that should be, Let us join together and pulverize the Spanish power upon this hemisphere and then once more fight in peace and harmony among ourselves. That is the spirit in which this whole question ought to be discussed; and in the main I believe the country will be gratified to know that that method has been adopted. The old straw of an income tax is certainly not a proper subject to be thrashed over now. The gentleman from Tennessee [Mr. McMILLIN] moves as an amendment that we shall collect the money to pay our soldiers and sailors by an income tax; in other words, to mortgage the fruits of a lawsuit, a lawsuit not only certain to come, but certain to be adversely decided against the Government of the United States.

The Supreme Court has already determined the question. A lawsuit would be a poor asset with which to wage war. It takes money to buy guns and powder. It is always safe in such emergency to borrow money. The worst thing that could happen to us is to be compelled to pay it back. Money borrowed at once to meet our necessities is the best thing with which to fight a battle. The $90,000,000 or $100,000,000 that is to be raised by this bill will take a year to collect; and if we are to believe the statement of the gentleman from Kentucky [Mr. BERRY], the war will be ended before that time. He says we will get through with it in three months. Every man in this House certainly hopes that his prophecy may prove to be a true one; but if it is to be finished in three months the most successful way to do that is not to hamper the Government in its credit. It would not be safe to lay in a supply of powder for only three months. It would be much wiser to provide supplies for six months or a year; and so also with money.

There is nothing that would rejoice the hearts of the Spanish Government like the announcement that we have refused to authorize the borrowing of money to carry on this war, and that we have resolved to enact a law for the collection of the funds for its prosecution through the slow process of a tax on incomes, which the Supreme Court of the United States recently declared that we have no power to levy.

This bill has been carefully drawn. I think there are some provisions which ought to be slightly changed, and I hope during the progress of the debate that some amendments may be adopted by the House; but surely we ought not to waste time in the discussion merely of political ideas, academical in their character, and some of them, such as the income tax, having passed beyond the domain of legislative discussion.

There are only two methods of obtaining money to conduct the war. One is by the levy of taxes and the other is by borrowing it. This bill provides for both methods. Taxation is a slow process, whilst the borrowing of money is speedy and will at once supply the means with which to prosecute the contest with vigor, and to make the war short it should be pressed with the utmost energy.

Some gentlemen propose an issue of greenbacks instead of bonds, but they lose sight of the fact that the greenbacks are a promise to pay on demand, and to maintain their parity it is necessary at all times to be ready to redeem them on demand, and the coin for that purpose can only be obtained by taxation or by the issue of bonds under the resumption act, under which the bonds must bear a higher rate of interest than that provided in the present bill. Experience has taught us that Treasury notes remain at par so long, and only so long, as prompt redemption is provided for.

If the redemption of the notes is provided for by the sale of bonds, then the result will be the issue of bonds after all. If the Government should refuse to redeem the notes on demand, they would go to a discount, as they did from 1861 to 1879.

If the notes should be at a discount, the cost of the was would be increased at least to the extent of the discount, so far as they should be used in the purchase of supplies. The sailors and soldiers at the front, of course, would receive their pay in a depreciated paper at par, as they did in the civil war.

It would be a great mistake to enter upon this war by the expedient of a depreciated paper currency.

In 1861 we could not help ourselves, but experience has taught us that the plan greatly increased the cost of that conflict.

When our paper was only worth 38 to 40 cents on the dollar, all of our munitions of war cost more than double what they would have cost had we been able to maintain specie payment.

We all want to make this war short, sharp, and decisive. To do this ample means must at once be provided, and the present bill fully answers that purpose.

No one likes to pay taxes, but war can not be carried on without great expense, and an honorable and free people will always recognize the necessity of sustaining the honor and integrity of the nation.

The American people have counted the cost, and will not only fight the battles by land and sea, but will bear with fortitude, as they have in the past, the increased taxation that the war will of necessity impose upon them.

Mr. DINGLEY. I ask unanimous consent that debate upon the amendment offered by the gentleman from Massachusetts shall close in five minutes, three minutes of which may be used by the gentleman from Massachusetts and two minutes by the gentleman from New York [Mr. PAYNE] on behalf of the committee.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that debate upon the amendment offered by the gentleman from Massachusetts be closed in five minutes, the gentleman from Massachusetts to have three minutes and the gentleman from New York to have two minutes. Is there objection?

Mr. BAILEY. Will the Chair state the request?

Mr. DINGLEY. It is simply on the amendment of the gentleman from Massachusetts.

Mr. BAILEY. On the amendment of the gentleman from Massachusetts? I have no objection.

The CHAIRMAN. Is there objection?

Mr. MAXWELL. I object.

The CHAIRMAN. The gentleman from Massachusetts.

Mr. MAXWELL. Mr. Chairman, I objected.

The CHAIRMAN. The Chair did not hear the gentleman until he had recognized the gentleman from Massachusetts.

Mr. WALKER of Massachusetts. Mr. Chairman, it seems to me the gentleman from Maine, the chairman of the Committee on Ways and Means, did not touch the proposition that I made at all. I do not object to the bond sale. I approve of it. But let me call his attention to the fact that this Government funded in 1891 $250,000,000 of its bonds at 2 per cent, since paid down to about $25,000,000. Mr. Chairman, I wish to say again, our bonds were sold in 1889 to pay only 2.09 per cent income. They sold from 1887 to 1889 at 2.8 per cent income. They sold in the eight years previous to 1898 to pay 2.46 per cent income.

Now, my proposition is that we ought to put out short-term bonds, so averaged in amount as to have the same amount come due each year up to 1907, as provided in my amendment, and the Government can then fund them a year after the war closes at 2½ or 2¼ per cent. Ought we not to do that? What does the proposition of the gentleman from Maine come to? It comes to this: That in the years between now and the time when the bonds become due we shall not accumulate any money to pay these bonds. Until the year 1904 we shall not accumulate anything, but then we shall put on taxes and pay the $100,000,000; and we shall then reduce taxes and not accumulate any money until 1907 to pay for the bonds due at that time, and then we shall pay by taxation the $500,000,000 of bonds then due; that we shall not raise any money to pay the bonds of 1908, and then we shall raise in that year $500,000,000 by taxation.

My proposition is to raise the same amount each year until the bonds come due and have the same amount of bonds come due each year, just the same as any business man in the country would do in his business. I borrowed one pleasant morning $60,000 at the rate of 1½ per cent flat. There was no commission, and it did not cost me over 3 per cent in the last ten years that I was in business; but by no means on the principle that this bond business is to be done under this bill, but on the principle that I have asked, this power to be incorporated in this bill that the Government should put out its debt to it will come due on an average from now until the close of 1908.

Now, when the gentleman from New York [Mr. PAYNE] gets up I would like to have him state that this is not good business sense—a good business proposition. The plan is so outrageous to me that I could not under ordinary circumstances vote for the bill containing this bond clause. It is too unbusinesslike and unfair to the people.

[Here the hammer fell.]

Mr. PAYNE. Mr. Chairman, as the gentleman from Massachusetts would not allow the question of the gentleman from Illinois, I would like to call attention to the fact that the 2 per cent bonds are at a discount in the market. The proposition of the gentleman from Massachusetts is that we provide here for a set of bonds that would be payable in three years, because, he says, he wants to continue these war taxes and pay these bonds. The proposition of the committee is that when the war is over we cut off the war taxes [applause], and that we pay the bonds as we paid the bonds of the late war, out of the usual and ordinary taxes of the Government. I want to say another thing to the gentleman from Massachusetts, that when the war of the rebellion ended we not only had a bonded debt, but we had another large outstanding debt which it took years to pay—a debt, including the pension roll, that amounted to as much as the bonded debt at the end of the war. We want to be prepared to pay this debt also when this war closes.

I greatly fear, Mr. Chairman, that there will not be revenue enough to pay even the $100,000,000 that becomes due in 1904. I shall think the country is very fortunate if we do happen to get the $100,000,000. If we do happen to get that $100,000,000 and more, how easy it is to go out in the market and buy the bonds drawing the interest of 5 per cent and stop that interest. If we have more than that, we can buy in the $550,000,000 of bonds and

stop that interest of 4 per cent. Now, when the war is upon us, when we want to borrow the money, when we must have the money, and can not have any peradventure about it, as a business proposition, I want to say to the gentleman from Massachusetts, it is sound sense, it is common sense, to make these bonds so that they will surely sell at par, so that we may have the money to prosecute this war. [Applause.]

The CHAIRMAN. The question is upon agreeing to the amendment offered by the gentleman from Massachusetts [Mr. WALKER].

The amendment was rejected.

Mr. MAXWELL. Mr. Chairman, there are many persons who believe that an income tax is not in conflict with the Constitution of the United States. It is true that in Pollock *vs.* Farmers' Loan and Trust Company, some two years ago, the Supreme Court, as then constituted, by the change of opinion of one of its members and by a bare majority—5 to 4—declared such tax to be in conflict with the Constitution and therefore void. There are strong dissenting opinions in that case by very able members of that court, and it seems to me the reasons stated by those dissenting judges in favor of the validity of the law are much stronger than those of the majority.

I entertain a very high respect for the court as a whole, and of its members individually; but all human tribunals are liable to err, and this fact is recognized by the tribunals themselves. Hence, motions for a rehearing are filed under their rules and with their consent, and in many cases are sustained, there being probable error in the former decision. In view of the former decisions of the Supreme Court, which I will presently call attention to, we may treat the question in Pollock *vs.* Farmers' Loan and Trust Company, 157 United States, page 429, and 158 United States, page 601, relating to the income tax, as not finally determined, briefly review the matter and the authorities bearing upon it.

The sections of the Constitution to be construed read as follows:

Section 8, Article I, provides that—

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, and to pay the debts and to provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Section 2, Article I, provides that—

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound for service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of Congress of the United States and within every subsequent ten years, in such manner as they shall by law direct.

Section 9, Article I, provides—

That no capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Section 9, Article I, also declares that—

No tax or duty shall be laid on articles exported from any State.

The fourteenth amendment declares that—

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

The question arises at the outset, what are "direct taxes"? This question in substance was asked by Rufus King, of New York, in the constitutional convention of 1787, and no one seems to have answered. (5 Elliott's Debates, 451; Pollock *vs.* Farmers' Loan and Trust Company, 158 U. S., 640.) No system of taxation of that kind seems to have been in force at that time, nor had the term any settled legal meaning. This becomes important, because the Supreme Court of the United States has many times construed the term "direct taxes" and what were not, and we will now refer to those decisions.

In 1794 Congress passed an act imposing a duty or tax upon all carriages for the conveyance of persons, etc.

It was contended that this was a direct tax, and the case of Hylton *vs.* United States, 3 Dall., 171, presented the question squarely whether or not this was a direct tax. The court held that it was not.

In the able dissenting opinion of Mr. Justice Harlan in Pollock *vs.* Farmers' Bank et al., 158 U. S., 648, he quotes from the diary of Mr. Justice Iredell, one of the judges who, in 1796, decided the case of Hylton *vs.* United States supra. It is said:

This was a very important case, as it involved a question of constitutional law. The point was the constitutionality of the act of Congress of 1794. If a direct tax, it could only be laid in proportion to the census, which has not as yet been taken. * * * The court unanimously agreed that the tax was constitutional, and delivered their opinions seriatim.

Mr. Justice Patterson presented a very plausible and apparently correct explanation of the object of the term "direct taxes." He says:

The provision was made in favor of the Southern States. They possessed a large number of slaves; they had extensive tracts of territory thinly settled and not very productive. A majority of the States had but few slaves, and several of them a limited territory well settled and in a high state of cultivation. The Southern States, if no provision had been introduced in the Constitution, would have been wholly at the mercy of the other States. Congress in such case might tax slaves at discretion or arbitrarily, and land in every part of the Union at the same rate or measure—so much a head in the first instance, and so much an acre in the second. To guard, then, against imposition in these particulars was the reason of introducing the clause in the Constitution which directs that Representatives and direct taxes shall be apportioned among the States according to their respective numbers.

By the acts of Congress of July 14, 1798, August 2, 1813, January 9, 1815, and March 5, 1816, direct taxes were laid upon "lands, improvements thereon, dwelling houses, and slaves, and apportioned among the States." The reason slaves were the subject of a direct tax is explained in a later case.

Slaves were proper subjects of a capitation tax, which is described in the Constitution as a direct tax, as property; they were by the laws of some if not most of the slave states classed as real property descendable to the heirs. (Veazie Bank *vs.* Fenno, 8 Wall., 543.)

In the case cited, the principal question was whether or not a tax of 10 per cent on the notes of a State bank used for circulation was a direct tax. The court held it was not, and that the tax was valid. The opinion was delivered by Chief Justice Chase, who said in substance:

In construing the term no valuable light had been elicited as to the sense in which the direct taxation was used in the Constitution. That personal property, contracts, occupations, and the like have never been regarded by Congress as proper subjects of direct tax.

In Pacific Insurance Company *vs.* Soule (7 Wall., 453), the question presented was whether or not under the statutes the duty upon the incomes of insurance companies from whatever source was a direct tax that could only be laid by apportionment among the States. The court held that it was not a direct tax and was valid. The opinion, which was unanimous, was written by Justice Swayne, one of the ablest judges that ever sat on the bench. He cites with approval the case of Hylton *vs.* United States, supra, and says the views expressed therein were entertained by Chancellor Kent and Judge Story. In Scholey *vs.* Rew (23 Wall., 321–346), the question presented was whether or not a tax upon the succession to real estate was a direct tax, and it was held that it was not. In that case the statute declared that the term "real estate" should include all lands, tenements, and hereditaments, corporeal and incorporeal, and that the term "succession" should denote the devolution of title to any real estate. Pollock *vs.* Farmers' Loan and Trust Company (158 U. S., 654). The question was again before the court in Springer *vs.* United States (102 U. S., 586–602), where the validity of the income-tax law of 1864, as amended in 1865, was involved. This act imposed a duty upon gains, profits, and income derived from every kind of property and from every trade, profession, or employment. It was contended by the appellant that this was a direct tax and could only be levied by apportionment among the States according to the number of people as shown by the last census. The tax was held by a unanimous court to be valid and not a direct tax.

It is said "it does not appear that any tax like the one in question was ever regarded or treated by Congress as a direct tax." Mr. Justice Harlan says:

The question what is a direct tax is one exclusively in American jurisprudence.

The text writers of the country are in entire accord upon the subject. [Applause.]

Mr. Justice Story says that all taxes are usually divided into two classes—those which are direct and those which are indirect.

Under the former denomination are included taxes upon land or real property, and under the latter taxes on consumption. (1 Story Const., 950; Pollock *vs.* Farmers' Loan and Trust Co., 157 U. S., 557–558.)

It is also said in Springer *vs.* United States, supra:

Our conclusions are that direct taxes, within the meaning of the Constitution, are only capitation taxes, as expressed in that instrument, and taxes upon real estates; and that the tax of which the plaintiff in error complains is within the category of an excise or duty.

In Pacific Insurance Company *vs.* Soule (7 Wall., 444), Judge Swayne reviewed at length the decisions upon the question of direct taxes. He says:

What are direct taxes was elaborately argued and considered by the court in Hylton *vs.* United States in the year 1796. One of the members of the court, Justice Wilson, had been a distinguished member of the convention which framed the Constitution. It was unanimously held by the justices who heard the argument that a tax upon carriages kept by the owner for his own use was not a direct tax.

In the majority opinion in the case of Pollock *vs.* Farmers' Loan and Trust Company, on rehearing no discussion is had of the decisions above referred to except that of Hylton *vs.* United States. When the Supreme Court has construed a provision of the Constitution, and particularly where the construction has been made by a unanimous court soon after the organization of the Government and followed by such court unanimously up to the year 1894, Congress and the country have a right to rely upon such construction as the correct one and act accordingly. The decision, in fact, becomes a rule of property, and if changed, should be by amendment of the Constitution and not by judicial mandate.

In Pollock *vs.* Farmers' Loan and Trust Company, supra, the Chief Justice says:

It is evident that the income from realty forms a vital part of the scheme

for taxation embodied therein. If that be stricken out and also the income from all invested personal property, bonds, stocks, investments of all kinds, it is obvious that by far the largest part of the anticipated revenue would be eliminated, and this would leave the burden of the tax to be borne by professions, trades, employments, or vocations. (Page 636.)

And in the judgment (page 637) Chief Justice Fuller said:

First, that * * * taxes upon real estate being indisputably direct taxes, taxes on the rent or income of real estate are equally direct taxes; second, that * * * taxes on personal property or the income of personal property are likewise direct taxes.

The majority of the court seem to overlook the fact that when rent of land is paid to the landlord, it ceases to be attached to the real estate and is simply moneys in possession—in other words, income—and therefore liable to an income tax. The second proposition, that the taxes upon personal property or taxes on the income of personal property are direct taxes, if applied to many of the items in this bill, would probably result in holding that the duty thereon was a direct tax, and therefore void. If this decision should be adhered to, our Government may find itself handicapped by its own courts reversing the decisions of a hundred years and depriving it of the money needed to pay its expenses and preserve its credit or even to pay the salaries of the judges themselves. Such an unnatural construction could not have been contemplated by the framers of the Constitution. But it is said we should not criticise the decisions of the highest court in the land. The answer is, the judges are public officials, paid out of the public Treasury, and their acts are publicly performed and are of a public nature. If a mistake is made, the judges themselves, presumably, will be anxious to correct it.

For this purpose a motion for a rehearing is filed and must state some cause for a rehearing which a sensitive judge might construe as a reflection on himself. Yet it is not so intended, and a capable, conscientious, and fearless judge will try to correct an error if a material one is pointed out to him. The decision in question was rendered by five judges, while four judges have dissented and filed strong dissenting opinions. Under these circumstances, it is the duty of everyone who believes the decision to be wrong to protest against the same in a respectful manner.

I do not question the integrity of the judges or the honesty of their purpose, but I believe a great error has been committed in overturning the unanimous decisions of the court made by able and distinguished judges and assented to by the ablest lawyers and text writers in the nation for one hundred years, and by reason of which decisions the recipients of great incomes, those most able to contribute a reasonable amount to the support of the Government, are permitted to evade their just obligations and dues. With the utmost respect for the court, and believing that its members feel bound by the decisions of their predecessors without a break for a hundred years, I respectfully insist that an income tax is not a direct tax and is valid, and we trust the court will not by a forced construction of the Constitution deprive the Government of its just revenue necessary to carry on its business. [Applause.]

In the very able dissenting opinion of Mr. Justice Harlan, he says: "By its present construction the court, for the first time in all its history, declares that our Government has been so framed that in matters of taxation for its support and maintenance those who have incomes derived from the renting of real estate, or from the leasing or using of tangible personal property, or who own invested personal property, bonds, stocks, and investments of whatever kind, have privileges that can not be accorded to those having incomes derived from the labor of their hands or the exercise of their skill or the use of their brains. Let me illustrate this.

"In the large cities or financial centers of the country there are persons deriving enormous incomes from the renting of houses that have been erected not to be occupied by the owner, but for the sole purpose of being rented. Near by are other persons, trusts, combinations, and corporations, possessing vast quantities of personal property, including bonds and stocks of railroad, telegraph, mining, telephone, banking, coal, oil, gas, and sugar-refining corporations, from which millions upon millions are regularly derived. In the same neighborhood are others who own neither real estate nor invested personal property, nor bonds nor stocks of any kind, and whose entire income arises from the labor of their hands or the use of their brains.

"And it is now the law, as this day declared, that under the Constitution, however urgent may be the needs of Government, however sorely the Administration in power may be pressed to meet the moneyed obligations of the nation, Congress can not tax the personal property of the country nor the incomes arising either from real estate or from invested personal property except by a tax apportioned among the States on the basis of their population, while it may compel the merchant, the artisan, the workman, the artist, the author, the lawyer, the physician, even the minister of the gospel, no one of whom happens to own real estate, invested personal property, stocks, or bonds, to contribute directly from their respective earnings, gains, and profits, and under the rule of uniformity or equality, for the support of the Government." (Pollock *vs.* Farmers', etc., Company, 158 U. S., 672-673.)

I have voted for both men and means to carry on and bring this war to a speedy and successful termination, and shall continue to do so until victory perches upon our banners and an honorable peace is secured, but I am not willing to vote a mortgage upon this nation at this time for half a billion dollars when it is not necessary to do so.

"The available cash balance, including the gold reserve," as stated in the report of the Secretary of the Treasury, on April 28, 1898, was $218,814,956.53. The chairman of the Ways and Means Committee estimates the war expenses to be $1,000,000 per day. This being so, there is enough money in the Treasury without touching the gold reserve to conduct the war for nearly five months.

The estimate of the same chairman as to the income from the revenue bill under consideration is $100,000,000 per annum, and this probably is too low by many millions. Hence, the revenue from that source for five months would exceed $40,000,000, sufficient to prosecute the war for nearly seven months at least. A fair income tax, placing the exempt income at $2,000, it is estimated, would produce one hundred millions or more. And there are many other sources of revenue that have not been touched upon in this bill. A bond issue at this time is not only unnecessary, but it withdraws from circulation and business large amounts of money and permits it to remain idle in the Treasury for years, perhaps, while the people of the nation are suffering from the already contracted circulation. [Loud applause.]

Mr. EVANS. Mr. Chairman, there is nothing among all the institutions of our Government that should be held more sacred than the Supreme Court of the United States. If that court should become corrupt, it would be the greatest calamity that could happen to the institutions we have organized under our Constitution, and hardly less fatal would be a general distrust of its members. As an humble member of the bar of that court, I feel that its honor should remain untarnished. Alike as a citizen of the United States and as a member of this body, I certainly entertain the same opinion. I read in the RECORD of the 27th instant, on page 4325, remarks made by the gentleman from South Dakota [Mr. KNOWLES] upon this floor, in which, speaking of the judges of that court, he used this language:

The probate court which recently settled the estate of a deceased member of the Supreme Court found members of his family loaded down with Bell Telephone stock, which had been made valuable by a decision of that court.

Without alluding to the other most remarkable charges made by the gentleman at the same time, I think it is due to the country, I think it is due to this House, that any member of this body who makes such a charge as that should stand upon his feet and say what judge it was. I ask of the gentleman from South Dakota the name of the judge of that court whose family was loaded down with Bell Telephone stock.

Mr. KELLEY. Does the gentleman deny it?

Mr. EVANS. I do, and I call upon the gentleman to name the judge.

Mr. KELLEY. It would not be parliamentary.

Mr. EVANS. It would be parliamentary, especially as the judge is not now on the bench, but is dead. The gentleman need not skulk behind any objection of that kind when the reputation of the Supreme Court of the United States is at stake, and certainly not after manifesting no hesitation in making the charges he did last Wednesday night, when parliamentary scruples were much more demanded than now.

Mr. KELLEY. My colleague is not here.

Mr. SIMPSON. I think when the gentleman comes in he will meet the objections and the argument of the gentleman from Kentucky.

Mr. EVANS. I appeal to him as a matter of justice, alike to the House, to himself, and the country, that he state who the judge was whose family he says was found after his death to be loaded down with Bell telephone stock.

The CHAIRMAN. If there be no objection, the informal amendment will be regarded as withdrawn.

There was no objection.

Mr. RIDGELY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the word "borrow," in line 3, and insert the words "issue and pay out;" strike out all after the word "par," in line 6, and insert the words "full legal-tender United States money;" strike out the word "States," in line 7; strike out all after the word "of," in line 8, and insert the words "one, two, five, ten, twenty, and fifty dollars."

Mr. PAYNE. I make a point of order against that amendment. In the first place, it embraces four or five different amendments, which the gentleman undertakes to offer at the same time. In the second place, the proposition is not germane to the pending section of the bill.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] raises a point of order against the amendment. Does the gentleman from Kansas [Mr. RIDGELY] desire to discuss the point of order?

Mr. BLAND. What is the point of order?

Mr. RIDGELY. I will withdraw that amendment for the present and will offer it later as a substitute. I now move to strike out the last word of the section.

The CHAIRMAN. Without objection, that amendment will be withdrawn. The Chair hears no objection.

Mr. RIDGELY. Mr. Chairman, the object of the amendment which has been read is to prevent the issue of interest-bearing obligations to be paid by the people of this nation. My amendment would leave the section reading as follows:

SEC. 27. That the Secretary of the Treasury is hereby authorized to issue and pay out, on the credit of the United States, the sum of $500,000,000, or so much thereof as may be necessary, and to prepare and issue therefor, at not less than par, full legal-tender United States money in such form as he may prescribe and in denominations of one, two, five, ten, twenty, and fifty dollars.

That would be a substitute for the entire section.

Now, before entering upon any discussion of this proposition, I wish to read a letter, which has just reached my desk, from one of the largest labor organizations of the United States, and one, too, which I believe voices the wishes and judgment of 90 per cent, if not 100 per cent, of all the laboring people of this country. The letter is as follows:

WASHINGTON, D. C., *April 23, 1898.*

To the Members of Congress:

GENTLEMEN: I write you in behalf of the members of the Order of the Knights of Labor, many of whom reside in your district and voted for your election. The war-revenue bill (H. R. 10100) is now before the House of Representatives, and is to be voted on Friday next. The tax features of the bill are perhaps necessary, and I have no wish to place any obstacle to taxation that is just and equitable. Sections 27 and 28 propose to increase the interest-bearing debt to the enormous sum of $800,000,000, that must be paid sooner or later by labor, to the impoverishment of their wives and children and to the babies that are yet unborn. Are the bond sharks, both native and foreign, forever to have a mortgage on this people and none to say them nay? We beg of you to help prevent the passage of this iniquitous measure. The roll of those who vote for it will be branded with the mark of the beast—the money power—that colossal and imperial despotism that toil not neither do they spin.

Those who vote against this bond issue, though they may not prevent it, will be heralded as the friends of labor. Labor, at its task, is not unpatriotic in asking this. Tax beer, tobacco; tax the clothes we wear and the shroud we will sleep in, but until the last extremity, in God's great name, saddle us with no more bonds. There are over $200,000,000 now in the Treasury; $100,000,000 more will be raised by the taxes of this bill, and yet the insatiate maw of the money power cries, "Give!" "Give!" and is never satisfied. The nation is not in danger; we are not fighting the world, but only a very small and decrepit corner of it. If our Navy can not protect our shores, the proceeds of these bonds can not build another in time to save us. No Spaniard can land on these shores, for if he did labor would rise as one man to defend their homes and country without money and without price.

Vote for it, and we may say with John Boyle O'Reilly:

"Take heed of your civilization,
Ye on your pyramids built on quivering hearts!
There are stages like Paris in '93,
When the commonest men played terrible parts."

Very truly,

JNO. W. HAYES,
General Secretary-Treasurer.

Now, Mr. Chairman, I wish again to offer my protest against all bonds, and I do it most earnestly. I say that the day will come when the people of this country will forever stop the issuing of bonds by the Government. There is no need for such issues. We can carry on war for twenty years or any other number of years without them. So long as we have men and materials within the boundaries of this nation there is no need of the Government issuing interest-bearing obligations to the extent of a single dollar. We know from our experience that we can issue the credit of this nation in the form of legal-tender money and purchase therewith the services of the soldiers and the materials necessary for supplying our armies and to conduct this war for years and years without the necessity of borrowing a single dollar from any source whatever.

And the people of this country are rapidly reaching the resolution that the taking advantage of them in time of war to saddle them and their posterity with interest-bearing obligations must and will be stopped. Those who vote for this bond measure and the party that is responsible for it will be "called down" by the people of this country, and that in the near future. You are [addressing the Republican side of the House] only preparing for yourselves at the hustings a weak point in your legislation that will "down" you as sure as you carry through this bill. Issue and pay out the money first, then the people can pay the taxes you levy by this bill. [Applause.]

[Here the hammer fell.]

Mr. RIDGELY. I desire to offer this as a substitute for, not as an amendment to, the section.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BRUMM] is recognized.

[Mr. BRUMM addressed the committee. See Appendix.]

Mr. DINGLEY. Mr. Chairman, I ask unanimous consent that debate upon the pending section and all amendments thereto be limited to half an hour—thirty minutes longer.

Mr. SIMPSON. I object.

Mr. BRUMM. I want to know whether this is coming out of my time?

Mr. DINGLEY. I thought the gentleman had concluded.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The gentleman from Maine asks unanimous consent that all debate upon this section and amendments be concluded in thirty minutes.

Mr. COCHRAN of Missouri, Mr. SIMPSON, and others objected.

Mr. DINGLEY. Can there not be some arrangement as to time? Otherwise there will be danger that other sections of the bill will not be reached, because the afternoon is running.

Mr. MCMILLIN. I realize that there are other sections which are important, and I would suggest to gentlemen around me that this amendment applies only to the issuance of bonds, and the one providing for a temporary loan, whether Treasury warrants or otherwise, is to come later. I have abstained from taking any time myself, in order that those who have not had time may be heard.

Mr. DINGLEY. Will not the gentleman suggest some time limit on section 27?

Several MEMBERS. One hour.

Mr. MCMILLIN. Gentlemen around me suggest one hour.

Mr. DINGLEY. I ask unanimous consent that the discussion on the pending section and all amendments thereto be limited to one hour.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that debate on the pending section and amendments be limited to one hour. Is there objection?

Mr. BARTLETT. Mr. Chairman, I do not want to object, but I desire to have five minutes of that time.

The CHAIRMAN. Is there objection?

Mr. BRUCKER. Pending that request, a parliamentary inquiry. What time is set for taking the final vote?

Mr. MCMILLIN. Half past 4.

Mr. DINGLEY. Four o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

Mr. BARTHOLDT. Mr. Chairman——

The CHAIRMAN. The Chair hears no objection.

Mr. COONEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Maine desire the floor?

Mr. DINGLEY. Has that request been agreed to?

The CHAIRMAN. That has been agreed to. The gentleman from Missouri [Mr. COONEY] is recognized.

Mr. COONEY. Mr. Chairman, let us lay up no Spanish war debt against this Government. We are unanimous in the prosecution and support of this war; let us pay as we go. There are many other methods of raising the revenue than by issuing bonds. An issue of bonds should be the last resort of statesmanship, not the beginning of it.

Nothing would force a speedy and successful conclusion of this war so much as a declaration by this House that we will raise millions for those who fight the battles on land and sea, but not a dollar for the bondholder. Such a declaration would sound the hour when the fogs of politics, diplomacy, and delay that now hover over the acts and purposes of the Administration would have to disappear and actual war commence.

Sir, we have not yet been able to reach out and come in contact with the Spaniard before we are surrounded by and in the clutch of an enemy that bears a more sinister aspect. The President has just issued his call for 125,000 volunteers to free the Cubans; and now with undue but thrifty haste comes Shylock and issues his call for $500,000,000 in bonds with which to enslave the American people.

We ought to crush the Spaniard and end this war in two months; but if Shylock is to share our councils and attention, then the respective strength and character of the two contending nations do not furnish any reasonable basis of prophecy as to when this war will be ended. It throws us into a dual conflict, with the Spaniard in front of us and Satan in our rear, and the war will not terminate until the American lemon is thoroughly squeezed.

I know that liberty is the dearest, as it is the choicest, thing on earth, and it is never secured only as it is paid for inch by inch in blood and money. The American people have undertaken to pay for Cuban liberty in that kind of coin; but they will mete out just punishment to those who place them in bondage to Shylock for twenty years for the liberties of any foreign people.

The reason given in the report that accompanies this bill for the issue of bonds to the amount of $500,000,000 at this time is the necessity of impressing the great powers of Europe with an exhibition of our unity and vigor. Sir, we have not entered into this war for holiday parades and exhibitions, but to pluck the "Gem of the Antilles" from the crown of Spanish despotism and place it upon the brow of Freedom. If our Army and Navy proceed about that at once and do it quickly, we will impress the great powers

with a deeper respect for us and at much less expense and sacrifice to the American people than if we enter upon vain and useless spectacles of our power.

The issuing of bonds at this time is a declaration of our want of confidence in the people's willingness to meet the burdens of a war which they have themselves demanded. Their enthusiasm is so earnest, their resources are so great, and our opportunities for levying the sinews of war are so many and excellent that all other means for carrying on this war should be exhausted before we add another dollar to our national debt.

If we can not diminish, let us at least hold our national debt where it is, and pluck that flower of safety out of this nettle danger.

The man who has the means at hand to pay his debts, but prefers to sign a bond for their future payment is a fool, a speculator, or a knave; nor can that government be honest which passes by and ignores the wealth and means within its reach for carrying on an enterprise, but prefers to force upon its citizens an issue of bonds that will be a burden upon them and a curse upon their children for generations afterwards.

I do not impute dishonest motives to gentlemen who adhere to the method of raising revenue adopted by this bill. It is their method; it is their faith; for the political shrine at which they worship is consecrated only by the unction of the bond. But we believe that the means for this war can be raised without issuing bonds.

We believe that national bonds, even when issued in a crisis of necessity, become a source of national corruption; that they create a monopoly that fattens upon the people, that locks up the sources of their prosperity and industry and impoverishes them. That is why, through all the stages of this Cuban question Democratic sense and sensibilities have been more easily aroused in behalf of Cuban freedom than that of Republicans.

The disease of Cuba, her poverty and misfortunes, that have cried aloud to us and high heaven for redress, were bred by Spanish extortion in colonizing $500,000,000 Spanish bonds on that island for the purposes of lust and robbery. That is Democratic faith, and by and through that faith we were able, before Republicans, to comprehend the deplorable situation of the Cuban, and first to extend to him the glad hand of sympathy.

That is still our faith, and in maintaining it here against this bond issue we do so on the highest plane of consistency with all our acts and principles touching this great subject.

From the beginning we have labored for a free Cuba—not that miserable freedom which would still compel it to gnaw its life out on the bone of debt and drink from the bitter cup of a hope deferred, but a freedom full of life and light and joy, a freedom disenthralled not only of Spanish sovereignty but of Spanish bonds.

When we stand against this proposed bond issue, we are but defending the American people from the identical evil which has induced them to so generously espouse the liberties of the Cubans. Slowly but surely it is dawning upon the gaze of mankind that he who fights against national bonds is fighting the battle of human freedom everywhere.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Chairman, no district in the country will have to make a greater sacrifice under this bill than the one which I have the honor to represent upon this floor; and if patriotism is self-sacrifice for the country's good, the people of the Tenth district of Missouri will be the most patriotic in the land. We are all agreed that nothing other than a great national emergency, that war alone can justify these additional burdens; and it is the general understanding, I believe, that our people will be relieved from them as soon as peace is declared, and as soon as the conditions of the Treasury will justify it. With this understanding, I will support the pending bill.

I am frank to admit that it does not embody my ideas of taxation. I would lay all direct taxes upon wealth rather than want, upon incomes rather than consumption; but in the midst of a great crisis, in the midst of a war for the liberation of a neighboring people, there is no time for either experiments or litigation. The three things necessary for conduct of war—namely, first, money; secondly, money; and thirdly, money—had better be secured and found along the pathways of previous experience and by the means by which we were enabled to pay over $2,500,000,000 of old war debts.

I am, however, constrained to ask the House for one concession. I ask it in the shape of an amendment which I propose to offer if opportunity is given, an amendment which provides for an increase of the rebate allowed on malt liquors from 5 to 7½ per cent. As the representative of the largest beer-producing district in this country, I ask this as a proposition of plain justice, and will briefly explain the reasons why this amendment should be adopted. For thirty-odd years there has been levied a tax—a war tax—upon beer at a rate of $1 a barrel. It was imposed with the express understanding that as soon as the war should be over and the condition of the Treasury would justify it, it would be taken off and abolished. It has never been taken off, and the brewers of this country have ungrudgingly and patriotically paid it for more than a generation. It seems to me, Mr. Chairman, that this fact alone entitles them to some consideration. Now it is proposed to even double that war tax. Under the circumstances it might have been expected that the interested parties would come here and bitterly oppose this enormous increase. Instead of that, Mr. Chairman, they patriotically came to the front——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Chairman, I ask five minutes more. This is the first time I have occupied the time of the House in this matter.

The CHAIRMAN. The gentleman from Missouri asks that his time be extended five minutes. Is there objection?

Mr. CASTLE. I do not object, but I would like the gentleman to keep to the question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTHOLDT. They came patriotically forward, I say, Mr. Chairman, and were the first to declare before the Committee on Ways and Means that if these additional burdens would be fairly distributed all over the country they would be willing and ready to bear their full share. It may be said that they did this because they could afford to do it. But, Mr. Chairman, that is not the fact. I do not deny that many of them are rich men; but their wealth consists mainly in the great investments in their manufacturing plants, which are nowadays necessary to carry on production. The price of beer has gone down from $14 to $6 a barrel, and I am reliably informed that to-day the profit on a barrel is not higher than $1. If, then, the Government steps in and takes that dollar, is it reasonable to say that they can afford to pay it?

Mr. SIMPSON. Will the gentleman allow me a question?

Mr. BARTHOLDT. Yes.

Mr. SIMPSON. I desire to ask the gentleman whether, in his opinion, the consumer or the producer will pay the tax?

Mr. BARTHOLDT. For the purposes of my argument it makes no difference. Undoubtedly the brewer pays a part of it and the consumer pays a part of it. But I am merely asking that the brewers be exempted from taxation upon that part of their product not really used, and not really sold, and therefore the question raised by the gentleman does not enter into my proposition.

Mr. SIMPSON. I should like to get the opinion of the gentleman whether or not the brewer or the consumer would pay the tax.

Mr. BARTHOLDT. I answer the question of the gentleman by saying that if the committee should vote to grant the additional rebate of 7½ per cent, the consumer would be benefited, because brewers are in the habit of giving percentages to the retailers.

Now, Mr. Chairman, when the brewers were before the committee, they asked for this one concession, and their readiness and willingness to assume the additional tax was upon the express condition that 7½ per cent, and not 5 per cent, rebate should be granted. It is not asked as a donation, nor even as a reduction of the proposed taxation, but it is merely intended to reimburse the producer for the loss of merchandise to which revenue stamps have been attached and which is returned and for which he has received no equivalent whatever.

The committee has recognized the justice of this claim by allowing a rebate of 5 per cent, and the reduction was made on the plea that improved processes of manufacture and transportation had considerably reduced the losses thus sustained. I speak with a full knowledge of the facts when I say that the real losses sustained on this account amount to from 10 to 12 per cent, and therefore, in view of the great increase of this tax, in view of the fact that beer is the national drink of the masses of American people to-day, and not only their drink but their food, I ask you to grant this increase of rebate and to pass my amendment, and I trust that I may have the opportunity to offer the same.

[Here the hammer fell.]

[Mr. BARTLETT addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 1495. An act to remove the charge of desertion from the military record of Anton Ernst;

S. 2474. An act for the relief of Thomas F. Rowland;

S. 2693. An act for the relief of the estate of George W. Lawrence, deceased;

S. 3675. An act to examine, determine, and report the facts necessary to the establishment of free public highways into the Yosemite National Park, and appropriating moneys therefor;

S. 3799. An act to correct the military record of John Shelton;

S. 4168. An act for revising and perfecting the classification of letters patent and printed publications in the Patent Office;

S. 4317. An act to provide for the opening of lands containing asphaltum, gilsonite, elaterite, and kindred substances in the State of Utah;

S. 4422. An act granting an increase of pension to George W. Gould; and

S. R. 141. Joint resolution regarding the holding of a Pan-American Exposition in the year 1901 upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century.

The message also announced that the Senate had passed without amendment the bill (H. R. 5511) granting to the Chattanooga Rapid Transit Company the right to cross with its track the Dry Valley road to the Chickamauga and Chattanooga National Park.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

H. R. 2691. An act to amend section 9 of an act entitled "An act to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes;" and

H. R. 5880. An act to vest in the Commissioners of the District of Columbia control of street parking in said District.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes.

WAR TARIFF.

The committee resumed its session.

The CHAIRMAN. The gentleman from New York [Mr. RAY] is recognized for five minutes.

Mr. RAY. Mr. Chairman, I have listened to-day with such patience as I could command to peace advocates and greenback advocates and beer advocates, and I realize now that every weakling in this House has some ground upon which to oppose legislation which is presented for the purpose of raising revenue to carry on the war with Spain which we all ought to favor. On the Democratic side of this House three weeks ago every man was yelling at the top of his voice for the recognition of the Cuban Republic, and he wanted war "right off"—immediate war. Now that we have war, many want peace and deplore war; some say there is not going to be any war of consequence, or if there shall be war, they do not want any war tax levied, because it is unnecessary.

The gentleman from Pennsylvania [Mr. BRUMM] was on his feet advocating the issue of greenbacks to pay war expenses; and he referred to the days of 1861, and said we should repeat that experience. What are greenbacks? Mere promises to pay, at the best. If I give you my note payable a year hence, it will not pass at 100 cents on the dollar, but will be discounted from the very beginning, unless it is due at once or an agreement to pay interest is written in the bond. Should we issue greenbacks, they will be discounted from the very beginning. Therefore, even if we have unbounded confidence in this Government and its willingness and ability to pay some time, we do not want any issue of greenbacks. Let us be manly. Let us issue bonds. Let us say that we will pay interest; that we will pay principal and interest at a fixed date.

Mr. RIDGELY rose.

Mr. RAY of New York. I have only a limited time. I do not wish to yield.

Mr. Chairman, the bill now before the House is an extraordinary measure to provide extraordinary revenues to enable us to prosecute a war with Spain which was precipitated by the extraordinary conduct of the Democrats on the floor of this House. I do not say that the war is not a just and a necessary war, for I believe it is, but I do say that it was precipitated by our Democratic friends, many of whom now not only condemn it as unnecessary and unwise but oppose the enactment of wise legislation necessary to raise the money with which to prosecute it. For months they clamored for the recognition of the belligerent rights of the so-called Republic of Cuba and then for the recognition of the independence of the Republic of Cuba. Either course would have involved the United States in war with Spain if such policy had been followed by an honorable course toward the citizens of Cuba.

The Republicans wisely and justly have seen fit to recognize the independence of the people of Cuba, that they "are, and of right ought to be, free and independent," and have coupled that declaration with a demand that Spain evacuate the island and leave its people to establish a free and an independent government of their own. This course was also supported by the Democrats in this House. This was made necessary by the cruel and inhuman conduct of the Spanish Government toward her subjects in Cuba—a course of conduct not tolerable and not permissible. For three years a war for freedom has been waged by the people of that island lying within sight of our shores and almost under the shadow of our flag. Beaten in fair battle, Spain resorted to a policy of extermination of a people she could not conquer. Men, old, helpless men; women, weak and feeble; children, innocent and helpless, were herded and penned and surrounded by a guard of pitiless soldiers and left to starve.

Fruitful fields were laid waste and turned to deserts. Homes were burned and murder was legalized. By the decrees of that infamous butcher, Weyler, 250,000 helpless human beings were killed by sword or bullet or starvation within twelve short months. Commerce was interfered with, our commercial interests destroyed, our citizens deprived of property and unjustly imprisoned, and, finally, to crown the acts of infamy being committed in the Western Hemisphere, a magnificent war ship of the United States Navy, on a friendly visit to a supposed friendly port, was treacherously destroyed and 266 of our sailors and marines, reposing in fancied security, were hurried into eternity.

The President counseled a conservative course; he foresaw the unwisdom of hasty action. Having participated in one war, he knew the horrors of another, and especially did he know the expense that would necessarily attend the prosecution of hostilities between the United States and Spain. Of necessity we are the attacking party in the pending conflict. We can not stand on the defensive and drive Spain from Cuba. Spanish armies will not evacuate that fair island at our bidding. Force must be used, and now that the die has been cast, that the ultimatum has been pronounced, the Government of the United States must see to it that Cuba is free. It has been predicted that there will be no conflict, no clash of arms, no roar of guns, no shedding of blood, no loss of life.

I heard such senseless claims thirty-six years ago, when war clouds hovered on the horizon. Four years of war followed. Hundreds of thousands of men met in mortal combat on hundreds of battlefields and death and desolation and ruin were abroad in the land. Not millions, but billions of dollars were required to maintain the conflict. The credit of this nation was strained to the utmost, and a depreciated currency constituted our only circulating medium, while bond issues were absolutely necessary to procure current funds with which to procure the supplies and munitions of war actually necessary to a maintenance of the conflict.

Mr. Chairman, the indications are that we have entered on a conflict not of days or months, but of possible years. Spanish territory is not contiguous. The Kingdom of Spain lies 3,000 miles over the sea, and Cuba is a hundred miles over the water from our nearest land. We have fighting men, but so has Spain; we have a magnificent Navy, but so has Spain; we have resources, but so has Spain. When Cuba is free and the last Spaniard is driven into or over the sea, the war is not necessarily ended. We may have to conquer a peace at the Canaries or possibly at the gates of Madrid. We should remember that when the eagles of France were planted on every flagstaff in every town in Spain she was not conquered, but finally repelled the invaders. Let us not belittle the work we have undertaken.

No patriotic or brave man flinches or hesitates. The call for men has gone forth, and nobly and patriotically has it been answered. But brave men and noble women, magnificent war ships and first-class guns can not alone win this fight. The soldiers must be fed and clothed and paid. We must have coal and powder and shot and shell. Patriotism is grand, but war is hell. If we would win, if we would save Cuba and make her people free, if we would avenge the *Maine*, if we would honor our flag and bring an honorable and a speedy peace, we must have money and hundreds of millions of it. We must have the sinews of war if we would strike quickly, strongly, and effectively. Shall we pay our soldiers with an irredeemable paper currency? Shall we confiscate property? Shall we wage this war with wind and mere promises? No, sir. We must resort to special extraordinary taxation to raise money. We must pay as we go, but we can not tax our people beyond their power or capacity to pay. We must have for immediate use millions of dollars; and when we ask the use of these millions, we must promise their return, and the dollars that we return must be the equal in every respect of those we borrow. And if we are honest, we will return these dollars with a reasonable interest. The money we want now does not belong to all the people, but to individuals of the nation; and when it is asked for the common good of all, then all will join to return it with a reasonable compensation for its temporary use. Then interest-bearing bonds are a necessity and the only security upon which we can obtain the money we want and must have.

Men will not loan their money in large sums and on long time without having something to show for it, without a reasonable interest to compensate them for the loss of its use while employed by other hands. The idea once advocated, and which still is popular with some, that this Government can manufacture money

with ink, paper, and a printing press finds few advocates at the present time. As well might we attempt to reduce Morro Castle with popguns and paper wads as to attempt to purchase in the markets of the world guns, munitions of war, powder, shot, and shell with a mere paper currency. We have had experience in this matter and know better than to repeat our bitter experiences. The loan proposed by this bill is so shaped that every patriotic citizen having $50 or more to loan at a low rate of interest may find a safe, nontaxable investment.

We are told that the extraordinary taxes will be burdensome; that they are unequal and unjust. That they are and will be burdensome all will admit. All taxation is to an extent and in a sense burdensome, and all special war taxation is of course an extra burden. An extra tax is placed on beer, wines, liquors, cigars, cigarettes, and many other articles. I know of no articles more worthy of special taxation than these. Those who let them alone will bear none of the burden imposed by such taxation; those who use them will pay the extra tax voluntarily and, we trust, cheerfully. No one will for an instant claim that the habitual use of intoxicants or narcotics is necessary to promote health or prolong life. The proposition to tax tea and coffee has been wisely abandoned. But should the war be prolonged, should it prove more expensive than we suspect, such a tax may be added without exciting much adverse criticism. Every patriotic man and woman, every toiler in the shop and factory and upon the farm, will take pride in helping "Uncle Sam" drive Spanish misrule from the Western Hemisphere. That the taxes proposed by this bill are unequal or unjust I deny. They reach the rich, the corporations, the luxuries. True, they may reach the poor, but they are very lightly burdened by this bill.

For political effect, and for no other purpose, the cry is raised here that we should resort to an income tax. The Supreme Court is assaulted with bitterness for having decided that such a tax is unconstitutional. But, say some of our Democratic friends, we should again enact such a law and let the matter again be brought before that court, for perhaps it will reverse the former decision. The author of that brilliant scheme, the gentleman from Texas [Mr. BAILEY], has no confidence in the learning, ability, and integrity of the gentlemen composing that court. Instead of advocating the raising of money by legal and constitutional methods, instead of teaching respect for and confidence in the legally constituted authorities of the land, instead of massing our forces and equipping our sailors and soldiers for battle speedily and effectively, he would halt and quibble and inaugurate a petty war with our highest court. Mr. Chairman, what we now want is a united people; a system of taxation we know we can enforce—not one we have every reason to believe we can not execute. We want money, and victories over the enemy, not vexatious lawsuits, inefficient laws, and bickerings among the people.

Our fleet is before Havana; the booming of cannon has been heard at Matanzas; the prizes are coming in; our Army is concentrating; the beat of the drum is heard, and the boys in blue from every State in the Union—North, South, East, and West—are marching. In little Cuba the patriot army is waiting for our promised aid, and the thousands on thousands of her starving people are crying for food. Daily they fall and die for want of bread. This is no time for hesitation, for bickering, for a dilly-dallying policy. This is not the time for experimental legislation, for the enactment of revenue legislation, we have every reason to believe, would not be effective.

We must pursue an energetic course and act promptly. The eyes of the nations of the world are upon us. Our national honor and prowess are at stake. Can we move together and strike as one man; can we furnish the money at call, pay as we go, and command and merit respect among the nations? are the questions of the hour. Shall our Army and Navy be fully equipped and ready for battle at once? is the question. It is not a question as to what we may or can do next year, but what we can and will do now. Let us get ready to-day, move quickly, strike heavily and effectively, and the victory is won. But if we hesitate and quarrel at home, our armies will lie idle, our Navy will do nothing, the Cubans will starve, and we shall deserve the contempt of all civilized peoples. This is not the time for long speeches or wars of words, but for action.

It is what we do, not what we say, that will meet the approval or disapproval of our citizens. The heavy, well-equipped, and quick-moving battalions win the victories. Our cause is just. The cries of a suffering, oppressed, and an outraged people have gone up to God, and He has put it in the hearts of the American people to give liberty to a race and establish a new Republic. It is through the instrumentality of the United States of America that this is to be accomplished, and every consideration of patriotism and of selfish interest demands that we act speedily and effectively. [Applause.]

Therefore it is that the views of particular individuals should be subordinated to the opinions of the great majority. Advice is not to be spurned or suggestions disregarded, but unity of action is imperatively demanded. In union there is strength, in disunion destruction. Therefore it is that we appeal to all classes, to all men of all parties, to unite on this bill as one calculated to bring revenues speedily, fill the Treasury, and insure a speedy and decisive victory.

Those who try to use this war for partisan purposes, political success, or personal aggrandizement will only deserve and receive the contempt of their fellows. It is a war in the interest of humanity and is waged to conquer a peace, a lasting and a glorious peace. We would restore to cultivation the devastated and barren fields of the Island of Cuba, send her starving people to their homes, drive Spain across the sea, and teach her to respect our flag.

I have been astounded to hear a few Democrats on the floor of this House state that if we had recognized the independence of the Republic of Cuba one year ago there would have been no war between Spain and the United States and that peace would now reign on that island. How such recognition would have produced such a result is not pointed out, and no reason for such a statement can be given. Such remarks fall only from the mouths of those who would wage war with their mouths and would flee from the face of an armed foe. Such men would sacrifice their fellow-men, but would not give one drop of their own blood. Such men take every course and advocate every policy that produces war, but when war is on they cry peace, peace. I am happy to be able to state that but few, very few, make such statements.

Mr. Chairman, the hour is fast approaching when we are to give our votes on this measure, and I trust that no gentleman will be against it.

Within the next hour we are to vote. I could wish to change some features of this bill, for it falls heavily on some interests in my district. But for the common good of all I am willing to proceed now to enact this bill into law for delays are dangerous.

The gentleman from Massachusetts [Mr. WALKER], who is a banker, is opposed to putting stamps on checks for more than $20, and other papers of that description. He says it will be inconvenient. Mr. Chairman, all taxes are inconvenient. It is many times inconvenient to do the things we ought to do and must do if we would live long, honorably, peacefully, and prosperously. No man regrets the necessity for this war and this consequent taxation more than I, but it was unavoidable.

I regret the inhuman and beastly atrocities of Spain, but I glory in the fact that in my day and while I live the possibility of their repetition on this side the globe is to be ended. I am willing and I know the people of the United States are willing to put their shoulders to the wheel of the car of progress and see it move forward. They are willing to deny themselves luxuries and even necessaries, to suffer inconvenience, that freedom may triumph and the character and dignity of our nation be maintained.

Yes, Mr. Chairman, again will our people unite in the battle hymn of the Republic:

> In the beauty of the lilies Christ was born across the sea,
> With a glory in his bosom that transfigures you and me.
> As he died to make men holy let us die to make men free
> While God goes marching on.

[Applause.]

I admire the spirit of this people; I admire their patriotism. We are ready for whatever may come. But let not gentlemen oppose this bill upon the ground that the war is to be a short one or that an immense amount of money is not required. We can stop taxation at any time, but we can not stop the war. We will not stop the war until the victory is won, whether we have to cross the sea to win it or not. We must remember, as I have already stated, when dealing with Spain, that even if we have navies, so has Spain; if we have armies, so has Spain; if we have resources, so has Spain.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAY of New York. I ask leave to continue my remarks for two minutes.

Mr. SIMPSON. I want to give notice that after this I shall have to object to these requests, no matter how disagreeable it may be to do so, because there are so many members wanting to speak on this bill who have not had the opportunity to do so. I do not object to the request of the gentleman from New York.

Mr. RAY of New York. If we have resources, so has Spain; if we have patriotism, so has Spain; and I believe (though I will not predict) that she will fight, and fight long and bitterly.

Let us, then, act wisely here to-day; let us stand by the policy adopted, the declarations made, and the flag of the Union; let us vote war taxes upon the assumption that we have before us a long and a hard war. If we do this, we shall act patriotically and wisely. And when we borrow money, let us borrow it as we would of our individual friends, pay at the proper time, and in the meantime wage war as a serious and an expensive business. [Applause.]

Mr. COX. Mr. Chairman, I have no desire to consume a moment's time of the committee more than seems to me necessary to put myself in a proper position on this question. And before I

proceed I ask (if anybody wants to object I will submit cheerfully) that I be allowed ten minutes on this proposition.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that he may proceed for ten minutes. Is there objection?

Mr. SIMPSON. I object.

Mr. COX. Then, Mr. Chairman, with great respect to my Populite friend, I decline to proceed; but I will hold the rope on him from now on. [Laughter.]

[Mr. BRADLEY addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I ask that my colleague's time be extended for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his colleague's time be extended for five minutes. Is there objection?

Mr. SIMPSON. I object.

Mr. McEWAN. Mr. Chairman, coming as I do from that portion of New Jersey which in the Revolution was all trodden over by the soldiers of the patriotic forces and those in opposition, coming as I do from a State that sent to the late war many thousands of soldiers beyond her quota, and in all ways manifested its patriotism, it seems to me useless to assert that I represent a patriotic constituency—a liberty-loving people. It is my joy to know that nine-tenths of its people favored this war, if it were necessary, for the purpose of bringing about the independence of Cuba. So I do not feel that it is necessary to defend the patriotism of the people of the Seventh Congressional district of New Jersey.

I take the floor, however, to say that they are willing in any way to bear their proportion of the expense necessary to carry on this war; but I believe I am speaking as they would have me speak, when I say that they are against the issue of bonds, if it can be avoided, and most assuredly I am of the same opinion. I am convinced that there is a way to avoid it, if time and thought were given to devising means for that purpose. I oppose the issue of bonds for one reason, to refer to no others for lack of time, and that is that the rich get the interest on the bonds and the poor have to pay that interest. The rich profit from the war and the poor bear the burden. Therefore I am against the issuing of bonds, if that can be avoided.

But it would not be right or considerate for me to declare against the issuing of bonds if I had no way to suggest by which revenue could be raised for war purposes, both speedily and with certainty. How would I avoid it? First, I would suggest that a constitutional income tax be imposed. It is possible to devise an income tax that would be constitutional and that could be imposed and collected without the objectionable features of the last one. I stand here in defense of that system with greater firmness than I would do otherwise had it not been that the gentleman from Ohio [Mr. GROSVENOR] had declared that he, too, would favor and vote for the enacting of a proper, constitutional income tax, as he and I have so seldom agreed on any question of economics. England and other European countries have the income tax, and surely a republic ought to have one. However, if it be found that such a law can not be passed in this House, after the amendment for an income tax has been voted down then I would vote for an amendment reducing the amount of bonds that this bill authorizes down to two hundred millions. This would carry us to the next Congress, and, if needed, more then could be issued.

We know very well that when bonds are issued by the United States Government no tangible security is given, as in the case of railroad bonds. Then, if we were now to issue $200,000,000 of bonds, the price we would get for an additional issue, if we found it necessary to make one, would not be any less than we would get for the first amount that might be issued, if that amount were five hundred millions.

If, however, this House votes against a constitutional income tax, and also against reducing the amount of bonds to be issued, then I shall, under moral duress, for the purpose of carrying on this war, vote for the bill under consideration; but I do hope that some means will be found whereby we can avoid the issuing of bonds, which I think at this stage is unnecessary and reprehensible.

[Here the hammer fell.]

Mr. LEWIS of Georgia. Mr. Chairman, I am one of the nineteen members of this House who voted against the original war resolution. I have always had the greatest feeling of sympathy for the Cubans. I have been enthusiastic for their cause, but I have always thought that if we went so far as to declare for the recognition of the independence of Cuba by this country, it would be all that would be necessary, and that in time Cuba would obtain her independence, and this country would be saved from the necessity of war. But that is all past. The war is now on, and it is the duty of all the 75,000,000 people of the United States to be patriotic.

Especially is it the duty of this Congress to be patriotic, because it was this Congress that voted for a declaration of war against Spain. Therefore, it is the duty of this Congress to be patriotic and provide the means and money to carry on this war. There are two necessary forces for the successful prosecution of a war. One is the men and the other is the money. We have the men and we can raise the money. The question is how we shall raise that money. The majority of this House have submitted two propositions to us. One is a revenue-stamp tax and the other is interest-bearing bonds. I have always been bitterly opposed to bond issues, but I believe of the two evils the bond issue is better than the stamp tax.

We all remember some years after the civil war the nuisance of the revenue-stamp tax, not merely the cost of the stamps, but often the inconvenience of getting them, and the severe penalty for the neglect or oversight to use them. This bill means the same trouble; in fact, it is drawn from and on the line of the last war-revenue bill. You claim that you will raise ninety to one hundred million dollars by the stamp tax. In my opinion, it will take one-half that amount in expenses and pay to the officers to collect it, and the inconvenience, trouble, and time taken to get these stamps can not be estimated.

The number of people who will violate this law through oversight and error, thereby subjecting themselves to prosecution, would be great. Then why this stamp tax? As usual, you burden the poor man most. You double the tax on his tobacco. It is true you tax notes and other obligations, but who must stamp these notes? Of course the maker of them must stamp them. You also require 2 cents on each bank check, but is this a tax on the bank and its capital, or its deposits? No; the drawer of the check must stamp the check; therefore the banking capital is free, as all the rest of the wealth of the country is.

It is unjust to burden the country with $500,000,000 of 3 per cent interest-bearing bonds. My party is especially opposed to any bond issue in time of peace, and will bitterly oppose them even in time of war so long as there are other ways of raising money so advantageously, and ways that, if the people are burdened, the burden falls on them all more equally. Bond issues mean just two things, the owner of them reaps the harvest and the other fellow produces it. However, this does not always apply, for individuals and enterprises can afford to be bonded at times for the reason that the money can be used to better advantage. But I can not believe that an established government, with credit and resources ample to coin, issue, and by just, proper, and equal taxation secure what money it may require, should issue bonds, which are manifestly in the interest of the owners of money and a burden on the producers of wealth.

But, Mr. Speaker, war by a nation means many sacrifices to its people, and the burdens of war should be as equally distributed as possible. If this conflict proves to be at all serious and lasting, then there must be burdens. We now see and feel the effects of the present war. The Southern cotton farmer has reduced his cotton crop for the fear of no market next fall. The manufacturer must run his factory on shorter time. The laborer will not find steady employment. The merchant's trade is curtailed. The brave volunteer who goes to the front will certainly make a great sacrifice.

But by the issuance of $500,000,000 of 3 per cent interest-bearing, nontaxable bonds you pay a tribute to the money controller and owner. They can invest their money in these bonds and fold their hands and grow rich while the war rages and distress and sacrifices are seen around everywhere. Yes, they can invest their money in the safest and best security that this country can afford, be relieved of all taxes, and can sail around the world free of care and return when the war is ended to claim their profits.

The Democratic party have proposed various other means for raising revenue, and I think better and juster plans. We have proposed the free coinage of silver; we have proposed the income tax; we have proposed the issuing of certificates against the seigniorage now in the Treasury, and we have proposed to issue United States legal-tender notes. I believe that with only two or three of these important measures enacted into law we could raise enough funds to carry on the war. Now, I propose to be liberal. I am willing to vote enough money to carry on this war, but the amount you ask for, $700,000,000, is at this time more than is necessary; yet I think it is better in time of war to have too much money than too little.

I would suggest to the committee that the best plan to raise the necessary money would be: First, to issue $42,000,000 of certificates against that amount of seigniorage now lying idle in the Treasury. Second, an income tax of 2 per cent on all incomes of over $2,000. This would give us, say, about $58,000,000. Third, use the money now in the Treasury, $100,000,000. Fourth, issue $100,000,000 of United States legal-tender notes. We will then have a total of $300,000,000, which will be sufficient to carry on a most vigorous war for the next ten or twelve months. In the meantime we will meet here in December next, when we can provide for further means, if it then be necessary.

As I say, I am against bonds, because I do not believe that bonds

are necessary; but I am for a victory in this war, and if it becomes necessary in future I am willing to go on record and to cast my vote for bonds, although I am bitterly opposed to them at all times and certainly do not believe them necessary at this time. In fact, a war between the United States and Spain can not require any very great outlay of money. It will certainly be an unequal war. Spain has only 17,000,000 of people; she has a bonded indebtedness of nearly $2,000,000,000; she is already exhausted by her recent continued wars; while this country, which has been free from war for a third of a century, has 75,000,000 of fresh, patriotic people.

We have only half as much indebtedness as Spain, and in addition to that we have the insurgent Cubans to help us in the fight; consequently it ought not to be a long-continued war, but should soon terminate with victory on our part. The gentleman from Kentucky [Mr. BERRY] this morning uttered my sentiments when he said we ought to be aggressive, that our war ships ought to go to fighting, and we ought to bring this war to a close. I am for peace. I am a peace man, but when war is on it is not the proper time to talk about peace. We should use all the energies and vigor we have to bring the war to an early and victorious end. This country has never known failure; it has never known what it was to go down in defeat, and I trust that time will never come. The present war can not mean a great deal, but it certainly means victory on our part. Let it be said that we do not care who our opponents are, we are ready to meet them, and the result will ever be victory for our arms. [Applause.]

Mr. GROUT. Mr. Chairman, it seems to me that altogether too much prominence is being given to the proposition contained in section 27, which, to my mind, is really beyond debate. The proposition is whether we shall authorize the President to issue $500,000,000 of bonds, at 3 per cent interest, in denominations of $50 or multiples thereof, so that they can be within the reach of small investors: and whether, also, in making the loan the President shall give the people a chance to take it.

Now, it is simply this sort of a bond that this section provides for, instead of the bond which may be issued under existing law, which, as is well known, is a 4 per cent bond and which the President is not compelled by the law to offer to the people at all, but may, as was done by President Cleveland in all his issues but the last, be put on the market through syndicates of capitalists, to which the foreigner even was obligingly admitted and allowed to share in the enormous profits of those several transactions, to the great scandal of the Administration and the greater disgust of the American people. I repeat, the question raised by this section is whether we will give the President authority to issue a loan at a lower rate of interest and compel him to give the people a chance to take it, or whether we will leave that optional with the President, who, like the late occupant of the White House, may have a taste for doing the business through syndicates.

The President already has, and ought to have, authority to raise money by the sale of bonds, and what objection our Democratic friends or anyone else can raise to substituting this provision for the existing statute I am unable to understand. It is good not only now but hereafter; not only in this emergency, but in any and every other emergency that may arise.

Mr. COCHRAN of Missouri. Does this operate to repeal the act that is now existing law?

Mr. GROUT. Very likely it does by implication; but whether it does or not, it would put the President under such restraint that he would not think of issuing another bond under the provisions of the old law.

Mr. COCHRAN of Missouri. Would the majority accept a provision repealing this section?

Mr. GROUT. I am not authorized to speak for the majority. I am not in charge of the bill. I turn that inquiry over to the chairman of the Committee on Ways and Means to answer.

Mr. COCHRAN of Missouri. Then this will be available for use after this war is over.

Mr. GROUT. The provision is a general one and without limitation, and would clearly be operative until repealed.

Mr. COCHRAN of Missouri. Then it is both a peace measure and a war measure to issue bonds?

Mr. GROUT. Certainly; the Democratic party, with its free-trade tariff under the last Administration, which failed to produce revenue equal to expenditure, found it necessary in time of peace to issue bonds to meet the current expenses of the Government; and a similar calamity may again overtake us, but let us all hope we may be saved from it.

Mr. Chairman, this bond provision is all right. It has my hearty approval, and I wish I could say as much of all the provisions of the bill.

All the taxes in the bill are levied in one form or another upon our own products; and unless we increase the duty on imports of like articles from foreign countries to an equal extent we shall be taking away to the extent of the tax levied the protection now given to these products by our present tariff, and I do not think anyone on this side of the House is willing to admit that the tariff duty on any of these products is any too large now. Hence, instead of multiplying these internal-revenue taxes, thereby making necessary a largely increased force at great expense to collect them, and that, too, to the great annoyance of the people, I would levy a duty on tea and coffee, which could be collected with but little, if any, increased expense. The consumer would in this instance have to pay the tax, but he would not be constantly annoyed by its collection. Besides I think the people were expecting and are willing to pay a little more for their tea and coffee till Cuba is free; and would very much prefer to meet these war expenses in this way than to go so extensively into the "adhesive stamp" business as this bill carries them.

But I must not criticise the bill too much, for I am going to vote for it, even though no opportunity be given for amendment, as now seems will inevitably be the case. Of course we are all in favor, on both sides of the House, of raising the money necessary to prosecute the war, and I am in favor of most of the provisions of this bill. I am certainly in favor of the increased tax on tobacco and beer and all other stimulating drinks, and am willing, in fact, to tax almost everything; but it does seem to me that it will be crowding the temperance people a little to put a tax on water, as proposed on page 41 of the bill. The proposed tax is to be levied not alone on mineral waters, but on "all other waters," which means the sparkling spring water that flows so abundantly from the green hillsides of Vermont. Here is the language of the provision:

Mineral and all other waters, and beverages not otherwise subject to internal-revenue taxes, imported or domestic, bottled for sale, upon each bottle containing one-half pint or less, one-half of 1 cent.

Upon each bottle containing more than one-half pint and not more than one pint, 1 cent; upon each bottle containing more than one pint, 2 cents.

Mr. Chairman, if this paragraph is reached, I shall propose to strike out the words "all other waters." I shall also move to reduce the tax on mineral waters one-half. A moderate tax on mineral waters would not seem to be out of place. But up in Vermont, under the salutary influence of our prohibitory law, we have substituted ordinary spring water for stronger drinks, which when a little colored and flavored and served in a bottle, is equally satisfactory to those who have the bottle habit, while those without that habit are content to take it straight.

Now, it is only natural that the dealers in spring waters in our State should feel that this proposed tax upon it is not only likely to injure their business, but that it is at the same time contra bonos mores; and as the result I have heard from them. The following are some of the protests I have received:

BARNET, VT., *April 30, 1898.*

W. W. GROUT:

We wish to enter protest against proposed tax on mineral and other waters as being very excessive, also unjust, unless same tax is placed on similar drinks drawn at soda fountains; otherwise will drive all bottlers out of the business, and desired revenue will be cut off. Please use your influence along this line.

E. H. BLOSSOM,
President Crystal Spring Bottling Company.

BRATTLEBORO, VT., *April 28, 1898.*

W. W. GROUT, *M. C.:*

Proposed tax on ginger ale and other mineral waters in excess of all others. See that reduction is made.

C. H. EDDY & CO., *Bottlers.*

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROUT. I ask unanimous consent for a couple of minutes more.

Mr. SIMPSON. Mr. Chairman, regular order.

The CHAIRMAN. Objection is made.

[Mr. CUMMINGS addressed the committee. See Appendix.]

Mr. DINGLEY. Mr. Chairman, I was about to take the last five minutes to close the debate on the part of the committee, but I will not use it, and I will ask for an immediate vote.

Mr. BLAND. Mr. Chairman, I desire to be heard.

Mr. DINGLEY. The committee desire to close debate.

The CHAIRMAN. The gentleman from Maine is recognized for five minutes.

Mr. DINGLEY. What does the gentleman from Missouri want?

Mr. BLAND. I want to offer an amendment, and I want to say a word about it. I will send the amendment to the desk.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

That the Secretary of the Treasury is hereby authorized and directed to cause to be engraved and printed United States Treasury notes to the amount of $150,000,000. Said Treasury notes shall be a legal tender in the payment of all debts, public and private, and be issued in like denominations as is now provided by law for United States notes, commonly called "greenbacks." That the Treasury notes herein authorized shall be covered into the Treasury and paid out from time to time in the discharge of public expenditures as the exigencies of the Treasury may require.

SEC. 2. That a sufficient sum of money is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry this act into effect.

Mr. DINGLEY. Mr. Chairman, I reserve the point of order on that in order that the gentleman may have five minutes.

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from Missouri?

Mr. BLAND. I understood, Mr. Chairman, that I offered the amendment in my own time.

The CHAIRMAN. The gentleman from Maine was recognized and had the floor.

Mr. DINGLEY. I will yield five minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Very well, Mr. Chairman; I do not care how I get it. Mr. Chairman, I offer this amendment as a substitute for the bond provision. I do not believe the time has come for the issuing of bonds, when the credit of the Government can be extended so as to increase the currency, stimulate enterprise and production, and in that way enable the people of the country to pay the $100,000,000 levied upon them without further crippling their interests. I am aware that the provision I have offered as to Treasury notes would, no doubt, under existing law to preserve our paper and other money at par, be considered as redeemable in coin, which now means gold according to Treasury construction. But I have left out the redemption in coin, because it means gold as now construed.

Mr. Chairman, I am in no hurry at this time to increase the debt of this country, or any of the obligations of this Government to be redeemed in coin, until the mints of this Government are opened for the purpose of producing the coin.

Now, this amendment, together with the $75,000,000 in the Treasury, will give $225,000,000, and with other amendments that are proposed here will give to the Administration over $300,000,000 of ready money to proceed with this war. All that we have promised in our declaration of war is to take the Island of Cuba and to give the people of that island the right of free government. Why that should cost $500,000,000, or one-half that amount, is astonishing to me. It does seem to me that within the next six weeks that island can be turned over to the people armed and equipped, and with the aid of our Navy the people there can maintain their independence. I say six weeks ought to end the war without any great cost. At least, Mr. Chairman, I shall protest against any interest-bearing debt until the extreme emergency for it may arise. Now, as to the point of order reserved by the gentleman from Maine. The point of order can not lie, for this is a substitute.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. DINGLEY. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. It was not an amendment offered by the gentleman from Missouri, but a substitute for the amendment offered by the gentleman from Tennessee, which is now pending.

Mr. DINGLEY. I make no point of order on the amendment, but upon the substitute offered by the gentleman from Missouri I make the point of order.

The CHAIRMAN. The gentleman from Missouri did not offer an amendment to the section; he offered a substitute; and there is one substitute pending. Several gentlemen desire to offer amendments to the section. Those should be offered and disposed of before either substitute is voted upon.

Mr. BLAND. I do not desire to offer my amendment now, but will offer it when other amendments have been voted upon.

Mr. HANDY offered the following amendment:

In line 4, page 44, after the word "of," strike out "five" and insert "one;" so as to read: "The Secretary of the Treasury is hereby authorized to borrow on the credit of the United States the sum of $100,000,000."

The amendment was rejected.

Mr. DINGLEY. I desire to offer an amendment on behalf of the Committee on Ways and Means.

The Clerk read as follows:

In line 8, page 44, strike out "fifty" and insert "twenty-five;" so as to read: "in denominations of $25 or some multiple of that sum."

Mr. DINGLEY. The object of this amendment is that these bonds may be issued in denominations as low as $25.

The amendment was agreed to.

Mr. LEWIS of Washington. Mr. Chairman, I have an amendment pending which I should like to have read.

The CHAIRMAN. The gentleman's amendment was not offered. Does he offer it now?

Mr. LEWIS of Washington. I do.

The CHAIRMAN. The gentleman's amendment will be read.

The Clerk read as follows:

After the words "quarterly in," in line 11, page 44, insert the words "standard gold or silver;" so as to read "payable quarterly in standard gold or silver coin."

The amendment was rejected; there being, on a division (called for by Mr. LEWIS of Washington)—ayes 108, noes 136.

Mr. BRUCKER offered the following amendment:

In line 28, page 44, after the word "same," insert the following:
"That all of the bonds issued under and by virtue of this act are payable, principal and interest, at the option of the Government of the United States, in either gold or silver at the present legal ratio of 16 parts silver to 1 part gold."

The amendment was rejected; there being, on a division (called for by Mr. BRUCKER)—ayes 111, noes 135.

Mr. SHAFROTH offered the following amendment:

Strike out the words "in coin," in line 8, page 44, and insert in lieu thereof "one-half in gold and one-half in silver coin;" so that the clause will read "redeemable one-half in gold and one-half in silver coin at the pleasure of the United States," etc.

The amendment was rejected.

Mr. KING offered the following amendment:

In line 4, page 44, strike out "five" and insert "two;" so as to read "$200,000,000."

The amendment was rejected.

Mr. VINCENT offered the following amendment:

In line 12, page 44, strike out "three" and insert "one;" so as to read, "at the rate of 1 per cent per annum."

The amendment was rejected.

Mr. RIDGELY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend the section so as to read:
"SEC. 27. That the Secretary of the Treasury is hereby authorized to issue and pay out, on the credit of the United States, the sum of $300,000,000, or so much thereof as may be necessary, and to prepare and issue, at not less than par, full legal tender paper money in such form as he may prescribe, and in denominations of one, two, five, ten, twenty, and fifty dollars."

Mr. DINGLEY. I make the point of order that that amendment is not germane.

The CHAIRMAN. This amendment would not be in order at any rate, except as a substitute; and one substitute is already pending.

Mr. CASTLE offered the following amendment:

In line 8, page 44, strike out "coin" and insert in lieu thereof "lawful money of the United States;" so as to read "redeemable in lawful money of the United States at the pleasure of the United States."

The amendment was rejected.

The CHAIRMAN. The question is now on the substitute offered by the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. That is offered as a substitute for section 27.

Several MEMBERS. Let it be read.

The CHAIRMAN. The substitute has already been read. Without objection, it will be read again. Is there objection?

Several members objected.

The CHAIRMAN (having put the question on agreeing to the substitute). The noes appear to have it.

Mr. MCMILLIN. I call for a division.

The question being again taken, there were—ayes 118, noes 142.

Mr. MCMILLIN. Mr. Chairman, I ask for tellers on this vote.

Tellers were ordered.

The CHAIRMAN appointed Mr. MCMILLIN and Mr. DINGLEY as tellers.

The committee again divided; and the tellers reported—ayes 123, noes 143.

So the substitute was rejected.

Mr. BLAND. Mr. Chairman, I offer the substitute I sent to the desk for this section.

The substitute was read, as follows:

That the Secretary of the Treasury is hereby authorized and directed to cause to be engraved and printed United States Treasury notes to the amount of $150,000,000. Said Treasury notes shall be a legal tender in the payment of all debts, public and private, and be issued in like denominations as is now provided by law for United States notes commonly called "greenbacks." That the Treasury notes herein authorized shall be covered into the Treasury and paid out from time to time in the discharge of public expenditures as the exigencies of the Treasury may require.

SEC. 2. That a sufficient sum of money is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry this act into effect.

Mr. DINGLEY. Mr. Chairman, I make the point of order that the amendment proposed by the gentleman from Missouri is not germane to the section now under consideration.

The CHAIRMAN. Does the gentleman from Missouri desire to be heard on the point of order?

Mr. BLAND. I desire to state only, Mr. Chairman, that one is a proposition for interest-bearing obligations, issued on the credit of the people of the United States, and the other is an obligation that bears no interest. Both are war measures intended to raise money for the support of the Government in time of war. Both are designed to furnish the sinews of war; and inasmuch as the amendment is strictly germane to the subject under consideration, no point of order can be legitimately raised against it.

Mr. DINGLEY. Mr. Chairman, I have simply to say with reference to the point of order raised by myself that the section of the bill under consideration provides for the issuance of interest-bearing obligations of the Government, whereas the amendment suggested by the gentleman from Missouri as a substitute for the pending paragraph is to issue Treasury notes with legal-tender powers, and is therefore a provision for the issuance of currency,

a subject entirely different from that under consideration by the committee and embodied in the pending bill.

Mr. VINCENT. Mr. Chairman, I would like to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VINCENT. I would ask if this is an amendment proposed by the gentleman from Missouri or a substitute?

The CHAIRMAN. It is a substitute for this section of the bill.

Mr. MAGUIRE. Mr. Chairman, I desire to say simply, on the point of order, that the proposition embodied by the committee in the pending bill is to issue interest-bearing bonds; and that being true, certainly a proposition to issue noninterest-bearing obligations for the same purpose as that contemplated by the bill would be in order as a substitute. It simply eliminates the interest-bearing proposition.

Mr. MCMILLIN. Mr. Chairman, I wish to add, on the point of order, that an examination of the records of preceding Congresses with reference to legislation to obtain funds with which to carry on the late war demonstrates the fact that the same bill carried both kinds of obligations, one noninterest and the other interest bearing obligations.

This proposition, as the gentleman from California and the gentleman from Missouri have stated, is a proposition to obtain means to carry on a war. The difference between the pending proposition and the one in the bill is simply that one bears interest and the other does not.

It strikes me, therefore, that it is clearly germane and in order.

Mr. FLEMING. Mr. Chairman, this question of the germaneness of an amendment or a substitute is one that is capable of a very great deal of stretching.

It would be utterly impossible to reconcile the decisions made on points of order of a similar character which have been delivered either in the Committee of the Whole or in the House since I have been here as a member. I have heard all sorts of decisions on the subject, some of them good and some bad, and no man need ever attempt to reconcile them.

But it does seem to me that when the gentleman from Maine [Mr. DINGLEY] proposes to rule out the amendment now pending on a question of order on the basis that it is not germane, he has gone a "bow shot beyond" any other man who has raised a similar point of order in this House.

What is the situation? Here is a clear, clean proposition to strike out a provision in the bill providing for the issue of $500,000,000 of interest-bearing obligations of the United States in the shape of bonds for the purpose of conducting a war in which we are now engaged, and to substitute for it the issuance of $150,000,000 of noninterest-bearing obligations for the same purpose—that is, for conducting the war.

Mr. DINGLEY. If the gentleman will pardon me, I desire to call his attention to the fact that the amendment proposed by the gentleman from Missouri is not only an amendment which authorizes the issuance of Treasury notes, but it makes such Treasury notes legal tender. It is therefore an assumption of the currency power and an entirely different matter from that proposed by the bill, and therefore out of order.

Mr. FLEMING. That is a mere incident to the proposition of the gentleman from Missouri. The gentleman from Maine provides that his bonds shall be payable in coin. That is an incident of his proposition. The gentleman from Missouri provides that these obligations which he issues shall be a legal tender. That also is an incident.

Now, if the House wants to vote down the proposition, let us do it in a manly way, and not seek, by parliamentary tactics or parliamentary rulings, stretching all precedents, to rule out a substitute which should be voted upon by the House and determined openly by its members.

Mr. SHAFROTH. Mr. Chairman, I want to be heard for just a minute on this point of order. The bill which we have under consideration is entitled "A bill to provide ways and means to meet war expenditures."

One of the ways and means suggested for the raising of revenue for war expenses is the issuing of interest-bearing bonds. The substitute which is offered by the gentleman from Missouri [Mr. BLAND] provides for the issuing of noninterest-bearing obligations which shall have the quality of legal tender. Suppose, as a matter of fact, he should offer as an amendment the issue of noninterest-bearing obligations without the legal-tender provision.

The gentleman from Maine admits that it would be a germane amendment, and consequently it would be in order. It would therefore be in order, Mr. Chairman, for an amendment to be made to section 27, provided that Treasury notes should be issued, if you eliminate the element of legal-tender quality. Then, Mr. Chairman, suppose an amendment to that amendment were offered vesting those Treasury notes with legal-tender power. That would be an amendment that is germane to the Treasury notes, relating to the character of Treasury notes to be issued. Then it seems to me that if those two amendments together were coupled into one amendment it would be germane to the bill. Especially would that be true in view of the fact that the object and purpose of the bill is the raising of revenue.

Mr. DINGLEY. Mr. Chairman, I have no objection to a vote being taken on this amendment, and although I believe it to be out of order, yet I withdraw the point of order in order to allow the vote to be taken.

The CHAIRMAN. The gentleman from Maine withdraws the point of order. The question is on the substitute offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. BLAND) there were—ayes 110, noes 147.

Mr. BLAND. Let us have tellers.

Tellers were ordered.

The committee again divided; and the tellers reported—ayes 106, noes 147.

Accordingly the amendment of Mr. BLAND was rejected.

Mr. LEWIS of Washington. Mr. Chairman, I offer the substitute which is in the hands of the Clerk.

Mr. LANHAM. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman from Texas rises to a parliamentary inquiry.

Mr. LANHAM. Would it be in order to move to strike out section 27?

The CHAIRMAN. When the gentleman is recognized, such a motion would be in order.

Mr. LANHAM. I desire to make that motion.

The CHAIRMAN. The Chair did not recognize the gentleman for that purpose. The Chair recognized the gentleman from Washington [Mr. LEWIS] to offer a substitute.

Mr. LANHAM. I hope the Chair will recognize me hereafter.

Mr. LEWIS of Washington. I offer a substitute for section 27, which I ask the Clerk to report.

The Clerk read as follows:

Strike out section 27, and substitute in lieu thereof the following:

"That all corporations, companies, organizations, consolidations, or associations, or persons owning, using or operating any franchise or franchises shall be taxed to the extent of the full value of the said franchise, to be assessed by the local assessor at such place as the franchise is operated and used, the said franchises to be taxed under the control and regulation of the internal-revenue collector.

"That such tax shall be in the amount of 3 per cent on the 100 of the value of the said franchise.

"That no exemption granted by any State to any corporation, company, or person whatsoever shall be effectual as an exemption of taxation under this bill.

"That all laws or parts of laws in conflict herewith are hereby repealed."

Mr. DINGLEY. I make the point of order that that is not germane to the section.

The CHAIRMAN. The point of order is sustained.

Mr. LEWIS of Washington. Mr. Chairman, I should like to be heard on the point of order.

Mr. LANHAM. I move to strike out section 27 of the bill.

The CHAIRMAN. The gentleman from Texas [Mr. LANHAM] moves to strike out section 27 of the bill.

Mr. LEWIS of Washington. Mr. Chairman, a point of order. I was on my feet and asked to be heard on the point of order, and must have been overlooked inadvertently, if I was overlooked. [Laughter.]

The CHAIRMAN. Certainly if the Chair overlooked the gentleman it was inadvertently.

Mr. LEWIS of Washington. I appreciate that.

The CHAIRMAN. The Chair has ruled upon the point of order, and yet the Chair will reserve the ruling and listen to the gentleman if he desires to be heard.

Mr. LEWIS of Washington. Mr. Chairman, I should like to ask my honorable friend from Maine upon what he makes the point of order; whether he claims the amendment is ungermane, or whether he claims it is a change in existing law?

Mr. DINGLEY. It is not germane as a substitute for this section. This section deals with interest-bearing obligations, and the gentleman's substitute proposes an entirely different subject-matter.

I suggest that it is not a matter of right for any gentleman to speak upon a point of order, and that this point is so perfectly clear that it seems to me time ought not to be taken up in its consideration.

The CHAIRMAN. It seems so to the Chair, yet the Chair will not peremptorily refuse to hear the gentleman from Washington.

Mr. LEWIS of Washington. Mr. Chairman, if the Chair is so perfectly clear that the point of order is well taken that no argument would make any change in the views of the Chair, certainly I will defer to that sentiment and not embarrass the House by occupying the time.

The CHAIRMAN. The Chair is obliged to the gentleman. The Chair sustains the point of order.

Mr. LANHAM. I renew my amendment.

The CHAIRMAN. The gentleman from Texas [Mr. LANHAM] moves to strike out section 27.

The question was taken; and on a division (demanded by Mr. LANHAM) there were—ayes 103, noes 132.

So the motion was rejected.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following substitute.

The Clerk read as follows:

Amend by striking out section 27, adding in lieu thereof the following, viz:

"SEC. 27. That there shall be levied and collected a tax of 5 per cent on all dividends in scrip or money thereafter declared due wherever and whenever the same shall be payable to stockholders, policy holders, or depositors, or parties whatsoever, including nonresidents, whether citizens or aliens, as part of the earnings, income, or gains of any bank, trust company, saving institution, and of any fire, marine, life, inland insurance company, either stock or mutual, under whatever name or style known or called, in the United States or Territories, whether specially incorporated or existing under general laws, and in all undistributed sums, or sums made or added during the year to their surplus or contingent funds; and said banks, trust companies, saving institutions, and insurance companies shall pay the said tax, and are hereby authorized to deduct and withhold from all payments made on account of any dividends or sums of money that may be due and payable as aforesaid the said tax of 5 per cent. And a list or return shall be made and rendered to the assessor or assistant assessor on or before the 10th day of the month following that in which any dividends or sums of money become due or payable as aforesaid. And said list or return shall contain a true and faithful account of the amount of taxes as aforesaid; and there shall be annexed thereto a declaration of the president, cashier, or treasurer of the bank, trust company, saving institution, or insurance company, under oath or affirmation in form and manner as may be prescribed by the Commissioner of Internal Revenue, that the same contains a true and faithful account of the taxes as aforesaid. And for any default in the making or rendering of such list or return, with such declaration annexed, the bank, trust company, saving institution, or insurance company making such default shall forfeit as a penalty the sum of $1,000, and in case of any default in making or rendering said list or return, or of any default in the payment of the tax as required, or any part thereof, the assessment and collection of the tax and penalty shall be in accordance with the general provisions of law in other cases of neglect and refusal: *Provided*, That the tax upon the dividends of life insurance companies shall not be deemed due until such dividends are payable; nor shall the portion of premiums returned by mutual life insurance companies to their policy holders, nor the annual or semiannual interest allowed or paid to the depositors in saving banks or saving institutions be considered as dividends.

Mr. DINGLEY. Mr. Chairman, I make the point of order that it is not germane to section 27.

The CHAIRMAN. The point of order is sustained. The Chair understands the gentleman from Arkansas desires to offer a substitute?

Mr. McRAE. Mr. Chairman, it is not a substitute, but a new section, which I would like to offer between sections 26 and 27, to provide for a tax of 5 per cent on all trusts to pay some of the expenses of this war. It is not a substitute for the pending section.

The CHAIRMAN. Then the Chair will recognize the gentleman from Louisiana.

Mr. ROBERTSON of Louisiana. I understand that under the agreement we have had we are considering both sections?

The CHAIRMAN. The Chair does not so understand.

Mr. ROBERTSON of Louisiana. Then, if there is objection, I will offer the following amendment. I offer to strike out the section and offer this as a substitute, together with another part which I have here.

The CHAIRMAN. Is this a substitute for section 27?

Mr. ROBERTSON of Louisiana. It was intended as a substitute for section 28.

The CHAIRMAN. We have not reached section 28.

Mr. ROBERTSON of Louisiana. Then I move to strike out section 27 and offer a substitute.

The CHAIRMAN. That has been voted on, and the motion to strike out has been negatived.

Mr. ROBERTSON of Louisiana. I move to strike out section 27 and in lieu thereof insert the following.

Mr. BAILEY. I desire to ask, as a matter of order, whether sections 27 and 28 are not both to be considered together?

Mr. STEELE. That was the order.

Mr. BAILEY. I think section 28 is before the committee.

The CHAIRMAN. The Chair does not so understand the order.

Mr. McMILLIN. It was agreed that they should both be considered, as I understand; and if there is any doubt about it, I would ask consent that the order may be so construed.

Mr. DINGLEY. I have no objection.

Mr. McMILLIN. I ask consent. That will enable the gentleman to have it considered.

Mr. BRUMM. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRUMM. It is now close to 4 o'clock, and other substitutes and amendments are being offered to this section, and there are other amendments to the body of the bill of which notice has been given. Is there any way by which we may extend the time, so as to have a vote on them?

The CHAIRMAN. Not in committee.

Mr. DOCKERY. I insist on the regular order.

The CHAIRMAN. This is the regular order. The gentleman from Tennessee asks unanimous consent that section 28 be now considered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Louisiana offers a substitute for section 28.

Mr. ROBERTSON of Louisiana. May I ask permission to make one little explanation?

The CHAIRMAN. The gentleman from Louisiana asks permission to make a statement. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBERTSON of Louisiana. I desire to state that I have been authorized to submit the proposition which I have sent to the desk, and this other also, by the Democratic minority of the Ways and Means Committee; and as the two are separate and distinct, I desire to offer them separately; but if they should be both adopted, that would cover the point we desire to make, and it is a substitute for the one hundred million of money which is to be available in the certificates of indebtedness required in section 28. I desire to strike out and insert.

The CHAIRMAN. Which substitute does the gentleman first offer?

Mr. ROBERTSON of Louisiana. I first offer the one in regard to the seigniorage.

The CHAIRMAN. The Clerk will read the substitute.

Mr. DOCKERY. Let us have it read.

The CHAIRMAN. When order is restored it will be read.

The Clerk read as follows:

Strike out section 28 and insert the following:

"That an amount of the silver bullion now held in the Treasury equal to the gain or seigniorage thereof, purchased in pursuance of the act of July 14, 1890, entitled 'An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes,' is hereby set aside to be used for the payment of public expenditures in the manner hereinafter provided.

"That the Secretary of the Treasury is hereby authorized and required to issue silver certificates upon the silver bullion set apart in this act in amount equal to the coinage value thereof, and to use said silver certificates from time to time, when the revenues of the Government may require it, in the payment of public expenditures: *Provided*, That the amount of such certificates at any time issued and outstanding shall not exceed the coinage value of the bullion herein mentioned, and that the silver certificates herein provided for shall be of like denominations and legal-tender power, and shall in all respects be of like character, as is now provided by law for the silver certificates authorized to be issued on the deposit of standard silver dollars.

"That the Secretary of the Treasury shall cause to be coined as fast as practicable into legal-tender standard silver dollars the silver bullion set apart as seigniorage by this act, and shall hold the coin for the redemption of the silver certificates herein authorized to be issued."

Mr. DINGLEY. Mr. Chairman, I make the point of order that it is not germane to this section.

Mr. ROBERTSON of Louisiana. Mr. Chairman, I would like to know——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. ROBERTSON of Louisiana. I would ask the gentleman to withdraw that point of order, and we will take a vote immediately upon the proposition as it stands. If he does not, I desire to know exactly the reasons for the point of order, that I may be able to speak to them.

Mr. DINGLEY. The point of order is that they are not on the same subject that we are considering in the section before us.

Mr. ROBERTSON of Louisiana. On that I want to say a word. This House is now considering a proposition to raise revenues for the purpose of conducting this war. There is now in the Treasury of the Government—known to be there by every member of this House and by the majority of the people of this country—forty-two millions of silver bullion which can now be coined and used by the Government in this emergency. This proposition has for its intention and for its end putting the Treasury in possession of this money, so that it can be used for the purposes for which this bill has been introduced. [Cries of "Rule!"]

Mr. BRUMM. I want to offer the following amendment.

Mr. RICHARDSON. A point of order is pending.

Mr. DINGLEY. I simply desire to call attention to the fact that the pending section is a provision authorizing the borrowing of money. Now, the amendment proposed is to authorize the coinage of silver bullion and the issue of silver certificates, which is obviously an entirely different subject.

The CHAIRMAN. The point of order is sustained.

Mr. BRUMM. I want to offer the following amendment.

The CHAIRMAN. There is another proposition pending, offered by the gentleman from Louisiana.

The Clerk proceeded to read the second amendment of Mr. ROBERTSON of Louisiana.

Mr. ROBERTSON of Louisiana. I withdraw the amendment.

Mr. BRUMM. I offer the following amendment.

The CHAIRMAN. The hour of 4 o'clock having arrived, under the order the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10100, and by its order had directed him to report the same back to the House with an amendment.

Mr. DINGLEY. Mr. Speaker, I desire, on behalf of the Committee on Ways and Means, before moving the previous question, to offer an amendment in the nature of a substitute for the entire bill, but making no changes in the bill except certain amendments which have been agreed to by the majority of the Ways and Means Committee, and which have been indicated in a printed bill that has been distributed and is lying upon the members' desks. Before moving the previous question, I desire to call attention to what these modifications are. If gentlemen will take the printed bill that is before them containing the italicized amendments——

Mr. RICHARDSON. Mr. Speaker, I wish to reserve a point of order against this proceeding. No such bill has been read. The Committee on Ways and Means have reported a bill to the House under a special order, and it would not be in order now to submit a substitute.

Mr. DINGLEY. The bill has been reported to the House, and there the order terminates.

Mr. RICHARDSON. It was a special order to report a certain bill——

Mr. DOCKERY. With amendments.

Mr. DINGLEY. And there the order terminates.

Mr. McRAE. Mr. Speaker, I want to offer an amendment to the substitute.

Mr. DINGLEY. If the previous question is not ordered, that would be in order; otherwise not.

Mr. McRAE. Then I will ask the gentleman from Maine to postpone asking for the previous question until I can have the amendment read.

Mr. DINGLEY. I am not willing to do that.

Mr. BAILEY. Mr. Speaker, we might as well understand in the beginning what the status is. I desire to ask if it is in order for the gentleman from Maine to now move a substitute for the bill reported to the House by the Committee of the Whole House?

The SPEAKER. The Chair thinks it is.

Mr. BAILEY. And that the gentleman from Maine has a right to submit the motion he has made?

Mr. DINGLEY. The amendments are nearly all verbal amendments.

The SPEAKER. Does the gentleman from Maine desire that the amendment the gentleman from Arkansas [Mr. McRAE] proposes to present, if he has an opportunity, should be read?

Mr. DINGLEY. Not at present, Mr. Speaker.

Mr. BAILEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAILEY. The adoption by the House of the substitute proposed by the gentleman from Maine will not preclude our right to move to recommit that substitute?

Mr. DINGLEY. Not at all.

The SPEAKER. No; it does not interfere with that right.

Mr. McMILLIN. Mr. Speaker, it is now 4 o'clock and only two sections of the bill that were read were reached in Committee of the Whole. I would ask the gentleman from Maine if he would object—I will ask unanimous consent that the Committee of the Whole consider the proposed substitute and what other propositions may be offered for one hour, so as to make the report at 5 o'clock instead of 4.

Several MEMBERS (on the Republican side). Oh, no, no!

The SPEAKER. Objection is made; and the gentleman from Maine has the floor.

Mr. McMILLIN. Mr. Speaker, I would ask the gentleman from Maine whether this bill he has proposed as a substitute was ever considered by the Committee on Ways and Means?

Mr. DINGLEY. It is proposed by the majority of the Committee on Ways and Means.

Mr. McMILLIN. But it was never considered by the minority?

Mr. DINGLEY. Not at all.

Mr. DOCKERY. Substantially nonpartisan, I suppose? [Laughter on the Democratic side.]

Mr. RICHARDSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it. In the meantime the gentleman from Maine has the floor.

Mr. RICHARDSON. I do not want to take the floor from the gentleman from Maine unless he consents.

Mr. DINGLEY. Having the floor, Mr. Speaker, I want to make a suggestion. I would like——

Mr. RICHARDSON. Mr. Speaker, it appears to me that the substitute never having been considered by the Committee on Ways and Means, it would not be in order to offer it here. It has had no consideration by the Committee on Ways and Means. It has not even been read.

Mr. McMILLIN. I want to say, Mr. Speaker, that as far as I am concerned——

Mr. DINGLEY. I offer it as an individual member, but it represents the views of the majority of the Committee on Ways and Means.

Mr. McMILLIN. The gentleman will admit that there was no meeting of the committee and that no notice was given to the minority that it was to be presented as a substitute.

Mr. DINGLEY. That is true.

Mr. STEELE. I think you will vote for every one of the amendments, though.

Mr. DINGLEY. There is nothing in it but what every member of the House will vote for.

Mr. BLAND. Will you allow an amendment?

The SPEAKER. The Chair will suggest that nearly every other member having spoken, perhaps the gentleman having the floor ought to be allowed to speak. [Laughter.]

Mr. DINGLEY. Of course, Mr. Speaker, it is the right of the House to have the substitute read in full; but it is the same bill that the House has had under consideration in committee, with certain amendments, which have been printed and distributed. Now, without formally reading the bill, which would give no information to members, I can in a few minutes call attention to the proposed changes in the substitute, if it is desired.

Mr. DOCKERY. Do the amendments increase or decrease taxation as a rule?

Mr. DINGLEY. They decrease it in almost every instance.

Mr. BRUMM. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Maine [Mr. DINGLEY] has the floor.

Mr. BRUMM. I rise to a parliamentary inquiry.

The SPEAKER. Does it relate to the gentleman from Maine having the floor?

Mr. BRUMM. It does not.

The SPEAKER. The gentleman from Maine has the floor.

Mr. DINGLEY. I ask unanimous consent that the reading of the substitute in detail may be dispensed with, and that merely the amendments, as indicated in the paper laid on the desks of members, be read for the information of the House.

Mr. LENTZ. Will the gentleman permit a suggestion? I understand the Senate has adjourned over till Monday. Why can we not read this bill to-night and discuss it to-morrow?

Mr. DINGLEY. I did not yield. I should like to have my proposition submitted.

The SPEAKER. The gentleman from Maine asks unanimous consent to omit the reading of the substitute——

Mr. McMILLIN. I wish to make a statement. By objecting I might inflict upon the House what it would not like to hear—portions of the bill which have already been read. But I may be permitted to state in this connection that it is extraordinary to consider in the House a bill of this kind before it has been considered in Committee of the Whole, and to get rid of the action taken in Committee of the Whole by adopting the substitute. If that can be done, you can pass revenue measures without having them considered in Committee of the Whole at all.

Mr. DINGLEY. This substitute embraces the bill which was considered by the committee, in the form in which the Committee of the Whole left it, with certain amendments indicated in the printed bill which has been laid on the desks of members, and a few changes made since that bill and amendments were printed, which I will explain.

The SPEAKER. The gentleman from Maine asks unanimous consent that the reading of the substitute be dispensed with, except those parts embracing amendments to the bill as already considered.

Mr. BLAND. I shall certainly object to dispensing with the reading of any part of the bill except that which has already been read. There are some amendments which have not been read.

Mr. DINGLEY. The bill was all read.

Mr. BLAND. I do not so understand.

Mr. DINGLEY. The bill was read in full in Committee of the Whole.

A MEMBER. This bill has not been read.

The SPEAKER. Is there objection?

Mr. BLAND. I object.

Mr. DINGLEY. I offer the substitute. I move to strike out all after the enacting clause of the bill and insert what I send to the Clerk's desk; and on that, Mr. Speaker, I demand the previous question.

Mr. McRAE. Is it in order now to offer my motion?

Mr. RICHARDSON. The gentleman from Maine surely can not call the previous question on this substitute before it has been read. That is new doctrine, even from the State of Maine.

The SPEAKER. The gentleman from Maine asks the previous question on the substitute and on the bill to its passage.

Mr. McMILLIN. Is it in order to do that before the reading of the bill?

Mr. BAILEY. The bill can not be before the House until it is read.

The SPEAKER. The Chair thinks the bill should first be read. The Clerk will proceed.

The Clerk proceeded to read the following:

That from and after the passage of this act there shall be paid, in lieu of

the tax of $1 now imposed by law, a tax of $2 on all beer, lager beer, ale, porter, and other similar fermented liquors, brewed or manufactured, stored or sold, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, for every barrel containing not more than 31 gallons; and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. And section 3339 of the Revised Statutes is hereby amended accordingly.

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe and furnish suitable stamps denoting the payment of the internal-revenue tax imposed by this section; and until such stamps are prepared and furnished, the stamps heretofore used to denote the payment of the internal-revenue tax on fermented liquors may be stamped or imprinted with a suitable device to denote the new rate of tax, and shall be affixed to all packages containing fermented liquors on which the tax imposed by this act is paid. And any brewer having possession of unaffixed stamps heretofore issued for the payment of the tax upon fermented liquors shall present the same to the collector of the district, who shall receive them at the price paid for such stamps by the purchasers and issue in lieu thereof new or imprinted stamps at the rate provided by this section; and if any packages of fermented liquor shall be sold, stored, or removed for consumption or sale after the passage of this act stamped only with the stamps hitherto used for the payment of the tax upon fermented liquor, and which have not received the imprint or device denoting the new rate of tax, the Commissioner of Internal Revenue shall, by assessment or otherwise, cause to be collected the additional tax imposed by this act upon such packages: *Provided*, That from and after the passage of this act a discount of 5 per cent shall be allowed upon all sales of stamps provided for by this section.

TOBACCO, CIGARS, CIGARETTES, AND SNUFF.

SEC. 2. That from and after the passage of this act there shall, in lieu of the tax now imposed by law, be levied and collected a tax of 12 cents per pound upon all tobacco and snuff, however prepared, manufactured, and sold, or removed for consumption or sale; and upon cigars and cigarettes which shall be manufactured and sold, or removed for consumption or sale, there shall be levied and collected the following taxes, to be paid by the manufacturer thereof, namely, a tax of $4 per thousand on cigars of all descriptions made of tobacco, or any substitute therefor, and weighing more than 3 pounds per thousand, and of $2 per thousand on cigars made of tobacco or any substitute therefor, and weighing not more than 3 pounds per thousand; and a tax of $4 per thousand on cigarettes made of tobacco or any substitute therefor, and weighing more than 3 pounds per thousand; and $2 per thousand on cigarettes made of tobacco or any substitute therefor, and weighing not more than 3 pounds per thousand: *Provided*, That in addition to the quantity of tobacco and snuff, in packages, now authorized by law, there may be packages of smoking and fine-cut chewing tobacco containing 1 ounce, 1½ ounces, and 2½ ounces; and in addition to the number now authorized by law in packages of cigarettes there may be packages containing 3 and 16 cigarettes each; and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to provide suitable stamps for the payment of taxes thereon.

And there shall also be levied and collected, upon all the articles in this section enumerated and described which have been manufactured or imported and removed from the factory or custom-house before the passage of this act bearing the tax stamps heretofore required to be affixed to such articles for the payment of the tax thereon and which are at the time of the passage of this act held and intended for sale by any person, an additional tax equal to the difference between the tax already paid on such articles at the time of removal from the factory or custom-house and the tax hereby levied upon such articles manufactured and removed from the factory or custom-house after the passage of this act, namely, a tax of 6 cents per pound upon all tobacco and snuff, however prepared; a tax of $1 per thousand on cigars of all descriptions, made of tobacco or any substitute therefor, and weighing more than 3 pounds per thousand; a tax of $1 per thousand on cigars, made of tobacco or any substitute therefor, and weighing not more than 3 pounds per thousand; and a tax of $1 per thousand on cigarettes, made of tobacco or any substitute therefor, and weighing more than 3 pounds per thousand, and of $1 per thousand on cigarettes, made of tobacco or any substitute therefor, and weighing not more than 3 pounds per thousand.

Every person, either as owner or dealer or as a broker, commission merchant, or other agent for the owner or dealer, having on the day succeeding the passage of this act any of the above-described articles in stock for sale, and which have been removed from the factory where produced or custom-house through which imported, bearing the proper stamp expressing the rate of tax payable thereon at the time of such removal, shall make a full and true return of the quantity thereof, in pounds as to the tobacco and snuff, and in thousands as to cigars and cigarettes, so held on that day, under oath and in such form and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Such return shall be made and delivered to any collector or deputy collector of internal revenue upon demand, or, if not previously rendered, to the collector of the district within thirty days after the passage of this act; and on or before said day, and before selling or parting with the possession of any article above described after the passage of this act, the owner or dealer or other person having possession of said articles shall purchase and procure from the collector of the district the proper stamps for the payment of the additional taxes hereby levied upon said articles, and shall affix such stamps to the packages containing such articles, and cancel the same in the manner now by law provided for the attachment and cancellation of stamps to and upon such articles or packages. And any such article or package of such articles which shall be removed from such stock or from the place where situated on the day succeeding the passage of this act, or which shall be found after thirty days after the passage of this act, not bearing the stamp or stamps denoting the additional tax hereby levied on such articles, properly canceled as by law required, shall be forfeited to the United States, and the person so removing such article unstamped as herein required or not having the stamp properly canceled, or having such article in stock or possession, exposed or intended for sale, not bearing the stamp denoting such additional tax, properly canceled, shall be liable to the payment of double the amount of additional tax due upon such article and to a penalty of not less than $1 nor more than $100 for each such insufficiently stamped article so removed or held in possession.

Every person willfully failing or refusing to make the required return at the time and in the manner provided by law or regulation shall forfeit and pay double the amount of tax levied by this act and a penalty of not less than fifty nor more than five hundred dollars; and for making a false and fraudulent return shall incur a penalty of not less than $500 nor more than $5,000, or imprisonment for not more than two years, or both, at the discretion of the court.

And for the expense connected with the assessment and collection of the taxes provided by this act there is hereby appropriated the sum of $100,000, or so much thereof as may be required, out of any moneys in the Treasury not otherwise appropriated, for the employment of such deputy collectors and other employees in the several collection districts in the United States, and such clerks and employees in the Bureau of Internal Revenue as may, in the discretion of the Commissioner of Internal Revenue, be necessary for a period not exceeding one year, to be compensated for their services by such allowances as shall be made by the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue: *Provided*, That not exceeding $25,000 of this appropriation may be used in the employment of not to exceed ten additional revenue agents, whom the Commissioner of Internal Revenue is authorized to employ, such agents to be known and designated as internal-revenue agents in addition to the number now authorized by section 3152 of the Revised Statutes as amended; and the existing provisions of law in all other respects shall apply to such agents, their duties, compensation, and expenses.

TOBACCO DEALERS, PEDDLERS, AND MANUFACTURERS.

SEC. 3. That on and after July 1, 1898, special taxes on tobacco dealers, peddlers, and manufacturers are hereby imposed per annum, as follows:

Dealers in leaf tobacco whose annual sales do not exceed $10,000 shall pay $12, and if their annual sales exceed $10,000, shall pay $24.

Dealers in tobacco whose annual sales do not exceed $10,000 shall each pay $4.80.

Dealers in tobacco whose annual sales exceed $10,000 shall each pay $12.

Every person whose business it is to sell, or offer for sale, manufactured tobacco, snuff, or cigars shall be regarded as a dealer in tobacco: *Provided*, That no manufacturer of tobacco, snuff, or cigars shall be required to pay a special tax as dealer in manufactured tobacco and cigars for selling his own products at the place of manufacture.

Manufacturers of tobacco whose annual sales do not exceed $10,000 shall each pay $12.

Manufacturers of tobacco whose annual sales exceed $10,000 shall each pay $24.

Manufacturers of cigars whose annual sales do not exceed $10,000 shall each pay $12.

Manufacturers of cigars whose annual sales exceed $10,000 shall each pay $24.

Peddlers of tobacco shall be classified and rated as follows, to wit: When traveling with more than two horses, mules, or other animals, as of the first class, and shall pay $48; when traveling with two horses, mules, or other animals, as of the second class, and shall pay $24; when traveling with one horse, mule, or other animal, as of the third class, and shall pay $12; when traveling on foot or by public conveyance or by private conveyance other than hereby described, as of the fourth class, and shall pay $7.20. Any person who sells or offers to sell and deliver manufactured tobacco, snuff, cigars, or cigarettes, traveling from place to place, in the town or through the country shall be regarded as a peddler of tobacco.

And every person who carries on any business or occupation for which special taxes are imposed by this section, without having paid the special tax herein provided, shall, besides being liable to the payment of such special tax, be fined not less than $10 nor more than $500.

ADHESIVE STAMPS.

SEC. 4. That on and after the 1st day of June, 1898, there shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, and other documents, instruments, matters, and things mentioned and described in Schedule A of this act, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them, shall be written or printed by any person or persons, or party who shall make, sign, or issue the same, or for whose use or benefit the same shall be made, signed, or issued, the several taxes or sums of money set down in figures against the same, respectively, or otherwise specified or set forth in the said schedule.

And there shall also be levied, collected, and paid, for and in respect to the medicines, preparations, matters, and things mentioned and described in Schedule B of this act, manufactured, sold, or removed for sale, the several taxes or sums of money set down in words or figures against the same, respectively, or otherwise specified or set forth in Schedule B of this act.

SEC. 5. That if any person or persons shall make, sign, or issue, or cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever, without the same being duly stamped for denoting the tax hereby imposed thereon, or without having thereupon an adhesive stamp to denote said tax, such person or persons shall, upon conviction thereof, be fined not exceeding $50, and such instrument, document, or paper, as aforesaid, shall be deemed invalid and of no effect.

SEC. 6. That if any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any stamp, die, plate, or other instrument, or any part of any stamp, die, plate, or other instrument which shall have been provided, or may hereafter be provided, made, or used in pursuance of this act, or shall forge, counterfeit, or resemble, or cause or procure to be forged, counterfeited, or resembled, the impression, or any part of the impression, of any such stamp, die, plate, or other instrument as aforesaid, upon any vellum, parchment, or paper, or shall stamp or mark, or cause or procure to be stamped or marked, any vellum, parchment, or paper with any such forged or counterfeited stamp, die, plate, or other instrument, or part of any stamp, die, plate, or other instrument, as aforesaid, with intent to defraud the United States of any of the taxes hereby imposed, or any part thereof; or if any person shall utter, or sell, or expose for sale, any vellum, parchment, paper, article, or thing having thereupon the impression of any such counterfeited stamp, die, plate, or other instrument, or any part of any stamp, die, plate, or other instrument, or any such forged, counterfeited, or resembled impression, or part of impression, as aforesaid, knowing the same to be forged, counterfeited, or resembled; or if any person shall knowingly use or permit the use of any stamp, die, plate, or other instrument which shall have been so provided, made, or used as aforesaid, with intent to defraud the United States; or if any person shall fraudulently cut, tear, or remove, or cause or procure to be cut, torn, or removed, the impression of any stamp, die, plate, or other instrument which shall have been provided, made, or used in pursuance of this act from any vellum, parchment, or paper, or any instrument or writing charged or chargeable with any of the taxes imposed by law; or if any person shall fraudulently use, join, fix, or place, or cause to be used, joined, fixed, or placed, to, with, or upon any vellum, parchment, paper, or any instrument or writing charged or chargeable with any of the taxes hereby imposed, any adhesive stamp, or the impression of any stamp, die, plate, or other instrument, which shall have been provided, made, or used in pursuance of law, and which shall have been cut, torn, or removed from any other vellum, parchment, or paper, or any instrument or writing charged or chargeable with any of the taxes imposed by law; or if any person shall willfully remove or cause to be removed, alter or cause to be altered, the canceling or defacing marks of any adhesive stamp with intent to use the same, or to cause the use of the same, after it shall have been once used, or shall knowingly or willfully sell or buy such washed or restored stamp, or offer the same for sale, or give or expose the same to any person for use, or knowingly use the same, or prepare the same with intent for the further use thereof; or if any person shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any washed, restored, or altered stamp which has been removed from any vellum, parchment, paper, instrument, or writing, then, and in every such case, every person so offending, and every person knowingly and willfully aiding

abetting, or assisting in committing any such offense as aforesaid shall, on conviction thereof, forfeit the said counterfeit stamps and the articles upon which they are placed, and be punished by fine not exceeding $1,000, or by imprisonment and confinement to hard labor not exceeding five years, or both, at the discretion of the court.

SEC. 7. That in any and all cases where an adhesive stamp shall be used for denoting any tax imposed by this act, except as hereinafter provided, the person using or affixing the same shall write or stamp thereupon the initials of his name and the date upon which the same shall be attached or used, so that the same may not again be used. And if any person shall fraudulently make use of an adhesive stamp to denote any tax imposed by this act without so effectually canceling and obliterating such stamp, except as before mentioned, he, she, or they shall forfeit the sum of $50: *Provided, nevertheless,* That any proprietor or proprietors of proprietary articles, or articles subject to stamp duty under Schedule B of this act, shall have the privilege of furnishing, without expense to the United States, in suitable form, to be approved by the Commissioner of Internal Revenue, his or their own dies or designs for stamps to be used thereon, to be retained in the possession of the Commissioner of Internal Revenue, for his or their separate use, which shall not be duplicated to any other person. That in all cases where such stamp is used, instead of cancellation by initials and date, the said stamp shall be so affixed on the box, bottle, or package that in opening the same, or using the contents thereof, the said stamp shall be effectually destroyed; and in default thereof the party making default shall be liable to the same penalty imposed for neglect to affix said stamp as hereinbefore prescribed in this act. Any person who shall fraudulently obtain or use any of the aforesaid stamps or designs therefor, and any person forging or counterfeiting, or causing or procuring the forging or counterfeiting, any representation, likeness, similitude, or colorable imitation of the said last-mentioned stamp, or any engraver or printer who shall sell or give away said stamps, or selling the same, or, being a merchant, broker, peddler, or person dealing, in whole or in part, in similar goods, wares, merchandise, manufactures, preparations, or articles, or those designed for similar objects or purposes, shall have knowingly or fraudulently in his, her, or their possession any such forged, counterfeited likeness, similitude, or colorable imitation of the said last-mentioned stamp, shall be deemed guilty of a crime, and, upon conviction thereof, shall be punished by a fine not exceeding $500 or imprisonment not exceeding one year, or both.

SEC. 8. That if any person or persons shall make, sign, or issue, or cause to be made, signed, or issued, or shall accept or pay, or cause to be accepted or paid, with design to evade the payment of any stamp tax, any bill of exchange, draft, or order, or promissory note for the payment of money, liable to any of the taxes imposed by this act, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax hereby charged thereon, he, she, or they shall, upon conviction thereof, be punished by a fine not exceeding $200.

SEC. 9. That the acceptor or acceptors of any bill of exchange or order for the payment of any sum of money drawn, or purporting to be drawn, in any foreign country, but payable in the United States, shall, before paying or accepting the same, place thereupon a stamp, indicating the tax upon the same, as the law requires for inland bills of exchange or promissory notes; and no bill of exchange shall be paid or negotiated without such stamp; and if any person shall pay or negotiate, or offer in payment, or receive or take in payment, any such draft or order, the person or persons so offending shall, upon conviction thereof, be punished by a fine not exceeding $100.

SEC. 10. That in any collection district where, in the judgment of the Commissioner of Internal Revenue, the facilities for the procurement and distribution of adhesive stamps are or shall be insufficient, the Commissioner, as aforesaid, is authorized to furnish, supply, and deliver to the collector of any district, and to any assistant treasurer of the United States or designated depositary thereof, or any postmaster, a suitable quantity of adhesive stamps, without prepayment therefor, and may in advance require of any collector, assistant treasurer of the United States, or postmaster a bond, with sufficient sureties, to an amount equal to the value of the adhesive stamps which may be placed in his hands and remain unaccounted for, conditioned for the faithful return, whenever so required, of all quantities or amounts undisposed of, and for the payment monthly of all quantities or amounts sold or not remaining on hand. And it shall be the duty of such collector to supply his deputies with, or sell to other parties within his district who may make application therefor, adhesive stamps, upon the same terms allowed by law or under the regulations of the Commissioner of Internal Revenue, who is hereby authorized to made such other regulations, not inconsistent herewith, for the security of the United States and the better accommodation of the public, in relation to the matters hereinbefore mentioned, as he may judge necessary and expedient. And the Secretary of the Treasury may from time to time make such regulations as he may find necessary to insure the safe-keeping or prevent the illegal use of all such adhesive stamps.

SEC. 11. That the Commissioner of Internal Revenue be, and he is hereby, authorized to prescribe such methods for the cancellation of stamps, as substitute for or in addition to the method now prescribed by law, as he may deem expedient or effectual.

SEC. 12. That any person or persons who shall register, issue, sell, or transfer, or who shall cause to be issued, registered, sold, or transferred, any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this act, shall, for every such offense, upon conviction thereof, be punished by a fine not exceeding $50; and such instrument, document, or paper, not being stamped according to law, shall be deemed invalid and of no effect: *Provided*, That hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon at the time of issuing, selling, or transferring the said bonds, debentures, or certificates of stock or of indebtedness, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or, if said instrument be lost, to a copy thereof, he or they shall appear before the collector of internal revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of $10, and, where the whole amount of the tax denoted by the stamp required shall exceed the sum of $50, on payment also of interest, at the rate of 6 per cent, on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such bond, debenture, certificate of stock or of indebtedness or copy, and note upon the margin thereof the date of his so doing, and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid, to all intents and purposes, as if stamped when made or issued: *And provided further*, That where it shall appear to said collector, upon oath or otherwise, to his satisfaction, that any such instrument has not been duly stamped, at the time of making or issuing the same, by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamp, or to evade or delay the payment thereof, then and in such case, if such instrument, or, if the original be lost, a copy thereof, duly certified by the officer having charge of any records in which such original is required to be recorded, or otherwise duly proven to the satisfaction of the collector, shall, within twelve calendar months after the making or issuing thereof, be brought to the said collector of internal revenue to be stamped, and the stamp tax chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid and to cause such instrument to be duly stamped. And when the original instrument, or a certified or duly proven copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon the payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument has been corrected pursuant to law; and the original instrument or such certified copy, or the record thereof, may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped: *And provided further*, That in all cases where the party has not affixed the stamp required by law upon any such instrument issued, registered, sold, or transferred at a time when and at a place where no collection district was established, it shall be lawful for him or them, or any party having an interest therein, to affix the proper stamp thereto, or, if the original be lost, to a copy thereof. But no right acquired in good faith before the stamping of such instrument, or copy thereof, as herein provided, if such record be required by law, shall in any manner be affected by such stamping as aforesaid.

SEC. 13. That hereafter no instrument, paper, or document required by law to be stamped, which has been signed or issued without being duly stamped, or with a deficient stamp, nor any copy thereof, shall be recorded or admitted, or used as evidence in any court until a legal stamp or stamps, denoting the amount of tax, shall have been affixed thereto, as prescribed by law: *Provided*, That any bond, debenture, certificate of stock, or certificate of indebtedness issued in any foreign country shall pay the same tax as is required by law on similar instruments when issued, sold, or transferred in the United States; and the party to whom the same is issued, or by whom it is sold or transferred, shall, before selling or transferring the same, affix thereon the stamp or stamps indicating the tax required.

SEC. 14. That it shall not be lawful to record or register any instrument, paper, or document required by law to be stamped unless a stamp or stamps of the proper amount shall have been affixed and canceled in the manner prescribed by law; and the record, registry, or transfer of any such instruments upon which the proper stamp or stamps aforesaid shall not have been affixed and canceled as aforesaid shall be utterly void, and shall not be used in evidence.

SEC. 15. That no instrument, paper, or document required by law to be stamped shall be deemed or held invalid and of no effect for the want of a particular kind or description of stamp designated for and denoting the tax charged on any such instrument, paper, or document, provided a legal documentary stamp or stamps denoting a tax of equal amount shall have been duly affixed and used thereon.

SEC. 16. That all bonds, debentures, or certificates of indebtedness issued by the officers of the United States Government, or by the officers of any State, county, town, municipal corporation, or other corporation exercising the taxing power, shall be, and hereby are, exempt from the stamp taxes required by this act: *Provided*, That it is the intent hereby to exempt from the stamp taxes imposed by this act such State, county, town, or other municipal corporations in the exercise only of functions strictly belonging to them in their ordinary governmental, taxing, or municipal capacity: *Provided further*, That stock and bonds issued by cooperative building and loan associations shall be exempt from the tax herein provided.

SEC. 17. That on and after the 1st day of June, 1898, no telegraph company or its agent or employee shall receive from any person or transmit to any person any dispatch or message on which the company's charges have been paid or are to be collected, except press news dispatches, without an adhesive stamp, denoting the duty imposed by this act, being affixed to a copy thereof, or having the same stamped thereupon, and in default thereof shall incur a penalty of $10: *Provided*, That only one stamp shall be required, whether sent through one or more companies.

SEC. 18. That all the provisions of this act relating to dies, stamps, adhesive stamps, and stamp duties shall extend to and include (except where manifestly inapplicable) all the articles or objects enumerated in Schedule B, subject to stamp duties, and apply to the provisions in relation thereto.

SEC. 19. That on and after the 1st day of June, 1898, no person or persons, firms, companies, or corporations shall make, prepare, and sell, or remove for consumption or sale, drugs, medicines, preparations, compositions, articles, or things, including perfumery and cosmetics, upon which a tax is imposed by this act, as enumerated and mentioned in Schedule B, without affixing thereto an adhesive stamp or label denoting the duty before mentioned, and in default thereof shall incur a penalty of $100: *Provided*, That no stamp tax shall be imposed upon any uncompounded medicinal drug or chemical, nor upon any medicine compounded according to the United States or other national pharmacopœia, or national formulary, or of which the full or proper formula is published in any of the dispensatories now or hitherto in common use among physicians or apothecaries, when not sold or offered for sale, or advertised under any other name, form, or guise than that under which they may be severally denominated and laid down in the pharmacopœias, formularies, or dispensatories, as aforesaid; nor upon any medicine sold to or for the use of any person which may be mixed or compounded for said person according to the written receipt or prescription of any physician. But nothing in this section shall be construed to exempt from stamp tax any medicinal articles, whether simple or compounded by any formula, published or unpublished, which are put up in style or manner similar to that of patent or proprietory medicine in general, or which have on their labels or wrappers recommendations as remedies or specifics for any ailment, or as having any special proprietary claims to merit, or to any peculiar advantage in mode of preparation, quality, use, or effect, whether such claim be real or pretended.

SEC. 20. That any manufacturer or maker of any of the articles for sale mentioned in Schedule B, after the same shall have been so made, and the particulars hereinbefore required as to stamps have been complied with, or any other person who shall take off, remove, or detach, or cause, or permit, or suffer to be taken off, or removed or detached, any stamp, or who shall use any stamp, or any wrapper or cover to which any stamp is affixed, to cover any other article or commodity than that originally contained in such wrapper or cover, with such stamp when first used, with the intent to evade the stamp duties, shall for every such article, respectively, in respect of which any such offense shall be committed, be subject to a penalty of $50, to be recovered, together with the costs thereupon accruing, and every such article or commodity as aforesaid shall also be forfeited.

SEC. 21. That any maker or manufacturer of any of the articles or commodities mentioned in Schedule B, as aforesaid, or any other person who shall sell, send out, remove, or deliver any article or commodity, manufactured as aforesaid, before the duty thereon shall have been fully paid by affixing thereon the proper stamp, as in this act provided, or who shall hide or conceal, or cause to be hidden or concealed, or who shall remove or convey away, or deposit, or cause to be removed or conveyed away from or deposited in any place, any such article or commodity, to evade the duty chargeable thereon, or any part thereof, shall be subject to a penalty of $100, together

with the forfeiture of any such article or commodity: *Provided*, That articles upon which stamp taxes are required by this act may, when intended for exportation, be manufactured and sold or removed without having stamps affixed thereto, and without being charged with tax as aforesaid; and every manufacturer or maker of any article as aforesaid, intended for exportation, shall give such bonds and be subject to such rules and regulations to protect the revenue against fraud as may be from time to time prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

SEC. 23. That every manufacturer or maker of any of the articles or commodities, as aforesaid, or his foreman, agent, or superintendent, shall at the end of each and every month make, sign, and file with the collector of internal revenue for the district in which he resides a declaration in writing that no such article or commodity as aforesaid has, during such preceding month or time when the last declaration was made, been removed, or carried, or sent, or caused or suffered or known to have been removed, carried, or sent from the premises of such manufacturer or maker other than such as have been duly taken account of and charged with the stamp tax, on pain of such manufacturer or maker forfeiting for every refusal or neglect to make such declaration $100; and if any such manufacturer or maker, or his foreman, agent, or superintendent, shall make any false or untrue declaration, such manufacturer or maker, or foreman, agent, or superintendent making the same shall forfeit $500.

SEC. 23. That the stamp taxes prescribed in this act on the articles enumerated in Schedule B shall attach to all such articles and things sold or removed for sale on and after the said 1st day of June, 1898. Every person who offers or exposes for sale any article or thing enumerated in said Schedule B, whether the article so offered or exposed is of foreign manufacture and imported or of domestic manufacture, shall be deemed the manufacturer thereof, and shall be subject to all the taxes, liabilities, and penalties imposed by law for the sale of articles without the use of the proper stamp denoting the tax paid thereon; and all such articles of foreign manufacture shall, in addition to the import duty imposed on the same, be subject to the stamp tax prescribed in this act.

SEC. 24. That the Commissioner of Internal Revenue shall cause to be prepared for the payment of the taxes prescribed in this act suitable stamps denoting the tax on the document, article, or thing to which the same may be affixed, and he is authorized to prescribe such method for the cancellation of said stamps, as substitute for or in addition to the method provided in this act, as he may deem expedient. And he may, with the approval of the Secretary of the Treasury, make all needful rules and regulations for the proper enforcement of this act.

SCHEDULE A.

STAMP TAXES.

Bonds, debentures, or certificates of indebtedness issued after the 1st day of June, A. D. 1898, by any association, company, or corporation, on each hundred dollars of face value or fraction thereof, 5 cents, and on each original issue, whether on organization or reorganization, of certificates of stock by any such association, company, or corporation, on each hundred dollars of face value or fraction thereof, 5 cents, and on all transfers of shares or certificates of stock in any association, company, or corporation, whether upon the books of the association, company, or corporation, or by assignment in blank, or by any memorandum or evidence of transfer or sale entitling the holder to the benefit of such stock, or to secure the future payment of money or the future transfer of stock, on each hundred dollars of face value or fraction thereof, 2 cents.

Bank check, draft, or certificate of deposit not drawing interest, or order for the payment of any sum of money exceeding $20, drawn upon or issued by any bank, trust company, or any person or persons, companies, or corporations at sight or on demand, 2 cents.

Bill of exchange (inland), draft, certificate of deposit drawing interest, or order for the payment of any sum of money, otherwise than at sight or on demand, or any promissory note except bank notes issued for circulation, for a sum not exceeding $100, 5 cents.

Exceeding $100 and not exceeding $200, 10 cents.
Exceeding $200 and not exceeding $300, 15 cents.
Exceeding $300 and not exceeding $500, 20 cents.
Exceeding $500 and not exceeding $750, 30 cents.
Exceeding $750 and not exceeding $1,000, 40 cents.
Exceeding $1,000 and not exceeding $2,500, $1.
Exceeding $2,500 and not exceeding $5,000, $1.50.

And for every $2,500, or part of $2,500 in excess of $5,000, $1: *Provided*, That upon promissory notes and other evidences of debt secured to be paid by mortgage, or by deed of trust upon real or personal property, or by any other conveyance of real or personal property, intended as security for the payment of such promissory notes or evidences of debt, 25 cents.

Bill of exchange (foreign) or letter of credit (including orders for the payment of money issued by express or other companies or any person or persons), drawn in but payable out of the United States, if drawn singly or otherwise than in a set of three or more, according to the custom of merchants and bankers, shall pay the same rate of tax as inland bills of exchange or promissory notes.

If drawn in sets of three or more: For every bill of each set, where the sum made payable shall not exceed $150, or the equivalent thereof in any foreign currency in which such bill may be expressed, according to the standard of value fixed by the United States, 3 cents.

Above $150 and not above $200, 5 cents.
Above $250 and not above $500, 10 cents.
Above $500 and not above $1,000, 15 cents.
Above $1,000 and not above $1,500, 20 cents.
Above $1,500 and not above $2,250, 30 cents.
Above $2,250 and not above $3,500, 50 cents.
Above $3,500 and not above $5,000, 70 cents.
Above $5,000 and not above $7,500, $1.

And for every $2,500, or part thereof, in excess of $7,500, 30 cents.

Bills of lading or receipt (other than charter party) for any goods, merchandise, or effects, to be exported from a port or place in the United States to any foreign port or place, 10 cents.

Express: Upon all boxes, bales, packages, articles, or bundles carried exceeding 3 miles, for the transportation of which any express company, or carrier, or person whose occupation is to act as such, receives a compensation of not over 25 cents, 1 cent.

When such compensation exceeds the sum of 25 cents and not over $1, 2 cents.

When one or more packages are sent to the same address at the same time, and the compensation therefor exceeds $1, 5 cents.

Bond: For indemnifying any person or persons, firm, or corporation who shall have become bound or engaged as surety for the payment of any sum of money, or for the due execution or performance of the duties of any office or position, and to account for money received by virtue thereof, 50 cents.

Bond of any description other than such as may be required in legal proceedings, and such as are not otherwise charged in this schedule, 25 cents.

Certificate of profits, or any certificate or memorandum showing an interest in the property or accumulations of any association, company, or corporation, and on all transfers thereof, on each $100 of face value or fraction thereof, 2 cents.

Certificate: Any certificate of damage, or otherwise, and all other certificates or documents issued by any port warden, marine surveyor, or other person acting as such, 25 cents.

Certificate of any other description than those specified, 10 cents.

Charter party: Contract or agreement for the charter of any ship, or vessel, or steamer, or any letter, memorandum, or other writing between the captain, master, or owner, or person acting as agent of any ship, or vessel, or steamer, and any other person or persons, for or relating to the charter of such ship, or vessel, or steamer, if the registered tonnage of such ship, or vessel, or steamer does not exceed 300 tons, $3.

Exceeding 300 tons and not exceeding 600 tons, $5.

Exceeding 600 tons, $10.

Contract: Broker's note, or memorandum of sale of any goods or merchandise, stocks, bonds, exchange, notes of hand, real estate, or property of any kind or description issued by brokers or persons acting as such, 10 cents.

Conveyance: Deed, instrument, or writing, whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value exceeds $100 and does not exceed $500, 50 cents.

When the consideration exceeds $500 and does not exceed $1,000, $1.
Exceeding $1,000 and not exceeding $2,500, $2.
Exceeding $2,500 and not exceeding $5,000, $5.
Exceeding $5,000 and not exceeding $10,000, $10.
Exceeding $10,000 and not exceeding $20,000, $20.

And for every additional $10,000, or fractional part thereof, in excess of $20,000, $20.

Dispatch, telegraphic: Any dispatch or message, except press news dispatches, for which the charge paid or to be collected does not exceed 25 cents, 1 cent.

When the charge exceeds 25 cents, 2 cents.

That any person, firm, or corporation owning or operating what is commonly known as a long-distance telephone line or lines, or other toll telephone line or lines, whether such line or lines, or any part thereof, is or are operated separately or in connection with the similar lines of any other person, firm, or corporation, shall, on the 1st day of each month, return under oath to the collector of internal revenue in and for the district in which such person, firm, or corporation resides, the number of messages transmitted over the said respective separate or connected lines during the preceding month; the said return to include the paid messages so transmitted from individual or other subscribers to the telephone service of the said person, firm, or corporation, and from the respective public pay stations of the said person, firm, or corporation, together with the amount received for each such message so transmitted. Upon the failure of any person, firm, or corporation to make such return, or for the making of false returns, they shall, upon conviction thereof, be fined not exceeding $500.

On each message so transmitted for a distance of 30 miles or more, where the charge for which, according to such sworn return, does not exceed 25 cents, said person, firm, or corporation shall pay a tax of 1 cent; when the charge exceeds 25 cents and does not exceed $1.50, 2 cents; when the charge exceeds $1.50 and does not exceed $5, 5 cents; when the charge exceeds $5, 10 cents.

The taxes hereby imposed upon telephone messages shall be assessed by the Commissioner of Internal Revenue, and the provisions of existing law relative to the assessment of taxes and of the 50 per cent penalties for neglect or failure to make return and of the 100 per cent penalty for the making of false returns and of the collection of such taxes and assessed penalties are hereby made to apply to the taxes imposed by this section: *Provided*, That official messages of the United States Government shall be exempt from the taxes herein imposed upon telegraphic and telephonic messages.

Entry of any goods, wares, or merchandise at any custom-house, either for consumption or warehousing, not exceeding $100 in value, 25 cents.

Exceeding $100 and not exceeding $500 in value, 50 cents.

Exceeding $500 in value, $1.

Entry for the withdrawal of any goods or merchandise from customs bonded warehouse, 50 cents.

Insurance (life): Policy of insurance, or other instrument, by whatever name the same shall be called, whereby any insurance shall be made upon any life or lives (not including policies of insurance against accident only), for each $100 or fractional part thereof, 2 cents on the amount insured: *Provided*, That on all policies, for life insurance only, issued on the industrial or weekly-payment plan of insurance, the tax shall be 1 cent for each unit of 5 cents of weekly premium: *Provided further*, That cooperative life-insurance assessment orders and companies, as well as all policies issued by them, shall be exempt from taxation under this act.

Insurance (on property): Upon each premium on each and every policy of insurance, reinsurance, or renewal thereof, or other instrument, by whatever name the same shall be called, by which insurance shall be made or renewed upon property, profits, titles, or liability of any description, whether perils by sea or by fire or other peril of any kind, made by an insurance company or its agents, or by any other company or person, $100 and under, 10 cents; exceeding $100 and not exceeding $500, 50 cents; $500 and upward, $1.

Lease, agreement, memorandum, or contract for the hire, use, or rent of any land, tenement, or portion thereof—

If for a period of time not exceeding three years, 50 cents.

If for a period exceeding three years, $1.

Manifest for custom-house entry or clearance of the cargo of any ship, vessel, or steamer for a foreign port—

If the registered tonnage of such ship, vessel, or steamer does not exceed 300 tons, $1.

Exceeding 300 tons, and not exceeding 600 tons, $3.

Exceeding 600 tons, $5.

Mortgage of lands, estate, or property, real or personal, heritable, or movable, whatsoever, where the same shall be made as a security for the payment of any definite and certain sum of money, lent at the time or previously due and owing or forborne to be paid, being payable; also any conveyance of any lands, estate, or property whatsoever, in trust to be sold or otherwise converted into money, which shall be intended only as security, and shall be redeemable before the sale or other disposal thereof, either by express stipulation or otherwise; or any personal bond given as security for the payment of any definite or certain sum of money exceeding $100 and not exceeding $500, 50 cents.

Exceeding $500 and not exceeding $1,000, $1.
Exceeding $1,000 and not exceeding $2,500, $2.
Exceeding $2,500 and not exceeding $5,000, $5.
Exceeding $5,000 and not exceeding $10,000, $10.
Exceeding $10,000 and not exceeding $20,000, $15.

And for every additional $10,000, or fractional part thereof, in excess of $20,000, $10.

Passage ticket, by any vessel from a port in the United States to a foreign port, if less than $60, $1.

Exceeding $60, $5.

Power of attorney for the sale or transfer of any stock, bonds, scrip, or for the collection of any dividends, or interest thereon, 25 cents.

Power of attorney or proxy for voting at any election for officers of any incorporated company or association, except religious, charitable, or literary societies, or public cemeteries, 10 cents.

Power of attorney to receive or collect rent, 25 cents.

Power of attorney to sell and convey real estate, or to rent or lease the same, or to perform any and all other acts not hereinbefore specified, $1.

Probate of will or letters of administration: Where the estate and effects for or in respect of which such probate or letters of administration applied for shall not exceed the value of $2,500, 50 cents.

Exceeding $2,500, and not exceeding $5,000, $1.

Exceeding $5,000, and not exceeding $20,000, $2.

Exceeding $20,000, and not exceeding $50,000, $5.

Exceeding $50,000, and not exceeding $100,000, $10.

Exceeding $100,000, and not exceeding $150,000, $20.

And for every additional $50,000, or fractional part thereof, $10.

Protest: Upon the protest of every note, bill of exchange, acceptance, check or draft, or any marine protest, whether protested by a notary public or by any other officer who may be authorized by the law of any State or States to make such protest, 25 cents.

Warehouse receipt for any goods, merchandise, or property of any kind held on storage in any public or private warehouse or yard, except receipts for agricultural products deposited by the actual grower thereof in the regular course of trade for sale, 25 cents: *Provided*, That the stamp duties imposed by the foregoing schedule on manifests, bills of lading, and passage tickets shall not apply to steamboats or other vessels plying between ports of the United States and ports in British North America.

SCHEDULE B.

Medicines, proprietary articles and preparations: For and upon every packet, box, bottle, pot, or phial, or other inclosure, containing any pills, powders, tinctures, troches or lozenges, sirups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, spirits, oils, and all preparations or compositions whatsoever, made and sold, or removed for sale, by any person or persons whatever, wherein the person making or preparing the same has or claims to have any private formula or occult secret or art for the making or preparing the same, or has or claims to have any exclusive right or title to the making or preparing the same, or which are prepared, uttered, vended, or exposed for sale under any letters patent, or which, if prepared by any formula, published or unpublished, are held out or recommended to the public by the makers, venders, or proprietors thereof as proprietary medecines, or proprietary articles or preparations, or as remedies or specifics for any disease, diseases, or affection whatever affecting the human or animal body, as follows: Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed, at the retail price or value, the sum of 10 cents, one-half of 1 cent.

Where each packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 10 cents and not exceed the retail price or value of 25 cents, 1 cent.

Where each packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 25 cents and not exceed the retail price or value of 50 cents, 2 cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 50 cents and shall not exceed the retail price or value of 75 cents, 3 cents.

When such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 75 cents, and shall not exceed the retail price or value of $1, 4 cents.

When such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of $1, for each and every 50 cents or fractional part thereof over and above the $1, as before mentioned, an additional 2 cents.

Perfumery and cosmetics: For and upon every packet, box, bottle, pot, phial, or other inclosure containing any essence, extract, toilet water, cosmetic, vaseline and all like substances, hair oil, pomade, hair dressing, hair restorative, hair dye, tooth wash, dentifrice, tooth paste, aromatic cachous, or any similar article, by whatsoever name the same heretofore have been, now are, or may hereafter be called, known, or distinguished, used or applied, or to be used or applied as perfumes or applications to the hair, mouth, or skin, made, prepared, and sold or removed for consumption and sale in the United States, where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed at the retail price or value the sum of 25 cents, 1 cent.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 25 cents, and shall not exceed the retail price or value of 50 cents, 2 cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 50 cents, and shall not exceed the retail price or value of 75 cents, 3 cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 75 cents, and shall not exceed the retail price or value of $1, 4 cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of $1, for each and every 50 cents or fractional part thereof over and above $1, as before mentioned, an additional 2 cents.

Chewing gum or substitutes therefor: For and upon each box, carton, jar, or other container of chewing gum of not more than $1 of actual retail value, 5 cents; on each additional dollar's worth or fractional part thereof, an additional 5 cents; under such regulations as the Commissioner of Internal Revenue may prescribe.

Mineral and all other waters, and beverages not otherwise subject to internal-revenue taxes, imported or domestic, bottled for sale, upon each bottle or siphon containing one-half pint or less, one-fourth of 1 cent.

Upon each bottle or siphon containing more than one-half pint and not more than 1 pint, one-half of 1 cent; upon each bottle or siphon containing more than 1 pint, 1 cent.

Wine, sparkling or otherwise, of any name or description, made from grapes or other fruits, or from rhubarb or other substances, or by the infusion of any matter in spirits, and offered as wine or as a substitute for wine, when bottled for sale, whether domestic or imported, upon each bottle containing 1 pint or less, 2 cents.

Upon each bottle containing more than 1 pint, 4 cents.

SEC. 25. That every person, firm, or corporation who shall have made any contract prior to the passage of this act, and without other provision therein for the payment of taxes imposed by law enacted subsequent thereto, upon articles to be delivered under such contract, is hereby authorized and empowered to add to the price thereof so much money as will be equivalent to the tax imposed on said articles by this act, and not previously paid by the vendee, and shall be entitled by virtue hereof to be paid, and to sue for and recover, the same accordingly. And in all cases of articles manufactured or produced, in whole or in part, upon commission, or where the material is furnished by one party and manufactured by another, if the manufacturer shall be required to pay under this act the tax hereby imposed, such person or persons so paying the same shall be entitled to collect the amount thereof of the owner or owners, and shall have a lien for the amount thus paid upon the produced or manufactured goods.

TONNAGE TAX.

SEC. 26. That in lieu of the tax on tonnage imposed by section 11 of chapter 421 of the laws of 1886, approved June 19, 1886, a duty of 8 cents per ton, not to exceed in the aggregate 96 cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or the Hawaiian Islands, or Newfoundland, and a duty of 20 cents per ton, not to exceed $2.40 per ton per annum, is hereby imposed at each entry upon all vessels which shall be entered in the United States from any other foreign port, not, however, to include vessels in distress or not engaged in trade.

From the receipts from duties on tonnage provided by this section there is hereby appropriated, to be expended under the direction of the Secretary of the Treasury for the maintenance of the Marine-Hospital Service, for the fiscal year 1899, the sum of $550,000, or so much thereof as may be necessary; and the Secretary of the Treasury shall submit, in the estimates of appropriations for the fiscal year 1900 and annually thereafter, estimates in detail for the expenses of maintaining the Marine-Hospital Service.

Section 15 of chapter 121 of the laws of 1884, approved June 26, 1884, sections 11 and 12 of chapter 421 of the laws of 1886, approved June 19, 1886, and section 4223 of the Revised Statutes, are hereby repealed.

This section shall take effect on July 1, 1898.

LOANS.

SEC. 27. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States the sum of $500,000,000, or so much thereof as may be necessary, and to prepare and issue therefor, at not less than par, coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of $25 or some multiple of that sum, redeemable in coin at the pleasure of the United States after ten years from the date of their issue, and payable twenty years from such date, and bearing interest payably quarterly in coin, at the rate of 3 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That the bonds authorized by this section shall be first offered as a popular loan under such regulations, to be prescribed by the Secretary of the Treasury, as will give opportunity to the citizens of the United States to participate in the subscriptions to such loan; and a sum not exceeding one-half of 1 per cent of the amount of the bonds herein authorized is hereby appropriated to pay the expense of preparing, advertising, issuing, and disposing of the same.

SEC. 28. That the Secretary of the Treasury is authorized to borrow from time to time, at the market rate of interest, not exceeding 3 per cent per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form as he may prescribe and in denominations of $50 or some multiple of that sum; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe: *Provided*, That the amount of such certificates outstanding shall at no time exceed $100,000,000; and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtedness authorized by this act.

Mr. DOCKERY (interrupting the reading of the bill). Mr. Speaker, I wish to know whether it is in order to offer amendments to this substitute as the Clerk proceeds with the reading?

Mr. PAYNE. Of course the gentleman knows that no amendment can be offered while this is being read.

The SPEAKER. The Clerk will proceed.

The Clerk resumed and concluded the reading.

Mr. DINGLEY. Mr. Speaker, before moving the previous question, I desire to make a brief explanation of the amendments which are presented for the action of the House by the Committee on Ways and Means.

Mr. GRIGGS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GRIGGS. I desire to obtain some information in regard to an amendment to this bill.

The SPEAKER. The gentleman from Maine has the floor.

Mr. DINGLEY. I would like to make a statement, if the gentleman will pardon me for a moment, regarding the several amendments which have been embodied in this bill since its consideration in the committee.

In the first place, I will say that all of these modifications that have been made in the bill, as presented in the substitute which has been read, have been made at the instance of members of the House, as much on one side as on the other, and are in the nature of reductions or alleviations or exceptions, I may say, to the provisions of the bill, and are made for the convenience of members, in large part. All of the modifications or amendments that have been indicated in the bill will be found by gentlemen, on an examination of the bill which has been laid upon their desks shortly after noon to-day, printed in italics, and are easily observed by glancing over the pages of the bill. These are all embodied in the printed bill, with the exception of several, to which I shall call your special attention.

On page 36, if you will turn to the printed bill before you, there are these changes made by the committee to which your attention is called. You will find near the bottom of the page the word "reinsurance" is inserted after the word "insurance" on this page, so as to read "insurance or reinsurance," etc. The object of this change is of course manifest.

Mr. LIVINGSTON. What line does the gentleman refer to on that page?

Mr. DINGLEY. To line 21. The object of this change is manifest on the examination of the context.

In line 23, after the word "property," there are inserted the words "profits, titles;" so as to read "by which insurance shall be made or renewed upon property, profits, titles, or liability of any description," etc.

The reason for this change is also clear and will not require explanation.

And commencing on page 37, line 1, after the word "person," strike out down to and including the word "under," in line 6, and amend the paragraph so it will read:

Made by an insurance company or its agents, or by any other company or person, $100 and under, 10 cents; exceeding $100 and not exceeding $500, 50 cents; $500 and upward, $1.

That is a reduction, you will notice, in every case.

Mr. LIVINGSTON. Will the gentleman allow me to suggest, with reference to the tax on bank checks, which are fixed at a minimum of $100, that it would be a very easy matter for the drawer of the check to divide his $100 check into four of $25 each, by which he would escape the entire tax? Does not the gentleman think that it would be better to make some modification of that?

Mr. DINGLEY. I am acting under the instructions of the committee and would not feel myself authorized, without their consent, to made any modification. I do not think there would be any difficulty in dealing with the question to which the gentleman refers.

Mr. LIVINGSTON. I am sure the whole House will accept such an amendment if the gentleman will suggest the change.

Mr. DINGLEY. I understand, of course, what the gentleman is trying to accomplish, but, as I have said, I do not feel authorized to make the change.

Again, on page 40——

Mr. McMILLIN. Will the gentleman allow me a moment?

Mr. DINGLEY. Certainly, if it bears upon this question.

Mr. McMILLIN. If I can have the permission of the gentleman from Maine, I desire to submit an inquiry in this connection.

Mr. DINGLEY. Certainly.

Mr. McMILLIN. I think I know, in advance, the response the gentleman will make. But this bill imposes a tax on dealers in tobacco. In committee, it was sought to amend that provision; but it was not interfered with, because of the statement made in the committee that the right of the farmers and producers of tobacco were not to be interfered with, as now provided by law. I simply wanted to submit that statement in order that it might go into the RECORD, so that there would be no question about this matter in the future, and that it should be given as the legislative construction that the farmer was not to be interfered with in his sales by this measure.

Mr. DINGLEY. The gentleman is entirely correct. The committee agreed as to that construction of the law; and not only that, but the Commissioner of Internal Revenue said also that it was a proper construction; that is to say, that this bill did not modify the law in that particular.

Mr. McMILLIN. I only wanted that statement to go on record.

Mr. SIMPSON. Will the gentleman allow me a question?

Mr. DINGLEY. If it bears particularly on this point.

Mr. SIMPSON. I wish to inquire in regard to the tax on telegrams, etc.

Mr. DINGLEY. I am only now talking of the amendments where there has been a change in the text of the bill. I can not yield to go over matters that have already been considered in committee.

The next amendment is on page 40——

Mr. SIMPSON. Will the chairman give us this information——

Mr. DINGLEY. I must decline to be interrupted, unless it bears particularly upon the point in question.

On page 40, line 12, the committee recommend the insertion, after the word "yard," in line 12, of these words: "except for agricultural products deposited by the actual grower thereof, in the regular course of trade for sale."

On page 41 there is another variation from the printed bill, in lines 16 and 17.

Mr. SLAYDEN. In relation to that amendment I should like to ask the gentleman whether, after the words "deposited by the actual grower thereof," it will be necessary to insert the words "or by his agent"?

Mr. DINGLEY. I think there will be no difficulty. I understand that the practice is for the actual grower thereof, or some one employed by him, to bring the cotton to the warehouse and deposit it for sale. I understand from the gentleman from Georgia [Mr. GRIGGS] that that is the practice.

Mr. GRIGGS. Yes; that is the practice.

Mr. EVANS. What he does by his agent he does by himself.

Mr. DINGLEY. Precisely. It was not the intention of the committee that there should be any stamp tax upon the receipts given to the grower under such circumstances.

Mr. DALZELL. Is not this the amendment as it was drawn by the gentleman from Georgia?

Mr. DINGLEY. Exactly as it was drawn by the gentleman from Georgia [Mr. GRIGGS]. In fact, most of the amendments are to meet certain objections raised by members on both sides.

Mr. LIVINGSTON. Does that cover wheat and other farm products?

Mr. DINGLEY. All agricultural products. Now, on page 41, a change is made merely to accord with the intent of the committee; so that lines 15, 16, and 17 will read:

Where each packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 10 cents, and not exceed the retail price or value of 25 cents.

That is simply to make the language complete.

The only other change from the printed bill is on page 46, line 10.

Mr. LIVINGSTON. You have a change on page 42, I think—

Vaseline and all like substances.

I suppose that was added.

Mr. DINGLEY. That was in the printed bill. I will only call attention to those which were not printed. On page 46, in the tenth line, at the suggestion of the chairman of the Committee on Appropriations, who has investigated the matter, the word "seven" is stricken out and the word "five" is substituted. The intention of the committee was to make the appropriation substantially according to the expenditure of last year. The chairman of the Committee on Appropriations informs me that it was $515,000, and the amount is now made $550,000. And I will say with reference to this surplus that there is a general appropriation of $300,000 that can be used by the President in case of any emergency arising from epidemic diseases, besides this, and some other appointments also. And there is added at the end a provision directing the Secretary of the Treasury to hereafter make in the regular annual estimate an estimate for the Marine-Hospital Service. Those are the only changes from the printed bill that is before members.

Now, Mr. Speaker, I move the previous question to the passage of the bill.

Mr. SIMPSON. I should like to ask the gentleman a question.

The SPEAKER. The gentleman from Maine moves the previous question.

Mr. McMILLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McRAE. I should like——

Mr. SIMPSON. I hope the gentleman from Maine, as these amendments have not been discussed——

The SPEAKER. The gentleman from Tennessee makes a parliamentary inquiry.

Mr. McMILLIN. I desire to know at what time it would be in order to move to recommit the bill with instructions?

The SPEAKER. It will be in order after the bill is passed to be engrossed.

Mr. McMILLIN. Then I give notice that at that time I will make such a motion.

Mr. SIMPSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. SIMPSON. To ask the gentleman from Maine, the chairman of the committee, a question in regard to the meaning of this bill, on page 22.

Several MEMBERS. Regular order!

The SPEAKER. The regular order is demanded. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the substitute.

The substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. BAILEY. Mr. Speaker——

Mr. McMILLIN. Mr. Speaker, pursuant to the notice I gave, I desire to move to recommit the bill to the committee with instructions to report it back striking out section 27 and inserting the income-tax provision that we voted on this evening, and which I send to the Clerk.

Mr. BAILEY. Mr. Speaker, a parliamentary inquiry.

Mr. DINGLEY. I move the previous question.

Mr. BAILEY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAILEY. My parliamentary inquiry is this: If the motion of the gentleman from Tennessee should be voted down, would it then be in order to move to recommit to the committee with a different instruction?

The SPEAKER. It would not. One moment. That would depend upon the fate of the motion of the gentleman from Maine, who asks for the previous question.

Mr. BAILEY. Has the gentleman from Maine asked for the previous question on the motion of the gentleman from Tennessee [Mr. MCMILLIN]?

Mr. DINGLEY. I have.

Mr. BAILEY. Then would it be in order for the gentleman

from Tennessee to withdraw his motion to strike out and substitute, so as to make it a straight motion to report the income-tax provision back as an additional provision in the bill?

Mr. DINGLEY. The previous question has been moved.

Mr. BAILEY. The previous question has been demanded, but has not been ordered. Would it be in order for the gentleman from Tennessee to withdraw his motion to strike out and insert, and make it a direct motion to add the income-tax provision as an amendment to the bill?

The SPEAKER. The Chair supposes it would be in order to withdraw the motion if the gentleman saw fit.

Mr. BAILEY. Then, Mr. Speaker, I hope the gentleman from Tennessee will withdraw his motion.

Mr. MAGUIRE (to Mr. BAILEY). The Chair says it will be in order.

Mr. BAILEY. Do I understand the Chair to say that it would be in order?

The SPEAKER. It would be in order to withdraw the motion.

Mr. McMILLIN. Mr. Speaker, I believe the previous question is not insisted on and that the motion that I have made is amendable, and the gentleman from Missouri had obtained the floor for the purpose of offering an amendment.

Mr. DINGLEY. I demand the previous question.

The SPEAKER. The previous question is asked.

Mr. BAILEY. I asked the Chair to recognize me to make this motion.

The SPEAKER. The gentleman from Tennessee gave notice to the Chair that he was going to make a motion, and inquired when he could make it. The Chair responded——

Mr. McMILLIN. The Chair has stated the facts. I did give that notice, having offered the income-tax bill in lieu of the bond proposition contained in section 37. There will be no contest with me or any other gentleman as to the making of this motion. I believe mine is the proper motion and I should be allowed to make it. I am not for the issuance of this six hundred millions of bonds, either with or without an income tax. But I have no selfishness as to who makes the motion to recommit, and therefore withdraw it.

Mr. BAILEY. My understanding is that we can now make a motion to add the income tax as an amendment to the bill.

The SPEAKER. The Chair thinks that motion can be made.

Mr. BAILEY. Mr. Speaker, I desire to submit a motion to recommit this bill to the Committee on Ways and Means, with the instruction to report the income-tax bill as an amendment.

Mr. BLAND. I offer an amendment to the amendment.

Mr. DINGLEY. After that is read I ask the previous question.

The SPEAKER. The gentleman from Texas offers the motion to recommit with instructions, which the Clerk will report to the House.

The Clerk read as follows:

Recommit H. R. 10100 to the Committee on Ways and Means with instructions to report it back with the following as an amendment at the end of the bill:

SEC. 27. That from and after the 1st day of January, 1899, and for each succeeding year thereafter, there shall be assessed, levied, collected, and paid annually upon the gains, profits, and income received in the preceding calendar year by every citizen of the United States, whether residing at home or abroad, and every person residing therein, whether said gains, profits, or income be derived from any kind of property, rents, interest, dividends, or salaries, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever, a tax of 3 per cent on the amount so derived over and above $2,000, and a like tax shall be levied, collected, and paid annually upon the gains, profits, and income from all property owned and of every business, trade, or profession carried on in the United States by persons residing without the United States. And the tax herein provided for shall be assessed, by the Commissioner of Internal Revenue and collected, and paid upon the gains, profits, and income for the year ending the 31st day of December next preceding the time for levying, collecting, and paying said tax.

SEC. 28. That in estimating the gains, profits, and income of any person there shall be included all income derived from interest upon notes, bonds, and other securities, except such bonds of the United States the principal and interest of which are by the law of their issuance exempt from all Federal taxation, and from State, county, and municipal bonds; profits realized within the year from sales of real estate purchased within two years previous to the close of the year for which income is estimated; interest received or accrued upon all notes, bonds, mortgages, or other forms of indebtedness bearing interest, whether paid or not, if good and collectible, less the interest which has become due from said person or which has been paid by him during the year; the amount of all premium on bonds, notes, or coupons; the amount of sales of live stock, sugar, cotton, wool, butter, cheese, pork, beef, mutton, or other meats, hay, and grain, or other vegetable or other productions, being the growth or produce of the estate of such person, less the amount expended in the purchase or production of said stock or produce, and not including any part thereof consumed directly by the family; money and the value of all personal property acquired by gift or inheritance; all other gains, profits, and income derived from any source whatever except that portion of the salary, compensation, or pay received for services in the civil, military, naval, or other service of the United States, including Senators, Representatives, and Delegates in Congress, from which the tax has been deducted, and except that portion of any salary upon which the employer is required by law to withhold, and does withhold, the tax and pays the same to the officer authorized to receive it. In computing incomes the necessary expenses actually incurred in carrying on any business, occupation, or profession shall be deducted, and also all interest due or paid within the year by such person on existing indebtedness. And all national, State, county, school, and municipal taxes, not including those assessed against local benefits, paid within the year shall be deducted from the gains, profits, or income of the person who has actually paid the same, whether such person be owner, tenant, or mortgagor; also losses actually sustained during the year, incurred in trade or arising from fires, storms, or shipwreck, and not compensated for by insurance or otherwise, and debts ascertained to be worthless, but excluding all estimated depreciation of values and losses within the year on sales of real estate purchased within two years previous to the year for which income is estimated: *Provided*, That no deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments, made to increase the value of any property or estate: *Provided further*, That only one deduction of $2,000 shall be made from the aggregate income of all the members of any family, composed of one or both parents, and one or more minor children, or husband and wife; that guardians shall be allowed to make a deduction in favor of each and every ward, except that in case where two or more wards are comprised in one family and have joint property interests, the aggregate deduction in their favor shall not exceed $2,000: *And provided further*, That in cases where the salary or other compensation paid to any person in the employment or service of the United States shall not exceed the rate of $2,000 per annum, or shall be by fees, or uncertain or irregular in the amount or in the time during which the same shall have accrued or been earned, such salary or other compensation shall be included in estimating the annual gains, profits, or income of the person to whom the same shall have been paid, and shall include that portion of any income or salary upon which a tax has not been paid by the employer, where the employer is required by law to pay on the excess over $2,000: *Provided, also*, That in computing the income of any person, corporation, company, or association there shall not be included the amount received from any corporation, company, or association as dividends upon the stock of such corporation, company, or association if the tax of 3 per cent has been paid upon its net profits by said corporation, company, or association as required by this act.

SEC. 29. That it shall be the duty of all persons of lawful age having an income of more than $1,500 for the taxable year, computed on the basis herein prescribed, to make and render a list or return, on or before the day provided by law, in such form and manner as may be directed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to the collector or a deputy collector of the district in which they reside, of the amount of their income, gains, and profits, as aforesaid; and all guardians and trustees, executors, administrators, agents, receivers, and all persons or corporations acting in any fiduciary capacity, shall make and render a list or return, as aforesaid, to the collector or a deputy collector of the district in which such person or corporation acting in a fiduciary capacity resides or does business, of the amount of income, gains, and profits of any minor or person for whom they act, but persons having less than $1,500 income are not required to make such report; and the collector or deputy collector shall require every list or return to be verified by the oath or affirmation of the party rendering it, and may increase the amount of any list or return if he has reason to believe that the same is understated; and in case any such person having a taxable income shall neglect or refuse to make and render such list and return, or shall render a willfully false or fraudulent list or return, it shall be the duty of the collector or deputy collector to make such list, according to the best information he can obtain, by the examination of such person, or any other evidence, and to add 50 per cent as a penalty to the amount of the tax due on such list in all cases of willful neglect or refusal to make and render a list or return; and in all cases of a willfully false or fraudulent list or return having been rendered to add 100 per cent as a penalty to the amount of tax ascertained to be due, the tax and the additions thereto as a penalty to be assessed and collected in the manner provided for in other cases of willful neglect or refusal to render a list or return, or of rendering a false or fraudulent return: *Provided*, That any person or corporation, in his, her, or its own behalf, or as such fiduciary, shall be permitted to declare, under oath or affirmation, the form and manner of which shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, that he, she, or his or her, or its ward or beneficiary, was not possessed of an income of $2,000, liable to be assessed according to the provisions of this act; or may declare that he, she, or it, or his, her, or its ward or beneficiary has been assessed and has paid an income tax elsewhere in the same year, under authority of the United States, upon all his, her, or its income, gains, or profits, and upon all the income, gains, or profits for which he, she, or it is liable as such fiduciary, as prescribed by law; and if the collector or deputy collector shall be satisfied of the truth of the declaration, such person or corporation shall thereupon be exempt from income tax in the said district for that year; or if the list or return of any person or corporation, company, or association shall have been increased by the collector or deputy collector, such person or corporation, company, or association may be permitted to prove the amount of income liable to be assessed; but such proof shall not be considered as conclusive of the facts, and no deductions claimed in such cases shall be made or allowed until approved by the collector or deputy collector. Any person or company, corporation, or association feeling aggrieved by the decision of the deputy collector, in such cases may appeal to the collector of the district, and his decision thereon, unless reversed by the Commissioner of Internal Revenue, shall be final. If dissatisfied with the decision of the collector such person or corporation, company, or association may submit the case, with all the papers, to the Commissioner of Internal Revenue for his decision, and may furnish the testimony of witnesses to prove any relevant facts, having served notice to that effect upon the Commissioner of Internal Revenue, as herein prescribed.

Such notice shall state the time and place at which, and the officer before whom, the testimony will be taken; the name, age, residence, and business of the proposed witness, with the questions to be propounded to the witness, or a brief statement of the substance of the testimony he is expected to give: *Provided*, That the Government may at the same time and place take testimony upon like notice to rebut the testimony of the witnesses examined by the person taxed.

The notice shall be delivered or mailed to the Commissioner of Internal Revenue a sufficient number of days previous to the day fixed for taking the testimony to allow him, after its receipt, at least five days, exclusive of the period required for mail communication with the place at which the testimony is to be taken, in which to give, should he so desire, instructions as to the cross-examination of the proposed witness.

Whenever practicable, the affidavit or deposition shall be taken before a collector or deputy collector of internal revenue, in which case reasonable notice shall be given to the collector or deputy collector of the time fixed for taking the deposition or affidavit:

Provided further, That no penalty shall be assessed upon any person or corporation, company, or association for such neglect or refusal or for making or rendering a willfully false or fraudulent return, except after reasonable notice of the time and place of hearing, to be prescribed by the Commissioner of Internal Revenue so as to give the person charged an opportunity to be heard.

SEC. 30. The taxes on incomes herein imposed shall be due and payable on or before the 1st day of July in each year; and to any sum or sums annually due and unpaid after the 1st day of July as aforesaid, and for ten days after notice and demand thereof by the collector, there shall be levied, in addition

thereto, the sum of 5 per cent on the amount of taxes unpaid, and interest at the rate of 1 per cent per month upon said tax from the time the same becomes due, as a penalty, except from the estates of deceased, insane, or insolvent persons.

Any nonresident may receive the benefit of the exemptions hereinbefore provided for by filing with the deputy collector of any district a true list of all his property and sources of income in the United States and complying with the provisions of section 29 of this act as if a resident. In computing income he shall include all income from every source, but unless he be a citizen of the United States he shall only pay on that part of the income which is derived from any source in the United States. In case such nonresident fails to file such statement, the collector of each district shall collect the tax on the income derived from property situated in his district, subject to income tax, making no allowance for exemptions, and all property belonging to such nonresident shall be liable to distraint for tax: *Provided*, That nonresident corporations shall be subject to the same laws as to tax as resident corporations, and the collection of the tax shall be made in the same manner as provided for collections of taxes against nonresident persons.

SEC. 32. That there shall be assessed, levied, and collected, except as herein otherwise provided, a tax of 3 per cent annually on the net profits or income above actual operating and business expenses, including expenses for materials purchased for manufacture or bought for resale, losses, and interest on bonded and other indebtedness of all banks, banking institutions, trust companies, saving institutions, fire, marine, life, and other insurance companies, railroad, canal, turnpike, canal navigation, slack water, telephone, telegraph, express, electric light, gas, water, street railway companies, and all other corporations, companies, or associations doing business for profit in the United States, no matter how created and organized, but not including partnerships.

That said tax shall be paid on or before the 1st day of July in each year; and if the president or other chief officer of any corporation, company, or association, or in the case of any foreign corporation, company, or association, the resident manager or agent, shall neglect or refuse to file, with the collector of the internal-revenue district in which said corporation, company, or association shall be located or be engaged in business, a statement verified by his oath or affirmation, in such form as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, showing the amount of net profits or income received by said corporation, company, or association during the whole calendar year last preceding the date of filing such statement as hereinafter required, the corporation, company, or association making default shall forfeit as a penalty the sum of $1,000 and 2 per cent on the amount of taxes due, for each month until the same is paid, the payment of said penalty to be enforced as provided in other cases of neglect and refusal to make return of taxes under the internal-revenue law.

The net profits or income of all corporations, companies, or associations shall include the amounts paid to shareholders, or carried to the account of any fund, or used for construction, enlargement of plant, or any other expenditure or investment paid from the net annual profits made or acquired by said corporations, companies, or associations.

That nothing herein contained shall apply to States, counties, or municipalities; nor to corporations, companies, or associations organized and conducted solely for charitable, religious, or educational purposes, including fraternal beneficiary societies, orders, or associations operating upon the lodge system and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, or associations and dependents of such members; nor to the stocks, shares, funds, or securities held by any fiduciary or trustee for charitable, religious, or educational purposes; nor to building and loan associations or companies which make loans only to their shareholders; nor to such savings banks, savings institutions or societies as shall, first, have no stockholders or members except depositors and no capital except deposits; secondly, shall not receive deposits to an aggregate amount, in any one year, of more than $1,000 from the same depositor; thirdly, shall not allow an accumulation or total of deposits, by any one depositor, exceeding $10,000; fourthly, shall actually divide and distribute to its depositors, ratably to deposits, all the earnings over the necessary and proper expenses of such bank, institution, or society, except such as shall be applied to surplus; fifthly, shall not possess, in any form, a surplus fund exceeding 10 per cent of its aggregate deposits; nor to such savings banks, savings institutions, or societies composed of members who do not participate in the profits thereof and which pay interest or dividends only to their depositors; nor to that part of the business of any savings bank, institution, or other similar association having a capital stock, that is conducted on the mutual plan solely for the benefit of its depositors on such plan, and which shall keep its accounts of its business conducted on such mutual plan separate and apart from its other accounts.

Nor to any insurance company or association which conducts all its business solely upon the mutual plan, and only for the benefit of its policy holders or members, and having no capital stock and no stock or shareholders, and holding all its property in trust and in reserve for its policy holders or members; nor to that part of the business of any insurance company having a capital stock and stock and share-holders which is conducted on the mutual plan, separate from its stock plan of insurance, and solely for the benefit of the policy holders and members insured on said mutual plan, and holding all the property belonging to and derived from said mutual part of its business in trust and reserve for the benefit of its policy holders and members insured on said mutual plan.

That all State, county, municipal, and town taxes paid by corporations, companies, or associations shall be included in the operating and business expenses of such corporations, companies, or associations.

SEC. 33. That there shall be levied, collected, and paid on all salaries of officers, or payments for services to persons in the civil, military, naval, or other employment or service of the United States, including Senators and Representatives and Delegates in Congress, when exceeding the rate of $2,000 per annum, a tax of 3 per cent on the excess above the said $2,000; and it shall be the duty of all paymasters and all disbursing officers under the Government of the United States, or persons in the employ thereof, when making any payment to any officers or persons as aforesaid, whose compensation is determined by a fixed salary, or upon settling or adjusting the accounts of such officers or persons, to deduct and withhold the aforesaid tax of 3 per cent; and the pay roll, receipts, or account of officers or persons paying such tax as aforesaid shall be made to exhibit the fact of such payment. And it shall be the duty of the accounting officers of the Treasury Department, when auditing the accounts of any paymaster or disbursing officer, or any officer withholding his salary from moneys received by him, or when settling or adjusting the accounts of any such officer, to require evidence that the taxes mentioned in this section have been deducted and paid over to the Treasurer of the United States, or other officer authorized to receive the same. Every corporation which pays to any employee a salary or compensation exceeding $2,000 per annum shall report the same to the collector or deputy collector of his district and said employee shall pay thereon, subject to the exemptions herein provided for, the tax of 3 per cent on the excess of his salary over $2,000: *Provided*, That salaries due to State, county, or municipal officers shall be exempt from the income tax herein levied.

SEC. 34. That sections 3167, 3172, 3173, and 3176 of the Revised Statutes of the United States as amended are hereby amended so as to read as follows:

"SEC. 3167. That it shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return by any person or corporation, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof, to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return or any part thereof or the amount or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office and be incapable thereafter of holding any office under the Government.

"SEC. 3172. That every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay any internal-revenue tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects.

"SEC. 3173. That it shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, special tax, or other tax imposed by law, when not otherwise provided for, in case of a special tax, on or before the 31st day of July in each year, in case of income tax on or before the first Monday of March in each year, and in other cases before the day on which the taxes accrue, to make a list or return, verified by oath or affirmation, to the collector or a deputy collector of the district where located, of the articles or objects, including the amount of annual income, charged with a duty or tax, the quantity of goods, wares, and merchandise made or sold, and charged with a tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: *Provided*, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles, and objects liable to pay any duty or tax, or any business or occupation liable to pay any tax as aforesaid, then, and in that case, it shall be the duty of the collector or deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: *Provided further*, That in case no annual list or return has been rendered by such person to the collector or deputy collector, as required by law, and the person shall be absent from his or her residence or place of business at the time the collector or a deputy collector shall call for the annual list or return, it shall be the duty of such collector or deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post-office a note or memorandum addressed to such person, requiring him or her to render to such collector or deputy collector the list or return required by law, within ten days from the date of such note or memorandum, verified by oath or affirmation. And if any person on being notified or required as aforesaid shall refuse or neglect to render such list or return within the time required as aforesaid or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is false or fraudulent, or contains any undervaluation or understatement, it shall be lawful for the collector to summon such person, or any other person having possession, custody, or care of books of account containing entries relating to the business of such person, or any other person he may deem proper, to appear before him and produce such books, at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects liable to tax or the returns thereof. The collector may summon any person residing or found within the State in which his district lies; and when the person intended to be summoned does not reside and can not be found within such State, he may enter any collection district where such person may be found, and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

"SEC. 3176. When any person, corporation, company, or association refuses or neglects to render any return or list required by law, or renders a false or fraudulent return or list, the collector or any deputy collector shall make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector, and on his own view and information, such list or return, according to the form prescribed, of the income, property, and objects liable to tax owned or possessed or under the care or management of such person, or corporation, company, or association, and the Commissioner of Internal Revenue shall assess all taxes not paid by stamps, including the amount, if any, due for special tax, income or other tax, and in case of any return of a false or fraudulent list or valuation intentionally he shall add 100 per cent to such tax; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add 50 per cent to such tax. In case of neglect occasioned by sickness or absence as aforesaid the collector may allow such further time for making and delivering such list or return as he may deem necessary, not exceeding thirty days. The amount so added to the tax shall be collected at the same time and in the same manner as the tax unless the neglect or falsity is discovered after the tax has been paid, in which case the amount so added shall be collected in the same manner as the tax; and the list or return so made and subscribed by such collector or deputy collector shall be held prima facie good and sufficient for all legal purposes."

SEC. 35. That every corporation, company, or association doing business for profit shall make and render to the collector of its collection district, on or before the first Monday of March in every year, beginning with the year 1899, a full return, verified by oath or affirmation, in such form as the Commissioner of Internal Revenue may prescribe, of all the following matters for the whole calendar year last preceding the date of such return:

First. The gross profits of such corporation, company, or association, from all kinds of business of every name and nature.

Second. The expenses of such corporation, company, or association, exclusive of interest, annuities, and dividends.

Third. The net profits of such corporation, company, or association, without allowance for interest, annuities, or dividends.

Fourth. The amount paid on account of interest, annuities, and dividends, stated separately.

Fifth. The amount paid in salaries of $2,000 or less to each person employed.

Sixth. The amount paid in salaries of more than $2,000 to each person employed and the name and address of each of such persons and the amount paid to each.

SEC. 36. That it shall be the duty of every corporation, company, or association doing business for profit to keep full, regular, and accurate books of account, upon which all its transactions shall be entered from day to day, in regular order, and whenever a collector or deputy collector of the district in which any corporation, company, or association is assessable shall believe that a true and correct return of the income of such corporation, company, or association has not been made, he shall make an affidavit of such belief and of the grounds on which it is founded, and file the same with the Commissioner of Internal Revenue, and if said Commissioner shall, on examination thereof, and after full hearing upon notice given to all parties, conclude there is good ground for such belief, he shall issue a request in writing to such corporation, company, or association to permit an inspection of the books of such corporation, company, or association to be made; and if such corporation, company, or association shall refuse to comply with such request, then the collector or deputy collector of the district shall make from such information as he can obtain an estimate of the amount of such income and then add 50 per cent thereto, which said assessment so made shall then be the lawful assessment of such income.

During the reading of the amendment,

Mr. BAILEY. I ask unanimous consent to dispense with the reading of the amendment. It is the same amendment as that offered by the gentleman from Tennessee to the bill.

The SPEAKER. The gentleman from Texas asks unanimous consent to omit the reading of the text of the instructions. Is there objection? [After a pause.] The Chair hears none.

Mr. BLAND. Now, I desire to offer an amendment.

Mr. McMILLIN. If I can be indulged——

Mr. DINGLEY. Having the floor, I will listen——

Mr. BLAND. I offer the following amendment. [Cries of "No!"]

Mr. DINGLEY. I move the previous question.

Mr. BLAND. I hope the gentleman will yield to have that amendment read.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Texas.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. BAILEY. Division.

The House proceeded to divide.

Mr. WHEELER of Kentucky. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 171, answered "present" 7, not voting 43; as follows:

YEAS—134.

Adamson,	Cox,	Knowles,	Ridgely,
Bailey,	Cummings,	Lamb,	Rixey,
Baker, Ill.	Davey	Lanham,	Robb,
Bail,	Davis,	Latimer,	Robertson, La.
Bankhead,	De Armond,	Lentz,	Robinson, Ind.
Barlow,	De Graffenreid,	Lester,	Sayers,
Bartholdt,	De Vries,	Lewis, Ga.	Settle,
Bartlett,	Dinsmore,	Lewis, Wash.	Shafroth,
Bell,	Dockery,	Little,	Shuford,
Benner, Pa.	Driggs,	Livingston,	Simpson,
Benton,	Elliott,	Lloyd,	Sims,
Berry,	Fitzgerald,	Love,	Slayden,
Bland,	Fitzpatrick,	McClellan,	Smith, Ky.
Bodine,	Fleming,	McCormick,	Sparkman,
Botkin,	Fowler, N. C.	McCulloch,	Stephens, Tex.
Bradley	Fox,	McDowell,	Stokes,
Brantley,	Gaines,	McEwan,	Strowd, N. C.
Brenner, Ohio	Greene,	McMillin,	Sullivan,
Brewer,	Griffith,	McRae,	Sulzer,
Bromwell,	Griggs,	Maddox,	Swanson,
Broussard,	Gunn,	Maguire,	Talbert,
Brucker,	Handy,	Maxwell,	Taylor, Ala.
Brundidge,	Hartman,	Meyer, La.	Thorp,
Burke,	Hay,	Miers, Ind.	Underwood,
Carmack,	Henry, Miss.	Moon,	Vandiver,
Castle,	Henry, Tex.	Newlands,	Vehslage,
Catchings,	Howard, Ga.	Norton, Ohio	Vincent,
Clardy,	Hunter,	Norton, S. C.	Wheeler, Ala.
Clark, Mo.	Johnson, Ind.	Ogden,	Wheeler, Ky.
Clayton,	Jones, Va.	Osborne,	White, Ill.
Cochran, Mo.	Jones, Wash.	Otey,	Wilson,
Cooney,	King,	Peters,	Zenor.
Cooper, Tex.	Kitchin,	Pierce, Tenn.	
Cowherd,	Kleberg,	Richardson,	

NAYS—171.

Acheson,	Boutell, Ill.	Corliss,	Fischer,
Adams,	Boutelle, Me.	Cousins,	Fletcher,
Aldrich,	Brewster,	Crump,	Foote,
Alexander,	Broderick,	Crumpacker,	Foss,
Arnold,	Brown,	Curtis, Iowa	Fowler, N. J.
Babcock,	Brownlow,	Curtis, Kans.	Gardner,
Baker, Md.	Brumm,	Dalzell,	Gibson,
Barham,	Bull,	Danford,	Gillet, N. Y.
Barney,	Burleigh,	Davidson, Wis.	Graff,
Barrows,	Burton,	Davison, Ky.	Griffin,
Beach,	Butler,	Dayton,	Grosvenor,
Belden,	Cannon,	Dingley,	Grout,
Belford,	Capron,	Dolliver,	Grow,
Belknap,	Chickering,	Dorr,	Hager,
Bennett,	Clark, Iowa	Dovener,	Hamilton,
Bingham,	Cochrane, N. Y.	Ellis,	Harmer,
Bishop,	Connell,	Evans,	Hawley,
Booze,	Cooper, Wis.	Faris,	Heatwole,
Hemenway	Littauer,	Overstreet,	Steele,
Henderson,	Loud,	Parker, N. J.	Stevens, Minn.
Henry, Conn.	Loudenslager,	Payne,	Stewart, N. J.
Henry, Ind.	Lovering,	Pearce, Mo.	Stewart, Wis.
Hepburn,	Low,	Pitney,	Stone, C. W.
Hicks,	Lybrand,	Powers,	Stone, W. A.
Hilborn,	McAleer,	Pugh,	Strode, Nebr.
Hill,	McCall,	Ray,	Sturtevant,
Hitt,	McCleary,	Reeves,	Sulloway,
Hooker,	McDonald,	Robbins,	Tawney,
Hopkins,	McIntire,	Royse,	Tayler, Ohio
Howe,	Mahon,	Russell,	Tongue,
Howell,	Marsh,	Sauerhering,	Updegraff,
Hull,	Mercer,	Shannon,	Van Voorhis,
Jenkins,	Mesick,	Shattuc,	Wadsworth,
Johnson, N. Dak	Miller,	Sherman,	Walker, Mass.
Joy,	Mills,	Smith, Ill.	Walker, Va.
Kerr,	Minor,	Smith, S. W.	Wanger,
Ketcham,	Mitchell,	Smith, Wm. Alden	Ward,
Kirkpatrick,	Moody,	Snover,	Weaver,
Knox,	Morris,	Southard,	Williams, Pa.
Kulp,	Mudd,	Southwick,	Wiso,
Lacey,	Northway,	Spalding,	Yost,
Landis,	Olmsted,	Sperry,	Young.
Lawrence,	Otjen,	Sprague,	

ANSWERED "PRESENT"—7.

Baird,	Mann,	Meekison,	Todd.
Howard, Ala.	Martin,	Skinner,	

NOT VOTING—43.

Allen,	Eddy,	Marshall,	Stark,
Barber,	Ermentrout,	Odell,	Strait,
Barrett,	Fenton,	Packer, Pa.	Sutherland,
Brosius,	Gillett, Mass.	Pearson,	Tate,
Campbell,	Hinrichsen,	Perkins,	Terry,
Clarke, N. H.	Hurley,	Prince,	Warner,
Codding,	Jett,	Quigg,	Weymouth,
Colson,	Kelley,	Rhea,	White, N. C.
Connolly,	Linney,	Shelden,	Wilber,
Cranford,	Lorimer,	Showalter,	Williams, Miss.
Davenport,	Mahany,	Stallings,	

So the motion to recommit was disagreed to.

The following pairs were announced:

Until further notice:

Mr. CONNOLLY with Mr. MEEKISON.

Mr. WARNER with Mr. ALLEN.

Mr. LORIMER with Mr. CAMPBELL.

Mr. GILLETT of Massachusetts with Mr. TERRY.

Mr. MAHANY with Mr. BAIRD.

Mr. BARRETT with Mr. MARSHALL.

Mr. SHELDEN with Mr. TODD.

Mr. DAVENPORT with Mr. STRAIT.

Mr. PERKINS with Mr. TATE.

Mr. CODDING with Mr. WILLIAMS of Mississippi.

Mr. PRINCE with Mr. HINRICHSEN.

Mr. BROSIUS with Mr. ERMENTROUT.

Mr. MANN with Mr. JETT.

On this question:

Mr. ODELL with Mr. CRANFORD.

Mr. PAYNE. Mr. Speaker, my colleague, Mr. QUIGG, is detained at home on account of illness. If present, he would vote "no" and vote for the bill.

Mr. TODD. Mr. Speaker, my colleague, Mr. SHELDEN, is absent. I am paired with him. I expected to arrange a substitute, but was unable. I therefore beg to withdraw my vote.

Mr. KNOWLES. Mr. Speaker, I was present and heard my name called, but before I knew how to vote the next name was called and I did not have time to answer.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called Mr. KNOWLES's name, and he voted "aye."

Mr. McRAE. Mr. Speaker, Judge TERRY had arranged to speak on this bill, but he is confined to his bed by sickness and is unable to be here to-day. Mr. GILLETT of Massachusetts has kindly consented to pair with him. If present, Judge TERRY would vote "aye" and Mr. GILLETT would vote "no."

Mr. LATIMER. Mr. Speaker, I want to withdraw the pair between Judge McCALL and myself. We both voted.

The SPEAKER. The pair will be withdrawn.

Mr. BENNETT. Mr. Speaker, my colleague, Mr. HURLEY, is absent. If he were here, he would vote "no."

Mr. BAIRD. Mr. Speaker, I voted "aye." I find I am paired with Mr. MAHANY, and I therefore withdraw my vote.

Mr. MARTIN. Mr. Speaker, I voted "aye." I desire to withdraw my vote and be marked "present."

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. BAILEY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 181, nays 131, answered "present" 1, not voting 42; as follows:

YEAS—181.

Acheson,	Baker, Md.	Belden,	Booze,
Adams,	Barham,	Belford,	Boutell, Ill.
Aldrich,	Barney,	Belknap,	Boutelle, Me.
Alexander,	Barrows,	Bennett,	Brewster,
Arnold,	Bartholdt,	Bingham,	Broderick,
Babcock,	Beach,	Bishop,	Bromwell,

Brown,	Fowler, N. J.	Littauer,	Shannon,
Brownlow,	Gardner,	Loud,	Shattuc,
Brumm,	Gibson,	Loudenslager,	Sherman,
Bull,	Gillet, N. Y.	Lovering,	Showalter,
Burleigh,	Graff,	Low,	Smith, Ill.
Burton,	Griffin,	Lybrand,	Smith, S. W.
Butler,	Grosvenor,	McAleer,	Smith, Wm. Alden
Cannon,	Grout,	McCall,	Southard,
Capron,	Grow,	McCleary,	Southwick,
Chickering,	Hager,	McClellan,	Spalding,
Clark, Iowa	Hamilton,	McDonald,	Sperry,
Connell,	Harmer,	McEwan,	Sprague,
Cooper, Wis.	Hawley,	McIntire,	Steele,
Corliss,	Heatwole,	Mahon,	Stevens, Minn.
Cousins,	Hemenway,	Marsh,	Stewart, N. J.
Crump,	Henderson,	Mercer,	Stewart, Wis.
Crumpacker,	Henry, Conn.	Mesick,	Stone, C. W.
Cummings,	Henry, Ind.	Miller,	Stone, W. A.
Curtis, Iowa	Hepburn,	Mills,	Strode, Nebr.
Curtis, Kans.	Hicks,	Minor,	Sturtevant,
Dalzell,	Hilborn,	Mitchell,	Sulloway,
Danford,	Hill,	Moody,	Tawney,
Davidson, Wis.	Hitt,	Morris,	Tayler, Ohio
Davison, Ky.	Hooker,	Mudd,	Tongue,
Dayton,	Hopkins,	Northway,	Updegraff,
Dingley,	Howe,	Olmsted,	Van Voorhis,
Dolliver,	Howell,	Otjen,	Wadsworth,
Dorr,	Hull,	Overstreet,	Walker, Mass.
Dovener,	Jenkins,	Parker, N. J.	Walker, Va.
Driggs,	Johnson, Ind.	Payne,	Wanger,
Eddy,	Johnson, N. Dak.	Pearce, Mo.	Ward,
Ellis,	Joy,	Pitney,	Weaver,
Evans,	Kerr,	Powers,	Wheeler, Ala.
Faris,	Ketcham,	Pugh,	White, Ill.
Fenton,	Kirkpatrick,	Ray,	Williams, Pa.
Fischer,	Knox,	Reeves,	Wise,
Fitzgerald,	Kulp,	Robbins,	Young.
Fletcher,	Lacey,	Royse,	
Foote,	Landis,	Russell,	
Foss,	Lawrence,	Sauerhering,	

NAYS—131.

Adamson,	Davis,	Latimer,	Robb,
Bailey,	De Armond,	Lentz,	Robertson, La.
Baker, Ill.	De Graffenreid,	Lester,	Robinson, Ind.
Ball,	De Vries,	Lewis, Ga.	Sayers,
Bankhead,	Dinsmore,	Lewis, Wash.	Settle,
Barlow,	Dockery,	Linney,	Shafroth,
Bartlett,	Elliott,	Little,	Shuford,
Bell,	Fitzpatrick,	Livingston,	Simpson,
Benner, Pa.	Fleming,	Lloyd,	Sims,
Benton,	Fowler, N. C.	Love,	Skinner,
Berry,	Fox,	McCormick,	Slayden,
Bland,	Gaines,	McCulloch,	Smith, Ky.
Bodine,	Greene,	McDowell,	Sparkman,
Botkin,	Griffith,	McMillin,	Stallings,
Bradley,	Griggs,	McRae,	Stark,
Brantley,	Gunn,	Maddox,	Stephens, Tex.
Brenner, Ohio	Handy,	Maguire,	Stokes,
Brewer,	Hartman,	Martin,	Strowd, N. C.
Broussard,	Hay,	Maxwell,	Sullivan,
Brucker,	Henry, Miss.	Meyer, La.	Sulzer,
Brundidge,	Henry, Tex.	Miers, Ind.	Sutherland,
Burke,	Howard, Ala.	Moon,	Swanson,
Carmack,	Howard, Ga.	Norton, Ohio	Talbert,
Castle,	Hunter,	Norton, S. C.	Taylor, Ala.
Clardy,	Jones, Va.	Ogden,	Thorp,
Clark, Mo.	Jones, Wash.	Osborne,	Underwood,
Clayton,	Kelley,	Otey,	Vandiver,
Cochran, Mo.	King,	Peters,	Vehslage,
Cooney,	Kitchin,	Pierce, Tenn.	Vincent,
Cooper, Tex.	Kleberg,	Rhea,	Wheeler, Ky.
Cowherd,	Knowles,	Richardson,	Wilson,
Cox,	Lamb,	Ridgely,	Zenor.
Davey,	Lanham,	Rixey,	

ANSWERED "PRESENT"—1.

Baird.

NOT VOTING—42.

Allen,	Crawford,	Meekison,	Tate,
Barber,	Davenport,	Newlands,	Terry,
Barrett,	Ermentrout,	Odell,	Todd,
Brosius,	Gillett, Mass.	Packer, Pa.	Warner,
Campbell,	Hinrichsen,	Pearson,	Weymouth,
Catchings,	Hurley,	Perkins,	White, N. C.
Clarke, N. H.	Jett,	Prince,	Wilber,
Cochrane, N. Y.	Lorimer,	Quigg,	Williams, Miss.
Codding,	Mahany,	Shelden,	Yost.
Colson,	Mann,	Snover,	
Connolly,	Marshall,	Strait,	

So the bill was passed.

The following additional pair was announced:

Mr. COCHRANE of New York with Mr. CATCHINGS, on this vote.

Mr. BAIRD. Mr. Speaker, I am paired with Mr. MAHANY, of New York, and I wish to withdraw my vote of "no."

Mr. SETTLE. Mr. Speaker, I understand my colleague, Mr. BERRY——

Mr. TODD. Mr. Speaker, I made a general pair with my colleague, Mr. SHELDEN. I expected to be able to transfer it, but I was unable to do so, and consequently I did not vote. If he were present, I should vote "no."

The result of the vote was then announced as above recorded.

On motion of Mr. DINGLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. DINGLEY. Mr. Speaker, I ask consent that 5,000 copies of the war-revenue bill as it has passed the House be printed for the use of the House.

The SPEAKER. The gentleman from Maine asks unanimous consent that 5,000 copies of the bill as it passed the House be printed for the use of the House. Is there objection? [After a pause.] The Chair hears none.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1495. An act to remove the charge of desertion from the military record of Anton Ernst—to the Committee on Military Affairs.

S. 2474. An act for the relief of Thomas F. Rowland—to the Committee on War Claims.

S. 2693. An act for the relief of the estate of George W. Lawrence, deceased—to the Committee on War Claims.

S. 3675. An act to examine, determine, and report the facts necessary to the establishment of free public highways into the Yosemite National Park, and appropriating moneys therefor—to the Committee on the Public Lands.

S. 3799. An act to correct the military record of John Shelton—to the Committee on Military Affairs.

S. 4422. An act granting an increase of pension to George W. Gould—to the Committee on Invalid Pensions.

S. R. 141. Joint resolution regarding the the holding of a pan-American exposition in the year 1901 upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century—to the Committee on Ways and Means.

S. 2757. An act granting an increase of pension to Robert C. Rogers—to the Committee on Pensions.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8738. An act for the survey of the pass leading from the Gulf of Mexico into Horn Island Harbor, Mississippi, and a survey of said harbor;

H. R. 1263. An act for the relief of John Fox;

H. R. 5457. An act for the relief of Robert Kennish;

H. R. 409. An act to prevent the adulteration of candy in the District of Columbia;

H. Res. 24. Joint resolution relative to the medal of honor authorized by the acts of December 21, 1861, and July 16, 1862;

H. Res. 119. Joint resolution for the improvement of Humboldt Harbor, California; and

H. Res. 149. Joint resolution directing the Secretary of War to submit plans and estimates for the proposed improvement of Hillsboro Bay, Florida, from its confluence with Tampa Bay, through Hillsboro Bay and River, to the city of Tampa.

CHANGE OF REFERENCE.

By unanimous consent, the following change of reference was made:

The bill (S. 4080) providing for a National Exposition of American Products and Manufactures at the city of Philadelphia, for the encouragement of the export trade—reference changed from the Committee on Ways and Means to the Committee on Interstate and Foreign Commerce.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE of Maine. Mr. Speaker, I desire to present a conference report on the naval appropriation bill. It embraces a full agreement; and I ask for its immediate consideration.

The SPEAKER. The report will be read.

Mr. RICHARDSON. Mr. Speaker, may I ask what is the question before the House?

The SPEAKER. A conference report presented by the gentleman from Maine [Mr. BOUTELLE] upon the naval appropriation bill.

Mr. RICHARDSON. If this report will provoke debate, I should like to ask whether there is any reason why it should not go over until to-morrow. It is now ten minutes past 6 o'clock.

The SPEAKER. My answer to the gentleman is that the United States and Spain are now engaged in war.

Mr. DOCKERY and Mr. RICHARDSON. The Senate has adjourned.

Mr. BOUTELLE of Maine. This bill does not require any action on the part of the Senate. The Senate did its duty in three minutes on this conference report, and I hope the House will do its duty quite as quickly.

Mr. RICHARDSON. I hope the gentleman is not excited.

Mr. SAYERS. This report will not be disposed of in three minutes. It embraces some things that ought to be considered.

Mr. CANNON. If I can get the attention of the gentleman from Maine, I want to suggest to him——

Mr. BOUTELLE of Maine. What is before the House, Mr. Speaker?

The SPEAKER. The gentleman from Maine presents a conference report, which will be attended to as soon as we have order. [A pause, during which order was restored.] The Clerk will read the conference report.

Mr. CANNON. If by unanimous consent——

Mr. BOUTELLE of Maine. I object. I prefer, Mr. Speaker, that this report shall be considered in order.

Mr. CANNON. Very well.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 11, 27, 28, 39, and 54.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, and 74, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"And whenever, within the next twelve months, an exigency may exist which, in the judgment of the President, renders their services necessary, he is hereby authorized to appoint from civil life and commission such officers of the line and staff, not above the rank or relative rank of commander, and warrant officers, including warrant machinists, and such officers of the Marine Corps, not above the rank of captain, to be appointed from the non-commissioned officers of the corps and from civil life, as may be requisite: *Provided*, That such officers shall serve only during the continuance of the exigency under which their services are required in the existing war: *And provided further*, That such officers so appointed shall be assigned to duty with rank and pay of the grades established by existing law; and warrant machinists shall be paid at the rate of $1,200 per annum."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the Secretary of the Navy to enlist, at any time after the passage of this act, as many additional seamen, landsmen, and boys as he may deem necessary to man the ships of the Navy, or in use by the Navy as a temporary force therefor during the existing war, and for pay of the same and of the temporary additional officers and warrant machinists hereinbefore authorized, $8,830,000, or so much thereof as may be necessary; and to enable the Secretary of the Navy to enlist, at any time after the passage of this act, the following additional force for the Marine Corps as a temporary force during the existing war, namely, not more than 60 gunnery sergeants with rank of first sergeants, not more than 80 corporals, and not more than 1,500 privates; and for pay of the same, including the temporary additional officers hereinbefore authorized, and for provisions, clothing, fuel, military stores, transportation, and recruiting, and for contingent expenses on account of said additional force, $567,900, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "; in all, torpedo station, $97,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "; and the Secretary of the Navy is hereby authorized, in his discretion, to build one of said docks of granite or concrete faced with granite, and in such case the limit of the cost of said dock is increased $200,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "of domestic manufacture;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lines 5 and 6 of said amendment strike out the words "Sabine Pass, Tex., or in the waters adjacent thereto," and insert in lieu thereof the following: "in the harbor of Sabine Pass, or the waters tributary thereto, Texas;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "That hereafter all first-class battle ships and monitors owned by the United States shall be named for the States, and shall not be named for any city, place, or person until the names of the States shall have been exhausted: *Provided*, That nothing herein contained shall be so construed as to interfere with the names of States already assigned to any such battle ship or monitor;" and the Senate agree to the same.

C. A. BOUTELLE,
S. G. HILBORN,
A. J. CUMMINGS,
Managers on the part of the House.

EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

Mr. BOUTELLE of Maine. Mr. Speaker——

Mr. RICHARDSON. I rise to a parliamentary inquiry, Mr. Speaker. Is there a statement accompanying——

Mr. BOUTELLE of Maine. If the gentleman had given me a second, I should have relieved him.

Mr. RICHARDSON. I rise to a parliamentary inquiry, Mr. Speaker.

Mr. BOUTELLE of Maine. I will answer it, Mr. Speaker.

The SPEAKER. There is no statement of the House conferees at the desk.

Mr. BOUTELLE of Maine. I desire to read the statement of the managers on the part of the House—a succinct statement of the changes made in the bill.

Mr. RICHARDSON. I want to raise the question of consideration; and I desire to ask, Mr. Speaker, whether that should be raised before the statement is read or subsequently?

The SPEAKER. The Chair thinks the statement should first be read.

Mr. RICHARDSON. Then I ask that it be read—the official statement of the House conferees.

Mr. BOUTELLE of Maine. I am a very excellent reader——

Mr. SAYERS. We object to the gentleman reading any statement of his own.

Mr. BOUTELLE of Maine. If this statement is required to be read at the Clerk's desk, I will very gladly send it there.

The SPEAKER. The Chair thinks the Clerk had better read it.

Mr. RICHARDSON. It must be the official statement of the House conferees.

Mr. BOUTELLE of Maine. To gratify my friend from Illinois [Mr. CANNON], I will forego the pleasure of reading it myself.

The SPEAKER. The Clerk will read.

Mr. RICHARDSON. Is this the statement of the managers?

The SPEAKER. That has been read.

Mr. RICHARDSON. No; the conference report has been read. But I ask whether the paper sent to the desk is the official statement of the managers on the part of the House which the rules require shall be submitted in these cases?

The SPEAKER. It is signed by the managers on the part of the House.

The statement was read, as follows:

NAVAL APPROPRIATION BILL—STATEMENT OF THE HOUSE CONFEREES.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, submit the following statement to accompany the conference report:

The bill as passed by the House carried appropriations aggregating $38,014,058.68; as originally passed by the Senate, $55,529,383.68, being an increase of $17,515,325.

The subjoined table contains all of the amendments (in the order as numbered in the bill) that affect the amount of appropriations:

Number of Senate amendments.	Increase.	Decrease.
3. Pay of Navy	$8,830,000	
5. Yerba Buena Station	50,000	
6. Telephone line, Washington	10,000	
11. Manufacture smokeless powder		$22,000
13. Experiments with armor-piercing projectiles	25,000	
25. Water boat, Norfolk	6,000	
26. Coaling depots	250,000	
30. Port Royal	285,000	
35. Replacing Mare Island Navy-Yard buildings, destroyed by earthquake	250,000	
36. Mare Island Hospital, same	100,000	
38. Housing torpedo vessels		75,000
48. Dry-dock inquiry, Galveston, Sabine Pass, and Chesapeake Bay	1,000	
49. Clerk, Port Royal	1,400	
52. Mare Island barracks	6,425	
54. Annapolis barracks		1,500
66. Construction and machinery, increase of Navy	6,000,000	
70. Armor and armament, increase of Navy	1,500,000	
74. Equipment, increase of Navy	200,000	
	17,613,825	98,500

Amount carried by the bill as passed by the House	$38,014,058.68
Net increase by Senate	17,515,325.00
Total of bill in conference	55,529,383.68

By the action of the conferees, submitted in the accompanying conference report, the bill was further increased as follows:

Additional officers, noncommissioned officers, and 1,500 men, Marine Corps	$567,900.00
Manufacture of smokeless powder (House provision restored, amendment No. 11)	22,000.00
Annapolis marine barracks (House provision restored, amendment No. 54)	1,500.00
	591,400.00
Amount as passed by Senate	55,529,383.68
Grand total as reported by conference	56,120,783.68

By the action of the conference the Senate receded from its amendments numbered 1, 4, 11, 27, 28, 39, and 54.

The House recedes from its disagreement to Senate amendments as follows:

No. 5: Appropriates $50,000 toward erection of buildings at naval training station at Yerba Buena Island, to cost not exceeding $100,000.

The House recedes from its—

No. 6: Appropriates $10,000 for telephone line to naval proving ground at Indian Head.

No. 13: Provides $25,000 for experiments with high explosives for armor-piercing shells.

No. 22: Provides for adjudication of claims by naval officers for use of inventions or discoveries.

No. 23: Requests the Secretary of the Navy to report a suitable design for a statue of David D. Porter.

No. 24: Transfers Hydrographic Office to the Bureau of Equipment.

No. 25: Appropriates $6,000 for steam water boat for Norfolk Navy-Yard.

No. 26: Appropriates $250,000 to enable Secretary of the Navy to carry out section 1532, Revised Statutes, for establishing depots for coal.

No. 29: Directs proceedings for condemnation of tract known as Cedar Grove property, opposite Norfolk Navy-Yard, to be reported to next session of Congress.

No. 30: Adds $285,000 to appropriations for improvements at naval station Port Royal.

No. 33: Strikes out proviso withholding appropriations at Port Royal until pending claim of Agnes A. Niver before Court of Claims shall be adjudicated.

No. 34 providing—

Nos. 35 and 36: Appropriate $450,000 for restoring buildings at Mare Island Navy-Yard destroyed by earthquake.

Nos. 37 and 38: Reduces appropriation for housing torpedo vessels from $225,000 to $150,000.

No. 40: Authorizes the Secretary of the Navy, in his discretion, to build one of the four dry docks of timber, granite, or concrete faced with granite.

No. 45: Authorizes employment of experts, draftsmen, etc., out of appropriations made for dry docks.

No. 49: Provides one clerk to naval constructor at Port Royal.

Nos. 51 and 52: Substitute, in place of the House general appropriation of $500,000 for new buildings at the Naval Academy at Annapolis, specific authorization of the construction of certain buildings at a total cost of $1,000,000, and appropriates $500,000 toward their construction.

No. 53: Appropriates $5,425 for repair of barracks and officers' quarters damaged by earthquake at navy-yard, Mare Island.

No. 56: Adds, under increase of the Navy, four harbor-defense vessels of the monitor type, to cost, exclusive of armament, $1,250,000 each.

No. 57: Adds four torpedo-boat destroyers.

No. 59: Increases the total authorization for vessels under increase of Navy to $6,000,000.

No. 60: Limits the number of new vessels authorized that may be built in one yard or by one contracting party.

No. 61: Provides that bidders for construction of torpedo vessels must be in possession of adequate plant, and limits advertisements for proposals to three weeks.

Nos. 62, 63, 64, and 65: Provides conditions for building one battle ship and one harbor defense vessel on or near the coast of the Pacific Ocean.

No. 66: Increases the appropriation under increase of the Navy for construction and machinery from $7,643,473 to $13,643,473.

No. 70: Increases the appropriation under increase of the Navy for armor and armament from $5,662,800 to $7,162,800.

No. 74: Increases the appropriation under increase of the Navy for equipment from $175,000 to $375,000.

No. 71: Provides for payment of royalty for face-hardening process upon armor plate.

The House recedes from its disagreement to Senate amendments and agrees to same with amendments as follows:

No. 2: The House agrees to the Senate amendment providing for the appointment from civil life of temporary officers of the line and staff and of warrant machinists with amendments modifying the conditions of appointment and including appointment of officers of the Marine Corps not above the rank of captain.

No. 3: The House agrees to Senate amendment providing for temporary addition to the enlisted force of the Navy during the existing war, and making appropriation for the pay thereof, and of the warrant machinists authorized; and also providing for increasing the enlisted force of the Marine Corps, and making appropriation for the same.

No. 42: The House amends Senate amendment by inserting requirement that the steel floating dry dock at Algiers, La., shall be of domestic manufacture.

No. 72: Provides rule for naming the battle ships and monitors of the Navy.

The remaining amendments are mere changes in verbiage or punctuation.

C. A. BOUTELLE.
S. G. HILBORN.
A. J. CUMMINGS.

Mr. BOUTELLE of Maine. Mr. Speaker, I will briefly call attention to the report submitted by the conference committee.

Mr. CANNON. Mr. Speaker, I rise to a matter of privilege.

The SPEAKER. The gentleman will state it.

Mr. CANNON. I desire to make the point of order on this conference report. I have the impression, from having imperfectly heard the reading of it, that it is subject to a point of order, to which I desire to call the attention of the House.

The SPEAKER. The gentleman will state the point of order.

Mr. CANNON. The conference committee has exceeded its jurisdiction. I can not point out the exact amendment or amendments to which I desire specifically to refer, but I gathered from the reading of the report that the increase made by the conference report is some five hundred and odd thousand dollars, which increase has reference to matters that were not properly in conference.

I have no doubt when it is placed in the RECORD and printed, and we can see the text, I may be able to point out specifically wherein the committee has exceeded its authority, if I am correct in my understanding of the reading of my report.

Mr. BOUTELLE of Maine. Mr. Speaker, what is the point of order?

A MEMBER. Sit down and you will hear it.

Mr. BOUTELLE of Maine. Thank you. [Laughter.]

Mr. CANNON. I want to say, Mr. Speaker, touching the point of order, that the conference committees of the House, as I understand the rule and practice, can not agree upon matters that were not submitted to the conference—that is, matters not in difference between the House and Senate. I have understood the rules to be that when they do so agree to consider such matters, they exceed their jurisdiction.

Now, I caught, as the report was read, a statement showing that there is an increase of over a half million dollars over and above the Senate amendments, and which increase was not a matter of difference between the House and Senate and was not authorized to be placed in the bill by the conference; or, in other words, that the conference committee of the House was not authorized to take under consideration and bring before the House in this manner the matter to which I referred.

I want to make this point of order, and if I may be indulged for a simple request, it is now——

Mr. BOUTELLE of Maine. I will not yield for any request.

Mr. CANNON. Oh, well, I believe I have the floor.

Mr. BOUTELLE of Maine. I make the point of order that the gentleman from Illinois, having obtained the floor by making a point of order, has no right to make any request of the House at this time and under the circumstances.

Mr. RICHARDSON. There is one point of order already pending, and only one can be considered at a time.

Mr. BOUTELLE of Maine. I make the point that the gentleman is out of order.

Mr. CANNON. The gentleman from Maine calls me to order——

Mr. BOUTELLE of Maine. I make the point that the gentleman has no right to make a point of order and thus obtain the floor and use it for the purpose of making a request or motion.

The SPEAKER. All requests have to be made by unanimous consent.

Mr. BOUTELLE of Maine. Then I object.

Mr. CANNON. Now, Mr. Speaker, I believe I have the floor on this point of order. [Laughter.]

Mr. BOUTELLE of Maine. I shall hold you, then, strictly to the point of order.

Mr. CANNON. I want to suggest, touching this point of order, which I have to make "on the wing," so to speak, and without an examination of the report of the conference committee, which is not yet in print, that in the interest of a clear presentation of the case, and a proper consideration of the point of order, this thing should go over and the House adjourn.

Mr. BOUTELLE of Maine. I make the point of order that the gentleman is not confining himself to the point of order he has raised, and I submit that point to the Speaker. I hope the Chair will hold the gentleman exactly to the point that he is making.

Mr. CANNON. I think I will get along with the Chair, if the gentleman will permit me. The Chair is quite competent to determine when a gentleman is out of order.

Now, I want to say to the House—and it is proper to say it—that I have every desire to facilitate the enactment of this bill into law, but I do not want——

Mr. BOUTELLE of Maine. I ask the Chair if that is in order under the presentation of a point of order, which the gentleman has made?

The SPEAKER. The Chair thinks the gentleman from Illinois should submit his point of order; but he has indicated his intention to move an adjournment. [Laughter.]

Mr. CANNON. Now, then, I believe my point of order is well taken, and so believing, I move that the House do now adjourn. [Laughter and applause.]

Mr. BOUTELLE of Maine. If the House wants to adjourn, of course it can do so.

The question was taken; and on a division there were—ayes 134, noes not counted.

Mr. BOUTELLE of Maine. I ask for the yeas and nays.

The yeas and nays were not ordered.

So, no further count being demanded, the motion of Mr. CANNON was agreed to; and accordingly (at 6 o'clock and 41 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting estimates of appropriation needed for organizing the Volunteer Army and placing the Regular Army on a war footing—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General in relation to the urgent need of an appropriation for fees of jurors and witnesses in the United States courts—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate

(S. 4206) extending the time for the construction of a wagon and motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, reported the same with amendment, accompanied by a report (No. 1220); which said bill and report were referred to the House Calendar.

Mr. KNOX, from the Committee on the Territories, to which was referred the bill of the House (H. R. 8694) to enable the city of Albuquerque, N. Mex., to create certain indebtedness, and for other purposes, reported the same with amendment, accompanied by a report (No. 1222); which said bill and report were referred to the House Calendar.

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10069) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes, reported the same with amendment, accompanied by a report (No. 1232); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 2324) for the relief of the estate of George W. Lawrence, reported the same without amendment, accompanied by a report (No. 1221); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2267) to increase the pension of Jeremiah Hackett, reported the same with amendment, accompanied by a report (No. 1223); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4001) granting a pension to Robert Fletcher, reported the same with amendment, accompanied by a report (No. 1224); which said bill and report were referred to the Private Calendar.

Mr. BARBER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6714) granting a pension to Mary M. Walrath, reported the same with amendment, accompanied by a report (No. 1225); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1045) granting a pension to Mary A. Caulfield, reported the same with amendment, accompanied by a report (No. 1226); which said bill and report were referred to the Private Calendar.

Mr. CASTLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3722) granting a pension to William J. Williams, reported the same with amendment, accompanied by a report (No. 1227); which said bill and report were referred to the Private Calendar.

Mr. BARBER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1539) granting a pension to Paul Carr, reported the same with amendment, accompanied by a report (No. 1228); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4200) granting a pension to Ellen Stack, reported the same with amendment, accompanied by a report (No. 1229); which said bill and report were referred to the Private Calendar.

Mr. STURTEVANT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 247) granting an increase of pension to John Doebler, reported the same with amendment, accompanied by a report (No. 1230); which said bill and report were referred to the Private Calendar.

Mr. STEVENS of Minnesota, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7010) for the relief of Mrs. Mary H. Harbour, reported the same with amendment, accompanied by a report (No. 1231); which said bill and report were referred to the Private Calendar.

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3598) granting a pension to Henrietta Fowler, reported the same with amendment, accompanied by a report (No. 1233); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9141) granting a pension to Mrs. A. Pinkston, reported the same with amendment, accompanied by a report (No. 1234); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 10163) to provide for the proper handling of the increased volume of work in the Adjutant-General's Department of the Army, due to the calling out of volunteers and the increase of the Regular Army—to the Committee on Military Affairs.

By Mr. WHEELER of Alabama: A bill (H. R. 10164) to suspend laws which confine coastwise trade to American bottoms—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRIFFIN: A bill (H. R. 10165) providing for the protection of the salmon fisheries of Alaska, and to amend and reenact, as so amended, existing laws relating thereto—to the Committee on the Territories.

By Mr. CALLAHAN: A bill (H. R. 10166) to authorize the Kansas, Oklahoma and Gulf Railway Company to construct and operate a railway through the Chilocco Indian Reservation, Territory of Oklahoma, and for other purposes—to the Committee on Indian Affairs.

By Mr. GRIFFITH (by request): A bill (H. R. 10167) for a natural standard of value and a national monetary system—to the Committee on Ways and Means.

By Mr. RICHARDSON: A bill (H. R. 10168) to authorize the Commissioners of the District of Columbia to appoint additional privates—to the Committee on the District of Columbia.

By Mr. WISE: A bill (H. R. 10169) providing for the retirement of wagon masters—to the Committee on Military Affairs.

By Mr. MORRIS: A bill (H. R. 10170) for the relief of homestead claimants who serve in the Army, Navy, or Marine Corps of the United States in the existing war with Spain, and for other purposes—to the Committee on the Public Lands.

By Mr. MAGUIRE: A bill (H. R. 10181) to provide increased revenue for the support of the Government and to meet the expenses of the present war with the Government of Spain—to the Committee on Ways and Means.

By Mr. HULL: A joint resolution (H. Res. 251) to limit section 3 of "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898 and 1899, and for other purposes"—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. COWHERD: A bill (H. R. 10171) for indemnifying the heirs of Washington Posey Street—to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 10172) for the relief of William D. Anderson, of Walkersville, Lewis County, W. Va., late private of Company A, Tenth West Virginia Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10173) to pension Asa Moneypenny, of Cox Mill, Gilmer County, W. Va.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10174) granting a pension to William H. Sehon, of Harrison County, W. Va.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10175) to pension Hiram Rollins, of West Union, Doddridge County, W. Va.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10176) for the relief of Henry P. McMasters, late private of Company F, One hundredth Regiment Pennsylvania Infantry—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 10177) granting a pension to William Conklin—to the Committee on Invalid Pensions.

By Mr. WISE: A bill (H. R. 10178) for the relief of Charles Candy—to the Committee on War Claims.

By Mr. YOST: A bill (H. R. 10179) to pay Isaac W. Airey for services rendered the Union Army during the late war—to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 10180) for the relief of Jacob W. Hudson, of Weston, Lewis County, W. Va.—to the Committee on War Claims.

By Mr. BURTON: A joint resolution (H. Res. 250) providing for the restoration to the Navy of William Edgar Wirt—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARHAM: Petitions of the Methodist Episcopal Church

at Calistoga, Napa district, California, favoring the passage of bills to protect State anti-cigarette laws and to forbid interstate transmission of lottery messages by telegraph—to the Committee on the Judiciary.

By Mr. BARLOW: Petition of members of the American Baptist Church of Los Angeles, Cal., for the passage of a bill to substitute voluntary industrial arbitration for railway strikes—to the Committee on Labor.

Also, petition of F. W. Appel and other citizens of Galveston, Tex., relating to the wages and labor on the coast fortifications at Galveston—to the Committee on Labor.

Also, petitions of the University Church and American Baptist Church, of Los Angeles, Cal., praying for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the Judiciary.

Also, petitions of the American Baptist Church and the University Church, of Los Angeles, Cal., favoring the passage of a bill to prohibit the reproduction of prize fights by kinetoscope in the District of Columbia and the Territories and the interstate transmission of newspaper descriptions of such fights—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Methodist Episcopal churches of San Miguel and Long Beach, Baptist Church of Long Beach, Woman's Christian Temperance unions of Boulder Creek and East Santa Cruz, Free Methodist Church of Corralitas, and Park Congregational Church and American Baptist Church, of Los Angeles, all in the State of California, for the passage of a bill to prohibit the interstate transmission of gambling matter by telegraph—to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal churches of San Miguel and Adelaida; Methodist Episcopal Church South, Unitarian Church, Christian Church, First Presbyterian Church, First Baptist Church, Anti-Saloon League, First Congregational Church, United Presbyterian Church, and citizens, all of Santa Ana, Cal.; Woman's Christian Temperance Union of East Santa Cruz; Christian Endeavor of Corralitos; Presbyterian, Methodist Episcopal, Baptist, Friends', and Christian churches of Long Beach, and Park Congregational Church, Universalist Church, and American Baptist Church, of Los Angeles, Cal., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, sundry petitions of various churches in the State of California, in favor of the passage of bills to raise the age of protection for girls and to protect State anti-cigarette laws—to the Committee on the Judiciary.

By Mr. BENNER of Pennsylvania: Petition of Cigar Makers' Union No. 316, of McSherrytown, Pa., favoring the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Young Men's Christian Association of Carlisle, Pa., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Young Men's Christian Association of Carlisle, Pa., for the passage of a bill to substitute voluntary industrial arbitration for railway strikes—to the Committee on Labor.

Also, petition of the Young Men's Christian Association of Carlisle, Pa., favoring the passage of a Sabbath law for the national capital—to the Committee on the District of Columbia.

Also, petitions of the Young Men's Christian Association of Carlisle, Pa., praying for the enactment of legislation to forbid the interstate transmission of lottery messages by telegraph and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petitions of Young Men's Christian Association of Carlisle, Pa., praying for the enactment of legislation prohibiting kinetoscope reproductions of prize fights in the District of Columbia and the Territories and the transmission by mail of newspaper descriptions of prize fights—to the Committee on Interstate and Foreign Commerce.

By Mr. BRODERICK: Petitions of the Woman's Christian Temperance Union, St. Mark's Lutheran Church, Methodist Episcopal Church, First Congregational Church, First Presbyterian Church, Latter-Day Saints' Church, and Seventh-Day Advent Church, all of Atchison, Kans., asking for the passage of the bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

Also, petitions of certain churches of Atchison, Kans., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. BROSIUS: Petitions of the Woman's Christian Temperance Union, Presbyterian and United Presbyterian churches, of Octorora; Mrs. M. K. Montgomery, of Quarryville, and Baptist Church of Colerain, all in Lancaster County, Pa., favoring the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal Church of Bird in Hand; Mrs. M. K. Montgomery, of Quarryville, and Presbyterian and United Presbyterian churches of Octorora, Pa., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. BULL: Petition of the Willard Woman's Christian Temperance Union, of Providence, R. I., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Willard Woman's Christian Temperance Union, of Providence, R. I., asking for the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Willard Woman's Christian Temperance Union, of Providence, R. I., for the passage of a bill forbidding the sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. CAPRON: Petition of the Woman's Christian Temperance Union of Exeter, R. I., for the passage of a bill to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Exeter, R. I., for the passage of a bill to forbid interstate transmission of lottery and other gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Exeter, R. I., for the passage of a bill forbidding the sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union of Exeter, R. I., asking for the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

By Mr. CASTLE: Petitions of the Methodist Episcopal Church South of Newport, Orange County, Cal., for the passage of bills to prohibit interstate gambling by telegraph, to raise the age of protection for girls to 18 years, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church South of Newport, Cal., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. DE VRIES: Petitions of the Woman's Christian Temperance Union of Oleta, Cal., asking for the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia, to protect State anti-cigarette laws, and to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Oleta, Cal., in favor of the passage of a bill to prohibit the sale of liquor in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. DOVENER: Papers to accompany House bill No. 6585, for the relief of George Hermann—to the Committee on Military Affairs.

Also, petition of Joseph Fitzpatrick, of Gilmer County, W. Va., in support of House bill No. 9781, for his relief—to the Committee on Invalid Pensions.

Also, petition of William H. Sehon, of Clarksburg, W. Va., for a pension—to the Committee on Invalid Pensions.

Also, papers in support of bill for the relief of Henry P. McMasters, of Company F, One hundredth Pennsylvania Infantry—to the Committee on Military Affairs.

Also, papers to accompany House bill granting a pension to Hiram Rollins—to the Committee on Invalid Pensions.

Also, papers in support of a bill granting a pension to Asa Moneypenny—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 6583, for the relief of D. B. Clark, of Wheeling, W. Va.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of William D. Anderson—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: Petition of Albert T. Gridley, of Aurora, Ind., in support of a bill to provide for a national standard of value—to the Committee on Banking and Currency.

By Mr. GROUT: Petition of Rev. E. Bouck and the Methodist Episcopal Church of Williston, Vt., praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the District of Columbia.

Also, petitions of Rev. E. Bouck and Methodist Episcopal Church of Williston, Vt., favoring the enactment of legislation to protect

State anti-cigarette laws, and to forbid the interstate transmission of lottery messages by telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Virginia: Petition of Nathan Gardner, of Spottsylvania County, Va., asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. KETCHAM: Petitions of the Woman's Christian Temperance Union of Unionvale, N. Y., to raise the age of protection for girls to 18 years in the District of Columbia and the Territories, to protect State anti-cigarette laws, and to forbid the interstate transmission of lottery messages by telegraph—to the Committee on the Judiciary.

By Mr. KLEBERG: Petition of Hutchings & Bates and other citizens of Cuero, Tex., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LIVINGSTON: Resolution of Atlantic Division, No. 207, Locomotive Engineers, State of Georgia, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LLOYD: Petition of the First Baptist Church of Canton, Mo., in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. LOUD: Petitions of the Epworth League of Santa Clara, Cal., for the passage of bills forbidding the interstate transmission of lottery and other gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Missionary Alliance and the Epworth League of Santa Clara, Cal., for the passage of a bill to raise the age of protection for girls—to the Committee on the Territories.

By Mr. LYBRAND: Petition of the Woman's Christian Temperance Union of Woodstock, Ohio, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. MIERS of Indiana: Petition of Local Union No. 625, United Mine Workers, of Jackson Hill, Ind., urging the passage of sundry bills pending for the protection of labor—to the Committee on Labor.

By Mr. PETERS: Petition of the Woman's Christian Temperance Union of Pleasanton, Kans., against the sale of intoxicants in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Woman's Christian Temperance Union of Pleasanton, Kans., for the passage of bills to prohibit the interstate transmission of gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on the Judiciary.

By Mr. ROBBINS: Petitions of the Methodist Episcopal churches of Dayton, Rathmel, and Falls Creek, Pa., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Methodist Episcopal Church of Dayton, Pa., to raise the age of protection for girls to 18 years and to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph—to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union and Methodist Episcopal Church of Sandy Valley, Pa.; Methodist Episcopal churches of Falls Creek, Rathmel, and Dayton, Pa., and the Glade Run Presbyterian Church, of Dayton, Pa., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. SAUERHERING: Petition of 215 citizens of Madison, Wis., favoring the passage of Senate bill No. 4124 for the protection of birds—to the Committee on Agriculture.

By Mr. SHOWALTER: Petitions of the United Presbyterian Church of West Middlesex, Free Baptist Church of Salem, J. J. Imbrie of Centertown, Methodist Episcopal churches of Wheatland and West Middlesex, Pa., in favor of the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union of Salem, and certain churches of West Middlesex and Wheatland, Pa., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. WM. ALDEN SMITH: Petitions of Rev. J. W. Rawlinson of the Methodist Episcopal Church, Rev. S. W. Johnson of the Free Will Brethren Church, Christian Endeavor Society, and Woman's Christian Temperance Union, all of Lisbon, Mich., in favor of sundry bills for the promotion of public morals—to the Committee on the Judiciary.

Also, petitions of various labor organizations in the State of Michigan, protesting against the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES W. STONE: Petition of the Methodist Episcopal Church of Ackley Station, Pa., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Methodist Episcopal Church of Ackley Station, Warren County, Pa., in favor of the passage of a bill to prohibit the sale of liquor in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. STURTEVANT: Petitions of Star Council, No. 58, Royal Templars of Temperance, of Union City, Pa., asking for the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia, to protect State anti-cigarette laws, and to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petition of Star Council, No. 58, Royal Templars of Temperance, Union City, Pa., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. SUTHERLAND: Petitions of the Young People's Society of Christian Endeavor of the Congregational Church of Indianola, Nebr.; Mount Zion Church, of Oak, Nebr., and citizens of Angus, Nebr., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of the Young People's Society of Christian Endeavor of the Congregational Church of Indianola and citizens of Angus, Nebr., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. TONGUE: Petitions of the Young Men's Christian Association and Union Lodge, No. 561, Independent Order of Good Templars, of Salem, Oreg., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of the Young Woman's Christian Association, Pacific University, United Artisans, Methodist Episcopal Church, Ladies' Working Society of the Methodist Episcopal Church, Christian Church and Christian Endeavor Society, Congregational Church, Forest Grove Lodge, No. 110, Independent Order of Good Templars, and Rathbone Sisters, all of Forest Grove, Cal., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. WANGER: Petition of the First Baptist Church and the Salem Church of the Evangelical Association of Pottstown, Pa., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Salem Church of the Evangelical Association and the First Baptist Church of Pottstown, Pa., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. YOST: Petition of citizens of Harris Creek, Va., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 30, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

RAILROAD THROUGH INDIAN TERRITORY.

Mr. CATCHINGS. Mr. Speaker, I ask unanimous consent to call up House bill 8875 with Senate amendment, and I move that the House concur in the Senate amendment.

Mr. BOUTELLE of Maine. Mr. Speaker, is not the conference report on the naval appropriation bill in order?

Mr. CATCHINGS. This is merely a verbal amendment to a railroad bill through the Indian Territory, and it will not take a moment.

The SPEAKER. The Chair is informed that the Clerk is unable to find the papers.

Mr. CATCHINGS. The bill was referred to the Senate Committee on Commerce and they instructed a report to be made, which was filed, and that report the Clerk has.

The SPEAKER. The Chair is informed that the bill has been signed.

Mr. CATCHINGS. That is impossible.

The SPEAKER. The Chair thinks the gentleman must look it up. The papers are not with the Clerk, and it can not now be acted upon.

Mr. CATCHINGS. I thought that the papers were in the hands of the Clerk.

MARY S. TOWNSEND.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to file a supplemental report from the Committee on the District of Columbia. The evidence was not in when the report was made, and it affects property rights in the District of Columbia. It is House bill 9035, for the relief of Mary S. Townsend.

The SPEAKER. If there be no objection the supplemental report will be filed.

There was no objection.

ADDITIONAL QUARANTINE POWERS.

Mr. CORLISS. Mr. Speaker, on the part of the Committee on Interstate and Foreign Commerce, I ask permission to file the report on House bill 4663, a bill amending an act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service; and I ask that the minority have one week in which to present their views.

The SPEAKER. The gentleman under the rule can file the report, and he asks unanimous consent that the minority may have one week in which to present their views. Is there objection? [After a pause.] The Chair hears none.

CONTESTED-ELECTION CASE—WILLIS VS. HANDY.

Mr. TAYLER of Ohio. Mr. Speaker, I present the following report from Elections Committee No. 1 in the contested-election case of Jonathan S. Willis *vs.* L. Irving Handy:

The Clerk read as follows:

The Committee on Elections No. 1, to whom was referred the contested-election case of Jonathan S. Willis against L. Irving Handy, from the State of Delaware, respectfully report as follows:

The contestee by the official returns received 15,407 votes and the contestant 11,159. A notice of contest was served on the contestee, but the contestant took no further formal action. He appeared before your committee and declared his opinion that the contestee's seat could not be successfully attacked and that he had abandoned the contest.

Your committee thereupon recommend the adoption of the following resolutions:

Resolved, That Jonathan S. Willis was not elected a Representative to the Fifty-fifth Congress from the State of Delaware and is not entitled to a seat therein.

Resolved, That L. Irving Handy was duly elected a Representative to the Fifty-fifth Congress from the State of Delaware and is entitled to his seat therein.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PRINTING COMPILATION OF ELECTION CASES.

Mr. RICHARDSON. Mr. Speaker, I desire to make a privileged report from the Committee on Printing.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in muslin in one volume 3,000 copies of the Senate Miscellaneous Document No. 67, Fifty-second Congress, second session, being the compilation of Senate election cases from 1789 to 1893, and the appendix thereto, prepared under the concurrent resolution of March 21, 1894, covering Senate election cases from 1893 to the close of the present session of Congress; 1,500 copies for the use of the Senate, and 1,500 copies for the use of the House of Representatives.

The resolution was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1910. An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes—to the Committee on the District of Columbia.

S. 4298. An act granting an increase of pension to Edward R. Young—to the Committee on Invalid Pensions.

S. 1482. An act granting a pension to John Stanage—to the Committee on Pensions.

ARKANSAS, TEXAS AND MEXICAN RAILWAY COMPANY.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to take up House bill 2691, to amend section 2 of an act entitled "An act to grant to the Arkansas, Texas and Mexican Railway Company the right of way through the Indian Territory, and for other purposes," with Senate amendments, and I move that the House concur in the Senate amendments.

The Senate amendments were agreed to.

The SPEAKER. If there is no objection, the Chair will submit to the House a House bill with Senate amendments.

STREET PARKING IN DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 5880) to vest in the Commissioners of the District of Columbia control of street parking in said District, with Senate amendments.

The Senate amendments were agreed to.

PROTECTION OF FISH.

The next business on the Speaker's table was the bill (H. R. 6161) for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River in said District, and for other purposes.

The bill having been returned from the Senate with amendments, the amendments were read.

Mr. HAMILTON. I move that this bill with the amendments be referred to the Committee on the District of Columbia.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE of Maine. Mr. Speaker, I desire to call up the conference report on the naval appropriation bill.

The SPEAKER. When the House adjourned yesterday, the gentleman from Illinois [Mr. CANNON] had raised a point of order on this report. The Chair will hear the gentleman state the point of order.

Mr. CANNON. Mr. Speaker, if I may be permitted before I address myself to the point of order and can have the attention of the gentleman from Maine, I would be glad to suggest to him that it is possible that with such information as he could give touching the necessity of the matter in question—the Marine Corps—the merit of the proposition might and probably would become patent.

Now, I am quite content to reserve the point of order for a moment, until I can suggest to the gentleman that there is one amendment agreed to by the House conferees which, in my judgment (I may be mistaken), would not, on full consideration, meet the approval of the gentleman from Maine, his committee, or the House. In view of what I have said, I would be glad if, without urging the point of order (provided this course meets the approval of the gentleman and the House), the conference report, by unanimous consent, may be rejected. And then let another conference be asked, if that suits the purpose of the gentleman, with opportunity given to myself (stipulating for myself only) to move an instruction covering the views of the House touching the amendments referred to in reference to naval officers being permitted to go to court for royalties. I do not know what might be the temper of the House; but under the rules the course I suggest would provide an apt time for the consideration of that proposition. I would rather, so far as I am concerned, pursue that course than to insist upon the point of order touching the Marine Corps.

Mr. BOUTELLE of Maine. Mr. Speaker, I did not understand distinctly the proposition of the gentleman from Illinois [Mr. CANNON]. If I catch his purpose he desires to have some special action taken upon one of the clauses of this bill which is not in any way, as I understand, subject to the point of order which he suggested last evening. I can not quite see why it is necessary to reject the conference report in order to deal with that matter.

I want to say distinctly that there is nothing in this conference report which I have the slightest desire to have adopted contrary to the wishes of this body. The report has been brought here to be submitted to the House for its action; and the various provisions in the bill have reached the House at this stage simply because the conferees on behalf of the House felt that they were justified, and in view of all the circumstances peremptorily commanded, to press these matters upon the attention of the House at this time.

If there is any desire on the part of any considerable number in the House that this body shall take separate action upon any clause of this bill, there has never been any disposition on the part of the committee or the conferees to prevent it. We are the servants of the House; we are attending to the business of the House, presenting matters here for the consideration of the House; and the reasons for our urging prompt action ought to suggest themselves readily to the mind of every member. Measures embraced in this conference report lie at the very foundation of the possibility of our carrying on successfully the warlike operations in which we are now engaged. I am not responsible for this situation, Mr. Speaker—less so than most members of this House; but war having been declared and being now in actual progress, I am responsible to this House, and to my country to use every endeavor to supply as speedily as possible everything that may be needed to

sustain our flag, to protect and strengthen the men who are bearing it in foreign waters, and to bring this armed conflict to a successful conclusion. [Applause.]

I want to give this House notice that in all probability I shall come here asking for more money for similar purposes, and whenever the duty shall be laid upon me of requesting whatever may be needed to support our sailors and soldiers at the front, whether it be fifty millions or hundreds of millions, I shall come here and perform it by asking this House to supply the necessary means without stint or delay to procure either men or ships or guns or ammunition or subsistence to sustain the men you have voted to put in the field and who are now confronting a foreign power in actual warfare, because without their volition the Congress ordered them to go there.

I do not think, Mr. Speaker, that we ought to obstruct or delay the consideration of a great measure like this, even if some item, some minor matter in the report, does not meet everybody's approval. A conference is a compromise, always. It must be. And I have thought and hoped—yes, believed—that the mere presentation of this conference report would carry with it a response from this House as instant, as generous, as patriotic and unstinting as that which prompted the other branch of this Congress to adopt it in a very few minutes.

Now, Mr. Speaker, if the gentleman from Illinois will state distinctly what it is that can be done that will remove his desire for delay or obstruction, so as to enable the House to come to a vote and conclude the consideration of this measure, if it be in my power, consistently with what I believe to be my duty to the House and to the Committee on Naval Affairs, I will try to bring about that result.

Mr. CANNON. I will say again, Mr. Speaker, that I do not care at this time to discuss the merits of the proposition before the House.

It is, as the gentleman from Maine states, a great bill. It is an important bill. The discussion of the merits of the proposition, and especially that to which I refer, can be had later on. But my proposition is now that I withdraw the point of order I have already made upon the report, and that thereafter by unanimous consent the conference report be disagreed to; and then, before the previous question is moved, that an opportunity shall be given to move instructions touching the amendment to which I have referred—No. 22, I think it is—with such time for discussion as is proper for a careful and satisfactory presentation of the case. In other words, if the conference report is disagreed to, the House is in possession of the bill with the Senate amendments for such action as may seem proper.

So far as I am individually concerned, I do not desire to move any instructions or amendment to the amendments of the Senate, except with reference to this amendment No. 22.

Mr. BOUTELLE of Maine. Then, in order to meet the objection of the gentleman from Illinois, I would suggest that by unanimous consent—and unanimous consent, I assume, can do almost anything in the House—that by unanimous consent the House agree to adopt the rest of the report, and then take a separate vote after proper discussion of the amendment 22, to which the gentleman objects.

Mr. CANNON. The trouble is, however, that that can not be done with a conference report. The House can not vote down a conference report and then take up a provision of it, except——

Mr. BOUTELLE of Maine (interrupting). Except by unanimous consent.

Mr. CANNON. Except by rejecting the entire report, which brings the various items of it before the House. That is the trouble. I presume that under the practice of the House the report must be accepted or rejected entirely.

Mr. BOUTELLE of Maine. That is a mere technicality.

I should like to ask the Speaker of the House, as a parliamentary inquiry, if it will not be competent for the House, by unanimous consent, to agree to take a vote on one of the amendments inserted in the conference report without reference to the adoption or rejection of the remainder of the report——

The SPEAKER. The Chair supposes that the House might agree that in the event the House voted in favor of the proposition of the gentleman from Illinois [Mr. CANNON]—that in that case the conference report might be considered as rejected, and the matter be then before the House for instructions; and in case the vote was the other way, the motion would then be either to agree or to disagree and refer the matter for further instructions.

Mr. CANNON. I am only anxious, Mr. Speaker, that there shall be some proper consideration given to this particular amendment. But the suggestion of the Chair at once places me or anybody else who antagonizes any conference report in the position of antagonizing the entire report, because it involves the necessity of first rejecting the report before any headway can be made with regard to the modification or changes which ought to be made. That is the position in which I would be placed, and so with every other member who might antagonize any feature of the report.

Now, I have the right to antagonize the report already, without any special agreement.

Mr. BOUTELLE of Maine. But the other difficulty, which is very much greater than that suggested by the gentleman from Illinois, is one which involves unfavorable action on the whole bulk of the report, when there is no disagreement on the part of the House to the conference report, or at least when there is no assurance at all that the House is unfavorably inclined to the report. On the contrary, my impression is very strong that the House desires to concur in the report, and I have every reason to believe that instead of a disagreement on the part of the House regarding the report, it is received favorably by the House.

It seems to me that the suggestion I have made to the gentleman from Illinois is an entirely proper one, and will meet the only objection that he can possibly raise.

Mr. SAYERS. Will the gentleman from Illinois and the gentleman from Maine permit me to have read the Senate amendment No. 22, so that the House can readily understand the main point of objection to the report which the gentleman from Illinois refers.

Mr. BOUTELLE of Maine. I will state the nature of the amendment, if the gentleman from Illinois will permit me.

Mr. SAYERS. I think we had better have it read.

Mr. BOUTELLE of Maine. If we have the agreement which has been suggested, the gentleman from Illinois can state the amendment, and the objections to it, and can move such instructions as he desires. If we can have the unanimous consent, the gentleman from Illinois can take the floor for such time as he sees proper to explain the amendment and the objections to it.

Mr. CANNON. I will state to the gentleman from Maine that when a conference report is presented, with reference to the adoption or rejection of the conference report, and a motion to ask a further conference with instructions as to a particular amendment, a very different proposition is presented from the ordinary consideration of conference reports. In other words, the provision before us is entirely different in the respective cases.

The SPEAKER. Will the gentleman from Illinois permit the Chair to make a suggestion?

Mr. CANNON. Certainly.

The SPEAKER. That suggestion is that by unanimous consent the conference report be rejected, and then the question which he presents may be brought before the House; and in case it should be decided in the negative, then the motion to reject could be reconsidered.

Mr. CANNON. Well, after all, Mr. Speaker, if the Chair will allow me, in times like these, it places each member of the House at a disadvantage if that kind of an agreement is made, because, with all due respect to every member, when the flag is raised and it is said that "here is a thing for the national defense," it may be fettered and burdened with two things for the national harm, and yet, under the patriotic cry, it may go through. Now, I want a real consideration of this amendment, because such an amendment is also upon the fortification bill, not yet disposed of, applying to the Army. This applies to the Navy.

Now, if this report should be rejected there could be nothing lost. A conference could be held again this afternoon or Monday morning and action had upon Monday. The Government is not suffering for money or authority.

Mr. DOCKERY. The bill could not go to the President before Monday anyway.

Mr. DAYTON. Will the gentleman from Illinois allow me just a single question?

Mr. CANNON. Certainly.

Mr. DAYTON. If the suggestion of the Speaker is carried out, and this conference is by unanimous consent unanimously rejected, then you are given all the opportunity that you want to fairly and fully present your objections to this amendment 22 to the House, and if your objections should be considered so weighty that the House should follow them and reject this amendment, of course the bill would go back to conference; but in case there is a full and fair consideration of the House upon that subject and the House are against you, what objection could there be then to approving the conference report—to reconsidering its rejection?

Mr. CANNON. I want this House to act without being under duress.

Mr. DAYTON. Oh, that is not duress.

Mr. BOUTELLE of Maine. It may be pertinent to state that the other body has adjourned until Monday; and of course everybody recognizes that these provisions are emergency measures and that we ought not to be delayed a moment longer than is absolutely necessary in the interest of the Government. This provision, to which the gentleman from Illinois refers, is nothing more important than a mere providing of methods whereby naval officers who may invent or discover processes or mechanism which the

Government may want to use may make claim for compensation therefor in equity proceedings before the Court of Claims. It is to provide for an equitable adjustment of cases of that kind by a competent tribunal.

I do not think we ought to come to a disagreement on this great conference report over so unimportant a matter as that. It is a matter that in case of any defect could be remedied by subsequent legislation without any difficulty, and I really can not think that the gentleman from Illinois, on reflection, will desire to imperil or delay the making of these provisions for the naval service, which are so essential now. They ought to become available and be put in force at once. They are absolutely essential. I do not think they ought to be delayed.

Mr. DOCKERY. Will the gentleman allow me to suggest that, the Senate having adjourned, it would be impossible for the bill to go to the President until Monday, and the only difference, at the best or at the worst, would be a difference of three or four hours on Monday?

Mr. BOUTELLE of Maine. If the gentleman has ever been in line of battle, he probably learned that two or three hours sometimes are very important.

Mr. DOCKERY. Well, that may be; but I hardly see the analogy between a line of battle and the enrollment of a naval bill.

Mr. BOUTELLE of Maine. I will say to my friend that there generally has been an enrollment of bills and enrollment of men before we got into the line of battle.

Mr. DOCKERY. In spite of the gentleman's suggestion, I can not see that the propositions are on "all fours."

Mr. JOHNSON of Indiana. Mr. Speaker——

Mr. SAYERS. If the gentleman from Maine will allow me, I should like to call the attention of the House to Senate amendment No. 22.

Mr. BOUTELLE of Maine. Was not that the one I referred to?

Mr. SAYERS. Yes. The House, though, may not understand it.

Mr. BOUTELLE of Maine. I should be very glad to have the gentleman do so, because the House will then see how unimportant a matter is holding the House from performing its duty to the country's defenders.

Mr. SAYERS. The gentleman will please keep cool. I have the floor.

Mr. Speaker, the amendment to which I ask the attention of the House is substantially, if not altogether, a copy of another amendment which is on the fortification bill now pending in conference between the two Houses. These two amendments, I am told, emanate from the same source, one for the benefit of the officers of the Army and the other for the benefit of the officers of the Navy. Now, I submit the suggestion that in time of profound peace no such effort would have been made to allow officers of the Army and Navy, educated, clothed, fed, and paid by the Government, and to be put upon the retired list also with pay when they reach a certain age, to use their opportunities to make inventions and, under the operation of this amendment, be enabled to go before the Court of Claims and obtain judgments against the Government whenever the Government should use such inventions.

Mr. JOHNSON of Indiana. I should like to ask the gentleman what is the use of arguing this proposition unless we are to have an opportunity to pass upon it? It seems to me that the proposition of the gentleman from Maine is a very proper one, and one which ought to commend itself to this House. It is to give us a fair opportunity to pass upon the question whether we are or are not in favor of the proposition to which the gentleman from Texas objects. Now, why not let us have such an agreement? Let us take the sense of this House and expedite the matter. [Applause.]

Mr. SAYERS. Because, under the pressure of voting upon the report as an entirety, members of the House might reach the conclusion that the amendment in question is an unimportant matter, though millions of dollars may be involved.

Mr. BOUTELLE of Maine. Why, Mr. Speaker, if the gentleman from Texas——

Mr. JOHNSON of Indiana. Will there not be a fair opportunity to discuss the question here now?

Mr. SAYERS. No.

Mr. JOHNSON of Indiana. Why not?

Mr. SAYERS. Simply because the gentleman from Maine has appealed to the House to vote for the report as a whole.

Mr. BOUTELLE of Maine. The gentleman from Texas has misunderstood me entirely.

Mr. JOHNSON of Indiana. All the gentleman asks is to get an opportunity to take the sense of the House on this.

Mr. BOUTELLE of Maine. My proposition is this: I propose that by unanimous consent this amendment should be considered, and that such observations, within reasonable limits, as gentlemen desire to make upon it should be made, and that the House should vote upon it separately. If the House votes to strike it out, of course we must have a disagreement. Now, if there is anything more fair than that, I do not understand what it can be.

Mr. COX. That is right; that is fair.

Mr. CANNON. Mr. Speaker, I may be beaten in this and many other contests, but I will not accept the shadow for the substance. Now, if the House can give its judgment upon this amendment, free from any other consideration regarding this bill, I am quite content. But it can not give its judgment free from any other matter unless the conference report is disagreed to, and there must be another conference. Then, as there has to be another conference, I should hope to get the opinion of the House upon the very matter at issue.

Mr. JOHNSON of Indiana. Will the gentleman permit me to ask him a question?

Mr. CANNON. Certainly.

Mr. JOHNSON of Indiana. I should like to ask him whether he has objection to any other part of the conference report except the one he has stated?

Mr. CANNON. Oh, I will say to my friend that there are——

Mr. JOHNSON of Indiana. I ask for information. I want to know.

Mr. CANNON. I will answer the question. There are many parts of the conference report, professing to care for the public defense, which, in my opinion, care for practically private interests; but I am not seeking to make any question about those; that is, I am not seeking to get any action upon them. I merely want to raise the question upon this amendment, with such proper protest as to others, not calling for action, as I have a right to make as a member of the House.

Mr. JOHNSON of Indiana. Nobody has disputed the gentleman's right.

Mr. DAYTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAYTON. I want to inquire, if this unanimous consent should be given by the House to reject this conference report, and opportunity should be given to the gentleman from Illinois and gentlemen from other States who have objections to this amendment 22 to discuss it and vote upon it, and it should then be sustained by the House and their objections overruled, whether then it would be in order, without unanimous consent, to reconsider the motion by which the conference report was rejected, and to agree to it?

The SPEAKER. The Chair thinks that would be very doubtful, because there might be action taken inconsistent with the right of reconsideration. The right to consider is applicable to such a question, but it might be interfered with by a proposition to instruct, or something of that sort; that question in the future the Chair would not like to decide in answering a parliamentary inquiry.

Mr. DAYTON. Then, Mr. Speaker, would it be in order by unanimous consent to set aside or regard this conference report as rejected, with the understanding that if for any cause the House shall overrule the objection, after full and complete debate and a vote, that then a motion to reconsider shall be in order?

The SPEAKER. There would be no objection to that, as a matter of unanimous consent.

Mr. DAYTON. Why can not we have that unanimous consent?

Mr. CANNON. Simply because we must meet the question of the adoption or rejection of the conference report, and patriotism in a conflict for things that are not patriotic in this bill in favor of things that are patriotic I am satisfied would secure its adoption.

Mr. JOHNSON of Indiana. Will the gentleman give us a fair opportunity to pass on the adoption of the report?

Mr. CANNON. We will pass on it in proper time.

Mr. JOHNSON of Indiana. It seems to me that this is the proper time to pass on it. I hope that some gentlemen who were so anxious to precipitate the war will not be lacking in providing for carrying on the war.

Mr. CANNON. I am responsible for my action, and I have in good faith tried to get proper consideration of this marine item, that in my judgment is here without parliamentary authority, and when I had done that I made my proposition.

Mr. RICHARDSON. Will the gentleman from Illinois allow me to ask him a question?

Mr. DAYTON. Pardon me; I believe the Chair has determined that I have the floor, and as I am a member of the Naval Committee, I have a very earnest desire to reach a conclusion in this matter.

Mr. RICHARDSON. Certainly; I do not desire to cut you off. I thought you had concluded.

Mr. DAYTON. I understand. I have an earnest desire that the House should reach some conclusion in the matter. Now, I submit to the gentleman from Illinois and the other gentlemen who favor the position that he takes that this amendment No. 22—that the proposition or suggestion that came from the Chair is absolutely fair; that is, by unanimous consent this conference report shall be disagreed to. Then there will be a full, free, and fair

opportunity to the gentleman from Illinois and those who agree with him to discuss that question, and to state their objections, to move to instruct the conference committee to reject or modify that amendment, and that a vote of the House will be taken upon it.

The only thing, then, he consents to is that after a full and fair hearing and a vote of the House upon that proposition, if the House is then against him and opposed to the rejection or modification of the amendment in any way, then a motion shall be in order to reconsider the vote whereby the conference report was rejected, and that the conference report will then be put to a vote for its concurrence. Now, it seems to me that that would save a day's time and would be fair to both sides. I have tried to arrange the matter, and while I am for war, in this matter I am for peace.

Mr. DOCKERY. You do not think it essential to the success of the Army or the Navy?

Mr. DAYTON. I do not; but I do think it necessary and essential that this bill shall be promptly and speedily passed. The Senate passed the conference report, and it has been agreed to, and if the House is in accord with the Senate on the question, then the provision will be immediately available.

Mr. DOCKERY. Let me suggest that the difference is but three or four hours. This bill can not go to the President to-day because of the adjournment of the Senate. Even if the House shall concur in this amendment, it will be 12 o'clock on Monday before the enrolled bill can be signed by the Speaker, and then it will have to go to the Vice-President. If this conference report is rejected to-day, the only effect will be to delay the presentation of this bill to the President until perhaps 3 or 4 o'clock on Monday.

Mr. BOUTELLE of Maine. But it ought not to be rejected by this House. I want the House to have an opportunity to reject or agree to the report as it chooses. Can any man dispute that, with this House full manned to-day, ready to do business, it ought to be given the privilege of determining whether the report should be adopted or rejected?

Mr. JOHNSON of Indiana. I know it ought to be the duty of every gentleman in this House to try to expedite the consideration of this report, so as to determine whether it wants to agree to it or not.

Mr. CANNON. I will again renew my request, that can either be accepted or rejected, that by unanimous consent this conference report be rejected and an opportunity given to move an instruction when another conference is asked on amendment No. 22.

Mr. BOUTELLE of Maine. Although it is only repeating what I said before, I want to state this again. I want to put myself right before the House, if there is any doubt. There is only one question raised, and that is as to one clause in this bill. Now, if the House of Representatives objects to that clause, it ought to be stricken out, and if it is important enough to cause the rejection of this report and sending it back to a conference, the House ought to have the right to express its judgment upon that point. I have been perfectly willing that it should do it, and I renew my request that by unanimous consent the House shall have an opportunity to vote upon that clause; that a reasonable opportunity shall be given to gentlemen who want to speak upon it; that the House shall then vote upon it, and if that amendment is voted down or out, then, of course, that will send the report into conference again. If the House determines that it does not want to strike it out of the conference report, then the House ought to have the privilege of agreeing to the report and carrying forward the public business.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry. If the point of order were sustained, the sustaining of the point of order sends the bill to conference without further action upon it by the House.

The SPEAKER. The Chair is inclined so to think, though it probably has not been decided.

Mr. DAYTON. I did not understand.

Mr. CANNON. Now, then, I will, on the suggestion of the gentleman from Texas and others, and what seems to be the general sense of the House, be content that by unanimous consent, as the gentleman from Maine suggests, the conference report be considered as disagreed to and that this bill shall be considered, that a fair time shall be given for general debate——

Mr. BOUTELLE of Maine. How long?

Mr. CANNON. I do not know how much time the gentleman from Texas and the gentleman from Missouri desire.

Mr. BOUTELLE of Maine. Do you desire to discuss the whole bill?

Mr. CANNON. I want to discuss this amendment, and make a protest as to other amendments.

Mr. SAYERS. An hour on a side.

Mr. CANNON. An hour and a half on a side.

The SPEAKER. The gentleman from Maine asks unanimous consent that the report of the committee of conference be rejected, with the right to move for reconsideration under the arrangement proposed of an hour's debate upon either side, suggested by the gentleman from Illinois.

Mr. BOUTELLE of Maine. I understood the gentleman from Illinois to say that the report "be considered" as rejected.

Mr. PAYNE. That is the same thing.

The SPEAKER. Is there objection?

Mr. RICHARDSON. Before that is put, I want to ask the gentleman from Illinois if I understand by this agreement that he waives and intends the House shall waive any point of order against this report of the conferees in that they have raised the amount $600,000 over and above the amount allowed by the amendment of the Senate?

Mr. CANNON. So far as I am concerned, I have. But I can not waive it for anybody else.

The SPEAKER. The Chair thinks it ought to be a part of the understanding.

Mr. RICHARDSON. I want to have that fact brought out, because it is setting a very bad precedent, it seems to me, for the House to agree to nonconcur in Senate amendments to our bill and then allow this increased amendment which we nonconcurred in, to add $600,000, and then come back and by unanimous consent agree. If we are going to do that, Mr. Speaker, we had better first accept the amendment and not have nonconcurrence. There is a Scriptural injunction that says, "Agree with thine adversary quickly," and we had better agree than lose $600,000.

Mr. BOUTELLE of Maine. It is obvious that it would be entirely useless to yield unanimous consent——

The SPEAKER. The Chair understands that the point of order is waived. Is there objection? [After a pause.] The Chair hears none.

Mr. DOCKERY. I have no objection, Mr. Speaker, with the understanding that the able gentleman who is compiling the precedents of this House will not include this in the precedents to be printed.

Mr. BOUTELLE of Maine. It has been suggested that there was some misunderstanding in regard to the time, Mr. Speaker, and that the gentleman from Illinois wanted more time, an hour and a half on a side.

The SPEAKER. If there be no objection, the change will be made.

Mr. MOODY. Mr. Speaker, all the copies of the bill have been exhausted, and we would like to have the amendment read.

Mr. SAYERS. Mr. Speaker, I ask for the reading of amendment No. 22.

The Clerk read as follows:

That whenever, in the judgment of the Secretary of the Navy, the public interests require the use in the naval service of any invention or discovery covered by letters patent issued to any officer of the Navy, whether retained in his ownership or assigned to others, said Secretary shall proceed to use said invention or discovery in the manner and to the extent required by such naval service, and such royalties and compensation as may be equitably due such officer, considering all the circumstances connected with the making of the invention or discovery, and especially all facilities in originating, working out, or perfecting the invention which the officer may have enjoyed by reason of his official position, may be recovered by suit brought by said officer in the Court of Claims. Said court shall make rules for the trial of such cases, conforming as far as may be with the rules established by the Supreme Court for the practice in courts of equity, and all cases shall be determined within one year from the filing of the petition therein unless, in the discretion of the court, upon sufficient cause shown, the time is extended, and in all such cases appeals may be allowed to either party to the Supreme Court of the United States. The Secretary of the Navy is hereby prohibited from making any contract or payment for the use of any patent taken out by any naval officer.

Mr. CANNON. Mr. Speaker, I move the adoption of the following resolution.

The Clerk read as follows:

Resolved, That it is the sense of the House that officers of the Navy should not be entitled to compensation from the United States for the use of any invention or discovery made by them while they are in the service of the United States, and that the law should be so amended as to prohibit such compensation, and to authorize the United States to use such inventions and discoveries without any compensation to such officers; and that the conference on the part of the House are hereby instructed not to agree to the Senate amendment No. 22 to the naval bill (H. R. 9678), and, if possible, to procure an agreement striking out such amendment and inserting a provision in harmony with this instruction.

Mr. SAYERS. Mr. Speaker, I will be glad if I can have the attention of members while I speak briefly to the amendment. I repeat the assertion made a few moments ago, that in my judgment if we were not in a state of war this amendment would not have made its appearance on this bill. The House should bear in mind that a similar amendment has been put by the Senate on the fortification bill so as to take care of the army officers. The one under consideration takes care of the naval officers. These amendments have presented themselves to the House while we are in the midst of war, notwithstanding some of the facts upon which they are predicated have been in existence for years.

So far as I can remember, no attempt has ever before been made to secure such legislation as this. Certain officers of the Army

and Navy, educated, clothed, fed, and supported by the Government, have availed themselves of the peculiar and especial advantages which they enjoy to make inventions, and they now ask Congress to permit them to go into court and obtain judgments against the Government for such inventions as may be used by the Government.

Mr. KING. And which they will procure to be used by virtue of their position.

Mr. SAYERS. Probably so; some of them are employed in the offices of the War Department and of the Navy Department also. A more unpatriotic and selfish effort has not made its appearance at this session of Congress than this harmless-looking amendment which has been agreed to by the conferees of the House. It is one of the results of the war.

I have no doubt that we will have many specimens of such legislation before this Congress shall adjourn, and under the plea of patriotism appeals will be made that, having sent our soldiers and sailors to the war, we should not hesitate to vote for anything and everything that appears in an army or naval appropriation bill.

Now, I am willing to bear whatever responsibility may attach for my opposition to this measure. I believe that the House ought to send the bill back to conference and put upon it the impress of its indignation against such an attempt to apply the public revenues to payment for services that should have been gladly and freely rendered the Government.

Mr. BRUCKER. I would like to ask the gentleman a question.

Mr. SAYERS. Certainly.

Mr. BRUCKER. Suppose when this appropriation bill was first before the House and section 22 as it now appears had been offered by way of amendment——

Mr. SAYERS. I do not believe there are five gentlemen in the House that would have voted for it.

Mr. BRUCKER (continuing). Would the amendment have been germane? Would it not have been new legislation?

Mr. SAYERS. Unquestionably new legislation. Now, I appeal to the House, to all without regard to party, to examine the question carefully and to vote it down. Should the report be now adopted, it could not possibly reach the President before Monday afternoon. A rejection of the amendment need not delay the passage of the bill a single day. Adopt the amendment, and you will be confronted in a few days with a similar amendment on the fortification bill. If you should pass this, there can be no just reason why you should not pass the other. Both are exactly alike, and if one should prevail the other should also.

No one can estimate what cost to the Government may be involved in the two amendments, to say nothing of the unfair and undue advantages, because of the position they occupy, to such officers of the Army and Navy as may become inventors themselves or allow themselves to appear as such.

Now, Mr. Speaker, I yield ten minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. MORRIS. Before the gentleman sits down, I would like to ask him a question.

Mr. SAYERS. Certainly.

Mr. MORRIS. Do I understand this amendment would cover a case of this sort: Suppose an officer rigged up some little contrivance to assist in loading a gun with greater facility, or something of that sort, and the Government went on and used it; after the war would he have a right to claim a royalty?

Mr. SAYERS. Certainly; as the gentleman can see by reading the amendment.

Mr. SHAFROTH. Mr. Speaker, it seems to me that anyone who reads the paragraph now under discussion is bound to come to the conclusion that it is unsafe legislation, especially at this time. The conditions are, Mr. Speaker, that certain devices already invented, or to be invented, by naval officers and army officers while experimenting at the expense of the Government for such purpose can be used by the Government Departments without any compensation. The men who may invent these devices are in the Army or Navy, and it is upon their recommendation—their urgent demand, it may be—that these particular inventions will be adopted by the Government. Consequently, when we offer to pay these men for inventions for which, under the law, as I understand it, they are not entitled to, when we say that they can present their bills to the United States for their inventions, it affords an inducement for them to urge upon the War Department or the Navy Department that their particular device be adopted, so that the officer who invented it may get possibly a hundred thousand dollars for it in addition to the money the Government is now paying him in the shape of salary.

What right is there on the part of an officer of this Government who is educated, clothed, fed, and paid by the Government, who receives as large a sum as salary as he could earn in other avocations of life, who is allowed to retire after a certain age on three-fourths pay—what reason is there that if the Government wants to adopt the fruit of his labor which it has paid him for while he was experimenting at the expense of the Government it should not be permitted to do so?

Mr. COOPER of Wisconsin. Suppose that in the employ of the United States Navy to-day there were a man with the inventive genius of Ericsson, receiving $1,500 a year. Suppose that man, while risking his life in the service of his country, should invent something of equal importance with the twin screw or the monitor. Would the gentleman say that if the Government uses this invention the man ought not to receive anything more than his salary of $1,500? Is that salary intended to pay for the use of his genius, or is it merely intended to pay for his manual labor, his ordinary service?

Mr. SHAFROTH. I do not yield for a speech, because my time is limited; but I want to say this in answer to the gentleman: There may be extraordinary cases where a man in the service of the Government ought to receive compensation in addition to his salary; but when that is to be done, the proposition ought to come here in the shape of a private bill, so that each particular case of that kind may be investigated. We ought not to establish a system by which the Government commits itself in advance to the payment of hundreds of thousands of dollars upon claims of this kind without their ever being submitted to the House.

Mr. CANNON. Allow me a remark right here upon a question of fact. Such a man as my friend from Wisconsin refers to, working for the Government at $1,500 a year, or any other sum, is not cared for in this amendment. The persons provided for are officers of the Government, educated by the Government, who are paid by the Government from their cradle, almost, to the grave, and whose time belongs to the Government.

Mr. SHAFROTH. Yes, as the gentleman from Illinois well observes, the word "officer" is used here; and if the person making the invention is a private in the Army, he does not get anything under this provision.

Even in such a case as the gentleman from Wisconsin cites, a person of the great inventive genius supposed need not remain in the service of the Government unless he wants to. The inventions protected by this provision are not only such as are likely to be made during this particular war, but inventions already made. Therefore in this provision you are imposing upon the Government of the United States a liability the amount of which you can not tell, and which may run up into millions and millions of dollars. It seems to me that a measure of this kind should not be undertaken upon an appropriation bill when we have no time to couple it with proper limitations, even if the general purposes were commendable.

I understand that according to a decision of the Attorney-General there is no liability of the Government for the use of inventions of an officer of the Government made while experimenting under the direction of his commander; in other words, so long as a man chooses to remain in the service of the Government his time belongs to the Government. I repeat, that it would be unwise, especially at this time, upon an appropriation bill, to enact legislation which under ordinary circumstances, had it been proposed in this House, would be liable to a point of order and to be stricken out without even a vote upon it.

Mr. GAINES. Will the gentleman permit me to state that Attorney-General Cushing passed upon this exact question and held that an officer of the Government had no right to be paid for an invention made by him while serving as such?

Mr. SHAFROTH. I thank the gentleman from Tennessee for the suggestion.

Mr. LEWIS of Washington. And the Supreme Court of the United States has also held that there is no such liability.

Mr. SHAFROTH. I am also informed by the gentleman from Washington that the Supreme Court of the United States has held that there is no liability on the part of the Government of the United States to an employee for an invention which he makes while so employed and which the United States Government adopts.

Besides, to adopt a general clause giving to these officers the right to compensation when they, as officers of the Army or Navy, are the very men who will have the power to make demands for the use of these inventions, really puts it within their discretion to have their inventions adopted.

How are you going to make compensation? How are you going to determine that the gun or other device which has been invented by an officer of the Government has not been worth a million dollars to the United States? There is no limit whatever in this section as to amount which shall be paid. There is no provision that these officers claiming compensations for their inventions shall abide by the decision of the Secretary of War or the Secretary of the Navy. It prohibits those Secretaries from even contracting in advance for the invention, but leaves it in the nature of unliquidated damages, which are always great when presented against a government. It is provided that they may bring a claim in the courts aggregating, perhaps, millions and millions of dollars for

the use of something for which the Government at present is not liable. I submit that the amendment should be defeated.

Mr. BOUTELLE of Maine. I yield ten minutes to the gentleman from Massachusetts [Mr. WALKER].

Mr. WALKER of Massachusetts. Mr. Speaker, suppose an officer of the Army finds a precious stone worth millions; can the Government rightfully take it without compensation? No; every gentleman will say, "No." But who can estimate the value of the inventive genius of an Ericsson; or of a Howe, the inventor of the sewing machine; or of a Bigelow, the inventor of the Bigelow carpet loom; or of a Blanchard, who invented machines for turning irregular shapes; or a Crompton, the inventor of the Crompton loom; or a Knowles, the inventor of the Knowles loom, all of whom I knew personally? For what these men contributed to the world they have never received more than one farthing of compensation as compared with the value of their inventions to the masses of the people, the beneficiaries of their genius being the working people, who have profited by the increased comforts and conveniences thus afforded them.

When, Mr. Speaker, a man is educated by the United States, does that mean that the United States shall take also his genius and appropriate the fruits of it to itself? Does that intellect, that genius, belong exclusively to the Government? He is educated for a certain specific purpose. When he accomplishes that purpose, he has fulfilled his whole obligation. Because a man in whom God has implanted something greater in itself and of more commercial value to him and to his fellow-men than any jewel or than is found in his associates, and because his professional services belong to the Government, because he was educated by the Government and he is paid by the Government for his services in a certain line, does that entitle us to take from him the fruits of his genius not owned by the Government and exercised outside of his ordinary duties, and which may be of the same value to him in any walk of life?

In the Department where he is engaged he gives his professional personal services, according to his agreement under the law, and yet you rob him of things that he never gave or never proposed to and did not give to the Government, and take from him his right to profit by them. You claim you have the right to the entire man. Talk of the Government having a right to what is implanted in a man's mind, not included in his contract with the Government, and of which they have no cognizance when he entered the service of the Government for a specific duty only!

Of course you have the right to his services for the performance of his whole specific duty, but beyond that what he does is simply gratuitous.

Now, I know something of inventions myself. I had, in the course of my life, to take out a few patents myself. And yet, Mr. Speaker, I had to abandon the work absolutely, because I found that it would destroy my life. I could not sleep; my waking and sleeping hours were taken up with the thoughts of the new machinery and the mode of constructing certain devices, and I was compelled to abandon it; and I believe that continued application to such subjects would have been the absolute destruction of my life.

I see gentlemen around me who smile at the suggestion. Lawyers may laugh and think it a small thing; and yet I tell you, gentlemen, you do not know what inventions cost in labor, in brain work, in mental worry, and physical exhaustion. I want to say to you that no man invents anything of consequence or of great material use to mankind in the way of machinery, especially complicated machinery, who does not give his very life, or risk his life, in the work.

My personal friend, George Crompton, when I undertook to see him in his home, on business or social matters, I always found closely engaged in his library or elsewhere absolutely bent on the subject of his inventions, studying, designing, modeling. They held him at labor day and night, like a bonded slave, and I said to him: "Crompton, you might just as well commit suicide as to work in this way." And, Mr. Speaker, it was practically a case of suicide, because he died in harness before he had lived two-thirds of the allotted mature life. And so it is with inventors generally. You sneer at them and at their work. You may talk of them as being robbers, as being plunderers, as defrauding the Government of its just rights and the public. But it is these men who have sent civilization forward in its rapid progress for generations; and what would the world be now but for the lives of labor given in this direction by the men of genius who have promoted the mechanical arts at the expense of health, life, strength, and everything else?

Few of them have received adequate compensation. Many of them who have given great inventions to the world have early died and absolutely poor. And it comes with poor grace from gentlemen in the Government of the United States to say that these men shall not receive compensation for their work. You want to deny all compensation to them, although the Government takes all their time and claims that they are men who use the time of the Government and the material of the Government to advance their own selfish interests.

But there is another feature of this case that is worthy of consideration. It must be remembered that many hundreds of the inventions made, which may be of immense value and importance to the Government, are not patentable at all, and therefore can not be compensated for. I want to say to you now that of the officers of the Army or Navy who make inventions I venture to assert that not one of their inventions in one thousand is patentable or can be patented. And yet the Government has the use of all of them. Of the great inventions made, it is safe to assume that few will be patented or are susceptible of being patented. And when they are patented the man who does the work does not get one cent out of it, where the community and the world get thousands upon thousands of dollars. While the Government gets the benefit of all of the inventions made by intelligent, able, and accomplished men in this manner, the inventors themselves, especially if the invention is not patentable, as will be the case generally, will receive nothing whatever.

It has been proposed, therefore, in this connection, by the gentleman from Illinois [Mr. CANNON] to pass an amendment in essence as follows—and this is really the substance of their whole argument: "That officers of the Navy are not entitled to any compensation from the United States for any inventions they may make concerning the Navy, and that all such inventions shall be taken possession of and confiscated to the United States."

That is practically what you propose to do. You might just as well say in open words that you are going to offer that amendment and adopt it. That is your actual proposition, is it? I ask the chairman of the Committee on Appropriations [Mr. CANNON]. I judge that is your proposition from the fact that the Government is not expected to purchase any inventions of its officers or to compensate them for anything that they can do or may do for the benefit of the Government. If that is not exactly the form of the proposition you propose to enact on this bill, it goes along the line of it practically, and that would be the result of it.

Now, I wish to say to the House that the very best possible investment of public money is the assurance to every man in the Navy who invents and patents anything that will be of possible benefit to the Government of the United States (and not one invention out of a hundred can be compensated, for, as I have already said, few can be patented) that the Government will give him a proper compensation for the use of it if it is available for public purposes. The fact that these men have been educated to a certain extent and are supported and paid by the United States Government is only an incident, and can not give the Government, and should not be expected to give the Government, more than it is entitled to of their services. I repeat, if outside of their ordinary and regular duty they succeed in devising some valuable invention, which is patented, they are entitled to receive compensation for the same. Would it be pretended that the Government could take possession of the patent taken out by an officer of the Army or Navy which had no reference to Government affairs, and make a profit out of it? Then why one concerning the Navy?

Mr. BOTKIN. Will the gentleman permit a question?

Mr. WALKER of Massachusetts. Certainly.

Mr. BOTKIN. Is not this inventive genius of which you speak as valuable in a private as in an officer?

Mr. WALKER of Massachusetts. Certainly it is.

Mr. BOTKIN. If so, why does the bill discriminate against the private?

Mr. JOHNSON of Indiana. That is an argument against the bill.

Mr. WALKER of Massachusetts. They ought to be included. Now, let me say that this is as unreasonable and as unfair and as cruel as it would be to apply it to men in private establishments—a man who is in my employ who makes an invention, who makes it while I am paying his wages, has his head on it all the time, not only while he is working for me, but constantly—day and night besides. Now, I have just as good a right to the invention of a man in my employment as the Government of the United States has.

Mr. CANNON. Will the gentleman allow me?

Mr. WALKER of Massachusetts. Certainly.

Mr. CANNON. The law is that if a man in private life is working for the gentleman, compensated by the gentleman, uses the gentleman's tools and the gentleman's shop, and makes an invention, that the gentleman is entitled to that invention without royalty. That is the law.

Mr. WALKER of Massachusetts. I beg your pardon. The employer is not entitled to anything of the kind unless the man is employed by him on that particular invention.

Mr. SHAFROTH. Do you not recognize the fact, however——

Mr. POWERS. Unless it is a secret that he gets possession of by reason of his particular employment.

Mr. WALKER of Massachusetts. The gentleman is entirely mistaken in his law. I have tried some patent suits myself and paid for some patent law. [Applause and laughter.]

Mr. SHAFROTH. Do you not recognize the fact that there is a difference——

Mr. CANNON. My friend was insisting that he is not a lawyer, and is claiming credit therefor.

Mr. WALKER of Massachusetts. Oh, no; a patent lawyer is not much of a lawyer, anyhow. [Laughter.] You know I have a commission as a ship's lawyer, and that is worth something.

Mr. SHAFROTH. Do you not recognize the difference, though, that the Government has educated this man in this particular line, and you have not educated the man who is in your employ. These army and navy officers have the leisure right in the time of their service to make these inventions, while the Government is paying them, and your employees have not the leisure during the number of hours that they work for you.

Mr. WALKER of Massachusetts. Yes; "in this particular line" of his profession. I want to say, Mr. Speaker, that I have educated the men in my employ just as much as the Government has. I have been taxed for it, and we have free education. I have not taken it out of my special funds to educate that particular man, but it has been taken out of me and all other men in taxation, if I have any property.

Mr. VINCENT. Is not everybody taxed?

Mr. WALKER of Massachusetts. Why, certainly. Everybody is taxed, and everybody is taxed to educate these naval men just the same.

The SPEAKER. The time of the gentleman has expired.

Mr. BOUTELLE of Maine. I yield to the gentleman three minutes more.

Mr. WALKER of Massachusetts. The fact that they are educated in a school that is located at West Point or at Annapolis does not make any difference about their being educated at the public charge. Other men are educated at the public charge. I want to say that the men in this House have never paid one dollar for their education, where the public and benevolence in school and college funds and taxation have not paid a hundred.

Mr. HENRY of Mississippi. You do not pay them, though, while you are educating them.

Mr. WALKER of Massachusetts. You do not pay them in the Army and Navy while you are educating them. Most of their education they had before they entered West Post or Annapolis.

Mr. HENRY of Mississippi. You pay them at Annapolis and West Point.

Mr. WALKER of Massachusetts. I know; and their compensation is less than it is in private life for the same quality of service. I want to say to the gentleman that this idea that the payment in Government service is more than it is in private life is all wrong; every word of it. You may take the salaries in public service from end to end, and they are not two-thirds what for like service is paid in private life.

Mr. HENRY of Mississippi. They are mighty anxious to get into it, though.

Mr. WALKER of Massachusetts. I know they are; but I can not understand it. It can not be the salary.

Mr. HENRY of Mississippi. Are you not in that hospital yourself? [Laughter.]

Mr. WALKER of Massachusetts. I am not going into the reasons why I am here. [Laughter.] I want to say that the desire to get into the public service is something inexplicable; but the Government of the United States gets its services, from end to end, for less than two-thirds what it costs private persons to get the same class of service, and every man in business knows it.

Mr. RIDGELY. I should like to ask the gentleman a question.

Mr. WALKER of Massachusetts. Certainly.

Mr. RIDGELY. I have great respect for the gentleman's judgment.

Mr. WALKER of Massachusetts. I am glad of that.

Mr. RIDGELY. For I know he is a good business man, and I want to suggest this question: In view of the fact that the gentleman says that when a man directs his brains to the work of invention it disqualifies him for other work, does not the gentleman think that in justice it would be better to allow that man who feels that he can invent something to retire from the public service and take his chances as an inventor, and not disqualify himself for his daily duty?

Mr. WALKER of Massachusetts. Now, do not make a speech. You have got far enough. [Laughter.] Ah, I have not said he "disqualifies himself for other work." Mr. Speaker, I wish to say that not one man in one hundred who is an inventor is such an inventor that he ever perfects his invention so that it is worth a cent to him. They generally starve and starve their families, and I want to say that you may take the aggregate of all inventors, the time that has been spent in invention in this country, or in any other country, and aggregate the compensation that inventors, as such, have obtained for their inventions, all the great fortunes that have been made by inventors out of inventions, and it will not pay them one-third the wages that their fellows in the shop or factory or counting room have received during the same time, because it is not very often, comparatively, that they are successful.

Mr. GREENE. Do army officers starve their families?

The SPEAKER. The time of the gentleman has expired.

Mr. BOUTELLE of Maine. I yield five minutes to the gentleman from Ohio [Mr. BROMWELL].

Mr. BROMWELL. Well, Mr. Speaker, I am free to admit that I have had a change of heart and opinion in this matter since the discussion began. I looked upon the insertion of the provision in this bill which is under discussion as having been unwise. The more I think of it the more it seems to me to be a perfectly fair and proper amendment. Now, one of the arguments made against allowing the officers of the Army and Navy to be paid for the value of their inventions and discoveries for the benefit of the public service is that those officers are educated at the expense of the National Government, and therefore their time and their brains and their abilities are completely at the control of the Government, and that those discoveries and inventions should be taken from them without compensation. It seems to me that that is a very poor argument.

Why would it not apply equally well to your teachers in public schools, to men and women who receive their education, most of it, probably 90 per cent, at the public expense; and yet who would presume to claim for a moment that if a teacher who by reason of his connection with the schools in which he has been taught and in which he afterwards teaches should become the author of a text book or the inventor of some appliance to develop education in some form, the State or the Federal Government is entitled to his writings, his discovery, or his invention.

It does seem to me that this is only a fair and a just provision to those officers who, in addition to their ordinary everyday duty which they are required by the discipline of their service to perform, devote their time and minds and brains to the development of an improved process for the benefit of the service that they should receive ample compensation for the discoveries and inventions which they make and which the Government gets the benefit of. It may be that a single invention, a single discovery, would be worth more to this country than the cost of the education of all the officers that have ever gone through West Point or Annapolis. It tends to stimulate them to something more than being mere drones, mere machines in the discharge of their daily duty.

As I understand this provision of the bill, it permits an officer who is daily discharging in full his duties as such in the Army or Navy, and in addition to it is employing his idle time, or what would be idle time to others, in making an invention or discovery, to receive the same reward for his genius and application that is given to one who is not in the military or naval service of the United States.

I was inclined to think that it might open the door to fraud or lead to an immense number of claims which would involve the Government in the expenditure of millions of dollars; but when we remember that every one of these claims will have to come before Congress, every one will have to be passed upon by the Court of Claims, and passed by us, who will be presumed to know the value of these inventions or discoveries, we ought to give them proper compensation. It does seem to me, in all fairness and justice, that this provision of the bill ought to be permitted to remain there.

Mr. SULLIVAN. Do I understand the gentleman to state that the present law prevents an officer of the Army or Navy receiving compensation for the use of his invention?

Mr. BROMWELL. That is the statement.

Mr. SULLIVAN. That is, that he can not receive compensation just as anybody else does for his invention if the Government uses it.

Mr. BROMWELL. Precisely. This puts him in the position where he can file a claim, like anybody else coming before Congress, if the Government shall have adopted and used an invention of which he is the inventor. It shall go before the Court of Claims, and the provision requires the court to determine how much he is entitled to.

[Here the hammer fell.]

Mr. CANNON. I yield five minutes to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY. Mr. Speaker, I always like to agree with my colleague [Mr. WALKER], but I find myself unable to do so in this instance, and I am surprised to hear him advocate this amendment, because I had supposed that if there was one thing above another in which he believed it was in the proposition that the function of an appropriation bill was to appropriate money and not to enact general laws. The amendment now before the House signally illustrates one of the evils of a time of war.

A great emergency measure, carrying $55,000,000, not one cent of which is seriously in dispute or in dispute at all, is weighted with a rider in the shape of a permanent alteration of existing law, and we are expected to pass upon it with no opportunity for proper consideration. This amendment ought to be defeated for that one reason, if for no other. It ought to be defeated so that the committees of this House having in charge appropriations, on one of which I have the honor to serve, may be notified by the House that in these times of emergency, when we are called upon to appropriate money in large sums, we must not be called upon at the same time to consider important changes in the law of the nation. Now, Mr. Speaker, I am in favor of voting for the instruction proposed by the gentleman from Illinois. It will not delay the use of the money appropriated in this bill, in my opinion, the fraction of one minute.

Mr. BOUTELLE of Maine. How does the gentleman know that?

Mr. MOODY. I believe it; I do not say I know it. Everyone knows that Congress has agreed, in effect, upon the $55,000,000. The bill can not go to the President until Monday in any event, and it will go to the President on Monday in any event. It will be ready for use under the law on Monday, and it can not be ready for use under the law before Monday; and the patriotic duty of every man here, in the beginning of this war legislation, is to stand firm and say, although we are ready to appropriate quickly every dollar that is needed, we will not be forced off our feet by the schemes of any man to change the organic law of the nation in any way detrimental to the public service. [Applause.]

Now, it has been said that the naval officers will be encouraged to devise inventions by this bill. I resent that as an imputation upon their patriotism. [Applause.] I believe that every naval officer to-day, in his heart, feels that he owes to the country which has educated him not only his valor, not only the risk of his life, but the best product of his brain. And I believe that we shall have it, with or without this provision. What is the proposition? I say this amendment ought to be rejected, in the first place, as a warning to every committee in this House that this is not the time to bring in legislation of this kind: that necessary appropriations shall not be hindered and delayed by coupling with them measures of questionable legislation.

I believe, with the brief consideration that I have been able to give the amendment, that it ought to be rejected on its merits. What is the proposition? These gentlemen in the Army and Navy are taken almost from the cradle and carried to their graves, supported by the nation. They are taken as mere boys, they are given the best education which can be afforded; they are not only educated and supported, but they are paid while they are educated and supported and as long as they remain in the service of the United States; and when they retire, they retire with a continued compensation. When in the performance of their duty as officers of the nation they have made an invention of any kind, it should be at least left to the generosity of the Government to give or withhold further recompense.

Mr. Speaker, the naval officer and the army officer who makes a great invention can look for a greater compensation than can be awarded to him by the Court of Claims. What judgment can the Court of Claims award a naval officer which will compare with the renown of Ericsson? I want, Mr. Speaker, to call attention to some of the details of this measure. It is provided that when the inventions are used, the officer may go to the Court of Claims and obtain what? "Such royalties and compensation as may be equitably due to such officer." When we come to apply these words to the subject-matter, we see how ill fitted a provision of this kind is to the naval and military service of the nation. By what measure can the royalty and compensation referred to in this amendment be reckoned? Take for an illustration a great invention, the disappearing gun carriage, invented by an officer in the Regular Army, I think—if I am wrong the gentleman from Pennsylvania will correct me——

Mr. ADAMS. Captain Crozier.

Mr. MOODY. Yes; one of the most valuable inventions in land warfare made in this generation. Suppose it is open to that gentleman—I do not mean for a moment to insinuate that he or any of his friends had anything to do with this amendment; I only take this as a shining example and an illustration—suppose after an attack upon one of our great seacoast cities, defeated by the aid of one of his inventions, he goes into the Court of Claims and claims royalties and compensation for the use of the disappearing gun carriage? By what rule of law can it be measured? What judge, what court, what jurist can compute the compensation equitably due under those circumstances?

I tell you, Mr. Speaker, the only compensation which the gallant officers of our Army and Navy can get under circumstances like these is the enduring gratitude of a nation, and with that they may well be content. [Applause.]

Mr. CANNON. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore (Mr. LOUD in the chair). One hour and seventeen minutes.

Mr. CANNON. I think there is some mistake about that. I doubt if I have all of that time.

The SPEAKER pro tempore. One hour and seven minutes.

Mr. CANNON. I yield five minutes, or such time as the gentleman may want, to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, I desire time only to announce my opposition to the pending amendment which comes from the Senate. If I am correctly informed, this provision in the form of a separate bill has heretofore been considered by the House Committee on Naval Affairs and disapproved by that committee. I am told that such is the fact, and if I have been misinformed I would be glad if some gentleman connected with the committee would so declare. If that information is correct, and I think it is, the House Committee on Naval Affairs itself has heretofore considered this identical proposition, or substantially this proposition, and after a full and fair hearing rejected it. That being the case, I think I am warranted in the inference that quite a number of members of the Committee on Naval Affairs are not themselves in favor of this proposition which now comes from the Senate.

But whether that be true or not, I am opposed to this proposition; and it is hardly necessary for me to set out my reasons in detail to those who heard the splendid argument against this provision made by the gentleman from Massachusetts [Mr. MOODY]. I am opposed to the proposition for one reason which has not yet been mentioned, a reason suggested to me by a distinguished gentleman on this floor——

Mr. BOUTELLE of Maine. Can the gentleman give me a citation to that alleged action of the Committee on Naval Affairs to which he has referred?

Mr. DOCKERY. I said I had been informed that the House Committee on Naval Affairs had heretofore considered——

Mr. BOUTELLE of Maine. At what time?

Mr. DOCKERY (continuing). A proposition in substantially these terms——

Mr. BOUTELLE of Maine. Has the gentleman any recollection approximately as to the time?

Mr. DOCKERY. The gentleman who advised me in regard to this matter did not state the time. I suppose it was in this Congress—perhaps the last.

Mr. BOUTELLE of Maine. I do not think a citation of that kind ought to be made unless it is given in a way that will enable some one to verify it.

Mr. DOCKERY. I invited some one to challenge the correctness of my statement.

Mr. BOUTELLE of Maine. I can not challenge it, because I do not know what you affirm. I do not know what may have been done during all the years of the life of Congress.

Mr. DOCKERY. The gentleman did not hear my statement. I will repeat it for his benefit. I stated that I had been advised that some time heretofore the House Committee on Naval Affairs had considered a proposition substantially in terms with this and had rejected it. I do not know whether that is true or not.

Mr. BOUTELLE of Maine. Does not the gentleman think that is rather a vague way in which to attempt to commit the Committee on Naval Affairs to any judgment or course of action?

Mr. DOCKERY. Either the statement I have made is true or I have been misinformed—one or the other.

Mr. BOUTELLE of Maine. Either it is true or it is not!

Mr. DOCKERY. If the committee has considered this proposition, it has considered it in a public way, because it must have considered it upon the reference of a bill to it in the usual manner. And if my statement is not accurate, I would be glad to have the gentleman say so.

Mr. BOUTELLE of Maine. I can not state whether it is true or not, unless the statement is made with sufficient distinctness. I can not be expected to hunt up the records for all time.

Mr. DOCKERY. I supposed the gentleman, who is an expert in all matters connected with the Navy, would have a recollection on this point.

Mr. BOUTELLE of Maine. I have no recollection of any such action.

Mr. DOCKERY. Well, I have been informed by a gentleman who, I believe, is in a position to have correct information——

Mr. BOUTELLE of Maine. If you will give me any clew whatever, I would like to look the matter up.

Mr. DOCKERY (continuing). That the House Committee on Naval Affairs, whether in this or some prior Congress I can not say, has heretofore considered this proposition. I do not know whether or not that is true. The gentleman says that he has no recollection of such action.

But, Mr. Speaker, I am opposed to this proposition, whether it has been approved or disapproved by the Committee on Naval

Affairs, and as I was about to say, for a reason suggested by a distinguished gentleman on this floor, that this amendment would practically give a monopoly to certain naval officers in the matter of inventions of this character and to this extent would trench upon the domain of invention, which ought to be free to all the people.

Now, Mr. Speaker, this amendment suggests the fact that we are now engaged in war. If I had no information in respect to these troublous times outside of what is suggested by this amendment, I would know there was something wrong somewhere or this amendment would not find a place in an appropriation bill.

And I want to say, Mr. Speaker, at the beginning of this war that I propose to exercise full responsibility as a Representative, and I do not propose to be driven under stress of so-called "patriotism" to approve any measure which in my judgment is against the interest of the taxpayers of the United States.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. DOCKERY. I hope the gentleman from Illinois will allow me a little more time.

Mr. CANNON. Yes, sir.

Mr. DOCKERY. As was well said by the gentleman from Massachusetts, we take these army officers and navy officers and care for them almost from the cradle. We educate them in our great institutions at West Point and Annapolis; we pay them liberally while they are in the public service, and when they reach a certain age they are retired under the law at a certain rate of pay—not full pay, I believe, but reduced pay.

Mr. CLARK of Missouri. Three-fourths pay.

Mr. DOCKERY. Three-fourths pay, as my colleague suggests. Such being the case, it has been the policy of the Government from the beginning to secure to the Government the advantage of any inventions by this class of our employees. It remained, so far as I know, for this proposition coming to us from the Senate for the first time seriously to suggest that these inventions should be utilized for personal gain by officers, who are to have the right to go into the Court of Claims and collect, at the expense of the taxpayers, royalties and other compensations for the inventions.

Now, Mr. Speaker, let us set our faces steadily against this proposition. The committee rooms of this and of the other body at the other end of the Capitol are crowded now with propositions of like character, questionable, doubtful, or odious, that would not be urged for consideration upon either body in time of peace. Let us stand here, from now until the end of the war, steadily upholding the interests of the people of the United States. Whatever money is necessary to vigorously prosecute the war we are prepared to appropriate willingly, but let us reserve every dollar not necessary for the Navy or to equip our troops in the field for the benefit of the public service. We must not allow contractors or inventors or anyone else under questionable guise to run their arms into the Treasury at the expense of the people.

I do not believe that the House will approve of the amendment which has been placed in this bill by the Senate. Indeed, I think if the gentleman from Maine will examine the records of his own committee, he will find that this proposition, or substantially the same proposition, has been presented and disapproved by that committee.

[Here the hammer fell.]

Mr. BOUTELLE of Maine. I yield ten minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, it may be that, at this particular time, the amendment now under consideration is inopportune. It may be that at some other time it would have been better to have presented it for consideration. But it does not appear to me to have all of the objectionable features which the gentleman from Missouri [Mr. DOCKERY] seems to invest it with. This amendment proposes simply—

> That whenever, in the judgment of the Secretary of the Navy, the public interests require the use in the naval service of any invention or discovery covered by letters patent issued to any officer of the Navy, whether retained in his ownership or assigned to others, said Secretary shall proceed to use said invention or discovery in the manner and to the extent required by such naval service, and such royalties and compensation as may be equitably due such officer, considering all the circumstances connected with the making of the invention or discovery, and especially all facilities in originating, working out, or perfecting the invention which the officer may have enjoyed by reason of his official position, may be recovered by suit brought by said officer in the Court of Claims. Said court shall make rules for the trial of such cases, conforming as far as may be with the rules established by the Supreme Court for the practice in courts of equity, and all cases shall be determined within one year from the filing of the petition therein, unless, in the discretion of the court, upon sufficient cause shown, the time is extended, and in all such cases appeals may be allowed to either party to the Supreme Court of the United States. The Secretary of the Navy is hereby prohibited from making any contract or payment for the use of any patent taken out by any naval officer.

Now, it looks to me as if the proposition here embodied was sufficiently and safely guarded. In the first place, the Secretary of the Navy must be satisfied that the invention is of public use, and that it is essential to the Government service; and then, if it is used by the Government, the inventor may appeal to a court—a court that we establish ourselves, a court of his own countrymen, a court possessing every facility for investigating and arriving at the true facts of the case—to ascertain the value of the invention; and it must be observed that certain limitations are placed upon this very court. They have to take into view all of the facilities the officer had and all of the contributions the Government may have made toward the invention; and after considering all of these, then give to him the compensation the court, of our own selection, says he is entitled to. I do not think there is any unfairness in that proposition, or that there is any possible harm which can come to the Government from its enactment.

Mr. Speaker, it would hardly be contended that the Government of the United States is entitled to all of the faculties, all of the qualities, all of the services, and all of the genius of those who engage in its military service. I know such a contention has been raised here; but I say no. We take these men into our service for a specific purpose, as a part of the military arm of the Government, for the purpose of defensive and aggressive warfare, for the purpose of war, and none other. That is the service we purchase from them. That is the character of service we desire, and that is what we pay for, and nothing more.

I noticed that it was said, a few moments ago, that the Supreme Court of the United States had stated, in effect, that all that a man possesses he yields to his Government when he goes into its military or naval service. I say the Supreme Court said nothing of the kind. On the contrary, it said that the invention of the individual, that he makes, as any other capable man who makes inventions, belongs to him, and that it can not be taken from him for public use without compensation any more than any other kind of property could be taken from him without compensation.

His invention belongs to him; and the only exception to that rule, and the only limitation upon the rule, is where he has been detailed for the express purpose of making experiments or discoveries; and when in pursuance of that duty he makes an invention or discovery, his Government is entitled to the use of that invention. But not other persons. The public have no right in any case, without his consent, to the use of his invention. He may sell the invention, or rent it, or demand royalty of everyone else excepting the Government. That is the authority of the Supreme Court on the subject.

But let me go a step further——

Mr. LEWIS of Washington. Has the gentleman read the case of Gill *vs.* United States, reported in 160 United States Reports?

Mr. HEPBURN. I have not; but I find in an opinion by Attorney-General Miller upon this subject the following statement:

> It is important to observe that the Supreme Court of the United States has settled the point that the United States is as much bound to respect the rights secured to a patentee by his letters patent as an ordinary person, even in cases where the invention covered by the patent could be useful only in the administration of government; as, for instance, "explosive shells, rams, and submarine batteries to be attached to armed vessels."

And the Attorney-General cites James *vs.* Campbell, 144 United States Reports, 356; United States *vs.* Palmer, 128 United States Reports, 262; Hollister *vs.* Benedict Manufacturing Company, 113 United States Reports, 60.

I have not examined those opinions, but the Attorney-General has cited them. He has certainly examined them. They certainly sustain this point, or he would not have cited them. And mind you, they are late reports. The earliest one is 113 United States Reports, and the latest one is almost current with this date. But I quote from the same opinion:

> It is also to be noted that the same court has decided that a person in the military service of the United States has a right to patent an invention made by him, and relating to the branch of the service to which he belongs—

Mark that, gentlemen—

> that branch of the service to which he belongs, and that the United States has no right to use such invention without making proper compensation, as in other cases where the property of the citizen is taken and used for public purposes.

And he cites United States *vs.* Burns, 12 Wallace, 246; United States *vs.* Palmer, 128 United States Reports, 262.

Now, gentlemen, there is the law. The law is settled upon this matter. That is the highest authority. The Supreme Court says that the inventor, although an army officer, has a vested right in his invention; that it is his property; that it can not be taken from him under the Constitution without due compensation is made.

Mr. MAHON. Why put it in this bill, then? Why do they want it in here?

Mr. HEPBURN. This bill simply provides a mode of determining the value of it, but does not attempt to change the law.

Mr. MAHON. If that is correct law, he can go to the courts now.

Mr. HEPBURN. This furnishes a tribunal to settle the question.

Mr. NORTHWAY. Right there I want to ask a question. Does it not permit the Navy Department to use the property without any permit; that is, to force it out of the man?

Mr. HEPBURN. It gives to the Secretary of the Navy the power to use it.

Mr. NORTHWAY. Changing the whole law.

Mr. HEPBURN. And then it provides the method of compensating for that loss to the inventor; that is all. Now, it may be, gentlemen, that this is not the right plan; it may be that this is not the right bill. I am not discussing that. I am trying to combat the opinion of some of these gentlemen who regard the question as though some great largess was to be bestowed upon naval officers or army officers, as though they were to have something given them by this bill. Their rights are fixed now. We do not enlarge them. All that is done by this amendment is to provide a tribunal by which their wrongs can be remedied, so that they can have that proper compensation that the Supreme Court say belongs to them, and that is taken from them without their will or their consent.

[Here the hammer fell.]

Mr. CLARK of Missouri. I should like to ask the gentleman from Iowa a question or two.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLARK of Missouri. I know, but I think Brother CANNON will lend us a minute.

Mr. BOUTELLE of Maine. I yield to the gentleman five minutes.

Mr. HEPBURN. Maybe you are getting me into trouble. [Laughter.]

Mr. CLARK of Missouri. No; I want to clear up this legal point. Suppose you had a patent or I had a patent, and the Government under stress of war was to take our patent and use it. Could we not go into the Court of Claims now and get our compensation for it?

Mr. HEPBURN. I am not sure.

Mr. MAHON. Not unless Congress sent you there.

Mr. CLARK of Missouri. What I want to know is, what is the use to load this bill up to give a man a right that he already has?

Mr. HEPBURN. You might go to the Court of Claims and have an adjudication, or rather a finding of the facts, and the opinion of that court as to what your compensation should be, but it would not be effective until it was reported to Congress and an appropriation made.

Mr. CLARK of Missouri. Did they not do that very identical thing in the Sibley tent case?

Mr. HEPBURN. I do not remember; I do not know.

Mr. CLARK of Missouri. In the Sibley tent case they claimed a royalty of $5 on every tent that was used during the war, and at the end of the war came in with a claim for over $225,000.

One-half of the claim had been assigned to a man who was in the Union Army during the war, and he got his part of it; and in the Fifty-third Congress the representatives of Major-General Sibley, who had been in the Confederate army, came to the Committee on Claims—I was a member of it at that time—and claimed $115,000 royalty on tents that would never have had to be made or used in the war if it had not been for men like Major-General Sibley. I helped to kill that measure, and think it was right to do so. It may be right to make such a provision as this, but I do not think it well to load this bill with it and get into a rumpus here.

Mr. CANNON. I yield five minutes to the gentleman from Tennessee.

Mr. GAINES. Mr. Speaker, I had occasion not long since to investigate this matter, and to read an opinion, as far back as the good old days of the Republic, by Mr. Attorney-General Cushing, in which this exact question came up before him, and he decided, reaffirming former opinions, that when an officer of the Government, in the Navy or Army, "while in the line of his employment," patents a process pertaining thereto, he has no right to compensation for it; that it belongs to the Government, proceeding upon the principle that when the Government educates a man in the Army or educates him in the Navy, the Government as such is entitled to the full benefit of such services. It is not like inventions by persons differently situated.

Mr. SULLIVAN. Will the gentleman permit me to ask him a question?

Mr. GAINES. Yes.

Mr. SULLIVAN. I understand you to affirm that any patent in favor of an officer of the Navy can be seized and used by the Government when it sees fit.

Mr. GAINES. It belongs to the Government. He has no right, after he is educated by the Government, to take up his time from the Government and take the Government's paraphernalia, take the Government's machinery and take away from the Government his genius and put it to those machines and put the profit in his own pocket. The Government is entitled to the genius of an officer as well as to his patriotism.

Mr. SULLIVAN. I understand you to say that equally applies to the Army and Navy?

Mr. GAINES. It is to one or both. I will furnish the gentleman the authority.

Mr. CLARK of Missouri. I desire to ask the gentleman one question.

Mr. GAINES. Yes.

Mr. CLARK of Missouri. If that proposition is true, if an officer has not the right to take out a patent for his benefit, then what becomes of Captain King and the literary characters of the Regular Army who write newspapers, who write books and take out copyrights, and all that sort of stuff?

Mr. GAINES. I am not talking about writings nor writing of books and trash that they do. The Government does not want nor need them in its governmental capacity. I am talking about the United States Army and Navy. The time of an officer, his patriotism, his brains, his genius, belong to the American Government, and he has no right to get something patented, put the compensation into his own pocket, and derange the business of the Government by which he is employed in so doing.

If you go along and give jurisdiction to the Court of Claims in these matters, you will have, say, A, an officer of the Navy, on one side, and the Government on the other.

You will have a navy officer arrayed against the Government, his time taken from the Government, his sympathies against the Government, and you have him trying to array himself against his country and against the Government employing him. What would occur if there was an "army" of these patentees bringing suits? If we are to establish a court for this purpose, shall we organize it now, in the time of war, and load down with new legislation an appropriation bill? If the United States Supreme Court has settled this question, then the United States Supreme Court has jurisdiction to do it, and if it has jurisdiction to do so of the navy or army officer, it has the right by its jurisdiction to appraise the damages if the patent is taken.

On page 49 of the Senate proceedings, Report No. 1453 to Fifty-fourth Congress, touching upon "naval affairs," some statements had been made, and then Mr. Secretary Herbert testified in speaking of this evil; then Senator PERKINS, asking a question, said:

> In this connection I wish to state that Professor Monroe, now connected with the chair of chemistry in Columbia College, discovered smokeless powder when in the Naval Academy, filled the chair of chemistry there, and he felt that the invention belonged to the Government, and it was placed by him at the disposal of the Government.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GAINES. Will the gentleman yield to me two minutes more?

Mr. CANNON. I can not yield the gentleman more than a minute.

Mr. GAINES. Two minutes?

Mr. CANNON. Very well.

Mr. GAINES. Now, here is a long list, you can see on page 50, where just such patents and just such things, where patriotic men have invented, in the line of their employment, processes that redound to the benefit of the Government in time of war in the past, and he says there are only one or two exceptions where they have not surrendered and given the patent to the Government as a matter of right.

The case, I think, transferred "in writing" and alluded to was Lieutenant Fletcher, a charming acquaintance of mine, who afterwards surrendered the right to the Government to use it free, even after he had patented it. Now, Secretary Herbert, in his report, deprecates the policy of permitting a naval or army officer—and I want to say I have great respect for these men; they are, all I have ever met, gentlemen of the highest order—patenting a process discovered while working in the line of his duty and charging the Government for it. This report suggests restraints in all cases and gives the English law on the subject, on pages 48 and 49 of this same report.

Following Senator PERKINS's statement, I have read this report, which I will insert here:

> Secretary HERBERT. I have a list here of nine or ten patents that have been taken out by officers of the Government. Here is the case of Lieutenant Driggs, for breech-loading ordnance; Lieutenant Dashiell, for breech mechanism; Lieutenant Dashiell again, for breech mechanism for ordnance; Professor Monroe, for smokeless powder; Lieutenant Fletcher, a license granted under a patent for gun mounts.
>
> Senator HALE. You will put that list in your statement?
>
> Secretary HERBERT. I will insert it.

The list referred to is as follows:

Officers to whom patents have been granted and shop licenses under said patents given to the Department.

No.	Name of officer.	Article patented.
1	Lieut. W. H. Driggs, U. S. N.	Breech-loading ordnance; license granted May 28, 1890, under patents No. 380798 and No. 378828.
2	Lieut. R. B. Dashiell, U. S. N.	Breech mechanism for ordnance; license granted Sept. 15, 1890, for four guns, under patent No. 438803.
3	....do	Breech mechanism for ordnance; license granted Jan. 22, 1892, under patent No. 370319.
4	Chas. E. Monroe, chemist, torpedo station.	Smokeless powder; applications for patents Nos. 402845 and 402846. Right to manufacture under these patents granted Aug. 14, 1891.
5	Lieut. F. F. Fletcher, U. S. N.	Gun mounts; license granted Aug. 18, 1891, under patent No. 457641, for two mounts.
6	....do	License granted Jan. 23, 1895; application for patent No. 457271, improvement in gun mounts; application for patent No. 452272, breech mechanism for ordnance; application for patent No. 452273, improvements in system of sighting guns.
7	Lieut. A. A. Ackerman, U. S. N.	Improvements in manufacture of hard-face armor; license granted Jan. 29, 1895; application for patent No. 390240.
8	Ensign Jos. Strauss, U. S. N.	Gun mounting; license granted Aug. 24, 1895; application for patent No. 533890.
9	Commander G. A. Converse, U. S. N.; Lieut. J. B. Bernadou, U. S. N.	Cellulose powder; license granted Nov. 29, 1895; patent No. 550472.
10	....do	Apparatus for separating plastic powders; license granted Nov. 29, 1895; patent No. 551306.

With the exception of cases No. 1, No. 5, and No. 8, all of the devices were designed by the officer in line of duty, and beyond the mere expense of taking out patents do not cost the Government anything.

Secretary HERBERT. In all these cases except those of Lieutenant Fletcher and Lieutenant Driggs, these officers discovered these things while they were in the line of their duty, and they had these patents taken out in their names, giving the Government the right to use them without royalty. The patents show on their face that they are in the interest of the Government in every case except one, and in that case the transfer was afterwards made in writing to the Government. They take out these patents for the purpose primarily of preventing anybody else from patenting them and demanding royalties of the Government.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANNON. I yield five minutes to the gentleman from Utah [Mr. KING].

Mr. KING. Mr. Speaker, I think all the reasons are against the proposition of enacting this measure into law. First, it is not opportune. Conceding that it may have meritorious features, it is highly improper, not to add a wrong, to seek to obtain important legislation in this manner. In time of peace a similar provision was offered; it met defeat. But now, without consideration, without presenting it as an independent measure, to stand or fall according to its intrinsic merits, in an hour when the tragedy of an armed conflict is being acted, it is attached as a rider to an appropriation bill the immediate passage of which is earnestly desired by the Administration and members of Congress. In this manner, and because of the extraordinary conditions, it is thought opposition will be silenced and favorable action secured. If there is any opposition, it is supposed it will vanish when appeals are made to our "patriotism."

Under the plea of "patriotism" and the complimentary one of "emergency measures," many improper laws have been enacted and larcenies committed. If this measure is wise and just it should come before the House upon a proper occasion, depending for success upon its merits. It has no place, under the rules of the House, upon a general appropriation bill. The policy of grafting upon appropriation bills general legislation changing existing law, or providing remedies when none exist, is extremely unwise and ought to be condemned here and now. If approved or encouraged, we will be confronted by multitudes of similar propositions before this Congress adjourns.

Second, I believe this section, if it becomes law, will prove disadvantageous to the Government. Without stating the manifold reasons, as my time is brief, it is sufficient to say that when the Government educates a person with the understanding that his services are to be given in return, and the Government provides for him, affords him opportunities and special advantages for obtaining information, the time of such person belongs to the Government, and any invention resulting from the character of his employment and the special conditions imposed by the nation should be freely used by the Government he has taken oath to serve.

To illustrate: Suppose the Government should purchase the submarine boat invented by Mr. Holland, and it should be placed in charge of some naval officer who discovers some defect, and he sees some improvement which would make the boat very much superior for naval and submarine purposes. He does it by reason of the Government having placed him there, giving him an opportunity to see the advantages and disadvantages of the boat, having made him the agent of the Government for the purpose of determining its advantages and its defects. If he discovers any defect and sees a way by which he can remedy the same, and procures a patent therefor, I think it would be wrong and unwise to enact a law by which he could derive some pecuniary advantage for that invention from the Government.

These superior opportunities enjoyed by naval officers, the chances to know what the service requires, and also to ascertain the improvements desired in vessels, machinery, torpedoes, guns, munitions of war, and all the numerous things incident to these naval concerns, ought not to be employed by them to reap some reward from the country which they serve. If genius inspires an officer to the performance of some mighty achievement or the invention of something serviceable to his country, let his reward be, if one is necessary, that promotion so coveted by all officers and the fame which follows greatness everywhere.

Third. The measure is imperfect and incomplete, showing hasty preparation and lack of consideration. For example, no rule of damages is provided and no mode suggested by which there can be an ascertainment of the amount to be paid the inventor. There is no rule to guide the court and no plan offered to estimate the value of any invention. Again, there are no restrictions imposed upon the Secretary of the Navy. Any improvement made he may utilize, and thus subject the Government to unliquidated damages, which, when arbitrarily ascertained, may amount to colossal sums. Naturally, the Secretary will follow the recommendations of the naval officers.

These naval officers—I am not imputing to them improper motives—will, of course, be interested in their colleagues and their welfare, and will be desirous of seeing adopted their inventions that will add to their pecuniary profit. And if they make an invention, it will be natural that they will recommend to the naval authorities its adoption. They will have an advantage over other men who are engaged in inventions; they will have the ear of the Secretary of the Navy constantly; they will know what is desired and what improvements would be helpful. There can be no question but what legislation of this character will give to men engaged in the Naval Department or as officers in the Navy an advantage over those engaged in private life. They will have opportunities to get their inventions accepted whether they are meritorious or not, and have them approved and adopted by the Government and incorporated into the various labors undertaken by the Naval Department. They will have an unfair advantage.

It seems to me that this is a sufficient reason for stamping this legislation with the seal of our disapproval.

Fourth. But if we do not enact it, what will be the result? It provides that the Secretary of the Navy may adopt, as no doubt he has already done, inventions that have in the past been made by officers of the Navy. This legislation is retroactive in that respect. It permits them to go into the Court of Claims without a time limit, without the statute of limitation being invoked by the Government, and submit a demand for the use of inventions which have been in use by the naval authorities for years and years.

There is no measure of damages prescribed. They will bring naval experts on the stand, experts in invention, who may testify that such inventions are worth millions; and you have no adequate standard submitted in this measure, no proper rule of damages by which to guide the court. If this expert testimony be accepted, these inventions now in use by the Naval Department will be shown to be worth millions and millions. You are giving carte blanche authority to men to go into our courts and pile up judgments against the Government, the amount of which no man can determine.

Mr. GAINES. What do you say on the policy of the proposition of allowing an army or a naval officer to sue the Government for the value of his army or naval patent?

Mr. KING. Why, the suggestion of the gentleman from Tennessee illustrates the disadvantages and lack of wisdom of such legislation as this. As the gentleman very properly remarked in his speech a few moments ago, it arrays the naval officers against the Government. The officers of the Government will be interested in swelling their claims and augmenting their judgments to the highest possible amount.

In making this statement I am not imputing to them any unworthy motive or characteristics different from those possessed by other persons. Persons going into the naval service do not rob themselves of their human nature. If any of us had an invention, we would consider it to be of immense importance, and undoubtedly we would testify upon the stand according to our exaggerated idea of the importance of the invention.

Mr. NORTON of Ohio. Do you believe it is proper for a member of Congress—yourself, for instance——

The SPEAKER pro tempore. The time of the gentleman from Utah has expired.

Mr. KING. I would have been glad to answer the question of the gentleman from Ohio if I had got it. [Laughter.]

Mr. CANNON. I yield to the gentleman from North Carolina [Mr. LINNEY] for five minutes.

Mr. TALBERT. Before the gentleman from North Carolina proceeds, I should like to ask the gentleman from Illinois whether the question we are now discussing is the only one now at issue connected with this bill?

Mr. CANNON. So I understand.

Mr. LINNEY. Mr. Speaker, upon the plainest principles this amendment ought not to prevail. I dislike very much to differ from the distinguished gentleman from Massachusetts [Mr. WALKER], for I have regarded him as an ideal statesman—at any rate, my ideal of statesmanship. But it strikes me that this proposition to pay a Government officer for inventions made by him while in Government employ is dangerous and contrary to a principle which has always been recognized in the administration of justice in this and all other countries.

The distinguished gentleman from Iowa [Mr. HEPBURN] took the position that a man is entitled as property to any invention which he may make. I admit in general that this is so. He is entitled to the product of the mind as an inventor, or even as an author, to the same extent that the plowman is entitled to the product of the farm when he tills the earth. But there are exceptions to the rule. When a man stands in the relation of a public officer, or probably in certain fiduciary relations to other citizens, the law restricts his action and his compensation.

For instance, suppose the distinguished gentleman from Iowa, being a member of Congress and being also a lawyer, should perform services in the Internal Revenue Department here for a client—services worth, it may be, a thousand dollars; and suppose his client should execute to him a bond for the payment of that sum for those services. Could the gentleman recover the amount? There is not a lawyer on this floor who will not say that such a bond would be absolutely void, or at any rate voidable; and I believe absolutely void. Why? Because to allow compensation to be collected in such a case is against the policy of the law. Not only that, but the gentleman could be convicted of a felony, I believe, under our statutes for entering into such an arrangement.

The same principle applies here. While a Congressman is in the service of the Government he can not perform services in any Department of the Government for an individual and accept pay therefor. A naval officer is also in the service of the Government. The recommendations or opinions of naval officers to the Secretary of the Navy are potential, if not omnipotent, in influencing and controlling the action of the Secretary of the Navy. This bill confers a discretion upon the Secretary of the Navy in the use of inventions of naval officers; and it seems to me that the same identical principle applies in condemnation of the proposition contained in this bill that forbids members of Congress from performing services in any Department of the Government.

The service of an attorney is just as much his property as an invention is the property of an inventor. The speeches and arguments that he makes on questions of law are sometimes valued at hundreds of thousands of dollars. I presume there are lawyers in the United States whose services are worth and have commanded in a single case $100,000. A lawyer may be a member of Congress, and as such he receives only $5,000 a year; yet if, being a Congressman, he should appear before the Patent Office or the Internal Revenue Office or any other Department of the Government and should agree to receive for his services there compensation within reasonable limits—indeed it might be only half the real value of his services or one hundredth part of what they are really worth.

Still he could not recover. Why? Because to permit him to do so would be against the policy of the law. And, as I have said, there is a statute making it a felony to enter into any such agreement. So these officers of the Army and Navy can not recover for the use of their inventions. It is against the policy of the law. No court of equity would pay a naval officer for the use by the Government of his inventions. Why? Because the courts recognize the very principle for which I am contending. The case would have no standing in a court of equity. Equity would not recognize it. It would come in as a tainted claim, and therefore could not be recovered.

There is philosophy and good law in the language of the Lord's prayer—"lead us not into temptation." Now, sir, if you will allow these naval officers to recommend to the Secretary of the Navy inventions the product of their own intellect, and then let it be known, as it is known by intelligent men, that these recommendations are generally conclusive in controlling the mind of the Secretary of the Navy, in that way you bring to bear such a temptation upon the minds of naval officers as will ultimately corrupt them, however pure they may be. Under such temptation they would fall just as assuredly as the sand hillocks ultimately yield to the ceaseless lashings of the turbulent waves of the ocean to which they may be exposed.

Mr. HENRY of Mississippi. In other words, these officers sit in judgment on their own cases.

Mr. LINNEY. That is it exactly.

[Here the hammer fell.]

Mr. BOUTELLE of Maine. I yield to the gentleman from Ohio [Mr. SOUTHARD].

Mr. SOUTHARD. Mr. Speaker, it seems to me this is a good amendment, and one which ought to be enacted into law. The principal reason for a patent law is the stimulation of inventive genius. It is not for the benefit of the inventor so much as it is for the benefit of the public. And an invention made by an officer of the Army or the Navy is of just as much value to the public as though made by anybody else.

Certainly the law protects the employee of the Government in the same way and to the same extent that it protects any other employee. There is no express or implied contract when a person enters the Army or the Navy giving to the United States the benefit of his inventive skill, his inventive genius, any more than there is when any other employee enters the service of his employer under an ordinary contract for the performance of work of any kind.

The decisions have gone a great way in the matter of protecting the rights of inventors in this country, and justly so. The rule is that the employee is protected in his invention made under a general bargain for his time, skill, and labor. A partner, even, has no right in the patent of his copartner, although the invention was made and patented during the existence of the partnership relation, and with reference to a matter pertaining to the business for which the partnership is formed. And it has even been held that an invention by a partner, made upon and with reference to a machine or appliance used and employed by the copartnership, is the personal property of the inventor. It has been held that it is a right inherent in the inventor himself.

Now, it has been said, Mr. Speaker, that this legislation is forced into this appropriation bill. Well, if you are going to complain of this particular paragraph for that special reason, you might as well go on and complain of a great many other paragraphs in this bill and not stop with this one. There are other paragraphs with reference to which the same objection may be made.

It has been advanced as a reason for not giving the officer of the Government the benefit of his skill and genius in invention that he has been educated at the expense of the Government. Now, what is the fact? He has undertaken to serve the Government in a certain capacity and under certain conditions; but not one of the conditions of that service is that he shall give to the Government all the products of his inventive skill and genius as long as he lives.

Mr. VINCENT. Will the gentleman allow me an interruption just there?

Mr. SOUTHARD. Certainly.

Mr. VINCENT. I would like to ask the gentleman this question: Does not the officer, when he enters the service of the Government, enter it with knowledge of the law, and that law, being a part of the contract of service, eliminates his personal right?

Mr. SOUTHARD. There is no such law and there never was a law which eliminated the personal right of the individual to his invention unless he expressly or impliedly agreed that it should be done.

Mr. CLARK of Missouri. Will the gentleman allow me an interruption?

Mr. SOUTHARD. Of course; with pleasure.

Mr. CLARK of Missouri. Is not the army or the navy officer in this matter on all fours, to use a common expression, with members of Congress, and is there not a law prohibiting the members of Congress from practicing in the Departments of the Government here, simply to remove any temptation which may exist in the performance of their legitimate functions as members of this body?

Mr. SOUTHARD. That may remove the temptation, it is true. But, my friend, we do not want to remove the temptation to continue useful inventions, inventions which may be used by the public, and especially by the Government in time of war. We do not want to do anything to cripple the genius, the skill, and the intellectual capacity of any of the American people, no matter what position they may occupy; and that is the broad principle on which all of our patent laws rest, and which has enabled this country to take first rank in the line of invention.

Mr. LOVE. I would like to ask the gentleman, if there is no law preventing the Government from using such inventions, why the necessity for this clause in the bill?

Mr. SOUTHARD. This clause simply provides the method by which the inventor may receive some compensation for that which he invents. It is a mode of getting at what he shall receive for

something he has invented and patented and which the Government appropriates to its own use.

Mr. SIMPSON. Let me ask the gentleman a question.

Mr. SOUTHARD. Certainly.

Mr. SIMPSON. Supposing the Government of the United States, through the Navy Department, should select some patent as a useful one, would not the board of naval officers sit on the question and determine its usefulness, and therefore, to a certain extent, determine the availability of their own patents in some cases?

Mr. SOUTHARD. I suppose somebody would be called upon to decide as to the usefulness of the invention——

Mr. SIMPSON. And that would be a decision as to their own claim.

Mr. SOUTHARD. Somebody must decide every case which comes up for consideration. Nobody would be allowed to decide his own case, and those most familiar with the invention and the work to be performed will be in the best position to decide in reference to the usefulness of a patent.

It has been said that invention will not be stimulated by reason of the Government giving to the inventor the fruits of his invention; that in the Army and Navy of the United States patriotism itself is a full and sufficient incentive to bring out all the powers of those engaged in this service.

Now, Mr. Speaker, it seems to me that, while patriotism may have much to do with stimulating inventive progress on the part of the officers of the Army and Navy, self-interest, added to patriotism, can not fail to afford additional encouragement to all those who have a genius for invention. We want the very best efforts of the ablest and the best men in the country in order to obtain the greatest results in inventions, as well as in all other directions; and it seems to me that we should offer every facility to men in the Army, in the Navy, and elsewhere to do things which will lead to useful inventions and to the procuring of valuable devices to be used by the public.

I have never seen any reason why a different rule should prevail with reference to people in the Army and Navy from that which prevails with reference to people engaged in the ordinary walks, avocations, and pursuits of life. Every employee of the Government is as much entitled to the benefit of his invention as the employee of the individual or corporation; and it seems to me that every employee of the Government, whether he be an officer or a private, should receive compensation when the Government takes possession of and uses his invention; and the amendment here proposed simply provides a reasonably sure and certain method by which he may obtain such compensation.

Mr. HILBORN. I yield ten minutes to the gentleman from Ohio [Mr. NORTON].

Mr. NORTON of Ohio. Mr. Speaker, I have listened with great interest to the discussion of this bill, and with some anxiety and surprise as well.

I shall not attempt to go into a discussion of the law of the case, but I want to say that I have no sympathy with gentlemen upon both sides of this House who have inveighed so bitterly against this amendment, and in order to defeat it, by inferences if not by direct statement, have cast aspersions upon the men upon whose bravery, genius, intelligence, patriotism, and courage depends, in this day and hour, the honor and perhaps the life of the nation.

I want to say, first, that so far as my knowledge goes, and I believe it is as great as that of any man upon this floor on this subject, the officers of the Navy have never demanded of this Government, either by petition, by letters, by lobby, or any combination of means, that you should grant them any such a privilege as this amendment proposes. Yet I believe that privilege is an inherent right. I have listened to gentlemen from the far West who came upon this floor hostile to the Navy of the United States, determined never to vote even a dollar of appropriation for the purpose of building a navy, who now are ready to give their support to it, but who are not so wholly converted to the idea of defending our seacoasts as to be willing to let go of the idea that the Navy is inefficient and that the men who officer it are negligent of duty and do nothing.

I have listened to gentlemen who spoke of the great goodness and beneficence of this Government in educating our naval officers. Our Government has educated every one of you. Millions more have been appropriated to educate men in the shops, men in the different Departments, men upon this floor than have ever been paid out to naval officers or for their instruction. But suppose you are educating them, what of it? Every nation of civilization and decency does the same.

Mr. HAMILTON. How did the Government educate us all?

Mr. NORTON of Ohio. Why, the public educates you, and the people are the Government, and by the assessment upon the property of all to raise the school funds you are educated.

Now, let me say this in regard to what a naval officer does in entering the service: He gives some sacrifice as well as receives some benefit. He yields to the Government an obedience by which he almost wholly loses his identity as a citizen. In so far as his own will is concerned, he becomes a machine in the hands of the Government.

Mr. HAMILTON. Does he not seek the job?

Mr. NORTON of Ohio. His duties are assigned to him day by day. He does that which many of you would not do for a thousand times the pay.

Mr. HAMILTON. Does he not seek the job?

Mr. NORTON of Ohio. He separates himself from his family, yields up almost everything that endears a man to life, and willingly gives it to his Government. Now, if the gentleman from Michigan has any question to ask me and will ask it in an audible voice, I will listen to him.

Mr. HAMILTON. I ask you if he does not seek the place?

Mr. NORTON of Ohio. Did you seek yours?

Mr. HAMILTON. Oh, yes.

Mr. NORTON of Ohio. Then, sir, if you should invent something to-day, while you are a Congressman, would you claim that the Government had a right to take it away from you and give you no benefit?

Mr. HAMILTON. Oh, the positions are not at all analogous.

Mr. NORTON of Ohio. You owe your time and duty to this Government and to your constituents every day and every hour while serving as a Congressman just as much as a naval officer does to the General Government. And each individual naval officer renders in each and every year more valuable service to the Government than dozens of Congressmen that might be named.

Mr. HAMILTON. Why should you limit the benefit of the law to officers?

Mr. NORTON of Ohio. I am not limiting it to officers. I am not even asking it for officers.

Mr. HAMILTON. The bill does.

Mr. NORTON of Ohio. But I want to say to you that I see man before me who recognize the truth of what I say whose mouths have been closed upon this floor when questions arose pertaining to naval affairs simply because they might be charged with self-interest. I charge now, for the first time, perhaps, upon this floor, that the Government of the United States, under its laws, assisted by Congress, have done simply outrageous things against both the Army and the Navy. I charge that you have made almost absolute beggars of the naval officers of the United States. I can point you not to one, but to fifty or a hundred men who during the last year have received a total compensation not exceeding eleven hundred dollars upon which to support themselves and their families, maintain the honor and dignity of their Government, who are compelled either to seek means from their homes or to resign from the Navy.

You sent naval officers abroad under the glorious Mahan and others to entertain, and compelled them to entertain, in order to maintain the dignity of the United States, and ensigns, lieutenants, and captains were compelled to go down into their own pockets and pay cash in order to entertain the officers of other governments, and were compelled to come home bankrupt and in debt, having had to borrow money in order to decently maintain the honor and dignity of the American Navy and our flag and to sustain an appearance of respectability. This has been going on for years, and naval officers have uncomplainingly borne with the shameful wrong, concealed it from the officers of the foreign navies, and given that which was necessary to maintain their families to the aggrandizement and building up the fame and good name of this country.

Mr. SIMPSON. How many applicants did the gentleman have from his district of young men who wanted to become "beggars?"

Mr. NORTON of Ohio. My dear sir, I have but one at this time, and he is the son of an officer who gave up his life in the naval service of the United States; and this young man is willing to give his life, dedicate his life to the service, and he is not asking pay for an invention. You gentlemen might as well reach to the brain of a man who has filled the full measure of his duty to the Government, and has done all that the Government has asked him to do, filled every hour of his assignment of duty; and if, in the hours of rest allotted even to a railroad man or a hod carrier, when his head should be on his pillow, he invents something, you will reach in with a sordid hand, ready to rob and steal that from him.

As well might you take from a man who is endowed with education, experience, and genius who shall make a painting and put it on the wall, not in the hours that he owes to the Government, but in the time which is his own, and sell it and give the proceeds to the Government. So you go through with the whole list, until at last you begin to believe that these men are Hessians, and that you have a right in their homes and have a right and a legal right upon their offspring. I would not be surprised to hear some gentleman claim that if a naval officer were married and had children, they belonged to the Government and that they could use them as they pleased.

Mr. DOVENER. And if he have a wife, she belongs to the Government.

Mr. NORTON of Ohio. Then I understand the gentleman from West Virginia, who is always apt in grave considerations, suggests that if an officer has a wife, that she, too, belongs to the Government.

Mr. DOVENER. And if he write a poem, that it belongs to the Government.

Mr. NORTON of Ohio. It is an amusing thing to see gentlemen crying out that this amendment is an unholy outrage, to hear them say that men inventing anything while in service shall not charge anything for those inventions. Why? Because, they say, the law says they shall not? Is there any law upon the statute books that says as much? Can you point to a law anywhere that says that when a man goes into the Navy you have the right to the offspring of his genius, that may have been given to him by the direction of God himself, when it may have been developed when he was not connected with the service of the United States, and in hours that he has a right to, that the rules of the Navy give him as his own—then you still insist that he may not have that?

You demand of him his life and his service. All that he has given to you; but then you go further, and when he has done all this duty, and in hours of his own, in the hours of God-given rest, you insist that he shall not even have a thought that shall not belong to this Government. It is a wrong way in which to treat these men possessing such talents. Let this be understood. Why, there are men on this floor who are taken away with the idea that they, the officers of the Navy, receive not only pay, but are boarded and clothed by the Government. Out upon such ignorance as that! Do you not know that the naval officers of this Government pay every dollar of their own sustenance and that the Government does not give them a dollar for sustenance and clothing. The Government even reaches into their pockets and assesses them for the maintenance of the marine band at the place of their education. [Applause.]

They are assessed to maintain that which the Government in all fairness ought to furnish, and that in various ways which is not only onerous but works a grievous wrong. Mr. Speaker, the naval officers of the United States Navy are men of honor, of genius, and education, and no government on earth can produce men of greater merit or cleaner character. They are at this hour the hope and strength, the great reliance, of this Government; and yet they are the poorest paid, the least rewarded, of all.

There are men who have given a third of a century to the service of the Government to-day standing upon the bridges of our battle ships whose pay is less than that of political appointees in useless positions in the Departments. There are men standing in the turrets of our monitors who have given fourteen and fifteen years of service who, in this hour of war, are scarcely paid as much as one of the doorkeepers of this Chamber. If you can not give them justice, let me plead with you, in the name of decency, not to give them insults.

Mr. HILBORN. I yield five minutes to the gentleman from Pennsylvania.

Mr. OLMSTED. Mr. Speaker, it seems to me that there is some misapprehension of the real principle involved in this amendment. If I correctly understand the gentleman from North Carolina [Mr. LINNEY], his argument was to the effect that it is contrary to public policy for the Government even to make use of any invention by a naval officer. I do not so understand the law, nor do I understand that the matter here involved is at all comparable with the case of a naval officer or any other officer of the Government practicing before any of the Departments. The act does not apply to any case except where the Government of the United States has already granted a patent to an inventor.

So very important did the framers of our Constitution consider the encouragement of inventions that in the Constitution itself, before they conferred upon Congress the power to declare war, they conferred on it power to secure to inventors for a limited period the exclusive right to the use of their inventions. In pursuance of that constitutional authority Congress has passed statute after statute, and has established a separate department of the Government known as the Patent Office. Under these laws patents are granted to inventors for a period of seventeen years, granting to them the exclusive right to use the thing covered by their invention. That right is by act of Congress made assignable.

That patent constitutes a contract between the Government and the inventor, a contract the property in which is just as valuable and just as sacred as the contract in a Government bond. I refer you to the decision and to authorities cited in the Westinghouse case, reported in volume 151 of the State Reports of Pennsylvania. You may just as well reach into a man's bank vault and take out his Government bond or into his pocket and take out a greenback note as to reach into and impair the value of this patent, this contract, which has already been granted to him by the Government of the United States. Now, I insist that it was not contrary to public policy for the Government to enter into that contract with him, otherwise the patent would never have been authorized, would never have been granted to the inventor, who was at the time in the Government employ.

If there is anything unwise about that, then the patent laws should be amended.

This act applies only to cases where the patent has actually been issued under the Constitution and laws of this Government and the right of the inventor has vested in that contract. Further than that, Mr. Speaker, you propose to use that contract where it has passed out of the possession and ownership of the inventor, and having been sold and assigned by him under the authority of the law, is held by third parties not in the employ of the Government. You propose to use all these inventions. You propose to permit the Government to take them. It has no more right to take them without compensation than it has to take any other property of these individuals. We propose and provide in this act that now, we being engaged in war, they may be taken by the Government whenever the Secretary of the Navy determines that the interests of the public require the use in the naval service of the inventions covered by such patents.

Ordinarily where a patent or a patented article is used the owner of the patent has the right arbitrarily to fix the value. He may absolutely withhold the article or the use of his invention unless his price is paid. Here in this act the Government is given the authority to take it without any previous contract, and pay for it, not at his price, not at the price to be determined by any naval officer nor any naval board, but by the Court of Claims in the first instance, and with the right of appeal to the Supreme Court of the United States. After those tribunals have determined what is fair compensation he must come to Congress and get an appropriation before he can get any money; and if Congress thinks the amount too high, it will not allow the claim nor appropriate funds for its payment. With all these safeguards, what wrong can be done under the bill?

If the work was done by the inventor while in the pay of the Government or with the aid of Government materials or facilities, all those things are specifically required to be taken into account and proper deduction made, and very properly so. I see nothing contrary to public policy in encouraging inventions which may be of vast use to the Government. I should prefer to consider this matter in the form of a separate enactment rather than as an item—somewhat irrelevant—in this great naval appropriation bill. But the Senate has placed it there and the conferees have agreed upon its retention. If the House shall fail to agree to this report, a further conference will be necessary; and thus delay the enactment into law of this appropriation so urgently demanded by the immediate necessities of the naval warfare in which the country is engaged.

The SPEAKER pro tempore (Mr. MOODY in the chair). The time of the gentleman from Pennsylvania has expired.

Mr. NORTON of Ohio. Mr. Speaker, I ask unanimous consent that I may extend the remarks I made in the RECORD.

There was no objection.

Mr. HILBORN. Mr. Speaker, I now yield two minutes to the gentleman from Missouri [Mr. PEARCE].

Mr. PEARCE of Missouri. Mr. Speaker, I do not propose to occupy the time of the House in any further remarks, but I ask unanimous consent to print some remarks upon this amendment and also upon amendment 56.

There was no objection.

Mr. BOUTELLE of Maine. Mr. Speaker, I would suggest now that the gentleman from Illinois [Mr. CANNON] consume the balance of his time.

Mr. CANNON. I now yield five minutes to the gentleman from Ohio [Mr. NORTHWAY].

Mr. NORTHWAY. Mr. Speaker, when this debate opened I had little idea of presenting my views on the subject, but as it progressed I saw one difficulty presenting itself to which I thought I would call the attention of the House. It is just this: I see a difference on the part of good lawyers as to what the law is and the effect of the passage of this amendment. Now, the use of a patent is a matter of business, and this amendment pertains to a matter of business, or else it has no place here. I have listened to the various gentlemen around here as to the rights of the Government in the patent of an officer of the Government. Some claim one thing and some claim another. This thing is certain: Either this amendment changes the law or there is no use in it.

If it does change the law, what law does it change, and how does it change it? What are the rights of the Government and the naval officer now in a patent issued by the Government to the officer? I am not a patent lawyer myself so that I claim to know, but certain it is that there are certain rights existing between the Government and the naval officer, just as between the Government and anybody else. Has the Government a right now to appropriate a patent issued to a naval officer without paying him for it? If so, why do we want to change it now? If it has no such

right, why do we want to give the Government now the right to appropriate a patent and pay for it as provided for in this amendment?

Mr. WALKER of Massachusetts. Will the gentleman allow me a suggestion?

Mr. NORTHWAY. Certainly.

Mr. WALKER of Massachusetts. This does not change the law about compensation at all; it only provides the methods by which the compensation may be adjusted.

Mr. NORTHWAY. As I understand the suggestion of the gentleman, the Government has now the right to appropriate a patent issued to an officer in the Navy and must pay for it.

Mr. WALKER of Massachusetts. It must pay him for the use of it.

Mr. NORTHWAY. How?

Mr. WALKER of Massachusetts. Just as you do anybody else. They have the right to take the property and use it now, but they must compensate him.

Mr. NORTHWAY. How do they compensate him?

Mr. WALKER of Massachusetts. By a bill in Congress.

Mr. NORTHWAY. Then you propose to take away from Congress the right which it has always exercised and give it over to the Court of Claims—a court that we always fight when we come to make appropriations.

Mr. WALKER of Massachusetts. Even then Congress has got to make the appropriation.

Mr. NORTHWAY. Mr. Speaker, I believe this to be the law, I have no doubt of it, that a patent issued to a naval officer is his private property just as much as a patent issued to me, unless it is issued upon something that that officer is specially assigned to investigate and improve. That is the law, as I believe. Now, if it is the law that the patent belongs to the naval officer just as much as to an individual, why not let it remain there?

Mr. SIMPSON. And not give him any special privileges.

Mr. NORTHWAY. No. I want to tell you in this amendment there is some mighty change proposed somewhere, and I want to tell you that as consistent, conservative men we ought to have the opinion of the Judiciary Committee on a section of a statute like this as to what law it changes, and how it changes it.

Mr. SHAFROTH. I will ask the gentleman whether this measure does not change the law in this respect, that it allows those officers who have been assigned to experimental duty and who use that experimental duty for the purposes of invention to invent something while in the performance of that duty for which they are recognized as entitled to compensation?

Mr. NORTHWAY. I am going to notice just that point. In my opinion that is just where the whole secret of this provision lies.

Mr. SHAFROTH. That is just where most of these inventions are made.

Mr. NORTHWAY. The Government has a right to contract with a naval officer for a patent, just as it has to contract with an individual, and to pay him for it. But if you pass this amendment, you take from the Government the right to buy or pay for a patent, although it may desire to do so. Read the last sentence of this provision and say why it is put on here:

The Secretary of the Navy is hereby prohibited from making any contract or payment for the use of any patent taken out by any naval officer.

This is the sort of legislation in which Congress is engaged today under an exhortation to pass it in three minutes. You take from the Secretary of the Navy the right not only to buy a patent, but to make any payment for the use of it. If this provision should become law, the only way the Secretary of the Navy can get a patent will be to forcibly take it; and then he is prohibited from making payment for it to the extent of a single cent, even though the patentee may be willing to accept the sum that the Government is willing to pay.

Mr. COOPER of Wisconsin. I see that the gentleman objects to this particular clause——

Mr. NORTHWAY. My objection is not founded on this clause alone.

Mr. COOPER of Wisconsin. The gentleman objects to this particular clause prohibiting the Secretary of the Navy from making a contract of that kind. Instead of such a provision being objectionable, does not the gentleman think that to invest the Secretary of the Navy with power, in his discretion, to buy patents, paying his own price for them, is exceedingly dangerous?

Mr. NORTHWAY. A dangerous power? No, sir. From the very foundation of our Government up to the present time he has been buying these patents until every earthly thing we have in the shape of a war vessel is covered by patents. And now you are going to overturn the whole system by which we have acquired those patents; and at the same time you are going to deprive Congress of the right to say anything about the matter. You take away from the Secretary of the Navy the right to make a contract for the purchase of a patent or to pay a dollar for one, and thus you force all questions involving payment for the use of a patent into the Court of Claims. You compel the Secretary of the Navy to appropriate that which you say is property and at the same time you prohibit him from buying it as though it were property.

I submit there is some mighty change here in the law; and we ought to have the opinion of the Judiciary Committee upon it, after they have coolly taken time to investigate the whole matter. Let them report to this body what the law is, and what this measure proposes in the way of change, and what the change is expected to bring about. I submit that as a lawyer I ought not to vote for any such amendment as this without such a report from the law committee of the House.

Another thing: I should be glad to know why you permit a naval officer who has sold or assigned his patent and received for it maybe thousands of dollars—why you permit him, and not the individual to whom the patent has been sold and assigned, to come in after the Secretary of the Navy has appropriated that patent and recover compensation for it? That is what this amendment does. This is the language:

That whenever, in the judgment of the Secretary of the Navy, the public interests require the use in the naval service of any invention or discovery covered by letters patent issued to any officer of the Navy, whether retained in his ownership or assigned to others, said Secretary shall proceed to use said invention or discovery in the manner and to the extent required by such naval service, and such royalties and compensation as may be equitably due such officer, considering all the circumstances—

After the officer has sold his patent and received his pay you propose by this provision to let him go into the Court of Claims and recover royalties due somebody else.

Mr. OLMSTED. How much does the gentleman think would be found due such a man if he had sold his patent?

Mr. NORTHWAY. If he can recover nothing, why, in God's name, should this provision be framed as though there would be something due him?

Mr. BARHAM. That is to provide for the case of a reserved royalty.

Mr. NORTHWAY. Why is this language here? Talk about the Court of Claims not giving a man anything after the Government has forcibly taken his property! Talk about the Court of Claims not undertaking to say that a man shall receive three or four times what he would be willing to sell his patent for to the Secretary of the Navy, if the Secretary of the Navy were permitted to buy it! Wait till the first bill comes in here asking us to appropriate money for the use of property forcibly taken by the Secretary of the Navy, and then you will learn that in these cases royalties amount to something. Do gentlemen want to force such a measure as this upon the Government and bring upon our heads this kind of trouble? If so, they may do so. For one I will not vote for any such measure until I am obliged to do so.

Another thing: The gentleman from Ohio has grown red in the face as he talked about the rights of naval officers; as he declaimed about their patriotism, etc.; as he urged that we ought not to take from them certain property; as he argued that the fact of their belonging to the Navy ought not to deprive them of any right which they may have by virtue of their inventions. If the argument of the gentleman is sound, I should like to know the reason for the provision I am about to read. Mark, will you, the basis for the figuring out of the amounts to be awarded by the court in these cases:

Such royalties and compensation as may be equitably due such officer—

Now, mark this language—

considering all the circumstances connected with the making of the invention or discovery, and especially all facilities in originating, working out, or perfecting the invention which the officer may have enjoyed by reason of his official position.

You are authorizing no official proposition which is to be considered by a court of claims in determining this matter. You tell us that the mere fact that a man belongs to the Navy ought not to be considered, as if the fact that he was educated by the Government and received $500 a year during his period of service as a student in the institution, either in the Military Academy or the Naval Academy, was of no earthly consequence. You say it shall be taken into consideration in figuring his pay and that is all. Now, let us see what is the basis of that proposition.

The SPEAKER pro tempore (Mr. MOODY in the chair). The time of the gentleman from Ohio has expired.

Mr. CANNON. Mr. Speaker, I desire to modify my resolution somewhat. I desire to withdraw the resolution heretofore offered and modify it so as to read: "That it is the sense of the House that the House conferees insist upon Senate amendment No. 23 being stricken out, and not agree to the same."

The SPEAKER pro tempore. The gentleman from Illinois withdraws his first proposition and presents a modification of the same, which the Clerk will now report.

The Clerk read as follows:

Resolved, That it is the sense of the House that the House conferees insist upon the Senate amendment No. 23 being stricken out, and not agree to the same.

Mr. CANNON. Mr. Speaker, I have made objection to the

adoption of this conference report, especially with regard to the item now under consideration. I do not, however, by failing to object to certain other items of the bill, desire to be understood as giving my approval thereto.

We fought out a policy for the bill on its passage through the House. I thought then, and think now, with the Senate amendments, that there is twice as much carried or authorized by the bill as ought to have been carried or is necessary to be carried for the safe conduct of the war in which we are now engaged. But after a full discussion the House of Representatives concluded to adopt the policy to build up a great navy for the future, without reference to existing conditions or the present war.

Mr. Speaker, I always make the best fight I can according to my judgment in support of the views I entertain. But when I see that the issue is determined against me, I there stop, because further fight is futile and a waste of time. But I do not want, by failing to refer to other matters embodied in this bill, to be understood as giving to the policy now proposed my approval or consent.

In time of war or in the preparation for anticipated war, a spirit of patriotism makes us move forward, a willing people, in any direction of public expenditure that may seem necessary. It affects the House and its affects the Senate, and we go along legislating and appropriating the public moneys on lines that we would not touch in times of peace. We are willing to make appropriations and authorize expenditures in time of war that we would not consider for a moment in time of peace.

Now, that condition is creditable to the general patriotic sentiment of the people of this country. But like everything else in life, it has its weaknesses. There are people among the 70,000,000 of population of the United States that stand ready to avail themselves of the patriotic sentiment of the country and get tacked on to the patriotic measures of the representatives of the people that which ought not to be enacted into law, for their own benefit. And when the war is over and they have fastened themselves like barnacles or leeches on the body politic, on the great patriotic measures which have been enacted in support of the people, we find them, the war being over, still hanging on, unworthy, from a patriotic standpoint, even to be mentioned, but ready to receive from the Treasury of the United States all they can possibly receive in the way of premiums, emoluments, or otherwise.

Mr. Speaker, I am not going to abuse anyone or any committee for acts which I believe will not be of benefit to the people of this country. I am speaking now only of the facts as I find them. And I speak of these facts for the purpose of pointing out, if I may, the necessity of careful and thorough consideration of all such measures as that under consideration, especially in times like the present. Let us cut off the "barnacles" wherever we can and let the worthy measures go through.

Now, I made the point of order on the pending bill. I think that point of order was well taken. But I will admit it was on a provision that ought to be enacted into law, in my judgment. I will admit that.

For instance, the conference committee authorized the enlistment of certain marines—1,500, I think. That proposition was not in the Senate amendments to the House bill, nor was it in the House bill itself. But my information and belief is that the President ought to have the power to enlist them; and if it had not gone into the pending bill it would necessarily have been followed by a bill that would carry that provision.

Therefore I regretted to be compelled to make that point of order. But I thought I saw that I could accomplish what I desired to accomplish in that point of order in another way. And hence, under the circumstances, the agreement was entered into waiving the point of order, namely, that we might have the report disagreed to, and the particular item now under consideration discussed, and if disagreed to as to the item to which I refer, that the matter would go back to conference, and either this evening or Monday morning the conferees could meet again, and being instructed by the House touching the amendment which has been discussed to-day, they can bring in a report divested, if the House so desires, of this particular amendment. That is the present condition with reference to the amendment to which special exception has been taken.

Now, I do not want to arraign the Committee on Naval Affairs in the House for this amendment. They did not have anything to do with it, except to agree to it. It originated in the Senate. What is it? A matter of appropriation? No. It is a matter of bald legislation. Does it fight this war? No. Does it save a life? No. Does it take Havana? No. Does it enlist men? No. Does it pay men? No. What does it do, then? If it does none of these things, and was not in order in the Senate under their rules, and violates all our rules, and does not fight the war or the battles of the country, in the name of God what is it here for? [Laughter and applause.]

Mr. SIMPSON. It does not even kill a mule.

Mr. STEPHENS of Texas. Do you not think this legislation is vicious in this, that it makes a distinction between the officer and the private in the Navy?

Mr. CANNON. Oh, yes, it is vicious, in my opinion, from every standpoint.

Mr. GAINES. And does it not induce men to lose sight of the flag, and go into the patent business?

Mr. CANNON. Now, Mr. Speaker, I will very quickly conclude what I want to say. What is the law? First, what is a patent? It is a creature of law that allows the citizen certain privileges. It lives by legislation. You could repeal the legislation in the twinkling of an eye, and your patents to everybody would be gone. But our policy has been to have legislation. It creates property in the patentee. Now, any citizen of the United States can obtain a patent if he has made a patentable invention. It is his.

Here are a small number of men in the Army and Navy. Under the policy of the Government they represent the arm of force. They are people who are set aside out of the ordinary avocations of life. You take the youth at 16—take him from his parents—and hundreds want to be taken where one can be taken. You send him to the Naval Academy. You educate him, pay him wages from the beginning, clothe him, teach him to be a good naval officer, giving him the highest grade of education. What for? To defend the country. That is our policy. You give him a commission when he graduates. He has a life place. When he comes to the age of 62 or 64 he goes upon the retired list, and from early youth to the grave he gets a compensation much greater than the average man in the United States gets in the private walks of life.

Take 25,000 men, or a much less number than that; but you may take all the naval officers and all the army officers, and take a similar number of boys as they start in civil life, and the naval and army officers have much the best compensation. Well, I am glad they have. It devotes them to the service of the Government. Now, they belong to the Government and the Government belongs to them, for their maintenance.

Now, we have a War Department and a Navy Department. We have a Secretary of War and a Secretary of the Navy from civil life. Who is at the head of the Bureau of Equipment? A naval officer. Who is at the head of the Bureau of Construction and Repair? A naval officer. Who is at the head of the Bureau of Yards and Docks? A naval officer. At every point in the Army and Navy is a trained army officer or naval officer who was educated by the Government. What is he there for? To direct the building of ships, the building of yards and docks——

Mr. SPALDING. And guns.

Mr. CANNON. And guns, and all that kind of thing. He is an expert. He is at the head. What does Secretary Long know about ships and guns? What does Secretary Alger or any other Secretary know about such things? Simply nothing—and they do not pretend to know about them. If you ask them a question, they say, "We will consult the Chief of Ordnance," if it is necessary to make guns. Or, if it is necessary to build ships, here is your naval constructor. Now, you want efficient men, you want honest men, you want men free from temptation; and we take them from this class of men whom the Government has educated. Now, what does this bill do? I hold in my hand a reference to the decision of the Supreme Court which says in substance that if an officer makes an invention in the line of his investigation, in the performance of his duty, that that invention, when the Government uses it, is the property of the Government, without pay—and that is right.

Mr. JOHNSON of Indiana. But you say differently in the resolution you sent up to the desk.

Mr. CANNON. Let the gentleman read my resolution.

Mr. JOHNSON of Indiana. You say:

Resolved, That it is the sense of the House——

Mr. CANNON. Oh, well——

Mr. JOHNSON of Indiana. You invited me to read it.

Mr. CANNON. If my friend will turn over on the other side, he will see the resolution I offered.

Mr. JOHNSON of Indiana. Oh, yes; but that was an afterthought. I mean your first resolution, in which you declared that the law should be amended.

Mr. CANNON. Mr. Speaker, there is a resolution pending which I am talking about and which I had read at the commencement of my remarks.

Mr. JOHNSON of Indiana. I know, but I am talking about your first resolution.

Mr. CANNON. What is the use in talking about last year's birds' nests? Let us talk about what is before the House.

Mr. JOHNSON of Indiana. I want to show how you shifted your ground.

Mr. CANNON. I am in favor of striking out this provision, because it is, in my opinion, an unwise and corrupting piece of legislation which is proposed here. [Applause.]

Mr. GAINES. And the Senate report that I hold in my hand

shows that fact, in the case of Commander Folger and the Harvey patent.

Mr. CANNON. Now, just listen a minute, and I will tell you why I think so.

Mr. JOHNSON of Indiana, without rising, made a remark.

Mr. CANNON. If my friend from Indiana will let me have the floor for a few minutes, I shall be obliged to him.

Mr. JOHNSON of Indiana. I beg the gentleman's pardon. My conversation was not directed to him. I did not intend to interrupt him.

Mr. CANNON. Now let me give you an instance, a case within my own knowledge and that of many other members of this House. Take Crozier and Buffington, two army officers—and mind you, the same provision is on the fortification bill, differing only in that one is for army officers and the other navy officers, in hæc verba. These are two very good army officers, one of them from the district of my friend from Iowa [Mr. HEPBURN]. Some years ago they were detailed by the Chief of Ordnance to experiment in the making of a disappearing carriage. They made disappearing carriages. That is the carriage that goes up and down with high-power guns.

On the experiments made in Government shops at Government expense that invention was made. There are people outside, many of them, who say that they have invented better disappearing carriages than the Crozier-Buffington carriages. My committee has been called upon to recommend their carriages in preference to the Crozier-Buffington carriages, and these parties claim that the Crozier-Buffington carriages were adopted by the Chief of Ordnance by favoritism. I do not know whether they are right or not. They are good disappearing carriages; but people in private life are making carriages which they say are equal to the Buffington and Crozier carriage.

Now, under the decision of the Supreme Court, if they get a patent they can not charge the Government one cent for the use of it by the United States. Why? Because it was the product of an investigation in the line of duty. Now, what does this provision do? This provision sends Buffington and Crozier into the Court of Claims, where they have not now a right to go any more than they have to go to heaven without dying, and the court may give them as much as they require. [Laughter.] Now, that is but an example of what comes under my knowledge. Oh, but I am told there are hundreds of honest men in the Army and Navy.

Now, mind you, the man that passes on every article in the construction of ships, of ordnance, of making ammunition, is an army or a navy officer, and it lets that same army or navy officer—if it is a construction or appliance that shall be used, invented even by himself, or, if it is not his own invention and is his brother officer's—it lets him determine on it, and you know the kindly feeling in professions of one with another. It gives him power to take the article that is invented by himself or brother officer and put it into the universal service of the Army or Navy, and lets him go to the Court of Claims; and when the Court of Claims renders a judgment, we have got to pay it. You know we pay judgments of the Court of Claims.

Now, as I say, it is true that there were other matters in this bill that I wanted to talk about and protest against. I have one in mind now where there is $450,000—put on by a Senate amendment, not by the House; the House was anxious to get it through and fight—where, by a Senate amendment, it is worse than thrown away; but when that $450,000 is thrown away we have merely lost the money. When you put this legislation on the statute books you put legislation there that demoralizes the Army and Navy and breaks down the spirit of honor in the service. Many army officers have said to me in the last two days, "I hope that legislation will not be enacted." I hope it will not be enacted!

One of them said, "We have hardly ever had a war but it has broken down the reputation of the ordnance officers." I guess Rodman was not a bad man; but we recollect all about that in our early life. The Chief of Ordnance at the close of the Mexican war absolutely anathematized, even without this legislation! They have got to pass upon the thing used. They have got to do the best they can, and when you say they must pass upon devices, they must, and when they pass upon them and use them as soon as the Court of Claims gives a hearing and renders a judgment, you do that which demoralizes the Army and Navy. Is there any statute of limitations here? No.

If this amendment should pass, for the first time the army and navy officer can go into the court and sue. His right of action has accrued, and as his right of action accrues when this bill is enacted, it would go back for fifty years. Now, when you shall have been here as long as I have, gentlemen of the House of Representatives, and you understand about the great number of people that are seeking to make a living by the practice of their professions, lawyers and otherwise, in the District of Columbia; when you realize what the atmosphere is that surrounds the Congress and surrounds the courts in the District of Columbia; when you realize that how to get money out of the Treasury by legislation or judgment or otherwise is virtue and not getting it out of the Treasury is vice [laughter]—in a local sense; I am not abusing the courts; it is the same about all capitals—I think when you realize all that, and when I say further that in my judgment with this legislation enacted, and its twin in the fortification bill, $25,000,000 will not pay the judgments of the Court of Claims first and last to be rendered. Although some may think it is a little thing, I have felt that it was my duty, without antagonizing anything or anybody, as an American Representative, to make the best fight I could to get that Senate amendment out, and I am going to ask this House to adopt that resolution, which is to insist on striking out this amendment, and let our conferees then, with the expression and instruction of the House, go back and meet the Senate conferees to-night or Monday and bring us this bill in with that amendment stricken out—and I have no doubt they can do that—and then the bill will be enacted, and the money can be got just as quick as it would if we voted down this amendment and agreed to the conference report to-night.

Now, I believe that is all I desire to say. I hesitate many times in the American Congress, representing 70,000,000 people, the greatest nation on earth, a nation in time of peace that collects and disburses way up toward $500,000,000—I hesitate many times before I speak of trifling matters or little things, but when a matter like this, that is an absolute elephant, comes here presented by another body and a demand made that before the war appropriations shall be written upon the statute books this corrupting elephant shall go through, I for one protest. [Applause.]

Mr. TALBERT. I would like to ask the gentleman if his resolution in the modified form strikes out this section?

Mr. CANNON. Yes.

Mr. BOUTELLE of Maine. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Thirty-three minutes.

Mr. BOUTELLE of Maine. Mr. Speaker, we have had for three hours a demonstration of how small a mouse can emerge from the traditional mountain in labor. The gentleman from Illinois [Mr. CANNON] who has just closed worked himself up to a fine frenzy of indignant eloquence over what he calls a bad and "corrupting" piece of legislation incorporated into the naval appropriation bill. It does not seem so to me. It seems to me to be a very innocent provision. It was a provision that the Senate had a right to put into the bill under its rule, and we found it there. It did not seem to us obnoxious in its appearance or purpose, and it did not appear to the conferees on the part of the House that it furnished any pretext for disagreement in the conference involving the vast interests that are carried in this bill.

It is very amusing to see how regularly a naval appropriation bill brings a certain coterie of opposition to its feet. It is an old story. There is something about a naval appropriation which operates upon the chairman of the Committee on Appropriations like a red rag upon an enraged bull. [Laughter.] The moment I take the floor and call for a vote on a naval appropriation, we hear a wail from the Appropriations Committee, and we all know what the cry means. It is a very simple thing.

It means that away back in the Forty-ninth Congress, under a Democratic Administration, it was found absolutely necessary to break the monopolistic control of all the appropriations for the entire Government service by the single Committee on Appropriations in the House, and to vest jurisdiction over some of the principal appropriation bills in the special committees having the time and opportunity to acquire some knowledge of the subjects-matter, which of course greatly decreased the power and pretensions of the members of the one committee that had previously spread itself out over the whole of the business affairs of the United States. That change, which has proved so beneficial to some of the most important branches of the public service, has been stubbornly resented and resisted ever since, and is the real cause of these periodical outbreaks of assault upon the other committees of the House. [Laughter.]

I am glad to hear the laughter come so spontaneously from the gentleman from Missouri [Mr. DOCKERY], because it enables me to say, what you have so often observed, that whenever an appropriation comes from anywhere but from that committee which the Hon. James B. Belford, of Colorado, used to designate as the "white-button mandarins of the House," it brings two members to their feet, one on either side of the Chamber. They seem to be hung on some kind of a pivot or axis. The movements of the gentleman from Illinois [Mr. CANNON] and the gentleman from Missouri [Mr. DOCKERY] remind me on these occasions of one of those familiar toy barometers in which when the old man pops in the old woman pops out, and vice versa. [Great laughter.]

Now, we have heard a great deal about the conferees having perpetrated a great outrage on the House——

Mr. SIMPSON. "My conferees."

Mr. BOUTELLE of Maine. No; you were not one of my conferees; but you said a while ago that you wanted to be, and I told

you that we had cranks enough on the Naval Committee now. [Laughter.]

Mr. SIMPSON. I agree to that, and the majority of them are Republicans.

Mr. BOUTELLE of Maine. The gentleman need not explain; you can not paint the Kansas lily. Now, Mr. Speaker, I was amused when the gentleman from Missouri [Mr. DOCKERY] was claiming that the Naval Committee had done something, sometime, somewhere, in regard to some such measure as he says he was informed! A powerful argument! I do not know that the Naval Committee ever had this matter under discussion. I do not believe it ever did. I know it ought not to have it under the rules of this House.

But I do know, and most of the gentlemen who have talked on the other side of this question seemed to have forgotten, a fact which I have only been able to verify in detail within a few minutes, although I remembered it, that this great body of the House of Representatives in the very last Congress passed a bill recognizing every iota of the propositions involved in this paragraph of the conference report. I hold in my hand House bill 4175, introduced by Mr. HILBORN of California, January 16, 1896, and referred to the Committee on Patents, where it properly belonged, and it was reported to the House on the 28th of February, 1896, and referred to the House Calendar, and was passed by the House on January 18, 1897, by a unanimous vote, with all of our wise and distinguished lawyers presumably present.

Mr. OLMSTED. Was the gentleman from Illinois [Mr. CANNON] present?

Mr. BOUTELLE of Maine. I presume the gentleman from Illinois was here and approved of it. That is the legal and parliamentary presumption. That bill was substantially the same as this provision, although not, in my judgment, so well guarded. It provided—

That whenever, in the judgment of the Secretary of the Navy, the public interests will be promoted by the use in the naval service of devices covered by letters patent which may be hereafter issued to any officer of the Navy, whether retained in his ownership or assigned to others, the United States may acquire the right to use said device upon such terms or at such rate of compensation as may be determined to be just and equitable by a board of not less than three naval officers, appointed for the purpose by the Secretary of the Navy, and in determining the compensation to be paid by the United States for the assignment or for the use of such devices regard will be had to any facilities in originating the work or perfecting the invention which the inventor may have enjoyed by reason of his connection with the public service, and the decision of said board shall be subject to approval by the Secretary of the Navy.

That bill passed this House without a word of dissent from the lynx-eyed chairman of the Committee on Appropriations, neither Damon nor Pythias on either side of the Chamber uttering a word of disapproval, so far as I am aware. [Laughter.]

Mr. BLAND. Allow me one inquiry. I understand that bill refers to any inventions hereafter made.

Mr. BOUTELLE of Maine. That does not help the House out much. I will print the text in full. The clause to which the gentleman refers was either a House or Senate amendment.

Mr. BLAND. I am speaking of the bill itself.

Mr. BOUTELLE of Maine. The bill as I read it contains as an amendment these words, "which may be hereafter."

Mr. BLAND. That is the law now, is it not?

Mr. BOUTELLE of Maine. No; the bill did not pass the Senate. It passed this House in its original form.

Mr. BLAND. Do I understand the gentleman to say that that is the law now?

Mr. BOUTELLE of Maine. No; that bill did not pass the Senate, although it was reported back to that body with an amendment from the Senate Committee on Naval Affairs. This matter, as I understand, is covered now under the general law, the Supreme Court having held that officers of the Government are not divested of their rights in a patent because of their official position.

Mr. JOHNSON of Indiana. But the gentleman from Illinois [Mr. CANNON] disagrees with the Supreme Court.

Mr. CANNON. That is the gentleman's assumption. I have not disagreed with the court.

Mr. JOHNSON of Indiana. Certainly you did. You stated the law on this floor directly to the contrary of the opinion of the court.

Mr. BOUTELLE of Maine. I make that statement the basis of what I heard stated here and heard read here this afternoon by the honorable gentleman from Iowa [Mr. HEPBURN], a distinguished lawyer whom I am not afraid to quote as authority and a gentleman who has had special experience as Solicitor-General of the Treasury Department, thus familiarizing himself with these matters of official decisions. I am not going to discuss this question——

Mr. JOHNSON of Indiana. The equally distinguished lawyer from Massachusetts [Mr. WALKER] also took that position. [Laughter.]

Mr. BOUTELLE of Maine. I understood the gentleman from Massachusetts to make a very able argument, but did not note that he cited the provisions of the law.

Mr. JOHNSON of Indiana. He stated it while the gentleman from Illinois shook his finger under his nose.

Mr. BOUTELLE of Maine. I am not going to argue this case at all. I think it is sufficiently clear to every right-minded man that the provision which is so seriously objected to simply furnishes a method of determining the degree and value of a right that is now guaranteed to these officers by the law of this country, and it certainly can work no injury to anybody. The adjudication of the Court of Claims in a case of this kind, like all the findings of that court, must come to Congress for appropriation. If there is any harm done by adopting this provision, if even my distinguished friend from Illinois can coin some new figment of the brain between now and next week or next month to scare us with, Congress will be here and we can amend this law if we so desire. That something of this kind ought to be done is, to my mind, obvious. But at any rate, I wish to impress upon this House the fact, which must be even more clear, that there is nothing threatening, dangerous, or iniquitous about this provision.

I will explain how the provisions became a part of this bill. The rules of the Senate are different from ours. The amendment was inserted in that body in the exercise of what it claims to be its parliamentary right, and for one I should not have felt justified in hazarding a disagreement or obstructing an agreement upon this great conference report for anything short of a matter of vital importance; and as we thought this measure was a legitimate one, we agreed to it.

I had no idea when the gentleman from Illinois started in here yesterday that he was going to focus his whole battle line upon this little provision. I did not know exactly where he was going to fire. That he would attempt to obstruct this conference report in some way I felt sure [laughter], because he is generically opposed to building up the great fighting force of the Navy. Yet I want to say, in my place here to-day, that if it were not for that class of our ships—the powerful battle ships of our service—for the construction of the first three of which, as chairman of the Committee on Naval Affairs in the Fifty-first Congress, I had the honor to draft the legislation, which was enacted against the opposition of the gentleman from Illinois and the gentleman from Missouri—if it were not for those great battle ships to-day, the superiority of our Navy in power over even that of Spain would be an uncomfortable problem to solve.

The ships, Mr. Speaker, that are enabling us now to carry our flag, in full confidence of victory, are vessels for which, I may be permitted to say, I labored in season and out of season, and which the gentleman from Illinois [Mr. CANNON], I think in every session of a Republican Congress, when we had to be responsible for the appropriations, labored to oppose.

I have no apology to make to-day to the American people or to the American Congress for my insistence at all times in pushing the construction of ships powerful enough to uphold our flag against the strongest vessels that can be brought against them in time of war. How the gentleman from Illinois may feel on this subject I know not; but I am sure that while I have been conservative in everything that has tended to rush this Government unprepared or half prepared into a great international strife that I earnestly believe might have been honorably and satisfactorily averted, some other gentlemen upon this floor, impatient for bloodshed at that time, now hesitate on the threshold, aye, after we have passed the threshold, and are delaying the necessary preparations for the work that must go forward; for it should be remembered that these war provisions must now be made, the work must be done, because the "Rubicon has been crossed."

Our men are already at the front, on the perilous edge of battle. It is no longer a question of discretion or alternatives. We have sat here and voted that our sailors and soldiers should imperil their lives in conflict, and our ships and men are alreday in battle array. You gentlemen have decreed this yourselves. You done it either from patriotic conviction, or you have done it like cowards, sending other men to encounter dangers from which you are exempt. Will you sit here and haggle and quibble and dicker about sending them supplies and reenforcements with which to conduct the struggle into which you have plunged them? Will you stand and deny them or delay the essential support for which demand is made upon this Government?

Mr. Speaker, I ask the House to adopt the report of the conference committee——

Mr. HENRY of Mississippi. I would like to interrupt the gentleman to ask if he proposes to say that because the members of the House choose to oppose this single proposition we are not prepared and have not been prepared from the very first to vote all of the supplies that are necessary? On the contrary, let me tell the gentleman that we have voted everything that was asked.

Mr. BOUTELLE of Maine. Mr. Speaker, if I may be permitted to proceed——

Mr. HENRY of Mississippi. And do you propose to charge the whole House with opposition to the preparations for necessary war measures because they oppose this single item?

Mr. BOUTELLE of Maine. I ask the House to adopt the report which the committee of conference have brought in, to strengthen the Navy along the lines that the most careful consideration has demonstrated to be necessary for its support in a time like this.

Mr. HENRY of Mississippi. We have been entirely willing to support the Government, and are willing to do so in every way.

Mr. BOUTELLE of Maine (continuing). And this objection to matters of minor importance does not, in my judgment, afford a reasonable ground for objection to the pending report, which seeks only to fortify the power of the nation in this time of war. [Applause.]

Mr. HENRY of Mississippi. Will the gentleman allow me?

Mr. BOUTELLE of Maine. I beg to decline. I have but a few minutes of my time remaining.

Mr. Speaker, I am glad, and the people of the country are glad, that the American Congress has not always followed the counsels of those men who are so constantly found opposing the strengthening of our Navy. When we brought the appropriation bill originally into the House a short time ago, the gentleman from Illinois was promptly on his feet with his ally and squire behind him, seeking to strike from the bill its vital portions, seeking to strike out part of the provision for the great ships on which we rely to-day against Spain, and on which we must rely in the to-morrows, if perchance we shall come in conflict with some other and more powerful nation than that which now confronts us.

I do not forget that we have not done all that we should do. I may not have come up to the full measure of my own public duty in this regard, but I can claim that I have done something; and while I was opposed, as I always have been opposed, to war when it can be honorably avoided, I am glad to know that to-day, away down there in the Caribbean Sea, the Navy of the United States is of a character at least to give reasonable sense of security as to the outcome of conflict with that nation with which we are now at war.

Let me tell you briefly what the change has been in our Navy in comparatively few years. Fifteen years ago the "Star-Spangled Banner" was not flying on a single modern ship of war, not one. We had not a modern gun afloat in the Navy of the United States. We could not make a ton of armor in this country. In fifteen years, while we have not done all that we ought to have done in that direction, we have at least accomplished a notable work, for the character of which we have no reason to feel ashamed. In that period the total appropriations for the naval service of the United States, that is, for the regular expenses of the service and the construction of ships and ordnance, has amounted to $387,987,840, including the present bill. During that time, in the five years in which it has been my privilege as chairman to present the naval appropriation bills to the House, we have appropriated $172,688,000, or almost 50 per cent of the whole amount which has been provided for this purpose in one-third of the whole period.

During that time we have increased the authorization of vessels of the new Navy, including those in the present bill, by 258,014 tons, and of that amount it has been my pleasure to introduce bills that have finally carried 130,860 tons, nearly 51 per cent, in three years.

The appropriations for the increase of the Navy during that period, including the present bill, have been $151,117,597, and the bills reported from the committee of which I have been chairman have in five years carried $73,862,647, or nearly one half.

The increase of the naval force of enlisted men during the fifteen years has been 5,500 men, of which the committee of which I was chairman have provided 4,750 of the men in three years, an increase without regard to the exigency provision in the present bill.

When we come to the increase of the armament of the Navy in fifteen years, starting from a condition where we had not a single modern gun afloat, we have put afloat and authorized, including the provisions of this present bill, a Navy capable of throwing at every full discharge of its guns 122,260 pounds of metal; and of that amount, the ships that have been authorized by the committee during the five years of my chairmanship have put afloat and will put afloat, in the vessels completed and authorized, guns capable of 63,928 pounds of all-round fire at every discharge, or more than one-half.

The number of ships shows a similar proportion. We have built in fifteen years' time 114 vessels of all classes, of which 57, or precisely 50 per cent, have been reported and authorized in bills originated in the committee while I have been chairman in one-third of that time.

Of torpedo boats and destroyers there have been 63 authorized, of which 51 have been authorized in the five years specified. And the record shows that the first torpedo cruiser authorized in this country was authorized in the same appropriation that carried the first 3 battle ships in the Fifty-first Congress.

I may also be permitted to note that of the 4 first-class battle ships in commission to-day—the *Indiana*, *Massachusetts*, *Oregon*, and *Iowa*—3 of them were provided, and of the 12 battle ships authorized to date, no less than 9 have been provided for in bills that I have had the honor to report to the House.

In presenting this summary of my stewardship I make no claim to undue personal credit, for every member of the committees with whom I have been associated has been zealous, industrious, and earnest in promoting the great work accomplished, while much admirable work has been done under the other distinguished chairmen with whom I have served.

The Senate committees are also entitled to full recognition for their liberal share in what has been achieved, and I make full acknowledgment of the valuable services of all the patriotic legislators and others who have contributed to such gratifying progress in the building of our new Navy.

Mr. Speaker, I have no apology to make for the amount carried by this conference report. We have sought to meet the exigencies of the occasion as they appealed to us. We have had only a purpose to strengthen the Navy in every part and in every arm. To-day the brave sailors on our ships are awaiting the response of the American Congress to their needs. To-day the recruiting officers are waiting for the authority conferred in this bill. To-day every patriotic heart in this great country of ours is looking to Washington to note the promptness and enthusiasm with which the great popular branch of our National Legislature shall respond to the demands of the hour for the support of those we have sent to the front.

Every breeze that comes from the south or from the far islands of the Pacific may come freighted with the roar of the cannon of our Navy in hostile encounter with those of Spain. Every tick of the telegraph may bring to us news of gravest import. To-day we are informed that the Government of Spain has its fleet upon the high seas bound no one knows whither, but with no proclaimed enemy except the United States.

I ask this House in this solemn situation not to hesitate, not to delay, but to respond to the demand of the people and the demand of the occasion by passing promptly and heartily the bill of supplies which now rests upon the Speaker's table. [Applause and cries of "Vote!" "Vote!"]

The SPEAKER. The Clerk will report the resolution offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

Resolved, That it is the sense of the House that the House conferees insist upon Senate amendment No. 22 being stricken out, and not agree to the same.

The question being taken, Mr. BOUTELLE of Maine demanded the yeas and nays, but withdrew the request and demanded a division.

The House divided; and there were—ayes 118, noes 42.

Accordingly the resolution was agreed to.

Mr. BOUTELLE of Maine. Mr. Speaker, I should like to ask if the Chair holds, as I assume he does, that that is equivalent to a disagreement? What is the will of the body in regard to the conference report?

The SPEAKER. The gentleman can move that the Senate be asked for a further conference.

Mr. BOUTELLE of Maine. Mr. Speaker, I am somewhat troubled by a grave doubt as to what the House wants. I have no preference about the matter.

The SPEAKER. The usual course is to move for a further conference.

Mr. BOUTELLE of Maine. Mr. Speaker, I move that the House ask the Senate for a further conference.

The SPEAKER. The House having insisted upon its rejection of the conference report, the gentleman from Maine moves that the House request a further conference with the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. BOUTELLE of Maine, Mr. HILBORN, and Mr. CUMMINGS.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I desire to present a privileged report. I am directed by the Committee on Appropriations to report back the sundry civil appropriation bill, with the Senate amendments thereto, and to recommend nonconcurrence in all of the Senate amendments.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, reports back the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, and moves nonconcurrence in the Senate amendments.

The motion was agreed to.

Mr. CANNON. Is this the stage at which to ask for a conference?

The SPEAKER. It is.

Mr. BOUTELLE of Maine. I hope this is an honest bill. [Laughter.]

Mr. CANNON. I will say, Mr. Speaker, as I move to request a conference with the Senate, that no bill from the Committee on Appropriations, in conference or at any stage of its consideration,

has ever been used as a vehicle for a discourteous answer to any member of the House. I move that the House ask for a conference with the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS.

MOTION TO RECONSIDER.

Mr. JENKINS. Mr. Speaker, I desire to enter a motion to reconsider the vote by which the bill (H. R. 5880) to vest in the Commissioners of the District of Columbia control of street parking in said District was passed.

The SPEAKER. Does the gentleman desire to dispose of that motion now?

Mr. JENKINS. I am perfectly willing to take it up now.

The SPEAKER. It would be in order, if the gentleman desires it.

Mr. PAYNE. Mr. Speaker, I understand this is a Senate amendment, and all the gentleman desires to do is to have the bill referred to the Committee on the District of Columbia.

Mr. JENKINS. If the motion can be entered, I will let it go over until Monday morning.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled the bill (H. R. 5512) granting to the Chattanooga Rapid Transit Company the right to cross, with its track, the Dry Valley road to the Chickamauga and Chattanooga National Park; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CARMACK (on the request of Mr. MCMILLIN), indefinitely, on account of sickness in his family.

To Mr. WEAVER (on request of Mr. BROWN), indefinitely, on account of serious illness in his family.

To Mr. BODINE, indefinitely, on account of important business.

To Mr. STEWART of Wisconsin, for two weeks, on account of important business.

To Mr. MILLS, for twelve days, on account of sickness in his family.

To Mr. FARIS, for ten days, on account of important business.

To Mr. COWHERD, for ten days, on account of important business.

NAVAL BATTALION IN THE DISTRICT OF COLUMBIA.

Mr. HILBORN. Mr. Speaker, I ask to take from the Speaker's desk the bill S. 1316 for present consideration.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the bill which the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That in addition to the companies of volunteer militia now authorized in the District of Columbia there may be organized not more than 4 companies of naval militia, which shall constitute a battalion to be known as the naval battalion of the National Guard of the District of Columbia.

SEC. 2. That the officers of the naval battalion shall consist of 1 commander, and a staff to consist of 1 executive officer with the rank of lieutenant-commander, 1 navigating officer with the rank of lieutenant, 1 signal, ordnance, and equipment officer with the rank of lieutenant, 1 chief engineer, 1 paymaster, and 1 surgeon, each with the relative rank of lieutenant.

SEC. 3. That each company shall consist of 1 lieutenant, 1 lieutenant, junior grade, 2 ensigns, and not less than 60 nor more than 100 petty officers and enlisted men.

SEC. 4. That in all matters not otherwise specially provided for, the provisions of law which provide for the organization of the militia of the District of Columbia shall apply to the naval battalion.

SEC. 5. That general routine of duty, discipline, and exercises of the naval battalion, and parts thereof, shall conform with the laws, customs, and usages of the Navy, as far as the same apply, and where they do not apply then such routine of duty, discipline, and exercises shall conform to the laws governing the volunteer forces of the District of Columbia.

Mr. HILBORN. Mr. Speaker, I offer the following amendments.

The SPEAKER. The gentleman offers his bill with the following amendments.

Mr. HILBORN. To satisfy the objections of the gentleman from Texas.

The Clerk read as follows:

Section 1, line 3, strike out the following words: "in addition to the companies of" and insert the following words: "as a part of the."

Also, in section 2, line 10, the word "relative" be stricken out.

Mr. BAILEY. With those amendments I think the bill is a proper one, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HILBORN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HILBORN. Now I ask that the bill H. R. 1152, which is identical with this, and which has been reported back with a favorable recommendation by the Naval Committee, be laid on the table.

The SPEAKER. Without objection, the House bill will be laid on the table.

There was no objection.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 18 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John Griffin and Sarah Griffin against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an urgent estimate of deficiency in the appropriation "Pay, miscellaneous" for the current fiscal year—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of the Navy submitting an urgent estimate of deficiency in the appropriation for contingent expenses, Navy Department, for the current fiscal year—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting estimates of appropriation for defraying the expenses of collecting the customs revenue for the fiscal year ending June 30, 1899—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes, reported the same with amendment, accompanied by a report (No. 1235); which said bill and report were referred to the House Calendar.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 4361) amending "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893, reported the same with amendment, accompanied by a report (No. 1238); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. CUMMINGS, from the Committee on the Library, to which was referred the joint resolution of the House (H. Res. 117) directing a suitable shaft to be placed at the grave of John Tyler, reported the same without amendment, accompanied by a report (No. 1236); which said resolution and report were referred to the Union Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. EVANS: A bill (H. R. 10182) to amend the internal-revenue laws relating to distilled spirits, and for other purposes—to the Committee on Ways and Means.

By Mr. MUDD (by request): A bill (H. R. 10183) to provide for the payment of Northern Liberty Market House claims against the District of Columbia by drawback certificates—to the Committee on the District of Columbia.

By Mr. WALKER of Massachusetts: A bill (H. R. 10184) to amend an act entitled "An act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments," approved May 22, 1896—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROUSSARD: A bill (H. R. 10185) for the relief of Eugene Augustin Bourcy, of St. Martin Parish, La.—to the Committee on War Claims.

By Mr. CASTLE: A bill (H. R. 10186) to increase the pension of Henry C. Ray—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 10187) for the relief of J. B. McCall—to the Committee on Military Affairs.

By Mr. DORR: A bill (H. R. 10188) to relieve Anderson Walker from the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 10189) granting a pension to J. B. Garvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10190) granting an increase of pension to Michael Matheney, late of Company E, Thirteenth West Virginia Infantry—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 10191) granting a pension to Herman Fiescher, of Louisville, Ky.—to the Committee on Pensions.

By Mr. HAY: A bill (H. R. 10192) for the relief of Henry Doll, of Shenandoah County, Va.—to the Committee on War Claims.

By Mr. HENRY of Mississippi: A bill (H. R. 10193) for the relief of the estate of William E. Bolls, deceased, late of Jefferson County, Miss.—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 10194) to place on the muster roll the name of Francis M. Miller—to the Committee on Military Affairs.

By Mr. KNOWLES: A bill (H. R. 10195) granting a pension to James Parsloe—to the Committee on Invalid Pensions.

By Mr. LEWIS of Washington: A bill (H. R. 10196) to relieve Thomas Hayne, of the State of Washington—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELKNAP: Three petitions of business firms and citizens of Chicago, Ill., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, 58 petitions of business firms and citizens of Chicago, Ill., in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: Petitions of Woman's Christian Temperance unions of Whitford and Concord, Pa., favoring bills to raise the age of protection for girls, to forbid the interstate transmission of lottery messages by telegraph, and in favor of a bill to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance unions of Concord, Whitford, and Kennett, Pa., Rev. J. H. Earps, Rev. R. A. Hunter, and other citizens of Kennett, Pa., favoring the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. CODDING: Petitions of the Woman's Christian Temperance Union and Methodist Episcopal Church of Equinunk, Wayne County, Pa., for the passage of bills to prohibit interstate gambling by telegraph, to raise the age of protection for girls to 18 years, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church and Woman's Christian Temperance Union of Equinunk, Pa., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. COWHERD: Petition of J. H. Burgan and other citizens of Higginsville, Mo., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, 19 petitions of R. S. Anderson, E. W. Whitson, E. E. Wilson, W. W. Burge, D. Rankin, James Montague, R. Carson, W. E. Sharp, W. H. Ward, R. E. L. Bailey, J. J. Devine, R. F. Black, E. M. McKee, R. Alexander, V. L. Johnson, L. H. Smith, Finley Rock, D. G. Smith, and others, citizens of the State of Missouri, protesting against the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Petitions of the Christian Church of Eskridge, Kans., for the passage of bills to forbid the interstate transmission of lottery messages, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of the Christian Church of Eskridge, Kans., to forbid the sale of intoxicating beverages in Government buildings—to the Committee on Public Buildings and Grounds.

Also, resolutions of Lincoln Post, No. 1, Department of Kansas, Grand Army of the Republic, asking that section 1754 of the laws of the United States, relating to military or naval service, be amended—to the Committee on the Judiciary.

Also, resolutions of Local Union No. 18, Coopers' International Union, of Kansas City, Kans., protesting against the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Carbondale, Toronto, Severy, Eureka, and Peabody, Kans., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DINGLEY: Petition of the Maine Annual Conference of the Methodist Episcopal Church, held at Norway, Me., for the passage of bills to forbid interstate transmission of lottery and other gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Maine Annual Conference of the Methodist Episcopal Church, asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Maine Annual Conference of the Methodist Episcopal Church, for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. DOCKERY: Petitions of the Woman's Christian Temperance Union of Braymer and the Church of Newhampton, Mo., to raise the age of protection for girls and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union of Braymer and the Church of Newhampton, Mo., in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. DORR: Paper to accompany House bill for the relief of J. W. Topping—to the Committee on Pensions.

Also, paper to accompany House bill to remove the charge of desertion against Anderson Drake—to the Committee on Military Affairs.

By Mr. DOVENER: Affidavits, power of attorney, and other papers in support of bill for the relief of Jacob W. Hudson, of Weston, W. Va.—to the Committee on War Claims.

By Mr. FITZGERALD: Resolutions of the Merchants' Association of Boston, Mass., in favor of the passage of Senate bill No. 3354, relating to the interstate-commerce law and the prerogatives of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the city council of Boston, Mass., urging the immediate completion of the United States navy-yard in the Charlestown district of Boston—to the Committee on Naval Affairs.

Also, resolution of the department of municipal statistics of Boston, Mass., asking for the annual publication of the main features of the official statistics of the cities of the United States having over 30,000 population—to the Committee on Labor.

Also, petition of the United States Brewers' Association, protesting against the imposition of any additional tax on beer—to the Committee on Ways and Means.

Also, resolutions of the Boston Merchants' Association, Boston Society for Medical Improvement, Pilgrim Fraternal Association of Boston, Municipal League of Boston, Mass., Trades League of Philadelphia, Pa., and the New England Shoe and Leather Association, expressing approval of the efforts of President McKinley and Secretary of the Navy to preserve peace and avoid international war between the United States and Spain—to the Committee on Foreign Affairs.

Also, resolutions of the Boston Stationers' Association, in favor of the enactment of the currency bill of the monetary commission—to the Committee on Banking and Currency.

Also, petition of C. B. Day and other traveling salesmen, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petition of Rev. Joseph Boardman and the Congregational Church of Barnet, Caledonia County, Vt., praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the District of Columbia.

Also, petitions of M. L. Smith and the Young People's Society of Christian Endeavor of the Congregational Church of Barnet, Vt., favoring the enactment of legislation to protect State anti-cigarette laws and to forbid the interstate transmission of lottery messages by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petitions of M. L. Smith and the Young People's Society of

Christian Endeavor of the Congregational Church of Barnet, Vt., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HITT: Resolutions of the Illinois societies of the Sons of the American Revolution, indorsing the conservative action of the President and Congress—to the Committee on Foreign Affairs.

Also, petitions of citizens of Milledgeville, Ill., for the passage of bills to forbid interstate transmission of lottery messages by telegraph and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of citizens of Milledgeville, Ill., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Milledgeville, Ill., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

By Mr. KULP: Resolutions of the Homeopathic Medical Society of Germantown, Philadelphia, Pa., asking for the same recognition in the National Guard, the State military, and the State hospital service as is or may be granted to any school of medicine—to the Committee on Military Affairs.

Also, letter of R. U. Johnson, of New York, against House bill No. 8428, in reference to Executive order of February 22, 1897—to the Committee on Appropriations.

Also, petition of the Woman's Christian Temperance Union, Epworth League of the Methodist Episcopal Church, and Christian Endeavor societies of the Reformed and Presbyterian churches of Orangeville, Pa., for the passage of a bill to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of certain churches and societies of Orangeville, Pa., and Methodist Episcopal Church of Bloomsburg, Pa., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. McCALL: Resolution of the Massachusetts State Board of Trade, in favor of a bill to increase the merchant service, and approving any bill by which new lines of steamers may be built, of the most modern type, by American labor and American capital, that could be used, in case of war as an adjunct to our Navy—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Massachusetts State Board of Trade, pledging to uphold the President, Secretary of the Navy, and Congress in the interest of peace, or for preparation for war when peace measures fail, and calling for prompt and vigorous action—to the Committee on Foreign Affairs.

By Mr. SHAFROTH: Petitions of the Highland Woman's Christian Temperance Union and Christian Endeavor Society of the Highland Christian Church, of Denver, Colo., for the passage of bills to forbid interstate transmission of lottery and other gambling matter by telegraph and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petitions of the Highland Woman's Christian Temperance Union and Christian Endeavor Society of the Highland Christian Church, of Denver, Colo., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. SHATTUC: Petition of the Young People's Christian Union of the First Universalist Church of Cincinnati, Ohio, favoring the passage of a bill prohibiting the sale of intoxicating liquors in the Capitol building and grounds—to the Committee on Public Buildings and Grounds.

By Mr. SHERMAN: Petition of Division 360, Order of Railway Conductors, Massillon, Ohio; J. M. McCulley and 32 others, Sanford, Tenn.; J. S. Woakum and 22 others, Lone Mountain, Tenn.; J. H. Pitts and 20 others, Catawba, N. C.; A. E. Dickinson and R. H. Pitt, editors of the Religious Herald, and 6 others, Richmond, Va.; J. M. Wright and 14 others, Sugar Valley, Ga.; J. B. Stopp and 15 others, Miles, Ala., favoring the passage of House bill No. 7130 and Senate bill No. 1575 relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Arizona (by request): Petitions of the Methodist Episcopal Quarterly Conference held at Mesa, Ariz., for the passage of bills to forbid interstate transmission of lottery and other gambling matter by telegraph, to raise the age of protection for girls to 18 years, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also (by request), petition of the Methodist Episcopal Quarterly Conference held at Mesa, Ariz., urging the passage of a bill to prohibit the sale of liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. STARK: Petition of the Woman's Christian Temperance Union of Beatrice, Nebr., in favor of the passage of the Broderick bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal Church, First Presbyterian Church, and Woman's Christian Temperance Union of Beatrice, Baptist Church and Epworth League of Tobias, and Woman's Christian Temperance Union of Surprise, Nebr., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Baptist Young People's Union of the First Baptist Church, physicians and teachers and Epworth League of Tobias, and Woman's Christian Temperance Union, Methodist Episcopal Church, and First Presbyterian Church of Beatrice, Nebr., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Petition of the Chamber of Commerce of St. Paul, Minn., asking that relief be given to the Indian farmers of the White Earth Indian Reservation—to the Committee on Indian Affairs.

Also, resolution of the Chamber of Commerce of St. Paul, Minn., against the passage of House bill No. 8428, in reference to Executive order of February 22, 1897, suspending indefinitely the orders creating forest reservations—to the Committee on the Public Lands.

Also, petition of the Chamber of Commerce of St. Paul, Minn., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. THORP: Petitions of John A. Chappel, C. L. Wright, and other citizens, of Petersburg; Graham Campbell, W. H. Glasscock, and others, of Burkeville; J. R. Leigh, Henry Wood, and others, of Clarksville; J. B. Tuggle and others of Nottoway County, E. V. Carson and others of Chesla, W. L. Tucker and others of Finneywood, all in the State of Virginia, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *May 2, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. TURPIE, and by unanimous consent, the further reading was dispensed with.

DISPOSITION OF USELESS PAPERS.

The VICE-PRESIDENT. The Chair makes the appointment of a special committee to whom shall be submitted the schedule of papers and documents on the files of the Treasury Department which are not needed in the transaction of public business and have no permanent value or historical interest. April 16 and April 21 the Secretary of the Treasury sent communications to the Senate giving a list of such useless papers and papers without value. Under the law the Chair is required to appoint a committee of two Senators to act in conjunction with a similar committee appointed on the part of the House of Representatives, to whom the papers or schedules shall be referred. In obedience to that law, the Chair appoints the Senator from Illinois [Mr. CULLOM] and the Senator from Missouri [Mr. COCKRELL] as the committee to whom this reference shall be made. If there is no objection, there will be a transfer of the reference heretofore made from the Committee on Finance to the special committee now appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 1316) to provide for organizing a naval battalion in the District of Columbia in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes; further insists upon its disagreement to the amendments of the Senate to the bill; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BOUTELLE of Maine, Mr. HILBORN, and Mr. CUMMINGS managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8426) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two

Houses thereon, and had appointed Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 2691) to amend section 9 of an act entitled "An act to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes;" and

A bill (H. R. 5880) to vest in the Commissioners of the District of Columbia control of street parking in said District.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print and bind 3,000 copies of Senate Miscellaneous Document No. 67, Fifty-second Congress, second session, being a compilation of Senate election cases from 1789 to the close of the present session of Congress.

The message also announced that the House had passed a bill (H. R. 10100) to provide ways and means to meet war expenditures; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. 409) to prevent the adulteration of candy in the District of Columbia;

A bill (H. R. 1263) for the relief of John Fox;

A bill (H. R. 5457) for the relief of Richard Kennish;

A bill (H. R. 5511) granting to the Chattanooga Rapid Transit Company the right to cross with its track the Dry Valley road to the Chickamauga and Chattanooga National Park;

A bill (H. R. 8738) for the survey of the pass leading from the Gulf of Mexico into Horn Island Harbor, Mississippi, and a survey of said harbor;

A joint resolution (H. Res. 24) relative to the medal of honor authorized by the acts of December 21, 1861, and July 16, 1862;

A joint resolution (H. Res. 119) for the improvement of Humboldt Harbor, California; and

A joint resolution (H. Res. 149) directing the Secretary of War to submit plans and estimates for the proposed improvement of Hillsboro Bay, Florida, from its confluence with Tampa Bay, through Hillsboro Bay and River to the city of Tampa.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask the Chair to lay before the Senate the action of the House on the sundry civil appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, and requesting a conference with the Senate.

On motion of Mr. ALLISON, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask that the naval appropriation bill be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, and requesting a further conference with the Senate.

On motion of Mr. HALE, it was

Resolved, That the Senate further insist upon its amendments to the said bill disagreed to by the House of Representatives and agree to the further conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. HALE, Mr. QUAY, and Mr. GORMAN were appointed.

DISTRICT NAVAL BATTALION.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1316) to provide for organizing a naval battalion in the District of Columbia.

Mr. HALE. I move that the Senate disagree to the House amendments and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. CHANDLER, and Mr. SMITH were appointed.

PETITIONS AND MEMORIALS.

Mr. DANIEL presented a petition of the Chamber of Commerce of Richmond, Va., praying that an appropriation be made for the improvement of the James River in that State; which was referred to the Committee on Commerce.

He also presented a petition of the legislature of the State of Virginia, praying for the enactment of legislation providing for the erection of a monument in memory of the late Matthew Fountain Maury, of Virginia; which was referred to the Committee on the Library.

He also presented a memorial of the board of health of Norfolk, Va., remonstrating against the passage of the so-called Spooner health bill; which was ordered to lie on the table.

He also presented a petition of the common council of Petersburg, Va., praying for the enactment of legislation providing for the establishment of a national park on the battlefields around that city; which was referred to the Committee on Military Affairs.

He also presented a petition of Osceola Lodge, No. 47, Knights of Pythias, of Roanoke, Va., praying for the enactment of legislation to establish a national Pythian sanitarium on the United States reservation at Hot Springs, Ark.; which was ordered to lie on the table.

He also presented petitions of the officers and members of the Second Battalion of Infantry of Virginia; of the First Battalion of Artillery of Virginia; of Company C, Second Battalion of Infantry, Virginia State Guard, and of Company B, Second Battalion of Infantry, Virginia State Guard, praying that House bill No. 2876, to promote the efficiency of the militia, be amended so that the annual appropriation for the National Guard shall be not less than $1,000,000; which were referred to the Committee on Military Affairs.

He also presented a memorial of Typographical Union No. 32, of Norfolk, Va., remonstrating against the passage of the so-called anti-scalping ticket bill, and praying for the passage of the so-called eight-hour bill, the prison-labor bill, the anti-injunction bill, and the bill for the relief of American seamen; which was referred to the Committee on Education and Labor.

He also presented petitions of sundry employees of the Newport News Ship Building and Dry Dock Company, of Newport News; of Richmond Lodge, No. 10, International Association of Machinists, of Richmond; of Old Dominion Lodge, No. 137, International Association of Machinists, of Newport News, and of Union No. 105, Independent Brotherhood of Blacksmiths, of Newport News, all in the State of Virginia, praying for the passage of the so-called eight-hour bill, the prison-labor bill, the anti-injunction bill, and the bill for the relief of American seamen; which were referred to the Committee on Education and Labor.

He also presented petitions of the Board of Trade and Business Men's Association of Norfolk; of Devotion Lodge, No. 403, of Norfolk, and of Crewe Division, No. 349, Order of Railway Conductors, of Crewe, all in the State of Virginia, praying for the passage of the so-called anti-scalping ticket bill; which were ordered to lie on the table.

He also presented a petition of the National Wholesale Lumber Dealers' Association, praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented the petition of G. E. Kellar, jr., and sundry other citizens of Abington, Va., and the petition of R. L. Elliott, W. H. Wilkinson, J. N. Early, and 14 other citizens of Bedford City, Va., praying for the passage of the so-called bankruptcy bill; which were ordered to lie on the table.

He also presented a petition of the heirs and legal representatives of John Kelly, deceased, late of the State of Virginia, praying that their claim be referred to the Court of Claims under the provisions of the so-called Tucker Act; which was referred to the Committee on Claims.

Mr. PASCO. I present the petition of W. Y. Sandlin, chairman of a meeting of growers of sea-island cotton held at Jasper, Hamilton County, Fla., and the petition of M. E. Broome, chairman of a meeting of growers and buyers of sea-island cotton held at Live-oak, Suwanee County, Fla., praying for the imposition of an import and ad valorem duty of Egyptian cotton. Accompanying the petition is a telegram from A. B. Brown, chairman of a meeting of citizens held at Lake City, Fla., and a telegram of the Board of Trade of Lake City, Fla., addressed to Hon. Frank Adams, who is here in charge of this matter.

I move that the petitions, together with the telegrams, be referred to the Committee on Finance.

The motion was agreed to.

Mr. PERKINS presented petitions of the congregation of the Methodist Episcopal Church of South Newport; of the Woman's Christian Temperance Union of Oleta, and of the Christian Endeavor Society of the Friend's Church of Long Beach, all in the State of California, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance unions of Long Beach and Oleta; of the congregations of the Presbyterian Church of Elk Grove, the Methodist Episcopal Church of Long Beach, the Methodist Episcopal Church of Newport, and the United Presbyterian Church of San Jose, all in the State of California, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Oleta; of the congregations of the Methodist Episcopal Church of Calistoga, the Presbyterian Church of Elk Grove, and the Methodist Episcopal Church South of Newport; the Christian Missionary Alliance of Santa Clara, and the Epworth League of Santa Clara, all in the State of California, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Chamber of Commerce of Juneau, Alaska, praying for the adoption of certain amendments to the bills relating to the southeastern district of Alaska; which was referred to the Committee on Public Lands.

Mr. QUAY presented the memorial of E. Hendron and 12 other manufacturers and jobbers in tobacco and cigars, of Lancaster, Pa., remonstrating against the proposed increase of the internal-revenue duty on cigars, cigarettes, and tobacco; which was referred to the Committee on Finance.

Mr. LODGE presented a resolution adopted by the Massachusetts State Board of Trade, favoring the action taken by the President and pledging their support to the Administration in the present crisis; which was ordered to lie on the table.

He also presented a petition of the Department of Municipal Statistics, of Boston, Mass., praying for the enactment of legislation providing for the publication of the financial statistics of cities; which was referred to the Committee on Education and Labor.

He also presented a petition of the Board of Trade of Worcester, Mass., praying that a treaty of reciprocity be entered into between the United States and the Dominion of Canada and the Crown Colony of Newfoundland; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Merchants' Association of Boston, Mass., remonstrating against the enactment of legislation enlarging the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Merchants' Association of Boston, Mass., praying for the passage of the so-called Spooner health bill; which was ordered to lie on the table.

He also presented a petition of the Massachusetts State Board of Trade, praying for the enactment of legislation to increase the merchant-marine service; which was referred to the Committee on Commerce.

He also presented a petition of the Young Men's Christian Association of Taunton, Mass., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. COCKRELL presented a petition of the congregation of the Compton Hill Presbyterian Chapel, of St. Louis, Mo., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. VEST presented a petition of the Epworth League of the Independence Avenue Church, of Kansas City, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. BURROWS presented petitions of 300 citizens of Cheboygan; of 25 citizens of Boyne Falls; of 300 citizens of Mancelona; of 50 citizens of Williamsburg, and of 60 citizens of Traverse City, all in the State of Michigan, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Ypsilanti, Mich., and the petition of C. F. Johnson and 26 other citizens of Hillards, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented the memorial of Dr. W. T. Dodge, of Big Rapids, Mich., remonstrating against the passage of Senate bill No. 1063, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented the petition of H. McAndrew, of Ypsilanti, Mich., praying for the passage of Senate bill No. 1063, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented petitions of Central City Lodge, No. 121, Brotherhood of Railroad Trainmen, of Jackson; of Rev. P. S. Shoemaker, pastor of the Congregational Church of Ransom, and of D. E. Hills, of Greenville, all in the State of Michigan, praying for the passage of the so-called anti-scalping ticket bill; which were ordered to lie on the table.

He also presented petitions of the congregations of the Presbyterian Church of Hastings, the Methodist Episcopal Church of Woodland, the Adventist Church and Young People's Society of the Christian Church, the Evangelical Church, the First Methodist Episcopal Church, the Church of the United Brethren, and the Presbyterian Church, all of Buchanan; the First Baptist Church of Allegan, the Methodist Episcopal Church of Penn, and the Baptist Church of Detroit, and of the Woman's Christian Temperance Union of Rutland, all in the State of Michigan, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the congregations of the Methodist Episcopal Church and of the United Brethren Church of Woodland; the Presbyterian Church of Hastings; the Evangelical Church, the United Brethren Church, the Presbyterian Church, the Christian Church, the Adventist Church, and Young People's Society, all of Buchanan; the Methodist Episcopal Church of Penn; the Baptist Church of Detroit; the First Baptist Church and the Methodist Episcopal Church of Allegan; of the United Brethren Sunday school of North Castleton, and of the Woman's Christian Temperance Union of Rutland, all in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. GEAR presented a petition of General N. B. Baker Post, No. 88, Department of Iowa, Grand Army of the Republic, of Clinton, Iowa, praying that an appropriation be made for the erection of a monument to the late Gen. Albert Pike; which was ordered to lie on the table.

He also presented a petition of the congregation of the Methodist Episcopal Church, of Epworth, Iowa, and a petition of Good Templar Lodge No. 224, the Young Men's Christian Association, and the Woman's Christian Temperance Union of Clinton, Iowa, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Methodist Episcopal Church of Epworth, Iowa, and a petition of Good Templar Lodge No. 224, the Young Men's Christian Association, and the Woman's Christian Temperance Union of Clinton, Iowa, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Methodist Episcopal Church of Epworth, Iowa, and a petition of the Good Templar Lodge No. 224, the Young Men's Christian Association, and the Woman's Christian Temperance Union of Clinton, Iowa, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Methodist Episcopal Church of Epworth, Iowa, praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

Mr. THURSTON presented a petition of the congregation of the United Brethren Church of Otoe, Nebr., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the congregations of the Methodist Episcopal Church and the Church of God of St. Paul, of the Woman's Christian Temperance Union and the Christian Endeavor Society of St. Paul, and of the Woman's Christian Temperance Union and the Christian Endeavor Society of Otoe, all in the State of Nebraska, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance unions of St. Paul and Beatrice; of the congregations of the United Presbyterian Church of Otoe, the Presbyterian Church of Beatrice, the Methodist Episcopal Church of Beatrice, and the Methodist Episcopal Church and the Church of God of St. Paul, and

of the Christian Endeavor Society of St. Paul, all in the State of Nebraska, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Woman's Christian Temperance unions of Otoe, Surprise, St. Paul, and Beatrice; of the congregations of the Methodist Episcopal Church of Beatrice, the First Presbyterian Church of Beatrice, and the Methodist Episcopal Church and the Church of God of St. Paul, and of the Christian Endeavor Society of St. Paul, all in the State of Nebraska, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented sundry papers in support of the bill (S. 4461) for the retirement of Maj. W. W. Lowe; which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. STEWART. I am authorized by the Committee on Claims to submit a supplemental report on the bill (S. 3545) for the adjustment and payment of certain claims against the Government of the United States, providing for the payment of the California, Oregon, and Nevada war claims. The bill has been heretofore reported from that committee. I move that the report be printed.

The motion was agreed to.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the bill (S. 4159) relative to the payment of claims for material and labor furnished for District of Columbia buildings, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4457) to provide for the establishment of building lines on certain streets in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on the District of Columbia, to whom was referred the bill (S. 4434) authorizing the attorney for the District of Columbia and his assistants to administer oaths and affirmations, reported adversely thereon; and the bill was postponed indefinitely.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 5370) relating to negotiable instruments within the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 6468) authorizing the Supreme Lodge of the Knights of Pythias to erect and maintain a sanitarium and bath house on the Government reservation at the city of Hot Springs, Ark., reported it without amendment, and submitted a report thereon.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 4936) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, to report it with an amendment striking out the House bill and inserting what is known as the omnibus bill, the bill (S. 3545) for the adjustment and payment of certain claims against the Government of the United States. I ask that the index attached to the Senate bill may also be printed with this bill.

The VICE-PRESIDENT. There being no objection, the order will be made and the bill will be placed upon the Calendar.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the bill (H. R. 3391) for the relief of W. H. Barnard and Robert Thomas, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 4200) for the relief of Huff Jones for breach of contract with Indian agent, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (H. R. 9956) granting the Santa Fe and Grand Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona, reported it without amendment, and submitted a report thereon.

Mr. QUAY. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, to report it with amendments, and I submit a report and accompanying papers, which I ask be printed.

The VICE-PRESIDENT. The report will be printed under the rule and the bill will be placed on the Calendar.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom the subject was referred, reported a bill (S. 4522) to provide for the purchase of a site and for the erection of a public building thereon at Ogden, in the State of Utah; which was read twice by its title.

MAPS AND CHARTS OF ALASKA.

Mr. LODGE, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed in pamphlet form 1,000 copies of the Descriptive Catalogue of Maps and Charts of Alaska and Adjacent Regions now in the Library of Congress, 500 copies for the use of the Senate and 500 copies for the use of the Library of Congress.

RIGHT OF WAY UPON PUBLIC LANDS.

Mr. PASCO. On the 14th of March the bill (H. R. 1595) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes, was passed by the Senate with some amendments. It was sent over to the House and subsequently recalled on the motion of the Senator from Colorado [Mr. TELLER]. When recalled, a motion was made to reconsider the vote by which the bill was passed and the vote by which it was ordered to a third reading, and it was referred back to the Committee on Public Lands. I am now instructed by the Committee on Public Lands to report the bill back to the Senate with the recommendation that the amendments made as in Committee of the Whole be nonconcurred in and that the bill be passed as it came from the House. I ask that the measure be now considered, as it has been delayed for some time.

The VICE-PRESIDENT. Is there objection to the present consideration of House bill 1595, reported by the Senator from Florida from the Committee on Public Lands?

There being no objection, the Senate resumed the consideration of the bill.

The VICE-PRESIDENT. The bill is in the Senate, and the question is on concurring in the amendments made as in Committee of the Whole.

Mr. COCKRELL. Let the amendments be read.

The VICE-PRESIDENT. The amendments will be read.

The Secretary read as follows:

Page 1, line 8, strike out the quotation marks.

Page 2, line 19, strike out the quotation marks.

Page 3, line 27, after "irrigation," strike out the period and quotation marks and insert: "; *Provided*, That nothing in this act or the act approved March 3, 1891, entitled 'An act to repeal timber-culture laws, and for other purposes,' or the act approved January 21, 1895, entitled 'An act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes,' or the act approved February 26, 1897, entitled 'An act to provide for the use and occupation of reservoir rights reserved,' shall be so construed as to authorize the appropriation or storage of the waters of any stream or river, State, interstate, or international, to which others below have right by prior appropriation, or the obstruction or interference with the navigable capacity of such streams or rivers; and such appropriation or storage, obstruction or interference, is hereby prohibited."

The VICE-PRESIDENT. The Senator from Florida asks that the amendments made as in Committee of the Whole be nonconcurred in.

The amendments were nonconcurred in.

Mr. HANSBROUGH. I suggest that the bill should be read now as amended.

Mr. PASCO. It is now exactly as it came from the House. No amendment has been made.

The VICE-PRESIDENT. The bill is precisely in the form in which it was sent from the House.

Mr. HANSBROUGH. Very well.

The bill was ordered to a third reading, read the third time, and passed.

QUARTERMASTER'S SUPPLIES, ETC.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, to report it with certain amendments, and I ask unanimous consent that the bill be considered now. It is a war measure and is needed every day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the Committee on Military Affairs was, on page 1, line 4, to strike out the first word "it," before "is;" in the same line, after "suspended," to strike out "in the discretion of the Secretary of War;" and in line 5, after the word "war," to strike out "with Spain;" so as to read:

That the operation of the following provisions of law be, and is hereby, suspended during the existing war, namely:

The amendment was agreed to.

The next amendment was, on page 1, line 7, to strike out "appropriation" and insert "appropriations;" so as to read:

First. The provision of the first section of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes," in the following words:

"*Provided*, That hereafter no part of this appropriation shall be expended in the purchase for the Army of draught animals until the number on hand

shall be reduced to 5,000, and thereafter shall only be expended for the purchase of a number sufficient to keep the supply up to 5,000."

The amendment was agreed to.

The next amendment was, on page 2, line 3, after the word "The," to strike out "provision" and insert "provisions;" and in line 4 to strike out "appropriation" and insert "appropriations;" so as to read:

Second. The provisions of the first section of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1899, and for other purposes," in the following words:

"*Provided*, That hereafter no part of the appropriations for the Quartermaster's Department shall be expended on printing, unless the same shall be done by contract, after due notice and competition, except in such cases as the emergency will not admit of the giving notice for competition: *Provided further*, That after advertisement all the supplies for the use of the various departments and posts of the Army, and of the branches of the Army service, shall hereafter be purchased where the same can be purchased the cheapest, in the markets of the United States, quality and cost of transportation and the interest of the Government considered, except that purchases may be made in open market, in the manner common among business men, when the aggregate amount required does not exceed $200, but every such purchase shall be immediately reported to the Secretary of War."

And the words:

"*Provided*, That the number of horses purchased under this appropriation, added to the number on hand, shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service, and that no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster's Department, and an inspection by such Department, all under the direction and authority of the Secretary of War."

And the words:

"*Provided*, That no more than $1,000,000 of the sums appropriated by this act shall be paid out for the services of civilian employees in the Quartermaster's Department, including those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, camp and garrison equipage; that no employee paid therefrom shall receive a salary more than $150 per month, unless the same shall be specially fixed by law."

The amendment was agreed to.

The next amendment was, on page 3, after line 16, to insert:

Third. Section 3709, Revised Statutes, so far as the same relates to the bureaus of the War Department, and all branches of the Army.

Fourth. All that portion of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes," which requires purchases of amounts less than $200, made without advertising, to be immediately reported to the Secretary of War.

Fifth. So much of the act approved March 15, 1898, entitled "An act making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes," as provides that all employees for the Record and Pension Office of the War Department shall be exclusively engaged on the work of that office.

Sixth. So much of the act approved March 15, 1898, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1899," under the heading Ordnance Department, as provides that not more than $65,000 of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said Department.

And be it further enacted, That during the existing war materials required by the War Department may, in the discretion of the Secretary of War, be purchased abroad and shall be admitted free of duty.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to suspend the operation of certain provisions of law relating to the War Department, and for other purposes."

RELIEF OF MINERS FROM ASSESSMENT WORK.

Mr. STEWART. I am directed by the Committee on Mines and Mining, to whom was referred the bill (S. 4439) to relieve owners of mining claims who enlist in the military service of the United States for duty in the war with Spain from performing assessment work during such term of service, to report it without amendment. No one can object to the bill. I have received several telegrams hurrying it up. It is said that some miners hesitate about leaving their claims and are anxious to have the bill immediately passed. I therefore ask unanimous consent for its present consideration.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the provisions of section 2324 of the Revised Statutes of the United States, which require that on each claim located after the 10th day of May, 1872, and until patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year, shall not apply to claims owned by persons who may enlist in the Volunteer Army of the United States for service in a war between this country and Spain, so that no mining claim owned by such person which has been regularly located and recorded as required by the local laws and mining regulations shall be subject to forfeiture for nonperformance of the annual assessments during the time such owner is in the military service of the Government as aforesaid.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. WILSON. There is certainly no objection to the passage of this bill, but I think a provision might also be made for the homesteaders upon the public domain in the same way that we are providing for those having mineral locations. It seems to me that if we pass a bill making provision for miners who have mineral locations, we should also provide for those who have taken up lands upon the public domain which are liable to be contested or jumped if they should enlist. I think that they should also be protected during the term of their enlistment.

Mr. TELLER. Will the Senator from Washington propose an amendment?

Mr. WILSON. I have prepared no amendment, because the chairman of the Committee on Mines and Mining has suggested that I move no amendment to this bill, leaving it to provide solely for those having mining locations. But we ought to provide at the earliest moment for those taking up lands under the public-land laws of the United States.

Mr. WOLCOTT. I should like to ask the Senator from Washington a question. Is it not the existing law that if such a person enters the service of the United States the time runs in his favor?

Mr. WILSON. I think not. I think under the existing law any person serving in the late war is entitled to time, but I think their claims are liable to be jumped within six months after abandonment.

Mr. STEWART. That matter can be looked into and another bill passed. There will be no opposition to such a bill when it comes up. I think it a very proper measure. But I should like to have this bill passed, because the miners are very anxious about its early passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. COCKRELL. I present the petition of William H. Fore, alias James Keeny, Battery M, Second Missouri Light Artillery, and Company C, One hundred and fifty-fourth Illinois Infantry, now of Rolla, Mo., praying for the removal of the charge of desertion, together with the affidavits of R. M. Husky, W. M. Fore, Saby Fore, and John Earp. I ask that the petition and affidavits be referred, together with the bill which I introduce, to the Committee on Military Affairs.

The bill (S. 4510) to correct the military record of William H. Fore was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HANNA introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4511) granting a pension to Adelaide Harger (with accompanying papers);

A bill (S. 4512) granting a pension to Josephus Goble (with accompanying papers);

A bill (S. 4513) granting an increase of pension to Martha A. Gould (with an accompanying paper);

A bill (S. 4514) granting an increase of pension to Thomas Lawrence (with accompanying papers); and

A bill (S. 4515) granting a pension to Elizabeth Hatfield (with an accompanying paper).

Mr. HANNA introduced a bill (S. 4516) to correct the military record of William P. Dodd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4517) placing upon the military rolls the names of Jackson M. Leland and others; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PROCTOR introduced a bill (S. 4518) to provide for enlisting inhabitants of Cuba in the Army of the United States and accepting the services of Cuban volunteers during the existing war, and for relieving destitute women and children in Cuba, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 4519) for the relief of August Bolten and Gustav Richelieu; which was read twice by its title, and referred to the Committee on Claims.

Mr. WOLCOTT introduced a bill (S. 4520) to authorize the Commissioners of the District of Columbia to appoint additional privates; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FAIRBANKS introduced a bill (S. 4521) to amend the immigration laws of the United States relative to the insane; which was read twice by its title, and referred to the Committee on Immigration.

Mr. MORGAN introduced a bill (S. 4522) to purchase a copy of the first print of the Laws of the United States of 1791 for preservation in the Library of Congress; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Library.

AMENDMENT TO REVENUE BILL.

Mr. MILLS submitted an amendment intended to be proposed by him to the bill (H. R. 10100) to provide ways and means to meet war expenditures; which was referred to the Committee on Finance, and ordered to be printed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. McBRIDE submitted an amendment relative to the payment of unofficial fees collected by Owen N. Denny, formerly consul-general at Shanghai, China, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

THE COMMITTEE ON FINANCE.

Mr. MORRILL. I ask leave for the Committee on Finance to sit during the sessions of the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Vermont? The Chair hears no objection, and the order is made.

On motion of Mr. TURPIE, it was

Ordered, That Mr. CHILTON be appointed a member of the Committee on Finance in place of Mr. Walthall, lately deceased.

RAILWAY RATES.

Mr. TILLMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Interstate Commerce Commission be, and is hereby, directed to transmit to the Senate a copy of so much of the testimony given before the commission on December 6, 1897, by Milton H. Smith, president of the Louisville and Nashville Railroad Company, as relates to railway rates and charges, free transportation over railways, and the regulation of railways.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 11, 23, 27, 28, 30, and 54.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, and 74, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"And whenever, within the next twelve months, an exigency may exist which, in the judgment of the President, renders their services necessary, he is hereby authorized to appoint from civil life and commission such officers of the line and staff, not above the rank or relative rank of commander, and warrant officers, including warrant machinists, and such officers of the Marine Corps, not above the rank of captain, to be appointed from the noncommissioned officers of the corps and from civil life, as may be requisite: *Provided*, That such officers shall serve only during the continuance of the exigency under which their services are required in the existing war: *And provided further*, That such officers so appointed shall be assigned to duty with rank and pay of the grades established by existing law; and warrant machinists shall be paid at the rate of $1,200 per annum."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the Secretary of the Navy to enlist, at any time after the passage of this act, as many additional seamen, landsmen, and boys as he may deem necessary to man the ships of the Navy, or in use by the Navy as a temporary force therefor during the existing war, and for pay of the same and of the temporary additional officers and warrant machinists hereinbefore authorized, $3,830,000, or so much thereof as may be necessary; and to enable the Secretary of the Navy to enlist, at any time after the passage of this act, the following additional force for the Marine Corps as a temporary force during the existing war, namely, not more than 60 gunnery sergeants with rank of first sergeants, not more than 80 corporals, and not more than 1,500 privates; and for pay of the same, including the temporary additional officers hereinbefore authorized, and for provisions, clothing, fuel, military stores, transportation and recruiting, and for contingent expenses on account of said additional force, $567,900, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "; in all, torpedo station, $97,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "; and the Secretary of the Navy is hereby authorized, in his discretion, to build one of said docks of granite or concrete faced with granite, and in such case the limit of the cost of said dock is increased $200,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "of domestic manufacture;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lines 5 and 6 of said amendment strike out the words "Sabine Pass, Tex., or in the waters adjacent thereto," and insert in lieu thereof the following: "in the harbor of Sabine Pass, or the waters tributary thereto, Texas;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "That hereafter all first-class battle ships and monitors owned by the United States shall be named for the States, and shall not be named for any city, place, or person until the names of the States shall have been exhausted: *Provided*, That nothing herein contained shall be so construed as to interfere with the names of States already assigned to any such battle ship or monitor;" and the Senate agree to the same.

EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

C. A. BOUTELLE,
S. G. HILBORN,
A. J. CUMMINGS,
Managers on the part of the House.

The report was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 10100) to provide ways and means to meet war expenditures was read twice by its title, and referred to the Committee on Finance.

ESTATE OF ISAAC P. TICE.

Mr. GALLINGER. A few days ago I asked unanimous consent for the consideration of the bill (H. R. 2219) for the relief of the administrators of Isaac P. Tice, deceased, and others. The senior Senator from Iowa [Mr. ALLISON] objected, but since then has withdrawn his objection and is willing that the bill shall be passed. The bill was read on the former occasion. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REVENUE MEASURES.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from North Carolina [Mr. BUTLER], that the bonded indebtedness of the United States should not be increased, but that the necessary means to carry on the war against Spain should be raised by increasing the revenues of the Government, including a tax on incomes, etc.; which resolution comes over from Thursday last.

Mr. HALE. What is that resolution, Mr. President?

The VICE-PRESIDENT. A resolution offered by the Senator from North Carolina [Mr. BUTLER].

Mr. GALLINGER. Let it be read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. BUTLER April 28, 1898, as follows:

Resolved, That the bonded indebtedness of the United States should not be increased, but that the necessary means to carry on the war against Spain should be raised by increasing the revenues of the Government, including a tax on incomes, and by issuing silver certificates against the seigniorage now in the Treasury, and by such additional issues of United States legal-tender notes as may be necessary.

Mr. HALE. That resolution should either be referred to the Committee on Finance or go to the Calendar.

Mr. ALDRICH. It should go to the Committee on Finance, because that committee are now engaged in the consideration of this very question.

The VICE-PRESIDENT. Is there objection to the proposed reference? The Senator who introduced the resolution is out of his seat.

Mr. JONES of Arkansas. I suggest that the resolution should lie over without prejudice until the Senator who introduced it is present in the Senate Chamber.

Mr. ALDRICH. I have no objection to the resolution going over; but manifestly it should be referred to the Committee on Finance, who are considering that very question.

Mr. BUTLER entered the Chamber.

The VICE-PRESIDENT. The Senator from North Carolina is now present, and the Chair lays the resolution before the Senate.

Mr. BUTLER. Mr. President, I had intended to discuss at some length the important questions covered by this resolution. I had intended to show that there was no necessity to issue interest-bearing bonds to carry on the war with Spain. I had intended to show that methods set forth in this resolution would raise all the funds necessary without issuing a single bond. I had intended in advance of action on the war-revenue measure to state the position of myself and others who oppose bonds, but stand ready to uphold the hands of the Administration and do our full duty for the protection of the flag, to avenge the *Maine*, and to free Cuba by voting all necessary revenues. But I will reserve my discussion of these questions until the Senate Finance Committee report the war-revenue bill and let this resolution be referred to that committee.

I would let the resolution pass to the Committee on Finance at once were it not that some of our enterprising newspapers have already decided for us these grave questions before we have had a chance to act upon them. They have informed the Senate and the country what we will do; they have informed the country that the Senate will authorize the issue of $500,000,000 of bonds, and that those who are opposed to bonds will be satisfied with a feeble

protest and will retreat at the first opportunity. In other words, that we will play Spanish. I do not believe this.

Mr. President, there is not only no necessity for issuing bonds, but they will not be issued if every man in this body who is on record as opposing bonds and who wants his constituents to believe that he is opposed to the issuing of interest-bearing bonds has the courage and the patriotism and the manhood to do his duty. If there are some who want to find an excuse; if there are some who want to throw up their hands and say, "We are opposed to bonds, but we are afraid somebody will say we are unpatriotic in case we should say we are opposed to them now;" if there are such weaklings in Congress, then no doubt they will seize this opportunity to desert to the enemies of humanity. But if there are such, how did the bond syndicate locate them before anyone else? The Republican party, which is owned by the money changers, is not supposed to have a majority in this Senate, but if this infamous bond scheme passes, then it will be clear that they have a working majority; and if the Republican machine secures enough allies to give them a majority, then it is as inevitable as fate that $500,000,000 of bonds or more will be issued; that we are to tax future generations for the carrying on of a war against a third-rate power that we would have already defeated if we had turned loose our dogs of war and allowed Captain Sampson to do what Commodore Dewey did so bravely and gallantly on yesterday.

Mr. President, there is no necessity for delaying this war. We have ample revenues now in the Treasury to push it to a successful conclusion; in fact, if we would allow our sailors and those in charge of our war vessels to move on the enemy, this war would be over before the bondholders' conspiracy could be put through this Congress.

There has appeared no explanation for issuing bonds except to furnish investments for money sharks and speculators. There has appeared no explanation for delaying action on the part of our Navy unless we want to put through this bond scheme before the close, or unless we want to give the guns of Morro Castle a chance to help the Spanish fleet, as the guns of Spanish forts at the Philippine Islands attempted to do yesterday.

I am in favor of running this war in the way Abraham Lincoln conducted the last. The same swarm of money-lenders, of interest-grabbers, hung around the Capitol and around the President in 1860 and 1861 and 1862 and 1863. The reply of a true American to their demands was to call upon Congress to use its sovereign power to furnish the sinews of war. Congress responded. Shall we prove ourselves less patriotic, are we less wise than Abraham Lincoln. Have his so-called followers deserted his creed? Will the Republican party be the first to repudiate the patriotic position of Abraham Lincoln? The members of the party to which I belong, and nearly all the other Congressmen and Senators from the South, who at that time were fighting for the Southern cause, are to-day in the front ranks to fight under the flag of the Union and to carry on the war as Lincoln carried on the last war.

Gladstone, the greatest statesman the world ever produced, is unfortunately to-day lying at death's door in England, but his wisdom will not depart. Let us profit by it. He always advised England not to mortgage future generations to carry on a war, but laid down the sound doctrine that England was able to pay as she went, and in logic that never will be answered he showed the wisdom of such a course. At the opening of the Crimean war Disraeli wanted to issue bonds and borrow money to carry on the war. But Mr. Gladstone, who was chancellor of the exchequer, combatted the bond scheme and defeated Mr. Disraeli, who looked at the question from the standpoint of the money lender—the Rothschilds.

How did Mr. Gladstone provide for raising the money to carry on the war? In his first budget he took the position that, war or no war, the national debt of Great Britain should not be increased, but that the cost of supporting the British army in Asia should be met year by year by an increase in the income taxes and excises. Now let us be wise enough to adopt a similar course. It is common sense and justice on one side and the bond grabbers on the other.

Mr. President, if the wealth of this country was paying the same rate of taxation that the average man pays—if the men who are worth millions were paying as much tax in proportion to their wealth as the man who is worth only a thousand dollars is paying; we would raise in one year's taxes more than twice enough money to carry on this war. Those who do not fight should certainly pay as much as those who do fight.

Mr. President, the press has informed us that the Finance Committee will strike out the bond feature of the war-revenue bill and report it to the Senate with an income-tax provision, or some other provisions to raise sufficient revenue and to provide for an issue of legal-tender notes. They inform us in the next breath that the Senate will reject the advice and the amendments of the committee and will restore the bond provision. I myself have been quoted as saying that no serious opposition would be made to the war-revenue bill with this bond provision in it. That is incorrect. I shall not take the time of the Senate further now; but I will say that I for one will use all the effort that is at my command to prevent the American people from being bonded and mortgaged, just as I have striven to prevent the Cubans from being bonded and mortgaged.

Although we are carrying on a war for humanity, to protect the Cubans from unjust taxation and from being bonded with an enormous debt, yet the first proposition in the interest of liberty is to bond our own people, to put a debt and mortgage upon them. I for one shall do all in my power to prevent it, and this Senate can prevent it, and not delay the war one hour. The bond syndicate may control the House, but let the Senate do its duty. If those who put bonds above human liberty want to deadlock this Government, let them do it and let them take the responsibility.

Mr. President, let the resolution go to the Committee on Finance.

The VICE-PRESIDENT. The resolution will be so referred, in the absence of objection.

HENRY ATKINSON.

Mr. HARRIS. I ask unanimous consent for the consideration at this time of two pension bills. The cases are very urgent and the passage of the bills is a necessity. I should like to have them considered now. I first ask unanimous consent for the consideration of the bill (S. 1631) granting an increase of pension to Henry Atkinson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Atkinson, late of Company G, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BLANCHE E. BARLOW.

Mr. HARRIS. I ask unanimous consent for the present consideration of the bill (S. 3350) granting a pension to Blanche E. Barlow.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-five" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Blanche E. Barlow, widow of the late A. C. Barlow, surgeon Fourth West Virginia Volunteer Infantry and Sixty-second Ohio Volunteer Infantry, and pay her a pension at the rate of $17 per month, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Blanche E. Barlow."

ADJOURNMENT TO WEDNESDAY.

Mr. ALLISON. I move that when the Senate adjourn to-day it be to meet on Wednesday next.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-five minutes spent in executive session the doors were reopened.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 27th ultimo approved and signed the following acts:

An act (S. 157) to increase the pension of Gen. James W. McMillan;

An act (S. 310) for the relief of Johnson Hays;

An act (S. 487) granting a pension to Delia Gilman;

An act (S. 499) granting a pension to Sarah R. Frary;

An act (S. 668) granting a pension to Frances E. Pease;

An act (S. 1450) granting a pension to Catharine Leary; and

An act (S. 3517) granting a pension to Rhoda Van Niman.

The message also announced that the President of the United States had on the 28th ultimo approved and signed the following acts:

An act (S. 504) granting an increase of pension to Mrs. Christine C. Barnard;

An act (S. 603) granting a pension to Clarissa E. Hobbs;

An act (S. 1345) granting an increase of pension to Sarah Brumm;

An act (S. 1466) granting an increase of pension to Ransom S. Angell;

An act (S. 1467) granting a pension to Adolphine Krez; and

An act (S. 1751) granting an increase of pension to Moses M. Crants.

The message further announced that the President of the United States had on the 29th ultimo approved and signed the bill (S. 3) to approve a compromise and settlement between the United States and the State of Arkansas.

ARMY DEFICIENCY APPROPRIATION BILL.

Mr. HALE. Mr. President, a very important bill, the Army deficiency appropriation bill, passed the House of Representatives without opposition something more than an hour ago. It is being enrolled and will soon be in readiness to be sent to the Senate. As it is desirable that it shall be passed to-day, I ask that the Senate remain in session for a few moments until the bill is received.

Mr. PETTUS. Will the Senator from Maine kindly tell us what the bill is?

Mr. HALE. The bill has not yet come here, but I know generally what its features are. It is a deficiency appropriation for Army pay and supplies and for expenses of all sorts made necessary by recent legislation and by the events of the war. It is a large bill.

Mr. HAWLEY. It carries appropriations for the Navy as well as the Army.

Mr. HALE. In anticipation of the bill being received here to-day, so far as it has been possible members of the Committee on Appropriations have examined it and find that it is in accordance with the estimates of the Department, and it is very desirable that it shall be passed to-day. Both the Senator from Missouri [Mr. COCKRELL] and I have examined the bill.

Mr. COCKRELL. Has the Senator a copy of the bill as it passed the House of Representatives?

Mr. HALE. I have a copy, which I have no doubt is a copy of the bill as it passed the House, which was sent over whilst the bill was being considered by the House.

Mr. COCKRELL. I will say to the Senator that I have examined the bill as reported to the House of Representatives, and I understand it has been substantially passed by the House as it was reported, with one or two changes; and I believe those changes are in the direction of reducing the amount appropriated below the estimates of the Department. These estimates are only for such things as are absolutely necessary for the present prosecution of the war, and I hope that unanimous consent will be given for the consideration and passage of the bill without its being referred to the Committee on Appropriations.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). There is at present no question before the Senate.

RECESS.

Mr. HALE. I move that the Senate take a recess until 3 o'clock.

The motion was agreed to; and (at 2 o'clock and 37 minutes p. m.) the Senate took a recess until 3 o'clock p. m., at which time it reassembled.

VISITORS TO WEST POINT.

The VICE-PRESIDENT appointed Mr. HAWLEY and Mr. KENNEY members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Military Academy at West Point, N. Y., under the requirements of section 1327 of the Revised Statutes of the United States.

VISITORS TO ANNAPOLIS.

The VICE-PRESIDENT appointed Mr. CAFFERY and Mr. HALE members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Naval Academy at Annapolis, Md., as required by the act of February 14, 1879.

COLUMBIA HOSPITAL FOR WOMEN.

The VICE-PRESIDENT appointed Mr. FAULKNER a director on the part of the Senate of the Columbia Hospital for Women and Lying-in Asylum, to fill the vacancy occasioned by the expiration of his term as director.

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

The VICE-PRESIDENT appointed Mr. COCKRELL a director on the part of the Senate of the Columbia Institution for the Instruction of the Deaf and Dumb, to fill the vacancy occasioned by the death of Mr. Walthall, late a Senator from the State of Mississippi.

ARBITRATION BETWEEN RAILWAY COMPANIES AND EMPLOYEES.

Mr. KYLE. If there is no other business before the Senate, I should like to ask present consideration for a bill.

Mr. COCKRELL. Oh, no.

Mr. KYLE. The bill can be passed before the other bill gets here.

Mr. HALE. I will state that I have word from the Printing Office that the deficiency bill is almost or quite enrolled there and will be here in a few moments.

Mr. KYLE. I think the bill for which I ask consideration will take but a moment. I refer to the bill (S. 3662) concerning carriers engaged in interstate commerce and their employees, reported unanimously by the Committee on Education and Labor. It proposes to create a voluntary board of arbitration. I think there can be no objection to the bill.

The VICE-PRESIDENT. Does the Senator from South Dakota ask unanimous consent for the present consideration of the bill?

Mr. KYLE. I do.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent for the present consideration of the bill (S. 3662) concerning carriers engaged in interstate commerce and their employees. Is there objection?

Mr. GRAY. I do not object to the bill, and I do not know but that I am in favor of it; but I think a measure of its importance ought to be considered when there is a larger attendance of the Senate than now, and I suggest to my friend the Senator from South Dakota that he let it go over until some more convenient season, when it can be considered.

Mr. SPOONER. I suggest to the Senator from South Dakota to ask that the bill be made a special order, say for Monday or Tuesday next.

Mr. KYLE. I ask the consent of the Senate that the bill be made a special order for Monday next at 2 o'clock.

The VICE-PRESIDENT. Is there objection to the request that the bill be made the special order for next Monday afternoon at 2 o'clock? The Chair hears none, and the order is made.

PRESIDENTIAL, VICE-PRESIDENTIAL, AND CONGRESSIONAL TERMS.

Mr. CHANDLER. I ask unanimous consent that there may be added to the special order in relation to the joint resolution (S. R. 86) proposing an amendment to the Constitution of the United States providing for the succession to the Presidency in a certain contingency, which is set for Wednesday, May 4, 1898, at 2 o'clock p. m., the joint resolution (S. R. 83) proposing an amendment to the Constitution of the United States, and that it may be set for 3 o'clock on the same day.

This joint resolution will probably be considered in connection with the special order. It provides for making the Presidential and Congressional terms end on the last Wednesday in April instead of the 4th of March. It was reported by the senior Senator from Massachusetts [Mr. HOAR] from the Committee on Privileges and Elections. I ask that it may be made the special order for 3 o'clock on Wednesday, May 4, with a view to the consideration of both joint resolutions at the same time. They naturally will be discussed and considered together. I do this by request of the senior Senator from Massachusetts now absent.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire that the joint resolution (S. R. 83) proposing an amendment to the Constitution of the United States be set for May 4 at 3 o'clock in the afternoon? The Chair hears none, and the order is made.

CHIPPEWA INDIANS IN MINNESOTA.

Mr. NELSON. I ask unanimous consent to call up the bill (S. 413) to authorize and direct the Secretary of the Treasury to pay the moneys herein specified to the respective bands of Chippewa Indians in the State of Minnesota according to their respective rights and interests.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The bill has heretofore been read and considered as in Committee of the Whole.

Mr. NELSON. I move to strike out all after the word "forty-three," in line 8, section 1, down to and including the words "provided for," in line 15.

The VICE-PRESIDENT. The Chair understands from the desk that that amendment was proposed and adopted April 21, 1897.

Mr. NELSON. To correspond with that amendment, I move to amend the last section by striking out the word "thirty" in line 3, section 3, and inserting the word "nine," striking out the word "eight" in the same line and inserting the word "one," and striking out the word "four" in the same line and inserting the word "ninety-nine." It is to reduce the amount appropriated to correspond with the other amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 3, section 3, it is proposed to strike

out the word "thirty" and insert "nine;" in the same line, to strike out the word "eight" and insert "one," and in the same line, to strike out "four" and insert "ninety-nine;" so as to make the section read:

SEC. 3. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $109,199.72 for making the payments in this act authorized and directed to be made to said Indians as aforesaid.

Mr. COCKRELL. That makes the amounts correspond?

Mr. NELSON. It makes the amount correspond with the amount that will be left after striking out the second appropriation.

Mr. COCKRELL. In the first section?

Mr. NELSON. Yes, sir.

Mr. COCKRELL. It says, "$2,497.11 now on deposit in the Treasury."

Mr. NELSON. The next paragraph.

Mr. COCKRELL. Then section 2 is to pay for damages by flowage of their lands?

Mr. NELSON. Yes, sir; that is $25,000. The last part of section 1 is $81,702, as appears from the report. All that part relating to the difference between gold and paper payments is stricken out.

Mr. COCKRELL. I see. I understand the part stricken out was from the word "forty-three," in line 8, section 1, down to and including the words "provided for," in line 15.

Mr. NELSON. Exactly; that is it; and the sum in the last section was reduced to correspond with that amount.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

USE OF POSTAL CARDS.

Mr. CHANDLER. I ask unanimous consent for the consideration of the bill (H. R. 1596) to amend the postal laws relating to use of postal cards.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That from and after the 1st day of July, 1898, it shall be lawful to transmit by mail, at the postage rate of a cent apiece, payable by stamps to be affixed by the sender, and under such regulations as the Postmaster-General may prescribe, written messages on private mailing cards, such cards to be sent openly in the mails, to be no larger than the size fixed by the convention of the Universal Postal Union, and to be approximately of the same form, quality, and weight as the stamped postal card now in general use in the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. COCKRELL. I should like to have the Senator from New Hampshire explain the effect of the bill.

Mr. CHANDLER. The postal cards now used are furnished by the Department. The bill simply provides that any person can supply his own card and put a 1-cent stamp on it and send it. It saves the Government the entire expense of printing and distributing the cards. Senators will notice that it is to be a card of the same size and is to conform to the regulations of the Post-Office Department. The only difference is that a 1-cent stamp is put upon it instead of using the existing cards. It is very simple.

Mr. COCKRELL. Does it enable the sender to put anything on the card? Can he put his card on it?

Mr. CHANDLER. Nothing on the front. On the front there must be simply the address. On the back the senders can print or write, as they do now, anything they choose. It seems to be absolutely simple and unobjectionable. It saves the Government the printing of the cards and saves the Government the great expense of transporting the cards from place to place.

Mr. SPOONER. May I ask the Senator if the bill has the approval of the Department?

Mr. CHANDLER. I think it has, entirely. I have not heard of any objection to it from any quarter. I think it is a bill that is conceded to be wise by every one.

Mr. SPOONER. It does have the approval of the Department?

Mr. CHANDLER. The report will show whether it is expressly approved or not, if the Senator will kindly have it read. It is not opposed by the Department. I am cautious when I answer the Senator from Wisconsin.

The VICE-PRESIDENT. The report will be read.

Mr. SPOONER. I do not know why the Senator should be any more cautious in answering me than he ought to be in answering any other Senator.

Mr. CHANDLER. That is a physicological problem which I shall not undertake to elucidate now. That is the fact, however.

Mr. HAWLEY. Perhaps the Senator from Wisconsin has not read the report in the case.

Mr. SPOONER. If I had read the report I should have known what is in it. I am asking only for information, and I ask what is in the report.

Mr. HAWLEY. I will just read it for your enlightenment.

Mr. SPOONER. The Senator can do that better than any other Senator I know of.

Mr. HAWLEY. With the help of the Senator from New Hampshire. Here is the report:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 1596) to amend the postal laws relating to the use of postal cards, beg leave to report that they have carefully considered the subject, and recommend that the bill do pass.

Mr. SPOONER. Does the Senator consider that an approval?

Mr. HAWLEY. I do not see that the Post-Office Department has approved it, and I very much doubt it, for this is a bill to reduce revenue, in my judgment.

Mr. HALE. Will it reduce revenue?

Mr. HAWLEY. I think it will.

The VICE-PRESIDENT. The Senator from Connecticut is not heard at the desk.

Mr. HAWLEY. I said I thought it would reduce the revenue.

Mr. CHANDLER. The Senator from Connecticut means that more people will use the postal cards, I suppose—that more people will write their letters for 1 cent, if they can have their own cards and address them and write upon them and put the 1-cent stamp on them. That possibly may be true. If it is true that more people will write letters at 1 cent than now write them at 2, that is a great benefit to the people. The actual cost, however, of the postal-card transmission will be less, because the Government now prints the cards and sends them from the printing office to the Department or other depot, and then sends them out by mail all over the United States, of course paying for the transportation of the cards to the different points, and it furnishes them for nothing. The only cost is the 1 cent.

Mr. MALLORY. I should like to ask the Senator from New Hampshire a question.

Mr. CHANDLER. Certainly.

Mr. MALLORY. Can the Senator tell me whether the postal-card arrangement now in use is self-sustaining?

Mr. CHANDLER. Necessarily it is not self-sustaining, because we get but 1 cent for the card and we furnish the card for the 1 cent, and it costs more to print the card than to furnish the stamp.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. There are nine private pension bills on the Calendar, and during this lull in business I ask unanimous consent for the consideration of that Calendar.

The VICE-PRESIDENT. Is there any objection to proceeding temporarily to the Private Pension Calendar? The Chair hears no objection. The Secretary will report the first bill on the Private Pension Calendar.

Mr. GALLINGER. Let the bill (S. 2919) granting a pension to Olivia Worden, widow of the late John L. Worden, United State Navy, be passed over.

The VICE-PRESIDENT. The bill will be passed over.

SARAH HAMILTON.

The bill (S. 3466) granting a pension to Sarah Hamilton was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Sarah Hamilton, widow of Joseph Hamilton, late captain Company F, Second North Carolina Mounted Infantry, at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANN M. SMITH.

The bill (H. R. 9043) granting an increase of pension to Ann M. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann M. Smith, widow of the late Maj. Gen. Andrew J. Smith, and to pay her a pension of $30 per month in lieu of the pension she now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. BALDWIN.

The bill (H. R. 9210) granting an increase of pension to George H. Baldwin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll the name of George H. Baldwin, late second lieutenant Company F, Eighty-ninth New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LEAH L. PRICE.

The bill (S. 3693) granting an increase of pension to Leah L. Price was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "fifteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leah L. Price, widow of Rev. William Price, late chaplain of the Second Kentucky Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEWIS KYLE.

The bill (S. 4248) for the relief of Lewis Kyle, of Milton, Pa., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Kyle," to strike out "of Milton, Pa.;" in line 8, before the word "dollars," to strike out "thirty-five" and insert "twenty-four;" and in line 9, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis Kyle, late of Company H, Fifth Regiment Pennsylvania Reserve Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lewis Kyle."

SARAH M. BENNETT.

The bill (S. 4476) granting a pension to Sarah M. Bennett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah M. Bennett, widow of Thomas Bennett, late boatswain in the United States Navy, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 4468) to provide for a volunteer brigade of engineers, to report it with amendments. I was delaying it, having reference to some legislation elsewhere, but I am informed that it is desirable to pass the bill now. I ask the unanimous consent of the Senate to take up the bill and consider it.

Mr. CHANDLER. Let the bill be read, subject to objection.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That in addition to the volunteer forces provided for by the act of April 22, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," the President may authorize the Secretary of War to organize a volunteer brigade of engineers from the nation at large, to consist of not more than three regiments and not more than 3,500 men, possessing the special qualifications necessary for engineer troops, under such rules and regulations, including the appointment of the officers thereof, as may be prescribed by the Secretary of War: *Provided*, That not to exceed three officers of the Corps of Engineers of the Regular Army may hold volunteer commissions in any one regiment of the volunteer brigade of engineers at the same time: *And provided further*, That all officers shall be appointed by and with the consent of the Senate.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Let the amendments be read.

Mr. HAWLEY. There is an amendment relating to the so-called immunes. The Government desires to undertake, and has been assured that it is possible to undertake, the enlistment of a very considerable force of men, no one knows exactly how many, who are supposed to be immune.

Mr. COCKRELL. Is there not an amendment relative to the Signal Corps?

Mr. HAWLEY. No; there is not. We can put such an amendment in the bill if the Senator from Missouri wishes to have it incorporated.

Mr. CHANDLER. Will the Senator from Connecticut tell us the length of time for which these enlistments are to be made?

Mr. HAWLEY. I suppose they will be enlisted under the general provision.

Mr. PROCTOR. For two years or during the war.

Mr. HAWLEY. The language is, "under the terms and conditions of the aforesaid act," which provides for an enlistment of two years.

Mr. PROCTOR. For two years or during the war.

Mr. CHANDLER. Will the Senator kindly read that clause?

Mr. HAWLEY. The provision in regard to the immunes is as follows:

SEC. 2. And the President is further empowered, under the act of April 22, 1898, to authorize the Secretary of War to organize an additional volunteer force of not exceeding 10,000 enlisted men possessing immunity from diseases incident to tropical climates; the officers thereof to be appointed by the President, by and with the advice and consent of the Senate.

By numerous persons, including Senators, the Department and the Military Committee have been advised that it will be easy to raise, in some of the Gulf States, a number of regiments composed of men who have either already suffered from yellow fever or have lived so long with it around them that they are considered practically immune, as the new phrase is. This is favored by the President, by the Secretary of War, and by others.

Mr. PASCO. I understood that the Senator from Connecticut had under contemplation in connection with the pending bill the enlistment of men from the Gulf States for the purpose of handling the shovel and pick. There are a large number of laboring people who are likely to be thrown out of employment, and it was suggested in correspondence with myself and others (I understood the correspondence had been furnished to the Senator from Connecticut) that they could be made an available force for such labor and work as must be done in throwing up fortifications, and perhaps they could be sent over to Cuba with advantage at some time during this contest. I should like to ask if the Senator from Connecticut has considered that matter, and if not, whether some such feature can not be added to the bill, so as to enlist, say, three regiments for that particular service?

Mr. HAWLEY. I have no doubt that the President would feel authorized to enlist men of that character under this provision for 10,000.

Mr. PASCO. These are all volunteers, though.

Mr. HAWLEY. Yes.

Mr. PASCO. Perhaps it would be better to change that feature a little with reference to two or three additional regiments. My colleague [Mr. MALLORY] has given the matter some consideration, and I understood he had communicated with the Senator from Connecticut. It seems to me that it would be a valuable feature to add to the bill.

Mr. HAWLEY. To enlist a regiment of laborers pure and simple?

Mr. PASCO. Laborers pure and simple, men who could work with the shovel and other implements upon fortifications.

Mr. HAWLEY. I had not heard of it and the committee had no information or advice of that kind from the Department.

Mr. MALLORY. I do not think that was the scheme proposed to me—that I considered. The proposition that I submitted was to raise a regiment of men who are inured to a tropical sun and hard physical exertion in it. The bill, I understand, provides for raising a body of engineers, amounting probably, under the amendment, to 10,000.

Mr. HAWLEY. Ten thousand immunes.

Mr. MALLORY. I ask that the bill be read again. There was so much noise in the Chamber that I did not catch its full import.

The VICE-PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 6) providing for the adjustment of certain claims of the United States against the State of Tennessee, and certain claims of the State of Tennessee against the United States.

The message also announced that the House had passed a bill (H. R. 10197) making appropriations to supply deficiencies in the appropriations for support of the Army for the fiscal year 1898, and for other purposes; in which it requested the concurrence of the Senate.

ORDER OF BUSINESS.

The VICE-PRESIDENT. The Secretary will read Senate bill 4468, at the request of the Senator from Florida [Mr. MALLORY].

Mr. HALE. I ask that the bill just received from the House be laid before the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Chair lays before the Senate House bill 10197.

Mr. HAWLEY. I think our bill can be finished in a moment. It is an important war bill.

Mr. HALE. Can the Senator's bill be finished at once? The Senate has, at my request, been waiting for an hour and a half for this bill from the House.

Mr. CULLOM. I think the immune bill, as it has been called, will pass without much delay, and I know the Administration is very anxious that it shall be passed very soon. I know, further, that many people in the Southern States believe that a very considerable army or force of men can be raised there who are probably free from danger of yellow fever.

Mr. HALE. If the bill can pass in a few moments, I will withdraw the request to have the House bill laid before the Senate.

The VICE-PRESIDENT. The Chair lays the bill before the Senate.

The SECRETARY. A bill (H. R. 10197) making appropriations to supply deficiencies in the appropriations for support of the Army for the fiscal year 1898, and for other purposes.

Mr. HALE. I ask that the bill may be considered now.

The VICE-PRESIDENT. Is there any objection that the bill which has been before the Senate shall be temporarily laid aside in order that the urgent deficiency bill may be acted upon?

Mr. CHANDLER. I do not object, if the Committee on Appropriations request that the bill shall be acted upon without being referred.

Mr. HAWLEY. I think this bill can be acted on now.

Mr. HALE. Its immediate consideration is requested by the committee.

The VICE-PRESIDENT. The Chair hears no objection.

Mr. CHANDLER. I rose to object, I thought in season, unless I could learn that the committee had given this bill consideration.

Mr. HAWLEY. My dear sir, that is two or three times that the gentleman has asked me, after I reported in behalf of the committee and reported unanimously, whether the committee had considered the bill. I want him to understand that when we bring a bill from my committee it tells the truth and I tell the truth.

Mr. CHANDLER. Do I understand the Senator from Connecticut to say——

Mr. HAWLEY. The committee has given the bill very thorough consideration, both the first and second sections of it, and studied a good while upon so small a matter as to know how to describe immunes without taking a word that some people would not understand.

Mr. CHANDLER. If the Senator from Connecticut will kindly hear me, do I understand him to say that this bill, making appropriations for deficiencies for the Army, has been considered by his committee?

Mr. HAWLEY. There is not a word of appropriation in the bill I have here.

Mr. CHANDLER. I say kindly to the Senator from Connecticut, if he will keep his temper, the bill my remarks were addressed to was not his bill; it was another bill.

Mr. HAWLEY. I understood the Chair to lay before the Senate the bill I asked should be considered.

Mr. CHANDLER. If the Senator finds out what bill is before the Senate before he lectures me, it will do him good.

Mr. HAWLEY. I do not care to enter into——

Mr. CHANDLER. I think the Senator had better not.

Mr. HAWLEY. Better not what?

Mr. CHANDLER. I addressed myself to the bill that just now came from the House of Representatives.

Mr. HAWLEY. And now will the Senator wait a moment?

Mr. CHANDLER. And the Senator lectured me about another bill to which I had interposed no objection whatever.

Mr. CULLOM. It was a misunderstanding.

Mr. HAWLEY. It was a misunderstanding. I thought he was objecting to the consideration of the military bill, which I hope the Vice-President will put before the Senate and have passed now.

The VICE-PRESIDENT. The Senator from Maine had asked unanimous consent that the bill might be laid aside temporarily while House bill 10197 should be taken up.

Mr. HAWLEY. It is the merest form.

Mr. CHANDLER. If the Senator from Connecticut will allow me, I will state that I do not object to that bill being taken up in place of his bill. I am informed that the Committee on Appropriations has given it consideration and is prepared to ask for immediate action.

The VICE-PRESIDENT. The Chair hears no objection to the request of the Senator from Maine, and the Secretary will read House bill 10197.

Mr. HAWLEY. I thought the Senator from Maine would perhaps permit the vote to be taken on the bill from the Committee on Military Affairs.

Mr. HALE. Let the bill from the House be read, and then I will give way so that the bill which the Senator from Connecticut has charge of may be passed.

ARMY DEFICIENCY APPROPRIATION BILL.

The bill (H. R. 10197) making appropriations to supply deficiencies in the appropriations for support of the Army for the fiscal year 1898, and for other purposes, was read twice by its title.

Mr. HALE. I yield temporarily to the Senator from Connecticut.

THE MILITARY ESTABLISHMENT.

The VICE-PRESIDENT. The bill (S. 4468) to provide for a volunteer brigade of engineers, which has just been reported from the Committee on Military Affairs with amendments by the Senator from Connecticut [Mr. HAWLEY], is before the Senate as in Committee of the Whole. The amendments reported by the committee will be stated.

The first amendment reported by the Committee on Military Affairs was, in line 8, after the word "organize," to insert "under the terms and conditions of the aforesaid act;" and on page 2, line 3, after the words "appointed by," to insert "the President;" so as to read:

That, in addition to the volunteer forces provided for by the act of April 22, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," the President may authorize the Secretary of War to organize, under the terms and conditions of the aforesaid act, a volunteer brigade of engineers from the nation at large, to consist of not more than three regiments and not more than 3,500 men, possessing the special qualifications necessary for engineer troops, under such rules and regulations, including the appointment of the officers thereof, as may be prescribed by the Secretary of War: *Provided*, That not to exceed three officers of the Corps of Engineers of the Regular Army may hold volunteer commissions in any one regiment of the volunteer brigade of engineers at the same time: *And provided further*, That all officers shall be appointed by the President and with the consent of the Senate.

The amendment was agreed to.

The next amendment was to add to the bill the following as a new section:

SEC. 2. And the President is further empowered, under the act of April 22, 1898, to authorize the Secretary of War to organize an additional volunteer force of not exceeding 10,000 enlisted men, possessing immunity from diseases incident to tropical climates, the officers thereof to be appointed by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

Mr. PASCO. I hope the bill will pass. My colleague and I have examined it, and think the suggestions which have been made have been duly considered by the committee.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for a volunteer brigade of engineers and an additional force of 10,000 enlisted men specially accustomed to tropical climates."

ARMY DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I now ask that the consideration of the Army deficiency appropriation bill may be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10197) making appropriations to supply deficiencies in the appropriations for support of the Army for the fiscal year 1898, and for other purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is, Shall the bill pass?

Mr. PASCO. Before the bill passes, I think it would be very well for the Senator from Maine to give us a brief statement in reference to it. Is the bill intended to increase the Army beyond the arrangements made by the recent bills which have been passed, or is it simply to provide for expenditures under laws already existing? I ask for the purpose of information. We are all willing to help the Senator pass the bill.

Mr. HALE. I have already stated, in the absence of the Senator, I think, that it is a bill simply appropriating moneys made necessary by legislation and by existing events. It does not go into the question of increasing the Army. That is another matter.

Mr. COCKRELL. The bill has nothing to do with the organization of the Army either as to its increase or decrease, but only as to its pay.

Mr. HALE. To furnish the money.

The bill was passed.

JOHN C. DULL.

Mr. GORMAN. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 2307) to correct the naval history of John C. Dull.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Navy to correct the naval history of John C. Dull, who, while yet a minor, was enlisted as a landsman in the U. S. S. *Ætna* for service during the war with Mexico, so as to relieve him from

the charge of desertion, dated June 8, 1848, and that he be given an honorable discharge from that date.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock p. m.) the Senate adjourned until Wednesday, May 4, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 2, 1898.

PROMOTIONS IN THE ARMY—INFANTRY ARM.

To be majors.

Capt. Egbert Barnum Savage, Eighth Infantry, April 26, 1898, to fill an original vacancy.

Capt. Charles Austin Coolidge, Seventh Infantry, April 26, 1898, to fill an original vacancy.

Capt. Wilson Tweed Hartz, Fifteenth Infantry, April 26, 1898, to fill an original vacancy.

Capt. Charles Adam Dempsey, Second Infantry, April 26, 1898, to fill an original vacancy.

Capt. William Edgworth Dougherty, First Infantry, April 26, 1898, to fill an original vacancy.

Capt. Sumner H. Lincoln, Tenth Infantry, April 26, 1898, to fill an original vacancy.

Capt. Greenleaf Austin Goodale, Twenty-third Infantry, April 26, 1898, to fill an original vacancy.

Capt. Cyrus Swan Roberts, Seventeenth Infantry, April 26, 1898, to fill an original vacancy.

To be captain.

First Lieut. Edward Chynoweth, Seventeenth Infantry, April 26, 1898, vice Savage, Eighth Infantry, promoted.

UNITED STATES DISTRICT ATTORNEY.

William E. Bundy, of Ohio, to be attorney of the United States for the southern district of Ohio, vice Harlan Cleveland, whose term expired March 28, 1898.

REGISTER OF THE LAND OFFICE.

William V. Lucas, of Chamberlain, S. Dak., to be register of the land office at Chamberlain, S. Dak., vice Clark S. Rowe, whose term will expire May 28, 1898.

RECEIVER OF PUBLIC MONEYS.

Alexander Meggett, of Eau Claire, Wis., to be receiver of public moneys at Eau Claire, Wis., vice John C. Neher, term expired.

LAND COMMISSIONERS.

Joseph C. Auld, of Glendive, Mont., now a commissioner in the Bozeman district, to be a commissioner to examine and classify lands within the land grant and indemnity land grant limits of the Northern Pacific Railroad Company in the Helena land district, in Montana, vice George D. Greene, resigned.

William W. Alderson, of Bozeman, Mont., to be a commissioner to examine and classify lands within the land grant and indemnity land grant limits of the Northern Pacific Railroad Company in the Bozeman land district, in Montana, vice Joseph C. Auld, transferred to the Helena district.

INDIAN AGENTS.

Clarence A. Warner, of Pocatello, Idaho, to be agent for the Indians of the Fort Hall Agency in Idaho, vice Lieut. Francis G. Irwin, jr., United States Army, to be relieved from duty as acting Indian agent.

Nimrod S. Walpole, of Pueblo, Colo., to be agent for the Indians of the Pueblo and Jicarilla Agency in New Mexico, vice Capt. Charles L. Cooper, United States Army, relieved from duty as acting Indian agent.

Oliver C. Applegate, of Klamath Falls, Oreg., to be agent for the Indians of the Klamath Agency in Oregon, vice Joseph Emery, resigned.

POSTMASTERS.

John G. Pritchard, to be postmaster at Bisbee, in the county of Cochise and Territory of Arizona, in the place of John G. Pritchard, whose commission expired December 14, 1896. (Reappointment.)

William D. Ingram, to be postmaster at Lincoln, in the county of Placer and State of California, in the place of Albert C. Fleming, whose commission expires May 29, 1898.

John W. Short, to be postmaster at Fresno, in the county of Fresno and State of California, in the place of William L. Hedrick, whose commission expires May 5, 1898.

Lilian W. Thomas, to be postmaster at Sausalito, in the county of Marin and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

C. E. Head, to be postmaster at Tallapoosa, in the county of Haralson and State of Georgia, in the place of W. D. F. Mann, deceased.

Chester B. Claybaugh, to be postmaster at Toulon, in the county of Stark and State of Illinois, in the place of George Nowlan, whose commission expires May 29, 1898.

William E. Cummings, to be postmaster at Highwood, in the county of Lake and State of Illinois, in the place of A. G. Clampitt, whose commission expired January 12, 1898.

Henry Ede, to be postmaster at Cobden, in the county of Union and State of Illinois, in the place of R. L. Rich, whose commission expired March 6, 1898.

John S. Goodyear, to be postmaster at Mattoon, in the county of Coles and State of Illinois, in the place of J. J. Beall, whose commission expired February 27, 1898.

W. A. Hutchinson, to be postmaster at Oak Park, in the county of Cook and State of Illinois, in the place of A. W. Giles, whose commission expired March 19, 1898.

James P. Mathis, to be postmaster at Toluca, in the county of Marshall and State of Illinois, in the place of W. W. Twist, removed.

John C. Fudge, to be postmaster at Dunkirk, in the county of Jay and State of Indiana, in the place of J. W. Burgess, resigned.

Daniel Lynch, to be postmaster at Lowell, in the county of Lake and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

John Payne, to be postmaster at Connersville, in the county of Fayette and State of Indiana, in the place of John M. Higgs, whose commission expired April 17, 1898.

Charles C. Bender, to be postmaster at Spencer, in the county of Clay and State of Iowa, in the place of Earl Bronson, whose commission expires May 22, 1898.

Thomas L. Green, to be postmaster at West Union, in the county of Fayette and State of Iowa, in the place of Thomas Loftus, whose commission expired April 23, 1898.

Joseph S. Morgan, to be postmaster at Dubuque, in the county of Dubuque and State of Iowa, in the place of Moses M. Ham, whose commission expired January 31, 1898.

William F. Thero, to be postmaster at Farmington, in the county of Van Buren and State of Iowa, in the place of Charles H. Scott, whose commission expired April 17, 1898.

George A. Watts, to be postmaster at Clear Lake, in the county of Cerro Gordo and State of Iowa, in the place of James H. Woodstock, whose commission expires May 15, 1898.

M. K. Whelan, to be postmaster at Estherville, in the county of Emmet and State of Iowa, in the place of J. W. Randolph, whose commission expired February 1, 1898.

Joseph Craft, to be postmaster at Chetopa, in the county of Labette and State of Kansas, in the place of W. J. Herman, whose commission expired March 6, 1898.

W. H. Mackey, jr., to be postmaster at Junction City, in the county of Geary and State of Kansas, in the place of Ella M. Lawrenson, whose commission expired February 27, 1898.

William Smith, to be postmaster at Galena, in the county of Cherokee and State of Kansas, in the place of A. M. McPherson, whose commission expired March 6, 1898.

James N. Titus, to be postmaster at Medicine Lodge, in the county of Barber and State of Kansas, in the place of T. A. McCleary, whose commission expired April 5, 1898.

Albert C. Bradbury, to be postmaster at Newport, in the county of Penobscot and State of Maine, in the place of E. R. Dow, removed.

Henry C. Brewer, to be postmaster at Freeport, in the county of Cumberland and State of Maine, in the place of Ernest E. Pinkham, whose commission expired April 11, 1898.

J. Frank Vincent, to be postmaster at Pocomoke City, in the county of Worcester and State of Maryland, in the place of E. S. Hargis, whose commission expires May 3, 1898.

Augustus M. Bearse, to be postmaster at Middleboro, in the county of Plymouth and State of Massachusetts, in the place of T. B. Lucas, whose commission expires May 22, 1898.

B. F. Brooks, to be postmaster at Barre, in the county of Worcester and State of Massachusetts, in the place of Albert E. Rice, whose commission expired March 20, 1898.

William R. Hall, to be postmaster at Maynard, in the county of Middlesex and State of Massachusetts, in the place of William R. Hall, whose commission expires May 28, 1898. (Reappointment.)

William Parsons, to be postmaster at Rockport, in the county of Essex and State of Massachusetts, in the place of James S. Wallace, whose commission expired April 11, 1898.

Loomis K. Bishop, to be postmaster at Grand Rapids, in the county of Kent and State of Michigan, in the place of T. F. Carroll, whose commission expired March 9, 1898.

Frank W. Clark, to be postmaster at Lake Odessa, in the county of Ionia and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

Clark J. Drummond, to be postmaster at Greenville, in the

county of Montcalm and State of Michigan, in the place of Milo Lewis, resigned.

Henry C. Minnie, to be postmaster at Eaton Rapids, in the county of Eaton and State of Michigan, in the place of W. F. Stirling, whose commission expires May 16, 1898.

Charles S. Pierce, to be postmaster at Oscoda, in the county of Iosco and State of Michigan, in the place of G. D. McKay, whose commission expires May 16, 1898.

George H. Pond, to be postmaster at Ann Arbor, in the county of Washtenaw and State of Michigan, in the place of S. W. Beakes, whose commission expires May 9, 1898.

Timothy Smith, to be postmaster at Howell, in the county of Livingston and State of Michigan, in the place of H. D. Wilber, whose commission expired March 9, 1898.

Robert B. Kreis, to be postmaster at Monticello, in the county of Wright and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

Frank B. Lamson, to be postmaster at Buffalo, in the county of Wright and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

Eugene S. Low, to be postmaster at Hamilton, in the county of Caldwell and State of Missouri, in the place of John Marens, whose commission expires May 28, 1898.

W. C. Clemens, to be postmaster at Virginia City, in the county of Madison and State of Montana, in the place of Eugene Stark, deceased.

William H. Harrison, to be postmaster at Grand Island, in the county of Hall and State of Nebraska, in the place of J. A. Costello, whose commission expired March 19, 1898.

William D. Pruitt, to be postmaster at Arapahoe, in the county of Furnas and State of Nebraska, in the place of Charles E. Reed, whose commission expired February 14, 1898.

Frank D. Reed, to be postmaster at Shelton, in the county of Buffalo and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

Samuel H. Steele, to be postmaster at David City, in the county of Butler and State of Nebraska, in the place of John A. Cook, whose commission expired September 7, 1897.

Lewis H. Baldwin, to be postmaster at Wilton, in the county of Hillsboro and State of New Hampshire, in the place of Maurice J. Herlihy, whose commission expires May 4, 1898.

John T. Welch, to be postmaster at Dover, in the county of Strafford and State of New Hampshire, in the place of James Ryan, jr., deceased.

Theodore M. Giffin, to be postmaster at Haddonfield, in the county of Camden and State of New Jersey, in the place of H. E. Doughty, whose commission expired April 7, 1898.

Charles H. Terrill, to be postmaster at Irvington, in the county of Essex and State of New Jersey, in the place of Mary A. Van Cleve, removed.

William H. Bartlett, to be postmaster at Amenia, in the county of Dutchess and State of New York, in the place of Charles Walsh, resigned.

Herbert W. Davis, to be postmaster at Falconer, in the county of Chautauqua and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1898.

Lorin J. Eggleston, to be postmaster at Millerton, in the county of Dutchess and State of New York, in the place of George Roger, whose commission expired April 5, 1898.

John M. Hamilton, to be postmaster at Batavia, in the county of Genesee and State of New York, in the place of J. F. Hall, whose commission expires May 3, 1898.

John P. Herrick, to be postmaster at Bolivar, in the county of Allegany and State of New York, in the place of G. H. Parker, whose commission expired March 15, 1898.

Reuben F. Hoff, to be postmaster at Union Springs, in the county of Cayuga and State of New York, in the place of W. H. Cotter, whose commission expired March 22, 1898.

Melvin E. Horner, to be postmaster at Belmont, in the county of Allegany and State of New York, in the place of E. W. Chamberlain, whose commission expired March 14, 1898.

Lewis C. O'Connor, to be postmaster at Geneseo, in the county of Livingston and State of New York, in the place of N. W. Rose, whose commission expired March 21, 1898.

George T. Reeve, jr., to be postmaster at Riverhead, in the county of Suffolk and State of New York, in the place of Elija Griswold, whose commission expires May 11, 1898.

George T. Salmon, to be postmaster at Lima, in the county of Livingston and State of New York, in the place of Patrick Guinan, whose commission expires May 22, 1898.

M. L. Wood, to be postmaster at Frankfort, in the county of Herkimer and State of New York, in the place of A. D. Hughes, whose commission expired March 6, 1898.

John H. Howard, to be postmaster at Weldon, in the county of Halifax and State of North Carolina, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1898.

Amanda E. Morris, to be postmaster at Hendersonville, in the county of Henderson and State of North Carolina, in the place of Amanda E. Morris, whose commission expired April 24, 1898. (Reappointment.)

J. B. Elliott, to be postmaster at Greenfield, in the county of Highland and State of Ohio, in the place of U. B. Newman, whose commission expired April 17, 1898.

C. M. Ingman, to be postmaster at Marysville, in the county of Union and State of Ohio, in the place of Smith N. McCloud, whose commission expired March 20, 1898.

Joseph M. Milburn, to be postmaster at Xenia, in the county of Greene and State of Ohio, in the place of L. H. Whiteman, whose commission expired March 15, 1898.

William G. Richards, to be postmaster at Hillsboro, in the county of Highland and State of Ohio, in the place of J. A. Trimble, whose commission expired March 6, 1898.

Manning M. Rose, to be postmaster at Marietta, in the county of Washington and State of Ohio, in the place of Henry Roeser, whose commission expired April 17, 1898.

Ansel T. Simmons, to be postmaster at Geneva, in the county of Ashtabula and State of Ohio, in the place of W. M. Carpenter, whose commission expired February 28, 1898.

John C. Smith, to be postmaster at Wilmington, in the county of Clinton and State of Ohio, in the place of John H. Hirt, whose commission expires May 9, 1898.

Henry Thomas, to be postmaster at Cuyahoga Falls, in the county of Summit and State of Ohio, in the place of T. J. Francisco, whose commission expired April 17, 1898.

John C. Bensinger, to be postmaster at Stroudsburg, in the county of Monroe and State of Pennsylvania, in the place of Dimmick Edinger, whose commission expired September 13, 1897.

Simon Frankle, to be postmaster at Chicora, in the county of Butler and State of Pennsylvania, in the place of H. T. Rattigan, whose commission expires May 2, 1898.

E. W. Roberts, to be postmaster at Luzerne, in the county of Luzerne and State of Pennsylvania, in the place of John T. Killeen, whose commission expired April 11, 1898.

John Scher, jr., to be postmaster at Dushore, in the county of Sullivan and State of Pennsylvania, in the place of G. E. Donehoo, whose commission expired April 11, 1898.

D. M. Turner, to be postmaster at Towanda, in the county of Bradford and State of Pennsylvania, in the place of Edward L. Smith, whose commission expired April 5, 1898.

David E. Lloyd, to be postmaster at Yankton, in the county of Yankton and State of South Dakota, in the place of S. S. Turner, whose commission expires May 9, 1898.

George H. Richmond, to be postmaster at Northfield, in the county of Washington and State of Vermont, in the place of Charles B. Tilden, whose commission expired April 11, 1898.

John M. Sloan, to be postmaster at Chase City, in the county of Mecklenburg and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1898.

C. E. Donovan, to be postmaster at Waterloo, in the county of Jefferson and State of Wisconsin, in the place of P. H. Bolger, whose commission expires May 28, 1898.

John M. Benedict, to be postmaster at Centralia, in the county of Lewis and State of Washington, in the place of John T. Laraway, whose commission expires May 5, 1898.

Thomas S. Chittenden, to be postmaster at Ripon, in the county of Fond du Lac and State of Wisconsin, in the place of Andrew J. Amend, whose commission expires May 16, 1898.

James H. Spencer, to be postmaster at Necedah, in the county of Juneau and State of Wisconsin, in the place of Joseph Stowasser, whose commission expired April 23, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 2, 1898.

PROMOTIONS IN THE NAVY.

Lieut. Thomas H. Stevens, to be a lieutenant-commander.
Lieut. (Junior Grade) Edwin A. Anderson, to be a lieutenant.
Lieut. (Junior Grade) John M. Poyer, to be a lieutenant.
Lieut. (Junior Grade) Charles P. Eaton, to be a lieutenant.
Lieut. (Junior Grade) John M. Ellicott, to be a lieutenant.
Lieut. Commander Wells L. Field, to be a commander.
Lieut. Daniel D. V. Stuart, to be a lieutenant-commander.

PROMOTIONS IN THE ARMY.

To be additional second lieutenants—Corps of Engineers.

1. Cadet Frank C. Boggs, jr.
2. Cadet Clarke S. Smith.
3. Cadet William P. Wooten.

4. Cadet Lytle Brown.
5. Cadet Robert D. Kerr.
6. Cadet Earl I. Brown.
7. Cadet Amos A. Fries.

To be second lieutenants.

ARTILLERY ARM.

8. Cadet Manus McCloskey.
9. Cadet John E. Stephens.
10. Cadet Thomas E. Merrill.
13. Cadet George A. Nugent.
14. Cadet William W. Hamilton.
16. Cadet William E. Cole.
17. Cadet Fox Conner.
18. Cadet Henry W. Butner.
20. Cadet Marcellus G. Spinks.
22. Cadet Jacob C. Johnson.
23. Cadet Henry L. Newbold.
30. Cadet Ernest D. Scott.

INFANTRY ARM.

11. Cadet Monroe C. Kerth.
12. Cadet Charles H. Munton.
15. Cadet Curtis W. Otwell.
19. Cadet Francis K. Meade.
21. Cadet Lambert W. Jordan, jr.
24. Cadet William F. Nesbitt.
25. Cadet James B. Gowen.
26. Cadet Harvey W. Miller.
27. Cadet Edwin D. Bricker.
28. Cadet Thomas F. Maginnis.
29. Cadet William W. Fiscus, jr.
31. Cadet Daniel G. Berry.
32. Cadet Edmund N. Benchley.
33. Cadet Malin Craig.
34. Cadet Harold Hammond.
35. Cadet Ralph E. Ingram.
36. Cadet Robert C. Davis.
37. Cadet Joseph F. Janda.
38. Cadet Alvan C. Read.
39. Cadet Ira C. Welborn.
40. Cadet Clarke Churchman.
41. Cadet David E. W. Lyle.
42. Cadet Alexander E. Williams.
43. Cadet Romulus F. Walton.
44. Cadet Charles W. Exton.
45. Cadet Guy V. Henry, jr.
46. Cadet Edward H. Martin.
47. Cadet Herbert A. Lafferty.
48. Cadet David P. Wheeler.
49. Cadet Conrad S. Babcock.
50. Cadet Edgar Ridenour.
51. Cadet Chauncey B. Humphrey.
52. Cadet Berkeley Enochs.
53. Cadet William L. Murphy.
54. Cadet Robert J. Maxey.
55. Cadet G. Maury Cralle.
56. Cadet Joseph F. Gohn.
57. Cadet James H. Bradford, jr.
58. Cadet Wallace B. Scales.
59. Cadet David L. Stone.

ASSISTANT UNITED STATES TREASURER.

Julius Jacobs, of California, to be assistant treasurer of the United States at San Francisco, Cal.

COLLECTOR OF INTERNAL REVENUE.

Charles H. Treat, of New York, to be collector of internal revenue for the Second district of New York.

UNITED STATES ATTORNEY.

William D. Gordon, of Michigan, to be attorney of the United States for the eastern district of Michigan.

MARSHAL.

William R. Bates, of Michigan, to be marshal of the United States for the eastern district of Michigan.

SURVEYOR-GENERAL.

Erastus A. Williams, of Bismarck, N. Dak., to be surveyor-general of North Dakota.

PENSION AGENT.

Leslie Combs, of Lexington, Ky., to be pension agent at Louisville, Ky.

INDIAN AGENTS.

William T. Walker, of Norman, Okla., to be agent for the Indians of the Kiowa Agency in Oklahoma Territory.

Jay Lynch, of Dayton, Wash., to be agent for the Indians of the Yakima Agency in Washington.

RECEIVERS OF PUBLIC MONEYS.

Samuel A. Young, of Inyankara, Wyo., to be receiver of public moneys at Sundance, Wyo.

William J. French, of Alva, Okla., to be receiver of public moneys at Alva, Okla.

Charles H. Norris, of Fowler, Cal., to be receiver of public moneys at Visalia, Cal.

POSTMASTERS.

George G. Cook, to be postmaster at Milford, in the county of Worcester and State of Massachusetts.

E. L. Vale, to be postmaster at Columbus Grove, in the county of Putnam and State of Ohio.

H. S. Enck, to be postmaster at Leipsic, in the county of Putnam and State of Ohio.

D. K. Jewell, to be postmaster at Hallowell, in the county of Kennebec and State of Maine.

D. M. Kirby, to be postmaster at Palatka, in the county of Putnam and State of Florida.

John G. Richmond, to be postmaster at La Belle, in the county of Lewis and State of Missouri.

Joseph M. Phelps, to be postmaster at Centralia, in the county of Boone and State of Missouri.

C. C. Marsh, to be postmaster at Shawnee, in the county of Perry and State of Ohio.

William O. Sides, to be postmaster at Portsmouth, in the county of Rockingham and State of New Hampshire.

James W. Brocaw, to be postmaster at Harrisonville, in the county of Cass and State of Missouri.

J. Porter Patton, to be postmaster at Monroe City, in the county of Monroe and State of Missouri.

Dollie W. Garrett, to be postmaster at Henderson, in the county of Vance and State of North Carolina.

C. T. Bailey, to be postmaster at Raleigh, in the county of Wake and State of North Carolina.

P. J. O'Brien, to be postmaster at Durham, in the county of Durham and State of North Carolina.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 2, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday was read and approved.

URGENT DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I am directed by the Committee on Appropriations to report the following urgent deficiency bill and ask its consideration at once.

The bill was read, as follows:

A bill (H. R. 10197) making appropriations to supply deficiencies in the appropriations for support of the Army for the fiscal year 1898, and for other purposes.

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the support of the Army for the fiscal year 1898, and for other objects, namely:

MILITARY ESTABLISHMENT.

OFFICE OF THE CHIEF SIGNAL OFFICER.

For the expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use in target ranges; war balloons; telephone apparatus (excluding exchange service) and maintenance of the same; electrical installations and maintenance at military posts; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, $21,000.

PAY DEPARTMENT.

For pay of volunteers under act approved April 22, 1898, namely:
For 15 light batteries of artillery, $100,810;
For 20 heavy batteries of artillery, $152,189.33;
For 2 regiments of cavalry, $108,600;
For 28 troops of cavalry, $115,864;
For 2 squadrons of cavalry, $33,106;
For 109 regiments of infantry, $4,879,138;
For 8 battalions of infantry, $127,825;
For pay of regimental staff for 110 separate companies, $38,498;
For pay of officers of the line (staff), $133,133.33;
For pay of contract surgeons, $5,000;
For mileage to officers, $25,000;
For 50 paymasters, additional, majors, $20,833.33;
For 50 paymasters' clerks, additional, at the rate of $1,400 per annum each, $11,666.66;
For traveling expenses of paymasters' clerks, $15,000; in all, $5,766,661.65.
For pay of the Army under act approved April 26, 1898, as follows:
For pay of officers of the line, namely:
For 50 majors, $20,833.33;
For 50 captains, not mounted, $15,000;
For 50 first lieutenants, not mounted, $12,500;
For 50 second lieutenants, not mounted, $11,666.66;
For 28 second lieutenants, mounted, $7,000;
For 56 second lieutenants, not mounted, $13,066.66; in all, $80,066.65.
For pay of the line, including recruits, namely:
For 2 sergeant-majors, $92;

For 2 quartermaster-sergeants $60;
For 2 chief musicians, $240.
For 4 trumpeters and principal musicians, $176;
For 76 first sergeants, $3,800;
For 448 company quartermaster-sergeants, $16,128;
For 1,471 sergeants, cavalry, artillery, and infantry, $52,956;
For 28 veterinary sergeants, $1,008;
For 4,031 corporals, cavalry, artillery, and infantry, $120,930;
For 148 musicians and trumpeters, $3,848;
For 150 artificers, farriers, and blacksmiths, $4,500;
For 29 saddlers, $870;
For 75 wagoners, $2,100;
For 30,360 privates, cavalry, artillery, and infantry, $799,300; in all, $996,100.
For engineer battalion, namely:
For 5 first sergeants, $240;
For 10 sergeants, $360;
For 10 corporals, $400;
For 2 musicians, $52;
For 116 first-class privates, $3,944;
For 109 second-class privates, $2,804; in all, $8,250.
For Signal Corps, namely:
For 10 corporals, $400;
For 100 first-class privates, $3,400;
For 40 second-class privates, $1,040; in all, $4,840.
For 20 per cent increase on pay of enlisted men for two months, $345,329.91.

All the money hereinbefore appropriated under "Pay Department" except for "mileage to officers" shall be disbursed and accounted for by the Pay Department as pay of the Army, and for that purpose shall constitute one fund.

To supply deficiencies in the appropriations for pay, etc., of the Army for the fiscal year 1898, including for additional pay for length of service of enlisted men; pay of enlisted men on the retired list; allowance for travel, retained and detained pay, clothing not drawn, and for interest on deposits, payable to enlisted men on discharge; pay of officers of the line; pay of officers for length of service, to be paid with current monthly pay; pay of enlisted men; pay of general staff; pay of retired officers; additional pay to retired officers for length of service; commutation of quarters to officers on duty without troops; and including not exceeding $113,170.56, made necessary by act approved March 3, 1898, providing for two additional regiments of artillery, $1,000,219.70.

For mileage to officers when authorized by law, $35,000.

SUBSISTENCE DEPARTMENT.

For purchase of subsistence supplies: For issue as rations to troops, civil employees when entitled thereto, hospital matrons, and general prisoners at posts, estimated for remainder of the fiscal year 1898 on the basis of 10,958,574 rations: for sales to officers and enlisted men of the Army; for authorized issues of candles; of toilet articles, barbers', laundry, and tailors' materials, for use of general prisoners confined at military posts without pay or allowances, and recruits at recruiting stations; of matches for lighting public fires and lights at posts and stations and in the field; of flour used for paste in target practice; of salt and vinegar for public animals. For payments: For meals for recruiting parties and recruits; for hot coffee, canned beef, and baked beans for troops traveling, when it is impracticable to cook their rations; for scales, weights, measures, utensils, tools, stationery, blank books and forms, printing, advertising, commercial newspapers, use of telephones, office furniture; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department); for compensation of civilians employed in the Subsistence Department; and for other necessary expenses incident to the purchase, care, preservation, issue, sale, and accounting for subsistence supplies for the Army. For the payment of the regulation allowances for commutation in lieu of rations: To enlisted men on furlough, to ordnance sergeants on duty at ungarrisoned posts, to enlisted men stationed at places where rations in kind can not be economically issued, to enlisted men traveling on detached duty when it is impracticable to carry rations of any kind; to be expended under the direction of the Secretary of War; in all, $2,730,643.50.

QUARTERMASTER'S DEPARTMENT.

For regular supplies, namely: For regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus, required for heating offices, hospitals, barracks, and quarters, and recruiting stations; also ranges and stoves, and appliances for cooking and serving food, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices, and for sale to officers; for post bakeries; for the necessary furniture, text-books, paper, and equipments for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's departments, and for printing Department orders and reports, $1,000,000.

For incidental expenses, namely: For postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters and the expenses incident to their pursuit, and no greater sum than $10 for each deserter shall be paid to any officer or citizen for such services and expenses; for a donation of $5 to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence involving dishonorable discharge; and for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmiths' tools and materials, horseshoes and blacksmiths' tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operation of the Army, and at military posts, and not expressly assigned to any other department, $750,000.

For horses for cavalry and artillery, namely: For the purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry and members of the hospital corps in field campaigns as may be required to be mounted, and the expenses incident thereto, $1,500,000.

For barracks and quarters, namely: For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, recruiting stations, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts, including the extra-duty pay of enlisted men employed on the same: *Provided*, That no part of the money so appropriated shall be paid for commutation of fuel, and for quarters to officers or enlisted men, $300,000.

For transportation of the Army, and its supplies, namely: For transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses of recruiting"; of supplies to the militia furnished by the War Department; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster's stores, from army depots or places of purchase or delivery to the several posts and army depots and from those depots to the troops in the field: of horse equipments and subsistence stores, from the places of purchase and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms, from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other seagoing vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as trainmasters, and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; for procuring water, and introducing the same to buildings, at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of army transportations lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at the time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service, $6,000,000.

Clothing, and camp and garrison equipage, namely: For cloth, woolens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price according to the Army Regulations; for altering and fitting clothing, and washing and cleaning when necessary; for equipage and for expenses of packing and handling and similar necessaries; for a suit of citizen's outer clothes, to cost not exceeding $10, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge, $10,000,000.

For contingencies of the Army, namely: For all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service, to be expended under the immediate orders of the Secretary of War, $20,000.

ORDNANCE DEPARTMENT.

For current expenses of the ordnance service, required to defray the current expenses at the arsenals; of receiving stores and issuing arms and other ordnance supplies; of police and office duties; of rents, tolls, fuel, and lights; of stationery and office furniture; of tools and instruments for use; incidental expenses of the ordnance service, and those attending practical trials and tests of ordnance, small arms, and other ordnance supplies, including payment for mechanical labor in the office of the Chief of Ordnance, $95,000.

For procuring small-arm ammunition, including machinery, tools, etc., for its manufacture at arsenals, $326,250.

For purchase and manufacture of ordnance stores to fill requisitions of troops, $125,000.

For infantry, cavalry, and artillery equipments, including horse equipments for cavalry and artillery, and including machinery, tools, etc., for their manufacture at arsenals, $791,750.

For repairing and preserving ordnance and ordnance stores in the hands of troops, and for issue at the arsenals and depots, $10,000.

For overhauling, cleaning, and preserving new ordnance on hand at the arsenals, $10,000.

For manufacture, repairing, procuring, and issuing arms at the national armories, $148,000.

FORTIFICATIONS.

For the following for armament of fortifications, to be available until expended:

For procuring 8.3-inch field cannon, with their carriages, equipments, sights, and harness, in addition to amount allotted under the appropriation for national defense, and ammunition, including machinery, tools, etc., for their manufacture at the arsenals, $540,000.

For procuring siege guns, their carriages and ammunition, including machinery, tools, etc., for their manufacture at the arsenals, $510,800.

For procuring range finders and instruments for fire control, $70,000.

For powders and projectiles for seacoast guns and mortars, and for explosives for filling the projectiles, for fuses, and for necessary machinery, tools,

etc., for their manufacture at the arsenals, and for test plates and expenses of testing, $1,015,000.

For ammunition for rapid-fire guns, $425,000.

For fitting up twenty-one 15-inch smooth-bore carriages to take the 8-inch breech-loading rifles, $21,000.

For 12-inch barbette carriages, including inspection, test specimens, etc., $275,000.

MEDICAL DEPARTMENT.

For the purchase of medical supplies for the Volunteer Army of the United States Army, $50,000.

ENGINEER DEPARTMENT.

For pontoon boats, pontoniers' materials, intrenching tools, drawing instruments, surveying instruments, note books, printing and issuing maps, sappers and miners' tools, $50,000.

For expeditionary force to Cuba, namely: For construction plant, $62,250;

For intrenching tools, $13,095;

For portable electric outfit, $23,225;

For surveying and drawing instruments, $16,464;

For the procurement of field maps printed on linen with indelible ink, $3,000;

For unforeseen contingent expenses which involve immediate expenditure for purposes of imperative urgency, $42,000; in all, $150,034, to be expended under direction of the Major-General Commanding the Army, and to be available until expended.

TORPEDOES FOR HARBOR DEFENSE.

For the purchase of additional torpedo material, $50,000.

For expenses of planting torpedoes now in progress at all principal harbors, $300,000.

PRINTING AND BINDING.

For printing and binding for the Navy Department, $20,000.

For printing and binding for the Treasury Department, $30,000.

NAVY DEPARTMENT.

For stationery, furniture, newspapers, plans, drawings, drawing materials, horses, and wagons, to be used only for official purposes, freight, expressage, postage, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, $1,000.

NAVAL ESTABLISHMENT.

Pay miscellaneous: For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of apothecaries, yeomen and civilian employees, and for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment as cadets; for rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial, prisoners and prison, and courts of inquiry, boards of inspection, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; telephones; copying; care of library, including the purchase of books, photographs, prints, manuscripts, and periodicals; ferriages, tolls, and express fees, costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; canal tolls and pilotage; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction, at home or abroad, in maintenance of students and attachés and information from abroad, and the collection and classification thereof, and other necessary and incidental expenses, $100,000.

The appropriations herein made, except as otherwise provided, shall continue available until January 1, 1899.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill just reported to the House.

Mr. RICHARDSON. Mr. Speaker, I have been utterly unable to get a copy of this bill, and I do not know what is in it. Reserving the right to object, I would like to hear from the chairman of the committee some explanation of the bill and the necessity for it. I do not want to be put in the attitude of objecting to it if it is necessary.

Mr. CANNON. Mr. Speaker, I would be very glad, with the consent of the House, to state briefly what this bill does. First, I will say that it is the unanimous report of the Committee on Appropriations. The committee have very carefully inquired touching the necessity of the bill.

Mr. RICHARDSON. Has the bill been printed so that the committee had it before them?

Mr. CANNON. No; but Document 439, which was put in print Saturday, will give on the second page substantially full information about it. If gentlemen will send to the Doorkeeper's desk, they can get a copy. However, I think I can make plain the necessity for it in a few minutes. There are a few items that make the aggregate. The pay of the Army and volunteers is in round numbers $6,000,000; and I call the gentleman's attention to the fact that it is a deficiency bill for the Army for the two months of this fiscal year. Gentlemen understand that of the Army volunteers there are 125,000 men called into the service.

Mr. RICHARDSON. May I ask the gentleman as we go along—for if I read the document I can not listen to him, and I prefer to hear the explanation from him rather than to refer to the document—is there any other money available for these volunteers that have been called for except this sum?

Mr. CANNON. Not a dollar.

Mr. RICHARDSON. Then that is an answer to that.

Mr. CANNON. The appropriation for the current year was made a year ago in the Regular Army bill, and for the Army as it then existed.

Mr. RICHARDSON. Is any part of that sum for the Regular Army?

Mr. CANNON. I will come to another item—the next item. In round numbers it is $6,000,000 for the remainder of this fiscal year's pay of the Army volunteers. For pay of the Army regulars it is $125,000; that is the next item. Gentlemen understand the legislation we have had increasing the Regular Army.

Mr. HULL. There was a shortage in the appropriation for the Regular Army last year.

Mr. CANNON. Yes; this item includes all that is necessary for the Regular Army, including the shortage and the increase, for the balance of the fiscal year.

The next item is subsistence of the Army, and that is the whole Army, both Regular and Volunteer, $2,739,000. The next item is the regular supplies of the Quartermaster's Department, $1,000,000. The next item is, horses for cavalry and artillery, $1,500,000. The next item is, for barracks and quarters, $300,000. The next item, and a very large one, is Army transportation, $6,000,000. That is both for Regular Army and moving of the volunteers. The next item is, for clothing and camp and garrison equipment, $10,000,000. That will not all be necessary for this fiscal year, but it is necessary to appropriate the $10,000,000 so that contracts can be made this year. The $10,000,000 will be almost entirely consumed next year, but it is necessary to make the appropriation now.

Mr. COX. Will the gentleman permit me to ask him a question?

Mr. CANNON. Certainly.

Mr. COX. You have estimated for the pay of the Volunteer Army and the Regular Army. Upon what number is it based? How do you get at the figures?

Mr. CANNON. If the gentleman will notice in Document 439, it is made on the basis of paying 125,000 volunteers for the Army two months of this year, from the 1st of May, and also of the Regular Army.

Mr. COX. What is the basis of the Regular Army?

Mr. CANNON. The basis of the late legislation.

Mr. COX. That is putting the Regular Army at 61,000?

Mr. CANNON. That is correct. Then for Ordnance Department, $3,747,000; torpedoes for harbor defense, $500,000; expeditionary force to Cuba, $150,000.

Then there is pay miscellaneous of the Navy (that appropriation being entirely exhausted), $100,000.

Mr. COX. The gentleman will pardon me a moment. It will be remembered that there was another force provided for in the volunteer bill. There were 3,000 men called for in the volunteer bill, who might be termed a special force. Were they included in this estimate?

Mr. CANNON. Yes, sir; they are included.

Mr. HULL. The gentleman from Illinois will allow me to supplement what he has said by a statement that the bill recently passed by Congress increased the pay of all enlisted men of the Regular Army and the Volunteer Army in time of war 20 per cent. That adds one-fifth to the pay proper of enlisted men of the Army.

Mr. CANNON. That is correct.

Mr. COX. That is, in time of war.

Mr. HULL. Yes, sir.

Mr. CANNON. This bill includes an appropriation for the pay of the Army and the miscellaneous pay of the Navy for the remainder of this fiscal year. It may be that all the volunteers and all the regulars will not go upon the pay roll on the 1st of May. If there is any money left over, we make a provision in the bill that it may be used for the pay of the Army until the 1st of January next.

Mr. SAYERS rose.

Mr. CANNON. I yield to the gentleman from Texas [Mr. SAYERS].

Mr. RICHARDSON. Before the gentleman from Texas proceeds, allow me one question. I want to ask the gentleman from Illinois whether these appropriations are all based upon written or formal estimates submitted by the Departments?

Mr. CANNON. Yes, sir; with three exceptions. The committee had before them the heads of the various bureaus, and upon inquiry we found that in one case they had not asked for sufficient by $300,000, and in another case by about $200,000. Therefore we have proposed appropriations beyond the estimates in those two cases. In another case we found that they had asked for $100,000 too much.

I will say further that this bill, if enacted, will write into law everything asked for by the War and Navy Departments at the present time. Our object was first to see that the estimates were proper, and having found on examination that they were, in our opinion, proper, we deemed it our duty to give to "the powers that be" who are to carry on this war the full amount of money they asked for.

Mr. CLARDY. Does this bill include appropriations to pay expenses of mobilizing the militia in the States and preparing them

for service in the United States Army, or is that expense expected to be paid by the respective States?

Mr. CANNON. My understanding is that that matter will have to be adjusted in whole or in part.

Mr. RIDGELY. Shall we have a printed report from the committee—an itemized report?

Mr. CANNON. Oh, yes; there is a report now on the Clerk's desk accompanying the bill.

Mr. RIDGELY. It is not yet in print?

Mr. CANNON. No; but the document to which I have called attention, Document No. 439, giving full information on the question, is in print.

Mr. CLARDY. We can not get at present even that document; there are not enough in print.

Mr. CANNON. There ought to be.

Mr. Speaker, I now yield to the gentleman from Texas.

Mr. CLARDY. Allow me to say, before the gentleman from Texas proceeds, that I hope he will explain (because questions on this subject are asked of us constantly) about the payment of these troops—whether the Government is to pay them or whether they are to be paid by the States.

Mr. McMILLIN. I think this bill ought to considered in Committee of the Whole, so as to give better opportunity for explaining and understanding it.

Mr. CANNON. I ask the gentleman from Tennessee [Mr. McMILLIN] to let the gentleman from Texas make his statement before that point is made.

Mr. SAYERS. Mr. Speaker, I wish to say in behalf of the pending measure that the subcommittee of the Committee on Appropriations gave every item appearing in this bill their most careful and thorough consideration. There is no new legislation whatever on it. It is confined altogether to appropriations to carry on the present war. And there is not an item to which I do not give my entire sanction as absolutely necessary during the present emergency.

In response to the inquiry of the gentleman from Kentucky [Mr. CLARDY], I can only say—I do not state this as a fact, but give it only as an opinion—that the pay of volunteers will begin from the date of their enrollment, and not from the date of their actual muster into the service; in other words, my information is that the President having called upon the States for their respective quotas of troops and the governors having responded, then when a company has presented itself and has been mustered into the service, the pay of the members of such company will begin from the date of their enrollment. That is the information I have. I do not state it as absolutely correct, but I believe it to be so.

Mr. CLARDY. How about the expenses of mobilizing these troops and disciplining them in camp?

Mr. SAYERS. I take it that of course such expenses are to be paid by the Government.

Mr. STEELE. Allow me a moment. I was at the War Department this morning, and I understand that the Government is going to pay all these expenses from the date of the enlistment of the troops up to the time they are mustered in. This includes transportation from their homes to the place of enrollment, and all other expenses.

Mr. HENDERSON. That is what was done during the civil war.

Mr. SAYERS. Mr. Speaker, I trust that this bill will have the support of every member of the House——

Mr. COX. If the gentleman from Texas will permit me to interrupt him, I could not distinctly hear his statement, and this is a matter in which we are all interested, as it affects the troops coming from every State. What I wish to ask him is, if this proposition involves the pay of the volunteers under the conditions which now prevail? Say, for instance, that the volunteers start to-day and are mustered in not before fifteen days from now, who pays the expense of bringing them from the States to the place of enrollment, and who pays them in the meantime, while they are waiting to be mustered in?

Mr. SAYERS. My understanding is that the Federal Government pays the whole expense.

Mr. COX. Then the Federal Government pays everything connected with it?

Mr. SAYERS. Yes; all of the expenses are paid by the Federal Government, and the object in part of this bill is to provide payment of just such expenditures.

Mr. RIDGELY. And this payment will be made at once, and not be carried on for some future settlement?

Mr. SAYERS. I think so.

I now yield the floor to my colleague on the committee from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, I simply desire to add a word to what has been said by the gentleman from Texas with reference to the pending bill. The appropriations involved in the bill have been carefully scrutinized by the members of the Committee on Appropriations. Every item in the bill, with a trifling exception, involving only a few thousand dollars, is covered by estimates submitted by the Secretaries of War and Navy. Each item has been examined in detail carefully and thoroughly.

I simply add my testimony to that borne by the gentleman from Texas and the gentleman from Illinois. In my judgment every item in the bill is essential and necessary, and there ought not to be any delay in passing the bill.

Mr. LANHAM. Will the gentleman from Missouri permit me to ask him what total amount is covered by the bill?

Mr. DOCKERY. About $35,000,000.

Mr. LANHAM. I notice that the estimates of the Secretaries of War and Navy are about $34,000,000——

Mr. DOCKERY. That is correct; but some additional items appear which have been reported upon estimates recently submitted by the Secretary of the Navy.

Mr. LIVINGSTON. For instance, $100,000 by the Navy Department has been sent in this morning; and $75,000 additional on another branch of the naval service——

Mr. LANHAM. All of the appropriations covered by the bill are for the military and naval service?

Mr. DOCKERY. Every dollar of the bill rests upon estimates submitted by the Departments.

Mr. SAYERS. There is one item of $5,000 which comes on an estimate from the Treasury Department, which has been made necessary by reason of extra printing required to be done because of war preparations. The entire appropriation from one end to the other, it will be seen, is for war purposes. They are all necessary, and made so by existing conditions, and I hope there will be no delay in passing the bill.

Mr. DOCKERY. I think the House may feel perfectly sure that every item is urgent and necessary, and has been carefully examined by the committee; and the committee are unanimous in their report on the bill.

The SPEAKER. Is there objection to the present consideration of the bill in the House?

Mr. McMILLIN. Mr. Speaker, I have no objection to the present consideration of the bill. I think it ought to be considered; but it should have a fair and full consideration in the House. It is a matter of great importance, involving a large sum of money, and we ought to have opportunity for its full consideration in Committee of the Whole.

The SPEAKER. That, then, is equivalent to an objection.

Mr. McMILLIN. Then, Mr. Speaker, if that is the construction of the Chair, I do not want to stand in the way of the immediate consideration of the measure, although it is not the proper manner in which to consider bills of this character. This bill has not yet been printed and laid before the members; but if it can only be considered by unanimous consent at this time, in the way suggested by the Speaker, I am not willing to stand in the way, but will consent to its consideration at once. Still the fact stands that no bill of this magnitude, a bill which has never been printed, ought to be considered otherwise than in Committee of the Whole, where there can be the widest latitude of discussion.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Illinois.

Mr. CANNON. Then, Mr. Speaker, I ask that the bill be placed upon its passage.

Mr. TODD. Mr. Speaker, reserving the right to object, I would like to make an inquiry of the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I would be glad to answer the gentleman.

Mr. TODD. I would like to ask, in the first place, how it is that this bill has not been printed for the information of the House? I have read the document on which the bill is based, which bears date the 29th day of April, and surely there was ample time to print the bill and offer it in the regular way.

I notice this bill carries one item of $6,000,000 for Army railroad transportation. I am informed that the railroad companies are charging practically full first-class fare for the transportation of troops; and I think the House ought to consider this proposition very carefully and determine what would be and is a fair rate of compensation to be paid for the service.

Mr. STEELE. Where does the gentleman get that information?

Mr. TODD. From the organ of the Administration, yesterday morning's Washington Post. It is printed as "news," not in criticism of the action referred to.

Mr. STEELE. I will state for the gentleman's information that that is not the case.

Mr. TODD. I am informed that after a rate had been offered by one railroad company for the carrying of troops from my State (the Michigan Naval Reserves) from Detroit to Norfolk for about $7, and they were about to close up a contract at that rate, it was found that an officer of the War Department claimed that a contract had been entered into with another railroad at a rate above $13. I wish to call attention to the fact that the Secretary of War has appointed the president of a railroad company to manage this matter. The president of the Pennsylvania Railroad, Mr. Frank Thompson, is now at the head of the transportation

business of this Government. Mr. Blanchard, president of the Central Traffic Association, a gigantic railroad pool for preventing competition, has just received a similar appointment in the interests of the other roads, so that no competition will be allowed for the Government business, and that the plunder shall be equally divided among the lines he controls. It is he who has been lobbying to secure a law legalizing railroad pooling, which by decision of the Supreme Court of the United States has been declared unconstitutional. Yet notwithstanding that he is at the head of an illegal organization, he and his associates in their dual capacity of Government officials and presidents of railroad pools, as suits their pleasure. It is practically taken out of the hands of Congress and the authorities. The head officer of the Baltimore and Ohio Railroad is now asking for a similar position. And no wonder they wish such positions, if they control the rates and charge double. Under this system there is nobody to represent the interests of the Government, and it results in a wholesale plunder of the Treasury and the money needed to carry the war to a successful conclusion.

Mr. KING. Do I understand the gentleman to say that the Secretary of War has turned over to railroad presidents the right to contract in behalf of the Government with themselves for the transportation of troops?

Mr. TODD. Yes; and I ask unanimous consent to read from an Administration paper, yesterday morning's Washington Post a report to that effect from the War Department. It is as follows:

FOR A PART OF THE SPOILS—THE RAILROADS ARE MAKING A LIVELY FIGHT FOR BUSINESS—THEIR EFFORTS TO CAPTURE CONTRACTS FOR HAULING TROOPS ARE EXTREMELY ENERGETIC AND ARE A FEATURE OF THE WAR SITUATION.

One of the most interesting features of the war situation is the rivalry of the various railroads to get as much money from the Government as possible for the transportation of troops. In fact, the struggle for a division of the spoils has almost become a farce.

The selection of the points of rendezvous for the volunteer force has been one of the most prolific causes of rivalry. In the case of West Virginia, the Department has chosen Martinsburg, which is on the Baltimore and Ohio, and is not reached by any other road, while the governor of the State wants Charleston named, and this town is on the Chesapeake and Ohio, by which route it can alone be reached. While neither the Secretary of War nor the governor of West Virginia was influenced in the least by railroad considerations, the corporations made the matter almost a personal one, and the result is a deadlock. In other States the railroads which were not benefited by the movement of the troops have also been busy in securing changes of location, and railroad agents have swarmed through the corridors of the War Department until they are as numerous as the clerks.

An incident which happened yesterday in the Navy Department is also in point. It seems that 157 men were to be transferred from Detroit to the Norfolk Navy-Yard, and bids were invited for the transportation. The lowest bid was $7.29 per man; but when this stage of the proceedings had been reached, it was discovered that the contract for the movement of the men had already been given to a railroad company by an official of the Department at a fraction over $12 per man. Under the circumstances the contract was allowed to stand, but more care will be exercised in the future.

Some time ago Secretary Alger arranged with President Thompson, of the Pennsylvania road, to be his aid in the matter of arranging transportation for the troops. It is now understood that another prominent railroad man is to be named as an assistant aid for the same purpose, and the leaking out of this fact has caused a general scramble among railroad managers to secure the appointment. Receiver Cowen, of the Baltimore and Ohio, is anxious to be selected, but there are a number of other well-known railroad men who would like the honor thrust upon them.

It will be noticed that the railroads are attempting to dictate where the troops shall rendezvous, naming places where no competition in rates is possible. The interests of the nation are of little moment. The success of our arms, the claims of humanity, and the glory of our Republic are secondary to the looting of the Treasury. Why, the amount asked for transportation of the Army, $6,000,000, is more than double the amount appropriated for its "subsistence," which is but $2,739,643.50. It is forty times the amount named for the "expeditionary force to Cuba," $150,084.

It is almost equal to the entire pay for one year of the combined Volunteer and Regular Army. And it should be remembered that there can be but little transportation during the period covered in the bill—the present fiscal year, which closes in less than two months. During the ten months already passed there has been no large movement of our troops. And yet you propose to give the railroads more than double the cost of subsistence of the Army, and nearly the amount of the pay received during the entire period by our entire Army, both Volunteer and Regular.

In view of these conditions, I shall offer the following resolution of inquiry, which I will ask to be referred to the Committee on Expenses of the War Department:

Resolved by the House of Representatives of the United States of America, That the Secretary of War be, and he is hereby, requested to transmit to Congress, at his earliest convenience, full information regarding the methods by which contracts are made between the Department of War and railroad companies relative to the transportation of troops, Army supplies, and munitions of war, together with the forms of advertising for such contracts and bids for the same, with copies of all contracts for such transportation made during the present fiscal year, and the correspondence between the Department of War and the railroad officials relative thereto.

Information is also requested as to whether bona fide competition exists in such transportation; and if so, to what extent; also the reasons of the Secretary of War for appointing a railroad president and other high railroad officials to take charge of the transportations interest of the Government, and the effects of such appointments upon the public welfare. The Secretary of War is also requested to transmit a list of all the persons now occupying official positions in his Department who now, or immediately preceding their appointment to a Government position, were connected with any railroad corporation, either as official or counsel.

It would seem, Mr. Speaker, by the recklessness with which the people's money is wasted or diverted, that one object in view is to so deplete the Treasury that excuse may be found to force upon the nation the contemplated bond issue of $500,000,000.

Mr. CANNON. Now, in reply to the gentleman's question why this bill was not printed before it was submitted, and calling attention to the fact that this estimate was forwarded on the 29th of April, the gentleman must be aware that estimates come to the Speaker's table and then are referred to the proper committee, and then they go to the Printing Office and are printed. They do not come to the proper committee until they come in print. This estimate reached the committee on Saturday afternoon. I did not see it until after the adjournment of the House Saturday evening. Now, between Saturday evening and this morning at half past 10 o'clock the Committee on Appropriations, through its appropriate subcommittee, I think I can say, made an exhaustive examination of these estimates, calling before it the various heads of bureaus, and reporting this morning to the full committee. That answers the question which the gentleman asked in regard to that.

Now, one further matter. I do not know what rates of transportation are being paid by the Quartermaster-General. I am acquainted with the Quartermaster-General. I believe him to be a vigilant, honest, efficient officer of the Army. I have no doubt that he is complying with the law and doing everything in his power to get the best rate on munitions of war, on transportation of troops, and on everything else that comes within the scope of his duty.

It is impossible for us to change the law in connection with this appropriation, which is an urgent one. It is impossible for us to make modifications in the law as to how long the advertisement shall be and the manner in which rates shall be arrived at. Officers of the Government must perform their duties in the white light of public intelligence, and must be honest and efficient; and so far as transportation is concerned, my belief is that the Quartermaster-General's Office is both honest and efficient.

Now I will yield to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Speaker, I desire to say a word in reply to the criticism upon the haste with which this bill has been presented to the House. There are 125,000 volunteers gathering in the States of the Union. They have been gathering ever since the call was made by the President of the United States. Many of the States have made no provision for paying them or taking care of them, and it is the duty of Congress to make this appropriation as early as possible.

Mr. RICHARDSON. Nobody objects to that.

Mr. SAYERS. So that the volunteers can be paid. That is one of the reasons why we are so urgent about this matter.

Mr. WALKER of Massachusetts. A parliamentary inquiry.

The SPEAKER. The gentleman from Massachusetts makes a parliamentary inquiry.

Mr. WALKER of Massachusetts. I would like, if the gentleman from Texas informed the House what the provisions of this bill are, the Speaker to inform the House, as we could not hear the gentleman.

The SPEAKER. That is hardly a parliamentary inquiry.

Mr. McMILLIN. Mr. Speaker——

The SPEAKER. The gentleman from Illinois has the floor.

Mr. CANNON. Does the gentleman desire some time?

Mr. McMILLIN. Yes.

Mr. CANNON. How much?

Mr. McMILLIN. Two or three minutes.

I made no statement against the measure, and I wish to say if the gentleman from Texas had reference to me, he wholly misunderstood my statement. I do not know that it was myself that he was referring to. I have not criticised the committee for acting hastily in considering this matter. My remarks were directed to the way of consideration after the committee had reported the bill—that the bill had not been printed; that it carried a large amount of money, involving very many items, and I thought on that account the House itself after it took hold of it ought to consider it in Committee of the Whole. I do not criticise the committee. On the contrary, I think the House and I think the people ought to have and certainly will justify all necessary expedition. They will demand it, and ought to have it.

Mr. UNDERWOOD. I should like to ask the gentleman from Illinois a question. I did not object to the mode in which this bill is being considered, because I recognize the necessity for immediate consideration; but I would like to ask the gentleman if the Committee on Appropriations propose in the future, in these emergency bills, to bring them to the House and ask for consideration in this way? Why can not they ask that they be considered in Committee of the Whole in such a way that the individual members of the House would understand what is in the bill?

Mr. CANNON. I will say to my friend that I can not speak for

the future, and we can not get any bill considered except by unanimous consent or under the rules of the House. But the committee did feel warranted, however, in asking at once the passage of this bill for the reasons indicated and being an emergency. Now, we can not consider it in the House without unanimous consent. That we have had given. It appealed to every member on the floor of this House that it was urgent. The committee has no choice about it at all; it is only the servant of the House.

Mr. UNDERWOOD. I may be mistaken as to the rules of the House, but would it not have been competent for the gentleman to have asked unanimous consent for consideration of the bill in the House as in Committee of the Whole?

Mr. CANNON. Yes.

Mr. UNDERWOOD. Then we would have had a chance to consider it for a reasonable time.

Mr. CANNON. It would be in order to ask that, but I did not ask for its consideration in that way; and it would have been in order for my friend to have suggested that it should have been considered under the five-minute rule. Consent was given to its consideration. But I have no desire to put it through on the whip, so as to pass the measure. I am quite willing to hear my friend from Tennessee and my friend from Alabama.

Mr. UNDERWOOD. I believe every item in this bill is proper. I believe it ought to pass now, but I do not believe that we ought to establish a precedent to bring in bills in this way.

Mr. CANNON. By no consent of mine; it ought not to be a precedent, and would not be done except in a similar emergency, where it appealed to every member of the House as a necessity.

Mr. McMILLIN. If my friend from Illinois will permit me, I will state that whatever complaint was offered by me was at the method of procedure, which lies in the fact that he brings his bill in and requests consent for its consideration in such a form that he forces a member either to object to its consideration or to yield to a consideration that abandons the Committee of the Whole. I asked that of the Chair, and the Chair so held, and I do not desire to be put in such an attitude.

Mr. CANNON. I will say to the gentleman from Tennessee, I had no idea of coercing the House or any member of it; but we did feel it our duty to tell the truth about the bill and about the emergency. I see no reason why we should delay the passage of the bill.

Mr. DOCKERY. Mr. Speaker, I quite agree with the proposition laid down by the gentleman from Tennessee [Mr. McMILLIN], who is a very able and experienced legislator; and I do not desire to be found in opposition, as a rule, to the gentleman, because I think his services invaluable to the country, especially in the line of protecting the Treasury. Now, the gentleman on my right, the gentleman from Alabama [Mr. UNDERWOOD], said that this should not be taken as a precedent. It will not be taken as a precedent, because I think the conditions of this moment are unlike anything that has taken place since the war of 1812 or possibly the war with Mexico.

The committee sought early consideration of the bill for the reason that the items were pressed upon them by the heads of the War and Navy Departments as being urgent and emergent, and for the further reason that they meet the indorsement and approval of the committee after consideration. And inasmuch as our Volunteer Army are entering the State camps and it is absolutely necessary that money should be provided, the committee unanimously—and I want to assume full responsibility, although I think I stand as strongly for the protection of the Treasury as anybody—requested the chairman to ask the House to give immediate consideration to this bill. If the bill carried legislation, if the bill carried any doubtful or objectionable items, I would insist upon ample consideration sufficient to develop the real situation.

Referring to the suggestion of the gentleman from Michigan about exorbitant rates charged in certain cases for the transportation of troops, let me say to him that this is not the place to consider that question. The amount appropriated for the transportation of troops has been reported as required by law, and if any administrative officer of the Government connected with the transportation of troops shall be found guilty of malfeasance in office, in due time this House and the country will be advised of the fact. I know nothing of the matter to which the gentleman refers, but if it be true, this is not the time and place to consider it. We are making appropriations for the transportation of troops, and if the executive officers are guilty of maladministration we will look up that matter later on, after we shall have driven the Spaniards from the Island of Cuba.

Mr. KING. Will the gentleman allow me a suggestion?

Mr. DOCKERY. Certainly.

Mr. KING. Do I understand the gentleman to say that this is not a proper occasion to call attention to maladministration, if there has been any, of officers, when we are making appropriations directly to those officers? To illustrate: I have understood that the officers of the Government are paying for horses $125 to $150 that can be purchased for $50 to $75. Do I understand, when we are appropriating a large sum of money for the purchase of horses, we have no right under circumstances of this character to question such appropriation and such expenditures as are being made by those officers?

Mr. DOCKERY. If I employed language that justifies the construction indicated by the gentleman from Utah, it was far from my purpose, and I have been unfortunate in the use of language. I think it is proper at any time, in any place, to call attention to abuses that may exist in the public service, whether here or in the Executive Departments. But what I say is that the time and place to reform these abuses, the methods by which they are to be reformed, would not be germane to appropriation bills like this.

The alleged abuse should be investigated by some committee of the House charged with the duty to investigate such bad conduct, if it exists. For instance, I would assume that if the executive officers having charge of the movements of our armies should be guilty of maladministration such as has been suggested by the gentleman from Michigan, it would be proper for the gentleman from Utah to introduce a resolution calling attention of the Committee on Military Affairs to that abuse and the necessity for redress.

Mr. KING. Suppose it is disclosed, as suggested by the gentleman from Michigan [Mr. TODD], that payments are being made for transportation very largely in excess of that which is just and proper, and that the Committee on Appropriations have predicated the amounts which they have incorporated in this bill upon those grossly improper amounts which have been paid. Is it not the proper occasion at this time to inquire into and understand the nature of the appropriations—the basis upon which these appropriations have been predicated?

Mr. DOCKERY. Undoubtedly; but the gentleman will see at once that we can not halt the movements of our troops at this time, when they are headed toward Cuba, to stop and investigate some alleged malfeasance or abuse of power. We are appealed to to make this appropriation, and if any quartermaster is guilty of conduct that warrants discipline, Congress can apply the remedy in another way.

Mr. KING. Are not the members of the House entitled to know whether the appropriation is based on unjust and unfair rates, as stated by the gentleman from Michigan [Mr. TODD], or upon rates fair and just? How does the House know, without an adequate statement and proper discussion, whether the appropriation for the $5,000,000 is based upon improper contracts, contracts at $14 for transportation from Detroit, for instance, as stated by the gentleman from Michigan, instead of $7?

Mr. DOCKERY. At this juncture of affairs the House is practically compelled to accept the estimates of the Secretary of War as reviewed by the Committee on Appropriations. We can not stop our armies in their movements to Cuba to investigate the conduct of an officer who may or may not have swindled the Government. I do not think there is any real difference between the gentleman from Utah and myself.

Mr. JONES of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JONES of Virginia. My inquiry is whether or not unanimous consent has yet been given for the consideration of this bill?

The SPEAKER. Unanimous consent has been given.

Mr. CANNON. Mr. Speaker, I now yield five minutes to the gentleman from Maine, and then I will ask for a vote.

Mr. DINGLEY. I desire in a few moments to call the attention of the House and the country to the valuable light which this bill, the enactment of which is so necessary, sheds upon the probable expense for carrying on this war, and the revenue and means to be provided for that purpose. We have already appropriated $50,000,000. That amount has been used in providing for coast defenses, the purchase of naval vessels, and fitting out of naval vessels for operation, and to some extent for the Army. This bill provides for appropriations for the Army——

Mr. TODD. Mr. Speaker, I rise to make an objection to the bill being considered further except in Committee of the Whole. This will not delay the bill, and is the usual and proper manner.

The SPEAKER. The Chair asked for objections and there was no response.

Mr. TODD. I did not hear the Chair ask for unanimous consent the second time.

The SPEAKER. The gentleman should have been attending if he wanted his rights.

Mr. TODD. I will ask the Chair if the Chair did not hear me make my objection before I spoke the second time on the subject to which my remarks referred?

The SPEAKER. The Chair did not. The gentleman from Maine has the floor.

Mr. DINGLEY. This bill provides for the appropriation of $26,000,000, all but $100,000 of which is for appropriations for the Army for the next fiscal year, or two months longer—$34,000,000 for the present fiscal year, besides the appropriations one year ago.

In addition to that, there are items of considerable extent available for the present fiscal year, making the appropriations that will undoubtedly be used in this fiscal year for naval and military operations in excess probably of $100,000,000.

There are five millions more to come, I am informed, in the fortifications bill. So the gentleman will see it is estimated that in two months' military operations we shall have expended $100,000,000. I simply desire to call the attention of the House and the country to the side light afforded by the figures which have been presented to us, in order that we may be able to consider carefully what the country will require in the way of revenues and loans in order to meet such expenditures.

Mr. CANNON. I now ask for a vote on the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CANNON. I ask that the bill and report may be printed in the usual manner, so that they may be obtained from the document room.

There being no objection, it was ordered accordingly.

HOMESTEAD LAWS, RIGHT OF WAY, ETC., IN ALASKA.

Mr. LACEY. I desire to call up the conference report on House bill No. 5975.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 5975, "An act extending the homestead laws and providing for the right of way for railroads in the District of Alaska," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 9, 16, 47.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 7, 8, 11, 13, 16, 17, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 39, 40, 42, 43, 44, 45, 46, 48, 49, 50, 52, 54, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out amend so as to read as follows:

"That the homestead land laws of the United States and the rights incident thereto, including the right to enter surveyed or unsurveyed lands under the provisions of law relating to the acquisition of title through soldiers' additional homestead rights, are hereby extended to the District of Alaska, subject to such regulations as may be made by the Secretary of the Interior."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out the word "forty," in lines 11 and 12, and insert in lieu thereof the word "eighty;" so as to make the amendment read as follows:

"*Provided*, That no entry shall be allowed extending more than 80 rods along the shore of any navigable water, and along such shore a space of at least 80 rods shall be reserved from entry between all such claims, and that nothing herein contained shall be so construed as to authorize entries to be made, or title to be acquired, to the shore of any navigable waters within said District."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all after the word "extent" in line 17; so as to make the Senate amendment read as follows: "*And it is further provided*, That no homestead shall exceed 80 acres in extent" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment: In lieu of the matter inserted by said amendment insert the following: "The right to take for railroad uses, subject to the reservation of all minerals and coal therein, public lands;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Additional 40 acres to be limited on navigable waters to 80 rods on the shore line:" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"*Provided*, That nothing herein contained shall be so construed as to give to such railroad company, its lessees, grantees, or assigns, the ownership or use of minerals, including coal, within the limits of its right of way or of the lands hereby granted."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment insert the following:

"*Provided further*, That all mining operations prosecuted or undertaken within the limits of such right of way or of the lands hereby granted shall, under rules and regulations to be prescribed by the Secretary of the Interior, be so conducted as not to injure or interfere with the property or operations of the road over its said lands or right of way."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In line 55 strike out the word "created" and insert in lieu thereof the word "erected;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That all charges for the transportation of freight and passengers on railroads in the District of Alaska shall be printed and posted as required by section 6 of an act to regulate commerce as amended on March 2, 1889; and such rates shall be subject to revision and modification by the Secretary of the Interior."

And the Senate agree to the same.

That the Senate recede from its disagreement to the House provision numbered 34, and agree to the same with an amendment so as to read as follows:

"That any such company, by filing with the Secretary of the Interior a preliminary actual survey and plat of its proposed route, shall have the right, at any time within one year thereafter, to file the map and profile of definite location provided for in this act; and such preliminary survey and plat shall, during the said period of one year from the time of filing the same, have the effect to render all the lands on which said preliminary survey and plat shall pass subject to such right of way."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Or if the map of definite location be not filed within one year as herein required, or if the entire road shall not be completed within four years from the filing of the map of definite location."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lines 4 and 5 strike out the words "for an easement;" in line 16 strike out the word "ten" and insert the word "twenty;" in line 19 strike out the words "unappropriated and unoccupied;" in line 29 strike out the words "or map of general route" and insert in lieu thereof the words "of preliminary survey;" in line 40 strike out the word "said" and insert the word "the" in lieu thereof; in line 72 strike out the word "for" and the words "less than;" and in line 73 strike out the words "thirty nor more than" and insert in lieu thereof the word "exceeding;" in line 78 strike out the words "or tramway;" in line 79, after the word "mile," insert the words "or one-half mile of tramway, at a cost of not less than $500;" in line 82, after the word "line" and before the word "actually," insert the words "hitherto constructed or;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"*Provided*, That where within ninety days after the approval of this act proof is made to the satisfaction of the Secretary of the Interior that actual surveys, evidenced by designated monuments, were made, and the line of a railroad, wagon road, or tramway located thereby, or that actual construction was commenced on the line of any railroad, wagon road, or tramway prior to January 31, 1898, the rights to inure hereunder shall, if the terms of this act be complied with as to such railroad, wagon road, or tramway, relate back to the date when such survey or construction was commenced; and in all conflicts relative to the right of way or other privilege of this act the person, company, or corporation having been first in time in actual survey or construction, as the case may be, shall be deemed first in right."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with amendments as follows: In line 5 strike out the words "now or;" in line 6, after the word "Alaska," insert the words "in good faith;" in line 8, after the word "may," insert the word "each," and after the word "purchase" insert the words "one claim only," and strike out the word "forty" and insert in lieu the word "eighty;" so as to make line 8 read as follows: "may each purchase one claim not exceeding 80 acres of such land for any;" strike out all after the word "lands," in line 14, down to the word "*Provided*," in line 16, and insert in lieu thereof the following: "and ingress and egress shall be reserved to the public on the waters of all streams, whether navigable or otherwise;" in line 17, after the word "allowed," insert the words "under this act;" in line 18 strike out the word "forty" and insert the word "eighty;" in line 19 strike out the word "forty" and insert the word "eighty;" in line 20, after the word "sold," insert the words "or entered," and in the same line strike out the word "section" and insert the word "act;" in line 27, before the word "wharves," insert the word "and," and in the same line strike out the words "or other like uses;" in line 28, after the word "wharves," add the word "and;" in line 29 strike out the words "and so forth;" in line 30 strike out the word "the" and insert the word "said" before the word "secretary;" in the same line strike out the words "of the Interior" and insert the words "and a roadway 60 feet in width, parallel to the shore line as near as may be practicable, shall be reserved for the use of the public as a highway;" in line 38, after the word "claims," insert the words "substantially square in form and," and, after the word "initiated," insert the words "prior to January 21, 1898," so as to make the line read "*vided further*, That all claims substantially square in form and lawfully initiated prior to January 21, 1898, by survey;" in line 44, strike out the words "all the limitations" and insert in lieu thereof the words "the requirements;" and in the same line, after the word "act," insert the words "except as to area, but in no case shall such entry extend along the water front for more than 160 rods;" in line 49, after the word "natives," add the words "*Provided*, That the Annette, Pribilof Islands, and the islands leased or occupied for the propagation of foxes be excepted from the operation of this act:" in line 58, strike out all after the word "the" down to the word "and" in line 60 and insert in lieu thereof the words "admitted in evidence as if taken before the register and receiver of the proper local land office;" in line 79, after the word "lands," add "or any part thereof:" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with amendments as follows: Strike out all of section 12 and insert in lieu thereof the following:

"SEC. 12. That the President is authorized and empowered, in his discretion, by Executive order from time to time to establish or discontinue land districts in the District of Alaska, and to define, modify, or change the boundaries thereof, and to designate or change the location of any land office therein; and he is also authorized and empowered to appoint, by and with the advice and consent of the Senate, a register for each land district he may establish and a receiver of public moneys therefor; and the register and receiver appointed for such district shall, during their respective terms of office, reside at the place designated for the land office. That the registers and receivers of public moneys in the land districts of Alaska shall each receive an annual salary of $1,500 and the fees provided by law for like officers in the State of Oregon, not to exceed, including such salary and fees, a total annual compensation of $3,000 for each of said officers.

"SEC. 13. That native-born citizens of the Dominion of Canada shall be accorded in said District of Alaska the same mining rights and privileges accorded to citizens of the United States in British Columbia and the Northwest Territory by the laws of the Dominion of Canada or the local laws, rules, and regulations; but no greater rights shall be thus accorded than citizens of the United States or persons who have declared their intention to become such may enjoy in said District of Alaska; and the Secretary of the Interior shall from time to time promulgate and enforce rules and regulations to carry this provision into effect."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with amendments as follows: Strike out the words "section 13" and insert in lieu thereof the words "section 14;" in line 4 strike out the words "at the port of Wrangell" and insert in lieu thereof the words "at any of the ports;" in line 9, after the word "States," insert the words "and to persons who have declared their intentions to become such;" in line 12 strike out all after the first comma down to the end of the section and insert in lieu thereof the words "that corresponding privileges have been and are being granted by the Government of the Dominion of Canada in respect of goods, wares, and merchandise passing

through the territory of the Dominion of Canada to any point in the District of Alaska from any point in said District; and the President of the United States is hereby authorized to appoint three commissioners to meet a like number of commissioners appointed on the part of the Government of Great Britain and the Dominion of Canada, the said commissioners to formulate and consider a plan for the settlement and final determination of the North Atlantic fishery question and the ultimate adjustment of any other questions the solution of which would further promote the friendly relations now existing between the two countries in respect of mutual interests in trade and commerce on the American continent, the findings of the said commissioners to be reported to Congress through the President of the United States."

That the House recede from its disagreement to the Senate amendment of the title of the bill, and agree to the same.

JOHN F. LACEY,
JOHN F. SHAFROTH,
W. R. ELLIS,
Managers on the part of the House.

HENRY C. HANSBROUGH,
THOMAS H. CARTER,
Managers on the part of the Senate.

Mr. LOUD. Mr. Speaker, I desire to reserve the point of order on this report. I will not submit the point of order now, but desire to reserve it until we can have some explanation of this matter. It seems to cover new territory——

Mr. LACEY. Yes; the new Territory of Alaska.

Mr. LOUD (continuing). And embraces legislation that, as I understand it, was not in the original bill.

Mr. LACEY. I ask for the reading of the statement of the conferees, which will explain exactly what has been done with reference to the points of disagreement.

The statement was read, as follows:

STATEMENT.

Statement of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 5975.

The effect of the amendments agreed upon in conference will be as follows: Soldiers' homestead additional rights may be located in the District of Alaska. The amount of land embraced in this class of entries is quite small and it was deemed advisable to allow such rights to be located in Alaska to the end that they might be extinguished as soon as possible. The agreement limits homesteads to 80 acres.

2. Terminals and junction stations on railways are increased from 20 acres to 60 by the conference report, but the companies must pay for 40 acres of the same at the rate of $1.25 per acre. It is also provided that such stations shall not cover more than 80 rods of frontage on any shore line. It is also agreed that additional ground may be taken where, in the opinion of the Secretary of the Interior, it may be necessary for heavy cuts or fills, the change made requiring the submission of the question to the Secretary of the Interior. All minerals, including coal, within the limits of the right of way are expressly reserved, and the same may be mined, but shall be so mined as not to injure or interfere with the operations of any railroad. As to the provision in regard to wharves and piers, the amendments place the same under the supervision of the Secretary of the Treasury, and the right to use all navigable waters is reserved to the United States in trust for the people of any State or States which may hereafter be created out of said District.

The change in this respect is made with the view to make the purpose of the act more clear than the original phraseology. It is also agreed that the Secretary of the Interior may regulate the rates of transportation on railroads for freight and passengers, but that the rates shall be posted as required by the interstate-commerce act. The scope of the act has been enlarged to include tramways and wagon roads, with such provisions in relation to the same as will not allow the monopolizing of any canyon or pass. It is also agreed that when a preliminary actual survey and plat of the proposed road shall be filed with the Secretary of the Interior, the company filing the same shall have one year in which to make its profile of definite location. The Senate amendment recommended by the conference committee provides that after filing the map of preliminary survey with the Secretary of the Interior, the definite location may be made in sections of 20 miles each, and also that the failure to file a map of definite location within one year, or the failure to complete the entire road within four years after filing the map of definite location, shall work a forfeiture of the right of way for the uncompleted portion.

3. The Senate amendment, together with the modifications recommended by the conferees, provides for wagon roads, wire rope, aerial, or other tramways, giving terminals of not to exceed 20 acres, the terminals to be paid for at the rate of $1.25 per acre. These roads shall not be permitted to hold lands along the tide water more than 40 rods along the shore line. Minerals, including coal, are also reserved. A preliminary survey is required to be filed the same as in case of railways, and the maps of definite location in the same way. These companies are to be allowed to charge tolls where it is shown to the satisfaction of the Secretary of the Interior that public convenience requires their construction, and where the expense of constructing the same is not less than an average of $500 per mile. Tolls can not be collected unless upon written authority from the Secretary of the Interior, which shall specify the rates.

Such rates of toll for freight and passengers are required to be posted where the toll is to be collected. A failure to keep such rates posted and an attempt to collect such toll without written authority shall constitute a misdemeanor, to be punished by fine of not less than $50 nor more than $500, with imprisonment, in case of nonpayment, not exceeding ninety days. It also provides that where such wagon roads or tramways have been heretofore constructed at a cost of not less than $500 per mile for wagon roads or not less than $500 per half mile of tramway, the owners shall have a prior right to apply for a right of way and stations, as authorized in this act. A failure to construct or build a wagon road or tramway shall, after one year, cause forfeiture of the uncompleted part. In case of failure to keep a wagon road or tramway in good condition, the Secretary of the Interior may prohibit the collection of tolls pending the making of the necessary repairs.

4. As to mortgages on railways, tramways, and wagon roads, the same are also to be recorded in the office of the secretary of the District of Alaska, and also in the office of the secretary of state of the State or Territory in which the company was organized.

5. A mechanic's lien is provided, taking precedence of any mortgage in favor of contractors, subcontractors, material men, or laborers constructing wagon roads, railways, or tramways.

6. In section 7, in regard to reservations, the conferees recommend the adoption of the Senate amendment striking out the provision as to reservations by treaty stipulation, and the Senate recedes from its disagreement as to such reservations by act of Congress "heretofore passed;" the effect being to exclude from the act reservations provided for by act of Congress.

7. As to the right of transfer of wagon roads, tramways, and railways under this act the House recedes from its disagreement as to the Senate amendment authorizing such transfer after at least one-fourth of the proposed mileage shall have been completed.

8. Some controversies having arisen between individuals and corporations as to work already done and surveys already made, the Senate amendment on this subject has been modified and a provision inserted, which we quote, as the terms of the same clearly appear in the amendment:

"*Provided*, That where within ninety days after the approval of this act proof is made to the satisfaction of the Secretary of the Interior that actual surveys, evidenced by designated monuments, were made, and the line of a railroad, wagon road, or tramway located thereby, or that actual construction was commenced on the line of any railroad, wagon road, or tramway prior to January 21, 1898, the rights to inure hereunder shall, if the terms of this act are complied with as to such railroad, wagon road, or tramway, relate back to the date when such survey or construction was commenced; and in all conflicts relative to the right of way or other privilege of this act, the person, company, or corporation having been first in time in actual survey or construction, as the case may be, shall be deemed first in right."

9. Section 9 has been rewritten, so as to make it a little more explicit as to surveys, and also so as to include wagon roads and tramways.

10. The act of 1891 authorized the taking of land for purposes therein provided in substantially square form, not to exceed 160 acres. The Senate amendment, as modified in conference, authorizes the taking, for similar purposes, not to exceed 80 acres, the price to be paid to be $2.50 per acre. This applies to future selections for this purpose. In order to prevent a monopoly of shore rights on navigable waters, it is also agreed that such lands shall not abut more than 80 rods on any shore, and that a roadway along such shore or parallel thereto is reserved to the public 60 feet in width. Every alternate 80 rods fronting on navigable waters is reserved to the Government.

As to lands taken or in process of being taken under the act of March 30, 1891, it is proposed by the conferees to preserve all existing rights, and to authorize patents to be taken out, requiring, however, the claimants to make their proof under this act and also limiting such claims to those initiated prior to January 21, 1891, the date at which this bill passed the House of Representatives. It is also recommended that such entries shall not be held valid for more than 160 rods of frontage on any navigable waters. The purpose of these limitations is to prevent the use of the act of 1891 to unduly monopolize any of the waters for fishing and for other purposes. In some instances such claims have not been taken in square form, so as to conform to the shore rights authorized under the act of 1891, and it has not been deemed proper to extend them beyond what was contemplated under the said act.

11. For the use of the natives of Alaska the Secretary of the Interior will be authorized to reserve suitable tracts for landing places along water front of any stream, inlet, bay, or sea or seashore and the Annette and Pribilof islands, and also reserved from this act, as well as islands that are now occupied under lease for the propagation of foxes. The Senate amendments make provision for the taking of testimony in proving up or contesting claims, and also for publishing the necessary notices thereto, adopting the course in a general way pursued under the laws now in force in regard to public lands in other parts of the country. And the conferees, with some slight modifications, have accepted the same.

12. The conferees agreed to the Senate amendment numbered 54, or section 11, giving authority to the Secretary of the Interior to make rules and regulations for selling the timber in the District of Alaska, similar to the provisions in operation in other parts of the United States, and also authorizing the permission of residents, settlers, individual miners and prospectors for minerals to use the timber for firewood, fencing, buildings, mining prospecting, and domestic purposes as may be actually needed by such persons for such purposes.

13. Section 12 has been stricken out and in lieu thereof sections 13 and 13 inserted, the effect of which will be as follows: Section 13 authorizes the President to increase the number of land districts and to appoint registers and receivers therefor, and regulates the salary, increasing the minimum salary from $500 per annum to $1,500 per annum, and allowing the fees provided by law for like services in the State of Oregon, the annual compensation not to exceed $3,000 for each of said officers.

Owing to the unsettled condition of the country and the rapid influx of people it was deemed best to leave this in the hands of the President, so that land offices might be provided when the necessity of their existence should become suddenly apparent, instead of waiting for the slow process of Congressional action. Section 13 has been inserted, and section 13 of the Senate amendment has been changed to section 14. The effect of these two sections as now modified by the conference committee is as follows: Section 13 extends to native-born citizens of the Dominion of Canada the same mining rights and privileges in the District of Alaska, or may be, that are accorded to American citizens in the Dominion of Canada, not to exceed, however, such privileges as are enjoyed by an American citizen in Alaska.

Section 14 is modified so as to extend the bonding privilege at all ports in Alaska to American citizens and citizens of the Government of the Dominion of Canada, when the President of the United States shall by proclamation announce that corresponding privileges have been and are being accorded by the Dominion Government in behalf of citizens of the United States and those who have declared their intention to become such, in respect of goods, wares, and merchandise passing through the territory of the Dominion of Canada to any point in the District of Alaska from any point in such District.

In regard to the North Atlantic fishery question the President of the United States is authorized to appoint three commissioners to meet a like number of commissioners appointed on the part of the Dominion Government, the said commissioners to formulate and consider a plan for the settlement of this vexed question, and also to take under advisement the adjustment of other questions in relation to the trade and commerce of the two countries; the findings of the said commissioners to be reported to Congress through the President of the United States.

JOHN. F LACEY,
W. R. ELLIS,
JOHN F. SHAFROTH,
Managers on the part of the House.

Mr. LEWIS of Washington. Mr. Speaker——

The SPEAKER. The Chair understands the gentleman from California [Mr. LOUD] reserves the point of order upon the report.

Mr. LOUD. I did, Mr. Speaker. Of course this is almost entirely a new bill, and it is hard to determine as to the new legislation which has been incorporated in the report from the hurried reading of the conference report. I desire, therefore, simply to reserve the point of order until we may have some discussion of the bill and an explanation of certain features in controversy between the two Houses.

Mr. MOODY. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOODY. I understand the gentleman from California does not press the point of order at the present time, but reserves it. I should like to ask if that reservation—in case the gentleman from California does not finally make the point of order—will inure to other members who may desire to press the point of order?

The SPEAKER. The Chair thinks it would.

Mr. LACEY. I am perfectly content, Mr. Speaker, to have all parts of this bill, or the report, considered by the House. I shall not insist on pressing any portion of it to which objection has been made.

Mr. LEWIS of Washington. Mr. Speaker, I would like to call the attention of my distinguished friend from Iowa in charge of this bill, if he will give me his attention for a moment, to what appears to be an omission from the report—something I understood was in the report, but which I now fear has been omitted. I refer to one of the provisions of the Senate amendment which provided that, in any contest between rival applicants for any right of way, it should be adjusted in a certain manner. It was the intention, as I understood it, to make provision for all cases of this kind where there was a conflict between parties.

Many cases involving the question of priority have been raised on the border, and some of them in the district that I have the honor to represent. It is my desire that the bill should make provision to meet the conditions that have arisen there, and which are constantly arising with reference to this question, and I propose that any party or parties who after ninety days from the passage of the bill shall make proof before the Secretary of the Interior of such preceding right shall be entitled to recognition. I understood such a provision as that was to go into the bill. It does not seem to be there. I hope by inadvertence only it was left out.

I fear the report places the whole matter in this attitude: First, it requires that all of these people shall complete their proof within ninety days, irrespective of distance or inconvenience or any other difficulties that may intervene, and, secondly, it calls for a character of proof before the Secretary of the Interior, which may exclude them from the right to make their proofs before any court in which the case is pending.

I understood the provision which was in contemplation to meet this point had been agreed to by my distinguished friend, and would be embodied in the conference report. It was a provision which was intended to avoid the chief trouble which I apprehend will arise from the report in its present condition. I regret therefore that this particular feature seems to have been eliminated from the report and forms no part of the bill. The matter is left entirely to the discernment and judgment of a commission.

Now, I regard commissions, as a rule, as an unfortunate way of dealing with questions with which we should deal ourselves. It is a kind of delegation of the powers of the representatives of this Congress which, in my judgment, ought to be rarely exercised. And while I have no doubt at all that in the exercise of his power the Chief Executive will meet in every way the views of gentlemen who favor this mode of dealing with the subject, still I believe the matter is one with which we ought to deal ourselves—one which we can settle without difficulty ourselves—and there is no necessity for its consideration by any other body. To avoid that, my suggestion and my amendment, that there should be a provision that not more than two members of that commission be of any one political party, should have obtained.

Then, sir, to conclude my suggestion before the distinguished chairman of the committee [Mr. LACEY] begins his statement, the proofs which are required to be made within ninety days, in order to give any person preceding rights, do not allow a sufficient time. One can not come from Alaska before the Secretary of the Interior and make his proof in such a short time.

Secondly, these proofs should be submitted before a tribunal having jurisdiction of the subject-matter, where the suits are now lodged.

Third, this commission, if it is to be appointed by the distinguished Executive, ought to be appointed under a clause limiting its membership to consist of not more than two of any one political party, in order that hereafter there may be no suspicion of partisanship in any of its conclusions.

Mr. Speaker, you will observe that not only the fishery questions, in which New England is largely interested, together with a portion of my district, are involved in this, but the provision also permits, in its elastic form, this commission to take jurisdiction of the disputed border question, which is one of the international disputes of this nation, and which at one time gave promise to involve us in much trouble and annoyance. For that reason, among others, it is all the more important that that commission should be as nearly nonpartisan as we can, in the performance of our duty, make it.

I make these suggestions to the chairman in order that he may keep in view the fact that I made these suggestions to the conference committee. They have possibly forgotten them. They ought not to have been forgotten, and I should like to have him address himself to the question as to whether these amendments ought not now to prevail.

Mr. LACEY. Mr. Speaker, I think that amendment No. 51, as modified in the conference agreement, fully protects the rights of the people to whom the gentleman from Washington [Mr. LEWIS] has referred. As to requiring the proof to be filed within ninety days, that refers to matters and controversies heretofore. There will be no trouble about that. They are required to file their proof with the Secretary of the Interior; but if there is litigation pending between individuals as to whom this proof should inure to the benefit of, that would be a matter for the court to decide, and the conference committee thought that the best thing to do in regard to controversies of the kind referred to by the gentleman from Washington [Mr. LEWIS] was to provide that in all conflicts relative to the right of way, or other privileges under this act, the person, company, or corporation having been first in time, in actual survey or construction, shall be deemed first in right.

Now, the difficulty that my friend from Washington [Mr. LEWIS] has been apprehending grows out of the fact that what has been done in the way of making improvements, tramways, wagon roads, preparation for railways, and things of that kind in the District of Alaska heretofore, has been done without any authority of law whatever, and by reason of being without authority of law, no rights would be recognized by the court. They would be treated as trespassers, and their rights would be disregarded, and perhaps the persons who are in possession at the time of the passage of the law would be the first in point of time and would be the only ones that the court could consider.

Inasmuch as many works of a public character have been attempted heretofore in contemplation of the enactment of this law, the committee thought that it was no more than right to legalize their action and to give preference in point of time to those who made the first survey or who did the first work. Now, that being the case, where controversies have arisen in court like the Brackett Case and other matters which my friend from Washington [Mr. LEWIS] has in his mind, the courts will unquestionably regard the action heretofore as being no longer unlawful, it having been legalized by Congress, and the question of priority between individuals would have to be settled by the courts.

The Secretary of the Interior would no doubt determine for himself whom the patents should issue to, as to whom the grants should go under the provisions of this law; but if previous controversies have arisen in the courts, the patents that would be issued would undoubtedly inure in trust for the real parties who had the equitable right, to be subsequently determined by the court. It often occurs that a patent is issued by the Land Office or by the Interior Department to persons who have not the actual legal or equitable right. The court subsequently decrees the patentee to be a trustee and orders him to make a conveyance, or appoints the commissioner to make the conveyance for him, to the persons to whom the rights should equitably inure.

Now, I think we have fully protected all the rights of persons who have become involved in controversies among themselves in relation to these rights of way, both for wagon roads and for tramways. I believe there are no such controversies as to railroads. There may be, however, in the future.

Mr. FISCHER. May I ask the chairman of the committee a question?

Mr. LACEY. Certainly.

Mr. FISCHER. Have you not provided in this bill for some legislation concerning islands which have heretofore been turned over to the Indian Bureau for reservation purposes, particularly Annette Island, and is there not a bill now pending in the Indian Committee on which there have been a number of hearings, involving the question of the settlement of the government and affairs of that island in particular?

Mr. LACEY. We have expressly endeavored to steer clear of that controversy. The provision in amendment No. 55 provides that Annette, Pribilof, and the islands for the propagation of foxes shall be exempted from the operation of this act. So that we leave these islands just where they were.

Mr. HULL. Will my colleague yield to a question?

Mr. LACEY. Certainly.

Mr. HULL. Is there any legislation in the conference report outside of the matters in dispute between the two Houses?

Mr. LACEY. I think not.

Mr. HULL. I did not catch the full report very clearly in the reading, but I understood that in this conference report there is a provision to create a commission to adjust trade relations between Canada and the United States, and if there is, it is a matter which is entirely out of the jurisdiction of the committee, and is new legislation of a most important character.

Mr. LACEY. Section 13 attempted to adjust various matters

in controversy between the Dominion of Canada and the United States.

Mr. BOUTELLE of Maine. Where did the proposition originate?

Mr. LACEY. The proposition was attached to this bill in the Senate. It passed though the gantlet of the point of order there. Of course, representing the Committee on Public Lands in this matter, I had no desire to have this bill loaded down with any international problem of that kind, and, in fact, the bill has now been hung up for six or eight weeks in conference by reason of the fact that section 13 was attached to the bill. That involved the question of fish bait along the coast of Maine and all these various matters that have given rise to so much annoyance in the past; and there was an attempt made to provide for in that kind of way that which was entirely within our previous contention on the subject—that, in fact, the Dominion of Canada yield to us the various claims that they made on that subject.

Mr. BOUTELLE of Maine. How the Committee on Public Lands could possibly obtain jurisdiction of a question of fish bait it is impossible for me to conceive, except for the fact that they are sometimes caught by earthworms. [Laughter.]

Mr. LACEY. I do not think there was anything relating to the jurisdiction considered as being dependent on the question of earthworms. The proposition was simply this: That we were granting certain rights in relation to railroads built through American soil into the Klondike region, and that involved a controversy between Canada and ourselves in regard to the bonding privilege.

That was the point on which jurisdiction hung. In the Senate they attempted to give Canada the bonding privilege, and they held that it must yield up its contention on the question of fish bait and matters of that kind; and it was endeavored to meet the question so that it was entirely satisfactory to New England. I think the provision was drafted by my friend from Massachusetts, and it was certainly——

Mr. BOUTELLE of Maine. The Committee on Interstate and Foreign Commerce have jurisdiction of the question of the bonding privilege and commercial relations.

Mr. LACEY. The Senate would have jurisdiction in relation to this proposition, and the point of order was made, and after they passed that point of order, or it was not made, they proceeded to insert this in the Senate, and we were confronted with section 13 as an amendment to the bill. After it got into the bill it was just like an amendment concerning forest reserves, which was put into an appropriation bill. When that amendment was put in an appropriation bill, the Committee on Appropriations called members of the Committee on Public Lands to their assistance, and when this matter was injected into a land bill we conferred freely with various members of the Committee on Ways and Means and the New England delegation, who are not associated with the committee, on this question, and we were told that we were acting entirely outside of the beaten path with reference to that controversy, and we were warned to be careful.

Mr. BOUTELLE of Maine. I represent a very fair proportion of the border line between New England and Canada, and I have never heard of this at all until this moment.

Mr. LACEY. I consulted a gentleman who is sometimes nicknamed "Fishbait."

Mr. BOUTELLE of Maine. Who is that?

Mr. LACEY. I would hardly suggest the identity in this connection.

Mr. BOUTELLE of Maine. What part of New England does he represent?

Mr. LACEY. A part of Maine. He lives at Lewiston, Me.

Mr. BOUTELLE of Maine. A Senator?

Mr. LACEY. I do not know, but I think the gentleman from Massachusetts [Mr. MOODY] drafted that amendment.

Mr. MOODY. Not the amendment that is here.

Mr. LACEY. I mean the original amendment. I thought I could see that it was the kindly work of somebody that was trying to take very good care of New England; and I thought it was satisfactory, and he had conferred with other members of the delegation.

Mr. DINGLEY. Will the gentleman yield to me one moment?

Mr. LACEY. I thought it was entirely satisfactory.

Mr. DINGLEY. The gentleman refers to one of the Senators from Maine. I want to say in reference to this matter, this bill as it originally passed the House was a bill relating entirely to matters of the public lands in Alaska.

Mr. LOUD. A bill of about four pages.

Mr. DINGLEY. The Senate attached a provision to it for the purpose of settling certain controversies with reference to bonded goods on Stikine River, and they provided that certain privileges would be granted on condition that Canada would agree to certain privileges to the deep-sea fisheries of the country.

Now, that came to the House, and the House nonconcurred, and it went into conference. It seems the conferees have gone beyond the differences between the two Houses, which did include the fishery question, and have provided for a commission to consider the differences between Canada and the United States, not only with reference to the differences on the Stikine River, Alaska, not only in relation to the fisheries, but with reference to the trade relations between the two countries. The conferees went outside of their jurisdiction the moment they stepped in that direction. The provision that attracted my attention was that which provided that it should not be ratified by Congress.

To two gentlemen who showed it to me I remarked that if anything of that kind was to be done, the findings of this commission should be approved by Congress and not simply by the President of the United States, because it might involve the entire overturn of our tariff respecting the imports from Canada. The more I have thought of that matter, the more I am persuaded that we are getting into pretty deep water. Here is a commission intrusted not only with the differences between Canada and the United States as to the bonded privileges on the Stikine River, not only with reference to our fisheries, but now in this report of the conferees it is intrusted with our commercial relations with Canada. To be sure, their report of findings is to be approved by Congress, and, although it did not occur to me when the matter was first shown to me, I do now object to putting into one bag the differences respecting the seal fisheries, the differences respecting the deep-water fisheries, and the differences with reference to the Stikine River and bonded privileges, and the whole question of duties on imports from Canada.

This commission is exactly what Canada has been asking for for some time. It seems we have at last reached what Canada has sought, viz, a commission. That is all well enough from some points of view, but I do not like to have so many things bundled up in one commission, where they may be trading back and forth, trading off the interests of the border States on the north in respect to a great many articles that concern the farmers for some little thing in reference to the Alaska seal fisheries that is perhaps of no value. While at first it seemed to me that that might be done without any great danger, the more I have thought of it, the more I am persuaded that we are getting into deep water, and the appointment of a commission to consider all the differences when they are all bundled up together, as they are here, does not seem to me wise; and if adopted we may find ourselves obliged to approve of some things that we otherwise would never have thought of.

It seems to me that our trade relations ought not to be connected and bundled up with anything else.

Mr. MOODY. Will the gentleman allow me a question?

Mr. DINGLEY. Certainly.

Mr. MOODY. Does not the tariff act passed at this present session in reference to our trade relations with Canada properly guard and render unnecessary the appointment of a commission?

Mr. DINGLEY. Certainly. I call attention to the fact that the Canadian commissioners who were here sought for precisely this thing, and we declined to put under one commission matters that had no sort of relation to each other, for fear that there might be granted to them certain things for others which were of no sort of consequence to us.

The whole northern tier of States, from the Atlantic to the Pacific, have their interests possibly affected by this commission, that is principally to be appointed in the manner that has not been discussed by Congress at all, coming in on a conference report in this matter entirely beyond the jurisdiction of the conferees, and I must say it seems to me unwise. At first it seemed to me that it might be done with the approval of Congress, but I confess I do not like to see all these matters bundled together and submitted to a commission whose membership I know nothing about.

I make this suggestion because it will inevitably be a matter of grave importance in the future, and I regret that we should have gone outside and of the matters that were within the jurisdiction of the conferees, matters relating to the navigation of the Stickine River and the bonding privilege at Wrangell; and if the Senate has added the northeastern fisheries, I have no objection to that. But when commercial relations between the two countries are proposed to be submitted to a commission, I think they have gone too far. There was no such matter as this in disagreement between the two Houses; therefore it is subject to a point of order if anybody chooses to make it.

Mr. LACEY. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY. Mr. Speaker, as my agency in the Senate amendment to this bill has been alluded to by the gentleman from Iowa [Mr. LACEY], I desire to explain it to the House. When this bill left the House, it was simply an Alaskan land bill in which I had no peculiar interest or any interest beyond the general interest which we all have in legislation that concerns the country. After the bill reached the Senate it was proposed in the committee of that body in charge of the bill to insert a section granting certain rights of transportation in bond within the District of Alaska which

would inure to the benefit of Canadian interests. That committee thought it wise to attach to the grant of the right of transportation in bond certain conditions for the benefit of American interests. Among other subjects was considered the interests of the northeastern fisheries. It had been suggested to the Senate committee that I had some special knowledge and concern in regard to the fisheries, and at the request of some Senators I drafted a form of condition in relation to the fisheries in these words:

Provided, That the fishing vessels of the United States having authority under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America shall have the privilege of entering such port or ports, place or places, for the purpose of purchasing bait and all other supplies and outfits in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most-favored nations, and of transshipping their catch to be transported in bond through said dominions without payment of duties, in the same manner as other merchandise destined for the United States may be thus transported.

This provision was inserted in the bill in Senate amendment No. 56, and became part of section 13 of the bill as amended by the Senate. The section is as follows:

SEC. 13. That under rules and regulations to be prescribed by the Secretary of the Treasury, the privilege of entering goods, wares, and merchandise in bond or of placing them in bonded warehouses at the port of Wrangell, in the District of Alaska, and of withdrawing the same for exportation to any place in British Columbia or the Northwest Territory without payment of duty, is hereby granted to the Government of the Dominion of Canada and its citizens or citizens of the United States whenever and so long as it shall appear to the satisfaction of the President of the United States, who shall ascertain and declare the fact by proclamation, that no exclusive privilege of transporting through British Columbia or the Northwest Territory goods or passengers arriving from or destined for other ports in Alaska is granted to any person or corporation by the Government of the Dominion of Canada, and that the privilege has been duly accorded to responsible persons or corporations operating transportation lines in British Columbia or the Northwest Territory of making direct connection with transportation lines in Alaska, and that the Government of the Dominion of Canada has consented to and is allowing in behalf of citizens of the United States the entry free of duty of all miners' outfits and a supply of provisions and clothing, the whole not exceeding in quantity 1,000 pounds for each citizen of the United States proposing to engage in mining in British Columbia or the Northwest Territory, and that the Government of the Dominion of Canada has removed all unequal restrictions as to the issuance of miners' licenses to citizens of the United States operating or intending to operate in British Columbia or the Northwest Territory, and that the fishing vessels of the United States having authority under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America shall have the privilege of entering such port or ports, place or places, for the purpose of purchasing bait and all other supplies and outfits in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nations, and of transshipping their catch to be transported in bond through said dominions without payment of duties, in the same manner as other merchandise destined for the United States may be thus transported.

I will attempt to show later the significance of the provision relating to the fisheries. The House nonconcurred in the Senate amendment and the bill went to the conference committee. By the report of that committee now before the House for action the condition with respect to the fisheries has been stricken out and in its place is inserted the following:

And the President of the United States is hereby authorized to appoint three commissioners to meet a like number of commissioners appointed on the part of the Government of Great Britain and the Dominion of Canada, the said commissioners to formulate and consider a plan for the settlement and final determination of the North Atlantic fishery question and the ultimate adjustment of any other question the solution of which would further promote the friendly relations now existing between the two countries in respect of mutual interests in trade and commerce on the American Continent, the findings of the said commissioners to be reported to Congress through the President of the United States.

Mr. Speaker, I now make the point of order that the conference committee has exceeded its authority by reporting upon a subject which has not been committed to it by the House. In support of the point of order, I suggest that the section reported by the conference committee is neither germane to the original bill nor to Senate amendment No. 56, for which it is a substitute. As I understand the question, it is not conclusive against the provision reported by the committee that it is not germane to the original bill as it left the House. It must also appear that it is not germane to the Senate amendment. The conference provision is clearly not germane to the original bill, since that bill dealt entirely with lands within the District of Alaska and had nothing to do with the general trade relations between the United States and the Dominion of Canada.

It is equally clear that the conference provision is not germane to the Senate amendment. The Senate amendment attached to a grant of right of transportation in bond in the District of Alaska a condition that certain privileges which may be broadly termed commercial privileges should first be granted to American fishermen. In the place of this condition there is substituted a proposition authorizing the appointment of commissioners by the Government for the settlement of the North Atlantic fishery question and of every other question relating to the mutual interests of the two countries in trade and commerce on this continent.

It is difficult to describe two questions that are further apart than the proposition contained in the Senate amendment and that in the substitute proposed by the conference committee. The latter is not germane to the former, and I submit that, being not germane either to the original bill or to the Senate amendment, the point of order is well taken and must be sustained.

But before asking the Chair to pass upon the point of order, I desire to more fully explain the significance of the Senate amendment. This will require me to touch at some length, but as briefly as I may, upon the history of the controversy with regard to the Atlantic fisheries.

It is the oldest diplomatic question which this country has. It antedates the Constitution itself. More than that, it began before the Declaration of Independence. By unfriendly legislation the British Parliament sought to exclude the New England colonies from a participation in the Atlantic fisheries in the hope that they might be thus, to use the language of Lord North, "starved into submission." When the Revolutionary war had so far progressed that a treaty of peace and independence seemed possible, the Massachusetts legislature, on October 17, 1781, by a resolution instructed the delegation in Congress to represent the importance of the fisheries to that State and to insist that the continuance of the right should be secured in the treaty of peace.

Accordingly our commissioners were instructed upon the importance of the question, but apparently the acquisition of American rights in the fisheries was not insisted upon as an ultimatum. Fortunately for the country as well as for New England, John Adams was one of the commissioners to negotiate the treaty of peace. He was determined to secure the fisheries regardless of instructions, and insisted that no treaty should be made without a clear acknowledgment of the right to the fisheries. Accordingly in the definite treaty of peace, concluded September 3, 1783, at Paris, the third article contained the following provision on the subject:

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled it shall not be lawful for the said fishermen to dry or cure fish at such settlements without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

It will be observed that the article provided that our people should "continue to enjoy unmolested the right" of the deep-sea fisheries and should "have liberty to take fish" along the shores of the British provinces. This practically gave to the United States as complete an enjoyment of the fisheries as was possessed by the subjects of Great Britain. Americans continued to enjoy these full rights until the war of 1812. It should be noted that by Article VIII of the treaty it was provided that the navigation of the Mississippi should be free to the subjects of Great Britain. When the time arrived for negotiating a treaty of peace at the conclusion of the war of 1812 there were three important considerations which largely affected the treaty.

First. New England, and more especially Massachusetts, had been opposed to the war and hostile to the Administration. Massachusetts especially had carried its hostility so far as to border upon disloyalty. There were many Americans who would have regarded with indifference any sacrifice which this country might be compelled to make in the final treaty.

Second. A large part of this country was opposed to the continuance of the British right of novigation of the Mississippi.

Third. Canada complained that Canadian interests had been sacrificed by the treaty of 1783, and insisted, among other things, that the fisheries should be treated as wholly English. A memorial from Newfoundland, dated November 8, 1813, pointed out that the exclusion of American competition in the fisheries during the war had doubled the number of men employed on the Labrador shores and urged that foreigners should be excluded from a share of the fisheries, "from which a large proportion of our best national defense will be derived." The British commissioners were instructed that as a condition of the treaty the fisheries should be regarded as British.

England regarded our rights in the fisheries secured by the treaty of peace at the end of the Revolution as terminated by the war of 1812. With these conditions it was fortunate for the American fisheries that John Quincy Adams was one of the American commissioners, claiming, as his father had done before him, that the fisheries were the natural right of the revolted colonies. He insisted that they were not affected by the war; that the fishery rights secured at the end of the Revolution were in the nature of reservations of previously existing rights, and not a grant from the British Crown; that they were executed provisions, as the independence of the colonies and the settlement of the boundary. This contention carried with it the theory that the British right of navigation of the Mississippi was also unaffected by the war.

The inevitable result of such a claim was a conflict between

Henry Clay, one of the commissioners, and Adams, because Clay was opposed to the continuance of the British right of navigating the Mississippi. By the tact of Gallatin the differences were finally reconciled and our commissioners offered either to be silent as to both questions or to reserve both without prejudice. The treaty of Ghent was finally signed on September 24, 1814, and was silent on both the Mississippi and the fisheries. A conflict began at once. American fishermen were warned off the coast of the British Provinces and the United States protested. Finally the convention of 1818 was entered into. Its first article is as follows:

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company.

And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coasts of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground.

And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the abovementioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

By this article the right of Americans to take fish from the high seas was by implication conceded. Americans were given the right of the inshore fisheries on certain defined coasts of the British possessions and "renounced forever" the liberty of taking fish within 3 marine miles of the coasts, bays, creeks, or harbors of certain other parts of the British dominions, with a proviso that they should be admitted to enter such forbidden territory for purposes of shelter, repairing damages, and purchasing wood and water.

This convention regulates the rights of the countries in the fisheries to day, although, as I shall show, it has upon more than one occasion been modified temporarily. By the treaty concluded June 5, 1854, commonly called the Elgin treaty, the American fishermen were given the right of the inshore fisheries along the coast of the British provinces, and it was agreed that the following articles should be admitted into each country free of duty:

Grain, flour, and breadstuffs of all kinds.
Animals of all kinds.
Fresh, smoked, and salted meats.
Cotton wool, seeds, and vegetables.
Undried fruits, dried fruits.
Fish of all kinds.
Products of fish and of all other creatures living in the water.
Poultry, eggs.
Hides, furs, skins, or tails, undressed.
Stone or marble in its crude or unwrought state.
Slate.
Butter, cheese, tallow.
Lard, horns, manures.
Ores of metals of all kinds.
Coal.
Pitch, tar, turpentine, ashes.
Timber and lumber of all kinds—round, hewed, and sawed, unmanufactured in whole or in part.
Firewood.
Plants, shrubs, and trees.
Pelts, wool.
Fish oil.
Rice, broom corn, and bark.
Gypsum, ground or unground.
Hewn or wrought or unwrought burr or grindstones.
Dyestuffs.
Flax, hemp, and tow, unmanufactured.
Unmanufactured tobacco.
Rags.

Here was a reciprocity in what? In the products of the farm, the forest, the mine, and the deep sea, and nothing else. In the negotiation of this treaty little regard was given to American interests. This treaty was by its terms terminable on notice after the expiration of ten years. It was terminated by a resolution of Congress which passed the House in December, 1864, by a vote of 88 to 54, and the Senate in January, 1865, by a vote of 33 to 8. The next attempt to settle the fishery question was by the treaty of Washington, concluded on the 8th day of May, 1871, commonly known as the Alabama claims treaty. Our experience under this treaty proved even more unfortunate than that under the Elgin treaty. By its terms Americans were given the inshore fisheries along the maritime provinces and British subjects certain rights of inshore fisheries on our coast.

Fish oil and fish were admitted reciprocally free of duty, and commissioners were provided for to determine the amounts which the United States ought to pay to Great Britain for the balance of advantages accruing to the American fisheries. This commission met at Halifax, and on the 23d of November, 1877, awarded that the United States should pay five and a half millions of dollars to the British Government. It would have been much better, Mr. Speaker, to have paid five and a half millions of dollars to have been spared the treaty of 1871 than to have obtained its so-called advantages for nothing. Our markets were thrown open to the products of Canadian fisheries. Soon after the Halifax award the Canadian Government began to pay bounties to its fishing vessels and fishermen, and from the year 1882 to 1896, inclusive, paid more than two and a quarter millions of dollars in bounties. On this subject I insert the following table and information taken from the Thirtieth Annual Report of the Department of Marine and Fisheries of Canada, made and printed during the current year:

The following table shows the number of claims and fishermen and the amount of bounty paid each year since 1882:

Year.	Number of claims.	Number of fishermen.	Amount paid.
1882	11,972	29,932	$172,285.47
1883	13,086	33,399	190,344.95
1884	12,468	31,297	185,710.98
1885	14,124	33,544	161,539.39
1886	14,900	29,523	160,903.59
1887	15,416	34,387	165,757.53
1888	15,599	34,887	159,185.53
1889	17,078	38,343	158,526.54
1890	17,959	39,050	158,241.01
1891	18,506	38,859	156,891.65
1892	14,442	29,064	159,752.14
1893	13,636	28,013	158,234.10
1894	14,350	29,222	160,006.86
1895	14,789	30,806	163,567.99
1896	14,975	29,486	154,389.77
Total	223,290	493,834	2,364,405.92

The bounty was paid each year on the following basis:

1882. Vessels, $3 per ton, one-half to the owner and the other half to the crew.

Boats at the rate of $5 per annum, one-fifth to the owner and four-fifths to the men.

1883. Vessels, $2 per ton, and boats $2.50 per man, distributed as in 1882.

1884. Vessels, $3 per ton, as in 1882 and 1883.

Boats from 14 to 18 feet keel	$1.00
Boats from 18 to 25 feet keel	1.50
Boats from 25 feet keel upward	2.00

And boat fishermen $3 each.

1885, 1886, and 1887. Vessels, $2 per ton, as in previous years. Boats measuring 12 feet keel having been admitted in 1885, the rates were: Boats from 12 to 18 feet keel, $1; from 18 to 25 feet keel, $1.50; from 25 feet keel upward, $2, and fishermen, $3 each.

1888. Vessels, $1.50 per ton, one-half each to owner and crew. Boats, the same as in 1885, 1886, and 1887.

1889, 1890, and 1891. Vessels, $1.50 per ton, as in 1888. Boats, $1 each. Boat fishermen, $2.

1892. Vessels, $3 per ton, one-half each to owner and crew. Boats, $1 each. Boat fishermen, $3.

1893. Vessels, $2.90 per ton, paid as formerly. Boats, $1 each. Boat fishermen, $3.

1894. Vessels, $2.70, distributed as in previous years. Boats, $1 each. Boat fishermen, $3.

1895. Vessels, $2.60 per ton, half each to owner and crew. Boats, $1 each. Boat fishermen, $3.

1896. Vessels, $1 per ton, which was paid to the owners, and vessel fishermen $5 each, clause 5 of the regulations having been amended accordingly. Boats, $1 each, and boat fishermen, $2.50 per man.

Since 1882 12,280 vessels, totaling a tonnage of 452,016 tons, have received the bounty. The total number of vessel fishermen which received bounty is 93,732, being an average of 8 men per vessel.

The total number of boats to which bounty was paid since 1882 is 210,873, and the number of fishermen 400,102. Average number of men per boat, 2.

The highest bounty paid per head to vessel fishermen was $31.75 in 1893, the lowest 33 cents; while the highest to boat fishermen was $6, the lowest $2.

The general average paid per head is $4.79.

In the meantime, while the Canadian industry flourished, our own began to decay. Our fishermen are paid better wages, the cost of labor and material used in construction is higher, and the laws for protection and comfort of seamen are more rigid. Although the United States were entitled to the enjoyment of the so-called privileges conferred upon them by the treaty of 1871 for the period of twelve years, and although they had been with gross injustice compelled to pay five and a half millions of dollars for these privileges, six years before the fisheries provisions would expire the Senate unanimously passed a resolution declaring that the fishery arrangements should be terminated at the first possible moment.

Great Britain insisted that we should enjoy the advantages which we had obtained to the bitter end. So they continued until terminated by action of Congress at the first possible moment, on July 1, 1885. From that time to this day Canada has sought to open our markets to the products of its fisheries without payment of duty. From July 1, 1885, to the present time the convention of 1818 has been in force without modification. In 1818

no British ships from British colonies were permitted to enter the ports of the United States, and, reciprocally, no ships of the United States were permitted to enter the ports of British colonies.

Accordingly the convention of 1818 in permitting the entry of American fishing vessels to the colonial ports for certain restricted purposes made an exception in favor of American fishing vessels over American trading vessels. But in 1830 our ports were opened to British vessels coming from the British colonies on this continent and reciprocally by an order in council it was provided that the—

Ships of, and belonging to, the United States of America may import from the United States aforesaid into the British possessions abroad goods with produce of those States, and may export goods from the British possessions abroad to be carried to any foreign country whatever.

We now admit and since that time have admitted British vessels to our ports without any discrimination between fishing vessels and trading vessels and have contended that our own fishing vessels, when they have authority to touch and trade in foreign ports, should be permitted to enter ports of the British colonies for general purposes of trade, although they are forbidden by the convention of 1818 to fish within 3 marine miles of British shores. But Canada has persistently denied our claims in this regard. It is contended that a fishing vessel has no right to enter the ports of the British dominions in North America except for the purpose of obtaining wood, water, shelter, or repairing damage. I have no desire to use harsh language. I welcome the growing feeling of friendliness between the two great English-speaking nations.

I would not place one obstacle in its way, but I am constrained to express my deliberate opinion that Canada is now exercising, and for a long time past has exercised, her rights under the treaty of 1818 for the purpose of compelling this country to open its markets free to the products of the Canadian fisheries. Our fishing vessels are permitted to enter the colonial ports to repair damages, but can not purchase a mast or rope for the purpose of doing it. They may enter to obtain water, but can not purchase a barrel to contain it. They may enter to obtain shelter, but can not ship a man for the purpose of assisting an insufficient crew. They can not purchase bait or supplies. They can not land their cargo and transport it in bond to the American market, although the cargo of a trading vessel has that privilege.

The laws for the enforcement of the Canadian rights under the convention of 1818 are harsh, and every technicality is seized upon to condemn an American fishing vessel. It is but a short time since an American vessel was condemned by an opinion of a majority of the supreme court of Canada for fishing within Canadian waters because, after seining a school of mackerel upon the high seas she drifted by the action of wind and tide within the 3-mile limit before the fish were all conveyed from the seine to the vessel. It would almost seem as if the Canadian policy was designed to harass American fishermen in the pursuit of their legal rights so as to compel them either to abandon their business or open the markets of this country to the products of Canadian fisheries.

It is true that our fishing vessels are permitted to land on the payment of a license fee, but it is a fee which is almost prohibitive in its amount. After the termination in 1885 of the treaty of 1871, Great Britain sought to obtain the appointment of another commission, and President Cleveland in his message of December, 1885, recommended the appointment of such a commission; but the Senate on the 13th of April, 1886, adopted a resolution, by a majority of 25, declaring that no such commission ought to be established. In December, 1886, the President by a special message called attention to the "unfriendly and unwarranted treatment" of American fishermen by the Canadian authorities, and the result was the passage of the act approved March 3, 1887, which is as follows:

[Public—No. 125.]

An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or otherwise unjustly vexed or harassed in said waters, ports or places; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also, to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States.

The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act. Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

Approved, March 3, 1887.

No action has ever been taken under this law, but it will be observed that by it the President has authority at any time to deny the entry into the ports of the United States of the products of British dominions or of goods coming to the United States from British dominions.

An unsuccessful attempt was made by the treaty concluded at Washington on the 15th of February, 1888, and called the Bayard-Chamberlain treaty, to settle the fishery controversy. This treaty contained the old provision for the reciprocal entry free of duty of fish and the products of fisheries. For that and other reasons which it is unnecessary to mention the treaty failed of confirmation in the Senate. Thus it will be seen that whenever the British Government has sought to settle the old controversy concerning the fisheries one element in the settlement has been the free admission of Canadian fish to our markets.

The tariff question has been complicated with the fishery question, or, to be entirely fair, it is considered by Canada to be an essential part of the fishery question. But let it be understood once for all that the fishery interests will never consent to any settlement of the fishery question which involves the abandonment of our tariff upon fish. The British Government has nothing to sell which we would purchase at that price. While a fair and just reciprocity with Canada is desired by us all, we will consent to no reciprocity which includes the free exchange of the products of the fisheries. The fishing industry stands upon grounds peculiar to itself. The considerations applicable to it are entirely apart from the general policy of protection. The fisheries have been considered by all nations as the nursery of the seamen of the commercial marine and the best resource of navies in time of war. The industry has been encouraged by every nation.

For many years this country paid a bounty to its fishermen, but that policy has been abandoned. Canada, as I have shown, pays a bounty. France pays a bounty, and Japan began to pay a bounty in April of this year. The competition which our fishermen principally meet is the Canadian competition and the French competition, and both are sustained by national bounties. Shall we, then, do anything which will endanger the only encouragement which is left to the industry, our protective tariff? Without it the industry would inevitably decay and perish. Even with it there is a yearly, monthly, daily struggle for existence.

Just a few words more and I have done. I was, of course, heartily in favor of the amendment adopted by the Senate, but I am told that in the form adopted it was not considered as friendly legislation by the Canadian authorities. I desire that this country should be upon terms of friendship with Canada, and I am willing that the amendment should go out. But when the substitute proposed by the conference committee first appeared I was doubtful about its expediency, although I have received assurances that there was no disposition to interfere with the tariff upon fish. The more I have considered the report of the conferees the greater has been my doubt. I have talked with the gentleman from Maine [Mr. DINGLEY] about this subject a great deal and I have conferred with my constituents. The more I consider the amendment the more I dread it. I have shown that whenever we have had a commission upon this question the result has been injurious to American interests.

It is undoubtedly for the reason that Canada has always been represented upon these commissions by at least one man who has had thorough knowledge of the practical necessities of the Canadian fisheries. We have not always been thus represented. I have no fault with Canada's action in this respect. I commend it rather. It is an evidence of the good government which I am

glad to see the Dominion is enjoying. It is an evidence of the capacity of her public men in which I rejoice. I wish her every prosperity, but I am not willing to imperil an industry which is of the highest national importance. If we are to have any commission, it should be a commission whose members should be subject to confirmation by the Senate and whose powers should be more restricted than the almost illimitable powers which are given by the committee's substitute.

These are the days, Mr. Speaker, when "they that go down to the sea in ships, that do business in great waters," should not be forgotten. There have been recently enlisted in our Navy in the single port of Gloucester alone nearly 300 of the best seamen who can be found on the face of the globe, and more are ready, if needed. They are brave, hardy men, accustomed to danger and indifferent to it. They hardly increase the peril of their lives by stepping from the deck of a fishing vessel to the deck of a man-of-war. More than 3,000 of them in the last quarter of a century have sailed from the port of Gloucester never to return. Even in times of profound peace there is every year at Gloucester a solemn service of prayer and praise for the dead who have gone as an annual sacrifice to the end that your flag should be carried out upon the deep sea.

Mr. LACEY. Mr. Speaker, if there is no expression of surprise in my face, it is not because it ought not to be there. [Laughter.] After the New England gentlemen on this floor have succeeded in landing their fish business into a land bill, with which it has no possible connection, then it is possible that we may expect any other kind of attack upon the report of the conference committee, as though it had been trespassing upon their rights; and, Mr. Speaker, it is just a little more than human nature can stand in these troublous war times without at least some sort of a protest against it.

Mr. MOODY. Mr. Speaker, let me say to the gentleman from Iowa that if there was anything that I said which could be construed in the manner in which he has evidently understood it, I desire to withdraw it. I realize the fact that we have embarrassed the Committee on Public Lands and that they have been very kind to us in this matter.

Mr. LACEY. Now, if the gentleman from Maine [Mr. DINGLEY] will make an apology, I will accept them both.

Mr. DINGLEY. I wish to say that I never made any suggestion to the gentleman or anybody else relating to the fishery question, and therefore I have no apologies to make.

Mr. LACEY. Will not the gentleman state that this amendment was modified to meet his views?

Mr. DINGLEY. I have already stated that, with reference to the single provision that whatever should be done in this matter ought to be referred to Congress, that it ought to be put in and it was put in. As to the fishery question, I never suggested anything about that.

Mr. LACEY. All these difficulties that our friends have imagined here this morning have sprung up in their minds since they received some very fiery letters, no doubt, from some gentleman in Philadelphia, who has come to the conclusion that there is great danger to the city of Philadelphia unless this clause is stricken out of the bill.

Mr. MOODY. I will say that that suggestion does not apply to me.

Mr. LACEY. Now, Mr. Speaker, the Public Lands Committee do not care anything about this provision. They did not want it in in the first place. They have been trying to get it out for eight weeks. They have submitted it to everybody in this House who seemed to know the difference between a smelt and a herring, trying to get a full understanding of the matter. We have even gone to the trouble of asking the Associated Press to publish this in full. It is out of their usual line, but we asked them to do it because we felt that something was getting into this bill that ought not to be in a land bill.

It has been published in the dispatches of the Associated Press. Every part of the United States has had an opportunity to examine it, and now, at the eleventh hour, the criticism is indulged in here and the point of order is made. I do not care what is done with the point of order. I do not care what the Speaker rules upon it. If you hold that it is subject to the point of order, let it go out, and we will go back and try again, and see if the gentlemen from New England will let our land bill alone long enough for us to get it through. [Applause and laughter.]

Mr. BOUTELLE of Maine. Mr. Speaker, I hope my friend——

Mr. LACEY. I hope I may be spared any criticisms from the chairman of the Naval Committee. I am sure he will let me off.

Mr. BOUTELLE of Maine. If the gentleman will permit me——

Mr. LACEY. I will yield to my friend from Maine.

Mr. BOUTELLE of Maine. I simply want to ask him not to include me in the category of those gentlemen who, he says, have been contending to have the great sea fisheries of the United States transferred to the Rocky Mountains, or some interior portion of the country.

Mr. LACEY. Oh, no, these gentlemen have taken the Rocky Mountains and pitched them into the sea off the coast of New England. [Laughter.]

Mr. BOUTELLE of Maine. I am entirely immune from criticism on that point. But on behalf of a constituency that is directly interested in matters of that kind, in a territory extending immediately along the border, I certainly feel that I ought to be permitted to enter a mild protest against having the whole of our tariff system, to which we have been trying to adjust ourselves, laid liable to be ripped open and torn to pieces by some gentlemen connected with the Public Lands Committee of the House of Representatives.

Mr. LACEY. A mild protest from my friend from Maine will be a delightful thing for us to hear in this House. [Laughter.] I yield to my colleague on the committee [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, as stated by the chairman of the Committee on Public Lands, the provision concerning the fishery question came into the bill, together with some other provisions, contrary to our desire, and we should have liked very much to have excluded it. But there were gentlemen in the other Chamber who wanted it in the bill and passed it in the Senate as an amendment to the bill. The conference committee attempted to do what they thought was for the best and proposed the substitute you are now asked to accept. Now, I want to appeal to the gentleman from Massachusetts [Mr. MOODY] not to insist upon his point of order in this case, for the reason that this provision gives no power to the commissioners to waive any of the rights of the United States. It only appoints a commission for the purpose of determining and formulating a plan and submitting it to Congress.

We need not accept it if it is not good; and unless the fishery questions are settled according to the wishes of the gentleman from Massachusetts, he can have an opportunity to voice his opposition thereto, and if his objections are well founded, then we will not accept the suggestions of the commission. But there are provisions in this land bill that ought to be enacted into law as soon as possible. There are various rights in Alaska granted by this bill that ought to be considered at this time.

Mr. TALBERT. Is the question at issue something that has been put into the bill by the conferees?

Mr. SHAFROTH. Yes.

Mr. TALBERT. Foreign to the bill and not in it originally?

Mr. SHAFROTH. It arose in this manner. Section 13 was put into the bill by the Senate. It related to various matters of dispute between the United States and Canada. It arose very largely because of the sentiment that existed in Canada that they should not give American miners the same rights that Canadian miners had in the Klondike region, and the result was that section 13, relating to matters of difference between the two Governments, among which is the fishery question, was put into the bill. It was put into the bill, as I understand it, by the gentlemen from New England, or at their solicitation.

Mr. TALBERT. Was it not amended by the Senate?

Mr. MOODY. Put into the bill on the suggestion of a Senator from the West.

Mr. SHAFROTH. Upon the request, as I understand it, from a gentleman from New England.

Mr. TALBERT. Did it come in in the shape of an amendment?

Mr. MOODY. It was moved in a spirit of broad patriotism. The gentleman who proposed it believed that when certain rights were to be allowed to Canada, that certain disputed rights of American fishermen should be conceded by Canada at the same time.

Mr. SHAFROTH. That is right. There was an attempt to formulate some kind of a compromise by which the fishery rights to which we are entitled should be acknowledged by Canada.

In answer to the gentleman from South Carolina [Mr. TALBERT] I will state that section 13 was put in as an amendment by the Senate. The conferees attempted to reconcile the differences between the Senate and House by a harmless little amendment on the subject of the appointment of a commission to formulate a proposition of compromise of the differences between this Government and Canada, and to report the same to the President. The commissioners are not to bind the Government, but they are to report to the President, and he is to submit it to Congress for action of approval or disapproval.

Mr. LOUD. Was not that a new section?

Mr. SHAFROTH. We did not put it in; it was the other gentlemen.

Mr. LOUD. What other gentlemen?

Mr. SHAFROTH. The gentlemen of the Senate.

Mr. LOUD. Does not the gentleman understand the well-known principle that the party who added the legislation must ultimately give way?

Mr. SHAFROTH. Well, that may be, if you are going to act on it, and are compelled to do so.

Mr. LOUD. You have had the matter in conference for a couple of months.

Mr. SHAFROTH. This is not one of those bills, Mr. Speaker, that has to be passed; one that the Government is dependent upon for its existence, as an appropriation bill. This is a bill that could be laid aside by a failure to report; consequently the Senate does not have to yield.

Mr. ELLIS. I will ask my colleague if it is not a matter of fact that the committee of conference was desirous to hurry this bill along on account of a certain matter in respect to that country and on account of a lack of legislation upon that subject, and they yielded in a spirit of that kind in order to get it before the House?

Mr. SHAFROTH. That is what we did.

Mr. RIDGELY. If the gentleman will permit me, I did not catch the explanation of the chairman of the committee on the reading of the bill; but if I understand it, so far as the miners are concerned, the bill provides that the same privilege may be granted to Canadian miners on our side as the laws on the Canadian side give to ours.

Mr. SHAFROTH. That is it.

Mr. RIDGELY. I understand the Canadian law levies a tax or a percentage upon all the precious metals mined in their territory?

Mr. SHAFROTH. Yes; a royalty.

Mr. RIDGELY. Now, the question I want to ask is, If a Canadian comes on our side and mines, will our Government levy on what he mines the same tax as is levied in Canada?

The SPEAKER. The Chair is ready to pass upon the point of order.

Mr. SHAFROTH. The Canadian miner would have the same privilege only as they grant to our miners.

Mr. JONES of Washington. In this discrimination that takes place, does that apply to all the mining regions or the Klondike?

Mr. SHAFROTH. In my judgment, it is the whole Northwest.

Mr. JONES of Washington. I believe it does not apply in all. Until now American citizens have had the same right in Canada as the Canadians, while the Canadians had no right on our side of the line.

Mr. SHAFROTH. Now, Mr. Speaker, I want to say that the reason why it is necessary that this bill should be passed soon is that there should be settled the rights of locators upon lands and the rights of parties who are attempting to construct railroads in Alaska. They have located some roads and are building them. If they can not get the right of way which they are supposed to be entitled to, it leaves the matter in so chaotic a condition that the parties engaged in the construction of the roads have to stop work. On that account it seems to me we ought as soon as possible to pass this bill and let these persons proceed with the development of the country.

Another thing, Mr. Speaker, certain rights of frontage upon navigable waters in Alaska are defined in this bill. It is proposed in this bill to limit the right of a cannery to 80 rods along the shore of navigable streams. It is also provided that an intervening space of at least 80 rods shall exist between claims held by private parties, the title to which shall remain in the United States, in order to prevent a monopoly in any of these fisheries. This measure ought to go through speedily because we are getting into difficulties with persons attempting to locate all the shore front, who are claiming that they have vested rights.

Now, Mr. Speaker, concerning the criticism made by the gentleman from Washington, I wish to say that I was not at the meeting of the committee of conference when he appeared before it. He says that it is too short a time to require that the proof be presented in ninety days. Mr. Speaker, when it is considered that the proof is required only in past cases, where the railroads have been located and surveyed, it seems to me that ninety days is a very reasonable time. We want these surveys that have been made to be established as soon as they possibly can by proof. On account of the urgency of this measure and the fact that the provision objected to is harmless, it seems to me that the gentleman from Massachusetts ought to withdraw his point of order.

The SPEAKER. The Chair dislikes to pass upon such matters as this, but it is a well-established principle that no conference committee can introduce a new subject, one that was not in dispute between the two Houses, and it is evident that everybody in the House realizes that this amendment which has been presented is really beyond the power of the committee of conference. That being so, and the point being made, there is no other course but to sustain the point of order, which the Chair accordingly does.

Mr. LACEY. That, of course, will be equivalent to a rejection of the whole conference report, as it must either stand or fall as a whole. I therefore move that the House insist on its disagreement and ask for a further conference.

The question was taken; and the motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. LACEY, Mr. SHAFROTH, and Mr. ELLIS.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had further insisted upon its amendments to the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. QUAY, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 2319. An act for the relief of the administrators of Isaac P. Tice, deceased, and others;

H. R. 5885. An act to amend section 5 of an act entitled "An act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes," approved July 13, 1892.

H. R. 1595. An act to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1316) to provide for organizing a naval battalion in the District of Columbia, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. CHANDLER, and Mr. SMITH as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 59. An act granting an increase of pension to Joseph W. Skelton;

S. 1217. An act for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes;

S. 3308. An act to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River at or near the city of Shreveport, La.; and

S. 3903. An act to promote the efficiency of the Revenue-Cutter Service.

The message also announced that the Senate had passed with amendments the bill (H. R. 10131) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes; in which the concurrence of the House was requested.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE of Maine. Mr. Speaker, I call up the conference report on the naval appropriation bill and report an agreement between the two branches. As the papers have all been read in detail, it may be sufficient for me to say that the conferees on the part of the Senate have yielded on amendment No. 22. The House conferees insisted on disagreement in accordance with the instructions of this House, and the bill is now reported with a full agreement eliminating amendment 22, which was the subject of controversy in our last session.

Mr. DOCKERY. I suggest that the gentleman have the report printed without being read.

Mr. BOUTELLE of Maine. If there be no objection, I will ask to have the report printed in the RECORD without being read.

There was no objection.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 11, 22, 27, 38, 39, and 54.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, and 74, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"And whenever, within the next twelve months, an exigency may exist

which, in the judgment of the President, renders their services necessary, he is hereby authorized to appoint from civil life and commission such officers of the line and staff, not above the rank or relative rank of commander, and warrant officers, including warrant machinists, and such officers of the Marine Corps, not above the rank of captain, to be appointed from the noncommissioned officers of the corps and from civil life, as may be requisite: *Provided*, That such officers shall serve only during the continuance of the exigency under which their services are required in the existing war: *And provided further*, That such officers so appointed shall be assigned to duty with rank and pay of the grades established by existing law; and warrant machinists shall be paid at the rate of $1,200 per annum."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the Secretary of the Navy to enlist, at any time after the passage of this act, as many additional seamen, landsmen, and boys as he may deem necessary to man the ships of the Navy, or in use by the Navy as a temporary force therefor during the existing war, and for pay of the same and of the temporary additional officers and warrant machinists hereinbefore authorized, $8,830,000, or so much thereof as may be necessary; and to enable the Secretary of the Navy to enlist, at any time after the passage of this act, the following additional force for the Marine Corps as a temporary force during the existing war, namely, not more than 60 gunnery sergeants with rank of first sergeants, not more than 80 corporals, and not more than 1,500 privates; and for pay of the same, including the temporary additional officers hereinbefore authorized, and for provisions, clothing, fuel, military stores, transportation, and recruiting, and for contingent expenses on account of said additional force, $567,000, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "; in all, torpedo station, $97,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "; and the Secretary of the Navy is hereby authorized, in his discretion, to build one of said docks of granite or concrete faced with granite, and in such case the limit of the cost of said dock is increased $200,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "of domestic manufacture;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lines 5 and 6 of said amendment strike out the words "Sabine Pass, Tex., or in the waters adjacent thereto," and insert in lieu thereof the following: "in the harbor of Sabine Pass, or the waters tributary thereto, Texas;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "That hereafter all first-class battle ships and monitors owned by the United States shall be named for the States, and shall not be named for any city, place, or person until the names of the States shall have been exhausted: *Provided*, That nothing herein contained shall be so construed as to interfere with the names of States already assigned to any such battle ship or monitor;" and the Senate agree to the same.

C. A. BOUTELLE,
S. G. HILBORN,
A. J. CUMMINGS,
Managers on the part of the House.

EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

The question was taken; and the report of the committee of conference was agreed to.

On motion of Mr. BOUTELLE of Maine, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

SURGEONS IN UNITED STATES ARMY.

Mr. HULL. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9638) to increase the number of surgeons in the United States Army.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the number of medical officers of the Army be increased by the addition of fifteen assistant surgeons with the rank of first lieutenant, to be appointed after examination by an Army medical examining board, in accordance with existing regulations.

SEC. 2. That in emergencies the Surgeon-General of the Army, with the approval of the Secretary of War, may appoint as many contract surgeons as may be necessary, at a compensation not to exceed $150 per month.

Mr. RICHARDSON. Mr. Speaker, I demand a second on that.

Mr. HULL. I ask unanimous consent, Mr. Speaker, that a second may be considered as ordered.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like to ask if this is a permanent increase of the Army force of surgeons?

Mr. HULL. It is a permanent increase of the Medical Department of fifteen assistant surgeons, and is made necessary, as shown by the report of the War Department, if there was no war on hand at all.

Mr. UNDERWOOD. Does the War Department state that it is necessary?

Mr. HULL. Yes; outside of any war emergency whatever. The emergency clause is a war measure, but the contract surgeons are to be discharged at the close of the war.

Mr. SHAFROTH. How many assistant surgeons are there now?

Mr. HULL. Ninety assistant surgeons.

Mr. SHAFROTH. And this makes 105.

Mr. HULL. Yes. In 1895, on my own motion on an appropriation bill, the number was cut down to 90. Since that time Alaska has called for and received soldiers to guard the country, and five surgeons have been sent there—one since the report was written—and they are calling for more to be sent to Alaska. We have had two regiments of artillery added to the Army, and it will add many posts for coast batteries, and that will take more surgeons; and the present force will be called upon to help supply that deficiency. It is absolutely necessary, according to the report of the Surgeon-General's Department, that the number covered by this bill be provided for. Even if there was no war with Spain, with the present number and distribution of troops, we should be compelled to add this number of 15.

Mr. UNDERWOOD. The permanent force is increased by 15?

Mr. HULL. Fifteen assistant surgeons.

Mr. UNDERWOOD. And the others will be retained only while the war is in progress, and then will be discharged?

Mr. HULL. They will be used only for the emergency.

The SPEAKER. Is there objection to the second being considered as ordered? [After a pause.] The Chair hears none, and the gentleman from Iowa [Mr. HULL] is recognized for twenty minutes, and the gentleman from Tennessee [Mr. RICHARDSON] for twenty minutes in opposition.

Mr. HULL. I do not know, Mr. Speaker, that I want to say anything further.

Mr. RICHARDSON. I have not had time to consider this bill——

Mr. HULL. If the report can be read, it will give as full information as it will be possible to give on this subject. I will say that if in the future at any time the consolidation of posts near the large cities should take place, as it was thought would be done in 1895, it is easy to pass a provision, as we did in 1895, by which there shall be no additional appointments; but with the present situation in the country, I do not believe that is likely to come for a good many years. I want to say, in addition to that, that I am very clearly convinced that in 1895, when I insisted on an amendment reducing this force, I made a great mistake, and if it is not repaired it will cripple the service. In the present emergency a part of the troops are left in different places, no matter if there are only a few of them. They are so situated that it is absolutely necessary to have a surgeon, if they are to be kept there at all.

Take the two additional regiments of artillery that will be distributed along the coast, it is absolutely necessary that they have a surgeon at these shore batteries. When we reduced the force Fort Washington had no troops and no surgeon. Now that troops are there an assistant surgeon must be provided. If you employ a contract surgeon, you will pay more money out each month than you would if we have an assistant surgeon.

Of course every member of the House understands that the fifteen assistant surgeons provided for in this bill will have to be selected, after examination by the Surgeon-General, from civil life. All medical appointees are selected from civil life because the Military Academy makes no provision for the education of medical men.

Mr. McEWAN. I would like to ask the chairman of the committee whether I understood the gentleman right when he said it provided for a permanent increase of the board.

Mr. HULL. It provides for 15 assistant surgeons, bringing the number up to 105.

Mr. McEWAN. Was the number formerly 105?

Mr. HULL. The number was formerly 125.

Mr. CLARK of Missouri. Do these surgeons have to be examined under the civil-service rule?

Mr. HULL. No; nothing to do with the civil service. But they have to pass an examination, showing their eminent qualifications for the position.

Mr. CLARK of Missouri. Who examines them?

Mr. HULL. The Surgeon-General, and——

Mr. CLARK of Missouri. Do they have to come to Washington to be examined?

Mr. HULL (continuing). They have to be under the age of 30, I think.

Mr. CLARK of Missouri. Have you any provision in the bill for the appointment of surgeons for the volunteers?

Mr. HULL. No; they are to be appointed by the governors of the States. The governor appoints one surgeon and two assistant surgeons for each regiment of volunteers.

Mr. RIDGELY. Does the law limit the qualifications of surgeons to any particular school of medicine?

Mr. HULL. No; but I would say to my friend from Kansas that the universal practice has been to take the regular school, but there is nothing in the law that requires it.

Mr. CLARDY. I think, if the gentleman will allow me, that the Medical Department requires that every surgeon shall be a graduate of a medical college, and that he shall have not only a medical degree, but a fair literary education. If the gentleman will examine the instructions on that subject, it provides that for every applicant for appointment under the Medical Department of the Government there is an exceedingly strict examination required. I think very few of the young physicians can stand it. It requires a young man of superior skill and ability to pass the examination.

And now another question, if the gentleman will permit me, as to the contract surgeons: Is it not a fact that in sending our countrymen to the region where yellow fever is prevalent, or may be prevalent, it is exceedingly important to provide that they shall be protected as far as possible, and that the surgeons who shall be sent with them for their medical care shall be, as far as possible, immunes from yellow fever?

Mr. HULL. I assume, Mr. Speaker, that every contract surgeon who is sent out with our troops to Cuba and elsewhere will go under the direct supervision and orders from the Surgeon-General of the Army, and the present Surgeon-General of the Army is one of the greatest experts in the world on yellow fever and kindred diseases. He will make out the lists of appointments and select men who are suitable to the location to which they are assigned.

My understanding is that largely the Regular Army surgeons will go to Cuba with the troops who may be sent to that island, and the new men will be placed where they need surgeons, mainly out on the frontier, where few people are left now in the camps and forts, excepting the care takers and those left in charge of military supplies for the various points where our troops have been stationed, and where no regular surgeons are present.

Mr. TALBERT. Let me ask the gentleman if this bill is not the second one of the same character that has been introduced within the last few days?

Mr. HULL. No, sir; this bill is the only one of this kind that has been introduced.

Mr. TALBERT. The only bill increasing the number of Army surgeons?

Mr. HULL. Yes; the only one.

Mr. RIDGELY. I would like to ask the gentleman further, in connection with my former question, whether the amendment refers to any particular school of medicine, or if there is such a law now upon the statute books; and if there is such a law, whether the committee will not bring in a proposition to modify it?

Mr. HULL. I will answer the gentleman from Kansas by saying that there is no law limiting the service proposed by this bill to any one particular school of medicine.

Mr. RIDGELY. That is entirely satisfactory to me.

Mr. MORRIS. Let me ask the gentleman from Iowa where the examinations are held for this service?

Mr. HULL. Right here in Washington. These young men come here and go into strict training for this examination. I believe, as a result, that the United States has as competent a corps of physicians and surgeons as any Government on earth.

Mr. MORRIS. What age are the applicants required to be, and how long a practice must they have had? What is the age limit?

Mr. HULL. From 22 to 30 years, I think——

A MEMBER. No; 21 to 29 years.

Mr. HULL. I am corrected by my friend on the left, who says 29 years. The age limit, then, is from 22 to 29 years.

Mr. RICHARDSON. I would like to ask the gentleman from Iowa what the regulations are now for the appointment of surgeons and assistant surgeons in the Army?

Mr. HULL. I think the regulations are that the applicants for appointment must be regular graduates of a recognized medical school. I do not remember exactly the language of the law, but that is substantially the requirement; and, in addition to that, the applicant must be a man of a certain amount of literary ability, and of good education; and he must pass a successful examination before a board appointed to determine his fitness. As I have never been interested in getting into the Army through the Medical Department, I can only answer generally.

Mr. RICHARDSON. This bill, as I understand it, provides for the appointment of fifteen surgeons in addition to the number now provided by law?

Mr. HULL. That is correct, except that all officers of this corps come in as assistant surgeons.

Mr. VINCENT. Does this bill make any change in the age limit as far as it applies to the appointment of surgeons?

Mr. HULL. None whatever. I do not think there ought to be. I think the regulations are good as they are, and they have proven entirely satisfactory. You take a man in the Army, for instance, who may be 45 years old, in good health, and yet he may be in the service only a short time and then go on the retired list. But the regulations providing for younger men in this branch of the service, an able young man who is competent to remain in the service for a great many years becomes more and more efficient as time goes on and earns retirement by service.

The SPEAKER. The question is on the motion of the gentleman from Iowa to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill passed.

CLAIMS OF UNITED STATES AGAINST TENNESSEE.

Mr. COX. Mr. Speaker, I desire to call up for consideration Senate joint resolution No. 6, providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims of the State of Tennessee against the United States, and ask that the rules be suspended and the joint resolution be passed.

The SPEAKER. The joint resolution will be read.

The joint resolution was read, as follows:

Whereas it is claimed that the State of Tennessee is indebted to the United States for railroad equipments and materials purchased for the Memphis, Clarksville and Louisville Railroad Company and the Edgefield and Kentucky Railroad Company by the receivers of said railroad companies, and also for certain coupon bonds issued by said State and originally purchased and held by the United States in trust for certain Indian tribes: and

Whereas the State of Tennessee claims against the United States certain abatements and reductions of said indebtedness by reason of excessive valuations of said equipments and materials, and also certain set-offs and counter-claims growing out of the use by the United States Government for military and other purposes, and the deterioration of the property by the use of certain of the Tennessee railroads upon which the said State had an express and prior statutory lien; and for the removal and appropriation of the property, rails, bridges, etc., of the following roads, namely: The Memphis, Clarksville and Louisville Railroad Company, the McMinnville and Manchester Railroad Company, the Winchester and Alabama Railroad Company, the Knoxville and Kentucky Railroad Company, and the Edgefield and Kentucky Railroad Company; and

Whereas said matters are of long standing and it is desirable that the same should be adjusted and settled: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney-General, the Secretary of the Treasury, and the Secretary of War be, and they are hereby, authorized and required to proceed, by conference with such agents, counsel, or commissioners as may be appointed by said State for that purpose, to compromise, adjust, and settle with the State of Tennessee, through such duly appointed agents, all said matters upon such terms as to amount, allowance of interest, etc., as shall do equal and impartial justice to both parties; and if the result of such settlement shall disclose a balance due to the United States from the State of Tennessee, they shall report such agreement, compromise, or settlement to the governor of Tennessee, to be submitted by him to the legislature of said State at its next regular session, and if the payment of such balance shall not be provided for at the next regular session of the legislature of Tennessee, then the Secretary of the Treasury is hereby authorized and required to proceed to collect the same by appropriate proceedings in accordance with the terms of the bonds held by the United States; and in the event the result of said settlement shall disclose a balance due to the State of Tennessee, they are hereby authorized and directed to report the same to Congress with such recommendation as to an appropriation therefor as may be deemed to be proper and just: *Provided, however*, That nothing herein shall be deemed to be a declaration of priority of right in favor of the State of Tennessee as between it and the Nashville, Chattanooga and St. Louis Railway Company with respect to the claim on account of the McMinnville and Manchester Railroad; but the question of the rights of the State and of said company as to said claim shall be determined as is hereinafter provided: *Provided further*, That the sum for the value of the iron rails, spikes, chairs, etc., taken by the United States military railroad authorities from the McMinnville and Manchester Railroad during the years 1863 and 1864 shall not be used in arriving at a settlement of the accounts between the State of Tennessee and the United States, unless the Attorney-General of the United States, the Secretary of War, and the Secretary of the Treasury shall find that the proceeds for amount of said claim belong to the State of Tennessee: *Provided further*, That the McMinnville and Manchester Railroad Company or the Nashville, Chattanooga and St. Louis Railway Company as its successor shall, by agents, counsel, or otherwise, have the right to appear and have an equal voice with the State in determining all questions relating to the said claim of the McMinnville and Manchester Railroad Company or the Nashville, Chattanooga and St. Louis Railway Company as its successor. And the Attorney-General, the Secretary of the Treasury, and the Secretary of War are hereby authorized and directed to determine the legal and equitable rights, respectively, between the State of Tennessee and the McMinnville and Manchester Railroad Company or the Nashville, Chattanooga and St. Louis Railway Company as its successor with respect to said claim; and if they shall find that the proceeds or amount of said claim belong to the State, the same shall be allowed as a credit in the settlement of the accounts between the United States and the State of Tennessee; and if they shall find that the proceeds or amount of said claim belong to the McMinnville and Manchester Railroad Company or the Nashville, Chattanooga and St. Louis Railway Company as its successor, they shall report the same to Congress for appropriate legislation by Congress.

They are authorized to settle all claims and demands of whatever kind or nature, and any compromise or settlement they may make with said State of Tennessee, as aforesaid, shall be fully reported back to Congress, giving the basis thereof, for its further action. The said compromise or settlement is not to be effective or final until approved by Congress.

Mr. COX. Mr. Speaker——

The SPEAKER. The first question is, Is a second demanded?

Mr. DINGLEY. Mr. Speaker, we had better have a second. Let a second be considered as ordered.

The SPEAKER. Otherwise there would be no debate. The gentleman asks for a second and asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. COX. Now, Mr. Speaker, the whole question here is involved in a claim between the United States and the State of Tennessee growing out of transactions that occurred partly in the war and partly after the war. In the decision made the other day in regard to the State of Arkansas much more radical action was taken in behalf of the State than what the State of Tennessee now asks.

The whole matter arose out of claims between the United States on one side and the State of Tennessee on the other side. These

resolutions do not provide for a settlement of those claims, but simply provide for the appointment of a board to report upon the matter to Congress. The Secretary of the Treasury, the Attorney-General, and the Secretary of War are appointed in behalf of the United States. Under the act of our legislature certain men are appointed to represent the State of Tennessee. Whatever conclusion this board may arrive at is to be submitted to Congress.

There is no question which affects the United States in the least in the way of appropriations. All we ask is that these claims be referred to this board so that they may consider them. I am not going to discuss the merits of the question, because I think the Attorney-General and the Secretary of the Treasury and the Secretary of War will fully represent the United States. On our side there are State attorneys and gentlemen appointed by the legislature to meet the officials appointed on behalf of the United States and to try to adjust these matters in such a way that Congress can control and handle the matter. Let me repeat again that no sort of obligation is imposed upon the United States by the decision of this board. The effort is simply to put the matter into a shape where Congress can handle it. Now, what is the state of facts?

Mr. TALBERT. Will the gentleman allow me just there?

Mr. COX. Let me make this statement, please. These resolutions were drawn by the Attorney-General of the United States and the attorney-general of the State of Tennessee, and I have here a letter from the present Secretary of the Treasury earnestly advising the passage of these resolutions, so that we can at some time reach a conclusion in regard to the matter.

Now, what is the importance of this legislation? Tennessee wants to know how she stands. The Government of the United States wants to know how it stands in reference to our State. There are hung up in the State of Tennessee, in legal proceedings, $100,000 of railroad bonds that either belong to the United States or belong to the State of Tennessee, together with their accumulated interest. The State of Tennessee says, "Present your claims and I will present mine, and then upon the report of these officers, representing us respectively, we will submit the matter to Congress to see what is right and proper in regard to the matter."

Now, these resolutions have passed the Senate three times. They have come to this House and been favorably reported by the Committee on War Claims. I do not see what can be the objection to sending the matter to three distinguished officers of this Government, on the part of the United States, to meet officers upon the part of the State of Tennessee. When they arrive at a conclusion they can send the matter back to Congress to see what shall be the proper adjustment of the matter.

Mr. CANNON. Will my friend allow me to ask him a question?

Mr. COX. With pleasure, because I want to get at the truth of this matter.

Mr. CANNON. I did not hear this act read.

Mr. COX. It is a joint resolution.

Mr. CANNON. Well, is there anything in the joint resolution that binds the United States as to the legality of any claim?

Mr. COX. Not a single dollar.

Mr. GAINES. The compromise or settlement is not to be effective or final until approved by Congress.

Mr. CANNON. I want to see if I understand the matter aright. The United States makes certain claims against the State of Tennessee?

Mr. COX. Yes.

Mr. CANNON. Whether well or ill founded?

Mr. COX. Yes.

Mr. CANNON. And the State of Tennessee makes certain claims against the United States, whether well or ill founded?

Mr. COX. That is right.

Mr. CANNON. If I understand the gentleman, this bill creates a commission upon the part of the United States to meet a commission upon the part of the State of Tennessee?

Mr. COX. Yes.

Mr. CANNON. To consider these claims?

Mr. COX. Yes.

Mr. CANNON. And to make a report of the opinion of the commission to Congress?

Mr. COX. That is all there is in it except one thing. It goes a little further than that as against the State of Tennessee, but not against the United States. That will lead me into a detailed statement of facts. There were about $30,000 in bonds executed by the State of Tennessee to the United States for buying supplies. I mean rolling stock and things of that kind. Now, if these commissioners find that the State of Tennessee owes that amount of money, a first lien is reserved on the railroads for the payment of it, and there is not a dollar that can be taken from the United States Treasury under this resolution unless Congress shall approve it.

Mr. TALBERT. After this board makes its report to Congress, is not this joint resolution so worded as to forestall action of Congress?

Mr. COX. The very object of it is not to forestall Congress.

Mr. TALBERT. Then Congress is left free to act?

Mr. COX. I would not think that the Secretary of the Treasury, the Secretary of War, and the Attorney-General would make a recommendation that would forestall Congress.

Mr. GAINES. The very end of the act reads:

The said compromise or settlement is not to be effective or final until approved by Congress.

Mr. COX. No; and I do hope, inasmuch as you passed a bill the other day to adjust these matters in the State of my friend from Arkansas, that you will not treat Tennessee any worse, and you will get back here a condensed report from the Secretary of War, the Secretary of the Treasury, and the Attorney-General, with representatives from the State of Tennessee, submitting the facts to the Congress of the United States. We will never come to a settlement any other way. You can not sue our State.

Mr. TALBERT. I think it is right.

Mr. COX. It is absolutely right. I never saw a more just thing in this House. [Cries of "Vote!"] I reserve the remainder of my time.

Mr. DINGLEY. One moment. I would like to ask what is the intention of this provision:

Provided further, That the McMinnville and Manchester Railroad Company, or the Nashville, Chattanooga and St. Louis Railway Company, as its successor, shall, by agents, counsel, or otherwise, have the right to appear and have an equal voice with the State in determining all questions relating to the same claim of the McMinnville and Manchester Railroad Company, or the Nashville, Chattanooga and St. Louis Railway Company, as its successor.

Mr. COX. That is right.

Mr. DINGLEY. Is that a controversy between the State and this railroad company?

Mr. RICHARDSON. That is a controversy between the State and the McMinnville and Manchester Railroad Company. That company insists that if there is anything due on account of the road it should go to the Nashville, Chattanooga and St. Louis Railway Company, which owns it by assignment or purchase at an assignee's sale. That is not a matter that affects the Government, but is a matter between the railroad and the State of Tennessee.

Mr. DINGLEY. Do I understand that this bill was drawn by the attorney-general—what attorney-general?

Mr. COX. Mr. Speaker, these joint resolutions were drawn by the attorney-general of the State of Tennessee.

Mr. DINGLEY. The State attorney-general?

Mr. COX. Well, now if the gentleman will permit me. I carried these resolutions to the Secretary of the Treasury and he has recommended it in four reports, and there is a letter in the report most earnestly advocating the passage of this resolution.

Mr. DINGLEY. This is recommended by the Secretary of the Treasury?

Mr. COX. The present Secretary of the Treasury.

Mr. McMILLIN. And recommended by the preceding Administration as well. It is eminently just.

The question was taken on suspending the rules and passing the joint resolution; and, in the opinion of the Chair, two-thirds having voted in the affirmative, the rules were suspended, and the joint resolution was passed.

Mr. COX. Mr. Speaker, there is a similar House resolution, identically the same with this, and I ask that it be laid on the table.

The SPEAKER. Without objection, the House joint resolution of similar purport will be laid on the table.

There was no objection.

COMMISSION TO EXAMINE INTO THE POSTAL SERVICE.

Mr. LOUD. Mr. Speaker, I move to suspend the rules and pass the joint resolution H. Res. 190 as it appears amended.

The joint resolution was read, as follows:

Joint resolution (H. Res. 190) to create a commission to examine into the postal service.

Resolved, etc., That a joint commission is hereby created, consisting of four Senators, to be appointed by the President of the Senate, and four Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. Said commission shall make full inquiry and examination into the postal service, including rates and methods of transportation, rental of cars, subsidies, pneumatic-tube systems, rural free delivery, etc., and also the classifications of mail matter and charges thereon, especially second-class matter, and the rulings and practices that have obtained thereunder, and such other features of the postal service as said commission may, in the course of its duties, deem proper to subject to their inquiry and examination.

Said commission is authorized to employ experts to aid in the work of inquiry and examination; also to employ a clerk and stenographer and such other clerical assistance as may be necessary, said experts and clerks to be paid such compensation as the said commission may deem just and reasonable.

The Postmaster-General shall detail, from time to time, such officers and employees as may be requested by said commission in its investigation.

For the purposes of the investigation said commission is authorized to send for persons and papers, and, through the chairman of the commission or the chairman of any subcommittee thereof, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the duties of said commission.

Said commission shall, on or before January 1, 1899, make report to Congress, which report shall embrace the testimony and evidence taken in the course of the investigation, also the conclusions reached by said commission

on the several subjects examined, and any recommendations said commission may see proper to make with the view of correcting any abuses or deficiencies that may be found to exist.

The sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said commission, such payments to be made on the certificate of the chairman of said commission.

Any vacancy occurring in the membership of said commission, by resignation or otherwise, shall be filled by the presiding officer of the Senate or House, respectively, according as the vacancy occurs in the Senate or House representation on said committee.

Mr. RICHARDSON. Mr. Speaker, I demand a second.

Mr. LOUD. I ask unanimous consent that a second may be considered as ordered.

There was no objection.

Mr. DOCKERY. I desire to ask the gentleman whether his bill directs the commission to report by bill or otherwise, and whether or not it gives such a report privilege?

Mr. LOUD. No.

Said commissioners, on or before January 1, 1899, to make a report to Congress.

It gives no power, I will say to the gentleman, beyond reporting to Congress.

Mr. DOCKERY. I am satisfied that there is a very wide field for investigation and reform, and I hope the gentleman, if he is going to enter upon this work, will insert a provision so as to give the report of the committee the privilege of consideration at any time; otherwise he would find——

The SPEAKER. The Chair would suggest to the gentleman from Missouri that it is doubtful if such a law would bind either House.

Mr. DOCKERY. I would suggest to the Speaker that this was done by the resolution organizing the commission that investigated the business methods of the Departments some years since, and but for that privilege I think we would have had some trouble in securing consideration.

Mr. LOUD. I want to say a word. Of course this commission will gather such evidence relating to disputed points as they can—about disputed points that have repeatedly come to Congress. Gentlemen well know that statements have been made here upon the question of the probability of operating a postal car for some $500 or $600 a year. Such a statement is made upon the floor by members who have been elected to this honorable body, and probably they have been made in good faith.

On the other hand, we find the Post-Office Department furnish such information to Congress as seems to determine beyond the possibility of doubt from that side that it would cost $11,000 a year to operate a railroad post-office car. When we come to consider the wide divergence of opinion, the statements that have been made repeatedly on the floor of the House, we thought it advisable to present such testimony to the House and the country that the House and country might know what amount of money is being paid to railroad companies for the transportation of the mail and whether such amount is in excess of what it should be. Now I will yield five minutes to the gentleman from Georgia who introduced this resolution.

Mr. FLEMING. Mr. Speaker, this resolution was introduced by me some four or five days after the lengthy debate we had on the Post-Office appropriation bill. My object in introducing the resolution was to lay a foundation in some way, as the gentleman from California has just said, to enable the House at some time in the future to learn what the real truth was upon these disputed questions. Take the question, as he stated, of the postal car. One statement is made that we pay in a single year, as a rental of one of these cars, every dollar it would cost to buy the car. Other gentlemen deny that. When they come to the rates that are being paid for the transmission of mail, we find it stated by gentlemen on one side that the rates now being paid are two or three times larger than those which ought to be paid. We find other gentlemen saying that the rates are very moderate, and that the railroads can not afford to carry them for any less than they are now carried.

Take the question of the pneumatic tube. We have made appropriations for some of these, and I understand there is a question before the Senate to add four or five hundred thousand dollars more for tubes in other places. Some gentlemen think that ought not to be ingrafted on the postal system, while others think it will be of great service in the future. It seemed to me, in the discussion of that bill, that if honest-minded men on either side of the House were able to get at the facts, it would enable them to form some satisfactory conclusion, and I thought there would be nothing better than for Congress to appoint a commission which would be impartial who could examine into these questions thoroughly and minutely and lay all the facts before Congress.

Mr. TALBERT. I would like to ask the gentleman if this commission of four Senators and the Representatives are to draw any pay?

Mr. FLEMING. They draw no pay for their services. The appropriation is small. I presume, of course, their actual expenses of travel will be paid, but no salary is attached to it.

Mr. RICHARDSON. Does the committee think it wise to have the commission consist of Senators and Members of the House rather than to have it consist of departmental officers? I ask the gentleman if it is not true that the Department has already, through the Postmaster-General heretofore, going back as far as Mr. Vilas, laid before Congress reports of facts covering the very questions mentioned in this bill, especially in relation to the cost of the postal-car service?

Mr. FLEMING. I will answer the questions separately. First, as to whether the commission should consist of members of the House and Senate rather than members of the departmental service. I think it is very patent that it would be a great deal safer to have the membership of the commission taken from the Senate and House, because we get now the benefit of all the expert knowledge of the heads of bureaus by the provision in the resolution that the commission shall have the power to summon before it all such departmental clerks and heads of bureaus. Furthermore, the bill provides that the commission may employ experts in any particular line, so there will be no necessity and no propriety in having the commission consist of heads of departments.

As to the other point, whether or not some of the officers have not already made reports from which these facts could be derived, I will say in answer that the reports seem to be conflicting. When gentlemen during the debate on the Post-Office appropriation bill laid those reports before the House, other gentlemen got up and read letters written since the reports were made from prominent officials, contradicting the facts stated in the written reports, and it is for that very purpose of getting at the truth in these contradictions that it was thought best to have a commission appointed. The cost is a mere bagatelle, and of course everything will depend on the character of the men placed on the commission. I take it that we can rely on the presiding officer of the Senate, and the presiding officer of the House, and we are just as likely to get a good quality of men to serve there as we could get in any other way. In fact, it is the only practicable way I know of. Let the responsibility rest there, and I have no doubt the officers of the Senate and the House will give us a good commission.

Mr. BRUCKER. Will the gentleman from Georgia allow me a question?

Mr. FLEMING. Certainly.

Mr. BRUCKER. I would like to ask him if in the last Post-Office appropriation bill there were not two items, one of $200,000, appropriated directly to certain railroads, as it was claimed, for the purpose of facilitating the distribution of the mail, and the question I would like to ask is this: Whether or not the resolution is not broad enough to include the inquiry——

Mr. FLEMING. I will answer the gentleman that it is not only broad enough, but specific enough to require them to do it.

Mr. HULL. I yield five minutes to the gentleman from Missouri.

Mr. DOCKERY. Mr. Speaker, as I stated a moment ago, I am satisfied there is a very wide field for inquiry and executive and legislative reform in the postal service. Of course the value of the work that is to be accomplished by the commission will depend largely upon the personnel of the commission.

Mr. DINGLEY. Entirely.

Mr. DOCKERY. As the gentleman from Maine suggests, "entirely." I agree with that suggestion. If active, efficient members are appointed by the presiding officers of the two branches, who are in entire harmony and sympathy with the work, I am sure the report of the commission will be of great service to the taxpayers of the country. I desire to suggest to the gentleman from California that by unanimous consent this bill should be amended at two or three points.

The bill, it seems, originally provided for the appointment of three Senators and three Representatives. For some reason I do not know, the committee has amended it so as to authorize the appointment of four Senators and four Representatives. I shall ask unanimous consent to amend the bill in this particular. It is a matter of exceeding difficulty to get the members of a joint commission together, and that difficulty increases just in proportion as you increase the number of members.

The gentleman who has just spoken has stated with much force and effect the advantage of having a commission constituted from the membership of the two bodies. The information thus secured is available and can be utilized by the two bodies in the passage of legislation to an extent not possible if the members of the commission be named from persons other than members of Congress. If, however, we provide that the commission shall consist of four members from each body, instead of three, we increase the difficulty in securing meetings of the commission. I would in fact prefer that there should be but two members of the commission from each body, rather than four.

Mr. LOUD. The gentleman will allow me to say that personally I favored a commission of two members from each body, and my conclusion was arrived at after a long and thorough investigation. I took into consideration the fact that with two members from each body there would necessarily be one from each party in each House, and thus we would have a commission as small as it could possibly be made. But when the bill came before the committee the number was worked up from two to four. Objections were made in the first place to appointing only two members from each House. The gentleman can well understand, perhaps, why objections might be made. Some gentlemen thought that with a commission so small as to embrace only two Senators and two Members of the House there would not be a sufficient representation from the different sections of the United States. Finally we were obliged to accept the bill in the shape in which it now is, providing for four members of the commission from each body.

Mr. DOCKERY. I ask unanimous consent at this time to change the text of the bill so as to provide that the commission shall consist of three Senators and three Representatives.

Mr. MAGUIRE. Why not say two and two?

Mr. DOCKERY. I think three from each House will be a fair compromise.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be so amended as to require the appointment of three Senators and three Members of the House, instead of four members from each body. Is there objection? The Chair hears none.

Mr. DOCKERY. Now, Mr. Speaker——

The SPEAKER. Before proceeding further the exact form of the amendment had better be settled.

Mr. DOCKERY. My proposition is to strike out "four," in line 4, and insert "three," and to strike out "four," in line 5, and insert "three."

Mr. OGDEN. I hope the gentleman from Missouri before pressing that amendment will take into consideration that the effect will be to place two Republicans from the House and two from the Senate on this commission and only one member of the minority party of each House. As a member of the committee, allow me to say that this measure was brought in with the expectation that an absolutely nonpartisan commission would be appointed; that the presiding officers of the two bodies to whom the appointing power is to be intrusted would divide the membership of this commission equally between the two parties. We believed that by making the commission consist of eight members, instead of four, as originally proposed, the members of the commission might be better distributed over the different sections of the country.

The proposition of the gentleman from Missouri will reduce the membership of this commission from eight to six, and of necessity there will be four members of the dominant party and two of the minority party. Does the gentleman, with all the light before him, think it wise to reverse the action of the committee in this respect? Will it not be best for him to allow the bill to go through as reported?

[Here the hammer fell.]

Mr. RICHARDSON. I yield five minutes more to the gentleman from Missouri.

Mr. DOCKERY. Of course I do not wish to urge my views in opposition to those of the Committee on the Post-Office and Post-Roads. But I was looking at this question solely from the standpoint of the public interest. It had not occurred to me that the political views of the membership of this proposed commission was important, and I do not yet think that it should be a material consideration.

But having had two years' experience upon one of these commissions, I desire to say to the gentleman from Louisiana [Mr. OGDEN], for whose opinion I have a very high regard, that it is a matter of the greatest difficulty to secure a meeting of the members of joint commissions. We can easily get meetings of a committee of this body, but in view of the necessity of accommodating the business of a commission to the committee assignments in this and the other body, it is often a matter of very great difficulty to secure a meeting of all the members of a commission consisting of eight members, or even of six. My opinion was that three of each body would be preferable to four, and I still think so.

One further suggestion. I observe that on the second page of the bill the committee has stricken out the words "not exceeding two" before the word "experts," thus giving the commission authority to employ experts without restriction as to number. It seems to me—I merely submit this as a suggestion—that the provision of the bill as originally presented is preferable in this respect. Certainly two experts would be ample for the purposes of the commission. I submit this suggestion to the gentleman from California [Mr. LOUD] and the gentleman from Georgia [Mr. FLEMING], who drew the bill.

Mr. FLEMING. Mr. Speaker, it at first occurred to me that two experts would be sufficient. But on reflection I took into consideration this fact: That in the examination of railroad rates there might be necessary, for instance, an expert in that line; that when the commission came to examine the pneumatic-tube system, a special expert might be required for that kind of work. So with regard to free rural delivery, an expert specially familiar with that branch of the service might be necessary. For this reason I do not know but that the committee, in making the amendment referred to by the gentleman from Missouri, may have improved on the original bill. It was doubtless their expectation that these experts in different lines of business would be employed only temporarily.

Mr. DOCKERY. Very well; I will not press that point. Now, I wish to suggest to the gentleman from California that in the last paragraph, in line 24, page 2, after the word "make," there ought to be inserted the words "by bill or otherwise;" so that the clause will read: "Any recommendations said commission may see proper to make by bill or otherwise, with the view of correcting any abuses or deficiencies," etc. With this amendment you would have specific authority to report your conclusions either by bill or joint resolution for the action of the House.

Mr. LOUD. Does the gentleman hold that that will give to the commission any special privilege?

Mr. DOCKERY. None whatever under the rule, except the direction to report conclusions in a crystallized form, either by a joint resolution or a bill; and it seems to me that the House should be entitled to your conclusions either in the one form or the other, inasmuch as this is likely to involve an expenditure of some $20,000. To that, however, I do not object. But I do think that the commission should be directed to report conclusions by a bill or otherwise, thus bringing something tangible before the House for consideration.

Mr. FLEMING. Mr. Speaker, I ask whether or not the language of the resolution would not, in the judgment of the gentleman from Missouri, be broad enough to cover that point? It was so intended that if the commission should find it necessary to report some provision of law, they might do so either in the shape of a bill or otherwise.

Mr. DOCKERY. The words I suggest are in harmony with the usual form of such resolutions.

Mr. FLEMING. Personally, I have no possible objection to the suggestion of the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. If the commission brings in a report, accompanied by a bill, it submits its conclusions for the action of the House. And that is what Congress has a right to expect from such a commission. We can then act upon the report understandingly. But we want the conclusions in crystallized form—in the shape of a bill or a joint resolution. Of course if the commission finds there is no occasion for reform in this matter, no bill would be reported, and nothing would be necessary excepting the report of the commission stating the facts.

Mr. LOUD. The gentleman proposes to insert the words "to report by bill or otherwise?"

Mr. DOCKERY. Yes, sir.

Mr. LOUD. I have no possible objection to that modification.

Mr. DOCKERY. I ask unanimous consent, Mr. Speaker, that the words be inserted, "by bill or otherwise," after the word "make," in line 24, on page 2. So that the provision will direct that this commission shall report by bill or otherwise.

Mr. LOUD. There is no objection to that.

The SPEAKER. Is there objection to the insertion of the words to which the gentleman from Missouri has called attention?

There was no objection.

Mr. LOUD. I ask now, Mr. Speaker, a vote on the proposition.

Mr. DOCKERY. Before that is done, if I may be permitted a moment, the gentleman from Louisiana [Mr. OGDEN] perhaps did not understand the request a moment ago, and in justice to him I think he should have the right to object if he so desires.

I asked, as the Chair will remember, that we change the membership of the proposed commission from four to three in each body, and was informed that the gentleman from Louisiana did not understand that that change had been agreed to.

The SPEAKER. It has been agreed to by consent.

Mr. DOCKERY. So I understood, Mr. Speaker; but if the gentleman from Louisiana did not understand it, he should, I think, have the right to object.

Mr. OGDEN. I did not object at the time. I preferred the bill as it was originally reported and which proposed to make this commission consist of four members from each body. The membership of this commission was discussed fully and carefully in the committee, and the number reported—that is to say, four from the House and four from the Senate—was adopted as a measure of compromise. Some members desired more and others less, but this number was finally agreed upon. It seems to be a popular idea that we should have a commission of eight instead of four.

For my own part I would infinitely prefer four to eight, and especially as the report is something to which the credence of the

legislative body must be given. The report of a commission when it is returned, if it should be returned by a nonpartisan membership, would carry more weight and more effect, I take it, than if there was a majority of the membership of either side preponderating on the board.

Mr. DOCKERY. I understand the gentleman from Louisiana prefers a membership of two from each body?

Mr. OGDEN. If the gentleman from Missouri will accept a further amendment, I would move to amend by making this board consist of two members from the Senate and two from the House.

Mr. DOCKERY. I would have no objection to that.

The SPEAKER. Is there objection to the modification proposed by the gentleman from Louisiana?

There was no objection.

Mr. SPERRY. Mr. Speaker——

Mr. LOUD. I yield to the gentleman from Connecticut [Mr. SPERRY].

Mr. SPERRY. Mr. Speaker, do I understand that this is to be a commission composed of two members from the House and two from the Senate?

The SPEAKER. That is what the bill provides in its present form.

Mr. SPERRY. And the House has so decided?

The SPEAKER. The Chair submitted the suggestion, and there was no objection.

Mr. SPERRY. I am very sorry that they have done so. I rose for the purpose of——

Mr. STEELE. Of course if the gentleman objects, that would settle the matter.

Mr. SPERRY. That was my purpose.

The SPEAKER. Of course the Chair will regard the objection of the gentleman as effective, if that was his purpose in rising.

Mr. SPERRY. That was my purpose.

The SPEAKER. Then objection is made.

Mr. SPERRY. And my point is that we have a very large country and a very great diversity of interests; and, in my opinion, throughout the whole country, North, South, East, and West, there is need, and imperative need, for the most careful and vigilant exercise of the operations of the Post-Office Department, especially with reference to the investigation proposed to be made by this commission.

Mr. RICHARDSON. I will ask my friend if he would not prefer to have it four from each House, as it was at first?

Mr. SPERRY. Yes; I would very much prefer that.

Mr. RICHARDSON. That can be done by unanimous consent, and I think that will meet the unanimous wish of the House.

Mr. SPERRY. Not that I wish to doubt the appointment that the Chair would make, but there are various reasons why I think there should be four instead of a smaller number. There are some people who are very much interested in the railroad matters connected with the postal service. There are others very much interested in rural free delivery. There are others who are very much interested in relation to the salaries of clerks and carriers, and in relation to the operations of the Postal Department, so far as carrying the mails upon the cars is concerned.

Now, many of these objections arose in the committee, and in order that it might not be said that two men were subsidized, if they were capable of it, it was thought better to have four from the House and four from the Senate. Then they could be divided politically, and it did appear to me as well as to others on the committee that four would be a better number. I hope it will not be changed. Now, here are the postal laws and regulations which have been running since the days of Benjamin Franklin, and it is almost impossible to know what the postal laws and regulations of the country are. I hoped that there would be a first-class commission appointed to take this whole subject under consideration, and I think four from each House is preferable to two. Do I understand the Chair to say that two have been decided upon?

The SPEAKER. Three have been decided upon, by the unanimous consent of the House.

Mr. SPALDING. You can change it back to four, by unanimous consent.

Mr. SPERRY. I think the exigencies of the case demand that there should be four. The country demands that there should be a thorough investigation into this whole subject from top to bottom, and in my judgment four will accomplish that better than two, and people would be less disposed to find fault with the bill when it is presented. I ask unanimous consent that the number be changed to four.

The SPEAKER. The gentleman asks unanimous consent that the action of the House substituting "three" for "four" be rescinded. Is there objection?

There was no objection.

Mr. LOUD. Now, Mr. Speaker, I call for a vote.

The SPEAKER. The question is on suspending the rules and passing the joint resolution.

The question was taken; and, two-thirds voting in favor thereof, the rules were suspended, and the joint resolution was passed.

QUARTERMASTER'S DEPARTMENT OF THE ARMY.

Mr. HULL. Mr. Speaker, I wish to call up a bill which just came from the Senate. It is the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes.

Mr. Speaker, I move to concur in the amendments of the Senate, except in lines 4 and 5 of page 1, and lines 1 to 8 on page 4.

Mr. STEELE. Let us have the amendments read first.

The SPEAKER. The Clerk will report the amendments of the Senate.

The Senate amendments were read, as follows:

Page 1, line 4, strike out "it."
Page 1, lines 4 and 5, strike out "in the discretion of the Secretary of War."
Page 1, line 5, strike out "with Spain."
Page 1, line 6, before "The" insert "First."
Page 1, line 7, strike out "appropriation" and insert "appropriations."
Page 2, line 3, before "The" insert "Second."
Page 2, line 3, strike out "provision" and insert "provisions."
Page 2, line 4, strike out "appropriation" and insert "appropriations."
Page 3, after line 16, insert:
"Third. Section 3709, Revised Statutes, so far as the same relates to the bureaus of the War Department and all branches of the Army."
Page 3, after line 16, insert:
"Fourth. All that portion of the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes,' which requires purchases of amounts less than $200, made without advertising, to be immediately reported to the Secretary of War."
Page 3, after line 16, insert:
"Fifth. So much of the act approved March 15, 1898, entitled 'An act making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes,' as provides that all employees for the Record and Pension Office of the War Department shall be exclusively engaged on the work of that office."
Page 3, after line 16, insert:
"Sixth. So much of the act approved March 15, 1898, entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1899,' under the heading Ordnance Department, as provides that not more than $65,000 of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said Department."
Page 3, after line 16, insert:
"*And be it further enacted*, That during the existing war materials required by the War Department may, in the discretion of the Secretary of War, be purchased abroad and shall be admitted free of duty."
Amend the title so as to read: "An act to suspend the operation of certain provision of law relating to the War Department, and for other purposes."

Mr. HULL. I renew my motion.

Mr. DINGLEY. I notice a provision in relation to the importation of articles purchased abroad. I should like to ask the gentleman if that is in addition to the bill we passed the other day?

Mr. HULL. The bill limited it to just one department.

Mr. DINGLEY. Limited it to naval and military supplies.

Mr. HULL. The recent bill you passed?

Mr. DINGLEY. Yes.

Mr. HULL. I was talking about the Army bill. There was one exception in the Army bill.

Mr. DINGLEY. But we passed a bill to admit free of duty all articles purchased abroad for this purpose. Why should this be added?

Mr. HULL. That bill is now in the Senate, and it may be some time before it becomes a law. The War Department is bringing in a great deal of war material, and it is held in the custom-house, and the Secretary of War asked the Senate to put on this amendment.

Mr. DINGLEY. We have already passed a bill admitting these articles. My query is, Why is this additional legislation necessary?

Mr. HULL. That bill, as I understand it, is the revenue measure that we passed here a day or two ago. It has not yet become a law.

Mr. COX. Is this the bill that passed through the Committee on Military Affairs, to suspend the operation of the law with regard to advertising by the quartermaster?

Mr. HULL. It is.

Mr. COX. Well, then, why is it that the amendments offered by the Senate have not got back to the committee?

Mr. HULL. Because the bill has just come to the House, and the Senate will probably not be in session, and it is simply to suspend the other matters.

Mr. COX. This is not the way to consider these matters.

Mr. HULL. Well, of course the House can pass on the matter of whether it wants to suspend these others or not.

Mr. COX. I do not hesitate to say that I am going to vote for any bill that in my judgment is proper, but when a bill comes back from the Senate with amendments of this kind, and when they are not sent to the committee, I am not going to consider it if I can prevent it.

Mr. HULL. I am asking to concur in all but these two amendments.

Mr. DOCKERY. I will ask the chairman——

Mr. HULL. I will say to the gentleman from Missouri, to whom

the bill was submitted also, that it was submitted to the Committee on Appropriations, and there was one objection raised by my friend from Missouri [Mr. DOCKERY] relating to the suspension of the provision of section 3709, and he stated that ought to be left out. Afterwards I was informed by one of the Senators, if I may be permitted to refer to them here, that the Secretary of War claimed that under the regulations adopted in the Department it was necessary for him to pass on each suspension separately, and by limiting this to the War Department it could do no harm. It simply saves work; and in the absence of the gentleman from Missouri I spoke to the gentleman from Texas [Mr. SAYERS] and the gentleman from Illinois [Mr. CANNON], who both agreed that it could do no possible harm to put it in this bill.

Mr. COX. This is a very serious matter, in my judgment. Here is a bill passed by the Committee on Military Affairs. It goes to the Senate and an important amendment is put on the bill, and it comes back to this House for the purpose of passing the bill. Ought not that committee to have the right to consider these amendments?

Mr. HULL. Mr. Speaker, I will say to my friend from Tennessee that if I had had any idea that there would be objection on the part of the Committee on Military Affairs or any of its members, I would have been glad to have submitted it to them.

Mr. COX. Well, then, I ask that the bill be referred to the Committee on Military Affairs.

Mr. HULL. That would mean a delay of two or three days. The whole Quartermaster's Department is tied up through inability to supply the different camps of volunteers with clerical force and supplies necessary to carry on those camps.

Mr. COX. Now, Mr. Speaker, in reply to that I will state that the committee can meet in the morning, and we will consider that matter and send it back to the House with an intelligent consideration of the matter that is put on in the Senate. I do not think this is the way to pass these important bills.

The SPEAKER. The gentleman from Tennessee moves that the bill, with Senate amendments, be referred to the Committee on Military Affairs.

Mr. HULL. I hope that that will not carry.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. HULL. Division, Mr. Speaker!

The House divided; and there were—ayes 23, noes 43.

Mr. COX. I call for tellers.

The SPEAKER (after counting). Twenty gentlemen have risen—not a sufficient number; and tellers are refused. The noes have it, and the motion is rejected.

Mr. HULL. I now renew my motion to concur in all except two amendments. I want to say to the House the Senate has already agreed to adjourn over until Wednesday, and by agreeing to this they will recede from these two amendments of suspension, and the bill will become law.

The SPEAKER. The question is on concurring in all the amendments except the two specified. Will the gentleman state what amendments he desires to be excepted?

Mr. HULL. Simply the amendment on page 1, lines 4 and 5. Strike out the words "in the discretion of the Secretary of War," and on page 4 the proviso.

Mr. HAY. Mr. Speaker, is it in order to ask for the reading of the bill as it came from the Senate?

The SPEAKER. The amendments have been read. The gentleman moves to concur in the amendments except amendments No. 1 and No. 11.

Mr. HAY. As I have not seen the bill, I can not tell exactly where they come in.

The SPEAKER. The Clerk will read the amendments in which it is proposed to concur.

The Clerk read the amendments in which concurrence was requested.

Mr. MAGUIRE. A parliamentary inquiry.

Mr. HAY. A point of order.

The SPEAKER. The question is on concurring in the amendments reported to the House——

Mr. COX. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from California rises to a parliamentary inquiry.

Mr. MAGUIRE. It seems to me that the amendments in which the gentleman desires that we shall vote to nonconcur are not sufficiently distinct from the others read by the Clerk.

Mr. HULL. These are the amendments reported for concurrence.

The SPEAKER. The Chair has had read the amendments in which the gentleman asks concurrence.

Mr. MAGUIRE. I thought the Clerk had read all the amendments.

The SPEAKER. The gentleman from Tennessee.

Mr. COX. The parliamentary inquiry I want to make is this: The whole operation of that bill is to suspend the statute that requires the Quartermaster to advertise for supplies. That is the whole point in that bill. Now, I want to know if this bill makes that permanent legislation under the construction that applies there?

The SPEAKER. That is not a parliamentary inquiry. The gentleman from Iowa may possibly answer the question.

Mr. HULL. It does not make it permanent only during the war with Spain. At the discretion of the Secretary of War even during that war he can suspend it. I may say that the provisions of this bill do more than extend the service of the Quartermaster's Department so far as the clerks are concerned. If the bill becomes a law the Quartermaster can immediately purchase supplies for the boys going into camp, such as clothing and tents to make them comfortable, without waiting to get bids from all over the United States.

Mr. HAY. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HAY. My point of order is that the amendment put upon the bill by the Senate is not germane to the bill as it went from the House.

The SPEAKER. That point might be raised in the Senate, but not here. One parliamentary body can not criticise the proceedings of another, not under the rules.

Mr. HULL. Mr. Speaker, I am informed that the Senate declines to remain in session, and therefore the object I had in view is no longer attainable. I therefore move to nonconcur in all the amendments and ask for a conference.

The motion of Mr. HULL was agreed to.

Mr. FISCHER rose.

The SPEAKER. Does the gentleman rise with reference to the bill called up by him on last suspension day?

Mr. FISCHER. No, Mr. Speaker.

ORDER OF BUSINESS.

Mr. LACEY. Mr. Speaker, I ask for the adoption of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of the bill H. R. No. 8226, entitled "A bill to make certain grants of land to the Territory of New Mexico, and for other purposes," not to interfere with appropriation or revenue bills.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 10197) making appropriations to supply deficiencies in the appropriation for support of the Army for the fiscal year 1898, and for other purposes.

ROBERT PLATT.

Mr. FISCHER. Mr. Speaker, on the 4th day of April, under suspension of the rules, I called up Senate bill 1126, and the bill was read, and the House thereupon adjourned. I would like to know if that was not unfinished business?

The SPEAKER. The gentleman's measure is unfinished business. The Chair asked the gentleman if his purpose in rising was to call up that bill.

Mr. FISCHER. I did not understand the Chair.

The SPEAKER. The Chair will substitute for the resolution offered by the gentleman from Iowa [Mr. LACEY] the unfinished business of last suspension day which has just been brought to his attention, and the Clerk will again read the bill.

The Clerk read as follows:

A bill authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander.

Be it enacted, etc., That the President be, and is hereby, authorized to appoint Robert Platt, lieutenant of the junior grade, United States Navy, not in the line of promotion, to the rank of commander, United States Navy, not in the line of promotion, and that for purpose there be, and is hereby, authorized one additional commander, not in the line of promotion, but in all other respects to be entitled to the rank, pay, emoluments, and privileges of commander in the Navy of the United States.

Mr. DOCKERY. Mr. Speaker, I ask for a second.

Mr. FISCHER. A second was demanded on last suspension day, and upon that the House adjourned. I ask the gentleman from Missouri to consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York [Mr. FISCHER] is recognized for twenty minutes in favor of the measure and the gentleman from Missouri [Mr. DOCKERY] for twenty minutes in opposition.

Mr. FISCHER. Mr. Speaker, this bill has passed the Senate on two occasions, and has been pending before the House for some time. Lieutenant Platt occupies a peculiar position in the Navy. For bravery and heroic conduct during the last war he was made a lieutenant in the Navy without right of promotion, and the Department has not the right to retire him. He is to-day above the age of 64 years, and while apparently in good health, he is not fit for active sea work. The Secretary of the Navy, in

order that he might overcome the obstacle presented by this peculiar condition of affairs, asks that this bill be passed. Unless it shall be passed, Lieutenant Platt will remain on the rolls of the Navy Department under full pay as a lieutenant in the Navy.

Mr. KING. Then this bill will save some money to the Government?

Mr. FISCHER. I would not answer it in that way, for I doubt if it would. Under this bill he will be given the pay of a lieutenant, but if it should be at any time desired to put him under waiting orders he might be put at so low a salary that he could not sustain himself.

He was a very heroic officer during the war. He was born in South Carolina and was one of the few of that State that remained true to the North. By the letters which are printed in the report it appears that he led the fleet commanded by Admiral Dupont at the battle of Port Royal. His vessel led the fleet in the battle and he sustained almost entirely all the fire for nearly half the battle.

After he had successfully conducted the fleet into the harbor of Port Royal, the Government assigned him to other duty and placed him in command of a small schooner, the name of which I do not now remember; but it was a small one, registering only 90 tons, and with that small sailing vessel he captured three of the largest prizes captured during the last war. I have the letter here from Major Moody, of the Marine Corps, which certifies that Lieutenant Platt was, without exception, one of the bravest men during the war. This gentleman is above the age of 64 years, and if it was not for the special enactment now upon the statute books he might be retired by the Secretary of the Navy at any time, and should have been retired when he reached the age limit.

Mr. DOCKERY. Is he on the retired list now?

Mr. FISCHER. No; and he can not be retired.

Mr. DOCKERY. What list is he on?

Mr. FISCHER. He is on the active list, having been made a lieutenant in the Navy by such an act that he can not be promoted. He has been a lieutenant ever since the battle of Port Royal.

Mr. DOCKERY. What were the circumstances requiring the passage of a special act to put this officer on the active list?

Mr. FISCHER. The only reason I can give for it, so far as the facts are disclosed to me, is this: Either that there was no rank which would permit such promotion without the act of Congress or that his acts during the war were of such a character that Congress possibly considered it either wise or proper that they should by this enactment rate him up to the position of lieutenant.

Mr. DOCKERY. What is his salary now as a lieutenant of the junior grade?

Mr. FISCHER. On waiting orders he gets, I think, about $800 a year; on active duty, I believe, his pay would be $1,200.

Mr. DOCKERY. Is he not now on active duty?

Mr. FISCHER. I believe that within the last two weeks he has been assigned to some duty at the navy-yard; but his health is not of the best, and he is over 64 years of age.

Mr. DOCKERY. What will be his salary if he be promoted to the rank of commander, as this bill proposes?

Mr. FISCHER. It is the purpose of the Secretary of the Navy to retire him at $1,200 a year. He would get just as much pay as he does to-day, he would not interfere with any other officer, and the Department would be relieved.

Mr. BURKE. Allow me to ask whether this is the ordinary procedure where an officer is on the retired list?

Mr. FISCHER. This is an exceptional case.

Mr. BURKE. Why should you make an exception in favor of this man as against others?

Mr. FISCHER. The gentleman does not understand me. I mean it is an exceptional case in this respect: This officer is now on the roster by act of Congress. He is the only officer in the Navy under these conditions. That is what I meant by speaking of this as an exceptional case.

Mr. TALBERT. Can he not be retired now from his present position with the salary to which he is entitled as a retired officer?

Mr. FISCHER. This is the only measure that will give the relief desired.

Mr. TALBERT. Then he can not be retired now?

Mr. FISCHER. No; only by an act of this kind.

Mr. TALBERT. Can he not be retired as a lieutenant?

Mr. FISCHER. Yes.

Mr. TALBERT. Then you just want to promote him before retiring him. You do not want to promote him so that he may continue to do service.

Mr. FISCHER. The gentleman does not understand. If this officer be retired as a lieutenant, he will receive $800 a year. He has been a lieutenant for thirty-five years, doing active duty all the time. If this bill should pass, he will be retired upon the retired pay of a commander. That is the intention of the bill and is in accord with the request of the Department. He would then receive $1,200 a year for the balance of his life. He is not in good health and is 65 years of age.

Mr. SHAFROTH. When was the special act placing this officer on the roll as lieutenant passed?

Mr. FISCHER. After the battle of Port Royal—in 1863, I believe.

Mr. STEELE. Would the gentleman be willing to say in the bill that this officer shall be retired at a salary of $1,200 per annum?

Mr. FISCHER. Yes, sir.

Mr. STEELE. Then I will move an amendment of that kind.

Mr. FISCHER. I will be quite willing to have the bill provide that the Secretary of the Navy have full discretion to retire this officer on the full pay of a lieutenant.

Mr. STEELE. At $1,200 a year?

Mr. FISCHER. Yes, sir. That is the intent of the bill as read at the desk and as already passed by the Senate.

Mr. STEELE. I should like to see that amendment go in, if the gentleman is satisfied with it.

Mr. FISCHER. I should be quite satisfied with it. It will require the concurrence, however, of the Senate.

Mr. STEELE. Very well. As the gentleman does not object, I move to amend by adding at the end of the bill the following:

And the Secretary of the Navy may, in his discretion, retire the said Robert Platt at a salary of $1,200 a year.

Mr. FISCHER. I accept that amendment.

The SPEAKER. Is there objection? The Chair hears none.

Mr. DOCKERY. That would make the bill contradictory in terms.

The SPEAKER. Does the gentleman from Missouri wish to reserve an objection?

Mr. DOCKERY. No, I do not object; but if I am not mistaken, the bill with that amendment will be somewhat contradictory in terms.

This bill provides:

That the President be, and is hereby, authorized to appoint Robert Platt, lieutenant of the junior grade, United States Navy, not in the line of promotion, to the rank of commander, United States Navy, not in the line of promotion, and that for this purpose there be, and is hereby, authorized one additional commander, not in the line of promotion, but in all other respects to be entitled to the rank, pay, emoluments, and privileges of commander in the Navy of the United States.

Mr. Speaker, that is the language of the bill, and it means that the Secretary of the Navy, in his discretion, shall retire him at an annual salary of $1,200 a year.

I think the gentleman from New York did not understand my question when I asked a few moments ago as to the compensation of this officer. I understood him to say that the pay in this case was $1,200.

Mr. FISCHER. The lieutenant's pay in the junior grade is $1,200.

Mr. DOCKERY. What is the pay of a commander?

Mr. FISCHER. I do not know exactly, but one grade gets $1,800 and another $2,400.

Mr. DOCKERY. I am informed by a member of the Committee on Naval Affairs that a commander in the Navy is entitled to $3,600.

Mr. HULL. That is correct; the same pay as a lieutenant-colonel in the Army.

Mr. DOCKERY. And we do not want to jump this officer from $800, which he is now receiving, to $3,600, or even $2,200, that he might receive on the retired list.

Mr. FISCHER. I was quite willing to accept the amendment proposed by the gentleman from Indiana——

Mr. DOCKERY. But, if the gentleman will permit me, that leaves the bill a sort of "double-barreled proposition." We do not desire to do injustice to this man, nor do we want to do injustice to the Government. This bill, if passed in its present form, would authorize his appointment to the rank of commander, and I do not know exactly what the compensation would be. I have been casting about for a member of the Naval Committee. The gentleman from Louisiana [Mr. MEYER] is present, and I will ask him to inform the House as to the compensation of a commander.

Mr. STEELE. I have sent for the Naval Directory, which will give all of the figures.

Mr. DOCKERY. I will ask the gentleman from Louisiana [Mr. MEYER].

Mr. MEYER of Louisiana. The pay of a commander is $3,000, after four years.

Mr. DOCKERY. What other kind of pay does he get?

Mr. MEYER of Louisiana. The shore pay, which I think is $2,600.

Mr. DOCKERY. I am very much obliged to the gentleman for this information.

Mr. LOUD. Would not longevity cut some figure in regard to his pay?

Mr. DOCKERY (continuing). And we have this condition of affairs, Mr. Speaker, that it is proposed here to increase the pay of this officer on the retired list. I want the House to understand what it is doing in reference to the matter. As I understand it, $800 is the pay this gentleman is now entitled to receive. If this bill

passes, according to the statement of the gentleman from Louisiana, this officer would get shore pay of $2,600 or sea pay of $3,000. It is a tremendous jump from the present compensation. In other words, this is virtually a pension raising the pay from $800 a year to $2,600, or an increase of $1,800 per annum.

Mr. MEYER of Louisiana. If the gentleman will permit me, I desire to interrupt him.

Mr. DOCKERY. Certainly.

Mr. MEYER of Louisiana. Of course the gentleman knows than an officer on the retired list receives only three-fourths of the active duty pay.

Mr. SHAFROTH. Well, that would be $2,250.

Mr. DOCKERY. But this bill does not retire him. The gentleman will observe that it creates an additional commander in the Navy, and authorizes the President to appoint this particular gentleman to that office. Instead of retiring him it puts him on the pay roll of the Treasury Department with additional compensation.

Mr. FISCHER. It will be the duty of the Secretary of the Navy, under the operation of the bill, to retire him at once after the passage of the act.

A MEMBER. Should not the word "lieutenant" be inserted before the word "commander," then?

Mr. DOCKERY. Why not retire him now?

Mr. FISCHER. Well, he was appointed under a special act of Congress.

Mr. DOCKERY. If the gentleman will permit me, and I would like him to correct me if I am wrong, I desire to make a statement or an inquiry. This gentleman was put on the roll of honor by Congress as a lieutenant of the junior grade for gallant services. That, as I understand, gave him $800 per annum and was done by a special act of Congress. You come now and propose to create the rank of "additional commander in the Navy" and name this officer to fill it. That will give him increased pay of $2,600 on shore duty and $3,000 if he is on sea duty. So that, call it what you please, you increase the compensation from $800 at the lowest point now to $2,600 at the lowest rate under this bill.

Mr. FISCHER. The gentleman says that he has been pensioned. That is not quite right. He has been actively employed of late years on the Fish Commission boat.

Mr. DOCKERY. Well, I accept the amendment as to phraseology.

Mr. STEELE. I have here the Naval Register, showing the rates of pay.

Mr. FISCHER. I wish to say that while he was promoted by a special act of Congress for especial bravery, he was also deprived of the right of further promotion. If that were not so, he would have reached the rank of a commodore by this time.

Mr. HENRY of Mississippi. If he will stick to the service now, maybe he can get to be a commodore before long.

Mr. FISCHER. I can not hear what the gentleman says.

Mr. DOCKERY. I yield to the gentleman from Indiana [Mr. STEELE].

Mr. STEELE. The Navy pay table in the Naval Register shows that a commander gets $3,500 per year at sea, $3,000 per year on shore duty, and $2,300 on leave or waiting orders.

Mr. FISCHER. How much on the retired list?

Mr. STEELE. Three-fourths of that.

Mr. FISCHER. What is a lieutenant-commander's pay?

Mr. STEELE. A lieutenant-commander, the first four years after the date of his commission, gets $2,800 at sea, $2,400 on shore duty, and $2,000 on waiting orders or leave. After the first four years he gets $3,000 at sea, $2,600 on shore duty, and $2,200 on leave. Now, a lieutenant——

Mr. FISCHER. Of the junior grade.

Mr. STEELE. He gets $1,800 on sea duty the first five years; $1,500 on shore, and $1,200 on waiting orders.

Mr. FISCHER. That is a lieutenant of the senior grade, is it not?

Mr. STEELE. No; of the junior grade.

Mr. DOCKERY. What will this officer get as a retired officer?

Mr. STEELE. Under my amendment he would get $1,200. Otherwise he would get $2,625.

Mr. FISCHER. What pay would he have on the retired list as lieutenant-commander?

Mr. STEELE. As lieutenant-commander he would get three-fourths of $3,000.

Mr. FISCHER. I am asking about a lieutenant-commander.

Mr. STEELE. I am talking about a lieutenant-commander. I am reading from the Naval Register.

Mr. DOCKERY. This bill creates the rank of commander.

Mr. STEELE. As commander, retired, he would get three-fourths of $3,500.

Mr. FISCHER. I am told that the actual figures show that the retired pay of a lieutenant-commander is $1,500 a year.

Mr. DOCKERY. This is not a lieutenant-commander.

Mr. FISCHER. No; but I am suggesting that possibly we might agree on an amendment making his pay that of a lieutenant-commander on the retired list.

Mr. CANNON. If the gentleman wants to have him retired at $1,200, after his service of thirty-four years, he might retire him as an ensign.

Mr. FISCHER. That possibly would be civil service, but we do not agree to that.

Mr. CANNON. I am speaking about the money.

Mr. FISCHER. I was speaking about his having the pay of a lieutenant-commander.

Mr. DOCKERY. Let me say to the gentleman from New York that we have finally developed the exact result of the bill, which would be to put this gentleman on the retired list at $2,625 a year.

Mr. FISCHER. I do not want to do that.

Mr. DOCKERY. I am satisfied the gentleman does not want to do that. There may be merit in the case. I have no doubt he is a worthy officer.

Mr. FISCHER. He is.

Mr. DOCKERY. But I suggest to the gentleman that he allow the bill to go over to the next suspension day, to retain its place as unfinished business.

Mr. FISCHER. I should like to have it disposed of, and I will offer an amendment making it lieutenant-commander.

Mr. DOCKERY. No; that gives him $2,250.

Mr. FISCHER. No; $1,500.

Mr. STEELE. A lieutenant-commander has $3,000 a year, all the same.

Mr. GARDNER. No; but this man is to be retired.

Mr. STEELE. Then he gets three-fourths of that.

Mr. FISCHER. Three-fourths of what?

Mr. STEELE. Of $3,000.

Mr. DOCKERY. Three-fourths; and one-fourth of $3,000 is $750, and multiplying that amount by 3 you have $2,250 as compensation, or else my mathematics are all wrong. Now, I suggest to the gentleman from New York, whom I would like very much to accommodate if I could do so without giving him the privilege of too extended an invasion of the Treasury, to let the bill go over until next suspension day, retaining its place as unfinished business, and then we can examine into it and ascertain if there is any merit in the bill. Let it go over. It can not pass now, I am sure.

Mr. FISCHER. I think I had better let the matter go over. Mr. Speaker, we seem to be so much at sea upon this bill [laughter] that I have concluded, if I shall not lose my position, to let it go over until next suspension day.

The SPEAKER. With the consent of the House the gentleman may withdraw the bill and let it be considered as unfinished business.

Mr. HICKS. I think we had better dispose of the bill.

Mr. DOCKERY. But we do not want to do that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

GRANTS OF LAND TO THE TERRITORY OF NEW MEXICO.

Mr. LACEY. Mr. Speaker, I have modified the resolution offered a while ago, and I call it up and move its adoption in the modified form.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That upon Wednesday next, after the expiration of the morning hour, it shall be in order to call up for consideration the bill (H. R. 6230) entitled "A bill to make certain grants of land to the Territory of New Mexico, and for other purposes," such consideration not to interfere with appropriation or revenue bills.

The SPEAKER. Is a second demanded?

Mr. RICHARDSON. I demand a second.

Mr. LACEY. I ask unanimous consent that a second may be considered as ordered.

Mr. MAHON. I object. I want to say to the gentleman from Iowa that we have got some bills on the Union Calendar that have never been reached, and the only time we can reach them is after the call of committees. I have waited all winter, and I am very anxious to get at a certain bill, and the Committee on Public Lands has had considerable time for the discussion of its measures.

The SPEAKER. The resolution, the Chair desires to say to the gentleman from Pennsylvania, provides that the bill be taken up after the expiration of the morning hour, which, of course, will be by a vote of the House after an hour's time has been spent.

Mr. MAHON. We can then move to go into Committee of the Whole on the Union Calendar, and we have been waiting patiently for that opportunity for months.

Mr. LOUD. You can not do so then unless you specify some particular bill.

Mr. LACEY. I say that this bill proposes giving——

The SPEAKER. The gentleman from Pennsylvania requires that a second be ordered.

Mr. LACEY. I thought unanimous consent was given that a second be considered as ordered.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Iowa will take their places on the question of ordering a second.

Mr. CANNON. Mr. Speaker, it is perfectly evident that there is no quorum. I therefore move that the House do now adjourn.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 898. An act for the relief of William H. Atkins, formerly commissary sergeant, United States Army—to the Committee on Claims.

S. 3308. An act to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River at or near the city of Shreveport, La.—to the Committee on Interstate and Foreign Commerce.

S. 1217. An act for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes—to the Committee on the District of Columbia.

S. 59. An act granting an increase of pension to Joseph W. Skelton—to the Committee on Invalid Pensions.

S. 3908. An act to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

APPOINTMENT OF CONFEREES.

The SPEAKER. Pending the motion, the Chair will announce as conferees on the military bill the gentleman from Iowa, Mr. HULL, the gentleman from Illinois, Mr. MARSH, and the gentleman from Virginia, Mr. HAY.

The motion to adjourn was then agreed to.

And accordingly (at 4 o'clock and 37 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, submitting an estimate of appropriation for additional employees, War Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for deficiency in "Rent, pension agencies"—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the views of the minority on the bill (H. R. 4363) amending "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893 (Report No. 1238, part 2); which said views were referred to the Committee of the Whole House on the state of the Union.

Mr. CANNON, from the Committee on Appropriations, to which were referred House Document No. 439 and Senate Document No. 250, relating to deficiencies in the appropriations for support of the Army, and House Documents Nos. 416, 419, and 443, submitting estimates for deficiencies in the appropriations for printing and binding for the Navy and Treasury Departments, contingent expenses, Navy Department, and for pay, miscellaneous, of the Navy, reported a bill (H. R. 10197) making appropriations for support of the Army for the fiscal year 1898, and for other purposes, accompanied by a report (No. 1246); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRODERICK, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 7935) to grant to the State of Utah the Industrial Christian Home in Salt Lake City, reported the same without amendment, accompanied by a report (No. 1247); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BOTKIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5153) granting a pension to Mrs. Cordelia Cheney, of Lunenburg, Vt., reported the same with amendment, accompanied by a report (No. 1241); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2869) for the relief of Eliza J. Mead, widow of James W. Mead, reported the same with amendment, accompanied by a report (No. 1242); which said bill and report were referred to the Private Calendar.

Mr. STURTEVANT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10135) to increase the pension of Robert Litzinger, reported the same with amendment, accompanied by a report (No. 1243); which said bill and report were referred to the Private Calendar.

Mr. RAY of New York, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 312) for the relief of Ellen Wright, hospital nurse, reported the same with amendment, accompanied by a report (No. 1244); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2541) granting a pension to Clara R. Rodgers, reported the same without amendment, accompanied by a report (No. 1245); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 1609) to remove the charge of desertion against James Norris; and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LIVINGSTON: A joint resolution (H. Res. 252) tendering the thanks of Congress to Commodore George Dewey, United States Navy, for his victory over the Spanish fleet at Manila—to the Committee on Foreign Affairs.

By Mr. GROUT: A joint resolution (H. Res. 253) tendering the thanks of Congress to Commodore George Dewey and the officers and men of the Asiatic Squadron—to the Committee on Foreign Affairs.

By Mr. TODD: A joint resolution (H. Res. 254) of inquiry, directed to the Secretary of War, requesting information regarding the rates paid the railroads for transportation of troops and Government supplies; whether competition exists; and how the public welfare is affected by the appointment of a railroad president and other railroad officials to assume official control of Government transportation—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEACH: A bill (H. R. 10198) to pension Annie Allen, widow of Sylvester Allen—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 10199) for the relief of F. A. Land—to the Committee on Military Affairs.

Also, a bill (H. R. 10200) for the relief of Antonio J. Archuleta—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10201) for the relief of Jose Fabian Baca—to the Committee on Pensions.

By Mr. BOTKIN: A bill (H. R. 10202) granting a pension to Robert Campbell—to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 10203) granting a pension to Georgia Ann Vaughan—to the Committee on Pensions.

By Mr. LEWIS of Georgia: A bill (H. R. 10204) granting an increase of pension to Mrs. M. A. C. Kaigler—to the Committee on Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 10205) for the relief of B. J. Curry, of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 10206) for the relief of the estate of F. L.

Hammond, deceased, late of Madison County, Ala.—to the Committee on War Claims.

By Mr. BRUMM: A bill (H. R. 10207) granting a pension to Condy Menalis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10208) granting a pension to Amanda Helms—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTLETT: Resolutions of Carpenters and Joiners' Union, Lodge No. 144, of Macon, Ga., favoring the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Chamber of Commerce of Macon, Ga., protesting against additional tax on tobacco in stock—to the Committee on Ways and Means.

By Mr. BEACH (by request): Petitions of the First Congregational Church of Medina, and Brooklyn Memorial Methodist Episcopal Church, of Cleveland, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also (by request), petitions of the First Congregational Church of Medina, Brooklyn Memorial Methodist Episcopal Church, of Cleveland, and Liberty Tent, No. 29, Independent Order of Rechabites, of East Liverpool, Ohio, in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also (by request), petitions of the Woman's Christian Temperance Union of Willoughby, Ohio, and Liberty Tent, No. 29, Independent Order of Rechabites, of East Liverpool, Ohio, asking for the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

By Mr. BOUTELLE of Maine: Petitions of D. E. Cleveland and other citizens of Dexter, Me., and P. A. Smith and others, of South Exeter, Me., protesting against the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Petitions of the Presbytery of La Crosse, in session at Neillsville, Wis., and congregations of churches of Evansville and vicinity, in the State of Wisconsin, in favor of sundry bills for the promotion of public morals—to the Committee on the Judiciary.

Also, petition of citizens of Evansville, Wis., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Petitions of citizens of Burlington and Strong City, Kans., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DE VRIES: Petitions of the Presbyterian Church of Elk Grove and Methodist Episcopal Church of Sheridan, Cal., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Sheridan and Presbyterian Church of Elk Grove, Cal., in favor of the passage of a bill to prohibit the sale of liquor in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the First Methodist Episcopal Church of Modesta, Cal., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. GROUT: Petition of Charles R. Taggart and the Young People's Society of Christian Endeavor of the Reformed Presbyterian Church of Topsham, Vt., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles R. Taggart and the Young People's Society of Christian Endeavor of the Reformed Presbyterian Church of Topsham, Vt., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HOOKER: Petitions of the Methodist Episcopal Church and First Universalist Church of Sherman, N. Y., and Woman's Christian Temperance Union of Ceres, N. Y., in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Woman's Christian Temperance unions of Ceres, N. Y., for the passage of bills to prohibit the interstate transmission of gambling matter by telegraph, to raise the age of protection for girls, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Sherman, N. Y., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of Erie Conference League, of Sherman, N. Y., for the passage of a bill to raise the age of protection for girls—to the Committee on the Judiciary.

By Mr. KERR: Petitions of the Methodist Episcopal Church South, and a union service of four other churches of North Fairfield, and citizens of Brinkhaven, Ohio, for the passage of bills to prohibit interstate gambling by telegraph, to raise the age of protection for girls to 18 years, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal Church of North Fairfield, and Young People's Society of Christian Endeavor and Epworth League of Brinkhaven, Ohio, favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. KNOX: Petition of Joseph Laurent and others, praying for the abolition of duties on goods imported into the United States—to the Committee on Ways on Means.

By Mr. LACEY: Petitions of the Appalachian Mountain Club, of Boston, Mass., and J. B. Castleman, president Park and Outdoor Art Association, Louisville, Ky., against the passage of House bill No. 8428, in reference to Executive order of February 22, 1897, suspending indefinitely the orders creating forest reservations—to the Committee on the Public Lands.

By Mr. LATIMER: Petition of R. S. Hill and 15 other citizens of Anderson, S. C., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS of Georgia: Resolutions of the Chamber of Commerce of Macon, Ga., protesting against the imposition of an additional revenue tax on tobacco, snuff, and cigars in stock—to the Committee on Ways and Means.

By Mr. McCORMICK: Petition of the Christian Endeavor Union of Logan, Kans., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. MANN: Petition of 1,500 members of the Central Body, Milk Dealers' Association, protesting against the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTON of Ohio: Petition of J. G. Hahn and 32 other members of Grange No. 345, Patrons of Husbandry, of Berlin Heights, Ohio, favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. OTEY: Resolutions of the Board of Trade and Business Men's Association of Norfolk, Va., praying for an appropriation for dredging and improving the approaches to the canal of the Lake Drummond Canal and Water Company—to the Committee on Appropriations.

By Mr. SHERMAN: Petition of the Methodist Episcopal Church and 60 citizens of Herkimer, N. Y., in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Methodist Episcopal Church and 60 citizens of Herkimer, N. Y., for the passage of bills forbidding the interstate transmission of lottery and other gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Methodist Episcopal Church and 60 citizens of Herkimer, N. Y., praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. STEELE: Petition of Rev. A. G. Johnson and 15 citizens of Huntington, Ind., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STRODE of Nebraska: Petitions of Zion Church, Woman's Christian Temperance Union, and Young People's Christian Union of Mount Zion, Nebr., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Woman's Christian Temperance Union and Christian Endeavor of Palmyra, Nebr., for the passage of a bill to raise the age of protection for girls—to the Committee on the Judiciary.

Also, petition of the United Brethren Church of Mount Zion, Otoe County, Nebr., favoring the enactment of legislation to protect State anti-cigarette laws, and to forbid the interstate transmission of lottery messages by telegraph—to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 3, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read.

The SPEAKER. The Chair has stricken out the resolution offered by the gentleman from Iowa [Mr. LACEY]. The Chair thinks that ought not to be journalized, because precedence was given to unfinished business that had the right of way. Without objection, the Journal as corrected will be approved.

There was no objection.

PUBLIC LANDS IN MISSOURI.

Mr. BLAND. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 1586, to provide for the sale of public lands in Missouri.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That all public lands within the State of Missouri shall hereafter be subject to disposal at private sale in the manner now provided by law for the sale of lands which have been publicly offered for sale, whether such lands have even been offered at public sale or not: *Provided*, That the actual settlers shall have a preference right, under such rules and regulations as the Secretary of the Interior may prescribe.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LIVINGSTON. May I ask the gentleman from Missouri if, where money has been invested by settlers in lands, this bill protects them?

Mr. BLAND. The bill protects them.

Mr. DINGLEY. Mr. Speaker, I will reserve the right to object.

The SPEAKER. The gentleman from Maine reserves the right to object.

Mr. DINGLEY. The chairman of the Committee on Public Lands, Mr. Speaker, informs me that he has examined the matter, and I have no objection.

Mr. BLAND. I understand the gentleman from Maine, Mr. Speaker, withdraws his objection upon the statement of the chairman of the committee.

The SPEAKER. Is there further objection? [After a pause.] The Chair hears none.

Mr. LACEY. Mr. Speaker, I wish to offer an amendment to the bill as section 2.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Amend by adding to the bill the following:

"SEC. 2. That in cases arising from and after the passage of this act the distinction now obtaining in the statutes between offered and unoffered lands shall no longer be made in passing upon subsisting preemption claims, in disposing of the public lands under the homestead laws, and under the timber and stone law of June 3, 1878, as extended by the act of August 4, 1892, but in all such cases hereafter arising the land in question shall be treated as unoffered, without regard to whether it may have actually been at some time offered or not, except in the State of Missouri, in which the lands are still subject to disposal at ordinary private cash entry; and the public land remaining undisposed of in that State shall be treated as offered, without regard to whether it may have actually been at some time offered or not."

Mr. LACEY. House bill 5877 on the Union Calendar is on the same subject as the bill now before the House. This bill now before the House applies to Missouri only. The distinction between offered and unoffered lands is applicable to other States, and House bill 5877 covers other States. It was drawn by the Commissioner of the Land Office, introduced by the gentleman from Arkansas [Mr. MCRAE], and has been on the Union Calendar some time.

Mr. BLAND. I have no objection to the amendment. I think it is proper.

Mr. LIVINGSTON. Does that affect the land grants to agricultural schools and colleges?

Mr. LACEY. It does not. There was a distinction between offered and unoffered land growing out of rulings made a long time ago, which distinction has been abrogated by subsequent legislation. There are, however, a number of pending claims for patents in the Land Office, and matters in which these old distinctions are kept up and for which there is no longer any reason. The Department has been anxious to abolish it and annul the distinctions altogether. It used to be that before lands could be open for entry they had to be offered at public sale, at auction.

Mr. LIVINGSTON. I understand that; but you understand the grants by the Government to the different State agricultural colleges——

Mr. LACEY. Yes; but this has no bearing on that; it is purely a departmental question.

Mr. HARTMAN. As I understand, it is merely to facilitate the entry upon lands by bona fide settlers under the law.

Mr. LACEY. Yes; that is it.

The SPEAKER. The Chair desires to call attention that the word "lands" in the fifteenth line ought to be in the singular, or else the word "it" should be changed to "they" in the next line.

Mr. LACEY. I will accept the suggestion of the Chair. I think it would be better to have the bill go into conference, if it passes, in order that it may be all brought into one section. Inasmuch as we are legislating on one line in the House, and the Senate is legislating on another, if the bill should pass I would move to have a conference upon it.

Mr. SIMPSON. Does this bill provide for the sale of homestead and preemption lands where they are not good lands for agricultural purposes?

Mr. BLAND. Mr. Speaker, I ask for the previous question.

Mr. LACEY. Nothing of the kind. It simply abolishes this distinction between offered and unoffered lands. Has the change suggested by the Chair been made?

The SPEAKER. The change will be made. The word "lands" in the fifteenth line will be changed to the singular. The question now is on ordering the previous question.

The previous question was ordered.

The amendment was agreed to.

The bill was then read a third time, and passed.

Mr. LACEY. I move to amend the title by substituting the following: "To abolish the distinction between offered and unoffered lands, and for other purposes."

The motion was agreed to.

On motion of Mr. BLAND, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. LACEY. I move that the House ask for a conference with the Senate on the amendment disagreed to.

The motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. LACEY, Mr. ELLIS, and Mr. LEWIS of Washington.

On motion of Mr. LACEY, House bill 5877, on the Union Calendar, was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed the bill (S. 4468) to provide for a volunteer brigade of engineers and an additional force of 10,000 enlisted men specially accustomed to tropical climates; in which the concurrence of the House was requested.

PARKING IN DISTRICT OF COLUMBIA.

Mr. BABCOCK. I desire to call up the motion of the gentleman from Wisconsin [Mr. JENKINS] to reconsider the vote by which the Senate amendment to the bill (H. R. 5880) to vest in the Commissioners of the District of Columbia control of street parking in said District was concurred in.

The motion to reconsider was agreed to.

Mr. BABCOCK. I move that the House nonconcur in the Senate amendment and ask for a conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. COWHERD, Mr. JENKINS, and Mr. CURTIS of Iowa as conferees on the part of the House.

ORDER OF BUSINESS.

Mr. BRUMM. I call for the regular order.

The SPEAKER. The regular order is demanded by the gentleman from Pennsylvania.

PROCUREMENT OF MILITARY INFORMATION.

Mr. HULL. I ask the gentleman from Pennsylvania to withdraw his demand for a moment in order that we may take up and pass a bill which I think very important in connection with the military information division of the War Department.

Mr. DOCKERY. I suggest to the gentleman from Pennsylvania that the bill to which the gentleman from Iowa [Mr. HULL] refers is an important one, and will take but a moment.

Mr. BRUMM. I reserve the right to object. Let us see what the bill is.

Mr. HULL. I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. Res. 251) to limit section 3 of "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898 and 1899, and for other purposes."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the prohibition of the purchase of "law books, books of reference, and periodicals for use of any Executive Department, or other Government establishment not under an Executive Department, at the seat of government," as set forth in section 3, page 45, of "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898 and 1899, and for other purposes," shall not apply to the provision "for contingent expenses of the military information division, Adjutant-General's Office, and of the military attachés at the American embassies and legations abroad, to be expended under the direction of the Secretary of War, $3,640," as duly set

forth in the act "making appropriations for the support of the Army for the fiscal year ending June 30, 1898," approved March 2, 1897, and in the act "making appropriations for the support of the Army for the fiscal year ending June 30, 1899," approved March 15, 1898.

Mr. DOCKERY. I understand that this joint resolution simply gives the Department the right to use a certain contingent fund of about $3,000 for the purchase of books which are important for military information.

Mr. HULL. The bill simply enables the War Department to obtain current military information from our military attachés abroad and from other sources.

Mr. LIVINGSTON. If this bill is going to cause any discussion, I must object.

Mr. DOCKERY. The gentleman from Iowa [Mr. HULL] has a letter on this subject from the Adjutant-General, which I ask may be printed in the RECORD.

Mr. McMILLIN. Does this bill operate for only a single year, or does it repeal altogether the original act?

Mr. HULL. It does not repeal the original act at all. It simply suspends it until June 30, 1899. It is made necessary by reason of a decision of the Comptroller of the Treasury, which has tied up the military information bureau, so that, as we learn, it is practically paralyzed and unable to get information which is badly needed just now.

Mr. McMILLIN. I presume the measure proposed is a proper one in this emergency, but I think the original act, applying to the purchase of documents in general by the Departments, was an important and wise one.

Mr. HULL. This matter has been submitted to the gentleman from Pennsylvania [Mr. BINGHAM], who has charge of the proviso on this subject in the legislative bill, as well as to the gentleman from Texas [Mr. SAYERS] and the gentleman from Missouri [Mr. DOCKERY], who are also members of the Committee on Appropriations, and they all unite in asking that this measure be passed at once.

Mr. DOCKERY. I ask that the letter of the Adjutant-General on this subject be printed in the RECORD.

There was no objection.

The letter is as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 25, 1898.

SIR: I have the honor to invite your attention to the fact that section 3, under subhead "Court of Claims," in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, will be destructive in its effect upon the military information division of this office. The section in question reads as follows:

"SEC. 3. That hereafter law books, books of reference, and periodicals for use of any Executive Department, or other Government establishment not under an Executive Department, and the seat of Government shall not be purchased or paid for from any appropriation made for contingent expenses or for any specific or general purpose unless such purchase is authorized and payment therefor specifically provided in the law granting the appropriation."

The appropriation for the contingent expenses of the military information division of the Adjutant-General's Office is as follows:

"For contingent expenses of the military information division, Adjutant-General's Office, and of the military attachés at the United States embassies and legations abroad, to be expended under the direction of the Secretary of War, $3,640."

As this reading does not in itself specifically show that this fund is available for the purchase of books of reference and periodicals, it may be well to invite attention to the fact that when this appropriation was first made it was made specifically for several objects, including purchase. The note accompanying the estimate of expenditures is as follows:

"NOTE.—The increase of $3,640 over the amount appropriated for the current fiscal year is asked by the Adjutant-General of the Army for contingent expenses of the military attachés at United States legations abroad. He says: 'This amount will enable the military information division to provide the sum of $10 per week for each of the seven military attachés at London, Paris, Berlin, Vienna, St. Petersburg, Rome, and Brussels for the purpose of procuring books, plans, maps, photographs, etc., desired by the division, and to pay necessary expenses for carriage hire, copying, messenger service, etc., pertaining to the duties of their office. This appropriation is very essential, and the amount asked for is much less than that allowed by foreign governments for the purpose.'"

This appropriation has not in any way been changed in amount or purpose since it was first granted for the purchase of books and periodicals. If payments from this appropriation for periodicals were disallowed the principal reason for the appropriation itself would at once cease to exist.

The above has been explained to the Comptroller of the Treasury. He decides, nevertheless, that hurtful as the section in question is there is no way of escaping its provisions except by act of Congress. The recent crisis has fully demonstrated the value and importance of the military information division of this office, yet this division seems about to be completely paralyzed by the sweeping away of the appropriation necessary for its current expenses. In order to keep abreast of current military progress and keep posted in regard to military strength and preparations of foreign nations it is necessary that there should be a fund at hand by which the military information division can provide itself with all sources of current military information.

The fund at present is inadequate and the division has been seriously hampered by being restricted to its present small appropriation. The Adjutant-General in his last estimate urged its increase to $6,000. If the use of any portion of this appropriation for periodicals and books of reference be disallowed it will result in a practical emasculation of the efficiency of the military information division.

It is, therefore, earnestly recommended that favorable attention be given to the draft of the joint resolution herewith presented.

Very respectfully,

H. C. CORBIN, *Adjutant-General.*

Hon. JOHN A. T. HULL, M. C.,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

NAVAL BATTALION, DISTRICT OF COLUMBIA.

Mr. HILBORN. Mr. Speaker, I desire consent to take up at this time the bill (S. 1316) to provide for the organization of a naval battalion in the District of Columbia, which comes to the House with certain House amendments disagreed to by the Senate and with request for a conference thereon. I move that the House insist on its amendments and agree to the conference asked by the Senate.

The SPEAKER. The bill will be read.

Mr. BRUMM. There is no demand, I presume, Mr. Speaker, for the reading of the bill in full.

Mr. CANNON. Oh, it had better be read.

The bill was read at length.

Mr. HILBORN. I now move that the House insist on its amendments and agree to the conference asked by the Senate.

Mr. CANNON. Will the gentleman state what the amendments are?

Mr. HILBORN. The House put certain amendments on the Senate bill, which were disagreed to by the Senate.

Mr. CANNON. I want to ask the gentleman about the Naval Reserve force in the District of Columbia—as to its organization and status.

Mr. HILBORN. It is a part of the Naval Militia.

Mr. CANNON. I understand that. It is, then, a militia system for the Navy similar to that which is provided for the Army?

Mr. HILBORN. Exactly. It bears precisely the same relation to the Navy that the militia force does to the Army.

Mr. CANNON. And this is for the District of Columbia?

Mr. HILBORN. Yes; entirely.

Mr. CANNON. And appropriations for the Naval Militia, if any were made, are precisely similar to those made for the militia of the District of Columbia?

Mr. HILBORN. Certainly.

Mr. CANNON. And the bill carries no salaries or emoluments for these officers of the militia for the Navy?

Mr. HILBORN. None.

Mr. CANNON. And no expense except such as grows out of the furnishing the militia with arms and such equipments as are supplied by the United States; that is to say, that no salaries are provided in the bill?

Mr. HILBORN. None whatever.

I will state to the gentleman from Illinois that this bill was presented by myself and provided for the organization of a naval battalion in addition to the regular militia of the District of Columbia. It was objected to by the gentleman from Texas, and it was finally provided that this force should be a part of the militia of the District. In that form the bill was considered and passed the House, but the Senate objected to the amendments placed upon the bill. They therefore send the bill back, nonconcurring in the House amendments and asking a conference between the two Houses.

Mr. HENDERSON. The Senate asks a conference on the disagreeing votes?

Mr. HILBORN. That is all that is proposed.

I move that the House insist on its amendments and agree to the conference asked.

Mr. BAILEY. Do I understand the gentleman asks unanimous consent for the present consideration of this measure?

Mr. HILBORN. Oh, no. I only ask that the House insist on its amendments.

Mr. BAILEY. I was under the impression that it was a privileged report.

Mr. HILBORN. I only ask that we accede to the conference asked.

Mr. BAILEY. But if it has not been referred to the committee and reported back, it would require unanimous consent.

The SPEAKER. The Chair thinks that this, being in the nature of a private bill, would require unanimous consent of the House for its consideration.

Mr. BAILEY. That was my impression, Mr. Speaker. But I shall not object to the motion of the gentleman from California, which is, I understand, simply to concur in the Senate request for a conference.

The SPEAKER. The Chair will submit the request to the House.

Is there objection to the present consideration of the bill?

There was no objection.

Mr. HILBORN. Then, Mr. Speaker, I move now that the House insist upon its amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced Mr. HILBORN, Mr. FOSS, and Mr. MEYER of Louisiana as conferees on the part of the House.

ORDER OF BUSINESS.

Mr. BRUMM. Mr. Speaker, I now insist on the regular order. But before proceeding to the consideration of the Calendar I find under the head of "Special orders" on the Calendar a bill that has really been passed. I refer to the bill (H. R. 628) to pay the heirs of the late John Roach, deceased, $330,151.42 for labor and material, dockage, detention, etc. This bill has been disposed of and I want to get it off the Calendar.

The SPEAKER. Without objection, the Calendar will be corrected as suggested by the gentleman from Pennsylvania, and the bill will be laid upon the table.

There was no objection.

Mr. MAHON. Mr. Speaker, the bill, No. 629 of the Senate, to confer jurisdiction on the Court of Claims in the case of the Book Agents of the Methodist Episcopal Church South against The United States should also be taken from the Calendar, as it has been disposed of.

I move that it be laid on the table.

The motion was agreed to.

CALVIN P. LYNN.

The SPEAKER laid before the House the bill (H. R. 3953) granting an increase of pension to Calvin P. Lynn, with a Senate amendment thereto reducing the rate of pension from $20 to $12 per month.

Mr. RAY of New York. Mr. Speaker, I move to nonconcur in the Senate amendment.

The motion was agreed to.

Mr. RAY of New York. I now move a conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. RAY of New York, Mr. SAMUEL W. SMITH, and Mr. BOTKIN.

MARIA E. HESS.

The SPEAKER laid before the House the bill (H. R. 864) granting a pension to Maria E. Hess, widow of Florian Hess, with a Senate amendment thereto reducing the rate of pension from $12 to $8 per month.

Mr. RAY of New York. I move to nonconcur in the Senate amendment.

The motion was agreed to.

Mr. RAY of New York. Mr. Speaker, I now move a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. RAY of New York, Mr. GIBSON, and Mr. MIERS of Indiana.

JOHN X. GRIFFITH.

The SPEAKER laid before the House the bill (H. R. 8636) granting an increase of pension to John X. Griffith, with a Senate amendment thereto reducing the rate of pension from $50 to $30 per month.

Mr. RAY of New York. Mr. Speaker, I move to nonconcur in the Senate amendment.

The motion was agreed to.

Mr. RAY of New York. I move that the House ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. RAY of New York, Mr. WARNER, and Mr. BOTKIN.

JOHN B. HAYS.

The SPEAKER laid before the House the bill (H. R. 8834) granting a pension to John B. Hays, with a Senate amendment thereto reducing the rate of pension from $30 to $20 per month.

Mr. RAY of New York. Mr. Speaker, I move to nonconcur in the Senate amendment.

Mr. CANNON. Will the gentleman allow me? I notice, so far as these bills have been taken from the Speaker's table, the Senate amendments seem to decrease the amounts fixed by the House bills. Am I correct in my hearing?

Mr. RAY of New York. Yes.

Mr. CANNON. How long since this departure has been taken? Has that been running through the session? I have not noticed it.

Mr. RAY of New York. Oh, I will say that because the House would not give an extravagantly large pension to the widow of a brigadier-general they retaliate here in a few cases by cutting down the pension that is voted to a private soldier or to an imbecile child. We will try to settle that.

Mr. DOCKERY. The new departure only applies to pension bills. [Laughter.]

Mr. CANNON. I was not sure that my hearing was correct about it. [Laughter.]

The SPEAKER. The gentleman from New York moves to nonconcur in the Senate amendment.

The motion was agreed to.

Mr. RAY of New York. I ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. RAY of New York, Mr. KERR, and Mr. DRIGGS.

FLORENCE N. WALDRON.

The SPEAKER laid before the House the bill (H. R. 5245) granting a pension to Florence N. Waldron, with a Senate amendment thereto reducing the rate of pension from $20 to $12 per month.

Mr. RAY of New York. Mr. Speaker, I move to nonconcur in the Senate amendment.

The motion was agreed to.

Mr. RAY of New York. I ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. RAY of New York, Mr. HENRY of Connecticut, and Mr. DRIGGS.

GEORGE BARNES.

The SPEAKER laid before the House the bill (H. R. 3653) granting a pension to George Barnes, with a Senate amendment thereto reducing the rate of pension from $24 to $12 per month.

Mr. RAY of New York. Mr. Speaker, I move to nonconcur in the Senate amendment.

The motion was agreed to.

Mr. RAY of New York. I move that the House ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. RAY of New York, Mr. BARBER, and Mr. MIERS of Indiana.

CHARLES E. TAYLOR.

The SPEAKER laid before the House the bill (H. R. 5809) granting a pension to Charles E. Taylor, with a Senate amendment thereto reducing the pension from $40 to $30 per month.

Mr. RAY of New York. I move that the House concur in the Senate amendment.

The motion was agreed to.

SALLIE WORK.

The SPEAKER laid before the House the bill (H. R. 2119) to grant a pension to Miss Sallie Work, with sundry Senate amendments thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

FREDERICK G. MOORE.

The SPEAKER laid before the House the bill (H. R. 1295) to increase the pension of Frederick G. Moore, late of Company I, One hundred and fifth Regiment New York Volunteer Infantry, with sundry Senate amendments thereto.

Mr. RAY of New York. I move that the House concur in the Senate amendments.

The motion was agreed to.

WILLIAM S. ADAMS.

The SPEAKER laid before the House the bill (H. R. 7449) granting a pension to William S. Adams, late acting assistant surgeon, United States Volunteers, with Senate amendment thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

EMORY T. HIPPLE.

The SPEAKER laid before the House the bill (H. R. 6088) for the relief of Emory T. Hipple, with Senate amendments thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

EVA SEELEY.

The SPEAKER laid before the House the bill (H. R. 6928) granting a pension to Eva Seeley, with Senate amendments thereto.

Mr. RAY of New York. I move that the House concur in the Senate amendments.

The motion was agreed to.

WILLIAM C. RYAN.

The SPEAKER laid before the House the bill (H. R. 7052) granting a pension to William C. Ryan, with Senate amendment thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

MARY C. CASE.

The SPEAKER laid before the House the bill (H. R. 2762) granting a pension to Mary C. Case, with Senate amendment thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

GRACE GUDGELL.

The SPEAKER laid before the House the bill (H. R. 6515) granting a pension to Grace Gudgell, with Senate amendments thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MRS. CALISTA HADLEY.

The SPEAKER laid before the House the bill (H. R. 3889) granting an increase of pension to Mrs. Calista Hadley, with Senate amendments thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

BENJAMIN F. MOULTON.

The SPEAKER laid before the House the bill (H. R. 802) granting a pension to Benjamin F. Moulton, with Senate amendments thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MARY B. HULINGS.

The SPEAKER laid before the House the bill (H. R. 8197) for the relief of Mary B. Hulings, with a Senate amendment thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

HANNAH C. PILE.

The SPEAKER laid before the House the bill (H. R. 5372) for the relief of Hannah C. Pile, with Senate amendment thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

KATHERINE L. CUSHING.

The SPEAKER laid before the House the bill (H. R. 4469) increasing the pension of Katherine L. Cushing, widow of William B. Cushing, late commander in United States Navy, with Senate amendment thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

GEORGE W. GARRISON.

The SPEAKER laid before the House the bill (H. R. 4160) granting an increase of pension to George W. Garrison, with a Senate amendment thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

MRS. ANNIE WITTENMYER.

The SPEAKER laid before the House the bill (H. R. 1546) granting a pension to Mrs. Annie Wittenmyer, with Senate amendments thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MRS. ELLEN O'RORKE.

The SPEAKER laid before the House the bill (H. R. 1722) for the relief of Mrs. Ellen O'Rorke, with Senate amendments thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

WILLIAM D. SEAMANS.

The SPEAKER laid before the House the bill (H. R. 4981) granting an increase of pension to William D. Seamans, late a private, Company L, Fourteenth New York Heavy Artillery, with Senate amendments thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

LEWIS K. WHITMORE.

The SPEAKER laid before the House the bill (H. R. 5775) granting a pension to Lewis K. Whitmore, a locomotive engineer in the military service and employ of the United States during the late civil war, with Senate amendments thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MRS. JANET WEMPLE.

The SPEAKER laid before the House the bill (H. R. 6680) granting a pension to Mrs. Janet Wemple, with Senate amendments thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MRS. SUSAN A. HUBER.

The SPEAKER laid before the House the bill (H. R. 1397) granting a pension to Mrs. Susan A. Huber, of Louisville, Ky., with Senate amendments thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

ANNIE SAFFELL.

The SPEAKER laid before the House the bill (H. R. 137) for the relief of Annie Saffell, with Senate amendments thereto.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

RICHMOND LOCOMOTIVE AND MACHINE WORKS.

The SPEAKER. Also the following unfinished business which the Clerk will report.

The Clerk read the bill (S. 1183) to pay to the Richmond Locomotive and Machine Works its claim for damages and losses incurred in the construction of the armored battle ship *Texas*.

Mr. BRUMM. Mr. Speaker, I move the previous question. This matter has been reported favorably by the Committee of the Whole House.

Mr. MOODY. Mr. Speaker, I believe I have been recognized.

The SPEAKER. The Chair did recognize the gentleman from Massachusetts, but the chairman of the committee is entitled to be recognized.

Mr. BRUMM. There has been a full discussion of the bill.

Mr. MOODY. There has been very little discussion whatever.

Mr. BRUMM. It was under discussion some hours.

Mr. MOODY. I have read the discussion, and I heard it also.

Mr. BRUMM. Mr. Speaker, I ask for the previous question.

Mr. MOODY. The House is quite thin, and I do not want a great deal of time.

Mr. BRUMM. How much time does the gentleman want?

Mr. MOODY. Fifteen minutes at the outside.

Mr. BRUMM. I think I will insist on the previous question, Mr. Speaker.

The question was taken; and the Speaker announced that there were—ayes 43, noes 35.

Mr. MOODY. I make the point of no quorum, Mr. Speaker.

The SPEAKER (having counted the House). One hundred and thirty-two gentlemen present—not a quorum.

Mr. WALKER of Massachusetts. If there is no quorum, Mr. Speaker, of course there can be no business done.

Mr. MOODY. I will suggest to the gentleman from Pennsylvania [Mr. BRUMM] that I do not propose to delay the claim or to make any heated argument against it.

Mr. WALKER of Massachusetts. I hope my colleague will be conceded ten minutes—say fifteen minutes on a side.

Mr. BRUMM. No; we do not want any time.

Mr. MOODY. A parliamentary inquiry, Mr. Speaker. Can the demand for the call of the House be waived?

Mr. YOST. I ask unanimous consent that the call of the House be waived.

Mr. CANNON. The gentleman can withdraw his point of no quorum——

Mr. MOODY. Then I will ask unanimous consent to withdraw the point of no quorum.

Mr. CANNON (continuing). And then by unanimous consent the vote on the previous question can be vacated.

Mr. STEELE. The fact remains that there is still no quorum.

The SPEAKER. If the previous question was negatived, then an arrangement could be made with the gentleman from Massachusetts.

Mr. McMILLIN. It is well enough to call the attention of the gentleman from Pennsylvania to the fact that that would take the business from his hands.

The SPEAKER. That would be the effect of it.

Mr. MOODY. I want to say to the gentleman from Pennsylvania that I have no desire to take the control of the bill from his hands.

Mr. BRUMM. I would like to ask if there is any way in which we can dispense with the call of the House?

The SPEAKER. The difficulty about the matter is that there is no quorum present.

Mr. MOODY. Is it too late, Mr. Speaker, to call for tellers on the question?

The SPEAKER. The Chair thinks it is.

Mr. WHEELER of Kentucky. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WHEELER of Kentucky. Is it not true that after the point of no quorum has been made, the only thing is a call of the House?

The SPEAKER. The only thing that can be done is to call the House under the rules, to close the doors, and proceed with the vote by yeas and nays, which are considered as ordered.

Mr. MOODY. I suggest that the Speaker could take judicial knowledge that a quorum is now present.

The SPEAKER. If there is a quorum present, the Chair can take notice of that, and on the suggestion the Chair will count the House again. [After counting the House.] One hundred and seventy-four members are present—not a quorum. The doors will be closed, and the yeas and nays under the rule are considered as ordered and also a call of the House. The question is on the motion for the previous question.

Mr. HARTMAN. I rise to a parliamentary inquiry. Would it be in order now to submit this proposition for unanimous consent: That the point of "no quorum" be withdrawn, that the ordering of the previous question be vacated, and that at the end of twenty minutes' debate, ten minutes of which shall be controlled by the gentleman from Massachusetts, the previous question may be considered as ordered?

The SPEAKER. That would not be in order now, it appearing that there is not a quorum present.

Mr. MOODY. Mr. Speaker, if the House should vote down the motion for the previous question, then it will be possible to get some discussion on the merits of the bill?

The SPEAKER. That will be possible.

The question was taken; and there were—yeas 118, nays 78, answered "present" 24, not voting 135; as follows:

YEAS—118.

Baird,	Dockery,	Lewis, Wash.	Robb,
Baker, Ill.	Dorr,	Little,	Robinson, Ind.
Baker, Md.	Elliott,	Livingston,	Sauerhering,
Ball,	Ellis,	Lloyd,	Sayers,
Bankhead,	Evans,	Love,	Settle,
Barber,	Fenton,	McClellan,	Showalter,
Barlow,	Fischer,	McCormick,	Shuford,
Benton,	Fitzgerald,	McCulloch,	Simpson,
Boose,	Fleming,	McDonald,	Slayden,
Botkin,	Fox,	McEwan,	Stephens, Tex.
Brantley,	Gaines,	McMillin,	Stokes,
Brenner, Ohio	Graff,	McRae,	Strowd, N. C.
Brewer,	Greene,	Maddox,	Sturtevant,
Broderick,	Gunn,	Martin,	Sullivan,
Broussard,	Harmer,	Maxwell,	Sulzer,
Brumm,	Henry, Miss.	Miers, Ind.	Sutherland,
Brundidge,	Henry, Tex.	Minor,	Talbert,
Burke,	Howard, Ga.	Moody,	Taylor, Ala.
Butler,	Hunter,	Moon,	Thorp,
Clardy,	Jones, Va.	Mudd,	Underwood,
Clayton,	Jones, Wash.	Ogden,	Walker, Mass.
Cochran, Mo.	King,	Osborne,	Wanger,
Cooney,	Kitchin,	Otey,	Wheeler, Ala.
Cooper, Tex.	Kleberg,	Packer, Pa.	Wheeler, Ky.
Cox,	Knowles,	Peters,	Williams, Miss.
Cummings,	Lamb,	Pierce, Tenn.	Yost,
Curtis, Kans.	Lanham,	Pugh,	Young,
Dayton,	Latimer,	Rhea,	Zenor.
De Armond,	Lester,	Richardson,	
De Graffenreid,	Lewis, Ga.	Rixey,	

NAYS—78.

Adams,	Crump,	Hull,	Ridgely,
Adamson,	Crumpacker,	Hurley,	Royse,
Alexander,	Dalzell,	Johnson, N. Dak.	Shafroth,
Barham,	Dingley,	Joy,	Shannon,
Bartholdt,	Dolliver,	Lacey,	Shattuc,
Belknap,	Fletcher,	Landis,	Skinner,
Bishop,	Foss,	Lawrence,	Smith, Ill.
Boutell, Ill.	Gibson,	Linney,	Smith, Wm. Alden
Bradley,	Gillet, N. Y.	Loud,	Southard,
Brewster,	Gillett, Mass.	McCleary,	Spalding,
Bromwell,	Hamilton,	Marsh,	Sperry,
Brucker,	Hartman,	Meekison,	Steele,
Burton,	Hemenway,	Mercer,	Stone, C. W.
Cannon,	Henderson,	Mitchell,	Stone, W. A.
Castle,	Henry, Conn.	Parker, N. J.	Strode, Nebr.
Catchings,	Hicks,	Payne,	Tongue,
Connell,	Hilborn,	Pitney,	Updegraff,
Connolly,	Hill,	Powers,	White, Ill.
Cooper, Wis.	Howe,	Ray,	
Corliss,	Howell,	Reeves,	

ANSWERED "PRESENT"—24.

Bartlett,	Clark, Mo.	Lorimer,	Meyer, La.
Bell,	Cousins,	McCall,	Morris,
Bennett,	Dinsmore,	McDowell,	Norton, Ohio
Berry,	Griffith,	Maguire,	Norton, S. C.
Bingham,	Griggs,	Mahon,	Sparkman,
Boutelle, Me.	Jenkins,	Mann,	Todd.

NOT VOTING—135.

Acheson,	Davey,	Kerr,	Sims,
Aldrich,	Davidson, Wis.	Ketcham,	Smith, Ky.
Allen,	Davis,	Kirkpatrick,	Smith, S. W.
Arnold,	Davison, Ky.	Knox,	Snover,
Babcock,	De Vries,	Kulp,	Southwick,
Bailey,	Dovener,	Lents,	Sprague,
Barney,	Driggs,	Littauer,	Stallings,
Barrett,	Eddy,	Loudenslager,	Stark,
Barrows,	Ermentrout,	Lovering,	Stevens, Minn.
Beach,	Faris,	Low,	Stewart, N. J.
Belden,	Fitzpatrick,	Lybrand,	Stewart, Wis.
Belford,	Foote,	McAleer,	Strait,
Bonner, Pa.	Fowler, N. C.	McIntire,	Sulloway,
Bland,	Fowler, N. J.	Mahany,	Swanson,
Bodine,	Gardner,	Marshall,	Tate,
Brosius,	Griffin,	Meeick,	Tawney,
Brown,	Grosvenor,	Miller,	Taylor, Ohio
Brownlow,	Grout,	Mills,	Terry,
Bull,	Grow,	Newlands,	Vandiver,
Burleigh,	Hager,	Northway,	Van Voorhis,
Campbell,	Handy,	Odell,	Vehslage,
Capron,	Hawley,	Olmsted,	Vincent,
Carmack,	Hay,	Otjen,	Wadsworth,
Chickering,	Heatwole,	Overstreet,	Walker, Va.
Clark, Iowa	Henry, Ind.	Pearce, Mo.	Ward,
Clarke, N. H.	Hepburn,	Pearson,	Warner,
Cochrane, N. Y.	Hinrichsen,	Perkins,	Weaver,
Codding,	Hitt,	Prince,	Weymouth,
Colson,	Hooker,	Quigg,	White, N. C.
Cowherd,	Hopkins,	Robbins,	Wilber,
Cranford,	Howard, Ala.	Robertson, La.	Williams, Pa.
Curtis, Iowa	Jett,	Russell,	Wilson,
Danford,	Johnson, Ind.	Shelden,	Wise.
Davenport,	Kelley,	Sherman,	

So the previous question was not ordered.

Mr. BELL. I desire to be recorded as present. I am paired with the gentleman from New York, Mr. LOW.

Mr. CLARK of Missouri. I want to withdraw my vote and be recorded as present. I am paired with the gentleman from Indiana, Mr. FARIS.

Mr. McRAE. I ask that my colleague, Judge TERRY, be excused on account of sickness.

There was no objection.

Mr. MEYER of Louisiana. I am paired with the gentleman from New York, Mr. BELFORD, and therefore desire to withdraw my vote and be recorded present.

Mr. BARTLETT. I wish to withdraw my vote and answer "present." I am paired with the gentleman from Ohio, Mr. TAYLER, but for the moment overlooked that fact.

Mr. LANHAM. I ask that my colleague, Mr. CRANFORD, be excused on account of sickness in his family.

There was no objection.

Mr. MAGUIRE. I wish to inquire whether the gentleman from Pennsylvania, Mr. GROW, has voted?

The SPEAKER. He has not.

Mr. MAGUIRE. I have a general pair with the gentleman, which expires to-day; but I answer "present."

Mr. NORTON of Ohio. I wish to inquire whether the gentleman from Rhode Island, Mr. BULL, has voted?

The SPEAKER. He is not recorded.

Mr. NORTON of Ohio. As I am paired with the gentleman, I desire simply to be recorded as present.

Mr. LORIMER. I wish to withdraw my vote. I am paired with my colleague from Illinois, Mr. CAMPBELL, and wish to be recorded as present.

Mr. NORTON of South Carolina. I withdraw my vote, as I am paired with the gentleman from Virginia, Mr. WISE.

The following pairs were announced:

Until further notice:

Mr. WEYMOUTH with Mr. CRANFORD.
Mr. FARIS with Mr. CLARK of Missouri.
Mr. PRINCE with Mr. HINRICHSEN.
Mr. HOOKER with Mr. CATCHINGS.
Mr. BELFORD with Mr. MEYER of Louisiana.
Mr. HENRY of Indiana with Mr. GRIFFITH.
Mr. BROSIUS with Mr. ERMENTROUT.
Mr. MANN with Mr. JETT.
Mr. HOPKINS with Mr. TATE.
Mr. SHELDEN with Mr. TODD.
Mr. BARRETT with Mr. MARSHALL.
Mr. MAHANY with Mr. BAIRD.
Mr. BROWNLOW with Mr. MCALEER.
Mr. WARNER with Mr. ALLEN.
Mr. LORIMER with Mr. CAMPBELL.
Mr. STEWART of Wisconsin with Mr. COWHERD.
Mr. WARD with Mr. BERRY.
Mr. WISE with Mr. NORTON of South Carolina.
Mr. ROBBINS with Mr. BENNER of Pennsylvania.
Mr. FOOTE with Mr. GRIGGS.
Mr. HEPBURN with Mr. CARMACK.
Mr. LYBRAND with Mr. LENTZ.
Mr. TAWNEY with Mr. SIMS.
Mr. MILLS with Mr. MCCORMICK.

Mr. DOVENER with Mr. SPARKMAN.
Mr. VAN VOORHIS with Mr. MCDOWELL.
Mr. TAYLER of Ohio with Mr. BARTLETT.
Mr. GROW with Mr. MAGUIRE.
Mr. PEARCE of Missouri with Mr. STRAIT.
Mr. COCHRANE of New York with Mr. BODINE.
Mr. COLSON with Mr. SMITH of Kentucky.
Mr. SULLOWAY with Mr. TERRY.
Mr. SHERMAN with Mr. DAVEY.
The following pairs were announced:
For this day:
Mr. LOW with Mr. BELL.
Mr. KERR with Mr. SWANSON.
Mr. MILLER with Mr. VANDIVER.
Mr. BULL with Mr. NORTON of Ohio.
Mr. CHICKERING with Mr. DE VRIES.
Mr. OLMSTED with Mr. VEHSLAGE.
Mr. JENKINS with Mr. FITZGERALD.
Mr. BURLEIGH with Mr. FITZPATRICK.
Mr. BELDEN with Mr. DRIGGS.
Mr. WADSWORTH with Mr. HANDY.
Mr. JOHNSON of Indiana with Mr. ROBERTSON of Louisiana.
Mr. NORTHWAY with Mr. BLAND.
Mr. MCCALL with Mr. WILSON.
Mr. PERKINS with Mr. FOWLER of North Carolina.

Mr. CANNON. Mr. Speaker, this being a very important vote, I think it ought to be recapitulated.

The vote was recapitulated by the Clerk.

Mr. BAIRD. Mr. Speaker, I am paired with the gentleman from New York, Mr. MAHANY, and desire to be recorded simply as present and not voting.

The result of the vote was then announced as above recorded.

Mr. BRUMM. Mr. Speaker, if we can come to some understanding now, and I do not doubt that we can, I am perfectly willing that the gentleman should have fifteen minutes in opposition to the pending bill, and we will retain fifteen minutes on this side, to be used if necessary.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that fifteen minutes on a side be granted for the consideration of the pending bill. Is there objection?

There was no objection.

Mr. MOODY. Mr. Speaker, what I shall have to submit to the House is hardly worth the time that it has cost us to obtain it. I have usually—and, with one single objection, invariably—voted for the bills reported by the two Committees on Claims to this House. And it has been by the merest accident that my attention was drawn toward the merits or demerits of this claim, and which induced me to give it some consideration.

It is perfectly clear that when this bill was before the House, and was considered by this body, it was neither explained by its supporters nor was it understandingly, with knowledge of the facts, passed by the House. And I make that remark with the greatest respect to my friends upon the committee, and especially my friend from Illinois [Mr. CANNON].

Mr. CANNON. I have only been trying, if the gentleman will permit me, to get information on the subject and to bring out all of the facts bearing upon the case.

Mr. MOODY. The result of the gentleman's effort, at all events, was to attract attention to the case, which it might otherwise possibly not have had.

Nor does the report of the committee show any special reason why the bill should be passed by Congress. The report fails, in my judgment, to disclose certain facts in the case which ought to have been presented and which have a direct bearing upon the whole question at issue. The report, as you will observe, is extremely brief, and there are a number of exhibits attached consisting of letters from the Department which bear upon the nature of the claim.

Mr. Speaker, it seems to me that there are sound reasons why this claim, although it has been favorably considered by the Committee of the Whole, should not be paid; and I have felt it to be my duty, and I desire to say in the first place that I have no interest in the subject-matter of the claim—I have felt it to be my duty to ask the House for a little fuller consideration of the matter than seems to have been given to it heretofore. I do not desire to oppose any just or proper claim against the Government, but I have believed it to be my duty to present my objections to the payment of this claim.

This claim, as the report shows, is for the payment of certain damages incurred by the contractors for the building of the machinery of the war ship *Texas*, and the foundation of the claim is that the work of the Government, which was to proceed pari passu with the machinery of the vessel, contracted for by these parties, was not kept up, and therefore delayed the work on the machinery and damaged the claimants to the extent of $80,000.

The proposition, Mr. Speaker, to which I refer is embodied in the contract. That contract is now before us for consideration and is printed in the report.

It is signed, no matter when. It provides that the Richmond Locomotive Works should build the machinery of the ship *Texas*, and should have it done in two years and a half from the date of the contract; that they should then begin to attach it to the vessel, and that three and a half years from the date of the contract the machinery should be completed and in the vessel. There were some delays on account of a fire in the locomotive works at Richmond, which in my view are not material to the consideration of this case. The hull was delayed by the Government, but it does not affect the legal aspects of this case.

Now, then, the Government agreed that if the Richmond Locomotive Works should have the machinery done ahead of time they should receive a certain premium, and if they should be behind time that they should pay a penalty; and the method of ascertaining the premium or penalty is pointed out in the contract. Now, although the contractors agreed to have the work done at a definite time, the Government expressly declined to have its work done at any definite period of time. The contract contemplated that there might be delays on the part of the Government, and so, as the contract had provided for the delays on the part of the contractors, it went on to provide for the delays on the part of the Government, and it has this provision in the contract, and that is really the whole gist of this case. It is found on page 13 of the report:

> All delays which the Secretary of the Navy shall find to be properly attributable to the Navy Department, or to its authorized officer or agents, or any or either of them, and to have been a delay operating upon the final completion, erection, and connection of said machinery within the time herein specified therefor, shall entitle the party of the first part—

To what? To damages, as they would be, or to penalties, as in the case of the contractors' delay? No. The Government expressly declines to be liable to damages on account of delay, and it is to be entitled—

> to a corresponding extension of the period herein prescribed for such completion.

Evidently the purpose of this contract was to bind the contractors to have their work done at a given point of time and compel them to use vigilance in observing the progress of the governmental work and to time their work accordingly. Now, the contractors, being intelligent gentlemen, when this contract was presented to them for consideration saw very clearly that, although they were bound to pay a penalty to the Government, the Government was bound to pay them no penalty in case of Government delay, and they went, accordingly, to the Secretary of the Navy and called his attention to this fact, and said, in substance, "Mr. Secretary, you have not provided for any damages to be paid to us in case of delay on your part."

And they carried to the Secretary a form of contract, a typewritten form of contract, to modify the very provision to which I have called the attention of the House; and the Secretary, scouting the idea that there would be delay, absolutely declined to modify the contract in the manner in which the contractors desired it to be modified. And in spite of that fact, having fairly in mind the exact thing that I shall hereafter show actually occurred, delay on the part of the Government, and having presented that point to the Secretary of the Navy by way of a modification of the contract, and he having refused to modify the contract, they signed the contract with their eyes open, taking the chance of the very contingency that has happened.

Now, Mr. Speaker, by law, by equity, by any rules that direct fair dealings between man and man, the contractors when they signed this contract were bound by it, and ought not to come into Congress and claim damages in any other way than the contract provides for.

Mr. BRUMM. Will the gentleman allow me to ask him a question?

Mr. MOODY. Certainly.

Mr. BRUMM. Does the gentleman contend that if the Government had delayed a long time, beyond the delays incidental, almost necessary to the work—that notwithstanding that, if there were reasons for delay, this Government might not be responsible for not having acted in good faith?

Mr. MOODY. Not under the contract. If it had been for an unusual length of time, I would concede that something should be given.

Mr. BRUMM. This was a delay of seventeen months or more.

Mr. MOODY. It is not so extraordinary a case as would warrant making that exception. The hull of the *Texas* was delayed in its completion by the Government; in my opinion not only delayed in an incidental way in which delay is liable to occur, but delayed by unwarranted action on the part of the Government, by fitting out some other vessels with armor plate before the *Texas* was fitted, although the armor of the *Texas* was ordered first. That caused some delay. The contractors make it the ground

of the damage, and they have presented their bill to the Government. Now, I call the attention of the House to that bill for damages to show how unwise it is to let these claims go through in this manner, to the method of computation of compensation which these gentlemen have adopted. Let me say in passing that I desire to be entirely fair to both sides of this claim. By a section added to the naval appropriation bill this claim was sent to the Navy Department to be audited, and we have a report of the Department on this bill, in which it substantially admits the payment of this claim.

We have here a showing of the way in which these contractors got at their loss. It is on pages 26 and 27 of the report, and it is the most extraordinary method of computing damages with which I ever came in contact. They show that they have paid out for labor and materials $522,000, in round numbers. They add to that $151,000 for contingencies. They compute and add interest in the amount of $59,000, and they add profits of $52,000. That, altogether, makes an outgo on their part of $785,000; and against that outgo they credit all the payments which they have received from the Government. The balance is the claim which they make against the Government.

Mr. BRUMM. The gentleman certainly is in error about that. There is no interest in this.

Mr. MOODY. That is the way the claim is made out. There is another item of interest, which is an entirely different item from this. The item of interest to which the gentleman from Pennsylvania is referring is interest upon the final sum which is claimed to be due against the Government. The interest of which I am speaking is an element in the computation by which that final sum is arrived at, and they are two different things.

Mr. McMILLIN. I wish to call the gentleman's attention to a fact which I think he will admit, that those items he speaks of are not charged against the Government at all. They have made a showing of their business, showing a full statement of what it costs, enumerating these items, not to charge them against the Government, but to show a clear loss of a hundred thousand dollars.

Mr. MOODY. Now, let me call the gentleman's attention to page 26. Here is a statement of the claimants themselves. It says:

> Statement from our books of *Texas* account, showing cost of original contract, replace and extra work and amount received therefor, May, 1889, to December, 1894, inclusive, and that we are short the amount claimed.

And they are shown, in the method which I have pointed out to the House, to be short $108,000, and the claim for that $108,000 is the claim which this House is considering at this time, and the House will see that it includes a claim for $52,000 profit.

Now, what kind of a way is that to get at the damages on account of the delay of the Government in the performance of this particular contract? Why, it appears by this report that this contractor, during the time of his work under this contract, had a fire by which his works and machinery were in whole or in part consumed. He had a strike by which there was great loss. Part of this work was done during the stringency of 1893, and there was loss to him on that account. There might have been improvidence in signing the terms of the original contract. No allowance is made for any of these things, but they take their books. They find out what it cost them to do this work.

They add to that $52,000 profit, and without regarding the fact that they might have made all this loss by the fire, the strike, or by their own improvident contract, they come to Congress and charge $108,000 as the loss by reason of the delay of the Government, and the bill reported by the committee, although it does not allow the whole of the claim, is based upon it.

Now, Mr. Speaker, I have tried to state this case fairly, as I understand it, with both sides of it as I understand it. I have withheld nothing one way or the other. I am entirely indifferent as to the result. I have discharged my responsibility to the House. The House may do with it as they please, and I have not a word of fault to find. I happen to know these facts, which have not been produced before, and I submit them to the sound discretion and judgment of the House.

[Here the hammer fell.]

Mr. BRUMM. I yield five minutes to the gentleman from Massachusetts [Mr. WALKER].

Mr. WALKER of Massachusetts. Mr. Speaker, I can hardly touch this case in five minutes; but I see it is exceedingly curious, and it is considered as a joke around this House, that the citizens of this country desire to be paid their honest claims against the Government. What do gentlemen say to me because I have taken an interest in these private claims and have felt compelled to in good conscience? They say, "What are you going to get out of it?"

Of course there is not a man in this country who has the slightest idea that I am to "get" anything out of it, but these words show the spirit with which these claims are met. It shows the spirit of many in this House, who would pay the citizens of this country nothing due them under any circumstances. Why, a member of this House, a member of the Populist party, came to me the other day and said:

> When I came to this House I came with the idea that everybody was robbing the Government, but from what I have seen since I have been here, it seems to me the Government is robbing everybody.

Mr. MOODY. Will my colleague tell me the name of the gentleman to whom he has just referred?

Mr. WALKER of Massachusetts. No, sir, I will not, because I do not want him made conspicuous. I do not want to have his bills and business for his constituents objected to when he gets on the floor to serve his people, by way of punishment for having made an honest remark. [Laughter.]

Mr. CANNON. It would put him in bad repute with his constituents.

Mr. WALKER of Massachusetts. I presume it would put him in bad repute with those of his constituents who do not know the circumstances as we know them. I can stand these things, but what touches me is to see this want of justice to the poor people whom I see day after day in the galleries and in these corridors, who are seeking payment of their claims; not the rich, but the poor, and those who have been made poor by claims against the Government and whose means are wasted in seeking justice at the hands of this House. It has come to be a fashion to deny them justice without regard to whether their claims are just or unjust.

Now, my friend says that these claimants ought to have watched the ship and seen whether it was being constructed or not. He may know all about courts of law——

Mr. MOODY. I did not say exactly that.

Mr. WALKER of Massachusetts. These were your words, "They took the chances and were bound by the law of the contract to watch the construction of the ship," which they actually did, and they found the ship would not be constructed as the Government agreed to construct it. They could have tried their machinery and could have saved this loss had the Government kept its promises. But the armor plates were taken away from this vessel and used on other vessels because private contractors had the contract for the machinery for this vessel; because the private contractors would suffer the loss and the Government works would not be damaged, the armor plate was taken and put on other Government vessels. It was by the unjust act of the Government that this loss came to these parties. Let me read an extract from a letter:

> Before signing the contract in 1889 I went myself to Secretary Tracy with a typewritten sentence, which I wished included in the contract, that would protect me in case of delay on the part of the Government in building the hull. This he declined to do, and handed it back with this remark: "Young man, you had best hurry home and build your machinery, as the ship will be waiting for you." This took place in the presence of one or more of the bureau chiefs and the Judge-Advocate-General. The Secretary asking the latter when the hull of the *Maine* would be finished, received the response that it would be ready in some twelve or fifteen months. This seemed to justify the Secretary's admonition to me of haste. As a matter of fact, the *Maine* was not finished for several years after the date of our conversation. I, you see, could not have done more to protect myself.

Now, let me say that there is not the slightest question on the part of the Government or of anybody on this floor but that these persons were put to the expense of $108,000, positive loss, because of the Government practically dismantling this ship of its armor plate by giving it to other vessels when it should have gone upon this vessel, as the Government agreed. The Government practically said to these parties, "You have our moral obligation, you have our assurance, which is better to you than any provision in any contract, that this ship shall be completed according to the intentions and plans of the Government and shall be completed on time." If there ever was a claim just and equitable in every particular, it is this; and I want to say to my friend from Massachusetts [Mr. MOODY] that were this his private business I know him well enough to know that his sense of justice and integrity would cause him to pay, relatively to his own fortune, any claim against him like this claim against the Government before he slept tonight.

Mr. BRUMM. I now yield five minutes to the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Speaker, this is simply a claim accruing by reason of the fact that the United States Government failed to comply with the spirit of the contract between it and the Richmond Locomotive Works. They gave the armor plate that should have gone to the *Texas* to three other vessels, and thus delayed the completion of the vessel for seventeen months, and laid the ground for damages by reason of failure on its part.

In answer to the gentleman from Massachusetts [Mr. MOODY] it may be well to state that the long, itemized account rendered by the Richmond Locomotive Works was only intended to show the fact that they lost $100,000 by this transaction, and really has nothing to do with the basis of this claim. He has not referred

to the potent factor in this whole case, viz, the report of the Secretary of the Navy. These claimants asked the Secretary for a settlement upon the following basis:

Damages	$79,000.00
Interest claim	12,000.00
Dock trial	12,000.00
Insurance	2,000.00
Damage to schooner	600.00
Security	600.00
Total	106,200.00

Now, on page 11 of this report we find, after this matter had been referred to the Secretary of the Navy, the following statement of the account:

Direct damages	$56,000.00
Interest	8,000.00
Dock trial	12,000.00
Insurance	1,100.00
Damage to schooner	600.00
Security	600.00
Total	78,300.00

The Senate committee struck from these items the interest and damages to the schooner and insurance, reporting a balance of $69,000 due these people. This amount, reported by three committees of the Senate and two of the House, is justly due. We state, without fear of contradiction, that these people would make no claim that was not just and equitable. They are men of the highest standing in the city of Richmond. Some of them differ with me along economic lines, but I can safely say that they stand as good a chance to be landed safely in Abraham's bosom as any of the gentlemen on this floor who have persistently fought this measure.

Mr. Speaker, this is a plain and simple claim for damages. It comes before this House with a favorable report from the Secretary of the Navy, and is by far a stronger claim than the one passed here in favor of the heirs of John Roach a few days ago. You voted for that claim. Some on this side laid aside their prejudices and voted for it also. Now, if you could support the Roach claim without a favorable report from the Secretary of the Navy, you can surely vote for this one with the report of the Secretary of the Navy. We have a gentleman from Massachusetts [Mr. MOODY] opposing this claim, and one from the same State [Mr. WALKER] supporting it. I am glad to see some of you gentlemen laying aside your prejudices and supporting these Southern claims, and it reminds me of one of the grandest utterances of a distinguished citizen of the old Bay State. Mr. Webster, after remaining in Tyler's Cabinet after all the rest had left him, returned to Massachusetts to receive the jeers of his people. Standing up in his open barouche in the streets of Boston, he rebuked his people in words like this:

> My countrymen, you have conquered a barren soil and made it bloom and blossom like a rose, you have conquered the winds and waves and made them the messengers that carry your products to the four corners of the earth, but you have never yet learned to conquer your prejudices.

Now that we have been laying to heart the lessons taught us over and over again by our fathers, and have given evidence on more than one occasion of a determination to subordinate party spirit to the general good and obliterate sectional lines, I ask for a unanimous vote on this measure, that justice, so long delayed, may be meted out to these deserving claimants.

Mr. BRUMM. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. YOST].

Mr. YOST. Mr. Speaker, the gentleman from Massachusetts [Mr. MOODY] has undertaken to raise two objections to this bill. First, he cited the contract and claimed that under that contract the only compensation the contractors should have for the injury and expense to them caused by delay on the part of the Government, was to give them more time. A further extension of time was the very thing against which they were protesting. It was the time consumed by the Government in getting the hull of the ship ready to receive the machinery which caused the damage, injury, and expense to which they were subjected.

I should not want the gentleman to construe contracts for me. Under the contract, the Navy Department, one of the parties thereto, audited and adjusted this claim. With full knowledge of the injury which had been caused by the failure of the Government to perform its part of the contract, with every facility for investigating every item of expense claimed, the Department made its adjustment and itself reported that these claimants were entitled to over $80,000. The Secretary of the Navy understood the contract thoroughly and was fully able to construe it, and did construe it.

I venture to assert that the gentleman from Massachusetts, were he a judge determining a case of this character, would never undertake to say that this contract contemplated that the Government should compel these contractors to keep this expensive machinery on hand for seventeen months after its completion at their own expense, and that no compensation should be allowed for the damage thus incurred. It would be unreasonable, unjust, and unheard of.

The second objection made by the gentleman from Massachusetts was an attempt to criticise the items of the claim made by the Richmond Locomotive Works. I shall not undertake to follow him in that discussion. It is unnecessary. The bill here does not provide the amount claimed by the contractors. It is based on the findings of the Department. Each item of the claim was subjected to the closest scrutiny, and the amount reduced from $108,000 to $80,000. After considering every possible offset the Government could assert, the Department reported that the beneficiaries of this bill were entitled to $80,000. But this bill does not carry that amount. The Senate Appropriations Committee of the last Congress struck out the items of interest, insurance, and surety which had been allowed by the Department, thereby reducing the amount from $80,000 to $69,000. The House committee was of opinion that the whole amount allowed by the Department was justly due, but the claimants have agreed to accept the smaller amount in order to secure an immediate settlement. Hence this bill calls for $69,000 instead of $80,000.

The matter is so plain, Mr. Speaker, that further discussion is not necessary. I ask for the passage of the bill.

The question was taken on the third reading of the bill; and on a division (demanded by Mr. CANNON) there were—ayes 51, noes 3.

Mr. CANNON. Mr. Speaker, it seems that there is no quorum here, and I think there ought to be on the passage of such a bill as this.

Mr. BRUMM. We may as well order a call of the House at once, Mr. Speaker.

Mr. CANNON. Would my friend be willing—as evidently no quorum is present and it is hard to get one in the short time remaining—would he be willing to allow this bill to be passed and then move an adjournment?

Mr. BRUMM. Oh, no.

Mr. CANNON. Very well.

Mr. BRUMM. Let us have a call of the House.

Mr. CANNON. I would ask my friend another question. Is he willing to dispose of the unfinished business on the Calendar and then adjourn?

Mr. WALKER of Massachusetts. No; let us go on with the whole Calendar.

Mr. CANNON. The gentleman from Massachusetts says "No." Let me ask my friend, suppose the unfinished business has been considered——

Mr. BRUMM. It has been disposed of.

Mr. McMILLIN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. I desire to submit this inquiry——

Mr. MOODY. Mr. Speaker——

Mr. CANNON. I have submitted a request or suggestion to the gentleman from Pennsylvania in charge of this Calendar.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. MOODY. The gentleman from Illinois speaks of an "arrangement" or submits a suggestion with regard to the pending business to-day. The gentleman from Illinois has made the point that there is no quorum present, and the Speaker has counted the House. Now can anything be done in the absence of a quorum?

Mr. BRUMM. The Speaker has not announced the result of the count.

The SPEAKER. The Chair has not yet announced the result, but will do so if the gentleman desires it.

Mr. MOODY. What I desired to say, Mr. Speaker, was simply this: That the delay in the consideration of this matter has resulted from a desire on my part to present certain facts in connection with the pending bill. I feel under some sort of an obligation to the gentleman from Pennsylvania [Mr. BRUMM] for the opportunity of allowing me to express my views. And under the circumstances, feeling as I do under obligations to the committee for its courtesy, I hope the gentleman will withdraw the call for a quorum on this vote, as nothing would be lost thereby; and at all events my conscience in the matter would be satisfied.

Mr. CANNON. I desire to make an inquiry as to a matter of fact. I observe that on pages 2 and 3 of the Calendar under the head of "Unfinished business" there are some fifteen or twenty bills. Are those the matters next in order?

The SPEAKER. They are.

Mr. CANNON. And they must be disposed of before we go to the Private Calendar?

The SPEAKER. They must first be disposed of.

Mr. CANNON. Then I withdraw the point of "no quorum."

The SPEAKER. The point of "no quorum present" is withdrawn.

Mr. CLARDY. I should like to ask the gentleman from Illinois whether it is his intention that no more legislation shall be carried through this session unless there is a quorum present.

Mr. CANNON. Any member has the right to demand a quorum, without criticism.

Mr. CLARDY. I understand that; but as the gentleman has commenced this operation to-day, I should like to know whether he intends to continue it?

Mr. CANNON. Well, that depends.

The SPEAKER. The ayes have it; and the bill is ordered to a third reading.

The bill was accordingly read the third time, and passed.

On motion of Mr. YOST, a motion to reconsider the last vote was laid on the table.

The SPEAKER. If there be no objection, the House bill similar in purport to the bill just passed will be laid on the table.

There was no objection.

MICHAEL MAHONEY.

The next business was the bill (H. R. 9642) granting a pension to Michael Mahoney.

Mr. RAY of New York. Michael Mahoney, who is named as the beneficiary in this bill, is dead. This bill was therefore reported with the recommendation that it lie on the table. I make that motion.

The motion was agreed to; and the bill was accordingly laid on the table.

W. L. FAXON.

The next business was the bill (S. 116) granting a pension to W. L. Faxon.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

BETSEY B. OLIN.

The next business was the bill (S. 497) granting an increase of pension to Betsey B. Olin.

The bill was read.

Mr. TALBERT. I ask that the report in this case be read.

The report was read.

Mr. DINGLEY. This seems to be a bill to increase the pension of the widow of a private soldier to $25 a month. I wish to inquire whether there are other cases of this kind and whether $12 a month is not the legal limit in these cases?

Mr. RAY of New York. There have been a very few extreme cases of this kind in previous Congresses, and there has been one similar case in this Congress. The increase of pension which this bill proposes to grant in the present case is only on account of the fact that the husband of this woman died by reason of his army service——

Several MEMBERS. We can not hear.

The SPEAKER. The House will come to order.

Mr. RAY of New York. I will speak as loudly as I can. I am very hoarse. The gentleman from Maine [Mr. DINGLEY] asks whether there have been other cases like this. I say that in previous Congresses there have been cases like this, and in the present Congress there has been one similar case.

As all gentlemen are aware, the law gives to the widow of a private only $12 a month where the husband died by reason of disabilities incurred or wounds received in the service. This woman is now 80 years of age. She lost her husband by reason of wounds that he received in the service of his country. She is now utterly destitute; she has no property; she has no one on whom she can depend for her living. She is insane. The $12 a month to which she would be entitled under the general law would give her reasonable aid and support and would maintain her outside of the poorhouse were it not for the exceptional affliction which has fallen upon her—insanity. Your committee have thought that because this is an exceptional case which can not be adequately provided for by a general law, and inasmuch as this woman lost her husband because of his service in the Army, it was proper to increase her pension to $25 a month. Such cases as this are very rare indeed.

Mr. TONGUE. Will the gentleman permit a question?

Mr. RAY of New York. Certainly.

Mr. TONGUE. I understand from the report that this applicant is hopelessly insane. Now, I wish to ask the gentleman whether the State of New Hampshire, where she resides, does not make some provision for taking care of insane people in proper asylums at the public expense?

Mr. RAY of New York. I suppose the State of New Hampshire does make such provision. I do not believe there is one of the New England States that does not.

A MEMBER. Nor any other State.

Mr. RAY of New York. I hope not.

Mr. TONGUE. Then I ask the gentleman whether this is not in fact a bill to grant a pension to the State of New Hampshire instead of a bill to pension the widow of a dead soldier?

Mr. RAY of New York. I do not view it in that light. Every old soldier who was shot to pieces in the Army or who is now helpless by reason of disabilities incurred in the service of his country could be left by the General Government without aid or assistance, and in his old age and his destitute circumstances he could be cared for in the public poorhouse of his county or State. So that we might just as well say that when we give a pension in any case to help a poor old soldier or a war widow we are relieving the State from its obligation to take care of its paupers. But we will not say or do that; we will not allow old soldiers or war widows to become paupers. I want to say in this connection that so far as I am concerned, while I have been and am conservative in these matters and would make the generosity of the Government go as far as possible without being extravagant in any case, we can not afford to say that an old soldier——

Mr. MIERS of Indiana. Or a war widow.

Mr. RAY of New York. Or the war widow of an old soldier shall ever be permitted under any circumstances to be a charge upon the public or to be put in a poorhouse in order to be cared for.

Mr. TONGUE. I should like to ask the gentleman another question.

Mr. BRUCKER. I should like to ask the gentleman from New York one question.

Mr. RAY of New York. Let me finish with the gentleman from Oregon first.

Mr. TONGUE. I should like to ask the gentleman from New York if there is any better or more proper place for an aged, hopelessly insane person than in a properly regulated insane asylum?

Mr. RAY of New York. Ordinarily not.

Mr. TONGUE. Is this applicant now in an insane asylum?

Mr. RAY of New York. I understand that she is.

Mr. TONGUE. Will not this money, then, go entirely to the State and not to the applicant?

Mr. RAY of New York. Not as I understand it in this case. By way of illustration, in the State of New York, while we have State lunatic asylums and formerly had county lunatic asylums for the care of the insane, when those insane patients have property it must go to reimburse the State to pay for their care while there, or the person may be cared for at home by friends; but we were assured in the committee, by the gentleman from New Hampshire, that if this pension should be granted it would not go to the State, but would apply to the care of this old lady, this war widow, by and amongst her friends as a private patient.

Certainly, if she were in an insane asylum as a mere pauper, it would relieve the State, but we were further assured by the gentleman that if this pension was given her she would be taken by some of her friends outside of the asylum, and that she was in such a condition that she could be better cared for away from the asylum, so that it would not be a gratuity to the State. Of course she gets the $12 anyhow. In a sense it is true that it helps the State, but in a broader sense, under the circumstances of this case, it is not true that it is a gratuity or a donation to the State of New Hampshire, not more than is any pension.

Mr. TALBERT. I should like to ask the chairman of the committee if these are the bills that have passed at the Friday-night sessions of this House which now come up as a part of the unfinished business?

Mr. RAY of New York. This is one of the bills that was discussed and passed in the Committee of the Whole at a Friday-night session.

Mr. TALBERT. And it is now on the unfinished calendar.

Mr. RAY of New York. Certainly. I want to say further that the committee would not report a bill granting an increase of pension to any person for the purpose of relieving a county or a State from the care of that person, or simply to let the money go into the coffers of the State which permitted the soldier or the soldier's widow to remain in an asylum or in a poorhouse, because that would be aiding the State and not adding at all to the comfort of the soldier or the soldier's widow. We have been very careful to examine into the facts in regard to it and find out what the result will be where we gave an increase of pension in similar cases. Such cases are very rare. The committee can not consent to allow an old soldier disabled by service in the war, or a war widow, to become a pauper.

Mr. ROBINSON of Indiana. Mr. Speaker, I hope the gentleman from Maine [Mr. DINGLEY] is satisfied with the elaborate explanation of this little pension bill which the gentleman from New York [Mr. RAY] has given. I desire to add to what has been said on the merits of this measure that this pension bill, with the others upon the Calendar of unfinished business to-day, was passed upon by the Committee of the Whole House at one of the regular pension meetings on a Friday night. At these meetings, held under the rules of the House for the consideration of pension cases, many of the members attend and give most careful attention to this class of legislation.

As I have been a constant attendant at these meetings, I can

bear witness to the fact that the greatest care is used by the Invalid Pension Committee and the members who attend those sessions; and whatever other criticisms may be made, it can not be said that a measure passes the Committee on Invalid Pensions unless it is just and meritorious; and when that committee report these bills to the House, I can bear testimony to the action of the House in passing only those measures that have merit and are deserving of consideration.

I am sorry to say, however, that the gentleman from Maine [Mr. DINGLEY] who asked the question on this pension bill, and other gentlemen who assume to be and are leaders of this House, have not been often seen in attendance at the meetings provided by the rule for the consideration of pension cases; and with all deference to these gentlemen and their views upon matters of pension legislation, with all deference to their ideas of justice, I say that when the Invalid Pensions Committee, known for its care in the presentation of these pension bills, has given a case fair consideration and reported it favorably when just consideration has been had in Committee of the Whole at a Friday night's meeting, it is not proper to obstruct it here, and I ask gentlemen who are friends of the soldier to hesitate a little before they filibuster and delay these little pension bills which have received the consideration of the House in the Committee of the Whole.

I have no doubt this is a deserving case. If it had not been, it would not have been presented by the chairman of the Committee on Invalid Pensions nor have been passed by the Committee of the Whole House. I speak advisedly, for I have attended these meetings, which many gentlemen of this House who justly claim that they are its leaders have not attended, and I have seen the care used in the Committee of the Whole. I would invite those who seek on these days to delay to come some evening when pension cases are being considered. Come then and aid us in legislation for the veterans. [Applause.]

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

JACOB M. HAMBURGER.

The next business reported from the Committee of the Whole was the bill (H. R. 1807) to remove the charge of desertion against Jacob M. Hamburger, with amendments.

Mr. CORLISS. Mr. Speaker, I desire to move to strike out the initial "M" and insert the initial "N," as it is a mistake.

The SPEAKER pro tempore. Is that in the body of the bill?

Mr. CORLISS. It is in the title as well as the body of the bill.

The SPEAKER pro tempore. The Chair will first put the question on the amendment recommended by the committee. The Chair is informed by the Clerk that the committee recommend that amendment also.

Mr. SULLIVAN. I would like to have the report read.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1807) entitled "A bill to remove the charge of desertion against Jacob N. Hamburger," beg leave to submit the following report, and recommend that said bill do pass, with the following amendment:

Strike out of the title of the bill the initial letter "M" and insert "N."

Strike out of line 5 the initial "M" and insert "N;" also add, after the word "discharge," in line 7, the following:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

It appears from the petition, proof filed with the committee, and official records of the War Department that Jacob N. Hamburger enlisted at the age of 15 years as a musician in the Twelfth United States Infantry, at the city of New York, on the 29th day of February, 1864, for a term of three years. He continued in the service until January, 1866, when he was reported as deserted at Richmond, Va. The official records also show that William Lowe was principal musician of the Twelfth United States Infantry, and had control of the musician, Hamburger, who was a frail boy, less than 16 years of age. It is claimed, and there is sufficient evidence to establish the reasonableness of petitioner's claim, that after Mr. Hamburger had served about a year he was most severely punished with a rawhide by the chief musician, Lowe, who, it is claimed, inflicted the punishment at a time when he was intoxicated. The punishment was so violent as to cause the cheek bone of the petitioner to be broken and his eye affected, from which he has since lost sight. The records show that the petitioner was taken to the hospital for treatment of lacerated wounds, and that the principal musician was placed under arrest, but there is no record of his trial.

The records further show that the petitioner, after being thus unjustly assaulted by the principal musician and treated in the hospital, returned to the service and continued there for a number of months, under the command, however, of a different principal musician. Being subsequently transferred to Richmond, Va., and again placed under the command of William Lowe, who had inflicted such severe punishment, fearing further injury, he left the ranks and returned to his home, alleging as the reason therefor the fear for his life in consequence of the threats of said Lowe.

The claimant was, upon his own application, furnished, in August, 1891, a deserter's release under General Orders, No. 55, Adjutant-General's Office, 1890, which protects him from arrest and trial by general court-martial and closes his military record.

There is no record that this musician, during his service prior to date of desertion, was ever absent without leave for two days or for any other period.

The affidavit of Thomas P. Bryant, a bugler in the Twelfth United States Infantry, who was an eyewitness to the cruel flogging and to the injuries received, as well as the cruelty of the officer set forth by petition, fully corroborates the statement of Mr. Hamburger. The conduct of the drum major and his cruelty to Mr. Hamburger is also shown by the affidavit of Orsemun Kelly, one of the boy musicians of the United States infantry; and the personal injury to the cheek bone and loss of the eye, in consequence of the cruel treatment of the petitioner, is supported by numerous affidavits.

The extreme youthful appearance of the boy at this time, his age, and good conduct during his service in the Army, and the injury inflicted upon him constrain the committee to recommend the relief desired.

It appears from the records of the Fifty-fourth Congress that this bill was properly reported to the House, and passed on May 22, 1896, and on the 25th of February, 1897, passed by the Senate, and was presented to the President for his approval several days prior to the 4th of March, 1897, but failed, with many other measures, to be considered by the President.

The second initial should be "N" instead of "M," as set forth in the bill, and with this modification your committee urge that the bill do pass.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CORLISS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. Without objection, the title will be amended.

There was no objection.

Mr. TALBERT. Mr. Speaker, I would like to ask what was the amendment offered by the gentleman from Michigan?

Mr. LIVINGSTON. Too late, Mr. Speaker.

The SPEAKER pro tempore. The bill has already been passed, and a motion to reconsider laid on the table.

BILLS PASSED.

The following bills, reported from the Committee of the Whole, some with amendment and some without, were severally read, the amendments recommended by the Committee of the Whole agreed to; Senate bills ordered to a third reading, read the third time, and passed, and House bills ordered to be engrossed for a third reading, and being engrossed, read the third time, and passed:

A bill (S. 1541) granting a pension to "Itewayaka," or "One-armed Jim;"

A bill (S. 1773) to amend the military record of George F. Miller;

A bill (H. R. 4651) for the relief of Jacob Shela, of Portsmouth, Ohio;

A bill (S. 1829) granting a pension to James H. Kile;

A bill (S. 637) granting an increase of pension to Oliver P. Silvey;

A bill (H. R. 2668) for the relief of William Henry Johnson;

A bill (H. R. 3556) to correct the military record of Joseph Graham;

A bill (H. R. 2646) for the relief of Edward C. Parsons;

A bill (H. R. 4239) to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Cavalry Volunteers; and

A bill (H. R. 1794) to remove the charge of desertion now standing against George Alcott on the rolls of the War Department.

On motion of Mr. RAY of New York, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

HENRY J. FLEMING.

The next business reported from the Committee of the Whole was the bill (H. R. 3991) for the relief of Henry J. Fleming.

The bill and amendments were read.

Mr. LEWIS of Washington. Mr. Speaker, I would like to hear the report in this case within my time.

The SPEAKER pro tempore. The report does not seem to be at the Clerk's desk.

Mr. LEWIS of Washington. Has the bill been reported? I asked, Mr. Speaker, whether that bill had been reported?

Mr. MIERS of Indiana. It comes from the Committee on Military Affairs.

Mr. COX. It seems to come from the Committee on Military Affairs. What is the title of the bill?

The title was again read.

Mr. COX. I do not call it to mind. It is from my committee.

Mr. LEWIS of Washington. Mr. Speaker, it will be observed, I am sure, that while I may not betray patience on sundry and divers occasions——

Mr. MIERS of Indiana. Will the gentleman yield to me a moment?

Mr. LEWIS of Washington. Certainly. I will always yield to my friend from Indiana.

Mr. MIERS of Indiana. As the gentleman who introduced the bill is not present, nor the chairman of the committee that made that report——

Mr. LEWIS of Washington. Well, will you withhold that for a moment?

Mr. MIERS of Indiana. Very well.

Mr. LEWIS of Washington. Mr. Speaker, the records of the morning bring us the glorious news that Commodore Dewey, of our Navy, has entwined the Stars and Stripes around the trident of Neptune to be hereafter a menace to the world. [Applause.]

It will, Mr. Speaker, be a dangerous precedent if this House continues to pursue a line to remove indiscriminate charges of desertion and then enter upon the rolls of the pension list the

undeserving, and thus shut out those who must be needy; close its gates to those who undoubtedly must come hereafter. I have listened a great deal since I have been a member of the House to the constant cry of "patriotism," not only respecting these measures, but respecting any and every measure that can be tendered upon this floor.

Indeed, Mr. Speaker, I can not recall an incident where a measure has been tendered to this House, however meritorious or meretricious, but what there has been summoned the shibboleth of "patriotism" in order to give it an impetus. There has never been a tariff law suggested on the floor but that "patriotism" has been conjured as an excuse why we should vote against the taxpayer, increasing his burdens. There was a law for Congress to create a monetary commission and giving them $100,000 of the people's money under the cry of "patriotism," for them to go out and legislate more debt and less money for the nation, but up to this hour we neither have the information as to what legislation they did in our behalf or what they did with the $100,000.

If some slight account could be made by these estimable gentlemen, who, I have no doubt, far excel this humble body, as to what they have done with the money which went out of the Treasury, there may be enough remaining to meet these different pension claims of the dependent and worthy. If we can ascertain what that foreign and bimetallic commission has done with the $175,000 which they seem to have taken from the Treasury to gallivant over the continents, there may be something left with which we may requite some of these existing demands.

I have listened too often, Mr. Speaker, to the constant cry of "patriotism" as the reason for legislating measure after measure here, and only the other day we heard from our honorable friends on the other side that patriotism should always drive us into the line of action which shall execute the desire of the other side, irrespective of any virtue or vice of the measure. On this side of the House there arises, now and then, as did my friend from New York, the distinguished and honorable gentleman, AMOS CUMMINGS, who advised this assembly that he "put his country above party," and under that cry certain gentlemen on the floor, under his leadership, calling themselves Democrats, found it agreeable to support the measure mortgaging the generation and their children yet unborn, irrespective of the fundamental justice of it.

I realize that my friend from New York, who holds a high place on the floor, and deservedly so, not only from his ability but by his long service, may have a right to dictate to a great many members both as to Democratic fealty and patriotism; but I am moved at this time to ask my friend, when they say they put their country above party, above which party do you put yourself? [Laughter and applause.]

It always seems highly appropriate from my distinguished friends from New York—who have my constant affections and my equally constant efforts whenever I can serve them—whenever stimulated by that magnificent, indescribable buoyancy of "putting their country above party," it is always to descend it immediately to the depths of the Republican party. [Laughter.]

There never seems a time in the history of my friends when their country is entitled to be elevated above the Republican party. I rise to ask of my distinguished Republican friends when is it that their party ever found it agreeable under the cry of patriotism to accept any measure which the Democratic party tendered, or vote for any proposition coming from this side of the House? When, at any hour or under any circumstances, has it been that any measure tendered by my friends on the other side did not have the merit of "patriotism" to recommend it, to give it impetus, encouragement, and, with the aid of deluded men, an undeserved success? [Applause.]

Mr. Speaker, under the cry of "patriotism," which is ever conjured up for the purpose of putting through any measure here, I discover that a set of men who are to be the beneficiaries of this "patriotism" under which and by which we yield up the country's rights, sacrifice the poor to the pillage of the taxgatherer and to those who plunder the Treasury, I discover that this set of gentlemen who are always above the law, who condemn the income tax, who condemn the power of taxation, who cry out that every man who opposes their methods is a demagogue or an anarchist, I discover this graceful set of gentlemen who are the embodiment of public virtue, as the coal trust, selling coal to the Spaniards to load their ships to bombard our cities and blow our marines from the seas.

I perceive, on the other hand, that these eminent corporations known as railroads have combined in a trust in the West and have entered into a league to sell mules and munitions of war to Spain that her cavalry may cut down our American soldiers when they land to execute the demands of the President. More than that, that one of the gun factories of this nation, the owners of which have been in the habit of crying out "repudiation" and "demagogy" to every effort of honest men to right the wrongs of the poor, is making guns for the Spanish nation, and when called to account for it give answer they are doing so for the "money there is in it." These are specimens of the people who are arraying members of this House under the cry of patriotism and branding each of us who oppose them as "demagogues," "hypocrites," and "anarchists." I take the liberty of making some short contrast between the two classes.

Who are these men who were branded "demagogues," "anarchists," and "repudiators," who are accused of having no respect for the Supreme Court, no regard for law, nor reverence for sacred institutions—who are they? Behold them! I ask again, who are these men who are being termed demagogues and anarchists and are ever charged with want of patriotism—that word which, as Walpole well said, is ever summoned up when there is a desire to execute some evil thing or to play into the hands of the guilty, those who rob and pillage the country in the hour of its weakness and the day of its credulity? I ask who are these maligned men? They are the men who are asking for relief in pensions here to-day.

They are those poor, unfortunate men who in this hour have forgotten the men who cursed them, have forgiven the men who defamed them—who are unconscious of the way in which they are being robbed and pillaged here by those who should be their guardians, who know no enemy but the enemy of their country. They are the men who are to-day burnishing up the old muskets, drawing the old sword out of the scabbard. They are the men who are taking the last leave of an aged mother. They are the men who are holding to their bosoms in perhaps a last embrace the wives of their souls and dropping a soldier's tear upon the face of their children [applause]; are going to the front to die for their country. [Applause.] These are the true patriots of this nation. [Applause.]

For myself, I have grown tired of this constant, prating cry of "patriotism" which is ever invoked on the floor of this House every time there is an attempt to commit a constitutional wrong. [Applause.]

I have watched day after day to see my friends on the other side rise to condemn this thing; I have listened for some voices of condemnation from that side, but have heard none save now and then a rare exception, such as my distinguished friend from Massachusetts [Mr. WALKER], who speaks so patriotically against a wrong and unhappily votes for its perpetration. [Laughter and applause.]

Now, Mr. Speaker, I ask you, do you not agree with me, will not this House agree with me, that the hour has arrived when we should heed the demands of these worthy pensioners, likewise the worthy toiler? Must we meet them with the statement that their demands can not be complied with because of the present condition of the Treasury?

The distinguished premier of this House, the leader of the party on the other side, the gentleman from Maine [Mr. DINGLEY], informed us the other day of the decaying condition of the Treasury, and yesterday supplemented his remarks by telling us of the possible demands that will be made in order to keep the present Army in the field; that such demands will exceed the revenues and force further taxation of the people.

Mr. Speaker, can we support that Army in the field, can we equip that Army with a depleted Treasury, and at the same time pay these pensions, when there are these increasing mortgages and claims upon the nation? Let us consider for a moment the condition in which we are placed. When the nation is languishing, when there are these tremendous burdens to be borne, can we meet these new demands? It is well worthy of consideration. Is it not time for us, under these conditions, to pause and reflect where the money is to come from to meet them?

They are obligations we have assumed to pay; they are obligations we are called upon to assume; and how can we pay them under present conditions? Will there be money derived from any source to pay your volunteers in the field, and to pay your pensions after the war, unless some man or some party shall rise superior in this country in the present conditions and stop the outrages now being perpetrated upon the taxpayers by the gilded robbers—the stealthy frauds committed against freedom and against honor?

Mr. Speaker, it is high time that patriotism in this country shall come to the front, and that mere partisanship shall be, at least for the time being, relegated to the rear. [Applause.] Are we to continue to sit here idling day after day and let this proceeding go on, Congress after Congress, when we see the Treasury being robbed, as we have been informed that it is being robbed to-day?

Why, what have we on the record at this very time? We find that our nation has contracted for the transportation of its soldiers at $12 each when the regular fare is only $7, in order to serve the railroads' injustice. We have the information that within a very short time an effort has been made to make a contract with the Government at $7 for the transportation of our troops, and that an effort to make the bid was refused and declined, and the Government accepted the higher term without consideration. Is this true? If so, it must be exposed and repudiated. [Applause.]

Do you think such a condition of affairs can be continued? Will there not come a time when the people of this country will rise and revolt against it? Has not that time come now? Is it not well for us to begin and consider exactly where we stand, that we may avoid the results which will surely follow? Do you not think that the hour of patriotism has arrived, when the interests of the Government and not the interests of speculators and individual contractors shall be considered?

This is an hour and a time when real patriotism should have a voice in this Chamber, not sham and mock pretense. Our plain and humble fellow-citizens are offering the devotion of their lives at the call of our country; shall we not make some sacrifices in their behalf?

Mr. Speaker, I have no animosity whatever against the pending measure. I do not object to the payment of the pension, if a pension is due in this case. I have no opposition to the claimant in the case. I have no doubt that it is a just and proper claim, and one that has been carefully considered and should be paid. I have advocated pensions in every speech that I have ever made on this floor. I have a large constituency composed of valiant Federal soldiers in my Western home.

Mr. STEELE. If the gentleman will allow an interruption, this is is not a pension case, but a bill for the relief of a deserter. [Laughter.]

Mr. LEWIS of Washington. Mr. Speaker, my friend from Indiana most appropriately calls my attention to the fact that this is a deserter's bill, and I answer that that is why I arose. I arose to speak of those deserters who are ever deserting the cause of the people in the hour when they should be protecting them. [Applause on the Democratic side.] I thank my friend from Indiana, who comes timely to my aid; and I now proceed to say to friends who may misunderstand my position that the constituency that I have the honor in part to represent, with my able colleague here [Mr. JONES of Washington], is a State in which there are more Federal soldiers, more veterans, in proportion to the population, perchance, than in any other State in the Union.

I have advocated their pensions whenever under the law in justice they should have them. I have never found it agreeable to make opposition to an honest claim, but I think it is high time, and possibly not inappropriate, that where bills are brought in promiscuously for the removal of charges of desertion we should investigate these things and see whether these men are the kind of men who are entitled to exist upon the nation's generosity and receive its tribute or whether they might not be standing in the way of those men who have never had the charge of desertion made against them and who are more entitled to the nation's favors.

Is it wise, my distinguished friends, with the condition of the Treasury becoming more and more in a state of deficit, when you are taxing the people and doubling their burden, when you are putting interest into the hand of the bondholder and fortunes into the hands of the contractor, while you are allowing the nation to be pillaged on the one side and disgraced on the other, that you should forget in an hour like this the patriotism of such eminent commanders as those you have on the sea, whose glorious cause no man has risen here to praise or applaud? One word of encouragement or cheer may mean much in a desperate conflict.

Why not, I pray you, stop and reflect when they shall be looked after, when shall they be prepared for? If you pay out all the money you have in the Treasury now wrongfully to contractors, jobbers, and bondholders, are you not prohibiting and preventing those who may come hereafter from receiving just and proper allowance from a generous and grateful nation?

Mr. Speaker, I have risen to do that which I felt was my duty, and that is to announce to this House that so far as I am concerned, within such humble capacity as I shall be able to command, I do not propose being wooed under the cry of "patriotism" to the support and consummation of those things which my friend from Illinois, the distinguished Nestor of the House, the Hon. JOSEPH G. CANNON of Illinois, has aptly termed an "iniquitous and corrupt thing," whenever such shall arise.

It may not be that any of the particular things which have passed this House could accurately be so charged with this particular epithet; but that we have sat here silently too long and permitted the contract jobber, with his band of despoilers, to go through the avenues of this House crying "patriotism" to cover his mean purposes, none can deny.

Mr. WALKER of Massachusetts. Will the gentleman allow me to ask him a question?

Mr. LEWIS of Washington. Certainly.

Mr. WALKER of Massachusetts. I should be really obliged to the gentleman if he will tell the House what he is talking about. [Laughter.]

Mr. LEWIS of Washington. I did not hear the gentleman. What was the question? I am informed by gentlemen around me that the gentleman asked me to tell the House what I am talking about. Sir, I might assume the burden of explaining to some of the members, but there are some men in the House who heretofore have betrayed such singular density that I would not undertake the stupendous obligation of explaining anything to. [Laughter and applause on the Democratic side.] Really, speaking in more detail to my friend from Massachusetts, I was particularly talking about that class of men who preach the doctrine of justice and always vote with the persecutors. [Laughter on the Democratic side.]

Really, I was speaking of that class of men who prate of great virtue and protest much in behalf of their constituencies, but ever make it pertinent to remain within the party line, lest they should be refused some grace of desired recognition from the Speaker. [Laughter on the Democratic side.] I am seriously speaking of that set of gentlemen who, in an hour like this, might really develop as true patriots, not as false ones. It was for that occasion I arose.

Having, as far as I am concerned, expressed to my satisfaction to this distinguished House my protest against the constant wrongs which have been done in the name of patriotism, I insist that even now we investigate to ascertain whether this gentleman who seeks to have the charge of desertion removed from him in order that he may be put upon the generous rolls of the Government is entitled to such. If he is, we shall, under the true impulse of a real patriotism, come to his rescue; but if he is not, I insist that we shall, as against every other crime, every other element of corruption, every other initiation of jobbery that shall come here during these fat times of war, when every man who would rob the Treasury shall find his appropriate hour to do it—that we shall stand against it, and care little for the criticism that always criticises the right when it should be approved, and always protects the wrong when it should be condemned. [Applause on the Democratic side.]

Mr. CUMMINGS. Mr. Speaker, the gentleman from Washington for some inscrutable reason has seen fit to embalm me in the honey of his intellectuality. [Laughter.] He asks above which party does patriotism rise in the House. It rises, Mr. Speaker, above both parties. As a war Democrat, I enlisted in the war for the Union, not because it was Democratic policy, not because it was Republican policy, but because the country was in danger, and I was due. [Great applause.]

I am due to-day, and I have made it known by my vote. I do not talk of the "meritoriousness" or "meretriciousness" of my action. The words are not synonymous. They are in no way allied to each other. And although I have not had a college education, as the gentleman has had, I do know enough to know not to use such words in the same sense. [Laughter.] I admire the gentleman from Washington. His raiment is exquisite [great laughter]; his hirsute adornments are magnificent [renewed laughter]; even the spats on his shoes are effulgent. [Great laughter.] They all bear a due relation to the brilliancy of his intellect [renewed laughter], and his intellectuality is beyond comparison.

I say that the true spirit of Democracy is patriotism, and a Democrat who sneers at patriotism does not deserve the name of Democrat. The gentleman voted, without talking, for the $50,000,000 appropriation. Why did he not think of "contractors" then? Was not the time to speak beforehand, and not afterwards? Why is it that he is already accusing men in high standing of corruption when the war has hardly begun?

Mr. LEWIS of Washington. But they have. [Laughter and applause.]

Mr. CUMMINGS. Make your statements clear, produce your proof, and then slander your Government if you must. Do not do it under suspicion. [Great applause.]

Now, Mr. Speaker, I did believe, when I voted for the bill proposing to raise revenue to carry on this war, and the Democratic side of the House almost unanimously voted for war, that I was doing fully as patriotic a thing as the gentleman did when he voted for the $50,000,000, to be placed at the disposal of the President without conditions. I believed that if a Democratic Administration was forced to sell $300,000,000 in bonds to run the Government in time of peace, that a Republican Administration might be allowed to sell bonds enough to run the Government in time of war. [Great applause on the Republican side.]

This action was taken by a President who was indebted to the South for his nomination. You who came from the South, went into the Democratic national convention over five years ago, and rammed Grover Cleveland down the throats of the New York Democracy, with its whole delegation strenuously protesting against it. You are responsible for him, not we. [Applause.]

Mr. GAINES. Do you say that we are responsible for Grover Cleveland?

Mr. CUMMINGS. I say so, knowing it to be so.

Mr. JONES of Washington. I want to ask the gentleman——

Mr. GAINES. There have been a great many sins charged against the South, but I have never before heard it said that Grover Cleveland came from the South.

Mr. CUMMINGS. It is true. I challenge the record. He was

nominated and elected by the votes of the South, with his gold letter staring you in the face. You forced him down our throats against our unanimous protest. Deny it, if you dare. [Loud applause.] I say that I did believe and do believe if——

Mr. TALBERT. South Carolina did not vote for him.

Mr. CUMMINGS. I except South Carolina. She was sensible. She did not vote for him. She respected the delegation from New York.

I did believe that if it was necessary to sell bonds in time of war, we should sell them in sums of $25 and $50 to the mechanics and farmers and the honest producing people of the United States [applause], and not, as was done under the Cleveland Administration, sell them at private sale to a syndicate that within two months netted $8,000,000 for simply turning them over to outside parties. [Loud applause.]

There was no war then, and the safety of the nation was not imperiled. I believe, if we must have a loan, in a popular loan. I advocated a popular loan when the Cleveland Administration was planting the second issue among the syndicates. A popular loan will cement the patriotism of the people of the United States, and the people will never overflow with gall, as did the gentleman this afternoon, in aid of the enemy. I am on record as voting not only for the war, but as voting for supplies for the war, and with that record I am content, politics or no politics. [Applause.]

Mr. Speaker, I regret that I have not 1,000,000 six-syllable adjectives to shower on the House. Adjectives are adjectives, and votes are votes. I confine my speech to plain Anglo-Saxon. I am an Anglo-Saxon; I am an American; I am a Democrat. Patriotism itself is Democracy. [Loud applause.]

Mr. LEWIS of Washington. Mr. Speaker, it was about as far from my motive as anything you can conceive to arouse the slightest feeling of animosity of any member of this House, and further still would it have been from my object to awaken such a magnificent storm of indignation as has been displayed in the heroic face of the stalwart Democrat from New York. I speak as with the kindest feelings toward him. His memorable service in this House has been a contribution to this nation. He has even taken occasion to make some reference to some disparity of situation which he claims may have existed between us in the past as to advantage of education. He honors me in the expression that I possess that which is not enjoyed by himself.

Let him rest well assured that I claim no such, and if there was ever any attainment which God has placed to my service, however humble or great, if it could be divorced and taken from me, I would exchange them all for the splendid character and constant devotion to humanity that we have all observed in the gentleman's past career. [Applause.]

Mr. Speaker, my remarks have not referred to the gentleman's personal course. I made reference not to the gentleman's personal conduct throughout the avenues of his life. It did not engage my attention and it was not my object to make any reference whatever to that; but it was my purpose—and I am glad I have made that plain to him—to protest in the name of the real Democracy against that set of distinguished but misguided intellects which rise in the hour when our opponents demand them and ask for their indorsement of meretricious measures, and, under the cry of patriotism, become deluded by their own enthusiasm and commit that which, to the nation, is a crime. [Applause.]

It was to protest against that feeling on the part of some of my Democratic friends, however honest they may be, that feeling which leads them to discharge a duty to which they are summoned by the enemy of the country, to cease the senseless cry of "their country above party," and in the meantime bring their country to a level with the Republican party in the hour of their demand.

My friend from New York, for such I trust he may ever be, has been greatly applauded by my honorable friends on the other side for the utterances which came from him, in which he speaks of the service he has done in voting for these bonds. I remind my friend that he led a gallant phalanx from the East in support of the placing of a mortgage upon the poor of the country, and received some generous applause from my friends on the other side, but I want to add a single warning, that he must "beware of the Greeks bearing gifts." [Applause.]

My friends on the other side will applaud any apparent schism on this side of the House whenever it appears, also approve any course that will procure the aid of my Democratic friends, that they may say to the country at large that this measure or that measure was nonpartisan. I invite the attention of my distinguished friend to one thing. If my honorable Republican friends claim this one billion created debt was nonpartisan, if, sirs, it was your desire to make it so, in order to justify the assertions of the gentleman from New York, why did they, knowing that 6,500,000 voters of the country had expressed their desires on this question of silver and gold—and yet when a humble member on the floor on this side of the House offered an amendment that silver should be used to give some little countenance to the views of the 6,500,000 voters, what was done? It was voted down unanimously by a strict party vote, every opportunity being given to the other side to demonstrate that it was a nonpartisan measure, and they refused it, treating each one in turn contemptuously.

My friend says that "I slander the Government's officers." I, sir, have not assumed to mention any officers. I have not slandered any officer or attempted to do so. All I have done on this floor was to speak the truth about those gentlemen as it has appeared in the public record.

I have said that which you all do know, gentlemen—that the coal trust's agents were colleaguing with the enemy of this country; that these "business patriots" in the sight of the nation, deliberately loaded a vessel with coal to take to the Spanish fleet to use against our homes and countrymen, and this while an American vessel stood at its door knocking for coal; and when Commodore Schley forced recognition to his demand these patriots charged an American ship in an American port a dollar more on a ton than they did for the coal to these Spanish enemies. Had I been the Attorney-General of the United States I would have apprehended them as traitors for violating the laws of their country against giving aid or comfort to the enemy. I would have sent them to the companionship of Benedict Arnold. Both sold their country for gold. And yet a member on this side of the House who sought to denounce them, a member who seeks to express his honest convictions against a bill mortgaging the resources and strength of the country to vultures, is held up to the nation as a demagogue and disloyal to the country's welfare.

When has it come to be a familiar truth that in order to be a Democrat a man must either rise above or sink beneath his party? I say that with the true Democrat there can be no such cry as "My country before my party." With him the cry must be, "My country and my party; for without my party I would not have had my country." [Applause.] This alone can be the real position of the true party man, wherever he is, if he be a true Democrat, measured by the standard of a rejuvenated Democracy.

Mr. Speaker, one word to my distinguished friends on the other side, and then I am done. I speak to them without personal feeling and with a sentiment of the highest personal regard—I speak confidentially and frankly—when I say it is not my purpose in any wise to demonstrate that either party of this House bore any enmity or ill feeling to those who now have charge of Government affairs. My friend on the other side has asked why, when I voted for the $50,000,000 appropriation, I did not then cry out against these contractors. Sir, there has never been an hour or a moment when I have occupied the floor but that every expression from my lips, if construed correctly, must have been construed as a protest against the whole army of these omnivorous culprits who never lose a chance of fattening upon their country.

These who beat down the defenseless to serve some guilty cause—I could not then anticipate that these men, under the cry of "patriotism," would seize the opportunity to impose upon the confidence of those who trusted them. It was when I obtained information through the public press, through the channels of the party papers of the present Administration, and from the very voices of the men in command of this Government, that I seized upon the very first moment permitted under the rules to raise my protest, which, if not popular in this honorable branch of the Government, will be recognized and approved for the honesty of its intent by those who are most interested because they are the most oppressed.

I rise here to denounce, if it must be, any measure, whether advocated by men in control of our Government or by men who are without, that looks to the further thraldom and enslavement of those who should be rescued in an hour like this; whose patriotism should be encouraged if we hope that they shall go to the front to tender their lives for a nation which should be their guardian and protector, not their oppressor and destroyer.

This is the reason of my protest. It is a protest I shall ever make. And when my friend speaks about these bonds being popular, when he says that the poor people will be benefited by them, I ask, how will they obtain them? Will they not have to buy these bonds? Will not that much money be taken out of their humble coffers? And where will they get the money to make the purchase? The insincerity of your cry of nonpartisanship, which has been demonstrated in connection with the silver question, is demonstrated still further by the distinguished gentleman from Maine, who in presenting this bill said it was the intention to have these bonds on sale at the post-offices. Where in the bill as now a law is there a line or a letter containing any such declaration?

If such an announcement was sincere and was to be executed, what object was there in refusing to put such a provision into the law? Plainly, I say to my friend from New York, the object was that by means of such an announcement made here the confiding member of this House might give the measure his indorsement, and then when the bill had passed that there might be allowed to the Secretary of the Treasury the exercise of an elastic

discretion, so that he may, if he chooses, find it agreeable to allow all these bonds to be taken in one lot by those faithful, friendly cohorts—whose office and headquarters happen to be in the locality where, if public accounts be true, the distinguished Secretary of the Treasury called for counsel and guidance before he framed this measure for the issue of $500,000,000 of bonds—the bankers of New York.

This is why I have no confidence in the professions of my distinguished friends in charge of the Government that it is their desire or intent to do anything to alleviate the condition of the common masses of this country. By their record I condemn them. Upon that they must stand or fall, for before the nation all their protestations of honesty and sincerity, of patriotism and nonpartisanship have been given the lie from out of their own mouths.

Gentlemen, do not forget the common people. They are not always deluded. There is a time when their patience ceases, when a just retribution comes even to those most favored by high position. Such retribution must come to those who, assuming the garb of genuine Republicanism, undertake to vilify and anathematize true patriots, such as are found on both sides of the House, such as is personified in the poor, and by such declamation undertake to put through here measures which only a despot or a tyrant would impose upon a suffering and patient people in an hour like this. [Loud applause.]

Mr. CLARK of Missouri. Mr. Speaker——

Mr. BRUMM. Mr. Speaker, I hope we shall now do something toward disposing of this matter of "unfinished business."

Mr. CLARK of Missouri. I hope the gentleman from Pennsylvania will not insist upon that for a few moments, as I would like to have a chance to give my views upon this question. [Laughter and cries of "Go on!"]

Mr. Speaker, when the civil war closed there was a man by the name of James Pankey, who had been a captain in old Frank Wolford's First Kentucky Union Cavalry, one of the very best fighting regiments that ever wore a Federal uniform. He got back home safely after the struggle was over and had everything that a man needs to have in life. He was a rich and an exceedingly crusty man. But he ran at one time for the position of justice of the peace. He had no possible use for the office, being rich, and, on account of his gruff manners, was not fit to run. There was some curiosity to know why he sought such a place.

A friend took him out one day and asked him the question point blank: "Captain, what on earth do you want this thing for?" He said: "By the Lord Harry, sir, I want an opportunity to express my opinions." [Laughter.] Now, I am in Pankey's fix; I want an opportunity to express my opinion. [Laughter and applause.] And before proceeding let me make one single personal remark: There is not a man on the floor of the House for whom I have a more tender personal affection than I have for the gentleman from New York, Mr. AMOS J. CUMMINGS——

Mr. CUMMINGS. And the feeling is reciprocated.

Mr. CLARK of Missouri (continuing). And he knows it, and I know that it is reciprocated. But I say, in perfect respect for him and in the presence of all of these witnesses, that he has made the most outrageous speech on the floor of the House to-day that ever, in my judgment, was delivered in this body. [Laughter and applause.]

I do not care anything about his assault on the gentleman from Washington [Mr. LEWIS]. That is not "my pie." [Laughter.] I have no hand in it. [Laughter.] But when he commits the "unpardonable sin" of putting into this discussion the statement that a Democratic Administration issued $300,000,000 of bonds in a time of peace I deny his right to be the spokesman for my party, at least on that subject, for the Administration which did that foolish and wicked thing was not Democratic, and has been long since repudiated by every true Democrat between the two oceans.

Mr. CUMMINGS. Will the gentleman allow me an interruption?

Mr. CLARK of Missouri. Certainly.

Mr. CUMMINGS. I will state for the gentleman's benefit that the delegation from Missouri voted unanimously to nominate Grover Cleveland in Chicago, although they had no instructions. [Laughter and applause.]

Mr. GAINES. Yes, they did; but the Missourians supposed, and they had a right to suppose, that he would stand by the party platform.

Mr. CLARK of Missouri. Mr. Speaker, there has been no Democratic Administration in this country for a great many years—not since the 4th of March, 1861.

If it were not for my personal affection for the gentleman from New York, I would inaugurate a movement among the Democrats in this and the other end of the Capitol to read out of the Democratic party by name every man on this floor who voted for the bond bill the other day. [Applause on the Democratic side.] To issue bonds when there is no earthly necessity for it is an un-Democratic performance. Genuine Democrts do not propose that such action shall be charged to them.

In the language of a celebrated man on a celebrated occasion here, we want to know "where we are at." The time has come for us to ascertain who is who. He that is not for us is against us.

Grover Cleveland never was a Democrat in the true sense of the word, and I can prove that, Mr. Speaker, by the gentleman from New York [Mr. CUMMINGS] himself. In August, 1893, I heard him say in the cloakroom, "Blame his old soul, he never was a Democrat." Only he used a stronger and more classic word than "blame." There are but two men in all the hoary registers of time that Cleveland's name ought to be associated with—Judas Iscariot and Benedict Arnold. Shades of Arnold, forgive the profanation!

He at least did not hire a substitute to do his fighting. The blood which he shed at the storming of Quebec and on the heights of Saratoga was American blood. The shattered leg which was buried in his grave of obloquy was an American leg, broken by British bullets in the holy cause of liberty.

Arnold was at one time both a hero and a patriot. He fell headlong from his high estate to everlasting infamy.

Upon reflection, I think really I ought to beg the pardon of Judas Iscariot, because after his treason he did have the grace to go out and hang himself. [Laughter.]

Mr. LACEY. Was not Judas Iscariot the original silver man?

Mr. CLARK of Missouri. No; so far as I know, a Republican was the original silver man. The first free-silver speech ever made in the American Congress was made by WILLIAM B. ALLISON, now a Senator from Iowa, a man you worship. [Applause on the Democratic side.] Now, some of the rest of you Republicans ask some questions, and get a lick on the solar plexus. [Laughter.] The Missourians did vote for Grover Cleveland in Chicago.

Mr. CUMMINGS. Was he not a Democrat then?

Mr. CLARK of Missouri. No. We thought he was; but we were sadly mistaken. He stole the livery of Heaven to serve the Devil in. He played a colossal bunco game on the Democratic party.

Mr. MITCHELL. Why did you vote for him, then?

Mr. CLARK of Missouri. The reason we nominated him at Chicago was because we Southern and Western Democrats followed the disastrous example of Sut. Lovengood's daddy and all turned fools at once. We did not want him then; that fallen archangel, John G. Carlisle was our first choice; but we thought Cleveland was the only Democrat that could be elected, when the truth is, Mr. Speaker, that in 1892 any Democrat who had never been in the penitentiary could have been elected President of the United States if he had been nominated. That was a Democratic year.

I will tell you why we nominated him. We nominated him because he sent that free trade December message to Congress in 1887. And here, at the end of a losing fight on the tariff question, I run up the defiant banner of free trade, that honest men may rally around it in the days to come. We will win at last. Truth always conquers in the end. We thought that Cleveland was honestly a free trader. Along in August, 1894, I walked down the aisle over on the Republican side. A distinguished Republican, for whose genius I have profound admiration, said to me "How are you coming on in getting offices from Cleveland?" I said, "I am having no astonishing success." He said, "It does not make any difference. The only President I could ever get one from was Arthur." "But," I said, "I want to tell you, notwithstanding he has betrayed us on the money question, if it be true that Cleveland sent that December message to Congress under the circumstances that I heard he did, he deserves to rank as a great statesman and patriot." He inquired, "What did you hear?" I said, "Why, I heard he wrote that message, and then that Senator GORMAN and all the rest of the time-servers went to him and said, 'Mr. President, you leave that message alone and you are sure to be reelected; but send that to Congress and it jeopardizes your chances, and Cleveland said, 'The Presidency be damned. The thing is right. The people are suffering and they ought to have relief.' I will send the message and let the consequences take care of themselves.'"

This distinguished Republican to whom I was talking said: "My friend, that is all a fairy tale. There is not a syllable of truth in it." I asked, "What is the truth?" He replied: "I will tell you. By that battle-flag idiocy of his, and by sitting up all night writing vetoes of $8-pension bills, Grover Cleveland had alienated the affections of Northern Democrats, and he sent that message to Congress as a cold, demagogical bid to rope in the Southern Democrats for the nomination in 1888;" and, before God, I believe the Republican was telling me the truth, although they rarely tell it. [Laughter.]

Now, Mr. Speaker, we voted for Cleveland on that ground. I am afraid we shall never get forgiveness for it. His conduct on the financial question is not the main charge that I bring

against Cleveland bad and un-Democratic as it was We took him, knowing that he was against silver, but we believed that as an honest man—because then we believed he was honest—if he accepted the nomination on that platform, knowing the overwhelming sentiment in the Democratic party in favor of silver, he would subordinate his private opinion to the general Democratic opinion and carry out what we wanted.

That's what he should have done. Otherwise he ought to have declined the nomination. Men are not forced to be President. They are not compelled to hold office. At least I have not found it so in Missouri. But the main charge that I bring against him—and I have always been a free trader—is this, that he not only undid us on the money question and used the patronage of his great office ruthlessly and corruptly to get the Sherman law repealed, because when we first met here in conference we had a majority of this House against that repeal, but when we came to vote on it we could only muster a paltry 101 votes—the worst charge that will be laid at his door in the day of judgment is that he betrayed a great party on the tariff question.

Yes. Grover Cleveland by his unfaithfulness did the cause of Free Trade more harm than all the McKinleys and Dingleys could do in one hundred years. He could not kill it. Nobody can do that; but he did set it back for perhaps a generation.

The tariff barons ought to build a monument to his odoriferous memory.

And, my friend from New York, I want to say this, that the four worst years that the Democratic party ever saw were the four years that Grover Cleveland lived in your city, between his first and his second terms. It is an old saying that evil communications corrupt good morals, and so they did to him. He never lifted his finger to help us pass a tariff bill.

I believe now, and I shall always believe, that on the day when he stood in the sleet and snow and rain, the worst day I ever saw (and I have been caught in a Kansas blizzard), the day when he was sworn in for his second term, he held it in his pudgy fist to keep the Democratic party in power in this country for a quarter of a century, and all that he had to do to work that beneficent result was to do what he had solemnly promised to do by word of mouth, by speech, in writing, in every way in which a man can be committed to do a thing—and that was to cut the robber tariff to a purely revenue basis. That was the issue on which we won the sweeping victory of 1892—a victory the fruits of which turned to apples of Sodom on our lips, through the action as well as the nonaction of Grover Cleveland. It is sickening and pitiful to think of what is and then of what might have been had we elected a real Democrat in 1892.

Mr. President, no party in the entire history of the human race such ever made a long, terrific, courageous and splendid fight, confronted with so many difficulties, as the Democratic party did from the close of the war to the close of the polls in 1892. Then we came into possession of all the branches of the National Government, or we thought we did. We then deemed the 4th of March, 1893, a red letter day in our calendar. Really it was the most calamitous day we ever saw. We had declared on a thousand stumps that the Morrill bill was a monstrosity and that the McKinley tariff bill was the worst bill ever put upon the statute books; and it was until my distinguished friend from Maine got his bill put there last year. [Laughter and applause on the Democratic side.]

What ought he to have done? He held in his hands the fortunes of the Democratic party—a sacred trust. He ought to have called us together on the 15th of March, 1893. I honor Mr. McKinley for doing that. Then we would have passed a good tariff bill. We never did pass one. Then we would have had fifteen months to try to experiment with the thing before the election. Any general tariff bill demoralizes business temporarily. If we were right, the people would have recognized it and rewarded us; if we were wrong, we did not deserve to carry the elections. But here we were, fifteen months after the election, never having changed one syllable of the McKinley bill; and when we did change it, we only cut it down 10 per cent. I never hear the Republicans talk about the Wilson bill being a free-trade measure that I do not recall the words of Sir John Falstaff:

> Lord, Lord, how this world is given to lying!

[Laughter.]

Free trade! Carrying a charge of tariff tax of 40 per cent on 4,000 articles of every day consumption! Think of that!

Now, another matter I want to say a few words about to you gentlemen over there, and they are the words of truth and soberness. You vaunt yourselves as great patriots! You insinuate that you are greater patriots than we are! You intimate that the Democratic party has never done anything for the country! You know that the greatest Democrat that ever lived added the Louisiana purchase to the Union—the most remarkable transaction in real estate that was ever proposed on this earth since the devil took the Saviour up to the top of a high mountain and offered Him dominion of the world if He would fall down and worship him. [Laughter.]

A Democratic Administration took Texas into the Union. A Democratic Administration added Florida to the Union. And what have the Republicans added? Alaska! A country so cold that the polar bear has to wear an overcoat to keep from freezing. [Great laughter.]

You talk like you brought on this war. This is not a Republican war, but an American war. My Republican friends, we took you by the scruff of the neck and dragged you into it, and that will be the verdict of history. We started the fire among the people, and they heated you so hot that at last you had to go into it or go out of business.

Nobody but an idiot wants war merely for the sake of war. None save a craven will shrink from a war necessary to the dignity and honor of his country.

In my judgment, if either Cleveland or McKinley had recognized the belligerent rights of the Cubans at any time prior to the destruction of the *Maine* and the assassination of 266 of our brave sailors, there never would have been any war.

There never was a case in which the old saying, "A stitch in time saves nine," applied more thoroughly than to this. Nobody ever doubted our right—strictly according to international law—to recognize their belligerent rights without offense to anybody until we, or at least a part of us, began to doubt it ourselves.

But the war is upon us. It is a piece of supreme impudence for Republicans to try to make it appear that they are more patriotic than the Democrats. The claim is false, absolutely false.

The Morgan belligerency resolutions passed the Senate about a year ago, and here they slept the sleep that knows no waking.

Last summer the gentleman from Tennessee [Mr. MCMILLIN] tried to call up those resolutions, and he was ruled out of order by the Speaker.

In January my colleague from Missouri, Judge DE ARMOND, offered an amendment to the diplomatic and consular appropriation bill declaring "that a state of war exists between the people of Cuba and the Kingdom of Spain." After a long and bitter fight his amendment was defeated by a strict party vote.

Some time later my distinguished friend from Texas [Mr. BAILEY] offered a resolution recognizing the independence of the Cuban Republic. This was ruled out of order as a privileged question by the Speaker, and upon an appeal from his decision the ruling was sustained by a strict party vote.

Then divers and sundry members offered all sorts of resolutions on the subject, varying from a proposition to send a minister plenipotentiary to represent us in Cuba to a flat declaration of war, all of which remained in a comatose condition in the Committee on Foreign Affairs until after the President sent in his second special message on the Cuban question, which contained an elaborate argument against recognizing Cuban independence, and which was referred to the Committee on Foreign Affairs.

After sore travail, after much conferring of certain Republican members, after the appointment of a steering committee, the majority of that committee reported to this House certain resolutions very mildly and very vaguely suggesting the idea of independence, but not recognizing independence itself. The minority of the committee reported resolutions clear, unequivocal, bold, recognizing the independence of the Cuban Republic. The minority resolutions were defeated by a strict party vote.

I think the majority of the committee deserve praise for putting in the word "independent" at all in the face of the President's message.

The majority resolutions passed the House. Then ensued a contest between the House and the Senate, which has become historic, and which eventuated in compromise resolutions which resembled the resolutions reported by the minority of the House Committee on Foreign Affairs more than they resembled those reported by the majority of that committee. We have supported every measure necessary to the conduct of the war. We voted for the $50,000,000 emergency bill and for the two new regiments of artillery for coast defense.

At last came the war, which the American people demanded.

These are the facts of history. In the face of them it is a monumental exhibition of gall for the Republicans to insinuate that they are more patriotic than the Democrats.

Your ex post facto patriotism is amazing to see. It reminds me of a remark made by Stilson Hutchins, proprietor of the Washington Times, when he was editor of the St. Louis Times, which ran in this wise: "Col. James O. Broadhead may be a very great constitutional lawyer, but his ideas come to him by freight twenty-four hours after he needs them."

So with Republican patriotism; it was very much belated, but since you have become patriotic, even at the eleventh hour, we welcome you to the ranks of patriots on the principle, "Better late than never;" but I submit that it is with bad grace that you make your flings at us, and, what is more, you will not hoodwink

the American people by such preposterous capers, for the all-sufficient reason that they are not idiots. Your record and our record are before the world. Democrats are proud of their record of patriotism. It is one to which our children and our children's children can look back to with ineffable pride through all the years that are to come.

Now, what about this revenue bill? You came here and proposed to saddle a bonded, interest-bearing debt of $600,000,000 on my children and yours.

We say we are willing to vote every dollar necessary to carry the war to a speedy and successful conclusion, but that a bonded debt is not necessary, and we offer to coin the $42,000,000 silver seigniorage now in the Treasury; to vote $150,000,000 in full legal-tender greenbacks, and to levy an income tax on all incomes above $2,000, which would raise $90,000,000 more annually without one dollar of interest. We offer you all the money the Government needs, but you rejected our propositions. We offer you a non-interest bearing currency. Nothing will do you but an interest-bearing debt. There we part company. We offer you abundant money to carry on the war; but you are bent on a debt carrying $18,000,000 annually.

The gentleman from Illinois [Mr. HOPKINS] in reply to a remark of Mr. BLAND, quoted Abram S. Hewitt's saying about coining a vacuum. If you are going into the business of coining vacuums, you ought to begin with the vacuums inside the Republican heads in this House. You would never get through with it. [Laughter.] But here we have $42,000,000 of idle silver in our Treasury. Why do you not coin it? Why do you not? Are you so afraid of your masters that you do not dare to use your own?

I am not going to make a silver speech. I have not time enough. I never laid any great claim to practical piety, but I do believe, as firmly as any man that ever lieved, in an overruling Providence, and I believe that when God created this world He did nothing in vain, and when He gave us more gold and silver than to anybody else on the face of the earth He intended us to use it. And yet here we are, the strongest nation on the globe, with 75,000,000 people, with illimitable wealth, and we sit down pusillanimously, like a lot of idiots, and say that we are not going to coin our own silver until we get the consent of every little 8 by 10 kingdom in Europe, some of them not as big as the District of Columbia; and in doing that we are acting with just about as much sense and not one whit more than the man who would sit down on the banks of the Mississippi River and die of thirst, refusing to drink of its refreshing waters because the inhabitants of the African desert can not come and drink with him.

We offer you an income tax—the fairest and justest tax ever imposed. It is a monstrous proposition that the abnormal wealth of the country shall not bear its just proportions of the public burdens. We give you fair warning that we will never rest till we get an income tax.

You Republicans fight it tooth and nail. You have suddenly conceived a pathetic affection and wonderful reverence for the Supreme Court. You seem to regard it now as a sacred institution, not even to be criticised by anybody without sin.

When did you change your mind so suddenly? Abraham Lincoln was not only a wise man, but a very gentle one. He denounced the Dred Scott decision. That is not all of it. I did not help make the greenbacks; I was too young. You Republicans made them. Then, when that case came up, the constitutionality of it, five judges decided the legal-tender act unconstitutional and three held it to be constitutional. That would never do in the world for the Republican party to have such a decision stand. What happened? One of the five judges resigned to go to practicing law, and that only left four.

If President Grant appointed a man in his place in favor of the legal tenders, that made it four and four, and the decision would stand. Congress went to work and passed a law reorganizing the Supreme Court of the United States, increasing the number of judges to nine, and General Grant appointed Justice Strong and "Aliunde" Joe Bradley, of New Jersey, and they reversed the decision. You not only reorganized the court, but you packed it. And yet we are denounced as anarchists because you say that we want to reorganize the Supreme Court.

Now, if you can reorganize it once, why can not you do it again? If you packed it once, why can not you do it again? I want to tell you all I have got to say about greenbacks, and will do it in very few words. If they were good enough money to pay men during the civil war to leave their wives and homes and little children and risk their lives on a thousand battlefields in defense of their country, they are good enough money to pay to the gentlemen who recline in the shade of Wall street and make their living by cutting gold coupons off of coin bonds. [Laughter and applause.]

Let me refer to one thing that was said over yonder the other night—by some gentleman from Connecticut, I believe. He said that if the Government should now go into issuing greenbacks, they would depreciate as they did during the civil war. I tell you I believe a man who would say a thing like that either has softening of the brain or treason in his cardiac region.

What made the greenbacks depreciate? I will tell you. Because there was danger that this Government would be broken up, and they depreciated just in proportion as that danger grew imminent. The happiest day that the goldbugs saw during the civil war was when a man could climb up to the Dome of the Capitol and see the glint of old Jubal Early's bayonets down in Virginia. Why, sir, there was not a rebel anywhere on earth during the war who prayed for victory for Lee as the goldbugs prayed for it. Why? If Lee gained a victory, gold went up, and they made a fortune.

If Grant gained a victory, gold went down, and they lost a fortune. And if there is any such thing as gambling in Spanish stocks—I do not know whether there is or not—those who are interested in that investment are now in sackcloth and ashes because brave Commodore Dewey has set the Stars and Stripes floating victoriously in Asiatic waters.

You need not have any apprehension about our getting in a hole about the bond business. The people of the United States do not want bonds; they do not propose to have them; they do not want them any more than they want national banks, and you were never able to establish a national bank except as an aid to war and to pay the war debt after you got through with a war.

Now, if you want to know what we are going to do, if it will be any pleasure, I will tell you; and in doing so, I believe I am speaking for the Democratic party of this country. One consolation about this whole business is that time fights for us. When the next census is taken, which is only two years off, we will gain 30 members in this House and 30 votes in the electoral college west of the Mississippi River.

I will tell you what we are going to do, and it is a short-meter story. We will buy no more Presidential pigs in polky. Next time we will know what we are getting. We intend to get together in 1900 and not only reaffirm the Chicago platform, but readopt it word for word, without abating one jot or one tittle, and place upon it our brilliant and well-beloved leader, William J. Bryan, and elect him [applause on the Democratic side], thereby ushering in the twentieth century, as we did the nineteenth century, with a Democratic administration. [Applause on the Democratic side.]

Now, Mr. Speaker, I am about through with this business. I said if either party had a right to claim this war as its own, it is the Democratic party. I glory in it, and in that I include the Pops and Free Silverites, because on this war question we are all one substantially. [Laughter on the Republican side.] I rejoice in what has already happened in this war, and I make this prediction now—not abusing or criticising anybody—that if the Administration will take the reins off of Commodore Sampson in Cuban waters and let him have free swing as Commodore Dewey had, in ten days from now the Stars and Stripes will be waving over every foot of the Island of Cuba and peace will be restored. Mr. Speaker, the first battle has been fought. It added a new glory to American arms. I do not know whether Commodore Dewey is a Democrat or a Republican or a Populist, and I do not care. He is an American.

Mr. CUMMINGS. He was born in Vermont.

Mr. CLARK of Missouri. Some of the best Democrats that ever lived are born in Vermont. Democrats that can march up to the polls in season and out of season, fodder or no fodder, without the hope of any reward except the approval of their consciences, and vote the Democratic ticket are good Democrats. [Laughter.]

Now, I want to read you a paragraph as a part of my remarks, some of the best English I have ever seen, from the New York Journal, and what it says about that fight. It stirs the heart like strains of martial music. It will make you Republicans patriotic. You come here with the words of patriotism on your lips, but with sordid greed in your hearts, taking advantage of the extremities of the Government, and try to fasten on the country six hundred millions of bonded debt which our children will not live long enough to pay.

Mr. LACEY. Will the gentleman allow me a question?

Mr. CLARK of Missouri. Yes.

Mr. LACEY. I would like to ask my friend if he does not think it would be a great calamity for his speech to be published in Madrid, and to show that this House is divided?

Mr. CLARK of Missouri. No, sir; it will have the best effect on the Spaniards of anything that ever got to them, if they will publish this speech over there. [Laughter.]

What I say is in a line with what Dewey did. He has won a place in history with Paul Jones, Perry, Farragut, and Lord Nelson.

Now I want to read you this from the New York Journal, and then I am going to quit—not because I am through:

The news of the surrender is not yet as explicit as that of the great naval combat that preceded it.

The capitulation is to be a matter of a few words. The battle was full of heroic deeds.

London stands amazed at the intrepidity of the Americans, and everywhere are heard such expressions as—

"They're the fighting stuff!"

"Give us an alliance with the Americans, and we'll defy the world!"

"Those chaps are of our blood, you know!"

"That's the way! Sit tight and give it 'em!"

It was supposed that the mines at the mouth of Manila Bay would deter Admiral Dewey. At most it was expected that he would stand off and on, establishing a "peaceful blockade," such as Admiral Sampson has fiddled with off Havana.

But here is the translation of part of a long dispatch which reached the Foreign Office in cipher, and which, though not intended for publication, was good-naturedly given out by an official whose pro-American sympathies have caused his comrades to call him "The Yankee Secretary." The dispatch ran:

"In the black of night Capt. Charles Gridley, of the *Olympia*, which was leading the American squadron, reported to Rear-Admiral Dewey:

"'We are now approaching the entrance to Manila Bay.'

"'Steam ahead!' came the admiral's response. 'Signal the fleet to follow!'

"'We are now coming to the portion of the entrance supposed to have been mined,' was the captain's next report.

"'Steam ahead!' was the admiral's order.

There was a light from the land and the boom of a great gun. From the little cruiser *Raleigh* came the signals:

"The batteries of Cavite have opened fire!"

"Steam ahead! Follow me!" flashed back the Admiral.

"A shot from Rulocabilla just fell a hundred yards ahead," reported Commander Asa Walker, of the *Concord*, which was astern and to the windward of the *Baltimore*.

"Save your powder!" ordered Admiral Dewey in reply.

Just in the peek of the dawn the Spanish fleet was discovered under the bastioned banks of Cavite.

"Remember the *Maine!*" flamed the message from the *Olympia*.

As the subtropic dawn broke suddenly, the same dread battle slogan of revenge flickered and fluttered from the flagship's yard above the fighting top.

The Spaniards began firing before the morning fairly broke. In fact, they had been booming and sputtering ever since the first random gun had announced the approach of the American squadron.

Much of their fire was wasted. Admiral Dewey paid no attention to the shots which fell short of him, but arranging his line of battle, with the *Olympia* and *Baltimore* in the van, made straight for the Spanish fleet.

Cavite, with its batteries and arsenal, the island forts of Rulocabilla and Corregidor, and the ancient guns on the walls about the old town of Manila, were by this time in full thunder. But the Americans came on, with their grim signal flying, and the band playing "The Star-Spangled Banner," "Dixie," and something which sounded to English ears very like "God Save the Queen."

[Applause.]

Ah, Mr. Speaker, Democrats do not shrink from calling this a Democratic war; and I thank God that we have had the nerve, the courage, the patriotism, the sagacity to drive you gentlemen on the other side of the House into a patriotic position before this country and before the world. [Loud applause.]

Mr. CUMMINGS. Mr. Speaker, I had hoped that after the gentleman from Washington [Mr. LEWIS] had paid his respects to me, and I had received him with honor at least, that I should be spared any further annoyance. Yet it seems I was mistaken.

I appreciate, sir, all the kind expressions that have been made concerning me by the gentleman from Missouri [Mr. CLARK]. I am sure that I never would go among the Democrats of the House urging them to drive him from the party because in the absence of caucus obligations he had voted in accordance with his honest convictions. I am on record as voting a revenue for the war; he is not. With that vote I am content.

Mr. Speaker, in listening to my friend's statement as to how Missouri came to be wrung into the support of Grover Cleveland and as to how my friend came to be taken into camp, I have been reminded of a story. Eph Horn was one of the finest negro minstrels that this country ever produced. Indeed, Eph, like my friend from Missouri, was greater as an end man than my friend from Washington would have been as a middle man or an interlocutor. [Laughter.]

Eph Horn went with Dan Bryant's minstrels up to Syracuse to play an engagement. Eph loved to play faro. On the first night, after the performance, he walked up the street, found a suspicious-looking stairway, and saw a cubby-hole in the door at the upper landing. He went up stairs, bought a stack of chips, and lost $200. On the next day he was introduced to a gentleman of Syracuse, who invited him to a game of poker. He replied that he preferred to play faro, and wanted to know whether there was not some square place in Syracuse where a man could play faro.

"Yes," replied the man from Syracuse, "there is one several blocks away."

"Well," said Eph, "how is this one on the next block?"

"Oh," was the answer, "that is the worst skin game in the city."

"What is the name of the proprietor?" asked Eph Horn.

"Thompson," was the reply.

Eph went out and walked down to Thompson's establishment. He entered the room and inquired for Thompson. Thompson came up to him and said:

"What do you want, sir?"

"How much do you pay your cappers for this game?" asked Mr. Horn.

"Oh," replied Thompson, "I give them 50 per cent."

"All right," said Eph, "you owe me $100. I roped myself into this game yesterday."

My friend from Missouri seems to be in a similar situation. He seems to have roped himself into the Cleveland game, and it is now in order for him to claim his percentage. [Laughter and applause.]

Mr. FITZGERALD. Mr. Speaker, I dislike very much to indulge in any discussion which will indicate to the Democracy of this country that any difference of opinion exists between the members of that party upon the floor of this House, but inasmuch as the charge of party disloyalty has been made against the six Democrats who voted for the war-revenue measure in its final passage, as one of these six I intend to occupy the floor for a short while, not to apologize to the gentleman from Missouri who makes the charge for the stand that I have taken, but to reiterate my conviction of the wisdom and soundness of the position that I took and to add that I would vote the same way to-day with renewed ardor.

I recognize the fact that there is a higher duty than the one we owe our party, and that is the duty we owe to our country. When the war-revenue measure was before this body last week, I was one of the strongest advocates on this side of the Chamber for the income-tax provision.

I said then, and I say now, that it is not fair to expect the brawn and muscle of this country to go to the front and fight its battles for the paltry sum of $13 a month, while the wealthy and enterprising stock broker stays at home and reaps the harvest and refuses to pay his proportionate share of the cost of the war. When the measure came to a vote on Friday last, the income-tax measure was proposed as an amendment to the bill as it now stands, and it received the vote of every Democrat.

The proposition was to recommit the bill to the committee with instructions to add the income-tax section, and on that vote the Republican party practically as a unit voted against, while the Democrats voted solidly for it. The question then came upon the final passage of the bill.

Party policy and party expediency then seemed to me to give way to patriotism and love of country. Every Democrat had done his duty in supporting the income-tax amendment, the only amendment that had been agreed upon as a party measure. It was proposed by the Democratic leader of this body, the honorable gentleman from Texas [Mr. BAILEY], the roll was called, and the people of the country had an opportunity to see the respective positions of both parties.

On the final passage of the bill the vote was to be recorded all over the world. The Spanish press had circulated reports that the nation was divided and that great difficulty was being had in the different States in the raising of regiments, and it was said that our naval and army forces were poorly equipped; and my judgment was that after vindicating our party's position before the country, on the final call we should show a united front to the world. [Applause.]

The gentleman from Missouri says that the provisions of the bill were not Democratic, and that therefore no Democrat could consistently vote for them. I would like to ask the gentleman from Missouri whether the appropriation for $50,000,000 which passed this body a few months ago, and which gave to the Administration the absolute power to spend that money not only in this country but in all parts of the world, was a Democratic measure, and if it would be judged in peaceful times to be a wise measure to pass; and yet did not the gentleman from Missouri vote for it?

Was that a Democratic measure which passed this House a few weeks ago repealing the statutes relating to the condemnation of land for fortifications; and yet did not this measure receive the vote of the gentleman from Missouri? Was that a Democratic measure which passed the House only a few days ago repealing the statutes as far as the purchasing of supplies in the War Department is concerned and giving absolute authority without asking for bids for the spending of millions of dollars by the Secretary of War; and yet did not the gentleman from Missouri vote for it?

Everyone on the floor of the House—nay, I would say in the United States—gloried in the fact that in all these measures, which never would have received the slightest consideration were it not for the fact that a grave danger threatened the country, party lines were obliterated and that Democrat, Republican, and Populist placed country above party and gave unanimous consideration to these measures.

Every day we read in the daily papers what is transpiring in every town and city in the United States at the departure of troops to the scene of trouble. Mothers and wives and children are bidding a fond and sad adieu to their sons and husbands and fathers, who, with gun upon their shoulders, march to the front to defend the honor of our flag.

Democrats and Republicans and Populists stand shoulder to shoulder in solid rank and are willing to give their lifeblood if necessary in defense of this Union. They have faithfully and speedily answered to the President's call for troops, and they look anxiously to the Administration and to Congress to provide the funds so that they may be able and in every way fitted to fight for their country's honor in time of peril.

I for one will not by my vote give them the slightest reason to suppose that any obstacle will be laid in the Administration's path or that any difference of opinion exists as to the purpose of Congress to appropriate all the funds necessary for the proper conduct of the war.

I am anxious that they shall go to the front buoyed on with the thought and hope that Congress and the Administration are one in providing every possible means to faithfully and energetically prosecute the struggle to an early and successful termination. [Applause.]

I desire to say further that I do not regard the gentleman's threat to turn the six Democrats out of the party with any degree of apprehension. I was sent by the people of my district to do my own thinking and to vote as my conscience dictated for the best interests of the Government, and I have always done so, and will continue to do so whether it pleases the gentleman from Missouri or not.

The Democratic party's history is too well interwoven with the prosperity and growth of this country to have it said that any member could be disloyal to it who voted for measures that ceased to be partisan just as soon as they promoted the national welfare in time of peril.

If the gentleman wishes, I will gladly welcome him on the hustings next fall in my district to argue with the voters as to whether my action was in accordance with their desires. I have no fear for the result. The Commonwealth which it is my privilege to represent in part upon the floor of this House has a glorious history.

In every struggle in which this country has been engaged her sons have taken a leading part and their loyalty has been testified to on the floors of Congress and on the field of battle.

I am willing to allow my position on the final vote to be adjudged by them, and I am confident that when the verdict is pronounced it will be found that I have acted in accordance with the sentiments and conscience of the people whom I am sent here to represent. [Loud applause.]

In conclusion, let me say that my conception of the duty of Democrats is different from that of the distinguished gentleman from Missouri. I have always felt that I served my party best when I served my country best, and I am willing to take that position before the people of my State.

The country is now in the midst of a grave and serious crisis. We have been sent here by the people to legislate for them, and our every act must be guided by sentiments of the purest patriotism rather than by any endeavor to promote a partisan end.

This is my idea, and all my actions from now until the war is over will be guided by a desire to promote the successful and speedy termination of the struggle that we have now engaged in, and upon the happy solution of which the heart of every true American is intensely set. [Applause.]

Mr. McALEER. Mr. Speaker, I am a Democrat, and I inherit my Democracy; and I desire to say to the gentleman from Missouri [Mr. CLARK] that I voted for "the loan bill," and there is no vote that I ever gave in this House of which I am prouder. [Applause.] And when the gentleman rises in his place on this floor and tells us that his Democracy and the Democracy of the Populists are the same, I say to him that I do not take my Democracy from any man who declares that to be Democracy. [Applause on the Republican side.]

Mr. Speaker, I am not one of the men who clamored for war. Until recently I believed that war could be averted, and averted with honor; but when the time came and war was inevitable, I believed it to be my duty to do everything in my power to strengthen the hands of this Government and bring this war to a successful close. [Applause.] When gentlemen say that this loan bill carrying so much money should not be made, that an income tax ought to be incorporated, I tell them that were we to wait and sit supinely in our places until that provision could be made, we should be derelict in our duty.

No, Mr. Speaker, I say that it is our duty in such times to give just and liberal appropriations for that purpose, and we should not permit the Republican party to take the position that it is the patriotic party, because I contend that the Democratic party has been ever patriotic, that it is patriotic to-day, and will permit no man nor party to be more patriotic. [Applause.]

[Mr. COCHRAN of Missouri addressed the House. See Appendix.]

Mr. BRUMM. Now, Mr. Speaker, that the bill has been thoroughly discussed, I hope we shall have a vote on it.

Mr. BAILEY. Mr. Speaker——

The SPEAKER pro tempore (Mr. PAYNE in the chair). The Chair will suggest to the gentleman from Texas that the House takes a recess at 5 o'clock.

Mr. BAILEY. Mr. Speaker, the only comment I desire to make on what has occurred here this afternoon is that I think it greatly and unduly magnifies the differences in the Democratic party. In view of the fact that we voted practically as a unit upon all questions up to the very last, and that even upon the final passage of the bill only five of those who act with us on all questions separated from us, I think we have good reason to congratulate ourselves upon a unanimity which was much greater than has been exhibited on any question of similar importance in the last twenty years.

I took the floor, however, not for the purpose of saying this, but to correct the gentleman from Massachusetts [Mr. FITZGERALD], who intimated in his speech that when we voted to recommit the bill with instructions to add the income tax as an amendment we supported the issue of bonds. A moment's reflection will easily convince the gentleman of his error. A motion to recommit with instruction is simply one form of amendment, and at that stage which we had then reached it was the only form permissible. The gentleman from Massachusetts [Mr. FITZGERALD] certainly understands that a motion to amend a bill does not commit those voting for the amendment to support the bill as a whole or to the support of any of its parts. It is the duty of each legislator to make every bill as good as possible, although he may not be able to vote for it after he has helped to improve it.

The facts in this particular case are these: We moved to strike out the bond provision and substitute the income tax, and the Democrats, without exception, voted for that motion, as did also the Populists and Silver Republicans, while the Republicans voted solidly against it. We then moved to strike out the bond provision without offering any substitute, and upon that motion the Democrats, with two exceptions, voted for it, while the Republicans, almost without exception, voted against it. We had done our utmost to eliminate the bond provision from the bill in the Committee of the Whole, but we were unable to do so, and the bill was reported from the committee to the House, engrossed, and read a third time.

The motion to substitute the income-tax for the bond provision, and the motion to strike out the bond provision, both having been defeated by a practically united Republican vote against a practically united Democratic, Populist, and Silver Republican vote, we resolved to move to recommit the bill to the Committee on Ways and Means with instruction to report it back with the income tax added as an amendment. Both as a matter of parliamentary procedure and as a matter of common sense, this was equivalent to saying that, inasmuch as you have determined to pass your bill with your bond provision in it, we insist that you shall adopt an income tax to provide for the payment of the bonds which, over our protest, you have determined to sell. This is all the motion meant. It did not imply an assent to the issuance of bonds; nor would it, if it had been adopted, have committed any man who voted for it to the support of the bill as amended.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 2219. An act for the relief of the administrators of Isaac P. Tice, deceased, and others;

H. R. 1595. An act to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes;

H. R. 5885. An act to amend section 5 of an act entitled "An act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes," approved July 13, 1892; and

H. R. 2691. An act to amend section 9 of an act entitled "An act to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes."

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAVEY, indefinitely, on account of important business.

To Mr. BROWNLOW, indefinitely, on account of sickness in his family.

The SPEAKER. The hour of 5 o'clock having arrived, the House is in recess until 8 o'clock this evening; and the gentleman from Iowa, Mr. LACEY, will act as Speaker pro tempore.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. LACEY as Speaker pro tempore.

PERSONAL EXPLANATION.

Mr. CLARK of Missouri. Mr. Speaker, before the House proceeds with its regular business I want to make a very short personal statement. This afternoon, when I began my remarks, which were somewhat out of time, there were four or five gentlemen over on that side who said something which I did not hear; and I remarked that I wished they would keep their mouths out of my speech. It turned out that the gentleman from Tennessee [Mr. GAINES] made a very pertinent remark. I did not hear and did not know what he said. I understood afterwards that some

of his friends thought that my language was unkind toward him. I have the kindest feeling toward that gentleman and meant no offense to him.

While on the floor I wish to ask permission (to use the phrase of General WHEELER) to "round out my remarks" in the RECORD—not to extend them very much.

The SPEAKER pro tempore. The gentleman from Missouri asks leave to extend his remarks in the RECORD. Is there objection? The Chair hears none.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will read the rule prescribing the order of business for this evening session, which has been substituted for the session which regularly would have been held last Friday night.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. TALBERT. Mr. Speaker, before we go into Committee of the Whole House, I desire to ask that to-night all bills for the removal of charges of desertion be passed over.

Mr. CHARLES W. STONE. I suggest to the gentleman that he except from his request those cases where the member interested in the bill is present and asking for its consideration.

Mr. COX. I hope that exception will be made. I am interested in the case of one old man whose bill is on the Calendar—the only case in which I am interested on this entire list.

Mr. TALBERT. I ask unanimous consent to have read a letter which I received from a gentleman out West, and which will somewhat explain my position.

The SPEAKER pro tempore. Is there objection to the reading of the letter?

There was no objection.

The Clerk read as follows:

MAYSVILLE, KY., *April 18, 1898.*

MY DEAR SIR: Will you please permit me to call you "Comrade," although you wore the gray and I the blue?

I am just in receipt of the CONGRESSIONAL RECORD of Friday, April 15, and wish to thank you for the noble stand you have taken in regard to placing deserters on the pension roll through Congressional action. The case in point is of especial interest to me, that of one William Henry Johnson, of Company H, Second Pennsylvania Cavalry, subsequently transferred to Company H, First Pennsylvania Provisional Cavalry, which was up for consideration at the opening of your evening session, with my friend Mr. LACEY, of Iowa, as Speaker pro tempore.

During the discussion upon this claim of William Henry Johnson I observe that Hon. WILLIAM L. STARK, of Nebraska, made this statement: "It seems that they created a provisional cavalry corps in Pennsylvania as a home guard. This man is not altogether right in his head. He regarded that as being against his courage as a soldier, and so he went and served in the Navy." Now, as I had the honor of being adjutant of the Twentieth Pennsylvania Cavalry and also of the Consolidated First Pennsylvania Provisional Cavalry, I think I know more about the matter than Mr. STARK does.

The Second and the Twentieth Pennsylvania were consolidated under the order of the War Department, mustering out supernumerary officers, as the war was over and the Army was being reduced as rapidly as possible. Under this order the colonel of the Twentieth was mustered out and the consolidated regiment placed under the command of Col. W. W. Sanders, a Regular Army officer. Closely following the order for consolidation came the order to muster out the "Provisional" organization, and that was done on July 13, 1865, at Clouds Mills, Va., 3 miles back of Alexandria. The command then moved to Bladensburg, Md., where it awaited the grand review at Washington, following which it went to Philadelphia and was paid off at Camp Cadwallader, the men dispersing to their homes.

According to Mr. STARK, this man Johnson regarded it as an act of cowardice to belong to a home guard regiment, so he went into the Navy to fight a foe that did not exist! He was indeed a brave man and deserves much more at the hands of his country than the men who conformed to the articles of war and the orders of the War Department and remained in the military service until legitimately discharged therefrom! Mr. STARK ought to have told the Congress who William Henry Johnson intended to fight when he went into the Navy three months after the close of the war. I am surprised that he should essay to speak upon a subject on which he was so poorly informed, as common sense might dictate to any person that neither Pennsylvania nor any other State would have use for home guards three months after the Confederate armies had surrendered and the war was ended.

The muster-in and the muster-out rolls of this regiment were made up under my personal and direct supervision, and while I am not prepared to say with positiveness that there was no error in Johnson's case, I feel that he is no more deserving than thousands of others who have been added and are fast making the pension roll a roll of dishonor as well as a roll of honor. I do not know that what I have said will have any influence on this case, but I believe that Congress will make no mistake if it stands by the records of the Adjutant-General's Office.

My chief object in writing was to congratulate you and to thank you for the stand you have taken, and to wish you godspeed in every righteous effort. Believe me, my dear sir,

Fraternally, yours,

THOMAS A. DAVIS,
Late Adjutant Twentieth Pennsylvania Cavalry and First Pennsylvania Provisional Cavalry.

Hon. W. JASPER TALBERT,
Washington, D. C.

Mr. TALBERT. Mr. Speaker, I have been criticised pretty severely by some gentlemen on the other side and some on this for the stand I have taken on this subject. I have had this letter read for the purpose only of showing that a distinguished Union soldier indorses my position and to let the House know that the Union soldiers themselves are galling under the yoke which is put on their shoulders by adding the names of these deserters to what should be a roll of honor, but what thus becomes a roll of dishonor.

I renew my request that all bills for the removal of the charge of desertion be passed over to-night—all bills.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. TALBERT] asks unanimous consent that for this evening all bills for the removal of the charge of desertion be not considered. Is there objection?

Mr. COX. I think this would be a very good rule if an exception were made in favor of members who may be present and who have cases which they wish to bring up. I have but one man in whom I am interested on this entire Calendar, and he is charged with desertion. I do not want to come here every Friday night and have this bill passed over. I hope my friend from South Carolina will liberalize his proposition by making the exception which I suggest.

Mr. TALBERT. I think it would be a good rule to pass over all these cases of deserters so long as we can find a single case of a faithful old veteran who stood by the flag and did not desert it. My idea is that such men should be given preference by this House. That is my position.

Mr. COX. Well, if you are going to take that position, I object to the request.

Mr. SUTHERLAND. Mr. Speaker, I desire to be recognized in order to make a request before we proceed with the regular business.

My colleague [Mr. STARK] is unavoidably absent to-night. As is well known to the members, he is a member of the Committee on the Militia, and his time is almost entirely taken up with the duties of that committee under present circumstances. He rarely misses a session of the House, night or day, and it is only because of these unavoidable circumstances that he is now absent. All the members know that Judge STARK has been faithful in attending upon the afternoon and evening sessions of the House.

The letter referred to was shown to Judge STARK, and he suggested that it should be read in the presence of this body. He asked me, as a matter of convenience for him, to say to the gentleman from South Carolina that he would ask to have this letter read to-night, and he requested me to ask unanimous consent that he may have five days from this date in which to print remarks on the subject of the bill for the relief of William Henry Johnson.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. RAY of New York. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar, under subdivision 2 of the rule.

The question was taken; and the House proceeded to divide, on a division demanded by Mr. TALBERT.

Mr. COX. Mr. Speaker, I see readily what this is going to lead to, and I withdraw my objection made a few moments ago.

Now, if the gentleman from South Carolina will withdraw his objection, we can go into Committee of the Whole and consider these pension bills.

Mr. TALBERT. Then, Mr. Speaker, I renew the request that all bills for the removal of charges of desertion be passed over to-night without prejudice. If that provision is granted, we will go on with the regular business of considering pension bills.

The SPEAKER pro tempore. The Chair will again submit the request, although the House is dividing on the question submitted by the gentleman from New York. If there be no objection, however, the Chair will submit the request that all bills for the removal of charges of desertion be passed over and not presented for consideration to-night.

There was no objection.

The question was taken on the motion of Mr. RAY of New York; and on a division there were—ayes 33, noes 0.

So the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House, Mr. CONNOLLY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar under the special order, and the Clerk will report the first bill.

LOUISE M. RICE.

The first business on the Private Calendar was the bill (S. 1476) grantng a pension to Louise M. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise M. Rice, widow of Brig. Gen. and Bvt. Maj. Gen. Samuel A. Rice, and pay her a pension at the rate of $50 per month, in lieu of the pension of $30 per month she is now receiving.

Mr. SULLIVAN. Mr. Chairman, I desire to renew my objection to this bill—the same objection that was submitted in a former meeting of the Committee of the Whole

At a former session of the House we had this matter under consideration. I stated my objection to the increase of pension as suggested by the bill, and I now desire to repeat that objection.

I see no reason on earth for raising the pension of this widow from $30 to $50 per month; it does not appear anywhere, except in the language of the report, that there is any justification for the increase of the pension. I have looked closely into the matter, and have tried to find justification for the increase proposed by the committee. This afternoon we heard on the floor of the House a speech made in opposition to some pension claims, and yet gentlemen instead of addressing themselves to the pending question, went off on side issues. And this condition did not come from any one special side of the Chamber. It is applicable to both sides of it.

Here is a case that proposes to increase a pension from $30 to $50 per month without, in my judgment, any proper reason for the increase. There is no reason why we should give the larger sum of money—$50 instead of $30—and for that reason I object to this bill, and desire to give the gentleman in charge of it information now that I shall feel myself justifiable in exercising every parliamentary expedient in my power to defeat its consideration and final passage.

Mr. RAY of New York. Mr. Chairman, I do not think that my friend who has just taken his seat will insist upon his objection when the facts of this case are thoroughly understood.

Mr. SULLIVAN. I think I understand very thoroughly the case. I have examined it carefully.

Mr. RAY of New York. Now, we have already passed through this House——

Mr. STURTEVANT. Mr. Chairman, to alleviate the difficulty——

Mr. RAY of New York. I have the floor, Mr. Chairman. This bill is of importance to this widow. Her husband was shot in battle, and died a very few days after that of the wounds received in battle. He left no property to his widow. She has lived along upon her $30 a month until everything she had and everything she could earn is gone. She is now old, approaching 70 years of age.

She was the wife of this soldier when he was killed. She is a war widow. She can not work any more. She can not earn anything, and she has no property and nobody upon whom she can depend. The gentleman from Iowa, Major LACEY, who introduced this bill, presents his written statement, in addition to certain affidavits. We did not print everything in the report, because it costs the Government something to print all these things. He is personally acquainted with this lady, and he says:

COMMITTEE ON THE PUBLIC LANDS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 25, 1898.

DEAR SIR: Referring to the bill (H. R. 2850) for relief of Mrs. Louise M. Rice, widow of Bvt. Maj Gen. and Brig. Gen. Samuel A. Rice, I wish to say that Mrs. Rice is very poor and wholly dependent upon her pension.

Respectfully,

JOHN F. LACEY.

Col. GEORGE W. RAY,
Chairman Committee on Invalid Pensions.

Now, I ask the gentleman, in view of her age, her surroundings, her circumstances, and the fact that her husband was killed in battle thirty years ago; in view of the fact that she has struggled along since and is now old and in failing health, whether he will not do toward this old woman, this war widow, just what he would ask a grateful country to do for his old mother when she reaches these years, under such circumstances?

Are we not justified in raising this pension? Is it not right that we should do so? That is all I can say. He was a brave man, and she has had no one to earn money for her since. The Government has done well for her since. So long as she could work for herself $30 was enough; but now when she is old and in poor health she needs more than she did before. I ask the gentleman if he will not withdraw his opposition to this bill and let it go through? Is not the proposed action justified?

Mr. SULLIVAN. Mr. Chairman, I want to say that I thoroughly appreciate the sentiment which actuates the gentleman from New York, and I desire to say that to-day I have watched him when this unfinished business was up, and in cases where the Senate, time and again, reduced the amounts allowed by the House on these bills, I have been very agreeably surprised to find that the gentleman has moved concurrence in what the Senate has done, in every case where I thought it was proper, and I have voted with him time and again to-day along that very line.

But here to-night he does not give a reason, other than the fact that the lady is old. He gives no new ground that was not urged before for the proposed increase. Why, but a few nights ago there was a bill here proposing to raise the pension of the widow of General Stevenson from thirty to fifty dollars a month. In that case the amount was not raised. Why was this? Was she not equally entitled to the larger sum?

Mr. RAY of New York. Will the gentleman permit me right there?

Mr. SULLIVAN. Certainly.

Mr. RAY of New York. The widow of General Stevenson is drawing $8 per month, all that the law allows her.

Mr. SULLIVAN. The effort was made to raise that, was it not?

Mr. RAY of New York. She is drawing $8 per month, and the proposition was to raise her pension to $50 per month. The committee reported in favor of making it $30 a month, and on that there was a contest. Now, in that case why did we insist upon $30 and not $50? The reason was that General Stevenson held a high office in the Army until three or four years before he died. He drew a salary of from $3,500 to $5,000 up to that time. After he went out of the Army he was made postmaster at St. Louis, and held that position until the time of his death, nearly, at a very large salary. Now, he did not die of any disease contracted in the service. He did not die of any wounds received in the service.

Mr. MARSH. He was not killed in the service.

Mr. RAY of New York. He received no wounds in the service, but lived to a ripe old age, and when we increased the pension of his widow from $8 to $30, she having had the comfort and society of her husband until about two years ago, and he having had a large salary during all that time, we thought we were doing all that justice and propriety would permit.

Now, here we increase this old lady's pension from $30 to $50. She lost her husband thirty-odd years ago from wounds received in actual battle, and has not had his help, comfort, or society since—no one to aid or assist in her support. We have only given this woman an increase of $20, whereas in the case of the widow of General Stevenson we gave her an increase over anything that the general law would allow of $20 per month.

Mr. SULLIVAN. Now, I understand that thoroughly. Does it appear anywhere that the necessities of Mrs. Stevenson are less than the necessities of Mrs. Rice? Is there anything to indicate that the one is more worthy than the other, or to indicate the necessities of one are greater than those of the other? Is there anything but sentiment why you should give one more than the other? Is it not a fact that when you increased the pension of Mrs. Stevenson to $30 you regarded that as enough?

Mr. RAY of New York. No; I would not say that.

Mr. SULLIVAN. I have a perfect contempt for the men that stand here and pose and pretend to do something to benefit their constituents with a view of obtaining the attention of the country. I do not propose to do that. I do not propose to write or to use any word here that I would not stand by anywhere. There is nothing of that about me; and therefore what I say here to-night I thoroughly believe. I believe there ought to be a line drawn somewhere.

I do believe that those people who live in the country in which the old-soldier element predominates are not candid in saying what they do. I believe there are plenty of good, honest people who believe that if they were given $30 or even $20 a month, this class of pensioners would get enough. This lady can live comfortably for $30 a month, and when you go beyond that I believe it is a mere matter of bounty and sentiment, and not a matter of necessity, not a matter of right, or anything of that sort.

So far as I am concerned, the war is a long way behind. I was a mere babe at that time. And while I live in the South, in my veins runs the blood of both the North and the South, and nearly every one of my relatives live north of the Ohio. I can and do speak fairly and honestly. My people ask only what is right. But it does seem to me that there ought to be some place, somewhere, some time, when this line ought to be drawn and this matter ought to be stopped.

I believe in giving every worthy soldier and the widow of every soldier to-day what is right in the matter; but in common sense and in common honesty we ought to draw the line somewhere and stop this reckless extravagance. There is nothing here to show that $30 a month is not amply sufficient for this lady to live on. I do not find anything to show that $30 a month is not enough for her to live on comfortably. If there is anything in the record to show that is not true, I would like to have it shown here.

I will go as far as any other to give a fair amount of pension, but here was the case of the widow of General Stevenson, whose pension was raised from $8 to $30 a month. She asked for $50, and was granted $30. You thought that $50 was an unreasonable amount, and you gave her what was a reasonable amount, $30. I believe you gentlemen said $30 was ample; and now, in this case, it is said that this lady is old and poor, and that $30 is not sufficient. How can that be?

It is an easy matter to take money out of the public purse and give it to others. That is a very easy matter; you do not pay it. Why, the widow of a Mexican soldier only gets $8 a month, no matter what her condition may be, and certainly they must all be old. This widow we are giving not what is actually necessary, but raising it from $30 to $50, and not a blessed thing to show that it is necessary.

If, as I said before, there is anything in the record to show not only that she is old and in necessitous circumstances, but that more than $30 is absolutely necessary for her to live on and live comfortably, then I will vote to raise it. There is nothing to show that $30 a month is not amply sufficient for her to live on. I know and every gentleman in this House knows that anybody can live very comfortably, especially at that age, in this land on $30, and plenty do it on much less. How many widows of honorable men live on much less?

Mr. RAY of New York. Do you do it?

Mr. SULLIVAN. If I were a pensioner, I would not ask more. I spend perhaps ten times that much, and spend it foolishly and recklessly, and I never drew one single dollar from the public Treasury except now for the first time in my life I am drawing a salary. But so far as all that is concerned, if I were asking for a pension under similar circumstances, I would not ask it on any such basis as this.

I would like to see the proof as to what anybody else could honestly and fairly live upon under the same circumstances before I am called upon to vote for this claim, and I would be willing to take that as a fair basis. If every old Mexican widow came here and said because she is old her pension ought to be raised, there would be such a howl raised that gentlemen on that side of the Chamber would be compelled to call a halt.

I say that they make a mistake when they come here and ask for this to be done. The mistake made is in piling up pensions like this. The pension laws are liberal enough already, and when you are piling up such a record of increased pensions as this, which may be very good for some sections, your Northern sections, but not for ours, I shall have to oppose it. I do not believe that $30 is too little for this widow to live on, and I shall oppose the increase recommended.

Mr. LACEY. The general law grades the pension up to lieutenant-colonel. A full pension is $30. There is nothing beyond that in the general law, and the result has been that as to officers of higher rank, both in the Army and Navy, the matter has been commonly referred to Congress, I think, in almost every instance, on account of the grade being limited to lieutenant-colonel, and from that down. The result has been that almost all the widows of brigadier-generals have been pensioned at the rate of $50.

As I stated the other night when this question was up before, every brigadier-general's widow from the State of Iowa has been pensioned at $50 a month with the exception of the widow of General Rice, and he was the only brigadier-general from that State who was killed in battle.

Instead of asking a discrimination in favor of Mrs. Rice, she asks to be put on the same footing as the other ladies. I wish to say to my friend from Mississippi [Mr. SULLIVAN] that she was modest about it; she did not ask to be put on this rate with the other widows until the others had first been put there. She went along, as poor as she is, on the $30 a month, and lived the best she could until near 70 years of age.

Mr. SULLIVAN. Is it not a fact that the rank of her husband was not determined, and he was not made a brigadier-general until he had been dead two months, and that this pension is not claimed on the basis of the rank he obtained in his lifetime?

Mr. LACEY. No; I am glad the gentleman has mentioned that, because it shows that he is laboring under a misapprehension. Mr. Rice was attorney-general of Iowa. He raised the Thirty-third Regiment and was selected as its colonel. He was placed in command of the regiment, and then of a brigade, and then of a division, and then he was promoted to the rank of a full brigadier-general for gallantry.

He was shot through the top of the head at the battle of Elkins Ford, and he was wounded again at Jenkins Ferry, receiving the wound from which he died. After his death he was brevetted a major-general. The order brevetting him was a singular order. The fact was that he had distinguished himself so highly that the President of the United States brevetted him major-general after his death.

Mr. SULLIVAN. How long after his death?

Mr. LACEY. Two or three months after. The brevet rank was only an honorary rank, as was stated here. It was put in the report merely to illustrate the character of his services. He was twice wounded, and was the only brigadier-general from Iowa killed in battle, and his widow is the only widow of a brigadier-general from that State who is not receiving $50 a month.

Now, I say, independently of any proposition whether $30 a month is enough, here is a discrimination against this lady that is unjust. The chairman of the committee has stated the rule adopted by the committee to prevent extraordinarily large pensions. They have adopted the rule that a brigadier-general's widow shall receive no more than $50 a month in any event, and she shall not receive that unless she was his wife during the war nor unless his death was due to army service.

Now, that is drawing the line very closely—much more closely than ever it was drawn by any Democratic Congress or any Republican Congress in the past. It is a very safe rule, one which it would have been well to have adopted before, and it is one that we have acted on in four or five cases during the present Congress.

Mr. UPDEGRAFF. This widow is now drawing how much?

Mr. LACEY. She is drawing $30.

Mr. SULLIVAN. Does the gentleman from Iowa know of his own knowledge anything about whether she is living with her relatives?

Mr. LACEY. I know all about her. I was adjutant-general under General Rice and I took him off the battlefield at the time he was wounded. I have known the family intimately. I live in the same town with them. The old lady now is living by herself, and living absolutely upon her pension. For some years she received assistance from her father's people, her brothers and sisters, but they have died; they were older than she. They have passed away and she has had to depend of late years upon herself. There was a time when her brother-in-law, a man of some wealth, would come out and give her some assistance nearly every year, but for the last eight or ten years she has had to depend absolutely on what she received from the Government.

Mr. SULLIVAN. If you will pardon me and answer the questions without an argument, you will aid me in getting at a conclusion in my own mind. I have arrived at one now, but I desire to get at the truth. You say she is living by herself; you know that is so. Has she any property of her own?

Mr. LACEY. She has a small homestead that she lives in.

Mr. SULLIVAN. Has she any other property?

Mr. LACEY. None. General Rice left a small estate outside of the homestead, but it was exhausted years ago.

Mr. SULLIVAN. What is the size of the town in which she is living?

Mr. LACEY. It is a town of 10,000 people.

Mr. SULLIVAN. You really know nothing about her monthly expenses, except in a general way?

Mr. LACEY. Only in a general way. She is living in a town of the size I have described, and the gentleman understands what it costs to live in such a place.

Mr. SULLIVAN. She owns her own home and lives in a town of 10,000 population; and what outside help she receives you do not know?

Mr. LACEY. She gets none whatever. I explained that she formerly received some help; but as the years have gone by that has entirely ceased by reason of the death of the relatives who formerly assisted her. She is thus left absolutely dependent upon her pension.

The question being taken on the amendment reported by the committee, it was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. TALBERT. Mr. Speaker, I notice that there are on the Calendar bills granting original pensions and also bills for increase of pensions. It occurs to me that persons who are already getting pensions are in a better condition to wait a while than those who are getting no pensions at all. I therefore ask unanimous consent that we pass over for to-night bills asking for increase of pensions and take up only those which propose to grant original pensions.

Mr. RAY of New York. I hope my friend will not press that request. I trust he will listen to a word of explanation. Take the very next bill on the Calendar, a bill introduced by one of the gentleman's Democratic colleagues, the gentleman from Missouri [Mr. CLARK].

Mr. TALBERT. That is a bill granting an original pension.

Mr. RAY of New York. No. It does not necessarily follow that the pension is an original pension because the title of the bill does not disclose that it is an increase.

Mr. TALBERT. It is "A bill granting a pension to Joseph C. Berry, alias Joseph White."

Mr. RAY of New York. Let me explain. Nearly every member, when seeking an increase of pension for a person already pensioned, introduces his bill with the title "A bill granting a pension," etc.

Mr. TALBERT. Well, if there is objection to my request, I can not insist.

Mr. RAY of New York. I want to explain this matter to the gentleman and to show him it would not be fair to take the course he suggests. The bill I have just mentioned, introduced by the gentleman from Missouri [Mr. CLARK], is really a bill to increase a pension to $50 a month. Now, I know that when the gentleman hears the circumstances of that case he will not object.

The gentleman thinks that those persons already receiving pensions are necessarily better off than those getting none. Once in a while that is so. But here is a case of a man who is now getting $30 a month, and we want to give him $50.

Mr. MIERS of Indiana. The request of the gentleman from

South Carolina is withdrawn. Let us go on with the regular business.

Mr. RAY of New York. I simply wanted the gentleman from South Carolina to understand the facts. Many of these cases where an increase is proposed are cases of the most pressing necessity.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. TALBERT] withdraw his request?

Mr. TALBERT. No, sir.

Mr. BRUCKER. Well, I object.

The CHAIRMAN. Objection is made. The Clerk will report the next bill.

JOSEPH C. BERRY.

The next business on the Private Calendar was the bill (H. R. 6379) granting a pension to Joseph C. Berry, alias Joseph White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Joseph C. Berry, alias Joseph White, late of Company K, Eighth Regiment Iowa Volunteers, and to pay him a pension of $72 per month, in lieu of the pension which he now receives.

Mr. SULLIVAN. I ask for the reading of the report in this case.

The report (by Mr. DRIGGS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6379) increasing the pension of Joseph C. Berry, have examined the same and all the evidence relating thereto and respectfully report:

This bill, as amended, proposes to increase from $30 to $50 per month the pension of Joseph C. Berry, of Mexico, Mo., who served under the name of James White, as private in Company K, Eighth Iowa Volunteer Infantry, from September 21, 1861, to September 28, 1864, when honorably discharged.

The records show that he was captured at Shiloh, Tenn., April 6, 1862; paroled May 22, 1862. It also appears from the records that he was treated while in the service for scrofula, remittent fever, and diarrhea.

It appears from evidence filed in the Pension Office that he also had smallpox while in the service. He filed a claim under the general law March 9, 1885, alleging smallpox and typhoid fever, affecting whole system; also disease of lungs, spinal affection, deafness, and kidney trouble.

The claim was submitted for paralysis, result of disease of kidneys and spine, by an examiner, in 1888, and approved by legal reviewer and re-reviewer, for disease of back; and was also approved by a medical examiner, medical reviewer, and the medical referee, for disease of back and resulting paraplegia, $50; but it was learned that he had received an injury of the back at some time since discharge, and that approval was canceled, and in 1889 it was briefed and approved, legally, for disease of urinary organs (eliminating any results caused by spinal injury); reject spinal trouble and paralysis on the ground that they are the result of an injury received by fall from a scaffold in 1880; reject lung disease and deafness on the statement of claimant that they originated subsequent to his discharge from service.

It was then approved medically for disease of urinary organs, four-eighteenths (disability for which rated largely due to other than pensioned cause). On this approval he was pensioned at $4 per month from March 10, 1886. He was increased to $8 from September 22, 1890; to $17 from October 1, 1891; to $30 from October 12, 1892. Since the allowance of the $30 rate, two applications for increase have been rejected, and paraplegia claimed as result has not been so accepted.

It seems evident from the first approval of this case that the man must have incurred injury or disease of back in the service, and that he must have established that fact and the fact of the continuance of a disability therefrom since discharge. Had he not done so, it would not have been legally approved for disease of back. After that approval was made it was learned that about 1880 he received an injury of the back by falling from a scaffold, and then it was held that his entire disease of spine and paralysis were due to that injury, in spite of the fact that origin and continuance of disease of back in service and up to that time had been alleged, proved, and admitted.

This man is now in a terrible condition, as shown by the evidence furnished and by the certificates of examinations, the last of which, made June 11, 1897, and which would cover five typewritten pages, shows that he has no control over the sphincters of bladder and rectum. His lower limbs are absolutely helpless. He has not walked for sixteen years; is able to be moved about in a wheel chair; weighs only 75 pounds; he is unable to retain his urine at all for any time. His bladder is in a terrible condition, and only with the greatest trouble can he void his urine. One physician says:

"The spine is curved, and the muscles of the back wasted. He says that this curvature existed, and that he had very little use of his lower limbs five or six years previous to the fall from the scaffold, since which time he has been totally paralyzed in the lower extremities. Looking at him from crest of ilia downward he is pitiful to behold.

"The claimant is so totally and permanently helpless from kidney and bladder disease and paralysis that he requires the regular and personal aid and attendance of another person, and is entitled to the first-grade rate ($72). Disabilities not due to vicious habits."

The examining surgeon says he believes claimant tells the truth.

This man evidently suffers from a disability of service origin that entitles him to a pension of $50 per month. The bill is therefore reported back with the recommendation that it pass when amended as follows:

After the word "pension," in line 6, insert "at the rate."

In line 7 strike out "seventy-two" and insert in lieu thereof "fifty."

Mr. TALBERT. I did not catch from the reading of the report the reason why this man had two names. I should like to hear some explanation on that point from the chairman of the committee or the gentleman in charge of the bill.

Mr. RAY of New York. This was a young man who was so anxious to enter the service that he went away from his home and enlisted under another name. There was nothing dishonorable about the transaction—simply a patriotic desire to enter the service.

Mr. TALBERT. He did not change his name in order to get a bounty?

Mr. RAY of New York. There were no bounties when this man went into the service—in September, 1861.

Mr. TALBERT. He might have changed his name after that.

Mr. RAY of New York. He only entered the service once, and stayed right along from September, 1861, to September, 1864, when he was honorably discharged.

Mr. TALBERT. What amount of pension is he getting now?

Mr. RAY of New York. Thirty dollars a month.

Mr. TALBERT. And he wants $50?

Mr. RAY of New York. Yes, sir.

Mr. TALBERT. Why can he not get it from the Department?

Mr. RAY of New York. If the gentleman had listened to the report, the question would have been answered. We examined this case carefully, and the officers of the Department testified that this injury to his back was of service origin.

Mr. SULLIVAN. But this injury, according to the report, seems to have been occasioned by a fall very many years after the war, or in 1884, I think.

Mr. RAY of New York. Oh, no. If the gentleman will examine the report, he will see that the application was pending long before that for a pension. The testimony was clear that the injury was received originally in the service. When the application was made, it was sent to a medical referee on the part of the Pension Office according to the law, and the testimony was clear that the injury was received in the service.

It was then sent to the medical board, and after an examination the report was approved by them, and subsequently it was approved by another medical board to whom the matter was referred. It is in testimony that this man fell from a scaffold and that he received a part of the injury from which he has been suffering because of that fall. The evidence shows that he was on a scaffold trying to make a living, and in his weak and disabled condition, owing to his former trouble, he received the injury to which reference has been made in the report.

The committee did not think he received any special injury in that accident, but it made worse the condition he was in prior to the accident. The testimony is plain that the injury from which he has been suffering was received in the service.

Mr. SULLIVAN. Is he a married or single man?

Mr. RAY of New York. My recollection is that he has a wife. At all events there is no controversy as to the justice of the case. It is as just a claim as was ever presented before Congress.

Mr. HICKS. If the gentleman from New York will permit me, in answer to the gentleman from South Carolina, I desire to say in regard to men enlisting under assumed names that quite a number of soldiers in the early part, and, indeed, during the entire term, of the war went in the service under assumed names because of the fact that enlistments were not allowed of any persons under the age of 18 years. The regulations provided no enlistments would be received of men until they were above that age, and many young men, in their desire to enter the Army, did so under assumed names that they themselves had afterwards corrected. Many young men within my knowledge who had not reached the required age enlisted under assumed names in order to get in the service. I make this statement as an act of justice to scores of patriotic young men who gallantly served their country.

Mr. TALBERT. I am entirely satisfied with the statement of the gentleman.

Mr. RAY of New York. Then, Mr. Chairman, I ask a vote on the amendments.

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

ORDER OF BUSINESS.

Mr. TALBERT. I desire to make a request of the committee, and I think it will meet the approval of the members present.

The CHAIRMAN. The gentleman will state it.

Mr. TALBERT. I notice that there are very few members present to-night. We have the same crowd here that comes every Friday night, and I believe it to be only a matter of justice to those that do come to take up the bills in which they are specially interested. I ask unanimous consent, therefore, that as the bills are reported, if no members are present to look after them, they be passed over until we reach a bill that some member present is interested in.

The CHAIRMAN. The Chair will submit the request of the gentleman from South Carolina. Is there objection to calling over the bills in their order, and taking up those in which some member present is interested?

Mr. RAY of New York. Before that I want to ask the gentleman from South Carolina not to press that request. At the very beginning of this session I stated that I was here to explain the various bills upon the Calendar. I have examined them all particularly and carefully, and have examined the reports. I prepared the reports in most of the cases and know all about the bills, and hope I may be permitted, when a bill comes up to which there is any objection to state the reasons to the House for its passage.

I am here for that purpose. I do not believe that any of these bills would be objected to if the facts were understood.

Mr. TALBERT. It seems to me, Mr. Chairman, that if members do not choose to be present to look after their bills, we ought not to be expected to spend time in their consideration.

Mr. RAY of New York. But on the other hand, Mr. Chairman, we ought to be willing to consider these bills—I have no personal interest in most of them, of course—but they have been reported by the committee, and the reports have been prepared in large part by myself; and if there are objections to them, I can readily explain to the members of the House the circumstances attending each one.

Mr. TALBERT. But we ought not to legislate, it seems to me, with a few members in this way.

I make the request, and renew it. If anyone objects, all right; and I shall not press the matter.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina. [After a pause.] The Chair hears no objection.

Mr. RAY of New York. Now, Mr. Chairman, I wish to object to that arrangement.

Mr. TALBERT. I submit that the gentleman is too late with his objection.

The CHAIRMAN. The Chair submitted the request to the committee and no objection was made. [Cries of "Regular order!"]

Mr. RAY of New York. Well, I suppose the regular order is giving unanimous consent.

The CHAIRMAN. The Chair submitted the request and there was no objection.

Mr. BRUMM. I wish to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRUMM. I would like to know whether we have finished the unfinished business on the Calendar?

Mr. RAY of New York. We are now in Committee of the Whole, and the gentleman's point of order, if he had a point of order to make, should have been made in the House.

Mr. BRUMM. The unfinished business on the Calendar would be first in order, it seems to me, before we proceed with the Calendar. I raise the point of order that we should first dispose of the unfinished business.

Mr. RAY of New York. I make the point of order that we are in Committee of the Whole, and the gentleman's point can only be made in the House.

Mr. BRUMM. Then we ought to go back into the House at once and finish up the unfinished business.

The CHAIRMAN. The Chair will state to the gentleman that the point of order could only be made in the House. The Committee of the Whole is sitting by order of the House, and the action of the House in determining the character of business to be decided by the Committee of the Whole can not be at any time changed by the committee.

Mr. HICKS. Mr. Chairman, if my friend will permit me, I think we went over the unfinished business on the Calendar this morning.

Mr. CLARDY. But we did not get through with it.

LAFAYETTE TIBBETTS.

The next business on the Private Calendar was the bill (S. 509) granting an increase of pension to Lafayette Tibbetts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lafayette Tibbetts, late of Company C, Tenth New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month, in lieu of that he is now receiving, payable to his legally constituted guardian.

Mr. SULLIVAN. Let us have the report read, Mr. Chairman.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the Senate bill No. 509, have examined the same and the evidence, and respectfully report:

This bill proposes to increase from $12 to $30 per month the pension of Lafayette Tibbetts, of Manchester, N. H.

The Senate report states the facts and is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 509) granting an increase of pension to Lafayette Tibbetts, have examined the same, and report:

"The beneficiary under this bill is hopelessly insane and confined in the State insane asylum at Concord, N. H. In his original declaration it is alleged that at Chapins Farm, Virginia, in March, 1865, he was taken ill from fever and ague, and that he had suffered continuously from that time from malarial poisoning, resulting in attacks of partial paralysis, general debility, and kidney disease. The records show that he was in hospital from March 24, 1865, and from March 25 to June 2, 1865. Two of his comrades testify to the origin of the disease in the service as alleged, and that while in hospital his lower limbs became numb and partially paralyzed.

"This claim not having been allowed under the general law, the soldier applied February 27, 1886, under the act of June 27, 1890, alleging malarial poisoning, chills and fever, and resulting paralysis, locomotor ataxia, rheumatism, and heart disease. This claim was allowed January 5, 1895, at $6 per month, for rheumatism, disease of heart and nervous system, and the bill was increased to $12 per month from August 13, 1896, for rheumatism, disease of heart and nervous system, and insanity.

"Several medical examinations show that the patient was in a very bad physical condition prior to the insanity, and it is safe to assume that the condition of his nervous system, as a result of disease contracted in the service, had much to do with unbalancing the brain. The following statement from Dr. C. P. Bancroft, superintendent of the New Hampshire asylum, dated February 16, 1897, sets forth the present hopeless condition of the soldier:

"'I understand that Captain Tibbetts was in the service during three years of the war; that he was exposed to much hardship both in the way of battle and march, and suffered the usual exhausting and depressing effects from a particularly hard service. I think there is very little doubt but that this strain upon his physical and nervous organization has undoubtedly furnished one cause for his early mental and physical impairment. The case presents a history of gradual and progressive failure for the last seven years. He has a very marked loss of power in his lower extremities, so much so that he can not walk without some assistance. This is evidently a slow and gradually increasing paresis of all the muscles of the lower extremities.

"'I believe the condition is due to organic changes in the cord and brain, and that the case is incurable. He is entirely incapacitated from doing anything, and will necessarily be a constant burden upon some one. I believe that his case is a deserving one for increase of pension, for I question very much whether a man with his naturally rugged and vigorous constitution would have succumbed so early to organic disease of the character that he has had there not been this severe shock and strain which he endured during his army service.'

"In view of the fact that the soldier was sick while in the service from a disease that resulted, according to the medical examinations, in a nervous condition that might well predispose to insanity, your committee are of opinion that he is justly entitled to a substantial increase of pension. A medical examination made by the board at Manchester, N. H., under date of March 23, 1892, gives the soldier a high rating for disease of spinal cord and malarial poisoning, while another examination, made April 12, 1893, gives him a rating for chills and fever, weak heart, locomotor ataxia, and rheumatism.

"Thus it appears that the brain and spinal column were affected, and it seems reasonably clear that those disabilities were associated with the malarial poisoning which is directly traceable to army service."

In consideration of the age and present condition of soldier, both physically and financially, and of his long and faithful service, your committee report back the Senate bill with the recommendation that it pass.

Mr. SULLIVAN. I understand that this bill raises this man's pension from seventeen dollars and a half to $30 a month.

Mr. RAY of New York. From $12 to $30.

The CHAIRMAN. From $12 to $30.

Mr. SULLIVAN. Mr. Chairman, I desire to say that we find ourselves in this condition: On the Calendar of Unfinished Business to-day there were twenty-six different pension matters. This was the day set apart for the consideration of private claims, of which there are a great number upon the Calendar here. Week after week we have been absolutely unable to have any hearing whatever on this class of claims.

There are claims here reaching back to 1855, and how many there are that go back of that date I do not know, where people to whom just debts are due have died, and their administrators have been worn out in coming to Washington and trying to get their claims considered. These people are here knocking at the door of Congress to get their claims allowed, and they can have no hearing and no opportunity to present their claims to the House.

The unfinished business yet undisposed of on the Calendar is sufficient to occupy almost the entire day on the next day set apart for the consideration of private claims. It is unfair for these nights to be taken up in the passage of these bills by the Committee of the Whole, and then the day set apart for the consideration of other private claims occupied in consideration of the same matters as unfinished business, so that nobody can be heard at all on other matters, except pensioners.

Mr. RAY of New York. Now, who was to blame to-day for the time that was taken up in the consideration of these matters?

Mr. SULLIVAN. Well, very largely——

Mr. RAY of New York. Now, permit me right here, and then I will not interrupt you. There was no man on the Republican side to-day who made any speech, but you had two or three gentlemen on that side—and it is not your fault, and I do not charge it to the Democratic party—who wanted to make some speeches; and they took up the entire afternoon nearly in making their speeches.

Mr. PETERS. Who was in the chair at the time?

Mr. RAY of New York. One of the gentlemen who made speeches was the gentleman from Washington [Mr. LEWIS], and then there was the gentleman from New York [Mr. CUMMINGS], and one or two others. It was not our fault. Now, if we can go on with these cases rapidly and without discussion, at 10 o'clock, or a little before, I will move that the committee rise, and if it will vote to do so, then we will take up the unfinished Calendar and dispose of it. We can dispose of these bills as we did here one night, when in one-half hour we put through the House 62 bills. We can do it to-night if our time is not taken up in useless discussion.

Mr. GREENE. You can not do it if the report is called for in each case.

Mr. RAY of New York. We will move that the committee rise in plenty of time.

Mr. TALBERT. The gentleman from New York asks who was to blame for this delay to-day. I want to say that the blame rests upon a bill for the removal of the charge of desertion. If it had been passed over and had not been allowed to be considered, all

that time would not have been taken up. The discussion commenced upon a bill for the removal of a charge of desertion.

Mr. RAY of New York. You have obtained unanimous consent to-night that those bills be passed over.

Mr. TALBERT. I know I have to-night, but in the goodness of my nature on last Friday night I yielded to some gentlemen who said they had meritorious cases of this kind, and I did not put on the cork, and the consequence was we were knocked out to-day on account of one of these bills.

On last Friday night I myself got up, in the absence of a gentleman who was interested in one of these bills, and stated that I thought his claim was a good one, because he had stated to me that his claim should pass, and I believe it was that very claim that caused all of this rumpus to-day. That is another reason, Mr. Chairman, why we should relegate these deserters, bounty jumpers, coffee coolers, and camp followers to the rear and bring the old veterans to the front and let them have what they ought to have.

Mr. SULLIVAN. Mr. Chairman, I yielded for a question, but it grew into a speech. I want to say that, so far as I am concerned, I do not think the gentleman from Washington [Mr. LEWIS] cared the snap of his finger whether it was a question of desertion or anything else. He simply desired to make a speech, and absolutely, toward the close of his remarks, he was reminded of the fact that it was not a pension case, but a bill for the removal of the charge of desertion. That showed that it was no matter to him what the question before the House was.

So far as I am concerned, I am absolutely disgusted at this procedure. When one question is up, gentlemen get up and speak upon every other thing except the question before the House, while if they would confine themselves to the question before the House, instead of speaking of everything else, we might act intelligently. But that is not done one-half of the time.

Now, the question before us is whether or not this increase is too great. I happen, unfortunately, to be upon the Committee on Claims here. It is understood, generally understood—I do not know whether it is true or not—but it is generally understood that the policy of the House is not to pass any claims that come from the Committee on Claims into the House; that we are purely ornamental and not useful; and therefore that all the work we are doing goes for naught. Yet we sit here at these night sessions and pass in gross bill after bill, without even having the report read, without even knowing anything about them, but members are voting for them because they want to get some of their own claims allowed.

We absolutely only have the title or a very short part of the bill read, and then the bill is passed. That is the actual situation of the case—no report, no facts, no information. Now, so long as we do that we will continue to have a great number of cases heaped up to be passed upon when the day comes for the Committee on Claims to have their bills considered, and the result will be that we will never reach any of them.

I do not care a great deal about that. The only question with me is to do that which is right, to pass upon bills which are right and which ought to be allowed. There are claims here from 1855 up to the present day unpaid and not considered, and yet you are passing here a great volume of pension claims, and they are coming up day after day, and we can not have those claims reported from our committee heard. Twenty-six of these pension claims came up here to-day, and we got through with about fourteen bills this afternoon. Now, I give notice here and now that I am opposed to this whole scheme of increasing pensions and allowing pensions beyond the general law. I propose to make the point here, and prevent it if I can do so.

Mr. BRUMM. Mr. Chairman, I want to give notice that I shall move that the committee rise for the purpose of getting back into the House and disposing of the unfinished business. Now, I want to say to my friends here that this whole affair is wrong; it is unjust to the private claimants and it is unjust to the pensioners. You have to-day absorbed the whole day in getting rid of 14 cases on the unfinished Calendar. There are still 12 left. It is not for me to say why you did not get rid of more than 14, but if it took you all day to get rid of 14, can my friend tell us when we will get rid of the other 12? Can not you do it after 10 o'clock? At any rate, if you can not, what right have you to consume the whole evening and leave a whole lot of unfinished pension bills for the purpose of adding to the confusion?

Mr. MIERS of Indiana. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MIERS of Indiana. The gentleman is not in order, and is not speaking to the bill under consideration.

Mr. BRUMM. It would have been well for you to have raised that question when some one else was talking. Now, I move, Mr. Chairman, that the committee rise.

The CHAIRMAN. There is a question already pending.

Mr. ROBINSON of Indiana. I make the point of order against that.

The CHAIRMAN. The question already pending is whether the bill which has been read by the Clerk shall be laid aside with a favorable recommendation.

The question was taken; and the bill was ordered to be laid aside with a favorable recommendation.

ZOLMAN TYRRELL.

The next business on the Private Calendar was the bill (H. R. 908) granting a pension to Zolman Tyrrell, imbecile and dependent son of Lewis R. Tyrrell, late Company A, First New York Engineers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Zolman Tyrrell, imbecile son of Lewis R. Tyrrell, late Company A, First New York Engineers, on the pension roll and pay him a pension of $50 per month.

SEC. 2. That this act shall take effect immediately.

The amendments recommended by the committee were read, as follows:

In line 5 strike out the word "imbecile" and insert in lieu thereof the word "idiotic."

In line 7 strike out the words "of fifty" and insert in lieu thereof the words "at the rate of fifteen."

Add after the word "month," in line 7, the words "to be paid to a duly appointed guardian."

Strike out section 2.

Mr. BARTLETT. Mr. Chairman, may I inquire if we are proceeding upon the rule adopted by unanimous consent that only those bills are to be considered that are represented by some member?

The CHAIRMAN. The Chair understands that to be the rule the Clerk is proceeding upon. [Cries of "Vote!" "Vote!"]

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANK ROCKWITH.

The next business on the Private Calendar was the bill (H. R. 619) granting an increase of pension to Frank Rockwith.

Mr. BARTLETT. May I inquire who represents that bill here?

Mr. BRUCKER. Your humble servant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Frank Rockwith, who served as surgeon's steward on the U. S. S. *Arbetta* in the Navy of the United States during the late war, upon the pension roll at the rate of $50 per month, in lieu of the amount now being received by him

The amendments recommended by the committee were read, as follows:

In line 7, after the word "roll," insert "and pay him a pension."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Mr. TALBERT. Mr. Chairman, I would like to have the report read in that case.

Mr. RIDGELY. I would ask the gentleman, in view of the many delays we have had, if he would not be perfectly willing that a short statement should be made?

Mr. TALBERT. I submit that the report ought to be read for the information of the House.

The report (by Mr. BREWSTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 619) granting an increase of pension to Frank Rockwith, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to increase from $12 to $24 per month the pension of Frank Rockwith, of Saginaw, Mich.

This man served in the United States Navy from December 21, 1861, to November 24, 1862, when honorably discharged.

There is record of his treatment while in service for malarial fever, but no record of any other disability. He filed a claim under act of June 27, 1890, and was pensioned thereunder at $6 from October 31, 1891, and $12 from February 10, 1894, for rheumatism, disease of heart, dislocated shoulder, piles, and paralysis agitans.

August 29, 1892, he filed a claim under the general law for rheumatism, piles, and palsy, which was rejected March 28, 1898, on the ground of his inability, though aided by special examination, to furnish satisfactory evidence showing the origin and continuance of alleged disabilities. He is described by examining board at Bay City, Mich. (April 11, 1894), as being a physical wreck, totally and permanently disabled from performing manual labor, and will probably live but a few years.

The claimant is a man of good character, very poor, totally disabled, and has no one on whom he can rely for support.

An increase to $24 per month is fully justified, and the bill is reported back with the recommendation that it pass when amended as follows:

In line 7, after the word "roll," insert "and pay him a pension."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

COMMITTEE ON INVALID PENSIONS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 29, 1898.

I know Frank Rockwith, of Saginaw, Mich. He is a man of good character. He owns no property and has no income. He is a man of good character and has no vicious habits.

He was a physician, but can no longer do anything to assist himself either professionally or by his manual labor; and all of the above statements I know of my own personal knowledge.

FERDINAND BRUCKER, *Michigan.*

Hon. GEORGE W. RAY, *Chairman.*

SAGINAW, MICH., *November 24, 1897.*

This certifies that I have examined Dr. Frank A. Rockwith's eyes very carefully and find a condition of the optic nerve and retina that reduces his eyesight below a point where it is possible for him to properly follow his profession. There has undoubtedly been a retinitis, which is now being succeeded by atrophy. In addition, he has hypertrophic astigmatism, with great weakness of internal recti muscles.

D. B. CORNELL, M. D.

STATE OF MICHIGAN, *County of Saginaw, ss:*

Frank A. Rockwith, being duly sworn, deposes and says that by profession he is a physician and surgeon; his condition is steadily growing worse; the paralysis agitans, or Parkinson's disease, as it is otherwise called, with which he is afflicted is a progressive disease; during the last year it has steadily progressed, so that he can write his name only with great difficulty; he has not for more than a year past been able to dress or undress without assistance, and he is steadily growing more helpless. Deponent further says that his eyesight is at present so poor that coupled with his other ailments he is a total wreck.

He can not, by reason of his said maladies, any longer follow his said profession successfully, he being totally disqualified from performing an operation of any importance or difficulty; he can not drive, and hence can not follow his said profession as a physician; and further, his physical condition is such that he can not perform manual labor of even the lightest nature, nor successfully follow his said profession.

FRANK A. ROCKWITH, M. D.

Subscribed and sworn to before me this 1st day of December, A. D. 1897.
[SEAL.] DUNCAN W. GOODING,
Notary Public in and for the County of Saginaw, State of Michigan.

STATE OF MICHIGAN, *County of Saginaw, ss:*

Dr. J. W. McMeekin, being duly sworn, deposes and says that he is by profession a physician and surgeon; he is a graduate of McGill University, Montreal, Canada (1885), and has practiced his said profession for a period of twelve years; on the 24th day of November, A. D. 1897, he reexamined Dr. Frank A. Rockwith, whom he had examined over a year ago, and upon said reexamination on the 24th day of November, A. D. 1897, he found all the symptoms of his disease, to wit, paralysis agitans, or "Parkinson's disease," as it is otherwise known, very greatly aggravated and in a much more severe and serious form: he found more or less paralysis of the left side, involving the arm and peroneal muscles of the leg; the tremors were very extensive; there was tremor of the lower jaw alternating with clonic spasm; his body bends forward, and the patient has to keep chewing something to keep the chin and jaw quiet; there was extensive anæsthesia over the left side: there was some lumbar sclerosis at second and third lumbar vertebræ; pressure over these vertebræ will bring the patient to his knees. Deponent further says that the said Dr. Frank A. Rockwith is totally debilitated and incapacitated for any and all kinds of labor or professional work; that he has hemorrhoids very severely; his eyesight is much impaired, and altogether he is a perfect invalid and permanently and completely incapacitated for work.

JAS. W. MCMEEKIN, M. D.

Subscribed and sworn to before me this 9th day of December, A. D. 1897.
[SEAL.] HARVEY A. PENNEY,
Notary Public in and for the County of Saginaw, State of Michigan.

STATE OF MICHIGAN, *County of Saginaw, ss:*

Dr. D. B. Cornell, being duly sworn, deposes and says that he is by profession a physician and surgeon: that he is a graduate of the Detroit College of Medicine, class of 1889; he has practiced for a period of eight and one-half years; during the last eight and one-half years he has limited his practice exclusively to diseases of the eye, ear, nose, and throat.

On the 24th day of November, A. D. 1897, he examined Dr. Frank A. Rockwith's eyes very carefully and found a condition of the optic nerve and retina that reduces his eyesight below a point where it is possible for him to properly follow his profession; there has undoubtedly been a retinitis, which is now being succeeded by atrophy. Deponent further says that the said Dr. Frank A. Rockwith has hypertrophic astigmatism, with great weakness of internal recti muscles.

And further deponent saith not.

D. B. CORNELL, M. D.

Subscribed and sworn to before me this 8th day of December, A. D. 1897.
[SEAL.] LOUIS G. NERRETER,
Notary Public in and for the County of Saginaw, State of Michigan.

SAGINAW, MICH., *November 24, 1897.*

To whom it may concern:

I have this day reexamined Dr. F. A. Rockwith, whom I examined over a year ago, and find all the symptoms of his disease, "paralysis agitans" (Parkinson's disease), very greatly aggravated, and in a much more severe and serious form. There is more or less paralysis of the left side, involving the arm and peroneal muscles of the leg.

The tremors are very extensive now. There is tremor of the lower jaw alternating with clonic spasm. The body bends forward and the patient has to keep chewing something to keep the chin quiet. There is extensive anæsthesia over left side. Some lumbar sclerosis at second and third lumbar vertebræ. Pressure over these vertebræ will bring the patient to his knees. He is totally debilitated and incapacitated for any and all kinds of labor or professional work. He has hemorrhoids very severely and eyesight much impaired. Altogether he is a perfect invalid and permanently and completely incapacitated for work, and is very evidently a fit subject for the further attention of our Government.

Respectfully,

JAS. W. MCMEEKIN, M. D., C. M.

STATE OF MICHIGAN, *County of Saginaw, ss:*

In the pension claim of Frank A. Rockwith, personally came before me, a notary public in and for aforesaid county and State, James W. McMeekin, a resident of Saginaw, in the county of Saginaw, State of Michigan, who, being duly sworn, declares in relation to the aforesaid case as follows: I have known him about two years in a professional way, having been consulted by him about two years ago; he is suffering from paralysis agitans, otherwise known as "Parkinson's disease." I have now examined him three times, and find him much worse each succeeding time.

He is now very much worse than when I examined him two years ago; the symptoms are all very much aggravated. He now has to keep chewing something to keep his chin quiet. His hands are in constant motion except when under the influence of medicine and while in bed; but the tremor is now coming on him while in bed. He has sclerosis of third lumbar. He is now broken out with a herpetic eruption over the breast due to the action of "hyoscine," which he has to take continually. He suffers very severely from coxalgia. His eyesight has been referred to by Dr. Cornell. Paresis of external perineal nerve on left side—the case started on the right side and has now passed over to the left.

He is also suffering very much from hemorrhoids—about the same as last time I examined him. There is the backward stagger very prominent. The patient is a great sufferer, is perfectly helpless, and unable to obtain a living by his profession; he has now to relinquish practice entirely; he has considerable varicosity of the veins of the left leg; there is also albumen in urine to a moderate amount—about 10 per cent. The applicant is certainly in a most deserving way for assistance.

And he further declares that he has no interest in said case, and is not concerned in its prosecution.

JAS. W. MCMEEKIN, M. D.

Sworn to and subscribed before me this day; and I hereby certify that the affiant is a practicing physician in good professional standing; that I am in no wise interested, either directly or indirectly, in the prosecution of this claim; and that I read the foregoing affidavit to the affiant and acquainted him with its contents before he executed the same.

Witness my hand and official seal this 23d day of March, 1898.
[SEAL.] DUNCAN W. GOODING,
Notary Public, Saginaw County, Mich.

Mr. TALBERT. I would like to ask the gentleman in charge of the bill to make a statement why this man could not get his pension increased regularly at the Bureau, and what effort he has made?

Mr. BRUCKER. Mr. Chairman, if the gentleman from South Carolina had listened carefully to the reading of that report, he would not have found it necessary to ask me that question. The report shows that he never applied for a pension prior to 1890.

Mr. TALBERT. There was so much talking I could not hear the report when it was read.

Mr. BRUCKER. He never applied for a pension until after the passage of the act of 1890. He received no disability in the service, and he is a pensioner under the act of 1890. Now, I am personally acquainted with Dr. Rockwith, the applicant.

Mr. TALBERT. You say that he has no pensionable disability that he received in the service?

Mr. BRUCKER. He had not prior to the act of 1890.

Mr. TALBERT. How did he get it afterwards?

Mr. BRUCKER. I presumed my friend from South Carolina, who has been present every evening during the consideration of these pension cases, was thoroughly posted on the pension laws of the country.

This man could not have received a pension under any other law except that of 1890, which limited him to a pension of $12 a month. As the report states, he is now a physical wreck. He never applied for a pension until he was absolutely obliged to. He was a reputable physician; he had a family, which he educated. Subsequent to 1890 he was taken with paralysis, and, as the report states, is now a physical wreck. [Cries of "Vote!" "Vote!"]

I am going to make this statement, inasmuch as the gentleman insisted upon it. I am not taking up the time of the committee as some other gentlemen are here. Now, as I say, he never applied for a pension until after that time. A committee of the Fifty-fourth Congress unanimously reported that this man should be granted a pension of $50 a month. It did not pass for some reason unaccountable to me. I introduced the bill asking for $50, but the committee reduced it to $24, and for the purpose of avoiding any contention and to facilitate the passage of these special pension bills, I made no question in regard to it and accepted the committee's recommendation, which was unanimous, of $24 a month, when a previous committee of this Congress had recommended $50 a month.

Now, I want to say to the gentleman from Mississippi [Mr. SULLIVAN], and to other gentlemen that have raised the question here to-night of why this Calendar is loaded up as it is with private pension bills and why the Private Calendar is loaded up, you will find that when a Private Calendar case is up members come here and filibuster and raise technical objections. Why do they do it? Because they live in the North and they think it is popular to do it, popular with their constituents to do it; they are playing to the galleries; they are playing for the votes at home.

Some little claim comes up from the South that actually has merit in it, a claim which has passed the Court of Claims and has been passed upon by a judicial tribunal, and comes in here for an appropriation to pay that decree or judgment, and you find "statesmen" from the North come in here and talk against time and raise objection after objection for the purpose of filibustering to defer or defeat the claim, because they think it popular among their constituents—playing for votes—and in this way pile up the cases on the Private Calendar. I want to say to one or two of my friends from the South who come here night after night, threatening to raise the point of no quorum, asking that every report on these little private pension claims be read, and then discuss them at length, we have now been in session here to-night an hour and a quarter and you have passed three little pension claims.

You have the reports read, as it seems to me, to consume time. Why? Because you think it is popular with your constituents at home. One side, the Republicans, play against time to put off or

defeat little private claims that arise from the South because it is popular with their constituents in the North. Then you find some members upon this side from the South, as it appears to me, playing against time to defeat little private pension claims because you think it is popular with your constituents. If that is not the reason, what do you do it for?

I have been here night after night, watching this proceeding, and I am getting sick and tired of it. I want to say to the gentleman from Mississippi and the gentleman from South Carolina that, as far as I am concerned, raise your point of no quorum whenever you want to. Let us try it on. I do not propose to come up here night after night and be bamboozled around [laughter]; for I am talking just as I feel upon this question, and it is time we called a halt and got down to business.

Mr. TALBERT. Mr. Chairman, speaking of demagogues [laughter], these big, coarse, broad-mouthed fellows, I have heard and seen a good many in this Chamber, but the gentleman from Michigan beats any I have ever seen. [Laughter.] He will come up here and bellow and paw the desk and blow like a porpoise when he is doing nothing in the world but playing to the gallery and playing to his constituents at home, and he knows it, and I know it, and everybody else knows it. [Laughter.]

I want to say to the gentleman that no amount of bellowing and pawing can drive the gentleman from South Carolina from standing up here and opposing extravagant, outrageous, infernal pension bills. And whenever it suits me to call a quorum, I shall not ask the gentleman from Michigan to give me his consent to make the point of no quorum. I will do it because I have a right to do it. I say to the gentleman, and I appeal to every member of this House, that I have not opposed a pension bill in any such way, by calling for a quorum, except in extreme cases. I appeal to the House, and members will sustain me, that I have not attempted to prevent the giving of a pension to a single true, tried old veteran soldier.

I have stood up here, in season and out of season, and I intend to still stand up here in season and out of season, the bellowing of the gentleman from Michigan to the contrary notwithstanding, and continue to oppose giving pensions to deserters, coffee coolers, bounty jumpers, and that class of people coming from his own country or anywhere else. [Laughter.]

Mr. BRUCKER. If the gentleman from South Carolina finds me advocating the cause of any bounty jumper, coffee cooler, or deserter, it will be time then for him to turn the vials of his wrath upon me, and not before.

Mr. TALBERT. I am not turning the vials of my indignation upon the gentleman except to say that he is a wide-mouthed, blatant demagogue, and he knows it. I have not accused him of defending the pensioning of bounty jumpers or anything of that kind.

I have no objection to granting a pension to the gentleman's friend. I believe the case is a good one. I intend to vote for it. But I want to say to the gentleman that if he expects to get things through here by bulldozing, he will have to go away from South Carolina to find a man to bulidoze. He can not bulldoze me.

I will not vote against a pension for a true and tried old veteran because somebody in favor of the pension has said some things that possibly he ought not to have said. I believe this is a good bill, and I shall support it. But I, too, am tired of having people come here pawing the desks and tramping up and down the floor, when they do not mean anything at all except demagoguery and an effort to get votes from the old soldiers at home.

Mr. SULLIVAN. Mr. Chairman, inasmuch as the gentleman from Michigan [Mr. BRUCKER] has singled me out and charged me with making factious objections and speaking to the galleries, I desire to say this: I really do not believe there is any truth in the statement he made that men here from the North vote against every little claim that happens to come from the South because it does come from that section. The gentleman may do that himself, but I think there are a great many men here who are too big to do a little contemptible thing like that.

Mr. BRUCKER. Let me ask the gentleman from Mississippi this question: Does he say that he has not seen here day after day these private claims filibustered against, defeated, delayed, their consideration avoided time after time by gentlemen on the other side of the Chamber?

Mr. SULLIVAN. I say this: I do not believe that because a claim comes from any particular section of the country gentlemen on the other side have for that reason voted against it or filibustered against it. Many claims coming from every section of the country have been prevented from coming before the House because there has been a general policy not to pay out too much money. But I do not believe that every man on the other side, because he happens to sit on that side of the Chamber, votes against a claim because it comes from the South. What about the Methodist Church bill? What about the Southern claims bill? What about numbers of cases coming here which have been voted for by gentlemen on that side of the Chamber?

When the gentleman undertakes to say that we are "speaking to the galleries," that statement is as untrue as it is contemptible. Why, sir, what a pitiable situation it would be if a member of Congress could not even ask the poor privilege of hearing a report read in order to know the facts of the case upon which he is to cast his vote! As to many of the bills coming before us we do not, when they are brought up, know anything on God's earth about them. We have before us simply a piece of paper with the title of the bill and nothing else.

And when a member gets up in such a case and asks that the report be read, the gentleman thinks he will bulldoze somebody into line, because, forsooth, he happens to sit on that side of the Chamber, and will prevent him from raising the question of a quorum because it might be said that he was doing so because the claim was in favor of an old soldier or because it came from a certain section of the country. I have the same right that every other member of the House has to know what I am voting upon.

The committee generally understands each bill it has reported; but individual members of the House can not be equally well informed. And when these claims come up here, I desire to investigate them, to know something about them. Frequently there is no possible way of obtaining information except by calling for the reading of the report. This I have done repeatedly, and I shall continue to do so whenever I feel like it; and I shall take the liberty of making the point of no quorum whenever I see fit, without consulting the gentleman from Michigan or caring whether it suits him or not. He can pursue his own course, and I shall pursue mine without his advice in any respect.

The CHAIRMAN. The question is on the adoption of the amendment reported by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARY J. BROWN.

The next business on the Private Calendar was the bill (H. R. 4973) granting a pension to Mary J. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the limitations of the pension laws, the name of Mary J. Brown, widow of Andrew T. Brown, late a member of unassigned West Virginia Infantry.

Amend the title so as to read: "A bill for the relief of Mary J. Brown."

The committee recommend the adoption of the following amendments:

Insert in line 5, before the word "limitations," the words "provisions and." Also before the word "widow," in line 6, the word "alleged," and add to the bill the words: "and of Company D, One hundred and thirty-third, afterwards Ninth, Virginia Militia, when her marriage to the soldier and present widowhood is established."

Mr. TALBERT. Mr. Chairman, I would like to ask who is in charge of this bill?

Mr. MARSH. This is my bill.

Mr. ADAMSON. Mr. Chairman, I would like to make an inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMSON. There seems to be a great deal of curiosity on the part of members on both sides of the House to know what the gentleman from South Carolina [Mr. TALBERT] means when he speaks of "coffee coolers" among the military attachés of the Army. [Laughter.]

Mr. TALBERT. I would like to say to the gentleman that as long as he has been, or ought to have been, in the Army, he ought to have learned exactly what that term is; and I am afraid that he has "given himself away" by his inquiry and may be a "coffee cooler" himself. I will not answer him, therefore. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendments recommended by the committee, which the Clerk will report.

The amendments were read.

Also amend the title so as to read: "A bill for the relief of Mary J. Brown."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY A. WISE.

The next business on the Private Calendar was the bill (S. 493) granting a pension to Mary A. Wise.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Wise, widow of Capt. Peter Wise, late of Company I, Eighteenth Pennsylvania Cavalry.

Mr. TALBERT. I would like to ask if the introducer of this bill is here?

Mr. RAY of New York. This is a Senate bill.

Mr. TALBERT. Then I ask for the reading of the report, because I assume that nobody's feelings will be hurt when I make that request, under the circumstances.

The report (by Mr. HENRY of Connecticut) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 493) granting a pension to Mary A. Wise, have examined the same and all the evidence relating thereto and respectfully report:

The Senate bill proposes to pension, in effect, at $20 per month Mary A. Wise, of Apalachicola, Fla., as widow of Peter Wise, late captain Company I, Eighteenth Pennsylvania Cavalry.

The Senate report (No. 199) states the facts and is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 493) granting a pension to Mary A. Wise, have examined the same and report:

"A similar bill passed the Senate during the Fifty-third Congress, also during the first session of the Fifty fourth Congress, and was reported favorably by the House. The committee recommend the passage of the bill and adopt the said Senate report, which is as follows:

"Peter Wise was captain of Company I, Eighteenth Pennsylvania Cavalry, and in June, 1861, received an injury by his horse falling on him, the pommel of the saddle entering the body below the stomach, producing a fearful lacerated wound. The medical evidence on file shows that the abdominal muscles were ruptured, and that in healing adhesions formed which greatly interfered with both walking and stooping, the parts continuing tender on pressure, and the wearing of an abdominal support being a constant necessity. This condition of things continued until the death of the soldier, his health gradually failing. The medical examiners of the Pension Office certified that 'he is growing weaker every year from the effects of the injury.'

"The soldier died from a malignant carbuncle on the neck, and the widow's claim for pension was rejected on the ground that the death was not the result of the accident for which soldier was pensioned. Among the papers on file in the Pension Office is an affidavit from Joseph D. Bush, M. D., of Apalachicola, Fla., as follows:

"'I knew Peter Wise five years prior to his death. He suffered from a wound of the abdomen, received in the late war, which produced rupture of most of the muscles that have their attachment to the pubes. Said condition incapacitated him for manual labor and gradually drew upon his general health until his blood became so impoverished that a large carbuncle formed on the back of the neck, producing death. My medical opinion is that the injury was the original cause of death.'

"Two other physicians gave similar testimony, the contention being that blood poisoning resulted from the wound, culminating in a carbuncle, a condition of things generally recognized and admitted by medical men as a matter of somewhat frequent occurrence.

"The claimant under this bill is needy and in poor health. She belongs to a patriotic family, her grandfather having served in the wars of the Revolution and of 1812, and three brothers were soldiers in the war of the rebellion, one of whom died in Libby Prison, one died in a hospital, and the other has been an invalid ever since his discharge from the Army.

"Believing that the soldier's death was undoubtedly due to his army service, your committee report the bill back favorably and recommend its passage."

Your committee, after careful examination and consideration, concur in the Senate conclusions and report the bill back with the recommendation that it pass.

Mr. TALBERT. I did not catch from the reading of the report the date when this service began.

Mr. RAY of New York. In 1861.

Mr. TALBERT. What is the amount of the pension proposed?

Mr. RAY of New York. This is the pension for a widow, and the amount is fixed at $20 per month, which is the amount she would receive under the general law.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

J. S. WAGGENER.

The next business on the Private Calendar was the bill (H. R. 8906) to pension J. S. Waggener, of Hillsboro, Oreg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the Government the name of J. S. Waggener, father of Joseph B. Waggener, Company B, Third Iowa Infantry, and of Rufus Waggener, Company B, Third Iowa Infantry, and of Houston Waggener, of Company G, Fifteenth Iowa Infantry, and of Willis Waggener, of the Ninth Regiment Iowa Cavalry, and allow him a pension at the rate of $12 per month.

The Committee on Invalid Pensions recommend the adoption of the following amendments:

In lines 5 and 4 strike out the words "of the Government."

In line 5, after "Waggener," insert the word "dependent."

In line 10 strike out the word "allow" and insert in lieu thereof the word 'pay."

Amend the title so as to read: "A bill granting a pension to J. S. Waggener."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

SAMUEL B. DAVIS.

The next business on the Private Calendar was the bill (H. R. 7007) to increase the pension of Samuel B. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Samuel B. Davis, of Company C, Eighteenth Regiment Indiana Volunteers, and pay him the pension now allowed by law to those who are totally incapacitated for performing manual labor by reason of injuries received or disease contracted in the service of the United States and in line of duty, and who are thereby disabled to such a degree as to require frequent and periodical, though not regular and constant, personal aid and attendance of another person, as provided by an act to establish an intermediate rate of pension between $30 and $72 per month, approved July 14, 1892.

The Committee on Invalid Pensions recommend the adoption of the following amendments:

Strike out all after the word "him," in line 7, and insert in lieu thereof the following: "a pension at the rate of $50 per month, in lieu of the pension he is now receiving."

Mr. SULLIVAN. Mr. Chairman, it does not appear from the reading of the report what the increase is in this particular case.

Mr. RAY of New York. The increase is from $36 per month, as proposed by the bill, to $50.

Mr. SULLIVAN. It does not appear what this pensioner is getting now. I ask the chairman of the Committee on Invalid Pensions to state the facts in connection with it; or perhaps it would be better to have the report read.

Mr. RAY of New York. The report, Mr. Chairman, sets forth all the facts. Let it be read.

The report (by Mr. MIERS of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7007) granting an increase of pension to Samuel B. Davis, have examined the same and the evidence, and respectfully report:

This bill as amended proposes to increase from $36 to $50 per month the pension of Samuel B. Davis, of Newport, Ind.

This soldier, who had a long and faithful service as private and corporal in Company C, Eighteenth Indiana Volunteer Infantry, was granted a pension of $36 per month by special act, which did not contain the provision that same was subject to the provisions and limitations of the pension laws, and hence the Bureau finds itself without power to increase this soldier's pension to $50, an amount it concedes he is entitled to. The soldier's disability has largely increased and the evidence is abundant and satisfactory—yes, absolutely conclusive—that he now suffers a disability wholly of service origin by reason of gunshot wounds which totally disable him, except mentally and in the use of one arm and one leg, and that he is in a condition requiring the frequent and periodical aid and attendance of another.

The affidavits annexed fully describe the soldier's condition, and we will not repeat here. He is needy and the case in every aspect is a worthy one, and Congressional action is absolutely necessary.

The bill is therefore reported back with the recommendation that it pass when amended as follows:

Strike out all after the word "him" in line 7 and insert in lieu thereof the following: "a pension at the rate of $50 per month, in lieu of the pension he is now receiving."

STATE OF INDIANA, *County of Vermilion, ss:*

In the matter of increase of pension of Samuel B. Davis, late Company C, Eighteenth Regiment Indiana Volunteers, personally came before me, John T. Lowe, clerk of Vermilion circuit court, in and for aforesaid county and State, Samuel B. Davis, aged 55 years, a citizen of the town of Newport, county of Vermilion, State of Indiana, and who, being duly sworn, declared in relation to aforesaid case as follows:

I am the claimant in this case. I was a corporal in Company C, Eighteenth Regiment Indiana Volunteers, during the war of 1861-1865. I am now receiving a pension of $36 per month under the act approved February 28, 1877. On the 14th day of July, 1892, an act was approved granting an intermediate rate between $30 and $72 per month to pensioners who required frequent and periodical, though not constant, attendance of another person.

I believe my condition entitles me to the rate paid under the act of July 14, 1892, and have made two applications to the Commissioners of Pensions, one under Hon. William Lochren and the last one under Hon. H. Clay Evans, and was rejected each time on the ground that I was getting all I was entitled to under the law. I do not think so or I would not appeal to Congress for relief.

My crippled condition is such that I can not dress myself without assistance. My left ankle joint is stiff, greatly enlarged, and by reason of suppuration it has to be dressed daily. There is not a minute in the day that I do not suffer more or less with my ankle, and occasionally undergo surgical operations, and at times take to my bed on account of intense suffering that is almost unbearable. I can not wear a shoe either winter or summer on my lame foot. My leg is withered clear up to my body and is not one-half as large as my right leg.

My right arm is anchylosed at the elbow joint, and the arm stands at a half angle. My hand and fingers are also anchylosed so that I can not close my hand more than half shut. On account of the crooked condition of my arm I can not wear an overcoat in cold weather, and have not been able to wear one since my discharge from the service. Owing to the condition of my right arm, I can not even raise a glass of water to my mouth with that arm, and have to feed myself with my left arm.

My present crippled condition is a result of measles contracted in the Army while on a forced march after General Price's army in Missouri, late in the fall of the year. I could not be properly cared for, and in consequence took a violent cold, which caused the disease to settle in my limbs.

Witness my hand this 25th day of December, 1897.

SAMUEL B. DAVIS.

Subscribed and sworn to before me, clerk of the Vermilion circuit court, this 25th day of December, 1897.

[SEAL.]

JOHN T. LOWE,
Clerk of Vermilion Circuit Court.

STATE OF INDIANA, *County of Vermilion, ss:*

In the matter of increase of pension of Samuel B. Davis, late Company C, Eighteenth Regiment Indiana Volunteers, personally came before me, John T. Lowe, clerk of the Vermilion circuit court in and for aforesaid county and State, M. L. Hall, age 51 years, a citizen of the town of Newport, county of Vermilion, State of Indiana, and who, being duly sworn, declared in relation to aforesaid case as follows:

I have been the family physician of Samuel B. Davis, the above-named claimant, for the past twenty years. His present physical condition is such that I believe him to be honestly entitled to $50 per month. His left ankle joint is a great source of pain and trouble to him. I have frequently lanced it, when it would become swollen and inflamed, to relieve him of the intense misery he was suffering. It suppurates continually. The ankle joint is anchylosed at a right angle with the axis of the limb. There is great enlargement of the bony structure about the joint. The entire limb has withered and shrunken so it is not more than half its normal size and is useless. The ankle joint is very tender and painful, and no weight can be borne upon the foot.

It swells much during the day and reduces at night when he lies down. This foot and leg is only a sort of useless dead weight and of no practical use to claimant. The ankle suppurates and has to be dressed daily. He can not wear a shoe on that foot. His right arm is anchylosed at the elbow joint and bent at a right angle with the axis of the humerus. The entire limb is atrophied. The hand and fingers are anchylosed so he can not close his hand more than one-half. These disabilities are all permanent and a result of claimant's service in the Army.

On account of the peculiar shape of his right arm he can not wear an

overcoat. He can not use his right hand to feed himself by reason of said ailments, and therefore has to have the help of some one to assist him.

Witness my hand this 25th day of December, 1897.

M. L. HALL, M. D.

Subscribed and sworn to before me, clerk of the Vermilion circuit court, this 25th day of December, 1897.

[SEAL.] JOHN T. LOWE,
Clerk Vermilion Circuit Court.

STATE OF INDIANA, *County of Vermilion, ss:*

In the matter of increase of pension of Samual B. Davis, late Company C, Eighteenth Regiment Indiana Volunteers, personally came before me, John T. Lowe, clerk of the Vermilion circuit court in and for aforesaid county and State, William F. Thornton, age 44 years, a citizen of the town of Newport, county of Vermilion, State of Indiana, and who, being duly sworn, declared in relation to aforesaid case as follows:

I am deputy postmaster at Newport, Ind., and reside on an adjoining lot to Samuel B. Davis, late of Company C, Eighteenth Regiment Indiana Volunteers. My acquaintance with him dates back more than twenty-three years. He is badly crippled in the right arm and left leg, and has always been compelled to get about on crutches ever since I knew him. His left ankle joint is very painful to him. It is greatly enlarged and he frequently has to undergo a surgical operation to get relief, by reason of an abscess forming near and at the joint. The joint suppurates and has to be dressed daily.

By reason of its tender, painful, and swollen condition he can not wear a shoe on the foot of his lame leg. I never saw him have an overcoat on the coldest day in the year, because he can not put one on, on account of his crooked arm, which is bent at a half angle. He can not bathe himself nor feed himself with his right hand. He has to walk on one leg and crutches and feed himself with his left hand.

He can not dress himself, but has to have some one else to assist him. I believe him to be deserving of a much higher rate of pension than he is now paid.

Witness my hand this 25th day of December, 1897.

WILLIAM F. THORNTON,

Subscribed and sworn to before me, clerk of the Vermilion circu t court, this 25th day of December, 1897.

[SEAL.] JOHN T. LOWE,
Clerk Vermilion Circuit Court.

STATE OF INDIANA, *County of Vermilion, ss:*

In matter of increase of pension of Samuel B. Davis, late Company C, Eighteenth Regiment Indiana Volunteers, personally came before me, John T. Lowe, clerk of Vermilion circuit court, in and for aforesaid county and State, Enoch L. Canady, aged 43 years, a citizen of the town of Newport, county of Vermilion, State of Indiana, and who, being duly sworn, declared in relation to aforesaid case as follows:

I have been acquainted with Samuel B. Davis, late of Company C, Eighteenth Regiment Indiana Volunteers, since 1863. Ever since I first knew him he has been compelled to use crutches in getting about. He is also badly crippled in his right arm, and by reason of the crooked condition of said arm he is unable to wear an overcoat or feed himself with that arm. His elbow joint is stiff, and also his hand and fingers, so that he can not close his hand more than half shut.

His left ankle joint is greatly enlarged, swollen, and inflamed, and constantly suppurates. It has to be dressed daily. I have frequently bathed him and trimmed his toe nails, because he can not perform that duty himself or dress himself. I know he is a great sufferer from his lame ankle joint, which becomes so painful at times he has to have a surgical operation performed before he gets relief. At times the misery is so intense that he has to take to his bed until he gets better. All these facts I know of my own personal knowledge.

Witness my hand this 25th day of December, 1897.

ENOCH L. CANADY.

Subscribed and sworn to before me, clerk of Vermilion circuit court, this 25th day of December, 1897.

[SEAL.] JOHN T. LOWE,
Clerk Vermilion Circuit Court.

Mr. TALBERT. Mr. Chairman, this report I think is hardly satisfactory. I would like a further statement from the gentleman in charge of the bill before we act upon the matter.

Mr. RAY of New York. This amount, I will state to the gentleman from South Carolina, was originally granted to the pensioner by a special act of Congress; but there was an error in framing the bill, which did not provide that the pension should be "subject to the provisions and limitations of the pension law." Recently, the disabilities of the pensioner having increased, he filed a bill for a new rating.

An examination was made, and if the original bill had been properly drawn the pensioner would have received the increase without any trouble. It was necessary, however, by reason of this informality in this provision of the bill, to come here and get the pension he now asks for. The Pension Office rates the disability at $50 per month, but we have to pass the bill because of the failure to insert the provision to which I refer in the original bill.

Mr. TALBERT. I would like to ask the gentleman from New York if all of the bills that are presented before the committee are discussed before it and examined carefully in reference to their details?

Mr. RAY of New York. Every bill that is presented before the committee is carefully considered and thoroughly discussed, and let me tell the gentleman how we do it. In the first place, I send all of the papers with every case for examination to the Pension Office. I have a clerk detailed from the office whose duty it is to attend to that particular branch of the service. All of these cases are sent by him and examined by him, unless I do it myself, and I will state to the gentleman that in most cases I do examine them carefully myself rather than submit the matter to anyone else.

Then that statement of what those papers show, with any additional evidence, is placed before a subcommittee of three. That subcommittee of three report it to the full committee. They read their report and these facts and statements to the full committee. Then the full committee consider it, and if they do not lay the bill on the table, they report it to the House after agreeing to the amount.

Mr. MIERS of Indiana. And this bill passed the committee without a dissenting vote.

Mr. RAY of New York. And the Pension Bureau has fixed the amount at $50, which he would be entitled to under the general law if the Pension Office considered the fact of service origin to be conclusively established.

Mr. SULLIVAN. How do you arrive at the amount? Do you fix it at the amount which it is necessary for him to have in order to have a comfortable living, or do you fix it upon what he would earn if he were well, or how?

Mr. RAY of New York. It depends upon his earnings and the surroundings and the care that is required, and whether he has anybody to help him and anybody dependent on him. We take into consideration all the circumstances.

The CHAIRMAN. The question is on the amendments recommended by the committee.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

OLIVIA BETTON.

The next business on the Private Calendar was the bill (H. R. 2695) granting a pension to Olivia Betton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension roll the name of Olivia Betton, widow of the late Thomas F. Betton, surgeon, United States Volunteers, and pay her at the rate of $30 per month on and after the passage of this act.

The following amendments recommended by the Committee on Invalid Pensions were read:

In line 6, after the word "her," insert "a pension." In the same line strike out the word "thirty" and insert in lieu thereof "seventeen."

In line 7 strike out all after the word "month."

Mr. TALBERT. Mr. Chairman, I should like to have the report read.

The report (by Mr. HENRY of Connecticut) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2695) granting a pension to Olivia Betton, have examined the same and all the evidence relating thereto and respectfully report:

This bill as amended proposes to increase from $8 to $17 per month the pension of Olivia Betton, of Fordham, N. Y., widow of Thomas F. Betton.

Soldier served as acting assistant or contract surgeon at Cuyler General Hospital, Germantown, Pa., from November 10, 1862, to May 14, 1864; at Lincoln General Hospital, Washington, D. C., from May 16, 1864, to February 23, 1865; as surgeon First United States Veteran Volunteer Infantry, from February 23, 1865, to March 1, 1866, and as acting assistant surgeon at post hospital, Harpers Ferry, W. Va., from March 2, 1866, to May 25, 1866. His service in each instance was honorably terminated.

There is no record of disability or treatment during his military service. He died May 21, 1875.

R. N. Downs, M. D., Germantown, Pa., testifies:

"His fatal sickness beginning in January, 1874, and continuing until May, 1875. I have no means of knowing exactly when his last illness began, as I kept no memorandum of my visits to a brother physician, and hence can not say when I first prescribed for him. His disease was softening of the spinal cord and consequent paraplegia and paralysis of the sphincters of bowels and bladder; and he was under my constant observation until his death."

There is no connection shown between the death cause and service. The widow, who was married to soldier June 16, 1864, and while he was in the service, is about 62 years of age, and has no income or means of support aside from a pension of $8 per month which she is drawing under the act of June 27, 1890.

Soldier's rank as acting assistant or contract surgeon was the same as first lieutenant, and as surgeon, that of major.

While it is not proved, and can not be, that Surgeon Betton died of disease contracted in the service, your committee are almost morally certain that such is the fact.

In any event the fact that this war widow, now advanced in years, is in necessitous circumstances, makes this a proper case for Congressional action.

This bill is reported back with the recommendation that it pass, when amended as follows:

In line 6, after the word "her," insert "a pension." In the same line strike out the word "thirty" and insert in lieu thereof "seventeen."

In line 7 strike out all after the word "month."

Mr. TALBERT. Mr. Chairman, I gather from the reading of that report that there is no direct evidence that the husband of this woman died from injuries received in the service. The committee state that they have been unable to find any proof that he died from injuries received in the service, and yet they say it is morally certain that he did. Now, according to my weak judgment, that is a very indefinite report upon which to come here and ask for the increase of a pension from $8 to $17.

It does look to me that when the committee bring in a bill here asking for an increase they ought to have better reasons to give than the mere statement that they are morally certain that such and such is the case. That is an indefinite expression. I submit that this bill ought not to pass unless accompanied by more evidence to show the fact that this woman's husband died from injuries received in the service or that his death could be traced to service origin.

Mr. ROBINSON of Indiana. Mr. Chairman, I think there was

a rule adopted that no bill should be considered unless the member who introduced it is present. I understand that rule has been violated in the last two cases.

The CHAIRMAN. That rule was adopted by the committee.

Mr. ROBINSON of Indiana. I make that point on this bill.

The CHAIRMAN. The point is sustained, if it is true that this bill was introduced by a member who is not present.

Mr. ROBINSON of Indiana. I suggest that the same thing is true as to the preceding bill.

Mr. BARTLETT. The preceding bill was a Senate bill.

Mr. ROBINSON of Indiana. I was misinformed as to that, then.

The CHAIRMAN. The Clerk has no means of knowing whether the member who introduced the bill is present or not.

Mr. RAY of New York. I hope the gentleman will not insist on his point. The gentleman from Pennsylvania [Mr. BINGHAM], who introduced this bill, is not here, and he is very busy on the Committee on Appropriations.

Mr. ROBINSON of Indiana. I am willing to waive it as to this, but hereafter I shall insist that at this and other meetings the rule shall be enforced, because the law favors the diligent, and it is but right that those who introduce pension bills should be here to take care of them and help to make a quorum.

The CHAIRMAN. The question is on the adoption of the amendments recommended by the committee.

Mr. TALBERT. I move that the bill be laid aside to be reported to the House with an unfavorable recommendation, because we have no evidence, except that the committee say they are morally sure, and they can not tell why they are morally sure.

Mr. RAY of New York. The gentleman knows that there is a vast difference between being able to bring into court the legal proof in all cases, to show every fact, and the proving of such circumstances as make you morally and reasonably certain that the fact exists. Now, I can not bring in any solid evidence to satisfy you that any soil or rocks or metals exist in the moon. Nobody ever saw them.

Mr. TALBERT. Well, we are not dealing with the moon. We are down here now.

Mr. RAY of New York. You are running off to the moon.

Mr. TALBERT. You went to the moon, and I have had to follow you and bring you back. Now, do not go again.

Mr. RAY of New York. There is a vast amount of evidence which we examined, and while there are defects in the evidence which prevent the making out of a perfect legal case, still the facts and circumstances proved here are such as to make it certain enough to satisfy any member, and such as did satisfy every member of the committee, that this man died as the result of his service. That is what we mean by moral certainty. We found the proof was beyond a reasonable doubt—every member of that committee.

The amendments recommended by the committee were agreed to.

Mr. TALBERT. I move that the bill be laid aside with an unfavorable recommendation.

The question was taken; and the motion was rejected.

The bill was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The Chair suggests that as each bill is reached from now on the Clerk will call the name of the member who introduced the bill so that if he be not present the bill will be passed over.

WILLIAM H. H. WRIGHT.

The next business on the Private Calendar was the bill (S. 732) granting an increase of pension to William H. H. Wright, of McPherson, Kans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Wright, of McPherson, Kans., late of Company G, Thirty-fifth Regiment Iowa Volunteer Infantry, and rate him at $50 per month, in lieu of the pension he is now drawing.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "and," strike out the words "rate him at" and insert the words "pay him a pension at the rate of."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

C. S. ALVORD.

The next business on the Private Calendar was the bill (H. R. 2231) granting a pension to C. S. Alvord.

Mr. HICKS. Mr. Chairman, I would like to know what has become of the next bill on the Calendar, 604? I have been attending this session to-night, and I am interested in this bill.

The CHAIRMAN. By order of the House these bills are passed over to-night without consideration.

Mr. HICKS. When did the House make such an order?

The CHAIRMAN. To-night, while the House was in session.

Mr. HICKS. Why was such an order made?

The CHAIRMAN. The committee is bound by order of the House.

Mr. HICKS. My not being here, I do not think I would be bound by any rule of that kind.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of C. S. Alvord, late a private in Company D, Fourth United States Infantry, at the rate of $12 per month, to commence from the passage of this act.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "of," strike out the word "twelve" and insert the word "eight."

Mr. HICKS. Mr. Chairman, I do not want to speak on this bill now being considered, but I want to have a little understanding about this Calendar No. 604. That is a meritorious measure, fully as meritorious as any pension bill being considered. This man did not desert until January, 1866, after serving four years, and he was a man who served faithfully during the entire war. It is very unfair to myself as well as to other members of the House to have meritorious claims, just as meritorious as the pension claim being considered, passed over and not considered; and I want to know "where I am at" and what will be the result as to this bill, anyway?

Mr. STALLINGS. You are left.

Mr. RAY of New York. In answer to the gentleman's inquiry as to "where he is at," I will state that he is out of order.

Mr. HICKS. There are very few bills that go to the Committee on Military Affairs, and when they go there they are thoroughly sifted; and whenever they get on the Calendar, as a rule, they have merit in them.

Mr. LOUDENSLAGER. I would suggest to the gentleman that he address his remarks to that bill when the House is in session, and not in the committee, because the committee can not override the rule of the House. I simply ask him to withhold his remarks on this bill and not to stop pension legislation.

Mr. HICKS. I shall with the understanding that as soon as we get into the regular session of the House I propose to ask unanimous consent to have this bill considered.

Mr. RAY of New York. All right.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. D. WADE.

The next business on the Private Calendar was the bill (H. R. 7672) to increase the pension of George W. D. Wade.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the invalid pension roll of the United States the name of George W. D. Wade, late of Company A, First Illinois Volunteers, in Mexican war, at the rate of $20 a month, in lieu of what he is now receiving, subject to the limitations of the general pension laws.

Mr. SULLIVAN. Mr. Chairman, I ask for the reading of the report. By whom was the bill introduced?

The CHAIRMAN. By the gentleman from Iowa [Mr. LACEY].

The report (by Mr. BROMWELL) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7672) increasing the pension of George W. D. Wade, have considered the same and report:

The claimant was a private in Company A, First Illinois Volunteers, and as such served from June 18, 1846, to June 17, 1847, in the war with Mexico. He is now receiving the pension of $12 per month provided by the Mexican war acts of January 29, 1887, and January 5, 1893.

The testimony on file at the Pension Bureau, and a petition before your committee signed by 44 citizens of Eddyville, Iowa, show that Mr. Wade is over 80 years old, almost blind, and unable to wait upon himself; also that his pension is all he and his invalid wife have to depend upon for their support. It is also shown that he is a most highly respected and worthy man.

There are several precedents for the proposed legislation, and in view of the facts recited above your committee recommend the passage of the bill.

The bill was ordered to be laid aside with a favorable recommendation.

MARY E. TAYLOR.

The next business on the Private Calendar was the bill (H. R. 8904) to pension Mrs. Mary E. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized to place upon the pension roll the name of Mrs. Mary E. Taylor, widow of William H. Taylor, who served in Captain Goodwyn's company during the Creek war, and that she be pensioned according to the provisions of the pension laws.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "company," insert the words "Alabama Volunteers."

After the word "laws," in line 8, add the words "at the rate of $8 per month."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MARTHA ANN HYNES.

The next business on the Private Calendar was the bill (S. 3345) granting a pension to Martha Ann Hynes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Martha Ann Hynes, of Little Rock, Ark., widow of Andrew R. Hynes, deceased, second lieutenant of Company C, Fifth Regiment Louisiana Volunteers, Mexican war, and to pay her the sum of $12 per month, the same to be in lieu of the pension she is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

SIMPSON EVERETT STILWELL.

The next business on the Private Calendar was the bill (S. 496) granting a pension to Simpson Everett Stilwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Simpson Everett Stilwell, late scout and guide in the United States Army, at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

Strike out the word "twenty" in the sixth line and insert the word "twelve;" so that it will read: "$12 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MICHAEL BASSETT.

The next business on the Private Calendar was the bill (H. R. 135) for the relief of Michael Bassett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is directed to place the name of Michael Bassett, a soldier of the Mexican war, late of the First Regiment of Michigan Volunteers, on the pension roll, subject to the provisions and limitations of the pension laws.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read: "A bill granting a pension to Michael Bassett."

Add after the word "laws," in line 7, the words "and pay him a pension of $8 per month."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

HENRY SCHNETBERG.

The next business on the Private Calendar was the bill (H. R. 7596) granting an increase of pension to Henry Schnettberg, of Indiana, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Henry Schnettberg, late a private in Company B, Second Pennsylvania Volunteers (Mexican war), and pay him a pension of $12 per month.

Mr. BARTLETT. Mr. Chairman, that bill was introduced by Mr. ROBBINS, and he is not here for this reason: He has enlisted and gone to the war. I think we ought to take it up and let it pass. I think he ought to have some consideration from the fact that he has been patriotic and enlisted.

Mr. MIERS of Indiana. Mr. Chairman, I ask unanimous consent that the bill be taken up and considered.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the bill be taken up and considered, notwithstanding the absence of Mr. ROBBINS who introduced the bill. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were read, as follows:

Amend the spelling of claimant's surname to Schnetberg.

Add after the word "month," in line 8, the words "the same to be in lieu of the pension now drawn by him."

The amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. RAY of New York. Mr. Chairman, I move that the committee now rise and report the bills to the House.

The motion was agreed to.

Accordingly the committee rose; and Mr. LACEY, Speaker pro tempore, having resumed the chair, Mr. CONNOLLY, the Chairman of the Committee of the Whole, reported that the Committee of the Whole had had under consideration sundry bills, some with amendments and some without, and had ordered them reported to the House with a recommendation that they do pass.

Mr. RAY of New York. I suppose the Calendar of Unfinished Business will first be taken up.

The SPEAKER pro tempore. The Clerk will report the first bill on the Calendar of Unfinished Business.

BILLS PASSED.

Bills of the following titles were respectively taken from the Calendar of Unfinished Business, the amendments reported from the Committee of the Whole House agreed to, the bills as amended ordered to be engrossed and read a third time, and accordingly read the third time, and passed:

A bill (H. R. 3991) for the relief of Henry J. Fleming;

A bill (H. R. 4691) to increase the pension of Charles Hoffman;

A bill (H. R. 6785) restoring Julia L. Roberts, late Julia L. Doty, to the pension roll (title amended);

A bill (H. R. 6388) granting a pension to J. R. Mathers (title amended);

A bill (H. R. 6242) to restore the name of Dr. J. C. Kinkle to the pension roll (title amended);

A bill (H. R. 6616) to remove the charge of desertion against John Phelon, deceased;

A bill (H. R. 3790) to remove the charge of desertion against John Willoughby; and

A bill (H. R. 7561) to correct the military record of William P. Brassington.

JAMES A. STODDARD.

The next business on the Calendar of Unfinished Business was the bill (H. R. 3071) for the relief of James A. Stoddard.

Mr. SULLIVAN. I desire to call the attention of the House to the fact that in this case, where it is proposed to remove the charge of desertion, the facts as disclosed in the report show that this man was guilty of stealing knives and forks and other things while in the service, and he ran away to avoid punishment. Having deserted the Army under these circumstances, he is now seeking to have his disabilities removed, so that later he may come in and be placed on the pension roll.

I want gentlemen to understand that if they vote for this bill they are voting to remove the charge of desertion incurred under these discreditable circumstances; that the charge of desertion is based on the fact, as the proof shows, that this man had been stealing knives and forks—in other words, had been engaged in petty thieving—and ran away because his superior officer threatened to punish him in some way.

A MEMBER. Whose bill is this?

Mr. SULLIVAN. I do not know whose bill it is; but I remember the case. When the bill was under consideration in Committee of the Whole House, I called for the reading of the report, which shows that those were the facts. This man was a knife-and-fork thief, and ran away from the Army because he feared punishment; and now it is sought to remove the charge of desertion from his military record.

Mr. HICKS. If those are the facts, such a bill ought not to pass.

Mr. SULLIVAN. The record shows that such are the facts.

Mr. HICKS. No man ought to have his military record cleared if he left the Army under circumstances like those.

Mr. TALBERT. There is an amendment, I believe, attached to the bill providing that no pay or emoluments shall accrue on account of the passage of the act.

Mr. SULLIVAN. That clause is in all, or nearly all, of these bills. But that does not meet the point of my objection. I am seeking to have the House understand that in voting to correct this man's military record members will vote to put him in an attitude to draw a pension hereafter notwithstanding the fact that he was caught stealing and ran away to escape punishment.

Mr. HOWE. As I understand, a soldier, in the event of the removal of the charge of desertion, does not receive a pension. The only effect of our action is to remove a cloud that may hang over the man's life—to give him a chance to stand up free from any odium which may have unjustly attached to him. Certainly we ought to be glad to vote such a measure of relief. In doing so we are not voting to give the man a pension.

Mr. SULLIVAN. The point is this, as I understand—and if I misunderstand, I want to be put right: The law is that when you have passed an act of this kind, the beneficiary can go on and apply for a pension; and if there is no other legal difficulty to prevent, he may be placed on the pension roll. The moment you amend his record, that moment he stands on the same plane with any other soldier. Thus you place him in such attitude that he can be placed on that roll which every man ought to regard as a roll of honor, but which will no longer be such if men of this sort are placed upon it.

Mr. LOWE. May I ask if this bill was not favorably reported by the Committee of the Whole?

Mr. SULLIVAN. It was reported by the Committee of the Whole favorably. The bill was discussed three weeks ago.

Mr. RAY of New York. This bill comes from the Committee on Military Affairs. I have looked into the matter with some care, and I have read the report carefully.

Mr. EVANS. This was a young boy under 20——

Mr. HICKS. Can the gentleman from New York explain the case to the House?

Mr. SULLIVAN. Mr. Speaker, I will ask for the reading of the report. That will explain the matter more fully and satisfactorily.

Mr. RAY of New York. Very well: let the report be read.

Mr. HICKS. We ought to know something of this before undertaking to pass upon it.

The report (by Mr. BROWNLOW) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3071) for the relief of James A. Stoddard, have carefully considered the same and beg leave to report as follows:

James A. Stoddard was enlisted June 1, 1861, and mustered into service October 11, 1861, as a private in Company B, Eighth Wisconsin Infantry, to serve three years. He reenlisted January 2, 1864, as a veteran, to serve three years, and appears to have served faithfully until February 3, 1865, when he is reported to have deserted.

The circumstances of his alleged desertion, as given by the testimony of some five of his comrades, and which circumstances are practically confirmed by the report from the War Department, are as follows: While his regiment was at Iuka, Miss., about February 1, 1865, he was detailed for duty with a foraging party, and at the request of members of his mess he "captured" some knives and forks from a citizen.

Complaint being made to the commanding general, that officer ordered an investigation, at the same time remarking that he "would make an example" of the guilty man if he could be found. This threat of the general being construed by Stoddard into a fear of being shot, he ran away in an effort, as he believed, to save his life. When the President's proclamation of March 11, 1865, regarding deserters was issued he was at home, sick in bed, and so continued until the war was over.

The testimony of Stoddard's comrades on file shows him to have been a most brave and gallant soldier, who had participated in every battle in which his regiment was engaged, and that up to the time of committing this petty misdemeanor he had never been under arrest. There is also the testimony of citizens and neighbors that since the war Mr. Stoddard has been a most excellent citizen, having filled many positions of honor and trust by the choice of his fellow-men.

Your committee therefore very much regret that this brave soldier and excellent citizen should for so many years have been compelled to rest under this stigma upon his excellent military and civil record, and therefore report the bill favorably and recommend that it do pass with the following amendment:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. HICKS. I withdraw any objection I have made to the consideration of the bill.

There being no objection, the amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BILLS PASSED.

The following bills reported from the Committee of the Whole House with amendments were considered, the amendments severally agreed to, and the bills as amended—with title amended where required—were ordered to be engrossed and read a third time, and passed, namely:

A bill (H. R. 5046) to remove the charge of desertion from the military record of Lawrence P. Ressler;

A bill (H. R. 4332) to correct the military record of Isaac Alger;

A bill (H. R. 6379) granting a pension to Joseph C. Berry, alias Joseph White;

A bill (H. R. 4973) granting a pension to Mary J. Brown;

A bill (H. R. 619) granting an increase of pension to Frank Rockwith;

A bill (H. R. 906) granting a pension to Zolman Tyrrell, imbecile and dependent son of Lewis R. Tyrrell, late Company A, First New York Engineers;

A bill (H. R. 8606) to pension J. S. Waggener, of Hillsboro, Oreg.;

A bill (H. R. 7007) to increase the pension of Samuel B. Davis;

A bill (H. R. 2695) granting a pension to Olivia Betton;

A bill (S. 732) granting an increase of pension to William H. H. Wright, of McPherson, Kans.;

A bill (H. R. 2231) granting a pension to C. S. Alvord;

A bill (H. R. 8904) to pension Mrs. Mary E. Taylor;

A bill (S. 496) granting a pension to Simpson Everett Stilwell;

A bill (H. R. 135) for the relief of Michael Bassett;

A bill (H. R. 7596) granting an increase of pension to Henry Schnettberg, of Indiana, Pa.;

A bill (H. R. 3596) granting a pension to Mrs. Bettie Gresham;

A bill (H. R. 3071) for the relief of James A. Stoddard;

A bill (S. 509) granting an increase of pension to Lafayette Tibbetts;

A bill (H. R. 7673) for the relief of William E. Anderson; and

A bill (S. 1476) granting an increase of pension to Louise M. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice.

A bill (H. R. 7672) to increase the pension of George W. D. Wade;

A bill (S. 3345) granting an increase of pension to Martha Ann Hynes;

A bill (S. 498) granting a pension to Mary A. Wise.

Mr. HICKS. Mr. Speaker, I desire to ask unanimous consent to consider the bill (H. R. 604)——

Mr. RAY of New York. If these bills are disposed of, Mr. Speaker, I desire to make a motion.

Mr. HICKS. They are disposed of.

The SPEAKER pro tempore. The Chair will state that there is no unfinished business, as the Chair understands it, now before the House.

Mr. RAY of New York. I desire to move to reconsider the several votes which have been taken upon the bills reported from the Committee of the Whole, and to lay that motion on the table.

There was no objection, and the motion was agreed to.

JAMES J. FLUKE.

Mr. HICKS. Mr. Speaker, I desire to appeal to the fairness of the House. I ask unanimous consent for the present consideration of the bill (H. R. 6649) to remove the charge of desertion against James J. Fluke. It will only take a minute.

Mr. TALBERT. Mr. Speaker, I rise to a point of order. When the House first met this evening, I asked unanimous consent that for to-night all bills for the removal of charges of desertion be passed over. That order was granted. We then went into Committee of the Whole, and have gone through with a series of bills, and have done a lot of work in Committee of the Whole. Now, I submit that it is not in order at this time to grant unanimous consent for the present consideration of bills of that kind. I make that point.

Mr. HICKS. Well, I have just this to say——

The SPEAKER pro tempore. The gentleman objects.

Mr. HICKS. I ask if that is to be construed by the Chair into an objection?

Mr. TALBERT. I shall not object, but I make that point of order and ask the Chair to rule upon it. I think it is out of order.

The SPEAKER pro tempore. The Chair holds that that is an objection.

Mr. HICKS. Does the Chair hold that the point of order is well taken?

The SPEAKER pro tempore. It is equivalent to an objection.

Mr. HICKS. But my friend distinctly states that he does not object, and I am satisfied that if he will hear the merits of this case he will not object, nor will any other gentleman on the floor of this House. I trust the Chair will not hold that.

Mr. TALBERT. I will withdraw the point of order, if it is construed to be an objection.

The SPEAKER pro tempore. The Chair will submit the gentleman's proposition. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to remove the charge of desertion against James J. Fluke, late member of Battery D, First United States Artillery, and grant him an honorable discharge as of date January 28, 1863.

The Committee on Military Affairs recommended the following amendment:

Insert at the end of the bill the following:

"*Provided*, That no pay, bounty, or other allowances shall become due or payable by virtue of the passage of this act."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HICKS, a motion to reconsider the last vote was laid on the table.

MRS. BETTY GRESHAM.

Mr. ADAMSON. Mr. Speaker, I have a couple of little cases which I desire to have considered. I desire to be absent from the city on Friday night, and I ask unanimous consent that they be disposed of. They are cases of old ladies in indigent circumstances.

The SPEAKER pro tempore. What is the number of the bill?

Mr. ADAMSON. The first one is the bill (H. R. 3596) granting a pension to Mrs. Betty Gresham.

Mr. RAY of New York. Do I understand the gentleman to say that this is a pension bill?

Mr. ADAMSON. Yes; an Indian war pension, at $8 a month.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent for the present consideration of the bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of Mrs. Bettie Gresham, widow of Davis C. Gresham, who served in the Georgia Volunteers during the Indian war of 1836, and allow the said Mrs. Bettie Gresham a pension rated at $20 per month.

The following amendment, recommended by the Committee on Pensions, was read:

In line 8 strike out "twenty" and insert in lieu thereof "eight."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The hour of 10.30 o'clock having arrived, the House, under the rule, stands adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Interior, submitting certain agreements with Rosebud and Lower Brule Indians for a cession of lands and modification of existing treaties, together with drafts of bills relating thereto, was taken from the Speaker's table, referred to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. HICKS, from the Committee on Patents, to which was referred the bill of the House (H. R. 9815) appointing commissioners to revise the statutes relating to patents, trade and other marks, and trade and commercial names, reported the same without amendment, accompanied by a report (No. 1256); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HENRY of Connecticut, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3315) granting an increase of pension to Mary L. Page, reported the same without amendment, accompanied by a report (No. 1248); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2112) granting a pension to Jesse O. Davy, reported the same with amendment, accompanied by a report (No. 1249); which said bill and report were referred to the Private Calendar.

Mr. BREWSTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7583) for the relief of John A. Whitman, a blind soldier, reported the same with amendment, accompanied by a report (No. 1250); which said bill and report were referred to the Private Calendar.

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2114) granting a pension to Rebecca E. Kutz, reported the same with amendment, accompanied by a report (No. 1251); which said bill and report were referred to the Private Calendar.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10132) to remove the charge of desertion from the naval record of Charles Thompson, reported the same without amendment, accompanied by a report (No. 1253); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 675) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased, reported the same without amendment, accompanied by a report (No. 1257); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 947) for the relief of William Barber, reported the same adversely, accompanied by a report (No. 1252); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 7279) to remove the charge of desertion against William McCutcheon, alias William Kelso, reported the same adversely, accompanied by a report (No. 1253); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 370) to remove the charge of desertion standing against the name of Charles Amos, reported the same adversely, accompanied by a report (No. 1254); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3149) for the relief of Olive M. Hechtman—Committee on War Claims discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9978) for the relief of Joseph Tousaint, alias Touzin—Committee on Claims discharged, and referred to the Committee on the Judiciary.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 10209) to repeal an act of Congress, approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes—to the Committee on the District of Columbia.

By Mr. HENDERSON: A bill (H. R. 10216) to amend section 3177 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. BOUTELLE of Maine: A bill (H. R. 10220) to organize a hospital corps of the Navy of the United States; to define its duties and regulate its pay—to the Committee on Naval Affairs.

By Mr. GROUT: A joint resolution (H. Res. 255) authorizing the promotion of Commodore George Dewey to the rank of admiral—to the Committee on Naval Affairs.

By Mr. SLAYDEN: A joint resolution (H. Res. 256) providing for the families of enlisted men during their absence from their military posts—to the Committee on Military Affairs.

By Mr. BOUTELLE of Maine: A joint resolution (H. Res. 257) providing for the organization and enrollment of the United States auxiliary naval force for coast defense—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 10210) for the relief of Ira C. McClenthen—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 10211) for the relief of Mrs. Rachael Vining—to the Committee on Pensions.

By Mr. MAXWELL: A bill (H. R. 10212) for an increase of pension to Milan G. Cook—to the Committee on Invalid Pensions.

By Mr. MORRIS: A bill (H. R. 10213) to remove the charge of desertion from the military record of George Maxfield and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. SULZER: A bill (H. R. 10214) for the relief of Frank Cox—to the Committee on Naval Affairs.

By Mr. UPDEGRAFF: A bill (H. R. 10215) to provide compensation for injuries received by George M. Rowe, of Washington, D. C., at the Ford's Theater disaster, which occurred June 9, 1893—to the Committee on Claims.

By Mr. KERR: A bill (H. R. 10217) to increase the pension of James A. Ralston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10218) to remove the charge of desertion against James McCombs—to the Committee on Military Affairs.

By Mr. McALEER: A bill (H. R. 10219) for the relief of William B. Reaney, surviving partner of the firm of Reaney, Son & Archbold—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 10221) to remove the charge of desertion from the record of Jonathan Hutchins—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTHOLDT: Petition of the Union of Steam Engineers of St. Louis, Mo., favoring the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL: Petition of the Woman's Christian Temperance Union of Colorado Springs, Colo., for the passage of a bill to prohibit the interstate transmission of gambling matter by telegraph—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Colorado Springs, Colo., in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. BURTON: Petitions of the Quincy Woman's Christian Temperance Union and Congregational Church of Cleveland, Ohio, for the passage of bills to prohibit the interstate transmission of gambling matter by telegraph, to raise the age of protection for girls, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Quincy Woman's Christian Temperance Union and Congregational Church of Cleveland, Ohio, to forbid the sale of intoxicating beverages in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. CAPRON: Petition of the Woman's Christian Temperance Union, Baptist Church, and Christian Endeavor Society of Phenix, R. I., in favor of the passage of a bill to prohibit the sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Baptist Church, Christian Endeavor, and Woman's Christian Temperance Union of Phenix, R. I., asking for the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Territories.

By Mr. CURTIS of Iowa: Petition of General N. B. Baker Post, No. 88, Grand Army of the Republic, of Clinton, Iowa, protesting against an appropriation for the erection of a monument to Gen. Albert Pike—to the Committee on Appropriations.

Also, petitions of the Woman's Christian Temperance Union, Good Templar Lodge No. 324, and Young Men's Christian Association, all of Clinton, Iowa, in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Young Men's Christian Association, Woman's Christian Temperance Union, and Good Templar Lodge No. 324, of Clinton, Iowa, praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the District of Columbia.

Also, petitions of the Woman's Christian Temperance Union, Young Men's Christian Association, and Good Templars of Clinton, Iowa, favoring the enactment of legislation to protect State anti-cigarette laws and to forbid the interstate transmission of lottery messages by telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON: Petitions of the First Baptist Church and Methodist Episcopal Church of Allegan; the Christian Church, Advent Christian Church, Presbyterian Church, United Brethren Church, and Young People's Alliance of the Evangelical Church, all of Buchanan, and Woman's Christian Temperance Union of Penn, State of Michigan, favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of various churches of Buchanan, Allegan, and Penn, Mich., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. HENDERSON: Petition of the Methodist Episcopal Church of Epworth, Iowa, asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of the Methodist Episcopal Church of Epworth, Iowa, for the passage of bills forbidding the interstate transmission of lottery and other gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Methodist Episcopal Church of Epworth, Iowa, for the passage of a bill to raise the age of protection for girls—to the Committee on the Judiciary.

By Mr. McALEER: Paper to accompany House bill for the relief of William B. Reaney—to the Committee on War Claims.

By Mr. McCALL: Petition of the Appalachian Mountain Club, of Boston, Mass., against the passage of House bill No. 8428, in reference to Executive order of February 22, 1897, suspending indefinitely the orders creating forest reservations—to the Committee on Appropriations.

By Mr. VINCENT: Petition of T. L. Fitzpatrick and 14 other citizens of Salina, Kans., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *May 4, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Monday last, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

AGREEMENTS WITH INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with the requirements of the Indian appropriation act of June 7, 1897, agreements made with the Rosebud Indians and the Lower Brule Indians and other Indians in South Dakota and North Dakota, together with drafts of bills to ratify the same prepared by the Commissioner of Indian Affairs and the Commissioner of the General Land Office; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the second report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5975) extending the homestead laws and providing for the right of way for railroads in the District of Alaska; further insists upon its disagreement to the amendments of the Senate to the bill; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. SHAFROTH, and Mr. ELLIS managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 1316) to provide for organizing a naval battalion in the District of Columbia, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HILBORN, Mr. FOSS, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 864) granting a pension to Maria E. Hess, widow of Florian Hess, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY, Mr. GIBSON, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 3663) granting a pension to George Barnes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. BARBER, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 3953) granting an increase of pension to Calvin P. Lynn, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. SAMUEL W. SMITH, and Mr. BOTKIN managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 5245) granting a pension to Florence N. Waldron; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. HENRY of Connecticut, and Mr. DRIGGS managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8636) granting an increase of pension to John X. Griffith; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. WARNER, and Mr. BOTKIN managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8834) granting a pension to John B. Hays; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. KERR, and Mr. DRIGGS managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5880) to vest in the Commissioners of the District of Columbia control of street parking in said District; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COWHERD, Mr. JENKINS, and Mr. CURTIS of Iowa managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. MARSH, and Mr. HAY managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 137) for the relief of Annie Saffell;

A bill (H. R. 802) granting a pension to Benjamin F. Moulton;

A bill (H. R. 1295) to increase the pension of Frederick G. Moore, late of Company I, One hundred and fifth Regiment New York Volunteer Infantry;

A bill (H. R. 1546) granting a pension to Mrs. Annie Wittenmyer;

A bill (H. R. 1722) for the relief of Mrs. Ellen O'Rorke;
A bill (H. R. 1897) granting a pension to Mrs. Susan A. Huber, of Louisville, Ky.;
A bill (H. R. 2119) to grant a pension to Miss Sallie Work;
A bill (H. R. 2762) granting a pension to Mary C. Case;
A bill (H. R. 3889) granting an increase of pension to Mrs. Calista Hadley;
A bill (H. R. 4160) granting an increase of pension to George W. Garrison;
A bill (H. R. 4469) increasing the pension of Katherine L. Cushing, widow of William B. Cushing, late commander in United States Navy;
A bill (H. R. 4981) granting an increase of pension to William D. Seamans, late a private, Company L, Fourteenth New York Heavy Artillery;
A bill (H. R. 5372) for the relief of Hannah C. Pile;
A bill (H. R. 5775) granting a pension to Lewis K. Whitmore, a locomotive engineer in the military service and employ of the United States during the late civil war;
A bill (H. R. 5809) granting a pension to Charles E. Taylor;
A bill (H. R. 6515) granting a pension to Grace Gudgell;
A bill (H. R. 6680) granting a pension to Mrs. Janet Wemple;
A bill (H. R. 6928) granting a pension to Eva Seeley;
A bill (H. R. 6988) for the relief of Emory T. Hipple;
A bill (H. R. 7449) granting a pension to William S. Adams, late acting assistant surgeon, United States Volunteers;
A bill (H. R. 7952) granting a pension to William C. Ryan; and
A bill (H. R. 8197) for the relief of Mary B. Hulings.

The message further announced that the House had passed the following bills:

A bill (S. 116) granting a pension to W. L. Faxon;
A bill (S. 493) granting a pension to Mary A. Wise;
A bill (S. 497) granting an increase of pension to Betsey B. Olin;
A bill (S. 509) granting an increase of pension to Lafayette Tibbetts;
A bill (S. 1133) to pay to the Richmond Locomotive and Machine Works its claim for damages and losses incurred in the construction of the armored battle ship *Texas;*
A bill (S. 1541) granting a pension to "Itewayaka," or "One-armed Jim;"
A bill (S. 1773) to amend the military record of George F. Miller; and
A bill (S. 3345) granting an increase of pension to Martha Ann Hynes.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 135) granting a pension to Michael Bassett;
A bill (H. R. 619) granting an increase of pension to Frank Rockwith;
A bill (H. R. 3991) for the relief of Henry J. Fleming;
A bill (H. R. 4691) to increase the pension of Charles Hoffman;
A bill (H. R. 4973) for the relief of Mary J. Brown;
A bill (H. R. 6242) granting a pension to James C. Kinkle;
A bill (H. R. 6379) granting a pension to Joseph C. Berry, alias Joseph White;
A bill (H. R. 7007) to increase the pension of Samuel B. Davis;
A bill (H. R. 7596) granting an increase of pension to Henry Schnetberg, of Indiana, Pa.;
A bill (H. R. 7672) to increase the pension of George W. D. Wade;
A bill (H. R. 7673) for the relief of William E. Anderson;
A bill (H. R. 8904) to pension Mrs. Mary E. Taylor;
A bill (H. R. 9638) to increase the number of surgeons in the United States Army;
A joint resolution (H. Res. 190) to create a commission to examine into the postal service; and
A joint resolution (H. Res. 251) to limit section 3 of "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898 and 1899, and for other purposes."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 1595) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes;
A bill (H. R. 2219) for the relief of the administrators of Isaac P. Tice, deceased, and others;
A bill (H. R. 2691) to amend section 9 of an act entitled "An act to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes;
A bill (H. R. 5865) to amend section 5 of an act entitled "An act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes," approved July 13, 1892;
A bill (H. R. 9378) making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes; and
A bill (H. R. 10197) making appropriations to supply deficiencies in the appropriations for the support of the Army for the fiscal year 1898, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

Mr. QUAY. Mr. President, I desire to give notice that at 1 o'clock I shall call up the general appropriation bill for the expenses of the Post-Office Department.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Troy Conference of the Methodist Episcopal Church of Saratoga Springs, N. Y., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Christian Temperance Union of Ceres; of the Troy Annual Conference of the Methodist Episcopal Church, and of the congregation of the Methodist Episcopal Church of Herkimer, all in the State of New York, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance unions of Ceres and Griffins Corners; of the Troy Annual Conference of the Methodist Episcopal Church, and of the congregation of the Methodist Episcopal Church of Herkimer, all in the State of New York, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance unions of Ceres and Union Vale; of the congregations of the Central Presbyterian Church of Rochester, the Methodist Episcopal Church of Herkimer, the Baptist Church of Sherman, and the First Universalist Church of Sherman; of the Troy Annual Conference of the Methodist Episcopal Church; of the District League Convention of Sherman; of the Christian Endeavor Society of the Peristrome Presbyterian Church of Plattsburg; of the Young People's Society of Christian Endeavor and the Young Men's Christian Association of Rochester, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. FRYE presented a memorial of the New England Wholesale Grocers' Association, remonstrating against the imposition of the proposed tax of stock on hand; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of the Methodist Episcopal Church of South Deer Isle, Me., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of the Methodist Episcopal Church of South Deer Isle, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of the Methodist Episcopal Church of South Deer Isle, Me., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages or other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

Mr. QUAY presented petitions of the Woman's Christian Temperance unions of Concord, West Whiteland, Equinunk, and Perkasie; of the congregations of the Methodist Episcopal Church of Equinunk and the Methodist Episcopal Church of Dayton; of the Evangelical Association of Perkasie; of Star Council, No. 58, of Union City, and of sundry citizens of Harrisburg, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance unions of Harrisburg, Springboro, Perkasie, Kennett, Concord, Whitford, Equinunk, Orangeville, and Germantown; of the congregations of the Colerain Baptist Church, of Kirkwood, the Methodist Episcopal Church of Forty Fort, the Methodist Episcopal church of Bird in Hand, the Presbyterian Church of Plumville, the Mahoning Baptist Church, of Denton, the First Baptist

Church of Pottstown, the Methodist Episcopal Church of Ackley Station, the Methodist Episcopal Church of Sandy Valley, the United Presbyterian Church of Middlesex, and the Methodist Episcopal Church of Dayton; of the Evangelical Association of Perkasie, the United Presbyterian Presbytery of Big Spring, and of Star Council, No. 58, of Union City, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Woman's Christian Temperance unions of Harrisburg, Perkasie, Kennett, West Whiteland, Whitford, Equinunk, Orangeville, and Germantown; of the congregations of the Methodist Episcopal Church of Ackley Station, the Methodist Episcopal Church of Rathmel, the Methodist Episcopal Church of Falls Creek, the Methodist Episcopal Church of Luzerne, the Methodist Episcopal Church of Equinunk, the Presbyterian Church and the Methodist Episcopal Church of Kennett, the Methodist Episcopal Church of Dayton, the Glade Run Presbyterian Church, of Dayton, the Presbyterian Church of Plumville, the Baptist Church of Mahoning, the Free Baptist Church of Salem, the First Baptist Church of Pottstown; of Star Council, No. 58, of Union City; of the United Presbyterian Presbytery of Big Spring; of the Evangelical Association of Perkasie; of the Christian Endeavor Society of the Reformed Church, of the Christian Endeavor Society of the Presbyterian Church, and the Epworth League of the Methodist Church of Orangeville, all in the State of Pennsylvania, and a petition of the congregation of the Christian Church of Conneaut, Ohio, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. HARRIS presented a petition of sundry citizens of Salina, Kans., and a petition of sundry citizens of Burlington, Kans., praying for the passage of the so-called anti-scalping ticket bill; which were ordered to lie on the table.

He also presented a petition of the Epworth League of the Grace Methodist Episcopal Church, of Winfield, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. MILLS presented a petition of sundry citizens of Terry, Tex., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. GEAR presented a petition of the congregations of the First Baptist Church, the Congregational Church, and the Christian Church, and of the Woman's Christian Temperance Union, all of Spencer, in the State of Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregations of the First Baptist Church, the Congregational Church, and the Christian Church, and of the Woman's Christian Temperance Union, all of Spencer, in the State of Iowa, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregations of the First Baptist Church, the Congregational Church, and the Christian Church, and of the Woman's Christian Temperance Union, all of Spencer, in the State of Iowa, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

Mr. PASCO presented sundry petitions of citizens of Sanderson, Lake Butler, Starke, Madison, and Quincy, all in the State of Florida, praying for the imposition of a duty upon Egyptian cotton; which were referred to the Committee on Finance.

Mr. THURSTON presented a petition of the Woman's Christian Temperance Union and of sundry citizens of Harrisburg, Nebr., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union and sundry citizens of Harrisburg, of the congregation of the Methodist Episcopal Church of Tobias, and of the Baptist Young People's Union of the First Baptist Church of Tobias, all in the State of Nebraska, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Woman's Christian Temperance Union and sundry citizens of Harrisburg, of the congregation of the Methodist Episcopal Church of Tobias, and of the Baptist Young People's Union of the First Baptist Church of Tobias, all in the State of Nebraska, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. MASON presented a petition of sundry citizens of Benton, Ill., and a petition of sundry citizens of Morton, Ill., praying for the passage of the so-called anti-scalping ticket bill; which were ordered to lie on the table.

He also presented sundry memorials of members of the fire departments of Edwardsville, Champaign, Waverly, and Colchester, all in the State of Illinois, remonstrating against the enactment of legislation to establish in the Treasury Department a division regulating insurance companies; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Evanston; of the Union Temperance Meeting of Clifton; of the congregations of the Methodist Episcopal Church of Rock Island, the First Congregational Church of Rockton, the First Methodist Episcopal Church of Dundee, the Methodist Episcopal Church of Reddick, and the Methodist Episcopal Church of Forreston, all in the State of Illinois, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds

He also presented petitions of the Union Temperance Meeting of Clifton, of the congregations of the First Methodist Episcopal Church of Rock Island, the First Congregational Church of Rockton, the First Methodist Episcopal Church of Dundee, the Methodist Episcopal Church of Reddick, and the Methodist Episcopal Church of Forreston, all in the State of Illinois, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union of Evanston, of the Union Temperance Meeting of Clifton, of the congregations of the First Congregational Church of Rockton, the First Methodist Episcopal Church of Dundee, the Methodist Episcopal Church of Reddick, and the Methodist Episcopal Church of Forreston, all in the State of Illinois, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 3991) for the relief of Henry J. Fleming;

A bill (H. R. 7673) for the relief of William E. Anderson; and

A bill (H. R. 9638) to increase the number of surgeons in the United States Army.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 135) granting a pension to Michael Bassett;

A bill (H. R. 619) granting an increase of pension to Frank Rockwith;

A bill (H. R. 4691) to increase the pension of Charles Hoffman;

A bill (H. R. 4973) for the relief of Mary J. Brown;

A bill (H. R. 6242) granting a pension to James C. Kinkle;

A bill (H. R. 6379) granting a pension to Joseph C. Berry, alias Joseph White;

A bill (H. R. 7007) to increase the pension of Samuel B. Davis;

A bill (H. R. 7596) granting an increase of pension to Henry Schnetberg, of Indiana, Pa.;

A bill (H. R. 7672) to increase the pension of George W. D. Wade; and

A bill (H. R. 8904) to pension Mrs. Mary E. Taylor.

The joint resolution (H. Res. 190) to create a commission to examine into the postal service was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The joint resolution (H. Res. 351) to limit section 3 of "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898 and 1899, and for other purposes," was read twice by its title, and referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4491) granting an increase of pension to Susan D. Yates;

A bill (H. R. 6798) granting an increase of pension to James F. McKinley; and

A bill (H. R. 8333) granting an increase of pension to Michael H. J. Crouch.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom were referred the following bills, asked to be

discharged from their further consideration, and that they be referred to the Committee on the Library; which was agreed to:

A bill (S. 4311) incorporating "Sorosis" in the District of Columbia; and

A bill (S. 1576) for the incorporation of the Woman's National Health Protective Association.

Mr. TELLER, from the Committee on Claims, submitted a report to accompany a bill heretofore reported by him, being the bill (H. R. 4936) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes.

Mr. CHANDLER, from the Committee on Post-Offices and Post-Roads, to whom was referred the joint resolution (H. Res. 190) to create a commission to examine into the postal service, reported it without amendment.

STENOGRAPHER FOR COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. McMILLAN, from the Committee on the District of Columbia, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the District of Columbia be, and it is hereby, authorized to employ a stenographer to report the hearings before that committee, the stenographer to be paid from the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. PRITCHARD introduced a bill (S. 4524) to correct the military record of Solomon Chandler; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4525) to correct the military record of John Metcalf; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 4526) for the relief of the estate of Thomas B. English; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of New York introduced a bill (S. 4527) for the relief of the heirs of Catharine Gillin; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 4528) granting a pension to Charlotte C. Evans; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 4529) for the relief of James H. Owen and Charles H. Hille, of Minneapolis, Minn.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. THURSTON introduced a bill (S. 4530) for the relief of William H. Harrison, of Hall County, Nebr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MASON (by request) introduced a bill (S. 4531) to provide for the appointment of a dental corps in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MANTLE (by request) introduced a bill (S. 4532) for the relief of the legal representatives of William T. Duvall, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BACON introduced a bill (S. 4533) to increase the pension of Mrs. Lucinda Booth; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4534) to grant a pension to Ovid G. Sparks; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO WAR REVENUE BILL.

Mr. ELKINS submitted two amendments intended to be proposed by him to the bill (H. R. 10100) to provide ways and means to meet war expenditures; which were referred to the Committee on Finance, and ordered to be printed.

PROPOSED ISSUE OF TREASURY NOTES.

Mr. STEWART. I submit an amendment intended to be proposed by me to House bill 10100, the bill to raise revenues for the prosecution of the war. I propose to strike out sections 27 and 28, which provide for a loan, and to insert a substitute.

I will state that my amendment is modeled after the act of 1860, providing for the issuance of Treasury notes payable one year after date with interest, but receivable for all Government dues. I offer it because I am anxious that the questions involved between those who favor the gold standard and those who take an opposite view shall not be raised. The issuance of long bonds is the favorite measure with those who have capital and desire investment.

The issuance of greenbacks or Treasury notes is the measure most favored by those who believe we ought to have more money. But inasmuch as it is improper to discuss the questions involved between the two parties pending war, I offer an amendment which is in precise conformity with the practice of the Government at all times previous to 1861, when an emergency existed. In the case of the Mexican war, and in all other cases, the Government issued Treasury notes of this character. I ask that the amendment be printed and referred to the Committee on Finance for their consideration.

The VICE-PRESIDENT. It will be so ordered.

BONDS RETIRED BETWEEN 1865 AND 1869.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate the aggregate amount of bonds retired between August 31, 1865, and July 1, 1869, and what amount in the aggregate of premium was paid in the purchase of said bonds over and above their face value.

SILVER COINAGE.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury is hereby directed to make to the Senate a report showing the coining value of the silver bullion in the Treasury, and the amount of the seigniorage, and the amount of the existing Treasury notes issued in its purchase, and the amount of standard silver dollars coined under the act of July 14, 1890, and the amount of the seigniorage, and the amount of Treasury notes redeemed in such dollars and retired.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7441) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 12, 13, and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, and 17, and agree to the same.

EUGENE HALE,
GEORGE C. PERKINS,
EDWARD MURPHY, Jr.,
Managers on the part of the Senate.

JAMES A. HEMENWAY,
MAHLON PITNEY,
THOMAS C. McRAE,
Managers on the part of the House.

Mr. CHANDLER. I wish to ask the Senator from California what has become of the amendment with reference to patents taken out by army officers, which provides that the Government may use such patents and the officer may recover the value of the patent in the Court of Claims?

Mr. PERKINS. I will state to the Senator from New Hampshire that the conferees, after duly considering the same, decided to strike it out, for the reason that a similar amendment to the naval appropriation bill had been defeated in the House, and we were assured by the conferees on the part of the House that this provision would meet a similar fate if they were to permit it to remain in the bill.

Mr. CHANDLER. I wish to state that I think the conference committee did quite right under the circumstances in receding from the amendment and that the Naval Committee did wisely in receding from a similar amendment upon the naval appropriation bill, because it was not worth while, under the circumstances, to delay either of the bills to remove misapprehension in connection with those two amendments. There has been so much misapprehension on the subject, however, that I desire to make of record a few facts.

It seems to have been considered by many persons that these two amendments granted additional privileges to army and navy officers to recover for the value of inventions for which they had taken out patents. That is an entire mistake. The two amendments were in fact limitations upon the existing rights of army and navy officers. To-day, as I understand the law, and I desire to be corrected if I am wrong, there is absolutely no limitation upon any army or navy officer who chooses to take out a patent for an invention applicable to the service of the Army or Navy. That is correct, in the first place.

Mr. WILSON. Mr. President——

Mr. CHANDLER. In a moment. Secondly, there is no limitation whatever upon the power of the heads of the Departments to reimburse army and navy officers for patents which are used by the Government.

Mr. HALE. Will the Senator from New Hampshire allow me?

Mr. CHANDLER. The Senator from Washington first claimed my attention.

Mr. WILSON. I did not rise to ask a question of the Senator. I rose to a question of order. I want to hear the Senator from New Hampshire, and it is simply impossible, owing to the confusion in the rear of the Chamber.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The point of order is well taken, and the Chair will appeal to the Senate to be in order.

Mr. CHANDLER. Now I yield to the Senator from Maine.

Mr. HALE. Undoubtedly the force and object of the amendment have been misunderstood. It was intended as a limitation and not as an extension of privilege on the part of inventors. I

do not think there is so much danger of any Secretary of his own motion paying extravagant sums to inventors as there is danger that the constant practice of coming to Congress for large sums will be kept up until a bill containing that provision or something like it passes. That, to my mind, is the great benefit of the provision. I think it is a wise one and ought to pass, and that it will pass when we get out of the present emergency. It will prevent the constant importunity of inventors who come to us to get propositions in appropriation bills and otherwise for large indemnification for their work. I do not think any Secretary is likely to pay them very much without referring them to Congress.

Mr. CHANDLER. I ask the Senator from Maine what a Secretary of the Navy is to do if, in the building of ships, he finds it necessary in the interest of the Government to use a patent taken out by a naval officer? He has no right to use the patent without compensation, and as the law now stands he may use a part of the appropriation made by Congress for the thing itself, to pay the naval officer royalty upon the patent, and necessarily he must do so.

Mr. HALE. There is some danger of that, although I do not think that would be a great evil. As I said, I think the greater evil is that inventors are continually coming to us for indemnity. This provision, which ought to be passed at the proper time, is a very guarded one, and sends them to the court, where they should go, and the Government will have the benefit of all the opportunities which the inventor has in the Departments to make his invention.

Mr. CHANDLER. I wish merely to say further that a bill substantially like these two provisions passed the House of Representatives without any objection within a year, and that that bill, as modified upon the suggestion of the Senate Committee on Naval Affairs, is a very judicious method of disposing of the subject. It adopts the rule of the English Admiralty that the Government may use any patent taken upon an invention made by a naval officer, and may compensate the naval officer therefor, but that in determining what is a just compensation to the naval officer all the circumstances surrounding the discovery shall be considered. If the naval officer had opportunities by reason of his naval service for making the discovery, if he had the assistance of the Government in perfecting and developing his invention, that is all to be taken into account, and he is to be paid only such sum as under the circumstances may be fair and just.

Now, the provisions of the British Admiralty, the provisions of the bill that passed the House of Representatives within a year, and the provisions of these two Senate amendments of the House bill are in limitation of the right of officers of the Government, in regulation of the exercise of the rights of the Government, and are not measures designed, as seems to have been thought by some, to put large sums into the pockets of army and navy officers for inventions made by them which are useful to the Government. The contrary was the purpose and effect of these two amendments, which ought to be embodied in a law at the earliest possible moment.

Mr. PERKINS. The Committee on Naval Affairs, the Committee on Appropriations, and the subcommittee upon fortifications and ordnance were in full accord in believing that the proposed amendment submitted by the Senator from New Hampshire to be a wise and a judicious one and that it should be embodied in a law upon our statute books. But the simple question for us to consider at this time was one of expediency. This fortification appropriation bill, carrying over $9,000,000, has now been in conference for nearly six weeks, and we thought it should not be longer delayed. After discussing the matter fully, realizing that the House conferees would not agree with the Senate conferees, we decided to recede from the amendment, and therefore have reported it to the Senate this morning for their final action. I trust the report will be concurred in.

Mr. GORMAN. I trust the Senator from California will furnish the Senate a short statement of the items in the bill on which we have receded.

Mr. PERKINS. I will state to the Senator from Maryland that the Senate receded from amendment No. 1, of which the Senator from Maryland was the author. That amendment placed under the supervision of the Board of Ordnance and Fortifications the expenditure of all the great sum of money appropriated by the Government for fortifications and ordnance. We took the testimony of the General Commanding the Army, the Chief of the Engineer Corps, the Chief of Ordnance, and the chiefs of the different bureaus; and after duly considering the weight of their testimony and that of others, we decided that at this time it was inexpedient and impolitic to adhere to that amendment. The Senate conferees therefore recommend that we recede from the amendment.

The next amendment of any importance, which reduces the bill $22,000, is that numbered 18, whereby the Senate appropriated $22,000 for the purpose of buying a patent known as the Gregory-Gerdom gas check for breech-loading guns. It was left, it is true, in the discretion of the Secretary of War; and yet your conferees, after considering it, thought it was not a good time to buy patents. Therefore the bill stands in dollars and cents the same as it passed the Senate, to wit, $9,399,494 less $22,000. The bill, therefore, to-day carries $9,377,494. There were no other changes of any importance. Indeed, those are the only changes, amendment No. 1 and amendment No. 18, which I have described.

Mr. HAWLEY. I should like to ask the Senator from California a question. Does not the Army use that gas check now?

Mr. PERKINS. Such was the testimony before your committee.

Mr. HAWLEY. And it expects to continue to use it?

Mr. PERKINS. I so understand.

Mr. HAWLEY. How is it going to continue to use it? I understand that the holders of the patents are willing to sell the use of it for a lump sum. I also understand that the Government beyond all doubt has been able to put it in its guns, and it is exceedingly valuable. The Government must either confiscate it or continue to pay in toll upon each individual gun. The patentee is at liberty to bring suit in the ordinary courts and get judgment against the officer putting one of those checks in; and the officer, if I understand it aright, will then have to ask Congress to reimburse him. Is not that true?

Mr. GORMAN. We can not hear a word on this side of the Chamber.

The PRESIDING OFFICER. Complaint is made that Senators can not be heard. The Senate will be in order.

Mr. GORMAN. I should like to know what the Senator from Connecticut said. I could not hear one word.

Mr. HAWLEY. I was asking a question or two and they were answered. I made the statement that the Government is using that gas check. It is considered exceedingly valuable, and the Government will continue to use it. Where is the patentee's remedy? The owners have offered to take a lump sum for the whole thing. If you go on in retail, you will have to pay a very respectable toll on each gun. The provision that was put in the bill by the Senate was a very sensible one. I do not know the man or anything about it, but I know his gas check is valued very highly; and the Government will have to negotiate a settlement in some way or will pay for the use of the patent at the end of a lawsuit.

Mr. GORMAN. Mr. President, we have been exceedingly liberal in making appropriations on all accounts in the Army and Navy and fortifications appropriation bills; and the two or three provisions that the Senate inserted in those bills with a view of restricting expenditures and keeping them within reasonable bounds to prevent the Government I will not say from being defrauded, but from being imposed upon, have, it seems, been rejected by the coordinate branch or have been stricken out of the bills.

I understand perfectly that in this rush and hurry for the purpose of meeting the public demand these propositions can not receive the consideration that they have had at ordinary times; but I do want to enter my protest now against the Senate receding in all these cases. There are here on this fortification appropriation bill two provisions both intended to be restrictive. The first is as to the expenditures to be made under the Board of Ordnance and Fortification.

The only effect of it was a restriction upon the Department officers, the heads of the bureaus, to see that not only in times of peace but in time of war there should be no extravagance and no corruption. That amendment has been rejected. So with the amendment which I think the Senator from New Hampshire [Mr. CHANDLER] framed, certainly it was reported by the Committee on Naval Affairs, with regard to patents, to fix a rule by which proper compensation could be given to the officers and other employees of the Government who own a patent for an invention that it is necessary to use in the guns of the Navy and the Army.

Under the rule that has prevailed and is prevailing, and which is left open by the rejection of this amendment, which in another place and at another time has been denounced in very severe terms, officers simply transfer their patents to a company or to other individuals, and men of prominence and power, men who love money more than they love their country, have been enabled to reap large rewards for their inventions, whereas the smaller and probably the more important men have never been able to get anything except by coming to Congress.

Under the stress of circumstances both these amendments were rejected, so that the Treasury may continue to be open to them. We passed only a day or two ago, on a report from the Committee on Military Affairs, a provision authorizing purchases to be made by officers of the Department without advertisement and without notice, a most extraordinary provision, one that went away beyond the law of 1861 and all the laws that were passed during the time of the rebellion, for we required at that time the certificate of some high officer of an extraordinary emergency before such purchases could be made.

I want to say to the Senate, to both sides of the Chamber, that you are entering upon a very dangerous line of action, and one

entirely unnecessary, when you place it in the hands of subordinate officers and bureau officers to contract any debt that they may see proper. It ought not to be permitted now or at any time. The passage of this bill is, I suppose, a foregone conclusion; it can not be stopped by the Senate now; but at all events I hope that from this time on we will begin to think and act upon the usual business principles that have governed the Government. There is no necessity for hysteria and the opening of the door to that which will come back to plague the country, no matter who controls the Departments. I think the Senate had better delay this bill for twenty-four hours or a week longer if it be necessary, so that a proper provision may be inserted and that the doors shall not be kept wide open.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

SANITARIUM AT HOT SPRINGS, ARK.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (H. R. 6468) authorizing the Supreme Lodge of the Knights of Pythias to erect and maintain a sanitarium and bath house on the Government reservation at the city of Hot Springs, Ark.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

QUARTERMASTER'S SUPPLIES, ETC.

Mr. HAWLEY. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 10121, which has come from the House with the request for a conference.

The PRESIDING OFFICER. The Chair lays before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HAWLEY. I move that the Senate insist upon its amendments and accede to the request for a conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. PROCTOR, and Mr. COCKRELL were appointed.

HOMESTEAD AND RIGHT OF WAY IN ALASKA.

Mr. HANSBROUGH. I ask that the action of the House of Representatives on the conference report on House bill 5975 may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the action of the House of Representatives further insisting upon its disagreement to the amendments of the Senate to the bill (H. R. 5975) extending the homestead laws and providing for right of way for railroads in the District of Alaska, and asking for a further conference with the Senate thereon.

Mr. HANSBROUGH. I move that the Senate insist upon its amendments and agree to the further conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. HANSBROUGH, Mr. CARTER, and Mr. ALLEN were appointed.

STREET PARKING IN THE DISTRICT.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5880) to vest in the Commissioners of the District of Columbia control of street parking in said District, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MCMILLAN. I move that the Senate insist on its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. MCMILLAN, Mr. PROCTOR, and Mr. GORMAN were appointed.

SIOUX CITY AND PACIFIC RAILWAY.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (S. 120) authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company in relation to certain bonds issued by the United States in aid of the construction of said railway.

The PRESIDING OFFICER. The Chair is informed that the bill has been read on a former occasion. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The Secretary will report the first amendment reported by the Committee on Pacific Railroads.

Mr. GEAR. I will state that there is a minority report accompanying the bill.

The PRESIDING OFFICER. Does the Senator desire to have the minority report read?

Mr. GEAR. I presume the Senators who made that report would like to have it read.

Mr. HARRIS. I ask for the reading of the minority report; and I will state that an amendment will be offered in accordance with the recommendations of that report.

The PRESIDING OFFICER. The views submitted by the minority will be read.

The Secretary read the views of the minority of the Committee on Pacific Railroads, submitted by Mr. MORGAN, Mr. RAWLINS, and Mr. HARRIS March 23, 1898, as follows:

The undersigned, while agreeing with the majority of the committee in referring the settlement of the claims of the United States against the Sioux City and Pacific Railroad Company, in relation to certain bonds issued by the United States in aid of the construction of said railway, to a commission to be composed of the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, believe that it would be to the interests of the Government to fix a minimum sum as a basis for said settlement for the following reasons:

This company was incorporated August 11, 1864, and on September 15, 1868, was consolidated with the Northern Nebraska Air Line Railroad Company. Its main line was opened to public business on February 11, 1869. In 1864 the Chicago and Northwestern Railway Company purchased all but a few shares of the common capital stock of the company, and it is now operated as a part of that system.

The main line extends from Sioux City, Iowa, to Fremont, Nebr., a distance of 101.58 miles, and there is a branch from Missouri Valley to California Junction, 5.84 miles in length; there are also 30.75 miles of sidings, making a total length of track 138.17 miles. By act of 1862 (section 14) the Union Pacific Railroad Company was authorized and required to construct a railroad from Sioux City, Iowa, to a point on and so as to connect with the main line of the Union Pacific not farther west than the one hundredth meridian of longitude, the point of junction to be fixed by the President of the United States. This was amended by section 17 of the act of 1864, which released the Union Pacific from the construction of this road and required it to be constructed by a company to be designated by the President, on the same terms as were provided for the construction of the Union Pacific. On December 24, 1864, President Lincoln designated the Sioux City and Pacific Railroad Company for this purpose, and bonds bearing 6 per cent interest were thereafter issued to aid in its construction, as follows:

Date of issue.	Amount.	Interest begins—	Date of maturity.	To whom delivered.	Number of miles added.
Mar. 16, 1868	$792,000	Mar. 10, 1868	Jan. 1, 1898	J. I. Blair	49.50
Mar. 30, 1868	320,000	Mar. 30, 1868	do	do	20
Mar. 3, 1869	516,320	Mar. 3, 1869	do	do	32.27
Total	1,628,320				101.77

The company is required under the acts to pay 5 per cent of its earnings annually and apply one-half of the compensation for Government transportation on account of the bonds and interest. The excess of interest paid by the United States over all credits amounted on February 1, 1898, to $2,612,388.88, making the balance of debt on that date $4,240,708.88.

The first-mortgage bonds of the company, amounting to $1,628,320, which under the act of 1864 constitute a prior lien to that of the United States, also matured January 1, 1898.

By the acts of 1862 and 1864 this company was also granted in aid of construction 60,000 acres of land. The records of the General Land Office show that to June 30, 1896, there had been patented to the company in the State of Nebraska 37,055.12 acres, and in the State of Iowa 4,343.11 acres; total, 41,398.23 acres of land, all of which had been sold by the company prior to August 1, 1875. Sioux City, Iowa, via California Junction and Fremont, Nebr., are the land-grant termini.

The reports of the commissioner of railroads, based upon statements made by the company now operating said road, show as follows:

Statement of the net earnings of the Sioux City and Pacific Railroad Company for the years 1893, 1894, 1895, and 1896, together with the average net earnings for the four years named:

1893	$132,845.73
1894	157,247.71
1895	120,542.61
1896	106,764.93
Total for four years	517,400.98
Average for four years	129,350.24

Government debt February 1, 1898:

Principal	1,628,320.00
Interest	2,612,388.00
Total	4,240,708.00

The average of the net earnings for the last four years, amounting to the sum of $129,350.24, we believe indicates clearly that the value of the property on a basis of 4 per cent is considerably in excess of the sum of $3,000,000, and while from the circumstances of the case it does not seem expedient for the Government to bid the full amount of the debt, and while it will undoubtedly lose a large part, if not all, of the interest, amounting to $2,612,388, there seems no justification or reason for losing any part of the principal of the bonds, and we therefore recommend that the commission be authorized to make such adjustment based upon a minimum payment of the principal of the bonds, amounting to $1,628,320. Certainly this ought to be accepted as a fair and just basis of settlement by the company. While it is true that it is only a disconnected line of road, yet there are other and rival lines seeking outlets in the direction of the Northwest that could be looked to in the event of this offer being rejected by the company and the property being sold under foreclosure.

Congress can not properly part with all right to form a judgment and express an opinion with regard to what should be a fair and just settlement of

these great debts, and it will not do to place the matter entirely in the hands of other officials, no matter how highly they may be esteemed and how much dependence can be placed upon their judgment, without some effort to indicate what shall be a basis for such settlement. The Congress of the United States is the direct representative of the people in these matters, and can not and will not be excused if they carelessly or with indifference transfer their duties to other shoulders.

The reports of the Commissioner of Railroads indicate that this piece of road is in excellent condition and in every way competent to perform the work of a first-class road, and that its earnings have been such as to thoroughly justify a demand for a settlement at somewhere near its real value.

This line of road crosses the Missouri River over a bridge which it has been asserted has been constructed by a different corporation and is not subject to the Government lien. This contention surely can not be granted without thorough investigation of the original act of Congress. It can not be supposed that that act contemplated disconnected portions of road connected by the property of a different corporation, but that it provided for a continuous line of road, every part of which should be subject to the Government lien. This has been so held in the case of the Omaha bridge, and should certainly form a strong ground for a claim by the Government to the added value which this bridge gives to the line of road.

The claims made by the debtor company in the case of the Union Pacific Railroad were thoroughly disproved in the final result of the settlement of that company. It was asserted there that the property did not possess the value or justify the payment of the full amount of the debt. It may reasonably be supposed that the claims of the debtor company in this case should not be accepted altogether in the face of the plain facts which are contained in the report of the Commissioner of Railroads.

We therefore recommend that the bill be amended by adding the following:

"That the said commission shall not accept, in the settlement of the debt due the United States, less than the amount of the principal of the bonds paid for such company."

JOHN T. MORGAN.
W. A. HARRIS.
J. L. RAWLINS.

Mr. HARRIS. I now ask that the amendment which I offered some days ago, and which was printed and laid on the table, may be read.

The PRESIDING OFFICER. The amendment submitted by the Senator from Kansas will be read for the information of the Senate.

Mr. GEAR. I ask that the amendments to the bill reported by the committee be first read, and then the Senator's amendment can be considered.

Mr. HARRIS. Very well.

The PRESIDING OFFICER. The amendments reported by the Committee on Pacific Railroads will first be considered.

The amendments reported by the Committee on Pacific Railroads were, in section 1, line 3, after the word "Treasury," to insert "the Secretary of the Interior and the Attorney-General;" in line 4, after the word "hereby," to strike out "is" and insert "are;" in line 6, on page 2, before the word "judgment," to strike out "his" and insert "their;" and in line 10, after the word "upon," to strike out "between it and the Secretary of the Treasury;" so as to make the section read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General be, and hereby are, authorized and required to negotiate with the Sioux City and Pacific Railway Company, said company being the owner of a line of railroad with terminals at Sioux City, Iowa, and Fremont, Nebr., for a settlement of the latter's obligation with reference to the bonds heretofore issued by the United States in aid of the construction of said railroad, and to make such settlement as shall be in their judgment to the best interest of the United States; and upon the payment into the Treasury of the United States, on behalf of said Sioux City and Pacific Railway Company, of such sum as may be agreed upon, it shall be the duty of the Secretary of the Treasury to execute under his hand and seal of office, on behalf of the United States, and deliver to said Sioux City and Pacific Railway Company a release in writing, duly acknowledged before an officer authorized to acknowledge deeds, stating that the sum of money so to be paid is in full satisfaction of the lien of the United States created by the issue of said bonds.

The amendments were agreed to.

The PRESIDING OFFICER. Does the Senator from Kansas desire to offer his amendment now?

Mr. HARRIS. I do. I offer the amendment which was ordered to be printed and laid upon the table.

The PRESIDING OFFICER. The amendment submitted by the Senator from Kansas will be stated.

The SECRETARY. It is proposed to insert in the proper place in the bill the following:

That the said commission shall not accept, in the settlement of the debt due the United States, less than the amount of the principal of the bonds paid for such company.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Kansas.

Mr. MORGAN. I wish to inquire of the Chair under what rule are we considering this case—Rule VIII?

The PRESIDING OFFICER. The Chair will state that the bill is being considered by unanimous consent in the morning hour. The Chair is of the opinion that it does not come under Rule VIII, as unanimous consent was given for its consideration.

Mr. MORGAN. I was going to say, Mr. President, that this bill both in its facts and in the precedent that we are about to establish here is a very important matter, and I should be very glad to get the attention of the Senate of the United States to it.

Mr. HALE. We can not hear the Senator.

Mr. MORGAN. No; I do not suppose anybody can hear me.

The PRESIDING OFFICER. The Senator will suspend until order is restored in the Chamber. [A pause.] The Senator from Alabama will proceed.

Mr. MORGAN. I should be very glad, inasmuch as this is going to operate probably as a precedent for some other cases that are back of it, that the Senate should give a very deliberate consideration to this bill. I know it is a very important matter, and it ought not to be considered merely in the morning hour, when Senators are usually busy in their preparations for the day's work and for work in the future. The bill ought to be taken up and examined into with a great deal of care.

The minority report, which was prepared by the Senator from Kansas [Mr. HARRIS], and signed by the rest of us, sets forth a situation of a painful nature, so far as the connection of the Government of the United States with this particular railroad is concerned, and also in relation to the history of our connection as a Government with the Union Pacific and Central Pacific railroads.

In my opinion, Mr. President, there is a great undervaluing of this property, and I think also that there is an overestimation of the necessity of disposing of it. This property ought to be retained in the present situation until some further development is made as to the progress of affairs or events in connection with the recent sale of the Union Pacific Railroad.

It appears that under a decree of the United States circuit court we have sold the interest of the United States, at least—and I suppose all other interests are concluded by the decree—in the Union Pacific Railroad Company, and that railroad company is left in a condition which I think no lawyer on this floor or elsewhere is able accurately to state or to define. Hereafter there is going to be, necessarily, a great deal of controversy arising in the Congress of the United States and elsewhere out of the anomalous situation of the Union Pacific Railroad Company, of which company this Sioux City road, as it is called, is a mere appendage or branch.

I do not know, Mr. President, who to-day is the legal owner or representative of the property called the Union Pacific Railroad Company, which was purchased by the agents of a trust or syndicate at a sale by order of the court; and there has been transferred to it certain of the rights, privileges, powers, franchises, and properties that belonged to that company—transferred to these trustees or to these purchasers—but, so far as I am informed, they have not purchased the corporate franchise. Neither do I believe that it is within the power of any other Governmental agency in this country except the Congress of the United States to dispose of the corporate franchise of the Union Pacific Railroad Company; and when I say that, I mean to include this minor part, this Sioux City road, which is to all intents and purposes a part of the Union Pacific Railroad in all of its legal attitudes.

Mr. THURSTON. I should like to make a correction right there. The Sioux City road never had any connection whatever with the Union Pacific road; it never was operated in connection with it at all. It is a part of the Northwestern Railroad system. The two properties have no relation at all, except that they were both included in one bill granting aid.

Mr. MORGAN. Yes; they were both included in one bill granting aid and intended to be incorporated in the same general line and placed under the control of the Government of the United States as to all of its rights against the Union Pacific Railroad as fully as if it had been originally a part of it. That is what I mean to say.

The Government of the United States, when it chartered the Union Pacific Railway Company and also in the same act the Central Pacific Railway Company—the same general system of laws—provided for itself a certain control over these railways. The first great leading proposition was that these roads, while built under separate charters and by different companies, were to become a great national highway, united under one railway and one management ultimately. That was the general intent. That intent is not only mentioned in the statutes which organized these companies, but it has been frequently referred to in the decisions of the Supreme Court of the United States as being vital in its effect upon the rights of persons and property connected with this general railroad system. I will give a citation of that.

A question arose between the heirs of Mr. Stanford and the United States Government as to whether the estate of Mr. Stanford was liable to certain contributions to the Central Pacific Railway Company under the laws and constitution of California. The Supreme Court of the United States, in deciding that that estate was exempt from these charges, these obligations, or alleged obligations, recurred to the fact that this line of railroad across the United States, across from ocean to ocean, as they say, was one uniform system of railway, to be affected in all of its parts by the legislation of Congress equally, and that, inasmuch as in the charter of the Union Pacific Railroad Company the liability was not fixed or recognized that was attempted to be imposed upon the Stanford estate in the suit that was brought at the instance of the United States Government, therefore the Stanford estate was not liable, it being the intent and purpose of the United States to make an equal liability, resting upon the stockholders of all of these railroads from one end to the other.

Without going particularly into the facts of that case—it is not

necessary that I should do so—we see here at once that upon the unification of these railroads in the statutes themselves there is made to depend the question of the liability of stockholders, which was clear enough under the constitution of California, but which the Supreme Court of the United States held we did not intend to insist upon because we did not fix the same liability upon the stockholders of the Union Pacific Railroad Company, thus establishing the legal identity of the two systems absolutely.

Now comes in another railroad company here, about which there is just as little question of legal identity as there was of the legal identity between the Union and the Central Pacific railroads. The Union Pacific Railroad has been sold out. The purchasers are trustees of a certain syndicate, and they hold the conveyance, whatever it may be worth, of the Federal courts of the United States under the decree. I insist, Mr. President, as I have always insisted, that such decrees did not sell the franchise. They were not intended to sell the franchise; and, in fact, they could not sell the franchise unless they sold out the rights of the United States, which are connected necessarily with its political government. For instance, to-day we may desire to send from Omaha to San Francisco bodies of troops for the purpose of going out on the Pacific Ocean somewhere, or for the purpose of defending that coast; and when we leave Omaha and start to the westward, to the terminus of the Union Pacific Railroad, who is it that we are dealing with and under what laws are we dealing?

We turn to the statute books of the United States, and we find that we have the right to transport troops across that road and to apply one-half of the price of the transportation to the credit of the debt that that railroad company has always acknowledged that it owed to the United States. But now the reply to that, I suppose, will be that that debt has been cut off; the United States have accepted a certain sum of money in payment of that debt, and therefore there is no obligation on the part of that railroad company to apply any portion of the cost of the transportation of soldiers to that debt, nor is there any power on the part of the United States to enforce the obligation. Then I ask the question in reply, With whom are we dealing? What has become of those laws? Who has repealed them? Who has lifted the Government of the United States out of contact with this property? What act of Congress has ever taken place to change the legal situation here? None whatever. Nothing has occurred but a sale under a decree of the Federal courts of the United States and a deed in pursuance of that. I deny that without the consent of Congress the authority and power of the United States to control these railroads under the statutes as they exist can be in any wise affected at all.

Now, it is proposed that two officers of the Government of the United States, the Secretary of the Interior and the Attorney-General, shall take this particular part of this general system of transcontinental railway and make a disposal of it, sell it. To what extent they would have the right to sell it the proposed act does not define. But, Mr. President, to sell that part of the road, or any part of the road, so as to cut off the United States Government from its rights, privileges, powers, and authority reserved in these statutes which are still unrepealed, is something that ought to be done, if at all, with extreme care. But here is a broad warrant of attorney in this bill to sell for any price they please, to convey what they please, to convey all of the property, with every right and franchise and easement and privilege that the Government of the United States has in it—a general delegation of authority without any restraint or restriction at all as to the amount for which the property is to be sold, or as to the interest that shall be conveyed to the purchasers, or who the purchasers are to be, or what corporate powers they will have after they have made the purchase.

I do not care to detain the Senate, as I am satisfied that it takes very little interest in this matter now, by setting forth in extenso the powers and privileges and rights that we are giving up under this general warrant of attorney here to make the sale and disposal of this railroad. But it is a subject which ought not to be lightly passed over. This railroad owes the Government of the United States to-day, according to the minority report, on the debt and interest, not computing interest on interest at all, $4,240,708.88. They tell us that the railroad is not worth it.

Mr. HARRIS. For money actually advanced.

Mr. MORGAN. What money is this that we are speaking about now? Money actually advanced and paid out of the Treasury of the United States to this railroad company. They seem to have gotten along comfortably well with it. They seem to have nursed it until they have got it to a place where they think there is no purchaser now except one railroad company, and that therefore they can put the screws on the agents of the United States and buy the railroad for just what they please. So far as I am concerned, I would rather give this road to the people in that part of the United States than to turn it over under these circumstances to this railroad company which stands ready to gobble it up. It would be a more just thing to do. It would be something at least that would be of benefit to some part of the people of the United States.

Let me ask why is there any objection, when this railroad company owes us this vast sum of money, to saying "that the said commission shall not accept in the settlement of the debt due the United States less than the amount of the principal of the bonds paid for such company?" The only objection I have heard of is that you can not get that much. Who knows about that? Are we willing to take the responsibility of saying in advance that we can not get that much for it? It is a very curious sort of man who would go to his opponent, to his creditor, if you please, who had a debt or obligation or power over him by which he could absorb his property, and say to him, "I want a thousand dollars for this property. That is just and right; but if you will not pay me a thousand dollars, I will take $500."

We are never to know whether we can sell this property for the amount of the principal debt, not including the interest, for that is sacrifice enough, until we make the effort. I am not willing to accept the statement or the supposition of any Senator on this floor that this company can not be strained up to the point of paying the amount of the principal debt, not including the interest. Sir, it seems to me that those who have the guardianship of the rights of the United States ought not in the beginning to surrender them without ever having made an effort to secure something worth talking about in the sale of this property.

The excess of interest over the credits we have received on the 1st of February, 1898, that we have paid out in actual money for this company, is $2,612,388.88. This amendment proposes to throw that away, and that amounts to one-half or more than one-half of the whole amount of the indebtedness. The minority of the committee are willing to go even to the extent of meeting the majority way beyond the halfway line and throwing away actually $2,612,388.88, in order to reconcile that company to the purchase of a railroad which they can not do without.

Mr. PETTUS. I desire to ask my colleague to inform the Senate what are the rights of the United States in this railroad independent of the lien for the money?

Mr. MORGAN. All of the rights that it possessed in regard to the Union Pacific and the Central Pacific railroads. One of these rights is to appoint five members of the board of directors. Another right is to transmit the troops, munitions of war of the United States, mails, and every other thing that concerns the Government at certain rates of transportation, one-half of which is due at the time the transportation is earned, to be credited upon this very interest account that we are asked to give away in the pending bill.

Mr. QUAY. Will the Senator from Alabama yield to me for a moment?

Mr. MORGAN. Certainly.

Mr. QUAY. I would be glad, unless the Senator from Alabama desires especially to go on with the consideration of the pending bill, if he would give way to me for the purpose of asking the Senate to proceed to the consideration of the Post-Office appropriation bill. I gave notice that at 1 o'clock to-day I would call up the bill.

Mr. MORGAN. I am not urging this bill, of course; I am opposing it; and the Senator had better appeal to the Senator from Iowa [Mr. GEAR] about any matter of that kind. But I can assure both Senators that it is not at all likely that we will get through with the pending bill by 2 o'clock, because there is a good deal to be said about it by several Senators. I hope the Senate feels enough interest in this bill to wake up to its importance and try to understand the ground upon which we are acting and the very great importance of the precedent we are about to establish here, which will be quoted upon us perhaps in a few days now in favor of a disposal of the Central Pacific Railroad on the same terms and by the same men, to both of which I object.

Mr. BUTLER. If the Senator from Alabama will pardon me, I should like to request the Senator from Pennsylvania not to call up the Post-Office appropriation bill to-day. The report of the hearings was laid on our desks only this morning, and I should like to look it over. I am not ready to proceed to-day. I hope the Senator will defer it until to-morrow.

Mr. QUAY. I have no desire to precipitate the bill upon the Senator from North Carolina, who I understand wishes to be heard on it.

Mr. CHANDLER. I suggest that there is no objection to going through with the bill now, with the exception of one or two items, and letting those items go over until to-morrow. Manifestly this large book just laid upon our desks this morning——

Mr. HALE. I was about to make the same suggestion, that we go through with the routine part of the bill and reserve the amendments upon which there is to be debate.

Mr. QUAY. Will that arrangement be satisfactory to the Senator from North Carolina?

Mr. BUTLER. What is it?

Mr. QUAY. To go through the routine part of the bill to-day.

Mr. BUTLER. I would prefer that the bill should not be taken up at all to-day.

Mr. QUAY. Very well; I withdraw the request.

Mr. MORGAN. I had just observed that I am aware of the fact—I think I am thoroughly aware of it—that after this bill has got through the Senate there will be great use made of this action as a precedent in favor of immediate action in the same line upon the Central Pacific Railroad. Whether or not we appreciate the value of this property here now and the interest of the United States in it, I think we ought to wake up to some sensible appreciation of the valuable Central Pacific, at least to the people concerned in its operation, both in the past and in the future. If we grant this full and complete and unqualified license to the Secretary of the Interior and the Attorney-General to settle this railroad question and price this railroad according to the provisions of the pending bill, we shall have no decent excuse of which I can conceive just now, or at least to which I am willing to advert just now, for insisting that a different rule shall apply to the Central Pacific Railway; and this is but an open door leading into that vortex out of which there will come, doubtless, a very great amount of trouble and litigation.

There is but one restriction upon the power that is conveyed in the first section of this bill to the Attorney-General and the Secretary of the Interior in the disposal of this property, and that is that the President shall approve such settlement. I am opposed, sir, to putting into the hands of Mr. McKinley or any man who lives in this world the capacity or the ability to control this case here and what will follow—the next case, the Central Pacific Railroad, which involves, according to my understanding of it, an inquiry that is of the most serious and important character, an inquiry that will lead ultimately to a very large increase of political power in the United States, and will lead also to the disappointment of a large number of the people of the West in regard to that great line of railway which was built for them and intended to facilitate them in the opening of their homes and all of their future prosperity.

Now, sir, there are not any people nor have there ever been any people in the United States who are so thoroughly and completely subordinated to the railroad interests extending across this continent as the people along what we call the Pacific Slope. There is not a field or an orchard or an enterprise on all that vast domain, wealthy as it is and increasingly wealthy as it is about to become, there is nothing there, that is not under the direct control of the railroad interests that reach across this continent. The people there are just as much enslaved to these railroads as ever a slave was to his master with a whip drawn over him. They have no possibility of living and increasing their wealth or paying their debts or making a living for their families except out of the poor, pitiful, minor indulgence that the railroads are willing to extend to them in the way of freights.

I have recent information, which I believe to be true, to the effect that on a large box of oranges, containing 200 oranges, I believe, after the fruit had been grown and gathered, culled, selected, boxed, and shipped to the marts of the East, where alone there is any market for those articles, the profit is 5 cents; and perhaps the best tree in California will not yield twenty or thirty boxes of oranges. Now, what becomes of all of this agricultural power and expenditure of labor and capital and skill and the risk? They are absorbed by the freights which are charged by these railroad companies. All of the companies not being under the control of the Congress of the United States, they can charge such freights as they please, and they do it systematically, and they have been built and are maintained and kept in operation for the sole purpose of taxing the agricultural power of the West to the utmost extent of the ability of those railroads to wring money out of the hands of the people.

When I speak upon this question I do not represent a community that has any special interest in it. I am not speaking for any corporation or for any accumulation of wealth and power. I am speaking in favor of the control of the Congress of the United States (which it owes it to the people to maintain) over these railroads under the laws as they now exist—a system of laws enacted for the purpose of their building and their future control and which we are now frittering away without giving to the people of that country the slightest protection, even in name, of the interest that it has cost them so much to build up. Who has built these railroads? Not the holders of the stock, not the incorporators, not the money of the men who own them now. These railroads were built entirely out of the subsidies furnished by the Government of the United States, which had been taxed out of the people, and by the labors of the people who have contributed continually to their resources.

Who, in the name of conscience and justice, has the right to the benefit of this system of railroads except the people whose money has built them? You may take Mr. Huntington, and instead of it having cost him and his associates money to build that road, it has made him immensely rich to build it, besides owning the property and having a power over the people that they can use and do use without the slightest mercy or charity toward them at all. We have placed these powers in the hands of this great transcontinental system for the double purpose of benefiting the people, whose industries and labors sustain the road, and the Government of the United States, which has the right and which secured to itself by legislation the right to have under its control a great transcontinental system of railroads.

Whenever one commences, however, to argue upon these propositions and to bring forward these facts, instantly there arises a series of interrogatories: "But are you in favor of Government ownership of railroads? Are you a Populist? Do you want to have the Congress of the United States control these railroads?" Mr. President, that question ought to have been put to the men who enacted these charters thirty years ago. What I am for and the only thing I am for is to preserve the rights that have grown up in favor of the United States and the people under the laws of Congress enacted thirty years ago. I am not in favor of enacting any new law for the purpose of creating Congressional control over the railroads or for the ownership of railroads in the United States for the purpose of having Congressional control.

We are not enacting any new laws here for that purpose, but, sir, I am opposed to tearing away from this railroad system those structures which were created thirty years ago in the very origin of their existence, and which were intended to protect the Government of the United States in its governmental right over these roads and also to protect the people against monopoly and outrage at the hands of the directory of these companies. That is what I am in favor of, and it is all that I am contending for. Pass the bill that is before us this morning—this innocent-looking little bill—and there you have a precedent for the next bill that comes up, which is of enormous importance to the people of the United States—the disposal of the Central Pacific.

As matters stand, even if the Union Pacific Railroad Company has been eliminated from this scheme, stricken out, and has passed into private ownership, and even if the Government of the United States can be supposed by the greatest strain of conjecture to have lost all of its interest in and control over the Union Pacific Railroad, there still remains, as yet intact, as I hope and believe at least, the railway leading from San Francisco into Missouri, Kansas City, over which the Congress of the United States still has its power of control. At all events, you bring the road from San Francisco across the mountains, where it is, and you will find at this end of that line, the Central Pacific line, ample opportunity for connection to lead to the East; and after all, the people of the United States, and particularly the people of the west coast of the United States, will have secured and preserved to them those rights which belong inherently to them by virtue of the charters under which these railroads were constructed.

I am for the preservation of all those rights, and I make this little forecast of what is going to take place after we have passed the pending bill for the purpose of admonishing the Senate that there is something to be done here, something to be looked after in this bill, and that the most that can be claimed by this railroad company that is here trying to buy this road is what is contained in the amendment offered by the Senator from Kansas, that the road shall not be sold for less than the principal sum of the debt which it has cost the United States in the way of subsidies. After throwing away all of this $2,000,000 and more of interest which we have paid in hard money and 41,000 acres of land which we have donated for the purpose of building and maintaining and carrying on this property, shall it now be said to us, "Leave this thing entirely to the discretion of the Secretary of the Interior and the Attorney-General, and let them make such a trade as they please about this poor little miserable waif?"

The President of the United States, they say, will have to approve it after all. I have not any doubt in the world that the President of the United States or any other man in the United States who is a candidate for election would be glad of the opportunity of doing such a thing. I can understand the weight of political capital that is thrown into the hands of an executive officer by temptations of that kind. While I respect Mr. McKinley as high as I do any man on the floor of the Senate, there is no man who lives whom I would put in that category and before whom I would lay such temptation by a legislative act of mine—legislation that is entirely unjustified by a due sense of self-respect on the part of the Senate of the United States—that we should delegate to some person, it makes no difference who he may be (and I would far rather it were a private citizen than a man who holds high office), and especially to one of the great functionaries of the United States, authority to go out and make his contracts and bargains with these enormous moneyed corporations.

Who does not know the power of such institutions in the control of elections in the United States? Sir, I would trust no man with any such power. I would lay no such temptation before any man who lives. The President of the United States ought to hold up his hands and beg to be delivered from it, because it would be putting him in a category where, to say the least, he might be assailed and from which it would be extremely difficult for him

to escape without some degree of censure from one side or the other.

That is all I desire to say just now about this matter. I prefer to hear from the Senator from Kansas [Mr. HARRIS] and also the Senator from Iowa [Mr. GEAR] before I have anything more to say about it.

Mr. HARRIS. Mr. President, I regret exceedingly that the consideration of this bill has been brought up at a time when it seems almost impossible for the Senate to give consideration to any matter of this kind.

It seems to me, in view of the interest which the people of the country expressed last summer in regard to the settlement of the claims which the Government has on the Pacific railroad companies and their manifest indisposition to give away or sacrifice the interests which the Government had, that the succeeding step in this operation of destroying and throwing away the assets of the Government ought to be taken up and settled with a great deal of care. As a matter of course, there is little, I think, to be said with regard to the actual physical condition of this road that is not said in the little minority report that has been read. The great fault really, of course, goes back of anything pertaining to the physical or actual value of the property.

The great fault and error was committed when permission was given by the Administration for the disposal of this property in detail instead of considering the entire Pacific railroads in the country as an entirety. The matter should have been settled with reference to the intent of Congress when the original charter was given, that there should be a continuous line operated, or at least controlled, by the Government from the Missouri River to the Pacific, without allowing it to be taken up in detail and each separate company dealt with as though it stood upon its own merits alone.

With regard to this road, the value of the property, I think, has been practically shown to be somewhere in the neighborhood of $3,000,000. Nobody can contend that it is less than that. It has a valuable bridge crossing the Missouri River. It has 100 miles of road in first-class condition, as shown by the reports of the Pacific Railroad commissioner. It is now being utilized as a part of the main line running north and south of the Northwestern system.

It has been intimated in the Senate that it is possible that these people may be willing to pay $1,000,000. It seems to me that after we consent to sacrifice $2,612,388, it is not improper that the Senate should put some limitation upon the power of the commission which is created and endeavor to force the companies into paying at least the principal of the bonds which has been advanced by the Government.

I can not see how Senators can regard this matter with indifference. It is a willful, palpable throwing away and giving up of an enormous amount of money without any consideration therefor and without making a single effort to protect the rights of the Government in the premises.

It seems to me that the people will feel some amount of indignation and that they will express some amount of doubt as to the patriotism of the people who consent to this kind of a transaction. It is a time when patriotism is being appealed to in every direction. Certainly here is a case where patriotism is just as much necessary as it is in facing the Spanish forces. We have got to protect the Government from those who seek to rob it just as well as we have got to protect the Government against those who seek to dishonor the Government in other directions. It is patriotism just as necessary in one case as the other. When we consent by a simple transfer to certain officers of the Administration of a power to settle without any limitation whatever upon them we simply give our consent to a settlement of a debt upon a basis that can never be approved by the people of this country.

The amendment which I have offered, and which is in accordance with the views of the minority of the Pacific Railroad Committee, certainly seems to me to be the least possible thing that we can do. It simply enables the commission authorized to make this settlement to make some demand. It bolsters them up in obtaining from the railroad companies some little proportion of the enormous amount which has been advanced. The total amount which the Government has paid out for these people amounts to $4,240,708. Besides that, they have had patented to them 41,398 acres of land, which are all valuable, lying nearly altogether in the Missouri River Valley, and which were patented and sold by them prior to August 1, 1875, showing that it had been disposed of at an early day and that it was valuable property.

I hope the Senate therefore will consider this amendment and attach it to the bill, and let it go with some sort of a show of effort to protect the interests of the Government in this matter.

Mr. PETTIGREW. Mr. President, as far as it goes, the amendment of the committee is all right; but it does not require as much of a payment as should be required from this railroad company. This piece of road, 101 miles in length, is the connecting link for the Northwestern railroad system. It connects their line which runs across the State of Nebraska into the Black Hills, South Dakota. It has an enormous traffic. Neither its earnings nor anything like the earnings are shown by the minority report. In addition to this line which connects with their great line in Nebraska this road runs to Sioux City. It runs through the valley of the Missouri River, one of the richest valleys in the world, for that portion of the valley of the Missouri River is as rich, if not richer, than any other equal area of the earth's surface.

From the time this road was built and ran its first train it has had an enormous and a profitable traffic. It had in the early days of the settlement of that part of the country, from 1869 on for years, almost a monopoly of the business of the Government along the Missouri River, the transportation of Indian supplies and Army supplies and men to the then frontier town of Sioux City, Iowa. It has been operated in connection with the Northwestern road every since its construction. The amount that they choose to return as its earnings is simply a matter of bookkeeping, for if any experts will go over the books and the business and go over the pounds of freight and the number of passengers that have been carried by this line they will find conclusively that, giving it the credit of the business which it actually did and the credit of the money which it actually earned, it can pay every dollar it owes the Government to-day, and could have paid it during all this time.

But by one of those peculiar methods so well known to the railroad management of this country for the purpose of swindling the Government out of its debt, the Northwestern Railroad has been guilty for years of falsifying the books, of falsifying the facts with regard to the earnings of the road, with the plan, conceived in the past and worked out up to date, of finally getting a settlement with the Government by which we would practically give them the debt.

This road to-day is so important a link in the Northwestern system, embracing as it does a bridge across the Missouri River that cost more than a million dollars, that if we should insist that the company should pay every dollar due the Government they would pay it. They can not get along without it. They can not build that link without a tremendous loss to their traffic.

They can not build it without expending at least one year of time. They can not build a bridge across the Missouri in one year of time. We are in a position to take advantage of their position, and it is our duty to do it for the reason that they have falsified the facts, made false returns as to the earnings of this branch for twenty years for the very purpose at the end of the time, when the bonds were due, of cheating the Government out of what was due it.

Everyone said we could not get the money due the Government from the Union Pacific road. We did get it. We were cheated, however, in that transaction. The Kansas Pacific road was a part of the Union Pacific. The stock of the Union Pacific represented the stock of the Kansas Pacific. They had been consolidated; they were under one organization; and yet for the purpose of enabling them to cheat us a little, eight or ten million, when we came to settle we separated the two transactions and settled for the Union Pacific and then threw off millions of dollars, while the two propositions taken together, if handled together, would have produced to the Government every dollar due the Government from both transactions.

Having disposed of that property, we are left this piece of road, 101 miles, with a bridge across the Missouri River, and it is thought that because we have disposed of the Union Pacific, which was in that locality and almost adjoining this road, this fraction of road will be of little value. If the bill should pass as reported by the majority of the committee, the probability is that the Government will get nothing. If it is passed with the amendment of the minority of the committee, the company will promptly pay the money. If the demand upon the company were twice what the minority of the committee require, the company would promptly pay the money. They can not dispose of the link. Therefore I shall offer as an amendment to the amendment that they shall not settle for less than $3,000,000.

I know this road, for I have traveled over it many a time. I know that the road since 1869 (and I traveled over it first in 1869) has had an immense traffic. It is in one of the richest and most thickly settled farming districts in the United States. It is good property at $40,000 a mile without the bridge. It is good property at $5,000,000; and the company is so situated that if we insist upon the payment, they have got to pay it, and they ought to pay it.

I therefore move to amend the amendment of the minority by making it read:

That said commission shall not accept in settlement of the debt due the United States less than $3,000,000.

Mr. GEAR. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa will suspend. The hour of 2 o'clock has arrived, and the Chair lays before the Senate the special order.

Mr. GEAR. I ask that the unfinished business be laid aside in order to continue the consideration of this bill.

The PRESIDING OFFICER. The Chair would suggest that there is a special order made for to-day. It is Senate joint resolution 86, proposing an amendment to the Constitution of the United States respecting the succession to the Presidency in certain cases.

Mr. HOAR. I should like very much to take up the special order. I do not think it will take much time. I believe everyone is satisfied with it.

Mr. GEAR. I will give way if that can be taken up and passed.

Mr. HOAR. Let the bill which has been before the Senate be laid aside informally.

The PRESIDING OFFICER. The Chair lays before the Senate the special order, which is Senate joint resolution 86.

Mr. GEAR. It is understood that the bill which has been before the Senate is to be laid aside informally.

Mr. MORGAN. No; I object to it.

The PRESIDING OFFICER. The present occupant of the Chair will suggest that the hour of 2 o'clock having arrived, the matter which has been under consideration by unanimous consent is not laid aside informally.

Mr. GEAR. I ask the Senator from Massachusetts to let us proceed with Senate bill 120. It will take only a few minutes longer.

Mr. HOAR. The special order is one which ought not to go through without the full understanding and assent of the members of the Senate. I do not wish to press it, although I think there will be no objection to it.

Mr. MORGAN. What I insist on, the hour of 2 o'clock having arrived, is that this business is at an end until it is called up again before the Senate regularly.

The PRESIDING OFFICER. The Senator from Alabama is undoubtedly right in that observation.

Mr. GEAR. I shall simply ask that the special order be laid aside.

The PRESIDING OFFICER. The Chair suggests to the Senator from Iowa that if that is done the bill in which he is interested can be placed before the Senate only by unanimous consent or on motion.

Mr. GEAR. I understand that the Senator from Massachusetts yields, and I shall press the pending bill.

Mr. MORGAN. No; I object to it.

Mr. GEAR. I shall then move that the Senate continue the discussion of the pending bill.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield for that purpose?

Mr. HOAR. Does the Senator from Alabama desire to displace the special order which comes up at 2 o'clock?

Mr. MORGAN. I do not. I merely insist that the business which has been before the Senate this morning by unanimous consent in the morning hour is at an end until it is again called before the Senate by a vote.

Mr. GEAR. I ask the Senator from Massachusetts to withdraw the special order for the present, so that I can move to take up Senate bill 120.

Mr. HOAR. It does not require any withdrawal. The Senator has the right to move it; and if taken up, it displaces everything.

Mr. GEAR. Then I move that the Senate continue the consideration of the bill which has been before the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor on the special order. The Senator from Massachusetts can not be taken from the floor. Does he yield for that purpose?

Mr. HOAR. I do not think I ought to yield. I hope the Senator from Iowa will make the motion a little later, because it is evident it will be resisted by the Senator from Alabama, and I should like to have the special order proceeded with.

PRESIDENTIAL SUCCESSION.

The PRESIDING OFFICER. The special order will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 86) proposing an amendment to the Constitution of the United States respecting the succession to the Presidency in certain cases.

The joint resolution had been reported from the Committee on the Judiciary with an amendment, to strike out all after the resolving clause and insert:

That the following amendment to the Constitution of the United States be proposed for ratification by the legislatures in the several States, which, when ratified by legislatures in three-fourths of the United States, shall be valid as a part of the said Constitution, namely:

"ARTICLE XVI.

"The provisions of Article II, clause 5, of the Constitution shall remain in force; and whenever there is no person entitled to discharge the duties of the office of the President, the same shall devolve upon the Vice-President. The Congress may by law provide for the case where there is no person entitled to hold the office of President or Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability shall be removed or a President shall be elected."

Mr. HOAR. I am directed by the Committee on the Judiciary to move an amendment in the ninth line by striking out the words "The provisions of" and inserting the words "In all cases not provided for by;" and then by striking out in the tenth line the words "shall remain in force, and whenever" and inserting the word "where."

The PRESIDING OFFICER. The amendment is proposed as an amendment to the amendment of the committee, and it will be stated.

The SECRETARY. It is proposed to amend the amendment in line 9 by striking out the words "The provisions of" and inserting "In all cases not provided for by;" and in line 10 by striking out the words "shall remain in force, and whenever" and inserting the word "where."

Mr. MORGAN. Let it be read.

Mr. GORMAN. Let the whole provision be read as it will read when amended.

Mr. HOAR. Let the whole provision be read.

The PRESIDING OFFICER. The joint resolution will be read as it will read when amended.

The Secretary read as follows:

That the following amendment to the Constitution of the United States be proposed for ratification by the legislatures in the several States, which, when ratified by legislatures in three-fourths of the United States, shall be valid as a part of the said Constitution, namely:

"ARTICLE XVI.

"In all cases not provided for by Article II, clause 5, of the Constitution, where there is no person entitled to discharge the duties of the office of the President, the same shall devolve upon the Vice-President. The Congress may by law provide for the case where there is no person entitled to hold the office of President or Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability shall be removed or a President shall be elected."

The amendment to the amendment was agreed to.

Mr. MILLS. I offer an amendment to come in as section 2.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Texas that it may be well to act upon the amendment as proposed by the committee. The question is on the amendment proposed by the committee as amended.

The amendment as amended was agreed to.

Mr. MILLS. I have sent to the desk the amendment which I offer.

The PRESIDING OFFICER. The amendment of the Senator from Texas will be read.

The SECRETARY. Add as an additional section the following:

SEC. 2. Direct taxes shall not be apportioned among the several States which may be included within the Union according to their respective numbers, but Congress shall have power to lay and collect direct taxes as other taxes, duties, imposts, and excises are levied and collected.

Mr. MILLS. Mr. President, the amendment I propose is intended to meet the condition existing by reason of the decision of the Supreme Court, which declared that Congress has not power to impose an income tax, because the Constitution declares that direct taxes, under which head the income tax comes, must be imposed in proportion to population. The provision which I have asked to have inserted carries together both the provision reported by the committee and the one which I have offered, and submits both propositions to the people of the United States, in order that we may have it in the power of Congress to lay and collect an income tax just as other duties, taxes, excises, and imposts are now levied and collected by the provisions of the Constitution.

It may be said that this proposes a distinct and different matter from that contemplated by the amendment proposed by the Judiciary Committee. But that makes no difference. The fourteenth amendment of the Constitution embraces four distinct propositions which were submitted to the legislatures of the several States for their ratification and approval. The first makes citizens of the United States of certain persons who had not hitherto been citizens; the second provides for the basis of representation; the third provides for the election of Senators and Representatives; the fourth provides for the security of the national debt. Each one of these provisions is distinct from the others.

The people of the United States are intensely interested in preserving in all its full energy the taxing power of the Government, and at no time ought this question to address itself to the public attention with more force than at the present, when the Government is almost emasculated of its taxing power by reason of the decision of the Supreme Court.

I do not care to discuss this question. I simply wish to present it to the Senate. Will you now give the people of the several States an opportunity to speak on this question and say that Congress shall be vested with the power to tax in order to raise money to preserve the life of the States?

Mr. HOAR. Mr. President, it is not necessary to remind Senators that this matter can only become a part of the Constitution

by a two-thirds vote of both Houses of Congress and then by a vote of three-fourths of the State legislatures or conventions specially called for that purpose in the States. So it seems a pity to put another distinct subject, I will not say of doubtful expediency, but about which there is great division of opinion in the country, which would inevitably, I suppose, lead in the present condition of public sentiment, to the loss of both amendments.

Whatever may be said as to the income tax, I suppose no intelligent reader of our history will doubt that if the power of taxing incomes had been declared in the original Constitution of the United States, it never could have been adopted by the people. Probably there would not have been found a single State in the Union that would have adopted it at that time. They desired to reserve the power of taxing incomes and all that class of taxes, as I read the history of that time, to the States, and as an equivalent they denied to the States the great power of taxing imports.

I beg the Senator from Texas to understand that I do not say this with a view of entering upon that great field of debate where he and I probably would disagree, because I recognize the grave reasons which could be urged on his side of that controversy, including some of the earlier decisions of the Supreme Court of the United States. I wish to speak with the most absolute respect of the opinion which I do not myself share in regard to that great question. But this amendment, which has been the subject of great consideration in the Judiciary Committee—I think it was discussed at five or six meetings, it may be more, and referred to a large subcommittee—is intended to meet what is really a very grave danger in our existing condition of things.

There is no provision in the Constitution for the case where after their election by the electoral college both the President and Vice-President elect die. It is only in the case of the death, resignation, or removal of a President that the Vice-President is to succeed, and he can not succeed under the present Constitution if the President-elect die before the Vice-President is inaugurated. If both die, Congress has no power to provide what officer shall fill the vacancy. We have now political parties multiplied. There is no provision for supplying a vacancy in the case of a failure to elect in the House, there having been first a failure, of course, in the electoral college.

Now, we desire to confine the attention of the Congress and of the States to just one danger. We have had several instances of the deaths of Presidents and several instances of the deaths of Vice-Presidents during their term of office, which are familiar to us all, and if we should in future generations unhappily have a condition of things like that which even now is said to exist in an ancient foreign country, a country which formerly had a very high rank among the civilized nations of the world, and in any sudden tempest of popular excitement, or in the case of any distemper prevailing at the seat of government, these two officials-elect should be taken away, the result would be anarchy.

I trust the Senate will be willing to take up by itself the great subject which the Senator from Texas and so many other Senators and so many of the most intelligent citizens of the country, as I agree, have at heart, and so I move to lay the Senator's amendment upon the table.

Mr. MILLS. Let us have the yeas and nays on that motion.

Mr. TELLER. I ask the Senator from Massachusetts to waive his motion for a moment.

Mr. HOAR. I will waive the motion for the present.

The PRESIDING OFFICER (Mr. PASCO in the chair). The motion to lay the amendment on the table is withdrawn, and the Senator from Colorado [Mr. TELLER] is recognized.

Mr. TELLER. I am a member of the committee who reported the pending joint resolution, but I wish to say that I am very much in favor of some provision which will enable the Government of the United States to impose an income tax; and for that reason I shall vote against laying the amendment on the table, not because I expect the amendment will be adopted, but because I wish to emphasize my views upon the question involved in it.

I do not intend to debate the question except to say that an income tax has become a feature of taxation, I think I may say, in perhaps all the countries of the world.

When the income tax, which was adopted during the late war, under which we collected nearly $350,000,000, was repealed, it was repealed by 30 majority in the House of Representatives, if I now recollect aright. The bill then came here, where it was debated, and the repealing act was carried by a vote of 26 to 25. There were some Democrats who voted for its repeal and some Republicans, but in the 25 votes cast against the repeal of that tax there was not a single Democrat, but every one who so voted was a Republican.

I have taken pains to examine that debate, and I find that not a man who spoke against its repeal ever made a suggestion in the debate that it was a war tax or a war feature. It was defended by the Republicans of this body purely and solely upon the ground that it was a just and equitable method of raising revenue. The Senator from Vermont [Mr. MORRILL], the oldest Senator here, made a speech against its repeal. The recent Secretary of State, Mr. Sherman, who was then a member of this body, also made a speech against its repeal, and several other very prominent Senators, amongst them the then Senator from Indiana, Mr. Morton, made speeches against its repeal.

I only want to emphasize the fact that the modern charge that an income tax is a Democratic and a Populistic idea is not true, and that every vote given in the House of Representatives against its repeal was a Republican vote, and every vote given in this body against its repeal was a Republican vote, and that every speech made in either body against its repeal was a Republican speech. I have not looked over the discussions in the House of Representatives as to the ground upon which their position was based, but I state positively and distinctly that no one in this body insisted upon maintaining the income tax upon the ground that we needed revenue or that it was a war tax, but solely and entirely upon the ground that it was an equitable and just method of raising revenue in this country. I so believe, Mr. President.

I believe the time has come when the great expenses of this country necessitate an income tax. I realize, however, that if we are to have an income tax now it must be brought within the purview of the decision of the Supreme Court of the United States, a decision which the Senator from Massachusetts [Mr. HOAR] indicates that he approves of, a decision which practically reversed five solemnly adjudicated cases by that very same court, and one of them as late as 1880, when the court passed upon every point which was discussed in the last case, when the court was unanimously in favor of the constitutionality of the act.

Mr. President, I did not rise to debate that question, but simply to give the reason why I shall not vote with the committee to lay the amendment on the table.

Mr. MILLS. Mr. President, I only wish for a few moments before the Senator from Massachusetts [Mr. HOAR] makes his motion to lay my amendment on the table. I agree with the Senator from Massachusetts that the Constitution of the United States when it was being formed was like a ship sailing over a sunken archipelago of rocks. It was threatened with shipwreck at every moment. The States were very jealous about giving up power to the National Government. Federalism was rampant in the Constitutional Convention; and at last, after a long struggle, the Constitution, mutilated as it is, finally came into being as a succession of compromises.

Now, see what a situation we are in: Involved in a foreign struggle, which may not be great or which may be, with more than $20,000,000,000 of real property in this country to which the taxing power can not reach, which is absolutely beyond control, except by a tax in proportion to population, which would be infamously unjust.

Mr. HOAR. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. MILLS. Yes, sir.

Mr. HOAR. I want to ask the Senator whether he would consent to my asking unanimous consent to bring his amendment before the Senate as a separate amendment?

Mr. MILLS. I am afraid it would never get through. I want to tie it to the pending proposition in order to carry it through.

Mr. HOAR. Does the Senator want to compel anybody to vote for the amendment who does not believe in it?

Mr. MILLS. I want to get it to the American people, who do believe in it. I want to give them an opportunity to do the voting.

Mr. HOAR. Will not that be accomplished if the Senator's proposition be taken up as a separate measure, when every Senator can record his vote upon it?

Mr. MILLS. If the Senator speaks for his side of the Chamber, and they will agree to that, I shall not object.

Mr. HOAR. The Senator certainly does not want to have the people believe that anybody who does not believe in the proposition will vote for it? I assume, of course, that the Senator would not think of compelling Senators who do not believe in his amendment to vote for it by coupling it with something in which they do believe. That would be a bargain which the Senator never in the world would make. I therefore wanted to ask him whether he would not agree to have a unanimous-consent order that his amendment should be taken up as a separate measure after the pending proposition is disposed of, and let us debate it and record our votes on it?

Mr. MILLS. The Senator from Massachusetts has ascended very high in the ethereal regions when he talks about a member of the Senate or of the House of Representatives never voting for any bill which does not express his views on everything. I hardly think I have ever voted for one in twenty-five years' service in the two Houses where I have not voted for something I did not believe in.

Mr. HOAR. If the Senator will pardon me, I am not attacking his constitutional amendment now; but I do not think the Senator

ever voted or ever would vote for a constitutional amendment in which he did not believe.

Mr. MILLS. I do sometimes vote for provisions in bills in which I do not believe in order to get that in which I do believe. We all know that all legislation is a matter of compromise. We see it constantly before our eyes in all the important bills which come before us.

Now, I want to give the American people an opportunity to correct a great mistake, which was made either by the Supreme Court of the United States or by those who framed the Constitution of the United States. We have made fifteen amendments to the Constitution, whether wise or unwise. Mr. Jefferson said that every generation ought to amend the Constitution; that as a generation advances in civilization it certainly ought to acquire more knowledge than the prior generation had, and there ought to be no ironclad Constitution to bind to all eternity any great nation or race of people. I think it was one of the unwise things our fathers did in so arranging for amendments of the Constitution as to make it almost impossible to accomplish it, except in times of war, when the Administration of the Government had the sword in its hands.

The first ten amendments that were made to the Constitution were made because the public sentiment of the country was unanimous in favor of putting those great rights of personal security into the Constitution which were placed there by those amendments. The eleventh amendment was made also by an almost unanimous judgment of the people of the United States, occasioned by a decision of the Supreme Court in the case of Chisolm *vs.* The State of Georgia. Now the people of the United States find by another decision of the Supreme Court that they are emasculated of that most important of all the powers conferred upon the Government, the power to raise revenue to support it; and it was said by one of the distinguished judges when that decision was made that we would see the evil effect of it when we were confronted by war.

Here we are to-day confronted by war. We have a revenue bill laid upon our tables to retax what has already been taxed, piling up taxes upon the poor people of this country, while the wealth of the country lies out beyond the reach of the Government—$20,000,000,000 worth of real estate beyond its touch. All the immense revenues that come from those rents, gains, and profits are beyond the reach of the Government; all incomes are beyond the reach of the Government, and who is to sustain this great struggle in which we are engaged—a struggle which may develop into a flame of war over all the earth? No man can tell to-day whether this war shall not, before it ends, bring within its infernal vortex all the powers of Europe. Here we are to-day without the power to raise money except by selling bonds and enslaving our people generation after generation, until we shall have no credit and can sell no bonds, and will be in the position in which Spain is to-day.

Our fathers have laid down—Washington and all others—the fundamental proposition that to keep your liberties you must keep your credit, so that you can use it when you get into war. When you get into war you must borrow money, for your taxing power will not be sufficient to carry you through a great struggle. You must borrow, but when you borrow money levy taxes to pay it in a short time after you get into peace again, so that you may have all the instruments of your credit with which to begin the next conflict.

Mr. President, when we now propose to go to the people and ask them to subject this great wealth to the duty of paying taxes to support the Government, we are denied that privilege.

I do not wish to enter into the discussion any further. I simply wanted to say enough to fix the attention of the Senate of the United States and then let them vote as they please upon the question.

Mr. CHANDLER. I should like to ask the Senator from Texas before he takes his seat why he says that he and others who think with him and who are in favor of an amendment to the Constitution of the United States which shall authorize an income tax are deprived of the privilege of going to the country upon that issue, simply because we who are in favor of the pending amendment reported by the Judiciary Committee ask him and them not to insist upon precipitating that question by way of amendment to another proposed constitutional amendment?

Mr. President, the Senator from Massachusetts [Mr. HOAR] is not authorized to say for me that I will vote against submitting to the legislatures of the States a constitutional amendment in favor of laying an income tax. He has not undertaken to speak for me on that subject; and I am not certain that I shall not vote for the submission of such an amendment. I am willing to meet that question, and have it discussed and have it voted upon. Certainly I do not think the Senator from Texas has a right to say that he is deprived of the privilege of raising that question before the American Congress and the American people because we ask him not to raise that very doubtful and troublesome question in connection with a constitutional amendment which is desired to secure a result which every Senator in this Chamber, I undertake to say, desires to secure. Now, will not the Senator withdraw his proposed amendment to the pending joint resolution and propose it separately, and let us discuss it? I ask the Senator from Texas that question.

Mr. MILLS. The Senator entirely misunderstood me if he understood me to say that we did not have the right and the privilege to go before the people of the United States and discuss this issue. I do not say that. I say that we are not accorded the right to send this proposition to the legislatures of the States, in accordance with the provisions of the Constitution, and invoke their judgment in a legitimate way.

Mr. CHANDLER. I ask the Senator why he can not have the privilege, if there is a majority of votes in favor of it?

Mr. MILLS. It takes a two-thirds vote of both Houses to do that, as the Senator knows.

Mr. CHANDLER. Then, Mr. President, the case stands right out clear. The Senator from Texas asks the Senator from Massachusetts whether he represents all on this side of the Chamber on the income tax, and I ask the Senator from Texas whether he represents all the Senators upon the other side of the Chamber when he says that there shall not go to the legislatures of the States this amendment, which may be very important to prevent chaos in this country by the termination of the existence of the President and Vice-President of the United States; that he and those Senators who act with him politically will not consent to have that obvious error corrected in the Constitution unless Senators who are opposed to an income tax will vote to submit an amendment of that kind at the same time? I doubt whether the Senator represents the other side of the Chamber in taking that position.

Mr. HOAR. Will the Senator from New Hampshire yield to me for a moment?

Mr. CHANDLER. Certainly.

Mr. HOAR. I desire simply to say that I have not undertaken to speak for any Senator except myself upon any subject whatever.

Mr. MILLS. Neither have I.

Mr. HOAR. I simply asked the Senator from Texas if he would join me in obtaining unanimous consent to take up an amendment establishing an income tax after the pending proposition was out of the way. That is all. I asked that question, and I should like to ask unanimous consent that the constitutional amendment proposed by the Senator from Texas be taken up for consideration after this proposed amendment to the Constitution is disposed of.

Mr. CHANDLER. Mr. President, I do not think the Senator from Texas really means that he does not think the legislatures of the States ought to be allowed the privilege of voting upon the constitutional amendment reported by the Judiciary Committee unless they also vote upon the constitutional amendment providing for an income tax.

Mr. HOAR. Mr. President——

Mr. CHANDLER. I yield in order that the request of the Senator from Massachusetts may be submitted to the Senate.

Mr. HOAR. I ask unanimous consent that the proposed constitutional amendment of the Senator from Texas may be submitted to the Senate after the pending proposition is disposed of.

Mr. MILLS. Of course that can not be given. I want a vote on my amendment.

Mr. HOAR. The Senator from Texas objects.

The PRESIDING OFFICER. The Senator from Texas objects to the proposition made by the Senator from Massachusetts.

Mr. CHANDLER. Will not the Senator from Texas withdraw the proposition?

Mr. MILLS. Of course not. I want a vote on it.

Mr. CHANDLER. Will not the Senator from Texas agree to have a vote upon it as a separate proposition? The Senator does not pretend to represent his side of the Chamber in saying that we can not send this other constitutional amendment, to which nobody objects, to the legislatures of the States unless we at the same time consent to send an income-tax amendment—he does not really mean that, does he?

Mr. MILLS. I have not said anything of the kind. I have simply given my views to the Senate in favor of amending the proposed amendment to the Constitution, and on that I want a vote.

Mr. CHANDLER. The Senator can get a vote on that as a separate proposition. Why does the Senator say that this obvious fault in the Constitution, which arouses no discussion, shall not be corrected unless Senators will vote against their convictions in favor of submitting an income-tax proposition? I do not think Senators on the other side of the Chamber will agree to that proposition or are willing to take that position. I certainly do not think that my friend from Nevada [Mr. STEWART], who has been patiently waiting to submit a few remarks in the midst of mine, will take such a position.

Mr. STEWART. I have not interrupted the Senator from New Hampshire.

Mr. CHANDLER. I yield to the Senator from Nevada.

Mr. STEWART. I should like to address the Senate in my own right for a few moments.

Mr. CHANDLER. I thought the Senator wanted to ask me a question.

Mr. STEWART. No; I want to make a few remarks.

Mr. CHANDLER. I shall not occupy the floor long, Mr. President.

Mr. FORAKER. Mr. President——

Mr. CHANDLER. I have not yet finished.

Mr. FORAKER. I understood the Senator from Nevada [Mr. STEWART] had the floor.

The PRESIDING OFFICER. The Chair supposed the Senator from New Hampshire [Mr. CHANDLER] had left the floor.

Mr. CHANDLER. I had not yielded the floor, Mr. President.

The PRESIDING OFFICER. But the Chair now understands that the Senator from New Hampshire retains the floor.

Mr. CHANDLER. I understood the Senator from Nevada wanted to ask me a question. I am not quite through with my remarks.

The PRESIDING OFFICER. The Senator from New Hampshire is entitled to the floor.

Mr. CHANDLER. I always yield when a Senator rises, in accordance with the customs of the Senate, expecting him to ask a question.

Mr. FORAKER. I merely want to make a remark, which is apropos to what the Senator from New Hampshire [Mr. CHANDLER] has said, and it may be to what was said by the Senator from Texas [Mr. MILLS] also.

I favor both these proposed amendments. I believe in an income tax, but I do not believe in associating the two propositions; and if they are to be submitted together, or, rather, if the amendment of the Senator from Texas is to be insisted upon, I shall vote for the motion to lay the amendment upon the table, simply because I think if they were to go out together the one would kill the other. If, however, they can be separated, or whenever they are separately presented, I shall vote for both of them.

Mr. CHANDLER. Now, there, Mr. President, I show the Senator from Texas that he is losing apparently two votes on his main proposition because he insists upon this, as I call it, unfair method of dealing with a subject which he has very much at heart.

There is another amendment to the Constitution reported from the Committee on Privileges and Elections by the Senator from Massachusetts [Mr. HOAR], which is in order this afternoon. That simply proposes to make the close of the Congressional and Presidential terms the last week in April instead of the 4th of March. That is a very simple matter. The proposition of the joint resolution as reported is that the last Wednesday of April in the year 1901 shall be the end of the term of office of the President and Vice-President of the United States and of the Fifty-sixth Congress—the next Congress—and that thereafter the last Wednesday of April shall be substituted for the 4th of March.

The Senator from Massachusetts, since the joint resolution has been reported, has suggested that the last Thursday of April would perhaps be equally appropriate; and it is suggested, I understand, because that was the day upon which the first President, General Washington, was inaugurated.

That constitutional amendment, if adopted, would lengthen the short term of Congress from the first Monday in December until the last Thursday of April. It is an amendment which, I think, ought to be unanimously adopted by the two Houses of Congress. I should hate to see the Senator from Texas, if his income-tax proposition is not put upon this first amendment of the Constitution, then move it upon the next proposition, and embarrass these two questions, which are simple and which ought to arouse no discussion, by bringing a moot question into debate here.

If the proposition of the Senator from Texas means that these two constitutional amendments, which ought to arouse no feeling and which have been prepared with care by two committees of this body, are not to be allowed to pass the Senate and go to the House of Representatives—if that is what the Senator means—if he speaks for the party with which he has been up to this time associated in the politics of this country; if he speaks for himself and his party associates, and they mean that neither of these amendments shall be adopted unless an income-tax amendment to the Constitution goes to the people at the same time, then I hope other Senators will frankly say so, as the Senator from Texas has said so. But, Mr. President, I hope that will not be the position of the Senate. I hope, as American Senators, we shall recognize that we ought to deal with these two questions without embarrassing them by bringing into the debate, and seeking to force action of the Senate thereon, questions of an exciting character upon which there is so much difference of opinion.

Mr. STEWART. Mr. President, we have passed over a hundred years without the contingency happening which the pending constitutional amendment provides for. It is almost an impossible contingency, and the proposition might wait a little longer. But we have reached a point where a great evil exists, where we can not wait unless we intend to deny justice to the American people.

The want of power to levy equal taxation upon the rich as well as the poor is one of great concern. Whatever may be done, whatever may be said, an issue was created by the decision of the Supreme Court, which will not stop agitating the country until it is settled, and settled rightly. As was said in an address sent here some thirty-five years ago, unsettled questions have no pity for the repose of mankind, and while this question remains unsettled, the people will feel that they are unfairly dealt with. It is creating a feeling in this country which is dangerous to the perpetuity of our institutions.

It is not only necessary that you should have just laws, equal laws, and equality before the law to make the people content, but that condition must be so plain that they will know the laws are equal. The idea that the great wealth of the country shall not contribute to the support of the Government in time of peace and defend the honor of the flag in time of war, but that the burden shall fall upon the poor, upon the masses, while the classes have all the property, will create a feeling in this country before which every man should pause. It is the duty of every Senator to bring that question forward at all proper times. No proposed amendment of the Constitution ought to be adopted by Congress without having such an amendment attached to it. Why amend the Constitution in inconsequential things in an attempt to provide against imaginary wrongs, when you have before you a wrong which all fair-minded men recognize?

We had supposed for a hundred years that the power to levy an income tax existed, but we find by the decision of the Supreme Court of the United States that it does not exist, and to call upon the States for direct taxation, dividing it among the States according to population, would be entirely inadequate and should not be resorted to. It is necessary for this Government to have the power to make all the property and all the men in its jurisdiction contribute to its support. This Government should rest upon all the property, the property of the rich as well as of the poor; and to say that an amendment of that kind must be set aside, must not be considered, and that an amendment to correct an imaginary evil is of importance——

Mr. HOAR. May I ask the Senator from Nevada a question on this subject?

Mr. STEWART. Any question.

Mr. HOAR. How many States in the Union have the income tax?

Mr. STEWART. I do not know.

Mr. HOAR. A considerable number?

Mr. STEWART. But they have a power of taxation which we do not possess.

Mr. HOAR. I know; but they do not have the power of imposing duties on imports as we do.

Mr. STEWART. They have power to levy taxes, and they can levy taxes upon property without limit. We can not begin to raise enough revenue on imports. It is inadequate.

Mr. HOAR. The point of my question is this: The Senator says that nobody who is fair-minded disagrees with him. I suppose I am not fair-minded.

Mr. STEWART. The Senator's mind may be a little crooked, and he may not be conscious of it.

Mr. HOAR. I do disagree with the Senator down to the very roots. I think the income tax was considered by this people, when we got through trying the experiment, the most odious tax ever levied; and if we get one again, it will be considered by the people the most odious tax ever levied after being tried a few years. I think, further, that the States of this Union, with some half dozen exceptions, although they have a perfect right to levy one and although it ought to be left to the States to levy when they want to, because the States still raise the larger share for our expenditures, do not do it. I think I know from the reading of documents that if it had been suggested when the Constitution was formed that the power was conferred by it to levy an income tax, it would not have had the assent of a single State. The Senator thinks that people who do not agree with him are not fair-minded.

Mr. STEWART. That is my general judgment, because I know I am fair-minded, of course.

Mr. HOAR. I want to say that the income tax is about as big a piece of demagogism as was ever brought out.

Mr. STEWART. That shows the perversity of the Senator's mind.

Mr. HOAR. I think that most of the people, not all of them, who favor it think they are going to get political advantage in stirring this thing, and that they will find themselves dreadfully mistaken, as they have in a good many other like efforts.

Mr. STEWART. We may get no political advantages; we may have no political rights; but we would like to have the rich contribute as well as the poor.

Mr. HOAR. May I ask another question?

Mr. STEWART. Certainly.

Mr. HOAR. How much do the millionaire mine owners of Nevada contribute through income tax to the expense of that State?

Mr. STEWART. There are no millionaires there. You have destroyed them all by your legislation. We are not very much obliged to you for having destroyed the industry, but still having done it, we do not want you to proceed any further in your spoliation.

No; this is a more serious business than is generally supposed. The rich are practically exempt, and the taxation under this bill falls upon the poor, the business men. I undertake to say that if it had been understood when the Constitution was framed that the taxes should come out of the poor and that the rich should be exempt, the States would not have adopted the Constitution. If it had been supposed that more than half of the wealth would be owned by 1 per cent of the population and that there was no power in the Constitution to reach by taxation the half held by the rich, your Constitution could not have been adopted. An evil has grown up so great that it requires action on the part of the General Government.

It ought to be considered. We know the power of wealth; we know the difficulty of amending the Constitution, when it requires three-fourths of the States; we know how strongly the wealthy are intrenched in a few States, but still we will continue to try it. We will not give it up. Will anyone say that the States would not have adopted the Constitution if it had been known that it did not contain a provision which would exempt the rich, if they had known that it would be a fair Constitution? You could not have adopted a Constitution at all if there had been before the people the decision of the Supreme Court. The people never would have gone into a compact where the mass of the people would be taxed for the benefit of the classes, who have all the benefit of legislation.

Those who believe it is inopportune to bring this forward now will always believe it inopportune. There will be no time. We do not expect to pass it through this Congress. We do not expect it to pass while the party are in power which are now in power. They are opposed to the income tax. We do not expect anything of the kind; but we do want them to vote, so that we can have their record on this question as often as we can get it; and I thank my friend the Senator from Texas for bringing it up. We want a vote; we want to count noses, and to see how everybody stands, and let it go to the country.

Mr. CHANDLER. Of course the Senator from Nevada may have a vote and count noses, but what sort of statesmanship is it to say that an amendment to the Constitution shall not go to the legislatures of the States, of which two-thirds of the Senate are in favor, unless there goes out with it also an amendment to the Constitution of which less than two-thirds of the Senate are in favor?

Mr. STEWART. How does the Senator know about it, in the first place?

Mr. CHANDLER. I will tell him.

Mr. STEWART. The Senator does not assume that two-thirds are not willing to do right?

Mr. CHANDLER. If the Senator will let me answer the question, I will tell him how I know. It is because the Senator from Texas and the Senator from Nevada will not let the two propositions be voted upon as separate propositions. That is the way I know.

Mr. STEWART. If we can have votes for the right, for a great cause, by coupling it with a mere fancy—and some people will vote for a fancy who do not care much for the right—if we can get any votes in that way, we want them. The main thing is to get votes for the right.

Mr. CHANDLER. I will not call it by a bad name, but it is not fair dealing and it is not statesmanship to adopt a coercive policy in reference to amendments to the Constitution of the United States in this way.

Mr. STEWART. A coercive policy! Do not the majority adopt it all the while? Do they not put things in bills and force us to vote for them every day? Now they object to having an amendment proposed to a measure which they bring forward. We have a right to propose amendments, and if a majority of the Senate vote it down, that is the end of it. But we want a vote on it. We want to see how you stand on this particular question.

Mr. CHANDLER. Then I will move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire to lay on the table the amendment proposed by the Senator from Texas.

Mr. MILLS and Mr. STEWART called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CAFFERY (when his name was called). I am paired with the Senator from Michigan [Mr. BURROWS]. If he were present, I should vote "yea."

Mr. HOAR. The Senator from Michigan [Mr. BURROWS] would vote "yea," I am quite sure.

Mr. CAFFERY. On that statement I will vote. I vote "yea."

Mr. GEAR (when his name was called). I have a general pair with the Senator from New Jersey [Mr. SMITH], and therefore withhold my vote. If he were present, I should vote "yea."

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Montana [Mr. MANTLE]. If he were present, I should vote "nay."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. ROACH]. As he is absent, I withhold my vote.

Mr. PLATT of New York (when his name was called). I should like to know whether my colleague [Mr. MURPHY] has voted.

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. PLATT of New York. I am paired with him, and therefore withhold my vote. If he were present, I should vote "yea."

Mr. SPOONER (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. TURLEY]. He is absent. I do not know how he would vote on this question.

Mr. BATE. I think he would vote "nay."

Mr. SPOONER. If I were at liberty to vote, I should vote "yea."

Mr. BATE (when Mr. TURLEY'S name was called). My colleague is paired with the Senator from Wisconsin [Mr. SPOONER], who did not vote, I believe.

Mr. SPOONER. Of course I did not vote. I rose and stated that I have a general pair with the junior Senator from Tennessee, and I was proceeding to state, as I always do when the fact warrants it, that he was absent, and that therefore I was not at liberty to vote, and that if I were at liberty to vote, I should vote "yea."

Mr. BATE. I know the Senator from Wisconsin would not vote, under the circumstances, except inadvertently.

Mr. TURPIE (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], who is absent from the Chamber. If he were present, I should vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Minnesota [Mr. NELSON]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. CULLOM. I have a general pair with the senior Senator from Delaware [Mr. GRAY] and therefore withhold my vote. On this particular motion I should vote "yea" if at liberty to vote.

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON]. Has he voted?

The PRESIDING OFFICER. He has not voted, the Chair is informed.

Mr. COCKRELL. Therefore I will not vote. If he were present, I should vote "nay."

Mr. KENNEY. Has the junior Senator from Pennsylvania [Mr. PENROSE] voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. KENNEY. I have a general pair with that Senator, and therefore withhold my vote. Were I at liberty to vote, I should vote "nay."

The result was announced—yeas 32, nays 29; as follows:

YEAS—32.

Aldrich,	Fairbanks,	Hoar,	Quay,
Baker,	Foraker,	Lodge,	Sewell,
Caffery,	Frye,	McBride,	Shoup,
Carter,	Gallinger,	McMillan,	Thurston,
Chandler,	Hale,	Mason,	Warren,
Davis,	Hanna,	Platt, Conn.	Wellington,
Deboe,	Hansbrough,	Pritchard,	Wetmore,
Elkins,	Hawley,	Proctor,	Wilson.

NAYS—29.

Bacon,	Gorman,	Mallory,	Stewart,
Bate,	Harris,	Mills,	Teller,
Berry,	Heitfeld,	Money,	Tillman,
Butler,	Jones, Ark.	Morgan,	Turner,
Cannon,	Jones, Nev.	Pasco,	White.
Chilton,	Lindsay,	Pettigrew,	
Clay,	McEnery,	Pettus,	
Daniel,	McLaurin,	Rawlins,	

NOT VOTING—27.

Allen,	Gear,	Morrill,	Smith,
Allison,	Gray,	Murphy,	Spooner,
Burrows,	Kenney,	Nelson,	Turley,
Clark,	Kyle,	Penrose,	Turpie,
Cockrell,	Mantle,	Perkins,	Vest,
Cullom,	Martin,	Platt, N. Y.	Wolcott.
Faulkner,	Mitchell,	Roach,	

So Mr. MILLS'S amendment was laid on the table.

Mr. RAWLINS. I desire to ask a question of the Senator from

Massachusetts who has this matter in charge. The inquiry relates to the scope of the word "entitled." The provision is that where—

there is no person entitled to discharge the duties of the office of President, the same shall devolve upon the Vice-President, etc.

Might that not involve the question as to whether the person claiming to be elected President was an alien-born person not entitled to hold the office, or might it not involve the question whether the person claiming to hold the office of President was lawfully elected to that office, involving not merely an inquiry as to facts, but as to a conclusion of law to be drawn from the facts in certain contingencies?

Mr. HOAR. The committee discussed that and more so than any other single word in the amendment, and we were all agreed that that was the best phrase we could find. The committee desired to keep off the ground of cases where a President actually in office became disqualified. There is likely to be great division of opinion in the country about that, and we thought it best not to enter into that domain. So I suppose the word "entitled" means simply where there is no person in existence who can lawfully assume the office.

Mr. RAWLINS. Then, if I understand the meaning which the committee takes this word to bear, it would include a case where a question was raised as to the qualification of a person who had been voted for for President, namely, whether he was a native-born citizen of the United States?

Mr. HOAR. I suppose that question would have to be settled in one of two ways. Of course my answer is my own speculation, which may not be approved by better constitutional lawyers than I am. I suppose there must be some time, under the general legislative authority to provide for all cases not specially provided for, a legislative establishment of a tribunal which can try the question of the lawful election of a President or Vice-President or of their qualifications, if that were a question in dispute. Suppose the birthplace of a President-elect were in dispute, it being claimed by some persons that he was born in Canada. That is one way. The other way, which I suppose is our present constitutional way, is that the title of the President of the United States must be determined by the recognition, as a political act, of him as the lawful official by the two Houses of Congress. But that is a very profound question, which I do not feel qualified to enter upon without a great deal of preparation and reflection. As I said, the committee thought it was wisest in providing for this very possible emergency to keep off that ground and leave it untouched.

Mr. RAWLINS. Will the Senator permit one other question? Doubtless the committee had it under consideration. Suppose a case where two persons are voted for for President and three persons for Vice-President. There might be no question as to the election of a certain individual as Vice-President and the title of the President might be clouded, conflicting claims being made in respect to it. Then the question would arise under the proposed act whether a particular person claiming to be entitled to the office of President was so entitled. If not, the Vice-President would take his place. I ask the Senator, in case of such a contingency arising, how it would be disposed of?

Mr. HOAR. It would be disposed of in the same way that a question of contested election for the office of President would be disposed of, and what I said in answer to the Senator's other question would be applicable to this. In other words, it was not the object of the committee in framing this amendment to provide for the case of contested title to the office between two persons—a contested election. That must be left to the existing remedies or to those hereafter to be provided. We only intended to provide for what the old Constitution provided for in the case of the death, removal, resignation, or disability of a President. That provides that the office shall then devolve on the Vice-President. But the Constitution neglects to care for this case. Let me put a case. I do not know what the historic fact is. I hope nobody will understand that I want to make any assumption. I put it by way of illustration. Suppose the stories are true that Mr. Lincoln was in danger on his way to the capital just before the 4th of March, 1861. If he had been killed in a railroad accident or in a popular uprising, there would have been no provision for anybody to have taken the place of President. The Vice-President, Mr. Hamlin, could not have succeeded, and we should have had anarchy. So the suggestion made by one Senator that this is a very doubtful and remote possibility does not seem to me, and does not seem to the committee, applicable. Now, it is for that case and the further case where there is no election either of President or Vice-President, as may happen where there are three candidates, and the case where they both die after they are elected and before the beginning of the new term, before they are inaugurated, that this provides, and it stops there and does not enter upon the question of settling whether there is a disability or of settling disputed cases of election.

Mr. RAWLINS. If I understand the Senator from Massachusetts correctly, it is intended to provide for contingencies happening after the election of a President.

Mr. HOAR. Yes; after the electors have voted and before the 4th of March.

Mr. RAWLINS. Why would it not be a good idea to have that made clear by the insertion of words to read, "Where no person is entitled by reason of a contingency happening after the election."

Mr. HOAR. I think it is as clear as we can make it.

Mr. BACON. Mr. President, I desire to call attention to the purpose of the proposed amendment.

The framers of the Constitution originally intended that wherever for any reason there was a vacancy in the office of President, the Vice-President should exercise the duties of the office. They doubtless attempted to carry that intention into effect, and therefore they enumerated all of the several causes of vacancy which occurred to them at that time as probable to arise—the case of death, resignation, or inability to discharge the duties of the office. Doubtless to the framers of the Constitution those were the only probable causes which they anticipated might create a vacancy in the office of President, and therefore they enumerated those several causes and stopped there.

Mr. SPOONER. The office having been filled?

Mr. BACON. The office having been filled. Since that time the suggestion has been made that there might be vacancies which would not arise from either one of those three specified causes. To cure one specific contingency, to wit, the death of an elected President before the actual beginning of his term, the junior Senator from Maine [Mr. FRYE] introduced a bill proposing to amend the Constitution so as to cover that particular defect, and if the original resolution is referred to it will be found that it was limited to that when it came before the Committee on the Judiciary.

In the various discussions which were had quite a number of other contingencies were suggested under which it might possibly arise that there would be a vacancy in the office of President, and there were repeated efforts made on the part of the Judiciary Committee to frame an amendment which would specify every conceivable contingency, to cover every suggestion which could be made as to the circumstances under which a vacancy might occur. It was found to be exceedingly difficult to do that, and finally the general language was adopted which has been incorporated in the proposed amendment now before the Senate, the original of which came from the Senator from Massachusetts. The purpose was to use such general language that not only in the particular instance the Senator from Utah now specifies, but that in all other instances, wherever there is a vacancy in the office of President under the Constitution, the office shall devolve upon the Vice-President.

That is the purpose. It is not simply to cover the particular suggestion made by the Senator from Utah, it is not simply to cover the particular suggestion contained in the original resolution framed and offered by the junior Senator from Maine, but it is to cover all possible contingencies; those now anticipated and any contingency not now anticipated. If the Senator from Utah will examine the language he will see that there can arise no possible contingency under the language of the resolution, if it is incorporated as an amendment to the Constitution, where in case of a vacancy the office would fail to devolve upon the Vice-President. That I understand to be the purpose of the committee and to be the intent of the language which they have recommended the Senate to adopt and to incorporate in the Constitution.

Mr. RAWLINS. Will the Senator from Georgia yield for a question?

Mr. BACON. Certainly.

Mr. RAWLINS. In the question which I propounded to the Senator from Massachusetts, the chairman of the committee, I did not wish to be implied as stating that the amendment would cover only one contingency. The purpose of my inquiry was whether it would cover not only all contingencies happening after the election of President is held, but also whether it would not cover an emergency which might arise as to who was at a given election elected to the office of President?

Mr. BACON. I do not think it has any such relation. It certainly was not so designed.

Mr. RAWLINS. The object of my question was to obtain that statement, so that it would be understood, so far as the interpretation of this clause might be affected by the statements of those who prepared it, that the word "entitled" would relate only to vacancies happening by reason of some contingency subsequent to the time of the election.

Mr. BACON. During the consideration of this amendment by the committee that particular question was suggested and discussed, and there was a distinct disclaimer on the part of the committee in its deliberations of any purpose to have the amendment in any measure or in any manner relate to a question of contested election.

I desire to say that while it appeared to be an exceedingly simple

matter to frame the resolution, which now appears to be in such simple language, it is an exceedingly difficult thing to do, and occupied the attention not only of the full committee for several meetings, but it occupied the attention of the subcommittees for several meetings, where they would report back to the full committee and have it again recommitted to them, where every word was most carefully weighed, where there were a great many different forms suggested, and where a great many words which appeared to be entirely proper at first were, after full discussion and deliberation, found to be improper and necessary to be eliminated. I believe, after the most careful consideration, the language which has been adopted is probably the best which can be found to effectuate the purpose for which it was designed.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading.

Mr. GEAR. I should like to have the joint resolution read at length.

The joint resolution was read the third time at length, as follows:

That the following amendment to the Constitution of the United States be proposed for ratification by the legislatures in the several States, which, when ratified by legislatures in three-fourths of the United States, shall be valid as a part of the said Constitution, namely:

"ARTICLE XVI.

"In all cases not provided for by Article II, clause 5, of the Constitution, where there is no person entitled to discharge the duties of the office of the President, the same shall devolve upon the Vice-President. The Congress may by law provide for the case where there is no person entitled to hold the office of President or Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability shall be removed or a President shall be elected."

Mr. PASCO. I suggest to the Senator from Massachusetts that the twelfth article of the Constitution provides for a case that is not in the second article, and whether he thinks reference ought not to be made to that also in this amendment. The joint resolution applies to all cases not provided for by Article II.

Mr. HOAR. I think the Senator will see, on looking at it, that the twelfth article makes no provision in the way of succession. It is merely as to the mode of election.

Mr. PASCO. The twelfth article provides that—

If the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the 4th day of March, next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

Mr. HOAR. This provision is that the same shall devolve upon the Vice-President. It includes that. It is the same provision made more general which is found in the twelfth article in that special case. I do not think a reference to that article is necessary.

Mr. PASCO. If the attention of the Senator has been directed to that point I am satisfied.

Mr. HOAR. It has been.

The VICE-PRESIDENT. The question is, Shall the joint resolution pass? [Putting the question.] The joint resolution is passed, the Chair declares by unanimous vote, two-thirds of the Senators present therefore concurring.

PRESIDENTIAL, VICE-PRESIDENTIAL, AND CONGRESSIONAL TERMS.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. Before that motion is put, I desire to say that I am willing to let the other part of the special order, the joint resolution (S. R. 83) proposing an amendment to the Constitution of the United States, go over until 2 o'clock to-morrow, as the special order.

The VICE-PRESIDENT. Is there any objection to making Senate joint resolution 83, laid over from to-day at 3 o'clock, the special order for to-morrow at 2 o'clock? The Chair hears no objection. The order is made.

USE OF POSTAL CARDS.

Mr. CHANDLER. I desire to enter a motion to reconsider the vote whereby the bill (H. R. 1596) to amend the postal laws relating to the use of postal cards was passed on Monday. I will not ask that the vote be taken now, but enter a motion to reconsider.

The VICE-PRESIDENT. Notice will be taken of the motion.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 496) granting a pension to Simpson Everett Stilwell;

A bill (S. 637) granting an increase of pension to Oliver P. Silvey;

A bill (S. 739) granting an increase of pension to William H. H. Wright, of McPherson, Kans.;

A bill (S. 1476) granting an increase of pension to Louise M. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice; and

A bill (S. 1829) granting an increase of pension to James H. Kile.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 908) granting a pension to Zolman Tyrrell;

A bill (H. R. 1607) to remove the charge of desertion against Jacob N. Hamburger;

A bill (H. R. 1794) to remove the charge of desertion now standing against George Alcott on rolls of the War Department;

A bill (H. R. 2231) granting a pension to C. S. Alvord;

A bill (H. R. 2646) for the relief of Edward C. Parsons;

A bill (H. R. 2668) for the relief of William Henry Johnson;

A bill (H. R. 2695) granting a pension to Olivia Betton;

A bill (H. R. 3056) to correct the military record of Joseph Graham;

A bill (H. R. 3071) for the relief of James A. Stoddard;

A bill (H. R. 3596) granting a pension to Mrs. Bettie Gresham;

A bill (H. R. 3790) to remove the charge of desertion against John Willoughby;

A bill (H. R. 4239) to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Cavalry Volunteers;

A bill (H. R. 4332) to correct the military record of Isaac Alger;

A bill (H. R. 4651) for the relief of Jacob Shela, of Portsmouth, Ohio;

A bill (H. R. 5046) to remove the charge of desertion from the military record of Lawrence Ressler;

A bill (H. R. 6388) granting an increase of pension to Joseph R. Mathers;

A bill (H. R. 6616) to remove the charge of desertion against John Phelon, deceased;

A bill (H. R. 6649) to remove the charge of desertion against James J. Fluke;

A bill (H. R. 6785) granting a pension to Julia L. Roberts;

A bill (H. R. 7561) to correct the military record of William P. Brassington; and

A bill (H. R. 8906) granting a pension to J. S. Waggener.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1607) to remove the charge of desertion against Jacob N. Hamburger;

A bill (H. R. 1794) to remove the charge of desertion now standing against George Alcott on rolls of the War Department;

A bill (H. R. 2646) for the relief of Edward C. Parsons;

A bill (H. R. 2668) for the relief of William Henry Johnson;

A bill (H. R. 3056) to correct the military record of Joseph Graham;

A bill (H. R. 3071) for the relief of James A. Stoddard;

A bill (H. R. 3790) to remove the charge of desertion against John Willoughby;

A bill (H. R. 4239) to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Cavalry Volunteers;

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A bill (H. R. 6649) to remove the charge of desertion against James J. Fluke; and

A bill (H. R. 7561) to correct the military record of William P. Brassington.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 908) granting a pension to Zolman Tyrrell;

A bill (H. R. 2231) granting a pension to C. S. Alvord;

A bill (H. R. 2695) granting a pension to Olivia Betton;

A bill (H. R. 3596) granting a pension to Mrs. Bettie Gresham;

A bill (H. R. 6388) granting an increase of pension to Joseph R. Mathers;

A bill (H. R. 6785) granting a pension to Julia L. Roberts; and

A bill (H. R. 8906) granting a pension to J. S. Waggener.

QUARTERMASTER'S SUPPLIES, ETC.

Mr. HAWLEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on

the amendments of the Senate to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 10, and 11.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 13, and 14, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "Sixth" and insert in lieu thereof the word "Fourth;" and the Senate agree to the same.

JOSEPH R. HAWLEY,
REDFIELD PROCTOR,
F. M. COCKRELL,
Managers on the part of the Senate.

J. A. T. HULL,
B. F. MARSH,
JAMES HAY,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

Mr. GORMAN. As I understand this bill, which was passed very hurriedly within the last day or two, it contains a provision which is probably the most extraordinary in any bill ever passed through Congress, suspending the rule and the law during the war with Spain, and authorizing any of the officers, upon the general direction of the Secretary of War, to make purchases without limit, without notice, and without advertisement. I have not had time to go back and look at the statute, but if my recollection serves me, even during the civil war, when the emergency was very much greater than it is now, no such purchases were authorized to be made unless in each case by some commanding general or the head of a Department, and then the cause of the emergency was certified to and appeared upon the vouchers in the Treasury Department.

As a matter of course, there have been cases, such as the recent appropriation of $50,000,000, placed in the hands of the President necessarily. That authority was given him because the expenditures were directly under his eye, and it has been understood generally that of that great expenditure there is a separate account kept, so that there may be no question hereafter about the expenditure, which is directly under the eye of the President. Extraordinary as that was, it was so safeguarded. But in this case any commanding officer, any purchasing officer, as I understand it, on his own motion can go into the open market and purchase anything he pleases under the authority given and the appropriation made.

I submit that there can be but one result from opening this door so wide. It matters not who is in control of the executive branch of the Government or the politics of the Administration, it is an unwise, imprudent, and, in my judgment, unnecessary authority to be granted. It ought not to be granted. There is no emergency that warrants it. If it were limited to a certification by the Secretary of War or the general commanding a corps or a brigade, there might be some excuse for it.

Mr. CHANDLER. May I ask the Senator from Maryland a question?

Mr. GORMAN. Certainly.

Mr. CHANDLER. Do I understand the Senator to say that the taking away of the restrictions by the pending bill gives greater latitude to the bureau officers of the War Department in making purchases than they had during the war of secession?

Mr. GORMAN. That is my belief. As I said a moment ago, I have not refreshed my memory by looking at the statute, but I do not think there is any doubt about it. I do not think it is questioned.

Mr. CHANDLER. Does the Senator from Maryland make that as an assertion?

Mr. GORMAN. I do.

Mr. CHANDLER. I hope, if that is true, that the Senator from Connecticut will be able to show exactly what we do. Will the Senator from Maryland allow me to say a word?

Mr. GORMAN. Certainly.

Mr. CHANDLER. I understand that during the late war, now happily long passed, advertisements for supplies were necessary, except in those cases where the head of the Department certified that there was an emergency, so that there could not be delay for advertising, and that that certificate had to be made in each particular case.

Mr. GORMAN. That is my understanding.

Mr. CHANDLER. Now, do I understand that the Senator from Maryland believes that the proposed law, as the Senator from Connecticut now brings it in, removes all necessity for the certification by some superior officer that there is an emergency in the particular case before the rule of competition is dispensed with?

Mr. HALE. Let us have the language of the bill read.

Mr. GORMAN. I understand that to be the effect. If not, I hope the members of the Committee on Military Affairs will correct me. I think it bears that interpretation and it is so understood.

Mr. GEAR. Let it be read.

Mr. HAWLEY. It reads:

Be it enacted, etc., That the operation of the following provisions of law—

Now, those are certain requirements that there shall be advertising for a certain time, that proposals shall be brought in at a certain day and be examined by a board, and awards made, etc. In this rapid organization and reorganization of 150,000 men, it will be extremely difficult to do that without a delay, which would be very injurious to the service. But to meet the objections that have been made, this is in the bill:

That the operation—

"The operation," in the singular number—

of the following provisions of law be, and it is hereby, suspended in the discretion of the Secretary of War.

They can not be suspended without the direction, the consent, of the Secretary of War.

Mr. CHANDLER and Mr. TELLER. He can make a general suspension.

Mr. HAWLEY. He can make a general suspension of certain things, or he can restrict that general suspension to certain cases.

Mr. TELLER. Would it not be better for us to restrict it?

Mr. HAWLEY. I can not tell exactly where to do it.

Mr. CULLOM. There is another clause in the latter part of the bill where it speaks of $200 in amount.

Mr. HAWLEY. Yes.

Mr. CULLOM. I should like to understand what that refers to. What does it mean?

Mr. HAWLEY. Under the old law, when there was a broad, general limitation in certain directions, the instructions and limitations I have spoken of, there was nevertheless a loophole in the case of small transactions where it was necessary to buy something under $200 worth. That is suspended with the other provisions, because it required that each case should be reported to the War Department or to a commanding general somewhere for his approval. Now, when this disbursing and purchasing officer makes up his account all these things are to be reported, but they are not reported at the instant, to be sanctioned by a commanding officer, before the purchase can be made. Suppose a colonel in Cuba buys offhand 10 mules for $100, has he got to go all around Cuba hunting up a general or somebody or other to approve that purchase before he can use the mules? I think he will not wait for that.

Mr. COCKRELL. There is precious little in Cuba to buy, so far as that part of the proposition is concerned.

Mr. CULLOM. If the sum of $200 is excepted from the rule of advertising, the Secretary of War can except the whole thing. So there is nothing that can not be taken from under the present law, as I understand the meaning of the bill, but it is in the discretion of the Secretary of War——

Mr. HAWLEY. It is in the discretion of the Secretary of War.

Mr. CULLOM. It is in the discretion of the Secretary to restrict the purchase except under the general law if he sees proper to do so.

Mr. SPOONER. Every account, I understand, approved by the Secretary of War without any advertisement would be his act in suspending or approving the suspension. How long is that suspension under this bill to last?

Mr. HAWLEY. During the existing war. I take it he can revoke a suspension. This provision applies during the whole war, but if the Army should be in camp anywhere in a peaceful country, as, for example, in Mobile or New Orleans or around Atlanta, the Secretary of War would not permit random purchases to be made, because there would be time. So in the late war of the rebellion it was not necessary to release officers from any of those restrictions, because we were slow in organizing our troops comparatively, on both sides, and there was no such extraordinary emergency as there is now or will be before the next month or the next two or the next three months probably.

Mr. CHANDLER. Will the Senator kindly specify, as he has the bill in his hand, what the sections are that may be suspended?

Mr. HAWLEY. Has the Senator the bill?

Mr. CHANDLER. I have the Revised Statutes here.

Mr. HAWLEY. I am afraid they may not be apt to be found in the Revised Statutes of 1878, because some of the restrictions are incorporated in appropriation acts, and they are rather difficult to hunt up in a minute:

The provision of the first section of the act entitled "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1899, and for other purposes," in the following words—

The suspended clause, that which can be suspended by the Secretary of War, is as follows:

Provided, That hereafter no part of this appropriation shall be expended in the purchase for the Army of draught animals until the number on hand shall be reduced to 5,000, and thereafter shall only be expended for the purchase of a number sufficient to keep the supply up to 5,000.

We have an army six times as large now.

Mr. HALE. As the Senator reads it, that is not a continuing provision. That is only a provision to provide for the particular appropriation. Will the Senator read it again?

Mr. HAWLEY. We considered that. I know exactly the point the Senator from Maine wishes to make. When they desired to have a bill of that sort in force only during the life of the appropriation act, they did not put in the word "hereafter;" but when they put in the word "hereafter," it is held by the committee that it then becomes a permanent law.

Mr. HALE. The language there confines it to the act, as I understood the Senator to read it. Will not the Senator read it again?

Mr. HAWLEY. The word "hereafter" occurs.

That hereafter no part of this appropriation shall be expended—

It does say "this appropriation"—

no part of this appropriation shall be expended in the purchase for the Army of draught animals until the number on hand shall be reduced to 5,000, and thereafter shall only be expended for the purchase of a number sufficient to keep the supply up to 5,000.

Hereafter the number shall be only 5,000. That would be permanent.

Mr. HALE. No; I think it would be limited to that appropriation; but probably it has been continued in subsequent appropriations.

Mr. HAWLEY. It may be in some of them.

Mr. CULLOM. It is a permanent law, I think.

Mr. HALE. I doubt it. It says "this appropriation."

Mr. HAWLEY. This was drawn very carefully. It has been studied as much as any Army bill that we have had here. It was drawn very carefully by the War Department at our request, at mine especially, in order that they might be satisfied and that they might have it carefully drawn by men who are accustomed to the whole business of raising and conducting an army, and accustomed to drafting statutes also. It has been drawn by one of the most skillful men in the Department.

Mr. SPOONER. If the Senator will allow me, does it not meet every possible exigency to require that the officer shall purchase with the approval of the Secretary of War, that the Secretary shall certify that the necessities of the service are such as to require a suspension of advertisement in each case? In other words, does not this provision absolutely as to all cases, to all intents and purposes, do away with those restrictions which it has been found wise to throw around the purchases of every Department, and for an indefinite time?

Mr. HAWLEY. Yes; in the discretion of the Secretary of War. If he finds it necessary to purchase 5,000 horses, he will authorize their purchase in open market, so that there will be competition. I was told that in the matter of the purchase of mules the price was put unnecessarily high by men who control the market, whereas if the quartermaster were allowed to go about the Western and Middle States and buy as an ordinary dealer would buy, he could get the mules for prices less than those held by the combination.

Mr. HALE. I suppose that under that provision, which is very general, the Secretary of War would not be obliged to wait until a given instance came before him to pass upon it, but he could issue an order beforehand suspending such and such act for such and such time.

Mr. HAWLEY. For such purposes.

Mr. HALE. For general purposes, and thereby do away with all this restriction. He would not have to wait until a subordinate reported to him that he wanted the authority, but undoubtedly would, as a matter of general administration, sweep away the law for a certain time, and then his subordinates would act under that order, and would report to him that they had acted under it. It is undoubtedly giving very great power.

Mr. HAWLEY. He might suspend it for the matter of the purchase of certain mules, or certain hay, or certain corn, or various other things of that sort, where they desire the power to make immediate purchases without waiting for advertisement, and where there may be no newspapers, for aught I know.

Mr. CHANDLER. The first clause which the Senator has read is undoubtedly correct; that is to say, it removes the limitation upon the number of horses or other animals that may be purchased. What I should like to have the Senator tell me, if he can, is whether section 3709 of the Revised Statutes is repealed or suspended. That section seems to be carefully drawn. It requires advertisements where there can be advertisements, and it does not require advertisements where there is an exigency. I will read that section. I ask the attention of the Senator from Maryland:

SEC. 3709. All purchases and contracts for supplies or services in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged between individuals.

It has always seemed to me that here was ample provision for all emergencies. You must advertise unless there is a certificate that there is an emergency, and when there is such an emergency the form of purchase known as the open-purchase system prevails. I am not aware of a necessity for the law which the Senator from Connecticut has brought in.

Mr. HALE. How far back does the statute run? Is that the statute which was in force during the civil war?

Mr. CHANDLER. It was passed on the 2d of March, 1861.

Mr. HALE. That is the existing law, and it is the law under which the war was prosecuted between the States.

Mr. CHANDLER. I understand so. It may be that there ought to be further relaxation, and that the Senator from Connecticut can show us that fact. We shall be very glad to vote—I shall certainly be glad to vote for any further change in the law that is necessary; but it has always seemed to me that here was an elastic provision, which required advertising when there should be advertising and dispenses with it when there is an exigency. I remember very well, and so do other Senators, the form of the voucher. The voucher contains a certificate made by the superior officer that there is an exigency which did not permit of advertising, and that the articles therefore are procured by open purchase. If that provision is not ample for the present exigency, I want to make an ample provision.

Mr. HALE. And that provision was passed in just such an emergency as the present.

Mr. PROCTOR. The point in regard to section 3709 is that it is confined to immediate delivery. That is the point that induced the committee to make this change. It would be necessary for the War Department, of course, to make contracts for delivery in the future for supplies of tents and various things. The delivery will be extended along from time to time. It occurred to us that those contracts could not be made under the provisions of section 3709.

There is another point that strikes me as a matter of policy. While in ordinary times these purchases can be made to better advantage by advertisement, because the Department always reserves the right to reject any bids and has its full time, yet at this time, when they must buy promptly, there is great opportunity for bidders by combination to put up the price. If negotiation is opened, I think the Department will be able to purchase decidedly cheaper than if they were obliged to make bids and accept the lowest, which might be, and very often would be, a good deal higher than the price at which they could buy by private negotiation.

Mr. CHANDLER. I call the attention of Senators to the fact that this clause is not very rigid as it stands. The Senator from Vermont now admits that the object is to get rid of the word "immediate" in this provision. The word "immediate," of course, has a liberal construction, and the statute was sufficiently elastic for all purposes during our civil war, because the law does not require six weeks' advertising or four weeks' or three weeks' advertising. It simply says:

All purchases and contracts for supplies * * * shall be made by advertising a sufficient time previously for proposals respecting the same.

That provision, taken with the provision as to immediate delivery, covers the whole case. The Department can make their advertisement just as short as they like. They can make it two days, three days, one day, if they choose to take the responsibility of it; but when they advertise, if it is only for a day, there is competition. The moment that you repeal this law and allow contracts for delivery off in the future, one month, two months, three months, six months, or a year ahead, without advertising, of course the law of competition is destroyed unless the Department officers choose to obey the law of competition and to secure competition although the law does not require them to obtain it.

Mr. CULLOM. I suggest to the Senator from Connecticut that several Senators have expressed a desire that the conference report shall go over and be printed, so that it may be examined. I hope the chairman of the Committee on Military Affairs, submitting the report, will allow that course to be pursued.

Mr. HALE. That will involve the printing of the entire bill, as well as the report.

Mr. CULLOM. It will include the printing of the bill, so that we can see exactly what is the legislation proposed.

Mr. HALE. Let the bill be printed, so as to show the result of the conference.

Mr. CULLOM. Then Senators can see exactly what it means.

The VICE-PRESIDENT. Is there any objection to the request? The Chair hears none. The report lies over, and the bill will be printed as indicated.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 5, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 4, 1898.

[Under the provisions of the act of Congress approved April 22, 1898; appointments in the Volunteer Army of the United States.]

APPOINTMENTS IN THE ARMY.

To be major-generals, to date from May 4, 1898.

Brig. Gen. Joseph C. Breckinridge, Inspector-General United States Army.
Brig. Gen. Elwell S. Otis, United States Army.
Brig. Gen. John J. Coppinger, United States Army.
Brig. Gen. William R. Shafter, United States Army.
Brig. Gen. William M. Graham, United States Army.
Brig. Gen. James F. Wade, United States Army.
Brig. Gen. Henry C. Merriam, United States Army.
James H. Wilson, of Delaware.
Fitzhugh Lee, of Virginia.
William J. Sewell, of New Jersey.
Joseph Wheeler, of Alabama.

To be brigadier-generals, to date from May 4, 1898.

Col. Thomas M. Anderson, Fourteenth United States Infantry.
Col. Charles F. Compton, Fourth United States Cavalry.
Col. Abraham K. Arnold, First United States Cavalry.
Col. John S. Poland, Seventeenth United States Infantry.
Col. John C. Bates, Second United States Infantry.
Col. Andrew S. Burt, Twenty-fifth United States Infantry.
Col. Simon Snyder, Nineteenth United States Infantry.
Col. Hamilton S. Hawkins, Twentieth United States Infantry.
Col. Royal T. Frank, First United States Artillery.
Col. Jacob F. Kent, Twenty-fourth United States Infantry.
Col. Samuel S. Sumner, Sixth United States Cavalry.
Col. Francis L. Guenther, Fourth United States Artillery.
Col. Alexander C. M. Pennington, Second United States Artillery.
Col. Guy V. Henry, Tenth United States Cavalry.
Col. John I. Rogers, Fifth United States Artillery.
Col. Louis H. Carpenter, Fifth United States Cavalry.
Col. Samuel B. M. Young, Third United States Cavalry.
Col. John M. Bacon, Eighth United States Cavalry.
Col. Edward B. Williston, Sixth United States Artillery.
Lieut. Col. Henry W. Lawton, Inspector-General, United States Army.
Lieut. Col. George M. Randall, Eighth United States Infantry.
Lieut. Col. Theodore Schwan, Assistant Adjutant-General, United States Army.
Lieut. Col. William Ludlow, Corps of Engineers, United States Army.
Lieut. Col. Adna R. Chaffee, Third United States Cavalry.
Lieut. Col. George W. Davis, Fourteenth United States Infantry.
Lieut. Col. Alfred E. Bates, Deputy Paymaster-General, United States Army.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Col. Charles Patrick Eagan, assistant commissary-general of subsistence, to be Commissary-General of Subsistence with the rank of brigadier-general, May 3, 1898, vice Nash, retired from active service.

First Lieut. John Little, Fourteenth Infantry, to be commissary of subsistence with the rank of captain, May 3, 1898, vice Bliss, promoted.

Lieut. Col. John Francis Weston, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence with the rank of colonel, May 2, 1898, vice Nash, appointed Commissary-General of Subsistence.

Maj. Wells Willard, commissary of subsistence, to be assistant commissary-general of subsistence with the rank of lieutenant-colonel, May 2, 1898, vice Weston, promoted.

Capt. Tasker Howard Bliss, commissary of subsistence, to be commissary of subsistence with the rank of major, May 2, 1898, vice Willard, promoted.

Pay Department.

Harry L. Rogers, to be paymaster with the rank of major, May 2, 1898, vice Arthur, retired from active service.

NAVAL CADETS.

The following-named naval cadets for appointment in the Navy and Marine Corps, namely:

Jonas H. Holden, Vermont;
Thomas T. Craven, New Hampshire;
Charles L. Poor, New York;
Ralph Earle, Massachusetts;
Andrew E. Kalbach, Pennsylvania;
Ralph E. Walker, Indiana;
Daniel W. Wurtsbaugh, Texas;
Ivan C. Wettengel, Colorado;
Charles M. Tozer, New York;
Wat T. Cluverius, jr., Louisiana;
Duncan M. Wood, Alabama;
Leigh C. Palmer, Missouri;
Thomas A. Kearney, Missouri;
Arthur McArthur, jr., Wisconsin;
Frank E. Ridgely, at large;
Dudley W. Knox, Tennessee;
Charles E. Gilpin, Michigan;
Mark St. C. Ellis, Arkansas;
Edward McCauley, jr., New York;
Earl P. Jessop, West Virginia;
John H. Roys, New York;
Henry C. Mustin, Tennessee;
Roland I. Curtin, Pennsylvania,

all to be ensigns in the Navy, to fill vacancies.

Charles L. Leiper, Pennsylvania;
Gatewood S. Lincoln, Missouri;
Edward T. Fitzgerald, Texas;
Henry O. Bisset, Maryland;
Albert W. Marshall, Texas;
Charles P. Burt, Georgia;
Keneth G. Castleman, Kentucky;
William L. Littlefield, Massachusetts;
Pope Washington, North Carolina;
George B. Rice, Kentucky;
James B. Henry, jr., New York;
Arthur Crenshaw, Alabama,

all to be assistant engineers in the Navy, to fill vacancies.

Amon Bronson, jr., Nebraska, to be a second lieutenant in the Marine Corps.

Arthur F. Huntington, New York;
Harry H. Balthis, Colorado;
Charles Conard, New York;
William T. Gray, North Carolina,

to be assistant paymasters in the Navy, to fill vacancies.

SURVEYOR OF CUSTOMS.

William L. Kessinger, of Missouri, to be surveyor of customs for the port of Kansas City, in the State of Missouri, to succeed Milton Welsh, removed.

UNITED STATES ATTORNEY.

James K. Barnes, of Arkansas, to be attorney of the United States for the western district of Arkansas, vice Thomas H. Barnes, deceased.

UNITED STATES MARSHAL.

Joseph P. Woolman, of Montana, to be marshal of the United States for the district of Montana, vice Theodore J. Lynde, deceased.

POSTMASTERS.

William W. Giddings, to be postmaster at Newman, in the county of Stanislaus and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President from and after October 1, 1897.

John G. Joy, to be postmaster at Salinas, in the county of Monterey and State of California, in the place of William T. Duncan, whose commission expired April 5, 1898.

Mellie B. Towne, to be postmaster at Orange, in the county of Orange and State of California, in the place of Fred M. Robinson, whose commission expires May 9, 1898.

William W. Wilson, to be postmaster at Chico, in the county of Butte and State of California, in the place of J. G. Lewis, whose commission expired March 7, 1898.

William R. O'Neal, to be postmaster at Orlando, in the county of Orange and State of Florida, in the place of D. S. Shine, whose commission expired February 26, 1898.

James H. Lincoln, to be postmaster at Franklin Grove, in the county of Lee and State of Illinois, in the place of John H. Engel, whose commission expired April 5, 1898.

Clara M. Murphy, to be postmaster at Sparta, in the county of Randolph and State of Illinois, in the place of William B. McIlwain, whose commission expires May 5, 1898.

Howard Robertson, to be postmaster at Austin, in the county of Cook and State of Illinois, in the place of L. H. O'Conor, whose commission expired March 6, 1898.

Frank Rockwell, to be postmaster at St. Charles, in the county of Kane and State of Illinois, in the place of J. S. Van Patten, whose commission expires May 5, 1898.

Samuel L. Wallace, to be postmaster at Lincoln, in the county of Logan and State of Illinois, in the place of T. H. Stokes, whose commission expires May 5, 1898.

Havilla C. Hobbs, to be postmaster at Salem, in the county of Washington and State of Indiana, in the place of C. B. Williams, whose commission expires June 2, 1898.

W. H. Price, to be postmaster at Prairie City, in the county of Jasper and State of Iowa, in the place of John Selby, removed.

Arthur J. Palmer, to be postmaster at Eldorado, in the county

of Butler and State of Kansas, in the place of B. F. Meeks, whose commission expired March 15, 1898.

Ernest J. Scott, to be postmaster at Goodland, in the county of Sherman and State of Kansas, in the place of William Walker, jr., whose commission expired February 27, 1898.

F. Clay Elkin, to be postmaster at Lexington, in the county of Fayette and State of Kentucky, in the place of W. S. McChesney, whose commission expired January 17, 1898.

Garrett S. De Grange, to be postmaster at Frederick, in the county of Frederick and State of Maryland, in the place of B. H. Blackston, whose commission expired April 5, 1898.

John M. Jarboe, to be postmaster at Oakland, in the county of Garrett and State of Maryland, in the place of E. H. Bartlett, whose commission expired May 2, 1898.

Frederick B. Horne, to be postmaster at Framingham, in the county of Middlesex and State of Massachusetts, in the place of E. J. Brown, whose commission expired April 5, 1898.

Reuben K. Sawyer, to be postmaster at Wellesley, in the county of Norfolk and State of Massachusetts, in the place of Reuben K. Sawyer, whose commission expired April 11, 1898. (Reappointment.)

Henry D. Northway, to be postmaster at Midland, in the county of Midland and State of Michigan, in the place of M. W. Ryan, whose commission expired October 20, 1897.

Erastus T. Parker, to be postmaster at Sturgis, in the county of St. Joseph and State of Michigan, in the place of J. S. Flanders, whose commission expires May 16, 1898.

George W. Coakley, to be postmaster at Independence, in the county of Jackson and State of Missouri, in the place of Charles W. Brady, whose commission expires May 9, 1898.

S. F. Scott, to be postmaster at Kansas City, in the county of Jackson and State of Missouri, in the place of Homer Reed, whose commission expired April 13, 1898.

Simeon M. Estes, to be postmaster at Meredith, in the county of Belknap and State of New Hampshire, in the place of Thomas L. Wadleigh, whose commission expired April 7, 1898.

O. B. Warren, to be postmaster at Rochester, in the county of Strafford and State of New Hampshire, in the place of Charles W. Bickford, whose commission expired May 3, 1898.

Luther M. Whitaker, to be postmaster at Westfield, in the county of Union and State of New Jersey, in the place of M. M. Scudder, whose commission expired April 17, 1898.

Jacob B. Matthews, to be postmaster at Roswell, in the county of Chaves and Territory of New Mexico, in the place of L. K. McGaffey, whose commission expired April 11, 1898.

Simon Nusbaum, to be postmaster at Santa Fe, in the county of Santa Fe and Territory of New Mexico, in the place of T. P. Gable, whose commission expires May 15, 1898.

George Anderson, to be postmaster at Castleton, in the county of Rensselaer and State of New York, in the place of William P. Smith, removed.

Burt Graves, to be postmaster at Middleport, in the county of Niagara and State of New York, in the place of G. H. Kelly, whose commission expired May 3, 1898.

Richard K. Marshall, to be postmaster at Mount Airy, in the country of Surry and State of North Carolina, in the place of Thomas J. Lowry, whose commission expired March 5, 1898.

Samuel H. Vick, to be postmaster at Wilson, in the county of Wilson and State of North Carolina, in the place of W. S. Harriss, removed.

C. G. Ducomb, to be postmaster at Ashland, in the county of Ashland and State of Ohio, in the place of Patrick H. Murphy, whose commission expired April 17, 1898.

Atwell E. Ferguson, to be postmaster at Gibsonburg, in the county of Sandusky and State of Ohio, in the place of James Ramage, removed.

W. H. Frater, to be postmaster at Upper Sandusky, in the county of Wyandot and State of Ohio, in the place of Martin V. Gibson, whose commission expires June 2, 1898.

W. W. Scott, to be postmaster at Canal Dover, in the county of Tuscarawas and State of Ohio, in the place of H. W. Streb, whose commission expired September 14, 1897.

Charles J. Thompson, to be postmaster at Defiance, in the county of Defiance and State of Ohio, in the place of Peter Weigerding, whose commission expired March 29, 1898.

H. H. Young, to be postmaster at Ada, in the county of Hardin and State of Ohio, in the place of J. W. Morrow, whose commission expired April 17, 1898.

Allen B. Crossman, to be postmaster at Portland, in the county of Multnomah and State of Oregon, in the place of Eugene C. Protzman, whose commission expired March 21, 1898.

James Agnew, to be postmaster at Mercersburg, in the county of Franklin and State of Pennsylvania, in the place of H. S. Waidlich, removed.

Thomas F. Dunn, jr., to be postmaster at Weatherly, in the county of Carbon and State of Pennsylvania, in the place of Anna G. Webster, resigned.

Irwin G. Lukens, to be postmaster at North Wales, in the county of Montgomery and State of Pennsylvania, in the place of Lizzie K. Weber, removed.

William P. McCleery, to be postmaster at Troy, in the county of Bradford and State of Pennsylvania, in the place of A. K. Linderman, whose commission expired March 19, 1898.

Delbert W. Wilmarth, to be postmaster at De Smet, in the county of Kingsbury and State of South Dakota, in the place of George E. Masters, whose commission expired March 19, 1898.

I. A. Hill, to be postmaster at Harriman, in the county of Roane and State of Tennessee, in the place of C. B. Sevier, removed.

Joseph W. Howard, to be postmaster at Greeneville, in the county of Greene and State of Tennessee, in the place of H. H. Gouchenour, whose commission expired April 23, 1898.

J. H. Neil, jr., to be postmaster at Shelbyville, in the county of Bedford and State of Tennessee, in the place of W. A. Frost, whose commission expires May 15, 1898.

Daniel M. Nobles, to be postmaster at Paris, in the county of Henry and State of Tennessee, in the place of Isaac B. Williams, whose commission expired April 20, 1898.

Lucy L. Norris, to be postmaster at Eagle Lake, in the county of Colorado and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1898.

T. D. Bloys, to be postmaster at Honey Grove, in the county of Fannin and State of Texas, in the place of W. L. Jolley, whose commission expires May 28, 1898.

Theodore Miller, to be postmaster at Rusk, in the county of Cherokee and State of Texas, in the place of S. P. Willson, whose commission expires May 5, 1898.

Hal Singleton, to be postmaster at Jefferson, in the county of Marion and State of Texas, in the place of Levin Perry, whose commission expires June 23, 1898.

William S. Strain, to be postmaster at Lancaster, in the county of Dallas and State of Texas, in the place of James A. Boyd, removed.

Thomas Hall, to be postmaster at Palestine, in the county of Anderson and State of Texas, in the place of Z. A. McReynolds, whose commission expired February 16, 1898.

Robert E. Wherritt, to be postmaster at Park City, in the county of Summit and State of Utah, in the place of R. C. Cordell, whose commission expired April 11, 1898.

John P. Ackerly, to be postmaster at Lexington, in the county of Rockbridge and State of Virginia, in the place of Fannie S. Williams, whose commission expired April 14, 1898.

R. S. Lovelace, to be postmaster at Ronceverte, in the county of Greenbrier and State of West Virginia, in the place of P. H. McGrath, removed.

Frank M. Perkins, to be postmaster at Medford, in the county of Taylor and State of Wisconsin, in the place of M. W. Ryan, whose commission expired May 4, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 4, 1898.

CONSUL-GENERAL.

Samuel R. Gummeré, of New Jersey, to be consul-general of the United States at Tangier, Morocco.

APPOINTMENTS IN THE ARMY.

To be major-generals, to date from May 4, 1898.

Brig. Gen. Joseph C. Breckinridge, Inspector-General, United States Army.
Brig. Gen. Elwell S. Otis, United States Army.
Brig. Gen. John J. Coppinger, United States Army.
Brig. Gen. William R. Shafter, United States Army.
Brig. Gen. William M. Graham, United States Army.
Brig. Gen. James F. Wade, United States Army.
Brig. Gen. Henry C. Merriam, United States Army.
James H. Wilson, of Delaware.
Fitzhugh Lee, of Virginia.
William J. Sewell, of New Jersey.
Joseph Wheeler, of Alabama.

Infantry arm.

TO BE MAJORS.

Capt. Egbert Barnum Savage, Eighth Infantry.
Capt. Charles Austin Coolidge, Seventh Infantry.
Capt. Wilson Tweed Hartz, Fifteenth Infantry.
Capt. Charles Adam Dempsey, Second Infantry.
Capt. William Edgworth Dougherty, First Infantry.
Capt. Sumner H. Lincoln, Tenth Infantry.
Capt. Greenleaf Austin Goodale, Twenty-third Infantry.
Capt. Cyrus Swan Roberts, Seventeenth Infantry.

TO BE CAPTAIN.

First Lieut. Edward Chynoweth, Seventeenth Infantry.

INDIAN AGENT.

Clarence A. Warner, of Pocatello, Idaho, to be agent for the Indians of the Fort Hall Agency in Idaho.

POSTMASTERS.

Shelley Inch, to be postmaster at Placerville, in the county of Eldorado and State of California.

Charles G. Chamberlain, to be postmaster at Pacific Grove, in the county of Monterey and State of California.

Benjamin Webster, to be postmaster at Platteville, in the county of Grant and State of Wisconsin.

George S. Avery, to be postmaster at Galena, in the county of Jo Daviess and State of Illinois.

Austin Young, to be postmaster at Randsburg, in the county of Kern and State of California.

George A. Oakes, to be postmaster at Haywards, in the county of Alameda and State of California.

John T. Lindley, to be postmaster at Ontario, in the county of San Bernardino and State of California.

Benjamin J. Maltby, to be postmaster at Northford, in the county of New Haven and State of Connecticut.

Stephen A. Noyes, to be postmaster at Idaho Springs, in the county of Clear Creek and State of Colorado.

Maude Evans McLean, to be postmaster at Breckenridge, in the county of Summit and State of Colorado.

Silas D. Byram, to be postmaster at Liberty, in the county of Union and State of Indiana.

I. L. Trowbridge, to be postmaster at Naugatuck, in the county of New Haven and State of Connecticut.

Charles H. Rose, to be postmaster at Manchester, in the county of Hartford and State of Connecticut.

Henry F. Leib, to be postmaster at Oberlin, in the county of Decatur and State of Kansas.

Ewing Herbert, to be postmaster at Hiawatha, in the county of Brown and State of Kansas.

Frank C. Mosbaugh, to be postmaster at Cambridge City, in the county of Wayne and State of Indiana.

James M. Wilson, to be postmaster at Falmouth, in the county of Pendleton and State of Kentucky.

William H. Harrison, to be postmaster at Flemingsburg, in the county of Fleming and State of Kentucky.

D. E. McClelland, to be postmaster at Chanute, in the county of Neosho and State of Kansas.

H. C. Connaway, to be postmaster at Berlin, in the county of Worcester and State of Maryland.

Joseph W. Gary, to be postmaster at Caribou, in the county of Aroostook and State of Maine.

Newton H. Fogg, to be postmaster at Sanford, in the county of York and State of Maine.

George P. Smith, to be postmaster at Ipswich, in the county of Essex and State of Massachusetts.

John H. Humphrey, to be postmaster at Athol Center, in the county of Worcester and State of Massachusetts.

William H. Foote, to be postmaster at Westfield, in the county of Hampden and State of Massachusetts.

John D. Smead, to be postmaster at Blissfield, in the county of Lenawee and State of Michigan.

Charles H. Pulver, to be postmaster at Dundee, in the county of Monroe and State of Michigan.

Samuel Adams, to be postmaster at Bellaire, in the county of Antrim and State of Michigan.

Horace French, to be postmaster at West Lebanon, in the county of Grafton and State of New Hampshire.

Nels A. Lilyquist, to be postmaster at Winthrop, in the county of Sibley and State of Minnesota.

Lewis P. Hunt, to be postmaster at Mankato, in the county of Blue Earth and State of Minnesota.

William Wirt Henderson, to be postmaster at Brookville, in the county of Jefferson and State of Pennsylvania.

James D. Ames, to be postmaster at Hawley, in the county of Wayne and State of Pennsylvania.

F. E. Hoyt, to be postmaster at Milford, in the county of Hillsboro and State of New Hampshire.

Frank G. Sairs, to be postmaster at Athens, in the county of Bradford and State of Pennsylvania.

Charles E. Riggs, to be postmaster at Canton, in the county of Bradford and State of Pennsylvania.

H. D. Patch, to be postmaster at Wilmerding, in the county of Allegheny and State of Pennsylvania.

Frank S. Myers, to be postmaster at Redfield, in the county of Spink and State of South Dakota.

George L. Fish, to be postmaster at Woonsocket, in the county of Sanborn and State of South Dakota.

John D. Cotton, to be postmaster at Parker, in the county of Turner and State of South Dakota.

B. C. Keller, to be postmaster at Port Angeles, in the county of Clallam and State of Washington.

James Ewart, to be postmaster at Colfax, in the county of Whitman and State of Washington.

Minnie A. Benton, to be postmaster at Saxtons River, in the county of Windham and State of Vermont.

W. A. Jones, to be postmaster at Oconomowoc, in the county of Waukesha and State of Wisconsin.

George R. Hall, to be postmaster at Oconto, in the county of Oconto and State of Wisconsin.

Hattie H. Clarke, to be postmaster at Brodhead, in the county of Green and State of Wisconsin.

Lewis S. Patrick, to be postmaster at Marinette, in the county of Marinette and State of Wisconsin.

Levi L. Odell, to be postmaster at Galesville, in the county of Trempealeau and State of Wisconsin.

John Kellogg, to be postmaster at Reedsburg, in the county of Sauk and State of Wisconsin.

W. A. Hutchinson, to be postmaster at Oak Park, in the county of Cook and State of Illinois.

Chester B. Claybaugh, to be postmaster at Toulon, in the county of Stark and State of Illinois.

Joseph S. Morgan, to be postmaster at Dubuque, in the county of Dubuque and State of Iowa.

David A. Courter, to be postmaster at Hinsdale, in the county of Dupage and State of Illinois.

Frederick W. Obermiller, to be postmaster at Mount Pulaski, in the county of Logan and State of Illinois.

William E. Cummings, to be postmaster at Highwood, in the county of Lake and State of Illinois.

Charles A. Coulter, to be postmaster at Lasalle, in the county of Lasalle and State of Illinois.

Levi W. Davison, to be postmaster at Earlville, in the county of Lasalle and State of Illinois.

Edward C. Schumacher, to be postmaster at Bradley, in the county of Kankakee and State of Illinois.

George J. Castle, to be postmaster at Carlinville, in the county of Macoupin and State of Illinois.

Henry Ede, to be postmaster at Cobden, in the county of Union and State of Illinois.

John S. Goodyear, to be postmaster at Mattoon, in the county of Coles and State of Illinois.

John T. Welch, to be postmaster at Dover, in the county of Strafford and State of New Hampshire.

James P. Mathis, to be postmaster at Toluca, in the county of Marshall and State of Illinois.

P. C. Willoughby, to be postmaster at Anna, in the county of Union and State of Illinois.

WITHDRAWALS.

Executive nominations withdrawn May 4, 1898.

Daniel C. Miles, of Westminster, Mass., to be agent for the Indians of the Cheyenne and Arapahoe Agency in Oklahoma Territory, vice Maj. Albert E. Woodson, United States Army, relieved from duty as acting Indian agent, which was sent to the Senate April 27 ultimo, for the reason that said army officer is to remain for the present in charge of said agency.

Alexander Magill, to be postmaster at Midland, in the State of Michigan.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 4, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

Mr. MAHON. Mr. Speaker, I ask for the regular order.

FREE ZONE.

Mr. GROSVENOR. Mr. Speaker, I call up for consideration House joint resolution 27, reported by the Committee on Ways and Means.

Mr. STEPHENS of Texas. Mr. Speaker, I object to the present consideration of that resolution.

The SPEAKER. The Clerk will first report the resolution.

The Clerk read as follows:

Joint resolution (H. Res. 27) to repeal the joint resolution in reference to the Free Zone.

Resolved, etc., That the joint resolution entitled "Joint resolution in reference to the Free Zone along the northern frontier of Mexico and adjacent to the United States," approved March 1, 1895, be, and the same is hereby, repealed, and the full operation of section 3005 of the Revised Statutes as existing prior to the adoption of such joint resolution is hereby revived.

The SPEAKER. The gentleman from Texas raises the question of consideration.

Mr. LANHAM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANHAM. How does this bill come up?

The SPEAKER. The bill comes up regularly, it is claimed, as a privileged report.

Mr. LANHAM. I respectfully submit to the Chair that to hold this resolution privileged would not be a fair construction of the rule, for this is not a bill raising revenue. As I understand the rules, only such bills of the Ways and Means Committee as "raise revenue" can be submitted as a privileged report.

The SPEAKER. The Chair will hear the gentleman from Texas upon that point.

Mr. LANHAM. That is not the purpose of this resolution, as I understand. It is obvious, Mr. Speaker, from the reading of the report that this is not a bill to "raise revenues" for the Government; on the contrary, it has reference essentially to certain transportation companies of the United States. Now, on page 235——

The SPEAKER. The Chair would like to hear the discussion upon the point of order, if gentlemen would permit it.

Mr. LANHAM. Page 235, clause 57 of Rule XI provides:

The following-named committees shall have leave to report at any time on the matters herein stated.

Then, coming to the Committee on Ways and Means—

The Committee on Ways and Means, on bills raising revenue.

If this were a bill raising revenue for the Government, then it would be a privileged report; but I respectfully submit to the Chair that it is not a bill raising revenue; on the contrary, a slight inspection of the report will show the resolution which is sought to be repealed is a certain joint resolution heretofore enacted in relation to the transportation of goods in bond through the United States into what is known as the Zona Libre, or Free Zone, in Mexico.

Now, from the report the following appears: "On the contrary, the only effect of the resolution which is sought to be repealed here has been to drive from our own transportation lines large traffic to European and other transportation companies—a very large and profitable business—without any return whatever." It is the manifest object of the resolution to give increased advantages to transportation lines of the country, and not to "raise revenue" for the Government. Therefore I make the point that it can not be considered as a privileged report from the Committee on Ways and Means, because by no sort of construction can it be determined that it is a bill designed to "raise revenue" for the support of the Government.

Mr. GROSVENOR. Mr. Speaker, I recognize the general proposition laid down by the gentleman from Texas. The difficulty that he labors under is that the resolution itself does not bear out his statement. I take it that a measure coming from the Committee on Ways and Means will require, in order to come within the rules, something dehors, extraneous to the record. Now, the resolution provides for the repeal of a certain repealing resolution which was passed some three years ago; and the committee state on the first page of the report that "the reason for the passage of that joint resolution was to prevent what was represented as a large smuggling trade back into the United States from the free goods admitted into this zone."

Now, that was said to be the purpose of the former resolution. I take it if that was the purpose of the resolution, to prevent a large smuggling business, the gentleman himself in his argument would concede the privileged character of this resolution. If you prevent smuggling, you enhance the revenue of the Government. Now, the committee say that the object of the former resolution was to prevent what was represented as "a large smuggling trade back into the United States from the free goods admitted in the zone."

Turn to the second page of the report and we have a letter of the Secretary of the Treasury, who states that the operation and effect of the former resolution did not stop smuggling; on the contrary, it enhanced the business of smuggling; and therefore he recommends the repeal of that former act. It seems that makes it entirely plain. The Chair will not undertake to say by the very fact that this resolution simply repeals the former act, without looking into that act, and without looking into the reasons of these two acts—he will not undertake to say that it does not affect the revenue of the country. To illustrate for a moment. Supposed it was a joint resolution to repeal the tariff act, or to repeal any item of the tariff law, it would not appear to the Chair upon the resolution that it would affect the revenue.

Suppose it simply said that paragraph numbered so and so of some act of Congress should be repealed. Certainly the Chair would not undertake to say that because it did not say in terms that it related to an increase or decrease of revenue therefore it was not covered by the rule of the House.

Mr. LANHAM. Does the gentleman from Ohio contend that if this joint resolution were to pass it would have any effect of raising revenue for the Government?

Mr. GROSVENOR. It is not for me to contend; the committee has contended that way, and the Secretary of the Treasury contends that way.

Mr. LANHAM. Will the gentleman further allow me? He has referred to a letter of the Secretary of the Treasury, the concluding portion of which is as follows:

The opinion was also expressed that the only practical result of the legislation which it is intended to repeal has been loss of business to American railway companies by reason of the diversion of the traffic to points in the Free Zone by way of Mexican seaports. The views then expressed are reiterated, and I see no objection to the passage of House resolution No. 27.

Mr. GROSVENOR. That is not all it says by a long ways.

Mr. LANHAM. I was only calling attention to the concluding portion.

Mr. GROSVENOR. Yes; that is the concluding portion, but this is what he says:

On the 2d of February last, in reply to a letter from you inclosing, for an expression of the views of this Department thereon, House joint resolution 224, which is substantially the same as that under consideration, you were advised that there is abundant opportunity for the perpetration of frauds on the revenue by reason of the Free Zone of Mexico, and until the privileges pertaining to said zone are abolished by the Mexican Government the danger to the revenue will continue to exist.

Now, says the committee, it is our opinion that the former act, instead of affecting favorably the revenue, affected it unfavorably, and therefore it ought to be repealed.

Mr. LANHAM. Whatever may be the purpose, the joint resolution itself has not the right of way now. That is the point I am making.

Mr. GROSVENOR. I understand that; it is a public matter of some importance——

The SPEAKER. It is a change in the collection of the revenue—in the method of it, is it not?

Mr. LANHAM. No, sir; I think not. I do not think that is the effect of the resolution originally, or that the repeal contemplated will have any effect upon it.

The SPEAKER. The substitution of transportation in bond for something else, or something else for transportation in bond?

Mr. LANHAM. Not at all. It does not go through the United States in bond under existing law. It goes to the Mexican ports and up on Mexican railways. The object of this is that it may give certain benefits to the American lines of transportation.

The SPEAKER. That may be the ultimate object of it, but at present it is to change the method of treating imported goods.

Mr. LANHAM. Only with reference to what is known as the Free Zone.

The SPEAKER. It is with reference to that, a change in the method of treating the receipt of imported goods and the collection of revenue thereon.

Mr. LANHAM. Not of American revenue. Goods are allowed to be imported into the Free Zone at reduced rates of tariff.

Mr. BAILEY. If my colleague will permit me, I suggest that he read section 305 and he will perceive that it does not affect the revenue, which I take it to be the crucial test. I desire to say that while I think my colleague is right on the point of order, I do not agree with him on the merits of the proposition.

I thought it was generally agreed that the law which this section seeks to repeal had failed to accomplish the purpose intended, and that it ought to be repealed and the former law revived. It seems to me on the question of order the test is this: Will the revenue raised under the law as it will stand when this bill is passed be either greater or less than the revenue raised under the law as it stands to-day? I believe it will be precisely the same. The only difference is that the section which it is now sought to revive simply permits the goods to pass in bond without paying any duty.

The SPEAKER. It is suggested that goods are smuggled, and that this present system affords more facility for it than the one proposed to be revived.

Mr. BAILEY. It would not affect the collection of revenue at all.

The SPEAKER. The more smuggling there is, the less revenue.

Mr. BAILEY. I think in deciding the point of order the Chair could not go into a question of that kind. Now, if the rule had read "all bills affecting the revenue," I would agree that this does affect the revenue, and would therefore be privileged.

But the language is explicit. The words used are "raising revenue," and I take it that even a bill changing the methods of collecting would not be privileged under that wording. I suppose the rule was carefully drawn, and drawn with the purpose of excluding all kinds of bills except those which add to the revenues of the Government. I take it that a bill simply changing the method of collecting revenue, either customs duties or internal-revenue taxes, could not be privileged under the language of the rule, for, while this bill undoubtedly affects the collection of the revenues, it does not raise them. I believe myself, from the best information I can obtain, that the bill ought to pass, but I do not believe it is privileged under the rule.

Mr. DINGLEY. I desire to ask my friend from Texas whether a bill dealing with the bonding privilege, which affects directly the collection of revenue, is not a privileged matter?

Mr. BAILEY. If the proposition stood alone, I should say no, under this rule. But if a bill raising revenue embodied some other

provision, then the whole bill would be privileged. But I ask the gentleman from Maine——

Mr. DINGLEY. But the words "raising revenue" apply as well to reducing revenue as increasing it. In order to come under the terms of the rule, the bill need not make any increase of revenue.

Mr. BAILEY. Then the language of the rule is unfortunately chosen.

Mr. DINGLEY. Not at all. When it speaks of "raising revenue," it does not necessarily mean to reduce it. There have been a great many tariff bills recognized as privileged which did not raise revenue in the sense of increasing it.

Mr. BAILEY. I venture to suggest that reducing can not be raising.

Mr. GROSVENOR. The gentleman from Texas does not mean to be understood as claiming that, in order to bring a bill within the scope of this rule, it must appear that the revenue will be increased by the passage of the bill?

Mr. BAILEY. On reflection I am inclined to think that the words "raising revenue" might mean levying taxes, and might apply to the imposition as well of lower duties as of higher duties.

Mr. GROSVENOR. Of course.

Mr. BAILEY. I am perfectly sure, upon a moment's reflection, that that view is correct. Still that does not escape the proposition that the bill, in order to be privileged, must be one that lays a duty or a tax—either lower than the existing one or higher. While the words "raising revenue" might be understood to apply to a bill laying taxes without reference to the amount of the tax as compared with the existing tax, still that language can not possibly be construed to have reference to any bill that does not lay a tax. A measure, in order to meet the requirements of this definition, must be an effort to raise revenue, not merely to effect its collection.

Mr. DINGLEY. I wish to ask the gentleman whether an administrative customs measure, when presented to the House, is not privileged?

Mr. BAILEY. I should think not if it merely——

Mr. DINGLEY. It has been so held in the House.

Mr. BAILEY. I should think not if it merely related to the manner in which duties should be collected. In that respect the language of the rule seems to me too plain for misconstruction.

Mr. DINGLEY. I ask the attention of the gentleman from Texas to the fact that Mr. Carlisle expressed the opinion that the administrative customs bill, which did not apply to the question of taxation, but only as to the methods of collecting the revenue, was a privileged bill.

Mr. BAILEY. Well, Mr. Speaker, if that be true—and no doubt it is as the gentleman states it—it only illustrates the vice of construing rules rather than executing them. It was so easy to provide for all these cases, if the Committee on Rules had seen fit to do so, by simply using the words "affecting the revenue" instead of the words "raising revenue;" and as the committee did not choose to use the word "affecting," but did choose to use the word "raising," we must assume they meant "raising," instead of "affecting." And I am in the habit of believing that it is as true of presiding officers as it is of judges, that they ought to enforce the rules as they are written rather than construe them to mean what they think ought to have been written.

Mr. DINGLEY. I will not discuss the question further. I am willing to leave it to the decision of the Chair.

The SPEAKER. The Chair is ready to rule.

Mr. LANHAM. May I make a very brief suggestion to the Chair? I maintain that whether this resolution be passed or not, it will have no effect upon the matter of smuggling, so far as the Free Zone is concerned; and I want to repeat the reading of a portion of the letter of the Secretary of the Treasury from which the gentleman from Ohio read:

> On the 2d of February last, in reply to a letter from you, inclosing, for an expression of the views of this Department thereon, House joint resolution 222, which is substantially the same as that under consideration, you were advised that there is abundant opportunity for the perpetration of frauds on the revenue by reason of the Free Zone of Mexico, and until the privileges pertaining to said zone are abolished by the Mexican Government the danger to the revenue will continue to exist.

I respectfully submit to the Chair that it is the existence of the Free Zone that encourages smuggling; and the passage of this resolution will have no effect so far as that matter is concerned. Nor will it raise or increase the revenues of this Government. That is clearly inferable from the letter of the Secretary of the Treasury. I repeat, it will neither raise revenue for the Government nor will it prevent smuggling.

Mr. STEPHENS of Texas. I desire to call your attention to the fact that this resolution if passed will raise revenue for railroad companies and not for the Government.

The SPEAKER. The Chair is ready to rule on the subject-matter of the point of order raised by the gentleman from Texas.

The gentleman from Texas [Mr. BAILEY] has really stated the identical point involved here; and that is as to the words "raising revenue" for the support of the Government. The gentleman admits that if the bill were a bill affecting the raising of revenues, he would regard the question of order as decided.

The Chair thinks that the interpretation always given, with reference to the pending point, is such as to make it quite the equivalent of a bill "affecting revenues," as suggested by the gentleman from Texas, and that the mere language used of "raising revenue," instead of "affecting revenue," can have no material application to the question of order.

Not only in the opinion cited by the gentleman from Maine [Mr. DINGLEY], where Mr. Carlisle agreed that an administration bill was privileged in the same sense as the bill now presented, but in almost every other instance every tariff bill which has been considered by the House has contained, necessarily, some administration measures, pure and simple, which the bill would not have been entitled to carry unless in order and privileged under the rule, inasmuch as any unprivileged feature would necessarily take away from the bill the effect of such privileged matter as it might carry; and the Chair thinks that it has been the universal construction that all measures affecting the revenue or the methods of collection of revenue are understood to affect the raising of revenue. While it is true that any Speaker, when this question is raised, might construe the rules very strictly, nevertheless after they have been reenacted they are understood to be reenacted as carrying with them the construction placed upon the rules, just as the reenactment of a statute after a decision of the court is understood to be reenacted with the approval of that provision.

So it seems to the Chair that this being a measure relating to the revenues, and the collection of the revenues, and without determining whether it increases or decreases the revenue, it is a matter that comes strictly within the rules and can be considered under the rules.

The Chair therefore overrules the question of order raised by the gentleman from Texas.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to raise the question of consideration——

Mr. GROSVENOR. Is that in order now, Mr. Speaker?

Mr. STEPHENS of Texas. I make the point that this should be considered in Committee of the Whole.

The SPEAKER. The Chair thinks the point of order raised by the gentleman from Texas is well taken.

Mr. GROSVENOR. Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill which has been reported by the Committee on Ways and Means of the House.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. LACEY in the chair.

Mr. STEPHENS of Texas. I desire to be recognized in opposition to this bill.

Mr. GROSVENOR. I desire to call attention very briefly to the resolution under consideration. I desire to say that this is a public matter——

Mr. STEELE. Would it not be better to have the resolution reported?

Mr. HULL. It has not been reported to the Committee of the Whole.

Mr. GROSVENOR. I want to get the floor.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution in reference to the Free Zone along the northern frontier of Mexico and adjacent to the United States," approved March 1, 1895, be, and the same is hereby, repealed, and the full operation of section 3005 of the Revised Statutes as existing prior to the adoption of such joint resolution is hereby revived.

Mr. GROSVENOR. I desire to say, Mr. Chairman, that this is a public matter, a matter that affects the administration of the Treasury Department. It can not be said to be a local matter, and if there are one or two Congressional districts in the United States that oppose the passage of this resolution because the present state of things is beneficial especially to those districts, then that is a good reason why this resolution ought to pass, because it affects the collection of the revenue of the entire country.

I will briefly state the points in the case, and then I will yield time to gentlemen familiar with the operation of the conditions both under the existing law and the law prior to the passage of the resolution of 1895.

The Mexican Government, you might almost say from time immemorial, has first established and then maintained a strip of country 13 miles wide, known as the Free Zone, or in the Mexican language, the "Zona Libre," into which foreign goods are permitted to come free of duty, transported in bond through the Mexican Republic, and, until the former action of Congress, transported in bond through the United States, and delivered into the Free Zone without the payment of duty.

It is a matter that the United States Government can not control. It is the prerogative of the sovereignty of the Mexican Republic. I had the benefit of the complete and perfect learning of the distinguished minister of Mexico to the United States, giving a most interesting history of everything relating to the Free Zone. However, it scarcely affects, one way or the other, our pending question, but it is so interesting that I felt, after consultation with the committee, that it would be a proper thing to incorporate it into the report of the committee.

Now, in 1895, the law previous thereto having permitted the transportation of goods through the United States into the Free Zone, Congress, in the hope that the Mexican Republic would discontinue the Free Zone, passed a resolution repealing the authority to transport goods in bond through the United States into the Free Zone of Mexico, a right which had existed for many years. I remember the debate very well, although at the time I took no part in it. It was resisted with great energy and much research by the distinguished Representative from Texas, Mr. Crain, and he in his speech, which I have before me, pointed out that two things that it was claimed would happen would not happen, and that the precise conditions which we find would exist.

But Congress did not heed Mr. Crain's argument upon the very ground which I have laid the foundation for, and that is that he had no right to put up any supposed interest of a single Congressional district to undertake to defeat the will of Congress in relation to a national matter of this character.

Now, something like three years have passed, and the Secretary of the Treasury, having been appealed to by the Committee on Ways and Means, says that there has been no benefit to the United States derived from the repeal, and that so long as the Mexican Government maintains the Free Zone there can be no benefit; and I may say we have no complaint against our sister republic upon this ground.

This is a matter for her. It is not our revenue. It does not in that way affect our revenue, theoretically, at least, and the only way in which our revenue is affected is by the furnishing of better facilities for smuggling than there would be without it, and I think I can make it very plain to everybody here who may give me his attention for a moment. If goods are transported in bond through the custom-houses of the United States along the border line of Mexico into the Free Zone, the representatives of the Government at the custom-houses know something about what is going on, and so it has been found that, now that our knowledge of the importations into the Free Zone has been entirely cut off, the effect has been unfavorable. I remember how strenuously Mr. Crain said that if we wanted to promote smuggling, this was one of the steps to take, as it barred United States officials from all knowledge of that which was going into the Free Zone of Mexico.

Well, now, there is another objection, and I stand here very boldly to say that it does not affect my judgment to say that the railroads of the United States are unfavorably affected by the condition. If the gentleman from Texas [Mr. STEPHENS] thinks that that will be a potent argument here, I think he misinterprets the will of the House.

Let us now come exactly up to the very point of this argument. There is a Free Zone, into which goods will go, under the right of sovereignty of the Republic of Mexico. If this law stands, they can not be carried in bond through the United States, but they may come in bond without limitation through the Republic of Mexico upon two great railroad lines down there. Now, the gentleman says this repeal will favorably affect the railroads on our side of the line.

Is it possible there is a feeling here that you will make war upon the interests of the American railroads in the interests of the Mexican railroads? I do not think so. I think that if these goods are to be carried, and they are; if this traffic is to be continued, and it is; then, in my judgment, that argument alone, that it will transfer the traffic to American railroads or some part of it, is a good argument to use to anybody on the floor of this House, and that especially when you couple it with the power of supervision that it gives to the custom-house on the United States side of the line. They are now debarred from having anything to do with it.

Why, it is said that the Southern Pacific Railroad is affected. Possibly it is. So is the Pennsylvania Railroad; so are the steamboat lines that come to New York; so is the Baltimore and Ohio Railroad; so is the great Southern system. For they are all contributors to the transportation results that carry these goods from the United States in bond and deposit them in the Free Zone of Mexico.

So, Mr. Speaker, I shall not be driven from my position by simply making an appeal that this would help our railroads. I would be glad to see the traffic of our railroads built up, doubled, quadrupled, so that the laboring men of the United States might have the right to demand and the power to insist upon and secure their share in the results of that traffic.

So, while it is a matter of no very great importance to the railroad lines, I am not going to run away from it because we may assail it on that ground. Now, gentlemen, this is a matter relating merely to the matter of the collection of the revenue of the country, relating merely to the protection of the revenue of the country from smuggling, and in favor of this proposition it has the unanimous report of the Committee on Ways and Means, passed upon the request and advocacy of two Secretaries of the Treasury in succession.

I yield fifteen minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, this question of the abolition of the right of transportation of goods in bond to the Mexican-Texas frontier for delivery in the Free Zone is not one of very great importance to the revenues of the country one way or the other. In my judgment, it does not affect smuggling into this country or out of this country. It is a mere question of whether or not we shall deliberately put upon our railroads an injustice and a hardship and entail unnecessary cost upon them in the transaction of their business, and whether we shall deliberately affront by a petty annoyance the Republic of Mexico, which lies on yonder side of the Rio Grande. The Free Zone is a peculiar institution, the like of which we do not have in our country. To term it "free zone" is to term it inaccurately.

The Government of Mexico imposes a duty of 17½ per cent of the regular tariff on goods going into that zone. When first inaugurated, I believe, it was the practice to permit the introduction of goods at a rate of 2½ per cent of the ordinary duties of the country, which 2½ per cent was merely intended to cover the local charges for inspection and handling. A most interesting history of the Free Zone is given by Mr. Romero in the document published in the report of this committee, which will repay perusal by all who are interested in the commercial history of the country, of Mexico, and specially of the frontier. I will say briefly that the Free Zone was inaugurated prior to the civil war in this country because Mexico saw her people on the borders constantly moving into the more prosperous territory of Texas.

Wishing to prevent the loss of all her people, they conceived the idea of the establishment of a free zone into which goods were permitted to be introduced at a very moderate customs charge, believing that it would have the effect of giving that country a prosperity which it might not have, and thereby retain her citizens in her own country. The theory which they undertook to put into practice had no fair opportunity for trial before the civil war came on in this country, when immediately that part of Mexico adjacent to the territory of the United States assumed unusual importance; and Matamoras, which before the war and before the inauguration of the Free Zone was a straggling Mexican village, became at once, or almost at once, an important city of 40,000 people, with a great commerce.

Cotton and other articles of export required by Europe were taken out of Texas, at the back door of the Confederacy, so to speak, and could go to English, French, and German ships and be transported to Europe without hindrance. As many as eighty vessels at a time were anchored in the open sea off the mouth of the Rio Grande River. Some Mexicans, doubtless many of them, attributed this increased prosperity to this new law of their own, that creating the Zona Libre. To disprove the position which they took on that question you have only to investigate a little into the history of the border subsequent to the civil war.

Immediately after that unhappy war was over our own towns began to prosper. Brownsville, Laredo, Eagle Pass, and El Paso immediately began to grow in trade and population, and almost simultaneously the Mexican towns began to decline. They still believed—many do to this day—that the Free Zone created the prosperity they enjoyed during the civil war. On the other hand, the distinguished gentleman who represents the Republic of Mexico, Mr. Romero, a scholar, a man well informed upon all matters of history, literature, and commerce, has been and is now of the opinion that the Free Zone is of no benefit to Mexico, and now advocates, as he did some twenty years ago when secretary of the Mexican treasury, the abolition of the law. In this connection I wish to say if we desire to secure the abolition of the Free Zone we had best not go about it by trying to coerce Mexico. For my part, and right here, I wish to say that I believe the Free Zone is of absolute benefit to the commerce of my own State. The people of Mexico on the other side of the river buy the most of their staple articles of food on this side.

I can not speak with exact knowledge of the city represented by my colleague, Mr. STEPHENS of Texas, the town of El Paso, for that town seems to oppose the repeal of this law. I do speak, however, of Eagle Pass, which is in my district, and of Laredo, in the district represented by my friend Mr. KLEBERG. The merchants who originally advocated the passage of the resolution are uniformly demanding its repeal. They say with absolute sincerity that the only effect of it has been to put additional charges for the handling of their business on our railways and increasing the labor of our customs officers and to annoy the Mexicans.

Mr. Chairman, I would like to have the Clerk read a letter which

I send to the desk, received from the collector of customs at Eagle Pass, Mr. Fitch.

The Clerk read as follows:

CUSTOM-HOUSE, PORT OF EAGLE PASS,
DEPUTY COLLECTOR'S OFFICE,
February 4, 1898.

DEAR SIR: I notice by the Express that you have introduced a bill for the repeal of resolution No. 20, regulating the shipment in bond of goods destined for points within the Zona Libre of Mexico. A few days ago I signed a petition addressed to you asking you to work to that end, and inasmuch as I was one of the principal advocates of said measure, as you will find in the records of the Treasury Department in my letters addressed to the honorable Secretary of the Treasury, bearing date of March 26 and April 1, respectively, for the year 1894, I therefore desire to state my reasons for my present action.

At the time of the agitation for the passage of the resolution this town was suffering in a marked degree from the effects of the Free Zone, and still does, for that matter. The bill failed of its purpose, as a way was found to defeat the law, and the result was that goods continued to pass through our country in bond to the Free Zone the same as before.

As the law now stands, it is of no benefit to towns on this side of the river, and is a great annoyance to those doing business on the other side. It causes much unnecessary labor to the clerical force of this office and much expense to the Government at the first port of arrival, where all goods have to be opened, examined, and appraised when intended for the Free Zone in like manner as if they were going into consumption in this country.

I would favor a law curing this defect in the law, which could perhaps be done, except for the reason that the Mexican Government has ruled that goods destined for the Free Zone may be imported through the ports of that country and shipped through that country to points in the Free Zone without the payment of the Mexican duties. Under these circumstances I favor the repeal of the law unconditionally, but believe that any bill looking toward a reciprocity treaty with Mexico should contain a clause looking to the abolishment of the Free Zone. I will be pleased to give you any further information on this subject at any time.

Very truly, yours,

W. A. FITCH.

Hon. JAMES L. SLAYDEN,
Washington, D. C.

Mr. SLAYDEN. Mr. Chairman, the author of the law which we now ask to repeal thought, of course, that it would increase the sale of merchandise on our side of the river, and that the effect would be to ultimately coerce the Mexican Government into the abolition of the Free Zone. But the President of the Republic of Mexico, exercising his constitutional right, modified the customs regulations of that country, which had previously forbidden the introduction of goods through Mexican ports and their transportation across the country in bond. His answer to the resolution of our Congress was to immediately modify the customs regulation of Mexico and to give Mexican merchants in the Zona Libre the right to bring in goods by way of Guaymas, Tampico, and Vera Cruz, and to pay the zone duty upon the delivery of the goods on the frontier where they were to be offered for sale.

That alone operated so as to nullify the desired effect of the resolution. Furthermore, Mr. Chairman, our own railways immediately, as suggested in the letter read by the Clerk, found the means of evading and getting around the law. The goods were opened, examined, and appraised in the ports of entry at New Orleans, New York, Galveston, or wherever they happened to be entered, and were then sent to custom-houses on the border at Eagle Pass, El Paso, and Laredo, immediately taken out there and taken across the river. The only effect of the law has been to divert some trade from our roads to the Mexican roads and to put additional responsibilities and labor upon our officials.

Now, Mr. Chairman, it is unquestionably true that the railways of this country do desire the resolution repealed; they do desire the privilege of carrying goods in bond across this country to be delivered into the Free Zone, and in my humble judgment they ought to have it.

I believe that whenever I can with propriety contribute to the prosperity of an American individual or an American corporation I should do so. I have occasionally, in my feeble way, fought railway companies, or rather I have fought their unjust exactions, but I have never fought the corporation itself. I do not believe that because the railways of the country desire that this resolution should be repealed, and because it may increase their prosperity to some extent, that a single vote should be cast against it, and I can not believe it will be done.

Mr. Chairman, before resuming my seat I want to read a few lines to the House from a letter received three years ago from the collector of customs at Laredo, in the district represented by my friend, Mr. KLEBERG. It was written in reply to a letter by the lamented Mr. Crain:

I am just in receipt of the marked copy of the Washington Post dated February 13, sent me by you, containing an extract from the report of Civil Service Commissioner Lyman on his recent tour of inspection along the Mexican frontier. With the greater part of the conclusions reached by Commissioner Lyman I very heartily agree; but I am unable to see what benefit will accrue to the United States from the abolition of the Free Zone. It is true that petty smuggling is constantly carried on between the towns in the Free Zone, just across the river, and those on this bank.

Let me say, in passing, Mr. Chairman, that Mr. Earnest says further along in this letter that petty smuggling will continue to go on there. The Rio Grande River ordinarily is not over 10 inches deep; it is about half a mile wide. They have brandies, cigars, and a few things of that sort on the other side which people of good taste on this side want and which occasionally they are willing to enjoy without paying the Government its tribute in the way of revenue. As long as that river is shallow and as long as human nature is what it is there will be more or less smuggling going on. The letter continues:

This petty smuggling is annoying, and it is almost impossible to prevent it. The purchases of foreign goods in Nuevo Laredo, for instance, made by persons from this side are usually small in quantity and value. I think that in most cases the petty smuggling of this character is done by ladies who conceal about their persons a few pairs of silk hose, of kid gloves, small quantities of lace, and in some instances silk dress patterns. As the majority of the people here, however, do not indulge in silk goods of any character, these purchases are not extensive. On the other hand, the people who live across the river buy very largely on this side, their purchases consisting of groceries, prints, hardware, and articles of like character.

Now, to those gentlemen who insist upon the abolition of the Free Zone of Mexico I desire especially to call attention to this passage of the letter from Mr. Earnest:

One gentleman who lives in Nuevo Laredo told me lately that his monthly bills on this side of the river amounted to $60. Numbers of families living in Nuevo Laredo buy practically all of their groceries from merchants on this side of the river. The commission merchants here tell me that they have in the Free Zone one of their best markets. Flour, bacon, and many other American products are sold in Nuevo Laredo and the territory above and below that point. In fact, the balance of trade is very largely in our favor. I can not assent to the proposition that the existence of the Free Zone has inured very largely to the benefit of the Mexican border towns, and that business is "dead and unprofitable" in the American towns opposite them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. I would like to have two minutes more.

Mr. GROSVENOR. I yield the gentleman two minutes more.

Mr. SLAYDEN. Mr. Speaker, so far from desiring the abolition of the Free Zone, I would, if I could exercise any influence whatever upon the Mexican Government, ask it to extend that zone three, four, or five hundred miles farther back. This territory adjacent to us has a duty of only 17½ per cent of the normal Mexican duty; and on the other side it backs up against a part of Mexico which has a tremendously high duty, so that the extension of this Free Zone would certainly be a benefit to the trade of this country. Therefore I say that so far from asking the abolition of the Free Zone, I would vastly prefer to have it extended farther back into the interior.

Mr. HUNTER. Will the gentleman be kind enough to state the territorial extent of what is called the "Free Zone of Mexico?"

Mr. SLAYDEN. It is 13 miles in width and runs along the entire border between Mexico and the United States.

Mr. HUNTER. How much coast line does it embrace?

Mr. SLAYDEN. No coast line. It extends from the Gulf of Mexico up the Rio Grande, following the entire border line between the United States and Mexico.

Mr. STEPHENS of Texas. Mr. Chairman, the Zona Libre, or Free Zone, is a strip of territory on the Mexican side of our international boundary 12½ miles wide. Foreign goods imported into this zone of Mexico pay only 18½ per cent of the regular Mexican import duties. Goods imported into Mexico from the United States pay 18½ per cent at the first line, and if they pass the second line, 12½ miles farther on in Mexico, they pay 81½ per cent more. But goods to be used in Mexico beyond the Free Zone must pay the full duties at the first or boundary line of Mexico. By the treaty of 1848 the Rio Grande River became the boundary line between Mexico and the United States from the Gulf of Mexico to El Paso.

The tariff duties of the United States were very light from 1848 until the civil war, while the Mexican rates were very high. Mr. Romero, in his forty-page report on this bill, speaking of this period, says:

That the import duties (of Mexico) on foreign goods were so high as to be practically prohibitory. Many commodities were actually excluded from the country (Mexico) under the plea of protection to our national industries, and among these were articles of prime necessity, such as grain and provisions.

The result of this was that radically different prices prevailed in the towns on the two sides of the river. At Brownsville, Tex., for instance, on the north bank of the Rio Grande, commodities and the necessaries of life, such as provisions and clothing, were bought at a low price, while at Matamoras, on the south bank (Mexican side), the same articles of domestic production, and often of an inferior quality, cost twice and even four times as much as at the stores just across the river. The difference in taxation—

He means tariffs—

and consequently in prices on the frontier, brought about one of two results. It either caused the inhabitants of the Mexican towns to emigrate to the settlements on the other (American) side of the river in order to enjoy the advantages which were to be had in this country, or it induced them to purchase in the United States the goods which they needed and to smuggle them across the river to their homes in Mexico.

This condition of affairs in 1849 forced the Mexican Congress to pass a law reducing duties through the custom-houses of the State of Tamaulipas on provisions to be used by the people of that State. This was the first step to the present Mexican Free Zone law, and in 1858 the governor of that State issued a decree establishing the Free Zone in that State. This decree exempted all foreign goods intended for use in the frontier towns of that State from the payment of all duties. But when removed to the inland towns of Mexico the importer had to pay the regular duties. The reason

for the establishment of the Free Zone is explicitly stated in the words of the decree, viz:

Whereas our towns on the northern frontier are in a state of actual decadence for lack of laws to protect their commerce; and

Whereas, being situated in close proximity to a commercial nation which enjoys free trade, they need equal advantages in order not to lose their population, which is constantly emigrating to the neighboring country; now, therefore, desiring to put an end to so serious an evil by means of franchises which have so long been demanded by the frontier trade, etc., I have seen fit to decree as follows, etc.

This decree was approved by the Federal Congress of Mexico in 1861, and was extended in 1870 and in 1885 so as to include the whole boundary between Mexico and the United States, and at present 18½ per cent of the regular duties must be paid before goods can be introduced into the Free Zone from this country. Mr. Romero, in the letter I have referred to, states that—

Such articles as coffee, sugar, straw hats, shoes, vegetables, flour, beans, milk, fruits, meat, common clothing, blankets, etc., used and consumed by the poorer class of people, are, if Mexican products or manufactures, cheaper than if imported from the United States.

Thus it is evident that the people of Mexico living in the Free Zone have been greatly benefited by their Free-Zone law, and that the United States has been correspondingly injured thereby.

In the same letter he further says that—

Public men in the United States, or at least some of them, have been for some time under the impression that the way to abolish the Free Zone was to repeal the acts which allowed foreign merchandise to go in bond to frontier custom-houses, as if Mexico was very anxious, which was by no means the case, that the border towns of the United States should enjoy that privilege. And this accounts for the efforts made to repeal such acts, which were always unsuccessful until Mr. Cockrell passed his bill.

Senator Reagan, of Texas, was one of the public men referred to by Mr. Romero who wanted to repeal the acts to permit foreign goods to go in bond to frontier custom-houses, and on July 1, 1890, he presented a bill, known as Senate bill 1642 (Fifty-first Congress, first session), for this very purpose; and where Reagan leads, no man (surely no Texan) need fear to follow. Pope says that—

An honest man's the noblest work of God.

I know of no man to whom this maxim better applies than to John H. Reagan, of Texas, for—

Titles of honor add not to his worth
Who is himself an honor to his titles.

Mr. Romero says that a similar measure to Senator Reagan's bill was finally passed by Congress on February 27, 1895, and this is now the law that is sought to be repealed by the pending measure. This House resolution was introduced by my predecessor, Mr. Cockrell, and, in my judgment, should not be repealed until Mexico abolishes the Free Zone.

The resolution is as follows, and is found on page 973, volume 28, Statutes at Large:

That the Secretary of the Treasury is directed to suspend the operation of section 3005 of Revised Statutes in so far as the same permits goods, wares, and merchandise to be transported in bond through the United States into the Free Zone of Mexico so long as the Mexican Free Zone exists: *Provided*, That nothing herein contained shall be construed so as to prevent the transportation of merchandise in bond to be delivered at points in the territory of Mexico beyond the limits of the Free Zone.

This resolution should not be repealed, for the reason that the same condition of affairs exists now as in 1895 on the borders of Mexico, and the people of the city of El Paso, in my district, are unanimously (so far as I am advised) in favor of the law remaining as it is now.

The Free Zone was created by Mexico to permit her citizens to take from our citizens the benefit of the great prosperity they enjoyed by reason of the low tariff in our country and the high tariff in Mexico. The goods costing the Mexican merchant so much more than they did ours compelled them to sell much higher than our merchants, and thus broke up their business, as shown by Mr. Romero's remarks, before alluded to by me.

The Mexican Government, therefore, to avoid the result of their own laws, seek to and do give their own towns in the Free Zone the benefits and advantages heretofore held by the American merchants and citizens. Mr. Blaine, in 1868, introduced a resolution in the House of Representatives looking to the correction of this Free Zone trouble. In 1870 Senator Patterson introduced a bill which passed the Senate, and later Senator Reagan a bill for the same purpose. It will, therefore, be seen that the measure now sought to be repealed had long been advocated by some of the strongest men in Congress, irrespective of party affiliations. Mr. Romero, in his letter, says that some of the most prominent men in the United States misunderstood the scope and purpose of the Free Zone.

I suppose he alluded to Mr. Blaine, Senator Patterson, and Senator Reagan, and Representative Cockrell, whose resolution finally passed and became a law. He may have had in mind that the legislature of Texas on January 24, 1895, recommended the passage of the Cockrell resolution, and it did pass on March 1, thereafter. If this resolution was necessary then it is necessary now. The members of the Texas legislature, many of whom lived on or near the Rio Grande River, certainly understood this Free Zone question and voted understandingly, and Congress granted their request by passing the Cockrell resolution. The town of El Paso, in the district I represent, is unanimous in their opposition to the repeal of the Cockrell resolution.

The advocates of this measure claim that the merchants of the Free Zone now buy as many goods and put them into their stores in the towns of the Free Zone as cheaply as they did before the present law was enacted. If so, why are all of the merchants in the Free Zone, the railroads, and Mexico, through Mr. Romero, clamoring for the repeal of this law? The reason is that by its repeal they can undersell our merchants and build up their towns and enrich their merchants.

I appeal to all of the members of this House who have a manufacturing constituency to defeat this resolution and thereby we will sell our goods in our own home market and keep out the untaxed foreign goods.

If this law is repealed, we will have to compete with foreign goods on the Mexican side, that pay no tariff duties.

The main reason given for the repeal of this law is that it injures the railroads in the United States and benefits the roads in Mexico. This is not true, for the Government of Mexico does not allow shipment in bond through its territory into the Free Zone except from Vera Cruz and Tampico, and why should this Government permit free of duty a shipment of goods in bond into the same zone, thus granting Mexico a privilege that she refuses to her own people? A proposition to act in this way is neither a common-sense nor a business proposition. As the law now stands neither Government grants this permission, except from two ports in Mexico, and the railroads of each are on exactly the same footing, as they should be.

Granting for argument sake that the repeal of this law would to some extent benefit the railroads, on the other hand it would injure a much greater number of our merchants and traders and also build up the Mexican towns on this Free Zone and correspondingly injure our own towns. In 1895 Commissioner Lyman, of the United States Civil Service Commission, was sent to the Free Zone to study the subject and report. He reported that the Free Zone was prejudicial to the interest of the United States; that it encouraged smuggling, and as a remedy that the bonded privilege for foreign merchandise should be withdrawn. The Cockrell resolution followed this suggestion.

The towns on the Free Zone would have competing lines of railroad to ship over if this law was repealed. Their merchants could ship their goods over either the Mexican or our railroads, because the tariff would be the same either way (if they could get foreign goods through our territory in bond). Thus they could get the very lowest rate of freights. Our merchants can not ship over Mexican roads, because the Mexican Government does not let us ship in bond, but requires us to pay their duties. Hence our merchants are at the mercy of the United States system of railroads and pay double the freight rate that the merchants over the river pay.

But while we continue the present laws in force, our merchants, having competing lines of railway to their towns, get much cheaper rates of freight than the Mexican towns across the border. I will ask this House why our Government should let Mexican merchants ship goods through our territory in bond while they deprive us of the same privilege through theirs, and thus give the Mexican merchants the same rate of freights that our own merchants get? Every Mexican town across the border has only one line of railway, and no competition. Hence the road charges higher rates of freight than our merchants enjoy. By passing this resolution the Mexican merchant will have the same rate of freight as our own merchants have.

The committee reporting this bill, according to their report, have only consulted Mr. Gage, the Secretary of the Treasury, the railroad interests, represented by Mr. Huntington, whose road reaches this Zone at several points, and Mr. Señor Don Matias Romero, the distinguished representative of the Mexican Republic at this capital.

Why were not the representatives of the people of the towns adjoining this Zone—Mr. SMITH of Arizona, Mr. FERGUSSON, of New Mexico, and myself—given at least a hearing before the Committee on Ways and Means before it reported a bill so vitally affecting the towns of our districts. However, the report itself shows conclusively whose interests it guards. It says:

The only effect of the resolution—meaning the resolution to be repealed—has been to drive from our own transportation lines a large traffic in European and foreign lines—a very large and profitable business—without any return whatever.

This statement from the report shows that Mr. Huntington's railroad interest was consulted and was very potent before the committee. Mexico's interest, through Mr. Romero, has been guarded. The committee states in its report that—

The committee has seen fit to embody in this report a very able and comprehensive paper prepared by Senor Don Matias Romero, the distinguished representative of the Republic of Mexico at this capital.

The report of the Committee and Secretary Gage's letter cover

less than two pages of the report, and Mr. Romero is given forty pages to argue the Mexican side of the question.

I desire to call the attention of the House to the following editorials recently appearing in the El Paso Times, a paper published in the city of El Paso. These editorials show conclusively the ruinous effects that the passage of this resolution will have on the people whom I have the honor to represent on this floor:

[Editorials from El Paso Times.]

KEEP THE FREE ZONE DOWN.

The Associated Press evidently knows as little about the Mexican Free Zone as some of the members of Congress who are doing Mr. Huntington's bidding in trying to repeal a law that has manifestly proved beneficial to American merchants near the Mexican frontier. Yesterday's dispatches said:

"This Government extended certain rights in connection with this privileged territory, but the rights were suspended by the joint resolution now proposed to be repealed."

Our Government did no such thing. The general laws for shipping merchandise in bond, which have existed for years, long before the Free Zone was extended in Mexico to include the whole frontier, allowed goods to be landed on that zone free of all customs duty, American or Mexican.

The present law, the repeal of which is now sought by Huntington and his lackeys, merely shuts railroads out of the bonded traffic to four towns on the Mexican frontier, viz, Juarez, Nogales, Piedras Negras, and Laredo. These are the only towns in the Mexican Free Zone reached by railroads.

Under the present law all railroads can haul American goods into those four towns, but European and Asiatic goods in bond can not land there to be smuggled back into the United States. Bonded goods can land on the American side, just opposite those towns and less than a mile distant from them, or they can land just beyond those towns, beyond the 12-mile limit of the Free Zone, but not within the towns.

Now let us examine what privations railroads suffer under the present law. The four towns and their population where bonded foreign goods can not land are:

Town.	Location.	Population.
Juarez	Opposite El Paso, Tex	6,000
Nogales	Opposite Nogales, Ariz	1,500
Laredo	Opposite Laredo, Tex	3,000
Piedras Negras	Opposite Eagle Pass, Tex	2,000

Here is a total population of 12,500, whose consumption of foreign goods can not be many train loads in a year. They are not distributing points for the rest of the Free Zone, because they are the only towns on the zone of any importance, and no part of Mexico is more sparsely populated than the Free Zone, 2,000 miles long and 12 miles wide from the Gulf of Mexico to the Pacific Ocean.

If this vast frontier with only a few towns is again to be made a smugglers' paradise just because Huntington's Southern Pacific road controls the traffic at Eagle Pass on both sides of the river, then that railroad is more potent with a Republican Congress than the justice of the real protection of the American frontier merchants from illegal competition.

American goods ought to be good enough for those four towns, and the Times thinks that the United States Senate will check the attempt now being made in the lower House to repeal the present law.

THE FREE ZONE ONCE MORE—LIKE BANQUO'S GHOST, IT WILL NOT DOWN—COLLIS P. HUNTINGTON AND HIS STANDING ARMY OF LOBBYISTS ARE ENDEAVORING TO EFFECT THE REPEAL OF THE LAW PROHIBITING THE HAULING OF BONDED FREIGHT INTO THE ZONA LIBRE.

The recent effort which has been put forth by Collis P. Huntington and his henchmen to effect the repeal of the law prohibiting the hauling of freight from the ports of the United States to the Free Zone of Mexico in bond has created great consternation along the border on this side of the Rio Grande.

The repeal of the law prohibiting the railroads from hauling bonded goods into the "Zona Libre" would once more inaugurate that system of wholesale smuggling of imported goods across the border into this country which once prevailed all along the frontier. If the United States Government desires to increase the traffic of the Huntington roads and foster the collapsed smuggling industry, which for a long time was the most profitable pursuit of the border, it should repeal the law. The citizens of El Paso, and of other border towns, at great expense and trouble succeeded in obtaining the passage of the law which practically broke up smuggling and detracted from the commercial importance of the Mexican towns along the Rio Grande.

The bill passed both Houses in February, 1895, and was signed by President Cleveland on March 2. Its passage was stubbornly fought by C. P. Huntington, but too late to have any effect. He realized that the passage of the act would reduce the income of his roads by substituting American goods for the foreign products hauled in bond from the Pacific coast ports to the Free Zone.

These goods were dumped in large quantities into the Mexican frontier towns and they were thriving in an unusual manner as the rendezvous of smugglers, who conveyed the goods back across the Rio Grande into the United States duty free.

European goods were taken into the sparsely settled Zona Libre in sufficient quantities to have supplied the wants of one of the most populous States of the Union, and the class of foreign goods taken into the zone was such as was utterly incompatible with the requirements of a population whose wants were few and whose poverty restricted them to the consumption of the bare necessities.

Before the Free Zone was established in 1883, none but American and Mexican goods were sold in that portion of Mexico. After its establishment goods of the finest fabric from European and Asiatic countries began to pour in. Silks, satins, manufactured woolens, gloves, dry goods of every description, the most expensive embroideries and laces, and large quantities of opium, crockery, and glassware were hauled there in bond.

In summing up the situation that existed before the passage of the act, a fluent writer has the following to say:

"If the United States Army was stationed along the frontier of Mexico to guard against smuggling these Free Zone goods into this country, it could not be entirely prevented. The Rio Grande from the Mexican Gulf to El Paso is the boundary line, and with its meanderings it gives a length of over 1,000 miles; and the river is dry yearly for eight months of the year from El Paso to the mouth of the Pecos River—over 300 miles. From El Paso to the Pacific Ocean there is not even a dry river to mark the boundary for 1,200 miles.

"The attention of the United States Congress was first called to the matter in 1894 by petition signed by all the merchants and business men of El Paso, Tex., and presented in the Senate by Senators Coke and Reagan, of Texas.

"This petition, which is on file at Washington, showed the facilities for smuggling afforded by the Mexican Free Zone and predicted that smuggling would increase as long as the Free Zone existed.

"There is no legislative remedy now for the evils described, which are growing worse daily, and gaining strength, except to expend millions annually in guarding closely the 2,500 miles of frontier which we have with Mexico. The Mexican Government has a large force of customs guards, called the 'gendarmeria,' but the smuggling in that direction is very small compared with what is done in the United States.

The reason less contraband goods enter Mexico is because their money is depreciated at least one-half, and these foreign goods must be paid for in gold or its equivalent, and Mexican buyers are therefore restricting themselves to their home products in which they get more value for their money."

The only apparent excuse for the repeal of the present law is that the repeal would benefit Huntington by increasing the traffic of his roads, substituting American goods with foreign merchandise.

Mr. Chairman, these editorials are sustained and emphasized by the petition of the merchants of El Paso, who unanimously oppose, as far as I know, the passage of this bill on the grounds I have stated in my remarks.

The city of El Paso is by far the largest and most important town on the American side of the Rio Grande. The Statistical Abstract, House Document No. 259 of this session of Congress, shows that the import duties collected at El Paso were $313,389, while the duties collected at all the other ports of Texas combined only amounted to the sum of $253,000, in round numbers. I therefore insist that the desire of the citizens and merchants of this city should be respected and that this resolution should not pass.

Mr. LANHAM. If I understand you, the repeal of the joint resolution would have the effect to make the goods in the Free Zone still cheaper than they are now and thereby give a ruinous competition to merchants on the American side of the line?

Mr. STEPHENS of Texas. That is right.

Mr. LANHAM. I want to ask my colleague just one more question. As I understand, El Paso opposes the passage of this joint resolution. They think next to the abolition of the Free Zone that the law as it now stands is the next best thing?

Mr. STEPHENS of Texas. My friend is correct. The people of El Paso want the law to remain as it now is.

The gentleman from Arizona [Mr. SMITH] opposes this resolution, but he is not here. The Delegate from New Mexico [Mr. FERGUSSON] also opposes it.

Mr. GROSVENOR. The gentleman will allow me to say that I think he is mistaken in regard to the views of the Delegate from Arizona.

Mr. STEPHENS of Texas. He has told me that he opposed the resolution.

Mr. GROSVENOR. Well, I understand him to have changed his views, though I am not absolutely certain about it.

Mr. STEPHENS of Texas. I think I can say positively that he is opposed to the resolution.

Mr. SLAYDEN. Allow me to interrupt a moment. I had two or three conversations with the Delegate from Arizona [Mr. SMITH] in regard to this matter. I found at first that he was opposed to the resolution. I asked him to read the report of the committee. He told me that he had not entirely read it, but had read it pretty well; and that his opposition to the measure was not of much consequence; that it was almost a matter of indifference to him. I inferred—I do not say that he told me so, but this was my inference from his statement—that his opposition to the measure had been based purely upon the request of two or three of his constituents. I believe that he has practically withdrawn his opposition.

Mr. LANHAM. Will my colleague allow an interruption?

Mr. STEPHENS of Texas. Certainly.

Mr. LANHAM. Is it not a fact that El Paso is the largest city on the American side of the river bordering on the Free Zone?

Mr. STEPHENS of Texas. Yes, sir.

Mr. LANHAM. And are there not more railroads centering there than in any other town along this line?

Mr. STEPHENS of Texas. That is correct. There are four or five railroads centering there or in the vicinity.

I find that the duties collected at El Paso, as shown by this Statistical Abstract, amounted in one year to $318,300 and that the rest of the revenue collected on the border line was only $253,000.

Mr. SLAYDEN. Will the gentleman allow me to ask if that gives the commodities on which this duty was collected?

Mr. STEPHENS of Texas. No; it does not give the items.

Mr. SLAYDEN. Is it not virtually collected entirely on ores—metallic ores—shipped to the smelting establishments?

Mr. STEPHENS of Texas. I do not know what part of the duty is collected on ores. But the fact remains and will not be contradicted that there is more duty collected at El Paso than at all the other towns on the Mexican border combined.

Mr. GROSVENOR. Will the gentleman allow me to interrupt him for a question?

Mr. STEPHENS of Texas. Certainly.

Mr. GROSVENOR. Is it not true that some lines of goods go

absolutely free of duty to the Free Zone, whether they come from the South, East, North, or West, and that they keep coming all the time?

Mr. STEPHENS of Texas. Goods now only come over Mexican lines of railway into the Free Zone free of duty. But if you repeal this law you will give the Mexican merchants the benefit of the same cheap freight rates now enjoyed by our own merchants on this side of the line, which would injure them and benefit their Mexican rivals in the Free Zone. The Mexican Free Zone merchants now pay a much higher rate of freight than their American rivals across the line, for the reason that none of the Mexican towns in the Free Zone has more than one line of road to ship over. But if you pass this resolution you will give them at El Paso and Laredo several competing American lines of railway to ship over.

Mr. KLEBERG. I wish simply to say to the gentleman that there are two railroads that enter Laredo, Tex. There is the International and Great Northern and there is the Mexican National.

Mr. STEPHENS of Texas. Mr. Chairman, I was making the point that they only have one line of road running from the Mexican seaports into Laredo. Juarez and the other Free Zone towns on the border on the Mexican side are under the control of that single line of railroad. They have the power to set the freight rates to the Free Zone merchants as high as they please, as they have no competition unless you give it to them by this bill.

Let us see who it is that is asking this favor from Congress. The report of the committee shows that Señor Romero wrote 40 of the 42 pages that report contains, and the whole tenor of his statements is an argument for the repeal of the Cockrell resolution. I do not blame the Mexican minister at this Capital for working in the interest of the Mexican Free Zone merchants.

Mr. GROSVENOR. One moment. I do not propose that the Mexican minister shall be misrepresented. The Mexican minister did not come in here. He contributed what he did at my personal request, so that the members of the House might have the full history of this matter, and I may say further that what I have incorporated was written by that distinguished gentleman for a magazine and was not written for the benefit of this House. I solicited him to give us the right to use it, and he kindly gave me the permission.

Mr. STEPHENS of Texas. I call the attention of the gentleman to the fact that his committee has indorsed what the Mexican minister has said. Here is the report, and I will read it to the House:

> The subject of the Free Zone, with its history and the variety of historical data connected therewith, is a very interesting subject; and inasmuch as it affects the relations between this Government and the Republic of Mexico, and inasmuch as the whole subject-matter is one of great interest, the committee have seen fit to embody in this report a very able and comprehensive paper prepared by Señor Don Matias Romero, the distinguished representative of the Republic of Mexico at this capital. That gentleman has had ample opportunity to know whereof he writes in this behalf, having been a member of the Mexican Government and intimate with everything connected with the subject.

Now, this language is embodied in this report; the committee indorse it and they ask this House to pass a resolution which is dictated by and upheld by a government that is building up, and desires to build up, its own merchants and its own trade to the injury of the merchants and manufacturing interests of the United States. For what purpose? So that a few lines of railroad can take the business away from the Mexican line of railroad and give it to the United States railroad. That is the only question at issue. Then they will benefit the merchants on the other side of the border, and injure the merchants on this side of the border. At the same time they set up anew smuggling business that will be injurious alike to our country and to all of the citizens along the entire border.

The gentleman from Ohio seeks by this resolution to give our railroads the right to take foreign merchandise, the merchandise of the world, and place it in the Free Zone just across our borders to come in competition with our own merchants.

Mr. GROSVENOR. Quite the reverse. The gentleman is trying not only to establish these free ports but to give them a monopoly of the business.

Mr. STEPHENS of Texas. It does not give them a monopoly of the business, but gives the Mexican merchant the control of the business to the injury of our merchants on this side.

Mr. GROSVENOR. Have not they got it now?

Mr. STEPHENS of Texas. No; I have read you the petition of the citizens of El Paso, showing what the citizens there want.

Mr. GROSVENOR. The petition is an argument against the Free Zone. I am with you on that question.

Mr. STEPHENS of Texas. You make the Free Zone more effective by bringing the goods across the border from the United States and placing them there in bond, free of duty.

Mr. GROSVENOR. We destroy the monopoly of the Free Zone.

Mr. STEPHENS of Texas. But notice this: All these bonded goods now coming to the Mexican border must come on one railroad. The Mexican merchants have to ship their goods over a single road. In our towns there are several railroads, and the American merchants have the benefit of the cheaper freight rates to the border towns having cheap common-point freight rates, and they can undersell the Mexican merchants because they only have a single line of railroad and no competition, as I have fully explained.

Mr. GROSVENOR. Mr. Chairman, before yielding to the gentleman from Texas I want to say that I am amazed that any gentleman on this floor should base an argument on the statement that the Mexican minister favors the passage of this resolution. Every word that has been copied into this report from the article of the Mexican minister was written, published, and in print long before this resolution was introduced into this Congress. And Mr. Romero has nowhere given an opinion as to whether or not this resolution ought to pass.

Mr. STEPHENS of Texas. Does he not criticise this act of 1895 in the severest terms, and criticise also the position of Mr. Blaine and General Grant?

Mr. GROSVENOR. Not at all. The gentleman has misrepresented him totally.

Mr. STEPHENS of Texas. I have read his statements from the report which you yourself prepared and furnished to the House.

Mr. GROSVENOR. Let me explain. Mr. Blaine had nothing to do with the question of the passage or the nonpassage of the resolution or act of 1895. Mr. Blaine's inquiry was a pertinent one and related to a totally different subject. It was whether this Free Zone was not itself a violation of the treaty between the United States and Mexico; it had nothing to do with this question of the transportation of goods; it had no more relation to it than the question of the distance to the North Pole.

Mr. Romero in his magazine article has answered Mr. Blaine's argument, if there was one; but it does not appear that Mr. Blaine ever made any argument on the subject. He simply introduced a resolution of inquiry—possibly a friendly one, possibly in the interest of upholding the right of Mexico—a simple inquiry whether the maintenance of this Free Zone (for that was the practical result of it) was not a violation of the treaty. When we adopted the resolution of 1895—and gentlemen are in this House to-day who know it—it was upon what we understood to be an intimation that the Mexican Government would thereupon repeal the Free Zone law and get rid of the whole of this difficulty.

Mr. STEPHENS of Texas. Did the Mexican Government ever take any steps to repeal it?

Mr. GROSVENOR. It has not done so; and therefore we do not propose that Mexico shall take advantage of our action and then refuse to give us the consideration for it that we hoped for.

Mr. STEPHENS of Texas. One other question: Is it not the fact that this resolution was designed to obviate the trouble that the Mexican Government had in trying to break down the Free Zone?

Mr. GROSVENOR. Not at all—no more than it is true that the Ten Commandments are an argument against this resolution. The resolution came from the Treasury Department, and was designed to get rid of the incubus we ourselves had created.

Now, one word further. This is the first time I have ever heard it argued—I do not know but there is force in the argument; I have been tempted sometimes myself to make it, but never have done so—this is the first time I have ever heard it argued that if you undertake to give to two railroads the monopoly of business in a field already occupied by five or six, it is a good way to get cheap rates of railroad transportation.

Mr. STEPHENS of Texas. Will the gentleman allow me to interrupt him for a question?

Mr. GROSVENOR. Certainly.

Mr. STEPHENS of Texas. Does not the gentleman know, as a matter of fact, that on the Mexican side there is only one line of railroad, while we have on our side three or four; and that being the case, we have competition; and is it not a matter of fact that we get cheaper rates?

Mr. GROSVENOR. I understand so.

Mr. STEPHENS of Texas. And by passing this resolution, in the present form, you give them on their side of the river practically the same freight rates and the same advantages that we have on our side?

Mr. GROSVENOR. I do not think so; I do not see how that could follow. The whole tenor of the gentleman's argument, it seems to me, was that we were in a position or should be in a position to impose higher rates of freight on goods in the little neck of woods about which the gentleman seems so much interested, and thus lose sight of the great question which really is involved in the resolution.

Here is a deliberate argument on the part of the opponents of this proposition that we should in effect cut off the operation of two or three American lines of railway in order to cheapen the rate on goods on the American side of the river. That is the logical result of the argument.

But suppose we did that and let these goods come in on the Mexican side of the river, in this Free Zone, is not the competition of the three railroads on the American side of the river, which would not be influenced or affected by such a proposition, going to determine, at least to a certain extent, the question at issue?

I yield to the gentleman from Texas [Mr. COOPER] the remainder of the time, or so much time as he desires.

The CHAIRMAN. The gentleman has twenty-six minutes remaining.

Mr. COOPER of Texas. Mr. Chairman, as the mover of this resolution now pending before the committee, I deem it proper that I should give some reason why I think it should be passed. Though clear statements and able arguments have been submitted by my colleague [Mr. SLAYDEN] and the gentleman from Ohio [Mr. GROSVENOR] in its support, I can only hope to supplement or reenforce their argument by the addition of stronger reasons or facts bearing upon the question.

The facts and conditions are about these: Prior to 1895, when the resolution was passed which this resolution undertakes to repeal, goods were transported in bond from foreign countries over the United States railroads to what is known as the "Free Zone," across the Rio Grande River, in Mexico. It was thought that by the passage of the resolution to which I have referred we would get rid of the nuisance or annoyances which had resulted from the large amount of smuggling carried on between the Free Zone on the opposite side of the river from us and this country. It has been discovered, however, that the inhibition has not been beneficial, and that smuggling continues as before, and that Mexico will not abolish the Free Zone, as supposed. And the result of the passage of the resolution of 1895 was that instead of imported merchandise and goods going into that region over our American railroads, they were shipped to Mexican ports, and transported by Mexican railroads to this Free Zone, thereby cutting out the American lines from any benefit from the transportation of this character of business.

We have gained nothing, therefore, by the passage of the resolution, but have actually lost the transportation and handling of goods that would properly have gone over United States railroads. It was believed when the resolution was passed that Mexico would repeal the law authorizing what is known as the "Free Zone." But she has declined to do so, and as a consequence of our legislation we have lost the transportation of goods and merchandise over the railroads of this country to the various points on the Rio Grande River and in the Free Zone.

I can not see, therefore, the force of the argument of my colleague in opposition to the pending resolution, although I should be exceedingly glad to agree with him at all times. He says that the passage of this resolution would injure the merchants of El Paso, on the American bank of the Rio Grande River. How it can possibly do so I am unable to conceive. The more railroads we have necessarily brings more competition, and if we have more competition the freight rates will be reduced, and the lower the freight rates are the better it is for the merchants. I can not see, therefore, why the people on our side of the river are not to be benefited by this legislation.

Mr. STEPHENS of Texas. But does not that make goods cheaper on the American side of the river?

Mr. COOPER of Texas. Unless they have competition I do not see how it can.

Mr. STEPHENS of Texas. But is not the American merchant benefited by such competition? My colleague will remember that on the other side of the river they have but one railroad, and consequently the American merchant has a decided advantage over his competitor on the other side of the river. But you seek by your bill to put them on the same level.

Mr. COOPER of Texas. It seeks, it seems to me, to give them cheaper rates, and if it gives them cheaper rates and furnishes the transportation to the railroads and public carriers of this country, the American people are benefited that much. Now, these are the conditions as I understand them, and this is all I have to say respecting the bill. It is a matter of indifference to me locally, because my constituency have no special interest in it, and I represent no interest that could be affected by the passage or nonpassage of the resolution.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question?

Mr. COOPER of Texas. Yes.

Mr. STEPHENS of Texas. How far is your district away from the Rio Grande?

Mr. COOPER of Texas. Six hundred or more miles. I represent a district lying upon the eastern boundary of the State. My colleague represents a district lying upon the Rio Grande. Therefore I say I have no local interest in this matter. I believe this bill is a good one and that it will result beneficially to the people of the United States. It has the recommendation of the Secretary of the Treasury. It has the approval of the Committee on Ways and Means, and, frankly, I must say that I have not sufficiently appreciated the force of the argument of my colleague to change the opinion which I originally entertained of this resolution.

Mr. STEPHENS of Texas. I will yield whatever time I have to my colleague [Mr. LANHAM]. How much time have I?

The CHAIRMAN. The gentleman has nineteen minutes remaining.

Mr. STEPHENS of Texas. I will yield that nineteen minutes to my colleague [Mr. LANHAM].

Mr. LANHAM. I do not care to use the time.

Mr. STEPHENS of Texas. I will yield the time back.

Mr. GROSVENOR. Mr. Chairman, I will yield the remainder of my time to the gentleman from Texas [Mr. KLEBERG].

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MERCER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 2307. An act to correct the naval history of John C. Dull;

H. R. 9043. An act granting an increase of pension to Ann M. Smith;

H. R. 1596. An act to amend the postal laws relating to use of postal cards; and

H. R. 6468. An act authorizing the Supreme Lodge of the Knights of Pythias to erect and maintain a sanitarium and bath house on the Government reservation at the city of Hot Springs, Ark.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4439. An act to relieve owners of mining claims who enlist in the military service of the United States for duty in the war with Spain from performing assessment work during such term of service;

S. 4476. An act granting a pension to Sarah M. Bennett;

S. 4452. An act authorizing the Campbell-Lynch Bridge Company to construct a bridge across the Arkansas River at or near Webbers Falls, Ind. T.;

S. 1631. An act granting an increase of pension to Henry Atkinson;

S. 3350. An act granting a pension to Blanche E. Barlow;

S. 413. An act to authorize and direct the Secretary of the Treasury to pay the moneys herein specified to the respective bands of Chippewa Indians in the State of Minnesota according to their respective rights and interests;

S. 3466. An act granting a pension to Sarah Hamilton;

S. 3693. An act granting an increase of pension to Leah L. Price;

S. 4248. An act for the relief of Lewis Kyle, of Milton, Pa.;

The message also announced that the Senate had passed a bill of the following title, with amendments in which the concurrence of the House was requested:

H. R. 9210. An act granting an increase of pension to George H. Baldwin.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 5880) to vest in the Commissioners of the District of Columbia control of street parking in said District, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCMILLAN, Mr. PROCTOR, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7441) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAWLEY, Mr. COCKRELL, and Mr. PROCTOR as the conferees on the part of the Senate.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 5975) extending the homestead laws and providing for right of way for railroads in the District of Alaska, disagreed to by the House of Representatives, had agreed to the further conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. HANSBROUGH, Mr. CARTER, and Mr. ALLEN as the conferees on the part of the Senate.

The message also announced that the Vice-President had appointed Mr. CULLOM and Mr. COCKRELL as a joint committee to

act with a like committee to be appointed by the Speaker of the House of Representatives, under the provisions of the act approved February 16, 1889, "to authorize and provide for the disposition of useless papers in the Executive Departments," to consider the question of destroying useless papers, referred to in Senate Document No. 246 and part 2 of the same, Fifty-fifth Congress, second session.

FREE ZONE.

The Committee resumed its session.

Mr. KLEBERG. Mr. Chairman, the district which I have the honor to represent extends from the mouth of the Rio Grande to Laredo, a distance of about four or five hundred miles. I have the towns of Laredo, Rio Grande City, Brownsville, and other smaller towns on the Rio Grande River, which are directly interested in this measure. I regret to say that my position in the representation of that constituency leads me to conflict with my colleague [Mr. STEPHENS of Texas]. Merchants along the line of the Rio Grande in my district are in favor of this resolution. They insist that the suspension of article 3005 was not only a measure that affected disadvantageously the traffic on the railroads and on the steamers of American citizens, but that the suspension of this law has operated disadvantageously to American merchants on the border.

Now, I am not going to travel over the same ground that has already been sufficiently covered by my colleagues [Mr. SLAYDEN and Mr. COOPER of Texas] and also by the gentleman from Ohio [Mr. GROSVENOR], who has pointed out the fact that the only result of the suspension of article 3005 has been a disadvantage to our own carrying trade. I will add this, however, that there is no man on this floor who guards more jealously than I the rights of the American people in relation to the railroads. I am one of those who think that the railroads should be regulated in a reasonable and legal way. I think they should not be permitted to discriminate against the people and the shippers; but when it comes to a question between the railroads of a foreign nation and those of my own nation, there can be no doubt that the choice is in favor of the railroads of my own country; and as has been well said by the gentleman from Ohio [Mr. GROSVENOR] and other gentlemen who have preceded me, the only advantage in the suspension of this law has been an advantage to Mexican railroads.

Now, the gentleman from Texas [Mr. STEPHENS] in his zeal has stated that he can not imagine why a Representative from Texas should support this measure. Well, I have inquired diligently throughout my district among people who are directly interested in this measure, and they have all asked me to support it; and I will now have read by the Clerk a letter that was written by citizens of Brownsville, Tex., in 1895, which applies with equal force in 1898. This letter was addressed to my distinguished predecessor, Mr. Crain, who opposed the suspension of article 3005 as I oppose it now. The same reasons exist now, and for that reason I cheerfully support the resolution.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question? Is it not a fact that there is only one line of railroad extending from any Mexican Gulf point to the towns on the Mexican side of the Rio Grande.

Mr. KLEBERG. I think so.

Mr. STEPHENS of Texas. Just one line?

Mr. KLEBERG. Yes.

Mr. STEPHENS of Texas. Then they have no competition, and the Mexican merchant is at the mercy of that road in the matter of freight rates.

Mr. KLEBERG. I do not take that view of it at all.

Mr. STEPHENS of Texas. Then it is not a fact that, as has been stated on the floor, there are several lines of railroads running to the towns on the American side; and is it not a result of that competition that merchants on the American side have an advantage over Mexican merchants in the matter of lower freight rates?

Mr. KLEBERG. There may be a small advantage in freight, I do not know how much, but I will call attention to the fact that it is also to the advantage of the merchants on this side to sell goods to people on the other side, and I am informed that by the suspension of this statute traffic with the other side has practically been abandoned, and that merchants there can actually not exist. That is as far as it affects my district; and if former relations were reinstated, the merchants on this side would have a chance to sell their goods on the other side.

Mr. STEPHENS of Texas. Is it not a fact that there are more duties collected at El Paso than at all the balance of the ports along that boundary?

Mr. KLEBERG. I do not know. There are a great many duties collected at Laredo. That is an important port.

Mr. STEPHENS of Texas. Do you not know that the statistics show that the collections at El Paso are more than $100,000 greater than at all the other points?

Mr. KLEBERG. I will state that most of the goods smuggled are of Mexican manufacture. I was United States attorney there for four years on the border and prosecuted those smugglers, and it is not American harness and American agricultural implements that are resmuggled into the United States, but it is mescal, cigars, trinkets, and articles of Mexican manufacture that are chiefly smuggled onto this side of the river. The goods that are smuggled are not goods of American manufacture or even goods of foreign manufacture, but goods of Mexican manufacture.

Mr. STEPHENS of Texas. But do they come into competition with the American producer of whisky, beer, and cigars?

Mr. KLEBERG. I have not tried mescal, but I do not think it is a competitor with good whisky or good wine or good beer; but if it is, our people can pay the duty on it, like they pay on their French wines and other luxuries. But I repeat the fact that the smuggling exists chiefly with Mexican goods of Mexican manufacture, and it stands to reason. They do not want to smuggle meal, harness, and agricultural implements that they have bought from America, or even goods that they have bought from England or France, into the United States, but to smuggle goods of their own manufacture; and it is that which our custom-houses are chiefly engaged in stopping.

Mr. RIDGELY. I want to ask the gentleman a question.

Mr. KLEBERG. Certainly. But I wish to have that letter read first. My time may expire.

The Clerk read as follows:

BROWNSVILLE, TEX., *January 27, 1895.*

The arguments favoring the abolition of the Zona Libre do not apply here. The importations into the Zona Libre from Brownsville, Rio Grande City, and Roma are chiefly breadstuffs, agricultural implements, and other goods of American production; hence there is no smuggling back from Mexico to the United States of foreign goods. This is abundantly shown by the character of the seizures made by our customs officers, which seldom embrace anything but articles of Mexican origin, and this no change or modification in the Zona Libre would affect. But our whole transportation system depends on our continuing to supply Matamoras and the adjacent territory with the class of goods they now purchase from us.

If the inhabitants of that section are compelled to pay Mexican import duties on their flour, lard, soap, sugar, beans, cotton goods, clothing, plows, harness, hardware, agricultural implements, and machinery, all of which American manufactures they now buy from us, they will use similar articles of Mexican origin and production, although of inferior quality and higher first cost, because they can get those native articles without the payment of import duties. The result is, we lose our market for a large and constantly increasing quantity of our own products, and in losing this market we so decrease the volume of our trade that we would cease to have direct communication by steamer and otherwise with the great centers of American production, our own local wants not being sufficient to justify the continuance of the steamer line to supply them alone.

You will thus see the matter is of vital importance to us. We therefore ask you to exert all your influence, official, legislative, and personal, to aid us.

There is another phase of the question. The threat to suspend the operation of our bonded system on the northern frontier of Mexico unless that country shall abolish the Zona Libre is a very serious one. Suppose (and the supposition is fully warranted) Mexico declines to be coerced? Then the American railroads running to the Mexican frontier lose the carrying of the best paying and most valuable portion of their traffic, as the transportation of all goods of European origin would be forced into vessels direct to Mexican ports, and not only our railroads but our coastwise carrying companies would suffer severely, and in order to fully load those vessels for Mexican ports direct the Mexican merchant would be compelled to purchase in Europe many goods he now procures from the United States.

In point of fact, the suspension of our bonded system to the northern frontier of Mexico would benefit only European producers, merchants, and carriers, and would work a corresponding injury to those interests of our own country.

We are, very respectfully,

THOMAS CARSON.
JAMES B. WELLS.
JOHN I. KLEIBER.
WM. J. RUSSELL.
G. M. RAPHAEL.
WILLIAM KELLY.

Mr. KLEBERG. Now, Mr. Chairman, the railroad directly affected in my district is a short railroad running from Point Isabel to Brownsville, that carries a good deal of this merchandise under bond; another is the Texas Mexican, from Corpus Christi to Laredo; another is the Aransas Pass road, which branches out throughout my district, and others are the International and Great Northern Railroad and the Southern Pacific. Now, I repeat that I stand here and yield to no man in my ideas and opinions and convictions about bringing all these railroads under the law and making their charges reasonable. But when they come in competition with railroads on the other side of the Rio Grande, I want them at least to have the same advantages, and I would give them whatever little difference there was in their favor because they are citizens of my district and American citizens, and certainly we must give them the protection of American law.

Now, I do not care to say anything more in regard to this measure. I say that my people favor it, both merchants, railroads, and the people, and for that reason I shall support the resolution.

Mr. RIDGELY. The question I wish to ask is this: There seems to be a conflict between gentlemen representing districts bordering on the Mexican line, one in favor of the proposed resolution and the other opposing. Your present argument is in favor of the transportation companies on this side?

Mr. KLEBERG. No; the merchants also.

Mr. RIDGELY. And you say your merchants joined with those railroads in this petition?

Mr. KLEBERG. There was no joining about it.

Mr. RIDGELY. They joined their influence together. Now, the other gentleman [Mr. STEPHENS of Texas] says that the merchants in El Paso oppose this resolution for the reason that if the goods come over the Mexican line of roads into the Free Zone of Mexico, the Mexicans will sell the goods cheaper than they are now, and that they will therefore be better enabled to compete with the merchants on this side. So that it seems that we are left to choose whether we shall satisfy the merchants at El Paso or the other towns?

Mr. KLEBERG. Laredo, Brownsville, and other towns, for instance.

Mr. STEPHENS of Texas. What I say is I have read here a single petition from El Paso.

Mr. RIDGELY. I want to know if these places have influenced that or the railroads?

Mr. KLEBERG. I do not know that it reaches the situation that the gentleman suggests. I have answered the question once before. I was trying to put it in its true light. Some citizens on the Mexican side will perhaps get cheaper freight. Our merchants, the merchants of my district, claim that their trade on the other side has been practically broken up by the suspension of this statute, and if the statute is placed again where it was before their trade would increase and it would be a commercial advantage.

I yield the balance of my time back to the gentleman from Ohio, with the request that he will yield two or three minutes to my colleague [Mr. SLAYDEN].

Mr. GROSVENOR. I yield to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, my colleague [Mr. STEPHENS] is extremely incredulous about petitions that have come in here about the repeal of this resolution. He seems to think there is only one petition, and that is the one he presented, that the resolution be not repealed. I must make confession and let it go to my constituents that I inadvertently smothered a petition that they sent me. I failed to file it with the House. But I hold in my hand a petition which reads as follows:

PETITION.

DEAR SIR: We, the undersigned, citizens of Eagle Pass, respectfully request you to secure the repeal of resolution No. 20, passed by the last session of Congress, as in its present shape it operates as a hardship to all people interested in the forwarding of bonded merchandise to the limits of the Free Zone, and is absolutely nonproductive so far as any benefits may accrue to the General Government.

Yours, truly,

W. A. Bonnet, E. H. Schmidt, Robt. F. Dowy, Pasquale De Bona, L. De Bona, F. Wueste, J. M. Zapata, John Finnigan & Co., Ed Burkley, G. D. Garcia, S. P. Simpson, Jos. Rosenfield, M. J. Fox, I. Marks, Chas. Mayer, Wm. Cooper, M. L. Oppenheimer, C. W. Hartup, Chas. Fessmann, Josef Geiger, Gus. Rothfuss, B. D. Lindsey, R. J. Tucker, J. H. Jenkins, J. C. Washburn, J. C. Jones, W. A. Fitch, W. W. McCamplar, Jno. J. Burke, Malone Duggan, E. A. Chichester, John Creaton, W. E. Jammos, W. McCallum, W. C. Douglas.

JAMES S. SLAYDEN, M. C., *Washington, D. C.*

That is signed by every merchant, banker, and business man of the city of Eagle Pass. I want to say that Eagle Pass is second only in population to the city of El Paso, represented by my colleague [Mr. STEPHENS], and very little second to it in the importance of its commerce. It ships into Mexico vast quantities of cotton and other produce, and we receive through the port of Eagle Pass large numbers of cattle. More cattle are imported there and come through that port than any other port in the United States. So its commerce is quite considerable. My colleague [Mr. STEPHENS] is misinformed in relation to the situation at Eagle Pass, and still harbors the impression, notwithstanding I have told him otherwise, that the Pacific Railroad dominates that town by virtue of having its rails in the town or some running arrangement to it.

Mr. STEPHENS of Texas. Is there more than one railroad there at Eagle Pass?

Mr. SLAYDEN. There is more than one railroad at Eagle Pass. There is a road in Mexico and a road on this side.

Mr. Chairman, the whole effect of this resolution and the disturbance it has raised is almost a tempest in a teapot. Now, the effect of resolution 20 that we seek to repeal was simply this: It increased the charges upon commerce between ports of entry in the United States and the Free Zone in Mexico simply by the addition of the cost of handling these goods when opened, examined, and appraised in the port of entry instead of at the frontier.

Railways continued to do the business in this country, but not to the extent they did before, because previous to the enactment of this resolution the Mexican customs law forbade the transportation of goods in bond to the Free Zone. The President of Mexico, under his constitutional right, as I have already said, suspended a section of the custom laws, and goods were then permitted to be imported by different ports to the Free Zone. That gave these roads over there an increased benefit to a trifling extent. Charges were increased by opening, examining, and appraisal of goods in this country instead of being shipped in transit to the Mexican frontier. That is the whole thing, and it is of very little consequence to the railroads of this country. The chief beneficiary by the repeal of the resolution will be the customs officers who have been doing, it is claimed, so much unnecessary work.

I think the merchants of my district and the district of my friend Mr. KLEBERG know their interests as well as those in El Paso know theirs. I took the pains to write to the merchants in Laredo, although it is not in my district, and I got from them letters stating that they desired to have the resolution repealed, because it was offensive to their neighbors across the river, and of no good in the way of building up trade on this side. I hope, therefore, the House will follow the unanimous recommendation of the Committee on Ways and Means and repeal this resolution.

Mr. GROSVENOR. Mr. Chairman, I move that the committee now rise and report the bill back to the House with a favorable recommendation.

The question was taken; and there were on a division (demanded by Mr. STEPHENS of Texas)—ayes 42, noes 5.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House resolution No. 27 and had directed him to report the same back with a recommendation that it do pass.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The question was taken; and there were on a division (demanded by Mr. STEPHENS of Texas)—ayes 48, noes 4.

The bill was ordered to be engrossed and read a third time; and, being engrossed, it was read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1631. An act granting an increase of pension to Henry Atkinson—to the Committee on Invalid Pensions.

S. 3350. An act granting a pension to Blanche E. Barlow—to the Committee on Invalid Pensions.

S. 413. An act to authorize and direct the Secretary of the Treasury to pay the moneys herein specified to the respective bands of Chippewa Indians in the State of Minnesota according to their respective rights and interests—to the Committee on Indian Affairs.

S. 4248. An act for the relief of Lewis Kyle, of Milton, Pa.—to the Committee on Invalid Pensions.

S. 4439. An act to relieve owners of mining claims who enlist in the military service of the United States for duty in the war with Spain from performing assessment work during such term of service—to the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9378. An act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes; and

H. R. 10197. An act making appropriations to supply deficiencies in the appropriations for support of the Army for the fiscal year 1898, and for other purposes.

FORTIFICATION APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I present the following conference report:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7441) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 12, 18, and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, and 17, and agree to the same.

J. A. HEMENWAY,
MAHLON PITNEY,
THOS. C. McRAE,
Managers on the part of the House.

GEO. C. PERKINS,
EUGENE HALE,
EDWARD MURPHY,
Managers on the part of the Senate.

The statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7441) making appropriations for fortifications, submit the following written

statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

All of the amendments of the Senate are agreed to except the following, from which it is recommended that the Senate recede:

Amendment numbered 1: Requiring that all of the appropriations in the bill shall be expended under the direct supervision of the Board of Ordnance and Fortification;

Amendment numbered 7: Limiting the price of steel forgings to 21 cents instead of 23 cents, as proposed by the House;

Amendment numbered 12: Authorizing that $150,000 of the amount appropriated for powders and projectiles for a reserve supply shall be expended for powders;

Amendment numbered 18: Appropriating $22,000 to purchase the patent of Gregory Gerdon for a gas check for breech-loading guns; and

Amendment numbered 19: Relating to the compensation of officers of the Army for use of articles invented and patented by them.

The bill as finally agreed upon appropriates $9,377,494, being $22,000 less than as passed by the Senate, $5,222,582 more than as passed by the House, $4,001,077 less than the estimates submitted, and $139,647 less than the amount appropriated by the last fortification act.

J. A. HEMENWAY,
MAHLON PITNEY,
THOS. C. McRAE,
Managers on the part of the House.

Mr. HEMENWAY. Mr. Speaker, the estimate furnished by the War Department amounted to $13,378,571. At the time these estimates were submitted we had no reason to believe that we should be so soon engaged in war, and the House thought proper to present the bill which it did present. The Senate, by amendments, increased the bill to $9,399,494. Since that time the bill has been delayed in conference, for the reason that the committee desired to ascertain the exact amount that was necessary and required by the Ordnance and Engineer Departments for coast fortification, and during this Congress we have appropriated the money to be used for coast fortification in the following amounts.

Of the $50,000,000 appropriated, there has been allotted and used by the Ordnance Department $9,905,247.95; by the Engineer's Department, $5,635,000. There was appropriated by the deficiency bill that passed the House a few days ago $1,680,800, and by this bill which has been agreed upon $9,377,494, making a total appropriated by this Congress of $26,598,541.95 that will be used for coast defenses and for ordnance supplies. So, in effect, this one Congress has appropriated a sum equal to one-quarter of that required to carry out the Endicott scheme as originally reported. There has been no disposition on the part of the Committee on Appropriations to withhold any sum necessary for the protection of our coast.

As to the amendments stricken out that were offered by the Senate, I call attention to the one which provided that officers of the Army and Navy could go before the Court of Claims and have ascertained the amount due from the Government to them for any invention made by them while in the employ of the Government. We did not believe that the amendment ought to be adopted. We believed that the young men taken from the different States and educated at Annapolis and West Point at the expense of the Government, and retired by the Government on pay after age has rendered them unfit for active service, that their services belonged to the Government, and that they ought not to be paid for inventions made when their time belonged to the Government. For that reason your committee declined to agree, and the Senate receded.

There is only one other amendment of the Senate of any great importance. That amendment provided that the expenditure of the moneys appropriated by this bill should be controlled by the Board of Ordnance and Fortification—a board composed of the General of the Army, together with an officer from the Ordnance Department, one from the Engineer Department, an officer of artillery, and one civilian. We believed that the Secretary of War, the Chief of Ordnance, and the Chief of Engineers knew better how to expend this money than this Board of Ordnance and Fortification.

The Secretary of War, the Chief of Ordnance, and the Chief of Engineers have controlled these expenditures (with the exception of one or two years) ever since the coast fortifications bill has been passed as a separate measure; and we did not believe at this time that there should be any change in controlling the expenditure of this money. For that reason we declined to agree to the amendment of the Senate; and the Senate has receded.

Mr. PAYNE. I understood the gentleman to say that the total appropriations for fortifications in this Congress are in excess of $26,000,000. How does that compare with the average appropriations for the last two or three years—how much increase?

Mr. HEMENWAY. I can not give the exact figures, but prior to the Fifty-fourth Congress and since the adoption of the Endicott scheme (which was in 1886) there had only been appropriated about $10,000,000. The Fifty-fourth Congress appropriated about $16,000,000. This Congress at the present session—there is a bill to follow at the short session—has appropriated $26,598,000, but of that amount about $15,000,000 was allotted from the lump sum appropriated a short time ago.

Mr. PAYNE. Then for the Fifty-fourth Congress—the entire two years—the appropriations were about $16,000,000?

Mr. HEMENWAY. Yes, sir; being more than had been appropriated in ten years prior to that time.

Mr. PAYNE. That was an average of $8,000,000 a year for those two years?

Mr. HEMENWAY. Yes, sir.

Mr. LIVINGSTON. I understand that this $26,000,000 includes an allotment from the contingent appropriation of $50,000,000.

Mr. HEMENWAY. We have included about $15,000,000 allotted from the $50,000,000 appropriated in a lump sum.

Mr. LIVINGSTON. Then that is really not chargeable to this bill?

Mr. HEMENWAY. It goes to the same purposes for which this bill carries appropriations; it covers items which would have been carried by this bill if necessary.

Mr. BINGHAM. Then your bill in effect meets all the requirements of the Department in its estimates submitted to this Congress?

Mr. HEMENWAY. It does.

Mr. BINGHAM. And those estimates, as I understand, are consistent with the outline of the Endicott board for the development of fortifications?

Mr. HEMENWAY. So I understand. They are following out the scheme adopted by the Endicott board.

Mr. LIVINGSTON. What amount is carried by your bill for powder?

Mr. HEMENWAY. Nine hundred and fifty thousand dollars.

Mr. LIVINGSTON. The gentleman is, of course, aware of the fact that the deficiency bill passed a few days ago in the House covered $450,000 for this item?

Mr. HEMENWAY. Yes, sir.

Mr. GAINES. How does that compare with the amounts heretofore appropriated?

Mr. HEMENWAY. It is away above any previous appropriation.

Mr. GAINES. Why should it be so much when we are putting up a smokeless-powder factory?

Mr. HEMENWAY. I suggest to the gentleman from Tennessee that it is very hard to carry on war without powder.

Mr. GAINES. I would like a serious answer to my inquiry.

Mr. HEMENWAY. That is a serious answer. It is very necessary to have powder.

Mr. GAINES. That I understand.

Mr. HEMENWAY. The Chief of Ordnance has requested that we make this appropriation for the purchase of powder; and in compliance with the request of the Department the appropriation has been made.

Mr. LIVINGSTON. I suggest there is an absolute necessity we should have a great deal of powder.

Mr. GAINES. I understand that; but I am entitled to know from the chairman, the mouthpiece of the committee, how much increase this bill made over the bills of previous years.

Mr. DOCKERY. As I understand the gentleman, the $26,000,000 covered by this bill includes an allotment of $15,000,000 from the national-defense fund.

Mr. HEMENWAY. And the amount carried in the deficiency bill passed a few days ago.

Mr. DOCKERY. And the conferees are unanimous, as I understand.

Mr. HEMENWAY. Unanimous.

Mr. BINGHAM. Is there any paragraph in this bill corresponding with the paragraph in the naval appropriation bill making immediately available any of the appropriations?

Mr. HEMENWAY. The amounts carried by this bill are immediately available, and remain so until expended.

Mr. DINGLEY. Some suggestion has been made as to the amounts of our annual expenditures for coast defenses. I have before me an official statement which I would like to have go into the RECORD, showing the enormous increase of expenditures for public works. From 1885 to 1890 the average annual expenditure for coast defenses was less than $300,000. In 1890-91 we commenced the construction of coast defenses on a large scale, and the average expenditures for that purpose up to and including the fiscal year 1896 were about $2,000,000 annually. In the fiscal year 1897 there was an increase of $6,000,000, and for the year commencing in March last the expense will run up to over $26,000,000, showing an increase since 1885 from $300,000 to $26,000,000. I desire simply to call attention to the enormous amounts we are now expending, compared with previous expenditures.

I have here an official statement of the expenditures for public works of various kinds from 1885 down to the present time. As this statement is quite valuable, I ask unanimous consent that I may place it in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

The statement referred to by Mr. DINGLEY is as follows:

Statement of expenditures for public buildings, light-houses, coast defenses, rivers and harbors, increase of the Navy, and other public works for the fiscal years 1885 to 1897, inclusive, and first six months of fiscal year 1898.

	1885.	1886.	1887.
Library of Congress building			$645,477.27
Light-houses, etc	$482,867.75	$341,608.40	273,171.70
Public buildings	2,620,446.54	2,674,929.56	2,967,542.23
Rivers and harbors	10,558,020.58	4,097,134.73	7,782,748.14
Coast defenses	588,045.81	474,123.40	184,796.84
Military Academy	17,166.95	14,317.14	15,705.63
Military posts, etc	306,714.32	249,906.09	344,604.20
Arsenals, etc	318,708.00	206,625.00	242,780.85
State, War, and Navy Department building	554,731.71	415,000.00	355,000.00
Increasing water supply, Washington, D. C	707,739.99	312,335.00	348,000.00
Increase of the Navy	1,975,981.24	960,537.87	606,314.56
Navy yards and stations	431,073.38	475,919.95	220,155.52
Capitol terraces	53,000.00	150,000.00	145,000.00
Pension Office building	307,000.00	105,965.36	120,499.00
Total	18,862,081.27	10,378,487.50	14,335,796.14

	1888.	1889.	1890.	1891.
Library of Congress building	$112,751.63	$146,730.04	$530,950.39	$685,000.00
Government Printing Office		15,500.00	5,349.71	
Light-houses, etc	465,059.95	514,615.72	602,896.46	531,912.67
Public buildings	3,566,028.72	5,028,170.06	4,377,949.92	4,811,822.16
Rivers and harbors	7,004,348.29	11,308,296.70	11,737,457.89	12,250,627.23
Coast defenses	129,838.31	316,552.46	955,036.28	1,587,019.02
Military Academy	31,170.00	21,597.68	150,000.00	137,787.03
Military posts, etc	647,214.96	933,261.10	824,855.60	686,081.23
Arsenals, etc	233,751.05	445,084.22	815,966.45	935,783.76
State, War, and Navy Department building	289,275.04	14,927.80	9,500.00	25,500.00
Increasing water supply, Washington, D. C	283,279.51	107,480.23	425,028.88	111,709.28
Increase of the Navy	3,318,290.04	5,630,953.13	6,831,803.03	10,609,197.15
Navy yards and stations	1,021,481.22	1,288,269.70	1,058,852.26	606,239.49
Naval Observatory	8,158.10	38,550.38	140,391.92	107,926.88
Capitol terraces	239,908.88	124,984.75	73,000.00	49,000.00
Pension Office building	52,609.05	510.24	6,000.00	2,735.88
Total	17,402,104.77	25,835,455.61	28,695,018.73	32,858,341.89

	1892.	1893.	1894.
Library of Congress building	$910,000.00	$545,000.00	$1,100,000.00
Light houses, etc	618,234.49	364,262.50	489,683.52
Public buildings	6,319,276.94	5,050,796.59	3,220,840.07
Rivers and harbors	13,017,208.48	14,799,835.98	19,887,302.19
Coast defenses	2,337,054.72	3,536,850.74	3,679,983.61
Military Academy	237,303.18	146,934.40	257,496.00
Military posts, etc	840,000.49	829,845.47	800,258.03
Arsenals, etc	1,075,903.34	971,891.79	656,875.45
Increasing water supply, Washington, D. C	2,883.36		1,539.16
Increase of the Navy	13,756,490.90	15,080,226.74	16,199,258.53
Navy yards and stations	748,735.95	827,495.85	1,006,324.81
Naval Observatory	117,080.06	126,576.48	7,794.82
Capitol terraces	19,310.93	2,400.00	3,575.35
Total	30,999,471.83	43,082,116.54	47,868,992.07

	1895.	1896.	1897.	Six months ending Dec. 31, 1897.
Library of Congress building	$1,615,000.00	$764,072.61	$450,000.00	$20,000.00
Government Printing Office	54,944.43	115,955.22	125,973.45	
Light-houses, etc	261,742.37	479,779.90	668,245.93	298,200.00
Public buildings	3,595,032.46	2,997,381.67	3,758,795.67	1,717,200.00
Rivers and harbors	19,897,562.60	18,104,376.44	13,682,708.81	14,412,000.00
Coast defenses	2,124,009.31	2,544,001.52	6,108,784.76	4,195,500.00
Military Academy	301,268.35	83,296.74	160,000.00	125,700.00
Military posts, etc	666,680.27	330,204.26	352,947.33	252,400.00
Arsenals, etc	379,053.07	389,845.80	276,284.45	117,600.00
Increasing water supply, Washington, D.C	26,440.00	99,460.60	7,663.08	200.00
Increase of the Navy	13,182,134.21	9,453,002.77	14,539,911.36	5,939,200.00
Navy yards and stations	952,809.09	1,514,066.87	1,164,229.85	775,900.00
Naval Observatory	27,209.25	15,965.33	13,000.33	
Capitol terraces	2,651.34			
Total	42,486,607.65	36,951,409.73	41,307,540.02	27,908,200.00

Mr. FOOTE. If the gentleman from Indiana will permit me, I want to ask him, in connection with the report which he has presented, what the bill carries with reference to the Engineer Department, and also what the original bill carried?

Mr. HEMENWAY. I will state to the gentleman from New York that the original bill carried $1,000,000, which has been increased, for the Engineer Department, to $3,000,000, and that the original estimates in the bill, embracing all of the items, are as I have already stated. There has also been appropriated, or allotted under the $50,000,000 of appropriation made by Congress a few weeks ago, the sum of $15,000,000 in this direction.

Mr. PITNEY. But the original estimate to which the gentleman refers was not for the engineering work only.

Mr. HEMENWAY. Oh, no; I have just stated that, and that the amount available now will be twenty-six or twenty-six and a half million dollars.

Mr. PITNEY. That is correct.

Mr. CANNON. Mr. Speaker, with the consent of my friend from Indiana, I desire to occupy a brief portion of the time of the House to say that in matters of legislation in the House of Representatives, running through all of the years in which I have seen service in this body, the various committees of the House are apt to make a specialty of the matters that come before them and to practically magnify their importance after investigation, while at the same time they may minify other matters of which other committees have jurisdiction. And this is a very natural condition of affairs if we but reflect for a moment on the various classes of business before our committees.

I have not had the pleasure of hearing my colleague's statement with reference to the pending report, but I have no doubt that it has been exact and accurate and full in all particulars, not only with reference to the appropriation that the bill itself makes, but with regard to the proportion of the $50,000,000 defense fund allotted to fortifications, as well as with regard to the appropriations carried in the deficiency bill, all of which enter into the consideration of this conference report.

Now, I desire to call your attention for a few moments to the amounts which have heretofore been appropriated for work of this character, and especially the appropriations in the last Congress.

Mr. HEMENWAY. If my colleague will permit me, I will put in a comparative statement of the appropriations which have heretofore been made by the bill under consideration.

Mr. CANNON. These matters of appropriation were investigated and reported upon by the committee to which my friend and myself belong. Apt and proper, in my judgment, these appropriations were as they left the House, and liberal and efficient for the purpose contemplated. Of course the future must take care of itself touching ordinary and extraordinary appropriations for fortifications.

Mr. Speaker, for many years after the civil war we were in what may be called a transition state, so far as our work for defense or on our naval establishment was concerned. The years that have elapsed have made an absolute revolution in all of the appliances of war, both on land and on the sea. The navies of the world were, at the close of the civil war, antiquated; and much of naval construction made for many years after the close of our civil war is now practically obsolete. And while for many years after the close of the war we were engaged in paying our public debts, our engineers, our inventors, and the naval constructors of the world generally were engaged in evoluting the new Navy; and while other nations were paying immense sums for the construction of new vessels, since obsolete, our expenditures for the Navy were not so materially enlarged.

For one, I am very glad that we did not pay out extraordinary sums for that purpose, because our recent experience has demonstrated the fact that if we had been expending hundreds of millions of dollars, as other nations have done, on our coast defenses and in our Navy for construction purposes, that expenditure would have been a heavy tax upon the people and would have been worse than useless.

About the close of President Arthur's Administration Secretary Chandler, then Secretary of the Navy, commenced the construction of the new Navy. So far as parties were concerned, the Republican party was in power in both Houses of Congress and had the Presidency.

The policy of the construction of the new Navy was vigorously pursued then, and that policy was continued during the first Administration of President Cleveland. We proceeded to make contracts for the construction of steel plants, so that we created them absolutely in this country in two places in Pennsylvania, and subsequently at a third place, so that we have now three establishments of this character, and provision has been made for them year by year by Congress. It was continued under the Harrison Administration; not so vigorously under the first two years of the second Cleveland Administration, because we were in a period of panic and financial disturbance. Very little was done especially touching seacoast defenses, except to follow the policy so far as the Government had been committed to it in carrying out contracts that had been made by virtue of prior legislation.

It is yet an open question as to how efficient the high-power guns are to be and as to how efficient the Navy is to be. I trust and hope that we have the best type of guns and the best Navy, so far as it goes, upon the face of the earth. It has been lately

tried and is to be further tried, no doubt, during this present war. Now, I do not claim perfection by any manner of means touching any of these matters. I have but little practical knowledge touching them and not much of acquired knowledge. I have done the best I could, along with every other member of the House of Representatives, during this transition period and during the later period.

I have always been in favor of the construction of the armored cruiser, the monitor, the torpedo boat, and the torpedo-boat destroyer, because it seemed to me that these were the more practical ships, rather than the more heavily armored battle ship. In that I may have been mistaken; but in any event we have progressed pretty well in the construction of a Navy and in the construction of high-power guns for our sea coast defenses. Perhaps we have not gone as rapidly in that direction as many people desire we should go. Perhaps we are subject to the criticism that we have not made sufficient speed from time to time. If so, I am quite content, as one member of the House of Representatives, to take my share of the criticism. I never claim perfection; far from it.

I have no doubt that in all my public career I have frequently been subject to criticism for the want of proper knowledge and proper efficiency. All that Congress has done and all that any of us has done and all that I could do is to act according to my best judgment, taking into consideration the condition of the Treasury and the progress of invention from time to time. Now, some one may ask why do I make these remarks? Partially in answer to the gentleman from Maine [Mr. BOUTELLE], who gave us on the conference report on the naval appropriation bill a very interesting statement, in which he told, and no doubt truly, the magnificent and glorious part that he had taken as a legislator in the construction of the Navy. I accord him all praise. I have taken occasion to say before in this House that in my judgment his knowledge touching naval affairs, from his peculiar investigations and from his practical service in the Navy, was very great and very useful.

I might, perhaps, add further that I have taken occasion to make these remarks at this time in view of the criticisms that he did me the honor to make upon myself personally as to my opposition to the creation of a navy. According to my recollection, he can run back from Congress to Congress, and I think he will find that so far as it safely could be done, all things taken into consideration, possibly I have been about as sound as the average member of Congress; and if I keep in that position, I shall keep my own self-respect. All of us can not be Napoleons in war and Solomons in peace.

Mr. RIDGELY. Can the gentleman tell us how much this conference report increases or decreases the total amount of the bill as it passed the House?

Mr. CANNON. The gentleman in charge of the bill [Mr. HEMENWAY] can do it better than I can.

Mr. GAINES. I should like to ask the gentleman a question.

The SPEAKER. The gentleman from Indiana [Mr. HEMENWAY] has the floor. Does the gentleman yield to the gentleman from Tennessee [Mr. GAINES]?

Mr. HEMENWAY. Yes.

Mr. GAINES. I simply want to ask the chairman a question, and I take it I certainly have that delightful privilege. At the bottom of page 9 of the bill I find this language:

> That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

"Which material shall be admitted free of duty." I should like to ask why that language is added, Mr. Chairman?

Mr. HEMENWAY. Well, I do not know why the Government should pay the duty. It would simply be paying it to itself.

Mr. GAINES. Then levying a tariff on these imports would not reduce the price?

Mr. HEMENWAY. Well, can not the gentleman from Tennessee understand that for the Government to put it into one pocket and take it out of the other would not affect anyone?

Mr. GAINES. I just wanted to know why that sentence was added there.

Mr. HEMENWAY. It has constantly been there, and I do not see that it affects it one way or the other.

Mr. Speaker, I ask unanimous consent that I may add to my statement some comparisons which I desire to print in the RECORD.

The SPEAKER. If there be no objection, the gentleman may extend his remarks in the RECORD.

There was no objection.

Mr. HEMENWAY. I submit the following statement showing the appropriations made on account of fortifications, their maintenance or armament for the years mentioned:

During the Forty-ninth Congress (fiscal years 1887 and 1888) no appropriations were made on account of fortifications, their maintenance or armament, and for the twelve fiscal years 1875 to 1886, inclusive, the appropriation by Congress on this account averaged only $540,750 per annum, and only $463,500 per annum for the fourteen years, including 1887 and 1888, for which two latter fiscal years no specific appropriations were made, as stated.

The bill reported herewith contains appropriations in continuance of the policy adopted by the Fiftieth Congress in the passage of the acts approved September 22, 1888, and March 2, 1889, and by the Fifty-first, Fifty-second, and Fifty-third Congresses in acts approved August 18, 1890, February 24, 1891, July 23, 1892, February 18, 1893, August 1, 1894, and March 2, 1895.

The appropriations by said acts for the eight fiscal years 1889 to 1896 aggregate $22,489,224.50, or an average of $2,811,153.06. For the fiscal years 1897 and 1898 the total appropriation was $16,895,029, being $8,447,514.50 per year. For this fiscal year—

Appropriation by this bill	$9,377,494.00
Amount in Army deficiency bill for fortifications and torpedoes	1,680,800.00
Allotted from $50,000,000 emergency appropriation:	
Ordnance Bureau, War Department	9,905,247.95
Engineer Bureau, War Department	5,635,000.00
Total	26,598,541.95

It will be noticed that very largely increased appropriations for coast defenses were made by the Fifty-fourth Congress for the years 1897 and 1898, and adding that to sums available from appropriations made thus far by the Fifty-fifth Congress makes a total for the three years of $43,393,570.95, being more than the aggregate of all sums heretofore appropriated for this purpose.

I do not know that anyone else has anything to say, and I ask for a vote upon the conference report.

The conference report was agreed to.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

HOMESTEAD LAWS, RIGHT OF WAY, ETC., IN ALASKA.

Mr. LACEY. Mr. Speaker, I have a conference report.

Mr. RICHARDSON. I have a conference report I desire to offer.

The SPEAKER. The gentleman from Iowa presents a conference report.

Mr. LACEY. I call up the conference report on the Alaska bill.

The SPEAKER. The Clerk will read the statement, if there be no objection.

Mr. LOUD. Mr. Speaker, I will ask the gentleman from Iowa if he will not allow this conference report to be printed.

Mr. LACEY. It is printed. It is in the RECORD, and I will explain in a word that the only difference between the report now presented and the report that we had the other day is that the paragraph relating to a commission has been eliminated from the report. Aside from that, we have simply taken the printed copy of the report as it appears in the RECORD and readopted it, and leave out the only point that was objected to the other day. Having made this statement, it seems to me hardly necessary to have the report read at length. It is identical with that in the RECORD and we have taken it from the RECORD. The gentleman would not want it read now.

Mr. LOUD. I want everything read that can be read in order. Here is a conference report much longer than the bill itself.

Mr. LACEY. I do not like to disappoint the gentleman from California. I hope it will have the gentleman's attention while it is being read.

Mr. LOUD. Well, you will—and afterwards, too, perhaps.

The SPEAKER. The Clerk will read the conference report.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 5975, "An act extending the homestead laws and providing for the right of way for railroads in the District of Alaska," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 9, 15, 47.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 7, 8, 11, 13, 16, 17, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 39, 40, 42, 43, 44, 45, 46, 48, 49, 50, 52, 54, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out amend so as to read as follows:

"That the homestead land laws of the United States and the rights incident thereto, including the right to enter surveyed or unsurveyed lands under the provisions of law relating to the acquisition of title through soldiers' additional homestead rights, are hereby extended to the District of Alaska, subject to such regulations as may be made by the Secretary of the Interior."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out the word "forty," in lines 11 and 12, and insert in lieu thereof the word "eighty;" so as to make the amendment read as follows:

"*Provided*, That no entry shall be allowed extending more than 80 rods along the shore of any navigable water, and along such shore a space of at least 80 rods shall be reserved from entry between all such claims, and that nothing herein contained shall be so construed as to authorize entries to be made or title to be acquired to the shore of any navigable waters within said District."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all after the word "extent" in line 17; so as to make the Senate

amendment read as follows: "*And it is further provided*, That no homestead shall exceed 80 acres in extent;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment: In lieu of the matter inserted by said amendment insert the following: "The right to take for railroad uses, subject to the reservation of all minerals and coal therein, public lands;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Additional 40 acres to be limited on navigable waters to 80 rods on the shore line;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"*Provided*, That nothing herein contained shall be so construed as to give to such railroad company, its lessees, grantees, or assigns, the ownership or use of minerals, including coal, within the limits of its right of way or of the lands hereby granted."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment insert the following:

"*Provided further*, That all mining operations prosecuted or undertaken within the limits of such right of way or of the lands hereby granted shall, under rules and regulations to be prescribed by the Secretary of the Interior, be so conducted as not to injure or interfere with the property or operations of the road over its said lands or right of way."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In line 55 strike out the word "created" and insert in lieu thereof the word "erected;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That all charges for the transportation of freight and passengers on railroads in the District of Alaska shall be printed and posted as required by section 6 of an act to regulate commerce as amended on March 2, 1889; and such rates shall be subject to revision and modification by the Secretary of the Interior."

And the Senate agree to the same.

That the Senate recede from its disagreement to the House provision numbered 34, and agree to the same with an amendment so as to read as follows:

"That any such company, by filing with the Secretary of the Interior a preliminary actual survey and plat of its proposed route, shall have the right, at any time within one year thereafter, to file the map and profile of definite location provided for in this act; and such preliminary survey and plat shall, during the said period of one year from the time of filing the same, have the effect to render all the lands on which said preliminary survey and plat shall pass subject to such right of way."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Or if the map of definite location be not filed within one year as herein required, or if the entire road shall not be completed within four years from the filing of the map of definite location."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lines 4 and 5 strike out the words "for an easement;" in line 16 strike out the word "ten" and insert the word "twenty;" in line 19 strike out the words "unappropriated and unoccupied;" in line 29 strike out the words "or map of general route" and insert in lieu thereof the words "of preliminary survey;" in line 40 strike out the word "said" and insert the word "the" in lieu thereof; in line 72 strike out the word "for" and the words "less than;" and in line 73 strike out the words "thirty nor more than" and insert in lieu thereof the word "exceeding;" in line 78 strike out the words "or tramway;" in line 79, after the word "mile," insert the words "or one-half mile of tramway, at a cost of not less than $500;" in line 82, after the word "line" and before the word "actually," insert the words "hitherto constructed or;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"*Provided*, That where within ninety days after the approval of this act proof is made to the satisfaction of the Secretary of the Interior that actual surveys, evidenced by designated monuments, were made, and the line of a railroad, wagon road, or tramway located thereby, or that actual construction was commenced on the line of any railroad, wagon road, or tramway prior to January 31, 1898, the rights to inure hereunder shall, if the terms of this act be complied with as to such railroad, wagon road, or tramway, relate back to the date when such survey or construction was commenced; and in all conflicts relative to the right of way or other privilege of this act the person, company, or corporation having been first in time in actual survey or construction, as the case may be, shall be deemed first in right."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with amendments as follows: In line 5 strike out the words "now or;" in line 6, after the word "Alaska," insert the words "in good faith;" in line 8, after the word "may," insert the word "each," and after the word "purchase" insert the words "one claim only," and strike out the word "forty" and insert in lieu the word "eighty;" so as to make line 8 read as follows: "may each purchase one claim not exceeding 80 acres of such land for any;" strike out all after the word "lands," in line 14, down to the word "*Provided*," in line 16, and insert in lieu thereof the following: "and ingress and egress shall be reserved to the public on the waters of all streams, whether navigable or otherwise;" in line 17, after the word "allowed," insert the words "under this act;" in line 18 strike out the word "forty" and insert the word "eighty;" in line 19 strike out the word "forty" and insert the word "eighty;" in line 20, after the word "sold," insert the words "or entered," and in the same line strike out the word "section" and insert the word "act;" in line 27, before the word "wharves," insert the word "and," and in the same line strike out the words "or other like uses;" in line 28, after the word "wharves," add the word "and;" in line 29, strike out the words "and so forth;" in line 30 strike out the word "the" and insert the word "said" before the word "Secretary;" in the same line strike out the words "of the Interior" and insert the words "and a roadway 60 feet in width, parallel to the shore line as near as may be practicable, shall be reserved for the use of the public as a highway;" in line 38, after the word "claims," insert the words "substantially square in form and," and, after the word "initiated," insert the words "prior to January 21, 1898;" so as to make the line read: "*vided further*, That all claims substantially square in form and lawfully initiated prior to January 21, 1898, by survey;" in line 44, strike out the words "all the limitations" and insert in lieu thereof the words "the requirements;" and in the same line, after the word "act," insert the words "except as to area, but in no case shall such entry extend along the water front for more than 160 rods;" in line 49, after the word "natives," add the words "*Provided*, That the Annette, Pribilof Islands, and the islands leased or occupied for the propagation of foxes be excepted from the operation of this act;" in line 58, strike out all after the word "the" down to the word "and" in line 60 and insert in lieu thereof the words "admitted in evidence as if taken before the register and receiver of the proper local land office;" in line 79, after the word "lands," add "or any part thereof;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with amendments as follows: Strike out all of section 12 and insert in lieu thereof the following:

"SEC. 12. That the President is authorized and empowered, in his discretion, by Executive order from time to time to establish or discontinue land districts in the District of Alaska, and to define, modify, or change the boundaries thereof, and to designate or change the location of any land office therein; and he is also authorized and empowered to appoint, by and with the advice and consent of the Senate, a register for each land district he may establish and a receiver of public moneys therefor; and the register and receiver appointed for such district shall, during their respective terms of office, reside at the place designated for the land office. That the registers and receivers of public moneys in the land districts of Alaska shall each receive an annual salary of $1,500 and the fees provided by law for like officers in the State of Oregon, not to exceed, including such salary and fees, a total annual compensation of $3,000 for each of said officers.

"SEC. 13. That native-born citizens of the Dominion of Canada shall be accorded in said District of Alaska the same mining rights and privileges accorded to citizens of the United States in British Columbia and the Northwest Territory by the laws of the Dominion of Canada or the local laws, rules, and regulations; but no greater rights shall be thus accorded than citizens of the United States or persons who have declared their intention to become such may enjoy in said District of Alaska; and the Secretary of the Interior shall from time to time promulgate and enforce rules and regulations to carry this provision into effect."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with amendments as follows: Strike out the words "section 13" and insert in lieu thereof the words "section 14;" in line 4 strike out the words "at the port of Wrangell" and insert in lieu thereof the words "at any of the ports;" in line 9, after the word "States," insert the words "and to persons who have declared their intentions to become such;" in line 12 strike out all after the first comma down to the end of the section and insert in lieu thereof the words "that corresponding privileges have been and are being granted by the Government of the Dominion of Canada in respect of goods, wares, and merchandise passing through the territory of the Dominion of Canada to any point in the District of Alaska from any point in said District."

That the House recede from its disagreement to the Senate amendment of the title of the bill, and agree to the same.

JOHN F. LACEY,
JOHN F. SHAFROTH,
W. R. ELLIS,
Conferees on the part of the House.

HENRY C. HANSBROUGH,
THOMAS H. CARTER,
Conferees on the part of the Senate.

Mr. LACEY. That is all the conference report. I would ask the gentleman from California whether he insists on the reading of the statement?

Mr. LOUD. Is it the same statement as was made before?

Mr. LACEY. There is an addition to the statement which was made before, and if the Clerk will read the manuscript paragraph of the present report of the conferees added to the former report of the conferees, relating to the fish question, it will be sufficient.

The Clerk read as follows:

The present report omits that portion of the former report of agreement of conferees relating to the fishery question, and providing for commissioners; otherwise the agreement is the same as that heretofore reported.

JOHN F. LACEY,
W. R. ELLIS,
JOHN F. SHAFROTH,
Managers on the part of the House.

The SPEAKER. Is there objection to omitting the reading of the statement?

Mr. LOUD. I shall not object.

The SPEAKER. The Chair hears no objection.

Mr. LACEY. I move that the report be adopted.

Mr. LOUD. Are you not going to make any suggestion in regard to this report at all?

Mr. LACEY. We covered the matter fully the day before yesterday, and I only want further to say that all the items objected to the day before yesterday have been taken out of the bill. We have taken out of the bill everything that anybody criticised the day before yesterday, and have confined it to the land and not gone out to the sea, and that ought to be satisfactory.

Mr. LOUD. You embrace the whole earth.

Mr. LACEY. The earth and the fullness thereof.

Mr. SHAFROTH. Only that portion in Alaska.

Mr. LOUD. I should like a few minutes on this myself.

Mr. LACEY. I yield to the gentleman such time as he desires.

Mr. LOUD. I shall not need a great deal of time, Mr. Speaker. The gentleman says that there has been eliminated from this bill the only portion to which there was objection. I want to say, Mr. Speaker, that I reserved the point of order the other day because I was not exactly positive as to whether it was subject to a point of order or not. But I reserved the point of order on the ground that this was all undigested; and, as I am informed by some people who ought to know, it is very vicious legislation.

Now, the point of order was raised not for the purpose alone of defeating that paragraph, but for the purpose of defeating the

whole measure. I want to call the attention of the House to what they are doing to-day. Here is a bill that passed the House containing four or five pages, which grew over in the Senate to twenty-one, and came back to the House and passed in a conference report which covers God knows how many pages. I venture the assertion that outside of the conference committee in this House there is not a man upon this floor who has any conception of what this bill contains. Now, my objections to this are not as to detail, but are objections to the principle and the fundamental nature and character of the bill; that is, that you are now ingrafting a full set of land laws for a Territory unknown to the membership of this House upon a right-of-way bill.

Mr. SHAFROTH. Does not the gentleman recognize the fact that that was not placed on it by the conference committee, but was placed upon the bill by the Senate?

Mr. LOUD. I understand that these amendments as they appear in this bill were placed there by the Senate. I understand that they amended the title of the bill by adding the words "and for other purposes," which permitted you to embrace every subject under the sun. I want to call the attention of the House to the fact that this is vicious legislation, which no man can deny. Now, then, my people are somewhat interested in Alaska. The best people in my State have done more to develop Alaska than all the rest of the interests of this country. They are in favor of some legislation for Alaska in relation to land laws. They believe such legislation should be enacted by a competent committee, after the committee has digested that question, before it presents it to the House of Representatives, and that the House of Representatives should have an opportunity to amend that bill as presented.

Mr. Speaker, the conference committee tell me that this bill is "all right." A gentleman with whom I conversed a short while ago, the governor of Alaska, who, I think, knows as much about that Territory as any man, says it is "all wrong."

Mr. LACEY. Who says it is all wrong?

Mr. LOUD. The governor of Alaska.

Mr. LACEY. The governor of Alaska appeared before the conference committee and approved substantially all of it.

Mr. LOUD. He told me all this within an hour.

Mr. LACEY. The only thing he objected to was something about a claim of his own. [Laughter.]

Mr. LOUD. I have been in consultation with one of the Schloss boys, of the Alaska Commercial Company, that has had rights in this Territory for more than thirty years and has done more to develop the Territory of Alaska than all the rest of the people of this country——

Mr. ELLIS. What rights of theirs does this bill abrogate?

Mr. LOUD. I have said that the details of the bill I am not familiar with, and I say there is not a member of this House that is familiar with it outside of the conferees. I object to this system of legislation, with all due respect to the conference committee. I do not believe there is one of the conference committee that knows any more about Alaska and its conditions than he does about the kingdom of heaven.

Mr. GROSVENOR. I suppose the gentleman from California thinks he is an expert about that.

Mr. LOUD. I think I am an expert on that question.

Mr. FOOTE. On both of them.

Mr. LOUD. Yes, I think I am nearer both places. [Laughter.] I noticed one beneficent provision in the bill, and that is that they have permitted the President of the United States to establish as many land offices and as many receivers and land agents as he sees fit, and as he can find officers for. I know there are three or four men left in the country who did yeomen's service in the last campaign who are yet unprovided for, and would be willing to go to Alaska and live for $3,000 a year.

Mr. ROBINSON of Indiana. They would be under the civil-service rules, would they not?

Mr. LOUD. Of course they would not; they would be Presidential appointments. Gentlemen, you are passing legislation which you know nothing about—legislation that should have been considered in this House section by section and well digested. I want to admit again that I am not in a position to contend against the specific sections of this bill; but I want gentlemen to know that from what people tell me who have been in this country from thirty to thirty-five years—and I think it must be apparent to this House—if you are to enact land laws for the Territory of Alaska, they should be adopted by the committee only after hearings have been given to the people who are familiar with the conditions in Alaska and procuring information which is easily obtainable.

Mr. SHAFROTH. Does not the gentleman know that that was done, that the governor of Alaska appeared before our committee, and various other parties interested particularly in Alaska, and made statements as to what they thought was best?

Mr. LACEY. The conference committee held the matter open ten days waiting for the arrival of the governor of Alaska.

Mr. LOUD. Then we are getting back to the position that the conference committee has ingrafted on the bill this legislation. I said before your committee no one ever appeared from Alaska.

Mr. LACEY. Certainly not.

Mr. LOUD. I am speaking of the committees of the House, and that no one appeared before you; that there may have been persons who appeared before the conference committee; if the gentleman from Iowa says they did, of course I must accept it. I have been told to the contrary, and yet, of course, I believe what the gentleman from Iowa says. The gentleman himself can not deny but that this is an improper way to enact legislation.

Mr. LACEY. What is there improper about it? The Senate, under the Constitution, added amendments to our bill. Did not it have a right to do it?

Mr. LOUD. Of course it had.

Mr. LACEY. Then the bill went to conference, and we considered it in conference. What is there improper about that?

Mr. LOUD. There is this impropriety, if the gentleman will pay attention to me again: It is improper to enact legislation of this kind upon a right-of-way bill. I do not care whether the Senate put it on there or not. Without any disrespect to the Senate, I have seen that body ingraft measures on bills that did not commend themselves to my favorable attention, to say the least; neither did they to the gentleman from Iowa. I say again, it is not a proper way to enact legislation to take up a simple right-of-way bill and enact a full code of land laws and create land districts in the Territory of Alaska; and the gentleman from Iowa knows that as well as I do. If any legislation were necessary for the Territory of Alaska, as representing the people who have interests there, I should naturally look to the sources where that legislation would originate.

I thought I was in close touch with the two committees which would naturally handle legislation of that kind—the Committee on Territories and the Committee on Public Lands—and we were prepared to bring men here who were thoroughly familiar with the conditions, if any legislation of this character was to be inaugurated before either of these committees.

Mr. ELLIS. Did the gentleman seek to appear before the Committee on Public Lands or to bring any of those gentlemen there, in order that the committee might be apprised what legislation, in their opinion, was necessary?

Mr. LOUD. Permit me to say again, that neither of those committees has presented any legislation to this House in any other shape than through a conference report, except this small right of way bill. Can not the gentleman understand me? Do I not make myself sufficiently plain? Is my language so obscure that no person can understand what I am saying?

I say that no legislation on this subject has come from the proper committees of this House to which members would naturally look for such legislation. I say again that I was prepared with my colleagues to go before those committees and endeavor carefully to assist in framing such legislation for the Territory of Alaska from an expert standpoint, taking advantage of the knowledge of men who have lived in that Territory for many years. But neither of those committees, I say again, has seen fit to bring before this House such legislation, except as it comes from the other body, and then fixed up in conference in such a shape that no man, I repeat, has any conception of what is contained in this conference report. I do not care whether we have heard it read or not. No man can sit in his seat and hear a conference report read, especially so long a one as this, and have any conception of what legislation is contained in it.

Mr. PAYNE. Will the gentleman allow me a question?

Mr. LOUD. Certainly.

Mr. PAYNE. Do I understand the gentleman to say that this bill started originally in the House as a simple bill for right of way in the Territory of Alaska to facilitate the building of a railroad; that this bill, containing originally only 4 or 5 pages, comes back now with some 20 additional pages, and that as now presented it has never been printed so that members of the House can read it?

Mr. LACEY. The gentleman, I know, would not make any such statement as that.

Mr. LOUD. The conference report has been printed in the RECORD; but no member of the House has ever had an opportunity yet to examine this bill as it is to-day, or as it appeared when presented the other day, except by taking the conference report and comparing it with the bill—a work which the average member will not undertake.

Mr. SHAFROTH. Allow me to say that on the 4th day of March last this bill, with the Senate amendments added to it, was printed. I know that there are changes embraced in the conference report relative to particular sections which the Senate passed, but not making a great many changes.

Mr. LOUD. I might possibly doubt that statement, when I find that in this report you have gone off to embrace the ocean as well as the land.

Mr. PAYNE. I understand the bill as reported has never been printed.

Mr. LACEY. Oh, yes; it was printed in the Senate, and printed with the amendments. It is not a bill simply for the right of way; it extends the homestead laws as well as the right-of-way laws to Alaska. Those are two very wide subjects. The homestead law constitutes practically all that is left of the land laws of the United States. And when gentlemen talk about this being a little matter, I say it is a big matter. There are practically no land laws of the United States except the mineral land laws which are already in force in Alaska, and the homestead laws which this bill proposes to extend there. That comprehends practically all the land laws. Yet gentlemen come here and say that this was a little bill that did not amount to anything. It amounted to everything; it covered that whole territory, and embraced the entire domain of land legislation.

Mr. PAYNE. I understand that nearly every amendment proposed by the Senate has been amended by the conference committee. I remember myself one or two cases where the conferees agreed to strike out the amendment of the Senate and substitute other language. That was the way the report read. Now, that other language has never been printed, as I understand.

Mr. LACEY. Oh, yes.

Mr. PAYNE. It is not printed in ordinary shape for the use of the House.

Mr. LACEY. It is printed in the bill and in the RECORD.

Mr. PAYNE. I know that it is allowable under our rules to bring up a conference report in this way, but I think there ought to be a change in our rule of action in this respect. I think that every important conference report that is brought into the House should lie over long enough to be printed.

Mr. LACEY. Had not the gentleman better attack the Committee on Rules instead of the Committee on Public Lands?

Mr. PAYNE. I am not attacking anybody just now. I am merely making a suggestion for the improvement of our methods of doing business, and this bill gives me the chance to make that suggestion. I trust I shall be allowed to make it by the chairman of the Committee on Public Lands.

Mr. SHAFROTH. Does not the gentleman recognize the fact that this bill was before the House on Monday last and received consideration at that time?

Mr. LOUD. Oh, one section of it was considered for a few moments.

Mr. PAYNE. If the gentleman from Colorado will allow me now, I will finish my remarks. [Laughter.]

Mr. DOCKERY. I wish to submit one parliamentary question before the gentleman from New York proceeds. Coming into the House just at this moment, I am not fully acquainted with the status of the bill. If I am correct in my recollection, this bill, as it passed the House originally, was a mere right-of-way bill——

Mr. SHAFROTH. Oh, no.

Mr. DOCKERY (continuing). And it has been amended in conference so as to embrace features covering, practically, the general land laws of the country?

Mr. LACEY. That is exactly what the gentleman from New York has been stating, which is a mistake, because he knows nothing of the matter. [Laughter.]

Mr. PAYNE. Well, I said that because the gentleman from California made the assertion. [Laughter.]

Mr. LACEY. And he did not know anything about it, either.

Mr. PAYNE. And when the assertion was made by the gentleman from California, and neither the chairman of the Committee on Public Lands nor his able adjutant, the gentleman from Colorado, denied the assertion, I felt warranted in assuming that the statement was an accurate one. I had to assume that the bill was passed in a certain form by the House and these amendments were "put on the bill," to use the words of the gentleman from California, by the conference committee, and the statement that the bill now covers a great deal more than it originally sought to cover has not been denied by anybody, as I understand it——

Mr. LACEY. Well, Mr. Speaker, the record will show how unwarranted such a statement is.

Mr. PAYNE (continuing). And it seems to me now, as I understand from the statements of gentlemen around me, that this bill embraces other matters not originally in the House bill, because, from the statement of the gentleman from California, it originally consisted of only some 4 or 5 pages, but it has been increased by Senate amendments and by the House committee of conference into a very formidable looking document embracing some 21 or more pages. That statement—and it was not denied either by the chairman of the committee or by the gentleman from Colorado—I assume to be a correct one.

Now, my statement is only made on the strength of the suggestions of the gentleman from California [Mr. LOUD], who is generally correct in all of his statements.

Mr. LOUD. Mr. Speaker, let us submit to the record. That is better than the suggestion or opinions of any member here. I have in my hand the original bill. Here it is. Gentlemen can see what it contained.

Mr. PAYNE. Well, as I understand, they do not deny the fact that the bill has been increased from some 4 or 5 pages, embracing only a trifling matter, to some twenty-odd pages.

Mr. SHAFROTH. Because of amendments placed upon the bill by the Senate.

Mr. PAYNE. But that is not so much the point, Mr. Speaker. Of course the Senate has a right to make amendments, and they do make amendments to most of our bills. But the committee of conference seems to have gone further, and inserted amendment after amendment to those proposed by the Senate. They have stricken off some of the amendments of the House, as I am informed, and have inserted other amendments in their stead.

Now, of course, I would not reflect, and do not undertake to reflect, upon the committee or its members. I am speaking of the general policy of legislating in that way. I think that a conference committee should be required to present their report and have it printed and laid before the House, so that the members could understand exactly the changes which have been made in the matter, and not leave it to be determined—either adopted or rejected—on a formal reading before the House, which can not, as a rule, give the information which we should have before acting upon it. I think it wrong in practice, and I think the gentleman from Iowa himself, if it were a matter coming from some other committee excepting his own, would agree with me in that. I think we ought to have some information about these changes before undertaking to determine the question in this way.

Mr. RICHARDSON. Does the gentleman think that in the closing hours of Congress, for instance, we could have the reports of the conference committees, the reports on large appropriation bills, printed when they are only brought in at midnight, and must be considered between that time and the hour of adjournment?

Mr. PAYNE. There are occasions, of course, when these reports could not be printed and laid before members——

Mr. RICHARDSON. Would the gentleman insist, then, that reports of this character should be privileged after printing or before printing in the manner he suggests?

Mr. PAYNE. I would make these reports privileged—especially so far as the appropriations are concerned—at all times. The same rule might prevail in reference to them as prevails with reference to privileged motions—to suspend the rules, for instance, in the last six days of the session. I do not think there would be any objection to a provision of that kind, which would enable members to have access to such reports, and to understand them thoroughly before they are taken up or presented for consideration.

Mr. TALBERT. Do I understand, Mr. Speaker, that this is a bill which is now before us or a conference report? [Laughter.] I would like to know exactly what we are considering.

Mr. LACEY. This is a conference report.

Mr. TALBERT. Then we ought to have some information in reference to it.

Mr. DOCKERY. I would be willing to compromise on a speech from the gentleman from Iowa stating the matters at issue.

The SPEAKER. The Chair would ask the gentleman from Iowa if the Senate amendments to the bill when it was considered in the House were adopted without debate?

Mr. LACEY. The matter was discussed fully when it was before the House a few days ago.

The SPEAKER. The Chair thinks the gentleman from New York might have accomplished his object by debating the Senate amendments when they came back for action on the part of the House.

Mr. LACEY. Well, the difficulty about the gentleman from New York and the gentleman from California both is that they find nothing to criticise, and therefore they are, in a general way, indulging in a scolding of the House and everybody else.

The SPEAKER. The Chair was not alluding to that part. [Laughter.]

Mr. LACEY. And the Committee on Rules seems to have been the special object of their assault.

Mr. STEELE. He is trying to enlist support now.

Mr. PAYNE. That might relieve the gentleman from Iowa, then.

Mr. LACEY. The conference report has been published in full, on Monday. There has been no change, except to leave out the only thing that was objected to on Monday, and instead of less information being given to the House than usual, a great deal more is given than is usual, and that is not all——

Mr. DOCKERY. Seriously, I did not hear the debate the other day, and I hope the gentleman from Iowa will, at some point along the line of this discussion before we take a vote, state briefly the provisions of the bill.

Mr. LACEY. I explained them the day before yesterday, and my friend from California [Mr. LOUD] found one point only that he objected to. We have gone back to conference and taken that

out, and now he complains that he can not find anything else. He thinks if he had time maybe he could.

Mr. LOUD. Oh, yes; I found something else. And let me say again to the gentleman that I had no serious objection to this roving commission that he proposed to investigate all questions between this Government and Great Britain. I should like to have seen that commission organized, if the gentleman has gotten on it. I think it was probably a very beneficent proposition to consider, but I did not care anything about that. I simply took the only opportunity that was presented to me to get this bill before the House in such a shape that the House could have an opportunity to know at least what it was passing upon. Now, the gentleman from New York [Mr. PAYNE] has no more conception of what this bill contains, although he has talked upon it, than if he were not a member of this House. [Laughter.]

Mr. SHAFROTH. Have you?

Mr. LOUD. And I will apply the same statement to everybody else in the House except the conferees, without disrespect to any member of the House either. The gentleman from Ohio [Mr. GROSVENOR] has no conception of what this bill contains.

Mr. GROSVENOR. Not the slightest on earth.

Mr. SHAFROTH. Does the gentleman think, if this goes over, that anybody will inquire into the matter?

Mr. GROSVENOR. As I am referred to, I will say that I was told that this bill began at Alaska and ended at Nova Scotia, and gave away pretty much all the rights that there were intervening between those places. That is all I know about it. [Laughter.]

Mr. PAYNE. I did not know that it ended anywhere.

Mr. LACEY. Nova Scotia was taken out of the bill. That got into the bill against our objection, and we took it out, and now there is nothing but Alaska left in the bill.

Mr. SIMPSON. Is California left out of the bill?

Mr. LACEY. All except my friend from the San Francisco district. [Laughter.]

Mr. LOUD. The gentleman from Iowa says this was a bill extending the homestead laws and providing for rights of way, etc. "Extending the homestead laws" was well put in this bill originally, Mr. Speaker, in view of the fact that they might have wanted at some time in its progress through these two bodies to have embraced that subject; but it seems when it got over to the other end of the Capitol that was not broad enough, and they put in that clause that we put on appropriation bills, "and for other purposes." Of course that is broad enough to embrace every subject under the sun. Now, I say that I have been unable to find anything in this bill, originally, pertaining to anything except directly to rights of way. I will venture to say to the membership of this House that no member ever contemplated that any other question was ever before this House when the bill was up for consideration.

Mr. LACEY. The gentleman makes that misstatement for the third or fourth time in this House.

Mr. LOUD. That is the first time I have made that statement, Mr. Speaker.

Mr. LACEY. I wish you would withdraw it, because this bill extends the homestead laws as well as rights of way.

Mr. LOUD. I say I have been unable to find such a provision. I will say that I think the House was unable to understand, when this bill was up before, in what manner it extended the homestead laws——

Mr. PITNEY. Mr. Speaker, I will ask if the conference report is accompanied by a statement of the House conferees of the effect of the report.

The SPEAKER. It is accompanied by a statement.

Mr. SHAFROTH. Will the gentleman from California [Mr. LOUD] agree that if two days' more time are allowed, he will read this matter over?

Mr. LOUD. Yes; I will.

Mr. LACEY. I object.

Mr. LOUD. I will, if I have time, Mr. Speaker. I will make that limitation. If by ten hours' work a day I can complete it, I will do so. [Laughter.]

Mr. LACEY. This bill has been laid over for weeks and weeks in an effort to take care of the very gentlemen whom my friend [Mr. LOUD] has been so anxious about. Now, if the gentleman is through, I will explain just what I mean by that.

Mr. GAINES. Who is it that he is trying to take care of?

Mr. LACEY. Under the act of 1891, authority was given to various canneries, fisheries, etc., to purchase tracts of land, "substantially square in form, at $2.50 an acre, not to exceed 160 acres."

The Senate amended this bill so as to cut down the rights of these men under the act of 1891 to 40 acres. Thereupon those companies and persons who had commenced to build canneries commenced to send petitions to my friend from California, who had a post-office bill on hand which so engrossed his time that he does not fully understand the situation.

Mr. LOUD. Do you not think I understand it as well as 350 members of this House do?

Mr. LACEY. No; I do not believe you have the remotest conception of it, and you are unwilling to understand it. There are none so blind as those who will not see.

Mr. LOUD. Take it to some man that does know.

Mr. LACEY. A number of Californians have bought land there on which to build canneries, and my friend from California came to me when the matter first went to conference and said, "I am anxious to see that these men are not deprived of their rights. This bill as it came from the Senate cut the land down to 40 acres." As it now stands, under this conference report, it will be 160 acres. Their rights have not been cut down. Each right now remains at 160 acres of land. The protests that the gentleman has heard are from those parties, thinking their rights have been cut down to 40 acres, after they had been at an expense of thousands and thousands of dollars in the erection of these canneries. This conference report stands by the House proposition, holding these tracts up to 160 acres.

Now, there is nothing else that my friend has been able to point out.

This bill has been held in conference for a particular matter. The gentleman has been unable to point out anything else to which there is objection. The report was printed in full two days ago in the RECORD.

Mr. PITNEY. Will the gentleman allow me to ask him a question?

Mr. LACEY. Certainly.

Mr. PITNEY. No one gentleman has said what this bill means since the conference report has been presented.

Mr. LACEY. The matter was presented and discussed fully the day before yesterday.

Mr. PITNEY. I have been out and it was read while I was not in. No one understands your conference report. Will no one explain it?

Mr. LACEY. The statement of the conferees has been published and read. Does the gentleman wish it to be read again?

Mr. PITNEY. Can not the gentleman explain it in a few words?

Mr. LACEY. No, I can not explain it in a few words; but I will be glad to have the gentleman point out his objections.

Mr. PITNEY. I want to know what the bill means; nobody understands it.

Mr. LOUD. The gentleman does not want to misrepresent me or the point I made. Now, I said I could not take this bill by details, but I did object to legislation of this character. That I thought was plain and explicit enough. I say that the House can not properly digest this bill with this information. I say that no one except the conferees can possibly really understand what this bill means; and it is a method and manner of legislation that should not be adopted by any body.

Mr. LACEY. Suppose the bill had come over from the Senate in the first place, and there had never been a right-of-way bill or a homestead bill sent to the Senate, and they had sent us this bill. Gentlemen would have the same opportunities as now. They had the right to amend the bill, and they did amend it inside of their constitutional powers and inside the rules of the Senate, and we can not object to that.

The Senate has included other matters. We limited it to railroads and they included wagon roads. That was proper; the wagon roads are really of more importance in the development of that country than the railroads. They put in tram roads. Was not that a very proper amendment? Were not these tram roads of more immediate importance than railroads? Now to that they added one amendment which is new legislation entirely. That was a proposition that where the Dominion of Canada extends to the citizens of the United States certain mining rights we should reciprocate and extend the same mining rights to the citizens of the Dominion of Canada. This is a change of the mining rights and laws. It is entirely within the scope of a land bill.

Mr. TALBERT. Does this change include all the public lands of the United States?

Mr. LACEY. No; only in the Territory or District of Alaska.

Mr. PITNEY. Can the gentleman furnish us a statement or a copy of the bill as it will read if it becomes law by the adoption of the conference report?

Mr. LACEY. The statement is printed in the RECORD as it was made in the House the day before yesterday.

Mr. PITNEY. Nobody can understand it unless it is accompanied by an explanation or a print of the bill as it will remain after the conference report is agreed to.

Mr. SHAFROTH. That was made in the House, and it was printed in the RECORD last Monday.

Mr. LACEY. The statement was printed when the conference report was considered.

Mr. PITNEY. But is there a print of the bill as it will be when the conference report is adopted?

Mr. LACEY. There is no provision in the rules authorizing anything of that kind. The bill has been printed with all the

Senate amendments numbered in full. This bill, instead of being so complex as expressed by the gentleman from California, is clearer than appropriation bills are usually presented. They are not printed in full as they will read after the conference report is adopted.

Mr. PITNEY. No, sir; we do not bring in all sorts of legislation on them.

Mr. LACEY. We have nothing on this bill but land legislation.

Mr. PITNEY. What is it? Please let us understand it.

Mr. LACEY. It is very simple. If the House will bear with me I will endeavor again to explain it. I am glad to have the the House manifest some interest in the bill, and if I can get members' attention I will explain it. There is nothing difficult about it. It is a little irritating to be criticised for putting in the fisheries amendment when it was put in by another body against our objection. Now, the bill is simply a land bill. The original proposition of the bill was to extend the right-of-way laws in a modified form and adapt them to the Territory of Alaska; also to extend the homestead laws. The town-site laws had already been extended, and the mineral-land laws also.

Now, this bill carries the right-of-way laws in a modified form. We have this difficulty in Alaskan legislation. There is no Territorial government, and no Territorial representation in this Congress, so the committee was bound to do the best they could for these people at a long distance, and got all the information they could get in every way. The governor of Alaska telegraphed from San Francisco, I believe, that he was on his way, after the bill had passed the House and Senate and got into conference, and wanted to be heard. The matter was held up until he could come. He was heard, and has been consulted with very freely. His information has been quite useful. There is only one criticism of the bill that he has ever made, and that is this: Under the act of 1891, which gives the right of purchase of 160 acres of land, in substantially a square form, for canneries and other purposes, the rule in the Land Office has limited the purchase of that land to the amount in actual use. In his own instance he had been limited to 20 acres, although he had taken or tried to take 160. Subsequently, on appeal, it was extended to 50 acres. The real difficulty and criticism the Department has made is that instead of taking the land in substantially a square form, they have, in some instances, attempted to make a ribbon of the 160 acres along the shore, and instead of taking half a mile of water front they have tried to take a mile or more with 160 acres of land only. The act required it should be in substantially a square form. The Department refused to issue patents and to recognize the surveys, and has refused to recognize the title of the companies purchasing land taken in that way, but held that it should be taken in a square form, as near as practicable.

When the bill came into the Senate, the Senate provided that all the land taken under the act of 1891 should only be taken under this act, and be limited to 40 acres, and those men who have attempted to buy sites for canneries should get only 40 acres instead of 160 acres. I thought that was unjust, but that they should not be permitted to abuse the law by taking it in a strip along the water front, and consequently we agreed to leave the amount at 160 acres, but limit the water front to one-half mile in all these purchases heretofore made.

There was a controversy between the Senate and the House as to how large a homestead should be. The House bill provided that it should be 160 acres, but the Senate cut it down to 40 acres. Just why we never could realize, but they seem to have got the idea that 160 acres of land in Alaska was something of peculiar value. We reserved the mineral rights; nobody can get a quarter section of a placer claim or a mineral claim; that is expressly reserved in the bill. So we could not see why the original homestead law, applicable to Missouri or California, should not apply to Alaska; but the Senate insisted that it ought to be 40 acres, and we finally compromised and agreed that it should be 80 acres, but that the bill should not cut down the grants under the act of 1891 that the gentleman from California [Mr. LOUD] has been so anxious about, and, I think, justly so; I think the rights of the purchasers are properly preserved in the form in which the bill now stands.

There was another difficulty. The question was raised whether or not under this new law they might not get too large a shore right on the water front or get too large a fishery right, and in order to prevent anything of that kind, the bill reserved alternate 80-rod fronts on the water. So, a homestead of 80 acres can be taken 80 rods on the shore, fronting on the water, but the next 80 acres must be reserved for the Government. This will absolutely prevent any possibility of the shores being monopolized. Then, again, the streams were reserved, so as to prevent anybody putting up wire fences across the streams and stopping the passage of boats. They were held open as highways.

In addition to that a wagon road was required to pass over every tract that fronted the water. If the bill is subject to any criticism whatever, it is the criticism that in order to prevent monopoly and give full and free rights of way along the shores the committee has fallen into the error of too great strictness in cutting down shore rights.

Mr. KLEBERG. Will the gentleman state whether this was reported by the Committee on Public Lands in the House?

Mr. LACEY. Yes.

Mr. PITNEY. But the Senate amendments constitute three-quarters of the bill in its present form.

Mr. LOUDENSLAGER. I should like to make an inquiry as to section 13.

Mr. LACEY. That has gone out.

Mr. LOUDENSLAGER. Altogether?

Mr. LACEY. It has gone out altogether, and two new sections—sections 12 and 13—have been substituted.

Mr. LOUDENSLAGER. What is the nature of the new section 13?

Mr. LACEY. That is very simple. It provides for additional land offices.

Mr. LOUDENSLAGER. Was that in the original bill, either in the House or the Senate?

Mr. LACEY. In the Senate it was.

Mr. LOUDENSLAGER. What section was it in the Senate?

Mr. LACEY. I think it was section 13; I am not sure of the number.

A MEMBER. Section 12.

Mr. LACEY. We have accepted the Senate proposition. The House last July passed a bill authorizing the President to appoint, in his discretion, one more register and receiver of the land office, locating the office, in the President's discretion, somewhere in the Yukon region. The Committee on Appropriations failed to make an appropriation for the pay of those officials, and they have not yet been appointed. In framing this bill it was deemed best, instead of providing simply for one additional register and receiver, to give more leeway, owing to the uncertainty as to the number of these officers that would be required in that region. So, as the bill now stands, the President is authorized, in his discretion, to establish such land offices as he may deem necessary with the additional land officers that may be required in that country.

The same difficulty will arise here that arose in California. California sprang into existence as a full-fledged State, as Minerva sprang from the head of Jove. The miners went there, took possession, and organized a government. California became a State at once, with a large population. The same thing is liable to occur in Alaska. Thousands of people are going in that direction, and it would seem wisest under the circumstances, especially in view of the difficulties of travel, to enable the President to locate these land offices where they may be needed, as future developments may demonstrate the necessity for their existence. So that instead of standing by the provision allowing only one register and receiver to be appointed, as was provided in the act of last July, we give the President in the new section 13 the larger authority I have stated.

Mr. RIDGELY. The gentleman said that the bill limited the depot privileges for these railroads to 20 acres.

Mr. LACEY. Twenty acres are allowed, but at terminal and junction points, with the privilege of buying 40 acres more at $1.25 an acre. As to the water front, these companies are limited the same as anybody else.

Mr. RIDGELY. Along an important shore line might they not cover the entire water front?

Mr. LACEY. They will have no right on the shore except a simple right of way. Their shore rights are limited in the same way as the shore rights of a cannery or of any individual.

Mr. LOUD. Where in the original bill, or the Senate amendment, was the provision relating to soldiers' additional homesteads? Was that in a Senate amendment?

Mr. LACEY. It was in a Senate amendment.

Mr. LOUD. On what page?

Mr. LACEY. Right at the beginning of the bill.

Mr. LOUD. Will the gentleman give us some light upon that? Will he state what was the necessity for extending this great right?

Mr. LACEY. It is not a great right; it is a very small right. There were what were known as additional soldiers' homestead rights, the scrip having been issued a good many years ago. That scrip has all been taken up except about 8,000 acres, which may be located anywhere. It was believed that if the soldiers wanted to locate these land rights inside the Arctic Circle, they ought to have the privilege of doing so. The Senate put in a provision allowing those additional homestead rights to be thus located in the District of Alaska, and the conferees on the part of the House yielded to the contention of the Senate on that subject.

The amount of land involved is trifling, will not exceed 8,000 acres; and when those 8,000 acres have been taken up that particular homestead right, or scrip, will be extinguished. The sooner it is extinguished the better. I would not vote for any proposition for land scrip of any kind. We have met in the Committee on Public Lands propositions of all kinds for the issue of

various kinds of scrip. We have resolutely set our faces for years against anything of that nature. This scrip has been outstanding for a good many years. This is all there is left of it. We allow it to be located under this bill.

Mr. LOUD. What is the object of the provision? The soldier himself is not required to make the location? This scrip may be sold in open market?

Mr. LACEY. Certainly; the soldier may assign the scrip and somebody else make the location. The provision for the issue of land scrip was found to be unwise, and the further issue was stopped. No more can be issued. It has all been made available, with the exception of about 8,000 acres; and who holds the scrip now for those 8,000 acres nobody knows.

Mr. LOUD. You know that this scrip has been used for fraudulent purposes, as a rule?

Mr. LACEY. I suppose it has been used the same as any other scrip. As to all these various kinds of scrip the privilege has been abused. And the policy of the Government for years has been to issue no more such scrip. If this were a proposition to issue new scrip for 8,000 acres, to soldiers or anybody else, to be located in Alaska, the committee would not have consented. But this scrip is already outstanding, with the right of location.

Mr. TALBERT. As I understand, this provision is not retroactive. It does not interfere with arrangements already made. We can not take away the rights of the holders of that scrip if we wanted to do so. It is already in circulation.

Mr. LACEY. Now, there is another provision of the bill, and that is that the act of 1891 with reference to the purchase of manufacturing sites and other matters of that kind is repealed. It will be remembered that the former law made provision for quarter sections which might be taken up or purchased. Under the present provision only 80 acres can be taken up. And it also provides that no such location shall front more than one-quarter of a mile on any stream.

These, I believe, are substantially all of the provisions of the bill.

Mr. LOUD. What provision or what section embodies the additional homestead feature?

Mr. LACEY. The first section of the bill. If the gentleman has a printed copy of the Senate bill before him, he will find it in the first section.

I will state to the gentleman, in a general way, as to this particular part of the bill, that the right of way for railroads was fully discussed in the House before the matter went into conference committee at all. The original proposition of the House committee was to give 160 acres at the various railroad stations for railroad purposes. That matter came before the House, and it was cut down to 20 acres on motion of the gentleman from Kansas [Mr. SIMPSON].

That embraces about the entire features of the bill.

Mr. PITNEY. If the gentleman from Iowa will allow me, I notice in the bill as it passed the Senate that there are thirteen sections only, of which about three-fourths present new matter——

Mr. LACEY. Not such new matter as it seems, if the gentleman will permit me.

Mr. SHAFROTH. The matter embodied in the bill is pertinent to the action of the House.

Mr. LACEY. I will state to the gentleman that we divided some of the sections——

Mr. PITNEY. If the gentleman will just allow me a moment until I make my statement.

I find in the conference report that you have modified the proposition contained in the bill as it passed the Senate and make section 13 to read as section 14; and I gather from the report that there is a new section 13. But the report provides that section 13 shall read as follows:

SEC. 13. That native-born citizens of the Dominion of Canada shall be accorded in said District of Alaska the same mining rights and privileges accorded to citizens of the United States in British Columbia and the Northwest Territory by the laws of the Dominion of Canada or the local laws, rules, and regulations; but no greater rights shall be thus accorded than citizens of the United States or persons who have declared their intention to become such may enjoy in said District of Alaska; and the Secretary of the Interior shall from time to time promulgate and enforce rules and regulations to carry this provision into effect.

Now, I do not find that language in the former section 13, either as it passed the House or as amended by the Senate.

Mr. LOUD. And I do not find the additional homestead provision either in the bill.

Mr. PITNEY. If the gentleman will permit me, let us dispose of one part at a time.

I understand that certain provisions are to be now incorporated in the bill which have not been considered by either House; and, if true, I insist, Mr. Speaker, that the committee of conference has exceeded its jurisdiction, and certainly it has exceeded its jurisdiction in inserting a new provision here. This new section 13 is a provision which has not passed either body. If it is recommended by the conference committee, and if they have authority to make such a report or recommendation, I want to understand it.

Mr. LACEY. If the gentleman will allow me, here is the original provision——

Mr. PITNEY. Well, I hope the gentleman will state it. We can not understand, from the reading of the conference report, what was done.

Mr. LACEY. Here is the original proposition as embodied in the bill itself. I refer now to amendment No. 56. That amendment provides, in substance, that under certain rules and regulations, to be prescribed by the Secretary of the Treasury, the privilege of entering goods, wares, and merchandise in bond or placing them in bonded warehouses, and the withdrawal of the same for exportation to any place in British Columbia or the Northwest Territory, without payment of duty, is hereby granted to the Government of the Dominion of Canada in exchange for certain rights to be granted to our citizens.

The whole amendment is in the following language:

SEC. 13. (56) That under rules and regulations to be prescribed by the Secretary of the Treasury, the privilege of entering goods, wares, and merchandise in bond or of placing them in bonded warehouses at the port of Wrangell, in the District of Alaska, and of withdrawing the same for exportation to any place in British Columbia or the Northwest Territory without payment of duty, is hereby granted to the Government of the Dominion of Canada and its citizens or citizens of the United States whenever and so long as it shall appear to the satisfaction of the President of the United States, who shall ascertain and declare the fact by proclamation, that no exclusive privilege of transporting through British Columbia or the Northwest Territory goods or passengers arriving from or destined for other ports in Alaska is granted to any person or corporation by the Government of the Dominion of Canada, and that the privilege has been duly accorded to responsible persons or corporations operating transportation lines in British Columbia or the Northwest Territory of making direct connection with transportation lines in Alaska, and that the Government of the Dominion of Canada has consented to and is allowing in behalf of the citizens of the United States the entry free of duty of all miners' outfits and a supply of provisions and clothing, the whole not exceeding in quantity 1,000 pounds for each citizen of the United States proposing to engage in mining in British Columbia or the Northwest Territory, and that the Government of the Dominion of Canada has removed all unequal restrictions as to the issuance of miners' licenses to citizens of the United States operating or intending to operate in British Columbia or the Northwest Territory, and that the fishing vessels of the United States having authority under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America shall have the privilege of entering such port or ports, place or places, for the purpose of purchasing bait and all other supplies and outfits in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nations, and of transshipping their catch to be transported in bond through said dominions without payment of duties, in the same manner as other merchandise destined for the United States may be thus transported.

It will be seen that provision is made there with reference to the right of Americans in the Dominion of Canada with regard to miners' licenses.

Mr. PITNEY. But we do not undertake to enact that. It is simply a recital of facts.

Mr. LACEY. There is a provision, if the gentleman will observe, that when the Dominion of Canada shall remove the restrictions on our miners certain rights shall be accorded to them.

Mr. PITNEY. What rights?

Mr. LACEY. Certain rights are given to them——

Mr. PITNEY. What does the bill say?

Mr. LACEY. Why, that when the government of the Dominion of Canada has removed the unequal restriction as to the issuance of miners' licenses to our citizens, certain reciprocal provisions shall be adopted. It gives certain rights to the people in the Dominion of Canada in exchange for certain other rights accorded to our citizens. The whole provision has been boiled down and simplified; and we make a proposition to them that where the miners of the United States are accorded rights in Canada, the same rights shall be accorded to Canadian miners. In other words, we place them upon the same level with citizens of the United States under similar conditions, provided they shall do the same with us.

Canadians will obtain the same rights in Alaska that are accorded to our own citizens in the Klondike. This very necessary provision for the benefit of our miners should not be lost on any technicality. The provision in section 13 is simplified by reducing the proposition to the one item set out now in the new number 14.

Mr. PITNEY. I understand that the only proposition that the Senate put in as its amendment No. 56, which gave citizens of the British dominions rights in our territory, was this: That they should have the privilege of entering—

such port or ports, place or places, for the purpose of purchasing bait and all other supplies and outfits in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nations, and of transshipping their catch to be transported in bond through said dominions without payment of duties, in the same manner as other merchandise destined for the United States may be thus transported.

That is a fishing privilege. That is a trading privilege. That is not a mining privilege, or anything like it. Now, the conference report proposes to put in a new provision that was not considered or adopted by the House, that was not considered or adopted by the Senate, and was not within the jurisdiction of the conferees.

Mr. LACEY. You have not read the part on which the jurisdiction of the conferees is based.

Mr. PITNEY. I read the part immediately following that which the gentleman from Iowa read.

Mr. LACEY. The bottom of page 20 and the top of page 21.

Mr. PITNEY. That recites the privileges which the Dominion has granted to citizens of the United States, but that does not state what privileges your conference report proposes to give to Canada. It is in the latter part of page 21 that that is to be found, and it is a fishing and trading right and not a mining right at all.

Mr. SHAFROTH. It also relates to the entry free of duty of all miners' outfits. That is at the bottom of page 20. I will state to the gentleman that this amendment 56 of the Senate was simply this: There were certain differences existing between the United States and Canada, among which was one relating to the letting in, duty free, of miners' outfits. The question was upon what terms miners should be permitted to enter British territory. Now, this amendment also included the fishermen. It was inserted there against our request. This, it seems, the House did not want. We have formulated section 14, which relates solely to the question upon what terms American miners can locate mines upon British territory. Now, it seems to me that is a very proper amendment to a land bill. British miners or Canadian miners are permitted to locate upon certain terms. We want the same terms to apply to American miners, and in order to do so we give them certain rights upon American territory in Alaska.

Mr. PITNEY. That is not the point. The gentleman from Colorado misses the point.

Mr. SHAFROTH. Do you object to that little amendment? Do you not think that amendment is very proper?

Mr. PITNEY. It may be or it may not be. What I object to is being called upon here to vote for a proposition, under the guise of a conference report, which is really a matter of legislation that has not been considered either in the Senate or in the House.

Mr. ELLIS. Why do you not make a point of order?

Mr. PITNEY. If it is subject to a point of order, I will make it now. But it may be too late to raise the point of order, and I presume it is. Gentlemen say this is a perfectly simple proposition, and they ask us to examine it, and the moment I get an opportunity to examine it I find a matter developed that is manifestly out of order, not provided by the rules of the House or the Senate.

Mr. SHAFROTH. Do you want time to examine it?

Mr. PITNEY. I have asked for a simple explanation. I have got a bewildering one—a partial explanation. I think it ought to go over. I think the members of the House ought to have further opportunity to look into it, and I think there ought to be a reprint of the bill showing how it will stand after the conference report is adopted. I ask unanimous consent that a print of that sort be ordered, so that we may vote intelligently upon the bill.

The SPEAKER. The gentleman asks unanimous consent——

Mr. LACEY. Well, I object. We will have to get after these appropriation bills in the same way if that is to be done.

Mr. PITNEY. That is a fling that is entirely uncalled for and very unworthy of the gentleman from Iowa.

Mr. LACEY. There is no fling about it. I simply tell you the facts. The gentleman speaks as though this was something unusual.

Mr. PITNEY. I think it is unusual to put new, important legislation into a bill, including matters not considered in either House. I think it is unusual to put that into a conference report.

Mr. DALZELL. It is not right.

Mr. LACEY. I object to letting it go over.

Mr. PITNEY. If the gentleman will not give that consent, I move that the House adjourn.

Mr. McMILLIN. If the gentleman will withhold that for a moment, I would like to ask the gentleman a question. I appeared before the committee for the purpose of proposing an amendment looking to the protection of rights which would have already accrued there if there had been authority to grant rights; but it was made necessary by exigency, because of the need of tramroads and other transportation of which construction had begun. I saw the committee as to incorporating an amendment on that subject. Does the gentleman think the present provision covers the point that I mentioned to the committee?

Mr. LACEY. I think it does. It provides that whichever is first in time of survey or first in time of construction would be first in right, and these matters are left to the court, and I think that would be good law. Of course, in the absence of such a provision as that, all that they had done heretofore is wholly without law, and the rights would accrue only at the passage of the law. I think the provision there fully protects these parties connected with those roads, and the controversies go to the courts.

Mr. McMILLIN. I thank the gentleman from New Jersey [Mr. PITNEY] for his kindness. The gentleman has answered my inquiry.

Mr. PITNEY. I do not want to insist upon the motion to adjourn if I can get an agreement for a fair consideration of this conference report at a later day; but if the gentleman will not give his consent, I shall have to insist.

Mr. LACEY. I will ask the gentleman if he was here when this bill was presented on Monday and considered in the House?

Mr. PITNEY. I was not here at that time on Monday. I think I was here when the bill was presented to the House, but it was a very different proposition at that time from what it is now, and it was not in contemplation by any member of the House that these provisions were to be subsequently inserted. I will inquire of the Chair, pending the motion that the House adjourn, whether it is too late now to raise the point of order upon the conference report that it contains new matter not in dispute between the two Houses?

The SPEAKER. It is.

Mr. PITNEY. Then I move that the House do now adjourn.

The question was put; and there were—ayes 18, noes 34.

So the House refused to adjourn.

Mr. LACEY. If no other gentleman desires any further explanation——

Mr. PITNEY. We have had no explanation yet. The gentleman from Iowa began by a simple statement as to what was the original purpose of the House bill and discussed the objections of certain gentlemen, but I have heard no explanation of the bill as it comes from the conference committee.

Mr. LACEY. The bill was fully discussed here on Monday, and I have undertaken to confine my remarks as far as possible to the new matter contained in the bill.

Mr. PITNEY. But here is a whole lot of new matter. I think the gentleman had better consent to take it up to-morrow, and have it printed, so we can understand it.

Mr. LACEY. Mr. Speaker, I demand the previous question.

Mr. DE VRIES. I desire to ask the gentleman a question.

Mr. LACEY. I withhold the demand for the present.

Mr. DE VRIES. I desire to ask the gentleman about amendment No. 20, on page 4, which places the power of regulating the railroad rates on railroads in Alaska in the Secretary of the Interior, without any power remaining in the Interstate Commerce Commission upon that matter.

Mr. LACEY. Without that provision the interstate-commerce law would apply. Let me say, in explanation of that, that was a matter which was in disagreement between the House and the Senate committee. The House committee preferred to leave this matter with the Interstate Commerce Commission. But, on the contrary, the Senate committee contended that inasmuch as the Secretary of the Interior had a full set of officials there, and as these railroads had to be built upon public lands, as practically all the Government management of the Territory or District of Alaska was under the control of the Secretary of the Interior, it would be safer to leave the regulation and fixing of the rates to be attended to by him; and on that point the House conferees yielded, leaving the matter to be settled by the Secretary of the Interior to prevent extortionate rates. The Interstate Commerce Commission is, of course, located in Washington, thousands of miles away, while the Secretary of the Interior has officials upon the spot, constantly in touch with the business of that Territory, and the conferees agreed to accept the views of the Senate in that respect.

Mr. DE VRIES. Then the effect of this provision will be to exclude the railroads of Alaska from the jurisdiction of the Interstate Commerce Commission?

Mr. LACEY. The companies will fix the rates, and as to whether the rates are reasonable or unreasonable will be settled by the Secretary of the Interior.

Mr. DE VRIES. He will be the final judge of the rates in Alaska?

Mr. LACEY. For the time being. It gives him the power to fix the rates. It was thought that would be safer to the people of Alaska than to have a tribunal thousands of miles away, and one that could not easily get there.

Mr. DE VRIES. If the Secretary of the Interior regulates the rates here, he is located in Washington the same as the Interstate Commerce Commission.

Mr. LACEY. But the Secretary of the Interior has men in Alaska under his control and agents that he can send anywhere, while the Interstate Commerce Commission does not have such authority as that.

Mr. DE VRIES. Is there anything to deprive the Interstate Commerce Commission of power over those rates?

Mr. PITNEY. It is a repealer pro tanto of the interstate-commerce law.

Mr. DE VRIES. That is my understanding, if they are to be fixed by the Secretary of the Interior.

Mr. SHAFROTH. That was taken into consideration when it was determined that the Secretary of the Interior should have the right to fix these rates. The question was as to the power of the Interstate Commerce Commission to do so, and when it is remembered that this bill relates absolutely to Alaska, inasmuch as the

Secretary of the Interior had the machinery there for the purposes of the United States and to determine what should be the rates, why we thought it could be done better by him than through the Interstate Commerce Commission.

Mr. McEWAN. I desire to ask the gentleman a question. Is the only advantage to be derived from the provision that the Secretary of the Interior shall pass upon the rates rather than the Interstate Commerce Commission?

Mr. LACEY. There are other advantages. There are means by which he can inquire concerning those rates.

Mr. McEWAN. In what way?

Mr. LACEY. By his agents in Alaska.

Mr. McEWAN. They would have to fix all the rates up there, and so gain the advantage of expedition, and then it will be done by the agents of the Secretary of the Interior. He would have to get a report from those agents and see what they were, or there would be no expedition whatever.

Mr. LACEY. The Interstate Commerce Commission has no agents that may travel and make reports the same as personal commissioners of the Secretary of the Interior. The commissioner visits various parts of the country in considering these questions. But there were other good reasons; and for the time being the Senate insisted that the Secretary should fix those rates and that it could be transferred to the Interstate Commerce Commission, if it was best, afterwards.

Mr. LOUD. It is very easy to repeal a bill!

Mr. LACEY. I move the previous question.

The question was taken; and on a division (demanded by Mr. PITNEY) there were—ayes 59, noes 8.

Mr. PITNEY. No quorum, Mr. Speaker.

Mr. LACEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 21 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting estimates of appropriation for the service of the Navy Department for the current fiscal year—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary B. Winbourn and James R. Winbourn against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for preserving, etc., the records of the recorder's office of the General Land Office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for the construction of a fence around the United States jail at Fort Smith, Ark.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WADSWORTH, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 9697) to incorporate the Society of American Florists and Ornamental Horticulturists, reported the same with amendment, accompanied by a report (No. 1258); which said bill and report were referred to the House Calendar.

Mr. BOUTELLE of Maine, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10220) to organize a hospital corps of the Navy of the United States, to define its duties and regulate its pay, reported the same with amendment, accompanied by a report (No. 1261); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. Res. 257) providing for the organization and enrollment of the United States auxiliary naval force for coast defense, reported the same without amendment, accompanied by a report (No. 1262); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the joint resolution of the Senate (S. R. 141) regarding the holding of a Pan-American Exposition in the year 1901, upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century, reported the same with amendment, accompanied by a report (No. 1265); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 3132) to provide for the disposition of abandoned imported merchandise, reported the same without amendment, accompanied by a report (No. 1266); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CLARDY, from the Committee on Claims, to which was referred the bill of the House (H. R. 886) for the relief of Charles T. Plunkett, of Lynchburg, Va., reported the same with amendment, accompanied by a report (No. 1259); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4840) authorizing and directing the Secretary of the Treasury to pay to Trinidad Uribe certain money due him, held in the registry of the circuit court of the United States for the western district of Texas, but never paid over to him, reported the same without amendment, accompanied by a report (No. 1260); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9310) granting an increase of pension to Henry H. Preston, reported the same with amendment, accompanied by a report (No. 1263); which said bill and report were referred to the Private Calendar.

Mr. BARBER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9866) granting a pension to Joseph Griffith, reported the same with amendment, accompanied by a report (No. 1264); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1090) to pension Mrs. Susan M. Sessford, reported the same with amendment, accompanied by a report (No. 1267); which said bill and report were referred to the Private Calendar.

Mr. STURTEVANT, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4004) granting a pension to Julia E. Warner, reported the same with amendment, accompanied by a report (No. 1268); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS of Iowa: A bill (H. R. 10222) to authorize the extension of the Metropolitan Railroad—to the Committee on the District of Columbia.

By Mr. LEWIS of Washington (by request): A bill (H. R. 10223) to grant right to build a bridge over the Columbia River by British Columbia and Seattle Railway Company—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: A joint resolution (H. Res. 258) to create a commission to examine into the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. NEWLANDS: A joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 10224) to grant a pension to Ovid G. Sparks—to the Committee on Pensions.

By Mr. JONES of Virginia: A bill (H. R. 10225) for the relief

of Clare M. Ashby, widow of W. W. Ashby, late United States consul at Colon—to the Committee on Claims.

By Mr. SETTLE: A bill (H. R. 10226) granting a pension to George W. Holman—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 10227) for the relief of H. D. Bonnet—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BENNER of Pennsylvania: Petition of the United Presbyterian Church of Big Spring, Pa., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the United Presbyterian Church of Big Springs, Pa., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. BERRY: Petitions of the Methodist Episcopal Church of Dayton, Ky., asking for the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia, to protect State anti-cigarette laws, and to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Dayton, Campbell County, Ky., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. BRADLEY: Petitions of J. Shern, J. Brown, C. C. Greenlee, O. R. Perry, Belding Bros. & Co., L. D. Neuler, F. W. Morlock, P. F. Cotter, Bommer Bros., James Rummer, and other citizens of the State of New York, against the passage of the anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Petition of the Woman's Christian Temperance Union and Methodist Episcopal Church of South Deer Isle, Me., against the sale of intoxicants in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Woman's Christian Temperance Union and Methodist Episcopal Church of South Deer Isle, Me., for the passage of bills to prohibit the interstate transmission of gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on the Judiciary.

By Mr. BURTON: Resolution of the St. Joseph Society of Cleveland, Ohio, protesting against the passage of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. CHICKERING: Petitions of the Northern New York Conference of the Methodist Episcopal Church, Fulton, N. Y., for the passage of bills forbidding the interstate transmission of lottery and other gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Northern New York Conference of the Methodist Episcopal Church, Fulton, N. Y., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Northern New York Conference of the Methodist Episcopal Church, for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. DE VRIES: Petitions of the Placer County Woman's Christian Temperance Union, in convention at Auburn, Cal., favoring the enactment of legislation to protect State anti-cigarette laws and to forbid the interstate transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petition of the Placer County Woman's Christian Temperance Union, Auburn, Cal., favoring the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. FITZPATRICK: Petitions of C. N. Goodrich, Joseph Neuman, J. N. White, J. F. Hoover, F. W. Jenkins, Edward Henry, C. H. Clark, A. G. Rockel, H. L. Engelbert, and other traveling salesmen, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Testimony in support of House bill No. 9316, to increase the pension of William M. Casteller—to the Committee on Invalid Pensions.

By Mr. JOY: Petition of the Loyal Temperance Legion of the Taylor Avenue Baptist Church, of St. Louis, Mo., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

By Mr. LORIMER: Petitions of J. W. Park, A. W. Jacobs, S. C. Sumerfield, W. D. Boyce, Charles B. Steward, F. J. Dapue, W. S. Whier, F. A. Wingbut, L. Diddie, N. M. Moore, and others, citizens of Illinois, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: Communication from Sioux City Lodge, No. 178, International Association of Machinists, protesting against the employment of unorganized labor on Government contracts—to the Committee on Labor.

By Mr. RUSSELL: Petition of the Connecticut Forestry Association, against the abolition of forestry reservations—to the Committee on the Public Lands.

By Mr. WM. ALDEN SMITH: Petitions of M. J. Jaques, Charles Begerow, F. B. Nims, and other citizens of Lake Odessa, Mich., asking for the passage of a bill to prevent the adulteration of flour—to the Committee on Ways and Means.

Also, petition of Rev. W. H. Van Antwerp, of Holland, Mich., Rev. P. Ekster, and Rev. J. W. Warnshuis, of Grand Rapids, Mich., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Remonstrance of the Connecticut Forestry Association, against the passage of the amendment to the sundry civil appropriation bill, aiming to abolish forest reservations—to the Committee on Appropriations.

By Mr. WHEELER of Alabama: Petition of Malinda McClendon, of Jackson County, Ala., asking reference of her claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Isaac C. Campbell, of Jackson County, Ala., asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

SENATE.

THURSDAY, *May 5, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

MEMORIAL ADDRESSES ON THE LATE SENATOR WALTHALL.

Mr. MONEY. Mr. President, I desire to give notice that on Thursday, the 26th instant, at 2 o'clock in the afternoon, I shall ask the Senate to suspend its ordinary business in order that the Senate may pay its tribute to the memory of my late colleague, Senator WALTHALL.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7441) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the House had passed with amendments the bill (S. 1586) to provide for the sale of public lands in Missouri, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. ELLIS, and Mr. LEWIS of Washington managers at the conference on the part of the House.

The message further announced that the House had passed a joint resolution (H. Res. 97) to repeal the joint resolution in reference to the Free Zone; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution adopted at the Thirtieth Annual Encampment of the Department of the Potomac, Grand Army of the Republic, of Washington, D. C., favoring the establishment of a national park upon the battlefields of Fredericksburg, Salem Church, Chancellorsville, Wilderness, and Spottsylvania, in the State of Virginia; which was referred to the Committee on Military Affairs.

Mr. PLATT of New York presented a petition of the Northern New York Conference of the Methodist Episcopal Church of Fulton, N. Y., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Christian Temperance Union of Oneida; of the Northern New York Conference of the Methodist Episcopal Church of Fulton, and of the Political Equality and Social Science Club of Oneida, all in the State of New York, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union of Oneida; of the Northern New York Conference of the Methodist Episcopal Church of Fulton, and of the Political

Equality and Social Science Club of Oneida, all in the State of New York, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Oneida, N. Y., and a petition of the Northern New York Conference of the Methodist Episcopal Church, of Fulton, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. FAIRBANKS presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of legislation defining mixed flour, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of mixed flour; which was referred to the Committee on Manufactures.

Mr. DEBOE presented a petition of the congregation of the Methodist Episcopal Church of Dayton, Ky., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Methodist Episcopal Church of Dayton, Ky., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Methodist Episcopal Church of Dayton, Ky., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. WETMORE presented petitions of the Willard Woman's Christian Temperance Union, of Providence; of the congregation of the Methodist Episcopal Church of Woonsocket; of the Young People's Society of Christian Endeavor of the Central Baptist Church, of Coventry; of the Woman's Christian Temperance Union of Exeter; of the Woman's Christian Temperance Union of Westerly, and of the Young Woman's Christian Temperance Union of East Providence, all in the State of Rhode Island, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Willard Woman's Christian Temperance Union, of Providence; of the Young Woman's Christian Temperance Union of East Providence; of the Woman's Christian Temperance Union of Washington; of the Woman's Christian Temperance Union of Westerly; of the Woman's Christian Temperance Union of Exeter, and of the congregation of the Methodist Episcopal Church of Woonsocket, all in the State of Rhode Island, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union of Exeter; of the Willard Woman's Christian Temperance Union, of Providence; of the Woman's Christian Temperance Union of Westerly; of the Young Woman's Christian Temperance Union of East Providence; of the congregation of the Methodist Episcopal Church of Woonsocket, and of the Christian Endeavor Society of the Friends' Church of Anthony, all in the State of Rhode Island, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. QUAY presented a petition of the Woman's Christian Temperance Union, the congregation of the Methodist Episcopal Church, of sundry school-teachers, and of the Friends' Meeting, of Fallsington, Pa., and a petition of members of the Baptist Sunday school of Turbotville, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union, the congregation of the Methodist Episcopal Church, of sundry school-teachers, and of the Friends' Meeting, of Fallsington, Pa., and a petition of members of the Baptist Sunday school of Turbotville, Pa., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Methodist Episcopal Church and the Friends' Church, and of sundry public-school teachers, of Fallsington; of the Baptist Young People's Association of Turbotville, and of the congregation of the Baptist Church of Turbotville, all in the State of Pennsylvania, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. PROCTOR presented the petition of George G. Wells and 8 other citizens of Bakersfield, Vt., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. MASON presented a petition of the congregation of the Zion Methodist Episcopal Church, of Wauponsee, Ill., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Methodist Episcopal Church of Verona, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the Methodist Episcopal Church of Verona, Ill., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. BACON presented a memorial of the Chamber of Commerce of Macon, Ga., remonstrating against the imposition of an additional revenue tax upon tobacco, snuff, and cigars held in stock; which was referred to the Committee on Finance.

Mr. TURPIE presented a petition of Clark Lodge, No. 297, Brotherhood of Locomotive Firemen, of Jeffersonville, Ind., praying for the passage of the so-called postal savings bank bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of legislation defining mixed flour, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of mixed flour; which was referred to the Committee on Manufactures.

He also presented a memorial of the Wholesale Grocers' Association of Indianapolis, Ind., and a memorial of the Thomas Best's Son Company, of Muncie, Ind., remonstrating against the imposition of an additional revenue tax upon tobacco, snuff, and cigars held in stock; which were referred to the Committee on Finance.

Mr. ELKINS presented petitions of the congregations of the Methodist Episcopal Church, the Chapline Street Methodist Episcopal Church, and the Zane Street Methodist Episcopal Church, and of sundry citizens, all of Wheeling, in the State of West Virginia, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Methodist Episcopal Church, the Chapline Street Methodist Episcopal Church, and the Zane Street Methodist Episcopal Church, and of sundry citizens, all of Wheeling, in the State of West Virginia, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Zane Street Methodist Episcopal Church and the Chapline Street Methodist Episcopal Church and of sundry citizens, all of Wheeling, in the State of West Virginia, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing for the complete revision of the laws for the regulation of interstate commerce, etc.; which was referred to the Committee on Interstate Commerce.

Mr. TURLEY presented a memorial of the Bluff City Bottling Company, of Memphis, Tenn., remonstrating against the imposition of a proposed tax on soda water; which was referred to the Committee on Finance.

Mr. THURSTON presented a petition of the Epworth League of Borden Chapel, of Wilcox, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 4510) to correct the military record of William H. Fore, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL. I am also instructed by the Committee on Military Affairs, to whom was referred the bill (S. 718) to provide for the readjustment and payment of dues to Army officers in certain cases, to report it adversely and recommend that the bill be indefinitely postponed. A bill providing for substantially the same thing has already been reported favorably.

The bill was postponed indefinitely.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 1699) to remove the charge of desertion from the military record of George F. Harter, reported it without amendment, and submitted a report thereon.

Mr. MANTLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 412) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. MONEY introduced a bill (S. 4535) for the relief of Abbie P. Anderson, executrix of William A. Watson, deceased, late of Marshall County, Miss., as found due by the Court of Claims under the act of March 3, 1883; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 4536) granting certain lands to the city of Santa Barbara, Cal.; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 4537) for the relief of the citizens of the city of Auburn, Cal., and quieting title to lands therein; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 4538) for the relief of the legal representative of Ewing M. Skaggs, deceased, late of Sacramento County, Cal.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 4539) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal; which was read twice by its title, and referred to the Select Committee on the Construction of the Nicaragua Canal.

He also introduced a bill (S. 4540) to grant to the Birmingham, Sheffield and Tennessee River Railway Company a right of way over the public lands traversed by it; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. MASON introduced a bill (S. 4541) granting a pension to Henry Ginnett, Carlyle, Ill.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4542) to remove the charge of desertion from John Marks; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4543) for the relief of George Isenstein; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4544) to amend the record of Maj. John Murphy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CARTER introduced a bill (S. 4545) to provide for taking the Twelfth and subsequent censuses; which was read twice by its title, and referred to the Committee on the Census.

Mr. TURPIE introduced a bill (S. 4546) granting an increase of pension to Benjamin T. Burtram; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KYLE introduced a bill (S. 4547) granting a pension to Eli M. Couch; which was read twice by its title, and referred to the Committee on Pensions.

PROPOSED INVESTIGATION BY NAVAL COMMITTEE.

Mr. KENNEY (by request) submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Naval Affairs, and ordered to be printed:

Resolved, That the Committee on Naval Affairs be instructed to ascertain if an officer of the Navy, a Union veteran, is being held on the retired list, when a United States court has determined the fact that the cause and order for transfer to said retired list are both directly against the statute; said transfer being furthermore in contravention of the laws; also, why these still vital laws are not enforced, to the ceasing of the unparalleled oppression upon the officer and reproach against the naval service.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 27) to repeal the joint resolution in reference to the Free Zone was read twice by its title, and referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 924) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5975) extending the homestead laws and providing for right of way for railroads in the District of Alaska.

The message further announced that the House had passed the bill (S. 4452) authorizing the Campbell-Lynch Bridge Company to construct a bridge across the Arkansas River at or near Webbers Falls, Ind. T.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 137) granting a pension to Annie Saffell;

A bill (H. R. 802) granting a pension to Benjamin F. Moulton;

A bill (H. R. 1295) to increase the pension of Frederick G. Moore;

A bill (H. R. 1546) granting a pension to Annie Wittenmyer;

A bill (H. R. 1722) granting a pension to Ellen O'Rorke;

A bill (H. R. 1827) granting a pension to Susan A. Huber;

A bill (H. R. 2119) granting a pension to Sallie Work;

A bill (H. R. 2763) granting a pension to Mary C. Case;

A bill (H. R. 3889) granting an increase of pension to Calista Hadley;

A bill (H. R. 4160) granting an increase of pension to George W. Garrison;

A bill (H. R. 4469) increasing the pension of Katherine L. Cushing;

A bill (H. R. 4981) granting an increase of pension to William D. Seamans;

A bill (H. R. 5372) granting a pension to Hannah C. Pile;

A bill (H. R. 5775) granting a pension to Lewis K. Whitmore;

A bill (H. R. 5809) granting a pension to Charles E. Taylor;

A bill (H. R. 6515) granting a pension to Grace Gudgell;

A bill (H. R. 6680) granting a pension to Janet Wemple;

A bill (H. R. 6928) granting an increase of pension to Eva Seeley;

A bill (H. R. 6986) granting a pension to Emory T. Hipple;

A bill (H. R. 7449) granting a pension to William S. Adams;

A bill (H. R. 7952) granting a pension to William C. Ryan; and

A bill (H. R. 8197) granting a pension to Mary B. Hulings.

POST-OFFICE APPROPRIATION BILL.

The VICE-PRESIDENT. The morning business appears to be closed.

Mr. QUAY. I move that the Senate proceed to the consideration of House bill 9008, being the Post-Office appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, which had been reported from the Committee on Appropriations with amendments.

Mr. QUAY. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be disposed of as they are reached.

The VICE-PRESIDENT. The Chair hears no objection, and that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Office of the First Assistant Postmaster-General," on page 2, line 16, before the word "dollars," to insert "three hundred thousand;" in the same line, after the word "*Provided*," to strike out:

That the Postmaster-General is hereby authorized to expend during the current fiscal year for clerk hire at stations or post-offices which may be established in lieu of post-offices discontinued by reason of consolidation with other offices, in addition to the amount provided above for clerk hire, a sum not exceeding the total compensation paid to postmasters at such post-offices during the same period of the present fiscal year, as shown by the records of the Auditor for the Post-Office Department: *And provided further*.

And on page 3, line 5, after the word "court," to strike out:

And provided further, That the Postmaster-General may in his discretion use of the above appropriation a sum not exceeding $500,000 in payment of clerks in third and fourth class post-offices.

So as to make the clause read:

For compensation to clerks in post-offices, $11,300,000: *Provided*, That the Postmaster-General be, and he is hereby, authorized to employ substitutes in the place of clerks subpœnaed as witnesses in the United States courts in cases arising under the United States laws, and to expend for the employment of such substitutes a sum equal to the compensation allowed the clerks during the time actually absent from duty attending court.

The amendment was agreed to.

The next amendment was, on page 3, line 19, after the word

"quarterly," to strike out "for a term not exceeding ten years;" so as to make the clause read:

For rent, light, and fuel for first, second, and third class post-offices, $1,700,000: *Provided*, That there shall not be allowed for the use of any third-class post-office for rent a sum in excess of $400, nor more than $60 for fuel and lights, in any one year: *And provided further*, That the Postmaster-General may, in the disbursement of this appropriation, apply a part thereof to the purpose of leasing premises for the use of post-offices of the first, second, and third classes at a reasonable annual rental, to be paid quarterly.

The amendment was agreed to.

The next amendment was, on page 4, line 9, to strike out the word "and" after "thousand."

The amendment was agreed to.

The next amendment was, under the subhead "Free-delivery service," on page 4, line 22, before the word "thousand," to strike out "eighty-five" and insert "one hundred and ten;" and in line 24, before the word "four," to strike out "seven hundred and eighty-five thousand and" and insert "eight hundred and ten thousand;" so as to make the clause read:

For incidental expenses, including twelve mechanics in the six largest cities, exclusively employed in repairing boxes and locks and erecting boxes, planting posts and pedestals, at $900 per annum; letter boxes, package boxes, posts, satchels, repairs, marine free-delivery service at Detroit, $110,000; in all, $13,810,400: *Provided*, That 10 per cent of the foregoing amounts for free-delivery service may be available interchangeably for expenditure on the objects named, but no one item of appropriation shall thereby be increased more than 10 per cent.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to strike out:

For rural free delivery, including pay of carriers and horse-hire allowance, $300,000: *Provided*, That the Postmaster-General is hereby authorized to expend during the current fiscal year for rural free-delivery service, in addition to the sum provided above for such service, a sum not to exceed an amount equal to the aggregate amount of the compensation paid to postmasters, for cost of mail transportation, star-route service, and mail-messenger service that may be discontinued by reason of the establishment of rural free-delivery service, during the same period of the present fiscal year, as shown by the records of the Auditor for the Post-Office Department: *And provided further*, That no portion of the above sum provided for the support of the rural free-delivery service shall be used for any other purpose than for payment of carriers and horse-hire allowance, and necessary equipments or mechanical appliance.

Mr. PETTIGREW. Let that amendment be passed over for the present. I think the Senator from North Carolina [Mr. BUTLER] wishes to speak to it, and he is absent.

Mr. QUAY. The Senator from North Carolina so stated yesterday. I have no objection to the amendment being passed over.

The VICE-PRESIDENT. The amendment will be passed over temporarily.

The next amendment was, on page 6, line 10, after the word "dollars," to strike out:

Provided, That no more than $200 of this appropriation shall be expended in any post-office for each 50,000 population or fraction thereof above 25,000.

And in line 13, after the word "*Provided*," to strike out "further;" so as to make the clause read:

For rental or purchase of canceling machines, $100,000: *Provided*, That one canceling machine may be placed in the post-office of any city.

The amendment was agreed to.

The next amendment was, under the head of "office of the Second Assistant Postmaster-General," on page 7, line 12, after the word "into," to insert "and no additional contracts shall be made unless hereafter authorized by law;" so as to make the clause read:

For transportation of mail by pneumatic tube or other similar devices, by purchase or otherwise, $225,000: *Provided*, That no part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts already are entered into, and no additional contracts shall be made unless hereafter authorized by law.

Mr. PETTIGREW. The amendment made by the committee to this provision in regard to pneumatic tubes, "that no additional contracts shall be made unless hereafter authorized by law," resulted largely from the fact that the pneumatic-tube service, which perhaps a year ago was a matter of experiment, has now been demonstrated to be of great utility, and while it does not reduce the cost of transporting the mail in the great cities, but on the contrary, under the present arrangement, increases the cost, it does increase the facility with which the mails are handled, and is undoubtedly a great convenience. However, while the question was not decided by the committee, it seems to me that under these circumstances it is the duty of the United States to purchase whatever of right individuals or any corporation may have to put in pneumatic tubes, the Government itself owning the service. In the past we have declined to do these things, and in the case of the telegraph allowed an institution to grow up in this country with a capitalization of $130,000,000, having to-day a plant that can be reproduced for less than $30,000,000.

Mr. QUAY. I call the attention of the Senator from South Dakota to the fact that in the eighth line provision is made for the purchase.

Mr. PETTIGREW. I will say in reply to the Senator from Pennsylvania that that exact provision was in the law last year and yet nothing was done; no effort was made on the part of the Post-Office Department to see whether we could purchase the right. On the contrary, additional contracts were made at excessive rates, and we have commenced the building up of another corporation depending largely upon the Government for its support, having millions of watered stock upon which the people of this country will be taxed to pay interest.

In New York to-day the plant which we use and which certainly would not cost more than four or five hundred thousand dollars, receives a compensation from the Government of the United States for its use which is equivalent to 3 per cent on $5,000,000. We have placed these tubes in three cities. When they are extended to all the cities of the country we shall find a company capitalized at $100,000,000 receiving from the Treasury of the United States, consequently by taxation from the people of the country, interest on that vast sum.

It seems to me that really the whole provision which increases the compensation in any way for this service ought to be stricken out; but certainly we ought not to enlarge this service a single dollar unless we can purchase whatever rights these people have, and own the plant and operate it in the interest of the Government and the people of the country. We have made mistakes enough in this direction. While I think the provision in the bill, inasmuch as it allows no additional contracts in the future, may be permitted to stand, I simply make this statement for the purpose of emphasizing the position of the Senate and the position of the Committee on Appropriations upon this question.

Mr. QUAY. I do not think there will be any objection to the insertion of an amendment, if the Senator from South Dakota thinks it proper, authorizing and directing the Postmaster-General to ascertain whether a purchase can be made of the plant already in use or the right to use the plant of the company, and make report to Congress.

Mr. PETTIGREW. I think that would be a very proper amendment.

Mr. HALE. There was an additional reason why the committee inserted the provision that no additional contracts should be made unless hereafter authorized by law. The committee discovered that although the only basis for action by the Post-Office Department was a single appropriation of $150,000 last year upon the appropriation bill, the Post-Office Department has gone on under that and made a contract, among others, for the city of New York, covering nearly $150,000—I think $147,000—for four years, and has bound the Government by a contract with these parties for four years at a rate almost absorbing the entire appropriation for the year in addition to what is done in other cities.

Mr. QUAY. I call the attention of the Senator from Maine to the fact that that contract was made conditional upon an annual appropriation.

Mr. HALE. Undoubtedly.

Mr. QUAY. It was made under the control of Congress.

Mr. HALE. Every contract, of course, must be so made; but the committee was rather restive under the contract that had been entered into with only a single annual appropriation, finding the Government bound practically by a contract covering four years. Therefore this provision was put in in order to notify the Department that it must only make contracts covered by appropriations.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 8, line 17, to increase the appropriation for railway post-office clerks from $8,350,000 to $8,467,000.

The amendment was agreed to.

The next amendment was, on page 8, line 23, after the word "the," to strike out "amount now received by" and insert "rate now paid to;" so as to make the clause read:

For inland transportation of mail by electric and cable cars, $300,000: *Provided*, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing said service.

The amendment was agreed to.

The reading of the bill was continued to line 11 on page 11.

Mr. COCKRELL. At the end of line 11, after the words "second-class mail matter," I move to insert:

And provided further, That hereafter the correspondence to any Government official or to any person upon official or departmental business authorized to be sent under frank shall not exceed 2 ounces in weight.

Mr. QUAY. I think I will not make the point of order on that amendment unless the Senate objects to the provision going into the bill, and we can take it into conference.

Mr. COCKRELL. It simply increases the weight of official matter from 1 ounce to 2 ounces. Repeatedly I and other Senators have had letters from the Departments sent back because they happened to weigh a little over an ounce.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Office of the Fourth Assistant Postmaster-General," on page 12, line 11, after the word "inspectors," to strike out:

Including salaries of inspectors, and for per diem allowance to inspectors in the field while actually traveling on business of the Department.

Mr. QUAY. That amendment was inserted under a misapprehension, and I hope it will be disagreed to.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, on page 12, line 14, to reduce the item for mail depredations and post-office inspectors from $430,000 to $400,000.

Mr. QUAY. I move to make the amount $415,000. That is the suggestion of the Department.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 13, line 24, to insert the following proviso:

Provided, That in all cases where undelivered matter of these classes is of obvious value, the sender, if known, shall be notified of the fact of nondelivery, and be given the opportunity of prepaying the return postage, under such regulations as the Postmaster-General shall prescribe, which regulations shall also comprehend instructions as to the prepayment of postage where the matter is to be remailed.

The amendment was agreed to.

The next amendment was, on page 14, after line 6, to insert:

SEC. 5. That a joint committee consisting of three members of the Senate and three members of the House, and in addition the two chairmen of the Committees on Post-Offices and Post-Roads, shall be appointed by the Senate and House to investigate, during the coming recess of Congress, the question whether or not excessive prices are paid to the railroad companies for the transportation of the mails and as compensation for postal-car service, and all sources of revenue and all expenditures of the postal service, and rates of postage upon all postal matter, the expenses of said joint committee to be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House, upon vouchers to be approved by the two chairmen.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. STEWART. If amendments are now in order, I desire to offer an amendment. At the bottom of page 6 there is the following provision:

For inland mail transportation, namely: Inland transportation by star routes, including temporary service to newly established offices, $5,095,000.

I move to add, after the word "dollars:"

Provided, That no part thereof shall be paid to any subcontractor, and the Postmaster-General shall require proof by affidavit or otherwise before making any payment to a contractor carrying the mail on any star route that the service was performed by himself and not by a subcontractor.

I should like to submit a word in explanation of the amendment.

Mr. HALE. Has the Senator's amendment been printed?

Mr. STEWART. It was printed in substantially the same form. I have changed the wording of it somewhat.

Mr. HALE. Can the Senator give me a copy?

Mr. STEWART. What I hand the Senator is the substance of it.

A resolution was passed by the Senate calling upon the Postmaster-General for information on this subject, to which the Postmaster-General made a reply which shows a very bad condition of affairs, in my estimation. After repeating the resolution, the Postmaster-General says in reply:

In reply I would state that as the amount actually paid to contractors and subcontractors are shown by the records of the Auditor of the Post-Office Department, the resolution was forwarded to that officer for his consideration as to those points. The following is a copy of his letter relating thereto:

"SIR: I have the honor to acknowledge the receipt of your letter of the 26th ultimo, transmitting a Senate resolution calling on the Postmaster-General to furnish certain information relative to star routes, which resolution is herewith returned pending further consideration of the matter.

"The resolution calls for the following information."

Mr. QUAY. Will the Senator from Nevada yield to me?

Mr. STEWART. Certainly.

Mr. QUAY. I will say to the Senator from Nevada that I think, after reflection upon the amendment he has offered, I will assent to taking it into conference on the bill.

Mr. STEWART. I will ask that the correspondence from the Department be printed in the RECORD in connection with it, as an explanation.

Mr. QUAY. To that there is no objection.

The matter referred to is as follows:

[Senate Document No. 184, Fifty-fifth Congress, second session.]

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 4, 1898.

SIR: I have the honor to acknowledge the receipt of the resolution of the Senate dated February 25, 1898, reading as follows:

"*Resolved*, That the Postmaster-General be directed to inform the Senate what was the aggregate amount of money expended during the last calendar year for carrying the mails by use of horses or other animals over what are commonly known as star routes; how much of the money so expended was paid to the original contractors, and how much was paid to subcontractors; also, whether any original contractor obtained more than one contract which he subcontracted; if so, give the name and number of contracts which each person received and sublet, and the amount that he received from the Department over and above what was paid to the subcontractors."

In reply I would state that as the amount actually paid to contractors and subcontractors are shown by the records of the Auditor for the Post-Office Department, the resolution was forwarded to that officer for his consideration as to those points. The following is a copy of his letter relating thereto:

"SIR: I have the honor to acknowledge the receipt of your letter of the 26th ultimo, transmitting a Senate resolution calling on the Postmaster-General to furnish certain information relative to star routes, which resolution is herewith returned pending further consideration of the matter.

"The resolution calls for the following information:

"(1) The aggregate amount of money expended for mail service on star routes for last calendar year, showing how much was paid to the original contractors and how much to subcontractors.

"Settlements for the last quarter of the last calendar year will not be completed until March 31, 1898. As payments made to subcontractors are charged to the contractors, and no separate accounts are kept with subcontractors, it will be necessary, in order to ascertain the facts required, to go through the pay books, taking each route sublet, and add together the four quarterly payments. This would involve an immense amount of labor, as there are nearly 20,000 routes sublet.

"(2) Whether any original contractor obtained more than one contract which he subcontracted, etc.

"This information can be furnished by the Second Assistant Postmaster-General.

"(3) The amount each contractor received from the Department over and above what was paid to the subcontractors.

"To obtain this information will involve a vast amount of labor, far beyond the capacity of the clerical force in the division having charge of this kind of accounts to accomplish within any reasonable time, even by working over hours.

"It will thus be seen that to comply literally with the resolution we will be obliged to wait until after March 31 before commencing the work, and that we could not complete the same for several months unless provision was made for a considerable addition to our clerical force.

"Allow me to respectfully suggest that if the object of the resolution is to ascertain how much 'speculative contractors' receive over and above what is paid their subcontractors, a fair estimate could be obtained by taking 10 or 12 of those having the largest number of routes and showing a comparison between the annual pay of the contractors and that of the subcontractor on each route. Such a statement could be furnished with little labor or delay. It could be commenced immediately, as it would not require a complete settlement of accounts for the last calendar year.

"Very respectfully, yours,

"HENRY A. CASTLE, *Auditor.*

"Hon. W. S. SHALLENBERGER,
"*Second Assistant Postmaster-General.*"

In reply to that part of the resolution reading as follows: "Also whether any original contractor obtained more than one contract which he subcontracted; if so, give the name and number of contracts which each person received and sublet," the following is submitted:

Contractor.	Routes.	Contractor.	Routes.
Abbey, S. A	3	Lawson, R. A	21
Alexander, J. A	26	Lawton, H. A	65
Anglin, H. D	100	Lovelace, S. A	17
Anglin, J. B	221	McGuire, W. H	70
Bloss, H. H	4	Means, F. E	146
Boreing, J. M	471	Mills, S. F	3
Boreing, S	6	Nichols, C. W	10
Boyd, M. J	88	Parsley, W. A	97
Brevard, L. E	46	Parsons, J. M	2
Call, A. A	442	Pease, L. H	10
Carney, T. W	5	Peddicord, James	15
Carter, S. S	2	Pigg, J. R	15
Chappell, S. S	29	Price, F	118
Charles, J. F	27	Profitt, S. G	61
Colegrove, R	7	Rangeley, S. M	44
Conden, Jas. L	7	Reese, C. W	2
Cooper, W	13	Rice, H. C	14
Cowles, G	178	Riley, J. L	52
Crenshaw, J. T	87	Ringor, G. A	1
Downing, D. C	28	Roop, H. O	2
Dunn, Ida M	12	Sanborn, A. W	2
Easley, N. O	54	Scoville, C. N	13
Easley, N. O	30	Scoville, W	15
Eggleston, G. D	2	Sewell, J. A	59
Evans, W. T	17	Sewell, W. C	60
Ewell, R. R	23	Slavens, J. M	100
Ford, S. C	11	Smith, F. E	115
Franklin, J. D	182	Smith, F. S	149
Fults, D. A	49	Smith, R. S	4
Fults, A. J	63	Stelle, W. H	404
Fulton, T. R	4	Steifel, G. M	6
Gibson, F. H	1	Stewart, J. P	53
Gilbert, J. F	31	Tisdale, H	12
Gilman, C	1	Travis, W. E	21
Gray, F. S	46	Trip, C. G	2
Hansberger, J. W	20	Tuggle, A. L	5
Hansberger, L. H	311	Wall, J. F	3
Harris & Lanier	2	Wall, W. W	2
Harris, M. J	11	White, W. L	127
Hayne, N. B	2	Whiteside, W. C	9
Huffman, B. C	2	Wilkins, F. B	9
Johnson, J. C	160	Wilkins, J. P	34
Jones, Evan	284	Wilson, E. R	19
Jordan, W. N	127	Woodruff, J. L	19
Landrum, J. T	12	Yaden, J. L	90

Very respectfully,

JAS. A. GARY, *Postmaster-General.*

The VICE-PRESIDENT,
United States Senate.

[Senate Document No. 222, Fifty-fifth Congress, second session.]

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 31, 1898.

SIR: In response to the resolution of the Senate of March 28, 1898, in relation to the response made by the Postmaster-General to the Senate resolution of February 25, 1898, relative to the pay of contractors and subcontractors for

carrying the mails on what are known as star routes (as per Senate Document No. 184) and calling for the amount annually paid to certain specified contractors and the subcontract rate of pay on the routes sublet by said contractors, I have the honor to submit the following:

There are contracts now in force in the name of J. M. Boreing for carrying the mail on 618 star routes throughout the United States, on which his annual pay is $97,165.93. On 592 of these routes subcontracts have been filed in the Department, for which the contractor's annual pay is $88,619.31 and the subcontractors' pay is $79,611.75.

There are contracts now in force in the name of A. A. Call for carrying the mail on 764 star routes throughout the United States, on which his annual pay is $208,174.01. On 693 of these routes subcontracts have been filed in the Department, for which the contractor's annual pay is $178,562.67 and the subcontractors' pay is $158,156.94.

There are contracts now in force in the name of W. H. Steele for carrying the mail on 614 star routes throughont the United States, on which his annual pay is $229,173.28. On 578 of these routes subcontracts have been filed in the Department, for which the contractor's annual pay is $208,846.32 and the subcontractors' pay is $189,724.80.

There are contracts now in force in the name of L. H. Hansberger for carrying the mail on 814 star routes throughout the United States, on which his annual pay is $207,784.02. On 795 of these routes subcontracts have been filed in the Department, for which the contractor's annual pay is $202,552.49 and the subcontractors' pay is $177,258.23.

There are contracts now in force in the name of Evan Jones for carrying the mail on 282 star routes throughout the United States, on which his annual pay is $43,360.28. On 271 of these routes subcontracts have been filed in the Department, for which the contractor's annual pay is $41,633.68 and the subcontractors' pay is $37,912.83.

There are contracts now in force in the name of J. B. Anglin for carrying the mail on 411 star routes throughout the United States, on which his annual pay is $41,105.89. On 306 of these routes subcontracts have been filed in the Department, for which the contractor's annual pay is $35,360.09 and the subcontractors' pay is $30,419.18.

There are contracts now in force in the name of J. D. Franklin for carrying the mail on 319 star routes throughout the United States, on which his annual pay is $59,096.42. On 286 of these routes subcontracts have been filed in the Department, for which the contractor's annual pay is $51,061.37 and the subcontractors' pay is $45,618.28.

There are contracts now in force in the name of Gardner Cowles for carrying the mail on 874 star routes throughout the United States, on which his annual pay is $197,540.65. On 845 of these routes subcontracts have been filed in the Department, for which the contractor's annual pay is $187,322.13 and the subcontractor's pay is $162,262.84.

There are contracts now in force in the name of J. M. Slavens for carrying the mail on 167 star routes throughout the United States, on which his annual pay is $59,180.08. On 155 of these routes subcontracts have been filed in the Department, for which the contractor's annual pay is $54,997.58 and the subcontractor's pay is $51,307.91.

There are contracts now in force in the name of F. S. Smith for carrying the mail on 364 star routes throughout the United States, on which his annual pay is $75,457.94. On 347 of these routes subcontracts have been filed in the Department, for which the contractor's annual pay is $70,653.97 and the subcontractor's pay is $61,993.23.

There are contracts now in force in the name of F. E. Means for carrying the mail on 737 star routes throughout the United States, on which his annual pay is $153,264.41. On 723 of these routes subcontracts have been filed in the Department, for which the contractor's annual pay is $151,118 and the subcontractor's pay is $136,552.60.

There are contracts now in force in the name of W. L. White for carrying the mail on 130 star routes throughout the United States, on which his annual pay is $20,564.11. On 124 of these routes subcontracts have been filed in the Department, for which the contractor's annual pay is $19,058.31 and the subcontractor's pay is $16,791.62.

To recapitulate, the total number of contracts for service in the names of these twelve contractors is 6,080, on which the aggregate annual pay is $1,391,874.02. Of these, subcontracts have been filed in the Department for 5,775 routes, on which the annual contract pay is $1,289,756.52, and the subcontract pay is $1,147,610.60, the excess of the contract pay over the subcontract pay for those routes on which subcontracts have been filed in the Department being $142,145.92 per annum.

Very respectfully,

JAS. A. GARY,
Postmaster-General.

The VICE-PRESIDENT,
United States Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nevada.

The amendment was agreed to.

Mr. MONEY. Allow me to inquire what was done just at that moment. My attention was diverted.

The VICE-PRESIDENT. The amendment of the Senator from Nevada was agreed to.

Mr. MONEY. What was the matter that was agreed to?

The VICE-PRESIDENT. The Secretary will read it from the desk.

The SECRETARY. Insert after the word "dollars," in line 2, page 7, the following proviso:

Provided, That no part thereof shall be paid to any subcontractor; and the Postmaster-General shall require proof by affidavit or otherwise before making any payment to a contractor carrying the mail on any star route that the service was performed by himself and not by a subcontractor.

Mr. MONEY. Mr. President, the amendment which has been offered by the Senator from Nevada will have an effect which I think he does not contemplate and one which I think has not been considered by those gentlemen who have offered their support to it. It happens that I made an inquiry into this business a good many years ago. At that time I happened to be chairman of the Committee on Post-Offices and Post-Roads of the House, and I instituted, I believe, the first inquiry into what were called the star-route frauds.

I then attempted to do exactly what is attempted by this amendment, but upon consultation with the authorities of the Post-Office Department it was discovered that the field of competition in the business would be so narrowed that the effect would be to very much increase the cost of the service without in any manner improving its efficiency; and I think that will be the effect of this amendment if it becomes a law.

I have had considerable experience with post-office affairs, and I think I can say, and I think the postal authorities will bear me out in the statement, if this amendment is adopted the field of competition will be so reduced and so narrowed that the cost will be very much increased without in any manner increasing the efficiency of the service.

It is perhaps a very desirable thing that the local mails shall be carried by local contractors, but the local contractors can at any time have that privilege by simply underbidding everybody else. As the Senate very well understands, the bids that are made for these routes are first advertised for. The bids are all sealed; at a certain hour on a certain day they are opened; and no bid is permitted to be received after the opening has been begun.

The contractors who do the thing by wholesale here, the syndicate, put in their bids with a pretty full knowledge of what was the preceding cost of carrying the mail. They know exactly what they are doing, while the local bidder imagines that he and his neighbors are the only bidders, and he wants to make a considerable profit. The result is that the contracts go into the hands of the syndicate, who sublet them to these very same local bidders, who are not willing to bid low enough in the beginning.

I have no desire whatever to influence the action of the Senate on this matter, except to give what I consider genuine information on that point. For my part, I do not care to promote the fortunes of the contractors, or the subcontractors, or the local contractors, or the syndicate, but we are here to secure the highest possible efficiency in the postal service, and to get it at the lowest rate we can, and under the law as it stands to-day I believe we are doing that.

We have an efficient postal service in the star routes as well as otherwise, and we are getting it at a very low rate. The very fact that the local bidders do not get these contracts shows that we are getting the service cheaply.

I do not care anything about the amendment, but that is the fact, and a year's experience will demonstrate fully that under this amendment, if it becomes a part of the postal law of the country, the service on the star routes will be performed at a largely increased price and at the same time with doubtful efficiency.

Mr. STEWART. If there is to be a supervision of these contracts, I do not propose to pay to outsiders a large amount of money for doing it. I have prepared a further addition to the amendment, which is as follows:

Provided further, That the Postmaster-General may refuse to accept bids which he deems excessive, and readvertise the routes until he can procure the service for a reasonable compensation.

I ask that that be adopted in addition to the amendment which I have already offered, so as to throw this duty upon the Postmaster-General.

Before that is acted upon, however, I want to call attention to the fact that the Postmaster-General says it would be too expensive to give full details of these routes, but says if we pick out ten or twelve of them they will give the result. The Senate passed a resolution naming twelve of them. There were three or four hundred cases, and the Postmaster-General gives the details in ten or twelve cases, and then he says:

To recapitulate, the total number of contracts for service in the names of these twelve contractors is 6,080, on which the aggregate annual pay is $1,391,874.02. Of these, subcontracts have been filed in the Department for 5,775 routes, on which the annual contract pay is $1,289,756.52, and the subcontract pay is $1,147,610.60, the excess of the contract pay over the subcontract pay for those routes on which subcontracts have been filed in the Department being $142,145.92 per annum.

The go-between has secured over $142,000 on the few contracts which the Postmaster-General has picked out and sent to us. I have traveled by stage over two or three States and Territories considerably during the last vacation on the star routes, and I know the distressed condition of the service. I have also learned something of it by correspondence. All the while, no matter what bids the local bidders put in, the syndicate will bid a little lower. How one man can have four or five hundred contracts, and get the contracts regularly, I do not know. There has not been a contract let in all that region for years to the persons who perform the service; but the middlemen have made fortunes by the business. They must have some means of ascertaining the amount of other bids, which is not legitimate. The evidence of it is abundant. If the bids which are made are excessive, the Postmaster-General should refuse to let contracts in all such cases. He knows what they ought to be. Let him readvertise and let there be a supervision by officers of the Department, not a supervision by go-betweens, who are receiving hundreds of thousands of dollars every year from the Government for supervising this service.

Mr. WILSON. May I ask the Senator a question?

Mr. STEWART. Certainly.

Mr. WILSON. I call to mind right now a bid for carrying the

mails, where the local bidder bid $2,500, and some one here in Washington bid $625. Now, what would be the result if we adopt the Senator's amendment? Would it not be necessary for us to more than double the appropriations for this service?

Mr. STEWART. Not at all. I have prepared a further amendment to cover that point.

Mr. WILSON. In a case of that kind would not the local bidder very largely increase his bid? He thinks the service is worth more, but on account of the competition from the class of people here—I do not know what you call them—he is obliged to put in his bid at reduced rate, in order that he may get the contract in the first place.

Mr. STEWART. If the Postmaster-General can not make contracts directly without paying hundreds of thousands of dollars for superintendence, then we had better have the Post-Office Department abolished. I think the Postmaster-General ought to exercise his power and jurisdiction to refuse to accept any excessive bids. He knows what they are, and he knows just as well as the contractors what they ought to be. The balance of my amendment will place it in his power to supervise the matter and that ought to be done.

Mr. WILSON. Has there not been a constant and continued reduction of star-route appropriations and of the rate for carrying the mails during the last few years?

Mr. STEWART. Yes; but there has been no reduction in the amount of money which the middlemen have been receiving. Why should they be here and have opportunities to know as to these matters and to get large commissions? We should have that done by the officials, who should hold these contractors down.

I know of many instances where the service is so badly performed that the people do not get their mail regularly, and constant complaints are made. The contractors take advantage of the local men. They get their horses; they get their supplies; they get their living; and they make the local contractors carry the mail for practically nothing. It is very oppressive. It seems to me the Government should deal directly with the local contractors.

Mr. COCKRELL. Will the Senator allow me to ask him a question?

Mr. STEWART. Yes.

Mr. COCKRELL. The Senator says he knows of places where there is bad service.

Mr. STEWART. Yes.

Mr. COCKRELL. Is not that the fault of the local postmaster in not reporting it?

Mr. STEWART. Yes.

Mr. COCKRELL. The contractors are under penalties for every time the mail is not delivered at a given hour, and a deduction is made. If the service is not in accordance with the requirements of the law, it is because the local postmasters do not perform their duty and report it, for there is a fine attached in every one of these cases, and those fines have frequently driven contractors out of the service because the subcontractors did not fulfill the contracts, and they were made to suffer for it.

Mr. STEWART. The postmasters make their reports; but there is a controversy going on all over my State constantly between the contractors and the postmasters as to those reports. The postmasters have the right to make reports; but what I want to know is why is it necessary to pay these large subsidies to middlemen to run the Post-Office Department and see that we have proper contracts?

Mr. COCKRELL. The Senator talks about subsidies. Let me give him an instance. In one of the counties in Missouri a number of letters were written to me some years ago, appealing to me not to let a certain man have a contract for a mail route beginning at that point, on the ground that he had found that a poor, worthy, and deserving man who wanted the contract had put in a bid at a fixed sum, and this man had gone in and bid $10 below him, and the people there did not think the Post-Office Department ought to encourage such conduct as that. I went to the Post-Office Department to look into the matter, and there I found, I think it was, thirteen different bids; and this man's bid, that they wanted me to make the Post-Office Department accept, was from $75 to $100 higher than the lowest bid.

Mr. QUAY. Mr. President, I rise to a point of order. I am indifferent to the insertion of this amendment. In fact, I am rather favorable to it. If it is the sense of the Senate that it should go into the bill, I am ready to accept it and take it into conference and have it there considered. I am frank to say it has not been considered by the Committee on Appropriations nor by myself, having charge of this bill; but if there is a division of sentiment about it, it is at the mercy of any Senator who wishes to make a point of order. I will not make it if others do not; but if the discussion is to continue, the Senator from Mississippi [Mr. MONEY] or the Senator from Missouri [Mr. COCKRELL] can make the point of order on the amendment. It is general legislation, and therefore against the rule.

Mr. STEWART. I wish the Senator would let the amendment which I last sent to the Chair be read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nevada will be read.

The SECRETARY. The amendment is to add to the amendment previously adopted the following:

Provided further, That the Postmaster-General may refuse to accept bids which he deems excessive, and readvertise routes until he can procure the service for a reasonable compensation.

Mr. MONEY. I fear that the statement made by the Senator from Nevada [Mr. STEWART] will lead the Senate to a misapprehension of the facts. Of course he did not intend to do that; but as to the amount of money which he says is paid to these middlemen, I deprecate that fact as much as he possibly can. I would prefer to see the man who carries the mail get the whole compensation; but what the Senator should show to the Senate is what would it cost the Government if the plan suggested by him should be adopted. I can tell him a simple way to do that. If he would take the next lowest bids on all these routes to the bids that procured the job, and then see how much the Government has saved by syndicate bidding, as he calls it, then he would know exactly how much we shall have to pay if this system is broken up in the way the Senator desires.

It is very true that there is sometimes bad service, and there will be under any possible system, but in that case not only is the remedy mentioned by the Senator from Missouri [Mr. COCKRELL] available, but there is a further remedy, and that is that the bids of contractors who are what is called in the Department blacklisted shall thereafter have no attention paid to them at all. So there are two ways of compelling the contractor to render efficient and faithful service to the Government upon these several routes.

I have no desire in the world to press any point I have made against the amendment, except to inform the Senate that the system which is proposed by the Senator from Nevada will certainly very much increase the cost of the service. I know by personal experience and knowledge of these facts that very frequently, you may say in at least half the cases, the subcontractors are men who themselves have made bids upon these several routes and their bids were rejected because they were too high, and then they came in and did the work below the price of the syndicate bidder.

Mr. TILLMAN. Will the Senator from Mississippi allow me to ask him a question?

Mr. MONEY. Certainly.

Mr. TILLMAN. Has the Senator any information or would he be willing to express an opinion from his experience in the Post-Office Department as to whether there is not collusion on the part of those who open these bids and the syndicate bidders so as to let the syndicate come just below the lowest local bidder?

Mr. MONEY. Mr. President, I have no idea that there is any such collusion in the Department. I know that a great many people think so, but I have been very careful in my investigation of that Department for a number of years, and I do not believe that the thing is possible; I do not believe it exists, nor do I believe it is possible.

I believe that the administration of the Post-Office Department is as honestly conducted as it is possible for any Department to be administered where there are so many employees. As a matter of fact, the bids are opened at 12 o'clock on a given day, and no bid is received after the first bid is opened. After that hour all other bids are refused and are not examined, not even opened, and the lowest bidder gets the contract, unless that man is a blacklisted bidder, or unless he fails to make good the bond which is required, and in such cases the next lowest bidder is awarded the contract. In my opinion there is no collusion or fraud.

The men who make what are called professional bids, and who secure contracts over the local bidders, are men who study the business, while it is merely an occasional enterprise with the local bidders; it is not a regular thing. These syndicates, however, make this the business of their lives. I had sent to me from every quarter of the country, a good many years ago, the circulars which they send all over the United States in order to obtain information by correspondence as to the price of horses, the price of vehicles, the price of oats, corn, forage, etc., before they will undertake to bid at all.

They know exactly what the service is going to cost them, and, of course, in that way they have an advantage in bidding over the local bidders. Sometimes they lose, as I know. I know it to be a fact, for I have examined it in my own county where a man wrote to me that he had bid $150 on a mail route for which his neighbor had been getting $250. I examined the matter and found that the syndicate had bid $100, and so secured the contract. The syndicate have these losses, but on the average they make very large gains; they make large sums of money. I do not attempt to dispute that; but I simply want the facts to be known to the Senate, that when you adopt this amendment you will increase the cost of carrying your mails through the country, and I do not believe that you will add to the efficiency of the mail service.

The local contractors, as I believe, in half the cases carry the mails under a lower bid generally than that of the syndicate which secured the award. It would be very desirable, I think, if the money could be paid to the local contractors, and if they could perform the service without the intervention of middlemen. I agree with the Senator from Nevada that the inspection and regulation of the Department ought to protect the Government, and, in my opinion, it is protecting the Government to-day; but it is not protecting these other fellows from their contracts with the middlemen.

Mr. STEWART. You can go through that whole region of the West and tell half a mile off whether the service is being performed by the original bidder or whether it is sublet. That can be told on account of the poor horses, the miserable rigs, and the general starvation condition of the outfit. The condition they are in shows whether the contractor gets all the money or whether somebody else gets a part of it.

Mr. MONEY. I, of course, have nothing to say about the condition of the service in the West or in my own State, but I know that the Post-Office Department has a fixed schedule for the arrival and departure of every mail. The mails are required to start and arrive at a given hour and minute, and if they do not start and if they do not arrive at their destination at the time fixed, it is reported by the postmaster and a fine is imposed on the contractor. It is the duty of the contractor, as well as his interest, to see that his subcontractor faithfully performs the contract.

Mr. TILLMAN. Will the Senator from Mississippi explain to me how it is that the syndicate man gets the job in ninety-nine out of one hundred cases, even though the local bidder makes a lower bid than he?

Mr. BUTLER. Will the Senator allow me?

Mr. MONEY. Let me answer the Senator from South Carolina. In the first place, the syndicate contractors do not get all the contracts. The syndicate bidders may bid for 10,000 contracts and get 400. They cover the whole country with their inquiries and with their bids. There is no telling how many routes they bid for, and you can not form an idea from the number of contracts awarded to them. They do not get by any means all the contracts for which they bid. I wish we could get rid of them and at the same time save money to the Government.

Mr. TELLER. I should like to make a suggestion to the Senator, as I have had some experience in this question. For the last thirty-five or forty years I have seen the working of this system. If these syndicates knew that they had to carry out the contracts, they would not bid on them; they would quit; and they ought to quit, for it is a mere speculation. That being the case, the man who could carry on the work in proper style, in a proper manner, in a particular locality, would bid; and it is claimed that only a few of them now bid.

There has not been a syndicate that has been bidding since I have been acquainted with public affairs and with this system of doing business that would pretend to carry out all the contracts they would get. They would forfeit them. They would have to do it. They would be driven out of every community, and then the local competition would keep the service within bounds and you would get a decent service. The whole country West has been for years cursed with these syndicate bidders, and they were the people who got us into the star-route scandal. It came from that class of bidders.

Mr. MONEY. There is no doubt about that.

Mr. TELLER. Just as the Senator says, the people who have the necessary means and who are willing to enter into these contracts ought not to be required to do so below the cost of the service, and the Government ought not to ask them to do the work for less than they can afford to do it. The result is a horrible service. It is true the Postmaster-General can ruin all these people if he will, but he never does that. Their neighbors do not want him to do that, because they sympathize with the contractors, and they know the contractors have been compelled to take the contracts at such a rate that they can not make anything out of them. Frequently a contractor runs behind, and he is ruined. The people do not want the postmasters to say that if the mail is five or ten minutes or an hour late the contractor shall be ruined.

Public opinion does not support that, and it is never done. The public patronize the contractor in the way of using his stage. He is helped out in his stage line by his mail contract, and the owners of many of the lines could not afford to run them unless they had a mail contract. We should eliminate this speculative syndicate, which has no business to bid for work which it does not intend to perform. That is the evil we want to reach, and it can be reached by simply saying that the man who makes a successful bid must carry out the contract, and if he does not the Government will select some other man to do the work.

Mr. MONEY. In reply to my friend the Senator from Colorado, I desire to say that what he says about this matter strongly corroborates what I have myself said, that the tendency of the amendment is to increase the cost of the service.

Mr. TELLER. I say it will not increase the cost.

Mr. MONEY. Then I will ask the Senator why it is that the local bidder does not get the contract?

Mr. TELLER. The people in a community will not bid any more than the people who now secure the contracts; but hundreds of people living in a community will not bid against the syndicate.

Mr. TILLMAN. There is an idea among the people in my section of the country that they could not get anything even if they did bid.

Mr. TELLER. The public sentiment in all the Western country, so far as I know—and I know a pretty extensive portion of it—is that it is no use for a man to bid against the syndicate. They only bid as a matter of form more than anything else, and a great many will not bid at all.

I repeat, that the adoption of the amendment will not increase the cost, in my judgment. The Government will pay to the people in the various communities what it now pays to the syndicate, and even less. I believe we could secure good service for even less, because then we could get the people to bid. They know what the service ought to cost, and what it will cost them to run a reasonably accommodating and proper service for the people as well as for the Government—I mean stage lines as well as mail lines. The people of the country desire that the Government should help out the stage lines, and the stage lines accommodate the people as well as the Government.

Mr. MONEY. If the object of the postal bill is to furnish means of transportation for citizens of the several States and Territories, that is one thing; but if it is simply to secure the most economical administration of postal affairs, that is another matter.

Mr. TELLER. There are plenty of places where the mail could not be carried for twice what it is now carried if it were not carried in connection with a passenger line.

Mr. MONEY. That may be.

Mr. TELLER. And the Government gets the advantage of that.

Mr. MONEY. That is very true; but I want to say in reply to the Senator, that if he will examine the bids that come into the Post-Office Department, he will find there is not a single one of these routes where there is not from a dozen to two, three, or four dozen bidders, and they are generally from the various localities. Of course, the professional bidders bid against one another also.

Mr. WILSON. May I ask the Senator a question?

Mr. MONEY. Certainly.

Mr. WILSON. Supposing, which is often the case, that one of these syndicates secures a contract and then sublets it, which is nearly always the case——

Mr. MONEY. Nearly always the case.

Mr. WILSON. Is there any authority in the law to authorize the Postmaster-General to see that the subcontractor secures his pay?

Mr. MONEY. Oh, yes; the subcontractor immediately files his subcontract with the Postmaster-General, and every dollar he is entitled to goes to him.

Mr. WILSON. Is not the Senator from Mississippi mistaken about that.

Mr. MONEY. No, sir; I am not. I am correct about it. The subcontractor, if he chooses to file his contract, draws every dollar to which he is entitled. If he does not choose to file his contract, then he is at the mercy of the contractor.

Mr. WILSON. May I ask the Senator does the same rule apply to the steamboat service as well as to the star-route service?

Mr. MONEY. I do not know about that. I think the steamboats get paid for the service which they perform.

I simply desire to say that I do not want to sit down until I add that I sympathize with the object sought by the Senator from Nevada [Mr. STEWART]. I have had letters and appeals to me often and often, and I do not know that I am prepared to say that I shall not vote for the amendment of the Senator from Nevada; but I simply want to give the Senate notice that events will justify the statement I now make, that if the amendment becomes part of the law, it will very largely increase the cost of carrying the mails.

Mr. CHANDLER. Mr. President, I desire to say a word or two in connection with this amendment. I have had great difficulty in hearing what other Senators have said, as two, three, or four have been speaking at the same time. Therefore what I say may be only a repetition of what may have been well said by the Senator from Mississippi [Mr. MONEY], the Senator from Nevada [Mr. STEWART], the Senator from Colorado [Mr. TELLER], and, not to forget him, the Senator from South Carolina [Mr. TILLMAN].

Mr. President, I hope the point of order will not be made upon this amendment. I hope the committee will allow it to go into the bill, and that the conference committee will consider whether

they can consistently with the protection of the rights of the Government do something to break up the evil which exists in consequence of what the Senator from South Carolina so felicitously called "syndicate bids."

If the question was only one with the bidders of carrying the United States mail, I should not complain. I should not complain, however low the bids might be, of these syndicate bidders or of these professional bidders, because the Government would get the benefit of the lowest price, and the Postmaster-General would see to it that the successful bidders performed their contracts. But here is the precise evil which I do think ought to be corrected: In the case of a large portion of those star-route contracts the mail is carried by a stage driver. He has his little mail route; he has his horses and his wagons, and does a little express business, and he carries passengers.

Perhaps, for illustration, his gross receipts may be a thousand dollars a year, and he receives for carrying the mails only $200 a year. If that stage driver is deprived of his mail pay, it is a serious blow to him, and in most cases the amount he is receiving, as in the case I suppose, $200, for carrying the mail, perhaps a thousand dollars for other business, is no more than fair compensation for carrying the mails. But there comes along one of these professional bidders who knows that if he can take the $200 mail contract away from this little contractor he can destroy his stage route. If he takes it away absolutely, he can destroy the profits of his staging business.

He learns that the stage driver has been in the habit of carrying the mail for $200 a year, and he bids $190, which is $10 less; and then he blackmails the owner of the stage route, who, rather than lose the mail contract, rather than give up his business, rather than sell his horses and his wagons and retire from a business in which he has been accustomed to earn a livelihood, agrees with this professional bidder to carry the mails for $100. The professional bidder puts $90 in his pocket and goes off. In brief, that is the system which prevails all over the star-route country. From one end of the United States to the other where the mails are carried by horses, wagons, and stages this system of professional bidding or syndicate bidding prevails. There ought to be some way of breaking it up.

The proposition of the Senator from Nevada is a very simple one, that in every case the bidder shall either enter into the contract or make default and pay penalty, or, if he makes his contract, that he shall fulfill it himself, by himself or his direct employees, and he shall not be allowed to make subcontracts, which are generally made with bidders of this class, honest men engaged in the transaction of a legitimate business. Mr. President, that is the remedy proposed by the Senator from Nevada. I think it is a good one. There may be devised some other or better method of striking a blow at this evil which prevails in the public service, not so great as some other evils which ought to be stricken down, but still a clear, distinct evil which stands out in the administration of the Post-Office Department.

I think the Senator from Pennsylvania, who at first said that he would not make the point of order on the amendment—and I do not understand that he has made the point of order on the amendment—ought to let it go into the bill, and then there should be brought to bear upon it all the wisdom and skill which the conference committee can give to the labors upon which they are about to enter, to find some solution of this question, which is of comparatively small consequence to us here, but is of a great deal of consequence to many an honest, hard-working stage driver in some part of this great country of ours.

Mr. QUAY. I have already stated that I have no objection to taking this amendment into conference, and I am ready to accept it if the Senate is ready to come to a decision upon it. I do not want, however, to obstruct the passage of this bill by an interminable discussion of an item which was not passed upon by the committee, and I will make the point of order if the discussion is to continue further.

Mr. COCKRELL. I see the Senate is disposed to accept the amendment. I simply desire to say that it will cost the Government not less than $5,000,000 more than it does now.

Mr. SPOONER. How is that?

Mr. COCKRELL. It will result, in my judgment, in costing the Government not less than $5,000,000 more than it costs it now.

Mr. TELLER. In my judgment, if the Department will take the proper steps, the adoption of this amendment will save the Government money.

Mr. CHANDLER. I hope the Senator from Pennsylvania will carefully compare the two statements in conference, the one made by the Senator from Missouri, that it will cost $5,000,000 more, and the other, the statement of the Senator from Colorado, that it will save money to the Government, and try to work out that exact truth for which the Senator from Pennsylvania is continually seeking.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair will again put the question on agreeing to the amendment proposed by the Senator from Nevada [Mr. STEWART].

The amendment was agreed to.

Mr. QUAY. The clause in relation to rural free delivery was passed over, and it may be taken up now.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The Committee on Appropriations report an amendment, to strike out, on page 5, after line 3, the following:

For rural free delivery, including pay of carriers and horse-hire allowance, $300,000: *Provided*, That the Postmaster-General is hereby authorized to expend during the current fiscal year for rural free-delivery service, in addition to the sum provided above for such service, a sum not to exceed an amount equal to the aggregate amount of the compensation paid to postmasters, for cost of mail transportation, star-route service, and mail messenger service that may be discontinued by reason of the establishment of rural free-delivery service, during the same period of the present fiscal year, as shown by the records of the Auditor for the Post-Office Department: *And provided further*, That no portion of the above sum provided for the support of the rural free-delivery service shall be used for any other purpose than for payment of carriers and horse-hire allowance, and necessary equipments or mechanical appliance.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Appropriations striking out the language which has been read.

Mr. QUAY. Mr. President, with respect to rural free delivery, as is well understood by the Senate, the scheme of the Post-Office Department is to bring the mails to every individual in the country—in cities, towns, and rural districts—to his door as nearly as possible. In the last appropriation act—I think it was in the last one—an appropriation of $50,000 was made for this experiment. It was regarded then as purely experimental and the proposition of doubtful propriety. That money was expended, and expended in a way that produced results that were satisfactory to the Department, and I understand they recommend the continuance of the system.

When the present bill was introduced in another branch of Congress an appropriation of $150,000 was conveyed for the purposes of rural free delivery, and the language of the previous act, indicating the opinion of Congress that it was a mere experiment, was stricken out, so that it became, as introduced and passed in that branch, practically an established item of post-office expenditure. On the floor this appropriation was increased to $300,000, and was afterwards passed at that figure; and it came to the Committee on Appropriations of the Senate in the form in which it is found in the lines that are proposed to be stricken out on page 5 of the bill—an absolute appropriation of $300,000, with the provisos which are found appended, the first proviso amounting to a considerable increase of the $300,000 appropriation.

The subcommittee in charge of the bill, while of the opinion that the adoption of rural free delivery as a permanent part of the Post-Office establishment would increase the expenditures on account of that Department to the extent of fifteen or sixteen million dollars per annum, still did not feel disposed to discontinue the experiment and strike out the provision which came from the House. The provisos were stricken out; the word "experimental" was inserted between "for" and "rural," in the fourth line of the fifth page, to reduce it to a continuing experiment, instead of an established factor in our legislation; and the appropriation of $300,000 was reduced to $200,000, which I thought at the time was a wise disposition of it.

Afterwards, in full committee—and I suppose I am not violating any rule of the Senate in stating this—the subcommittee was overruled and the entire appropriation was stricken out on the ground that it was certainly fastening upon the Post-Office Department and upon the country an expense which in the future would be more than the country would be able to bear.

Whether or not the House provision shall be sustained or the provisions of the Senate subcommittee or of the Senate Committee on Appropriations is a question for the Senate. It was my own judgment that the proposition of the subcommittee, continuing the experiment at a reduced appropriation, was the proper one.

Mr. CHANDLER. Mr. President, in the spirit of honorable compromise, in order to expedite the passage of this bill, for my part I should have no objection to inserting the word "experimental" before "rural free," so as to read "for experimental rural free delivery," striking out the words "including pay of carriers and horse-hire allowance;" retaining the sum "$300,000" and striking out all of the rest of the paragraph. That would then throw into conference the question of the conditions and limitations which ought to be imposed upon the expenditure of the $300,000. But I am very much opposed to the striking out of this whole provision. I am very much opposed to a refusal by the present Congress to expend this $300,000 another year in continuing the experiment as to rural free delivery.

This bill carries in ten lines $80,500,000 to be paid to the railroads of this country. There has been great complaint about those payments to the railroads. It is constantly asserted that the payments are too large; that when the mails are weighed for the purpose of determining the amount of money to be paid to the

railroads the mails during the period of the weighing are artificially enlarged. There are those who have investigated this subject who say that $20,000,000 is enough to pay the railroads of the country for the transportation upon the cars instead of the $30,500,000 that is proposed to be appropriated by the pending bill. The Committee on Appropriations have very wisely made provision for investigating the subject of the pay of railroads for transporting the mails, and before this bill is passed the subject will be discussed by other Senators. But there is that enormous amount paid to the railroads of this country in addition to the large sums paid for star-route service.

Now, here is a proposition made by the Senate committee to refuse to go any further with this little boon, if you may call it such, this little convenience, that is being extended to the farmers and the inhabitants of the rural regions in almost every section of this great country of ours. The report of the First Assistant Postmaster-General, Mr. Heath, dated October 12, 1897, discusses the subject of rural free delivery and gives several pages to its exposition. I will read only one paragraph:

> The general results obtained have been so satisfactory as to suggest the feasibility of making rural delivery a permanent feature of postal administration in the United States; not immediately, or in all districts at once, but in some gradual and gradated form, the character of which might be regulated by the tenor of the reports herewith presented as to the experimental service.

I also have in my hand a letter from Mr. Heath, dated May 5, 1898, addressed to the junior Senator from Colorado [Mr. WOLCOTT], chairman of the Committee on Post-Offices and Post-Roads, which contains this paragraph:

> The tests of rural free delivery which have been conducted for almost two years and recent exhaustive investigations convince the Department that the service is feasible and can be successfully conducted with a reasonable net cost to the Government. I inclose you a copy of my latest report, in which the question is fully canvassed. I also inclose a memorandum which may be of service to you.

I ask that the letter and the memorandum may be inserted at the close of my present remarks.

The PRESIDING OFFICER. Without objection, the papers will be inserted in the RECORD.

[See Appendix.]

Mr. CHANDLER. I have not heard any reason assigned for not continuing this experiment. I have not heard of any serious aspersion upon the experiments which have been hitherto conducted. I know there have come to me from various sections of the country and to other members of the Committee on Post-Offices and Post-Roads many expressions of satisfaction with the experiment, many expressions of a desire that the experimental service shall be continued and enlarged. This question will have to be met at some time, whether or not we shall do as many other countries do—undertake the carrying of the mails to the doors of the houses of the rural population of our country. We expend for letter carriers in the cities over $13,000,000, as will be seen by the following clause of the bill:

> Free delivery service: For pay of letter carriers in offices already established, and for substitute letter carriers and for temporary carriers at summer resorts, holiday and election service, $13,085,400.

We spend $13,085,400 in the cities of this country, and it seems that we spend some of it at the summer resorts of the country. The Senator from Pennsylvania, with his usual accuracy, has figured it out to a precise sum—$13,085,400—and at the same time, in obedience to the direction of a majority of his committee, he insists upon striking down this comparatively little appropriation of $300,000 for the rural sections of this country, the people in which are quite as anxious to get their newspapers and their letters delivered at their doors as are the inhabitants of our great cities and of the summer resorts.

I prefer to be persuasive rather than condemnatory. So I hope the Senator from Pennsylvania will feel authorized in behalf of his committee to accept my suggestion of a compromise of this matter and let the appropriation remain in—$300,000—and strike out all the conditions and limitations, and let those be adjusted according to the judgment of the conference committee. I have already stated, as the Senator from Montana [Mr. CARTER] reminds me, that there will be no objection to inserting the word "experimental" before the words "rural free delivery," so as to show that this whole business is still experimental; and I hope this arrangement may be made.

APPENDIX.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF SUPERINTENDENT FREE-DELIVERY SYSTEM,
Washington, May 5, 1898.

SIR: I notice that the H. R. 9008, an act "making appropriations for the service of Post-Office Department for the fiscal year ending June 30, 1899," has been reported by the Appropriation Committee with the item for rural free delivery stricken out.

The tests of rural free delivery, which have been conducted for almost two years, and recent exhaustive investigations convince the Department that the service is feasible and can be successfully conducted with a reasonable net cost to the Government. I inclose you a copy of my latest report, in which the question is fully canvassed. I also inclose a memorandum which may be of service to you.

I hope that the item may be restored as it came from the House, excepting the proviso appearing on page 5, commencing in line 15 and running to and including line 20, as follows:

"*And provided further*, That no portion of the above sum provided for the support of the rural free-delivery service shall be used for any other purpose than for the payment of carriers and horse-hire allowance and necessary equipments or mechanical appliance."

The item ought to be made to read:

"For rural free delivery, $300,000."

This would leave the Postmaster-General that full discretion and latitude in its disbursement which are necessary in the inauguration of a new service. Should the Senate desire, however, to place a limitation on the manner in which the money shall be disbursed, I suggest the following amendment, to be inserted after the $300,000, in line 5, page 5:

"*Provided*, That the Postmaster-General may use not to exceed 15 per cent of the above sum for the inauguration and supervision of the service, and for necessary supplies: *And provided further*, That the persons employed to inaugurate and supervise the service shall be paid salaries and per diems not in excess of those paid post-office inspectors."

Very respectfully,

PERRY S. HEATH,
First Assistant Postmaster-General.

Hon. E. O. WOLCOTT,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate.

MEMORANDUM.

With an appropriation of only $50,000 available for the purposes of rural free delivery, but coupled with a proviso that this amount should be expended in the discretion of the Postmaster-General for the establishment of an experimental service, the Department has been able to extend rural free delivery over 150 routes, branching out from 70 post-offices, located in 30 States and Territories.

This service has been maintained without a deficiency, and successfully so in every delivery except one, and there the service was discontinued on the 1st of April last.

The distribution of the service has been as follows:

One route each in the State of Alabama, Territory of Arizona, and States of Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Missouri, Nebraska, North Carolina, Oregon, Virginia, Washington, and Wisconsin.

Two routes each in the States of California, Illinois, Kentucky, Maryland, and Vermont.

Three routes each in the States of Michigan and Pennsylvania.

Four routes each in the States of New York, Ohio, Tennessee, and West Virginia.

Five routes in Maine and Massachusetts.

Eight routes in Indiana.

A number of new routes have been surveyed by special agents of the Department, paid out of the appropriation, in the States of Pennsylvania, New Jersey, Michigan, Ohio, Vermont, New York, and elsewhere, and are ready to go into effect on the 1st of July next, provided Congress should so authorize. In quite a number of these routes it is found that the service can be established without any increased charge on the postal revenues, taken as a whole, by the discontinuance of star routes and fourth-class post-offices which will be rendered unnecessary by the proposed rural service. It has been the aim of the Department to put the service in operation as far as practicable:

First, in thickly settled farming communities, where the amount of mail matter handled will render the service self-supporting.

Second, in such districts where existing service, less efficient than rural delivery, and far less satisfactory to the people, but costing as much as or more than rural delivery, can be dispensed with.

In order to attain this result it has been found absolutely necessary to send out men who can devote their whole time to the examinations called for, without being distracted by other duties, and who can travel over the ground proposed to be traversed and make their recommendations with a full knowledge of the facts.

Under the discretionary power heretofore lodged with the Postmaster-General this has been done.

It could not be done effectively and promptly if the executive officers intrusted with the establishment and maintenance of this experimental service had to supervise it through other divisions than that controlled by themselves.

Mr. QUAY. I do not feel authorized on the part of the committee to accept the suggestion of the Senator from New Hampshire, although personally it is entirely grateful to me. If the Senator from New Hampshire desires to present it to the Senate, I will not seriously antagonize it.

Mr. CHANDLER. The first thing necessary is to vote down the amendment of the committee, which is to strike out the whole clause.

Mr. CARTER. To disagree to the amendment.

Mr. QUAY. The Senator can move an amendment to the amendment.

Mr. CHANDLER. I ask that the amendment be divided.

Mr. FAULKNER. It seems to me that the best course to pursue is to take the sense of the Senate first on striking out the whole provision. If that is determined in the negative, of course then the text of the bill is subject to amendment.

As I understand, the subcommittee who had charge of this bill were in favor of striking out the two provisos, but they were in favor of retaining the appropriation for rural delivery with the term "experimental" inserted. I hope the Senate will agree to follow the subcommittee instead of the full committee and will vote down the proposition of the committee, which is to strike out the whole provision, and then amend the clause in accordance with those views. I do not think we ought to do away entirely with the rural delivery.

The PRESIDING OFFICER. The Chair will take the liberty to suggest to the Senator from West Virginia that if the entire language proposed to be stricken out is stricken out, there will then be nothing to amend.

Mr. FAULKNER. That is true. If a majority of the Senate strikes it out, it does not want any amendment.

Mr. CHANDLER. If we can have a vote on the first two lines, to disagree to the amendment to strike those out, then the subject

is presented as I think the Senators are willing to have it presented. I ask for a division, having the question first put on the motion to strike out down to the end of the words "three hundred thousand dollars."

Mr. QUAY. Let the question be put.

The PRESIDING OFFICER. The Senator from New Hampshire asks for a division and a vote upon the motion to strike out the language which the Secretary will report.

The SECRETARY. It is proposed to strike out, beginning in line 4, page 5, the following:

For rural free delivery, including pay of carriers and horse-hire allowance, $300,000.

The PRESIDING OFFICER. The question is on agreeing to that portion of the amendment proposed by the committee.

Mr. BUTLER. I understand the Senator from Pennsylvania who has this measure in charge has agreed to divide the question.

Mr. QUAY. I have agreed to divide the question.

Mr. CHANDLER. Let the test be taken whether or not we will strike out the $300,000 appropriation.

Mr. BUTLER. That is the only question.

Mr. CHANDLER. No; then there remains——

Mr. BUTLER. Suppose the Senate strikes that out?

Mr. HALE. Why does not the Senator from North Carolina proceed?

Mr. BUTLER. Mr. President, I am willing as one of the friends of this proposition to accept the suggestion of the Senator from New Hampshire that after we take a vote on this provision, if the Senate shall see fit to retain it, we will insert the word "experimental." I think we should not make this a permanent system until there is a thorough and full experiment, and that is the purpose of asking for this appropriation. The Post-Office Department does not feel that it has had appropriations heretofore large enough to make a fair test. That is the whole question.

Mr. MASON. The Department approves of the plan so far as they have been able to make the test.

Mr. BUTLER. They approve of the plan, and every person living where it has been tried approves it. Every postmaster and every patron approves it. Here is the report of Postmaster-General Wilson and one from Postmaster-General Gary, both of them approving it, and they give extracts from letters and reports from every office where it has been tried. Everybody approves it and nobody opposes it—nobody either in the Department or in the country where it is tried. Everybody living in places where it has been tried is enthusiastic in support of it, and the extracts from letters show the great convenience it is to the people and how much they appreciate it.

Mr. President, this ought to be an experiment. It ought not to be a permanent thing until the experiment under the appropriation of $300,000 is made, which will cover every State in the Union. It will give the Department a chance to put the whole question to a thorough test and make a full and complete report to the Congress as to whether or not it should be made permanent, and if so under what conditions and to what extent we should start and how gradually or rapidly we should extend it. That is the purpose.

If we do not make this experiment, we throw away all the experiments we have made. The experiments have been highly satisfactory, but they have been partial. There has been only one place in my State. There should be three or four places in North Carolina—one in the mountainous section, one in the central portion, one down east—and so there should be in every State in the Union, because of the different conditions in the different territories, the density of population, mountainous and level countries. Those sections should all have an experiment, and after a fair test and experiment in every State in the Union, then we can have a recommendation from the Department that will be full, comprehensive, and then will be the time for Congress to decide whether or not it will make this feature a permanent part of our postal system.

Mr. HALE. Mr. President, I do not believe in the wisdom of what is known as the rural free mail delivery, nor do I believe that the people of the country are interested in it or ask for it. My experience, living in a sparsely settled community, is that the people are satisfied with the present methods of post-office delivery, and they do not object to going to the small post-offices to get their mail, and that this agitation is forced and is not a popular agitation. Every dollar that is expended in this direction commits the country to the final delivery to every house of the mail matter going to that house. Every step that we take will lead to that.

Give the Department $30,000,000 and the Department will report in favor of it, because it is its work, and its favorite work. Give it $100,000 and it will report in favor of extending it. Give it $300,000 and it will report in the same way, and out of it will come almost the doubling of the present enormous expenditures of the Post-Office Department, and I venture to predict that the result will be as I have stated it. Therefore, without consuming any more time I for one shall vote against any proposition extending the rural mail delivery.

Mr. FAULKNER. Mr. President, I do not understand upon what ground the Senator from Maine reaches the conclusion he has stated to the Senate. All the officials having charge of this particular service have reported to the committees and to Congress that in their judgment it should be continued in the experimental stage it now is, and the Department ask for a larger amount so as to develop the system beyond what may be considered very thickly settled sections of the country in which it has been tried.

Mr. HALE. Has the Senator any doubt that if we give the Department $300,000 for this year next year they will come in and ask for $600,000?

Mr. FAULKNER. What I want to do this year is to give the $300,000 and then require the Department to make a report of the exact saving in cost, if any, or of the extra expense by reason of the experimental work on rural free delivery which they have engaged in.

Mr. HALE. Setting aside what the Post-Office officials report, has the Senator himself any doubt that rural free mail delivery will add immensely to the expenses of the Post-Office Department?

Mr. FAULKNER. That depends upon the extent to which the system may be carried. On many of the routes that have been established I am informed that money has been saved. I was informed by an inspector of the Post-Office Department two weeks ago, in a conversation with him, that he had saved money on the routes he had established. Senators must remember that, as a general rule, when these routes are established it saves the cost of a star route or, perhaps, of two or three star routes. It saves also the cost of a number of post-offices on the line of the rural delivery.

Mr. HALE. Those expenses are small.

Mr. FAULKNER. Except as to the star routes. The post-office itself is small and the cost is very light.

Mr. HALE. The Senator will find, just as sure as tides and sunrise come, that this will involve the Government in an enormous expenditure the more it is applied. Every appropriation will increase just as the appropriation this year over that of last year. We gave them last year $50,000; now they want $300,000. They will want $600,000 next year; and then will want to extend it further: and there will be no stopping it.

Mr. FAULKNER. That is a matter for Congress to determine after the result of the examination comes in. For example, there is no facility given to the people through the postal service that is not an expenditure of public money and an increasing expenditure annually. Just think of $13,000,000 for carriers in cities. What does the Department do with that $13,000,000? They have many deliveries, deliveries four, five, and six times a day, when there is no necessity whatever for such frequent deliveries.

Mr. HALE. I agree with the Senator. That is one of the things which has been overdone, and it is wrong. It involves the expenditure of a great deal of money that we ought not to expend. The proposition to deliver mail to cities seven and eight times a day is absurd.

Mr. FAULKNER. Of course it is.

Mr. HALE. It ought never to be done.

Mr. FAULKNER. Why, then, is not the Senator from Maine willing to cut that down?

Mr. HALE. I am.

Mr. FAULKNER. And give to this experiment the comparatively small appropriation of $300,000.

Mr. HALE. I would cut that down and keep this appropriation down, too.

Mr. FAULKNER. Let the experiment be fully tried and the Senator may favor it next year.

Mr. HALE. After the Post-Office Department has agitated the subject constantly there has grown in the mind of men in the cities the idea that they must have the mail brought to them every hour. The Government ought not to do it, but we have done it. That appropriation ought to be cut down one-half.

Mr. FAULKNER. And just as soon as the gentlemen who are engaged in business in a city go to the seashore resorts, where they go, as we understand, for recreation and rest, there is still a demand that they shall have the carrier service almost as frequent as when in the city. Yet whenever those representing rural constituencies ask that even a small appropriation shall be made in order to experiment upon this service and bring to Congress the information upon which they can form a definite and satisfactory judgment as to what is proper for the future, the cry is made, "If you give here for experimental purposes, it will become a permanent system." I think the Senate ought to give to the rural constituencies this comparatively small appropriation for the purpose of experimenting in reference to this character of service and for the purpose of giving information to Congress upon which future action can be based.

Mr. PASCO. Will the Senator from West Virginia allow me to ask him a question?

Mr. FAULKNER. Certainly.

Mr. PASCO. I should like to ask the Senator what facts in regard to the service are not already well known? It seems to me it is proposed that a very large amount of money shall be expended for merely experimental purposes. There has previously been an appropriation, I understand, from year to year for the same purpose.

Mr. FAULKNER. Only a very small sum.

Mr. PASCO. What was the amount appropriated last year?

Mr. FAULKNER. Fifty thousand dollars.

Mr. PASCO. What additional facts can be ascertained by expending six times that amount?

Mr. FAULKNER. I will state the additional facts. The Department, having only a small amount, proceeded to establish free rural delivery in very thickly settled communities, and they now want a larger amount to extend the service. It has worked admirably there, and they have approved the system thoroughly as far as it has been established, but they are not themselves satisfied that an extension of it into more thinly settled communities would prove beneficial to the public and in the interest of the public service.

Mr. HALE. When the Senator says it has worked admirably, what does he mean? In what way has it worked admirably?

Mr. FAULKNER. I mean in giving satisfaction to that element of the community who have been served with these conveniences, just as the carrier service has worked admirably and given satisfaction to the cities.

Mr. HALE. My experience among my own constituents is that the people do not ask for this service and do not care for it, but if the Government will go into a country district and spend money, employing men and employing horses to distribute the mail at every man's door, they will accept it; they will not revolt against it.

Mr. FAULKNER. The employment of men as carriers and even with the horses they use in the carrier service is the most economical.

Mr. TILLMAN. Will the Senator from West Virginia allow me to ask him a question?

Mr. FAULKNER. Certainly.

Mr. TILLMAN. How long has it been since the carrier system in the cities has been adopted?

Mr. FAULKNER. It was established about eighteen years ago.

Mr. TILLMAN. Was it not begun experimentally, just as this service has been begun, and has it not been extended experimentally to cities of smaller and smaller population?

Mr. HALE. Exactly; it was done in an experimental way. At first it was limited to very large cities, and then we kept cutting it down and finally gave it to cities of 10,000.

Mr. TILLMAN. You mean rather extending it, not cutting it down. It was extended to communities of smaller population?

Mr. HALE. All the time.

Mr. FAULKNER. The law has been the same all the time. It applies to all cities over 10,000 population or where the receipts are over $10,000. But the appropriations have not been sufficient to cover all of the cities that come within that provision of the law.

Mr. HALE. At one time the limit was to cities with a population of 50,000. Then it was cut down to 25,000, then to 10,000, and, as the Senator from South Carolina suggests, it kept going on, and it is extending and ramifying all the time.

Mr. FAULKNER. The question is why should not the smaller communities be served by the system as it is developed. The carrier system has increased the mail receipts immensely, as shown by the Department report. Why should not cities of smaller population gradually come in and have the benefit that the larger cities enjoy? I see no reason why they should not.

Mr. PASCO. The Senator speaks of the success of the experiments already made. Have they resulted in a reduction of the clerical force in any post-office, or reduced the expenditures of the Government in any other direction, or have they simply enlarged the expenses of the Government in a new direction?

Mr. FAULKNER. Unfortunately we have no definite information from the Department as to the relative cost, and for that reason I would be unwilling to fix it in any way as a permanent system upon the Government. But there is no question that on a number of routes it has saved expense to the Government by doing away with the star routes and the post-offices. The Senator from Florida knows as well as I do that in many of these post-offices there is no one except the postmaster himself; that he has no clerical force. They are all small offices which are served by this carrier system. I thought, and the subcommittee thought, we ought to make the experiment for a year longer with an appropriation that will give the Department an opportunity to fully test the system.

Mr. PASCO. Mr. President, it seems to me that we are expending a great deal of money, in one way and another, in enlarging the operations of the Post-Office Department, and I have yet to see any result, so far as the reduction of expenditures in any direction is concerned. We have seen during the last year or two a lot of white cars running all around the streets of our city on the railroad tracks, but I have never seen a statement as to any reduction because of this car service of the clerical force in the post-office here or in the number of carriers who collect letters.

It seems to me that these matters ought to be investigated, and that extensions of the service in new directions ought to based upon some idea of economy. There should be some compensating reduction of the clerical force or other advantage if we are to enlarge the operations of the Department in new experiments.

For one I am unwilling to see this large increase from $50,000 to $300,000 for the purpose of experimenting further with reference to rural free mail delivery. It appears to me that the Department ought to be able to gather the results that are sought from the experiments already made without the expenditure of further and larger sums of money. If by increasing the number of the delivery clerks and carriers and sending them out into the highways and byways and the small country towns there can be any reduction of expenditure elsewhere, then there may be some good reason for the proposed appropriation of $300,000. But I think as the Senator from Maine does, that there is no popular demand for sending carriers out to deliver the mails in the rural districts. I regard it as a very doubtful scheme to enlarge our operations upon.

Mr. QUAY. Mr. President, in reference to the point the Senator from Florida makes as to expenditure, of course the net result of the introduction of this system throughout the United States is all a guess. The Department officials could give us but a guess. But in answer to the question as to the net result to the Treasury, it was stated before the subcommittee that balancing the benefits to accrue from the abolition of offices, of star routes, and other reductions against the increased expenditures under the rural free-delivery system, the balance against the Government would be from $15,000,000 to $20,000,000; that is, with universal free delivery, as nearly as the Department officers could guess, the Post-Office appropriation would annually be from $15,000,000 to $20,000,000 more than it is now. That was purely an estimate, a guess, based upon the universal extension of the system.

Mr. PASCO. Can the Senator from Pennsylvania state what saving has been accomplished by the establishment of the cars on the street line railroads? They must be very expensive. I see two or three clerks in each of them, and I am unable to see what work they perform that can not be performed by the carriers that go around with vehicles and gather mail matter from the boxes. It seems to me that it must be a large additional expense, and I am unable to see any advantage to the Government that is derived from it. It would be well for us to look into matters of this kind when we consider that there is a constantly increasing deficiency in the Post-Office Department.

Mr. QUAY. I can not give an answer to the Senator from Florida, as my attention has not been directed to it, but I understand that there is not a material increase arising from the employment of the electric lines at any rate.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2680) amending "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893.

Mr. QUAY. I ask that the regular order be informally laid aside.

The PRESIDING OFFICER. Without objection, that order will be made.

PRESIDENTIAL, VICE-PRESIDENTIAL, AND CONGRESSIONAL TERMS.

Mr. CHANDLER. I also ask that the special order for 2 o'clock to-day, being the joint resolution (S. R. 83) proposing an amendment to the Constitution of the United States, may go over until Monday next with the same privilege it has to-day.

The PRESIDING OFFICER. Without objection, that order will be made.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, the pending question being on the amendment of the Committee on Appropriations to strike out the provision for free rural delivery, on page 5 of the bill.

Mr. PETTIGREW. I should like to ask whether the scheme of the rural free delivery contemplates abolishing the country post-offices?

Mr. QUAY. As far as practicable, I understand.

Mr. PETTIGREW. The proposition, then, is to distribute from the large mail centers?

Mr. QUAY. As far as possible from central post-offices.

Mr. PETTIGREW. I have not given this subject very much consideration, but it seems to me that the argument in favor of rural free delivery is not sufficient to justify the expenditure. I do not believe the farming communities of the West desire rural free delivery. I believe they would rather have the country post-offices. It seems to me that about as far as we will get with rural free delivery, if we adopt it, is to distribute the mail to suburban towns, to cottages along the sea in summer, and to farmers who farm for fun. The farmer of the Western prairies, the farmer in Illinois, in Iowa, Minnesota, and the Dakotas does not spend his time writing letters; and while he does write and receive some mail, I believe the farmer's boy considers it a privilege if he can be allowed, when his turn comes, to go to the post-office.

I do not think that the establishment of this system is justified or that the expense is warranted by the adoption of the rural free delivery, and neither do I believe the people want it. I have never, during my service in the Senate, received a single letter from any constituent of mine, from any resident of the State I in part represent on this floor, demanding rural free delivery. I doubt if the demand comes from the farming people of the country. The farming people of this country demand something else. They demand a fair share and a fair show in the struggle for existence. They demand laws which will give them an equal opportunity. They demand that the railroads shall be controlled in the charges made for the transportation of their products. They demand an even, unvarying measure of value by which their products shall be measured. They can not be satisfied with any humbug of a rural free delivery. It is not an issue. It is unnecessary and unwarranted, in my opinion.

Mr. BUTLER. Mr. President, the Senator from South Dakota usually takes a correct view of matters pending here, but he is away off this morning. He is usually in touch with the people, but he is not on this occasion. Certainly he has not read the reports of the Postmasters-General, from Postmaster-General Wanamaker down. The Senator from Maine has not read those reports, for he says there is no demand from the people for this service. The Postmaster-General, in his report for 1897, states that when the first appropriation was made at once there were requests from people over the whole country to give them the service in this section and that section and have the experiment tried in their locality. He has been flooded with applications ever since for more places than the appropriation could supply, and the service never has been located at a place where they have not had piles of letters asking the Department not to discontinue it, but to continue it.

The report is full of extracts from letters to the Department from citizens of the State of Maine, although it gives extracts from but a very small part of the letters received, and it gives piles and piles of names when it can not make extracts any longer. The public sentiment in the country never was clearer, never was more unanimous and emphatic. It is true that where they have not had the system they do not know what it is.

Mr. HALE. It is a singular thing, if that is true, that some of us who represent rural communities—and I do—have not heard of it. The State that I in part represent is a rural State; it has no large cities; it is a country population. In all of the years that this subject has been agitated by the Post-Office Department sending out circulars and inviting requests I do not remember to have heard it mentioned by a single man, woman, or child in the State of Maine. They do talk about other things.

Mr. CHANDLER. Has the Senator ever heard of the action of the granges in his State?

Mr. HALE. Oh, undoubtedly.

Mr. CHANDLER. When the Senator has carefully perused the statements of the granges to find out what his farming population want, has he omitted to read that one of the things they say they want is rural free delivery?

Mr. HALE. I know all about that. I know how those things come about. Our people talk about things that do interest them. They are intelligent; they know what their wants are, and they make them known. They do not write to the Post-Office Department alone, but they let their Senators and Representatives know what they want, and they do not want free rural mail delivery in Maine. There is no demand for it there, and I do not believe there is anywhere, notwithstanding what the Post-Office Department says.

Mr. GEAR. There is a strong demand for rural free delivery in the State in which I live, in Iowa.

Mr. BUTLER. Certainly there is. I have here a report from the State which the Senator from Iowa represents. They are an agricultural people; they are a progressive people, and they want better mail facilities. So the constituents of the Senator from Maine want better mail facilities, and some of them are getting it now, but he does not seem to know it.

Mr. GEAR. Will the Senator from North Carolina yield to me to make a statement?

Mr. BUTLER. Certainly.

Mr. GEAR. I have had rural free delivery established in two or three districts in the State I live in, and everywhere it has given satisfaction, and there is a constantly increasing demand for it.

Mr. BUTLER. The statement just made by the Senator from Iowa practically represents—I might say accurately represents—the condition of the whole country where the people know anything about it. There are three post-offices to-day in the State of Maine where this system is being tried. They are Maple, Gorham, and Sebago Lake. Those three places make reports to the Department, and every paper at those three offices has joined in a petition to the Department to have the service continued. There are bushels and barrels of letters at the Department here.

Mr. HALE. I know those regions very well; I have been there a great many times, and it is a sort of laughing stock in the country round about. The other towns do not want it. The Post-Office Department goes out and selects a place and gives them rural free-mail delivery. It tries the service, and it looks attractive, and people will write letters in favor of it; but the surrounding community do not ask for it, they do not expect it, and the thing is looked upon rather as a laughing stock.

Mr. GEAR. If it is the fact that the surrounding community have not asked for it, it is only because it is a limited experiment.

Mr. HALE. But the same rule ought to apply, if there is a demand for it, that applies to any other subject-matter. Let a public building be erected in a town and the citizens of every other town of its size go right in at once and ask for a public building, because that is a need they can appreciate. This is not so. The whole thing is forced.

Mr. GEAR. I have letters from my own county begging and urging the establishment of this service.

Mr. BUTLER. Instead of this being forced, there is nobody who has ever raised his voice for it except the people who will get the benefit of it and who have been denied the benefits that the cities now get. They are the only people interested. Nobody ever proposed it until action was first taken by the organized farmers, the Farmers' Alliance, and the granges, and clubs, and wherever the experiment has been tried the sentiment has been unanimous in its favor. Of course, people do not know what it is in some places, but there is not a community in the United States where it has been tried that you can get a single individual to oppose it or to say anything but that it is a great blessing to the community and that he strongly desires it to be continued.

Mr. President, for the information of the Senator from Maine, I will ask permission to insert in the RECORD the report of the free rural delivery experiment in his State, published in the last annual report of the Postmaster-General. I will read the last two paragraphs. The agent of the Post-Office Department says:

After a careful study of each of these experiments I am of the opinion that the system is highly expedient, very practicable, and exceedingly convenient for a much overlooked element in our civilization—the farmer.

That the system meets with uniform public approval can not be doubted. The people served are unanimous in their indorsement of the scheme, and are looking forward with fond hopes—

The Senator from Maine would blast those "fond hopes," it seems—

to its permanent establishment. Moreover, the press of New England—

The Senator from Maine evidently does not read the rural papers in his State—

has treated of the subject rather freely and no sign of disapproval has yet been noticed.

The comment in the press of the State of Maine has been favorable. The metropolitan press have had their attention attracted to the free-delivery system. If the Senator from Maine will read the rural papers published in the county seats he will find that there is not a paper published in a county seat, in the United States where this service has been tried that has not approved it.

I will ask that the whole report from the State of Maine, covering about a page of the report of the Postmaster-General, be put in the RECORD.

The PRESIDING OFFICER. Without objection, the request of the Senator from North Carolina will be granted.

The matter referred to is as follows:

MAINE.

Five free-delivery routes have been in operation in Cumberland County, Me., four since November and one since December, 1896. Immediately after the establishment of these routes a numerously signed petition from residents of the same county not included in the service was presented to the Department asking that like benefits be extended to them. Cumberland County is situated in the southernmost part of the State, and extends from the coast to the New Hampshire line. Outside of the city of Portland the industries of Cumberland County are almost exclusively agricultural, with numerous towns and villages scattered over the country. In each instance, as in the case of four similar routes established in Franklin County, Mass., the free delivery begins 1 mile from the postal town, and is extended only to those who can be classed as rural residents. The carriers travel from 19 to 35 miles a day each.

Brunswick, Gorham, Naples, North Deering, and Sebago Lake are the distributing points. The route from Sebago Lake traverses a rough and broken country. Nevertheless the youthful mail carrier manages to make his 19 or 14 miles a day on his wheel with regularity and promptitude. The

four other carriers use horses. Some portions of the territory served are 14 miles or more from a railroad, and the residents of those sections keenly appreciate the unaccustomed facilities for communication which free delivery has opened up to them and afford every facility to the carriers. On the Gorham route many persons have erected neat letter boxes, bearing on the inside cover the names of those for whose mail they are intended, and on the outside there is a contrivance for hoisting a small American flag as a signal to the carrier that there is mail within the box to be collected.

Of the service as a whole in Maine and Massachusetts reports received by the Department say:

"After a careful study of each of these experiments, I am of the opinion that the system is highly expedient, very practicable, and exceedingly convenient for a much overlooked element in our civilization—the farmer.

"That the system meets with uniform public approval can not be doubted. The people served are unanimous in their indorsement of the scheme, and are looking forward with fond hopes to its permanent establishment. Moreover, the press of New England has treated of the subject rather freely, and no sign of disapproval has yet been noticed."

Mr. BUTLER. There are in the report of the Postmaster-General letters from nearly every State in the Union. I will read one from Colorado. It is an extract from a letter written by a farmer who lives 10 miles from the delivery office:

This removes one of the disadvantages of country life, as we can now have a daily paper. I believe if the system were continued it would induce more people to live in the country.

One of the great evils in our present civilization is the tendency of the farmer's boy to push to the cities to try to find a job behind the counter of a store or as a street-car driver. We must make country life more convenient and attractive. There is no greater problem to-day before the statesmanship of this country than to cause our people to live on their farms, where they grow men, where we have to breed men and raise them to keep the cities of the country from degenerating. I continue reading from the letter from a Colorado farmer. He says:

It would also increase the circulation of newspapers and tend to educate people up to the times. Education is the foundation of our Government, and the free distribution of mail is a long step in the right direction. The expense can cut but little figure. It simply will put the money in circulation among our own people. I am a farmer, living 10 miles from Loveland, and naturally very much in favor of free delivery.

Now, what does that mean to every farmer living within 10 miles around the office to whom the mail has been delivered? Every farmer must stop a horse and send a man 10 miles, or 6 or 7 or 8 miles, to get his mail, while one boy living in that community, a boy probably who is to-day hunting work, will for $15 a month become the mail carrier around that whole community. The expense to the people would be ten times as great without this system, for every man to stop his work and lose half a day or a whole day. It amounts on an average to about four or five hours to the people who go to get their mail from country post-offices. Take 100 men, and that means fifty days lost.

Mr. President, there is economy in this system. The farmer can afford to be taxed specially to hire and pay for a man to deliver his mail rather than have every farmer stop his work, stop a horse in the plow or a mule in the wagon to send for his mail. The farmers of the United States would pay the expense if Congress saw fit to put it on them, because it would be a great saving if they footed the bills out of their own pockets and nobody else paid a cent.

The PRESIDING OFFICER. The question is on agreeing to the first clause of the amendment submitted by the committee.

Mr. PASCO. Mr. President, I do not propose to debate this matter at any great length. I had not expected to take any part in the discussion, but there is more than one side to this question. The establishment of these lines of rural delivery means the abolishment of the country post-offices, and in my section of the country I am satisfied the people do not desire to see that done. It is a place where people gather together to hear the news and exchange views with one another upon questions of public interest; and people have to be very busy when there is no one to go to the post-office for the mail.

Mr. BUTLER. Will the Senator from Florida pardon me?

Mr. PASCO. Certainly.

Mr. BUTLER. I should like the Senator from Florida to state what is his authority for saying that this is a wholesale policy as to the fourth-class post-offices? Of course we all know in arranging this system that here and there it will be economy to abolish an office; but as to any wholesale abolishing of the post-offices, it is absurd, because that would not be economy. There would be one or two post-offices, for instance, within 1 or 2 miles of each other, where a man going his circle around and delivering the mails could deliver around two offices as well as one, and do it more economically and quickly. The people would in such a case petition that such offices should be abolished in order that they might get the free-delivery service; but there is no wholesale scheme of that character contemplated.

Mr. President, there is not a fourth-class postmaster in the United States who would protest against this system. In every place where it has been tried it has been recommended by every postmaster; and even if they were afraid they were going to lose their offices, they would have favored the system, and thus have shown their patriotism. This would show that they have an interest in the good of their communities above their interest in a little office. But, Mr. President, there has not been one who feared that he would lose his office who was so selfish that he would report against the system.

Mr. PASCO. The Senator asked me a question, and I will attempt to answer it. The scheme comes from the House of Representatives, and is found on page 5 of the bill. I will read a paragraph which clearly develops the ultimate purpose of this plan, which is now in its experimental stage:

Provided, That the Postmaster-General is hereby authorized to expend during the current fiscal year for rural free-delivery service, in addition to the sum provided above for such service, a sum not to exceed an amount equal to the aggregate amount of the compensation paid to postmasters, for cost of mail transportation, star-route service, and mail-messenger service that may be discontinued by reason of the establishment of rural free-delivery service.

So it is evident from the very words of the proposition as presented in the House bill that it is contemplated to discontinue postmasters, and that means the abolishment of the post-offices.

Mr. PETTIGREW. I think there is a report by the Post-Office Department, in which it is shown what the saving would be from abolishing such offices.

Mr. PASCO. I was going on to state that.

Mr. PETTIGREW. Very well.

Mr. PASCO. I understand that one argument used by the Department in favor of establishing this rural-delivery service is, as the Senator from South Dakota suggests, that the post-offices can be discontinued. I had supposed the Senator from North Carolina [Mr. BUTLER] was better acquainted with this scheme than he seemed to be when he stopped to ask me what authority I had for suggesting that there would be a discontinuance of country post-offices.

This whole idea is based upon the theory that we can get rid of the country post-offices, and the money thus saved is to be used as far as it goes in paying for this rural-delivery service. I have lived in the country myself, and, as I was saying, I know what an agreeable place the post-office is for the people to get together and to talk with one another while waiting for the mail to arrive and at odd times, and on Saturdays when work is not pressing. The country post-office is one of our social institutions where people meet their neighbors and loiter and loaf, as we call it, and collect items of news to carry home to their families. And I am sure that the people throughout Florida do not desire to see those offices discontinued.

I do not wish to see rural mail delivery substituted for them. The present system is well enough. If I had my way, I should reduce the number of free deliveries rather than extend it. I think, as the Senator from Maine [Mr. HALE] suggested, that the expenses of the Department have too largely increased by reason of the large and frequent delivery service in the cities; and I do not think it will be compensated for by having free rural delivery in certain sections of the country. We have seen no experiments of this service in the part of Florida where my home is, and there is no demand for it among the people.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. PASCO. Certainly.

Mr. TILLMAN. Is there not a great deal more demand for an increase of the number of mail routes weekly, and having one mail a day instead of one or two a week?

Mr. PASCO. A very large portion of the correspondence of the people of my State with the Post-Office Department is for such additional mail facilities as that. They are continually applying through their Senators and Representatives for additional accommodations of this sort. Where they do not have a daily service they desire to have the service extended to an increased number of days in a week; and if additional money is to be expended by the Post-Office Department for the benefit of the country people, it should be by giving them better and more frequent service upon the routes already established, and by new routes and extensions wherever they are required.

On many routes the mail is delivered only twice or three times a week, and the requests are frequent to have a daily mail established instead of such service. If this amendment were in that direction, I would very cheerfully favor it; but to carry the mail to each man's door among certain favored people in certain favored localities, and to spend this appropriation of $300,000 in that way is not, in my opinion, desirable. If this system should be carried out all over the country, it would occasion an immensely increased expense, and it must be remembered that at last the people have to bear this expense.

So, in view of these circumstances, the proposed abolishment of the country post-offices, the need of the expenditure of the money in other and better directions, and the largely increased expense that will be imposed upon the people by the general extension of the service, I think it is not wise to move any further in this direction.

Mr. CHANDLER. Mr. President, if this scheme of rural free

delivery contemplates abolishing the country post-offices I have been made first aware of it to-day. I can understand very well that here and there a very small office may be abolished in consequence of the establishment of free delivery. That would be an incidental economy connected with the new system; but that the fundamental principle of the system is based upon the abolishment of the country post-offices is a mistake, I think.

I wish only to call attention to what is done in other countries in the way of rural free delivery. I have here a printed letter of the First Assistant Postmaster-General, Mr. Heath, to Postmaster-General Gary, dated February 7, 1898, which states the condition of the rural free-delivery service in other countries. I will read an extract.

Mr. BUTLER. I will say to the Senator that that statement is in relation to the leading countries of the world.

Mr. CHANDLER. This, as the Senator from North Carolina says, is the information from the leading nations of the Universal Postal Union. I read:

In Great Britain the free delivery of letters was begun about fifty years ago. All mails are delivered at the residences of the addressees without extra charge.

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Rural delivery was established in France in 1830. An extra charge of 10 centimes (2 cents) was at first exacted for letters delivered in communes having no post-office, but this charge was abandoned in 1848. Now, even the most outlying hamlets of France receive at least one free delivery a day.

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In the German Empire a small charge of from 10 to 20 pfennigs (2 to 4 cents), according to weight, is made for the delivery of mails in rural districts. Part of this extra charge goes to the carriers and part to the Government.

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In Austria-Hungary a small extra charge, ranging from half a cent to a cent and a half, is made for delivering letters and small packages in the rural districts. The service is not self-supporting, and is not expected to be so by the Government.

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Rural free delivery prevails all over Belgium.

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In Switzerland, the home of the Universal Postal Union, there is at least one free delivery a day in every hamlet. This system has been in operation since 1848.

Now, it seems to me, Mr. President, that the experiment is worth continuing. The appropriation which is contained in the present bill the friends of rural free delivery advocate to-day as an experiment. Some Senators think the people do not want it; other Senators think the people do want it. That depends upon the point of view to a considerable extent and upon the eye with which one looks.

Mr. TILLMAN. Will the Senator from New Hampshire allow me to ask him a question?

Mr. CHANDLER. Certainly.

Mr. TILLMAN. Do you think, even if we were to increase the appropriation to $200,000,000, that it would be possible to deliver every man's letter in the United States to him or to deliver to one-half of our population?

Mr. CHANDLER. Does the Senator ask me whether I think we ought to do that?

Mr. TILLMAN. No; I ask whether it would be practicable or possible?

Mr. CHANDLER. To give rural free delivery for what amount?

Mr. TILLMAN. For $200,000,000 to the people of this country, if we should devote that much to carrying letters and papers to every man's house?

Mr. CHANDLER. Two hundred million dollars is a sum so large that I do not think the Senator's question is a serious one.

Mr. TILLMAN. It is asked in absolute good faith, taking into consideration the extent of the area of this country.

Mr. CHANDLER. I will answer the question as the Senator has asked it. I think we could do it for less, and will let that stand as an answer to the Senator.

Mr. President, the present postal system is full of abuses, in my judgment. There are investigations to be made and reforms to be instituted. The carrier system of the cities has grown up by degrees until, as has been shown, it now amounts to $13,000,000. That is all an extra payment. We never used to pay it. The people used to go to the post-office, stand about, and wait there to have the good time which the Senator from Florida [Mr. PASCO] seems to think they have, talking gossip, talking politics, and finding out what their neighbors were about. That was the old universal system, which the Senator from Florida does not like to see encroached upon.

Mr. PASCO. They settled all the affairs of the community.

Mr. CHANDLER. They did; and there was a great deal of good in those friendly little gatherings, but the Government is not bound to furnish a post-office for that kind of business. Indeed, the tendency of postal reform in recent years has been against making post-offices of any class public resorts where the people could congregate and read what is on the backs of the postal cards. That is understood now to be the sole privilege of the men and women and children who actually tend the post-offices.

Mr. PASCO. That is the privilege of the postmaster.

Mr. CHANDLER. Yes; that is the privilege of the postmaster. The cause is going on along these lines in Maine and in Florida alike; and all that the friends of this movement ask is that it may be ascertained whether, when we have come to spend $13,000,000 in the metropolitan delivery in cities, there may not be $300,000 at least spent this year in experimentation, to see whether a system of rural free delivery can not be devised, going along with some of the reforms which ought to be made in the Post-Office Department, which would tend to reduce the other expenses of the Department.

Mr. President, I make no rash assertion on this subject, but I do think the Senator from Maine [Mr. HALE] is mistaken in saying that the people do not take any interest in this subject and make no demand for it. I know that the granges of my State and the granges of his State, and I think the united granges of the country, have over and over again discussed this subject in their meetings and have expressed their opinions in their resolutions, and that there is a public interest in this question. I say how great that may be depends upon the keenness of the observer.

The Senator from South Dakota [Mr. PETTIGREW] thinks that the people are terribly in earnest on the currency question, and demand that the currency system be changed; that silver be rehabilitated, remonetized. I think myself there is something in that. I think there is a very great and widespread demand for something of that sort. The Senator from Maine does not see it at all. His eyes are closed to that demand. He does not think the people care much about that. It is all, Mr. President, a question of personal equation. One man sees a thing and another does not see it. Men are very apt to see what they look for and to ignore and not see what they do not care to see.

Mr. TILLMAN. Will the Senator from New Hampshire allow me to ask him a question?

Mr. CHANDLER. It seems it is too early to dogmatize on this experimental question.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. CHANDLER. I should like to go a little further before the Senator asks his question, and then I will listen to him.

Mr. TILLMAN. As a member of the Post-Office Committee, could not the Senator from New Hampshire present some reforms in the shape of extending post routes or making the post-offices nearer together and reducing the number of times that letters are delivered in the cities per day to a reasonable number, say twice, or at most three times, so as to give some practical relief to the country people in that way, rather than to give them a pretended, or at least an impossible, reform or scheme of free rural delivery in a country as extensive as this and as sparsely settled as this?

Mr. CHANDLER. To answer generally, I would say no. The rural free delivery as now being experimented upon, I think, would be better than the system which the Senator demands, which he says is pretended and delusive. But I say that this whole question of the reform of post-office abuses is one of the subjects which needs very careful investigation. Whether it is made by the Committee on Post-Offices and Post-Roads, which does not have much to do, or by the Committee on Appropriations, which has a great deal to do, the investigation ought to be made; and I believe that when it is made it will be found that we can save enough from railroad transportation and from the expenses of free delivery in the cities to give a very satisfactory free rural delivery throughout the country, and possibly, even with the reforms that can be accomplished, reduce the rate of postage from 2 cents to 1 cent. I look forward to the day when these results will be accomplished after the war is over, into which the Senator from South Carolina has helped hurry this country.

Mr. TILLMAN. The Senator from New Hampshire, I believe, helped in that business of hurrying us into war, if there has been any hurry about it; but it looks to me as if we had been rather leisurely getting into it.

Mr. CHANDLER. I admit it, Mr. President, but I was not certain that the Senator from South Carolina would admit it. I am very glad that I have got the admission from him. [Laughter.]

Mr. TILLMAN. I read in the papers yesterday that it was said in the House of Representatives that the Democratic party had taken the Republicans by the scruff of the neck and dragged them into this war. I do not claim that, but I am willing to shoulder my share of the responsibility and uphold the dignity of this country. But we have got clear off from the postal delivery matter.

Mr. CHANDLER. I think we have.

Mr. TILLMAN. I wish to ask the Senator if he actually believes that with our sparse population and the vast area of country to be covered by our postal system in order to even give a man within 4 or 5 miles from a post-office an opportunity to get his

mail, which comes once a week, it is possible to extend this free delivery to any except a few favored communities, where the people are as thickly settled as they are in Belginm and Switzerland?

Mr. BUTLER. If the Senator from South Carolina was familiar with the experiments which have been made, he would know that they have been made on the recommendations of the representatives of the people who favor free rural delivery. They have not been put around to a few favorites, as the Senator insinuates.

Mr. TILLMAN. I said a few favored communities.

Mr. BUTLER. No; it has not been to a few favored communities. The Senator from South Carolina can no doubt have the experiment tried in any part of his State he will recommend to the Department. I have requested that trials should be made in my State in certain places which I have indicated.

Mr. TILLMAN. I should be glad to have it extended all over my State, but I know it will cost forty times as much as we will ever be able to get from it.

Mr. BUTLER. The Senator takes a great deal for granted. The Post-Office Department has made an estimate of that, and has furnished it to the Post-Office Committee. Nobody wants to go into this thing blindly; we want this experiment made for one year more, so as to have a final test and have a report from the Post-Office Department.

Mr. TILLMAN. Then next year there will be no extension of it unless it is demonstrated that it is not only practicable but economical?

Mr. BUTLER. Next year we will make it an economical system or discontinue the system. That is what the appropriation is for.

Mr. HALE. I am very glad this discussion has taken place, because it discloses what is the object and end of this whole scheme. It is not for a moment contemplated by the Post-Office Department that this shall be an experiment tried for one year and then dropped. The experiments are not being tried in populous localities, as the Senator from West Virginia [Mr. FAULKNER] has indicated he believed. They are tried in sparsely settled communities for the purpose of extending rural free mail delivery to those sparsely settled communities. The experiments that have been tried in Maine are not in the large towns; they are in the little, sparsely settled towns, because the object of the Post-Office Department, of the projectors, the founders and agitators of this scheme, goes to the entire extent of delivering every man's letter at every man's door.

The Senator from North Carolina [Mr. BUTLER] has frankly admitted that and brought it out. He has stated that wherever a man lives 10 miles from a post-office or from a neighbor, he should have his mail brought to him every day. That is the purpose. The increased appropriation that is asked for is not experimental, Senators; it is intended to bind this system upon the country and to oblige future Congresses, as this is saddled upon the country, to embark in the entire scheme.

Now, Mr. President, it is not what can be done in Belgium, where men are so thickly settled that they are almost herded together; it is not what can be done in Great Britain, where its whole territory could be placed in the middle of one of our great States and never reach its borders; it is not even what can be done in France, where the population is thick, where 40,000,000 of people are found in a territory smaller than the State of Texas; it is to saddle upon the taxpayers of this country, in order to carry out the scheme of enthusiasts in the Post-Office Department and elsewhere, a system of delivering mail to every man, woman, and child in this country, and will never stop until it reaches that.

I say the Senator from South Carolina [Mr. TILLMAN] was not erroneous or extravagant in his estimate of what it will cost. The Post-Office Department has already, because it has not been scrutinized enough and watched and guarded closely enough, increased its expenditures at such an alarming rate that to-day it expends, or soon will expend, $100,000,000 a year.

It has three times as many deliveries in the large cities as it ought to have; and because we have not met the enthusiasts and schemers in the Department as they should have been met, at the door, and prevented these increased deliveries; but they having got that done, and having given to the cities eight and ten and sometimes more deliveries a day, that field being exhausted, the schemers and enthusiasts of the Department have turned their attention to what they believe is popular—free mail delivery everywhere. They mean by virtue of increased appropriations and experiments tried in the most sparsely settled communities to fix upon us this whole scheme. Let us in voting upon this matter bear that in mind. There is no intention of stopping at the end of a year. It was $50,000 last year, it is $300,000 this year, it will be a million the year afterward, and soon it will be $50,000,000.

I do not believe the people of the country desire it. I do not believe there is any popular demand for it. If so, I have never heard of it. I do not believe to-day, when we are in other directions spending money as free as water, that we ought to take one step in the way of spending money in this direction.

Mr. KYLE. Will the Senator allow me?

Mr. HALE. Yes.

Mr. KYLE. I would say to the Senator that he is clear behind the times.

Mr. HALE. Quite likely.

Mr. KYLE. The class of men to whom the Senator refers are already advocating that the Government do the washing for the people, print all of the papers, and keep all the stores, and they have their bills for those purposes introduced into Congress.

Mr. HALE. The Senator is correct about that. It is only one of many schemes that come from what I call these enthusiasts and uneasy people in the Departments.

There is another scheme that has been crowded upon us, and that is that every city should have pneumatic tubes to deliver mail matter; and there is a great company organized for the purpose of crowding and forcing that upon Congress. It is the business of Congress to watch these Departments, and to watch every step in every direction. They do not appropriate the money. We appropriate it and are responsible to our constituents; and you will never find a Department, no matter how sound the men are at the head of it, no matter how good a Postmaster-General there is, where these schemes will not be worked out in the busy brain of ingenious men, and every session of Congress they will come here and ask us to embark in a system that means immense expenditures in the future. I can not vote for this proposition under these conditions.

Mr. STEWART. Mr. President, I am very strongly impressed with the views of the Senator from Maine [Mr. HALE]. There is another view of this question which has not been presented, however, and I desire to suggest it. Going to get the mail is one of the most convenient excuses the boys, and sometimes the old men, and sometimes the girls, have to go to town, and they look upon it as a privilege. They sometimes have a little contest with each other to see who shall have the horse and go to get the mail. It is a visit they make. They meet their friends there, and it is one of the most agreeable social gatherings, around the post-office, where the neighbors all meet and talk over the affairs of the week, that they have. Sometimes it is only a weekly mail. They go there, and there is a pleasant levee about the post-office, and it is regarded as a pleasure to go and get the mail and not a burden.

It seems to me this kind of legislation, so far from being beneficial, takes away one of the pleasantest customs you find in all the country. Those who have lived in the country and have seen this system hardly want to break it up and leave no excuse for going to town. Now, this thing is quite important. It is really a social benefit to them, and I dislike to see it broken up. It is a matter of education. There is nothing more educational than getting together and hearing all the views once or twice a week. I hope the Senator from Maine will be sustained, for it is folly to talk about carrying the mail to every house. It ought not to be indulged in. There are enough ways to expend money where it would be more beneficially spent.

Mr. TELLER. Mr. President, if we enter upon this scheme of rural delivery, we must understand that it means rural delivery in every part of the United States, the populous and nonpopulous sections. It would not be fair to introduce it into the populous East and not into the somewhat sparsely populated South and West. So it will extend everywhere, and it will be equally costly.

I agree with the Senator from Maine and the Senator from South Carolina that nobody can tell the amount; but it will certainly double the post-office expenses of this country if we undertake to do this. I do not believe there is any demand for it. I represent a pretty intelligent, reading community, and I think, in proportion to population, they have more mail than almost any other section of the United States.

I have a relation with my constituents such that when many of them want anything, they feel at liberty to ask me about it, and I never yet have had a demand from the State of Colorado for rural delivery. I do not believe that anywhere there is a real desire amongst the people for it. As the Senator from Nevada says, there is a desire on the part of the farmer boy and the farmer himself to go to town. They must go occasionally, and they go and get their mail. It is no hardship upon them, and it will be no relief from the burdens they are bearing to deliver the mail to them, even if it were delivered every day.

I was brought up on a farm. I know something about one of the best rural districts in the world, where the people are among the very best—in the State of New York. We had a mail in those days once a week. The mail came usually, in my day, Saturday afternoon. There was a store, or two stores perhaps, with the post-office in one of the stores; and everybody went there Saturday evening to get his mail. Nobody felt that it was any hardship. The same thing exists there to-day, or at least it did a year ago. Perhaps they get mail oftener now. I do not know about that.

They are off from the line of railroad. There is no railroad in the township, I believe; but no complaint is made that I know of.

Mr. President, we are entering upon a vast expenditure of money, and not only for the present moment. Evidently we are to enter, when we shall get through with the condition that is now particularly dragging money out of the Treasury, upon an era of very large expenditure, and necessarily so. We must increase our Navy; we must increase our fortifications; we have to do things that will cost a great deal of money to put this country in a respectable condition so that we shall not feel as we have been feeling for the last ninety days, when a little seventh-rate power was threatening to bombard our coasts and make us a good deal of annoyance, if nothing more. We have got now to provide for the defense of the country. It will add millions and many millions, Mr. President, to our expenditures, and it is not worth while to try this experiment which, as the Senator from Maine says, is not an experiment. The Department has spent money enough to know whether they can do it or not.

You can find plenty of people who will say they want it done, and you can not devise any scheme for spending where there will not be people prepared to indorse it. The question is whether there is any demand for it. Is there any necessity for it? Is there any advantage to be derived from it? I do not believe there is. I do not believe the farmers will be any better off by having their mail handed to them than they are by going to town to get it, or by going to the post-offices, which might be multiplied, if necessary; and if we have money to expend we can spend it in some other direction; we can better spend it in post-offices, in my judgment, by giving more frequent mails.

If you stop a moment and think about it, you will see it means a tremendous expense. You must have a vast number of people. There is no end to the expense, and, in my opinion, there will be no compensation whatever for it. When we get rich enough, when the population averages two or three hundred to the square mile, as in France, then perhaps it will be economy to deliver the mail instead of as it is at present conducted; but until that time comes there is no reason why we should increase our expenses indefinitely almost on this subject.

For that reason, as a member of the committee, I voted to strike out the House provision, knowing full well that it did not mean simply to spend two or three hundred thousand dollars for experiments, but that it means if we keep on that we shall enter upon what will run way up into fifty or a hundred million dollars in a very short time.

Mr. BUTLER. Mr. President, the constituents of the honorable Senator from Colorado take a very different view of this question from that which he takes. He is generally very close to his people, but he is certainly not close to them on this question. Here are sentiments which I will read. This book is full of them. There are two pages of commendations from the Senator's State.

Mr. TELLER. You can get certificates. I am not saying that you can not. I looked that over myself. I understand that. I venture to say that if anybody has anything at heart very much in the State of Colorado, he will write to me about it, and people have not done it and they do not do it.

Mr. BUTLER. I will challenge the Senator to find a single one of his constituents who is enjoying this benefit who will give it up if he can help himself and who would not most strongly urge it. They expect it to continue and are simply hoping that other people will have extended to them the same privilege.

Mr. TELLER. If it is continued anywhere, it must be continued in Colorado, of course. I shall insist that if there is any beneficent act, we shall have the benefit of it; but I am willing, and I think my constituents are, under the circumstances, to forego the privilege of free delivery just now and to spend our money in a better way.

Mr. BUTLER. The man living in the city near the post-office can better afford to take the time to walk to the office for his mail than the man who is busy and who lives 5 miles from the post-office and must stop his work to go. If we are to economize, let us strike out the $13,000,000 for the cities.

Mr. TELLER. There is some sense in the delivery of the mail in large cities, where it is utterly impossible to deliver it at the post-offices, but we are delivering it in many places where it is not necessary to deliver it and are spending large amounts of money that ought to be cut off. We are delivering, as it has been said here, more mail to the people every day than we ought to deliver. A morning mail and an evening mail and an opportunity for the business man if he wants to go to the post-office in the interim is all that is necessary. Instead of that we are delivering it in some places as high as seven times a day, and that in towns where every man could walk to the post-office and back to his place of business in twenty minutes. That is one of the abuses which started out little by little, and this will be another, if it is to be continued. I will join the Senator in cutting off fully half of that $13,000,000, or even more.

Mr. TILLMAN. I suggest to the Senator from North Carolina to prepare an amendment and let the Senate vote upon it, limiting the delivery in any city in the United States to three times a day. Let us cut off one abuse before we add another on the plea that we want equality.

Mr. BUTLER. I hope the Senator from South Carolina will prepare an amendment of that kind.

Mr. TILLMAN. I am not on the Post-Office Committee, and I have not given this matter so much attention as have the Senator from North Carolina and the Senator from New Hampshire. They could prepare such an amendment in three minutes and let us vote on it.

Mr. BUTLER. If the Senator from South Carolina were on the Post-Office Committee, he would know that we have mighty little to do with it. There is one committee which runs this body and everything in it—the Committee on Appropriations.

Mr. TILLMAN. I judge from what I see in this body that the Post-Office Committee consumes its time passing upon the qualification or disqualification of postmasters.

Mr. BUTLER. That is about all we are allowed to do, and we expect the Committee on Appropriations to take that away from us at any time.

Mr. President, the argument of all the Senators who have opposed free rural delivery might be appropriate one year from now. The question is not now before the Senate whether we will embark on a permanent system of free rural delivery, even permanent in certain localities, to be extended as rapidly as possible. The question is whether or not we shall give the matter a thorough test, so that every Senator can act intelligently. Those Senators who seem to be afraid that if this appropriation is made they never can stop it simply confess that they know it will be very popular in every place where it is tried. The experiments are now being made in but few places. This appropriation will enable an experiment to be made in three or four different places in every State in the Union. That will give a fair test. Then Senators can decide whether or not they want to continue it. Then we will have a complete experiment. Then we will have a recommendation of the Post-Office Department.

The argument of the Senator from Maine and the Senator from Nevada and the Senator from Florida and the Senator from Colorado will be timely and proper then, but their argument does not apply to this experiment. We have made a limited experiment. The Post-Office Department refuses to make a recommendation. Their reason is that they can not make one on such a limited experiment. Shall we waste and throw away what we have done, or shall we let the experiment continue, as recommended, with this increased appropriation? And then when the experiment has been tried in every State in the Union, with the recommendation of the Department before us, let us decide whether we will make this a permanent feature or not. That is all there is in this question, and to say that we can never stop if we make this appropriation is to admit that it will be so popular that there will be no way to stop it.

Mr. President, this bill carries immense appropriations that ought to be smaller. Here is $13,000,000 for city free delivery. Here is more money proposed to be appropriated for pneumatic tubes than is asked for the rural free-delivery experiment. Why do we select this place to make a little picayunish economy? We certainly can afford to appropriate this money to make a fair test.

Now, in order that Senators who may not have had this experiment made near their homes may know just how it has worked, let me read what the Department says about one place in my State—and I know every foot of ground about it. Just hear the report from China Grove. That is one of the places where the experiment commenced a year ago. The Post-Office Department says:

> China Grove, in the center of China Grove Township, Rowan County, was selected as the most suitable testing ground. The main line of the Southern Railway passes the town, delivering mails at an hour which renders possible the dispatching of carriers in the forenoon. Two carriers have been appointed, each traveling over 24 miles of rough clay roads daily, visiting nearly forty boxes each—

They have an arrangement there by which three or four neighbors put up a box at the end of the lane. In some places the carrier goes to the house. These things have been adjusted all over the country. They either have a box at the end of the lane or the carrier goes to the house, as the Department inspector recommends—

> and delivering and collecting mail from some portion of between five and six hundred people. The district is not thickly settled and the community is not excessively addicted to letter writing. Nevertheless—

This is important, because the Senator from Maine claimed to have information upon which he made just the directly opposite statement—

> Nevertheless, after the service had been reorganized in November, 1893, the number of pieces of mail matter handled perceptibly increased, and the friendly interest of the people in the service became manifest.

It is the opinion of the Post-Office Department that this will greatly increase the amount of mail. That goes into the merits

of the question when you come to make it permanent. The question is whether or not you will give it a fair test; whether or not you will give the Department a chance to make a recommendation. Then every argument which the Senator from Maine and the other Senators have made will be pertinent. They are not pertinent now.

Mr. HALE. Mr. President, that illustration tells the whole story. Here is a little community with forty boxes, who used to get their mail at the post-office. Your experiment set on foot, or on horseback, I do not know which, two men employed by the Government, who did up the business of these forty boxes by going around and delivering the mail and collecting the mail. The Senator might talk until midnight. He could not furnish an instance of the infirmity of this whole scheme better than he has in that; and when it is adopted, that is what it will be. For every forty or fifty boxes there will be one or two men employed by the Government, in the Government service, mounted on horseback, in many cases, going around to collect the mail and deliver to every box. There is no limit to that expenditure. There is no limit to the horde of Government employees that will be employed under this system, traversing the land, making themselves useful in many ways in which Government employees ought not to make themselves useful.

Mr. CARTER. Will the Senator from Maine yield for a question?

Mr. HALE. Certainly.

Mr. CARTER. I desire to ask the Senator from Maine whether it is not quite probable that these expressions so favorable to the free-delivery scheme resulted from the persistent canvass made by those persons who secured appointments to go about the country and deliver the mail?

Mr. HALE. I do think it quite likely.

Mr. CARTER. I have never known a mail carrier who could not get pretty nearly everybody on his route to sign a petition to increase his salary.

Mr. HALE. There will not be a man appointed who will not make himself busy first about his business in delivering and gathering the mails, next in gossip, next in politics, and then in everything else. We ought to hesitate long, Senators, before we take another step in the direction of saddling this vast scheme and vast burden upon the United States.

Mr. CHANDLER. Take the case of the forty boxes. The case now is that forty men, women, or boys go from their homes to the post-office to get the mail. Then they come back home. Under the system of free delivery, if it is adopted, one person takes all the mail and carries it and delivers it to the houses.

Mr. HALE. Paid by the Government.

Mr. CHANDLER. Yes; paid by the Government. That is done to the extent of $12,000,000 in the cities. The people in the cities have a shorter distance to go to the post-office than the people in the country. Now, if this Government, by paying a carrier to carry the mails to those forty families in one trip, can save forty trips to those forty families, it is a fair question whether the Government should not do it to those people in the rural regions the same as it does three or four or five or six times a day to the people of the cities.

Mr. BUTLER. I call the attention of the Senator from New Hampshire to the fact that there are more than forty families. A number of families join in one box. There were 2,892 pieces of mail delivered by those carriers over 40 square miles of territory, and that is one of the most sparsely settled sections in the United States.

Mr. CHANDLER. The progress of the postal service does not go backward. It will have pneumatic tubes, if pneumatic tubes will transfer the mail from one city to another or from one town to another. The new system will go forward. We shall have pneumatic tubes. We are experimenting in that direction. I think the system in the great cities has passed beyond the stage of experiment, and the wave of progress in that particular will not go backward. We shall have more pneumatic tubes. So the experiment of rural free delivery is being tried, whereby some of the money of the Government, some of the receipts from the postal service, that is being expended so largely to pay the railroads for transporting mails and to pay the letter carriers of the great cities for carrying the mails will be expended for the benefit of the country regions of this land; and we shall in the end, I hope and believe, after the experiment is fairly tried, have these rural carriers carrying the mails to the owners of the forty boxes in existing post-offices in the State of Florida and in the State of Maine and in the State of South Dakota and all over the rural regions of this country.

Mr. President, we are spending too much of the money of the Government in the cities and too little of it in the country, and there is going to be as time progresses an equalization of that expenditure, and nowhere will that equalization in the future be found more evident than in the mail service in the country, where the cities now get more accommodations than they need and the inhabitants of the rural regions get fewer accommodations than they need.

I move to add the word "experimental" before the words "rural free delivery," in line 4, page 5.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire to insert the word "experimental" before the words "rural free delivery," in line 4, page 5.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the first clause of the committee amendment as amended.

Mr. QUAY. I do not understand that.

Mr. PETTIGREW. I do not understand the result.

Mr. TELLER. What is the question?

Mr. QUAY. It seems to me the first vote should be on the committee amendment striking out those two lines. If the committee amendment striking out those two lines is defeated, then the amendment of the Senator from New Hampshire will come in.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Pennsylvania that in that he is wrong, as the rule specifically provides that if the amendment to strike out is agreed to it would not be amendable. It must be first amended.

Mr. QUAY. Then I have further amendments to offer. I move to amend by inserting, after the word "delivery," the words "under the direction of the Postmaster-General."

Mr. PETTIGREW. What was done with the amendment offered by the Senator from New Hampshire?

The PRESIDING OFFICER. It was adopted.

Mr. QUAY. That was the insertion of the word "experimental."

Mr. PETTIGREW. Simply the insertion of the word "experimental?"

Mr. QUAY. That is all.

The PRESIDING OFFICER. The amendment proposed by the Senator from Pennsylvania will be stated.

The SECRETARY. It is proposed, after the word "delivery," in line 4, to insert "under the direction of the Postmaster-General;" so as to read:

For experimental rural free delivery, under the direction of the Postmaster-General.

Mr. HALE. These amendments are not objected to. They do not touch the real question. I do not object to them. They do not make the provision any better or any worse. Under the agreement the question will be on striking out the appropriation of $300,000.

Mr. QUAY. On striking out the entire provision.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. QUAY. I move, in line 5, to strike out the word "three," after the word "allowance," and insert "two," thus reducing the appropriation for rural free delivery, up to the period in the fifth line, to conform to the report of the subcommittee.

Mr. BUTLER. What is the amendment?

Mr. QUAY. It makes the appropriation $200,000 instead of $300,000.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 5, after the word "allowance," it is proposed to strike out the word "three" and insert "two;" so as to read "two hundred thousand dollars."

The amendment was agreed to.

Mr. HALE. The amendment simply cuts down the appropriation $100,000.

Mr. QUAY. One hundred thousand dollars.

Mr. HALE. And leaves it four times what it was last year. It is just as objectionable at $200,000 as at $300,000.

Mr. QUAY. It simply conforms the provision to the report of the subcommittee of the Committee on Appropriations.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations to strike out the clause as amended.

Mr. QUAY. This is certainly going to be a bone of very serious contention between the two Houses, and I think I shall ask for the yeas and nays on the amendment, in order to have a decisive instruction to the conferees.

Mr. HALE. Let us have the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will report the proposition to be voted on.

Mr. CHANDLER. It is to strike out the two lines as amended.

The PRESIDING OFFICER. Precisely.

The SECRETARY. It is proposed to strike out the following two lines:

For experimental rural free delivery, under the direction of the Postmaster-General, including pay of carriers and horse-hire allowance, $200,000.

Mr. CHANDLER. The question is on agreeing to the amendment of the committee to strike out the clause as amended.

Mr. HALE. Those against the proposition will vote "yea" to strike it out of the bill.

Mr. PASCO. That is the committee's proposition, I understand?

Mr. QUAY. The question is on the adoption of the committee amendment as amended.

Mr. HALE. To strike out the clause as amended.

Mr. QUAY. The Senate will understand that the effect of an affirmative vote is to halt the free rural delivery at once.

Mr. HALE. Striking it out of the bill, as the Committee on Appropriations reported.

Mr. BUTLER. Will the Chair please state just how the vote is to be taken? Is a vote in the negative for the $200,000 appropriation?

The PRESIDING OFFICER. The question is on striking out the words read from the desk. Those who vote "yea" will vote to strike it out. Those against striking it out will vote "nay."

Mr. BUTLER. Those in favor of retaining the appropriation of $200,000 will vote "nay."

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CAFFERY (when his name was called). I have a general pair with the junior Senator from Michigan [Mr. BURROWS].

Mr. CHILTON (when his name was called). I am paired with the Senator from Minnesota [Mr. DAVIS]. He does not seem to be present, and I withhold my vote.

Mr. GEAR (when his name was called). I have a general pair with the Senator from New Jersey [Mr. SMITH]. I transfer that pair to the Senator from Maryland [Mr. WELLINGTON], and vote "nay."

Mr. HANSBROUGH (when his name was called). In the absence of the senior Senator from Virginia [Mr. DANIEL], with whom I have a general pair, I withhold my vote.

Mr. McMILLAN (when his name was called). I announce my pair with the Senator from Kentucky [Mr. LINDSAY].

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. Not knowing how he would vote, I withhold my vote.

Mr. PLATT of New York (when his name was called). I have a general pair with the senior Senator from New York [Mr. MURPHY], and withhold my vote.

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. McLAURIN]. If he were present, I should vote "nay."

Mr. QUAY (when his name was called). I am paired with the senior Senator from Alabama [Mr. MORGAN]. Not knowing how he would vote, I will withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from Washington [Mr. TURNER]. I observe that he is not in the Chamber, and I withhold my vote.

The roll call was concluded.

Mr. BUTLER (after having voted in the negative). I observe that the junior Senator from Maryland [Mr. WELLINGTON], with whom I have a general pair, has not voted. I propose to my colleague [Mr. PRITCHARD], who is paired with the junior Senator from South Carolina [Mr. McLAURIN], that we transfer our pairs, so that we both can vote, if that is agreeable to him.

Mr. PRITCHARD. That arrangement is perfectly satisfactory. I vote "nay."

Mr. BUTLER. I have already voted "nay."

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. JONES of Arkansas. I have agreed to pair on this question with the Senator from West Virginia [Mr. ELKINS]. I would vote "yea" if he were present, and I suppose he would vote "nay."

Mr. TURPIE. I am paired with the senior Senator from Vermont [Mr. MORRILL], who is absent, and therefore I withhold my vote.

Mr. KENNEY (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. PENROSE]. I am informed that he has not voted, and I therefore withdraw my vote.

Mr. BACON. I have a general pair with the senior Senator from Rhode Island [Mr. ALDRICH]. I inquire whether he has voted?

The PRESIDING OFFICER. The Chair is informed that the senior Senator from Rhode Island has not voted.

Mr. BACON. In that event I will withhold my vote. If he were present, I should vote "nay."

Mr. PASCO (after having voted in the negative). I am paired with the Senator from Washington [Mr. WILSON], who has not come into the Chamber. I suggest to the Senator from Michigan [Mr. McMILLAN] that we transfer our pairs. In that case I will let my vote stand.

Mr. McMILLAN. That is agreeable. I vote "yea."

The result was announced—yeas 25, nays 29; as follows:

YEAS—25.

Bate,	Heitfeld,	Money,	Stewart,
Carter,	Kyle,	Pasco,	Teller,
Cullom,	Lodge,	Pettigrew,	Tillman,
Frye,	McMillan,	Pettus,	Turley.
Gorman,	Mallory,	Rawlins,	
Hale,	Mills,	Sewell,	
Hanna,	Mitchell,	Spooner,	

NAYS—29.

Baker,	Clay,	Harris,	Platt, Conn.
Berry,	Deboe,	Hawley,	Pritchard,
Butler,	Fairbanks,	McEnery,	Proctor,
Cannon,	Faulkner,	Mantle,	Thurston.
Chandler,	Gallinger,	Martin,	
Clark,	Gear,	Mason,	

NOT VOTING—41.

Aldrich,	Foraker,	Morrill,	Turpie,
Allen,	Gray,	Murphy,	Vest,
Allison,	Hansbrough,	Nelson,	Warren,
Bacon,	Hoar,	Penrose,	Wellington,
Burrows,	Jones, Ark.	Perkins,	Wetmore,
Caffery,	Jones, Nev.	Platt, N. Y.	White,
Chilton,	Kenney,	Quay,	Wilson,
Cockrell,	Lindsay,	Roach,	Wolcott.
Daniel,	McBride,	Shoup,	
Davis,	McLaurin,	Smith.	
Elkins,	Morgan,	Turner,	

So the amendment of the Committee on Appropriations striking out the first clause of the paragraph on page 5 was agreed to.

Mr. CHANDLER. The vote just taken being the decision of the Senate, of course the rest of the amendment is agreed to.

Mr. QUAY. The action upon that will be merely formal.

Mr. HALE. The remainder of the paragraph will go out, of course.

The PRESIDING OFFICER. Without objection, the amendment of the committee striking out the second clause of the paragraph on page 5 is agreed to.

Mr. TILLMAN. I offer the amendment which I send to the desk.

The SECRETARY. On page 4, line 10, after the word "dollars," insert:

Provided, That no delivery shall be made in any city oftener than three times daily, and any amount thus saved shall be covered back into the Treasury.

Mr. QUAY. I think I will make the point of order that that is general legislation and not in order on an appropriation bill.

Mr. CHANDLER. Mr. President, I rise to speak to the point of order.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized to speak to the point of order made by the Senator from Pennsylvania.

Mr. CHANDLER. I take it for granted that in making an appropriation of this size and character for free-delivery service in cities, it is perfectly competent to limit the purposes for which the appropriation is made. The point of order can not be well taken under those circumstances.

Mr. QUAY. I move to lay the amendment on the table.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. It is moved by the Senator from Pennsylvania to lay the amendment of the Senator from South Carolina on the table.

Mr. TILLMAN. I hope the Senator from Pennsylvania will allow me, before he makes that motion, just to call the attention of the Senate to the situation.

The PRESIDING OFFICER. Does the Senator from Pennsylvania withdraw the motion temporarily?

Mr. QUAY. I withdraw it for the present.

The PRESIDING OFFICER. The motion to lay the amendment on the table is temporarily withdrawn.

Mr. TILLMAN. Mr. President, the discussion which has been had here during the absence of possibly half the Senators on the floor has brought out the fact that a large number of Senators believe that the deliveries in cities are excessive. I understand that in some of the larger cities they deliver mail six and eight times a day. The amendment in which we have just agreed with the committee was to the effect that free rural delivery shall stop, that we shall make no more effort in that direction. Being myself a farmer and knowing the practical effect of that, I voted against retaining the provision, because I deemed it impracticable and, in fact, impossible, unless we are going to double the appropriation bills for the Post-Office Department.

Now, the question is, Shall the people in cities have their mail brought to their doors oftener than three times a day? If so, why? Is it not enough that any business man or anybody else shall have his mail brought right to his house three times a day? That is all there is about it. The Senate can vote down the amendment or agree to it, as it sees proper.

Mr. QUAY. I desire to call the attention of the Senator from South Carolina to the fact that by the fifth section of the bill,

which will undoubtedly be adopted by Congress, a commission is raised for the investigation of all these questions.

Mr. TILLMAN. But why put off striking at one abuse right now on the pretense that you are going to investigate a whole lot of others?

The PRESIDING OFFICER. The Chair will call the attention of Senators to the rule which requires that the Chair shall be addressed and consent granted by the Senator having the floor.

Mr. TILLMAN. Mr. President, I took it for granted that the Senator from Pennsylvania would not object to my answering his question without undertaking to appeal to you. But I shall try to obey the rule hereafter, sir.

Mr. QUAY. The reason simply is that Congress ought not to act without knowing what it is doing, and in undertaking without consideration and investigation to strike down one-half of the free deliveries in the great cities of the Union it certainly would act without knowing what the effect was going to be. Therefore, I renew the motion to lay the amendment on the table.

Mr. CHANDLER. I wish the Senator from Pennsylvania would allow me to make a remark after he has made his own little speech. I wish he would allow me to make just one remark.

Mr. QUAY. Certainly.

Mr. CHANDLER. I give notice that if this amendment is adopted I shall move to reduce the appropriation from $13,000,000 to $10,000,000, which would be ample, and would be a saving of $3,000,000. We might as well save that as to strike out the rural free-delivery system.

Mr. TILLMAN. I ask the Senator from New Hampshire if that amount would not build us another battleship, and if it would not be better to spend the money in that way rather than in sending mail to people's houses so often that they do not even have time to open it before another mail comes in? I mean there is really no use for it. That is all there is about it.

Mr. QUAY. I insist on my motion.

Mr. HOAR. What has become of the point of order?

Mr. TILLMAN. I call for the yeas and nays on the motion to lay my amendment on the table.

Mr. HOAR. What has become of the point of order?

Mr. QUAY. I withdrew the point of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. HOAR. I supposed the point of order was that it was general legislation.

The PRESIDING OFFICER. The Chair understood that the point of order was withdrawn.

Mr. QUAY. The point of order was withdrawn because it was stated, and I think correctly, in objection to the point of order, that the amendment merely limited the use to which the appropriation might be applied.

Mr. HOAR. Let the amendment be read from the desk. I think the Senator from Pennsylvania will see that it is liable to the point of order.

The SECRETARY. It is proposed to add at the end of line 10, page 4, the following proviso:

Provided, That no delivery shall be made in any city oftener than three times daily, and any amount thus saved shall be covered back into the Treasury.

Mr. HOAR. That is a change of the general law.

Mr. QUAY. That was my suggestion.

Mr. HOAR. I renew the point of order.

Mr. CHANDLER. Mr. President, I rise to speak to the point of order. I thought it had been disposed of.

Mr. TILLMAN. The amendment is in the interest of economy if it is a change of law.

Mr. CHANDLER. There is no law that I know of which provides that the cities of this country shall have more than three mail deliveries a day.

Mr. GORMAN. There is none.

Mr. CHANDLER. The number of deliveries a day is in the discretion of the Postmaster-General, and here is an appropriation of $13,000,000 for letter carriers, including substitute carriers and temporary carriers at summer resorts, holiday and election service. The Senator from South Carolina, imbibing the spirit of economy and reform from the Senators who are in the majority on the recent vote, simply proposes to carry out those principles of limiting the number of deliveries a day in a city to three. It is absolutely, it seems to me, a proper limitation upon a particular appropriation, and the Senator from Massachusetts, upon reflection, will see that I am entirely right.

Mr. HOAR. Undoubtedly an amendment limiting the expenditure of a particular sum of money appropriated, and doing nothing more, would not be liable to a point of order, but this is liable to the point of order in that it changes general law. There is no such law now. The law is that this matter is in the discretion of the Department. The amendment proposes to enact for the first time a law taking it from the discretion of the Department and making it an absolute rule. It is, it seems to me, with great deference to the Senator who has just spoken, as clear a case of a violation of our rule as can be put into words.

Mr. GORMAN. Mr. President, I submit to the Senator from Massachusetts that he can not find a precedent in the conduct of the affairs of the Senate where such a point of order has been held to be good. I submit that there is not a single instance in the history of legislation where such a point of order has been made and has been sustained. In the very essence of the thing, the only way in which this body can in any way effectively supervise an appropriation is by amendments of this character. This appropriation bill for the Post-Office Department differs from any other appropriation bill which we have.

It makes practically a lump appropriation for the different arms of the service without estimates being made in detail in the matter of the mail transportation. It has been held that that course is necessary for the conduct of the affairs of that Department; but I trust and hope to see yet that Congress will require even from this Department, specific estimates for the various branches of the postal service. The matter that is pending, brought up by the amendment offered by the Senator from South Carolina, has been provided for by a lump appropriation made from year to year and increased from year to year without any knowledge on the part of Congress as to where the money is to be expended and how much the service is increased in the matter of deliveries in any of the cities. You can not know, except in a general way, whether there is any uniformity or justice in the expenditure of the appropriation.

But there is one fact that stands out. The administration of the Post-Office Department, efficient as it has been in the past, has been more extravagant than any other Department of the Government, until it has reached a point in the last three or four years where its revenues are much less than the expenditures of the Department. Congress and the Postmaster-General, and all who are in authority, should take up the question seriously, with a view not of crippling the service, but of reducing the expenditures, which have grown more rapidly than the population or the business of the country demands.

Mr. SPOONER. Will the Senator from Maryland allow me to ask him a question?

Mr. GORMAN. With great pleasure.

Mr. SPOONER. I ask for information. Upon what ground is it that the Post-Office Department has been, as to estimates, an exception to the other Departments? Has it been deemed impracticable?

Mr. GORMAN. In the beginning it was almost impossible to limit the Postmaster-General; for instance, in the matter of mail transportation upon star routes. New offices and new lines came up from year to year and the Department had to act promptly to meet the growing demands of the country. That was unquestionably the case when all the Western country was being rapidly settled and new towns quickly sprang up.

The Postmaster-General will always have to have discretion to some extent in an item such as the one we are discussing; but it can be just as well ascertained how many men are necessary and what the expenses ought to be in Philadelphia, Baltimore, or New York from year to year as for the Secretary of the Treasury to ascertain how many men he will have to employ in collecting the customs. But the fact is that under the pressure of business people, under the desire, probably, for an increase of offices, the number of deliveries has been so rapidly increased in the cities until now they employ not only carriers on bicycles and in wagons, but the street railroads are used and special cars are put on them. The deliveries have run up in some instances, I understand, to seven or eight a day. Except in some extraordinary cases, possibly like the small business centers of the great cities, a service so frequent is utterly useless; nobody wants it.

Mr. TILLMAN. They do not have time to open one mail before another mail carrier appears.

Mr. GORMAN. There ought to be some limitation. Whether the amount mentioned in the amendment is the exact amount or not I do not know. I would very much have preferred, as the Senate has inserted a general clause for the investigation of all these questions, that this question could have gone over until we had some report, so that we could act upon it intelligently. I do not know what data the author of this amendment has to show that $3,000,000 would not be an excessive reduction, and possibly destroy the service.

Mr. TILLMAN. If the Senator will permit me, I will state that there is no sum fixed in my amendment, but the Senator from New Hampshire [Mr. CHANDLER] gave notice that if my amendment should be agreed to he would offer one reducing the amount from $13,000,000 to $10,000,000. The amendment I have offered simply provides that any money that is saved shall be covered back into the Treasury.

Mr. GORMAN. I thought it covered the latter part. As a matter of course, it would be covered back into the Treasury. As

to the point of order, I hope that that will not be pressed. The Senate would not for the first time, I think, in its history hold that such a point was good. The Senate ought to have an opportunity, at all events, to vote upon the question.

Mr. CHANDLER. Mr. President, one word more as to the point of order. Suppose that, under the discretion which the Postmaster-General has hitherto had to expend this large sum of money, he employed, we will say, 100,000 carriers in the United States, and the appropriation being made as a lump sum again this year, a proposition was made to amend by providing that there should be no more than 90,000 letter carriers employed by the Postmaster-General, would not that be a limitation, I submit to the Senator from Massachusetts, upon this specific appropriation which it would be perfectly within the province of the Senate to put on under its rules?

Mr. HOAR. May I ask a counter question?

Mr. CHANDLER. If the Senator will wait one moment while I finish my own question.

Mr. HOAR. I will answer your question.

Mr. CHANDLER. I have not put my whole question, but I am willing that the Senator shall answer it in installments after he gets the whole of it. I admit that if the existing law provided that there should be 100,000 carriers, then it would be a change of existing law to provide that there should be only 90,000. But there is no law whatever on the subject. The Postmaster-General takes $13,000,000 and employs as many carriers as he chooses. He employs, we will say, 100,000. Now, we choose to economize by saying that, taking this gross sum of money, he shall not employ more than 90,000 carriers. That is the question I ask.

Mr. HOAR. The answer to the Senator from New Hampshire and to the Senator from Maryland is very simple. An amendment would be in order which provided that the particular money proposed to be appropriated should be expended only in paying a certain class of officers or a certain number of officers or for a certain kind of service; but the Senator from Maryland and the Senator from New Hampshire think the existing law is wrong, the existing law being that as many of these officers may be employed as the Post-Office Department in its discretion shall think fit, and they propose to substitute for that lawful discretion a permanent law, not affecting the next year, not affecting the expenditure of this appropriation, but a permanent, perpetual, and new law that there shall be no more than so many officials of a kind. That changes the existing law; and the Senator from Maryland, with entire logic and consistency, advocates the amendment because he says we need a new law on the subject. The bill provides that there shall be an inquiry into the whole matter, and that the new law shall then be proposed. My proposition is that a law, a provision, an enactment which takes away an existing legal power, a legal discretion, and, instead of that, substitutes a fixed and perpetual rule enacted by Congress, is a change in the existing law.

Mr. President, to say one word in further reply to the Senators who have spoken, it may be true that there ought to be fewer letter deliveries in our large cities, but I wish to say to those Senators that there is a great deal to be said on both sides of that question, and that these frequent deliveries in our large cities are in the main deliveries for the benefit of the rural communities outlying and to enable persons whose families dwell in those rural communities to live there instead of forcing them into the cities.

Persons who live 10 or 20 miles out of Boston, Mass., or of Concord, N. H., or wherever these frequent deliveries are, instead of traveling at the cost of half a day's time and half a day's earnings to do their shopping, their marketing, their purchases of dry goods, or their purchases of family food, can send a postal card, which will be delivered in two hours and answered in two hours more. That is the function which these frequent postal deliveries are performing. It is not in the interest of the man who is in the compact population, who gets these frequent mails, that the practice has grown up. It is in the interest of the man living in the rural district outside, where he can, instead of taking his horse, as one Senator said, and going himself with it or sending a messenger at the expense of a half day's work, that he can do the same thing with a penny postal card.

That is what makes civilization; that is what makes progress; that is what makes the rural community habitable and convenient for the men who reside there. These things that grow up in our legislative practices and our executive practices under all parties will generally be found, as a rule, not to be based in some greed or some favoritism or some desire to benefit the cities against the country or the rich against the poor, but they have a solid value and support in the reason of the thing, and this is one of them. You do not want Concord, N. H., to be a place where all the workingmen who are in its factories shall live in garrets and in seven-story or ten-story flat buildings, piled up there close to the place where they do their work.

You want the workmen in those towns—and I live in a city which is a model city of the kind, and I know how that is impossible—you want the people in those towns to spread out over an area of 5, 10, or 15 miles; you want them served by the street cars, so that they can travel across the extent of a large township for 5 cents; you want them to have their communication by telegraph and by telephone where they can afford the telegraph and the telephone, and by the postal card where they can not afford them; so that they can live in the country, where they have free air and open spaces and gardens, where their children can be brought up in healthful conditions.

Mr. President, the great death rates in this country are the death rates of children between 1 year and 6 years old in crowded populations and spaces of the manufacturing cities; and the problem of all statesmanship, State and national alike, is to spread out, where the air is pure, where the land is cheap, and the surroundings are healthful and tasteful, the populations that are gathering into our cities. This penny postage, this free and constant delivery and exchange by postal cards, instead of the costly travel to the center to attend to their business, is one great benefit of all others which our modern civilization and our modern administrative improvements have accomplished for the benefit of the poor; and those gentlemen who are standing here striking at this thing are striking at the very class of men for whom they believe honestly and sincerely they are standing.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. HOAR. It is not the great merchant, it is not the great grocer, it is not the great dry-goods man, to whom it is, as the Senator from South Carolina says, important whether he has one delivery of his mail or four or five deliveries a day. It is the poor fellow who, if he can not have his answer within three or four hours, has got to spend half a day in traveling to the center to do business for himself.

Now I will hear the question of the Senator from South Carolina.

Mr. TILLMAN. The Senator has been addressing himself so very much more to the merits of the question than he has to the point of order that I thought he had given that up. Do I understand the Senator to withdraw his objection to the amendment on the point of order?

Mr. HOAR. How can I tell what the Senator from South Carolina understands? Mr. President, there is not a man on this continent who can penetrate his understanding.

Mr. TILLMAN. I beg the Senator's pardon. If he will allow me, I think I have a little common sense.

Mr. HOAR. The Senator has, undoubtedly.

Mr. TILLMAN. I leave it to the Senate if the Senator from Massachusetts has not addressed himself more to the merits of the proposition than to the point of order.

Mr. HOAR. The reason I did that was that Senators who spoke on the point of order addressed themselves to the merits of the proposition. I restated the point of order, and I will state it again. The point of order is that, the present law being that these expenditures may be made at the discretion of the Department, it is proposed, not to say alone that this money shall not be paid for a certain class of officials or a certain number of deliveries, but it is to substitute for that lawful discretion of the Department a general and permanent law.

Mr. TILLMAN. Will the Senator state the language of that law?

Mr. HOAR. It was moved in the amendment. The amendment is that it shall hereafter be the general law of this country for all time that there shall be no more than three deliveries.

Mr. TILLMAN. I beg the Senator's pardon. If he will have the amendment read, he will see that it does not provide for that.

Mr. HOAR. It has been read.

Mr. TILLMAN. We will have it read again to see who is right, the Senator or myself.

Mr. HOAR. Very well; let it be read.

The PRESIDING OFFICER. The present occupant of the chair is familiar with Rule XX, which says that all questions of order shall be decided without debate; but he is very glad to have the question elucidated by Senators on both sides. He is likewise familiar with the provision in Rule XVI, that no amendment which proposes general legislation shall be received to any general appropriation bill. The present occupant of the chair, however, is of opinion that ordinarily a proposition to amend which proposes simply to direct how an appropriation shall be carried out might properly be considered in order; but taking the two views of the case and considering them together, the present occupant of the chair freely admits that he is in sufficient doubt to warrant him in submitting the question to the Senate under clause 2 of Rule XX, and the question is, Is the amendment in order?

Mr. CHANDLER. Mr. President, that motion is debatable, I suppose.

The PRESIDING OFFICER. It is debatable.

Mr. HOAR. I withdraw the point of order under those circumstances.

Mr. QUAY. I renew the motion to lay the amendment on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania to lay the amendment on the table, which is not debatable.

Mr. HALE. I suggest to the Senator to withdraw that motion for a moment, so that the Senator from South Corolina may modify his amendment and make the number of deliveries four instead of three.

Mr. TILLMAN. If we are having too much money spent and wasted in delivering mail in cities, and if Senators want more than three daily deliveries, they can vote the amendment down.

Mr. HALE. I suggest to the Senator that he make it four deliveries.

Mr. CHANDLER. Let me appeal to the Senator. We have got to get this economy slowly; we can not get all the economy we want at once.

Mr. TILLMAN. I am willing to accept the suggestion of four deliveries instead of three. I believe that will be a reduction in some of the cities.

Mr. CHANDLER. Perhaps next year we can start rural free delivery again.

Mr. TILLMAN. Next year I hope we will get it down to two deliveries again.

The PRESIDING OFFICER. The question is on laying the amendment on the table.

Mr. CHANDLER. Is the motion in order to make the number of deliveries four?

The PRESIDING OFFICER. The question first is on the motion to lay the amendment on the table.

The motion was not agreed to.

The PRESIDING OFFICER. The question now is upon the amendment submitted by the Senator from South Carolina.

Mr. HOAR. I thought the question was put upon the amendment as modified by agreement.

Mr. BERRY. No; the question put to the Senate was to lay the amendment on the table.

The PRESIDING OFFICER. The Chair understands that the Senator from South Carolina has modified his amendment so as to make the number of deliveries "four" instead of "three." The question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. CHANDLER. I move, in line 9, on page 4, before the word "million," to strike out "thirteen" and insert "ten."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the clause making appropriations for "free-delivery service," on page 4, line 9, before the word "million," it is proposed to strike out "thirteen" and insert "ten;" so as to make the appropriation "$10,085,400."

Mr. FAULKNER. I suggest to the Senator from New Hampshire [Mr. CHANDLER], as the amendment of the Senator from South Carolina [Mr. TILLMAN], which has been already adopted, controls absolutely the question of expenditure and requires any surplus to be turned back into the Treasury, which would be the case without the amendment, that to be on the safe side in every respect it would be better, without an investigation, not to fix or cut down the amount.

Mr. CHANDLER. If the Senator from West Virginia will allow me, he knows the legislation of Congress is done in conference committees. No one is better aware of that than he is, because he is frequently on conference committees on appropriation bills. By a very small majority, two or three, we have stricken out the whole appropriation for rural free delivery, and we have adopted an amendment on motion of the Senator from South Carolina which, in my judgment, will save at least $3,000,000. I may be wrong about it. It is the duty of the committee of conference, of which I suppose the Senator from West Virginia will be a member, to see whether the $3,000,000 reduction is enough; but in sending this bill to the House of Representatives, as we have struck a great blow for economy here to-day, I wanted to send it to the country. I do not want to have to argue that a reduction to four deliveries a day will be a great economy and result in a great reduction of expenditures, but I want to put it on the face of the act, and let the committee of conference take the two amendments and do what they think best with them.

I want to say to the Senator from Massachusetts that I agree with every word that he has so ably said, except as to what he said about the point of order. The Senator has delivered a magnificent eulogy on the postal system of this country, and has shown that the benefits of it ought to extend out into the rural regions and not be confined to the cities. If the Senator from Massachusetts had been here a little while ago, when we had the amendment before us for rural free delivery, I have no doubt we should have had him on our side, and we might have had his vote, and his vote and the one or two others which would have been carried along with it by his eloquence would have saved the appropriation for rural free delivery.

Mr. HOAR. If the Senator will pardon me, I am in favor of extending rural free delivery all over the country.

Mr. CHANDLER. I was only calling attention to the fact that we lost the appropriation a little while ago, when, if we had had the Senator here and he had made the speech (with every word of which I agree except as to the point of order), we should have undoubtedly carried the provision.

Mr. HOAR. I did not vote at all, although I was in my seat. If I had voted, I should have voted with the majority of the Senate at that time, for the reason that I understand there is nothing in this bill which provides for a carefully devised and economical system of rural free delivery, which ought to be done, especially in this time of great expenditure for other reasons, and great deficits in the Post-Office Department. Besides, I understand there is in the bill a scheme for a commission on that subject, and I prefer to wait for the establishment of that important improvement, until we can get a well-devised system.

Mr. CHANDLER. If the Senator will allow me, I think the better way when you are for a thing is to vote for it rather than to postpone it. The world never makes progress in the way of reform or in any other way when the friends of progress are always voting against progress.

Mr. HOAR. Well, Mr. President, I do not suppose it is worth while spending a great deal of time about the opinion of the Senator from New Hampshire as to my shortcomings in this case. They are altogether too numerous, and I doubt whether it would be an economical expenditure of legislative time to do so.

Mr. CHANDLER. The Senator has been very concise.

Mr. HOAR. I rather think we shall spend more millions of dollars than we shall save by this last vote if the Senator from New Hampshire takes up the time of this country by lecturing on what he conceives to be my mistakes.

Mr. CHANDLER. One word more. The Senator directed his argument at me very largely, when I agree with nearly every word he said. I thought I was apologizing to him, but as he does not take it kindly, I withdraw the apology. [Laughter.]

Mr. FAULKNER. I simply desire to call the attention of the Senator from New Hampshire to the fact that I voted with him on both propositions he is favorable to; but I do not like to see the Senate—I do not care whether the bill goes to a conference committee or not—arbitrarily decide to cut down appropriations without knowing whether they will affect the service, even under the law as it has been agreed to, or not.

I do not think that is the way to do business in a great body like this; and as the same result is accomplished by the amendment which has been adopted by the Senate, and not a dollar can be expended to increase in any way the deliveries over four a day—if that remains the law, I do not think we ought to go to work and arbitrarily, without any information or knowledge, say that we will cut down the appropriation one million, two millions, three millions, four millions, or any other amount. It will be utterly impossible, in my judgment, for a committee of conference to receive from the Department the information upon that subject which will enable them to fix definitely the amount of the reductions which ought to be made.

Mr. WILSON. I should like to ask the Senator from West Virginia whether it is proposed to cut down this appropriation by the amount the Senator from New Hampshire proposes, of $3,000,000. What information is there, or has there been before the committee, which will show that there will be any reduction in the mail carrier service of the country? Is it not a fact that, with the exception of a few large cities, like New York, Philadelphia, Boston, Baltimore, Chicago, and San Francisco, in all the smaller cities throughout the country, like Spokane or cities of 40,000 people, the free delivery is only twice a day, and in some places three times a day?

In most of them I think it will be ascertained upon investigation that there are not over two deliveries a day in the residential portions and perhaps three times in the business portions. That covers a large multitude of cases throughout the country. Therefore, the reduction, if any, must be of a limited character; and, if any, in my judgment it will not be over a million dollars.

Mr. CHANDLER. I think I can make a suggestion——

Mr. FAULKNER. I can not give any information upon that subject.

Mr. WILSON. If the Senator from New Hampshire will permit me——

Mr. CHANDLER. I was appealing to the Senator to let me make a suggestion.

Mr. WILSON. I yield to the Senator, of course.

Mr. CHANDLER. I was going to make a suggestion like this, first replying briefly to the Senator from West Virginia [Mr. FAULKNER]: That is, if the committee of conference find that this reduction will reduce the gross amount of the appropriation unless an amendment is made in the Senate, they can not reduce it properly. If we agree to the thirteen millions, it stands there. So I suggest to the Senator from Washington that if it shall be found by the committee of conference on inquiry that the amendment of the Senator from South Carolina does effect any reduction, there

shall be some amendment reducing the gross amount; but I am inclined to think the reduction too large, and therefore I will say, as the Senator kindly yielded to me, that I accept his suggestion.

Mr. WILSON. I could not resist yielding to the Senator.

Mr. CHANDLER. Then I will move to make the amount $12,000,000 instead of $13,000,000.

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. In the clause making appropriations for "free-delivery service," on page 4, line 9, before the word "million," it is proposed to strike out "thirteen" and insert "twelve;" so as to make the appropriation $12,085,400.

Mr. MASON. One word upon the point of order, Mr. President.

Mr. QUAY. There is no point of order. It has been withdrawn.

Mr. MASON. Do I understand that the point of order has been ruled on?

The PRESIDING OFFICER. The amendment concerning which the point of order has been made has been adopted, and the Senator from New Hampshire [Mr. CHANDLER] has now offered a new amendment reducing the gross amount for free-delivery service from $13,085,400 to $12,085,400.

Mr. CHANDLER. I suggest, if the Chair will allow me, that the Senator from Illinois ought to know that although the point of order is disposed of, it is still debatable, if he chooses to debate it. [Laughter.]

Mr. MASON. I understand every question is debatable in this body at any time and under all circumstances, but I wish to understand the parliamentary situation, because I am opposed, and will give very briefly the reasons why I am opposed, to the amendment or suggestion of a change in the law which would prohibit postmasters from distributing mail according to their best judgment in the several cities. I think the Senator from South Carolina and other Senators who live in rural districts will understand that in a city like Chicago, which is both cosmopolitan and rural, we have in some parts of the city deliveries not exceeding two or three times a day, but there are some parts of a great city like Chicago where the business is congested, where it is at least as easy, if not easier and cheaper, to make more than three deliveries than it would be to make three.

In other words, take some of the large business blocks in the immediate center, near the post-office. One carrier can not deliver in three trips the mail that goes to his district on account of its size, but being accessible to the post-office——

Mr. TILLMAN. I will call the attention of the Senator to the fact, if he will allow me, that three deliveries are not provided for, but four. The amendment as adopted by the Senate is to provide for not exceeding four deliveries.

Mr. MASON. It is still an error, in my opinion, for the simple reason that there may be some parts of a city where, for instance, like the city of Chicago, 80 per cent of the great mail delivery of the city may be delivered in a square mile. Those are small districts, but the mail is very difficult to deliver, for the trains are coming in constantly; and the theory of delivery, as suggested by the Senator from Massachusetts [Mr. HOAR], is carried out. It does not cost any more to deliver promptly and quickly than it would to let the mail accumulate and hire two men to carry the great bulk of mail which goes into such a district. This is a practical question, which I think ought to be left to the postmasters of the country.

Mr. HOAR. Before the Senator sits down, if he will pardon me, I should like to make a suggestion to him about what he was saying, which was made to me by a very able and experienced business man.

Mr. MASON. I shall be glad to hear the Senator.

Mr. HOAR. A man can deliver by going seven times over his route all the mail that comes. If he can go over it only four times, it would require two men to make the delivery.

Mr. MASON. That is the point I have been making.

Mr. HOAR. Exactly.

Mr. MASON. The mail is so heavy at times that one man actually can not carry the load. I have seen a man almost struggling under these enormous deliveries, carrying more mail than a white man or a black man either ought to carry.

Mr. TILLMAN. That question has been settled by the Senate, and therefore it is a waste of time to discuss it; but I simply wish to remark that I am very sure that if it was found impracticable or too burdensome for one carrier to deliver all the mail within a certain limit in four deliveries, another man would be put on and thus reduce his beat, so to speak.

Mr. MASON. And increase the expenses.

Mr. TILLMAN. No; not increase the expense at all; but if it does, it will simply be an experiment along this line, and let the report come in next winter as to what has been the result of limiting the deliveries to four.

Mr. BUTLER. As the Senator from New Hampshire has modified his amendment so as to reduce the appropriation from $13,000,000 to $12,000,000, I should like to inquire what is the parliamentary situation now? Of course the limit then will be $12,000,000 instead of $13,000,000.

Mr. CHANDLER. I so understand; that is, an ordinary conference committee would be limited, but I do not undertake to say what the conference committee between the two Houses will do.

Mr. BUTLER. If the Senator from New Hampshire will pardon me, would it not be wiser to make a reduction of say $3,000,000, instead of making a reduction of one million or one million and a half, so that the Department could not make the reduction below $10,000,000?

I hold in my hand copies of the Post-Office appropriation acts from 1885 to date. What was our appropriation for free deliveries in cities in 1885? Only $4,000,000. In 1890 it was $6,500,000, but since 1890 it has been jumping up with rapid strides. The increase is marvelous in all these appropriations; it is out of all proportion to the increase in our population, and it is out of proportion to the increase of business. Clearly $10,000,000 to-day is an enormous increase above the increase of population and business of the country.

Mr. TILLMAN. Will the Senator state what it was last year? He has the figures right there.

Mr. BUTLER. I will tell you in one moment. It was entirely too much last year. It has gotten up to $12,500,000.

Mr. President, I do not like to amend the Senator's motion, but I prefer to allow it to stand and take the sense of the Senate as to $10,000,000; and then the conference committee will have the opportunity of agreeing on some point between $10,000,000 and $13,000,000.

The reduction would be very slight indeed if there was no change in the conference, because we have trebled this amount in the last two years. As to the country, we are pulling up hill, but when you strike the cities, when we are willing to do everything that seems reasonable and fair, then we have a great many of our friends very anxious and in full force. It seems to me that we should be as careful in extending the facilities to all of our people as to a part, and should be as liberal to all as to a part. It seems to me that the Senate should be able to consider both with perfect equanimity and fairness. There should be no prejudice against the one or the other. This is not in any spirit of antagonism to the cities, but clearly these appropriations have outgrown all reason.

Mr. CHANDLER. I wish to state, in reply to the Senator from North Carolina, having reflected upon the subject, that I do not believe that reducing the deliveries in the cities to four times a day would save more than a million dollars. My belief is it would not, and therefore I will let my motion stand, although the Senator is at perfect liberty to move to decrease it still further.

Mr. QUAY. I suppose the Senate, in its present temper, is ready to adopt the amendment of the Senator from New Hampshire. Having adopted the amendment of the Senator from South Carolina without knowing what its effect is going to be upon the great interests of the great cities of this country, it is but natural that it would cut the appropriation by one million, three million, or five million dollars without inquiring what effect it will have upon the operations of the Department or what amount is actually necessary. Merely as a protest against this sort of blind and dumb legislation, I move to lay the amendment on the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Pennsylvania to lay the amendment on the table.

Mr. QUAY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. I ask that the amendment may be stated.

The SECRETARY. In line 9, page 4, it is proposed to strike out "thirteen" and insert "twelve;" so as to read:

Free-delivery service: For pay of letter carriers in offices already established, and for substitute letter carriers and for temporary carriers at summer resorts, holiday and election service, $12,085,400.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the senior Senator from Delaware [Mr. GRAY].

Mr. FAULKNER (when his name was called). I am paired with my colleague [Mr. ELKINS]. I do not know how he would vote on this question, and therefore withhold my vote.

Mr. GEAR (when his name was called). I am paired with the Senator from New Jersey [Mr. SMITH]. If he were present, I should vote "yea."

Mr. HANNA (when his name was called). I have a general pair with the junior Senator from Utah [Mr. RAWLINS].

Mr. KENNEY (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. PENROSE]. I therefore withhold my vote. Were he present, I should vote "nay."

Mr. LODGE (when his name was called). I am paired with

the junior Senator from Georgia [Mr. CLAY]. I do not know how he would vote if present, and therefore withhold my vote.

Mr. PLATT of New York (when his name was called). I am paired with the senior Senator from New York [Mr. MURPHY]. Feeling perfectly confident his vote would be as mine upon this subject, and as the question is not political, I shall vote. I vote "yea."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. BERRY. The Senator from Texas [Mr. CHILTON] requested me to state that he is paired with the Senator from Minnesota [Mr. DAVIS].

Mr. BUTLER (after having voted in the negative). I suggest to the junior Senator from Delaware [Mr. KENNEY] that we transfer our pairs.

Mr. KENNEY. That is entirely agreeable.

Mr. BUTLER. I will allow my vote to stand.

Mr. KENNEY. I vote "nay."

Mr. GEAR. I transfer my pair with the Senator from New Jersey [Mr. SMITH] to the Senator from Maryland [Mr. WELLINGTON] and will vote. I vote "yea."

Mr. CULLOM. If it is necessary to make a quorum, I will vote. I vote "yea."

Mr. BACON (after having voted in the negative). I desire to inquire whether the junior Senator from Rhode Island [Mr. WETMORE] has voted.

The VICE-PRESIDENT. The junior Senator from Rhode Island has not voted.

Mr. BACON. I transfer the pair between the junior Senator from Rhode Island and myself to the senior Senator from Nebraska [Mr. ALLEN], and will permit my vote to stand.

The result was announced—yeas 22, nays 29; as follows:

YEAS—22.

Aldrich,	Gear,	Morgan,	Spooner,
Allison,	Hawley,	Pettus,	Turner,
Cullom,	Hoar,	Platt, Conn.	Warren,
Fairbanks,	McMillan,	Platt, N. Y.	Wilson.
Frye,	Mantle,	Quay,	
Gallinger,	Mason,	Sewall,	

NAYS—29.

Bacon,	Deboe,	Mallory,	Stewart,
Baker,	Gorman,	Martin,	Teller,
Bate,	Hale,	Mills,	Thurston,
Berry,	Harris,	Mitchell,	Tillman,
Butler,	Heitfeld,	Money,	Turley.
Carter,	Kenney,	Pasco,	
Chandler,	Kyle,	Pettigrew,	
Cockrell,	Lindsay,	Proctor,	

NOT VOTING—37.

Allen,	Faulkner,	McLaurin,	Smith,
Burrows,	Foraker,	Morrill,	Turpie,
Caffery,	Gray,	Murphy,	Vest,
Cannon,	Hanna,	Nelson,	Wellington,
Chilton,	Hansbrough,	Penrose,	Wetmore,
Clark,	Jones, Ark.	Perkins,	White,
Clay,	Jones, Nev.	Pritchard,	Wolcott.
Daniel,	Lodge,	Rawlins,	
Davis,	McBride,	Roach,	
Elkins,	McEnery,	Shoup,	

So the Senate refused to lay the amendment on the table.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Hampshire.

The amendment was agreed to.

Mr. QUAY. The adoption of that amendment necessitates another amendment, in line 23, in order to reduce the total $1,000,000.

Mr. CULLOM. Let the clerks do that.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 23, page 4, it is proposed to strike out "thirteen" and insert "twelve."

The amendment was agreed to.

Mr. GEAR. I offer the amendment which I send to the desk, to be inserted as a new section.

The SECRETARY. It is proposed to add as section 3½:

That semi-weekly newspapers shall be carried in the mails as second-class matter when mailed from the office in which they are published.

Mr. HALE. That is subject to the point of order.

Mr. QUAY. I make the point of order upon the amendment that it is general legislation.

Mr. HALE. Undoubtedly.

Mr. GEAR. I should like to know the nature of the objection which the Senators make?

Mr. QUAY. That it is general legislation and can not be put upon an appropriation bill.

The VICE-PRESIDENT. The Chair must sustain the point of order.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The SECRETARY. On page 8, line 6, after the word "dollars," it is proposed to insert the following proviso:

Provided, That the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1898, for transportation of mails on railroad routes by reducing the compensation to all railroad companies for the transportation of mails 20 per cent per annum from the rates for the transportation of mails on the basis of the average weight heretofore fixed and allowed by law.

Mr. QUAY. I also make the point of order on that amendment that it is general legislation.

Mr. PETTIGREW. I desire to have the amendment printed and that the bill shall go over until to-morrow. This is a very important and a very large subject, and we have now been steadily considering the bill for about four and a half hours. I do not desire to go on to-night nor does the Senator from North Carolina [Mr. BUTLER], who wishes to address himself to this question.

Mr. QUAY. I should be very glad, if possible, to complete the bill to-night; but if it is absolutely necessary to accommodate the Senators——

Mr. HALE. Let me suggest to the Senator from Pennsylvania that if we could stay here for an hour or two and complete the bill, we could then, I think, without any question, naturally and properly take an adjournment over until Monday.

Mr. HAWLEY. I hope not.

Mr. QUAY. I will say to the Senator that it is scarcely possible to adjourn until Monday. I think that element need not enter into what he may have to say as to proceeding with the consideration of the pending bill. So far as I am concerned, speaking for myself, I have no objection to the arrangement proposed by the Senator from South Dakota, to wit, that the bill shall go over until to-morrow and be taken up immediately after the morning business——

Mr. HALE. The routine morning business.

Mr. PETTIGREW. That is satisfactory to me.

The VICE-PRESIDENT. The bill will go over, and the amendment of the Senator from South Dakota will be printed.

Mr. QUAY. Unless there are some other amendments which will not provoke discussion, and if this is the only amendment pending. That is my understanding.

The VICE-PRESIDENT. Are there further amendments to be offered to the bill?

Mr. QUAY. Let it be understood by unanimous consent that no other amendments will be offered to the bill to-morrow.

Mr. BUTLER. The Chair asked if there were further amendments to be offered to the bill. I have offered amendments to the bill which went to the Committee on Appropriations. They have not been reported. I want to offer them in the Senate.

Mr. QUAY. I do not understand what the Senator from North Carolina says.

Mr. BUTLER. I shall offer in the Senate the amendments which I proposed and which were referred to the Committee on Appropriations and were not adopted by the committee.

Mr. QUAY. They can be presented to-morrow.

Mr. GALLINGER. I take it that any amendment will be in order to-morrow. I should be unwilling to make an agreement to-night which would preclude the offering of other amendments. Let the bill remain open.

SUITS FOR PARTITION OF LANDS.

Mr. HOAR. I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the bill (H. R. 4099) to confer jurisdiction upon the circuit courts in certain cases, and that the bill be put upon its passage. A similar bill has already passed the Senate unanimously, authorizing parties to bring suit for partition where the United States is one of the tenants. The House has passed a bill identically the same as the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It confers upon the several circuit courts of the United States jurisdiction of suits in equity brought by any tenant in common or joint tenant for the partition of lands in cases where the United States is one of such tenants in common or joint tenants, the suit to be brought in the circuit court of the district in which the land is situate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMESTEADS AND RIGHT OF WAY IN ALASKA.

Mr. HANSBROUGH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 5975, "An act extending the homestead laws and providing for the right of way for railroads in the District of Alaska," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 9, 18, 47.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 7, 8, 11, 13, 16, 17, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 39, 40, 42, 43, 44, 45, 46, 48, 49, 50, 52, 54, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out amend so as to read as follows:

"That the homestead land laws of the United States and the rights incident thereto, including the right to enter surveyed or unsurveyed lands

under the provisions of law relating to the acquisition of title through soldiers' additional homestead rights, are hereby extended to the District of Alaska, subject to such regulations as may be made by the Secretary of the Interior."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out the word "forty," in lines 11 and 12, and insert in lieu thereof the word "eighty;" so as to make the amendment read as follows:

"*Provided*, That no entry shall be allowed extending more than 80 rods along the shore of any navigable water, and along such shore a space of at least 80 rods shall be reserved from entry between all such claims, and that nothing herein contained shall be so construed as to authorize entries to be made or title to be acquired to the shore of any navigable waters within said District."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all after the word "extent" in line 17; so as to make the Senate amendment read as follows: "*And it is further provided*, That no homestead shall exceed 80 acres in extent;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment: In lieu of the matter inserted by said amendment insert the following: "The right to take for railroad uses, subject to the reservation of all minerals and coal therein, public lands;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Additional 40 acres to be limited on navigable waters to 80 rods on the shore lines;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"*Provided*, That nothing herein contained shall be so construed as to give to such railroad company, its lessees, grantees, or assigns, the ownership or use of minerals, including coal, within the limits of its right of way or of the lands hereby granted."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment insert the following:

"*Provided further*, That all mining operations prosecuted or undertaken within the limits of such right of way or of the lands hereby granted shall, under rules and regulations to be prescribed by the Secretary of the Interior, be so conducted as not to injure or interfere with the property or operations of the road over its said lands or right of way."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In line 55 strike out the word "created" and insert in lieu thereof the word "erected;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That all charges for the transportation of freight and passengers on railroads in the District of Alaska shall be printed and posted as required by section 6 of an act to regulate commerce as amended on March 2, 1889; and such rates shall be subject to revision and modification by the Secretary of the Interior."

And the Senate agree to the same.

That the Senate recede from its disagreement to the House provision numbered 34, and agree to the same with an amendment so as to read as follows:

"That any such company, by filing with the Secretary of the Interior a preliminary actual survey and plat of its proposed route, shall have the right, at any time within one year thereafter, to file the map and profile of definite location provided for in this act; and such preliminary survey and plat shall, during the said period of one year from the time of filing the same, have the effect to render all the lands on which said preliminary survey and plat shall pass subject to such right of way."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Or if the map of definite location be not filed within one year as herein required, or if the entire road shall not be completed within four years from the filing of the map of definite location."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lines 4 and 5 strike out the words "for an easement:" in line 16 strike out the word "ten" and insert the word "twenty;" in line 19 strike out the words "unappropriated and unoccupied;" in line 29 strike out the words "or map of general route" and insert in lieu thereof the words "of preliminary survey;" in line 40 strike out the word "said" and insert the word "the" in lieu thereof; in line 72 strike out the word "for" and the words "less than;" and in line 73 strike out the words "thirty nor more than" and insert in lieu thereof the word "exceeding;" in line 78 strike out the words "or tramway;" in line 79, after the word "mile," insert the words "or one-half mile of tramway, at a cost of not less than $500;" in line 82, after the word "line" and before the word "actually," insert the words "hitherto constructed or;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"*Provided*, That where within ninety days after the approval of this act proof is made to the satisfaction of the Secretary of the Interior that actual surveys, evidenced by designated monuments, were made, and the line of a railroad, wagon road, or tramway located thereby, or that actual construction was commenced on the line of any railroad, wagon road, or tramway prior to January 31, 1898, the rights to inure hereunder shall, if the terms of this act be complied with as to such railroad, wagon road, or tramway, relate back to the date when such survey or construction was commenced; and in all conflicts relative to the right of way or other privilege of this act the person, company, or corporation having been first in time in actual survey or construction, as the case may be, shall be deemed first in right."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with amendments as follows: In line 5 strike out the words "now or;" in line 6, after the word "Alaska," insert the words "in good faith;" in line 8, after the word "may," insert the word "each," and after the word "purchase" insert the words "one claim only," and strike out the word "forty" and insert in lieu the word "eighty;" so as to make line 8 read as follows: "may each purchase one claim not exceeding 80 acres of such land for any;" strike out all after the word "lands," in line 14, down to the word "*Provided*," in line 16, and insert in lieu thereof the following: "and ingress and egress shall be reserved to the public on the waters of all streams, whether navigable or otherwise;" in line 17, after the word "allowed," insert the words "under this act;" in line 18 strike out the word "forty" and insert the word "eighty;" in line 19 strike out the word "forty" and insert the word "eighty;" in line 20, after the word "sold," insert the words "or entered," and in the same line strike out the word "section" and insert the word "act;" in line 27, before the word "wharves," insert the word "and," and in the same line strike out the words "or other like uses;" in line 28, after the word "wharves," add the word "and;" in line 29 strike out the words "and so forth;" in line 30 strike out the word "the" and insert the word "said" before the word "Secretary;" in the same line strike out the words "of the Interior" and insert the words "and a roadway 60 feet in width, parallel to the shore line as near as may be practicable, shall be reserved for the use of the public as a highway;" in line 38, after the word "claims," insert the words "substantially square in form and," and after the word "initiated" insert the words "prior to January 21, 1898;" so as to make the line read: "*vided further*, That all claims substantially square in form and lawfully initiated prior to January 21, 1898, by survey;" in line 44, strike out the words "all the limitations" and insert in lieu thereof the words "the requirements;" and in the same line, after the word "act," insert the words "except as to area, but in no case shall such entry extend along the water front for more than 160 rods;" in line 49, after the word "natives," add the words "*Provided*, That the Annette, Pribilof Islands, and the islands leased or occupied for the propagation of foxes be excepted from the operation of this act;" in line 58, strike out all after the word "the" down to the word "and" in line 60 and insert in lieu thereof the words "admitted in evidence as if taken before the register and receiver of the proper local land office;" in line 79, after the word "lands," add "or any part thereof;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with amendments as follows: Strike out all of section 12 and insert in lieu thereof the following:

"SEC. 12. That the President is authorized and empowered, in his discretion, by Executive order from time to time to establish or discontinue land districts in the District of Alaska, and to define, modify, or change the boundaries thereof, and to designate or change the location of any land office therein; and he is also authorized and empowered to appoint, by and with the advice and consent of the Senate, a register for each land district he may establish and a receiver of public moneys therefor; and the register and receiver appointed for such district shall, during their respective terms of office, reside at the place designated for the land office. That the registers and receivers of public moneys in the land districts of Alaska shall each receive an annual salary of $1,500 and the fees provided by law for like officers in the State of Oregon, not to exceed, including such salary and fees, a total annual compensation of $3,000 for each of said officers.

"SEC. 13. That native-born citizens of the Dominion of Canada shall be accorded in said District of Alaska the same mining rights and privileges accorded to citizens of the United States in British Columbia and the Northwest Territory by the laws of the Dominion of Canada or the local laws, rules, and regulations; but no greater rights shall be thus accorded than citizens of the United States or persons who have declared their intention to become such may enjoy in said District of Alaska; and the Secretary of the Interior shall from time to time promulgate and enforce rules and regulations to carry this provision into effect."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with amendments as follows: Strike out the words "section 13" and insert in lieu thereof the words "section 14;" in line 4 strike out the words "at the port of Wrangell" and insert in lieu thereof the words "at any of the ports;" in line 9, after the words "States," insert the words "and to persons who have declared their intentions to become such;" in line 13 strike out all after the first comma down to the end of the section and insert in lieu thereof the words "that corresponding privileges have been and are being granted by the Government of the Dominion of Canada in respect of goods, wares, and merchandise passing through the territory of the Dominion of Canada to any point in the District of Alaska from any point in said District."

That the House recede from its disagreement to the Senate amendment of the title of the bill, and agree to the same.

HENRY C. HANSBROUGH,
THOMAS H. CARTER,
Managers on the part of the Senate.

JOHN F. LACEY,
JOHN F. SHAFROTH,
W. R. ELLIS,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 439) granting a pension to Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 116) granting a pension to W. L. Faxon;

A bill (S. 498) granting a pension to Mary A. Wise;

A bill (S. 497) granting an increase of pension to Betsey B. Olin;

A bill (S. 509) granting an increase of pension to Lafayette Tibbetts;

A bill (S. 924) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet;

A bill (S. 1133) to pay the Richmond Locomotive and Machine Works its claim for damages and losses incurred in the construction of the armored battle ship *Texas;*

A bill (S. 1541) granting a pension to "Itewayaka" or "One-armed Jim;"

A bill (S. 1773) to amend the military record of George F. Miller;

A bill (S. 3345) granting an increase of pension to Martha Ann Hynes;

A bill (H. R. 2307) to correct the naval history of John C. Dull;

A bill (H. R. 6468) authorizing the Supreme Lodge of the Knights of Pythias to erect and maintain a sanitarium and bath house on the Government reservation at the city of Hot Springs, Ark.;

A bill (H. R. 7441) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

A bill (H. R. 9043) granting an increase of pension to Ann M. Smith; and

A joint resolution (S. R. 6) providing for the adjustment of certain claims of the United States against the State of Tennessee, and certain claims of the State of Tennessee against the United States.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 1596) to amend the postal laws relating to use of postal cards.

QUARTERMASTER'S SUPPLIES, ETC.

Mr. HAWLEY. I call up for consideration the conference report upon the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes.

The VICE-PRESIDENT. The Senator from Connecticut calls up the conference report indicated by him. The conference report is before the Senate.

Mr. HAWLEY. Mr. President, after a most thorough consideration of this bill by the Committee on Military Affairs, and especially by the subcommittee, consisting of the Senator from Missouri [Mr. COCKRELL], the Senator from Vermont [Mr. PROCTOR], and myself, we decided that we should be obliged to ask the Senate to proceed with the bill exactly as it is. There are certain things in it indispensable to the subdepartments of the War Department, and we find that the bill answers every reasonable requisition.

If the Senate will permit me, I will read a very brief and vigorous statement by the capable Quartermaster-General of the Army, General Ludington, approved by the Secretary of War and sent to the Senate:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, April 23, 1898.

SIR: In view of the immediate requirements of the Army, and in order to supply it promptly during active hostilities, it is respectfully recommended that legislation be provided by Congress to suspend, until such time as hostilities shall cease, the provisions of law applicable to the Quartermaster's Department, as published in the annual appropriation acts for the support of the Army, viz, requiring advertisement before purchasing supplies, animals, etc.; limiting the amount to be paid for the hire of civilian employees to $1,000,000 annually, and that no employee of the Quartermaster's Department shall receive more than $150 per month; forbidding that the number of cavalry and artillery horses shall exceed the number of enlisted men and Indian scouts in the mounted service; that no part of the appropriation shall be paid for horses not purchased by contract, after competition duly invited, and inspected by the Quartermaster's Department; also limiting the number of draft animals to 5,000.

For the purchase and prompt delivery of supplies the requirements of the law now in force should be suspended or modified so as to permit purchases in open market.

The force of civilian employees must necessarily be largely increased, and in some instances in order to secure certain classes of employees, such as masters of vessels, special agents, etc., whose services could not be secured for such amount of pay ($150), it will be necessary to exceed that sum.

A reasonable reserve supply of cavalry and artillery horses should be kept on hand to supply losses as they occur, to keep up the efficiency of the cavalry and artillery arms of the service. To do this efficiently and promptly, the requirements of the law now in force should be suspended or so modified as to permit purchases in open market and an inspection by officers other than of the Quartermaster's Department properly designated by the Secretary of War.

The number of the draft animals must necessarily be increased, as the Army will, no doubt, be operating off lines of railroad, and in order to keep up its supply hauling by teams must be resorted to.

The suspension or modification of the prohibitory and limiting provisions of the laws referred to is absolutely necessary to enable the Department to conduct its business under existing emergencies, and immediate action by Congress is required to relieve this Department of the operations of said laws.

Very respectfully,

M. I. LUDINGTON,
Quartermaster-General United States Army.

The SECRETARY OF WAR.

That is to say, briefly, we had an Army of 25,000 men, a long period of profound peace, and made very proper restrictions. Now we are raising from 125,000 to 135,000 men in addition to that Army, making 150,000 or 160,000, and putting an extraordinary stress of work upon this Department on their peace basis, and it is absolutely indispensable, in my judgment, that a bill like this should pass. We have studied it and looked over all of the provisions on the subject, beginning with the civil war and coming down to the present time, and we find that the measure we have presented is useful and we think necessary.

Mr. COCKRELL. I hope the Senator from Connecticut will have the last letter from the Quartermaster-General read.

Mr. HAWLEY. Yes; I will read a memorandum received to-day, in answer to my request this morning, from the Quartermaster-General.

Mr. COCKRELL. Send it to the desk to be read.

Mr. HAWLEY. I will pass it up to the Secretary.

The Secretary read as follows:

QUARTERMASTER-GENERAL'S OFFICE, *May 5, 1898.*

In connection with the purchase of supplies for the Army, the Quartermaster's Department is handicapped by the act approved March 15, 1898 (Army bill for the fiscal year ending June 30, 1899), and the previous Army appropriation act, by reason of the provisions therein contained, which require "That after advertisement all the supplies for the use of the various departments and posts of the Army and of the branches of the Army service shall hereafter be purchased where the same can be purchased the cheapest in the markets of the United States, quality and cost of transportation and the interests of the Government considered, except that purchases may be made in open market in the manner common among business men when the aggregate amount required does not exceed $300; but every such purchase shall be immediately reported to the Secretary of War."

It is the advertisement requirement before purchase when the sum exceeds $300 that this Department desires to be temporarily relieved of during hostilities. The requirements of the Army during a war are frequently such that they will admit of no delay whatever, and to be obliged always to comply with the existing law as to advertisement under extraordinary emergencies will delay this Department in the procurement of its supplies which are immediately required to meet the urgent needs of the Army. It is not the intention or the desire of the Quartermaster-General that the door should be so widely opened as to permit either abuse or fraud in connection with the purchase of supplies by this Department for the Army, but some relief from the operation of this and the other provisions of law mentioned in H. R. bill 10121, relating to this Department, is believed to be necessary in order that the public business pertaining to the Quartermaster's Department may be dispatched and every interest of the Army under emergencies promptly cared for.

The provisions of section 3709, Revised Statutes, relative to purchases and contracts for supplies or services in any of the Departments of the Government, which was originally enacted during 1861, does not relieve this Department of the operation and requirements of the act approved March 15, 1898, above referred to, regarding advertisements, the provisions of which are now in full force and effect. The above is all that my letter called for as to the suspension of the advertisement feature.

M. I. LUDINGTON,
Quartermaster-General United States Army.

Mr. COCKRELL. Mr. President, I wish to say only a few words. I have been trying to find out exactly the laws and regulations that were enacted during the last war. I find that on the 23d of June, 1860, a law was enacted which provided:

That all purchases and contracts for supplies or services in any of the Departments of the Government except for personal services, when the public exigencies do not require the immediate delivery of the article or articles, or performance of the service, shall be made by advertising a sufficient time previously for proposals respecting the same. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract at the places and in the manner in which such articles are usually bought and sold or such services engaged between individuals. No contract or purchase shall hereafter be made unless the same be authorized by law, or be under an appropriation adequate to its fulfillment, except in the War and Navy Departments for clothing, subsistence, forage, fuel, quarters, or transportation which, however, shall not exceed the necessities of the current year.

On the 21st day of February, 1861, by "An act making appropriations for the naval service for the year ending June 30, 1862," the law of June 23, 1860, was repealed. On the 2d day of March, 1861, it was reenacted. It shows that people were then in the habit of changing their minds occasionally.

Mr. HALE. Is that the provision that is suspended?

Mr. COCKRELL. I will read it as it was enacted March 2, 1861. I believe there was no change at all in the language. It is section 10 of "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1862:"

That all purchases and contracts for supplies or services in any of the Departments of the Government, except for personal services, when the public exigencies do not require the immediate delivery of the article or articles, or performance of the service, shall be made by advertising, a sufficient time previously, for proposals respecting the same. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract at the places and in the manner in which such articles are usually bought and sold or such services engaged between individuals. No contract or purchase shall hereafter be made unless the same be authorized by law, or be under an appropriation adequate to its fulfillment, except in the War and Navy Departments for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

And then this provision is added:

And the third section of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1861," shall be, and the same is hereby, repealed.

Mr. President, that was the law under which operations were had without any restriction, so far as I can find, until we come to the act of June 2, 1862. That was "An act to prevent and punish fraud on the part of officers intrusted with making of contracts for the Government;" and it provided:

That it shall be the duty of the Secretary of War, of the Secretary of the Navy——

Mr. CHANDLER. Will the Senator state where in the statute book that is?

Mr. COCKRELL. Volume 12, page 411, Statutes at Large, act of June 2, 1862.

That it shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior, immediately after the passage of this act, to cause and require every contract made by them, severally or on behalf of the Government, or by their officers under them appointed to make such contracts, to be reduced to writing and signed by the contracting parties with their names at the end thereof, a copy of which shall be filed by the officer making and signing the said contract in the "Returns Office" of the Department of the Interior (hereinafter established for that purpose) as soon after the contract is made as possible, and within thirty days, together with all bids, offers, and proposals to him made by persons to obtain the same, as also a copy of any advertisement he may have published inviting bids, offers, or proposals for the same; all the said copies and papers in relation to each contract to be attached together by a ribbon and seal, and numbered in regular order numerically, according to the number of papers composing the whole return.

SEC. 2. *And be it further enacted*, That it shall be the further duty of the said officer, before making his return, according to the first section of this act, to affix to the same his affidavit in the following form, sworn to before some magistrate having authority to administer oaths: "I do solemnly swear (or affirm) that the copy of contract hereto annexed is an exact copy of a contract made by me personally with ——; that I made the same fairly without any benefit or advantage to myself, or allowing any such benefit or advantage corruptly to the said ——, or any other person; and that the papers accompanying include all those relating to the said contract, as required by the statute in such case made and provided."

These contracts were kept for reference and for inspection. Section 4 of the same act provides:

That it shall be the duty of the Secretary of the Interior, immediately after the passage of this act, to provide a fit and proper apartment in his Department, to be called the "Returns Office," within which to file the returns required by this act to be filed, and to appoint a clerk to attend to the same, who shall be entitled to an annual salary of $1,200, and whose duty it shall be to file all returns made to said office, so that the same may be of easy access, filing all returns made by the same officer in the same place, and numbering them as they are made in numerical order. He shall also provide and keep an index book, with the names of the contracting parties and the number of each and every contract opposite to the said names, etc.

I find again that July 16, 1862, volume 12, page 577, a law was passed entitled "An act to prevent members of Congress and officers of the Government of the United States from taking consideration for procuring contracts, office, or place from the United States, and for other purposes." That act prohibited them from being interested in any way and made it penal.

July 12, 1862, volume 12, page 604, "A resolution in relation to contracts with the United States" was approved. It is very peculiar, and contains the following provision:

That it shall be the duty of the several Executive Departments of the Government to publish, in one of the daily newspapers of the city of Washington, on Tuesday of each week, a list of all contracts which shall have been solicited or proposed to each, respectively, during the week next preceding, which list shall state briefly the subject-matter of each contract so solicited or proposed to be made, its terms, the name of the proposed contractor and of all persons known to be interested therein, directly or indirectly, and of all persons who solicit, request, or recommend the making of any such contract: *Provided*, That the foregoing provision shall not be applicable to bids in pursuance of advertisements for contracts or purchases made under existing laws, but shall apply to all proposed modifications of existing contracts.

I have examined the laws up to about the close of the year 1863, and these are the only laws I find in regard to the purchases to be made and the contracts to be let by the different Departments. The act of March 2, 1861, has substantially remained in force and is nearly the same as in the statute now, except that I do not think the part "no contract or purchase shall hereafter be made unless the same be authorized by law, or be under an appropriation adequate to its fulfillment," is in the Revised Statutes, and the clause is not now in the statutes, "except in the War and Navy Departments for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year."

The Department says that this is a necessity, and the Quartermaster-General has given the reasons. His letter does not apply to the whole of the bill, but there are some provisions of the bill that are necessary beyond any question. The provision in regard to the purchase of horses is necessary. We know they must have more than the number specified in the law; and there are a number of other things. There is some question as to the propriety of the provision as to immediate delivery. I think most of the things would be covered by "immediate delivery;" but the Quartermaster-General does not think so, and thinks they will have to make contracts for other things beyond the time. I was not disposed to make any further contention. If I had drawn the bill I should have drawn it differently from what it is. But I think some enactment is absolutely necessary in the matter.

Mr. CULLOM. As I understand the Senator from Missouri, there is not very great difference between the present law and this bill.

Mr. COCKRELL. I do not think there is; but you can not tell exactly the difference between laws unless you know how they were administered. A Department may construe a law in one way and issue regulations and rules under it, and pursue an entirely different course from what another Department would pursue at a different time.

Mr. CULLOM. A law ought to be administered according to its terms.

Mr. COCKRELL. I know, but I have read the language here. I do not know whether they construed this language here to mean that they could purchase all the clothing for the Army, and all the subsistence, and all the forage, and all the fuel, and all the quarters, and all the transportation, including not only transportation on railroads, but wagons, mules and horses, and everything necessary in transporting from one point to the other by wagon road or by water or by rail. I do not know how those things were construed. I understand from the Senator from Vermont [Mr. PROCTOR] that the word "transportation" is construed to mean not only the mere transportation of troops, but the means of transportation—wagons and harness and mules and horses, and everything of that kind.

Mr. PROCTOR. They all come under the general head of "transportation," and so does fuel also, because it was originally supplied by army teams.

Mr. CULLOM. Is it bought without advertisement or with it?

Mr. PROCTOR. It is bought in time of peace by advertisement. In 1861 it was exempted from that provision. The present bill is substantially like the law under which the war of 1861 was carried on.

Mr. GORMAN. Mr. President, I think it is impossible for us to get through with this bill to-night. I hope the Senator in charge of it will consent to have it go over and come up immediately after the routine business to-morrow morning, and let us now proceed to the consideration of executive business. If there is no objection, I will make that motion.

Mr. HAWLEY. I will just make one remark. The Senator from Missouri [Mr. COCKRELL] spoke about the Army purchasing transportation supplies freely now. They could, except that there has been for some time a limitation on the number of draft animals to 5,000.

Mr. COCKRELL. That is the language of the old law. I did not refer to that. I said that it was absolutely necessary that that restriction should be removed; but I meant what they would do under the old law.

Mr. HAWLEY. I understand. I am not hurting anybody's feelings, I think, when I say they have been absolutely compelled to violate the law in this and various other matters or to leave the country in a disgraceful condition in failing to provide for the organization of troops.

Mr. CHANDLER. I suggest to the Senator from Maryland that what there is in this bill which ought to become a law should be put upon our statute books as soon as possible. I agree with him that section 3709 of the Revised Statutes should not be repealed. It occurred to me to ask the Senator from Connecticut [Mr. HAWLEY] whether there could by agreement be a rejection of the conference committee's report, so that the conferees between now and Monday might agree upon a report eliminating that provision.

Mr. CULLOM. We shall be in session to-morrow.

Mr. GORMAN. The only objection I have to any provision in the bill is the one to which allusion has been made.

Mr. CHANDLER. Does the Senator object to any other provision in the bill?

Mr. GORMAN. I do not.

Mr. CHANDLER. I do not; but I have very serious objection to striking out——

Mr. HAWLEY. Let me ask my colleague on the committee whether that provision was not repealed shortly after it was enacted in 1861?

Mr. COCKRELL. The repeal of a law that is repealed amounts to nothing in legislation, as I understand it. That law has been repealed; and that section never ought to have been there.

Mr. CHANDLER. When was the law of 1861 repealed?

Mr. COCKRELL. The Senator has the number of the statute before him. He will remember the subsequent provision which repealed section 3709 and added another clause.

Mr. HALE. I suppose the revisers considered it in force, and therefore put it in the Revised Statutes.

Mr. GORMAN. And the Department considered it in force.

Mr. CHANDLER. And asks now to have it suspended.

Mr. COCKRELL. It is added to by the act of 1895, which takes away all the discretion of the Secretary of War and compels him to advertise.

Mr. HALE. That is the act of 1895.

Mr. COCKRELL. Yes; as I recollect it.

Mr. GORMAN. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I ask the Senator from Maryland to yield to me that I may make a report from a committee.

Mr. GORMAN. I withdraw the motion, and yield to the Senator for that purpose.

ENLISTMENT OF CUBANS IN THE ARMY.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 4518) to provide for enlisting inhabitants of Cuba in the Army of the United States

and accepting the services of Cuban volunteers during the existing war, and for relieving destitute women and children in Cuba, and for other purposes, to report it with amendments. It is a very short bill, and I think every Senator will approve of it. It will only take a moment to pass it, and I therefore ask unanimous consent for its present consideration.

Mr. HAWLEY. Has the consideration of the other bill been laid aside?

Mr. COCKRELL. Yes; that was the understanding.

Mr. HAWLEY. I was not aware of it.

Mr. COCKRELL. The Senator from Maryland moved an executive session, but I thought we had better pass this bill.

The VICE-PRESIDENT. The Senator from Maryland requested that the conference report which was under consideration should be laid aside until to-morrow morning. Is there any objection to the request?

Mr. COCKRELL. I hope the Senator from Connecticut will allow the bill which I have reported to pass.

Mr. HAWLEY. Certainly.

Mr. COCKRELL. The unanimous consent does not displace the measure in charge of the Senator from Connecticut.

The VICE-PRESIDENT. Is there objection to the consideration of the bill reported by the Senator from Missouri [Mr. COCKRELL]?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The amendments reported by the Committee on Military Affairs will be stated.

The SECRETARY. The committee propose to amend the bill by striking out sections 1 and 2, as follows:

That during the existing war the operation and effect of all provisions of law which confine the eligibility to enlistment in the Army of the United States to citizens of the United States and persons of foreign birth who shall have declared their intention to become citizens of the United States under and in pursuance of the laws thereof, under 35 years of age, be, and they are hereby, suspended: *Provided*, That inhabitants of the Island of Cuba may be enlisted in the Army of the United States, at the discretion of the President, regardless of any limitations provided by law respecting, or on account of, the age of the party to be enlisted.

SEC. 2. That the President be, and he is hereby, authorized, at his discretion, to accept the services, in the existing war, of independent volunteer troops, batteries, companies, regiments, or other military organizations, composed of inhabitants of the Island of Cuba, and muster them into the military service of the United States for a period of not less than one month nor more than two years: *Provided*, That when so mustered into the service of the United States they shall not be entitled to the pay and allowances, or other compensation, or any bounty, provided by law and regulations for the soldiers of the Army of the United States, but may be furnished such supplies, arms, ammunition, transportation, and other military aid as the officer of the United States Army commanding them may deem absolutely necessary at the time to enable them to perform effective military service: *And provided further*, That such service shall not entitle anyone to any benefits of the pension laws of the United States.

The amendment was agreed to.

The next amendment was, insection (4) 2, line 6, after the word "available," to insert "and may enlist, not to exceed 50 for each brigade, inhabitants of the Island of Cuba, qualified to serve as interpreters, guides, scouts, and assistants;" so as to make the bill read:

Be it enacted, etc., That while serving in Cuba during the existing war, officers of the Army of the United States exercising separate commands may, by special order, cause subsistence, medical, and quartermaster's supplies to be issued to, and other aid rendered to, inhabitants of the Island of Cuba who are destitute and in imminent danger of perishing unless they receive the same.

SEC. 2. That the President and general officers commanding troops in Cuba are hereby authorized to furnish to the proper officers of the Cuban insurgents such arms, ammunition, equipments, and military stores and supplies as they may require to render the services of that army as allies in the existing war available; and may enlist, not to exceed fifty for each brigade, inhabitants of the Island of Cuba, qualified to serve as interpreters, guides, scouts, and assistants.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. COCKRELL, the title was amended so as to read: "A bill to provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the insurgent forces, and for other purposes."

DISTINCTION BETWEEN OFFERED AND UNOFFERED LANDS.

Mr. CARTER. I ask the Senator from Maryland to yield to me that I may make a motion.

Mr. GORMAN. I yield to the Senator.

Mr. CARTER. I ask the Chair to lay before the Senate the action of the House of Representatives on the bill (S. 1586) to provide for the sale of public lands in Missouri.

The VICE-PRESIDENT. There being no objection, the Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 1586) to provide for the sale of public lands in Missouri, which will be stated.

The Secretary read the amendments of the House of Representatives, which were to insert as a new section the following:

SEC. 2. That in cases arising from and after the passage of this act the distinction now obtaining in the statutes between offered and unoffered lands shall no longer be made in passing upon subsisting preemption claims, in disposing of the public lands under the homestead laws, and under the timber and stone law of June 3, 1878, as extended by the act of August 4, 1892, but in all such cases hereafter arising the land in question shall be treated as unoffered, without regard to whether it may have actually been at some time offered or not, except in the State of Missouri, in which the lands are still subject to disposal at ordinary private cash entry; and the public land remaining undisposed of in that State shall be treated as offered, without regard to whether it may have actually been at some time offered or not.

And to amend the title so as to read: "A bill to abolish the distinction between offered and unoffered lands, and for other purposes."

Mr. CARTER. I move that the Senate concur in the amendment of the House of Representatives with an amendment striking out all after the word "not" in line 11 to and including the word "not" in line 15, and transpose the sections so that the House amendment as amended will appear as section 1 and the original Senate bill will be section 2.

The VICE-PRESIDENT. The Senator from Montana moves to concur in the amendment of the House of Representatives with an amendment, which will be stated.

The SECRETARY. It is proposed to strike out after the word "not" in line 11 to and including the word "not" in line 15, as follows:

Except in the State of Missouri, in which the lands are still subject to disposal at ordinary private cash entry; and the public land remaining undisposed of in that State shall be treated as offered, without regard to whether it may have actually been at some time offered or not.

Mr. FRYE. Will it not be an easier way to agree to the request for a committee of conference and have the matter there arranged?

Mr. CARTER. The matter has been agreed to by all parties, and the bill is one in which the Senator from Missouri [Mr. COCKRELL] is interested.

Mr. COCKRELL. If the amendment submitted by the Senator from Montana is agreed to, that will end it, and that is the shorter way.

The VICE-PRESIDENT. The question is on the motion of the Senator from Montana to concur in the amendment of the House of Representatives with an amendment which has been read.

The motion was agreed to.

Mr. CARTER. I also move that the Senate concur in the amendment of the House of Representatives to the title; so as to make it read: "A bill to abolish the distinction between offered and unoffered lands, and for other purposes."

The motion was agreed to.

EXECUTIVE SESSION.

Mr. GORMAN. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 6, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 5, 1898.

UNITED STATES ATTORNEY.

John C. Rose, of Maryland, to be attorney of the United States for the district of Maryland, vice William L. Marbury, removed.

COLLECTOR OF CUSTOMS.

George M. Warren, of Maine, to be collector of customs for the district of Castine, in the State of Maine, to succeed Walter J. Creamer, whose term of office will expire by limitation May 10, 1898.

ASSISTANT APPRAISER.

Harvey T. Andrews, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, to succeed Frank J. Drummond, removed.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Lieut. Col. John Francis Weston, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence with the rank of colonel, April 30, 1898, vice Nash, appointed Commissary-General of Subsistence.

Maj. Wells Willard, commissary of subsistence, to be assistant commissary-general of subsistence, with the rank of lieutenant-colonel, April 30, 1898, vice Weston, promoted.

Capt. Tasker Howard Bliss, commissary of subsistence, to be commissary of subsistence with the rank of major, April 30, 1898, vice Willard, promoted.

PROMOTIONS IN THE NAVY.

Ensign Marcus L. Miller, to be a lieutenant, junior grade, in the Navy from the 28th day of March, 1898, vice Lieut. (Junior Grade) Edwin A. Anderson, promoted.

Ensign Lloyd H. Chandler, to be a lieutenant, junior grade, in the Navy from the 8th day of April, 1898, vice Lieut. (Junior Grade) John M. Poyer, promoted.

Ensign George N. Hayward, to be a lieutenant, junior grade, in the Navy from the 13th day of April, 1898 (subject to the examinations required by law), vice Lieut. (Junior Grade) Charles P. Eaton, promoted.

Ensign Samuel S. Robison, to be a lieutenant, junior grade, in the Navy from the 23d day of April, 1898 (subject to the examinations required by law), vice Lieut. (Junior Grade) John M. Ellicott, promoted.

WITHDRAWAL.

Executive nominations withdrawn May 5, 1898.

Lieut. Col. John Francis Weston, Maj. Wells Willard, and Capt. Tasker H. Bliss, nominated on the 4th instant for promotion in the Subsistence Department, to date from May 2, 1898, and substitute the accompanying list, nominating these officers to the same offices, but with rank from April 30, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 5, 1898.

CONSUL.

Luther T. Ellsworth, of Ohio, to be consul of the United States at Puerto Cabello, Venezuela.

APPOINTMENT IN THE ARMY.

Pay Department.

Harry L. Rogers, to be paymaster, with the rank of major.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Lieut. Col. John Francis Weston, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence, with the rank of colonel.

Maj. Wells Willard, commissary of subsistence, to be assistant commissary-general of subsistence, with the rank of lieutenant-colonel.

Capt. Tasker Howard Bliss, commissary of subsistence, to be commissary of subsistence, with the rank of major.

To be brigadier-generals, to date from May 4, 1898.

Col. Thomas M. Anderson, Fourteenth United States Infantry.
Col. Charles E. Compton, Fourth United States Cavalry.
Col. Abraham K. Arnold, First United States Cavalry.
Col. John S. Poland, Seventeenth United States Infantry.
Col. John C. Bates, Second United States Infantry.
Col. Andrew S. Burt, Twenty-fifth United States Infantry.
Col. Simon Snyder, Nineteenth United States Infantry.
Col. Hamilton S. Hawkins, Twentieth United States Infantry.
Col. Royal T. Frank, First United States Artillery.
Col. Jacob F. Kent, Twenty-fourth United States Infantry.
Col. Samuel S. Sumner, Sixth United States Cavalry.
Col. Francis L. Guenther, Fourth United States Artillery.
Col. Alexander C. M. Pennington, Second United States Artillery.
Col. Guy V. Henry, Tenth United States Cavalry.
Col. John I. Rogers, Fifth United States Artillery.
Col. Louis H. Carpenter, Fifth United States Cavalry.
Col. Samuel B. M. Young, Third United States Cavalry.
Col. John M. Bacon, Eighth United States Cavalry.
Col. Edward B. Williston, Sixth United States Artillery.
Lieut. Col. Henry W. Lawton, Inspector-General United States Army.
Lieut. Col. George M. Randall, Eighth United States Infantry.
Lieut. Col. Theodore Schwan, assistant adjutant-general, United States Army.
Lieut. Col. William Ludlow, Corps of Engineers, United States Army.
Lieut. Col. Adna R. Chaffee, Third United States Cavalry.
Lieut. Col. George W. Davis, Fourteenth United States Infantry.
Lieut. Col. Alfred E. Bates, deputy paymaster-general, United States Army.

APPOINTMENTS IN THE NAVY.

To be lieutenants (junior grade).

Ensign Marcus Miller.
Ensign Lloyd H. Chandler.
Ensign George N. Haywood.
Ensign Samuel S. Robison.

INDIAN AGENT.

Oliver C. Applegate, of Klamath Falls, Oreg., to be agent for the Indians of the Klamath Agency in Oregon.

REGISTER OF THE LAND OFFICE.

Francis M. Rathbun, of Cambridge, Nebr., to be register of the land office at McCook, Nebr.

RECEIVERS OF PUBLIC MONEYS.

Frank H. Young, of Broken Bow, Nebr., to be receiver of public moneys at Broken Bow, Nebr.

Thomas P. Kennard, of Lincoln, Nebr., to be receiver of public moneys at Lincoln, Nebr.

Joel A. Piper, of Lincoln, Nebr., to be receiver of public moneys at McCook, Nebr.

POSTMASTERS.

John M. Benedict, to be postmaster at Centralia, in the county of Lewis and State of Washington.

Henry Blun, jr., to be postmaster at Savannah, in the county of Chatham and State of Georgia.

James H. Maull, to be postmaster at Georgetown, in the county of Sussex and State of Delaware.

David E. Lloyd, to be postmaster at Yankton, in the county of Yankton and State of South Dakota.

George H. Richmond, to be postmaster at Northfield, in the county of Washington and State of Vermont.

John M. Sloan, to be postmaster at Chase City, in the county of Mecklenburg and State of Virginia.

Ansel T. Simmons, to be postmaster at Geneva, in the county of Ashtabula and State of Ohio.

John C. Smith, to be postmaster at Wilmington, in the county of Clinton and State of Ohio.

Henry Thomas, to be postmaster at Cuyahoga Falls, in the county of Summit and State of Ohio.

C. M. Ingman, to be postmaster at Marysville, in the county of Union and State of Ohio.

William G. Richards, to be postmaster at Hillsboro, in the county of Highland and State of Ohio.

Manning M. Rose, to be postmaster at Marietta, in the county of Washington and State of Ohio.

George T. Reeve, jr., to be postmaster at Riverhead, in the county of Suffolk and State of New York.

M. L. Wood, to be postmaster at Frankfort, in the county of Herkimer and State of New York.

J. B. Elliott, to be postmaster at Greenfield, in the county of Highland and State of Ohio.

William H. Bartlett, to be postmaster at Amenia, in the county of Dutchess and State of New York.

Lorin J. Eggleston, to be postmaster at Millerton, in the county of Dutchess and State of New York.

Reuben F. Hoff, to be postmaster at Union Springs, in the county of Cayuga and State of New York.

Samuel H. Steele, to be postmaster at David City, in the county of Butler and State of Nebraska.

Theodore M. Giffin, to be postmaster at Haddonfield, in the county of Camden and State of New Jersey.

Charles H. Terrill, to be postmaster at Irvington, in the county of Essex and State of New Jersey.

William H. Harrison, to be postmaster at Grand Island, in the county of Hall and State of Nebraska.

William D. Pruitt, to be postmaster at Arapahoe, in the county of Furnas and State of Nebraska.

Frank D. Reed, to be postmaster at Shelton, in the county of Buffalo and State of Nebraska.

Timothy Smith, to be postmaster at Howell, in the county of Livingston and State of Michigan.

Robert B. Kreis, to be postmaster at Monticello, in the county of Wright and State of Minnesota.

Frank B. Lamson, to be postmaster at Buffalo, in the county of Wright and State of Minnesota.

Henry C. Minnie, to be postmaster at Eaton Rapids, in the county of Eaton and State of Michigan.

Charles S. Pierce, to be postmaster at Oscoda, in the county of Iosco and State of Michigan.

George H. Pond, to be postmaster at Ann Arbor, in the county of Washtenaw and State of Michigan.

Loomis K. Bishop, to be postmaster at Grand Rapids, in the county of Kent and State of Michigan.

Frank W. Clark, to be postmaster at Lake Odessa, in the county of Ionia and State of Michigan.

Clark J. Drummond, to be postmaster at Greenville, in the county of Montcalm and State of Michigan.

B. F. Brooks, to be postmaster at Barre, in the county of Worcester and State of Massachusetts.

William R. Hall, to be postmaster at Maynard, in the county of Middlesex and State of Massachusetts.

William Parsons, to be postmaster at Rockport, in the county of Essex and State of Massachusetts.

Henry C. Brewer, to be postmaster at Freeport, in the county of Cumberland and State of Maine.

J. Frank Vincent, to be postmaster at Pocomoke City, in the county of Worcester and State of Maryland.

Augustus M. Bearse, to be postmaster at Middleboro, in the county of Plymouth and State of Massachusetts.

William Smith, to be postmaster at Galena, in the county of Cherokee and State of Kansas.

James N. Titus, to be postmaster at Medicine Lodge, in the county of Barber and State of Kansas.

Albert C. Bradbury, to be postmaster at Newport, in the county of Penobscot and State of Maine.

John Payne, to be postmaster at Connersville, in the county of Fayette and State of Indiana.

Joseph Craft, to be postmaster at Chetopa, in the county of Labette and State of Kansas.

W. H. Mackey, jr., to be postmaster at Junction City, in the county of Geary and State of Kansas.

Lilian W. Thomas, to be postmaster at Sausalito, in the county of Marin and State of California.

John C. Fudge, to be postmaster at Dunkirk, in the county of Jay and State of Indiana.

Daniel Lynch, to be postmaster at Lowell, in the county of Lake and State of Indiana.

John G. Pritchard, to be postmaster at Bisbee, in the county of Cochise and Territory of Arizona.

William D. Ingram, to be postmaster at Lincoln, in the county of Placer and State of California.

John W. Short, to be postmaster at Fresno, in the county of Fresno and State of California.

Frank N. Webster, to be postmaster at Spencerport, in the county of Monroe and State of New York.

Tyler Hhswell, to be postmaster at Bryan, in the county of Brazos and State of Texas.

W. H. Webber, to be postmaster at Lampasas, in the county of Lampasas and State of Texas.

Furman L. Richardson, to be postmaster at Cape May, in the county of Cape May and State of New Jersey.

Edwin P. Bouton, to be postmaster at Trumansburg, in the county of Tompkins and State of New York.

Albert P. Merriam, to be postmaster at Phœnix, in the county of Oswego and State of New York.

Chester H. Smith, to be postmaster at Plattsmouth, in the county of Cass and State of Nebraska.

William H. Foley, to be postmaster at Bordentown, in the county of Burlington and State of New Jersey.

William B. R. Mason, to be postmaster at Bound Brook, in the county of Somerset and State of New Jersey.

George A. Watts, to be postmaster at Clear Lake, in the county of Cerro Gordo and State of Iowa.

M. K. Whelan, to be postmaster at Estherville, in the county of Emmet and State of Iowa.

Lewis H. Baldwin, to be postmaster at Wilton, in the county of Hillsboro and State of New Hampshire.

Charles C. Bender, to be postmaster at Spencer, in the county of Clay and State of Iowa.

Thomas L. Green, to be postmaster at West Union, in the county of Fayette and State of Iowa.

William F. Thero, to be postmaster at Farmington, in the county of Van Buren and State of Iowa.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 5, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

Mr. STEPHENS of Texas. Mr. Speaker, on page 5069 the RECORD states that "Mr. STEPHENS of Texas addressed the House. His remarks will appear hereafter." What I said was that I desired to call attention to the fact that this resolution, if passed, will raise revenue for railroad companies and not for the Government. And on page 5074, in answer to a question by Mr. KLEBERG, it says what I say is "I have read here a single petition from El Paso." It should be, "What I have said is contained in a petition from El Paso."

Mr. LANHAM. Mr. Speaker, I desire to correct the Journal. The point of order raised against the resolution was made by me, and not by Mr. STEPHENS of Texas.

The SPEAKER. The Clerk thinks the gentleman from Texas [Mr. STEPHENS] first made the point of order.

Mr. LANHAM. Not as to the privileged report. That was by myself. It is not material, however, but that was the fact.

The SPEAKER. Does the gentleman from Texas [Mr. STEPHENS] understand that he made the point of order?

Mr. STEPHENS of Texas. The point of order was made by Mr. LANHAM.

The SPEAKER. The change will be made.

Mr. GROSVENOR. Mr. Speaker, there has been so much confusion that I have not understood one word of what has been done.

The SPEAKER. The gentleman from Texas [Mr. LANHAM] desired the Journal corrected so as to show that he made the point of order.

JOSIAH B. ORBISON.

Mr. SHOWALTER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3538) authorizing and directing the repayment to Josiah B. Orbison, of Donegal Township, Butler County, Pa., the sum of $300, with interest, that he paid to avoid the draft in 1863.

The bill was read at length.

Mr. CORLISS. Reserving the right to object, I would like to hear the report.

The report (by Mr. MAHON) was read at length.

Mr. DOCKERY. Mr. Speaker, if I remember aright, I insisted on a former occasion that this bill should be considered in the usual way. I do not desire to object now, but I think it had better be considered in the usual way provided for by the rule.

The SPEAKER. Objection is made.

BRIDGE ACROSS THE ARKANSAS RIVER.

Mr. LITTLE. Mr. Speaker, I desire to take from the Speaker's table Senate bill 4452, authorizing the Campbell-Lynch Bridge Company to construct a bridge across the Arkansas River at or near Webbers Falls, Ind. T.

The bill was read. It provides that it shall be lawful for the Campbell-Lynch Bridge Company, a corporation organized under the laws of the State of Arkansas, its successors or assigns, to build, construct, and maintain a bridge and approaches thereto for the passage of wagons, cars, and vehicles of all kinds, for animals, horseback and foot passengers, across the Arkansas River at or near Webbers Falls, in said Cherokee Nation, Ind. T., upon and from the land owned, claimed, and occupied by William W. Campbell and Susan F. Lynch, members and citizens of the Cherokee tribe of Indians, and the owners, claimants, and occupants of the land on both sides of the Arkansas River at the point where said bridge is to be built.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. TALBERT. I would like to ask the gentleman in charge of this bill if the proposition is intended to carry with it any obligation or appropriation on the part of the Government?

Mr. LITTLE. Not a dollar. It simply authorizes the construction of a bridge across this river.

Mr. MCEWAN. Reserving the right to object, I ask that the report of the committee be read, or that some explanation be made, because I could not hear any part of the reading of the bill.

Mr. LITTLE. I will say to the gentleman from New Jersey that this simply authorizes the construction of a railway bridge across the Arkansas river; and I will state, further, that it is the unanimous report of the Committee on Interstate and Foreign Commerce.

The same bill has passed the Senate.

Mr. TALBERT. Do I understand that this is the unanimous report of the committee?

Mr. LITTLE. It is the unanimous report of the committee, and has also the indorsement of the Secretary of War.

Mr. MCEWAN. I withdraw the objection to the bill, Mr. Speaker.

The SPEAKER. Is there further objection?

There being no objection, the bill was considered, and was ordered to a third reading; and being read the third time, was passed.

On motion of Mr. LITTLE, a motion to reconsider the last vote was laid on the table.

CARRIERS ENGAGED IN INTERSTATE COMMERCE.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to take up for present consideration the bill (H. R. 4372) concerning carriers engaged in interstate commerce, and their employees.

The SPEAKER. The bill will be read, subject to the right of objection.

Mr. MCEWAN. Mr. Speaker, I think I can save the time of the House by making objection to the consideration of the bill. I should like to have an opportunity of examining it before consent is given.

Mr. GROSVENOR. If the gentleman will allow me, this is one of the labor bills. It has been considered by the House committee and is reported unanimously. All of the labor organizations throughout the United States are in favor of its passage; and their committees are now here waiting for the passage of the bill.

Mr. MCEWAN. That may be, Mr. Speaker; but this is a bill that deserves a little more careful consideration.

Mr. GROSVENOR (continuing). And the rights of labor organizations are not only observed by the bill, but it meets their approval, and they urge prompt action upon it.

Mr. MCEWAN. I will look into the bill myself if an opportunity is given.

Mr. HAY. I demand the regular order.

Mr. GROSVENOR. Of course, if the gentleman from New Jersey desires to object, he has a perfect right to do so.

Mr. McEWAN. Mr. Speaker, I must insist upon my right to determine for myself a question of this kind. The bill appears to be one of great importance, and ought not to be considered in this hasty manner, without any deliberation whatever having been given to it. It is a case, apparently, of "the Greeks bearing gifts," you know.

Mr. GROSVENOR. Is there objection, Mr. Speaker?

The SPEAKER. The regular order has been demanded by the gentleman on the right.

GLEN ECHO RAILROAD COMPANY.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 924) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia for a distance of 600 feet, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same amended as follows: In lieu of the proposed section insert the following as a proviso at the end of section 1:

"*And provided further*, That the Commissioners of the District of Columbia shall have the power to make and enforce all reasonable and usual regulations for the operation and maintenance of that portion of the line within the District of Columbia."

And the House agree to the same.

J. W. BABCOCK,
G. M. CURTIS,
JAS. D. RICHARDSON,
Managers on the part of the House.

JAMES McMILLAN,
J. H. GALLINGER,
A. P. GORMAN,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Statement to accompany the report of the conferees on the part of the House on Senate bill No. 924.

The object of the bill is to permit a street railroad operating in Maryland to build and operate its line 600 feet within the District of Columbia.

The House adopted amendments specific in their terms as to the operation of the road and including details many of which are covered under previous acts. The conferees agree that the House recede from its amendments and adopt in lieu thereof a provision that the Commissioners of the District of Columbia be authorized to make and enforce all reasonable and usual regulations for the operation and maintenance of the line within the District of Columbia.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report of the conference committee was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. McEWAN. Mr. Speaker, I desire to withdraw my objection to the consideration of House bill No. 4872, which was called up by the gentleman from Ohio [Mr. GROSVENOR].

The SPEAKER. But the gentleman from Virginia has demanded the regular order.

Mr. LACEY. I call up the conference report, Mr. Speaker, which was under consideration on yesterday when the House adjourned. I refer to the bill relating to homesteads in Alaska.

Mr. McEWAN. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McEWAN. If an objection to a request such as that submitted by the gentleman from Ohio is withdrawn, does the demand for the regular order still stand as a barrier to the consideration of the proposition so called up?

The SPEAKER. The demand for the regular order, of course, is equivalent to an objection to any request for unanimous consent.

Mr. McEWAN. I understood the gentleman to withdraw the demand for the regular order.

Mr. HAY. I have not withdrawn the demand, Mr. Speaker. I demanded the regular order after the gentleman from New Jersey had objected to the request for unanimous consent.

The SPEAKER. So the Chair understood.

Mr. McEWAN. Business having intervened, I will now ask unanimous consent that the House proceed to consider the bill called up by the gentleman from Ohio [Mr. GROSVENOR].

Mr. LACEY. Mr. Speaker, I have called up the conference report.

The SPEAKER. The gentleman from Iowa presents a privileged matter.

HOMESTEAD LAWS, ETC., ALASKA.

Mr. LACEY. I ask the House to proceed with the consideration of the bill which was being considered on yesterday at the time of adjournment.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5975) extending the homestead laws and providing for the right of way for railroads in the District of Alaska.

The SPEAKER. The question is on the demand for the previous question on the adoption of the report.

Mr. LACEY. Mr. Speaker, I am informed now by the gentleman from New Jersey [Mr. PITNEY] that he only desires a short time for the discussion of this matter, which I have no objection to. I therefore withdraw the demand for the previous question, and will see if we can not arrange some time when this debate shall be concluded and a vote be taken.

Mr. PITNEY. The proposition in regard to time, which the gentleman from Iowa and I have already discussed, will be satisfactory to me, if nobody else desires to be heard.

Mr. LACEY. The gentleman from New Jersey suggests that twenty minutes be allowed on each side for debate.

Mr. PITNEY. I do not know whether any other gentleman desires to be heard.

Mr. SHAFROTH. I do.

Mr. PITNEY. Then I suggest that we allow thirty minutes on each side. I will not occupy all that time on my side unless I am interrupted.

Mr. LACEY. Let it be thirty minutes on a side.

The SPEAKER. Is there objection to allowing thirty minutes' debate on each side?

Mr. LACEY. I would be glad if the time could be controlled by the gentleman from New Jersey and myself.

The SPEAKER. Is there objection to allowing thirty minutes' debate on each side, the time to be controlled by the gentleman from Iowa [Mr. LACEY] and the gentleman from New Jersey [Mr. PITNEY]? The Chair hears no objection.

Mr. PITNEY. Mr. Speaker, I do not wish to occupy the position of antagonizing this project for constructing railway lines in the valuable District of Alaska, but I think the proper safeguards ought to be put around the rights of way which may be granted. My attention was called to this matter upon the introduction of the bill in the House of Representatives, and in the form the bill then passed I had no objection to it. Yesterday, when the conference report came up for consideration, it struck me that a number of new matters had been imported into the bill, and no explanation intelligible to members generally was made on those matters.

I therefore took the position of objecting to the immediate disposition of the matter. I have since given some attention to it, and the result of my examination is that I am confirmed in the judgment that I formed yesterday. I was correct in my impression that a number of new matters, absolutely new, have been imported into this bill as the result of the action of the committee of conference. One of them is a proposition to give to the holders of scrip issued under what is known as "soldiers' additional rights" the privilege of locating such scrip in Alaska. There was nothing in the bill as it passed the House or the Senate that made this a proper subject for the action of the conference committee.

Mr. LOUD. Is the statement just made by the gentleman absolutely correct? I should like to know, because yesterday when that statement was made by myself, it was denied by the gentleman from Iowa.

Mr. LACEY. My recollection is that that was provided for in the Senate.

Mr. LOUD. It was not; and it does not appear in the Senate print of the bill.

Mr. LACEY. It was a Senatorial proposition.

Mr. PITNEY. If it was a Senatorial proposition, it must have been defeated in the Senate, because it is not included in the print of the bill as passed by the Senate.

Now, it is well known, and it is admitted by the gentleman from Iowa, that this soldiers' scrip is not held by soldiers. It is impossible to tell by whom it is held. It has been held by speculators in greater or less amounts; and there is no reason why we should give the holders of this scrip a right which was not contemplated by the law which authorized the issuance of the scrip—namely, the right to locate land in the District of Alaska.

Mr. Speaker, I was also right in my contention that section 13 as included in the conference report is absolutely new matter. Nothing in the bill as it passed either the House or the Senate gave jurisdiction to the conference committee to adopt the section. I was mistaken as to the part of the old section 13 to which I referred yesterday when I said that it contained the only grant of authority in the Senate amendments to citizens of the Dominion of Canada. The part which I should have read was

the beginning of section 13 as inserted by the Senate under amendment 56, which reads as follows:

That under rules and regulations to be prescribed by the Secretary of the Treasury, the privilege of entering goods, wares, and merchandise in bond or of placing them in bonded warehouses at the port of Wrangell, in the District of Alaska, and of withdrawing the same for exportation to any place in British Columbia or the Northwest Territory without payment of duty, is hereby granted to the Government of the Dominion of Canada and its citizens or citizens of the United States whenever and so long as it shall appear to the satisfaction of the President of the United States—

Reciting certain privileges that our citizens are to have in the Dominion of Canada as a condition of the grant.

Mr. Speaker, that provision is left in the bill by the conference report and it is subjected to restrictions less stringent than those inserted by the Senate. The only restriction upon that provision which the conference committee leaves in the old section 13 (now the new section 14) is this:

That corresponding privileges have been and are being granted by the Government of the Dominion of Canada in respect of goods, wares, and merchandise passing through the territory of the Dominion of Canada to any point in the District of Alaska from any point in said District.

Now, that bonding privilege, which the Senate put in by amendment 56, is left in by the conference report; and it is not subjected to so many restrictions as the Senate put upon it. But that section 13 has now been made section 14; and a new section 13 has been inserted, which was not passed or considered in either the House or the Senate, and was not properly the subject of conference between the two Houses. That is what I read to the House yesterday.

That native-born citizens of the Dominion of Canada shall be accorded in said District of Alaska the same mining rights and privileges accorded to citizens of the United States in British Columbia and the Northwest Territory by the laws of the Dominion of Canada or the local laws, rules, and regulations; but no greater rights shall be thus accorded than citizens of the United States or persons who have declared their intention to become such may enjoy in said District of Alaska; and the Secretary of the Interior shall from time to time promulgate and enforce rules and regulations to carry this provision into effect.

The bonding privilege, as I said yesterday, was a trading privilege. But the conference report gives to residents of Canada mining privileges in the territory of the United States. It is a new proposition. It may be necessary; it may be advisable, or it may not be. But the fact to which I call attention is that we are here importing into a statute of the United States, for the benefit of British subjects, the provisions and restrictions not only of the laws governing the Dominion of Canada, but rules and regulations that may at any time be made by the Dominion Government; and this proposition has not been considered in either the House or the Senate, or by any committee in either the House or the Senate.

I am opposed to that kind of legislation. If I had time, I could give the reason for my opposition. In my own State we have constitutional provisions which absolutely prevent any such legislation as that being enacted. It is necessary with us that the section to be made law shall be recited at length. That is not done here. No member of this House knows what are the provisions of the laws of the Dominion of Canada upon this subject, or what privileges are given to the citizens of the Dominion of Canada in the territory of the United States of America, by this new section 13, this conference section.

Now, there is another and very serious matter, it seems to me, wherein the conference committee themselves are absolutely mistaken as to the effect of their report and absolutely mistaken in their written statement furnished in obedience to the rules of this House. I hope the gentleman from Iowa [Mr. LACEY] and the gentleman from Colorado [Mr. SHAFROTH] will listen to me. They are mistaken also in their verbal explanations made on the floor. Page 4507 of the CONGRESSIONAL RECORD of May 2, 1898, contains a copy of the statement of the House conferees, and the second paragraph of it is as follows:

2. Terminals and junction stations on railways are increased from 20 acres to 60 by the conference report, but the companies must pay for 40 acres of the same at the rate of $1.25 per acre. It is also provided that such stations shall not cover more than 80 rods of frontage on any shore line.

Mr. LACEY. It is printed a dollar in the RECORD. That is a misprint.

Mr. PITNEY. In the conference report itself there is not a dollar nor a cent. The conference report gives terminal facilities to the railroads absolutely free of cost. That is the result of the conference action upon amendment No. 12.

Mr. LOUD. A result of hasty legislation.

Mr. PITNEY. It is not legislation.

Mr. LOUD. Attempted legislation.

Mr. PITNEY. Amendment No. 12 increased by 20 acres the amount of land that a railroad could have for terminals. The House adopted 20 acres for stations, and one station for every 10 miles of road. The Senate said 20 acres more for terminals. The conference says 40 acres more for terminals. That was not a compromise of difference between the House and the Senate. The House said 20 acres and the Senate said 40 acres and the conference committee say 60 acres. But the statement of the House conferees to us is, that while the railroad companies are to have 60 acres, they are to pay a dollar and a quarter an acre. The gentleman from Iowa [Mr. LACEY] now says it means a dollar.

Mr. LACEY. No; I say it is printed in the RECORD this morning, a dollar.

Mr. PITNEY. It was printed in the RECORD yesterday, a dollar and a quarter.

Mr. LACEY. In my speech, at least.

Mr. PITNEY. Very well. Amendment No. 12 contained a provision that a railroad company might take for terminal purposes 40 acres at $1.25 per acre, to be limited on navigable waters to 80 rods on the shore line. The conference report states that on amendment No. 12 the House recede and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

What was the matter inserted by the amendment? It was a provision that a dollar and a quarter an acre should be paid for land used for terminal facilities. They strike that out and insert what the conference committee agree to; and what is it?

Additional 40 acres to be limited on navigable waters to 80 rods on the shore line.

Mr. GREENE. Does the gentleman say that nothing at all is to be paid for this land?

Mr. PITNEY. Not by railroads.

Mr. GREENE. That is what I am asking.

Mr. PITNEY. For aerial lines and tramroads they are to pay a dollar and a quarter an acre for 5-acre terminals or 5-acre stations, with the privilege of having stations every 5 miles; but railroads are permitted to take 200 feet wide without paying for their right of way, to take a station of 20 acres for every 10 miles without pay, and to take for terminals and junction points, where two railroads intersect, an additional 40 acres, making 60 acres in all for junctions and terminals without pay.

Mr. GREENE. And that exceeds by 20 acres what the Senate granted and by 40 acres what the House granted.

Mr. PITNEY. It does with regard to junction and terminal points on railroads.

Now, I do not suppose the conference committee intended that. I do not suppose they intended to mislead the House. When they made the statement that the railroads were to pay $1.25 an acre for this land, I do not suppose the gentleman from Iowa [Mr. LACEY] or the gentleman from Colorado [Mr. SHAFROTH] intended to mislead the House. That is only another evidence of the haste in which the conference report has been drawn and the danger that we are in when conferees report on questions outside of matters in dispute between the two Houses.

As to the general scope of the bill, I think there are some things in it decidedly dangerous. I do not pretend to be a public-land lawyer or legislator, and I am not dogmatic in my statements; but I do think it is very dangerous to apply the homestead laws to the District of Alaska, which is not an organized Territory, where the land for the most part is not adapted in any wise to agriculture, and the conformation of which, the topography of which, is entirely different from anything in the prairies of the West. The value of the lands in Alaska depends upon their frontage on the water and upon their commanding the passes through the mountains.

The defiles through the mountains are the wealth of the country, or rather they enable those who control the defiles to lay a toll on the wealth that comes from Alaska. This bill reserves to a railroad company or a tramway company organized under this act an equal privilege in a defile or mountain pass; but if a wagon road has been built there already by people who did go in there in good faith and develop the country before this act was introduced, this will permit a railroad company or a tramroad company to go in and wipe out the wagon road and control the defile or pass through the mountains. Every wagon road that goes through the mountain passes may be obliterated for the benefit of the corporations taking a franchise under this act.

Mr. PARKER of New Jersey. Has the gentleman's attention been called to amendment No. 3, that gives to a railroad running through these passes a hundred feet on either side?

Mr. PITNEY. Yes, 200 feet.

Mr. PARKER of New Jersey. And when it goes through a narrow pass it is provided that any other road can use its tracks; but there is no provision, which ought to be there, to let the other road build through that pass if it does not interfere with the road already built.

Mr. SHAFROTH. You can always do that under the right of eminent domain.

Mr. PARKER of New Jersey. Not on the 200 feet.

Mr. SHAFROTH. Yes, on the 200 feet.

Mr. PARKER of New Jersey. I do not agree with the gentleman in that.

Mr. PITNEY. On page 5, in section 3, it will appear that the House of Representatives reserved the right of another railroad

or of a wagon road to the common use of the pass. Now, the House conferees have acceded to the amendment of the Senate which strikes out the provision which allows a wagon-road company to have that right, and that privilege is therefore taken away; and when a railroad goes through a pass the rights of wagon roads are taken away from those who have been the pioneers in the development of the wealth of Alaska.

The bill as it comes out of the conference also permits the railroad company to take away from the bona fide settler the land occupied by him, even if he has purchased it. The Senate put in an amendment exempting appropriated and occupied land from the operation of the railroad grant. The conference committee have struck that out, and have left it now so that the railroad companies can take the lands whether they be appropriated and occupied by bona fide settlers or not.

Mr. MARSH. On the right of way or off?

Mr. PITNEY. For both.

Mr. Speaker, this bill only requires the railroad company in order to preserve its franchise to build a paltry 20 miles of railroad per annum. I presume that any railroad that will be adequate to get access to the gold-bearing regions of Alaska must be at least a thousand miles long.

Mr. ELLIS. Three hundred and thirty-seven miles will take it from tide water to the Yukon.

Mr. PITNEY. I am very glad to learn it is so short a distance. I am very glad that there will be some chance of securing the necessary transportation; but if it is 300 miles, under this bill they can take fifteen years in the construction. What does it mean? It means that a railroad company can make its preliminary survey and claim the 200 feet all through that country, and also station privileges, and then by building 20 miles a year can preserve the franchise.

Mr. SHAFROTH. No, sir; the act provides that the road shall be completed in four years, or the right of way is forfeited.

Mr. PITNEY. One moment. Let us see whether we are right about this.

Mr. SHAFROTH. That is in there.

Mr. PITNEY. I do not claim to know exactly what it is. Is the gentleman able to tell me where it is?

Mr. SHAFROTH. There are some twenty-odd pages, and I can not carry it all in mind.

Mr. PITNEY. Yes; and some fifty-six amendments, which add very much to the complication. I do not pretend, Mr. Speaker, to give a thorough discussion of this bill.

Mr. PARKER of New Jersey. On page 8, line 14, will be found the four-year provision, and under it a railroad could tie up Alaska by simply filing a survey and going ahead in that way.

Mr. PITNEY (reading)—

That any company desiring to secure the benefits of this act shall, within twelve months after filing the preliminary map of location of its road as hereinbefore prescribed, whether upon surveyed or unsurveyed lands, file with the register of the land office for the district where such land is located a map and profile of at least a 20-mile section of its road, or a profile of its entire road if less than 20 miles, as definitely fixed, and shall thereafter each year definitely locate and file a map of such location as aforesaid of not less than 20 miles additional of its line of road until the entire road has been thus definitely located.

Now, upon filing their preliminary map, they secure a franchise, and the franchise gives them the privilege of a right of way of a hundred feet on each side of the tracks between the termini of the road, and that franchise is preserved by building 20 miles per year.

Again, the bill does not require that the rates of transportation on the railroad shall be previously submitted to any public tribunal, either the Interstate Commerce Commission or the Secretary of the Interior; it only provides that they shall be published, and the Secretary shall have the right to revise and amend them from time to time. It amounts to a pro tanto repeal of the interstate-commerce law.

Now, gentlemen who may know this matter better than I may further discuss it pro and con. I only wish to urge that, since the conference report contains a great deal of matter that was not properly before that committee, that has been put in by that committee without authority, the bill ought to be returned to the conference for the purpose of having the matter properly digested.

How much time have I remaining?

The SPEAKER. The gentleman has nineteen minutes remaining.

Mr. PITNEY. I reserve the balance of my time.

Mr. LACEY. I yield ten minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, I desire to give, as well as I can, an explanation of the provisions of this bill. The bill as it passed the House of Representatives had two objects in view: First, the extension of the homestead laws to the District of Alaska, and second, the granting of rights of way for the building of railroads in that District.

In that shape the bill passed the House of Representatives. It went to the Senate, and was there amended. There was in the Senate a gentleman having a great deal of knowledge concerning the doings in Alaska—Senator CARTER, of Montana. In 1891-92 he was Commissioner of the General Land Office, and consequently knew in what respect the act of 1891, which gave to trading corporations the right to locate certain lands, had been abused. Knowing that this bill related to the subject of public lands, he proposed certain amendments which should be placed in it, so as to curb certain corporations in Alaska that had attempted to abuse the laws of the United States in the location of lands upon the shores of navigable rivers. Thereupon numerous amendments were added to the bill.

Every amendment added was germane except one, and that was put in by certain gentlemen from New England. It had relation to fishery rights and the regulation of such rights between the United States and Canada. We did not want that amendment in the bill; we tried to avoid it in every possible manner. We reported the matter to this House, supposing it would be satisfactory, and the amendment was ruled out on a point of order. Now the bill comes back with matter which is germane to the original bill except a small provision concerning goods transported across Alaska, which was placed in the bill by the Senate.

Mr. Speaker, the first section of this bill provides that the homestead rights of the United States, as they exist under our laws, be extended to the District of Alaska. There are no land laws applicable to the District of Alaska at the present time except the mineral-land laws and the laws allowing trading corporations, for the purpose of conducting their business, to locate 160 acres of land in square form, upon paying $2.50 per acre therefor.

Mr. LOUD. And the town-site laws.

Mr. SHAFROTH. And the town-site laws. Under the act of 1891 various corporations attempted to locate tracts of land of 160 acres each, not substantially in square form, but in a shoestring form, extending a long distance on the shore front, and thus making 160 acres cover 1 mile or more of shore land. Corporations erected upon the land thus taken their canneries, and, in order to extend their monopoly still further——

Mr. PITNEY. If that is the only effect of the bill, I wish to say that I have not criticised those provisions at all.

Mr. SHAFROTH. I am trying to give an explanation of the whole measure, because there have been various statements here that no explanation has been made concerning the bill.

These gentlemen, in order to get further shore rights, located a number of canneries on separate tracts of land, while practically operating but one. Thus there would be six or seven canneries covering the shore front for a good many miles owned by one company. The law gave the right of location only for business purposes and not for monopoly. The excuse given was that if one cannery should be burned they could occupy at once another and not let their supply of fish spoil on their hands.

The Senator from Montana had become cognizant of these evils while he was Commissioner of the Land Office, and therefore this bill was enlarged so as to include various sections which would prevent any such monopoly. Section 1, as I have stated, relates to the extension of homestead rights to the District of Alaska. There is a limitation upon those rights. In order to protect the shore frontage it was provided that they should extend only 80 rods along the shore front. But if the homestead is located in the interior on agricultural or grazing lands, the homesteader is entitled as in the United States to 160 acres.

Mr. PITNEY. Does the gentleman mean that the homesteader is entitled to 160 acres of mining as well as agricultural land?

Mr. SHAFROTH. Not mining lands—agricultural or grazing lands.

Mr. PITNEY. Where does the gentleman find that provision?

Mr. SHAFROTH. On page 2—the fourth amendment.

And it is further provided, That no homestead shall exceed 80 acres unless it be located on meadow land or land chiefly valuable for grazing or agricultural purposes, of which 160 acres may be entered as a homestead under the general land laws of the United States.

Mr. PITNEY. Was the gentleman one of the conferees on this bill?

Mr. SHAFROTH. Yes, sir.

Mr. PITNEY. But the conference report strikes out "80" and inserts "40," and also strikes out the restrictions with regard to mineral lands and land used for agricultural purposes.

Mr. SHAFROTH. Not that part.

Mr. PITNEY. Yes, it does.

Mr. SHAFROTH. Let me call the gentleman's attention to the conference report.

Mr. LACEY. The gentleman from Colorado will remember that the original amendment was postponed. We first agreed on 160 acres; finally only 80 acres was agreed upon; and it was left at 80 acres, but without this provision.

Mr. PITNEY. If the conferees themselves do not know what are the provisions of the bill as now reported, it is no wonder that the rest of us do not.

Mr. SHAFROTH. At the last meeting of the conferees which I attended they agreed to let this provision remain in the bill. If they subsequently changed the provision it was without my knowledge.

Mr. LACEY. The gentleman was not present at the last conference, when the papers were finally made up.

Mr. SHAFROTH. Now, Mr. Speaker, I believe that the provision should be 160 acres. I always thought so, and I think so still.

But of course there have to be some concessions on the part of the members of both bodies with reference to the disagreements of the two Houses; and if we can not get 160 acres, we should take 80 acres, so as to settle the matter and give the homesteaders some standing in Alaska.

The second section of the bill provides for the granting of rights of way to railroads in that region. The bill as it passed the House provided for such rights of way, and the Senate made certain amendments limiting such provisions, which amendments formed a subject of controversy between the two Houses, and were taken into consideration by the conference committee.

Mr. PITNEY. If the gentleman will allow an interruption, has he passed beyond amendment No. 4? The amendment, he will perceive, relates to the number of acres—160 acres to be allowed in these cases.

Mr. SHAFROTH. It gives 80 acres for homestead purposes. The amendment provides that no homesteads shall exceed 80 acres in extent. Originally it provided for 160 acres to each homestead claim. The Senate amendment reduced it to 40 acres. But this provision came into controversy and was amended so as to read 80 acres.

Mr. PITNEY. But 160 acres were allowed to the canning factories, were they not?

Mr. GAINES. That is just the point I desire to ask the gentleman about. Why should you make such a distinction?

Mr. SHAFROTH. There is no distinction, the gentleman will observe, if he scans the provisions of the conference report. The number of acres in the homestead provision and the cannery provision has been cut exactly in two in the conference report.

Mr. PITNEY. Under what law is this allowance made?

Mr. SHAFROTH. Under the law of 1891; and they have had the right under that law to take up this land on the payment of $2.50 an acre.

Mr. GAINES. What rights were carried under that law?

Mr. SHAFROTH. I am referring now especially to the canners of fish.

Mr. GAINES. And what did they get?

Mr. SHAFROTH. They were entitled under that law to 160 acres of land substantially in square form. This bill provides that such locations shall be separated from each other, so as to prevent a continuous occupation of the shore line.

Mr. GAINES. How much of this land do the canning factories take up per factory?

Mr. SHAFROTH. Under the provisions of this bill they get 80 acres, if they desire to take up that much.

Mr. FOOTE. The canning factories get 80 acres. Does the farmer get 160 acres of the meadow lands?

Mr. GAINES. I understood the gentleman from New Jersey [Mr. PITNEY] to state that the canning man gets more than the farmer?

Mr. PITNEY. No; the farmer gets one-half as much as was originally provided in the bill, under the amendments of the Senate as agreed to by the conference——

Mr. SHAFROTH. For my own part, I think there should be a uniform rule of 160 acres.

Mr. GAINES. To whom?

Mr. SHAFROTH. Why, to the homesteader and to the canner also. But I think the restriction we impose, that there should be 80 rods distance intervening between the location of the canning establishments, is a good one, so that the canner can not occupy the entire shore line, and string out his 80 acres or 160 acres in a long line along the shore and thus monopolize the navigable waters.

The House wanted 160 acres as a homestead or cannery claim; the Senate reduced that amount to 40 acres. Now, as a compromise, 80 acres have been substituted by the conference committee. We also provided, as I have just stated, that a space of 80 rods on the water front must intervene between claims, which shall remain in the United States for the use of the people desiring to use the water front.

Mr. GREENE. Why, then, the necessity, let me ask the gentleman, for enlarging the amount that the railroad companies get?

Mr. SHAFROTH. We do not enlarge it to any considerable extent.

Mr. GAINES. For what do they want it?

Mr. SHAFROTH. Well, the lands allowed to the railroad companies are for terminal facilities and for depot purposes. It is provided that the roads shall be entitled, in addition to the 20 acres, to certain rights for depot purposes at the termini.

Mr. GAINES. For what purpose?

Mr. SHAFROTH. Absolutely for railroad purposes; for turnouts and depots.

Mr. GAINES. Do they want to make a town of it?

Mr. SHAFROTH. Oh, no. They must have this land for machine shops and other necessary purposes.

Mr. GAINES. What! Forty acres for machine shops?

Mr. SHAFROTH. Possibly not exclusively for that purpose; but the gentleman must remember that the railroad companies require a great deal of land for turn-outs, switches, depots, warehouses, and so on. A railroad company in my own town has 320 acres, and they seem to need it all.

Mr. PITNEY. Will the gentleman allow me to ask him a question?

Mr. SHAFROTH. A railroad company in my city has 320 acres, and it has a number of tracks, shops, and other buildings scattered over the same. That land is very valuable, and if they did not need it they surely would sell it.

Mr. GREENE. Will they put up shops at every railroad crossing and terminal?

Mr. SHAFROTH. How many railroad crossings and terminals are they going to have in that country? The probability is there will be no crossings at all. The truth is, when you compare the legislation of this country with the legislation of Canada concerning railroads in that region, I do not see how any road is going to be built on American territory. The bill that has passed at least one branch of the Canadian Parliament gives to the railroad companies alternate sections for 9 miles on each side of the road, as a gift, as an inducement for them to locate and build the road on British territory. If there is going to be such laws as that passed in Canada, you will find that the railroads, guided by self-interest, will be built on Canadian soil, and none will be built on ours. Is it wise to so restrict the terminal facilities of roads in that region that they will not build?

Mr. GAINES. What did the railroads want so much land for in your State?

Mr. SHAFROTH. Why, under the Union Pacific Railroad grant this Government gave alternate sections for 20 miles on each side of the road.

Mr. GAINES. Do you think that that was a good law?

Mr. SHAFROTH. It developed the country. I do not say but what it was an excessive grant; but when you talk about giving them terminal facilities of 60 acres of land at the termini and intersections of the roads, you are giving them practically nothing. These lands in that frozen region without a railroad are not worth 2 cents an acre. They must have at the starting point and at the end of the road terminal facilities, and 60 acres at those two points is a reasonable amount.

Mr. GAINES. Do you think it is the business of a railroad to go along and build up the country as such, or is it to build a road and let the railroad develop the country incidentally?

Mr. SHAFROTH. There is no question but what the building of a railroad develops the country.

Mr. GREENE. Under this provision is each company at a crossing of two roads to get 60 acres?

Mr. SHAFROTH. I presume so.

Mr. GREENE. That would make 120 acres at every railroad crossing?

Mr. SHAFROTH. Yes; and how many crossings are they going to have? Probably there will not be a single crossing. These railroads will run up different river routes and can not very well cross each other.

Mr. GREENE. What do they want of the 120 acres?

Mr. SHAFROTH. They have got to have machine shops and other buildings, and 60 acres is not too much.

Mr. GREENE. Very well. Why not let them acquire the land by eminent domain or purchase?

Mr. SHAFROTH. When a railroad company attempts to build a line through a country of that kind, I do not think you ought to inflict hardships upon them. They are putting something into the region which is of inestimable advantage to the country. The enterprises are going to build and make an empire of it, and the idea of refusing to give them 60 acres of land is absurd in view of the fact that the legislation of this country heretofore has been to give them alternate sections for 20 miles on each side of the line. It seems to me, Mr. Chairman, that the criticism is not just. If we do not want the roads to be built, we should grant them nothing.

Mr. GREENE. Do you not think the object of this is more to give the railroad a monopoly of the town sites than it is to give terminal facilities?

Mr. SHAFROTH. Why, no; it is not a monopoly of town sites.

Mr. GAINES. Does it not, as a matter of fact, do that, and, as a matter of fact, can they not keep other people out?

Mr. PITNEY. I should like to suggest that the RECORD shows that it was stated by the gentleman from Iowa [Mr. LACEY], in charge of the bill, that the 20 acres or 40 acres or 60 acres, or whatever the amount is to be, was given to enable them to get the control of the town; that that, in addition to the 200 feet right of

way, would enable them to control the towns, and he said that was the only bonus that was given to the railroad company.

Mr. SHAFROTH. I do not know whether that is true or not; but whether it is true or not, there is no question but what terminal facilities for a road that is going to amount to anything ought to embrace in the neighborhood of at least 60 acres of land. I know the terminal facilities of the Union Pacific road in my town cover 320 acres, and they have tracks, shops, and buildings scattered all over the same.

Mr. PITNEY. That is on a prairie?

Mr. SHAFROTH. Yes; and I do not see why any less land should be given in a mountainous country than in a prairie country, for the land in a mountainous country is not as available for such purpose.

Mr. GAINES. There is no question but what a railroad ought——

Mr. SHAFROTH. My time is limited and I can not be interrupted any further concerning the matter now.

Mr. GAINES. I am not talking about the question of terminal facilities. I was not questioning that at all; but the giving to a railroad of 60 acres of land all along its line on either side, I say, is a wrong policy.

Mr. SHAFROTH. That is not what is in this bill at all.

Mr. GAINES. Anywhere, I do not care where it is.

Mr. SHAFROTH. That is not in this bill at all, or any other bill that I know of. The provisions of this bill simply give 60 acres of land at the termini and at the crossing of another road, not along the line at all. It simply gives them at the termini and intersections 60 acres of land upon which to build their shops. Elsewhere nothing is given but a hundred feet on each side for the right of way.

The SPEAKER. The time of the gentleman has expired.

Mr. SHAFROTH. I should like to have two or three minutes more.

Mr. LACEY. There are only fourteen minutes left, and I want to yield some time to the gentleman from California [Mr. DE VRIES].

Mr. DE VRIES. Mr. Speaker, on yesterday I called the attention of the chairman of the Committee on Public Lands to the provision in this bill, H. R. 5975, which vests in the Secretary of the Interior the power of regulating railroad rates, both passenger and freight, in the District of Alaska. As a general rule, I think a provision of that character is vicious legislation, for the reason that it places the exercise of a judicial and legislative function within the power of an administrative officer. It goes without saying that the Secretary of the Interior is an administrative officer.

By the act of Congress of July, 1868, section 1954 of the Revised Statutes of the United States, the laws of the United States relating to commerce, customs, and navigation were extended to the Territory of Alaska. Beyond doubt the effect of this provision of law is to extend the powers, duties, and functions of the Interstate Commerce Commission to that District. This necessarily carried with it jurisdiction in said commission for the regulation of railroad rates and traffic at that place by the Interstate Commerce Commission. That commission was organized for the purpose of performing legislative and judicial functions—legislative in so far as related to the regulation of rates to be charged in the future; judicial in so far as related to rates, and the regulation thereof, previously fixed.

Unfortunately in the case of the Interstate Commerce Commission *vs.* Cincinnati, etc., Railway, 167 United States Supreme Court Report, the exercise of such legislative functions was denied the commission upon the ground that such were not contemplated by the provisions of the act constituting the commission. Undoubtedly the experiences and labors of such a body much better qualifies it for the performance of such duties than is the Secretary of the Interior qualified so to do, as he is already overburdened with dissimilar duties, not to mention the fact of the former ordinarily having the proper machinery for carrying out those duties. Such commission I suggest, therefore, would be the proper tribunal to which should be committed the regulation of railroad rates in Alaska, all things being equal. But there is one portion of this amendment which extends the power of that commission beyond where it is possessed by the Interstate Commerce Commission under the decision of the Supreme Court of the United States mentioned.

This provision gives to the Secretary of the Interior not only power to pass upon the rates which have been already fixed, and in terms makes the consent of the Secretary necessary to the establishment of any and all railroad rates in that Territory or District, but extends to the Secretary of the Interior the power to change these and to prescribe in advance the future rates which shall be charged by railroads in Alaska. This is a wise provision when the power is properly vested. I believe the Interstate Commerce Commission should be reorganized and vested with plenary powers both to adjudge existing and legislate the future rates of railroad traffic, not only in Alaska, but all over the United States. If I were preparing such a bill, and were to have my way about it, I should insist that those functions should be committed to a properly organized interstate-commerce commission, and that they should have not only power, as they have at present, to pass upon existing rates, but there should be added to that the power to fix in advance the rates to be charged in the future by all railroad companies in every part of the United States. Instead of attempting to authorize pooling by railroads, such should be denounced by statute and rates be fixed by the Government.

But inasmuch as that power does not at present exist with that commission, and inasmuch as it is well to place in some officer or tribunal the power to regulate those rates for the future, and inasmuch as the Secretary of the Interior has the machinery to be advised thereupon, and will be better advised of the affairs in Alaska than the Interstate Commerce Commission, after a thorough consideration I think it is the best provision that can be adopted for the present. If this provision is not accepted, I apprehend that no such provision can be obtained vesting this power in any official to which this is preferable, and therefore, for the present, satisfactory to me. It is to be sincerely and ardently hoped, however, that at an early day Congress will so reorganize the Interstate Commerce Commission and so invest it with these powers and jurisdiction that it will supersede this enactment and realize what was originally hoped it would accomplish.

In view of the fact that I called attention to the provision yesterday, I desired to make this statement in regard to the matter, for no provision of any bill so radical in effect and comprehensive in scope should pass this House without comment. This is one of the most important questions upon which Congress will be called upon to legislate in the future, for sooner or later it will be found necessary that all traffic rates of this kind shall be regulated by the Government.

As to the other provisions of the bill, I am convinced that they are the best that could be obtained under the circumstances, and are in the main just and wise.

Mr. LACEY. How much time is there remaining, Mr. Speaker?

The SPEAKER. Eleven minutes on either side.

Mr. PITNEY. I yield five minutes to the gentleman from New Jersey.

Mr. PARKER of New Jersey. Mr. Speaker, this bill which was prepared and passed by the House and comes back with amendments which make it practically a new bill has raised a great many new questions.

Under these circumstances, as the matter of providing legislation for Alaska is really an important matter, the bill, with these amendments, instead of going before a conference committee, ought to be referred and recommitted to the main committee for actual and careful consideration. We do not know very much about the conditions of the Territory of Alaska; but I think it has been made plain from this debate that there are some lands that may well be subject to the homestead law, as for the raising of garden truck, but that there are other lands in which the application of the homestead law in a place given up to snow and ice would only give a monopoly of lands that are needed for transportation or other purposes. A careful bill ought to provide for proper surveys and that the Secretary of the Interior should declare what lands should be available under the homestead provision and what should not. Some guard of that sort is required. Now, what does this bill give to the railroads——

Mr. GAINES. You draw a distinction between the residential, agricultural, mechanical, and industrial lands. You think it ought to be divided?

Mr. PARKER of New Jersey. In some cases the lands are fit for one purpose and in other cases for another. The lands should be designated; otherwise there would be danger of the water supply, the canyons, being seized, and the landing places being seized. There should be some authority to say which land shall be subject to the homestead provision.

The railroad provisions also seem to me of importance. There are enormous mountains with occasional defiles, and rivers along the banks of which a railroad could be constructed. Speed is absolutely essential. In all mining countries this is required of every man who goes in and occupies, because it is for the benefit of the community. The title is always limited to what he takes, and whatever is done must be done promptly. Mining claims must be occupied and worked within a few days. A similar provision should exist with reference to railroads; and their rights should be acquired by real occupation.

But by this bill a railroad company is allowed to file a map or preliminary survey and within a year to file a final survey; and it is allowed a year after that to construct its first 20 miles and to acquire its right of way 200 feet wide, 100 feet on either side of the center line of the road, which in the passes of the mountains, as described, and on the banks of the rivers would deny

access to any other railroad unless under such exceptions as are made in this bill, for the bill contains some exceptions.

In regard to the acquirement of a monopoly of the passes, the bill seems to me to need further safeguards. I can not think that the provisions of this nature as contained in the bill are exactly what they should be. I tried to get a copy of the bill this morning, and I found that the copies belonging to the House were exhausted. I will ask how many members have copies?

Mr. GAINES. I have been trying to get a copy and could not.

Mr. PARKER of New Jersey. I got mine by sending to the Senate.

I submit that this bill should be reprinted, in order that it may be studied by members of the House, for it affects in important particulars a great domain. I believe also that the bill, with its amendments, should be recommitted to the proper committee for further hearing and consideration for at least a week; and when it returns to us it should be with a report making the measure entirely intelligible to members of the House. I therefore submit that we ought to disagree to the conference report. We ought to have a bill on this subject, and have it promptly. But it ought not to be a bill which allows a railroad company to tie matters up for a year by simply filing a location.

Mr. LACEY. How much territory would the railroad company have if located in Colorado or Nebraska?

Mr. PARKER of New Jersey. I have no knowledge as to that. I do not think that all our railroad laws in the West have been absolutely good; and if they are not, they ought to be improved. Here, at any rate, there is an absolute necessity to get across and through certain passes.

[Here the hammer fell.]

Mr. PITNEY. How much time have I remaining?

The SPEAKER. Six minutes.

Mr. PITNEY. I yield to the gentleman from California [Mr. LOUD] two minutes.

Mr. LOUD. Mr. Speaker, I yesterday made a request of the gentleman from Iowa that this bill be allowed to go over and be printed, in order that the House might understand it. Some objections were made to the bill by certain persons whom I know; and they wanted an opportunity to present their objections in detail. They have not made to me such representations as would warrant me to-day in entering into any argument against the bill, because I am free to confess, Mr. Speaker, I do not sufficiently understand it.

But I do again want to call the attention of the House to a matter to which I called attention yesterday. It is that the House, in acting on this conference report, is about to pass legislation which nobody knows anything about. Yesterday in making this remark I excepted the conference committee; to-day I shall not except even them. I asked the chairman of the conference committee yesterday about this soldiers' additional homestead. He stated emphatically, as will be seen in the RECORD, that that was included in the first section of the bill as it came from the Senate. We find to-day that that never was in the bill as it came from the Senate; it has been injected into the bill by the conference committee.

I regard that as a very dangerous provision. People who went to Alaska thirty or forty years ago have acquired rights there. It is now proposed to give to these holders of soldiers' additional homestead scrip the right to go there and take away rights that have thus existed for years—to locate this scrip on behalf of speculators. I do not care anything about your 20 or 40 or 60 acres to railroad companies. I am not afraid of that phase of the case. If anybody wants to build a railroad in Alaska, I would be willing they should take 1,000 acres for every 10 miles of road, so far as that matter is concerned, under the supervision of the Secretary of the Interior.

But I call the attention of the House to the fact that there are many provisions in this bill which are not understood. This soldiers' additional homestead provision is a very vicious one; and it has been shown by the gentleman from New Jersey that there are other things in the bill which even the conference committee themselves did not understand to be there. I say it is impossible for a body to legislate intelligently upon a conference report presented in this way. I believe this matter should go back to the committee where it originated, so that upon a report hereafter it may be passed upon by the House in an intelligent manner.

I think the conference committee themselves, when they have carefully studied their report, should again submit the question to one or two intelligent persons, for they will find that no two people can come to the same conclusion regarding the meaning of the bill as it stands to-day.

Mr. PITNEY. I rise to a parliamentary inquiry. Mr. Speaker, is it in order now to move that the conference report be referred to the Committee on Public Lands for further report to the House, or must the report be first voted down?

The SPEAKER. The Chair thinks that a conference report can not be referred—that it must be accepted or rejected.

Mr. PITNEY. If the report should be rejected, would it be then in order to refer it to the Committee on Public Lands before being again considered by the House or before notifying the Senate of our further insistence?

The SPEAKER. The Chair would be glad to hear some authority to justify such a course. He does not remember any such.

Mr. PITNEY. I have no authorities at hand.

Mr. Speaker, I will proceed to occupy about two minutes of my time in explanation of the reasons why it seems to me this grant of a right to the railroads beyond what is actually necessary for their needs may be a matter of considerable consequence. They are given 200 feet, as the gentleman understands, for the right of way, and they are not limited to a mere easement, which was originally provided in the bill. The conference committee have agreed that they shall have this right of way without limit, giving them absolute ownership. They are given also 20 acres for railroad purposes or stations in every 10 miles, and 60 acres for terminal stations or junctions. That is the point to which I have been specially referring. I see no reason why they should be allowed any such privilege as has been accorded to them in this report.

Now, it is true that these grants, while they carry the fee simple and an absolute title to the land, do not carry the right to the minerals which may be found in the land. But the act provides that all mining operations transacted within the limits of such right of way or other railroad lands shall, under rules and regulations prescribed by the Secretary of the Interior, be conducted in a certain manner so as not to interfere with the railroad operations upon the surface. So the railroad companies would have it within their power to smother, at least to a certain extent, the right of miners to conduct mining operations on these lands.

And again, Mr. Speaker, while the conference report restricts the individual settler to a frontage of 80 rods upon a stream, whether navigable or otherwise—and these frontages are very valuable, both for mining and for fishing—the railroad companies can locate themselves directly—for there seems to be no restriction on that point—they can locate themselves directly on the streams, and would undoubtedly prefer to do so, because the location, as a rule, would be better for them; and they are therefore granted privileges which are not accorded to the ordinary settler, and can absolutely control the fisheries and the gold mining on the streams.

Mr. LACEY. Will the gentleman state what right is given to these companies or corporations more than is given to individual settlers on the lands? Of course a right of way is granted to the roads, and that is necessary——

Mr. PITNEY. But that provision does not stand alone. There are other provisions which must be taken into consideration with it, and I have been endeavoring to call the attention of the House to some of these provisions.

Mr. MAHON. There must be clear and unequivocal words in the bill to carry the title in fee simple.

Mr. LACEY. I do not agree with the gentleman from New Jersey in regard to his construction of that portion of the bill to which he has just referred. There is no fee simple in it.

I now yield eight minutes of the time remaining to me to my colleague on the committee, the gentleman from Oregon [Mr. ELLIS].

Mr. ELLIS. Mr. Speaker, I desire to occupy the time of the House only for a few moments in reference to the conference report now pending. When the committee of conference of the House came to meet the Senate conferees, it was found that there was a disposition to carry this legislation further than was originally contemplated when the bill was presented and considered by the House. Certain gentlemen upon the floor of the House, when this report was presented, have seen fit to criticise the measure, and it seems that it is not one that meets their approval in all respects, not being inspired, apparently, by a certain committee from which all "inspired measures" come, and therefore is open to criticism. One gentleman even desires to go so far as to send the measure back to the committee of conference for "intelligent consideration."

Now, Mr. Speaker, the committee in this report have endeavored to give the matter careful and intelligent consideration, and they believe they have done so. They have heard all who presented themselves for a hearing and have endeavored to present all of the facts in connection with the bill and regret exceedingly that the report does not meet the entire approval of all gentlemen. But we think, after a full consideration of the matter, that it will have the support of this body. We have possibly missed some points which gentlemen might have presented to us, and the gentleman from California has informed us that there was certain information received on yesterday that has not been embodied in the report of the committee, and that he was not consulted.

Mr. Speaker, we have not attempted, in the preparation of this bill, to guard any special interests. Our endeavor has been, from the very beginning, to make the law general and for the benefit of all persons interested in the Alaskan region. It is not a law intended to promote any particular private interests, in any sense

of the word. On the contrary, it is designed as a general law, applicable alike to every citizen of the United States who may desire to take the advantage of its provisions.

The committee have been requested, from many sources and in many instances, to make provisions to protect private interests which it was believed by some ought to be protected. But we have invariably refused, and in all the provisions prepared by the committee we have endeavored to make a general law and applicable to the whole people. We have endeavored, therefore, to make this bill apply to all who had any rights whatever in Alaska.

Now, Mr. Speaker, there are some gentlemen who seem to think that this 60-acre limit is a great stretch, and that the number of acres should be reduced. Why should it be reduced?

Mr. WALKER of Massachusetts. Especially when it is not worth 60 cents an acre.

Mr. PITNEY. But the point of my objection was, if the gentleman will allow me, that the conference committee exceeded its jurisdiction in some respects, especially with reference to this very point.

Mr. ELLIS. Well, I can only say, in response to the gentleman, that even supposing a larger allotment of land is allowed than that originally proposed, the time that has been devoted to the discussion of this bill in the House has cost the Government five times as much as the land is worth, even if it is given to the railroads, as far as that is concerned.

Now, there is not going to be any monopoly up in the Territory or District of Alaska. With over 500,000 square miles of territory the railroad builders are not going to rush in there and make it a network of roads and gobble up the valuable country to the detriment of the constituents of the gentleman from New Jersey [Mr. PITNEY] and the gentleman from California [Mr. LOUD].

There is one interest in that country that vies with one of the great industries of the State of New Jersey with which we have not attempted to interfere, and that is the mosquito industry. We have not in any way trenched upon that or attempted to in this bill. [Laughter.]

Now, I think I can say, without egotism, Mr. Speaker, that those of us who live upon the Pacific coast and who come in daily contact with men who are familiar with Alaska and Alaskan conditions know probably almost as much about it as gentlemen who may belong to a committee, the touch of whose hand upon a bill amounts almost to inspiration. [Laughter.]

Mr. PITNEY. I think the gentleman ought to permit me to say, if he refers to me, that there has not been the slightest touch of inspiration of any kind——

Mr. LOUD. He referred to me.

Mr. PITNEY. That sort of thing is very cheap nonsense, and it has no applicability to the question under consideration.

Mr. ELLIS. Everything is cheap that does not emanate from a certain source, Mr. Speaker; but I want to say that we have endeavored in every possible way to hedge this bill about with every safeguard. We have consulted with men from Alaska. I have had numerous letters from constituents of mine who have gone into Alaska, in regard to this measure. We have listened to them and attempted to formulate a law that will tend to develop that country. It is in its infancy.

When you talk about railroads up there, it is all a matter of experiment. We do not know whether there is going to be any railroads built there or not. They may build a road to-day from tide water to the interior, and it may appear to be a great project, and there may appear to be millions in it, but by the simple failure of the mining industry in that country it would become practically worthless.

We have got to give the roads some little chance in order to get them into this country. We have not increased the right of way over what it is in Oregon, in Nebraska, or in every other public-land State.

In those States we have not suffered by reason of the right of way across the public domain, and the 200 feet limit has been in force there for years and years. It is not the desire of this committee in any way to hedge about or retard the development of the industries of Alaska. We want to enlarge them and to enable that country to become what it may become if the mining interests there prove to be what people hope they may be. If they fail, the country practically fails, and all railroads to the interior are of but little, if any, value. The stock would not bring 10 cents on the dollar unless the mining industries are developed and amount to something.

Now, the gentleman says that it will be thousands of miles from one terminal point to the other. We can reach from tide water to the Yukon River in less than 350 miles. If a railroad can be built across there, I take it that there will not be such an amount of business that there will be a great deal of railroad construction. One railroad will carry all the people and traffic that will want to go; the competition is not going to be great.

Some gentlemen object to the provision which gives to the Secretary of the Interior supervision over railroad rates. Your committee did not meet that with favor, but it was the best that we could do under the circumstances. Gentlemen have said, "Why not put it into the hands of the Interstate Commerce Commission?" The Interstate Commerce Commission have practically no authority—of the little it was supposed to have it has been shorn by the decisions of the Supreme Court—and it has no power to do anything, so far as fixing rates is concerned.

The additional reason given for the proposed change is that the Secretary of the Interior has numerous men in that country now in various official capacities, and the duty could be delegated to them to look after that matter. It may become necessary to change the rates every few months. A railroad may be doing an immense business to-day on account of a mining rush, and to-morrow the business may play out entirely.

The rates that would be adequate to-day would be vastly inadequate on some other day. These things must all be taken into consideration. Gentlemen, everything is in chaos in Alaska now as far as the laws of the country are concerned. In one city, I believe, martial law has been declared. Others have practically no law, have no court before which they can take offenders to have their cases tried or differences adjudicated.

Now, it was our desire, so far as we could possibly do it, to try to provide for as many existing deficiencies as possible. It may be that we have wandered from the line the bill was originally intended to cover in order to meet existing needs, but if we have done so it has not been done with the desire to build up any monopoly or to enable the railroad companies to gobble 40 or 60 acres of that valuable land, but to enable the people of that country to proceed to the business of thoroughly developing the Territory.

We have sought in this bill to protect the shore line as far as possible, reserving to the Government every alternate 80 rods. Some gentlemen object to the homestead provision in this bill. Gentlemen, men are not going to flock into Alaska for the purpose of taking homes. Men would not want to take homes where they would, in many instances, have to take dynamite in order to blow off the ice to reach the ground. [Laughter.] There are countries nearer by vastly superior for such purposes. [Applause.]

Mr. PITNEY. May I ask the gentleman before he takes his seat——

Mr. LACEY. I want to call the attention of my friend from New Jersey to a difference in respect to railroads between New Jersey and Alaska, which has been suggested to me by my friend and colleague on the committee. Under the act of 1878 a grant of 200 feet is given over any public lands of the United States for railroad purposes. You can build through the State of Oregon, through the State of Washington, Colorado, or Nebraska, over the public lands there, with a 200-foot right of way, in the language used there: "A right of way through the public lands is hereby granted."

The House bill provides in this case that "a right of way is hereby granted;" but the Senate inserted "easement for" the right of way. They struck out "through," and it is a little difference like that, of an easement for an easement, that is troubling the gentleman—two negatives which destroy each other. And it is that which my friend from New Jersey criticises more than anything else.

Mr. PITNEY. The gentleman misstates my position.

Mr. LACEY. I have only two minutes.

Now, Mr. Speaker, we have had the benefit in the conference of an ex-Commissioner of the Land Office, a man who has all of these laws at his fingers' ends; we have had the benefit of my friend from Oregon [Mr. ELLIS], who lives in a great public-land State; we have had the benefit of my friend from Colorado [Mr. SHAFROTH], who lives in a great mining and public-land State. The miners' rights have been preserved here, and really the only legislation that can be criticised at all is the provision of reciprocity between Canada on the one side and Alaska on the other. It has been objected that it is not proper to put this in, but if it is an infraction of the rules of the House, the provision itself has not been criticised except by the gentlemen from the great mining State of New Jersey. Gentlemen who live in the mining regions are in favor of it.

Mr. PITNEY. That State is more interested in mining than many others.

Mr. LACEY. Yes; they are making gold out of sea water! [Laughter.] That has got to be a great mining State! [Laughter.]

Now, Mr. Speaker, we have spent two solid months in this matter, have had a full conference, and have waited until the governor of Alaska has come, and have waited until Sloss shall come, and when he comes I do not knew whether the end of the world will tip up or not [laughter] and decide the matter.

But he has not been able to point out to my friend from California any objection at all to this bill, and that gentleman, after sleeping upon it—my friend from California—has been frank

enough to come in this morning and say that after giving it a thorough examination, sleeping over it, and praying over it, perhaps, overnight, that he has not been able to find any further objection to it this morning, and my friend on the Committee on Appropriations seems to have worlds enough without seeking others to conquer to come in and take their place. I ask for the adoption of the conference report.

The SPEAKER. The time has expired.

The question was taken on the adoption of the report; and the Speaker announced that the ayes seemed to have it.

Mr. PITNEY. Division!

The House divided; and there were—ayes 88, noes none.

So the report of the committee of conference was agreed to.

On motion of Mr. LACEY, a motion to reconsider the vote by which the report of the committee of conference was agreed to was laid on the table.

CARRIERS ENGAGED IN INTERSTATE COMMERCE.

Mr. GROSVENOR. Mr. Speaker, I desire to further ask unanimous consent for the consideration of the bill H. R. 4372.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the consideration of the bill which the Clerk will read.

The bill was read, as follows:

A bill (H. R. 4372) concerning carriers engaged in interstate commerce and their employees.

Be it enacted, etc., That the provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section 4612, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

The term "railroad" as used in this act shall include all bridges and ferries use or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

The term "employees" as used in this act shall include all persons actually engaged in any capacity in train operation or train service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: *Provided, however*, That this act shall apply only to employees engaged in railroad train service, and shall not be held to apply to employees of street railroads. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned.

The wages paid by carriers subject to this act for any service rendered or to be rendered in the transportation aforesaid, or in connection therewith, or for the receiving, delivering, storage, and handling of such property, and the rules and regulations governing such employees, shall be reasonable and just. This provision shall not affect the right to make contracts for such wages not in contravention of any of the provisions of this act.

SEC. 2. That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a carrier subject to this act and the employees of such carrier, seriously interrupting or threatening to interrupt the business of said carrier, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall, upon the request of either party to the controversy, with all practical expedition, put themselves in communication with the parties to such controversy, and shall use their best efforts, by mediation and conciliation, to amicably settle the same; and if such efforts shall be unsuccessful, shall at once endeavor to bring about an arbitration of said controversy in accordance with the provisions of this act.

SEC. 3. That whenever a controversy shall arise between a carrier subject to this act and the employees of such carrier which can not be settled by mediation and conciliation in the manner provided in the preceding section, said controversy may be submitted to the arbitration of a board of three persons, who shall be chosen in the manner following: One shall be named by the carrier or employer directly interested; the other shall be named by the labor organization to which the employees directly interested belong, or, if they belong to more than one, by that one of them which specially represents employees of the same grade and class and engaged in services of the same nature as said employees so directly interested: *Provided, however*, That when a controversy involves and affects the interests of two or more classes and grades of employees belonging to different labor organizations, such arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations. The two thus chosen shall select the third commissioner of arbitration; but, in the event of their failure to name such arbitrator within forty-eight hours after their first meeting, the third arbitrator shall be named by the commissioners named in the preceding section. The submission shall be in writing, shall be signed by the employer and by the labor organization representing the employees, shall state the questions to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate, as follows:

First. That pending the arbitration the status existing immediately prior to the dispute shall not be changed.

Second. That the award shall be filed in the clerk's office of the circuit court of the United States for any district wherein the employer carries on business, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit, except that no person shall be punished for his failure to comply with the award as for contempt of court.

Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention so to quit. Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of his intention so to discharge.

Fifth. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year if the award is not set aside as provided in section 4.

SEC. 4. That the award being filed in the clerk's office of a circuit court of the United States, as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said circuit court or on appeal therefrom.

At the expiration of ten days from the decision of the circuit court upon exceptions taken to said award, as aforesaid, judgment shall be entered in accordance with said decision unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

The determination of said circuit court of appeals upon said questions shall be final, and being certified by the clerk thereof to said circuit court, judgment pursuant thereto shall thereupon be entered by said circuit court.

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award. But in such case the parties may agree upon a judgment to be entered disposing of the subject-matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

SEC. 5. That for the purposes of this act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpœnas, require the attendance and testimony of witnesses, and the production of all books, papers, contracts, agreements, and documents relating to any matter under investigation; and may invoke the aid of the United States courts to compel witnesses to attend and testify to the same extent and under the same conditions and penalties as is provided for in the act to regulate commerce, approved February 4, 1887, and the amendments thereto.

SEC. 6. That every agreement of arbitration under this act shall be acknowledged by the parties before a notary public or clerk of a district or circuit court of the United States, and when so acknowledged shall be delivered to the chairman of the Interstate Commerce Commission, who shall at once cause a notice in writing to be served upon the arbitrators fixing a time and place for a meeting of the arbitrators.

If an agreement of arbitration shall be entered into conforming to this act, except that it shall be executed by employees individually instead of by a labor organization as their representative, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall decline to call a meeting of arbitrators thereunder unless, upon evidence satisfactory to them, it be shown that the employees signing the submission represent or include a majority of all employees in the service of the same employer and of the same grade and class, and that an award pursuant to said submission can justly be regarded as binding upon all such employees.

SEC. 7. That during the pendency of arbitration under this act it shall not be lawful for the employer, party to such arbitration, to discharge the employees, parties thereto, except for inefficiency, violation of law, or neglect of duty; nor for the organization representing such employees to order, nor for the employees to unite in, aid, or abet strikes or boycotts against said employer; nor, during a period of three months after an award under such an arbitration for such employer to discharge any such employees, except for the causes aforesaid, without giving thirty days' written notice of an intent so to discharge; nor for any of such employees, during a like period, to quit the service of said employer without just cause, without giving to said employer thirty days' written notice of an intent so to do; nor for such organization representing such employees to order, counsel, or advise otherwise. Any violation of this section shall subject the offending party to liability for damages.

SEC. 8. That in every incorporation under the provisions of chapter 567 of the United States statutes of 1885 and 1886 it must be provided in the articles of incorporation and in the constitution, rules, and by-laws that a member shall cease to be such by participating in or by instigating force or violence against persons or property during strikes, lockouts, or boycotts, or by seeking to prevent others from working through violence, threats, or intimidations; but members of such incorporations shall not be personally liable for the acts, debts, or obligations of the corporations, nor shall such corporations be liable for the acts of members or others in violation of law; and such corporations may appear by designated representatives before the board created by this act, or in any suits or proceedings for or against such corporations or their members in any of the Federal courts.

SEC. 9. That whenever receivers appointed by Federal courts are in the possession and control of railroads, the employees upon such railroads shall have the right to be heard in such courts upon all questions affecting the terms and conditions of their employment, through the officers and representatives of their associations, whether incorporated or unincorporated, and no reduction of wages shall be made by such receivers without the authority of the court therefor after due notice to such employees.

SEC. 10. That any employer subject to the provisions of this act and any officer, agent, or receiver of such employer who shall require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in such a labor corporation, association, or organization; or who shall require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, social, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any benefit received from such fund beyond the proportion of the benefit arising from the employer's contribution to such fund; or who shall, after having discharged an employee, attempt or conspire to prevent such employee from obtaining other employment, is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was committed, shall be punished for each offense by a fine of not less than $100 and not more than $1,000.

SEC. 11. That a sufficient sum of money to pay the traveling and other necessary and proper expenses of the arbitrators appointed and serving under this act, and to pay all other necessary and proper expenses of any conciliation or arbitration had hereunder, to be audited and allowed by the Chairman of the Interstate Commerce Commission, is hereby appropriated, for the fiscal years ending June 30, 1898, and June 30, 1899, out of any money in the Treasury not otherwise appropriated.

SEC. 12. That the act to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate or territorial transportation of property or persons and their employees, approved October 1, 1888, is hereby repealed.

The amendments recommended by the committee were read, as follows:

On page 4, lines 27 and 28, strike out all after the word "First," and insert—

"That the board of arbitration shall commence their hearings within five days from the date of the appointment of the third arbitrator, and shall find and file their award, as provided in this section, within twenty days from the date of the appointment of the third arbitrator; and that, pending the arbitration, the status existing immediately prior to the dispute shall not be changed."

On page 5, line 37, after the word "permit," strike out the words "except that," and in the same line, after the word "shall," insert the word "however."

On page 9, line 10, strike out the word "but," and insert a period (.).

On page 10, line 20, strike out the word "other," and after the word "employment" insert "or who shall, after the quitting of an employee, attempt or conspire to prevent such employee from obtaining employment."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SIMPSON. Mr. Speaker, reserving the right to object, I would like to ask if this bill has been approved by the labor organizations of the country?

Mr. GROSVENOR. I hold in my hand a statement signed by the leading order of railway conductors, the Brotherhood of Locomotive Firemen, the Brotherhood of Locomotive Engineers——

Mr. HAY. Mr. Speaker, I can not hear one word that the gentleman says.

The SPEAKER. The House will be in order.

Mr. GROSVENOR. I understood the gentleman from Kansas to ask if the labor organizations approved this bill. I suppose the gentleman means the labor organizations directly affected.

Mr. SIMPSON. Well, I presume that all labor organizations are interested.

Mr. GROSVENOR. I have had no intimation from any labor organization that this bill was objectionable, but, on the contrary, I know that a bill substantially in the line of the same provisions has met the approval of all the labor organizations of the United States.

Mr. SIMPSON. Has it met with the approval of the Federation of Labor?

Mr. GROSVENOR. I do not find anything specially relating to this particular bill.

Mr. HENDERSON. The laboring men are all in favor of it.

Mr. GROSVENOR. This bill applies simply to controversies between employers and employees on railroads. I will state, however, that prominent members of other labor organizations were present in the committee on the different occasions when I was present and when the merits of the bill were discussed. That is all I can say.

A MEMBER. How do the railroads stand in regard to it?

Mr. GROSVENOR. I have had no consultation with any railway men on the subject, one way or the other.

Mr. SULZER. Is this the industrial-exposition bill?

Mr. GROSVENOR. It is not. It is an arbitration bill and is properly described in its title, "A bill concerning carriers engaged in interstate commerce and their employees." It relates to arbitration between railroads and the men employed by them.

Mr. SAYERS. Is not this the same bill which has already passed the House twice?

Mr. GROSVENOR. Yes; it has twice passed the House.

Mr. SAYERS. And passed the Senate once?

Mr. GROSVENOR. It was passed by the Senate, but failed to reach the President in time for his signature.

Mr. SAYERS. And I understand the gentleman to say that this bill is the result of an agreement between all parties directly interested in the measure?

Mr. GROSVENOR. That is so. It is one of a series of arbitration bills which we hope to have passed covering all forms of labor in the United States.

Mr. BELKNAP. As I understand the situation, the railway engineers, firemen, conductors, and telegraph operators' organizations approve the bill.

Mr. GROSVENOR. It is approved by the railway conductors, by the Brotherhood of Locomotive Firemen, by the Brotherhood of Locomotive Engineers, by the Brotherhood of Railway Trainmen, and by the Order of Railway Telegraphers.

Mr. SIMPSON. If I understand the provisions of the bill, it applies to the Federation of Labor, to the Knights of Labor, and to all labor organizations.

Mr. GROSVENOR. It applies to nobody save those employed by railroads. It is, as I have said, one of a series of measures of this kind.

Mr. GREENE. Is there anything in this bill that can be made effective except by mutual agreement of the parties——

Mr. GROSVENOR. Nothing whatever.

Mr. GREENE (continuing). Except the fact that in case of arbitration the employees are prohibited from quitting the service of the company without giving thirty days' notice?

Mr. GROSVENOR. And the employer is forbidden to discharge the employee without like notice.

Mr. GREENE. But I am asking whether that is the only thing that can be enforced in the bill.

Mr. GROSVENOR. That is all.

Mr. GREENE. So that the only effect of the bill would be to prevent men from quitting work if they wanted to and to prevent the employer from discharging them.

Mr. GROSVENOR. The bill does not prevent men from quitting work when they want to; but if they do so, they are no longer parties to the arbitration unless they give thirty days' notice.

Mr. GREENE. Is there a penalty if they do so?

Mr. GROSVENOR. I think there is none; nothing in this bill certainly.

Mr. DALZELL. There is a provision that there shall be a remedy in equity; but that is followed by a further provision that nobody shall be punished as for contempt of court.

Mr. GREENE. So that if there is any part of the bill that can have any force or effect at all it is simply that part which prevents the employee from quitting the service of the employer without giving thirty days' notice and the employer from discharging the employee without like notice. If there is anything in the bill to be enforced, that is all, is it not?

Mr. GROSVENOR. That is all; and we provide that——

Mr. GREENE. Can not the consideration of this bill go over until we can have an opportunity to look into it further? Some of us would like to examine it before it is acted on finally.

Mr. GROSVENOR. The delay which the gentleman asks would probably defeat the measure for the present Congress. It has already been twice passed by the House. It has passed the scrutiny of the labor interests; and it seems to me it ought now to pass. Our only hope of getting it through the Senate is by passing it now. Surely the gentleman will accept the judgment of all the parties who are interested. The Committee on Labor are unanimously in favor of the measure; there is no opposition to it from anybody interested. It is a great step in the direction of settling these labor disputes by arbitration. Surely the gentleman ought to let the bill go through now. We do not often have an opportunity to act upon these bills.

Mr. GREENE. Mr. Speaker, I do not feel inclined to object, but still I would like to ask the gentleman to state the provisions of the bill as it is now presented for consideration.

Mr. GROSVENOR. I will state to the gentleman from Nebraska that this bill contains in it the wisdom combined of all the labor organizations from all parts of the United States. They have been heard before the committee, and have presented this bill as a measure which meets the unanimous approval of all of these bodies.

This is the third Congress in which this proposition has been made, and I repeat that this bill embodies the combined wisdom of all of the labor organizations which have worked on the subject. It has been prepared by the Committee on Labor of this House after thorough and careful consideration of all of the matters presented to them.

The bill has the unanimous approval of the committee, and there are one or two suggestions of amendments to which I will call the attention of the House in due time when the bill is up for consideration. These amendments have been also considered carefully by the committee; they meet the approval of the labor bodies, and will be of service to the cause of labor throughout the country. I hope, therefore, the friends of labor on the floor will not interfere with the passage of the bill.

Mr. GREENE. The gentleman from Ohio speaks of the interest of the labor organizations of the country in this bill. Does he mean to include in that the men who do the ordinary work of laborers throughout the country?

Mr. MCEWAN. Yes; it includes all.

Mr. GROSVENOR. Every man, even the man who does the scraping, the oiling, and performs the minor labors around the railroad yards—all are included.

Mr. MCEWAN. Every form of labor is embraced, and, Mr. Speaker, I wish to say, if the gentleman will permit me, that there is probably no bill which can ever come before this House that has been more carefully considered and more thoroughly protected, as far as the labor interests of our people are concerned, than this very bill. It was originally drawn and submitted to Attorney-General Olney, and it had the very shrewdest, sharpest, and best consideration he could give to it——

Mr. GREENE. Well, that is a circumstance rather against the bill. [Laughter.]

Mr. WALKER of Massachusetts. Well, he is a man of very great ability, as the gentleman will concede. The measure was thoroughly considered and carefully prepared by him, and it was also submitted to the railroad companies, and was considered by the Labor Bureau, under the care of Carroll D. Wright; and every

railroad organization and every labor organization in the country has approved of the bill and recommended its passage. This will be the very first time, if the bill is enacted into a law, when the laboring men of the country are put on an equality with their employers.

Mr. GREENE. But, Mr. Speaker, the point is, and I desire to ask the gentleman, why he should undertake to pass a bill here that admittedly can not be enforced? What value is there in it?

Mr. WALKER of Massachusetts. But it can be enforced.

Mr. GROSVENOR. If the gentleman will allow me, if we desire to pass an arbitration bill, now is the opportunity. This effort has been made time and again. The bill is now presented by the unanimous report of the committee——

Mr. CUMMINGS. Will the gentleman from Ohio allow me a question?

Mr. GROSVENOR. Certainly.

Mr. CUMMINGS. Are there not amendments which have been suggested to this bill and which the gentleman has already referred to?

Mr. GROSVENOR. That is correct.

Mr. CUMMINGS. At whose request were they put in?

Mr. VANDIVER. Let me understand the gentleman from Ohio. As I understood him, he said it would be impossible to pass a bill to compel the labor organizations to submit to arbitration.

Mr. GROSVENOR. Certainly.

Mr. VANDIVER. This is a proposition to put into the bill a plan by which the railroad companies can be forced to agree to arbitration with their employees. Now, is there any objection to such a proposition as that?

Mr. GROSVENOR. I have not heard of any. It is intended to attempt to bring about arbitration by the consent of all parties in interest.

Mr. HENRY of Mississippi. If that be the purpose, then in what respect does this bill strengthen their ability now to come to arbitration?

Mr. GROSVENOR. It provides machinery for the arbitration, without which there is no such thing as arbitration.

Mr. SULLIVAN. That exists in every State, does it not?

Mr. GROSVENOR. That may be; but this is interstate.

Mr. HENRY of Mississippi. Will the gentleman state why the committee have refrained from introducing any bill which would compel the railroad companies to submit to arbitration?

Mr. GROSVENOR. You can not compel that. You can not compel a laborer on a railroad to arbitrate his claim, can you? If I am handling a pick on a railroad and I dispute with my employer, can you force me to arbitrate? That is the very keynote of the opposition of labor to all these compulsory arbitration bills.

Mr. KING. I desire to ask the gentleman from Ohio whether this bill attempts to deal with railroads the termini of which are within the boundaries of a State?

Mr. GROSVENOR. The gentleman can see what the bill attempts to do.

Mr. KING. I have not had an opportunity to read the bill.

Mr. GROSVENOR. It certainly does not attempt to do that. That could not be done.

Mr. KING. I agree with the gentleman that it could not be done. I did not know whether any such attempt had been made.

Mr. GROSVENOR. The object of referring this bill to Mr. Olney, when he was Attorney-General, was to get from him, he being a very high law authority, an opinion whether or not, under our constitutional restriction and limitation, this bill was legal. That was all. We did not ask him for an opinion whether it was wise to pass it, but simply whether it was legal under our constitutional limitations.

Mr. GREENE. The bill then simply in effect amounts to a recommendation from Congress that they arbitrate.

Mr. GROSVENOR. No; it amounts to a good deal more than that; and if that be so, it comes here with the recommendation of every man interested in it.

Mr. GREENE. It is really only a recommendation. That is the only effect it can have.

Mr. CUMMINGS. I want to suggest to my friend from Ohio that, so far as I remember, this is the only bill that has ever been brought into the House which recognizes trades unions.

Mr. GROSVENOR. The first one. It recognizes organized labor and puts them in a position to assert their rights in behalf of their members.

Mr. SAYERS. I desire to say to the gentleman upon my left that I have received letters from members of the organizations in my district affected by this measure, and they have all asked me to give an arbitration bill my support, and they feel——

Mr. GREENE. I will say to the gentleman from Texas that I am not going to object at all.

Mr. SAYERS. Just a moment. They feel that under the operations of such a measure some good, at least, can come out of it, and that it will afford a method by which controversies and differences can be settled in a peaceful and proper way. I am not familiar with the bill under consideration, but with the assurance by the gentleman from Ohio [Mr. GROSVENOR] that it has the entire approval and indorsement of the employees affected by it, I feel it my duty to give it my support.

Mr. GROSVENOR. And if the bill is not perfect as we pass it, we shall very soon know it, and the temper of Congress will be to amend it.

Mr. GREENE. I had no intention whatever of objecting. I simply wanted to get some information as to what the bill is.

Mr. GROSVENOR. Mr. Speaker, I think we can now inquire whether there is any objection to the consideration of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. GROSVENOR. Now, Mr. Speaker, I will only occupy a moment of time, for I think the House understands the bill perfectly. The gentleman from Missouri [Mr. DOCKERY] desires to offer an amendment. I wish he would now suggest it, so that we can consider it.

Mr. LEWIS of Washington. Will the gentleman from Ohio permit me——

Mr. GROSVENOR. One moment; one at a time.

Mr. DOCKERY. On page 11, in lines 19 and 20, I move to strike out the words:

To be audited and allowed by the Chairman of the Interstate Commerce Commission.

And insert the following:

To be approved by the Chairman of the Interstate Commerce Commission and audited by the proper accounting officers of the Treasury.

Mr. GROSVENOR. I think that is a proper amendment.

Mr. DINGLEY. That ought to be made.

Mr. GROSVENOR. I think that is a proper amendment, and if there is no objection that amendment may be considered now as adopted.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

On page 11, in lines 19 and 20, strike out the words "to be audited and allowed by the Chairman of the Interstate Commerce Commission" and insert the words "to be approved by the Chairman of the Interstate Commerce Commission and audited by the proper accounting officers of the Treasury."

The SPEAKER. The question will first be taken on the committee amendments.

The committee amendments were agreed to.

The amendment of Mr. DOCKERY was agreed to.

Mr. GROSVENOR. Now the gentleman from Washington [Mr. LEWIS] desires to be heard.

Mr. LEWIS of Washington. I desire to bring your attention to a few features of this bill that do not meet my approval, and I ask the gentleman from Ohio if he will be kind enough to let me know his views, so that I may see if I may be prejudiced rather than convinced?

I introduced a similar bill in the House, a bill for arbitration, the bill H. R. 9805, in which I sought to effect some of the features of the gentleman's measure. First, why does the gentleman in his measure limit the right of these men to the United States courts? Second——

Mr. GROSVENOR. For the simple reason that a State court has no jurisdiction in interstate commerce, and the courts can not try it. The gentleman himself is a lawyer, and he surely knows that.

Mr. LEWIS of Washington. I appreciate the reference the gentleman makes to me, but we must differ. I did not intend to get into a debate on the bill, and therefore will exclude all considerations of any right along these limitations of any State.

Mr. GROSVENOR. The States can make such further provisions as they see fit. I am a State rights man. Fundamentally I am a Democrat on some questions. [Laughter.]

Mr. LEWIS of Washington. The gentleman to that extent has redeemed many of his political vices. But I wish to ask my distinguished friend whether it was his intention to apply to railroads which have their beginning and termini within any one State?

Mr. GROSVENOR. It does not. I want to correct the gentleman about another matter. When he speaks of my intention, I want to disclaim the entire or even a good large part of the authorship of this bill. This bill was the work of the organizations interested in it before my name appeared on it at all.

Mr. LEWIS of Washington. I wish to say to the gentleman that I understand something about the history of the bill.

Mr. GROSVENOR. Let me say, further, to the gentleman that if the bill is passed by Congress and operates well upon interstate commerce we have confidence in believing that the different States in the Union will adopt it in the form of State legislation if it affords the remedies that are sought.

Mr. LEWIS of Washington. Without consuming the gentleman's time, and it is so unsatisfactory to secure what I desire by interrogatories, I would ask the gentleman if he would not give me a few minutes' time in which I may endeavor to point out the character of my objections to the bill?

Mr. GROSVENOR. My proposition is to pass the bill.

Mr. LEWIS of Washington. Then I desire to know if any arrangement can be made by which I can have some time.

Mr. GROSVENOR. How much time does the gentleman desire?

Mr. LEWIS of Washington. I would like fifteen minutes.

Mr. GROSVENOR. Can not you get along with ten minutes? Make an honest effort to get through in ten minutes.

The SPEAKER. The gentleman from Washington requests fifteen minutes.

Mr. LEWIS of Washington. I do not want the time now. I do not want to take precedence of my friend. I wanted to hear the distinguished gentleman give an explanation of the bill.

Mr. GROSVENOR. I demand the previous question upon the passage of the bill.

Mr. CUMMINGS. I would like to ask the gentleman a question.

Mr. GROSVENOR. I withdraw the demand for the previous question.

Mr. CUMMINGS. I would like to know if this bill provides for arbitration between the Government and its employees?

Mr. GROSVENOR. No.

Mr. CUMMINGS. Well, it ought to do so.

Mr. GROSVENOR. I think so, too.

Mr. CUMMINGS. And I will tell you why. In the Brooklyn Navy-Yard, under the naval regulations, there is a board of labor, composed of officers of the Navy; and these officers have repeatedly discharged men for being members of the Machinists' Union, and these machinists have come to Congress repeatedly for relief and never received it. It seems to me that this is a place where it ought to be applied.

Mr. GROSVENOR. I say to the gentleman from New York, let us do one thing at a time. We can not do everything at once, and I will join with the gentleman in securing the remedy in the matter of which he speaks.

Mr. CUMMINGS. I will vote for your bill. It ought to go through.

Mr. GROSVENOR. Mr. Speaker, I have offered the gentleman from Washington fifteen minutes.

The SPEAKER. The gentleman from Washington is recognized for fifteen minutes.

Mr. LEWIS of Washington. Mr. Speaker, at the outset I observed an air of indifferent playfulness on the part of my Republican friends when this measure was called up, which demonstrates to me their incapacity to see that this is an actually serious matter, and they now laugh at this assertion, while the gentleman in charge of the bill assures them that as it can not be executed they can vote freely. I am not asking time as a favor or courtesy, and I do not wish gentlemen to feel that they are granting any favor in affording me this time, but that I am seeking recognition in my own right. I have some conscientious objections to this measure, and seek to discharge my constitutional duty by expressing them.

My interest in this bill is not antagonistic to it, but rather lies in the line of perfecting it. I do not blush to say to you gentlemen that I am in somewhat personal association with this question. I have been a friend of these labor organizations in the best years of my manhood life. I am to-day a member of one of their organizations, carrying one of their cards in my pocket. I had to toil with them for my subsistence in my earlier endurances in the city in which I now live, and from that time on I have borne such association with them as fits me to make one or two suggestions as voicing their views.

Mr. Speaker, I agree with the distinguished gentleman from Ohio that it is almost impracticable to pass an arbitration law that can be executed between the parties should they themselves be averse to its provisions. On page 5, in paragraph 2, section 3, of this bill I find it provided that—

> The award shall be filed in the clerk's office of the circuit court of the United States for any district wherein the employer carries on business, and shall be final and conclusive upon both parties unless set aside for error of law apparent on the record.

I do not give my approval to the idea that these men should be limited in remedying their grievances to the Federal courts. I do not accede to the proposition of my friend from Ohio that the Federal courts alone would have jurisdiction. I hold that a State court would have as complete jurisdiction to enforce the rights of these people as would a Federal court, unless one of the parties, upon the ground of diverse citizenship, claims exemption from the State jurisdiction.

I shall, therefore, at the proper time move to amend by inserting after the words "circuit court of the United States" the words "or any State court having jurisdiction of the persons or subject-matter." Our experience with the giving of exclusive jurisdiction to the Federal courts demonstrates the necessity of avoiding them, far less increasing and extending their jurisdiction over the workman. He should have the privilege to go into the nearest and cheapest court legally accessible for the enforcement of his rights, the redressing of his wrongs. Also he ought to be permitted recourse to those courts which are established by his votes and owe something to the public, and not be forced to try his humble fortunes in these arbitrary tribunals which are ever above the people and ever defy the Government.

In the second place, I object to the provision in paragraph 3, section 3, which reads:

> That the respective parties to the award will each faithfully execute the same, and that the same may be specially enforced in equity so far as the powers of a court of equity permit.

I object to this with special emphasis. The House of Lords of England on the 16th of last December decided, in a case which had reached that body after seven appeals, that such an inherent power in a court of equity was neither wise nor legitimate, and that they would not attempt to execute it, because it did not provide the manner of the execution, nor what form the relief was to take; that such a statute did not define its own jurisdiction. I submit that such a provision would be productive of much injury and no good.

Suppose these parties are tempted to apply to a court of equity, "which court shall proceed to execute its powers." There is but one way in which a court of equity can do so. There can be no enforcement in equity of the specific performance affirmatively of a contract of personal service between individuals. How, then, would it be enforced? By an injunctive process—by issuing an injunction against an individual who refuses to comply with the mandate of the court; prohibiting any refusal to comply with the award; enjoining the disobedience of it; decreeing the employee guilty of violating the injunction if he does so refuse to comply with the award; fine him for contempt by forfeiting his pay, or putting him under bonds he can not give, or, lastly, as has been the custom of these courts, to jail the man as a felon and keep him there until he consents to an unfair and prejudiced award, or imprison him indefinitely for contempt for violating the injunction.

Therefore that provision has clearly for its purpose the vesting in the United States court of the right of injunction in the exercise of its equity jurisdiction and the enforcement of the decree by enjoining one of the parties from disobeying it. While, as my distinguished friend from Pennsylvania has remarked, the law does not punish the violation of the award as a contempt of court, it does by its silence authorize punishment of the violation of the injunction as a contempt of court.

Under that section a man may be enjoined from violating the arbitration, and if he violates that injunction he may be punished for contempt of court—not because he violates the award (for the provision of the bill exempts him from that), but because he violates the injunction of a Federal equity court executing the award. This section permits, I fear, the exercise of the punitive power of the court in this case to such an extent as to involve the repetition of disasters which the history of the last three or four years has brought too forcibly to our knowledge. For this reason that part of the section under consideration is, to my mind, bad, very bad, as it allows the exercise of a jurisdiction which, as experience has proved, should be limited, not enlarged.

Again, in the same section (line 14, paragraph 3, page 5) it is provided that—

> No person shall, however, be punished for his failure to comply with the award as for a contempt of court.

But there is nothing there providing that he shall not be punished. The provision is merely that he shall not be punished as for a contempt. In every other conceivable way the Federal courts may punish him—for instance, by forcing him to forfeit his wages. If the party fails to comply with the award, although he may not be punished as for a contempt, he is still subject to the power of the court and may be made the victim of the exercise of more methods of punishment than the limit of this debate will allow or present imagination conceive.

This provision is so indefinite and general in its terms, and is to my mind so likely to be productive of persecution, that I can not support it. This is one of the provisions insinuated into this bill, as a serpent may be coiled within forest leaves. It only awaits stillness or opportunity to strike the unsuspecting. It is a provision suggested by such employers as have given this bill their "unqualified support." One is the M. A. Hanna & Co. Coal Company, the Pennsylvania Railroad Company, and, lately, the Carnegie Iron and Steel Works.

It may be true, as some gentlemen state, that the principle of this measure has the indorsement of certain reputable labor organizations; but these men are unaccustomed to the criminal sinuosities of the law and the sneaking methods and corrupt purposes of legislative "workers." Had they understood the extent

of these provisions they never would have countenanced them. Never! They have been beguiled and now deceived!

I shall therefore offer an amendment to obviate these serious objections to the section by striking out, after the words "be punished for his failure to comply," the words "with the award as for contempt of court," leaving it so as to prevent any kind of punishment, thus denying to the Federal court the right to punish the party in any form or manner. Without this amendment the act would not, upon the concession of its friends, be reciprocal, but admittedly one-sided and against the laborer.

I call attention next to the fourth clause on the same page:

That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention so to quit.

This provision impresses me as fraught with many evils. One is this: Who is to decide as to the cause of the employee quitting the service of his employer? Shall it be the employer or the employee or the court? The employee may quit and give some other reason than dissatisfaction with the award; but the court, in the exercise of its "equitable" power, may say that the real reason was dissatisfaction with the award and may force the man to remain in his employment, while in the meantime the employer might visit hardship upon the employee unnamable. But why force him to give thirty days' notice to quit a matter which hourly may be impoverishing or persecuting him? He, if one of the employees under a late order of Judge Jenkins, would for that thirty days get no pay and be refused the opportunity to toil for anyone who might pay him.

But, Mr. Speaker, the latter part of the section accentuates my real objection to the whole proposition, and which is in the following words:

Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice, in writing, of his intention so to discharge.

The effect of that provision will be that if the employer is dissatisfied with the employee, or desires to dismiss him, he can simply refuse to give any reason for his discharge; or he could refuse to give the true reason, and possibly would give any other than the true reason. He will therefore dismiss the man on some other ground, or by the statement of some other reason, and then let him go. What recourse has the employee? None. I think the proposition is entirely wrong in that respect. With regard to that, I shall offer an amendment to correct it.

Again, on the next page a provision is made with reference to the discharge of employees, which should be amended. It permits the employer to discharge without giving reason, and at once provides no penalty for such wrongful dismissal, yet forces the laborer to give thirty days' notice. The employer should be liable to damages for unjust dismissal simply because he may be dissatisfied with the award. This would make the position of the employer and the employee the same, so that there shall be proper reciprocal relations between them. The employer, under this provision of the bill, can dismiss the employee, and the employee has no redress. If the employee is to be punished, some provision should be made in the bill by way of amendment whereby the employer would be subject to equal burdens.

And the next, Mr. Speaker, and the last clause which the time allowed permits me to call to the attention of the House, is found on page 7, beginning with line 20:

At the expiration of ten days from the decision of the circuit court upon exceptions taken to said award, as aforesaid, judgment shall be entered in accordance with said decision unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

Now, the period allowed here, as all lawyers present will recognize, is a very brief one. Under ordinary circumstances an appeal can be made under the general law in six months. The time allowed—ten days—is absolutely too short. Take, for instance, my own district as an illustration. Suppose the matter is in issue at Seattle and the circuit court is held at San Francisco. When an appeal is to be made at Seattle or San Francisco, under this provision of the law, he would be allowed only ten days. Under ordinary circumstances such appeals could be made within six months. The limitation is entirely unfair to the litigants in action.

Mr. GROSVENOR. The gentleman from Washington is a lawyer, and of course he understands the difference between making an appeal and perfecting an appeal. It is mutual upon the parties——

Mr. LEWIS of Washington. I regret that my friend from Ohio has indicated some feeling of violence in reference to this matter. I am not making any special opposition to the bill, but simply pointing out what I regard as a few defects in the bill that ought to be remedied.

Mr. GROSVENOR. The gentleman is entirely mistaken. I have no feeling, but am only expressing the most intense disgust.

Mr. LEWIS of Washington. The gentleman from Ohio says it is his disgust. Sir, it is the usual disgust displayed by the gentleman every time any member in this House refuses to recognize his unimpeachable virtues or the infallibility of his judgment. [Laughter and applause.]

I regret, Mr. Speaker, exceedingly, that the gentleman from Ohio is so affected with nausea on the present occasion and that he has developed it in such a distasteful manner to the House. I have not been undertaking to do more than to point out defects in his measure. He is now conscious of them and declines to have them made public.

It has come to me from a number of labor organizations in my region of country that certain features of the pending bill are oppressive.

I have been endeavoring, in my feeble way, to explain what some of those objections were, and to suggest others of my own observation, and this without loss of temper or dignity; and I regret very much that any gentleman, especially the gentleman from Ohio, should characterize these proffered amendments as nauseating. He seems intentionally to ignore a member's right to criticise any bill brought in here, even by him——

Mr. GROSVENOR. Will the gentleman allow me there to make an explanation?

Mr. LEWIS of Washington. Not if the gentleman wishes to continue to gratuitously insult me under the guise of an explanation.

Mr. GROSVENOR. The gentleman has been reading the terms of stipulations third, fourth, and fifth, and calls them part of the mandatory part of the statute, when they are simply the terms which the laborer and the railroad company may put into the submission, and have no effect whatever in the direction the gentleman has been talking about.

Mr. LEWIS of Washington. If my friend be right, that part of it is his explanation and justification, or an answer to my position. It is not a reason why I should not give my construction to these matters. And in answer I say it is the part which enables an employer to force a man seeking work to a sign a contract to submit any differences to arbitration under this act, and thus force obedience to any of its provisions, however harsh and unjust.

I then pass to call my friend's attention and the attention of the House to what appears to me to be a matter that ought to be corrected. I refer to lines 20 to 24, on page 6, as to the shortness of time of notice, and again answer my friend that the words are:

At the expiration of ten days from the decision of the circuit court upon exceptions taken to said award, as aforesaid, judgment shall be entered in accordance with said decision unless during said ten days either party shall appeal therefrom to the circuit court of appeals.

Ordinarily it is provided that one may give his notice of appeal——

The SPEAKER. The time of the gentleman has expired.

Mr. LEWIS of Washington. I ask for a few minutes more.

Mr. GROSVENOR. I yield ten minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. LEWIS of Washington. I respectfully ask the House for an extension of five minutes in which I may conclude, my time having been taken up by my distinguished friend from Ohio in interruptions and interrogations.

Mr. SULZER. I ask unanimous consent that the time of the gentleman from Washington be extended ten minutes.

Mr. GROSVENOR. I have yielded ten minutes to the gentleman from Missouri [Mr. COCHRAN]. After that——

The SPEAKER. The gentleman objects. The gentleman from Missouri is recognized.

Mr. COCHRAN of Missouri. Mr. Speaker, several gentlemen who have discussed the bond feature of the war-tax bill seem to labor under the hallucination that differences of opinion as to the merits of that measure are not permissible. They say they stand ready to vote for this or any other war measure that may be brought before this body, and some have gone so far as to intimate that willingness to follow their example is the test of patriotism. Instead of discussing the merits of the proposed issue of bonds, instead of undertaking to show that it is necessary, they rush to swallow it without investigation, and as a further evidence that they are the most patriotic men now on earth they assure us that in thus dealing with a grave business and financial problem they rise above party and are guided solely by a desire for the country's welfare.

Mr. Speaker, gentlemen should take need lest by airily arising above their party they fall below the level of common sense. Instead of justifying support of the proposition to add $500,000,000 to the bonded debt by boastful assurances of their devotion to the country, they should remember that the subject is one which could be more usefully discussed by substituting candid discussion of the condition and probable necessities of the Treasury for matters more interesting as additions to the autobiographical

literature of the country than as the contributions of statesmen to the examination of a very important public question.

Mr. Speaker, if it were true that the issue of $500,000,000 worth of bonds is necessary to the successful prosecution of the war, Congress would, without a dissenting voice, authorize their issue. But is such a step necessary? I do not believe it is necessary to issue a dollar's worth of bonds in order to equip our forces and conduct the war to a speedy and satisfactory conclusion.

We entered upon preparation for the struggle with $263,000,000 surplus money in the Treasury—$163,000,000 in excess of the $100,000,000 gold reserve.

The first appropriation for war purposes was $50,000,000. This left over and above the gold reserve $113,000,000 net surplus available for war purposes.

In addition to the issue of $500,000,000 worth of bonds, the war-tax bill authorizes the issue of $100,000,000 of short-time bonds or certificates of debt bearing 3 per cent, and it is estimated that the tax features of the bill will produce $90,000,000.

Here, then, is a proposal to provide a war fund of $813,000,000, and I again say to the gentlemen who have declared that patriotism requires concurrence in this proposal that the question presented is too important to be disposed of by flapdoodle oratory.

While I regard the proposed issue of $100,000,000 worth of debt certificates as unnecessary, had this been the only feature of the bill proposing an increase in the national debt, probably the measure would not have excited serious opposition. Allowing this feature to stand and striking out the paragraph authorizing the issue of $500,000,000 worth of bonds, the war-tax bill would certainly place the Treasury beyond the reach of danger and provide amply for the expenses of the war. Let me recapitulate:

Gross surplus in Treasury	$213,000,000
Deduct gold reserve	100,000,000
Surplus available for war purposes	113,000,000
Estimated revenues from war-tax bill	90,000,000
Derivable from short-time debt certificates	100,000,000
Total	303,000,000

Add to this $100,000,000 that could be made available by the issue of $58,000,000 in the Treasury and the coinage of the seigniorage amounting to $42,000,000, and the war fund would be swelled to $403,000,000.

Mr. Chairman, who on this floor will hazard his reputation by basing his support of this measure upon the assumption that the war with Spain will necessitate the expenditure between now and the 1st day of next January of $303,000,000? Is this an insufficient sum for the defrayment of the expenses of the war until the next session of Congress, even admitting that the war will continue so long?

I have heretofore reminded the House that, measured in gold, the expense of the great civil war, during which we maintained armies seven times greater than will be called into the field during this war and a naval armament of 1,200 ships, with a blockade extending from Chesapeake Bay to the Rio Grande, was less than $300,000,000 a year.

Are we not warranted in the belief that the bond feature of the bill is unnecessary? Sir, excluding not only the proposal to issue $500,000,000 in bonds, but striking out also the paragraph authorizing the issue of $100,000,000 debt certificates, I feel quite sure the bill would produce revenues sufficient to pay the expenses of the war.

Mr. WILLIAMS of Mississippi. Especially with a hundred millions in the Treasury over and above the gold reserve.

Mr. COCHRAN of Missouri. Yes. As I have shown, taking into the account the net Treasury surplus, the bill, with the features providing for $500,000,000 worth of bonds and $100,000,000 stricken out, would create a war fund of $203,000,000.

Mr. Speaker, almost unitedly the Democrats on this floor are opposed to this proposition. They do not believe that a war fund of $813,000,000 is needed to equip our forces for war with a country like Spain, a physical, mental, moral, and financial paralytic and imbecile—a power so inconsequential that if our Army and Navy were given a free hand to deal with it, it would be crushed like an eggshell before the end of the summer.

Mr. WILLIAMS of Mississippi. But they will hurry the issue of bonds anyhow, in order to impound the greenbacks in the Treasury.

Mr. COCHRAN of Missouri. I think the gentleman from Mississippi has summarized the whole case in a few words. And it should not be forgotten that this bond feature of the bill will not become inoperative with the end of the war. After the war is over it will remain in full force and effect. If it only vested the Secretary of the Treasury with the power of issuing bonds as a means of raising a war fund, it would be sufficiently objectionable, but the fact that it clothes the executive department of the Government with a continuing power to increase the interest-bearing debt renders it doubly odious.

Sir, I am unalterably opposed to any law investing the Executive with any such authority. Instead of enacting new laws authorizing the Secretary of the Treasury to issue bonds, the obsolete statute under which Secretary Carlisle carried on a thriving business in back-room bond deals should be repealed.

Mr. Speaker, in my judgment it is improbable, if not impossible, that the war with Spain will cost exceeding $300,000,000 a year. This bill proposes to create a war fund of $813,000,000—enough money to pay the expense of the war for two years and eight months at the least. Why, sir, if all this money were now in the Treasury, and we had before us estimates placing the probable expenses of the war at $300,000,000 a year, and felt positively certain that the war would continue so long, we would be powerless under the Constitution to appropriate more than enough to carry on the war for two years. Here, then, is a bill which proposes to authorize the creation of a war fund larger than this Congress has constitutional power to appropriate, and gentlemen insist that patriotism commands them to support it. They would have us believe that the struggle upon which the country has entered is so desperate, its result so uncertain, that at the very outset, before a gun has been fired, we should make provision more than sufficient for the defrayment of the expenses of a war with combined Europe.

Mr. Speaker, I do not believe that the President, the Secretary of the Treasury, the members of the Committee on Finance, or any considerable number of the members of this body entertain this absurd view of the situation. From the outset I have predicted that the death roll of the victims of riots in Spanish cities would exceed the losses of the naval and military forces of the United States. The giant of modern nations is about to crush a serpent that somehow has managed to survive as the sole exponent of mediæval barbarism. It will be quickly done and the world will be the better for it.

Mr. Speaker, provision for a war fund of $813,000,000 has been justified on the ground that war under existing circumstances will be far more expensive than it has been in times past. This is only partly true. The cost of heavy armament and of war on the seas has increased enormously, but the ordinary expenses of an army in the field would not be larger but smaller than they were during our great civil war. It is impossible, in the brief time at my disposal, to go into details, but I mention as items the cost of which would be smaller, transportation, the cost of small arms, clothing, camp equipage, and all other ordinary supplies.

Mr. Speaker, what does the Administration propose to do with a war fund of $813,000,000? Two or three naval battles, riotry in every hamlet in Spain, the occupation of Cuba without serious loss of life, and the independence of the island, followed by concerted action of foreign powers in the pacification of the remnant of Spain, will be written as a new chapter in American schoolbooks before next New Year's day. Entertaining this opinion, I unhesitatingly refuse to support any proposition sanctioning a large increase in the interest-bearing debt of the country.

I make no apology for questioning the motives of the author of the bond-issue feature of the war-tax bill. I accept as true the current report that it originated with the Secretary of the Treasury. I call attention to the fact that in the exalted station to which he never should have been called he is distinctively the mouthpiece and representative of the national banking system. Hundreds of millions of 3 per cent bonds would enormously facilitate the propaganda in favor of retiring all other forms of paper currency except national-bank notes. As has been suggested by the gentleman from Mississippi [Mr. WILLIAMS], the issue of bonds would result in locking up greenbacks in the Treasury—a long step in the direction of fastening the Gage financial policy upon the people. As I have before said, after the war is over, this law, if enacted, will remain upon the statute books and may be resorted to for this purpose.

Mr. Speaker, in times of national peril I am disposed to attribute to every citizen, whether rich or poor, motives of the highest patriotism, but I can not shut my eyes to truths which, over and over again, history has made apparent. If, through the medium of war, nations have achieved independence and peoples liberty, it is nevertheless true that in time of war it has not unfrequently happened that selfish and unpatriotic interests have prospered amazingly. The Napoleonic wars in Europe brought ruin to millions, but to a few hundreds it brought enormous fortunes. The great civil war in this country entailed unheard-of sacrifices upon the multitude, but during its progress the stock-jobber, the money lender, and financial desperado prospered as never before. Millions contended in innumerable battles, while other millions toiled in field, shop, factory, and mine, to provide the sinews of war.

A few, mostly the harpies and vultures of the Stock Exchange, saw in the momentous contest, not the struggle of a great nation for existence, but an opportunity to prey upon the state and the people.

The great bankers of the money centers felt no hesitancy in cornering gold, thereby preying upon the revenues and commerce of the country.

I give notice that I shall avail myself of the first favorable opportunity to review in this Chamber the history of national finances during the civil-war period and for a few years afterwards, contenting myself meantime with the declaration that from 1865 until this hour succeeding policies of the Treasury have been a succession of blunders interspersed with schemes of plunder hatched by bond dealers and stock jobbers.

It is familiarity with this history that impels me to the belief that the bond-issue feature of the tax bill was not dictated by motives of patriotism. The Secretary of the Treasury saw an opportunity to extort from the American Congress the passage of a measure which under ordinary circumstances would not have been entertained by this body. Originally a "peace-at-any-price" patriot, the Secretary of the Treasury has signalized his first appearance in the capacity of a defender of his country by injecting into this war measure a section intended to conserve the interests of the great banks at the money centers, of which his Chicago banking house is a specimen.

Mr. Speaker, I grant you that in time of war the people, rich and poor alike, are patriotic. The exceptions, few in number, only prove the rule. But, nevertheless, the language employed by the men who, in time of need rush to the defense of the country, differs from the response heard in the great banking houses of New York and Boston. The volunteer who shoulders a musket or steps upon the deck of a battle ship, thereby offers his life as a sacrifice upon the altar of his country. The manager of a bond syndicate who, sometimes, by conspiracy with the national Executive, which shields him from competition, subscribes to a national loan and closes a good deal in the back room of the Secretary's office, may cry never so loudly that it is an act of patriotism, but we know and the world knows that he is "trapping for fur." We know, and the world knows, that patriotism has nothing to do with the transaction. The language of the patriot who takes the field in defense of his country is, "I give;" the language of the bond dealer, manager of the international bankers' syndicate, is, "I lend—at usury."

Sir, let no man misconstrue my language into a reflection upon the wealthy men of this country. I refer only to the class of brokers and bankers, who, by their deeds, have signified such selfishness, not to say depravity, as to justify the people of this country in regarding them as public plunderers. I refer to the coparceners of Grover Cleveland and John G. Carlisle, who, during the Cleveland Administration, successfully engineered schemes by which the taxpayers of this country were plundered to the extent of $20,000,000. I refer to the class to which they belong—a class whose maxim is "business is business," and who, in their relations to the public have lost the power to discriminate between right and wrong, between foul play and honesty, between legitimate profits and grand larceny. I call attention to the fact that during the Administration of Mr. Cleveland, J. Pierpont Morgan, of London and New York, the American representative of this class, exercised paramount influence in the Treasury Department; that the advent of the present Administration saw no diminution of his influence, and therefore it is not difficult to determine the source whence this proposition to issue $500,000,000 worth of bonds emanated.

Mr. Speaker, to me it seems extraordinary that any gentleman on the other side of the Chamber should inject into the discussion of this measure even an intimation that opposition to it indicates a disposition to withhold necessary provision for the expenses of the war. Measures imposing taxes, and especially extraordinary taxes, should never be enacted without careful investigation and full discussion. For want of time I refrain from discussing the tax features of the bill, but venture to suggest to the gentlemen who have so precipitately swallowed the measure, bond issues and all, that it would have been wise to lay a part of the burdens imposed by the war upon the wealth of the country. Who dares to say that the fact that I entertain this opinion stamps me as wanting in patriotism?

I think the people of this country would prefer increased taxation sufficient to pay the expense of the war to an increase in the interest-bearing debt. Am I, therefore, to be denounced as unpatriotic?

Gentlemen, I say to you that the people are opposed to an increase in the national debt; that they are in favor of paying for the war in spot cash, and that instead of desiring fresh issues of bonds they insist upon paying off the existing interest-bearing debt as rapidly as possible. Does this justify the charge that I am unwilling to provide a sufficient war fund?

I am in favor of coining the seigniorage and issuing sufficient greenbacks to add $100,000,000 to the currency. I think this should have been done a long while ago. I would favor it as a peace measure. When the exigencies of war are said to require large additions to the receipts of the Treasury, must I forego the advocacy of a policy which, even if no emergency existed, I would support?

Are members of this Chamber to have no right of opinion as to a scheme of taxation and a proposal to enormously increase the national debt because, forsooth, the great national banker at the head of the Treasury Department has sent here a measure manifestly outrageous and unnecessary? For one, as to this and every other measure brought into this Chamber, I reserve the right to think and investigate for myself, and in time of war no less than in time of peace I shall be especially vigilant in scrutinizing recommendations made by the bond mongers through the medium of the Treasury Department.

But we are told that this is a nonpartisan measure and therefore it should go through the House without division. Is it a nonpartisan measure? The bond-issue feature was invented by the Secretary of the Treasury and the taxing feature by the Republican members of the Committee on Ways and Means. Not a Democrat on the committee was consulted until the bill was ready to be reported to this body. When it was in readiness, to the last line and syllable, then the Democratic committeemen were invited to inspect the product of the industry of their Republican colleagues. The participation of the Democratic committeemen was strictly perfunctory. The bill was formulated by partisans, adopted in the committee room by a partisan vote, reported to the House backed by the Republican committeemen, and opposed by the minority members of the committee.

It is a partisan Republican measure—partisan in its every line and syllable. It lays none of the burden of war taxes upon the wealth of the country. It taxes the wants and necessities of the people and omits the taxation of classes best able to pay taxes. Only a Republican committee could have devised such a measure, and therefore to characterize it as nonpartisan is the height of absurdity.

But, Mr. Speaker, obnoxious as some of them are, if the committee had stopped with the taxing features of the bill, or even been content with provision for the issue of $100,000,000 worth of certificates of debt, as it is a war measure, the bill would not have been sufficiently objectionable to compel united opposition on this side of the House; but when Secretary Gage's $500,000,000 bond scheme was added, it converted what should have been a patriotic measure for national defense into a hybrid, in which are united two distinctive Republican heresies—the imposition of all taxation upon the poor and the perpetuation of the interest-bearing debt of the country.

Mr. Speaker, in conclusion permit me to say that should the war continue long enough to require the collection of the war taxes for a single year and the issue of $100,000,000 worth of debt certificates, the necessity for a considerable addition to the volume of money in circulation will become so apparent as to indicate the wisdom of our demand for the addition of a hundred millions by the coinage of the seigniorage and the issue of additional Treasury notes.

When the pending measure becomes a law, even if the bond feature be eliminated before its final passage, we may expect the immediate sale of fifty or a hundred million worth of debt certificates. This will take out of circulation a corresponding amount of currency—mostly from the money centers. Contemporaneously the taxgatherer will exact several millions. A large proportion of the increased taxes will be paid by the people of five or six States and thirty or forty cities. I refer to the States and cities which produce most of the tobacco and beer upon which increased taxation will have to be paid.

Mr. LOUD. I thought the consumer paid the tax.

Mr. COCHRAN of Missouri. The gentleman from California says the consumer will pay the tax. The fact that one Republican has so far progressed in knowledge of political economy as to sanction this manifest truism entitles him to congratulations. He seems to have grasped a fundamental principle of economics.

Mr. LOUD. You have departed from it.

Mr. COCHRAN of Missouri. No, I have not. The consumer will finally pay the tax, but in the first instance it will be paid by manufacturers and dealers in the places where the industries are located. This will make serious inroads upon the money supply of these neighborhoods, and the demand will come at a time when a reduction in bank reserves and available currency will be keenly felt. The tobacco tax will make heavy exactions upon Virginia, West Virginia, Kentucky, North Carolina, Pennsylvania, and Connecticut. The beer tax will make severe requisitions on St. Louis, Chicago, Cincinnati, Milwaukee, and twenty other large cities in the West and the great trade centers of the Atlantic seaboard. With a stringency in the central money markets created by the sale of debt certificates or bonds and a depletion of reserves elsewhere, caused by the payment of millions in taxes, if the war should continue for even six months it requires no gift of prophecy to foretell a monetary crisis as the inevitable consequence of the

enactment and enforcement of the war-tax bill. To provide for this contingency, at least a hundred millions should be added to the circulating medium.

Mr. Speaker, entertaining these views, I voted against the passage of what I regard as the Gage war-tax bill. I do not call in question the patriotism of those who supported it, and I am amazed that any member of this body should attempt to justify support of the bill by exuberant and even extravagant proclamation of his devotion to the country and its flag, and by challenging the probity and patriotism of those who are opposed to it.

Mr. Speaker, some things can be taken for granted. For instance, I think it can be taken for granted that the individuals composing this body are patriotic American citizens. If any regard it as necessary to make frequent personal protestations of devotion, such exhibitions are at least harmless.

It is pertinent to observe, however, that in doing so they should not insinuate that colleagues who prefer a different course are necessarily unpatriotic. Those who prefer by investigation to arrive at definite opinions concerning methods of taxation, bond issues, and the like, and who do not feel called upon to prove their patriotism by foregoing this privilege, may fairly claim that thereby they afford no justification for the insinuation that they are not thoroughly devoted to the glory and welfare of the Republic.

Sir, I concede to each of my colleagues what I claim for myself—unfaltering devotion to the country and its institutions—and I do not believe that there is in this Chamber a Republican, Democrat, or Populist who does not feel himself commissioned by his constituents to offer on their behalf any sacrifice that may be made necessary by public necessity.

But, Mr. Speaker, it does not follow that we should be of one mind as to the best method of providing for the expense of the war. The measure brought in here by the Committee on Ways and Means was drawn on lines pointed out by fundamental Republican principles. It lays the whole burden of war taxes upon consumption, upon the wants and necessities of the people, upon the toilers and producers, upon those least able to bear additional exactions. Therefore it does not meet the unqualified support of the minority. Had the measure been drawn upon lines consonant with Democratic doctrines, it would have imposed a part of the burden upon wealth, upon what the citizen has instead of upon what he needs, upon the great corporations who have absorbed so large a portion of the country's wealth that in justice they ought to bear a part of its expenses, upon classes whose profits are largest and who could therefore well afford to bear a share of the extraordinary burdens of taxation.

The issue of bonds proposed by this bill dovetails into the Gage scheme for reorganizing the finances, to every part of which we are opposed. These differences of opinion led the Republicans to formulate a bill which has met the united opposition of this side of the Chamber. Republicans entertain one theory of taxation; we on this side another. There be those high in authority who regard a national debt as a national blessing. The minority in this Chamber and, I think, an overwhelming majority of the American people regard it as a burden and a curse. The Republicans believe in the gold standard and in the monopoly of paper issues by private banking corporations. The bimetallists regard the gold standard as an iniquity and the national banking system as its chief promoter. Running through every line and syllable of the feature of the war-tax measure which provides for bond issues is the sinister imprint of the bond juggler and the syndicate banker. Such a scheme should have had no place in a measure ostensibly devised for the protection and defense of the country.

The SPEAKER. The gentleman from Washington is recognized for two minutes.

Mr. JONES of Washington. I ask unanimous consent that his time be extended to five minutes.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

Mr. LEWIS of Washington. Mr. Speaker, I thank the gentleman from Missouri for his kindness.

In 1891 New Zealand offered and put through her Parliament a labor-arbitration bill which probably contains more perfected legislation and has been demonstrated to have more beneficial effect since then than any other measure that we have in view. Germany, Mr. Speaker, in 1878 proceeded in the same line.

I beg to call to the attention of the House that an appeal from New Zealand, passing through the intermediate stages of appeal, in due course reached the House of Lords, and last December the House of Lords decided that a purely voluntary bill endeavoring to arbitrate differences between master and servant, that provided no form of penalty and no form of remedy between persons, was a gratuitous enactment, and therefore vested no jurisdiction in a court to execute judgment, because it could not be reciprocal. Therefore, in my suggestions, I want to bring your attention to some amendments making it reciprocal, and if we do not do so, we are likely to inflict hardship upon the one or possibly give improper exemption to the other.

I must differ from my distinguished friend as to his meanings of the words "shall appeal therefrom." That is different from the words "gives notice of appeal," because our courts have construed the clause in so many divers ways. Every lawyer on this floor—though it may be I am only a tyro in the profession—will concede that those very words "shall appeal" have been decided to mean that he shall have perfected his appeal, and in many of our courts where a person has taken an appeal it has been held to mean such a stage as takes from the lower court all jurisdiction in the matter. To give notice of appeal is the usual provision. That is a provision as to the Supreme Court and as to appeals into the circuit court of appeals. I hope there will, therefore, be a provision of that kind in this act, in order that there may be no indefiniteness about the matter. The last position that I desire to bring to the attention of the committee is that on page 7:

> The determination of said court of appeals upon said question shall be final, and, being certified by the clerk thereof to said circuit court, judgment pursuant thereto shall thereupon be entered by said court.

Will any lawyer here tell me what kind of judgment is to be entered by that court? Gentlemen, do you mean that it is to be entered for the purpose of enforcing this award? Do you provide any means of enforcing any judgment? Do you mean damages under the award shall remain as a judgment between the employer and the employed or judgment in the confiscation of his wages for violating the award or declining to be bound thereby? What judgment shall be entered under this bill?

There is another clause you mean to enter final judgment in the court, and thereupon the court, in the exercise of equity, may make such judgment as it sees fit. Shall the judgment be one to enjoin the laborer, prohibit him, or discharge him, or hold him in contempt? Why do you decline to state exactly what kind or manner of judgment? This is done in every other form of legislation or litigation from a damage suit for the killing of a cow to the foreclosure of a railroad mortgage; from the suit for wages to an action involving human life. Why now give an uncontrolled discretion and unlimited opportunity to the Federal judges as against this employee that is not permitted in any other instance or experience in legislation or litigation? It is too dangerous.

If it is intended to hurt the weak, we must curb it. If it is not so intended, no harm comes of defining its limits. For this reason I think that that provision above all must be amended. Many other amendments are necessary to prevent this bill, apparently a friend to labor, from being its most disastrous engine of oppression. As the gentleman from Ohio will permit none of these evils to be further disclosed or discussion on this side extended, I must, as my limit of time has exhausted, submit my amendments in hopes to make a good and righteous bill of this measure. [Applause.]

I now tender as an addenda the bill I have prepared and introduced to meet such conditions as labor generally might be benefited by:

A bill (H. R. 9806) to create a national board of arbitration for labor disputes or conflicts between master and servant, and to appropriate therefor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this act there shall be constituted nine circuits in the United States, which shall be known as arbitration circuits, respectively, 1 to 9. The circuits shall contain respective States as follows, to wit: At each State election of each State in the respective circuits named herein, held according to the law of the said State, there shall be elected by such forms of election as prevail in the said State one officer, who shall be known as labor referee, which officer shall be male, of age not less than 25 years, a citizen of the United States, whose duties shall be to preside in all instances of arbitration in the said State in manner hereinafter prescribed, whose compensation shall be $1,200 per annum and such expenses for traveling and other necessary incidentals as shall be allowed upon vouchers by the Commissioner of Labor of the United States. The duties of said referee of labor shall be to attend in all instances of dispute or controversy between an employer and employee wherever his services shall, under the provisions of this act, be demanded.

SEC. 2. That in all cases wherever any dispute or difference between employer and employee can not be harmoniously adjusted between them either shall have the right of requesting the services of the labor referee, which referee shall, upon such request, permit the employer to name one person, the employees, through themselves or association, as they may choose, to name another person, said selected persons and said referee to constitute a board of arbitration.

SEC. 3. That said referee is herein granted authority to hold sittings, together with the chosen referees, at such place as shall be commodious and convenient to all persons concerned, within ten days from the time of the complaint, and said referee shall bring before the said board by process under his signature all such persons as shall be requested, either of the parties to the controversy or the members of the said board, as may advise and inform the said board of the conditions of the controversy from which a just conclusion by the said board as to the respective rights of the contestants may be had: *Provided*, That the referee shall have discretion of limiting the amount of witnesses of each State to such number as under and by the circumstances would appear to him just in the premises.

SEC. 4. That either party interested in the arbitration as employer or employee may have the aid of counsel, advocate, or friend before the said board to represent and speak for them.

SEC. 5. That the said hearing of the said board and the proceedings in all cases, to taking testimony and granting hearings, shall be public: *Provided*,

That the said referee shall have power to maintain order and decorum at the said hearing to the full extent as United States court commissioners are now allowed by law; and said referee shall have the same authority to summon before him witnesses, under process of his hand, to the same extent and with the same power that the said United States circuit court commissioners have now by law.

SEC. 6. That the said hearings of the said board shall be continued to its termination, the proceedings thereof to be taken down in writing at the request of each party to the controversy, to be preserved for any purpose of appeal hereinafter prescribed by this act.

SEC. 7. That the clerk which shall hereafter be named as clerk to the appeal board shall act as clerk to each hearing of the board of labor referees whenever the same is had: *Provided*, That whenever a session of the appeal board of arbitration conflicts with the session of any local board of arbitration the clerk of the appeal board of arbitration may designate a deputy to the local referee for the purpose of the appeal hearing, who shall receive such per diem equal to that paid jurors in the United States courts.

SEC. 8. That in each of the circuits herein named there is by this act constituted a circuit arbitration board. Each board shall consist of all the State labor referees in the particular circuit in which the dispute has arisen and is being held—that is to say, such referees in the said circuit with the exception of the particular referee from whose decision the said case is appealed. It is intended by this act that each circuit herein named shall constitute a circuit arbitration court of appeal on the same order and within the same plan as the Federal circuit court of appeals now prescribed as to litigation and cause at law in the several circuits. The said circuit arbitration appeal board shall assemble and hold session at such places as shall be agreed upon by them with a view to the convenience of all the persons interested, holding sessions as often as they shall prescribe by rules and in any other instance where they shall be petitioned by any local referee from whose decision there has been an appeal, or by either person or party to the appeal where the said appeal has been perfected. The said board shall appoint a clerk, whose duties shall be such as prescribed by the appeal board, who shall receive a compensation of $1,200 per annum.

SEC. 9. That any person to any arbitration, or any party possessed of interest therein as suitor, feeling himself or themselves aggrieved at the decision of the said referee or of the local board of arbitration called in by the said party at the instance of the parties interested, such aggrieved person or party may appeal from the decision of the said local board to the circuit board of arbitration as herein provided, the said appeal to be taken by giving notice of the appeal, which notice shall set forth the alleged grounds of grievances and errors of the decision in ordinary and concise language, and shall be filed within ten days after the decision of the local board has been rendered, and thereupon the said local board shall cause to have sent to the circuit appeal board of arbitration for that particular circuit all of the papers and evidence and all the proceedings had before the said local board, which transmitting of papers shall be done by the appeal board who have duly certified that the same are correct and complete. No appeal shall be dismissed by the appeal board for mere omission of form, but shall be heard upon its merits in all instances when taken within time as prescribed by this act.

SEC. 10. That the said appeal board shall, with speed and such haste as the justice of the cause may permit, hear the said appeal after giving notice to all persons concerned and render ruling thereupon, it being necessary that a majority of the State appeal board shall concur in any ruling or decision for the same to have the effect of a decision or ruling upon the appeal.

SEC. 11. That in all cases where the circuit appeal board of arbitration shall make a decision it shall at once notify the parties interested as contestants of the said decision, which said decision shall be binding as a decision upon the merits of the controversy at issue.

SEC. 12. That wherever any party or person interested, or as party to the hearing before the said local or appeal board, shall, after either decision has become final, refuse to abide by the said ruling or said decision, either person or party to the said arbitration may make such showing of such refusal to abide by such decision of any party to the arbitration, and then and there any local court which would have jurisdiction of any litigation over the said party or person refusing to abide the final decision of the said arbitration shall have full authority in the exercise of its jurisdiction to take charge of the said business of the said employer, or that branch of the same out of which the difference grew and had arisen, and make such equitable disposition of the management of the said business as the rights of the person involved as to him shall seem meet and proper under the circumstances of the case, it being prescribed that no condition of citizenship of the person complained of shall oust or defeat the jurisdiction of the said court to act as herein provided. In all instances where it is the employee who willfully refuses to obey the final decision of the arbitration board when it shall appear to the judge that the decision was just, said employee shall have no further right to demand arbitration, either by the local or the appeal board, provided always that the said employer and employee is hereby granted the right to at any time reconcile their own differences, notwithstanding any award.

SEC. 13. That no local referee shall accept or take from either person interested or connected with the said arbitration any fee, compensation, reward, or gift of any nature whatsoever. Any violation of this provision shall be punishable by any court having jurisdiction of bribery as a misdemeanor by the fine of $1,000 and the forfeiting of the office of the said referee.

SEC. 14. That such persons as may be called in by the said State referee to sit with him in any hearing as shall be designated by the parties to the controversy shall receive $5 per day during the time of their sitting.

SEC. 15. That no political creed, religious conviction, or condition of nationality shall in anywise affect for or against any person who shall be offered as assistant to the State referee by either person to the controversy.

SEC. 16. That this act shall be administered under the supervision and direction of the Commissioner of Labor of the United States, who is hereby authorized to prescribe such regulations as shall be necessary for the proper guidance of the said local boards as to his judgment shall seem meet and proper.

SEC. 17. That this act is to be construed liberally, with a view of effecting its object, which is to arbitrate all labor disputes peaceably and amicably.

SEC. 18. That there is hereby appropriated for the execution of this act $100,000, which said sum is to be paid out under the supervision of the Commissioner of Labor through such regulations as he shall prescribe for the carrying out of the provisions of this law.

SEC. 19. That all contracts for the performance of labor which are herein to be made, if in contravention to the terms and purposes of this act, shall to that extent be null and void.

SEC. 20. That this act take effect from and after its approval.

SEC. 21. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. GROSVENOR. I yield five minutes to the gentleman from California [Mr. MAGUIRE].

Mr. WALKER of Massachusetts. I rise to a parliamentary inquiry. I desire to ask whether the Chair knows of any way by which the second member on the Committee on Labor can get any chance to be heard upon this question?

Mr. GROSVENOR. I did not know the gentleman wanted to be heard. I will gladly yield him time.

Mr. WALKER of Massachusetts. I do not want to be heard by the permission of a gentleman who is not on our committee, but in my own right.

The SPEAKER pro tempore. The gentleman from Ohio is entitled to his hour.

Mr. GROSVENOR. I am simply occupying the hour allotted to me.

[Mr. MAGUIRE addressed the House. See Appendix.]

Mr. GROSVENOR. I yield five minutes to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, as a member for nearly forty years of New York Typographical Union, No. 6, and as a Representative from the State of New York in this Congress for nearly twelve years, I shall vote for this bill because it is asked for by the confederated railroad employees of the United States. I shall vote for the bill all the more willingly if the amendments suggested by my friend from California and my friend from Washington are adopted.

But, Mr. Speaker, this House is a part of the Government of the United States, and he who wants others to be clean should himself be clean. I know of no more unjust employer than the Government of the United States. I received this morning a letter from Joseph W. Irwin, a caulker in Brooklyn, a member of the Caulkers' Union, who was working in the navy-yard at Brooklyn as a first-class mechanic. He had worked there at intervals since 1898, making three or four months in the year. In that time he never had any complaint against him in regard to either work or conduct. All his discharge cards had been marked "excellent" or "good." On March 28 he reported for work. On the 29th he was told that he would be reduced to the second class at $3.04 a day. The wages of caulkers in New York for the last twenty-one years has been $3.25 a day. The Caulkers' Union does not permit its members to work for less. Like an honest man, Irwin refused to accept a less rate, and resigned.

After his resignation he was entitled to a card from the labor board, composed of officers of the Navy, giving his rating. The rating on the card given to him was this:

JOS. W. IRWIN, *Caulker:*

Discharged at your own request.
Your general workmanship has been good.
Your general conduct has been poor.

F. T. BOWLES,
Naval Constructor, United States Navy.

"Poor," eh? Why? Because he refused to work at a rate of wages lower than that prescribed by his trade union. When he asked why his conduct was marked "poor," he was told that it was because he refused to work. The word "poor" on the card debars him from work in the yard for one year. If his conduct had been marked "good," he could have placed his name on the eligible list and been in line for more work. As a workman I know him to be the peer of any man in the yard. The record of the labor bureau there will show that he never lost an hour of his own will, and never had a complaint against him.

Yet the Government stigmatizes him because he refused to violate his pledge to his union and refuses him further work for a year. Irwin had been foreman in three of the most prominent shipyards in New York. The war has tied up business and the only place for him to earn a dollar at present is in the navy-yard. He has a wife who has been on a sick bed for two years, and he needs the work.

I did think and I do think that when the Committee on Labor of this House are taking into account labor bills similar to the one which is now before the House they should do something to protect labor-union men who are in the employ of the United States Government. This great Government enlists printers, saddlers, harness makers, members of various trades, into its service as privates in the Army and Navy, and then details them to their trade under the Government, and refuses to pay them union-rate wages. In most cases these wages are not half the union rates.

I think, Mr. Speaker, this matter ought to be probed to the bottom, and that in time to come, and I hope that time will come quickly, all of the outrages which have been committed by the Government on its employees in this direction will be righted by the action of the Congress of the United States.

Now, Mr. Speaker, in the one minute which remains to me I desire to read a single paragraph from the Philadelphia Ledger of this morning, which is copied from a letter written by a correspondent of the London Times. I find in this paper this sentence:

The truth is that a combination of unimportant papers, led by the Journal and represented at Washington by yellow Congressmen and Senators, such as THURSTON and CUMMINGS and others, are on Mr. Hearst's salary list.

I want to say, sir, that I regret very much that this statement has never been true in the past and is not true in the present. [Laughter.]

Mr. MAGUIRE. Mr. Speaker, I would like to ask permission to extend my remarks made to-day in the RECORD.

There was no objection.

Mr. GROSVENOR. Mr. Speaker, I yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, in the brief time I shall occupy the attention of the House on this bill by the courtesy of the gentleman from Ohio I desire to say that I am in favor of it, and shall vote for it, or for any other bill that will, in my judgment, benefit, as I believe this bill will benefit, the labor organizations throughout the United States.

This bill is necessarily in the nature of an experiment. It is a step, however, in the right direction. It is but the beginning of what we hope will be accomplished in the near future, when labor shall receive its just reward and its just recognition. This bill may benefit organized labor, or it may be like many other laws now on the statute books—a dead letter. It will depend to a great extent on the courts. We can not tell now just how the courts will construe some of the provisions of this bill, and until that is done no one can tell whether this bill will be in the interest of the workers or not. The labor organizations represented here by their delegates favor this bill and want it to pass. I am guided largely by their wishes, for I have always found them honest, intelligent, fearless, and efficient.

These gentlemen, representing the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen, the Order of Railway Conductors, the Brotherhood of Railway Trainmen, and the Order of Railroad Telegraphers, are unanimously and heartily in favor of the passage of this bill. I believe they know what they want, and I think we should accede to their wishes in this matter. They hope and believe this bill will do some good, and that at all events it can do no harm to organized labor. In that opinion I am inclined to concur, although I have not had the time to study and consider this bill in all its details as its importance, in my opinion, would warrant.

There is one thing this bill does that I like, and that is, it recognizes by law for the first time, I believe, organized labor and its rights.

Let me say what many of you know, that I am now, always have been, and always will be, a friend of organized labor. I stand for the rights of the toilers, the workers, and the masses, and in my humble way will always do all in my power to advance their interests and protect their privileges.

This bill does not go far enough to suit me. It gives no additional benefit to, and confers no more advantage on, the men who work for the railroads. As I understand it, the bill simply gives the employee the same rights before the law as the employer now has. I believe the bill could be made much more advantageous to the best interests of organized labor by an amendment or two, but I want to see the bill pass, and instead of attempting to amend the bill at this time, I will content myself by voting for the amendments to be offered by the gentleman from Washington [Mr. LEWIS], and if those amendments are voted down, then I shall vote for this bill just as it is, on the theory that half a loaf is better than no bread.

I hope it will become a law as speedily as possible, and I trust if the courts are called on to construe its provisions at some future time the judge or the judges will remember that this bill passed the House of Representatives as a labor bill, in the interest of labor, and not for the advantage of the corporations or for the benefit of the railroads.

In case the question of legislative intent should subsequently arise in some legal proceeding growing out of a contention regarding the construction and meaning of this bill, if it should become a law, I now deliberately place this statement on record, for the guidance and information of the court, that this bill is a labor bill, intended to aid organized labor, and should be construed, where any doubt exists, liberally and favorably in the interest of the employee.

If this is done, it will prove a good law; if it is not done, but on the contrary the provisions of this bill are construed by the courts in the interests of the employers, the railroads, then I am afraid this measure will be a delusion and a snare so far as organized labor is concerned. Let us pass this bill this afternoon and hope for the best. The fears of the critics of this measure may never be realized, and all the hopes of its friends may, and let us hope will, be justified.

Mr. Speaker, I hope this bill will do all that its friends claim. If it does, it will accomplish a great deal of good. It is in the right direction, and ought to be followed by other bills to aid organized labor. All railroad employees and persons generally engaged in interstate commerce, who are most affected by this bill, are in favor of it, and have been most anxious to secure the enactment of a measure that, to some extent, will put an end to the industrial wars that have resulted from disputes growing out of questions of wages, hours of labor, and the conditions of employment between the employer and the employee. I hope and trust this measure will solve, at least to some extent, these difficulties.

Bills similar to this have twice heretofore received the approval of this House, but too late to pass the Senate. I believe it is true, as a general proposition, that public opinion and organized labor favor arbitration for the speedy settlement of disputes between corporations and their employees. This bill seeks to do this, although in no sense does it provide for compulsory arbitration, and if it should become a law will not, in my opinion, solve the labor problem or entirely prevent strikes; but it will do something to steady the parties to the controversy and be a powerful influence for a peaceful settlement of disputes between employer and employee, growing out of interstate-commerce controversies.

But, sir, if you really want to do something for the working people in this country, why do you not take up and pass the labor-commission bill, the eight-hour bill, the bill to tax out of existence the sweating shops, the bill to prevent prison-made goods from being sold outside of the State in which they are made, and several other bills demanded by organized labor all over the country and really in their interest and for their benefit?

These bills were introduced early in this Congress, and there is no reason, no excuse, why they have not been considered and passed long ere this. You will delay action on these bills until it is too late. Let us take up, consider, and pass the eight-hour bill and the labor-commission bill immediately after the passage of the measure now under consideration. If you Republicans will do this you will indeed do something for organized labor. Fail to do it, and you will hear from the people, from the workers and the toilers in the coming campaign. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Speaker, I now yield two minutes to the gentleman from New Jersey [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, I simply want to say in less than two minutes that every objection which has been urged against the pending bill has been considered in committee and is answered in the text of the bill itself.

The gentleman from California [Mr. MAGUIRE] seems to be troubled lest the bill should impose upon somebody an obligation to work after he wants to quit.

The objection to the provision "that the employee who quits the service of his employer must give thirty days' written notice of his intention to do so" is specifically answered by the words "without just cause," in line 4, page 9, which were inserted for the sole purpose of preserving to the laborer every right to decide for himself as to what constitutes a reason for quitting, unless it be the specific thing involved in the arbitration. His right to quit for every other cause without the notice required by the bill is preserved.

As to the effect of the order of the court which causes anxiety to the gentleman from Washington and the gentleman from California, I take it to be an entirely sound proposition that when the law says that the party shall not be imprisoned for contempt for violation of the order of the court, it does not mean that the court may enjoin him from violating the order and then punish him for the disobedience of the injunction. The court can not do by indirection that which it is forbidden to do directly.

And, Mr. Speaker, I conclude within my two minutes by repeating that the objections which have been urged against the bill are answered by the bill itself. Gentlemen are talking about the bill in the Fifty-third and Fifty-fourth Congresses, not the bill before them.

Mr. GROSVENOR. Mr. Speaker, how much time, may I ask, is remaining to me?

The SPEAKER. The time of the gentleman has been exhausted.

Mr. GROSVENOR. Then I demand the previous question on the passage of the bill.

The previous question was ordered.

Mr. WALKER of Massachusetts. Mr. Speaker, as a member of the committee, I would like to have consent of the House to be heard for a few moments on this proposition.

Mr. GROSVENOR. Mr. Speaker, I now ask unanimous consent that the gentleman from Massachusetts, a member of the Committee on Labor, be permitted to address the House for ten minutes.

Mr. LEWIS of Washington. Mr. Speaker, before the gentleman——

Mr. WALKER of Massachusetts. I want to thank the gentleman from Ohio [Mr. GROSVENOR] and the House for this privilege. Being the second member on the Committee on Labor, and supposing I was to have some rights on the floor, I am very glad to get ten minutes by the permission of the gentleman from Ohio and the House.

Mr. DALZELL. You are welcome.

Mr. WALKER of Massachusetts. It is a very great favor. The smallest of favors are thankfully received.

Mr. Speaker, I want to call the attention of this House to the fact that this bill which I hold in my hand, and which the House is now considering, is a bill of the very greatest moment and import. It will be the first bill passed by Congress that recognizes and makes lawful and legal the "labor organizations" of this country and allows the workingmen of this country in their organizations to stand on the same plane as the great railroad organizations of this country.

The laboring men of this country ask no immunity from any law or any hardship that is visited upon the great corporations, and protest against suffering any disabilities the great corporations do not suffer. They ask to be put on the same plane before the courts and before the law. This bill proposes to recognize them as standing on the same plane, that the law pro and con shall be the same between the humblest organized laborers employed by these great railroad corporations and the corporations employing them. I hope this House will pass this bill without amending it by dotting an "i" or crossing a "t." It has been thought and worked out with the very greatest care, and the chairman of the committee [Mr. GARDNER] has only been permitted two minutes to call the attention of this House to the bill, and only to page 9, where it provides that the cause of employees "shall in equity be taken into consideration."

This legislation, being a recognition of the labor organizations, putting them on the same plane with the great railroad corporations, is the first step in a long line of legislation by which the twentieth century is to be ushered in. The gentleman from New York [Mr. CUMMINGS] may rest assured that he will only further the progress of the organization of the men for whom he speaks by allowing the men who have recognition in this law to receive that legal recognition which they are seeking at the hands of the Congress and of the courts of the United States.

Mr. KELLEY. I will ask the gentleman if this bill does not contemplate involuntary servitude?

Mr. WALKER of Massachusetts. This bill does not contemplate involuntary servitude.

Mr. KELLEY. On page 9——

Mr. WALKER of Massachusetts. I can not yield. I have but a moment. This bill is very carefully drawn. It has had the benefit of the careful consideration it has received at the hands of all the labor organizations connected with railroads and the consideration which it has received by the Interstate Commerce Commission and the Bureau of Labor, and it has been submitted to the Attorney-General of the United States, to be sure that it is brought within the provisions of the Constitution and is equitable to both parties. Both parties are perfectly and thoroughly protected, as much so as is possible.

Mr. HENRY of Mississippi. May I ask the gentleman one question?

Mr. WALKER of Massachusetts. Very briefly; yes.

Mr. HENRY of Mississippi. Has it come to this in our country that there must be special laws passed in order that one man may be put upon the same plane as another? Does not the Constitution guarantee to every man the same rights?

Mr. WALKER of Massachusetts. The Constitution guarantees to every man the same rights, but there must be provisions of law to make those guarantees of rights effective. Here is a provision of law to make some of those guaranteed rights effective. The Constitution may declare that every man shall have certain rights; but that does not give them to him unless there is provided by law how he may protect himself and secure his rights.

Mr. MCRAE. Mr. Speaker——

Mr. HENRY of Mississippi. Does the gentleman pretend to say that the law is not——

Mr. WALKER of Massachusetts. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. Five minutes more.

Mr. WALKER of Massachusetts. I will yield to the gentleman from Arkansas for just one question, and then I must have my time.

Mr. MCRAE. I want to ask the gentleman if I correctly understood the statement that this bill meets with the approval of the representatives of the labor organizations?

Mr. WALKER of Massachusetts. Every labor organization connected with railroad traffic has approved of this bill and asked that it be enacted into law.

Now, one word about the decisions of the courts and sending men to jail, and so forth. This is new legislation. All laws of this character take the chances of legal decisions, and of the wisdom, discretion, and justice of courts. There is no long line of precedents that we can quote to the House, under this law or similar laws. This law is a new thing in the legislation of this country.

I want to say to you, Mr. Speaker, that this House and the country and the laboring men in the country have confidence in the justice and wisdom of the decisions of the courts, and we will soon have a long line of precedents in their defense and in their interest if we will but give the courts a chance under this bill. They will put the labor organizations upon the same plane and the same level as the great railroad corporations are put, and that is what is asked in this bill. I have been an employer and have been a workman, and while during the latter years of my life I have been an employer, I am known as a friend of labor, and have defended the labor organizations in my own factory, and in the State legislature, and everywhere from the first, and long before it was anything but unpopular and a discredit to a man to do it.

If there is any man in my State who has the confidence of and has a right to speak for the laboring people and the labor organizations, I claim to have it. Now, I say again in closing, as I began, put the organized workingmen who are in the employ of the railroads on the same plane with the corporations employing them, and let the courts determine their rights under this law by their decisions, and we will correct this law if it needs it, for Congress meets again in December, and once a year from now on as in the past.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The SPEAKER pro tempore proceeded to put the question.

Mr. LEWIS of Washington. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LEWIS of Washington. I desire to ask whether the amendments of which I gave notice to the House of my desire to offer are cut off by my distinguished friend asking the previous question?

The SPEAKER pro tempore. The Chair's understanding is that they are.

Mr. MAXWELL. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MAXWELL. If I can have the opportunity, I will state that I am in favor of a fair arbitration bill.

Mr. GROSVENOR. Regular order, Mr. Speaker.

The SPEAKER pro tempore. I do not understand the gentleman.

Mr. MAXWELL. I ask unanimous consent to make a statement.

The SPEAKER pro tempore. Nothing is in order except the engrossment and third reading of the bill.

Mr. MIERS of Indiana. I ask unanimous consent that the gentleman may have two, three, or five minutes.

Mr. GROSVENOR. I will not object to that.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MAXWELL. Mr. Speaker, this bill was presented to the House, and an hour's discussion has taken place. It is a very important bill, and it should be thoroughly discussed and all its provisions considered. Now, I say that there are a number of good provisions in this bill, but there are a number that are very objectionable; and the bill has not been considered as it should be. It is a matter of great importance both to the employers and to the employees. In a word, a bill of this kind should not be put through under whip and spur, with no one to represent the employees on this side; and it does seem to me that the bill should be recommitted to the committee and further considered and some additional provisions inserted. I move, Mr. Speaker, that the bill be recommitted.

The SPEAKER. That is not in order yet. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading; and it was accordingly engrossed, and read the third time.

Mr. LEWIS of Washington. I move to recommit the bill with the following instructions.

The SPEAKER. The gentleman from Washington moves to recommit the bill with the instructions which the Clerk will read.

The Clerk read as follows:

That the bill be recommitted to the committee with the following instructions:

Insert in line 10, page 5, after the word "court," the following:

"Not punished in any other manner, nor forfeit any wages nor sum of money due or to be due."

Insert in line 2, page 6, after the word "discharge," the following:

"Or be liable to any damage suffered through the violation of this provision."

In line 20, page 6, strike out "ten days" and insert "thirty days;" also, in line 23, strike out the words "ten days" and insert "thirty days;" also, in line 23, page 6, after the words "either party shall give notice of appeal."

Amendment by Mr. LEWIS of Washington:

Strike out the clause beginning in line 4 with the words "the determination," down to and including the words "circuit court."

Insert in line 8, page 5, after the word "business," the following:

"Or any State court having jurisdiction of the persons or subject-matter."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Washington.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. LEWIS of Washington. Division, Mr. Speaker.

The House divided; and there were—ayes 44, noes 86.

So the motion to recommit was rejected.

Mr. MAXWELL. Mr. Speaker, I move to recommit without instructions.

The SPEAKER. There can be only one motion to recommit, and that has been disagreed to. The question is on the passage of the bill.

Mr. MAXWELL. A motion to recommit will be in order.

The SPEAKER. A motion to recommit will not be in order. Only one motion to recommit is in order. The gentleman could have amended by moving to strike out the instructions; but not now.

Mr. MAXWELL. Well, only one motion is in order on the subject?

The SPEAKER. Only one, under the rules of the House. The question is on the passage of the bill.

The question was taken; and the bill was passed.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

HANNAH LETCHER STEVENSON.

Mr. RAY of New York. I present the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 439) granting a pension to Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House of Representatives, and agree to the same.

GEO. W. RAY,
HENRY R. GIBSON,
Managers on the part of the House of Representatives.

JAMES H. KYLE,
LUCIEN BAKER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Statement to accompany conference report on the disagreeing votes of the two Houses in the matter of the bill S. 439, being "An act granting a pension to Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson."

The conferees on the part of the House respectfully report and state:

That after full, free, and fair conference the conferees on the part of the Senate and the conferees on the part of the House have agreed as follows: That the Senate recede from its disagreement to the amendments of the House of Representatives to the Senate bill (S. 439) granting a pension to Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson, and agree to the amendments made by the House. The effect of these amendments and of the report is as follows, viz:

1. The rate of pension granted by the Senate act was $50 per month, and this was reduced by the House to $30 per month, and the result of the conference agreement is that the rate stands at $30 per month, the amount allowed by the House.

2. Numbers 2, 3, and 4 were merely formal, and struck out the word "Mrs." and inserted the words "and pay her a pension," and also a provision that the increase granted by the bill shall be in lieu of the pension the widow now receives, and also amend the title to conform to the practice prevailing in both the Senate and the House.

The result of this conference agreement is to establish the principle contended for by the House in the case of widows of general officers, that an increase above $30 per month shall not be granted where the death of the officer was not due to wounds received or disabilities incurred in the service.

Dated May 5, 1898.

GEO. W. RAY,
HENRY R. GIBSON,
Managers on the part of the House.

Mr. RAY of New York. I move the adoption of the conference report.

The report was adopted.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

INSIGNIA OF THE RED CROSS.

Mr. NEWLANDS. I ask unanimous consent for the consideration of the bill (S. 1913) to protect the insignia and name of the Red Cross.

The bill was read.

Mr. NEWLANDS. I understand that the gentleman from New York has some objections to the bill, which may be obviated upon the consideration of the matter by the Committee on Foreign Affairs. I therefore withdraw my request for the present consideration of the bill.

CLASSIFICATION OF LETTERS PATENT, ETC.

Mr. HICKS. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 4168) for revising and perfecting the classification of letters patent and printed publications in the Patent Office.

The bill was read.

Mr. DOCKERY. I think this bill ought to go to the Committee on Appropriations.

Mr. HICKS. I trust my friend will not object. This matter has been considered——

Mr. DOCKERY. This is an old question; it has been up here over and over again. Congress entered on this work ten years ago.

Mr. DALZELL. We sadly need such a classification.

Mr. DOCKERY. I can not consent to the consideration of the bill in this way.

The SPEAKER. The gentleman from Missouri objects.

ADJOURNMENT TILL MONDAY.

Mr. DINGLEY. I move that when the House adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

WASHINGTON IMPROVEMENT AND DEVELOPMENT COMPANY.

Mr. JONES of Washington. I ask unanimous consent for the present consideration of the bill (S. 4108) granting to the Washington Improvement and Development Company a right of way through the Colville Indian Reservation, in the State of Washington.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the Washington Improvement and Development Company, a corporation organized and existing under the laws of the State of Washington, and to its assigns, a right of way for its railway, telegraph, and telephone lines through the Colville Indian Reservation, in the State of Washington, beginning at a point on the Columbia River, near the mouth of the Sans Poil River; running thence in a northerly direction to a point in township 37 north, of range 28 east, Willamette meridian; thence northerly to a point near the mouth of Curlew Creek; thence northerly to the international boundary line between British Columbia and the State of Washington; with the right to construct, use, and maintain such branches, spurs, switches, and side tracks as said company may deem necessary for the operation of said railway, together with all the rights granted to railroads by the act of Congress entitled "An act granting to railroads a right of way through the public lands of the United States," approved March 3, 1875. Such right of way shall be 50 feet wide on each side of the center line of said railroad, and said company shall have the right to take from the lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings and for necessary side tracks and switch tracks, not to exceed in amount 200 feet in width and 3,000 feet in length for each station, and to an extent not exceeding one station for each 10 miles of road within the limits of said Colville Reservation.

SEC. 2. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid to any Indian allottees whose lands may be taken by said company under this act, and to provide the time and manner of payment thereof.

SEC. 3. That said company shall cause maps showing the route of its located lines through said Colville Reservation to be filed in the office of the Secretary of the Interior; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed herein as provided for, said company shall commence grading said located line within six months thereafter or such location shall be void, and said location shall be approved by the Secretary of the Interior in sections of 25 miles before the construction of any such section shall be begun.

SEC. 4. That said company is hereby authorized to enter upon said reservation for the purpose of surveying and locating its line of railroad.

SEC. 5. That the right herein granted shall be forfeited by said company unless at least 50 miles of said railroad shall be constructed through the said reservation within three years after the passage of this act.

SEC. 6. That Congress reserves the right to alter, amend, or repeal this act in whole or in part.

The amendments reported by the Committee on Indian Affairs were read, as follows:

On page 2, in line 15, strike out the word "three" and insert in lieu thereof the word "two."

On page 3, in line 16, strike out the word "fifty" and insert in lieu thereof the word "twenty-five."

On page 3, line 17, strike out the word "three" and insert in lieu thereof the word "two."

There being no objection, the House proceeded to the consideration of the bill.

Mr. McEWAN. I desire to offer an amendment.

The SPEAKER. Does the gentleman from Washington [Mr. JONES] yield?

Mr. JONES of Washington. Yes, sir.

The SPEAKER. The question will first be taken on the amendments reported by the committee.

The amendments were agreed to.

Mr. McEWAN. I now offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "reservation," in line 18, page 2, insert:

"*Provided, however*, That no bonds shall be issued for the construction and equipment of the railway, telegraph, and telephone lines provided for herein, in excess of the actual cost of said railway, telegraph, and telephone lines; and all bonds issued in excess of that amount shall be null and void."

Mr. JONES of Washington. With respect to this amendment, let me make this suggestion: The road here contemplated passes only a short distance through the reservation. It commences and ends outside of the reservation. I suppose this amendment is intended to apply to only so much of the road as goes through the reservation.

Mr. McEWAN. Yes, sir.

Mr. JONES of Washington. If the amendment be limited in that way, I shall not object.

Mr. McEWAN. I gladly accept the gentleman's suggestion. My only purpose in offering the amendment is to have it operate as a limitation upon the right which this bill proposes to give.

Mr. JONES of Washington. Of course the rights of the road outside of this reservation would be determined by its charter and by the laws of the State of Washington.

Mr. McEWAN. I cheerfully modify my amendment in accordance with the gentleman's suggestion.

The amendment as modified was read, as follows:

Provided, however, That no bonds shall be issued for the construction and equipment of the railway, telegraph, and telephone lines provided for herein in excess of the actual cost of said railway, telegraph, and telephone lines; and all bonds issued in excess of that amount shall be null and void: *And provided further*, That the foregoing proviso shall only apply to that part of the railway, telegraph, and telephone lines passing through said reservation.

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

JOHN B. TYRE.

Mr. STEELE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7814) for the relief of John B. Tyre.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay John B. Tyre $113, it being the amount improperly paid on account of expense of the enlistment of Edwin A. Tyre, Company D, Forty-seventh Indiana Volunteers.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Reserving the right to object, I would like the gentleman to make some explanation of this bill.

Mr. STEELE. This is a small claim for an amount paid on account of some expense due to the enlistment of the son of the beneficiary in the Forty-seventh Indiana Volunteers. It is to reimburse him for an expenditure on account of that enlistment in 1863.

The report accompanying the bill gives all of the facts in the case.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. STEELE, a motion to reconsider the last vote was laid on the table.

LEAVE TO PRINT.

Mr. LEWIS of Washington. Mr. Speaker, I wish to make a request of the House for unanimous consent to extend in the RECORD some remarks that I made to-day with reference to the amendments to the labor-organization bill.

There was no objection.

STELLA FRIENDS ACADEMY AND CHURCH ASSOCIATION.

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6670) setting apart a certain tract of land in Oklahoma Territory to the Stella Friends Academy and Church Association.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the lawfully constituted authorities of the United States be, and they are hereby, authorized and directed to issue a patent to the Stella Friends Academy and Church Association, of Woods County, Territory of Oklahoma, to the southeast quarter of the southeast quarter of the southeast quarter of section 24, in township 27 north, of range 11 west, of the Indian meridian, containing 10 acres, more or less, being a tract of land conveyed by Ernest Howard to said Stella Friends Academy and Church Association, by warranty deed dated January 25, 1897.

The Committee on Private Land Claims recommend the adoption of the following proviso:

Provided, That patent shall not be issued until the sum of $10 is paid to the receiver of public moneys of the United States land office at Alva, Okla.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Mr. Speaker, I think there should be some explanation of this bill before the House takes final action upon it.

Mr. CALLAHAN. I will state to the gentleman from Maine that under the existing law a homesteader, in proportion to the tract of land he holds, is entitled to certain privileges, by transferring for church, cemetery, or school purposes portions of his land. But the law is so limited that it does not authorize the Commissioner of Public Lands to issue a patent to the grantee, except under certain conditions which are fixed in the law.

A MEMBER. What is the purpose, then, of the pending bill?

Mr. CALLAHAN. The purpose of the bill is to authorize the Commissioner to issue a patent for the extra 10 acres here; and I will make an amendment to the bill covering the point to which I refer; that is, to fix the amount at $15 instead of $10.

The bill carries no appropriation, of course, and involves the Government in no possible expense.

I send to the desk the amendment which I ask to have adopted here.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

In line 2 of the proviso, strike out the word "ten" and insert "fifteen;" so it will read: "Until the sum of $15 is paid to the receiver of public moneys," etc.

The amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CALLAHAN, a motion to reconsider the last vote was laid on the table.

LIFE-SAVING STATION, CHARLEVOIX, MICH.

Mr. MESICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5522) to establish a life-saving station at Charlevoix, Mich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at Charlevoix, Mich., in such locality as the General Superintendent of the Life-Saving Service may recommend.

SEC. 2. That the character of the equipments and appliances of the station, the number of men constituting its crew, and the portion of the year during which it shall be manned, shall be determined by the General Superintendent of the Life-Saving Service.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. Has this bill been favorably reported by the Committee on Interstate and Foreign Commerce?

Mr. MESICK. Yes.

Mr. DINGLEY. It is only an authorization.

Mr. DOCKERY. Is the authorization recommended by the Secretary of the Treasury?

Mr. MESICK. Yes.

Mr. SULZER. Is it unanimously reported by the committee?

Mr. MESICK. Yes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

By unanimous consent, the title was amended so as to read: "A bill to authorize the establishment of a life-saving station at or near Charlevoix, Mich."

ORANGE MILLS FLATS, FLORIDA.

Mr. DAVIS. Mr. Speaker, I ask unanimous consent for the present consideration of House concurrent resolution 13, requesting the Secretary of War to report upon the condition, as to navigation, of the St. Johns River in the State of Florida, at the point known as Orange Mills Flats.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War is hereby requested to furnish Congress with information as to the condition of the St. Johns River in the State of Florida, at the point known as Orange Mills Flats, below the city of Palatka, as the river runs, with reference to navigation for ocean-going craft, and what sum of money will probably be required to put said river at that point in condition for navigation for coastwise craft such as usually enter the said river, and whether or not the expenditure necessary for said purpose will be justified by the traffic above said point.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

Mr. LOUD. Mr. Speaker, reserving the right to object, I should like to propound a parliamentary inquiry to the Speaker.

The SPEAKER. The gentleman will state it.

Mr. LOUD. Some days ago the gentleman from Illinois [Mr. CANNON] gave notice that he would object to all bills of this character. I voluntarily agreed to object to one-half of them. Now, I objected to the last bill of this character. I do not see the gentleman from Illinois in his seat, and I should like to ask whether I could object on behalf of the gentleman from Illinois [Mr. CANNON] and have it charged to him?

The SPEAKER. The Chair will entertain any objection which is made by the gentleman. However, it is a question of conscience as to whether he ought to object or not.

Mr. LOUD. If the objection is made, I should like to have it appear in the RECORD as charged to the gentleman from Illinois [Mr. CANNON]. Otherwise, Mr. Speaker, I shall withdraw here publicly what objection I may have made heretofore to the request of the gentleman from the State of Texas, unless this objection can be charged in the RECORD against the gentleman from Illinois [Mr. CANNON].

The SPEAKER. The Chair thinks that is not a parliamentary inquiry. [Laughter.] Does the gentleman object?

Mr. LOUD. I shall not, Mr. Speaker.

The SPEAKER. Is there other objection?

There was no objection.

Mr. COOPER of Wisconsin. I desire to have the resolution read. I did not understand it.

The resolution was again read.

Mr. DINGLEY. Is this reported by the Committee on Rivers and Harbors?

Mr. DAVIS. Yes.

The concurrent resolution was agreed to.

On motion of Mr. DAVIS, a motion to reconsider the last vote was laid on the table.

STEAM FOG SIGNAL, MUSKEGON, MICH.

Mr. BISHOP. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7018) to provide a steam fog signal at the entrance to Muskegon Harbor, in the State of Michigan.

The bill was read, as follows:

Be it enacted, etc., That the Light-House Board is hereby authorized and directed to provide a steam fog whistle at the entrance of Muskegon Harbor, in the State of Michigan.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DOCKERY. I desire to ask whether this bill has been reported by the committee?

Mr. BISHOP. It has been considered by the committee.

Mr. DINGLEY. I notice that no limit of expense is provided.

Mr. BISHOP. There is no appropriation attached to it. The Department said they will erect the fog signal out of the general appropriation.

Mr. DINGLEY. Let it be read again.

The bill was again read.

Mr. BENNETT. I will say to the gentleman from Maine that the Committee on Interstate and Foreign Commerce have had this under consideration.

Mr. DINGLEY. Why is there no limit to the expense?

Mr. BENNETT. There is no expense in connection with it.

Mr. SHERMAN. It is out of the general appropriation.

Mr. BENNETT. No appropriation is called for.

Mr. DINGLEY. It takes from the general appropriation?

Mr. MORRIS. It takes from the general appropriation.

Mr. SHAFROTH. Is there any statement of what the amount is?

Mr. BISHOP. It would be about $4,000 or $4,500.

Mr. DINGLEY. Have you information from the Light-House Board that there will be sufficient in the appropriation?

Mr. BISHOP. Only a personal one. We have their recommendation.

Mr. DINGLEY. I notice there is no appropriation; neither is there any limit to the expense of the matter.

Mr. BISHOP. That is true. They can not make a limitation, because they have no plans at present. They want to erect a steam fog signal and remove the light-house from one place and erect it at the end of the pier.

Mr. DINGLEY. You understand the appropriation already made is sufficient?

Mr. SHAFROTH. Would the gentleman object to an amendment to make the amount not to exceed $4,500?

Mr. BISHOP. That would not be practicable. The light-house that it is proposed to take is a thousand feet from the end of the pier. They propose to take it from where it now is and lift it out to the end of the pier and erect a light-house and steam fog signal in the same place, and they would have to have the matter divided if such an amendment were agreed to. I have conferred with them, and this is entirely satisfactory to the board.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

COMMISSION TO MAKE ALLOTMENTS OF LANDS TO CERTAIN INDIANS.

Mr. KING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1833) for the appointment of a commission to make allotments of lands in severalty to Indians upon the Uintah Indian Reservation, in Utah, and to obtain the cession to the United States of all lands within said reservation not so allotted.

The bill was read at length.

Mr. DINGLEY. Mr. Speaker, this is too important a bill to be considered by unanimous consent. It seems to be authorizing a commission with a view to the purchase of land from the Indians, and by and by it will be distributed gratuitously.

The SPEAKER. Objection is made.

MILLE LAC INDIAN RESERVATION.

Mr. MORRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution H. Res. 245.

The joint resolution was read, as follows:

A joint resolution (H. Res. 245) declaring the lands within the former Mille Lac Indian Reservation, in Minnesota, to be subject to entry under the land laws of the United States.

Resolved, etc., That all public lands formerly within the Mille Lac Indian Reservation, in the State of Minnesota, be, and the same are hereby, declared to be subject to entry by any bona fide qualified settler under the public land laws of the United States; and all preemption filings heretofore made prior to the repeal of the preemption law by the act of March 3, 1891, and all homestead entries or applications to make entry under the homestead laws, shall be received and treated in all respects as if made upon any of the public lands of the United States subject to preemption or homestead entry: *Provided*, That lot 4 in section 28, and lots 1 and 2 in section 33, township 43 north, of range 27 west of the fourth principal meridian, be, and the same are hereby, perpetually reserved as a burial place for the Mille Lac Indians, with the right to remove and reinter thereon the bodies of those buried on other portions of said former reservation: *Provided further*, That the Secretary of the Interior ascertain and report to Congress at its next session the amount which said Indians are fairly and equitably entitled to for the improvements which they have made on said lands.

Mr. SULZER. I would like to ask the gentleman if this would deprive the Indians on that reservation of their lands?

Mr. MORRIS. No, sir; the Indians would be removed. They have ceded this reservation to the United States, and they will be removed to the White Earth Reservation, where they will receive their allotments.

Mr. SULZER. Where is that reservation?

Mr. MORRIS. A hundred miles west.

Mr. SULZER. In the same State?

Mr. MORRIS. In the same State.

Mr. SULZER. Is that satisfactory to the Indians?

Mr. MORRIS. I will state that a delegation of these Indians was here in Washington about two weeks ago with their strongest chiefs. This resolution was submitted to them and they expressed their entire satisfaction with it. It was a delegation of the chiefs of this tribe.

Mr. DINGLEY. Does it involve either now or in the future a charge upon the Treasury for this allotment?

Mr. MORRIS. Not necessarily. I will state to the gentleman from Maine what is contemplated by this bill. On this reservation there are several burial places, and these Indians are, as they ought to be, very particular about the burial grounds of their dead. Now, in this resolution there are three 40-acre tracts reserved. There is located on one of these 40-acre tracts the principal burial ground of the Indians, and in addition to this there are two other 40 acres reserved; and hereafter, if their dead are to be removed, they will probably ask the Committee on Indian Affairs to pay the expense of the removal of their dead in the future; but there is no obligation carried in this resolution to make any such payment.

Mr. SULZER. How many Indians are there on this reservation now?

Mr. MORRIS. They vary all the time. All the Indians entitled go on this reservation.

Mr. SULZER. I mean living Indians. [Laughter.]

Mr. MORRIS. Between 700 and 800, as I am informed. They wander aimlessly all about on the reservation.

Mr. DOCKERY. I desire to ask the gentleman what is the meaning of this further proviso:

Provided further, That the Secretary of the Interior ascertain and report to Congress at its next session the amount which said Indians are fairly and equitably entitled to for the improvements which they have made on said lands.

Mr. MORRIS. That was another provision put in there when this bill was accepted by these Indians. It was found that in certain places where the lands were taken up by the settlers that they made some improvements. They desire that they should be paid for these improvements. I will state to the gentleman from Missouri that it was agreed between myself and the attorney of this delegation of Indians that if any gentleman objected to this provision that it should be stricken out. If the gentleman from Missouri objects to that provision, I shall ask that it be stricken out.

Mr. DOCKERY. Why, certainly; it opens the door wide.

Mr. MORRIS. If it is objectionable to the gentleman from Missouri, I move that the last provision be stricken out.

Mr. DOCKERY. That is the trouble about this matter of unanimous consent. I do not like to be put in the attitude of objecting to any bill. This seems to be quite an important measure. This proviso is objectionable, and if the bill came up in the regular way I would vote against it.

Mr. MORRIS. If that proviso is objectionable to the gentleman, I will ask that by way of amendment it be stricken out.

Mr. CLARDY. By what committee was the bill reported?

Mr. MORRIS. By the Committee on Public Lands.

Mr. CLARDY. It would seem that the Committee on Indian Affairs ought to have had something to do with it.

Mr. LACEY. This ceased to be an Indian reservation many years ago; but a portion of the Indians still remained there. It is now a part of the public domain.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. I ask that the request be submitted with the proposition that the proviso be struck out, as agreed by the gentleman from Minnesota.

The SPEAKER. Is there objection to the consideration of the bill with the proviso stricken out?

Mr. CANNON. I should be glad to ask a question. I see that this bill throws open all public lands within this reservation to

settlement under the public-land laws of the United States. I should like to know what lands are thus thrown open. I should also like to know whether in extinguishing the title to these lands the Government of the United States has bought them; and if so, what price was paid, and if anything was paid, whether the lands are not in precisely the same position, so far as legislation is concerned and so far as the equities of the case are concerned, as lands elsewhere in the United States where the Government has extinguished the Indian title by purchase; and whether these lands should not, in accordance with the usual policy, be subject to disposition under the public-land laws on the payment of a stipulated price, whatever it may be—$1.25 or $2.50, according to the price paid by the Government. In other words, are we not proposing in this bill to do by retail what we have refused to do by wholesale in Oklahoma and elsewhere throughout the country?

Mr. MORRIS. These lands are not in the same position as the lands embraced in the other Chippewa reservations in the State of Minnesota, or as lands which have been ceded by the Indians in the Territory of Oklahoma. This reservation originally consisted of about 60,000 acres of land—three and a fraction townships. It was ceded by this band of Indians to the United States Government away back in 1864, and in consideration of that cession the Government reserved to the Indians other lands, among which was a part of the present White Earth Reservation, and it also paid other valuable considerations.

In construing a proviso in that treaty of cession there arose a doubt as to whether this reservation could be properly settled under the public-land laws of the United States, and this has given rise to an irritation between the settlers there and the Indians which has lasted for nearly twenty years.

Of the 60,000 acres embraced in this reservation, all but about 5,000 have already been entered, settled upon, or patented by the Government to people who have either located additional homestead scrip upon it or have settled upon it under the homestead, or preemption laws. These men have gone upon the land, presuming that the same course would be pursued in reference to the remaining land as had been pursued in reference to that already patented.

But owing to rulings of the Interior Department, which have been one year one way and another year another way, which have held one year that the land was open to entry under the public-land laws, and another year that it was not thus open, these men have been hanging between heaven and earth until now this resolution has been presented for the purpose of clearing up the whole atmosphere. Steps will then be taken to get these Indians to remove to the White Earth Reservation, where they can receive their allotments. As it is now, the Indians on this reservation have no public schools, no farmer, no agent; nothing that the other Indians have. It will be greatly to the advantage of these Indians if they go to the White Earth Reservation, where they will have these various facilities.

Mr. LACEY. The gentleman will allow me to read two lines from the letter of Secretary Bliss which answer the question propounded by the gentleman from Illinois [Mr. CANNON]:

It further appears that these lands do not come under either of the two classes of lands referred to in my letter of the 5th instant with reference to what is known as the "free-home bill;" and hence the passage of such a bill as I have suggested would not conflict with the opinions expressed in my letter of that date nor with the policy therein recommended.

Mr. MORRIS. I introduced this resolution and also a bill tending in the same direction; and at my request both the bill and resolution were referred to the Secretary of the Interior, and by him to the Commissioner of the General Land Office. In this report is printed a letter from each of these officials recommending the passage of this resolution.

Mr. SHAFROTH. Mr. Speaker, I wish to say a word concerning this measure, because it came before the Committee on Public Lands, of which I am a member. Allow me to remark that the lands to which this bill applies do not come under the operation of the general provision embraced in the Indian appropriation bill undertaking to open to homestead entry the Indian reservations. This reservation has been held by one Secretary of the Interior to be open to homestead entry, and by a succeeding Secretary of the Interior to be not open to such entry.

Senator TELLER, when Secretary of the Interior, held that these lands were open to entry, and afterwards were declared not open to entry by Secretary Noble. Homestead entries made in good faith by people under the conflicting decisions, however, ought to be recognized as valid locations. I believe for my own part that all public lands ought to be open to homestead entries. But if we can not open all we ought to open at least a part of them, and this part is especially entitled to the homestead law.

This matter has been considered and unanimously reported by the Committee on Public Lands. I hope there will be no objection to its present consideration or its passage.

There being no objection, the bill was considered.

Mr. MORRIS. Now, Mr. Speaker, in compliance with the agreement made with the gentleman from Missouri, I move the amendment I send to the desk—that is, by striking out all after the word "reservation" in line 7 of page 2 after the period in that line.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MORRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

NANCY SUSAN THOMPSON.

Mr. OTEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 887, being a bill for the relief of Nancy Susan Thompson.

The SPEAKER. The bill will be read subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Nancy Susan Thompson, out of any money in the Treasury not otherwise appropriated, the sum of $166.31, being the amount due her father, Archibald Thompson (of whom she is the sole heir), appearing on the books of the Auditor for the Post-Office Department.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, I would like to ask the gentleman what this bill proposes exactly, and what the report provides in the case?

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the bill.

Mr. LOUD. Has this bill been reported by a committee?

Mr. OTEY. Yes; it has been reported by the Committee on Claims.

I think perhaps the reading of the report will explain the bill fully to the gentleman from California. I ask, Mr. Speaker, that the report be read.

The report (by Mr. MINOR) was read, as follows:

The Committee on Claims, having had under consideration House bill 887, respectfully report:

Your committee has considered the claim of Nancy Susan Thompson, and find that the service was rendered by her father and the amount is to his credit on the books of the Auditor for the Post-Office Department. The letter from the Treasury Department attached hereto is conclusive that the claim is a just one and should be paid, and your committee recommend that the bill do pass.

Mr. LOUD. Mr. Speaker, this report is entirely unsatisfactory, and unless there be some further explanation of the matter I think the bill ought not to be passed in this way.

Mr. OTEY. Mr. Speaker, there is a letter appended to the report, which was not read, and which, I think, will explain the circumstances of the case better than I can do. I ask that this letter be read.

The letter referred to by Mr. OTEY was read, as follows:

TREASURY DEPARTMENT,
AUDITOR FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., May 1, 1896.

SIR: Your letter of the 25th instant, relative to the claim of Archibald Thompson for carrying the mail on certain routes in Virginia at the beginning of the late war, has been received by reference from the Second Assistant Postmaster-General. In reply I have the honor to inform you that the records of this office show that Mr. Thompson was mail contractor on route No. 4324, Christiansburg to Newport, and route No. 4327, Blacksburg to Shellville, in the State of Virginia, from July 1, 1859; that he was paid in full to December 31, 1861, and that a balance stands to his credit for service from January 1 to May 31, 1861, the date to which service has been certified, amounting to $166.31.

The Confederate register of individual payments made by the Confederate States government on account of mail service and for other purposes, now in the custody of this office, is somewhat incomplete, there being a number of leaves and parts of leaves missing, but as far as the record goes there is no evidence that any payment was made to Mr. Thompson by the Confederate States government on account of his contract with the United States.

Very respectfully,

GEO. A. HOWARD, *Auditor.*

Hon. PETER J. OTEY,
House of Representatives, Washington, D. C.

Mr. LOUD. Mr. Speaker, I do not think, under the circumstances, that that bill ought to be passed by the House. A portion of that claim covers a period of time when the State of Virginia was substantially in rebellion against the Government——

Mr. OTEY. Oh, no; you are mistaken.

Mr. LOUD. Well, it runs back to 1861. The gentleman can place such construction as he pleases upon it. When did they appear in rebellion, I would ask the gentleman?

Mr. OTEY. Well, the gentleman from California knows as well as I do.

Mr. LOUD. The bill covers a period of time when the war was proceeding.

Mr. OTEY. If the gentleman will permit me, this claim has been adjudicated by the Department. It has been considered, and the amount found to be due, although the gentleman from California seems to be ignorant of the fact that the bill was adjusted by that Department with which he has had so much to do—the Post-Office Department. It is a part of the report that the money is due and is placed to the credit of the party, and has been since the work was performed; but it can not be paid out without a special act of Congress.

Mr. LOUD. There is nothing whatever in the bill, or in the report, as far as I have understood the reading of it, which explains or justifies the payment of the claim. That is the point I am making.

Mr. OTEY. I ask, Mr. Speaker, that the report be again read. The gentleman certainly did not understand the reading of it.

The report, there being no objection, was again read.

Mr. LOUD. Now, it says that these services were performed. Where and when were they performed?

Mr. OTEY. If the gentleman will observe the reading of the letter appended to the report, it will show the facts fully. If he will allow me, I will call his attention to that portion of the letter which says that—

I have the honor to inform you that the records of this office show that Mr. Thompson was the mail contractor on route No. 4324, from Christiansburg to Newport, and route No. 4327, from Blacksburg to Shellville, in the State of Virginia, from July 1, 1859—

And the gentleman will observe that this was before the war, and that he was paid in full to December 31, 1861. But a balance stands to his credit for services from January 1 to May 31, 1861, the date to which service has been certified, amounting in all to $166.31.

Now, the bill in question simply allows the claimant to receive the compensation which was due to her father for the services rendered by him to the Department, and which sum appears to his credit on the books of the Post-Office Department.

Mr. BRUCKER. This is the original amount without interest.

Mr. OTEY. Of course. No interest is allowed. The Government does not pay interest.

Mr. LOUD. I should like to ask the gentleman why this party did not make claim at the time? Was he busily engaged somewhere else?

Mr. OTEY. I can only say that there were thousands of people who did not know that they could make claim, and the gentleman from California is as well aware of this fact as I am.

Mr. LOUD. This gentleman evidently knew he could make claim, because he had made claims for all of his pay up to the 31st of December. He evidently was familiar with the routine by which he should proceed in order to get his money. Is it not a matter of fact that this gentleman was at that time probably very busily engaged in an endeavor to destroy this Government and did not think it particularly safe to present his claim at Washington, where he knew it could be paid?

Mr. OTEY. If that was so, there is no reason why he should not present it now.

Mr. LOUD. I think I shall have to object.

Mr. CANNON. I want to say to the gentleman from Virginia and the gentleman from California both that these claims have not been paid for the last fifteen or twenty years. There was a bill to pay several hundred thousand dollars of them; and on its consideration in the House, the bill was under the charge of the gentleman from Texas, Mr. Reagan. On its consideration, Mr. Willetts, a Representative from Michigan, objected to it, and the question was raised as to whether any of these claims had ever been paid by the Confederate government, and the records were brought as to some of them.

Now, these claims come and are referred sometimes to the Committee on Appropriations at almost every session, and so far as that committee are concerned, and so far as the House are concerned, I think I can state that this class of claims have not been paid. This is only one of several hundred thousand dollars' worth of claims that are substantially on all fours. I do not care anything about the amount involved; but one gentleman ought not to be favored unless all are; and unless you come to the standpoint of public policy of paying them all, it seems to me it ought not to be done by piecemeal.

The SPEAKER. Objection is made.

Mr. OTEY. Who objected?

The SPEAKER. The gentleman from California objected.

Mr. DINGLEY. I move that the House do now adjourn.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Claims was discharged from the further consideration of the bill (S. 3684) for the relief of Joseph Touisant, alias Touzan; and it was referred to the Committee on the Judiciary.

LEAVE TO PRINT.

By unanimous consent, Mr. CLAYTON was allowed five days from this date in which to print in the RECORD his remarks on the bill H. R. 10100.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed joint resolution (S. R. 86) proposing an amendment to the Constitution of the United States respecting the succession to the Presidency in certain cases; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 924) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1722. An act granting a pension to Ellen O'Rorke;

H. R. 4981. An act granting an increase of pension to William D. Seamans;

H. R. 3888. An act granting an increase of pension to Calista Hadley;

H. R. 6988. An act granting a pension to Emory T. Hipple;

H. R. 1546. An act granting a pension to Annie Wittenmeyer;

H. R. 137. An act granting a pension to Annie Saffell;

H. R. 2762. An act granting a pension to Mary C. Case;

H. R. 4469. An act increasing the pension of Katherine L. Cushing;

H. R. 4160. An act granting an increase of pension to George W. Garrison;

H. R. 5809. An act granting a pension to Charles E. Taylor;

H. R. 6680. An act granting a pension to Janet Wemple;

H. R. 7952. An act granting a pension to William C. Ryan;

H. R. 8197. An act granting a pension to Mary B. Hulings;

H. R. 6515. An act granting a pension to Grace Gudgell;

H. R. 2119. An act granting a pension to Sallie Work;

H. R. 7449. An act granting a pension to William S. Adams;

H. R. 1897. An act granting a pension to Susan A. Huber;

H. R. 5373. An act granting a pension to Hannah C. Pile;

H. R. 6928. An act granting an increase of pension to Eva Seeley;

H. R. 5775. An act granting a pension to Lewis K. Whitmore;

H. R. 802. An act granting a pension to Benjamin F. Moulton;

H. R. 1295. An act to increase the pension of Frederick G. Moore;

H. R. 6468. An act authorizing the Supreme Lodge of the Knights of Pythias to erect and maintain a sanitarium and bath house on the Government reservation at the city of Hot Springs, Ark;

H. R. 9043. An act granting an increase of pension to Ann M. Smith;

H. R. 7441. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 2307. An act to correct the naval history of John C. Dull; and

H. R. 1596. An act to amend the postal laws relating to use of postal cards.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. R. 6. Joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee, and certain claims of the State of Tennessee against the United States;

S. 497. An act granting an increase of pension to Betsey B. Olin;

S. 509. An act granting an increase of pension to Lafayette Tibbetts;

S. 1541. An act granting a pension to Itewayaka, or One-armed Jim;

S. 116. An act granting a pension to W. L. Faxon;

S. 1773. An act to amend the military record of George F. Miller;

S. 3345. An act granting an increase of pension to Martha Ann Hynes;

S. 493. An act granting a pension to Mary A. Wise;

S. 1133. An act to pay to the Richmond Locomotive and Machine Works its claim for damages and losses incurred in the construction of the armored battle ship *Texas*; and

S. 924. An act to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On May 5, 1898:

H. R. 7536. An act granting a pension to Jane A. Wilkinson;

H. R. 2074. An act granting a pension to Jane H. Sandborn;

H. R. 4247. An act granting a pension to Sarah A. Landram;

H. R. 92. An act granting a pension to Augusta Whitmer;

H. R. 90. An act granting a pension to Eunice Taylor;

H. R. 2015. An act granting a pension to Elizabeth Lane;

H. R. 1822. An act granting a pension to Benjamin F. Howland;
H. R. 4548. An act granting a pension to Matthew B. Nale;
H. R. 298. An act granting an increase of pension to Charles McAllister;
H. R. 239. An act granting an increase of pension to Rosa Karger;
H. R. 2426. An act granting an increase of pension to Helen Larned;
H. R. 4206. An act granting an increase of pension to Jacob G. Frick;
H. R. 4300. An act to increase the pension of John C. Wagoner;
H. R. 4314. An act to increase the pension of Montz Tschoepe;
H. R. 777. An act to increase the pension of David N. Thompson;
H. R. 3132. An act granting a pension to Plum P. Miner;
H. R. 5994. An act to grant a pension to M. Louise Anderson;
H. R. 2629. An act to grant a pension to John Thurston;
H. R. 7539. An act granting an increase of pension to Martha M. McCall; and
H. R. 639. An act increasing the pension of Charles B. Eades.

On April 28, 1898:
H. R. 368. An act for the relief of Charlotte L. Walker.

On April 29, 1898:
H. R. 8569. An act providing for the construction of a bridge across the Yalobusha River between Leflore and Carroll counties, in the State of Mississippi;
H. R. 4929. An act extending the time for the completion of the bridge across St. Lawrence River;
H. R. 8875. An act to amend an act entitled "An act to authorize the construction of a bridge across the Yazoo River near the city of Greenwood, in Leflore County, in the State of Mississippi;"
H. R. 2768. An act for the relief of George Peyton from the charge of desertion; and
H. Res. 116. Joint resolution authorizing the Secretary of War to make a survey of the West Fork River, West Virginia, and prepare estimates of the cost thereof.

On May 2, 1898:
H. R. 3963. An act to permit certain parties to intervene in the equity cause of the United States against Morris and others, pending in the supreme court of the District of Columbia.

On May 3, 1898:
H. R. 294. An act for the relief of Robert Spaugh; and
H. R. 7318. An act for the relief of Frank Loyd, of Georgia.

On May 4, 1898:
H. R. 7337. An act for the removal of suits from the courts of the State of Texas to the courts of the United States in the State of Texas;
H. R. 7748. An act to provide for a survey of Elk River, in Tennessee and Alabama;
H. R. 9552. An act permitting the building of a dam across Rainy Lake River;
H. R. 3608. An act removing the charge of desertion from the record of Sylvester H. Mase, a musician, Fifty-sixth New York Infantry;
H. R. 5335. An act for the relief of John Rustman;
H. Res. 24. Joint resolution relative to the medal of honor authorized by the acts of December 21, 1861, and July 16, 1862;
H. R. 9378. An act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes; and
H. R. 10197. An act making appropriations to supply deficiencies in the appropriations for support of the Army for the fiscal year 1898, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4168. An act for revising and perfecting the classification of letters patent and printed publications in the Patent Office—to the Committee on Patents.

S. 4317. An act to provide for the opening of lands containing asphaltum, gilsonite, elaterite, and kindred substances in the State of Utah—to the Committee on the Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STROWD of North Carolina, for twenty days, on account of important business.

To Mr. MCCORMICK, for twenty days, on account of important business.

To Mr. STURTEVANT, for ten days, on account of important business.

To Mr. REEVES, for ten days, on account of important business.

The motion of Mr. DINGLEY was agreed to.

Accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned until Monday at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a communication from the Assistant Secretary of War recommending a credit on the account of Maj. D. W. Lockwood, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10163) to provide for the proper handling of the increased volume of work in the Adjutant-General's Department of the Army due to the calling out of volunteers and the increase of the Regular Army, reported the same with amendment, accompanied by a report (No. 1269); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HICKS, from the Committee on Patents, to which was referred the bill of the Senate (S. 4168) for revising and perfecting the classification of letters patent and printed publications in the Patent Office, reported the same without amendment, accompanied by a report (No. 1272); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10209) to repeal an act of Congress, approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside cities," and for other purposes, reported the same without amendment, accompanied by a report (No. 1274); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10222) to authorize the extension of the Metropolitan Railroad, reported the same without amendment, accompanied by a report (No. 1273); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLIVAN, from the Committee on Claims, to which was referred the bill of the House (H. R. 9142) for the relief of P. B. S. Pinchback, reported the same without amendment, accompanied by a report (No. 1270); which said bill and report were referred to the Private Calendar.

Mr. MCEWAN, from the Committee on Claims, to which was referred the bill of the House (H. R. 8039) for the relief of Gottlob Schlecht and Maurice D. Higgins, and for the relief of the heirs and legal representatives of William Bindhammer and Valentine Brasch, reported the same with amendment, accompanied by a report (No. 1271); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CALLAHAN: A bill (H. R. 10228) authorizing the leasing of sections 13 and 33 in Greer County, Okla.—to the Committee on the Public Lands.

By Mr. NEWLANDS: A bill (H. R. 10229) to relieve owners of mining claims who enlist in the military service of the United States for duty in war with Spain from performing assessment work during such service—to the Committee on the Public Lands.

By Mr. KELLEY: A bill (H. R. 10230) to preserve the rights of settlers on public lands who enter the service of the United States during the war with Spain, and to grant patents to such lands where claimants actually serve in the Army or Navy, during said conflict, a period of six months or longer—to the Committee on the Public Lands.

By Mr. MCCALL: A bill (H. R. 10231) to insure and protect the commerce and merchant marine of the United States from depredation by public enemies, and for other purposes—to the Committee on the Judiciary.

By Mr. BRODERICK: A bill (H. R. 10245) to extend to the district and circuit courts of the United States, in cases or proceedings based upon any alleged violation of the act to regulate commerce, approved February 4, 1887, the provisions of an act approved February 11, 1893, entitled "An act in relation to testimony before the Interstate Commerce Commission and in cases or proceedings under or connected with an act entitled 'An act to regulate interstate commerce,' approved February 4, 1887, and amendments thereto"—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRADLEY: A bill (H. R. 10232) for the relief of John Mills—to the Committee on Claims.

By Mr. CUMMINGS: A bill (H. R. 10233) for the relief of John Abbott—to the Committee on Naval Affairs.

By Mr. DAVIS: A bill (H. R. 10234) for the relief of the estate of Laura S. Cowles, deceased, late of Florida—to the Committee on War Claims.

By Mr. HAWLEY (by request): A bill (H. R. 10235) for the relief of the legal representatives of William T. Duvall, deceased—to the Committee on Claims.

By Mr. HICKS: A bill (H. R. 10236) to correct the military record of Martin Cupples—to the Committee on Military Affairs.

By Mr. HILBORN: A bill (H. R. 10237) granting a pension to W. C. B. Gilliam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10238) granting a pension to Nellie E. Butler—to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 10239) to reinstate S. C. Brown in the United States Navy, with commission as surgeon—to the Committee on Naval Affairs.

By Mr. KNOWLES: A bill (H. R. 10240) to authorize and direct the Secretary of War to issue an honorable discharge to Francis M. Benson—to the Committee on Military Affairs.

By Mr. PUGH: A bill (H. R. 10241) granting a pension to Nancy Shaley—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 10242) for the relief of the estate of Adaline Graves, deceased, late of Giles County, Tenn.—to the Committee on War Claims.

By Mr. TONGUE: A bill (H. R. 10243) for the relief of the heirs at law of George McGhehey—to the Committee on Claims.

By Mr. VANDIVER: A bill (H. R. 10244) for the relief of Addison Tennis—to the Committee on Military Affairs.

By Mr. McMILLIN: A bill (H. R. 10246) authorizing the appointment of Benjamin Wright ensign in the Navy—to the Committee on Naval Affairs.

By Mr. MOON: A bill (H. R. 10247) for the relief of R. H. Sively, late first lieutenant Company G, Fifth Tennessee Volunteer Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 10248) for the relief of Lydia A. Newby, of Hamilton County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10249) for the relief of Mary Ann Smith, of Sequatchie College, Tenn.—to the Committee on Military Affairs.

By Mr. SULZER: A bill (H. R. 10250) for the relief of John A. Mason, collector of internal revenue, Second district of New York, for value of stamps destroyed by fire—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELDEN: Petitions of the Woman's Christian Temperance Union and the Political Equality and Social Science Club, of Oneida, N. Y., asking for the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia, to protect State anti-cigarette laws, and to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Oneida, N. Y., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. BURLEIGH: Petition of A. Davis and 19 citizens of the State of Maine, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. CUMMINGS: Resolutions of District Assembly No. 49, Knights of Labor, of New York, favoring the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. CRUMP: Resolutions of Rathbone Lodge, No. 102, of West Branch, Mich., and Bay City Lodge, No. 23, of Bay City, Mich., Knights of Pythias, in support of House bill No. 6468, granting land at Hot Springs, Ark., for the purpose of erecting and maintaining a sanitarium thereon—to the Committee on the Public Lands.

Also, petition of the Presbyterian Church of Hastings, United Brethren Church of Woodland, United Brethren Sunday school of North Castleton, Methodist Episcopal Church of Woodland, and Woman's Christian Temperance Union of Rutland, all in the State of Michigan, against the sale of intoxicants in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the United Brethren Church of Woodland and United Brethren Sunday school of North Castleton, Mich., praying for the enactment of legislation prohibiting kinetoscope reproductions of prize fights in the District of Columbia and the Territories and the transmission by mail of newspaper descriptions of prize fights—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Methodist Episcopal Church and United Brethren Church of Woodland and United Brethren Sunday school of North Castleton, Mich., praying for the enactment of legislation to prohibit the publication of pictures and descriptions of suicides except in scientific journals or on judicial order for identification—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Presbyterian Church of Hastings, Methodist Episcopal and United Brethren churches of Woodland, United Brethren Church of North Castleton, and Woman's Christian Temperance Union of Rutland, Mich., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal and United Brethren churches of Woodland and United Brethren Sunday school of North Castleton, Mich., for the passage of a bill to raise the age of protection for girls—to the Committee on the Judiciary.

By Mr. FITZGERALD: Resolutions of the First Massachusetts Heavy Artillery, at their annual reunion, favoring a national military park at Fredericksburg, Va.—to the Committee on Military Affairs.

Also, resolutions of the Board of Trade of Providence, R. I., sustaining the President in the crisis between the United States and Spain—to the Committee on Foreign Affairs.

Also, petition of J. E. Anderson, of Boston, and several traveling salesmen of other cities, protesting against the passage of the so-called anti-scalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Boston Druggists' Association and New England Furniture Exchange, of Boston, Mass., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petitions of Rev. M. B. Parounagian, pastor of the Methodist Episcopal churches of Walden and South Walden, Vt., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of Rev. M. B. Parounagian, favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HILBORN: Petitions of the First Congregational Church, First Baptist Church, Santa Clara Avenue Methodist Episcopal Church, Free Methodist Church, First Methodist Church, First Presbyterian Church, and United Presbyterian Church, all of Alameda, Cal., for the passage of a bill to prohibit the interstate transmission of gambling matter by telegraph—to the Committee on the Judiciary.

Also, petitions of various churches of Alameda, Cal., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. MOODY: Protest of the Women's Industrial and Educational Union of Boston, Mass.; also protest of citizens of Massachusetts, against amendment to the sundry civil bill abolishing forest reservations—to the Committee on Appropriations.

By Mr. NORTON of Ohio: Petition of W. W. Betts and 39 citizens of Bettsville, Ohio, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petitions of Lodge 441, Crestline, Ohio; Lodge 175, Columbus, Ohio; Lodge 132, Cleveland, Ohio; Lodge 361, Princeton, Ind.; Lodge 237, Ohio City, Ohio; and Lodge 489, St. Louis, Mo., Brotherhood of Railroad Trainmen; Astoria, Oreg., Chamber of Commerce; Portland, Oreg., Chamber of Commerce; New England Furniture Exchange, Boston, Mass.; J. F. Glaur and 9 others, Bryan Station, Ala.; Bement Lyman and 34 others, Indianapolis, Ind.; R. A. McClaim and 23 others, Youngstown, Ohio; S. H. Shearer and 17 others, Indianapolis, Ind.; W. W. Betts and 39 others, Bettsville, Ohio; S. E. Stricklin and 40 others, Salem, Ohio, and B. L. Woodruff and 28 others, Dublin, Ind., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. UPDEGRAFF: Petitions of the Christian Church, Free Baptist Church, Congregational Church, and Woman's Christian Temperance Union of Freeport, Iowa, asking for the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia, to protect State anti-cigarette laws, and to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petition of the Congregational Church, Christian Church, Baptist Church and Woman's Christian Temperance Union of Freeport, Iowa, for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. WADSWORTH: Petition of the Congregational Church of Gaines, N. Y., praying for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. WARD: Petitions of the Epworth League of the First Methodist Episcopal Church of Yonkers, N. Y., and Epworth League of White Plains, N. Y., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

SENATE.

FRIDAY, *May 6, 1898.*

Prayer by Rev. TEUNIS S. HAMLIN, D. D., of the city of Washington.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

RAILWAY RATES.

The PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 2d instant, so much of the testimony given before the commission on December 6, 1897, by Milton H. Smith, president of the Louisville and Nashville Railroad Company, as relates to railway rates and charges, free transportation over railways, and the regulation of railways; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

SIMPSON EVERETT STILWELL.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 496) granting a pension to Simpson Everett Stilwell, which was, in line 6, before the word "dollars," to strike out "twenty" and insert "twelve."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

OLIVER P. SILVEY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 637) granting an increase of pension to Oliver P. Silvey, which was, in line 7, after the word "Infantry," to insert "and pay him a pension."

Mr. GALLINGER. I move concurrence in the amendment.

The motion was agreed to.

WILLIAM H. H. WRIGHT.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 732) granting an increase of pension to William H. H. Wright, of McPherson, Kans.

The amendments were, in line 8, to strike out the words "rate him at" and insert "pay him a pension at the rate of;" and to amend the title so as to read: "An act granting an increase of pension to William H. H. Wright."

Mr. GALLINGER. I move that the amendments be concurred in.

The motion was agreed to.

LOUISE M. RICE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1476) granting an increase of pension to Louise M. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice.

The amendments were, in line 7, after the word "Rice," to insert "and pay her a pension;" and to amend the title so as to read: "An act granting an increase of pension to Louise M. Rice."

Mr. GALLINGER. I move concurrence in the amendments of the House of Representatives.

The motion was agreed to.

JAMES H. KILE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1839) granting an increase of pension to James H. Kile.

The amendments were, in line 4, to strike out the word "pay" and insert "place the name of;" in line 6, before "twenty-four," to insert "on the pension roll and pay him a pension of;" and in the same line, to strike out "$17" and insert "that."

Mr. GALLINGER. I move concurrence in the amendments made by the House of Representatives.

The motion was agreed to.

GEORGE BARNES.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 3663) granting a pension to George Barnes and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. Mr. President, before action is taken on this bill I desire to make a single observation. I presume I am not violating the rules of the Senate when I call attention to a remark made in the House of Representatives a few days ago in reference to the private pension bills on which conferences have been asked by the House of Representatives. In considering one of those bills, the chairman of the Committee on Invalid Pensions of the House, being interrogated as to why the Senate reduced the rate in some of them, made this observation:

> Oh, I will say that because the House would not give an extravagantly large pension to the widow of a brigadier-general, they retaliate here in a few cases by cutting down the pension that is voted to a private soldier or to an imbecile child. We will try to settle that.

Mr. President, I simply want to say that in reducing the rates in some of these House bills the Committee on Pensions of the Senate had no purpose whatever of retaliation, the action being taken on what seemed to be good and substantial grounds. One of these bills proposes to increase the pension of a soldier from $8 to $50 a month, $8 being all that he can get in the Pension Bureau, and the committee, in their discretion and judgment, make a reduction in that bill to $30 a month. What is true of that bill is likewise true of other bills. It was simply done for the purpose of trying to keep the matter of special pension legislation within reasonable bounds.

Mr. President, I wish further, for the information of the Senate, to state that the Senate bill to which reference was made in the House is the bill granting a pension to the widow of the late Brig. Gen. John D. Stevenson, in which the Senator from Missouri [Mr. VEST] is very greatly interested. The Senate passed that bill at $50 a month. The House cut it down to $30 a month. We had a conference, and the House insists upon keeping the rate at $30 a month in that bill, and we have been compelled to agree to it.

The House conferees say to us that they have adopted a rule, which they do not propose to violate, that where the widow of a general can not obtain a pension in the Bureau, they will not allow the pension at a rate of over $30 a month, no matter how distinguished the soldier may have been, but they will agree to pension the widows of general officers to the extent of $50 a month, if it is an increase over the regular Bureau pension of $30 per month, when the circumstances seem to warrant such increase.

I mention this for the purpose of notifying Senators that it is utterly futile to introduce these bills at seventy-five and one hundred dollars a month, and then urge upon the Committee on Pensions and the Senate that they should be passed at that amount.

Mr. President, I move that the Senate further insist upon its amendment to the pending bill, granting a pension to George Barnes, and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. PRITCHARD, and Mr. ROACH were appointed.

FLORENCE N. WALDRON.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 5245) granting a pension to Florence N. Waldron, and requesting a conference with the Senate on the disagreeing votes of the two Houses.

Mr. GALLINGER. I move that the Senate insist on its amendment, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. HANSBROUGH, and Mr. KENNEY were appointed.

JOHN B. HAYS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8334) granting a pension to John B. Hays, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist on its amendment and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. SHOUP, Mr. HANNA, and Mr. CANNON were appointed.

MARIA E. HESS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (H. R. 864) granting a pension to Maria E. Hess, widow of Florian Hess, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. BAKER, and Mr. TURNER were appointed.

JOHN X. GRIFFITH.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8836) granting an increase of pension to John X. Griffith and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist on its amendment and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. KYLE, and Mr. MITCHELL were appointed.

CALVIN P. LYNN.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 3953) granting an increase of pension to Calvin P. Lynn and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HANSBROUGH, Mr. GALLINGER, and Mr. KENNEY were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4108) granting to the Washington Improvement and Development Company a right of way through the Colville Indian Reservation, in the State of Washington, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution requesting the Secretary of War to furnish certain information as to the condition of the St. Johns River, in the State of Florida, at the point known as Orange Mills Flats, below the city of Palatka, etc.; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 4372) concerning carriers engaged in interstate commerce and their employees;

A bill (H. R. 5522) to authorize the establishment of a life-saving station at or near Charlevoix, Mich.;

A bill (H. R. 6070) setting apart a certain tract of land in Oklahoma Territory to the Stella Friends Academy and Church Association;

A bill (H. R. 7018) to provide a steam fog whistle at the entrance to Muskegon Harbor, in the State of Michigan;

A bill (H. R. 7314) for the relief of John B. Tyre; and

A joint resolution (H. Res. 245) declaring the lands within the former Mille Lac Indian Reservation, in Minnesota, to be subject to entry under the land laws of the United States.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Board of Trade of Waterville, Me., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. TELLER presented a petition of sundry citizens of Trinidad, Colo., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a petition of the city council of Denver, Colo., praying that an appropriation be made for strengthening and fortifying Galveston Harbor; which was referred to the Committee on Coast Defenses.

He also presented a petition of the Colorado Society, Daughters of the American Revolution, praying for the preservation and Government ownership of old Fort Ticonderoga; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Roaring Fork and Eagle River Live Stock Association, of Carbondale, Colo., remonstrating against the cession of the arid lands to various States; which was referred to the Committee on Public Lands.

He also presented petitions of the Highland Woman's Christian Temperance Union, of Denver; of the Young People's Society of Christian Endeavor of the Highland Christian Church, of Denver, and of the Woman's Christian Temperance Union of Gunnison, all in the State of Colorado, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Highland Woman's Christian Temperance Union, of Denver; of the Young People's Society of Christian Endeavor of the Highland Christian Church, of Denver; of the Woman's Christian Temperance Union of Gunnison, and of the congregation of the North Presbyterian Church, of Denver, all in the State of Colorado, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the West Side Woman's Christian Temperance Union, of Denver; of the Woman's Christian Temperance Union of Burlington; the Highland Woman's Christian Temperance Union, of Denver; the Woman's Christian Temperance Union of Durango; the Board of Trade of Aspen; the Grand Junction Woman's Relief Corps, No. 17, of Colorado, and of the Young People's Society of Christian Endeavor of the Highland Christian Church, of Denver, all in the State of Colorado, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. HAWLEY presented a memorial of the Connecticut Forestry Association, of Weatogue, Conn., remonstrating against the adoption of an amendment to the sundry civil appropriation bill abolishing certain forest reservations; which was referred to the Committee on Appropriations.

He also presented a petition of the Central Labor Union of Danbury, Conn., praying for the enactment of legislation to establish cheap passenger transportation instead of placing people in the power of railroad corporations, etc.; which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented a petition of the New England Furniture Exchange, of Boston, Mass., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. HANSBROUGH presented petitions of the Woman's Christian Temperance Union, the Christian Endeavor Society, and the congregation of the Presbyterian Church of Baldwin; of Milton Lodge, No. 79, Independent Order of Good Templars, of Milton; of the congregations of the Methodist Church and the Baptist Church of Fairmount, and of the Vivian Woman's Christian Temperance Union, of Harlem, all in the State of North Dakota, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union, the Christian Endeavor Society, and the congregation of the Presbyterian Church of Baldwin; of the Vivian Woman's Christian Temperance Union, of Harlem, and the congregations of the Methodist Church and the Baptist Church of Fairmount, all in the State of North Dakota, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Vivian Woman's Christian Temperance Union, of Harlem; of the Woman's Christian Temperance Union, the Christian Endeavor Society, and the Presbyterian Church of Baldwin; of the congregations of the Methodist Church and the Baptist Church of Fairmount, and of Milton Lodge, No. 79, Independent Order of Good Templars, of Milton, all in the State of North Dakota, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. DAVIS presented a memorial of the Chamber of Commerce of St. Paul, Minn., remonstrating against the abrogation of the forest reservation orders; which was referred to the Committee on Appropriations.

Mr. PASCO presented a petition of sundry citizens of Alachua, Fla., praying for the imposition of a duty upon Egyptian cotton; which was referred to the Committee on Finance.

He also presented the petition of Mrs. Mima A. Read, of Marshalltown, Iowa, and accompanying papers, in support of the bill (S. 3842) to grant a pension to Mrs. Mima A. Read; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4533) to increase the pension of Mrs. Lucinda Booth;

A bill (H. R. 378) granting a pension to Lowell H. Hopkinson; and

A bill (S. 3325) granting a pension to Maria S. Whitney.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1801) granting an increase of pension to Catherine Clifford, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4611) granting an increase of pension to Marcia C. Barnes, reported it without amendment, and submitted a report thereon.

Mr. MASON, from the Committee on Manufactures, to whom was referred the bill (S. 1516) to incorporate the National Association of Manufacturers, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2080) to correct the military record of Edward P. Jennings, reported it without amendment, and submitted a report thereon.

PORT OF GLADSTONE, MICH.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 4456) to designate Gladstone, Mich., a subport of entry, to report it without amendment, and I ask unanimous consent for the present consideration of the bill.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 4548) for the relief of James H. Latham; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WILSON introduced a bill (S. 4549) authorizing the British Columbia, Seattle and Pacific Coast Railway Company to construct a bridge across the Columbia River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 4550) granting an increase of pension to Col. John F. McMahon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 4551) granting an increase of pension to Sarah K. Joice; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 4552) for the relief of Louisa M. Keppler; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 4553) for the relief of James Broiles; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WHITE introduced a joint resolution (S. R. 161) for improvement of San Joaquin River and Stockton and Mormon channels, California; which was read twice by its title, and referred to the Committee on Commerce.

ORDER OF BUSINESS.

The PRESIDENT pro tempore. The morning business is completed.

Mr. HANSBROUGH. I ask unanimous consent for the consideration of House bill 9956.

Mr. QUAY. If the Senator from North Dakota will yield to me for a moment, I desire to get the Post-Office appropriation bill before the Senate, and I will then yield.

Mr. HANSBROUGH. Certainly.

Mr. QUAY. I move that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to.

Mr. QUAY. Now I yield to the Senator from North Dakota.

SANTA FE AND GRAND CANYON RAILROAD.

Mr. HANSBROUGH. I ask unanimous consent for the consideration of the bill (H. R. 9956) granting the Santa Fe and Grand Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve, in northern Arizona.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. The Senator from Pennsylvania has kindly suggested that he would yield that I might ask unanimous consent to call up the remaining bills on the Private Pension Calendar, seven in number. I ask consent for their consideration now.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the Senate proceed to the consideration of certain pension bills indicated by him. Is there objection? The Chair hears none; and the first bill on the Private Pension Calendar will be stated.

Mr. GALLINGER. At the request of the Senator from Nebraska [Mr. ALLEN], two adverse reports went on the Calendar, one the bill (S. 1746) granting a pension to Margaret Butler Meade and Henrietta Meade, daughters of the late Maj. Gen. George Gordon Meade, United States Army, and the other a bill (S. 3542) granting a pension to Maj. Moses Chapman. I ask the Senator if he has any objection to action being taken on those bills?

Mr. ALLEN. I have no objection to action being taken on those bills. There is one bill, however, that has been reported adversely which I want to bring up for the consideration of the Senate at the proper time. It is the bill fixing the minimum of pension at $10 a month.

Mr. GALLINGER. That bill is on the general Calendar, not on the Private Pension Calendar.

Mr. ALLEN. I should like at some time to have that bill taken up.

DAUGHTERS OF THE LATE MAJOR-GENERAL MEADE.

Mr. GALLINGER. I ask that the bill (S. 1746) granting a pension to Margaret Butler Meade and Henrietta Meade, daughters of the late Maj. Gen. George Gordon Meade, United States Army, be indefinitely postponed.

Mr. QUAY. Let the bill go over.

Mr. GALLINGER. The Senator from Pennsylvania asks that the bill retain its place on the Calendar.

The PRESIDENT pro tempore. The bill will retain its place.

MAJ. MOSES CHAPMAN.

Mr. GALLINGER. I move that the bill (S. 3542) granting a pension to Maj. Moses Chapman be indefinitely postponed.

The motion was agreed to.

OLIVIA WORDEN.

Mr. GALLINGER. The next bill on the Private Pension Calendar is the bill (S. 2919) granting a pension to Olivia Worden, widow of the late John L. Worden, United States Navy. Let that bill be passed over informally until my colleague comes into the Chamber.

The PRESIDENT pro tempore. It will be so ordered.

LOUISE M. OWENS.

The bill (S. 3052) to increase the pension of Louise M. Owens was announced as next in order.

Mr. GALLINGER. That is an adverse report.

The PRESIDENT pro tempore. The bill will be indefinitely postponed in the absence of objection.

Mr. GALLINGER. Last week some Senator asked that it should remain on the Calendar, and I would prefer that it should remain on the Calendar for the present.

The PRESIDENT pro tempore. The bill will retain its place on the Calendar.

MARY I. VALENTINE.

The bill (H. R. 584) granting a pension to Mary I. Valentine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Mary I. Valentine, daughter of the late Joseph E. Valentine, of Company A, Ninety-seventh Regiment Pennsylvania Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

F. L. BOTKIN.

The bill (H. R. 4692) to pension F. L. Botkin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of F. L. Botkin, permanently helpless son of Amos H. Botkin, late of Company G, Third Iowa Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

IRA INGRAHAM.

The bill (H. R. 99) granting a pension to Ira Ingraham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ira Ingraham, volunteer surgeon from Rhode Island during the war of the rebellion, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ABERCROMBIE SHUFELDT.

Mr. GALLINGER. The next bill on the Calendar is the bill (S. 1995) granting a pension to Mary Abercrombie Shufeldt, which was reported adversely. Let it remain on the Calendar.

The PRESIDENT pro tempore. The bill will remain on the Calendar.

SUSAN D. YATES.

The bill (S. 4491) granting an increase of pension to Susan D. Yates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan D. Yates, widow of Capt. Arthur Reid Yates, late of the United States Navy, and to pay her a pension of $50 per month, in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES F. M'KINLEY.

The bill (H. R. 6793) granting an increase of pension to James F. McKinley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. McKinley, late of Company K, One hundred and ninety-fifth Pennsylvania Infantry, and to pay him a pension of $24 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL H. J. CROUCH.

The bill (H. R. 8333) granting an increase of pension to Michael H. J. Crouch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael H. J. Crouch, late a private in Company M, Sixth Pennsylvania Cavalry, and to pay him a pension of $20 per month in lieu of that which he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. That concludes the Private Pension Calendar.

MRS. HANNAH LETCHER STEVENSON.

Mr. KYLE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 439) granting a pension to Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House of Representatives, and agree to the same.

JAMES H. KYLE,
LUCIEN BAKER,
Managers on the part of the Senate.

GEORGE W. RAY,
HENRY R. GIBSON,
Managers on the part of the House.

The report was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 5523) to authorize the establishment of a life-saving station at or near Charlevoix, Mich.; and

A bill (H. R. 7018) to provide a steam fog whistle at the entrance of Muskegon Harbor, in the State of Michigan.

The bill (H. R. 6670) setting apart a certain tract of land in Oklahoma Territory to the Stella Friends Academy and Church Association was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 7814) for the relief of John B. Tyre was read twice by its title, and referred to the Committee on Claims.

The joint resolution (H. Res. 245) declaring the lands within the former Mille Lac Indian Reservation, in Minnesota, to be subject to entry under the land laws of the United States, was read twice by its title, and referred to the Committee on Public Lands.

ARBITRATION BETWEEN RAILWAY COMPANIES AND EMPLOYEES.

The bill (H. R. 4372) concerning carriers engaged in interstate commerce and their employees was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. PLATT of Connecticut subsequently said: The bill (H. R. 4372) concerning carriers engaged in interstate commerce and their employees, known as the arbitration bill, was referred a while ago to the Committee on Interstate Commerce. I understand that the Senate bill on the same subject has been made a special order for Monday next. I do not know whether, under those circumstances, the chairman of the committee desires to have the bill referred.

Mr. CULLOM. I hope the reference will be reconsidered, and that the bill will be laid upon the table.

The PRESIDENT pro tempore. Without objection, the reference of the bill referred to will be reconsidered, and the bill will lie on the table.

POST-OFFICE APPROPRIATION BILL.

Mr. QUAY. I ask that the Post-Office appropriation bill be now proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, the pending question being on the amendment of Mr. PETTIGREW.

Mr. QUAY. I ask that the amendment of the Senator from South Dakota [Mr. PETTIGREW], introduced yesterday evening, be read.

The PRESIDENT pro tempore. The Secretary will read the pending amendment.

The SECRETARY. On page 8, line 6, after the word "dollars," it is proposed to insert:

Provided, That the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1898, for transportation of mails on railroad routes by reducing the compensation to all railroad companies for the transportation of mails 20 per cent per annum from the rates for the transportation of mails on the basis of the average weight heretofore fixed and allowed by law.

Mr. QUAY. I desire also that the section of the bill providing for the appointment of a commission to investigate the expenses of the Post-Office Department be read to the Senate. I merely ask for the reading. It has already been adopted.

The Secretary read as follows:

SEC. 5. That a joint committee consisting of three members of the Senate and three members of the House, and in addition the two chairmen of the Committees on Post-Offices and Post-Roads, shall be appointed by the Senate and House to investigate, during the coming recess of Congress, the question whether or not excessive prices are paid to the railroad companies for the transportation of the mails and as compensation for postal-car service, and all sources of revenue and all expenditures of the postal service, and rates of postage upon all postal matter, the expenses of said joint committee to be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House upon vouchers to be approved by the two chairmen.

Mr. QUAY. Mr. President, it will be seen that taken in connection with the section just read the amendment of the Senator from South Dakota is in a manner lynch-law legislation. It condemns and executes the culprit and afterwards impanels a jury in the shape of this commission to try whether he was guilty.

I do not intend to discuss the question raised by the Senator from South Dakota, but in order that the Senate may understand exactly what has transpired upon this question in the Committee on Appropriations, I will make a brief statement and ask for the reading of certain papers.

The Senate will remember that there was a somewhat acrimonious discussion upon this question in the last Congress, in which I believe the Senator from North Carolina [Mr. BUTLER], and probably the Senator from South Dakota [Mr. PETTIGREW], took part. In view of what then transpired, all the expenditures of the Post-Office Department being in a nebulous condition, little understood by Congress or by the country, it was thought proper by the Committee on Appropriations that the suggestion, I believe, of the Senator from New Hampshire, made at the last Congress, should be adopted, to wit, that a commission should be appointed to investigate and report upon all the expenditures of the Post-Office Department.

As to the immediate question of the justice of the rate charged by the railroad companies, the committee thought proper to proceed for the time being with an investigation of its own. Accordingly there were called before the subcommittee of the Appropriations Committee in charge of this bill the officers of the following railway lines: The Missouri, Kansas and Texas, the Maine Central, the Boston and Maine, the Boston and Albany, the Louisville and Nashville, the Northern Pacific, the Kansas City, Fort Scott and Memphis, the St. Louis and San Francisco, the Missouri Pacific, the Southern Railway, and some eight or ten other railway companies, the names of which escape my recollection just now.

They were examined upon the question of the justice of the rate paid by the Government to them for the transportation of mails and upon the relation which the rate for mail service bore to the express, passenger, and freight service. They were examined at much length and testified fairly, I think, to the satisfaction of the entire committee; and the consensus of opinion in the committee, unless disputed by the Senator from South Dakota [Mr. PETTIGREW], was that the Government received a better and a cheaper service from the railroad companies in the transportation of the mails than do passengers or shippers of freight or express companies.

In this connection, I do not desire to occupy time further than to state the conclusion, because I wish to have the statements of these gentlemen read to the Senate. In connection with the railway branch of the investigation, I will ask that the statement of Mr. Knott, the vice-president of the Louisville and Nashville,

which is very clear and very compact, shall be read by the Secretary. I do not suppose it is necessary for me to read it myself. I am not feeling well this morning, and I do not desire to do so. It is on page 62 of the report of this committee. As a matter of course, this statement has been printed in the report, but I think it desirable, for the information of the country, that it should go out to the country with the political diatribes which are likely to follow my remarks.

The PRESIDENT pro tempore. Without objection, the statement will be read.

The Secretary read as follows:

STATEMENT OF THE LOUISVILLE AND NASHVILLE RAILROAD COMPANY.

COMPENSATION FOR RAILWAY MAIL SERVICE.

WASHINGTON, D. C., *April 19, 1898.*

To the honorable Subcommittee on Post-Offices of the Senate Committee on Appropriations.

GENTLEMEN: It is, I think, a duty which the railroads owe to themselves, to the public, and to the members of this committee, to submit the facts as to the compensation received by them for carrying the mails, not thereby only to refute the unsubstantiated statements as to what the roads are receiving for that transportation, but to lay before you such figures as will enable you to reach a conclusion upon the issue, whether what the railroads are receiving (although materially less than they are alleged to receive) is or is not excessive.

While it is important to all to relieve the public mind of the erroneous impression which has been so industriously disseminated as to the alleged excessive "charges" by the railroads for this public service, yet the controlling consideration at the present time is whether the Government is paying an undue or unreasonable price for the service secured.

It is improper to speak of the railroads charging the Government for the transportation of mail. The railroads have been receiving or accepting the rates fixed from time to time by the Appropriation Committee. They have had no voice in fixing their compensation, in the first place, nor are they in position to exercise any discretion as to the amount of mails to be transported, the amount to be transported on any one route, or the establishment of any particular routes. The kind or character of mails to be transported by any railroad, and weight thereof, between any two designated points on any particular train is at the option of the Government officials. The construction, maintenance, and equipment of railway post-office cars is in accordance with Government regulations.

One of the most misleading factors in the discussion of the railroads' compensation is the attempted comparison between what the railroads are charged with receiving from the Government for the transportation of mails and what the railroads charge the public for "similar services." It is hardly necessary to suggest to the members of this committee that there are no "similar services" performed by the railroads for others. Between the service rendered by the railroads in handling mails and that rendered to shippers of freight or to express companies in the handling of express matter there is no substantial basis of comparison.

There are probably more apparent points of comparison between the express service and the mail service than between any other, but even here there are only a few common factors.

To relieve our minds of the erroneous impression that there is some common standard by which the express service and the mail service may be measured, we have only to consider the fact that much of the express service is in fact simply the expeditious movement of perishable freights, being solid carloads of fruits or vegetables, sometimes solid through carloads of fine stock, and not infrequently solid carloads of merchandise. (In referring to carloads I mean not the bulk of space occupied, but the paying weight of the freight with which the express cars are loaded.)

It is impossible to compare the transportation of mail matter, consisting, as to number and importance of the service rendered, mostly of letters weighing less than half an ounce each, with express packages of boots, shoes, hats and caps, millinery, and other high-class merchandise largely distributed by express, much less with the transportation of carloads of racing stock or carloads of grapes, peaches, etc., of early vegetables, aggregating in weight 10,000 to 20,000 pounds to the car, and paid for accordingly.

Express cars are not specially fitted up by the railroads for the express companies, as are post-office cars or post-office compartments.

Express cars can be used on any portion of the line where traffic is offering. On the Louisville and Nashville road the same express car can be used between Cincinnati and Nashville at one time and between Montgomery and New Orleans another time. This can not be done with post-office cars. They have to be used on the route to which they are assigned, and if for any reason a car assigned to the route between Nashville and Cincinnati becomes disabled or unfit for service, the railroad company can not transfer part of the extra equipment prepared for the line south of Nashville. It must keep on hand extra cars on each particular route to meet such emergencies.

Again, it is apparent that weight can not be taken as a controlling factor in fixing the pay for the transportation of mails, as the Government requires for the expeditious distribution of the mails, to meet the proper demands of the public, cars the pay for which so far as weight of car and carrying capacity are concerned is in no way commensurate. While railway post-office cars are capable of carrying 40,000 pounds in paying weight, the actual weight of mails distributed therein may not exceed 1 or 2 tons, and in many cases not over 5,000 pounds.

The impracticability of using the weight of mails transported as the only or even the controlling factor in fixing the reasonableness of the average pay will be apparent when I mention that the weight transported on the different mail routes on the Louisville and Nashville road varies from an average weight per day on one route of 73 pounds to an average weight per day on another route of 28,000 pounds, the proportion being about as 1 to 400.

It is not, however, inappropriate perhaps to attempt some comparison as to the relative compensation received for the transportation of passengers with that received for the transportation of mail, both being hauled on the same trains.

In the annual report of the Louisville and Nashville Railroad Company it is shown that the gross earnings from the transportation of passengers and the gross earnings from the transportation of mail, and the operating expenses severally chargeable thereto, for the fiscal year ended June 30, 1897, were as follows:

Gross earnings:		
Passenger		$4,304,769.88
Mail		$999,269.55
Gross earnings per car mile:		
Passenger	cents..	20.08
Mail	do....	18.79
Operating expenses:		
Passenger		$2,965,129.07
Mail		$515,120.39
Operating expenses per car mile:		
Passenger	cents..	13.83
Mail	do....	13.88
Net earnings per car mile:		
Passenger	do....	6.25
Mail	do....	4.90

It will be seen from this table that the gross earnings per car mile from the transportation of mail was 18.79 cents.

The average earnings per ton per mile in the same fiscal year for the transportation of all classes of freight, including coal, lumber, pig iron, iron ore, grain, and food products, as well as merchandise, was practically eight-tenths of a cent. Now, assuming for railway post-office cars a carrying capacity of 20 tons per car, or less than the carrying capacity of the company's standard freight cars, the average earnings per car mile, if paid for at the average rate of all classes of freights, high and low, if the company had been allowed to control the loading of the postal matter, would have been 16 cents, or within a fraction of what was actually earned from the transportation of mails in passenger trains, run at a high rate of speed, and in many cases the schedules of which are specially adopted to meet the needs or requirements of the Post-Office Department.

The operating expenses, as divided between "passenger" and "mails," are arrived at by taking the total operating expenses chargeable against "passenger-train earnings" and dividing same on the basis of car mileage. The "passenger expenses" were charged with the total mileage of all coaches, parlor and sleeping cars, together with the total mileage of all baggage cars and one-third of the mileage of "combination" baggage, mail, and express cars.

The "expenses of conducting mail" were arrived at in like manner by charging to that account the total mileage of the railway post-office cars and one-third of the mileage of the "combination" baggage, postal, and express cars. This is clearly not an unfair basis of division, so far as the transportation of mail is concerned, when we bear in mind that the postal cars are more expensive both to construct and maintain and to operate than the ordinary baggage or express cars; and same is true with regard to the postal apartment in the combination baggage, mail, and express cars—i. e., such apartments are provided with special facilities for the handling of mails not provided or required in the express or baggage apartments.

It may be well to note here that the company is called upon to furnish room in its baggage cars for the handling of closed or locked-pouch mail, not to be distributed en route. No proportion, however, of the mileage of baggage or express cars in which such pouches may be carried has in the above calculation been charged against the transportation of mails.

I think it is proper to suggest that the railroads have the right to expect the Government to pay them at least as much for the use of their passenger trains, in proportion to the labor performed and the services rendered, as the public using the same trains pay. But the company's statistics show that the Louisville and Nashville Company secured for the year ended June 30, 1897, net earnings per car mile for the transportation of passengers, after the payment of operating expenses—not including interest and taxes—6.23 cents, while from the mail they only secured 4.90 cents, a difference of over 25 per cent in favor of the passenger account.

For the purpose of checking this comparison I have caused to be compiled a statement of the gross weight hauled 1 mile in passenger cars and in mail cars. By "gross weight" I mean not only the total paying weight, but the weight of the cars in which the passengers and mails were respectively transported, charging the passenger transportation with the weight of the baggage cars and the baggage therein. And from this it is ascertained that for the year ended June 30, 1897, the earnings per ton per mile for "paying" and "dead" weight hauled in passenger trains were:

	Cent.
Passengers	0.6854
Mail	0.6101

The expenses per ton per mile, again using the same gross weight, were:

	Cent.
Passengers	0.4735
Mail	0.4222

Leaving net earnings, not including interest and taxes:

	Cent.
Passengers, per gross ton carried	0.2129
Mail, per gross ton carried	0.1379

A difference of over 50 per cent in favor of the passenger account.

While the average rate per ton per mile can not be taken as the proper standard by which to judge of the reasonableness of the compensation received by the railroads for the transportation of the mails, yet as a partial answer to the gross misrepresentation so often indulged in with regard to the average compensation received by the railroads for such service, I have undertaken to make an estimate on that basis with respect to the service performed by the Louisville and Nashville company, based on the weights of the mails carried over each of the routes designated by the post-office authorities for the Louisville and Nashville lines.

There were carried, according to the last annual report, 5,451,241 tons of mail 1 mile, and the total pay for carriage of mails averaged 11.3 cents per ton per mile. This average, you will please bear in mind, is made up of the service over more than 3,000 miles of road, including the main line and branches, varying from branch lines 8 to 10 miles long, with light traffic, to the long routes, with relatively heavy traffic, the average weight carried on the different routes varying from 73 pounds daily to 28,452 pounds daily.

This average rate of 11.3 cents per ton per mile represents a little over one-half a cent per 100 pounds per mile, or for an average distance of 10 miles 5.6 cents per 100 pounds.

As compared with this, the local Louisville and Nashville tariff provides the following charges for distances of 10 miles or less on the first six classes of freight, in cents per 100 pounds:

	Cents.
Class 1	13
Class 2	10
Class 3	9
Class 4	8
Class 5	7
Class 6	6

The Illinois railroad and warehouse commission has established, by the authority vested in it, what it deems reasonable maximum charges for the transportation of freights between points in the State of Illinois, and that tariff authorizes railroads in that State to charge for freights 10 miles and not under 6 miles, in cents per 100 pounds:

	Cents.
Class 1	15
Class 2	13
Class 3	11
Class 4	9
Class 5	8
Class 6	6

The Georgia railroad commission is also empowered to establish rates in

the State of Georgia, and its tariff of reasonable maximum rates provides the following for 10 miles and not under 5 miles, in cents per 100 pounds:

	Cents.
Class 1	16
Class 2	14
Class 3	13
Class 4	10
Class 5	9
Class 6	8

While, as above shown, the rate paid the Louisville and Nashville road for the transportation of mails averages for 10 miles 5.6 cents per 100 pounds.

As illustrative of the varying conditions under which the transportation of mails is accomplished, I beg to submit the following condensed statement of the postal services rendered on the various routes as designated by the Department officials on the Louisville and Nashville Railroad Company's lines:

Total number of postal routes on Louisville and Nashville road	37
Number of routes handling 5,000 pounds weight of mail per day and over	6
Number of routes handling less than 5,000 pounds and more than 2,000	8
Number of routes handling less than 2,000 pounds and more than 1,000 pounds	4
Number of routes handling less than 1,000 pounds and more than 200 pounds	18
Number of routes handling 200 pounds and less	0

	Pounds.	Length of routes.
		Miles.
Aggregate average weight per day, all routes	135,492	3,051.32
Of this aggregate, 11 routes carried	123,383	2,079
Leaving 26 routes carrying	12,109	972

The 11 routes carrying 123,383 pounds were:

	Weight.	Length of route.
	Pounds.	*Miles.*
Montgomery–New Orleans	25,535	318
Nashville–Montgomery	10,440	304
Cincinnati–Nashville	28,452	296
Bowling Green–Memphis	12,047	263
Evansville–Nashville	18,713	157
East St. Louis–Evansville	14,227	162
Pensacola–Flomaton	1,953	44
Pensacola–River Junction	1,236	162
Cincinnati–Livingston	4,281	154
Lebanon Junction–Jellico	3,955	171
Corbin–Cumberland Gap	2,544	46
Total	123,383	2,079

Average weight per route on 11 routes, 11,217 pounds.

These 11 routes represent what may be termed the main lines for the transportation of mails; and the wide variation under which the service is performed even here is shown, where the weight varies from 1,236 pounds daily on one route to 28,452 pounds on another, or in the proportion of more than 20 to 1.

The 26 routes carrying total of 12,109 pounds were:

	Weight.	Length of route.	Round trips per week.
	Pounds.	*Miles.*	
Norton–Cumberland Gap	549	71	6.07
Selma–Pineapple	473	46	6
Elmore–Wetumpka	202	7	12
Attalla–Calera	294	120	7
Birmingham–Champion	271	37	6
Birmingham–Blocton	438	52	7
Sheffield–Tuscumbia	89	3	6
Prattville Junction–Prattville	----------	10	12
Columbia–Sheffield	634	86	6
Clarksville–Gracey	187	35	6
Hematite–Pond	147	31	6
Van Leer–Cumberland Furnace	73	6	6
Elkton–Guthrie	398	12	15.50
Lagrange–Lexington	1,890	67	19
Bardstown Junction–Springfield	590	38	12
Glasgow Junction–Glasgow	661	11	13
Anchorage–Shelbyville	469	19	12
Owensboro–Adairville	569	86	11.95
Maysville–Lexington	781	69	14.50
East Louisville–Louisville	1,636	2	18
Louisville–Prospect	106	12	15
Lebanon–Greensburg	516	32	6
Shelbyville–Bloomfield	327	28	12
Rowland–Richmond	325	34	6
Madisonville–Providence	206	17	6
McLeansboro–Shawneetown	286	41	12
Total	12,109	972	259.02

Aggregate weight for the 26 routes	pounds..	12,109
Average weight per route	do....	466
Aggregate mileage	miles..	972
Aggregate trips per week		518.04
Average trips per route per week		19.92
Average trips per route per day		3.32
Aggregate mileage per week	miles..	18,428.34
Aggregate mileage per day	do....	3,073.06
Average mileage per day per route	do....	118.19
Average length per route of 26 routes	do....	37.39
Aggregate pay, 26 routes, per year		$99,057.56
Aggregate pay per day (52 weeks of 6 days each)		$190.84
As the aggregate mileage per day is 3,073.06 miles, the average pay per day per mile of postal service rendered is	cents..	6.47

On these 26 routes, aggregating 972 miles, it is safe to assume at least one post-office for every 5 miles, so that on that portion of the line the railroad company is enabling the Government to receive and deliver mails at 194 post-offices. On these routes it is found that there is an average of 3.32 trips per day. Assuming that there is only one mail package received and one delivered each trip, we have an aggregate of 1,298 separate packages handled daily, for which the Government pays for the transportation over 972 miles of route $190.84 per day, or approximately 1⅝ cents for each package.

This payment, it must be borne in mind, is made for service on routes where the governing consideration is not the weight of mails carried, but the facilities secured, for of the 26 routes considered 6 of them handled less than 200 pounds daily (one of them only 73 pounds), 18 handled more than 200 pounds, but less than 1,000 pounds, and only 2 of the routes handled more than 1,000 pounds per day.

SERVICES RENDERED ON MINIMUM PAY ROUTES.

On the Louisville and Nashville lines there are operated six routes, at minimum of $42.75 per mile per annum, as follows:

	Length of route.	Round trips per week.	Aggregate miles per route.
	Miles.		
Sheffield–Tuscumbia	2.64	6	31.68
Prattville Junction–Prattville	10.22	13	245.28
Clarksville–Gracey	35.35	6	424.20
Hematite–Pond	30.73	6	368.76
Louisville–Prospect	11.74	15	354.20
Vanleer–Cumberland Furnace	6.06	6	72.72
Total	96.74	51	1,496.84

Aggregate annual pay of 6 routes, at $42.75 per mile per annum		$4,135.61
Average per week (52 weeks)		$79.53
Aggregate mileage per week	miles..	1,496.84
Aggregate trips per week		102
Average trips per week per route		17
Average trips per day per route		2.84
Average pay per day for the 6 routes		$13.26
Aggregate mileage per day for the 6 routes	miles..	249.47
Average mileage per day per route	do....	41.58
Average pay per day per mile of postal service rendered		$5.32

On routes where the weight aggregates such a figure as to allow the minimum compensation per mile provision to be eliminated and the Government uses the weight as basis of pay, calculations may be made to show, with some degree of accuracy and some correctness of conclusion, the compensation received per ton per mile or per car for the mail matter carried.

The postal route, which on the Louisville and Nashville carries the heaviest weight of mail per day, is the line between Cincinnati and Nashville, a distance of 298.63 miles. The weight carried on this route per day, according to the Government weighing in February, 1896, on which weight settlement is now being made, was 28,452 pounds, or 14.23 tons, aggregating 4,246 tons carried 1 mile per day.

To handle this 14 tons of mail per day the railroad is required to make four trips per day each way between Cincinnati and Nashville, and to furnish two railway post-office cars 60 feet long, weighing 80,000 pounds each, and two railway post-office cars 50 feet long, weighing 65,000 pounds each; the average dead weight for the railway post-office cars therefore being 77,000 pounds. In addition to this, on the other trains per day, to make up the four round trips per day, railway post-office compartments are furnished.

If the railroad were allowed to consolidate the mail offering for transportation into the four post-office cars, even then the average paying weight per car would only be 3½ tons, or 7,000 pounds, while the dead weight transported would be 77,000 pounds, or in the proportion of 11 to 1 to the paying weight.

The carrying capacity of these cars, constructed in accordance with the Government regulations, is not less than 40,000 pounds. The railroad company's tariff rates for the transportation of freights of the first class, such as dry goods, boots and shoes, clothing, etc., from Cincinnati to Nashville is 53 cents per 100 pounds, and if loaded as in the case of freights offering for transportation, one car each way would more than answer for the service, and the average loading would be 14,000 pounds. The revenue at 53 cents per 100 pounds would be $74.20 per car, while the aggregate revenue obtained from the transportation of the mail, not charging anything for the service rendered by the railroad in furnishing the postal "compartment" cars, and including the compensation paid for the transportation of the post-office cars, Cincinnati to Nashville, averages only $52.26 per car. It is shown, therefore, that the compensation paid by the Government is less than the railroad company would charge others for similar service, so far as there is any similarity of service.

It should be borne in mind that the mails are dispatched on the fastest passenger trains, the Government reserving the right of designating transportation on such trains, with no option on the part of the railroad company, while first-class freights would be transported on freight trains at the railroad company's option in cars very much lighter in weight and very much less expensive to construct and operate.

There is nothing more misleading than a comparison of charges received, or alleged to be received, for services radically dissimilar, making deductions from such comparisons upon which to base charges of extortion or discrimination.

We hear references to the revenue received or charges made for the transportation of express matter, as though that furnished a proper standard for measuring the reasonableness of the compensation paid by the Government for the transportation of the mails. I have mentioned the substantial dissimilarity between the two kinds of service, and this will be emphasized by reference to the tariffs of freight and classification governing same issued by the different express companies.

The business of the express companies is not confined to, and, in fact, does not consist principally of, the transportation of matter which goes to make up the Government mails. Their tariffs are practically merchandise tariffs, and the rates are termed "merchandise rates." While, therefore, the express company does provide rates for the handling of newspapers, books, and periodicals, it is a mere incident of their business, which consists largely of the handling of large quantities of all kinds of miscellaneous merchandise, from bird cages and live birds to wall paper and woolen goods.

Another much-vaunted criticism against the Government for allowing, and the railroads for receiving, the present rates for the transportation of mails is based upon the alleged fact that there has been no reduction in the rates paid for the transportation of mail as compared with the marked reductions in the average freight charges in all sections of the country.

This criticism is based upon a misstatement of fact in the first instance

and upon a misapprehension of the conditions in the second instance, the misstatement of fact being that there has been no reduction by the Government in the compensation to the railroads, when this committee knows that such reductions have been made, which now aggregate 15 per cent under the charges formerly fixed by the Government officials, and on "land-grant" roads 20 per cent additional reduction, and that the average pay for the transportation of mails, so far as it is governed by weight, decreases from year to year as the tonnage of mails increases.

Mr. QUAY. I ask leave that the balance of the statement of Mr. Knott, including page 77, be inserted in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, that request will be complied with.

The remainder of the statement of Mr. Knott is as follows:

The present law in its operation with the continued increase in the weight of mails results in continuous decrease in the average pay. While the law authorizes the payment as a minimum of $42.75 per mile per annum for 200 pounds, yet after a weight of 3,000 per day on any route has been reached the allowance for each additional 2,000 pounds is only $21.37 per mile per annum; or for ten times the weight one-half the allowance, so that for 2,000 pounds carried over any route after that aggregate weight is reached the compensation is only one-twentieth as much per unit as where only 200 pounds is carried. This is the application of decrease in compensation with increase in weight of the so-called "carload principle" with a vengeance. While, however, the railroad company for the additional weight gets only one-twentieth of the pay per unit of minimum pay for each pound of mail matter added, the Government charges and receives the same pay for each pound of matter carried; the same compensation for the last 2,000 pounds as for the first 200 pounds forwarded by it over any route.

With regard to the other charge—as to the misapprehension of the facts—no one would be more ready than I to credit the railroads of this country with all that has been done by them in the commercial development of the country through the proper adjustment of their freight charges, which has brought forth results not obtained in any other country or in any other period of the world's history.

The railroads of the United States furnish better freight facilities, more rapid service, and more reliable service, at lower average freight rates for the service so performed, than those of any other country, and these average charges are, it is true, showing marked decreases from year to year.

Now, any attempt to compare charges for mail services with freight services should be addressed more particularly to the freight charges for short hauls, as mails are distributed every few miles. And we should ascertain whether or not the charges on what we term the merchandise classes have shared in the reduction of the average freight charges with which we are so familiar.

As a matter of fact, the reductions in the average freight rates made by the railroads of the United States have been brought about by the increase in the long-haul and low-grade traffic; distribution of the products of one section in all other sections; the increase in the transportation of food products, moving grain, wheat, and live stock from the West, not only for consumption in the United States, but throughout the markets of the world; increase in the production and movement of coal, cheapening the transportation cost of coal, ores, and coke, and the consequent cheapening of the production of pig iron and all articles of iron manufacture, so that the American metal products, particularly iron and steel articles, are now being sold and shipped daily to different markets in Europe, Asia, and Africa.

While this has been going on—and it could only have been accomplished through the active cooperation of the railroads—the marked decrease in the average freight rates has not been made, and could not under any conditions have been made, to apply in the transportation of articles of merchandise covered by the higher classes, usually designated as classes 1, 2, 3, 4, etc., in the freight classification, articles which go to make up an important revenue for the railroads, but furnish, on account of their light weight as related to bulk, a very small percentage of the tonnage, and the value of which is not in any material degree affected by the charges made for the transportation thereof from one section to another. That there have been decreases in the rates for the transportation of these articles is true, but that there have been marked and radical decreases in those rates by the railroads while continuing to urge upon Congress the injustice of making a reduction in the pay allowed for the transportation of mail is not true.

To illustrate what I have said, I beg to submit some figures showing the rates charged for the transportation of the higher classes of goods in different sections of the country at different times during a part of ten years between 1882 and 1892. For instance, the rates from New York to Chicago have been as follows:

Year.	Class—		
	1.	2.	3.
1882	75	60	45
1892	75	65	50

(The slightly higher charges apparent here now as compared with ten years ago is due to change in method of classifying freights and rearrangement of tariff schedules. There was no actual increase.)

These rates may be taken as indicative of the trend of rates on the classes shown in territory between the Eastern seaboard and the Mississippi River; the rates from New York to Chicago being fixed, the rates to other important Western points are correspondingly adjusted.

With respect to the rates west of Chicago and west of the Mississippi River, I submit for consideration the following comparison, taking the rates shown in cents per 100 pounds from Chicago and St. Louis, respectively, to Missouri River points, Kansas City, Atchison, Leavenworth, St. Joseph, etc.:

From—	Class 1.		Class 2.		Class 3.	
	1882.	1892.	1882.	1892.	1882.	1892.
Chicago	90	75	75	60	50	42
St. Louis	70	55	55	40	40	32

In Southern territory the rates from the principal Western points distributing into the South, taking the rates to Atlanta as a representative point, have been reduced from time to time as shown by the following comparative figures:

Rates per 100 pounds.

From—	Class 1.		Class 2.		Class 3.	
	1882.	1892.	1882.	1892.	1882.	1892.
St. Louis	$1.53	$1.35	$1.32	$1.15	$1.10	$1.01
Chicago	1.68	1.47	1.42	1.26	1.18	1.06
Louisville	1.18	1.07	1.02	.92	.88	.81
Cincinnati	1.18	1.07	1.02	.92	.88	.81

The transcontinental rates—that is, the rates to San Francisco and other principal Pacific coast points, on the higher grades—may be compared as follows:

Rates per 100 pounds.

From—	Dry goods.		Cotton piece goods.		Furniture.	
	1882.	1892.	1882.	1892.	1882.	1892.
New York	$4.00	$4.20	$1.80	$2.35	$1.40	$1.45
Pittsburg	3.60	4.00	1.62	2.20	1.00	1.38
Chicago	3.25	3.90	1.45	2.10	1.40	1.25

The rates which I have just referred to are long-distance hauls between large and important commercial centers, on high-class merchandise.

As further evidence, however, in support of our statement with respect to the conditions which control the rates on merchandise classes, I venture to submit extracts from the local tariffs of roads both in the eastern and western portions of the country:

ERIE ROAD—ELMIRA TO PORT JERVIS.

[In cents per 100 pounds.]

Year.	Class 1.	Class 2.	Class 3.	Class 4.
1886	33	28	20	17
1893	33	28	23	17

PENNSYLVANIA RAILROAD—NEW YORK TO ALTOONA.

1886	48	35	26	20
1893	45	30	30	21

LAKE SHORE AND MICHIGAN SOUTHERN—TOLEDO, OHIO, TO CHICAGO.

1886	40	30	20	15
1893	30	30	23	15

OHIO AND MISSISSIPPI (NOW BALTIMORE AND OHIO SOUTHWESTERN)—CINCINNATI, OHIO, TO OLNEY, ILL.

1887	35	30	23	15
1893	35	30	23	15

It has been frequently urged that the pay for the transportation of railway post-office cars is also excessive, and the proposition is pending that the Government itself should own its post-office cars and require the railroads to haul them at charges not exceeding what they would charge others for similar service. This proposition is impracticable, because there is no similar service performed for anyone else by the railroads.

Let us take for illustration again the route between Cincinnati and Nashville, because that is, as stated, the route over which the heaviest mails are transported by the Louisville and Nashville Company, for which the railroad company receives the largest aggregate compensation, while the Government secures the service for the smallest rate per ton, or per unit of service rendered.

The railway post-office cars, constructed according to Government regulations, as stated, weigh (the 60-foot cars) 89,000 pounds. The present average cost is $5,700. To fill the line, running two cars each way daily, requires, on the average, not less than five cars for the service, representing an investment of $28,500. The mileage of postal cars on this route aggregates 435,900 miles annually.

The usual and ordinary charge for carrying a mail car as freight on its own wheels in freight trains is 10 cents per mile. Had these cars been offered for transportation as freight, the revenue would have amounted to $43,595. The compensation allowed by the Government for the transportation of the cars, in addition to the transportation of the mail, was—

1 50-foot car, at $40 per mile per annum, 298.63 miles	$11,945.20
1 60-foot car, at $50 per mile per annum, 298.63 miles	14,961.50
Total	26,870.70

The 60-foot railway post-office cars constructed in accordance with Government requirements weigh 89,000 pounds, or 44½ tons. The allowance by the Government for the transportation of these cars is $50 per mile of route per annum. As the cars are required to make a round trip per day, the allowance, it will be observed, is only $25 per mile of service and the compensation amounts to only 1½ mills per ton per mile of the car weight for the movement of the car. In the report submitted by the Hon. J. H. Mitchell, subcommittee of the Select Committee on Transportation Routes to the Seaboard of the United States Senate, in 1874, after an exhaustive investigation into the proper allowance for the transportation of railway post-office cars, the conclusion was reached that 7½ mills per ton per mile of the car weight as compensation would about represent the cost and a fair average amount of net income over the cost of service on railroads in the United States.

In compliance with the demands of the Government officials, the length of the cars has been increased from time to time from 30 feet, as it was

then, until it is now 60 feet, and the weight per car has increased correspondingly until, as stated, the traveling post-offices weigh 44½ tons. The compensation paid at the present rate is only one-fifth of what the Senate committee found twenty years ago to have been a fair allowance.

In addition to transporting the cars, the railroad carries all the mail clerks necessary for distribution of the mails en route free. In case of accident, resulting in injury or loss of life to the Government employee while on the cars engaged in Government service, the railroad and not the Government becomes responsible, and the railroad and not the Government is held for any damages that may be assessed.

The railroad furnishes refrigerator cars to shippers for the transportation of fruits and vegetables, dressed meats, and other perishable articles. It does not, however, transport two or more or any number of attendants free, nor does it arrange to furnish expensive equipments for such cars, nor permit of sale or distribution of the commodities en route. The freights are transported in carload lots from one shipper to one consignee, from point of origin to point of destination, and hauled on freight and not passenger trains.

Express cars are hauled on passenger trains. They are assigned, however, to such trains as the railroad may designate. They are not specially equipped for any one route or particular portion of the line. They are subject to be assigned wherever the traffic may be offering. While the railroad company does transport express messengers free in charge of express matter, it assumes no responsibility, the express company holding the railroad company harmless for accidents to its employees, assuming such responsibility itself.

As stated before, while there may be some similarity in some minor features between the mail service and the express service, the ordinary and usual express business is entirely dissimilar from the railroad mail service. And yet, even with the comparatively low class of freight transported so largely by express companies, as contrasted with the high-class matter carried in the mails, the average receipts for the transportation of express in many cases exceed, ton for ton, the average receipts from the transportation of mail under the present compensation fixed by the Government.

Reference has been made to the fact that on routes hauling the minimum amounts of mail the pay is not based on rate. The minimum allowance by the Government for mail service is $42.75 per mile per annum of postal route, which is 5.85 cents per mile of line per day. While not important in the aggregate tonnage of mails handled, these minimum pay routes are of very great importance to the country, forming as they do an important proportion of the total number of mail routes operated by the Government.

In the States south of the Ohio and Potomac rivers and east of the Mississippi River the report of the Postmaster-General for the year 1897 shows the total number of mail routes and the number of such routes operated at the minimum rate, with the service rendered by the railroads thereon, to be as follows:

	Total number of routes.	Number of routes at minimum pay.	Average number of round trips per week on minimum-rate routes.
North Carolina	56	17	7
South Carolina	37	12	9
Georgia	79	23	8.6
Florida	43	17	8.7
Alabama	43	11	9.7
Mississippi	25	3	8.6
Tennessee	35	11	6
Kentucky	46	9	10.4

Minimum-pay routes to total number of routes, 23 per cent.

As emphasizing the valuable services rendered to the public, and the small compensation received by the railroads for the operation of such routes, I beg to again refer to the operations of the six minimum-pay routes on the Louisville and Nashville Railroad, as shown by the reports of the Postmaster-General which I have previously submitted and referred to.

It is such routes as these, representing in the Southern territory 23 per cent of the total number of postal routes, performing valuable, not to say indispensable, services for the communities thus reached, the aggregate pay for which to the railroads is inconsiderable, which serve to increase the so-called average rate per ton per mile received by the railroads for the transportation of the mails.

It is apparent that the reasonableness of this compensation must be considered with respect to the value of the services rendered and not gauged by the amount of mail carried, and, bearing this in mind, it can not be contended that a compensation which averages, as in the case of the Louisville and Nashville road, 5.32 cents per day for each mile of postal service rendered is excessive.

The Government officials have not been derelict to their duty or recreant to their trust in fixing this compensation, and the railroad companies can hardly be accused of imposing upon the people in the way of excessive compensation for the services rendered.

Conceding, as I do, that in performing this transportation service for the Government the railroad companies should not expect excessive pay, it will, I think, be as readily conceded that the Government should not ask them for services for which commensurate compensation is not allowed.

It is proper also to bear in mind the method by which the Government rate of pay is arrived at and allotment made. The weighing of the mails is entirely in the hands of the Government, and the railroads have no supervision over it. This is not true with respect to any other service the railroad companies perform.

In the next place, the weight is ascertained only once in four years for each road, and no increase in the allowance is made during that time. This arrangement works very largely to the benefit of the Government at the expense of the railroads.

To illustrate: The mails were weighed by the Government on all the lines operated by the Louisville and Nashville road in February, 1896, the previous weighing having been in February, 1892. The increased allowance by the Government, based on their weights in 1896 over 1892, was, for all the routes operated by the Louisville and Nashville Company, something over 3,000 miles of line, $99,219.61 per annum, an average of $23 per mile per year, or 6.3 cents per mile of road per day. This increase was due to the increased amount of service performed, as shown by the results ascertained by Government agents. It is apparent, therefore, that the railroad company suffers a material loss per annum from the fact that the weight of the mails used as a basis of compensation is ascertained only once in every four years. For the four years in question it is fair to assume that there was an average increase in weight for each of the four years, and as the total increase in compensation at the end of four years was $99,219.61, this would make an average increase of $17,304.90 per annum. In other words, the railroad company performed service for which it received no remuneration and for which it should have been paid, according to the Government valuation, the following amounts:

The second year after weighing	$17,304.90
The third year after weighing	34,609.80
The fourth year after weighing	51,914.70
Total loss	103,829.40

There is no other customer with whom the railroads do business on these terms, i. e., to take an average weight for a designated period as a basis of compensation for the succeeding four years, and to allow the customer to exceed that weight at his option without additional compensation therefor.

That the additional weight is being carried from year to year is proven by the Government reports, showing increases not for periods of four years, but the percentage of increase from year to year. In the last annual report of the General Superintendent of the Railway Mail Service there will be found several pages devoted to statement of "Improvements," from which it appears that during the last fiscal year there was added a total of 22,218 miles of new or improved service of railway post-office car routes to take care of the increased weight of mails offered for transportation.

As, for instance, on June 28, 1897, the service between Atlanta, Ga., and New Orleans, La., by way of Montgomery and Mobile, Ala., was improved by establishing two daily lines of 60-foot cars to take the place of two lines of 40-foot cars. This, as report goes on to say, was made necessary by the increased quantity of mail offering for transportation via this route to and from New York and New Orleans, La.

On July 29, 1897, there was established an additional line of railway post-office cars north bound between New Orleans and Montgomery, Ala.; also an additional line south bound between Mobile, Ala., and New Orleans, the superintendent explaining that it was found absolutely necessary to provide greater space and additional facilities to handle expeditiously the largely increasing mails between Atlanta, Montgomery, and New Orleans.

I have referred to these out of a great number of instances cited in the report, because they apply to the Louisville and Nashville road, and I have confined my analysis of the railway mail facilities and the compensation therefor to the line with which I am connected.

While the railroad will receive compensation for the additional postal-car mileage thus ordered into service, it will not for three years after the service is inaugurated receive any increased compensation for the increased weight of mails requiring those increased facilities, for the reason that the weights ascertained in February, 1896, will govern until February, 1900.

There is another very important service performed by the railroads for the Government, which the critics of or objectors to the present allowance would seem to entirely fail to take into consideration. As the committee knows, the railroads deliver at their own expense, without compensation by the Government, all mails between railroad stations and post-offices on the line of their roads when situated within designated limits—the limit is 80 rods. Out of a total of 674 post-offices on the line of the Louisville and Nashville road, the company has to deliver at its own expense the mails between post-offices and trains at 445 offices, the Post-Office Department making delivery at 229.

In addition to this, at important terminal points the railways furnish, in passenger stations, mail rooms for the use of railway post-office clerks and other Government employees, and also handle mails between such rooms and the trains with their own employees. The principal terminal or junction points on the Louisville and Nashville road at which we have to furnish, free of cost, rooms properly lighted and heated for the use of the Government clerks are: Cincinnati, Front Street Station and Grand Central Station; Louisville, Union Station; Junction City, Ky.; Bowling Green, Ky.; Nashville, Tenn.; Birmingham, Ala.; Montgomery, Ala.; Milan, Tenn.; East St. Louis, Ill., and St. Louis, Mo.

In this connection it is not perhaps proper to refer to the very large amount of free transportation furnished by the railroads to the Government officials and employees in connection with the mail service. I regret that I can not show what this amounts to for the Louisville and Nashville Company per annum. Our records do not show the aggregate mileage traveled by postal clerks, inspectors, superintendents, and other officials connected with the postal service of the Louisville and Nashville road.

Our rules provide for the free transportation of employees of the United States Post-Office Department, including not only postal clerks on their lines, but inspectors, special agents, superintendents, assistant superintendents in the Railway Mail Service; for the passage of postal clerks between the ends of their routes and their homes, if they reside within the limits embraced by their commission; for the passage of postal clerks under instructions to go to some point within the limits of their commission. This unquestionably amounts to a very large sum in the aggregate.

The report of the Postmaster-General shows that there were 7,602 postal clerks in service on June 30, 1897, and that they traveled 178,730,672 miles during the year ended June 30, 1897. At 2 cents per mile this would represent $3,574,613.44.

I have stated that the compensation paid the Louisville and Nashville road for transportation of mails for the fiscal year ended June 30, 1897, was $699,263.55. That the operating expenses properly allotted to the mail on basis of the proportion of the car mileage of cars used for transportation of the mails bore to the total car mileage of passenger trains were $515,120.26.

This calculation made no allowance for the payment of interest and taxes, legitimate obligations which had to be met in order to continue the operations of the road. Taking the total payments made by the Louisville and Nashville Railroad Company for that fiscal year, account of interest and taxes, and apportioning same to each of the several sources of revenue, passenger, freight, mail, and express, it is found that the proportion chargeable to mail earnings is $193,888.51. Therefore the total operating expenses, interest, and taxes chargeable to transportation of mails were $709,008.77. Total earnings credited to them were $699,263.55; deficit, $9,745.22.

In other words, while there was some profit in the Government allowance, in the mere transportation of mails, over the current expenses of operation, yet the compensation was not sufficient to pay the operating expenses and proportion of interest and taxes chargeable thereto. That is, if the passenger business and freight business of the company had been conducted with only the same relative compensation as the Government mails, the company would have been unable to pay its operating expenses and meet its legal obligations.

This does not include, let it be clearly understood, any allowance for or consideration of the question of dividends on the capital stock of the company.

Mr. QUAY. I desire to have inserted in the RECORD, without reading, the statement of the auditor of the Chicago, Burlington and Quincy Railroad for that railroad company, which commences on page 17, and the statement for the Cotton Belt Railroad, which commences on page 23.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Is

there objection? The Chair hears none, and the statements will be inserted in the RECORD.

The statements referred to are as follows:

STATEMENT FOR THE BURLINGTON ROAD, BY JOHN H. STURGIS, AUDITOR.

The pay of railroads for handling the mail is based on weight and the distance carried. This the Post-Office Department calls "pay for transportation," which gives rise to the impression that the service performed by the railroad consists only of transportation of the mails on its trains. As a matter of fact, this compensation is expected to cover a considerable amount of other service rendered by the railroad.

For example, the regulations of the Department require the railroad, by its agents, to carry the mail between the post-office and the railroad station, when they are not more than a quarter of a mile apart. The railroad is obliged to care for the mails while at its stations and at junction points to transfer them from one train to another; and of all these transactions a detailed record must be kept. The railroad is also required to furnish special facilities for mail clerks on its trains and to carry them free, and to furnish free transportation for agents and officers of the Post-Office Department.

The law has provided a schedule of pay according to which the rate decreases as the weight increases. Where the railroad handles a small amount of mail on a route its pay per pound is large, but the law provides that if a larger amount of mail is carried the rate per pound shall be much less.

The compensation per mile of railroad per year increases with the average weight carried the whole distance per day, but it does not increase in the same proportion, as the following schedule shows:

Average weight per day over whole length of route.	Tons per mile per year (365 days).	Compensation per mile per year.	Compensation per ton per mile.
Pounds.	*Tons.*		
200	36.50	$42.75	$1.1712
500	91.25	64.12	.7027
1,000	182.50	85.50	.4685
1,500	273.75	108.87	.3904
2,000	365.00	128.25	.3514
3,500	638.75	149.62	.2342
5,000	912.50	171.00	.1874
7,000	1,277.50	192.37	.1506
10,000	1,825.00	224.42	.1228
20,000	3,650.00	331.27	.0908
50,000	9,125.00	651.82	.0714
100,000	18,250.00	1,186.07	.0650

Every added ton, after 5,000 pounds, goes at 5.85 cents per ton per mile. The ordinary first-class freight rate west (not on passenger trains) is 50 cents per 100 for 200 miles, or $10 per ton, or 5 cents per ton per mile, while the Government pays 5.85 cents per ton per mile.

There are 82 mail routes on the Burlington system, and two of them, carrying more than 60 per cent of the total tonnage, earn less than 6 cents per ton per mile for transportation.

More than half the routes earn an average of 69½ cents per ton per mile, but carry only 10 per cent of the tonnage, and the pay on them is the poorest of any for the service done.

On a railroad like the Burlington there are many mail routes at the various rates, so that in order to determine whether the rate paid is a fair compensation for the service it will be necessary to compare the average pay received with the average pay from some other source for a similar service, if any exists.

The express matter which the railroad carries on its trains under the contract with one of the great express companies requires a less investment on the part of the railroad company, less service, and less risk, and yet the express company, a commercial corporation, pays the railroad company a greater amount per ton per mile for handling express matter than is paid by the Government for handling the mails.

As long as the amount paid by the Government for handling the mail is no greater than the amount paid by a commercial corporation in business for profit, with an inferior service, it can not be said that the Government is paying an excessive rate; but when the fact is that the Government pays less than the express company and requires more service, it is evident that the railroad company would be justified in asking that its mail pay be increased.

It will therefore be instructive to compare in detail the service performed by the railroad for the Post-Office Department with the service performed for the express company.

In addition to the cash compensation paid by the express company, it handles, free of charge and at its own risk, daily remittances of money from all the railroad stations to the railroad treasury, the value of which service at wholesale tariff rates amounts to more than $110,000 a year. The express company furnished free transportation on all its lines for all railroad packages of every kind.

An important contrast between the two classes of business is furnished by the fact that the express company contracts with the railroad company to release it from all liability to the express company's employees for injuries received on the trains. On the other hand, if an employee of the Post-Office Department is injured on the train the railroad company is liable to him individually to precisely the same extent as to a passenger who has paid his fare to insure his safe carriage.

The express company furnishes its own employees to load and unload its freight and to take care of it at stations and on the trains. The railroad employees do not handle a pound of express matter without extra compensation.

Mail matter, on the contrary, except in a few large cities, is not only loaded and unloaded and taken care of at stations exclusively by railroad employees, but the railroad employees must also act as mail carriers between post offices and railroad stations.

The actual cost of this service to this railroad company, being the value of its employees' time used in the service, was, for 1897, $35,603, and for transferring mails from one train to another, $23,341.

A comparison of these two kinds of business, side by side, on the trains, again shows a much greater amount of service and expense furnished by the railroad company for the Post-Office Department than for the express company.

Where there is no mail clerk on the train the mail pouches are handled exclusively by the train baggage man, while by his side, in the same car, is an express messenger in charge of the express matter. On the Burlington road last year 2,654,597 pouches were handled by railroad employees exclusively, covering 3,164,464 miles of service.

When a mail clerk is put in charge of the mail on a train, the railroad charges nothing for hauling him, nor for hauling express messengers in the discharge of their duties; but while no facilities other than an undivided portion of a bare baggage car are furnished the express company, the Post-Office Department is furnished a separate apartment or special car, elaborately fitted with special conveniences suited to the requirements of the business.

It is evident that the Government is not paying the Burlington railroad at too high a rate for handling the mail when one of the great express companies is willing to pay a higher rate for so much less service.

Any argument in regard to the justice of the mail pay of the railroads comprising the Burlington system will apply with equal or greater force to the country at large, the average rate paid per mile traveled by mails on the Burlington system being above the average for the whole country.

The "fast mail" is a special feature provided at great cost. Express matter is carried on regular trains without special train service.

CLASSIFICATION OF THE MAIL SERVICE ON RAILROADS.

The mail service may be divided into three grades, known as pouch service, apartment service, and railway post-office car service.

The first grade is where closed pouches are dispatched from one post-office to another, the pouches being handled, except at large termini, exclusively by railroad employees from post-office to post-office, the railroad keeping a record of every pouch, both on the trains and at the stations.

The second grade is where a part of a baggage car is partitioned off and fitted up for the use of a mail clerk, who sorts the mails en route, receiving the pouches from and delivering them to railroad employees, who, in turn, make deliveries to and from the post-offices.

The third grade is where a whole car is given up to the mail service, with one or more mail clerks in charge.

(1) *Pouch service.*—When mail service is first inaugurated on a new piece of road in a sparsely settled country, pouch service is sufficient, and the railroad company, which does all the work, is paid by weight handled, regardless of the number of packages. When one small town has mail for another town on the same route, it makes a pouch for it, which is put off by the baggageman at the proper station. Each small town will have several pouches for each train—a separate pouch for each destination on the route.

(2) *Apartment service.*—When the business begins to grow and the compensation with it, the Department steps in and orders apartment service. By doing so they increase the railroad's expenses and decrease its revenue. They increase its expense because they oblige the railroad to fit up a special apartment in a car with pigeonholes, racks, and all necessary appliances, according to Government specifications, and they decrease its revenue because the number of pouches, and therefore the weight handled, is decreased. Where formerly each town had several pouches for as many destinations, now each one has but one for the train, from which the mail is sorted to appropriate destination by the mail clerk en route.

As the business grows the Department demands and the railroad furnishes larger and more expensive compartments, but its compensation does not increase in proportion to the weight of mails carried in them, for the greater the weight carried the less the rate per pound. The schedule provided by Congress for an average weight of 1,000 pounds per day over the whole length of a route is 46.85 cents per ton per mile, while every pound carried over 5,000 goes at 5.85 cents per ton per mile.

(3) *Railway Post-Office Service.*—As the business continues to grow, the Department finally demands the use of a whole car, instead of part of one. So long as the mail can be accommodated in the cars run by the railroad for its other business, the pay for transportation on weight basis is supposed to cover all the handling of the mails, both on and off the trains; but when the Government requires that the railroad shall build special cars to be used as traveling post-offices, and shall increase its expense by hauling this additional equipment on its trains, Congress has wisely realized that additional compensation should be paid.

The railway post-office cars, elaborately fitted for this special use, can be used for no other purpose, and the railroad company is obliged not only to furnish a sufficient number of cars for actual daily service, but must keep in reserve a sufficient number to replace, at a moment's notice, any car which breaks down or has to be temporarily taken off for repairs or for changes required by the Government.

These cars must be built to conform exactly to the specifications of the Post-Office Department, and must be furnished with the very best and most expensive light, heat, safety appliances, etc.

The additional compensation paid for the use of railway post-office cars is based on their length. If a car were left standing on a side track, a fair percentage on the investment and a charge for repairs and depreciation would be sufficient compensation; but this is a small matter compared to the cost of constantly hauling the car in a fast passenger train, or in a special train, from one end of the railroad to the other.

The compensation on the Burlington route for the use of these railway post-office cars in 1897 was $220,580.81; they traveled 4,740,703 miles, or an average rate of only 4.65 cents per mile. For hauling home for repairs by freight train a freight car of private ownership the railroad charges 5 cents per mile.

When we consider that every pound of mail carried in special railway post-office cars could be carried in the ordinary cars of regular trains, it can not be denied that when the railroad is required to increase its investment and expense, by building and hauling these cars, a compensation is too small which does not equal the average cost of hauling such a car, to say nothing of the investment and proportionate share of the general expense of the railroad.

In a letter from the Second Assistant Postmaster-General to the chairman of the Senate Committee on Appropriations in February, 1897, he says:

"On the Pennsylvania Railroad, in a special mail train consisting of six cars entirely for Department use, four of them are postal cars, paid for by the Department, and the other two are storage cars, which are not paid for. The total weight of mail carried in the six cars is 70,518 pounds, or 35 tons, a load which could easily be carried in the storage cars without the expense of the postal cars if the Government does not care to do post-office work en route. In the case of trains with only one postal car, the mail so hauled, were it not for the Government necessities of working in transit, would find a place in the ordinary baggage car without the expense to the railroad of hauling the postal car. I think this will illustrate to you that the railroads really have no use for the postal car that we require them to furnish, equipped in such manner that they can not possibly be used for any other purpose."

In testimony before the same committee, referring to the importance to the Government of maintaining this special service of traveling post-offices, he said:

"Some day, if I live long enough, I hope to show you how the car and wagon will dispense with the big city post-offices. The postmaster at New York said to me a few days ago that if we were not doing what we are doing on wheels he could not handle his mail in New York. The cars are doing so much separation that you would have to have a great deal larger post-office building in the cities were it not for these cars."

The same officer of the Government, emphasizing the importance to the Post-Office Department of the use of these traveling post-offices, says in his report for 1896:

"Marked as is the improvement in the rapid transit of mails, effected through the combined efforts of the Department and the carriers, perhaps the most noteworthy feature is the extent to which the distribution in the railway post-offices is now carried. No longer content with delivering into the larger post-offices the mail addressed thereto, the railway post-office now separates and arranges for immediate delivery by the letter carriers in the larger cities an immense and constantly increasing volume of mail to the extent of making it almost possible to supply the letter carriers from the postal car on its arrival with the mail intended for their personal distribution, which practically eliminates a very large amount of work that was formerly done in the post-office buildings.

"More and more of the work formerly performed in the city post-offices is thus transferred to the railway post-offices, the effect of which should be kept well in view when considering the necessity for increasing appropriations for this branch of the service, the idea being that expenditures of this nature will not only increase the efficiency of the mail service, but will greatly decrease the amount required for increasing Government buildings intended for post-office purposes."

SERVICE RENDERED BY RAILROADS WITHOUT PAY.

In order to furnish the very best facilities to the public which it serves, the railroad is constantly complying with requests of every kind from officers of the Post-Office Department beyond what it is required to do by law. It does so cheerfully and willingly for the good of the service and to secure that perfection of handling the mails which can only be secured by its constant cooperation. But there has grown up a practice in the Department which deprives the railroads of millions of dollars annually to which they are legitimately entitled under the laws. The law provides that the weight of mail on which the pay of the railroads is based shall be ascertained not less often than once in four years by weighing the mails for a period of thirty consecutive days.

The practice of the Department is to weigh no oftener than once in four years and to apply the pay so determined to the four succeeding years. The weight of mails carried by a railroad is constantly increasing, and, instead of prorating over the four past years a legal compensation for the increased weight found to have been carried since the last weighing, the Department allows no pay for the past increase, but applies the new rate for the succeeding four years, during which a still further increase will take place. The pay for a period of four years is based on the smallest weight carried during the period.

On the Burlington road the weighing of 1894-95 provided pay per year of $1,650,488.14 against $1,496,061.69 four years before, an increase in pay per year of $158,426.45, or 10.47 per cent. If we prorate this increase over the four preceding years, we find that this one railroad lost compensation to which it was entitled of more than $300,000 by this practice of the Department, and the loss before the next weighing will be still larger.

In its schedule of rates of pay for handling mail on railroads, the Department emphasizes, in capital letters, that the use of railway post-office cars will be paid for only "when authorized." On the Burlington road the Department made use of railway post-office car service in 1897, for which it did not pay, worth at Government rates $41,080.85.

DECREASE IN RATES PAID RAILROADS FOR HANDLING MAIL.

It has been suggested in Congress that while competition and legislation have produced a more or less constant reduction in rates for transportation of passengers and freight, there has been no change in the rate for carrying the mails since 1873. As a matter of fact, the schedule of pay for mail service is so cleverly devised that, without changing it from time to time, it provides in itself for a gradual reduction of the rate of pay, and taking any completed railroad as an example, the increasing weight of mails is being carried at a constantly decreasing rate.

STATEMENT FOR THE COTTON BELT ROAD, BY S. C. JOHNSON, GENERAL AUDITOR.

I submit herewith a few facts relating to the railway mail service on this line, which will show why the compensation for such service should not be reduced.

Receipts and expenses per annum.

Route.	Between—	For postal cars.	For regular mail service.	Total.
	Receipts.			
145051	Cairo and Texarkana	$10,000.00	$64,528.56	$75,128.56
145052	Paw Paw and New Madrid		289.23	289.23
145072	Malden and Delta		4,919.18	4,919.18
147026	Altheimer and Argenta		1,896.39	1,896.39
147015	McNeil and Magnolia		322.23	322.23
149019	New Lewisville and Shreveport		3,986.52	3,986.52
150025	Texarkana and Gatesville		27,296.01	27,296.01
150060	Mount Pleasant and Sherman		3,024.33	3,024.33
150067	Commerce and Fort Worth		12,172.63	12,172.63
150064	Corsicana and Hillsboro		1,910.23	1,910.23
150044	Tyler and Lufkin		5,329.65	5,329.65
	Total	10,000.00	135,671.96	140,271.96
	Expenses, year ended June 30, 1897.			
	Proportion of operating expenses chargeable to mail traffic		164,090.36	
	Proportion of interest on bonds, taxes, interest, and exchange, and all other payments debited to income, chargeable to mail traffic		28,442.33	
				192,532.69
	Deficit			46,260.73

The proportion of operating expenses and fixed charges chargeable to mail traffic given above are arrived at on a car-mileage basis as follows:

The total operating expenses for the year ended June 30, 1897, amounted to $3,855,241, the proportion chargeable to passenger traffic (including mail and express, carefully arrived at in accordance with established rules) being $1,205,196.94. The total passenger-car mileage, including mileage of mail and express cars, was 6,180,317. The total mileage of mail and express apartment cars was 1,090,208. The total number of square feet of floor space in the apartment cars is 7,545.26, of which 3,672.53, or 49 per cent, is allotted to mail service. Forty-nine per cent of the total mileage of mail and express apartment cars is 534,201, which, added to the mileage of postal cars (exclusively), viz, 307,288, makes 841,489 car miles on account of mail traffic.

The average expense per passenger-car mile is $0.195, and multiplying that amount by 841,489, the number of car miles on account of mail traffic gives $164,090.36, the proportion of operating expenses chargeable to mail traffic. The proportion of interest on bonds, taxes, interest, and exchange, and all other payments debited to income, chargeable to mail traffic, is arrived at in a similar manner. The per cent of passenger earnings, including mail and express and 50 per cent of miscellaneous earnings, to gross earnings is 21.91, and the passenger proportion of the fixed charges, which amounts to $954,330.62, is arrived at by taking 21.91 per cent of that amount, which is $209,115.73. The average per passenger-car mile would be $0.0338, and multiplying that amount by 841,489, the number of car miles chargeable to mail traffic, gives $28,442.33.

The basis used in arriving at the expenses chargeable to mail traffic seems to be an equitable one, and if any criticism could be offered against it it would be that the proportion allotted to mail traffic is too small, because the mail cars are more expensive than the ordinary passenger cars, and the apartments of the mail and express cars allotted to mail service are fitted up with racks, cases, etc., while the express apartments are simply left bare.

From the foregoing figures it will be seen that the expenses chargeable to mail traffic are $46,260.73 more than the gross receipts from mail traffic for the year ended June 30, 1897.

SERVICE PERFORMED BY THE RAILROAD IN CONNECTION WITH MAIL TRAFFIC.

It is usually considered that the service performed by a railroad in connection with the mail traffic is simply to haul the mail on its regular trains from one terminal to another, or merely the transportation feature on the trains. There are a number of other items of service which railroads are obliged to perform in connection with mail traffic which are seldom, if ever, taken into consideration, among which may be mentioned the following, with an estimate of the value of such service performed by this company during the fiscal year ended June 30, 1897:

Transportation of postal clerks:	
Number of miles traveled by postal clerks on this system	1,677,312.8
Average revenue per passenger per mile	$0.0236
Amount that would have been received had postal clerks paid the same average revenue per mile that was paid by passengers	$39,584.58
Cost of light, heat, oil, etc., for apartments in 15 mail and express cars, 365 days, at $37.97 per day	13,895.05
Carrying mail between depots and post-offices	7,134.00
Use of space at depots for handling mail, and light, fuel, etc., for same	5,448.00
Transferring mail from train to train	2,669.40
Use of cars at terminal points for handling mail	912.00
Loading mail at unusual hours	749.40
Furnishing and repairing station trucks on which to handle mails	100.00
Total	70,477.43

All of the foregoing items and others are not specifically paid for by the Government, but the railroads are required to perform the service, and the general compensation which they receive, based on the weight of the mails, ascertained once in four years, is supposed to cover all of these items, as well as the main item of hauling the mails on the trains. These items of expense hereinbefore enumerated are, of course, included in the total operating expenses heretofore mentioned, a proportion of which has been allotted to mail earnings on a ratio of the mail-car mileage to the total passenger-car mileage. The figures representing the expenses of these additional classes of service are estimates of the actual cost to this company.

Referring to the items included in the foregoing statement for carrying mail between depots and post-offices, use of space at depots for handling mail, light, fuel, etc., for same, transferring mail from train to train, use of cars at terminal points for handling mail, loading mail at unusual hours, and furnishing and repairing station trucks on which to handle mails, desire to say that, in the judgment of our operating department, if the Government was obliged to contract for such service independently it would cost it at least double the amounts named.

Besides the transportation of postal clerks in the foregoing figures, other officials and employees of the Post-Office Department holding Government transportation are transported free of charge by this company, but it is impracticable to get at any fair estimate of such free transportation furnished.

Compensation for postal cars.

Total number square feet of floor space of postal cars	1,850
Number of miles run by postal cars during the year ended June 30, 1897	307,288
Compensation received for these postal cars	$10,000.00
Average revenue per car mile	$0.0312
Cost per annum for repairs, light, heat, ice, oil, cleaning, etc	$4,409.20
Cost of equipping five locomotives with vestibule tenders, at $450 each	$2,250.00

In regard to the item of vestibule tenders, it may not be generally known that the Cotton Belt is the pioneer in providing that means of protecting the lives of the postal clerks and the valuable mail carried in these postal cars. There is no other railroad in the United States to-day that has vestibule tenders attached to its locomotives used in hauling trains which carry postal cars. This, together with many other improvements in the equipment providing for the safety and convenience of the Government employees and to facilitate the handling of mails, made upon the advice and request of the Government officials from time to time, without extra compensation, shows that this railroad company and other railroad companies are the allies, not the enemies, of the Government, and that they are making earnest efforts to make the Railway Mail Service a success in every respect.

It will be seen from the foregoing that the pay which this company receives for the use of these postal cars, which are equipped with all modern appliances, such as steam heat, Pintsch gas, etc., average $0.0312 per car mile, and this company furnishes the motive power, train crews, etc., to haul these cars over its own roadbed. The established rate paid by railroads to other roads for the use of passenger cars is 3 cents per mile, and the road using the car pays all the expenses incident to transportation, so that the average revenue per car mile for these postal cars, after deducting therefrom the expenses of transportation, is virtually less than the rate which we receive for our passenger cars when they are on other railroads.

When we haul a Pullman sleeper deadhead over the line, we receive 20 cents per car mile for that service, and furnish no heat, light, etc. Of course, the sleepers are more expensive than mail cars, but it will be conceded that the mail cars should pay at least half the rate paid by the Pullman Company.

which would be 10 cents per car mile, while the foregoing figures show that the actual rate per car mile paid is but a trifle over 3 cents.

Another item which enters into the expense of furnishing postal cars is that it is always necessary to have some extra cars over and above those that are actually needed in a line of postal cars, to be used in the event of an accident disabling one or more of the postal cars in service. On account of the manner in which these postal cars are fitted up they can not be used for any other service, but must lie idle until some other mail car has been rendered unfit for service.

METHOD OF FIXING THE COMPENSATION FOR FOUR YEARS PROSPECTIVELY.

The existing method of fixing the compensation for railroad mail pay has resulted in a large amount of mail matter being actually carried by this company for which no pay has been received. The increase in the compensation per annum, which was the result of the last weighing of the mails, was $31,591.70, which represented the increase in the weight of mails per annum over the weight of mails per annum four years previous. All branches of the business in the country contiguous to this line experienced a steady growth during those four years, and it is, therefore, safe to assume that the mail traffic also increased steadily. The increase during those four years was, therefore, approximately four times one-half of the annual increase, or $63,183.40. Therefore, this company, under the present system of fixing the compensation for mail service, was deprived of pay for carrying mails during those four years to the extent of over $60,000.

I have examined the law in regard to fixing compensation of railroads for carrying mails by arriving at the average weight of mail carried, and do not find that it contains a provision to the effect that the compensation is always to be fixed prospectively as at present, but the law simply states that "the average weight is to be ascertained in every case by the actual weighing of the mails for such a number of successive working days, not less than thirty, and not less frequently than once in every four years, and the result to be stated and verified in such manner as the Postmaster-General may direct;" but it is the custom of the United States Post Office Department to make these periodical weighings the basis of mail pay for the four succeeding years.

COMPARISON WITH EXPRESS RATES.

The Pacific Express Company, which operates over this line, pays a fixed rate per annum for the service rendered by the railway company, and I am informed that no statistics have been kept by the express company as to the tonnage transported, rate per ton, etc., and for that reason it is impossible to make any comparison of the compensation for mail service with the compensation for express service on this line. Such a comparison would not be equitable, because the apartments of cars allotted to express service are furnished bare, while the railway company goes to a great deal of expense in fitting up the apartments furnished for mail service with racks, cases, etc., and the employees of the railway company do not touch the express, even to unload it from the cars or load it into the cars. It is handled exclusively by employees of the express company. Another thing to be taken into consideration in any attempt to compare mail tonnage with express tonnage would be the enormous amount of car space, for the weight handled, furnished the Government.

COMPARISON WITH FREIGHT RATES.

It might appear that inasmuch as freight rates have been largely reduced in the last twenty years the compensation for mail service should be subject to a corresponding reduction. While it is a fact that the railroads have been forced to reduce their freight rates, they have been able to offset this reduction, in a measure, by largely increasing the carrying capacity of freight cars, which has had the effect of reducing the expense of hauling what is termed "low-class" freight, such as lumber, coal, iron, etc.; but they have been unable to effect any appreciable reduction in the expense of hauling what is termed "high-class" freight, which would form a more reasonable comparison with mail traffic, and therefore the rates on high-class freight have not been reduced in the section of country traversed by this line. The reductions which have served to bring down the average revenue per ton per mile have all been in the rates on what is termed "low-class" freight. This is not the case with the mail traffic, as the service performed by the railway companies in connection with the mail traffic to-day is much more expensive than the service twenty years ago, while the mail pay has not been increased during that period to correspond with the increased expense.

Mr. QUAY. If the Secretary will have the kindness to return to page 61, I wish to have read the conclusions which Mr. Knott reached from the analysis which he submitted to the committee. I will ask the Secretary to read the paragraphs marked, from 1 to 7, inclusive, on page 61, and I earnestly invite the attention of the Senate to those conclusions.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

1. That under the present law there has been and will continue to be marked reductions in the average rate of compensation paid.

2. That owing to the varying conditions under which mails have to be and are transported by the railroads in meeting the demands of the public, an average rate per unit of weight furnishes no proper basis upon which to estimate the reasonableness of compensation.

3. That there is no standard by which to compare the average charge or rate stated to be received for the transportation of freight with the alleged compensation for the transportation of mails. I use the phrase "alleged compensation" because the press and pamphlets and books have used entirely misleading and erroneous figures, and I am simply saying, in the first place, there is no standard of comparison, and, in the second place, the figures used are erroneous.

4. That the compensation paid by the Government for the transportation of mail is not commensurate with the service rendered, and is less than is paid by the public for service on the same trains on which the postal matter is handled.

5. That the Government does not contribute for the transportation of mails the proper or adequate share, as related to what the public pays for the transportation of passengers or freights, for the maintenance and operation of the railroads over which such service is performed.

6. The mail transportation is performed under conditions not applicable to any other service, and the compensation is relatively less than that received for any other traffic handled.

7. The average compensation for the service rendered—i. e., per unit of car mileage furnished for the transportation of mails—is 25 per cent less in gross earnings and 50 per cent less in net earnings than the Louisville and Nashville Company receives for the transportation of passengers on the same trains per unit of car furnished.

Mr. QUAY. Mr. President, this was the consensus of the opinion of the representatives of some forty or fifty railway corporations; and, as a matter of course, it suggested itself to the committee that the railway companies were probably interested in establishing their view of the case. Accordingly, the Post-Office Department was sought, and the Second Assistant Postmaster-General, in whose charge the railway transportation is, was brought before the committee. He testified very intelligently and at some length, and the conclusions derived from the hearings of the Department were exactly those which were derived from the statements of the railway companies. I will ask that the examination of Second Assistant Postmaster-General Shallenberger shall be inserted in the RECORD. I will not ask that it be read.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order will be made.

The examination referred to is as follows:

STATEMENT OF HON. W. S. SHALLENBERGER, SECOND ASSISTANT POSTMASTER-GENERAL.

The CHAIRMAN (Senator QUAY). You understand, Mr. Shallenberger, the object of the investigation now being made by this committee into the matter of the railway mail pay. We shall be glad to have such information as you can give us on the subject.

Mr. SHALLENBERGER. The object of the investigation, Mr. Chairman, as I understand it, is to determine whether the rate of compensation now paid under the statute to railways for the transportation of the mails is reasonable or not, and whether the Department has any suggestions to make to you as a committee along that line.

I presume also that you wish a statement as to the pay of railway post-office car service, which pay has been called in question on the floor of the House and of the Senate, and which seems not to be well understood. At the same time, and collateral to these statements, I expect to give you as fully as I can a comparison between the rates of transportation for United States mails and the current rates charged by express companies for the transportation of merchandise as well as for the transportation of money and bonds, and the comparative compensation which the railways receive from the express companies for the carrying of their matter and from the United States Government for the carriage of its mails.

In approaching this subject I would just say that I was greatly impressed when I came into the Department with the magnitude of the expenditures of the Government for this service. My experience had been rather limited, but as I had been engaged in manufacturing——

Senator ALLISON. You might state at this point, if you will, whether this class of service comes under your immediate jurisdiction.

Mr. SHALLENBERGER. That, I suppose, I should have stated at the outset. As Second Assistant Postmaster-General I have under my supervision the entire subject of mail transportation, including domestic, foreign, and star-route services.

I was about to say that when I entered the Department I was greatly impressed with the magnitude of these expenditures, and in view of the increasing deficit I resolved that I would give very careful investigation to the subject myself, independently of any action of Congress.

I have had the chiefs of my divisions assist me in that investigation, as far as their other duties would permit, for the last six months. We have tried, for instance, to compare our service with the service in England, where, we are told, a handsome surplus is the result of the operations of the department, while in this country we have had a deficit of $11,000,000 for the last year.

It has been intimated, for that reason, that our service was not so well administered as the service in Great Britain. But in Great Britain I find that there is no longer haul on railways than 400 miles, while in this country we have a haul of 3,500 miles and over. The number of square miles to be served in Great Britain is 121,000, while in this country the number of square miles to be covered is 2,900,000, exclusive of Alaska, which, if included, would largely improve the comparison in favor of the United States.

When we remember also, as I have stated, that Great Britain has no line of railways longer than 400 miles, while we have over 3,500 miles of a line, as from New York to San Francisco, I do not hesitate to say that the expenditures in behalf of our service are less in proportion than the expenditures under the postal department of Great Britain.

I also assert that if we take the same radius, 400 miles, from New York City, including the New England States and the Middle States of this country, we will find that the revenue proportionately or the surplus proportionately would be quite as heavy as it is in Great Britain, while the population per square mile is very much less. The population per square mile in England is 331, while in the United States it is about 23. The conditions of service in Great Britain differ so widely from the conditions here that, taking them into consideration, I am free to say the comparison is decidedly in favor of the United States.

The question as to what are the rates of transportation in this country is not well understood, because it has been said that the law has not been changed or modified since 1878, and that therefore the rates are the same.

Senator QUAY. I think we had better have the law put into the record, so that we can see what it is.

Senator ALLISON. Yes; that is quite desirable.

Mr. SHALLENBERGER. I have a statement of the law here and can give it.

Senator FAULKNER. You had better state what the law was in 1878 and then state what it is to-day; that will show the difference.

Mr. SHALLENBERGER. The law of March 3, 1873, is as follows:

"SEC. 3999. If the Postmaster-General is unable to contract for carrying the mail on any railway route at a compensation not exceeding the maximum rates herein provided, or for what he may deem a reasonable and fair compensation, he may separate the letter mail from the other mail and contract, either with or without advertising, for carrying such letter mail by horse express or otherwise, at the greatest speed that can reasonably be obtained, and for carrying the other mail in wagons or otherwise, at a slower rate of speed.

"SEC. 4000. Every railway company carrying the mail shall carry on any train which may run over its road, and without extra charge therefor, all mailable matter directed to be carried thereon, with the person in charge of the same.

"SEC. 4002. The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned:

"First. That the mails shall be conveyed with due frequency and speed; and that sufficient and suitable room, fixtures, and furniture, in a car or apartment properly lighted and warmed, shall be provided for route agents to accompany and distribute the mails.

"Second. That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, $50; 500 pounds, $75; 1,000 pounds, $100; 1,500 pounds, $125; 2,000 pounds, $150; 3,500 pounds, $175; 5,000 pounds, $200, and $25 additional for every additional 2,000 pounds; the average weight to be ascertained, in every case, by the actual weighing of the mails for such a number

of successive working days, not less than thirty, at such times after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct."

Mr. SHALLENBERGER. A reduction of 10 per cent was made by the act of July 12, 1876, as will be seen by the following section:

"REDUCTION OF 10 PER CENT.

* * * "*Provided*, That the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1876, for transportation of mails on railroad routes by reducing the compensation of all railroad companies for the transportation of mails 10 per cent per annum from the rates fixed and allowed by the first section of an act entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1874, and for other purposes,' approved March 3, 1873, for the transportation of mails on the basis of the average weight." * * *

A still further reduction of 5 per cent was made by the act approved June 17, 1878, as follows:

"ADDITIONAL REDUCTION OF 5 PER CENT.

"*And provided further*, That the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1878, for transportation of mails on railroad routes by reducing the compensation to all railroad companies for the transportation of mails 5 per cent per annum from the rates for the transportation of mails on the basis of the average weight fixed and allowed by the first section of an act entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes,' approved July 12, 1876."

These are the acts relating to the subject, with the exception of the act relating to the land-grant railroads.

Senator FAULKNER. Those you have read show a reduction of 15 per cent from the act of 1873?

Mr. SHALLENBERGER. Yes; strictly speaking, 14¼ per cent. The section relating to land-grant railroads is as follows:

"ALLOWANCE ON LAND-GRANT ROADS.

"SEC. 4001. All railway companies to which the United States have furnished aid, by grant of lands, right of way, or otherwise, shall carry the mail at such prices as Congress may by law provide; and until such price is fixed by law, the Postmaster-General may fix the rate of compensation. (Act of March 3, 1873.)

"That railroad companies whose railroad was constructed in whole or in part by a land grant made by Congress, on the condition that the mails should be transported over their road at such price as Congress should by law direct, shall receive only 80 per cent of the compensation authorized by this act." (Act of July 12, 1876, section 13.)

A schedule of present rates for mail transportation I have given in such manner as that they may be compared more nearly with the quotations made by express companies and railroads for other traffic. Our law, if you will notice, gives an annual compensation that may be reduced to a daily compensation, but still it is not quite so well understood as if I put the figures in the way which I will put them, and which I think you will agree with me is a little plainer.

The daily average weight of mails over the whole route being 200 pounds, the pay per mile per annum for transportation under the act of 1873, as modified by the acts of July 12, 1876, and June 17, 1878, is $1.17 per ton per train mile per day, which is a rate of 5.85 cents per 100 pounds, the quotations of the railroads being usually per 100 pounds for small weights. When it comes to tons it is said to be "per ton per mile."

In the table which I submit I have reduced the figures to the ton rate and the 100-pound rate.

For 500 pounds carried daily the rate is 70 cents per ton per train mile, while the rate per 100 pounds is 3.5 cents.

For 1,000 pounds carried per day the rate is 46.8 cents per ton per train mile, or 2.34 cents per 100 pounds per train mile.

For 2,000 pounds carried per day the rate reduces very considerably, to 35 cents per ton, in round figures, per train mile per day, or 1.75 cents per 100 pounds per train mile.

Then when we come to 4,000 pounds per day the rate per ton reduces from 35 cents to 21 cents in round numbers per train mile, or 1.07 cents per 100 pounds.

When we get as high as 5,000 pounds per day the rate per ton reduces from 21 cents to 18.7 cents per ton per train mile per day, or ninety-six one-hundredths of a cent per 100 pounds per train mile per day.

When we reach 20,000 pounds per day, as many railroads do, the rate is reduced from 18.7 cents to 9 cents per ton per train mile per day—less than one-half of the rate for 5,000 pounds.

Senator ALLISON. That is less than one-half a cent per 100 pounds.

Mr. SHALLENBERGER. Yes; it is less than half a cent per 100 pounds per train mile per day.

For 50,000 pounds per day the rate reduces from 9 cents per ton per train mile to 7 cents per ton per train mile, or thirty-five one-hundredths of 1 cent per 100 pounds—which is a little more than a third of a cent per 100 pounds per mile.

When we reach 100,000 pounds as a daily average the rate reduces from 7 to 6.4 cents per ton per train mile per day—the 100-pound rate being thirty-two one-hundredths of a cent.

On reaching 200,000 pounds per day the rate again reduces from 6.4 cents to 6.1 cents per ton per day, or three-tenths of 1 cent per 100 pounds.

When we reach 300,000 pounds as a daily average—and we have one route in this country that exceeds that—the rate is 5 cents per ton per mile per day, or three-tenths of a cent per 100 pounds—a trifle less than that.

Now, the reason for this is that under the law all mail carried in excess of 5,000 pounds must be carried at the minimum rate of 5.8 cents per ton per mile. Every ton in excess of 2½ tons must be carried at that low rate.

It must be understood that those rates quoted constitute the daily compensation, whether mails are carried on one or on numerous trains during the twenty-four hours.

Senator CULLOM. The total amount on that one road——

Mr. SHALLENBERGER (interposing). For that one day—is at that rate.

Senator CULLOM. Even though there should be a dozen trains.

Mr. SHALLENBERGER. Yes; and, as a matter of fact, on the route carrying this 300,000 pounds per day there are 101 dispatches.

Mr. WHITE. Fifty each way.

Mr. SHALLENBERGER. That is the road running out of New York to Jersey City. We have fifty dispatches on that road each way per day; and on any train going out we can divide up this heavy weight and send it on any or all trains at this low rate.

This is a matter at our discretion wholly. We can send mail out of this city upon any and all trains, while express matter goes mostly at night.

The compensation paid for railway postal cars is as follows:

For cars 40 feet long, $25 each per track mile per annum. The rate per mile of length, round trip, is 0.8 cents. The rate per mile run, single trip, is 3.4 cents.

For a car 45 feet long the rate is $30 per mile per annum; the rate per mile of length, round trip, is 8 cents, or for a single trip the rate per mile run is 4 cents.

For a 50-foot car the rate is $40 per mile per annum; the rate per mile of length, round trip, is 11 cents, and for a single trip, 5.4 cents.

A 60-foot car has a rate of $50 per mile per annum, or 14 cents per mile of length, round trip, or 7 cents per mile of run, single trip.

The average paid would be 4.9 cents, or nearly 5 cents a single trip for all our railway post-office cars per mile.

We can readily carry that figure in our minds—say a fraction less than 5 cents per mile per trip.

That table will show that while there has been a notable reduction in the traffic rates of railroad freights in the last fifteen years, the reduction of rates per ton for railway-mail pay has been very considerably greater—more especially if we compare the character of service.

As far as I have been able to ascertain, the reduction has been confined chiefly to heavy freights—the lower grades of freight—for the reason that the power of locomotives has been so very considerably increased, and the capacity of freight cars, and the number of cars to a train have been so considerably increased that it is possible now to carry heavy bulk freight at very much lower rates than was possible fifteen years ago. I am informed that reduction has been chiefly effected in that class of freight.

When we come to express matter and passenger traffic, I have been unable to find much reduction on the rates, for the reason, as I think, that in proportion as the demand for faster and better service goes on in this country a train must be made up lighter, with fewer cars, than it was made up fifteen years ago. Competition is so lively and the public demand is so great that railways are constantly competing with each other to reach a terminal point quickly; hence they do their utmost to reduce the outfit to the lowest possible weight.

Our railway post-office cars must necessarily go in the passenger trains, so that we can not expect that the rate of reduction of mail pay will be as heavy as that of bulk freight. But notwithstanding that fact and the fact stated that the average passenger train now has only four and a half cars, while freight trains have been doubled and trebled in many instances, we are able, by the peculiar manner in which this law is framed, to secure from the railroad companies a large reduction in proportion as weight of mail has increased.

Senator ALLISON. It is an automatic reduction?

Mr. SHALLENBERGER. Yes; it is an automatic reduction. To show the reduction that has occurred in these late years, I have taken as examples some twenty railroads, which I will name. On the road from Concord to White River Junction——

Senator ALLISON. Is that Concord in New Hampshire?

Mr. SHALLENBERGER. Yes; it is a road of 60 miles in length. In 1881 the rate of cost per ton per mile on that road was 19 cents, omitting fractions. In 1897 the rate per ton per mile was 10 cents.

Senator CULLOM. What is that; freight?

Mr. SHALLENBERGER. No; it is mail matter. In addition to that, I will say that the average of round trips per week in 1881 was 17, while the average round trips in 1897 was 28.

Senator ALLISON. On that line?

Mr. SHALLENBERGER. Yes; on that line—the line running from Concord, N. H., to White River Junction.

Take next the road from Boston to Albany—one of the prominent roads in the country—which carries 40,000,000 pounds per annum.

In 1881 there was on that road 45 average round trips per week. In 1897 there was an average of 90. In 1881 the rate per ton per mile on that road was 8 cents. In 1897 the rate per ton per mile was 6.4 cents.

Take next the New York and Buffalo route. In 1881 we paid 6.6 cents per ton per mile. In 1897 the rate was 6 cents per ton per mile.

On that road, the New York and Buffalo, in 1881 we made 40 round trips per week.

On the same road in 1897 we made 109 round trips per week. Take now the road from Canandaigua to Tonawanda—a very small road, which is in a populous district. In 1881 the cost per ton per mile on that road was $1.18. In 1897 the cost per ton per mile on that road was 70 cents—a considerable reduction.

Senator ALLISON. That is a short road, you say?

Mr. SHALLENBERGER. It is a short road, only 86 miles long, but it is in a populous section of the country.

These figures show that in the Eastern States, where population is dense, the reduction has been going on. That is a reduction of 48 cents per ton per mile on that road.

Senator ALLISON. That is due you say, to an increase of mail to practically the same population, or perhaps not very largely increased population?

Mr. SHALLENBERGER. The population has increased very much less than in the Western States. That is why I take this road. It is to show that in even the Eastern section of the country, where but slight increase of population has taken place, a considerable reduction has taken place in the rates of mail pay.

Senator CULLOM. As Senator ALLISON says, it is a case in which the mail has increased largely, notwithstanding that the population has not increased much, if at all?

Mr. SHALLENBERGER. Yes. The increase of mail on that road has been from 71,540 pounds per annum in 1881 to 175,200 pounds per annum in 1897. Now, this applies to no other class of transportation on that road. The fact that the railroad is carrying, say, 85 tons of freight for a manufacturer, for whom it carried 35 in 1881, does not enable that manufacturer now to demand such proportionate rate of reduction.

Senator CULLOM. Are you sure that a reduction of freights has not occurred there in the same proportion that the mail reductions have occurred?

Mr. SHALLENBERGER. I feel quite confident that the reductions in first-class freight can not be compared with those of the mail transportation.

Now, take the New York and Philadelphia road, which is the largest route in the country. In 1881 we paid that road 6.4 cents per ton per mile; in 1897 we paid it 5.8 cents per ton per mile. In 1881 the average number of round trips per week on that road was 107; in 1897 the average number of trips on that road was 209.

Senator FAULKNER. It was 107 round trips per week in 1881?

Mr. SHALLENBERGER. Yes; as against 209 round trips per week in 1897.

Thus I could follow along with all these twenty roads, but it is not necessary. These results, with a number of other results, are all given in this table which I will leave with you.

Senator ALLISON. I wish you would give the names of those twenty routes.

Mr. SHALLENBERGER. I will do so. They are the route from Concord to White River Junction, from Boston to Albany, from New York to Buffalo, from Canandaigua to Tonawanda, from New York to Philadelphia, from Atlanta to West Point, from Nashville to Hickman, from Glasgow Junction to Glasgow, from Dayton to Toledo, from Columbus to Pittsburg, from Peoria to Rock Island, from Milwaukee to La Crosse, from St. Paul to Duluth, from Mankato to Wells, from Hannibal to Sedalia, from Kansas City to Denver, from Topeka to Kansas City, from the Union Pacific Transfer to Ogden, from Salt Lake City to Stockton, from San Francisco to Ogden.

Senator FAULKNER. Does that list present a fair average of the conditions of the increase of mail and the reduction in the cost of service throughout the country?

Mr. SHALLENBERGER. My belief is that it does. My request to Mr. Crew was to prepare the statement on that basis and with that intent.

Senator QUAY. You have a statement there showing the figures between Buffalo and New York?

Mr. SHALLENBERGER. Yes.

Senator ALLISON. I did not hear any name reading from Chicago to Council Bluffs, or to Omaha, or anything in that direction.

Mr. CREW. We can prepare those statements for the committee.

Senator ALLISON. Those are through routes.

Mr. SHALLENBERGER. We have some tables that show the figures between Chicago and Omaha.

Senator ALLISON. I would like a table covering the lines—say three or four of them—all centering in Chicago and Omaha.

Senator CULLOM. And also say Minneapolis.

Senator ALLISON. Yes; and two or three running from Chicago to St. Paul or Minneapolis.

Senator FAULKNER. That is a very good idea.

Senator ALLISON. Figures showing the increase of mail, the rate of pay in 1881, and the rate of pay now—to show how it works out as applied to those sections of the country.

Mr. SHALLENBERGER. Instead of taking 20 routes, we can take 20 or any other number suggested by the committee.

Now, if the committee please, when the effort is made to reduce the compensation we are confronted with the conditions of our service, which are so exacting that the reply is made to us by the railroad companies that they can not possibly consent to any reduction of rate.

In order that you may know the discretion which the Postmaster-General is exercising and which has been referred to sometimes as not warranted by law, I would like to offer here the recent instructions issued by the Second Assistant Postmaster-General in connection with order No. 50, dated December 4, 1897, relative to the transportation of mails by railroads:

"SEC. 711. *Railway company must carry mails on any train.*—Every railway company carrying the mail shall carry on any train which may run over its road, and without extra charge therefor, all mailable matter directed to be carried thereon, with the person in charge of the same. (R. S., section 4981.)

"NOTE.—The Department decides that the above section contemplates the carrying of mails on any train with or without an employee of the Post-Office Department in charge.

"SEC. 712. *To carry supplies, post-office inspectors, etc., without specific charge.*—Railroad companies are required to convey upon any train, without specific charge therefor, all mail bags, post-office blanks, stationery supplies, and all duly accredited agents of the Department and post-office inspectors upon the exhibition of their credentials. (As modified February 2, 1893.)

"SEC. 713. *When railroad companies are required to take mails from and deliver them into post-offices.*—Every railroad company is required to take the mails from and deliver them into all terminal post-offices, whatever may be the distance between the station and post-office, except in cities where other provision for such service is made by the Department."

I will say in reference to that that we find about 7,000 stations where the post-office is more than 80 rods distant, which we supply by messenger service, costing us over $1,000,000 per annum. There are about 20,000 stations that are not thus supplied by our messenger service and which the railroad companies are compelled to supply or else to see that the postmaster himself agrees to handle the mails.

Here I wish to say also that the railroad companies' employees have to make two trips for every single trip that our messenger makes.

A railway messenger must go to the post-office, take the mail to the train, and take it back; so he has to make two round trips in the performance of that service.

Senator CULLOM. You mean to say the railway agent goes after the mail to the post-office?

Mr. SHALLENBERGER. Yes; if it is within a quarter of a mile from the station. The railroad company, before the arrival of the train, must send from the station a messenger to the post-office, bring the mail and dispatch it, and must then take the incoming mail from the station to the post-office.

Senator FAULKNER. With regard to this question of the carriage of the mails by the railroad companies to and from these 20,000 post-offices, where you say they deliver and collect, have you made any estimates relative to the cost of that work to the railroads as compared with the cost to the Government for the delivery service which it performs at the other 7,000 offices?

Mr. SHALLENBERGER. No; but I know it costs us over $1,000,000 for the 7,000 post-offices. On that basis it would be $3,000,000 per year or over for the railroads. They estimate it at over $4,000,000 a year.

Senator FAULKNER. You say you expect the post-office inspectors and other agents of the Department to be transported on any train that they may choose to go upon. Under that regulation are they transported in the postal car or have they the privilege of the regular passenger cars?

Mr. SHALLENBERGER. They have the privilege of any passenger car.

Senator ALLISON. But not of the sleeping cars?

Senator FAULKNER. The railroad does not control the sleeping car.

Mr. WHITE. They only have to pay the sleeping car fare, however.

Mr. SHALLENBERGER. Here is another expense to the railroads, an expense on which we insist, though against their protests:

"At all points at which trains do not stop, where the Department deems the exchange of mails necessary, a device for the receipt and delivery of mails, satisfactory to the Department, must be erected and maintained, and pending the erection of such device the speed of trains must be slackened, so as to permit the exchange to be made with safety."

Senator ALLISON. Those are the catchers?

Mr. SHALLENBERGER. Those are the catchers. We require the roads to maintain catchers. Instances have occurred in which a full sack of mail has been torn to shreds, and even life destroyed, and heavy damages paid by railroad companies by reason of the absence of some device which would safely deliver mail. We have called the attention of the companies frequently to the additional fact that our equipment is often destroyed, and that they must, therefore, either slow their trains or provide catchers.

Senator CULLOM. How much is the cost of that?

Mr. SHALLENBERGER. For a crane and catcher, probably $15.

Mr. ALLISON. At each station?

Mr. SHALLENBERGER. Yes.

Senator FAULKNER. Do you know how many stations of that kind there are in the country?

Mr. SHALLENBERGER. I presume we have the figures for it, but I could not give them to you just now. We have a very great many. I would say in reference to that that quite recently I have been in correspondence with one of the leading lines of the country with reference to putting in catchers, and they replied to me that it would be a very serious tax on them, as the expense would be from $20,000 to $25,000 for their system.

Senator CULLOM. The expense of the catchers?

Mr. SHALLENBERGER. Yes; cranes and catchers, complete.

Senator QUAY. Suppose the train misses the catcher, as I have seen trains do in Florida sometimes; do you fine them?

Mr. SHALLENBERGER. The post office messenger is expected to take charge of it and hold it until the next train arrives.

Senator QUAY. My question was whether the companies are fined for failing to take up the "catch?"

Mr. SHALLENBERGER. We have no fines or penalties for that, because as a rule our own employees are responsible for the catch. The punishment should be visited upon them and not upon the company.

The Department designates what the device shall be, and that when installed it shall be satisfactory to the Department, and we insist upon inspecting it before we accept it.

There are several other points in these regulations which I would like to present, so that you may have them before you:

"SEC. 727. *Full railway post-office cars and pay therefor.*—No payment for railway post-office cars can be allowed unless full cars of the length authorized (inside measurement), fully equipped in accordance with the requirements of the General Superintendent of Railway Mail Service, are furnished and used exclusively for post-office purposes.

"The assignment of space in cars used partially for other than railway post-office purposes will not entitle the railroad company to railway post-office car pay."

We have, I think, about 2,700 apartments in cars. Of these there are 900 apartments that are less than 16 feet in length. We have 1,700 that are over 16 feet in length, for which we pay on account of space absolutely nothing. In those apartments we require our railway post office clerks to do the work of distribution. The weight of mail carried is very light.

No matter what the value of the train may be, or how valuable that space may be for express freight or for baggage, we demand and insist upon getting it for the purpose of distribution of the mails.

Senator ALLISON. Without postal-car pay?

Mr. SHALLENBERGER. Yes; and without any extra compensation whatever.

Senator FAULKNER. Yet it is arranged in the interior for the distribution of the mail?

Mr. SHALLENBERGER. Yes.

Senator ALLISON. And lighted?

Mr. SHALLENBERGER. Yes. This is a business that of course requires a most brilliant light.

In addition to those requirements we have latterly found that in order to keep track of our mails the railroad companies must keep a record. Our regulations therefore say:

"SEC. 728 (b). *Railroad companies to keep a record of closed mails.*—Railroad companies shall keep a record of all closed pouches handled by their employees, and any irregularity will be immediately reported to the division superintendent of Railway Mail Service. Specific instructions in regard to the character of the record to be kept, and of the report to be made, will be issued through the office of the General Superintendent of Railway Mail Service." (As modified December 4, 1897.)

Senator ALLISON. These railroad employees thus handling the mails receive no compensation from the Government?

Mr. SHALLENBERGER. None whatever.

Senator FAULKNER. Nor does the railroad for any space occupied?

Mr. SHALLENBERGER. For no space short of the 40 feet. All space under 40 feet is in what we call apartment cars, and is furnished free for distribution of mail by our clerks.

We have some causes for fines, and we impose fines. The regulations on that subject say:

"SEC. 735 (b). *Causes for which fines will be imposed.*—Fines will be imposed unless satisfactory explanation be given in due time for any of the following delinquencies on the part of the railroad company:

"First. Failing to take from or deliver at a post-office the mail, or any part of it, or to deliver the mail into a post-office immediately upon arrival, where the service devolves upon the railroad company.

"Second. Suffering the mail or any part of it to become wet, lost, injured, or destroyed, or conveying it in a place or manner that exposes it to depredation, loss, or injury.

"Third. Refusing after demand to convey mail by any train.

"Fourth. Leaving or putting aside mail or any part of it for the accommodation of passengers, baggage, express, freight, or other matter.

"Fifth. Leaving mail which arrives at the station before the departure of the train for which it is intended.

"Sixth. Failing to use the first practicable means of forwarding mail which is delayed en route.

"The fine will in each case be such sum as the Postmaster-General may impose, in view of the gravity of the delinquency, and will be deducted from the compensation of the railroad company." (As modified December 4, 1897.)

Senator CULLOM. Are any of those fines subject to remittal?

Mr. SHALLENBERGER. Yes; when the railroad companies give satisfactory explanation, then the fines are remitted.

In my letter of instructions, from which I have quoted already, dated December 4, 1897, I say:

"The dispatch of mails is of such importance to the public that the Department holds that it should not be treated as of secondary importance to passenger or other traffic."

Senator ALLISON. It is stated by some of the people connected with the railroads that at junction points they are required to supply space for the deposit of the mails from incoming and for outgoing trains. Is there anything about that in your regulations?

Mr. SHALLENBERGER. Yes. The regulations say:

"At connecting points where the railroad stations are not over 80 rods apart, the company having mails on its train to be forwarded by the connecting train will be required to transfer such mails and deliver them into the connecting train, or, if the connection is not immediate, deliver them to the agent of the company, to be properly dispatched by the trains of said company."

Senator ALLISON. That is to say, if in a particular town one railroad station is within 80 rods of another, you require the same transfer that you do to a post-office or from a post-office?

Mr. SHALLENBERGER. Yes; and the mails are to remain in the custody of one road until it transfers them to the custody of another.

Senator ALLISON. And that means that they must have space at the stations. Do you regard those regulations as within the province of the Post-Office Department under the law? You require the companies to do whatever you think they ought to do—you having that power under the law.

Mr. SHALLENBERGER. We have that power under the law. (See Rev. Stats., sec. 161.) We have interpreted the law very stringently, and the railroad companies have not protested to the extent of refusing to perform the service. On the contrary, they have promptly complied with all requirements of the Department, with few exceptions. The courts have said that a regulation of the Department accepted by the railroads has all the force and effect of law.

The regulations further provide—

"SEC. 1024. *Departure of mails at a late hour of night.*—When a train departs from a railroad station in the nighttime later than 9 o'clock, and it is

deemed necessary to have the mail dispatched by such train, the division superintendent may authorize the mail messenger or carrier to take the mail to the railroad station at such time as will best serve the interests of the mail service, and deliver it to the agent or other representative of the railroad company, who will be required to keep it in some secure place until the train arrives, and then see that it is properly dispatched."

In the same way mail arriving at a railway station after the post-office is closed at night is required to be kept by the railroad employees until the next morning.

Senator ALLISON. Kept at the station?

Mr. SHALLENBERGER. Yes; and in safe custody.

Senator FAULKNER. Mr. Knott, of the Louisville and Nashville road, spoke of a number of places at which the railroad gave room at their stations for transfers.

Mr. SHALLENBERGER. Yes; I will read the section of the regulations relating to that:

"The railroad company, at stations where transfer clerks are employed, will provide suitable and sufficient rooms for handling and storing the mails, and without specific charge therefor. These rooms will be lighted, heated, furnished, supplied with ice water, and kept in order by the railroad company."

That is the requirement with reference to the transfer clerks' rooms.

Senator ALLISON. Are there many places where these transfer clerks are kept?

Mr. WHITE. A great many in the larger places.

Mr. SHALLENBERGER (to Mr. White). Run over a few of the names of the cities.

Mr. WHITE. New York City, Boston, New Haven, Hartford, Springfield, Rochester, Albany, Syracuse, Buffalo, Erie, Cleveland, Toledo, Chicago, and so on.

Mr. SHALLENBERGER. Cities of that size?

Mr. WHITE. All those junction points.

Mr. SHALLENBERGER. I have read those sections of the regulations in order to show that whatever is done in the matter of regulation of pay, the Government should keep before it all the while the importance of the service, the value of expedition, the proper dispatch of the mails, the extra expense attending the handling of our mails as compared with the expense of handling express or any other matter; and I think that these requirements, instead of relaxing in any sense, we are compelled every year more and more to insist upon and steadily increase, for the reason that the public are continually asking us for better mail service. Almost every day we get requests similar to this: "We are now only getting one mail in the early morning and one in the afternoon. Our business is increasing. The noon mail does not stop here. We wish you would stop the noon mail for us."

We immediately order the railroad company to stop the noon mail for the purpose of accommodating those people.

However much the business increases, we require the companies to take care of the service, and we must have discretion under the law, because it would be impossible for us to wait until the next contract period for improved mail facilities. We must have some general discretion.

Senator FAULKNER. Then, although you enter into a contract for four years now, the service may be immensely increased and the burden imposed on the road increased under that same contract?

Mr. SHALLENBERGER. Written contracts are not made with railroad companies. We simply state service upon a road. If it be a new road and we desire it to serve the terminal and intermediate offices, we state the service.

Senator ALLISON. The law and the regulations fix the method of operation?

Mr. SHALLENBERGER. Yes.

Now, with regard to weighing, weighing occurs in the four sections of the country successively—one weighing each year—and that weighing fixes the compensation of the road for four years, regardless of the increase and regardless of the diversion of mail that we find it necessary to make to that road from any other road.

Senator FAULKNER. And regardless of the increase of service you may require during the four years?

Mr. SHALLENBERGER. Yes; or of the increased expedition of trains, or for any other reason. All must be performed at the compensation fixed at the beginning of the four-year period.

Senator FAULKNER. Do you know of any route on which you decreased the service or cost of service during the four years?

Mr. SHALLENBERGER. I am not prepared now to state the routes, but I think that there occurred a few exceptions in the last four-year period, by reason of the depressed condition of the country. It is, however, of such rare occurrence that we would have to search carefully to find them. The ordinary increase of the postal service has been probably 10 per cent each four years. [To Mr. White:] Shall I say 12 per cent each four year?

Mr. WHITE. Yes.

Mr. CREW. It will average over that. Some sections show over 20 per cent.

Mr. SHALLENBERGER. That would be, say, 12 or more per cent in the four years. There are some roads which perform less than one round trip per day, that being at the maximum rate, of course. If there is a reduction we proportionately reduce their pay.

Senator FAULKNER. How often has that occurred within the last four years, for example?

Mr. SHALLENBERGER. That occurs occasionally in sparsely settled regions and in regions where they have snow blockades, or on small railroads where the service is reduced.

Senator PETTIGREW. Then the amount of mail doubles every eight years. Is that what you mean to say?

Mr. SHALLENBERGER. I think we can safely state that as the result in many cases.

Mr. CREW. I would rather put it the other way, giving the figures of compensation of the four-year period for each section; that is to say, the four-years increase of pay in each case.

Mr. SHALLENBERGER. I have those figures here.

According to this statement the increase of pay in the States included in what we call the first section, from the preceding term to the term ending in 1899, was 24 per cent in round figures.

The percentage of increase in that same section from 1889 to 1893 was 21 per cent; that is to say, the weighing in 1899 in the first section showed an increase of 24 per cent in compensation in round figures over the compensation of the preceding period of four years.

Senator FAULKNER. That is the New England States and down to West Virginia?

Mr. SHALLENBERGER. Yes.

In the States of the second section from 1888 to 1892 the compensation increased from 18 per cent to 20 per cent; that is to say, the increase from 1884 to 1888 had been 18 per cent, while from 1888 to 1892 it was 20 per cent. Then from 1892 to 1896 the increased compensation was 16 per cent, so that in these three periods we have an increase of 53 per cent altogether.

Senator CULLOM. Then it does not double every eight years?

Mr. SHALLENBERGER. No; not in all cases.

The increase of compensation for the third section from 1883 to 1887 was 10 per cent, from 1887 to 1891 the increase was 19 per cent, and from 1891 to 1895 the increase was 16 per cent.

In the fourth section the increase of pay from 1882 to 1886 was 11 per cent, from 1886 to 1890 the increase was 24 per cent, and from 1890 to 1894 the increase was 12 per cent.

Senator ALLISON. That is the compensation, not the weight?

Mr. SHALLENBERGER. That is the compensation.

Senator PETTIGREW. Will you furnish tables showing the increase of weights in those same sections?

Mr. SHALLENBERGER. I presented before you came in, Senator, a table showing the number of pounds carried per annum on a list of 20 different routes throughout the country, which list we propose to increase to 30 routes, covering practically the entire country, showing the reduction of cost per ton per mile from 1881 to the present time, and showing the reduction of cost per ton per mile for the several routes, between the years given in the table.

Senator PETTIGREW. On account of the increase of what?

Mr. SHALLENBERGER. Of weight tonnage. We give in one column the pounds per annum carried on these various routes and at the different periods, so that you can estimate the increase that has gone on in these periods.

Senator PETTIGREW. What are those, the large roads?

Mr. SHALLENBERGER. Some large and some small.

Senator FAULKNER. And he will add some other roads, I understand.

Mr. SHALLENBERGER. We will add at least ten more roads. The scope of the information contained in the table may be gathered from some of the headings which I will read. The number of miles of transportation, the number of pounds per annum, the cost per ton per mile, the average number of round trips per week and per day, and the number of post-offices on the route supplied by mail-messenger service, being over 80 rods from the station, as well as the number of post-offices on the same route not supplied by mail-messenger service, being less than 80 rods distant, etc.

Senator PETTIGREW. There are some points on which I would like some information. Let me illustrate: A car starts from New York to San Francisco, loaded with mail. That car passes over several roads and of course is credited to each road over which it passes—that is to say, its weight—is it not?

Mr. WHITE. Yes.

Senator PETTIGREW. How do you get at the through transportation and distribute it? Is each one credited with the weight, and does it get pay for it?

Mr. SHALLENBERGER. Each road gets a certain rate per mile per annum of its mileage. Perhaps I had better read a paragraph from the very carefully prepared statistics of Captain White, the General Superintendent of the Railway Mail Service. He says:

"By taking into consideration all the routes above mentioned, and making them overland routes between New York, N. Y., and San Francisco, Cal., we get these figures: The Government pays for the transportation of the mail $4,265,267.23; for the use of cars, $833,812.30; making a total cost per annum for transportation and cars $5,099,079.53. The average weight carried daily the whole distance is 100,295 pounds. The distance as figured from New York to San Francisco is 3,554.84 miles.

"By dividing the total cost for transportation and cars by 365 we get $13,970 as the daily cost, whole weight, whole distance. This divided by the distance (3,554.84 miles) gives $3.92 as the daily cost per mile whole weight. This divided by the weight carried (100,295 pounds) gives $\frac{1}{26}$ of a cent, being the daily cost per pound per mile. This multiplied by the distance (3,554.84 miles) gives $0.1392, being the daily cost per pound for the whole distance; that is, between New York and San Francisco. The figures for transportation alone would be for the daily cost, whole weight, whole distance, $11,685.66; for the daily cost per mile, whole weight, $3.28; for the daily cost per pound per mile about $\frac{1}{31}$ of a cent, and the daily cost per pound for the whole distance would be $0.1165."

In other words, if we include in that computation the post-office cars, the daily cost per pound is nearly 14 cents for the whole distance. Exclusive of the post-office cars it is nearly 12 cents a pound.

I have here the latest tariff rate of the Adams Express Company from Washington, D. C. I open it at Alabama. I find the rates from Washington to Abbeville $3.25 per 100 pounds, and to Abbeville Junction, $3.75; to Arlington, $4; to Bear Creek, $4.50; to Deer Park, $4; to Delmar, $4.50; to Guntersville, $4—all per 100 pounds.

Turning to Arizona, I find the rate to Alhambra from Washington, D. C., to be $15.75 per 100 pounds for merchandise by express. Here is another point—Canyon Diablo, $12.50 per 100 pounds; Yuma, $14.25 per 100 pounds, and so on.

Turning to Arkansas, I find various rates to various points—$4.75 per 100 pounds to one point, $5.50 per 100 pounds to another point, $3 per 100 pounds to another point, making, say, about an average of $4 per 100 pounds for Arkansas.

But taking up some of the points reached by the mail service, which I have just quoted, and comparing the rates, I find that from Washington, D. C., to San Francisco they would charge $14.25 for ordinary merchandise, and the rate to Valencia street station in San Francisco is quoted at $14.75 for merchandise.

Senator FAULKNER. Per 100?

Mr. SHALLENBERGER. Yes; per 100. Then from Washington, D. C., to Sierra the rate is $22.50, and to Santa Rosa $15, and to Stewarts Point, Cal., $18.25.

The rate from Washington to Ogden, Utah, which is on the line I quoted from a while ago, is $10.25.

I think I shall just quote as I go along our own mail rates in comparison.

Our rate from New York to San Francisco—and I think it is about the same from Washington to San Francisco—is $11.65 per 100 pounds.

Senator ALLISON. As against their $14 or $15?

Mr. SHALLENBERGER. As against their $15; or, to other points on that coast, still higher sums.

Now, take the route from New York to Ogden. The express quotations to Ogden are $10.25 per 100 pounds; to Frisco, Utah, they would be $12.75.

The mail compensation from New York to Ogden is $8.61 per 100 pounds, the distance being 2,196 miles.

I merely select that one point in Utah to show that the rates vary according to distance. We have a uniform rate for all distances.

Take up the next point and stop at Omaha, Nebr. We find that the mail compensation is $4.37 per 100 pounds.

Senator FAULKNER. From what point?

Mr. SHALLENBERGER. From New York to Omaha, Nebr., the mail compensation is $4.37 per 100 pounds. The express charge is $4.25 per 100 pounds, and to Omaha Heights it is $4.75 per 100 pounds, against the mail compensation of $4.37.

From New York to Chicago I find the mail compensation rate $3.51 per 100 pounds. The actual compensation paid, as shown in the table that I have previously presented, is $3.51 per 100 pounds for 905 miles.

Senator CULLOM. Is that mail matter or express matter?

Mr. SHALLENBERGER. Mail matter. Taking the Adams Express Company rates to Chicago, I find them to be $2.25 to Chicago proper; to Ashland avenue and the Heights, $2.65 per 100 pounds ordinary merchandise.

Senator PETTIGREW. How did you arrive at this compensation per 100 pounds for carrying the mails?

Mr. SHALLENBERGER. I have previously read from the table the actual

amount paid during the last fiscal year as ascertained and given in the table which I have previously presented. I have taken actual periods and actual distances.

Senator PETTIGREW. In answer to a resolution on the part of the Senate, the Post-Office Department stated that it costs 8½ cents a pound to carry the mail. Now, I can not understand how, if that is true, your figures as now given can be correct.

Senator FAULKNER. If there is any explanation of that, I wish you would put it in right here fully, because I have heard a number of Senators speak of that report, and I want to understand on what it is based.

Mr. SHALLENBERGER. It is based on all classes of service. Here is a letter which was dictated by Mr. Madison Davis, the chief clerk of the Third Assistant Postmaster-General, who had charge of those statistics, and sent to the General Superintendent of the Railway Mail Service:

"[Unofficial.]

"POST-OFFICE DEPARTMENT,
"OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL,
"*Washington, D. C., December 6, 1897.*

"Col. JAMES E. WHITE,
"*General Superintendent Railway Mail Service.*

"DEAR SIR: In compliance with your recent oral request, I send you the following estimate of the average cost per pound of transporting matter in the mails for the last fiscal year.

"The total weight of mail matter of all kinds passing through the mails during the year is estimated, upon the basis of an accurate calculation made in 1890, to have been about 527,516,000 pounds."

Mr. SHALLENBERGER. That calculation, to which Mr. Davis refers, was made under the direction of Hon. John Wanamaker, when he was Postmaster-General, showing the mail matter passing through the country in one week—an actual weighing of all mails that left the various post-offices.

Senator CULLOM. Mr. Wanamaker was not Postmaster-General in 1897.

Mr. SHALLENBERGER. No; this account was taken in 1890. Of course such a weighing would have to be done by special order. The account was taken in 1890 by Mr. Wanamaker. From that account, as a basis, these figures are made up.

Mr. Davis continues:

"The items of postal expenditure which enter into the cost of mail transportation are these:

Railroad transportation	$28,965,763.52
Special facilities on railroads	162,978.33
Star transportation	5,322,484.86
Steamboat transportation	401,262.95
Electric and cable car transportation	199,734.81
Mail-messenger service	951,624.29
Wagon service	705,260.25
Mail bags and catchers	343,324.59
Mail locks and keys	41,964.13
Repair shop for mail bags	7,749.24
Railway postal car service	3,361,313.76
Transportation of foreign mails	1,703,515.05
Additional compensation to Oceanic Steamship Company	80,000.00
Total	42,186,975.78

"Dividing this total expenditure by the number of pounds of matter, we see that the average cost per pound is about 8 cents.

"The cost of collecting and delivering letters through the free-delivery system might not improperly be charged to transportation also; certainly that portion of the system which comprehends the collection of matter for local delivery might with propriety be included in transportation, and if this were done, the average cost would of course be more than 8 cents a pound. But as this has not been done in previous estimates regarding this matter, I have not done so now.

"Respectfully, yours, MADISON DAVIS."

That is the basis of the estimated cost, 8 cents per pound.

Senator ALLISON. That rate was not for railway mail service alone, then?

Mr. SHALLENBERGER. Not for railway mail service alone.

It has been said that Adams Express Company pays to the railroads for transportation 40 per cent of the gross earnings, and as they are willing to carry package merchandise at as low rates occasionally as the Post-Office Department, that therefore the Government is paying too much for the railway mail service.

That is an entirely incorrect view, and an incorrect basis from which to calculate. Adams Express Company, as I will show you, has very much higher rates prevailing for the Pacific Coast than the mail service has, notwithstanding the fact that our service is altogether better. But in addition to this, the Adams Company carries very valuable packages, for which it charges a very high rate of transportation.

Turning to the back of this book of Adams Express Company, from which I have already quoted some rates, I find in the tables a heading showing "a general scale of rates on currency and gold coin" to "railroad points within the United States and Canada." And running the eye along this list I see that "when the regular merchandise rate per hundred pounds is $15 and not over $15.50, the rate of pay per thousand dollars on currency and coin is $7.75 per $1,000."

Inasmuch as the express companies carry a safe in almost every express car, occupying little space, in which are many of these valuable packages, on which they charge high rates, and inasmuch as their compensation to the railroads is from 40 to 60 per cent of the gross earnings, it will be seen that the compensation they pay to the railroad companies can not be calculated upon the basis of a fixed rate, as we do in mail transportation, but on average rate for all classes and all distances.

The illustration given during the session of the medical convention at Louisville was faulty in that respect. As we have seen, whenever competition is extremely lively and whenever they find it convenient to carry a given bulk and weight, thus making use of the space that they have in the express cars, they will compete with the United States Post-Office Department and underbid us for short distances on very low class of freights.

In the case of the Pennsylvania Railroad Company the railroad gets 47 per cent of the gross receipts of the express company, and other railroads, I understand, get 40 per cent, so that they get a much higher compensation, I imagine, than they get from the Post-Office Department.

Senator CULLOM. Then the express service does compete with the mail service?

Mr. SHALLENBERGER. Yes; from the fact that the Government does not make the carriage of second-class matter a monopoly, as it does in the case of the first-class matter. They can not compete in first-class matter because that is a monopoly, but for short hauls they can compete in second-class matter.

We carry second-class matter at 1 cent a pound at a great loss beyond the distance of, say, 323 miles, which our tables show to be the average distance of the carriage of mails in the United States. The railroad companies figure it at 448 miles. Mr. White's tables, which I accept, make the average distance 323 miles.

If we should take some leading roads of this country and attempt to estimate the compensation paid them for the railway mail service as the express companies do, it would lead to the following results:

An estimate of the compensation that would be paid to railroads on the basis of 47 per cent gross revenue—the Pennsylvania road basis.

Take route No. 109004, New York to Philadelphia, 93.65 miles. The annual transportation pay is $310,255.97; the average weight carried daily, 309,294 pounds; the daily average revenue on all classes would be $43,919.75; so that if we pay the railroad companies as the express companies do and return to them 47 per cent of our gross revenue on all the mail that is carried between New York and Philadelphia, we would have to pay them annually $2,062,305.90, whereas actually, as I have said, we pay them $310,255.97.

Senator ALLISON. For the whole?

Mr. SHALLENBERGER. Yes; for the year about one-seventh.

Again, take route 110001, Philadelphia to Pittsburg, Pa. The annual rate of transportation is $736,586.83; average weight, 136,876 pounds. On the basis of 47 per cent of gross revenue we would have to pay them $4,831,568.06.

Senator PETTIGREW. On those routes you give the different classes, so that the figures can be easily discerned?

Mr. SHALLENBERGER. Yes.

Senator PETTIGREW. But in comparing with express rates you must compare the revenue from that class of matter with which the express company competes. Of course we have a monopoly of the carrying of letters, and, like all monopolies, we receive a monopoly compensation.

Mr. SHALLENBERGER. I have taken the first, second, third, and fourth classes, and I have taken 47 per cent of the annual average of the express companies' business.

Senator PETTIGREW. But your comparison is no comparison, because it does not apply to that matter alone for the transportation of which the express companies compete.

Senator FAULKNER. But is not that against the Government, when they put in what we are charging the higher rate for and for which the railroad demands the highest class of compensation because of the character of the service required of them—is not that a comparison against the Government?

Senator PETTIGREW. I say it is no comparison at all, because the comparison includes first-class matter, for which we receive a very heavy amount, having a monopoly of it.

Mr. SHALLENBERGER. But the 47 per cent includes a high tariff on money (paper and coin) and valuables of all kinds, which the express company carries at very high rates of compensation.

Senator PETTIGREW. Then the proportion of these different classes would come in.

Mr. WHITE. Twelve per cent of that is first-class matter, 69 per cent is second-class matter, 14 per cent is third-class matter, and 4 per cent is fourth-class matter.

Mr. SHALLENBERGER. That is all carefully and in great detail worked out in the accompanying paper which General Superintendent White has prepared leading up to this table. I only read some items from the table.

Senator PETTIGREW. But you put it all in?

Mr. SHALLENBERGER. I put it all in.

We have not been able to secure anything for comparison except what I have given here this morning, because express companies do not divulge their business.

We have consulted Interstate Commerce Commission reports, which are at our service, for the year 1896.

We have compared the passenger traffic as nearly as we could—the percentage of revenue with revenue derived from other classes of service. The Interstate Commerce Commission finds that of the revenues of railroad companies the average receipts from mail pay are 2.82 per cent and from express 2.16 per cent; from passenger traffic, 23.18 per cent.

Estimating the weight of a passenger at 150 pounds, as we do, the revenue railroads receive from the passenger traffic averages eight-tenths of a cent per 100 pounds per mile on the leading lines of the country, as compared with a little less than one-third of a cent per 100 pounds that they receive from the mail pay

Senator ALLISON. One-third against eight-tenths?

Mr. SHALLENBERGER. Yes.

Senator FAULKNER. I understand that it has been stated by gentlemen on the floor of the Senate—in fact, a gentleman told me that if he bought a book from a publishing house he could send that book by express much cheaper than he could send it through the mails. But I am informed, whether that is true or not, and I so stated in reply, that as I understand that statement in reference to publishers the express people make a special rate and special arrangements with publishers much below the ordinary cost of transportation of the same weight.

Mr. SHALLENBERGER. You are correct about that, Senator. The rates made to publishers and to news agents are much less than to others. So that if you buy a book of a news agent and let him send it by express it costs you less than if you send it by express yourself.

At 12 noon the committee took a recess until 1.30 p. m.

AFTER RECESS.

Mr. SHALLENBERGER. I should like to continue the testimony I was giving when we took the recess, and possibly review just a few lines of it in regard to the comparative earnings of a passenger coach and a mail coach, inasmuch as we classify our railway post-office cars with passenger cars.

Senator CULLOM. Why do you do that?

Mr. SHALLENBERGER. Simply because we require them to be carried as a part of every passenger train, no matter how it is classed. If a railroad company should say to us that they have put on a fast train, consisting of so many cars, and that they could not take any more cars, we can say to them that they should leave off one of their own cars in order to carry a railway post-office car.

Senator ALLISON. Where railroad trunk lines have very fast trains, and it is inconvenient for them to run your cars on their fast passenger trains, do you then require them to run a special mail train which shall be of equal fastness, or that shall be as fast as the fastest passenger train? To illustrate what I mean: Suppose the Pennsylvania Railroad and the New York Central Railroad have a fast passenger train running to Chicago. Now, they must either put your cars upon that train or upon an equivalent train that runs by itself. Is that the way you do it?

Mr. SHALLENBERGER. We have no right under the law to require them to schedule a new train exclusively "mail" without additional compensation, but we have a right to require that they shall not expedite passenger travel ahead of mail; and if they schedule a train for passenger traffic they must

include in that train provision for mail, whether a car or a part of a car, as our need may be.

Senator ALLISON. What is the extent, if any, of the increase of pay because of a fast train?

Mr. SHALLENBERGER. There is no increase whatever. It is only done now on the leading trunk lines when they find it to their interest to relieve the limited express trains by consolidating railway post-office cars into a separate train, and making the same schedule speed. That is correct, Mr. White, is it not?

Mr. WHITE. Yes; that is correct.

Senator ALLISON. That is to say, you would require them to carry this mail on their fastest train if they did not carry it on a train of exclusively mail or express cars?

Mr. SHALLENBERGER. Yes; we find them, for instance, occasionally, at the request of newspaper men, taking out a train at an early hour in the morning, when it will not command passenger traffic. We forbid mail carrying on those trains, as it is a matter of special contract between the newspapers and the companies; but if we discover that there is a sufficient amount of mail to be expedited by that train and the company is willing to schedule it as a regular train, then we open it up for the reception of mail matter that may have accumulated from the preceding dispatch hour, whatever that may be, and we take charge of it as a mail train without additional compensation, although it may have been put on in the first instance to meet a commercial need.

The railroad companies never schedule a new train for express matter, but, on the contrary, they will carry as far as possible express matter on their night trains and carry it in bulk. They will not distribute express matter over ten trains a day or fifty trains a day. While they will not put on a train for express matter, they will do that for the Post-Office Department when the amount of mail to be carried will at all justify it.

In comparing the higher revenue of a passenger coach with the revenue derived from one of our very best railway post-office cars we think the comparison fair. As I have said, we discovered, on making inquiry through the Interstate Commerce Commission, that the average revenue from passenger fares in the United States is a little over 2 cents—$2\frac{1}{10}$ cents—per passenger.

Senator ALLISON. Per mile?

Mr. SHALLENBERGER. Per mile.

But not content with that, because that covers all the railways of the country, far West and South, and it would not always be a fair comparison, because it comes into comparison with the railways that are in the thickly populated districts, we have figures from the Pennsylvania and the New York Central and such systems.

The Pennsylvania Railroad Company say that they estimate thirty passengers per car, and the average earnings from each passenger 1.84 cents.

Senator ALLISON. Per mile?

Mr. SHALLENBERGER. Yes; per mile.

On that basis the revenue from these thirty passengers—one carload—would be 55¼ cents per mile. Now, compare that with the revenue from one of our railway post-office cars. As we have shown in the tables which have been submitted, the pay for railway postal cars per mile is 13.6 cents.

They will carry on the average 2 tons of mail matter—some 2 tons and some 6 tons. Two tons or 4,000 pounds is a large estimate, and is a little against the Government rather than in favor of the Government. Two-thirds of the space is fitted up with racks, cases, tables, and distributing accommodation, so that 4,000 pounds of mail will be a large average. They receive 6 cents per mile on 1 ton; on 2 tons, 12 cents per mile for the mail matter of that car; and 13.6 cents for the car itself per track mile, which is 25.6 cents per mile for the entire revenue derived from that car, which travels in conjunction with another car yielding them a revenue of 58¼ cents per mile.

Senator ALLISON. In other words, your statement from that data is that it is 25 cents for a car per mile as a railway postal car is loaded; that that car earns only half what a passenger car earns?

Mr. SHALLENBERGER. Less than half. According to their statements, which we get from high officials, their earnings are 58¼ cents per mile for a passenger coach, on the average.

Now, take the New York Central system as a basis. They do not estimate their passenger coaches to carry 30 passengers. They say 20 will be an average for all the cars they run over the New York Central system. We will, therefore, estimate it on that basis.

The revenue at the same rate we have given for the Pennsylvania road would be 38.8 cents per mile as against the 25.6 cents which we have shown they receive from the mail, so that, taking the lowest estimate that the New York Central has made, it is 50 per cent higher than the compensation they are receiving from the Government for a railway postal car on the same train, whereas the Pennsylvania revenue would be two and a quarter times as much.

The statement is, however, made to us that they would run a passenger coach if they could be guaranteed 18 full fares. Now, holding them to that, we find that the revenue of that passenger car would be 36.36 cents.

Senator ALLISON. For the passenger car?

Mr. SHALLENBERGER. Yes; as against the 25.6 cents I have stated.

Senator ALLISON. Do you consider—I think you have already stated that you do consider—that method the best method of comparison as to cost and revenue. Why do you do that? Why is it that you compare this with a passenger car rather than with a freight car or an express car?

Mr. SHALLENBERGER. For the reason, as I have stated in the early part of my testimony, that the Government, as a matter of fact, does require the very highest grade of service, and we do not wish to waive one iota of that. In fact it would not be submitted to by Congress.

Senator CULLOM. The people would not submit to it; they would not want a low grade of service?

Mr. SHALLENBERGER. No, they would not. We must have an unquestioned right to carry mail and run cars on the fastest and best trains.

While an express company may have a car that can be used for any other purpose when not used by the express company, we require the railroad companies to provide for us the best car possible, suited to no other purpose, costing some $6,000.

In all respects the expense of the railway mail postal service is as high as it is on the average passenger train. Therefore we do not see why the Government should not pay a fairly proportionate share of the expense of the maintenance and operation of the railway.

It was intimated they would take less; possibly they could not help it, as in the case of the land-grant roads, which take 20 per cent less. In all the States west of the Missouri and Mississippi rivers the railways, instead of having a surplus for distribution, have, in the last year reported, shown a deficit. They are running their systems at a positive loss. Passenger, freight, and postal revenues do not seem to cover operating expenses.

It is not to be expected that if we entered into the open market and contracted for the service we could get it for less than we are paying.

Senator CULLOM. From your study of this question since you came into office, and from your study of the charges on express lines, and of the cost of transportation of passengers, and of mails, on fast trains, state to the committee whether or not your conclusion is that the companies are not receiving for the transportation of the mails greater compensation than they ought to receive. Is that your conclusion?

Mr. SHALLENBERGER. That, in the presence of this committee, would be my conclusion, very clearly stated. I have not so stated it to any one of the companies; but, in the presence of this committee, I can state emphatically that I have been surprised to find that the rates allowed under the operation of the present law were less proportionately, in my judgment, considering cost of service, than the rates of compensation allowed them by express companies or passenger traffic, and in some instances by high-class freight. I affirm that we are getting mail carried in some instances lower than the high-class freight on the same line.

Senator QUAY. What would be the effect of an arbitrary cut in those rates?

Mr. SHALLENBERGER. I think we should have so much difficulty in securing the proper expedition of mail and the proper handling of it that the public service would be very seriously embarrassed. I apprehend that for a time, at least, the great railways would submit to it in the hope that an appeal to Congress would in the near future remedy the difficulty, but the small roads which could not suffer a loss would, I am sure, be seriously embarrassed, and the mail service seriously impaired thereby.

Senator CULLOM. The postal service would be impaired, you say?

Mr. SHALLENBERGER. The exclusive mail trains would certainly be withdrawn.

Senator ALLISON. You would have to rely on slower trains?

Mr. SHALLENBERGER. Yes.

Senator CULLOM. What do you mean by exclusive mail trains?

Mr. SHALLENBERGER. Those carrying nothing but mails.

Mr. WHITE. We have exclusive mail trains on a number of roads.

Senator ALLISON. Do they not carry express matter?

Mr. WHITE. The Northwestern does. But they put that on without any negotiation with the Government, and then offered it to us.

Mr. SHALLENBERGER. The regulations are that a railroad company shall not be excluded from carrying express matter, provided they do not overload the train.

Senator CULLOM. Do you think that there is any necessity for these exclusive mail trains over the roads between New York and Chicago, for instance?

Mr. SHALLENBERGER. Well, I would say no, because we do not require them. We have no means of paying for them.

Senator CULLOM. Then how do you get them?

Mr. SHALLENBERGER. For the reason that the roads have such an immense volume of high-class passenger traffic that they sometimes find it convenient to separate mail from passengers and say to us: "If you will allow us to take mail off one train or two trains, we will consolidate on an exclusive mail train."

Senator CULLOM. Then they do not cost you anything?

Mr. SHALLENBERGER. Nothing beyond the regular pay for carrying the mails.

Senator CULLOM. Have you ever undertaken to get the railroads to carry the mails at reduced rates?

Mr. SHALLENBERGER. Yes; we have done so; and we are doing that right along. When a new road is completed or an old one extended, and an application comes to us to start railway mail service upon it, we make an investigation, and if we find that the amount of mail carried is very small, with a few offices on the line that are very unimportant and that would scarcely justify us in paying a maximum rate, we say to such roads that we can not afford to pay it, and that if they will permit us to start service and wait until the next period of weighing, we will take action.

Or we sometimes offer them one-half or one-third or one-fourth of the lawful compensation until the next general period of weighing, when we could afford to start, under the law, at the regular rates. I do not know that there is anything further that I have to say. I shall be glad to answer any questions of the committee.

Senator ALLISON. Senator PETTIGREW and Senator FAULKNER may desire to ask some questions later. Let me inquire as to another point. What proportion of the mail matter transported is transported by means of postal cars?

Mr. SHALLENBERGER. That is a very difficult question to answer. I can probably meet the inquiry by stating that we have 2,587 railway routes in the United States. Of that number 2,332 of them carry less than an average of 5,000 pounds of mail daily. So that only on 255 routes out of 2,587, or less than one-tenth of the entire traversed routes, do we carry over 5,000 pounds of mail daily.

Postal cars are seldom on roads carrying less than 5,000 pounds daily, but such roads, 255 in all, have two-thirds of all mail compensation. When it is said that it is not a fair comparison to compare a postal car, which will carry the entire average daily weight of mail on nine-tenths of the railway routes of this country, with passenger cars traveling over the same routes, I feel that I must take issue with the statement. It is supposed that it is not a just comparison on these few roads that carry storage cars. Those roads are few in number, and as a matter of fact do not carry a large proportion of mail in that way, because, as I have said, we make so large a number of dispatches in one day. Therefore, when I compared a full railway postal car to a passenger coach I did not consider it an unfair comparison.

Senator PETTIGREW. As to those railroad routes, I would like to know how many of them have postal cars and the amount of mail handled on those cars en route. Then from your reports we can see what the proportion is that is handled in that way. Of course, the aim of the Department is to handle the letter mail especially in the postal cars, because that is the mail in which great dispatch is required.

As far as possible, I presume, although I know nothing about it, the second-class, or bulky mail, which is the bulk of the business, is handled in another way, and is not handled over. I would like the information covering those points.

The mail on which we lose money is the second-class mail, and that, as it seems to me, is peculiarly an express business and has peculiar relations to the express business of the country—relations other than the mere matter of transportation. A comparison with that would satisfy my mind.

I presume you may get up parallels by which you would compare a high class of freight with the weight of this mail car, something like a comparison that on its face would seem fair and have a proper relation to this business; and I think it might come as near to making a good case with a comparison of high freight and a certain class of passengers; but the only comparison between a passenger car and a mail car is the cost of handling, so far as this question is concerned—handling the car when in the train. It seems to me that any other comparison is a very barren and useless comparison.

Mr. SHALLENBERGER. Of course I can take this matter up more fully at the next hearing if the Senator will indicate the questions he wishes to ask me. But I feel that the Railway Mail Service can make it quite clear to him that the service performed by one of the railway postal cars is of quite as high grade as that performed by an average passenger coach.

We require the mail to be put up in those coaches for a very large number of small offices, and it would be utterly impracticable to separate the first,

second, third, and fourth class mail. They must all go into the same pouches for the same offices.

Senator ALLISON. And they all go into the postal cars?

Mr. SHALLENBERGER. Yes; and not only so. I read in the early portion of my testimony the regulations that compel a train to deliver these pouches and sacks at stations where they make no stops, it being effected by the erection of mail catchers.

We require them, again, as I said, to receive and deliver mail by their own employees at three times as many post-offices as we receive and deliver it at by our messengers.

So that, in every sense, I regard the comparison a fair one between the passenger and the railway mail service. But while a passenger coach yields a revenue on the Pennsylvania system of 58 cents, our car only yields a revenue of 25.6 cents.

Senator ALLISON. Less than one-half?

Mr. SHALLENBERGER. Yes.

Senator PETTIGREW. It seems to me that there are so many parallels between the express business and the mail business that information from the express companies would satisfy my mind and those people who think as I do about this matter better than anything else.

Mr. SHALLENBERGER. Leading newspaper men of Philadelphia have come to me with the question, "Can't you make a less rate than 1 cent a pound for us? Seventy-five per cent of our circulation is within a radius of 75 miles. We think 1 cent a pound too high for that."

I replied: "If the Government is disposed to change its entire system of postage rates and make a zone rate, as the express companies do, then we could probably say that we will carry your matter for half a cent a pound, because we could charge 1½ and 2 cents for longer distances." In that event we could compete with the express companies. But we must make a uniform rate. The express companies give back 47 per cent of all revenue, and for that reason there is no comparison. Until the time comes when we shall be permitted to charge on bank notes and bonds as express companies are permitted to do—charging $30, perhaps, for a little package—no fair comparison can be instituted between the express business and the Railway Mail Service.

The following statements were submitted by the Second Assistant Postmaster-General:

Rates for transportation of mails.

Average daily weight of mails over whole route.	Pay per mile per annum for transportation under act of Mar. 3, 1873.	Pay per mile per annum for transportation under act of Mar. 3, 1873, as modified by act of July 12, 1876.	Pay per mile per annum for transportation under act of Mar. 3, 1873, as modified by acts of July 12, 1876, and June 17, 1878.	Rate per ton per train mile per day (365) under act of Mar. 3, 1873, as modified by acts of July 12, 1876, and June 17, 1878.	Rate per 100 pounds per train mile under act of Mar. 3, 1873, as modified by acts of July 12, 1876, and June 17, 1878.
					Cents.
200 pounds	$50.00	$45.00	$42.75	$1.17	5.85
500 pounds	75.00	67.50	64.12	.70	3.5
1,000 pounds	100.00	90.00	85.50	.468	2.34
2,000 pounds	150.00	135.00	128.25	.351	1.75
4,000 pounds	183.00	164.70	156.46	.214	1.07
5,000 pounds	200.00	180.00	171.00	.187	.93
20,000 pounds	367.00	348.30	330.88	.090	.45
50,000 pounds	762.00	685.80	651.51	.070	.35
100,000 pounds	1,387.00	1,248.30	1,185.88	.064	.32
200,000 pounds	2,637.00	2,373.30	2,254.63	.061	.308
300,000 pounds	3,875.00	3,498.30	3,323.38	.060	.009
Each 2,000 in excess of 5,000 pounds	25.00	22.50	21.37	.058	.29

It must be understood that the rates quoted constitute the daily compensation, whether mails are carried on one or on numerous trains during the twenty-four hours.

Rates allowable for full railway post-office cars.

Length of car.	Rate per mile per annum.	Rate per mile of length (round trip).	Rate per mile run (single trip).
		Cents.	*Cents.*
40 feet	$25	6.849	3.424
45 feet	30	8.219	4.109
50 feet	40	10.958	5.479
60 feet	50	13.698	6.849

Average, 4.965 cents.

Estimate of compensation that would be paid railroads on a basis of 47 per cent of gross revenue, similar to basis of express compensation.

[Route 109004—New York, N. Y., and Philadelphia, Pa., 90.65 miles. Annual rate transportation, $310,255.97. Average weight, 309,294 pounds.]

	Average revenue on 309,294 pounds.	
	Daily.	Annually.
First class	$287,643.42	$104,989,848.30
Second class	2,628.99	959,584.63
Third class	40,517.51	14,788,802.61
Fourth class	48,249.86	17,671,200.36
Average—all classes	43,919.75	16,030,708.02
$\frac{2}{3}\frac{7}{5}\frac{6}{0}$ of $16,030,708.12 is		4,430,438.08
47 per cent of $4,430,438.08 is		2,082,305.90

[Route 110003—Philadelphia and Pittsburg, Pa., 353.80 miles. Annual rate transportation, $736,586.83. Average weight, 183,876 pounds.]

	Average revenue on 183,876 pounds.	
	Daily.	Annually.
First class	$171,004.68	$62,416,708.20
Second class	1,562.95	570,475.29
Third class	24,087.76	8,792,030.94
Fourth class	28,684.66	10,469,899.44
Average—all classes	26,110.30	9,530,293.06
$\frac{2}{3}\frac{4}{5}\frac{3}{0}$ of $9,530,293.06 is		10,279,931.99
47 per cent of $10,279,931.99 is		4,831,568.03

[Route 113001—Philadelphia, Pa., and Washington, D. C., 137.53 miles. Annual rate transportation, $252,865.70. Average weight, 161,200 pounds.]

	Average revenue on 161,200 pounds.	
	Daily.	Annually.
First class	$149,916.00	$54,719,340.00
Second class	1,370.20	500,123.00
Third class	21,117.20	7,707,778.00
Fourth class	25,147.20	9,178,728.00
Average—all classes	22,890.40	8,354,996.00
$\frac{1}{2}\frac{3}{5}\frac{1}{0}\frac{3}{0}$ of $8,354,996 is		3,503,239.63
47 per cent of $3,503,239.63 is		1,646,522.61

Statement showing the average daily weight and cost per ton per mile for transportation of the mails on certain railroad mail routes in 1881 and 1897, 1880 and 1896, 1879 and 1895, 1883 and 1895.

[April 8, 1898.]

Year.	No. of route.	Termini.	Miles.	Transportation pay.	Average daily weight.	Pounds per annum.	Cost per ton per mile.	Average number of round trips. Per week.	Per day.	Number of post-offices and points of exchange.	Number of post-offices supplied by mail-messenger service, being more than 80 rods distant from station.	Number of post-offices not supplied by mail-messenger service, being less than 80 rods distant.
					Pounds.							
1881	1008	Concord-White River Junction	69.64	$11,789.35	4,889	1,784,485	$5.188	17.15	2.85	24		
1897	102008	do	69.49	18,359.25	13,738	5,014,370	.102	28.75	4.10	21	5	16
1881	3025	Boston-Albany	202.24	85,074.27	28,364	10,352,860	.08	45.11	7.51	54		
1897	104025	do	202.10	263,685.93	111,105	40,553,325	.064	90.17	15.02	57	17	40
1881	6011	New York-Buffalo	442.00	309,453.08	73,697	26,896,555	.026	46.52	7.75	117		
1897	107011	do	439.52	1,228,080.41	250,449	91,413,885	.06	109.38	18.73	133	54	79
1881	6014	Canandaigua-Tonawanda	86.00	3,676.50	196	71,540	1.18	6	1	21		
1897	107014	do	86.47	5,397.45	480	175,200	.70	11.84	1.97	22	8	14
1881	7004	New York-Philadelphia	90.00	109,962.00	103,372	37,730,780	.064	107.48	15.35	29		
1897	109004	do	90.65	310,255.97	309,294	112,892,310	.058	299.40	49.9	32	9	23
1880	15003	Atlanta-West Point	86.60	14,883.07	5,137	1,875,005	.183	14	2	13		
1896	121003	do	86.29	35,255.97	27,975	10,210,875	.081	21	3	20	4	16
1880	19007	Nashville-Hickman	170.56	14,582.88	999	364,635	.467	14	2	35		
1896	127007	do	168.62	27,680.65	4,568	1,667,320	.196	18.85	3.14	36	5	31
1880	20013	Glasgow Junction-Glasgow	10.83	518.54	279	101,835	.939	7	1	3		
1896	129011	do	10.97	769.10	655	239,075	.585	13	2.01	3	0	3
1880	21023	Dayton-Toledo	142.95	18,700.71	2,233	815,045	.320	20.04	3.34	29		
1896	131023	do	143.00	42,915.73	17,125	6,250,625	.095	30.89	4.41	28	5	23
1880	21032	Columbus-Pittsburg	193.86	113,871.42	43,983	16,054,325	.073	21.49	3.07	62		
1896	131032	do	190.77	236,597.10	105,007	38,327,555	.064	49.17	7.03	67	15	52
1879	23040	Peoria-Rock Island	91.68	6,114.13	571	208,415	.698	6	1	19		
1895	135040	do	91	8,948.03	1,301	474,865	.412	12	2	20	7	13
1879	25002	Milwaukee-La Crosse	197.84	47,194.73	11,324	4,133,260	.115	14.3	2.04	37		
1895	139002	do	197.88	184,752.64	76,399	27,885,635	.066	31.23	4.46	38	15	23

Statement showing the average daily weight and cost per ton per mile for transportation of the mails on certain railroad mail routes, etc.—Continued.

Year.	No. of route.	Termini.	Miles.	Transportation pay.	Average daily weight.	Pounds per annum.	Cost per ton per mile.	Average number of round trips.		Number of points of exchange.	Number of post-offices supplied by mail-messenger service, being more than 80 rods distant from stattion.	Number of post-offices not supplied by mail-messenger service, being less than 80 rods distant.
								Per week.	Per day.			
					Pounds.							
1879	29007	St. Paul-Duluth	155.73	$6,817.85	874	136,510	$0.640	12	2	25		
1895	141007	do	152.28	20,519.73	4,843	1,707,605	.153	22.38	3.19	32	5	27
1879	29024	Mankato-Wells	40.81	1,744.62	90	32,850	2.60	6	1	6		
1895	141024	do	38.30	2,718.15	679	247,835	.568	12	2	6		
1879	29014	Hannibal-Sedalia	142.88	20,084.69	2,840	1,036,600	.270	12	2	24		
1895	145014	do	144.02	23,273.63	4,350	1,587,750	.202	14	2	27	7	20
1882	33001	Kansas City-Denver	635.05	114,023.22	5,504	2,118,460	.108	14	2	76		
1894	155001	do	640.29	168,759.90	12,233	4,465,045	.11	14.37	2.04	77	17	60
1882	33016	Topeka-Kansas City	68.62	17,483.08	12,865	4,695,725	.108	14	2	15		
1894	155016	do	66.48	32,797.24	35,213	12,854,570	.076	84.46	4.02	18	9	9
1882	34001	U. P. Transfer-Ogden	1,034.08	449,142.80	29,605	10,827,725	.080	9.70	1.38	74		
1894	157001	do	1,033.71	799,864.12	61,469	22,430,185	.063	28.40	4.06	98	8	90
1882	41005	Salt Lake City-Stockton	40.50	1,751.37	88	32,120	2.66	6	1	8		
1894	169005	do	38.99	1,606.82	150	54,750	1.56	6	1	9	4	5
1882	46001	San Francisco-Ogden	834.03	360,926.36	22,818	8,328,570	.066	9.68	1.36	64		
1894	176001	do	833.38	486,243.76	43,632	15,925,680	.052	17.92	2.50	73	12	61

The following table was prepared and furnished by the Second Assistant Postmaster-General as supplemental to the foregoing:

Year.	No. of route.	Termini.	Miles.	Annual rate for transportation.	Average daily weight.	Pounds per annum.	Rate per ton per mile.	Average number of round trips.		Number of points of exchange.	Number of post-offices supplied by mail-messenger service.	Number of post-offices not supplied by mail-messenger service.
								Per week.	Per day.			
					Pounds.							
1881	10005	Weverton-Hagerstown	24.56	$1,427.91	424	154,760	$0.74	12	2	8		
1897	113005	do	24.43	1,700.33	732	267,180	.54	21	3	9	1	8
1885	12002	Grafton-Parkersburg	104.50	39,134.20	24,107	8,799,055	.084	21.15	3.02	29		
1897	116002	do	103.74	61,024.01	44,101	16,096,865	.073	27.73	3.94	33	3	30
1884	14001	Columbia-Greenville	144.32	10,982.75	794	289,810	.523	6	1	24		
1896	120001	do	143.50	14,723.10	1,412	515,380	.307	9.44	1.35	25	3	22
1882	20020	Cincinnati-Chattanooga	337.50	45,306.00	2,476	903,740	.206	16.02	2.29	78		
1896	129020	do	337.90	104,583.42	15,007	5,572,555	.094	20.39	2.91	95	19	74
1879	23001	Chicago-Milwaukee	85.37	14,067.75	4,618	1,685,570	.105	12	2	24		
1895	135001	do	85	37,986.35	30,791	11,238,715	.079	46.02	6.57	30	6	24
1879	23007	Chicago-Burlington	208.02	78,871.06	16,676	6,086,740	.124	22.6	3.7	44		
1895	135007	do	205.82	298,073.90	120,030	43,810,950	.063	50.12	7.16	49	11	38
1879	23015	Chicago-Davenport	182.22	62,094.02	14,745	5,381,925	.125	15.29	2.18	35		
1895	135015	do	182.78	71,419.45	25,630	9,354,950	.083	38.30	5.47	28	11	27
1887	26001	St. Paul-Missoula	1280.02	237,120.12	11,448	4,178,520	.088	8.73	1.24	151		
1895	141001	do	1255.70	316,738.94	17,863	6,527,295	.077	9.67	1.38	130	23	107
1887	29007	St. Paul-Duluth	154.23	13,190.11	1,883	687,295	.286	17.60	2.51	24		
1895	141007	do	152.28	20,519.73	4,843	1,767,695	.152	22.38	3.19	32	5	27
1879	27021	Dubuque-Sioux City	329.61	31,790.88	1,820	664,300	.28	12	2	48		
1895	143021	do	327.11	55,265.23	8,788	3,207,620	.104	17.88	2.98	54	6	48
1879	28001	St. Louis-Atchison	329.75	116,840.56	15,871	5,792,915	.12	14.4	2.4	60		
1895	145001	do	330.66	293,857.44	74,117	27,052,705	.064	28.97	4.13	62	10	52
1879	28004	St. Louis-Kansas City	278.10	56,222.87	2,148	784,020	.356	26	3.71	45		
1895	145004	St. Louis-Kansas City	276.77	82,823.42	15,566	5,681,590	.104	25.47	3.63	53	15	38
1879	28014	Hannibal-Sedalia	142.88	20,084.69	2,840	1,036,600	.27	12	2	24		
1895	145014	do	144.02	23,273.63	4,350	1,587,750	.202	14	2	27	6	21
1882	29007	Little Rock-Arkansas City	114.09	7,706.77	494	180,310	.748	6	1	24		
1894	147007	do	113.97	11,206.67	1,305	476,325	.412	9.65	1.6	26	1	25
1883	31012	Houston-Orange	106.24	12,989.96	1,876	684,740	.355	7	1	10		
1894	150012	do	106.80	24,289.52	10,338	3,773,370	.120	14	2	13		13
1882	34004	Omaha-Oreopolis	17.76	1,845.09	1,617	590,205	.552	12	2	4		
1894	157004	Junction, n. o.	16.60	3,694.07	6,485	2,367,025	.165	23.50	3.35	5	3	1
1883	34006	Valley-Stromsburg	90.86	5,437.97	442	161,330	.741	8.5	1.21	12		
1894	157006	do	90.78	6,594.25	704	256,960	.565	11.67	1.66	13	2	11
1883	34013	Columbus-Norfolk	50.74	2,255.90	233	85,045	1.045	7.09	1.01	7		
1894	157013	do	50.78	4,732.69	1,183	431,795	.431	15.22	2.17	8	1	7
1882	35002	Marion-Chamberlain	111.88	6,983.84	480	175,200	.712	6	1	12		
1894	159002	do	111.58	15,360.10	2,687	980,755	.290	12	2	12	2	10
1882	35007	Flandreau-Sioux Falls	59.17	5,248.75	948	346,020	.479	6	1	8		
1894	159003	do	59.32	8,731.86	1,235	450,775	.421	11.64	1.77	6	1	5

STATEMENT OF HON. W. S SHALLENBERGER, SECOND ASSISTANT POSTMASTER-GENERAL—Continued.

Senator QUAY. Have you anything further to offer to the committee, Mr. Shallenberger?

Mr. SHALLENBERGER. I should like to place on record a few words of explanation with reference to the tables which will be found on pages 126 and 127 of your printed record of these proceedings. The information there conveyed is rendered a little obscure by reason of the way in which the matter is printed. In the manuscript, as submitted to your committee, the routes were separated from each other by lines drawn across the page, and the omission of those lines by the printer renders it a little more difficult to observe the comparisons intended to be conveyed.

Senator QUAY. We may have those pages reprinted.

Mr. SHALLENBERGER. There would be no difficulty in that case. The tables on those pages are intended to answer the question whether there has or has not been a marked reduction in rates of compensation paid to the railroad companies during the past fifteen years.

Senator CULLOM. Per ton or per pound?

Mr. SHALLENBERGER. Per ton or per hundred. That seems to me to be the question that presents itself to the country at large more than any other question.

Senator QUAY. The printed copy does not present that, you think, as clearly as it ought?

Mr. SHALLENBERGER. It is in very fine print, and the periods are not very clearly separated. For instance, in the first route the second line of figures is separated from the first line by a blank space, whereas those two lines should naturally be brought together, in order that the comparison might be clearly brought out.

Senator QUAY. Both those lines belong to the "Concord" group?

Mr. SHALLENBERGER. Yes. In my written tables, as submitted to the committee, we had lines drawn across the page which separated the routes. The printer has left out these lines and brought the figures too close together.

Senator QUAY. But by the observance of a little care in reading they are plain enough?

Mr. SHALLENBERGER. Perhaps by the observance of care they are. I should like to make a little explanation of those tables. There are 40 routes included in the two tables on pages 126 and 127—20 additional having been added at your suggestion.

Senator QUAY. You added some to those which you previously presented here?

Mr. SHALLENBERGER. Yes; we added 20 more routes. Among the routes in those tables will be found some of the largest in the country, such as the route from Boston to Albany, from New York to Buffalo, and from New York to Philadelphia; also some of the smallest routes in the country, as well as some of intermediate importance. We have covered the country at large, with those 40 routes, as well as we could.

Taken together we find the average rate per ton per mile in 1897 on the 40 routes named to be only 51 per cent of the average rate on the same routes twelve to eighteen years ago.

Senator PETTIGREW. That is owing to the increase in the bulk of the mail, is it?

Mr. SHALLENBERGER. Yes.

Senator FAULKNER. And the automatic reduction under the law?

Mr. SHALLENBERGER. Yes. Any one of you can figure that from the tables.

Senator FAULKNER. That was a question I wished to ask you—whether you had done any summing up?

Mr. SHALLENBERGER. I did it last night, carefully.

Senator CULLOM. You had better explain how that is.

Mr. SHALLENBERGER. The tables on pages 126 and 127 show that the average rate per ton per mile in 1897 on the 40 railway routes named was only 51 per cent of the average rate paid on the same routes twelve to eighteen years ago.

Senator CULLOM. That is almost one-half less?

Mr. SHALLENBERGER. It is almost one-half less. In addition to that, these routes embrace, as I have said, the largest in the country, such as the route from Boston to Albany, from New York to Buffalo, and from New York to Philadelphia, as well as some of the smallest, and fairly represents the different sections of the country. While the reduction may seem to be greater on some of the small roads than on the three largest which I have named, the increase in the number of trips per week has been much greater on the larger routes, and the speed of trains has been materially raised.

The average number of trips per week have increased from 15 to 30 on the forty routes taken together, while on the three I have specially named the average number of trips per week has increased from 61 to 167, and on one of the routes from 107 to 299 per week.

That shows that while the service has been performed in 1897 at 51 per cent of the average rate per ton fifteen years ago, the character of service and value of service have increased materially in the meantime, because of the extra frequency and speed of service.

Senator CULLOM. There has been more rapid transportation?

Mr. SHALLENBERGER. Yes.

Senator ALLISON. I understand you to say that the percentage of gross earnings received by railroads from express companies usually is about 40 per cent, but that on the Pennsylvania Railroad they get 47?

Mr. SHALLENBERGER. That information is not stated by me as coming direct from the company, but I have been informed that that was the percentage. On the Southern I am told it is 40 to 55 per cent.

Senator QUAY. It is not official?

Mr. SHALLENBERGER. No.

Senator ALLISON. This 40 per cent of the gross earnings of the express companies is the price paid by those companies to the railroads for transporting their cars?

Senator FAULKNER. For transporting the cars of the railroad companies themselves. The express companies do not own the cars.

Senator ALLISON. For transporting the material in the cars, and the express messengers, etc.?

Mr. SHALLENBERGER. Yes.

Senator FAULKNER. I do not see why they should object to showing their contracts.

Mr. JAMES E. WHITE. The general superintendent of the Southern Railway stated to me the other day that they received from 40 to 55 per cent of the gross receipts.

Senator CULLOM. Have you gentlemen of the Post-Office Department ever asked the express companies to let you see their contracts?

Mr. SHALLENBERGER. Not their contracts; but I asked the manager here at Washington to give me all the information he felt authorized to give, in order to enable me to make up my statements for presentation here, and he told me that all that he was permitted to give was the printed table of rates from which I read here when last before the committee, and such other facts as I might desire specifically to know, such as special rates out of Washington to any point. But he was not permitted to go back of that and give any information from the general office of the company as to what their contracts were or the percentage they were paying the railroads.

Senator PETTIGREW. I asked several of the railroads to furnish that information, and they said they would try to do it.

Senator FAULKNER. If they get different prices on different roads, I can see why they would not want to give the contracts; but if the rate is a general one, I do not see why they should object.

Senator ALLISON. Have you gentlemen any other matter not contained in this printed testimony that you wish to present?

Mr. QUAY. I will say of the Second Assistant Postmaster-General that while he is comparatively new to the Department, I have been acquainted with him from his childhood. He was a gallant Union soldier, was wounded in the service, was a member for three or four terms of the other branch of the National Legislature, and is the peer of any gentleman in either branch of Congress, I think, in character and qualifications to deal with this question.

Mr. CHANDLER. I join in that eulogium, and I ask the Senator from what State Mr. Shallenberger comes?

Mr. QUAY. He comes from the State of Pennsylvania, of course. If there is an officer in the employ of the Government who would testify disinterestedly upon any question, it would be the Second Assistant Postmaster-General. As I say, the testimony of the Department, represented by the Second Assistant Postmaster-General, and of Mr. White, the General Superintendent of the Railway Mail Service, who has been thirty-six years in the service of the Government in the Post-Office Department, lies in parallel lines with that of the railway companies.

After hearing the departmental testimony, on the suggestion of the Senator from South Dakota [Mr. PETTIGREW], who desired to compare some of the rates paid by the Government for the transportation of the mail with the rates paid by express companies for similar service, the president of the Adams Express Company was brought before the subcommittee. His testimony, which could in no way be connected in interest with either that of the Department or that of the railway companies, sustained the conclusions already derived from the testimony before the committee. I will ask that the testimony of Mr. Weir, the president of the Adams Express Company, be also inserted in the RECORD without reading.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered.

The testimony referred to is as follows:

STATEMENT OF LEVI C. WEIR, PRESIDENT OF ADAMS EXPRESS COMPANY.

The CHAIRMAN (Senator QUAY). You are president of the Adams Express Company?

Mr. WEIR. Yes.

Senator QUAY. How long have you been connected with the express business?

Mr. WEIR. Thirty-six years.

Senator QUAY. The committee are investigating the question of whether or not the Government is paying too much money to the railways for transporting the mails. In connection with that we thought it would be proper to ascertain what rates the express companies are charging. The Senator from South Dakota [Senator PETTIGREW] suggested that it would be well to ask one of the officials of the express companies to be present here and to give us such information as may be in his possession. Now, Senator PETTIGREW, Mr. Weir is here, and if you have any questions to ask, I have no doubt he will be glad to answer them.

Senator PETTIGREW. What I want to know is, what contracts you have with the railroads; also the weight of matter that you carry—that is, in the nature of goods, freight, etc.—the number of packages, and the number of packages that are considered valuable, such as jewelry, money, etc., and, as nearly as possible, the average length of the haul of these different packages. I do not know that the inquiry is such as that we are in a position to compel you to answer (the chairman can decide that), but I wanted to inquire whether you would be willing to furnish us that sort of information, or if you could do it.

Mr. WEIR. I doubt very much, Senator, if that information could be obtained, much less given. You have enumerated a good many things there, and I will answer them in the order in which they occur.

Senator PETTIGREW. Perhaps that would be as well.

Mr. WEIR. First, as to our contracts. There are no two contracts of railways and express companies that are alike.

Senator FAULKNER. You mean on any two lines?

Mr. WEIR. No two railroads have the same contracts with an express company. They differ in some particular.

As to the matter of the weight, we keep no record of the weight we carry.

Senator FAULKNER. Explain why that is.

Mr. WEIR. The compensation of railways is a percentage of the receipts. Therefore there is no necessity of keeping tonnage. In former years we did. We paid some forty years ago by tonnage.

Senator PETTIGREW. Are your charges not based upon the weight of packages?

Mr. WEIR. Yes.

Senator PETTIGREW. Then in that way you could give us the weight, could you not?

Mr. WEIR. I suppose there are millions of waybills that have to be consulted, and that information could only be got by inspection of every waybill?

Senator QUAY. You have no consolidation of those reports?

Mr. WEIR. None at all.

Senator PETTIGREW. These bills, or duplicates of them, come to the main office, I suppose?

Mr. WEIR. The originals do; yes. We have no duplicates. The original comes to the audit department and there they foot up the compensation to the railway company.

Senator PETTIGREW. You keep a record of the number of packages?

Mr. WEIR. No.

Senator PETTIGREW. Then you could only secure that information by examination of the waybills?

Mr. WEIR. Yes.

Senator PETTIGREW. In the same way that you would secure the weight?

Mr. WEIR. Exactly.

Senator PETTIGREW. Can you give the committee approximately about the weight?

Mr. WEIR. No.

Senator PETTIGREW. Have you any idea about it at all?

Mr. WEIR. No; not the slightest.

Senator PETTIGREW. Do you keep a record of the number of packages of valuable matter you ship?

Mr. WEIR. No, sir.

Senator PETTIGREW. Could you ascertain that by an examination of waybills?

Mr. WEIR. By taking all the waybills of the country; yes.

Senator PETTIGREW. Do you keep a record of the value?

Mr. WEIR. No.

Senator PETTIGREW. You have no record except the waybills to show the money you get?

Mr. WEIR. We have no record except those.

Senator PETTIGREW. Are you willing to furnish the committee with a contract with any one or any three of the principal roads of the country over which you send your goods?

Mr. WEIR. I should rather not do so, Senator; not that I would care to withhold any information from the committee that would aid them, but for the one reason that I would not care to have our competitors know what we were paying various roads, nor would I care to have some of the roads know what we were paying other roads. That is a matter of business secrecy between us.

Senator PETTIGREW. You can state in a general way what proportion of your gross revenue is paid to the railroads for transportation?

Mr. WEIR. That varies with every year, and according to the business of the country. Nearly all contracts with railways are for a certain percentage of the gross receipts, and, coupled with that percentage of the gross receipts, is a guaranty that the receipts to the railroad companies shall reach a fixed sum per annum. Now, in a bad business year the receipts would be so much less than that guaranteed minimum that the percentage of transportation would rise, while in a good business year the cost by percentage would be reduced.

Senator FAULKNER. I understand you to say that you have to enter into a contract with those companies—an annual contract, I suppose—guaranteeing a certain amount of gross receipts?

Senator CULLOM. To the railroad company?

Mr. WEIR. Yes.

Senator FAULKNER. And you take the risk, then, whether your receipts equal the amount of that guaranty?

Mr. WEIR. Yes; that alters the amount of percentage for transportation.

Senator PETTIGREW. When business is heavy and prosperous, the percentage is less.

Mr. WEIR. Yes; but it is never less than the 40 per cent; that is the minimum percentage. But by reason of the guaranty the percentage may run up to 50 or 60 per cent. It can never be less than 40 per cent, however.

Senator CULLOM. You pay, then, on the contract, 40 per cent to the railroads, absolutely, of your earnings. Is that what I understand?

Mr. WEIR. Yes.

Senator FAULKNER. Of the gross receipts?

Senator CULLOM. Yes; of the gross receipts.

Mr. WEIR. Yes.

Senator PETTIGREW. Do you pay any expense whatever before accounting to the railroads for 40 per cent of the gross receipts?

Mr. WEIR. Do you mean do we deduct anything from it?

Senator PETTIGREW. Yes.

Mr. WEIR. No.
Senator PETTIGREW. Nothing whatever?
Mr. WEIR. Nothing whatever.
Senator PETTIGREW. You pay to the railroad company 40 per cent of the gross receipts, and there is no item deducted before that is paid?
Mr. WEIR. That is right.
Senator CULLOM. What express company do you represent?
Mr. WEIR. The Adams.
Senator PETTIGREW. How much expense would it be to gather all your waybills and get this information for which I asked you?
Mr. WEIR. I suppose it would take 100 men three months to get it.
Senator PETTIGREW. Would you be willing to have that done?
Mr. WEIR. Personally I do not see any objection, but without the authority of my board of directors I would not promise to do it. I see no objection to it, however.
Senator PETTIGREW. Did your company furnish the information for the census authorities in 1890?
Mr. WEIR. I think we furnished some information. I am not certain about it.
Senator FAULKNER. Inasmuch as we have some one here who knows something about express matters, I wish to ask this question: Can you state to us the difference in the facilities and privileges enjoyed by the mail and by the express on these transportation lines?
Mr. WEIR. That is rather plain. The mail enjoys all the privileges they want. We enjoy all we can get.
Senator FAULKNER. What do you mean by that? Explain it that a "layman" can understand it.
Mr. WEIR. As I understand it, the Government has a right to dictate to the railroad that it shall furnish certain transportation, and the railroad does not question that right. On the contrary, the railroad says to the express companies that they (the express companies) may have such facilities as it (the railroad) may see fit to let them have. We have no right to demand anything except the prompt transportation of such matter as they (the railroads) accept on their trains.
Senator FAULKNER. Suppose you wanted, for example, to ship from New York to-morrow four carloads of express matter beyond the ordinary amount; would you have a right to go to the lines with which you have contract and demand that they take those four cars to-morrow morning?
Mr. WEIR. We would not undertake it without consultation with the railroad first, to know if they would carry the cars.
Senator QUAY. They have the option of carrying your matter or not, as they please, or when they please?
Mr. WEIR. Oh, yes. There is nothing stipulated in our contract as to facilities that we shall have, but it is generally understood, for illustration, that on local trains we shall have so much of the baggage car, but always with the reservation that if the amount of baggage presented should prove to be greater than the space allotted to baggage they would have the right to occupy the express space. If anything had to be left, it would be the express goods and not the baggage.
Senator QUAY. Then if they had a car full of baggage they would crowd you out?
Mr. WEIR. Oh, yes; but that does not occur very often in late years, because they know when they will be likely to have a great deal of baggage.
Senator PETTIGREW. Under your contract they carry your express messengers free?
Mr. WEIR. Yes.
Senator PETTIGREW. That is, the compensation for that is included in the 40 per cent?
Mr. WEIR. Yes; but we absolve the railroad companies from all liability for injuries to the men.
Senator FAULKNER. You become the guarantors for the men?
Mr. WEIR. Yes. We relieve the railroad companies from any responsibility of any kind or character, even for gross negligence.
Senator FAULKNER. Have you made any fixed or definite arrangements with them as to particular cars, or can they assign to you any cars they see proper?
Mr. WEIR. They assign the cars.
Senator PETTIGREW. You do not own the cars?
Mr. WEIR. No.
Senator PETTIGREW. Is your matter not carried in passenger cars?
Mr. WEIR. Sometimes; not always.
Senator CULLOM. Is there any other express company which owns any of its cars?
Mr. WEIR. None that I know of.
Senator FAULKNER. How do they require you to pack the cars—full, or do they give you the right to put in any particular car any quantity that you choose?
Mr. WEIR. If the average business warrants the use of a baggage car only, or the unoccupied space in a baggage car, that is allowed to us. If our business is greater than that, they will put on a car. If, now, the business decreases so that there is no necessity for a car, we will be relegated back to the baggage car again. We have no right to call for a car and have that car every day unless we can fill it solidly or have more express matter than a baggage car will hold.
Senator FAULKNER. What is the furnishing of a car that you use for carrying express matter?
Mr. WEIR. A lamp. I guess that is all.
Senator FAULKNER. Do they not give you a stove to heat the car?
Mr. WEIR. Oh, I had forgotten the stove. Yes; a lamp and a stove.
Senator PETTIGREW. You employ the employees of the railroads sometimes as express agents?
Mr. WEIR. Yes.
Senator PETTIGREW. Do you pay them extra besides what the roads pay them?
Mr. WEIR. In some cases; in most of the cases. In some of the cases it is stipulated by the railroad company that they will furnish the service.
Senator PETTIGREW. They furnish you storerooms, do they not, at stations?
Mr. WEIR. At some stations.
Senator PETTIGREW. What is the rule?
Mr. WEIR. At the local stations. At the terminal points we provide for ourselves or pay rental.
Senator PETTIGREW. That is, at the great centers?
Mr. WEIR. Yes.
Senator FAULKNER. What kind of rooms do they furnish you at local stations?
Mr. WEIR. There is not much necessity for rooms there. Everything is coming and going all the time. Everything is taken away promptly. Very little storage is required. It is more a matter of crossing the platform than anything else; but of course we have to have a case on the wall to hold our stationery and such things as that.
Senator PETTIGREW. At the Broad Street Station, at Philadelphia, for example, there seems to be a side track and a building for the accommodation of the express.
Mr. WEIR. We have a large warehouse there.
Senator PETTIGREW. Who constructed that?
Mr. WEIR. The Pennsylvania Railroad Company.
Senator PETTIGREW. You rent that of them?
Mr. WEIR. Yes.
Senator PETTIGREW. You pay them rent independently of this 40 per cent?
Mr. WEIR. Yes.
Senator PETTIGREW. That warehouse is on their ground?
Mr. WEIR. Yes.
Senator PETTIGREW. And they put in that side track to accommodate the business?
Mr. WEIR. Yes.
Senator PETTIGREW. They do that, I suppose, where there is a sufficient business to warrant it?
Mr. WEIR. If we pay for it.
Senator CULLOM. Do you have any idea of the total amount of business done by your company in the United States?
Senator ALLISON. Do you mean in value or in weight?
Senator CULLOM. The total amount of money received.
Mr. WEIR. I have not in mind, Senator, the amount now, but I should say that receipts from express business all over the United States would run up to probably $60,000,000.
Senator ALLISON. You mean all the business?
Mr. WEIR. All the business of all the express companies in the United States—fifty to sixty million dollars. That is not derived from any statistics, but it is my impression.
Senator PETTIGREW. As nearly as possible, will you tell us what the receipts of your company are?
Mr. WEIR. I could not tell you without looking over the books. If you will permit me to suppose, I should suppose that if the whole receipts were $50,000,000 our company would receive probably one-fourth of it.
Senator QUAY. That would be about $12,500,000?
Mr. WEIR. Something like that. The Adams Company and the American Company would run about the same.
Senator PETTIGREW. Can you tell me about how many agents you employ?
Mr. WEIR. I could not. I have all this information in New York, but I did not know what I was coming here for.
Senator FAULKNER. How many agents do you send in one car?
Mr. WEIR. One.
Senator FAULKNER. Only one?
Mr. WEIR. Only one; yes, sir.
Senator ALLISON. If you have two cars do you send two messengers?
Mr. WEIR. No, sir; sometimes we send four or five cars in charge of one.
Senator ALLISON. In charge of only one messenger?
Mr. WEIR. Yes.
Senator FAULKNER. Who delivers and puts into the car your express matter, and who takes it out and is responsible for it at the point of destination?
Mr. WEIR. We do. We load and unload the cars.
Senator FAULKNER. By your own agents?
Mr. WEIR. Yes.
Senator FAULKNER. The railroad company has nothing to do with that?
Mr. WEIR. No, sir.
Senator PETTIGREW. You are at the expense of transporting the stuff to and from the stations?
Mr. WEIR. Yes.
Senator PETTIGREW. Will you furnish us with a statement of the number of employees of your company, estimating as nearly as possible their service, and also the cost of transportation to and from the trains, the business done by your company, and send it over to us?
Mr. WEIR. That I could not do, because it would be impossible for us to segregate our wagon service to show how much of that wagon service was consumed in hauling to the trains and how much in gathering at the different places.
Senator FAULKNER. And delivering?
Mr. PETTIGREW. You need not segregate it.
Senator QUAY. What Senator PETTIGREW wants, I understand, is the expense of the service.
Mr. WEIR. Do you want that for our company alone, or for all the companies?
Senator PETTIGREW. For your company alone.
Senator FAULKNER. Also note down the number of express stations that that expense covers.
Mr. WEIR. I will do so.
Senator FAULKNER. When do you think you can have that for us, Mr. Weir?
Mr. WEIR. My general auditor has gone West, but when he gets back it will not take more than a day or two, I should think, to get that up. When do you need the information?
Senator QUAY. We would like to report this bill as soon as possible, so as to get it passed next week.
Senator PETTIGREW. So far as I am concerned, you could take up the bill without waiting for this.
Senator CULLOM. But you do not want the bill passed without your receiving this information?
Senator PETTIGREW. No.
Senator ALLISON. Without going into your contracts or asking you to disclose what we have no right to ask you to disclose, what, in your judgment, Mr. Weir, would be the average amount paid to railroads by your company (which I suppose would serve as a parallel for other companies) for the transportation of your material, whatever it is, assuming that, as you say, the gross receipts of all companies are $60,000,000?
Mr. WEIR. As I explained to you before, Senator, that average would vary with the business of the country, because of this fixed guaranteed sum in most contracts. While the percentage may be fixed at 40 per cent, the express company guarantees that that fixed 40 per cent shall yield a minimum sum of so much per annum.
Senator ALLISON. To the railroad company?
Mr. WEIR. To the railroad company. Now, then, if the business is light, just so much as you fail to reach that minimum guaranteed, just that much does your percentage of cost of transportation increase.
Senator ALLISON. It would not be easy to name, then, perhaps, what would be the average sum, taking a series of years together?
Mr. WEIR. No.
Senator FAULKNER. But you stated that it was never less than 40 per cent?
Senator CULLOM. But Senator ALLISON wants to get the gross sum.
Senator ALLISON. I want to get the gross sum. You may have explained, while I was out of the room for a moment, your view as to the relative amount received for express matter by the railroads, compared with the amount received for mail matter. Have you any knowledge about that which would enable you to express an opinion?
Mr. WEIR. None at all.
Senator ALLISON. Whether what you pay to the railroads for the service

they render to your company is greater or less than what the Government pays the railroads for the service they render for the Government?

Mr. WEIR. No; I never heard or supposed that it was under discussion until this morning, or rather until Senator QUAY telephoned to me yesterday.

Senator PETTIGREW. Of course, what I want this information for is to make a comparison between the express business, including the compensation paid by the express companies to the railroads for doing that business, and the Railway Mail Service, including the compensation paid by the Government to the railroad companies for doing that business.

Senator CULLOM. When the space to which you are entitled, or which the railroad companies give you, in the baggage car is too small, are you then given an express car?

Mr. WEIR. Yes.

Senator CULLOM. When that is given to you, what proportion of that car is ordinarily filled by express matter?

Mr. WEIR. The actual working of it is that, first, if our business has grown so as to require more space, a larger baggage car is put on, taken from some other branch of service, which car is at that time ample for our business, and when that has become insufficient for our business they give us a small express car, which we can come pretty near filling.

Senator CULLOM. How much of a car is "a small express car"?

Mr. WEIR. Express cars run about 30 feet, 35 feet, or 40 feet in length.

Senator CULLOM. And that would be about one-half or one-third full?

Mr. WEIR. Yes.

Senator PETTIGREW. You go into an express car when the baggage car will no longer accommodate the business?

Mr. WEIR. Yes.

Senator QUAY. The railroad owns the express car?

Mr. WEIR. Yes.

Senator CULLOM. Have you any idea of how much more than 40 per cent the railroad gets out of it under certain circumstances?

Mr. WEIR. It is, as I explained, in proportion as the cost of transportation changes.

Senator ALLISON. Your express company does not own any cars?

Mr. WEIR. No.

Senator ALLISON. Is there a uniform rate for the rental of cars, where used?

Mr. WEIR. Rental by whom?

Senator ALLISON. I understood you to say—or rather, perhaps, I inferred—that where you procured a car, then, in addition to the rates paid to the railroad company, you also paid them for the car?

Mr. WEIR. Oh, no.

Senator ALLISON. They furnish the car, but require you to fill it, or approximately so?

Mr. WEIR. Yes.

Senator PETTIGREW. Whenever the business is too much for a baggage car, they put on a separate car—an express car?

Senator FAULKNER. Yes; he says it is a matter of gradual growth, first taking the ordinary baggage car, and when they have too much for that, then they take a larger baggage car and put it on the train instead of the smaller one, and when they get more express matter than that baggage car will hold, then they get a small car.

Senator PETTIGREW. A small express car?

Senator FAULKNER. Yes; a small express car.

Senator ALLISON. Is there any special sort of construction of an express car?

Mr. WEIR. No.

Senator FAULKNER. A stove and a lamp, he says, is all that it contains.

Mr. WEIR. That is the furniture of an express car.

Senator ALLISON. They are freight cars, are they?

Mr. WEIR. Well, they are on passenger trucks. The running gear is the same as that of a passenger car.

Senator ALLISON. So that they are a much more expensive car than an ordinary freight car?

Mr. WEIR. Oh, much more expensive.

Senator CULLOM. Was there not a time when some of the express companies owned their own cars?

Mr. WEIR. There is a tradition that some thirty-odd years ago, in antebellum days, there was some company that owned three or four cars. I think some railroad company had not the funds to build them.

Senator CULLOM. But nothing recently?

Mr. WEIR. Oh, no.

Senator ALLISON. I am sorry that I have not heard all that you have said, Mr. Weir, but let me ask, Do railroads regulate the speed of your trains carrying express matter—that is, can you force your material upon any train?

Mr. WEIR. Oh, no, sir; we have nothing to say as to the speed nor as to the train on which our goods shall be carried. That is a matter that the railroad companies settle themselves.

Senator ALLISON (to Senator PETTIGREW). Have you got all the information you wanted, Senator PETTIGREW?

Senator PETTIGREW. All I can get; not all I wanted. Mr. Weir has been very fair about it.

Mr. WEIR. Is it about the contracts that you are not fully satisfied?

Senator PETTIGREW. Oh, no; I should like to know the weight of packages and the number of packages.

Mr. WEIR. I see; you want to make a comparison?

Senator PETTIGREW. Yes.

Senator ALLISON. A comparison by weights?

Mr. WEIR. I do not believe that if we were to get out all the waybills for any period of time and aggregated the weights we could then make you a correct statement of the packages carried, for the reason that in going a short distance a waybill clerk is handed a package like that [indicating]. He knows that the charge on that package is 25 cents. It makes no difference whether it weighs 5 or 6 or 7 pounds.

Senator ALLISON. Or 1 pound?

Mr. WEIR. Or 1 pound. And there is no way of showing what the weight is.

Senator PETTIGREW. But your regulations would show that a package approximately weighing so and so would be such a price?

Mr. WEIR. Well, at any of these wayside near stations the charge on any package weighing, say, 10 pounds would be 25 cents, whereas a little package might contain perhaps a bracelet—so that any statistics I might give you would be indecisive. Of course, when it comes to a package of 10 or 15 pounds, or something that is going a long distance, where the tariff would have to be assessed, then there would be a correct weight.

Senator PETTIGREW. Have you ever made any calculation as to the average distance that express matter is carried?

Mr. WEIR. No.

Senator PETTIGREW. The Post-Office Department has made a calculation by which it estimates that the average distance a package of mail is carried is 328 miles. You have never made any similar estimate for your matter?

Mr. WEIR. No, sir.

Senator ALLISON. Take a large city like Philadelphia, for example, where there would be probably a considerable number of those little packages of which you speak. Those would perhaps go a short distance, or would you have a number going to San Francisco, some to Pittsburg, some to Chicago, etc.? What would be the approximate number of those little packages probably in an express car?

Mr. WEIR. They would almost altogether be included within a radius of a very few miles.

Senator ALLISON. Those little packages do not on the average go very far?

Mr. WEIR. No, sir.

Mr. QUAY. At the conclusion of the testimony of Mr. Weir, he adverted to rather a singular communication made by the American Express Company to the New York Central Railroad Company some time ago, in which the question of the relative cheapness of the express and mail service was discussed. He declined to give us the documents in his possession without consulting the American Express Company. Some time afterwards, however, the letter conveying the complaint of the American Express Company to the New York Central Railroad Company was transmitted to the committee, and is published in our report. I ask that it be read by the Secretary to the Senate. It is on page 162. The Secretary need not read the preceding letter, which is from one of the attorneys of the New York Central and Hudson River Railroad Company, who sent in the letter of the express company.

The PRESIDING OFFICER. The Secretary will read as requested, if there be no objection.

The Secretary read as follows:

NEW YORK, *March 12, 1895.*

DEAR SIR: We have of late had to call your attention to the difficulties which we are laboring under on account of your company not giving this company's business the expedition which the necessity of the case demands.

We think that, considering the fact that we paid your road last year within $38,000 of the amount you received from the Government for the handling of the United States mail, and further, that the service which you render to the United States Government is so far superior and in excess of anything that you do for us, we have just cause for complaint.

You furnish to this company for the use of its business between this city and Chicago but one train per day, which takes thirty-three hours and forty minutes to make the run, while you give the United States mail department two trains, one of which reaches Chicago in twenty-four hours and fifty minutes.

Again, if for any cause our train is delayed a few minutes it has to be side tracked to allow the mail to pass, we following on behind, and, as a result, frequently miss the western connection or are required to pay the connecting road the cost of running a special train, in addition to regular compensation, in order to make the connection, whereas if the mail is delayed the Department assesses a fine against you, which you have to stand.

In other words, while the United States Government has the power to, and does, dictate to you what service you shall render for it, and the compensation you shall receive therefor—and failing to meet its demands you are assessed damages—we, on the other hand, while paying more according to service for the tonnage hauled, have to put up with a second-class service, and just such as you choose to give us, and at your own terms.

In addition to compensation paid you, you require that we assume all risk of whatever name or nature against accidents to our men or damage to our freight, whether it be merchandise or money. And, further, we perform for you without compensation a very large service in the handling of all of your remittances, which in a year amount to a great many million dollars, assuming all risk therefor, and transport for you such matter as you may have to send by express to any point on the lines of this company. This service of itself is no small item.

So you will see that while you realize from the business of this company almost as much money, in the aggregate, as you get out of the United States mail, yet the service which you render for us is not much more than two-thirds as great, showing that the express business on your line is more valuable to you than even that of the United States Government; while we consider that, as a rule, the revenue to the railroad company from mail service, on account of its being a high class of matter, should be from 25 to 40 per cent more than is derived from express business.

In view of the foregoing, we can but conclude that if the handling of the United States Government mail matter is profitable to you at the price paid, you can afford to give this company a much better train service, in respect to time, than we are now receiving at your hands. Time with us is money, and if you can run a train to Chicago in twenty-five hours for the United States mail, at less compensation than you get for a similar train for this company, we see no reason why you should not make equally as good time on business intrusted to you by us. We presume that if we had the same power to dictate terms as the United States Government you would find nothing in the way of complying with this request.

Will you not kindly take this matter up at your earliest convenience, when we think you will see the justice of our complaint and apply a remedy, and very greatly oblige,

Yours, sincerely, H. S. JULIER,
General Manager.

Mr. NATHAN GUILFORD,
General Traffic Manager,
New York Central and Hudson River Railroad.

Mr. QUAY. Mr. President, I do not know that I have anything to say in addition to what the documents read have conveyed to the Senate. The proposition of the Senator from South Dakota is simply, without any knowledge of the practical result of his amendment, while we are completely in the dark as to its effect upon the mail service of the country, arbitrarily to cut off $6,000,000 from the appropriation, and that at the very time when the Congress is organizing and providing for a commission to determine whether or not the railroads are receiving more than sufficient. That is all there is of it.

Now, if the gentlemen who represent the railroad companies, who are all men of high standing in business circles, if the officials of the Government, the Second Assistant Postmaster-General, his chief of the Railway Mail Service, if the president of the Adams Express Company—if all these men are liars and have lied to the Committee on Appropriations, if they are all thieves and are banded together in a conspiracy to rob the Government of this $6,000,000, then the contention of the Senator from South

Dakota ought to prevail and not ours. Their testimony is unanimous.

Mr. PETTIGREW. I will state that I have made no contention up to the present time.

Mr. QUAY. The contention of the amendment is that they are robbing the Government.

Mr. PETTIGREW. Mr. President, under this bill we appropriate $30,500,000 for carrying the mails by railroad. In addition, we appropriate $4,000,000 for postal cars. I propose to address myself to the appropriation for carrying the mail by weight, and very slightly to the appropriation for paying for the extra service of railway postal cars.

In the beginning, after a careful investigation of this evidence and of such other evidence as I could secure, I believe that if the Government of the United States should pay what it is worth to carry the mail there would be no deficiency in the Post-Office Department. On the contrary, I believe we could also reduce letter postage to 1 cent per letter, and give to the people of the country this fifteen or sixteen million dollars which to-day we give as a gratuity to the railroads.

I am not alone in this position; neither is it a new subject. On the contrary, the question has been called to the attention of the people and of the Senate of the United States for years, and yet we have been unable for twenty years to secure any reduction in the pay for carrying the mails.

I read from the report of the Postmaster-General in 1890, in which he makes this statement:

> In the past twelve years—

That was eight years ago.

Mr. QUAY. Who was Postmaster-General at that time?

Mr. PETTIGREW. Wanamaker, I think; another citizen of Pennsylvania.

Mr. QUAY. Pennsylvania does not seem to be very popular with South Dakota.

Mr. PETTIGREW. I expected to see the Senator from Pennsylvania rise and eulogize this other citizen of Pennsylvania, who seems to have had a part in the handling of the mail.

> In the past twelve years no reduction of rates has taken place, though the freight rates upon all railroads have been steadily lowered. During this period the weight of the mails has largely increased. It is quite reasonable to say that the reduction in freight rates generally between 1878 and 1890 is not less that 20 per cent, and in many instances it is much more. The largest expenditure of the Department is for transportation. The estimates just sent to the Treasury for the next fiscal year cover $22,610,128.31 for railroad transportation alone.

Secretary Vilas had previously called attention to this question, and last winter when it was discussed in the Senate the senior Senator from Maryland [Mr. GORMAN] made this statement:

> The fact is, Mr. President, that the great power of these corporations, who control everything, who are powerful enough to make and unmake public men, is so omnipotent that no executive officer has been found in the last twelve years, except in the single case of Postmaster-General Vilas, who has attempted to reduce the compensation for mail transportation, and within six months after he had left the Department every economy which he introduced had been wiped away, and they received not only what they had received before, but their compensation was increased, and never, during his long service in this body—the United States Senate—except in this one instance, did he know of a Postmaster-General who had made a bona fide effort to control this railroad extortion which everybody knows to exist.

Everybody does know it except the Committee on Appropriations and the Committee on Post-Offices and Post-Roads.

Mr. President, the statements which we took before the Committee on Appropriations were not evidence. Neither did we examine a single witness. In the first place, the representatives, attorneys, and officers of the railroads came before the committee and made statements, citing their own facts, and then from their own facts drawing their own conclusions; and we occasionally asked them questions. Yet that is the evidence presented.

If they did not make a case which would show that the railroad companies were getting too little for carrying the mails, the companies that employ them would have discharged them from their service. What more did we do? We took the statement of the Second Assistant Postmaster-General and his clerks, and every word that they said is now embraced in the statements of the railroad attorneys who appeared before us, and I can not help but believe, after hearing the statements of the railroad attorneys, that they also wrote the report of the Post-Office Department. There is an absolute parallel. Every argument is the same. They follow the same line of argument. There is no variation, and I have reason for making this assertion independent of the parallel between the statement of the Department and the statement of the railroad attorneys.

For eight years previous to this Administration, through Harrison's Administration, J. Lowrie Bell was the Second Assistant Postmaster-General. He had been in the employ of a railroad company as freight or traffic manager and resigned a position with twice or three times the salary of that of Second Assistant Postmaster-General to assume the duties of that office; and when his four years expired and Cleveland came to appoint his successor, J. Lowrie Bell went again to the railroad company and is to-day in the employ of the company. His successor was Mr. Neilson.

Mr. SEWELL. Will the Senator from South Dakota allow me to interrupt him? It is well to state facts. J. Lowrie Bell was out of employment by the failure of his road at that time. He was not in the service of any railroad when appointed, and he was the man above all others in this country who knew his business in relation to transportation.

Mr. PETTIGREW. It is barely possible that at the time he was appointed he was temporarily out of railroad employment.

Mr. Neilson succeeded him. He was a railroad man. He was in railroad employ as a railroad superintendent, receiving a large salary, when Cleveland selected him. He resigned to become Second Assistant Postmaster-General. I understand that since he has departed he has again gone into the railroad service.

Last year we had an investigation before the Committee on Appropriations, and here is a part of the testimony. I read from the testimony taken before the Committee on Appropriations last year. Mr. Neilson was before the committee.

Mr. SEWELL. Will the Senator allow me to interrupt him again? We had better confine these things to facts. Mr. Neilson is not in railroad service, and has not been. He is a patent lawyer in Washington, I think, at the present time.

Mr. PETTIGREW. I have understood that he had gone again into railroad service. However, I will read Mr. Neilson's testimony:

> You told us something of your business before you went into the Post-Office.
> Mr. NEILSON. Yes.
> Senator PETTIGREW. What was that?
> Mr. NEILSON. I was in the railroad service.
> Senator PETTIGREW. What railroads?
> Mr. NEILSON. I was on the Northern Pacific and on the Erie. I was on the Erie for twelve years and on the Cincinnati, Hamilton and Dayton for eight years.
> Senator PETTIGREW. Which road did you leave at the time you went into the Department?
> Mr. NEILSON. The Cincinnati, Hamilton and Dayton.
> Senator PETTIGREW. What is the full name of that road?
> Mr. NEILSON. The Cincinnati, Hamilton and Dayton.
> Senator PETTIGREW. What was your position on that road?
> Mr. NEILSON. General superintendent of the road.
> Senator PETTIGREW. Who was your predecessor in the Post-Office service?
> Mr. NEILSON. Mr. J. Lowrie Bell.
> Senator CULLOM. He was a railroad man, too, was he not, or had been?
> Mr. NEILSON. He is now the general traffic manager of the Central Railroad of New Jersey.

I think it is hardly necessary to comment further upon that subject, Mr. President. We will try to confine ourselves to the facts. I said I understood Mr. Neilson had gone into the service of a railroad company. If that is not correct, then my information was incorrect; but Mr. J. Lowrie Bell, his predecessor, did enter the service of a railroad company, and Mr. Neilson resigned a position as superintendent of a railroad company to go into the Department.

Now, what is there further? When Mr. McKinley's Administration came in it was not a good plan to continue the employment of a railroad official in this position. The attention of the country had been called to the fact. Neither was it necessary, as the facts show, for they had all the Department clerks, all the subordinates. They went up into Pennsylvania and got, no doubt, a very estimable gentleman, a cashier in a bank, perhaps clever, and a reasonably capable man. He has been captured, as any number of the heads of our Departments are captured by the clerks beneath them, as every Senator knows, and the information he has given us is the information of his subordinates, and it contradicts itself. It is information furnished him by these employees who were put into the Department when the railroad officers were at the head of it. That is all there is to it.

Now, let us see how it will bear investigation. The web spun by the railroad attorneys and representatives who appeared before us was ingenious, intended to cloud the situation, intended to befog the people. It is calculated that a layman can not understand it; that the terms used by railroad officers will be such that it will be difficult to get their real meaning. The same terms, the same effort to befog the situation, the same comparisons absolutely are used all the way through by the officers of the Department.

It seems to me that this is one of the clearest, plainest, easiest problems in the world to solve. The Second Assistant Postmaster-General says that the rates have declined 49 per cent in fifteen years, and then he proceeds to juggle with figures in order to sustain and substantiate that proposition. It requires no juggling with figures to ascertain whether or not the price for carrying the mails by the railroads has declined. All we have to do is to ascertain the amount we appropriated fifteen years ago and the amount we propose to appropriate this year, and then get the weight of the mail. It is a pure, simple question of division, and yet if anyone will read the statement of Mr. White, Mr. Shallenberger, the Second Assistant Postmaster-General, he will wade through page after page of per cent, per ton, per mile, and space and motive

power, and all sorts of stuff of that kind, finally to conclude, after pages of figures misleading, intended to mislead, that the rate has declined 49 per cent in fifteen years.

I sent to the Post-Office Department and asked them to furnish me the weight of the mails. I can myself get from the appropriation act what we pay for carrying the mails. That made it not a difficult question to solve. For instance, in the first place, in 1890 Mr. Wanamaker had the mails weighed, and he reports in his official report that they weighed 369,000,000 pounds. The total weight for 1897 was five hundred and twenty-eight million and some hundreds of thousands of pounds. In 1897 we paid to the railroads for transporting the mails $30,788,000.

Now, calculating that the railroads carried every pound of mail, calculating that the railroads carried all the mail, and the star-route and steamship companies did not carry any, and that no mail was distributed through the cities without being transported by the railroads—and there is, no doubt, a vast bulk of that mail—the cost per pound in 1897 would be 5¼ cents. It is a simple matter of division. In 1890 the cost for railroad transportation was $21,106,000. The weight was 365,000,000 pounds. Therefore it cost to transport the mails 5¾ cents per pound. So in eight years there has been no decline whatever in the cost of transporting the mails, and yet the Second Assistant Postmaster-General tells us in a statement which is published in the RECORD that the decline has been 49 per cent in fifteen years.

Let us go back fifteen years and see. In 1884, fourteen years ago, the weight of the mail was 196,000,000 pounds. Dividing the compensation received, $12,750,000, it gives 6½ cents a pound. There has been, then, according to his own figures, a decline from 6½ cents to 5¼ cents a pound, or a decline of a slight fraction over half a cent a pound. This decline was brought about in the way he states, no doubt. It has been brought about by the fact that the compensation decreases as the weight increases. In other words, where trains carry over 5,000 pounds a day, they get a slightly less rate per pound than where they carry less than 5,000 pounds a day. So this very slight decrease has occurred. I will ask to have these figures printed in the RECORD:

Year.	Weight of mail.	Compensation.	Rate per pound.
	Pounds.		*Cents.*
1880	139,000,000	$9,665,000	7
1884	196,000,000	12,750,000	6½
1888	274,000,000	17,000,000	6¼
1890	328,000,000	21,106,000	5¾
1894	427,000,000	25,500,000	5⅓
1897	530,000,000	30,700,000	5¼

I will also have inserted in the RECORD the statement of the Second Assistant Postmaster-General, giving the weights, and then I have worked out the weight per day and the decline which has occurred:

Estimated weight (in pounds) of mails in the United States.

	During the year ended June 30—		
	1880.	1884.	1888.
First class	21,640,373	24,430,965	44,002,934
Second class	81,213,998	111,152,478	169,012,918
Third class	31,265,988	40,544,845	*60,013,750
Fourth class	5,658,620	10,475,828	
Total	139,779,459	196,604,126	273,934,602
Divided by 365	382,957	538,641	750,506

	During the year ended June 30—		
	1890.	1894.	1897.
First class	47,947,103	54,442,375	66,401,783
Second class	217,757,785	299,753,301	365,480,182
Third class	46,040,681	58,918,000	76,657,484
Fourth class	14,639,958	14,648,500	19,849,620
Total	326,385,527	427,762,176	528,389,069
Divided by 365	894,207	1,171,951	1,447,671

*Not separately reported. On July 24, 1888, an act was passed by Congress whereby the postage on seeds, cuttings, roots, scions, and plants was fixed at the rate of 1 cent for each 2 ounces or fraction thereof, and this transferred this class of matter from fourth to third class. The fact that the transfer was in an embryo state in 1888 will account for the consolidation of third and fourth class in this statement.

While it is to be understood that these figures are in fact approximate, yet the modes of ascertaining them were such as one could be able to say that they represent a fair estimate of the weights of mails during the years mentioned. The calculations were made from figures obtained in the various reports of the Postmaster-General showing the number of pieces of the various classes of mail matter during the years mentioned, and allowing a certain weight for each such piece. The average weight of each piece of mail matter was ascertained in 1890, and can be found on pages 51 and 52 of the report of the Postmaster-General for that year.

At the same time it is well to state that the above figures do not include franked matter, which, however, represents nearly 11 per cent of the whole weight; nor equipment, about 9.54 per cent.

It seems to me that the best comparison which can be made in this service is a comparison between what the railroads charge for carrying express and what they charge for carrying the mail. Express is carried on passenger trains entirely and exclusively. It is collected by the company and delivered to the train, the same as in the case of the mail. Mail is carried on passenger trains. Where the express business is small it is done in the baggage car, and there is where the mail is handled. I will corroborate this by the testimony of Mr. Weir.

There is nothing stipulated in our contract as to facilities that we shall have, but it is generally understood, for illustration, that on local trains we shall have so much of the baggage car, but always with the reservation that if the amount of baggage presented should prove to be greater than the space allotted to baggage they would have the right to occupy the express space.

* * * * * * *

If the average business warrants the use of a baggage car only, or the unoccupied space in a baggage car, that is allowed to us. If our business is greater than that, they will put on a car. If, now, the business decreases so that there is no necessity for a car, we will be relegated back to the baggage car again. We have no right to call for a car and have that car every day unless we can fill it.

The mail is carried in the baggage car, but if the quantity becomes too great to carry in a baggage car, a mail car is put on. Mr. Weir says:

The actual working of it is that, first, if our business has grown so as to require more space a larger baggage car is put on, taken from some other branch of service, which car is at that time ample for our business, and, when that has become insufficient for our business, they give us a small express car, which we can come pretty near filling.

The mail is carried in the same kind of cars also as is the express matter.

A great deal has been said about the difference between mail and express cars; about the fact that the mail car has a great deal of furniture. The question was asked Mr. Weir, and he said, "Yes, express is carried in cars built for the purpose, with passenger trucks." If it were not, they could not run in passenger trains.

Then Senator ALLISON asked:

Is there any special sort of construction of an express car?

Mr. WEIR. No.

Mr. FAULKNER. A stove and a lamp, he says, is all that it contains.

That was in regard to furniture. That is the furniture in an express car. Then Senator ALLISON asked:

They are freight cars, are they?

Mr. Weir answered:

Well, they are on passenger trucks. The running gear is the same as that of a passenger car.

Now, what more? I find in the railway report for the State of New York for 1896 a statement which I shall read. It gives the average cost of cars—first, passenger cars; second, second-class passenger cars; third, baggage, mail, and express cars. Baggage, mail, and express cars are placed under the same head as costing practically the same. These are reports from the railroad companies in the State of New York. There are eleven companies who report. The average cost of the baggage, mail, and express cars, according to this statement, is $2,323, and the express car and mail car are put under the same head.

Mr. SEWELL. Will the Senator allow me to make a suggestion to him? The baggage, mail, and express car is all one car. It has a compartment for mail, a compartment for baggage, and a compartment for express matter in the same car.

Mr. PETTIGREW. I understand that perfectly. They explain that that is the case where their business is not great enough to warrant a separate car for the express matter and a separate mail car.

Mr. SEWELL. There is a separate space, perhaps 10 feet by 12, allotted to the mail department for the messenger and the boxes, and it makes no difference whether the car carries 5 or 500 pounds of mail.

Mr. PETTIGREW. That is stated by everybody. All that is in the testimony.

Mr. SEWELL. It limits the cost of transportation——

Mr. PETTIGREW. I must decline to be interrupted by the Senator for the purpose of making a speech. I shall be very glad to hear the Senator make a reply to me after I conclude.

Under the head, I say, of the average cost of cars the New York railroads, eleven of them, according to the railway report of New York for 1896, put baggage cars, mail cars, and express cars under the same head, and the average cost per car was $2,323 each.

Some of them cost as low as $1,500, and the highest is $3,600. The Postmaster-General for the purpose of aggravating the importance of the mail cars testifies in his statement that they cost $6,000 each. All the way through his testimony contains statements of that sort for the purpose of misleading, and (I will leave it to any Senator who will read his statement) for the plain and apparent purpose of making out a case for the railroads.

I wish to have this statement printed in the RECORD. It contains a statement not only of the average cost of these cars, but also their life; that is, the number of years they will last.

The statement referred to is as follows:

Railway report of New York State for 1896.

Name of road.	Average cost of cars.			
	First-class passenger.	Second-class passenger.	Baggage, mail, and express.	Box cars.
Lehigh Valley	$4,500	$2,500	$3,000	$500
Delaware, Lackawanna and Western	5,000	.....	2,440	500
Erie	5,000	3,000	1,500	450
Lake Shore and Michigan Southern	3,500	3,000	1,000	420
New York, Chicago and St. Louis*	4,986	3,942	3,050	432
New York Central	5,000	2,500	2,500	400
New York, Ontario and Western†	6,000	3,500	2,500	645
Western New York and Pennsylvania	4,895	3,750	3,600	550
Buffalo, Rochester and Pittsburg	3,700	3,500	1,700	490
Buffalo and Susquehanna	3,000	.....	2,500	500
Albany and Susquehanna	4,500	1,500	1,772	400

*One refrigerator car, $963. †One milk car, $1,290.

Average cost per car, $2,323.

	Average life of cars, years.		
	Passenger.	Baggage, mail, and express.	Box.
Lehigh Valley	20	15	25
Delaware, Lackawanna and Western	15	15	12
Lake Shore and Michigan Southern	15	15	15
New York Central	20	20	15
Albany and Susquehanna	15	15	10
Buffalo and Susquehanna	18	25	6

Mr. PETTIGREW. According to the statement of the Second Assistant Postmaster-General, and of Mr. White, Superintendent of the Railway Mail Service, we paid last year for the use of these cars $6,250 apiece, and they cost $2,323. Yet they talk about the wonderful service they are furnishing. I do not intend to go into that branch of the subject, however, but I do intend to hold this discussion down to the question of the compensation for the mail that is carried by weight. Why? Because, eliminating from the discussion the postal cars, the business becomes an express business, and the question whether they have too much or too little pay for hauling the cars is a question that is not allied to the compensation for transporting the mails for this reason:

The compensation for transporting the mail by the pound was fixed before there were scarcely any postal cars in the service. Afterwards we added that facility. When we added it we fixed the compensation, and you can depend upon it, Mr. President, if it was not ample, and more than ample, the railroads would never have accepted it. They did accept it, and that is another branch of this case. For the purpose of eliminating that question, in order to make a comparison between the mail service and the express service, I discuss simply the compensation for transporting the mail, and not for the extra facilities.

Let us see what further parallel there is. Express messengers are carried free. So are the route agents in the Railway Mail Service. In many cases the baggage men handle the mail. So do they handle the express. Mr. Weir testifies what I shall read. I asked him this question:

> You employ the employees of the railroads sometimes as express agents?
> Mr. WEIR. Yes.
> Senator PETTIGREW. Do you pay them extra besides what the roads pay them?
> Mr. WEIR. In some cases; in most of the cases. In some of the cases it is stipulated by the railroad company that they will furnish the service.

In this case I suppose that the Government pays nothing extra when the railroad official handles the mail, and there is a slight variation from the parallel, but in some instances they handle the express matter without any extra compensation.

Mr. Weir says the railroads furnish storehouses or store express matter in their stations—that they furnish the space. So do the railroad companies store the mail. There is an exact parallel in that case except that at great terminal points the railroad puts in side tracks for the express company and builds a warehouse, while at the great terminal points the Government of the United States takes the mail direct from the cars to the post-offices without any expense whatever to the railroad company.

Well, they think there is a wonderful difference in furniture; that an express car has a lamp and a stove. Is this a wonderful difference? It was so slight that the New York railroads did not think it worth while to mention it in estimating or stating the average cost of cars. What is the difference in the furniture of mail and express cars? It is pigeonholes and a rack upon which to hang mail bags. That is the great difference so much talked about in the statements before the committee between an express car and a mail car.

The express matter is always taken, as I understand it, from the railroad by the express company and delivered to the railroad by the express company, but the mail is not always handled in that way. Where the post-office is within 80 rods of the depot the mail is delivered by the railroad company. Where the distance is greater than 80 rods it is handled by the Government. At all the great stations where it is expensive to handle the mail it is more than 80 rods from the depot. In every great city—in every one, without exception—the Government handles the mail to and from the railroad trains.

Here is an item, then, the cost of transporting the mail from train to depot or to the post-office at the small station, where the parallel is broken. But what does it amount to? On the Louisville and Nashville road it costs the Government, on an average, $46 a year to carry the mail from the train to the post-office and back for every single station, except the eight great cities, where the compensation of course is very much larger. In other words, for 221 stations the Government pays an average of $46 a year for transporting the mail from the station to the post-office where the distance is over 80 rods.

Mr. TELLER. Will the Senator permit me to make a suggestion to him?

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Colorado?

Mr. PETTIGREW. I yield.

Mr. TELLER. The Senator stated that the express companies carry their express matter from the cars. They not only do that, but they send around the town and gather it up and then send it to the cars. So they do more.

Mr. PETTIGREW. That is a subject I will get to.

Mr. FAULKNER. I suppose the Senator from South Dakota means that the $46 at each of those stations he mentions on the Louisville and Nashville is paid by the Government not to the railroads, but to the messenger service.

Mr. PETTIGREW. The Government hires its own messengers to carry the mail to and from the depot for 229 post-offices on the Louisville and Nashville road, and for supplying those post-offices it pays about $58,000.

Mr. FAULKNER. That is to the messenger service, not to the railroads.

Mr. PETTIGREW. Not to the railroads. I am going to show what the compensation is that the railroads have to pay for this service. There are 229 post-offices where the Government supplies the service from the train to the post-office. Eight of these are great cities like Louisville, Cincinnati, Mobile, New Orleans, Lexington, Nashville, Memphis, Evansville, all of them large cities, and in those great cities the compensation is between $46,000 and $48,000 per year for messenger service, but for the 221 post-offices it is $10,300 a year, or $46 for each office. Now, why is it so small? Because a great many of these post-offices carry the mail for nothing; the postmaster performs the service.

In the United States there are 20,000 post-offices which are supplied by the railroads and 7,000 which are supplied by the Government. Taking the Louisville and Nashville road as the data from which to make our calculation, and it is the only data we have, for it is the only road that gave us this evidence, it appears that if the Government should pay the same for all the post-offices, for all of the 7,000, that it pays in this case for the rate per office for the 229 offices on the Louisville and Nashville road, it is $252 per year.

That embraces the $16,000 that is paid in Cincinnati and the $48,000 which is paid in the nine offices. It would, therefore, make the compensation the Government pays for transporting the mail from the railroad to the post-offices in the 7,000 stations $1,778,000, while the Second Assistant Postmaster-General testifies that we pay over $1,000,000 for the service. Therefore the average in the case of the Louisville and Nashville road is very much higher than the average for the 7,000 offices.

Mr. FAULKNER. Mr. President, I think the Senator from South Dakota ought to be fair to the Second Assistant Postmaster-General. That officer said it was over a million. He did not say how much. He had no figures, but he said they paid over a million for the 7,000 post-offices.

Mr. PETTIGREW. Yes; that is correct.

Mr. FAULKNER. He had no figures.

Mr. PETTIGREW. No. It was not hard to get figures, I suppose. But if it is over a million dollars, it naturally would be supposed that an officer would state somewhere near the figure. Nearly two million is not very close to one million.

However, I am using this simply as a matter of comparison. I say that according to these figures the rate is too high. If it is only over a million, these figures work out $1,778,000, and that places the country offices outside of the great cities at $46 per annum. Therefore, figuring the 20,000 offices which the railroads supply at $46 per annum—and many of those are simple catch

stations, where the train does not stop at all, but catches a bag as it passes—the compensation the railroads pay for getting the mail from their trains to the post-offices is only $920,000; and yet all through this testimony they make a great ado over this transportation of the mail from the railroad to the post-offices. Out of a total compensation carried by this bill of $34,500,000, $30,500,000 for the weight of the mail and $4,000,000 for the cars, they make a great fuss about this $920,000 which they pay for carrying the mail from the cars to the post-offices.

Mr. FAULKNER. I should like to understand the Senator there. I do not exactly catch the way in which he reached his conclusion. The evidence before us was that the cost of this service, in the opinion of the Department, was $3,000,000 to the railroads; but they claim, and in the testimony of one of the witnesses for the railroads it was claimed, that it cost four million five hundred and some odd thousand dollars. Figuring on the two hundred and odd routes on the Louisville and Nashville, I do not see how it is possible that 20,000 would cost so much less than 7,000 for the Government.

Mr. PETTIGREW. Mr. Shallenberger stated the cost——

Mr. FAULKNER. His opinion was that it cost about $3,000,000.

Mr. PETTIGREW. Here is just what he did say:

> Mr. SHALLENBERGER. No; but I know it costs us over $1,000,000 for the 7,000 post-offices. On that basis it would be $3,000,000 per year or over for the railroads. They estimate it at over $4,000,000 a year.

That is the kind of testimony they furnish us—no data, no figures—simply a conclusion; and whose conclusion is it? Simply the railroads' and nobody else's conclusion; for, taking the Louisville and Nashville road as data, leaving out the great stations, 221 post-offices cost $46 apiece. Now, as the railroad company never carries the mail in the great cities at all from the post-office to the cars, you must leave out the great cities. They are left out, and not one of them is included in the 20,000 offices which they supply. Figuring those 20,000 offices at $46 apiece, you have $920,000 that it costs them to transport the mail from the station to the post-office. If this is not correct, it is all the data they furnished us. We have nothing but the material that they furnish us upon which to draw our conclusion.

Mr. SPOONER. Will the Senator allow me to ask him a question? This is a subject about which I know absolutely nothing, but it has occurred to me that it is entirely competent for the Senate to make an exhaustive investigation of the subject, to authorize a committee or a commission to explore it thoroughly, to send for persons and papers and put witnesses under oath, and be able to lay before the Senate the exact facts. Has that been done at any time?

Mr. FAULKNER. We have provided in this bill for that very investigation.

Mr. SPOONER. I did not know that it had been provided for.

Mr. FAULKNER. It has been adopted.

Mr. PETTIGREW. Last year the Committee on Appropriations brought in here a provision of that sort and the Senate struck it out at the instigation of the Committee on Post-Offices and Post-Roads. The Committee on Post-Offices and Post-Roads, I think, have never made this investigation. They are too busy, as our committees are, to enter into an elaborate and extensive investigation of these questions; and although the clamor has been here constantly for years and years, we are unable to get the investigation. The provision we have inserted here will go to a conference and perhaps be stricken out. In the meantime are there facts enough to warrant us in reducing this compensation?

Now, that is the question. Are there facts enough? To my mind they are ample. There has been no reduction by law for twenty years. It is fair to compare the compensation these railroads receive with the compensation they charge the express companies, because there is a complete parallel almost between the two services. When I asked these railroad lawyers who came before us to furnish their express contracts, they all promised to do it, and not one of them did it. One of them said: "Give us a week and we will furnish them." We gave them a week. In fact, this was on the 23d day of last month.

Mr. CULLOM. I think the Senator is not quite stating the fact as to the promise on the part of the companies to furnish the contracts. I think the gentlemen who were before us stated that they were not authorized to promise any such thing, but they would be glad to do it if those in authority were willing.

Mr. PETTIGREW. Some of them said they would do it, and some of them made the statement the Senator makes. However, I care nothing about that question. They did not do it. We could not get it. What I wanted was the weight of the express carried and the compensation to the railroads for carrying it, and I could not get it from anybody, as Senators know. They would not testify. They talked about disclosing their business. Mr. Weir talked about letting other companies know what they were doing; and the railroads would not furnish it and did not furnish it. I could not get the information.

Mr. FAULKNER. If the Senator from South Dakota will permit me, I will state that the testimony is conclusive from all sources that the minimum price paid to the railroads by the express company is 40 per cent of the gross receipts, and that it varies from that up to 60 per cent. Now, that is conclusive; and the Senator ought to do justice to the president of the Adams Express Company, who said that he did not think it was fair to ask him, in a collateral investigation he had no interest in, to show his contract. He stated to the committee that there were not two contracts of the same character; that the compensation was not the same with any two roads; and that it would disclose entirely the private business of that company in a matter in which they had no interest before Congress.

Mr. PETTIGREW. Well, Mr. President, it matters not what explanations are made, we did not get the information. We tried to get it. Now, how are we going to determine it? The express matter is carried on the same train with the mail. It is carried for 40 per cent of the gross receipts of the express company. For that 40 per cent they carry their express agents free. Where an express agent does not go, sometimes they hire and employ the baggageman of the railroad company. Sometimes they pay him, and sometimes their contract provides that the railroad company shall pay him and his services shall be given to the express company for nothing. Therefore we have a fair basis of comparison.

But fortunately, in 1890, the express companies furnished this information for the census. I asked Mr. Weir if he furnished the figures in the census report for the Adams Express Company in 1890, and he said he believed he did. So we have this authenticated in the figures of the express business of this company for 1890. Now, let us see what they say:

> The number of express freight waybills was 44,475,000.
> Packages carried, not valuable, like second-class mail matter, 98,118,000.
> Weight of the same in pounds, 3,292,000,000.
> Number of valuable waybills, 11,614,000.
> Number of valuable packages, 17,258,000.
> Number of money orders, 4,598,000.

Now, let us see. The express companies carried 3,292,000,000 pounds of express matter, not counting the 17,000,000 packages of valuable matter. Giving them the benefit as far as weight is concerned and throwing in the 17,000,000 packages of valuable matter, we find that they paid the railroads for transporting everything $19,327,000, which is 5¾ mills per pound. In other words, the railroad companies received for transporting express matter in 1890 one-tenth what we paid per pound for carrying mail matter last year, giving them the benefit, throwing in the weight of all the 17,000,000 of valuable packages. The express companies paid a little less than 6 mills per pound, while the United States paid for carrying the mails a little less than 6 cents per pound, or $30,000,000 for a service which the railroads would have done for the express companies for $3,000,000.

The PRESIDENT pro tempore. Will the Senator from South Dakota yield for one moment while the Chair lays before the Senate the unfinished business?

Mr. PETTIGREW. Certainly.

The PRESIDENT pro tempore. The unfinished business will be stated.

The SECRETARY. A bill (S. 2680) amending "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893.

Mr. FAULKNER. I ask that the unfinished business be temporarily laid aside, not to lose its place at all.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPOONER. I wish to call the attention of the Senator, if the Senator from South Dakota will pardon me for a moment, to the fact that a day or two ago the Senate made a special order for Monday. I do not know that this will interfere with the interstate commerce arbitration bill. Will that displace this on Monday?

Mr. FAULKNER. No; I suppose it would not displace the unfinished business.

Mr. PETTIGREW. The railroad attorneys say the reason why there is no comparison between the express business and the mail business is because the express is in bulk, large packages, carloads.

In the statement made by the Louisville and Nashville road, which was read and placed in the RECORD, there is this statement:

> There are probably more apparent points of comparison between the express service and the mail service than between any other, but even here there are only a few common factors.

Then what does Mr. Knott say?

> To relieve our minds of the erroneous impression that there is some common standard by which the express service and the mail service may be measured we have only to consider the fact that much of the express service is in fact simply the expeditious movement of perishable freights, being solid carloads of fruits or vegetables, sometimes solid through carloads of fine stock, and not infrequently solid carloads of merchandise.

Now, let us see. According to the census report of 1890, the express companies of this country sent 115,000,000 packages, and the total weight of all the packages, counting all the packages and not counting 17,000,000 of them as weighing anything because that weight is not given, dividing the 3,292,000,000 pounds of weight by

the 115,000,000 packages, we find that the average weight of express packages is 28 pounds. Yet we are regaled with this statement, which is deemed worthy to be put into the RECORD upon which to rest their case, that most of the express matter is in carload lots—great quantities of vegetables and fruit. Why, Mr. President, fruit does not go as express matter, and this railroad manager knows it. It goes as fast freight. Fruit and perishable stuff comes to the North as fast freight; not as express. Occasionally a little is sent by express, but the average weight of express packages sent in this country in 1890 was 28 pounds.

Again we have a parallel between the mail and the express, and what is more, the compensation received for these express packages was 16¼ cents apiece. Yet you will find all through the statements of these lawyers that they never carry a package for less than 25 cents by express. Then proceed to figure what the result would be if they got 25 cents apiece for all the packages they carried. Here, then, is a service done on the same train, done in the same manner, for which the Government of the United States pays 5½ cents per pound and the express companies pay 5⅝ mills.

In other words, we pay ten times as much per pound for carrying the mails, to say nothing about the railway postal car service, as the express companies pay; and yet they insist that we are not paying enough. The fact is, we are paying ten times too much. If we paid the $4,000,000 for the use of the cars and $3,000,000 for the weight of the mail, we would pay for the weight of the mail just in proportion to its weight what the express companies are paying to-day. But granting them five times that and paying them $15,000,000, then there is a saving of $15,000,000 to the Government and the Treasury, and we would pay five times what the express company pays for its transportation.

The Second Assistant Postmaster-General takes up the question of paying for hauling passengers, and he says that is the basis of comparison. Then he proceeds to say that on the Pennsylvania Railroad they carry thirty passengers to a car at 2 cents a mile per passenger. The railroad company would receive 60 cents a car per mile for carrying that car with those passengers, while we only pay them, he says, 26 cents for carrying the mail car, and therefore the compensation is too little. The whole statement that is made is full of just such parallels as that.

The interstate-commerce report shows that the average train load of passengers in this country is only 45, with 5 cars in a train, which would be 9 persons to a car, and therefore, at 2 cents a mile, they would get 18 cents a mile, while we pay, according to his own figures, 26 cents. I say that is the sort of stuff the Second Assistant Postmaster-General, coached by the railroad employees in the Department, has retailed to us as evidence in this case.

You will find on certain railroads in this country that they carry 40 people to a car. Is that any basis for calculation? Another thing. The compensation for carrying passengers is put not only for carrying the passenger over a mile of track, but for getting the business, soliciting, station agents, passenger stations, advertising, railroad offices, and all the attendant expenses; more than half of all the revenue received goes to getting the business, and yet the Second Assistant Postmaster-General stands up before our committee and tells us that that is the only sort of service with which you can draw a correct parallel. Aside from that, incident to the passenger service is the baggage car. He did not take that into consideration. They have to haul, incident to the passenger service, a dining car, and incident to it also is the sleeping car.

He goes on then to isolate a car on the Pennsylvania Railroad, and says they can carry 30 passengers, which would be a little less than 2 cents a mile for a passenger, which would be 58 and some fractions of a cent per mile, while we pay only 26 cents. That sort of evidence, given intentionally and purposely to deceive the committee, is the basis upon which the majority of the committee make this report.

Now, let us see. The Government charges 1 cent a pound for second-class mail, and we pay the railroad companies about 5½ cents for carrying this same mail. The express companies compete with the Government for a distance of 500 miles all over the United States at 1 cent per pound. In other words, they will carry express packages for less than a cent a pound and drive the Government out of the business; and that includes their compensation from domicile to domicile, from house to house, over a distance of 500 miles.

The express companies will take freight, take packages, take express business, for 1 cent a pound. What is their rate? From New York to New Haven it is three-fourths of a cent per pound; to Boston it is 1 cent; to Philadelphia, three-fourths of a cent; to Cleveland, 1½ cents; to Cincinnati, 2 cents, while on the long distances they can not compete.

Here is the cause of the effort to increase the pay for second-class mail matter. If they could increase that compensation and make the Government charge more for second-class matter, the three hundred and some odd million pounds of mail matter which goes as second class would be driven to the express companies and would thus enlarge their receipts. So they made the effort to secure the increase of compensation for second-class mail matter.

The Government can carry second-class mail matter at a profit at 1 cent a pound all over the United States, without reference to distance, if we only pay the railroad companies what the express companies pay them for doing their service.

This concession ought to be made. We ought to reduce the rate to the railroads on second-class matter, so that from station to station throughout the United States, without reference to distance, we would pay less than 1 cent a pound, or six-tenths of a cent, which the express companies pay. I say this for the reason that the express companies now compete with the Government within a radius of 500 miles. The average distance the mail is carried is 328 miles. Therefore, without reference to distance, there is a profit in carrying the mail at 1 cent a pound if we pay the railroad companies only what the express companies pay.

But let us see what the Second Assistant Postmaster-General gave us on this subject. It is rather interesting, and I call especial attention to this branch of his testimony. He first goes on to say:

> Each road gets a certain rate per mile per annum of its mileage. Perhaps I had better read a paragraph from the very carefully prepared statistics of Captain White, the General Superintendent of the Railway Mail Service. He says:
>
> "By taking into consideration all the routes above mentioned and making them overland routes between New York, N. Y., and San Francisco, Cal., we get these figures: The Government pays for the transportation of the mail $4,265,267.23; for the use of cars, $833,812.30; making a total cost per annum for transportation and cars, $5,099,079.53. The average weight carried daily the whole distance is 100,295 pounds. The distance as figured from New York to San Francisco is 3,554.84 miles. By dividing the total cost for transportation and cars by 365 we get $13,970 as the daily cost, whole weight, whole distance.
>
> "This divided by the distance (3,554.84 miles) gives $3.92 as the daily cost per mile whole weight. This divided by the weight carried (100,295 pounds) gives $\frac{1}{1000}$ of a cent, being the daily cost per pound per mile. This multiplied by the distance (3,564.84 miles) gives $0.1392, being the daily cost per pound for the whole distance; that is, between New York and San Francisco. The figures for transportation alone would be for the daily cost, whole weight, whole distance, $11,685.66; for the daily cost per mile, whole weight, $3.28; for the daily cost per pound per mile about $\frac{1}{1000}$ of a cent, and the daily cost per pound for the whole distance would be $0.1165."

I call attention to the conclusion. He says:

> In other words, if we include in that computation the post-office cars, the daily cost per pound is nearly 14 cents for the whole distance. Exclusive of the post-office cars it is nearly 12 cents a pound.

Then he proceeds to compare that with the express charges, in order to show that the railroads are carrying the mail for less than what the express companies will carry it. Here is the fallacy and folly and falsehood of his whole argument plainly and clearly exposed.

> I have here the latest tariff rate of the Adams Express Company from Washington, D. C. I open it at Alabama. I find the rates from Washington to Abbeville $3.25 per 100 pounds, and to Abbeville Junction, $3.75; to Arlington, $4; to Bear Creek, $4.50; to Deer Park, $4; to Delmar, $4.50; to Guntersville, $4—all per 100 pounds.
>
> Turning to Arizona, I find the rate to Alhambra from Washington, D. C., to be $15.75 per 100 pounds for merchandise by express. Here is another point—Canyon Diablo, $12.50 per 100 pounds; Yuma, $14.25 per 100 pounds, and so on.
>
> Turning to Arkansas, I find various rates to various points—$4.75 per 100 pounds to one point, $5.50 per 100 pounds to another point, $3 per 100 pounds to another point, making, say, about an average of $4 per 100 pounds for Arkansas.

I will now read what he says as to the rate between San Francisco and New York, for that is where he has figured out what we pay for carrying the mails. He says:

> Our rate from New York to San Francisco—and I think it is about the same from Washington to San Francisco—is $11.65 per 100 pounds.
>
> Senator ALLISON. As against their $14 or $15?
>
> Mr. SHALLENBERGER. As against their $15; or, to other points on that coast, still higher sums.

In other words, he shows that we pay for carrying the mail, exclusive of the mail car, nearly 12 cents a pound, while the express company charges 15 cents to San Francisco. Is this an honest basis of comparison? Let us see. We are comparing what the express company pays for service and what the United States pays for service. It has been agreed on all hands that the express company—and Mr. Weir states it in his testimony—pays 40 per cent of its receipts. If the express companies charge $15 a hundred for carrying express matter from New York to San Francisco, the railroad companies would get 40 per cent of $15, or just $6, out of it; and yet Mr. Shallenberger, without making any explanation whatever, and knowing these facts, stated to the committee that we pay 12 cents and the express company charges 15 cents.

Mr. QUAY. If the Senator will allow me to interrupt him, I desire to say that the Senator from South Dakota was present in the committee when the statement was made.

Mr. PETTIGREW. But I did not myself notice the discrepancy until I began to examine the testimony, when I read it, and I believe every other member of the committee was deceived the same as I was. I know the Senator from West Virginia [Mr. FAULKNER] was so deceived, for I have since talked with him about it.

It seemed to me that that was a just basis of comparison at the time.

It is rather difficult for a person not experienced in things of this kind to go through a lot of testimony of this sort and get at the facts, where the absolute purpose is to deceive and mislead; and if the testimony was not so full of misleading statements, I would not make these comments in regard to it. I know my strictures are rather severe upon the Department, but they are borne out by the testimony of the officers of the Department themselves. Now let us see. He goes on with further comparisons. He says:

Now, take the route from New York to Ogden. The express quotations to Ogden are $10.25 per 100 pounds; to Frisco, Utah, they would be $12.75.
The mail compensation from New York to Ogden is $8.61 per 100 pounds, the distance being 2,196 miles.

And the railroad company receive from the express company, from New York to Ogden, at 40 per cent of its receipts, $4.08 a hundred pounds, and the Government pays $8.61 per 100 pounds, according to the figures of the Second Assistant Postmaster-General himself; yet he would have us believe that the railroad company gets $10.25 for carrying express matter and $8.61 for carrying the mail. But here is more interesting stuff:

Mr. SHALLENBERGER. From New York to Omaha, Nebr., the mail compensation is $4.37 per 100 pounds. The express charge is $4.25 per 100 pounds.

Therefore the express company pays the railroad company for an exactly parallel service 40 per cent of $4.25, which is $1.70; and we pay for carrying the mail $4.31 per hundred pounds.

But, Mr. President, a more interesting case is the following:

From New York to Chicago I find the mail compensation rate $3.51 per 100 pounds. The actual compensation paid, as shown in the table that I have previously presented, is $3.51 per 100 pounds for 965 miles.
Senator CULLOM. Is that mail matter or express matter?
Mr. SHALLENBERGER. Mail matter. Taking the Adams Express Company rates to Chicago, I find them to be $2.25 to Chicago proper; to Ashland avenue and the Heights, $2.65 per 100 pounds ordinary merchandise.

According to his figures, we pay $3.51 per 100 pounds, and the express company pays 40 per cent of $2.25 per 100 pounds, which is 90 cents. We pay $3.51, and the express company pays 90 cents for the same service. But what is worse in this statement you will find by turning to page 137. I will show how worthless this whole testimony is. On that page you will find a statement of Mr. White, the Superintendent of the Railway Mail Service, in which he says that we pay for carrying the mail over the New York Central road from New York to Chicago $2,873,518 per year, and the weight is 66,500,000 pounds, or $4.33 per 100 pounds, while the Second Assistant Postmaster-General says, comparing it with the express rates, we pay $3.51 per 100 pounds.

Of course $3.51 to a man who is working for a railroad company, and wants to make out a case for it, makes a better comparison with $2.25 than $4.33 makes. I do not know that this is done purposely, but I presume it is figured out by subordinates. I believe Mr. Shallenberger, so far as he is concerned, is an honest man; but I do believe that he has been deceived in this statement; I know it, for the railroad companies have furnished the material to the subordinates, who were trained under the two previous Second Assistant Postmasters-General, who were railroad employees, and consequently we can not get at the truth from that Department until it is wiped out, the service changed, and every one of those fellows turned out and a new crop put in.

Mr. CANNON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. PETTIGREW. I yield.

Mr. CANNON. This is a very important subject, and I think there ought to be more Senators present to listen. I therefore ask that there be a call of the Senate.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Foraker,	McMillan,	Roach,
Bacon,	Frye,	Mallory,	Sewell,
Bate,	Gallinger,	Mantle,	Spooner,
Burrows,	Gear,	Martin,	Stewart,
Butler,	Gorman,	Mills,	Teller,
Cannon,	Hale,	Mitchell,	Thurston,
Carter,	Hanna,	Money,	Tillman,
Chandler,	Hansbrough,	Morgan,	Turley,
Clay,	Harris,	Murphy,	Turner,
Cockrell,	Heitfeld,	Nelson,	Turpie,
Cullom,	Hoar,	Pasco,	Wellington,
Daniel,	Kyle,	Pettigrew,	Wetmore.
Deboe,	Lodge,	Platt, N. Y.	
Fairbanks,	McEnery,	Quay,	
Faulkner,	McLaurin,	Rawlins,	

The PRESIDENT pro tempore. The roll call shows 57 Senators to be present. There is a quorum of the Senate. The Senator from South Dakota will proceed.

Mr. PETTIGREW. Mr. President, I sent to the Interstate Commerce Commission and asked them to furnish me the data with regard to the decline in passenger and freight rates since 1878; for in 1878 we made the last reduction in the compensation for carrying the mails. There has been no reduction since that time. Twenty years have rolled away and everything else has declined but the pay of the Government to the railroad companies for carrying the mails.

I find that the charge for carrying freight has been reduced by the railroad companies 33 per cent since 1882; and from 1878 to 1882 there has no doubt been a considerable decline. The Interstate Commerce Commission did not have the figures. I have here the figures showing that the railroads have voluntarily decreased the price for carrying freight 33 per cent, and my amendment provides for decreasing the price of carrying the mail but 20 per cent, although the rate for carrying the mails has always been over 100 per cent too high.

I find from 1882 to 1894 the cost was reduced for carrying passengers by the railroads voluntarily over 20 per cent, and that from 1894 to 1896, according to this statement, the charge for carrying passengers has increased a little. I ask leave to insert this letter, with the statement of the facts, in the RECORD.

The PRESIDENT pro tempore. That order will be made, in the absence of objection.

The paper referred to is as follows:

INTERSTATE COMMERCE COMMISSION,
Office of the Secretary, Washington, April 6, 1898.

DEAR SENATOR: I am in receipt of your favor of the 3d instant requesting a statement of the average decline in freight and passenger rates in this country since 1878. I regret that I am unable to find any publication giving any information upon the subject prior to 1882. The accompanying statement, prepared by the auditor of the commission, is taken from Poor's Manual for the years 1882 to 1887, and compiled from the commission's reports since that time. It is believed that the information you desire is best shown by the average rate per ton per mile on freight and the average rate per passenger per mile, which appears in the statement.

Sincerely, yours,
EDW. A. MOSELEY,
Secretary.

Hon. R. F. PETTIGREW,
United States Senate, Washington, D. C.

INTERSTATE COMMERCE COMMISSION,
Auditor's Office, April 5, 1898.

Statement showing the average rate per ton per mile on freight, and the average rate per passenger per mile from 1882 to 1896, inclusive.

Year.	Freight, average rate (in cents) per ton per mile.	Passenger, average rate (in cents) per passenger per mile.
1882	1.236	2.447
1883	1.224	2.423
1884	1.125	2.356
1885	1.036	2.198
1886	1.042	2.194
1887	1.034	2.276
1888	1.001	2.349
1889	.922	3.165
1890	.941	2.167
1891	.895	2.142
1892	.898	2.126
1893	.878	2.108
1894	.860	1.986
1895	.839	2.040
1896	.806	2.019

Mr. PETTIGREW. It seems to me, taking all the facts into consideration, that we are abundantly justified in reducing the compensation for carrying the mails 20 per cent. Go to the farmer of this country, and you will find that his products have decreased nearly one-half, more than one-half, much more than one-half, since 1878. The cotton raiser's price of cotton has gone down from 16 and 18 cents a pound to 5 cents per pound. So it is with the wheat raiser; so it is with the producer of almost everything that is produced by human toil; and inasmuch as these producers are the people who pay the taxes, it seems to me we are justified in reducing the mail pay 20 per cent, and then go on with our investigation, which, in my opinion, will show that next year we should reduce it 30 per cent more.

As I said before, the express companies in this country—and I am going over that again, because I want to thoroughly fix that in the minds of Senators—the express companies in this country in 1890 sent 98,000,000 packages, weighing 3,299,000,000 pounds, and they sent 17,000,000 packages which were not weighed. They paid the railroads for carrying all those packages $19,327,000, or 5⅞ mills per pound, while last year the Government paid for the carrying of 528,000,000 pounds of mail nearly $30,000,000, or 5¼ cents a pound, or ten times as much as the express companies paid for carrying their property. It seems to me that all these facts justify the proposed reduction.

I am going to review very briefly the testimony submitted by the railroad companies in this connection, because it seems to me to be a case made up by the railroad companies upon which those who favor the present high rate of compensation rely.

Mr. QUAY. I desire to say, Mr. President, to the Senator from South Dakota, that it is not upon the case made out by the railroad companies alone, but upon the case made out by the Post-Office Department, and upon the case made out by the express companies, on which the Committee on Appropriations rely.

Mr. PETTIGREW. They are all in partnership.

Mr. QUAY. That is only a supposition upon which the Senator bases his statement.

Mr. PETTIGREW. All I ask of any person is that they will read the majority report of the committee as a corroboration of my statement.

Mr. Baldwin, representing the Chicaco, Burlington and Quincy Railroad, makes this statement, on page 10 of the printed evidence:

Upon these heavy routes also the question of weight is controlling, and in them only will be found a fair basis for determining the rate per pound that is being paid, and for comparing the rates with those paid by other customers of the railroad company, and for deciding whether the Government is getting the benefit of fair reductions in price, having in view the constantly increasing service it demands, and which requires a constantly greater expense. The routes carrying in excess of 5,000 pounds per day receive $22,641,000 out of a total expenditure of $33,876,000, or over two-thirds of the whole mail compensation, and they carry nine-tenths of the total weight.

I am going to accept that as true for the purpose of this argument. I do not know whether it is true or not, but for the purpose of this argument I will accept it as true. Then he goes on to say:

A small portion of this tonnage, namely, up to 5,000 pounds, on these heavy routes goes at 4 cents a pound for the haul of 448 miles; but the great weight (over 4,000,000 pounds per day) is carried at the legal minimum of 1.3 cents per pound.

Let us see how this works out. He says that these roads receive $22,641,000 out of a total compensation of $33,876,000, and that they carry nine-tenths of the total weight of the mail, which that year was 528,000,000 pounds. Take nine-tenths of 528,000,000, which is 475,300,000, and divide the $22,641,000, which he says they receive, and you will find that they receive 4¼ cents per pound for every pound they carry; and yet he tells us in the next paragraph (and this is the sort of rubbish they present to the Committee on Appropriations) that—

A small portion of this tonnage, namely, up to 5,000 pounds, on these heavy routes goes at 4 cents a pound for the haul of 448 miles; but the great weight (over 4,000,000 pounds per day) is carried at the legal minimum of 1.3 cents per pound.

But the Department says the average distance mail is carried is 828 miles.

Then he says—

It is a matter of mathematical demonstration.

I should think it was; and so on, all the way through all these statements of these railroad attorneys we have this same misleading, confusing, and deceptive testimony. I do not say that these men committed perjury, for we did not swear any of them. They made statements.

You recollect, Mr. President, that in the examination of the trans-Mississippi freight rates, the railroad managers all came in and swore that there was not a pool, and finally Mr. Stickney, who was manager and president of the Great Western Railroad, came in and swore that there was a pool, and that he was in it. In other words, they protect the service they are engaged to protect, and to protect the railway service of this country requires a peculiar conscience.

On page 65 is the statement made by the Louisville and Nashville road. I noticed this statement when it was being read by the Secretary and I made a memorandum of it:

I think it is proper to suggest that the railroads have the right to expect the Government to pay them at least as much for the use of their passenger trains, in proportion to the labor performed and the services rendered, as the public using the same trains pay. But the company's statistics show that the Louisville and Nashville Company secured for the year ended June 30, 1897, net earnings per car mile for the transportation of passengers, after the payment of operating expenses—not including interest and taxes—6.23 cents, while from the mail they only secured 4.96 cents, a difference of over 25 per cent in favor of the passenger account.

You will find on page 124 Mr. White's statement that the average pay per mile for every single one of the postal cars used by this country is 6.84 cents per mile, as against 4.96 cents according to this statement.

Then on page 66 we have the price they charge for freight 10 miles. That includes not only the transportation, but the cost of getting the freight, the depot charges, terminal charges, which make up the bulk of the cost of doing the freight business; and in this connection I will put into the RECORD the statement of various roads as to the cost of handling freight cars and freight trains after the trains are loaded.

The Government loads the mail on a train. Then it is carried by the railroad company, and yet the railroad attorney who makes this statement compares the total freight rate with the amount that the Government pays simply for hauling the freight over the road, and then he takes the smallest possible distance they have—10 miles—and therefore the highest rate. He says for 10 miles or less the charge is 12 cents per 100 pounds, while the Government pays only 5.6 cents per 100 pounds, leaving out entirely the cost of securing the business, which is the chief item in a short haul of 10 miles for freight.

COST OF HAULING FREIGHT CARS ON THE UNION PACIFIC ROAD.

In 1890 the cost of hauling a loaded car (on the Union Pacific Railroad) 1 mile, that is, including all the expense of the locomotive and car departments, was 3.17 cents a mile; in 1891 it cost us 3.05 cents; in 1894, 2.65 cents, and in the month of October, 1895, it cost us 2.01 cents to haul a loaded car 1 mile.—*Statement of J. H. McConnell, superintendent locomotive power, the Union Pacific Railroad.* See Railroad Review, February 29, 1896.

COST OF HAULING FREIGHT CARS ON THE SOO LINE.

On May 1, 1895, the Soo Line commenced rating its locomotives on a tonnage basis. The cost per mile of hauling freight cars in 1894 was 1.13 cents, and in 1895 it was 1 cent.—*Railroad Review*, March 28, 1896.

In his paper on "Locomotive service," published in the Railroad Review of January 18, 1896, Mr. McConnell stated that on the Union Pacific 28 loaded cars are now hauled by the same engine that used to haul 22 cars, and in one case the increase had been from 23 to 35 cars. He also said that the additional cost to a train by attaching thereto an additional loaded car would only be the value of 5 pounds of coal per car mile, and in a yearly course of 36,000 miles the increased cost would only be the value of 90 tons of coal.

As to the wastefulness of our private railway managers in the use of their freight equipment, the following is of importance.

In a paper read at the December, 1896, meeting of the St. Louis Railway Club, J. R. Cavagnah, superintendent car service of the Cleveland, Cincinnati, Chicago and St. Louis road, said:

"There are about 1,750,000 freight cars owned by railroads in North America, representing an investment of about $500,000,000. From the best information obtainable these cars average a little over 6 tons per mile, or about 10 tons per loaded car mile. Freight equipment is idle an average of 75 per cent, or in service about 25 per cent of the time. What causes this large percentage of idleness? Delays incidental to loading and unloading, switching, terminals, etc., consume a portion of it; but as much time is lost waiting for loads, giving loads preference over empties, holding for home routes, for transfers, etc.

Car Accountant Wheatly, of the West Shore road, says that of the freight-car equipment of the United States in 1892, 248,000 cars were absolutely idle, and these cars representing a capital of $124,000,000, occasioned not only a loss of the interest on their cost but an additional loss of $10,000,000 annually for their maintenance, to say nothing of the cost of track room to hold them, locomotives to move them, and the other minor yet necessary expenses which their existence involves; and still, he says, the private managers of the railroads pay over $30,000,000 a year for the use of private cars and Mr. Wheatly's figures as to the cost of private cars are supported by the testimony of Mr. Aldace F. Walker.—*Railroad Review*, September 3, 1892.

I may also add that S. P. Bush, superintendent of locomotive power of the Pennsylvania lines west of Pittsburg, makes the cost of hauling loaded and empty cars the same. In the Engineering News of June 3, Mr. Bush states that on a run of 115 miles from Chicago to Logansport, Ind., an increase in the load of a freight train of 32 cars from 750 to 1,050 tons occasioned the use (the additional cost) of but 400 pounds of coal. There was no other increase of expenses. In other words, the cost to the road for the haul of the additional 300 tons of freight for a distance of 115 miles was but the cost of 400 pounds of coal, certainly less than 50 cents.

For further information on these points note pages 145 and 146 of my book, A General Freight and Passenger Post.

As to passenger trains, the railroad reports of the year 1897 show that the trains run with only about one-sixth of their seats occupied.

JAMES L. COWLES.

I find that Mr. Dudley, in making his statement for the railroads for which he is attorney, says:

The report of the Interstate Commerce Commission for 1897 gives the cost of the railroads of the United States at $12,179,865,771.

That is the amount they are bonded and stocked for, and nobody pretends that that is what they cost, and Mr. Dudley knows they did not cost that sum. But he lays that down as a premise from which to make an argument and draw conclusions to convince us that the railroads receive too little compensation for carrying the mails.

So with these half falsehoods, these misleading statements all through this evidence, on almost every page of it, they undertake to make up a case to justify charging ten times as much per pound for carrying the mail as they charge for carrying express matter.

I beg pardon of the Senate for presenting this subject in so disconnected a way; but the investigation was a hurried one, and we have had but little opportunity since the investigation to look into the matter and digest this mass of testimony. I wish I had more time and could have presented it in a better manner.

Mr. QUAY. I send to the desk a communication from the Postmaster-General to the chairman of the Committee on Appropriations, which I ask to have read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., May 6, 1898.

SIR: In the hope that the bill which I submit herewith may meet the approval of your committee, and that the committee may be disposed to offer it as an amendment to the pending Post-Office appropriation bill, I venture to call it to your attention, with the view of securing speedy action thereon. The bill explains itself.

It is intended to clothe the Postmaster-General with ample facilities to provide postal accommodations for the Army pending the existing war with Spain at any fort, camp, or rendezvous where they may be assembled. Possibly, by a somewhat unreasonable construction of existing laws, to state it otherwise, upon the doctrine of military necessity, the application of existing laws might be sufficient to enable the establishment of such postal service. But there would likely arise some embarrassment to the accounting officers as well as to the Post-Office Department if the defects of existing statutes which this bill is intended to cure were not provided for in advance of the establishment of such service. For instance, the law relating to the creation of branch post-offices within the radius of free-delivery offices prohibits the establishment of a branch post-office at any point more than 5 miles distant from the corporate limits of the town or city in which the main office is located.

If that prohibition is not cured, it may, and probably will, lead to serious

embarrassment in connection with the objects sought. Such a result has already been demonstrated in the case of the massing of troops at Chickamauga Park. That park is 10 or more miles from Chattanooga, a free-delivery city, and under the law as it exists a branch post-office could not be established there. The nearest office was but a short distance from the park—a little fourth-class office at which, under the law, no allowance could be made to the postmaster for increased clerical help. But for the 5-mile-limit law I would have promptly established a branch office at Chickamauga Park and authorized the postmaster at Chattanooga to provide it with all the clerks necessary to conduct the business.

Under the law relating to the postal service it is competent for the Postmaster-General to establish a post-office at any point and to appoint a postmaster, who at once enters upon his duty as the head of a fourth-class office. But he would become a postmaster of the fourth class, whose compensation would be fixed upon the basis of commissions to be determined upon his returns for four consecutive quarters, and he could not, therefore, pass into a higher grade nor receive any allowance whatever to conduct his office. The establishment of such an office at any military camp would fail of its object.

The bill submitted herewith is intended to cure the two defects referred to—the one relating to the embarrassing five-mile-limit clause, the other forbidding the Postmaster-General to make extraordinary allowances within his discretion to meet the necessities of such an office. As the bill does not apply to any portion of the postal service except that relating to the necessities of the Army, I apprehend that no reasonable objection will be found to its enactment.

A duplicate of this communication will be addressed to the chairman of the subcommittee in charge of the Post-Office appropriation bill, and also to the chairman of the Committee on Post-Offices and Post-Roads of the Senate.

Very respectfully,

CH. EMORY SMITH,
Postmaster-General.

Hon. WILLIAM B. ALLISON,
Chairman of Committee on Appropriations,
United States Senate.

Mr. QUAY. It has occurred to the Committee on Appropriations, it being important to the interests of the Government that this bill should pass at once, that it would become a law much sooner by passing it as a separate measure than by sending it to a committee of conference on the Post-Office appropriation bill. I understand that the acting chairman of the Committee on Post-Offices and Post-Roads is ready to report the bill and to ask its passage. I think there is not likely to be any objection to it on the part of the Senate. I therefore ask unanimous consent that the pending bill be informally laid aside for the present, to enable the Senator from New Hampshire to present the bill, and that the appropriation bill be taken up as soon as the discussion on the bill to be offered by the Senator from New Hampshire shall have been concluded.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the Post-Office appropriation bill be informally laid aside. Is there objection? The Chair hears none.

POST-OFFICES AT MILITARY CAMPS.

Mr. CHANDLER. Mr. President, the bill which has been transmitted by the Postmaster-General has been examined by the subcommittee of the Committee on Appropriations, and has also been examined by one or two members of the Committee on Post-Offices and Post-Roads. The chairman of the Committee on Post-Offices and Post-Roads is now absent from the Chamber, serving upon the Committee on Finance. In his absence I offer the bill and ask that it may be read, and that we shall then proceed to its consideration.

The bill (S. 4554) to authorize the establishment of post-offices at military posts or camps was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That during the continuance of hostilities between the United States and Spain the Postmaster-General may, in his discretion, establish a temporary post-office at any military post or camp, for the purpose of supplying the officers and troops there encamped with mails, the location of which post-office may at any time be changed to any other post or camp. On the establishment of such post-office he shall cooperate with the Secretary of War or officer commanding such post or camp, for the purpose of securing the detail of an officer of the Regular or Volunteer Army of suitable rank to act as postmaster, who shall, when the exigency will permit, execute a bond to the United States as such, and of a sufficient number of noncommissioned officers and privates to act as clerks in said post-office, who shall serve as such without additional salary, pay, or compensation other than that attaching to their rank and position in the Army. Each of said persons shall, before entering upon the discharge of his duties, take the oath prescribed for persons employed in the postal service. In any case where it is deemed impracticable by the military authorities to detail persons from the Army to act as postmaster or clerks, the Postmaster-General is authorized to appoint a civilian as postmaster, and also to make a special order allowing to him reasonable compensation for clerical services and to meet the necessary expenses of said office, as well as a proportionate increase of salary to the postmaster during the period of such extraordinary business as may attach to his office, under the provisions of section 3682, Revised Statutes, payable out of the appropriations for the postal service. He may also provide for the issue and payment of money orders at any post-office established under the provisions of this act.

SEC. 2. The Postmaster-General shall supply to post-offices referred to in the preceding section all necessary postage stamps, stamped envelopes, postal cards, and other supplies of whatever description. He may also prescribe regulations for the conduct of the business at such post-offices in conformity, so far as the same may be applicable, to the regulations relating to the ordinary postal service.

SEC. 3. In any case where, in the judgment of the Postmaster-General, any military post or camp can be better and more economically supplied by a branch post office, he may, without reference to its distance from the main office, establish the same and meet the expenses thereof by special order, as in the case of post-offices referred to in the preceding section.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. PASCO. I rise to express the request that the bill may go over until Monday and be printed. I do not understand that it has been considered by a committee of this body. Surely the delay of a day or two in an important matter like this can not make any difference. I hope the bill may be printed and referred to a committee, and when we meet again it can come back with the approval or disapproval of the committee. It will cause but a single day's delay to accomplish that result. For one I should like to see it in print before acting upon it.

Mr. QUAY. The bill has been considered by the subcommittee of the Committee on Appropriations, and also at least by some members of the Committee on Post-Offices and Post-Roads. It provides merely for the establishment of post-offices at camps. Those camps are now organizing and some have been actually formed. There ought to be a post-office at Chickamauga now, where many troops are concentrated, but owing to the defect in the present law the Postmaster-General can not establish one there. I will send a copy of the bill to the Senator from Florida, and I think on examination he will have no objection to it.

Mr. PASCO. I wish to suggest to the Senator from Pennsylvania that it will not expedite matters at all to act upon the bill to-day, as the House is not in session. The bill can be passed here Monday morning and go to the House as speedily as if passed to-day. There will be no time saved by considering it now. It seems to me there is no necessity for this hasty legislation. If the bill comes up at our next session, to-morrow morning or even Monday morning, it will reach the House as soon as if passed to-day.

Mr. QUAY. If the Senator from Florida objects to the consideration of the bill at this time, of course it must go over until Monday.

The PRESIDENT pro tempore. The bill will go over.

Mr. CHANDLER. Under the circumstances, recognizing that the Senator from Florida has a perfect right to ask for further time, I move that the bill be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. QUAY. I ask the Senate to resume the consideration of the Post-Office appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, the pending question being on the amendment proposed by Mr. PETTIGREW.

Mr. FAULKNER addressed the Senate. After having spoken for some time,

Mr. BUTLER. If the Senator from West Virginia will pardon me, I desire to speak on this question when the Senator is through, but I am compelled to absent myself from the Chamber now, and I shall not be able to return this afternoon. Therefore I ask that we may have an understanding that the bill be passed over until Monday; that no final vote be taken on it until Monday. I suppose there will be no objection to such an arrangement. I have several amendments that I desire to offer.

ADJOURNMENT TO MONDAY.

Mr. QUAY. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, the pending question being on the amendment proposed by Mr. PETTIGREW.

Mr. QUAY. With the permission of the Senator from West Virginia, in reply to the request of the Senator from North Carolina, I have no objection to the bill going over until Monday, and will consult his convenience if it is understood that we shall take the final vote on Monday. I hope I can have unanimous consent to that effect, that before we adjourn on Monday the final vote on the passage of the bill shall be taken.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania make that request?

Mr. QUAY. I make that request for unanimous consent.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the final vote on this bill and all amendments to it shall be taken before adjournment on Monday.

Mr. GORMAN and others. Agreed.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. FAULKNER. Mr. President, I would not engage at all in the discussion of the matter before the Senate if it were not that I am a member of the Subcommittee on Appropriations which considered this bill and a member of the full committee which finally acted upon it. The subject was one entirely novel to me. I had never had an opportunity to examine the matters submitted to the subcommittee prior to the investigation made under the bill now before the Senate for its consideration. My views upon this subject, formed upon information which was not official, was to a great extent in accord with the views expressed by the Senator from South Dakota [Mr. PETTIGREW], and I but express my surprise at the evidence which was laid before the committee, and which to a great extent have changed the opinions which I have heretofore entertained.

The question submitted to the Senate is simply this: The House having made the ordinary and usual appropriation for the inland railway transportation of the mails in the Post-Office appropriation bill, when it reached the Senate it was referred to the Appropriations Committee. The Senator from New Hampshire [Mr. CHANDLER] introduced an amendment, which was approved by the Committee on Post-Offices and Post-Roads and referred to the Committee on Appropriations, providing for a full, complete, and exhaustive examination of the question whether the Government of the United States was paying too large a sum to the railroads for the transportation of the mails—first, as to the transportation of mails by weight, and secondly, in paying too much for what is known as the railway postal car service. After full consideration of the subject, including the amendments submitted by other Senators providing for a reduction in the amount of railway compensation, we deemed it just and proper to that committee whose duty it was to advise the Senate that at least a partial investigation should be had by the subcommittee touching this question.

With that object in view, we notified the railroads of the country that we would hear anything they had to say upon the subject. We thought it better to hear them first and our own officials afterwards, that any misstatements that they might make or erroneous views which they might express to the committee could be corrected by the officials of the Post-Office Department, who are familiar with these questions, and would be able to answer as well as clear up any doubt which they should create in the minds of the committee as to the propriety of reducing the compensation at present paid.

We first heard the railroads. We then called the post-office officials having charge of this particular subject. We requested the attendance, at the suggestion of the Senator from South Dakota, of the president of the Adams Express Company. We then urged him at that time to suggest any other gentlemen who had any knowledge or could give any information on the subject, and informed him that we would call whomsoever he desired before the subcommittee, that all the light bearing upon this question accessible to anyone in the United States should be obtained. He could give us no suggestion as to anyone we could call other than those we did call. The subject was before the subcommittee ten days or two weeks, during which time a suggestion as to any other witnesses he desired to have brought before the committee would have resulted in having them notified.

Finding that there was no other information then obtainable, the question of the consideration of these amendments came before the committee. Although the evidence was apparently conclusive, so far as introduced before the committee, as to the fairness of the present charge for mail transportation, the minds of the committee were not so thoroughly satisfied that they deemed it proper to reject the amendment offered by the Senator from New Hampshire. We felt that this question was one of great public interest, that it was one involving the expenditure of $34,000,000 of the people's money, and that, as many had grave doubts as to whether the compensation was fair and just, there should be a deliberate and exhaustive investigation of the whole subject.

We therefore incorporated the amendment of the Senator from New Hampshire into the bill. We felt that in this investigation members of the Post-Office Committee of both the Senate and the House should participate and be members of the investigating commission, as they had peculiarly in their charge the entire subject of post-office administration and the duty of recommending to the Appropriations Committee subjects affecting postal affairs. Consequently the amendment of the Senator from New Hampshire provides that the chairmen of the Committee of Post-Office and Post-Roads of the Senate and the Post-Office Committee of the House shall be members of this joint commission to be appointed by the two Houses, whose duty it will be during the coming summer and fall to fully investigate the subject and make its recommendations to the next session of Congress.

The evidence before the committee was uncontradicted and undisputed, and I say without any reservation that the statements submitted by the railroad officials and the Post-Office Department are undisputed and uncontradicted by any evidence. There was nothing before the Appropriations Committee on which it could base its action but that evidence, and under it we could do but one of two things—approve the appropriation made by the House, or, after doing that, amend the bill by providing for a commission to more fully investigate the whole subject, that its conclusions may be laid before Congress at its next session.

Mr. President, the amendment submitted by the Senator from South Dakota would destroy, I believe, many of the mail routes on roads in my State. It would seriously affect many of the mail routes on roads in the West and in the Southern States. It makes no discrimination between routes as to whether a route is getting too much or too little. It simply declares an arbitrary reduction upon all routes of 20 per cent of the present rate of transportation. Sir, the charge of transportation on the larger roads is the lowest known to the world. It is only when you examine the rate as to small roads which carry from one to two hundred pounds of mail a day that the cost of transportation is apparently high.

Why is it high in those cases? Because the carrying of the mail is not by weight. Congress recognized in 1873, when it passed the law by which this question should be governed, that if facilities were to be given to the people on the smaller lines where the mail was less than 200 pounds, it could not be fixed by weight, but must be an arbitrary compensation paid per mile. That compensation, for the services rendered, is, in my judgment, the very lowest, yet considered by the pounds carried it is the highest paid, and should you take 20 per cent off the roads would not carry the mail, or if they did it would be done as an act of charity to the Government of the United States.

Mr. President, the Senator from South Dakota tells us that we are paying $15,000,000 more for this service than we ought to pay. See how unreasonable that proposition is. If we are paying to these railroads for carrying the mail $15,000,000 more than we ought to pay, then the cost of our transportation of mail over 178,000 miles of railroads, to supply the wants, the demands, the necessities of 70,000,000 people, would cost about what the carrier service in the cities of this country costs. It shows upon its face that the proposition is unsound, that it is absolutely baseless so far as having any facts or justification to rest upon.

Mr. President, we can not compare our postal service with that of England or France or Germany. There is but one country with which you can compare the cost of mail service in this country, and that is the Empire of Russia. The longest route in England is 450 miles, and in the United States 3,584 miles; and that does not include Alaska. In the first mail which we sent to Circle City, Alaska, each letter cost the Government of the United States $450.

Mr. GEAR. And it got 2 cents postage.

Mr. FAULKNER. It got 2 cents for carrying it. The cost to the Government of the United States of carrying the letter was $450. You can not consider these questions in the narrow way in which the Senator from South Dakota has attempted to present it to the Senate. In the thickly settled sections of the East, where business is active and population large, where everyone is alive to the advantages of the facilities provided by the mails, and whose interest stimulates an extensive use of it, the cost of the service is small; but in sections of the West and South, where the country is thinly settled, the rate per pound is greater as the volume of mail decreases, for the same rate of postage is paid in both. Take the interior portion of my State, which has a road carrying 73 pounds of mail a day, and for which it receives $42.75 a mile for carrying it a year. Of course you should not compare the cost on such a road with the service on the great trunk lines, with their vast volume of mail, and yet when you average the rate for the whole country it materially increases the per cent of cost per pound.

Mr. President, I never examined this question before the present session, never having had occasion to do so, but I have no hesitation in saying that the author of the bill under which the compensation for the railway postal service in the United States is made was not only a most excellent and eminent lawyer, but a wise and farseeing statesman. He recognized, sir, what would be the future development of this great country of ours. He fully realized what a wonderful growth of business would develop year after year, and he determined to frame such a statute that, without the interposition of Congress, by reason of its automatic working, as that business, that volume of mail increased, the Government under its provisions should have the benefit of a decreasing cost of transportation. Sir, his wisdom has been vindicated to such an extent that when I present the facts you must admit that it has worked marvelously.

These facts will not be opinions, they will not be simply conjectures on the part of officials, they will not be the manipulation of figures by those under the influence of railroads, but they will be the actual tonnage on particular roads, the actual sum paid annually to those roads, the extent of the service rendered, and a

contrast as to the cost of transportation fifteen years ago and at the present time, showing the decrease in the cost of transportation on those roads carrying a large per cent of the mail, and these figures will be fully sustained by the records of the Post-Office Department.

There are two charges for mail transportation. One is by weight and the other is for the use of postal railway cars. I wish to call the attention of the Senate, because I think it has a right to the same information that influenced the judgment of the committee, to the law under which the compensation to the railroads is paid by the Government of the United States. You will then appreciate the wisdom of the law which provided the method by which the amount of the payments was to be determined. The law provides that where there is a daily average of 200 pounds the cost shall be $1.17 per ton per mile per day, or 5.85 cents per 100 pounds. The operation of the law is shown by the following table:

Daily average weight.	Cost per ton per mile per day.	Cost per 100 pounds.
Pounds.		*Cents.*
200	$1.17	5.85
500	.70	3.5
1,000	.468	2.34
2,000	.35	1.75
4,000	.21	1.07
5,000	.187	.96
20,000	.09	(*)
50,000	.07	.35
100,000	.064	.32
200,000	.061	.3
300,000	.06	.3

* Less than one-half cent.

Mr. President, when you reach 5,000 pounds of mail per day, the law provides that every 2,000 pounds in excess shall be carried at the lowest rate, $25 per mile—one-half of what is allowed for carrying 2,000 pounds. Consequently 20,000 pounds would be carried for 9 cents instead of 18 at 5,000 pounds per ton per mile, or one-half cent per 100 pounds; 50,000 at 7 cents per ton per mile, or thirty-five one-hundredths of a cent per 100 pounds; 100,000 at 6.4 cents per ton per mile, or thirty-two one-hundredths of a cent per 100 pounds. At 200,000 pounds it would be 6.1 cents per ton per mile, or three-tenths of a cent per 100 pounds per mile; and at 300,000 pounds it would be 6 cents per ton per mile, or three-tenths of a cent per 100 pounds. We have routes in this country that carry over 300,000 pounds per day, and when you reach 5,000 pounds per day, or above 5,000, the rates of transportation are lower than they are in any other country with similar demands upon the service.

The Senator from South Dakota seems to think that the express company can compete within a radius of 500 miles with the mail transportation. He is mistaken in that idea. On gross bulky articles, like circulars or anything that they can pack into an ordinary express car and which is carried as express goods, often on fast freights and sometimes on a passenger train, they can within a radius of 250 or 300 miles compete as against our second-class matter. The Senate is now in possession of the law which controls the rate of transportation of the mail when paid for by weight.

Now, we have another provision of law which affects this rate of transportation of mails. I want to get all these facts before those Senators who are kind enough to give me their attention, as they are at the basis of the whole question whether the rate paid is too high. The pay for postal cars of the length of a 40-foot car is 3.4 cents per mile run; for a 45-foot car it is 4 cents per mile run; for a 50-foot car it is 5.4 cents per mile run; for a 60-foot car it is 7 cents per mile run. The average is 4.9 cents per car per mile run. That is, the average payment by the Government of the United States for the postal-car service is 4.9 cents per car per mile run; you may say within a fraction of 5 cents a mile. That is the cost to the Government for the privilege they demand of carrying the mails in a particular kind of a car, constructed by the railroad under specifications of the Department.

It is said that the cost is too high. The evidence was undisputed before the subcommittee that you could not transport a similar car even on a freight train for an individual or a corporation in the United States without paying to the railroad 10 cents for each running mile, double the cost paid by the Government, although the mail car is carried on fast express trains.

But, says my friend from South Dakota, these cars are no better and cost no more than the common express cars. That is an entire misapprehension. The evidence before the committee is that they cost $6,000. They are fitted up in the very best style.

The Post-Office Department prescribes the method and mode of their construction and every class of furniture and arrangement that shall be put inside of the cars. The railroad company has no discretion whatever as to the specifications on which they are constructed. It is controlled entirely by the Department. They have all the facilities as to the distribution of the mail; and they have, in addition to that, all the cupboards necessary for containing the clothes of the officers and postal clerks who are sent with them. The Post-Office Department requires that the company shall furnish the car with the very best light that can be procured, for the reason that the best light is essential in the services performed by the postal clerks in the distribution of the mail. It costs, in fact, as shown by the testimony before us (and I know nothing on the subject except from the testimony), $6,000 to construct one of these cars.

The Senator suggested that the Government should do away with these cars and buy its own cars. A 60-foot car has to make a round trip to earn $50 per mile. It is really but $25 a running mile. In other words, for the largest car used is paid $50, which is 7 cents per running mile.

As I was saying, the question has been submitted, Why does not the Government build these cars? There is no one who owns cars and has them transported on any of the railroad trains except connecting roads. So we were informed by the witnesses before us. They are all owned by the railroads. But why does not the Government do this? Simply because, if the evidence before the committee is true, it would cost the Government too much to maintain them and to pay the mileage that would be demanded for their transportation, which for all patrons but the Government is 10 cents a mile.

The estimate of the Post-Office Department is that a car runs 91,250 miles a year. At 10 cents a mile, with the cost of lighting, the cost of repair, the cost of fuel, it would cost the Government annually for each car $10,881. The Government pays for that car $6,250 a year. The running expenses would be far in excess of the value of the car. Some say that is very remarkable. Why should we pay $10,881, the annual cost per car, for its transportation, for keeping it supplied with fuel and lighting and keeping it in repair? That is more than the cost of the car itself. Of course it is. But how often, gentlemen, have we known wagons that cost perhaps $50 and yet when they were used for transporting goods and other products the cost of same exceeded cost of purchase. The original cost is investment; the running and maintenance is the expense. The depreciation on investment, the cost of the horses, of the men employed, and the feed consumed during their use is the basis on which to calculate profits on your haul. All those things enter into the calculation just as it does into this question of the cost of postal cars.

To properly consider this subject all the facts should be before the Senate. We have 2,587 postal railroad routes in this country. There are only 255 of those routes on which postal cars run. The mail is carried on the other roads under different arrangements. On such routes the mail is carried in the baggage car of the railroad company without any cost of mileage to the Government for car space. In other words, when a route does not carry a mail of over 5,000 pounds per day it can be carried in a section of the baggage car. There are 2,700 of those cars used by the Post-Office Department, fitted up for the postal service by the railroad companies without any compensation whatever by the Government except the compensation they get for the weight of the mail carried.

Of the 2,700 cars in which there are postal apartments, 900 are less than 16 feet in length. The remainder, over 1,700, run from 16 feet to 30 feet in length, fitted with proper conveniences for the distribution of the mail, and for which no mileage is paid.

There is another thing that we must take into consideration. There is no contract between the railroad company and the Government of the United States for carrying the mail. The law fixes the compensation; the Postmaster-General fixes the obligation through departmental regulations, and whatever obligation he imposes upon these companies becomes the law that governs them. We are told by the officials of the Department that they have met these requirements and cooperated with the Department in improving the service.

Mr. President, it is difficult to make any comparison between the service in carrying the mail and any other transportation. It is the right of the Post-Office Department to say you shall carry the mail upon any train that leaves the city of Washington or the city of New York or any other city. The company may, in order to increase business, to meet competition, put on a very fast train from New York to Washington, and the Post-Office Department has a right to step in and say that fast trains shall carry the mail between those two points. This power is exercised by no other customer of the road.

Mr. PETTIGREW. I should like to ask the Senator from West Virginia a question.

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from South Dakota?

Mr. FAULKNER. Certainly.

Mr. PETTIGREW. Does the fast passenger train between Washington and New York carry the mail?

Mr. FAULKNER. I suppose so.

Mr. PETTIGREW. Does the Congressional Limited carry the mail?

Mr. FAULKNER. I suppose so.

Mr. TELLER. Not at all.

Mr. FAULKNER. I do not know whether it does or not, but I assert that if it is the wish of the Postmaster-General that the company shall carry it on that train, it is bound to carry it under the law as cited by the Postmaster-General.

Mr. PETTIGREW. Does the Pennsylvania Limited to Chicago carry the mail?

Mr. FAULKNER. I do not know whether it does or not. I am asserting the proposition of law that it is in the power of the Post-Office Department to compel the Chicago Limited to carry it if the Department desires the road to do so.

Mr. PETTIGREW. I will state that the average speed of the express trains in the United States is 26 miles an hour, and that the swiftest passenger trains do not carry the mail.

Mr. FAULKNER. I do not know whether the Chicago Limited carries the mail or not, but I know if it is the wish of the Department that it should do so, it is compelled under the law to do it; and if it were in the interest of the public service, I am satisfied the Department would require the mail to be carried on those trains.

Mr. BUTLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. FAULKNER. Certainly.

Mr. BUTLER. Do I understand the Senator from West Virginia to state that the Postmaster-General has power to force any railroad company to carry the mail unless it sees fit to do it?

Mr. FAULKNER. Yes, sir; and it has exercised it without question on all post-roads. It has never been denied even by the corporations themselves, as is testified to in this evidence.

Mr. BUTLER. Does the Senator say that there is any law by which the Post-Office Department can require the mail to be carried by the railroads should they refuse to carry it?

Mr. FAULKNER. I have not investigated that question, nor is it a material question.

Mr. MASON. They are made post-roads, are they not?

Mr. FAULKNER. Of course they are made post-roads.

Mr. BUTLER. It is material, because the Senator followed that statement by another one, to the effect that this power had never been denied and that it was exercised by the Department; that no railroad ever denied its exercise. That is not correct, I will inform the Senator.

Mr. FAULKNER. I should like to know if the Postmaster-General did not so state before the committee. If you can show that he was mistaken I will yield for that purpose.

Mr. BUTLER. Postmaster-General Vilas in his report recommended to Congress to pass such an act, calling attention to the fact that the Department was powerless, and at the same time he called attention to the fact that the railroad companies had refused to carry the mail when he had made an attempt to reduce their compensation to what he thought was a fair price. I do not happen to have that report with me, but I will state to the Senator that I expect to speak on this question when he gets through, and I shall take the trouble to get it and present the facts to the Senate. I would not have interrupted the Senator now, but he was making his statement with much positiveness.

Mr. FAULKNER. And the Senator from West Virginia has not altered or changed or modified it by any fact that the Senator from North Carolina has stated. The Senator from North Carolina has gone off on an entirely different proposition. I stated that the Department had exercised the right, and it never had been denied, to put a postal car upon any train leaving any city in the United States. The Senator said that according to the report of Mr. Vilas they had declined, because he wanted to reduce their compensation.

Mr. BUTLER. They never declined when they were being paid two or three times as much for the service as they got for the other service that they were doing for the general public. It would be astonishing if they had declined. It is perfectly natural for them to submit to the dictates of the Department when the Department is dictating that they shall receive two or three hundred per cent profit. There has been but one report of a Postmaster-General showing that the Department attempted to reduce their rates.

[At this point an agreement was reached to take the final vote upon the bill next Monday.]

Mr. FAULKNER. Before the Senator from North Carolina [Mr. BUTLER] leaves the Chamber, permit me to say, in connection with the remarks he has made, that I hope he will produce that report, because I am satisfied that as good a lawyer as the gentleman to whom he refers, when he was the Postmaster-General, never made a proposition to a railroad company to reduce its compensation, because he had no power to do it, and he knew it. The compensation of the railroad companies is fixed by law, and not by the Department.

Mr. BUTLER. Does the Senator from West Virginia mean to state that the original act, which I have not before me, provides a fixed price for carrying the mails?

Mr. FAULKNER. Of course I do.

Mr. BUTLER. Is it not the maximum price?

Mr. FAULKNER. No, sir.

Mr. BUTLER. Then will the Senator be kind enough to point it out?

Mr. FAULKNER. There is no maximum price except on a road that carries less than 200 pounds a day; simply the small lateral roads. On all the other roads the price is fixed and definite, depending upon weight in one case and mileage in the other.

Mr. BUTLER. With no discretion in the Postmaster-General?

Mr. FAULKNER. None.

Mr. BUTLER. Then there is all the greater necessity for Congress to take some action.

Mr. FAULKNER. Provided the rate now paid is unjust to the Government, that is correct.

Mr. President, I desire to call the attention of the Senator from North Carolina to a law that he disputed. You will find it in the second edition of the Revised Statutes of the United States, page 773:

SEC. 4000. Every railway company carrying the mail shall carry on any train which may run over its road, and without extra charge therefor, all mailable matter directed to be carried thereon, with the person in charge of the same.

It can compel it by law on any post route.

Mr. BUTLER. Is there any penalty if they refuse?

Mr. FAULKNER. I have not gone further. I have simply the evidence of the Department that they never have refused.

Mr. PETTIGREW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield?

Mr. FAULKNER. Certainly.

Mr. PETTIGREW. I was well aware of the statute which the Senator has just read. The statement I made was that they did not carry it out. That simply made it conclusive to me that there was a pretty fair understanding between the companies and the Department, and no wonder that there is, because railroad employees have been the heads of that Department for eight years.

Mr. FAULKNER. Mr. President, is it not remarkable that my friend from South Dakota in everything that is done will try to find some corrupt, disgraceful, fraudulent purpose upon the part of the officials of the Government? Now, that is not fair, nor is it just to those gentlemen.

Mr. PETTIGREW. I wish to state——

Mr. FAULKNER. You do not know the circumstances under which these officials determine this particular service, nor do I know.

Mr. PETTIGREW. In that connection I wish to say that the testimony taken a year ago, which I have read, with regard to the men who have been at the head of this division rather bears out the statement I have made in reference to the Department, and the testimony which the officers of the Department gave further corroborates that. It is with great regret that I charge any Department with being derelict in its duty or with making statements which are not borne out by the facts or which are contrary to the interests of the Government. I regret very much that I have been obliged, under the evidence and the facts presented, to make these statements with regard to the office of the Second Assistant Postmaster-General; but he is guilty.

Mr. FAULKNER. Mr. President, I do not feel that it is my duty to defend the Second Assistant Postmaster-General, but I may say to the Senate and to the Senator from South Dakota that I have seen few men in my short public experience who have so thoroughly and individually mastered the subjects coming under the control of his Department as that gentleman seems to have done, judging from evidence which he gave before the committee and in the conversations which I subsequently had with him on doubtful questions, which I did not thoroughly understand. In these interviews he did not have to call upon the heads of his different bureaus or his chiefs of division to advise him on any of those subjects, but he seemed to be thoroughly and personally cognizant of all the facts which could elucidate the subjects which were submitted to his consideration.

The Senator from South Dakota further says that the men who furnished this information were placed in the Department by men who had previously, under the two Administrations of Mr. Harrison and Mr. Cleveland, been connected with railroad companies. Why, sir, the man on whom the Second Assistant Postmaster-General must rely, the man on whom this committee must rely, and the man on whom the public has a right to rely has been an official servant of this Government in the discharging of this particular duty for thirty-five years; so expert, so accurate, has he been in all the details of this work that no Administration has deemed it proper to transfer him to any other service or to discharge him from the public service. That, sir, is the highest

encomium which can be passed upon any public official of the Government prior to the time at least when the civil-service law (which our friends are now so frequently trying to avoid by indirection) became a law of our country.

Mr. PETTIGREW. In this connection, if the Senator will allow me, section 4002 of the Revised Statutes has this provision:

That the pay per mile per annum shall not exceed the following rates.

Then it establishes the rates. It further says:

The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned.

Then it says that they shall not exceed certain rates. Does not that give the power to fix the rates to the Postmaster-General?

Mr. FAULKNER. The Senator must know that the schedule fixed by the statute is so arranged that practically there can not be any maximum and minimum rates, and the power to readjust is simply the power at the end of four years, if on weighing the mail it exceed or falls below the amount on which the rate rested four years anterior to that time to readjust it under the rates fixed in the statute.

Mr. PETTIGREW. The section of the Revised Statutes to which I have referred says:

That the pay per mile per annum shall not exceed the following rates, namely.

And then it gives the rates. Does not that give the Postmaster-General the power? It seems to me it does, for it says:

That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, $50; 500 pounds, $75; * * * the average weight to be ascertained in every case by the actual weighing of the mails.

Mr. FAULKNER. I have shown to the Senate—and the Senator has the law before him which shows it—that the maximum rate is fixed by the amount of matter carried. The weight, which is referred to, is so close that there can be but one rate, and that is the maximum all the way through; and the readjustment only applies to the question of the reweighing at the end of four years. Otherwise, by reducing one of the classes, you would find that you had fallen below the maximum fixed for the daily weight of number of pounds of the class below the one lowered. To change one all would have to be lowered, and that would be unjust to the small roads.

Mr. CULLOM. If the Senator from West Virginia is willing to yield, so that he may finish his remarks when the Senate again meets, I will move to proceed to the consideration of executive business.

Mr. HAWLEY. I hope not yet, Mr. President.

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Connecticut?

Mr. CULLOM. I will yield long enough to ascertain what the Senator desires.

Mr. HAWLEY. I desire to report from the Committee on Military Affairs a bill and to ask its consideration and, I hope, its passage. It is a bill which is constantly demanded by the War Department to increase the number of assistant surgeons and authorize the employment of contract surgeons. The Surgeon-General says that they are making new camps every day in various parts of the country, and they find great difficulty in getting surgeons.

Mr. CULLOM. I yield to the Senator for that purpose.

ARMY SURGEONS.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. 9638) to increase the number of surgeons in the United States Army, to report it without amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, etc., That the number of medical officers of the Army be increased by the addition of fifteen assistant surgeons with the rank of first lieutenant, to be appointed after examination by an Army medical examining board, in accordance with existing regulations.

SEC. 2. That in emergencies the Surgeon-General of the Army, with the approval of the Secretary of War, may appoint as many contract surgeons as may be necessary, at a compensation not to exceed $150 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. PETTIGREW. I wish to have the bill read at length.

Mr. CULLOM. It has been read.

The PRESIDENT pro tempore. The bill has been read at length.

Mr. PETTIGREW. I did not hear it, and I should like very much to have the bill again read.

The PRESIDENT pro tempore. The bill will be again read.

The bill was again read.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

ADULTERATED FOOD AND DRINK PRODUCTS.

Mr. CULLOM. I yield to the Senator from Utah [Mr. CANNON], who desires to have some business transacted. After that shall have been disposed of, I shall make the motion for an executive session.

Mr. CANNON. I send to the desk two resolutions, for which I ask immediate consideration.

The PRESIDENT pro tempore. The first resolution submitted by the Senator from Utah will be read.

The Secretary read as follows:

Whereas it is and has been for years publicly charged that in the manufacture of articles of food and drink many manufacturers of the United States, who transport their goods from one State to another, do most grossly adulterate such products, to the serious detriment of the public health and to the defrauding of purchasers: Now, therefore,

Resolved, That the Committee on Manufactures of the Senate is hereby authorized and directed to investigate and ascertain what, if any, manufacturers are adulterating food and drink products, and which, if any, of said products are deleterious to public health, and which, if any, of said products are frauds upon the purchasers.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. CHANDLER. I ask the Senator from Utah if he cares to have the preamble adopted, which recites as matters of fact matters which may be doubtful? The resolution seems to be ample without the preamble.

Mr. CANNON. The preamble merely states that such charges are made. It does not state that they are true.

Mr. CHANDLER. After the resolution itself has been passed, I will call the attention of the Senator from Utah to the preamble.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none. The question is, Shall the resolution pass?

The resolution was agreed to.

Mr. CHANDLER. Now I ask that the preamble may be again read.

The PRESIDENT pro tempore. The preamble will be read.

The Secretary again read the preamble.

Mr. CHANDLER. I have no special objection to the preamble, but I do not think it a good plan to put so many adjectives and adverbs into a preamble, such as "most grossly adulterated," or words of that character. If the Senator says he knows these charges have been going on all these years, then it is a true recital; but I have not noticed the fact, if the Senator has.

The PRESIDENT pro tempore. Is there objection to agreeing to the preamble? The Chair hears none, and it is agreed to.

COMBINATIONS OR TRUSTS IN MANUFACTURING.

Mr. CANNON. Now, I ask for the consideration of the second resolution, which I have sent to the desk.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Whereas it is publicly charged that certain manufacturers of the United States engaged in interstate commerce have entered into combination to control the manufacture and sale of certain articles of general consumption; and

Whereas such manufacturers are protected by law against competition in our markets from foreign manufacturers; and

Whereas it is contended by advocates of such combinations or trusts that their effect is to cheapen the cost of manufacturing and to cheapen the cost of such manufactures to the people; and

Whereas the laws of the United States prohibit the formation of trusts and combinations to control and limit the manufacture of articles of general consumption: Now, therefore,

Resolved, That the Committee on Manufactures of the Senate is hereby authorized and directed to investigate and make report to the Senate of its findings, showing whether or not combinations or trusts in manufacturing are operating in the United States; whether or not they are fostered by the existing tariff law; whether or not they are to the public advantage; whether or not their character is such as to bring them within the scope of the prohibitory laws; and if so, why they are not prosecuted and dissolved.

Mr. QUAY. I move that the further consideration of the resolution be postponed.

The PRESIDENT pro tempore. Objection is made to the present consideration of the resolution.

Mr. CANNON. May I inquire what became of the last resolution I submitted?

The PRESIDENT pro tempore. The last resolution has gone over under objection.

Mr. CANNON. Will the Chair state by whom the objection was made?

The PRESIDENT pro tempore. By the Senator from Pennsylvania [Mr. QUAY].

ST. JOHNS RIVER, FLORIDA.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War is hereby requested to furnish Congress with information as to the condition of the St. Johns River in the State of Florida, at the point known as Orange Mills Flats, below the city of Palatka, as the river runs, with reference to navigation for ocean-going craft, and what sum of money will probably be required to put said river at that point in condition for navigation for coastwise craft such as usually enter the said river, and whether

or not the expenditure necessary for said purpose will be justified by the traffic above said point.

Mr. PASCO. I move that the Senate concur in the resolution from the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-nine minutes spent in executive session the doors were reopened, and (at 5 o'clock and 36 minutes p. m.) the Senate adjourned until Monday, May 9, 1898, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 6, 1898.

UNITED STATES ATTORNEY.

William E. Bundy, of Ohio, to be attorney of the United States for the southern district of Ohio.

APPOINTMENTS IN THE NAVY AND MARINE CORPS.

The following-named naval cadets for appointment in the Navy and Marine Corps, namely:

Jonas H. Holden, Vermont;
Thomas T. Craven, New Hampshire;
Charles L. Poor, New York;
Ralph Earle, Massachusetts;
Andrew E. Kalbach, Pennsylvania;
Ralph E. Walker, Indiana;
Daniel W. Wurtsbaugh, Texas;
Ivan C. Wettengel, Colorado;
Charles M. Tozer, New York;
Wat T. Cluverius, jr., Louisiana;
Duncan M. Wood, Alabama;
Leigh C. Palmer, Missouri;
Thomas A. Kearney, Missouri;
Arthur McArthur, jr., Wisconsin;
Frank E. Ridgely, at large;
Dudley W. Knox, Tennessee;
Charles E. Gilpin, Michigan;
Mark St. C. Ellis, Arkansas;
Edward McCauley, jr., New York;
Earl P. Jessop, West Virginia;
John H. Roys, New York;
Henry C. Mustin, Tennessee;
Roland I. Curtin, Pennsylvania,

all to be ensigns in the Navy, to fill vacancies.

Charles L. Leiper, Pennsylvania;
Gatewood S. Lincoln, Missouri;
Edward T. Fitzgerald, Texas;
Henry O. Bisset, Maryland;
Albert W. Marshall, Texas;
Charles P. Burt, Georgia;
Keneth G. Castleman, Kentucky;
William L. Littlefield, Massachusetts;
Pope Washington, North Carolina;
George B. Rice, Kentucky;
James B. Henry, jr., New York;
Arthur Crenshaw, Alabama,

all to be assistant engineers in the Navy, to fill vacancies.

Amon Bronson, jr., Nebraska, to be a second lieutenant in the Marine Corps.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Col. Charles Patrick Eagan, assistant commissary-general of subsistence, to be Commissary-General of Subsistence.

First Lieut. John Little, Fourteenth Infantry, to be commissary of subsistence.

POSTMASTERS.

George T. Salmon, to be postmaster at Lima, in the county of Livingston and State of New York.

Lewis C. O'Connor, to be postmaster at Geneseo, in the county of Livingston and State of New York.

Howard Robertson, to be postmaster at Austin, in the county of Cook and State of Illinois.

Clara M. Murphy, to be postmaster at Sparta, in the county of Randolph and State of Illinois.

James H. Lincoln, to be postmaster at Franklin Grove, in the county of Lee and State of Illinois.

W. H. Price, to be postmaster at Prairie City, in the county of Jasper and State of Iowa.

Samuel L. Wallace, to be postmaster at Lincoln, in the county of Logan and State of Illinois.

Frank Rockwell, to be postmaster at St. Charles, in the county of Kane and State of Illinois.

Havilla C. Hobbs, to be postmaster at Salem, in the county of Washington and State of Indiana.

Richard K. Marshall, to be postmaster at Mount Airy, in the county of Surry and State of North Carolina.

Amanda E. Morris, to be postmaster at Hendersonville, in the county of Henderson and State of North Carolina.

Henry D. Northway, to be postmaster at Midland, in the county of Midland and State of Michigan.

Reuben K. Sawyer, to be postmaster at Wellesley, in the county of Norfolk and State of Massachusetts.

Frederick B. Horne, to be postmaster at Framingham, in the county of Middlesex and State of Massachusetts.

John M. Hamilton, to be postmaster at Batavia, in the county of Genesee and State of New York.

O. B. Warren, to be postmaster at Rochester, in the county of Strafford and State of New Hampshire.

Erastus T. Parker, to be postmaster at Sturgis, in the county of St. Joseph and State of Michigan.

SENATE.

MONDAY, *May 9, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

On motion of Mr. LODGE, and by unanimous consent, the reading of the Journal of the proceedings of Friday last was dispensed with.

COMMODORE GEORGE DEWEY.

A message was received from the President of the United States, by Mr. W. H. CROOK, one of the Executive clerks.

The VICE-PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which the Secretary will read.

The Secretary read as follows:

To the Congress of the United States:

On the 24th of April I directed the Secretary of the Navy to telegraph orders to Commodore George Dewey, of the United States Navy, commanding the Asiatic Squadron, then lying in the port of Hongkong, to proceed forthwith to the Philippine Islands, there to commence operations and engage the assembled Spanish fleet.

Promptly obeying that order, the United States squadron, consisting of the flagship *Olympia*, *Baltimore*, *Raleigh*, *Boston*, *Concord*, and *Petrel*, with the revenue-cutter *McCulloch* as an auxiliary dispatch boat, entered the harbor of Manila at daybreak on the 1st of May and immediately engaged the entire Spanish fleet of eleven ships, which were under the protection of the fire of the land forts. After a stubborn fight, in which the enemy suffered great loss, these vessels were destroyed or completely disabled and the water battery at Cavite silenced. Of our brave officers and men not one was lost and only eight injured, and those slightly. All of our ships escaped any serious damage.

By the 4th of May Commodore Dewey had taken possession of the naval station at Cavite, destroying the fortifications there and at the entrance of the bay, and paroling their garrisons. The waters of the bay are under his complete control. He has established hospitals within the American lines, where 250 of the Spanish sick and wounded are assisted and protected.

The magnitude of this victory can hardly be measured by the ordinary standard of naval warfare. Outweighing any material advantage is the moral effect of this initial success. At this unsurpassed achievement the great heart of our nation throbs, not with boasting or with greed of conquest, but with deep gratitude that this triumph has come in a just cause and that by the grace of God an effective stop has thus been taken toward the attainment of the wished-for peace. To those whose skill, courage, and devotion have won the fight, to the gallant commander and the brave officers and men who aided him, our country owes an incalculable debt.

Feeling as our people feel, and speaking in their name, I at once sent a message to Commodore Dewey, thanking him and his officers and men for their splendid achievement and overwhelming victory, and informing him that I had appointed him an acting rear-admiral.

I now recommend that following our national precedents and expressing the fervent gratitude of every patriotic heart, the thanks of Congress be given Acting Rear-Admiral George Dewey, of the United States Navy, for highly distinguished conduct in conflict with the enemy, and to the officers and men under his command for their gallantry in the destruction of the enemy's fleet and the capture of the enemy's fortifications in the Bay of Manila.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *May 9, 1898.*

Mr. HALE. Mr. President, I introduce a joint resolution and ask that it may be put on its passage.

The joint resolution (S. R. 102) tendering the thanks of Congress to Commodore George Dewey, United States Navy, and to the officers and men of the squadron under his command, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in pursuance of the recommendation of the President, made in accordance with the provisions of section 1508 of the Revised Statutes, the thanks of Congress and of the American people are hereby tendered to Commodore George Dewey, United States Navy, commander in chief of the United States naval force on the Asiatic station, for highly distinguished conduct in conflict with the enemy, as displayed by him in the destruction of the Spanish fleet and batteries in the harbor of Manila, Philippine Islands, May 1, 1898.

SEC. 2. That the thanks of Congress and the American people are hereby extended, through Commodore Dewey, to the officers and men under his command for the gallantry and skill exhibited by them on that occasion.

SEC. 3. That the President of the United States be requested to cause this resolution to be communicated to Commodore Dewey, and, through him, to the officers and men under his command.

The VICE-PRESIDENT. Is unanimous consent given for the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. QUAY. It seems to me that in view of the wonderful nature of the victory the joint resolution might go a little further. If the Senator from Maine does not object, I would suggest that he present an amendment directing that a sword be presented to Commodore Dewey and a medal of bronze to each of the men who served in his fleet.

Mr. HALE. Those are subjects-matter which will be treated later by a subsequent resolution.

Mr. LODGE. I have it here.

Mr. HALE. The Senator from Massachusetts has a joint resolution that covers it.

Mr. QUAY. That ought to be done.

The VICE-PRESIDENT. If no amendment be proposed, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The VICE-PRESIDENT. The question is, Shall the joint resolution pass?

Mr. ALLEN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SEWELL. As a pure matter of explanation, I ask the Senator from Maine whether the joint resolution confers the same honors on the officers and men that it confers on Commodore Dewey.

Mr. HALE. No; it is based upon section 1508, and the privileges that come from it by way of promotion apply only to the commander of the squadron, Commodore Dewey.

Mr. SEWELL. That is all I wanted to know. While I would not detract one iota from the credit to every officer and man, the Government of course can not pay to all the same honor.

Mr. HALE. It applies only, under the statute, to the officer who is named in the joint resolution; that is, Commodore Dewey.

Mr. CHANDLER. I desire to state that the chairman of the Committee on Naval Affairs has carefully worded the joint resolution in exact accordance with the precedents, in order that it may carry with it certain additional honors, as in similar cases in the past; and the language of the joint resolution ought not to be changed in any way.

The VICE-PRESIDENT. The Secretary will call the roll on the passage of the joint resolution.

The secretary proceeded to call the roll.

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST], but as I believe he would vote in favor of the joint resolution, I will vote. I vote "yea."

Mr. COCKRELL. My colleague [Mr. VEST] is necessarily detained from the Senate. I am sure that if he were present, he would vote "yea." The Senator from Minnesota did right in voting.

The roll call was concluded.

Mr. PETTUS. I desire to state in the hearing of the Senator from Pennsylvania [Mr. QUAY] that the senior Senator from Alabama [Mr. MORGAN], with whom he is paired, is absent; but I hope the Senator from Pennsylvania will not refrain from voting on a measure of this sort, because the Senator from Alabama, if here, would vote "yea."

Mr. QUAY. I have already taken the liberty of voting. I voted "yea."

Mr. CULLOM. I have a general pair with the senior Senator from Delaware [Mr. GRAY]. I am sure he would vote "yea" if he were present. I therefore take the liberty of voting "yea."

The result was announced—yeas 67, nays 0; as follows:

YEAS—67.

Aldrich,	Deboe,	McLaurin,	Pritchard,
Allen,	Fairbanks,	McMillan,	Quay,
Allison,	Faulkner,	Mallory,	Rawlins,
Bacon,	Frye,	Mantle,	Roach,
Bate,	Gallinger,	Martin,	Sewell,
Berry,	Gear,	Mason,	Spooner,
Burrows,	Gorman,	Mills,	Stewart,
Butler,	Hale,	Money,	Teller,
Cannon,	Hanna,	Morrill,	Tillman,
Carter,	Harris,	Murphy,	Turley,
Chandler,	Hawley,	Nelson,	Turner,
Chilton,	Hoar,	Pasco,	Turpie,
Clay,	Jones, Ark.	Perkins,	Wetmore,
Cockrell,	Jones, Nev.	Pettigrew,	White,
Cullom,	Kyle,	Pettus,	Wilson,
Daniel,	Lodge,	Platt, Conn.	Wolcott.
Davis,	McEnery,	Platt, N. Y.	

NAYS—0.

ABSENT—21.

Baker,	Hansbrough,	Morgan,	Vest,
Caffery,	Heitfeld,	Penrose,	Warren,
Clark,	Kenney,	Proctor,	Wellington.
Elkins,	Lindsay,	Shoup,	
Foraker,	McBride,	Smith,	
Gray,	Mitchell,	Thurston,	

So the joint resolution was passed.

Mr. FORAKER subsequently said: Mr. President, I was unfortunate enough to be detained at the War Department this morning until a few minutes after the meeting of the Senate, and during my absence the vote of thanks was extended in appreciation of the brilliant victory won by Commodore Dewey at Manila. It is impossible for me to have the RECORD so corrected as to enable me to vote, but I do wish to have the statement appear in the RECORD that if I had been here I should have taken great pleasure in voting in the affirmative.

Mr. MORGAN. I happened to be absent from the Senate also, and missed the opportunity of joining in the vote, which to me would have been one of the most delightful events in my life. I desire to be recorded in favor of the joint resolution, although the time has elapsed when I can properly have my vote recorded.

Mr. SHOUP. I desire to state that I also was detained at the War Department this morning, and was not present when the vote was taken, and I wish to have my name recorded as in favor of the joint resolution.

Mr. HALE. I introduce a bill which I ask may be put upon its passage.

The bill (S. 4555) fixing the number of rear-admirals in the United States Navy was read the first time by its title and the second time at length, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the number of rear-admirals in the United States Navy now allowed by law be, and is hereby, increased from six to seven, and this act shall be construed and taken as validating and making in force and effect any promotion to said rank of rear-admiral in the United States Navy made heretofore or hereafter and during the existing war and based upon the thanks of Congress.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. COCKRELL. Let us have an explanation as to the effect of the bill.

Mr. HALE. The number of rear-admirals in the Navy is now limited by law in specific terms to six, and it is doubtful whether under the general provision for advancing an officer one grade upon the thanks of Congress being tendered to him the President could make the appointment in view of the limitation. To save all possible question——

Mr. COCKRELL. One moment. This promotion does not go to rear-admirals?

Mr. HALE. This is a promotion of Commodore Dewey to be rear-admiral, he being a commodore now.

Mr. COCKRELL. Oh, yes.

Mr. HALE. And the resolution of thanks enables the President to appoint him, did he not find a barrier in the limitation to six. This is a bill to cure that difficulty.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. I introduce a joint resolution for which I ask present consideration.

The joint resolution (S. R. 163) authorizing the Secretary of the Navy to present a sword of honor to Commodore George Dewey, and to cause to be struck bronze medals commemorating the battle of Manila Bay, and to distribute such medals to the officers and men of the ships of the Asiatic Squadron of the United States, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he hereby is, authorized to present a sword of honor to Commodore George Dewey, and to cause to be struck bronze medals commemorating the battle of Manila Bay, and to distribute such medals to the officers and men of the ships of the Asiatic Squadron of the United States under command of Commodore George Dewey on May 1, 1898, and that to enable the Secretary to carry out this resolution the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. What reference shall be made of the message of the President of the United States?

Mr. CHANDLER. I move that it be printed and lie on the table.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, pursuant to a clause in the sundry civil appropriation act of June 4, 1897, and of the legislative, executive, and judicial appropriation act of March 15, 1898, relating to the purchase of law books, books of reference, etc., for the use of Departments, requesting the passage of a resolution

making the item of appropriation referred to for the service of the current fiscal year and for the fiscal year ending June, 1899, available for the purchase of law books and for books of reference and periodicals relating to the business of the office of the Supervising Architect; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Commissary-General of Subsistence calling attention to the necessity of suspending the clause in the Army appropriation act of March 15, 1898, which limits the expenditure in the Subsistence Department for "compensation of civilians" in that Department to an amount "not exceeding $100,000" for the fiscal year 1899, and requesting, in view of the fact that the civil employees of the officers of the Subsistence Department at large are within military jurisdiction under the sixty-third article of war, that they be withdrawn from all operation of the civil-service act of June 16, 1883, and of the civil-service rules made in pursuance thereof; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a draft of a bill for the protection of harbor defenses, together with a letter on the subject from Col. J. W. Clous, deputy judge-advocate-general, bearing commendatory indorsements of the commanding general, Department of the East, the Major-General Commanding the Army, and the Chief of Engineers, and recommending, in view of the existing war, its early and favorable consideration; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Division No. 29, Ancient Order of Hibernians, of Philadelphia, Pa., remonstrating against the establishment of an international boundary commission; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union and of the congregations of sundry churches and religious organizations, all of Littleton, in the State of New Hampshire, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union and of the congregations of sundry churches and religious organizations, all of Littleton, in the State of New Hampshire, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union and of the congregations of sundry churches and religious organizations, all of Littleton, in the State of New Hampshire, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union and of the congregations of sundry churches and religious organizations, all of Littleton, in the State of New Hampshire, praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

Mr. ALLEN presented petitions of the Young People's Society of Christian Endeavor of the Congregational Church of Indianola; of the congregation of the Presbyterian Church of Cherry Creek, and of the congregation of Mount Zion Church, of Oak, all in the State of Nebraska, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Young People's Society of Christian Endeavor of the Congregational Church of Indianola, of the congregation of the Presbyterian Church of Cherry Creek, and of sundry citizens of Oak and Angus, all in the State of Nebraska, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Young People's Society of Christian Endeavor of the Congregational Church of Indianola, of sundry citizens of Oak, of the congregation of the Presbyterian Church of Cherry Creek, and of the congregation of the Mount Zion Church, of Oak, all in the State of Nebraska, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented the memorial of Augustus De Forrest and sundry other citizens of the United States, remonstrating against the proposed issuing of bonds in any form to carry on the war with Spain; which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 22, National Brotherhood of Electrical Workers, of Omaha, Nebr., praying for the passage of the so-called postal savings bank bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers in support of the bill (S. 3370) granting a pension to Benjamin F. Trapp, of Nebraska; which were referred to the Committee on Pensions.

He also presented a petition of the Akron Central Labor Union, of Akron, Ohio, praying for the enactment of legislation levying a tax on incomes as a war measure; which was referred to the Committee on Finance.

Mr. FAIRBANKS presented a petition of the Fort Wayne Electric Corporation and sundry citizens of Fort Wayne, Ind., praying for the enactment of legislation providing an additional force of examiners and other employees in the Patent Office; which was referred to the Committee on Patents.

He also presented the memorial of George M. Brown and 9 other citizens of Connersville, Ind., remonstrating against the proposed increase of the internal-revenue tax on tobacco, cigars, etc., held in stock; which was referred to the Committee on Finance.

Mr. HOAR presented a petition of the Woman's Christian Temperance Union of Southbridge, Mass., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. BACON presented a memorial of sundry wholesale and retail merchants of Atlanta, Ga., remonstrating against the proposed increase of the duty on tobacco, cigars, etc., held in stock; which was referred to the Committee on Finance.

Mr. CLAY presented a memorial of sundry wholesale and retail merchants of Atlanta, Ga., remonstrating against the proposed increase of the duty on tobacco, cigars, etc., held in stock; which was referred to the Committee on Finance.

Mr. PASCO presented a petition of sundry citizens of Jacksonville, Fla., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Lake City, Fla., praying for the imposition of a duty upon Egyptian cotton; which was referred to the Committee on Finance.

Mr. COCKRELL presented petitions of the Loyal Legion of the Taylor Avenue Baptist Church; of the Willard Young Woman's Christian Temperance Union; of the Young People's Society of Christian Endeavor of the Compton Hill Chapel, and of sundry citizens, all of St. Louis, in the State of Missouri, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred the joint resolution (S. R. 152) relative to rights of way for railroads through forest reserves, reported it without amendment.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the joint resolution (H. Res. 245) declaring the lands within the former Mille Lac Indian Reservation, in Minnesota, to be subject to entry under the land laws of the United States, reported it without amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5040) for the relief of Isaac N. Babb, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom the subject was referred, reported a bill (S. 4556) to suspend certain provisions of law relating to hospital stewards in the United States Army, and for other purposes; which was read twice by its title.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HAWLEY. I ask that the bill may be laid upon the table temporarily. I hope to call it up for action in the course of the afternoon.

The VICE-PRESIDENT. If there be no objection, that will be the order.

JAIL AT FORT SMITH, ARK.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 5321) declaring the Federal jail at the city of Fort Smith, Ark., a national prison for certain purposes, to report it favorably without amendment. I call the

attention of the Senator from Arkansas [Mr. BERRY] to the report.

Mr. BERRY. That is a very short bill, and it is important that it should pass at once. It is a House bill, and there can be no objection to it. I ask unanimous consent that it be considered now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TWELFTH AND SUBSEQUENT CENSUSES.

Mr. CARTER. By direction of the Committee on Census, I report back favorably the bill (S. 4545) to provide for taking the Twelfth and subsequent censuses, and I submit a report thereon. I ask that the bill (S. 94) to provide for the Twelfth and subsequent censuses be indefinitely postponed, and that Senate bill 4545 now reported be substituted on the Calendar for Senate bill 94.

The VICE-PRESIDENT. Is there any objection to the substitution on the Calendar of Senate bill 4545 for Senate bill 94? The Chair hears no objection, and the substitution is made. Shall Senate bill 4545 take the place of Senate bill 94 as unfinished business?

Mr. CARTER. Let it take its place on the Calendar as the unfinished business.

The VICE-PRESIDENT. There being no objection, that will be the order. The question is on the indefinite postponement of Senate bill 94. The Chair hears no objection, and the bill is indefinitely postponed.

POST-OFFICES AT MILITARY POSTS OR CAMPS.

Mr. CHANDLER. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 4554) to authorize the establishment of post-offices at military posts or camps, to report it with amendments, and to ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The first amendment of the Committee on Post-Offices and Post-Roads was, in section 1, line 3, after the word "of," to strike out the words "hostilities between the United States and Spain" and insert "the existing war;" so as to read:

That during the continuance of the existing war the Postmaster-General may, in his discretion, establish a temporary post-office at any military post or camp for the purpose of supplying the officers and troops there encamped with mails, the location of which post-office may at any time be changed to any other post or camp. On the establishment of such post-office he shall cooperate with the Secretary of War or officer commanding such post or camp for the purpose of securing the detail of an officer of the Regular or Volunteer Army of suitable rank to act as postmaster, who shall, when the exigency will permit, execute a bond to the United States as such, and of a sufficient number of noncommissioned officers and privates to act as clerks in said post-office, who shall serve as such without additional salary, pay, or compensation other than that attaching to their rank and position in the Army.

The amendment was agreed to.

The next amendment was, at the end of section 1, after the word "act," in line 19, to insert "after the postmaster shall have given bond as required by law;" so as to read:

In any case where it is deemed impracticable by the military authorities to detail persons from the Army to act as postmaster or clerks the Postmaster-General is authorized to appoint a civilian as postmaster, and also to make a special order allowing to him reasonable compensation for clerical services and to meet the necessary expenses of said office, as well as a proportionate increase of salary to the postmaster during the period of such extraordinary business as may attach to his office, under the provisions of section 3683, Revised Statutes, payable out of the appropriations for the postal service. He may also provide for the issue and payment of money orders at any post-office established under the provisions of this act, after the postmaster shall have given bond as required by law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL CLERK FOR COMMITTEE ON FOREIGN RELATIONS.

Mr. GALLINGER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably a resolution submitted by the Senator from Minnesota [Mr. DAVIS] on April 7, authorizing the Committee on Foreign Relations to employ for the remainder of this session an additional clerk. I ask immediate consideration for the resolution, as the committee is very much in need of additional clerical assistance.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Foreign Relations be authorized to employ for the remainder of this session an additional clerk, to be paid out of the contingent fund of the Senate at the rate of $1,440 per annum.

ANN M. SPENCER.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution submitted by Mr. SPOONER March 21, 1898, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay Ann M. Spencer, mother of William Ensor Spencer, deceased, late Minute and Journal Clerk of the Senate, a sum equal to one year's salary at the rate allowed by law to said Minute and Journal Clerk, out of the "miscellaneous items" of the contingent fund of the Senate; said payment to be considered as in lieu of all funeral expenses or other allowances.

Mr. GALLINGER subsequently said: I move to reconsider the vote by which the Senate passed the resolution in relation to Mrs. Spencer, and that it be recommitted to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The Senator from New Hampshire moves that the resolution be recommitted to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 4557) for the relief of the estate of Jamerson W. Rice; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 4558) granting a pension to Mary A. Wampler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 4559) to insure and protect the commerce and merchant marine of the United States from depredation by public enemies, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CANNON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4560) granting a pension to John W. Halley; and

A bill (S. 4561) granting a pension to Fidelia B. Hamilton.

Mr. GALLINGER introduced a bill (S. 4562) granting a pension to Julia G. Fay; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 4563) relative to the control of wharf property and certain public spaces in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FAULKNER introduced a bill (S. 4564) to increase the efficiency of expert witnesses and examiners in matters of accountancy in the Federal courts, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. PRITCHARD introduced a bill (S. 4565) granting a pension to S. F. Radford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEN introduced a joint resolution (S. R. 164) preventing discrimination against graduates of legally chartered medical colleges in appointments to the medical corps in the Army, Navy, and Marine-Hospital Service of the United States; which was read twice by its title, and referred to the Committee on Public Health and National Quarantine.

Mr. MILLS introduced a joint resolution (S. R. 165) to amend the joint resolution permitting Anson Mills, colonel of Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States, approved December 12, 1893; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a joint resolution (S. R. 166) providing for the restoration to the Navy of Richard Warren Barklay, a graduate of the Naval Academy, discharged in pursuance of the act of August 5, 1882; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. NELSON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

COMMITTEE SERVICE.

On motion of Mr. TURPIE, it was

Ordered, That Mr. PASCO be appointed a member of the Committee on Military Affairs to fill the vacancy occasioned by the death of Mr. Walthall.

COMBINATIONS OR TRUSTS IN MANUFACTURING.

Mr. CANNON. If the morning business is completed, I ask the Chair to lay before the Senate resolution No. 358, now upon the table.

The VICE-PRESIDENT. The Chair lays before the Senate resolution No. 358, offered by the Senator from Utah [Mr. CANNON] on Friday last and laid over. The resolution will be read.

The Secretary read the resolution submitted by Mr. CANNON on the 6th instant, as follows:

Whereas it is publicly charged that certain manufacturers of the United States engaged in interstate commerce have entered into combination to control the manufacture and sale of certain articles of general consumption; and

Whereas such manufacturers are protected by law against competition in our markets from foreign manufacturers; and

Whereas it is contended by advocates of such combinations or trusts that their effect is to cheapen the cost of manufacturing and to cheapen the cost of such manufactures to the people; and

Whereas the laws of the United States prohibit the formation of trusts and combinations to control and limit the manufacture of articles of general consumption: Now, therefore,

Resolved, That the Committee on Manufactures of the Senate is hereby authorized and directed to investigate and make report to the Senate of its findings, showing whether or not combinations or trusts in manufacturing are operating in the United States; whether or not they are fostered by the existing tariff law; whether or not they are to the public advantage; whether or not their character is such as to bring them within the scope of the prohibitory laws; and if so, why they are not prosecuted and dissolved.

Mr. CANNON. I ask that the resolution be adopted.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. GALLINGER. Mr. President, it strikes me that this is a very comprehensive resolution. My attention was not called to it until this moment. Possibly it is wise that it should be passed—I am not prepared to say that it is not—and yet if this investigation is to be had it is very evident that it will require some clerical force and some money to carry it on to a reasonable conclusion.

The allegation is that somebody has publicly charged that certain manufacturers of the United States engaged in interstate commerce have entered into a combination to control the manufacture and sale of certain articles, and that they are protected by law against competition in our markets from foreign manufacturers. I do not understand that anybody has contended heretofore that the tariff law (and I presume that is what the resolution refers to) absolutely protects American manufacturers from competition. I think the claim has been that it places them upon a plane where they can compete with foreign manufacturers, but not that it gives them control of our American market. Then the Committee on Manufactures is authorized and directed to investigate and make report to the Senate of its findings based upon the allegations in the preamble to the resolution.

Mr. President, I know very little about these combinations. I know very little about the so-called trusts. I have an impression that a great deal has been said about them that is not true, and possibly an investigation of this kind would develop that fact. It might be to the interests of the manufacturers to have an investigation made. But it does seem to me that we ought not to enter upon the inquiry without giving it due consideration and fully understanding what is contemplated by the mover of the resolution, possibly by the committee that will have the investigation in charge. I should like to hear some explanation of the resolution, its purpose, its scope, and the results that are expected to be reached by the Senator from Utah, before action is taken on the resolution. Possibly after he makes his statement I may have a word further to say in reference to it.

Mr. QUAY. Mr. President, I objected to the consideration of this resolution on Friday last when it was introduced, and it escaped my attention since then. I have not had time to look at it or read it. I do not know that I object to it, because I think the investigation proposed by the Senator from Utah will have probably a salutary result in that it will demonstrate to the country that the insinuations and charges mentioned in the preamble are not true. But I should be very glad, as the Post-Office appropriation bill is to come up to-day, if the Senator would allow it to go over until to-morrow, that I may have an opportunity to examine it.

Mr. CANNON. I will offer an alternative proposition to the Senator from Pennsylvania that the resolution go to the Committee on Manufactures for consideration and report to the Senate, if that course will be more satisfactory.

Mr. QUAY. That course is entirely satisfactory.

The VICE-PRESIDENT. Without objection, the resolution will be referred to the Committee on Manufactures.

Mr. PLATT of Connecticut. Before the reference is made, I wish to say one word about resolutions for investigation. I do not think they ought to contain preambles which make wholesale charges without facts upon which they are based. I trust that if the Committee on Manufactures shall report a resolution, they will not ask us to vote for allegations of this sort, which a good many of us do not believe.

Mr. CANNON. If the Senator from Connecticut will carefully examine the resolution, he will see that it makes no charge against anybody. It is simply a recital of a fact that is currently known everywhere outside of the Senate Chamber, that charges have been made publicly that combinations of this sort exist. I care nothing whatever for the preamble; and the Committee on Manufactures, if reference shall be made, will, no doubt, present to the Senate a resolution which will meet with general approval here.

Mr. CHANDLER. I wish to be allowed to make a suggestion to the Senator from Utah, who I see is a member of the Committee on Manufactures, that will consider the propriety of making this investigation. I suggest whether, if the subject of trusts and combinations is to be investigated, it ought not to extend beyond the trusts and combination in connection with manufactured products. There are trusts of all sorts, and the question of national interference and prohibition in connection with trusts is a very broad one.

I do not intend to object, I will say to the Senator, to any investigation of trusts in articles which are the subjects of interstate commerce, but I do not quite like to have a discrimination made between trusts in manufactures and trusts in other products. If there are illegal trusts and combinations in connection with any subject of human industry, whether in connection with agriculture or with mining, or in connection with manufactures, they ought to be investigated; but I submit to the Senator that he ought not to single out one product, manufactures, and commence an investigation into the subject of trusts and combinations in connection with those manufactures.

I certainly think the Senator ought to leave out the preamble unless he submits to the Senate evidence of the truth of the alleged facts stated in the preamble.

Mr. CANNON. I have no doubt that can be arranged if a reference is made.

Mr. QUAY. I move to refer the resolution to the Committee on Manufactures. They can lick it into shape to the satisfaction of the committee.

Mr. CANNON. I think we shall be able to agree upon a satisfactory report.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania that the resolution be referred to the Committee on Manufactures.

The motion was agreed to.

RIGHT OF WAY THROUGH COLVILLE INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4108) granting to the Washington Improvement and Development Company a right of way through the Colville Indian Reservation, in the State of Washington.

Mr. WILSON. I move that the Senate disagree to the amendments of the House of Representatives and ask for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. SHOUP, Mr. MANTLE, and Mr. WILSON were appointed.

POST-OFFICE APPROPRIATION BILL.

Mr. QUAY. I move that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, the pending question being on the amendments submitted by Mr. PETTIGREW, on page 8, line 6, after the word "dollars," to strike out:

Provided, That the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1898, for transportation of mails on railroad routes by reducing the compensation to all railroad companies for the transportation of mails 20 per cent per annum from the rates for the transportation of mails on the basis of the average weight heretofore fixed and allowed by law.

Mr. FAULKNER resumed the speech begun by him on Friday last. After having spoken for some time,

The PRESIDING OFFICER (Mr. CLAY in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 2680) amending "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893.

Mr. CULLOM. I ask that that bill be informally laid aside until the pending appropriation bill is finished.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from Illinois? The Chair hears none.

Mr. KYLE. That order being waived, I believe my special order for 2 o'clock is next in order.

The PRESIDING OFFICER. The first special order before the Senate is the joint resolution (S. R. 83) proposing an amendment to the Constitution of the United States.

Mr. CULLOM. Is that the measure the Senator from South Dakota is interested in?

Mr. KYLE. It is not.

Mr. SPOONER. There was a special order made by unanimous consent a few days ago at the request of the Senator from South Dakota [Mr. KYLE] for to-day, being Senate bill 3662, concerning carriers engaged in interstate commerce and their employees.

The PRESIDING OFFICER. The Chair has that before him now. That is the next in order after Senate joint resolution 83.

Mr. CULLOM. I hope the Senator from South Dakota will allow that bill to be laid aside also.

Mr. KYLE. I will agree to have it laid aside until after the conclusion of the speech of the Senator from West Virginia.

Mr. CULLOM. The appropriation bills are in order before any

other business, ordinarily. The pending bill has now been on hand for some days, and we have, by unanimous consent, agreed to vote upon it to-day.

Mr. KYLE. I understand that the bill I have in charge will require but a very few moments—not over ten minutes, probably. It is a House bill; it was passed unanimously last Thursday in the House, and will pass through the Senate without any discussion. There are one or two nominal amendments to be made.

Mr. CULLOM. The Senator in charge of the pending bill is not in at this moment, but I hope there will be no interference with the appropriation bill, in view of the fact that we have, by unanimous consent, agreed to vote upon it before adjournment to-day.

Mr. KYLE. I will waive the order until the Senator from West Virginia finishes his speech.

Mr. SPOONER. Then the special order is laid aside without prejudice.

The PRESIDING OFFICER. Without prejudice. The special order will be taken up as soon as the Senator from West Virginia has completed his remarks.

Mr. PETTIGREW. Mr. President, I think it is best to call attention also now to the fact that we agreed last Friday that by unanimous consent the Post-Office appropriation bill should be disposed of to-day. Of course, if any other order is to come in to disturb that unanimous agreement and cut off debate——

Mr. CULLOM. It can not do it.

Mr. PETTIGREW. Then the unanimous-consent agreement will have to be waived.

Mr. CULLOM. I think the unanimous-consent agreement can not be interfered with consistently with the honor of the Senate. Every Senator understands that that is the order of the day until it is disposed of, and any special order would necessarily be set aside, I think, by the unanimous-consent agreement.

Mr. PETTIGREW. There is no question about that.

Mr. CULLOM. So I hope the Senator from South Dakota will waive it.

Mr. KYLE. If under the arrangement made last Friday with reference to the bill under consideration, it is to continue under discussion until it is finished this afternoon, I will waive the special order until to-morrow at 2 o'clock, if that is satisfactory to the Senate.

Mr. CULLOM. It was the understanding that the Post-Office appropriation bill should be disposed of to-day before adjournment.

The PRESIDING OFFICER. The Senator from South Dakota asks that Senate bill 3662 be continued and be made the special order for to-morrow at 2 o'clock.

Mr. SPOONER. It is possible that the Post-Office appropriation bill will be finished and the bill which the Senator has charge of can be taken up later in the day.

Mr. FAULKNER. Let it come up as soon as the Post-Office appropriation bill is finished.

Mr. SPOONER. Let it go over until after the Post-Office appropriation bill is finished.

Mr. KYLE. Very well.

Mr. CULLOM. That is the only order I desire to have made.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from South Dakota? The Chair hears none, and the request is granted. There is another special order also before the Senate, being the joint resolution (S. R. 83) proposing an amendment to the Constitution of the United States. Is the same motion made in regard to that special order?

Mr. SPOONER. By whom was it reported?

The PRESIDING OFFICER. By the Senator from Massachusetts [Mr. HOAR].

Mr. CULLOM. The chairman of the Committee on the Judiciary has just sent word that he desires that the joint resolution shall be laid aside temporarily.

Mr. SPOONER. Then let it be laid aside in the same way as the bill which the Senator from South Dakota [Mr. KYLE] has in charge.

The PRESIDING OFFICER. It will take that course unless there is objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution; in which it requests the concurrence of the Senate:

A bill (H. R. 10251) fixing the number of rear-admirals in the United States Navy; and

A joint resolution (H. Res. 260) tendering the thanks of Congress to Commodore George Dewey, United States Navy, and to the officers and men of the squadron under his command.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899.

Mr. FAULKNER. Mr. President, when the Senate adjourned on last Friday I was discussing the carrying of mail by postal cars. I had referred—and I do not desire to repeat myself—to the laws governing the compensation of the railroad companies based upon weight, also to the law fixing the compensation for postal railway cars, and had explained to the Senate the number of routes on which those cars are used, as well as the number of cars in use by the Government.

There is only one additional reference which I desire to make in closing my remarks on this branch of the discussion, and that is to quote from the remarks of the Second Assistant Postmaster-General, made in the investigation held by the Committee on Appropriations at the last session of Congress, in which he explained to some extent the advantage in the use of these cars. He said:

> Some day, if I live long enough, I hope to show you how the car and wagon will dispense with the big city post-offices. The postmaster at New York said to me a few days ago that if we were not doing what we are doing on wheels he could not handle his mail in New York. The cars are doing so much separation that you will have to have a great deal larger post-office buildings in the cities were it not for these cars.

The same officer, emphasizing the importance to the Department of the use of these traveling post-offices, said, in his report of 1896, as follows:

> Marked as is the improvement in the rapid transit of mails, effected through the combined efforts of the Department and the carriers, perhaps the most noteworthy feature of the service is the extent to which the distribution in the railway post-offices is now carried. No longer content with delivering into the larger post-offices the mail addressed thereto, the railway post-office now separates and arranges, for immediate delivery by the letter carriers in the larger cities, an immense and constantly increasing volume of mail to the extent of making it almost possible to supply the letter carriers from the postal car on its arrival with the mail intended for their personal distribution, which practically eliminates a very large amount of work that was formerly done in the post-office buildings.

These remarks of the Second Assistant Postmaster-General have been fully verified and I believe are fully concurred in by the Department since they were made to the Senate a year ago.

Mr. President, last Friday in discussing the cost of mail transportation I used an expression, which has been misunderstood by some, to the effect that if the pending amendment was adopted, arbitrarily cutting down the rate of compensation 20 per cent for the transportation of the mails by railroads, it would be "ruinous." Some understood that term to apply to the railroads that would be affected. Such was not my meaning. I was alluding to the effect it would have upon the mail service on those roads.

I stated that the evidence before the committee was that in the Southern States 28 per cent of those routes were what may properly be termed messenger-service routes, on which compensation was not based upon the weight of the mail, but arbitrarily fixed by law, the highest compensation permitted by law being allowed, although it was really inadequate for the services rendered by the small railroad companies over which it passed, and that on those routes the service would be affected most materially and prejudicially; that in my own State so many of the routes are of the character described I felt called upon to protest against the adoption of the amendment.

I listened to the remarks of the Senator from South Dakota [Mr. PETTIGREW], made on last Friday, with pleasure, as I always do; but after an examination of them in cold print I must say he is one of the most ingenious manipulators of figures that I have ever had the honor of meeting in debate; and I think when you take his figures and examine them carefully Senators will find that he has been misled in reaching his conclusions because of the error of his premises.

Mr. President, we will take up the first statement found in the RECORD on page 5218, in which he pretends to give the weight of mail, the compensation, and the rate per pound. He bases his calculation upon the figures furnished him by the Department, leaving out about 8,000,000 pounds of mail weight in his calculation and failing to take into consideration in ascertaining his result the 20 per cent of additional weight, to which his attention is especially called in the communication.

In other words, if his calculation had been based upon the letter sent to him by the Department, instead of basing his calculations on 520,000,000 pounds of mail carried, he should have made them on weights of over 630,000,000 pounds of mail carried in 1897. Why is this true? For the reason that all free mail is eliminated from the aggregate of the number of pounds weight on which his calculations rest and also all the weight of equipment, the mail bags, and so forth, which enter into and form a part of the weight, which determines the compensation of the railroads. The fact that the Government does not choose to charge for a certain class of matter, but declares it free, can not affect the rights of the carrier to a fair compensation on the weight carried. That is a matter over which the carrier has no control, but over which Congress alone exercises supreme control.

But, Mr. President, let us assume that the figures of the Senator from South Dakota are correct. By dividing compensation

by the weight we will find that the cost to the Government for transporting the mail is 5¼ cents per pound for weight carried. I would ask the Senator from South Dakota to state to the Senate, over what distance does the charge of 5¼ cents paid to the railroad carry the mail? Is it for a distance of 1 mile, or is it for 3,000 miles, or for what number of miles is this compensation paid?

Mr. President, the evidence before the committee shows that it does cost the Government on an average, taking into consideration the small and the large routes, 5.27 cents to carry a pound of mail, not 1 mile, not 3,000 miles, but a distance of 328 miles. The figures will show—but the Senator from South Dakota failed to call it to the attention of the Senate—that the cost of 5¼ cents per pound, which is the result of his calculations, is the cost for carrying the mail an average distance of 328 miles. At that rate, to carry it 1 mile it cost the Government of the United States less than one-sixth of a mill per pound per mile.

It seemed to me proper to call the attention of the Senator from South Dakota and the Senate to the fact that when the average distance was added as an element of calculation the result would show the real cost of carrying the mail, and remove the impression that it cost 5¼ of a cent per pound per mile. If I am in error I should be very glad to be corrected by the Senator.

On page 5221 of the RECORD the Senator, after ascertaining what it costs to carry the mail by weight per pound and fixing it at 5¼ of a cent, regardless of the average distance carried, follows with this statement:

> The express companies carried 3,262,000,000 pounds of express matter, not counting the 17,000,000 packages of valuable matter. Giving them the benefit as far as weight is concerned and throwing in the 17,000,000 packages of valuable matter, we find that they paid the railroads for transporting everything $19,327,000, which is 5¾¾ mills per pound. In other words, the railroad companies received for transporting express matter in 1890 one-tenth what we paid per pound for carrying mail matter last year, giving them the benefit, throwing in the weight of all the 17,000,000 of valuable packages. The express companies paid a little less than 6 mills per pound, while the United States paid for carrying the mails a little less than 6 cents per pound.

Mr. President, I would ask the Senator from South Dakota what distance carried does that 5¾¾ mills represent? He says that the common carrier hauls the express traffic for 5¾¾ mills per pound. But over what average distance is the pound carried?

Mr. PETTIGREW. That amount was ascertained by dividing the total amount of compensation by the number of pounds shipped. I asked the president of the express company what was the average haul of express matter, but I could not secure the information, and have been unable to secure it. Just what the average distance is that express matter is carried, I do not know.

Mr. FAULKNER. To make a comparison between the cost of mail and express transportation it was essential to ascertain the average haul.

Mr. PETTIGREW. If the Senator will permit me, I will say in that connection there is such a great similarity between express matter and mail matter that I presume there is a great similarity in the average haul of the packages. The Second Assistant Postmaster-General or the Superintendent of the Railway Mail Service calculates that the average haul of mail matter is 328 miles. However, without reference to the distance they carry, more or less, great or small, they pay, I should say, for the carriage less than six-tenths of a cent a pound.

Mr. FAULKNER. Assuming, Mr. President, that the figures of the Senator from South Dakota for the year 1890, found on page 5218 of the RECORD, are correct, they show that the weight of mail matter was 326,000,000 pounds and the compensation $21,000,000, as against the carriage by the carrier for the express companies of 3,262,000,000 pounds at a cost of $19,327,000, which would be one-tenth of the carriage of the number of pounds of express matter. If, therefore, the cost for carrying the mail is as stated by the Senator, and we assume that the average carriage of express matter is 32 miles, it would show that the cost of the mail service and the cost of express transportation was the same.

If that average distance were 16 miles, the cost, even under the figures of the Senator from South Dakota, would be just double the cost of carrying the mails. This illustrates the importance, when a Senator proposes to furnish information to the Senate, that all the elements essential to a right and proper conclusion should be presented, that a true comparison may be made.

Mr. SEWELL. Will the Senator allow me to interrupt him?

Mr. FAULKNER. With pleasure.

Mr. SEWELL. My recollection of the statement of the Senator from South Dakota is to the effect that he stated that the Department paid six-tenths of a cent. I do not doubt, as the Senator says, he made a mistake, for the amount is six-tenths of a mill, not six-tenths of a cent.

Mr. FAULKNER. Mr. President, I have taken the figures of the Senator from South Dakota, the calculation he makes, and by simply applying the principle of the average distance of the haul, to show that with a 32-mile haul the cost is the same as that paid by the United States for carrying the mail; and if the average distance hauled is but 16 miles, it is double that amount.

Mr. PETTIGREW. I would say if the distance were 1 mile, it would be still more.

Mr. FAULKNER. This illustrates the errors my friend from South Dakota has innocently fallen into in his attempt to show that the Government is paying largely in excess of what is paid by the express companies for the transportation of their goods, but in addition to this a great many other facts must be taken into consideration. He fails to appreciate the cost assumed by the express companies in the transportation of their freight, involved in their expenditure in paying not the carrier, but the employees of the railroad for services rendered it. This item is not taken into consideration in any calculation the Senator has given of the compensation paid by the express companies to the carrier.

The evidence before the committee shows that large amounts in addition to the direct payments are made to the carriers by the express companies for compensation to the employees of the roads who handle its freight, the sum to baggage masters being specific and definite, while a commission is paid to the station agent who takes charge of its business. On one road the positive statement is made that it amounted to $110,000 a year; on another road, to $53,000. Those are the only two items which I believe have been definitely stated, but the practice is the same on all roads.

Mr. PETTIGREW. Will the Senator allow me?

Mr. FAULKNER. Certainly.

Mr. PETTIGREW. The information with regard to the length of the haul of express matter to the amount paid the railroad companies, from all the facts within the control of the express companies and the railroad companies, all through the investigation, I strove to get, but failed to do so. They are the persons who can furnish it. Why do they not furnish it? What is the use of drawing imaginary parallels and presuming or supposing the length of the route is 16 or 32 miles, or that they pay so much to the baggagemen, agents, etc. Why do they not bring in the facts? I am ready to be convinced if they can satisfy me that they are carrying the mail for a just compensation, and I am willing they should be justly compensated.

Mr. FAULKNER. It is not necessary for me to tell the Senator from South Dakota, for he knows the reason why the facts referred to are not contained in the record as well as I do. Those reasons were given to him by the witnesses when he asked them the same questions which he has now submitted to me, which was that the express companies pay no attention to the question of weight, and the carrier pays no attention to this question in their dealings the one with the other. The question of weight is only a matter of interest to the express company in fixing the rate to be paid by the individual shipping.

Mr. PETTIGREW. Just one moment, Mr. President, in that connection. I asked Mr. Weir this question:

> Do you pay any expense whatever before accounting to the railroads for 40 per cent of the gross receipts?
> Mr. WEIR. Do you mean, do we deduct anything from it?
> Senator PETTIGREW. Yes.
> Mr. WEIR. No.
> Senator PETTIGREW. Nothing whatever?
> Mr. WEIR. Nothing whatever.
> Senator PETTIGREW. You pay to the railroad company 40 per cent of the gross receipts, and there is no item deducted before that is paid?
> Mr. WEIR. That is right.
> Senator CULLOM. What express company do you represent?
> Mr. WEIR. The Adams.
> Senator PETTIGREW. How much expense would it be to gather all your waybills and get this information for which I asked you?
> Mr. WEIR. I suppose it would take 100 men three months to get it.
> Senator PETTIGREW. Would you be willing to have that done?
> Mr. WEIR. Personally I do not see any objection, but without the authority of my board of directors I would not promise to do it. I see no objection to it, however.
> Senator PETTIGREW. Did your company furnish the information for the census authorities in 1890?
> Mr. WEIR. I think we furnished some information. I am not certain about it.

Mr. FAULKNER. Your quotation from the census report shows that there were two companies that failed to make any return, and that the aggregate amount of weight and the aggregate amount of compensation is not, therefore, given for the whole country.

But, Mr. President, I was speaking of the fact that the Senator knew that in answer to his question the president of the express company informed him that it would take 100 clerks three months to prepare an answer to the question the Senator has asked me, the same which he asked of the president of the Adams Express Company. It was partially for that reason that the committee reported in favor of the adoption of the amendment for an investigation of the whole subject, that ample time and opportunity should be given for the ascertainment of the facts on which the action of the Senate could with justice and fairness rest.

Mr. PETTIGREW. Mr. President, everyone who deals with figures knows, while it might take 100 men three months to go over every waybill and ascertain the weight of every package, that with one-tenth or even one-twentieth of that effort and expense of time and service they could arrive at the weight approximately;

and the president of the Adams Express Company knows, as well as the Senator from West Virginia, that by taking a week every two months through the year, or taking a day or two each month in the year and figuring it up, they would get approximately the weight carried; and it would not take 100 clerks three months to do it. While it might require it to go over every single waybill and figure up every single item, if they wanted to furnish this information they could do it at almost no expense whatever.

Mr. FAULKNER. The Senator from South Dakota is still unfair and unjust in his remarks. He did not ask the president of that company whether during the next year he would adopt the suggestions he made and take two days each month to find this out and average it. He said, "How long will it take you to furnish this committee the evidence of the number of pounds carried by the express companies in this whole country?" He answered that it would take a hundred clerks three months to do it. It is therefore unfair for him to say that it could be done by averaging it two days for each month during the year. It is not a fair way to treat the Senate or the witness who was before us and who gave us all the information in his possession without any hesitation whatever, promptly answering all questions submitted to him by the Senator from South Dakota.

Mr. President, there is another statement to which I desire to call the attention of the Senator from South Dakota.

Mr. PETTIGREW. In this connection I think perhaps there had better go into the RECORD what occurred.

Mr. FAULKNER. I did not yield for a speech. The Senator can ask me a question.

Mr. PETTIGREW. I merely want to put into the RECORD three or four questions and answers in this connection.

Mr. QUAY. His entire testimony is in the RECORD.

Mr. PETTIGREW. I know it is. The Senator from Iowa [Mr. ALLISON] said to me:

> Have you got all the information you wanted?

I replied:

> All I can get; not all I wanted. Mr. Weir has been very fair about it.
> Mr. WEIR. Is it about the contracts that you are not fully satisfied?
> Senator PETTIGREW. Oh, no; I should like to know the weight of packages and the number of packages.
> Mr. WEIR. I see; you want to make a comparison?
> Senator PETTIGREW. Yes.

Mr. FAULKNER. There is no doubt, I think, that the Senator wanted to make a comparison, but when he could not get any basis upon which to make it, he then assumed his bases regardless of the facts. That is the way I understand the case.

Mr. PETTIGREW. I made it on the census of 1890, and Mr. Weir corroborated that census by his testimony.

Mr. FAULKNER. He did not corroborate it. He did not even state positively whether his company made a return or anything about it, but thought perhaps it did. As to whether it was a certain, accurate ascertainment of the facts, there was no evidence whatever before the committee. But I have assumed that his figures were correct; and taking those figures, I have shown what the result is if the average route of carrying the express is 32 miles, as under the testimony of Mr. Weir it could not be more than that, as he admitted that the great bulk of its business was done within four or five hundred miles of the point from which it was shipped; and it is a fact known to every Senator that express in bulk is never sent from New York to San Francisco or to any distant Western points. It is always sent, when in bulk, by fast freight, as it would be impossible to pay the express rates on it for such a distance.

But there is another matter to which I desire to call the attention of the Senator from South Dakota. I think it unfair and unjust to attempt to impugn the motives and to assail the conduct of a public official on the facts upon which he rests his assault. The Senator, in order to ridicule the Postmaster-General, in discussing the rate given by him for carrying express per 100 pounds from New York to San Francisco at $15, while the mails were being carried between the same points for $11.65 per 100 pounds, said, in substance: "He was trying to deceive the committee, because he knew that when you took the 40 per cent off the $15, as the amount that was actually paid the carrier, the compensation was only $6 per 100 pounds from New York to San Francisco instead of $15, and in comparison with the cost of the mail, it is the difference between $6 and $11.65." I again ask the Senator from South Dakota upon what basis he asserts to the Senate that the express company pays only $6 for carrying the 100 pounds between New York and San Francisco?

Mr. PETTIGREW. On the testimony of Mr. Weir, that they pay 40 per cent of their gross earnings.

Mr. FAULKNER. There was no such testimony before us.

Mr. PETTIGREW. Certainly there was.

Mr. FAULKNER. The Senator again assumes his facts. But in his answer to my question he has stated the evidence as it was given to the committee, which was that they pay from 40 to 60 per cent of their gross receipts to the carrier. With that let us assume a case to show what the cost of transportation paid to the railroad might be in carrying express matter between these points. Suppose there is a hundred pounds of ordinary matter, carried at $15 per hundredweight from New York to San Francisco, and that in the same car which carries the hundredweight of express matter there is a safe carrying 10 pounds of matter on which the express charge is $7.75 per pound.

Then there would be in that car 110 pounds of express matter, yielding to the company on the 10 pounds over $77. Forty per cent of it added to $6 on the 100 pounds of ordinary express matter would make a payment to the company on the 110 pounds of freight of what? Not $6, but $37. Thirty-seven dollars would therefore be the amount paid to the carrier under the assumed state of facts which I have given and which I have a right to assume, because they do carry money and do carry valuable packages in connection with their ordinary express matter, for which they charge $7.75. That was a very unfair statement. It is not from the payment of 40 or 50 per cent on $15 that the carrier receives its compensation, but it is the 40 or 50 or 60 per cent on the amount of gross receipts earned by the company from all sources in handling express matter and paid before any deduction for any cause is made. In the illustration I have given, instead of there being a payment of $7 for the 110 pounds carried, it would have been $37 received by the company as against the payment of about $12.50 per 110 pounds of mail. This shows the unfairness of the attack upon the Second Assistant Postmaster-General by the Senator from South Dakota.

Mr. PETTIGREW. I should like to say that along with the money packages the railroad carries an iron safe. I do not know how much it weighs.

Mr. FAULKNER. Neither do I, but I know and the Senator knew when he made the illustration to the Senate, that it was not simply the $6 out of the $15 that was paid by the express company, but that the carriers' compensation was on the gross receipts of high as well as low rates of express.

Mr. President, when the Senator's attention is called to the statement which I will read, he will, I hope, disclaim the language which he used. On page 5222 he said:

> But what is worse in this statement you will find by turning to page 137, I will show how worthless this whole testimony is. On that page you will find a statement of Mr. White, the Superintendent of the Railway Mail Service, in which he says that we pay for carrying the mail over the New York Central road from New York to Chicago $2,873,518 per year, and the weight is 66,500,000 pounds, or $4.33 per 100 pounds, while the Second Assistant Postmaster-General says, comparing it with the express rates, we pay $3.51 per 100 pounds.
> Of course $3.51 to a man who is working for a railroad company, and wants to make out a case for it, makes a better comparison with $2.25 than $4.33 makes.

In the first place, the Senator will not find the statement on page 137 in the form in which he has given it. He has worked the figures out himself, and in doing so his attention must have been called to the fact that in the case of the Second Assistant Postmaster-General he was giving the cost of mail by weight, without regard to the cost of the postal railway car service between those two points, and in the other case Mr. White was giving the calculation based upon the aggregate cost of both weight and postal-car service.

Mr. PETTIGREW. What does the Senator say, that in comparing the express rate with the mail rate——

Mr. FAULKNER. I said that the Senator from South Dakota had stated that this discrepancy was proof of improper influence exerted on the Second Assistant Postmaster-General in giving his statement to the committee, when he was giving the cost per hundred pounds of mail by weight carried, while in the case of Mr. White, with which the Senator compared it, he was giving the aggregate cost of weight as well as postal-car service.

Mr. PETTIGREW. In comparing the cost of carrying a pound of mail from New York to Chicago with the cost of carrying a pound of express matter, it is rather natural to suppose that the whole cost is included.

Mr. FAULKNER. The Senator himself excluded it.

Mr. PETTIGREW. However, if that is the explanation, I am willing to accept it as an explanation; but I shall not take back anything that I said in this connection, if that is all there is to the explanation.

Mr. BUTLER. If the Senator from West Virginia will allow me, the Senator should look at pages 136 and 137, where he will see that it would make but a few cents difference according to which way we calculate it, because the pay for mail is $2,441,240.89. The amount for postal cars is less than a half million dollars—$432,000.

Mr. FAULKNER. The Senator from North Carolina does not seem to appreciate at all the point I have suggested to the Senator from South Dakota.

Mr. BUTLER. Yes.

Mr. FAULKNER. It is not whether the difference is little or great. It is a question of a Senator of the United States rising on the floor of the Senate and imputing, by reason of that difference, improper actions and motives to a public official when there are no grounds on which the statement can rest.

Mr. BUTLER. The Senator from West Virginia can not make that statement, if he wants to be fair himself, without at the same time admitting that the discrepancy would be very great in favor of the express company, the pay much larger, even if we were to figure it as the Senator says it ought to be figured, and I will figure it out and give him the exact result.

Mr. FAULKNER. The Senator from North Carolina knows that the Senator from West Virginia was not even referring to the difference in cost between mail and express between New York and Chicago, but he was simply calling the attention of the Senator from South Dakota to the statement he made which reflected upon the honesty, the honor, and the integrity of a public official, based upon a state of facts that does not exist and to which the Senator from West Virginia desired to call the attention of the Senator from South Dakota, so that he could disclaim the charge and imputation which he made against the character of that official.

Mr. BUTLER. The Senator is again wrong. He says on a fact that does not exist. The fact does exist.

Mr. FAULKNER. It does not exist.

Mr. BUTLER. I will give the Senator the figures to show that approximately it exists as the Senator from South Dakota stated it. The discrepancy is large. I am figuring it out now. It does exist, and the facts will show, as the Senator says it ought to be calculated——

Mr. FAULKNER. To carry it out, it would be the difference between $3.57 and $3.67. There is a difference, of course, between the cost of carrying mail without the cost of the postal-car service and carrying the mail with the postal-car service. No one disputes that proposition.

Mr. PETTIGREW. When I made the statement, I made all the apology that I want to make now for what the Senator from West Virginia has stated. I should like to read it. It is only a line:

> Of course $3.51 to a man who is working for a railroad company, and wants to make out a case for it, makes a better comparison with $2.25 than $4.33 makes. I do not know that this is done purposely, but I presume it is figured out by subordinates. I believe Mr. Shallenberger, so far as he is concerned, is an honest man; but I do believe that he has been deceived in this statement; I know it, for the railroad companies have furnished the material to the subordinates, who were trained under the two previous Second Assistant Postmasters-General, who were railroad employees, and consequently we can not get at the truth from that Department until it is wiped out, the service changed, and every one of those fellows turned out and a new crop put in.

I have no apology for that statement.

Mr. FAULKNER. That is as unjust and as improper an imputation on the subordinate as it was upon the Assistant Postmaster-General. One of those subordinate officers has been in the service of the Government for thirty-five years, the other for seventeen years. One is an honorably discharged wounded soldier, lame in his left arm to an extent which makes it absolutely useless, and his services have been of such value to the Government that no Administration has ever felt that it would be justified in discharging him from the service or in transferring him from this particular work.

Mr. President, the Senator from South Dakota last Friday discussed the rates of the passenger, express, and freight service and compared each with the cost of the transportation of the mail under the law as it now exists. I do not think any of those subjects can be fairly compared on any parallel ground with the cost of the transportation of the mail. But we have no other subject of comparison, and we are therefore necessarily thrown back to accept them as the only subjects with which a comparison can be made.

Mr. BUTLER. Will the Senator from West Virginia allow me?

Mr. FAULKNER. No; I do not yield.

The PRESIDING OFFICER (Mr. CLAY in the chair). The Senator from West Virginia declines to yield.

Mr. FAULKNER. The Senator can put his figures into his own speech when he follows me.

Mr. BUTLER. I will do so.

Mr. FAULKNER. I am afraid they may be wrong, and therefore I do not care to have them inserted as a part of my remarks.

Mr. BUTLER. I protest against the Senator making any such statement. It is unworthy of the Senator.

Mr. FAULKNER. I hope the Senator does not feel that I charge him with intentional wrong. I assume that the Senator, like many of us, is not as quick and bright at mathematics as when he left school, and when we get problems involving decimals and fractions, in the hurry of a calculation on the floor of the Senate during a debate it is more than probable that the result will be inaccurate.

Mr. BUTLER. This is a very important matter, and I suppose the Senator from West Virginia wants to get at the facts, and certainly if he does——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. BUTLER. If the Senator wants to get at the facts he can test my calculation and I will give the whole process.

Mr. FAULKNER. I will see that when I hear the Senator's speech.

Mr. BUTLER. The Senator ought to allow it to go in now after what he has said. On page 137 the statement shows——

Mr. FAULKNER. I do not yield for that purpose.

The PRESIDING OFFICER. The Senator from West Virginia declines to yield.

Mr. FAULKNER. Mr. President, in making a comparison between any services we ought to look at what service is rendered by the carriers for the compensation that is paid. In considering that question there will be found many differences between the passenger, express, and freight service in a comparison with the mail service. In the first place, we know that the mail service is not the subject of contract; it is controlled by the law which fixes the compensation, and the obligations and duties and responsibilities of the common carrier are fixed by the regulations of the Department. In one case, therefore, we have always a subject of contract between two parties. In the other case we have the definite, fixed, and unalterable provision of law to govern and control the parties.

Contracts for freight, passenger, and express are based upon the cost of the service, and no common carrier would accept either passengers, express matter, or freight below the cost of carrying. Consequently, as a matter of contract, they first ascertain the cost of transportation and fix the price based upon the ascertainment of that fact. With mail the Government fixes the rate both to the citizen and the carrier without regard to the question of cost.

There is another difference in reference to these services. The Government of the United States has the right to designate upon what trains its mail shall be carried, and it has the right to prescribe how many postal cars shall be carried upon any of the trains run by the postal carrier. It is absolutely within the control of the Department. There is no such privilege given to anyone else.

The Senator from South Dakota or the Senator from North Carolina, I do not know which, asked me Friday whether the mail was carried on the Chicago limited. I informed him at the time that I did not know whether such was the case or not. But upon examination of the evidence I find that the testimony before the subcommittee was that the mail is carried upon the Chicago limited. It is in the testimony of Mr. Shallenberger, where Mr. WHITE corrects him in reference to that particular matter. The Department has in this matter the absolute control, to designate the particular train and the amount of mail that shall go on that train.

What is the case as to express matter. Express matter must be hauled on mail trains, but on such trains as the company may designate and not such as the express company may prefer. In some instances they may reject express matter at the different stations as they pass along, as in the case of the joint use of compartment cars.

It is within the discretion of the company, if the baggage fills the space which would otherwise be given to express matter, to occupy that space to its exclusion. Again, there is an obligation assumed by the carrier that at all stations and junction points where the post-office or the transfer is within one-quarter of a mile the employees of the railroad are required to receive the mail from the train, carry it to the post-office, and bring the mail from the post-office to the train, and also carry it from one junctional point to the other. That occurs at 20,000 post-offices in this country. The Post-Office Department has estimated the cost to the Government in doing this work at 7,000 offices at over $1,000,000.

The Senator from South Dakota, in order to show how inaccurate and unreliable the Second Assistant Postmaster-General was in all his calculations, made a calculation upon some assumption—I do not know what—to show that the actual cost to the Government was one million seven hundred and odd thousand dollars. The actual cost of that service to the Government is between $1,000,000 and $1,100,000. So he was not as inaccurate as the Senator from South Dakota when he said (without having his attention drawn to it so as to examine the figures) that it was over a million dollars.

The Senator proceeds to argue (from a basis of calculation which he has made) that the cost to the railroads in doing this particular service is nine hundred and odd thousand dollars. What is the evidence of the Second Assistant Postmaster-General on that subject? We certainly have a right to rely upon his opinion, unless the view of the Senator from South Dakota is entertained by every member of the Senate that he is in fact a tool of these corporations. The Second Assistant Postmaster-General says that in his judgment the cost to these companies would be about $3,000,000. The estimate of the railroad officials is that the cost is fully $4,000,000.

Mr. PETTIGREW. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from South Dakota?

Mr. FAULKNER. I yield to the Senator.

Mr. PETTIGREW. The only evidence we had in regard to the cost of transporting mails from the trains to the post-offices was in connection with the Louisville and Nashville road. I ascertained how many offices the Government supplied, and I took that as the average for the whole country. I found if the Government paid as much everywhere else as they paid there, we would pay nearly $2,000,000. But in reality we pay only $1,100,000. Therefore the rate is greater on that particular road than it is over the country at large. Taking that as a basis of calculation for the country offices, the railroads of the whole country would pay only $920,000.

Mr. FAULKNER. The Senator certainly did not take the basis of cost to the Government of those offices and then ascertain that it was only $46 per office.

Mr. PETTIGREW. It was $254.

Mr. FAULKNER. Yes; $254.

Mr. PETTIGREW. Certainly; but the Government everywhere supplies the large offices. Taking out the eight great offices, and then figuring the cost for the 221 offices on that line, we have $46 an office.

Mr. FAULKNER. In the schedule sent to the Senate from the Post-Office Department of the amount paid on that particular road, were there over three offices that fell under $46?

Mr. PETTIGREW. No; there were not, I think. I am not sure about the exact figures. But a great number of offices were supplied by the postmasters themselves.

Mr. FAULKNER. Some of them, of course.

Mr. PETTIGREW. So, taking all that the Government supplied——

Mr. FAULKNER. The Senator has guessed at $46.

Mr. PETTIGREW. Not at all. It is borne out by the figures.

Mr. FAULKNER. The opinion of the Department is that the average costs in the country is $150 per post-office for this particular service.

Mr. PETTIGREW. It is not hard to determine. That is their opinion. It is not borne out at all by any facts or figures they give us.

Mr. FAULKNER. The statement I made is borne out by the figures that would have been given to the Senator had he asked for them, but instead of getting this official information, he takes the figures of this particular road, and finding that it averages $254, then deducting certain offices and throwing off an estimate as to how many of these particular offices were supplied by the postmasters, the Senator reaches his conclusion of $46 per office.

Mr. PETTIGREW. No, Mr. President, not at all. If you will look at the evidence of the attorneys of this railroad, you will find the exact number of offices that the Government supplies and the exact number the road supplies.

Mr. FAULKNER. That is true, and——

Mr. PETTIGREW. So there is no guesswork on my part.

Mr. FAULKNER. There is no question of that, but you could not on that rely upon the conclusion of $46 per office by any calculation that could be made. The facts are as I have stated them, that on an average throughout the whole country it costs $150 per office.

Mr. PETTIGREW. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from South Dakota?

Mr. FAULKNER. I yield to the Senator.

Mr. PETTIGREW. I wish to say in this connection that in my opinion it does not cost a third of that sum and that the facts, when developed, will show it. All the data here figured out prove my statement.

Mr. FAULKNER. The Appropriations Committee is trying to get these facts under the very amendment which has been made to this bill, and it wants to get them before the Senate acts upon the question embodied in the amendment of the Senator from South Dakota.

In addition to this, at all the junction points, at transfer stations, and at all the stations in large cities, the common carriers are required to furnish for the benefit of the postal service and for the use of the transfer clerks large, well-lighted, well ventilated and heated rooms. If the Government was required to pay the cost of a fair rental, it would amount to a very large sum.

These considerations all enter into and become a part of the service rendered for the compensation paid to the roads. Additional obligations are put upon these companies. One is that at any time after 9 o'clock at night, or after the hour at which the post-office in any town is closed, it is the right of the superintendent of that division to authorize the mail to be delivered to the employees of the carrier, who are required to keep it safely, securely, and without any damage, under the penalties that are fixed by the fines that are provided, and to receive the mail from any trains coming in during the night, keep them securely, and to see that they are transferred into the hands of the Government at the proper hour.

Mr. President, there is another very important duty imposed upon the railways. The Post-Office Department has a right to require any mail train to stop at any station that the public interest requires such action on the part of the Department. This is a very valuable privilege in the interest of the public and one which meets with considerable antagonism from the road when the Department enforces it. One of the great questions of the day is how to meet the competition by the fastest trains between two given points; and yet the Post-Office Department has the right to step in and say, as they have frequently done within the last year, "We require that on this route the fast trains shall stop at a particular station," when they deem it to be to the public interest.

Mr. President, when fast trains are not required to stop at all the stations another requirement is imposed upon the company. It is to erect at its expense what are called mail catchers on both sides of the road at each station, so that the mail may be delivered in that way without the stopping of the train. That imposes a heavy expense. In a correspondence between a road and the Department upon this subject the carrier was seeking to avoid this duty by asserting that the order of the Department would cost it $20,000 for the erection of the mail catchers, the average cost of which was $15.

Mr. President, there is another very admirable provision which I approve in this law, and yet at times it works a very great hardship to the carrier. It is one which no other customer of any corporation would be permitted to exercise. It is that the mail weight upon which the rate of compensation is based is taken once in every four years. It is shown that the mail increases on an average of about 12 to 16 per cent a year throughout the whole country. In some sections it increases 24 per cent, in others 20 per cent. In others it runs down as low as 11 and 12 per cent. Yet the weight of the mail as weighed, for example, in 1892 is the basis of the compensation for four years, regardless of this annual increase. Take, for example, the illustration given in the testimony of the development of Oklahoma Territory. Two hundred thousand people rushed into that Territory, and yet the weighing having occurred prior to its occupation and when its population was small and insignificant, under the law the road was compelled to carry the mail for the increased population for two years without any additional compensation.

The only statement that is accurately given by any road is that furnished by Mr. Knott, of the Louisville and Nashville. He shows that under the regulation requiring the weighing of the mail once in four years there was lost to the company under the rates provided by law $103,829.40. But I fully approve of that statute. The weighing can not take place every year, and it ought not to be done; the roads must take the risk of the increase of the mail. I believe there are only two or three instances in which the weight of the mail has ever been decreased.

These illustrations will show some of the differences between the right and power of the Government in the carrying of mail and that of any private customers of common carriers.

The Senator from South Dakota, in seeking to overthrow the views of the Department in reference to its comparison between passenger rates and mail rates, ridiculed the idea that any comparison could be made upon the basis of the income received from a passenger coach and a postal car. There are several ways in which it is worked out in the testimony. In one case, as stated by the Postmaster-General, they ascertained that on the Pennsylvania Railroad the average number of passengers was thirty, which would yield 58½ cents per mile, compared with a postal car which yields but 13.6 cents. The average of passengers to a car on the New York Central is but twenty, which would yield 38 cents, against 13.6 for a postal car. This method is not novel; it is the usual and constant method adopted to ascertain such results and in making comparisons of profit and loss.

Mr. Knott adopted another method. The passenger-train traffic, as a whole, was included—the baggage, postal, passenger, and the Pullman cars. The calculation as to the cost was then ascertained for each service by taking the car mileage, the aggregate cost, and assigning to each service the cost based on the space occupied by each, he reaching the same conclusion as the Department, that the net earning, not including interest and taxes, of carrying the mail was 4.96 cents, and the net earning in carrying passengers was 6.23 cents; 20 per cent in favor of passenger traffic.

Mr. Knott then checks this comparison, and in his statement explains his method by saying:

> For the purpose of checking this comparison I have caused to be compiled a statement of the gross weight hauled 1 mile in passenger cars and in mail cars. By "gross weight" I mean not only the total paying weight, but the weight of the cars in which the passengers and mails were respectively transported, charging the passenger transportation with the weight of the baggage cars and the baggage therein. And from this it is ascertained that for the year ended June 30, 1897, the earnings per ton per mile for "paying" and "dead" weight hauled in passenger trains were:
>
> | | Cent. |
> |---|---|
> | Passengers | 0.6854 |
> | Mail | .6101 |

The expenses per ton per mile, again using the same gross weight, were:

	Cent.
Passengers	0.4735
Mail	.4722

Leaving net earnings, not including interest and taxes:

	Cent.
Passengers, per gross ton carried	0.2129
Mail, per gross ton carried	.1379

A difference of over 50 per cent in favor of the passenger account.

The Senator from South Dakota [Mr. PETTIGREW] presents a table which shows a reduction in passenger rates during the last fifteen years. It is general, including the whole country. I admit that, taking all the roads, there is a slight reduction in passenger rates during the last fifteen years, but this is not true as to the leading and best-equipped roads, as he will learn by an examination of their reports. Where the service of the passenger traffic has been much improved, both as to speed and other elements entering into the service rendered, the cost of that service has in fact increased. One of the best illustrations that I can give is cost of passenger service on the Pennsylvania road, which I think is the model road of the country. In 1876 the cost was $1.05; in 1886, it was $1.46; in 1888, it was $1.54; in 1897, it was $1.54. That is taken from the report of the Pennsylvania Railroad, as I understand, and is found in the testimony of Mr. Knott, who was before the committee and represented the Louisville and Nashville Railroad.

The conclusion reached by the Second Assistant Postmaster-General, after he had examined this subject from every standpoint, was as follows:

Estimating the weight of a passenger at 150 pounds, as we do, the revenue railroads receive from the passenger traffic averages eight-tenths of a cent per 100 pounds per mile on the leading lines of the country, as compared with a little less than one-third of a cent per 100 pounds that they receive from the mail pay.

Mr. President, there is nothing in this record which conflicts with the conclusions reached by this official of the Department. We must therefore accept it as true. In comparing the mail service with express transportation and the relative cost of the two, we must look at some further differences between the two services rendered to determine their relative cost. The mail rate is a compensation depending upon weight and fixed by law, and on routes where postal cars are used additional compensation is paid, also regulated by statute. The express-company service depends upon contract, as does the amount of the payments. Its contracts require it to pay to all railroads not less than 40 per cent of its gross receipts. The evidence before the committee was that on some roads it paid 50 per cent of its gross receipts. But in addition to the contract to pay 40 or 50 per cent of its gross receipts, there is a further provision in which it guarantees a fixed compensation, which is generally the sum which from the business of the last year would be equal the amount received on the percentage of gross receipts.

Under this guarantee the express company takes all the risk of the loss of business during the year under the contracts that it makes with the common carriers. This is clear. The amount is fixed, and if it does not reach the per cent of gross receipts equal to the amount fixed its obligation is not changed. The express company takes all the risk of business prostration, the carrier none.

The contract of the express company, in addition to providing for the paying this percentage of gross receipts or the fixed sum agreed upon for the annual compensation, further agrees to pay, on most of the roads, 50 per cent of the wages of the men who jointly handle the baggage and the express matter in the compartment cars; and in addition to paying those employees of the railroad, they agree to pay a commission to the agents at the different stations, which enables the carrier, as is stated in the evidence, to reduce the amount of the aggregate pay of their employees almost to the extent of the sum that is paid by the express company. As to how much that is in the United States we have no evidence. One road informed us that it amounted annually to $110,000 in saving of wages, which it would otherwise have paid. Another stated that it amounted to over $53,000. Figures were given as to other roads, but the aggregate paid in the country was not ascertained.

Mr. President, in addition to these suggestions, I desire to call the attention of the Senator from South Dakota to a fact which certainly must have made an impression upon his mind. It certainly did upon mine. The express company agrees in all their contracts with the roads to carry its funds and all express business of the carrier between all stations on its line.

Mr. PETTIGREW. Mr. President——

The PRESIDING OFFICER. Will the Senator from West Virginia yield to the Senator from South Dakota?

Mr. FAULKNER. Certainly.

Mr. PETTIGREW. In view of the fact that the Senator calls my special attention to this point, I should like to call his attention to the fact that the only people in this country who are allowed to carry first-class mail outside of the Government are the railroad companies. They are allowed to carry their own mail as a part of the consideration, and that offsets the proposition just made in regard to the express company.

Mr. FAULKNER. I believe the Senator from South Dakota is a member of the Committee on Post-Offices and Post-Roads.

Mr. PETTIGREW. No; I am not on that committee.

Mr. FAULKNER. I thought the Senator was. I concur with him to some extent. Some time ago I had information, incidentally, of what happened in my own town. There was an order from the Post-Office Department received by the agents of the companies at that place prohibiting the roads from carrying letters upon the railroad trains. That regulation, I think, is still in force.

Mr. PETTIGREW. The facts are about as I shall state. The railroads were allowed to carry their own mail. Then they began to carry it for each other. Then they began to carry it for individuals, because there was such an enormous profit upon first-class mail, the pay being ninety cents and a dollar a pound. The abuse became so great that they were defrauding the Government out of very large sums of money. So the Department called attention to the Revised Statutes, which make this a criminal offense. All this appeared in the debate a year ago. I called the attention of the Senate and of the country to this fact then.

Mr. FAULKNER. That has been remedied, I understand.

Mr. PETTIGREW. I have never known of it.

Mr. GEAR. I will state that railroads are permitted to carry only their own mail, relating to their own business, marked "R. R. B."

Mr. FAULKNER. That is what I understood to have been the order issued some years ago, and I have never heard of its having been changed or modified by the Department.

Mr. President, you must see at once the immense responsibility as well as liability assumed by the express company in agreeing to carry all the funds of a great railroad system 7,000 miles in length from any station to the main office. The money value of that service to the carrier I can not state. It certainly must run up into the millions.

Mr. PETTIGREW. Will the Senator from West Virginia allow me to interrupt him?

Mr. FAULKNER. Certainly.

Mr. PETTIGREW. I have seen on a great many roads a pay car which traveled and paid all the help.

Mr. FAULKNER. Ah, that is not what I alluded to. That is what is known as a pay car, that goes out from the main office for the purpose of disbursing the wages of the employees of the company. The money that I referred to as carried by the express company is collected at every station from the agents of the road and others and taken by the express company to the main office.

Mr. GEAR. I will state to the Senator from West Virginia that the station agents are required by all the railroads to make daily reports and send in their money.

Mr. FAULKNER. Of course they are, and they send it through the express company, and the express company is liable to the railroad company for every dollar that is lost by reason of negligence or the criminal acts of their agents. It is a very large compensation paid by the express company in addition to 40 or 50 per cent on its gross receipts in consideration of the service rendered by the carrier. In this connection there is another very important matter that the Senate should know. Under the provisions of these express contracts, the company releases the carrier from all liability, not only for injury to the employees of the express company, but for all loss or damage caused to express goods.

Just think of it, Mr. President. The express, to obtain the service rendered by the carrier, is compelled to carry all the money and the express matter of the roads, then to agree to release the carrier from all liability for injury to its employees, though the company may have been guilty of negligence; in other words, sir, they become an insurer to the carrier against any loss or damage by reason of the negligence of the company, both as to its employees and to the goods it transports. Can this service be compared with the mail service? Mr. President, the carrier investment in the building and use of postal and express cars is very different. The roads are required to build postal cars according to specifications furnished by the Department, and every car that is built by one of these companies for the purpose of carrying the mails is required to pass the inspection of Department officials.

The Senator gave a table of the cost of mail, baggage, and express cars, claiming that the postal car cost but $2,300. This table refers only to passenger, mail, and baggage cars; it does not in terms include postal cars. When it embraces "mail and baggage cars," it must refer to what are known as compartment cars

that carry both mail, baggage, and express. The cost of construction given excludes the inference that the table of cost included postal cars.

Mr. President, if there had been any doubt as to their cost, it could have been easily removed by the Senator. If he believed that the statements as to cost were false, why did he not inform the members of the subcommittee of that belief and ask that the fact be investigated, that the committee and the Senate should have the information on which to determine the truth or falsehood of the statements submitted?

Could there have been any difficulty in ascertaining what is the cost of the construction of a postal railway car? Did not the Department officials inform us that their cost was about $6,000? Mr. Knott fixed the average cost at $5,250. There is not one word in the record before the committee which disputes those statements; and yet the Senator presents a table with a general average of cost of passenger, mail, baggage, and express cars of a railroad in the East, fixing the cost of those cars at $2,300, claiming that it embraces postal cars, and that therefore the statements in the record are false.

The only official who has ever estimated the cost of these cars at a lower price was Secretary Vilas, who fixed it at $4,500 or $4,300.

Mr. PETTIGREW. Mr. President, then one Postmaster-General says $4,500 and another one says $3,000——

Mr. FAULKNER. At that time.

Mr. PETTIGREW. And I furnish the railway report of New York State for 1896, under the head of "cost of cars," and they give first-class passenger, second-class passenger, then baggage, mail, and express cars, and then box cars, covering the entire report of every car; and under the head of "mail, baggage, and express" that class of cars is placed.

Mr. FAULKNER. The postal railway cars are the best constructed cars with the exception of the Pullman cars that are run on passenger trains; their weight is over 44 tons. The cars are furnished with vestibules. They have attached to them also every modern appliance for safety which is known to science. They are furnished with all the conveniences for the distribution of the mail, for taking care of the clothing of the postal clerks; are supplied with the very best light which science has furnished for the illumination of any car used in the United States. I am satisfied that it will appear upon investigation that the specifications for these cars have been improved since the period when Senator Vilas made a thorough examination of this subject, and that it will be shown that the cost of construction has been increased.

Mr. President, these cars, while not owned by the Government, are exclusively controlled by it. An ordinary express car or a compartment car can be used by the carrier as its business may demand, but the postal car can only be used by the Government. Therefore such cars are exclusively within the control of the Department, which makes a vast difference to the road.

Again, express traffic is frequently carried at night and on fewer trains than the mail. Take, as an illustration, the lines between New York and Philadelphia. We pay a fixed compensation for 309,000 pounds of mail a day between these two cities. That is the average weight of mail per day between those points. That weight of mail is carried on those roads by 100 trains in order to meet the demands of the service, including the local service along the routes, whereas the express business can be accommodated, I have no doubt, by the transportation of its business on one-tenth of that number of trains.

Mr. President, permit me to call the Senate's attention to a statement made by Mr. Baldwin, of the Chicago, Burlington and Quincy Railroad, comparing the cost of the services rendered to the Government and to the express company. He says in his statement before the committee, on page 8:

> For instance, in a paper presented as Senate Document No. 217 is quoted a special rate given by an express company last fall to a local medical association, at Louisville, of 1 cent per pound, to enable the members to distribute their proceedings and papers.
>
> Being local in character, it is highly improbable that this rate was used for distances greater than 100 miles on an average, for which distance 1 cent a pound, being $20 a ton, would be 20 cents per ton per mile, which is more than three times the rate paid by the Government for transporting the mails on any railroad carrying over 5,000 pounds per day.

Then he illustrates the difference in cost. Further on he says:

> This paper also quotes a rate of the Adams Express Company, New York to Boston—232 miles—of 1 cent a pound in packages of 75 pounds and upward.
>
> This is business highly competitive with numerous railroad and water routes and other express lines. It is a wholesale rate, being restricted to 75-pound packages. At 1 cent a pound, or $20 per ton, it is 9 cents per ton per mile, or 50 per cent higher, pound for pound, than the Government is paying to the New York and New Haven Railroad for transporting mails over the same route. These mails contain not simply the heavy and comparatively cheap and low-grade articles which the express company carries in 75-pound packages, but letters, bonds, and numberless documents of value—the correspondence of the people.

He gives a very good and practical illustration to show the difference in cost between the mail and express when the value of the packages is taken into consideration. He says:

> A Washington gentleman recently sought to send some bonds by express from here to New York. The express company asked him $4.70; he sent them by registered mail for 10 cents.

The difference between the service rendered to the public is found in that illustration. On real freight matter their rates are comparatively reasonable, but very high on valuable packages. However, in relation to the post-office service it is entirely different. Distance is not considered; the character of the contents does not affect the cost. If it is first-class mail matter, the contents in the envelope may not be worth the one-thousandth part of a cent or it may be worth $10,000, and yet it depends entirely upon the weight as to what it will cost the citizen to send it through the mails of the United States to any point in our jurisdiction. There is one fixed price per ounce in the carriage of the mail, and that is paid, regardless of the value of the particular article which is conveyed. The express carries no package for less than 25 cents, even though it be but a mile haul, which transportation out of many of our cities would give them a rate equivalent to $500 per ton per mile. In fact, there is no comparison between the two systems of transportation nor of their cost.

I desire to submit the statement of the auditor of the Atchison system, in which he draws this conclusion from the details which he had submitted to the committee:

> It will be seen from the above that while we received for the year treated of $49,686.39 less from the express company than from the Government, it cost us for the service rendered the express company $177,480.66 less than for that rendered the Government—this on the actual money basis alone, without regard to the many outside considerations which have been pointed out in connection with this subject, as well as the subject of mail pay.

Mr. President, these are practical illustrations drawn from the actual cost of the two services on a given system.

The letter from the general manager of the express company, whose business was carried over the New York Central and Hudson River Railroad, is well worthy of the consideration of the Senate. It is a letter written in 1894, which excludes an inference that it was suggested by this investigation or was prepared with a view to influence legislation; and yet an examination of that letter, addressed to the New York Central Railroad, in which he is complaining of the inferior service given the express company compared with that given the mail, and to the greater cost to the express company in the transportation of its business, would, it seems to me, satisfy a "doubting Thomas" that the Government was not being robbed.

He asserts that there ought to be a difference in cost of from 25 to 40 per cent between the services; and he demands of that company, in consideration of the facts which he states in this letter, that he shall at once give to the company better facilities in consideration of the compensation it is paying. It appears that Mr. Weir, the president of the Adams Express Company, happened to hear of the complaint which had been made, and wrote to inquire what the character of the statement was which it contained. He mentioned it before the committee, and at our request and with the consent of the company he subsequently obtained a copy of the letter and filed it as part of the record here.

Mr. President, it is impossible for me to bring to the attention of the Senate all the facts brought out by this investigation. I desire to refer to another branch discussed by the Senator, and then I shall yield the floor.

The Senator from South Dakota has inserted in the RECORD a long table showing the reductions in the cost of carrying freight. We are all aware that freight rates in this country, in the aggregate, have been largely reduced, owing to two causes. One has been the greater hauling power secured in the construction of the engines which are manufactured to-day, and the other is the result of the enlargement of the size of the cars for transportation and their greater carrying capacity; therefore on all bulky or heavy articles, such as coal, iron ore, steel billets, and freight of that character, the reduction in the last ten or fifteen years has been very great; but I challenge the Senator from South Dakota to show to the Senate that during that period the cost of transportation on first-class freight has been reduced to any considerable extent. The Senator would certainly not ask that a cost of the carriage of a low class of freight should be compared with the cost of our unsurpassed mail service.

Mr. PETTIGREW. I have published in the RECORD an official letter from the Interstate Commerce Commission, in which they show a steady decline, taking all freights together.

Mr. FAULKNER. Oh, yes; that is true. But the Senator has not answered the question which I submitted to him. You can not compare the carrying of the United States mail, when you consider the rapidity required in the service, with the character of cars and train service required for the transportation of coal or iron ore or steel billets and pig iron.

Mr. PETTIGREW. Will the Senator allow me?

The PRESIDING OFFICER (Mr. RAWLINS in the chair). Does

the Senator from West Virginia yield to the Senator from South Dakota?

Mr. FAULKNER. Yes, sir.

Mr. PETTIGREW. Mr. President, no one has undertaken to make such a comparison, unless it be the Second Assistant Postmaster-General, who will indulge in almost anything. The fact of the matter is that I simply showed that there was a decline in the cost of carrying freight, and that there was a general decline in the cost of doing the railway service, and that therefore there ought to be a decline in the cost to the Government of carrying the mail.

Mr. FAULKNER. The reasons of the decline in certain classes of freight were fully presented to the committee, and those statements are uncontradicted. They show that the cost on first-class freight has not decreased, but in many instances has increased. The cause of the increase has resulted from a demand for a higher grade of service in the carriage of first-class and fast freight.

Mr. PETTIGREW. In this connection, I will say that the Southern Pacific Railroad Company carries first-class freight from New Orleans to San Francisco, 1,500 miles, for eight-tenths of a cent per pound. I do not know how much they charged a few years ago, but they went into court and fought a case for the privilege of carrying at eight-tenths of a cent a pound, other carriers complaining.

Mr. FAULKNER. That must be cheaper than most of the railroads carry freight, especially in the West.

Mr. PETTIGREW. But according to the figures of the railroad companies themselves, they pay 4½ cents a pound for carrying the mails between New York and Chicago.

Mr. FAULKNER. What distance?

Mr. PETTIGREW. Between New York and Chicago, 900 miles.

Mr. FAULKNER. No, sir; the cost is for 328 miles 5.27 cents, less than 6 mills a mile.

Mr. FRYE. Will the Senator allow me?

Mr. FAULKNER. Certainly.

Mr. FRYE. I see that Mr. Huntington testified before the California commission a day or two since that Southern Pacific Railroad stock was worth about 12 cents and that it never had yet paid a dividend. So that company may be carrying freight for less than it costs.

Mr. PETTIGREW. Oh, Mr. President, it ought not to be worth 12 cents, for it was issued without any possible consideration, and they have bonded the road for more than it cost, so they have made a profit, and hence the enormous fortunes of Huntington and those railroad magnates. There is nothing in that, Mr. President. The evidence shows that we paid $4.33 a hundred for carrying the mails from New York to Chicago, and Huntington carries first-class freight from New Orleans to San Francisco for eight-tenths of a cent a pound, or 80 cents a hundred, a distance of 1,500 miles.

Mr. FAULKNER. I do not know how that may be. I suppose the Senator has examined into it; I have not. I am trying to confine my discussion to the facts disclosed in the record, because it is upon those facts that I must act.

Mr. Knott in his statement gives the rate from New York to Chicago, as follows:

Year.	Class 1.	Class 2.	Class 3.
1882	75	60	45
1892	75	65	50

Showing an increase on second and third class between 1882 and 1892. From Missouri River points, Kansas City, Atchison, Leavenworth, St. Joseph, etc., he gives the following statement:

From—	Class 1.		Class 2.		Class 3.	
	1882.	1892.	1882.	1892.	1882.	1892.
Chicago	90	75	75	60	50	42
St. Louis	70	55	55	40	40	32

This shows the reduction in the three classes of freights referred to.

In Southern territory the rates from the principal Western points distributing into the South, taking the rates to Atlanta as a representative point, have been reduced from time to time, as shown by the following comparative figures:

Rates per 100 pounds.

From—	Class 1.		Class 2.		Class 3.	
	1882.	1892.	1882.	1892.	1882.	1892.
St. Louis	$1.53	$1.35	$1.32	$1.15	$1.10	$1.01
Chicago	1.68	1.47	1.42	1.29	1.18	1.06
Louisville	1.18	1.07	1.02	.92	.88	.81
Cincinnati	1.18	1.07	1.02	.92	.88	.81

The transcontinental rates—that is, the rates to San Francisco and other principal Pacific coast points, on the higher grades—may be compared as follows:

Rates per 100 pounds.

From—	Dry goods.		Cotton piece goods.		Furniture.	
	1882.	1892.	1882.	1892.	1882.	1892.
New York	$4.00	$4.20	$1.80	$2.35	$1.40	$1.45
Pittsburg	3.60	4.00	1.62	2.20	1.00	1.38
Chicago	3.25	3.90	1.45	2.10	1.40	1.25

I will ask leave to insert in my remarks the statement of Mr. Knott on page 72 of the hearings before the committee in relation to the Eastern railroads.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

The statement referred to is as follows:

Local tariff.

ERIE ROAD—ELMIRA TO PORT JERVIS.

[In cents per 100 pounds.]

Year.	Class 1.	Class 2.	Class 3.	Class 4.
1886	33	28	20	17
1893	33	28	23	17

PENNSYLVANIA RAILROAD—NEW YORK TO ALTOONA.

1886	43	35	26	20
1893	45	39	30	21

LAKE SHORE AND MICHIGAN SOUTHERN—TOLEDO, OHIO, TO CHICAGO.

1886	40	30	20	15
1893	33	30	23	15

OHIO AND MISSISSIPPI (NOW BALTIMORE AND OHIO SOUTHWESTERN)—CINCINNATI, OHIO, TO OLNEY, ILL.

1887	33	30	23	15
1893	33	30	23	15

Mr. FAULKNER. Mr. President, I desire to call the attention of the Senate to the rates charged on the short roads and compare the mail rates with the freight rates on those roads. On page 66 of the hearing Mr. Knott says:

This average rate of 11.3 cents per ton per mile represents a little over one-half a cent per 100 pounds per mile, or for an average distance of 10 miles 5.6 cents per 100 pounds.

That is the mail rate. Now, compare this with the cost of freight on similar roads:

	Cents.
Class 1	12
Class 2	10
Class 3	9
Class 4	8
Class 5	7
Class 6	6

Mr. President, you will observe that even on the sixth-class freight the rates are higher than the mail rates on those roads. You will find that under the authority of the commission which controls the question of freights.

The Illinois railroad and warehouse commission has established, by the authority vested in it, what it deems reasonable maximum charges for the transportation of freights between points in the State of Illinois, and that tariff authorizes railroads in that State to charge for freights 10 miles and under 6 miles, in cents per 100 pounds:

	Cents.
Class 1	15
Class 2	13
Class 3	11
Class 4	8
Class 5	6

In Georgia we find the same if not a greater difference in favor of the mail rate. The railroad commission of that State has fixed the rates on similar roads. There the rates are as follows:

	Cents.
Class 1	16
Class 2	14
Class 3	13
Class 4	10
Class 5	9
Class 6	8

Upon a practical test Mr. Knott shows that instead of receiving 12, 15, or 16 cents per 100 pounds, the Government on the same roads only pays for its mail 5.6 cents per 100 pounds. As I have more confidence and rely more upon the opinion of the Second Assistant Postmaster-General than my friend from South Dakota,

I desire to read his conclusions on this subject, to be found on page 121 of the testimony:

Senator CULLOM. From your study of this question since you came into office and from your study of the charges on express lines, and of the cost of transportation of passengers and of mails on fast trains, state to the committee whether or not your conclusion is that the companies are not receiving for the transportation of the mails greater compensation than they ought to receive. Is that your conclusion?

Mr. SHALLENBERGER. That, in the presence of this committee, would be my conclusion, very clearly stated. I have not so stated it to any one of the companies; but, in the presence of this committee, I can state emphatically that I have been surprised to find that the rates allowed under the operation of the present law were less, proportionately, in my judgment, considering cost of service, than the rates of compensation allowed them by express companies or passenger traffic, and in some instances by high-class freight. I affirm that we are getting mail carried in some instances lower than the high-class freight on the same line.

Mr. President, the Senator from South Dakota, in considering the cost of the mail service, assumes that it is fair and just to consider it upon a principle of a general average embracing the whole country. It is not an intelligent way to present it to the Senate. Here is a statement made by Mr. Baldwin before the committee which no one has challenged and which throws more light upon the question than any statement which I have heard or read. He shows on pages 10 and 11 of the record that the routes carrying over 5,000 pounds of mail a day carry nine-tenths of the mail of the United States, and though carrying nine-tenths of the entire mail, the roads received a compensation of only $22,641,000 out of an appropriation of $33,876,000.

In other words, if these roads were paid by the average rate paid in the country, they would have received, instead of $22,641,000, over $30,000,000, but being roads that carried over 5,000 pounds a day, their compensation decreased as the weight of mail increased, and it was found that under the automatic working of the law they had to take, instead of $30,000,000, $22,641,000; the $8,000,000 they failed to receive was transferred to the smaller roads, on which the question is not one of weight, but really of messenger service. Take the case given by Mr. Baldwin, from my own State, to illustrate how the general average of cost of the country is raised by the small roads:

In West Virginia there is a route 14 miles long, from Coalburg to Acme, which carries 55 pounds of mail daily, its yearly compensation being $606. But it only carries about 10 tons a year.

It is true the road carries 20,000 pounds of mail a year. What is the cost of carrying the mail a year to the Government on that route? Sixty dollars a ton. What is it a mile? Four dollars and twenty-eight cents, while on the larger roads it is carried for less than a cent a mile. These small roads are the ones that raise the general average.

Mr. President, I will close my remarks by calling the attention of the Senate to the tables found on pages 126 and 127. When the Second Assistant Postmaster-General was before the subcommittee he presented a table of twenty roads, in which he gave the transportation pay, the average daily weight, the pounds per annum, cost per ton per mile, and the average number of round trips per week on the twenty roads, which in his judgment covered pretty well the country and fairly illustrated the increase of the service and the decrease of the cost.

But after an examination by the subcommittee he was informed that we thought it better to have more roads to illustrate his view, including some of the smaller roads, and to cover in the statement more fully the Western section of the country. We requested him to add to the table twenty more roads. The facts contained in the tables on pages 126 and 127 are not the result of speculation, of surmises, or of mere opinion. They are actual results taken from the books of the Department, and every one of the figures contained in it can be verified by any Senator who doubts their accuracy. In considering the results shown by these tables, we are confronted by established facts and not the speculations and opinions of the Second Assistant Postmaster-General. Having examined them carefully, I called upon him and requested that he should furnish me tables which would aggregate the results and show by average percentage the conditions of the postal business. He promptly consented to have such tables prepared. I will now proceed to present the conclusions reached by the Department from the figures found in these tables.

The comparison is to show the cost of mail service from 1879 to 1897, and he takes the two weighing periods of 1879 and 1882 and 1894 and 1897. I will not read all the figures, but will include the tables in my remarks. He first takes the table of roads which he first submitted. He finds that the transportation pay of those twenty roads increased during that period, from 1882 to 1897, 123 per cent. He finds the average daily weight of mail upon those twenty roads increased 209 per cent, almost 100 per cent beyond the increase of the compensation resulting from increased weight that reduced the rate. The pounds per annum increased 209 per cent, the cost per ton per mile decreased 51.6 per cent, and the average number of trips per week increased during that period 115 per cent.

On those twenty roads the increase of the service was 115 per cent; the increase of the mail was 209 per cent, while the transportation pay was decreased to the extent of 51.6 per cent per ton per mile. Few business interests in this country, passing through a period of depression and panic, could exhibit such results.

Let us refer to the results shown by the second table of twenty roads, some of which receive $1.04 per ton per mile, which is a very high rate, mere messenger routes, and we find that the increased pay from 1879 to 1897 for transportation was 92 per cent, the increased weight was 268 per cent—more than 250 per cent increase of mail carried over the increase of pay received—and the cost per ton per mile decreased 46 per cent, while the increase in improvement of the service was 72 per cent.

The third table ascertains the average results, taking the forty roads, and ascertains that the transportation pay on the forty roads increased 114 per cent, the average weight of mail carried increased 222 per cent, the average service improved 98 per cent, and yet on the forty roads which he says are a fair illustration of mail transportation for the whole country it decreased per ton per mile 49 per cent. The pay or compensation decreased per ton per mile 49 per cent. And yet the Senators from South Dakota and from North Carolina insist the cost of the mail service has not been reduced since 1878. These tables prove their error and demonstrate that the law in its automatic working is guarding the interest of the Government.

Referring to page 126 of the "Statements," etc., accompanying Senate Report No. 991, where data respecting twenty routes is shown, and by grouping together the items relating to the routes for the period 1879 to 1882 and averaging the respective totals, and comparing those averages with the averages obtained in a like manner for the same routes for the period 1894 to 1897, we have the following results, showing per cent of increase and decrease in the latter period as compared with the former, viz:

	Transportation pay.	Average daily weight.	Pounds per annum.	Cost per ton per mile.	Average number of round trips per week.
Average per route for—		*Pounds.*		*Cents.*	
First period	$96,886.23	17,475	6,378,375	0.546	20.12
Second period	194,422.57	54,033	19,722,227	.264	43.26
Increase, per cent	123	209	209		115
Decrease, per cent				51.6	

By making a like comparison between the averages obtained in a similar manner for the twenty routes shown on page 127 for the period 1879 to 1887, and the same routes for the period 1894 to 1897, we have the following results, showing the per cent of increase and decrease in the latter period as compared with the former, viz:

	Transportation pay.	Average daily weight.	Pounds per annum.	Cost per ton per mile.	Average number of round trips per week.
Average per route for—		*Pounds.*		*Cents.*	
First period	$37,511.50	5,297	1,933,405	0.409	12.41
Second period	72,051.20	19,509	7,120,912	.221	21.45
Increase, per cent	92	268	268		72
Decrease, per cent				46	

By making a like comparison between the averages obtained in a similar manner for the forty routes shown on both pages 126 and 127 during the period 1879 to 1887, and the same routes for the period 1894 to 1897, we have the following results, showing the per cent of increase and decrease in the latter period as compared with the former, viz:

	Transportation pay.	Average daily weight.	Pounds per annum.	Cost per ton per mile.	Average number of round trips per week.
Average per route for—		*Pounds.*		*Cents.*	
First period	$62,198.87	11,386	4,155,890	0.477	16.27
Second period	133,236.88	36,771	13,421,570	.242	32.35
Increase, per cent	114	223	222		98
Decrease, per cent				49	

Mr. President, with these facts before the committee, I ask Senators, in all candor and fairness, Could the Committee on Appropriations arbitrarily and against this array of facts reduce the compensation of the railroad mail service, especially by adopting the amendment of the Senator making a horizontal reduction from present rates, and without any information as to the effect on particular lines? To have done so with the facts before the committee would have been a crime against the people. Sir, we do not stand here opposing an investigation of this subject. We believe that the most exhaustive investigation should be made, one that will satisfy not only the doubting mind of the Senator from South Dakota but the public. We further believe that the public sentiment demands such an inquiry, and that when once

made it will either cause a reduction in the cost of mail transportation, or it will remove the impression and belief of many that the rate is too high. We have therefore amended the bill by creating a commission to discharge this duty. We were not willing to leave it to a regular committee.

They are so burdened with the ordinary business of the Senate that it was believed to be impossible for them to devote the time to this investigation which the importance of the subject demanded. The committee therefore determined to recommend the creation of a commission, that the whole question could be calmly, deliberately, and exhaustively examined. Did the Committee on Appropriations act wisely and properly in their recommendation that this amendment should be adopted and that the compensation of the roads should not be interfered with until its report should be presented and all the considerations which should control the subject should be before us? The amendment requires a report at the next session of Congress, when the whole subject will be brought up for consideration in this body and that of the other House. Then, with all the information that can be given Congress by the Department, with the evidence then in the possession of the Senate, official and otherwise, we will be enabled to do that which will prove just to the Government and the people, fair to those great interests affected, and at the same time preserve the efficiency and promote the development of our unequaled mail service.

I hope this amendment of the Senator from South Dakota will be rejected.

Mr. BUTLER obtained the floor.

Mr. HALE. Will the Senator from North Carolina yield to me for two or three minutes? I desire to call up the joint resolution of the House of Representatives which has just come over, in relation to a vote of thanks to Commodore Dewey, and ask the Senate to pass it, so that it may become a law.

Mr. BUTLER. Certainly. I am glad to yield for that purpose.

COMMODORE GEORGE DEWEY.

Mr. HALE. I ask the Chair to lay before the Senate the joint resolution in relation to Commodore Dewey.

The joint resolution (H. Res. 260) tendering the thanks of Congress to Commodore George Dewey, United States Navy, and to the officers and men of the squadron under his command, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That, in pursuance of the recommendation of the President, made in accordance with the provisions of section 1508 of the Revised Statutes, the thanks of Congress and of the American people are hereby tendered to Commodore George Dewey, United States Navy, commander in chief of the United States naval force on the Asiatic station, for highly distinguished conduct in conflict with the enemy, as displayed by him in the destruction of the Spanish fleet and batteries in the harbor of Manila, Philippine Islands, May 1, 1898.

SEC. 2. That the thanks of Congress and the American people are hereby extended through Commodore Dewey to the officers and men under his command for the gallantry and skill exhibited by them on that occasion.

SEC. 3. That the President of the United States be requested to cause this resolution to be communicated to Commodore Dewey and, through him, to the officers and men under his command.

Mr. HALE. That is identical with the joint resolution passed this morning by the Senate, and I ask that it may be put upon its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REAR-ADMIRALS IN THE NAVY.

Mr. HALE. I ask the Chair to lay before the Senate the bill from the House fixing the number of rear-admirals in the Navy.

The bill (H. R. 10251) fixing the number of rear-admirals in the United States Navy was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the number of rear-admirals in the United States Navy now allowed by law be, and is hereby, increased from six to seven, and this act shall be construed and taken as validating and making in force and effect any promotion to said rank of rear-admiral in the United States Navy made heretofore or hereafter and during the existing war and based upon the thanks of Congress.

Mr. HALE. That is precisely similar to the bill passed by the Senate, and I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 439) granting an increase of pension to Hannah Letcher Stevenson;

A bill (S. 496) granting a pension to Simpson Everett Stilwell;

A bill (S. 637) granting an increase of pension to Oliver P. Silvey;

A bill (S. 732) granting an increase of pension to William H. H. Wright;

A bill (S. 1476) granting an increase of pension to Louise M. Rice;

A bill (S. 1829) granting an increase of pension to James H. Kile;

A bill (S. 4452) authorizing the Campbell-Lynch Company to construct a bridge across the Arkansas River at or near Webbers Falls, Ind. T.; and

A bill (H. R. 5975) extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, and for other purposes.

Mr. BUTLER. Mr. Paesident, I offered and sent to the Committee on Appropriations an amendment proposing a reduction of 20 per cent of the rates paid railroads for carrying the mails. It seems that it has caused the laborious effort of the Senator from West Virginia and the Senator from Pennsylvania put forth to prevent such a reduction. I send the amendment to the desk and ask that it may be read.

The Secretary read as follows:

On page 8, lines 2 and 3, strike out the words "thirty million five hundred thousand dollars," and insert in lieu thereof "twenty-four million four hundred thousand dollars; and the Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1898, for the transportation of mails on railway routes by reducing the compensation to all railroad companies for the transportation of mails at least 20 per cent per annum from the rate fixed in section 4002 of the Revised Statutes, as amended by act of July 12, 1876, entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes,' and as further amended by act of June 17, 1878, entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes,' for the transportation of mails on the basis of the average weight; and the above amount appropriated shall cover full compensation for railway mail transportation."

Mr. BUTLER. This amendment is in the exact form of two other amendments which in the past have been acted upon, reducing the transportation paid to railways. In 1876 there was an amendment in this form put on an appropriation bill, reducing the pay of the railroads 10 per cent. Again, in 1878, there was a similar amendment adopted providing for a reduction of 5 per cent. It is twenty years since the last one of these amendments readjusting railway-mail pay was acted upon by Congress.

It seemed to me that the time had come certainly after twenty years to readjust the matter again. During this time the price of everything but gold and the price we pay railroads for carrying the mails has been reduced about 40 per cent. Therefore I drew an amendment in the same form as the former amendments, providing for a readjustment of rates. It seems to me clear that the rates should be reduced 40 per cent, which would be a saving of $12,000,000 a year; but my amendment provides for a reduction of only half that amount. I have limited the reduction to 20 per cent because it is proposed to investigate this matter by special committee before the next Congress must deal with it.

Mr. President, am I justified in contending that there should be such a reduction? Let us see. We have had the reports of the Postmasters-General from 1885 right on down almost without exception to the present time, calling attention to the fact that the pay to railroads for carrying the mail was increasing, that it was one of the great items of expense, and that under the law it was increasing more rapidly than it ought to increase.

What reason have I to think that the pay needs revising and reducing? I call attention to the fact that the various Postmasters-General, none of whom have ever been accused of being hostile to railroads, none of whom have ever been accused of being too anxious to investigate and scrutinize the charges paid the railroads, have called the attention of Congress to the pay, time after time, beginning with 1885. I have in my hand one of the annual reports of Postmaster-General Vilas. On page 249 he calls attention to how fast the pay for the railways is increasing and the necessity for changing the law. The following is a part of what he says:

The subject of compensation of railroads for the transportation of the mails has for many years attracted the attention of Congress, as is evidenced by the debates in that body and the commissions which have from time to time been appointed for the purpose of investigating and reporting upon that subject. This is the most interesting and important branch of the postal service. Its rapid growth, vast extent, and superior character have elicited the just commendation of all who are familiar with it. Its increasing aggregate cost, however, has been the subject of frequent comment and some criticism.

The method of basing the compensation upon the weight of the mails carried has met with serious objection as furnishing an unsafe and unreliable criterion of the value of the service rendered, and plans have from time to

time been suggested which, it was thought by those who proposed them, would dispense with this method of adjusting the compensation of railroad transportation, and which, while giving to the railroads a fair and reasonable remuneration for the important service which they render to the country in the transportation of the mails, would considerably reduce the cost of such service to the Government. None of these plans have as yet received the approbation of Congress. * * *

Now, notice how the rate of pay per mile has increased each year. I read from the same report:

The following table shows the average rate of cost per mile per annum, based on the length of the routes, for railroad transportation:

Years.	Length.	Pay for transportation.	Rate per mile.
	Miles.		
1880	85,320	$9,237,945	$108.27
1881	91,569	10,249,261	111.93
1882	100,563	11,297,338	112.34
1883	110,208	12,288,799	111.50
1884	117,160	13,273,000	113.29
1885	121,082	14,758,495	121.95

I have figured up the matter in 1897, and I find that the table continued would show for 1897 as follows:

Length of routes	miles..	173,475
Pay for transportation		$30,171,542.69
Rate per mile		$173.90

Notice that the rate per mile has increased from $108.27 in 1880 to $173.90 per mile in 1897. As the Postmaster-General says, this is an unreasonable increase.

I will read the closing sentence on page 250, where the Postmaster-General says:

What is eminently to be desired is that some method of compensation be found and adopted which, while it will not reduce the character and efficiency of the service, will reduce the ratio of increase in cost.

In his next report for 1886 and 1887 he follows the same line of recommendation to Congress. On page 42 of his report of 1887 he says:

The star and steamboat service is much more within the discretionary government of the Department than the railroad carriage, and the advantage of this will be apparent on examining the gains accomplished in the reduction of cost, while at the same time more extensive and more efficient service has been secured.

Thus we see that we have each year gotten "more extensive and more efficient service" from the steamboat and star-route service at a reduced cost, while on the other hand the cost of railroad service has increased enormously and out of all reason.

Mr. President, I have figured this matter out for the star-route and railroad service for each year from 1885 down to and including 1897. Let us first look at the star-route service:

Star-route service.

Year.	Length of route.	Total pay for transportation.	Average per mile.
	Miles.		
1885	232,222	$5,414,804.00	$23.31
1886	233,915	5,352,181.00	22.88
1891	237,845	5,376,861.35	22.60
1892	243,722	5,520,420.85	22.65
1893	249,859	5,680,572.36	22.73
1894	251,587	5,846,855.65	23.23
1895	257,663	5,753,579.07	22.32
1896	262,575	5,836,221.38	22.22
1897	265,598	5,363,903.41	20.19

Notice that in 1885 there were 232,222 miles of star routes; in 1897 the routes had increased to 265,598 miles—an increase of 33,376 miles. Now, how much did the cost of the star-route service increase? None; there was a decrease in cost to the Government.

Notice that in 1885 the total pay for star-route mail service was $5,414,804, while in 1897 the cost was only $5,363,903.41, which is a saving of $50,900.59.

That is, we had 33,376 more miles of star-route service in 1897, yet it cost the Government $50,900.59 less.

To state it another way, in 1885 the cost for each mile of star route was $23.31; while in 1897 the cost for each mile of route was $20.19, a saving of $3.12 a mile.

As the Postmaster-General says, we have gotten a "more extensive and more efficient service" at "a reduction of cost."

This is a fine showing for efficiency and economy. But when we turn to the railroad mail service, how is it?

We find that the pay per mile has not decreased, but has greatly increased. If there had been the same economy in the railway mail pay per mile as there has been in the star-route service, we would to-day be paying at least $20,000,000 less than we are paying.

Look at this table:

Table showing the average rate of cost per mile per annum for railroad transportation based on the aggregate length of routes.

Year.	Length of routes.	Total pay for transportation.	Average rate per mile.
	Miles.		
1885	121,082	$14,758,495.00	$121.95
1886	123,933	15,520,191.00	125.23
1887	130,948	16,174,691.22	123.52
1888	143,719	17,528,599.80	121.97
1889	150,391	19,441,095.78	129.27
1890	154,779	20,869,231.55	134.83
1891	159,518	22,308,868.00	140.41
1892	162,576	24,196,329.71	148.83
1893	166,952	25,716,005.85	154.04
1894	169,768	27,152,091.16	159.94
1895	171,212	27,961,931.78	163.31
1896	172,794	28,941,880.47	167.49
1897	173,475	30,171,542.69	173.90

From this table it will be seen that the length of railroad mail routes in 1885 was 121,082 miles, and in 1897 the length was 173,475 miles, an increase of 52,443 miles. But has the total pay decreased as in the case of the increased star-route service? No; the total pay has more than doubled. In 1885 we paid $14,758,495 for railway mail service; in 1897 we paid $30,171,542.69. Some one will say that the weight of the mails carried by the railroads has increased. In reply I will ask if the weight of mails carried by star routes has not also increased? Again, some one will say that the number of miles of railway mail routes has increased more than the miles of star routes. That is true to a small extent, but the true way to compare them is to see what we pay per mile for each service.

In 1885 we paid $121.95 for each mile of railway mail route. The Postmaster-General at that time said that the price was too high. How much per mile did we pay last year, 1897? We paid $173.90 a mile. This is an increase of $52.05 for each mile of railway mail route. Now, remember that during the same time the cost for star-route service decreased $3.12 per mile.

Mr. President, will some one explain why the cost for star routes has decreased $3.12 for each mile while the pay to railroads has increased $52.05 for every mile of mail route? There is no explanation except the great and poisonous influence of the railroad monopolies in our politics, from the township primary up to the United States Senate. If there was a rich and powerful corporation with a monopoly of carrying the mail over the star routes, then we would have star-route kings contributing money to corrupt our politics and sending their powerful lobbies to Congress. And if this were the case, we would be paying to-day $30,000,000 for the star-route service instead of $5,000,000, which it now costs.

Why should it cost more to carry the mails on 173,475 miles of railroad mail routes than on 265,598 miles of star route? Every train will run, whether it carries any mail or not. What the Government pays for each pound of mail is that much extra profit for them. The mail adds very little to the cost of running each train. The increased weight is scarcely felt.

On the other hand, it is much more expensive to distribute the mail from the railroads over the country to every neighborhood in the United States. A man must take a stagecoach or a buggy or wagon over the sandy or muddy and sticky roads, over plains and over mountains, for the express purpose of carrying the mails. Therefore the adding of every pound of mail is a burden that is felt by the mail carrier.

Mr. President, it would seem that the expensive part of our mail system would be carrying the mail, the star routes covering 265,598 miles through the country districts. These star routes aggregate 92,123 miles longer than the railway mail routes. Yet to-day we are paying about six times as much to railroads as we pay for all the star routes.

That is not all. In addition to paying the railroads 6 cents a pound for each pound of mail, which amounts to over $30,000,000 a year, we are paying them rent for the cars in which the mail is carried. Do we pay the man who carries the mail over the star routes rent for his buggy, coach, or wagon? No. He is not rich and has no lobby here to influence Congress.

How much rent do we pay for the postal cars? We pay each year in rent more than the cars are worth.

There are 654 postal cars in use and 173 in reserve, making, in all, 827 cars. The Postmaster-General tells us in his report that these cars cost on an average about $3,500 apiece. Now, even if each car cost $4,000, then the whole lot (those in use and those in reserve) 827 in all, would cost, new, $3,308,000. Now, how much rent do we pay for these cars each year? The sum of $4,000,000. That is $692,000 more than the cars are worth. These cars will last twenty years, so in that time we will pay $80,000,000 rent for them. I have seen many steals go through Congress since I have been a member of this body, but this is the boldest and most barefaced

steal I have ever known. This steal has not just begun; it has been going on for a quarter of a century.

These facts are so astounding that the people when they learn them will hardly be able to believe them; yet these facts are true, and no Senator will contradict them. I have offered an amendment to reduce the rent paid for cars from $4,000,000 to $1,000,000. This bill makes the rent paid each year 25 per cent of the value of the cars. Yet the railroad lobby will fight that amendment—in fact, they will fight any reduction in the steal.

But I will discuss the question of rent for postal cars further when that amendment comes up for a vote. The amendment now pending is to reduce the pay per pound for mail carried on railroads 20 per cent. This will save $6,000,000 a year to the Government and leave to the railroads a profit bigger than they get for anything else they haul. If we are to listen to the Senators who are supporting this steal and accept the very peculiar combination of doctored statistics prepared from various monopoly sources, this cost could not be reduced without affecting the service and crippling it. But they are wrong. They have gotten their information from the railroads; but I quote the facts from the official records.

As far back as 1887, eleven years ago, the Postmaster-General called attention sharply to the fact that under the discretion he has under the law he has been able greatly to reduce the cost for carrying the star-route mail and steamboat mail and at the same time secure increased efficiency, while he has not been able to decrease the pay to the railroads on account of the strict letter of the law which he could not violate, as he states. I will proceed to read from his report, where he says:

> The heavy additions to the annual expenditure are due to the item of railroad transportation, the cost of which is fixed by law and little governable by the Department.

That is not all. Following right on down the Postmasters-Generals' reports, we have in 1890 Postmaster-General Wanamaker, who makes a direct and specific recommendation that Congress ought to make a reduction of 20 per cent. In 1890 he said:

> In the past twelve years no reduction of rates has taken place, though the freight rates upon all railroads have been steadily lowered. During this period the weight of the mails has largely increased. It is quite reasonable to say that the reduction in freight rates generally between 1878 and 1890 is not less than 20 per cent, and in many instances it is much more. The largest expenditure of the Department is for transportation. The estimates just sent to the Treasury for the next fiscal year cover $22,610,128.31 for railroad transportation alone.

I could pile up evidence of that kind from official sources, but this is enough to call the attention of the Senate and the country to the fact that these rates are entirely too high. Here are the statements from the heads of the Department showing that the rate ought to be reduced. There is not one of them who does not discuss it, and one Postmaster-General calls attention sharply to the fact that the decrease in other rates has been 20 per cent, and in many cases more than 20 per cent, while the charge to the Government by the railroads for the past twenty years has stood the same. That was in 1890.

If Postmaster-General Wanamaker was right in 1890, the reduction in freight rates has been more than 20 per cent up to now. It is reasonable to suppose that the reduction will be between 30 and 40 per cent in 1898. I have offered an amendment, but not one calling for a reduction of 40 per cent, although that is the general estimate of the reduction in freight rates and prices from 1878 until the present time. I believe myself that if a fair reduction were made and the Government had the benefit of the same general decline in prices and reduction that the public has, the rate would be reduced 40 per cent, which would make a saving of $12,000,000.

Yet I have offered an amendment for only 20 per cent, and the head of the Department seven years ago said the reduction ought to have been that much then. If the Postmaster-General was right in 1890, then we have paid the railroads more than $100,000,000 above a fair price since that time. The amendment to-day before the Senate calls for a reduction that the head of the Department said ought to have been made in 1890. I simply took that figure because it was the only definite and positive statement made giving the exact per cent, though it has been eight years since. There was another reason. Those who are trying to defeat this reduction have proposed to investigate so as to delay a year. I say, let us investigate, but let us reduce 20 per cent now and see how much more we should reduce then. If we had reduced the rate 20 per cent in 1890, as the Postmaster-General recommended, up to now there should be another reduction clearly.

What answer did the Committee on Appropriations make to this amendment? Mr. President, their answer is found on the last page of the pending appropriation bill, section 5, which provides for appointing a committee to investigate not the railroad pay alone, but to investigate everything, which will mean no investigation at all. It means a delay and then a whitewash.

Mr. President, that is an old dodge. Whenever there is any effort made in this body to protect the Government Treasury so as to lessen taxes, whenever a proposition is made for a reduction based on any fair basis which it is hard to combat, when it is difficult by argument to contradict the arguments in favor of it, we are at once confronted with a resolution for an investigation and then a sham is made of the investigation. We have seen it time and again. When it was proposed to reduce the telephone rates, as outrageously high as they were, with the uniformity of testimony that they were outrageously high, how was it met? A resolution was shot in at once to investigate. What was the purpose of the resolution to investigate? To kill time and to defeat the reduction for the present.

What is the purpose of this proposed investigation? It is to kill time and to defeat reduction. Some Senator may say that I ought not to make this statement, but it is my deliberate opinion that the only purpose of the amendment to investigate is to defeat the propcsition to reduce the rate 20 per cent. Who will be put on such a committee? Will any Senator or Member of the House who has taken a position in favor of reduction be put on it? Hardly. I should be very glad myself to see an investigation if it was composed of Senators and Members of the House, or anyone else who had the time to do it, and by persons who have shown that they were not, I was about to say, incapable of seeing both sides.

When I say that, I do not mean to reflect upon the honesty of Senators or Members; but human nature is such that when a man looks at one side of a question from his early manhood up until he is 40, 50, or 60 years old, it seems that he becomes incapable of seeing it from any other standpoint. Hence it is that we see men whose personal integrity, whose honor and whose character we can not question, constantly taking positions and expressing views of important questions that are hard to understand except on the theory of crystallized and ossified mental bias.

Mr. STEWART. Will the Senator allow me to interrupt him? I should like to ask him a question for information.

Mr. BUTLER. The Senator from Nevada, while old in years, is yet young in mind, and I am sure he can appreciate the force of that remark. He is one of the youngest Senators here.

Mr. STEWART. The amendment submitted by the Senator from North Carolina proposes a horizontal reduction. Has it been investigated and ascertained whether that can be done with justice to all? Can not the roads that do a great deal of business afford to carry the mail for a less price than small roads that have very little of the service to do? Has that been investigated so that it is perfectly clear that a horizontal reduction would operate equally upon all, or has not that been investigated, and are not the details understood? I should like to have that explained.

Mr. BUTLER. The Committee on Appropriations investigated that question. They do not comment on it in the connection in which the Senator refers to it; but they have given in their report a table that answers the question exactly. They have shown that when a road carries an average of 200 pounds of mail on a trip it gets as high as $1.17 per ton per mile, while a road which carries as much as 100,000 pounds on a trip gets 6 cents per ton per mile. The table is as follows:

Average weight per day over whole length of route.	Tons per mile per year (365 days).	Compensation per mile per year.	Compensation per ton per mile.
Pounds.			
200	36.50	$42.75	$1.1712
500	91.25	64.12	.7027
1,000	182.50	85.50	.4685
1,500	273.75	108.87	.3904
2,000	365.00	128.25	.3514
3,500	638.75	149.62	.2342
5,000	912.50	171.00	.1874
7,000	1,277.50	192.37	.1506
10,000	1,825.00	224.42	.1228
20,000	3,650.00	331.27	.0908
50,000	9,125.00	651.82	.0714
100,000	18,250.00	1,186.07	.0650

This shows that the pay is enormous when a road carries a small amount of mail a day, according to the present law.

Mr. FAULKNER. I will ask the Senator from North Carolina whether it is not true that, although it is the largest per ton per mile, really it is the worst paid of all?

Mr. BUTLER. By no means. Every small road is better paid for carrying the mail than for any other service that it renders to the public.

Take any small road in the country, say 10 or 20 or 50 miles long. That road, just like every other road, will run its train or trains every day anyway. That train will run every day, carrying fifteen or twenty passengers. It will run every day, carrying 1 ton or 20 tons of freight. That train is going to run. It is going to make every trip whether it carries the mail or not. Now, what mail it gets to carry is so much extra. That road could afford to carry the

mail whether it got $1.17 a ton or one-tenth of what it is paid. Such a road, or any road, would be glad to take the mail for the highest class freight rate; yet, according to law, such a road that carries even 200 pounds a day gets $1.17 per ton per mile, while it gets for freight from 2½ cents per ton per mile down to as low as one-half of a cent per ton per mile.

These figures are from the report of the Interstate Commerce Commission and from Poor's Railroad Manual for 1897. I have the report here.

Mr. STEWART. Has the Senator the law there which makes that provision?

Mr. FAULKNER. I have given, in my remarks, seven or eight short and small roads in which in every instance the actual figures given by Mr. Knott show conclusively that the rate for freight on those small roads is far in excess of the rate paid by the Government for carrying the mails.

Mr. BUTLER. The Senator gets his facts from railroad officials. I get mine from official and disinterested sources. But I challenge the Senator from West Virginia to find a single railroad in the United States that gets for freight as much as a dollar per ton per mile. If there were such a case, it would be an extreme exception. Now, the Senator can go out and get every railroad man in the country to put their wits to work; and yet, with their help, and getting them all together to hunt up or doctor all the special cases possible, I challenge him to find such an occurrence.

The Senator from Nevada wants to know the exact language of the law. I have looked it up twenty times, but I did not happen to lay it on my desk to-day. However, I will give him the reference, so that he can get it from the Revised Statutes in one moment. It is section 4002 of the Revised Statutes, as amended in 1876 by a reduction of 10 per cent, and as amended again in 1878 by a reduction of 5 per cent. I can send for it in one moment.

Mr. STEWART. The Senator need not trouble himself about it now if he has not got it at hand.

Mr. FAULKNER. I will state to the Senator, if he will permit me, that I gave a number of instances in which the roads got $2.40 per ton, as he will find in my remarks. In other words, they get 12 cents a hundred, and in some cases 16 cents a hundred, on those short roads.

Mr. BUTLER. The Senator's remarks were not published in the RECORD this morning, so I have not been able to see them. But even if he is correct, an isolated case proves nothing. I have in my hand Poor's Railroad Manual for 1897. It groups the States into eight divisions, showing the amount of freight hauled in each division and the price collected per ton per mile. The highest price collected for freight is in the group of sparsely settled Western States. What is the average freight charge in those States? Here are the figures, which I read: 2.33 cents per ton per mile. In every other group the freight charge is less. The average is 0.821 cent per ton per mile. The lowest rate is in the densely populated sections, and is much less. Eight-tenths of a cent per ton per mile is the average freight charge for the whole country. Out West it is 2.33 cents, which is the highest average.

Mr. FAULKNER. If the Senator from North Carolina will permit me, I am not speaking of the densely and thickly settled sections. I am speaking of short roads, where we pay a large amount for mails carried. I gave the actual cost of freight on the small roads connected with the Louisville and Nashville, and then gave the railroad commissioners' authority in Illinois and Georgia as to freight rates on those 10-mile roads. The rate ran from 16 cents down to 6 cents when the cost of the mail was 5½ cents.

Mr. BUTLER. Does the Senator say those roads are on the Louisville and Nashville?

Mr. FAULKNER. They are mentioned in the evidence of Mr. Knott. He gives them there. I do not remember the names of the roads.

Mr. BUTLER. I will contradict the Senator's statement. He may be correct as to one or two extreme cases; but it is idle and foolish to waste time with one or two extreme cases. If we want the truth, let us compare the average charge for freight with the average charge for the mails. Poor's Railroad Manual, a standard authority, shows that in the Western group of States, where all of the roads run more or less over prairie country (and all the little, short roads out West go into an average), where they make the longest haul and carry the least freight and there is the greatest expense, the average is 2.33 cents per ton per mile for freight. That is official.

That is not taking one road here and one there and getting a detached case that is worth nothing as an illustration, but it is the highest average where freight costs the most and where the railroads haul the least, including the State of the Senator from Nevada, including Utah, including New Mexico, including Oklahoma, and including all the sections where there are the fewest people per square mile. This is my answer to the Senator from Nevada. We see that the small roads that got $1.17 per ton per mile for carrying the mails are getting from twenty to fifty times as much as they get for carrying freight. Why, with this reduction of 20 per cent they would still be getting an enormous pay for carrying the mails. Besides there is not a small road that would not run anyhow, whether it carried any mail or not. There is not a single one that would stop, and the pay for carrying the mail is just that much extra.

Now, Mr. President, I return to the point I was on. The proposition that the committee brings in here is not to reduce these enormous charges, but to investigate. Mr. President, without reflecting on any man's honesty or integrity, I wish to say that it is a proposition to whitewash; it is a proposition not to investigate, to cook up a lot of figures to try to mystify this whole question and prevent Congress from making a reduction. Why do I say it? Because I do not suppose we could get a committee made up of men of higher character and of greater learning than the Committee on Appropriations, and yet they have made an investigation.

Here it is. It is as clear as mud. Yet the committee offer it, and say that it is fair and shows that there should be no reduction. If the committee think that, then let us fight it out now, and decide to reduce or not to reduce. If the committee think rates are now low enough, why do they propose to investigate? That dodge is offered to keep from now facing the issue square.

Mr. FAULKNER. I think that is unjust to the Committee on Appropriations. We have not made such an investigation, and that is the reason why we agreed to the amendment to make a thorough investigation. We did not have the time nor the opportunity, and therefore took only the best information we could get within the small space of time we were allowed to consider this matter. The committee deemed it of sufficient importance to have a more thorough and exhaustive investigation, and for that reason they recommended the amendment.

Mr. BUTLER. I am glad to get that information from the Senator, because the Senator [Mr. QUAY] who has charge of this bill has put into the RECORD a statement to the effect that the committee had made an investigation that was fair and satisfactory to the committee. I will read his language. I will not do him any injustice.

Mr. HALE. Was not the amendment put on as it came to the Committee on Appropriations from the Post-Office Committee of the Senate?

Mr. FAULKNER. The Committee on Post-Offices and Post-Roads recommended it and the Committee on Appropriations put it on.

Mr. HALE. I understood that the Post-Office Committee of this body was the committee that initiated the investigation and sent it to the Committee on Appropriations and requested that it be put on, and in accordance with that request the committee put it on. It did not originate in the Committee on Appropriations; it originated in the Senator's own committee.

Mr. CHANDLER. In justice to the Senator from North Carolina I want to say that in the Committee on Post-Offices and Post-Roads, when we adopted the amendment and asked the Committee on Appropriations to put it upon the bill, the Senator from North Carolina gave notice that he would not cease on that account at this session to press the subject of a reduction of the mail pay to the railroads; and I am afraid he made in the committee then and there some sort of a charge like that which he has now made, that the intention to dispose of the subject at the present session by means of a commission was only to delay action and whitewash the railroads. Words of that kind the Senator, I think, used. I thought perhaps they were unjust. But the Senator from North Carolina waived none of his rights which he is now exercising rather freely on the floor of the Senate by reason of any action taken in the Post-Office Committee.

Mr. HALE. But the Senator from New Hampshire bears out my impression that the amendment originated with the Post-Office Committee and was sent by them to the Committee on Appropriations.

Mr. CHANDLER. It was, and it was put on the bill by the Appropriations Committee at the request of the Committee on Post-Offices and Post-Roads. A year ago last February the Committee on Post-Offices and Post-Roads made a similar request and reported a proposition for an inquiry. The Appropriations Committee adopted a different plan, for the Committee on Appropriations then proposed an inquiry. The two schemes came together. The Appropriations Committee's method was not satisfactory to the Post-Office Committee, and the Post-Office Committee's method proposed was not satisfactory to the Committee on Appropriations. There was a debate in the Senate; the two goats butted each other off the bridge, and neither proposition was adopted.

Mr. HALE. Here the two committees are in accord.

Mr. CHANDLER. The committees are in accord now.

Mr. CULLOM. I desire to say just a word, by the leave of the Senator from North Carolina. I had charge of this bill once or twice as chairman of the subcommittee. It always seemed to me that there ought to be a more thorough investigation of this question than the Committee on Appropriations could well give it,

and that the Committee on Post-Offices and Post-Roads or the joint committee ought to make that investigation.

We undertook to make it as well as we could at this session, and made a report here of the testimony taken, but so far as I was concerned I was perfectly willing that the committee specially charged with the control of post-office legislation should take the matter up and give it a thorough investigation before we got through and see what we ought to do to a dead certainty, if it was possible to find out. I repel any suggestion, if it is made, that there is any purpose of delay or means of continuing any unlawful or extraordinary charge on the part of the railroads. I want to find out what the truth is.

Mr. BUTLER. I am in favor of an investigation if we can have a thorough one and bring out all the facts. But let us make this reduction of 20 per cent now and then investigate to see how much more reduction we should make. The proposition for an investigation as it comes from the Committee on Appropriations is not the proposition suggested by the Committee on Post-Offices and Post-Roads. That was to investigate railway mail pay and rent for postal cars. That is as much as any committee can investigate; but the Committee on Appropriations has loaded it down with a number of other questions which it will be impossible for any committee to thoroughly investigate. I repeat, the whole thing will be a sham and a fraud.

I am glad to hear that the Senator from Illinois wants to get at the truth. If we were to have forty investigating committees he could not get more authentic facts, and could not go to a higher source to find them, than I am presenting now.

I am also glad the Senator from Illinois has at last realized that the Appropriations Committee is getting loaded up with too much work, and that with all their ability and wisdom and endurance and patience, and love of power I was about to say, they have at last reached the point where they realize that they have more on their hands than they can do as it ought to be done. Therefore I feel sure that the Senator from Illinois will join us in dividing the appropriation bills and putting this work on the Post-Office Committee, which will try to relieve them from some of the onerous and burdensome duties which they have acknowledged they were not able, probably on account of the limit of physical endurance, to carry out.

Mr. CULLOM. Mr. President, one word in response to that remark. It is not the duty of the Committee on Appropriations to change the law. It is the duty of the Committee on Appropriations to make the appropriations under the law. It is the duty of the Committee on Post-Offices and Post-Roads to ascertain whether the law should be changed, and if so, to recommend that change to the Senate of the United States. So the Committee on Appropriations are not shirking any responsibility nor seeking any more than belongs to them under the statute.

Mr. BUTLER. Surely they would not seek any more, because it would be beyond human conception to give them more power than they have. That committee is the CZAR REED of the Senate.

Mr. QUAY. Will the Senator from North Carolina yield to me for a moment?

Mr. BUTLER. Certainly.

Mr. QUAY. The Committee on Appropriations went just as far as its time would permit in the investigation of this subject, in order to deal properly with the question immediately before us. It has been said that the examination was ex parte. In a sense I suppose that is true, because the Post-Office Department, the express companies, and the railroad companies, through their representatives, were heard, and no one appeared before us to controvert their testimony. But that was not the fault of the Committee on Appropriations. Personally I had given notice to the Senator from North Carolina that we would hear him or any witness he had to present at any time before the committee.

Mr. BUTLER. The Senator did give me that notice.

Mr. QUAY. And the Senator from South Dakota [Mr. PETTIGREW] was a member of the subcommittee which conducted the hearing.

Mr. BUTLER. Mr. President, in reply to the Senator from Illinois, I will say that the Committee on Appropriations change laws whenever they desire to do so, and originate laws whenever they desire to do so. We have learned by sad experience that about the only way to get any law that affects any Department on an important matter enacted is to get it to run the gantlet of their committee. Whenever they can be convinced that a law needs to be changed, it is changed, and it goes through on an appropriation bill with all the force of that bill and the committee behind it.

The Senator knows that every amendment which has been made on this question of railway mail pay in the past has been made on the Post-Office appropriation bill. He knows it is next to impossible to start a separate measure and put it through. He knows it was recognized in 1876 as a proper question to go on the appropriation bill and was put there. He knows that in 1878 it was recognized that it was a proper piece of legislation to go on the appropriation bill and it was put there. He knows that every precedent shows it ought to go on the appropriation bill.

Mr. FAULKNER. I will ask the Senator whether or not the reductions referred to were not made on the appropriation bill at the suggestion of the Committee on Post-Offices and Post-Roads, as almost all other amendments changing laws are made on appropriation bills? The particular committee having charge of the subject-matter approves an amendment and sends it to the Appropriations Committee, which then acts upon it; and was not that the case in both of the instances to which the Senator has referred?

Mr. BUTLER. It is easier to ask that question than to answer it. If the Senator from West Virginia had been sure, he would have stated it as a fact. I could look it up and tell him exactly what the fact is, but it is immaterial, because it makes no difference what recommendations our committee have made, for if a particular amendment does not meet the pleasure of the Committee on Appropriations, that supreme head, that inner sanctuary of power, the amendment does not go in. But, on the other hand, whenever that committee wants to originate laws, they do it, and for no other committee's recommendation. But that has nothing to do with this question now.

Mr. President, I was about to call attention to the fact that the Senator from Pennsylvania [Mr. QUAY] had put into the RECORD the statement that there had been an investigation made, and a fair one. The Senator from Pennsylvania was out when some of his colleagues denied that fact. Of course the issue is between them. I simply read what the Senator from Pennsylvania said, and will let it go into the RECORD.

Mr. QUAY. As I said before, we made the investigation of this subject so far as our time in the committee would permit, and, so far as my own opinion is concerned, I think it was a fair investigation. I have not heard any allegation from any quarter that it was unfairly conducted.

Mr. CHANDLER. I should like to ask the Senator from Pennsylvania, with the permission of the Senator from North Carolina, whether anyone was heard except on the side of the railroads?

Mr. FAULKNER. Yes; the post-office officials were heard.

Mr. QUAY. No one came before us on the other side, and the Senator from South Dakota and the Senator from North Carolina, who favor the amendment which is now before the Senate, did not produce any witnesses, although they were asked to do so.

Mr. CHANDLER. I do not know what may have been the delinquencies of the Senator from South Dakota and the Senator from North Carolina, but as a matter of fact I never heard that an investigation was being made. I only want to have the fact made of record that there was nobody there except on the side of the railroads. The Senator from Pennsylvania says he could not find anybody else. How he undertook to find anybody else except by notifying the Senator from North Carolina and the Senator from South Dakota I do not know.

Mr. HALE. Now, let me ask the Senator himself when the Committee on Appropriations, through a subcommittee, summoned the heads of these railroad and express companies, and also summoned the officers in the Post-Office Department, who are upon neither side, and then notified Senators who represented the other side that they would be glad to hear anybody that they would produce, what more could the subcommittee of the Committee on Appropriations do than that? Who would the Senator say they should have sent for, representing what we will call the other side? When those Senators had made their desires known by submitting amendments and were presumed to represent the other side and to know who would give testimony, what more would the Senator from New Hampshire say that that subcommittee should have done?

Mr. CHANDLER. I am bound to say that that makes a pretty fair case, as business is done in the Appropriations Committee——

Mr. HALE. In any committee.

Mr. CHANDLER. In behalf of the subcommittee. Now, I prefer to confine myself to the case the Senator put. I think that makes a pretty fair case, so far as the committee is concerned, and the Senator from North Carolina, who represents this side of the case, can judge whether he had a sufficient opportunity to be heard or not.

Mr. BUTLER. I represent the side of equity as I see it, if that is one side or both. I am not here as a partisan for the railroads or as a partisan against them, and I hope no one else is. Why should it be my duty to appear before the committee to rebut the statements of railroad attorneys any more than the duty of any other Senator? Why does the Senator refer to me as "a Senator on the other side?" Are there some Senators on the railroad side?

Mr. CHANDLER. I understand the Senator believes there should be a reduction.

Mr. BUTLER. I am giving the official facts and my reasons why equity demands such a reduction.

Mr. CHANDLER. I do not know why the Senator from North Carolina did not appear before the committee; but, of course, there are to be found in this broad world men who think the mail

pay ought to be reduced. I have not formed an opinion on the subject except generally. I have a general impression that the mail pay is too large. I am willing to make an investigation to see whether it is or not; but I am not prepared to vote for an arbitrary reduction of the mail pay until there is an investigation. It seems, however, whatever the reasons may be, that there was but one side of the case presented to the Appropriations Committee, and that was the railroad side.

Mr. BUTLER. The Senator from New Hampshire is very adroit in putting a whole speech of his own into a few sentences and getting it in the midst of some other Senator's speech. I say a whole speech, because he said all there was to say against reduction. The Senator from West Virginia stood up this morning for three hours and labored and labored through a remarkable speech, but he said no more than the Senator from New Hampshire has just said.

With as high an opinion as I had of that Senator's ability and as high an opinion as I had of his capacity to master details and to confuse facts through misty and mazy directions—I have seen some evidences of his prowess before—but I was particularly astonished at him this morning when he rose to the height of his capacity to confuse and mystify a simple question. He stood up for three hours and talked about one-hundredth of one-thousandth per cent per ton and one-thousandth of one-millionth of a cent per ton per mile, until every man in the Chamber and the galleries who was trying to listen to him would be forced to give up and rest his intellect for a moment, and then come back and try to follow him again.

I do not know how many listened to him, but it was a tax on any mental machinery to have followed all that labyrinth of statement, those per cents on per cents and per tons on per tons per mile. He went through it and then went over it and went forward and went back; and when it comes to be put down into the RECORD, unless he very wisely after the vote is taken puts in a few more elucidating sentences to interpret some of those mental hieroglyphics, a Philadelphia lawyer would not be able to tell what was the result of all his arguments, so mystifying and befogging were they. After he had gone along for three hours, here was his speech in one sentence:

> Now, I have shown that absolutely the railroad companies are not getting enough pay. They will be crippled and the service will be crippled if it is reduced. It ought to be more, in fact, but in the interest of fairness and to prevent a reduction let us have the fullest investigation.

That is the only argument there is to make; that is the only argument that the adroit and shrewd and eloquent Senator from New Hampshire [Mr. CHANDLER] made, and he left off the three hours of mystifying figures and simply made the only speech there is to make, which shows clearly the purpose of this amendment.

We had reached a time when it was impossible for the Senator from New Hampshire, the Senator from West Virginia, and other Senators to answer the arguments for a reduction; we had reached a time when there were no arguments with which to answer, and therefore it was necessary to propose to investigate.

Mr. President, all the information that is necessary ought to be collected each year by the Interstate Commerce Commission. Why is it that the express companies and railroad companies are not required to give to the Government all the information each year which is needed?

The Senators who are so much concerned about having an investigation, it seems to me, would have had the interstate-commerce act amended before now, so as to give to that body—that beautiful ornament drawing salaries and begging the railroads occasionally to notice them and give them a little information, if they do not object—the power at least to get such information. Why is it that they have not proposed to empower that commission to get this information, and have the reports made regularly by every public carrier in the country and by the great monopolies who have valuable franchises and who conduct businesses which affect the welfare of every man, woman, and child in America?

We have not done it. But we must have a special committee to accept and publish a lot of statements from the smartest lawyers the world can produce and that millions of money can employ. They will come forward with their statements all prepared, all drawn, of course, to cover every possible phase of the question and to throw darkness instead of light on the facts. The committee will ask them questions, but what kind of answers will they get? An officer or attorney representing a railroad company who is under oath can think of forty thousand ways of dodging a question, and when he can not think of another way his memory fails him, and he can not remember.

I never have seen one yet who was able to think or to remember whenever his corporation got where you were about to get to the truth and it would seriously affect the treasury of the corporation.

Mr. President, if I were an attorney for such a corporation I would be forced to go through the same mental manipulations or lose my job. I do not know which I would do if I was in such a place and getting $50,000 a year salary. I think I know; but I have never been placed under such circumstances.

We are to have an investigation. That is sure, because the Senator from South Dakota and I will not antagonize this proposition to investigate; and even if we did, it might pass; but I am stating its purpose; I am stating clearly its purpose; and one year from to-day, when the Post-Office appropriation bill again comes up for consideration, I will be able to turn to the RECORD and read my statement and prove it by the kind of report the commission will make to us. I know we have got to face this one year from to-day, and I know that we are going to have a report that will make out a case just as this one does now for the railroads.

We will have a report that will justify the Senator from West Virginia to stand up and make the astonishing statement which he makes here this morning—and I want his attention, for I do not want to misrepresent him. A year from to-day we shall have the Senator from West Virginia standing up and quoting from a prepared report, saying that we are paying less for mail than the railroad companies get for freight or express or passengers. The Senator made that statement this morning. The Second Assistant Postmaster-General made that statement in his evidence. Let Senators grasp that statement if they can.

Mr. FAULKNER. The Senator from North Carolina has not correctly stated my position at all.

Mr. BUTLER. I should like to have it, then. I called the Senator's attention for that purpose.

Mr. FAULKNER. I spoke of first-class freight on certain roads I mentioned.

Mr. BUTLER. The Senator says that on first-class freight on certain roads the freight pays the railroads more than do the mails. I did not hear the names of the railroads the Senator gave, but if he wants to create the impression—and I am sure he does not, for it would be unfair—that that applies generally, or applies in any case unless in a most extreme exception, then he creates a most false impression.

Mr. FAULKNER. If the Senator will look at my remarks, he will see that I stated that those were the rates in Kentucky, Illinois, and in Georgia, fixed by the railroad commissions on all routes of a certain length. The Senator will further find that he can not compare the average at all in order to get a true statement of the cost per mile, taking all the routes in the United States. You have got to take the large routes, carrying a large amount over 5,000 pounds, and put them in one class, and those carrying under 5,000 pounds and put them in another class. The latter is a great deal higher rate than the former.

Mr. BUTLER. The Senator read a statement made by the Second Assistant Postmaster-General, and then proceeded to comment upon and indorse it, which, in a general way, is the statement to which I refer.

On page 121 of the testimony, the Senator from Illinois [Mr. CULLOM] asked the Second Assistant Postmaster-General a leading question. He asked him if he would state in the presence of the committee, and not let it leak out to the railroads, a certain confidential statement; and Mr. Shallenberger proceeded to make the confidential statement in reply to the committee, so as not to let any railroad company get this information. It is as follows:

> That, in the presence of this committee, would be my conclusion, very clearly stated. I have not so stated it to any one of the companies; but, in the presence of this committee, I can state emphatically that I have been surprised to find that the rates allowed under the operation of the present law were less, proportionately, in my judgment, considering cost of service, than the rates of compensation allowed them by express companies or passenger traffic, and in some instances by high-class freight.

He makes a general statement covering freight and passenger rates, and then says in some cases high-class freight. The burden of those who attempt to argue against a reduction is that we ought to compare the cost of carrying the mail with the passenger service. I notice that the officers of the railroad companies in their testimony all said that it would be fair to compare the cost of carrying the mail with the cost of carrying passengers. I notice that the Post-Office Department leans strongly the same way. I notice the Senator from Pennsylvania repeats the statement when having this evidence of the railroad attorneys printed. He says:

> They were examined at much length and testified fairly, I think, to the satisfaction of the entire committee; and the consensus of opinion in the committee, unless disputed by the Senator from South Dakota [Mr. PETTIGREW], was that the Government received a better and a cheaper service from the railroad companies in the transportation of the mails than do passengers or shippers of freight or express companies.

Mr. QUAY. Mr. President, that was the necessary conclusion from the testimony before us, and I do not think the Senator from North Carolina will dispute it.

Mr. BUTLER. That is true; but what I complain of is that a committee of this Senate should put before us here ex parte statements which are manufactured by men who are paid high salaries for that purpose—a high class of attorneys paid to make a partisan showing in all cases and to defeat justice in all cases.

That is what they are paid for, and there is not a high-priced attorney of a railroad in the United States who could refuse to do the work they call on him to do without losing his job.

I know a few attorneys who have refused to swear that they could not get a fair trial for their railroads in a community. I have known a few who refused to go and lobby before my State legislature, but they lost their jobs at once. It is that class of attorneys who never refused to stoop to any work they are told to do, however questionable, who are sent to appear before committees to furnish such testimony. What I complain of is that a committee of this body should listen to them and accept their statements and then tell us that they have made a fair investigation.

Mr. QUAY. I wish merely to say that, while some of these corporations were represented before the committee by attorneys, they were largely represented by the officers of the companies themselves.

Mr. BUTLER. That does not make one particle of difference. There was a time when an officer of a railroad company—for instance, its president—represented something besides a mere hired agent of a syndicate; there was a time when such a man was a free agent, but it is no longer so. To-day the presidents of these railroad companies are as much the servants of the syndicate which owns the railroads as a hired attorney is when he is told to lobby, and to lie, if necessary, for a railroad company or lose his job.

We have to-day in this country a railroad trust; we have to-day a few great bankers who control them; we have to-day a majority of the stock of many of them owned abroad; and railroad presidents are simply hired agents occupying no higher position than a common attorney who takes a retainer and does any and all work by the year for the company. The statements, therefore, of the officers of the company are on no higher plane than would be those of a retained attorney who does all kinds of work and never refuses to carry out any order.

Mr. President, what I complain of is that a committee of this Senate, representing men of as high intelligence, men of as high character, holding the most responsible positions in this Senate, would sit and hear such ex parte partisan testimony, prepared by hired agents who had to make out a good case, whether they were attorneys or presidents of railroad companies, or lose their jobs—for this committee to accept such statements and to come in and tell us they are fair, and base their recommendations on them, and say, "do not reduce the rate of payment."

There is not a member of that committee—I hope this is not personal, but it is so patent that I will say it—there is not a member of that committee, if he had these railroads employed to carry mail for him, but who would have taken the trouble to cross-examine those men, and he would have gone out and endeavored in some way to test the truth of their statements instead of accepting them blindfolded. I say there is not a single one who would have taken such statements in his private business and who would have turned around and said, "We will accept the rates as fair and pay you what you ask without investigation."

Mr. President, we have a right to expect more than that of any committee of this body. The Senator from Pennsylvania, after giving the railroad testimony and saying it was fair and recommending to the Government that it be accepted just as the paid attorneys had given it, then says on page 5206 of the RECORD:

> Mr. QUAY. Mr. President, this was the consensus of the opinion of the representatives of some forty or fifty railway corporations; and, as a matter of course, it suggested itself to the committee that the railway companies were probably interested in establishing their view of the case.

Well, I should say it would certainly suggest itself to the committee.

> Accordingly, the Post-Office Department was sought, and the Second Assistant Postmaster-General, in whose charge the railway transportation is, was brought before the committee. He testified very intelligently and at some length, and the conclusions derived from the hearings of the Department were exactly—

Mark the language—

> were exactly those which were derived from the statements of the railway companies. I will ask that the examination of Second Assistant Postmaster-General Shallenberger shall be inserted in the RECORD.

Then it follows.

That is a remarkable state of affairs. Here are forty high-priced attorneys, who are sent here to get up a statement which will make a fair showing for the railroads; not only fair, but one which will show that they ought not to have their present pay reduced, but goes further and shows that they are not paid enough. Then here comes the Post-Office Department and corroborates every claim the railroad companies make and every statement and every figure they produce. Did the Department furnish the railroad attorneys with their statements, or did the attorneys furnish the Department with its statement? As the Senator from Pennsylvania says, they are exactly alike. It is a strange coincidence to say the least.

I say it is astonishing that the Second Assistant Postmaster-General should come in and corroborate every claim made by these corporations. Further than that I will not comment on it except to prove by facts and figures that the case made out by the Second Assistant Postmaster-General for the Government is not as favorable as it should have been.

I propose now, Mr. President—and to this I invite the attention of the Senator from West Virginia, who, I regret, is not in his seat—to answer the three propositions laid down by that Senator, laid down by the Senator from Pennsylvania, laid down by the Second Assistant Postmaster-General, and laid down by forty railroad attorneys.

The first of the three propositions is that the Government is getting a better service to-day for less money than private individuals are getting. They say that applies absolutely to express and passenger rates, and in a great many cases to freight. I have here the facts that are from as high an authority as can be quoted. These facts prove that every one of those claims is untrue. What I am going to state now are not figures taken from newspapers, they are not taken from attorneys, they are not taken from persons who are fighting the railroads; but these facts are taken from Poor's Railroad Manual.

I tried to get the facts of the Interstate Commerce Commission and was notified that they could not furnish them. I tried to get them from a branch of the Government. Then I turned to Poor's Railroad Manual, and I got these facts. If they are not correct, then that standard work is wrong. If they are correct, they command the attention of every Senator on this floor. If they are correct, they demand that every Senator shall either answer them satisfactorily or vote for a reduction in the pay. All these facts are from Poor's Railroad Manual. I say they cover the three points, and they are the three points made by those on the other side.

Poor's Manual of Railroads for 1897 gives statistics of freight traffic for thirteen years, 1884–1896, made up for the United States as a whole and also as grouped into eight divisions. In 1896 the total freight in the United States was 773,868,716 tons, carried 93,885,853,634 miles, on which the gross earnings were $770,424,013, an average per ton per mile of 0.821 cent (a little over four-fifths of a cent).

Mr. President, what do those figures teach? One ton, at the rate of 0.821 cent, for 328 miles—that is, the average haul of postal matter—comes to $2.68, which is less than one-seventh of a cent a pound. I made that statement once, and it was contradicted. I call the attention of Senators to the fact and make it again, and here are my figures for it. Poor's Railroad Manual shows that the average price paid for carrying a ton of freight 328 miles, which is the average run for mail, is less than one-seventh of a cent per pound.

The Senator from West Virginia says, however, that the pay which is given for freight is greater than that for mail. The average pay is less than one-seventh of a cent a pound for 328 miles, which is the average run for mail. The Senator from West Virginia has contradicted that statement in his speech. I give my authority. I challenge him to question these facts and this authority.

Mr. FAULKNER. I will state that I have given my authority. It is the Post-Office Department.

Mr. BUTLER. The Post-Office Department will not contradict these figures. The Senator from West Virginia called attention to the fact, however, that there are exceptional cases where freight is carried at a very high rate. Poor's Railroad Manual takes the States where freights are highest, where there are fewer people per square mile and less freight carried, and puts all those sparse sections in one group, and it shows that in that sparsely settled section the price paid for carrying freight per pound for 328 miles, the average distance for mail, is less than one-third of a cent. That is in Nevada, Utah, Idaho, Wyoming, New Mexico, and all that arid country.

The price for freight out there is less than one-third of a cent a pound for 328 miles, and it is less than one-seventh when you take an average of the whole country, while we pay 6 cents a pound for mail. These are the facts. Therefore, to say that mail is carried cheaper than freight is absurd. We pay forty-two times as much for every pound of mail as the average price for carrying freight in this country according to Poor's Railroad Manual. I repeat, and there is not a Senator who will get on his feet and contradict the statement, that we pay forty-two times as much for each pound of mail as the average price for a pound of freight for 328 miles, which is the average distance mail is carried. There is one of the railroad propositions that goes to the ground.

But they say next that we get a better service at less price than do the express companies. I have gathered a number of figures on that point, but I think the statements made by the Senator from South Dakota on Friday were probably the most authentic that could be gathered. He took them from the census, and the facts which he gathered from the census show, when taking the total amount of the Adams Express business, the total amount of pounds, the total amount paid, that the railroad companies got

for each pound of express matter carried six-tenths of a cent per pound.

What will that show? It will show that the railroad companies and the express companies combined, two great corporations, both charging for express, one getting four-tenths of a cent and the other six-tenths, yet charged but a cent and a half on each pound over the entire United States, the railroads getting six-tenths of a cent. I say that is the only authentic information and is nearest to being absolutely correct, so far as the evidence before this body is concerned, of anything yet presented. I know as far as my own observation goes, as far as my limited experience has gone with the shipping of truck from North Carolina to New York and with the shipping of small bundles from here down to my home, that we pay more for mail than we pay for express.

What is the third proposition? I am able to get that from Poor's Railroad Manual. Every railroad attorney in this investigation says we ought to compare the cost of carrying mail with passenger fare. That is the claim set up by them. I am going to compare what we pay for the mails with the passenger fare, and I am going to show that we pay more for carrying the mail per pound than the passengers pay per pound to be carried. Inasmuch as the Senator from West Virginia made the leading speech for the other side, I call his attention especially to what I am going to say, as I do not want him to overlook it. If he has any reply, I want to hear it. We all know that passenger fare is the highest transportation charge that railroads collect outside of the mail. They state that it is the highest.

Poor's Railroad Manual has another table, which gives the statistics of passenger traffic for the same thirteen years—from 1884 to 1896. It groups the States in the same way. It makes the unit a passenger. In the other case it made the unit a ton. Here are the figures: More than 585,000,000 passengers were carried over 13,000,000,000 miles, at an average charge of less than 2.4 cents (2.034) apiece per mile. That makes the fare of a passenger for 328 miles a little over $6.65.

Assuming a passenger and his baggage to weigh 200 pounds, each pound of passenger is carried at less than 3½ cents per pound. If these facts are correct, I want to ask how the Committee on Appropriations can ask us to delay another year in reducing this pay. Will they ask us to believe the statements of railroad attorneys rather than the facts from such a high authority?

Poor's Railroad Manual is considered a standard authority. It no doubt gathered these facts in the way the census is gotten up, and probably was influenced as little by the concern of the public Treasury or the pay to the railroads as it would be possible for any such publication to be influenced. Yet these figures giving the total number of passengers, the total miles traveled, the total compensation, show that each pound of passenger pays less than 3½ cents for 328 miles, while we pay 6 cents for each pound of mail for the same distance.

There has not been a single person to claim that we pay less than 5½ cents a pound for mail. In the other branch of Congress there was a contention whether we paid 8 cents or 7 cents or 6 cents, and the person who stood up stoutest against reduction claimed we did not pay over 6 cents a pound. The Senator from South Dakota gives it at between 5 and 6 cents a pound.

It does no good to split hairs over details. Every person who has spoken on this question admits it is over 5 cents, and all the difference there is is between 5 cents and 8 cents, some Senators claiming one figure and some another, according to how much mail is carried; some claiming you ought to count free matter, some claiming you ought not to count it; some claiming you ought to count all the mail carried over star routes, and some claiming you ought to make a reduction for star routes of 10 per cent or 20 per cent; and making different calculations. But everybody agrees that we pay between 5½ and 8 cents, somewhere, for each pound of mail that goes over the railroads.

Every railroad attorney whose evidence is here says that all they ask for carrying the mail is to pay as high as they get for passenger fare. If we reduce the pay 20 per cent, the railroads will still get more for each pound of mail than they get for each pound of passenger. Will any man outside of a lunatic asylum affirm that it is worth more to carry a couple of 100-pound sacks of mail in the usual way than to carry an average passenger in one of the fastest and most sumptuous trains in the United States?

Mr. President, the Senator from Pennsylvania complains that he could not get anybody before the committee to testify, that he invited me. I went to the committee to give such evidence as this which I have gathered. I was invited. I went on the day fixed. I was notified by letter the day the committee was to meet. I went and bundled up all these documents. I took all my authorities for the figures I had made, but when I got to the committee room I was notified that the day had been changed and I had not been notified. I think I found the Senator from Maine [Mr. HALE] in the committee room alone with the clerk of the committee. I was very busy and was not able to go again.

I did not stay away because I was not willing to give them what information I could get. I carried as many books as I could carry tied up in strings and under my arms with all my manuscript and figures to the committee, and every fact I am giving now would be in the testimony if the committee had been in session that day. But that is not material. The committee itself admitted at the time, though now it seems to lay great stress on the investigation, that it had to make a hurried investigation.

If I had felt that the committee was seriously considering my amendment I should have taken the time to go to the committee meeting, but it was perfectly evident that the recommendation for investigation was all that the committee was going to do. It was perfectly evident that it thought that was the best way to pass this matter over. Therefore I decided to put these matters into the RECORD at this time.

Mr. President, it sometimes surprises me that there is a Senator left on the floor who would take the trouble to investigate such matters and give the Senate what information he can. There is such an air, such an atmosphere, around that it would be so much better for us to let these things drift and not interfere with these vested rights of monopolies, that a man would get along more agreeably, that it would be pleasanter all around, that it would be easier for a man to get along and get reelected, probably, without arousing this opposition, that I am surprised at myself sometimes when I dare to bring such facts before the Senate.

In this country we have put such tremendous power into the hands of a few men—and none have more power than our great railroad magnates—till it is almost worth a man's political life to stand on the floor of the Senate and demand that justice be done. There is not a man who has ever done it but has felt the sting of their opposition. There is not a man who has ever done it but that he has felt a stab in the dark in his back. There is not a man who has ever done it but who knows that he could buy peace and buy compliments from railroad organs if he would keep his mouth shut. Why is it? I do not know.

It is bothersome to have convictions anyway. A man gets nothing for them. Will the Senator from South Dakota make another political friend in South Dakota by his speech, or would he have lost one if he had not made the speech he made here? The Senator has made a lot of other speeches, and he could have circulated them in South Dakota, and there is not a political friend in the State who would not have stood by him if he had not made the speech demanding this reduction. Can it be charged he was doing it for political advancement? The Senator could no doubt get more political advancement if he had kept his mouth shut.

Mr. President, our forefathers passed a very wise law once—so wise that it is not being carried out, I am sorry to say. At the first session of the Fifth Congress in 1798, Congress passed a law, and I will ask the Secretary to read section 8. It is the section making an importer ineligible to be Secretary of the Treasury, and it goes further than that, but the other part has never been enforced.

The Secretary read as follows:

SEC. 8. *And be it further enacted*, That no person appointed to any office instituted by this act shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the said Department other than what shall be allowed by law; and if any person shall offend against any of the prohibitions of this act, he shall be deemed guilty of a high misdemeanor, and forfeit to the United States the penalty of $3,000, and shall upon conviction be removed from office, and forever thereafter incapable of holding any office under the United States: *Provided*, That if any other person than a public prosecutor shall give information of any such offense, upon which a prosecution and conviction shall be had, one-half of the aforesaid penalty of $3,000, when recovered, shall be for the use of the person giving such information.

Mr. BUTLER. Under that act, if it was properly construed as I understand it, our present Secretary of the Treasury could not hold his position. I do not think he is eligible under this act.

There was another effort made specifically referring to certain persons to prevent them from being eligible to seats in Congress. That effort was made to get an amendment to the Constitution, but the amendment was not adopted. It can be found in the Journal of the Senate, page 502, first session Second Congress.

A motion was made and seconded to propose to the legislatures of the several States the following amendments to the Constitution of the United States, to wit:

Article I, section 8: After the words "general welfare of the United States" add "in the cases hereinafter particularly enumerated;" and at the end of the section add "but no power to grant any charter of incorporation, or any commercial or other monopoly, shall be hereby implied."

"SEC. 9. Every tax shall be deemed direct other than taxes on imports, excises, transfers of property, and law proceedings."

At the end of the section add: "No member of Congress shall be eligible to any office or profit under the authority of the United States, nor shall any person intrusted with the management of money of the United States or concerned in the direction or management of any bank or other moneyed corporation within the United States, be capable of a seat in either House of Congress."

Article III, section 1: After the words "obtain and establish" add "or in such of the State courts as the Congress shall deem fit."

On motion,

Ordered, That these propositions lie on the table.

If this act were enforced, and if this constitutional amendment, which was offered in the first session of the Second Congress, had become a law and been enforced, it is perfectly safe to say that the gold standard would not be fastened on this country to-day. It would have prevented that evil from creeping into our body politic, which has crept along since by such gradual stages that it has got a grip upon our Government so that we are nearly all of us blindfolded and look through glass darkly.

If we had gone a step further and passed an act—our forefathers could not foresee it was necessary—that no attorney of a great monopoly or corporation should be eligible to a seat in Congress, and the law had been enforced, it would not be necessary to-day for the Senator from South Dakota and myself to be calling attention to the outrageous price paid for the transportation of the mails, and which has been paid for twenty years, with no serious effort by those in charge of the committees to reduce it.

Mr. QUAY. The Senator from North Carolina certainly does not intend to intimate that the Committee on Appropriations, which reported this bill, is made up of attorneys for railroad companies?

Mr. BUTLER. I have not said that, but if what I said needs interpretation I will interpret it.

Mr. QUAY. It is utterly false, so far as the Senator from Pennsylvania is concerned.

Mr. BUTLER. I have not said it. But as I said, if what I did say needs interpretation I will proceed to interpret it.

Mr. QUAY. Very well.

Mr. BUTLER. I do not know whether the Senator from Pennsylvania was ever an attorney for any corporation or not.

Mr. QUAY. I never was.

Mr. BUTLER. The Senator states that he has not been. Mr. President, I stated that a law should be passed that a person who was an attorney for great corporations should not be eligible to a seat in Congress; monopolies, I had better say, because it ought to refer to those things which have a monopoly of the instruments of commerce. The small individual monopolies are not a part of the great system.

A monopoly that has an influence over a small territory is not so dangerous. It is those that have a grip upon the vitals of the Government from ocean to ocean, the railroad trusts that affect the interests of every town and hamlet and individual in the nation. It is the great railroad syndicate, ramifying every State and Territory and county, that can kill and make alive; that can build up one town or tear down another; that can build up one man's business or tear down another's; that can build up the Standard Oil Company and break up every other competitor in the oil business.

Mr. President, it is such power as that, it is such monopolies as those, that I refer to. I say men who are attorneys for them, men who have their being in that atmosphere, who imbibe their thoughts, who are their agents year after year to do their bidding—it makes no difference how wise they are, nor how good they are, nor how just they are, they will become biased. They will get into a frame of mind where they believe themselves that they are right.

An honest man who is wrong is the most dangerous and difficult man to deal with I have ever had to contend with. You know how to deal with a scoundrel who is wrong. You know how to deal with a dishonest man who is trying to do something dishonest. But take a man who is an upright man in his everyday life, a man who is honest in his individual transactions with his neighbor, a man who does his ordinary outward Christian duty, who does his duty to his family, who is a deacon of the church—for they nearly all of them are—Mr. President, take a man of that kind who gets his mind biased, and through life he is a partisan for that monopoly; everybody sees it but him.

Mr. President, a man ought to make his election whether or not he is going to put himself into that atmosphere, or whether or not he is going to be a legislator for all the people. I repeat the statement, that if such a law had been passed and had been enforced these enormous charges would have been reduced before now.

I have no prejudice against railroads. I have received many favors at their hands. They know how to be most gracious. They know how to make a man feel comfortable. They know how to extend little courtesies and favors that especially a man in public life enjoys and appreciates. They can do it in so many adroit ways and in such a delicate and handsome manner that it is pleasing. It makes a man have a better opinion of himself. It makes the community around think he is a man of more importance to see those courtesies extended to him. I might say that a man is scarcely human who is not influenced by those things to a certain extent, if they continue to be poured on him and he accepts them always as they come.

Mr. President, I have accepted some courtesies that railroads have extended to me; and I speak from experience when I say that when you begin to accept some of their favors, it is the hardest thing in the world to stop. They will not let you stop unless you refuse all. A man can sit down and reason to himself that it is not wrong, that it will not influence him, that he has a right to accept them and vote as he pleases. A man when once thus under the influence of monopoly favors is in as bad fix as an opium eater. A man who has a conscience will have the same struggle that De Quincey had. He realizes that the opium each day is getting its hold on him; he knows that he ought to break its clutches; and yet but one breaks its clutches and ninety-nine do not; it is too delicious to break; we postpone it until to-morrow; we play Spanish with it—we are lost.

Mr. President, it is not only so with the railroads, but also with the telegraph monopoly and express companies, and so on. We all must use these important agencies. Their courtesies in the shape of passes and franks are very convenient and save a great deal of money. When we accept these courtesies we never realize that their charges are too high. And if we are attorneys for them, at big salaries, we will probably never vote in the interest of the public where these monopolies are concerned. When a telegraph frank is offered me, why not accept it? It will save me several hundred dollars a year, and will I allow so small a thing influence my vote? Yet if I accept it, will I again think that it is any of my business to see whether or not there is equity being done to the public by that monopoly?

When an express frank is offered me, how easy it would be for me to sit down and think: I live on the Atlantic Coast Line; I live in a great trucking section, and have a truck farm; why, a crate of strawberries can be put on the cars there in the morning and get to me that evening by express; I would not have to buy them here at 25, 30, and 40 cents a quart, but could get them from home express free. All those things would run through my mind; I could not keep them out. Why, chickens and turkeys and all those things a man needs here, and he gets them better from home than he can buy them here, could be sent to me free. Now, why should not I accept an express frank?

Why could I not accept it and do like I have heard some as high-toned Christian gentlemen as I ever saw say: "I can accept this frank and yet I will go ahead and vote just like I would before and it will not influence me?" I do not think that a man ought to accept their courteous, valuable favors and then not reciprocate. But, Mr. President, these favors are extended to get the influence of public men and the votes of legislators. Can a legislator pay back such favors at the expense of the public with his vote? How does a legislator feel with his pockets full of franks and passes when the corporations come and ask him to vote for some job they want? He ought to have decency enough to resign and go home and pay back their courtesies out of his own pocket, and not pay it back by his own vote at the expense of the public.

Mr. President, I am no better than a lot of men who accept those franks and passes, but I do not think they ought to be accepted by members of Congress. To every one of us these courtesies have been extended or offered, and yet we are called upon every day almost to vote upon important questions of equity between the public and the monopolies that offered those courtesies. How many of us will do our duty under such circumstances if we have been accepting these courtesies? All this goes to show how hard it is for a man who is perfectly conscientious and honest to always know when he is doing his duty between the public and these corporations.

The people are at home. They trust us. They do not send spies up here to watch and to lobby us. They think we are their representatives and will do what is right. The corporations are around us all the time. They influence the best of us more or less. Why, a man here has everything to make him forget the people. We hear from one side all the time. We do not hear from the people. It is easy for us to convince ourselves that what the monopolies want is right, and of course when a man comes here who is an attorney for one of these great monopolies he is prejudiced to begin with. He will most likely vote wrong all the time. What is the result? The monopolies run Congress, and the man who protests is looked upon as an enemy to capital, and is often made to feel very lonely. This is what is the matter with Congress, and this is why the country is in the condition that it is.

Mr. President, this is a delicate subject. These are unpleasant and embarrassing things to say to brother Senators. It is probably improper to have done it, but it is what is in my mind, and I had as well say it. It is these things that prevent equity being done in this Chamber, and in the other, between the people and these monopolies. It is these things that prevent it, whether we are conscious of it or not. Every man can stop and look in his own conscience. I know how powerful those influences are, for I have experienced them.

I say it is discouraging to attempt to get a reduction made in high rates charged by any monopoly, or any other equity between the people and the corporations, because a man encounters no encouragement from men for whom we have such high regard,

for men for whom we have the highest respect. We encounter everything to encourage us not to do it, not to look into it. We feel it, anyway.

Mr. President, this was not what I had intended to say. I had intended to present facts, and I was simply going to call attention to the fact. I have dozens of arguments at length to show that these railroad mail rates should be reduced at least 20 per cent. But I will not. It is no use. I will close my speech in a few minutes and then ask the permission of the Senate to put some additional matter in the RECORD.

I am going simply to say that I have proven by Poor's Railroad Manual that we pay forty-two times as much for mail as the average pay for freight; that we pay ten times as much for each pound of mail as the average charge for express; that we pay twice as much for mail as the passenger pays per pound, and we all know, except those who ride on free passes, that passenger rates are too high. How does the passenger rate in this country compare with other countries?

The average fare per mile is 2.034 cents in the United States and only 1.17 cents in Germany; 1.67 cents in Austria; 1.18 cents in Belgium; 1.29 cents in Denmark; 1.45 cents in France; 1.64 cents in Italy, and 1.45 cents in Russia. Our passenger rates are too high, yet we pay twice as much for carrying the mail.

Every particle of evidence given us by the Post-Office Department, from Postmaster-General Vilas to Postmaster-General Wanamaker, shows that there ought to have been a reduction of 20 per cent in these railway mail rates up to 1890.

Mr. President, I am in favor of an investigation. I would offer an amendment for 40 per cent reduction if there was no investigation under consideration. We ought to make this reduction of 20 per cent, because we know that eight years ago the Postmaster-General gave us the proof that there ought to be a reduction of that much, and then let the investigating committee investigate how much more the reduction ought to be.

The investigation will be a farce unless there is some man on it who is harder to satisfy than the men who agreed to the report of the Committee on Appropriations. The men who can accept those statements without doubting their correctness and without desiring to look further into them would be very easily satisfied, and in another investigation would accept just such statements from railroad attorneys, and probably make a report of the same purport to the Senate.

I have but little hope in an investigation. I have no faith in it unless there can be some men put on it who have some convictions about this matter other than those represented by the majority of the Appropriations Committee, because their prejudices all seem to be against going into this matter, but they accept such statements as have been made by railroad influences.

Mr. President, in conclusion I want to again call attention to the difference in what we pay for star-route and railroad service. I say to you here and now that if the men who carry the star-route mail were paid as well as the men who carry the railway mail we would vote more money for star-route service each year than we now vote or would vote for railroad service. We pay $5,000,000 for 265,598 miles of star-route service. Have we got that much railroad length? No. One hundred and seventy-three thousand, about two-thirds as much; and yet we pay six times as much—we pay over $30,000,000.

We pay only $5,000,000 for the star-route service, and the men who carry it do not get all of it. The middleman comes in; the speculator who bids off the contract. Probably not more than a million dollars is paid to the men who carry the mail over that distance. If those men were organized, if the star-route business of the country were in the hands of a syndicate that was organized, and if they were as wealthy as the railroad companies and could keep their hired lobby around here, if they could subsidize newspapers, if they could employ high-priced attorneys, then we would have a syndicate carrying the star-route service that would be getting twenty or twenty-five or thirty million dollars a year, and we would have documents here full of testimony to show how expensive it is to take the mail across the mountains 20 miles, how expensive it is to take the mail from a county seat and go around some 40 miles over sandy roads, dragging the mail with your horse and buggy, or your mules and wagon.

We would have eloquent speeches made here by Senators to show the labor and dead expense of distributing the mails as compared with the easy, sumptuous way of carrying it on railroads, when it costs nothing to the railroads, practically, to carry it. We know that the adding of one car to a train of cars is a very little expense. Practically it is the wear and tear of the car and a few bushels more of coal. That is all it costs to add another car on a train. Yet we are paying to-day for those cars more than they are worth in rent; we are paying twice as much, three times as much, ten times as much as would be a fair rent. So we should not consider the car. It is simply the weight. The weight is all that is to be considered, and we have shown that the weight is higher than any other weight that the railroads haul.

Mr. President, I shall ask permission to add an appendix to my speech. It is an article which I prepared some time ago. It was published in the March Arena. It relates to this subject to some extent.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair hears no objection.

Mr. President, in conclusion I will simply call attention to the fact that there is but one thing in issue. The Senators opposed to a reduction of rates have confessed, by proposing to investigate, that there ought to be a reduction. There has never been such a proposition to investigate except when an effort was made to make a reduction, and every time there is an effort to make a reduction there will be a proposition to investigate.

Investigations are very proper things in their places. There has been enough evidence put before the Senate, and uncontradicted—and I claim the credit myself for having put enough in during the time I have been talking and have given my authority for it—to show that a reduction of 20 per cent is only about half enough. If any Senators have any doubt about a 40 per cent reduction, they all know, unless they do not believe these facts—and I challenge any Senator to disprove them, unless he shows that my authorities are wrong—then the 20 per cent reduction is not half enough.

Therefore the most conservative Senator—but I do not know what is meant by a conservative. A man who is opposed to doing anything in the way of reform is usually called conservative.

Mr. HOAR. If my friend will allow me, I can give him a very good definition made by a New England man of a conservative. It is a Populist grown old and gone to seed.

Mr. BUTLER. The Senator from Massachusetts says that a conservative is a Populist grown old and gone to seed. Whenever any special admirers of the Senator from Massachusetts wanted to praise him, when he has gotten up and made a speech which especially pleased them, they have said he is a "conservative man." When the newspapers in Massachusetts want to refer to him, and take his statements and publish them to uphold something they are advocating, they say the Senator is a "conservative man."

I suppose the Senator knows more about the value of Massachusetts authority, as it applies to him, than I do; but those are the facts. I do not know yet what is meant by a "conservative," unless the Senator has described himself; but whatever is meant, certainly there is enough evidence put here to convince the men who have been opposing a reduction if they are hunting for facts and are open to conviction.

Therefore, regardless of this proposition to investigate, I want to appeal to the "conservative Senators" to vote for a conservative proposition, which is to make a slight reduction, one which was recommended by the Postmaster-General in 1890, eight years ago, and leave the committee to investigate what greater reduction should be made on account of the fall in prices since 1890; and we all know that prices have fallen very much since 1890. That is conservative. So the position taken by the Senator from Pennsylvania that you ought to oppose this amendment because you are going to investigate is untenable. I would ask a reduction of 40 per cent if there was to be no investigation. Our arguments have all been based on that line and tended to show that a 40 per cent reduction is necessary.

The Senator says there is no idea of defeating this reduction by investigating. If not, then why wait another year? This investigating business is very expensive, and it costs us $12,000,000 a year too much to continue to pay these prices. We are paying $12,000,000 a year more than we ought to pay. Let us reduce it to six millions. Let us compromise and only pay six millions excess for the next year.

The New York World in a recent editorial said:

> The railroads of the United States are defrauding and overcharging the Government to the extent of $10,000,000 per annum, and this public plundering is going on while statesmen and debaters at Washington are vacantly going about for means whereby they may avoid a deficit of $3,000,000 per annum in running the Post-Office Department.

Mr. President, that is the testimony of all who investigate this question. It is too clear for controversy that a 20 per cent reduction is only about half enough.

APPENDIX.

TRUSTS—THE CAUSES THAT PRODUCE THEM—THE REMEDY.

By MARION BUTLER, in Arena for March, 1893.

Trusts are cancers—industrial cancers—on the body politic. They are eating cancers; they are spreading cancers; they are fatal to the prosperity and life of the Republic. Everybody admits this; everybody is opposed to trusts; yet trusts continue to thrive and prosper, and to multiply each day. Why is this? Because the voters have been deceived and misled about the causes that produce trusts and the true remedy to root them up and crush them out.

The last Republican legislature of New York appointed a committee to investigate trusts and report a bill to cure the evil. After many months of pretended investigation, the now famous Lexow antitrust committee made a long report denouncing trusts and declaring that they were the overshadowing evils of the age, yet closed by reporting that in the opinion of the

committee the legislature was powerless to correct the evil, and that the only remedy lay in Congress.

In December, 1896, President Cleveland, in his last annual message to Congress, went out of his way to discuss the question of trusts. He warned the people against this growing menace to our industries and to our Government, but closed by saying that Congress was powerless to remove the evil, and that the remedy lay with the legislatures of the several States.

A few months later William McKinley was inaugurated President of the United States. In his inaugural address he arraigned and denounced trusts more severely even than his predecessor. He said that the life of the Republic demanded that this monster, this insidious and blighting curse, should be plucked from our industrial system. Yet he offered no remedy. He simply denounced the evil; nothing more.

One would judge from the language of Cleveland and McKinley that they were both honestly opposed to the causes that produce trusts; both of them are the apologists, supporters, and defenders of the fundamental evil agencies and conditions that inevitably produce and foster trusts. Indeed, it is well known that they were both nominated by the trusts, elected by the trusts, owned by the trusts, and therefore must serve the trusts.

A few years ago the Republicans passed an anti-trust law which they said would remedy the evil. It did not. The Democratic party denounced the Republican anti-trust law as a sham and a fraud and charged that the Republicans never intended to pass a law that would be effective. The Democratic party under the Cleveland régime came into power. The Cleveland Democrats proceeded to pass an anti-trust law of their own, which they claimed would remove and eradicate the evil.

It has not done so. To-day the Republican anti-trust law and the so-called Democratic anti-trust law are both on the statute book, side by side, and in full force. Yet trusts continue to grow and prosper and multiply in numbers as never before. What is the matter? The truth is that neither of these so-called anti-trust laws contains the true remedy. Neither of them is directed at the causes that produce trusts.

The so-called Democratic and Republican anti-trust laws now on the statute book are ineffective; first, because the evil laws now in existence and in full force, which inevitably produce trusts, are not repealed; next, because the so-called anti-trust laws are not directed at any of the fundamental conditions that foster and promote the existence of trusts.

A statute declaring that water shall not run downhill would be ineffective unless the statute should repeal the law of gravitation. To state it another way, the attempt to remove and cure the industrial cancers called trusts with the so-called anti-trust laws is as futile and foolish as it would be for a physician to attempt to heal a cancer growing out of blood poison by an application of salves. The only cure for such a cancer is a constitutional tonic that will remove the blood poison from the system.

Dr. Cleveland and Dr. Sherman have each been applying their anti-trust salves to the industrial cancers on the body politic for years, while the disease has increased and the patient has grown sicker with each application. To-day the whole nation is sick nigh unto death with a chronic and constitutional disease, the complication of trusts that infests our industrial system. These trusts can never be broken until the causes that produce trusts are removed.

What, then, are these causes?

First, we must see what a trust is. A trust is a scheme or a device to establish a complete monopoly of any line of business. Whenever any number of individuals organize themselves into a corporation and get a complete monopoly of any line of business, so that they can crush out all kinds of competition and regulate absolutely the price of not only the manufactured article sold to the public, but also the raw material bought from the producers to make the articles, then we have a typical modern trust.

But the all-important question is, How can any corporation get a complete monopoly of any line of business? That is, How is it possible for such a monopoly—such a trust—to be organized and maintained? Are not the thousands of people in a certain line of business more powerful than one syndicate or corporation in the same business? Are not 70,000,000 of people more powerful than a half dozen of that number? They are if they have equal opportunities.

Then, how is it possible for a very small number of men to drive out of business and crush their thousands of competitors, secure a complete monopoly, and maintain it in the face of the remainder of the nation? There is but one way in which it can possibly be done. The monopolists must first get control of the instruments of commerce. Those who control the instruments of commerce can, of course, control commerce itself, can destroy all competition, and can put any kind of business and every business into a trust at will.

Now, what are the instruments of commerce? They are three in number.

The first is money—the measure of values, the medium of exchange—which is the vital element in every business transaction. Money is the lifeblood of commerce, and business stagnates when the supply is cornered or when the quantity in circulation does not increase with the increase of population and business, just as the human body grows weak from congestion or loss of blood.

The second great instrument of commerce is transportation. Cheap transportation that can be used by all is an essential factor of business in any country, but the larger the country the more important is transportation. In a country of the immense distances of ours the transportation question is of equally vital importance with the money question.

But the opportunity and the right to use this instrument of commerce to transport products from one end of the country to the other at the same prices and on the same terms that your competitor pays or enjoys is of even more importance in preventing the building up of trusts than the question of cheapness. Whenever there is discrimination in freight rates, no matter whether the freight charges are high or low, a powerful leverage is given to those who have the benefit of rebates and favoritisms to crush out competition.

Do such discriminations exist? Yes; and necessarily so when a few great bankers and syndicates own and control this powerful instrument of commerce, and can therefore regulate rates and make discriminations in favor of monopolies and trusts with which they are allied. What do we see to-day? One man, J. Pierpont Morgan, representing a foreign gold syndicate composed of London Jews, owning and absolutely controlling, as the agent of that trust, eight of the biggest railroad systems in the nation. Which are they?

The New York, New Haven and Hartford, extending from New York to Boston and throughout New England; the Erie, with all its branches and feeders; the New York Central, extending from New York to Chicago, with all its ramifications; the Northern Pacific, extending from Chicago across the continent to the Pacific Ocean, with all its ramifications; the great Lehigh Valley system; the Big Four, covering the great fertile central West between St. Louis, Philadelphia, and Chicago; the Chesapeake and Ohio, running from Baltimore out to Chicago and the great Northwest; and the Southern Railway, extending from New York south to New Orleans, with all its ramifications in more than a dozen States.

These powerful systems, with the tributaries which they dominate and control, comprising more than 55,000 miles, govern every means of modern transportation in all the great, populous, and important sections of the nation from Chicago east and south, except the Pennsylvania Railroad, the Baltimore and Ohio, the Seaboard Air Line, and the Atlantic Coast Line.

Morgan and his gold backers have their greedy eyes on these—have them surrounded and cornered—and will press the button and gobble them up in their own sweet time. In short, this man Morgan, representing the cold-blooded shylocks, the descendants of the money changers whom Christ drove out of the temple, can to-day sit down around a table with six other railroad magnates, all of whom are already working in harmony and conjunction with the gold syndicate, and control absolutely every mile of railway in the nation.

By a stroke of the pen they can lock the wheels of every locomotive, they can put up rates or they can put them down, they can build up one section and tear down another, they can form partnerships with other industrial pirates, or they can organize trusts until there will not be an independent business left in the nation.

The third great and vital instrument of commerce is the transmission of intelligence. As far as the business world can use the Post-Office Department every one stands on a fair and equal footing; but the information that controls the markets and affects vitally the business world, from the Associated Press dispatches to the daily newspapers, the stock reports, and so on down, are transmitted by telegraph. The tremendous importance of this instrument of commerce is not generally realized.

The actions of men are controlled by their opinions; their opinions are formed on the information they receive. Therefore, the opinions and actions of the wisest and best men are sadly at fault if the truth has been kept from them or if it has been colored or perverted. Those who can control what we read can control our thoughts; those who control our thoughts can control our votes; those who can control our votes can control our pocketbooks and the destinies of the nation.

Here, then, are the three vital instruments of commerce—money, transportation, transmission of intelligence. How should they be used and by whom should they be controlled? Can agencies so powerful, and the proper use of which is absolutely essential to the welfare of all the people, be trusted in the hands of a part of the people to be used for their own private gain and power? Clearly not. Then, how should they be used and controlled in order to give equal opportunities to all and to promote the general welfare?

Clearly these instruments of commerce should be used as public functions at the lowest possible cost and without discrimination in favor of one person and against another. This must be done in order to put every industry and business enterprise on an equal footing. Has this been done? No. But instead, we have permitted the reverse to be done. These vital instruments of commerce are to-day completely in the hands of private individuals and speculators, who, therefore, have the business world at their mercy.

Whenever a government permits the instruments of commerce to go into private hands, it has surrendered its most important function of sovereignty. It has surrendered its power to "establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty." It is to secure these rights that governments are established among men.

The instruments of commerce are natural monopolies—they are natural trusts. When they are used as public carriers, open and free to the use of all on like terms and conditions, then there is healthy competition, with widespread industrial activity, and general prosperity and happiness. Under such just and happy conditions it is impossible for an industrial trust to be organized and maintained.

But when these natural monopolies, these natural trusts—the instruments of commerce—are controlled by private individuals and corporations for private gain and power, they become the parent trusts that produce general business stagnation in the midst of plenty and breed industrial trusts to absorb every line of business; and when such industrial trusts are organized and maintained they aggravate the conditions that gave them birth.

The causes that destroy business prosperity are the causes that produce trusts. A trust is the child of business stagnation and it feeds on hard times. Put into the hands of a few men the instruments of commerce that all men must use, and how can the remainder of mankind compete with them or do business at all except upon their terms—terms dictated by selfishness and greed?

In short, those who have a trust on money, a trust on transportation, and a trust on news have it in their power to levy tribute on every man and every industry in the nation in order to enrich themselves and their allies. They have other and, if possible, still more dangerous powers; they can use the instruments of commerce to extend princely favoritisms to some and to make deadly discriminations against others.

Thus, as I have said, they can build up one section of the country at the expense of another; they can build up one business and tear down every other business competing with it. By this selfish, greedy, and tyrannous use of such tremendous powers they have made millions of paupers to make a few millionaires; they have produced general business stagnation and widespread suffering in the midst of plenty. They have even taken charge of the Government itself.

They are the authors of the present hard times, and they are directly responsible for the organization of every trust. Was there a trust in existence before half of the people's money was destroyed by burning the greenbacks and demonetizing silver and the control of our finances was placed in the hands of a banking syndicate? Was there a trust in existence before the railroad and telegraph, the other two instruments of commerce, were monopolized by private greed?

During the thirty years in which a few private individuals, organized into corporations, have secured a trust on money, a trust on transportation, and a trust on intelligence there has sprung up, grown, and multiplied the aggregation of monster industrial trusts which are to-day blighting our industrial system and sapping the lifeblood of the Republic.

These facts are too plain for controversy. Here, then, we have the causes that produce trusts.

But what is the remedy? Clearly it is to remove these causes. Clearly it is to see that the instruments of commerce are wrested from the hands of private and corporate greed and operated as public functions for the public good.

And whose duty is it to take charge of and regulate these instruments of commerce for the public good? Clearly and unquestionably the duty of Congress. Section 8, Article I, of the Constitution, in enumerating the powers and duties of Congress, lays down as the third power and duty to be exercised the following:

"To regulate commerce with foreign nations and among the several States and with the Indian tribes."

Thus we see that every Congressman and Senator, when he takes the oath to support the Constitution, swears that he will use his vote to regulate commerce. But how can he use his vote to regulate commerce, or how can Congress, acting as a whole, regulate commerce without regulating the instruments of commerce? Does Congress regulate these instruments of commerce to-day? No. They are regulated by private persons and corporations in the interest of private and corporate greed.

Monopolists and corporations use the people's instruments of commerce as the most powerful agencies and weapons in the industrial system of the nation to oppress, tyrannize, intimidate, and rob every independent person

and business enterprise. They bleed the country, make themselves millionaires and then use a part of their ill-gotten gains, their red-handed blood money, to control and dominate Congress itself.

It is true that Congress pretends to regulate these instruments of commerce, but the fact is that those who control the instruments of commerce control Congress, prevent the passage of effective laws to cure the evil, and secure the passage of other laws in their own interest which aggravate the evil. Congress made its fatal mistake when it put into the hands of private persons and syndicates these powerful, vital, and constitutional instruments of commerce, which make trusts, and make them greater than Congress.

In all our political campaigns the allied monopolists which have a trust on money, a trust on transportation, and a trust on intelligence combine. They select the conventions they will control, they elect the candidate they have selected. Of course they control them after they are elected. This has gone on until to-day these allied trusts control and dominate every branch of our Government.

What a terrible mistake Congress has made in surrendering to private greed such powerful weapons and indispensable public agencies for general business prosperity and the preservation of good government! If the commanding officer of an army should disarm his own soldiers, turn over his guns to the enemy, and then attempt to fight a battle, he would not act more foolishly or treacherously than Congress has done in failing to execute in behalf of the people its vested powers in a matter of such vital importance to the general welfare of the country and the life of the Government.

Can there be any excuse for this gigantic blunder perpetrated by Congress in the light of and in defiance of the teachings of all history since the dawn of civilization? Does not the experience of mankind, in every country and in every age since government was first organized, teach that whatsoever power has controlled the instruments of commerce—whether it has been a government or a combination of business interests—that power has always controlled commerce itself?

Yes. And the whole experience of mankind further teaches that whenever a government has failed to control the instruments of commerce, and has left their control to private interests, these private interests have not only controlled commerce but have also controlled and dominated the government.

This great danger was clearly seen by the founders of our Government when the Constitution was framed and adopted. When we read the debates in the constitutional convention, we find that those who opposed monarchical ideas and Hamiltonian theories declared undying opposition to all forms of monopoly.

They took the position that a natural monopoly should never be allowed to go into private hands; that a business which was a natural monopoly was a monopoly at birth, and that therefore no one could honestly claim to oppose monopolies if he favored putting such a business into private hands.

The result of that discussion and of the patriotic foresight of the founders of our Government was that every instrument of commerce as then existing was made a public function.

Did not the fathers declare undying opposition to banks of issue? Did they not provide that the Government should issue all money, the first great instrument of commerce?

The second instrument of commerce, transportation, at that time was the dirt roads—the king's highways—our lakes, rivers, and other navigable waters. Did not the fathers provide with jealous care that the rivers and other navigable waters should be public highways—should not be owned and controlled by private syndicates, but should be kept open and navigable at public expense and used on equal terms by everyone? Since that time inventive genius has made the steel rails supersede, as a vital instrument of commerce, the old cart and wagon ruts.

If it was important that the old dirt roads should be public highways, maintained at public expense for the public good, free to all alike, then is it not a hundredfold more important that this new, improved instrument of commerce, this modern means of transportation, shall be controlled, maintained, and operated in like manner?

Go read the debate over the proposition to establish a post-office system and operate it as a public function. Did not our fathers take the ground that this, being a natural monopoly, should never go into private hands, but should be operated by the Government as a public function for the public good?

Now, every argument that controlled our wise and patriotic forefathers in dealing with the instruments of commerce and providing against the birth and growth of monopolies and trusts at that time should control us to-day in dealing with the instruments of commerce in their present form—the mail system improved by electricity, the iron highways, and the circulating volume of money.

Take these great natural monopolies, which are the three vital instruments of commerce, from private hands and use them (as the fathers did) as public functions, and we remove at once the three most powerful and dangerous trusts—the trust on money, the trust on transportation, and the trust on news.

We do more. By removing the control of these natural monopolies, which in private hands are the parent trusts, we remove the causes that produce the aggregation of monster industrial trusts that to-day threaten the institutions of the Republic. Therefore, if we wish to deliver our Government and our industrial system from the deadly clutches of the monster trusts, we must hasten to retrace our steps, correct our mistakes, and boldly take the same action that the fathers did with reference to these great natural monopolies.

In short, our fatal error has been in departing from the doctrines of Jeffersonian Democracy. Apply to present conditions the principles of Jeffersonian Democracy and the constitutional remedy above pointed out, and we shall have the three greatest instruments of commerce—money, transportation, and the transmission of intelligence—in their modern form, operated as public functions at cost, without discrimination against any and with equal opportunities to all.

Thus the one vital, comprehensive, and paramount question confronting our people to-day is this: Shall we have a government by the foreign gold trust and its allied monopolies, which have captured our instruments of commerce, with the industrial trusts of which these are the parents—a government of the trusts, by the trusts, and for the trusts; or shall we, by reestablishing the principles of Jeffersonian Democracy, under which the instruments of commerce must be used as public functions, break the power of these industrial demons which are devouring us and reenthrone a government of the people, by the people, and for the people?

Let this be done, and then the causes that produce trusts will be removed; let this be done, and then every trust in existence will vanish as a fog before the rising sun. Let this be done, and then equal opportunities for every individual and every independent business enterprise will be restored; let this be done, and then, and not till then, will there be a permanent condition of general prosperity.

Mr. QUAY. There is unanimous consent to proceed to a final vote on this bill this afternoon, and therefore, unless there is some Senator ready to take the floor upon the amendment, I will move to lay the amendment on the table.

Mr. ALLEN. I hardly think this debate will be complete without a word from me.

Mr. QUAY. If the Senator from Nebraska is anxious to speak on the subject, I will withdraw the motion, of course; but I will say to the Senator from Nebraska that I should be very glad to dispose of the bill to-day.

Mr. ALLEN. Certainly. I shall not detain the Senate long.

I remember very distinctly, Mr. President, that Lord Campbell in his Lives of the Lord Chancellors, refers to a case in the early criminal jurisprudence of Great Britain, where a man was indicted, tried, and convicted of the crime of murder, committed with a certain blunt instrument called a "long speech?" I am not prepared to commit homicide this evening.

Mr. QUAY. We can not hear the language of the Senator from Nebraska.

Mr. ALLEN. The Senator will be able to read it in the morning. It is nothing personal.

Mr. President, years ago I took the position which has been taken by the Senator from South Dakota [Mr. PETTIGREW] and the Senator from North Carolina [Mr. BUTLER], that we were paying out too much money to the railroad companies to carry the mail. I did not take that position in a spirit of anger at the railroad companies, because I have nothing to say against them when they conduct their business as they ought to do. I do not want to be classed among that class of men who are opposed to legitimate business enterprise. I do, however, want to be classed with that class of men who say that no corporation has any more right to live or to any greater voice in the Government than the humblest citizen, but that justice shall be done to all.

During this Congress, Mr. President, I introduced what I regarded as indisputable evidence of fraud in the Railway Mail Service. The evidence is in the RECORD now. I undertook to show, by what I regard as reliable authority, or at least worthy of investigation, that at that particular period of the year when mails are estimated by weight, or the contract is to be let by the average weight for a certain length of time—I forget how long——

Mr. CULLOM. For four years.

Mr. ALLEN. The average weight for a few months is taken on which to base a four years' contract——

Mr. CULLOM. Less than thirty days.

Mr. ALLEN. That annually this Government was defrauded out of not less than $9,000,000. If that is true, no man ought to desire to stifle any investigation. I am not prepared to say that any man is desirous of stifling investigation.

Mr. President, it is an old and trite saying that we are trustees of an express trust. No man occupying that relation of trust can ever acquit himself in his own conscience if he does not discharge that trust with absolute fidelity. I can understand how a man can suffer his own business to go to rack, because he alone suffers by it, but I can not understand how a man who is intrusted with the performance of high and delicate duties by those who are dependent upon him can permit their business to go to rack or ruin, and when his attention is called to the fact and he is appealed to to remedy the existing or prospective evil, that he will sit quietly by and fail or neglect to discharge his duty.

If there has been any fraud in the Railway Mail Service, it is no worse to charge them with fraud than it would be to charge you or me or any individual with fraud. If that evidence has been on record for months, as it has been, why has not an investigation been made? Why has not the Committee on Post-Offices and Post-Roads taken judicial cognizance of what the record contains, taken up this subject and at least investigated it?

I do not know that it would be proper for me to arraign that committee for dereliction of duty, but nevertheless here stands out the bold, prominent, unconcealed, and unconcealable fact that frauds annually amounting to $9,000,000 exist without an investigation and without even the introduction of a resolution of condemnation. I said years ago, shortly after coming here, that these frauds do exist, and that indisputable evidence shows their existence.

Mr. President, is there anything in partisan politics which would induce a man to silently acquiesce in the consummation of such frauds? This is not a question of Republicanism or Democracy or Populism. It is a question of every man here keeping faith, not only with his own constituency, but with that larger constituency, the people of the United States.

I am frank to say that I am a little suspicious of commissions. Sometimes I have seen commissions appointed for no other purpose except that of delay, constant delay, that other peculations and other frauds might go on unrestrained while the commission was organizing itself and meeting and adjourning.

I was forcibly struck with the report made in this case. I am free to say, while I have not investigated this particular case with that care which some other Senators have, I was forcibly struck by the fact that the report is jughandled; it has but one side, and that is the side which wants the compensation of the railroads kept where it is. Did any man ever witness a contested litigation

where it was constantly one-sided, all the evidence in favor of the prosecution or all in favor of the defense? There are two sides to this case. No man is intellectually big enough to deny that fact. There is the side represented by the beneficiaries of these contracts, whose agents are here from the opening to the closing of every session of Congress.

Sir, they have large sums of money involved in these contracts, and they are here with the most skillful agents and the most skillful lawyers; and who represents the other side? Who represents the man in business or the man on the farm or the man who toils? The member of Congress, whether he be a Senator or Representative; and, Mr. President, without intending to be disrespectful to any person, if you were sailing your ships across the ocean [Mr. PERKINS in the chair] and I was cultivating my farm in Nebraska, and we could know that our interests as taxpayers were being so cheerfully looked after in Congress as they seem to be now, would we not delight that we were represented by our particular Senator or Representative? Would we not have the glorious assurance that our interests as citizens of the United States would be most painstakingly cared for? Yet here is a report one-sided.

Why was not some other person summoned before the committee to give his evidence? Do you tell me that these agents are the only men who know anything about this question? Some gentlemen seem to think so; and what a monopoly this monopoly of knowledge is. It is only given to a few, a very few, and those interested in the money to come from the contracts, to know what the Government ought to do respecting the carrying of the railway mails. All the balance of the 75,000,000 people on the other side of that contract, who pay these tremendous sums of money from their toil and their sweat annually, all these are ignored—not one of them summoned.

I suppose it would be regarded as almost disgraceful if a man thinking as I do should ask the committee to send out to Nebraska or to some of the other States and summon a farmer to give his evidence. What does the farmer know about it? Mr. President, this country is the country of the farmer as much as it is yours, and it is absolute insolence, if it is not a betrayal of a lack of ordinary breeding, to make a remark against the interest of the farmer or his right to appear in Congress.

Mr. President, the statistician was right who, when an individual applied to him for statistics on a certain question—and I have thought very frequently that illustrates these reports; it certainly illustrates the report of the honorable Senator from Pennsylvania [Mr. QUAY] in this case—said: "On what side do you want these statistics? Just tell me the side on which you want the statistics and I will furnish them to you before morning." So it is with the Committee on Appropriations—on which side do you want the evidence, in support of the contract or in denial of it, or in the interests of justice? It seems that the railway companies want the statistics in this case.

Mr. QUAY. Mr. President, unless the Senator from South Dakota desires to proceed, I will submit a motion to lay the amendment on the table.

Mr. PETTIGREW. I desire to take the floor, but not for long.

Mr. QUAY. Then I will not make the motion I was about to make.

Mr. PETTIGREW. It seems to me, however, that we might have a direct vote upon the proposition itself when we do vote, instead of a motion to lay it upon the table.

Mr. QUAY. It is a matter of no consequence. If there is to be no more discussion, and the Senator will let us conclude the bill, I shall not make the motion.

Mr. PETTIGREW. Mr. President, in the remarks of the Senator from West Virginia [Mr. FAULKNER] he called attention to some tables of the weight of mail, and the compensation paid for carrying the same, in my remarks of last Friday. The figures I gave in regard to the weight of the mail were furnished me by the Second Assistant Postmaster-General, and I supposed they embraced all the mail which was put into the post-offices, and made my computations accordingly. It is now stated that in those tables the franked matter, sent by members of the two Houses and by officers of the Government, was not included. On page 135 of the evidence given by the General Superintendent of the Railway Mail Service is this statement:

> It may be well to state here that the weight of the equipment represents about 9.54 per cent of the whole weight, as is shown in the statement made some time ago that the number of pounds of mail mailed annually is about 528,389,009.

The tables which the Department have furnished me, at my request, and the statements in the evidence of the officials of the Department led me to believe that the weight of the mail had been correctly stated by them. On page 136 of the testimony the General Superintendent of the Railway Mail Service says:

> During the year ended June 30, 1897, there was mailed in the United States about 528,389,009 pounds of mail matter, divided as follows.

Who would suppose that there was any error, all of this information coming from the authorities of the Government and from people who ought to know? However, Mr. President, if the table of figures does not embrace the free matter, which I understand amounts to fifty-three or fifty-four million pounds, still the computation I have made is practically correct, for this reason: I have taken 528,000,000 pounds and deducted nothing for the mail which is carried by the star routes, for which we are paying $5,000,000 a year, for the mail that is carried by steamboats, and for the mail distributed through the cities, which never sees a railroad, and I believe all these exceptions will equal the franked matter. Therefore my figures are practically correct.

The report of the majority of the Committee on Appropriations is rather a peculiar document. Its wonders are disclosed the more it is examined. In the first place, we have the testimony of a swarm, a cloud, of railroad attorneys, who appeared before the committee and submitted their statements. Then we have the statements of the Second Assistant Postmaster-General and his assistants, and their statements are practically a reiteration of what the railroad attorneys have told us. Almost every statement they make is simply a repetition of that which the representatives of the railroad companies gave to our committee. I would like to have any Senator examine this testimony in order to see how completely my assertion is corroborated in almost every line of the report of the majority of the committee.

By the way, I am going to comment a little with regard to the character of the evidence submitted by the representatives of the railroad companies. I doubt the validity or value of the statements made by those gentlemen, and I have good reason to doubt it, not that they committed perjury, for we did not swear them; not, perhaps, that they committed an absolute and direct falsehood, but they are so ingenious and so skilled that by weaving a web of complicated statements, by the use of professional terms, they can draw conclusions and make statements which are not true in such a manner as to render it almost impossible to detect their purpose. If we put them on the witness stand and swear them, do we get the facts? Let us see what the Interstate Commerce Commission says about this matter in their last annual report. They go on to say, in their annual report, page 47, that they believe there were discriminations and that there was not a maintenance of rates between New York and Chicago. Therefore they determined to make an investigation.

> It is my only purpose to observe here, in reference to that inquiry, that it was participated in by the several members of the commission in person; that those officers of the different railroad companies engaging in that traffic, who must have known it if the rate had been departed from, were called before us and compelled to give evidence under oath. That evidence was, without exception, that the rate had been in all cases maintained.

Now, let us see what they say about it:

> These gentlemen must have known whereof they spoke. Their testimony covers a period in which rates of the kind involved were said to have been more than ordinarily disturbed, and that testimony shows that during all that time and in reference to all those shipments the published tariff was scrupulously exacted. Nevertheless, there are strong reasons for believing that the fact is otherwise. Those who are in a position to know say that this is so. Railroad managers themselves, with one accord, declare it to be so. Facts which are morally convincing, although not of a character to secure a legal conviction, lead to the same opinion. We have no doubt that at the present time very large quantities of competitive traffic are carried at other than published rates. * * * When those who have knowledge of what is actually done are put upon the witness stand they refuse to disclose the truth.

Here is a deliberate opinion, signed by every member of the Interstate Commerce Commission, delicately stated, saying that these men came before them and without exception, under oath, swore positively that they had scrupulously maintained the rate.

What do they think of each other? Mr. Ingalls, president of the Chesapeake and Ohio and also the Big Four road, published an article in the Engineering Magazine of July, 1896, and this is the language he uses in regard to his associates in the business:

> Before the passage of the interstate-commerce act many of them had been insolent and lawless. For a little while they obeyed the law of 1887, but by 1895 they had become worse than ever. If the railway business of this country is to be conducted in the future as it was to an alarming extent for, we will say, the two years ending June 30, 1895, those of us engaged in this profession would lose the respect of ourselves and of our fellow-citizens, and deservedly so.

These I know are strong words and harsh ones, but they are true.

If I accomplish nothing more than to call the attention of the country to the majority report and its peculiar evidence, the peculiar method of the men who put it in, I will make progress in this fight, and in the end will secure a reduction of pay for carrying the mails. Based on this evidence, the Second Assistant Postmaster-General tells us what. He says:

> That, in the presence of this committee, would be my conclusion, very clearly stated. I have not so stated it to any one of the companies—

He seems to think he kept a great secret from the companies as to how he stood on this question—

> but, in the presence of this committee, I can state emphatically that I have been surprised to find that the rates allowed under the operation of the present law were less, proportionately, in my judgment, considering cost of service, than the rates of compensation allowed them by express companies or passenger traffic, and in some instances by high-class freight. I affirm that we are getting mail carried in some instances lower than the high-class freight on the same line.

No wonder he could come to that conclusion, for he had absolutely studied no evidence other than the statements of the representatives of the railroad companies. Very briefly I propose to show what are the rates for carrying freight. We pay for carrying the mail nearly 6 cents a pound—5¼ cents. I will print with my remarks a letter from the Interstate Commerce Commission which demonstrates that the rate for carrying freight has decreased since 1882 from 1.23 cents per ton per mile to eight-tenths of a cent per ton per mile—that is, for all classes of freight—while we pay for carrying the mail per ton per mile 6 cents, where the transportation exceeds 300,000 pounds per day and $1.17 per ton per mile where the amount is 200 pounds or less per day. Yet he asserts that the transportation for mail is less than for high-class freight.

INTERSTATE COMMERCE COMMISSION,
Office of the Secretary, Washington, April 6, 1898.

DEAR SENATOR: I am in receipt of your favor of the 3d instant requesting a statement of the average decline in freight and passenger rates in this country since 1878. I regret that I am unable to find any publication giving any information upon the subject prior to 1882. The accompanying statement, prepared by the auditor of the commission, is taken from Poor's Manual for the years 1882 to 1887, and compiled from commission's reports since that time. It is believed that the information you desire is best shown by the average rate per ton per mile on freight and the average rate per passenger per mile, which appears in the statement.

Sincerely, yours,
EDW. A. MOSELEY,
Secretary.

Hon. R. F. PETTIGREW,
United States Senate, Washington, D. C.

INTERSTATE COMMERCE COMMISSION,
Auditor's Office, April 5, 1898.

Statement showing the average rate per ton per mile on freight and the average rate per passenger per mile from 1882 to 1896, inclusive.

Year.	Freight, average rate (in cents) per ton per mile.	Passenger, average rate (in cents) per passenger per mile.
1882	1.236	2.447
1883	1.224	2.422
1884	1.125	2.266
1885	1.036	2.198
1886	1.042	2.194
1887	1.034	2.276
1888	1.001	2.349
1889	.922	2.165
1890	.941	2.167
1891	.895	2.142
1892	.893	2.126
1893	.878	2.108
1894	.890	1.986
1895	.839	2.040
1896	.806	2.019

Let us look further in regard to that matter. The Texas Pacific and Southern Pacific carried caps, boots, cashmeres, and hardware from New Orleans to San Francisco for eight-tenths of a cent per pound, and the distance, instead of being 1,500 miles, as I stated this morning, is 2,489 miles, while we pay for carrying the mail from New York to Chicago, a distance of about 900 miles, according to the statement of the Second Assistant Postmaster-General, $4.33 a hundred, or four cents and a third a pound. It appears that the railroad carries the mail a little over 900 miles for 4⅓ cents per pound, while the Southern Pacific carries first-class freight 2,489 miles for eight-tenths of a cent per pound; and yet the Second Assistant Postmaster-General comes in here—and his statement is accepted by the committee—and says that they carry the mail as cheaply as they carry freight.

There is no end to the evidence on this proposition. It is too absurd to be talked about. He says the mail is carried for less, in some instances, than is the express matter. Therefore I propose to go over that question again. The express companies in this country, in 1890, according to the census, shipped 3,292,000,000 pounds of express which they weighed, and 17,000,000 packages of express which they did not weigh. Dividing the amount of money they paid the railroads—which was $19,327,000—by the number of pounds of express matter which they did weigh, we find they paid five and about seven-ninths mills per pound for carrying the express, while the Government paid 5¼ cents per pound for carrying the mail, or ten times as much; and we have thrown into this calculation the 17,000,000 packages of express, which cover the valuable goods, that they did not weigh at all. So the absurdity and ridiculousness of the assertion of the Second Assistant Postmaster-General is absolutely obvious. It can not be truthfully contradicted. I will publish as a part of my remarks, copied from the Census of 1890, a statement of the express business of the country:

EXPRESS, CENSUS 1890.

Number of freight waybills		44,475,000
Packages carried, not valuable		98,118,000
Weight of same	pounds	3,292,000,000
Number valuable waybills		11,614,000
Number packages		17,258,000
Number money orders		4,398,000
Total		6,992,000
Paid to railroads		$19,327,000
Paid to water lines		173,000
Paid to stage lines		60,000
Employees		16,176,000
Local expenses and repairs		3,500,000
General expenses		828,000
Other expenses		2,299,000
Total		42,411,000

Cost per pound railroad transportation, 5⅛ mills; cost per package, 16½ cents; weight per package, 28 pounds.

One more point. The Second Assistant Postmaster-General says that the basis for computation and comparison is the carriage of passengers; that the railronds carry mail for less than they carry passengers. That is not a basis of comparison. It seems absurd upon its face that we should stop to talk about comparing the cost of carrying live persons, human beings, with the cost of carrying the mail. Yet he presents that absurd proposition and proceeds to calculate that a car carries thirty people, that the rate is 2 cents a mile, and therefore they get 60 cents for hauling a passenger car, and that the Government pays about 26 cents for hauling the mail car. But, Mr. President, he bases his calculation upon the proposition that each passenger car carries thirty people. What are the facts? If you will look on page 61 of the Statistics of the Railroads of the United States, issued by the Interstate Commerce Commission of 1896, you will find that the average train load of passengers in the United States is thirty-nine, and with five cars to the train it would be less than eight passengers to a car. It is because of such evidence as that, presented to us by our officials, that I attack their statements. To make propositions of that sort invites attack. They have earned severe criticism.

In computing the compensation for the transportation of the mails and for the service of the postal cars the Second Assistant Postmaster-General takes the rate per ton per mile where the weight carried is over 300,000 pounds a day. He says that it is 6.06 cents per ton per mile. He says of the twenty-five hundred and some odd roads over which the mails are carried there are only 255 which use postal cars, because only that number carry more than 5,000 pounds a day. Now, let us see what his computation is for 5,000 pounds a day. Where the transportation of mail amounts to only 5,000 pounds a day we pay 18.73 cents per ton per mile, and yet in making this computation to compare the mail service with the passenger service he takes the smallest possible sum, and for my part I would not vouch for his figures at that. I believe it is higher where the larger sum is involved. How can we compare the passenger service with the mail service under these circumstances? Where the railroad carries but 200 pounds per day we pay $1.17 a ton a mile, and yet when he makes his figures to compare the cost of carrying the mail and passengers he takes the figure of 6.06 cents per ton per mile to make the comparison. It is simply ridiculous.

He takes the Pennsylvania Railroad and one of its cars. He says nothing about the weight of the sleeping cars that are carried as an adjunct to the passenger business, about the baggage car that is carried as an adjunct, or the dining car. He simply takes one car and says that carries thirty people and that it earns so much. And yet he presents that to us, a legislative body, as a fact upon which to base our conclusion, and then his friends complain because I attack him as the representative of the railroads.

He does worse than that. He takes a Pennsylvania car, one passenger car, instead of taking the average for the whole country, and then he employs the average of the weight of mail carried in a single mail car of the whole country with which to make the comparison. The weight in a mail car varies. In a thinly settled country the weight may be 4,000 pounds, and where traffic is heavy, like that on the Pennsylvania road, he says it may run up to 12,000. In making this comparison, however, he uses the average for the whole country and compares it with a passenger car on the Pennsylvania road, where the traffic is the heaviest, for carrying the mail, and therefore his comparison ought to have been between the 12,000 pounds of mail on the car and the passenger car. Then his figures would have been overturned. So there has been presented to us all this web of confusing figures, half falsehoods, foolish comparisons, and that is assigned by the report of the majority of the committee as the reason why we should maintain these rates.

I assert that we are paying, from the best data I can get—and if my data is not correct, why do not the railroad companies show that it is not true? They are in possession of all the facts. I have done my best to get at them, but neither the express companies nor the railroad companies will furnish information. If it is not true, why do they not furnish the facts? From the very best information I can get, we are paying ten times as much for carrying the mails as the express companies are paying for having their express matter carried. It is carried on the same train, and when we put on an exclusive mail train they carry express matter on that train also, according to the testimony of the Second Assistant Postmaster-General. So with both mail and express carried on the same train, with almost identically the same service——

Mr. GEAR. Will the Senator permit me? They carry only

through express on the mail trains, not way express. They do not deliver any way express.

Mr. PETTIGREW. The Senator probably knows what he is talking about, but we have not got that in evidence. The Second Assistant Postmaster-General said, when we asked the question if the mail trains which were put on carried express: "Oh, yes; they carry express also." What more did he say? When he was asked if we paid extra for these special trains for mail he said, "No;" that the railroad company would come and say, "If you will not make us carry mail on two or three trains, we will put on one special mail train." Then they carry express also. Here are two services, one paid for by the express company, one paid for by the United States, nearly identical, on the same train, having, so far as the weight of the mail is concerned, about the same facilities, and the Government pays ten times as much as the express companies pay. We pay ten millions where they pay one.

Now, of course there is a difference in the service when it comes to the use of these distributing cars, but that is not the subject I am talking about. I am talking about the $30,500,000 paid for carrying the mail. In addition we pay four millions for the use of these cars, and that is the extra facility which we get over and above facilities furnished the express companies. Making the calculation upon the amount paid for carrying the mail by weight, leaving out the special facilities furnished by the postal cars, we pay ten times more than the express companies pay. Senators can vote for it if they want to; I will not. A reduction of one-fifth of $6,000,000 is too small. We tried to get the investigation a year ago. The Committee on Appropriations brought in a proposition to investigate. It was attacked upon the floor, and, without a vote, was surrendered. I am sorry to say I was absent. If I had been here, we would have had a vote.

We have waited a year. Nobody looks into this matter at all. It goes on. We call the railroad representatives before us, and we call the Second Assistant Postmaster-General before us, and he gives us what the railroads have already given us. He draws these absurd and ridiculous conclusions, and we are asked to investigate again without a reduction. Mr. President, if we wish to practice economy, here is a chance to save $6,000,000. Some Senator asked the Second Assistant Postmaster-General if that would result in abandoning the service. He said, "Oh, the railroads will probably go on carrying the mail and trust to Congress in the future to right the wrong." If there is a wrong, it is apparent to any fair-minded man who has investigated this question that the wrong is against the people of the United States. The wrong is that this thing has gone on.

Postmaster-General Vilas called attention to it. Postmaster-General Wanamaker called attention to it. Still it went on. When, finally, it becomes too hot, it is proposed to investigate. Now, I am willing to investigate, but in the meantime I want to save the six millions and spend the money in maintaining the honor of the country.

It is a matter of sincere regret to me to be obliged to criticise a great Department of this Government. It is a matter of regret to me that on their statements I am obliged to impeach their honesty of purpose. I regret to do it. I am forced to do it upon their own statements. I am forced to do it from the manner in which they have presented this question, and I am sorry for it. I hope the time will come when it need never be done again. I hope the time has come when it never will become necessary.

But how are we to correct these abuses? Somebody must attack them. It is not pleasant work. There is no fun in it. But if we never attack them they will go on forever. The time was, although contrary to law, only a few years ago, when we paid over $900,000 for special facilities not provided in postal cars. The railroads took it. The Department paid it to them in absolute violation of the statute. When, after the abuse had run along for years and years, the Postmaster-General discovered it, of course he stopped it. The railroads carried their own mail first class. The rate of the Government was nearly a dollar a pound, which was enormously profitable.

Anybody else would be guilty of a criminal offense if he carried the mail. But they were allowed to carry their own. What did they do? In spite of this great donation, this enormous sum we were paying, for years they carried not only their own mail but the mail of other railroads, and finally they began to carry the mail of other people. Then it was corrected. I do not know that it was corrected. I know the Postmaster-General called attention to it, and I suppose they corrected it, and he called attention to the fact that it was impossible to convict these people, and he asked for additional legislation in order to be able to do it.

Now, as I said before, Mr. President, this is no pleasure; but here is an abuse so enormous in its proportions that it is time something was done about it. If I am wrong in my figures and calculations, I have done the best I could from all the information I could get, and I could have got all the information I wanted if the people whom I attack would furnish it to me, and that makes me additionally suspicious, until I do not place much credit upon their statements. But, taking their statements, taking their testimony, taking what they have furnished us, they have convicted themselves.

I ask unanimous consent to publish as a part of my remarks a paper prepared by James L. Cowles, of Farmington, Conn., author of a book entitled General Freight and Passenger Post. This paper is a valuable contribution to this debate.

The VICE-PRESIDENT. Is there objection to printing the paper in the RECORD? The Chairs hears none, and it is so ordered.

The paper referred to is as follows:

RAILWAY MAIL PAY, THE EXPRESS COMPANIES, AND THE POST-OFFICE.

According to the testimony of the distinguished gentlemen who represented the principal railroads of the country at the hearing on "railway-mail pay" before the subcommittee of the Senate on the 18th of April, 1898, the book, A General Freight and Passenger Post, written by James Lewis Cowles, is a particularly objectionable publication. In the first place, it is the particular arsenal whence have come the weapons used in the recent Congressional attacks upon the government of the united railways. In the second place, it adopts the suggestion of the Hon. George R. Blanchard, of the Joint Traffic Association, and proposes that the business of public transportation be transferred from the united railway government to the United States Government. In the third place, it follows the suggestions of several other distinguished railway authorities, and proposes that railway rates shall be determined on the postal principle, and that on low-class freight the rates on ordinary trains shall not be over $5 a carload of 30 tons, or, it may be, of 50 tons, for any distance within the railroad system of the United States. Another objectionable feature of the book is its proposition that the Government of the United States shall follow the suggestion of the Hon. Chauncey M. Depew and form a general money pool (a pool including the receipts from the use of all the railways), from which there shall be transferred to the treasuries of the stronger and the weaker lines alike sufficient moneys to insure their support, to each according to its necessities, just as it now transfers money from the present postal pool for the support of the different post-offices.

"From this source has emanated, as I believe," says W. W. Baldwin, of the Chicago, Burlington and Quincy road, "the fable that the railroads are receiving 8 cents a pound for carrying the mails, and the equally erroneous assertion that express companies are performing a similar service for 1 cent a pound."

Now, I would correct this statement of Mr. Baldwin. The source of this fable, if it be a fable, that the government of the united railways taxes the Government of the United States 8 cents a pound and express companies not 1 cent, but four-tenths of a cent a pound for a similar service, is back of this book. It is derived from the statements of the Post-Office Department of the United States and of such gentlemen as the Hon. Mr. LOUD, of California, chairman of the Post-Office Committee, and from the acts of the express companies, and from the reports of the Interstate Commerce Commission.

Postmaster-General Gary, in his report of 1897, page 7, says that "the cost to the Government of transmitting the 365,000,000 pounds of second-class matter carried during the past fiscal year is estimated at $29,000,000; the postal revenue received from it is estimated at $3,000,000, leaving a loss, on transportation alone, of $26,000,000." This makes the transport tax only a trifle under 8 cents a pound.

The total weight of all the matter passing through the United States mails in the fiscal year 1896 was about 807,000,000 pounds. The railway mail pay for that year was over $32,000,000. If every ounce of this postal matter had been handled by the railroads, their compensation would have averaged over 5 cents a pound. But a very large amount of mail matter never goes on a railroad. A large part of our postal business is merely local business; another part of it is carried on the star service and steamboat routes.

I think it a perfectly safe deduction from the reports of the Post-Office Department that the average tax levied upon the Government of the United States by the government of the united railways for their share in the transportation of mail matter is about 8 cents a pound. And this does not conflict with the statements of Mr. Baldwin that on such short hauls as from New York to Philadelphia, 90 miles, the tax is as low as 26 cents a hundred pounds, or that on some 200-mile hauls the rate is 26 cents a hundred. These statements may be altogether correct, but it may also be true that in other cases this railroad tax may be as high as the steamer rates across the Atlantic—for all steamers carrying the American flag, but not under contract, $1.60 a pound, $3,200 a short ton on letters and post cards, and 8 cents a pound on other articles, or as high as was paid the American (Standard Oil?) Line, New York to Southampton, during the year ending June 30, 1896, $757,228 for a total of 1,923,985 pounds, or nearly 40 cents a pound. (See page 365, Post-Office Report, 1897; also pages 12 and 29 of Senate document of April 18-19, 1898, on Railway Mail Pay.)

It is a curious fact that if the result of the war with Spain were to transfer all our foreign mails to foreign ships, there would be an annual saving to the Post-Office at present rates of over $1,000,000. This American steamer tax on the Post-Office would seem to be even more unjust than is the railway-mail pay.

One thing is certain: Taking the figures of the Post-Office Department to be reliable as to the weight of mail matter, even if the railroads handle every ounce that goes into the mails, their average compensation is over 5 cents a pound, and this tax is full ten times the tax which the railroads levy on the express companies for similar services—four-tenths of a cent a pound—and more than ten times what the service would cost the people if our royal-ralled highways were under the control of the Government.

We find, moreover, that although the Government contracts with the railroads cover the transportation of all classes of mail matter, and although on occasion, as in the case of the quadrennial weighing on the Seaboard Air Line in 1896, second-class matter is freely used to pad the mails, notwithstanding these facts the railroads, either directly or through the agency of express companies, deprive the Government of its legitimate revenues on short hauls and on business actually paid for, and we also find that our express companies have of late instituted an attack on another profitable branch of the postal business, namely, the transportation of valuables. Neither have we forgotten the discovery made during the régime of Postmaster-General Wilson, that the railroads were accustomed not only to pay no postage on their own mail matter transported over their own lines, but also to carry one another's mails without making any return therefor to the Government. (Page 61 of that objectionable book, A General Freight and Passenger Post.)

Postmaster-General Wanamaker made the average haul of mail matter about 442 miles. Other postal experts have made it, I believe, 448 miles. Congressman LOUD, chairman of the House Committee on Postal Affairs, says that "within a radius of 200 miles (within zones of 500 miles) the express companies carry the matter—second-class matter, for the transportation of which the railroads are paid by the Government, and the revenues from which belong to the Government: matter on which, as we have seen in the case of the Seaboard Air Line, their quadrennial contracts are very largely based—the

express companies carry this matter under zones of 500 miles for a fraction under 1 cent a pound; beyond 500 miles they dump it on the United States Government for transportation."

On page 241 of the third edition of Cowles's General Freight and Passenger Post there is cited the case of the meeting of the Mississippi Valley Medical Association in October, 1897, on which occasion the express companies took this business from the Post-Office—the express companies perform their service from door to door—within a zone which covered well-nigh half the continent. I repeat that every cent which the express companies get from this business belongs to the Post-Office, and the business is paid for by the Postal Department under its quadrennial contracts.

Our railway friends will perhaps explain the following dilemma: Either the Government pays the entire bill for this short-haul second-class service and the express companies take to themselves the entire revenues, clear from all expenses, or the railroads are paid twice, once by the Government and once by the express companies, for the same service, and the express companies enjoy the profits which rightfully belong to the Government. In any case, the railroad tax on the express companies is so small that they are able to carry the matter not only from station to station within zones of 500 miles, but to collect and deliver the same from the door of the consignee to the door of the consignor, and all for a fraction under 1 cent a pound.

That under the present mileage system for determining railway-mail pay this short haul second-class business would be immensely profitable to the Government, provided they were protected in securing their legitimate revenues, is clearly proved by the Second Assistant Postmaster-General on pages 184–185 of the postal report of 1897.

Although on page 7 of this report Postmaster-General Gary says that on the 365,000,000 pounds of second-class matter carried in the mails during the past fiscal year there was a loss from transportation alone of $26,000,000 (nearly 8 cents a pound, less the 1 cent received for the service), a net loss of about 7 cents a pound due to transportation. His Second Assistant tells us that if the Government was secured in collecting its legitimate revenues from the second-class matter carried on the Sunday morning train from New York to Washington the net profits from the business on this one train would be from $15,000 to $20,000 annually.

"This train was successfully run as a mail train October 10, 1897. The newspaper mail alone taken on at New York was 75,442 pounds, and at Philadelphia 11,368 pounds; in all, 86,810 pounds, yielding to the Department, at 1 cent a pound, a revenue of $868.10."

At this rate the gross revenue to the Government from the second-class matter carried on this one train in the course of the fifty-two Sundays in a year would be $45,141.20, and these figures represent the amount that is now diverted from the Government either to the express companies or is shared between the railroads and the express companies.

If no reduction be made in railway-mail pay, then surely Congress will hear the prayer of the Second Assistant Postmaster-General and will enact such legislation as may be needed to secure the Government in its legitimate revenues. Under such legislation rigidly enforced this short-haul second-class business for the transportation of which Mr. Baldwin says the Government pays 26 cents a hundred for the haul New York to Philadelphia and 58 cents for hauls of 200 miles—under such legislation this short-haul business would increase so enormously as to very probably bring down the average mail pay to less than 1 cent for the average haul and to make the 1-cent-a-pound rate paid by publishers and news dealers a source of large profit to the Government.

It is profitable now to the express companies within zones of 500 miles at a fraction under 1 cent a pound or they would not do the business. We have seen the enormous profits of this business on the Sunday morning mail train New York to Washington. And if this business is profitable to the express companies on the comparatively small scale to which it is confined by the restrictions of the cent-a-pound rate to publishers and news dealers, it will be indefinitely more profitable to the Government when the whole business is brought into the hands of the Government and when it is carried on upon such a scale as would follow the extension of the cent-a-pound rate to the general public and to general merchandise. With the legislation necessary to secure this end, not only would the present deficiency in the postal revenues disappear, but it is probable that even with the present mail pay there would be a considerable net revenue from the Post-Office.

It is on these lines that we must act if our people are to be enabled to easily bear the burdens imposed upon us by our war with Spain. We have entered upon this war out of sympathy for the Cuban reconcentrados. We have our American reconcentrados, and we have our American Weylers as well, and every now and then these American Weylers show their hands. And nowhere have their attacks on American liberty been more insidious than in their assaults on the service of the Post-Office. Their latest onslaught of this character is thus described by the New York Evening Post of April 8, 1898, under the head of "Insurance of mail matter:"

"The insurance department of Indiana has been asked by an express company to prohibit the insurance of valuables sent by mail. This action is in line with that which succeeded in this State (New York) three months ago, when Superintendent Payn, at the request of several express companies, refused to renew the licenses of three foreign insurance companies unless they ceased interfering with the express business. The position of the superintendent was objected to by the insurance companies at the time, but without avail, and to save their other business two of them gave the required stipulation and one withdrew from the State. The effort has not succeeded as yet in Indiana, the authorities saying that since the law is silent upon the subject they are not disposed to interfere. A bill prohibiting the business will probably come before the next legislature of the State, when a prolonged struggle between the opposing interests is expected. The controversy brings up some interesting questions and will be watched with interest by insurance men everywhere."

I would respectfully suggest that this is a business for the consideration of others than expressmen or of insurance men. It is a matter to be dealt with by the common people, who elect legislatures. This government by private corporations for the benefit of private corporations at the expense of the common people of this country must cease. The American people will not much longer allow their movements and the movements of their produce to be controlled by private railroad managers and their express agents.

The reports of the Interstate Commerce Commission and of Poor's Manual, combined with the oft-repeated statements of such men as Edward Atkinson, have caused the public to believe that within recent years our royal railway government has largely loosened the chains of its American slaves, or, in other words, that there has been a very great reduction in railway tariffs, and this supposed reduction of general railway rates has in some cases been made the basis of a demand for the reduction of railway-mail pay.

The ordinary man, however, is, as a rule, tied quite as closely to his home to-day as he has been for many years. That this is true as to his own movements is clearly proved on page 40 of the book, A General Freight and Passenger Post. Many cases are also noted where freight rates have even been largely increased, and this in spite of a great decrease in the cost of the service rendered. Only the other day Congressman LITTLE, in the course of a speech on the transportation of Indian supplies, stated that the tax levied by the railroads on the Government for the transport of these supplies from New York to points in Arizona is one-third higher this year than it was last year. (See CONGRESSIONAL RECORD, Fifty-fifth Congress, page 997.) And now, on pages 70 to 72 of this interesting Senate document on Railway Mail Pay, we find the testimony of the officials of the Louisville and Nashville road to the effect that there has been no decrease in the railway-transport tax on freight for many years except in the case of long-haul and low-grade traffic, or, in other words, except in traffic which is chiefly in the hands of great speculators like the Leiters and the Armours.

And this testimony is in perfect harmony with the accusation made against some of the Western railroad managers by President Stickney before the Interstate Commerce Commission in 1896:

"You charge the Kansas and Nebraska farmer 13 cents to haul his grain 200 miles. You charge the grain dealer 6 cents to haul that grain twice as far—to Chicago."

And these Louisville and Nashville officials back up their evidence with the following printed tariff tables:

New York to Chicago.

Year.	Class 1.	Class 2.	Class 3.
1882	75	60	45
1892	75	65	50

Transcontinental rates on high-grade goods.

[Rates per 100 pounds to San Francisco and other Pacific Coast terminals.]

From—	Dry goods.		Cotton piece goods.		Furniture.	
	1882.	1892.	1882.	1892.	1882.	1892.
New York	$4.00	$4.20	$1.60	$2.35	$1.40	$1.45
Pittsburg	3.60	4.00	1.62	2.20	1.00	1.38
Chicago	3.25	3.90	1.45	2.10	1.40	1.25

Local tariffs.

ERIE ROAD—ELMIRA TO PORT JERVIS.

[In cents per 100 pounds.]

Year.	Class 1.	Class 2.	Class 3.	Class 4.
1886	33	28	20	17
1893	33	28	23	17

PENNSYLVANIA RAILROAD—NEW YORK TO ALTOONA.

1886	43	35	26	20
1896	45	39	30	21

LAKE SHORE AND MICHIGAN SOUTHERN—TOLEDO, OHIO, TO CHICAGO.

1886	40	30	20	15
1892	33	30	23	15

OHIO AND MISSISSIPPI (NOW BALTIMORE AND OHIO SOUTHWESTERN)—CINCINNATI, OHIO, TO OLNEY, ILL.

1886	33	30	23	15
1893	33	30	23	15

We have also the statement of Mr. Slater, the representative of the great trunk lines, that as to passenger rates there has been no decrease since 1873. (See page 32, Railway Mail Pay.) And as to cost per passenger mile on the Pennsylvania Railroad, he figures it up as follows:

	Cents.
1876	1.055
1880	1.406
1886	1.543
1897	1.543

Which, being interpreted, means that the men who live along the Pennsylvania's lines are practically tied, each man to the disadvantages of his native heath, while the railroad trains are run with less than one-tenth of their capacity occupied. The transport taxes on this road, full 50 cents for a round trip to a job 10 miles from his home, 50 per cent and more of the earnings of a Pennsylvania anthracite coal miner—these taxes on the movements of the people of Pennsylvania are so high that the ordinary man can not travel. In hard times the only thing left for him to do is to starve or to join a strike and be shot. It was this policy of not allowing the people for whom the railroad was built to use the road that led to the fearful riots in Pittsburg in 1877. It was the continuance of this railroad policy that led to the riots and to what some people are wont to call the murders in the anthracite-coal regions of Pennsylvania in 1897.

On one of the railroad lines about 10 miles out of the city of Philadelphia is a plot of 12 acres of most fertile land that has been offered to the free cultivation of a certain charity organization of the city. The cultivation of vacant city lots on the Pingree plan in Philadelphia resulted last year in enabling a family to get from a quarter-acre lot enough vegetables to last them all winter, in addition to a considerable sum of money. The cultivation of this 12-acre lot would furnish a similar opportunity to forty-eight city families. This land, however, is destined to lie idle while these families go idle in summer and starve in winter because, forsooth, the railroad company so orders it, and meanwhile its trains run with hardly as many passengers as a good mule could haul on a railway.

I repeat, we have gone to war with Spain out of sympathy for the Cuban reconcentrados. What is going to happen here if this system of manufacturing American reconcentrados is allowed to continue?

The transport taxes on mail matter are to be reduced not because there has been any general reduction either in passenger or freight rates. There has been no such reduction, we find, in the last twenty-five years. The rates are too high all along the line except perhaps to the Leiters.

The cost of public transportation is in the first cost of the machine and in its maintenance and operation. The distance that a piece of postal matter, a person, or a ton of freight is carried on the machine makes no practical difference whatever in the cost of its service. Neither does it make any

practical difference in the cost of hauling a car whether it be full or empty. There can be no other possible difference in such cost than the use of a little more or a little less coal.

The conclusion of the whole matter is that the present system of determining railway-mail pay is fallacious, misleading, and unjust—unjust both to the railways and to the public.

Evidently the proper solution of the railroad problem is to bring the whole railroad system under the strong arm of the State. The Government should at least own and control the mail, baggage, and express equipment of the country, and paying the railroads for the haulage of the cars a certain stipulated rate per car mile—full or empty—should bring the entire handling of mail and express matter and of baggage under the Post-Office.

Taking the express, mail, and baggage car equipment of the country at 8,000 cars, the cost of this equipment at the average value of similar cars on the New York Central Railroad, $2,500 per car, would be $20,000,000, on which the annual interest at 3 per cent would be	$600,000
Allowing $720 a year for the care and repair of the average mail car (the amount estimated by Mr. Vilas for postal cars in his report of 1887), we have	5,760,000
The Fitchburg Railroad of Massachusetts furnishes its milk contractors with cars, heated in winter, for $5,730 per car per year. The Boston and Maine Railroad taxes its milk contractors but $3,000 per year per car. The gross earnings of an Erie freight car in 1894 were less than $681. Allowing to the railroads for the mere haulage and heating of the baggage, mail, and express equipment $3,000 per car, we have for 8,000 cars	24,000,000
A total of	30,360,000
The tax for railway-mail pay for the fiscal year 1896 was	32,379,619
Railway tax on express service	24,880,383
Total	57,260,202

The saving to the Government from ownership of baggage, mail, and express equipment would be $27,900,202 per year, while allowing to the Government the carriage of baggage absolutely free. Where railway lines pass through a thinly settled country, the ordinary mail agent would be able in many cases to attend to the whole business of handling mail bags, trunks, and express matter.

The Government ownership of our baggage, express, and postal cars would secure to the United States the cheapest letter, parcels, and baggage post in the world.

Germany owns her railways. The Imperial Parcels Post of Germany carries parcels not over 11 pounds in weight distances up to 10 miles for 6½ cents, and for greater distances within the limits of the Empire for 12½ cents. Germany's postal surplus for 1895 was $7,184,822.10. In the period 1887 to 1892 the Government railroads of Prussia not only paid the interest on their cost, they also paid $210,000,000 on the national debt.

If our Government will take possession of our "post roads" as a war measure, the revenues from the low rates named in the general freight and passenger post bill introduced in the House of Representatives at the opening of the present session of Congress will not only meet the interest on the value of the roads, they will also, in a very few years, wipe out the entire debt occasioned by the war with Spain.

When Count Cavour sought to give to Piedmont the headship of a united Italy, when he set himself to work to revive the industries of his country, the first thing he did was to improve the national highways, to lessen transit taxes, to widen opportunities for the people to earn the means for bearing the burdens imposed upon them by war. May we not study with advantage the example of this great Italian?

JAMES L. COWLES.

Mr. QUAY. I move to lay the amendment on the table.

Mr. COCKRELL. I hope the Senator from Pennsylvania will withdraw that motion for just a moment.

Mr. QUAY. Certainly; I withdraw the motion.

Mr. COCKRELL. Before the vote is taken, I simply wish to say that the subcommittee of the Committee on Appropriations spent a great deal of time in investigating this matter, and upon the facts presented by that committee, which practically stand uncontroverted by the investigation, I shall be compelled to vote to lay this amendment on the table. The additional fact ought to be remembered that we have authorized in this bill an investigation to determine whether the conclusions reached by our committee are correct or not, and until that investigation is had and a report made I do not believe it would be wise or just or prudent to cut down the rate 20 per cent.

Mr. QUAY. Now I renew the motion.

The VICE-PRESIDENT. The Senator from Pennsylvania moves to lay the amendment on the table.

Mr. BUTLER. I hope the Senator will withhold the motion just a moment. ["Vote!" "Vote!"] There is no use in any such tactics. I have three or four amendments here to offer. I do not propose to be treated in this style on the floor. The Senator from Missouri is a man for whom we all have respect and——

The VICE-PRESIDENT. Is the motion to lay on the table withdrawn?

Mr. QUAY. I will withdraw it for the purpose of hearing the statement of the Senator from North Carolina.

The VICE-PRESIDENT. The Senator from North Carolina will proceed.

Mr. BUTLER. The Senator from Missouri says it is fair to wait to have an investigation. I hope the honorable Senator from Missouri will take the trouble to see the investigations we have had on this question, when no action has followed. I hope he will read the evidence. I did not have time to go through it to-day, but I am going to put it in the RECORD and print extracts from the different reports. I hold in my hand three of them, full of evidence, commissions appointed, costing $10,000 and $20,000 and $40,000, with big salaries paid and evidence taken, the committees going all over the country, and here are supplementary books of evidence. There are as many as I could bring in my arms. This has been done since we made any reduction. Notwithstanding the investigations no reduction has been made. All the reports show that the pay is too high.

Now we are told that we are going again to put in a provision for an investigation. The last one we had was in 1883. Mr. President, if we could only take the trouble to go and look at what we have already investigated and what we have here in evidence, we would not need any further investigation. You can not get any stronger proof than you have in these three documents which I hold in my hand. For twenty years have we had these reports, and the Senator says it is fair to put off the matter again, in order to investigate. Mr. President, it is absurd.

Mr. QUAY. I renew my motion.

The VICE-PRESIDENT. The Senator from Pennsylvania moves to lay the amendment on the table.

Mr. HAWLEY. I wish to make an inquiry. Do I understand the Senator from North Carolina to say that he will print all those reports in the RECORD?

Mr. BUTLER. In my speech to-day I gave notice that I would print extracts from these reports.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania to lay on the table the amendment of the Senator from South Dakota [Mr. PETTIGREW].

Mr. ALLEN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. GRAY]. I feel pretty well satisfied that he would vote "yea" if he were present, and I will therefore vote. I vote "yea."

Mr. DANIEL (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH]. If he were present, I should vote "yea."

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS], who seems to be absent from the Chamber. I will transfer my pair to the Senator from Rhode Island [Mr. ALDRICH], and vote. I vote "yea."

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. SMITH]. I will transfer that pair to the Senator from Maryland [Mr. WELLINGTON], and vote "yea."

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Montana [Mr. MANTLE]. In his absence I withhold my vote. If he were present, I should vote "yea."

Mr. PASCO (when his name was called). I have agreed to pair with the Senator from Idaho [Mr. HEITFELD] on this question. If he were present, I should vote "yea" and he would vote "nay."

Mr. QUAY (when the name of Mr. PLATT of New York was called). On this question the Senator from New York [Mr. PLATT] is paired with the Senator from Colorado [Mr. TELLER]. I make the announcement on behalf of both Senators.

Mr. PASCO (when Mr. TELLER'S name was called). The Senator from Pennsylvania [Mr. QUAY] has already stated the pair of the Senator from Colorado [Mr. TELLER]. The Senator from Colorado requested me to state that if he were present, he would favor this amendment. Therefore he would vote "nay" upon this proposition.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON], and therefore I withhold my vote. If he were present, I should vote "nay."

Mr. ALLEN. I suggest to the Senator from South Carolina to transfer his pair to the Senator from Utah [Mr. CANNON].

Mr. TILLMAN. Does the Senator know how he would vote?

Mr. ALLEN. The Senator from South Dakota can state.

Mr. PETTIGREW. The Senator from Utah [Mr. CANNON] would vote "nay."

Mr. TILLMAN. I would vote "nay," too. I am informed that the Senator from Utah [Mr. CANNON] is paired with the Senator from Oregon [Mr. MCBRIDE]. Therefore I will not vote.

Mr. TURNER (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. If he were here, I should vote "nay."

Mr. TURPIE (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL]. He is absent from the Chamber, and I withhold my vote.

The roll call was concluded.

Mr. SHOUP. I have a general pair with the senior Senator from California [Mr. WHITE]. I do not know how he would vote on this question, and hence I will withhold my vote.

Mr. BUTLER. I suggest to the Senator from Idaho [Mr. SHOUP] that we transfer our pairs. I am paired with the Senator from Maryland [Mr. WELLINGTON]. Then we can both vote.

Mr. SHOUP. Very well. I vote "yea."

Mr. BUTLER. I vote "nay."

Mr. FAULKNER. I desire to announce a pair between the

Senator from West Virginia [Mr. ELKINS] and the Senator from Arkansas [Mr. JONES].

Mr. BUTLER (after having voted in the negative). The Senator from Iowa [Mr. GEAR] has transferred his pair to the Senator from Maryland [Mr. WELLINGTON], with whom I was paired. So that would leave me at liberty to vote. The Senator from Iowa made the announcement when he voted.

The result was announced—yeas 40, nays 8; as follows:

YEAS—40.

Allison,	Frye,	Lodge,	Platt, Conn.
Bacon,	Gallinger,	McEnery,	Pritchard,
Carter,	Gear,	McLaurin,	Quay,
Clay,	Gorman,	McMillan,	Roach,
Cockrell,	Hale,	Mitchell,	Sewell,
Cullom,	Hanna,	Money,	Shoup,
Deboe,	Hawley,	Morgan,	Spooner,
Fairbanks,	Hoar,	Murphy,	Stewart,
Faulkner,	Kyle,	Perkins,	Wetmore,
Foraker,	Lindsay,	Pettus,	Wilson.

NAYS—8.

Allen,	Berry,	Harris,	Rawlins,
Bate,	Butler,	Pettigrew,	Turley.

NOT VOTING—40.

Aldrich,	Elkins,	Martin,	Teller,
Baker,	Gray,	Mason,	Thurston,
Burrows,	Hansbrough,	Mills,	Tillman,
Caffery,	Heitfeld,	Morrill,	Turner,
Cannon,	Jones, Ark.	Nelson,	Turpie,
Chandler,	Jones, Nev.	Pasco,	Vest,
Chilton,	Kenney,	Penrose,	Warren,
Clark,	McBride,	Platt, N. Y.	Wellington,
Daniel,	Mallory,	Procter,	White,
Davis,	Mantle,	Smith,	Wolcott.

So Mr. PETTIGREW's amendment was laid on the table.

Mr. BUTLER. I offer an amendment which was also sent to the Committee on Appropriations, but they did not report it back.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8, line 13, strike out the word "four" and insert in lieu thereof the word "one" and the following:

and that the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1898, per mile per annum, for the service of railway post-office cars, so as to make the above amount appropriated a full compensation for said service. That it being the policy of the United States to carry the mails in the Railway Mail Service in cars belonging to the Government and pay to the railroad companies mileage rates for hauling the same, the Postmaster-General be, and he is hereby, authorized to advertise for six months for sealed proposals to furnish to the Government first-class mail cars of the best and most substantial structure, sufficient in number to perform the railway mail service of the United States. At the end of such advertisement, the Postmaster-General shall open such bids and award to the lowest responsible bidder or bidders a contract for such cars, to be delivered to the Government within six months thereafter. And upon the purchase and delivery of such cars the United States mails shall be carried in such cars, and shall be hauled over the railway lines of the United States under contract with the Postmaster-General: *Provided*, That the compensation paid to railway companies for the mileage of said cars shall not be greater than the rates paid by individuals and corporations for similar service.

That for the purchase of said postal cars the sum of $3,000,000, or so much thereof as may be necessary, is hereby appropriated.

"SEC. 2. That every railroad contracting with the Government to haul its mail cars shall examine and approve the Government's cars as safe and in good condition, and the said company shall be required in the same contract to keep such cars in repair and treat them in all respects as the first-class cars of the said railroad companies shall be treated on its lines, and to be allowed a reasonable compensation therefor, to be fixed in the contract; and any damage which said cars, the persons connected therewith, or the mail matter contained therein may sustain shall be at the risk of the railroad company, for which the Government shall not be responsible. Neither shall the Government be liable for any damage to other cars in the train or to passengers or freight thereon by reason of any defect in the mail car of the United States in such train; and all of these conditions shall be made a part of the contract. And the Postmaster-General shall investigate and report any other matters of reform upon which legislation is needed to decrease the expenses of the Department, without in any way limiting the mail facilities which are now furnished by the Government."

Mr. BUTLER. Mr. President——

Mr. QUAY. I make the point of order that that is general legislation and not in order on an appropriation bill.

The VICE-PRESIDENT. The Senator from North Carolina has the floor.

Mr. QUAY. Will the Chair rule upon the point of order?

The VICE-PRESIDENT. The Chair was in doubt as to whether the point of order could be taken on the first part of the amendment, which is to strike out, on page 8, line 13, the word "four" and insert "one."

Mr. QUAY. Any Senator can ask for a division of the question. The latter part of the amendment is undoubtedly out of order.

Mr. FAULKNER. That would make the whole amendment subject to the point of order.

Mr. BUTLER. I am sure that Senators understand thoroughly that I can draft an amendment that they can not raise any technical objection to, and I can talk on it. My amendment covers the whole question. If the Senator sees fit to make the point of order, it is questionable whether it is subject to a point of order, because I simply direct how an appropriation of $4,000,000 shall be used. The amendment covers just $4,000,000, exactly what the committee report covers. It is a limitation on the House provision, and certainly it is germane. But if the Senator wants to make the point of order, I can change the amendment so that the point of order will not lie. However, I wanted to speak on the amendment in the shape it is in now, and I trust that the Senator will permit me to do it. If not, I will submit remarks on it in a different shape.

Mr. QUAY. Of course, if the Senator desires to be heard on it, he is at liberty to proceed. But he understands that the hour is very late and we have the agreement to carry out.

Mr. BUTLER. Mr. President, I understand more than that. Unfortunately, I understand that talking does no good now. I understand that it does not make any difference what I show, this amendment will be voted down. I understand that it does not make any difference where I get the information or how authentic it is, the amendment will be voted down. I understand all that, but I understand further that some such amendment must be adopted and will be adopted.

Mr. President, I have some facts here that ought to go into the RECORD before this Congress votes $4,000,000. The country ought to know what facts are before it. Let each Senator vote with his eyes open, and if he prefers to shut his eyes, let the country see the facts and know them. I understand thoroughly that a week ago it was decreed that this amendment should be voted down. I understand thoroughly that the railroad lobby around this Chamber has been exultant here for days, seeing that they were certain that they had a big majority. I understand that railway attorneys and officials have been hanging around this Chamber as thick as blackbirds.

Mr. QUAY rose.

Mr. BUTLER. I understand thoroughly that you could not go out of the Chamber without seeing their smiling faces turned to a man like the Senator from South Dakota and myself, as if to say, "We know how the Senate is going to vote, and you do not." I understand thoroughly that the President's chamber has been used out there for a closet room for railroad attorneys and railroad presidents. I understand all those things. I am not in the world with my eyes closed.

Mr. ALLEN. Mr. President, I rise to a parliamentary inquiry, or something in the nature of a parliamentary inquiry, and that is, how the Senator from Pennsylvania, when the Senator from North Carolina has the floor, is entitled to recognition until the Senator from North Carolina yields to him? While the Senator from North Carolina was on the floor and had the recognition of the Chair, without his consent, or without asking his consent, the Senator from Pennsylvania seemed just ready to leap up under him and make a point of order. I submit that it is unparliamentary and that it ought not to be done. Whatever the situation may be, there is no excuse for anything of that kind.

The VICE-PRESIDENT. The Senator from North Carolina is proceeding with his speech.

Mr. QUAY. I had the floor, according to my understanding, when I made the point of order.

Mr. BUTLER. I had addressed the Chair and the Chair had recognized me. My amendment was read and I still held the floor. The Senator from Pennsylvania had gotten in between us, but I had not yielded the floor. I was not objecting to the Senator from Pennsylvania standing between me and the Chair without having obtained my permission.

Mr. ALLEN. Senators may disagree with the Senator from North Carolina, but that is no reason why this courtesy should be taken away from him.

Mr. QUAY. I have no desire to cut the Senator from North Carolina off, whether his amendment is in order or not. I know nothing about the railroad lobby of which he talks, and I care nothing about it.

Mr. BERRY. With the permission of the Senator from North Carolina, I suggest whether we can not agree to take the vote at some specified hour to-morrow, and not sit here so late to-night. Why can we not agree on a particular hour to-morrow when the vote may be taken, so as to give the Senator from North Carolina an opportunity to conclude?

Mr. HALE. The Senator from Arkansas will remember that upon Friday, at the request of the Senator from North Carolina that the matter should go over until to-day, the Senate unanimously agreed that the vote should be taken to-day before adjournment. The Senator in charge of the bill stated that it was done in deference to the Senator from North Carolina, who desired that the bill should go over until to-day, and the Senate then unanimously agreed that the vote should be taken to-night.

Mr. BERRY. I have no desire, of course, to violate any unanimous-consent agreement, unless we could get a unanimous-consent agreement to vote at a particular hour to-morrow. It is not convenient to stay here very late to-night.

Mr. BUTLER. I will say to the Senator from Arkansas that I shall not ask for unanimous consent to change the time, because I agreed to the time being fixed when the question came over

from Friday last. I am not going to detain the Senate long. I have a statement here to put in the RECORD, made by Senator Vilas, who was Postmaster-General, which bears out my amendment. I have a quotation here from the Postmaster-General's report, which shows that my amendment is right and says that the appropriation is larger than it ought to be; that it should be $1,000,000 instead of $4,000,000. I also have the recommendation of the head of the Post-Office Department that we ought to own our own postal cars. That may be news to some Senators here. I have no doubt some Senators think it is a wild Populistic scheme. No doubt it is such a patriotic scheme as they can not conceive of as coming from any party but the Populist party; but a Republican Postmaster-General and a Democratic Postmaster-General recommended it.

Mr. ALLEN. Will the Senator yield to me to make a request?

Mr. BUTLER. Certainly.

Mr. ALLEN. My request is that we have a unanimous-consent agreement that we vote on the pending bill and all amendments to it at 4 o'clock to-morrow, without debate after that hour. I think it is quite evident——

Mr. FRYE. Let us finish the bill to-night.

Mr. STEWART. Yes; let us finish it.

Mr. ALLEN. It is quite evident Senators will not get through as quickly as some of them wish to do. There is no disposition, so far as I know, to incommode anybody.

Mr. BUTLER. I will say to the Senator from Nebraska that I am not going, either directly or indirectly, to be a party to a violation of the unanimous-consent agreement. I do not want it to be understood because I insist on talking that I am violating the agreement; but I am going to take a little time. In fact, if Senators do not want to hear the matter I wish to read, after my statement of what it is, I will simply put it in the RECORD, and let them vote blindfolded.

Several SENATORS. All right.

Mr. ALLEN. I renew my request. I think it is the wisest thing to do. There are other amendments to be proposed to the pending bill, and there is no use and no kind of propriety in becoming uneasy here because some gentlemen want to go to dinner. I suppose we will all have to eat at some time during the night. I suggest that there be unanimous consent that the bill go over until 2 o'clock to-morrow, or 1 o'clock.

Mr. HALE. The trouble about that is when we start in and break a unanimous-consent agreement——

Mr. ALLEN. The Senator is wrong. I insist that we do not break the agreement.

Mr. HALE. Senators have stayed here, and I have stayed myself, because of the unanimous-consent agreement, wanting to go away and being called upon to do so.

Mr. ALLEN. We do not break any unanimous-consent agreement; we simply supersede one unanimous-consent agreement by another, which fixes a definite thing.

Mr. HALE. It has been the invariable rule of the Senate to adhere to such agreements, and never will they be made unless we do adhere to them.

Mr. ALLEN. I know of several instances in my experience where that is not true, but where repeatedly one unanimous-consent agreement was succeeded by another. All I ask is that by unanimous consent we agree to vote at 1, 2, or 3 o'clock to-morrow.

Mr. HALE. I shall feel constrained to object to any variation of the unanimous-consent agreement.

Mr. ALLEN. If the Senator wants to object, all right. Let him go ahead.

The VICE-PRESIDENT. The Senator from North Carolina [Mr. BUTLER] is entitled to the floor.

Mr. BUTLER. Senator Vilas, in the Senate, on February 27, 1897, last year, when the Post-Office appropriation bill was pending and a similar paragraph appropriating nearly $4,000,000 for postal cars was under consideration, said:

> I wish to say that in the inquiry I had to make then I had the aid of as accomplished, skillful business and expert railroad man as I believe there is to be found, and as the result I reported at that time.

This is an extract from his report, and it is as follows:

> Careful inquiry discloses that very many of these cars, such as they are, would not cost to build $3,000 each; that the best 50-foot cars can be built for $4,000 to $4,500 each; a new 60-foot car, equal to the most complete and handsome now in the service, for not over $4,800, and that taking together all the post-office cars in the United States, their average value does not, probably, exceed $3,500.

I have read that much, for that is the meat; the rest is argument. I ask that all I have marked on page 2435 may be inserted in the RECORD.

The extract referred to is as follows:

> Then, sir, I was satisfied—and every car in the United States was enumerated; the full number, including all held in reserve, less all in use—that at that time all of the cars in the United States could be bought for $1,600,000; add for cleaning, etc., at $720 a year apiece for the 342 in use, the cost of operation would be $246,240, making a total of $1,846,240. Yet it was necessary under the statute as it stood to estimate a sum of $2,000,000 to pay for the use of them for a single year, the exact amount being $1,881,880, but making allowance for the increase it would be $2,000,000, and in this bill, if I am not mistaken, the amount is $3,000,000. Now, observe that all that is in addition to transportation paid.
>
> I take the last report of the Postmaster-General, and I turn to the table giving the statistics of the railway lines between New York and Buffalo on the New York Central and Hudson River Railroad, length of route 439.58 miles; pay per mile for transportation—that is, outside of the rent of cars—$2,588.09, making total annual rate of pay for transportation $1,137,517.81. That is simply for hauling the postal cars. On that route there are ten lines, as they are called—that is, ten cars of 60 feet each—for which, at $50 apiece, $500 per mile was paid, making a payment for the one year for those ten cars, that could not be worth over $90,000 at the highest price known, $219,760, in addition to the full rate of transportation for drawing them, a rate of transportation which includes furnishing the cars according to statute. Now, that illustrates it.
>
> I turn to another. Let me turn to this route, No. 110001, Philadelphia and Pittsburg, on the Pennsylvania Railroad, 360 miles in length; pay per mile for transportation, $2,081.07; annual rate of pay for transportation, $736,282; nine cars, 60 feet, $450 per mile annual rate of pay; total for the rent of the nine cars, $159,210.
>
> In either case they would cost, at the highest rate known, $54,000. In either one of those cases we have paid three times the value of the cars, if we assume them to cost the highest price.
>
> Now, these are simple illustrations; they are among the heavier and more striking illustrations, taken from that report as it has come in to us from the last submission of the Postmaster-General.

Mr. BUTLER. I want to say, while the estimate of $3,500 was a fair average price for all postal cars, Senator Vilas quotes Senator Brice, who sat right under him, and stated that since the time that estimate was made the cost of building a railroad car had decreased; and we all know that we can build a railroad car cheaper now than ten years ago. The report of the Post-Office Department shows that there are 654 postal cars in use and 173 in reserve. I add the 654 in use and the 173 in reserve together, and get a total of 827. I multiply that number by $4,000 for each car. The Postmaster-General estimates $3,500, and Mr. Brice testifies they could be built for less in 1897 than they could in 1887, and yet, to be on the safe side, I put the average at $4,000, and what are the cars worth?

Mr. President, every car in use and every car in reserve to-day is worth, valued at $4,000, only $3,308,000, yet this bill appropriates $4,000,000 for rent. Mr. Vilas goes on to show how absurd that is and argues the whole matter out.

Why did I offer this amendment? My amendment was based, following the computation. I took 10 per cent of the value of the car, which seemed to be like a fair rent, and that amounted to $3,308,000. What did I add to it? I added the highest estimate that has ever been made by the railroads of what it cost to keep a car in repair, what it cost to keep them lighted, heated, furnished with towels, stoves, gas, oil, coal, coal scuttles, soap, etc., and the highest estimate that any railroad official ever gave of the cost for a year was $730; the Department stated it at $720. Then I took $750 a car. That made $485 a year for repairs, for keeping the cars lighted, heated, cleaned, and everything else. Add that together and it makes eight hundred and forty-odd thousand dollars. But I made another estimate.

I estimated that the number of cars would increase 10 per cent during the coming year, while last year the increase was 7 per cent. So I estimated 10 per cent for increase of cars during the year, and I added $48,000 for that, making $865,000, including everything, including 10 per cent rent, $750 a year for each car for repair, lighting, and heating, and $48,000 for the possible 10 per cent increase of cars. That makes only $865,050, but I put my amendment at $1,000,000. I did that in round numbers, because it did look to me as if reducing $4,000,000 any less than $1,000,000 would be a reflection upon the committee.

It looked as if it would be a reflection upon the intelligence of the Senate during all the years it has been voting two and three million dollars for this purpose. In fact, I thought perhaps I had better put the amount at $2,000,000 for decency's sake, so as to get it down by degrees; but no man with a good conscience, who has any regard for the Treasury, who will study the figures—take the reports of the Postmaster-General and take the estimates of the railroads themselves—can figure it out and say that any more than $1,000,000 would be fair unless it is desired to make the railroads a free gift.

I will ask to have inserted in the RECORD from page 2436 of the RECORD of February 27, 1897, the part I have marked in the speech of Senator Vilas.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

The extract referred to is as follows:

> Mr. VILAS. The railroad companies are generous and liberal, but they generally get a quid pro quo in some form or other. One way in which special facilities are obtained from the roads is by giving them all the mail that would go in a certain direction, for example, except in one or two instances where they have wasted money, like one in this bill now, what is called the special-facilities appropriation. Fast routes have been secured by the agreement of the Department to mass on a line of road all the mail which would naturally go that way, instead of sending it by other roads, or which could as well be sent that way as by other roads. In that way fast-mail service was secured as to Kansas City, gaining a day to points in the Southwest, by arrangement with the Pennsylvania Railroad, all the compensation they got being the regular compensation, but more money because they carried more mail, and for that they were very willing to give extra facilities, although the more mail they carried the less the rate per weight.

I am only pointing out these illustrations to show by facts and figures why it is that I think there is an unnecessary expenditure for railroad mail service.

I will show it in another way in just a word. In 1887, nine years before the present bill was reached, the estimates of the Department for inland transportation by railroad routes and the appropriation were the same—$17,000,000. Now it is $29,000,000 in the pending bill.

Mr. WHITE. How long ago?

Mr. VILAS. Nine years ago. The growth has been from $17,000,000 to $29,000,000—$12,000,000 in nine years. The growth in the mileage has been insignificant. There has been in that time little or no increase in facilities. There has been a considerable increase in the mails, but nothing, in my opinion, to compare with that increase. You can see at once by some other general figures, which I can give in an instant——

Mr. ALLISON. Will I disturb the Senator if I call his attention to the fact that in the ten years there has been an increase of 50,000 miles of railroad, or nearly one-third in ten years?

Mr. VILAS. It may be that the increase has been as great as that in ten years. That would have naturally added, if it was a full third, between five and six million dollars.

Mr. WHITE. I will say to the Senator, if the Senator from Wisconsin will permit me, that the increase of mileage does not mean an increase in the mail carried, because the mileage may have been in portions of the country where the amount of mail was not so great as in the great centers.

Mr. ALLISON. That is undoubtedly true. The increase of railway mileage was in the sparsely settled regions.

Mr. WHITE. Precisely.

Mr. ALLISON. Of course, but the railroads all carry mails.

Mr. WHITE. Certainly.

Mr. ALLISON. As in the case of the Great Northern, recently completed.

Mr. WHITE. The amount is insignificant, however, as compared with the great centers.

Mr. ALLISON. Undoubtedly.

Mr. VILAS. I think there is no question about it that the cost has been extended in accordance with existing law, but what I am doing is to arraign the operation and effect of existing law, and I suggest as an evidence the fact that that law has increased the mail-service expenditure for this item from $17,000,000 to $29,000,000 in nine years. We can not but know that there has been no such increase in the service as to require such an enormous increase of expenditure in nine years, and if you add sixteen hundred thousand dollars for the railway postal cars, it makes $30,600,000. The service has grown, but it has not grown at that rate.

Now, I do not wish to take more time. I was trying simply to show by some striking illustrations of this kind that there is foundation for the belief that if we had strong hands with sufficient power applied to the subject we could work a great saving to the Government. That is my proposition.

Mr. BUTLER. Here is the Postmaster-General's report, and two pages of it are devoted to postal cars. He says that they cost less than $4,000 a car on the average. He says that we are paying twice as much as we ought to pay for a fair compensation if we pay 50 per cent rent. Then he says the only remedy he can see and the one that would work the greatest reform would be for the Government to buy and own its own postal cars and pay a trackage charge. That statement is enough. Nobody will question the argument. I ask that the parts I have marked on pages 56 and 57 of the report of the Postmaster-General for 1887 may be inserted in the RECORD.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

The extracts referred to are as follows:

Among the possibly desirable amendments of present methods, there appears to be one step of great advantage to the Government, one preparatory to any more radical change, which may be immediately taken without the least injustice to the roads. I append a table (Appendix D) showing all the lines of railway on which separate postal cars were, on the 30th of June last, run for the additional pay, their respective lengths, number of trips, annual mileage, number of cars in use and in reserve for contingencies, the size of such cars, average weight of mail, annual transportation pay, annual post-office-car pay, and total compensation; and the whole recapitulated in a summary exhibit. Careful inquiry discloses that very many of these cars, such as they are, would not cost to build $3,000 each, that the best 50-foot cars can be built for $4,000 to $4,500 each, a new 60-foot car equal to the most complete and handsome now in the service for not over $4,000; and that taking together all the post-office cars in the United States their average value does not probably exceed $3,500; certainly not much more.

Pursuing the inquiry into the cost of cleaning, heating, lighting, supplies of oil, ice, dusters, scrub-brushes, soap, lamp-fixtures, pails, and other minor articles of daily use, embracing all necessary labor, and including ordinary repairs, it appears that $30 per month for each car in use is an ample provision. The appended table shows that all the post-office cars in the service of the Department number 432; of which but 342 are in ordinary use, and 90 are in reserve on different lines for contingencies. It is within bounds to affirm that all these might be to-day purchased or their duplicates manufactured for $1,000,000; add for cleaning, etc., as above, at $720 per year each for 342 in use, $246,240, the total is reached of but $1,846,240. Yet simply for the use of these cars for the last year, including cleaning, etc., the Department was under the annual rate of charge by the existing system of $1,881,580, and the estimate deemed necessary to submit in prudent provision for the coming fiscal year, on the same basis, is $2,000,000.

Reference to special instances in the annexed table of the longer lines discovers greater disparity than the average. In illustration, $59,057.75 is annually paid on one line for the use of four cars that might be built and fully equipped in the best modern style for less than $17,500. And this in addition to the full-weight pay for transportation, amounting in the case mentioned to $504,573.60.

Instead, then, of appropriating $2,000,000 to rent the use of these cars for the coming year, why should not the appropriation be of a smaller sum to buy them, and of another, say $250,000, for their keeping, the two together not aggregating the proposed rent? The Department will thereafter gain at least $1,500,000 per year while sustaining the cost of casualties.

This involves no injustice to the railroads. If the change terminated at this point, and each such road should then store, inspect, and transport these cars, as heretofore, for only the weight pay, it would enjoy the advantage of the same rate of compensation given all roads which carry in apartment cars, without the burden of furnishing the use of the cars, or of keeping them.

It can not be objected that the Department is unable properly to assume the charge of these cars. The Department can easily discharge these functions. It might receive the custody of all the cars in the service, and thenceforward care for them, on a month's notice. With moderate addition to its force, the railway mail office can provide for the manufacture of all necessary. Whatever may be done by any private hands may as well be done by the Department.

Ownership by the Government of its postal cars can not but much relieve the difficulties of the compensation problem. So far as they are concerned, their transportation may be compensated, doubtless, by the payment of a just price per mile for the distance each car is run upon a scale not difficult to arrive at fairly, to be accompanied with simple provisions for the protection of the mutual rights of the Government and the transporting companies. The advantages and convenience of such a system will find many strengthening arguments which are not now enlarged upon. Provisionally the continuance of the present rate of payment would be more than just, as has been demonstrated.

The elimination of the lines on which post-office cars are run will much simplify the compensation problem. Payment for transportation in cars of which but a portion is used for mail service can probably be adjusted more easily upon the basis of space employed, the favorite remedy of those who have examined this subject. Such cars will necessarily be drawn in the usual passenger trains, and the vexatious complications touching speed and frequency slip out to a great degree.

Mr. BUTLER. I have no doubt that many Senators do not want to know what the Postmaster-General said; but I know there is not one out of ten who has read his report.

Mr. President, I have a great many facts here. I have got three or four tables showing what it costs to build cars. I have gone to the trouble to secure various statements, and I have a great deal of data here; but the Senate does not want to hear them. If I were to prove that we are paying one hundred times what these postal cars are worth, the Senate would not believe it. It is the most astonishing state of affairs I have ever seen. It does not make a particle of difference what you show. There is not a Senator here who will question the statement I have made; there is no one who can do it. I dare and challenge the world to contradict it. It is official. It shows that a million dollars paid for rent is a profit of nearly 50 per cent; that the million dollars carried in that amendment is a profit of nearly 50 per cent to the railroads. The figures prove it. If the Senate is to make the railroad companies a present of $3,000,000, then let them vote for the provision reported by the committee; but if they want to pay a fair price, in fact, 50 per cent profit, they will adopt my amendment.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from North Carolina [Mr. BUTLER].

Mr. QUAY. Now I make the point of order, Mr. President.

Mr. BUTLER. The Senator need not do that, because I shall offer another amendment. We may as well vote on that proposition.

Mr. QUAY. I move to lay the amendment on the table.

Mr. BUTLER. Let us take a direct vote on the question. There is no necessity for moving to lay the amendment on the table.

Mr. QUAY. It is a matter of no consequence to me one way or the other, provided we can have the vote.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was rejected.

Mr. ALLEN. I offer the amendment which I send to the desk, to come in at the end of page 10.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of page 10 it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized in his discretion, if the Postmaster-General shall consider the location suitable, to accept for the United States, from any person or persons, a parcel of land, not less than 100 feet square, situated in the northwest corner of block 31, original town of Wymore, Gage County, Nebr., provided there shall be erected and completed thereon, without cost to the Government, prior to the time of the acceptance of said tract by the Government, a suitable building for the accommodation of the post-office of the said city of Wymore not less than 40 feet by 60 feet on the ground, the walls to be of stone, or brick, or both, and to be one story in height, constructed in proper proportion, and in a good, workmanlike manner, and suitably planned for the use of a post-office; and so built on said parcel of land that the building shall be left unexposed to danger from fire in adjacent buildings by an open space of not less than 25 feet, including streets and alleys, the donors to give valid title to said land and building, free and clear of all liens and incumbrances of whatever kind, to continue only so long as the same shall be used as a post-office, and to enter into satisfactory bond to pay any or all taxes that may be levied on said property until the State of Nebraska shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be the owner thereof, for all purposes, except the administration of the criminal laws of said State, and the service of civil process therein, said title and bond to be approved by the Secretary of the Treasury, and upon the acceptance of said property by the Secretary of the Treasury, to be held only for the purposes as hereinbefore set forth, the proper authorities are directed to remove and maintain the post-office of said city of Wymore to and within said building so donated.

Mr. QUAY. Mr. President, the amendment of the Senator from Nebraska, as I understand it from a casual reading of it, is a proposition to present to the Government a lot and building in the city of Wymore for a post-office. It comes to the Senate with the indorsement of the Committee on Post-Offices and Post-Roads and is not subject to the point of order on the part of the committee. I will agree to take it into the conference, if there is no objection.

Mr. ALLEN. One word. I want to say this is a little enterprise on the part of a few business men of Wymore, who want to give this Government an absolute title to the land and construct

a building for post-office purposes, so long as the Government will use it for such purposes, without any compensation whatever.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Nebraska [Mr. ALLEN].

The amendment was agreed to.

Mr. QUAY. If the Secretary will turn to page 6, after line 22, on behalf of the Committee on Appropriations I will offer the amendment which I send to the desk, which is the estimate of the Post-Office Department for the expenditure necessary under the military post-office bill we passed this morning.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 6, after line 22, it is proposed to insert:

For the establishment and maintenance during the existing war, in the discretion of the Postmaster-General, temporary post-offices at military posts or camps for the purpose of supplying the officers and troops there encamped with mails, the location of any such post-office to be changed to any other post or camp in the discretion of the Postmaster-General, $50,000.

The amendment was agreed to.

Mr. BUTLER. On page 8, line 16, after the word "dollars," I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 8, line 16, after the word "dollars," it is proposed to insert:

And if any railroad company shall fail or refuse to furnish suitable and safe postal and apartment cars, or to transport the mails when required by the Post-Office Department and upon the fastest train or trains run on said road, said company shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined not less than $500 nor more than $10,000 for each and every such offense.

Mr. QUAY. I think I will take that into conference without any further discussion.

Mr. BUTLER. Does the Senator accept the amendment?

Mr. QUAY. I accept it.

The PRESIDENT pro tempore. The amendment is agreed to.

Mr. BUTLER. I do not wish to discuss the question, but I want to show the reasons for the amendment, and without reading it I want to put into the RECORD extracts from page 55 of the Postmaster-General's report of 1887, the two paragraphs marked, showing the reasons for the adoption of the amendment; also from page 58 of the report for 1887 two paragraphs, which show the reasons for the adoption of the amendment, and from the CONGRESSIONAL RECORD of February 27, 1897, page 2433.

The PRESIDENT pro tempore. Without objection, the request of the Senator from North Carolina will be complied with.

The matter referred to is as follows:

It will be indispensable, at the outset, whatever shall be attempted, to exert the rightful prerogative of Government and impose it as an imperative duty on all railway carriers to accept and transport at the compensation established by law, and according to the statutes and departmental regulations, all mails, mail supplies, postal clerks, and inspectors on duty, with sufficient sanctions to enforce compliance. Unless such legislation be provided, no success upon any plan can be assured. The right to this acquiescence in the purposes of the Government is undeniable. The absence of means to compel acknowledgment by obedience constitutes a menace to the business of the country which ought not to continue.

In 1838 the Parliament of Great Britain enacted a law which it has been unnecessary since to alter, giving to the postmaster-general of the Kingdom power to require any railway company to carry the mails on such a schedule and by such trains as he found necessary to the public service, leaving the question of compensation to be settled by mutual agreement, or, failing that, by arbitration. The latter is rarely resorted to there and is not a satisfactory process. In the United States the Congress has fixed the rates of just compensation by statute, and may continue doubtless to so determine them with justice. In whatever way that be settled, the carrier ought to be without power to deny the use of his transportation, in order to extort more pay or greater advantages than the law has adjudged suitable. His redress of supposed grievances should be sought from the Legislature, not through compulsion of his Government.

* * * * * * *

The statute is seriously defective in its omission to grant authority to require and compel the service of railroads in mail transportation. So far as the statute goes, it is at the mere option of these common carriers to serve the Government, and it illustrates the defect and evil of it to state that one road, the Old Colony Railroad Company of Massachusetts, has notified the Department of its refusal to comply with the statute if the Department does so by insisting on the provision of cars necessary to proper mail service, a condition which can only be temporized with until Congress shall have opportunity to consider what measures of legislation may be proper.

* * * * * * *

In 1838 the Parliament of England passed a law, which has never since been changed, I believe, for the government of their postal service in reference to the employment of railway mail carriers; at least it had not been changed at the last time I had occasion to look into the subject, and I think it never has been.

I recommended to Congress the first element of that system, and that was this: That an absolute authority should be given to the officers of the United States to compel any railroad to carry the mails. I undertook when charged with departmental service to cut off payments to the railroads which were without a particle of authority of law. I cut them off. A million dollars had been paid for the use of apartments in cars in the likeness of railway postal cars, without a particle of authority to do it. The expenditure had run up to some $90,000 a year at the time when I had the first occasion to look into it, and it was cut off in every instance at once; but the railroads threatened that they would not carry the mails, and one railroad company, the Old Colony Railroad of Massachusetts, refused to carry the mails, notwithstanding, of course, that no payment not otherwise authorized by law was made to that road or any other; and therefore they did not carry the mails for a long time in consequence of that.

Mr. BUTLER. On page 14, section 5, line 14, I move to strike out all after the word "service" down to and including the word "matter," in line 16.

The SECRETARY. It is proposed to amend the amendment of the committee, on page 14, after the word "service," in line 14, section 5, by striking out:

And all sources of revenue and all expenditures of the postal service, and rates of postage upon all postal matter.

Mr. BUTLER. The purpose of the amendment is clear, and I suppose the Senator from Pennsylvania will accept it for this reason. The discussion here to-day has shown what a tremendous question the question of transportation is alone. Now, this amendment which I have proposed leaves the committee to investigate two questions—the pay to railroads for carrying the mail by weight and the pay for the postal-car service. Those are certainly large enough questions for one committee to investigate; and if you give the committee more than that to do, it will divide its time and scatter over a dozen questions and will bring in a worthless report. The greatest abuse to-day in the Post-Office Department is the question of postal cars and the pay for the transportation of mail by weight. That is what ought to be investigated. Now, do not let us encumber the committee with other side issues that are not important. Let us not fill up a great big book with irrelevant matter, but let us confine it to the two important questions.

The PRESIDENT pro tempore. The amendment to the amendment is not in order, the amendment having been agreed to as in Committee of the Whole which the Senator proposes to amend.

Mr. PETTIGREW. Will it be in order when the bill gets into the Senate?

The PRESIDENT pro tempore. It will be.

Mr. BUTLER. I understand the Chair to say that it is not in order as in Committee of the Whole.

Mr. QUAY. It is not in order until the bill gets into the Senate.

Mr. BUTLER. But it will be when the bill gets into the Senate.

The bill was reported to the Senate as amended.

Mr. PETTIGREW. Now I offer, unless the Senator from North Carolina wishes to do it, the amendment he offered as in Committee of the Whole, confining the investigation to the question of railway mail transportation.

Mr. BUTLER. I move now to strike out all after the word "service," in line 14, page 14, section 5, down to and including the word "matter," in line 16, so that the scope of the investigation will be limited to an investigation of the pay for mail by weight and the pay for postal cars.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 14, page 14, section 5, it is proposed to strike out after the word "service:"

And all sources of revenue and all expenditures of the postal service and rates of postage upon all postal matter.

Mr. PETTIGREW. Mr. President, I hope this amendment will be adopted, because I wish to limit the scope of the investigation to the subjects we have been discussing this year and did discuss last year, and not obscure it by an investigation into these other subjects. I think it would be very proper to have the Committee on Post-Offices and Post-Roads investigate these other questions. It is their province and in the line of their duty to investigate the question of postage, whether or not we can reduce it, and to investigate the question of expenditures.

I believe the Post-Office Department has been extravagantly managed in every respect. I think we have paid too much attention to speed. If it would save five minutes on a letter or something of that sort we have proceeded to expend money lavishly, regardless of who toils to produce it. I think we have gone too fast in that respect. That whole field ought to be gone over, but this investigation should be limited to the subject we have been discussing for two years on the Post-Office appropriation bill. Therefore I hope the amendment will be adopted.

I did not expect that my amendment reducing the compensation 20 per cent would be adopted after we proposed to investigate, but I had a purpose in carrying on this debate. I meant to place the facts in the RECORD which would refute the statement which has been made before the committee and go along with it. I did not propose to let that stand, garbled as it was and peculiar as it was, undisputed. Therefore I carried on this debate for the purpose, also, of emphasizing the necessity of the investigation to such a point that it would not be abandoned in conference. I was afraid of that.

Mr. QUAY. The question suggested by the amendment of the Senator from North Carolina was considered by the Committee on Appropriations, and I think it was the unanimous judgment of that committee, or pretty nearly its unanimous judgment, that little was known as to any of the sources of revenue of the Post-Office Department or of its expenditures; that they were all in the fog, and that the investigation ought to be searching, to cover the entire Department, and be carried to the utmost depth. That being the case, I am unable to agree to the amendment. I move

to lay the amendment on the table, unless some Senator desires to discuss it.

Mr. BUTLER. Mr. President, I will be forced to discuss it, not at any great length, but sufficiently to show clearly why the amendment should be adopted, and I thought certainly the Senator would accept it, it is so plain.

Mr. President, I do not like to charge improper motives. I do not like to be forced to do it, but sometimes it is the quickest way to get at the truth. That amendment, in the shape it is in, has got no purpose, or its purpose is to befog and blind the greater question and at the same time get at a lot of doctored testimony to support the famous, and I may say infamous, Loud bill. That is what it means. I know it. Nine-tenths of the report will be doctored to show why we ought to pass the Loud bill, and one-tenth of it will be given probably to this important question which we have been discussing, and that blinded so that nobody will see what it means.

I saw the honest face of the Senator from Missouri get up and say "let us be fair and wait a year and investigate." Now he is out of his seat. I wish he were here. I should like him to hear this statement and see how he has been fooled, his honesty, his unsuspecting nature appealed to, and here he is running headlong into what he supposes will be an honest investigation. I do not know who drew the amendment. I know the purpose of sticking in those words. I do not know their real purpose, but I am telling you what it will lead to.

Mr. QUAY. The amendment originated in the Committee on Post-Offices and Post-Roads, and I think it was presented by the Senator from New Hampshire [Mr. CHANDLER]. I think it was changed, probably broadened, in the Committee on Appropriations.

Mr. STEWART. I hope the Senator from Pennsylvania will allow this amendment to be adopted. I think the scope is wide enough to investigate these questions. They have been here for the last ten years.

Mr. QUAY. I think this investigation ought to have the utmost range. A bill to provide for an investigation of this character has already passed the House and is now in the Senate.

Mr. BUTLER. If the amendment which I have offered is not accepted by the committee, then I shall offer still another amendment, and I am not going to stop until I get some satisfactory arrangement here. We have been told to wait a year for an investigation. Then we need two commissions. If we are to have the whole question covered by the Loud bill gone into, then let us have a separate commission for it. Everybody knows that the questions of railroad rates and postal-car rates are big enough for any one committee to investigate, and I am sorry for the men who shall go on the committee if they undertake to do their duty and bring in a report here that is full and complete for the use of the Senate.

Mr. QUAY. I am frank to say that, so far as I am concerned, I voted against the entire amendment in committee. I do not suppose I violate any rule of the Senate in so stating. My theory was that the investigation properly belonged to the Committee on Post-Offices and Post-Roads.

Mr. BUTLER. Give it to that committee to investigate.

Mr. QUAY. That was my theory, but I was overruled, as I was in the matter of rural free delivery; and I am standing here sustaining the bill as it came from the committee. One can not resist an obstinate man, and if the Senator is determined to occupy time——

Mr. BUTLER. If the Senator from Pennsylvania will pardon me, the Senator has just stated that he thought this investigation ought to be conducted by the Committee on Post-Offices and Post-Roads. Let us divide it and give the question of railroad rates to the special committee and let the Post-Office Committee consider the other question.

Mr. SEWELL. I wish to state as a member of the committee that I never could agree to the amendment except in its present shape. If you are going to investigate any branch of this business, you ought to take it all in. I do not know anything about the Loud bill particularly, except that a great deal of money has been spent upon it that ought not to have been spent. There is a great expenditure for pneumatic tubes, and if you are going to investigate at all, you ought to investigate every cent of receipts and every cent of expenditures.

Mr. BUTLER. I do not want to take the time of the Senate unless it is necessary. Therefore, so far as I am concerned, I am going to permit a vote to be taken on the amendment I have offered now, without any further discussion; but if it is not adopted I shall have to offer another amendment. I feel it is my duty to do it. I would not feel like I was an honest man, having stood here and contended for a reduction of rates and having been defeated on account of the proposition that the whole question is to be investigated, to allow a sham investigation and one that will not get at the truth. I would not be an honest man if I did not stand here and fight to the last to prevent the matter from being befogged.

Mr. FAULKNER. Has the Senator from North Carolina examined the bill passed by the House providing for a similar investigation?

Mr. BUTLER. I have read it.

Mr. FAULKNER. I understand—I have not read it, I am frank to say—that it covers exactly the scope of the present amendment.

Mr. BUTLER. No; far from it. I prefer this to the House bill if confined to railroad rates and postal cars.

Mr. FAULKNER. If so, had we not better hold on to this in order to get the House fully to agree to what we want?

Mr. BUTLER. The other is a separate bill. It is on the Calendar here in the Senate.

Mr. STEWART. I wish to make a remark before this question is passed upon. There have been many reports on the Loud bill, and they were so wide of the mark that if that is gone into I want it gone into by somebody who will take hold of it and get at the facts. While the discussion on the Loud bill has been going on I have had several resolutions and letters making inquiries of the Post-Office Department, and they know no facts which will show where the leak is in it; and notwithstanding that, they get elaborate reports constantly in regard to it which will not hold water. The House voted it down, and I do not want that scheme revived and mixed up with this railroad investigation.

The amendment as it now stands calls for the whole thing, and if the second-class matter is to be examined, it should be done by itself. It is big enough. It ought to be examined and the evils, which there undoubtedly are, remedied. But that bill has struck at many things most useful. It struck at the country press, it struck at cheap literature, which is good, and it struck at many other things very useful to the people. That ought to be investigated by itself, and I do not think the scope of this ought to include it. I fully concur in that respect with the Senator from North Carolina, and I hope the Senator from Pennsylvania will accept this one matter. It is big enough. Let us have a committee to investigate the other. The second-class matter should be investigated by itself. If we are going to have an investigation of that, we ought to have two committees or two tribunals.

Mr. QUAY. I have stated the reason why I do not feel free to do so.

I will now suggest that, by unanimous consent, the bill and amendment go over and the vote be taken at 2 o'clock to-morrow. It is evident that we have not a voting quorum of the Senate present, and the Senate is at the mercy of any one man.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the pending bill may go over until to-morrow and that a final vote on amendments and the bill be taken at 2 o'clock. Is there objection?

Mr. KYLE. Why not take it now? We have waited until nearly 7 o'clock.

Mr. CULLOM. There may not be a voting quorum present.

Mr. ALLISON. I hope that without further remarks the suggestion of the Senator from Pennsylvania will be agreed to.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is agreed to.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 10, 1898, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 9, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Thursday was read and approved.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries.

THE BATTLE OF MANILA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Naval Affairs, and ordered to be printed:

To the Congress of the United States:

On the 24th of April I directed the Secretary of the Navy to telegraph orders to Commodore George Dewey, of the United States Navy, commanding the Asiatic Squadron, then lying in the port of Hongkong, to proceed forthwith to the Philippine Islands, there to commence operations and engage the assembled Spanish fleet.

Promptly obeying that order, the United States squadron, consisting of the flagship *Olympia*, *Baltimore*, *Raleigh*, *Boston*, *Concord*, and *Petrel*, with the revenue cutter *McCulloch* as an auxiliary dispatch boat, entered the harbor of Manila at daybreak on the 1st of May and immediately engaged the entire Spanish fleet of eleven ships, which were under the protection of the fire of the land forts. After a stubborn fight, in which the enemy suffered great loss, these vessels were destroyed or completely disabled and the water

battery at Cavite silenced. Of our brave officers and men not one was lost and only eight injured, and those slightly. All of our ships escaped any serious damage.

By the 4th of May Commodore Dewey had taken possession of the naval station at Cavite, destroying the fortifications there and at the entrance of the bay and paroling their garrisons. The waters of the bay are under his complete control. He has established hospitals within the American lines, where 250 of the Spanish sick and wounded are assisted and protected.

The magnitude of this victory can hardly be measured by the ordinary standards of naval warfare. Outweighing any material advantage is the moral effect of this initial success. At this unsurpassed achievement the great heart of our nation throbs, not with boasting or with greed of conquest, but with deep gratitude that this triumph has come in a just cause, and that by the grace of God an effective step has thus been taken toward the attainment of the wished-for peace. To those whose skill, courage, and devotion have won the fight, to the gallant commander and the brave officers and men who aided him, our country owes an incalculable debt.

Feeling as our people feel, and speaking in their name, I at once sent a message to Commodore Dewey, thanking him and his officers and men for their splendid achievement and overwhelming victory and informing him that I had appointed him an acting rear-admiral.

I now recommend that, following our national precedents and expressing the fervent gratitude of every patriotic heart, the thanks of Congress be given Acting Rear-Admiral George Dewey of the United States Navy for highly distinguished conduct in conflict with the enemy, and to the officers and men under his command for their gallantry in the destruction of the enemy's fleet and the capture of the enemy's fortifications in the Bay of Manila.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *May 9, 1898.*

[Applause.]

COMMODORE GEORGE DEWEY, U. S. N., AND OTHERS.

Mr. BOUTELLE of Maine. Mr. Speaker, I am instructed by the Committee on Naval Affairs to report forthwith the following resolution, and to ask its immediate consideration.

The Clerk read the joint resolution, as follows:

The Committee on Naval Affairs, to whom was referred the message of the President of the United States, unanimously report the following resolution with recommendation of its immediate passage:

Joint resolution (H. Res. 210) tendering the thanks of Congress to Commodore George Dewey, United States Navy, and to the officers and men of the squadron under his command.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in pursuance of the recommendation of the President, made in accordance with the provisions of section 1508 of the Revised Statutes, the thanks of Congress and of the American people are hereby tendered to Commodore George Dewey, U. S. N., commander in chief of the United States naval force on the Asiatic station, for highly distinguished conduct in conflict with the enemy, as displayed by him in the destruction of the Spanish fleet and batteries in the harbor of Manila, Philippine Islands, May 1, 1898.

SEC. 2. That the thanks of Congress and the American people are hereby extended through Commodore Dewey to the officers and men under his command for the gallantry and skill exhibited by them on that occasion.

SEC. 3. That the President of the United States be requested to cause this resolution to be communicated to Commodore Dewey, and, through him, to the officers and men under his command.

Mr. BOUTELLE of Maine. Mr. Speaker, it is unnecessary that I should add any word of commendation in behalf of that resolution. I feel that the whole grand story has been so much better told by the ringing thunder of Dewey's guns in Manila Bay that I ask the House of Representatives to unanimously and by acclamation pass this resolution, tendering the thanks of the Congress and the American people to the gallant commodore in chief and the splendid officers and men under his command for achieving for American arms one of the most marvelous, brilliant victories in the annals of naval warfare. [Applause.]

Mr. HENRY of Mississippi. Mr. Speaker, I move that it be done by a rising vote.

Mr. BOUTELLE of Maine. I accept the gentleman's suggestion.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and unanimously passed. [Applause.]

A MEMBER. Reconsider.

INCREASE OF NUMBER OF REAR-ADMIRALS.

Mr. BOUTELLE of Maine. It is not necessary to move to reconsider and lay that on the table. Now, Mr. Speaker, by instruction of the Naval Committee, I offer the resolution which I send to the Clerk's desk. I will briefly say that under the Revised Statutes of the United States in time of war a promotion to the grade of rear-admiral is made only for distinguished gallantry in conflict with the enemy, upon resolutions granting the thanks of Congress, upon recommendation of the President of the United States. In accordance with that statute, the Committee on Naval Affairs have instructed me to introduce a bill in this body for immediate consideration, and I may state that a similar bill has been or will be introduced in another body, in order to enable the Executive of the United States to carry out without delay the wishes of the American people that the highest honor possible under our laws may be paid to that distinguished naval officer who has illustrated the heroism and glory of the American Navy by adding another brilliant page to its history. I ask immediate consideration of the bill for the addition of another rear-admiral, for purposes understood by the House.

The Clerk read the bill, as follows:

A bill (H. R. 10251) fixing the number of rear-admirals in the United States Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the number of rear-admirals in the United States Navy now allowed by law be, and is hereby, increased from six to seven, and this act shall be construed and taken as validating and making in force and effect any promotion to said rank of rear-admiral in the United States Navy made heretofore or hereafter and during the existing war and based upon the thanks of Congress.

Mr. BAILEY. Mr. Speaker, before unanimous consent is given, I would like to ask the gentleman from Maine if under the existing law Commodore Dewey would not be entitled to promotion by virtue of the fact that the Congress has thanked him by name?

Mr. BOUTELLE of Maine. Under the statute he would not. There is no rear-admiralship to which he could be promoted, and the statute provides that during the time of war promotion to the grade of admiral can only be made under conditions like those of the present. To enable this promotion to be made this bill creates an additional position of rear-admiral, to which this officer, in the discretion of the Executive, may be appointed. I will state further to the gentleman that this action of mine and the Committee on Naval Affairs is based on consultation with the executive department, with the Senate, and ourselves, and is absolutely essential to carry out the purpose which I infer is in the heart of every member of the House, to enable the President to confer upon Commodore George Dewey the well-earned title of rear-admiral in the United States Navy.

Mr. BAILEY. Mr. Speaker, I desire to say that no title and no office that the Congress can confer upon Commodore Dewey will increase the respect in which the American people hold him. I am sure that he would rather enjoy the satisfaction that comes from this well-earned victory than to take any additional honor and emolument which Congress could confer upon him. I do not intend in this case to make an objection, for it is a peculiarly meritorious one; but I think we might as well understand now that the spirit of patriotism so highly commendable is not to be made a pretext for creating a large number of important and highly salaried offices. This particular case I shall not object to; but it must be a very exceptional case if I consent to the creation of any new and permanent office during this war.

Mr. BOUTELLE of Maine. I desire to say that this is a case without exception, and I deem it without a parallel, without a precedent in the history of any war.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. BOUTELLE of Maine, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. BABCOCK obtained the floor.

Mr. HULL. Will the gentleman yield to me for a statement?

Mr. BABCOCK. Certainly.

Mr. HULL. I wish to say to the House that it was the intention of the Committee on Military Affairs to call up to-day what is known as the engineer and immune bill. But in view of the agreement of the members of the House committee for two hours' debate, I am assured by very many members that they would not consent to take it up to-day. I want to ask the gentleman from Wisconsin who has charge of the District business to agree to yield to me when a message comes from the Senate, so that by unanimous consent we may take up the bill for the purpose of feeding and arming the people of Cuba during the present war.

Mr. BABCOCK. Certainly; I will agree to that.

Mr. LIVINGSTON. Will the gentleman tell us when the bill to which he has referred will be taken up?

Mr. HULL. I think we shall not be able to get it up unless the Committee on Rules will report a rule for the purpose.

Mr. LIVINGSTON. A number of persons from whom I have heard are very anxious that the bill should pass. I have several telegrams on that subject in my possession. [Cries of "Regular order!"]

ALLEY IN SQUARE 465.

Mr. BABCOCK. This being District day, I call up for present consideration the bill (H. R. 9068) to authorize Commissioners of District of Columbia to extinguish alley in square 465.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to abandon the alley abutting the south 36 feet by a width of 3.33 feet of sublot 86, and the west 16.31 feet by a width of 3.5 feet of sublot 85, square 465, city of Washington, the said land to revert to the present owner of said lots 85 and 86, Charles Schafer, his heirs and assigns, provided he pays an amount equal to the sum that would have been assessed against the land embraced within the area of said alley from the time it was laid out to the time it is extinguished.

Mr. BABCOCK. I yield to the gentleman from Tennessee [Mr. RICHARDSON] that he may make an explanation of the bill.

Mr. RICHARDSON. Mr. Speaker, this bill provides for closing a little alley in the southwestern portion of the city—an alley 3 or 3½ feet wide by about 30 feet long. It never was any part of the public streets or alleys of the District of Columbia. It is a private alley upon private property. The District Commissioners now join in the recommendation that it be closed because it is practically a nuisance, and should be closed. The proposition is

that the title go back to the individual who owns the land of which it is properly a part.

Mr. UNDERWOOD. Is there any objection made to closing this alley by the owners of the property abutting on the alley?

Mr. RICHARDSON. There is only one property owner concerned; he owns the whole of the abutting property. There is no objection; and the proposition is to require him to pay all that has been assessed for taxes and other purposes against the alley by the District during the time it has been used as an alley. This he agrees to do. And the District Commissioners recommend that the bill pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ANNA MERKEL.

Mr. BABCOCK. I call up for present consideration the bill (H. R. 9856) for the relief of Anna Merkel. As this bill is a small matter, I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

Mr. UNDERWOOD. I ask that the bill be read before consent is given.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to refund and repay to Anna Merkel, or her legal representatives, the sum of $77.27, being the residue of interest and penalties upon arrearages of general taxes paid by her on lot 300, in square 131, for the fiscal years 1892, 1893, and 1894.

The SPEAKER. Is there objection to considering this bill in the House as in Committee of the Whole?

Mr. DOCKERY. I think a bill of this kind ought not, in general, to be considered in the House. The only excuse for the request in this case is that the amount involved is only $77. For that reason I do not object.

There being no objection, the House proceeded to the consideration of the bill.

Mr. DOCKERY. I should like to hear some explanation of the bill, as it proposes to return interest and penalties. I do not understand that it has ever been the policy of Congress to pay interest to anybody, either the District of Columbia or anywhere else.

Mr. JENKINS. The interest which this bill proposes to return is not such as the gentleman from Missouri has in his mind. It is interest which was unlawfully collected from Anna Merkel by the Commissioners of the District of Columbia. They unlawfully assessed against the property described in the bill taxes for the years 1892, 1893, and 1894, and she was compelled under protest to make payment. They added to the taxes $77.27 for interest and penalties. Afterwards they discovered that they had acted erroneously, and this woman was referred to Congress for relief. A bill proposing to refund the entire amount unlawfully imposed was introduced at this session, but as the Commissioners of the District could refund the amount of taxes illegally assessed, the bill was laid upon the table and this one introduced for the amount of interest and penalty unlawfully assessed.

The law is clear that while the Commissioners had authority to pay back the taxes, they had not the right to refund this amount of $77.27 which was erroneously taken from the claimant in this case. They have paid her back the amount of the taxes taken erroneously and now ask Congress for authority to make restitution of this sum, which is wrongfully held by the District authorities.

Mr. DOCKERY. What was the particular thing the Commissioners did that makes this necessary?

Mr. JENKINS. Why, the property was not liable for the amount of the tax assessed against it. The assessment proposed was not set aside by the courts. The applicant in this case had no redress, being informed that this sum of $77.27 illegally taken from her must be refunded by Congress. This was paid by her into the treasury of the District and is now in the hands of the District authorities.

The bill was submitted, I will state, to the Commissioners of the District, who carefully examined it, as well as the prior bill to which I referred. It was also considered by the attorney for the District, and approved by that officer, and its passage is recommended by all who know the facts.

Mr. UNDERWOOD. As I understand the bill, you do not propose to pay interest upon the withheld sum, but simply to refund the amount erroneously taken?

Mr. HULL. That is all the bill does.

Mr. JENKINS. This amount was wrongfully taken from her in the first instance. I ask a vote.

The bill was considered, was ordered to be engrossed and read a third time, and having been read the third time, was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

S. 4518. An act to provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the insurgent forces, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5975) extending the homestead laws and providing for right of way for railroads in the District of Alaska.

ARMED ASSISTANCE TO CUBANS.

Mr. BABCOCK. Now, Mr. Speaker, in accordance with an agreement heretofore made, I yield to the gentleman from Iowa [Mr. HULL], who wishes to call up a bill which has just come over in the message from the Senate received a few moments ago.

Mr. HULL. I ask unanimous consent, Mr. Speaker, for the present consideration of the bill (S. 4518) just reported from the Senate. I ask that it be taken from the table and put upon its passage, with the amendment recommended by the Committee on Military Affairs of the House.

Mr. COX. This is a bill, if the gentleman will permit me——

Mr. HULL. After consent is given for the consideration I will be glad to answer any questions.

The SPEAKER. The title of the bill will be read, after which the Chair will ask if there be objection to the present consideration of the bill.

The title of the bill was read, as follows:

A bill (S. 4518) to provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the insurgent forces, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That while serving in Cuba during the existing war officers of the Army of the United States exercising separate commands may, by special order, cause subsistence, medical, and quartermaster's supplies to be issued to, and other aid rendered to, inhabitants of the Island of Cuba who are destitute and in imminent danger of perishing unless they receive the same.

SEC. 2. That the President, and general officers commanding troops in Cuba, are hereby authorized to furnish to the proper officers of the Cuban insurgents such arms, ammunitions, equipments, and military stores and supplies as they may require to render the services of that army as allies in the existing war available, and may enlist, not to exceed fifty for each brigade, inhabitants of the Island of Cuba qualified to serve as interpreters, guides, scouts, and assistants.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COX. Now, Mr. Speaker, I desire to ask one question of the chairman of the Committee on Military Affairs. I suppose that he has the amendment which was agreed upon by the committee to be offered here?

Mr. HULL. I have the amendment, Mr. Speaker.

By instruction of the Committee on Military Affairs, I move to strike out the second section of the bill and insert what I send to the desk.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Strike out section 2 and insert in lieu thereof:

"SEC. 2. That the President and general officers commanding troops in Cuba are hereby authorized to furnish to the Cuban people such arms, ammunition, equipments, and military stores and supplies as they may require, in order to increase their effective force in the existing war."

Mr. WILLIAMS of Mississippi. I understand, Mr. Speaker, that the intendment of the amendment proposed by the chairman of the Committee on Military Affairs is to strike out the word "insurgents" in this paragraph of the bill and insert "people?"

Mr. HULL. That is correct; and it also strikes out the provision for enlisting so many Cubans in our Army, and makes the second section of the bill read in conformity with the previous action of Congress.

Mr. WILLIAMS of Mississippi. Will that cut off the Cuban people from rendering military assistance to our troops?

Mr. HULL. They could not enlist under this provision. That is all.

Mr. RIDGELY. I would like to ask the gentleman a question.

Mr. HULL. Certainly.

Mr. RIDGELY. Your amendment provides for allowing sufficient arms and equipments to the Cubans. Is that a gift to them?

Mr. HULL. I would state to the gentleman that these are munitions and equipments furnished to Cuba on the assumption that it will enable them to render more efficient services in bringing the war to a speedy conclusion. The contention is that the people there are without proper arms and munitions, and this action on the part of our Government is a step in the way of aiding them to bring the war to a conclusion.

Mr. RIDGELY. Does the expression "and other munitions of war" include provisions?

Mr. HULL. I suppose that "munitions of war" would mean whatever was necessary to make them an effective force, and that provisions, as a rule, would be included.

Mr. MARSH. "Military stores and supplies" would cover that.

Mr. HULL. Yes; "military stores" will cover that.

Mr. LOVE. Is there any provision for feeding the suffering and starving?

Mr. HULL. Yes; the first section covers that.

Mr. RIDGELY. I should like to know how it is possible to feed those reconcentrados who are within the Spanish lines?

Mr. HULL. That can not be done, and the bill does not attempt to do an impossibility.

Mr. ALLEN. We will get inside the Spanish lines and feed them. [Applause.]

Mr. LOVE. I very much hope we may.

Mr. HULL. Our generals in command in Cuba will hardly issue food to people who are not inside their own lines.

Mr. HENRY of Mississippi. I should like to ask a question. The purpose of the bill, you say, is to furnish the people of Cuba with arms. As I understand, there is nobody there in arms except the insurgents whom we want to help. Why do you strike out the word "insurgents?"

Mr. HULL. If the insurgents are not the people of Cuba, they would not come in under this bill.

The object is that if there are two or three hundred people who come up and are ready to be organized into a troop, that we can arm them and let them be effective. If we have to wait until an officer is appointed, and all that, it may defeat the very object which we have in view. The amendment provides for arming the people of Cuba who want to fight for their own liberty. The first section provides for feeding those whom we have within our lines, whom we wish to feed and care for as rapidly as they can be gathered together, so as to prevent their starving. I ask for a vote.

The amendments recommended by the Committee on Military Affairs were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HULL. I move to amend the title by striking out "insurgent forces" and inserting the words "the people of the Island of Cuba," so as to conform to the text of the bill.

The SPEAKER. If there be no objection, the title will be considered as amended.

There was no objection.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill passed was laid on the table.

WILLS AFFECTING REAL ESTATE, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes. I ask that that part which has been stricken out be omitted in the reading. The bill as reported is practically a substitute.

The SPEAKER. If there be no objection, the part stricken out will be omitted in the reading.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That section 4 of the act of Congress entitled "An act relating to the supreme court of the District of Columbia," approved June 21, 1870, be, and the same hereby is, amended so as to read as follows:

"That all the powers and jurisdiction by law held and exercised by the orphans' court of Washington County, District of Columbia, prior to the 21st day of June, A. D. 1870, are hereby conferred upon the supreme court of the District of Columbia. Such powers and jurisdiction shall continue to be exercised by one of the justices of said court holding a special term or orphans' court business, and from his judgments, orders, and decrees there shall be the same right of appeal to the court of appeals of the District of Columbia as is given by section 7 of the act of Congress establishing said court of appeals, approved February 9, 1893: *Provided*, That nothing herein contained shall divest said court or said special term or said justice of any power or jurisdiction conferred upon said court or said special term or said justice by existing law.

"SEC. 2. That in addition to the jurisdiction conferred in the preceding section of this act, plenary jurisdiction is hereby given to the said court holding the said special term to hear and determine all questions relating to the execution and to the validity of any and all wills devising any real estate within the District of Columbia and of any and all wills and testaments properly presented for probate therein, and to admit the same to probate and record in said special term; and neither the execution nor the validity of any such will or testament so admitted to probate and record shall be impeached or examined collaterally, but the same shall be in all respects and as to all persons res judicata, subject, nevertheless, to the provisions hereinafter contained.

"SEC. 3. That all issues of fact hereafter arising in the supreme court of the District of Columbia holding a special term for orphans' court business, including those relating to the execution of the validity of any will or testament, shall hereafter be tried before said justice holding said special term, and that when required for such purpose jurors shall be drawn in the manner now by law provided for the drawing of jurors for service at the special term of the supreme court of the District of Columbia sitting as a circuit court for said District.

"SEC. 4. That no will or testament shall be hereafter admitted to probate and record in the said District until the following procedure shall have been followed: Whenever any will or testament shall be presented for probate and record to the said justice he shall direct all of the heirs at law or next of kin of the testator, or both, as the case may require, to be summoned to appear before him at a certain day, not earlier than ten days from the date of said presentation. If said summons shall be returned personally served upon all of said heirs at law or next of kin, or both, at least five days before said return day, then, if no caveat be filed to said will, the said justice may forthwith admit the same to probate and record. But if any of said heirs at law or next of kin be returned 'not to be found,' then the said justice shall cause not less than thirty days' notice of the application for such probate to be published in some newspaper of general circulation in the District of Columbia, and may order such other publication as the case may require; and upon such notified day, or such subsequent day as the court shall appoint, the said application for probate shall be heard, due proof of such publication being made; and if no caveat be filed, the said will or testament shall be admitted to probate and record. In all cases in which all of the heirs at law or next of kin of a testator, or both, consent to such probate and record, such will and testament shall thereupon be forthwith admitted to probate and record without the hereinbefore described proceedings. In all cases in which any of said heirs at law or next of kin is an infant or of unsound mind the said justice shall appoint a guardian ad litem for said infant or person of unsound mind: *Provided*, That in no case shall any will or testament be admitted to probate and record save upon formal proof of its proper execution.

"SEC. 5. That the preceding sections of this bill shall be subject to the following proviso: Any person interested in said probate who at the time of the final decree admitting any will or testament to probate and record is within the age of 21 years may file a caveat to said will within one year after he becomes of age; and any person so interested who at the said time was returned 'not to be found' and was proceeded against by order of publication may file such caveat within two years after the date of said final decree; and any person actually served with process or personally appearing in said proceedings may file such caveat within one year after said date.

"SEC. 6. That whenever any caveat shall be filed issues shall be framed under the direction of the court for trial by jury: *Provided*, That in all cases in which all persons interested are sui juris and are before the court, the issues may be tried and determined by the court without a jury upon the written consent of all such parties. At least ten days prior to the time of trial all of the heirs at law or next of kin of the decedent, or both together, with all persons claiming under the will, shall be each served with a copy of said issues and a notification of the time and place of the trial thereof. If any of them be an infant or of unsound mind he shall have a guardian ad litem appointed for him by the court before such trial shall proceed. If, as to any party in interest, the notification shall be returned 'not to be found,' the court shall assign a new day for such trial, and shall order publication at least twice a week for a period of not less than four weeks of a copy of the issues and notification of trial in some newspaper of general circulation in the District of Columbia, and may order such other publication as the case may require. And the supreme court of the District of Columbia may from time to time prescribe and revise rules and regulations for service personally upon such party outside of the District of Columbia of a copy of such issues and notification, but personal service upon absent defendants shall in no case be essential to the jurisdiction of the court in the premises. Upon the day notified, or such subsequent day as the court shall appoint, the court shall proceed with the trial of said issues, due proof of such publication and, when required, of such personal service being made, and due opportunity being given to any party in interest to demand other and further issues. On the trial of any such issue exceptions may be taken to the rulings of the court, which shall be embodied in a bill of exceptions, to be settled and signed by the justice presiding within such time as may be fixed by the rules of practice prescribed from time to time by the supreme court of the District of Columbia in general term, and the said justice shall have the same power to set aside the verdict and grant a new trial that is possessed and exercised by the supreme court of the District of Columbia in cases tried with a jury according to the course of the common law, and as to such trials shall have all other powers now vested by law in the supreme court of the District of Columbia holding a special term as a circuit court. In all cases in which such issues shall be tried the verdict of the jury and the judgment of the court thereupon shall, subject to proceeding in error and to such revision as the common law provides, be res judicata as to all persons, nor shall the validity of any such judgment be impeached or examined collaterally.

"SEC. 7. That in addition to the power and jurisdiction conferred by this act and by prior laws upon the supreme court of the District of Columbia holding a special term for orphans' court business, said court is hereby given plenary authority to administer also the real estate situated in the District of Columbia of decedents, so far as may be necessary for the payment of debts and legacies, and to distribute among those entitled thereto any surplus proceeds of any sale of real estate made in the course of such administration, and that the bonds hereafter executed of all executors and administrators shall be responsible for the proceeds of sale of all real estate sold by them under the order of the said justice for such purposes of administration: *Provided, however*, That no such sale shall be made unless the same be required for the purposes of paying debts and such legacies as are chargeable upon the real estate, nor until the auditor of the court shall have ascertained and reported a deficiency of personal assets for such purposes, and such report shall be subject to exception.

"SEC. 8. That the foregoing sections of this act shall apply only to wills and testaments hereafter offered for probate, and, in cases of intestacy, to the estates of such persons as shall die after the passage of this act: *Provided*, That the supreme court of the District of Columbia holding a term for orphans' court business upon the petition of any person interested under any will heretofore filed in said court may offer the same for probate as a will of real estate, whereupon such proceedings shall be had as by this act are authorized in regard to wills hereafter offered for probate.

"SEC. 9. That the said justice may authorize and direct collectors heretofore or hereafter appointed to discharge pendente lite all or any of the duties of an administrator.

"SEC. 10. That the supreme court of the District of Columbia in general term is hereby authorized and empowered to make all such rules of practice as shall be necessary for the exercise of the jurisdiction hereby conferred, and to revise and alter such rules from time to time as it may deem proper.

"SEC. 11. That all laws and parts of laws inconsistent herewith are hereby repealed."

Mr. BABCOCK. I ask for a vote, Mr. Speaker.

Mr. HEPBURN. Mr. Speaker, I should like to have the gentleman explain this bill. It seems to me to be a very important one, making very great changes in the legislation affecting these subjects.

Mr. BABCOCK. I yield to the gentleman from Wisconsin [Mr. JENKINS] who reported the bill.

Mr. JENKINS. Mr. Speaker, the bill is one of considerable importance. It has been very carefully considered at length by the Committee on the District of Columbia. The subject was brought to the attention of the committee by the bar of the District of Columbia. The amendment suggested by the committee was prepared by the bar of the District. The House bill was submitted to the Commissioners of the District of Columbia, and they unanimously favored it. It was also submitted to the court of appeals, consisting of three judges, and they unanimously favored it. It was further submitted to the supreme court of the District of Columbia, consisting of six judges, and five of them unconditionally approved of the House bill, while Mr. Justice Hagner, who dissents from the House bill and favors the Senate bill, says in a

letter to your committee that to leave things in their present condition would be a real calamity, and he wants the evils of the present law remedied. He is in favor of a radical change in the law.

In this District they now follow the law of 1798. There never has been any change in the law since 1801. The views of Mr. Justice Hagner were fully set forth in House Report 1235, and, as this question is important, it may be best to consider the objections of Mr. Justice Hagner.

Before considering in detail the objections of Mr. Justice Hagner it will be proper to call attention to his letter to the Hon. CHARLES J. FAULKNER printed in connection with Report No. 574 from the Senate Committee on the District of Columbia. This letter was written in reference to Senate bill No. 1910, Fifty-fifth Congress, the report wherein is as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes, make a favorable report thereon.

The bill proposes to amend the laws of the District of Columbia in regard to the probate of wills affecting real estate so as to make the law in this District conform to what has been the law in the States for upward of a century. A full discussion of the bill is to be found in the letter of Mr. Justice Hagner, of the supreme court of the District of Columbia, as given below.

SUPREME COURT OF THE DISTRICT OF COLUMBIA,
Washington, D. C., February 9, 1898.

MY DEAR SENATOR: I write you in reference to Senate bill No. 1910, Fifty-fifth Congress, first session, which I understand was referred to you and Senator KENNEY as members of the District of Columbia Committee.

This bill is of great importance. Its purpose is to give to the supreme court of the District of Columbia a jurisdiction that for many years it was assumed was possessed by the orphans' court.

It has recently been settled in Campbell *vs.* Porter (162 U. S., 478) that this court, when holding a special term for the transaction of orphans' court matters, is without jurisdiction to admit to probate and record a will devising real estate alone, and where personal estate is also bequeathed the probate is only operative as to personal property. The result is that in every controversy in any court of equity or law involving the disposition of real estate, devised by will, the testamentary instrument must be established in such court by the testimony of the attesting witnesses, notwithstanding the orphans' court, a branch of the same court, may have already taken the testimony of all the subscribing witnesses, and admitted the paper to probate and record as a will of personalty.

Our law in this particular is to-day substantially the same as it existed in England over one hundred and fifty years ago. In 1742 Lord Chancellor Hardwicke took occasion to denounce this divided and independent jurisdiction as a very great absurdity, and expressed the wish that "gentlemen of ability would take this inconvenience and absurdity into their consideration and find out a proper remedy by the assistance of legislation."

Lord Chancellor Baron Yelverton, referring to this situation, said, in 1785: "I believe no two cases can be supposed to be more intimately connected with each other, both in unity of time and of assurance, than a will of real and personal estate written upon one and the same pieces of paper or parchment and subscribed by one and the same signature. And yet it is clear law that, though the probate of such a will is conclusive evidence of the sanity of the testator to make such a will, yet it is by no means conclusive evidence of his capacity to dispose of his real estate. And why? Evidently because the capacity of a party to do the two acts is triable by different jurisdictions. * * * From all of which I am warranted to lay it down as a general position that the capacity of a party to do one act is not conclusive of his capacity to do another, if his capacity as to that other be triable by a different jurisdiction, whether the two acts make one and the same assurance or are done at one and the same time or not."

The result of the unsatisfactory condition of the law on this subject is that notwithstanding the fact that a will presented for probate as to personalty, and sustained by a jury on the trial of issues attacking its validity, has afterwards been admitted to probate by the orphans' court, may yet be contested de novo in an action involving real property on the same points previously decided by a jury rendering a verdict in favor of the will.

It is essential that some remedy should be provided at once, since the act of July 8, 1898 (which it was thought by some gave greater efficacy to recorded wills), has been declared by the Supreme Court of the United States, in the case above referred to, to be ineffective to enlarge the jurisdiction of this court when holding special term for the transaction of probate matters in the particular referred to.

The effect of the decision in Campbell *vs.* Porter has caused no little annoyance to property holders, and in many instances special proceedings have already been instituted in equity to establish wills devising real property. This proceeding is expensive and imposes an unnecessary hardship on the parties in interest.

May we bespeak your kind attention to this matter, and urge that you and Senator KENNEY will interest yourselves in regard hereto at an early date?

Very respectfully,

A. B. HAGNER, *Associate Justice.*

Hon. CHARLES J. FAULKNER,
United States Senate.

It will be observed that in this letter the writer, after calling attention to the fact that the supreme court of the District of Columbia holding a special term for orphans' court business is without jurisdiction to admit to probate and record a will devising real estate alone, and the further fact that where personal estate is also bequeathed the probate is only operative as to personal property, says:

The result is that in every controversy in any court of equity and law involving the disposition of real estate, devised by will, the testamentary instrument must be established in such court by the testimony of the attesting witnesses, notwithstanding the orphans' court, a branch of the same court, may have already taken the testimony of all the subscribing witnesses and admitted the paper to probate and record as a will of personalty.

The letter, after calling attention to the utterances of Lord Hardwicke and Baron Yelverton, which are contained in the report of this committee, proceeds as follows:

The result of the unsatisfactory condition of the law on this subject is that, notwithstanding the fact that a will for probate as to personalty, and sustained by a jury on the trial of issues attacking its validity, has afterwards been admitted to probate by the orphans' court, it may yet be contested de novo in an action involving real property on the same points previously decided by a jury rendering a verdict in favor of the will.

This shows that when this letter was written the writer appreciated the anomalous situation which permitted the will of a decedent to be solemnly adjudged a valid will and at the same time an invalid one by two contradictory judgments in the same court. Yet, while forcibly stating the evil of this anomaly and while apparently undertaking to offer a remedy for it, he proposes a measure which does not at all deal with the substance of the evil. Under the Senate bill the decree of the special term for orphans' court business has only the effect of establishing as a prima facie case the validity of a will of a decedent as to real estate. The same will which has been solemnly admitted to record as a valid will both as to personalty and realty can nevertheless be assailed in ejectment as an invalid will of realty. While the probate of the will by the orphans' court establishes prima facie evidence of its validity, it does not go further than that, and the anomaly may still be presented of a will involving both realty and personalty attacked in the probate court on the ground of want of testamentary capacity, tried by a jury, and judgment rendered in favor of the testamentary capacity of the testator. And yet the same person who as next of kin filed a caveat upon this ground of testamentary incapacity and was beaten upon it may try the same issue over again, perhaps against the same adversary, in an action of ejectment, and may succeed upon it, despite the Senate bill if it should become a law.

It is thus seen that while Judge Hagner admits the existence of this anomaly and deplores it, he yet offers no remedy whatever for its removal, the whole effect of his bill being to change the order of proof in actions of ejectment where the validity of a will is involved by requiring the assailants of the will to put in their evidence first.

When H. R. 8345 was introduced, copies of it were sent to the court of appeals of the District of Columbia and the supreme court of the District of Columbia. Judge Hagner objected to this bill, and his objections are printed in full at the conclusion of the committee's report. While he had in his letter to Senator FAULKNER recognized as a fact that the principal evil to be corrected was these contradictory verdicts in the same courts upon the same will, nevertheless in expressing his objections to H. R. 8345 he speaks as if the only object to be attained was the mere convenience of allowing an order of the orphans' court admitting a will to probate as a will of real estate to enable the party relying upon it to dispense with the proving of the will by witnesses.

Every lawyer knows that to say that certain proof shall be prima facie, but only prima facie, is simply a measure of convenience of proof. Judge Hagner proceeds to state his objections in detail, and we shall consider them as he has numbered them:

1. It is assumed that because H. R. 8345 gives unconditional jurisdiction to the supreme court of the District of Columbia it deprives it of jurisdiction that it previously had. This objection seemed unsubstantial. Nevertheless, in order to entirely obviate it, the substituted bill which is recommended by the report of the Judiciary Committee contains language which entirely removes all force from this objection.

2. The next objection is to the trial of the issues at the special term holding an orphans' court. It is sufficient to say with respect to this that there could be no reason why issues which are framed in one branch of the court should go through the useless form of being sent in to another room to be tried by another branch of the court. It is much simpler and less expensive to have the judge holding the term in which they originated and who knows all about them himself determine them in that very court with the aid of a jury. Because in Maryland or in Baltimore it is thought proper to adhere to this indirect method is no reason why in the city of Washington the issues should not be tried where they properly belong. The indirect method is from its very nature unnatural and objectionable; the simpler and more direct process is the one which should be followed.

3. The third and most surprising objection is that these issues from the special term sitting as an orphans' court are not tried quickly enough. The real difficulty is that under Maryland law, one hundred years old and still in force in this District, these issues are given priority over the regular cases pending in the circuit courts. Many of these issues in will cases consume from four to six weeks in their trial. Thus the ordinary suitors in the common-law courts have their business interfered with and blocked for weeks and months by the preference given to these will cases and their injection in a court where they do not properly belong. The calendars of the circuit courts are always crowded, while a whole week's business of the probate court is generally disposed of in part of a single day.

4. It is suggested that some doubt exists under H. R. 8345 as to whether or not a bill of exceptions would lie. Without considering the force of this, all strength in this objection has been taken away by expressly providing in the substituted bill recommended in the report (section 6, lines 12–24) for the taking of bills of exceptions.

5. So, again, the suggestion with reference to section 7 of H. R. 8345 has been met in section 7 of the substituted bill. The objection urged against the giving of jurisdiction to the special term for orphans' court business to order the sale of real estate for the payment of debts would seem to be absolutely without force. There is no reason why a creditor whose debt can not be paid in full by reason of deficiency of personal assets should be compelled to file an elaborate bill in equity and subject himself to all the formalities of equity proceedings in order to have the real estate of his debtor sold for the payment of a debt. The general practice elsewhere in the United States and the reason of the thing are both in favor of giving the creditor a complete remedy with respect to both personalty and realty in the one probate court. For many years it has been the custom to assign to the probate term of the supreme court of the District a judge who is also assigned to one of the equity terms. It is a very common occurrence for the same judge who orders the distribution of the personalty of the decedent in the probate court to hear and determine in another room in the same building a case in equity growing out of a bill filed for the sale of the real estate of the same decedent because the personal property is insufficient to pay the debts in full. In both courts the presiding justice acts without a jury. It would seem that the unnecessary expense incurred by the parties in carrying on two separate and independent litigations in different courts before the same judge would of itself be a sufficient reason for giving power to dispose of the whole matter to one branch of the court.

6. That testimony could not be taken by the register of wills is a novel suggestion, inasmuch as it has been done repeatedly and is as a matter of practice taken by him whenever the occasion arises. See, for instance, the record in the Supreme Court of the United States in the case of Benjamin's Heirs vs. Du Bois, reported in 118 United States, page 46. In that case a great mass of testimony was taken upon an issue pending in the probate court as to the domicile of the testator whose will was in dispute, the parties having waived the sending of an issue to the circuit court for trial by jury. All the testimony was taken by the register under an order of reference made in the case by the justice then presiding in the probate court.

7. The suggestion that no provision is made by legislation for issuing subpœnas or keeping dockets does not seem to be a material one. The supreme court of the District of Columbia has power in all its branches to have subpœnas issued. It is not thought that an act of Congress is required to enable a docket to be kept. The Supreme Court is empowered by its organic act to pass all rules of practice, and these minute matters can surely be covered by these rules. If not, it would seem that the proper remedy is not to abandon legislation so necessary, but to amend the bill by expressly giving the power.

8. The suggestion that the provisions of sections 2 and 5 are liable to encourage fraudulent practices in the concealment of wills seems based upon some misconception. Neither H. R. 8345 nor the substituted bill recommended by this committee at all prevents a valid will from being offered for probate no matter when discovered. It can hardly, therefore, be said that any greater incitement for concealment is offered by the proposed legislation than by existing law. Under the proposed legislation as now, the concealment of a will will not operate beneficially, because whenever produced it can be probated. The proposed act in this respect makes absolutely no change in the existing law.

9. The next objection is indeed a surprising one. Of the many great defects of the existing system there are few greater than the absence of any provision for the appointment of an administrator pendente lite. A collector is authorized simply to collect and hold pending litigation the assets of the estate. But it is necessary that many other things should be done pendente lite, and generally throughout this country administrators pendente lite are appointed for that purpose. One very grave defect in the present law is this: A man dies owing a debt which is two years old. A dispute is begun over his will, and during this dispute a collector must be appointed, for the executor can not act under local law. But under local law a collector can not be sued. Now, in many cases the litigation over the will lasts more than a year and may last two or three years.

In the meantime the creditor's claim is absolutely barred by the statute of limitations, for when the will is finally established and an executor appointed, or disallowed, and an administrator appointed, the statute has run and the creditor is defeated if the personal representative chooses to plead the statute. If there were no other reason than this for the proposed legislation it would be sufficient, and it is strange that any one fully acquainted with this fact should object to a bill which proposes to remove this and other outworn evils a century old. Even admiration of the Maryland act of 1798 should not affect the judgment on this point, for even in Maryland a substantially similar provision for administration pendente lite was made many years ago. (See State vs. Craddock, 7 Harris & Johnson's Reports, page 40.)

10. It is suggested that a code is now being prepared. It is sufficient to say in response to this that Judge Cox, who is preparing the code referred to, recognizes the urgency of the proposed legislation, is strongly in its favor, and has expressed his approval of the amended bill reported by the committee. We do not see why a patient should be told that he must continue to suffer from a particular disease until some medicine can be discovered which will be a universal cure.

11. Finally, it is said in the letter referred to that the gravity of the situation as to titles of lands claimed through wills does not seem to be appreciated. The proposed legislation not only appreciates it, but seeks to remedy it; whereas Judge Hagner's proposal is that all of these troubles shall be indefinitely continued, and that in the meantime the people content themselves with a remedy which only professes to merely alleviate one of several great evils, instead of at once eradicating them all and putting the probate system of the District in line with those of the States of the Union.

So that it may be said that the entire bar of the District and the entire judiciary of the District favor the change, and the bar of the District and all the courts of the District, except Justice Hagner, favor the House bill. The matter has been very carefully considered by all the judges, and this particular bill recommended by the House has met their unqualified approval. The real object of the bill is to place in one court the entire jurisdiction with reference to the probating of wills, which as the law now stands permits two probates, one on personal and the other on real property, in reference to one will. This simplifies the matter, placing the entire jurisdiction in the supreme court of the District and making but one probate necessary.

I ask for a vote.

The SPEAKER. The question is on the amendment in the nature of a substitute.

The substitute was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

PERMANENT SYSTEM OF HIGHWAYS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill H. R. 10209.

The bill was read, as follows:

A bill (H. R. 10209) to repeal an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes.

Be it enacted, etc., That the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," be, and the same is hereby, repealed, and all proceedings thereunder are hereby declared null and void, and the owners of land affected by such proceedings, whether by the laying out or the extension of streets or by the proposed abandonment of old streets, shall have hereafter the same free use and enjoyment of their land as though such proceedings had never been instituted: *Provided, however*, That no subdivision in said outside or unsubdivided part of the District of Columbia shall hereafter be permitted of public record unless approved by the Commissioners of said District as being in substantial conformity to the general plan of the city of Washington; and no street or highway in the aforesaid outside part of said District shall hereafter be extended or improved in any respect whatsoever at the public expense by grading, paving, lighting, sewering, or otherwise, where such street or highway does not substantially conform to said plan of the city of Washington.

Mr. BABCOCK. Mr. Speaker, I desire to offer an amendment.

The Clerk read as follows:

Provided, That nothing herein shall be construed to prohibit regulating the improvement of any street which was established prior to the year 1888.

Mr. MUDD. Mr. Speaker, I want to call the attention of the chairman of the committee to a clause of the bill as it stands, before any substitutes or additions are offered. If the House will notice the concluding section of the bill, there are the following words:

And no street or highway in the aforesaid outside part of said District shall hereafter be extended or improved——

Mr. BABCOCK. My amendment covers that.

Mr. MUDD (reading). Here is the matter that I want to call attention to—

in any respect whatsoever at the public expense by grading, lighting, sewering, or otherwise, where such street or highway does not substantially conform to said plan of the city of Washington.

Mr. BABCOCK. If you will listen to my amendment, you will see that it covers the entire point you make.

Mr. MUDD. Does your amendment provide for the continuance of the ordinary repairs?

Mr. BABCOCK. Certainly. If the gentleman would listen to the amendment, he would find that it applies where such streets or highways do not substantially conform to said plan of the city of Washington.

Mr. MUDD. I ask that the amendment be read again.

Mr. BABCOCK. It provides that it shall not interfere with any road or street laid out before 1888.

The SPEAKER. The Clerk will again report the amendment.

The amendment was again reported.

Mr. PITNEY. I should like to ask a question as to the effect of the proposed amendment. I am in entire sympathy with the bill. I think that the highway act ought to be repealed. The proviso contained in the bill as reported is a very proper one. As I understand it, these outside streets or highways that were laid out at first were improvements of private property within the several subdivisions, and the proviso as reported to the House prevents the expenditure of public money upon these streets. The proviso which the gentleman's amendment would put in qualifies that to some extent. I should like to know what the extent would be.

Mr. BABCOCK. The purpose of the amendment is that those streets laid out prior to 1888, five years before this act was passed, shall not be affected by the act repealing that act, and that no money shall be expended on any street or any addition except those laid out prior to 1888 where the District has already been improving or spending money on these streets.

Mr. PITNEY. The gentleman's amendment does not in terms save those streets from future expenditure. It does not limit the expenditure to those streets on which an expenditure was made prior to 1888, but only to cases where the streets were laid out prior to 1888. These improvements may have been commenced for private benefit. Some of these streets have been laid out criss-cross, without any regard to the general plan of the city and for the benefit of private parties who wanted to make their lots salable; and it seems to me that we ought not to make any provision for the improvement of streets unless they shall have been made to conform to the general plan of the city of Washington.

Mr. BABCOCK. I will state to the gentleman that I was directed by the committee to offer that amendment simply for the purpose of protecting several streets that had been already improved and streets laid out more than ten years ago, and we provide for that in that portion of the bill which says:

And no street or highway in the aforesaid outside part of said District shall hereafter be extended or improved in any respect whatsoever at the public expense by grading, paving, lighting, sewering, or otherwise where such street or highway does not substantially conform to said plan of the city of Washington.

Now, Mr. Speaker, there may be no addition to the city but additions improved and platted, where the streets have been improved by the District and where this money has been spent, and this clause is simply inserted to protect those streets.

Mr. PITNEY. Will not the gentleman amend his amendment so that it shall apply only to those streets where the public money was expended prior to 1888?

Mr. BABCOCK. I will accept that.

Mr. PITNEY. That will be a very proper amendment to your amendment. I ask that the Clerk again report the amendment of the gentleman from Wisconsin, so that I can offer an amendment to it.

The SPEAKER. The Clerk will again report the amendment.

The Clerk read as follows:

Provided, That nothing herein shall be construed to prohibit regulating the improvement of any street established prior to the year 1888.

Mr. PITNEY. I move to amend by adding the words "and upon which public moneys were expended prior to the year 1888."

The Clerk read as follows:

And upon which public moneys were expended prior to said year.

Mr. BABCOCK. I accept the amendment and suggest that where it uses the word "streets" the words "or highways" be inserted.

Mr. PITNEY. That is all right.

The SPEAKER. Without objection, the gentleman from Wisconsin will be allowed to perfect his amendment.

There was no objection.

The question was taken; and the amendment of Mr. BABCOCK as modified was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, there is a desire on the part of some members of the House to call up what is known as the immune bill, and as some of the District committee desire to leave the city, I ask unanimous consent that it may be in order to call up District business immediately after the reading of the Journal to-morrow.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that District business may be continued after the reading of the Journal to-morrow morning. Is there objection? [After a pause.] The Chair hears none.

VOLUNTEER BRIGADE OF ENGINEERS.

Mr. HULL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 4468, to provide for a volunteer brigade of engineers and an additional force of 10,000 enlisted men specially accustomed to tropical climates.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That, in addition to the volunteer forces provided for by the act of April 22, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," the President may authorize the Secretary of War to organize, under the terms and conditions of the aforesaid act, a volunteer brigade of engineers from the nation at large, to consist of not more than three regiments and not more than 3,500 men, possessing the special qualifications necessary for engineer troops, under such rules and regulations, including the appointment of the officers thereof, as may be prescribed by the Secretary of War: *Provided*, That not to exceed three officers of the Corps of Engineers of the Regular Army may hold volunteer commissions in any one regiment of the volunteer brigade of engineers at the same time: *And provided further*, That all officers shall be appointed by the President and with the consent of the Senate.

SEC. 2. And the President is further empowered under the act of April 22, 1898, to authorize the Secretary of War to organize an additional volunteer force of not exceeding 10,000 enlisted men possessing immunity from diseases incident to tropical climates; the officers thereof to be appointed by the President, by and with the advice and consent of the Senate.

Mr. HULL. Now, Mr. Speaker, I ask unanimous consent for the present consideration of the bill, and that general debate run for forty minutes on a side, and then forty minutes be allowed for amendments to the bill, the gentleman from Tennessee to control forty minutes and I will control forty minutes, and then the bill be open for amendment for forty minutes.

Mr. COX. Mr. Speaker, it was agreed in committee that the opponents to the bill should have forty minutes and those in favor of the bill have forty minutes, and then we should go under the five-minute rule. There are only two sections in the bill. I do not feel as if I have a right to agree to bind any member of the House except in accordance with that agreement.

The SPEAKER. The gentleman from Tennessee asked that forty minutes' debate be allowed on a side and then the bill be considered under the five-minute rule.

Mr. HULL. It was agreed in committee that we should make this arrangement: That we should have forty minutes for general debate, and I could have forty minutes additional if I desired it, and then the amendment should be concluded in forty minutes and have a vote taken at the expiration of two hours, which makes up the time. I ask unanimous consent of the House to ratify that agreement.

The SPEAKER. The gentleman from Iowa asks for the present consideration of the bill, and that forty minutes on each side be allowed for general debate, and then forty minutes be allowed for amendment and debate thereon. Is there objection? [After a pause.] The Chair hears none. The gentleman from Iowa [Mr. HULL] will control forty minutes on that side and the gentleman from Tennessee [Mr. COX] will control the forty minutes in opposition.

Mr. HULL. Mr. Speaker, I simply want to say that I believe the House has a thorough comprehension of the bill now before it. The bill has been before the Congress for nearly four weeks. The House originally had before it what is known as the Wheeler bill, for the creation of a brigade of engineers. At the request of the War Department that was amended by providing 10,000 additional men to be enlisted, and the report to the House shows what it was for. I do not want to use the word "immunes," if I can help it, because it seems to be obnoxious to many members, and a good many insist that there is no such thing. I live in a country where we have none of the diseases incident to a tropical country. I learn, however, from those who claim to be experts, that a man who has had yellow fever is not likely to have it again, and is much more likely to be exempt from it than the man who has not had it could possibly be.

The bill we have called up does not provide that they shall be immune from yellow fever, but shall be, as far as it is possible to enlist them, immune from diseases incident to tropical climates. I think if it were an open question, I should be in favor of the bill reported to the House, amending the volunteer bill by striking out "three thousand" and inserting "sixteen thousand," so as to give the President the right to enlist in the nation at large men possessing the qualifications to the number of 16,000, with a little amendment in addition providing that the officers must be appointed by the President. As the bill was originally drawn, it provided for 3,000 men, but left it in the anomalous condition that the Secretary of War could appoint all the officers. I think nobody would be in favor of that proposition.

But it is not an original proposition. This matter has dragged along day after day and week after week until to-day the conditions are practically ripe to send a land force to Cuba. If we are going to utilize these men at all, it should be done at once. In addition to that, I will say to the House, so you may know my reason for advocating the passage of the Senate bill exactly as we have it before us, that on Saturday last the President of the United States and the Secretary of War both made a request of me that the House pass the Senate bill as it is. Not that they preferred it to the House bill, but it removes all question as to the enactment of the law and giving power for immediate action by the executive officers of the Government.

If we amend it and send it back, if we are to judge anything by

the past, it means that we may have to wait and drag along day after day, and the Government not be able to utilize the force that the Government officers believe they will be able to utilize at an early possible day. As to whether these are immunes and can not have the disease again, that question has nothing to do with this. They are men that possess special advantages over other men, and the sooner they can go into action the better it is for the country at large. For that reason, at the request of the Secretary of War, I ask this House to pass the bill as it comes from the Senate, so that to-morrow morning, if necessary, they can begin to use the forces that this bill provides for.

The fact, of course, is not to be overlooked that some of my confrères on the committee oppose the bill—both the House bill and the Senate bill—on a different line. They believe that the President of the United States should not appoint the officers; that the appointments should be made by the governors of the States where the men are recruited. But, I ask the House to take notice, this bill does not apportion to any State a single regiment or company, but gives the President the right to recruit from the nation at large. Different parts of a regiment may be recruited from different States; for instance, a regiment of engineers may be recruited from New York, Connecticut, Massachusetts, and Pennsylvania.

It is absolutely right and proper that the President of the United States, the Executive of the nation, should have the right to appoint the officers of any regiment and brigade that may be raised under this legislation. Under the volunteer bill we apportioned specifically to the States the regiments and gave to the respective governors the right to appoint the officers, the power of the governor being limited to that.

Mr. LOVE. I should like to ask a question for information. I represent a district bordering on the seacoast, where we have a great many immunes, because we have had the yellow fever there at different times. Now, we have an organized artillery company every member of which is an immune, and suppose this company is ready to volunteer under this bill, could they volunteer as a company, retaining their organization as such?

Mr. HULL. They would have to volunteer as individuals. But I will say to my friend that under the 3,000 act there has been no trouble about commissioning the officers. If the gentleman's State or district has a body of artillery, and the Government wants artillery, it will be very glad to take that company and muster the members into the service, but every man must volunteer as an individual. They are doing the same thing now under the volunteer act. They are volunteering as individuals, while the governors commission the officers. Under the 3,000 bill which has been spoken of, the men who enlisted in the companies have, I think, without exception, decided upon the officers that the President and the Secretary of War were to appoint.

Mr. HANDY. Will the gentleman allow me to ask a question?

Mr. HULL. Yes, sir.

Mr. HANDY. As I understand the gentleman's explanation, this bill is intended to meet the present emergency; and yet as I read the bill, it will become a permanent measure. In any future war that may occur there will remain on the statute books this power of the President to raise and officer as a part of the Volunteer Army, in addition to the 3,000 men provided for in the act which we passed on the 22d of April, the 3,500 engineers that we hope to raise and these 10,000 additional troops who are to have immunity from diseases incident to a tropical climate. Now, in view of the fact that this bill is presented simply as an emergency measure to meet the present case, would the gentleman be willing to insert after the word "authorized," in line 7 of page 1, the words "during the present war;" and after the word "empowered," in the second section, the same words, so that this bill will apply to the present war only?

Mr. HULL. I do not yield for a speech. The gentleman can offer his amendment in due time. I shall not consent to it, for it would defeat the very object we have in view—to pass the bill as it comes from the Senate. Let me say to the gentleman further that I do not believe Congress is going to be out of session so long that we can not correct any part of this legislation which may seem hereafter to need amendment. And if another war should arise——

Mr. HANDY. Why should we make provision for that now?

Mr. HULL. The gentleman's proposition can be presented and debated under the five-minute rule.

I reserve the balance of my time.

Mr. COX. Mr. Speaker, if we can get the attention of the House to what is proposed here, I do not think we shall have any trouble in coming to a sensible conclusion. In the volunteer bill passed by this House it was settled after a strenuous fight that the officers of the volunteer organizations should be selected by the governors of the respective States. That, of course, meant that each State should furnish its own pro rata of men. That bill contained a clause authorizing the President of the United States to call out 3,000 men not subject to the qualification that they should be pro rated among the States, and of that organization the officers were to be selected and appointed by the President.

When the call for volunteers was made, apportionments were made among the States, which responded—the Southern States, the Western States, all the States—far in excess of the number of troops required, a result most gratifying to everybody. Now, the proposition is—and when it is distinctly understood, I do not believe gentlemen on the other side will support it—to call out 10,000 instead of 3,000 men and to specify in the call that after you have organized a brigade of engineers, the rest shall be men who have had the yellow fever and are not subject to the diseases of the tropics.

Now, then, Mr. Speaker, as to the 10,000 men that you propose to call out by this bill, you make provision for officering them in a very different way from that provided in the late volunteer bill. You officer them not by the President of the United States, but by the President "with the advice and consent of the Senate."

Now, I do not hesitate to give my support to a call for all of the men and to provide all of the means that are necessary in this conflict. I do not hesitate to make provision to fight the battles of the country, and to use every energy and every dollar that we may need to bring the war to a speedy termination.

But I want to put it to the good judgment of any man on this floor when I ask this question: Why should you call out 10,000 "immunes," as it is proposed to call them, and which must necessarily be confined to four or five States of the South where the yellow fever prevails, or has prevailed in the past? Why call them out, and at the same time take from them the right to recommend their own officers to the governors of their States for appointment? Why do you not place them exactly upon the same footing as the enlisted men from the other States where yellow fever does not prevail? Is it a crime to have the yellow fever, and for that reason that the men must be punished and treated differently from the other volunteers in the service? Do you escape responsibility by saying to them that it is a condition of affairs that is somewhat peculiar, and therefore that you are going to give them a different organization?

Why, Mr. Speaker, every man knows when you undertake to organize these troops that they must come as an absolute necessity from four to five of the different States in the South.

Now, we have furnished our quota. We are ready to do more than that. We have more than our quota ready at this very moment, organized, completed, and compact, ready for the service. If you want more we will give them. But yet when you go South, as in this case, and call for the enlistment of these men, these "immunes," you undertake to deprive them of the right to serve under their own officers. Is that right? Is that just? What excuse can there possibly be for it? Why this provision?

If they are to be governed by officers selected by the United States—these men must come from the State of Tennessee, Louisiana, a portion of Arkansas, Florida, and Mississippi practically. Now, I ask you again, Is that the way to deal with a great question of this kind, and to force these men to go into the service under a set of officers not selected by themselves, and thus give an entirely separate and different privilege to men who enlisted from the same State or the adjacent States who are also volunteers? If a regiment is organized and composed of men who have had the yellow fever, what right have you to say to them that the Government should, without any consent of their own, commission the colonels, the majors, the captains, and lieutenants? Where is the justice of that?

I am simply calling attention, Mr. Speaker, to what seems to me to be a matter of justice. I do it in no spirit of criticism, except that in my judgment, in a case of this kind, absolute justice should be done to all. We will furnish you the men. There is no trouble about that. We will furnish you our quota and vastly more than our quota. We will furnish you with the men as far as we can furnish anything to fight the war with. But all we ask is that the whole country and every State shall stand upon an equal footing. [Applause.]

That is all that we ask. It is not very much. If you draw especially on the Southern States for a class of men to fight the battles of the country, we do not complain, but we ask you in all candor and frankness that you should treat them precisely as you have treated the volunteers in other parts of the country. Why treat a man from South Carolina different from one from Maine? All stand on the same footing. Certainly it is not the intention of the Government to treat the people of the Southern States in an unjust manner in a question of this kind. [Applause.]

Now, again, I ask is it right here because a man has had the misfortune to have the yellow fever, or to live in a climate that is at times subjected to that dread disease, is it right to punish him for that misfortune?

But, Mr. Speaker, there is another point to which I wish to call attention, and I do it with the utmost frankness and make no political point on it whatever, but I can only call it to the attention of the House, because I believe that when these matters are understood there will be uniform and exact justice done to all sections of the country. I do not hesitate about calling attention to these things because I know the spirit that animates the members here.

Suppose, for instance, I go to New Orleans to-day and find a mustering or enlisting officer, and here steps up a white man named Bill Jones, who wants to enlist, and says, "I am an immune." Now, you have no way on earth to find out whether that is true or not. You can not tell whether he has ever had the yellow fever. The next man perhaps who comes up is a colored man, and he says, "I also am an immune." What will you do with these men? What provision can you make for their examination? I ask you, therefore, in all candor and all frankness, to leave this matter to the governors of the States. They will furnish the men for you.

Now, this is not a criticism about who shall appoint officers, in one sense of the word; but you should remember, and we all know it to be a fact, that you can never fight a volunteer force effectively or with absolute success unless they are subject to the commands of their own officers. The thing never has been done and never will be done.

Now, there is one other criticism not very material. Under the bill provision is made that the officers shall be nominated by the President and confirmed by the Senate. How can this be done, I ask you, if you want to put this force rapidly into the field? You say that this is an emergency measure, and yet you provide a roundabout way of performing one of the most essential features of the bill. How long will it take to get these men commissioned? Why not follow the rule laid down in the volunteer bill passed a few weeks ago giving to the governors of the States the right to commission their captains, lieutenants, majors, lieutenant-colonels, and colonels. Is there any reason for treating differently these men, who are likely to be free from yellow fever, from other classes of men who have already enlisted? All of them are volunteers, and all of them should be treated exactly alike.

One other thing, and I ask this in candor and fairness, does it seem right to call on four or five of the States of the South for the 10,000 or more men recommended by the present bill? Is that the right way to treat us? If you are going to bring out this force, and I agree that it ought to be brought out, let them at least have the full privilege of naming their officers. You never will have any trouble about the Southern States discharging their duty, but you should not require four or five of the Southern States to furnish 10,000 men and then deprive them of the right of recommending their own officers. Why do you do it?

Now, Mr. Chairman, I have expressed my feelings about it. In the western portion of my State the yellow fever raged terribly in 1878. It devastated that whole region. I know substantially the men there, and some of the best military characters we have have had the yellow fever. I repeat again, why not let these boys who have had the yellow fever organize their commands, as we did the volunteers, and treat them just as you have treated the volunteers? I reserve the balance of my time.

Mr. HULL. Does the gentleman from Tennessee want to yield to anybody?

Mr. COX. I reserve the balance of my time.

Mr. HULL. How much time have I, Mr. Speaker?

The SPEAKER. Thirty-one minutes.

Mr. HULL. Well, I reserved only thirty minutes for myself in order to bring a vote at 3 o'clock, but the gentleman from Tennessee had forty minutes. That would give me twenty-one minutes.

Mr. HANDY. The unanimous consent was for forty minutes on a side.

Mr. HULL. I know, but I am not compelled to use it. If the gentleman insists that it was given to the House, I am not compelled to use it on this side. I do not know of anyone among those who are in favor of the bill who desires to discuss it. If so, I shall be glad to yield; if not, I ask some one to go ahead with the debate.

Mr. HAY. With the permission of the gentleman from Tennessee I should like to address a few remarks to the House upon the bill.

Mr. COX. I yield the balance of my time to the gentleman.

Mr. HAY. If any other gentleman desires to speak against the bill, I will yield to him.

Mr. Speaker, I have looked at this bill, as I have endeavored to look at every bill of this character, from a business standpoint. I do not regard this bill as one which can possibly be considered in a partisan sense at all. I think every measure that is introduced here for the purpose of carrying on this war should be regarded from a business standpoint and from a patriotic standpoint. In the first place, it seems to me that the great victory which has been won by that brilliant sailor, Commodore Dewey, renders it very questionable as to whether or not we need any more volunteers.

Again, I believe that the President, under the volunteer bill, has a right to call out any number of men he may see fit. Now, the principal objection which I have to this bill is that the officers who are appointed by the President are appointed not for the war, but for all time. If any gentleman will examine the provisions of this bill, he will find that, while the enlisted men are appointed for the war, there is no limitation fixed upon the appointment of the officers. That is true of both the first and second sections of the bill, in the brigade of engineers and in the immunes. I think that ought not to be so.

I think that these officers ought, like the enlisted men, to go out at the same time that the volunteers go out and that the increase of officers of the Regular Army go out. I do not think there ought to be any question about that. Gentlemen may say that this bill is not liable to that construction. I say that it is liable to it, and very much so, and the English language is not so poor but that these gentleman can so word the bill as to make it read in such a way that there can be no doubt whatever upon a question of that sort.

Mr. MORRIS. Will the gentleman allow a question?

Mr. HAY. Certainly.

Mr. MORRIS. Is it your idea that the officers in these regiments should be appointed by the governors of the States, as in the other volunteer regiments?

Mr. HAY. I was coming to that. Yes.

Mr. MORRIS. Well, now, if that is your idea, I quite agree with you about it, if it is practicable; but will you please explain how it would be practicable to do that?

Mr. HAY. I am coming to that. First I wanted to say that these officers appointed by the President would continue officers after the end of this war, under the same plan that we had in time of peace, before this war began. There were then in each infantry regiment two skeleton companies, as they are called, which had officers, but had no men, and, as I said before, this bill upon that point can be made entirely plain. Now, I think these officers ought to be selected by the men and appointed by the governors of the States from which they are drawn.

The gentleman from Minnesota asks me if that is practicable. I say it is. It is a well-known fact that these immunes, as they are called, come from three or four States. It is an acknowledged fact that 5,000 of these 10,000 men must come from the State of Louisiana, if you get them at all. So that I say, so far as 5,000 of them are concerned, certainly the officers of those men coming from the State of Louisiana should be selected by their men and commissioned by the governor of Louisiana.

I understand that there is a gentleman in this city now who already has raised a regiment of these immunes and has offered their services to the President. Now, if there are any other States that can raise as much as a battalion, or as much as a company, even, let those battalions and those companies form themselves into a regiment and the men themselves will very readily agree as to which of the governors of the States shall appoint the colonels and officers. These governors will appoint the men whom the men have chosen to command themselves, and I say, as my colleague from Tennessee said a moment ago, that these volunteer troops which are authorized to be called from the United States at large should have the same privilege and the same right to be officered by their friends, their comrades, and their neighbors as have the volunteer troops of the State which the President has called out. You say this is impracticable. I understand that in some States the call has been so small that in calling out 125,000 men there were not enough to make up a regiment, and yet the governor of the State appointed the officers for the battalion or two companies or whatever it might be.

Now, as to the question of immunes, I venture to say that there is not a man on this floor who can produce any authority from any medical source as to whether there are "immunes."

I understand that there is a gentleman in the Senate who has had yellow fever twice. I understand there is a gentleman on the floor of this House who has had yellow fever twice. I understand that it may be—possibly from hearsay evidence and not from any medical source—that a man who has had yellow fever is not as apt to have it as one who has not, but I understand from all sides that a man who has had yellow fever in Louisiana is just as apt to go to Havana and have it there as if he had never had it at all. Now, about these immunes. There is going to be a contention about that. How are you going to tell? What authority is going to pronounce on these immunes?

I could go to Louisiana, if I wanted to do it, and so could any gentleman in this House, and say, "I have had yellow fever," and enlist as an "immune." Now, what is the purpose of having 10,000 immunes? It is to shield the lives of other soldiers who have not had yellow fever, and which come from portions of this country where yellow fever does not prevail. I am willing and ready to give my adherence to that principle if you can get immunes; but if you can not get them, if there is no certainty about it, if these people are just as apt to have yellow fever, is it necessary, and how are you going to manage it?

Mr. STEELE. If the gentleman will permit me, I would state that it is not suggested that the immunes shall be required to capture Cuba. Other people will have to go, and they are ready.

Mr. HAY. Why do you want immunes?

Mr. STEELE. I do not want them. I am with you.

Mr. HAY. I say I agree with the gentleman from Indiana that

the people of this country do not want to sacrifice, perhaps, the lives of a certain class of people for the benefit of other people. I say that the whole country is ready to do its duty in this matter. Now, it seems to me that this bill gives the President four hundred and forty-odd officers——

Mr. COX. Eight hundred.

Mr. HAY. Eight hundred officers to be appointed by him. I say that it seems to me that there is no authority presented here for calling people immunes.

Mr. COX. If the gentleman will permit me, I want to call his attention to the fact that there are 50 officers to a regiment; that will make about 800 officers. Now, I want gentlemen on the other side to tell what is to become of those 800 officers after the war, under this bill.

Mr. HAY. I have just stated that the construction of this bill can be such as to provide that the officers shall remain in the Army without any troops to command. Now, there is no question about that. If gentlemen want to correct their bill in that respect, they ought to do it. I say the Government is going to be imposed upon in the matter of the organization of this brigade or division of immunes. There will be plenty of men in the State of Louisiana who will go and volunteer and say that they are immunes when they are no more immunes than you or I. Therefore, Mr. Speaker, I am opposed to the passage of this bill in its present shape; but I want to be distinctly understood that I am not opposed to giving the President the right to call out every man that he deems necessary in this war for the overthrow of the power of Spain and to vote for every measure that is a proper and necessary measure in order that this war may be soon ended. I reserve the balance of my time.

Mr. COX. Under the suggestion I made to the Speaker, I think I have twelve minutes left.

The SPEAKER. The gentleman has fifteen minutes.

Mr. COX. I yield five minutes to the gentleman from Utah [Mr. KING].

Mr. KING. Mr. Speaker, there is no member of this House who will refuse to support every measure necessary to carry to a speedy and triumphant termination the contest in which the United States are now engaged. So far as this side of the Chamber is concerned there will be no partisanship. This does not mean that members are to be foreclosed from opposing improper measures and seeking to defeat vicious legislation. Under the plea of necessity, or emergency, or patriotism, speaking for myself, I am not willing to be driven into the support of propositions which I regard as hostile to the best interests of the American people or unnecessary and unwise.

I am opposed to this bill. No valid reasons have been offered in its behalf. The objections urged by the gentleman from Tennessee [Mr. COX] and the gentleman from Virginia [Mr. HAY] conclusively establish that most of its provisions are utterly indefensible. It is crude and uncertain. It confers authority upon the President which ought to be exercised either by the governors of the States from which the troops are to be drawn or by the troops after enlistment. It is violative of the theory controlling the selection of volunteers. It will enable the President to give place and office to hundreds. It is a bill to furnish offices for persons who are unwilling to serve their country as privates. It is ambiguous and uncertain in the provisions relating to the tenure of service. Can it be designed to furnish secure positions after the present war is ended to many who now have no active station?

In addition to the manifold objections of a similar character it is objectionable at present because unnecessary. I will willingly give my vote for men and money enough to conduct this war. But are more men now required? We have the standing army. In addition, we have 125,000 volunteers authorized by preceding legislation, and we have our splendid Navy with its valorous men.

In the light of present events, can it be contended that all these forces are insufficient for the contest before us? Is there anything in the condition of Cuba, or the Spanish troops in the Island of Cuba, that gives evidence of a necessity for a larger Army than that which has already been called into existence?

Upon the Island of Cuba to-day there are not 40,000 Spanish soldiers fit for active service. It is a fact, cognizant to those who have visited Cuba and to those who have acquainted themselves with the condition of affairs in that stricken island, that the Spanish forces have been decimated. The hundreds of thousands have melted away and, as stated, less than 40,000 are in a condition for active warfare.

General Weyler while there plundered and despoiled his own troops, and often visited upon them the same sorrows, privation, and suffering that was accorded the reconcentrados. Levies fresh from Spain were placed in swamps and small forts and then neglected. In their isolation they were deprived of food and nourishment. Without sufficient food and deprived of medical attendance, is it to be wondered at that thousands lost heart and courage and went miserably to premature graves? Starvation and criminal neglect upon the part of Weyler and his officers depleted the Spanish armies. The soldiers now surviving are unprepared for war. They are not fit to engage with a force such as we have already authorized to land on the Island of Cuba.

It seems to me, Mr. Speaker and gentlemen, that we exaggerate the work undertaken and the contest upon which we have entered. One would think from the noise that is being made that we were contending with the greatest power on earth instead of an effete, exhausted nation. One would think that we were about to engage with a colossal army instead of a few ragged, half-starved soldiers that are to-day found on the Island of Cuba. I make this assertion, and I challenge contradiction of it, in the light of all the facts, that if we had landed 25,000 men on the Island of Cuba two weeks ago and delivered to the insurgents sufficient arms to thoroughly equip them, and adequate rations for their maintenance, and had employed our fleet before Havana and Matanzas, these cities before this time would have fallen and the Stars and Stripes would have been floating over Morro Castle and the Spanish flag driven from the island.

What is the necessity of increasing the Army? We have now available 150,000 troops. Are not these sufficient to secure the freedom of Cuba and to continue whatever warfare may be necessary in the Orient in order to supply Commodore Dewey whatever may be essential to subjugate the Philippines and maintain law and order over that far-away land? There is no necessity for sending to Cuba more than 50,000 men. It must be apparent to all that the end is in sight; that with starvation threatening, our fleets surrounding, and our troops ready and impatient to embark, the overthrow of Spain's authority is near at hand. The Spanish troops will soon surrender. I feel confident that if we supply to the insurgents adequate munitions of war and immediately employ 25,000 of our soldiers against the Spanish troops and utilize our ships to destroy the ocean fortifications at Havana and elsewhere, there will be no necessity for augmenting our fleet or increasing our Army. Therefore this bill is unnecessary.

What is the necessity of adding 12,000 or 15,000 more men to the Army now? When it becomes apparent, if it shall, that our Army is inadequate to compete with these half-starved and ragged soldiers on the Island of Cuba, it will be time enough to pass a measure through Congress increasing the Army of the United States. I say now it is a work of supererogation to add to the Army of the United States. It seems to me that we are discrediting our own troops, discrediting their bravery, their power and ability when we doubt that 150,000 of them, aided by the powerful fleets that we have, are unable to compete with Spain's already vanquished armies and drive forever from Cuba our unworthy, infamous foe which has so accursed and blighted the New World. [Applause.]

The SPEAKER. The gentleman's time has expired.

Mr. FLEMING. I would like to ask the gentleman a question.

Mr. HULL. Mr. Speaker, I now yield five minutes to the gentleman from Mississippi [Mr. LOVE].

Mr. LOVE. Mr. Speaker, there are two artillery companies in my district that are immunes. They are well organized, and all of them have had the yellow fever. They can not enlist under the volunteer act. Now, they would like to come in under this bill, but they wish to retain the company organization. They do not wish to volunteer as individuals; they would like to join as a company organization. This bill proposes, however, that the troops shall be collected from different parts of the country. Perhaps no State will furnish as much as a regiment. It looks to me, therefore, impracticable to carry out the idea advanced by the gentleman from Tennessee [Mr. COX] that the regimental officers should be appointed by the governors of the respective States.

Mr. COX. Will the gentleman allow me an interruption?

Mr. LOVE. Certainly.

Mr. COX. It does not follow that a regiment is to come from one State; it does not follow that a company should come from one State.

Mr. LOVE. If that be true, then how can you provide that the officers are to be named by the governors when the regiment may represent several States? These artillery companies are composed of young men who have been raised on the coast and are acclimated, and I am satisfied that they would render valuable service in this particular emergency.

Mr. HAY. Will the gentleman permit me a moment? Did I understand him to say that he had in his district two artillery companies?

Mr. LOVE. Yes, sir.

Mr. HAY. Let me say to the gentleman that the idea of this bill is that at least 10,000 of these men shall be infantry.

Mr. HULL. I do not think the gentleman from Virginia [Mr. HAY] has any authority for saying that. They are to be such troops as the Government may need to use.

Mr. HAY. We all know they will be infantry.

Mr. LOVE. I understand, from the reading of this bill, that the President may use these artillery companies. I do not think, from the language of this measure, that they would be debarred or prohibited from coming in. But I know they would like to come in under their present organization, if possible, as companies; and I

take it the President might even recognize the officers of those companies in his appointments.

Mr. SIMPSON. Does the gentleman think there is any such thing as an immune from yellow fever?

Mr. LOVE. While occasionally there are persons who have yellow fever the second time, yet, as a general rule, the gentleman must know that when a man has had yellow fever once he is not nearly so subject to it and is regarded as an immune. There are only rare instances in which a man has it the second time, and it is generally in a milder form.

Mr. SIMPSON. It has been indicated here that a man may have yellow fever in Mississippi, for instance, and escape, yet if he goes to Cuba, where the climate is different, he may take the fever again just as readily as one who has never had it at all.

Mr. LOVE. That is a disputed question. I know that some leading physicians hold to that theory, while others do not; therefore I am in doubt as to that. But I do know that people who have lived on the coast of Mississippi, Florida, or Louisiana can naturally stand the climate of Cuba better than persons who have been raised farther north; they would not be so subject to disease as Northern people. But, Mr. Speaker, it seems to me, as has been stated by the gentleman from Utah [Mr. KING], that we are not properly utilizing the army already called out.

The very purpose for which this war was declared, if we are to judge from the President's message and the declaration of Congress, was to relieve the reconcentrados and prevent them from dying of starvation. It was a war to be waged for humanity's sake. I must say that I never would have voted for this war except for that purpose. Yet three weeks have passed and up to this time the course that has been pursued by this Government is calculated to assist the Spaniards in starving out the reconcentrados in the Island of Cuba, because by blockading the island and forbidding the introduction of supplies the reconcentrados will be the first to suffer and thus defeat the main purpose of the war. Then why not turn our arms on Cuba rather than on other Spanish possessions. No doubt hundreds are perishing there every day.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LOVE. I would like just two minutes more.

Mr. HULL. I have not two minutes more to yield to the gentleman.

I yield three minutes to the gentleman from Texas [Mr. HAWLEY].

Mr. HAWLEY. Mr. Speaker, I have listened with a good deal of interest and some surprise to the arbitrary statements which have been made in the discussion of this measure, particularly those of some gentlemen who, being perfectly sincere and honest in their suggestions, are yet entirely in error not only with respect to the purpose of this bill, but with respect to its effect.

Mr. Speaker, no man who has not been himself a part of the South, who has not inhabited the tropical or semitropical region and witnessed with his own eyes and experienced in his own person the evil effects of what is known in the South as the yellow-fever epidemic, can have any proper conception of the enormous advantage of having an immune corps in the Island of Cuba in the present condition of affairs.

I heard the gentleman from Utah [Mr. KING] speak of heroism and courage and valor. Who here or anywhere has any conception of the proper method of meeting an insidious and hidden foe? A man may be as brave as man can be when called on to go out into the open and fight, but every man naturally desires to keep away from a hidden and unknown enemy such as this insidious disease is recognized to be. And I warn this House that if we fail to pass a bill ingrafting into the Army of our country a body of men who are immunes from the diseases incident to that tropical climate there will come hereafter a sense of profound regret that we did not accept the opportunity to send such men to the front as a part of the army of occupation. This dread disease has power to fell more men than all the bullets of Spaniards that we may meet in the Island of Cuba, and if we fail to do our duty to the American Army in providing a large number of American soldiers who are absolutely immune from this disease, we shall be responsible for consequences which no man in this House would willingly assume now or hereafter.

Mr. HUNTER. Will the gentleman allow a question?

Mr. HAWLEY. I am at the gentleman's service.

Mr. HUNTER. Do you not think——

The SPEAKER pro tempore. The time of the gentleman from Texas [Mr. HAWLEY] has expired.

Mr. HULL. I yield one minute more that the question may be asked and answered.

Mr. HUNTER. Does not the gentleman from Texas think it would be much better to arm Cubans who are already on the island and accustomed to the climate—to provide, we will say, 10,000 or 20,000 of them with American arms at once, and let them take the chances of the climate—than to send troops from this country?

Mr. HAWLEY. Has not that already been provided for under the bill passed this morning?

Mr. HUNTER. If so, then we do not need this bill.

Mr. HAWLEY. That may depend upon circumstances. We have agreed to establish a stable government in Cuba; and the time will come perhaps when we shall need to take care of somebody there besides the people who are in arms against each other, and for myself I will agree that the integrity and reputation and the good faith of our country should be safeguarded under the watchful care and protection of American troops, and whoever else may fight under our banner must be guided and directed and controlled by the policy and purpose of this Government, and by this alone.

Mr. HENRY of Mississippi. Will the gentleman allow me to interrupt him for a question?

Mr. HAWLEY. With pleasure.

Mr. HENRY of Mississippi. Do you not think that the "immunes," who have passed through the yellow fever and who are willing to tender their services to the Government in a case of this kind, should be placed at least upon the same footing with other troops and allowed the poor privilege of selecting their own officers?

Mr. HAWLEY. Replying directly to the question of the gentleman from Mississippi, I will state to him only this, as an illustration: That in the district I have the honor to represent, to-day we have a regiment, organized and equipped, and which is ready to be sent wherever the Government desires it to go without the imposition of any conditions whatever.

Mr. HENRY of Mississippi. Oh, well; they can get in under the bill already passed.

Mr. HAWLEY. You are wholly in error; they could come in under this bill only.

The SPEAKER pro tempore (Mr. PAYNE). The time of the gentleman has expired.

Mr. HULL. I yield three minutes to the gentleman from Pennsylvania [Mr. GROW].

Mr. GROW. Mr. Speaker, heretofore I have witnessed similar exhibitions to that which we are now witnessing in the Hall of the House, where gentlemen seemed to be impressed with the idea that they could manage great war affairs better than those to whom that express duty is committed by the law and the Constitution. I have heard to-day gentlemen say in this discussion that if "certain things" had been done thirty days ago, certain things would have been accomplished now, and that certainly a condition of affairs would have been presented to our people very different from that which confronts us.

Now, I would ask these gentlemen who is, under our law, intrusted with the responsibility of the conduct of a war? You ask to have our Navy go to work and bombard the forts on the Island of Cuba, while Spain has a great and powerful fleet on the ocean, yet exactly where is not known. Our ships are to be subjected to risk, and be crippled, possibly, before the Spanish fleet is destroyed.

Mr. Speaker, there are agents of this Government—men in high positions—who are charged with the responsibility of conducting this war.

I think they have planned one battle and have won one victory, which is of so momentous and vital an importance not only to the United States, but to the whole civilized world, that we can allow them to manage and carry on the war without undertaking to interfere with or hamper their movements or their actions. [Applause.]

But I have seen this same condition of affairs before. I remember a period, some thirty-five years ago—I refer to the war period from 1861 to 1865—when the same conditions prevailed; and I have seen members of Congress on the floor of this House—men who possibly had never seen an army and certainly could not have maneuvered one—who understood better than the Commander in Chief of the United States forces just what should be done, and were not slow in stating what they believed ought to be done. Then they were telling us of the tremendous victories that "could be gained" if certain things were done or had been done in their way.

Now, Mr. Speaker, I am inclined to believe that the men whose duty it is to look after our interests in war, as far as our Navy and Army are concerned, are men who are quite as well prepared and qualified to do that work properly as the men who sit on this floor, most of whom will not claim, I apprehend, to be entirely familiar with the movements of either armies or navies. And I do not mean in this to make any reflection upon any member of this body. It is not a reflection upon their patriotism, nor is it a reflection upon their ability. But the Constitution has fixed the men who are the executive force in conducting this war, and I think they are quite competent to do it.

I do not believe that the House of Representatives, either singly or combined, can manage a great war with another great nation, on land or sea, as well as those who are charged by the Constitution with the responsibility for its conduct. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COX. I yield three minutes to the gentleman from Indiana [Mr. STEELE].

Mr. STEELE. Mr. Speaker, if the second section of this bill would give immunity to all the volunteer soldiers, or all of the soldiers who are going to Cuba, it would be a matter of great satisfaction to me, and I would vote for it without a moment's delay. But it is not proposed that it shall be so. We have called into the service of the Government 125,000 volunteers from the various States, and every one of them is supposed to go to Cuba, if his services there shall be required. Now, if, instead of all of these men, there be sent 10,000 "immunes" to Cuba, according to the suggestions made on this floor, we will accomplish just as much as by sending the volunteers now called out. That is to say, by sending 10,000 men who are free from yellow fever into the island we can readily capture it. I would gladly say "Amen" to the proposition. Or even if it were proposed to enlist 10,000 men as nurses for our Army who will go to Cuba and care for our volunteer soldiers, I would again say "Amen," and willingly.

But that is not the proposition that confronts us now. It is proposed here, gravely, that the President of the United States—who is not asking us, so far as I have heard, for this legislation—that the President of the United States may select certain officers to raise regiments of men who are supposed to have immunity from the yellow fever which prevails in certain seasons in Cuba.

In the State of Indiana there are to-day 100,000 men ready—and we can add any number to that if you want them—men who are ready and anxious to take the chances, not only of the yellow fever, but of battles either in the Navy or in the Army, and they have a right to go in proper proportion under the call of the President. Why, then, in view of that fact, should a few favored ones have a special opportunity, that which is not granted to all other volunteers, especially where all are anxious to go? So far as I am individually concerned I do not want to go at all. [Laughter.] I have had all of the battles and all of the hardships and all of the dangers I want to encounter. The battle itself would be enough to keep me away [laughter], and the yellow fever would be an additional impediment to my enlistment. [Laughter and applause.]

I have patriotism to spare, but I have not as much courage as I ought to have to go to Cuba and do battle. My constituents are better than I am in this direction. They are anxious to go and do battle for their country to show that they have patriotism. Who believes that we will get a thousand immunes who want to go to do battle? Why, if I had had the yellow fever once, I should be worse scared about it than I am now. [Laughter.] Seriously, however, I am informed by a reconcentrado of this House from New York [Mr. CUMMINGS], who has recently been in Cuba, that there is not the danger from yellow fever that is generally supposed. By keeping on the high lands and by observing hygienic laws, you are comparatively free from yellow fever. If you go there to battle, you go there because you have your heart in the cause and desire to wipe out the Spaniards. I am full of that desire, and will overcome my fear if my services are necessary.

Mr. CUMMINGS. A man who has faced the Confederates need never be afraid of facing Spaniards. [Applause.]

Mr. STEELE. Well, then, maybe I will go.

Mr. HULL. I yield three minutes to the gentleman from Texas.

Mr. SAYERS. Before the gentleman from Iowa takes his seat, I should like to ask him a question. Some gentlemen on this side of the House are laboring under the impression that the officers who shall be appointed under this measure may hold their positions after the war and be incorporated into the Regular Army under this bill. I do not understand that to be the case.

Mr. HULL. That is not the policy of the Department, and no man connected with the advocacy of this bill has that idea.

Mr. COX. What does the bill say?

Mr. HULL. I do not think the bill would permit it. This is an addition to the volunteer force, and they would be compelled to comply with the law involving the volunteers.

Mr. WILLIAMS of Mississippi. It says they shall be organized under the conditions of the act which we passed the other day, does it not?

Mr. HULL. Yes.

Mr. COX. They are not organized under the volunteer bill. It is an organization in addition to the volunteer bill.

Mr. SAYERS. Mr. Speaker, I wish to say a few words about this measure. I should much prefer that this bill should correspond, in the method of organization feature, to the act to which it is proposed to be supplemental—that is to say, that the officers shall be selected by the men, and that they may be commissioned, if you please, by the President, provided, however, that those who are to be appointed shall have the privilege of selecting those who are to command them. They know them best.

But in regard to the necessity of this measure, I know what the yellow fever is. My colleague who represents the Galveston district [Mr. HAWLEY] said very truly that men will fight in the open field against overwhelming odds, but when it comes to disease, that a man can not defend himself against, there are very few of us who like to be so situated. I know what yellow fever is. It is a most fearful disease, and, unless conditions for its proper treatment be altogether favorable, it is generally fatal. A gentleman on this side of the House has said, "Why not arm the Cubans?" I do not think it wise to depend upon the Cubans, or on any other people except our own, to maintain the honor of our flag and the integrity of our Government. [Applause.]

Mr. COX. You voted for the bill this morning, however.

Mr. SAYERS. Certainly I did.

Mr. WILLIAMS of Mississippi. But as an auxiliary.

Mr. SAYERS. Yes, as suggested by the gentleman from Mississippi, as an auxiliary. Mr. Speaker, no man can foresee the course of events. No man can predict the future—not even what a single day may bring forth.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HULL. I yield one minute more. How much time have I remaining?

The SPEAKER pro tempore. The Chair will determine that.

Mr. SAYERS. If it should become necessary to maintain an army of occupation in Cuba, I would have that army composed of citizens of the United States, owing allegiance to our Government, acting in the interest of our Government, representing its integrity and defending its honor, and I am not willing to commit its cause to any other people on earth. But, sir, I would much prefer to have this measure so amended that those who freely and voluntarily give their services to their country should be permitted to select their officers, to be commissioned by the President.

[Here the hammer fell.]

The SPEAKER pro tempore. The gentleman from Iowa has fifteen minutes remaining.

Mr. WILLIAMS of Mississippi. May I ask my friend from Iowa a question before he proceeds?

Mr. HULL. Yes.

Mr. WILLIAMS of Mississippi. Would not the gentleman be willing to strike out these words:

the officers thereof to be appointed by the President, by and with the advice and consent of the Senate—

and to substitute for them the words—

the President may appoint the officers thereof, by and with the advice and consent of the Senate, subject to the provisions of the bill passed April 22, 1898—

making the regimental officers of these immunes receive their appointments exactly as the volunteer officers are appointed under the bill passed April 22?

Mr. HULL. That provided that they should be appointed by the governors of the States.

Mr. SAYERS. Mr. Speaker, I do not want the officers of these regiments and companies appointed by anybody. I want the men to elect them, and then that they shall be commissioned by the President.

Mr. HULL. Mr. Speaker, I reserve the balance of my time, and will let the gentleman from Tennessee [Mr. COX] conclude now.

Mr. HAY. How can we do any such thing as that suggested by the gentleman from Texas? It can not be done under the Constitution.

Mr. SAYERS. I will answer the gentleman when I can get the floor.

Mr. COX. I yield five minutes to the gentleman from Washington [Mr. LEWIS].

Mr. LEWIS of Washington. Mr. Speaker, my attitude toward measures of this nature has been well defined by me. When I opposed another measure of this sort some time since, because I believed it sought to put the volunteer guards under the control of the Regular Army, and prevented the volunteer organizations from having any life, I was very generally criticised throughout the country, and by many of the papers, which did not appreciate the evil of the measure. The New York Sun and the Washington Post had been holding me up with severe excoriation, and the Sun has presented me daily as a thing of beauty and a joy forever. [Laughter.] I am not in any way criticising or condemning the exercise of free criticism on the part of those eminent journals. It is sufficient for me to say to them that whenever I see any measure brought into the House that has for its purpose the destruction of the National Guards, and which would prevent the governors of the States from exercising their sovereign rights under the Constitution, I shall fight it, and shall not care who criticises my conduct. This particular bill is subject, in my opinion, to the same criticism I passed on the former measure, and it ought to be at once condemned; and I rise to give grounds for its defeat. [Laughter on the Republican side.] Mr. Speaker, I trust I may not be held responsible for the lack of dignity and decorum which gentlemen on the other side are displaying.

The SPEAKER. The Chair will see that the gentleman is not held responsible for that. The House will be in order.

Mr. LEWIS of Washington. Mr. Speaker, I listened with a great deal of interest to the gentleman from Utah, who, from his personal experience of the volunteer forces in Cuba, suggests that none of the forces provided for in this bill will be needed there. I do not know whether they will be needed or not, but I venture the prophecy that if the next naval engagement shall not terminate this war, and this land force shall for any reason be required, it will mean that this country has entered upon a continental conflict.

This is not a new epoch; it may be a new era. You may remember its precedent began as early as 1767, when Sir William Draper in behalf of England invaded the Philippines and through Admiral Cornish, the Dewey of his day, bombarded and captured Manila.

This event was urged by Murray, later Mansfield, as the end of the complication. But intervening events continued the strife until it closed in 1805 with the memorable Trafalgar. It is also known, Mr. Speaker, that Napoleon Bonaparte entered upon his conflicts to subjugate a small Austrian province, but internal complications forced the generation into a war of worlds, only to end with Waterloo. It may be we have finally entered upon such a conflict; but whether that be so or not, we can only leave the undeveloped time to disclose.

But it is stated, as is apparent, that no such condition now exists. If that be so, why should this measure be introduced? Why give this increased number of troops, and provide that the organization shall be under the authority of the President, refusing to the governors of States the right to exercise the power which both the law and the Constitution have ever placed in them; refusing to the governors the right to name any of the officers, even the lieutenants, captains, and colonels of regiments; giving complete control to the President and denying to the State the proper supervision over and the proper exercise of the National Guards of the States?

This bill calls into use a certain class of men who are represented as having immunity from disease. Gentlemen, who decides upon this question as to whether they have this immunity or not? Then is it immunity from what disease? "Diseases incident to the Tropics?" Who shall be the judge of this thing? What diseases—fever, scurvy, intestinal complications, or any complaint that one may have had in any land under the sun? That is all left to the discretion of some person unnamed in the bill—any person who may use this excuse to discriminate against the West. The evil will gradually permeate the system until it will have a culmination in the destruction of the National Guard by appointing only men who claim to have been in war—the Confederate ex-soldiers only, or any other set of men who claim immunity from anything as an excuse to be favored—thus creating a standing army under the supreme control of the President.

The bill dishonors and distracts those volunteer forces so necessary to encourage if we would hope ever to preserve the honor and dignity of our country. For these reasons and others that my friend from Tennessee [Mr. COX] and my friend from Virginia [Mr. HAY] have given, I shall oppose this measure and hope that it may be defeated. [Applause.] I now ask that Colonel MARSH, of Illinois, supplement my objections if he is so inclined, as I gather from his present views heretofore expressed.

Mr. HULL. Mr. Speaker, how much time has the gentleman remaining?

The SPEAKER. The gentleman from Tennessee has two minutes.

Mr. HULL. If the gentleman will exhaust his time, I think we may proceed with the bill without any further delay.

The SPEAKER. The Chair will recognize the gentleman from Virginia for the two minutes.

Mr. HAY. I yield to the gentleman from Ohio.

Mr. LENTZ. Mr. Speaker, I only wish to say that this is not a question, as I understand it, of furnishing men, but it is a question of the method by which they shall be furnished. The 125,000 were supplied in a day and a night, and the States of this Union are ready to supply another 125,000 in twenty-four hours; men who are ready and willing to expose themselves, as the gentleman from Indiana said, not only to Spanish bullets, but to yellow fever or any other fever. Why not let this bill be prepared exactly like the volunteer bill?

Why not, if we need more men, allow the governors of the States to furnish more men and name their officers. They are ready throughout the United States to take all the chances of war; not only ready, but anxious. Some say there are 600,000 and some say there are 1,000,000 who have tendered their services. It seems to me that we ought to follow along the lines of the bill which we have already passed, instead of switching off and making special provision for a few thousand men, apparently to make places for 800 officers. No good reason has been offered why this bill should depart from the lines of the other bill, and no good reason has been offered why we should not trust the governors of the States to name the officers. Therefore I oppose the bill, and I propose to oppose it, and shall vote against it until it is modified and made in keeping with the other bill that has already been passed.

Mr. TALBERT. I would like to ask the chairman of the committee a question.

Mr. HULL. Certainly.

Mr. TALBERT. It has been stated on this side of the House that the men at the close of the war would be mustered out, while the officers would be retained.

Mr. HULL. The officers and men will both be mustered out.

Mr. TALBERT. Will the gentleman object to a provision in the bill which will make that plain?

Mr. HULL. It is already plain; there can be no doubt about it. Now, I want to add a few words in answer to the objections of the gentleman who has just taken his seat. We have 125,000 men ready to go into the field, and more than 125,000 men who have offered to go, but are not ready. They are not yet organized. They are not ready to be mustered in. Examinations are cutting down the men, and they are not ready to immediately go into the Army. I want to say further that as far as the appointment of the officers of the regiment is concerned, the wishes of the men will be consulted just as much by the President in appointing them as if the governors of the States themselves appointed them. The bill we passed did not say that the governors should appoint the officers elected by the men, but they might appoint them; it left it in the governors' discretion.

Mr. McCULLOCH. I want to ask the gentleman a question.

Mr. HULL. With pleasure.

Mr. McCULLOCH. Are the volunteers under this bill to be mustered out as soon as the war is over?

Mr. HULL. Yes; absolutely. Now, I want to say further that this idea that we do not need any more troops to go to Cuba may be true—I hope it is true—but we are providing for a state of affairs that may not meet our wishes, and it may be necessary to have them. I will say further to the House, on this question of selecting men or permitting them to volunteer who are exempt from diseases of tropical climates, that the President desires to have men that can occupy the seaports where yellow fever is prevalent, who have had the disease or have no fears of it, in order to avoid the sacrifice of life of volunteers of the States where they have had no experience with the diseases and no experience of the conditions that confront them, and whose climatic surroundings have been such that they are peculiarly liable to have the diseases of a tropical climate.

Mr. COX. Who does the gentleman think would be the best qualified to select the officers of the regiment of such men, the governors in a State where the yellow fever is prevalent, or the President of the United States?

Mr. HULL. I have gone over that once, and I will go over it again. The men are selected from the nation at large——

Mr. BAILEY. I was about to ask the gentleman from Iowa as to the construction of the second section of the bill. It authorizes their organization under the Volunteer Army bill, and it does not seem to me that they are organized except by each State contributing its quota. Now, the engineer corps is organized from "the nation at large," and I take occasion to say that I prefer to strike out the word "nation," as it has no legal definition, and substitute the words "United States," which have a well-known legal meaning. But it is different with——

Mr. HULL. The 10,000 men are not apportioned to any State.

Mr. BAILEY. No; but the President is only authorized to organize them under the provisions of the Volunteer Army bill, and under the provisions of that bill he was compelled to obtain a given number in a given way. Now, if he undertakes to add another 10,000 under the provisions of that bill, he is subject to all its limitations.

Mr. HULL. He is not subject, I think, to the limitation of trying to get them by apportionment among the States.

Mr. BAILEY. Let me ask the gentleman from Iowa whether in any part of this bill relating to the 10,000 men there is a word that authorizes the President to proceed in any way except under the Volunteer Army bill?

Mr. HULL. I think, so far as their organization is concerned, they are to be organized by the President from whatever locality may furnish volunteers possessing the qualifications required by the second section.

Mr. BAILEY. Suppose the State of Louisiana, having a larger population eligible under this bill than any other State, should raise and tender to the President the whole 10,000. The President is not authorized to accept from Louisiana more than her quota unless other States fail to provide their quota.

Mr. HULL. I can only give my friend the construction which the War Department puts on the provision, which is that there is no limitation as to where the men may come from if they possess the necessary qualifications.

Mr. BAILEY. Then let me ask, Is there not a limitation in the Volunteer Army bill?

Mr. HULL. That bill provides that the volunteers called for must be apportioned among the States and Territories; and there can be accepted from each State and Territory only its quota under the call.

Mr. BAILEY. Unless some States should fail to respond, in which case the deficiency may be accepted from other States.

Mr. HULL. In that case there is a reapportionment.

Mr. BAILEY. The President organizes these 10,000 men under the provisions of that bill.

Mr. HULL. Well, Mr. Speaker, I have given the construction of the War Department.

Mr. BAILEY. If the gentleman will examine the bill, which has been drawn, I presume, at the War Department——

Mr. MARSH. If the gentleman will allow me, I wish to say that this bill is not an amendment to the volunteer bill.

Mr. BAILEY. I was not so treating it.

Mr. MARSH. It purports on its face to be something additional, but not a part of the volunteer bill.

Mr. BAILEY. I was not treating it as an amendment, but it is supplemental.

Mr. MARSH. It has nothing whatever to do with the volunteer bill. It is separate and distinct from it according to its very terms.

Mr. HULL. I want to say, so far as the Senate bill is concerned, that a large majority of the committee preferred the bill as we reported it to the House, which simply gave the President power to enlist 16,000 men possessing special qualifications. But the Senate has passed this bill; and, as I said in the beginning of this debate, both the President and the Secretary of War believe that if we are to utilize these men at all we should have them at once, so that, if possible, they can go with the first troops sent to Cuba. The President and the Secretary of War have requested that this bill be passed immediately, so as to avoid loss of time.

Mr. BAILEY. My judgment is that we could pass the bill in three minutes if the whole of the second section were made to conform to the Volunteer Army bill. But you adopt the Volunteer Army bill as authority in the organization of these 10,000 men, and then you change the method of appointing the officers.

Mr. HULL. So far as I am concerned, when the time comes for amendment I shall oppose any amendment of that character. I will say, however, that the regiments organized and ready to go into the service in twenty-four hours are perfectly satisfied with the arrangements of the Senate bill. Let me give one illustration: Colonel Hood, son of General Hood, formerly of Texas, has a regiment ready. He says they are immune. I am not going to stop to quarrel about words. I am speaking from what people who claim to know tell me. This regiment is ready to be accepted, and will be accepted within twenty-four hours after this bill is passed.

Mr. BAILEY. Is it already organized?

Mr. HULL. It is already organized.

Mr. BAILEY. Without authority?

Mr. HULL. Without authority. Colonel Hood tells me that these men are now awaiting at their own expense the passage of this bill, which they believe Congress will pass.

Mr. BAILEY. Have all the officers been elected?

Mr. HULL. Yes; every one of them. And so far as the appointment of these officers is concerned, I will say there is no greater risk in trusting the President to meet the wishes of the men who are going out to fight than there would be in trusting the appointment to the governors. These officers are elected without regard to apportionment among the States; and the Chief Executive of the nation is the proper man to appoint the officers.

Mr. STEELE. Has the President sent any official message to the House on this subject?

Mr. HULL. He has not.

Mr. BAILEY. I want to ask the chairman of the committee [Mr. HULL] whether he does not think that his last suggestion would apply with equal force to the Volunteer Army as well as to these troops?

Mr. HULL. No; because those were apportioned to the States directly.

Mr. BAILEY. But I still insist there is no provision for raising these 10,000 men except under the provisions of that act. Does the gentleman from Iowa adopt the suggestion of the gentleman from Illinois [Mr. MARSH] that this bill has nothing whatever to do with the Volunteer Army bill?

Mr. HULL. I think this is supplemental to that.

Mr. BAILEY. It must be so both in effect and intention. You have organized 125,000 men; you have found that number insufficient, and you want 10,000 more. You propose to organize them under the provisions of the act providing for the 125,000; but instead of adopting that act as a whole, you make a departure as to the method of appointing the officers. If the second section of this bill had provided for the enlistment of the men and the appointment of the officers exactly as the first bill did, there would not have been any contention about the matter.

Mr. HULL. We adopt in this section a provision which has been carefully guarded, as we believe, and the appointment of the officers and the enlistment of volunteers under the bill passed a few days ago is simply an amendment to the statutes providing the means to fight the battles in which we are likely to be engaged.

A MEMBER. And this is a similar provision?

Mr. HULL. This is a similar provision.

Mr. BAILEY. But the gentleman ought to be able to assure Congress that at the close of the war both the men and the officers so provided will be mustered out.

Mr. HULL. There is no question about that.

Mr. BAILEY. Under what authority?

Mr. HULL. Under the authority of the law, which is——

[Here the hammer fell.]

The SPEAKER pro tempore. The time fixed for the general debate has expired. The Clerk will report the first section of the bill for debate and amendment under the five-minute rule.

The first section was read, as follows:

That, in addition to the volunteer forces provided for by the act of April 22, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," the President may authorize the Secretary of War to organize, under the terms and conditions of the aforesaid act, a volunteer brigade of engineers from the nation at large, to consist of not more than three regiments and not more than 3,500 men, possessing the special qualifications necessary for engineer troops, under such rules and regulations, including the appointment of the officers thereof, as may be prescribed by the Secretary of War: *Provided*, That not to exceed three officers of the Corps of Engineers of the Regular Army may hold volunteer commissions in any one regiment of the volunteer brigade of engineers at the same time: *And provided further*, That all officers shall be appointed by the President and with the consent of the Senate.

Mr. MARSH. Mr. Speaker, I move as a substitute for the pending bill that which I now send to the Clerk's desk and ask to have read.

Mr. HULL. The sections of the bill should be first perfected before a substitute is offered.

The SPEAKER pro tempore. The substitute will be read and be considered as pending.

Mr. BAILEY. Of course amendments to the text will be first in order.

The SPEAKER pro tempore. Certainly. But the substitute will be in order after the bill is perfected; and it will be read now and considered as pending for information.

The Clerk read as follows:

That section 6 of an act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, be amended by striking out the word "three," where it occurs in the last proviso in said section, and inserting in lieu thereof the word "sixteen;" so that said proviso will read as follows: "*Provided further*, That the President may authorize the Secretary of War to organize companies, troops, battalions, or regiments possessing special qualifications from the nation at large, not to exceed 16,000 men, under such rules and regulations, including the appointment of the officers thereof, as may be prescribed by the Secretary of War."

Amend the title so as to read: "A bill to amend an act entitled 'An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes.'"

Mr. MARSH. In my humble opinion, Mr. Speaker, the Senate bill is not a good bill. It has provisions in it that open up a new departure in the organization of the volunteer troops of this country. That which I have offered and which has just been read by the Clerk is proposed as a substitute to the pending bill, and has, after very full and careful consideration, met the approval of the Committee on Military Affairs as a substitute to what is known as the "Wheeler immune" bill.

The SPEAKER pro tempore. Does the gentleman from Illinois offer this as a substitute for the whole bill, or only for the first section?

Mr. MARSH. The entire bill.

The SPEAKER pro tempore. It would not be in order, then, at this time.

Mr. MARSH. Then I will leave it there, as a part of my remarks, and offer it as a substitute when the proper time arrives.

My substitute provides an amendment to the existing volunteer bill—I mean the law which was passed the other day. It will be remembered that the House adopted a proviso there authorizing the President to organize not exceeding 3,000 troops into companies and battalions, or regiments, possessing "special qualifications," different from those of troops enlisted ordinarily, but not to exceed in number 3,000 all told. This substitute of mine simply changes the words "three thousand," so that it will read "sixteen thousand."

This enables the President, if it is adopted, to authorize the Secretary of War to organize companies, troops, battalions, or regiments with "special qualifications," not exceeding the number, however, of 16,000 men.

Now, the 3,000 voted for under the provisions of the bill already passed—the volunteer law—these men were volunteers who came mainly from the mountain States of the West to fill up the required number without delay. This provision for 16,000 more, that may be enlisted under the amendment, provides that they

may be enlisted in Louisiana, in Texas, or in any of the Gulf States, or anywhere else, wherever the President chooses to enlist them.

He is not confined, however, to "immunes," and they are not excluded, but he may exercise his best judgment in the organization of the additional 13,000 men, making 16,000 in all. But as required under the law—and that is the only qualification—they shall possess some special adaptability or qualification for the service. For instance, some may be specially qualified for the engineer corps, some may be specially qualified for the pontoon corps, some of them may be qualified for electrical engineer corps, or the torpedo corps, as the case may be, or some of them may be specially qualified and adapted to meet the climatic influences where a state of war certainly will exist. It leaves the entire matter to the judgment of the President to select the men with special qualifications who in his judgment may be satisfactory and adapted to the conditions prevailing.

It makes the amendment also, if it be adopted, a part of the volunteer law now in force, subject to all of the qualifications that that law possesses; and every man on the floor knows when these have been adopted and added to the late law exactly what the rights of the Government are and what the rights enlisted men are; and not only now, when the enlistments are being made, but at the close of the war. There can be no question in anybody's mind as to whether these men shall be retained in the service or removed after the close of the war, because the provision is clear that they shall be mustered out when their services are no longer needed.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MARSH. Mr. Speaker, I ask that I may be allowed two or three minutes longer in explanation of the amendment.

Mr. COX. Let me say to the gentleman that he knows very well that I agree with him as to his amendment of the volunteer bill.

Mr. MARSH. That is all the change it makes in the system.

Mr. COX. I should like to have the gentleman insert "including the appointment of officers thereof as provided in the volunteer act."

Mr. MARSH. Now, I will say to my friend from Tennessee that he and I and every citizen of this country ought, in my opinion, to be willing to trust the President of the United States to commission 16,000 volunteers, when we have conferred upon the governors the right to commission the officers of 125,000 volunteers or 500,000, if the President calls for them.

Mr. COX. But I believe in the doctrine——

Mr. MARSH. I want to say that the President of the United States will take into consideration the wishes of the enlisted men in as high a degree as will the governor of Tennessee or the governor of any other State in the Union.

Mr. COX. You were the most earnest man in that committee, when we had the volunteer bill under consideration, for the provision that the governors should appoint the officers upon the recommendation of the men.

Mr. MARSH. I was.

Mr. COX. Now, I want to know why these 10,000 are different from those men, and why they have not the same privilege that the others have?

Mr. MARSH. I will say to my friend from Tennessee that this is a special corps, to be enlisted from all over this country. No one regiment will probably come from any one State, and it is therefore impracticable for the governors of the States to commission the officers of even one regiment.

Mr. COX. We have already got a regiment for you.

[Here the hammer fell.]

Mr. BAILEY. Mr. Speaker, I move to strike out the word "nation," in line 10 of the first section, and substitute the words "United States."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, in line 10, the word "nation," and insert "United States."

So that it will read—

From the United States at large.

Mr. HULL. I hope that that will not be adopted. That simply makes an amendment to go back to the Senate.

Mr. BAILEY. Mr. Speaker, I had supposed that the gentleman from Iowa [Mr. HULL] would readily consent to an amendment that is so clearly proper. I am not disposed to be hypercritical or overcareful about a matter of this kind, but the words "United States" have a perfectly clear legal meaning. The word "nation" has absolutely no legal meaning. I recall that in our hurry to pass the resolutions of intervention, we all agreed, without a protest, to language that hereafter we shall all regret was not corrected. We passed resolutions that "the Government of the United States" does this and that. Now, "the Government of the United States" has no legal meaning in the law. The words "the United States" have a meaning. Our statutes provide that the enacting clause of every bill shall be:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

But neither the word "nation" nor the word "government," as distinguished from "the United States," has any meaning in the law or ought to have any place in a bill of this kind.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. BAILEY].

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. BAILEY. Mr. Speaker, I believe I will see how many are in favor of having it right.

The SPEAKER pro tempore. The gentleman from Texas asks for a division.

The House divided; and there were—ayes 54, noes 54.

The SPEAKER pro tempore. The Chair votes in the negative.

Mr. BLAND. Let us have tellers. I think it is important that this bill should be right. I do not see why a bill of this character can not be amended so as to be right.

Tellers were ordered; and the Speaker pro tempore appointed Mr. HULL and Mr. BAILEY.

The House again divided; and the tellers reported—ayes 69, noes 77.

Accordingly the amendment was rejected.

Mr. HANDY. Mr. Speaker, I move to amend by inserting, in line 7, on page 1, after the word "authorized," the words "during the present war."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Insert on page 1, in line 7, after the word "authorized," the words "during the present war;" so that it will read "be authorized during the present war," etc.

Mr. HANDY. Mr. Speaker, this bill is not a bill to authorize the President to call out additional troops, additional regiments, or even a single additional soldier. Under the legislation which we have already had the President can call out all men of military age in the United States. He can call out those who are immune just as well as he can call out others. All that he would have to do to get a regiment, or ten regiments, of immune soldiers would be to issue another call addressed to the governors of the States where the immunes are living and asking them to organize regiments of immunes.

This bill, Mr. Speaker, is simply a bill to enable the President of the United States to appoint some 800 officers in the Volunteer Army instead of having those officers appointed by the governors of the respective States. That is all there is in the bill.

The Committee on Military Affairs has persistently pursued that policy. The first thing they brought in here, in the bill for the reorganization of the Army, was a proposition which under its provisions would have fought the entire war with the Regular Army without giving a chance for any Volunteer Army at all.

The House discussed that question, argued about that bill, picked it to pieces, and recommitted it to the Committee on Military Affairs. Then they came in with a bill which we could support, after amendment, a bill which increased the Regular Army in time of war to 61,000.

They also brought us in a bill providing for a volunteer army. When they brought in that bill, they did not provide that the governors of the States should appoint the officers, but simply that the governors should recommend the officers and the President appoint them; but the House preferred that the governors of the States should appoint the officers.

Mr. HULL. That is not true at all; not a word of it.

Mr. BELKNAP. That is not a fact.

Mr. HANDY. Then my memory is at fault.

Mr. BELKNAP. The gentleman is very much mistaken.

Mr. HANDY. Will you state the facts?

Mr. BELKNAP. The committee unanimously reported a bill providing that the officers selected by the governors should be accepted.

Mr. MARSH. The bill as reported by the committee provided that the officers should be appointed by the governors.

Mr. HANDY. My memory of the facts comes back to me. The statements of gentlemen clear up the mistake into which I have fallen. The bill as it was offered by the gentleman from Iowa, the chairman of the committee, was along the line I have described, but the committee corrected him in that and proposed amendments which gave the power of appointment to the governors.

Mr. HULL. The committee did not do that. The bill I introduced was a bill sent me; and on my own motion, if the gentleman must have what we did in the committee, and by the consent of every member of the committee, we made the change, so that the governors appoint the officers of the volunteer force.

Mr. HANDY. I am not attacking the committee, but I am stating that they have come in here to-day with a bill along this same old line. This bill provides for 13,500 volunteer soldiers and fixes it so that the officers will be appointed by the President of the United States instead of by the governors of the States. I have no objection to calling out 13,500 more volunteer soldiers. The President has the power now to call out an unlimited number of volunteer soldiers; but the law requires that when soldiers are thus called out they shall come from the respective States, and that the officers, from the colonel down, shall be appointed by the governors of the States.

This bill comes in and requires the President himself to appoint the officers for these 13,500 men. In that respect alone, so far as I can see, this proposed legislation makes a material change in the provisions of law for raising a volunteer army.

This is not only a bill for this particular war, but it will remain on the statute books. When another war comes, the President would at once, under the law as it would stand under this bill and other bills recently passed, have authority to increase the Regular Army to 61,000, and to raise 16,500 volunteer soldiers, making in all 77,500 men, every one of whom would be officered by men appointed by the President, and there might be no possible room for the volunteer officers to be appointed by governors of the various States.

That is the fact as I understand and construe this bill. I am, of course, endeavoring to state the facts as they are. I think this amendment ought to be passed so that the 13,500 special soldiers herein provided may relate to the Spanish war alone.

Perhaps the whole bill ought to be defeated, for it does not add anything to the power the President now has to raise troops. He has now full authority to raise all the troops he sees fit and proper. It gives the President authority to appoint the officers of these 13,500 troops, which he would not have under the law we recently passed; it increases the officers of the Army to be appointed by the President by from 700 to 800; simply this and nothing more.

If there is anything else in this bill, I can not see it. If the President wants more volunteers, he can call for them; if he wants immunes, he can call for them. He can get them without the passage of this bill.

[Here the hammer fell.]

Mr. HULL. Mr. Speaker, I understand that the time fixed for taking a vote on the bill will expire in five minutes. Am I right?

The SPEAKER pro tempore (Mr. PAYNE). The Chair is informed that fifteen minutes only have been occupied under the five-minute rule.

Mr. HANDY. We have suspended several times for various interruptions, and that ought to be taken out.

The SPEAKER pro tempore. Only fifteen minutes under the five-minute rule have been used.

Mr. GROSVENOR. Mr. Speaker, I hope the debate will not be closed yet.

Mr. HULL. I want to say that I do not believe the amendment of the gentleman from Delaware [Mr. HANDY] amounts to anything, because it simply declares what the bill already provides. It will simply have the effect of sending back and delaying the passage of a measure which is most earnestly desired.

Mr. GROSVENOR. If the gentleman from Delaware will examine the volunteer bill passed on the 22d of April, he will discover that there is no occasion for the amendment which he seeks to put in. Section 5 of that act is now a law, and under which, unfortunately in my judgment, this act, if it becomes an act, will proceed, and expressly provides that the term of enlistment of all volunteers called out when war opens shall cease at the close of the war. Then this bill provides——

Mr. HANDY. Will the gentleman from Ohio permit me an interruption?

Mr. GROSVENOR. Certainly.

Mr. HANDY. My point is not that these men enlisted will have a permanent enlistment, but that the law will remain permanently upon the statute books. When these men are disbanded and another war grows up, this law remains, so that the President of the United States, when war is declared, will be authorized to extend the Regular Army to 61,000 men, and he can not only call out the volunteer force, but he can, under this act, raise 16,500 men and officer them in the Volunteer Army and thereby prevent that many troops from being raised and officered by the States.

Mr. GROSVENOR. That possibly might be the case; but if it was, when Congress attempted to pass an act authorizing the calling out of troops in the beginning of the next war, all they have to do is to repeal this one; so it is a matter really of no importance. But, Mr. Speaker, I want to call the attention of the gentleman in charge of the bill to something that I think is worthy of consideration. This act provides for the organization by the War Department of ten additional regiments of enlisted men, and the aim of the bill, the purpose of the bill, is that the President may get these troops wherever they can be had, troops that come within the particular description of the bill.

In that direction I wholly support the bill and think it ought to pass; but what I want to suggest to the gentleman is this: The act passed on the 22d of April provides that when it becomes necessary to raise the Volunteer Army the President shall issue his proclamation, and thereupon the number of men called for by the proclamation shall be distributed to the States proportioned to their population. Section 2 of this act provides that the President is further empowered under the act of April 22, 1898, to call for 10,000 more troops.

Now, I submit to the gentleman from Iowa that it is better to go back to the Senate for an amendment than it is to pass a defective law. I call his attention and ask the distinguished gentleman who represents the Military Committee whether there is any way, if this should become a law, that under the provisions of the act of April 22, 1898, these troops should not be distributed to the States in proportion to their population?

Mr. HULL. I want to say that the very object of this act is to avoid the distribution to the States according to population, and I think it does so.

Mr. GROSVENOR. It does not do it. I do not believe the gentleman from Iowa will state to the House that in his judgment it does.

Mr. HULL. I will state to the House that in the judgment of the War Department it does.

Mr. GROSVENOR. Let me give you an illustration in regard to that. They sent two measures here the other day, or from time to time, and we passed them. Whoever may be to blame, it remains that when these 125,000 volunteers get into the field under the organization provided for by the laws we passed they will be as dissimilar almost as their numerical number——

Mr. HULL. I want to say to the gentleman that the War Department was very much averse to the proviso that was put in. It was the fault of the Military Committee and the House of Representatives.

Mr. GROSVENOR. Let me tell gentlemen what we did. We have a provision in the State of Ohio that we will give a sergeant-major to every battalion. In very many other States they will have one to a regiment. In Ohio we have three majors; in other States only two. In some States we have an assistant surgeon with the rank of captain, and in many of the other States the old-time provision of the war of 1861, wherein the assistant surgeon only ranks as lieutenant.

The SPEAKER pro tempore (Mr. PAYNE). The gentleman's time has expired.

Mr. GROSVENOR. I have not pointed out yet, Mr. Speaker, the real trouble, and I move to strike out the last word. I will only take a moment.

Mr. HANDY. Mr. Speaker, gentlemen here are anxious to get to the second section of the bill. Will not the gentleman from Ohio consent that a vote may be taken on my amendment and then go to section 2?

Mr. GROSVENOR. I will do anything to accommodate.

The amendment of Mr. HANDY was rejected.

Mr. HARTMAN. I desire to offer an amendment, to come in as section 2.

Mr. MARSH. The gentleman offers a substitute for section 2, which has not yet been read.

The SPEAKER pro tempore. The Clerk will read the amendment, and then the Chair will be able to decide upon it.

The Clerk read as follows:

And the President is further empowered, under the act of April 22, 1898, to authorize the Secretary of War to organize an additional volunteer force of not exceeding 2,000 enlisted men, the officers thereof to be appointed by the President upon the nomination of the men composing the regiments so organized.

Mr. HARTMAN. I want to occupy a minute or two——

Mr. HAY. I make the point of order that this amendment is not germane to section 1.

The SPEAKER pro tempore. The Chair thinks the point of order good.

Mr. HARTMAN. I hope the gentleman will reserve his point of order for a moment.

Mr. BALL. I will renew it if he does.

Mr. HAY. I am unwilling to reserve the point, because we desire to reach section 2, which is the important section of the bill.

The SPEAKER pro tempore. The point of order is sustained. The Clerk will read the next section of the bill.

The Clerk read as follows:

SEC. 2. And the President is further empowered under the act of April 22, 1898, to authorize the Secretary of War to organize an additional volunteer force of not exceeding 10,000 enlisted men possessing immunity from diseases incident to tropical climates; the officers thereof to be appointed by the President, by and with the advice and consent of the Senate.

Mr. BALL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out, in line 12, page 2, all after the word "climates" and insert the following:

"The officers thereof from the rank of colonel and below such rank to be selected and elected by said volunteer forces. The officers so elected and

selected shall be designated and commissioned by the President of the United States, by and with the advice and consent of the Senate. Said officers, when hostilities cease, to be subject to provisions of volunteer act passed April 22, A. D. 1898."

Mr. HAY. I offer as an amendment to the amendment of the gentleman from Texas the provision which I send to the desk.

The Clerk read as follows:

In line 12, page 2, after the word "appointed," insert:
"As volunteer officers are now appointed under the provisions of an act entitled 'An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes,' approved April 22, 1898."

The SPEAKER pro tempore. The Chair thinks that this is an amendment to the section, and not an amendment to the amendment. It does not relate to the subject of the amendment offered by the gentleman from Texas. The gentleman can offer it hereafter.

Mr. BALL. Mr. Speaker, the amendment I have sent to the desk ought, it seems to me, to meet with the universal approbation of the House. There is no indisposition on my part to withhold the right of appointment of these officers either from the President of the United States or from the governors of the States; but there are peculiar circumstances surrounding the enlistments proposed by this bill; and in view of the fact that these immunes, so called, are to be furnished by the South in addition to the regular volunteers already furnished, I submit that the volunteer troops should at least have the privilege of selecting the officers under whom they will go to battle. There can be no question that if this bill becomes a law serious service will be expected of the men who volunteer under this act.

I recognize the fact, Mr. Speaker, that it is impracticable in a measure like this to authorize the governors of the States to commission these officers, because they must be taken from certain latitudes and certain States. They will probably be made up of troops from a number of States. But I see no reason why they should not be intrusted with the selection of their own officers. The further provision is added that after the war is over the officers thus elected shall be subject to the volunteer act passed April 22, 1898, and shall be mustered out. This, it seems to me, meets objections which may be made from any quarter. I think the amendment ought to be passed practically by unanimous vote.

Mr. MORRIS. Does the gentleman anticipate that under his amendment the troops organized under the second section of this act shall not only elect their lieutenants and captains, but also their regimental and field officers?

Mr. BALL. The amendment proposes only that they shall elect officers of the rank of colonel and below. The President will still appoint the other officers.

Mr. HULL. We did not go so far as this in the volunteer bill. We simply said that the governors might appoint.

Mr. BALL. Under my amendment the troops themselves do that which the governors are authorized to do in the volunteer bill. The President will designate the officers that may be elected by the men.

Mr. GROSVENOR. Is there any provision in the bill for holding a caucus and election for the choice of officers when a battle is imminent or in progress? Suppose a captain should be killed in action. Are military movements to be stopped long enough to allow a caucus to be held for the election of another captain?

Mr. BALL. No; I do not think there is any such provision in the pending bill to which I offer this substitute as an amendment. I think the gentleman's objection is trivial and ridiculous. [Cries of "Vote!" "Vote!"]

The question being taken, the amendment of Mr. BALL was rejected, there being—ayes 44, noes 62.

Mr. HAY. I now offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "appointed," in line 12, page 2, insert:
"As volunteer officers are now appointed under the provisions of an act entitled 'An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes,' approved April 22, 1898."

Mr. HAY. Now, Mr. Speaker, I do not wish to occupy the time of the House to say anything further than what I said in the general debate. I understand the objection to this amendment is that gentlemen say it is not practicable. I think it is as practicable as it is to appoint any other volunteer officers in the Volunteer Army. Why should not the governors of these States from which these troops are called appoint these officers? It may be said that there may be one man from the District of Columbia, or from some other internal portion of this country, who will go down to Louisiana and enlist in a regiment there. But if he goes down there and enlists there, and the organization is formed in that State, why then it is under the jurisdiction of the governor of that State and under the jurisdiction of the general law which we passed for volunteer soldiers.

Now, the gentleman from Texas [Mr. SAYERS] said a few moments ago, when he was arguing in favor of this bill, that he did not want to give the right to any other people to hold the integrity of this country in the Island of Cuba, but that he was willing to vote and is willing to say that 10,000 men, who may be immunes and who may not be immunes, shall undertake to defend the integrity of this country in the Island of Cuba. It does seem to me that expressions of that sort are very peculiar, and I think, sir, that when gentlemen get up here and warn people against the yellow fever, and talk about it as if it was a great scare, it is very unwise. I think that the people of this country, when they go to war, are ready to meet disease or bullets or anything else, and I do not believe that the danger is as great as has been said.

I have undertaken, as well as I could, to find out whether or not there is this great danger from yellow fever in the Island of Cuba. I am told that if proper precautions are used there is not, and I say that our troops in the field and the men who have to fight this war ought not to be panic-stricken by gentlemen getting up on this floor and saying that they are certainly going to die if they go to Cuba. Ten thousand immunes will not be enough to save them. You have not got enough immunes to save them from the yellow fever, if yellow fever is so bad as is said. Therefore, Mr. Speaker, I think that this amendment which I have offered is a practical one. It is along the lines of the Volunteer Army bill, and it ought to be adopted by the House.

The amendment of Mr. HAY was rejected.

Mr. HARTMAN. I now ask that the amendment which I offered, which I sent up a short time ago, be read.

The Clerk read as follows:

And the President is further empowered, under the act of April 22, 1898, to authorize the Secretary of War to organize an additional volunteer force of not exceeding 2,000 enlisted men, the officers thereof to be appointed by the President, upon the nomination of the men composing the regiments so organized.

Mr. HARTMAN. Mr. Speaker, I do not wish to consume the time of the House for more than two minutes, in support of this amendment. I offer it for this reason: The provisions of the bill now pending do not provide for such an additional force as will admit some very clamorous but gallant citizens from my own State and surrounding ones, who are desirous of serving their country. They come, it is true, from what Mr. Cleveland saw fit to denominate the undesirable States; but they have already offered a larger percentage of their male population than any other State in the Union in defense of the Government. We have three magnificently equipped companies of cavalry that have not yet been able to be assigned to a position in the defense of this Government. All that have been offered outside of those three and some two or three volunteer companies have been accepted.

My purpose for offering this amendment is to make it possible that they and other similar troops in surrounding States may have the privilege of coming to the rescue of the Government at this particular time. I should have provided in this amendment that the governor should appoint the officers were it not for the fact that I presumed that a full regiment would not come from any single State. I have therefore provided, as you will observe, that the officers shall be appointed by the President upon the nomination of the men composing the regiments.

The amendment of Mr. HARTMAN was rejected.

Mr. STEELE. Mr. Speaker, I have an amendment which I want to offer.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Strike out of lines 11 and 12, of section 2, the words "immunity from diseases incident to tropical climates" and insert in lieu thereof the words "such special qualifications as are in his opinion desirable for the service."

Mr. STEELE. That strikes out the immune part and gives all States alike a fair chance to furnish these volunteers.

The amendment of Mr. STEELE was rejected.

Mr. BAILEY. Mr. Speaker, I move to strike out all in lines 12 and 13 of section 2, relating to the authority of the President to appoint the officers, so as to leave the officers and the organization of the 10,000 men entirely under the Volunteer Army law.

The SPEAKER pro tempore. The Clerk will report the amendment.

Mr. GROSVENOR. I desire to offer an amendment to the amendment.

The SPEAKER pro tempore. The Clerk will report the amendment of the gentleman from Texas.

The Clerk read as follows:

In section 2 strike out, after the word "climates," the words "the officers thereof to be appointed by the President, by and with the advice and consent of the Senate."

The SPEAKER pro tempore. Does the Chair understand the gentleman from Ohio to offer an amendment to the amendment?

Mr. GROSVENOR. My amendment covers the same subject-matter, but it is in the form of a third section to the bill, and I presume it is not in order here.

Mr. BAILEY. I will detain the House but a moment. The effort I make here is the effort I have made before to put these

10,000 men upon precisely the same footing as the rest of the Volunteer Army, and inasmuch as they are organized under the provisions of that bill, I believe they ought to be officered also under the provisions of that bill. If this motion should prevail, that would be the only effect of its adoption.

Mr. HULL. Mr. Speaker, I want to say that the great objection to the gentleman's amendment is that under this bill there will likely be troops from several States composing a regiment, and you will have the governors of the different States quarreling over the question who shall commission the officers. I am opposed to the amendment.

The amendment of Mr. BAILEY was rejected.

Mr. GROSVENOR. Mr. Speaker, I offer the amendment which I send to the Clerk's desk, to come in as section 3 of the bill.

The amendment was read, as follows:

SEC. 3. The provisions of the act of April 22, 1898, which provide that volunteers called out by proclamation of the President shall be apportioned to the several States and the provisions of said act which provide that the governors of the States shall appoint officers shall not apply to this act.

Mr. GROSVENOR. Just one word. I think the point made by the gentleman from Texas originally has not been answered, and I believe it can not be answered. I believe that if this bill passes in the form in which it is now these troops will have to be apportioned to the several States and Territories in proportion to the population. I do not believe there is any competent lawyer on this floor who will take that bill and read the former act and then controvert my position. I myself am in grave doubt whether the provisions of the former act with relation to the appointment of officers would not also prevail. Now, this makes the matter perfectly plain. It relieves the bill of its uncertainty. Above all things these provisions that are to be put rapidly into motion ought to be so plain that they can be distinctly understood without having recourse to litigation.

Mr. HULL. I want to say to the gentleman from Ohio that if the lawyers on this floor have any doubt as to that point—though I have no doubt myself—I am perfectly willing to have the amendment go in, because that is the very object of the bill.

Mr. BAILEY. I only want to say——

Mr. GROSVENOR. The gentleman from Iowa says if there is any doubt about the present effect of the bill, he has no objection to this amendment going in. Now, it seems to me that the Senate have passed a bill which they intend to mean just what we have now said or will say by this amendment. There is no fear about the Senate disagreeing in the amendment, as it does not change the intention of the bill, and I think it is a proper change.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. HANDY. Mr. Speaker, I offer the following amendment: Insert in line 7, on page 2, after the word "empowered," the words "during the present war." The chairman of the committee formerly objected to such an amendment on a former section.

The Clerk read as follows:

On page 2, line 7, after the word "empowered," insert the words "during the present war."

Mr. HULL. Mr. Speaker, I raise a point of order. We voted that amendment down.

Mr. HANDY. Mr. Speaker, that point of order does not hold. The amendment was offered to a previous section of the bill.

Mr. HULL. It is another section?

Mr. HANDY. It is another section.

Mr. HULL. I simply thought it was a repetition of the same amendment.

The SPEAKER pro tempore. The Chair overrules that point of order.

Mr. HULL. I do not make it.

Mr. DOCKERY. Just one word. The gentleman has accepted the amendment offered by the gentleman from Ohio, which makes clear and specific what the gentleman said was the purpose of the bill, to make it operative during the present war. If so, what objection can there be to accepting the amendment offered by the gentleman from Delaware?

Mr. HULL. I have no objection on earth, if any man thinks that it needs to be limited.

Mr. DOCKERY. Inasmuch as the bill has to go back to the Senate, I do not see why it may not be further amended.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Delaware.

The question was taken; and the amendment was agreed to.

Mr. BAILEY. Now, Mr. Speaker, there seems to be common consent about improving the bill, and as it must go back to the Senate I suggest to the gentleman from Iowa the propriety of adopting the words "United States" in the first section of the bill.

Mr. HULL. I am rather proud of recognizing this country as a "nation;" and it seems to me that it can do no harm in these acts to refer to the United States as a nation. I think we are one.

Mr. BAILEY. Then the gentleman ought to strike out "United States in Congress assembled" and insert "nation in Congress assembled."

The SPEAKER pro tempore. The time for debate under the five-minute rule has expired.

Mr. KING. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Chair understands the gentleman from Illinois desires to offer a substitute for the bill. It would not be in order at this time.

The Clerk read as follows:

SEC. 3. That all officers herein provided for shall be mustered out and discharged at the close of the present war or cessation of hostilities between Spain and the United States.

Mr. KING. I just desire——

The SPEAKER pro tempore. Debate is not in order. The Chair would suggest that section 3 has already been provided for by the amendment of the gentleman from Ohio, and the amendment of the gentleman from Utah could be made section 4.

Mr. KING. Make it section 4.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. KING. Division!

The House divided; and there were—ayes 56, noes 75.

So the amendment was rejected.

Mr. MARSH. Mr. Speaker, I offer the following as a substitute for the bill.

The Clerk read as follows:

That section 6 of an act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, be amended by striking out the word "three," where it occurs in the last proviso in said section, and inserting in lieu thereof the word "sixteen," so that said proviso will read as follows: "*Provided further*, That the President may authorize the Secretary of War to organize companies, troops, battalions, or regiments possessing special qualifications from the nation at large, not to exceed 16,000 men, under such rules and regulations, including the appointment of the officers thereof, as may be prescribed by the Secretary of War."

The SPEAKER pro tempore. The question is on agreeing to the substitute. The gentleman from Illinois moves to strike out all after the enacting clause and insert the words just read.

Mr. MARSH. I would like to have a few minutes.

The SPEAKER pro tempore. Time for debate has expired.

The question was taken; and the substitute was rejected.

The SPEAKER pro tempore. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. COX. Mr. Speaker, I move that the bill be recommitted to the Committee on Military Affairs with instructions that the officers to command these immunes or special troops shall be elected as provided for the volunteers in a bill calling out the military forces of the United States.

The SPEAKER pro tempore. The Clerk will report the motion of the gentleman from Tennessee.

The Clerk read as follows:

That the bill be recommitted to the Committee on Military Affairs with instructions that the officers to command these immunes or special troops shall be selected as provided for the volunteers in a bill calling out the military forces of the United States.

Mr. HULL. I move the previous question.

Mr. COX. Now, Mr. Speaker, I——

The SPEAKER pro tempore. The gentleman from Iowa demands the previous question.

Mr. COX. Have I not five minutes on that motion?

The SPEAKER pro tempore. The Chair thinks not. The time for debate was limited, and the gentleman in charge of the bill demands the previous question.

Mr. COX. I ask the gentleman if he will not yield me time to explain my motion?

Mr. HULL. This question has been discussed so fully that I must insist on the demand.

The question was taken on ordering the previous question; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. COX. I demand a division.

The House divided; and there were—ayes 73, noes 40.

So the previous question was ordered.

The question was taken on the motion to recommit; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. KING. Division!

The House divided; and there were—ayes 45, noes 68.

So the motion to recommit was disagreed to.

The question then recurred on the passage of the bill; and the bill was passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions

of the following titles; in which the concurrence of the House was requested:

S. 4555. An act fixing the number of rear-admirals in the United States Navy;

S. R. 163. Joint resolution authorizing the Secretary of the Navy to present a sword of honor to Commodore George Dewey, and to cause to be struck bronze medals commemorating the battle of Manila Bay, and to distribute such medals to the officers and men of the ships of the Asiatic Squadron of the United States;

S. R. 162. Joint resolution tendering the thanks of Congress to Commodore George Dewey, United States Navy, and to the officers and men of the squadron under his command;

S. 4491. An act granting an increase of pension to Susan D. Yates; and

S. 4456. An act to designate Gladstone, Mich., a subport of entry.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 4693. An act to pension F. L. Botkin; and

H. R. 584. An act granting a pension to Mary I. Valentine.

The message also announced that the Senate had passed without amendments bills of the following titles:

H. R. 8333. An act granting an increase of pension to Michael H. J. Crouch;

H. R. 6793. An act granting an increase of pension to James F. McKinley;

H. R. 99. An act granting a pension to Ira Ingraham;

H. R. 9956. An act granting the Santa Fe and Grand Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona;

H. R. 9638. An act to increase the number of surgeons in the United States Army;

H. R. 5321. An act declaring the Federal jail at the city of Fort Smith, Ark., a national prison for certain purposes;

H. R. 10251. An act fixing the number of rear-admirals in the United States Navy;

H. Res. 260. Joint resolution tendering the thanks of Congress to Commodore George Dewey, United States Navy, and to the officers and men of the squadron under his command; and

H. R. 4099. An act to confer jurisdiction upon the circuit courts in certain cases.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 864) granting a pension to Maria E. Hess, widow of Florian Hess, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. BAKER, and Mr. TURNER as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4108) granting to the Washington Improvement and Development Company a right of way through the Colville Indian Reservation, in the State of Washington, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHOUP, Mr. MANTLE, and Mr. WILSON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 439) granting a pension to Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 3663) granting a pension to George Barnes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. PRITCHARD, and Mr. ROACH as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 3953) granting an increase of pension to Calvin P. Lynn, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HANSBROUGH, Mr. GALLINGER, and Mr. KENNEY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 5245) granting a pension to Florence N. Waldron, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. KENNEY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8636) granting an increase of pension to John X. Griffith, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. KYLE, and Mr. MITCHELL as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8834) granting a pension to John B. Hays, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHOUP, Mr. HANNA, and Mr. CANNON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1586) to provide for the sale of public lands in Missouri, with the following amendments:

In amendment No. 1: Strike out all after "not," line 11, down to and including "not," line 15.

Line 1: Change section 2 to section 1.

Change section 1 (Senate bill) to section 2.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 496. An act granting a pension to Simpson Everett Stilwell;

S. 637. An act granting an increase of pension to Oliver P. Silvey;

S. 732. An act granting an increase of pension to William H. H. Wright, of McPherson, Kans.;

S. 1476. An act granting an increase of pension to Louise M. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice; and

S. 1829. An act granting an increase of pension to James H. Kile.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War is hereby requested to furnish Congress with information as to the condition of the St. Johns River, in the State of Florida, at the point known as Orange Mills Flats, below the city of Palatka, as the river runs, with reference to navigation for ocean-going craft, and what sum of money will probably be required to put said river at that point in condition for navigation for coastwise craft such as usually enter the said river, and whether or not the expenditure necessary for said purpose will be justified by the traffic above said point.

SENATE BILLS REFERRED.

Under clause 3 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4555. An act fixing the number of rear-admirals in the United States Navy—to the Committee on Naval Affairs.

S. R. 163. Joint resolution authorizing the Secretary of the Navy to present a sword of honor to Commodore George Dewey, and to cause to be struck bronze medals commemorating the battle of Manila Bay, and to distribute such medals to the officers and men of the ships of the Asiatic Squadron of the United States—to the Committee on Naval Affairs.

S. R. 162. Joint resolution tendering the thanks of Congress to Commodore George Dewey, United States Navy, and to the officers and men of the squadron under his command—to the Committee on Naval Affairs.

S. 4456. An act to designate Gladstone, Mich., a subport of entry—to the Committee on Ways and Means.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following title; when the Speaker signed the same:

H. R. 5975. An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 439. An act granting an increase of pension to Hannah Letcher Stevenson;

S. 4452. An act authorizing the Campbell-Lynch Bridge Company to construct a bridge across the Arkansas River at or near Webbers Falls, Ind. T.;

S. 496. An act granting a pension to Simpson Everett Stilwell;

S. 637. An act granting an increase of pension to Oliver P. Silvey;

S. 732. An act granting an increase of pension to William H. H. Wright;

S. 1829. An act granting an increase of pension to James H. Kile;

S. 1476. An act granting an increase of pension to Louise M. Rice;

NAVAL BATTALION IN DISTRICT OF COLUMBIA.

Mr. HILBORN. Mr. Speaker, I submit the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1316) to provide for organizing a naval battalion in the District of Columbia having met, after full and

free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments.

S. G. HILBORN,
G. E. FOSS,
ADOLPH MEYER,
Managers on the part of the House.

EUGENE HALE,
WILLIAM E. CHANDLER,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 1816, an act to provide for organizing a naval battalion in the District of Columbia, submit the following statement:

The first amendment of the House provided that the battalion contemplated by the above-named bill should be a part of the militia already authorized for the District of Columbia, instead of in addition thereto, as in the original bill. The second amendment proposed to strike out the word "relative," so that it would give the staff officers absolute instead of relative rank. After full and free interchange of views, the House conferees agreed to recede from the House amendments, and as now recommended the bill stands as it was passed by the Senate.

S. G. HILBORN.
G. E. FOSS.
ADOLPH MEYER.

Mr. HILBORN. I move that the House adopt the report of the conferees.

Mr. BAILEY. Mr. Speaker, this well illustrates the danger of legislation affecting the Army or the Navy at this particular time. This bill has been pending for two years; perhaps longer than that. At least one year ago, when we were not in a war and nobody supposed we were on the edge of a war, it was sought to pass this very bill by unanimous consent, and I objected. I agreed then that they might pass it by unanimous consent if they would organize this naval battalion as a part of the militia of the District. I insisted upon that because I was unwilling to be adding to either the land or the naval forces of the United States in time of peace and for the purposes of peace.

I said very frankly to the gentleman in charge of it, as well as to those outside interested in its passage, that I would prefer for these men to constitute a part of the naval establishment of the United States rather than a part of the military establishment; and if they would agree to reduce the District militia by the same number as they increased the naval force, I would not only withdraw my objection to the bill, but I would assist in its passage.

The matter remained in that state until something like two or three weeks ago, when the gentleman from California [Mr. HILBORN] again asked unanimous consent for consideration of the bill. I again objected unless the amendment should be offered and agreed to. The gentleman from California agreed to offer the amendment; but another gentleman on this side, not understanding exactly the status of the matter, interposed an objection. It was then brought again to the attention of the House by unanimous consent. The amendment was offered, and the bill as amended was passed. It went back to the Senate, and a gentleman who is interested in its passage addressed a letter to the Senator having it in charge urging him to agree to the amendment of the House. The Senator declined to do it on the ground that the House ought never to have adopted the amendment.

Now, this enforces the danger of that progress of events which all of us feared in the beginning, that there would be men take advantage of the patriotic zeal and enthusiasm which now exist to create new military and naval offices and increase both the naval and military establishments of the United States. Only within the last ten days one of the great publications of this country has congratulated the people that the inevitable result of this war will be to bring this Government out of it stronger both in its naval and military establishment. They assert it as a matter of congratulation that the war now existing between this country and Spain is calculated to produce a change of sentiment on the part of the people of the United States in respect to a large military and naval establishment.

I think we made it plain in the beginning, I think we have kept it plain up to this time, and I am sure we will keep it equally as plain to the end, that whatever men and whatever money may be needed to prosecute this war to an early and successful termination we stand as ready to vote as any gentlemen on this floor. But for my part I never will agree to see a single man added to the permanent military establishment of the United States to be used against our own people after the need of using them against an alien nation is passed. [Applause.] I believe that the House ought to insist on its amendment, made under circumstances of the peculiar character which I have related.

The young gentlemen can be organized as a part of the District militia. Their organization can continue, but if they persist in seeking an organization as a permanent addition to the Army or the Navy of the United States, then, when these unhappy days shall have passed, the people who still believe that a great army is a menace to the liberties of a free people, the people who know, taught by experience, that when any country keeps an immense army to use against its foreign foes the temptation is to use it upon improper occasions in the interference of domestic affairs—when men who cherish these views obtain control, as they will, the advocates of this measure will find that in overreaching us they have overreached themselves, because the bill is as certain to be repealed if it passes in this form as that it passes to-day.

Mr. HILBORN. Mr. Speaker, this bill as it passed the Senate provided for the creation of a battalion of four companies of naval militia for the District of Columbia. It provided that these four companies should be in addition to the regular militia of the District of Columbia. It came over here; it was amended by striking out that, and providing that it should be a part of the naval militia of the District, and in that form it passed the House. It went back to the Senate, and there for the first time we discovered that the militia of the District of Columbia was full, and hence the bill with this amendment would render this act nugatory and valueless. They of course refused to accept the amendment, and in conference they insisted upon their position.

Now, as to this proposition that we are dangerously increasing the military arm of the Government at this time, I have only to say that the Senate bill as it passed was exactly like the legislation that has taken place in almost all the States of the Union. The Naval Militia as now existing has been provided for, I think, in seventeen or eighteen of the different States of the Union, and in almost every State the law provides that this naval militia shall be in addition to the regular militia of the several States. In time of peace the State of Louisiana passed a law creating a naval militia and provided that it should be in addition to the regular militia of the State. The State of Virginia did the same; the State of North Carolina did the same; the State of South Carolina did the same; the States of Vermont, California, New York, Rhode Island, Pennsylvania, and Massachusetts all have upon their statute books laws providing for the creation of a naval militia for their States and providing that it shall be in addition to the regular militia provided for by law. I do not think there is any danger lurking in this proposition to increase in this way the militia of the several States.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The question being taken on agreeing to the conference report, there were on a division (called for by Mr. BAILEY)—ayes 71, noes 45.

Mr. BAILEY. I make the point of no quorum.

The SPEAKER pro tempore proceeded to count the House.

Mr. MOODY and others (before the count was completed) called for the yeas and nays.

The SPEAKER pro tempore proceeded to take the question on ordering the yeas and nays, and having counted those rising in the affirmative, said: In the opinion of the Chair, a sufficient number has risen; and the yeas and nays are ordered.

Mr. BAILEY. Mr. Speaker, I submit as a question of order that while the point of no quorum is pending it is not in order for any gentleman to demand the yeas and nays.

Mr. GROSVENOR. That is the way to ascertain whether there is a quorum or not.

The SPEAKER pro tempore. The result would be the same, if no quorum had been found present; that is, the yeas and nays would have been ordered under the rule.

Mr. BAILEY. That is true. When it has been ascertained that no quorum is present, then the rule orders a roll call. But I think in the interest of orderly procedure, it is better to follow the rule.

The SPEAKER pro tempore. The Constitution provides that at the request of one-fifth of the members present, the yeas and nays shall at any time be entered on the Journal.

Mr. BAILEY. On that point I desire simply to observe that that constitutional provision is only operative when the House is in a condition to do business. When the absence of a quorum is disclosed, a condition of parliamentary paralysis ensues; and the House is unable to do anything except to bring to its Hall a majority of its members or to adjourn from day to day. And everybody will admit that the ordering of the yeas and nays is its business; and the House can not transact any business without a quorum. The Chair will find that this question has been decided and ruled against my present contention; but I think it was decided wrong. I made the point, insisting then as I now insist, although at that time a gentleman of different political faith occupied the chair.

Mr. DINGLEY. Does not the gentleman overlook the fact that the absence of a quorum has not yet been disclosed? We have not yet reached that point.

Mr. BAILEY. It is disclosed so far as we have gone by the vote on a division, and that is exactly where I made the point. Now, there is a way of ascertaining the presence or the absence of a quorum. Under our present rules the Chair proceeds to do it by an actual count of the House, or it can be done by a call of the House.

Mr. DINGLEY. But suppose the rule just referred to by the

gentleman did not exist (as it did not until a few years ago), then does the gentleman contend that it is not in the power of the House to order the yeas and nays when a quorum has not been disclosed.

Mr. BAILEY. I undoubtedly do when the absence of a quorum has been disclosed.

Mr. DINGLEY. The rule referred to is simply a new provision for ascertaining the presence or absence of a quorum.

Mr. BAILEY. The only power remaining in the House, the moment it discovers itself without a quorum, is either to compel the attendance of absent members or to adjourn from day to day. Until it has sufficiently compelled the attendance of absent members to disclose a quorum, it is utterly unable to do any business.

Mr. DINGLEY. But the absence of a quorum is not yet disclosed under any actual proceeding.

Mr. BAILEY. That is the very question now pending; and at present the presumption is that no quorum is present, a presumption which arose the moment that a quorum failed to vote, and that point was made. The moment the presumption of the absence of a quorum arises the House is powerless to transact any business until that presumption is overcome.

The SPEAKER pro tempore. The Chair is ready to decide the point of order.

Mr. BLAND. The Constitution provides that "on any question" the yeas and nays may be ordered on demand of one-fifth of those present. The right to order the yeas and nays is about the only right we have left, and therefore I am a stickler for that right.

Mr. BAILEY. The gentleman from Missouri (if he will excuse me for saying it) confuses this question. The yeas and nays must be entered on the Journal upon the demand of one-fifth; but before one-fifth can demand that the yeas and nays be entered on the Journal the House must be in a position to proceed with the consideration of that question. In other words, suppose——

Mr. BLAND. Not one-fifth of a quorum, but one-fifth of those present.

Mr. BAILEY. One-fifth of those present. Now, one-fifth of those present in the absence of a quorum could force the yeas and nays on the question of a call of the House or on the question of an adjournment from day to day. One-fifth of them could compel a roll call upon a motion to arrest absentees and bring them to the bar of the House. One-fifth of them could compel a roll call upon any question that the House was competent to consider. But the point I make now is that whenever the House finds itself without a quorum it is incompetent to consider any question except a question which relates to the presence of its members or an adjournment from day to day.

The SPEAKER pro tempore. The Chair is ready to rule upon the question. When the suggestion is made that no quorum is present, the rule provides that the Chair shall count the House to ascertain whether a quorum is present or not; but, in addition to that, the Constitution provides that at any time one-fifth of those present may order the yeas and nays upon any subject. Now, the House has not yet ascertained that no quorum is present in this case. No quorum voted on the last vote, but it does not appear that no quorum is present. The House, under the constitutional right, may override the rule of simply counting to ascertain if a quorum is present, and order the yeas and nays. On that vote it will appear whether a quorum votes upon that question. If it does not, of course then the point of order is still good that no quorum is present. Now, this matter has been ruled upon before.

Mr. BAILEY. Let me ask the Chair this: Suppose that on the count, this being on the demand for the yeas and nays, it should transpire that the gentlemen supporting the demand should rise and be counted and the gentlemen opposing the demand should rise and be counted, it being necessary that one-fifth of those present shall support the demand. Now, suppose that those who support the demand and those opposing it should be less than a quorum. Would the Chair hold that a number less than a quorum could order the yeas and nays?

The SPEAKER pro tempore. Certainly.

Mr. BAILEY. Then the Chair holds that ordering the yeas and nays is not the transaction of business?

The SPEAKER pro tempore. Well, that was what Speaker Carlisle held in the Forty-ninth Congress, and the Chair is inclined to believe that that is correct.

Mr. BAILEY. And if the Chair will examine, Speaker Carlisle held that upon the supposition that Speaker Randall before him had held it, and yet it was not held exactly by Speaker Randall, and, more than that, there was absolutely no argument of the question. I conceive it to be true—and I think the Chair will not deny it—that the ordering of the yeas and nays is the transaction of business within the meaning of the rule that forbids a motion to adjourn being repeated except after the transaction of intervening business. The RECORD and the Journal are full of instances where, a motion to adjourn having been defeated and the yeas and nays upon a pending question having been ordered, it has been held that business had been transacted within the meaning of the rule, and the motion to adjourn might be repeated. And I venture to say that, except in reference to this particular matter, no decisions can be found in the annals of this or any other parliamentary body that ordering the yeas and nays is not the transaction of business. And if the House can transact that kind of business when it is disabled for the lack of a quorum, I submit that it can transact any other kind of business.

The SPEAKER pro tempore. The Chair will ask the Clerk to read a decision made by the Speaker in the Fifty-first Congress in this connection.

Mr. BAILEY. You will find one in the Fifty-third Congress, too, which also decides against my contention.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

On July 29, 1890:

Mr. CANNON moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the amendments of the Senate to the bill of the House (H. R. 10884) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes.

And the question being put,

There appeared on division—yeas 57, nays 40.

Mr. BYNUM made the point of order that no quorum was present.

The Speaker thereupon proceeded to count the House.

When,

Mr. KERR demanded the yeas and nays.

Mr. RICHARDSON made the point of order that the said demand was not in order, for the reason that the last vote disclosed the fact that a quorum was not present.

The Speaker overruled the said point of order on the ground that a quorum was not required to order the yeas and nays, and also on the ground that the demand for the yeas and nays was a constitutional right, and that the ordering of the yeas and nays, as stated in the ruling of Speaker Carlisle in the last Congress, was "a proceeding relating merely to the method by which the sense of the House is ascertained on a matter of business." The yeas and nays is the final vote of the House on a pending question.

And the question being put on the said motion of Mr. CANNON,

It was decided in the affirmative.

The SPEAKER pro tempore. The Chair overrules the point of order. The yeas and nays are ordered on the adoption of the conference report.

Mr. BAILEY. The yeas and nays have not been ordered. They have only been demanded.

The SPEAKER pro tempore. Oh, yes. The Chair decided that there was evidently a sufficient number for ordering the yeas and nays.

Mr. BAILEY. That had escaped my attention.

The SPEAKER pro tempore. As many as are in favor of the adoption of the conference report will say "aye;" those opposed, "no." The Clerk will call the roll.

The question was taken; and there were—yeas 108, nays 51, answered "present" 11, not voting 190; as follows:

YEAS—108.

Adams,	Dalzell,	Hooker,	Parker, N. J.
Aldrich,	Davenport,	Howe,	Payne,
Alexander,	Davidson, Wis.	Kirkpatrick,	Pearce, Mo.
Babcock,	Davison, Ky.	Knox,	Perkins,
Barham,	Dayton,	Lacey,	Pitney,
Barney,	Dingley,	Landis,	Pugh,
Bartholdt,	Dolliver,	Lawrence,	Quigg,
Belknap,	Eddy,	Loud,	Russell,
Bingham,	Ellis,	Lovering,	Shannon,
Bishop,	Fletcher,	McCall,	Snover,
Booze,	Fowler, N. J.	McCleary	Southard,
Boutell, Ill.	Gardner,	McDonald,	Spalding,
Boutelle, Me.	Gibson,	Marsh,	Sperry,
Broderick,	Graff,	Maxwell,	Sprague,
Brown,	Griffin,	Meekison,	Stark,
Brownlow,	Grosvenor,	Mercer,	Steele,
Butler,	Grout,	Mesick,	Stewart, N. J
Capron,	Grow,	Minor,	Strode, Nebr.
Connolly,	Hager,	Moody,	Thorp,
Cooper, Wis.	Hamilton,	Morris,	Tongue,
Corliss,	Handy,	Mudd,	Wadsworth,
Cousins,	Heatwole,	Northway,	Walker, Mass.
Crump,	Henry, Conn.	Norton, Ohio	Warner,
Cummings,	Hepburn,	Odell,	Weymouth,
Curtis, Iowa	Hilborn,	Olmsted,	Williams, Pa.
Curtis, Kans.	Hill,	Otjen,	

NAYS—51.

Allen,	Clardy,	Latimer,	Stephens, Tex.
Bailey,	Clayton,	Little,	Stokes,
Baker, Ill.	Cochran, Mo.	Lloyd,	Sullivan,
Bell,	Cooney,	Love,	Swanson,
Benton,	Cox,	McCulloch,	Talbert,
Berry,	Fleming,	McRae,	Taylor, Ala.
Bland,	Hay,	Miers, Ind.	Vandiver,
Botkin,	Henry, Miss.	Norton, S. C.	Vehslage,
Brenner, Ohio	Henry, Tex.	Peters,	Vincent,
Broussard,	King,	Rhea,	Wheeler, Ky.
Brucker,	Kleberg,	Richardson,	Williams, Miss.
Brundidge,	Lamb,	Robinson, Ind.	Zenor.
Burke,	Lanham,	Sayers,	

ANSWERED "PRESENT"—11.

Baker, Md.	Clark, Mo.	Lentz,	Sparkman,
Bankhead,	Codding,	Meyer, La.	Wanger.
Bartlett,	Gaines,	Prince,	

NOT VOTING—120.

Acheson,	Dorr,	Knowles,	Settle,
Adamson,	Dovener,	Kulp,	Shafroth,
Arnold,	Driggs,	Lester,	Shattuc,
Baird,	Elliott,	Lewis, Ga.	Shelden,
Ball,	Ermentrout,	Lewis, Wash.	Sherman,
Barber,	Evans,	Linney,	Showalter,
Barlow,	Faris,	Littauer,	Shuford,
Barrett,	Fenton,	Livingston,	Simpson,
Barrows,	Fischer,	Lorimer,	Sims,
Beach,	Fitzgerald,	Loudenslager,	Skinner,
Belden,	Fitzpatrick,	Low,	Slayden,
Belford,	Foote,	Lybrand,	Smith, Ill.
Benner, Pa.	Foss,	McAleer,	Smith, Ky.
Bennett,	Fowler, N. C.	McClellan,	Smith, S. W.
Bodine,	Fox,	McCormick,	Smith, Wm. Alden
Bradley,	Gillet, N. Y.	McDowell,	Southwick,
Brantley,	Gillett, Mass.	McEwan,	Stallings,
Brewer,	Greene,	McIntire,	Stevens, Minn.
Brewster,	Griffith,	McMillin,	Stewart, Wis.
Bromwell,	Griggs,	Maddox,	Stone, C. W.
Brosius,	Gunn,	Maguire,	Stone, W. A.
Brumm,	Harmer,	Mahany,	Strait,
Bull,	Hartman,	Mahon,	Strowd, N. C.
Burleigh,	Hawley,	Mann,	Sturtevant,
Burton,	Hemenway,	Marshall,	Sulloway,
Campbell,	Henderson,	Martin,	Sulzer,
Cannon,	Henry, Ind.	Miller,	Sutherland,
Carmack,	Hicks,	Mills,	Tate,
Castle,	Hinrichsen,	Mitchell,	Tawney,
Catchings,	Hitt,	Moon,	Tayler, Ohio
Chickering,	Hopkins,	Newlands,	Terry,
Clark, Iowa	Howard, Ala.	Ogden,	Todd,
Clarke, N. H.	Howard, Ga.	Osborne,	Underwood,
Cochrane, N. Y.	Howell,	Otey,	Updegraff,
Colson,	Hull,	Overstreet,	Van Voorhis,
Connell,	Hunter,	Packer, Pa.	Walker, Va.
Cooper, Tex.	Hurley,	Pearson,	Ward,
Cowherd,	Jenkins,	Pierce, Tenn.	Weaver,
Cranford,	Jett,	Powers,	Wheeler, Ala.
Crumpacker	Johnson, Ind.	Ray,	White, Ill.
Danford,	Johnson, N. Dak.	Reeves,	White, N. C.
Davey,	Jones, Va.	Ridgely,	Wilber,
Davis,	Jones, Wash.	Rixey,	Wilson,
De Armond,	Joy,	Robb,	Wise,
De Graffenreid,	Kelley,	Robbins,	Yost,
De Vries,	Kerr,	Robertson, La.	Young.
Dinsmore,	Ketcham,	Royse,	
Dockery,	Kitchin,	Sauerhering,	

During the roll call the following occurred:

Mr. BAILEY. Mr. Speaker, it is perfectly evident that the House is going to adopt the conference report. Therefore I ask unanimous consent to vacate the order for the yeas and nays.

Mr. DALZELL. Oh, let us have the call continued.

Mr. GROSVENOR. This side called for the yeas and nays.

The SPEAKER pro tempore. Objection is made.

The Clerk resumed and completed the call of the roll, as above stated.

The following pairs were announced:

Until further notice:

Mr. COCHRANE of New York with Mr. BODINE.

Mr. SULLOWAY with Mr. TERRY.

Mr. COLSON with Mr. SMITH of Kentucky.

Mr. WANGER with Mr. ADAMSON.

Mr. SHATTUC with Mr. DAVEY.

Mr. CODDING with Mr. JONES of Virginia.

Mr. BULL with Mr. BENNER of Pennsylvania.

Mr. BELDEN with Mr. SULZER.

Mr. BARBER with Mr. FOWLER of North Carolina.

Mr. ROBBINS with Mr. MOON.

Mr. CHICKERING with Mr. DE ARMOND.

Mr. JOHNSON of Indiana with Mr. PIERCE of Tennessee.

Mr. YOST with Mr. RIXEY.

Mr. STURTEVANT with Mr. SLAYDEN.

Mr. FARIS with Mr. CLARK of Missouri.

Mr. PRINCE with Mr. HINRICHSEN.

Mr. MCEWAN with Mr. VEHSLAGE.

Mr. ACHESON with Mr. CRANFORD.

Mr. LYBRAND with Mr. LENTZ.

Mr. WARD with Mr. BERRY.

Mr. WHITE of Illinois with Mr. CAMPBELL.

Mr. MAHANY with Mr. BAIRD.

Mr. BARRETT with Mr. MARSHALL.

Mr. SHELDEN with Mr. TODD.

Mr. HOPKINS with Mr. TATE.

Mr. MANN with Mr. JETT.

Mr. BROSIUS with Mr. ERMENTROUT.

Mr. HENRY of Indiana with Mr. GRIFFITH.

Mr. SAUERHERING with Mr. MCALEER.

Mr. FOOTE with Mr. GRIGGS.

Mr. WILLIAM A. STONE with Mr. MCCLELLAN.

Mr. HEPBURN with Mr. CARMACK.

Mr. TAYLER of Ohio with Mr. BARTLETT.

Mr. SOUTHWICK with Mr. STRAIT.

Mr. BENNETT with Mr. GAINES.

Mr. HICKS with Mr. BANKHEAD.

Mr. HOOKER with Mr. CATCHINGS.

Mr. TAWNEY with Mr. SIMS.

Mr. MILLS with Mr. MCCORMICK.

Mr. DOVENER with Mr. SPARKMAN.

Mr. VAN VOORHIS with Mr. MCDOWELL.

Mr. WM. ALDEN SMITH with Mr. STROWD of North Carolina.

For this day:

Mr. BROMWELL with Mr. MCMILLIN.

Mr. MAHON with Mr. OTEY.

Mr. HITT with Mr. DINSMORE.

Mr. BURLEIGH with Mr. LEWIS of Georgia.

Mr. HEMENWAY with Mr. OSBORNE.

Mr. SAMUEL W. SMITH with Mr. ELLIOTT.

Mr. MITCHELL with Mr. MAGUIRE.

Mr. GILLETT of Massachusetts with Mr. TERRY.

Mr. HARMER with Mr. ROBERTSON of Louisiana.

Mr. GILLET of New York with Mr. DE VRIES.

Mr. STEWART of Wisconsin with Mr. KITCHIN.

Mr. CANNON with Mr. MADDOX.

Mr. BAKER of Maryland with Mr. LESTER.

Mr. HENDERSON with Mr. DE GRAFFENREID.

Mr. DAVENPORT with Mr. BRANTLEY.

Mr. SHERMAN with Mr. BREWER.

Mr. HURLEY with Mr. COOPER of Texas.

Mr. KULP with Mr. DAVIS.

Mr. KETCHAM with Mr. HOWARD of Georgia.

Mr. BEACH with Mr. FOX.

Mr. BURLEIGH with Mr. WILSON.

Mr. BELFORD with Mr. LIVINGSTON.

Mr. BARTLETT. Mr. Speaker, I voted "nay." I desire to withdraw my vote and be marked "present." I am paired with the gentleman from Ohio, Mr. TAYLER.

Mr. LENTZ. Mr. Speaker, I am paired with my colleague from Ohio, Mr. LYBRAND. I supposed he had returned. I desire to withdraw my vote and be marked "present."

Mr. MCRAE. Mr. Speaker, I desire to have my colleague, Mr. TERRY, excused on account of sickness.

There was no objection.

Mr. PRINCE. Mr. Speaker, I desire to withdraw my vote. I supposed that my colleague, Mr. HINRICHSEN, with whom I am paired, was here. I find that he has not returned, and therefore ask that I be marked "present."

Mr. BANKHEAD. Mr. Speaker, I desire to withdraw my vote and to be marked "present." I am paired with the gentleman from Pennsylvania, Mr. HICKS.

Mr. GAINES. Mr. Speaker, I am paired with the gentleman from New York, Mr. BENNETT. I withdraw my vote in the negative, and ask to be marked "present."

Mr. COOPER of Wisconsin. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is not recorded.

Mr. COOPER of Wisconsin. I desire to vote.

The SPEAKER. The gentleman is marked as "present." The Clerk will call the name of the gentleman.

The name of Mr. COOPER of Wisconsin was called, and he voted "yea."

Mr. BARTHOLDT. Mr. Speaker, I desire to know how I am recorded?

The SPEAKER. The gentleman is not recorded.

Mr. BARTHOLDT. I desire to vote.

The SPEAKER. The Clerk will call the gentleman's name.

The name of Mr. BARTHOLDT was called, and he voted "yea."

Mr. MEYER of Louisiana. Mr. Speaker, I am paired with the gentleman from New York, Mr. BELFORD. Supposing he was present, I voted "yea." I desire to withdraw my vote, and be marked "present."

Mr. BOUTELL of Illinois. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is not recorded as voting. The gentleman is recorded on the list of those present. The Clerk will call the name of the gentleman.

The name of Mr. BOUTELL of Illinois was called, and he voted "yea."

Mr. MCCLELLAN. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. WILLIAM A. STONE. I desire to be marked "present."

Mr. MADDOX. I am paired. I desire to be marked "present."

The SPEAKER. On this question the yeas are 103, the nays 52, those answering "present" 11, and the following gentlemen present are noted by the Clerk.

The Clerk read as follows:

Mr. BRUMM, Mr. CATCHINGS, Mr. BARBER, Mr. HULL, Mr. HOWARD of Georgia, Mr. LEWIS of Washington, Mr. MILLER, Mr. MILLS, Mr. RIXEY, Mr. SHAFROTH, Mr. WARD, Mr. TAYLER of Ohio, Mr. MCCLELLAN, Mr. MADDOX, and Mr. STALLINGS.

The SPEAKER. Together making 181—a quorum; and the conference report is agreed to.

Mr. HILBORN. Mr. Speaker, I move to reconsider the vote by which the conference report was agreed to; and also move that the motion to reconsider be laid on the table.

Mr. BAILEY. I suggest to the Chair there is probably a mistake in the names of those noted as present.

The SPEAKER. The names are read so as to prevent error.

Mr. BAILEY. The names, of course, will be printed in the RECORD.

Mr. FLEMING. I think there is some mistake about Mr. HOWARD of Georgia being present. His hat and coat are not here, and he has not been here within an hour.

The SPEAKER. It is thought at the Clerk's desk that the gentleman from Georgia [Mr. HOWARD] went out during the first roll call.

Mr. HILBORN. I move to reconsider the vote by which the conference report was agreed to be laid on the table; and also move that the latter motion be laid on the table.

The SPEAKER. The gentleman from California moves to reconsider the vote by which the conference report was agreed to, and also moves that the latter motion be laid on the table. Without objection it will be so ordered.

Mr. HILBORN. I move that the House do now adjourn.

Mr. BAILEY. What was the gentleman's motion?

The SPEAKER. The gentleman from Texas is entitled to know what is going on. The gentleman from California moved to reconsider and to lay the latter motion on the table.

Mr. BAILEY. I object to the latter motion being agreed to.

The SPEAKER. The question is on laying the motion to reconsider on the table.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BAILEY. Division!

The House divided; and there were—ayes 78, noes 22.

Mr. BAILEY. I make the point of no quorum.

Mr. HILBORN. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 52 minutes) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting estimates of appropriations for the service of the War Department for the six months ending December 31, 1898—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting in response to the concurrent resolution of the House of April 13, 1898, a letter of the Chief of Engineers, together with a report of the plans and estimates for the improvement of the Big Sandy and certain of its branches in Kentucky and West Virginia—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a draft of a bill for the protection of harbor defenses, together with a copy of a letter on the subject from Col. J. W. Clous—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a proposed concurrent resolution to authorize the printing of 300 copies of the proceedings of each of the annual meetings of the Board of Supervising Inspectors of Steam Vessels for the years 1897 and 1898—to the Committee on Printing, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting additional estimates of deficiencies in appropriations for the service of the District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of War submitting an estimate of deficiency in the appropriation for printing and binding for the War Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, requesting a modification of the provision of law in the act of Congress approved March 15, 1898, relating to the purchase of certain books for use in the Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Assistant Secretary of War, transmitting a copy of a letter from the Acting Commissary-General of Subsistence recommending the suspension of the laws which limit the expenditure in the Subsistence Department for "compensation of civilians" and which includes them under the provisions of the civil-service law—to the Committee on Military Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. L. Bynum, administrator of Oakley H. Bynum, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURTIS of Kansas, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3720) authorizing cities and towns in the Indian Territory to secure, by condemnation or otherwise, lands necessary for public improvements, reported the same without amendment, accompanied by a report (No. 1278); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 246) to authorize and empower the Secretary of the Interior to adjust and settle the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians, reported the same with amendment, accompanied by a report (No. 1279); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 7209) to amend an act granting to the St. Louis, Oklahoma and Southern Railway Company a right of way through the Indian Territory and Oklahoma Territory, and for other purposes, reported the same with amendment, accompanied by a report (No. 1280); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 10049) to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to open their reservation for settlement, reported the same without amendment, accompanied by a report (No. 1281); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8180) granting a pension to Isabella Cross, reported the same with amendment, accompanied by a report (No. 1275); which said bill and report were referred to the Private Calendar.

Mr. BOTKIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6944) to pension John F. Gates, reported the same with amendment, accompanied by a report (No. 1276); which said bill and report were referred to the Private Calendar.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7618) for the relief of William T. Sterling and 57 other enlisted men in Company K, First Regiment Eastern Shore, Maryland, Volunteers, reported the same with amendment, accompanied by a report (No. 1277); which said bill and report were referred to the Private Calendar.

Mr. ROBB, from the Committee on Claims, to which was referred the bill of the House (H. R. 2890) for the relief of R. E. Vaughan, reported the same without amendment, accompanied by a report (No. 1283); which said bill and report were referred to the Private Calendar.

Mr. RIXEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 1508) for the relief of Joshua Bishop, reported the same without amendment, accompanied by a report (No. 1283); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 325) for the relief of the First National Bank of Newton, Mass., reported the same with amendment, accompanied by a report (No. 1284); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BOTKIN: A bill (H. R. 10252) providing for the correction of the rules of evidence in the Pension Bureau—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 10253) to amend the internal-revenue laws relating to distilled spirits, and for other purposes—to the Committee on Ways and Means.

By Mr. FOOTE: A bill (H. R. 10254) to make Rouse Point and

Malone, in the State of New York, subports of entry, and for other purposes—to the Committee on Ways and Means.

By Mr. HULL: A bill (H. R. 10277) to suspend the provisions of the statutes that limit the number of hospital stewards, United States Army, to 100, and that require that a person to be appointed a hospital steward shall first demonstrate his fitness therefor by service of not less than twelve months as acting hospital steward, and for other purposes—to the Committee on Military Affairs.

By Mr. CURTIS of Iowa: A bill (H. R. 10278) imposing a license tax upon the proprietors of merry-go-rounds or other mechanical devices operated or exhibited for purposes of public amusement for gain, and for other purposes, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DOCKERY: A concurrent resolution (House Con. Res. No. 30) providing for a recess from June 6, 1898, to July 19, 1898—to the Committee on Ways and Means.

By Mr. MAXWELL: A joint resolution (H. Res. 261) to restore the status of the Nebraska Territorial Militia who served during the years 1864 and 1865—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A joint resolution (H. Res. 263) for the neutralization of the Sandwich Islands—to the Committee on Foreign Affairs.

By Mr. McCALL: A memorial of the legislature of the State of Massachusetts, urging Congress to appropriate money for the purpose of exterminating the gypsy moth—to the Committee on Agriculture.

By Mr. BARRETT: A memorial of the Massachusetts legislature, relative to the extermination of the gypsy moth—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRODERICK: A bill (H. R. 10255) for the relief of Robert White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10256) for the relief of John Gibson—to the Committee on Pensions.

Also, a bill (H. R. 10257) for the relief of the city of Atchison, State of Kansas—to the Committee on Claims.

By Mr. CUMMINGS: A bill (H. R. 10258) for the relief of Emmart, Dunbar & Co., on account of work done by said firm for the District of Columbia—to the Committee on Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 10259) for the relief of Francis Mooney—to the Committee on Military Affairs.

Also, a bill (H. R. 10260) granting a pension to Martin Feeney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10261) for the relief of Mattie E. Munson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10262) granting a pension to Elizabeth Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10263) for the relief of L. H. Boyle—to the Committee on Invalid Pensions.

By Mr. DOCKERY: A bill (H. R. 10264) granting a pension to David P. Watts—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 10265) to increase the pension of Michael Low—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10266) to pension Eli Huffstetler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10267) for the relief of Samuel McKamey—to the Committee on Military Affairs.

Also, a bill (H. R. 10268) to pension Sophia Ownby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10269) for the relief of Robert A. Turner—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 10270) increasing the pension of Alfred Botton—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 10271) granting an increase of pension to Joseph Zimmerman—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 10272) for the relief of Frank S. Sowers—to the Committee on War Claims.

By Mr. LANHAM: A bill (H. R. 10273) for the relief of John R. Hastings—to the Committee on Patents.

By Mr. MIERS of Indiana: A bill (H. R. 10274) granting a pension to Lydia A. Jewell, of Graysville, Ind.—to the Committee on Invalid Pensions.

By Mr. QUIGG: A bill (H. R. 10275) for the relief of J. & W. Seligman & Co.—to the Committee on Claims.

By Mr. RAY of New York: A bill (H. R. 10276) granting an increase of pension to George Witter—to the Committee on Invalid Pensions.

By Mr. HENDERSON: A joint resolution (H. Res. 262) to authorize and direct the Secretary of the Treasury to refund and return to the Chicago, Milwaukee and St. Paul Railway Company $15,335.76, in accordance with the decision of the Secretary of the Interior, dated March 3, 1898—to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petitions of C. B. Hood and 34 other citizens of Tupelo, and I. P. Callier and 33 others, of Corinth, State of Mississippi, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BOTKIN: Petition of Epworth League of Grace Methodist Episcopal Church, of Winfield, Kans., favoring the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, papers to accompany House bill No. 9789, to increase the pension of Alice A. Siverd—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 8573, granting a pension to Andrew J. Freeman—to the Committee on Invalid Pensions.

By Mr. BOUTELLE of Maine: Petitions of Augustus B. Farnham, Emerson & Adams, Emery G. Ingalls, P. C. Buzzell, S. & J. Adams, M. F. Rollins, Thurston & Kingsbury, Sawyer Boot and Shoe Company, S. C. Page, F. A. Cole, consisting of business firms, salesmen, and traveling men, all of Bangor, Me., in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Woman's Christian Temperance Union of Bangor, Me., asking for the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia, to protect State anti-cigarette laws, favoring the passage of a Sabbath law for the national capital, and to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Bangor, Me., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Commitee on Public Buildings and Grounds.

Also, petitions of the Woman's Christian Temperance Union of Bangor, Me., praying for the enactment of legislation prohibiting kinetoscope reproductions of prize fights in the District of Columbia and the Territories and the transmission by mail of newspaper descriptions of prize fights—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Bangor, Me., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes—to the Committee on Labor.

By Mr. BRADLEY: Petition of Edwin Knapp and citizens of Brooklyn and New York City, N. Y., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNLOW: Petition of citizens and business men of Jonesboro, Tenn., in favor of the passage of Senate bill No. 3354, relating to the interstate-commerce law and the prerogatives of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of the Christian Endeavor Society of South Portsmouth, R. I., and Woman's Christian Temperance Union of Portsmouth, R. I., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Portsmouth and Christian Endeavor Society of South Portsmouth, R. I., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Christian Endeavor Society of South Portsmouth and Woman's Christian Temperance Union of Portsmouth, R. I., for the passage of a bill to raise the age of protection for girls—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of Portsmouth and Christian Endeavor Society of South Portsmouth, R. I., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. CLARKE of New Hampshire: Petition of citizens of Concord, N. H., in favor of legislation to more effectually restrict immigration and prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union and other societies and churches of Littleton, N. H., to prohibit

the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of 1,200 members of churches, Woman's Christian Temperance Union, and other societies of Littleton, N. H., for a Sunday-rest law in the District of Columbia, for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of North Charlestown, N. H., praying for the enactment of legislation substituting voluntary arbitration for railway strikes—to the Committee on Labor.

Also, petitions of the Woman's Christian Temperance unions of North Charlestown and Newport, N. H., praying for the enactment of legislation prohibiting kinetoscope reproductions of prize fights in the District of Columbia and the Territories and the transmission by mail of newspaper descriptions of prize fights—to the Committee on Interstate and Foreign Commerce.

By Mr. CONNOLLY: Petition of the Woman's Christian Temperance Union of Pawnee, Ill., against the sale of intoxicants in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. CUMMINGS: Petition of J. W. Boyle and 307 citizens of New York City, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Petition of the First Baptist Church and citizens of Augusta, Kans., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the First Methodist Episcopal Church, First Baptist Church, Free Baptist Church, Woman's Christian Temperance Union, and citizens of Augusta, Kans., asking for the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and to protect State anti-cigarette laws—to the Committee on the Judiciary.

By Mr. DE VRIES: Petitions of the Christian Church, St. John's Episcopal Church, and Presbyterian Church, of Marysville, Cal., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petitions of the Presbyterian Church, St. John's Episcopal Church, and the Christian Church, of Marysville, Cal., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. DOCKERY: Petition of the Methodist Episcopal Church of Princeton, Mo., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Ways and Means.

Also, petition of the Methodist Episcopal Church of Princeton, Mo., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Baptist Church, Christian Endeavor, and Epworth League, of Princeton, Mo., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petitions of the Elysium Club, of Boston, and educational department of the Woman's Christian Temperance Union of the United States, sustaining the President in the crisis between the United States and Spain—to the Committee on Foreign Affairs.

By Mr. GRIFFITH: Resolution of Speer Post, No. 189, Grand Army of the Republic, of Indiana, in relation to pension legislation and the removal of charges of desertion—to the Committee on Military Affairs.

By Mr. HAMILTON: Petitions of citizens of St. Joseph; United Brethren, Woman's Christian Temperance Union, and citizens of Berrien Springs, and Methodist Episcopal Church of Newberg, Mich., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of the Evangelical Lutheran church of Berrien Springs, Methodist Episcopal Church of Newberg, Church of Christ and Woman's Christian Temperance Union of Pawpaw, and citizens of St. Joseph, Mich., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. HENRY of Connecticut: Resolution of Hartford Division, No. 50, Order of Railway Conductors, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of North Dakota: Petitions of memorial services of Methodist and Baptist churches of Fairmount, N. Dak.; Church of Christ, Baptist, Methodist Episcopal, and Presbyterian churches, and Woman's Christian Temperance Union, of Ellendale, N. Dak.; Woman's Christian Temperance Union of Larimore, and congregation of Vivian, State of South Dakota, favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Woman's Christian Temperance unions of Larimore, Vivian, and Hillsboro; Methodist and Baptist churches of Fairmount, and Milton Lodge, No. 79, Independent Order of Good Templars, of Milton, N. Dak., to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petitions of Woman's Christian Temperance unions and various churches in the State of North Dakota, against the sale of intoxicants in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of certain churches and societies in the State of North Dakota, for the passage of a bill to raise the age of protection for girls—to the Committee on the District of Columbia.

Also, petitions of citizens of Minto, Niagara, Cando, and Red River Valley, N. Dak., praying for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOUDENSLAGER: Petition of the West Jersey Presbytery, State of New Jersey, against the sale of intoxicants in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. LOVERING: Petition of the Woman's Christian Temperance Union of Marshfield Hills, Mass., praying for the enactment of legislation to protect State anti-cigarette laws and to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Marshfield Hills, Mass., to forbid the transmission of lottery messages by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Marshfield Hills, Mass., for the passage of a bill forbidding the sale of liquor in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. McCULLOCH: Petition of the Woman's Christian Temperance Union of Newport, Ark., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. McRAE: Petition of G. M. Franks and 100 other citizens of the State of Arkansas, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of G. M. Franks and 100 citizens of Arkansas, requesting the passage of an act prohibiting the issuance of United States liquor-dealer license in districts where it is prohibited by local option or by State statute—to the Committee on Alcoholic Liquor Traffic.

Also, preamble and resolution of the Commercial League of Fort Smith, Ark., favoring the passage by Congress of a bill to authorize and encourage the holding of a national exposition of American manufactured goods in Philadelphia in June, 1899—to the Committee on Interstate and Foreign Commerce.

By Mr. QUIGG: Papers to accompany House bill for the relief of J. & W. Seligman & Co.—to the Committee on Claims.

By Mr. SHAFROTH: Petitions of the Board of Missions of the Christian Church of Denver, Colo., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of the Board of Missions of the Christian Church of Denver, Colo., in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. SNOVER: Petitions of the First Baptist Church and First Methodist Episcopal Church of Croswell, Mich., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the First Presbyterian Church and First Baptist Church of Croswell, Mich., for the passage of a bill to forbid the sale of intoxicating beverages in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the First Baptist Church of Croswell, Mich., favoring a bill to establish a Sabbath law for the national capital—to the Committee on the Judiciary.

By Mr. SPERRY: Remonstrance of the Merchants' Association of New York City, against the amendment limiting the free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on the Post-Office and Post-Roads.

By Mr. STEELE: Petition of H. C. Boughton Lodge, No. 88, of Andrews, Ind., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STRODE of Nebraska: Petitions of E. Fleming and 19 others, and E. T. Wilson and 19 others, citizens of the State of Nebraska, protesting against the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. WALKER of Massachusetts: Petition of the Woman's Christian Temperance Union of Southbridge, Mass., in favor of the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of District Lodge, No. 1, Independent Order of Good Templars, of Massachusetts, favoring the enactment of legislation to protect State anti-cigarette laws and to forbid the interstate transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petition of Ivy Lodge, No. 149, Independent Order of Good Templars, of Oakdale, Mass., to prohibit the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

SENATE.

TUESDAY, *May 10, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE MILLIKEN.

Mr. HALE. Mr. President, I give notice that on Tuesday next, at 3 o'clock, I will submit resolutions on the death of Hon. SETH L. MILLIKEN, formerly a member of the House of Representatives from the State of Maine.

Mr. HOAR. Next week?

Mr. HALE. Next Tuesday; a week from to-day.

Mr. HOAR. I understand.

REAR-ADMIRALS IN THE NAVY.

Mr. HALE. I move to reconsider the vote by which the Senate passed the bill (H. R. 10251) fixing the number of rear-admirals in the United States Navy.

The motion to reconsider was agreed to.

Mr. HALE. Let the bill lie on the table.

The VICE-PRESIDENT. The bill will lie on the table.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a memorial of the legislature of Massachusetts relative to the extermination of the gypsy moth; which was read, and referred to the Committee on Agriculture and Forestry, as follows:

[Commonwealth of Massachusetts. In the year 1898.]

MEMORIAL RELATIVE TO THE EXTERMINATION OF THE GYPSY MOTH.

To the honorable Senate and House of Representatives
in Congress assembled:

The general court of Massachusetts, now in session, desires to memorialize your honorable bodies that you will grant an appropriation to assist in the work of exterminating the gypsy moth in this Commonwealth.

In the last session of Congress an appropriation was made providing for "an investigation into the ravages of the gypsy moth." This investigation has been made by Prof. L. O. Howard, entomologist, of Washington, D. C., in a very thorough manner. The report has been issued by the Department of Agriculture, and contains many words of praise for the work which Massachusetts has accomplished. He says:

"It is true that a large amount of money has been expended, and it is also true that much more money must be expended before extermination can be accomplished; but it is undoubtedly safe to say that the money which has been and will be spent by the State in this work is but as a drop in the bucket to the loss which would have been occasioned by the insect had it been allowed to spread unchecked. The loss would have fallen not only upon the State of Massachusetts, but upon other States of the Union, so that we may say that the State work has not only been wisely done, but that it has been patriotically done.

"The simple fact that it has unquestionably been exterminated over considerable stretches of territory, and that extensive colonies existing in the most disadvantageous territory for the prosecution of remedial work have been so thoroughly destroyed that not an individual moth has been found for three years with the most rigid annual inspection, is sufficient proof of this possibility, for what can be done for one section can be done for all, if the means be sufficient. * * * A continuation of the appropriations for a few more years is unquestionably a necessity."

Were the appropriation to lapse a single year, the work which has been done during the past six years would be largely lost. The $75,000 already appropriated would have been spent in vain.

At a meeting of the Association of Economic Entomologists held in Detroit, August 12 and 13, 1897, the following preamble and resolve were unanimously adopted:

"Whereas the Association of Economic Entomologists is familiar with the efforts being made by the State of Massachusetts to exterminate the gypsy moth; and

"Whereas on two former occasions it has indorsed this undertaking by public resolutions; and

"Whereas the existence of the gypsy moth in Massachusetts is a standing menace not only to the agricultural and forestry interests of that State, but to those of the country at large: Therefore,

"*Be it resolved*, That this association would urge upon the people of Massachusetts the danger of dilatory measures and the wisdom and great importance of providing liberally for the work of exterminating the gypsy moth."

At the National Farmers' Congress held at St. Paul August 31 to September 1, 1897, the matter, as in former years, was considered, and the following resolve adopted:

"*Resolved*, That the efforts of the Commonwealth of Massachusetts in endeavoring to exterminate the imported pest known as the gypsy moth meet with our hearty approval, and we, members of the Farmers' National Congress assembled at St. Paul, earnestly appeal to the Congress of the United States to aid our sister State in exterminating what is liable to be a national pest if neglected."

The unaided efforts of Massachusetts to check the ravages of this pest have attracted wide attention, and since all authorities agree that it is a menace not only to this State, but to all other States in the Union, we petition your honorable bodies to make an early and liberal appropriation, to be expended as you may think best, to assist in the extermination of the gypsy moth in this Commonwealth.

HOUSE OF REPRESENTATIVES, *March 21, 1898.*

Adopted. Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*

SENATE, *April 1, 1898.*

Adopted in concurrence.

HENRY D. COOLIDGE, *Clerk.*

A true copy. Attest.

JAMES W. KIMBALL,
Clerk House of Representatives.

Mr. LODGE presented resolutions adopted at a meeting of sundry citizens of Braintree, Mass., favoring the action of the President and the Congress in intervening to prevent inhumanity upon our Western Hemisphere; which were ordered to lie on the table.

He also presented a petition of the New England Furniture Exchange, of Boston, Mass., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a petition of District Lodge No. 1, Independent Order of Good Templars, of Massachusetts, and a petition of the Woman's Christian Temperance Union of Marshfield Hills, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of Marshfield Hills, Mass., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented a petition of the Jordan Woman's Christian Temperance Union, of Penrose, Ill., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance unions of Joliet, Union, and Roanoke; of the congregations of the Congregational Church of Elgin, the Swedish Lutheran Church of St. Charles, the Presbyterian Church of Joliet, the Memorial Church of Forreston, the Emanuel Church of Polo, and the House of Hope Presbyterian Church of Elgin, and of sundry citizens of Elgin, all in the State of Illinois, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance unions of Joliet and Union; of the Young People's Society of Christian Endeavor of the Congregational Church of Odell; of the congregations of the Presbyterian Church of Joliet, the Emanuel Church of Polo, the Memorial Church of Forreston, the Congregational Church of Elgin, and the Swedish Lutheran Church of St. Charles; of the Epworth League of the Methodist Episcopal Church of Monmouth; of the faculty and students of Monmouth College, Monmouth; of the congregation of the First Baptist Church, the Young People's Society of Christian Endeavor of the Christian Church, the Young People's Christian Union of the Ninth Avenue United Presbyterian Church, the Young People's Society of Christian Endeavor of the Presbyterian Church, and the Swedish Baptist Young People's Society, all of Monmouth, and of the Young Men's Christian Association of Polo, all in the State of Illinois, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Davis Creek Grange, No. 155, of Lafayette County, Mo., praying for the passage of the bill to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance unions of Chicago, Roanoke, Mazon, Joliet, Polo, and Penrose; of the congregations of the Methodist Episcopal Church of Chicago, the Methodist Episcopal Church of Roanoke, the Presbyterian Church of Joliet, the Swedish Lutheran Church of St. Charles, the Memorial Church, of Forreston, the Emanuel Church, of Polo, the Congregational Church of Elgin, and the Grace Methodist Episcopal Church, of Elgin; of the Young People's Society of Christian Endeavor of the Congregational Church of St. Charles, and of the Young People's Society of Christian Endeavor of the Congregational Church of Odell, all in the State of Illinois, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the New England Shoe and Leather Association, of Boston, Mass., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. BURROWS. I present a memorial and a report of the committee of the Grand Army of the Republic, held at Buffalo, N. Y., August 25 and 26, 1897, for the purpose of cooperation in furthering the plans proposed for the preservation of the historic battlefields around the city of Fredericksburg, Va. I move that the memorial be printed as a document and referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. BURROWS presented a petition of Gilbert Lodge, No. 240, Brotherhood of Locomotive Firemen, of Jackson, Mich., praying for the passage of the so-called postal savings bank bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Dr. Frank B. Walker, of Detroit, Mich., remonstrating against the enactment of legislation to prohibit or in any way interfere with vivisection; which was ordered to lie on the table.

He also presented a petition of Mecosta Lodge, No. 26, Knights of Pythias, of Castle Hall Big Rapids, Mich., praying for the enactment of legislation to establish a national Pythian sanitarium on the reservation at Hot Springs, Ark.; which was ordered to lie on the table.

He also presented a petition of Iron Molders' Union No. 213, of Grand Rapids, Mich., praying for the passage of the so-called postal savings-bank bill with certain amendments; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a petition of the congregations of the Baptist Church and the Presbyterian Church, the Christian Endeavor Society, the Woman's Christian Temperance Union, and sundry pupils of the High School, all of Le Roy, in the State of Minnesota, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented a petition of St. Paul Pressmen's Union, No. 29, of St. Paul, Minn., praying for the passage of the so-called eight-hour bill, the prison-labor bill, the anti-injunction bill, and the bill for the relief of American seamen; which was referred to the Committee on Education and Labor.

Mr. PENROSE presented a memorial of Division No. 29, Ancient Order of Hibernians, of Philadelphia, Pa., in the interest of the coal and lumber producers, the railways and coasting vessels engaged in carrying the products of Alaska, remonstrating against the establishment of an international boundary commission; which was referred to the Committee on Foreign Relations.

He also presented a petition of Ormsby Lodge, No. 465, Brotherhood of Locomotive Firemen, of Pittsburg, Pa., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a petition of the Young Men's Christian Association of Carlisle, Pa., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which was referred to the Committee on Education and Labor.

He also presented a petition of the Young Men's Christian Association of Carlisle, Pa., praying for the enactment of legislation to prohibit the transmission by mail and interstate commerce of newspaper descriptions of prize fights; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young Men's Christian Association of Carlisle, Pa., praying for the enactment of legislation to prohibit the reproduction of prize fights by the kinetoscope or kindred devices in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Young Men's Christian Association of Carlisle, Pa., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Young Men's Christian Association of Carlisle, Pa., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Young Men's Christian Association of Carlisle, Pa., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young Men's Christian Association of Carlisle, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. QUAY presented a memorial of Division No. 20, Ancient Order of Hibernians, of Philadelphia, Pa., remonstrating against the establishment of an international boundary commission; which was referred to the Committee on Foreign Relations.

He also presented petitions of the Woman's Christian Temperance Union of West Washington; of the congregations of the Methodist Episcopal Church and the Liberty Methodist Episcopal Chapel; of the Epworth League, and the Chambers Chapter, all of West Washington, in the State of Pennsylvania, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance unions of West Washington and Londonderry; of the congregations of the Methodist Episcopal Church and the Presbyterian Church of Scranton; of sundry teachers of the public schools, of the Epworth League, the Columbus Chapter, and the Liberty Methodist Episcopal Chapel, all of West Washington, in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Woman's Christian Temperance Union of Londonderry; of the congregations of the Methodist Episcopal Church of McAlveys Fort, the Presbyterian Church of Scranton, the Grace Reformed Church, of Scranton, and the Liberty Methodist Episcopal Chapel, of Washington; of the Methodist Episcopal Church, the Epworth League, the Woman's Christian Temperance Union, and of sundry teachers of the public schools of West Washington, all in the State of Pennsylvania, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the Atlantic Coast Seamen's Union, of New York City, praying for the passage of the bill for the relief of American seamen; which was referred to the Committee on Commerce.

Mr. NELSON presented a petition of the Society of Colonial Wars of the State of Minnesota, praying for the purchase by the United States Government of old Fort Ticonderoga; which was referred to the Committee on Military Affairs.

He also presented a memorial of No. 1 Hook and Ladder Company of Canby, Minn., remonstrating against the enactment of legislation to establish in the Treasury Department a division regulating insurance companies; which was referred to the Committee on Interstate Commerce.

Mr. HALE presented memorials of the Sawyer Boot and Shoe Company and 19 other business firms; of Emerson & Adams and 19 other business firms; of Wood, Bishop & Co. and 19 other business firms; of Bragg, Cummings & Co. and 19 other business firms, and of Col. Augustus B. Farnham, all of Bangor; and the memorial of P. A. Smith and 8 other citizens, of Exeter, all in the State of Maine, remonstrating against the passage of the so-called anti-scalping ticket bill, or any similar measure; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance unions of Round Point, New Sweden, Stratton, and Danforth; of the congregations of the Congregational Church of Litchfield Corners and the Methodist Episcopal Church of Union, and of the Christian Endeavor Society of the Central Congregational Church of Eastport, all in the State of Maine, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Woman's Christian Temperance unions of Round Point, Stratton, and New Sweden; of the congregations of the Baptist Church of Danforth and the Methodist Episcopal Church of Union, and of the Christian Endeavor Society of the Central Congregational Church of Eastport, all in the State of Maine, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become

subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance unions of Eastport, Danforth, Stratton, and New Sweden; of the congregations of the Congregational Church of Litchfield Corners and the Methodist Episcopal Church of Union, and of Grange No. 88, Patrons of Husbandry, of North Anson, all in the State of Maine, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

Mr. MILLS presented a petition of sundry citizens of El Paso, Tex., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. VEST presented a petition of sundry citizens of Henrietta, Mo., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a petition of the congregation of the Baptist Church, the Christian Endeavor Society, and the Epworth League of Princeton, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the Methodist Episcopal Church of Princeton, Mo., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Swedish Congregational Church and the Compton Hill Chapel, of St. Louis, the Baptist Church of Princeton, the Christian Church of New London, and the Presbyterian Church of St. Louis; of sundry citizens of Winfield, members of the Salvation Army of Sedalia; of the Young People's Baptist Union of New London; of the Christian Endeavor Society of New London; of the Ladies' Aid Society of the Glasgow Avenue Presbyterian Church of St. Louis; of the Christian Endeavor Society and the Epworth League of Princeton, all in the State of Missouri, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 4505) to authorize the construction of a bridge across Lake St. Francis, in the State of Arkansas, reported it with amendments.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1560) granting a pension to William Bradshaw;
A bill (S. 1039) granting a pension to Alice D. Ray;
A bill (S. 2730) granting a pension to Ellen W. Dowling;
A bill (S. 4490) granting arrears of pension to Jane Stonebreaker;
A bill (S. 3006) granting a pension to I. B. Rogers; and
A bill (S. 2731) granting a pension to Abram D. Newman.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4562) granting a pension to Julia G. Fay;
A bill (H. R. 5067) to increase the pension of Franklin Hull; and
A bill (H. R. 7802) granting a pension to Emily A. Hausner.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3005) granting a pension to Zenas T. Haines;
A bill (S. 566) granting a pension to Mary A. Thomas;
A bill (S. 4480) granting a pension to Winburn Hicks;
A bill (H. R. 2123) increasing the pension of William P. Haskell;
A bill (H. R. 1540) granting an increase of pension to William H. Oliver;
A bill (H. R. 2318) for the relief of John T. Brewster;
A bill (H. R. 2159) granting an increase of pension to Col. Benjamin Beach; and
A bill (H. R. 4675) granting an increase of pension to George Van Vliet, of Brookville, Pa.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3743) granting a pension to Jane E. Augur;
A bill (H. R. 5776) granting an increase of pension to Sidney J. Hare;
A bill (H. R. 2815) granting an increase of pension to Eliza Miller;
A bill (H. R. 4488) granting an increase of pension to Peter Castle;
A bill (H. R. 2695) granting a pension to Olivia Betton;
A bill (H. R. 7672) to increase the pension of George W. D. Wade;
A bill (H. R. 8904) to pension Mrs. Mary E. Taylor;
A bill (H. R. 6785) granting a pension to Julia L. Roberts;
A bill (H. R. 908) granting a pension to Zolman Tyrrell;
A bill (H. R. 3506) granting a pension to Mrs. Bettie Gresham; and
A bill (H. R. 1835) to increase the pension of David Parker.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 772) granting an increase of pension to William Taylor; and
A bill (H. R. 135) granting a pension to Michael Bassett.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2886) to increase the pension of Thaddeus M. Joy; and
A bill (S. 1976) for the relief of Annie E. Ruff, widow of Charles F. Ruff, late lieutenant-colonel Third Cavalry, United States Army.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 4449) granting an increase of pension to Charles Beckwith, reported it with amendments, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8906) granting a pension to J. S. Waggener;
A bill (S. 1758) increasing the pension of George W. Peters, Company I, Twelfth Regiment Tennessee Volunteer Cavalry; and
A bill (S. 4031) for the relief of James J. Wheeler.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 5006) to increase the pension of Edward Starr; and
A bill (S. 1619) granting a pension to Michael Lannon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 3676) to place Frank F. Carnduff on the pension roll at the rate of $30 per month, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1157) to provide a pension for Godfrey Beck, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (H. R. 2866) granting an increase of pension to Myntie L. Hamilton, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 4962) granting an increase of pension to William D. Foote;
A bill (S. 4547) granting a pension to Eli M. Couch; and
A bill (S. 4485) granting a pension to John Lindquist.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (S. 1682) granting a pension to George Gamache, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 1519) granting a pension to Mrs. Jennie A. Kerr, widow of Second Lieut. John M. Kerr, Company F, Mounted Riflemen, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6209) to pension William Stephenson Smith, reported it with an amendment, and submitted a report thereon.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (H. R. 587) granting a pension to Henry H. K. Elliott, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2119) granting a pension to Elsie Desmond, of Norfolk, Nebr., reported it with an amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2231) granting a pension to C. S. Alvord;
A bill (H. R. 4091) to increase the pension of Charles Hoffman; and
A bill (H. R. 6242) granting a pension to James C. Kinkle.

Mr. WILSON, from the Committee on Public Lands, to whom was referred the bill (S. 4192) to make certain grants of land to the Territory of New Mexico, and for other purposes, reported it with amendments, and submitted a report thereon.

REPORT ON ANNEXATION OF HAWAII.

Mr. LODGE, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 3,000 copies of the report (No. 681), to accompany S. R. 127, submitted by Mr. DAVIS, from the Committee on Foreign Relations, on the annexation of Hawaii.

LABOR LAWS.

Mr. LODGE. I am directed by the Committee on Printing to report back favorably with an amendment the resolution of the House to print 3,500 additional copies of the second special report of the Commissioner of Labor. I ask for the immediate consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for distribution by the Department of Labor 3,500 additional copies, in cloth binding, of the Second Special Report of the Commissioner of Labor, comprising the labor laws of the United States and of the State and Territorial governments, being a report of the Committee on Interstate and Foreign Commerce of the House of Representatives, submitted July 20, 1892, and revised and annotated in accordance with concurrent resolution adopted March 5, 1896.

The amendment of the Committee on Printing was to strike out lines 3 and 4 and insert:

Eight thousand additional copies, 1,000 for the use of the Senate, 2,000 for the use of the House of Representatives, and 5,000 copies for distribution by the Department of Labor.

Mr. COCKRELL. Let the resolution as proposed to be amended be now read.

The SECRETARY. It is proposed to amend the resolution so as to read:

Resolved by the House of Representatives (the Senate concurring), That there be printed 8,000 additional copies, 1,000 for the use of the Senate, 2,000 for the use of the House of Representatives, and 5,000 copies for distribution by the Department of Labor, in cloth binding, of the Second Special Report of the Commissioner of Labor, comprising the labor laws of the United States and of the State and Territorial governments, being a report of the Committee on Interstate and Foreign Commerce of the House of Representatives, submitted July 20, 1892, and revised and annotated in accordance with concurrent resolution adopted March 5, 1896.

Mr. COCKRELL. Is that a reprint?

Mr. LODGE. It is a reprint. The supply is exhausted and there is a very great demand for it from all parts of the country. The House sent over a resolution providing simply for 3,500 copies for the Department of Labor to distribute, and the committee have added a certain number for distribution by Senators and Representatives.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

EDGAR S. ECKLES.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. DAVIS April 19, 1898, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be authorized and directed to pay, out of the contingent fund of the Senate, to Edgar S. Eckles the sum of $15 for reporting and transcribing the statement of C. F. Koop, made before the Committee on Foreign Relations of the Senate on the 21st day of February, 1898, in relation to the condition of affairs in the Island of Cuba.

PAY OF STENOGRAPHER.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. DAVIS April 21, 1898, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report statements before the Committee on Foreign Relations April 7, April 8, and April 12, 1898, be paid from the contingent fund of the Senate.

THE COMMITTEE ON APPROPRIATIONS.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. ALLISON April 18, 1898, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Appropriations be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such testimony as may be taken by the committee or its subcommittees in connection with appropriation bills, and to have the same printed for its use, or the use of the Senate, and that such stenographer be paid out of the contingent fund of the Senate.

ADJUTANT-GENERAL'S DEPARTMENT.

Mr. SEWELL. I am directed by the Committee on Military Affairs to report an original bill to provide for the proper handling of the increased volume of work in the Adjutant-General's Department of the Army, due to the calling out of volunteers and the increase of the Regular Army. It is a bill to meet the necessities of the war, and I ask for its immediate consideration.

The bill (S. 4566) to provide for the proper handling of the increased volume of work in the Adjutant-General's Department of the Army, due to the calling out of volunteers and the increase of the Regular Army, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the President is authorized, by and with the advice and consent of the Senate, to appoint one assistant adjutant-general with the rank of colonel and one assistant adjutant-general with the rank of major: *Provided*, That the vacancy created in the grade of colonel by this act shall be filled by the promotion of officers now in the Adjutant-General's Department according to seniority, and that upon the mustering out of the volunteer forces and the reduction of the Regular Army to a peace basis no appointments shall be made in the Adjutant-General's Department until the number of officers in each grade in that Department shall be reduced to the number authorized by the law in force prior to the passage of this act.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HAWLEY. I suggest to the Senator from New Jersey an amendment of the title. I think it is a little awkward to provide for the proper handling of the increased volume of work, etc. I suggest to strike out "for the proper handling of" and make it read "to provide for the increased volume of work," etc.

Mr. SEWELL. I have no objection to that amendment.

There being no objection, the title was amended so as to read: "A bill to provide for the increased volume of work in the Adjutant-General's Department of the Army, due to the calling out of volunteers and the increase of the Regular Army."

VOLUNTEER SIGNAL CORPS.

Mr. CARTER. By direction of the Committee on Military Affairs, I report a bill to organize a volunteer signal corps, and I ask unanimous consent for its present consideration.

The bill (S. 4567) to organize a volunteer signal corps was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the President is hereby authorized to organize a volunteer signal corps for service during the existing war, which corps shall receive the same pay and allowances as are authorized by law for the Signal Corps of the Army.

SEC. 2. The volunteer signal corps shall consist of one colonel, one lieutenant-colonel, one major as disbursing officer, and such other officers and men as may be required, not exceeding one major for each Army corps, and two captains, two first lieutenants, two second lieutenants, five first-class sergeants, ten sergeants, ten corporals, and thirty first-class privates to each organized division of troops: *Provided*, That two-thirds of all officers below the rank of major and a like proportion of the enlisted men shall be skilled electricians or telegraph operators.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 4568) granting a pension to Jacob Miller; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 4569) for the relief of E. P. Atwood; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS (for Mr. BURROWS) introduced a bill (S. 4570) granting an increase of pension to Margaret G. White; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 4571) to extend Rhode Island avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

THE TWELFTH AND SUBSEQUENT CENSUSES.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (S. 4545) to provide for taking the Twelfth and subsequent censuses; which was ordered to lie on the table and to be printed.

HARRY K. SPRING AND CHARLES W. NELSON.

Mr. WHITE submitted a resolution; which was read, as follows:

Resolved, That the Committee on Foreign Relations are instructed to forthwith investigate the cases of Harry K. Spring and Charles W. Nelson, citizens of the United States and residents of the State of California, who are under arrest in the Republic of Colombia, and to inquire whether said Spring and Nelson have been detained unreasonably without trial, or have been otherwise unlawfully restrained of their liberties, and whether the diplomatic officers and agents of the United States in said Republic of Colombia have made appropriate exertions to procure the release or trial of said accused; and to report by resolution or otherwise.

Mr. WHITE. Let the resolution be printed and lie on the table.

The VICE-PRESIDENT. The resolution will be printed and lie on the table.

CHANGE OF REFERENCE.

Mr. PENROSE. I ask unanimous consent that the Committee on Finance be discharged from the consideration of the bill (S. 4445) for the relief of the city of Philadelphia, which was introduced by me, and that the bill be referred to the Committee on Claims, to which it properly belongs. I do not think there will be any objection to the change of reference proposed.

The VICE-PRESIDENT. Is there any objection to relieving the Committee on Finance from the bill indicated by the Senator from Pennsylvania? The Chair hears no objection, and the change of reference suggested will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1316) to provide for organizing a naval battalion in the District of Columbia.

The message also announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes;

A bill (S. 4468) to provide for a volunteer brigade of engineers and an additional force of 10,000 enlisted men specially accustomed to tropical climates; and

A bill (S. 4518) to provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the insurgent forces, and for other purposes.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9068) to authorize Commissioners of the District of Columbia to extinguish alley in square 465;

A bill (H. R. 9356) for the relief of Anna Merkel; and

A bill (H. R. 10209) to repeal an act of Congress, approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 260) tendering the thanks of Congress to Commodore George Dewey, United States Navy, and to the officers and men of the squadron under his command; and it was thereupon signed by the Vice-President.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 10251) fixing the number of rear-admirals in the United States Navy.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. Senate bill 4468 has just come over from the House amended. It is a bill concerning the brigade of engineers and the force of 10,000 immunes, so called. The Committee on Military Affairs has had the amendments under consideration and instructed me to ask that the Senate concur with the amendments made by the House.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4468) to provide for a volunteer brigade of engineers and an additional force of 10,000 enlisted men specially accustomed to tropical climates.

The amendments of the House of Representatives were, on page 2, line 7, after the word "empowered," to insert "during the present war;" on page 2, after line 13, to insert a new section, as follows:

SEC. 3. The provisions of the act of April 22, 1898, which provide that volunteers called out by proclamation of the President shall be apportioned to the several States, and the provisions of said act which provide that the governors of the States shall appoint officers shall not apply to this act.

The VICE-PRESIDENT. The amendments are before the Senate. What motion is made in reference to them?

Mr. HAWLEY. I will briefly explain the amendments. The House of Representatives seemed to think that there was a possibility of a misconstruction of the act raising the volunteer force and somebody might be asking to have these immunes called for from the States, in which case the governors of the States would have the appointment of the officers. But it would be very inconvenient, probably, to call for them from the different States. They will be picked up as they may be reached or as they may come in. It was the desire of the House to secure the appointment of those officers by the President instead of attempting to have the governors appoint officers in fractions of regiments.

I do not know that I make myself understood, but the intention is to have the President appoint the officers of the brigade of engineers and the immune force, because these troops can not be very well apportioned among the States and the governors can not very well do it. For fear of controversy, the House, out of abundant caution, added section 3. We did not think it absolutely necessary ourselves, but to prevent all possibility of doubt we recommend concurring with the House.

The VICE-PRESIDENT. The Senator from Connecticut moves to concur in the amendments of the House of Representatives.

Mr. BACON. As I understand the bill, the troops to be raised under it are not to be called for by the States.

Mr. HAWLEY. They are not.

Mr. BACON. But the President has it in his discretion to raise them by such means as he deems best, regardless of State lines.

Mr. HAWLEY. Yes.

Mr. BACON. Am I correct in that?

Mr. HAWLEY. Yes.

Mr. BACON. And the President will have the appointment of the officers.

Mr. HAWLEY. And to make it certain this section 3 is added. Some one in the House (I might name a very distinguished gentleman from the southwestern part of the country) raised a doubt about it, and finally a gentleman well qualified to judge in those matters moved this section, as I said, through abundant caution. The officers of the brigade of engineers and the 10,000 immunes will be appointed by the President.

Mr. PASCO. I should like to ask the Senator from Connecticut one question. I understand it is contemplated that these troops shall serve only during the war, and that they will be disbanded after the war, like the volunteers.

Mr. HAWLEY. Oh, yes; it is not an addition to the permanent force, but is like all the rest of the Volunteer Army.

Mr. PASCO. It is a temporary addition for war purposes.

Mr. HAWLEY. Quite so.

Mr. PASCO. That is my understanding.

The VICE-PRESIDENT. The question is on concurring in the amendments made by the House of Representatives.

The amendments were concurred in.

DISTRICT NAVAL BATTALION.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1316) to provide for organizing a naval battalion in the District of Columbia having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments.

EUGENE HALE,
WILLIAM E. CHANDLER,
Managers on the part of the Senate.

S. G. HILBORN,
G. E. FOSS,
ADOLPH MEYER,
Managers on the part of the House.

Mr. WILSON. I should like to ask if it is proposed to organize a naval battalion only in the District of Columbia?

Mr. HALE. This measure applies only to the District of Columbia.

Mr. WILSON. Is there any provision of law or any act pending that will permit the organization of a naval battalion in any other portion of the country?

Mr. HALE. There is a general bill, which has been reported in the House and is now on the Calendar of the House, providing for a general organization throughout the country, but in this case the committee deemed it necessary to provide for the District of Columbia. The organization is ready for service.

Mr. WILSON. The reason why I inquire is because we are very anxious on our coast to organize a naval battalion for service on that coast. There seems to be no provision by which they can do so. If there is a necessity for a naval battalion, which I doubt not is the case, it would seem that there ought to be some provision whereby we can create such an organization on the Pacific coast.

Mr. HALE. That feeling is by no means confined to the Pacific coast. I know that in my own State it is very strong.

Mr. WILSON. I have no doubt, as the Senator states, that it is very strong in his State. Yet we have here a bill going through the two Houses to organize a naval battalion in the District of Columbia.

Mr. CHANDLER rose.

Mr. WILSON. It seems to me, without very much information, and I hope the Senator from New Hampshire will give me information, that it rises almost to an absurdity.

Mr. CHANDLER. I beg leave to state to the Senator from Washington that as I understand the bill it is a mere local bill authorizing a part of the militia of the District of Columbia to form a naval battalion. The naval militia of the States as now organized everywhere is only a part of the militia, and each State can organize a naval battalion to-day. Almost all the States have done so. The General Government has done nothing for them

except to furnish them some boats and some little naval equipment, but they are a part, in all the States, of the militia of the State. This is simply a local bill authorizing as a part of the militia of the District of Columbia a naval battalion here. If I am wrong, the Senator from Maine will correct me when I say that there is nothing to hinder the organization to-day of a naval battalion as a part of the militia of the State of Washington. Whether it will be called into the service of the United States or not is a further question.

Mr. HALE. That can be done by any State, as the Senator from New Hampshire says, through its own authority and legislation. We are doing this for the District because the District is the same to us that the States are to their respective governments and legislatures. But in addition to that, as I have already said, there has been a bill prepared providing for a naval auxiliary force, which will cover and include these organizations outside the militia, so that they will have more advantages and the Government will do more for them and will receive them and assign them service. The purpose of the committee here is that as soon as that bill reaches the Senate, which I suppose will be in a few days, to ask action upon it.

Mr. WILSON. I hope so, because we need such legislation.

Mr. PERKINS. I wish to state to my friend from Washington that California has a naval brigade, and the Government placed at their disposal one of our Government vessels not in service. It comprises several hundred bright young sailormen, and only day before yesterday, on behalf of the naval reserve, I tendered their services to the Government. I doubt not that Washington has the same opportunity and the same law. I know she has the right material to establish a naval reserve and form a battalion that will compare favorably with any that can be organized in the District of Columbia or even in the golden State of California.

Mr. WILSON. I have no doubt that is true; but unfortunately for me I am not upon the Committee on Appropriations and have not had placed in the appropriation bill an item of $50,000 for the creation of a naval station in the State of Washington, as there is an appropriation of that amount for a naval station in the State of California, for an auxiliary, or whatever they may term it, upon an island a distance from the mainland. The Senator from California by his energy and zeal has made proper provision in that respect; but we hope at an early day to be as successful and to secure something. We have a large body of men who are fishermen and adapted to this service, and we think we might be able to create a naval auxiliary in the Pacific Northwest, although I sometimes doubt my ability to overcome the fact that California, by reason of having a very energetic member upon the Committee on Appropriations and on the Naval Affairs Committee, seems to secure everything in that direction. We have a very fine dry dock, I will say to the Senator from California, probably the finest upon the Pacific coast; but whenever we want a vessel docked, we are compelled to go to Mare Island, although if a storm should occur while one of the vessels was in Mare Island it could never get out.

Mr. PERKINS. Mr. President, my friend the Senator from Washington is usually correct, but in this instance I think he is a little off his course, to use a nautical term.

Mr. WILSON. I have never been in a service of that kind, and the Senator has.

Mr. PERKINS. The naval battalion of California has never received one dollar of Government aid for its support; and if my friend from Washington had been as zealous in forming a naval brigade on Puget Sound, the finest inland sheet of water in the world, as he has been in Indian affairs in his State and in creating reservations, I doubt not he would have had a brigade that would have compared favorably with that of the State which I have the honor in part to represent.

The recent station established for apprentices on the Pacific coast, I am frank to admit, has been one of my hobbies. I believe the way to have an American Navy, to have ships built by American mechanics, and manned by American seamen, is to commence with the boys and discipline them in the naval schools and on board ship. Having that object in view, and my friend from Washington being so engrossed with Indian affairs that he could not give that attention which he otherwise would have done, I am sure, I had the honor of introducing a bill, which is now a law upon our statute book; and I am happy to inform my friend that out of the 350 boys who have been enrolled and enlisted as apprentices in that naval school, 80 come from the State of Washington, and there are some 30 more applications from that State, and as soon as the school is completed we shall receive them and, I hope, many more.

But this, Mr. President, has nothing whatever to do with the State military battalion. That is a State organization. The District of Columbia to-day, as I understand, having provided for its battalion, is simply doing what the State of Washington has done for her naval militia, what California has done, and what most of the other coast States of the Union have done.

I am always ready to join hands with my friend from Washington. In fact the only way to get anything for the Pacific coast is to cooperate jointly and work together for the general welfare of our coast and the great Northwest. There is no jealousy, but rather a spirit of emulation of who can do the most and the best for his particular locality. Therefore there is no chance for any difference between my friend from Washington and myself.

He lives in the great Northwest, and the committee of which I have the honor to be a member has worked zealously that we might have naval vessels to be anchored on Puget Sound, to there guard our great Northwest territory and support our dry dock. It is full of vessels all the time. Only to-day I have before me on my desk a telegram asking its use for an auxiliary cruiser, one that is on the list at least of our Government, and consent has been given. The Senator does not know what good he is doing. He has builded better than he knew. That dry dock is not only a great benefit to our Navy, but to the commerce of the Pacific coast. There is no difference between my friend and me.

Mr. WILSON. Before the Senator takes his seat, I wish to say that he has overlooked one important matter, and that is that two of the vessels, the *Oregon*, which is on its way and now coming up the Atlantic coast, and which we hope will reach its destination, and the *Olympia*, were built on the Pacific coast. The latter is one of the strongest vessels of her class in the service. Of course the distinguished Senator from California is aware of that fact.

I find with that zeal, with that energy, with that industry that is so commendable on the part of the Senator—that while we have, as he says, the finest body of inland water probably in the known world, and while we have the finest dry dock, I think, which has been constructed in years by the Government, capable of taking into it any ship or man-of-war now afloat, unfortunately for us, by some method, by some means, by some energy (perhaps by the Senator from California), whenever any of those vessels are to be docked, they never find their way into the dock at Puget Sound. One of them did get in, but we had to send down to California to get the workmen to come up from Mare Island, because no provision had been made for us.

I do not believe any Senator on this floor will accuse me of not asking for things. I do not think anybody will lay that charge at my door. I have simply haunted the Committee on Appropriations; I have done the best I could, and have secured for the years to come and for the years that are gone about $800,000 for our dock on Puget Sound; but I should like to get at some place, at some time, I do not care how far in the future, one of our American men-of-war docked in that dock, with a sufficient number of mechanics located there to attend to her needs. I do not want them all to go to Mare Island, for I am afraid if a storm occurs while they are there they will never be able to get out, unless we dredge out the dock beforehand. But that is amply provided for in the sundry civil appropriation bill, which is due largely to the energy, zeal, and industry of the distinguished Senator from California.

We have a magnificent dock, and at some future time we hope American men-of-war, especially one of those named for our State, built upon the Pacific coast, may have an opportunity to go there, and see if we can not do something with it. We have a magnificent inland sea, as the Senator says, and I hope at some time we may be able to create this naval auxiliary reserve. When a law is passed by Congress, as I hope it will be at an early day, I think, as stated by the Senator from California, it will be found our people will not go to his place, but will stay in the State of Washington. We are very patriotic, and I am glad to have his statement that the State of Washington is furnishing a goodly portion of the crews of boys for this service.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

EXECUTION OF WILLS IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes; which were referred to the Committee on the District of Columbia.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 9068) to authorize Commissioners of the District of Columbia to extinguish alley in square 465;

A bill (H. R. 9856) for the relief of Anna Merkel; and

A bill (H. R. 10209) to repeal an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes.

NELLIE GRANT SARTORIS.

The joint resolution (H. Res. 238) to readmit Nellie Grant Sartoris to the character and privileges of a citizen of the United States was read twice by its title.

Mr. MORRILL. Mr. President, I desire to say that a joint resolution precisely similar to the joint resolution which has just been read was passed on the same day that this joint resolution was passed in the House of Representatives, but a little earlier in the day. It appears that the joint resolution of the Senate is now referred to a committee in the House, and this joint resolution has been lying here on the table for several days. I therefore ask that action be taken on it at the present time.

The VICE-PRESIDENT. Unanimous consent is asked for the present consideration of the joint resolution. Is there objection?

Mr. QUAY. What joint resolution is that?

Mr. GALLINGER. It will take but a moment.

The VICE-PRESIDENT. It is a joint resolution to readmit Nellie Grant Sartoris to the character and privileges of a citizen of the United States.

Mr. MORRILL. It will not take any time, I will say to the Senator.

Mr. QUAY. I desire to call up the Post-Office appropriation bill; but if this takes no time I shall not object to it.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

ORDER OF BUSINESS.

Mr. QUAY. I move that the Senate proceed to the consideration of the Post-Office appropriation bill.

Mr. CHANDLER. I rise to a question of order. Morning business is not yet concluded, and I have a small resolution in my hands, which I have held here for half an hour or more.

Mr. QUAY. I will yield to that.

Mr. CHANDLER. I think the morning business ought to be concluded, and so declared by the Chair, before other business is taken up.

The VICE-PRESIDENT. The morning business has not been concluded.

Mr. PETTIGREW. I think, under the unanimous-consent agreement yesterday, we had a right to have the Post-Office appropriation bill taken up as soon as the Senate convened. We agreed to vote at 2 o'clock, and of course the implied understanding is that the intervening time, if any Senator desires to speak, shall be given to a discussion of that bill.

Mr. QUAY. That was not part of the unanimous-consent agreement.

Mr. CHANDLER. My point of order is not good, if there was a unanimous-consent agreement to proceed with the Post-Office appropriation bill during the morning hour and before the morning business was concluded. I was not aware of any such agreement.

The VICE-PRESIDENT. The Chair has not been informed, nor does he find in the RECORD that any such agreement was made after he left the chair last evening.

Mr. PETTIGREW. Then I wish to know of the Chair if the entire time can be exhausted until 2 o'clock, when we shall be obliged to vote at once on the Post-Office appropriation bill. Is that the understanding?

The VICE-PRESIDENT. The Chair knows of no rule of the Senate nor of any unanimous-consent agreement made yesterday which dispenses with morning business.

Mr. PETTIGREW. I should like to have the unanimous-consent agreement read.

Mr. QUAY. There was no arrangement for the taking up of the bill or for a discussion of it. The unanimous-consent agreement was simply that the bill and the amendments then pending should be voted on at 2 o'clock to-day.

Mr. PETTIGREW. I should like to have the agreement stated from the desk.

Mr. QUAY. It is absolutely fair to the Senator from South Dakota [Mr. PETTIGREW] and the Senator from North Carolina [Mr. BUTLER] that they should, if they wish, have an opportunity to discuss their amendments to the Post-Office appropriation bill.

Mr. CULLOM. Here is what the RECORD shows——

Mr. QUAY. If the Senator will pardon me a moment, the Senator from North Carolina thinks an hour at least will be required, in his judgment, for the discussion of the pending proposition, and I think it is only fair that we give him that opportunity, as he has occupied so little of the time of the Senate during the discussion.

Mr. CULLOM. This is the statement of the Senator from Pennsylvania [Mr. QUAY]——

Mr. QUAY. I remember it distinctly. There was nothing at all as to the time of taking up the bill.

Mr. CULLOM. I will read the unanimous-consent agreement as proposed by the Senator from Pennsylvania. It is as follows:

I will now suggest that, by unanimous consent, the bill and amendment go over and the vote be taken at 2 o'clock to-morrow. It is evident that we have not a voting quorum of the Senate present, and the Senate is at the mercy of any one man.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the pending bill may go over until to-morrow and that a final vote on amendments and the bill be taken at 2 o'clock. Is there objection?

Mr. QUAY. I insist on my motion, which will dispose of this discussion.

Mr. CHANDLER. I make the point of order that it is not in order to move to take up a bill until the morning business has been declared closed by the Chair.

Mr. QUAY. I think the morning business has been declared closed.

The VICE-PRESIDENT. The morning business has not been concluded. The call has not been concluded for concurrent and other resolutions.

Mr. PETTIGREW. I should like to know if it is not in order at any time after 1 o'clock to move to take up a bill?

Mr. GALLINGER. Not until after 2 o'clock.

The VICE-PRESIDENT. The Chair will recognize the Senator from New Hampshire [Mr. CHANDLER] for morning business.

Mr. PETTIGREW. What is the ruling of the Chair?

The VICE-PRESIDENT. The ruling of the Chair is that he recognizes the Senator from New Hampshire [Mr. CHANDLER], for what particular purpose he does not know.

Mr. PETTIGREW. Mr. President, if the motion is in order——

The VICE-PRESIDENT. The Senator is speaking in the time of the Senator from New Hampshire.

Mr. PETTIGREW. If the motion is in order to proceed to the consideration of the Post-Office appropriation bill, I should like to have it put to the Senate.

The VICE-PRESIDENT. No such motion can be made except with the assent of the Senator from New Hampshire, who has been recognized by the Chair, and who has the floor. Other Senators are speaking by his courtesy.

Mr. HALE. I suppose the Senator from New Hampshire would have been through by this time.

Mr. CHANDLER. Yes. The resolution is not of importance, except that I have held it in my hand without putting it in out of order, so as to put it in when it was in order. Now I have the right to put it in, but I will withhold it until to-morrow, in order that the Senator from South Dakota [Mr. PETTIGREW] may continue the debate on the Post-Office appropriation bill.

POST-OFFICE APPROPRIATION BILL.

Mr. QUAY. I move that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, and for other purposes.

Mr. HAWLEY. Mr. President, the Senator from Pennsylvania [Mr. QUAY] said he would kindly yield to me for a moment for another one of these very brief Army bills.

Mr. PETTIGREW. I shall object to the consideration of any other measure whatever. There are several requests of that kind, and we have but fifty-five minutes left for the discussion of this question, and I shall insist on it being used for that purpose. After that I shall not object to the Senator's bill.

The VICE-PRESIDENT. The Post-Office appropriation bill is before the Senate, and the Senator from North Carolina [Mr. BUTLER] is entitled to the floor.

Mr. BUTLER. Mr. President, when the Senate adjourned yesterday afternoon we had under consideration the amendment to limit the scope of the proposed investigation to the question of railway-mail pay and postal-car rent. Every Senator on this floor knows that if he is put on the committee of investigation—and this amendment provides that three Senators shall serve on the committee—there is not a Senator who can give the question of mail pay alone as full consideration as ought to be given to it during the recess, unless he devotes his entire time to it; and yet the proposition is to extend that investigation to everything from the beginning of the work of the Post-Office Department to the end of it.

At the suggestion of several Senators, who think that all of these questions should be investigated, I ask to modify my amendment so as to provide for two committees, one committee to investigate the question of railroad pay for mail by weight and postal-car service, and the proper rent for the same, and the other committee to investigate all the other questions raised in this proposed amendment offered by the Committee on Appropriations.

I offer the following amendment, therefore, which is a substitute for section 5:

That two joint committees, each consisting of two members of the Senate and three members of the House, shall be appointed by the Senate and House, one committee to investigate, during the coming recess of Congress, the question whether or not excessive prices are paid to the railroad companies for the transportation of the mails and as compensation for postal-car service, and the other committee all sources of revenue and all expenditures of the postal service and rates of postage upon all postal matter, the expenses of said joint committees to be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House, upon vouchers to be approved by the two chairmen.

Mr. President, that provides for an investigation of all these questions, but it provides for two committees. It provides for a division of the work. This modification is made at the suggestion of Senators who realize that one committee can not do it all, but who at the same time would like to see all of these questions investigated. With these modifications of the amendment, I do not feel that it is necessary to discuss it further, because it must meet the desire of every Senator who wants a thorough investigation of any or all of these questions.

The Senator from Pennsylvania [Mr. QUAY] and the Senator from New Jersey [Mr. SEWELL] stated yesterday afternoon that they thought all these questions ought to be investigated. I have no objection to investigating them all, but I want an investigation that is an investigation. I want one committee to give its entire time to the questions of railroad pay and postal-car service, for I want the facts. I think I have them, but the majority of the Senate decided yesterday that they wanted an investigation of this question of railway pay for mail by a special committee. Then let us have such an investigation, and let us have another committee to investigate the other question which some Senators want investigated. Surely no one can object to that. I ask the Senator from Pennsylvania if he is willing to accept this modified amendment to provide for two committees to cover the entire question?

Mr. QUAY. Mr. President, I do not feel authorized to accept the suggestion of the Senator from North Carolina. It is contrary to the policy of the Senate and contrary to the interest of the Government to multiply committees and to have them roving throughout the country during the recess at the expense of the Government on the whim of any member of this Senate. There has been great complaint among the people about it, and, for one, I do not propose to encourage it.

Further, Mr. President, I have no doubt at all that under this fifth section a committee can be raised which will be entirely competent to deal with all these questions, and that a report can be made prior to the time when the next Post-Office appropriation bill comes before us. There will be no difficulty in reaching, within sixty days after this committee enters upon its duties, every person and every document that can throw any light on these subjects. So I can not accept the suggestion of the Senator. I have no objection, however, to striking out the entire section and allowing the Committees on Post-Offices and Post-Roads of the two Houses to act as a joint committee to investigate all these questions, so that the Committee on Appropriations will be relieved entirely from their consideration. If that will suit the Senator, I will move to strike out section 5.

Mr. BUTLER. That suggestion would satisfy me because, to my mind, the facts are sufficiently before the Senate now to justify a reduction; but I do not think that it will satisfy the Senate, because the facts presented on yesterday—facts which were not answered, facts which no Senator here, I say confidently, will seriously attempt to reply to—were stated, and the Senate preferred to have the investigation, in spite of those facts which were presented, before voting to reduce the railroad pay. The vote of the Senate yesterday indicated that Senators wanted an investigation. If we have an investigation, let it be one that will bring out the facts. I do not want to cut down the pay of the railroads if the facts will not justify it. All I want is the facts; and, with the facts before the Senate, I want the Senate to act in accordance with them. If we can protect the public Treasury and do justice to the corporations which are carrying the mails and not affect the postal service, then all of us should certainly desire to do so.

But, Mr. President, if you put all this work on one committee, there is not a committee you can select which can afford the time to cover all the questions provided for in that section, and the investigation will be a farce, however honest, however sincere, and however zealous may be the efforts of the Senators on the committee. Two committees may be able to investigate all of these questions, but surely one committee can not and will not. Surely the Senate does not want a sham investigation. Surely the Senate wants the facts. If so, let us go to work and get them. I am satisfied with the facts before the Senate until they are refuted.

I presented facts here yesterday from Poor's Railroad Manual to show that we are paying forty-two times as much for mail as the average paid for freight; facts to show that we are paying ten times as much for mail as the express companies charge for express matter; facts to show that we pay nearly twice as much for carrying the mail as each passenger pays to have himself transported on the best cars the railroad companies furnish. Those facts were not questioned, and they will not be questioned, and yet Senators said they wanted an investigation. If we are to have it, let it be a fair one; let it be thorough; let two committees take charge of these matters and go to the bottom of them, and show whether the facts I presented yesterday are correct or not. Let them prove that Poor's Railroad Manual is incorrect if they can do it, and if not, let the Senate act upon that information.

Mr. President, the Senate voted yesterday not to reduce the pay, but a majority of the Senate, I think, believes it should be reduced; but Senators did not know how much, though in their own minds they were satisfied there should be some reduction, and the vote of the Senate means that they want an investigation. Now, let us have it; and let it be an honest and fair one to all interests. The facts are all I want, and therefore I have offered the amendment for the two committees—one to investigate the railroad pay and the postal-car service, and one to investigate all the other questions.

Mr. President, while I am on the floor—and unless it becomes necessary I will not speak further on this amendment—I give notice that before we take a final vote on the pending bill I shall move to strike out, on page 9, from and including line 8 down to and including line 10.

Mr. MASON. Read it.

Mr. BUTLER. It is the provision for a subsidy for alleged fast-mail service South.

Yesterday we were told by the Senator from Pennsylvania [Mr. QUAY] and other Senators that we ought to follow the recommendation of the Department in these matters where we did not have positive advice and clear and unquestioned proof to the contrary. I want to see to-day if the Senator from Pennsylvania will stand by his statement. I want to see if he will stand by the recommendations made by the Department for eight or ten years. I have all the reports here. I will begin with 1890 and see what the Postmaster-General has recommended. Remember, Mr. President, that we are paying 6 cents a pound to carry the mail. We are paying for postal cars each year for rent more than it cost to build them, and in addition it is proposed here to vote a subsidy. What does the Postmaster-General say about it?

Mr. MASON. May I ask a question without interrupting the Senator?

Mr. BUTLER. Certainly.

Mr. MASON. When the Senator says we are paying more than the cost of building the cars, does that include the cost of hauling?

Mr. BUTLER. It is estimated that the cost for repairs, light, heat, soap, towels, and everything for a postal car is $720. That is the estimate which the Department makes. The railroads claim $750 a year. The postal cars in use number 654; those held in reserve, 173; in all, 827. Now, estimating the cost of each at $4,000, which the Department says is too high, we find that the value of the cars now is $3,308,000. We appropriate in this bill $4,000,000 for the rent of those cars, while only about three-fourth of them are in use.

Mr. MASON. The Senator does not seem to catch my point. He makes a statement which excludes the hauling of the car.

Mr. BUTLER. We pay 6 cents a pound for the hauling of mail. Whenever you ship a bale of cotton do you pay rent for the car it is carried on? No. You simply pay your freight.

Mr. MASON. I understand that perfectly.

Mr. BUTLER. We pay 6 cents a pound to carry the mail. This is an enormous price, at least 40 per cent too high, and the railroads certainly should furnish the car service. The 6 cents a pound we pay for every pound of mail is ten times as high as express charges, forty-two times as high as freight charges, and nearly twice as high as we pay for passenger service. Each pound of passenger goes for 3½ cents a pound or a little less. In addition to this, we are charged car rent. How much rent do we pay? We pay more rent each year for the cars, in addition to the 6 cents a pound, than it would cost to buy them. The cars in use are worth less than $3,000,000, yet we pay $4,000,000 rent for them each year. These cars last for more than twenty years, so before these cars wear out we will pay about $80,000,000 rent for them.

Mr. CHANDLER. I understand the Senator from North Carolina to state to the Senator from Illinois that the railroad companies, in addition to receiving this $4,000,000 for the postal-car service, the special appropriation, also receive pay for transporting every pound of mail that is carried on those cars the same as if it were carried in an ordinary car.

Mr. BUTLER. Certainly.

Mr. CHANDLER. They get double pay, I understand the Senator to assert.

Mr. BUTLER. They get double pay.

Mr. CHANDLER. First, for transporting the mail matter at so much a pound, and next, for furnishing the postal cars in which it is transported; and the Senator says that this extra amount

paid for the postal cars each year is equal to the total cost of the cars.

Mr. BUTLER. More than the total cost.

Mr. CHANDLER. I understand that to be the fact.

Mr. BUTLER. That is the fact. The rent we pay is more than the cost of building every car in use and building better cars and handsomer cars, according to every estimate of their value.

Mr. MASON. In other words, the Senator makes this statement, if I understand him correctly, that we pay for the transportation so much a pound.

Mr. BUTLER. About 6 cents a pound.

Mr. MASON. And in addition thereto we pay for the rental of the car more each year than the car cost.

Mr. BUTLER. Exactly. That is what I state, and nobody will question it.

Mr. MASON. I think the Senator is mistaken about some of the figures given.

Mr. BUTLER. Not at all. I have the report of the Postmaster-General which I can read. The extract was put into the RECORD yesterday evening. It is in this morning's RECORD.

Mr. MASON. I am not prepared to take the time now——

Mr. BUTLER. If the Senator will turn to page 4721, commencing about halfway down the first column, he will see the statement taken from the Postmaster-General's report. I will read it:

I wish to say that in the inquiry—

This is what Mr. Vilas says about the inquiry that the Department made when he was Postmaster-General—

I wish to say that in the inquiry I had to make then I had the aid of as accomplished, skillful business and expert railroad man as I believe there is to be found, and as the result I reported at that time.

This is an extract from his report, and it is as follows:

Careful inquiry discloses that very many of these cars, such as they are, would not cost to build $3,000 each; that the best 50-foot cars can be built for $4,000 to $4,500 each; a new 60-foot car, equal to the most complete and handsome now in the service, for not over $4,600, and that taking together all the post-office cars in the United States, their average value does not, probably, exceed $3,500.

There were 342 postal cars in use and 90 in reserve at that time.

Mr. Vilas called the attention of Congress to the fact that every one of those cars can be built for $1,600,000, and that if you add $720 a year for repairs, light, heat, towels, soap, and everything, it will make $246,000 more; in all, $1,846,240 for the cost of the cars, keeping them in repair, and furnishing them with heat, light, towels, soap, and everything for a year. Yet that year Congress appropriated $2,000,000 rent, and the Postmaster-General—I put it all in the RECORD yesterday—called attention to the fact and says that the rent is not only outrageous, but that clearly the Government should own its cars, for they would last twenty years, and then we would simply pay the railroads so much to haul them, no matter how much mail was on them or how little, and he shows how that would save millions upon millions each year to the Government.

Mr. MASON. What Postmaster-General's report is that?

Mr. BUTLER. Postmaster-General Vilas; and when he was in the Senate he made a speech here, and that is quoted from in my speech yesterday, covering the same facts and bringing them up to date.

Mr. MASON. I do not understand the Senator to claim that, having furnished cars built expressly for this work, the railroads should haul the mail on the fast trains, furnishing accommodations for the Government employees, at the same rate that they carry freight.

Mr. BUTLER. When we pay 6 cents a pound for carrying mail, which is forty-two times the average charge for freight, this is a price high enough to enable the railroads to have cars furnished more sumptuously than any Pullman car the world ever saw, and without charging any extra rent for them. I will answer the question in another way——

Mr. MASON. I wish the Senator would. Does he not expect that we should pay a different rate than freight pays in a freight car?

Mr. BUTLER. I offered an amendment yesterday providing for a reduction in the pay per pound of 20 per cent. Then I offered another amendment recognizing the difference in freight and postal car service. The amendment provided we should pay a rent on every one of these cars equal to 10 per cent of their value. In short, the cars, including those in use and in reserve, are worth $3,309,000. I offered an amendment providing for 10 per cent of that amount to be paid in rent each year, which would make $330,900 a year; and also to pay in addition $750 a year for repairs, lighting, heating, etc., for each car, making $485,500, which in all makes $865,050 for the use of these cars each year. Then I just raised the amount to make it ample to $1,000,000 for rent; in other words, 25 per cent rent on the cost of the cars, and the Senate voted it down. I suppose the Senate did not listen. The Senator from Illinois is recorded against it either by pair or vote. He did not hear the argument.

Mr. MASON. My attention being called to the fact, I did have a pair yesterday, the first one I ever had in my life. I should have voted, as I usually do, to carry out the recommendation of the committee of the Senate having the matter in charge. I was absent yesterday and was paired to sustain the action of my committee, but I am anxious to know the facts, as the Senate will bear me out, as I stood by the committee largely upon the statement that there was to be a thorough investigation as to what was fair and right.

Mr. BUTLER. Then the Senator would like to see an investigation of this matter?

Mr. MASON. I should like to see the investigation suggested by the committee; not to investigate one thing, but all of them.

Mr. QUAY. This is one of the subjects to be investigated.

Mr. BUTLER. I have offered an amendment providing for two committees, because the Senator knows that if he were put on this committee it would be beyond human possibility to get at the facts of everything covered in this amendment. I have therefore provided for two committees, one to investigate the question of railroad pay and the postal-car service, and another committee to take up all the other questions; and I submit that if we are to have an investigation, that is the only way that Senators can do themselves justice and arrive at the facts, if they will give their whole time to it.

Mr. MASON. Pardon me if I make an inquiry. I desire to know whether the Senate did not vote down the amendment which sought to limit the investigation to the railroads?

Mr. BUTLER. I think not.

Mr. MASON. I was so informed.

Mr. BUTLER. When we adjourned yesterday that question was pending.

Mr. MASON. It has not been voted upon?

Mr. BUTLER. It has not been voted upon.

This diversion has brought out some facts which probably were overlooked yesterday, but I return to my proposed amendment in reference to special mail facilities. I had just stated that we paid this enormous price for carrying the mail, this enormous price for car service, more than the cars were worth, and then called attention to the fact that in addition here is a subsidy which this bill proposes to vote over and above the enormous price for car service and for weight. I called attention to the fact that the committee yesterday appealed to us to stand by the Department and its recommendations. What does the Department say about this subsidy? I read now from the report of the Postmaster-General for 1890:

The extent and character of the ordinary mail service throughout the entire country within the past few years has been greatly advanced, and the growth of the mails has added largely to the compensation of the railroads.

In my judgment the ordinary compensation now allowed by law should secure from railroads hearty cooperation with the Department in the establishment of such schedules as will accomplish a maximum amount of good mail service, and whenever this is done the compensation is sure to be advanced, occasioned by the natural increase in the quantity of mails transported.

I ask the Secretary to read the remainder of the extract, beginning on page 268. I have marked where I stopped.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the Secretary will read.

The Secretary read as follows:

The railroads associated with all large cities and trade centers of the country have an interest, independent of the compensation allowed directly by the Government, in cooperating with the Post-Office Department in its efforts to expedite the distribution of newspapers to the outlying districts early in the morning, and in the quickening of commercial mails after the close of each day's business, and it ought to be possible, within a very few years, to dispense altogether with preferential allowances for special facilities, and still be within the power of the Department to maintain and further advance the high standard that has been reached by the Railway Mail Service train schedules that now prevail.

In dwelling so fully upon the subject of allowances for special facilities I do not wish to be understood as criticising the occasion which first led to the granting of them.

I believe at the outstart such payments were a necessity, especially in connection with the establishment, via the Atlantic Coast Line and Tampa, of a reliable and quick mail service between New York (as the base) and Havana, but I do not see the justification for continuing indefinitely to this line, any more than to others, an allowance for a special train schedule and at the same time, owing to the constant increase of the quantity of the mails, keep adding to the compensation at each quadrennial weighing of the route.

If at the end of two years all of the special allowance is withdrawn, each of the roads will still be receiving for mail transportation more than was allowed by the combining of the regular with the special compensation at the inception of the special service.

Mr. BUTLER. That is from the report of 1890. Every report right straight along, without a break, takes the same position making the argument, if anything, stronger. Here is the report of 1891. I ask the Secretary to read from page 69 the paragraph marked.

The Secretary read as follows:

NO RAILROAD BONUS NEEDED.

In 1879, when railroad facilities were few and train service slow, Congress appropriated $295,000 in extra allowances for such railroad companies as could not afford to make schedules sufficiently numerous or fast. These sums were to be in addition to the payments of ordinary rates for railroad transportation. The quantity of mail matter was then perhaps one-half of what it is

now, so that each of the companies, by the natural growth of mail transportation, has, since 1879, doubled its revenue from mail pay. At each weighing, moreover, there is a further increase of pay, according to the increase of service. In view of this fact, and because abundant facilities were to be had without granting extra pay, and because of the frequent charge by railroad companies giving similar service without extra pay that the Department was discriminating against them, I have concluded henceforth to remove the embarrassments, so far as lies in my power, by not including in the budget for the next year any estimate for special facilities. This course, if approved, places all the transportation companies on exactly the same basis of pay.

Mr. PASCO. Will the Senator allow me to interrupt him for a moment?

Mr. BUTLER. I can not very well yield. My time is limited.

Mr. PASCO. I merely wish to ask a question. I desire to ask the Senator whether these statements are not altogether inconsistent with the action of the Postmasters-General. When these appropriations are coupled with the proviso that no part of the appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary to promote the interest of the postal service, why does the Postmaster-General spend the money if, in his opinion, according to the statements which the Senator is having read, the expenditure is not necessary?

Mr. BUTLER. The Senator from Florida is a gentleman of intelligence. He has a great deal of intelligence. He should know the answer to that question without asking the question. I must presume that the Senator is fair and that he does not want to be a partisan here for the Southern Railroad Company or any other railroad company, but if the Senator had read all of the reports with the same diligence that he has read this proviso here and seen what the Postmaster-General himself says about it, he would have had his own answer and would have been prepared to vote to protect the Treasury instead of making a gift to one of the great railroad monopolies that is owned by the Rothschilds, of England, and is to-day one of the most powerful political influences in the South.

To-day the railroad that gets this subsidy is not run as a business concern, but is run as a political machine in every State through which it goes; and if the Senator dares to vote to protect the Treasury, he will feel the sting of that corporation. The Senator will find that company using its influence against him in every convention and at every crossroad. It is run as a political machine in my State. It is the most powerful factor in keeping monopoly and gold enthroned. It is run for that purpose largely in Southern States.

Mr. PASCO. The Senator does not answer my question. My question was why the Postmaster-General has advised that this fund is not necessary and then when we place it subject to his disposition and his discretion always consumes it. We all know about the railroad companies. It is unnecessary to make a speech about them, but I want to trace this thing up with the Postmaster-General, and I want to know what influence prompts him and induces him to spend this money when it is made subject to his discretion. Why, after he says it is not necessary, and after Congress has vested him with that discretion, does he consume it in this way? That is the point to which I hope the Senator will direct his answer. I know all about the railroads.

Mr. BUTLER. If the Senator does, I hope he will be governed accordingly. But now I will give him the specific information he wants. If he will read the reports, he will find that one Postmaster-General after another called attention to this and recommended for years and years that this paragraph should be stricken out. In 1895 the Postmaster-General said:

In submitting estimates for the fiscal years 1893-94, 1895-96, this office has declined to include the item of special facilities for the reasons heretofore stated.

They have argued it page after page. Congress paid no attention to it. It seems when we get to this item every time the wishes of the railroads are more important than the recommendations of the Department, and Heaven knows the Department has never been accused of being hostile to the railroads. That is not all. Here is the report of the Postmaster-General for 1896. What does he say?

Congress has appropriated each year during the last twenty years a specialty fund for a fast-mail service from New England and New York to Southern States, reaching as far south as New Orleans. The total amount for the current year is $196,614.22.

There has been a difference of opinion as to the necessity for making these appropriations, but as each Congress has seen proper—

In defiance of the recommendation of the Department—

to follow the action of the former Congress, the Department, while not recommending the appropriation, has thought it advisable to apply the fund for the purpose indicated.

Each time the Department has recommended against it. Each time the Department has argued it up to this report. Here the Postmaster-General says we have recommended each time that Congress leave it out; each time Congress puts it in, and therefore the Department must take it as the deliberate instruction of Congress. Why does Congress vote this subsidy when the Department shows there is no necessity for it, when the Postmaster-General shows that we can get just as good service, just as fast trains without it? It is wasting money, wasting money, and making a clear donation to the railroad companies. Just as well make a direct appropriation to the goldbug campaign fund.

I ask the Secretary to read what the Second Assistant Postmaster-General says:

The Secretary read as follows:

No recommendation has been made for the customary special-facility allowance for the next fiscal year, because I do not believe there exists occasion for perpetuating the preferential method whereby a limited number of railroads would be paid both ordinary and special transportation and full car compensation, while other railroads, performing precisely the same character of service, can be allowed nothing more than the compensation which we are by statute permitted to pay for ordinary transportation.

The continuance of the special-facility allowance has for some years past been the source of much annoyance to the Department and has hampered the best interests of the mail service, because railroads operating in contiguous territory and to some extent paralleling the roads which receive the extra pay object to rendering equally good or quicker schedule mail service except they be paid corresponding rates. They ask that all be treated alike.

When the special-facility payments were first started, it was well understood that they were but temporary, so as to bridge over a period until the natural growth of the mails would yield sufficient compensation to do away with occasion for additional allowances. This was as far back as 1879, since which time the aggregate yearly compensation to the railroads drawing the special facility allowances for ordinary mail and car transportation, independent of the special service, has more than doubled, so that ordinary compensation, even after the reduction of this year, will be greatly in excess of ordinary and special compensation added together ten years ago; and as most of the special-facility routes will have their compensation readjusted commencing with July 1, 1892, when their pay, it is estimated, will be increased still further at least 20 per cent, this office has not felt satisfied in recommending the continuance after June 30, 1892, of any portion of the present special-facility allowance.

Mr. BUTLER. I will now read from the next report. It is short, and I will read it myself. On page 178 of the Postmaster-General's report for 1894 there is this statement:

In submitting the estimates for the fiscal years of 1893, 1894, and 1895 this office declined to include the item of "special facilities" for reasons heretofore stated. No estimate is submitted for the next year."

The report for 1895 I read a moment ago to the Senator from Florida, in answer to his question. Here is the report for 1896——

Mr. PASCO. I should like to suggest to the Senator to have these statements printed, so that all the time for discussion may not be taken up in that way. There are others who would like to make a few remarks as well as the Senator from North Carolina, and he is consuming the whole time in reading matters which we can read in the RECORD later. There is only fifteen minutes of the time left now, and he ought not to consume the entire time remaining.

Mr. BUTLER. The Senator has just shown such a want of information on this question that if I do not read these reports now he will vote without proper knowledge. The RECORD will be read to-morrow. We must vote to-day. These reports from the Post-Office Department are the very thing I am basing this amendment on. The Senator from Florida has shown he is absolutely ignorant about them, and yet he wants me to stick it in the RECORD and let him vote blindfolded. I will not do it. He must vote with his eyes open.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SPECIAL FACILITIES.

Congress has appropriated each year during the last twenty years a specialty fund for a fast-mail service from New England and New York to Southern States, reaching as far south as New Orleans. The total amount for the current year is $196,614.22.

There has been a difference of opinion as to the necessity for making these appropriations, but as each Congress has seen proper to follow the action of the former Congress, the Department, while not recommending the appropriation, has thought it advisable to apply the fund for the purpose indicated.

Mr. BUTLER. There is another answer to the Senator's question from the Postmaster-General's report. Now, here is the last report coming down to date. I will myself read this. It is short. The Postmaster-General says, on page 179:

SPECIAL FACILITIES.

In submitting the estimates for several years past this office has declined to include the item of "special facilities"—

That is, the subsidy—

for reasons heretofore stated, but appropriations have, however, been made.

He goes on to give the same reason, that he would give the money to the railroads if Congress instructed him to do so by voting it after he recommended against it. But I wish to call attention specially to his conclusion. Instead of reading the whole page, I will read this closing sentence on page 180, near the bottom:

The service in general will be better if the special-facility appropriation is discontinued.

And yet we find Senators saying that we must vote that appropriation to get fast-mail facilities.

Mr. President, will Congress vote for this subsidy after all these official reports against it? But I have still further evidence to show that the subsidy is not needed. It is from the Superintendent of the Railway Mail Service. He is probably more intimately connected with these facts and knows better about the

schedules of the trains and whether any time was saved, whether this money was used to help the service or used as a bonus for the pockets of the great railroad corporations. Here is a letter from Mr. James E. White, the General Superintendent, addressed to a a member of the House, which I ask to have read.

Mr. MASON. That refers to just what is called the fast mail?

Mr. BUTLER. Yes, the subsidy.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

Mr. QUAY. That is a witness the Senator has discredited.

Mr. BUTLER. I quote him, because the Senator from Pennsylvania says that he is good authority.

Mr. QUAY. Yes; and the Senator discredited him.

The Secretary read as follows:

POST-OFFICE DEPARTMENT,
OFFICE GENERAL SUPERINTENDENT RAILWAY MAIL SERVICE,
Washington, D. C., February 4, 1898.

SIR: Replying to your letter of January 29 to the Postmaster-General asking for "the schedules of the mails on all through lines running from Boston and New York to Atlanta, New Orleans, and other points in the South; also the number of daily trains over each line carrying mails to Southern points. Has the railroad to which the extra appropriation of $196,000 is applied put on an extra train or changed its schedule by reason of said appropriation? If so, was such change made specially to facilitate the mails, and without such appropriation be detrimental to the railroad receiving it?"—I beg to state:

First. Between Boston and New York there is but one direct line—the New York, New Haven and Hartford Railroad, which runs through trains almost hourly between Boston and New York, either by way of Springfield, Mass., or Providence, R. I. Between New York and Washington there are two lines—the Pennsylvania and the Baltimore and Ohio (Philadelphia and Reading and Central Railroad of New Jersey). The Pennsylvania has 14 trains each day and the Baltimore and Ohio has 9.

From Washington south we have the Seaboard Air Line, leaving Washington at 4.30 a. m. and 4.40 p. m., arriving at Atlanta at 5.20 a. m. and 2.50 p. m. on the second day, respectively, and New Orleans at 8.10 p. m. on the second day and 7.40 a. m. on the third day, respectively.

The Southern Railway, leaving Washington at 11.15 a. m. and 10.43 p. m., arriving at Atlanta at 5.10 a. m. and 3.55 p. m. on the second day, respectively, and at New Orleans at 8.10 p. m. on the second day and 7.40 a. m. on the third day, respectively. Also the Norfolk and Western Railroad, leaving Washington at 9 p. m. and arriving at New Orleans at 8.30 a. m. on the third day.

Mail from Boston, Philadelphia, and Washington for New Orleans is sent by the Southern Railway because that line insures the quickest delivery. For Atlanta the Seaboard Air Line is used for the 10.50 a. m. dispatch from New York, 1.12 p. m. from Philadelphia, and 4.40 p. m. from Washington, as that connection arrives in Atlanta at 2.50 p. m.; whereas if held for the 10.43 p. m. Southern train from Washington, it would not arrive in Atlanta until 3.55 p. m. On all other connections the Southern makes the quickest time, and therefore carries the mail.

Secondly. The Southern Railway, which is paid the appropriation of $196,000 for extra facilities, has not put on an extra train; nor has it changed its schedule by reason of such appropriation.

The train schedule of this line was practically the same before the appropriation was made as it has been since.

Very respectfully,
JAMES E. WHITE,
General Superintendent.

Hon. A. C. SHUFORD,
House of Representatives, Washington, D. C.

Mr. BUTLER. There is the schedule given by the Superintendent of the Railway Mail Service. He states that there has been no increased service given on account of this appropriation, and that if it is discontinued it will not stop any of the service that we have. We have it from the Postmaster-General, from the Second Assistant Postmaster-General, and from the Superintendent of the Railway Mail Service that this is a clear bonus; that we get nothing for it; that it is a clear subsidy—a gift to the railroads in addition to the enormous price we pay for each pound of mail and for the rent of postal cars.

Mr. President, I yield to the Senator from New Hampshire [Mr. CHANDLER].

Mr. CHANDLER. Mr. President, I wish to say but a word during the small portion of the time that remains before the bill is to be voted upon. I think the amendment proposed yesterday by the Senator from North Carolina to the amendment reported by the Committee on Appropriations should be adopted—to strike out the words "and all sources of revenue and all expenditures of the postal service and rates of postage upon all postal matter." That addition brings up the whole question of second-class matter, and will so add to the work of this joint committee that there is reason to fear the committee will not undertake to do any of the business committed to it.

These words were added by the Committee on Appropriations to the amendment proposed by the Senate Committee on Post-Offices and Post-Roads. That amendment as reported by me from the committee on the 23d day of March, 1898, only proposed to investigate the question whether or not excessive prices are paid to the railroad companies for the transportation of the mails and as compensation for postal-car service. The proposition of the Senate Committee on Post-Offices and Post-Roads was to make that kind of an investigation and stop there. The committee believed that that would be enough to occupy an industrious committee from the time of the adjournment of the present session of Congress until the first Monday in December next.

We find in the appropriation bill $30,500,000 appropriated for transporting the mails on the cars. We also find an appropriation of $4,000,000 for postal-car service, which, as has been shown by the Senator from North Carolina, is an additional payment to the railroad companies besides the pound rate for transporting every pound of mail in the very same postal cars. The Senator from North Carolina has shown that the United States in this appropriation of $4,000,000 pays every year the full value of every one of these postal cars, which may last ten or twenty years.

Mr. QUAY. Will the Senator allow me to interrupt him a moment? I wish merely to say that I want just a minute of the time. I think there are five minutes left.

Mr. CHANDLER. I have not spoken yet, and I will not make any contract with the Senator from Pennsylvania.

Mr. QUAY. All right.

Mr. CHANDLER. Now, Mr. President——

Mr. BUTLER. If the Senator from New Hampshire will allow me to interrupt him, I understand him to say that the Committee on Post-Offices and Post-Roads recommended exactly the same provision that is embodied in my amendment.

Mr. CHANDLER. The Committee on Post-Offices and Post-Roads thought that to investigate this $34,500,000 worth of expenditures, with all the charges which have been made that the expenditures are exorbitant, would be work enough for the committee. Now the amendment comes back to the Appropriations Committee loaded down with the additional requirement that the committee shall investigate all sources of revenue and all expenditures of the postal-car service and rates of postage upon all postal matter. Mr. President, that is a general instruction to investigate everything connected with the Post-Office Department. It was not the purpose of the Post-Office Committee to propose or to insist that the special joint committee should undertake this large amount of work.

Mr. President, far be it from me to make any imputation upon the Committee on Appropriations by suggesting that they had a hope or an expectation that if the committee was thus loaded down with this additional work they would be appalled at the magnitude of the task set them by Congress and would not undertake to do any of the work they were told to do, but the danger is that that will be exactly the result. Therefore, although I shall vote for two committees, in accordance with the motion of the Senator from North Carolina, if the motion for two committees is voted down, I shall vote, and I ask Senators to vote, to strike out this additional work which is to be imposed upon the commission by the Committee on Appropriations and vote for an investigation by a joint committee exactly as it was recommended by the Committee on Post-Offices and Post-Roads.

Mr. PASCO. Mr. President, I have not been on either of these great committees, the Committee on Post-Offices and Post-Roads and the Committee on Appropriations, that have charge of the subjects relating to Post-Office matters; but I can not fail to see the necessity of reform in the construction of the Post-Office appropriation bills. I am very glad that these committees have at last entered upon this subject of reform. I appreciate the industry displayed by the Senator from North Carolina [Mr. BUTLER], who is a member of the former committee, in bringing these matters before the Senate. I regret the lack of courtesy in his manner of presentation, but the information and the facts he has brought to the attention of the Senate are valuable.

This discussion has caused me to look into this appropriation bill more carefully than I have usually done, and I am appalled at the manner in which the public money has been appropriated. There is no precedent for it in any of the other great appropriation bills.

Mr. BUTLER. If the Senator will pardon me, I wish to withdraw anything that was discourteous to the Senator from Florida, if he so construed the meaning of what I said.

Mr. PASCO. Of course I accept this withdrawal, Mr. President. I wish to read a few items to show the great power that is given to the Postmaster-General under the present system of making appropriations for his Department.

For compensation to postmasters, $16,750,000.

I do not know what this appropriation is based upon, but here the entire expenditure of that vast sum is placed in the hands of the Postmaster-General without any other restriction or limitation than that it is to be used for compensation to postmasters.

Mr. ALLISON. It is based upon absolute statutes and must be expended according to such statutes.

Mr. PASCO. There is no statement as to what salaries or allowances the different postmasters are to receive, nor how the compensation of these officers is to be adjusted. It is not appropriated as money is in the bills making appropriations for the diplomatic and consular service which fixes the salaries for officers all over the world, but that sum is placed at the absolute disposition of the Postmaster-General.

For compensation to clerks in post-offices, $11,900,000.
Free-delivery service, etc., $13,085,400.

And so further on:

For inland transportation by railroad routes, etc., $30,500,000.
For railway post-office car service, $4,000,000.

In those five or six appropriations, containing less than perhaps ten lines in all, more than $75,000,000 is placed at the absolute disposition of the Postmaster-General, limited only by general language as to the purposes for which these sums are to be expended.

I am glad that the committees who have charge of this great subject are at last aroused to the importance of some change. I am glad that this proposition comes here to have an investigation by a joint committee of the two Houses as to whether these amounts are excessive or not. I wish that such an investigation had been entered upon before. My votes upon the items in the present bill have been and will be based upon the recommendation of the committees. I generally follow them, and I approve the proposition to enter upon an examination. I want it to be as thorough and as full and as complete as possible.

I do not like the idea suggested by the Senator from North Carolina that the investigation should be restricted in any way, but if it can be divided up so that the work may be done more thoroughly by several committees, I shall be satisfied, provided the work is well done. But I have not been willing, Mr. President, to vote against the items of appropriation in this bill until this examination has been made, until these committees have performed the proposed work. When they come in with their reports and show the different lines upon which we can enter upon this reform, my disposition will be to cooperate with the committee in carrying out any propositions to reduce the expenditures of the Department that they may report back to the Senate. We shall then, I hope, have information before us and an intelligent and fair report, upon which proper action can be based.

Mr. QUAY. Mr. President, I heard with some surprise the Senator from New Hampshire [Mr. CHANDLER] announce that he proposed to vote for a limitation of the scope of this investigation. I have in my hand House joint resolution No. 190. It was introduced by the chairman of the Committee on the Post-Office and Post-Roads in the House of Representatives. It provides for a joint commission of four Senators and four Members of the House, and provides further that—

> Said commission shall make full inquiry and examination into the postal service, including rates and methods of transportation, rental of cars, subsidies, pneumatic-tube systems, rural free delivery, and so forth—

In the which "and so forth" there is much learning—

> and also the classifications of mail matter and charges thereon, especially second-class matter, and the rulings and practices that have obtained thereunder, and such other features of the postal service as said commission may, in the course of its duties, deem proper to subject to their inquiry and examination.

That joint resolution was reported unanimously and favorably in the House of Representatives. It passed the House unanimously. It came to the Senate and went to the Senate Committee on Post-Offices and Post-Roads. It was reported unanimously from that committee by the Senator from New Hampshire [Mr. CHANDLER]. Now, that is the absolute and deliberate thought of the Committee on Post-Offices and Post-Roads of the House, of the House itself, and of the Committee on Post-Offices and Post-Roads of the Senate. The Senator from New Hampshire is suddenly of a dissenting opinion.

These questions of the sufficiency of the pay for postal cars, subsidies, etc., are the items which will pass into the possession of this committee for examination and report by the 1st day of January, 1899, which date the House unanimously and the Committee on Post-Offices and Post-Roads of the Senate unanimously seemed to think was sufficiently distant to enable them to cover the entire ground.

I move to lay the amendment of the Senator from North Carolina [Mr. BUTLER] on the table.

Mr. CHANDLER. I ask to have the amendment read which the Senator from Pennsylvania moves to lay on the table.

The VICE-PRESIDENT. The hour of 2 o'clock has arrived, at which time, by unanimous consent, the vote must be taken on amendments and on the bill itself. The Senator from Pennsylvania [Mr. QUAY] moves to lay the amendment of the Senator from North Carolina [Mr. BUTLER] on the table. The Secretary will read the amendment.

The SECRETARY. In section 5, line 14, after the word "service," it is proposed to strike out the words:

> And all sources of revenue and all expenditures of the postal service and rates of postage upon all postal matter.

Mr. BUTLER. I modify my amendment and offer a substitute for the whole section, which will provide for two committees, one committee to investigate one branch of the subject and another the other branch.

Mr. QUAY. That is, one amendment is withdrawn and another substituted.

Mr. BUTLER. This is a substitute for the amendment which has just been read.

Mr. QUAY. Then there is only one vote to be taken.

Mr. CHANDLER. If the Senator from North Carolina withdraws the amendment he moved yesterday, I shall renew it after the vote has been taken on his substitute for section 5.

The VICE-PRESIDENT. The proposed substitute will be read.

The SECRETARY. It is proposed to strike out all of section 5, on page 14, and insert as a new section in lieu thereof the following:

> SEC. 5. That two joint committees, each consisting of two members of the Senate and three members of the House, shall be appointed by the Senate and House, one committee to investigate, during the coming recess of Congress, the question whether or not excessive prices are paid to the railroad companies for the transportation of the mails and as compensation for postal-car service, and the other committee all sources of revenue and all expenditures of the postal service, and rates of postage upon all postal matter, the expenses of said joint committees to be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House, upon vouchers to be approved by the two chairmen.

Mr. PASCO. Do I understand the amendment to read "two members of the Senate"?

Mr. BUTLER. Two members of the Senate and three members of the House are to be placed on each committee.

Mr. PASCO. I move to amend by substituting "three members of the Senate" instead of "two."

Mr. BUTLER. I accept that amendment.

Mr. PASCO. Then the membership will be the same as is now provided in section 5.

Mr. BUTLER. I will modify the substitute so as to read "three members of the Senate and three members of the House."

The VICE-PRESIDENT. The question before the Senate is on agreeing to the substitute striking out section 5 and inserting the matter just read from the desk.

Mr. BUTLER. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. GRAY]. If he were present, I should vote "nay."

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS]. I will withhold my vote for the present.

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH]. If he were present, I should vote "nay."

Mr. MALLORY (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. TURNER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Idaho [Mr. HEITFELD], and vote "yea."

Mr. TURPIE (when his name was called). I am paired, as heretofore announced, with the senior Senator from Vermont [Mr. MORRILL]. He is absent from the Chamber, and I withhold my vote.

The roll call was concluded.

Mr. McMILLAN. I will announce that my colleague [Mr. BURROWS], who was called out of the Chamber, is paired with the Senator from Louisiana [Mr. CAFFERY].

Mr. GEAR. With the leave of the Senate, I will transfer my pair with the Senator from New Jersey [Mr. SMITH] to the Senator from Michigan [Mr. BURROWS], and I also transfer the pair of the Senator from Louisiana [Mr. CAFFERY] to the Senator from New Jersey [Mr. SMITH]. I vote "nay."

Mr. DANIEL. I am paired with the Senator from North Dakota [Mr. HANSBROUGH]. If he were present, I should vote "yea."

Mr. GALLINGER. I suggest to the Senator from Virginia [Mr. DANIEL] that I am paired with the Senator from Texas [Mr. MILLS], and we might transfer our pairs, so that we may both vote.

Mr. DANIEL. Very well; I vote "yea."

Mr. GALLINGER. I vote "nay."

The result was announced—yeas 24, nays 40; as follows:

YEAS—24.

Allen,	Chandler,	McLaurin,	Stewart,
Bacon,	Chilton,	Morgan,	Teller,
Bate,	Clay,	Pasco,	Tillman,
Berry,	Daniel,	Pettigrew,	Turley,
Butler,	Harris,	Pettus,	Turner,
Cannon,	Jones, Ark.	Rawlins,	White.

NAYS—40.

Aldrich,	Frye,	McBride,	Pritchard,
Allison,	Gallinger,	McEnery,	Quay,
Baker,	Gear,	McMillan,	Sewell,
Carter,	Hale,	Mason,	Shoup,
Davis,	Hanna,	Mitchell,	Spooner,
Deboe,	Hawley,	Money,	Thurston,
Elkins,	Hoar,	Murphy,	Wellington,
Fairbanks,	Kyle,	Perkins,	Wetmore,
Faulkner,	Lindsay,	Platt, Conn.	Wilson,
Foraker,	Lodge,	Platt, N. Y.	Wolcott.

NOT VOTING—34.

Burrows,	Gray,	Mantle,	Proctor,
Caffery,	Hansbrough,	Martin,	Roach,
Clark,	Heitfeld,	Mills,	Smith,
Cockrell,	Jones, Nev.	Morrill,	Turpie,
Cullom,	Kenney,	Nelson,	Vest,
Gorman,	Mallery,	Penrose,	Warren.

So Mr. BUTLER's amendment was rejected.

Mr. CHANDLER. Now I renew the motion made by the Senator from North Carolina yesterday. In section 5, on page 14, lines 14, 15, and 16, I move to strike out the words:

And all sources of revenue and all expenditures of the postal service and rates of postage upon all postal matter.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. QUAY. I hope that amendment will be voted down.

Mr. CHANDLER. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. CHANDLER. I rise to a question of order.

The VICE-PRESIDENT. The Senator from New Hampshire will state his point of order.

Mr. CHANDLER. I want the ruling of the Chair as to whether it is in order to debate any amendment or to debate the bill after the time fixed to take a vote thereon.

The VICE-PRESIDENT. The Chair understands that debate is not in order. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. CHANDLER].

The amendment was rejected.

Mr. BUTLER. I gave notice this morning of an amendment, on page 9, to strike out all after the word "service" in line 2 down to and including the word "service" in line 10; that is, all of the paragraph for railway subsidy.

The VICE-PRESIDENT. The question is on agreeing to the amendment, on page 9, to strike out lines 3 to 10, inclusive.

Mr. ALLEN and Mr. GEAR. Let the amendment be read.

The VICE-PRESIDENT. The Secretary will read the matter proposed to be stricken out.

The SECRETARY. It is proposed to strike out the following paragraph, beginning with line 3, on page 9:

For necessary and special facilities on trunk lines from New York and Washington to Atlanta and New Orleans, $171,238.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. QUAY. That is one of the subjects provided for in the investigation ordered by the adoption of section 5.

Mr. PETTIGREW. I ask for the yeas and nays.

Mr. BUTLER. Let us have the yeas and nays upon the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I am paired with the Senator from Minnesota [Mr. DAVIS]. In his absence I withhold my vote.

Mr. CULLOM (when his name was called). I am paired with the senior Senator from Delaware [Mr. GRAY], or I should vote "nay."

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS]. If permitted to vote, I should vote "nay."

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], but I transfer that pair to the Senator from Michigan [Mr. BURROWS], and vote "nay."

Mr. MALLORY (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Montana [Mr. MANTLE]. If he were present, I should vote "nay."

Mr. TURNER (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. WARREN] to the Senator from Idaho [Mr. HEITFELD], and vote "yea."

Mr. TURPIE (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], and therefore withhold my vote.

The roll call was concluded.

Mr. CAFFERY. I understand my pair with the Senator from Michigan [Mr. BURROWS] has been transferred to the Senator from New Jersey [Mr. SMITH], which leaves me at liberty to vote, and I vote "nay."

Mr. CULLOM. I stand paired with the Senator from Delaware [Mr. GRAY]. I understand the Senator from Florida [Mr. MALLORY] is paired with the Senator from Vermont [Mr. PROCTOR]. If agreeable to him, we can transfer our pairs and both vote.

Mr. MALLORY. That is agreeable to me.

Mr. CULLOM. I vote "nay."

Mr. MALLORY. I vote "nay."

Mr. DANIEL. I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH].

Mr. GALLINGER. I will suggest to the Senator from Virginia that we make the same transfer of pairs we made a few moments ago.

Mr. DANIEL. I was going to state that I should like to vote on this matter, if I am free to do so.

Mr. GALLINGER. Let the Senator from North Dakota [Mr. HANSBROUGH] stand paired with the Senator from Texas [Mr. MILLS], with whom I am paired, and that will enable the Senator from Virginia and myself to vote.

Mr. DANIEL. That is satisfactory, and I vote "nay."

Mr. GALLINGER. I vote "nay."

Mr. MARTIN. I understand the Senator from Maine [Mr. FRYE] is paired with the Senator from Maryland [Mr. GORMAN]. I am paired with the senior Senator from Montana [Mr. MANTLE]. I suggest that we transfer our pairs, so that we may both vote.

Mr. FRYE. I have no objection.

Mr. MARTIN. I vote "nay."

Mr. FRYE. I have already voted "nay," and my vote may stand.

The result was announced—yeas 11, nays 54; as follows:

YEAS—11.

Allen,	Butler,	Jones, Ark.	Turner,
Bate,	Cannon,	Pettigrew,	White.
Berry,	Harris,	Telier.	

NAYS—54.

Aldrich,	Faulkner,	McLaurin,	Pritchard,
Allison,	Foraker,	McMillan,	Quay,
Bacon,	Frye,	Mallory,	Rawlins,
Baker,	Gallinger,	Martin,	Sewell,
Caffery,	Gear,	Mason,	Shoup,
Carter,	Hale,	Mitchell,	Spooner,
Chandler,	Hanna,	Money,	Stewart,
Clay,	Hawley,	Morgan,	Thurston,
Cockrell,	Hoar,	Murphy,	Tillman,
Cullom,	Kyle,	Pasco,	Turley,
Daniel,	Lindsay,	Perkins,	Wellington,
Deboe,	Lodge,	Pettus,	Wetmore.
Elkins,	McBride,	Platt, Conn.	
Fairbanks,	McEnery,	Platt, N. Y.	

NOT VOTING—23.

Burrows,	Hansbrough,	Morrill,	Turpie,
Chilton,	Heitfeld,	Nelson,	Vest,
Clark,	Jones, Nev.	Penrose,	Warren,
Davis,	Kenney,	Proctor,	Wilson,
Gorman,	Mantle,	Roach,	Wolcott.
Gray,	Mills,	Smith.	

So the amendment was rejected.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4142) to provide a life-saving station on the westerly side of the harbor of Gloucester, Mass.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6161) for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River in said District, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 1586) to provide for the sale of public lands in Missouri.

The message also announced that the House had passed a joint resolution (H. Res. 214) authorizing the Secretary of the Treasury to rent lighting apparatus for Government building at Trans-Mississippi and International Exposition; in which it requested the concurrence of the Senate.

TRANS-MISSISSIPPI AND INTERNATIONAL EXPOSITION.

Mr. ALLEN. I ask the Chair to lay before the Senate the joint resolution from the House in relation to the Trans-Mississippi and International Exposition.

The joint resolution (H. Res. 214) authorizing the Secretary of the Treasury to rent lighting apparatus for Government building at Trans-Mississippi and International Exposition was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Treasury be, and he is hereby, authorized to rent electric wiring and lamps for the lighting of the exterior of the building for the Government exhibit at the Trans-Mississippi and International Exposition at Omaha, Nebr., if, in his judgment, such course will be less expensive than to wire the building and furnish lamps therefor; the expense thereof to be paid from the unexpended balance of the appropriation for the construction of said building.

Mr. ALLEN. It is a formal matter, and I ask for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. KYLE. Mr. President, I wish to call up the regular order at this hour, being Senate bill 3662.

Mr. GALLINGER. I ask that the unfinished business be first laid before the Senate, being the bill in reference to quarantine matters.

The VICE-PRESIDENT. It is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 2680) amending "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893.

Mr. GALLINGER. I ask unanimous consent that that bill may be temporarily laid aside.

The VICE-PRESIDENT. If there be no objection, the bill will be temporarily laid aside.

Mr. KYLE. I now ask that the bill (S. 3662) concerning carriers engaged in interstate commerce and their employees be considered.

The VICE-PRESIDENT. The bill referred to was made a special order for Monday, May 9, at 2 o'clock p. m.

Mr. CHANDLER. I ask that the first special order may be laid before the Senate before the second special order, to which the Senator from South Dakota alludes.

The VICE-PRESIDENT. The Senator from New Hampshire is right. The first special order of the day is the joint resolution (S. R. 83) proposing an amendment to the Constitution of the United States.

Mr. HALE. What becomes of the unfinished business?

The VICE-PRESIDENT. The unfinished business has been temporarily laid aside by unanimous consent.

Mr. HALE. Not to be displaced?

The VICE-PRESIDENT. Not to be displaced.

Mr. CULLOM. If the constitutional amendment is not coming up, I hope the bill alluded to by the Senator from South Dakota [Mr. KYLE] will be considered.

Mr. KYLE. I understand the joint resolution proposing a constitutional amendment will not be taken up this afternoon.

Mr. CHANDLER. I do not see any reason why the joint resolution proposing a constitutional amendment should take a great deal of time. I ask that it be laid before the Senate. I do not think it will take a great deal of time. It ought not to, as the subject is so well understood.

Mr. KYLE. The bill to which I referred was made the special order for yesterday, and I understood yesterday that when we concluded the consideration of the Post-Office appropriation bill it would immediately follow the consideration of that bill, and there was unanimous consent to that arrangement.

Mr. ALLEN. I do not want to put myself in antagonism to the request of the Senator from South Dakota, and shall not do so; but I trust he will permit the bill to pass over until to-morrow. It is a bill of very great importance, but it is very artfully and skillfully drawn; and it is not, in my judgment, going to accomplish what the Senator expects or to accomplish what its friends expect it to accomplish. I have read it with a good deal of care. I have read it in the light of how I think courts will construe it, and I regard it as one of the most dangerous bills that has ever come before Congress. I desire to offer some amendments to it, however, and am not prepared at this time to do so. I do not want to antagonize the bill.

The VICE-PRESIDENT. The Chair would suggest to the Senator that no disposition has been made of the joint resolution proposing an amendment to the Constitution of the United States.

Mr. CHANDLER. I ask that the joint resolution be read.

Mr. KYLE. I ask for the reading of the RECORD of the proceedings of yesterday at the time the bill I have referred to was made a special order for consideration at this time, beginning at the top of the right-hand column on page 5271.

Mr. ALLEN. If the Senator from South Dakota will permit me, I do not doubt the bill was made a special order. I would not dispute anything the RECORD contains, although it contains many things——

Mr. KYLE. I can not hear what the Senator from Nebraska is saying.

Mr. ALLEN. I was only saying that I do not doubt what the RECORD states. I do not doubt, the proposition to amend the Constitution being out of the road, that this is the proper order of business at this time.

I did say a moment ago, and I now repeat it, so that the Senator from South Dakota may hear it, that I have examined this bill quite carefully and desire to examine it still more carefully. I regard it as one of the most dangerous bills that was ever presented to Congress. It is not the work of a bungler; it is the work of a master in the drafting of statutes to conceal purposes. I am satisfied that it needs amendment, and I desire to have some time to propose amendments to it.

Mr. KYLE. The Senator from Nebraska is privileged to offer any amendments to the bill he sees fit when it is under consideration. The bill was drafted at the instance of the labor organizations of the United States. They appeared by its order before the Committee on Education and Labor, and they approved it, together with the amendments. I think there will be no objection to the bill when it is read through and the amendments are stated.

The VICE-PRESIDENT. Is there unanimous consent given for the consideration of the bill.

Mr. ALLEN. Mr. President, unanimous consent is not given.

The VICE-PRESIDENT. Then the Chair lays before the Senate Senate resolution 83, being a joint resolution proposing an amendment to the Constitution of the United States, which is the first special order for the day.

PRESIDENTIAL, VICE-PRESIDENTIAL, AND CONGRESSIONAL TERMS.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 83) proposing an amendment to the Constitution of the United States.

Mr. KYLE. I shall wait until some Senator takes the floor on that joint resolution. If no one does so, I shall call up the bill I have indicated.

The joint resolution was reported from the Committee on Privileges and Elections with an amendment to strike out all after the resolving clause and insert:

That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, as part of the Constitution, namely:

The term of office of the President and Vice-President and of the Fifty-sixth Congress shall continue until the last Wednesday of April in the year 1901, at noon; and the last Wednesday of April, at noon, shall thereafter be substituted for the 4th of March as the commencement and termination of the official term of the President, Vice-President, Senators, and Representatives in Congress.

Mr. CHANDLER. I move to amend the amendment by striking out "Wednesday" and inserting "Thursday" in both places where the word "Wednesday" occurs.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. It is proposed to amend the amendment, in line 16, after the word "last," by striking out "Wednesday" and inserting "Thursday;" and also, in line 17, after the word "last," by striking out "Wednesday" and inserting "Thursday."

Mr. ALLEN. Let the joint resolution be read as proposed to be amended.

The VICE-PRESIDENT. The Secretary will read the joint resolution as proposed to be amended.

The Secretary read as follows:

That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, as part of the Constitution, namely:

The term of office of the President and Vice-President and of the Fifty-sixth Congress shall continue until the last Thursday of April in the year 1901, at noon; and the last Thursday of April, at noon, shall thereafter be substituted for the 4th of March as the commencement and termination of the official term of the President, Vice-President, Senators, and Representatives in Congress.

Mr. ALLEN. Mr. President, I joined in the report in favor of this constitutional amendment, and I am in favor of it; but it is such a radical change that I think it needs some explanation; that is, the people of the United States will want to know why the term of office of the President is changed, and they will not be satisfied, in my judgment, with the mere perfunctory passage of this joint resolution. The learned senior Senator from Massachusetts [Mr. HOAR] is the author of the resolution, and I think a brief statement from him is due to the country.

Mr. HOAR. Mr. President, the reasons for this amendment are two. One, though a very weighty and important reason, is a reason of mere convenience. The other is a reason pertaining to the substance of constitutional government.

I ought to say perhaps in advance that in former Congresses this matter has been considerably discussed and explained, and it has had formerly a good deal of attention from the press of the country, both the newspaper press and the periodical magazines. I believe the joint resolution has passed the Senate twice, certainly it has passed the Senate once, with absolute unanimity, and I have never seen anywhere a serious expression of objection to it.

The first reason, which is the lesser one, but still a grave one, is that the people of this country from the beginning, more and more, as the means of transportation has become cheaper and more easy, desire to witness the inauguration of the President; and the inauguration comes now in a most inclement and oftentimes tempestuous season. The 4th of March has been several times within the memory of all of us one of the worst and stormiest days of the year. The second inauguration of President Grant was a terrible day; and during the whole of that savage storm the boys from West Point stood in the open air exposed. On another occasion, the inauguration of President Harrison, there was a heavy rain, and on still another, a very cold storm. On both of those last occasions, as is well known, many persons all over the country lost their lives from exposure on that day.

The amendment substitutes a delightful season, and ordinarily the warmth of the early summer, mellowed somewhat by the delaying spring, which is found here. The present season has been

an unusually bleak and cold one for the end of April and the beginning of May.

But the substance of the amendment and the more important reason for it is this: We have now thirteen great appropriation bills ordinarily, and we have a period of only thirteen weeks from the first Monday in December to the 4th of March, usually the Christmas holidays coming out. So there are less than twelve weeks—less than about sixty-five or sixty-six days, not counting Sundays—for the passage of the thirteen great appropriation bills. It is utterly impossible for the two Houses of Congress to give decent and proper attention to that great legislation, to say nothing of other important legislative matters which come up at that time.

On the other hand, the first session of Congress is prolonged six, seven, or eight months, through the heat of a Washington summer, a heat in the latter part of June probably harder to bear in this low and flat part of the country than almost anywhere, either in the South or in the North. So we have one session when there is no time to do the public business well and another session when it must be done at very great discomfort. Then, if the first session be prolonged into August and September, as is frequently the case, members of both Houses are expected to report their proceedings to the people, they are expected to discuss them before that great tribunal, and to appear before that great judgment seat to give an account of their stewardship. Therefore, later in the session, the members, especially of the other House, when nominating conventions and the preparations for reelections are going on, leave the House, and it is difficult to hold a quorum there.

As every Senator will remember, the time of the assembling of Congress may be fixed by law, so that if we should see fit hereafter to provide that the second session of Congress should begin on the second or third Monday in November, adding two or three weeks at the beginning to the second session, and then should prolong it until the 30th of April, adding nearly two months at the end, we shall have one session of about six months, held at the most convenient and comfortable season of the year for that purpose, and should be enabled undoubtedly to abridge the first session to a corresponding extent. So we should have two sessions of Congress for the ordinary business of the country, beginning about the middle of November, or at any rate the first Monday in December, as now, and lasting within a week or two of six months or more, according as the convenience of Congress should provide.

It seems to me, Mr. President, that the unanimous favor with which the Senate has met this proposition when it was adopted before is well warranted. I have never heard but one plausible argument against it—and perhaps it is not worth while to undertake to deal with that now—that is, that the amendment ought to be changed so that the new Congress would meet immediately after the election, and that the popular will, which is expressed in the change of political power in a new election, should find expression in legislation without even the intervention of a single month or a single year.

Some persons with whom I have talked on this subject have held that view, but I think that the time is brief enough. This great political being of ours ought to take a little time to change its mind. It is not always convenient for the gentlemen who are elected to the House of Representatives to leave all their business and repair to the seat of government within a week or two after the result of a doubtful election is declared; and it is well, I think, that the heats, excitements, and passions which sometimes—not so much of late as in former years—prevail in this country in a sharply contested election should have a little time to pass away before the permanent and deliberate will of the people is enacted seriously into the statutes.

That, I believe, is the whole matter, stated briefly. I have made the statement without any premeditation at the request of the honorable Senator from Nebraska [Mr. ALLEN].

Mr. PERKINS. Mr. President, I always listen with much interest and instruction to everything said by the distinguished Senator from Massachusetts [Mr. HOAR]. In the last Congress, when we had under consideration a proposed amendment to the Constitution for the purpose of changing it in respect to the election of Senators by a direct vote of the people, instead of through the legislatures, I was deeply impressed by the remarks of the Senator from Massachusetts. He said that our forefathers, when they framed this Constitution, had deeply, most earnestly, and religiously considered the rights of the States; that the vote direct for a Senator should be sifted through from the people to the legislature, and Senators be there voted for, and that the Constitution should never be changed unless there was some great principle involved in the proposed change.

While it was true, he stated, that the first twelve amendments were adopted immediately after the adoption of the Constitution, yet they were compromise measures proposed by John Hancock, of Massachusetts; Patrick Henry, of Virginia; Alexander Hamilton, and other great statesmen of that day. I therefore waited with some interest to hear from the Senator what great principle was involved in this proposed change of the Constitution. To me, a common layman, it seems that the people may say, "You have voted to extend your term of office for about two months. What reason was there for your voting to extend the term of office to which you had been elected two months longer than the Constitution provided?"

The Senator says there is not sufficient time to pass the appropriation bills, and, therefore, we should continue in session six weeks longer time. Some of our friends may ask us why not meet a month earlier, or six weeks earlier, meeting in October or November, instead of extending the term later on in the spring. And yet, to my mind, there is something stronger involved in this proposition.

I should have said in passing that when the Senator from Massachusetts used the argumentative and eloquent language in the last Congress in relation to the election of Senators by the people, while I was instructed and interested I was not convinced. I believe that when we were a nation of 4,000,000 people and only 13 States the conditions were very different from what they are to-day when we have a population of 75,000,000 and 45 States; and yet the Senate in its wisdom declined to pass the amendment. As I look upon the proposed amendment, there is no principle involved in it.

There is no great reason why we should amend the Constitution, and thereby change our term of office. Indeed, to me it seems almost sacrilege, for there is a halo of sacredness clustering around inauguration day—the 4th of March. The hallowed associations of that day are sacred and dear to every patriotic American. George Washington was inaugurated on the 30th of April, but every other President since that time with but three exceptions has been inaugurated on the 4th day of March, and Sunday coming on those dates, it was on the 5th.

Mr. HOAR. May I ask my friend whether it is not true that on nearly every one of those days the weather was bad?

Mr. PERKINS. We will reach that later on. I think I can convince my friend the Senator from Massachusetts that the Ruler of All, the Providence, exercises a wise jurisdiction over us. In the blessings of Heaven upon us as a nation He has favored the 4th of March quite as often as the last Wednesday in April. I think I can convince him of that fact by the record. On the 4th of March George Washington was inaugurated for his second term as President. A Jackson, a Monroe, a Lincoln, a Jefferson, a Grant have all been inaugurated on the 4th day of March, and to my mind it would seem almost as wicked, if I may use so harsh a term, to change it as to say that the anniversary of the Declaration of Independence shall be on the last Wednesday in July instead of the 4th of July, or that the anniversary of the birth of the Saviour of Mankind should be on the last Thursday in December, instead of the 25th. The associations of that day are enshrined in the hearts of every true American, and I would not see aught done that might mar the patriotism of that day by making an indefinite day.

I asked a friend a few days since why this was proposed. He said to me, perhaps in a jesting manner, that there had been a great many petitions presented to Congress in the past two years proposing to change the preamble of the Constitution by inserting the word "Deity," as if it was necessary for us to place in the Constitution that word to acknowledge the supremacy of that great Architect, the Creator of the world, and who has been the guardian of this great nation. So, out of curiosity, I examined the calendar, and I find by an examination of it, which is verified by the Superintendent of the Coast and Geodetic Survey, that the 4th day of March is especially favored in this respect, the reason being that our Presidential elections always occur in leap year or else in century years, such as 1800, and as inauguration day is the following 4th of March, it is always the next year after leap year when our President takes his oath of office.

Our Constitution, as is well known, was adopted in 1788, so that the first inauguration occurred in 1789, and between 1789 and 1897, which was the last inauguration year, one hundred and eight years, the 4th of March occurred on Sunday in inauguration years only three times, to wit, in 1821, when President Monroe was inaugurated on the 5th of March; in 1849, when General Taylor was inaugurated on the 5th of March, and again in 1877, when Mr. Hayes was inaugurated on the 5th of March. I thought I would continue this calculation for the next century, and I find that the 4th of March in inauguration years will occur on Sunday but three times during the twentieth century, to wit, in 1917, 1945, and 1973. From this statement I am sure that upon religious grounds the most punctilious will not demand a change. It seems as if the calendar of time was on the side of the 4th of March.

Now, my friend the Senator from Massachusetts says that the 4th of March is always stormy, always rainy, and the last Wednesday in April is a delightful day; that it is in the springtime,

when the birds are singing and the trees are budding and all nature is rejoicing, and therefore we should inaugurate our President on the last Wednesday in April. My friend the Senator from New Hampshire, however, to-day proposed an amendment making it the last Thursday. I have traced down the last Wednesday in April since we have established the Weather Bureau. I had a little curiosity as to it. While I do not know much about law, I have studied meteorological movements somewhat and have a slight knowledge of astronomy, the action of the heavenly bodies, and I thought I would for my own curiosity examine into this matter. I will call to the mind of every Senator upon this floor that a week ago last Thursday, the day that my friend the Senator from New Hampshire proposes as the day, was the coldest day we have had this winter. The thermometer was down to 34° above zero. That is a sample day, if we change it to Thursday. But I am going to give you the state of the weather since the first inauguration.

I am not going to weary the Senate, but we will have to go before the people; if this amendment is adopted, and give our reasons for it, and I am going to put these tables into the RECORD, so that we can see when Providence smiled upon us and when Providence frowned upon us and when Providence wept for our follies and shortcomings and misgivings. From 1789 to 1897, inclusive, there have been twenty-eight inauguration days. By the assistance of Mr. Spofford, of the Library of Congress, whom I have heard my friend the Senator from Massachusetts eulogize as an authority, as a man who never makes a mistake, and by the assistance of Professor Moore, the Chief of the Weather Bureau, I find that the records show there have been of these inauguration days 17 fair and pleasant days, 9 stormy days, and 2 days for which we have not been able to find any record. Since the establishment of the Weather Bureau—in 1873—a complete daily record has been kept of the meteorological conditions in this city. As I stated before, I had the curiosity to have made comparative tables between the state of the weather on the 4th of March and also on the last Wednesday in April in each year from and including March 4, 1873, to and including the last Wednesday in April, 1898, which was one week ago last Wednesday. This table I will, with permission, have printed in the RECORD:

Table showing condition of weather on different inauguration days.

GRANT'S SECOND INAUGURATION.

Date.	Temperature.		Wind.		Weather.
	Highest.	Lowest.	Direction.	Maximum velocity.	
Mar. 4, 1873	20	4	NW.	24	Clear.
Apr. 30, 1873	70	44	NW.	.....	Fair weather; fresh northwest winds.
Mar. 4, 1874	69	41	NW.	32	Partly cloudy, with light rain, ending at 8.10 a. m.
Apr. 29, 1874	45	30	NW.	22	Heavy snow from 8 a. m. to 10 a. m.; clearing after that time.
Mar. 4, 1875	34	25	NW.	12	Clear.
Apr. 28, 1875	49	43	N.	16	Rainy day.
Mar. 4, 1876	46	25	NW. to S.	Light.	Clear.
Apr. 26, 1876	60	30	NW.	12	Cloudy weather in early morning; shower at 1.25 p. m.; clear in afternoon.

HAYES'S INAUGURATION.

Mar. 4, 1877	36	25	NW.	30	Generally clear; light rain from 12.45 a. m. to 7 a. m.
Apr. 25, 1877	70	58	NW.	.....	Fair weather; northwest winds.
Mar. 4, 1878	50	34	NW.	30	Clear.
Apr. 24, 1878	77	62	S.	32	Cloudy and threatening weather; high south winds.
Mar. 4, 1879	50	24	N. to S.	8	Partly cloudy, with a sprinkle at 10.55 p. m.
Apr. 30, 1879	74	48	NW.	24	Clear weather; northwesterly winds.
Mar. 4, 1880	77	48	S.	20	Cloudy, with showers in the early morning and forenoon.
Apr. 28, 1880	65	46	S.	16	Clear weather.

GARFIELD'S INAUGURATION.

Mar. 4, 1881	36	29	WNW.	30	Partly cloudy, with snow and rain until 10 a. m.
Apr. 27, 1881	73	60	NW.	8	Light rain at intervals; westerly winds.
Mar. 4, 1882	54	28	NW.	18	Clear.
Apr. 26, 1882	60	46	E.	12	Threatening weather; light rain began at 1 p. m. and continued.
Mar. 4, 1883	46	29	NW.	12	Partly cloudy.
Apr. 25, 1883	50	32	NW.	12	Cool and fair weather.
Mar. 4, 1884	30	16	NW.	8	Clear.
Apr. 30, 1884	70	46	S.	8	Clear, cold, fresh north winds.

Table showing condition of weather on different inauguration days—Cont'd.

CLEVELAND'S INAUGURATION.

Date.	Temperature.		Wind.		Weather.
	Highest.	Lowest.	Direction.	Maximum velocity.	
Mar. 4, 1885	58	30	N.	11	Spring-like day; partly cloudy.
Apr. 29, 1885	68	40	NW.	20	Clear weather; high northwesterly winds.
Mar. 4, 1886	42	20	N.	18	Clear.
Apr. 28, 1886	65	55	S.	8	Cloudy weather; northeast to northwest wind.
Mar. 4, 1887	35	20	NE.	11	Cloudy, with rain, snow, and sleet until 3.15 p. m.
Apr. 27, 1887	69	43	SE.	12	Light rain from 4 a. m. to 6.10 a. m. Light sprinkles in evening.
Mar. 4, 1888	37	24	NW.	25	Clear.
Apr. 25, 1888	58	33	SE.	12	Clear and cool.

HARRISON'S INAUGURATION.

Mar. 4, 1889	44	34	NE.	28	Cloudy, with rain all day, except from 6 to 9 a. m.
Apr. 24, 1889	73	49	SE.	24	Partly cloudy; brisk southerly winds.
Mar. 4, 1890	49	24	S.	20	Clear.
Apr. 30, 1890	81	49	S.	12	Clear, warm; fresh south wind.
Mar. 4, 1891	40	30	NW.	30	Clear.
Apr. 29, 1891	70	42	SW.	18	Clear; light to brisk northwest wind.
Mar. 4, 1892	59	35	NW.	18	Partly cloudy.
Apr. 27, 1892	66	38	SE.	12	Clear; light winds.

CLEVELAND'S SECOND INAUGURATION.

Mar. 4, 1893	32	24	NW.	35	Cloudy, with snow until 1 p. m.
Apr. 26, 1893	48	44	E.	18	Cloudy; light rain from 7.15 a. m. to 9.30 a. m.
Mar. 4, 1894	61	20	S.	12	Clear.
Apr. 25, 1894	63	46	NE.	9	Cloudy and cool.
Mar. 4, 1895	55	37	W.	29	Cloudy, with a shower.
Apr. 24, 1895	75	42	S.	17	Clear; southerly winds.
Mar. 4, 1896	40	28	NW.	34	Clear.
Apr. 29, 1896	78	54	NE.	14	Clear day; no rain.

M'KINLEY'S INAUGURATION.

Mar. 4, 1897	47	34	N.	15	Clear; fresh north to northwest winds shifting to south and southeast in the evening; cool.
Apr. 28, 1897	71	44	NW.	20	Partly cloudy during middle of day; fresh northwest shifting to southerly winds.
Mar. 4, 1898	30	33	NNE.	18	Snow mixed with rain during forenoon, ending 5.20 p. m.
Apr. 27, 1898	51	43	NE.	20	Partly cloudy; northeast winds; stationary temperature.

APRIL 28, 1898.

DEAR SIR: Complying with your request for information as to quality of weather prevailing at each inauguration of Presidents from 1789 to 1897, I have the honor to report as follows:

1789. April 30, New York, fair day.
1793. March 4, Philadelphia, pleasant day.
1797. March 4, Philadelphia, serene.
1801. Washington, mild and beautiful.
1805. No record found.
1809. Fine and pleasant.
1813. Fresh, beautiful spring day.
1817. Beautiful weather.
1821. Snow and rain.
1825. No record found.
1829. Balmy spring day.
1833. Very cold, mercury 20° (no storm).
1837. Lovely, with sunshine.
1841. Cool and pleasant.
1845. Pouring rain. Polk took oath under umbrella.
1849. Pleasant.
1853. Cold and snowing.
1857. Cold and foggy (no storm).
1861. Fair and balmy.
1865. Wind and rain, ending in sunshine.
1869. Gloomy and rainy.

* * * * * * *

Very truly, yours,

A. R. SPOFFORD.

Hon. GEORGE C. PERKINS,
United States Senate.

I will simply give a recapitulation of it, which shows that from 1873 to 1897, inclusive, there were sixteen clear, fair, or partly cloudy days falling on March 4 and seventeen clear, fair, or partly cloudy days falling on the last Wednesday in April in each year.

There were ten rainy, snowy, or threatening days falling on March 4, and nine rainy, snowy, or threatening days falling on the last Wednesday in April in each year.

Snow or sleet fell four times on March 4 in twenty-six years and

once on the last Wednesday in April, the latter being more severe than any similar storm on March 4. Rain fell on the 4th of March during six years and on the last Wednesday of April during six years.

The only advantage of April over March in all of these years seems to be that on three of the April days there were high winds and threatening weather in place of light snow or sleet.

Now, there is the record of our Weather Bureau. It is an absolutely correct record. We would gain nothing surely by changing from the 4th of March to the last Wednesday or the last Thursday in April.

Mr. GALLINGER. Will the Senator from California permit me?

Mr. PERKINS. Certainly.

Mr. GALLINGER. Of course the Senator's figures are correct, so far as the cloudiness or the fair condition of the weather is concerned on those two dates relatively, but has the Senator made inquiry as to the temperature? Is it not very much warmer as a general thing the last of April than it is on the 4th of March?

Mr. PERKINS. I have taken the highest and lowest temperature.

Mr. GALLINGER. The Senator gives that in his table?

Mr. PERKINS. Yes; since the Weather Bureau has been established. I have taken, of course, the records down to 1873, and they give the weather; they state whether it was cold or warm or moderate.

Mr. HOAR. I have not followed all of the Senator's figures, but I understand the result of his inquiry and investigation is that it is an absolute fact that the weather on the last Wednesday of April is usually very much colder and more severe than the 4th of March. That is the substance of it, as I understand.

Mr. PERKINS. I will state to my friend, and I can bring the testimony of the Senator from Montana [Mr. CARTER], who is a judge of the weather, that last Thursday one week ago, in April of this year, was the coldest day we have had in 1898. The thermometer registered as low as 32° above zero. It was a most inclement, disagreeable day. We have no way of judging the future but by the past. It was the light of wisdom that has guided us thus far. It is the light of experience that we have to show us that there is no necessity for changing the Constitution to adapt it to the clerk of the weather unless we can so control the elements, while we are making great progress, that we will have assurances that we will have a pleasant day on the last Thursday in April.

Mr. CARTER. I suggest to the Senator from California that we might obviate the difficulty by providing that the inauguration shall take place either at Los Angeles, Cal., or Helena, Mont., where we always have good weather.

Mr. HOAR. I should like to ask my friend whether he has not also discovered on looking at the calendar that the 4th day of March came on Sunday much more frequently than the last Thursday in April?

Mr. PERKINS. My friend the Senator from Massachusetts can place that construction upon it, and really that is the only argument in favor of the amendment. In two hundred years the 4th of March has come upon Sunday six times. With the various religious sects and the changing from one day in the week to another for observance, I do not know but that we will get Sunday around to the last Thursday in April.

In all seriousness, I am speaking from the impression the Senator made upon me in his speech opposing a measure which I advocated from my place in this body, for I earnestly believed it was in the best interest of the Government, in the interest of the people, that our Constitution should be amended and our Senators elected by direct vote of the people instead of through the legislatures. We have had on this floor not one vacancy, but three and four vacancies because the legislatures did not agree. I believe that in this government of the people, by the people, and for the people, the nearer you are in touch with them, the nearer you are in sympathy with them, the nearer right you will be. The very perpetuity and welfare of this great nation depends upon the support of the people. They are the source of all power. I for one am not prepared to stand here in my place and vote for a constitutional amendment that increases the term for which I have been elected by the people. I do not want to serve one day longer than the people have elected me to serve.

I do not believe there have been yet given us reasons sufficient to warrant us in giving a two-thirds vote in Congress to change the inauguration day of our Presidents, to change the term of the Members of the House and Senators, so that instead of expiring on the 4th day of March at noon it shall be the last Thursday in April. If the Senator from Massachusetts will convince me that it is our duty to do it, that something has occurred in the past century, since our Constitution was adopted, to show that it is unwise, imprudent, and wrong for us to continue to have our terms expire on the 4th of March and to inaugurate the President of this great nation on that day, I will then forego the sacred memories that cluster around that day and vote for the last Thursday in April as the day when our term of office shall expire and so as to the term of the President. I submit in all seriousness that there have not yet been sufficient reasons shown here why we should vote for the amendment.

Mr. BACON. I desire to ask the Senator from Massachusetts a question for my information, in order that I may get the benefit of his opinion upon a matter which has suggested itself to my mind. I desire to state in so doing that I was not present in the Judiciary Committee when this bill was considered. Otherwise I should have been under obligations to ask the question then rather than now.

Mr. CHANDLER. This particular amendment came from the Committee on Privileges and Elections.

Mr. BACON. I beg pardon.

Mr. CHANDLER. The other constitutional amendment came from the Senator's committee, the Committee on the Judiciary.

Mr. BACON. In that case I should like not only to have the opinion of the Senator from Massachusetts, but the opinion of the chairman of the Committee on Privileges and Elections.

I think the change, if it can be made, is a very desirable one for many reasons which I will not stop to repeat, because they have already been presented by the senior Senator from Massachusetts. The question in my mind is whether it can be constitutionally done. The Constitution of the United States says the President shall hold his office during the term of four years. Is it competent for Congress, by an act, for any reason——

Mr. HOAR. This is for a constitutional amendment.

Mr. COCKRELL. It is for a constitutional amendment.

Mr. BACON. The Senator is correct about that. I was thinking it was to be by statute. But the Senator still does not meet the trouble in my mind. It would be a constitutional amendment which would affect simply the present term, which would make it expire in April instead of March, as now, but it would not change the general proposition in the Constitution that the term of office shall be four years. The point to which I want to direct the attention of the Senate, and which is not answered by suggesting that this is a constitutional amendment, is that by fixing a day of the week instead of a day of the month you do not have a period of four years between the time of the inauguration of one President and the inauguration of his successor.

In other words, when you fix a day of the week, you will find four years and a day as the term of office or it may be one day less, I forget which, but a varying period. In other words, the last Thursday in April, which might fall on the 24th in one year, would fall on the 25th in the next, or on the 23d. It certainly would not be a fixed period, and as the constitutional amendment would not change the provision of the Constitution which limits the term of office to four years, it seems to me it would be open to that objection.

Mr. HOAR. Has the Senator from Georgia concluded?

Mr. BACON. That is the suggestion. I should like to hear the Senator on it.

Mr. HOAR. It seems to me that it does change it to that extent. Practically it does not change it at all, because the President of the United States, when the 4th of March comes on Sunday, is never inaugurated until Monday noon, the following day, as is well known. So there is a day clipped off where it comes on Sunday, in fact. I have endeavored to have a calculation made as to how it would work substituting the last Thursday in the month or the last Wednesday for a fixed day of the month. I can not state from memory the calculation, but the substance of it is that what is lost at one end is usually gained at the other, so that there will not be more than one day's variance from a fixed, even term of four times three hundred and sixty-five days and six hours, which is the exact length of our year, except some minutes and seconds also. There will be practically no substantial difference in the limit of the term from what there is now, and this provision, coming after the other saying that the term shall begin and end in the new way, does, of course, modify slightly the exact four-year period provided by the Constitution.

I should like to add one other matter. I will not go back to answer my friend the Senator from California, because I recognize the great wit and facetiousness of his speech, and I would not destroy the charm of its excellent humor by undertaking to put any poor theory of mine in answer to it. But in addition to the statement that the coming on Sunday, whenever it does come, is a great inconvenience, is the fact that when the inauguration comes Saturday or Monday, or even Friday or Thursday, there is great inconvenience to the people from distant parts of the country in being compelled to be absent from their homes on Sunday. The Senator from California makes two statements which he has worked out by the calendar. I do not know whether they are from the records of the Weather Bureau or its prophecies.

Mr. PERKINS. The records.

Mr. HOAR. He says it will be found first that the weather is more tempestuous and disagreeable and cold in this country on

the 30th of April, as a general rule, than the 4th of March. That is his first proposition, if I understood him. His other proposition is that the 4th of March does not come on Sunday half so often as the last Thursday in April does, if I understood him correctly.

Mr. PERKINS. That is your construction.

Mr. HOAR. That is what I understood the Senator. I asked him that question, and I understood him to answer it that way.

Now, Mr. President, the Senator says we ought not to extend our term of office by an amendment of the Constitution. We do not do it. We only suggest to the legislatures of the States whether it is wise under the circumstances to do it. If the term is changed, somebody has to do it, and if three-fourths of the legislatures think it best they will do it, but it will not make any great practical difference, because the actual time of legislative work and service will be the same, whether we have one session of nine months and another of three, or whether we have two sessions of six months each. I am sorry my friend from California does not stay to hear me. I was about to say that it will not make the slightest difference to him, because he is very sure to be reelected, as I hope most of the rest of the Senators are, as long as he lives. So his legislative term will last his whole life no matter when the particular constitutional term this time ends or when the next one begins. So it will make no difference to the country and no difference to the very valuable public service of my highly honored friend from California.

My friend says, further, that my desire in the mere matter of the length of the term by a change in the Constitution is to his mind inconsistent with the opposition to a change in the method of electing Senators. That proposition, whether wise or unwise, is the first change ever proposed in the substance of the Constitution. The other changes which were adopted at the time were restraints on the legislative power in the interest of public liberty. They were adding to the Constitution a bill of rights. There is not one of the first twelve amendments to the Constitution of the United States which is not simply the affirmation of a principle which every man would have avowed himself as intending to be bound by, and which in this country is not found enacted in the constitutions of the States, and which was not found in Magna Charta or in the Bill of Rights. This is a mere change of mechanism, like the two amendments of the Constitution which changed the construction of the electoral colleges.

But I did not intend to occupy so much time, Mr. President.

Mr. BACON. Mr. President, I still think (and I am more convinced of the fact now than I was when I first suggested it to the Senate) that it will be necessary to have the day of the month fixed instead of a day of the week. Since I was upon the floor before I have had occasion to examine some calendars, and the effect of putting in the day of the week is that in every instance except in leap year there is a shortening to the extent of one day instead of the lengthening, as I suggested before. In other words, if you have the inauguration upon the last Thursday in April there will be one day less than four years. The Senator from Massachusetts says that we inaugurate the President now on the 4th of March, whereas the 3d of March is the date. That is true.

Mr. HOAR. No; I did not say so.

Mr. BACON. I so understood the Senator.

Mr. HOAR. What I said was, that whenever it came on Sunday the Presidential term did not begin until noon on the 5th. That is what I said.

Mr. BACON. I beg pardon. I did not understand the Senator. However that may be, that is a very rare occurrence, as the Senator from California [Mr. PERKINS] has shown. But it would be a practical difficulty by which we would be met that whereas the Constitution of the United States says that the President shall serve for four years, if this became the law, and there was an inauguration upon the last Thursday in April, there would be one day lacking of four years, and the outgoing President of the United States would have the constitutional right for the term of one day to exercise the functions and duties of his office after the other President was inaugurated.

While I think this change is a very desirable one, and I quite agree with the Senator in that regard, the joint resolution ought to be amended so as to fix a certain day in the month instead of a day in the week. Then the constitutional provision is complied with, and if it is for any reason to be desired that the day of the week should be inserted instead of the day of the month, the joint resolution ought to be so amended as to make that the term.

Mr. LINDSAY. May I ask the Senator from Georgia whether, if the amendment now under consideration be adopted, the two provisions would not be read together, and the four years made substantially four years, but subject to such variation as would grow out of the last provision?

Mr. BACON. I do not think so, Mr. President, if the Senator has finished his question.

Mr. PASCO. I suggest that while the opinion of the Senator from Kentucky [Mr. LINDSAY] may be correct as to the Presidential office, such a construction may not apply to other offices whose terms now expire with the Presidential term—the Senators, for instance, who are chosen under section 3 of the Constitution for a fixed term of exactly six years.

Mr. BACON. The extension of the present term is definite, and, as suggested by the Senator from Massachusetts, by a constitutional amendment that difficulty would be gotten around in the case of the present term, because so far as the present term is concerned, there being a definite extension, of course there is no difficulty. The amendment provides that—

> The term of office of the President and Vice-President and of the Fifty-Sixth Congress shall continue until the last Wednesday of April in the year 1901, at noon.

That is definite and positive, and there can be no possible constitutional objection to it. But then it goes on and says:

> And the last Wednesday of April, at noon, shall thereafter be substituted for the 4th of March as the commencement and termination of the official term of the President, Vice-President, Senators, and Representatives in Congress.

I do not think that operates to repeal or amend the provision of the Constitution which explicitly says that the term of office of President shall be four years, that the term of office of Senator shall be six years, and that the term of office of Representative shall be two years. Therefore I can see no reason why we should not fix a date and have it definite and certain. Why should we leave in doubt so grave a matter as a constitutional provision, especially one which is to control the great and important question of what shall be the term of office of the President and Senators and Representatives? If it is to be put on a day of the week it ought to be stated definitely, in a way not to leave it in doubt, that the term of office is to that extent changed. But I see no necessity for it when we can so easily put it on a day of the month, and then we shall have no trouble, as in the past we have been free from all trouble in the matter.

Mr. STEWART. Mr. President, this change is proposed to a great extent on account of the inclemency of the weather on the 4th of March, and we have had——

Mr. HOAR. The most important one is to have a longer term for Congress.

Mr. STEWART. That is one reason, but the one I have stated is another, and it is an important reason. I appreciate the force of it very much. But the Senator from California has shown that in making a change we have not hit upon a good day. It is an unfortunate day that we have selected. It seems to me that the 10th day of May would stand a better chance of being a good day than any of the days mentioned. Take, for example, the weather to-day. Then we would wait until the flowers are out and the trees are in full leaf, and Washington is looking beautiful. If we are going to have this an occasion when the people of the United States can see their capital in its best dress and when it will be more pleasing than at any other time, let us go along a little further in selecting a date, until there is an opportunity given for nature to adorn the city and add to what art is constantly doing. Then you will have a day that will be pleasing and gratifying to the whole American people, and will give them a better idea of the capital of their country.

Mr. LINDSAY. What day does the Senator suggest?

Mr. STEWART. I suggest the 10th day of May. In April the leaves seldom get out. In April the buds start. Washington does not get on her spring dress until about the 10th of May, as is the case now. If we are going to give the people of the United States a pleasant visit to their capital, so as to make a good impression upon them, and if we are going to make a change, the extension of a few days more will make it a most agreeable event.

I concur with the Senator from Georgia [Mr. BACON] that we had better have a fixed day. I can see less difficulty and more certainty in that method. The matter was considered thoroughly by the framers of the Constitution. They decided it exactly in that way and I do not see that they made any mistake. I do not want to undo their work where it was about right. They probably did not take into account the inclemency of March because they had not experiences in inaugurations on that day as we have had since. If a change is to be made at all, I am in favor of selecting a day when there will be the greatest probability of a pleasant day and one that will give the people of the United States on that occasion a pleasant entertainment. When it is in order to make the motion I shall move to insert the 10th of May.

Mr. CHANDLER. Mr. President, this is not a great question of fundamental change in the Constitution of the United States. The Senator from California [Mr. PERKINS] seems to think that we can not make a little change of this sort in our Constitution growing out of the inconveniences surrounding the 4th of March unless we are also willing to make the very great and fundamental change involved in electing United States Senators by direct vote of the people rather than by vote of the State legislatures. That subject has been very fully discussed hitherto in the Senate, and the fact has been developed that we have not in all these

years made any change in our form of carrying on the Government. The framework of the Constitution in the methods of getting a government is substantially the same for 75,000,000 people that it was for less than 5,000,000 people. It is one of the wonders of this Constitution of ours that it has sufficed and does suffice for the enormous growth of this great country.

Personally, with as much reluctance as the Senator from Massachusetts [Mr. HOAR] manifests, I propose to look with care and caution at anything that can be called a fundamental change in the Constitution. Mr. President, that is not this case. This case raises a mere question of public convenience, whether it is better to have inauguration day a couple of months later than we now have it and whether it is best to have the short session of Congress lengthened from three months to about five months. Now, that is a practical question. If it is to be done, the Senator from California knows very well that it can not be done without lengthening somebody's term. The Senators whose terms expire on the 4th of March, 1901, need not have any hesitancy about their votes, if this convenience should be given to the people, because it would lengthen their own terms. They will not be suspected, I think, of a disposition to legislate for that purpose.

Mr. BACON. I call the attention of the Senator from New Hampshire to the fact that the effect will not be simply to lengthen the term of those whose terms expire in 1901, but it will necessarily lengthen the terms of all Senators subsequent thereto; that is, all who have already been elected.

Mr. CHANDLER. Certainly, all who are elected for six-year terms.

Mr. BACON. Yes.

Mr. CHANDLER. Well, Mr. President, I do not think any one need to have that horror of reproach the Senator from California seems to think will be made against him if he should vote for this constitutional amendment.

The reasons for making this change are not set out in any written report, because the subject has been under discussion more or less for a great many years. It is not a complicated question. The reasons, one way or the other, are obvious to all persons who give the subject consideration, and they are, as has been briefly stated by the Senator from Massachusetts, to remedy the inconvenience of having inauguration day so early in the spring and the inconvenience of having a long term of Congress one year of nine months or more followed by a short term of Congress limited absolutely to less than three months another year.

The Senator from Georgia says that he thinks what is proposed is desirable if it can be done, but he raises a question as to whether it should be done by fixing a certain day of a given week, or whether it should be done by fixing a day of the month, like the 4th of March. The Senator from Nevada said that he would move to substitute the 10th of May. The 1st of May would be a better day, if a particular day of the month was to be selected. But I say to the Senator from Georgia there are inconveniences both ways and there are conveniences both ways. One inconvenience of the present system is that the 4th of March comes on Sunday every few years.

It is also inconvenient to have inauguration day either Monday or Saturday. When persons come here to attend inauguration on Saturday, that is an inconvenient day, and Monday is an inconvenient day. The committee in fixing on Wednesday and subsequently changing it to the last Thursday of April, because that is the day on which George Washington was first inaugurated in 1789, were influenced by a desire to have the inauguration in the middle of the week, with secular days each side of it, so as to give visitors, visiting organizations, the people of the country who wish to attend the inauguration, an opportunity to come and to go away during the week without encroaching upon Sunday. I submit to the Senator from Georgia that there is the inconvenience of having a fixed day in the month.

On the other hand, the Senator from Georgia has properly shown that there is an inconvenience in naming the last Thursday in April, because it will make the Presidential and the Congressional term unequal. It will vary, but it will never vary more than a week. The variation will be, whenever it happens, from one day to seven days, as the meeting of Congress on the first Monday of December varies from the 1st of the month to the 7th of the month. Now, that is a slight inconvenience. It is not so great in my judgment, it is not so great in the judgment of the committee, as the inconvenience of having inauguration day so often on Sunday, on Saturday, and on Monday, all of which days are practically inconvenient days.

Mr. BACON. Will the Senator permit me to ask him whether the committee can state what was the day of the month upon which President Washington was inaugurated? We know that it was the last Thursday in the month, but what was the day of the month?

Mr. CHANDLER. It was the 30th.

Mr. BACON. That, as I understand, is the provision in the original resolution. I very much prefer a return to that. Let it be the anniversary of that great event.

Mr. HOAR. If I may be pardoned by the Senator from New Hampshire——

Mr. CHANDLER. I would rather finish one point, and then let other Senators debate it. The Senator from Georgia had one speech made inside of his, and of course he does not wish to make one inside of mine.

Mr. BACON. No; I do not.

Mr. CHANDLER. I have but a few words to say, and those are addressed to his suggestion. The language of the constitutional amendment is sufficient. It, by implication, repeals the provision that the President's term shall be exactly four years and that the Senatorial term shall be exactly six years. It repeals those terms by inference. There is no provision that the members of the House of Representatives shall hold for two years, but only that the members of the House of Representatives shall be elected every second year by the people. The effect of this amendment, if it is adopted, and it will be perfectly operative, is to make the term of the President about four years and the term of Senators about six years, or four years and six years as near as may be. I do not see any difficulty about it. I do not consider it a large question, but I do consider that it is one of considerable practical importance to the people of this country.

I will add, in closing, that I have observed here for a third of a century the inconveniences of the short term of Congress. There is not time in the short session of Congress, between the first Monday in December and the 4th of March, to do business. There is not time, as the Senator from Massachusetts has said, to pass the appropriation bills; and the great mass of other legislation which is entitled to consideration, which the people are entitled to have considered, goes by the board at the short session under the inexorable blows which the Committee on Appropriations strike at all other legislation in the interest of getting the appropriation bills through before the 4th of March.

Mr. President, I can not think of any slight change in our Constitution that will be of so much practical benefit to the people of the United States as this amendment, which was drawn by the Senator from Massachusetts, considered by the Committee on Privileges and Elections, and reported to the Senate.

Mr. HOAR. Mr. President, I wish to add just one sentence. I should like to have the attention of my honorable friend from Georgia, because when he makes a suggestion about any matter of constitutional law or of legislation, I have found that it is better to listen to it and see what it is. It will always, of course, have very great weight. I want, therefore, to have him consider whether the answer to it is on the whole a fair one.

If you fix a day of the month, once in seven years or thereabouts, never mind how it comes in the calendar, it will come on Sunday. But if it does not come on Sunday, if it comes on Saturday, Monday, Friday, or Tuesday, the people of a very large portion of the country have to be away from home Sunday to attend the inauguration, that depending upon their distance from the national capital. In other words, five years out of seven you must have, if you fix the day of the month, more or less inconvenience by reason of the people who come here having to lose the home Sunday.

In the first place, as I have said, you have got five days in which there will be an inconvenience, whichever day of the month be selected, at least five times out of seven. If you fix it on Wednesday, you will have three days from the following Sunday and two days from the preceding Sunday to come and go and to see the sights here which can not be seen on Inauguration Day. If you fix it Thursday, you have got three days from the preceding Sunday and two days intervening before the following Sunday.

It seems to me that is a good answer to very much of my honorable friend's suggestion. It is true, on the other side, as my friend suggests, that if instead of having a day of the month you have a day of the week fixed, you have got a little inequality of one day, perhaps two in some cases, in the length of what we call the four-years term. On the other hand, what is lost at the end will be made up partly or all in the beginning.

It seems to me that it is practically of very little consequence; and yet I want to repeat that this matter, on which the whole discussion is turned, is not a tenth part in importance of the real, the great reason for doing this thing, to which the Senator from California [Mr. PERKINS] did not advert at all; and that is, that now we have got one session of nine or ten months, extending into the wretched summer heat, and a short session of only three months, with the Christmas holidays out, if we celebrate them and observe them, in which last session we can not do justice to the thirteen great appropriation bills and can do nothing of other important legislation.

The real and grave argument for this change, compared with which everything else is of the pettiest description, is that you are getting, instead of that wretched arrangement, two solid six-months terms for the public business.

Mr. PASCO. I should like to ask the Senator from Massachusetts if we could not get a longer session as the second session of a Congress by meeting earlier than December?

Mr. HOAR. The difficulty with that suggestion is, in the first place, you can do that by statute; but if you do that, you have got to have the members of both the House of Representatives and the Senate absent from their State elections, which occur on the second Tuesday, I think, in November, and absent two years out of every four years from the national elections and the national campaigns, where they are expected to give an account of their stewardship. I say that is impossible. The people of the United States will not stand an arrangement which has a session of Congress compelling us and our associates in the House of Representatives to be absent from the campaigns. We are there to give an account of our stewardship. We are supposed to be the best qualified persons to discuss national questions before the tribunal where they are settled. I think, therefore, that we can not expect that change. The Senator will remember that the great national elections, as well as the State elections, come in the year when the present short session begins. We can not, therefore, expect to make any change which will advance the time of the holding of the second session of Congress to a period earlier than the 15th or 20th of November, gaining one or two weeks on the present arrangement.

Mr. PASCO. I fully agree with the Senator from Massachusetts as to the question of convenience and inconvenience, and I fully agree with regard to the lengthening of the session in that way; but he was arguing that we are depending upon this proposed change of the Constitution to get a longer session of Congress, and I merely meant to direct his attention to that point.

Mr. HOAR. That is a very good suggestion, and my answer to it is that the difficulty is about the elections.

Mr. BACON. Mr. President, I hope the friends of this resolution can agree to the change suggested—that is, that they put it on the day of the month instead of the day of the week. To my mind it is a very serious matter to have the term of office of the President of the United States and Senators and Representatives other than a fixed term. It is the inevitable consequence of having this day upon a day of the week that the length of the term of office varies with each year, and in some instances—I have not made the calculation, but some Senators near by me have—in some instances there will be a variation of nearly two weeks. In other words, the day of the week can fall four or five days later in some years than it does in others, and, on the contrary, it can fall that much earlier, so that it may make ten days.

Mr. HOAR. If it falls on a fixed day of the week, could it ever be less than four days in four years of three hundred and sixty-four days each under any circumstances?

Mr. BACON. I am not speaking of the variation that there may be in that particular term; but I say in some of the terms that may be remote from each other.

Mr. HOAR. I spoke of the entire term. It is impossible that there should be less than three hundred and sixty-four days in a year which begins in a certain week of one month and ends in the same week in the same month of the following year. There are always fifty-two full weeks between that interval, and it can not be otherwise. If that is so, then no one year can be shortened but a day except in leap year; and if all the years were shortened a day, we would lose but four days in a week. But in nine cases out of ten—I have not made the calculation—the day which is cut off at one end of the four years' term will be made up at the other end. So the Senator will find, if he will have some mathematician to calculate it, that there never will be more than a day or two days difference in the length of the Presidential term.

Mr. BACON. The Senator may be correct in his statement that my suggestion was too extreme as to the amount; but certainly it can vary to the extent of six days, and I do not think there ought to be that variation.

Mr. HOAR. It can not.

Mr. BACON. It can vary to the extent of six days. I am not prepared to say it can go farther than that.

Mr. HOAR. But can it possibly vary more than four days?

Mr. BACON. I am not going to discuss the mathematics of it. It is impractible for me to do so. I think I am correct in saying it might vary to the extent of six days; but I should object to it if it were only two or three or four days. I think there ought to be a fixed term for the President and Senators and Representatives, and that it ought not to be less in one term than in another.

Mr. CHANDLER. I should like to ask the Senator from Georgia, now that he is dealing with the balancing of inconveniences, whether he does not consider it a great inconvenience to have the end of the term, the 4th of March, come on Sunday?

Mr. BACON. I certainly do; but the Senator from California [Mr. PERKINS], if I understood him correctly, had made the calculation that in the succeeding century it will only fall three or four times on Sunday.

Mr. PERKINS. I will state that during the past one hundred and eight years the 4th of March has fallen upon Sunday but three times. In the twentieth century it will also fall but three times on Sunday, and I gave the dates, which will appear in the RECORD. If the Senator from Massachusetts will permit me, I want to say, parenthetically speaking——

Mr. CHANDLER. I will suggest to the Senator from California that the Senator from Georgia, and not the Senator from Massachusetts or the Senator from New Hampshire, is entitled to the floor.

Mr. BACON. Mr. President, I do not propose to interfere with the desire of the Senator from New Hampshire to close the debate. I simply desire to say, in answer to the question he has asked me, that where there is inconvenience in the possibility of a day falling upon Sunday it is so extremely seldom in its occurrence that I do not think it is to be weighed in comparison with the impropriety of having an irregular term of office.

Mr. HOAR. If I may ask the Senator, is it not just as bad to have it fall on Monday or on Saturday?

Mr. BACON. I think not.

Mr. HOAR. And nearly as bad to have it fall on Tuesday or Friday. So practically you have got five-sevenths of the time.

Mr. BACON. The suggestion I rose to make to the friends of the resolution was that it ought to be amended so that they may secure its passage. I myself am very frank to say that I can not consent to a change of the Constitution which will give us a variable term for the President and for Congress. I think it ought to be so many years, four, six, and two; and for that reason, in the hope that it might be put into shape where I and such others as may agree with me can vote for it, I made the suggestion. Of course, if Senators do not think it is one which can be weighed, I can not press it upon them.

Mr. PERKINS. Mr. President, if this resolution is to be amended, I hope "the last Thursday in April" will be stricken out and "the 4th day of March" inserted in lieu thereof. If it be decided to amend the Constitution, I hope that will be done, and let us cluster around it the most sacred memories and associations in the history of our country connected with the 4th day of March.

Mr. CHANDLER. How about the Fourth of July?

Mr. PERKINS. That is not the Inauguration Day. You would not have the Fourth of July to celebrate if you had not had a Washington. While it is true he was first inaugurated on Thursday, the 30th of April, his second inauguration was on the 4th of March. A Jefferson, an Adams, a Lincoln, a Grant, all of the Presidents of the United States, have been inaugurated on the 4th of March, and I think to-day it has been shown conclusively by the record that Providence has been as kind to us on the 4th of March as He has been on the last Wednesday or the last Thursday in April.

We have eliminated the question of Sunday, for it has been shown that there were but three Sundays happening on the 4th of March in this century; and yet if there were more, it is the Christian Sabbath, the first day of the week. We have a very large element in this country, however, which keeps the seventh day of the week, the Seventh-Day Adventists. We have another class, the followers of Buddha, who remember Friday; and another class, the followers of Confucius, who remember Wednesday and Thursday. So I do not think we want to amend the Constitution to make it suit the convenience of people as regards the observance of the Sabbath. That is all that has been said in favor of this amendment. We do not want to amend the Constitution to suit the convenience of anyone.

The 4th of March was established by our fathers as Inauguration Day. Let us observe it with all the hallowed and sacred memories and associations which surround it.

As to the short session of Congress, which commences on the first Monday in December, if it be deemed expedient, we can amend the law and meet on the first Monday in November. My observation and experience have taught me that the people have no reason to find fault with us because we do not pass enough legislation. We do too much legislation. There are too many laws passed. We do not digest them sufficiently well. If we did, there would not be so many set aside by the highest judicial tribunal.

So far as the appropriation bills are concerned, we have no river and harbor bill in the short session of Congress, and the other bills are simply appropriation bills which are passed for the support of the Government, and are based on the estimates of the Departments. Since I have had the honor of occupying a seat here we have managed to appropriate all the money, and a little more, that we have collected from the people for a particular fiscal year. I do not think there is any fault to be found in that direction. So we have eliminated every other question. The question is simply, Have we time in the short session to pass the thirteen appropriation bills? For more than a hundred years, since the adoption of the Constitution, we have had no difficulty meeting us in this direction, and I do not believe to-day that we are called upon to vote for an amendment to the Constitution for the purpose of giving us more time to appropriate more money during the short session of Congress.

As to extending our term of office, while my friend from Massachusetts has very facetiously referred to it, the people look with a very jealous eye on that matter. There is a principle involved

even in voting for back pay or in voting to increase the length of the term for which we have been elected one single day. It is the people who sent us here; it is the people who are the source of all power, and they always will continue to be in a republican form of government.

I look upon it as a very serious question whether we can conscientiously vote here for an extension of our term without doing violence to the solemn oath we have taken to support the Constitution, which says our term of office shall be for such and such a period.

Therefore, Mr. President, if we are to adopt an amendment to the Constitution, let us amend it by making the date of the inauguration the 4th of March, around which, as I said before, are associated the most sacred and most hallowed memories of any in the history of our country, unless, perhaps, it be the anniversary of the Declaration of Independence; and the two are so closely allied, so closely associated, that I would as soon vote to make the anniversary of the Declaration of Independence to be celebrated on the last Wednesday or the last Thursday in July as to vote to change the date of the inauguration of the President of the United States from the 4th of March to the last Thursday in April.

Mr. CHANDLER. Mr. President, if some Senator who believes that there should be a day of the month fixed will move an amendment fixing such a day, the sense of the Senate can be readily taken as between fixing the day of the month and the day of the week. It is a mere balancing of inconveniences, to my mind.

Mr. PERKINS. Then I move to strike out the words "last Wednesday of April in the year 1901," and insert "the 4th day of March."

Mr. CHANDLER. There is no need of that. That is the present system.

Mr. PERKINS. That shows the fallacy of our attempting to amend the Constitution at this time.

Mr. CHANDLER. Mr. President, the Senator from California has demonstrated that he does not want any Congress, because we only come here to appropriate the people's money, that we appropriate too much, that we only legislate, and he says we legislate too much, and therefore, to carry the argument of the Senator from California to its legitimate conclusion, we ought none of us to be here. Inasmuch as a Congress has been provided by the Constitution and by the American people to be the servants of the people, the question of convenience or inconvenience is one for Congress to settle in the first instance and for the legislatures to settle in the second instance when any proposition is made to amend the Constitution of the United States.

The Senator from Georgia [Mr. BACON] wishes to propose an amendment to fix a day of the month——

Mr. BACON. That was simply a suggestion to the committee. If the committee does not offer the amendment, I certainly shall not.

Mr. CHANDLER. The Senator from Nevada [Mr. STEWART] gave notice that he would move an amendment.

Mr. STEWART. I think we should have the time extended so that we would be sure of having Washington in its most attractive condition, but it does not make very much difference if a day of the week is adopted and the month should commence on Wednesday. That would put it over not later than the 8th, and it would put it on the second Thursday if the month should commence on Thursday; that is, the inauguration would be about the 8th, and that would be a good season.

I think we want to get away from the 1st of May, when we are apt to have storms, and the city is not always in its best condition. I do not want to have my amendment destroyed on the contest between the day of the week and the day of the month. If the day of the week is to be selected, I would say the second Thursday of May; if the day of the month is to be selected, I would say the 10th day of May.

Mr. HOAR (to Mr. STEWART). Try the day of the week first.

Mr. STEWART. I move, then, if it be in order, that the time be changed to the second Thursday of May.

Mr. PERKINS. I should like to ask the Senator from Nevada what assurance he can give us as to the state of the weather at that time and what it has been in the past century on that day?

Mr. STEWART. I am one of the oldest men now living, and my experience has been that there is good weather at that time.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Chair will state that the Senate has already passed upon the question and adopted a day in the amendment, but the amendment of the Senator from Nevada does not conflict with the amendment as already adopted by the Senate, and therefore it is in order at this time. The Secretary will state the amendment.

The SECRETARY. It is proposed to amend the amendment in line 15, after the words "until the," by striking out "last Thursday of April" and inserting "second Thursday of May;" and in line 17, by striking out "last Thursday of April" and inserting "second Thursday of May."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nevada to the amendment.

Mr. ALLEN. Mr. President, I was in favor of this proposed amendment to the Constitution in the Committee on Privileges and Elections for two reasons only, and there were but two reasons offered and can be but two reasons offered for it. The first is to rid ourselves of the inclement season of the year. Our inaugurations, as we know, usually come at a very inclement season. I think the inauguration of Mr. Cleveland, which I witnessed, was the most disagreeable day I ever experienced in this city.

The second and possibly the controlling thought was that what we call the short session of Congress should be lengthened by about thirty days. No other substantial reasons can be offered for this proposed change of the Constitution, and I certainly think no reason can be offered in support of the proposed amendment of the Senator from Nevada [Mr. STEWART].

I enjoy a little of the sentiment expressed by the Senator from California [Mr. PERKINS]. I am loath to change from the 4th of March to any other date. I would only be induced to do so because I thought it would be more convenient to the people who desire to attend the inaugural ceremonies and more convenient for those who are required to attend, and because I believe what we term the short session should be lengthened somewhat. But if we are to change to an indefinite date or to place the beginning of the term of the President on the 10th of May, or at some remote date, I should be in favor of voting down the entire proposition.

Mr. President, we must consult the wishes of the people somewhat in this matter. The American people can neither be fooled by sentiment nor by sophistry. They will know of this change. This proposition must go to the different legislatures and meet the approval of two-thirds of them; and when you tell the legislature of a State that the change is made by reason of the desire to avoid the inclement weather and to lengthen the short session of Congress so that the public business may be transacted, they will understand that, and agree to it no doubt, if the change does not lengthen the term more than a month; but when you go beyond that, and go into May or June or some other month, and revolutionize the whole system, you will find the sentiment to which the Senator from California refers coming up and it will defeat the amendment and the very purpose of the amendment.

So far as I am concerned, Mr. President, I would be perfectly willing that the date of inauguration should remain the 4th of March for all time so long as the Government stands; but I can understand there is some propriety in making the change and having the day of inauguration fall a month later, say the 4th of April—and the weather changes very materially between the 4th of March and the 4th of April in this latitude. I realize also the necessity of having four months instead of confining ourselves to three months at the short session of Congress; but if we are to uproot the whole system and throw aside all the traditions and memories of the Government, if we are to sacrifice them to mere caprice, I am opposed to it, and I am satisfied the great body of the American people would be opposed to it.

Naturally the question will arise when this proposition is submitted to the legislatures, Why the necessity for this change? All through our constitutional history we have taken the 4th of March as the day of inauguration. Why do you want to change that date to another date? There is a sacredness attached to the 4th day of March that we can not deny. We may say that it is purely sentimental, and it may be, and it is commendable that the American people are sentimental once in a while. If you say to them we make this change that we may reach a period where there is better weather, where the people from all over this country can come here without being inconvenienced, their good sense will recognize that and recognize the necessity of it. If you say to them in addition to that that this country is growing so great that it takes more than three months at the second session of Congress to transact the public business properly, they will understand that, and they will accept an amendment making it the 4th of April instead of the 4th of March.

But, Mr. President, if you go beyond that, I am satisfied the people will rise and denounce the proposed amendment, and it will be defeated by the legislatures and we will not accomplish what we desire to accomplish by it. I agree entirely with what a Senator said to me a moment ago, that we have ample time to legislate if we only would; but the difficulty is that when we come here, instead of starting at our work as though we intended to accomplish it, we begin skirmishing for position in party politics. Every needed law, every appropriation bill, everything necessary to be done by the Congress of the United States for the benefit of the people of this country can be done in five months for the whole two years if we would sit down here and go to work.

The Senator from Maine [Mr. HALE] suggests to me that we practically do nothing in December. We come here on the first Monday in December, as the Constitution requires; we organize; we discuss a little politics, introduce a few resolutions and a few

bills; rarely have any committee meetings; rarely go to work; and instead of paying attention to the public business, as we ought to do, we are beginning to think about adjourning and going home for Christmas and New Years, and some of us have to travel halfway across the continent.

It is the most delightful thing in the world for a man to be with his family at Christmas time and on New Years, but we ought not to do that at the sacrifice of a trust reposed in us. When we come here under our oath under the Constitution to legislate for the people of this country, although it may be inconvenient for us, let us discharge our duty as speedily and as well as possible and adjourn and go home. Here is a Congress which began on the first Monday of last December, and we are now going well into the sixth month since this session of Congress began, the first regular session of the Fifty-fifth Congress. What have we done? Who can point to a measure of any importance that has been passed by this Congress that could not have been passed within two days if we had undertaken to do it? Can any man point to any great national measure outside of the measures which have come up within the last few weeks in connection with the war? Not one. We have simply wasted our time. We have wasted the time of the people; and when I speak of that, I mean what I say. We have wasted the time of the people and our own time to no advantage to either.

I do not wonder sometimes that people become disgusted with Congress and everything and everybody connected with it. Of all the organizations on this continent that is proverbially a destroyer of valuable time the Congress of the United States stands first. Suppose, Mr. President, any private individual or private corporation should undertake to conduct his or its business as the Congress of the United States conducts the business of the United States; what would be the result? Absolute bankruptcy in less than twenty-four months. And yet we come here and we talk Republicanism and we talk Populism and we talk Democracy, undertaking to fortify our parties before the people, while we neglect the people's business and increase their taxation.

We are to have shortly, I suppose, additional burdens for the people to bear, and I would at that time like to hear the sentiments of the distinguished Senator from California. I shall listen for them. We are to have, if Senatorial rumor is to be believed, a proposition before us pretty soon to increase the burdens of the people. To the one thousand millions of interest-bearing obligations that have come down to us as an inheritance from the late civil strife we are to have six hundred millions more—a perpetual national debt to rest as a burden upon the people of this country.

Mr. President, I do hope it may not come. I have no hesitancy in announcing in advance the position I shall take upon that proposition if it reaches us, as I think it will. I would hold myself as an enemy of my country, of the generations of American children to come, if I ever cast my vote for a proposition of that kind when there is a possibility of raising ready money to meet the expenses of the war and of the Government outside of it.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Nevada to the amendment.

Mr. STEWART. I ask leave to modify it. After consultation with several Senators I suggest the first Thursday in May.

Mr. ALLEN. Mr. President, would an amendment in the nature of a substitute for the motion of the Senator from Nevada be in order? I move as a substitute for the amendment of the Senator from Nevada the 4th day of May.

The PRESIDING OFFICER. The Chair will state that the amendment submitted by the Senator from Nebraska is not in order as in Committee of the Whole, the Senate, as in Committee of the Whole, having already adopted the amendment inserting the word "Thursday."

Mr. ALLEN. I was not aware of that.

The PRESIDING OFFICER. The amendment of the Senator from Nevada will be stated.

The SECRETARY. In line 15, after the word "the," where it occurs the second time, strike out "last Thursday of April" and insert "first Thursday of May;" and in line 17 strike out "last Thursday of April" and insert "first Thursday of May."

Mr. BACON. Do I understand the Chair to rule that it is in order to offer an amendment such as that just read, and that it is not in order to offer an amendment fixing a day of the month instead of a day of the week?

The PRESIDING OFFICER. The Chair ruled that the amendment was not in order, because as in Committee of the Whole the word "Thursday" was inserted, and it can not be changed unless it is reconsidered. But in the Senate such an amendment will be in order.

Mr. BACON. I do not desire the Chair to understand me as taking issue, but I did not understand the ruling of the Chair, and I desired to hear it.

Mr. HOAR. This is a very important matter, of course, and no Senator, however much he favors the amendment, would desire to have it adopted without a full understanding by every Senator and without opportunity for every Senator to improve it, if he thinks he can. I hope there will be unanimous consent that the amendment proposed by the Senator from Georgia shall be deemed in order. I ask that.

Mr. BACON. I did not offer the amendment. It was offered by the Senator from Nebraska.

Mr. HOAR. Very well; then let it apply to the Senator from Nebraska.

Mr. ALLEN. If I can have unanimous consent, I move to insert the 4th day of May, making it two months later than the present time.

The PRESIDING OFFICER. Does the Senator from Nevada withdraw his amendment?

Mr. STEWART. I will accept the amendment proposed by the Senator from Nebraska, and let it be voted upon.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the word "the" where it occurs the second time in line 15 strike out "last Thursday of April" and insert "4th day of May;" and, in line 17, strike out "last Thursday of April" and insert "4th day of May."

The PRESIDING OFFICER. The Chair understands that by unanimous consent the adoption of the word "Thursday" in the amendment has been reconsidered by the Senate.

Mr. CHANDLER. I want to say that I should not have asked for a vote on the amendment if I did not expect it to be open to further amendment by other Senators.

Mr. BUTLER. There has been a great deal said about sentiment in connection with certain days, especially the 4th day of March. If we change it, why not make it the 30th of April, a day around which there is a good deal of sentiment? There is not much difference as to weather between the 30th of April and the 4th of May. Washington was inaugurated on the 30th of April, and I suggest to the Senator from Nevada that while we are changing from one day to another, why not change it back to the day Washington was inaugurated on—April 30?

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska to the amendment.

The amendment to the amendment was agreed to.

Mr. BACON. I offer an amendment which I ask to have adopted. I will send it to the desk to be read, and then I wish to say a word in reference to it. It is to be inserted at the close of the joint resolution.

The SECRETARY. At the end of the joint resolution it is proposed to add:

But the compensation of the President, Vice-President, Senators, and Representatives during the Fifty-sixth Congress shall not be greater than if the official term expired on the 4th of March next preceding.

Mr. STEWART. I hope that will be adopted.

Mr. BACON. I think that is proper. While we exercise a proper judgment in the public interest, I do not think we ought to legislate in a way to add to the amount of compensation fixed to the term at the time of our election. When we were elected we were elected, speaking of this particular body, the Senate, for six years, with a fixed compensation for each year. And while for a particular reason in the public interest we extend the term, I do not think we ought to add to the amount of compensation to which our election originally entitled us. Therefore I am in hopes that the amendment will be adopted.

Mr. STEWART. I hope it will be agreed to unanimously.

Mr. HOAR. It seems to me it puts it on rather a smaller or lower plane. I do not understand that we were chosen on any such bargain. I understand that the compensation of the Senators and Representatives is to be fixed by Congress in its own sense of what is right and wrong whenever Congress reaches that subject. It is fixed by statute. We can fix it by statute hereafter.

Mr. BACON. I understand that. There is no doubt, if the Senator will permit me, of our power to say that we shall receive increased compensation if we desire to do so, but that power has been exercised once in the past——

Mr. HOAR. I am not speaking of the power alone. I am speaking of the policy, the public purpose of the framers of the Constitution. The term of very few Senators will be extended.

Mr. BACON. I am one of those whose term would be extended, and I decline to be put in the position of voting myself compensation not originally anticipated.

Mr. HOAR. The Senate is merely making a suggestion. Three-fourths of the legislatures are to determine what the policy will be on that subject, and if the Senator gives, by the desire of the people, six weeks more service to the country, I do not think there will be a very great expression of indignation if he receives the corresponding salary. But that can be fixed by statute. The other salary does not commence. There is going to be an interregnum.

Mr. GALLINGER. The Government will lose nothing.

Mr. HOAR. The Government will lose nothing. This is a very unimportant matter, but I for one certainly shall vote "no" on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia to the amendment.

The amendment to the amendment was rejected.

Mr. CLAY. Mr. President, I raise the point that if you are going to propose a change of the Constitution it requires two-thirds of the vote of the Senate. The yeas and nays must be called and the Journal must show that two-thirds of the entire Senate voted in favor of it. I saw an amendment pass here the other day when there were not fifteen Senators present, and I take the position that in order to change the Constitution it is essential to call the yeas and nays and let the Journal show on its face that two-thirds of the entire Senate voted in favor of changing the Constitution.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Georgia that we have not reached that point yet in the progress of the bill. It is within the power of one-fifth of the Senate always to have a call of the yeas and nays.

Mr. CHANDLER. I was about to make the suggestion that the recital as to proposed constitutional amendments on the face of the joint resolution, "two-thirds of each House concurring therein," has been held to make it unnecessary to have a call of the roll. But it is always within the power of Senators to call for the yeas and nays, and to put the fact beyond question. The Senator from Georgia of course can do that if he thinks best.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading.

Mr. PASCO. I ask to have the joint resolution read in full.

The joint resolution was read the third time at length, as follows:

That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, as part of the Constitution, namely:

The term of office of the President and Vice-President and of the Fifty-sixth Congress shall continue until the 4th day of May, in the year 1901, at noon; and the 4th day of May, at noon, shall thereafter be substituted for the 4th of March as the commencement and termination of the official term of the President, Vice-President, Senators, and Representatives in Congress.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

Mr. CLAY. I take the position that it is the duty of the Presiding Officer to order a roll call under our Constitution, that it may appear on the Journal that two-thirds of the entire Senate voted in favor of proposing an amendment to the Constitution. Otherwise fifteen Senators may stand here and propose a change of our Constitution.

Mr. GALLINGER. Will the Senator read the provision?

Mr. CLAY. I was going to read it.

Mr. GALLINGER. I refer to the one which says two-thirds of the entire Senate.

Mr. CLAY. It is as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof.

It provides that "whenever two-thirds of both Houses shall deem it necessary."

Mr. GALLINGER. I ask the Senator if he does not think it means two-thirds of a quorum. We speak of a majority of the Senate. We do not speak of a majority of the entire number. If he stops to reflect, will he not reach the conclusion that it is two-thirds of a quorum?

Mr. CLAY. It does not provide that the yeas and nays shall be called; but I insist that when you propose to amend the Constitution and it says "whenever two-thirds of both Houses shall deem it necessary," it means two-thirds of the Senate and two-thirds of the House, and that the CONGRESSIONAL RECORD should show that two-thirds of both Houses voted in favor of proposing the amendment.

Mr. HOAR. I desire leave to say that I think the point which the Senator makes has been settled otherwise by the uniform practice of the Senate. The Constitution in this case says when two-thirds of both Houses shall think it necessary. It provides in the case of treaties that two-thirds of those present shall favor the treaty. But the mode of determining whether two-thirds vote or not is not prescribed, and it has been the invariable custom, certainly as to treaties, that the Chair announces as a fact, and it is so entered on the Journal, that two-thirds concur. As to the mode of its being shown on the Journal, of course the principle is the same whether we are dealing with a treaty or with a constitutional amendment or the expulsion of a Senator; that is, if the Chair declares and the Journal declares that the necessary two-thirds have voted, it is not necessary to have the individual votes recorded. Of course, there is the difference that the Chair, in the case of a treaty, only needs to declare that two-thirds of those present voted, and in the case of a constitutional amendment he must declare that two-thirds of the Senate voted. Whatever the difference in meaning may be, that is the difference in the constitutional phrase.

But it is very easy to remove the difficulty of the Senator from Georgia in this particular case by asking for the yeas and nays, which some Senator will very likely do.

Mr. MONEY. Will the honorable Senator from Massachusetts permit me to ask him a question? The requirement is that three-fourths of the States shall give their assent. Does the Senator hold that it must be three-fourths of all the States, or three-fourths of those which act upon it?

Mr. HOAR. I suppose three-fourths of the States. I have not looked to see about it, but the President always makes a proclamation.

Mr. BERRY. I should like to ask the Senator from Massachusetts a question. Do I understand the Senator from Massachusetts to state that it takes two-thirds of all the members elected to the Senate, or only two-thirds of a quorum? Does it require two-thirds of all elected to propose a constitutional amendment, or only two-thirds of a quorum?

Mr. HOAR. I suppose if a quorum be present and two-thirds of the quorum vote for the proposition it is lawfully submitted to the States.

Mr. BERRY. That was my own view of it, but a very fine lawyer near me had a different view. That is the reason why I asked the question.

Mr. CLAY. To avoid any further trouble about the matter—I think I am right—I will call for the yeas and nays.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass? on which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAFFERY (when his name was called). I am paired with the Senator from Michigan [Mr. BURROWS]. I am not advised as to how he would vote on this question.

Mr. GEAR. I suggest to the Senator to transfer his pair to the Senator from New Jersey [Mr. SMITH].

Mr. CAFFERY. Taking the suggestion of the Senator from Iowa, I transfer my pair with the Senator from Michigan [Mr. BURROWS] to the Senator from New Jersey [Mr. SMITH], and will vote. I vote "yea."

Mr. CULLOM (when his name was called). I suggest to the Senator from Florida [Mr. MALLORY] to allow the Senator from Delaware [Mr. GRAY] to be paired with the Senator from Vermont [Mr. PROCTOR], and we will both vote, if that is agreeable to him.

Mr. MALLORY. It is.

Mr. CULLOM. I vote "yea."

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. DEBOE (when his name was called). I am paired with the junior Senator from Tennessee [Mr. TURLEY].

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS]. I will take the liberty to transfer my pair to the Senator from Rhode Island [Mr. ALDRICH], and will vote. I vote "yea."

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], and therefore withhold my vote.

Mr. HANNA (when his name was called). I am paired with the junior Senator from Utah [Mr. RAWLINS]. If he were present, I should vote "yea."

Mr. MALLORY (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. PROCTOR], which has been transferred to the Senator from Delaware [Mr. GRAY], and I will vote. I vote "yea."

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Montana [Mr. MANTLE]. In his absence I withhold my vote. I should vote "nay" if he were present.

Mr. PRITCHARD (when his name was called). I am paired with the junior Senator from South Carolina [Mr. MCLAURIN]. If he were present, I should vote "yea."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. Not knowing how he would vote, I withhold my vote. If he were present, I should vote "yea."

Mr. SHOUP (when his name was called). I have a general pair with the senior Senator from California [Mr. WHITE]. He being absent, I withhold my vote.

Mr. TURLEY (when Mr. TURPIE's name was called). The senior Senator from Indiana [Mr. TURPIE] was called out of the Chamber. He requested me to state that he is paired with the senior Senator from Vermont [Mr. MORRILL].

The roll call was concluded.

Mr. GEAR. I am paired with the Senator from New Jersey [Mr. SMITH]. By agreement with the Senator from Georgia [Mr. BACON], I transfer my pair to the Senator from Rhode Island [Mr. WETMORE], who will stand paired with the Senator from New Jersey [Mr. SMITH], and I will vote. I vote "yea."

Mr. BACON (after having voted in the negative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], but under the agreement as stated by the junior Senator from Iowa [Mr. GEAR] I will permit my vote to stand.

Mr. GALLINGER (after having voted in the affirmative). Having taken the liberty to pair the Senator from Texas [Mr. MILLS] with the Senator from Rhode Island [Mr. ALDRICH], and the Senator from Rhode Island since then having voted, I desire to withdraw my vote and to stand paired with the Senator from Texas.

The result was announced—yeas 39, nays 10; as follows:

YEAS—39.

Aldrich,	Fairbanks,	Lodge,	Spooner,
Allen,	Faulkner,	McBride,	Stewart,
Allison,	Foraker,	McEnery,	Teller,
Burrows,	Frye,	McMillan,	Thurston,
Caffery,	Gear,	Mallory,	Tillman,
Carter,	Gorman,	Murphy,	Turley,
Chandler,	Hawley,	Nelson,	Turner,
Cockrell,	Hoar,	Pasco,	Vest,
Cullom,	Kenney,	Platt, Conn.	Wilson.
Elkins,	Kyle,	Sewell,	

NAYS—10.

Bacon,	Clay,	Money,	Wellington.
Berry,	Harris,	Perkins,	
Butler,	Lindsay,	Pettus,	

NOT VOTING—39.

Baker,	Hale,	Mills,	Rawlins,
Bate,	Hanna,	Mitchell,	Roach,
Cannon,	Hansbrough,	Morgan,	Shoup,
Chilton,	Heitfeld,	Morrill,	Smith,
Clark,	Jones, Ark.	Penrose,	Turpie,
Daniel,	Jones, Nev.	Pettigrew,	Warren,
Davis,	McLaurin,	Platt, N. Y.	Wetmore,
Deboe,	Mantle,	Pritchard,	White,
Gallinger,	Martin,	Proctor,	Wolcott.
Gray,	Mason,	Quay,	

So the joint resolution was passed (two-thirds of the Senators present voting in the affirmative).

ORDER OF BUSINESS.

Mr. HAWLEY. I have a bill here of a good deal of importance to the Surgeon-General's Department. It is only ten lines long, and I can not imagine any objection to it. I ask unanimous consent to consider it now.

The VICE-PRESIDENT. Is unanimous consent given for the consideration of the bill referred to by the Senator from Connecticut?

Mr. GORMAN. Let the bill be read for information.

Mr. HAWLEY. It is Senate bill 4546.

Mr. KYLE. Will the Senator from Connecticut yield to me one moment?

Mr. HAWLEY. I wish the Senator would not ask me to yield.

Mr. KYLE. Just one moment.

Mr. HAWLEY. Very well.

ARBITRATION BETWEEN RAILROAD COMPANIES AND EMPLOYEES.

Mr. KYLE. For the past two days I have endeavored to get unanimous consent—in fact, I had already gotten it—for the consideration of Senate bill 3663. In deference to the wishes of the Senator from Nebraska [Mr. ALLEN], who wishes to propose certain amendments, I should like to have it go over until to-morrow at 2 o'clock. Therefore I ask the unanimous consent of the Senate that we agree to consider the bill at that time.

Mr. GORMAN. What bill is it?

Mr. KYLE. It is a bill concerning carriers engaged in interstate commerce and their employees—a voluntary arbitration bill.

The VICE-PRESIDENT. What hour does the Senator suggest?

Mr. KYLE. Two o'clock to-morrow.

Mr. SEWELL. Mr. President, I ask for information of the Senator whether any hearing by Congress was given of this bill and what consideration it had before a committee?

Mr. KYLE. I will state that it had consideration for two successive weeks, and hearings were had several different times.

Mr. SEWELL. In the Senate committee?

Mr. KYLE. In the Senate committee. I will state that the measure I propose to bring before the Senate is the House bill introduced by the Representative from Ohio, Mr. GROSVENOR, and which passed that body upon last Thursday.

Mr. SEWELL. I want the Senate to know, or I want for my own information to know, whether anyone was ever heard except one side of this question? Was anybody heard except labor organizers? Were the people most nearly affected by it, the people whose business is to be tied up by it, given notice, or were they ever heard?

Mr. KYLE. I will state to the Senator from New Jersey that opportunity was given during several successive weeks for any parties to appear before the committee and make objection or to advocate the interests of the bill, and as far as I know not even one objection was lodged by any railroad company of the United States.

Mr. SEWELL. I do not believe the railroad companies, with all due respect to what the Senator says, unless he will say that he gave notice in writing, over heard of the measure until within the last few days.

Mr. KYLE. I will state that several Senators who were interested in railroad matters have spoken of the bill to me and to other members of the committee and expressed themselves as very well satisfied, inasmuch as it is merely a voluntary measure.

Mr. SEWELL. As I read the bill just now, it is arranged for one side entirely. Practically, the railroad companies will have nothing to say in the matter. I consider it a measure that ought not to pass without full consideration. I think it ought to be recommitted, so that the people who are more nearly interested in it may be heard.

Mr. KYLE. The Senator of course is privileged to offer amendments to the bill when it is before the body if he chooses, and I presume that a number of amendments will be offered. A number have been proposed to me already, and they have been submitted to the railway men of the United States and all of them have been agreed to. The friends of the measure are very liberal in their regard for the wishes of all, and I am sure that any proper amendment will be acceded to upon the part of the Senate.

Mr. SEWELL. As I read the bill, and I have just cursorily glanced over it, it is practically a labor-organization bill. It is not so much a bill in the interest of the labor of the individual as it is in the interest of the organization. It absolutely places the organization away ahead of the laborer and in control of the railroads. It is confined to railway transportation. Why, in getting up a bill of this kind, did you not take in the great bodies where strikes occur, such as mines and manufactures? Why confine it to where there are less strikes, less labor agitation, less trouble, and better pay than on the part of any other bodies of men in the country?

Mr. KYLE. I understand that the labor organizations are most concerned in the proposition.

Mr. SPOONER. Will the Senator from New Jersey permit me a moment?

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Wisconsin?

Mr. KYLE. Certainly.

Mr. SPOONER. The Senator from New Jersey certainly made a very cursory and hasty examination of the bill. It is a bill, of course, which is confined to carriers engaged in interstate commerce, and it is necessarily so confined because that is the extent of the Federal jurisdiction. It is purely a voluntary arbitration bill. When the Senator suggests that it is confined only to arbitration between carriers and labor organizations he is quite mistaken. If he will read the bill with more care he will find that it contains a section which provides for an arbitration agreement entered into by the carriers with individual employees. I think, if the Senator will examine the bill with care, while he may find some features in it which need amendment, he will come to the conclusion that on the whole it is a fair bill to the railway companies and a fair bill to railway employees. I hope the bill may be made a special order. It can be debated thoroughly, and the Senate will be in a better position, if it shall seem necessary, to recommit it after it has been somewhat examined than it is at present.

Mr. SEWELL. I am very glad to learn so much from the Senator from Wisconsin. As I said, I only read the bill for the first time; but it presents itself to my mind just in that way, that it is a labor-organization bill, not a bill in the interest of labor, because it does not allow the laborer to have anything to say except through the organization. I may employ a man and pay him good wages, and he can not do anything. He has to go and get a blacksmith from Kentucky who is at the head of the organization, or some one else, to come here and deal with me. That feature never ought to be contained in the bill. A man ought to deal with his own employees.

Mr. SPOONER. If the Senator will allow me, he is mistaken absolutely. The bill applies to arbitrations between carriers and labor organizations and also between carriers and individual employees. If the Senator will permit me further to make a suggestion, it is not so much a question whether it is a labor-organization bill as it is a question whether the bill is right or not. That can all be developed upon a debate, and I think it will not require a very long debate.

Mr. SEWELL. There is nothing in the eloquence, good sense, and judgment of the Senator from Wisconsin that could ever make me believe that anything is right which interferes between me as an employer and the man who is employed by me, if I have to go to a great distance to deal with somebody for an employee who is in my own shop.

Mr. SPOONER. That is a matter to be debated.

The VICE-PRESIDENT. The Senator from South Dakota makes a request for unanimous consent.

Mr. ALLEN. Mr. President, just one word, if I can have the attention of the Senate a moment. I objected this afternoon to the taking up of this bill. I had read it over twice somewhat critically, but not as fully as I desired to read it over to-night. It struck me, and does yet, that it is the most artful and cunning composition of words against the laboring man and in favor of the transportation company that I have ever witnessed or read. For that reason I objected to it that I might have the advantage of this evening to prepare amendments to it.

The VICE-PRESIDENT. Is unanimous consent given that Senate bill 3662 may be made the special order for to-morrow afternoon at 2 o'clock?

Mr. CARTER. I suggest to the Senator from South Dakota to so modify his request that the unfinished business may at that time be informally laid aside, as it is not desired that this bill shall displace the unfinished business.

Mr. SPOONER. A special order does not displace the unfinished business.

Mr. KYLE. Of course we understand that the unfinished business takes precedence.

The VICE-PRESIDENT. It is made a special order, subject, of course, to the unfinished business.

Mr. SEWELL. I object to the consideration of the bill unless there shall be plenty of time given to offer amendments. It is a peculiar bill and a very hard one to amend.

Mr. HOAR. May I be allowed to make one suggestion to the Senator? The adoption of a special order under our practice is very little more than a notice that the party desires to call up the bill at that time. It does not lay aside the unfinished business, and it may itself be laid aside by a mere vote. If the Senate wants to do something else at that time, somebody can move to lay it aside. If we do not make it a special order, and the Senate wants to attend to this business at that time, somebody can move to take it up. It is a matter of the very slightest importance, except giving notice and having the notice printed on the Calendar that the Senator in charge wants to take it up then. So I hope there will be no trouble about it.

The VICE-PRESIDENT. Is unanimous consent given? The Chair hears no objection. The bill is made the special order for to-morrow afternoon at 2 o'clock.

HOSPITAL STEWARDS.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (S. 4536) to suspend certain provisions of law relating to hospital stewards in the United States Army, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to suspend during the existing war all provisions of law limiting the number of hospital stewards in service at any one time to 100, and requiring that a person to be appointed a hospital steward shall first demonstrate his fitness therefor by actual service of not less than twelve months as acting hospital steward, and that limit the amount to be expended for the pay of civil employees in the Medical Department of the Army in one year to $40,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENLISTMENT OF CUBANS IN THE ARMY.

Mr. HAWLEY. There is a Senate bill which comes over from the House amended and now lies upon the table. I ask that it be taken up, as I desire to make a motion in reference to it.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4518) to provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the insurgent forces, and for other purposes.

Mr. HAWLEY. I move that the Senate disagree to the amendments of the House of Representatives and ask for a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. CARTER, and Mr. COCKRELL were appointed.

EXECUTIVE SESSION.

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 11, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 10, 1898.

ASSISTANT SECRETARY OF THE NAVY.

Charles H. Allen, of Massachusetts, to be Assistant Secretary of the Navy, vice Theodore Roosevelt, resigned.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Asst. Engineer James H. Chalker, of New Jersey, to be chief engineer in the Revenue-Cutter Service of the United States, in place of Frank B. Randall, deceased.

REGISTER OF THE LAND OFFICE.

James Whitehead, of Lincoln, Nebr., to be register of the land office at Brokenbow, Nebr., vice Charles H. Adams, whose term will expire May 24, 1898.

POSTMASTERS.

Frank E. Jordan, to be postmaster at Jerome, in the county of Yavapai and Territory of Arizona, the appointment of a postmaster for the said office having, by law, become vested in the President from and after April 1, 1897. Mr. Jordan is now serving under a temporary commission issued during the recess of the Senate.

Halsey W. Allen, to be postmaster at Redlands, in the county of San Bernardino and State of California, in the place of Isaac N. Hoag, deceased.

John E. Reynolds, to be postmaster at Redding, in the county of Shasta and State of California, in the place of L. M. Dennis, whose commission expired January 12, 1898.

George G. Losey, to be postmaster at Lemont, in the county of Cook and State of Illinois, in the place of James Noonan, deceased.

Moses M. Beck, to be postmaster at Holton, in the county of Jackson and State of Kansas, in the place of T. A. Fairchild, whose commission expired April 18, 1898.

W. D. Greason, to be postmaster at Paola, in the county of Miami and State of Kansas, in the place of J. A. B. Bear, removed.

Joseph A. Schmitt, to be postmaster at Ellsworth, in the county of Ellsworth and State of Kansas, in the place of G. A. Collett, whose commission expired April 5, 1898.

Laura V. Colson, to be postmaster at Middlesboro, in the county of Bell and State of Kentucky, in the place of W. A. Cook, whose commission expired March 14, 1898.

William P. Ware, to be postmaster at Whitecastle, in Iberville Parish and State of Louisiana, the appointment of a postmaster for the said office having, by law, become vested in the President from and after January 1, 1898.

Addison P. Buck, to be postmaster at Foxcroft, in the county of Piscataquis and State of Maine, in the place of G. L. Arnold, whose commission expired April 11, 1898.

John P. Woodman, to be postmaster at Oldtown, in the county of Penobscot and State of Maine, in the place of M. M. Folsom, whose commission expired April 7, 1898.

John W. Fitzgerald, to be postmaster at Grand Ledge, in the county of Eaton and State of Michigan, in the place of Cassius Alexander, whose commission expired March 14, 1898.

E. C. Reid, to be postmaster at Allegan, in the county of Allegan and State of Michigan, in the place of J. C. Bracken, whose commission expired April 5, 1898.

Frank B. Watson, to be postmaster at Three Rivers, in the county of St. Joseph and State of Michigan, in the place of T. L. Arnold, whose commission expired April 18, 1898.

J. H. Williams, to be postmaster at Whitehall, in the county of Muskegon and State of Michigan, in the place of J. H. Chapman, whose commission expires May 28, 1898.

Mark Swedberg, to be postmaster at Luverne, in the county of Rock and State of Minnesota, in the place of Lee H. Way, whose commission expires June 23, 1898.

Stephen B. Lovejoy, to be postmaster at Minneapolis, in the county of Hennepin and State of Minnesota, in the place of F. G. Holbrook, whose commission expires June 20, 1898.

Mary C. Matthews, to be postmaster at Hazlehurst, in the county of Copiah and State of Mississippi, in the place of L. E. Harris, whose commission expired February 7, 1898.

Louis J. Piernas, to be postmaster at Bay St. Louis, in the county of Hancock and State of Mississippi, in the place of Joseph E. Saucier, whose commission expired May 5, 1898.

Loring W. Morgan, to be postmaster at Fullerton, in the county

of Nance and State of Nebraska, in the place of C. S. Parker, whose commission expired March 9, 1898.

P. F. Sprecher, to be postmaster at Norfolk, in the county of Madison and State of Nebraska, in the place of D. R. Daniel, whose commission expired March 19, 1898.

Samuel A. Stacy, to be postmaster at Ord, in the county of Valley and State of Nebraska, in the place of J. L. McDonough, whose commission expired March 19, 1898.

George H. Tice, to be postmaster at Perth Amboy, in the county of Middlesex and State of New Jersey, in the place of C. P. Convery, whose commission expires May 28, 1898.

George M. Brink, to be postmaster at Kingston, in the county of Ulster and State of New York, in the place of H. G. Crouch, whose commission expired April 5, 1898.

Frank Foggin, to be postmaster at Port Richmond, in the county of Richmond and State of New York, in the place of Horatio Judah, whose commission expired April 14, 1898.

Joseph A. Leggett, to be postmaster at Troy, in the county of Rensselaer and State of New York, in the place of M. F. Sheary, whose commission expires May 29, 1898.

John W. Morris, to be postmaster at Piqua, in the county of Miami and State of Ohio, in the place of J. W. Shipley, whose commission expired April 18, 1898.

John S. Buchanan, to be postmaster at Ambler, in the county of Montgomery and State of Pennsylvania, in the place of A. B. Stillwagon, whose commission expires May 28, 1898.

J. P. S. Fenstermacher, to be postmaster at Kutztown, in the county of Berks and State of Pennsylvania, in the place of W. R. Sander, whose commission expired May 3, 1898.

John W. Arthur, to be postmaster at Webster, in the county of Day and State of South Dakota, in the place of R. W. Parliman, whose commission expired May 4, 1898.

Julius Henry, to be postmaster at Corpus Christi, in the county of Nueces and State of Texas, in the place of J. T. Rankin, whose commission expired May 9, 1898.

Ida L. Jones, to be postmaster at Navasota, in the county of Grimes and State of Texas, in the place of A. W. Kennard, whose commission expired March 14, 1898.

J. M. Kindred, to be postmaster at Amarillo, in the county of Potter and State of Texas, in the place of J. M. Portwood, resigned.

Richard O. Misener, to be postmaster at Hamilton, in the county of Hamilton and State of Texas, in the place of F. C. Williams, removed.

Henry F. Peery, to be postmaster at Kaufman, in the county of Kaufman and State of Texas, in the place of W. R. Ayers, whose commission expired October 20, 1897.

R. C. Spence, to be postmaster at Forney, in the county of Kaufman and State of Texas, in the place of F. M. Adams, removed.

George T. Childs, to be postmaster at St. Albans, in the county of Franklin and State of Vermont, in the place of Thomas Larner, whose commission expires May 22, 1898.

James P. Fitch, to be postmaster at Morgantown, in the county of Monongalia and State of West Virginia, in the place of Joseph J. Wharton, whose commission expires June 11, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant adjutants-general, with the rank of lieutenant-colonel.

Capt. John A. Johnston, Eighth United States Cavalry.
Capt. Francis Michler, Fifth United States Cavalry.
Capt. Joseph H. Dorst, Fourth United States Cavalry.
Capt. Wilber E. Wilder, Fourth United States Cavalry.
Capt. Cyrus S. Roberts, Seventeenth United States Infantry.
Capt. George R. Cecil, Thirteenth United States Infantry.
Capt. Edward J. McClernand, Second United States Cavalry.

To be inspectors-general, with the rank of lieutenant-colonel.

Maj. Joseph P. Sanger, Inspector-General United States Army.
Capt. Frank D. Baldwin, Fifth United States Infantry.
Capt. Edmund Rice, Fifth United States Infantry.
Capt. Marion P. Maus, First United States Infantry.
John Jacob Astor, of New York.
Charles A. Whittier, of New York.
Curtis Guild, jr., of Massachusetts.

To be chief quartermasters, with the rank of lieutenant-colonel.

Maj. Daniel D. Wheeler, quartermaster, United States Army.
Maj. Charles Bird, quartermaster, United States Army.
Maj. George E. Pond, quartermaster, United States Army.
Maj. James W. Pope, quartermaster, United States Army.
Maj. Francis B. Jones, quartermaster, United States Army.
Maj. Crosby P. Miller, quartermaster, United States Army.
Avery D. Andrews, of New York.

To be judge-advocates, with the rank of lieutenant-colonel.

Capt. Fayette W. Roe, Third United States Infantry.
Capt. Edgar I. Dudley, assistant quartermaster, United States Army.
Andrew C. Gray, of Delaware.
John A. Hull, of Iowa.
F. A. Hill, of Connecticut.
Charles L. Jewett, of Indiana.
Charles H. Ribble, of New York.

To be chief surgeons, with the rank of lieutenant-colonel.

Maj. Benjamin F. Pope, surgeon, United States Army.
Maj. Robert M. O'Reilly, surgeon, United States Army.
Maj. Alfred C. Girard, surgeon, United States Army.
Maj. John Van R. Hoff, surgeon, United States Army.
Maj. Louis M. Maus, surgeon, United States Army.
Nicholas Senn, of Illinois.
Rush Huidekoper, of Pennsylvania.

To be chief engineers, with the rank of lieutenant-colonel.

Maj. William R. Livermore, Corps of Engineers, United States Army.
Capt. William M. Black, Corps of Engineers, United States Army.
Capt. George McC. Derby, Corps of Engineers, United States Army.
Capt. James L. Lusk, Corps of Engineers, United States Army.
Capt. George W. Goethals, Corps of Engineers, United States Army.
Capt. John Biddle, Corps of Engineers, United States Army.
Capt. Hiram M. Chittenden, Corps of Engineers, United States Army.

To be chief commissaries of subsistence, with the rank of lieutenant-colonel.

Maj. Edward E. Dravo, commissary of subsistence, United States Army.
Maj. Tasker H. Bliss, commissary of subsistence, United States Army.
Capt. James N. Allison, commissary of subsistence, United States Army.
Capt. William H. Baldwin, commissary of subsistence, United States Army.
Capt. David L. Brainard, commissary of subsistence, United States Army.
Capt. Oliver E. Wood, Fifth United States Artillery.
Capt. Charles H. Grierson, Tenth United States Cavalry.

To be assistant adjutants-general, with the rank of captain.

Charles R. Miller, of Ohio.
William Astor Chanler, of New York.
Irskin Hewitt, of New York.
Walter L. Bouvé, of Massachusetts.
Fred. M. Alger, of Michigan.
James G. Blaine, of Maine.
W. B. Allison, jr., of Iowa.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 10, 1898.

ASSISTANT SECRETARY OF THE NAVY.

Charles H. Allen, of Massachusetts, to be Assistant Secretary of the Navy.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Assistant Engineer James H. Chalker, of New Jersey, to be a chief engineer.

APPOINTMENTS IN THE NAVY.

To be assistant paymasters.

Arthur F. Huntington, New York.
Harry H. Balthis, Colorado.
Charles Conard, New York.
William T. Gray, North Carolina.

RECEIVER OF PUBLIC MONEYS.

Alexander Meggett, of Eau Claire, Wis., to be receiver of public moneys at Eau Claire, Wis.

COLLECTOR OF CUSTOMS.

George M. Warren, of Maine, to be collector of customs for the district of Castine, in the State of Maine.

POSTMASTERS.

James H. Spencer, to be postmaster at Necedah, in the county of Juneau and State of Wisconsin.

Thomas S. Chittenden, to be postmaster at Ripon, in the county of Fond du Lac and State of Wisconsin.

C. E. Donovan, to be postmaster at Waterloo, in the county of Jefferson and State of Wisconsin.

Ernest J. Scott, to be postmaster at Goodland, in the county of Sherman and State of Kansas.

Arthur J. Palmer, to be postmaster at Eldorado, in the county of Butler and State of Kansas.

Frank M. Perkins, to be postmaster at Medford, in the county of Taylor and State of Wisconsin.

John M. Jarboe, to be postmaster at Oakland, in the county of Garrett and State of Maryland.

Garrett S. De Grange, to be postmaster at Frederick, in the county of Frederick and State of Maryland.

F. Clay Elkin, to be postmaster at Lexington, in the county of Fayette and State of Kentucky.

Atwell E. Ferguson, to be postmaster at Gibsonburg, in the county of Sandusky and State of Ohio.

C. G. Ducomb, to be postmaster at Ashland, in the county of Ashland and State of Ohio.

Burt Graves, to be postmaster at Middleport, in the county of Niagara and State of New York.

Charles J. Thompson, to be postmaster at Defiance, in the county of Defiance and State of Ohio.

W. W. Scott, to be postmaster at Canal Dover, in the county of Tuscarawas and State of Ohio.

W. H. Frater, to be postmaster at Upper Sandusky, in the county of Wyandot and State of Ohio.

I. A. Hill, to be postmaster at Harriman, in the county of Roane and State of Tennessee.

Delbert W. Wilmarth, to be postmaster at De Smet, in the county of Kingsbury and State of South Dakota.

Allen B. Croasman, to be postmaster at Portland, in the county of Multnomah and State of Oregon.

T. D. Bloys, to be postmaster at Honey Grove, in the county of Fannin and State of Texas.

Lucy L. Norris, to be postmaster at Eagle Lake, in the county of Colorado and State of Texas.

J. H. Neil, jr., to be postmaster at Shelbyville, in the county of Bedford and State of Tennessee.

William S. Strain, to be postmaster at Lancaster, in the county of Dallas and State of Texas.

Hal Singleton, to be postmaster at Jefferson, in the county of Marion and State of Texas.

Theodore Miller, to be postmaster at Rusk, in the county of Cherokee and State of Texas.

Joseph W. Howard, to be postmaster at Greeneville, in the county of Greene and State of Tennessee.

John P. Ackerly, to be postmaster at Lexington, in the county of Rockbridge and State of Virginia.

Thomas Hall, to be postmaster at Palestine, in the county of Anderson and State of Texas.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 10, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read.

Mr. HILBORN. Mr. Speaker, I desire to call up the conference report which was unfinished yesterday.

The SPEAKER. If the gentleman from California will suspend for a moment, the report of the Committee on Enrolled Bills will be presented.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles; when the Speaker signed the same:

H. Res. 260. Joint resolution tendering the thanks of Congress to Commodore George Dewey, United States Navy, and to the officers and men of the squadron under his command; and

H. R. 10251. An act fixing the number of rear-admirals in the United States Navy.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4476. An act granting a pension to Sarah M. Bennett—to the Committee on Invalid Pensions.

S. 3693. An act granting an increase of pension to Leah L. Price—to the Committee on Invalid Pensions.

S. 4491. An act granting an increase of pension to Susan D. Yates—to the Committee on Pensions.

NAVAL BATTALION IN DISTRICT OF COLUMBIA.

The SPEAKER. The gentleman from California calls up the matter pending at the time of the adjournment of the House yesterday, which was the motion to lay on the table a motion to reconsider the vote whereby the report of the conferees on the naval-battalion bill was passed.

The question was taken; and the motion of Mr. HILBORN to lay the motion on the table was agreed to.

EXTENSION OF THE METROPOLITAN RAILROAD.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of House bill 10222, to authorize the extension of the Metropolitan Railroad.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Metropolitan Railroad Company of the District of Columbia be, and it is hereby, authorized and required to extend, by double tracks, the lines of its underground railroad from its present terminus at the intersection of Eighteenth street and Columbia road east to Erie street, thence along Erie street to Seventeenth street NW., thence north along Seventeenth street to Park street.

SEC. 2. That the said company shall have the right to acquire and obtain the right of way over and through the land on which the aforesaid line and route is to be located and extended; and in the event that the said company shall not be able to come to an agreement with the owners of any land through which said line and route may be located, proceedings for the condemnation for the use of the company of so much land as may be required for the right of way (not exceeding 30 feet in width) may be instituted in the supreme court of the District of Columbia, under and in accordance with the provisions of sections 257 to 267, both inclusive, of the Revised Statutes of the United States relating to the District of Columbia; and in making their decision and in determining the value of the land to be condemned under the provisions of said act the jury shall take into consideration and make due allowance and deductions for and in respect of all benefits that the jury shall find said railroad may be to each owner of any lot or lots, a part of which is condemned, by enhancing the value of the remainder of said lot or lots: *Provided*, That in the event said Erie street or Seventeenth street shall be hereafter opened to the public along the right of way above mentioned, then the said company shall convey to the District of Columbia, free of cost, for the use of the public, the right of way over the said 30 feet, subject, however, to the right of said company to use and occupy the same for the operation and maintenance of its said railroad. The said Commissioners are authorized and empowered to locate the lines of the railroad of said company within the area so to be acquired as aforesaid.

SEC. 3. That the extensions herein provided for shall be completed and put in operation within one year from the date of the passage of this act.

Mr. CURTIS of Iowa. Mr. Speaker, I move to amend the bill in line 5 by adding, after the word "underground," the word "electric;" so as to read "underground electric railroad."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 5, after the word "underground," add the word "electric;" so that it will read "the line of its underground electric railroad."

The amendment was agreed to.

Mr. LIVINGSTON. I want to ask the gentleman in charge of the bill a question. The bill authorizes the jury to take into consideration the advanced or increased value of the property. Why not also authorize the jury to take into consideration the damage done to the property? Why not let that work both ways?

Mr. CURTIS of Iowa. It does.

Mr. LIVINGSTON. I did not hear it so read. Then there is one other question I want to ask. Is this condemnation price to be paid before they enter upon the land, or has the road the right to take possession of the property and let the owner take his chances for payment afterwards?

Mr. CURTIS of Iowa. Whatever the usual custom is in condemnation proceedings.

Mr. BABCOCK. The condemnation proceedings are, under the present statute in the District, the provisions of section 257 to 267, inclusive, under which all condemnation proceedings are instituted.

Mr. LIVINGSTON. Has the company the right to go on and take possession of the land at once?

Mr. RICHARDSON. Oh, no.

Mr. LIVINGSTON. I suggest that the bill be amended so that the jury may also consider the damage to the lot, or the house, for instance.

Mr. RICHARDSON. That is the law under which condemnation is made.

The SPEAKER. Will the House please be in order. The Chair does not know whether the dialogue is continuing or has been suspended.

Mr. CURTIS of Iowa. Mr. Speaker, I will simply state for the information of my friend, as well as other members on the floor of the House, that the matter to which he refers is amply provided for in the present law. Chapter 11, relating to highways, roads, and bridges, section 261, of the Revised Statutes, provides that—

In making their decision the jury shall take into consideration the benefit such road may be to each owner by enhancing the value of his land or otherwise, and shall give their verdict accordingly.

Now, the act of Congress awarding the charter of the Maryland and Washington Railway Company, approved March 2, 1895, 28 Statutes, 713, contains this provision:

That when the use of a part of any parcel or tract of land shall be condemned in such proceedings, the commissioners in assessing the damages therefor shall take into consideration the benefit of the purpose for which it is taken may be to the owner or owners of such tract or parcel by enhancing the value of the remainder of the same, and shall make their award accordingly.

That is according to the damage, taking into consideration the benefits which may accrue to the property through which the road passes.

Mr. RICHARDSON. In other words, this company is to be liable for damages, but in some cases the damages may be offset by the benefits.

Mr. CURTIS of Iowa. Yes; whatever benefits may accrue to the property holders are to be taken into consideration.

Mr. SIMPSON. If the benefits should be greater than the damages, may not the holder of the land actually owe the railroad company money?

Mr. CURTIS of Iowa. There would be no damages assessed in that case.

Mr. LIVINGSTON. The gentleman is satisfied that under this bill private property can not be taken until the damages have been assessed?

Mr. CURTIS of Iowa. Oh, yes; I do not think there is any doubt about that. I ask for a vote.

The question being taken, the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the last vote was laid on the table.

PROTECTION OF FISH IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. I ask for the present consideration of the amendments of the Senate to the bill (H. R. 6161) for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River in said District, and for other purposes.

The amendments of the Senate were read, as follows:

Page 2, line 5, strike out "or striped bass (otherwise known as rockfish)."
Page 2, line 6, strike out "fifteenth" and insert "first."
Page 2, line 10, strike out "which shall not include the taking of fish" and insert "nor catch nor kill any of the aforesaid species."
Page 2, line 11, after "lines" insert ", having a succession of hooks or devices."

Mr. BABCOCK. I move that the House concur in the amendments of the Senate.

The motion was agreed to.

Mr. BABCOCK. This concludes the business of the Committee on the District of Columbia.

GOVERNMENT BUILDING, OMAHA EXPOSITION.

Mr. MERCER. I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. Res. 214) authorizing the Secretary of the Treasury to rent lighting apparatus for Government building at Trans-Mississippi and International Exposition.

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Treasury be, and he is hereby, authorized to rent electric wiring and lamps for the lighting of the exterior of the building for the Government exhibit at the Trans-Mississippi and International Exposition at Omaha, Nebr., if, in his judgment, such course will be less expensive than to wire the building and furnish lamps therefor; the expense thereof to be paid from the unexpended balance of the appropriation for the construction of said building.

Mr. DOCKERY. As I understand, this joint resolution does not propose to increase the limit of expense.

Mr. MERCER. It does not. The passage of the joint resolution is asked for by the Treasury Department and will save about $2,000.

There being no objection, the House proceeded to the consideration of the joint resolution, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MERCER, a motion to reconsider the last vote was laid on the table.

REVISION OF PATENT LAWS, ETC.

Mr. HICKS. I ask unanimous consent for the immediate consideration of the bill (H. R. 9815) appointing commissioners to revise the statutes relating to patents, trade and other marks, and trade and commercial names.

The bill was read, as follows:

Be it enacted, etc., That the President, with the advice and consent of the Senate, shall appoint three commissioners, whose duty it shall be to revise and amend the laws of the United States concerning patents, trade and other marks, and trade or commercial names, which shall be in force at the time such commission shall make its final report, so far as the same relates to matters contained in or affected by the convention for the protection of industrial property concluded at Paris March 20, 1883, the agreements under said convention concluded at Madrid April 14, 1891, and the protocols adopted by the conference held under such convention at Brussels, 1897, and the treaties of the United States, and the laws of other nations relating to patents, trade and other marks, and trade or commercial names.

That they shall report to Congress as soon as possible.

That the report shall be so made as to indicate any proposed change in the substance of existing law, and shall be accompanied by notes which shall briefly and clearly state the reasons for any proposed change. It shall also be accompanied by references to such treaties and foreign laws relating to patents, trade and other marks, and trade or commercial names, as, in the opinion of the commissioners, may affect the citizens of the United States.

That the sum of $250, or so much thereof as may be necessary, be appropriated to pay the necessary expenses of the commissioners in making their report, which sum shall be immediately available.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. Is the expense of this commission not to exceed the sum of $250?

Mr. HICKS. Yes, sir.

Mr. DINGLEY. Can the work be done for that amount?

Mr. HICKS. The expense is not to exceed the sum named in the bill.

Mr. DINGLEY. Can commissioners do this work for that amount?

Mr. HICKS. Yes, sir. Our commissioners abroad have served without compensation, and I have agreed with the gentleman from Missouri [Mr. DOCKERY] that I will move an amendment to this bill to insert after the word "commissioners," in line 4, page 1, the words, "to serve without compensation." If the House will agree to consider the bill, I will move that amendment.

There being no objection, the House proceeded to consider the bill.

Mr. HICKS. I now move to amend by inserting after the word "commissioners," in line 4, page 1, the words, "to serve without compensation."

The amendment was agreed to.

Mr. LIVINGSTON. I believe the gentleman from Pennsylvania [Mr. HICKS] did not answer the question of the gentleman from Maine [Mr. DINGLEY], which was whether all expenses would be covered by $250. Is the gentleman willing to offer an amendment to add the words "and no more?"

Mr. HICKS. The expenses are to be covered entirely by the sum of $250, which is for typewriting and other writing that is to be done in connection with the work of this commission. The commission is to report to Congress a revision of the laws on this subject, so as to make our patent and trade-mark laws correspond with our treaties with foreign nations. That is the purpose of the commission.

Mr. LIVINGSTON. Why not add at the close of the bill after the words "which sum shall be immediately available" the words "and in full for all expenses?"

Mr. HICKS. I am willing that the gentleman from Georgia should offer that amendment. I will assent to it.

Mr. LIVINGSTON. I offer that amendment, to come in at the close of the last paragraph.

Mr. STEELE. As I understand, these commissioners do their work for nothing, and it certainly would be unjust to ask that they pay their own expenses for typewriting, etc. If this appropriation is not enough, why not give more?

Mr. HICKS. It is all that the commissioners ask and all that the gentlemen who are back of this movement desire.

Mr. LIVINGSTON. I withdraw the amendment.

Mr. DOCKERY. Mr. Speaker, I desire to avail myself of this opportunity to submit one single observation, by way of vindication of my own judgment, in reference to the question of revising our statutes.

I offered a bill in the last Congress providing for a general revision of the statutes of the United States. It will be remembered that there has been no general revision since the revision under the act of 1873 as amended, whereas the usual practice in the States of the Union is to revise their statutes every ten years. Believing that the United States statutes should have an immediate revision, I introduced the bill, which was favorably reported, but for reasons the Speaker is entirely familiar with that bill did not pass.

Subsequently an amendment was offered to the sundry civil bill in the Senate creating a commission to codify and revise the criminal and penal laws of the United States. That commission is now in full blast, and, with a corps of clerks, I suppose, is busily engaged in the work of accomplishing this revision.

Now comes another commission—and I agreed not to object to the consideration of this bill—to revise the patent laws of the United States.

I hope at some time, along the lines of these various revisions, we shall have one commission to revise all of the laws of the United States. In my judgment it is an important work, and one that should be accomplished without delay.

Mr. HICKS. Mr. Speaker, in order that there may be no misunderstanding in reference to the pending bill, this relates, I will state to the House, to a revision of the laws covering patents and trade-mark regulations which come within the scope of our agreement with foreign nations.

I ask a vote upon the bill.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HICKS, a motion to reconsider the last vote was laid on the table.

SALE OF PUBLIC LANDS.

Mr. LACEY. Mr. Speaker, I desire to call up a bill that is now on the Speaker's table, relating to the sale of public lands in Missouri.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 1586) to provide for the sale of public lands in the State of Missouri.

The bill was read at length.

The SPEAKER. The Clerk will report the Senate amendments to the House amendments to the bill.

The Clerk read as follows:

In House amendment No. 1 strike out all after the word "not" in line 11 down to and including the word "not" in line 15.

In line 1 change section 2 to section 1.

Change section 1 (of Senate bill) to section 2.

Amend the title of the bill to correspond with the amendments recommended.

Mr. LACEY. Mr. Speaker, this bill, if I may be permitted a few moments, was called up by unanimous consent a few days ago on motion of the gentleman from Missouri [Mr. BLAND]. In the House we added an additional section to the bill. The bill as originally proposed dealt only with the public lands in Missouri, but we have provided a new section making it a general bill, covering the same general subject with reference to all of the lands of the United States, a similar bill being now on the Union Calendar, and abolishing the distinction heretofore existing in the law between what are known as "offered" and "unoffered" lands all through the United States.

That bill was prepared by the present Commissioner of the General Land Office, Mr. Hermann, and was introduced here at his request in order to simplify land matters in the issuance of patents from his office.

Now, we asked the Senate for a conference on the House amendments; but the Senate accepted all of our amendments, with the addition of a few slight amendments of their own as to the verbiage of the second section, and transferring the sections, in order to make the general section first and the local, or Missouri section, the second one, which was conversely arranged by the House, as will be remembered.

If we agree to the Senate amendments, the action of the House and of Congress will be entirely in harmony with the proposition submitted by the Department.

Mr. BLAND. I think the bill is entirely satisfactory. I know it has been so stated by those gentlemen with whom I have conferred on the subject.

Mr. LACEY. Now, Mr. Speaker, I ask the previous question on the adoption of the amendments.

The previous question was ordered; under the operation of which the Senate amendments were concurred in.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

ELECTION OF SENATORS OF THE UNITED STATES.

Mr. CORLISS. Mr. Speaker, I ask unanimous consent that House joint resolution No. 5, which is on the House Calendar, be taken up to-morrow immediately after the reading of the Journal and considered until a vote thereon is reached, until, say, 4 o'clock, when a vote shall be taken.

Mr. LIVINGSTON. What is the resolution?

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. Res. 5) proposing an amendment to the Constitution, providing for the election of Senators of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendments be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution, namely: In lieu of the first and second paragraphs of section 3 of Article I of the Constitution of the United States of America, the following shall be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the States:

"SECTION 3. The Senate of the United States shall be composed of two Senators from each State, chosen for six years, and each Senator shall have one vote. These Senators shall be chosen by the legislatures of the several States unless the people of any State, either through their legislature or by the constitution of the State, shall provide for the election of United States Senators by direct vote of the people; then, in such case, United States Senators shall be elected in such State at large by direct vote of the people; a plurality shall elect, and the electors shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"When vacancies happen, by resignation or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the next general election, in accordance with the statutes or constitution of such State."

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

Mr. DOCKERY. Why not take this joint resolution up and pass it now?

Mr. CORLISS. Mr. Speaker, the reason why I do not ask for its consideration now is because a large number of members have expressed a desire to address the House upon this subject, and many of them are not present at this time.

Mr. LIVINGSTON. There are enough here to talk out this day.

Mr. CORLISS. This joint resolution provides for an amendment to the Constitution, relating to the election of Senators by direct vote of the people at the option of the State. While the measure in some form has been before the House heretofore, it has never been presented in this form, so as to leave it optional with each State to determine whether its Senators shall be elected by the direct vote of the people or not. It is a measure that a number of members are interested in, and so I make this request.

Mr. LIVINGSTON. I suggest to the gentleman that we take this matter up now and consume the day. You will find there are members enough here to talk out the rest of the day.

Mr. CORLISS. I should prefer to take it up to-morrow.

Mr. HENRY of Connecticut. I object to the consideration.

The SPEAKER. Objection is made.

LIFE-SAVING STATION, GLOUCESTER, MASS.

Mr. MOODY. Mr. Speaker, I call up from the Speaker's table the bill (S. 4142) to provide a life-saving station on the westerly side of the harbor of Gloucester, Mass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station on the westerly side of the harbor of Gloucester, Mass., at such point as the General Superintendent of the Life-Saving Service may recommend.

Mr. MOODY. Mr. Speaker, this bill has been unanimously reported by the House Committee on Interstate Commerce, and unless some gentleman desires an explanation, I ask for a vote.

Mr. DINGLEY. It is a general authorization, that is all?

Mr. MOODY. It is a general authorization. The bill carries no appropriation.

Mr. LIVINGSTON. What committee reported this bill?

Mr. MOODY. The Committee on Interstate and Foreign Commerce. I have the report in my hand. It is unanimous and very brief. The establishment of a life-saving station at the point named in this bill is strongly urged by the Superintendent of that Service. If the gentleman from Georgia [Mr. LIVINGSTON] cares to hear me, I could convince him in one moment that it is very urgently needed for the protection of the commerce of the country.

Mr. LIVINGSTON. Was not that matter before the Committee on Appropriations at one time?

Mr. MOODY. It has never been before the Committee on Appropriations while I have been a member of that committee, and I do not think it has ever been before the Committee on Appropriations at all. This is a place where, in one night, on the 1st of February, 1898, twenty-five vessels were wrecked, with a loss of thirty lives.

Mr. LIVINGSTON. For the want of a life-saving station?

Mr. MOODY. Just a life-saving station.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MOODY, a motion to reconsider the last vote was laid on the table.

On motion of Mr. MOODY, the corresponding House bill (H. R. 8881) was ordered to lie on the table.

Mr. SHAFROTH. Mr. Speaker——

Mr. STEELE. Mr. Speaker, as there does not seem to be any business, I move that the House do now adjourn.

Mr. CORLISS. I demand the regular order.

Mr. SHAFROTH. Mr. Speaker——

The SPEAKER. The gentleman from Indiana moves that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 50 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect of the Treasury Department recommending an appropriation for repairs and preservation of marine hospitals, quarantine stations, etc.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of the Navy submitting an estimate of deficiency in appropriation for "clothing and small stores fund"—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. FENTON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6924) for the relief of Alfred T. Moreland, reported the same without amendment, accompanied by a report (No. 1285); which said bill and report were referred to the Private Calendar

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Arizona: A bill (H. R. 10279) to relieve owners of mining claims who enlist in the military service of the United States for duty in the war with Spain from performing assessment work during such term of service—to the Committee on the Public Lands.

By Mr. CURTIS of Iowa: A bill (H. R. 10280) to require the Brightwood Railroad Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets—to the Committee on the District of Columbia.

By Mr. CRUMPACKER: A bill (H. R. 10281) authorizing the Light-House Board to provide a steam whistle at Michigan City, Ind.—to the Committee on Interstate and Foreign Commerce.

By Mr. OSBORNE: A memorial of the legislature of Wyoming, relative to the promotion of irrigation—to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOUTELLE of Maine: A bill (H. R. 10282) to remove the charge of desertion against the name of Charles W. Rollins—to the Committee on Military Affairs.

By Mr. BROWN: A bill (H. R. 10283) granting a pension to Harriett A. Wilson, widow of Col. Lewis Wilson—to the Committee on Invalid Pensions.

By Mr. CLARKE of New Hampshire: A bill (H. R. 10284) for the relief of the estate of John Ericsson—to the Committee on Claims.

By Mr. McDONALD (by request): A bill (H. R. 10285) granting an increase of pension to Mazie V. Sullivan—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 10286) granting an increase of pension to Edgar H. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10287) granting an increase of pension to William W. Webber—to the Committee on Invalid Pension.

Also, a bill (H. R. 10288) granting a pension to Mary J. Brown—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROMWELL: Petitions of H. L. Pearce and 19 others, R. B. Pullam, jr., and 19 others, and F. L. Slocum and 19 others, of the State of Ohio, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFIN: Resolution of 500 members of the First Methodist Episcopal Church of Sparta, Wis., against the passage of House bill No. 9481, to dispossess the Metlakahtla Indians of the Island of Annette, southeastern Alaska—to the Committee on Indian Affairs.

By Mr. HENDERSON: Petitions of the Willow Dale Sunday school and Woman's Christian Temperance Union, of Iowa Falls, Iowa, favoring the enactment of legislation to protect State anti-cigarette laws and to forbid the interstate transmission of lottery messages by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Willow Dale Sunday school and Woman's Christian Temperance Union, of Iowa Falls, Iowa, to raise the age of protection for girls and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Willow Dale Woman's Christian Temperance Union, of Iowa Falls, Iowa, for the passage of a bill forbidding the sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HOWELL: Petition of Avon Mission, of Avon, Monmouth County, N. J., praying for the enactment of legislation to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of Avon Mission, of Avon, N. J., against the sale of intoxicants in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. JONES of Washington: Petitions of Spokane Council, No. 92, United Commercial Travelers, R. J. Samson and others, Charles Mead, L. H. Prather, M. A. B. Smith and others, all of the State of Washington, protesting against the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. KULP: Remonstrance of the Merchants' Association of New York City, against the amendment limiting the free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on Appropriations.

Also, protest of Appalachian Mountain Club, of Boston, Mass., against amendments to the sundry civil bill abolishing forest reservations—to the Committee on Appropriations.

Also, papers to accompany House bill No. 10093, for the relief of August Newbury—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10092, in support of the claim of George W. Cromis for relief—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 10136, to increase the pension of George W. McCollen, of Watsontown, Pa.—to the Committee on Invalid Pensions.

Also petitions of the Baptist Young People's Association and Woman's Christian Temperance Union of Turbutville, Pa., to prohibit the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Baptist Sunday school and Woman's Christian Temperance Union of Turbutville, Pa., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Baptist Church of Turbutville, Pa., to forbid the transmission of lottery messages by telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petitions of the Christian Church of Delta, Iowa, for the passage of bills to prohibit the interstate transmission of gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Christian Church of Delta, Iowa, for the passage of a bill to raise the age of protection for girls—to the Committee on the District of Columbia.

Also, petition of the Christian Church of Delta, Iowa, to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. LOUDENSLAGER: Petitions of the citizens' committee of Vineland, N. J., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of the citizens' committee of Vineland, N. J., in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. McCLELLAN: Remonstrance of the Merchants' Association of New York City, against the amendment limiting the free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on the Post-Office and Post-Roads.

Also, 16 petitions of citizens of New York City, protesting against the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of New York City, in favor of the passage of Senate bill No. 753, for the establishment of an international American bank—to the Committee on Banking and Currency.

Also, resolutions of the Chamber of Commerce of New York, protesting against the proposed tonnage tax embodied in the war-revenue bill—to the Committee on Ways and Means.

Also, petition of 6 perfumery manufacturers of New York, protesting against certain features of the war-revenue bill—to the Committee on Ways and Means.

By Mr. PUGH: Papers to accompany House bill No. 10241, granting a pension to Nancy Shaley, of Brooksville, Bracken County, Ky.—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Petitions of the First Baptist Church of New London, Conn., for the passage of bills to forbid interstate transmission of lottery and other gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of the First Baptist Church of New London, Conn., for the passage of a bill forbidding the sale of liquor in all Government buildings and to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SPALDING: Petitions of the Presbyterian Church and Christian Endeavor, Methodist Protestant Church and Young People's Society of Christian Endeavor, and Methodist Episcopal Church and Epworth League, all of Adrian, Mich., favoring legislation providing that cigarettes imported in original packages on

entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Presbyterian Church and Young People's Society of Christian Endeavor, Methodist Protestant Church and Christian Endeavor Society, Methodist Episcopal Church and Epworth League, of Adrian, Mich., for the passage of a bill to forbid the sale of intoxicating beverages in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: Petition of citizens of El Paso, Tex., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *May 11, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. CARTER, and by unanimous consent, the further reading was dispensed with.

TWELFTH AND SUBSEQUENT CENSUSES.

Mr. CARTER. I observe that in the orders of unfinished business the bill (S. 2680) amending "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893, appears first in order. After conference with Senators having that bill in charge, I am advised that there is no disposition to press its consideration at present. I therefore ask that the bill (S. 4545) to provide for taking the Twelfth and subsequent censuses be substituted on the Calendar as the unfinished business first in order, in lieu of Senate bill 2680.

Mr. COCKRELL. I do not see any members of the Committee on the Census upon this side. Was there any understanding between the members?

Mr. CARTER. I consulted the Senator's colleague and——

Mr. COCKRELL. I suggest to the Senator to let the request lie over for just a few minutes until some upon this side who are on the committee come in.

Mr. CARTER. I will state to the Senator from Missouri that I consulted his colleague [Mr. VEST] and the Senator from New Hampshire [Mr. CHANDLER] having the bill in charge.

Mr. COCKRELL. I am not speaking in regard to the quarantine bill, but the census bill alone. I do not see any of our members who are on that committee present. That is the only reason.

Mr. CARTER. I can say to the Senator from Missouri that it is the unanimous desire of the Committee on the Census that this shall be done. The report has been completed and the bill reported unanimously, and it is ready now for consideration. It is the desire of the committee that it shall be considered at such time as the Senate may be able to proceed with it.

Mr. CHANDLER. If the chairman of the Committee on the Census will allow me, I will say that I think the bill has been unduly delayed and that it ought to be pressed as soon as possible with the utmost vigor and made a law. Otherwise preparation for the work of taking the next census, amid the clash of arms, will be forgotten.

Mr. CARTER. I think the suggestion of the Senator from New Hampshire is timely and pertinent, and I believe it will appeal to every Senator as being addressed to the merit of the question.

Mr. GALLINGER. On behalf of the Committee on Public Health and National Quarantine, from which committee the bill (S. 2680) amending "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893, was reported, and in the absence of the chairman of that committee, the Senator from Missouri [Mr. VEST], I feel authorized to say that the committee is not desirous just now of pressing that bill and is quite willing that the bill in which the Senator from Montana is interested shall take the place of the unfinished business, instead of Senate bill 2680, if the Senate is willing that that action shall be taken.

The VICE-PRESIDENT. Is there any objection made to the request of the Senator from Montana? The Chair hears none, and the order is made. Senate bill 4545 will be placed first upon the list of unfinished business. The places will be exchanged.

BONDS RETIRED BETWEEN 1865 AND 1892.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 4th instant, a statement of the aggregate amount of bonds retired between August 31, 1865, and July 1, 1892, and the aggregate of premium paid in the purchase of the bonds over and above their face value; which was referred to the Committee on Finance, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9815) appointing commissioners to revise the statutes relating to patents, trade-marks, and trade and commercial names; and

A bill (H. R. 10222) to authorize the extension of the Metropolitan Railroad.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1316) to provide for organizing a naval battalion in the District of Columbia;

A bill (S. 4408) to provide for a volunteer brigade of engineers and an additional force of 10,000 enlisted men specially accustomed to tropical climates;

A bill (H. R. 99) granting a pension to Ira Ingraham;

A bill (H. R. 4099) to confer jurisdiction upon the circuit courts in certain cases;

A bill (H. R. 5521) declaring the Federal jail at the city of Fort Smith, Ark., a national prison for certain purposes;

A bill (H. R. 6798) granting an increase of pension to James F. McKinley;

A bill (H. R. 8333) granting an increase of pension to Michael H. J. Crouch;

A bill (H. R. 9638) to increase the number of surgeons in the United States Army; and

A bill (H. R. 9956) granting the Santa Fe and Grand Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve, in northern Arizona.

PETITIONS AND MEMORIALS.

Mr. LODGE presented the petition of Gustave Richelieu, a citizen of the United States, praying that he be granted relief for injuries inflicted upon him by the authorities of Spain; which, with the accompanying papers, was referred to the Committee on Claims.

Mr. PLATT of New York presented resolutions adopted by the Merchants and Manufacturers' Board of Trade of New York, relative to the condition of affairs existing between the United States and the Government of Spain; which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Chamber of Commerce of Rochester, N. Y., remonstrating against the adoption of the proposed amendment to the Post-Office appropriation bill limiting the number of mail deliveries per day in cities; which was referred to the Committee on Appropriations.

He also presented a petition of the Bottlers and Manufacturers' Association of New York City, praying that the matter relative to the imposition of the proposed tax on mineral waters and beverages be equitably adjusted; which was referred to the Committee on Finance.

Mr. HOAR presented a petition of the Marthas Vineyard Interdenominational Convention of the Baptist Church, of Cottage City, Mass., praying for the enactment of legislation to prohibit kinetoscope reproductions of prize fights in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Marthas Vineyard Interdenominational Convention of the Baptist Church, of Cottage City, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Marthas Vineyard Interdenominational Convention of the Baptist Church, of Cottage City, Mass., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Marthas Vineyard Interdenominational Convention of the Baptist Church, of Cottage City, Mass., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Marthas Vineyard Interdenominational Convention of the Baptist Church, of Cottage City, Mass., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the Marthas Vineyard Interdenominational Convention of the Baptist Church, of Cottage City, Mass., praying for the enactment of legislation to prohibit the transmission by mail or interstate commerce of newspaper descriptions of prize fights; which was referred to the Committee on the Judiciary.

He also presented a petition of the Marthas Vineyard Interdenominational Convention of the Baptist Church, of Cottage City, Mass., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which was referred to the Committee on Education and Labor.

Mr. THURSTON presented a petition of the congregation of

the Methodist Episcopal Church of Tekamah, Nebr., and a petition of the congregation of the Emanuel Lutheran Church, of Burt County, Nebr., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Methodist Episcopal Church of Tekamah, Nebr., and a petition of the congregation of the Emanuel Lutheran Church, of Burt County, Nebr., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Methodist Episcopal Church of Tekamah, Nebr., and a petition of the congregation of the Emanuel Lutheran Church, of Burt County, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL. I present the petition of Col. John F. McMahon, for increase of pension, together with the affidavits of Dr. Thomas U. Gourley, S. B. Noland, James Essary, and Robert M. Alexander, and also two petitions numerously signed. I move that the petition and accompanying papers be referred to the Committee on Pensions, to accompany the bill (S. 4550) granting an increase of pension to Col. John F. McMahon.

The motion was agreed to.

ESTATE OF THOMAS B. ENGLISH.

Mr. COCKRELL. I also present letters from the Quartermaster-General and Commissary-General, United States Army, relative to the claim of the estate of Thomas B. English. I move that the letters be referred to the Committee on Claims, to accompany the bill (S. 4526) for the relief of the estate of Thomas B. English.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 3095) increasing the pension of Katherine L. Cushing, widow of William B. Cushing, late commander in United States Navy, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 2844) to remove the charge of desertion from the record of Elias B. Bell, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4568) granting a pension to Jacob Miller, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3122) granting an increase of pension to Mary F. Hobbie, widow of Charles A. Hobbie, late captain Company B, Seventeenth Regiment Connecticut Volunteer Infantry, reported it with amendments, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Claims, to whom was referred the bill (S. 4396) for the relief of the heirs of William Pitcher and Axel Hayford, and Samuel Otis and George B. Fergusson, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3524) increasing the pension of Gustavus A. Kindblade; and

A bill (H. R. 2028) to pension Henderson H. Boggs.

REPORT ON ALASKAN GOLD FIELDS.

Mr. LODGE, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in paper covers 20,000 extra copies of the Bulletin of the Department of Labor for May, 1898, containing a report on the Alaskan gold fields and the opportunities they offer for capital and labor, 6,500 copies for the use of the House of Representatives, 3,500 copies for the use of the Senate, and 10,000 copies for the use of the Department of Labor.

BILLS INTRODUCED.

Mr. MARTIN introduced a bill (S. 4572) for the relief of Mrs. Marian W. Pollard; which was read twice by its title, and referred to the Committee on Claims.

Mr. HAWLEY introduced a bill (S. 4573) providing an ordnance officer for each regiment of the Volunteer Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CHANDLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4574) granting an increase of pension to Charles G. Howard;

A bill (S. 4575) granting an increase of pension to John McVicar; and

A bill (S. 4576) granting a pension to Cara H. Wilson.

Mr. TELLER introduced a bill (S. 4577) to authorize the construction of a bridge across the Anacostia or Eastern Branch of the Potomac River, in a line with Massachusetts avenue extended; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. BAKER submitted an amendment intended to be proposed by him to the bill (H. R. 8581) for the protection of the people of the Indian Territory, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SPOONER submitted an amendment to the paragraph in the Indian appropriation act for the fiscal year 1898 providing for the adjustment of the account of J. Montgomery Smith, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

JOSEPH M'GUCKIAN.

Mr. WELLINGTON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Joseph McGuckian be appointed a special watchman at a salary of $60 per month, to be paid monthly out of the contingent fund of the Senate, and that he be assigned to aid H. H. Lemon in the Dome of the Capitol, who was appointed a policeman by joint resolution approved July 7, 1882.

BOOKS IN USE OF SENATE.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on the Library, and ordered to be printed:

Resolved, That all clerks to committees and clerks to Senators shall report to the Secretary of the Senate at the close of each session of Congress a full and complete list of all books in their respective rooms in the Capitol and annex belonging to the United States (except ordinary public documents), and the Secretary of the Senate shall cause such list of books to be filed in the library of the Senate; and in case of failure of any clerk to report as aforesaid, or in case of loss of any books, it shall be the duty of the Secretary to report the facts to such chairman or Senators

ADDITIONAL COALING STATIONS.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Naval Affairs be directed to make inquiry concerning the expediency of securing and establishing for the United States additional coaling stations at suitable points in foreign waters; and as to each coaling station which may be deemed necessary, to ascertain what should be its dimensions, the conditions and expenses of occupancy and maintenance, and the best method of securing the right to maintain such station, and report by bill or otherwise.

HOUSE BILLS REFERRED.

The bill (H. R. 9815) appointing commissioners to revise the statutes relating to patents, trade-marks, and trade and commercial names was read twice by its title, and referred to the Committee on Patents.

The bill (H. R. 10222) to authorize the extension of the Metropolitan Railroad was read twice by its title, and referred to the Committee on the District of Columbia.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, I rise to make the request that to-morrow, after the routine morning business is completed, thirty minutes be given to the consideration of unobjected bills on the Private Pension Calendar.

The VICE-PRESIDENT. Does the Senator simply give notice, or does he ask consent?

Mr. GALLINGER. I will ask consent this morning.

The VICE-PRESIDENT. Is there objection to the request that thirty minutes to-morrow morning, after the morning business, be given for the consideration of private pension bills? The Chair hears no objection, and the order is made.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 7th instant approved and signed the following acts:

An act (S. 924) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet; and

An act (S. 1133) to pay to the Richmond Locomotive and Machine Works its claim for damages and losses incurred in the construction of the armored battle ship *Texas*.

The message also announced that the President of the United States had on the 10th instant approved and signed the act (S. 1773) to amend the military record of George F. Miller.

MILLE LAC INDIAN RESERVATION LANDS.

Mr. NELSON. I ask unanimous consent for the present consideration of the joint resolution (H. Res. 245) declaring the lands within the former Mille Lac Indian Reservation, in Minnesota, to be subject to entry under the land laws of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. COCKRELL. Let the report of the Commissioner of the General Land Office, on page 2 of the report, be read.

Mr. NELSON. I will say to the Senator from Missouri that the joint resolution relates to only about 14,000 acres, and it is approved by the Interior Department.

Mr. COCKRELL. Just let the report from the Land Office be read. That is all.

Mr. NELSON. It is on page 2, commencing at the middle of the page.

The Secretary read from the report submitted by Mr. NELSON from the Committee on Public Lands May 9, 1898, as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 1, 1898.

SIR: I have had the honor to receive, by departmental reference under date of January 13, 1897, for early report in duplicate and return of papers, a letter from the Committee on Indian Affairs of the House of Representatives, inclosing the bill (H. R. 5178) allowing actual settlers upon lands within the Mille Lac Indian Reservation, in the State of Minnesota, to perfect title to lands in said reservation under the general land laws of the United States.

In reply I have the honor to state that said bill is identical with one (H. R. 4993) upon which this office made report on May 28, 1896.

The Mille Lac Reservation, in the State of Minnesota, was established in accordance with the stipulations in article 2 of the treaty of February 22, 1855 (10 Stat., 1165), with the Chippewa Indians.

By the treaties of March 11, 1863 (12 Stat., 1249), May 7, 1864 (13 Stat., 695), and March 19, 1867 (16 Stat., 719), this reservation and others were ceded to the United States, other lands being reserved for said Indians in lieu of those ceded. In both the treaty of March 11, 1863, and the subsequent treaty of May 7, 1864, it was provided—

That owing to the heretofore good conduct of the Mille Lac Indians, they shall not be compelled to remove so long as they shall not interfere with or in any manner molest the persons or property of the whites.

The act of Congress of July 4, 1884 (23 Stat., 89), provided that said lands "shall not be patented or disposed of in any manner until further legislation by Congress."

Prior to July, 1884, a number of entries, filings, and selections had been made for lands in the Mille Lac Reservation, and, by decision of January 9, 1891, the Department held that these were confirmed by the proviso to section 6 of the said act of January 14, 1889. (See 12 L. D., 52.) And under date of January 21, 1891, the Department, in response to an inquiry by this office, stated that the Mille Lac lands should be disposed of as other public lands.

On September 3, 1891, the Department held (13 L. D., 230) that the Mille Lac lands were subject to disposal under the special provisions of the act of January 14, 1889, supra, and when attention was called by this office to the discrepancy between the rulings of January 21, 1891, and September 3, 1891, the Department decided, on April 22, 1892 (14 L. D., 497), that the Mille Lac lands are not subject to disposition under the general land laws, but under the special provision of the act of January 14, 1889. During the period between the decision of January 21, 1891, and April 22, 1892, a large number of entries and filings to these lands had been allowed, and these were confirmed by the joint resolution of December 19, 1893 (28 Stat., 576).

Of the lands in this reservation it appears from the records of this office that about 12,796.99 acres are embraced in the pending entries, filings, selections, and rejected homestead applications; 42,685.44 acres have been patented, and that there remain about 5,305.24 acres unappropriated, of which 3,022.32 acres are in sections 16 and 36. Owing to the fact that action is being taken from time to time on these entries, filings, selections, and applications, the above figures are necessarily only approximately correct.

On January 14, 1889, Congress passed "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota." (25 Stat., 642.) The first section of said act authorizes and directs the President to appoint three commissioners, whose duty it shall be, as soon as practicable after their appointment, to negotiate with all the different bands or tribes of Chippewa Indians in the State of Minnesota for the complete cession and relinquishment, in writing, of all their title and interest in and to all the reservations of said Indians in the State of Minnesota except the White Earth and Red Lake reservations.

Section 3 of said act provides for the removal of all Chippewa Indians in Minnesota, except those on the Red Lake Reservation, to the White Earth Reservation, and for the allotment, in conformity with the act of February 8, 1887 (24 Stat., 388), to the Red Lake Indians of lands on that reservation, and to the other said Indians lands on the White Earth Reservation. Said section further provides:

That any of the Indians residing on any of said reservations may, in his discretion, take his allotment in severalty under this act on the reservation where he lives at the time the removal herein provided for is effected, instead of being removed to and taking such allotment on White Earth Reservation.

No specific mention is made in this act of the Mille Lac Indians and the lands occupied by them, which, as was stated above, were ceded to the United States in 1863. However, the Mille Lacs were treated with under said act.

The assent, acceptance, or ratification of the said Mille Lac Indians was executed on October 5, 1889, and after reciting that the act of January 14, 1889, above, had been read, interpreted, and thoroughly explained to their understanding, and after expressing their consent to, acceptance, and ratification of said act, stated that they—

Do hereby grant, cede, relinquish, and convey to the United States all our right, title, and interest in and to all and so much of the White Earth Reservation as is not required and reserved under and in accordance with the provisions of said act, to make and fill the allotments, * * * and we do also hereby grant, cede, and relinquish to the United States, for the purposes and upon the terms stated in said act, all our right, title, and interest in and to the land reserved by us and described in the first article * * * of the treaty * * * proclaimed April 18, 1867 (16 Stat., 719), and also to the aforesaid executive addition thereto; * * * we do also hereby cede and relinquish to the United States all our right, title, and interest in and to all and so much of the Red Lake Reservation as is not required and reserved under and in accordance with the provisions of said act to make and fill the allotments to the Red Lake Indians in quantity and manner as therein provided; and we do also hereby forever relinquish to the United States the right of occupancy on the Mille Lac Reservation reserved to us by the twelfth article of the treaty of May 7, 1864 (13 Stat., 693). (See page 45, H. R. Ex. Doc. 247, Fifty-first Congress, first session.)

The words of the last clause seem clearly to have been an exercise of the right of election authorized by the proviso to section 3 of the act above mentioned. Said words were not necessary to the extinguishment of the title of said Indians to the lands, the words occurring before in the agreement being sufficient for that purpose. Having elected in this manner not to take the allotments on what was their own particular reservation, they can only properly take on the White Earth Reservation. Thus any hindrance on this account to the passage of the bill is removed.

It may be proper to add that at any rate the land is insufficient in quantity and unfit in quality for the purpose of allotment.

The said act of January 14, 1889, provides that the unallotted and unreserved land of said Chippewa Reservation shall be disposed of for the benefit of said Indians, and the bill makes no provision for the reimbursement of the fund to be derived from the sale of the said land on account of any lands to be entered under the proposed legislation.

However, in view of the fact that much of said lands is already covered by filings, selections, and claims, as hereinbefore stated, and in view of the waiver of the right by said Indians to elect to take the lands as above stated, to say nothing of the insufficiency and unsuitability of said lands for such purpose, and of the equity of the claimants to said lands by reason of the departmental decisions above referred to, I am impelled to look favorably on the proposed legislation, and I therefore have the honor to recommend the passage of the bill.

It is asserted that there are burial grounds of the said Indian band located on said land, and that the Indians feel an attachment for the locality on that account. It might be well for Congress to make some provisions for the perpetual reservation of said burial grounds, or the removal of the dead buried therein to the White Earth Reservation.

The bill and accompanying letter are herewith returned.

Very respectfully,

BINGER HERMANN, *Commissioner.*

THE SECRETARY OF THE INTERIOR.

Mr. COCKRELL. I ask that the Secretary read from the letter of the Secretary of the Interior, dated March 18, 1898, on page 4 of the report, beginning "From the facts in the case, as disclosed by the reports of the Commissioner of Indian Affairs."

The Secretary read as follows:

From the facts in the case, as disclosed by the reports of the Commissioner of Indian Affairs, it appears that by treaties in 1863-64 these Indians ceded all their lands in this reservation to the Government, taking other lands in lieu thereof; that they were permitted by the terms of said treaty to remain on said reservation so long as they did not interfere with the persons or property of the whites, and that by further treaty or agreement, dated October 5, 1889, entered into with the commissioners appointed under the act of January 14, 1889 (25 Stat., 694), known as the Nelson Act, they relinquish their right of occupancy on said reservation after electing not to take any allotments on that reservation, which, under the terms of the Nelson Act, they might have done.

It would appear, therefore, that the Indians, after due consideration and in the most formal manner, have, by treaty and agreement duly executed, parted with all their rights to the lands in this reservation. That being true, it is not apparent why the equities of settlers who have in good faith gone upon these lands under the belief that they were vacant public lands of the United States, and made valuable improvements on them, should not be recognized by the passage of some law that would permit said settlers to perfect their title to said lands. Such an act would be no infringement upon the rights of the Indians, for the reasons above stated.

It further appears that these lands do not come under either of the two classes of lands referred to in my letter of the 5th instant with reference to H. R. 6393, known as the "free-home bill," and hence the passage of such a bill as I have suggested would not conflict with the opinions expressed in my letter of that date, nor with the policy therein recommended.

In this connection, your attention is called to the report of the Commissioner of the General Land Office on House resolution No. 35. It appears to me that if this resolution were amended in accordance with the suggestion of the Commissioner in respect to preemption filings, and in accordance with the recommendation of the said Commissioner and the Commissioner of Indian Affairs in reference to protecting the burial grounds of said Indians, said resolution would better accomplish the purpose desired.

I would therefore recommend, when the same is amended as hereinafter suggested, the substitution of House resolution 35 for H. R. 5178, and its enactment into law; and the amendments I would recommend to said resolution are as follows:

In line 6 of said resolution omit, after the word "under," "the preemption or homestead," and insert in lieu thereof "the public land;" and after the word "made," in line 8, insert "prior to the repeal of the preemption law by the act of March 3, 1891," or "prior to March 3, 1891." The latter expression would probably be better, because briefer.

After the word "entry," in line 11 of said resolution, there should be added a provision looking to the protection of the burial grounds of said Indians on said reservation.

Very respectfully,

C. N. BLISS,
Secretary.

HON. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

Mr. COCKRELL. Those amendments, I understand, were made in the House.

Mr. NELSON. All those amendments are incorporated in the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. McMILLAN. I ask unanimous consent that the Senate proceed to the consideration of the two railroad bills which were up a few days ago, House bill 6148 and House bill 8541. These are known as the Eckington and Soldiers' Home Railway and the Belt Railway bills. Both roads are in the hands of the courts, and it is very important that some legislative action should be taken to enable them to reorganize. These bills have been on the Calendar for a long time. I have been prevented from calling them up from time to time. I ask unanimous consent that they may be considered.

The VICE-PRESIDENT. Unanimous consent is asked for the present consideration of the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company, of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. MCMILLAN. I will state that the bill has been read and the amendments of the Committee on the District of Columbia have been agreed to.

Mr. GORMAN. I offer an amendment to the pending bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "and," first appearing in line 7, section 1, insert the words "that part of the property and franchises;" and after the word "Maryland," first appearing in line 8, section 1, insert the words "lying between the District line and the town of Laurel, Md."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment to come in as an additional section to the bill.

The SECRETARY. It is proposed to add as a new section the following:

That at any time after five years from the date of the passage of this act the Commissioners of the District of Columbia, or the Government of the United States, may acquire all the property of said company, by purchase or otherwise, for its actual value at the time the same is so acquired, without taking into account the value of any franchise now or heretofore granted, and may operate the same in the interest of the public, and the rights and privileges hereby granted shall be for a period of not to exceed twenty years, unless previously purchased as herein provided.

Mr. PETTIGREW. Mr. President, all I desire, of course, is the adoption of the amendment. I do not care to discuss the question if there is no opposition to it. This bill confers very extensive and important powers. When the Eckington and Soldiers' Home Railroad Company was organized, the amount of capital stock that could be issued was limited by law. This bill allows an unlimited issue of capital stock.

All previous charters granted by Congress for street railroads in the District of Columbia have been carefully guarded in this respect, and provisions have been inserted that the capital stock should not exceed the amount of money actually expended in the construction of a road. The purpose of the legislators was to prevent the watering of stock, hoping, at some time, through this precaution, to be able to secure a reduction of the fares charged. I wish to call attention to section 2 of the bill. It provides:

That the powers conferred in an act entitled "An act relative to the Rock Creek Railway Company of the District of Columbia" (now the Capital Traction Company), approved March 1, 1895, relative to joint management, lease, purchase, or sale of connecting or intersecting lines, are hereby conferred upon the Eckington and Soldiers' Home Railway Company and all other street railway companies in the District of Columbia.

In other words, under this proposed act any street railway corporation in the District of Columbia that wishes to evade the provisions of its charter with regard to the issue of capital stock can purchase any other railroad company in the District of Columbia, and then issue all the stock it pleases, to an unlimited extent, and thus hamper the future with this enormous overcapitalization. The provision of the act to which this section refers is as follows:

An act relative to Rock Creek Railway Company of the District of Columbia.

Be it enacted, etc., That the Rock Creek Railway Company of the District of Columbia, being authorized thereto by a vote of the owners of a majority of its capital stock, may contract with any street railway company owning or operating a connecting or intersecting line for the joint management, lease, or purchase of such connecting or intersecting line or lines, and operate the same in connection with its original line.

* * * * * * *

Provided further, That nothing in this act shall be construed to impair or abridge the right of Congress at any time to regulate the operation of such line or lines, or to release any railway company or companies thus contracting, in whole or in part, from any obligation or restriction imposed by its original charter or by any law of Congress subsequently enacted, except as provided herein.

Now, here is the exception:

Except as provided herein; and in case of such contract may provide the means necessary by an increase of its capital stock, not to exceed the actual consideration paid or the actual cost of the necessary equipment.

In other words, the pending bill provides that the Eckington and Soldiers' Home Company can buy the property of any other railroad company in this city, and issue any amount of stock they can agree upon. They can purchase the Belt Line road, and that is what they contemplate, and issue as much stock as they may agree shall be issued, and that stock is the consideration. We have an illustration of the operation of the bill in the case of the Rock Creek Company. The name of the company was changed to the Traction Company. This company bought the Washington and Georgetown Railroad property and issued $12,000,000 worth of stock. The late charter of the Washington and Georgetown Company limited the issue of stock to, I think, $500,000, but under this scheme, under this unlimited and unbounded authority, the company has issued $12,000,000 worth of stock.

Mr. MCMILLAN. I should like to call the attention of the Senator from South Dakota to the fact that they have issued, besides $500,000 of stock, about four million and a half of bonds to complete their cable road, and that they had a great deal of other property, amounting to about one and a half or two million dollars, which was put in the consolidation of the Rock Creek Company, making an actual outlay, so far as their reports show, of some $8,000,000 for the two properties.

Mr. STEWART. I wish to state further that, so far as the Rock Creek Company is concerned, the stock that went to the stockholders of that company had been paid for dollar for dollar. The stock that that company received was only equivalent to the actual amount expended, dollar for dollar, and the stock is now worth only about 70. As far as the Rock Creek Company is concerned, those who built that road got only the stock, worth about 70 cents on the dollar, for their actual expenditure.

Mr. PETTIGREW. I shall accept the statements of both Senators in this connection. According to the statement of the Senator from Michigan, both properties, under whatever scheme of extravagance they may have been constructed, covered an investment of $8,000,000, and there has been issued stock to the amount of $12,000,000. What Senator supposes there will ever be any reduction in fare upon this road until it will pay more than a dividend upon the whole $12,000,000? What is the purpose of issuing $12,000,000 worth of stock? Because they hope and believe that if they can continue to tax the public in the future as in the past the road will yield a revenue on $12,000,000. Who is entitled to this $4,000,000 then? It seems to me it is the public, who are entitled to the values represented in its franchise and in the streets it occupies.

This is one of the methods so common to corporate organization throughout the country, which has resulted in uneven, dishonest, and unfair distribution of wealth—a procedure that is responsible for the dissatisfaction that exists among our people. It is for the purpose of stopping this sort of practice in the future that I address myself to this question. It is for the purpose of preventing the watering of stock, preventing the capitalization of these roads above what they are worth, above what the property is actually worth without any franchise, that I offer my amendment. If this bill passes and the owners of the property purchase, under its provisions, the Belt Line road, as they intend to do, then they can capitalize for any sum they choose and mortgage the future to an unlimited extent.

Mr. HOAR. Will the Senator yield to me?

Mr. PETTIGREW. Certainly.

Mr. HOAR. I should like to ask the Senator from South Dakota a question in regard to the meaning of his amendment, which he can answer at some time convenient to him. I think there is great weight of argument in favor of the suggestion of some right of the public to purchase; and they should not pay for what they themselves gave—to wit, the right to use the streets. But what will be the value of the subterranean tunnel, the underground trolley, or whatever system is used—the cost of the cavern through the city, separated from the franchise? Would this amendment authorize the company to charge to the public the cost of laying trolleys under ground and all the mechanism which runs the cars, which I suppose would be absolutely worthless without the right to use it in the streets, but which at the same time constitutes the chief value of the fixed property of the company? My question is whether the Senator has that so framed as to be, in his judgment, absolutely just to both sides?

Mr. PETTIGREW. Mr. President, I have the impression that we would pay what it would cost to reproduce it at the time we took the property. However, I would be very much pleased to have the Senator from Massachusetts suggest any amendment to my amendment which would thoroughly safeguard the investment and the public, and I would be very glad to accept such an amendment. What I aim at is to limit these charters, so as to leave it in our power to purchase the property. My object is to prevent the sale of stocks and bonds on the strength of the contemplated value of the right to use the streets, so that we can retake the property and some day put in a system of street-car lines in the city of Washington which shall all be under one management, under one control, under one head, whereby one fare, by proper exchanges, will enable a passenger to reach any portion of the city, so that the rich lines, the lines on our best thoroughfares, will pay the expenses of operating the lines in the more sparsely populated and distant portions of the city, and so that every part may be equally well served. That is my purpose. I hope that that time will come. Believing that it has not yet come, I offer the amendment simply to empower us to take advantage of an opportunity and purchase the property when the time arrives.

We are conferring power and privileges. We are conferring by these two bills, the Eckington and Soldiers' Home bill and the Belt Line bill, when the two roads are consolidated, a right to occupy a vast number of the streets of this city and a franchise that, in the future, must be worth millions upon millions of money. I really think the time has come, and that we ought today to purchase these properties and occupy these streets with

lines laid down by the Government; but for the purpose of providing that in the future we may do so, I simply seek to amend these two bills as I have proposed. There should be no opposition to it.

This question has been discussed; the experiment has been tried all over the world; municipalities are acquiring possession and title to street railway properties and operating them in the interest of the public; where they are not doing that they are selling the franchises; and where they do not sell the franchises they lease the roads or they impose conditions by which a revenue is derived, or conditions by which exceedingly cheap fares are secured to the public. For my part, I prefer cheap fares to the public. I do not think we should acquire revenue. I believe the occupation and use of streets belong to the public, to everybody, and that no revenue should be derived therefrom. Whenever it occurs that the operating expense is less than the income, fares should be reduced, and the public given the benefit of such reduction. It does not make so much difference to Senators and to wealthy men in a community whether they pay 5 cents or 3 cents fare, but it makes a vast difference to the laborer whether he pays 2 cents for a ticket or 5 cents for a ticket.

It is those people who are the bone and muscle and the element of success and prosperity in every city who should be provided for. The rich do not use to any great extent street-car lines; they are able to employ other means of conveyance, but to the poor people cheap transportation means much.

Besides that, I think Washington should be the model city. We ought to provide for the best service; we ought to make it the most attractive city; we ought to create an example for other cities of this country to follow. It is incumbent upon us, therefore, to so legislate as to attain these ends.

Mr. GALLINGER. I will ask the Senator if that is not the fact now? Is there any other city that has as good a street-car service as, when the Capital Traction Company completes its road, will be given in the city of Washington? Does the Senator know of any?

Mr. PETTIGREW. There are two lines in this city that give excellent service and both charge high prices; but the other lines of this city are probably as wretched as any in the world.

Mr. GALLINGER. If the Senator will permit me again, that is true; but it is not true that they charge high prices. They charge lower prices than are charged in any city of which I have knowledge, and the Senator ought not to forget that those other lines, which have constantly lost money and which are unable to give good service, are to be consolidated into one line if this bill passes, and we shall then have a third model railway in the city of Washington.

Mr. PETTIGREW. Perhaps we shall, and perhaps not. Five years ago the Eckington line was sold out, and we were given this same promise, but it did not materialize. The fact is, we get good service only after the profit becomes enormous, while, if we owned the lines, we would receive good service before that time came. If these two great lines were owned by the city and operated by the city, the profit upon them would give us good service upon all the other lines, without waiting, with a wretched service, until the population becomes so dense that railway companies can pay a dividend upon watered stock. It is to meet that very objection that I have offered the amendment.

Mr. HALE. May I ask the Senator a question?

Mr. PETTIGREW. Certainly.

Mr. HALE. I have not had the opportunity to examine the bills which the Senator proposes to amend. Does the pending bill provide for a consolidation into one company of these outlying companies which have poor lines at present?

Mr. PETTIGREW. It practically provides for the purchase, by the Eckington and Soldiers' Home Company, of the Belt Line Company.

Mr. HALE. So that it will bring into one company most of these inferior roads?

Mr. PETTIGREW. Two of these inferior roads.

Mr. HALE. Does it give any additional privileges as to the right of way over new streets not covered by the present lines?

Mr. PETTIGREW. The chairman of the committee can answer that question.

Mr. McMILLAN. The purpose of this bill is to enable the old Eckington Company to consolidate with the Belt Line and the Washington and Maryland line, so as to connect with the road to Baltimore. The parties who propose to put money into these two roads believe that by doing so they will be able to give to the people an underground system in the city and the use of the trolley outside of the city, which will enable the company to make some money. They are now running behind from one hundred and fifty to three hundred dollars a day.

Mr. HALE. Now I will renew the question whether in connection with the unifying of these companies into one company they are given by the provisions of the bill the right over any new streets that are not covered by the present lines run by any of these companies?

Mr. McMILLAN. They are not. There are one or two slight changes made as to extensions.

Mr. HALE. By way of connection?

Mr. McMILLAN. By way of improving the route; for instance, to avoid going around sharp curves. Outside of that there are no new extensions to these lines.

Mr. HALE. Then what is the objection to the amendment of the Senator from South Dakota?

Mr. McMILLAN. The objection is that if the amendment passes the people who are now willing to put their money into this property will not put it in, because the time which the Senator proposes to give is too short; it is but five years. That would hardly enable these gentlemen to get the property completed and the underground system put in before the road might be purchased by the District. I do not think the class of people who are interested in the matter would put up money under such circumstances.

Mr. HALE. Would it take five years to set up this new corporation in successful business?

Mr. McMILLAN. It would take about a year and a half or two years to put in the system and complete it.

Mr. HALE. What are the provisions of the Senator's amendment as to the valuation in taking the property?

Mr. PETTIGREW. They are to pay the full value of the property, not estimating the franchise.

Mr. HALE. At the time?

Mr. PETTIGREW. At the time.

Mr. HALE. When it is taken?

Mr. PETTIGREW. When it is taken. This gives the option to take it if we desire to do so.

Mr. HOAR. I should like very much to call the Senator's attention to the point about which I asked him before, and also the attention of the Senator from Maine [Mr. HALE] who is considering the question.

I think there is great reason for effecting the purpose which the Senator from South Dakota proposes; but I wish to ask him to consider whether the amendment does justly and fairly effect that purpose. He proposes to take this property on paying the value, without considering or estimating the franchise. Now, the whole of the property, except the moving stock, which might be sold to some other company, depends for its value on the franchise. It is almost like saying you shall pay for a pair of scissors the value of one of the blades without taking into consideration the other blade, or that you shall pay for a jackknife what the blade would be worth if there was not any handle to it.

It strikes me that the more just way of effecting the Senator's purpose would be to make a strict provision in regard to the keeping of accounts, making highly penal provisions upon the officers of the roads, so that their accounts must be kept honestly, and must be submitted to some public auditing, if that does not exist now, and then to say that at some future time the public may take the property on paying what the corporation has actually paid out in cash for it, deducting what it has received by way of income or otherwise, allowing them a reasonable, moderate percentage, say 5 or 6 per cent, or whatever would be a moderate percentage in the Senator's judgment.

Perhaps I am prejudiced in favor of that way of dealing with the subject, because that is the mode which has been adopted in my own State for a great many years on very full and careful consideration, and I believe has given satisfaction; that is, if a railroad in Massachusetts—say, for instance, the Boston and Albany—finds it is making an excessive amount of money out of the public it puts the surplus into accommodations to the public. That has been the way it has been done, and that is the way it should be done if the Senator desires to effect that object.

I mention this with great diffidence, because I have not considered the subject as fully as the Senator has, but it seems to me it is the better way to get at the result.

Mr. PETTIGREW. Mr. President, I can not agree with the Senator from Massachusetts in that respect.

Mr. GORMAN. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Maryland?

Mr. PETTIGREW. Yes, sir.

Mr. GORMAN. I have not been able to hear a word of the private conversation going on on the other side of the Chamber, but I think I understand the general drift of the statement of the Senator from South Dakota, and I want to make an appeal to him to withdraw the amendment to this bill; and if he will pardon me for making a short statement in regard to the matter, I think he will agree to withdraw it.

As the law stands, under the act passed two years ago, Congress has granted to one company in the District of Columbia—the Washington and Georgetown, now known as the Capital Traction Company—full authority to purchase any other street railroad within the city which they intersect or cross or with which they connect. That is the only authority existing by law for anybody

to acquire one of these railroad properties. That company, therefore, has the monopoly of the right to purchase, because of legislation heretofore had, and I think, by reason of the restrictions imposed by the Commissioners and other authorities, the Eckington road and the Belt road have become bankrupt, and they are to be sold by order of the court. The people connected with the Eckington road have sunk over $2,000,000 in conducting their road and constructing new lines, and now the road must be sold. So with the Belt road. The bondholders of the Belt road, as well as the stockholders, are unable to protect themselves under this forced sale. This bill simply provides that they shall have the power to purchase their own property and bid against the only other bidder who can come in under the law. There is nothing proposed to be given them beyond that.

There is nothing new in the Senator's amendment. The same provision exists in other cities of the country. Under the peculiar circumstances of this case, it would be utterly impossible for the owners of this road, who have spent so much money, to raise a sufficient amount to buy the franchise, and so the property will be lost in the end, and it will pass into the hands of the Capital Traction Company, which alone has the right to acquire all these properties. That would be an act of great injustice. It would be destructive, in my judgment, to all the interests of the District.

Mr. HALE. The Senator thinks that the inevitable result will be that this whole interest will be swallowed up by the Capital Traction Company?

Mr. GORMAN. Under the law nobody else can acquire this property. The bondholders of the Belt Railroad, who desire to buy in their own property, have no power to acquire it; they have no charter; they can not get a franchise, and the property will be of no use to them. So with the Eckington road. It is to correct that that the provision is inserted which authorizes the company to increase its capital stock—not to an unlimited amount, as the Senator suggests, but to an amount that will be sufficient to acquire the property and put in the underground system under the supervision of the District Commissioners. In view of the fact that the properties are to be put up at public sale, there is no other way to manage the case except that which I have proposed, and there can be no abuse.

Mr. HALE. Does the Senator believe that nobody but the Capital Traction Company can bid?

Mr. GORMAN. I say nobody but that company can acquire the franchise of that road, and it would be unsafe to leave it in that condition.

Mr. STEWART. It is absolutely necessary, if these roads are to be revived and do business, that they shall combine their franchises to a great extent, because separately they can not live; they can not accommodate the public.

Mr. GORMAN. I wish to say that I agree with very much the Senator from South Dakota [Mr. PETTIGREW] has said as to the great abuses in this matter; that is to say, we have dealt with the railroads with more liberality than they have been dealt with in any other city in the country. In the matter of taxation there has been great inequality; but each of these charters Congress has the right to amend and improve. There is pending in the Senate, and now lying on the table, a bill which comes from the other House, fixing the amount of taxation upon these roads, where a general provision, which would apply to all of them, can be adopted, substantially such as the Senator from South Dakota now proposes; and it can be done so as to make the matter uniform and apply to each one of the roads, and at the same time adjust the amount of taxation.

I agree with very much that the Senator has said as to taxation, and I shall be glad to join in much that he proposes; but in this particular case it would work a great hardship to men who have lost a great deal of money, to my knowledge, and the Senator must be aware of that. As to one of these lines, which extends 18 miles out into Maryland, a great portion of it with the iron laid down, and a part of which is being operated, I know they have lost nearly $2,000,000 in the enterprise. Now, they only want an opportunity to save what they can out of the wreck, and yet give within the city a fair service.

Under the circumstances, I think the Senator ought to postpone the offering of his amendment and make his fight on the tax bill, which is here and which must come up; and we can then join him and make the provision apply equally to all the roads.

Mr. PETTIGREW. The tax question is another question, and I am opposed to it. Therefore there is no chance for the Senator and myself to get together.

Whenever the revenue of a road exceeds the operating expenses, it should proceed to reduce fares to the public. I would rather give $5 a year to 200,000 of the people of Washington as a result of this reduction than to give a million dollars to a corporation. It would result in better government, in better feeling, in better living.

However, the objection raised by the Senator from Maryland [Mr. GORMAN] can be obviated without trouble. Instead of inserting a provision in this bill, in section 2, that this railroad company and all other railroad companies in the District of Columbia may purchase any other company whose tracks intercept with their own, we can simply say:

The provisions of the act of March 1, 1895, in relation to the Rock Creek Railroad Company, authorizing them to purchase intersecting lines, are hereby repealed.

Instead of giving this unlimited power to issue stock and water stock and burden and mortgage the future, inasmuch as we have made a mistake in the past, let us repeal that mistake and obviate future difficulty. Of course the argument that somebody has lost money in this transaction is one that enters not into this debate; for if we are to legislate to help out everybody who has lost money, then everybody who produces in this country would come in for legislation which would redistribute the wealth of the whole country upon almost an equal per capita basis.

The question is, What shall we do for the public and for the future, and what is the proper thing to do in order to safeguard the interests of this city and make it an object of pride to every American citizen? We are behind in this respect. We issue unlimited charters. We add to our charters a provision that "Congress reserves the right to alter, amend, or repeal this act"—idle words, unworthy of a place in an act of Congress. That is a right we can not take away; it is a right which exists for future Congresses to repeal all our acts; but rights may have grown up under those acts with which we can not interfere; and we certainly can not interfere merely because we put in the idle words that "Congress reserves the right to alter, amend, or repeal this act."

That provision must have been placed in the bills to satisfy the public on this question. If any Senator will think a moment about it, he will see that they are useless words, an idle sentence, and one unfit to be made a part of an act of Congress. It is a provision that used to be put into the laws of Territorial legislatures on the frontier. I hardly ever remember seeing such an expression in the statutes of any State of the Union, and it is in none of the other statutes that I know of that we pass except when we confer a charter on a street railroad company in the city of Washington.

Mr. President, this act gives for all future time the right to this company to occupy the streets now occupied by them; and the Belt Line road and the Eckington and Soldiers' Home road having gone into the hands of a receiver, and are about to be sold by the court, therefore they come here for a new charter. They are to acquire the property of the Belt Line road, and under this act they are to issue stock, and in such case such contract may provide the means necessary for an increase of the capital stock, not to exceed the new consideration paid on the actual cost of the necessary equipment. What does that mean? That the Belt Line road when they sell, having a perfect understanding with the Eckington Company, can make the consideration any sum they choose, any number of millions and millions of stock, just as the Washington and Georgetown Company did, and thus evade the law, heretofore enacted in reference to these companies, limiting the amount of capital stock they may issue.

If we pass this bill, we provide that every company in the city of Washington can go on and issue unlimited quantities of stock, and we repeal every provision we have made in the past when we issued these charters, in which we limited the amount of capital stock, and say to them, "If you purchase a piece of a road somewhere, you may issue all the stock you please." It seems to me strange that the Committee on the District of Columbia should report any such bill, through which the future can be mortgaged to an unlimited extent. In the advocacy of this question, in the desire to limit the rights and the powers conferred and to retain to the city, to the Government, the valuable right to occupy the streets of the city, I am not prompted by any sentiment of socialism, but by what I believe to be sound business principles, backed by precedents innumerable, both in this country and in Europe.

We ought to have in this capital city the best street-railway system in the world, charging the least fare and furnishing an example for the other cities of the land. There is no reason why, if we had properly safeguarded the matter, the two profitable lines would not now be carrying the people in this city for 3-cent fares instead of 5 cents. The effort to pay interest on $12,000,000 of capital, $4,000,000 being watered stock, causes the trouble; and everyone knows that fares will never be reduced until dividends are paid on the entire capitalization.

Toronto has had experience in this respect. While I do not bring forward the experience of Toronto as one that should be followed, it is a thousand times preferable to the policy we are pursuing.

Toronto in 1891 bought her street railroads. She operated them for six months at a profit of $25,000 per month and then sold them on the following conditions for what they cost: Eight hundred dollars per mile per year to be paid into the city treasury, 8 per cent of the gross receipts up to $1,000,000, 10 per cent up to one and one-half million dollars of the gross receipts, 12 per cent from

one and a half to two million dollars of the gross receipts, 15 per cent on the receipts up to $3,000,000, and 20 per cent on all the receipts over $3,000,000.

The result has been that they sell six tickets for a quarter during the day and eight in the morning and evening, and by this arrangement the laboring people can get back and forth from their work to their homes at 3 cents a passage. After twenty years the city can take the plant at its actual value. I aimed in drawing my amendment to follow as near as I could the terms of the contract made between the city of Toronto and its street railroad companies.

The companies purchasing this plant cleared $20,000 net per month in 1894 and $30,000 in 1895. They have 80 miles of road, and it cost $3,000,000, with the entire plant as it stands now, with the 80 miles of road, while the Capital Traction Company, in this city, has 36 miles of road stocked for $12,000,000, or $333,000 a mile, stocked for more, I think, than any road in the world, except some pieces of road in New York. This Toronto road is bonded at $2,000,000 and stocked for $6,000,000, even with the twenty years' franchise, and paying the city $800 a mile for every track mile, and from 8 per cent to 20 per cent, according to the gross revenue; and yet they were able to stock it for $6,000,000 and bond it for $2,000,000, and have made an exceedingly profitable investment.

What the city of Toronto ought to have done was to have kept the property when she secured it and made her own improvements, and instead of making it a matter of profit, to have made it an opportunity for the reduction of fares. Under this contract in 1892 the city of Toronto received $18,000 mileage rental; in 1893 she received $55,000 mileage rental and $65,000 in percentages; in 1894 she received $58,000 mileage rental and $76,000 in percentages; in 1895, $60,000 through the clause providing that the company should pay $800 a track-mile and $78,000 in percentages on its earnings. So the railroads have paid into the city in the neighborhood of $1,000,000 up to date.

I find in Consular Reports Nos. 168 and 171 for 1894 the following:

The purchase and operation by the municipality of Glasgow of the street-car system of that city on or about the 1st of July, 1894, has resulted in better cars, cheaper fares, and more efficient service to the public. The street cars have so far been operated at a small profit to the city over and above running expenses and interest on the outlay of capital in the purchase.

Since that time they have gone on and improved the equipment—put in an electric system and made it a perfect success. So successful has Glasgow been in the operation of this line, that very many other cities of Great Britain have purchased their street-car lines and are now themselves operating them.

In 1894 Glasgow, with a population of 678,000, purchased her street-car lines, and since then London has acquired possession of many of the lines in that city. Liverpool, with a population of 518,000, has bought nearly all the lines in that city, and is operating them under its municipal government. Manchester, with a population of 454,000, has done the same; Leeds, with a population of 368,000, has followed suit. So with Sheffield, having a population of 324,000; Edinburgh, with a population of 268,000; Dublin, with a population of 254,000; Bradford, with a population of 216,000; Leicester, with a population of 175,000; Bolton, with a population of 115,000; Hubbersfield, with a population of 95,000; Plymouth, with a population of 84,000; Halifax, with a population of 83,000; St. Helens, with a population of 71,000; Newport, with a population of 55,000, and Blackpool, with a population of 23,000.

This has been done in all these cities and in London, where there is a population of 6,000,000. So it is no longer an experiment. This city ought to purchase the street-car lines at once. We are better situated to operate street-car lines than any city in the world, because we have a better government, because we have a government of three commissioners, by three executive officers, and this places Washington in a position to set an example to any city in this country or in any other country.

Let us see what has been the experience in Detroit. In Detroit the street cars charged a 5-cent fare.

Mayor Pingree said that a 3-cent fare in Detroit was enough. The companies declared it impossible. Outside capitalists thought otherwise, and offered to build a new road in Detroit. A franchise was granted the new company for 40 miles of railway, mostly in the outskirts of the city, on routes that had been considered unprofitable by the old companies.

Here we have roads, not only on the outskirts of the city, but running through the heart of the city, for the Belt Line, when properly equipped, will run through what will be the most profitable part of the city for railway purposes.

The new company agreed to sell eight tickets for a quarter, good from 5.45 a. m to 8 p. m., and six for a quarter good for the rest of the night. The new road was built and operated as agreed, furnishing excellent service and universal transfers. The men work ten hours a day and receive 21 cents an hour. The old companies reduced their fares to the new basis, and even made a 2½-cent rate on one of their lines. They had all the best streets and the sympathy and support of the wealthy and influential classes.

The average cost of operation for the year ending July 1, 1896, was 2.36 cents per passenger, and the average receipts were 3.3 cents per passenger. The cost of operation per car mile was 7 cents, and the receipts per car mile 10 cents, showing a profit of 5.3 per cent the first year on the total cost of construction, in spite of bad location, strenuous opposition, low fares, and a business of only 3 passengers per car mile. Boston has 7 passengers per car mile, and would have more if fares were reduced.

That is true.

If Detroit had seven passengers to the car mile the operating cost would be but a trifle more than a cent per passenger and a 2-cent fare would yield a handsome profit above all cost of operation and fixed charges.

The new company has offered to operate all the roads in Detroit at a uniform 2½-cent rate with free transfers all over the city, and pay interest on the purchase money if the city will take the roads by right of eminent domain under proper legislative authority.

Mr. McMILLIN. I should like to ask the Senator from South Dakota if he does not know that the new company is practically consolidated with the old company now?

Mr. PETTIGREW. Did the old company buy it out?

Mr. McMILLAN. It is practically run by the old company, and the two companies are working in harmony. They have not made very much money.

Mr. PETTIGREW. They were taken in by the old company. Even at these rates the business was so profitable that the old company took in the new one.

Mr. McMILLAN. The rate of fare in Detroit now on the main lines, and on nearly all the lines, is just the same as in Washington.

Mr. PETTIGREW. Yet the new company has been absorbed, and so it will be anywhere. It only adds to the strength of my illustration. That will be true anywhere, but if the public owns the line, consolidation is impossible and the public will get the benefit.

This new company offered to take the whole city and give a fare of 2½ cents per passenger. The old company had to get them out of the way, and undoubtedly paid a large bonus in order to accomplish that purpose. But it shows conclusively that if the city of Detroit had taken the street-car lines and operated them they would have done it at a profit at 2½ cents per fare. That is exactly what I want to accomplish here. I am aware that if we give the franchise to a new company and they should compete, combination would follow and the public would suffer.

The effort to limit franchises in this regard is not a new one. In fact, it is being adopted by many of the States in the Union and it is receiving the attention of our city governments everywhere. The law of Minnesota provides:

No perpetual franchise shall ever be granted, nor shall any franchise be granted unless the question of granting the same shall have been first submitted to the qualified voters of such city and adopted by a majority voting at such election on the question, nor in any case for a longer period than ten years.

New York, after being ridden and robbed by corporate greed for years, has now taken steps to limit the extent of franchises, with a view ultimately of acquiring the property. The question is extensively discussed in a quarterly magazine entitled Municipal Affairs, in the September (1897) number; and an article written by John DeWitt Warner in favor of municipal ownership is well worthy of consideration. It is an exhaustive treatise on this subject. What I contend for is that public ownership is better and cheaper and more conducive to the public interest; that private ownership leads to watering of stock, stock-jobbing operations, corruption of city councils, and general demoralization. I propose to read some of the experiences, according to Mr. Warner, of cities with private corporations. Take the Union Traction Company of Philadelphia:

The present earning capacity of the railways now consolidated by the Union Traction Company is shown by the following table, which gives the figures for the year ending June 30, 1896. The figures quoted cover companies which operate nearly 95 per cent of the railway mileage of Philadelphia.

Then he proceeds to give the names of the companies, their gross earnings, $10,210,000; operating expenses, $5,368,000; net earnings, $4,874,000, and the cost of the road was $34,156,000. Now, let us see what this company is capitalized for. It has stock to the amount of $129,300,000, less stock in trust, $21,000,000; leaving $108,000,000 capitalization on a total cost of $34,000,000.

Mr. GALLINGER. What road is that?

Mr. PETTIGREW. The Union Traction Company, of Philadelphia. Of course the public must pay on $108,000,000, and the company will let out the trust stock at the first opportunity when the market is good. The public will pay interest on $130,000,000 for what cost $34,000,000. The same process is going on here. We have a fair illustration in the Union Traction Company. They made net earnings of $4,874,000 and did not pay any dividends, the Senator from Pennsylvania [Mr. QUAY] says.

Mr. QUAY. I did not make mention of that fact to the Senator from South Dakota. This company has never paid any dividend, according to my recollection, although I have not noticed its transactions lately, and my impression is that the stock is selling for less than the amount paid in. The Senator from South Dakota has been examining the subject, however, and probably knows more about it than I do.

Mr. PETTIGREW. The article continues:

A glance at these figures shows that the present earning power of the Philadelphia companies is large. With the longest lines of any surface system in

the country, the gross receipts per mile of track are above $24,000. This return on the basis of track mileage is exceeded by only 4 of the 17 surface systems of this country which operate 100 miles or more of track.

It appears, then, that they pay no dividends, but make a net earning of $4,874,000. Their property cost $34,000,000 and they stocked it for $129,000,000. It is for the purpose of preventing such examples as this, toward which we have already started, as shown in the sale of the Washington and Georgetown Railroad Company, in this city, to the Traction Company, that I have offered the amendment.

The Capital Traction Company, of Washington, D. C., has 36 miles of track. It has a capitalization of $12,000,000 or $333,000 per mile. The capitalization of the Union Traction Company, of Philadelphia, is only $242,000 a mile, giving nearly $100,000 more for the line in this city than the line in Philadelphia.

Mr. MCMILLAN. I should like to call the attention of the Senator from South Dakota to the fact that the lines in Philadelphia are what are called trolley lines, while the lines in Washington are under ground and are very much more expensive, costing five times as much as trolley lines.

Mr. PETTIGREW. So far as the Traction Company in this city is concerned, its 36 miles of track embraces all tracks, and pretty nearly one-half of it, or a third of it, is composed of trolley lines, as everybody knows.

I should like to ask the Senator from Nevada whether the 36 miles of track are double or single track?

Mr. STEWART. I suppose it is single track. There are about 8 miles of double trolley track. The balance of it is under ground. It was cable, but now it has been changed to the other system.

Mr. PETTIGREW. The trolley line runs from the head of Eighteenth street, or about there, way out through Chevy Chase to the railroad track. The distance must be fully 6 miles, or 12 miles of single track, which is one-third of the entire system of 36 miles.

Mr. STEWART. It is only five miles and a little over from the White House to the line, and you have to take off about a mile and a half or two miles. It is between 3 and 4 miles.

Mr. PETTIGREW. It seemed to me in riding over the road that it was much more than that. Of course the Senator from Nevada must know. That track out in the wild country is stocked for $333,000 a single-track mile.

Mr. STEWART. What does the Senator suppose that track cost?

Mr. PETTIGREW. I suppose it cost not to exceed $25,000 a mile.

Mr. STEWART. In the first place, the company gave the city the land, which was valued at over $100,000; they built two bridges on the line, costing $150,000; they spent $250,000 in grading the road. That is independent of building the road.

Mr. GALLINGER. It runs through a very hilly country.

Mr. STEWART. It runs through a very hilly country. They gave over $100,000 worth of land; they spent over $250,000 in grading and $150,000 in bridges, independent of the road. The stock that company has got is not to-day worth more than 75 cents on the dollar of the actual money paid in. There is no great speculation in that.

Mr. PETTIGREW. Those people manifested great enterprise in buying pasture land in that region, where no one lived, and grading their grand streets through it, building bridges, so as to make the property accessible and be able to sell it out as town lots. That is a speculation. The building of the bridges and the grading of the road was purely a real-estate transaction and has no connection whatever with this question. The question is what, after the street was graded and given to the public, is the equipment that they have placed upon it worth?

Mr. STEWART. It has nothing to do with it that they give the streets to that extent and build bridges and give them to the city?

Mr. PETTIGREW. Where people lay out a town they generally dedicate the streets to the public in order to sell lots; and that is just what they did in this case.

Mr. STEWART. I wish the balance of them would.

Mr. PETTIGREW. That is what they ought to do and what they are required to do in almost every city in the land.

Mr. STEWART. They do not do it in this city.

Mr. PETTIGREW. I do not know what the practice is here. I know what it ought to be.

Leeds has operated her street railways since February, 1894, thus anticipating by a few months Glasgow's experiment in a similar direction and meeting like success—prompt betterment and increase of facilities and lowering of fare for the public—at the same time that better wages for shorter hours were paid the employees. The footnote below is condensed from a full memorandum just received from the town clerk of Leeds:

"I am unable to send you copies of the accounts, but the following extracts will show that the working of the tramways by the corporation has been a financial success."

Where he says "corporation" in the last line, he means the municipal corporation.

Then he proceeds to give the car receipts. The total receipts from March, 1896, to March, 1897, were £64,000; total expenses, £50,000; net profits, £9,000.

Sheffield has just completed her first year of municipal operation of her street railways, which is thus summed up editorially by London in its issue of August 19, 1897: "A year of municipal tramways in Sheffield has brought a clear gain of over £3,000 (net) to the corporation, has produced 2,000,000 additional passengers, has secured to the men an extra £2,500 in wages, with free uniforms and other advantages (including shorter labor hours), and, having secured a better service, has further led the city council to adopt electric traction;" while the itemized statement of a count published in another column states, and apparently shows, that the corporation committee had charged themselves with every item they fairly could.

Dublin's experience, though scarcely as pertinent, is equally interesting. Local tramway service has become so unsatisfactory that, after struggling with such conditions under its present operation by a private horse tramway company, on November 2, 1896, the city council resolved—

"That the time has come when the corporation (of Dublin) should seek Parliamentary powers to enable them to construct, purchase or lease, and work, by animal or mechanical power, all or any of the existing tramways within the city boundary (also to construct and work new tramways, etc.)."

Whereupon the tramway company promptly opened negotiations and offered, in case the city would leave the tramways in its hands and help it get the bill through Parliament to permit it to change its motive power to electric traction—

First. To pay a license fee of $2,500 a year for each mile of tramway now existing or hereafter to be constructed.

Second. To charge no higher fare than 1 penny from any city terminus to the city boundary, and not more than 2 pence for any fare within the city.

Third. In case any new or improved method of electric traction be discovered, to introduce it on the principal (designated) streets, if the city so requested.

Fourth. To give the city the option in 1928, or at the expiry of each seven years thereafter, to take its plant at a valuation.

Which proposition is still open.

Halifax: Every other department is here managed by the corporation for the benefit of the citizen. The gas works, waterworks, electric light, sanitary department, street cleaning, borough hospital, are all in the hands of the corporation, who do not seek to make a profit out of these undertakings, but simply to do the best they can for the benefit of the people. We are at present engaged in putting down an electrical system of tramways on the overhead trolley-wire system. The power is to be supplied from the existing corporation electricity works. The streets along the route will be lighted by electricity, the arc lamp being combined with the trolley poles. We are able to borrow money at 2½ per cent, and our only object will be to pay the interest on the capital and sinking fund and the working expenses, and get the best accommodation we possibly can at the lowest rate for the benefit of our citizens.

That is what we ought to do here, Mr. President. We have taken possession of the waterworks of Washington. They are owned and operated by the public. If they are not in every respect satisfactory, it is the public's fault; perhaps the fault of Congress, for we are the city council for Washington. One thing is certain—the rates are cheaper than in almost any other city in the land. We ought to take possession of the other public franchises. This city ought to operate its own electrical plant. What is the experience of cities in this connection? The gas plant of Belfast, with 210,000 people, is owned by the city and gas is sold at 60 cents a thousand. We pay $1.10 or $1.15 for what is not gas and what will not illuminate. The total receipts in Belfast were $883,000 and the net revenue $327,000, with 60-cent gas. The actual cost of the gas in the holder was 19.58 cents.

The same thing can be said in regard to electric light. An investigation has been made by which it is shown that in the United States cities which have their own electric plants pay less than one-half for the use of the light for lighting the city per lamp that cities in the United States pay which contract with private corporations.

The American League of Municipal Corporations reports that the cost of each street arc lamp in 25 American cities which own their plants and operate them is on the average $41 per year per lamp, while in 56 cities which contract for light it is $95.50, or two and a half times more.

Professor Bemis, of the Kansas Agricultural College, in the March Forum quotes the superintendent of the best of the three gas plants heretofore owned by the city of Philadelphia manufacturing gas as saying that it cost 27 cents per thousand feet. The price of gas in Manchester, England, is 53 cents per thousand, in Birmingham to the consumer 53 cents per thousand, in Glasgow, Scotland, 53 cents, and yet in this city we are paying more than double, almost two and one-half times, for this service, and it can not be said to be a better service, for no more wretched service was ever furnished any community than the Washington Gaslight Company furnishes to the capital city of the United States.

I desire to say but a few words more, and that is in regard to the amendment I have offered. I am sorry I have not had the time, or perhaps the inclination, to more thoroughly go into this question and more connectedly discuss it. The amendment which I have offered provides:

That at any time after five years from the date of the passage of this act the Commissioners of the District of Columbia, or the Government of the United States, may acquire all the property of said company, by purchase or otherwise, for its actual value at the time the same is so acquired, without taking into account the value of any franchise now or heretofore granted, and may operate the same in the interest of the public, and the rights and privileges hereby granted shall be for a period of not to exceed twenty years, unless previously purchased as herein provided.

I do not like the charter. I think the bill itself is decidedly defective in that it allows the company to purchase the interests of

any other companies in this city and issue unlimited stock. After this is disposed of I shall try to amend the bill so as to change it in that particular.

Mr. BUTLER. I should like to ask the Senator from South Dakota, before he takes his seat, if the company is to pay the city anything for the valuable franchise under this charter?

Mr. McMILLAN. I will answer the Senator from North Carolina, if the Senator from South Dakota will allow me.

Mr. PETTIGREW. Certainly.

Mr. McMILLAN. The tax last year was $95,000.

Mr. BUTLER. I am not speaking of taxes. I want to know if they pay the city anything for the valuable franchise granted.

Mr. McMILLAN. No.

Mr. BUTLER. They simply pay taxes, like I would pay on my private property, or the Senator on his.

Mr. McMILLAN. They pay on private property, and also a tax on gross earnings.

Mr. BUTLER. Oh, certainly; but they get the valuable franchise free. To put a small tax on their gross earnings is nothing. The Finance Committee is now considering the question of putting a small tax on the gross earnings of all corporations to raise more revenue.

This seems to be a very reasonable amendment. We give them for nothing a valuable franchise. If we buy back the property, surely we should not pay for the franchise which we have given and charged nothing for. If we give them the benefit of this valuable franchise, on which they can earn dividends for five years, certainly we should not pay them anything to get back the franchise at the end of five years. Give me the use of something very valuable for five years and I make big profits out of it for five years, and then at the end of that time give me the power to charge what I see fit for the franchise, and I will fix the price at a very high figure. What, we grant a valuable franchise for nothing and then can not take it back when we desire is the most monstrous proposition from a business standpoint I have ever heard.

Mr. STEWART. If the Senator from North Carolina is through, I should like to make a remark.

Mr. BUTLER. The Senator from North Carolina is not through.

Mr. STEWART. Proceed then.

Mr. BUTLER. I paused when I saw the Senator rise, because I thought that the Senator from Nevada had risen to elucidate that astounding business proposition.

Mr. STEWART. I can elucidate this bill in five words if the Senator wants me to.

Mr. BUTLER. The Senator may put five words into my speech if he will be that brief.

Mr. STEWART. The situation is simply this: Here are several roads which are bankrupt, to the great inconvenience of the people. There is a good deal said about benefiting the people. The people all around in that section of country are petitioning to have something done. They are going afoot and in every other way they can. That section of the city where these roads are is falling behind. It is not fair. They have not transportation facilities. With all the privileges the roads have had they can do nothing. Now, they propose to get together and form such a combination as will make it possible that they can build roads and give the city accommodations.

Now, as to the other roads in the city, I have this to say: The fares are very cheap. You can travel here 8 or 10 miles for 4½ cents, six tickets for a quarter. You can travel 10 miles on some of the lines. It is pretty cheap. Perhaps it is dear and perhaps it is not. Where the roads here have had proper legislation, they are giving the best service of any city in the United States. Everybody who comes here speaks with great admiration of these roads which have had proper legislation, and the stock of those roads does not exceed the money actually put in. Take the Capital Traction Company, about which there is so much said. There were $9,000,000 put in and they have capitalized the road at $12,000,000. The stock has been selling at from 55 to 70 cents on the dollar.

Mr. BUTLER. This is because the stock has been watered.

Mr. STEWART. The additional cost, by reason of putting in the new system, is going to bring it up almost dollar for dollar of the capitalization. There is no difficulty about that at all. It is perfectly understood, and in this city the people understand perfectly well what these roads are, and if the stock is put out it will not sell for any more than it will pay dividends on. We want to revive this part of the city and there is this scheme proposed. Anything less than the pending bill contains will not be effective and the city will not have roads. Imposing on these poor roads, which have been unable to exist, unable to give accommodations, conditions which will keep the localities deprived of railroad facilities, it seems to me is very bad. If we do that, it looks like tearing down the system.

Mr. BUTLER. I should like to ask the Senator from Nevada if it is possible to have a piece of property that will be paying 20 per cent profit on its actual value, and then to increase its stock to such an amount that it would not pay any dividends at all, and yet the public will be charged the same tax for the same service that was charged when the property was paying a 20 per cent profit on the real value? We all know that the stock of nearly every corporation is thus increased to keep the public from knowing how much too high rates are, and also that some stock may be given to certain legislators and newspapers to keep them quiet.

Mr. STEWART. That is an imaginary case. That has not occurred in this city.

Mr. BUTLER. This imaginary case is one so near to the actual condition in so many places that it is uncomfortable to talk about it, I know. If it would not be possible to increase the stock and distribute it around until no profit could be distributed on account of the large amount——

Mr. STEWART. If ever it becomes possible for them to make a dividend on these roads by bringing them up, I shall be very glad. If they do that, they will give good service to the community. I want to have legislation for that purpose. To try all sorts of crude experiments on these roads when it is an absolute necessity that they shall be revived for the interest of the community seems unnecessary. Then, besides, Congress has power to regulate the fares. Congress can regulate these fares at any time, and it has kept them down within a reasonable limit at all times. Congress has power to impose taxation. There is no danger of any monopoly growing up or the community being injured if these roads are put in a condition where they can be improved and the community accommodated.

Mr. BUTLER. Mr. President, it is true that we say we reserve the power to regulate rates; but we all know that whenever we grant such tremendous power and such important franchises to a private monopoly, they are soon able to negative the power that we have. They are soon able to persuade us not to regulate them.

Mr. President, to-day Congress, or the States, or the municipalities have the power to regulate every corporation, monopoly, and syndicate in the United States, and yet we regulate none. On the other hand, the monopolies regulate the city, the State, and the nation. I can not say that the monopolies are so much to blame. I suppose we would do the same thing under the same circumstances. But I complain of the system. I complain of the system which makes this possible and inevitable. It is our duty as legislators, if we can—if we are still able—to change the system.

The question whether such public services as lighting by gas or electricity, street-car transportation, and the furnishing of water to every household should be intrusted to private corporations or controlled directly by the municipalities is one that is attracting a great deal of attention. The principle of municipal ownership of these natural monopolies is one that is steadily growing in favor in every quarter of the Union. To have pure water furnished at a low cost; to have an efficient and cheap telephone service; to have good gas or electric lighting facilities furnished at reasonable rates and extended to every quarter of the city; to have prompt and efficient street-car service at a cost not greater than it costs to furnish the service, are four questions that concern every resident of a town or city as vitally as any other four questions pertaining to city government, if not more so.

To have these important services cheap and efficient is not only of vital concern to those who live in a city, but is the best possible advertisement and inducement to bring desirable additions to a city's population and business enterprises. That these important functions, supplying vital necessities to a city's welfare, should be put in the hands of two or three private monopolies, often foreign capitalists, who will use these monopolies with a view solely to their own profit, is unbusinesslike, to say the least—it is worse than that; it is folly, it is suicidal. As a rule, the cost of these necessities can be reduced upon an average more than one-half over the entire country, and each city furnish the people a better and more reliable service.

Nearly every city to-day where private monopolies hold these important functions and franchises would change at once to municipal ownership if a majority of the citizens could express their will and have it enforced. The fatal mistake is made when a city grants these franchises to a private monopoly. At once the monopoly wrings from the public enormous profits, and then uses a part of its profits to control the city elections and city government. Soon the people find that they can not elect any man for mayor, councilman, or alderman unless he is a man too friendly to the interests of these private monopolies. The monopolies will proceed to rule the cities; the voice of the people will be defeated, if not drowned and hushed.

On one occasion when I was in New York I was very much impressed with the inefficiency of the car service of that great metropolis. I asked a citizen of the city why there was no electric or cable street-car lines instead of here and there an antiquated horse-car line to help the elevated roads to move the great surging mass of humanity to be seen in that city every day. He pointed to the elevated railroads and said: "They will not allow

it." I then asked him, if cable and electric companies had built surface roads and gotten established first, if they would have allowed others to build elevated roads. He said, "No. If the cable and electric road had been built and they had grown strong enough to control the city government, then we would have no elevated roads. They would not desire any competition and would want all the business themselves, and what of the public they could not accommodate might suffer and walk and go unaccommodated."

This tells the whole story. A city foolishly grants an important public franchise that concerns every citizen to a private corporation. The franchise is a monopoly, and then the corporation becomes a monopoly and uses the franchise not for the public interest except as the interest of the public can be served to put money into the pockets of the private corporations. Of course the private corporation uses its monopoly to make immense profits and then uses these profits to control the city elections and city government; and thus we have the spectacle of street railroads, gas and electric plants, telephone companies, and waterworks running the city in the interest of the private owners of the public franchises instead of the city running these important functions in the interest of the city and its citizens.

There is but one remedy to give the people justice and to purify politics, and that is for the city to own and operate these public franchises. Surely, if reason, common sense, and common business principles are to be observed, soon these reforms must come in every city. Thus it will be seen that the principles of the People's Party apply to the welfare and interests not only of the farmers and country population, but apply also equally strong to the welfare and interest of the residents of our towns and great cities. In short, the principles of the People's Party must be applied to insure the people good government in the nation, in the State, and in every local and city municipality in the nation. The people will suffer until it comes.

Mr. President, the amendment to this street railway charter will not cure the evil. It does not reach the root of the evil, but it is in the right direction. I trust that it will be adopted.

Mr. GALLINGER. Mr. President, I will not weary the Senate with any special discussion of the amendment submitted by the Senator from South Dakota [Mr. PETTIGREW], and yet I think it incumbent upon me to say a word in opposition to that amendment and in advocacy of the bill.

Mr. President, I have sometimes been called an opponent of the existing street railway corporations of Washington because of certain action that I have taken in the committee room, but I am in no proper sense either an opponent or an advocate of these corporations. I simply want that they shall be dealt with fairly by Congress. That is all. The amount of labor imposed upon the Committee on the District of Columbia in legislating for this great District and for this great capital city is perhaps not known to Congress. In the matter of these street railway franchises a subcommittee, of which I have not been a member, has dealt with them and has given a great deal of time and attention to the questions involved. I look with a good deal of concern upon any action that may be contemplated that will embarrass these corporations at the present moment.

Mr. President, we have in the city of Washington three of the best street railways that in my judgment exist in any part of the world. We have the Capital Traction Company, which has spent in the construction of its line an enormous amount of money. I do not know how much it has spent, nor do I know the exact capitalization of that company. I do know, Mr. President, that that company, at the behest of Congress, abandoned the old, antiquated system of horse propulsion, put in a cable system that cost it an immense amount of money, lost its power house by fire, and is now proceeding to put in the latest known appliance for propelling street railroad cars, namely, the underground electric system.

We have the Metropolitan Company, which has been a matter of concern to the Congress of the United States for a great many years. For a time it was an unfortunate company. It had the horse railroad system in the first place. It then experimented at an immense expense with a storage-battery system, which proved a total failure. It then proceeded to put in what I have several times declared to be the best underground system that is known to any city of the civilized world. What amount of money that company expended, I do not know, but it certainly reaches into the millions, and that company has given to the citizens of Washington accommodations such as I have not found in any other city on the American continent.

We have on New York avenue another railroad that has never, as I remember, given Congress much trouble, a railroad that proceeded upon its own volition to put in a cable system as good as there is in any city in the United States or in any country in the world. That company is known as the Columbia Railroad Company.

The VICE-PRESIDENT. Will the Senator from New Hampshire suspend for a moment?

Mr. GALLINGER. Certainly.

The VICE-PRESIDENT. The hour of 2 o'clock has arrived, and it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 4545) to provide for taking the Twelfth and subsequent censuses.

Mr. KYLE. Mr. President——

Mr. McMILLAN. I hope the Senator from South Dakota will allow us to finish the pending bill. It is almost ready for a vote.

Mr. HALE. The Senator from Montana [Mr. CARTER] who has charge of the unfinished business is not at this moment in his seat, and I do not think any arrangement can be made about the disposition of the bill until he comes in.

Mr. HOAR. I ask unanimous consent that the Senator from New Hampshire may be permitted to finish his remarks and then the matter can be determined.

Mr. GALLINGER. It will take but a moment.

Mr. KYLE. I agree to that.

The VICE-PRESIDENT. Is there any objection? The Chair hears none, and the Senator from New Hampshire will proceed.

Mr. GALLINGER. Mr. President, at the present time the Capital Traction Company is engaged in the enterprise of installing its plant with an underground electric system, and that company, at the command of Congress, is likewise to extend its line in several directions so as to give the citizens of this city increased railroad facilities. I think, in view of the fact that that corporation has expended so much money in first putting in a cable system and now putting in an underground electric system, in the loss of its immense power plant by fire, and in its purpose to obey the behest of Congress to extend its line in directions that will subserve the public interest, this is an inopportune time to legislate in any manner hostile to the interests of the corporation.

The present bill relates to certain other corporations in the city of Washington, to wit, to the Belt Line, to the Eckington and Soldiers' Home line, and to the line that is proposed to connect the city of Washington with the city of Baltimore. The Belt Line, as I understand the matter, and it has been a matter that has been frequently before the Committee on the District of Columbia, has never been a success. The money that has been invested in that corporation has been practically lost, and what is true of that corporation is likewise true of the Eckington and Soldiers' Home line. The Senator from Maryland [Mr. GORMAN] has stated today that some $3,000,000 has already been swallowed up in the enterprise that contemplates connecting the city of Washington with the city of Baltimore through the instrumentality of an electric railroad.

A great deal of complaint, and just complaint, has been made on the part of citizens residing in portions of the city through which these poor, inadequate, and practically bankrupt railroad companies run their roads. The people of Eckington have especially been full of complaints and protests, and even indignation meetings, as I remember, have been held to protest against the facilities that are given to them to reach the beautiful suburb of Eckington where they reside. The Committee on the District of Columbia has been diligent in investigating all these matters, and I speak for the subcommittee when I say that they deserve the commendation rather than the censure of the Senate for the time and patience which they have given to the subject.

The present bill proposes, as I understand it, to consolidate the Eckington and Soldiers' Home Railroad, the Belt Line, and the line, whatever it may be called, that connects Washington with the city of Baltimore, and the design is, if this legislation goes through, that the combined corporation will install an electric plant that will be equal in efficiency and completeness to those already existing in the compact part of the city.

Now, Mr. President, to accomplish this great result money must be raised, capitalists must be appealed to, bonds must be sold; and I submit again that it is an inopportune time to load down this new enterprise with hostile legislation when they have to go into the markets of the world to raise the money to carry out this enterprise, which Congress says ought to be done, and for which the people of this city are clamoring.

Mr. President, this matter is in the hands of Congress. Every franchise that has been granted or that may be granted to a corporation of any kind can be amended or repealed at the wish of the Congress of the United States. It seems to me that that is an adequate remedy, and that we ought not to go beyond that at the present moment. If after these railroads get in working order, if after the Capital Traction Company has completed its line and this new line has accomplished its purpose, it is found that their rates are greater than they ought to be, Congress can amend the statutes so as to require them to pay taxes into the public Treasury that will be fair as between the public interests and the interests of the men who have invested their money in these great corporations, or Congress can reduce the rate which they charge for their service.

Mr. President, I do not care to go into a discussion of the other corporations of the District of Columbia. Very likely we have

been too generous in dealing with corporate interests, but I do not think that the Senator from South Dakota is warranted when he arraigns the Washington Gaslight Company as being the worst managed company in the world and as furnishing the poorest gas at the highest price of any city in the country. We have legislated concerning that company. The Committee on the District of Columbia has given hours and days and weeks to careful consideration of the questions involved as between the people on the one hand and the capitalists who have invested their money in that corporation on the other.

Two years ago, or possibly three years ago, we legislated, settling that question for five years. We were then paying $1.25 a thousand for gas in the city of Washington, and we passed a bill providing that the amount should be reduced 5 cents a year for five years, so that at the end of five years we would have dollar gas in this District. The reduction has gone on from year to year until the people are now receiving gas at $1.10 a thousand (not $1.15, as the Senator from South Dakota stated it), and in two years more the gas will be furnished them for $1 per thousand.

Now, Mr. President, that is much cheaper than gas is furnished in almost any other city in the American Union. There are a few cities that furnish dollar gas; there may be one or possibly two cities that furnish gas for less than that amount; but I go back to my own home, where nobody has charged that the gas company is receiving extravagant returns for the money invested, and I find that we pay there $1.50 a thousand for gas, while in the city of Washington it is furnished to-day at $1.10, and in two years it will be furnished for $1 per thousand.

As to the quality of the gas, I know it is fashionable to say here and perhaps elsewhere that the gas furnished to the people of Washington is the poorest gas that is furnished to any people on the face of the earth. But, Mr. President, investigations have not shown that to be true. When we were legislating on this subject I called to my aid a gentleman who is an expert in this matter, but who was not then connected with any gas company in the country. He came here and carefully examined this gas. He examined it with great care, and he told me on his honor that the gas furnished to the citizens of Washington—that was some three years ago—was equal in quality to any gas of which he had knowledge. The corporation may have deteriorated the gas since then, but I do not believe they have done so. The gentlemen who are at the head of that corporation are enterprising, public-spirited citizens, who have put their money in that great corporation, and who are entitled to fair treatment on the part of the Congress of the United States.

Now, Mr. President, this is all I care to say. This matter has been gone over again and again, and it is like thrashing old straw to talk about the Government ownership of railroads, gas companies, telephone companies, and all that sort of thing. When the time comes for the serious discussion of that question, I shall be prepared to discuss it in my halting way, but it strikes me that that question is not involved in the matter as to whether we should pass the bill that is now before the Senate or the other bill that will come before the Senate relating to another railroad corporation in this District.

Let us deal fairly with this subject. Let us also hold all corporations to a strict accountability under the statutes; and if we find upon investigation that they are not dealing fairly with the people, let us amend the law; but at this time, when they are so solicitous to complete these great public improvements, and when we are all so solicitous to have them completed, do not let us, by the adoption of an amendment such as has never been attached to any bill of a similar nature, hamper them to an extent that will very likely prevent the consummation of the wish that the people and Congress both have at heart.

Mr. McMILLAN. I hope we may now have a vote on the pending amendment.

Mr. PETTIGREW. I should like to inquire whether we are going to complete these bills now or to take up another subject?

The VICE-PRESIDENT. The Chair laid before the Senate a moment since, in the absence of the Senator from Montana [Mr. CARTER], the unfinished business of the afternoon, being Senate bill 4545. That should be disposed of in connection with the request of the Senator from Michigan.

Mr. CARTER. The Committee on the Census is prepared to proceed with the consideration of the census bill, which is the unfinished business.

Mr. KYLE. Mr. President, I have asked the Senator from Montana to lay aside his bill for the afternoon, and I think he has very courteously agreed to do so, provided we can finish the labor arbitration bill this afternoon.

Mr. CARTER. I wish to suggest for the consideration of the Senate at this time that it has become very obvious that the census bill must be pressed persistently in order to secure its passage through both Houses of Congress at the present session. That it should become a law in whatsoever form Congress will finally determine to pass it at the present session is very apparent to those who have considered the difficulties that have been encountered by census directors and those charged with the administration of census work in former years through the brief space of time allowed for preparatory work.

I have no desire whatever to antagonize the bill presented by the Senator from South Dakota [Mr. KYLE], and do not wish to be understood as attempting to place any obstacle in the way of its consideration. I had rather facilitate its consideration and passage; but, Mr. President, under existing circumstances, considering the sense of duty on the part of the members of the Committee on the Census and the pressure that has been justly brought to bear in order to secure early action upon that subject, I can not consent to the consideration of the bill presented by the Senator from South Dakota beyond this day. I consent that the census bill may be temporarily laid aside, but with the understanding that if the bill presented by the Senator from South Dakota leads to debate that extends beyond this day's session, the census bill can not be further laid aside for its consideration.

Mr. KYLE. I will state to the Senator from Montana that the amendments to be offered by different Senators in the Chamber have nearly all been presented to me, and they have also been presented to the members of the Railway Trainmen's Association, and there is a mutual agreement as to all these matters. I think that one hour will complete the bill if we can now proceed to its consideration.

Mr. McMILLAN. I give notice that to-morrow morning after the morning business I shall move to take up the street railroad bills.

ORDER OF BUSINESS.

Mr. ALLEN. Mr. President, before this preliminary matter to which the Senator from Montana refers is settled, I think it is well to refer briefly to the CONGRESSIONAL RECORD. Yesterday the Senator from South Dakota [Mr. KYLE] said:

> For the past two days I have endeavored to get unanimous consent—in fact, I had already gotten it—for the consideration of Senate bill 3622. In deference to the wishes of the Senator from Nebraska [Mr. ALLEN], who wishes to propose certain amendments, I should like to have it go over until to-morrow at 2 o'clock. Therefore I ask the unanimous consent of the Senate that we agree to consider the bill at that time.

Then, after some running discussion, the Vice-President said:

> Is unanimous consent given that Senate bill 3622 may be made the special order for to-morrow afternoon at 2 o'clock?

How, under those circumstances, is the Senator from Montana going to limit the debate on this bill?

Mr. CARTER. I call the attention of the Senator from Nebraska to a portion of the conversation recorded, which modifies the view of the Senator from Nebraska very materially. The Senator from Montana at that time suggested that it must be understood that this special order would in no sense interfere with the unfinished business of the Senate, and the Senator from Wisconsin suggested that certainly it would not interfere with the unfinished business of the Senate.

Mr. SPOONER. I stated—which I understood to be the fact—that under the rule a special order does not displace the unfinished business; that the unfinished business at that time was the quarantine bill; and I understand that this morning shortly after the Senate was convened—I was not here—the quarantine bill was displaced and the census bill was made the unfinished business.

Mr. ALLEN. Well, granting all that to be true——

Mr. CARTER. The census bill has been pending as the second order of unfinished business. The first bill on that order was the quarantine bill.

Mr. SPOONER. How many orders of unfinished business does the Senator understand can be pending at the same time?

Mr. CARTER. I do not know, except that in the manner in which the Calendar is prepared it appears that the quarantine bill was the first on the order entitled "Unfinished business," and the census bill was the second in number under that head.

Mr. ALLEN. The statement I make may be premature at this time, but I want to be distinctly understood, as one member of the Senate, that I will not be bound by the construction the Senator from Montana gives to the unanimous-consent agreement of yesterday, and I do not accept the interpretation of it now offered.

Mr. CARTER. According to the statement made by the Senator from Nebraska, and according to the plain statement contained in the RECORD, unanimous consent was given only that the bill presented by the Senator from South Dakota should be made a special order; and the only question remaining is whether the unanimous consent to make a certain bill a special order of necessity displaces the unfinished business of the Senate. There can be no dispute about that; it is a matter of the construction of the rule.

Mr. ALLEN. In the language of an acquaintance of mine, that is the opinion of one man only.

Mr. CARTER. Certainly; but shared in by many others, I believe.

Mr. ALLEN. When a unanimous-consent agreement is entered

into that a bill shall be taken up at a certain time and considered, where is there anything in the rules or practice of the Senate that displaces that order of business until it is determined?

Mr. CARTER. There is a difference, I will suggest to the Senator from Nebraska, between unanimous consent to take up a bill for consideration at a given time and the fixing of a certain bill as a special order.

Mr. KYLE. Allow me to call the attention of the Senator from Nebraska to what appears on page 4773 of the RECORD containing the proceedings of last evening as to the order of business:

Mr. CARTER. I suggest to the Senator from South Dakota to so modify his request that the unfinished business may at that time be informally laid aside, as it is not desired that this bill shall displace the unfinished business.
Mr. SPOONER. A special order does not displace the unfinished business.
Mr. KYLE. Of course we understand that the unfinished business takes precedence.
The VICE-PRESIDENT. It is made a special order, subject, of course, to the unfinished business.

That was the agreement last night, and I should now like to call up Senate bill 3662.

Mr. CARTER. I ask that the unfinished business be informally laid aside for the day.

The VICE-PRESIDENT. Is there any objection to informally laying aside the unfinished business, being the bill (S. 4545) to provide for taking the Twelfth and subsequent censuses? The Chair hears no objection, and the special order is now before the Senate, under the arrangement of yesterday, being Senate bill 3662.

Mr. CARTER. Mr. President, I wish the consent of the Senate to modify the suggestion. Of course the census bill is to be laid aside for the day, so that it may be understood that it is to be taken up immediately after the conclusion of the pending bill, which it is understood will be disposed of to-day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 3132) to provide for the disposition of abandoned imported merchandise.

The message further announced that the House had agreed to the amendment of the Senate to the concurrent resolution of the House to print 3,500 additional copies of the Second Special Report of the Commissioner of Labor.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 1586) to abolish the distinction between offered and unoffered lands, and for other purposes;

A bill (S. 4142) to provide a life-saving station on the westerly side of the harbor of Gloucester, Mass.;

A bill (H. R. 6161) for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River in said District, and for other purposes; and

A joint resolution (H. Res. 214) authorizing the Secretary of the Treasury to rent lighting apparatus for Government building at Trans-Mississippi and International Exposition.

POST-OFFICE APPROPRIATION BILL.

Mr. QUAY. I ask the Chair to lay before the Senate the message from the House of Representatives returning the Post-Office appropriation bill.

The PRESIDING OFFICER (Mr. CLAY in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. QUAY. I move that the Senate insist on its amendments and grant the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. QUAY, Mr. ALLISON, and Mr. FAULKNER were appointed.

ARBITRATION BETWEEN RAILROAD COMPANIES AND EMPLOYEES.

Mr. KYLE. The House of Representatives has passed a bill in exactly the same form as the bill pending before the Senate; but I will state that I have in my hand a number of amendments proposed by different Senators, which I will offer in their order.

I find, however, on examining the House bill that the lines are numbered differently from the Senate bill. I have the amendments arranged according to the lines in the Senate bill. I will therefore ask that the Senate bill be taken up for consideration, and after it shall have been amended I will move to take up the House bill and then ask to have the Senate bill substituted for it.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3662) concerning carriers engaged in interstate commerce and their employees.

Mr. KYLE. I move to amend the bill in section 1, on page 2, line 14, after the word "act," by inserting "shall not be held to apply to employees of street railroads, and."

The PRESIDING OFFICER. The amendment will be stated from the desk.

The SECRETARY. In section 1, on page 2, line 14, after the word "act," it is proposed to insert "shall not be held to apply to employees of street railroads, and;" so as to read:

That this act shall not be held to apply to employees of street railroads, and shall apply only to employees engaged in railroad train service, etc.

The amendment was agreed to.

Mr. KYLE. In the same section, on page 2, line 15, after the word "service," I move to strike out "and shall not be held to apply to employees of street railroads." I will state that that is merely a transposition of the sentence.

The amendment was agreed to.

Mr. ALLEN. Mr. President, I desire to submit a few remarks on this bill, and I might as well do so at this time as at any other.

Mr. KYLE. I hope the Senator will desist until I can offer the amendments in their order.

Mr. ALLEN. My remarks will not at all interfere with the formal amendments the Senator from South Dakota desires to offer, but will be of a general character.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. ALLEN] is entitled to the floor.

Mr. ALLEN. My connection with this matter began yesterday. I quote from the RECORD:

Mr. KYLE. I now ask that the bill (S. 3662) concerning carriers engaged in interstate commerce and their employees be considered.
The VICE-PRESIDENT. The bill referred to was made a special order for Monday, May 9, at 2 o'clock p. m.
* * * * * * *
Mr. KYLE. The bill to which I referred was made the special order for yesterday, and I understood yesterday that when we concluded the consideration of the Post-Office appropriation bill it would immediately follow the consideration of that bill, and there was unanimous consent to that arrangement.
Mr. ALLEN. I do not want to put myself in antagonism to the request of the Senator from South Dakota, and shall not do so; but I trust he will permit the bill to pass over until to-morrow. It is a bill of very great importance, but it is very artfully and skillfully drawn; and it is not, in my judgment, going to accomplish what the Senator expects or to accomplish what its friends expect it to accomplish. I have read it with a good deal of care. I have read it in the light of how I think courts will construe it, and I regard it as one of the most dangerous bills that has ever come before Congress. I desire to offer some amendments to it, however, and am not prepared at this time to do so. I do not want to antagonize the bill.

But the Senator from South Dakota [Mr. KYLE] seemed to persist in its consideration at that time, and the Vice-President said:

Is there unanimous consent given for the consideration of the bill?

And I was constrained to say that I objected to its being considered at that time.

I make this statement for the purpose of another observation. Some person during the night, having construed my objection into opposition to the bill, telegraphed to Nebraska to labor organizations to telegraph me to support the bill, and I have been flooded this morning with telegrams to that effect. Of course I have little to say about that method of transacting business. With my natural disposition, if I had been inclined to be indifferent to the bill, I should oppose it rather than support it under the circumstances, but I want to renew the assertion that in my judgment this is one of the most vicious bills in the manner in which it is drawn that ever came before Congress. When I say "vicious," I do not mean it in the sense the word is sometimes used. I mean it in the sense of the consequences that are to flow from it if it becomes a law; and I propose to take a few moments in analyzing it, not very carefully but generally, and in pointing out, if I can, to the laboring people, especially to the railway men, whose friend I have always been and by whom I have always stood through good as well as through evil report, that they are being led into a trap by the passage of this bill, which means to them involuntary servitude.

I can understand very well how a gentleman like my friend the Senator from South Dakota can be in favor of a measure of this kind. Its title is pacific; its tone is pacific; but it is Janus-faced in fact. While it professes to be a bill for the arbitration of difficulties between the railroads and their employees, it is a bill which binds the railroad employees hand and foot and makes them, whether they will or not, the absolute bond servants of the employer. I will endeavor to have it amended as far as I can,

and then, if the representatives of the labor organizations who are in these galleries at the present moment, after hearing the analysis that will be made by myself and others, still persist that they want it, I am inclined to think, so far as my vote goes, I will give it.

I will examine the bill section by section, not with any expectation or desire to consume time, but for the purpose of pointing out in a general way some of its defects. The bill is entitled "A bill concerning carriers engaged in interstate commerce and their employees." As a matter of fact, although not appearing upon its face to be such, it is amendatory of the present interstate-commerce act. If passed, it will become a statute upon that subject, and must be construed in pari materia with that act and all other acts upon the subject of interstate commerce. The first section is as follows:

That the provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen as defined in section 4612, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

I read that section for the purpose of showing that it has reference wholly to interstate commerce; and that becomes an important matter to be borne in mind as we proceed with the examination of this bill.

Now I pass to this language on pages 2 and 3, which I will read:

The wages paid by carriers subject to this act for any service rendered or to be rendered in the transportation aforesaid—

That refers to interstate transportation—

or in connection therewith, or for the receiving, delivering, storage, and handling of such property, and the rules and regulations governing such employees shall be reasonable and just.

Here is a defect in the bill. It may be said to be a minor defect; but let me ask the honorable Senator who is in charge of the measure what are reasonable and just wages and who is to determine the question?

Mr. KYLE. I will state that there is an amendment which I was going to offer, to strike out the clause beginning in line 25, at the bottom of page 2, and going to line 7, on page 3.

Mr. ALLEN. I hope that will be done; but we were informed yesterday and again to-day that the bill has run the gamut of the House of Representatives and the Senate on one or more occasions, and yet the very first line shows the skillful hand of the man who drafted it: "They shall be reasonable and just." That is a general declaration. What is reasonable and just compensation? It is dependent on the circumstances. And who is to determine whether the compensation is reasonable and just? The railroads. And when they determine that, there is power given the courts to enforce it against the man who is employed, and to retain him in their employment. Then it says:

This provision shall not affect the right to make contracts for such wages not in contravention of any of the provisions of this act.

What does that mean, except that so far as the provisions of the bill are concerned you can not make a contract in violation of its terms?

This provision shall not affect the right to make contracts for such wages not in contravention of the provisions of this act.

Outside of the provisions of the bill, of course, you may make a contract, but every conceivable contract that can be made by an employee with a railroad company is covered by it. Therefore you can not make a contract that will be enforced in any court of justice, State or Federal, in violation of the terms of the bill. Suppose we consider that a minor objection also.

SEC. 2. That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a carrier subject to this act and the employees of such carrier, seriously interrupting or threatening to interrupt the business of said carrier, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall, upon the request of either party to the controversy, with all practicable expedition, put themselves in communication with the parties to such controversy, and shall use their best efforts, by mediation and conciliation, to amicably settle the same; and if such efforts shall be unsuccessful, shall at once endeavor to bring about an arbitration of said controversy in accordance with the provisions of this act.

All of that is harmless except two lines. When are these arbitrators, or when are the chairman of the Interstate Commerce Commission and the Commissioner of Labor, to tender their good offices to the contending parties? When the condition is such as to seriously interrupt or threaten to interrupt the business of the carrier. Who is to complain? The carrier alone can complain. They can not mediate or tender their good offices unless the conditions are such as to seriously interrupt the transaction of the employer's business.

Mr. President, suppose the conduct of the business is such as to seriously affect the welfare of the employee. These gentlemen are powerless under such circumstances to tender their good offices or to mediate. Whenever the railroad company says, "Our business is seriously menaced or interrupted," then and then only can the services of these gentlemen be called for or can they tender their good offices. But the transportation company may be squeezing the life out of the laborers, may be discharging them or reducing their wages or lengthening their hours, and under this section the chairman of the Interstate Commerce Commission and the Commissioner of Labor are powerless to tender their good offices as arbitrators or mediators. But that may be said to be a trival matter also.

I go now to page 4, subdivision first of section 3. After speaking of the manner of the selection of arbitrators and providing for the ordinary written submission for arbitration, the bill reads:

First. That the board of arbitration shall commence their hearings within five days from the date of the appointment of the third arbitrator, and shall find and file their award, as provided in this section, within twenty days from the date of the appointment of the third arbitrator; and that pending the arbitration the status existing immediately prior to the dispute shall not be changed.

That reads very nicely. But suppose the arbitrators do not convene within the time fixed; suppose they absolutely decline or refuse to convene within that time; where is the power to compel them to convene, and when they do convene, to compel them to act? Mr. President, in one sense they are a quasi-judicial tribunal, and while it might be said that a court by writ of mandamus would compel them to convene and possibly to act, the court could not control the character of their action or the time within which their award is to be made.

What happens during all this time? All this time "pending the arbitration the status existing immediately prior to the dispute shall not be changed." That means, if there is a controversy between the railroad company and its employees and they have not quit the service of the company, they are bound under the terms of the bill to remain in the service of the company whether they want to or not: and I will show further along that the Federal court is given power to compel them to remain there. These arbitrators could hold the status quo for months, and the employees appealing for arbitration or for a settlement of the difficulty could be starved to death or their wages and conditions be fixed by the company; and back of all that would rest this perverted equity power to compel them to remain in the service of the company.

If that is not involuntary servitude, I should like to know what it is. Never was black man in the South owned by higher or better title than will be the employees of the railroad companies under the terms of this bill if it becomes a law.

The second subdivision of the same section reads as follows:

Second. That the award shall be filed in the clerk's office of the circuit court of the United States for any district wherein the employer carries on business, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

It may be filed in any district court wherein the employer carries on his business. It is well known that at least one if not more transportation companies run from San Francisco to New York under certain traffic arrangements. Suppose the controversy arose in San Francisco and the arbitration took place there. Under the terms of the bill the award of the court could be filed in the circuit court of the United States for the district of New York; and if there was any attempt to controvert it, any motion made to set it aside, or bill filed to set it aside for fraud, the employee living in San Francisco would be compelled to go to New to make his motion or to file his bill, a distance of over 3,000 miles.

Mr. KYLE. If the Senator from Nebraska will permit, I will state that I have an amendment, in line 6, to strike out the words "where the employer carries on business" and insert "wherein the controversy arises or the arbitration is entered into."

Mr. ALLEN. The Senator, before he gets through, will find many holes which he will want to stop up. Further, Mr. President, it—

Shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

Who ever heard of a law of that kind?

Shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

There is not a provision requiring testimony to be preserved. There is nothing but the bare written record of submission and the award, and where is the lawyer who can point out the possibility of an error of law arising upon the face of the record on a mere ordinary contract of submission to arbitrate and the award of the arbitrators? Yet so this bill provides.

It means, Mr. President, in other words, that the award once made shall be conclusive, whether obtained by fraud, by coercion, by circumvention, or in any other unlawful way. Every lawyer understands very well that a submission to arbitration or the award itself, like all other contracts, in a court of equity is subject to be set aside for fraud in any of its various forms in its procurement, and yet here the parties are concluded from even raising the question of fraud, either by bills or motion or in any other way conformable to the practice of the courts. Suppose there was

the grossest misrepresentation upon the part of one party or the other which induced the other to sign the contract of submission; suppose there was the most outrageous coercion, which is another form of fraud, either physical or moral coercion, this language, if it becomes a law, concludes the party from raising any question of that kind.

Mr. President, let us proceed with that idea apparent to the third subdivision of this section. Here is a little awkward phrase thrown in, but the courts will construe it properly.

That the respective parties to the award will each faithfully execute the same—

I suppose that means execute a bond to perform the award—

and that the same may be specifically enforced in equity so far as the powers of a court of equity permit.

There is the death trap in the bill. If you had a court of equity such as we had twenty years or more ago to enforce the bill, no one might have any cause to complain or to suspicion that anything would be wrong; but ever since Ricks, of Michigan, perverted the equity power of the Federal courts, which has been followed to the point of specifically enforcing contracts against individuals of a personal character, every employee ought to be guarded and careful in the contract which he signs, and Congress ought to be careful in the passage of its law. Does any man doubt that the Federal judiciary as now constituted, or a portion of it at least, where these controversies will arise, will hold that an injunction can issue to compel the employee specifically to perform a contract and observe the award? If not, why this language?

May be specifically enforced in equity so far as the powers of a court of equity permit.

It is said by the friends of the measure that that is all prevented by the next two lines:

No person shall, however, be punished for his failure to comply with the award as for contempt of court.

But suppose after the award has been made and judgment entered upon it, passing from a mere quasi-judicial proceeding into a full judicial proceeding, if that expression is permissible, and the court issues its writ of injunction upon bill filed for the enforcement of the judgment and the defendant violates the injunction, does any man doubt that he will be punished, notwithstanding this language?

If it read, "*Provided, however*, That no person shall be punished for a failure to comply with the writ of injunction issued for the specific performance of the contracts enumerated in this act," the situation would be entirely different; but here it provides for a specific performance of personal contracts to labor, by bill in equity, by injunction, leaving, of course, as it must, the power to punish for a failure to observe the injunction or for its violation.

No person shall, however, be punished for his failure to comply with the award as for contempt of court.

That might just as well be omitted, so far as having any force in the bill is concerned.

Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention so to quit. Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of his intention so to discharge.

Fifth. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year if the award is not set aside as provided in section 4.

Mr. SPOONER. Will the Senator from Nebraska allow me to ask him a question?

Mr. ALLEN. Certainly.

Mr. SPOONER. It is provided in the bill—I do not know who drew it, but it is very evident to me that many parts of it were not drawn by a skillful hand, as the Senator seems to think it was—that an award, when made and filed in the office of the circuit court of the United States—and I agree with the Senator that it ought to be filed in the district where the arbitration is conducted and where the award is made—shall have the effect and operation of a judgment——

Mr. ALLEN. It is a judgment.

Mr. SPOONER. The moment it is filed.

Mr. ALLEN. No; I suppose there must be a formal judgment entered upon it.

Mr. SPOONER. No matter; it is filed, and a judgment is entered upon it. Does not the Senator understand subdivision 3, relating to the enforcement of it, as referring to that award thus filed and which is declared to have the effect of a judgment?

Mr. ALLEN. I understand that to mean not only the enforcement of the award, but the enforcement of the status quo which is provided for.

Mr. SPOONER. The award is to be immediately filed.

Mr. ALLEN. I know.

Mr. SPOONER. And when filed is to have the effect of a judgment. Then comes this third subdivison.

Mr. ALLEN. Very well.

Mr. SPOONER. It says:

Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit. No person shall, however, be punished for his failure to comply with the award as for contempt of court.

My understanding of that was that the last clause in it practically rendered that subdivision useless.

Mr. ALLEN. No.

Mr. SPOONER. Because in what manner can the court of equity specifically enforce an award except either by a mandatory or a restraining injunction?

Mr. ALLEN. That is all.

Mr. SPOONER. Very good.

Mr. ALLEN. But suppose——

Mr. SPOONER. That is all; and when the section provides, as it does provide, that no person shall be punished for a failure to comply with the award, as for contempt of court, what power does it leave the court to specifically enforce under equity practice that award or judgment?

Mr. ALLEN. But the Senator must remember that there are certain things which precede subdivision 3, to which he now refers.

Mr. SPOONER. But this section does not refer to those. It provides—

That the same may be—

That is, after it is filed in the clerk's office, but is given the effect of a judgment, and I am anxious to hear the discussion of the Senator—

That the same may be specifically enforced in equity so far as the powers of a court of equity permit.

But no resort shall be had to injunction.

Mr. ALLEN. I think the Senator is in error. I have no doubt about it in my own mind. It is provided in the first subdivision of section 3 that pending arbitration the status quo shall be maintained.

Mr. SPOONER. Certainly.

Mr. ALLEN. That is, the exact condition of the employer and the employee shall remain.

Mr. SPOONER. Certainly. That is, if the parties enter into an arbitration to adjust in the court of conciliation a difference as to wages, as to hours of labor, or any other controversy, while they are engaged in an arbitration, seeking an adjustment of it, the railway company shall not change the status by discharging the men, or by reducing or attempting to enforce any reduction that is made; and the men will not change the status.

Mr. ALLEN. Exactly so.

Mr. SPOONER. That is all. Now, while they are agreeing or attempting to agree upon an adjustment——

Mr. ALLEN. Suppose that pending the determination of the matters submitted to arbitrament the men or the company do undertake to change.

Mr. SPOONER. But this says they shall not.

Mr. ALLEN. I know; but suppose they do attempt it.

Mr. SPOONER. But they will have agreed here that they will not.

Mr. ALLEN. But suppose they undertake to violate their contract; what then? The court under the terms of this bill can step in and enjoin.

Mr. SPOONER. That is no part of the award.

Mr. ALLEN. But if the Senator will go further on in the bill, he will see that there are other provisions here.

Mr. SPOONER. Oh, it is no part of the award.

Mr. ALLEN. I know it is not; but the courts have power under their modern construction to enforce the status quo by an injunction.

Mr. SPOONER. Oh, no.

Mr. ALLEN. Oh, yes; they have decided everything except that a man has a right to live.

Mr. NELSON. I want to remind the Senator from Wisconsin——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. ALLEN. Yes; I am willing to get information from any source.

Mr. NELSON. I remind the Senator from Wisconsin of a case with which, of course, he is familiar, where Judge Jenkins, in Milwaukee, made his injunctional order. He absolutely forbade the men from leaving work.

Mr. ALLEN. Certainly. There is no question about that.

Mr. NELSON. It was the first time in the history of this country that it was done.

Mr. SPOONER. I do not care to enter into a discussion of that

case, although I am quite familiar with it. It was merely a question of construction. My own opinion was, reading the injunction as a whole, that it did not have that effect. If it would have that effect, as the circuit court of appeals held it did, no lawyer could sustain it.

Mr. ALLEN. That court went to the extent of holding that I can not go to my neighbor and reason with him about his quitting the employment of the company.

Mr. SPOONER. We struck that out.

Mr. ALLEN. You say they struck it out?

Mr. SPOONER. Yes.

Mr. ALLEN. I am glad they did, but they decided everything but that. I could not reason with him as one neighbor has a right to reason with another, I could not point out to him as one neighbor has a right to point out to another, that it is contrary to his interest to remain in the employment of the company, and I was subject to be brought before the court and fined and imprisoned for exercising my right of free speech.

Mr. SPOONER. I do not know, as I stated before, who drew this bill. The only interest I had in it was when Mr. Clark, who was at the head of the conductors of the United States, who is a very able, frank, and fair man, asked me to look into it and if I thought it was right to do what I could to help it along. I am in favor of arbitration and the settlement of these disputes in that way if it can be done. I would myself be unwilling to vote for the bill if the Senator's construction of it is a correct one. If it is not perfectly clear by the bill, which I think it is, that the writ of injunction could not be used in the way suggested by the Senator, it ought to be made perfectly clear.

Mr. ALLEN. Mr. President, I was proceeding to say—but not technically, of course, as I would if the question were at the bar—that under the terms of this bill, pending the arbitration, the court has the power to issue an injunction to maintain the status quo, and therefore to imprison the laborer or to compel him to work contrary to his will. Whatever you may call it, whenever you take a man's will power away from him you make him a slave. But I will not dwell upon that point, and will pass to subdivision 5, which provides:

> That said award shall continue in force, as between the parties thereto, for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year, if the award is not set aside as provided in section 4.

Now, you can set aside the award, according to section 4, for error upon the face of the record, and for no other reason.

Mr. President, the Senator from Wisconsin—and I address him because he is interested in this matter and has been kind enough to give me his attention——

Mr. SPOONER. I always do.

Mr. ALLEN. The Senator from Wisconsin knows that it is absolutely impossible to raise a question of error upon the face of the record where you have nothing but the articles of submission and the award. There is no provision for a motion to set aside the award. There is no power in the court in which the award is filed to set it aside according to this bill. There is but one thing to do, and that is to enter a judgment upon the award and enforce it. I think possibly there is an appeal to the court of appeals.

Mr. SPOONER. It does not require any statutory authority to authorize a motion or an appeal to set aside an award for fraud or duress.

Mr. ALLEN. But if the statute says it shall be absolutely binding except for error appearing on the face of the record, then I want to know if the court has power by appeal or otherwise to assail it upon any other ground.

Mr. SPOONER. Will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield?

Mr. ALLEN. Certainly.

Mr. SPOONER. That is ordinarily true of judgments; they are conclusive unless reversed by an appellate court; but you can set aside for fraud or duress or any of those grounds.

Mr. ALLEN. But you can not set aside a statutory adjustment.

Mr. SPOONER. You can set aside any statutory award for fraud or for duress.

Mr. ALLEN. If the statute says that you can not set it aside for fraud and says you can set it aside for one reason and for one reason only, you are bound by that reason, and the court will follow the statute.

Mr. SPOONER. All of that is that the appellate court may set it aside for error of law upon the record.

Mr. ALLEN. No.

Mr. SPOONER. That does not exclude at all the proceeding to set it aside for fraud or for duress.

Mr. ALLEN. The bill does not say that and it can not be so construed. I will go back to that portion of it although it will make my remarks more fragmentary than I intended them to be.

Subdivision second of section 3 provides:

> That the award shall be filed in the clerk's office of the circuit court of the United States for any district wherein the employer carries on business, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

Does not that exclude fraud? Does it not exclude duress? Does it not exclude fraud in the form of misrepresentation or in any of its forms and are you not confined to the one question of error on the record, if this bill becomes a law?

Mr. President, I will not contend with the Senator from Wisconsin any longer upon that point. I have my view; he has his. We will probably never get any nearer together upon the question than we are now.

Now, let me go back again to subdivision 5, which I have quoted, to the effect that the award must continue in force, in practical operation, that no new arbitration shall be had for one year unless the award is set aside as provided in section 4, set aside for error appearing upon the face of the record. Mr. President, the Senator says there is not much art in this provision. If the bill is so drafted that you present simple articles of submission and an award without preserving evidence, either in the form of a bill of exceptions or in some other way, so you render it impossible to make error appear upon the record, and then you say the award is conclusive upon all parties, unless set aside for error upon the record, does not the Senator from Wisconsin know that that is an absolute travesty upon justice?

Mr. SPOONER. When I glanced hastily over the bill in the first instance I stated to the gentlemen who were talking to me about it, the representatives of the trainmen, that it needed amendment in that particular; that it seemed to me quite foolish to file simply the award itself and then talk about error in the record.

Mr. ALLEN. That is it.

Mr. SPOONER. Therefore there was prepared and will be offered, I suppose, at the proper time an amendment which is obviously necessary, as a good many others were necessary in the bill. That is why I thought it was not very skillfully drafted.

Mr. ALLEN. There is no provision for a new trial.

Mr. SPOONER. I refer to an amendment which shall provide for filing with the award, the arbitration agreement, all the evidence and proceedings in the matter.

Mr. ALLEN. I contend that it is skillfully drawn, from the very premises of the Senator from Wisconsin.

Mr. SPOONER. It is not properly drawn.

Mr. ALLEN. No; it is not drawn as a lawyer ought to draw an honest bill, or as an honest lawyer would draw an honest bill.

Mr. President, here are simply the articles of submission. Of course they are absolutely perfect on their face. Then there is the award. That is perfect on its face. Who can tell from the trial before the arbitrators or the proceedings before the arbitrators what testimony was taken or what evidence was introduced?

Mr. SPOONER. It all ought to be included.

Mr. ALLEN. But there is no provision for it, and there is the skill and art in the bill. There is no motion for a new trial before the arbitrators, no bill of exceptions, no certificate of evidence, nothing whatever to tell what took place before them. And then comes the other artful provision, that you can not attack it for fraud; you can not attack it for circumvention; you can not attack it for duress. You can attack it alone for error upon the face of the record, when there is no error there and it is made impossible to put it there.

Mr. FAIRBANKS. Will the Senator allow me to interrupt him just a moment?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. ALLEN. Oh, yes.

Mr. FAIRBANKS. I do not know who drafted the bill that is under discussion. I have been requested by a number of railroad employees' associations to give the bill my support, and I do so most earnestly. I have examined it with some little care and regard its main purpose as eminently proper and worthy of being enacted into law. I have discovered some errors, a few of which have been pointed out by the Senator from Nebraska, and a few will appear as the discussion proceeds. I have failed to observe that they——

Mr. ALLEN. What question did the Senator desire to put?

Mr. FAIRBANKS. I wanted the Senator to point out if he would, as he proceeds, in whose interest these subtle and dangerous provisions to which he has referred have been prepared.

Mr. ALLEN. In whose interest?

Mr. FAIRBANKS. In whose interest.

Mr. ALLEN. Oh, yes.

Mr. FAIRBANKS. If there are any ambiguous or improper provisions in this bill, I would like to have the Senator point out in whose behalf they have been inserted.

Mr. ALLEN. I think the Senator from Indiana is in a better position to know that than I am.

Mr. FAIRBANKS. I am not making any charge against the

good faith of the authors of the bill or doubting the integrity of its provisions. It seems to me, if the Senator will permit me to say it, that the bill bears an honest purpose upon its face. The provisions here are mutual. They are to be enjoyed and observed alike by each party to the arbitration. I do not see how the Senator can charge either party interested in the bill with having designedly inserted any imperfect or unjust provisions.

Mr. ALLEN. The Senator from Indiana sets up a straw man or a snow man, whatever it may be called, and knocks it down himself. I have made no charge against anybody. Perhaps it was a gnawing conscience or something of that kind or his imagination that induced the Senator to believe that I was making some charge.

Mr. FAIRBANKS. No. As I said to the Senator, I am unaware as to who prepared the bill or as to the object to be accomplished by it except as that object is disclosed upon its face.

Mr. ALLEN. Mr. President, I am in the same situation. So the Senator has as much light upon that question as I have. But if I wanted to draw a bill to defeat the purpose expressed in its title, I could not in a month draw a better bill than this.

I was speaking on this question, and I want to pass from it as rapidly as possible because I do not want to consume the day. I am going to vote for the bill if the representatives of the labor organizations think it is a good bill after I get through with it. I am going to vote for it from the opening to the closing of it under such circumstances, because they are the men interested, but I want to point out, and I intend to point out, in my imperfect way, before I get through, these vital defects and pitfalls.

Mr. President, let me call attention, at the expense of repeating myself in consequence of these interruptions, to the fact that you can only attack it for error upon the face of the record. For all other purposes it is conclusive. It is conclusive, and there is no provision for preserving evidence. You can take testimony, but there is no provision for its preservation. There is no provision to set it aside on a motion for a new trial or a rehearing in any of their various forms.

Then what follows after the award has been filed and the judgment entered on it? Then follows the provision in subdivision 5 of section 3 that there shall be no new arbitration upon the subject-matter that was submitted to arbitrament in the first instance for one year, unless the award is set aside on the grounds provided for in section 4, when section 4 can not provide and does not provide a ground on which to set it aside. Therefore it is final.

Mr. President, suppose the question submitted to arbitrament be that the employees shall continue work for a year at specific wages at all times and under all conditions, leaving, as the bill does, the right in the hands of the employer to discharge them for incompetency and for a number of other excuses which can be resorted to if the employer wants to resort to them. Does any man doubt, if the bill should become a law, that a court of equity, as the writ of injunction is now employed, would not issue an injunction to specifically perform the award entered upon a submission of that kind? I do not know that I make my meaning plain, but I mean to say that this confers express power on the Federal court to issue an injunction based upon a bill to specifically perform an award of that kind, and when you open up the question once in this country that laborers can be driven to work as unwilling slaves by a writ of injunction for a year, you can open it up for two years or for a lifetime.

Mr. SPOONER. I ask the Senator what effect, if any, he gives to this provision:

> No person shall, however, be punished for his failure to comply with the award as for contempt of court.

Mr. ALLEN. I explained that. That is one of the artful provisions of the bill. Of course it is impossible in the matter of arbitration to issue an injunction or make an award which is self-operative in that respect; but suppose they find specifically by their award on this question submitted to them, and then the equity power of the court provided for in the bill is called into execution to enforce that award.

Mr. SPOONER rose.

Mr. ALLEN. Now, wait a moment. Suppose it is called into use to execute that award and the laborer refuses to be bound by the injunction; can not the court arrest him and punish him, not for violating the award, but for violating the writ of injunction?

Mr. SPOONER. If there came any obligation out of the award that the Senator speaks of, the court is prohibited here from issuing any injunction or punishing the violation of the injunction or failure to abide by the award in any respect.

Mr. ALLEN. The court is not prohibited. I beg to differ with the Senator.

Mr. SPOONER. That is my understanding.

Mr. ALLEN. The court is empowered by the bill to specifically enforce the personal contracts of the parties. It is all through the bill from its title to its end. Now, when they have submitted the question of the length of their contract to arbitrament and the arbitrators have found against them, the power is in the Federal court to specifically perform that contract by writ of injunction and to punish them if they violate the writ. These gentlemen have been, metaphorically speaking, taken by the back of the neck by the Federal courts of this country for ten years and shaken as a dog would shake rats, without mercy and without precedent.

Mr. President, I can not discuss the bill consecutively, and I do not propose to attempt it in the time I ought to properly consume. Section 4 provides:

> That the award being filed in the clerk's office of a circuit court of the United States, as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record—

Here it is preserved again, for matter of law preserved upon the record—

> in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said circuit court or on appeal therefrom.

It is made apparent in another provision that an error of law appearing upon the face of the record is the only ground upon which the award can be set aside.

> At the expiration of ten days from the decision of the circuit court upon exceptions taken to said award, as aforesaid, judgment shall be entered in accordance with said decision unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

Pending the writ of error or appeal, or whatever form the appellate proceedings may take—pending that, Mr. President, which you and I know is liable to consume a year or more, perhaps two or three years, what becomes of the relation between the employer and employee? Turn back to the subdivision 1 of section 3 and see:

> And that pending the arbitration the status existing immediately prior to the dispute shall not be changed.

Pending all that time the arbitration—and the appeal from the award is part of the arbitration in a strict legal sense—all during that time and during the appeal, lasting perhaps for a year or two, the status quo must continue and can be enforced by injunction. We know in these contests of litigation that time itself defeats the laboring man:

> The determination of said circuit court of appeals upon said questions shall be final, and, being certified by the clerk thereof to said circuit court, judgment pursuant thereto shall thereupon be entered by said circuit court.

Then section 5 provides for the taking of evidence, but there is no provision for its preservation or presentation to the appellate court.

Section 6 also provides that in certain cases the chairman of the Interstate Commerce Commission and the Commissioner of Labor may decline to summon arbitrators or to appoint them.

Section 7 then provides:

> That during the pendency of arbitration under this act it shall not be lawful for the employer, party to such arbitration, to discharge the employees, parties thereto, except for inefficiency, violation of law, or neglect of duty; nor for the organization representing such employees to order, nor for the employees to unite in, aid, or abet strikes or boycotts against said employer; nor, during a period of three months after an award under such an arbitration, for such employer to discharge any such employees, except for the causes aforesaid, etc.

Mr. President, there is an inequality in this bill. Under its terms you can bind the laborer; you can bind him hand and foot and enforce his slavery by writ of injunction; but at the same time you leave the absolute power in the hands of the employer to discharge him without restraint. In other words, the employer says: "If you do not work for me at the wages agreed upon, or found by arbitrament, I will appeal to the court to issue a writ of injunction against you to force you to comply with your contract, or with the award, but I will reserve the right myself to discharge you for inefficiency or neglect of duty or violations of law."

Who, Mr. President, is to determine the question of inefficiency and neglect of duty? The employer. A man may be absolutely efficient and attentive to duty, and yet the employer, under this bill, can discharge him, and he is without remedy. But if the employer desires to retain him, and an award has been made settling that question, that award can be enforced by a court of equity through the agency of a writ of injunction.

There is a ray of daylight in this bill, and only a ray, to the man who works.

Mr. COCKRELL. I have not seen any.

Mr. ALLEN. It is only a ray. Why, Mr. President, I thought there was a ray of daylight in section 8, but my friend on my right [Mr. COCKRELL] is correct in saying he has not yet seen any.

Section 8 provides:

> That in every incorporation under the provisions of chapter 567 of the United States Statutes of 1885 and 1886 it must be provided in the articles of incorporation and in the constitution, rules, and by-laws that a member shall cease to be such by participating in or by instigating force or violence against persons or property during strikes, lockouts, or boycotts, or by seeking to prevent others from working through violence, threats, or intimidations. Members of such incorporations shall not be personally liable for the acts, debts, or obligations of the corporations.

Mr. President, I want it distinctly understood that there is no man in this Chamber who condemns violations of law more strongly than I do. The laboring men of this country have got nothing to gain by violence, by lockouts, and by strikes. They must be the losers in every case of that kind, to say nothing of the criminality of violating rights of persons and of property and the law. The power of the laboring man in this country is his power to centralize and use his vote; it is the manhood suffrage that is in him; and yet this bill steps into the ranks of these organized men and says what their membership shall be.

Why, Mr. President, was there not included in this bill a provision that every man who waters the stocks of railroad companies and makes his millions and violates his oath and his duty as a citizen shall be punished? Why was not something thrown around the people to protect them against him and his kind? No, not one word, not one whisper, on that subject, but everything against the poor man, who has to earn his food day by day. The road owners can get together in the back parlor of some bank or broker's office; they can conspire among themselves to wring millions out of the laborers and the producers of the country, and they are called gentlemen and financiers; but if the poor men, who have not a house to live in or to meet in, meet in the street and manifest their contempt, they are a mob, a riot, it is said. So there is nothing for them.

Now we come to section 9, which provides:

That whenever receivers appointed by Federal courts are in the possession and control of railroads, the employees upon such railroads shall have the right to be heard in such courts upon all questions affecting the terms and conditions of their employment, through the officers and representatives of their associations, whether incorporated or unincorporated, and no reduction of wages shall be made by such receivers without the authority of the court therefor after due notice to such employees.

Mr. President, that is not necessary, because the Federal courts have already so held.

Mr. SPOONER. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. ALLEN. Yes, sir.

Mr. SPOONER. That question has been held both ways.

Mr. ALLEN. Yes; but the ablest judge of all held the way I have stated.

Mr. SPOONER. Judge Caldwell held that they could; but, on the other hand, the circuit judge of the United States in Massachusetts held that they could not, and the laboring men thought that ought to be authorized by statute.

Mr. ALLEN. I have known Judge Caldwell for thirty-three years or more. He is an honest man.

Section 10 provides:

That any employer subject to the provisions of this act and any officer, agent, or receiver of such employer who shall require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in such a labor corporation, association, or organization; or who shall require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, social, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any benefit received from such fund beyond the proportion of the benefit arising from the employer's contribution to such fund; or who shall, after having discharged an employee, attempt or conspire to prevent such employee from obtaining employment, or who shall, after the quitting of an employee, attempt or conspire to prevent such employee from obtaining employment, is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was committed, shall be punished for each offense by a fine of not less than $100 and not more than $1,000.

There is only one really good provision in this bill, and that is that the railroad companies shall not blacklist—I believe that is what they call it—labor organizations or laboring men; and do you know, Mr. President, that the laboring men have been made to believe that that is of some great benefit to them—that that is a right that did not exist before? It is in violation of the criminal statutes of the United States and of every State in the Union to blacklist a man. You not only can prosecute a man criminally for it if you can obtain the evidence—and that is the trouble, to obtain the evidence—you can not only indict him and try him and send him to the penitentiary for it, but you can sue him and obtain a judgment against him for damages. So you can indict an official of the railroad who blacklists his employee and punish him, if you have the court and can get the evidence, and you can obtain a judgment against him and against his company for damages for libel. This section does not add anything to the right. That right exists to-day.

But, Mr. President, you and I know that the companies will ride over it roughshod if it shall become a law. They have the power and the force, and they will use it regardless of what the statute says. Yet that is the only provision in this bill that really looks to the protection of the interests of these organizations or their associations. I thought there was a provision in the bill—possibly there is, and in my haste I may have overlooked it—that when the companies were sued in cases of personal injury to their employees, they should not be permitted to deduct from the damages any benefits received by the employee from the beneficiary associations. If such a provision is not in the bill, it ought to be; and possibly it is—I think it is, but I can not read it through now, though I read it this morning hurriedly—if it is in the bill, it is a benefit.

Mr. SPOONER. It is in the bill in this way, if I understand it, though I do not know very much about it. I think it is a part of the agreement which the railroad companies require the employee to make when he enters their service, that he shall become a contributor to the benefit-relief associations. It is done in that way.

Mr. ALLEN. I am glad to say that some of the courts of the United States will not hold a contract of that kind binding. I am glad to know that there is some judicial conscience left on that question.

Why, Mr. President, just think of it! Here are hundreds and thousands of employees who form a little organization for the protection of themselves and their families in the nature of temporary insurance. They take from their wages and put in a common fund from week to week, from month to month, and year to year, a little beneficiary fund. They go on discharging their duties, and while engaged in the line of duty are crippled for life, or their lives are destroyed, and when an action is brought against the company for negligence in destroying their lives or crippling them their interest in this little fund is taken from them and goes to the benefit of the company. There is not a man upon the face of this continent or any other, who has a true sense of manhood in his breast, who will justify such a transaction.

Mr. President, there are other objections to this measure, which I shall not at this time go into in detail. I only intended in a general way to call attention to some glaring defects and to throw out a mere observation, so that others who might see fit to examine the question more thoroughly would follow; but here is this bill, and there never was a finer illustration of the spider and the fly than is found in this measure.

"Will you walk into my parlor?" said a spider to a fly;
"'Tis the prettiest little parlor that ever you did spy."

Some hand hidden to me has framed this bill. Its framers have said to the laboring man: "This is a panacea for you; here are provisions for your benefit. If you want to accept it, this means arbitration; this means mediation; this means friendship;" and when the laboring men walk into the meshes provided for them in this bill they will be bound hand and foot and subject to the control of the Federal courts by the writ of injunction, for they are then slaves of the corporations by the provisions of statute.

Mr. KYLE. I move to strike out the clause beginning in line 25, on page 2, section 1, and going down to the end of line 7, on page 3.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 1, on page 2, after line 24, it is proposed to strike out:

The wages paid by carriers subject to this act for any service rendered or to be rendered in the transportation aforesaid, or in connection therewith, or for the receiving, delivering, storage, and handling of such property, and the rules and regulations governing such employees, shall be reasonable and just. This provision shall not affect the right to make contracts for such wages not in contravention of any of the provisions of this act.

The amendment was agreed to.

Mr. KYLE. In section 3, page 4, line 14, after the word "within," I move to strike out "forty-eight hours" and insert "five days."

The PRESIDING OFFICER. Is there any objection to the amendment?

Mr. NELSON. I have no objection to that amendment, but I want to offer an amendment to the same section.

Mr. GALLINGER. Let the amendment be stated from the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 3, page 4, line 14, after the word "within," it is proposed to strike out "forty-eight hours" and insert "five days;" so as to read:

The two thus chosen shall select the third commissioner of arbitration; but, in the event of their failure to name such arbitrator within five days after their first meeting, the third arbitrator shall be named by the commissioners named in the preceding section.

The amendment was agreed to.

Mr. KYLE. I offer an amendment to come in at the end of line 16 of the same section.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 3, page 4, after the word "section," at the end of line 16, it is proposed to insert:

A majority of said arbitrators shall be competent to make a valid and binding award under the provisions hereof.

The amendment was agreed to.

Mr. KYLE. In line 19 of the same section, after the word "employees," I move to insert "shall specify the time and place of meeting of said board of arbitration."

The amendment was agreed to.

Mr. KYLE. In the same section, line 23, page 4, before the word "days," I move to strike out "five" and insert "ten;" so that the board of arbitration shall commence their hearing within ten days from the date of the appointment of the three arbitrators, etc.

The amendment was agreed to.

Mr. KYLE. In the same section, line 25, on page 4, before the word "days," I move to strike out "twenty" and insert "thirty;" so as to provide for the filing of the award within thirty days, instead of twenty, as the bill stood.

The amendment was agreed to.

Mr. KYLE. In the same section, on page 5, line 4, after the word "award," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 3, on page 5, line 4, after the word "award," it is proposed to insert "and the papers and proceedings relating thereto."

Mr. SPOONER. I suggest to the Senator that perhaps he ought to add "including the testimony."

Mr. KYLE. Very well; I will accept that amendment.

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. In section 3, on page 5, after the word "award," it is proposed to insert "and the papers and proceedings, including the testimony, relating thereto."

The amendment as modified was agreed to.

Mr. KYLE. In the same section, on page 5, line 5, before the word "district," I move to strike out "any" and insert "the;" and in line 6 to strike out the words "employer carries on business" and insert "controversy arising on the arbitration is entered into."

The amendment was agreed to.

Mr. KYLE. On page 7, in section 5, line 14, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 5, on page 7, line 14, before the word "books," it is proposed to strike out "all" and insert "such;" and in the same line, after the word "documents," to strike out "relating to any" and insert "material to a just determination of the matters under investigation as may be ordered by the court."

The amendment was agreed to.

Mr. KYLE. In the same section, on page 7, line 17, after the word "testify," I move to insert "and to produce such books, papers, contracts, agreements, and documents."

The amendment was agreed to.

Mr. KYLE. In line 24, in section 6, on page 7, I move to strike out all after the word "acknowledged" down to the end of line 13, on page 8, and insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 6, on page 7, line 24, after the word "acknowledged," it is proposed to strike out:

Shall be delivered to the chairman of the Interstate Commerce Commission, who shall at once cause a notice in writing to be served upon the arbitrators fixing a time and place for a meeting of the arbitrators.

If an agreement of arbitration shall be entered into conforming to this act, except that it shall be executed by employees individually instead of by a labor organization as their representative, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall decline to call a meeting of arbitrators thereunder unless, upon evidence satisfactory to them, it be shown that the employees signing the submission represent or include a majority of all employees in the service of the same employer and of the same grade and class, and that an award pursuant to said submission can justly be regarded as binding upon all such employees.

And insert:

A copy of the same shall be transmitted to the Chairman of the Interstate Commerce Commission, who shall file the same in the office of said commission. Any agreement of arbitration which shall be entered into conforming to this act (except that it shall be executed by the employees individually instead of by a labor organization as their representative) shall, when duly acknowledged as herein provided, be transmitted to the Chairman of the Interstate Commerce Commission, who shall cause a notice in writing to be served upon the arbitrators, fixing a time and place for the meeting of said board, which shall be within fifteen days from the execution of said agreement of arbitration: *Provided, however*, That the said Chairman of the Interstate Commerce Commission shall decline to call a meeting of arbitrators under said agreement unless it shall be shown to his satisfaction that the employees signing the submission represent or include a majority of all the employees in the service of the same employer and of the same grade and class, and that an award pursuant to said submission can justly be regarded as binding upon all such employees.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. KYLE. In section 7, on page 8, line 19, after the word "strikes," I move to strike out "or boycotts."

The amendment was agreed to.

Mr. KYLE. At the end of section 7 I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend section 7 by adding at the end thereof the following proviso:

Provided, That nothing herein contained shall be construed to prevent any employer, party to such arbitration, from reducing the number of its or his employees whenever in its or his judgment business interests require such reduction.

The amendment was agreed to.

Mr. KYLE. On page 10, line 6, I move to make the changes indicated on the sheet I send to the desk.

The SECRETARY. On page 10, line 6, section 9, strike out the words "after due" and insert "upon;" and after the word "employees," in the same line, insert "said notice to be not less than twenty days before the hearing upon the receiver's petition or application, and to be posted upon all customary bulletin boards along or upon the railway operated by such receiver or receivers."

Mr. GORMAN. Let it be read as it will read.

The Secretary read as follows:

That whenever receivers appointed by Federal courts are in the possession and control of railroads, the employees upon such railroads shall have the right to be heard in such courts upon all questions affecting the terms and conditions of their employment through the officers and representatives of their associations, whether incorporated or unincorporated, and no reduction of wages shall be made by such receivers without the authority of the court therefor upon notice to such employees, said notice to be not less than twenty days before the hearing upon the receiver's petition or application, and to be posted upon all customary bulletin boards along or upon the railway operated by such receiver or receivers.

Mr. GORMAN. That is all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KYLE. In section 11, line 10, I move to strike out all after the word "that" and insert in lieu thereof what I send to the desk.

The SECRETARY. In section 11, page 11, line 10, strike out all after the word "that" and insert in lieu thereof the following:

Each member of said board of arbitration shall receive a compensation of $10 per day for the time he is actually employed and his traveling and other necessary expenses, and a sum of money sufficient to pay the same, together with the traveling and other necessary and proper expenses of any conciliation or arbitration had hereunder, to be approved by the chairman of the Interstate Commerce Commission and audited by the proper accounting officers of the Treasury, is hereby appropriated for the fiscal years ending June 30, 1898, and June 30, 1899, out of any money in the Treasury not otherwise appropriated.

Mr. GORMAN. I suggest to the Senator that he ought to fix a sum for those two years, instead of making an indefinite appropriation at the discretion of one officer of the Government. Such legislation we have been trying to avoid for a long time. I suggest that he had better fix some reasonable sum for the two years. A provision that the money shall be expended upon the order of the chairman of the Interstate Commerce Commission is very crude.

Mr. KYLE. I might suggest an amendment in reference to the expenses, that they shall not exceed $5,000 in any one year. I think it probably will not need that much. At any rate, it will be ample.

Mr. SPOONER. As the Senator is fixing a maximum sum and the men are to receive compensation only for the days actually employed and their necessary traveling expenses, I think that he ought to make it larger than $5,000. One of these strikes which we hope will be prevented by the bill costs millions of dollars, and the Government can very easily expend money in carrying forward these arbitrations if they are practicable at all, and I think they are.

Mr. KYLE. I move to amend the amendment by inserting after the word "hereunder" the words "not to exceed $5,000 in any one year."

The SECRETARY. After the word "hereunder" in the amendment it is proposed to insert the words "not to exceed $5,000 in any one year."

The amendment to the amendment was agreed to.

Mr. ELKINS. Where does that come in? Will the Chair please advise me as to what line and what page?

Mr. KYLE. Section 11, page 11.

Mr. ELKINS. What is the section?

The SECRETARY. The section, if amended, will read as follows:

SEC. 11. That each member of said board of arbitration shall receive a compensation of $10 per day for the time he is actually employed and his traveling and other necessary expenses, and a sum of money sufficient to pay the same, together with the traveling and other necessary and proper expenses of any conciliation or arbitration had hereunder, not to exceed $5,000 in any one year, to be approved by the chairman of the Interstate Commerce Commission and audited by the proper accounting officers of the Treasury, is hereby appropriated for the fiscal years ending June 30, 1898, and June 30, 1899, out of any money in the Treasury not otherwise appropriated.

Mr. ELKINS. Do I understand that this provision makes the Government pay all the expenses of the arbitration?

Mr. KYLE. I so understand.

Mr. ELKINS. The usual way is for each party to the arbitration to pay half of the expense. Here it is provided that the Government shall pay all the expenses, when the Government really has no interest in the transaction.

Mr. KYLE. I think if we can bring about any conciliation in the case of strikes, etc., it is a very small appropriation to bring about that end.

Mr. ELKINS. Would it not be better to add this to the duties

of the Interstate Commerce Commissioners, who are already paid salaries, and who have time to attend to such matters? It seems to me the Senator should accept a substitute for his amendment that the Interstate Commerce Commission shall attend to this question of settling differences. They are employed on railroad matters and understand all questions pertaining to railroads; and should not the power to arbitrate be conferred upon the Interstate Commerce Commission? It has time to give to the question; besides, the commission is composed of able men of the highest character and well informed on all questions pertaining to railroads. The country has confidence in the Interstate Commerce Commissioners, both employers and employees.

Mr. SPOONER. The trouble with that is that you can not—nobody can, not even Congress, with all its omnipotence—compel a carrier or a man to submit his controversy to anybody. It is a matter of agreement. It is not compulsory. It is voluntary.

Mr. ELKINS. Let me ask the Senator whether we could not make the voluntary feature apply to the Interstate Commerce Commission as well as any other body?

Mr. SPOONER. I do not see how you can compel anybody, voluntarily, to submit anything to anybody.

Mr. ELKINS. If arbitration of any kind is desired, let the Interstate Commerce Commission act as one of the arbitrators, or refer the whole matter to the commission to decide under proper rules and regulations.

Mr. SPOONER. Ordinarily an arbitration is conducted by men chosen by the parties. It is a voluntary matter.

Mr. ELKINS. The Government of the United States, as I understand it, is to pay $5,000 a year to the arbitrators. This is creating offices with a lot of expenses in a matter in which the United States has no direct interest. The parties in interest pay the expenses of arbitration.

Mr. SPOONER. It does not create any offices.

Mr. ELKINS. The amendment says, "Not to exceed $5,000 a year."

Mr. SPOONER. That is to pay the actual expenses of the arbitrators.

Mr. ELKINS. It is $5,000. We already have a commission, which, it is true, has a great deal to do, and is a very important commission, with very important duties; but if this bill were framed so as to confer the power upon it, it seems to me they could act as arbitrators, or one of their number could be one of the arbitrators. This would be better than for the United States to pay the expenses of an arbitration to which it is not a party.

Mr. SPOONER. The Government of the United States is interested in preventing strikes which arrest the transportation of the mail and put an embargo upon the commerce of the country from one State to another.

Mr. ELKINS. The Senator, I am sure, is not in favor of paternalism to the extent that the Government is to constitute a board of arbitration and pay the expenses. Why not provide arbitration for all other industries and interests, coal mining, manufacturing, shipping—in fact, for all business? Why should arbitration be provided exclusively for railroads? But if confined exclusively to railroads, why not let the Interstate Commerce Commission be the arbitrators in the first instance to settle all controversies between employees and the companies? I do not see why the bill is confined to the railroads and no other business.

If we are going to authorize arbitrating disputes—and I am not prepared to say it is unwise legislation—let us take in all other branches of industry. Why should railroads be the only industry or interest to which arbitration can apply? There are other interests all over the country of great magnitude and great moment, inland shipping for instance, coal and other mining business, telegraph, telephone, and express companies, besides manufacturing industries of all kinds.

Mr. SPOONER. The Senator is now getting wild on the subject of paternalism.

Mr. ELKINS. I am not wild about paternalism.

Mr. SPOONER. Does the Senator suppose Congress has the power to make any provision as to coal miners?

Mr. ELKINS. Does the Senator from Wisconsin think this proposed act is constitutional to start with? If a law can be made for railroads, one can be made to apply to other industries of an interstate character.

Mr. SPOONER. This is confined entirely to men engaged in interstate commerce, the regulation of which is vested in Congress.

Mr. ELKINS. Page 2, line 25, and page 3, lines 1 and 2, provide that wages shall be reasonable and just. I ask the Senator from Wisconsin, who is an able lawyer——

Mr. CULLOM. That provision has gone out.

Mr. SPOONER. It has gone out.

Mr. ELKINS. I am glad to hear it.

Mr. SPOONER. It was done while the Senator from West Virginia was attending to some other business.

Mr. ELKINS. I am glad to hear that it has been stricken out, because it raises a question that must lead to litigation in the courts.

I think we are hardly prepared to go into the business of regulating differences between employers and employees and paying all the expenses incident thereto. I favor the principle of voluntary arbitration, but I do not think the United States should pay the expenses. The United States is not a party to this transaction. If this step is taken in the interest of maintaining order, preserving the peace, and facilitating the transportation of the mails and of commerce generally, then it gets to be a very broad question, and I do not think we are authorized to put all the expense on the United States. It is too much.

What I object to is that, having an Interstate Commerce Commission, which has jurisdiction of all kinds of questions growing out of interstate commerce, we do not confer the authority sought to be conferred by the pending bill upon that body, already created by law, which has been in operation a long number of years, and where the salaries and expenses are paid by the Government. The Government of the United States ought not to be required in a matter in which it has only an indirect or remote interest to pay the expenses, and that is why I object to the amendment or the whole clause which provides for paying the expenses. The principle of the bill is good, but its provisions should be framed with great care.

Mr. GORMAN. Mr. President, I disagree entirely with the Senator from West Virginia that the Interstate Commerce Commission ought to take charge of this matter. I think it is one of the last things the commission ought to have to do with in the way of determining. It is a matter that is foreign to the idea on which it was created.

I wish to state to the Senator from West Virginia another thing. While I trust that great good is to come from this measure, providing for voluntary arbitration, there is one provision in the bill which has excited a great deal of antagonism from quarters that are deeply interested in it and which to me is worth all the remainder of the bill. I refer to the provision which takes hold for the first time of receivers of railroads appointed by Federal courts, who ride over the rights of all the patrons of the road and practically all of their employees, who get orders to issue certificates in disregard of the rights of stockholders and bondholders, and who manage the employees under the threat of their being brought up for contempt of court.

Everybody, whether he is in favor of fair legislation to corporations or not, ought to agree that that is one of the abuses which has brought on the acute trouble we have had in the last four or five years.

That provision of the bill is the one that is being antagonized and in regard to which, I take it, Senators on both sides of the Chamber have been communicated with by the officers of Federal courts called receivers for bankrupt corporations. It is a wise provision and one which, if there was nothing else in the bill, ought to commend the measure to every Senator on this floor, for that should be controlled by Congress and the Federal courts should be restrained from imprisoning workingmen simply because they have views of their own rights and act sometimes indiscreetly, if you please, but independently always. That provision of the bill alone ought to commend it to the American Congress, and the matter of spending $5,000 a year or $10,000 a year for these commissioners is a mere bagatelle.

I suggested to the Senator in charge of the bill that there ought not to be an appropriation without naming the amount. That is unfair and unsatisfactory in the interest of the Government. All the people ought to favor a fixed amount. I trust that $5,000 is enough. If it is not, I am ready to vote $10,000. It is worth $50,000 per annum to do no more than to correct and restrain Federal judges and the receivers whom they appoint. I should like to see Congress go beyond it, and they ought to do it at a very early day, and say that no receiver shall be appointed for a railroad and kept in office perpetually; that at least every two or three years the stockholders of the bankrupt corporation ought to have the right to determine who the receiver shall be, and not the Federal judge.

Mr. RAWLINS. I wish to ask a question for information, if the Senator from Maryland will yield. To what provision does the Senator allude when he speaks of some beneficent provision in the bill?

Mr. CULLOM. He refers to the ninth section.

Mr. GORMAN. Page 9 of the bill, section 9, which has been amended and enlarged by an amendment just offered.

Mr. RAWLINS. Is that the only provision?

Mr. GORMAN. The only one; and it is a very wise one, in my judgment.

Mr. RAWLINS. Perhaps I misapprehend the scope of it. It does not contain anything restricting the power of the court, but it simply prevents receivers from reducing wages without the men first having notice of it.

Mr. GORMAN. That is precisely what I have stated, and it is

a very valuable provision. There are a half a dozen cases, for about one-fourth of the railroads of the country are in the hands of receivers. Take the case of the road with which I am very familiar, that which enters this city. A Federal judge living in an adjoining State, the State of the Senator from West Virginia, comes into his court, and without notice to anybody, entirely upon the application of the receiver, orders are entered that receivers' certificates for any amount—millions in this case—be issued. In the matter of his employees, after arbitration as provided for in this bill, without that provision the receiver would have the perfect right, without notice to the employees, to dispose of them and dismiss them because of some supposed offense, perhaps because of the very act for which the arbitration had occurred, and the employee, unlike one in the employ of a solvent road, would be directly under the eye and control of the court, and after what has occurred heretofore, in all probability he would find himself in prison.

This provision is that no such action shall be taken by the receiver without notice to the men who are affected, and in addition to such notice, as I understand, the men are advised of the trial of the case and of the time set for trial, and notice thereof is to be published on the bulletin boards. That is a grand provision. It does not go far enough for me, but I am content with it at present. I would go beyond that, and I trust Congress will, and restrict the power of the courts in the matter of the appointment of receivers, not making them permanent and indefinite and not leaving the employees at their mercy under this threat of the court, and also restraining their power as to the term for which they shall occupy these places and squander money over which the bondholder has no control and absolutely ruining the stockholder. That, however, is an entirely different phase, and must be dealt with hereafter. This one provision in the bill, if there were nothing else, I want to say to the Senator from West Virginia, is worth not only the $5,000 a year, but $50,000. Yes, it is without price; and it ought to be agreed to.

Mr. SPOONER. Will the Senator from Maryland allow me to call his attention to a fact?

Mr. GORMAN. Certainly.

Mr. SPOONER. This section not only provides against any reduction of wages by receivers appointed by a court, without notice, but it also authorizes the men, through their officers and representatives, to be heard on the subject.

Mr. GORMAN. It is a wise provision.

Mr. SPOONER. They are to be heard in a formal way, which is worth a good deal.

Mr. ELKINS. I am very glad to have the approval of the Senator from Maryland of section 9, but it seems to me the last two lines enlarge the powers of the courts, the very thing to which he objects. Lines 4, 5, and 6 read as follows:

> And no reduction of wages shall be made by such receivers without the authority of the court therefor after due notice to such employees.

Why do you give the power to the courts exclusively to cut down wages? Why not leave this to the management, with right of appeal to the courts?

Mr. GORMAN. This is a restriction of his power.

Mr. TELLER. He has the power now.

Mr. ELKINS. It says:

> And no reduction of wages shall be made by such receivers.

Mr. SPOONER. "Without the authority of the court therefor."

Mr. ELKINS. The point I make is that you are enlarging the power of the court.

Mr. SPOONER. No.

Mr. ELKINS. You are giving the court more power. The receiver shall not reduce wages unless the court says so.

Mr. SPOONER. The court, of course, has authority now to authorize a reduction of wages.

Mr. GORMAN. Without a hearing to the men.

Mr. SPOONER. This provides that the receiver shall not do it. He must first be authorized by the court to do it, and the men shall have an opportunity to be heard on application before the court upon due notice before the court does it.

Mr. ELKINS. I thought that that section, and I think so yet, enlarges the power of the court. I agree with the Senator from Maryland that receivers have too much power generally and continue too long in office, and that is one of the abuses of which the people generally have a right to complain. The practice of administering bankrupt railroads is getting to be so profitable that people seek the opportunity to wind them up and to put them into the hands of receivers for that purpose.

There is more money made out of it to-day than there is out of the railroad business proper. Indeed, the most profitable business now in connection with railroads in the United States is the receiver's business. A railroad gets in the hands of a receiver, and then it must be reorganized. Everybody is paid out of the poor stockholder's money or that of the bondholder.

Perhaps the Senator from Wisconsin is right, that these lines do not enlarge the power of the courts. It seemed to me when I first read it—and I just glanced at it—that it did.

Mr. FRYE. It reduces the power.

Mr. ELKINS. If that is not the construction, I have no objection; but I thought it enlarged the power of the courts.

Mr. FRYE. It is a limitation by the extent of the hearing.

Mr. ELKINS. I think the courts, in the matter of revenues and reorganizing railroads, have or take too much power. As a rule, judges of courts are not experienced railroad men; yet these judges, in cases of railroads in the hands of receivers, actually operate them.

Mr. RAWLINS. As I understand it, the legal effect of a contract for wages depends upon the consent of the employer and the employee, and no court and no receiver has any arbitrary authority to reduce those wages except by the consent of both parties, either express or implied; and the suggestion which has occurred to me in respect to this matter is that this purports to give an express authority to the courts and to receivers to reduce wages without such consent of the parties to the contract, either express or implied, an authority which I think we have no power to confer.

Mr. SPOONER. The trouble with that is that the Supreme Court has decided a number of times, and it is administered as law throughout the country, that where a road is put into the hands of a receiver, on the foreclosure of the mortgage, the receiver, with the authority of the court, sometimes without it, is at liberty to repudiate all contracts made after the lien created by the mortgage was entered into; and so you find in every foreclosure vast numbers of contracts, which were entered into subsequent to the lien, repudiated by the court, or some affirmed and some disaffirmed.

Mr. RAWLINS. I understand, but that does not reach the objection which occurs to me as to this section. That relates to the question of the means of paying wages, which are determined in accordance with the contracts which the parties have made. The courts have ruled, of course, that certain liens are preferred, sometimes preventing the employees, by the rules which they adopt, from obtaining the wages which, in accordance with the contract, they are entitled to receive. But this provision is expressly to the effect that the courts may, upon notice, without the consent of the employee, reduce his wages.

Mr. SPOONER. I was not referring to that class of debts which are held to be preferred. That is a class of indebtedness which the courts sometimes put ahead of the mortgage lien for reasons which the Senator understands very well.

Mr. RAWLINS. Yes.

Mr. SPOONER. The rule, as administered in the Federal courts—I think in all the courts—has been that contracts which were made subsequent to the creation of the mortgage lien, which had been foreclosed, are at the mercy of the court and the receiver.

Mr. RAWLINS. That is the sole point I desire to make in respect to the matter. It seems to me it is subject to the objection that we are here undertaking to exact services from a class of people, one or many—the principle is the same of course—for wages or for a price not agreed to by the party to be employed or who renders the service, but to be an arbitrary price to be fixed by the court. I do not think we are prepared to enact any legislation that shall imply that any class of people shall be held to serve anybody without their consent.

Mr. SPOONER. Of course if there is anything of that kind in the bill, it ought to be taken out. The court can not compel men to remain in the service a moment after they desire to quit. That is very clear. But the court can authorize its receiver to reduce wages, and sometimes the receivers have reduced wages without giving the men any notice. If the terms fixed by the court or the receiver are not satisfactory, the men may quit. They have a perfect right to quit. They can quit in a body or quit individually. But this provision is that no receiver shall reduce the wages of the men or change the schedule, the rules which govern the performance of the services one way or the other, without first having the authority of the court, and he can not have the authority of the court without first giving notice to the men and allowing them to be heard. That is all this amounts to.

Mr. RAWLINS. When a road is put into the hands of a receiver by order of court the receiver is the hand of the court to operate the road, and he is supposed on all occasions to be under the direction of the court and the court is responsible for whatever the receiver may do. As I understand the practice, the rule—with some exceptions it may be, but certainly it is the correct rule—which has usually been followed by the courts, is that the receiver may not reduce the wages except by the direction of the court. Where they have undertaken to do so the employees have come to the court and the courts have usually, perhaps there may have been some exceptions, given them a hearing, and in many instances restored the wages to what the court thought would be reasonable.

Of course, as the Senator from Wisconsin says, if the wages are

reduced, the employee may quit; he may accept the reduced wages or not, as he may see proper. But it seems to me that this provision amounts to nothing more than what the rule already is, what the practice of the court is upon this question, provided the court follows the usual practice.

Mr. SPOONER. The Senator is partly right, as I understand it, but there have been a number of cases in which the courts have authorized receivers to reduce wages and change the schedules without the men having had an opportunity to be heard. This makes it a matter of law, binding upon the Federal courts, of course upon their officials, the receivers, that the wages and schedules shall not be changed without notice to the men, and an opportunity shall be given to them or their representatives in the labor organizations to be heard before the court passes. That is the purpose of the amendment, and it certainly accomplishes it.

Mr. TELLER. Mr. President, the custom has been, I think, so far as I have observed, for the receivers to go ahead and manage the road without much reference to the court except in cases where there was some necessity for applying to the court. As a rule, they have gone to work and reduced the wages if they saw fit, and discharged people, and then applied to the court, if there was any trouble about it, to have the court approve it. One difficulty in that matter has been that the organizations are not corporations. They have no legal standing, and a controversy of that kind must be carried on in the name practically of one individual.

The ninth section now provides that, whether they are incorporated or not, their associations shall have standing in court for the purpose of protecting the members of the association in their contract with the railroad company. It does not presuppose that the court may not reduce wages and dismiss men, because you could not very well run a railroad unless that power existed somewhere, but it puts it in the court, after these men have had an opportunity to be heard, when, as a rule, they are never heard now.

Mr. President, I wish to say merely a word or two upon the pending bill. A year or two ago I myself undertook to draft a bill on the line of this measure, and I gave it up as a task too great for me. I found so many difficulties that I could not see how I could get a voluntary arbitration bill, and I could not see how to get any other that would be effective. I have great doubt about this bill being effective, but it is a very good effort, I think, in the direction in which everybody wants to see something done.

I understand that the labor people, the leaders, and the people who have given great thought to this subject, and who ought to know as much about it as anybody, are satisfied with this bill. I understand that the railroad companies are satisfied with it. Their representatives have gone over it. I think the railroad companies realize that their interest and the interest of the public requires some method of settling controversies between them and their employees. As the Senator from Wisconsin [Mr. SPOONER] said, a strike costs a great deal of money. It costs a great deal of money to the employees of the road; it costs a great deal of money to the railroad; a great deal of money to the public; and if by any system of voluntary arbitration we can get rid of strikes, it is greatly to be desired.

The Government takes the initiatory steps through its Interstate Commerce Commission. If they can bring about a mediation and a settlement, all right. If not, then the parties are left to voluntary arbitration. The objection made by the Senator from Wisconsin that we ought to send it to a commission, it seems to me, is not a very good one, because the employees or the railroad company, one or the other, might say, "We will not submit to it." There must be a board of arbitration that these people will agree to in some shape.

Having agreed to it and having gone into the controversy, then the question is who shall pay the expense. There never has been a strike in this country where it would not have paid the Government of the United States to have borne any reasonable and just expenses to secure an arbitration, if that could have been done. The delay of the mails and the obstruction to business is such that it will be very profitable for the Government to engage in arbitration if it can do so. Inasmuch as the Government can not bring about an arbitration of its own force and must depend upon these people, and they must be satisfied with the board, I think it is as little as the Government can do to pay the expenses of it. I do not suppose there will be any abuse on that score. If there is, further legislation can correct it.

Mr. LODGE. Mr. President, I do not desire to detain the Senate on the pending measure, but I introduced a bill which I think is almost identical with the one reported from the committee, and it is a subject in which I have taken a good deal of interest. The bill I know was submitted to the Department of Labor, and it was also submitted to members of the Interstate Commerce Commission. Certainly the secretary of that commission gave a great deal of time and attention to it. So it is not a crude or hastily prepared bill. It is asked for by all the organizations of railroad employees on one side, and I think, from the best information I can get, it is not objected to by any reasonable representatives of the railroad companies on the other. I believe myself that it is a beneficial measure; that even if it does not go as far as many of us would perhaps like, it will serve a great purpose; that it will tend to reduce the number of strikes, which are always such a misfortune to the country when they occur.

We have had for many years in my State a board of voluntary arbitration. It has been of the greatest possible benefit. It has not stopped all strikes, but it has stopped a great many, and it has settled them, and settled them in such a way that both sides to the controversy have felt that they have been treated with justice.

This bill, asked for by these organizations of railroad men, is a most reasonable bill, and it seems to me it would be a most valuable and beneficial measure for Congress to pass. If there are defects in it they can be cured after the experiment has had a fair trial.

Mr. TURNER. Mr. President, I presume it is true, as I have heard it stated, that the pending bill was prepared by the representatives of the railroad employees who are to be affected by it, but I should consider it cruel and wicked to take advantage of the inexperience of this class of our citizens for the purpose of fastening upon them legislation which would be injurious to their true interests.

I am suspicious of the bill, notwithstanding it comes from this quarter, because of the friends that it has made. I observe that all our statesmen who have been in the habit of looking at the interests of corporations and aggregated capital through the big end of the telescope and at the interests of the laboring men through the little end of the telescope are in favor of this measure. I have looked somewhat into the history of the bill. I see that it passed the House of Representatives on the 4th day of this month under whip and spur, under the rule invoking the previous question, at the instance of gentlemen who are in the habit of looking at questions between capital and labor in the manner I have indicated.

But, Mr. President, there is a principle involved in the bill which is more important even, in my judgment, than any question between capital and labor, and I believe Senators ought to look at it and dispose of it in the light of that principle. From the time when courts were first organized in England down to the present time there never had been a precedent in which a court of equity has undertaken to enforce the observance of a contract for personal labor until Judge Jenkins undertook to enforce it in the decision which is so well known—made by him in the circuit in Wisconsin in the case of the employees of the Northern Pacific Railroad Company.

The rule which the courts have strictly and strenuously adhered to through all the period from the first organization of courts down to the present time has its motive in personal liberty. It would be a monstrous innovation upon law and constitutional principles for legislation enacted by Congress to recognize the proposition that any man can be compelled to labor one moment longer than he wants to labor, no matter what contract he may make compelling him to do so. As my honored friend from Nebraska [Mr. ALLEN] said in his remarks this afternoon, it would amount to imposing involuntary servitude upon a portion of the citizens of this Republic. Whether the Supreme Court of the United States or other courts would recognize it or not makes no difference; I do not think the Congress of the United States can afford to enact legislation which will in fact impose, under certain conditions, involuntary servitude upon any class of our citizens in this country.

This bill provides for arbitration. Then it provides that after the arbitration shall have taken place and an award shall have been made, the courts may enforce that award upon both parties—both upon the railroad company and upon the employees of the railroad company. It is true that the bill says the courts may not punish for contempt for refusing to abide by the award, but it does say that the courts may enforce the award, which means that the courts, by such appropriate process as may be known to them outside of the punishment for contempt, may compel laboring men to labor upon the railroads whether they want to do so or not.

There are other means of compelling obedience to the award besides punishment for contempt. I can not enumerate all of them now. A court of equity would have the right to sequester the wages of laboring men, I assume, for violating its injunction. The question of the enforcement of the award may lead to many collateral and indirect issues which can be enforced by fine and imprisonment for contempt and which may indirectly have the same effect.

But whether that be true or not, we are undertaking to put in the legislation of Congress a provision that citizens of this Republic may be compelled to labor when they do not want to labor, and I say we are not only violating the Constitution of the United States in providing for a species of involuntary servitude, but we

are also violating a principle as old as the common law, that the courts will not in restraint of the liberty of the people undertake to enforce by specific performance or otherwise contracts for the performance of personal services.

So, Mr. President, if our laboring men in the United States were assembled out here in front of the Capitol clamoring for the passage of this bill, while I think I am as good a friend of the laboring man as any person in this body, although I do not pose as the champion of the laboring men or as the champion of the railroads, I will not give my vote for the bill, because I do not propose to vote for any measure which in my judgment violates the Constitution of the United States and introduces into our legislation a vicious principle which has never before been recognized and which has always been frowned upon by the courts.

Mr. President, it is confessed upon all hands that this bill is very imperfectly drawn. It is not perfect by any means. Yet gentlemen say that their desire for some remedy for the evils which have heretofore existed is so great that they are willing to vote for the measure. I think the better course would be to recommit the bill and let such a bill be framed as would be just, both to the corporations and the laboring men, in consonance with the Constitution of the United States and in consonance with the wise practices of the courts both in this country and in England from the very earliest period down to the present time.

England has dealt with this question of labor and the disputes between laboring men and their employees, and nearly all of her colonies have done so. They have dealt with it with the principle in mind which I am trying to enforce upon the Senate, and they have scrupulously avoided any interference or any attempt to invade that principle. I have had occasion to examine arbitration bills passed in some of the colonies of England, and such a bill can be prepared and passed through the Congress of the United States. While they are efficient, they scrupulously avoid the imposition of compelling the laboring men who work for these corporations to continue to labor unless they voluntarily desire to do so.

The bills that I have in mind provide for voluntary arbitration. They provide fair means for a hearing by both parties. They pro vide for an award and the publication of the award, and for the good offices of the Government in undertaking to carry out the award. But they leave it to a sound public opinion to compel both parties to abide by and accept the award. That, I think, is all that is necessary in this country. It is certainly all that we can constitutionally enact, and it is all that we ought to try to enact.

If the employees of a large transportation company become involved in controversy with their company and both sides invoke the benefit of an arbitration law, both sides will abide by any award that may be made, because public opinion will compel them to do so. I do not think, however others may view the question, that we have power to go any further. We may pass provisions compelling the transportation companies to abide by the award without violating any constitutional provision, but we can not, in my judgment, compel the employees to abide by the award and continue to labor when they do not want to do so without subjecting them to involuntary servitude, something that it is wholly beyond the power of Congress to do, as everybody knows.

As I said, the bill is very imperfectly framed to accomplish anything. Gentlemen assume that the bill will result in quieting controversies between employers and employees for the period of a year. I do not read it that way at all. It will result in quieting them for one month, and that is all. I call the attention of the Senate to the fourth subdivision of section 3, on page 5. That clause reads as follows:

> Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention so to quit.

Any employee who is dissatisfied with the award may be compelled to labor for thirty days, but he can not be compelled to labor any longer; and as to him the bill quiets the controversy for thirty days. The succeeding clause makes the same provision concerning the railroads:

> Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of his intention so to discharge.

So any railroad company, feeling that it has been worsted in the arbitration with its employees, immediately after the award has been made, gives notice to every one of its employees that it is dissatisfied with the award and that at the expiration of thirty days it will dispense with their services. Now, what kind of arbitration is that, Mr. President? What kind of a settling of difficulties is that? Is that worth the appropriation of $5,000 or 5 cents? The effect of it is manifestly in the interest of the railroads. They can afford to give the notice and wait thirty days before discharging their employees and employing others at less wages. The employees can not do so; they work on.

More than this, Mr. President, I think there is a good deal of justice in the claim which I heard made the other day that it places the rights of individuals in jeopardy when they themselves have had no lot or part or parcel in submitting their rights to that jeopardy. Labor organizations are useful and valuable institutions in this country, but I should like to know what right a labor organization has to bind and conclude the men who may be working on railroads who do not belong to the labor organization. Yet that is what this bill provides. It not only provides involuntary servitude for those who voluntarily enter into the arbitration, but it provides involuntary servitude for those who may be working on railroads and who do not belong to the labor organization.

Then, again, the method of selecting the arbitrators as provided in the bill is a vicious one and one that will undoubtedly operate in the interest of the railroads and against the interest of the employees. I say no arbitrators ought to be permitted to adjudicate between a raiload company and its employees who are not entirely satisfactory to both parties to the controversy.

Now, after having concluded to enter into arbitration, the labor organization selects one of the arbitrators, the railroad company selects another, and then they strive for a limited period to select a third man. If they do not succeed in selecting the third arbitrator, then the duty of making the selection is devolved upon others. I have no criticism to place upon the gentlemen who are now filling the public positions which are named as the proper positions to designate this third arbitrator.

I undertake to say, if this bill becomes a law, it will not be very long before the railroad companies have satisfactory individuals in those offices, who will give them nine times out of ten, if not ten times out of ten, this satisfactory man. We know that they are pushing all the time; they are powerful; they are influential in elections; they have ways of securing the employment of those who are favorable to their interests that the laboring men have not. I am not saying this for the purpose of blaming them at all, because everybody is going to work for his own interest; but every man knows that in a controversy between a railroad company and its employees, wherein some third person is to perform an office, if there is any favoritism shown in that matter, unless we succeed in the phenomenon of securing some officer who is absolutely above all prejudice or all favor, this third arbitrator will inevitably be in the interest of the railroad company, and the employees in this controversy will go into the arbitration with a stacked deck against them.

I say that we ought not to have any arbitration, we ought not to provide for any arbitration, unless the law gives to private parties the right to say who this third person shall be who is supposed to be the impartial umpire between them. If they want to arbitrate, if they desire to have their differences settled by arbitration, undoubtedly they will reach an agreement by making mutual concessions.

All of these things impress my mind with the fact that this bill, however it may have been drawn, by whomsoever it may have been drawn, and by whomsoever it may now be pressed, is not in the true interest of the railroad employees in this country, but will make largely for the interests of the railroads themselves. Further than that, it will strike a deadly blow at a principle which has always been held to by our ancestors and by curselves, which ought not now to be departed from by the Congress of the United States.

Mr. NELSON. I will say to the Senator from South Dakota, who has this bill in charge, that owing to the great number of important amendments which have been made to it we ought to have a reprint of the bill with all the amendments before we proceed to vote upon it. It is a very important bill, and it is very hard for us to tell now just what will be the effect of all these amendments.

Mr. HOAR. I should like to say——

Mr. KYLE. I will state to the Senator from Massachusetts that for several days——

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor. Does he yield?

Mr. HOAR. Certainly.

Mr. KYLE. We have had this bill under consideration on several days, and at each time I have got unanimous consent for its consideration I have had to give way for some other measure. To-morrow I understand the Senator from Montana [Mr. CARTER] will call up the census bill, and that the agreement for unanimous consent which we had to-day will be waived.

This bill has been under consideration for quite a long time in both Houses of Congress and for several months before the committees of both Houses, and I think it has been fully discussed. It is a bill which the laboring people connected with the railroads of the United States want; it is the railway trainmen's bill.

They comprise about 326,000 men—nearly a million of the people in the United States; 1 in 79 of our population, men, women, and children, and 1 in 15 of the voters of the United States. They have not only as a national organization approved of this bill, but they

have taken the bill and submitted it to the several local organizations of the United States, by whom it has been universally approved. It may have its imperfections; I grant that it has; but no voluntary arbitration bill can be drawn without imperfections; and I think the Senators in this body will testify to the good offices of a voluntary arbitration bill, however imperfect it may be. We all recall the arbitration law of 1888, which is proposed to be repealed by this bill.

Mr. HOAR. I supposed I was yielding to the Senator to answer a question.

Mr. KYLE. I want to say just one word more.

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor. Does he yield?

Mr. HOAR. I yield.

Mr. KYLE. I had some part in the settlement of the great Chicago strike only a few years ago. I went with the leaders of the labor organizations to the then President of the United States, and there got the consent of the railway trainmen to bring about a cessation of the strike, providing the President would appoint an arbitration commission under the provisions of the statute of 1888. President Cleveland agreed to appoint that commission, and there and then, in the presence of the President, these railway trainmen declared the strike off; and under the provisions of the statute of 1888, imperfect as it was, the great Chicago strike came to an end.

I believe, Mr. President, that the strikes in this country will practically come to an end, as was said by Mr. Morrissey, the chairman of the Railway Trainmen's Association, if this bill becomes a law.

Mr. President, I hope we can get a vote to-night on the bill. If the Senator from Minnesota has an amendment he desires to offer, he can offer it, and in a very few moments we shall be able to close the bill.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. HOAR] has the floor.

Mr. NELSON. I think I had the floor, and yielded to the Senator from South Dakota [Mr. KYLE]. I will not take up any time.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. HOAR. Perhaps the Senator may desire to discuss the bill, but I simply want to add a single sentence to an amendment.

Mr. NELSON. I have no intention to participate in the discussion, but a number of important amendments have been made to the bill this afternoon, and I am not able to judge of the effect of those amendments until I can see a reprint of the bill with all those amendments incorporated in it. I think, in order that we may vote understandingly on the bill, we ought to have it reprinted with the amendments all incorporated in it.

I am in favor of the principle of arbitration. I am not hostile, I want to say to the Senator from South Dakota, to the principle of arbitration; but I want to see that this bill is properly guarded, above all things so as to protect the railroad employees. I think, therefore, the Senator ought to be willing to have a reprint made of the bill, so that we can consider it and understand it thoroughly. That is all I desire to say on this occasion.

Mr. KYLE. I will say to the Senator——

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor.

Mr. HOAR. I decline to yield further, Mr. President.

Mr. KYLE. I should like to say a word.

The PRESIDING OFFICER. The Senator from Massachusetts declines to yield.

Mr. HOAR. What I have to say will take but a moment, and I wish to have the attention of the Senator from Washington [Mr. TURNER] and of the Senator from Nebraska [Mr. ALLEN], as well as the Senator in charge of the bill.

The chief argument against this bill which I have heard is that it contains a provision for specific performance against a laborer of a contract to labor, and, as has been well said by the Senator from Washington, that is a doctrine and proceeding unknown to equity hitherto unless, possibly, in very recent years. It never was supposed that any man could be kept to a civil contract to labor by any authority other than his own.

It seems to me that is a good point; and although the bill says in lines 12 and 13, on page 5, that "No person shall, however, be punished for his failure to comply with the award as for contempt of court," yet it leaves a general provision that the award is to be specifically enforced. The court has got to reconcile those two provisions in some way, which, without calling the process a process for contempt, especially enforces a contract for labor or personal service. I propose to remove that by striking out the words in lines 12 and 13, after the word "permit," and by inserting;

Provided, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

I will move that amendment, and I think that will remove a great part of the objection which has been made in the argument.

Mr. KYLE. I will accept that amendment.

The PRESIDING OFFICER. The Senator in charge of the bill accepts the amendment. Is there any objection to it?

Mr. CHANDLER. I ask to have the proposed amendment read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 3, on page 5, line 12, after the word "permit," it is proposed to strike out——

Mr. HAWLEY. I want to make an inquiry of the Senator from Massachusetts. It is all very good striking out and inserting what he proposes, but I find these words in lines 10 and 11:

And that the same may be specifically enforced in equity so far as the powers of a court of equity permit.

Mr. HOAR. That leaves it to be specifically enforced against the railroads.

Mr. HAWLEY. I should like to know how it can be specifically enforced. Is there any way of specifically enforcing a contract which binds one side and does not bind the other?

Mr. HOAR. It binds both sides, except that the process of specific performance in a mere contract for personal labor and services can not issue against the laborer.

Mr. HAWLEY. Then I should like to know——

Mr. HOAR. I should like first to have the amendment stated from the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts [Mr. HOAR] will be stated.

The SECRETARY. In section 3, on page 5, line 12, after the word "permit," it is proposed to strike out:

No person shall, however, be punished for his failure to comply with the award as for contempt of court.

And insert:

Provided, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

Mr. TURNER. I should like to call the attention of the distinguished Senator from Massachusetts to the fact that that does not remove in full the objection. We still have left in this proposed law a declaration that a court of equity may specifically enforce the award, and we still have left in it a mandatory declaration of the law that the employee shall be compelled to submit to the award by laboring for at least three months contrary to his will.

Mr. HOAR. So far as the Senator's first objection is concerned, it does say that the award may be specifically enforced in equity, but it goes on to say, provided that it shall not specifically enforce a contract for personal labor or service. There is an exception.

Mr. TURNER. I should like to ask the distinguished Senator what force and effect he would give to the first clause of the third subdivision and of the fourth clause of section 3?

Mr. HOAR. It leaves the process of specific performance unimpaired, as it should, against corporations; it leaves the power to a court of equity to render a judgment, which any court of law would have now, not a specific performance or punishment in contempt, but an ordinary judgment for a sum of money for a failure to perform the promise to work—the ordinary common law as it is now and always has existed. In regard to the other proposition, I have not examined it.

Mr. TURNER. At the proper time, for the purpose of supplementing the amendment of the Senator from Massachusetts, I shall move to strike out the fourth subdivision of section 3.

Mr. SPOONER. I want to say about that clause what I said before, that I could not myself see—and in that I am disposed to agree with the Senator from Washington—why that should be left in the bill if the court were deprived of the power to issue an injunction, either a mandatory injunction or one in its nature restraining. I was utterly unwilling that the court should be permitted to enforce its decree by injunction in any form. Therefore, I advised the representatives of these men who came to me that that clause would be misleading and utterly useless, and that it be omitted; but they declined to have it modified in that respect and thought there might be some moral effect from it which would be beneficial to them.

Mr. KYLE. There is a desire on the part of many members in the Chamber to see the amendments in print to-morrow morning; and so I will agree to let the discussion go over to-night if we can have a unanimous-consent agreement to vote to-morrow at a certain hour on the bill, say at 3 o'clock or half past 1—I do not care which.

Mr. HALE. Let it be unanimously agreed that the bill be taken up when the routine morning business is concluded to-morrow.

Mr. KYLE. Exactly.

Mr. GALLINGER. I will suggest to the Senator from Maine that an agreement was reached that one-half hour should be devoted after the routine morning business to-morrow to the consideration of pension bills. Of course I can not waive that.

Mr. KYLE. I will ask unanimous consent that we vote upon

the proposition at 3 o'clock to-morrow, if that is satisfactory to all Senators.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the vote be taken upon the pending measure at 3 o'clock to-morrow afternoon.

Mr. CULLOM. Upon the bill and all pending amendments.

The PRESIDING OFFICER. That the vote be taken upon the bill and all pending amendments.

Mr. CHANDLER. And all amendments which may be offered.

The PRESIDING OFFICER. The Chair so understands.

Mr. CARTER. Say all amendments then pending.

Mr. CHANDLER. The bill should be open to amendment after the time fixed for voting. There can be but one amendment pending at a time, and the bill should be subject to all amendments which Senators may offer after the hour fixed for voting.

Mr. HALE. That is always done.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

Mr. HAWLEY. I want to give notice that I can not feel bound by an agreement of that sort in one respect. There is pending a conference report as to a very important Army bill, which we discussed, I think, for two days. I did not call it up on last Friday nor on Monday nor on Tuesday, because there seemed to be very strong reasons why certain other business should be continued; but I fear I did wrong. I shall feel obliged to-morrow to insist upon the consideration—and I hope it will be very short—of that conference report. So I simply give notice that I will not be bound by anybody's agreement.

Mr. TELLER. Under those conditions, then, I shall object to an agreement. I do not think that anything is gained by fixing a time and then setting it aside. If we go on with this bill, we shall probably conclude it in the course of an hour or so. I hope the Senator from South Dakota will withdraw his request.

Mr. CULLOM. I have no doubt we shall get through with the conference report referred to by the Senator from Connecticut [Mr. HAWLEY] and the pending bill to-morrow.

Mr. KYLE. I understand that the Senator from Montana [Mr. CARTER] has the floor to-morrow at 2 o'clock for the unfinished business, which is the census bill; and I trust he will agree to waive that for the time being.

Mr. CARTER. The Census Committee will waive one hour's time, so as to allow the vote to be taken on this proposition and the pending amendments at 3 o'clock to-morrow.

Mr. TELLER. I want to suggest to the Senator from Montana that we do not fix any time. Let us take the bill and go through with it. There is no disposition to delay it; but it is a very important bill, and no Senator ought to be prevented from making suggestions or proposing amendments in relation to it.

Mr. ALLEN. I hope that we may have a reprint of the bill made so as to have it before us to-morrow.

Mr. TELLER. If there should be a reprint, it is possible that some Senators may have objections to the amendments which have been adopted to-day. I myself do not know what they are; I have not the slightest conception; nor has anybody else who sits in this part of the Chamber, for it was impossible to hear what was going on.

Mr. CARTER. I suggest, if the bill must be reprinted, that it go over until Monday, to be disposed of at a certain hour on that day.

Several SENATORS. That is right.

Mr. KYLE. We can take the bill up to-morrow and finish it while Senators have their minds upon it much more satisfactorily than we can on Monday next.

Mr. CARTER. I suggest, then, that the hour of 4 o'clock to-morrow be fixed as the time for taking the final vote on the bill, so that it may be disposed of to-morrow.

Mr. KYLE. I will agree to that.

Mr. ALLEN. I have an amendment, which is quite important, which I have not yet perfected, but I shall have it ready by to-morrow morning.

The PRESIDING OFFICER. The Senator from Colorado [Mr. TELLER] is entitled to the floor.

Mr. ALLEN. I beg pardon of the Senator.

Mr. TELLER. I do not object to an agreement if the hour can be put at 4 o'clock. I think to fix it at 3 o'clock would be too short a time.

Mr. ALLEN. If I may be permitted to intervene in this interesting discussion, I was going to suggest that we agree to vote before adjournment to-morrow.

Mr. HALE. That was shown the other day to be of no account, because a quorum will not remain, and the object sought will be entirely defeated.

Mr. ALLEN. We can take this bill up after the routine business to-morrow morning, and discuss it, say, until 4 o'clock, and then vote.

Mr. HALE. Four o'clock will give ample time to everybody.

Mr. CULLOM. I think that will be more time than will be needed.

Mr. TURNER. I have three amendments which I desire to offer to the bill, on one of which I desire to submit a few remarks, and I do not want to be cut off from doing that.

Mr. FAULKNER. That will not cut the Senator off.

Mr. CULLOM. If the hour of 4 o'clock is determined upon, the Senator will have an opportunity of speaking on his amendments, whether they are offered or not at the moment; and it seems to me that will afford ample time to dispose of the bill to-morrow.

Mr. ALLEN. Why not discuss the amendments under the ten-minute rule?

Mr. CULLOM. It would be well enough to get such an agreement.

Mr. ALLEN. That would give everybody an opportunity.

Mr. HALE. Is the proposition that the discussion to-morrow shall be under the ten-minute rule?

Mr. ALLEN. Yes.

The VICE-PRESIDENT. Is unanimous consent given that the vote on the bill and amendments shall be taken at 4 o'clock to-morrow, and that the discussion on it to-morrow shall proceed under the ten-minute rule?

Mr. HALE. That is right.

Mr. BUTLER. I will not consent to fixing an hour to-morrow to dispose of the bill. There are many amendments which have been made to the bill. There is not one of us who knows the effect of them, and we want to know the condition of the bill by having it reprinted, so that we can examine it to-morrow morning.

I am in favor of the principle of arbitration, but I am not in favor of this bill, as I understand it, because I believe it defeats the principle of arbitration. We may be able to vote to-morrow, but I shall not, for one, consent to fixing an hour to vote until I can see the bill printed with the amendments which have been adopted.

Mr. KYLE. Mr. President, in order to close this matter, we will let it go over without any unanimous consent, and I shall move to-morrow to take up the bill.

Mr. TELLER. Let us have the bill printed as amended.

The VICE-PRESIDENT. There being no objection, the bill will be ordered to be printed as amended.

Mr. GEAR. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa.

Mr. CARTER. I trust the Senator will defer that motion for a moment until some arrangement can be reached with reference to the pending bill.

Mr. GEAR. I withdraw the motion for the present.

Mr. CARTER. I suggest to the Senator from South Dakota that if the vote is not reached to-morrow, the hour of 3 o'clock on Monday be fixed for the final vote on this bill and all amendments to it, and that the discussion to-morrow and Monday shall proceed under the ten-minute rule.

Mr. BUTLER. I think there will be no trouble to-morrow, after we see a reprint of the bill, in having a unanimous-consent agreement fixing a time for the final vote, but this is a bill to which I have not been able to give any attention until to-day. I have read it in my seat, but there have been a number of important amendments made to it here, and it involves important questions. I should be obliged to vote against it if the vote were taken now; but I want to vote for it if I can, or for some bill which will provide for equitable arbitration. Therefore, I do not think we ought now to fix the time for the final vote.

CIVILIAN EMPLOYEES OF THE WAR DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, requesting that that part of Department letter of the 6th instant touching the question of withdrawing the civilian employees from the operations of the civil-service act be withdrawn from consideration by the Committee on Military Affairs, to whom it was referred on May 9, 1898, and that it be stricken from the official records, and, also, that the clause in the Army appropriation act of March 15, 1898, restricting the expenditures for "compensation of civilians in the Subsistence Department to an amount not exceeding $100,000 for the fiscal year 1899," be suspended during the pendency of the existing war, and that early action be taken thereon; which was referred to the Committee on Military Affairs, and ordered to be printed.

EXECUTIVE SESSION.

Mr. GEAR. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 12, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 11, 1898.

PROMOTION IN THE NAVY.

Commodore George Dewey, to be a rear-admiral in the Navy, under the provisions of section 1508 of the Revised Statutes, he having, upon the recommendation of the President by name, received the thanks of Congress by joint resolution approved May 10, 1898.

APPOINTMENT IN THE NAVY.

Elon Obed Huntington, a citizen of Minnesota, to be an assistant surgeon in the Navy, to fill a vacancy.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be inspector-general, with the rank of lieutenant-colonel.

Curtis Guild, jr., of Massachusetts.

To be judge-advocate, with the rank of lieutenant-colonel.

Frederick A. Hill, of Connecticut.

To be assistant adjutants-general, with the rank of captain.

Erskine Hewitt, of New York.
William B. Allison, jr., of Iowa.

The names of Curtis Guild, of Massachusetts; F. A. Hill, of Connecticut; Irskin Hewitt, of New York, and W. B. Allison, of Iowa, submitted to the Senate May 9, 1898, are withdrawn, and the above list for the appointment of the same persons to the same offices substituted, with the view to correction of names.

ASSOCIATE JUSTICE, SUPREME COURT OF NEW MEXICO.

Charles A. Leland, of Ohio, to be associate justice of the supreme court of the Territory of New Mexico, vice Humphrey B. Hamilton, to be removed.

SURVEYOR OF CUSTOMS.

Elijah W. Adkins, of Tennessee, to be surveyor of customs for the port of Knoxville, in the State of Tennessee. Office created by act of Congress approved April 21, 1898.

COLLECTORS OF CUSTOMS.

Christopher D. Jones, of North Carolina, to be collector of customs for the district of Beaufort, in the State of North Carolina, to succeed John D. Davis, whose term of office has expired by limitation.

Clarence G. Smithers, of Virginia, to be collector of customs for the district of Cherrystone, in the State of Virginia, to succeed Robert L. Ailworth, whose term of office will expire by limitation May 16, 1898.

William F. Stone, of Maryland, to be collector of customs for the district of Baltimore, in the State of Maryland, to succeed Frank T. Shaw, whose term of office has expired by limitation.

William B. Todd, of the District of Columbia, to be collector of customs for the district of Georgetown, in the District of Columbia, to succeed Dorsey Clagett, resigned.

NAVAL OFFICER.

Norman B. Scott, jr., of Maryland, to be naval officer of customs in the district of Baltimore, in the State of Maryland, to succeed Barnes Compton, whose term of office has expired by limitation.

RECEIVER OF PUBLIC MONEYS.

David S. Hooper, of Redfield, S. Dak., to be receiver of public moneys at Pierre, S. Dak., vice John F. Hughes, term expired.

POSTMASTER.

Joseph F. Doyle, to be postmaster at Savannah, in the county of Chatham and State of Georgia, in the place of George S. Haines, removed. The nomination of Henry Blun, jr., to the above-named office, which was delivered to the Senate February 4, 1898, is hereby withdrawn.

WITHDRAWAL.

Executive nomination withdrawn May 11, 1898.

Thomas H. Conniff, of Pierre, S. Dak., which was sent to the Senate January 5, 1898, to be receiver of public moneys at Pierre, S. Dak., vice John F. Hughes, term expired, Mr. Conniff having declined.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 11, 1898.

PROMOTION IN THE NAVY.

Commodore George Dewey, to be a rear-admiral.

UNITED STATES ATTORNEY.

James K. Barnes, of Arkansas, to be attorney of the United States for the western district of Arkansas.

ASSISTANT APPRAISER OF MERCHANDISE.

Harvey T. Andrews, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York.

REGISTER OF THE LAND OFFICE.

William V. Lucas, of Chamberlain, S. Dak., to be register of the land office at Chamberlain, S. Dak.

LAND COMMISSIONERS.

William W. Alderson, of Bozeman, Mont., to be a commissioner to examine and classify lands within the land-grant and indemnity land-grant limits of the Northern Pacific Railroad Company in the Bozeman land district in Montana.

Joseph C. Auld, of Glendive, Mont., now a commissioner in the Bozeman district, to be a commissioner to examine and classify lands within the land-grant and indemnity land-grant limits of the Northern Pacific Railroad Company in the Helena land district in Montana.

POSTMASTERS.

Robert E. Wherritt, to be postmaster at Park City, in the county of Summit and State of Utah.

Herbert W. Davis, to be postmaster at Falconer, in the county of Chautauqua and State of New York.

William N. Wallace, to be postmaster at Gowanda, in the county of Cattaraugus and State of New York.

Theodorus Hart, to be postmaster at Pittston, in the county of Luzerne and State of Pennsylvania.

Melvin E. Horner, to be postmaster at Belmont, in the county of Allegany and State of New York.

John P. Herrick, to be postmaster at Bolivar, in the county of Allegany and State of New York.

E. W. Roberts, to be postmaster at Luzerne, in the county of Luzerne and State of Pennsylvania.

Simon Frankle, to be postmaster at Chicora, in the county of Butler and State of Pennsylvania.

John C. Bensinger, to be postmaster at Stroudsburg, in the county of Monroe and State of Pennsylvania.

John G. Joy, to be postmaster at Salinas, in the county of Monterey and State of California.

D. M. Turner, to be postmaster at Towanda, in the county of Bradford and State of Pennsylvania.

John Scher, jr., to be postmaster at Dushore, in the county of Sullivan and State of Pennsylvania.

James Agnew, to be postmaster at Mercersburg, in the county of Franklin and State of Pennsylvania.

William W. Wilson, to be postmaster at Chico, in the county of Butte and State of California.

Mellie B. Towne, to be postmaster at Orange, in the county of Orange and State of California.

William P. McCleery, to be postmaster at Troy, in the county of Bradford and State of Pennsylvania.

Irwin G. Lukens, to be postmaster at North Wales, in the county of Montgomery and State of Pennsylvania.

Thomas F. Dunn, jr., to be postmaster at Weatherly, in the county of Carbon and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 11, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHNSON of North Dakota, indefinitely, on account of important business.

To Mr. GILLET of New York, for five days, on account of sickness in family.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. BROWN obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of John V. Sullivan, Fifty-fourth Congress, no adverse report having been made thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4518) to provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the insurgent forces, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAWLEY, Mr. CARTER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4468)

to provide for a volunteer brigade of engineers and an additional force of 10,000 enlisted men specially accustomed to tropical climates.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1316) to provide for organizing a naval battalion in the District of Columbia.

The message also announced that the Senate had passed without amendments joint resolutions of the following titles:

Joint resolution (H. Res. 214) authorizing the Secretary of the Treasury to rent lighting apparatus for Government building at Trans-Mississippi and International Exposition; and

Joint resolution (H. Res. 233) to readmit Nellie Grant Sartoris to the character and privileges of a citizen of the United States.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4554. An act to authorize the establishment of post-offices at military posts or camps;

S. 4556. An act to suspend certain provisions of law relating to hospital stewards in the United States Army, and for other purposes;

S. 4566. An act to provide for the increased volume of work in the Adjutant-General's Department of the Army due to the calling out of volunteers and the increase of the Regular Army;

S. 4567. An act to organize a volunteer signal corps; and

S. R. 83. Joint resolution proposing an amendment to the Constitution of the United States.

The message also announced that the Senate had passed with amendment the following resolution; in which the concurrence of the House was requested:

Resolved by the House of Representatives (the Senate concurring), That there be printed for distribution by the Department of Labor 3,500 additional copies, in cloth binding, of the Second Special Report of the Commissioner of Labor, comprising the labor laws of the United States and of the State and Territorial governments, being a report of the Committee on Interstate and Foreign Commerce of the House of Representatives, submitted July 20, 1892, and revised and annotated in accordance with concurrent resolution adopted March 5, 1896.

The message also announced that the Senate had passed with amendments the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, and for other purposes; in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9689. An act to increase the number of surgeons in the United States Army;

H. R. 4099. An act to confer jurisdiction upon the circuit courts in certain cases;

H. R. 6793. An act granting an increase of pension to James F. McKinley;

H. R. 99. An act granting a pension to Ira Ingraham;

H. R. 8333. An act granting an increase of pension to Michael H. J. Crouch;

H. R. 6161. An act for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River in said District, and for other purposes;

H. Res. 214. Joint resolution authorizing the Secretary of the Treasury to rent lighting apparatus for Government building at Trans-Mississippi and International Exposition;

H. R. 9956. An act granting the Santa Fe and Grand Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona; and

H. R. 5521. An act declaring the Federal jail at the city of Fort Smith, Ark., a national prison for certain purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1316. An act to provide for organizing a naval battalion in the District of Columbia;

S. 4468. An act to provide for a volunteer brigade of engineers and an additional force of 10,000 enlisted men specially accustomed to tropical climates;

S. 4142. An act to provide a life-saving station on the westerly side of the harbor of Gloucester, Mass.; and

S. 1586. An act to abolish the distinction between official and unofficial lands, and for other purposes.

IMMIGRATION BILL.

Mr. DANFORD. Mr. Speaker, I desire to call up for consideration from the Speaker's table, by direction of the Committee on Immigration, the bill S. 112.

Mr. BAILEY. Mr. Speaker, it is impossible to hear.

The SPEAKER. What is the purpose for which the gentleman rises?

Mr. DANFORD. Well, it is to call up from the Speaker's table the bill S. 112 for present consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 112) to amend the immigration laws of the United States.

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract-labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following:

"All persons physically capable and over 16 years of age who can not read or write the English language or some other language; but a person not so able to read or write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age similarly qualified and capable, and a wife or minor child not so able to read or write may accompany or be sent for and come to join the husband or parent similarly qualified and capable."

SEC. 2. That for the purpose of testing the ability of the immigrant to read fr write, as required by the foregoing section, the inspection officers shall be ournished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than twenty nor more than twenty-five words of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose, and so constructed as to conceal the slip from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, or afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read or write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law, and shall also transport with him the wife, children, and other relatives herein mentioned who came with him, if they desire. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing. If in any case, from any unavoidable cause, the foregoing slips are not at hand for use the inspection officers shall carefully and thoroughly test the ability of the immigrant to read or write, using the most appropriate and available means at their command, and shall state fully in writing the reasons why the slips are lacking, and describe the substitute method adopted for testing the ability of the immigrant.

SEC. 3. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba during the continuance of the present disorders there who have heretofore been inhabitants of that island.

SEC. 4. That this act shall take effect three months after its passage.

Mr. BARTHOLDT. Mr. Speaker, I raise a point of order.

The SPEAKER. The gentleman raises the question of consideration.

Mr. BAILEY. Before the question of consideration is raised, I desire to make a parliamentary inquiry. How is it that this bill, which seems to have passed the Senate some time ago, is still upon the Speaker's table?

The SPEAKER. Because it has not been called up by order of the committee.

Mr. BAILEY. Does the rule allow a bill coming from the other House to be retained on the Speaker's table; or is it not usual, and is it not the proper practice, to refer it next day to the appropriate committee?

The SPEAKER. Not when the Chair is notified by the committee.

Mr. BAILEY. Notified by the committee?

The SPEAKER. Notified by the committee that a similar bill, substantially the same, has had the approval of that committee.

Mr. BAILEY. I understand that when a bill substantially the same has been reported by a House committee it is in order to call the bill up from the Speaker's table; but I was not aware that under the practice it could remain on the Speaker's table longer than the following day, as the Speaker's table must be cleared every day.

The SPEAKER. It would remain if no one called it up. It appears——

Mr. BAILEY. If no one called it up, would it not in the usual course of the business go to the committee and have to be reported?

The SPEAKER. The Chair thinks not.

Mr. RICHARDSON. Is it admitted that a bill similar to this bill has been reported by the House committee?

The SPEAKER. The Chair so understands.

Mr. RICHARDSON. I was not aware that a similar bill had been reported.

Mr. DANFORD. A similar bill has been reported by the House committee.

Mr. WILLIAM A. STONE. And a resolution of the committee passed directing that this bill be called up.

Mr. BARTHOLDT. I raise a point of order.

Mr. DANFORD. I want to yield to the gentleman from Illinois.

Mr. BARTHOLDT. Then I reserve the point of order.

Mr. HITT. I ask the gentleman if he will not, before the question of order is presented, yield to me to have an order made?

The SPEAKER. The Chair thinks the proceedings ought not

to be interrupted by unanimous consent when consideration has already been entered upon.

Mr. HITT. I understood the gentleman to ask consent.

The SPEAKER. What is the gentleman's point of order?

Mr. BARTHOLDT. My point of order is, Mr. Speaker, that the bill which is now upon the Speaker's table, and which it is proposed to call up by the motion of the gentleman from Ohio, is not substantially the same as the bill reported by the Committee on Immigration of the House.

Mr. HOPKINS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOPKINS. If the point of order is made, does that preclude raising the question of consideration after determination of the point of order?

The SPEAKER. It does not.

Mr. RICHARDSON. One further parliamentary inquiry. The parliamentary inquiry I want to make is whether the question of consideration would preclude a motion to refer this bill to the committee.

The SPEAKER. Will the gentleman again state his inquiry?

Mr. RICHARDSON. My inquiry was whether a motion to refer or to commit this bill to the Committee on Immigration could be submitted after the question of consideration had been raised.

The SPEAKER. It should be submitted afterwards.

Mr. BARTHOLDT. Mr. Speaker, Rule XXV, section 2, relating to the disposition of business on the Speaker's table, says:

> But House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same, etc.

My claim is that the Senate bill on the Speaker's table is not substantially the same as the House bill within the meaning of the rule, and can consequently not be called up in this way. The bills relate to the same subject, and I believe were the same when originally introduced in both Houses; but during the consideration in another House the bill now upon the Speaker's table was so materially amended as to take it out of the scope of the rule which I have just cited.

The phrase "substantially the same" means "the same in substance." In other words, bills may differ in phraseology or form, but if they provide for the same thing and are alike in their scope and effect they would come within this rule, no matter how unlike otherwise. But here it is required that they must be the same, not in form, but in substance. This means that their effect must be the same. The scope of the one must neither be more confined nor more extended than that of the other, and the change in existing law effected by the legislation must be the same whether the one is enacted or the other.

The most superficial comparison of the two bills will demonstrate that these conditions would be grossly violated if consideration of the Senate bill were permitted under the terms of Rule XXIV, because they differ widely in substance, as I shall show.

Again, according to Webster, "substantial" means "belonging to substance; real; actually existing." So this bill, in order to permit of its consideration under the rule before cited and without reference to a committee, would have to be really the same as the House bill, and the same provisions must actually exist in the one as in the other.

This is not the case, Mr. Speaker. For proof, permit me to refer to section 3 of the Senate bill. It reads as follows:

> SEC. 3. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba during the continuance of the present disorders there who have heretofore been inhabitants of that island.

This whole section, all important at the present time, is not contained in the House bill at all. Under this section all the illiterate Spaniards in Cuba are exempted from the provisions of this act during the continuance of the present disorders there. It does not say "Cubans," but "persons arriving in the United States from any port or place in the Island of Cuba who have heretofore been inhabitants of that island." Here is a plain discrimination in favor of the Spaniards as against all other nations and all friendly nations of the world. Is this not a material difference between the House and the Senate bill? Will anyone claim, in view of this difference, that the two bills are substantially the same within the meaning of the rule? Why, this difference is as important as the bill itself, if not more so, and is no doubt sufficient to cause many who might otherwise be inclined to support the measure to vote against it or its consideration.

Again, in section 1, line 9, the Senate bill reads: "Who can not read or write." The House bill reads: "Who can not read and write." The difference is only in a word, but will anybody claim that, in the language of the rule, it is not substantial? The one excludes all who can not both read and write; the other excludes only those who can not read or those who can not write. In the immigration figures, that is, in effect, this will make a substantial difference of tens of thousands of persons. I can not, under a point of order, go into the merits of this bill, but I may be permitted to say that I much prefer the Senate bill to the House bill in this respect, and the reason I prefer it is that substantial difference. Were it substantially the same, I would dislike one as much as the other, but this is, as I have said, not the case. There are other important departures of the text of this bill from that of the House bill; the one applies to all persons over 16, the other to persons over 15 years of age; the one requires the immigrant who wants to bring with him or send for his illiterate parents to be over 21 years of age and capable of supporting them; the other contains no such limitation whatever.

The purpose of the rule in question is to facilitate legislation, so that a Senate bill containing practically the same provisions as a House bill may be disposed of more expeditiously. But a brake has been provided in the words "substantially the same" to protect the House against the introduction of matter which is foreign to the bill considered by its committee and which might otherwise slip through without a full knowledge of the House. Bills may differ in form and yet be "substantially the same," but such a material difference in substance as in the present case makes it impossible to dispose of a bill in the way the gentleman from Ohio desires without a plain violation of the rule which I invoke.

I venture the prediction that as soon as the House consents to the consideration of this bill, the gentleman from Ohio will move to substitute the House bill for it, because the latter is much more Draconic in its provisions. This, Mr. Speaker, is another proof that the bills are not "substantially the same," all of which I respectfully submit to the consideration of the Speaker in connection with my point of order.

Mr. DANFORD. Mr. Speaker, I do not know what reason the gentleman from Missouri [Mr. BARTHOLDT] has for supposing or suspecting that I shall make a motion to substitute the House bill for the Senate bill. The question of the point of order that has just been raised was up some time ago, was considered and talked over by members at the time, and there was some doubt as to whether these bills were, within the meaning of this rule, substantially the same; yet in leaving the Senate bill on the Speaker's table to be called up under this rule there were advantages which overcame those doubts. The bill has been there since.

Now, there are just two propositions. There is a bill for the restriction of illiterate immigrants. It is a bill to keep out of this country persons who are within the objection of section 1. There is no difference between the Senate bill and House bill on that proposition. That is the substance of the measure; it is the matter of the bill. The bill aims at nothing else.

It is true that in section 3 of the Senate bill there is a variation from the House bill in the exclusion of emigrants from the Island of Cuba. That is an objection which was thought of and considered at the time; but it was the opinion of the committee that within the meaning and scope of this rule the Senate bill was a bill for substantially the same purpose as the House bill, and was substantially the same measure.

Now, it is a matter to be considered here whether there is any such substantial deviation of the one bill from the other as to make them two different bills, having a different scope and different purpose. That is a question, of course, for the Speaker, and is one that I do not care to discuss at any very great length.

Mr. WILLIAM A. STONE. Mr. Speaker——

The SPEAKER. The Chair is ready to rule.

Mr. WILLIAM A. STONE. There is only one suggestion I wish to make. It is that this Senate amendment, applicable to immigrants from Cuba, is to operate only during the difficulties between Spain and this country. It is temporary in its effect.

The SPEAKER. In this case the rule is invoked which permits a committee to call up from the Speaker's table a measure which is "substantially" the same as one already reported by the committee. The object of the restriction is that no committee shall have it in its power to bring before the House a matter of which there has not been sufficient and reasonable notice. In other words, while it was desired under the rules to facilitate legislation, it was also desired that there should be nothing in the nature of a surprise to the House.

This bill having come over from the Senate, the question arising is, therefore, whether it shall be retained on the Speaker's table as being substantially the same as one already reported to the House. In order that it may be so kept upon the table, the Chair must be notified that a committee has passed upon the subject and made a report to the House and asks that the bill be retained on the table for action. The next question to be considered is whether the bill upon the Speaker's table from the Senate is "substantially" the same as the House bill which has been reported. The reason it ought to be substantially the same is that the House may be notified of the subject that is to come up, that it may have due information as to what is to be brought before it, and if it is so informed by a bill having been considered and reported by its committee, that is enough.

The rule does not say that the two measures shall be absolutely the same. It only requires that they shall be "substantially"

the same. Now, as the Chair understands, the bill reported to the House provides that only certain persons shall be admitted into this country as immigrants, persons who can read and write or who can pass a certain kind of examination. That is the plan in the House bill and also the plan in the Senate bill. The only difference is that the Senate bill allows for only a limited time and to a limited portion of a foreign community the right to be admitted. It seems to the Chair that the two bills are substantially the same, if any effect is to be given to the word "substantially."

Now, it may be that this proviso is an inopportune and unsuitable proviso, in which case the House can deal with it directly; but the Chair feels constrained to hold that the two bills are substantially the same, providing for the same examination and also for the same exclusion, the only difference being that, owing to what are thought to be peculiar circumstances, a certain set of persons only are to be admitted and for only a limited time. The Chair therefore overrules the point of order.

Mr. MAHANY. I raise the question of consideration.

Mr. BARTHOLDT. Before the question of consideration is raised, I would like to raise another point of order.

The SPEAKER. One point of order disposes of the whole matter.

The question now is, Shall the House proceed to consider the bill?

The question was taken; and on a division (demanded by Mr. DANFORD, Mr. WILLIAM A. STONE, and others) there were—ayes 48, noes 90.

Mr. WILLIAM A. STONE. Mr. Speaker, I demand tellers.

Mr. BENNETT, Mr. EVANS, and others. Let us have the yeas and nays.

Mr. WILLIAM A. STONE. I think I am entitled first to a vote by tellers.

Mr. GAINES. Does not the gentleman think that we had better be making all of the friends we can now instead of enemies? [Cries of "Regular order!"]

Mr. WILLIAM A. STONE. Mr. Speaker, at the suggestion of the gentleman from New York [Mr. BENNETT], I withdraw the demand for tellers, and he withdraws the demand for the yeas and nays.

Mr. BENNETT. I withdraw the demand for the yeas and nays.

The SPEAKER. The demand for tellers having been withdrawn, and the demand for yeas and nays withdrawn——

Mr. EVANS. Mr. Speaker, I did not withdraw the demand for the yeas and nays.

The SPEAKER. The gentleman from New York made the demand. Does the gentleman from Kentucky renew it?

Mr. EVANS. I do.

The question was taken on ordering the yeas and nays; and there were 27 members only voting in the affirmative on the demand.

The SPEAKER. Twenty-eight members being required under the last vote to call the yeas and nays, the demand is refused. [Applause.]

So the House refused to consider the bill.

REPORT OF LABOR COMMISSIONER.

Mr. PERKINS. Mr. Speaker, I call up from the Speaker's table the House concurrent resolution to print the special report of the Commissioner of Labor.

Mr. RICHARDSON. Mr. Speaker, I suppose the bill on the subject of immigration will now be referred to the Committee on Immigration?

The SPEAKER. The Chair must consider that question.

Mr. RICHARDSON. I make the point of order that it should go to that committee.

Mr. WILLIAM A. STONE. I demand the regular order.

Mr. RICHARDSON. This is the regular order.

Mr. WILLIAM A. STONE. Under the ruling of the Chair it is not the regular order.

The SPEAKER. The Clerk will report the resolution called up by the gentleman from Iowa [Mr. PERKINS].

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for distribution by the Department of Labor 3,500 additional copies, in cloth binding, of the Second Special Report of the Commissioner of Labor, comprising the labor laws of the United States and of the State and Territorial governments, being a report of the Committee on Interstate and Foreign Commerce of the House of Representatives, submitted July 20, 1892, and revised and annotated in accordance with concurrent resolution adopted March 5, 1896.

The SPEAKER. The Clerk will now report the amendments to the resolution proposed by the Senate.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 8,000 additional copies, 1,000 for the use of the Senate, 2,000 for the use of the House of Representatives, and 5,000 copies for distribution by the Department of Labor, in cloth binding, of the Second Special Report of the Commissioner of Labor, comprising the labor laws of the United States and of the State and Territorial governments, being a report of the Committee on Interstate and Foreign Commerce of the House of Representatives, submitted July 20, 1892, and revised and annotated in accordance with concurrent resolution adopted March 5, 1896.

Mr. PERKINS. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

PRINTING FOR COMMITTEE ON FOREIGN AFFAIRS.

Mr. HITT. Mr. Speaker, I am instructed by the Committee on Foreign Affairs to ask unanimous consent of the House to have printed necessary matters before the committee, and under its jurisdiction, within the limit of $500 allowed by the rule.

The SPEAKER. The Chair thinks the gentleman should specify on what subject.

Mr. HITT. It is on subjects generally before the committee. This is a matter for their convenience. It is a similar order to that made in the last Congress.

The SPEAKER. The gentleman asks unanimous consent that authority be given to the Committee on Foreign Affairs, within the limit of the rule, to have printed for the convenience of the committee matters now before them for consideration. Is there objection?

Mr. RICHARDSON. Mr. Speaker, was there not authority given to the committee early in the session for this printing?

Mr. HITT. There was not, I will inform the gentleman from Tennessee. I inquired, and found that it was not done.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I ask to call up the Senate amendments to the Post-Office appropriation bill now on the table, and ask the House to nonconcur in the Senate amendments and ask for a conference between the two Houses on the disagreeing votes.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 9008) making appropriations for the support of the Post-Office Department for the fiscal year ending June 30, 1899.

Mr. LOUD. Now, Mr. Speaker, I ask the House to nonconcur in the amendments of the Senate.

The SPEAKER. The amendments will be read.

The Clerk proceeded to read the amendments.

Mr. WHEELER of Kentucky. Mr. Speaker, can we not have the amended sections as they will stand if we concur in the Senate amendments read, so that we may understand the effect of the amendments. We can gain nothing practical from the reading of the bill in its present form. It is impossible to determine what the effect of the amendments will be.

The SPEAKER. The Chair thinks that ought to be done.

The Senate amendments were read, with the sections as proposed to be amended.

Mr. LOUD. I ask the House to nonconcur in all the amendments of the Senate and ask for a conference.

Mr. CUMMINGS. Mr. Speaker, does that not require unanimous consent?

The SPEAKER. The Chair thinks it does.

Mr. CUMMINGS. I wish to say to the gentleman from California that the reason I ask this question is because the bill has been so thoroughly changed by the Senate that I think we ought to have printed copies of it here, so as to ascertain what has really been done.

Mr. LOUD. I will say that the bill is in print, and the changes are not as many as the gentleman might anticipate, perhaps, from the reading of the bill. I want to say to the gentleman that I do not suppose he is interested in this bill any further than to have the House nonconcur. That is, I assume that the gentleman is opposed to some of the amendments proposed by the Senate.

Mr. CUMMINGS. That is it.

Mr. LOUD. And that is the action that we propose to take, to nonconcur, and the House could do nothing further than perhaps to instruct——

Mr. CUMMINGS. Do I understand that when the conferees report the House will be given an opportunity to vote on the specified amendments?

Mr. LOUD. Oh, yes.

Mr. CUMMINGS. With that understanding, I withdraw the objection.

Mr. DINGLEY. Mr. Speaker, in order that there may be no misapprehension on this point, I will state that if the House nonconcur generally in these amendments and ask for a conference they will have no opportunity to vote upon each separate amendment. The conferees' report will have to be acted upon as an entirety—must be either accepted or rejected as a whole.

Mr. CUMMINGS. I simply wish to state that I am opposed to the amendment of the Senate striking out the appropriation for free rural delivery and also to the amendment reducing the number of deliveries in large cities to four.

Mr. DOCKERY. And you want those amendments brought back for action by the House.

Mr. CUMMINGS. Yes.

Mr. SULZER. We want to have a separate vote on those amendments.

Mr. LOUD. Now, one moment. Supposing the Senate recedes upon these amendments, do you want any vote upon that?

Mr. SULZER. No.

Mr. LOUD. What can the House do in this instance except to nonconcur?

Mr. SULZER. I ask the House to nonconcur.

Mr. LOUD. That is what I am asking. I am asking the House to nonconcur.

Mr. CUMMINGS. I understand from what the gentleman from Maine [Mr. DINGLEY] has said that we shall have no opportunity whatever to test the sense of the House on these amendments if the conferees should report the bill back with the Senate amendments included.

Mr. LOUD. Let me say to the gentleman that the only power the House would have now would be to accept the amendments of the Senate or instruct the committee on conference to insist. Now, I ask that we nonconcur.

Mr. BINGHAM. If the gentleman will allow an interruption, would it not strengthen the position of the House conferees if the House should positively determine upon these two propositions for this reason? In conference the Senate conferees will say, "The Senate has acted, but the House has not acted upon these propositions, because they were not especially before the House." Now, would it not strengthen his position if we, on the part of the House, should declare against these particular amendments?

Mr. LOUD. I want to say, Mr. Speaker, that I do not think it would be necessary——

Mr. BINGHAM. I know the gentleman's position. I want the position of the House.

Mr. LOUD. Would it not be rather unprecedented to adopt that plan?

Mr. BINGHAM. Oh, no; not at all.

Mr. DOCKERY. I think such action as that would be premature at this time.

The SPEAKER. The first conference is usually a free conference.

Mr. MOODY. I should like to ask the gentleman from California if he has any objection to assuring the House that upon these two amendments the House shall have a vote not embarrassed by the consideration of the conference report as a whole, so that we may at some time vote specifically and directly upon these propositions?

Mr. BROMWELL. If it becomes necessary.

Mr. MOODY. If it becomes necessary.

Mr. LOUD. There is no assurance or agreement that I could give the gentleman that would give him any right that he does not now enjoy.

Mr. MOODY. Mr. Speaker, I have suggested to the gentleman from California that if the House were assured that, so far as the gentleman himself was concerned (which we will accept as a sufficient assurance), the House should be guaranteed a vote on these two amendments everybody would be content to let the matter take the usual course. I understand the only thing we can do now is what the gentleman from California suggests—to nonconcur; but I believe it would be agreeable to all of us if we could be assured that when the bill comes back from conference, if there was any necessity for it, the House should have a vote, without being embarrassed with the consideration of other questions contained in the report; and the House will be content with the assurance of the gentleman from California that we should be allowed a separate vote on those two amendments.

Mr. LOUD. Mr. Speaker, I should like to reply to the gentleman again that there is nothing that I can assure the gentleman of or concede to him that he does not already have, and no action of mine and no assurance of mine can give the gentleman any more rights than he already has.

Mr. MOODY. But the assurances of the gentleman from California, while they would give us no additional rights, would give a feeling of comfort in the belief that we would have at some time a chance to vote in the House separately on these two amendments.

Mr. LOUD. Let me present the position to the gentleman. When we come back to the House with a report, if the House does not accept the report the House can instruct the committee.

Mr. MOODY. But the report comes back, and it must either be accepted or rejected as a whole. Now, there may be some members upon the floor who have in that report some questions in which they are vitally interested, and desire to have the report accepted for that reason. They may also have a feeling upon these two questions, and may desire to have the report rejected because it is not satisfactory on the question of free delivery; and the difficulty is that they have disadvantages either way they make up their minds. What I should like to have is a chance to have a separate, distinct, and direct vote in the House on those propositions before they are agreed to.

Mr. LOUD. I can not make a concession to the gentleman, because it would belong to him of right. I can not prevent him having that right, and nothing that I could concede would give him a right that he has not already.

Mr. MOODY. We would be satisfied with the gentleman's assurance that he would do his best.

Mr. LOUD. I have no hesitation in saying that, so far as I am concerned, the House shall have opportunity given to it now and at every other stage to determine what it desires, clear to the conclusion of the consideration.

Mr. GROW. Mr. Speaker, in disputes between the two Houses there is a proper courtesy to be observed. When one House asks the other House for a free conference, and then pledges members of that conference, before going into the conference, what they will do, it is not part of the courtesy that should obtain between the two Houses. You might as well say that you would not have any conference with them at all.

Mr. PITNEY. If the gentleman from California will permit me, it is quite a common thing for conferees on the part of the House to be met with the statement on the part of the Senate conferees that they can not agree as to a certain proposition desired by the House without first submitting it to the Senate. It is also a common practice for House conferees to say that they can not consent to such and such a Senate amendment until they shall first have a separate vote upon it in the House. Now, I ask the gentleman if he will not assure us that these two Senate amendments—with respect to rural free delivery and city free delivery—shall not be agreed to nor embodied in a conference report until after the gentleman has first submitted them to a separate vote in the House.

Mr. LOUD. I do not think it would be proper for me, if I were one of the conferees, to make any agreement at present as to what I should not agree to in the conference, but I do want to say this, that we will do all in our power to protect the rights and wishes of the House. Further than that I do not think the conferees ever should be asked.

Mr. BINGHAM. I believe this matter can be left wholly with the chairman. He has had long experience on conference reports, and we can trust the chairman of the committee to give the House every opportunity for action should it reach the necessity in that stage.

Mr. MOODY. The assurance of the gentleman from California satisfies me.

Mr. CUMMINGS. Mr. Speaker, I want to ask the gentleman from California this question: If his motion prevails, is it not within the power of the House conferees to agree to both the Senate amendments, and then report back the whole bill as amended? The House will then have only the option to refuse the bill as amended or accept it, leaving them without a separate vote on the two specific amendments.

Mr. LOUD. I will say, in reply to the gentleman, that after the rejection of the conference report the House would undoubtedly have an opportunity to instruct the conferees.

Mr. SULZER. If the House should not reject the conference report, we can not instruct.

Mr. RICHARDSON. Of course; the House would then acquiesce.

Mr. CUMMINGS. Mr. Speaker, understanding that the gentleman from Pennsylvania [Mr. BINGHAM] is satisfied with the explanation of the gentleman from California, I withdraw my objection.

The SPEAKER. Is objection renewed?

Mr. LOUD. I yield to the gentleman from Ohio [Mr. BROMWELL].

Mr. MAXWELL. Mr. Speaker, I wish to make a statement, and see——

Mr. BROMWELL. Was I not recognized?

The SPEAKER (to Mr. MAXWELL). The gentleman from Ohio will first be recognized.

Mr. BROMWELL. Mr. Speaker, it seems to me that this objection is entirely unnecessary, and should not take the time of the House for this reason. Suppose, for instance, that our committee of conference when they go into conference with the Senate committee yield on these two propositions which seem to be exciting this discussion. They come back with their report from the conference stating that they have consented to these amendments of the Senate. All we have to do then is to vote down the conference report, and then instruct the new conferees appointed to insist upon disagreement to these two Senate amendments.

Now, on the other hand, if they come back with a report that they have not consented to the Senate amendments, then all the House has to do is to insist on the nonconcurrence. It seems to me it is entirely within our hands, and the mere fact that there are these two provisions that we are objecting to, and others that we are in favor of, does not place this bill in any different position from hundreds of other bills that have gone into conference. We reject the whole report and that instructs our conferees to demand a nonconcurrence in the two Senate amendments to which we object particularly. The matter is wholly within our control

and the control of the gentlemen to be appointed on the conference committee.

Mr. MAXWELL. Mr. Speaker, as I understand, there are several distinct propositions, or amendments, that have been submitted by the Senate to the House, and to some of those the House evidently will not object. Now, as I understand, those to which the House will not object ought not to be certified back to the Senate as being nonconcurred in. It seems to me the several amendments should be taken up seriatim, and acted upon by the House, and such as we do not concur in, if there should be any, should be so certified back to the Senate. But the House evidently will concur in some of the Senate amendments.

The SPEAKER. The gentleman has a right to insist on a separate vote upon the amendments.

Mr. MAXWELL. Very well, Mr. Speaker; I call for a separate vote.

The SPEAKER. The question is now, Shall the matter be before the House for consideration? If there be no objection, the question will be upon concurring in the first amendment. Does the gentleman request a separate vote on each amendment?

Mr. MAXWELL. I do.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read the first amendment.

Mr. HEPBURN. I desire to ask the gentleman from California [Mr. LOUD] if there is any provision in this bill authorizing the Postmaster-General to expend any sum for the payment of clerk hire in the second, third, and fourth class offices?

Mr. LOUD. The Senate struck out that provision. Now, Mr. Speaker, I ask the House to nonconcur in all the amendments except those that it may be suggested that the House concur in.

The SPEAKER. The gentleman from Nebraska [Mr. MAXWELL] has asked for a separate vote on each amendment. The question is on nonconcurring in the first amendment.

The first amendment was nonconcurred in.

The SPEAKER. The Clerk will report the second amendment.

Mr. MAXWELL. Mr. Speaker, as the bill has not been printed, nor the amendments, there seems to be some confusion in regard to the amendments, and I will withdraw my motion.

The SPEAKER. The gentleman from Nebraska withdraws his request for a vote on the separate amendments. The question now is on nonconcurring in all of the Senate amendments.

The Senate amendments were nonconcurred in; and the motion that the House ask for a conference was agreed to.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD a letter from the Postmaster-General in reference to the deliveries and collections in the three cities of New York, Chicago, and Philadelphia.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. LOVE. Is it on this subject?

The SPEAKER. The gentleman states that it is on the subject of deliveries and collections in the cities of New York, Philadelphia, and Chicago.

Mr. LOUD. I think the gentleman had better give it to the conference committee.

Mr. BINGHAM. I think it had better go into the RECORD, because it is a matter of instruction all around.

The request of Mr. BINGHAM was agreed to.

The letter is as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., May 10, 1898.

SIR: Complying with your request of the 8th instant, I have the honor to furnish the following information in regard to the number of deliveries, collections, etc., in New York, Chicago, and Philadelphia:

City.	Carriers.	Deliveries.	Collections.	Packages.	Boxes, letter.
New York	1,420	2 to 9	2 to 39	447	2,292
Chicago	1,148	3 to 6	6 to 18	318	2,730
Philadelphia	804	1 to 7	1 to 17	298	3,217

Also statement showing the number of pieces of first-class mail collected daily from street letter boxes and the weight of first-class mail delivered daily per carrier at the above-named offices:

City.	Number of pieces of first-class mail collected (estimated).	Weight of first-class mail delivered per carrier (estimated).
		Pounds.
New York	1,463,000	100
Chicago	1,400,000	70
Philadelphia	540,000	149

It is estimated that 40 per cent of the amount of mail collected from street letter boxes at these offices is for local delivery.

Very respectfully,

CH. EMORY SMITH,
Postmaster-General.

Hon. H. H. BINGHAM,
House of Representatives.

The SPEAKER. The Chair will appoint as conferees on the part of the House Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON.

Mr. PAYNE. Mr. Speaker——

Mr. CORLISS. Mr. Speaker, I demand the regular order.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. I ask whether it would be in order to move that the House resolve itself into Committee of the Whole House on the state of the Union to consider a bill for the raising of revenue, an amendment to the customs administration?

The SPEAKER. The Chair thinks it would be in order.

Mr. LOUD. Will the gentleman from New York yield a moment? I would like to ask unanimous consent that the Post-Office bill be printed.

The SPEAKER. The gentleman from California asks unanimous consent that the Post-Office bill be printed. Is there objection? [After a pause.] The Chair hears none.

The gentleman from New York [Mr. PAYNE] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of revenue bills.

Mr. CORLISS. Mr. Speaker, a parliamentary inquiry. Is that permissible after a call for the regular order?

The SPEAKER. It is.

The motion of Mr. PAYNE was agreed to; and accordingly the House resolved itself into Committee of the Whole on the state of the Union (with Mr. HEPBURN in the chair) for the consideration of revenue bills.

ABANDONED IMPORTED MERCHANDISE.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the bill (S. 3132) to provide for the disposition of abandoned imported merchandise.

The bill was read, as follows:

Be it enacted, etc., That section 23 of the act of June 10, 1890, is hereby amended so as to read as follows:

"SEC. 23. That no allowance for damage to goods, wares, and merchandise imported into the United States shall hereafter be made in the estimation and liquidation of duties thereon; but the importer thereof may, within ten days after entry, abandon to the United States all or any portion of goods, wares, and merchandise included in any invoice, and be relieved from the payment of the duties on the portion so abandoned: *Provided*, That the portion so abandoned shall amount to 10 per cent or over of the total value or quantity of the invoice; and the property so abandoned shall be sold by public auction or otherwise disposed of for the account and credit of the United States under such regulations as the Secretary of the Treasury may prescribe. All merchandise so abandoned by the importer thereof shall be delivered by such importer at such place within the port of arrival as the chief officer of customs may direct, and on the failure of the importer to comply with the directions of the collector in this respect the abandoned merchandise shall be disposed of by the collector at the expense of such importer."

Mr. PAYNE. Mr. Chairman, this bill proposes an amendment to section 23 of what is known as the customs-administration act. The present act provides that the owner of imported merchandise may abandon what are known as samples, which are handed over to the customs department, and that these samples may be sold at public auction and the money turned into the Treasury. According to the annual report of the Secretary of the Treasury it sometimes happens that goods are abandoned which are worthless, such as decayed fruit and vegetable matter, and the Government is compelled, at its own expense, to remove them on account of the quarantine regulations or the regulations of the health department of the port. No provision is made in the present law for allowing the Government to collect this expense from the importers of the goods. This bill seeks simply to add at the end of section 23 these words:

All merchandise so abandoned by the importer thereof shall be delivered by such importer at such place within the port of arrival as the chief officer of customs may direct, and on the failure of the importer to comply with the directions of the collector in this respect the abandoned merchandise shall be disposed of by the collector at the expense of such importer.

Mr. Chairman, unless there is a desire on the part of some gentleman to debate the bill (which is a Senate bill), I move that the committee rise and report the bill to the House with a favorable recommendation.

Mr. UNDERWOOD. Does the general statute provide the machinery by which this money shall be collected from the importer?

Mr. PAYNE. It does not. This bill simply gives the Government the right to collect the money.

Mr. UNDERWOOD. And when you give the Government under this bill the right to collect you do not provide any machinery for that purpose?

Mr. PAYNE. We have already the machinery of the courts. This legislation will create the liability.

Mr. UNDERWOOD. The Government will have to go into court to sue?

Mr. PAYNE. Certainly, unless the importer pays voluntarily.

Mr. Chairman, I move that the committee rise and report the bill to the House with a favorable recommendation.

The motion of Mr. PAYNE was agreed to.

The committee accordingly rose; and Mr. SHERMAN having taken the chair as Speaker pro tempore, Mr. HEPBURN reported that the Committee of the Whole on the state of the Union had had under consideration the bill (S. 3182) to provide for the disposition of abandoned imported merchandise, and had directed him to report the same back with a favorable recommendation.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. CORLISS. I demand the regular order.

The SPEAKER pro tempore. The gentleman from Michigan demands the regular order, which is the call of committees.

Several committees were called.

Mr. GROSVENOR. Mr. Speaker, was the Committee on Labor called?

The SPEAKER pro tempore. It was.

Mr. GROSVENOR. I do not see the chairman of that committee in the House. I believe he desired to call up a bill.

Mr. DINGLEY. I think that committee has a bill to call up.

Mr. DALZELL. I ask that the committee may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. DALZELL]?

Mr. HOPKINS. I think I shall have to object.

Mr. GROSVENOR. The bill which that committee desires to call up is the eight-hour bill. I think the gentleman had better not object.

The SPEAKER pro tempore. Objection is made, and the call will continue.

Mr. CORLISS (when the Committee on Election of President, Vice-President, and Representatives in Congress was called). I am directed by the Committee on the Election of President, Vice-President, and Representatives in Congress to call up a joint resolution now on the House Calendar and reported by our committee——

Mr. HOPKINS. I desire to withdraw my objection to passing over the Committee on Labor. I misunderstood the proposition.

Mr. CORLISS. Mr. Speaker, I believe I have the floor.

The SPEAKER. The gentleman has the floor.

Mr. CORLISS. I call up the joint resolution (H. Res. 5) proposing an amendment to the Constitution providing for the election of Senators of the United States.

The SPEAKER. The Clerk will report the joint resolution.

Mr. DALZELL. Will not the gentleman from Michigan [Mr. CORLISS] yield for a moment?

Mr. CORLISS. I will do so provided I can have the floor again.

Mr. HOPKINS. If the gentleman yields, I desire to say that when I raised objection to passing over the Committee on Labor I did so under a misapprehension. I now desire to withdraw my objection. The proposition was to pass that committee over without prejudice.

Mr. CORLISS. If that can be done without taking any time, I do not object.

The SPEAKER. If there be no objection, the Committee on Labor will be considered as having been passed without prejudice.

There was no objection.

Mr. DAVIDSON of Wisconsin. Mr. Speaker, I ask the same privilege with reference to the Committee on Patents, that it may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. CORLISS. Mr. Speaker, I now call up for present consideration the joint resolution (H. Res. 5) proposing an amendment to the Constitution providing for the election of Senators of the United States.

The SPEAKER. The joint resolution will be read.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendments be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution, namely: In lieu of the first and second paragraphs of section 3 of Article I of the Constitution of the United States of America the following shall be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the States:

"SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen for six years, and each Senator shall have one vote. These Senators shall be chosen by the legislatures of the several States unless the people of any State, either through their legislature or by the constitution of the State, shall provide for the election of United States Senators by direct vote of the people; then, in such case, United States Senators shall be elected in such State at large by direct vote of the people; a plurality shall elect, and the electors shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"When vacancies happen, by resignation or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the next general election, in accordance with the statutes or constitution of such State."

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

Mr. HENRY of Connecticut. Mr. Speaker, I raise the question of consideration on this resolution.

The question was taken; and the House decided to consider the joint resolution.

Mr. CORLISS. Mr. Speaker, it will be observed on an examination of the proposed amendment to the Constitution that the only change contemplated is in paragraphs 1 and 2 of section 3 of Article I of the Constitution. Paragraph 1 is changed by striking out the words:

Chosen by the legislature thereof.

And inserting the following at the end of the paragraph:

These Senators shall be chosen by the legislatures of the several States, unless the people of any State, either through their legislature or by the Constitution of the State, shall provide for the election of United States Senators by direct vote of the people. A plurality shall elect, and the electors shall have the qualifications requisite for electors for the most numerous branch of the State legislature.

Paragraph 4 is amended so as to permit the State to provide for filling vacancies, either by an election by the people or temporary appointment by the executive.

The first section of the Constitution vests all legislative powers in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The important and superior power of the House is manifested not only by the second section, defining the character and qualification of the members of the House, but by other provisions limiting the power of originating measures for raising revenue to the House of Representatives.

The destiny of a nation must depend upon the character and intelligence of its people.

Human affairs, and in fact all created things, are subject to the ever-changing vicissitudes of time and the evolutions of nature.

With the hundred years that have elapsed since the adoption of the national Constitution wonderful changes have occurred in our political and material conditions.

From a meager population of 3,000,000 scattered along the Atlantic coast, principally engaged in agricultural pursuits, we have now become a rich, powerful, and growing nation of over 70,000,000 of people, engaged in all the activities of industrial and commercial enterprise known to civilization.

American schools and newspapers have educated our people into wonderful mental and business activity, while the genius and industry of our people have increased their capacity for business pursuits beyond that of any other race of men.

In the days of the founders of the Constitution any communication or association between the people of different States was of rare occurrence.

To-day every important act in the political, social, industrial, and commercial affairs of the people, through the genius of man and the utilization of the forces of nature, is daily disseminated and made known to the people throughout the length and breadth of the land.

At the time when the facilities for knowing the feelings and will of the people were very primitive the fear that some might still retain a spirit of loyalty to England and regard the Republic as an experiment inspired some of the framers of our Constitution with apprehension of danger from too great power in the hands of the people.

In those days the great wealth was scattered among all the people and the corrupt use of wealth and power by the few was unknown, while to-day the gregarious instinct of man seems to permeate every avenue of human life, threatening the welfare and suppressing the voice and will of the people.

While I share in the patriotic sentiment which is prompt to challenge every proposition to amend the Constitution of the United States, I sincerely believe that this amendment to this truly wonderful instrument is necessary to meet the exigencies of the nation and preserve more perfectly the liberties of the people.

The settled conviction of time and experience that the Constitution as a whole is good and wise has our heartiest approval, but devotion to the Constitution should stimulate us with a desire to repair the few parts which have not insured to the people every reasonable liberty.

The man who would boldly seek to alter it so as to remedy its defects is a better friend of the Constitution than he who blindly defends its faults. [Applause.]

The principle upon which our forefathers evidently intended to base the constitutional fabric of our country is manifested by the creation of two branches of Congress—the House, composed of

members elected by the popular vote of each Congressional district, in which the voice and will of the people, without regard to State lines, finds expression and action, and the Senate, the representative of the State as a political unit. One represents the people and the other the sovereignty of the State.

Our forefathers evidently intended the Senate of the United States to be the conservative branch or balance wheel of our Government, and for over half a century it seems to have maintained this dignified and conservative position.

In the debates of the Congress of the Confederation there was a diversity of opinion among the great men upon this important question. In this discussion Madison of Virginia earnestly advocated the system of election by the people, and declared that he "thought the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people itself than if it should stand merely on the pillars of the legislature;" and Mr. James Wilson, of Pennsylvania, in advocating this principle, said:

> I am in favor of raising the Federal pyramid to a considerable altitude, and for that reason I wish to give it as broad a base as possible. No government can long subsist without the confidence of the people.

In the first hundred years of our national life our people were actively occupied in the development of our boundless natural resources, the cultivation of our fruitful soil, and the extension and perfection of our natural industries, and in the rapid growth and expansion of our nation we attracted the best physical, moral, and intellectual men and women of all the Saxon and Celtic races, and in the amalgamation of these noble races of men there has been developed the most ingenious, intelligent, and industrious people of the civilized world.

In my judgment the enlightenment of the people, the liberty of our public institutions, and the prosperity of our people and nation are largely due to the association of the best blood and character of all nations. But in this rapid transit of human affairs, the unveiling of our great natural resources, and the construction and operation of our vast highways of traffic there have been rapidly accumulated gigantic fortunes in the hands of the few and the aggregation of capital in corporate and trust powers that threaten the welfare and happiness of the people.

We are reminded of the prophetic words of our martyred President Lincoln, who warned us "to beware of the money power, which seeks to perpetuate its reign until the wealth of the country has passed into the hands of the few and the nation is lost."

Wealth is power, and it is but natural for the man who possesses the ability to accumulate a vast fortune to be inspired with an ambition to achieve the honor, power, and dignity of a Senatorship.

There is an impression among the people that many seats in the United States Senate have been secured by the corrupt use of money or corporate influence, and it has been said that it is as difficult for a poor man to enter the Senate of the United States as for a rich man to enter the kingdom of heaven. [Laughter.]

The chief concern of all good governments is the welfare and happiness of the people, and I believe their happiness and welfare can best be secured and preserved through the agency of the direct action of the citizen as the sovereign. [Applause.]

The fundamental principle of a republican form of government is based upon the idea that they derive "their just powers from the consent of the governed."

The fathers of this Republic founded our Government upon the sovereign power and will of the people, and in its triumphant march it has spread the spirit of liberty over the Western Hemisphere, crossed the Atlantic, dethroned kings, and destroyed monarchies, and out of their wrecks and ruins have been builded governments of the people, for the people, and by the people.

If the people have the wisdom in our several States to elect our governors, judges, and State officers through the primaries and conventions of the parties, why have they not the wisdom to elect our Senators? [Applause.]

Had the people of Kentucky, Oregon, and many other States where Senators have recently been elected enjoyed the rights insured by the proposed amendment, the disgrace of those States, and the humiliation of the nation by the deplorable conduct of the members of such State legislatures, would have been avoided.

Vacancies in the Senate, in consequence of the imperfection in the Constitution which we now seek to remedy, are most frequent.

The time and attention of the Senate has recently been occupied with the constitutional right of the governor to fill such vacancies, and it has been determined, following numerous precedents, that such vacancies can not be filled after the legislature has failed to exercise the prerogative imposed upon it by the Constitution.

The framers of our Constitution did not intend to permit vacancies to exist in the Senate. Otherwise the unit of the State could not be expressed; but, unfortunately, through intrigue and political maneuvers, this constitutional right has been denied to many States during the history of our country.

The evil effects of the election of Senators by the legislatures was fully illustrated by the last legislature of the State of Oregon, where the intrigues of the ambitious candidates for the Senatorship not only prevented the legislature from making their choice for Senator, but prevented any action by the legislature in the interest of the people of the State.

A leading paper of this city on March 1 editorially commented upon this case in the following language:

> The Senate's action in refusing to seat Mr. Corbett, of Oregon, will meet with popular approval. The decision rests upon broad grounds, which the country will be able easily to understand.
>
> The Oregon legislature, charged with the duty of electing a United States Senator for a full term, met, but failed to discharge that or any other duty devolving upon it. The whole time allotted for the session was consumed in partisan maneuvering for partisan advantage. There was the semblance of an organization effected, but only a semblance. The legitimacy of the action was disputed. The interests of the State were neglected by the State's own representatives, and at last failure was confessed by the dispersion of the legislature and the return of the members to their homes.

Many cases might be cited to illustrate the evil effects of the present methods for the election of Senators. The prophetic words of Senator Conkling in discussing the right of a governor to fill vacancies where the legislature fails to elect are applicable and have already come true:

> That the governor of a State and his friends, by cabal, intrigue, and maneuver, may so arrange that the legislature will decide not to elect, or would fail to elect, in order that the governor might gather to himself the power to fill the vacancy.

With the adoption of the proposed amendment to the Constitution, it would be impossible to defeat the will of the people in any election. The vacancies that are now too frequent in the Senate, and occupy the time and attention of that body, would never occur, and the all-important influence and power of the respective States in the exercise of their constitutional prerogatives as a unit would be maintained.

The importance of this amendment and the potent influence of the direct vote of the people have just been fully illustrated and exemplified in the State of Ohio, where the gallant leader of the Republican party in its triumphant march to victory in 1896 defeated the combined forces of the enemies of and traitors in the Republican party.

Many of the States have already taken action upon this amendment and adopted resolutions urging upon Congress the favorable consideration thereof. Such resolutions have been adopted by the legislatures of the States of California, Colorado, Florida, Idaho, Illinois, Indiana, Michigan, Missouri, Montana, Nebraska, Nevada, Ohio, Utah, and Wyoming.

I am aware that this is not the first proposition that has been considered by this House looking to the remedy proposed, but it is the first time that an amendment has been suggested providing for the election of Senators by a direct vote of the people at the option of the people of the State, and I rejoice to learn that many of our Senators are listening to the voice of the people and yielding to the demands that are being made in behalf of this amendment. I was delighted to hear the following expression from the senior Senator of my own State in a recent discussion of the question with reference to the election of a Senator from Oregon:

> I do not believe the Senate will sanction such a doctrine or put its stamp of approval upon this transaction. If it shall, the disaster, appalling as it will be, will bear its bitter fruits not many years, for the people of this country, without regard to party, will then demand that the Constitution of the United States shall be so amended as to take from the legislature the power to elect Senators and place it in the hands of the people, where, in my judgment, it rightfully belongs, and thus thwart the machinations of designing men and preserve the principles of representative government in this body.

In the election of United States Senators by the legislature corruption can not well be detected or proven.

In many States the members of the legislatures seek the office for the express purpose of electing a Senator.

The power of a legislature expires with the session in which the Senator is elected and the people are deprived of the power to discover, punish, or condemn the corrupt conduct of its members.

Through party organizations, party primaries, party conventions, and party platforms are formed the principles by which each administration of State and national affairs are governed.

The progress of the State and nation, the welfare and happiness of the people must be achieved through and by the sovereign power and voice of the people.

"Lead us not into temptation," says the Lord's Prayer; yet the Constitution in its present form spreads in the pathway of members of the legislature a moral temptation through which many true men of merit are often forced to defeat and the glory and honor of a Senatorship snatched by unfair means from the hands of the people.

Take from the legislature the selection of United States Senators, and you will destroy one of the most potent powers through which corporate influence now holds its sway.

Give the people the right proposed by this amendment and you will once more restore the United States Senate to the dignified position intended by the fathers of our country, and remove the influence that now threatens the confidence of the people.

Why should anyone oppose this amendment? Is there a member of Congress who is unwilling or afraid to submit his record or political ambitions to a vote of the people? If the Senators can not trust the people, how can it be expected that the people will have confidence in the Senate?

Any man who seeks a Senatorship by honorable means and for patriotic purposes; every man who believes in a republican form of government of the people, for the people, and by the people; every man who has confidence in the sound judgment and integrity of the American people; every man who believes in preserving the sovereignty in the hands of the citizen, will favor this amendment. [Applause.]

Unfortunately, in recent years the election of a United States Senator by the State legislatures has been usually followed by resolutions of investigation into the methods and alleged corruption in connection with such election. Such investigations are usually inaugurated upon resolutions quite unanimously adopted for the appointment of committees of investigation, but unfortunately for our country, such investigations universally result in effectively concealing the facts and exonerating the participants by a calcimine of resolutions.

In the construction of our constitutional fabric our forefathers intended that the Senate of the United States should be the conservative branch of our Government, but, unfortunately, in the evolution of human affairs, it is the branch upon which the people now look with distrust and fear. The establishment of business methods in this House, and the victory of the present Speaker in the transformation of a chaotic organization with filibustering tactics into an intelligent working force, in which the will of the majority finds useful power for the enactment of wise legislation, is a matter of universal rejoicing by the American people. [Applause on the Republican side.]

To-day this House is the conservative branch of Congress, and the eyes of the business men, in whose hands the financial interests of this country are held, and the hearts of the people are fortunately turned with confidence to this body for safety and protection against the visionary theories and unwise legislation threatened by the Senate.

Before entering upon the new century let us repair the imperfections in our constitutional fabric and bring the United States Senate in closer touch with the people, preserving the unit of power in the State, and thereby restore it to the dignified and conservative position intended by the framers of our Constitution, and with the strength of the wisdom, genius, and industry of our people and confidence in every branch of our Government, move onward and upward in our triumphant march to national honor and greatness. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, is this joint resolution open to amendment at this time?

The SPEAKER. It is.

Mr. UNDERWOOD. I desire to offer an amendment, then, to strike out all in the resolution on page 2, line 15, after the word "these," and down to the word "elected," in line 20. Also strike out the words, in lines 20 and 21, "in such State."

Mr. MARSH. Will the gentleman from Alabama allow me a moment to ask consent to take from the table a Senate bill to have a conference committee appointed?

Mr. UNDERWOOD. This will take only a moment. I do not propose to make a speech upon it. I only submit this amendment and desire to make a few remarks.

My reason, Mr. Speaker, for offering the amendment is that it will make the election of Senators by the people absolute instead of leaving the question indefinite, as now provided. This resolution leaves it optional with the States whether to elect Senators by the people or to elect them by the legislatures. Now, in the States where the election of Senators by the people is most necessary, it will doubtless be found that it will be as difficult to secure an election by the people as it is now, and the Senators would not be elected by the people but by the legislatures, under the option that is given in the present resolution.

I therefore offer the amendment for the purpose of correcting what I think to be a mistake.

Mr. CORLISS. Will the gentleman allow a question?

Mr. UNDERWOOD. Certainly.

Mr. CORLISS. Is the gentleman not aware of the fact that that proposition was submitted by the Fifty-third Congress and it was defeated because of the restrictions the gentleman provides?

Mr. UNDERWOOD. I will say to the gentleman from Michigan that I am well aware of the fact that this measure, just as I have suggested, was sent by the House to the Senate in the Fifty-third Congress, and was defeated there. But since the membership of the House represents the wishes of the people of the country, and it is the wish of the people of the United States that the Senators should be elected by the people themselves, I think that the bill sent to the Senate should give ample expression to the wishes of the people and not what the Senate wishes.

Now, of course, if the Senate puts an amendment of this kind on the bill, I do not say that I would not vote for the measure, because even in that form it would be a great improvement on the present method.

Mr. CORLISS. Will the gentleman allow me?

Mr. UNDERWOOD. Yes.

Mr. CORLISS. Your proposition attempts to say to the people of the several States, arbitrarily, what they should do. Speaking for the people of your State, you attempt to say what the people of my State shall submit to. My proposition is to let the people of my State and your State and every other State express their will through their votes, and not be dictated to by Congress or the people of any other State, leaving each State separate and distinct as a unit in the United States Senate, as was intended by the fathers of our country. For that reason I sincerely trust the gentleman will not insist upon his amendment.

Mr. UNDERWOOD. I will say that there is no one on the floor of this House who more desires than I do that the people of each State shall, on most questions, have the right to express their own individual will; but it is for the very reason that legislation which the people of the United States desire is often defeated because the representatives are not selected by the votes of the people that I think the amendment should be adopted. The danger is not from that class of States that will agree to this resolution. Those States to-day have men representing them in the halls of Congress who were selected by the people; not directly, but they voice the sentiments of the people.

But an amendment of this kind is intended to remedy the evil in States where machine rule and corrupt government have reached a point where the will of the people is no longer expressed and where they can not control the legislature; and it is as much to the interest of the people of my State to have the representatives in the United States Senate from other States men who will voice the sentiments of the people, whose hearts are in touch with the people on points of legislation, as it is to have such Senators from my own State. Therefore I say that when we come to ask for an amendment of this kind, to write a change in the fundamental principles of the law of this country, we ought to put a provision in the law which goes to the direct point and require a uniform system of election of Senators by the people in every State in the Union.

Of course, if the Senate will not agree to it, and send it back to us with an amendment similar to the provisions of the gentleman's bill, why, then we might accept it as the best we could get; but when it leaves this House, I say it ought to go there voicing what the people of this country want, and I therefore insist on my amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the word "those," in line 15, page 2, down to and including the word "case," in line 20.

Also, strike out the words "in such State," in lines 20 and 21 of page 2.

Mr. UNDERWOOD. I ask for a vote on the amendment.

Mr. CORLISS. It seems to me this is very unwise. If the people of a State are to have a right to express their views, the method by which they accomplish that should, if possible, be left within their own control. A State where Senators are now elected by the members of the legislature may desire to continue that plan. The proposition of the gentleman compels them against their will to change that method. You attempt to force the adoption of a plan to secure which you must have the ratification of three-fourths of the States. Now, many States are willing that my State shall have a right to elect its Senators by the people, but they may prefer to reserve in their own State the right of election by the legislature. They would not vote for this constitutional amendment if you deprived them of this right.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question?

Mr. CORLISS. Yes.

Mr. UNDERWOOD. Does the gentleman have any fear that any amendment to the Constitution along this line that can be passed through the Senate will fail of ratification by the people of the several States?

Mr. CORLISS. I will say to the gentleman that I do feel apprehensive that it would be impossible to secure a sufficient number of the State legislatures to ratify this amendment, if the gentleman's amendment is adopted. I am confident that it would be almost unanimous, if the resolution proposed by the committee is adopted, because the people of one State are willing that the people of another State shall express their choice in any manner that the people of that State may desire. By your amendment you propose to compel the people of my State to vote direct, whether they desire to do so or not. I submit that the amendment is very unwise, and will defeat the thing which is desired by the people.

Mr. GARDNER. One way or another is the right way.

Mr. GROSVENOR. I should like to ask the gentleman from

Michigan [Mr. CORLISS] if this is not the result that would grow out of the adoption of this amendment:

These Senators shall be chosen by the legislatures of the several States unless the people of any State, either through their legislature or by the constitution of the State, shall provide for the election of United States Senators by direct vote of the people.

Now, what I ask is this: The legislature of the State of Michigan, I will say, to-day wants the Senators elected by the people. After a while, when a particular legislature comes in, they discover that they have a little better scheme, for the sole purpose of electing the Senator by the legislature; and they turn in and repeal the law on the first day of the session that was passed at a previous session, and take to themselves a power that they would not have had they not repealed the law that allowed the people to choose Senators. It seems to me there ought to be no power given to a legislature to thus interfere with conditions; and when we propose to vote for an amendment to the Constitution, I would certainly make it uniform throughout every State of the Union, and place it beyond the power of the legislatures to handle it as a football of political appliances. It seems to me that if there is no answer to this, that if this is to be left in the power of the legislatures of the States, it is worse than the present condition has ever been described to be.

Mr. ARNOLD. Will the gentleman allow me to ask him a question?

Mr. GROSVENOR. Certainly.

Mr. ARNOLD. Is it not within the province of the legislature to submit that proposition to make it a part of the fundamental law of each State, so that you are in the hands of the legislature in any event?

Mr. GROSVENOR. But here is the trouble: This provision makes it an act of the legislature without submission to the people.

Mr. ARNOLD. Your proposition is to make it a part of the fundamental law of each State.

Mr. GROSVENOR. I do not say that I will vote for it in any event; but I do say that if it is to be a part of the practice of the various States, it ought to be absolutely uniform throughout the United States.

Mr. ARNOLD. One further question. If that legislative provision were stricken out of the bill, would not it practically be defeated in the various States?

Mr. GARDNER. Then they do not want it.

Mr. GROSVENOR. If that is so, they do not want it. Then the argument is that the States want a condition so that they can play with it as a political shuttlecock and battledore; that one Senator may be elected by the people, and the next time the legislature can conclude they will not continue that practice, and they will repeal the law and elect the Senator themselves. And so you bring about a worse condition of things than at present, which is certainly bad enough.

Mr. SULZER. I am very glad to hear the gentleman from Ohio make that admission.

Mr. CORLISS. The gentleman from Ohio propounded a question to me. He asked me whether or not this would not permit the legislature of a State to change the plan from time to time. The gentleman is aware that a State legislature can not take action except with the consent of the governor, who is elected by the people.

Mr. GROSVENOR. The gentleman is proceeding on the idea that in all the States there is a veto power. In many States the veto power is only a nominal one, and a bill may be passed over the veto by a majority. In my own State there is no veto power and has never been.

Mr. CORLISS. How long would such a legislature stand before the people——

Mr. GROSVENOR. They would stand until they elected a Senator.

Mr. CORLISS (continuing). After taking such action? The members would be impeached; the legislature would be abandoned and driven from business if they should undertake to rob the people in that way. If we once adopt this measure, do you suppose that any legislature thereafter would take the power from the people again? The idea is absurd. The proposition would not be considered for a moment. When the people once receive the right and have the power to elect a United States Senator directly through the Constitution or through the legislature, no power will ever take it from them; and no legislature would ever dare attempt to exercise such a power.

Now, I desire again to say that the proposition of the gentleman means danger to this measure, as many of the States would not adopt it and many Senators would not vote for it. They would be compelled to vote for it if it is left to the option of the people to elect them. They would have to submit to their people and not to the people of the gentleman's State or any other State. When you submit to a Senator of the United States a proposition that his people ask for this, and when he goes before his people and either reserves the power in the legislature or gives it to them, what Senator of the United States would dare to stand up and vote against this amendment to the Constitution?

I want to say to the gentleman from Ohio, who loyally supported the leader of the Republican party in the last election to the United States Senate, he would not to-day be honored if you had not submitted to the people the proposition that this constitutional amendment gives to that State. I am able to state that the people of the State of Ohio have adopted resolutions asking members of Congress to vote for this amendment. I submit, Mr. Speaker, that the amendment in the form in which it is proposed is a safe one. I am perfectly willing to adopt the gentleman's amendment, so far as my own views are concerned, if the States would only agree to it, and if the Senate would agree to it I would be satisfied. But that has been tried. Senators would not dare to vote against this amendment as I propose to submit it, and the people would at once ratify it, whether they believed the legislature should have the power or the people.

Mr. RIDGELY. Mr. Speaker, I am inclined to agree to the resolution as it stands, while I would be glad to have the provision suggested by the amendment of the gentleman from Alabama; but I very much fear that if we submitted to the various States of this Union a proposition asking that two-thirds of them consent to an arbitrary change in the method of electing our United States Senators——

Mr. SHAFROTH. Three-fourths.

Mr. RIDGELY. Three-fourths, I should have said—that the whole thing would fail, and no State in this Union would be permitted by a change of the Constitution to elect a single Senator by the popular vote of their own citizens.

Therefore, I believe it is far safer that we shall pass this resolution in the form it has been offered, without the amendment, and thereby gain to the States the privilege of regulating for themselves, either by the constitution of the State or by enactment of the State legislatures, so that the people of the States so desiring can elect the members of the United States Senate by popular vote. Believing it is far safer to submit an amendment to the Constitution by ratification of three-quarters of the States in the form it now stands, I am opposed to the amendment, fearing it will defeat the whole thing.

Mr. CAPRON. Mr. Speaker, I will ask the chairman of the committee if he will object to amending the bill so as to conform to the proposition submitted by the gentleman from Ohio [Mr. GROSVENOR] by striking out in line 17, page 2, after the word "State," the words "either through their legislature or;" so that it will read, "the people of any State by the constitution of the State."

Mr. CORLISS. I am willing to adopt the suggestion proposed by the gentleman from Rhode Island. If he will make a motion to that effect, I will gladly consent to it. It will then leave the absolute power in the constitution of the State.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Rhode Island.

The Clerk read as follows:

On page 2, line 17, after the word "State," strike out the words "either through their legislature or;" so that it will read, "the people of any State by the constitution of the State."

Mr. UNDERWOOD. Mr. Speaker, is this an amendment to the amendment?

The SPEAKER. The Chair so understands it.

Mr. UNDERWOOD. I will say to the gentleman that my amendment strikes out the entire provision, and therefore this amendment would not be in order unless it is offered as a substitute.

Mr. CAPRON. I will ask the gentleman from Alabama if he will not withdraw his amendment?

Mr. UNDERWOOD. The difficulty is that what the gentleman seeks to accomplish by his amendment does not accomplish what I desire to reach by my amendment, and that is to make it mandatory that the United States Senators shall be elected by the people in all the States by the same method. The amendment of the gentleman from Rhode Island would leave it optional with the different States to determine that question.

Mr. CORLISS. I suggest, Mr. Speaker, that the gentleman from Rhode Island withdraw his amendment until after we can have a vote upon the amendment offered by the gentleman from Alabama.

Mr. UNDERWOOD. I ask for a vote, Mr. Speaker.

Mr. POWERS. Mr. Speaker, it seems to me in an important and solemn matter like amending the Federal Constitution great care should be exercised that we have the letter of the text carry out the real purpose of the legislative mind. In the first place, Mr. Speaker, I think all members will agree that in the make-up of the Congress the Federal Constitution should make every provision necessary in the election of members, and that the State constitution and the State legislature should be entirely silent on that subject. We give to the States the right to provide for the

election of their own State legislatures, without any interference on the part of the General Government.

Under our system of dual government it seems to me the same reasoning that compels us to accord to the States the right of electing their own legislatures in their own way should give to the Federal Government the exclusive right to provide for the election of its representative body in its own way, and that the provision for the election of members of Congress, both of the House and of the Senate, should be uniform through all the States; that you should not have in Maine one method of election and in Vermont another, but in all the forty-five States the same procedure should be provided in the Federal Constitution for the election of Senators and Members of the House without any deviation whatever.

Now, then, the amendment proposed by the gentleman from Alabama [Mr. UNDERWOOD], while I do not like to disagree with the chairman of the committee of which I have the honor to be a member, strikes me to be exactly in the right direction. It makes a uniform procedure all through the United States. Alabama must elect its Senators in the same way Vermont does, and there is no reason why she should not. We are providing a scheme for the election of our own members in this House and in the Senate. Now, then, why should one State have one method and another State another?

Not only that, Mr. Speaker, but the crying evil to-day that calls for the enactment of a constitutional amendment is the very fact that the legislatures of the States have proved themselves, in many instances, to be entirely unfitted and unworthy in the election of Senators. If you are to leave the option to some of the States to elect their Senators by the legislature, you are going to perpetuate the very evil you are seeking to remedy when you provide amendments to the Constitution that they may be elected by the people.

Not only that, but the trouble with the State legislatures is that many of them are under the control of what is denominated in political parlance "the boss." Boss politics in this country on both sides, Democratic and Republican—and I am free to admit that we have it as well as you—boss politics finds its field of operations in the State legislatures to a large extent.

Now, that being so, if you take a State legislature that is popularly understood to be under the control of "the boss," do you suppose there would ever be in that case the chance to get an election of Senators by the people? "The boss" stands there with his grip on the legislature, directing them not to assent to an amendment which gives the right of election to the people. And the result will be that this amendment will fall flat. It never can pass.

Mr. ARNOLD. Does the gentleman think it right that we should change the whole form of this legislation simply to relieve Vermont of the "bosses?" [Laughter.]

Mr. POWERS. Well, I am happy to say to my friend that if Vermont is under any boss rule, it is the boss of the people. We have never had bosses up there, within my knowledge, until a week ago last Sunday, when a Vermonter fought the great battle of Manila; and if he were in Vermont to-day, he could not only control our legislature, but he could control every man, woman, and child in the State. [Applause.]

Mr. SULZER. And he is a Democrat. [Laughter.]

Mr. POWERS. I beg to assure my friend from New York that I have known Admiral Dewey from his boyhood up; and if there be a stanch Republican on the face of this earth, he is one. [Applause.]

Mr. PERKINS. May I ask the gentleman a serious question?

Mr. POWERS. Certainly.

Mr. PERKINS. In the line of what the gentleman has been saying about "boss" control of the State legislature and about the object of this resolution being in part to rid the States of such boss-ship, I want to suggest whether that boss-ship does not extend to the State convention as well as to the State legislature, and would not the State convention nominate the candidate for Senator?

Mr. POWERS. Unquestionably, Mr. Speaker, the State conventions would nominate the candidates for the Senate. The gentleman from Iowa inquires whether the "boss" would not control the State convention. Perhaps he might. But there is an appeal from the State convention to the people; and if any man secured his nomination to the Senate by the corrupt use of money or by any other corrupt method in a State convention, the appeal would then be taken to the people at large, and that iniquity would be corrected. But under the present system, where the action of the legislature is final, there is no opportunity for an appeal.

Therefore I say it is safer to leave the election of our Senators with the people, allowing them to adopt such methods by way of convention nominations or otherwise as they may see fit; it is safer to leave this question with the people, because the ultimate decision upon the force of a nomination would be determined by the people themselves.

Mr. COOPER of Wisconsin. One suggestion, if the gentleman will allow me.

Mr. POWERS. Certainly.

Mr. COOPER of Wisconsin. In reply to what the gentleman from Iowa [Mr. PERKINS] has suggested, let me make this suggestion: Suppose a State convention should make a corrupt nomination, there is under the Australian ballot system still another appeal to the people than that suggested by the gentleman from Vermont. There is the right of nomination by petition. The people can nominate half a dozen gentlemen as candidates for the United States Senate from any State, regardless of what the State convention may do.

Mr. POWERS. A very excellent suggestion.

Now, Mr. Speaker, the best way to test the mischief of our present system is to look at it in practical operation. It gives to the legislature of the State the right to discharge a function that is not properly a legislative function. The legislature of a State is called into being for the purpose of enacting laws for the government of the State. That is its primary function, the sole function which it should exercise. In many of the States, as I am aware, elective officers are chosed by the legislature, but the people after a time wipe that all out.

In my own State until the year 1850 every justice of the peace (a very ordinary officer) was elected by the legislature of the State, as well as every sheriff, every judge of probate, and all the county and local officials. But the people soon saw that the better way to elect those officials was by a vote of the people themselves. And so the constitution was amended. Only a few years ago—less than fifteen—our constitution was amended so that our State treasurer, our secretary of state, our auditor of accounts, should be elected by the people.

Prior to that time they were all elected by the State legislature. And to-day the judges of our courts are elected by our legislature for a term of two years. Now, while I agree that practically (except in my own case) that system has always resulted in obtaining good judges, it is nevertheless an undemocratic measure, a wrong measure. It allows the legislature—a small fraction of the people—to elect some of the more important officials of the States.

As I was saying, the legislative function is not, properly speaking, the choice of the elective officers; and that it is not wise to delegate to the legislature the choice of elective officers is shown in the fact coming within our own observation and recollection that in many of the States the whole time of the legislature is taken up in the election of Senators.

Mr. GAINES. And then they sometimes do not do it.

Mr. POWERS. Yes; they often fail to do it. By means of this system and the occupation of time which results, the people of the States are often denied those legislative enactments which otherwise they would have.

Nothing but the simplest matters of legislation are allowed to go through. Appropriation bills and other matters of great public importance are ignored, because of the fact that the members of the State legislature regard the other matter as more important. And if I am correct in my impression, the history of many Senatorial contests and elections has shown the fact to be that the election of United States Senators has been used to prevent even the organization of the State legislatures totally.

Now, Mr. Speaker, can such things be possible under the proposed amendment to the Constitution which we are now considering? Certainly not. The elections will not depend exclusively upon the members of the State legislatures. Does any man within the sound of my voice undertake to say that if the election of Senators in every one of the States where they have had such prolonged contests, and in some cases absolute failures, had been an election by the popular vote that a Senator would not have been elected in accordance with the law?

We saw in the case of Delaware, within a very recent period, how this thing operated. They failed to elect a Senator, and the whole time of the legislature was taken up with that question exclusively, and no other business was done. So when you undertake to engraft on the proper legislative functions of the legislative body the duty of the election of the United States Senator you necessarily set aside important matters of State concern and State legislation that ought to have their exclusive attention.

Now, Mr. Speaker, I have not a word to say about the present Senate. It would not be parliamentary if I had. But no man doubts that there has been in the Senate of the United States, in other times at least, seats secured by corrupt means. No man can doubt that. The great power of money, the great power of corporate influence, the great influences that arise in a thousand ways to control the actions of men have all operated, in the past at least, to secure seats for certain favored individuals in the Senate Chamber.

Now, when you take away these influences, when you take away the money influence, the corporate influence, you stop at once a

proceeding that is not and should not be a part of our system. You may buy a few votes in the State legislatures so as to control certain elections, but you can not buy the votes of the whole people.

No man ever succeeded in doing that, Mr. Speaker. No corporate influence in this country has ever succeeded in corrupting the masses of the people. You may do it with a small body of men, but not with the great body at large. And if you could, the possibility is so remote that this change proposed in the fundamental law—a change in the mode of electing Senators—is a change in the right direction. It is a change that will minimize the dangers that now exist.

Now, I have no desire to advocate the change because of any animosity existing on my part, or in my section, to the present system. No complaint, so far as I know, has arisen that Senators from my part of the country were not properly chosen. But we do know, as a matter of fact, that there have been in other less favored localities charges of corrupt influences, or wrongdoing, in these elections which have cost immense sums of money and have entailed great inconvenience upon the people. And I think that everybody believes there is some foundation for the charges.

The proposition before us, Mr. Speaker, is to make a change in the Federal Constitution. I agree that we should go very slow in making changes in that sacred instrument. I am so constituted myself that at the start I should oppose almost every proposition to change the Constitution. But here is a change that presents itself strongly, in view of the practical and admitted evils that are apparent, to all of our people; and when such a proposition as this is presented for the consideration of this body, I feel justified in going somewhat further than I otherwise would in making a change in that instrument for the good of our people.

Mr. BLAND. Will the gentleman allow an interruption?

Mr. POWERS. Certainly.

Mr. BLAND. As I understand the gentleman from Vermont, and as I understand the pending proposition, the difficulty now is as to the matter of securing concurrence between the two Houses, whether it is best that the amendment proposed by the gentleman from Alabama shall be inserted. In other words, the present practical proposition is whether it is more likely that the Senate will be content to accept the joint resolution with the amendment of the gentleman from Alabama or the joint resolution as originally reported.

Mr. POWERS. I will say to my friend from Missouri, in answer to his suggestion, that in a matter of so great importance as a change in the Federal Constitution it seems to me that we should insist upon a change that is right, irrespective of the question as to whether that change is likely to obtain favor in the Senate or otherwise. And further I will say that I have never believed and I do not now believe that the Senate of the United States will ever consent to any change of this kind, no matter what form you put it in. The only way the amendment will ever succeed before the people is by first taking action on the part of the State legislatures themselves.

My friend recollects that our Constitution provides two ways by which amendments to the Constitution can be adopted: First, by the submission of the amendments, by Congress, to the legislatures of the States, and a ratification thereof by a certain number of the States; and secondly, by the action of the legislatures themselves, primarily taken. In that case Congress is obliged to take cognizance of the demand.

Mr. TALBERT. In addition to the argument the gentleman from Vermont has made in favor of the election of United States Senators by the people, and in which I heartily concur, I would like to ask him if there is not another very important question to be taken into consideration, and that is the question of economy? It would be very much cheaper and promote economy on the part of the people to elect Senators in the manner suggested by this joint resolution. For instance, take the case of the State of Illinois. The contest there cost thousands upon thousands of dollars, and the same is true of Florida and other States.

Mr. POWERS. I intended to call attention to the Illinois case. The case in Illinois, to which my friend from South Carolina [Mr. TALBERT] refers, was the election of Senator Palmer, I suppose. There was a practical illustration of the working of this popular method of electing Senators. The Democratic State convention nominated Senator Palmer as its candidate. The State of Illinois was canvassed by Senator Palmer, precisely as it would be expected to be done under this proposed change. Now, every member of the legislature and all the people of that State understood perfectly well that Senator Palmer or some other man was to be the United States Senator, so that they had a direct opportunity to vote their own choice in the election of a Senator.

Mr. STEWART of New Jersey. Does the gentleman think that this proposition would go through the Senate if we pass it, and base our argument in favor of its passage upon the proposition that State legislatures have heretofore been corrupt in the selection of those Senators?

Mr. POWERS. I had already anticipated that when I said that I had no idea that the Senate would adopt any change in the present plan.

Mr. BLAND. I understand they have voted down another proposition. Are we to submit and pass nothing? The argument of the gentleman is that we should pass nothing because we can not accomplish anything.

Mr. POWERS. I beg the gentleman's pardon.

Mr. BLAND. My idea is that the Senate having voted down one proposition, we should try another. Probably we may get something.

Mr. POWERS. I will say to my friend that I am in favor of taking action. I believe my friend to be a pretty good illustration of the kind of legislator that sticks to his text, even though the signs of the times are unpropitious.

Mr. BLAND. The signs of the times are still good. [Laughter.]

Mr. POWERS. Very well. I have always admired my friend's courage. He always sticks to the doctrine that he preaches, no matter whether it rains or shines. Now, I would say in this connection that I believe in this change, and I believe the House, if it is favorable to this proposition, should adhere to the scheme of electing Senators by the people and thundering at the doors of the Senate until they at last accede to it.

Mr. WILLIAMS of Mississippi. Or until the State legislatures do.

Mr. POWERS. Or until the people of the States are sufficiently waked up so that their own legislatures will take the initiative measures to secure this amendment.

Now, I did not rise to say anything about the merits of this resolution itself, but to speak particularly in favor of the amendment proposed by the gentleman from Alabama [Mr. UNDERWOOD]. My view of the matter is that if you are going to make any change at all you ought to make it in the right way. Do not have one method of electing Senators in one State and another in another.

If it is desirable to have a change, it is desirable to have that change in every State in the Union, no matter whether the election of Senators heretofore in that State has been a happy one or not. It is to correct existing evils wherever you find them that this change is sought, and for my part I certainly hope that the amendment of the gentleman from Alabama [Mr. UNDERWOOD] will be adopted, and that we may send to the Senate a straight, single proposition which will provide all over this land for the election of our Senators in the way in which they should be elected, by the people themselves. [Applause.]

Mr. HENDERSON. Mr. Speaker, as I am paired with my friend from Tennessee [Mr. MCMILLIN], I shall not be in a position to vote on this resolution or the pending amendments, but I feel a deep interest in them and have spoken on this subject in a former Congress. I would prefer this resolution with the amendment offered by my friend from Alabama [Mr. UNDERWOOD]. Failing in that, I would prefer it with the amendment offered by the gentleman from Rhode Island. But if neither can be adopted, then I want the original resolution.

The arguments of the chairman of the committee reporting the bill [Mr. CORLISS] all apply to the broad proposition which would make me favor the bill with the amendment of the gentleman from Alabama [Mr. UNDERWOOD], and his arguments are squarely on the line that the people of the United States can be trusted in the election of United States Senators. I believe in that doctrine. I am not going to attack the Senate or Senators, but I am sure that the people of the United States overwhelmingly believe that it would be better for the country and for legislation if Senators had to go through the rough and tumble of an election the same as members of this body do. If we can not trust the people of this Republic, it is time that we made an assignment of all of our assets to some contemptible old monarchy like Spain, or tender back our country to "the mother country." If that is true, let us get rid of the idea of a government "of the people, by the people, and for the people."

It is argued that if we send this joint resolution to the Senate it will never pass that body if amended as proposed. I believe in taking the right step in this matter, and the right step is this resolution as proposed to be amended by the gentleman from Alabama [Mr. UNDERWOOD]. Its adoption will give a uniform rule for all of the States—the people to elect in each. And I would keep that proposition before the United States Senate until the thunders of the people make them surrender that bastile which defies the people on this proposition. [Applause.]

I have no doubt the fathers stood somewhat in awe of the beautiful Government that they had constructed, and thought that they had better have a sort of a brake at one end of the Capitol to hold the people in check.

Hence the restriction on the election of a Senator, and hence the length of term of a Senator, which length I admit gives Senators plenty of opportunity to be independent—yes, too independent of

the popular wish. Of course, we in this body have got to bow to the people every two years to answer for the sins done in this Hall. In the Senate they can wait until the people cool off and get into a better temper if Senatorial action has displeased them. That is enough protection for the Senate. You or I will take the Senatorial toga with that restriction willingly. But the fathers did not know then what a grand structure they were building. They were stepping from monarchy—limited monarchy—into the pure air of freedom; and they were not themselves quite willing to trust the people that they were empowering with authority.

But, as I said before, if we can not run this Government by trusting the masses of the people, the single sovereign, we had better quit business and go back to the old days of monarchical power.

I hope that this resolution will be put through, and that we will keep it before the Senate until the people will give us a Senate that will pass it, and let the States have an opportunity to vote upon it. When it reaches that stage, I entertain no doubt but that it will be made a part of the Federal Constitution.

Mr. ROBINSON of Indiana. Before the gentleman takes his seat; it has been suggested that there is some danger of the State legislatures not passing this provision. Will the gentleman give us his views upon that?

Mr. HENDERSON. I noticed that. State legislatures are in close touch with their own people and must respond to them; and there is no body that will respond quicker than a State legislature to the people, as a rule. If the people can not control their legislatures, then of course there is no hope for any reform by legislation.

Mr. WHEELER of Kentucky. I would like to suggest to the gentleman before he takes his seat, under the present organization of the Senate it was not voluntarily determined by the Constitutional Convention, but was the result of compromise.

Mr. HENDERSON. There was compromise all along the line in the Philadelphia convention.

Mr. WHEELER of Kentucky. The Senate as now organized was not the deliberate judgment of the framers of the Constitution.

Mr. HENDERSON. It was a compromise growing out of the fear that the framers had of great popular bodies electing Congress, and they thought that they must give a restraining power to the Senate. But restraint is no longer needed and never was needed in this country. The people are the source of all political power and must be trusted.

Mr. WHEELER of Kentucky. If it had not been for Mr. Hamilton, I have no doubt that the election of Senators by a direct vote of the people would have been provided for in the first instance.

Mr. CUMMINGS. Mr. Speaker, I shall vote for this bill, amendment and all, very willingly. It removes a blot in our political system. It partly corrects unjust apportionments by State legislatures. We in New York are suffering from an apportionment which limited New York City, no matter what her population, to a certain number of representatives in the legislature. Eighty thousand voters in New York City may be required to elect an assemblyman, while 15,000 voters in a country county may suffice. In the State constitutional convention, dominated by a Republican majority, a few years ago, a clause was inserted which limited New York City, no matter how great her population, to one-third of the members in the legislature, and she pays to-day 54 per cent of the State taxes.

Repeatedly have the Democracy carried the State of New York—in one instance by nearly 70,000 majority—and under this unjust system of apportionment, which prevailed even before the adoption of the present State constitution, the legislature became Republican. With an overwhelming Democratic victory staring it in the face, that body elected a Republican United States Senator. I believe that the people should enjoy the fruits of their victory. They should elect the Senators, the same as they elect their State officers. Then you may have United States Senators who will represent the people and not monopolies, trusts, and the money power, who usually have the whip hand whenever a United States Senator is to be chosen. [Applause.]

Mr. Speaker, believing that the people of the United States would overwhelmingly pass this proposition if they could vote upon it, I shall heartily support it.

Let me call your attention to another State where a wrong system of apportionment exists. It is the State of Connecticut. Under its constitution the little town of Union, containing 112 voters, elects two assemblymen, while the city of New Haven, with over 100,000 inhabitants, is allowed only the same number. A small minority of the voters thus overpower its legislature and elect its United States Senators. Pass this proposition, and you will do much toward wiping out such false systems of legislation.

I listened with a good deal of interest to what my friend from Vermont [Mr. POWERS] said, especially in regard to Admiral Dewey. He said that Dewey was a Republican. I say that Dewey is an American [applause]; and I say further that, recognizing him as a patriotic American, the Democratic Club of the city of New York on last Friday night elected him an honorary member, and honored themselves by so doing. [Applause.]

Mr. POWERS. If the gentleman from New York will permit me, as he has made reference to Admiral Dewey's politics, I will state that I did not drag the politics of Admiral Dewey into this discussion, but that one of his own colleagues, in speaking of the resolution, said that Admiral Dewey was a Democrat. And I did not see fit to allow any false assumption on the part of New York Democrats respecting the politics of Admiral Dewey to go unchallenged.

Mr. CUMMINGS. I was not aware of the fact which the gentleman has mentioned.

Mr. POWERS. I do not want Admiral Dewey's glory clouded by any such reference. [Laughter and applause.]

Mr. CUMMINGS. Admiral Dewey's reputation, like the reputation of patriots on this floor, can not be clouded by any political references. [Applause.]

Mr. LOVE. That is saying a great deal. [Laughter.]

Mr. CUMMINGS. Admiral Dewey is recognized by the American people not as a Republican, not as a Democrat, but as true blue and patriotic an American as ever had an opportunity to serve his country in time of war. I believe that the same patriotic ardor that incited him at Manila ought to incite the members of this House to vote to make the Senate as popular as Dewey by giving the people the right to choose their own United States Senators; I will go further than this and say that the people also ought to have the right to choose their own Presidents. [Applause.]

Mr. CAPRON. Mr. Speaker, I desire to address myself to the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD]. As a member of the committee reporting this measure to the House, I voted for it, and feel that it would be unbecoming of the committee if its members did not support it as best they may at this time. I voted for this with the provision giving permission to the States to vote for Senators through their legislatures or directly by the people, because, while I agree with the gentleman from Alabama that it is best, and finally will come when all the States will vote as one in this matter, and vote by the people directly, I recognize the fact that for two Congresses in the past this question has been sent from this House to the Senate and there has slumbered to the death which bills of this kind know.

I believe that it ought to be sent with the conditions which this resolution proposes, because I think when we come to the proposition which brings the matter more closely to the people, and in their minds will be so considered, that the Senate will have to offer still further reasons why it should slumber again. I agree with my colleagues that it is unwise to tinker with the Constitution of the United States, but I am always glad to refer in this connection to the preamble of the constitution of my own State. That constitution commences with these words:

> In the words of the Father of his Country, we declare that the basis of our political systems is the right of the people to make and to alter their constitution of government.

Now, sir, when we recall the history of the making of our Constitution, we all know that it was a matter of compromise, that the States of Pennsylvania and Virginia at that time agreed and believed that United States Senators should be elected directly by the people. A hundred years has led very many of the States to agree and to vote that this was right, and to-day I do not doubt, and I do not believe any man on this floor doubts, that if this proposition was submitted to the people there is not a State in the Union but would decide to allow the people themselves to vote directly upon the election of United States Senators.

The idea that the Senator votes as a unit for the State at large would involve a discussion of the idea of what is the State. I like to think of the State as do the people of Massachusetts when they refer to the Commonwealth of Massachusetts, the "Commonwealth" meaning the common conscience, I assume, of Massachusetts; and that is the commonwealth of every State in this Union. If the people themselves can not express that conscience, nobody to whom the people may delegate the power can ever express it. It is not for us to consider whether the Senate will or will not pass this measure.

It is enough for us to know that we are following along the line of the desire of the people of the country, and having done that, whether this Congress or some other Congress shall finally succeed in introducing a resolution which will pass the Senate is not for us to determine. It is enough for us to remember that we have voiced the opinion of the people of our several districts and States, and beyond that it is not left for us to go. We do know, however, that the time will come, and it is likely to come speedily, when the several States of this Union will, doubtless, each, for

reasons of its own, see to it that their Senators adopt a resolution of this kind.

Now, I believe that the amendment of the gentleman from Alabama ought not to prevail, because I believe that this privilege of permitting the several States to elect whether they shall continue the present method of electing Senators by the legislatures or whether they shall submit the question to a direct vote of the people should be allowed, and I think it will strengthen the resolution as it goes from us, and that strengthening will certainly allow the people finally to express their will.

I now yield the balance of my time to the gentleman from Pennsylvania [Mr. KIRKPATRICK].

[Mr. KIRKPATRICK addressed the House. See Appendix.]

Mr. SIMPSON was recognized.

Mr. CORLISS. Mr. Speaker, if the gentleman from Kansas will allow me, in order that we may understand when the time shall come when the vote will be taken, after debate on this matter, I ask unanimous consent that the balance of this day may be occupied in the discussion of the resolution and amendments, and that to-morrow morning, immediately after the reading of the Journal, the vote shall be taken. [Cries of "Vote!" "Vote!"]

The SPEAKER pro tempore (Mr. BINGHAM). The Chair has recognized the gentleman from Kansas, but will submit the request.

Mr. CORLISS. I ask this because I understand that there are a number of gentlemen who desire to talk on the question, and there are others who have engagements and yet who desire to vote on the measure. If to-day is taken up with the debate, it will give an opportunity for all to be present and vote to-morrow.

The SPEAKER pro tempore. The Chair will submit the question. The gentleman asks unanimous consent that immediately after the reading of the Journal to-morrow morning a vote be taken on the bill and the amendment. Is there objection?

Mr. TONGUE. I wish to suggest to the gentleman that quite a number of members expect to be absent to-morrow.

Mr. CORLISS. I ask if the gentleman will be content if I move the previous question at half past 3 this afternoon?

Mr. MOODY. I hope the gentleman will not do that.

Mr. CORLISS. I should like to arrive at some understanding about the matter.

Mr. SHERMAN. Nobody has objected to the other proposition.

Mr. CORLISS. I ask the Speaker to put my first request.

Mr. MAHON. I move that the House do now adjourn.

The motion was rejected.

Mr. MOODY. Let me suggest to the gentleman from Michigan that this proposition is to many of us entirely unfamiliar. In my own State, for instance, we have never had any trouble arising out of the present method of selecting Senators. I do not personally know what the sense of my people may be. I have given no thought to it. Until to-day I had no idea that I should be compelled to vote upon a proposition to change the organic law in so important a matter.

Mr. CORLISS. Does the gentleman want longer than until 5 o'clock to-night?

Mr. MOODY. Yes; my suggestion would be that the debate continue, as he proposes, during the remainder of the day, and that a vote be taken on this proposition on Monday, after the reading of the Journal. That would give a specific time. It would give a full attendance in the House, and it would give those of us who have given no attention to this matter a chance to give attention to it.

Mr. CORLISS. I think the matter should be disposed of, Mr. Speaker, either to-day or to-morrow, immediately after the reading of the Journal. I ask unanimous consent that the debate continue during the remainder of the day, and that a vote be taken to-morrow, immediately after the reading of the Journal.

The SPEAKER pro tempore (Mr. BINGHAM). The gentleman's proposition is that the debate continue during the remainder of the day, and that to-morrow, immediately after the reading of the Journal, a vote be taken on the resolution and amendments.

Mr. TONGUE. I object.

Mr. THORP. I object.

Mr. CORLISS. I ask for a vote at 1 o'clock to-morrow, then.

Mr. CLARDY. I object.

Mr. SHERMAN. Give notice that you will move the previous question.

Mr. CORLISS. Mr. Speaker, unless I can secure an understanding, I shall move the previous question.

Mr. DOCKERY. What is the proposition, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Michigan moves the previous question.

Mr. SIMPSON. Mr. Speaker——

The SPEAKER pro tempore. The question is not debatable.

Mr. BAILEY. A parliamentary inquiry.

Mr. SIMPSON. Was I not recognized?

The SPEAKER pro tempore. The gentleman from Michigan moves the previous question.

Mr. CORLISS. At the suggestion of several gentlemen, I give notice that at half-past 4 to-day I will move the previous question.

Mr. JONES of Washington and others. Make it 4 o'clock.

Mr. DINGLEY. The gentleman simply gives notice.

The SPEAKER pro tempore. The gentleman announces that at 4.30 he will move the previous question. The Chair now recognizes the gentleman from Kansas.

Mr. SIMPSON. Mr. Speaker, I am in favor of this proposition and the amendments to it. I represent in part the only party which put this proposition in their platform during the last campaign. Therefore I am for it; besides, it is right. I will confess, though, Mr. Speaker, that my confidence in this proposition to elect Senators by direct vote of the people has been somewhat shaken. I heard the gentleman from Vermont [Mr. POWERS], and was interested in his remarks, and very much interested in his assurance that there was not anything in this anyway, that it would be defeated in the Senate. I think, in part, that accounts for so many gentlemen on the Republican side advocating the measure, because they feel that they are perfectly safe in advocating it, with that assurance which the gentleman from Vermont has given us, that it will not pass the Senate, and therefore will not injure their standing with the trusts and monopolies of the country. [Laughter.]

Some statements have been made on both sides here that this is desirable because it will give us a Senate that will be more in touch with the people, that will more directly represent the people of the country. Well, I have believed this until recently, but to-day the Senate stands more nearly the representative of the people than does this body, which is supposed to be the representative of the people. It is a fact well known to the country, whether it is well known to the members of this House or not, that this body is no longer a representative body.

Mr. MAHON. It is outside of the State of Kansas.

Mr. SIMPSON. There is a majority and a majority of the majority, and so on all along down the line till you come to the Speaker himself, who is a majority over all and represents the people! [Laughter.] Who among you all here, no matter what your constituents want and what measure you stand for, but have to go to the Speaker and beg and pray, sometimes on bended knee, to get recognition to put before this body the measures that your constituents desire? And some gentlemen have the assurance to call this a representative body and ask that the Senate pass a measure so that they may make the Senate perhaps the same kind of a body.

Mr. CORLISS. Will the gentleman allow me to ask him a question?

Mr. SIMPSON. Certainly.

Mr. CORLISS. Is the gentleman not aware of the fact that I forced the recognition of this bill by calling for the regular order, and its very consideration is a refutation of the gentleman's charge against the Speaker?

Mr. SIMPSON. Perhaps the gentleman from Michigan is the only man who could have forced the Speaker to give way to his demand. [Laughter.] But, unfortunately for the rest of us, we have not that power over the Speaker that the gentleman who represents the Detroit district has. I am speaking for those members who have not the "pull" upon the Speaker that the gentleman from Michigan has.

Mr. CORLISS. Does not the gentleman know that he has the right to call for the regular order and secure in the regular way consideration of any measure which is upon this Calendar?

Mr. SIMPSON. "The gentleman" is well aware of that, and "the gentleman" is well aware of another fact. He has got to catch that elusive object, the Speaker's eye, before he can obtain recognition. As suggested by my friend from Mississippi, "Many are called, but few are chosen." [Laughter.]

Mr. MOODY. Let me call the gentleman's attention to another instance, which also refutes his statement, and that is that the calling up of the immigration-restriction bill this morning was in the regular course of business, and the House declined to consider the bill.

Mr. SIMPSON. I am glad that the gentleman has called my attention to that fact. It is another one of those things that come over here when there is an election coming on. The Speaker very readily conceded you the right to call it up, but gentlemen will remember it was very quickly called down, and if gentlemen will remember they did not care to go on record.

Mr. MOODY. It was for consideration.

Mr. SIMPSON. One gentleman called for the yeas and nays and another for tellers, but they quickly withdrew the demand. You did not want to consider it. Why, Mr. Speaker, that is precisely the line that the gentleman wants to pursue, in order to square himself with his own constituents, a New England constituency. You had to call it up so that you could say that you made an effort. [Laughter.] "We tried to get it up." [Laughter.]

Mr. MOODY. I hope we will have order. The gentleman will not do me a personal injustice, I am sure. I want to make this statement in respect to his remark—that I not only voted for consideration, but I voted for a call of the roll upon consideration.

Mr. SIMPSON. And yet when all these were voted down, the gentleman from Massachusetts would say that he indorsed the bill and endeavored to call it up.

Now, I was about to say that my faith was somewhat shaken in the proposition of making the Senate such a body as this. To-day it is the only representative and legislative body, and is the only body representing the people, the body that is standing between the monopolists, or plutocracy, as we generally term them, and the country.

They are the body that stand between the people and the proposition of saddling an enormous issue of bonds upon the people; and I trust and hope they will ever stand between the people and that proposition. I am not clear in my determination as to the reason why Congress is not a representative body any more. I am inclined to think that the time for which members are elected is too short; that elections occur one-half too rapidly, and the desire of members to come back to this body makes trimmers out of them. They must trim to some extent, and concede to the wishes of those rich corporations and concentrations of wealth who do bring an enormous influence to bear on Representatives to carry out their will in regard to legislation.

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. SIMPSON. In a minute. There are many districts in the United States where members represent large corporate interests, and they can not stand against that interest; and so it is a fact that frequently recurring elections make cowards of us all to a certain extent. I am inclined to think that the term of Congressmen ought to be extended.

Mr. MAHON. The gentleman charges members of the House with being "trimmers." Does the gentleman make that charge from personal experience?

Mr. SIMPSON. My own experience, I suppose? No; more by observation. [Laughter.]

Mr. MAHON. The gentleman has managed to get on all sides of all questions.

Mr. SIMPSON. Now, I think that is an unfair charge. I have tried to be consistent and also to be right. I will say this, however, in regard to that first proposition: I am a little more fortunate than he is. He has been neither consistent nor right.

Mr. MAHON. I am not a trimmer and never was.

Mr. SIMPSON (continuing). In the constituents I represent. There are no large cities in my district. Seventy or eighty per cent of the people that I represent are farmers, living in the rural districts, far removed from the political corruption of large cities, like many of the States, that gentlemen live in. Therefore, I am removed from that temptation to pander to rich corporations. In the great West, where we have these conditions—where the constituency we represent is largely in the country—we are not subjected to these influences as are gentlemen who live farther East, where there is great concentration of wealth.

I want to say another thing now, for I never had an opportunity before to say anything good about the Senate. It is the only parliamentary body we have. It is the only place where there is freedom of debate, where you can discuss matters coming up before the people, of great import. We witnessed here week after week and month after month, particularly in these exciting times of war, propositions coming before this body involving appropriations of hundreds of millions of dollars that are brought in and rushed through without proper debate on either side. Neither side of the House was allowed time or opportunity to express its opinion. So, in my humble opinion, the first thing that we ought to do is to reform our own body and make it a truly representative body of the people before we attack the other side. [Applause.]

I tell you, gentlemen, if the conduct of the House in the future continues as it has in the past, it will become an object of contempt and ridicule by the people instead of the United States Senate. The Senate to-day is the only representative body the people have in the United States. It is the only place where their desires can get voice, and if you keep on in this course you will make that body popular and this body unpopular. I know what the pretext is. They say this is a large body of three hundred and odd members, and if you had unlimited debate you would have endless talk and wrangling and no determination of any matter ever arrived at.

That is made the pretext of adopting a system of rules that has had the effect to gag the Representatives in the House. I do not think it is necessary. I think we ought to take the power away from the Speaker. I think the House ought to appoint its own committees. And if you adopt the rule of ordering the previous question, the House can at any time determine when it wants to take a vote and stop debate. That is the only difficulty to-day in the Senate—that they have not the right there to order the previous question, and therefore the debate is unlimited. I believe with this reform—with the responsibility thrown back on the members of the House—we could again become a representative legislative body.

I hope this measure will go through. It has gone through, I think, nearly every session of Congress since I have been here. It is an old and familiar soldier here. It has served the purpose many times of members squaring themselves with their constituents, and is going to serve the same purpose again. [Laughter.] It is suggested by a friend near me that it will be put on the pension roll. It has done great and valiant service for a great many gentlemen. I trust some of you are in earnest. [Laughter.] I trust there are enough members of the House that are in earnest to pass the proposition, so that it may finally reach the people.

I believe in a republican form of government. As was stated by the gentleman from Vermont [Mr. POWERS], all the places of trust and honor held by the people should be filled by election by the people. That is the only safe way. The people may make mistakes, but the people can rectify them and make right their mistakes if you trust the people. It is the only safe rule, in a republican form of government, to throw the responsibility back on the people. It is responsibility that educates, and that is what we must depend upon.

Now, Mr. Speaker, I did not intend to say even this much when I started in; but some of my friends over on the other side asked me a few questions which were very proper, and I therefore prolonged my remarks beyond what I intended to when I started. I merely wanted to make the suggestion and draw members' attention to the fact that if we proceed in the course that we have been proceeding in, we shall make this body an unpopular body and the Senate a popular body, and I think we all want to avoid that. I, at least, want to avoid it. [Applause.]

Mr. McEWAN. Mr. Speaker, the gentleman last on the floor said he hoped that some of us on the Republican side were in earnest in our advocacy of this measure proposing to elect United States Senators by the people. Let me tell him that I for one am not here to seek any political advantage by urging the adoption of this resolution. The people of my district know thoroughly well that I have, during all my public career, strongly favored the election of United States Senators by the direct vote of the people.

Therefore I can stand here and say that it is not as a demagogue that I am advocating this measure. If I had had my way, the debate would have been on abolishing the Senate. I would far rather discuss a resolution that would do away entirely with the United States Senate. Why do I say this? Because I believe that the foremost thought of the world to-day in legislative matters is in favor of doing away with any intermediate body between that representing directly the will of the people and the executive. We see this in the case of the House of Lords of England.

In Great Britain there is a constant discussion as to the necessity of the House of Lords being continued, and those favoring its discontinuance are ever increasing in numbers. The United States Senate was made a part of our body politic by taking as an example the House of Lords of England. The members of the House of Lords were in fact appointed by the King, and appointed for the sole purpose of representing property. We have no king to make such appointments, and we have no property that ought to be represented as property. I hold that property in itself is always able to protect itself. I hold, on the other hand, that human beings, men who have feelings, especially those who are poor and helpless, always need protection.

It has been said by some who oppose propositions of this kind that we ought to continue the Senate because it represents the entity of the States. If those gentlemen would tell us why a State as an abstract entity ought to be represented, I certainly would be glad to be instructed upon that point. Human beings are all that a representative government ought to represent at all.

If it be a representative government, it means that it should be a government in which the representatives would be controlled by the wishes of a majority of the people. We know full well—at least those of us who have sympathetic hearts and souls—that the majority of the people of this land are in need of sympathy. And if public representatives, whether in the Senate or here, were true to their duty, then instead of representing only property interests (I mean taking care of property interests only) they would think how they could best advance the welfare of the common people.

I was a candidate for election to this body in the hope that it might be my privilege to render service in a way which would have been an occasion of honorable retrospect during my life and a matter which might be held to my advantage when I came before the great Judge hereafter—that I had been in a station where I could do something good for the common people. Thus far, I am frank to say, I have not had that opportunity.

The members of the State senate are not elected by the counties,

but elected directly by the voters. There is to-day no higher body over the boards of aldermen in our cities, and that body is elected. There is no reason based upon analogy or anything else why United States Senators ought to exist; and there is every reason for maintaining that if they do exist because for constitutional reasons we can not now go far enough to exterminate them (using that word after due thought), then we certainly ought to make them amenable to the people.

We know how great are the temptations for the vast moneyed powers to distribute their money among a small number of men called State legislators, who may thus be induced to elect their creatures, the average United States Senator. The majority of the voters would not be purchaseable. If we had as United States Senators men elected by the people, we would have a representative body in a representative country. With United States Senators so chosen, I think we would have avoided almost all the scandals we have had during the last thirty-five years.

It has been said here by the Representative from Kansas [Mr. SIMPSON]—and I think it was very pertinent—that the United States Senate is to-day the real representative body of the people of this country. If he had analyzed the reasons for this fact he would have found that the men who to-day are standing up in the United States Senate arrayed against the money power, trying to find a way by which the common people may be benefited, are those United States Senators who practically have been elected by the people.

In most of the Southern States United States Senators are designated at the primaries at which the people vote. The men thus chosen as Senators are those who are now trying with the best intelligence they possess to stand by what they believe to be the wishes of the people of the United States.

Let us cite instances. In the action on the late war resolution those Senators (speaking in a general way) who favored the independence of Cuba were Senators elected, to all intents and purposes, by popular vote—Senators coming mainly from the Southern and Western States, where United States Senators are practically designated at the primaries, and hence are the representatives of the popular will. A similar state of affairs exists as to the proposed bond issue and income tax.

Could we but accomplish this reform, and one other for which I have introduced a resolution, now before the Committee on Rules with the request that it may be submitted to this body, which is as follows:

Resolution by Mr. MCEWAN.

Resolved, That a special committee, to consist of five members of this House, be appointed and hereby instructed, through a subcommittee or otherwise, to inquire into the feasibility of applying the principle of direct legislation through the initiative and referendum to the legislation of the Federal Government, and to report to this House, at this session, by bill or otherwise, the results of said inquiry; and that for the purpose hereof the committee be authorized to sit in the city of Washington, or any other city of the United States, and employ such clerical aid as may be necessary.

This provides for direct vote of the people upon proposed measures of legislation. If we now had the election of United States Senators by popular vote in the States, and if we had also some way by which we could ask the people whether they were satisfied with the laws proposed, then indeed would we have a popular government. This is direct legislation. It would do away entirely with all possibility of corruption. Men who might be selected by their fellow-men to come into public life would not be held up to odium and suspicion. I long, Mr. Speaker, I pray, for the day when the United States Government shall have the direct legislative system as it exists in Switzerland at this time. [Loud applause.]

[Here the hammer fell.]

Mr. SHAFROTH. Mr. Speaker, as the chairman of the committee having in charge the joint resolution now pending before the House has given notice that he proposes at half past 4 o'clock to demand the previous question, I want to discuss for a few moments an amendment which I desire to submit at the proper time, after the disposal of the amendment now pending.

The amendment to which I refer relates to the mode in which the constitutional amendment is to be ratified by the several States of the Union. The resolution, as drawn by the committee, provides that it shall be ratified "by the legislatures of the various States." The Constitution of the United States provides two modes for the ratification of amendments proposed to the Constitution by Congress. I will read that part of the Constitution relating to the same. It is as follows:

When ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

Now, Mr. Speaker, the amendment which I propose to offer is to substitute the mode of ratification by conventions instead of by the legislatures.

I believe that the great mass of the people of the United States desire the adoption of this constitutional amendment. The experience which the States of Oregon, Kentucky, and Ohio have recently had in the attempt to elect United States Senators has demonstrated that the present mode is very expensive in the time it consumes of the legislature, is very demoralizing to the regular work of the legislative body, and is very productive of corrupt practices. The amendment of the gentleman from Alabama, I believe, is a good one, and I shall vote for it. No argument has been suggested against the election of the United States Senators by the people of the States; and I believe that the joint resolution proposed here, whether it be amended or not, will be adopted and should be adopted unanimously.

That being the case, a practical question arises as to how we can best secure the ratification of such a change in the organic law, which may involve a great deal of controversy in some of the States, and may involve a great deal of delay. The wisest plan, in my judgment, for Congress to adopt is to select that plan which will involve the least delay.

After this resolution passes the gantlet of legislative enactments here it has a hard road to travel, because when it gets into the States it will doubtless meet stormy opposition in some of the States by persons who favor the present mode of electing the Senators, and if possible they will defeat it. It requires the consent of three-fourths of the States. That means that if twelve States in the Union prefer the present system of voting for United States Senators, this law will not be and can not become an amendment to the Constitution of the United States. Twelve States only, therefore, are necessary to defeat it.

I have heard, Mr. Speaker, with a good deal of interest, the description given by the gentleman from Vermont [Mr. POWERS] in his remarks to-day concerning the methods of manipulating legislatures in the election of United States Senators who do not represent the people, and the control of legislation by the bosses. We have reason to believe from newspaper reports and general current rumor that there is a great deal of truth in his statement.

If you submit this constitutional amendment to the legislatures for ratification you will find efforts being made for the purpose of defeating the law that would not be attempted if it were submitted to conventions in each State. When you take into consideration the fact that you not only have to get favorable action in each of the two branches of the legislature of the majority of the States but that it has to pass the scrutiny of the legislatures of three-fourths of all of the States, and run the gantlet of the opposition and fights that will be made against it to prevent its ratification, it is well to consider whether it will become a part of the Constitution after it passes Congress.

Now, when a convention in a State is called for the purpose of voting on the direct question as to whether this shall become a constitutional amendment, you will find that the delegates to such convention will represent the sentiment of the people.

Mr. NORTHWAY. Do you believe that a convention of that kind is to be called by a mass meeting of the people, or a convention to be called under the law of the State?

Mr. SHAFROTH. Of course, under the law of the State.

Mr. DINGLEY. That is, by the legislature of the State.

Mr. SHAFROTH. And the legislature submits the constitutional amendment to the people for ratification through a convention.

Mr. NORTHWAY. Do you think the legislature of a State would call a convention to ratify this amendment when it would not ratify it itself?

Mr. SHAFROTH. Certainly it would. It would not dare refuse to call a convention.

Mr. NORTHWAY. Then why would it not ratify it itself?

Mr. SHAFROTH. When the Congress of the United States presents a constitutional amendment and directs ratification or rejection by a convention, do you suppose there is a State in the Union that will not call a convention?

Mr. NORTHWAY. Then why not ratify it itself, instead of calling a convention to do that very thing?

Mr. SHAFROTH. Because the legislature might be opposed to the amendment and might defeat it. Yet they would no more think of refusing to submit it to a convention when directed by Congress, than a presiding officer would think of refusing to submit a motion. Even if you are opposed to a law yourself, if the National Government should make a demand or request upon you to submit it to the people, you would do it.

Mr. COOPER of Wisconsin. In reply to the gentleman from Ohio, permit me to say, suppose the speaker of an assembly or the president of a State senate should appoint a committee with the direct purpose of smothering that resolution. Could not that be done? What the gentleman from Colorado says is perfectly true. It is ten thousand times more difficult to get it through a legislature than it would be to get it through a convention called for that purpose. It is easy to get a committee in either house of a State legislature to kill it.

Mr. SHAFROTH. Now, Mr. Speaker, a legislator is elected on many issues, and perhaps not on the question of this constitutional

amendment. Although the people may be in favor of this measure, there is no certainty that the legislator on this minor issue of the campaign will be in accord with them, whereas a man elected to a convention upon the direct issue is sure to reflect the will of the people. To say that the legislature would not call a convention would be, it seems to me, to put upon them a stigma that they should not bear.

The people of the United States want some such measure as this passed. The only possible way of defeating it is through some legislative manipulation to tie it up and prevent its being acted upon. A legislator, it is true, may refuse to vote for the constitutional amendment, but when he is not voicing his sentiments one way or the other, but is simply providing for a constitutional convention out of respect to the National Legislature, it seems to me that every one of them, whether for or against the amendment, would unquestionably vote to submit the question to a convention.

If you have a convention, I believe that this law will be ratified by three-fourths of the States, but if you do not, I doubt very much whether it will become a constitutional amendment. Twelve States can defeat it. If bosses control legislatures, and it is as easy as it is said to be to defeat a measure in a State legislature, it seems to me the better mode of having this constitutional amendment passed upon would be through conventions of the States.

Mr. DOCKERY. Mr. Speaker, I am in favor of this joint resolution providing for the election of United States Senators by the people. As I now recall, I have voted for quite a number of propositions of like character during my Congressional service. I realize, as the gentleman from Colorado [Mr. SHAFROTH] does, that the resolution will necessarily encounter many difficulties in its transit to final approval and enactment. Under the limitations of our Constitution it is practically impossible to ingraft a constitutional amendment upon our organic law.

The Constitution requires the approval of two-thirds of the House, two-thirds of the Senate, and three-fourths of the legislatures of the States before an amendment can be recognized as a part of our constitutional charter. Such being the law, there is only one power that can secure the enactment of this amendment, and that is the power of an awakened public opinion; and I am frank to say I do not believe we have reached the point where the people are sufficiently aroused to compel Congress and the legislatures to pass this joint resolution. I believe it ought to be the law. I believe that not only the members of this House, but the Senate and the President as well, should be elected directly by the people.

I believe in trusting the people; but I desire to suggest, as supplemental to the observations of the gentleman from Kansas [Mr. SIMPSON], that in my judgment one reason why this proposition has not the force, effect, and power to-day before this body and the country that it had in former years grows out of the fact that the people have come to regard the Senate as more nearly their representative upon great public questions than the House of Representatives. Mr. Speaker, in my opinion, this is the result of our faulty system of rules, the existing system being the logical result of abuses prevailing under the old system.

Why, sir, I stood here under the former system of rules and saw three gentlemen arrest the business of the House for eight long days and nights. That was possible under a code of rules where the pendulum swung to the extreme of unlimited debate. Mr. Speaker, from that extreme, and since the Fifty-first Congress, under all administrations of the House—and it is the system I arraign—the pendulum has swung to the other extreme until we have now reached a time when upon great questions, properly challenging the attention of the country, the Senate attracts the attention of the people, and this body, which ought to stand for the people, is minimized and dwarfed under a vicious system of rules. This fact furnishes the reason why this amendment to elect Senators by the people does not appeal so forcefully to the country as it formerly did. I am free to say, however, that I desire Senators elected by the people, and if they were thus elected that body, under its existing rules, would infinitely surpass in its representative character this House, which should be the great tribune of the people.

Mr. Speaker, these statements are not prompted by partisan considerations. When we controlled the House, substantially the same code of rules was adopted, and when it was determined to press a measure to conclusion the Committee on Rules came in with a report, and ofttimes without sufficient time being allowed for debate measures were rushed through the House just as they are railroaded through the House to-day. But, Mr. Speaker, what is the result? Debate upon unimportant propositions can be secured for the asking, but when a great measure raising $100,000,000 of revenue and authorizing a bond issue of $500,000,000 or other measures of like character come up the power of the Committee on Rules is invoked, in the absence of unanimous consent, and these great measures are railroaded through a body that ought to be the great deliberative and representative body of the Republic.

Mr. DINGLEY. Mr. Speaker, I desire to call the attention of my friend to the fact that the time for debate on the war revenue bill was fixed by the House by unanimous consent, and not by a report of the Committee on Rules.

Mr. DOCKERY. I stated a moment ago it was either by special order or by unanimous consent, and it could not have been secured in that case except for the fact that we were standing on the threshold of war. I desire the gentleman to understand that I am challenging the system of rules inaugurated by the Fifty-first Congress, and substantially followed by all administrations of the House since that time.

Mr. Speaker, I wish I could fix the attention of the seventy millions of people of this country upon the gravity of this situation. Unless we can find the golden mean, the proper middle ground on this question, avoiding alike the extremes of needless and unlimited debate on the one hand and the equally reprehensible extreme of no debate at all on the other, we will destroy this House as a deliberative body; and it will be said and we will admit in shame that the Senate of the United States is the great controlling deliberative body rather than this House, which under the Constitution is peculiarly the representative of the interests of the people of the United States. [Loud applause.]

Mr. TONGUE. Mr. Speaker, the remarks of the gentleman from Kansas [Mr. SIMPSON], showing that it is safe for him to denounce corporations, reminds me of the story of a Western minister. This gentleman went out to preach to a new congregation, and on his way to the church he met some sister, who called him aside and said, "My brother, I want to make a suggestion. Now, please do not say anything against dancing. Quite a number of our young ladies—some of the models of our church—attend dances, and I would not like you to hurt their feelings." He agreed very readily to this. After he had gone a little farther some brother of the congregation met him and said, "I want to make a suggestion. Now, please be very careful to-day as to what you say about gambling. You notice we have a new church. It was somewhat expensive. It was difficult for us to pay for it, and we found it necessary to go around among the gambling institutions of the town and ask for subscriptions, and they contributed very liberally and were very generous, and I wish you would not hurt their feelings." He said, "All right." He went a little farther on, and met another member, who said to him, "Excuse me a moment. Now, please don't say too much about saloon keepers to-day. We had a poor family here a short time ago. The father died, leaving a widow and children in distress, with no one to take care of them. We went among the saloon keepers and they made up a very comfortable sum. I wish you would not hurt their feelings." The preacher responded, "See here, my brother; I have been forbidden to talk about dancing or to preach against gambling or against saloons. In Heaven's name, tell me what I may preach about." The brother responded, "I will tell you. There is a small band of Mormons that came and settled among us a short time ago. You can abuse them as much as you please; there's not many of them; they haven't any friends, and you will be perfectly safe." My friend from Kansas says that he has none of these corporations in his district, and he knows that he can abuse them in every other district of the United States with perfect safety. [Laughter.]

Mr. SIMPSON. Now you refer to the Republicans.

Mr. TONGUE. In this question I am with the gentleman from Kansas. I agree with him, and hope to see this resolution passed. In response to a remark made by one gentleman on the other side, allow me to say that this is not a new question in the State of Oregon. Quite a number of successive legislatures have passed resolutions upon this question, and asked for this amendment. Representatives from that State, both in the House and Senate, have uniformly favored it for a great many years.

We have had some experience in that State of the evil effects of the present system. Within a few years past two legislatures have met and adjourned without electing any Senator. During three sessions of the legislature the Senatorial contest has taken up practically the entire time, and has prevented the passage of desirable legislation. The last one has discovered another method of handling this matter, that does not seem to have occurred to the members in any other State. Our constitution requires two-thirds of the members of either house to constitute a quorum.

The result has been that one-third of the members of either house can prevent the election of a United States Senator, and so at the last session a little more than one-third of the members of the house declined to take the oath, declined to qualify, declined to enter upon the discharge of their duties, and the legislature was absolutely powerless. The senate organized and was in session forty days, incurring expenses and bills to be paid, but could not pass a single measure or a single binding resolution.

The house resolutely refused to organize because more than

one-third of the members failed to qualify. The result has been no legislation, no United States Senator, no appropriation bill, and so, while we are collecting taxes and piling up money in the treasury of Oregon, the bills against the State are paid by warrants drawing 8 per cent interest. So far as that State is concerned it will be a very economical matter, it will save a vast expenditure of money, it will save a vast amount of friction and feeling, if the people elect their Senators at the ordinary election without additional expense or additional trouble.

But there is another matter. I am in favor of the amendment so as to make it compulsory on the people of a State to elect their Senators. The State of Oregon is interested in the quality of men that are elected from the State of New York or the State of Pennsylvania or the State of Ohio. The present system is not designed to elect the best men for United States Senators. Before a man can become a United States Senator he must learn other things than Federal legislation. He must learn to control the political machinery of his State. He must learn the methods of handling the various members of the legislature, and it is not always that the best people learn to do that. There have been men less than a half century ago elected to the Senate of the United States that could not have been elected by the people of their State.

The gentleman from Vermont [Mr. POWERS] said the machine will probably control conventions and nominations. Possibly that may be true; but, Mr. Speaker, when the machine does that, when it controls the machinery of conventions and nominates a candidate for United States Senate, it will nominate men who have the confidence of the people, whose record and character, whose career and whose ability, are such as to entitle them to the respect and confidence of the people; and that is not always the case when it is done by the legislature.

It is one thing to nominate a candidate for the Senate before conventions and before elections, and another when everything is all over. I favor this amendment because it is for the best interests of the State. It will be more economical; it will insure better elections and a better quality of United States Senators and a more dignified and able body. [Applause.]

It is safer to trust the people, and this is a step in that direction. It is nearer government by the people and for the people.

Mr. TODD. Mr. Speaker, the enactment into law of the bill now under consideration will mark a new era in our nation's history, add a new milestone in the onward march of human progress, and enlarge the boundaries of our national advancement.

For, sir, not only are the provisions of the bill most wise and just, but of still higher interest is the fact that the enactment of this measure will legally reaffirm that great principle on which our Republic was founded, that the people are the sovereign power and the true source of government. Hence, sir, I trust that this measure shall be but the vanguard of others to follow which shall restore in fact, as well as in name, "a government of, by, and for the people."

THE FUTURE HIGH DESTINY OF OUR REPUBLIC.

Sir, I believe the enactment of this measure will so enlarge opportunities and awaken the enthusiasm of the American people that no supernatural vision will be needed to see with prophetic eye the exalted place which our Republic will occupy among the nations of the earth. And as Greece was the mother of philosophy, literature, and art, and the early cradle of patriotism and valor, and as the great commonwealth of the Roman Republic sought to emulate all the achievements of the Greeks, and added a system of jurisprudence upon which the codes of modern nations are still founded, it has been reserved for our Republic to blend the virtues of all preceding nations in one, and, "like the masterpiece of the Greek artist, to exhibit in a single work the beauties of every master and the perfection of every model."

The great author of the Declaration of Independence himself, supported by the conscience and judgment of the noblest patriots of the Revolution, who said, "We are not of those who fear to trust the people," struggled faithfully and long that both United States Senators and United States judges should, under authority of the Constitution, be elected directly by the people. And it was his abounding faith in the integrity of the common people which inspired Jefferson, as if by a divine influence, to write his Magna Charta of human rights, which will remain through all time the dearest tribute to human virtue, and the most splendid monument of statesmanship and patriotism.

INFLUENCE OF ARISTOCRACY IN LIMITING CONSTITUTIONAL RIGHTS.

But unfortunately for our Republic, when the final draft of our national Constitution was submitted to the States for ratification, the influence of those who were "afraid to trust the people," the "Tories" of the Revolution, and those whose interests or associations still were with royalty, had forced many compromises, among which were the methods of the election of Senators and judges of the United States Supreme Court, and with the uniform tendency to conservatism in the decisions of the Supreme Court, with the influences which dominate their nomination, our national Constitution as now judicially construed is shorn of its power to defend the people against many invasions of their inherent rights.

Were it not, Mr. Speaker, that the present system of election of Senators was enjoined by the Constitution, it would be difficult to imagine a single reason or shadow of a defense for this system. And, sir, with the yearly recurring scenes of disgrace, debauchery, and corruption which accompany the election of a United States Senator, there is now no shadow, even, of defense for the continuance of the present system. The actual experiences in the present system for over a century of our country's history are far more potent than theories. The scenes of corruption and bribery attending the election of Senators are matters of such universal knowledge that no need exists to recite their horrible details.

To-day one Senator stands convicted of bribery by a majority of the committee of the legislature of his State appointed to investigate his election. The large sums of money used in this contest, the coercion, the consequent riots, and the effect upon the public sentiment are fresh in the memory of all. The people of one State (Oregon) have for some time been represented by but one Senator, because, though their legislature has been repeatedly in session, they could not elect a Senator because they could not agree on a division of spoils.

They went even further. In order to prevent the election of a Senator more than one-third of the members failed to qualify; and as the law of that State requires two-thirds of all members-elect to constitute a quorum for any business, they entirely blocked all legislation, seriously jeopardizing the interests of the State, which were made subservient to greed, ambition, or revenge. Scenes of a similar character also were recently enacted in the State of Kentucky, when the interests of the people were for weeks kept in abeyance, while selfish interests and human passion held sway.

We feel in Michigan also the terrible effects of this system as a growing ulcer. Starting from the legislature as the heart of the body politic, poisonous influences are pulsated through the arteries of the various departments, permeating to the people. At the last Senatorial contest it was repeatedly stated in the press, and I have never heard it denied, that over $1,500 was paid over the bar of a single hotel for liquor by the "manager" of the successful candidate. The money for "influencing" the election of Senators is furnished by those who desire either legislation in their special interest, or appointments for themselves or friends. Thus the vote and influence of the Senator is "fixed" in advance by political bosses or corporate interests, and the people at large are without actual representation.

TRUST THE PEOPLE.

I said, Mr. Speaker, that, in the light of our national experience, no shadow of a valid reason can now be given why the people of this country should not by direct vote elect their Senators as well as their governors of States and Representatives in Congress. I will, however, allude to one argument brought forward by the junior Senator of my State, when, as a candidate for this office, addressing the students of the college in the city where we both reside (Kalamazoo), he said, as reported in the official organ of his party:

I once thought I was in favor of the election of United States Senators by direct vote of the people, but I could not vote for it now, because the people can not be trusted.

How much greater the faith of Jefferson and Lincoln. Jefferson said:

I am not of those who are afraid to trust the people.

Lincoln said:

Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world?

This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing Government, they can exercise their constitutional right of amending or their revolutionary right to dismember or overthrow it.

I will agree with the honorable Senator in this, that the people could not be trusted to provide a vast corruption fund to be used for their own oppression, or to set apart vast sums to be used in riot and drunkenness to encompass the ends of their oppressors.

But, sir, I deny that there is any one class, no matter how great their pretensions to embody within their caste all of "national honor," who hold in more sacred regard the highest virtues of citizenship, integrity, patriotism, benevolence, and courage than those of whom Mr. Lincoln also said:

God loved them most, the common people, because he made so many of them.

SHOULD THE SENATE UNDER THE PRESENT SYSTEM BE RETAINED?

Indeed, Mr. Speaker, it has been for some time seriously considered by thoughtful men whether, under the present system of their election, it would not be far better if the Senate were abolished. Illicit speculations, jobbery, and disgraceful scenes in connection with the passage of the sugar schedules in both the Dingley and Wilson laws, in which it has been charged that vast sums were made by Senators and millions more by the sugar

trust, and like scenes in connection with the lumber schedules in the Dingley law, when a Senator's committee room was turned over to the combine of millionaire timber thieves and log rollers in their conspiracy against the home builders—all these frauds upon the public demand either a radical reform in the manner of the election of Senators or else the abolishment of that branch of the Government.

THE SENATE A RELIC OF BARBARISM.

The barbarisms of antiquity still hover around this body. In the Roman Empire the chief requirement for a senator, next to Roman citizenship, was the possession of a specified amount of wealth. England, evolving from the chaos of the dark ages, made the possession of a certain amount of English land the chief requirement to a seat in her House of Lords, which is still in force. The great commoner, Gladstone, witnessing the evil effects of this system, publicly declared that unless the policy of the House of Lords should change, the interests of the nation would demand its overthrow. In our Republic the same barbarism exists, but in another form.

It is not required by the Constitution that a Senator shall himself be the actual possessor of wealth, but under the present system they are often chosen by vast combinations of wealth, whose special agents they become; and our system admits of more dangers than that of Rome or England, because the aggregate combinations of wealth which center in a single Senator are much greater, and, owing their election to these vast combinations they must surrender their personal convictions to the dictates of their masters.

THE SOVEREIGNTY OF THE PEOPLE THE GREAT ISSUE—THIS SHOULD BE MAINTAINED BY THE SYSTEM OF "DIRECT LEGISLATION."

I said, Mr. Speaker, that the highest interest which attaches to this bill is the recognition of the great principle of the sovereignty of the people. This bill, if passed, will, I trust, be also a promise of many coordinate reforms for restoring the sovereignty of the people in all departments of government under that system of pure democracy popularly known as "direct legislation."

THE SAFEGUARDS OF TRUE DEMOCRACY.

Although the recognition of the principle that "all governments derive their just powers from the consent of the governed" dates from the most ancient democracy and was defended by the ablest philosophers, yet, like the arts and sciences, it was buried for centuries by the despotism, intrigues, and ignorance of the Middle Ages. It has, however, made gigantic strides during the past fifty years in various countries, notably among which are the Swiss Republic, and Australia, the latter the birthplace of our improved ballot system. To illustrate the modes by which direct legislation is conducted in Switzerland, I shall submit as a supplement to my remarks a brief report of a recent and most important referendum recently submitted and carried.

This is the purchase by the Swiss Republic on February 20 of the present year, at a cost of 1,200,000,000 francs, of all the railway lines of the country. During this contest the railroad companies used superhuman efforts to influence public opinion against the measure, disfiguring nature's sublime monuments with cartoons, one of which represented a Swiss shepherd bowed to the earth by an enormous cheese on his back, labeled "1,200,000,000 francs!"

They used the same arguments which the railroads and telegraphs of our own country use—the "dangers to national purity attending an increase in Government employees;" "the inability of a government to successfully manage great business interests," etc. Yet, notwithstanding the immense sums of money expended by the railroad companies to defeat the measure, notwithstanding the fact that their railroads are built over and through great mountains, with tunnels over 8 miles in length, the most gigantic and expensive engineering feats in the world, national ownership won by an overwhelming majority, the vote being 384,148 "Yes" against 177,130 "No."

If we enjoyed national ownership of railroads and telegraphs in this country, the wholesale bribery of public officers—legislative, executive, and judicial—by free "passes," telegraph "franks," and "retainers" would not exist, and the railroads could not, in conspiracy with the money power, force the contemplated gigantic issue of interest-bearing bonds, by plundering the public Treasury of the funds which the patriotism of the people is so freely furnishing to carry on the war.

WHY THE PUBLIC THINK WE HAVE "TOO MUCH LEGISLATION."

From our childhood we have become accustomed to hear it said that "we have too much legislation." I wondered when a boy if this could be true, and I have learned that the people judge rightly. Why? Because most of our laws are dictated by selfish interests for burdening the people, granting to corporations gifts of the public domain, franchise rights of infinite value, and the monopoly of those great gifts which God and nature intended as the heritage of all mankind.

How many, Mr. Speaker, of the measures which are passed by Congress would be approved by the people if they knew of the influences by which they were passed? Sir, I believe there would be but few. There is not a member of this House who does not know that many of our laws for tariffs, appropriations, revenues, bonds, and railroad franchises are passed with corrupt influences.

DIRECT LEGISLATION AND ITS SPLENDID ACHIEVEMENTS IN THE SWISS REPUBLIC.

"Direct legislation" is, in the fullest sense, "a government of, by, and for the people." It extends the principles of a pure democracy to the highest possible limit in government, limited only by the will of the people. It usually includes the following:

"The initiative.—The proposal of a law by a percentage of the voters.

"The referendum.—The vote at the polls on a law proposed through the initiative, or, if petitioned for by a percentage of the voters, on any law passed by a legislative body.

"Proportional representation.—A plan of nominating and electing legislators and executives which shall voice the exact choice of the voters in proportion to their numerical strength.

"The imperative mandate.—The right to vote out of office through the initiative and referendum any official who fails to perform his duty."

The "initiative" is effected by a petition of a specified proportion of the electors (usually from 5 to 10 per cent), by which the lawmaking body is compelled to formulate, discuss, and vote upon the measure named.

If defeated, the people can have it referred directly to them for a popular vote. This is the "referendum." Or, if passed, they can upon petition demand a "referendum" to them for appeal or affirmation.

If desired, the "initiative" petition may require the "referendum" to the people directly, without further special petition. It is usual, however, for the legislative body to first vote upon the measure, and, if carried, a reasonable time is allowed to test the merits of the law.

In a recent address issued by the Direct Legislation League No. 1, of Philadelphia, Pa., occurs the following:

"But some may claim that it would be impossible for such a system to be put in successful practice in this country, for the reason that the American people are too busy to be continually signing 'initiatives,' 'referendums,' or 'imperative mandates.' But is it true that we would neglect these duties? Are not our people generally awakening to the fact that the present frightful economic conditions are due entirely to legislation passed either in ignorance or by bribery; that the poor are growing poorer and the rich richer; that the great middle class is being gradually wiped out as the result of written laws enacted in defiance of natural laws?"

But the practical working of direct legislation in Switzerland has shown that the voters have none of the trouble which, at first thought, would seem to be necessary. The first result of the system was the total abolishment of the lobby, "the third house." The bribers gone, the professional politician soon became unknown as such, and then in turn political parties were dissolved, and now partisanship never warps the judgment of the voter. And, lastly, instead of office holding being disgraceful, upright citizens now strive for office because of the honor attached. Thus good legislation at once resulted, and very seldom do the voters make use of their prerogatives, and then only to settle matters of minor importance involving merely differences of opinion. To-day Switzerland is a model republic.

To our citizens who are acquainted with the inner secrets of political deals, and who therefore never vote, direct legislation appeals at once, and every one who loves his country needs only to study the system to become its advocate. The spread of the movement in the United States has been phenomenal. Scattered all over our land are hundreds of nonpartisan "direct legislation leagues," and lately the State of Nebraska has adopted the system.

John A. Wayland says:

"It will simplify laws and government. It will kill monopoly. It will purify the ballot and supplant violence. It will broaden manhood. It will prevent revolution and accelerate progress. It will banish sectionalism and party bondage. It will abolish special privileges and plutocratic dictation. It will reduce taxation to necessity and prevent the bribery of lawmakers. It will aid honest representatives in serving the people. It will give us a government of the people, by the people, and for the people on the foundation of equal and exact justice to all."

For the purpose of supporting the spirit of this bill, with other salutary provisions, I have prepared the following, which I shall introduce for the consideration of Congress:

A bill to purify the public service, and to prevent unjust discriminations by corporations against citizens of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful from and after the passage of this act for any railroad,

express, steamship, telegraph, or telephone company, or any corporation, association, or individual engaged in the business of a common carrier or in the transmission of intelligence, or for any national bank or any other corporation, association, or person whose interests may be affected by legislation, judicial proceedings, or Government contracts pending at the time or about to be pending, or for any officer or employee of any of the aforesaid corporations, associations, or persons to give or offer to give to the President of the United States, any member of his Cabinet, any Senator or Representative in Congress, any judge of a United States court, or to any other officer or employee of the Government any free transportation, either of persons or freight, free transmission of intelligence, any reduced rates upon the same, or any privilege, emolument, or immunity to which the general public is not legally entitled at the same time.

SEC. 2. That it shall be unlawful for any corporation, association, or person such as hereinbefore enumerated, or those whose interests may be affected by any legislation in Congress, by judicial proceedings in United States courts, or by Government contracts pending at the time or about to be pending, to employ or offer to employ as agent, counsel, attorney, or in any other capacity, any officer or employee of the United States Government, or to promise such employment to be given at the expiration of their Government service.

SEC. 3. That any person or persons violating any of the provisions of the preceding sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States, within the jurisdiction of which the offense was committed, be subject for each offense to a fine not less than $500 and not exceeding $10,000, or imprisonment for a term not less than six months and not exceeding ten years, or both such fine and imprisonment, in the discretion of the court; and such rights and privileges as may have been granted such a corporation or person by Congress may also, in the discretion of the court, be annulled, so far as may be done without violating the constitutional rights of any citizen.

SEC. 4. That it shall be unlawful for the President of the United States, any member of his Cabinet, any Senator or Representative in Congress, any judge of a United States court, or any other officer or employee of the Government, to receive, or offer to receive, except upon payment of due compensation at the time and in the same manner as the general public, any free transportation of persons or property, any discrimination in rates in relation to the same, or any privileges, emoluments, or immunities to which the general public are not legally entitled at the time.

SEC. 5. That it shall be unlawful for any officer or employee of the United States Government to give or offer to give his services as agent, counsel, attorney, or otherwise, during his term of office or Government service, to any corporation, association, persons, or person whose interests may be affected by pending legislation, or legislation about to be pending, or pending their Government office or service to offer their services in any capacity, to be given after the expiration of their Government service.

SEC. 6. That it shall be unlawful for any officer of the United States Government during his term of office to buy, sell, or in any manner speculate or deal in the stocks or bonds of any corporation the value of which would be affected by pending legislation or legislation about to be pending, either by margins or otherwise; or during the pendency of any legislation affecting the stocks or bonds of any corporation to impart information or an opinion respecting such legislation for the purpose of aiding any other person in buying or selling such stocks or bonds.

SEC. 7. That any person or persons violating any of the provisions of sections 4, 5, or 6 of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which the offense was committed, be subject for each offense to a fine not less than $500 and not exceeding $10,000, or imprisonment for a term not less than six months and not exceeding ten years, or both such fine and imprisonment in the discretion of the court, and such conviction shall terminate the office of the person thus convicted.

SEC. 8. That it shall be unlawful for any director of any railroad, telegraph, express, steamship, or telephone company, national bank, or any member or officer of any association or combination formed for the purpose of controlling the price of any article of commerce, usually known as "trusts," to hold the office of President of the United States, member of Cabinet, Senator, Representative in Congress, judge of any United States court or head of any Department or bureau of the Government. And the holding of such position in any of the corporations mentioned herein shall render their election or appointment to any of the offices specified null and void; and every such officer shall, upon entering the duties of his office, besides the usual oath, state under oath whether or not he is a director in any of the corporations specified; and if so, he shall not qualify. Immediately after the passage of this act all of the officers of the Government enumerated in this section, who are at the time holding office, shall also make like declaration under oath before such officer as would be qualified to administer the oath of their respective offices; and the terms of office of such as are directors in any of the corporations mentioned shall thereupon be vacated, so far as may be done without violating the constitutional rights of any citizen.

SEC. 9. That all acts or parts of acts inconsistent with the provisions herein named are hereby repealed.

APPENDIX.

THE REFERENDUM AND THE SWISS RAILROADS.

[From the American Monthly Review of Reviews for April, 1898.]

On Sunday, February 20, 1898, the people of Switzerland were called upon to decide whether they would become the owners of their railroads or whether these should remain in the hands of private companies. Throughout each Canton voting papers were distributed with this question upon them: "Will you accept the Federal law of October 15, 1897, for the purchase and administration of railways by the Federation and for the organization of Swiss Federal railways?" Opposite, as in our own ballot papers, was a space for the answer, "Yes" or "No," and the addition of any other word would invalidate the vote. Copies of the law were also distributed among the voters. The large majority answered in the affirmative, 384,148 voting for the bill, and less than half that number, only 177,130, against it.

As the result, the principal lines in Switzerland will in five years be the property of the nation. This is a very different result from that of a referendum which was held on the same question, but with reference to the lines of one railroad company only, six years ago, December 6, 1891, when 289,406 voted against and only 130,729 in favor of the acquisition of the Central Railway by the Federation. It has been a long business on the part of the advocates of State railroads in Switzerland to educate the people up to their views. The question is one of special importance to the whole country, for by its geographical position, far away from any sea front, with intercommunication between one part and another hampered by chains of mountains, it owes its commercial development to its railroad engineers, who have made it the highway of nations, and also the holiday ground for the wealthy of all countries. The lover of nature may give a shudder as he sees the black line creeping along the magnificent gorge, and even desecrating the regions of perpetual snow, but to those who live among the heights it means possibilities of development formerly unattainable, and to take it away would be to take away their livelihood. But the same physical features which make railroads specially important to the country make them also specially difficult to build and to finance, and hence the question of their public control, though it has been so much agitated, has been shirked until the present time.

'TIS FIFTY YEARS SINCE.

The idea was first put prominently forward in the debates on the constitution of 1848. It was then declared that article 23, providing that the Confederation may carry on at its own expense or may subsidize public works, and giving it to this end the right of expropriation with indemnity, has special reference to railroads, and it has been impossible since then for private companies to maintain in opposition to this their claims to undisturbed possession. It was even proposed at that time that the State should open up its own railroads. Our engineer, Stephenson, was consulted as to the practicability of such an enterprise and declared that it would be impossible, owing to the difficulty of construction, to estimate the expense beforehand, but he and other experts seem to have been strong in their condemnation of the extortions practiced by private companies elsewhere. The Federal Council and a committee of the National Council declared themselves in favor of State enterprise, the latter closing its report on the subject in May, 1852, with this stirring injunction: "Declare resolutely that the Swiss railroads shall be a national work, an indissoluble bond between our different populations, a fresh undertaking of a democracy full of life, an imposing monument of our new constitution." But the Federal Assembly could not face the risks of such a great undertaking; they would not even take partial liability and partial authority in the schemes of private companies, but put all responsibility on the shoulders of the cantonal governments, reserving to themselves only the right of refusing sanction to plans which threatened danger from a military point of view.

THE RAILROADS AND THE LAW.

Under the cantonal authority difficulties soon became manifest; the development of railroads soon proved to be an affair of much more than local importance; international questions entered in and caused complications; cantonal jealousies made it easy for the private companies to dictate their own terms; and then again when these went too far and became too dictatorial the Cantons refused even their reasonable requests, so that the companies appealed for protection against them. At last the Federal Government stepped

in, and in 1872 took back power into its own hands by the Federal law of 1872, which remains in force to the present day. By this act it provided for the enforcement of any breach of contract against the companies for the regular administration of postal, telegraph, and military communication and for the exercise of its authority in various other directions. The Federal Council (who correspond to a certain extent to our Cabinet) in their report at the time remained faithful to their old ambition for State control, which they had cherished from the beginning, and declared that if the companies failed to give satisfaction the next law should provide for their supersession by the State. Since then many subsidiary laws have been passed dealing with the railroad companies, such, for instance, as that of 1890, limiting the hours of work of their employees.

FIRST ATTEMPTS AT NATIONALIZATION.

Meanwhile the companies themselves had been gradually opening up the country amid all the ups and downs of fortune of which the State had fought shy. By the end of 1894 they had altogether lines to the extent of 3,544 kilometers, a capital of 1,182,258,354 francs, and had suffered losses amounting to 94,941,532 francs. Many of the companies which started independently had amalgamated, while small local lines, such as those objectionable funiculars up the mountain sides, remain unabsorbed. Great engineering feats had been accomplished, which were the wonder of the whole world, but they had entailed, as was foreseen, great risks, and the suffering and loss caused by failures and panics had been more severe in the case of private companies than they would have been if borne by the State. The extreme anxiety to make money had also blinded the companies to the interests of the people and had caused unnecessary waste and inconvenience. These things were noted by the watchful Federal Council, and in 1883 they tried to make use of the power which fell to them in that year to give notice that in 1888 the companies would be bought up by the State. But the financial basis of this arrangement was found to be unsound; the twenty-five years' purchase which the State was bound to pay amounted in the case of each company, except one, to more than its first value; and it was therefore decided that instead of taking over the property of the companies a law should be passed forcing them to keep their accounts in such a way as to form a fair basis for future purchase. Not discouraged by this failure, the Federal Council in 1887 put forward another attempt. It proposed to take over the lines of the Northeastern Company by friendly agreement, but received such cold support from the Chambers that it was obliged to break off negotiations. In 1890 the Federal Assembly took a step in advance by using powers which the Federal Council had legalized in 1857, and buying up so many shares in the Jura-Simplon Railway that they became entitled to a considerable voice in its management. At the same time they paved the way for the great move which they have now taken, and which has now been ratified by the people, for they made stipulations that the Confederation should have the right to buy up all the lines in May, 1903. This opportunity the Federal Council was determined not to let slip. Five years' notice was required for the purchase, and this accordingly falls due in the spring of this year in the case of five of the large companies, the St. Gothard being purchasable two years later. Meanwhile they made, as we have already seen, still another attempt in 1891, when they proposed to buy up the Central Railway Company, and were defeated at the referendum.

THE COUNCIL'S ARGUMENT.

On March 25 of last year the Federal Council sent a "message" to the Federal Assembly laying before them the proposed law which, with a few alterations, was circulated among the people before the vote, with details as to its financial issues, etc., and giving the history of the development of railroads in Switzerland and of former attempts at nationalization. They also devote a considerable space to arguments in favor of State control, among which we see all those which are so often urged among us, but with far less persistency and publicity. First and foremost they put the argument that, while a private company acts primarily in the interests of its shareholders, the State's first object is the convenience of the public. They lay down most stringently that, after paying the interest on the capital borrowed for the purchase, all profits shall go, not into the State funds, but into the improvement of the service, by increasing its efficiency and lowering the fares. They then show very clearly and practically the advantages to be gained by—

1. Unity of administration, involving saving of labor, simplification of bookkeeping, less expense in providing railroad plant, greater security of traffic. They lay down the principle of a "living wage" for their employees, and promise to carry out more fully than the companies have done the provisions as to limitation of hours and the arrangements for pensions and sick benefit which already exist.

2. The cheapening of transit, both for passengers and goods.

3. The establishing of a sinking fund for the redemption of the original capital.

4. Finally, the freedom from foreign influence which may creep in with foreign shareholders, and the entire distinctness of the railroad funds from those of the state, so that they may be devoted to improvement of the service.

STATE MANAGEMENT.

The financial basis of the arrangement had been settled in the former charters given to the companies as amended in 1883; the sum to be paid by the state is to be twenty-five times the average profits for the past ten years. The boards which shall have the management of the business under the state are to be constituted with a view both to continuity of action and also ample representation both of federal and cantonal interests. It is only the six largest companies which are to be taken over at first; the smaller ones can be safely left to local management for the present.

The plan thus carefully drawn up and explained by the Federal Council was under discussion in the chambers for several months last year. On October 15 it was finally accepted by them, and then followed the final agitation to bring the merits of the scheme before the people at large, which, as we know, has just now come to an overwhelmingly successful issue. We shall all watch with interest the further working of this measure which has been so long fought over, so often delayed, and which is of importance not only to the country which has adopted it, but to others to whom its success or failure will be a practical object lesson.

NOTE ON SWISS RAILWAY REFERENDUM IN THE DIRECT LEGISLATION RECORD.

Abstract of the federal law for the acquisition and management of railways by the Confederation, etc.

Article 1. The Confederation acquires and manages on its own account, under the name of "federal railways," all Swiss railways which are of great strategical or economic importance and whose acquisition will not cause too great expense. When it acquires, it may leave secondary lines in the hands of existing companies, and it may acquire accessory enterprises, such as steamboat lines.

2. The acquisition shall take place by means of redemption (purchase), according to federal legislation and the railway charters. (A list of roads is given which are to be immediately purchased.) The Federal Council is also authorized to purchase said roads at private sale.

3, 4–6. Minor regulations.

7. Funds for the purchase, construction, and operation of railways to be raised by issuing bonds, not to run over sixty years, or in any other convenient way, to be ratified by the Federal Assembly.

8. Regulations for keeping accounts of roads.

9–11. Effect on outstanding obligations of companies. Taxation of roads ceases.

12. Department of railways created.

13. Details of organization.

14–39. Continuation of the same.

40–41. Only Swiss to be employed on the roads. Employed only for term of three years, like other public servants.

42–47. Details of employment, pensions, and insurance for sickness.

48–50. Special and local provisions.

Decreed by the National Council October 15, 1897. Decreed by the Council of State October 15, 1897. Referendum demanded by 85,000 voters. Accepted Sunday, February 20, by a popular vote of 384,146 in favor to 177,130 against.

This was followed by the adoption of a bill in the National Council providing for State purchase at a figure approximating twenty-five times the average net earnings of the roads during the past decade. In other words, the Government assumes that the value of the roads is the sum upon which they have been yielding 4 per cent interest to their owners.

There will be no such scandals as occurred when the English Government bought out the telegraph companies, paying for some of them double their market value a few months before the purchase was formally proposed. In Switzerland such plundering of the public is, of course, impossible, as the terms of the purchase will have to be submitted to popular approval, and the general public in Switzerland has no disposition to enrich the security owners at its own expense. Representatives may thus sacrifice the public, but the public will not thus sacrifice itself.

The aggregate sum named for the purchase is $186,000,000. This will increase the public debt (now $15,000,000) from $5 per capita to $67; but, inasmuch as the public is now paying 4 per cent interest on the railway securities, and hereafter will have to pay only 3½ per cent on its own bonds covering them, there is a prospective decrease in the public burdens. Doubtless the present financial success of the Prussian state railway system has much to do with the strength of the movement for public ownership, but a still stronger impulse was the desire for uniformity of tariffs throughout the country, without discriminations between places or persons, and the cheapening of transportation for workingmen and persons of moderate means. These, as Herr von der Leyen says,

were the "first beneficial effects" of state ownership in Prussia, and they will doubtless be the first beneficial effects of the same system in Switzerland.

The following is the constitution of The Direct Legislation League, No. 1, of Philadelphia:

"ARTICLE I.

"The name of this organization shall be The Direct Legislation League, No. 1, of Philadelphia, State of Pennsylvania.

"ARTICLE II.

"The object of this league shall be the adoption of direct legislation through the initiative and referendum in local, State, and national affairs; also proportional representation and the imperative mandate.

* * * * * * *

"ARTICLE IV.

"There shall be no admission fee, dues, or assessments, the expenses to be defrayed by voluntary contributions.

"ARTICLE V.

"There shall be a president, vice-president, secretary, and treasurer, to be elected annually, and, as far as possible, these officers shall belong to different political parties. Any office in this league may be declared vacant at any time by a majority vote of the membership and a new election held. One person may act as secretary and treasurer.

"ARTICLE VI.

"This constitution may be amended at any meeting by a majority of the members present, provided a week's notice has been given of the proposed amendment.

"ARTICLE VII.

"This league shall not take action on any other issue than the expressed object named in this constitution."

NOTE.

Persons interested in the subject of direct legislation should address the Direct Legislation Record, Newark, N. J. (the official organ of the National Direct Legislation League), or Mr. Eltweed Pomeroy, president of the league, at same place.

I also give notice, Mr. Speaker, that at the proper time I shall move an amendment to the bill which is under consideration by which, instead of being optional with the States, it shall be mandatory upon them to elect Senators by direct vote of the people.

I trust, Mr. Speaker, that this measure, followed by others of like patriotic spirit, may soon be the law of the land. Then will the objects for which our Constitution was written be achieved: "To form a more perfect union, to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

[Mr. COCHRAN of Missouri addressed the House. See Appendix.]

[Mr. SMITH of Arizona addressed the House. See Appendix.]

Mr. RIDGELY. Mr. Speaker, I have an amendment which I wish to offer at the proper time; but in view of the fact that the time set for the calling of the previous question and the final vote is so near at hand, I will ask leave to print in the RECORD my remarks bearing on the amendment which I shall offer when too late to make remarks.

The SPEAKER pro tempore (Mr. STEELE). If there be no objection, the gentleman from Kansas will have leave to print remarks in the RECORD.

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, there seems to be no desire to debate this question further, and if it be agreeable to the gentleman from Michigan [Mr. CORLISS], I suggest that he now call the previous question and that we take a vote on my amendment.

Mr. MAHON. I had proposed to occupy some little time on this subject; but if there is a disposition to vote now, I will not detain the House.

Mr. CORLISS. I call for the previous question on the amendment and on the joint resolution to its passage.

Mr. SHAFROTH. Will that exclude the offering of other amendments?

The SPEAKER. It will.

Mr. SHAFROTH. I desire to offer an amendment.

Mr. TODD. I have also an amendment.

The SPEAKER. The previous question being moved, the Chair will have to put the question on ordering it.

Mr. SHAFROTH. It was understood that the vote would not be taken until half past 4 o'clock. There is one amendment now pending, and my amendment would not be relevant until that is disposed of.

The question being taken on ordering the previous question, it was agreed to; there being on a division (called for by Mr. SHAFROTH)—ayes 70, noes 61.

The question being taken on the amendment of Mr. UNDERWOOD, it was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER. The question is now on the passage of the joint resolution.

Mr. TODD. For the purpose of securing an opportunity to offer my amendment, I move that the bill be recommitted with instructions to insert the amendment which I send to the desk.

Mr. DINGLEY. As the Constitution requires a two-thirds vote on a proposition to amend the Constitution, I submit that on the passage of this joint resolution the yeas and nays must be taken.

The SPEAKER. The present question is on a motion to recommit. The Chair will hear the gentleman from Maine [Mr. DINGLEY] later on the point he suggests. The gentleman from Michigan [Mr. TODD] moves to recommit the joint resolution with instructions to insert the amendment which the Clerk will read.

The Clerk read as follows:

Strike out after "vote," in line 15, page 2, all to and including "people," in line 21, and insert: "United States Senators shall be elected in the several States at large by direct vote of the people."

Mr. UNDERWOOD. I call the attention of the gentleman from Michigan [Mr. TODD] to the fact that my amendment, already adopted, provides for a direct vote by the people, and therefore covers the same ground as the amendment of the gentleman from Michigan.

Mr. TODD. If the substance of this amendment has already been embodied in the joint resolution, I will not insist on my proposition.

The SPEAKER. Does the gentleman withdraw his motion?

Mr. TODD. Yes, sir.

Mr. RIDGELY. Mr. Speaker, since the gentleman has withdrawn his motion to recommit, I move to recommit with the instructions I send to the desk.

The SPEAKER. The Clerk will report the instructions proposed by the gentleman from Kansas.

The Clerk read as follows:

After the last line, add the following:

"That the following article be proposed to the legislatures of the several States as an amendment to take the place of section 9 of Article I of the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the States, shall stand in lieu of said original section and become a part of said Constitution:

"'Section 9 of Article I of the Constitution of the United States of America, amended as proposed by Congress and ratified by the legislatures of the several States, pursuant to the fifth article of the original Constitution.

"'SEC. 9. The privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it.'"

Mr. STEELE. Mr. Speaker, I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEELE. I desire to know if the previous question has not been ordered on the bill and amendments?

Mr. SIMPSON. But this is a motion to recommit.

The SPEAKER. This is to recommit with instructions. The Clerk will proceed with the reading.

Mr. QUIGG. Before that, Mr. Speaker, I ask if the instructions which have been read so far are in order? Would they have been in order as an amendment to the proposed article?

Mr. RIDGELY. This is not an amendment.

Mr. ARNOLD. It is not pertinent.

Mr. QUIGG. I make the point of order that this proposition, so far as it has been read, is not in order as an amendment to the bill.

Mr. RIDGELY. Mr. Speaker, I ask the Clerk to proceed with the reading, and then the Chair can rule upon the matter.

The SPEAKER. The full instructions will be read first.

The Clerk proceeded to read as follows:

No bill of attainder or ex post facto law shall be passed.

Congress may impose taxes on incomes, inheritances, corporations, corporate stocks and obligations, and estates of living persons, in excess of such exemptions as it shall deem reasonable, and may graduate the rate of taxation and impose higher rates per cent on large incomes, inheritances, and estates than on smaller ones.

Mr. STEELE (interrupting the reading). I make the point of order, Mr. Speaker, that this evidently is not in order.

The SPEAKER. The Chair thinks the point of order well taken. The question is on the passage of the bill.

The SPEAKER proceeded to submit the question.

Mr. POWERS. I submit, Mr. Speaker, that an amendment to the Constitution requires a vote by yeas and nays.

The SPEAKER. On what authority does the gentleman base that proposition?

Mr. POWERS. I will state to the Chair——

Mr. MERCER. Mr. Speaker, in order to avoid any confusion, I call for the yeas and nays. Why should we not have them?

The yeas and nays were ordered.

The question was taken; and there were—yeas 185, nays 11, answered "present" 10, not voting 149; as follows:

YEAS—185.

Acheson	Cousins,	Joy,	Powers,
Aldrich,	Cowherd,	Kelley,	Pugh,
Alexander,	Cox,	Kirkpatrick,	Rhea,
Allen,	Crump,	Kitchin,	Richardson,
Arnold,	Cummings,	Kleberg,	Ridgely,
Bailey,	Curtis, Iowa	Knowles,	Rixey,
Baker, Ill.	Curtis, Kans.	Lacey,	Robb,
Baker, Md.	Dalzell,	Lamb,	Robinson, Ind.
Ball,	Danford,	Landis,	Royse,
Barber,	Davenport,	Latimer,	Sayers,
Barham,	Davidson, Wis.	Lawrence,	Settle,
Barlow,	Dayton,	Lentz,	Shafroth,
Barney,	De Graffenreid,	Lewis, Wash.	Showalter,
Bartholdt,	De Vries,	Linney,	Simpson,
Beach,	Dingley,	Little,	Slayden,
Belknap,	Dinsmore,	Livingston,	Smith, Ill.
Bell,	Dockery,	Lloyd,	Southard,
Berry,	Eddy,	Loudenslager,	Spalding,
Bingham,	Ellis,	Love,	Stark,
Bishop,	Fenton,	McCleary,	Steele,
Bland,	Fischer,	McCulloch,	Stephens, Tex.
Botkin,	Fitzgerald,	McEwan,	Stevens, Minn.
Boutelle, Me.	Fleming,	McRae,	Stewart, N. J.
Bradley,	Fletcher,	Maddox,	Stokes,
Brenner, Ohio	Foss,	Mahon,	Stone, C. W.
Broderick,	Fowler, N. J.	Mann,	Strode, Nebr
Bromwell,	Fox,	Marsh,	Sullivan,
Brown,	Gardner,	Maxwell,	Sutherland,
Brownlow,	Gibson,	Meekison,	Talbert,
Brucker,	Graff,	Mercer,	Terry,
Brumm,	Greene,	Meyer, La.	Thorp,
Brundidge,	Griffin,	Miers, Ind.	Tongue,
Burke,	Grout,	Minor,	Underwood,
Burton,	Grow,	Morris,	Updegraff,
Butler,	Gunn,	Mudd,	Vandiver,
Capron,	Hager,	Northway,	Vehslage,
Castle,	Hamilton,	Norton, Ohio	Vincent,
Catchings,	Hartman,	Norton, S. C.	Wadsworth,
Clardy,	Hay,	Ogden,	Warner,
Clarke, N. H.	Heatwole,	Olmsted,	Weymouth,
Clayton,	Henry, Miss.	Osborne,	Wheeler, Ky.
Cochran, Mo.	Henry, Tex.	Otey,	Williams, Miss.
Connolly,	Hilborn,	Otjen,	Wilson,
Cooney,	Hooker,	Parker, N. J.	Zenor.
Cooper, Tex.	Howe,	Perkins,	
Cooper, Wis.	Howell,	Peters,	
Corliss,	Jones, Wash.	Pitney,	

NAYS—11.

Adams,	Hill,	Lovering,	Russell,
Boutell, Ill.	Hurley,	Low,	Sperry.
Henry, Conn.	Lester,	Odell,	

ANSWERED "PRESENT"—10.

Bankhead,	Evans,	Handy,	Todd.
Bartlett,	Griffith,	Hepburn,	
Codding,	Griggs,	Lanham,	

NOT VOTING—149.

Adamson,	Elliott,	McAleer,	Skinner,
Babcock,	Ermentrout,	McCall,	Smith, Ky.
Baird,	Faris,	McClellan,	Smith, S. W.
Barrett,	Fitzpatrick,	McCormick,	Smith, Wm. Alden
Barrows,	Foote,	McDonald,	Snover,
Belden,	Fowler, N. C.	McDowell,	Southwick,
Belford,	Gaines,	McEntire,	Sparkman,
Benner, Pa.	Gillet, N. Y.	McMillin,	Sprague,
Bennett,	Gillett, Mass.	Maguire,	Stallings,
Benton,	Grosvenor,	Mahany,	Stewart, Wis.
Bodine,	Harmer,	Marshall,	Stone, W. A.
Booze,	Hawley,	Martin,	Strait,
Brantley,	Hemenway,	Mesick,	Strowd, N. C.
Brewer,	Henderson,	Miller,	Sturtevant,
Brewster,	Henry, Ind.	Mills,	Sulloway,
Brosius,	Hicks,	Mitchell,	Sulzer,
Broussard,	Hinrichsen,	Moody,	Swanson,
Bull,	Hitt,	Moon,	Tate,
Burleigh,	Hopkins,	Newlands,	Tawney,
Campbell,	Howard, Ala.	Overstreet,	Tayler, Ohio
Cannon,	Howard, Ga.	Packer, Pa.	Taylor, Ala.
Carmack,	Hull,	Payne,	Van Voorhis,
Chickering,	Hunter,	Pearce, Mo.	Walker, Mass.
Clark, Iowa	Jenkins,	Pearson,	Walker, Va.
Clark, Mo.	Jett,	Pierce, Tenn.	Wanger,
Cochrane, N. Y.	Johnson, Ind.	Prince,	Ward,
Colson,	Johnson, N. Dak.	Quigg,	Weaver,
Connell,	Jones, Va.	Ray,	Wheeler, Ala.
Cranford,	Kerr,	Reeves,	White, Ill.
Crumpacker,	Ketcham,	Robbins,	White, N. C.
Davey,	King,	Robertson, La.	Wilber,
Davis,	Knox,	Sauerhering,	Williams, Pa.
Davison, Ky.	Kulp,	Shannon,	Wise,
De Armond,	Lewis, Ga.	Shattuc,	Yost,
Dolliver,	Littauer,	Shelden,	Young.
Dorr,	Lorimer,	Sherman,	
Dovener,	Loud,	Shuford,	
Driggs,	Lybrand,	Sims,	

So (two-thirds having voted in favor thereof) the joint resolution was adopted.

Mr. LANHAM. Mr. Speaker, I ask that the gentleman from Florida, Mr. DAVIS, be excused on account of sickness.

The SPEAKER. Without objection, the gentleman will be excused.

There was no objection.

Mr. LANHAM. And further, Mr. Speaker, I desire to state that I am paired on this vote with the gentleman from Massachusetts, Mr. MCCALL. If he were present, I should vote "aye."

Mr. GRIGGS. Mr. Speaker, I am paired on this vote with the gentleman from New York, Mr. FOOTE, but not knowing how he would vote, I prefer to withdraw mine, having voted "aye."

Mr. ADAMSON. Mr. Speaker, I desire to ask if the gentleman from Pennsylvania, Mr. WANGER, answered on this vote? I am paired with him. If he were present, I should vote "aye." I have voted, but as I do not know how he would vote, I prefer to withdraw mine.

Mr. BARTLETT. Mr. Speaker, I voted "aye." I see that the gentleman from Ohio, Mr. TAYLER, has not voted. I am paired with him, and though I am under the impression that he would vote as I do, I prefer to withdraw mine, not being positive as to his wishes in the matter.

Mr. TODD. I am paired with the gentleman from Michigan, Mr. SHELDEN. If he were present, I would vote "aye."

Mr. MANN. Mr. Speaker, I am paired with my colleague, Mr. JETT, who, if present, would vote "aye;" and hence I have voted "aye" on this question.

The Clerk announced the following pairs:

Until further notice:

Mr. HENDERSON with Mr. MCMILLIN.

Mr. WM. ALDEN SMITH with Mr. STROWD of North Carolina.

Mr. VAN VOORHIS with Mr. MCDOWELL.

Mr. DOVENER with Mr. SPARKMAN.

Mr. MILLS with Mr. MCCORMICK.

Mr. TAWNEY with Mr. SIMS.

Mr. HICKS with Mr. BANKHEAD.

Mr. BENNETT with Mr. GAINES.

Mr. SOUTHWICK with Mr. STRAIT.

Mr. STURTEVANT with Mr. SLAYDEN.

Mr. CHICKERING with Mr. DE ARMOND.

Mr. ROBBINS with Mr. MOON.

Mr. BELDEN with Mr. SULZER.

Mr. BULL with Mr. BENNER of Pennsylvania.

Mr. CODDING with Mr. JONES of Virginia.

Mr. SHATTUC with Mr. DAVEY.

Mr. COLSON with Mr. SMITH of Kentucky.

Mr. COCHRANE of New York with Mr. BODINE.

Mr. WARD with Mr. BERRY.

Mr. WANGER with Mr. ADAMSON.

Mr. JOHNSON of North Dakota with Mr. SWANSON.

Mr. MITCHELL with Mr. MAGUIRE.

Mr. HEPBURN with Mr. CARMACK.

Mr. WILLIAM A. STONE with Mr. MCCLELLAN.

Mr. FOOTE with Mr. GRIGGS.

Mr. SAUERHERING with Mr. MCALEER.

Mr. HENRY of Indiana with Mr. GRIFFITH.

Mr. BROSIUS with Mr. ERMENTROUT.

Mr. MANN with Mr. JETT.

Mr. HOPKINS with Mr. TATE.

Mr. SHELDEN with Mr. TODD.

Mr. BARRETT with Mr. MARSHALL.

Mr. MAHANY with Mr. BAIRD.

Mr. WHITE of Illinois with Mr. CAMPBELL.

Mr. LYBRAND with Mr. LENTZ.

Mr. PRINCE with Mr. HINRICHSEN.

Mr. FARIS with Mr. CLARK of Missouri.

Mr. TAYLER of Ohio with Mr. BARTLETT.

For this day:

Mr. JOHNSON of Indiana with Mr. PIERCE of Tennessee.

Mr. SAMUEL W. SMITH with Mr. DAVIS.

Mr. DAVENPORT with Mr. FITZPATRICK.

Mr. BURLEIGH with Mr. DRIGGS.

Mr. YOUNG with Mr. BENTON.

Mr. MCCALL with Mr. LANHAM.

Mr. LINNEY with Mr. JENKINS.

Mr. MESICK with Mr. LEWIS of Georgia.

Mr. SPRAGUE with Mr. FITZGERALD.

Mr. HARMER with Mr. HOWARD of Georgia.

Mr. SHERMAN with Mr. CRANFORD.

Mr. JOY with Mr. KING.

Mr. REEVES with Mr. BRANTLEY.

Mr. KETCHAM with Mr. ROBERTSON of Louisiana.

On this question:

Mr. GROSVENOR with Mr. EVANS.

Mr. SWANSON. Mr. Speaker, I am paired with Mr. JOHNSON of North Dakota. I do not know how he would vote, but if he were present, I would vote "aye."

Mr. BANKHEAD. I am paired with the gentleman from Pennsylvania, Mr. HICKS. I withdraw my vote. If he were present, I would vote "aye."

Mr. HEPBURN. I learn that I am paired with the gentleman from Tennessee, Mr. CARMACK. I supposed that that pair was for last week, but I withdraw my vote. If he were present, I should vote "aye."

Mr. HILL. Mr. Speaker, I make the point of order that to pass this proposition it requires two-thirds of the membership of both Houses, not two-thirds of the members present, under the language of the Constitution. While I suppose it has been ruled on heretofore, I should like to call the attention of the Chair to the language of the Constitution and to the somewhat anomalous position in which we will be put if this proposition is declared carried by less than two-thirds of the members of both Houses.

The SPEAKER. Has the gentleman any authority for his contention?

Mr. HILL. I have simply the Constitution of the United States. With the permission of the Chair I should like to read it:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments.

Now, I wish to call attention to the fact that if two-thirds of a quorum of the House can take this action, it puts us in the somewhat singular position that whereas under the Constitution, as I read it casually, 214 members would be required, under the present aspect of the case, if my contention is overruled, 120 members, barely six or seven States in the Union, can pass a resolution which, if the action was taken directly by the States, would unquestionably require two-thirds of the States; and it hardly seems to me that it was intended that the language should be so construed. I submit the point of order so that there may be a ruling upon it.

Mr. GROW. It is two-thirds of the House, and the House is a majority of the members chosen. That makes a House of Representatives. Two-thirds of the House, then, is two-thirds of that number, and there is nothing in the Constitution which requires it to be done by a greater number. The House is a majority of the House-elect. It does not say "two-thirds of all the members." That language is not used anywhere in the Constitution.

Mr. HILL. I submit that for the transaction of its own business two-thirds of the House means two-thirds of a quorum, but for an amendment to the Constitution a two-thirds vote of the entire membership is required, and for the election of a President the rule distinctly provides that two-thirds of all the States shall constitute a quorum, and I submit that there is a marked difference between the proposition whether the House is transacting its own business or proposing an amendment to the Constitution.

Mr. GROW. Mr. Speaker, another mistake of the gentleman! The State has only one vote. It can not be divided. It is a numeral. Two-thirds of the States would mean two-thirds of the numerals. That is no comparison to the House of Representatives, which is composed of individual members.

One hundred and seventy-nine members constitute the House of Representatives to-day, if there is no vacancy by death. A majority of that number can pass anything, except where two-thirds are required, and the Constitution simply requires in this case two-thirds instead of a majority. And that is the only difference.

Mr. HILL. In reply to that I would say that New York, Pennsylvania, Ohio, Illinois, Michigan, and one or two other States, on their own account, under this construction, may propose an amendment to the Constitution which, if the States themselves proposed it, would require two-thirds of all the States of the Union. I do not believe that it was intended that such a construction should be put upon that section of the Constitution.

Mr. BRUMM. Upon the same proposition, States having no more population than Pennsylvania and New York could pass no act. That is an answer to your proposition.

Mr. LACEY. I would suggest that the same identical language applies where it is a question of passing a bill over the veto of the President—it takes a vote of two-thirds of the House to pass the bill.

Mr. HILL. I claim that that would be an entirely different proposition and one relating to Congressional action only.

Mr. LACEY. It takes two-thirds of a quorum.

Mr. BAILEY. Mr. Speaker——

The SPEAKER. The gentleman from Connecticut has the floor.

Mr. BAILEY. The gentleman from Connecticut had resumed his seat and the gentleman from Iowa has occupied the floor.

The SPEAKER. Does the gentleman from Texas desire to be recognized?

Mr. BAILEY. I do. I simply desire to call the attention of the Chair to the fact that the section relating to the passage of bills over the President's veto has been interpreted, and the language in the two cases, as the gentleman from Iowa has suggested, is almost identical, the expression being in one case "two-thirds of both Houses" and in the other case "two-thirds of that House;" and the decision in the Senate was that the constitutional requirement was fulfilled whenever two-thirds of those present—a quorum, of course, being required to be present—had voted to pass the bill over a President's veto.

The reasoning here is even stronger than it is in the other case. In that case the Constitution requires the vote to be taken by yeas and nays. In this instance there is no such requirement; but if upon a vote in the House nobody demanded a division, and in the judgment of the Chair two-thirds had voted in favor thereof, the Chair might so declare, just as the Chair does in passing bills under a suspension of the rules; or, if some gentleman demanded a division, the members rose and were counted, and two-thirds, by the Speaker's count, voted in the affirmative, that would pass a constitutional amendment. If there can be any difference between the adoption of a resolution amending the Constitution and passing a bill over the President's veto, the case is stronger in the case of the President's veto.

The first decision was on the passage of a river and harbor bill over the veto of President Pierce. The gentlemen who contended for the view that two-thirds of a quorum only were necessary were led by Senator Benjamin, of Louisiana. So far as I am concerned, I have never been fully satisfied with the reasoning of that debate. I believe if it were a new question it would require two-thirds of the entire membership, because in other cases where two-thirds is required the Constitution adds "of those present." In the case of an impeachment a civil officer can not be convicted except by a vote of "two-thirds of those present." In the case of the ratification of a treaty the Constitution makes it valid by the votes of "two-thirds of those present."

The fact that the Constitution uses the words "of those present" in some instances and does not use them in other instances would seem to indicate that its framers wished to apply a different rule. But it would be exceedingly unfortunate to have a different construction of the Constitution upon provisions so nearly alike, and exceedingly unfortunate to have one rule of construction prevail in the Senate and another prevail in the House. After that construction had been adopted and a Senate bill came to this House and is passed by a vote of two-thirds of those present and became a law without any further question. And if it be true that under that provision by a two-thirds vote we can pass a bill over the President's veto, then two-thirds can adopt a resolution amending the Constitution.

Mr. HILL. The difference between the two cases is plain. Where Congress initiates and carries forward its own work, it does it under its own rules, and two-thirds of the House means two-thirds of a quorum. But the Constitution submits an alternative proposition that an amendment may be proposed by two-thirds of the States acting for themselves or by two-thirds of the Representatives of all the States acting through Congress. Now, it seems to me that it could hardly be that a small number of the States of the Union through their Representatives could do a thing which requires two-thirds of all the States to do directly. I think that there is a difference between the two propositions; and in order that we might have a ruling upon it, I raise the point of order.

The SPEAKER. The question is one that has been so often decided that it seems hardly necessary to dwell upon it. The provision of the Constitution says "two-thirds of both Houses." What constitutes a House? A quorum of the membership, a majority, one-half and one more. That is all that is necessary to constitute a House to do all the business that comes before the House. Among the business that comes before the House is the reconsideration of a bill which has been vetoed by the President; another is a proposed amendment to the Constitution; and the practice is uniform in both cases that if a quorum of the House is present the House is constituted, and two-thirds of those voting are sufficient in order to accomplish the object. It has nothing to do with the question of what States are present and represented, or what States are present and vote for it. It is the House of Representatives in this instance that votes and performs its part of the function. If the Senate does the same thing, then the matter is submitted to the States directly, and they pass upon it.

The first Congress, I think, had about 65 members, and the first amendment that was proposed to the Constitution was voted for by 37 members, obviously not two-thirds of the entire House. So the question seems to have been met right on the very threshold of our Government and disposed of in that way.

The result of the vote was then announced as above recorded.

On motion of Mr. CORLISS, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, had agreed to the conference asked by the House of Representatives, and had appointed Mr. QUAY, Mr. ALLISON, and Mr. FAULKNER as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolution (H. Res. 245) declaring the lands

within the former Mille Lac Indian Reservation, in Minnesota, to be subject to entry under the land laws of the United States.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution No. 38, providing for the printing of extra copies of report on the Alaskan gold fields and the opportunities they offer for capital and labor.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in paper covers 20,000 extra copies of the Bulletin of the Department of Labor for May, 1898, containing a report on the Alaskan gold fields and the opportunities they offer for capital and labor, 6,500 copies for the use of the House of Representatives, 3,500 copies for the use of the Senate, and 10,000 copies for the use of the Department of Labor.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On May 5, 1898:

H. R. 8602. An act for the relief of Charlotte J. Gottwals from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

H. R. 409. An act to prevent the adulteration of candy in the District of Columbia;

H. R. 5457. An act for the relief of Robert Kennish; and

H. R. 1263. An act for the relief of John Fox.

On May 7, 1898:

H. R. 269. An act to amend section 9 of an act entitled "An act to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes;"

H. R. 8738. An act for the survey of the pass leading from the Gulf of Mexico into Horn Island Harbor, Mississippi, and a survey of said harbor;

H. R. 5511. An act granting to the Chattanooga Rapid Transit Company the right to cross with its track the Dry Valley road to the Chickamauga and Chattanooga National Park;

H. R. 7441. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 2307. An act to correct the naval history of John C. Dull;

H. R. 8770. An act to repeal chapter 164, laws of 1871, approved March 3, 1871, being an act entitled "An act granting a pension to Hiram R. Rhea;

H. R. 7793. An act to increase the pension of Susan Brownlow Boynton;

H. R. 3025. An act increasing the pension of William S. Demott;

H. R. 983. An act to grant an increase of pension to Nathaniel Haughton;

H. Res. 149. Joint resolution directing the Secretary of War to submit plans and estimates for the proposed improvement of Hillsboro Bay, Florida, from its confluence with Tampa Bay, through Hillsboro Bay and River, to the city of Tampa;

H. Res. 119. Joint resolution for the improvement of Humboldt Harbor, California;

H. R. 2203. An act granting a pension to George G. Vogel;

H. R. 5105. An act granting a pension to Margaret H. Townsend;

H. R. 1018. An act granting a pension to Sarah E. Ingham;

H. R. 4979. An act granting a pension to Charles A. Foster;

H. R. 2850. An act granting a pension to Sarah Spangler;

H. R. 3326. An act granting a pension to Thomas S. Hancox;

H. R. 7628. An act granting a pension to Catherine Wiltse;

H. R. 1547. An act granting a pension to Sarah E. Daub;

H. R. 7554. An act granting a pension to William Iott;

H. R. 3185. An act granting a pension to Lovezila L. Patterson;

H. R. 8819. An act granting a pension to Gemima Millsap;

H. R. 4143. An act granting a pension to Elizabeth Holt;

H. R. 7501. An act granting a pension to Daniel J. Melvin;

H. R. 863. An act granting a pension to Francis Shetais, alias Frank Stay;

H. R. 711. An act granting a pension to Anna M. Tate;

H. R. 7482. An act granting a pension to Eliza B. Lowry;

H. R. 4435. An act to pension Gratia H. Martin;

H. R. 2078. An act to pension Laura E. Davenport;

H. R. 1944. An act to grant a pension to Sarah A. Blazer;

H. R. 1039. An act to grant a pension to Samuel L. Busick;

H. R. 1442. An act granting an increase of pension to John W. Channing;

H. R. 2154. An act granting an increase of pension to A. V. Bloodgood;

H. R. 7523. An act granting an increase of pension to Mary Speier;

H. R. 3362. An act granting an increase of pension to Bolivar J. Pridgen;

H. R. 7783. An act granting an increase of pension to Elizabeth Rogers;

H. R. 7165. An act granting an increase of pension to Alphonso Freeman;

H. R. 2118. An act granting an increase of pension to Lucy Ord Mason;

H. R. 7855. An act granting an increase of pension to Elizabeth Connelly;

H. R. 2259. An act granting an increase of pension to Joseph Monteith;

H. R. 747. An act granting an increase of pension to Lovenia Bayles;

H. R. 1855. An act granting an increase of pension to David C. Waring;

H. R. 93. An act granting an increased pension to Isaiah F. Force;

H. R. 1387. An act to increase the pension of Victor Beauboucher; and

H. R. 8515. An act to increase the pension of William H. Savage.

On May 9, 1898:

H. R. 6468. An act authorizing the Supreme Lodge of the Knights of Pythias to erect and maintain a sanitarium and bath-house on the Government reservation at the city of Hot Springs, Ark.

On May 10, 1898:

H. Res. 260. Joint resolution tendering the thanks of Congress to Commodore George Dewey, United States Navy, and to the officers and men of the squadron under his command.

On May 11, 1898:

H. R. 1595. An act to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4556. An act to suspend certain provisions of law relating to hospital stewards in the United States Army, and for other purposes—to the Committee on Military Affairs.

S. 4554. An act to authorize the establishment of post-offices at military posts or camps—to the Committee on the Post-Office and Post-Roads.

S. R. 83. Joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

ANNIE N. LEWIS.

Mr. ODELL. Mr. Speaker, I present the resolution which I send to the Clerk's desk and ask for its present consideration. It is from the Committee on Accounts, and that committee recommend its passage.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to Annie N. Lewis, widow of Herman L. Lewis, deceased, late a messenger in the post-office of the House of Representatives, a sum equal to his salary for six months, and that he be further directed to pay, out of the contingent fund of the House, the expenses of the funeral of the said Herman L. Lewis, said expenses not to exceed the sum of $150.

The resolution was agreed to.

On motion of Mr. ODELL, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

LEAVE TO PRINT.

Mr. CORLISS. Mr. Speaker, at the request of some members, I ask unanimous consent that leave be granted for five days to print remarks upon the joint resolution just passed.

There was no objection.

EULOGIES ON THE LATE SENATOR GEORGE.

Mr. CATCHINGS. Mr. Speaker, I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Saturday, May 21, 1898, be set apart for paying tribute to the memory of Hon. JAMES Z. GEORGE, late a Senator from the State of Mississippi.

The resolution was agreed to.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion, the Speaker laid before the House the following personal requests, which were granted:

To Mr. BISHOP, leave of absence for one week, on account of important business.

To Mr. MILLER, leave of absence for five days, on account of important business.

The motion of Mr. DINGLEY was then agreed to; and accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. F. Taylor, administrator of Solomon Taylor, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Assistant Secretary of War, requesting the withdrawal of that portion of a communication of the 6th instant requesting the temporary suspension of the civil-service act as relating to certain civilian employees in the War Department—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HICKS, from the Committee on Patents, to which was referred the bill of the House (H. R. 7015) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights, reported the same with amendment, accompanied by a report (No. 1289); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10378) imposing a license tax upon proprietors of merry-go-rounds or other mechanical devices operated or exhibited for purposes of public amusement for gain, and for other purposes, in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1291); which said bill and report were referred to the House Calendar.

Mr. CHARLES W. STONE, from the Committee on Private Land Claims, to which was referred House bill 8848, reported in lieu thereof a bill (H. R. 10290) to amend "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 13, 1891, and the act amendatory thereto, approved February 21, 1893, accompanied by a report (No. 1292); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CONNOLLY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8279) to amend the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, reported the same with amendment, accompanied by a report (No. 1293); which said bill and report were referred to the House Calendar.

Mr. BERRY, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the House (H. Res. 198) asking for estimates for the improvement of Upper Machodoc Creek, in King George County, Va., reported the same with amendment, accompanied by a report (No. 1295); which said resolution and report were referred to the House Calendar.

Mr. GARDNER, from the Committee on Labor, to which was referred the bill of the House (H. R. 9334) to protect free labor from prison competition, reported the same with amendment, accompanied by a report (No. 1299); which said bill and report were referred to the House Calendar.

Mr. HOOKER, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the House (H. Res. 180) for the improvement of Queenstown Channel, Queen Anne County, Md., reported the same with amendment, accompanied by a report (No. 1300); which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the House (H. Res. 195) calling upon the Secretary of War for information concerning the port of Sabine Pass, reported the same without amendment, accompanied by a report (No. 1301); which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the House (H. Res. 185) for improvement of the harbor at Manitowoc, Wis., reported the same without amendment, accompanied by a report (No. 1302); which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 2374) authorizing the Secretary of the Treasury to issue a duplicate bond to Benjamin H. March, guardian of Ruth March, reported the same with amendment, accompanied by a report (No. 1286); which said bill and report were referred to the Private Calendar.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3105) to correct the military record of Peter Buckley, reported the same without amendment, accompanied by a report (No. 1287); which said bill and report were referred to the Private Calendar.

Mr. HICKS, from the Committee on Patents, to which was referred the bill of the House (H. R. 9748) for the relief of I. T. Thrash, of Spalding County, Ga., reported the same without amendment, accompanied by a report (No. 1288); which said bill and report were referred to the Private Calendar.

Mr. FENTON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7375) to correct the military record of Eli Stairs, reported the same without amendment, accompanied by a report (No. 1290); which said bill and report were referred to the Private Calendar.

Mr. BOTKIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2247) granting a pension to Charles E. Mann, reported the same with amendment, accompanied by a report (No. 1294); which said bill and report were referred to the Private Calendar.

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6645) to increase the pension of Theodore W. Cobia, reported the same without amendment, accompanied by a report (No. 1296); which said bill and report were referred to the Private Calendar.

Mr. STRODE of Nebraska, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8861) granting an increase of pension to George H. Givens, reported the same with amendment, accompanied by a report (No. 1297); which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. McEWAN, from the Committee on Claims, to which was referred the bill of the House (H. R. 1810) for the relief of Charles T. Brant, reported the same adversely, accompanied by a report (No. 1298); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8978) to relieve Owen McCaffery from the charge of desertion—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 8979) to relieve John Murtuck from the charge of desertion—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 5993) for the relief of the legal representatives of Elizabeth J. Withers, deceased, late of Canton, in the State of Mississippi—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 10258) for the relief of Emmart Dunbar & Co., on account of work done by said firm for the District of Columbia—Committee on Claims discharged, and referred to the Committee on the District of Columbia.

A bill (H. R. 9971) granting a pension to Elder H. Kinney—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A resolution (House Res. No. 152) for the relief of Samuel Lee—Committee on Accounts discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WALKER of Massachusetts: A bill (H. R. 10289) to provide for strengthening the public credit, for the relief of the United States Treasury, and for the amendment of the laws relating to national banking associations—to the Committee on Banking and Currency.

By Mr. MARSH (by request): A bill (H. R. 10291) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes—to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 10292) to codify the laws relating to pensions—to the Committee on Revision of the Laws.

By Mr. CURTIS of Iowa: A bill (H. R. 10293) to incorporate the East Washington Heights Traction Railroad Company, in

the District of Columbia—to the Committee on the District of Columbia.

By Mr. BABCOCK: A bill (H. R. 10294) relative to the control of wharf property and certain public spaces in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SULZER: A joint resolution (H. Res. 264) authorizing the President to accept a regiment of riflemen from the State of New York—to the Committee on Military Affairs.

By Mr. DINGLEY: A concurrent resolution (House Con. Res. No. 31) providing for the printing of all of the acts, as they appear in the United States Statutes, heretofore passed by Congress imposing duties on imports—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 10295) granting a pension to Mary Leonard, formerly Marie Tebe—to the Committee on Invalid Pensions.

By Mr. BARNEY: A bill (H. R. 10296) to correct the military record of Thomas Condon—to the Committee on Military Affairs.

By Mr. BEACH: A bill (H. R. 10297) granting an increase of pension to Lewis R. Armstrong—to the Committee on Invalid Pensions.

By Mr. CALLAHAN: A bill (H. R. 10298) granting a pension to J. M. Kensinger—to the Committee on Invalid Pensions.

By Mr. GREENE: A bill (H. R. 10299) granting a pension to Mary A. Harding, widow of Capt. Joseph W. Harding, at $30 per month—to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 10300) granting a pension to Theodore Bach—to the Committee on Invalid Pensions.

By Mr. HILBORN: A bill (H. R. 10301) granting a pension to Florence V. Donnelly—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 10302) granting an increase of pension to William E. Austin—to the Committee on Invalid Pensions.

By Mr. RIDGELY: A bill (H. R. 10303) granting a pension to M. V. Strine—to the Committee on Invalid Pensions.

By Mr. RIXEY (by request): A bill (H. R. 10304) of Thomas and Savilla Denton Sherman for reference to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 10305) for the relief of the estate of J. R. Perry, deceased, late of Stafford County, Va.—to the Committee on War Claims.

By Mr. TONGUE: A bill (H. R. 10306) for relief of B. F. Tupper—to the Committee on Claims.

By Mr. MUDD (by request): A bill (H. R. 10307) to increase the pension of Edward Kossach—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the councils of the city of McKeesport, Pa., concerning the Post-Office appropriation bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BARNEY: Petition of Oliver Haslee and 35 other citizens of the State of Wisconsin, in favor of a law compelling all railroads engaged in interstate commerce to sell tickets at 2 cents per mile—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL: Petition of A. E. Nathan & Co. and 19 citizens of Pueblo, Colo., against the passage of the anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM: Resolutions of Division No. 29, of Philadelphia, Pa., Ancient Order of Hibernians, protesting against certain provisions of the Lacey Alaska bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. BROWNLOW: Petitions of citizens of Fullens, Russellville, and Mohawk, Tenn., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Petition of the Advent Christian Church and Primitive Methodist Church, of Pascoag, R. I., in favor of the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Advent Christian Church and Primitive Methodist Church, of Pascoag, R. I., for the passage of a bill to raise the age of protection for girls—to the Committee on the Territories.

Also, petition of the Advent Christian Church and Primitive Methodist Church, of Pascoag, R. I., against the sale of intoxicants in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. CODDING: Petition of the Young People's Christian Union of the Universalist Church of Gibson, Pa., for the passage of a bill to forbid the sale of intoxicating beverages in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. CONNELL: Petitions of the Christian Endeavor Society of Washburn Street Presbyterian Church and vestry of Grace Reformed Episcopal Church, of Scranton, Pa., in favor of the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Christian Endeavor Society of Washburn Street Presbyterian Church, of Scranton, Pa., in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. ELLIS: Petition of the Oregon Conference of the United Evangelical Church, of Portland, Oreg., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Oregon Conference of the United Evangelical Church, of Portland, Oreg., for the passage of a bill forbidding the sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. GREENE: Papers to accompany House bill granting a pension to Mary A. Harding—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of the Woman's Christian Temperance Union of Chester, Vt., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Chester, Vt., against the sale of intoxicants in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HARTMAN: Petition of the Woman's Christian Temperance Union of Miles City, Mont., in favor of the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, resolutions of Butte City Division, No. 294, of Butte City, Mont., Order of Railway Conductors, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petitions of the Woman's Christian Temperance Union and Emanuel Church, of Polo, and Memorial Church, of Forreston, Ill., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Young Men's Christian Association and Emanuel Church, of Polo, and Memorial Church, of Forreston, Ill., to prohibit the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Emanuel Church and Wednesday Club Literary Society, of Polo, and Memorial Church, of Forreston, Ill., to raise the age of protection for girls to 18 years and to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph—to the Committee on the Judiciary.

By Mr. HOPKINS: Petitions of the Catholic Order of Foresters, St. Nicholas Court, No. 171, and Aurora Rheinlander Verein, of Aurora, Ill., protesting against the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Congregational Church and House of Hope Presbyterian Church, of Elgin, Ill., and Woman's Christian Temperance Union of Mazon, Ill., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Woman's Christian Temperance Union of Mazon, Swedish Lutheran Young People's Society of Christian Endeavor and Sunday school of the Congregational Church of St. Charles, the Methodist Episcopal and Congregational churches and citizens of Elgin, Ill., in favor of the passage of the Broderick bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories and the bill to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petitions of the Young People's Society of Christian Endeavor and Sunday school of the Congregational Church of St.

Charles, Ill., and the Woman's Christian Temperance Union of Mazon, Grundy County, Ill., against the sale of intoxicants in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. HURLEY: Resolutions of the Brooklyn (N. Y.) War Veterans and Sons' Association, in relation to Senate bill No. 3256 and House bill No. 6086, asking for the modification of the civil-service law—to the Committee on Reform in the Civil Service.

Also, resolutions of the Chamber of Commerce of New York City, in favor of the passage of Senate bill No. 753, for the establishment of an international American bank—to the Committee on Banking and Currency.

Also, resolutions of the Chamber of Commerce of New York, protesting against the proposed tonnage tax embodied in the war-revenue bill—to the Committee on Ways and Means.

By Mr. JONES of Washington: Resolutions of the Trades Council of Spokane, Wash., in favor of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. JOY: Petition of the Glasgow Avenue Presbyterian Church and its Ladies' Aid Society, of St. Louis, Mo., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. KELLEY: Petition of the Temperance Club of St. Lawrence, S. Dak., to prohibit the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. McCLEARY: Letter of P. J. O. Carrier, of Minneapolis, Minn., as president of Local Union No. 7, Brotherhood of Carpenters and Joiners, in favor of the passage of a bill establishing postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. McDONALD: Paper to accompany House bill No. 10285, to increase the pension of Mazie V. Sullivan, of Washington, D. C.—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of Lake Woman's Christian Temperance Union, of Chicago, Ill., for the passage of a bill to raise the age of protection for girls—to the Committee on the District of Columbia.

Also, petitions of the Woman's Christian Temperance Union of South Evanston, Ill., favoring the enactment of legislation to protect State anti-cigarette laws and to forbid the interstate transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of South Evanston, Ill., for the passage of a bill forbidding the sale of liquor in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. MARSH: Protest of 24 citizens of Colchester, Ill., against the passage of Senate bill No. 2736, to establish a Government insurance department—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the faculty and students of Monmouth College, Young People's Societies of Christian Endeavor of the Christian Church and of the Ninth Avenue United Presbyterian Church, and of the Presbyterian Church, and Young People's Society of the Swedish Baptist Church, and Epworth League of the Methodist Episcopal Church, all of Monmouth, Ill., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. MAXWELL: Petitions of the First Baptist Church of Tekamah, Nebr., and Berg Presbyterian Church, of Ravenna, Nebr., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of Emanuel Lutheran Church, of Burt County, Nebraska Synod, favoring the passage of a bill to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petitions of the First Baptist Church of Tekamah, Nebr., and Emanuel Lutheran Church, of Burt County, Nebraska Synod, against the sale of intoxicants in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. MERCER: Resolutions of the National Brotherhood of Electrical Workers of Omaha, Nebr., favoring the establishment of postal savings banks—to the Committee on Banking and Currency.

By Mr. MORRIS (by request): Petition of G. R. Laybourn and 19 other citizens of the State of Minnesota, protesting against the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTON of Ohio: Petition of T. H. Babcock and 19 other citizens of the State of Ohio, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. ODELL: Resolution of the Board of Trade of Nyack, N. Y., urging the passage of the Cullom bill relating to extension of authority granted Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER of New Jersey: Petitions of J. Henry Keller and others, Mrs. M. J. Bonnett and others, E. H. Thatcher and others, W. B. Knause and others, James Duguid and others, Robert Keene and others, Abram Husk and others, August Soffel and others, W. E. Myers and others, George A. Harris and others, W. W. Disbrow and others, George M. Ullrich and others, George Hallett and others, all of Newark and vicinity, and John E. Matthews and others, of Orange and East Orange, in the State of New Jersey, in favor of the passage of a bill which will more effectually restrict immigration and prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

By Mr. PETERS: Petition of citizens of Lawrence, Kans., and vicinity, against the passage of the bill for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Lawrence, Kans., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the United Presbyterian Church and First Baptist Church of Garnett, First Baptist Church, Christian Church, First Methodist Episcopal Church, United Brethren Church, Woman's Christian Temperance Union, and business men of Iola, Kans., in favor of a bill prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the United Presbyterian Church and First Baptist Church of Garnett, Kans., asking for the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia and to forbid the interstate transmission of lottery and other gambling matter by telegraph—to the Committee on the Judiciary.

Also, petitions of the United Presbyterian Church and First Baptist Church of Garnett, Kans., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. PRINCE: Petitions of Woman's Christian Temperance Union of Kewanee, Ill., favoring bills to raise the age of protection for girls, to forbid the interstate transmission of lottery messages by telegraph, and in favor of a bill to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Kewanee, Ill., for the passage of a bill to forbid the sale of intoxicating beverages in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. RIDGELY: Petitions of citizens of Howard and Girard, Kans., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. RIXEY: Paper to accompany bill for the relief of the estate of J. R. Perry, deceased, late of Stafford County, Va.—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of George A. Pontius, of Columbus City, Ind., against the war-measure tax on merchants' stocks on hand—to the Committee on Ways and Means.

By Mr. SPRAGUE: Resolutions of the New England Furniture Exchange, of Boston, Mass., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petitions of the Friends' Church of New London, Ind., Friends' Church of Marion, Ind., and W. T. Outland and members of the Friends' Church of Amboy, Ind., for the passage of bills to prohibit the interstate transmission of gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Friends' Church of Marion, Ind., and the Friends' Church of New London, Ind., praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the District of Columbia.

Also, petitions of certain churches of New London and Marion, Ind., to prohibit the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Friends' Church of Amboy, Ind., in favor of arbitration of international differences—to the Committee on Foreign Affairs.

Also, petition of the Friends' Church of Amboy, Ind., urging the passage of a bill to prohibit the transmission by mail of newspaper descriptions of prize fights—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: Petition of Thomas F. Hart,

secretary of the Minnesota Liquor Dealers' Association, protesting against the imposition of any additional tax on beer—to the Committee on Ways and Means.

Also, resolution of the Society of Colonial Wars of Minnesota, in favor of Government ownership of Fort Ticonderoga—to the Committee on Military Affairs.

Also, resolution of the Jobbers' Union of St. Paul, Minn., favoring a treaty of reciprocity with Canada and Newfoundland and protesting against the passage of a general bankruptcy law—to the Committee on the Judiciary.

By Mr. WHITE of North Carolina: Resolution of the State Medical Society of North Carolina, protesting against the passage of the bill restricting vivisection—to the Committee on the District of Columbia.

Also, resolution of the Wholesale Grocers' Association of Wilmington, N. C., protesting against the imposition of an additional revenue tax on tobacco, snuff, and cigars in stock—to the Committee on Ways and Means.

Also, petition of Fred. Oliver, of Charlotte, N. C., in favor of imposing a duty of $5 per ton on iron or copper sulphur pyrites—to the Committee on Ways and Means.

By Mr. YOUNG: Resolution of the Alumnæ Association of the Girls' High and Normal schools of Philadelphia, Pa., urging the Government to transfer the United States Mint property to the city of Philadelphia at a nominal figure for a public library—to the Committee on Public Buildings and Grounds.

Also, papers to accompany House bill in support of the claim of William H. Smyser for relief—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *May 12, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4537) to organize a volunteer signal corps.

The message also announced that the House insists upon its amendments to the bill (S. 4518) to provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the insurgent forces, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARSH, Mr. GRIFFIN, and Mr. COX managers at the conference on the part of the House.

The message further announced that the House had passed a joint resolution (H. Res. 5) proposing an amendment to the Constitution providing for the election of Senators of the United States; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print for the use of the Treasury Department, Steamboat-Inspection Service, 300 copies each of the proceedings of the Board of Supervising Inspectors of Steam Vessels for the years 1897 and 1898; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. QUAY presented a petition of John Harris Council, No. 174, Junior Order of United American Mechanics, of Harrisburg, Pa., praying for the enactment of legislation providing for the free transmission of letters and other mail matter mailed by soldiers of the United States Volunteer Army; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the Methodist Episcopal Church of McKees Rocks, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL. I present resolutions of the Free Silver League of Greene County, Mo., adopted May 7, favoring the coinage of the seigniorage in the Treasury and the imposition of a graduated income tax, and pledging their support to the Government in the present crisis. I move that the resolutions be printed as a document and referred to the Committee on Finance.

The motion was agreed to.

Mr. PASCO presented a petition of sundry seamen on the Atlantic Coast and a petition of the New York Branch, Atlantic Coast Seamen's Union, praying for the passage of the bill for the relief of American seamen; which were referred to the Committee on Commerce.

Mr. DANIEL presented a petition of A. P. Hill Camp, Confederate Veterans, of Petersburg, Va., praying for the establishment of a national military park including the battlefields in the vicinity of Petersburg, in that State; which was referred to the Committee on Military Affairs.

He also presented a petition of Iron Molders' Union No. 128, of Richmond, Va., praying for the passage of the so-called prison-labor bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the Board of Trade and Business Men's Association of Norfolk, Va., praying that an appropriation be made to provide for dredging the approaches to the Lake Drummond and Water Company's Canal; which was referred to the Committee on Finance.

He also presented a petition of the city council of Richmond, Va., praying that an appropriation be made for the improvement of the James River, in that State; which was referred to the Committee on Commerce.

Mr. BATE presented the memorial of Diehl & Lord, of Nashville, Tenn., remonstrating against the imposition of a war tax on bottled mineral waters, ginger ale, etc.; which was referred to the Committee on Finance.

He also presented the memorial of the J. L. Valentino Company, of Nashville, Tenn., remonstrating against the imposition of a revenue tax on chewing gum; which was referred to the Committee on Finance.

He also presented the memorial of B. H. Owen, president of the Tennessee State Druggists' Association, of Clarksville, Tenn., remonstrating against the imposition of the proposed stamp tax on retail drugs; which was referred to the Committee on Finance.

Mr. HOAR presented a petition of the Young People's Society of Christian Endeavor of the Baptist Church of North Uxbridge, Mass., and a petition of the Woman's Christian Temperance Union of North Uxbridge, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. THURSTON presented a petition of Ord Circle, No. 6, Ladies of the Grand Army of the Republic of Nebraska, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter; which was referred to the Committee on the Judiciary.

He also presented a petition of Ord Circle, No. 6, Ladies of the Grand Army of the Republic of Nebraska, and a petition of the congregation of the First Baptist Church of Friend, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the First Baptist Church of Friend, Nebr., and a petition of Ord Circle, No. 6, Ladies of the Grand Army of the Republic of Nebraska, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. TURPIE presented a petition of Iron Molders' Union No. 272, of Richmond, Ind., praying for the passage of the so-called postal savings bank bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Dr. E. Detchon, of Crawfordsville, Ind., remonstrating against the proposed tax on proprietary medicines; which was referred to the Committee on Finance.

He also presented the memorial of Vaughn & Casey, of Crawfordsville, Ind., remonstrating against an increase of the tax on mineral and soda waters; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Friends' Church of New London, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the Friends' Church of New London, Ind., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Friends' Church of New London, Ind., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. PROCTOR presented a petition of Mount Abraham Lodge, No. 21, and of the Woman's Christian Temperance Union, of Lincoln, Vt., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Mount Abraham Lodge, No. 21, and of the Woman's Christian Temperance Union, of Lincoln,

Vt., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

COMMODORE GEORGE DEWEY.

Mr. PROCTOR. I present resolutions of the general assembly of Vermont relating to Commodore Dewey, which I ask may be read at the desk.

The resolutions were read, and referred to the Committee on Military Affairs, as follows:

Whereas the officers and men of the Asiatic Squadron, by their victory over the Spanish fleet at Manila, have won the profound gratitude of their countrymen, and their commodore, George Dewey, has made for himself a place among the world's naval heroes; and

Whereas Vermont, as the native State of Commodore Dewey, takes special pride in this achievement:

Resolved by the senate and house of representatives, That the members of the general assembly, representing the people of Vermont, express to Commodore Dewey, and through him to his entire command, their deep appreciation of their signal and timely success, their confidence in his ability to so meet the trying situation at the Philippines as to bring added honor to the United States and greater distinction to himself, and their keen gratification that the first great honors of the war should fall to a son of Vermont.

Resolved, That the promotion of Commodore Dewey without delay would be the spontaneous and grateful recognition of a great national service by a brave and great man; and further

Resolved, That the clerk be directed to communicate these resolutions to Commodore Dewey as soon as cable communication with Manila is restored, and to transmit copies to the President of the United States and to our representatives in Congress.

The foregoing is a true copy of a joint resolution of the senate and house of representatives of the State of Vermont, originating in the house of representatives, unanimously passed by both houses on the 5th day of May, A. D. 1898.

FRED A. HOWLAND,
Clerk of the House of Representatives.

REPORTS OF COMMITTEES.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 9856) for the relief of Anna Merkel, to report it without amendment, and to submit a report thereon.

The VICE-PRESIDENT. The bill will be placed upon the Calendar.

Mr. McMILLAN. I move that the bill (S. 3142) for the relief of Anna Merkel, being Order of Business 786 on the Calendar, be indefinitely postponed, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 7018) to provide a steam fog whistle at the entrance to Muskegon Harbor, in the State of Michigan, reported it without amendment, and submitted a report thereon.

Mr. STEWART. I am directed by the Committee on Claims, to whom was referred the bill (S. 3901) for the relief of John L. Smithmeyer and Paul J. Pelz, to report it with an amendment and to submit a report thereon. I will state that the report is not entirely unanimous. One or two members of the committee did not agree to it.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3842) to grant a pension to Mrs. Mima A. Read, reported it with amendments and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4239) to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Cavalry Volunteers, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2847) to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Cavalry Volunteers, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 6098) to correct the military record of N. Ward Cady, late major Second Mounted Rifles, New York Volunteers, and to grant him an honorable discharge, reported it with an amendment, and submitted a report thereon.

Mr. HANNA, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1572) granting a pension to Albert Hammer; and

A bill (H. R. 8181) for the relief of John A. Bingham.

Mr. HANNA, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2069) granting an increase of pension to Henry H. Tucker; and

A bill (H. R. 7007) to increase the pension of Samuel B. Davis.

Mr. HANNA, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 4440) granting a pension to Josiah B. Deeter; and

A bill (S. 700) granting a pension to Irvin Dickison.

ANN M. SPENCER.

Mr. GALLINGER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably Senate resolution 309, directing the Secretary of the Senate to pay to Ann M. Spencer, mother of William E. Spencer, deceased, late Minute and Journal Clerk of the Senate, a sum equal to one year's salary. The resolution is accompanied by a report. I ask unanimous consent for its present consideration.

The resolution was considered by unanimous consent, and agreed to; as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay Ann M. Spencer, mother of William Ensor Spencer, deceased, late Minute and Journal Clerk of the Senate, a sum equal to one year's salary at the rate allowed by law to said Minute and Journal Clerk, out of the "miscellaneous items" of the contingent fund of the Senate; said payment to be considered as in lieu of all funeral expenses or other allowances.

STEAMER CATANIA.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3953) to provide an American register for the steamer *Catania*, to report it favorably without amendment. I am obliged to ask for present consideration, as the Government has chartered this steamship for the hospital service.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIFE-SAVING STATION AT CHARLEVOIX, MICH.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 5523) to authorize the establishment of a life-saving station at or near Charlevoix, Mich., to report it favorably with an amendment, and I ask unanimous consent for its present consideration.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was, in line 4, after the word "at," to insert "or near;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at or near Charlevoix, Mich., in such locality as the General Superintendent of the Life-Saving Service may recommend.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTION OF WILLS IN THE DISTRICT.

Mr. FAULKNER. I am directed by the Committee on the District of Columbia, to whom was referred the amendment of the House of Representatives to the bill (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes, to move that the Senate disagree to the amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses.

Mr. ALLEN. I thought I observed the reading of a conference report on this bill two days ago.

Mr. FAULKNER. No; there has been no conference report on the bill.

Mr. ALLEN. Then possibly I was mistaken; but it was a bill referred to the Committee on the District of Columbia relating to the probate of wills. Is this the bill?

Mr. FAULKNER. This is the bill. It was passed by the Senate and sent to the House. The House put on it a great many amendments—in fact, passed a substitute for it. The Committee on the District of Columbia disagreed to those amendments, and I have reported the disagreement and moved that a conference be requested with the House of Representatives.

Mr. ALLEN. I do not object to that action, but while I heard the bill read at that time, I did not observe what provision was made for the contesting of wills.

Mr. FAULKNER. That was left exactly as it is under the present law.

Mr. ALLEN. What I wish to call the attention of the Senator from West Virginia to is that there are two ways of contesting a will, one by filing a caveat and having a trial by jury and the other by filing a bill.

Mr. FAULKNER. All trials as to the validity of wills in this District have been by a jury, and it is not proposed to change it.

Mr. ALLEN. Is the right to file a caveat and have a trial by jury preserved by the bill?

Mr. FAULKNER. Yes; the trial by jury will be preserved. There will be no change.

Mr. ALLEN. And if a will should be probated without contest the right will also be preserved to file a bill within a given time afterwards to contest it?

Mr. FAULKNER. That is the theory of the present law, and it will not be changed in that respect.

Mr. ALLEN. Both those remedies will be preserved?

Mr. FAULKNER. Yes.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from West Virginia that the Senate disagree to the amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. FAULKNER, Mr. BAKER, and Mr. MARTIN were appointed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. STEWART. I introduce a bill, and ask unanimous consent to put it on its passage. It proposes to remove all disabilities imposed by the fourteenth article of the Constitution. It is but a line long. There are a few persons who are still unrelieved, and I think the disability ought to be entirely wiped out. They are old, and it would be some gratification, perhaps, to them, and it would be a gratification, I think, to the whole country, to have Congress do this act of kindness.

The bill (S. 4578) to remove all disabilities imposed by the fourteenth article of the Constitution was read the first time by its title and the second time at length, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all disabilities imposed by fourteenth amendment of the Constitution of the United States upon persons on account of having engaged in insurrection or rebellion against the United States and on account of having given aid or comfort to the enemies thereof are hereby removed.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

BILLS INTRODUCED.

Mr. JONES of Arkansas (by request) introduced a bill (S. 4579) to authorize the construction of a bridge across the Anacostia or Eastern Branch of the Potomac River, on a line with Massachusetts avenue extended; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DANIEL (by request) introduced a bill (S. 4580) to carry out the findings of the Court of Claims in the case of the estate of John Hutchinson, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 4581) for the relief of the heirs and legal representatives of John Kelly, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 4582) to provide an American register for the steamship *Centennial;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT of New York introduced a bill (S. 4583) for the relief of the estate of Abel Adams, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. HANNA introduced a bill (S. 4584) granting a pension to Mrs. Adda F. Thompson; which was read twice by its title, and referred to the Committee on Pensions.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 5) proposing an amendment to the Constitution providing for the election of Senators of the United States was read twice by its title, and referred to the Committee on Privileges and Elections.

STEAMBOAT-INSPECTION SERVICE.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Treasury Department, Steamboat-Inspection Service, 300 copies each of the proceedings of the Board of Supervising Inspectors of Steam Vessels for the years 1897 and 1898.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 14th instant approved and signed the following acts:

An act (S. 1316) to provide for organizing a naval battalion in the District of Columbia; and

An act (S. 4468) to provide for a volunteer brigade of engineers and an additional force of 10,000 enlisted men specially accustomed to tropical climates.

ORDER OF BUSINESS.

The VICE-PRESIDENT. The morning business appears to be closed, and the Private Pension Calendar is in order.

Mr. McMILLAN. I ask unanimous consent to proceed with the consideration of the Eckington and Soldiers' Home Railway bill It was nearly completed yesterday.

The VICE-PRESIDENT. A unanimous-consent agreement was made yesterday in regard to pension bills prior to the taking up of that bill.

Mr. GALLINGER. It was agreed that thirty minutes should be given this morning for pension bills.

Mr. HAWLEY. I wish to make an appeal to the Senate in another direction. I hold in my hand some papers that the Senate had better understand in executive session. It is deemed imperatively necessary in the War Department that there should be certain action taken as soon as possible. It will be a short time, I think. I move that the Senate proceed to the consideration of executive business.

Mr. GALLINGER. I will ask the Senator if half an hour will make any difference?

Mr. HAWLEY. Yes; every minute. There are some gentlemen in the city who must leave town this very evening.

Mr. GALLINGER. That settles it. I simply asked the question for information.

Mr. FRYE (to Mr. GALLINGER). But you want your right preserved.

Mr. GALLINGER. Of course, I want my right preserved.

Mr. HAWLEY. I ask for a vote on my motion.

Mr. GALLINGER. If the Senator will please, I ask consent that the order giving thirty minutes after the routine business to pension bills be continued so that it will be operative after the executive session.

Mr. GORMAN and Mr. HAWLEY. Of course.

Mr. SEWELL. I do not think the executive session will take over five minutes.

Mr. HAWLEY. I said it would be a short time.

The VICE-PRESIDENT. The Chair hears no objection, and the order giving thirty minutes to the Private Pension Calendar will be continued.

EXECUTIVE SESSION.

Mr. HAWLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

POST-OFFICE APPROPRIATION BILL.

Mr. FAULKNER. I ask the leave of the Senate to resign the position of conferee on the Post-Office appropriation bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from West Virginia, to be relieved from service upon the committee of conference on the Post-Office appropriation bill? The resignation is received; and the Chair appoints Mr. PETTIGREW to fill the vacancy thus occasioned.

QUARTERMASTER'S SUPPLIES, ETC.

Mr. HAWLEY. I think it my duty to call up the conference report upon the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army.

The VICE-PRESIDENT. The report of the committee of conference will be read.

The Secretary read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 10, and 11.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 13, and 14, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "Sixth" and insert in lieu thereof the word "Fourth;" and the Senate agree to the same.

JOSEPH R. HAWLEY,
REDFIELD PROCTOR,
F. M. COCKRELL,
Managers on the part of the Senate.

J. A. T. HULL,
B. F. MARSH,
JAMES HAY,
Managers on the part of the House.

Mr. GORMAN. This is the report we had under discussion a day or two ago?

Mr. HAWLEY. It is. It has been delayed a week, I am sorry to say.

Mr. GORMAN. This is the bill that contains the provision to suspend section 3709?

Mr. HAWLEY. It suspends section 3709.

Mr. GORMAN. I hope the Senator will agree that the conference report shall not be adopted, but let it go back, so that the provision which we discussed opening the door for all kinds of contracts may be stricken out.

Mr. HAWLEY. I believe that is the only paragraph in the report which was in controversy the other day?

Mr. GORMAN. Yes.

Mr. HAWLEY. I can not agree to that course, Mr. President. I wish to have some action taken by the Senate yea or nay.

Mr. CHANDLER. In what way, I ask the Senator from Connecticut, can we have a vote of the Senate on the question of retaining that part of the report which wipes out section 3709. I myself am not prepared to vote to repeal that section. It is an elastic section, that was sufficient during the war of the rebellion, and I believe it ought to be retained upon the statute book.

Mr. PROCTOR. I beg the Senator's pardon, it was changed decidedly by amendment before the war was closed.

Mr. CHANDLER. As it stands upon the statute book to-day, it does not require any length of time for advertisement. Advertisements may be for two days or one day or twelve hours, and it applies only to articles for immediate delivery. You may buy articles for immediate delivery. The section as it stands is sufficient, it seems to me, for every exigency, and I want to vote in some way to recede from that particular portion of the Senate amendment.

Mr. SEWELL. Will the Senator allow me to say a word?

Mr. CHANDLER. Certainly.

Mr. SEWELL. That section is not the same section that covered such purchases during the war. It has been materially changed since then. I call the attention of the Senate to the fact that in times like these it is almost impossible to provision an army or to send out ships, as we are doing now from San Francisco and other places on the Pacific coast, if we confine the quartermasters, commissaries, and disbursing officers to a rigid provision of law like that.

You must give some latitude; you must trust to the honesty of the great corps of the commissaries and quartermasters' departments, under the direction of the Secretary of War, of which we have not had any complaint. It would be better even to lose a little money in times like these, when there is absolute, immediate, and pressing necessity, particularly on the Pacific coast, to send ships, munitions of war, men, and food to Manila Bay, than to insist on the enforcement of such a law.

I trust that the conference report will be agreed to. I do not think the war will last very long, and we can very readily repeal the provision when we get down to our ordinary mode of doing business; but just now, as I say, we must give some latitude, we must trust to the honesty of the officers who have been educated by the Government and who are in charge of these matters.

Mr. HALE. I want to ask one question. What is the particular difficulty that is found now that can not be surmounted which was not encountered during the civil war under the section?

Mr. SEWELL. I have just made a statement, in which I think the Senator from Vermont [Mr. PROCTOR] will bear me out. This section was not in force then. It has been put in force since by an amendment.

Mr. HALE. What was in force during the war?

Mr. SEWELL. I have not got the section at hand; possibly the Senator from Vermont has it; but it was a very much more liberal one, at any rate, than this.

Mr. HALE. I have not heard that at all.

Mr. PROCTOR. The Senator from Missouri [Mr. COCKRELL] read to the Senate the other day just what was in force during the war; it is substantially what is included in this bill of the conference committee, and it specified certain articles. It is substantially the same, except that it does not include ordnance; but I have no doubt that is included in some other measure. It authorized the purchase of subsistence, clothing, quartermaster stores, and all those things, just as is provided in this bill.

Mr. GORMAN. Mr. President, the Senator from Vermont, if I understood him correctly, is entirely mistaken in his statement. In 1861 we passed an act, which was read by the Senator from Missouri [Mr. COCKRELL] a day or two ago when this matter was under discussion, which provided for the purchase of material of certain classes without advertising, but upon certificates that immediate delivery was necessary. Under that act, in 1861 so great were the complaints that the other House of Congress investigated the subject and showed the abuses under it.

There was right in the midst of the civil war growing out of that provision an extraordinary condition of affairs, until 1862, when the act was amended; and if the Senator from Vermont and the chairman of the Committee on Military Affairs will examine the act of the 30th of June, 1862, they will find:

> When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract.

But in no case during the civil war did the authority ever go beyond immediate delivery.

This bill as it was passed by the other House and as it was passed here opens the door wide and permits officers to make contracts for deliveries one year hence without advertising. I submit to the Senator from Connecticut that under the provisions of the present statute, when the great trouble came, as it did in 1861, when there was only a limited authority granted, it was deemed necessary in the interests of honesty in the administration of the Government that a board should be formed in the Interior Department to examine this entire subject, and there can not be, with that experience, any excuse whatever in the present war, which is very small compared with what we had in 1861 and in 1862, now, for the first time, to open the door and permit administrative officers to make contracts for deliveries six months or one year hence. That seems to be the intention of the framers of this bill, and it is the literal construction of the bill as passed.

Now, I submit to the Senate that no such provision ought to be found in any law. If adopted, it will come back to plague the Administration which will have to enforce its provisions. It permits every petty officer who is to purchase material, under a general order of his superior, to go into the market and make contracts for any length of time. That ought not to be permitted. There is no necessity for it.

In answer to the Senator from New Jersey [Mr. SEWELL], I will state that as to the statute as it now stands, if there is any necessity for purchasing anything—equipments, tents, provisions, arms, or ships—upon the Pacific coast or upon the Atlantic coast, all that is necessary is for the department commander to certify that the articles are wanted for immediate delivery; but the officers ought not to be authorized to make contracts for delivery one year hence.

Mr. SPOONER. If the Senator from Maryland will allow me to interrupt him a moment, the Attorney-General, deciding upon this immediate-delivery statute, held that a contract for delivery within six months did not come within the provisions of the act, but that one for delivery within sixty or ninety days was legally within the provisions of the act. So that immediate delivery did not mean a week or ten days, but it might be within thirty, sixty, or ninety days.

Mr. GORMAN. I understand that such a decision has been made. I submit that no contract should be made without advertising, unless in a case of extreme exigency. There is usually abundant time to advertise for such articles as are needed by the Government.

Mr. President, even with the statute as it stands, as I have already said, right in the midst of the civil war, when there was scarcely any opposition to the Administration, when there was scarcely any minority party in either House, even the majority party itself found the scandals were so great that they had to correct the original act of 1860 and modify it. Afterwards, as I say, Congress formed a commission to inquire into all these contracts, and directed that all purchases should be advertised for and the bids examined by an independent board.

Mr. SEWELL. Will the Senator allow me to interrupt him?

Mr. GORMAN. I will, with pleasure.

Mr. SEWELL. That change was made not during the war, but subsequent to the war; so that to-day we are governed under this clause:

> Except that purchases may be made in open market in the manner common among business men when the aggregate amount required does not exceed $200, but every such purchase shall be immediately reported to the Secretary of War.

That limits the purchases to $200. The original section covering this matter, section 3709 of the Revised Statutes, which was adopted in 1861, and which was in force during the war, is as follows:

> SEC. 3709. All purchases and contracts for supplies or services in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged between individuals.

There is no limit there.

Mr. GORMAN. I hope the Senator from New Jersey will read the section again, and then read the bill which is pending. The act of 1862, which he has read and which was quoted by the Senator from Missouri [Mr. COCKRELL], provided—and I will read it—

> That all purchases and contracts for supplies or services in any of the Departments of the Government except for personal services, when the public exigencies do not require the immediate delivery—

Now, I ask the Senator to note this—

> when the public exigencies do not require the immediate delivery of the article or articles, or performance of the service, shall be made by advertising a sufficient time previously for proposals respecting the same.

This is the act of 1862:

> When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract at the places and in the manner in which such articles are usually bought and sold or such services engaged between individuals.

Now comes the bill which we are asked to ratify by the adoption of the conference report, and it opens that door absolutely. It does not confine the purchases to articles required for immediate delivery, but authorizes any department of the Government, under a general order of the Secretary of War, to contract for and to purchase in open market six months, one year, or two years ahead for delivery.

I submit to the Senator that he can not find at any time when such a provision has been sought that it has been granted by Congress; and if granted now we shall open the door to every officer who is authorized to purchase to make contracts with favorites without public notice.

Mr. SEWELL. I have just read the exception.

Mr. GORMAN. So have I, and the Senator will find that the exception is only where the articles are required for immediate delivery. All I contend for now is to restore the statute of 1862.

Mr. SEWELL. That is exactly my contention here. We are loading up ships at San Francisco for an expedition that can not possibly be equipped in a reasonable time unless we give the officers some latitude. If I were an officer of the Army and was ordered to do it, I would violate the section so as to carry out my orders.

Mr. GORMAN. I have no doubt the Senator would.

Mr. SEWELL. But you ought not to place officers in such a position.

Mr. GORMAN. But under such a law as I contend for you would have ample authority as a commander of a division, with the approval of the Secretary of War, to purchase anything in open market which was absolutely necessary for the movements of your army; but an officer, by the provision as it stands in this bill, would be authorized to make contracts for delivery one year hence. That is a power which has never been granted to the Secretary of War or to any executive officer of the Government.

Mr. SEWELL. I would not ask that power.

Mr. GORMAN. Very good. Then I trust the Senator will agree that the conference report shall be rejected; that it go back to the committee, and that the law be left as it was in 1862.

I desire to see this matter conducted in a way that will bring credit to the Government and to the officers connected with it. For one I am content to go very far in giving authority to executive officers, to make every provision to conduct this war to a successful close, to give them all the money that is necessary and all the men that may be required; but it is the duty of Congress, in my judgment, to check this attempt, no matter from whom it comes, to open the door wide to the favoritism and fraud which may come from it, so as to prevent, after the close of the existing war, the disgraceful scenes we had in 1862 and 1863 connected with the investigation of the dishonesty of our officials.

I trust by unanimous consent the report may be rejected, and that it may go back to the committee of conference, where, I hope, this provision will be eliminated and the old law will be restored.

I know the Committee on Military Affairs, in the rush and hurry of the moment, the way in which this bill was passed, almost without being printed, and with no opportunity to examine it, with a patriotic desire to further the efforts of the executive department in the preparations for this conflict, permitted it to pass, as other measures probably have been passed which ought not to have been put upon the statute book. But here is a case which ought to be corrected, now that attention is called to it, and I appeal to the Senator in charge of the conference report to let us, by unanimous consent, reject the report and send it back to the committee of conference.

Mr. CHANDLER. Mr. President, of course it is unnecessary for me to say——

Mr. HAWLEY. Perhaps I can shorten the time a little. I am willing that the report shall go back to another conference that there may be a modification which will enable the Army to act with vigor, and we shall endeavor to adopt a suitable provision.

Mr. CHANDLER. Mr. President——

Mr. SEWELL. Does the Senator mean on the lines suggested by the Senator from Maryland [Mr. GORMAN]?

Mr. HAWLEY. Something like that.

Mr. CHANDLER. Mr. President——

Mr. HAWLEY. I have been interrupted three times in one minute.

Mr. CHANDLER. The Senator interrupted me and took the floor from me, and now complains because I am taking the floor again. If the Senator will notify me when he gets through, I will then resume my remarks.

Mr. HAWLEY. I am going perhaps to save the necessity of listening to the Senator.

Mr. CHANDLER. It is not for the Senator to decide whether there is a necessity for listening or not.

Mr. HAWLEY. The trouble with these matters is not as to the time of performance. That, from the necessity of the case, is made brief. What we desire is that the time may be shortened as far as possible. The trouble is that with the purchases for twenty or thirty or forty days advertisements are necessary. There is where the difficulty comes in, and not as to the time of the performance, because in time of war the executive department will inevitably provide for delivery as early as possible, but it is an embarrassment in many cases, and sometimes will be a fatal embarrassment, to be obliged to advertise for ten, twenty, thirty, or forty days.

I rose to say that, on consultation with other Senators, I am willing that the report shall go back to the conference committee so that we may make some modifications.

Mr. CHANDLER. I do not want any mistake made about the point. I do not think it can be obscured. Here is section 3709 of the Revised Statutes, now on the statute book. It requires—

when the public exigencies do not require the immediate delivery of the article or articles, or performance of the service.

Then follows this clause:

When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract at the places and in the manner in which such articles are usually bought and sold or such services engaged between individuals.

No advertisement is necessary under that clause. That clause justifies a purchase in any exigency whatever, provided some officer will certify that there is an exigency.

Now, Mr. President, Senators say that by the law of 1894, repeated in the law of 1895, section 3709 was modified. If it was modified, then there is no objection to repealing the provision of 1894 and 1895, and then section 3709 will remain exactly as it is in the Revised Statutes, sufficient for every possible exigency that can be imagined.

Mr. HALE. If the Senator will allow me right there, the modification referred to in the section of the statute by the act of 1895, as Senators who are on the Appropriations Committee will remember, only applied to localities. We were then confronted with the question whether all the supplies should be purchased and furnished in the East, in New York, or along the border, and the question of locality alone was settled by that provision. I think Senators on the Appropriations Committee will remember that we did not intend to repeal that provision in the statute except as to locality. However, all this is ended by the suggestion of the Senator from Connecticut [Mr. HAWLEY] that the report go back to the committee of conference.

Mr. SEWELL. The War Department thinks that is the law now.

Mr. HALE. They are mistaken if they suppose it was the intention of Congress to repeal that provision of the statute. It only applied to localities.

Mr. SEWELL. If we can so arrange that the original statute, section 3709, shall be restored and remain in force, that will be perfectly satisfactory.

Mr. CHANDLER. That is all we want.

Mr. PROCTOR. Mr. President, replying in a word to the Senator from Maryland in regard to the conduct in 1861, I will read the last part of the act of March 2, 1861, under which the Department conducted their business:

No contract or purchase shall hereafter be made unless the same be authorized by law, or be under an appropriation adequate to its fulfillment, except in the War and Navy Departments for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

That, it seems to me, authorizes the purchase, without even an appropriation or any authority of law, of whatever is needed of such articles for the current year.

Mr. GORMAN. I want to call the attention of the Senator to the fact that the very section from which he reads is limited to cases where immediate delivery is necessary.

Mr. PROCTOR. There may be a difference of opinion in regard to that. I think, and other Senators I have consulted think, that this section, so far as those two Departments and those articles are concerned, entirely takes it out from the first part of that section.

Mr. GORMAN. If the Senator will go back and look at the report of the investigating committee of the House of Representatives on this very provision and the abuses which grew up under it, he will find that in every case that was the construction placed upon it by the Department, and they so acted on it; and within that narrow scope came this trouble.

The VICE-PRESIDENT. The question is, Will the Senate agree to the report of the conference committee?

Mr. COCKRELL. Just one minute. The clause of the act read by the Senator from Vermont continued to be the law until 1864. On July 4, 1864, an act was passed to provide for the better organization of the Quartermaster's Department, which changed the whole system, divided it into eight divisions, and placed under each division the purchase of supplies for the different departments. The second section reads:

SEC. 2. *And be it further enacted*, That the heads of the several divisions above mentioned shall, under the direction of the Quartermaster-General, from time to time advertise for proposals for the supplies necessary for the movements and operations of the several armies, posts, detachments, garrisons, hospitals, and for other military purposes, in newspapers having general circulation in those parts of the country where such supplies can be most advantageously furnished, having regard also to the places where such supplies are to be delivered and used; and all such supplies, so purchased or contracted for, shall be subject to careful inspection, and all clothing and camp and garrison equipage shall be subject to a double inspection, first, as to the quality of the material, and second, as to the kind and character of the workmanship, which inspection shall in all cases be performed by a competent inspector, with suitable assistants, who shall have had ample experience in the inspection of cloth, clothing, knapsacks, camp and garrison equipage; and all payments for supplies so purchased shall be made under the direction of the officers in charge of the several divisions above mentioned, upon receipts or

certificates from the officers inspecting and receiving such supplies, prepared in such form and attested in such manner as may be prescribed by the Quartermaster-General.

Then section 4 provides:

SEC. 4. *And be it further enacted*, That when an emergency shall exist requiring the immediate procurement of supplies for the necessary movements and operations of an army or detachment, and when such supplies can not be procured from any established depot of the Quartermaster's Department, or from the head of the division charged with the duty of furnishing such supplies, within the required time, then it shall be lawful for the commanding officer of such army or detachment to order the chief quartermaster of such army or detachment to procure such supplies during the continuance of such emergency, but no longer, in the most expeditious manner, and without advertisement; and it shall be the duty of such quartermaster to obey such order; and his accounts of the disbursement of moneys for such supplies shall be accompanied by the order of the commanding officer as aforesaid, or a certified copy of the same, and also by a statement of the particular facts and circumstances, with their dates, constituting such emergency.

Mr. GORMAN. That was for immediate delivery.

Mr. COCKRELL. During an emergency. Those provisions remained the law until after the close of the war.

Mr. HAWLEY. Will the Senator kindly give me the volume and the page of the statutes from which he has been reading?

Mr. COCKRELL. Volume 13 of the statutes, page 394, act of July 4, 1864.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was rejected.

Mr. HAWLEY. I move that the Senate ask for a further conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. PROCTOR, and Mr. COCKRELL were appointed.

USE OF POSTAL CARDS.

Mr. CHANDLER. I desire to withdraw the motion to reconsider the vote by which the Senate passed the bill (H. R. 1596) to amend the postal laws relating to the use of postal cards.

The PRESIDING OFFICER. The motion to reconsider is withdrawn.

The signature of the Vice-President was subsequently announced to the enrolled bill, it having been previously signed by the Speaker of the House of Representatives.

STEAMER CENTENNIAL.

Mr. FRYE. The Secretary of War communicates to the Senate that it is impossible to get as many transport ships on the Pacific as are necessary, and he desires a certain ship to be admitted to an American register. The Committee on Commerce authorize me to report favorably the bill (S. 4582) to provide an American register for the steamer *Centennial*, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT ON NICARAGUAN CANAL.

Mr. MORGAN. Mr. President, I ask that a document which I hold in my hand, written by Capt. A. S. Crowninshield, United States Navy, who is the Chief of the Bureau of Navigation, and is at present on the board of strategy, be printed as a document for the use of the Senate. It relates to the Nicaraguan Canal and to kindred topics, but is directed specifically to an examination of the importance of the construction of that canal, with reference to which I have introduced a bill at the present session.

The VICE-PRESIDENT. Is there any objection to the request of the Senator from Alabama that the document referred to by him be printed? The Chair hears none, and that order is made.

THE LABOR QUESTION.

Mr. KYLE. I wish to call the attention of the Senate to Senate Miscellaneous Document No. 144, being a memorial on the labor question, written by Dr. W. A. Croffut, of this city, a very valuable document, and for which there have been a great many calls upon the Committee on Education and Labor. It is now out of print, and I should like the consent of the Senate to have printed a thousand additional copies of the document for the use of the Committee on Education and Labor. The expense will come within the limit, being only four or five hundred dollars.

The VICE-PRESIDENT. Is there any objection to the request of the Senator from South Dakota that the document referred to by him be printed? The Chair hears none, and the order is made.

LUCINDA BOOTH.

The VICE-PRESIDENT. The consideration of pension bills on the Calendar is in order under the unanimous-consent agreement.

The bill (S. 4533) to increase the pension of Mrs. Lucinda Booth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, before the name "Lucinda," to strike out "Mrs.;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of Lucinda Booth, the widow of Wiley Booth, a soldier of the war of 1812, and to pay her a pension of $30 per month, in lieu of the pension she is now receiving.

The amendment was agreed to.

Mr. GALLINGER. Certain other amendments should be made. In line 4, before the word "directed," I move to insert the words "authorized and;" in the same line, after the word "place," to strike out "upon" and insert "on;" in the same line, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" and in line 7, after the word "pension," to insert "at the rate."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Lucinda Booth."

LOWELL H. HOPKINSON.

The bill (H. R. 378) granting a pension to Lowell H. Hopkinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lowell H. Hopkinson, late a member of Company A, Fifty-seventh and Fifty-ninth regiments Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lowell H. Hopkinson."

MARIA S. WHITNEY.

The bill (S. 3325) granting a pension to Maria S. Whitney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws," and in line 7, after the word "Navy," to insert "and pay her a pension;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria S. Whitney, stepmother of John M. Whitney, late acting assistant surgeon, United States Navy, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHERINE CLIFFORD.

The bill (H. R. 1801) granting a pension to Catherine Clifford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Catherine Clifford, widow of James Clifford, Twenty-fifth Battery Indiana Volunteer Light Artillery, on the pension roll and pay her a pension of $20 per month in lieu of the pension which she is now receiving.

The amendment was agreed to.

Mr. GALLINGER. After the word "roll," in line 6, I move to insert "subject to the provisions and limitations of the pension laws;" and after the word "pension," in line 7, to insert "at the rate."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARCIA C. BARNES.

The bill (H. R. 4611) granting an increase of pension to Marcia C. Barnes was considered as in Committee of the Whole. It proposes to place the name of Marcia C. Barnes, widow of Charles Barnes, late colonel of the Sixth Pennsylvania Heavy Artillery

Volunteers, upon the pension roll and to pay her a pension of $25 per month in lieu of the pension she now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA G. FAY.

The bill (S. 4562) granting a pension to Julia G. Fay was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia G. Fay, widow of William Wirt Fay, late a professor in the United States Naval Academy at Annapolis, Md., and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ZENAS T. HAINES.

The bill (S. 3005) granting a pension to Zenas T. Haines was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zenas T. Haines, late corporal of Company D, Forty-fourth Regiment Massachusetts Volunteer Militia, and pay him a pension at the rate of $12 a month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. THOMAS.

The bill (S. 566) granting a pension to Mary A. Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "and," to strike out "to pay her $12 a month" and insert "pay her a pension at the rate of $8 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Thomas, widow of Henry A. Thomas, late private in Company G, Fortieth Massachusetts Volunteers, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WINBURN HICKS.

The bill (S. 4480) granting a pension to Winburn Hicks was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Winburn Hicks, a private in Captain Bragg's company (B), Webster County (Mo.) Home Guards, in the service of the United States, and a corporal and second lieutenant in Company G, Seventy-fourth Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. GALLINGER. I move to insert, after the word "Interior," in line 3, the words "be and he is;" and in line 4 to strike out "upon" and insert "on;" so as to read "to place on the pension roll."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JANE E. AUGUR.

The bill (S. 3743) granting a pension to Jane E. Augur was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" and in the same line, after the word "month," to strike out "in lieu of that which she may now be receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane E. Augur, widow of Christopher C. Augur, late brigadier-general of the United States Army, and pay her a pension at the rate of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM P. HASKELL.

The bill (H. R. 2123) increasing the pension of William P. Haskell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of William P. Haskell, late a lieutenant in Company I, Fourteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month, subject to the provisions and limitations of the pension laws and in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SIDNEY J. HARE.

The bill (H. R. 5776) granting an increase of pension to Sidney J. Hare was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "hereby," to strike out "instructed" and insert "authorized;" in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 7, after the word "Volunteers," to insert "and pay him a pension," and in line 9, after the word "of," to strike out "any pension he may now be receiving" and insert "that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney J. Hare, late private in Company C, Ninety-sixth Regiment of New York Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELIZA MILLER.

The bill (H. R. 2815) granting an increase of pension to Eliza Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twelve," and in line 9, after the word "receiving," to strike out:

And the Secretary of the Interior is also authorized and directed to place the name of Jacob Miller, the idiotic son of said Abraham Miller, on the pension roll, and pay him a pension of $12 per month from and after the death of his said mother, Eliza Miller, same to be paid to his guardian when appointed.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Miller, widow of Abraham Miller, late of Company E, Thirty-sixth Ohio Infantry Volunteers, and pay her a pension at the rate of $12 per month, in lieu of the pension which she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FRANKLIN HULL.

The bill (H. R. 5067) to increase the pension of Franklin Hull was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin Hull, late sergeant, Company D, First Connecticut Cavalry, and to pay him a pension of $30 per month in lieu of that which he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY A. HAUSNER.

The bill (H. R. 7802) granting a pension to Emily A. Hausner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily A. Hausner, of Ithaca, N. Y., widow of Charles W. Hausner, late Company E, Sixty-fourth New York Volunteer Infantry, and to pay her a pension of $12 per month.

Mr. GALLINGER. I move, after the word "roll," to insert "subject to the provisions and limitations of the pension laws," and in line 5 to strike out the words "of Ithaca, New York."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM H. OLIVER.

The bill (H. R. 1540) granting an increase of pension to William H. Oliver was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of William H. Oliver, late a private in Company C of the One hundred and fourth Regiment of Pennsylvania Volunteer Infantry, and to pay him a pension of $20 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

Mr. GALLINGER. I move to insert after the word "roll" the words "subject to the provisions and limitations of the pension laws," and after the word "pension," in line 7, the words "at the rate."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN T. BREWSTER.

The bill (H. R. 2818) for the relief of John T. Brewster was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Brewster, late sergeant, Company K, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John T. Brewster."

PETER CASTLE.

The bill (H. R. 4488) granting an increase of pension to Peter Castle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "dollars," to strike out "twenty-four" and insert "sixteen;" and in line 8, after the word "pension," to strike out "heretofore granted him" and insert "he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Peter Castle, late a private in Company D, Fourth New York Provisional Cavalry, and pay him a pension at the rate of $16 per month, the same to be in lieu of the pension he is now receiving.

The amendments were agreed to.

Mr. GALLINGER. After the word "roll," in line 4, let the words "subject to the provisions and limitations of the pension laws" be inserted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COL. BENJAMIN BEACH.

The bill (H. R. 2159) granting an increase of pension to Col. Benjamin Beach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Beach, late of the Eleventh Regiment of Iowa Volunteer Infantry, also of Company I of the First Regiment of Ohio Infantry, and Company A of the First Iowa Infantry, and to pay him a pension of $24 per month in lieu of the one he now receives.

Mr. GALLINGER. I move to amend the bill by inserting after the word "roll," in line 4, the words "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Benjamin Beach."

OLIVIA BETTON.

The bill (H. R. 2695) granting a pension to Olivia Betton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, after the word "Interior" to insert "be, and he;" in line 4, after the word "roll" to insert "subject to the provisions and limitations of the pension laws;" and in line 8, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Olivia Betton, widow of the late Thomas F. Betton, surgeon, United States Volunteers, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Olivia Betton."

GEORGE W. D. WADE.

The bill (H. R. 7672) to increase the pension of George W. D. Wade was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, after "Interior," to insert "be, and he;" in line 4, after the word "place," to strike out "upon" and insert "on;" in the same line, before the word "pension," to strike out "invalid;" in the same line, after the word "roll," to strike out "of the United States" and insert "subject to the provisions and limitations of the pension laws;" in line 7, after the word "war," to insert "and pay him a pension;" and in line 8, after the word "dollars," to strike out "a month in lieu of what he is now receiving, subject to the limitations of the general pension laws" and insert "per month in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. D. Wade, late of Company A, First Illinois Volunteers, in Mexican war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. MARY E. TAYLOR.

The bill (H. R. 8904) to pension Mrs. Mary E. Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, before the word "is," to insert "he;" in line 4, before the word "to," to insert "and directed;" in the same line, after the word "place," to strike out "upon" and insert "on;" in the same line, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 6, before the name "Mary," to strike out "Mrs.;" and in line 8, after the word "and," to strike out "that she be pensioned according to the provisions of the pension laws," and insert "pay her a pension;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Taylor, widow of William H. Taylor, who served in Captain Goodwyn's company, Alabama Volunteers, during the Creek war, and pay her a pension at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mary E. Taylor."

GEORGE VAN VLIET.

The bill (H. R. 4675) granting an increase of pension to George Van Vliet, of Brookville, Pa., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Van Vliet, late first lieutenant, One hundred and fifth Regiment Pennsylvania Volunteers, and to pay him a pension of $24 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George Van Vliet."

JULIA L. ROBERTS.

The bill (H. R. 6785) granting a pension to Julia L. Roberts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "to," to strike out "and place upon;" in line 5, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 7, before the words "a contract," to strike out "who was" and insert "late;" and in line 9, after the word "month," to strike out "from and after the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia L. Roberts, widow of John M. Doty, late a contract surgeon in the service of the United States, and pay her a pension at the rate of $17 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELSIE DESMOND.

Mr. ALLEN. Before the half hour expires I should like to ask the Senator from New Hampshire for the privilege of calling up the bill (S. 2119) granting a pension to Elsie Desmond, of Norfolk, Nebr.

Mr. GALLINGER. I am quite willing that the Senator should call up the bill now.

Mr. ALLEN. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elsie Desmond, widow of Daniel Desmond, late of Company M, Eighth New York Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting a pension to Elsie Desmond."

ZOLMAN TYRRELL.

The bill (H. R. 908) granting a pension to Zolman Tyrrell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, after the word "idiotic," to insert "and dependent;" and in line 7, before the word "dollars," to strike out "fifteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Zolman Tyrrell, idiotic and dependent son of Lewis R. Tyrrell, late Company A, First New York Engineers, on the pension roll and pay him a pension at the rate of $12 per month, to be paid to a duly appointed guardian.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. COCKRELL. I call the attention of the Senator from New Hampshire to this case. Why not insert the words "subject to the provisions and limitations of the pension laws?"

Mr. GALLINGER. I think this is the case of an idiotic son, and there is no law covering it.

Mr. COCKRELL. That is right.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BETTIE GRESHAM.

The bill (H. R. 3596) granting a pension to Mrs. Bettie Gresham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 6, before the name "Bettie," to strike out "Mrs.;" and in line 8, after the word "thirty-six," to strike out "and allow the said Mrs. Bettie Gresham a pension rated at $8 per month" and insert "and pay her a pension at the rate of $8 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Bettie Gresham, widow of Davis C. Gresham, who served in the Georgia Volunteers during the Indian war of 1836, and pay her a pension at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Bettie Gresham."

DAVID PARKER.

The bill (H. R. 1825) to increase the pension of David Parker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 6, after the name "Parker," to strike out "of Brooklyn, N. Y.;" in line 7, after the word "Artillery," to strike out "in the war of the rebellion;" and in line 10, after the word "receiving," to strike out "subject to the provisions and limitations of the pension laws as to the right of future increase of his pension for increase of the disabilities for which he is now pensioned and resulting disabilities;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Parker, late a private in Company A, Fourth Regiment New York Heavy Artillery, and to pay him a pension at the rate of $30 per month, in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM TAYLOR.

The bill (H. R. 772) granting an increase of pension to William Taylor was considered as in Committee of the Whole. It proposes to place the name of William Taylor, late of Company D, Fourteenth Regiment of Wisconsin Volunteers, on the pension roll, and to pay him a pension of $24 per month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THADDEUS M. JOY.

The bill (S. 2886) to increase the pension of Thaddeus M. Joy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Artillery," to strike out "at the rate of $72 per month, for total disability, in lieu of the pension of $12 per month now paid him," and insert "and pay him a pension at the rate of $30 per month, in lieu of the pension now received by him;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Thaddeus M. Joy, late a sergeant in Battery Twenty-seven, New York Light Artillery, and pay him a pension at the rate of $30 per month, in lieu of the pension now received by him.

The amendment was agreed to.

Mr. GALLINGER. After the word "roll," in line 4, I move to insert "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNIE E. RUFF.

The bill (S. 1976) for the relief of Annie E. Ruff, widow of Charles F. Ruff, late lieutenant-colonel Third Cavalry, United States Army, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of Annie E. Ruff, widow of Charles F. Ruff, late lieutenant-colonel Third United States Cavalry, subject to the provisions and limitations of the pension laws, and pay to her a pension of $20 per month from and after the passage of this act, in lieu of the pension of $8 per month which she now receives.

The amendment was agreed to.

Mr. GALLINGER. In line 3 I move that the word "he" be inserted after the word "and;" in line 4, after the word "place," I move to strike out the word "upon" and insert "on;" in line 8, after the word "month," to strike out "from and after the passage of this act;" and in line 9 strike out the words "of $8 per month."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to Annie E. Ruff."

MICHAEL BASSETT.

The bill (H. R. 135) granting a pension to Michael Bassett was considered as in Committee of the Whole. It proposes to place the name of Michael Bassett, a soldier of the Mexican war, late of the First Regiment of Michigan Volunteers, on the pension roll, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. Probably it will take ten minutes longer to complete the Private Pension Calendar. I ask unanimous consent that the time be extended, so as to complete the consideration.

The VICE-PRESIDENT. Is unanimous consent given? The Chair hears no objection. The Secretary will proceed with the next pension bill.

CHARLES BECKWITH.

The bill (H. R. 4449) granting an increase of pension to Charles Beckwith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws," and in line 7, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Beckwith, late of Company I, Seventh Michigan Cavalry, and pay him a pension of $30 a month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

J. S. WAGGENER.

The bill (H. R. 8906) granting a pension to J. S. Waggener was considered as in Committee of the Whole. It proposes to place on the pension roll the name of J. S. Waggener, dependent father of Joseph B. Waggener, Company B, Third Iowa Infantry, and of Rufus Waggener, Company B, Third Iowa Infantry, and of Houston Waggener, of Company G, Fifteenth Iowa Infantry, and of Willis Waggener, of the Ninth Regiment Iowa Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. PETERS.

The bill (S. 1758) increasing the pension of George W. Peters, Company I, Twelfth Regiment Tennessee Volunteer Cavalry, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of George W. Peters, late captain of Company A, Twelfth Tennessee Volunteer Cavalry, and to pay him a pension of $30 per month, in lieu of the pension he is now receiving.

Mr. GALLINGER. In line 4 I move to substitute the word "on" for "upon;" in the same line, after the word "roll," I move to insert the words "subject to the provisions and limitations of the pension laws;" and in line 6, after the word "pension," I move to insert "at the rate."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill increasing the pension of George W. Peters."

JAMES J. WHEELER.

The bill (S. 4031) for the relief of James J. Wheeler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James J. Wheeler, a private of Capt. Thomas H. Foster's company of citizen soldiers, of Lagrande, Union County, Oreg.

Mr. GALLINGER. In line 5, before the word "pension," I move to strike out the word "general;" in line 6, after the name "Wheeler," insert the word "late;" and in line 8, after the word "Oregon," to insert "and pay him a pension at the rate of $12 per month."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting a pension to James J. Wheeler."

EDWARD STARR.

The bill (H. R. 5006) to increase the pension of Edward Starr was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Edward Starr, late a private in Company C, First Regiment Washington Territory Volunteer Infantry, on the pension roll and pay him a pension of $20 per month in lieu of that which he is now receiving.

The amendment was agreed to.

Mr. GALLINGER. In line 6, after the word "roll," I move to insert the words "subject to the provisions and limitations of the pension laws," and in line 7, after the word "pension," to insert "at the rate."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MICHAEL LANNON.

The bill (S. 1619) granting a pension to Michael Lannon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "thirty" and insert "twenty;" to as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Lannon, late a private in Company F, Second United States Infantry, at the rate of $20 per month.

The amendment was agreed to.

Mr. GALLINGER. In line 3, after the word "hereby," I move to insert the words "authorized and," and in line 7, after the word "Infantry," I move to insert "and pay him a pension."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK F. CARNDUFF.

The bill (S. 3676) granting an increase of pension to Frank F. Carnduff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank F. Carnduff, late a corporal in Company M, Seventh Regiment of New York Heavy Artillery Volunteers, at the rate of $24 per month, in lieu of the pension which he is now receiving.

Mr. PERKINS. I hope the committee will consent to have the bill passed without amendment, as it is shown by the committee that in 1894, if the case had been properly presented, the claimant would have been entitled to $30 per month. It is an increase of only $6. This is an especially meritorious measure. The claimant can hope to live but a very short time. I am informed by those conversant with his physical condition that he is in a very poor state of health and is entirely dependent upon the small pension that he is now receiving for the support of himself and his family.

Mr. GALLINGER. In this particular case I shall not object to nonconcurrence in the amendment. I want, however, to say a single word. The committee has been striving to keep down large increases of pension. It is well known that when a case of this kind occurs and an ex-soldier gets $30 per month by special act every ex-soldier in the country knows of it, and at the next session of Congress we are flooded with appeals from those who think they are equally entitled to an increase. I am inclined to think that in this particular case perhaps the increase to $30 ought to be granted, but I wanted to state the reason that animates the committee in changing the rate proposed in many of these bills.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. GALLINGER. I move, at the beginning of line 8, to insert the words "and pay him a pension."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MYNTIE L. HAMILTON.

The bill (H. R. 2866) granting an increase of pension to Myntie L. Hamilton was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Myntie L. Hamilton, widow of Jessie B. Hamilton, late of Company A, First Regiment of the Wisconsin Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM D. FOOTE.

The bill (H. R. 4962) granting an increase of pension to William D. Foote was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William D. Foote, of Mattoon, Ill., of Company G, Fourth Regiment of Pennsylvania Volunteers, on the pension roll, subject to the provisions and limitations of the pension laws, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. GALLINGER. I move, in line 5, to strike out the words "of Mattoon, Ill.," and to insert the word "late," so as to read "late of Company G;" and in line 8, after the word "pension," to insert the words "at the rate."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELI M. COUCH.

The bill (S. 4547) granting a pension to Eli M. Couch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli M. Couch, late of Company A, Brackett's battalion, Minnesota Cavalry, and pay him a pension of $16 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN LINDQUIST.

The bill (S. 4485) granting a pension to John Lindquist was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "pay," to strike out "him" and insert "to his lawful guardian for him;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lindquist, late of Company F, First Minnesota Infantry, and pay to his lawful guardian for him a pension of $30 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

Mr. GALLINGER. At the beginning of line 8 I move to insert the words "at the rate."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JENNIE A. KERR.

The bill (S. 1519) granting a pension to Mrs. Jennie A. Kerr, widow of Second Lieut. John M. Kerr, Company F, Mounted Riflemen, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Riflemen," to insert "and pay her a pension of $15 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Jennie A. Kerr, widow of Second Lieut. John M. Kerr, Company F, Mounted Riflemen, and pay her a pension of $15 per month.

The amendment was agreed to.

Mr. GALLINGER. In line 6, before the word "of," where it occurs the first time, I move to insert the words "at the rate;" and in the same line to strike out "Mrs."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Jennie A. Kerr."

WILLIAM STEPHENSON SMITH.

The bill (H. R. 6309) to pension William Stephenson Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteer," to insert "and pay him a pension at the rate of $12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Stephenson Smith, as of Company L, Eleventh Regiment of Tennessee Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. GALLINGER. In line 6, after the word "Smith," I move that the word "as" be stricken out and the word "late" substituted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HENRY H. K. ELLIOTT.

The bill (H. R. 587) granting a pension to Henry H. K. Elliott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry H. K. Elliott, father of Harry Elliott, of Company D, One hundred and forty-seventh Pennsylvania Infantry, and to pay him a pension of $12 per month.

Mr. GALLINGER. In line 6, before the word "father," I move to insert the word "dependent," and before the word "of," where it occurs the second time, I move to insert the word "late."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

C. S. ALVORD.

The bill (H. R. 2361) granting a pension to C. S. Alvord was considered as in Committee of the Whole. It proposes to place on the pension roll the name of C. S. Alvord, late a private in Company D, Fourth United States Infantry, at $8 per month, to commence from the passage of this act.

Mr. GALLINGER. In line 7, after the word "Infantry," I move to insert "and pay him a pension," and in the same line, after the word "month," to strike out the words "to commence from the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 4545) to provide for taking the Twelfth and subsequent censuses.

Mr. McMILLAN. Mr. President——

Mr. KYLE. I ask unanimous consent that that bill be informally laid aside and that the Senate proceed to the consideration of the bill (S. 3662) concerning carriers engaged in interstate commerce and their employees.

Mr. GALLINGER. There are only six or seven more pension bills, I will say to the Senator from South Dakota, and I ask that they be concluded.

The VICE-PRESIDENT. Is unanimous consent given to the request of the Senator from New Hampshire?

Mr. KYLE. I will give consent for that purpose so far as I am concerned.

Mr. McMILLAN. Very well.

CHARLES HOFFMAN.

The bill (H. R. 4691) to increase the pension of Charles Hoffman was considered as in Committee of the Whole. It proposes to place the name of Charles Hoffman, a soldier of the Mexican war, Company K, First Regiment Pennsylvania Volunteers; also lieutenant Company E, Seventy-eighth Regiment Pennsylvania Volunteers, in the late rebellion, on the pension roll, and to pay him a pension of $24 per month in lieu of the pension he is now receiving.

Mr. GALLINGER. After the word "place," in line 4, I move to insert "on the pension rolls subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

Mr. GALLINGER. In line 8 I move to strike out the words

"rebellion, on the pension roll" and insert "war," and in the same line, after "pension," to insert "at the rate."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES C. KINKLE.

The bill (H. R. 6242) granting a pension to James C. Kinkle was considered as in Committee of the Whole. It proposes to place the name of James C. Kinkle on the pension roll and to pay him a pension of $12 per month.

Mr. GALLINGER. After the word "Kinkle," in line 4, I move to insert "late acting or contract surgeon, United States Army," and after the word "roll," in line 5, I move to insert the words "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JACOB MILLER.

The bill (S. 4568) granting a pension to Jacob Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "month," to insert "payable to his legally constituted guardian;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Miller, idiotic and dependent son of Abraham Miller, late of Company E, Thirty-sixth Ohio Infantry Volunteers, and pay him a pension at the rate of $12 per month, payable to his legally-constituted guardian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY F. HOBBIE.

The bill (S. 3122) granting an increase of pension to Mary F. Hobbie, widow of Charles A. Hobbie, late captain Company B, Seventeenth Regiment Connecticut Volunteer Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Mary," to strike out the letter "A" and insert "F;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary F. Hobbie, widow of Charles A. Hobbie, late captain Company B, Seventeenth Regiment Connecticut Volunteer Infantry, at the rate of $20 per month, the same to be in lieu of the pension she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary F. Hobbie."

GUSTAVUS A. KINDBLADE.

The bill (H. R. 3524) increasing the pension of Gustavus A. Kindblade was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gustavus A. Kindblade, late of Company C, Fourth Iowa Infantry Volunteers, and to pay him a pension of $30 per month in lieu of the pension he is now receiving.

Mr. GALLINGER. After the word "roll," in line 4, I move to insert "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HENDERSON H. BOGGS.

The bill (H. R. 2023) to pension Henderson H. Boggs was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Henderson H. Boggs, late a private in Company A, Third Battalion, First Provisional Regiment Kansas Volunteer Militia, and private in Company D, Thirteenth Regiment Kansas State Militia, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MIMA A. READ.

Mr. GALLINGER. I reported one pension bill this morning, and in behalf of the Senator from Florida [Mr. PASCO] I ask for its present consideration.

The VICE-PRESIDENT. If there be no objection, the bill will be taken up.

The bill (S. 3842) to grant a pension to Mrs. Mima A. Read was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mima A. Read, widow of Col. Joseph C. Read, late chief commissary of subsistence, Army of the Cumberland, and pay her a pension at the rate of $30 per month, in lieu of that which she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mima A. Read."

TRADE RESTRICTIONS BY FRANCE.

Mr. KYLE. I call up Senate bill 3662.

Mr. CULLOM. Will the Senator from South Dakota allow me to present a paper to be read and referred?

Mr. KYLE. I will yield.

Mr. CULLOM. I desire to present a paper addressed to the Senate and House of Representatives, and as it is brief and is signed by very many business men, I should like to have it read and then referred to the Committee an Finance, so that they may consider it now, perhaps, if they have an opportunity to do so.

The VICE-PRESIDENT. In the absence of objection, the paper will be read.

The Secretary read as follows:

To the Senate and House of Representatives of the United States, Washington, D. C.:

The undersigned packers and shippers of provisions of the city of Chicago beg to present to your honorable body the following facts relative to the recent action of the French Government respecting the duties imposed upon the articles of lard and sausages imported into France:

1. That the duty upon lard has been raised from 14½ francs per 100 kilos to 25 francs as a minimum and 40 francs as a maximum per 100 kilos; and

2. That the duty upon sausages has been raised from 25 francs per 100 kilos to 50 francs as a minimum and to 100 francs as a maximum per 100 kilos.

The undersigned beg to direct your attention to the fact that the minimum duty imposed by France upon lard equals about 36½ per cent ad valorem, while the maximum duty equals 58½ per cent ad valorem. On sausages the minimum rate of duty equals about 28½ per cent ad valorem, while the maximum rate equals 67 per cent ad valorem.

We also beg to state that the present minimum duty on lard is more than 175 per cent and the present maximum duty is more than 285 per cent increase upon the tariff rates heretofore imposed, and that the present minimum duty on sausages is 50 per cent and the present maximum duty is 300 per cent increase upon the tariff rates heretofore imposed.

This situation is seriously aggravated by the Government of France having, during the past week, announced the enforcement of the maximum rates of duty upon these articles, and these, contrary, as we understand, to the general expectation of the trade both in France and the United States, are now in force.

We desire also to add that while business under the minimum rates above noted is barely possible, so that it can only be carried on with such difficulty as to render it extra hazardous, the maximum rates now in force are wholly prohibitory and have resulted in a total suspension of trade in these articles.

In view of these facts, the undersigned respectfully represent that special negotiation having failed to remedy the evils complained of, appropriate retaliatory measures should be promptly taken by the Congress of the United States to bring about all necessary, reasonable, and equitable concessions on the part of the Government of France.

CHICAGO, ILL., *May 10, 1898.*

Mr. CULLOM. I simply desire to add that the paper is signed by very many large business men, and the business referred to reaches the farmers all over the country. I desire to have the paper appear in the RECORD, and I had it read for that purpose. I hope that the Committee on Finance will be inclined to take some steps with reference to the matter, as the action of the French Government makes the trade prohibitory so far as these exports are concerned.

The VICE-PRESIDENT. The paper will be referred to the Committee on Finance.

ORDER OF BUSINESS.

Mr. KYLE. I ask consent to call up the bill (S. 3662) concerning carriers engaged in interstate commerce and their employees.

Mr. CARTER. The unfinished business may be temporarily laid aside with the understanding that it shall be taken up immediately on the conclusion of the bill called up by the Senator from South Dakota. I do not know that at this time it is necessary to stipulate a time for a vote upon the arbitration bill. Probably it would be just as well to proceed with its consideration.

Mr. KYLE. We can have a vote this afternoon; I think in a very short time.

Mr. McMILLAN. I shall not object to the request of the Senator from South Dakota, provided I can have an understanding that to-morrow morning immediately after the morning business I shall be able to go on and finish the two railroad bills, which really ought to be finished without any delay. I do not suppose there will be any objection to such an understanding.

Mr. CULLOM. I think that the arbitration bill will be out of the way very soon, if we can get it up for consideration.

Mr. KYLE. We shall probably finish the bill this afternoon. I think we can conclude it in a short time.

The VICE-PRESIDENT. The Chair hears no objection to the present consideration of Senate bill 3662, and it is before the Senate.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. McMILLAN. Do I understand that consent has been given to have the railroad bills taken up to-morrow morning after the routine business?

Mr. CARTER. In the morning hour.

Mr. McMILLAN. In the morning hour.

The VICE-PRESIDENT. The Chair does not understand that the Senate has taken such action for to-morrow morning. The Chair has not put any request for unanimous consent to the Senate, but will do so if the Senator from Michigan desires.

Mr. McMILLAN. I ask unanimous consent that such an agreement be made.

The VICE-PRESIDENT. Is there any objection to an agreement that to-morrow morning, immediately after the morning business, the Senate shall proceed to the consideration of the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes, and the bill (H. R. 8541) to define rights of purchasers of the Belt Railway, and for other purposes?

Mr. CARTER. During the morning hour.

The VICE-PRESIDENT. Immediately after the conclusion of the morning business.

Mr. CARTER. And only during the morning hour.

The VICE-PRESIDENT. During the morning hour.

Mr. McMILLAN. That is the request.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and that will be the order. The two bills, House bill 6148 and House bill 8541, will be taken up, House bill 6148 to be taken up first.

ARBITRATION BETWEEN RAILROAD COMPANIES AND EMPLOYEES.

Mr. KYLE. Now let Senate bill 3662 be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3662) concerning carriers engaged in interstate commerce and their employees.

Mr. KYLE. I wish to offer one or two amendments. The first is on page 4, line 17, section 3.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 17, page 4, section 3, it is proposed to add:

And in cases where the majority of such employees are not members of any labor organization, said employees may by a majority vote select a committee of their own number, which committee shall have the right to select the arbitrator on behalf of said employees.

Mr. SPOONER rose.

The VICE-PRESIDENT. The Senator from Wisconsin.

Mr. SPOONER. I did not rise to speak to the amendment just read, which I think is all right, if it is not already provided for in the bill.

Mr. NELSON. The amendment should come after the word "organization," in line 17, as I understand.

The VICE-PRESIDENT. That is the place where it has been suggested.

Mr. SPOONER. I rose to call the attention of the Senator from South Dakota to the fact that the Senate ordered a reprint of the bill with amendments, and I hold in my hand what purports to be and is the reprint. My understanding is, or was, that the Senator from South Dakota accepted yesterday the amendment proposed by the Senator from Massachusetts [Mr. HOAR] at the end of the third subdivision, on page 5.

Mr. KYLE. I did accept the amendment, but I presume in the noise and confusion in the Chamber it was not heard.

Mr. SPOONER. I do not think it changes at all the legal effect of the bill, but it was adopted by the Senate.

The VICE-PRESIDENT. The Chair desires to say that it was not adopted by the Senate.

Mr. SPOONER. It was accepted by the Senator from South Dakota.

The VICE-PRESIDENT. It was accepted by the Senator from South Dakota.

Mr. SPOONER. That made it a part of the bill for the time being, did it not?

The VICE-PRESIDENT. No action was taken by the Senate on the amendments, although there was an acceptance by the Senator from South Dakota.

Mr. SPOONER. Then it is pending now.

The VICE-PRESIDENT. It is pending now, or it will be brought to the attention of the Senate before the conclusion of the bill.

Mr. KYLE. I offer the amendment now.

Mr. NELSON. What action was taken on the amendment just offered by the Senator?

The VICE-PRESIDENT. None whatever. It is before the Senate, and the Senator from Wisconsin [Mr. SPOONER] was recognized to speak.

Mr. NELSON. I suggest that we first take a vote on that amendment.

Mr. CULLOM. Let us take a vote on the first amendment.

The VICE-PRESIDENT. The amendment offered by the Senator from South Dakota [Mr. KYLE] is in order.

Mr. TELLER. Let the amendment be stated.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. After the word "organizations," in line 17, on page 4, it is proposed to insert:

And in cases where the majority of such employees are not members of any labor organization, such employees may, by a majority vote, select a committee of their own number, which committee shall have a right to select the arbitrator on behalf of said employees.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from South Dakota.

The amendment was agreed to.

The VICE-PRESIDENT. The Senator from Massachusetts [Mr. HOAR] offered an amendment, which was not acted on, and which will now be stated.

The SECRETARY. On page 5, line 22, of the new print of the bill, after the word "permit," it is proposed to strike out:

No person shall, however, be punished for his failure to comply with the award as for contempt of court.

And to insert:

Provided, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

Mr. NELSON. I offer an amendment to come in at the end of line 11, on page 5 of the reprint of the bill, where it reads:

And that pending the arbitration the status existing immediately prior to the dispute shall not be changed.

I move to insert after those words:

Provided, That no employee shall be compelled to render personal service without his consent.

I offer that amendment because that provision of the bill is that, pending arbitration proceedings, everything shall remain in statu quo. That would imply that the men who are at work should during those entire proceedings, pending the hearings and decision of the arbitrators and pending the appeal, be obliged to remain in the service of the company without their consent. It might afford a basis for some judge to issue an injunction to that effect, based upon this paragraph of the bill. To save any question on that matter, to save any doubt on it, I think this amendment ought to be adopted. It will not change the effect of the bill, except to limit it so that no employee can be compelled, pending proceedings for appeal, which may last for one or two years, to remain without his consent in the employ of the company.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. After the word "changed," on page 5, line 11, it is proposed to insert:

Provided, That no employee shall be compelled to render personal service without his consent.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. ALLEN. I offer the amendment which I send to the desk, to come in as an additional section after section 11 as amended.

The VICE-PRESIDENT. That section has not yet been acted upon.

Mr. ALLEN. Then let section 11 be acted upon.

The VICE-PRESIDENT. What action shall be taken upon section 11? Senators will find upon their bills that section 11 is marked "pending." The question is on striking out all after the word "That," in line 3, of section 11, down to and including the word "appropriated," in line 12, and inserting what is printed in italics from line 13 to line 24.

Mr. KYLE. With reference to the amendment of section 11, I believe under a previous section the award of the arbitrators must be filed within thirty days. The amount of money required can

be very easily computed. Ten dollars a day for the three arbitrators would make $300 for each arbitrator for this special service, making a total of $900; and the balance of the $5,000 will, I think, be ample for all purposes.

Mr. GALLINGER. I want to inquire of the Senator having charge of the bill the precise meaning of this amendment. It reads:

That each member of said board of arbitration shall receive a compensation of $10 per day for the time he is actually employed, and his traveling and other necessary expenses; and a sum of money sufficient to pay the same—

That is, the compensation of each member. Then it goes on—

together with the traveling and other necessary and proper expenses of any conciliation or arbitration had hereunder, not to exceed $5,000 in any one year.

Is it the understanding of the Senator that the amount paid to each arbitrator may amount to $5,000 in one year?

Mr. KYLE. No; the total expenses.

Mr. GALLINGER. Then I think the phraseology is very unfortunate. I suggest that it should read, "And the entire amount expended shall not exceed $5,000 in any one year."

Mr. KYLE. Does the Senator propose that amendment?

Mr. GALLINGER. I should like to have the language amended so as to read:

And the entire amount to be paid to such board of arbitration shall not exceed $5,000 in any one year.

Mr. ALLEN. May I have the attention of the Senator from New Hampshire for a moment?

Mr. GALLINGER. Certainly.

Mr. ALLEN. I think it will be observed by Senators that there is no appropriation to pay witnesses or to pay a stenographer, and no means whatever of obtaining testimony. These matters ought to be provided for.

Mr. GALLINGER. Let the amendment I have suggested be inserted, if it is a proper one. I ask to have it read at the desk.

The VICE-PRESIDENT. Will the Senator restate the amendment?

Mr. GALLINGER. I propose to amend so as to make the language read:

And the entire expenses for said board of arbitration under this act—

That might not include witnesses, if it is desired to insert a provision for them.

Mr. SPOONER. If the Senator from Nebraska [Mr. ALLEN] will give attention a moment, I wish to ask him, Does not this language, in his opinion, cover the matter of witnesses:

And a sum of money sufficient to pay the same—

That is what is decided above—

together with the traveling and other necessary and proper expenses of any conciliation or arbitration had hereunder.

I think that would cover it.

Mr. ALLEN. Probably that will be sufficient.

The VICE-PRESIDENT. The Secretary will state the amendment.

Mr. GALLINGER. My amendment should read:

And the entire expenses under this act shall not exceed $5,000 in any one year.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 11, line 18, after the word "hereunder," it is proposed to insert the words "and the entire expenses under this act shall"——

Mr. GALLINGER. And the word "to," in line 18, before the word "exceed," should be stricken out. I so modify the amendment.

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. In section 11, line 18, after the word "hereunder," it is proposed to insert "and the entire expenses under this act shall;" and in the same line, before the word "exceed," to strike out "to;" so as to read:

And the entire expenses under this act shall not exceed $5,000 in any one year.

The VICE-PRESIDENT. The question is on the amendment as modified.

Mr. TURLEY. Before the amendment is adopted I should like to ask this question: There may be several arbitrations pending in one year; would not the language of this amendment confine the expenses of all the arbitrations, no matter how many there might be, to $5,000?

Mr. GALLINGER. That is enough.

Mr. TURLEY. There may be half a dozen arbitrations in a year, or more than that.

Mr. CULLOM. Congress will probably be in session again before the board of arbitration is organized.

Mr. TELLER. I want to understand the effect of the amendment. Let it be read as it has been amended, so that we may understand it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 11, on page 18, line 3, after the word "That," it is proposed to strike out:

A sufficient sum of money to pay the traveling and other necessary and proper expenses of the arbitrators appointed and serving under this act, and to pay all other necessary and proper expenses of any conciliation or arbitration had hereunder, to be audited and allowed by the chairman of the Interstate Commerce Commission, is hereby appropriated, for the fiscal years ending June 30, 1898, and June 30, 1899, out of any money in the Treasury not otherwise appropriated.

And insert:

Each member of said board of arbitration shall receive a compensation of $10 per day for the time he is actually employed, and his traveling and other necessary expenses; and a sum of money sufficient to pay the same, together with the traveling and other necessary and proper expenses of any conciliation or arbitration had hereunder, and the entire expenses under this act shall not exceed $5,000 in any one year, to be approved by the chairman of the Interstate Commerce Commission and audited by the proper accounting officers of the Treasury, is hereby appropriated for the fiscal years ending June 30, 1898, and June 30, 1899, out of any money in the Treasury not otherwise appropriated.

Mr. TELLER. I understand that to mean that when we have exhausted the sum of $5,000 there shall be no more arbitration. That is what it means now. One fairly contested arbitration will exhaust the entire $5,000. You pay $10 a day to the arbitrators and their traveling expenses. That is $30 a day, to begin with, and very likely an arbitration may last two or three months before it can be completed. In the meantime the business is going on in a normal manner, and the arbitrators will take such necessary time as may be required. From some observation I have had—I have had no direct experience with this question—it seems to me that that is a limitation which ought not to be put on them.

Mr. GALLINGER. And there will be other expenses.

Mr. TELLER. Yes; there may be other expenses, as suggested. They may want to employ experts to examine books, so as to see what a company is earning, to see what is its condition, and whether or not it can afford to meet the demands of the men. All these things should be considered by the arbitrators, and it seems to me it would defeat the very object which is designed to say that having expended $5,000 there shall be no more paid. You can not put this work upon men without providing for the expense of doing it. The railroad companies may decline to appoint an arbitrator, and the result will be you will have only one or two arbitrators at most, and perhaps not more than one.

I think the Government of the United States can afford to pay all the expenses of all arbitrations, if the arbitration succeed; and if they do not, we can repeal this bill. It is a trial bill, an experiment, which a great many people believe will not succeed. I confess I have very little hope of its success myself, but if we make the effort, we at least can then determine whether we can proceed hereafter in this way or whether it will be necessary to adopt some other method. I hope there will be no limitation as to the amount, except that the entire amount shall not be expended in one case.

Mr. KYLE. If the Senator will direct his mind to the first provision on page 5, he will find—

That the board of arbitration shall commence their hearings within ten days from the date of the appointment of the third arbitrator, and shall find and file their award, as provided in this section, within thirty days.

Then they shall file the award as provided in this section within thirty days of the appointment of the third arbitrator.

Mr. TELLER. I had not noticed that, and I think it is a mistake. I should like to suggest to the Senator in charge of the bill that it would be a great deal better when an arbitration board is created to let the board determine how long the case shall continue. Thirty days would not be enough, as a general rule, and, I think, it will be found to work very badly if you limit them to thirty days. If the employees insist on thirty days, let that question be settled when they enter into the arbitration; but if it requires more than thirty days, let the stipulation be made that additional time shall be given.

Mr. KYLE. If $5,000 is not deemed sufficient, in the view of the Senator from Colorado, we can make it $10,000. I think the disposition is on the part of all Senators to make it ample.

Mr. TELLER. I supposed that it was to be not more than $5,000 in one case. I had not any idea that it was supposed that all these questions could be settled for $5,000 a year.

Mr. KYLE. I understand that was the amendment of the Senator from New Hampshire [Mr. GALLINGER].

Mr. CULLOM. I should think that the amount named in the amendment ought to be doubled. If we have three or four arbitrations between now and the next session of Congress, evidently the amount provided for here will be exhausted before the arbitrations are concluded.

Mr. ALLEN. It would not cover the expense of one ordinary arbitration.

Mr. CULLOM. Probably not; and there may be a half dozen arbitrations going on at the same time. Labor troubles generally occur once in a year, and sometimes oftener, and generally they all occur about the same time. So if three or four arbitrations

are proceeding at the same time, examining witnesses, papers, books, etc., evidently the $5,000 will be very soon exhausted. So I hope the Senate will double the amount.

Mr. KYLE. I shall be glad to amend by striking out "five," before the word "thousand," and inserting "ten."

Mr. GALLINGER. I am not inclined to insist upon the amendment I offered. By way of explanation I will say that as I read the proposed amendment, the amount specified seemed to apply to each individual member of the board of arbitration, but I find there is another clause in the amendment which reads:

> And a sum of money sufficient to pay the same, together with the traveling and other necessary and proper expenses of any conciliation or arbitration had hereunder, not to exceed $5,000 in any one year.

I am inclined to think I was wrong in the construction of the amendment—although I think it is awkwardly expressed—and that the sum of $5,000 is intended to cover the expense of one arbitration. I have no objection to that. I think it ought to be left open. We ought not to limit it at all so far as the amount of money is concerned. I will therefore withdraw the amendment I have offered.

The VICE-PRESIDENT. The amendment submitted by the Senator from New Hampshire is withdrawn. The Senator from South Dakota [Mr. KYLE] has moved to amend the amendment, in line 18, before the word "thousand," by striking out "five" and inserting "ten;" so as to make the amount $10,000. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now is on striking out, in section 11, line 3, after the first word "That," down to and including the word "appropriated," in line 12, and inserting the new matter which is printed in italics in the bill, and which has been read. The question is on that amendment as it has been amended.

The amendment as amended was agreed to.

Mr. ALLEN. I offer the amendment which I send to the desk as a new section, to be inserted after section 11.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

> SEC. 12. That nothing in this act contained shall be so construed as to enlarge the remedies at law and in equity in courts of the United States now enjoyed by private persons, firms, or corporations; and that in cases of controversies between interstate-commerce carriers and their employees concerning rates of wages and terms of employment involving the public interests and threatening irreparable public injury, no statute of the United States shall be construed as permitting the equitable jurisdiction of the courts of the United States to be invoked except by the Attorney-General of the United States.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Nebraska.

Mr. NELSON. I desire to add an amendment to that amendment.

Mr. ALLEN. Will the Senator permit me to make a statement for a moment?

Mr. NELSON. Certainly.

Mr. ALLEN. This amendment simply prohibits the indiscriminate issuing of injunctions on behalf of private individuals and private corporations, and vests the power in the Attorney-General to determine when it is proper to apply for a writ of injunction, like the relation in a case of quo warranto or process of that kind.

Mr. NELSON. I move to add at the end of the amendment of the Senator from Nebraska the following:

> And nothing in this act shall be so construed as to entitle any court to compel any employee to render personal service without his consent.

Mr. ALLEN. The amendment of the Senator from Massachusetts [Mr. HOAR] covers that point entirely and fully. It is also covered by another provision.

Mr. NELSON. Is that already in the bill?

Mr. ALLEN. It is already in the bill.

Mr. NELSON. Very well; then I withdraw the amendment.

Mr. SEWELL. I should like to ask the Senator from Nebraska if the scope of his amendment is not in the direction of preventing one class of citizens, to wit, the corporations, making appeals, and depriving them of the right which the Senator from Nebraska and I enjoy to appeal from any decision?

Mr. ALLEN. No; the purpose of this amendment, I will say in answer to the Senator from New Jersey, is to have the Attorney-General determine when it is proper to apply for an injunction to restrain laborers and labor organizations, so that there shall be some central power before whom the facts may be laid to determine the question and prevent the issuance of indiscriminate injunctions.

Mr. SEWELL. Why deprive a corporation or a citizen of the right of a direct appeal and let the question go to the Attorney-General? Why deprive the court of the right to decide that question?

Mr. ALLEN. You do not deprive the court of the right to decide that question at all. In almost every State where you file an information in the nature of a quo warranto, to oust a person from public office, or to test a franchise, the Attorney-General has the right to determine, and he always grants the right to his district attorneys when it is made to appear to him that the case is a proper one. This simply prevents the corporation or individual from indiscriminately running into the courts without the consent of the Attorney-General.

Mr. SEWELL. Is it not an inherent right of an individual or a corporation—a corporation being, under the law, practically an individual—to go to a court in all cases?

Mr. ALLEN. There is no such thing as an absolute right to a writ of injunction.

Mr. SEWELL. Then there is no occasion for the amendment.

Mr. ALLEN. The granting of a writ of injunction is always discretionary with the court. The court may or may not grant an injunction.

Mr. SEWELL. Would not the courts under this provision be deprived of the right to grant an injunction if they wanted to do so?

Mr. ALLEN. Not at all; but the Attorney-General takes the initiative, either by himself or through some of his district attorneys in the various jurisdictions.

Mr. SEWELL. I see what the Senator wants to provide for, that a corporation or an individual shall not have the right to a writ of injunction except through the Attorney-General.

Mr. ALLEN. No; but that if either the corporations or the laboring organizations themselves desire to apply for a writ of injunction with reference to any dispute between them, they must first lay that matter before the Attorney-General and obtain his consent.

Mr. FRYE. Practically, then, it will be impossible to obtain an injunction except on the approval of one man.

Mr. ALLEN. Except on the approval or with the permission of the Attorney-General.

Mr. SEWELL. Then you set the Attorney-General above the court; and a court can not act without the prior action of the Attorney-General.

Mr. ALLEN. Not at all. I simply say that the proceedings must be initiated by the Attorney-General, or with his consent. There is nothing unusual about that, because any lawyer who is familiar with the facts knows that there are certain writs that you can not sue out at common law without the consent of the law officers; and this case, in my judgment, ought to be one of them.

We all know that the writ of injunction is not a writ of right, never was, and is not now. It is a discretionary writ, and may or may not be granted in the discretion of the court. But the setting of the machinery of the court in motion ought to be placed in the control of the Attorney-General, he granting that power or instructing the district attorneys throughout the United States to file the proper bill and initiate the proper proceeding when he passes upon the facts which are laid before him. It strikes me that this is in the interest of both parties and of all parties.

Mr. SEWELL. I will say that you ought not to pass a bill which will deprive the courts of the right to do what they consider proper in the case of any citizen or in the case of any corporation in anything which involves great business interests or the rights of the individuals concerned. The courts ought to be open to everybody in this country, individuals and corporations, and they ought not to be obliged to go to the Attorney-General to get permission to apply for an injunction or ask him to make the application.

I hope that the portion of the amendment which refers to that particular point will not be adopted.

Mr. ALLEN. I do not want to enter into any discussion of the question of the courts being open to every individual; I fully agree with the Senator from New Jersey that they should be; but is it proper in these great controversies, where either party is somewhat excited, for them to go into court without any restraint whatever, or to have people apply to the court without any restraint whatever, and procure a writ of injunction to tie up a great railway line; or, upon the other hand, a writ of injunction to tie up thousands, and possibly hundreds of thousands, of men without the consent of some central and responsible authority?

Mr. President, suppose a man occupies an office, it may be as an officer de facto and not de jure, and it is sought to oust him. A private relator can not bring an action, although he may be a contestant, to oust that man of his office without the consent of the Attorney-General. I am speaking now of the common law. I do not know what the statute law may be in New Jersey. The proceeding must be initiated by the Attorney-General, because it is of a quasi public character.

These proceedings, whatever form they may take, ought, in my judgment, to be initiated by the Attorney-General, because they are of a highly public character, and it is a double-edged sword; it cuts as much against the laboring man as it does against the corporation. I have no doubt whatever that in a proper case, where proper representations are made, the Attorney-General will instruct the district attorney of the district in which the controversy

arises to apply for a proper injunction, or permit a corporation or the laboring men, as the case may be, to apply. So that it is under his supervision.

Mr. SEWELL. I should like at this time to say that I do not want to see the courts deprived of the right to answer an appeal of a citizen or of a corporation. I do not want to see corporations or individual employees or labor organizations deprived of their rights in the courts, as we have understood them for a hundred years, by being compelled to go to one officer and get his permission to have a writ of injunction issued. I think the amendment is a vicious one in that sense.

Mr. ALLEN. It is in accordance with judicial procedure.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question is on the amendment of the Senator from Nebraska [Mr. ALLEN].

The amendment was rejected.

Mr. ALLEN. I offer an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend by adding as a new section the following:

SEC. 13. That any person, being a creditor, master, employer, overseer, or agent, who shall use any coercion or intimidation to procure an elector who is a debtor or under his authority, control, direction, or employment to vote contrary to the wishes or inclination of such elector, or who shall deter such elector from voting at any election held in pursuance of the laws of the United States, shall be imprisoned in the penitentiary not less than one nor more than five years; that any of the following acts shall constitute unlawful coercion and intimidation under this section, to wit: Any representation or statement by any person, company, corporation, association, creditor, or employer, in person or by or through his or its servant or agent, if a creditor or employer, to any debtor or employee in his or its service, or in the service or employment of another, or the debtor of another, that it would be to the interest of the employer or employers, or to the creditor, for such employee or debtor, or his coemployees, to cast his or their ballot for a particular candidate for the office of President of the United States, or Vice-President of the United States, or for any particular elector or electors for the office of President or Vice-President of the United States in any State or district of the United States, or who shall make an exhibition of or reference to any actual or supposed order or orders for goods manufactured or to be manufactured, or sold, by any such employer, or to any article or articles of such employer held or kept for sale, or to any article or articles to be manufactured, purchased, or sold by such employer, company, corporation, or association, or in any manner stating or intimating that such order of goods will be filled, or goods manufactured, purchased, or sold in the event of the election of any such candidate for any such office or offices, or that such order or orders will not be filled, or that the goods will not be manufactured or sold, in the event of the election of any such candidate or candidates for any such office or offices, or who shall make any statement or representation, direct or indirect, that the employer, company, corporation, association, or person, as the case may be, will close its or his place of business, or cease to do or transact business, or that it or he will be compelled to, or will, discharge any employee or employees from his or its service, or that any such employee or employees will not be given employment if any particular candidate or candidates for any such office or offices shall be elected, shall be punished on conviction by imprisonment in the penitentiary for not less than one nor more than five years, and shall pay a fine of not less than one nor more than five thousand dollars: *Provided*, That nothing herein contained shall be so construed as to prohibit full, orderly, and legitimate argument and persuasion respecting the merits of any candidate or candidates for any such office or offices, or as to the soundness, wisdom, or policy of political parties of which any such candidate or candidates are members. And any person violating any of the provisions of this act may be indicted or informed against in any State court having general criminal jurisdiction in the county in which the offense shall be committed, and shall be there prosecuted to final judgment according to the law of procedure of the State in which the offense may be committed, and shall, on conviction, be imprisoned in the penitentiary of such State: *And provided further*, That if any United States circuit court having jurisdiction in said county shall first obtain jurisdiction of the person offending, he may there be prosecuted to final judgment, and shall, on conviction, be imprisoned in a United States penitentiary to be designated by the court.

Mr. GALLINGER. Mr. President, I have not participated in this debate heretofore and do not propose to do so now except to say a single word. I have received letters urgent in their nature from the labor organizations of my part of the country requesting me to support this bill. I take it that they had reference to the bill as it was sent over from the House of Representatives. I have been an advocate of arbitration during my public life and have hoped many times that some means might be devised whereby these questions which agitate from time to time the public mind and divide the laborers into one camp and the employers into another might be made the subjects of proper arbitration, and hence I was disposed to favor any reasonable bill.

Mr. President, as this debate has progressed it has seemed to me that some of our friends in this Chamber who have always posed, if I may use that term, as the special champions of the laboring man have been inclined to load down the pending bill with extraneous matter that will make it absolutely inoperative, providing it could be made operative if it passed in what I regard as a more reasonable form.

Mr. President, I know the Senator from Nebraska will not feel that I am offensive, because I do not intend it in that way, neither do I pretend that I fully comprehend his amendment, which I have tried to follow as it has been read from the desk, but it does seem to me from what I heard that the amendment, if it is incorporated into the pending bill, will very likely defeat the purposes of the proposed act and that we will not get the good from this legislation which we might otherwise get.

Mr. President, I have never been a special champion of the laboring men, or a special champion of the manufacturers or employers of this country. I have tried to keep my mind balanced on that question where I could vote and speak in behalf of the rights of both these great interests. But I have felt as this discussion has proceeded and the consideration of the bill has gone along that we were legislating in the right direction, and that if this bill should be passed in a reasonable form, some good, very likely, would come from it, and that we might be spared some of the commotion and the trouble and the loss of life and money which have resulted from strikes on the part of the laboring men and the resistance of them on the part of those who employed the men.

Mr. President, it may be that the Senator from Nebraska can explain his amendment so that the impression which I received as it was read from the desk will be dissipated, and that it may appear to be really in the interest of the legislation we are trying to bring about. I sincerely trust that it may be so. Yet I want to repeat what I have said, that I fear if this amendment is adopted it may defeat the purposes of the proposed legislation and do harm rather than good.

Mr. ALLEN. I have been listening very carefully to ascertain the impression made upon the Senator from New Hampshire, and I am not yet informed as to that impression.

Mr. GALLINGER. One impression made upon my mind, if the Senator will permit me, is this: I am not a lawyer and am not going to enter into a legal argument with the Senator from Nebraska, but it does seem to me that a United States statute which expressly provides that the matter shall be transferred to the State courts presents a serious question as to whether or not it can be done constitutionally, and whether or not it would carry out the purpose which the Senator has in mind in presenting the amendment.

Mr. ALLEN. I did not suppose anybody doubted its constitutionality.

Mr. GALLINGER. There are other matters which I noticed as I listened to the reading of the amendment. I wish I might have it at my desk to read it more carefully. I wish it had been printed, so that everyone could see it. There are other matters in the amendment which struck me as being very questionable, so far as the proposed legislation is concerned. I thought it would complicate the matter and make it much more difficult of enforcement than it would be if the Senator's amendment should not be incorporated in the bill. That is the impression I received.

Mr. ALLEN. Mr. President, just a word explanatory of the proposed amendment. While it is somewhat involved in its phraseology, it is not difficult to understand. It means simply that no employer shall take advantage of his position to influence a vote of his employee by any kind of threat or representation to the employee that unless he supports such and such candidates for office his employment will be at an end. That is what it means.

Mr. FRYE. Will the Senator from Nebraska allow me?

Mr. ALLEN. Certainly.

Mr. FRYE. It means, I suppose, that an agent of a woolen mill, when the proposition is that there shall be no protection whatever on woolen goods, and that there shall be a duty on wool itself, the raw material, will not be permitted to say to his employees, any of them, privately or publicly, "If that measure shall become a law my mill can not run."

Mr. ALLEN. No, sir; it does not mean that.

Mr. FRYE. If he did, he would be liable to go to State prison.

Mr. ALLEN. It means nothing of the kind, and if the Senator had listened to it carefully——

Mr. FRYE. I did listen to it, and it struck me as wonderfully absurd.

Mr. ALLEN. How is that?

Mr. FRYE. I did listen, and I thought it was a very absurd amendment. I am not so polite as the Senator from New Hampshire.

Mr. ALLEN. That is the strongest commendation of the proposed amendment. The fact that the Senator from Maine condemns it satisfies me that it has much virtue.

Mr. President, it means nothing of the kind stated by the Senator from Maine. It means that if I am in the service of a manufacturing company——

Mr. FRYE. That is it; he has it—a manufacturing company.

Mr. ALLEN. Wait a moment. It means that if I am in the employ of a manufacturing company or corporation or individual—it covers all of them, all corporations and all persons—and I am a daily worker for wages to support myself and family, the proprietor shall not call me into his office just before election, when the winter is coming on, and say, "Now, Mr. ALLEN, I have here in my hand a certain number of orders, and we can run our business all winter if John Smith is elected President of the United States, but if he is not elected, I am going to close up," stopping at that, but implying all the while, "If you do not vote the ticket

I want you to vote, I will discharge you." I say that is intimidation and fraud, and no decent man will engage in it, and there ought to be a statute prohibiting it.

I shall not go into a discussion of what took place in this country within the last twenty-four months in that respect further than to say that I know as a matter of fact that that was done in hundreds of instances and that it did influence thousands of votes. If any party in the history of the United States has advocated the freedom of the ballot and the right to exercise uninfluenced the elective franchise, it is the Republican party. They have done that, however, more especially in connection with the colored men of the South.

I have nothing sinister to gain by offering the amendment. I do not do it through mere caprice. I want to see the time come in this country, if I can live long enough to see it, when every citizen, I care not how humble he may be, can go to the polls uninfluenced by any threat or intimidation, directly or indirectly, which is calculated to induce him to vote one way or the other. That is the ideal government. That is the theory upon which this Government was established.

Mr. President, this amendment is germane to the pending bill. Here is the relation of employer and employee. The bill deals with certain financial relations between these parties. Where better than in this bill can you put a provision to protect the rights of the humble man against the strong, so far as the exercise of the franchise is concerned? Would the Senator from Maine say that any of the things enumerated in the proposed amendment are commendable upon the part of the person indulging in them? Are they not to be condemned, even in the domain of morals; and if they are to be condemned, why should we not enact a law covering such cases and, if anybody sees fit to violate that law, prosecute him?

Mr. President, it does not hamper the bill, as the Senator from New Hampshire says. It is very common in this Chamber when a man wants to seesaw a little on a measure, to say, "Oh, you are putting on an amendment here that will load down the bill. Therefore you are responsible and will be held responsible." The Senator from New Hampshire used the word "pose," whatever that may mean. I have not posed as the special champion of anybody. Never in my life have I been the special representative of any particular class of people. I am an American citizen, and I want to see every American citizen, naturalized or native born, an individual or a legitimate corporation, have his rights. I do not want to see them exercise the rights of anybody else.

I want to see every legitimate enterprise fully encouraged and protected; not protected in the New England sense of protection, but protected by the laws of the United States and by the laws of the different States. I want the persons and the property rights and the franchise of all people fully protected by legislation, and any violation of those rights I desire to see punished. If there is anything wrong in that, my shoulders are broad enough to take the consequences. I do not fear the consequences.

Mr. President, so far as this bill is concerned, I have been the recipient of telegrams by the score wanting me to vote for it. I said yesterday when the discussion first opened that after explaining its vicious features, as I tried to do, if the representatives of the labor organizations desire me to vote for it, I will do it; and I propose to do it. I propose to do it upon the theory that their eyes are now open; they know what they are walking into. With them the consequences must rest, not with me. It is a kind of goody-goody sort of bill. It covers a good deal of paper.

It is very artistically drawn now, after the several amendments which have been offered and adopted. But there is nothing to it that you can ever enforce. When the amendments were adopted which protected the individual worker against an injunction compelling him to work whether he would or not, the bill was robbed of its chief vice. As the Senator from South Dakota reported it here it stood as a manacle upon the limbs of every laborer for a railroad company if the corporation saw fit to sue out an injunction against him. The honorable Senator from Massachusetts offered an amendment, that was adopted, which has robbed it of that peculiar, obnoxious feature.

The Senator from Maine must think I have a peculiar idea of public questions that I would offer this amendment for the mere sake of doing something, regardless of its consequences. There are 800,000 men in the United States in the service of railroad companies, one-half of whom are importuned and threatened directly or indirectly if they do not vote the tickets of their masters. I doubt not that in the last Presidential election a million and a half or two million men by these underhand methods and indirect threats were robbed of their suffrage. I do not doubt it. This protects them; but because it protects them it seems to be objectionable.

Mr. HOAR. I should like to ask the Senator from Nebraska before he sits down whether he understands that we can, under the Constitution, provide that an offense created by a United States statute shall be tried in a State court?

Mr. ALLEN. Yes, sir.

Mr. HOAR. I did not understand that to be the law.

Mr. ALLEN. I say so distinctly. I understand that to be the law, too.

Mr. HOAR. I supposed it was settled otherwise in the Pennsylvania case in principle, even as applied to a civil proceeding. Who has the pardoning power in such a case, the governor or the President of the United States?

Mr. ALLEN. The President has the pardoning power.

Mr. HOAR. He can pardon a man convicted and sentenced by a State court?

Mr. ALLEN. Yes.

Mr. HOAR. Where does the Senator find that authority?

Mr. ALLEN. I find it in dozens of decisions which I have consulted in years gone by.

Mr. HOAR. I should like to see some of them.

Mr. ALLEN. I will be glad to send the Senator a reference to some of them if he desires to see them.

Mr. HOAR. I supposed—and there are forty lawyers within the sound of my voice, any one of whom can correct me if I am mistaken—that it is not competent for Congress to create an offense and provide that it shall be triable in and punishable by a State court. Perhaps I am altogether mistaken, but I supposed that to be the law.

I should like to ask the Senator another question. Does he understand that a Presidential elector is a State or national officer?

Mr. ALLEN. I do not think it signifies much which he is. There is a dispute as to it.

Mr. HOAR. The Senator proposes to punish offenses committed with relation to the office of Presidential elector.

Mr. ALLEN. I suppose a Presidential elector stands to the State and nation very much as a Senator stands to the State and nation. For some purposes he may be considered a national officer; for other purposes he may be considered a State officer.

Mr. HOAR. I had supposed, and the Senator will correct me or some other Senator will if I am wrong, that an elector for President or Vice-President of the United States was a State officer, and that we had always in making provision in regard to national elections—elections of Representatives in Congress—scrupulously kept off the field of providing for the election of State officers.

Again the Senator will correct me if I am wrong, but it seems to me his amendment is unconstitutional in two respects. First, it provides with reference to the election of President of the United States. The amendment says vote for President or Vice-President or for electors; but of course the vote for electors is the only one that will ever be cast under the present Constitution of the United States. The Senator is undertaking to create an offense with reference to that class of elections. I understand that is wholly within the power of the States.

Secondly, the act of Congress which the Senator proposes provides that the offense thus created shall be tried and sentence be passed in a State court. I suppose that also is unconstitutional.

Mr. ALLEN. I am very much gratified that I did not learn what little constitutional law I know in the section where the Senator from Massachusetts got his eminent knowledge. The Constitution of the United States expressly provides for an elector. The elector is not created by the State constitution or a State statute. He is a creature of the Federal Constitution, and therefore draws all his life and vitality from that source. There can not be the slightest doubt about that. It is just exactly as the Federal Constitution creates the office of United States Senator and Representative in Congress. It is not created by any State constitution or statute. It is created by and emanates from the Federal Constitution.

Mr. HOAR. If the Senator will pardon me, the Constitution of the United States expressly provides that Congress may fix the manner and time and place of electing Senators and Representatives, with the limitation that they shall not undertake to deal with the question of the place of choosing Senators.

Mr. ALLEN. Yes; I understand that.

Mr. HOAR. Now, it is under that power that all our penal or criminal authority is held to exist. That provision is scrupulously omitted in regard to electors, and as I understand it, there is nothing more clear, going entirely through the whole provision, than that Congress meant to keep that power in the States' hands. That was the reason why they not only omitted this provision which applies to Representatives and Senators, but they further provided that no person holding a national office shall act as an elector. If there was any single object which the framers of the Constitution had in mind, it was to keep the choice of electors in the hands of the States, and all the provisions in regard to them.

Mr. ALLEN. There is no doubt about that.

Mr. HOAR. That is all I claim.

Mr. ALLEN. Nobody has disputed it. The truth is, the Senator from Massachusetts is getting into the reflective or abstractive mood. I said that the offices of United States Senator and

Representative in Congress and the office of Presidential elector are all created by the Federal Constitution. They come from the Federal Constitution and nothing else. They do not exist by virtue of State constitutions or by virtue of State statutes any more than they exist by virtue of the laws of Australia or Russia, and in that sense they are Federal, because they are created by the Federal Constitution; and yet they are Senators and Representatives and electors for certain States and certain districts in another sense. So that signifies nothing.

The Senator from Massachusetts put me this question, as though he thought it was a poser—a species of knockout blow: Whether I thought it was in the power of Congress to confer jurisdiction on the State courts to prosecute offenses against the statutes of the United States. I did not suppose there was a lawyer in the United States who would deny it or even question it. There is penal statute after penal statute of the United States which is being enforced by State courts. I recall to mind now one of them.

The penalties against national banks for usury are enforced by the State courts. It is perfectly competent for Congress under our Constitution to abolish all the subordinate judiciary of the United States, everything below the Supreme Court. It is perfectly competent for Congress to confer jurisdiction upon the nisi prius courts of the States and say that they shall ex officio exercise the Federal jurisdiction within their circuits and districts. And yet the Senator from Massachusetts wants me to take his ipse dixit that that is not true. I am not prepared to do it.

The PRESIDING OFFICER. The question is on the adoption of the amendment submitted by the Senator from Nebraska [Mr. ALLEN].

The amendment was rejected.

Mr. MALLORY. I offer an amendment. On page 4, line 18, I move to strike out all after the word "arbitration" down to and including the word "section," in line 22, on the same page, in the following words:

But, in the event of their failure to name such arbitrator within five days after their first meeting, the third arbitrator shall be named by the commissioners named in the preceding section.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida.

Mr. MALLORY. Mr. President, the amendment simply proposes to strike out the provision which I have read, that if the arbitrators of the respective parties to a controversy should within five days after their first meeting fail to agree upon a third arbitrator the Commissioner of Labor and the Chairman of the Interstate Commerce Commission shall appoint the third arbitrator. I think it would be a great deal better to permit the parties to the controversy to themselves agree upon an arbitrator, even if it should take a longer time than five days or even ten days.

The point to be reached by this measure is to bring about a voluntary and a fair settlement of the differences between the employer and the employees. Under the bill as it is now provided it is in the power of either party who thinks that it may gain an advantage by having the commissioners named appoint the third arbitrator to have that brought about by simply standing out and refusing to agree upon a third arbitrator.

As I understand this measure it is purely voluntary. It proposes to use no coercion whatever, but to allow the parties the fullest, fairest, and freest opportunity to settle their differences. I can conceive conditions under which the appointment of a third arbitrator by the commissioners would be extremely distasteful and objectionable to one of the parties to the controversy, and in that event it would not be a fair arbitration.

I therefore submit the amendment, because I believe it is in the interest of the end that is sought to be gained by the bill.

Mr. SPOONER. Mr. President, I have but a few words to say upon the pending amendment. Something, of course, can be said in favor of the position taken by the Senator from Florida, and I think he has said all that can be said in favor of it. The men who have been promoting the passage of this bill, the representatives of the old-time railway organizations, Mr. Arthur, Mr. Clark, Mr. Morrissey, and others, are men of ability. They have devoted their lives almost—at any rate, some of them the best part of their lives—to harmonizing and adjusting differences between employers and employees. They have studied the subject, I venture to say, with more care, all things considered, than any member of the Senate has had time to give to it; certainly with infinitely more care than I have been able to give; and they all desire, so far as I know, that this provision shall be left in the bill.

The reason for the provision, as I understand it, is that if it were omitted and no provision made for the appointment of the third arbitrator and there would come a deadlock, either one of the parties to the arbitration might prevent in that way any arbitration whatever. If an arbitrator is appointed by the carrier and is like most arbitrators, he will be appointed much in the interest of those who dictate his appointment or who appoint him, and he might not be willing to agree to a third arbitrator, and therefore an end would be put to this attempt at conciliation.

The gentlemen of whom I spoke, who have the aid of good counsel, and who are themselves able men, would rather take the chance indicated by the Senator from Florida, that the person chosen by the Commissioner of Labor and the Chairman of the Interstate Commerce Commission as the third arbitrator, where the two arbitrators have failed to agree upon a third, may not prove a fair-minded man and lend his efforts to an honorable and just arbitrament, than to leave the provision out of the bill and put it in the power of the carrier on the one hand or the employees on the other to defeat altogether the arbitration if they should choose to do so.

Mr. MALLORY. Does the Senator think it would be better to have no arbitration at all than to have an arbitration by a board of arbitration the majority, at least, of whom are suspected of being unfair?

Mr. SPOONER. I will state how I feel about it. I have felt that, as this bill had passed the House three times, as it had the strong support of the gentlemen who represent these organizations, as it is limited to interstate carriers, I would support, as far as it seemed to be a just measure, all things considered, the proposition that they might originate. I have suggested some amendments to them, which have been adopted, in their interest and at the same time fair to both parties to the arbitration.

Of course this measure is experimental. It is not a perfect bill. It has been improved in some respects. In some respects I think it has not been improved. It is an experiment. It is an attempt which all good men in this country ought to hope, and undoubtedly do hope, will prove to be a successful one to avoid the great strikes, which not only bring loss to the country but loss to the men who are engaged in them, and to promote under the auspices of Congress, as far as it can be done, courts of conciliation and adjustments between the men and the companies.

So far as I have seen and talked with those gentlemen, they feel that in the long run this bill, as all bills of the kind, must depend for its success largely upon public opinion, and they believe it is a fair bill, if there are elements of mutuality in it; because there is not one of those men who is not large enough and strong enough to see that there can be no successful arbitration under a law which is not in a fair degree mutual. They know that such arbitrations can not be successful if they are one-sided, because if they are one-sided, being voluntary, they will not exist at all.

So they do not wish the delay. That is another point about it. If one arbitrator is appointed by the carrier, the other by the men, and the third is to be appointed by the two arbitrators, it is in the power, as I said a moment ago, of one of the parties to prevent an arbitration. In the same way it is in the power of one of the parties to indefinitely prolong or delay arbitration. They want prompt action if it can be brought about. When a disagreement arises which they have not been able to adjust by the mediation of the chairman of the Interstate Commerce Commission and a resort to arbitration becomes necessary, they want the arbitrators, soon after the agreement to arbitrate is made, to meet, and as it is provided in the bill, if they can not agree upon the third person, they want the third party named by some one else, and they want that done promptly.

That is one reason why there is provided in the bill a limit of time within which the award must be made. They do not want an arbitration to be susceptible of indefinite prolongation by either one party or the other, because the status is to be preserved and they want a prompt and early adjustment of the difference.

Now, because they want the bill this way, and because it is perfectly obvious to me, if I am not altogether wrong, that without some provision of this kind there can be no arbitration, practically, under the bill, seeing the difficulty which my friend suggests, I am in favor of the bill with that provision in it.

Mr. MALLORY. Mr. President, I do not care to prolong the discussion on this point. I think it is sufficiently obvious to be understood without any further discussion. The only point which I should like to impress upon the Senate is that I think, in the estimation of most of us, it is better we should have no arbitration at all than to have an arbitration which after the appointment of the arbitrators is open to the accusation, if not the suspicion, of being a partial arbitration and not a fair one.

It is perfectly competent for either side to withdraw before the appointment of the arbitrators and thereby avoid it. But at the same time that would not be in the direction of settling differences. The object of this measure, as I have stated, is to secure a fair arbitration and to bring about as fair a settlement of the controversy as is possible; and that can only be done when all question whatever as to the fairness of the arbitrators or the judges is beyond question.

Mr. SPOONER. You never can get it beyond question.

Mr. MALLORY. I think you can if the parties themselves agree to a third arbitrator.

Mr. SPOONER. It is absolutely impossible for any act of Congress to put it beyond question. One thing is very certain—the

arbitrators are obliged to agree upon the third arbitrator within five days.

Mr. MALLORY. In the case of an arbitration between private individuals the two arbitrators always select a third—at least as a general rule.

Mr. SPOONER. I know they do, but where there is a dispute between private parties and they find themselves unable to agree upon arbitrators, the courts are open to them. My friend knows that when questions of this kind are in controversy the courts are not ordinarily open to either side. It has been thought, and I think with some force, that the time being limited within which the two arbitrators shall agree upon the selection of a third, if either does not desire the appointment of the third by these officers for fear that the arbitration would not be fair, they will themselves agree to a third. In other words, you can not make it perfect. So far as I am concerned, I say what I do in defense of the proposition as it stands now, because those men, who are very strong men and able men, having considered it carefully, prefer it to the other proposition.

Mr. MALLORY. Who prefer it?

Mr. SPOONER. The men who represent these various organizations.

Mr. MALLORY. The labor organizations prefer it?

Mr. SPOONER. Yes, sir.

Mr. MALLORY. I should like to ask the Senator if he knows it to be a fact that this point was discussed by them?

Mr. SPOONER. Yes, sir; I have discussed it with one or two of them. I suggested the very difficulty which the Senator from Florida has suggested. It is an experiment anyway. I do not know what good will come of it; but if there is any possibility of good to come from it, I want the bill to go through as they wish to have it passed.

Mr. LINDSAY. If the Senator from Florida will permit me, I will state that the matter was considered by the committee, the leaders of the workingmen being present; that the bill was prepared just as it is by them, and this provision was adopted at their suggestion.

Mr. MALLORY. After a discussion of the question?

Mr. LINDSAY. After a discussion of the question before the committee. Each provision of the bill was gone over carefully, and these men were heard.

Mr. MALLORY. I defer a great deal to the judgment of the committee and to the judgment of the men interested in the bill.

Mr. CULLOM. I wish to add to what the Senator from Kentucky has said that I have talked with one or two of the gentlemen who were parties to the preparation of the bill, and they were anxious that it should be passed as it came to the Senate.

Mr. KYLE. I will say to the Senator from Florida that we discussed this matter very thoroughly before the committee with the representatives of the railway trainmen. Various modes of naming the third arbitrator were suggested in case an agreement was not had between the first two. Reference was made to the law of 1888, where the President named the three arbitrators. It was thought better in the interest of all parties to have the Chairman of the Interstate Commerce Commission and the Labor Commissioner name the third arbitrator, rather than that it should be done by the President. It was their suggestion, at any rate.

Mr. MALLORY. This one arbitrator will determine the character of the arbitration. As I was proceeding to say, I defer to the judgment of the committee and also to the wishes of the men who are deeply interested in this measure, as I understand they are. At the same time, I shall insist upon a vote on the amendment because it is very apparent to me that after an understanding to go into an arbitration is entered upon, it would be in the power of one party to compel the other to accept an arbitrator who might not be acceptable to him in the end. The bill prescribes that "in the event of their failure to name such arbitrator within five days after their first meeting, the third arbitrator shall be named by the commissioners named in the preceding section." They do not know who that arbitrator will be; they have no power to suggest who he shall be; and they have no idea as to what his views are on the questions in controversy. Consequently he may turn out to be one whom they regard as inimical to the special interests of one side or the other.

Mr. LINDSAY. Mr. President, I confess that when I commenced the consideration of the pending bill I was not very favorably impressed with the idea that we would be able to report any bill that would be practically beneficial, but after listening to what the men who represented the labor interests had to say I came to the conclusion that very much good might be effected through the instrumentality of the bill that they presented to the committee. All the amendments to it were agreed to by them; many of them were suggested by them.

Of course when you come to appoint the third arbitrator, the two who are named by the parties having been unable to agree on the third, one party or the other may not be satisfied with the third man named by any person or any tribunal, but if that is to be made an objection, if nobody is to be authorized to name the third arbitrator, then we are left with a dispute between the two arbitrators named by the parties which can never be settled at all.

It will be a very unfortunate day in this country when we reach the point where no third tribunal can be found which will treat both sides fairly in the selection of an arbitrator.

Mr. CAFFERY. Will the Senator from Kentucky permit me to suggest to him whether, if each side should get the arbitrator they desired in their own interest, there could possibly be a fair arbitration?

Mr. LINDSAY. There would never be. There is nothing in the bill that prevents either side from suggesting to the Interstate Commerce Commission whom the third arbitrator should be, but my impression is that it would be a most indelicate thing to do and a most improper thing for the commission to permit to be done. When the time comes for an absolutely disinterested, competent, fair man to be selected, the commission ought to be allowed to exercise its own judgment, and we ought to have confidence enough in it, as the workingmen have, to believe that it would make a fair selection.

It is of very great consequence, when arbitration is needed, that it shall come speedily. A board of arbitration is needed only when the dispute between the employer and the employees has become so acute that a strike is impending. If the two arbitrators can postpone indefinitely the agreement upon the third arbitrator and the parties refuse to agree, and there is no tribunal upon which either party can agree for the appointment of a third, a strike will come, and those who are opposed to the strike can not control the imprudent and excitable men who say, "There is no remedy known to the law, and therefore we must take the remedy into our own hands."

Now, the very purpose of this arbitration and the very reason why the tribunal was appointed which should appoint the third arbitrator was that in dangerous times of acute disputes between the employer and the employees a board of arbitration upon which there should be at least one man with whose appointment neither party had anything to do should be provided to hear the dispute and to settle the controversy between the disputants.

I take it that nearly all the strikes we have had have come about because there was no tribunal constituted under any law which met the approval of both parties to settle the dispute. Many times when all the testimony is heard before a tribunal of this sort parties who are anxious to strike may become convinced that they have no ground of complaint, and when corporations, who have never heard the side of labor, hear for the first time the labor side presented in an authoritative and regular way they may become convinced that labor has wrongs which ought to be remedied.

Mr. President, unless something of this sort is done, unless one bill like this is passed, the time will come—and it will be a most unhappy day—when the disorders growing out of disputes between employers and employees will have to be suppressed by the use of means against the very thought of which all Americans revolt.

Now, then, if anything can be done to avert this unhappy contingency—and the labor men convinced me that they desire most heartily it shall be done—I say it is almost criminal upon our part to stand in the way of a consummation so much to be wished.

Whether this is all labor ought to have I do not know. It is all that the representatives of labor asked for. It is better to have a board of arbitration provided for under a law which does not give them all they want than to so frame the law that the other side will never agree to an arbitration at all. It seems to me that this bill is the least objectionable and that it promises the most; and therefore I came here expecting to vote for it without any amendment that did not emanate from the labor people themselves or did not receive their approval.

Mr. TURNER. Mr. President, I sincerely hope that the amendment offered by the Senator from Florida [Mr. MALLORY] will prevail. The views of the labor organizations, of course, are entitled to very great respect in considering the provisions of the bill because their interests are affected by it, but they are not conclusive upon the judgment and conscience of the Senate.

As the Senator from Wisconsin [Mr. SPOONER] said, this bill is largely experimental, and the best judgment of both Houses of Congress ought to be brought to bear to make it as perfect as possible.

It seems to me that the provision in the bill which it is proposed to strike out will probably do more to prevent the successful working of this experiment than anything else in the bill. I have no criticism to pass upon the officers who are now in positions and who would be called upon to appoint the third arbitrator, but we can very well conceive that in the course of time officials may be appointed to these offices who will be recognized by one side or the other as hostile to their interests. If that occurs, then manifestly there will be no arbitration at all.

If the Chairman of the Interstate Commerce Commission and the Commissioner of Labor should be known to be, or supposed

to be, favorable to the railroad employees, then manifestly the railway companies would decline to enter into arbitration, because they would know that after appointing their arbitrator and the laboring men appointing their arbitrator, all the laboring men would have to do in order to secure a second arbitrator to their satisfaction would be to decline to discuss at all the appointment of a third arbitrator, thus throwing the appointment into the hands of the officials who are known to be, or supposed to be, friendly to the railway employees, and vice versa.

On the other hand, I do not think there is any considerable weight in the suggestion made by the Senator from Wisconsin [Mr. SPOONER], that either side would decline to agree upon the third arbitrator or umpire for the purpose of defeating arbitration. Neither side need proceed to arbitration unless they wish to. Under the provisions of this bill they may say, "We insist upon our rights and propose to fight the thing out." But if both sides are sufficiently impressed with the gravity of the situation to say, "We think this controversy ought to be determined now by three impartial men," then they will be sufficiently impressed to insist that two arbitrators, chosen by them voluntarily, shall discuss the situation, go over the ground, look over the field, and select some fair man, after as many trials as may be necessary, who will umpire the arbitration.

If the arbitration is voluntary, it ought to be voluntary all through. To give any respect or validity or sanction to the award which may be made by the arbitrators, they ought to be composed of men in whom both parties have confidence and who they believe will do entire and complete justice between them.

So it seems to me, this being an experiment, it is a good deal safer to leave the selection of all three of these arbitrators to the voluntary action of the parties than it is to provide for the appointment of a third arbitrator by some separate tribunal, in whom one or the other of the parties may not have confidence and, not having confidence, will therefore decline to enter into arbitration at all.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendments to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARSH, Mr. GRIFFIN, and Mr. HAY managers at the conference on the part of the House.

WAR REVENUE BILL.

Mr. ALLISON. I ask leave at this time, from the Committee on Finance, to report favorably, with sundry amendments, the bill (H. R. 10100) to provide ways and means to meet war expenditures.

I desire to say that a minority of the committee dissent from the amendments indicated in the bill, known as excise taxes upon business firms and corporations; also a minority of the committee dissent from the amendments proposed to sections 27 and 28, known as the bond sections; and also recommend amendments to those sections, which I now give notice will be offered at the proper time. I ask that the bill may be printed as proposed to be amended.

Mr. COCKRELL. I ask that 2,000 extra copies of the bill, with the amendments, may be printed for the use of the Senate.

Mr. ALLISON. I send the proposed amendments of the minority of the committee to sections 27 and 28 to the desk, to be printed with the bill.

Mr. COCKRELL. Let them be attached to the bill.

Mr. STEWART. Yes, let them be attached to the bill, so that we can see the whole thing together.

The PRESIDING OFFICER. There being no objection, the amendments intended to be proposed by the minority of the committee will be printed.

Mr. COCKRELL. Let them be attached to the bill, so that the bill and amendments may be seen at once.

The PRESIDING OFFICER. If there be no objection, the amendments proposed by the minority will be printed immediately following the text of the bill. The Chair hears no objection, and that order will be made.

Mr. ALLISON. Following in the line of the suggestion made by the Senator from Missouri, I send to the desk an order which I ask to have considered at this time.

The PRESIDING OFFICER. The order will be read.

The Secretary read as follows:

Ordered, That there be printed for the use of the document room of the Senate 5,000 copies of the bill (H. R. 10100) to provide ways and means to meet war expenditures, as reported to the Senate May 12, 1898.

The PRESIDING OFFICER. Is there objection to the consideration of the order at this time? The Chair hears none.

Mr. ALLISON. The amendments of the minority to sections 27 and 28 will also be printed, I understand.

The PRESIDING OFFICER. They will also be ordered to be printed.

Mr. COCKRELL. Let the order include the printing of the amendments with the bill.

Mr. ALLISON. Yes; including the amendments to be proposed by the minority of the committee.

Mr. COCKRELL. Let that be inserted in the order.

The PRESIDING OFFICER. The Chair understands that the order of the Senate is that the amendments submitted by the minority of the committee shall be printed at the close of the bill.

Mr. COCKRELL. That is what I want to include.

The PRESIDING OFFICER. If there be no objection, the order will be considered agreed to in that form. The Chair hears no objection, and it is agreed to.

Mr. ALLISON. As the bill which I have just reported will probably not be printed before to-morrow, and as there are a great number of amendments to it, it has been suggested by members of the committee, and I think very wisely, that the bill should not be taken up until Monday next. Therefore I give notice that on Monday next, immediately after the routine morning business, I shall ask the Senate to consider the bill, and shall also ask the Senate to continue its consideration until it is disposed of.

Mr. GORMAN. I should like to ask the Senator from Iowa whether there is a report accompanying the bill, giving any estimates of the amount of revenue which will probably be derived under the sections proposed to be amended?

Mr. ALLISON. There is no report accompanying the bill. The Senator is aware of the fact that the committee have been assiduously at work upon the bill itself and only completed it to-day. I shall endeavor on Monday to present briefly a statement of the different matters contained in the bill. I will say to the Senator that I think it is exceedingly difficult to make an accurate estimate of the revenue that will probably be realized from the bill if it shall become a law; but I will do the best I can with the opportunities at my command to make some estimate of the probable amount of revenue that will be derived from it.

Mr. GORMAN. I understand there have been some hearings had, and that some very valuable statements have been made, which I think ought to be in the possession of every Senator when we come to consider the measure. Do I understand that we are not to have a public print of such statements and data as were furnished the committee?

Mr. ALLISON. There were no hearings, except the committee heard the Secretary of the Treasury, the report of which hearing is already in print, and the committee also heard the Secretary of War and the Secretary of the Navy as to the probable war expenditures during the next fiscal year. I shall have printed and present on Monday those statements.

ADJOURNMENT TO MONDAY.

Mr. TURPIE. I should like to ask the honorable Senator from Iowa whether he has any intimation to make with reference to the sessions of the Senate?

Mr. ALLISON. I stated that it is the purpose of the committee to take up the bill for consideration on Monday next.

Mr. TURPIE. I understand that; but I wish to ask the honorable Senator whether he has any intimation to make respecting the sessions of the Senate between now and Monday?

Mr. MILLS. I hope we shall adjourn over.

Mr. ALLISON. So far as the committee is concerned, I should be very glad for the Senate to adjourn from to-day until Monday; but I do not wish to make that suggestion at this moment, because it may be that other Senators have measures which they desire to have considered. I should hope that the Senate would adjourn to-day to meet on Monday next; but I shall not make that motion at this moment unless it meets with universal approval.

Mr. CARTER. I wish to suggest that the census bill is ready for consideration, and there was an understanding that it should be taken up immediately after the taking of the vote on the pending bill. So I hope the Senate will remain in session to-morrow for the consideration of that measure.

Mr. ALLISON. I will only say, Mr. President, that I think it is important, in order that the consideration of the revenue bill may be facilitated, that Senators occupy as much time as they can between now and Monday in studying the intricacies and complications of the bill.

Mr. JONES of Arkansas. I will suggest to the Senator from Iowa that there is no doubt that the consideration of the bill and the disposition of it would be very much facilitated by the Senate not undertaking to sit to-morrow and the following day. It is a large bill and an important one, and one to the study of which all Senators should give as much time as possible before its consideration by the Senate. It will be easier to do that by not undertaking to keep the Senate in session for the next two days, in my judgment.

Mr. MILLS. It seems to me that under the circumstances we had better adjourn over.

Mr. ALLISON. I will, then, move that when the Senate adjourn to-day it adjourn to meet on Monday next.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa, that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

ARBITRATION BETWEEN RAILROAD COMPANIES AND EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3662) concerning carriers engaged in interstate commerce and their employees.

Mr. RAWLINS. The bill which is before the Senate for its consideration is to be decided upon the responsibility of the Senate. It is not a question as to whether outside organizations approve this measure or otherwise, provided that in its provisions it is not commendable to the judgment and conscience of the Senate itself.

Mr. President, an arbitration which is not voluntary is an absurdity, founded upon a contract called articles of submission, which universally requires the consent of the parties whose rights may be affected by it. Consent to the terms of the contract with all its implications is of the essence of it. This scheme of arbitration seems to me to violate certain fundamental, legal, and constitutional principles.

In the first place, it is provided that the employer—that is, the railroad company—shall select one of these arbitrators. Next, it is provided that the other shall be named—not by the employee whose wages may be affected, whose hours of labor may be involved, or which may affect the condition of the employment, which are the subjects of arbitration under this bill; but the other arbitrator is to be selected by the labor organization to which the employees directly interested belong. Next, it is provided that the articles of submission to arbitration shall be in writing and shall be signed by the employer—that is, by the railroad company—and then by the labor organization representing the employees whose interests and rights are affected. In other words, the employees, the individuals whose wages are to be affected by the decision of the arbitrators, whose times of employment may be changed to their injury, are not consulted in the terms of the submission or in the selection of the arbitrators by whom the award is to be made.

I take it that it can not be controverted that no employee of a railroad company can be bound by articles of submission embodying the terms or stipulations under which the arbitrament is to be had unless he signs in person or by his agent thereunto duly authorized.

What is a labor organization? It possibly may be a corporation, but usually it is a voluntary association, entered into by the individuals who may compose it, with certain defined objects and purposes. They may be charitable purposes. Their acts are supposed to be beneficial to the interests of those who voluntarily join the association.

Mr. President, the persons who become members of voluntary associations have alone the right and power to define the purposes and objects and powers of such organizations. It is not competent by an act of legislation to change those objects or purposes, to add to or subtract from them. If persons unite in forming a labor organization to subserve certain ends and purposes which do not include the power to bind the individual members of the association by a submission to arbitration in respect of the wages or hours of labor of those employees, we can not by this bill confer any such authority to bind them.

It may be suggested that after the passage of this bill, which attempts to require the organization to select one of the arbitrators to sign articles of submission, the persons who continue to be members of a labor organization will impliedly consent to the exercise of this authority; but that position is not tenable, for the reason that the voluntary association having for its purpose lawful objects, Congress can not impose a condition and require them either to change the objects and purposes of their organizations so as to conform to that condition, or to withdraw from their organization. That is entirely beyond the province and power of legislation to do.

For example, a person may be engaged as an employee upon a railroad coming within the provisions of this act; he may be also associated with other persons in business as a copartner. It would be as competent for us to say that the copartnership could bind that individual member of it by a submission to arbitration, disposing of his liberty or disposing of his property without his consent, as to say that Congress can by this provision enable a voluntary organization for certain purposes, where this power has not been conferred, to bind him in respect of the rate of his wages or the time of his employment under a contract which he has personally entered into with some railroad company.

Therefore those provisions which, without consulting the employee of the railroad company, undertake to clothe the leaders of the labor organization—so called in this act—which has no recognition in law, to bind him where the employee has not authorized that organization to submit any question with respect to his wages to arbitration, are an attempt by legislation to deprive the employee of his liberty or his property without due process of law.

If my contention is right—and I do not think there is any dispute about it, or can be any—the employees to be affected under this bill do not select any of the arbitrators. The railroad selects one and some so-called labor organization or labor leader undertakes to select the other, without authority to do so of those whose interests are to be affected. In the same way it is proposed to bind these employees without their consent, or without any authorization from them, to the terms of a contract constituting the submission to arbitration. That, too, must be equally ineffectual.

Then it is proposed—and the object of the amendment proposed by the Senator from Florida [Mr. MALLORY] is designed to correct that—to proceed one step further. We have passed now beyond the question of the consent of the employee whose wages are to be affected, and we are invited to go one step further. First, the labor organization, without the authority of the employees, selects one of the arbitrators and the railroad company the other. If these two, whose selection is not participated in by the employees thus directly to be affected by the proposed arbitration, are to get together, they can, without consulting the employees to be affected, select the third arbitrator to pass upon these rights of liberty and of property.

But if these two extraneously selected arbitrators, selected without the authority of those affected, fail to agree within five days, then another tribunal is selected by either of the parties to the transaction, or whose rights are to be affected by the proposed arbitration—another tribunal is to select the third arbitrator.

Now we have a board of arbitration composed of one person named by the railroad company, the employee another person not named by the opposite party to the contract, but by some person constituted, or attempted to be constituted, solely by an act of legislation, where there may be no actual authorization by the party concerned. Then the third is to be selected by those two, or, in default of such selection within five days, by a tribunal which we have created without any consultation with the parties concerned.

Mr. President, it is said that this is an arbitration. It does not bear any features of an arbitration. It is an attempt, by an act of legislation, to create a tribunal independent of the consent and will of the parties, by which tribunal the employees of the railroad are to have settled for them their rates of wages, their hours of labor, and their conditions of employment.

But that is not all. There is no provision in this bill by which any employee whose wages may be reduced by the award which may be made by this arbitration, selected without any authorization or consent of his, may be notified or given an opportunity to be heard before that tribunal or to be represented by an attorney by him authorized. The labor leaders of an organization, created for an entirely distinct purpose, are given authority, without his consent, to go and present his case, representing him, without any actual consent of his, before that board.

Now, the award is made. What next? Every employee, although utterly ignored up to this point in respect of his wages or his hours of labor or conditions of employment, is to be absolutely concluded by the judgment and determination of this tribunal, not selected by him, and before whom he has never had an opportunity to be heard; and there is given to him in this act no power to appeal to a higher tribunal for its correction. It is the baldest, it is the most vicious attempt, in my judgment, to deprive citizens of the United States of their rights, liberty, or property without due process of law, in contravention of every principle of justice as founded in our Constitution and our methods of procedure, that I think was ever attempted to be put through Congress.

You can not maintain the proposition for one moment that Congress could authorize any church organization, which is a voluntary association, to bind the person or property of the members of that organization by submitting to arbitration by the act of the authorities of such church. You can not infer the consent, the authorization, to such church leaders to submit a matter to arbitration because its members fail to withdraw from the voluntary association, or rescind themselves from the organization of which they have been members for certain purposes, which did not include that of being bound by arbitration. No more can Congress authorize a voluntary organization like a labor organization, the nature of which is not defined in this act, the power of which is not described, the extent of the authority of whose leaders is not named, which does not require that they shall be by their members expressly authorized to do the thing that they are directed by this act to do.

But, Mr. President, I pass from that to the parties who are not heard, who do not select the arbitrators, but who are to be bound by the award. I have always supposed it was a fundamental principle that jurisdiction of subjects-matter could not be conferred

upon any court by the consent of the parties; and yet in this submission, which is provided for to be signed by the railroad companies and by the labor organization, certain things are required to be stipulated. The language is:

> The submission * * * shall state the questions to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate, as follows:

Among other things which they are required to stipulate is the third subdivision:

> Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit.

Then following these provisions are the amendments which have been appended to the section, which do not affect the question to which I now invite attention.

Does the court of equity get its jurisdiction by virtue of any express provision of this statute, any act of Congress? It is not so provided. It undertakes to exercise this authority. Does it exercise this authority over the subject-matter by virtue of this stipulation, supposed to embody the consent of the parties, but which in reality, as I have already pointed out, does not embody the consent of the parties to be affected by the award? If it undertakes to make the jurisdiction of the court depend upon the consent of the parties, it must be regarded as futile.

But what is this award which is to be specifically enforced by a court of equity? It must be whether the employees of a railroad company shall receive one rate of wages or another rate of wages; whether they shall work so many hours per day or for a longer term each day, or the conditions of employment may be specified in the award. The court of equity is specifically to enforce that order.

What does "specifically enforce" mean? It can mean but one thing, namely, that the employees, so far not having been consulted, shall continue to labor as provided in the award. They must continue to labor for the number of hours specified in the award. If it does not mean that, it does not mean anything. They must do this for the wages specified in the award. If it does not mean that, it does not mean anything. Why retain this clause if the award is not to be specifically enforced? Why not strike it out altogether?

But, Mr. President, I invite attention to another very important question especially, a question which it seems to me ought to concern those who have believed in such a construction of the Constitution as will retain in the States the exercise of that authority which was reserved to them upon the creation of our form of government. Take a case, say, in the State of Virginia, where a man is employed to work wholly within that State for a railroad company, a corporation organized in the State of Virginia, but whose line may extend beyond the limits of that State. The railroad in Virginia pays him so much a day. It is a Virginia contract, and it is to be performed in the State of Virginia. In that case the jurisdiction of the Federal court can not be claimed by virtue of the character of the parties. The only ground by reason of which the Federal court may justly or properly exercise authority in the case is that it is one arising under the Constitution or the laws or treaty made in pursuance of the Constitution of the United States.

It is difficult to conceive how the Federal court can get jurisdiction of that case by virtue of the character of the case or the controversy. It can only be claimed by reason of some act of Congress to regulate commerce among the States or with foreign countries. Congress in its regulation of commerce facilitates it; it may do it, so far as concerns the employment or the wages of the employees of the railway, by compelling service to facilitate the traffic.

So far as it relates to the employment of persons upon railroads to facilitate commerce, it might be claimed that Congress could compel the service by an individual against his will in order to facilitate the traffic, move it along from one State to another. That is not to be accomplished by this bill, because an amendment expressly provides that no person shall be compelled to serve against his will. Congress might possibly regulate commerce in respect to this matter by providing against the impeding of traffic. That goes back to that question whether or not, so far as the employee of the railroad is concerned, they shall prevent his impeding the transportation of freight by compelling him to render the service necessary for its transmission.

So far as his wages is concerned, it has nothing to do with interstate commerce. It is purely a matter of contract in the case which I have suggested as between the individual and the railroad company, both citizens of the same State. Yet it is clearly the object of this proposed statute to extend to cases of that kind.

Mr. President, I do not wish to censure the motives or the purpose of those who suggested or brought in this bill. There have arisen in the past great disturbances to traffic and great annoyance to the business interests of this country by reason of strikes upon railroads. In most instances those strikes have resulted from an attempt on the part of the railroad companies to reduce wages. In some instances they have resulted from the orders which have been given directly by the labor organizations or by the men who have been in charge of the labor organizations. It is said that we ought to vote for this bill because certain leaders in the labor organizations have brought it forward and proposed it. So far as the railroads are concerned, they can never be injuriously affected by the bill. The railroad company will never select an arbitrator, it will never sign articles of submission, unless it knows in advance that it will gain some advantage by so doing.

Whenever a railroad company desires to reduce the wages of its employees and resort to a method by which that can be accomplished by what will appear upon its face fair means, I would not doubt that the railroad company might be willing to submit the question in controversy to arbitration. It would do it upon conditions. The conditions would be these: That the railroad company would have some labor leader, who, under this bill, is empowered to dispose of the rights of all the members of the organization of which he, for the time being, may be a leader, consent to terms, or by making a selection of arbitrators who, in the end, would make the decision upon the question of wages which the railroad company desired.

If this condition did not exist, the railroad company would be satisfied, provided that the Interstate Commerce Commission were personally so constituted that it would make a selection which would be satisfactory to the railroad company. Thereupon the railroad company would be willing to submit the matter to arbitration; the award would be made approving the reduction in wages which the railroad company might desire, and then the railroad officials would come to these employees and say, "Here we have submitted this matter to arbitration, and they have decided by their award that certain rates of wages are reasonable and just. Now what ground for complaint have you?"

This is a beautiful scheme. The railroad company selects one arbitrator. Perhaps the labor organization, through the manipulation of the railroad company, selects the other arbitrator, and those two select a third, or a railroad commission made up in accordance with the pleasure or the wishes of the railroad companies of the country selects the third; and the terms of the submission are made up, ready-made, without any consultation with the men who are to be employed and whose wages are to be affected. That seems to be the scheme.

I can well understand how certain labor leaders would desire this put through. They, like every other person, will arrogate to themselves as much power as they can. They desire to extend their influence and power over the men who may compose those organizations, just as the railroad companies, so far as they think their interests will be advanced by it, desire to extend their influence and power over the organizations by means of the men who may be put in control of them. These labor leaders come here not in the interest of the men—the individuals whose rights are to be affected—but they come here asking Congress to vest in them the power to submit the rights of persons and the right of property of the membership of their organization to arbitration without their direction or authorization or consent. No wonder they come here and say this bill is satisfactory to them!

I do not make any criticism of those labor leaders. They are human, like other people, and seek to extend their influence and increase their power, and they perhaps have power under some circumstances, it may be, to submit the controversy by virtue of their organization to arbitration. I do not know whether it is true or not; I take it it is not true, because it is a power which is most extraordinary and unusual. The Supreme Court has decided that a business firm can not submit to arbitration the rights of the members of the firm. It so decided long since in a case reported in 1 Peters. This is the scheme.

For myself, I do not see how, consistently with the views I entertain upon these questions; and favoring as I do individual liberty and the principle that no man ought to be deprived of any right unless he consents to it and ought never to have any judgment affecting his right passed where he has no opportunity to be heard, and for the other reasons which I have mentioned, I shall be compelled to vote against the bill.

Mr. STEWART obtained the floor.

Mr. KYLE. Will the Senator from Nevada yield to me for a moment?

Mr. STEWART. I can not. I am going to speak only a moment.

Mr. KYLE. I wish to ask that a vote upon the pending bill be taken not later than 5 o'clock this evening.

Mr. STEWART. I will get through in a minute, if the Senator will let me alone. I do not yield.

The PRESIDING OFFICER. The Senator from Nevada declines to yield.

Mr. KYLE. Very well.

Mr. STEWART. Mr. President, I do not wish to discuss the

pending bill. I desire to say that I shall not oppose it and probably shall vote for it, but I anticipate very little benefit to the laborer from it or from any other legislation that can be had regulating the relations between the employers and the employees. The conflict between labor and capital is an irrepressible and terrible conflict, and it will continue to be so as long as prices are falling. There can be nothing to prevent it at all. With millions out of employment the struggle is going to be severe.

The employers are going to fight continually to cut down wages, because everything is coming down, and you will find it as it has been in New England during the last winter, factories cutting down wages to correspond with the lower level of prices. The laborers have got to continue to take lower and lower wages as prices fall, or else have no employment. There are a great many men out of employment to-day. A vast number of those who have employment are on short hours, and while prices are falling and enterprises are dead or stagnant this conflict is going to be very severe.

This is not the first time it has occurred. It has happened during all ages. Every time when there was a system of contraction and falling prices these conflicts have gone on. Labor organizations may resist them for a time, but if prices are continually falling labor has to go down with the cheap commodities. Cheap property produced by labor means cheap labor, and as you cheapen the average commodity by falling prices and contraction, labor will have to be cheaper. There is not now paid to labor in the United States in the aggregate one-half of what should be paid. There are millions out of employment. There are hundreds of thousands, if not millions, working on short hours, and it is continually getting harder and harder as you approach the gold standard.

You will not reach the gold standard in our time, because there are thirty-six hundred millions of silver, of full legal tender, doing duty as money. That must be replaced by gold. There are twenty-five hundred millions of paper out in the world, and one nation after another is induced to sell silver and buy gold. The panic of 1893 was brought about to furnish gold to a syndicate to convert Austrian bonds, twenty-four hundred million dollars' worth of silver bonds into twenty-eight hundred million dollars' worth of gold bonds; and a hundred millions of our gold was taken for that purpose. It cost us thousands of millions.

Japan was induced to adopt the gold standard and sell her silver. Silver went down under that 6 cents an ounce. They have stopped coining silver in England, and they are considering the proposition of procuring gold to put India on the gold basis. India has a thousand millions of silver. It will take the output of gold of the world available for coining for more than a decade, more than the next ten years, to find gold enough to supply India with gold to adopt the gold standard. They are discussing how much they must have. They certainly must have more than has been put into coin in the last decade. They are proposing to get rid of the silver in China and in all the world and to put those countries on the gold standard.

With one nation after another nation coming in and bidding for gold and dispensing with silver, prices must go down. While that process goes on you can have all the arbitration you please, but there will be conflicts between capital and labor, because with low prices capital can not profitably be employed while paying existing wages. They will cut down wages. It falls upon the laborer ultimately and will continue to fall upon him until you have some system of finance which will give you a supply of money on a parity with property.

Justice requires that they shall be kept at parity, that the volume of money shall increase proportionately with population and business, so that the debtor can pay in the money of the contract; so that he who invests in an enterprise can sell his products without 5 or 10 per cent loss per annum by falling prices; so that the merchant will not lose 5 or 10 per cent per annum on the goods on hand; so that the manufacturer will have some means of judging how much he can get for his property; so that his plant will not grow less and less in value every year. While that process is going on, you can talk about settling the conflict between capital and labor, but labor must continually be cut down. It must necessarily be cut down. Nothing will prevent it.

Mr. GALLINGER. Will the Senator from Nevada permit an interruption?

Mr. STEWART. Certainly.

Mr. GALLINGER. I am a learner in these matters.

Mr. STEWART. I think the Senator ought to learn a good deal from what I have seen. I do not think he has learned much yet.

Mr. GALLINGER. I am always willing to be instructed by the Senator from Nevada. He is always very kind. I understand the Senator to say that for a country to be on the gold standard it is necessary to eliminate the silver and paper money from circulation and that it must have only gold. The Senator spoke about Japan selling her silver, and about India having to get rid of her silver to become a gold country. Do I understand that all the currency must be gold to enable a country to be on the gold standard?

Mr. STEWART. No, sir.

Mr. GALLINGER. I think the Senator was unfortunate in his statement if he does not hold to that view.

Mr. STEWART. No, sir; I was not unfortunate. I was entirely fortunate in saying what I did. The Senator was unfortunate in not being able to comprehend it.

Mr. GALLINGER. I listened very attentively.

Mr. STEWART. But that would not necessarily give him information until he has learned more on the subject.

Mr. GALLINGER. That is what I want.

Mr. STEWART. Yes.

Mr. GALLINGER. Will the Senator restate his proposition?

Mr. STEWART. Yes. Will the Senator keep quiet for a moment?

Mr. GALLINGER. Certainly.

Mr. STEWART. I say there is $3,600,000,000 of full legal-tender silver money which must be replaced by gold before you will probably reach the gold standard. There is nearly $600,000,000 of token silver. You do not have to get rid of that. I am only referring to the legal-tender money. There is $2,500,000,000 of uncovered paper. Probably you will not have to get rid of all of that, but some of it will have to be gotten rid of before you get to any kind of specie payment. You have to get rid of $2,500,000,000 of paper and $3,600,000,000 of full legal-tender silver money. You have to get four or five thousand millions of new gold to get on a solid gold basis and have the same amount of money you now have. They realize that. Japan reduced her silver to token and sold it or proposed to sell it.

Mr. Gage proposes to sell the silver in the Treasury here in order to get on a sound basis. He tells us that there is $500,000,000 of silver doing duty, and he proposes to retire the silver in order to reach the gold standard. His object is more thoroughly to commit the country to the gold basis. He recognizes that there is a good deal of legislation necessary in this country to get to the gold basis. He recognizes that we must retire the greenbacks and Treasury notes and sell the silver in the Treasury. To what effect? In order to reach the gold basis.

We have a long road to travel in this country to get to sound money—the gold basis. Our sound-money men in New York in their publications say that we must get rid of the silver and paper. They are flooding the country with documents to show the necessity for that. We will hear something next week about the matter of getting rid of the paper money, of the greenbacks. That has all got to be done before we get to the gold basis.

China and India will undoubtedly carry some token money, but it will require a large amount of gold, more than can be produced in a decade, to put India on the gold basis. Those who think they have traveled the whole length of this road have neglected to read the productions of the great Secretary of the Treasury. He has explained here what we have to do in this country. We have to get rid of five hundred millions of silver, or nearly five hundred millions in round numbers, and nearly a thousand millions of circulating medium to reach the gold standard.

He is laboring for this purpose, the more thoroughly to commit the country to the single gold standard. Russia has just started in. She has a long road to travel. Austria does not pay gold. There is no gold in circulation, although they converted her twenty-four hundred million dollars of silver bonds into twenty-eight hundred million dollars of gold bonds. Still she has irredeemable paper and silver which is at a discount and that does for her circulation. Italy is in the same fix. They are turning the screws on Italy, so as to starve her people to death. They have famine riots there now.

Mr. TILLMAN. They can not get any arbitration.

Mr. STEWART. They can not get any arbitration. They are turning the screws on them to get them down to the gold basis. When they get them down to the gold basis they must go without eating. India has a debt contracted on the paper basis and silver. Since she started with the gold basis, see where she is. We have not got there yet. Mr. Gage is going to bring us there. He says the business of the Republican party is to get the country to the gold basis. When we get there I think there will be some labor troubles in this country not quite anticipated by the Senator from New Hampshire.

But I did not rise to make a speech on the money question. I shall take occasion next week to give my views on that subject a little more at length. This evening I merely wanted to state to the labor people that I am willing they shall have this legislation or any other legislation they wish, but that I do not think it will do them any good. I hope it will.

Mr. FAIRBANKS. Mr. President——

Mr. KYLE (at 4 o'clock and 40 minutes p. m.). I wish to ask the Senate to agree that from this time on the debate shall proceed under the five-minute rule and that we will vote at 5 o'clock.

Mr. TURNER. Mr. President——

Mr. KYLE. I hope Senators will consent to such an agreement.

Mr. CHANDLER. We may vote before that hour.

Mr. KYLE. I understand that Senators wish to make only very short speeches.

Mr. FAIRBANKS. I wish to address the Senate for a few minutes.

Mr. KYLE. I should like unanimous consent to the proposition, if I can get it.

The VICE-PRESIDENT. Unanimous consent is asked that the debate shall proceed under the five-minute rule until 5 o'clock and that the Senate shall agree to vote at 5 o'clock.

Mr. TURNER. I have been trying to get in a couple of amendments, and while I do not object to a vote at 5 o'clock, I wish to offer the amendments and explain their relevancy.

The VICE-PRESIDENT. Consent is not given.

Mr. CHANDLER. Amendments will be in order under such an agreement. I will say to the Senator from Washington.

Mr. TURNER. I desire to explain the relevancy of the amendments.

Mr. CULLOM. That might be done under the five-minute rule.

Mr. FAIRBANKS. Mr. President, I do not care to detain the Senate by any extended observations upon the pending bill. It seems to me that its underlying principle is most wholesome, and I shall cheerfully give it my vote. We do well to give the sanction of Federal law to the principle of arbitration. We should, so far as lies within our proper sphere of action, encourage a spirit of concord and mutual respect between employer and employee, between the common carriers of interstate commerce and their employees. I do not belong to that school which endeavors to engender hate and discord where there is a mutuality of interest, and shall favor any measure which tends to establish a tribunal where the conflicting views of the employer and employee engaged in interstate transportation may be peacefully, honorably, and promptly determined.

The necessity for such a measure as the one before us has been repeatedly emphasized during the last few years by strikes and interruptions to interstate commerce, which have not only seriously affected carriers and their employees, but many communities and large sections of the country. Our commercial relations are so inextricably interwoven that strikes affect a wider circle than the immediate parties concerned, and any equitable, rational method which offers a solution of disputed questions without resort to force should be encouraged and adopted. The subject is a difficult one, and a solution which will do no violence to the interests of either party concerned, and which will be equitable and just to both, is not easy of attainment.

Who are the authors of this measure? It has been repeatedly stated upon the floor during the progress of this discussion that the leading labor organizations engaged in interstate commerce have formulated it and have come here and presented a respectful request to the Senate and the House of Representatives to enact their wish into law.

I have had from the leading labor organizations of my State earnest requests and appeals that this bill should become a law, and thus far I have heard no word of protest against it coming from any common carrier, State or interstate.

It will be observed from a casual examination of the measure that there is no abridgement of the existing rights of the employees or of the common carriers of interstate commerce. There is purely and simply an attempt here to create a tribunal to which the common carriers mentioned and their employees may appeal when they are divided and unable to agree and when strikes occur. It is of the utmost importance to the great interests of the country, the interests of the laborers, the interests of commerce, that there should be created some tribunal by which there may be a peaceful, a just, an honorable, settlement of the great questions of difference which arise from time to time.

Perfection is not claimed for the bill. There are doubtless some infirmities in it. It is, in the very nature of the case, largely experimental. But I undertake to say that the fundamental principle of the bill is sound and absolutely commendable.

Assume that the predictions of those who have criticised the measure shall be fulfilled, that it will not accomplish all that its authors and supporters hope and expect, who is injured? Who is harmed? Assume that the attempt to accomplish, by this legislation, the end desired is ineffective, no interest is prejudiced by the failure. We will have accomplished this much, sir, if nothing more: We shall have given Congressional sanction to the principle of arbitration, to the principle of peaceful and honorable settlement of differences among men. I am in favor of applying this principle where practicable to our domestic concerns, and also of applying it to international differences where those differences do not involve the national honor.

The measure is purely voluntary. The common carriers and their employees can avail themselves of its provisions or not, as they see fit. The option rests entirely with them. The initiatory proceedings can not be begun by compulsion; they can begin only by an agreement of the parties concerned.

If a controversy arises between the common carrier engaged in interstate commerce and its employees, interrupting or threatening to interrupt the business of the carrier, it is made the duty of the Chairman of the Interstate Commerce Commission and the Commissioner of Labor, upon the demand of either party, to attempt a peaceful settlement of it through their kindly offices.

If by such intercession the dispute is settled, well and good. If, peradventure, it is not, then it becomes the duty of the above-named officials to attempt to secure a settlement by arbitration under the provisions of the act. There is in this certainly nothing which is inconsistent with a proper regard for the rights and interests of both parties concerned.

The arbitration board can not be created except by the agreement of both parties to the controversy. The common carrier must select one arbitrator and the employees another. The duty devolves upon these two arbitrators to select the third. If they agree, the board so selected proceeds to the arbitration of the matter in dispute. If the contingency shall happen, however, whereby they are unable to select the third arbitrator within a limited, specified period, the Chairman of the Interstate Commerce Commission and the Commissioner of Labor of the United States are obliged to make the selection, and the three thus chosen constitute the tribunal of arbitration.

I shall not stop at this late hour to advert to the further provisions of the bill except the provision with respect to making effective the award of the arbitral board. The award becomes a judgment or the foundation of a judgment of a court of record, and must be observed by the parties to the arbitration.

Something has been said with respect to the impossibility of specifically enforcing the award. I think there is undue concern with regard to that feature of the question. There can be no doubt as to the competency of the court to enter a judgment upon the award. Nor can there be any doubt that it will be binding upon the parties affected by it.

But assume that some question exists as to the sufficiency of the decree, there still remains a power which will compel respect for the award, which will have the force of a writ of injunction and the potency of a writ of mandamus. The sense of honor of the parties to the arbitration and the force of public opinion are an assurance that the award of the arbitrators will be respected and obeyed.

The VICE-PRESIDENT. The Senator from Washington.

Mr. TURNER. Mr. President, I do not desire to be further heard on the pending amendment.

The VICE-PRESIDENT. The amendment pending is the one offered by the Senator from Florida [Mr. MALLORY].

Mr. CAFFERY. Mr. President, I did not have the privilege of hearing the discussion on this bill in the committee, but in looking over its provisions it occurs to me that it would be exceedingly difficult to frame a measure that would meet the requirements and the difficulties between labor and capital better than the pending bill.

There are a number of objections urged against the bill, the principal one of which is that urged by the Senator from Utah [Mr. RAWLINS]. His contention is that by these arbitrators the individual laborer's rights would be imperiled and sacrificed. I think that that apprehension upon the part of the Senator from Utah is altogether groundless. This whole proceeding is a voluntary proceeding, and the question of conflict between the employer of labor and the employees themselves does not come within arbitration until the conflict has assumed such proportions as place the direction of it under the labor organizations.

Any individual conflict, any difference between individual employees and a railroad company or other employer of labor, does not and can not come within the provisions of the bill, for it is manifest and clear that whenever the difficulty or conflict attains a proportion as set out in the second section of the bill, the conflict on the part of the laborers is conducted and carried on by the labor organizations. I will read from the second section. It provides—

> That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a carrier subject to this act and the employees of such carrier, seriously interrupting or threatening to interrupt the business of said carrier, the chairman of the Interstate Commerce Commission, etc.

A controversy between an individual or individual laborers and the common carrier or employer of labor will not interrupt or threaten to interrupt seriously the business of a common carrier, and it is only when the conflicts assume proportions where they are taken hold of by the labor organizations that the arbitration is provided for. The whole matter is voluntary from commencement to finish. Whenever labor organizations take hold of a controversy between the employers and the employees, then provision is made for mediation.

That mediation failing, then the parties to the controversy, the

labor organizations on the one hand and the employers of labor upon the other, each voluntarily select an arbitrator. If the arbitrators can not compose the differences between the parties, what then? If they can not compose the differences, and if they can not agree upon an umpire, whose award shall be final in the premises, provision is made for the selection of that umpire by the employers of labor on the one side and the employees on the other from an established commission already provided for in the act.

Mr. President, it occurs to me that this bill has exhausted ingenuity, that it has exhausted every device whereby the just thing and the impartial thing can be done in the matter of these controversies between labor and the employers of labor in settling their disputes. If there is any distrust of the umpire they need not submit in the first instance to arbitration; they can decline it; it is not a forced matter. Any laborer or organization of labor that submits the controversy with capital under the terms of this bill does so entirely upon a voluntary basis. The bill makes no provision for compulsory arbitration, but the bill does make provision for that very thing without which the bill would be utterly useless, for the umpire has to decide as between the arbitrators when they can not agree.

That is a common thing in law. When parties choose to submit their disputes to arbitration and the arbitrators can not agree, an umpire is provided for under certain jurisdiction. I know in my State it is so. The award of the umpire, being one of the arbitrators, is final; and when that award is filed in court, it is made the basis of a judgment, precisely as the bill provides.

The difficulty that I see in the bill is the difficulty of holding dissatisfied laborers to the findings of the award if they choose to violate it, because their action is wholly independent. You can not control them even by a judgment. Suppose you file the award, which is equivalent to a judgment, and the individual laborers do not choose to abide by it. Where is the remedy? Where is the recourse?

But this is a step in the right direction, in my opinion, to settle the controversy between labor and capital. And there will be controversies as long as capital employs labor. It must be so in the very nature of things. An intelligent organization of laborers designed for the laborers' benefit is the best safeguard that labor can have against the encroachment of capital. When these labor organizations on the one side and capital upon the other agree upon certain terms of adjustment either in the initial proceedings through the arbitrators chosen by either party or in the final proceedings through an umpire, it occurs to me that it is the best solution and the only solution that can be made of these very complicated questions between labor and capital.

The Senator from Nevada [Mr. STEWART], as he always does, injects into this discussion his theory of falling prices on account of a gold standard. It occurs to me that labor and capital have their disputes whether the medium of exchange in the standard of value is paper or copper or gold or silver. The disputes arise out of the very nature of things; and whatever the standard of value may be, whether it is silver or gold or any other metal money or no metal money, there ought to be some sort of tribunal that can settle amicably the differences between labor and capital.

I think this is a step in the right direction. As stated by the Senator from Wisconsin [Mr. SPOONER], it is an experimental step, but it is one that I believe will be fraught with good. Whenever the parties to these controversies get accustomed to settle them upon an amicable basis without a resort to strikes and compulsory methods, I believe that a good end will have been effected and a great step in advance will have been made, and labor and capital, under an intelligent settlement and an honest settlement of their differences between each other through the tribunal provided for in the bill, will arrive at a happier solution than by means of strikes, which in their very conception and end are necessarily compulsory and forcible.

The VICE-PRESIDENT. The question is on the adoption of the amendment proposed by the Senator from Florida [Mr. MALLORY], which the Secretary will state.

The SECRETARY. On page 4, line 18, after the word "arbitration," it is proposed to strike out the following:

> But, in the event of their failure to name such arbitrator within five days after their first meeting, the third arbitrator shall be named by the commissioners named in the preceding section.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. MALLORY. I offer another amendment, which I send to the desk.

The VICE-PRESIDENT. The Senator from Florida offers an amendment, which will be read.

The SECRETARY. It is proposed to strike out section 8 of the bill in the following words:

> SEC. 8. That in every incorporation under the provisions of chapter 567 of the United States statutes of 1885 and 1886 it must be provided in the articles of incorporation and in the constitution, rules, and by-laws that a member shall cease to be such by participating in or by instigating force or violence against persons or property during strikes, lockouts, or boycotts, or by seeking to prevent others from working through violence, threats, or intimidations. Members of such incorporations shall not be personally liable for the acts, debts, or obligations of the corporations, nor shall such corporations be liable for the acts of members or others in violation of law; and such corporations may appear by designated representatives before the board created by this act, or in any suits or proceedings for or against such corporations or their members in any of the Federal courts.

Mr. MALLORY. Mr. President, I have studied this section with considerable care and I have not been able to understand what it is doing in this bill. The purpose of the section is undoubtedly a good one, but when we bear in mind the object of the bill set forth in the title—that is, "A bill concerning carriers engaged in interstate commerce and their employees"—the question arises, what is there germane in that to the provision contained in section 8?

Section 8 provides a method for the organization of national trades unions. In 1886 Congress passed an act providing for the organization of national trades unions, setting forth the purposes for which such trades unions should be organized and what had to be done by those seeking to organize them in order to effect an incorporation.

This section 8 proposes to amend that law, which of itself is sufficient undoubtedly for the purpose for which it was designed, by requiring that—

> In the articles of incorporation and in the constitution, rules, and by-laws, that a member shall cease to be such by participating in or by instigating force or violence against persons or property during strikes, lockouts, or boycotts, or by seeking to prevent others from working through violence, threats, or intimidations.

I do not wish to be understood, Mr. President, as being antagonistic to the end which is sought to be reached by section 8, which is, as I understand it, to prevent the use of force or violence or threats or intimidation in cases of strikes, by organized labor, for the purpose of preventing the members thereof from doing what the organizations are opposed to; but it seems to me that this is not a proper subject for legislation to be brought in on a bill of this kind. Certainly it is not logical or consistent, and it is not in keeping with the old methods of legislation which have prevailed in Congress since the beginning of this country.

There is nothing at all germane to the main subject of this bill which is found in section 8. I do not wish to be understood, as I have said, as opposing such legislation; but it should come up in a legitimate way, and should not be embodied and hidden away in a measure of this kind, which has for its object a very different thing.

I think, if Senators will give their attention to that section, they will see that it is entirely unnecessary for the purpose of carrying out the beneficent purposes of this bill, and that it properly has not place in this legislation.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Florida [Mr. MALLORY]. [Putting the question.] The Chair is in doubt.

The question being again put, there were on a division—ayes 8, noes 15; no quorum voting.

Mr. GORMAN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the junior Senator from West Virginia [Mr. ELKINS].

Mr. MALLORY (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. MURPHY (when his name was called). I have a general pair with the junior Senator from New York [Mr. PLATT]. I therefore withhold my vote.

Mr. NELSON (when his name was called). I am paired with the junior Senator from Missouri [Mr. VEST]. If he were present, I should vote "nay."

Mr. TURNER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. If he were present, I should vote "yea."

Mr. TURPIE (when his name was called). I am paired, as heretofore announced, with the senior Senator from Vermont [Mr. MORRILL]. In his absence from the Chamber, I withhold my vote.

The roll call was concluded.

Mr. GEAR. I have a general pair with the Senator from New Jersey [Mr. SMITH], and therefore withhold my vote.

Mr. GALLINGER. I have a general pair with the Senator from Texas [Mr. MILLS], which I will transfer to the Senator from Rhode Island [Mr. ALDRICH], and will vote. I vote "nay."

Mr. SPOONER. I desire to state that the Senator from Ohio [Mr. FORAKER] has been called away from the city by the dangerous illness of his father.

Mr. NELSON. With the permission of the senior Senator from West Virginia [Mr. FAULKNER], I transfer my pair to his colleague [Mr. ELKINS], so that he will stand paired with the Senator from Missouri [Mr. VEST], with whom I have a general pair. I vote "nay."

Mr. FAULKNER. Under that arrangement I am at liberty to vote, and I vote "nay."

Mr. PENROSE. I inquire if the Senator from Delaware [Mr. KENNEY] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. PENROSE. Then, as I am paired with that Senator, I will withhold my vote.

Mr. TURNER. I suggest to the Senator from Pennsylvania that we exchange our pairs, and that both of us vote for the purpose of making a quorum.

Mr. PENROSE. Very well.

Mr. TURNER. I vote "yea."

Mr. PENROSE. I vote "nay."

Mr. BACON. I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], and as he is not present I withhold my vote.

Mr. LINDSAY (after having voted in the negative). I have a general pair with the senior Senator from Michigan [Mr. MCMILLAN]. As he seems not to have voted, unless my vote is necessary to make a quorum, I desire to withdraw it.

The VICE-PRESIDENT. The Senator withdraws his vote.

The result was announced—yeas 10, nays 37; as follows:

YEAS—10.

Bate,	Heitfeld,	Pasco,	Turner.
Berry,	McLaurin,	Rawlins,	
Clay,	Money,	Tillman,	

NAYS—37.

Allen,	Gallinger,	Morgan,	Sewell,
Burrows,	Gorman,	Nelson,	Spooner,
Caffery,	Hale,	Penrose,	Stewart,
Carter,	Hanna,	Perkins,	Teller,
Chandler,	Hawley,	Pettigrew,	Thurston,
Cullom,	Hoar,	Pettus,	Turley,
Deboe,	Kyle,	Platt, Conn.	Wilson.
Fairbanks,	Lodge,	Pritchard,	
Faulkner,	McEnery,	Quay,	
Frye,	Mason,	Roach,	

NOT VOTING—41.

Aldrich,	Elkins,	McMillan,	Smith,
Allison,	Foraker,	Mallory,	Turpie,
Bacon,	Gear,	Mantle,	Vest,
Baker,	Gray,	Martin,	Warren,
Butler,	Hansbrough,	Mills,	Wellington,
Cannon,	Harris,	Mitchell,	Wetmore,
Chilton,	Jones, Ark.	Morrill,	White,
Clark,	Jones, Nev.	Murphy,	Wolcott.
Cockrell,	Kenney,	Platt, N. Y.	
Daniel,	Lindsay,	Proctor,	
Davis,	McBride,	Shoup,	

So the amendment of Mr. MALLORY was rejected.

Mr. TURNER. I move to strike out the fourth paragraph of section 8 as it now stands.

This is a paragraph which provides that after the awards have been made it shall be unlawful for employees dissatisfied with the award to quit the service of their employers within three months, unless they shall give thirty days' notice of their intention beforehand, and also providing that it shall be unlawful for the railroad companies to dispense with the services of their employees because of dissatisfaction with the award until they shall have given a like notice.

This provision as reprinted will be entirely ineffectual. It is a blot on the bill; it is mere brutum fulmen which can not be enforced and ought not to be in the bill, because it declares a vicious principle—that men may be held to service without their consent for three months, or, in case they give notice, for thirty days.

The Senator from Massachusetts [Mr. HOAR] proposed an amendment on yesterday, which was adopted this morning, doing away with this defect in one portion of the bill. My amendment is really supplemental to that of the Senator from Massachusetts.

The provision ought to be stricken out for the further reason that it is an invitation both to the employees and the railroad companies to disregard the award by giving thirty days' notice, while other provisions of the bill require that the award shall remain in force for one year—a provision which I consider a very valuable one if this legislation is to prove effective at all—but I do not think we ought to retain in the bill a suggestion to them that they may at the end of thirty days disregard the provisions of the award. If the award is carried into force at all, as has been suggested on all hands here, it will be by virtue of the public opinion forcing them to accept the award if it be just and fair. That being the case, they ought not be in a position to decline to abide by the award by giving thirty days' notice.

I hope the amendment I propose will be adopted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out the fourth paragraph of section 8, beginning in line 24, on page 5, as follows:

> Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention so to quit. Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of his intention so to discharge.

The VICE-PRESIDENT. The question is on the amendment.

Mr. ALLEN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the senior Senator from Delaware [Mr. GRAY]. Not knowing how he would vote on this amendment, I withhold my vote. If he were present, I should vote "nay."

Mr. GALLINGER. I will again announce my pair with the senior Senator from Texas [Mr. MILLS], but I will transfer the pair to the senior Senator from Rhode Island [Mr. ALDRICH] and vote. I vote "nay."

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], and therefore withhold my vote.

Mr. LINDSAY (when his name was called). I have a general pair with the senior Senator from Michigan [Mr. MCMILLAN], and, unless it be necessary to make a quorum, I prefer to withhold my vote. I should vote "nay" if he were present.

Mr. MALLORY (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. NELSON (when his name was called). I am paired with the junior Senator from Missouri [Mr. VEST], but I transfer that pair to the junior Senator from West Virginia [Mr. ELKINS] and vote "nay."

Mr. TURNER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. I noticed that the junior Senator from Pennsylvania [Mr. PENROSE] voted, I suppose, under the understanding for the transfer of pairs which we made upon the last vote. If so, I shall vote; but otherwise I will withhold my vote. I will ask the Senator from Pennsylvania whether he voted under the agreement we had to transfer our pairs?

Mr. PENROSE. That was my understanding and that was the reason I voted when my name was called.

Mr. TURNER. Under that arrangement I am at liberty to vote, and I vote "yea."

Mr. TURPIE (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL], and therefore withhold my vote.

The roll call was concluded.

Mr. DANIEL (after having voted in the affirmative). I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH]. That Senator not being present, I withdraw my vote.

Mr. BACON. I wish to announce that I am paired with the junior Senator from Rhode Island [Mr. WETMORE], who is not present. Therefore I withhold my vote.

The result was announced—yeas 11, nays 34; as follows:

YEAS—11.

Allen,	Clay,	Pasco,	Tillman,
Bate,	Heitfeld,	Pettigrew,	Turner.
Berry,	Money,	Rawlins,	

NAYS—34.

Burrows,	Hanna,	Morgan,	Sewell,
Caffery,	Hawley,	Nelson,	Spooner,
Carter,	Hoar,	Penrose,	Stewart,
Chandler,	Kyle,	Perkins,	Teller,
Deboe,	Lodge,	Pettus,	Thurston,
Faulkner,	McBride,	Platt, Conn.	Turley,
Frye,	McEnery,	Pritchard,	Wilson.
Gallinger,	McLaurin,	Quay,	
Gorman,	Mason,	Roach,	

NOT VOTING—43.

Aldrich,	Davis,	Kenney,	Proctor,
Allison,	Elkins,	Lindsay,	Shoup,
Bacon,	Fairbanks,	McMillan,	Smith,
Baker,	Foraker,	Mallory,	Turpie,
Butler,	Gear,	Mantle,	Vest,
Cannon,	Gray,	Martin,	Warren,
Chilton,	Hale,	Mills,	Wellington,
Clark,	Hansbrough,	Mitchell,	Wetmore,
Cockrell,	Harris,	Morrill,	White,
Cullom,	Jones, Ark.	Murphy,	Wolcott.
Daniel,	Jones, Nev.	Platt, N. Y.	

So the amendment was rejected.

Mr. TURNER. I have one other amendment to offer which will explain itself, and which I think will commend itself to the Senate.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of section 8 it is proposed to add:

> That as to individual employees not belonging to a labor organization or organizations, which shall enter into the arbitration the said arbitration and the award made therein shall not be binding unless said individual employees shall assent in writing to become parties to said arbitration.

The amendment was agreed to.

Mr. TURLEY. I have an amendment which I desire to offer.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 3, on page 5, line 13, after the word "thereto," it is proposed to insert "certified under the hands of the arbitrators, and which shall have the force and effect of a bill of exceptions."

Mr. KYLE. The committee will accept that amendment.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Tennessee [Mr. TURLEY].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. KYLE. I now move to take up the House bill on the same subject.

The VICE-PRESIDENT. The Senator from South Dakota moves to take up the House bill on the same subject, the title of which will be read.

The SECRETARY. A bill (H. R. 4372) concerning carriers engaged in interstate commerce and their employees.

The VICE-PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KYLE. I move to strike out all after the enacting clause of the bill and substitute the Senate bill as amended.

The VICE-PRESIDENT. The question is on the amendment of the Senator from South Dakota to strike out all after the enacting clause of the bill and substitute for it the Senate bill as amended, which will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert the following:

That the provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section 4612, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

The term "employees" as used in this act shall include all persons actually engaged in any capacity in train operation or train service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: *Provided, however*, That this act shall not be held to apply to employees of street railroads and shall apply only to employees engaged in railroad train service. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it, and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned.

SEC. 2. That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a carrier subject to this act and the employees of such carrier, seriously interrupting or threatening to interrupt the business of said carrier, the Chairman of the Interstate Commerce Commission and the Commissioner of Labor shall, upon the request of either party to the controversy, with all practicable expedition, put themselves in communication with the parties to such controversy, and shall use their best efforts, by mediation and conciliation, to amicably settle the same; and if such efforts shall be unsuccessful, shall at once endeavor to bring about an arbitration of said controversy in accordance with the provisions of this act.

SEC. 3. That whenever a controversy shall arise between a carrier subject to this act and the employees of such carrier which can not be settled by mediation and conciliation in the manner provided in the preceding section, said controversy may be submitted to the arbitration of a board of three persons, who shall be chosen in the manner following: One shall be named by the carrier or employer directly interested; the other shall be named by the labor organization to which the employees directly interested belong, or, if they belong to more than one, by that one of them which specially represents employees of the same grade and class and engaged in services of the same nature as said employees so directly interested: *Provided, however*, That when a controversy involves and affects the interests of two or more classes and grades of employees belonging to different labor organizations, such arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations; and in all cases where the majority of such employees are not members of any labor organization said employees may by a majority vote select a committee of their own number, which committee shall have the right to select the arbitrator on behalf of their employees.

The two thus chosen shall select the third commissioner of arbitration; but, in the event of their failure to name such arbitrator within five days after their first meeting, the third arbitrator shall be named by the commissioners named in the preceding section. A majority of said arbitrators shall be competent to make a valid and binding award under the provisions hereof. The submission shall be in writing, shall be signed by the employer and by the labor organization representing the employees, shall specify the time and place of meeting of said board of arbitration, shall state the questions to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate, as follows:

First. That the board of arbitration shall commence their hearings within ten days from the date of the appointment of the third arbitrator, and shall find and file their award, as provided in this section, within thirty days from the date of the appointment of the third arbitrator; and that pending the arbitration the status existing immediately prior to the dispute shall not be changed: *Provided*, That no employee shall be compelled to render personal service without his consent.

Second. That the award and the papers and proceedings, including the testimony relating thereto, certify under the hands of the arbitrators, and which shall have the force and effect of a bill of exceptions, shall be first in the clerk's office of the circuit court of the United States for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit: *Provided*, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention so to quit. Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of his intention so to discharge.

Fifth. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year if the award is not set aside as provided in section 4. That as to individual employees not belonging to the labor organization or organizations which shall enter into the arbitration, the said arbitration and the award made therein shall not be binding unless the said individual employees shall give assent in writing to become parties to said arbitration.

SEC. 4. That the award being filed in the clerk's office of a circuit court of the United States, as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said circuit court or on appeal therefrom.

At the expiration of ten days from the decision of the circuit court upon exceptions taken to said award, as aforesaid, judgment shall be entered in accordance with said decision unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

The determination of said circuit court of appeals upon said questions shall be final, and being certified by the clerk thereof to said circuit court, judgment pursuant thereto shall thereupon be entered by said circuit court.

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award. But in such case the parties may agree upon a judgment to be entered disposing of the subject-matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

SEC. 5. That for the purposes of this act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpœnas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation as may be ordered by the court; and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as is provided for in the act to regulate commerce approved February 4, 1887, and the amendments thereto.

SEC. 6. That every agreement of arbitration under this act shall be acknowledged by the parties before a notary public or clerk of a district or circuit court of the United States, and when so acknowledged a copy of the same shall be transmitted to the Chairman of the Interstate Commerce Commission, who shall file the same in the office of said commission.

Any agreement of arbitration which shall be entered into conforming to this act, except that it shall be executed by employees individually instead of by a labor organization as their representative, shall, when duly acknowledged as herein provided, be transmitted to the Chairman of the Interstate Commerce Commission, who shall cause a notice in writing to be served upon the arbitrators, fixing a time and place for a meeting of said board, which shall be within fifteen days from the execution of said agreement of arbitration: *Provided, however*, That the said Chairman of the Interstate Commerce Commission shall decline to call a meeting of arbitrators under such agreement unless it be shown to his satisfaction that the employees signing the submission represent or include a majority of all employees in the service of the same employer and of the same grade and class, and that an award pursuant to said submission can justly be regarded as binding upon all such employees.

SEC. 7. That during the pendency of arbitration under this act it shall not be lawful for the employer, party to such arbitration, to discharge the employees, parties thereto, except for inefficiency, violation of law, or neglect of duty; nor for the organization representing such employees to order, nor for the employees to unite in, aid, or abet, strikes against said employer; nor, during a period of three months after an award under such an arbitration, for such employer to discharge any such employees, except for the causes aforesaid, without giving thirty days' written notice of an intent so to discharge; nor for any such employees, during a like period, to quit the service of said employer without just cause, without giving to said employer thirty days' written notice of an intent so to do; nor for such organization representing such employees to order, counsel, or advise otherwise. Any violation of this section shall subject the offending party to liability for damages: *Provided*, That nothing herein contained shall be construed to prevent any employer, party to such arbitration, from reducing the number of its or his employees whenever in its or his judgment business necessities require such reduction.

SEC. 8. That in every incorporation under the provisions of chapter 567 of the United States Statutes of 1885 and 1886 it must be provided in the articles of incorporation and in the constitution, rules, and by-laws that a member shall cease to be such by participating in or by instigating force or violence against persons or property during strikes, lockouts, or boycotts, or by seeking to prevent others from working through violence, threats, or intimidations. Members of such incorporations shall not be personally liable for the acts, debts, or obligations of the corporations, nor shall such corporations be liable for the acts of members or others in violation of law; and such corporations may appear by designated representatives before the board created by this act, or in any suits or proceedings for or against such corporations or their members in any of the Federal courts.

SEC. 9. That whenever receivers appointed by Federal courts are in the possession and control of railroads, the employees upon such railroads shall have the right to be heard in such courts upon all questions affecting the terms and conditions of their employment, through the officers and representatives of their associations, whether incorporated or unincorporated,

and no reduction of wages shall be made by such receivers without the authority of the court therefor upon notice to such employees, said notice to be not less than twenty days before the hearing upon the receivers' petition or application, and to be posted upon all customary bulletin boards along or upon the railway operated by such receiver or receivers.

SEC. 10. That any employer subject to the provisions of this act and any officer, agent, or receiver of such employer who shall require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in such a labor corporation, association, or organization; or who shall require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, social, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any benefit received from such fund beyond the proportion of the benefit arising from the employer's contribution to such fund; or who shall, after having discharged an employee, attempt or conspire to prevent such employee from obtaining employment, or who shall, after the quitting of an employee, attempt or conspire to prevent such employee from obtaining employment, is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was committed, shall be punished for each offense by a fine of not less than $100 and not more than $1,000.

SEC. 11. That each member of said board of arbitration shall receive a compensation of $10 per day for the time he is actually employed, and his traveling and other necessary expenses; and a sum of money sufficient to pay the same, together with the traveling and other necessary and proper expenses of any conciliation or arbitration had hereunder, not to exceed $10,000 in any one year, to be approved by the Chairman of the Interstate Commerce Commission and audited by the proper accounting officers of the Treasury, is hereby appropriated for the fiscal years ending June 30, 1898, and June 30, 1899, out of any money in the Treasury not otherwise appropriated.

SEC. 12. That the act to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate or Territorial transportation of property or persons and their employees, approved October 1, 1888, is hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. ALLEN. Let us have a yea-and-nay vote on the passage of the bill. ["Oh, no!"] There has been so much discussion pro and con upon this bill that I hope we may all have an opportunity to put ourselves on record in regard to it.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. GRAY]. If he were present, I should vote "yea" on the passage of the bill.

Mr. FAULKNER (when his name was called). Under the arrangement made with the Senator from Minnesota [Mr. NELSON], my colleague will stand paired with the Senator from Missouri [Mr. VEST]. Under that arrangement I vote "yea."

Mr. GALLINGER (when his name was called). I again announce that I am paired with the Senator from Texas [Mr. MILLS], which pair I transfer to the Senator from Rhode Island [Mr. ALDRICH] and will vote. I vote "yea."

Mr. GEAR (when his name was called). I again announce my pair with the Senator from New Jersey [Mr. SMITH].

Mr. BACON. I suggest to the Senator from Iowa, as he is paired with the Senator from New Jersey and I am paired with the junior Senator from Rhode Island [Mr. WETMORE], that we transfer our pairs, so that both of us may vote.

Mr. GEAR. That is agreeable to me, and I vote "yea."

Mr. LINDSAY (when his name was called). I understand that the senior Senator from Michigan [Mr. MCMILLAN], if present, would vote "yea" upon this question. I therefore take the liberty of having my vote recorded. I vote "yea."

Mr. MALLORY (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. MURPHY (when his name was called). I have a general pair with the junior Senator from New York [Mr. PLATT]. I am informed that he would vote "yea" if present. So I will vote. I vote "yea."

Mr. NELSON (when his name was called). I transfer my pair with the junior Senator from Missouri [Mr. VEST] to the junior Senator from West Virginia [Mr. ELKINS], and will vote. I vote "yea."

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL].

Mr. TURPIE (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL], and therefore withhold my vote.

The roll call was concluded.

Mr. CULLOM. Since announcing my pair I have been informed that the Senator from Delaware [Mr. GRAY] would vote for the bill if he were present, and I therefore take the liberty of voting. I vote "yea."

Mr. FRYE. My colleague [Mr. HALE] is necessarily detained from the Chamber, and is paired with the senior Senator from Arkansas [Mr. JONES]. If my colleague were present, he would vote "yea."

Mr. GEAR. My colleague [Mr. ALLISON] is detained from the Senate necessarily. I announce his pair with the Senator from Missouri [Mr. COCKRELL].

Mr. BURROWS. I desire to announce that my colleague [Mr. MCMILLAN] is absent, and that if he were present, he would vote "yea."

The result was announced—yeas 47, nays 3; as follows:

YEAS—47.

Allen,	Faulkner,	McBride,	Platt, Conn.
Bacon,	Frye,	McEnery,	Pritchard,
Bate,	Gallinger,	McLaurin,	Quay,
Berry,	Gear,	Mason,	Roach,
Burrows,	Gorman,	Morgan,	Spooner,
Caffery,	Hanna,	Murphy,	Stewart,
Carter,	Hawley,	Nelson,	Teller,
Chandler,	Heitfeld,	Pasco,	Thurston,
Clay,	Hoar,	Penrose,	Turley,
Cullom,	Kyle,	Perkins,	Turner,
Deboe,	Lindsay,	Pettigrew,	Wilson.
Fairbanks,	Lodge,	Pettus,	

NAYS—3.

Money,	Rawlins,	Tillman.

NOT VOTING—38.

Aldrich,	Elkins,	Mallory,	Smith,
Allison,	Foraker,	Mantle,	Turpie,
Baker,	Gray,	Martin,	Vest,
Butler,	Hale,	Mills,	Warren,
Cannon,	Hansbrough,	Mitchell,	Wellington,
Chilton,	Harris,	Morrill,	Wetmore,
Clark,	Jones, Ark.	Platt, N. Y.	White,
Cockrell,	Jones, Nev.	Proctor,	Wolcott.
Daniel,	Kenney,	Sewell,	
Davis,	McMillan,	Shoup,	

So the bill was passed.

Mr. KYLE. I move that the Senate request a conference with the House of Representatives upon the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. KYLE, Mr. GEAR, and Mr. LINDSAY were appointed.

Mr. KYLE. I move that the bill (S. 3662) concerning carriers engaged in interstate commerce and their employees be indefinitely postponed.

The motion was agreed to.

RELIEF TO THE INHABITANTS OF CUBA.

Mr. HAWLEY. I feel it my duty to present a conference report which, I think, it will not take us long to consider.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4518) to provide assistance to the inhabitants of Cuba and arms, munitions, and military stores to the insurgent forces, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment as follows, viz: After the word "effective," in the last line of the amendment to the text, insert the word "fighting;" and after the word "war," in the same line, add the words "against Spain;" so that the section as amended will read:

"SEC. 2. That the President and general officers commanding troops in Cuba are hereby authorized to furnish to the Cuban people such arms, ammunition, equipments, and military stores and supplies as they may require in order to increase their effective fighting force in the existing war against Spain."

That the Senate recede from its disagreement to the amendment of the House amending the title of the bill, and agree to the same.

J. R. HAWLEY,
THOMAS H. CARTER,
F. M. COCKRELL,
Managers on the part of the Senate.

B. F. MARSH,
M. GRIFFIN,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

Mr. CHANDLER. I should like a brief explanation from the Senator from Connecticut showing what the Senate has agreed to that it did not concede originally.

Mr. HAWLEY. It has agreed to the amendment to the title, and it has put in the word "fighting" and the words "against Spain." I have not the amendment.

Mr. FRYE. It was read.

Mr. HAWLEY. It was read.

Mr. CHANDLER. I should like to have the whole bill read. It is a short bill.

Mr. HAWLEY. It is a short bill.

Mr. CHANDLER. I ask that the whole bill may be read as it will stand when amended.

Mr. HAWLEY. I will first give a word of explanation. The first section applies to the supply of provisions, in the discretion of the President or generals commanding our forces in the Island

of Cuba, to the suffering people there who otherwise might perish. The second section applies to judiciously granting arms and munitions of war to the people, that they may increase their effective fighting force against Spain.

The VICE-PRESIDENT. The bill will be read as it will read when amended.

The Secretary read as follows:

A bill to provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the people of the Island of Cuba, and for other purposes.

Be it enacted, etc., That while serving in Cuba during the existing war, officers of the Army of the United States exercising separate commands may, by special order, cause subsistence, medical, and quartermaster's supplies to be issued to, and other aid rendered to, inhabitants of the Island of Cuba who are destitute and in imminent danger of perishing unless they receive the same.

SEC. 2. That the President and general officers commanding troops in Cuba are hereby authorized to furnish to the Cuban people such arms, ammunition, equipments, and military stores and supplies as they may require in order to increase their effective fighting force in the existing war against Spain.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until Monday, May 16, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 12, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be inspectors-general with the rank of major.

Capt. Jesse M. Lee, Ninth United States Infantry.
Capt. Henry C. Ward, Sixteenth United States Infantry.
Capt. George S. Anderson, Sixth United States Cavalry.
Capt. Earl D. Thomas, Fifth United States Cavalry.
Capt. Alexander Rodgers, Fourth United States Cavalry.
Capt. John M. K. Davis, First United States Artillery.
Capt. James Parker, Fourth United States Cavalry.
Capt. Philip Reade, Third United States Infantry.
Capt. Thomas M. Woodruff, Fifth United States Infantry.
Capt. Benjamin H. Cheever, Sixth United States Cavalry.
Capt. Stephen Y. Seyburn, Tenth United States Infantry.
Capt. Stephen C. Mills, Twelfth United States Infantry.
Capt. Herbert J. Slocum, Seventh United States Cavalry.
Capt. Harry C. Benson, Fourth United States Cavalry.
Capt. William P. Duvall, First United States Artillery.
G. Creighton Webb, of New York.
Russell B. Harrison, of Indiana.

To be quartermasters with the rank of major.

Capt. Charles G. Penney, Sixth United States Infantry.
Capt. John W. Summerhayes, assistant quartermaster, United States Army.
Capt. Samuel R. Jones, assistant quartermaster, United States Army.
Capt. Medad C. Martin, assistant quartermaster, United States Army.
Capt. Oscar F. Long, assistant quartermaster, United States Army.
Capt. Guy Howard, assistant quartermaster, United States Army.
Capt. Frederick Von Schrader, assistant quartermaster, United States Army.
Capt. J. Estcourt Sawyer, assistant quartermaster, United States Army.
Capt. Frederick G. Hodgson, assistant quartermaster, United States Army.
Capt. James B. Aleshire, assistant quartermaster, United States Army.
Capt. Thomas Cruse, assistant quartermaster, United States Army.
First Lieut. Eugene F. Ladd, Ninth United States Cavalry.
William A. Wadsworth, of New York.

To be assistant quartermasters with the rank of captain.

First Lieut. Chauncey B. Baker, Seventh United States Infantry.
First Lieut. Charles C. Walcutt, jr., Eighth United States Cavalry.
First Lieut. Julius A. Penn, Second United States Infantry.
First. Lieut. Ulysses G. McAlexander, Thirteenth United States Infantry.
Hiram E. Mitchell, of Oregon.
John B. Jeffery, of Illinois.
William D. Jenkins, of Texas.
Benjamin Johnson, of California.
James R. Hosmer, of New York.
William A. Harper, of New York.
G. H. Holden, of Minnesota.
H. W. D. Nicholson, of the District of Columbia.
Thomas H. Cavanaugh, of Michigan.
Elias H. Parsons, of Utah.
Edward C. McDowell, of Tennessee.
Francis M. Schreiner, of the District of Columbia.
Arthur Thompson, of New Hampshire.
Charles M. Augur, of Colorado.
William K. Alexander, of Virginia.
William G. Ball, of Ohio.
Abraham S. Bickham, of Ohio.
George G. Bailey, of New York.
Edwin F. Barrett, of Minnesota.
Britton Davis, of Texas.
C. B. Worthington, of Iowa.
Beverley A. Read, of Texas.
Harry S. New, of Indiana.
Frederick Buher, of the District of Columbia.
Haldeman P. Young, of New York.
Ambrose E. Gonzales, of South Carolina.
Lloyd Carpenter Griscom, of Pennsylvania.

To be commissaries of subsistence with the rank of captain.

First Lieut. Eli D. Hoyle, Second United States Artillery.
First Lieut. Parker W. West, Third United States Cavalry.
First Lieut. Omar Bundy, Third United States Infantry.
First Lieut. Elmore F. Taggart, Sixth United States Infantry.
First Lieut. Alexander R. Piper, Fifteenth United States Infantry.
Second Lieut. Harold E. Cloke, Sixth United States Artillery.
Richard W. Thompson, jr., of Indiana.
Daniel Van Voorhis, of Ohio.
E. B. Fenton, of Michigan.
Samuel B. Boots, of Ohio.
John F. Jenkins, of Wyoming.
Lee Linn, of Indiana.
J. M. Simeral, of Nebraska.
John W. Lytle, of Pennsylvania.
William A. Tucker, of Tennessee.
Theodore B. Hacker, of Tennessee.
M. M. Marshall, of Iowa.
R. H. Beckham, of Texas.
Frank H. Lord, of New York.
John H. Earle, of South Carolina.
Jay Cooke, third, of Pennsylvania.
James H. McCleary, of Texas.
Thomas C. Catchings, jr., of Mississippi.

To be assistant adjutants-general with the rank of major.

Capt. Walter S. Schuyler, Fifth United States Cavalry.
Capt. Louis M. Caziarc, Second United States Artillery.
Capt. William W. McCammon, Fourteenth United States Infantry.
Capt. James S. Pettit, First United States Infantry.
Capt. Alfred C. Sharpe, Twenty-second United States Infantry.
Capt. Hugh L. Scott, Seventh United States Cavalry.
Capt. Edward Davis, Third United States Artillery.
First Lieut. Frederick S. Strong, Fourth United States Artillery.
First Lieut. Herbert H. Sargent, Second United States Cavalry.
First Lieut. Clarence R. Edwards, Twenty-third United States Infantry.
First Lieut. Samuel D. Sturgis, Sixth United States Artillery.
First Lieut. Samuel Reber, Signal Corps, United States Army.
Campbell E. McMichael, of Pennsylvania.
George H. Hopkins, of Michigan.
John A. Logan, jr., of Illinois.

To be assistant adjutants-general with the rank of captain.

First Lieut. Erasmus M. Weaver, jr., Second United States Artillery.
First Lieut. Francis P. Fremont, Third United States Infantry.
First Lieut. Charles M. Truitt, Twenty-first United States Infantry.
First Lieut. Edwin St. J. Greble, Second United States Artillery.
First Lieut. John H. Beacom, Third United States Infantry.
First Lieut. Harvey C. Carbaugh, Fifth United States Artillery.
First Lieut. John B. McDonald, Tenth United States Cavalry.
First Lieut. Albert L. Mills, First United States Cavalry.
First Lieut. Charles G. Treat, Fifth United States Artillery.
First Lieut. John A. Dapray, Twenty-third United States Infantry.
First Lieut. William F. Hancock, Sixth United States Artillery.
First Lieut. William H. Smith, Tenth United States Cavalry.

First Lieut. John F. Morrison, Twentieth United States Infantry.
First Lieut. Benjamin Alvord, Twentieth United States Infantry.
First Lieut. Henry C. Cabell, Fourteenth United States Infantry.
First Lieut. Godfrey H. Macdonald, First United States Cavalry.
First Lieut. William H. Johnston, Sixteenth United States Infantry.
First Lieut. John L. Sehon, Twentieth United States Infantry.
First Lieut. Grote Hutcheson, Ninth United States Cavalry.
First Lieut. James K. Thompson, Twenty-third United States Infantry.
First Lieut. Carl Reichmann, Ninth United States Infantry.
First Lieut. Cornélis De W. Willcox, Seventh United States Artillery.
First Lieut. Willard A. Holbrook, Seventh United States Cavalry.
First Lieut. Robert E. L. Michie, Second United States Cavalry.
First Lieut. Daniel B. Devore, Twenty-third United States Infantry.
First Lieut. Lucien G. Berry, Seventh United States Artillery.
First Lieut. John E. McMahon, Fourth United States Artillery.
First Lieut. T. Bentley Mott, Seventh United States Artillery.
First Lieut. Samuel Seay, jr., Fourteenth United States Infantry.
First Lieut. Robert G. Paxton, Tenth United States Cavalry.
Joseph Benson Foraker, jr., of Ohio.
Bradley Strong, of New York.
First Lieut. Robert L. Howze, Sixth United States Cavalry.
Frederick Moulton Alger, of Michigan.

The nomination of Fred M. Alger, of Michigan, to the above-named office, which was delivered to the Senate on May 9, 1898, is hereby withdrawn.

To be assistant adjutants-general with the rank of captain.

First Lieut. George B. Duncan, Fourth United States Infantry.
First Lieut. Walter A. Bethel, Third United States Artillery.
First Lieut. Edmund L. Butts, Fifth United States Infantry.
First Lieut. Charles W. Fenton, Fifth United States Cavalry.
First Lieut. Louis C. Scherer, Fourth United States Cavalry.
Second Lieut. Douglas Settle, Tenth United States Infantry.
Second Lieut. Walter C. Short, Sixth United States Cavalry.
Second Lieut. Robert Sewell, Seventh United States Cavalry.
Second Lieut. Henry H. Whitney, Fourth United States Artillery.
Second Lieut. Edward B. Cassatt, Fourth United States Cavalry.
Second Lieut. John C. Gilmore, jr., Fourth United States Artillery.
Jacob E. Bloom, of New York.
William E. Horton, of the District of Columbia.
John W. Haight, of Virginia.
John G. Evans, of South Carolina.
Richard H. Davis, of Massachusetts.
William McKittrich, of California.
Joseph B. Foraker, jr., of Ohio.
James A. Colvin, of New York.
Edward Murphy, second, of New York.
Joseph B. Morton, of Illinois.
Charles H. McGill, of Minnesota.
Larz Anderson, of the District of Columbia.
Augustus P. Gardner, of Massachusetts.
Gordon Voorhies, of Kentucky.
First Lieut. De Rosey C. Cabell, Eighth United States Cavalry.
Samuel W. Belford, of Colorado.

To be commissary of subsistence with the rank of captain.

Joseph A. Cox, of Pennsylvania.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 12, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant adjutants-general with the rank of lieutenant-colonel.

Capt. John A. Johnston, Eighth United States Cavalry.
Capt. Francis Michler, Fifth United States Cavalry.
Capt. Joseph H. Dorst, Fourth United States Cavalry.
Capt. Wilber E. Wilder, Fourth United States Cavalry.
Capt. Cyrus S. Roberts, Seventeenth United States Infantry.
Capt. George R. Cecil, Thirteenth United States Infantry.
Capt. Edward J. McClernand, Second United States Cavalry.

To be inspectors-general with the rank of lieutenant-colonel.

Maj. Joseph P. Sanger, inspector-general, United States Army.
Capt. Edmund Rice, Fifth United States Infantry.
Capt. Marion P. Maus, First United States Infantry.
John Jacob Astor, of New York.
Charles A. Whittier, of New York.
Curtis Guild, jr., of Massachusetts.

To be chief quartermasters with the rank of lieutenant-colonel.

Maj. Daniel D. Wheeler, quartermaster, United States Army.
Maj. Charles Bird, quartermaster, United States Army.
Maj. George E. Pond, quartermaster, United States Army.
Maj. James W. Pope, quartermaster, United States Army.
Maj. Francis B. Jones, quartermaster, United States Army.
Maj. Crosby P. Miller, quartermaster, United States Army.
Avery D. Andrews, of New York.

To be judge-advocates with the rank of lieutenant-colonel.

Capt. Fayette W. Roe, Third United States Infantry.
Capt. Edgar I. Dudley, assistant quartermaster, United States Army.
Andrew C. Gray, of Delaware.
John A. Hull, of Iowa.
Charles L. Jewett, of Indiana.
Charles H. Ribble, of New York.
Frederick A. Hill, of Connecticut.

To be chief surgeons with the rank of lieutenant-colonel.

Maj. Benjamin F. Pope, surgeon, United States Army.
Maj. Robert M. O'Reilly, surgeon, United States Army.
Maj. Alfred C. Girard, surgeon, United States Army.
Maj. John Van R. Hoff, surgeon, United States Army.
Maj. Louis M. Maus, surgeon, United States Army.
Nicholas Senn, of Illinois.
Rush Huidekoper, of Pennsylvania.

To be chief engineers with the rank of lieutenant-colonel.

Maj. William R. Livermore, Corps of Engineers, United States Army.
Capt. William M. Black, Corps of Engineers, United States Army.
Capt. George McC. Derby, Corps of Engineers, United States Army.
Capt. James L. Lusk, Corps of Engineers, United States Army.
Capt. George W. Goethals, Corps of Engineers, United States Army.
Capt. John Biddle, Corps of Engineers, United States Army.
Capt. Hiram M. Chittenden, Corps of Engineers, United States Army.

To be chief commissaries of subsistence with the rank of lieutenant-colonel.

Maj. Edward E. Dravo, commissary of subsistence, United States Army.
Maj. Tasker H. Bliss, commissary of subsistence, United States Army.
Capt. James N. Allison, commissary of subsistence, United States Army.
Capt. William H. Baldwin, commissary of subsistence, United States Army.
Capt. David L. Brainard, commissary of subsistence, United States Army.
Capt. Oliver E. Wood, Fifth United States Artillery.
Capt. Charles H. Grierson, Tenth United States Cavalry.

To be assistant adjutants-general with the rank of captain.

Charles R. Miller, of Ohio.
William Astor Chanler, of New York.
Walter L. Bouvé, of Massachusetts.
James G. Blaine, of Maine.
Frederick Moulton Alger, of Michigan.
Erskine Hewitt, of New York.
William B. Allison, jr., of Iowa.

MARSHAL.

Joseph P. Woolman, of Montana, to be marshal of the United States for the district of Montana.

UNITED STATES ATTORNEY.

John C. Rose, of Maryland, to be attorney of the United States for the district of Maryland.

POSTMASTERS.

William R. O'Neal, to be postmaster at Orlando, in the county of Orange and State of Florida.

J. P. S. Fenstermacher, to be postmaster at Kutztown, in the county of Berks and State of Pennsylvania.

John S. Buchanan, to be postmaster at Ambler, in the county of Montgomery and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 12, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read.

The SPEAKER. The Chair understands that in the Journal the word "identically" is used——

Mr. DINGLEY. The word "identically" is used instead of the word "substantially."

The SPEAKER. The Chair is informed that the correction has been made. Without objection the Journal will stand approved.

Mr. GAINES. Mr. Speaker, I have a general pair with the gentleman from New York, Mr. BENNETT. On yesterday an important telegram called me away from the House before the vote was taken on the resolution providing for the election of Senators by the people. If I had been present, I would have voted "aye," and to make the law mandatory in all the States. I am informed that Mr. BENNETT would have voted the same way.

SUPERVISING INSPECTORS OF STEAM VESSELS.

Mr. PERKINS. Mr. Speaker, I desire to submit the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Treasury Department, Steamboat-Inspection Service, 300 copies each of the proceedings of the Board of Supervising Inspectors of Steam Vessels for the years 1897 and 1898.

The SPEAKER. This is not privileged.

Mr. PERKINS. No. Mr. Speaker, I ask unanimous consent for its present consideration.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

THE PORT OF SABINE PASS.

Mr. HOOKER. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution calling upon the Secretary of War for information concerning the port of Sabine Pass, which I send to the desk.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, directed to furnish Congress as soon as possible all information and copies of such reports as he may have relative to any enterprise or construction, in the way of a ship canal or otherwise, known to him to be in process of completion in or about the harbor of Sabine Pass, and as to whether any plans or estimates have been submitted to and approved by him or the Department of Engineers for any such enterprise or construction; and whether, in the opinion of the United States Engineer Department, there is any possibility of any such enterprise or construction obstructing or lessening the depth of the harbor of Sabine Pass.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. HOOKER, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

INDUSTRIAL COMMISSION.

Mr. GARDNER. I ask unanimous consent for the present consideration of House bill No. 4073, known as the industrial commission bill.

The bill (H. R. 4073) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital was read, with the amendment reported by the Committee on Labor.

Mr. GARDNER. I wish to offer an amendment to the committee amendment.

Mr. DINGLEY. This is the same bill, I believe, that passed the House in the last Congress—I think unanimously.

Mr. RICHARDSON. Consent has not yet been given, I understand, for the consideration of the bill.

The SPEAKER. That question has not yet been submitted.

Mr. GARDNER. In reply to the gentleman from Maine [Mr. DINGLEY], I will say that this is the bill which passed both the Senate and the House at the last session.

Mr. DINGLEY. I understand that it passed the House unanimously.

Mr. GARDNER. That is a fact. I ask that the amendment which I propose to offer to the amendment of the committee be read.

The Clerk read as follows:

Amend the amendment of the committee by inserting, after the word "pay," in line 10, page 3, the words "unless he shall be reelected;" so as to read: "but shall serve until the expiration of the term for which he was appointed, drawing pay, unless he shall be reelected, from the time his term as Senator or Representative expires."

Mr. LIVINGSTON. Why should not traveling expenses be allowed to members of Congress who may serve upon this commission as well as to the commissioners appointed by the President?

Mr. GARDNER. I do not quite understand the gentleman's question.

Mr. LIVINGSTON. I observe that at the top of page 3 it is provided that—

The salary of each member of this commission appointed by the President shall be $3,600 per annum and actual traveling expenses.

On the other hand, I understand that members of Congress who may be appointed upon this commission by the Vice-President and the Speaker will get no allowance for expenses.

Mr. GARDNER. That point has never been raised. It has been presumed that under section 4 all members of the commission will receive reimbursement for their expenses.

Mr. LIVINGSTON. If it is proposed that Congressmen serving on the commission shall, like the other commissioners, have their expenses allowed, the gentleman had better make an amendment to that effect.

Mr. GARDNER. If there is any doubt about that point, the gentleman can submit an amendment to cover it, and the committee will be glad to assent to it.

Mr. LIVINGSTON. I do not propose to amend the bill, but suggest to the gentleman that he will hazard very much his request for unanimous consent if such an amendment be not made.

Mr. GARDNER. It seems to me that the point made by the gentleman is not good.

Mr. LIVINGSTON. Perhaps the bill had better come up under the rule, at any rate.

Mr. WALKER of Massachusetts. I hope the gentleman from Georgia will not object.

Mr. LIVINGSTON. I am not inclined to object.

The SPEAKER. The Chair has not yet put the request for unanimous consent.

Mr. GARDNER. Mr. Speaker, it has always been supposed, when the bill was before the House and the Senate heretofore, that the item to which the gentleman refers was covered by the term "necessary expenses."

Mr. LIVINGSTON. But the gentleman must see now that it is not.

Mr. GARDNER. The form of language which is used in the bill in reference to the allowance of expenses of members of Congress was originally embraced in an amendment of the Senate. To meet the difficulty suggested, I will, if unanimous consent be granted, move an amendment to insert, after the word "same," in line 6, page 2, the words "including traveling expenses." Those words will free the matter from all doubt.

Mr. SIMPSON. I rise to a parliamentary inquiry. Does the gentleman move an amendment to the bill before consent has been given to consider it?

Mr. GARDNER. I am giving notice of an amendment which I will offer if consent be given.

Mr. SIMPSON. I should like to ask a question. This bill proposes that the power to appoint these labor commissioners shall be lodged in the President, the Vice-President, and the Speaker of the House. Can a commission thus constituted be fairly called "a nonpartisan commission?" Does not the gentleman from New Jersey [Mr. GARDNER] think that an important commission like this, charged with the consideration of the interests of labor, ought to be nonpartisan, at least as far as that result can be secured? And how can we have a nonpartisan commission if the members are to be appointed entirely by gentlemen who all belong to one political party?

Mr. GARDNER. The provisions of this bill are the same as were agreed to by both Houses in the last Congress, the bill having passed this House twice. Under these circumstances the committee thought it could do nothing more safe and satisfactory than to present the bill again in the form in which it had been twice passed without objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. OSBORNE. I object.

ASSISTANCE TO INHABITANTS OF CUBA.

Mr. MARSH. I move to take from the Speaker's table Senate bill No. 4518. This bill, having passed the Senate, came to the House, was amended here, went back to the Senate, and the Senate disagreed to the House amendment. I now move to take the bill from the Speaker's table, in order that the House may insist on its amendment and agree to the conference which has been asked by the Senate.

Mr. McMILLIN. Will the gentleman state what the bill is?

The SPEAKER. The Clerk will read the bill.

The bill (S. 4518) to provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the insurgents, and for other purposes, was read.

Mr. DOCKERY. Mr. Speaker, I ask to have the sections of the bill as proposed to be amended reported, so that we may understand how it will stand.

Mr. MARSH. I will say to the gentleman from Missouri that the House has amended the Senate bill. The Senate disagreed to the House amendment and asked for a conference.

Mr. DOCKERY. I was seeking information to ascertain what the amendment was.

Mr. MARSH. I move simply that we insist on our amendments and agree to the conference asked by the Senate.

Mr. DOCKERY. I have no objection to that.

The motion of Mr. MARSH was agreed to.

The SPEAKER announced the appointment of Mr. MARSH, Mr. GRIFFIN, and Mr. COX as managers of the conference on the part of the House.

VOLUNTEER SIGNAL CORPS.

Mr. MARSH. Mr. Speaker, I now ask unanimous consent to take from the table the bill (S. 4567) to organize a volunteer signal corps and put it upon its passage.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the President is hereby authorized to organize a volunteer signal corps, for service during the existing war, which corps shall receive the same pay and allowances as are authorized by law for the Signal Corps of the Army.

SEC. 2. The volunteer signal corps shall consist of 1 colonel, 1 lieutenant-colonel, 1 major as disbursing officer, and such other officers and men as may be required, not exceeding 1 major for each army corps, and 2 captains, 2 first lieutenants, 2 second lieutenants, 5 first-class sergeants, 10 sergeants, 10 corporals, and 30 first-class privates to each organized division of troops: *Provided*, That two-thirds of all officers below the rank of major and a like proportion of the enlisted men shall be skilled electricians or telegraph operators.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BAILEY. Reserving the right to object, I wish to ask the gentleman in charge of this matter what necessity exists for the passage of the bill at this time?

Mr. MARSH. I will answer the gentleman from Texas by having read communications from the Department, which explain, better than I can myself, the necessity for prompt action upon this measure. I ask the Clerk to read the letters I send to the desk.

The Clerk read as follows:

WAR DEPARTMENT, SIGNAL OFFICE, *Washington, May 11, 1898.*

MY DEAR MR. MARSH: The extreme pressure of public business prevents me from calling in person to urge prompt action on the volunteer signal corps bill, which passed yesterday. I send as my representative, Lieutenant-Colonel Dunwoody, my senior assistant, who will explain any doubtful points.

I have only seven officers, and can absolutely do nothing for the Volunteer Army until this bill passes. A San Francisco signal corps is ready to accompany the Manila expedition as soon as it can be enlisted. I need officers for censors in the cable offices at Key West and New York City and such other offices as from time to time must be occupied. Electrical experts are needed to assist my own officers in laying projected cables along the Cuban coast and in operating and constructing field telegraph land lines in Cuba. Each corps now assembling must have telephonic service for its interior economy and administration.

The engineering wants of the Volunteer Army have been met by the organizing of a brigade, while I ask for only a few hundred men to do the telegraphing, signaling, and other work essential for the management of any large army, whether in the camp or in the field.

This legislation has no personal advantage to me and only entails additional work, but I know professionally that an army unprovided with means of speedy intercommunication is at a fearful disadvantage in its operations. As a practical man, you realize with me that our Army should have the same advantages in transmitting orders and receiving information as is possessed by every town of 10,000 inhabitants in the United States.

Asking the speedy passage of the bill in its present shape,

I am, yours truly,

A. W. GREELY,
Chief Signal Officer.

Hon. BENJAMIN F. MARSH,
Military Committee, House of Representatives.

WAR DEPARTMENT, *Washington, May 10, 1898.*

SIR: Through an unfortunate omission section 10 of act of April 22, 1898, failed to provide for signal officers on the volunteer staff, where every other corps of the Army is represented. To remedy this omission, I recommend that legislation be had giving the Chief Signal Officer on the staff of the commanding general of an army corps the rank of lieutenant-colonel.

Very respectfully,

R. A. ALGER, *Secretary of War.*

Hon. J. R. HAWLEY,
Chairman Senate Military Committee.

Mr. MARSH. Now, Mr. Speaker, I will say that this bill has not been referred to the Committee on Military Affairs of the House; but I have conferred with a number of gentlemen attached to the committee on both sides—quite a number of them—and I find that they are unanimously in favor of the proposition presented here.

Mr. BAILEY. Mr. Speaker, while it is probably, and doubtless is, true that the services of some such corps will be needed in case of war, yet what perplexes me is as to how such an unreasonable number of officers can be needed.

Mr. COX. What is the statement of the gentleman?

Mr. BAILEY. I find in looking over the bill that we have one officer for every nine men. I can not understand the necessity for such a proportion. This, it seems to me, should require some explanation.

Mr. MARSH. While the gentleman from Texas is entirely correct in his statement regarding ordinary military affairs—say, for instance, as to the infantry regiments—yet in this condition, and in the service proposed here, there are circumstances which render the number of officers entirely necessary. While in this corps I am not prepared to say that the number of officers is not somewhat disproportionate, apparently, to the number of men, yet I must take the judgment of men who are more familiar with the matter, and who know decidedly more about it than I do.

Mr. BAILEY. Mr. Speaker, in a matter like this we must all rely on the opinions of those who have experience in these matters; and believing that something of the kind is necessary, I am not willing, in any way, to obstruct operations which may be found necessary by those in command of the troops, and I will make no objection to the consideration of the matter. [Applause.]

Mr. McMILLIN. Mr. Speaker——

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. I was about saying, Mr. Speaker, that it is somewhat extraordinary that we should pass a bill of this character without having any consideration on the part of the Committee on Military Affairs, on whose judgment we are compelled to rely in these matters. We ought to have the benefit of their action and their researches. While we have the letters from the Chief Signal Officer explaining the nature of the proposition and the necessity for it, still they are general in their character and do not go into detail sufficiently and explicitly, as I think we have a right to expect.

I do not like to be captious and do not desire to be, but we ought to do things, even in time of war, in a businesslike manner. Now, for instance, I would like to know how many men will be allowed to enter the service under this provision of law? There are several matters of that kind that we certainly have a right to consider and ought to consider.

Mr. MARSH. I will state to the gentleman, if he will allow me, that I will send to the desk to have read the exact number of men who will be called into service under the provisions of this proposition, which I think will answer fully his question. I ask the Clerk to read.

The Clerk read as follows:

Statement showing number of enlisted men and officers provided for in bill organizing volunteer signal corps, Senate bill 4567.

* * * * * * * *

The entire Volunteer Army, which is to be composed of seven army corps, would have:

One colonel, 1 lieutenant-colonel, 8 majors, 42 captains, 42 first lieutenants, 42 second lieutenants, 105 first-class sergeants, 210 sergeants, 210 corporals, 540 first-class privates.

This organization will provide means for establishing telephone and telegraphic connection between each regiment and corps headquarters through the brigade and division headquarters. The officers and men of each division will be supplied with field telegraph trains in addition to field signal equipments. The whole Army will be within speedy communication with the Commanding General.

Mr. McMILLIN. But that does not give the information. Is that as the corps will exist after the present additions are made?

Mr. MARSH. That will cover the full number that will be enlisted under this provision.

Mr. McMILLIN. What was the custom in the late war? Were they enlisted as soldiers?

Mr. MARSH. Yes; we had a telegraph corps in the last war.

Mr. McMILLIN. But the principal part of that work was done by civilians.

Mr. MARSH. But that was a very imperfect system in comparison with what we now have. This is a regular telegraph and telephone system.

Mr. McMILLIN. The telephones add no complications to it, though.

Mr. SAYERS. In regard to this measure, I will say that I look upon it as a very important one. The chief of that Bureau, General Greely, was before the Committee on Appropriations some days ago in reference to an appropriation, and his explanation of the work of this force satisfied me that it is absolutely necessary. The Army can not possibly get along without this force; and while I do not state it as absolutely accurate, my information is that all of these men are to be enlisted under the law.

Mr. COX. That is right.

Mr. SAYERS. So that they can be the better controlled.

Mr. MARSH. And I will say now to the gentleman that the reason why I am disposed to hurry the consideration of this bill is that our forces are liable to be ordered from San Francisco to

Manila this week, and at San Francisco there is a thoroughly organized volunteer signal corps, which, if this bill passes, can be mustered into the service of the United States and accompany it, such members of it as may be necessary to go with that expedition.

Mr. McMILLIN. My recollection is——

Mr. MARSH. I will say, moreover, that while I do not speak ex cathedra, yet it will not be very long before our troops will be upon the Island of Cuba, and with an enlarged force this corps is important, if not absolutely necessary.

Mr. McMILLIN. Can the gentleman give us some reason why there is such a large proportion of officers to be enlisted, as compared with the privates? If privates soldiers can do it, they ought to be allowed to do it, and if not, then it strikes me that you have no need for the privates at all, but should make them all officers.

Mr. COX. Will the gentleman from Illinois [Mr. MARSH] allow me to suggest to my colleague [Mr. McMILLIN] in that connection that this organization furnishes the arteries of communication between different parts of the Army, and you will not be able to get privates to perform the work of electricians, and duties of that sort. That is the trouble. The urgency of the matter is that if you send troops to the Philippine Islands or to Cuba without this organization you will have no effective means of communication between the divisions, brigades, and regiments of the Army. Now, I admit that it looks to me as though there were too many officers, but you will not be able to get the men to perform that duty upon the pay of privates.

Mr. McMILLIN. But the peculiarity of the soldier, I think my colleague will remember, is that, whatever his pay is, he does his work as a soldier.

Mr. COX. Oh, that is true, but you know as well as I do that the men who are educated as specialists in these lines are not to be found very often among the private soldiers.

Mr. McMILLIN. But I would rather, if I could have my way, give the price of a civilian employee, as we did in many instances during the war, and have him as a civilian officer, so that he is not retired at a certain age on three-fourths pay, so that he is not pensioned after a certain age, as he is if you make him a military officer.

Mr. HAY. The first section of the bill provides that these men are only to serve during the war.

Mr. McMILLIN. I understand; but they go to the pension roll and to the retired list if their disability comes during that time.

Mr. MARSH. No; they never go to the retired list, unless they are specially provided for. My colleague [Mr. McMILLIN] is mistaken.

Mr. McMILLIN. I feel very slow to object to a measure that is in the hands of other gentlemen, but it does seem to me that on as important matter as this, where you are increasing officers abnormally, as compared with the men, we ought to have the benefit of the deliberations of a committee concerning it.

Mr. COX. Personally I have no objection to that.

Mr. McMILLIN. I think that would be the better course. They can report to-morrow, and we can act upon their report.

Mr. SULZER. Mr. Speaker, this is a very important measure and ought to be passed at once. It is just as essential to have these men mustered in immediately to go to Cuba with the invading force as anything that can be done at this time; and the question of whether the number of officers are more than the ordinary number of officers in the infantry or more than the ordinary number of officers in the cavalry, is immaterial in my judgment. There is no analogy. The circumstances are entirely different.

Mr. RICHARDSON. The proportion is no greater than the ordinary Signal Service.

Mr. SULZER. I am so informed and believe. Let me say to the members of this House that these are the most important men that General Miles can take into Cuba. Their services are invaluable. There should be no objection to this bill, and I hope there will be none.

Mr. COX. Let me say to my colleague [Mr. RICHARDSON] you can not organize it with less officers. I just want to say that.

Mr. MARSH. Let me say one word further. I am informed that the proportion of officers provided for in this bill is just the same as in the existing Signal Corps. I do not vouch for that, but I understand that to be the case.

Mr. SULZER. That is so. At least, I am so informed.

Mr. DE VRIES. I would like to say, Mr. Speaker, that I understand that some of the signal corps that are to be used in this service are the signal corps of California in the service at the Philippine Islands; and I will say to the gentleman from Tennessee, having served as a major in the signal service on the brigade staff of the Third Brigade of the National Guard of California for a number of years, that the number of officers required in this bill, as I gathered the same from its reading, is exactly proportionate to the number of officers required in the signal corps under the laws of that State. So that this bill does not increase the proportion of officers in relation to the proportion of persons serving in this corps, but preserves the efficiency of those corps.

Gentlemen understand that the efficiency of a signal corps is more important than any other branch of the military service. Upon these corps and their efficiency depend often the success or failure of numbers of soldiers and possibly many lives. An error in a single wave of a flag or a single flash of the heliograph at times may result in disaster or decide the issue of a battle or possibly of a war. Their qualifications are not those of an hour or a day or a month. Their requirements are secret, peculiar, difficult, and responsible. The corps should be composed not of the inexperienced, when possible, but of those who are already drilled and experienced. Their maneuvers are peculiarly difficult and often multifarious, requiring not only qualified privates, but many and experienced officers. The different signal corps of the National Guard of California are, as I heard this bill read, organized substantially upon the lines of this bill. Their officers are not too many for efficient service in these responsible positions.

The signal corps of California, as will the National Guard of that State, will perform at an early day important service in the Philippines. They, the corps, and the whole of said guard are qualified, valorous, and anxious to serve their country in this war. I hope, therefore, that this bill will pass at once as presented, that the Signal Service of the Army may be maintained as organized and be placed in actual service in its present efficiency without disorganization or reorganization. I hope no member will object to the present consideration or passage of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. I shall not object to the consideration of this bill, but I hope where we are called upon in matters of this importance that we will at least have a painstaking report from a committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MARSH, a motion to reconsider the vote by which the bill was passed was laid on the table.

BUILDING FOR RELIGIOUS WORSHIP ON WEST POINT MILITARY RESERVATION.

Mr. MAHANY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 6149) to authorize the Secretary of War to exercise a discretion in certain cases.

Be it enacted, etc., That the Secretary of War, in his discretion, may authorize the erection of a building for religious worship by any denomination, sect, or religion on any military reservation of the United States: *Provided*, That the erection of such building will not interfere with the uses of said reservation for military purposes. Said building shall be erected without any expense whatever to the Government of the United States, and shall be removed from the reservation whenever, in the opinion of the Secretary of War, military necessity shall require it.

SEC. 2. That this act shall take effect immediately.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of War, in his discretion, may authorize the erection of a building for religious worship by any denomination, sect, or religion on the West Point Military Reservation: *Provided*, That the erection of such building will not interfere with the uses of said reservation for military purposes. Said building shall be erected without any expense whatever to the Government of the United States, and shall be removed from the reservation, or its location changed, by the denomination, sect, or religious body erecting the same whenever, in the opinion of the Secretary of War, public or military necessity shall require it, and without compensation for such building or any other expense whatever to the Government."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOODY. Mr. Speaker, I would like to ask the gentleman if it is proposed to authorize the erection upon public reservations of churches which shall remain the property of private denominations?

Mr. MAHANY. For special reasons on this one reservation. It has no reference to the other military reservations of the United States, because that part of the bill was stricken out. The part inserted was passed by the unanimous vote of the committee. If the gentleman desires it, I will have the report read.

Mr. MOODY. I should like to have the report read.

The report (by Mr. MAHANY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6149) to authorize the Secretary of War to exercise a discretion in certain cases, have had the measure under consideration, and respectfully report thereon as follows:

The purpose of the original bill was to empower the Secretary of War, in his discretion, to authorize the erection of a building for religious worship of any denomination, sect, or religion on any military reservation of the United States. The committee find that prior to the rendition by the Attorney-General of a recent opinion concerning the right and power of the Secretary of War, without specific legislation, to grant such permits, it had been the custom of the War Department to do so, and in many cases this authority was exercised. However, when the question was submitted to the Attorney-General his decision was adverse to the exclusive jurisdiction of the Secretary of War in the matter of these permits, and thereby rendered further legislation necessary.

The investigation made by the committee in reference to the propriety and advisability of enacting such legislation developed, so far, at least, as the West Point Military Reservation is concerned, the advisability of conferring on the War Department the necessary power to authorize a structure of the character described, because, inasmuch as that reservation is set aside for the military school of the nation where cadets are educated not only in the art of war, but trained to the responsibilities of command, your committee believe it to be in line with wisdom and public policy that, as a part of such training, the cadets should be afforded an opportunity for religious instruction.

In respect of this matter, the military reservation at West Point is an exception to all the other seventy-nine military reservations of the United States—

First, in the fact that it is remote from every city or even from any town or village of considerable size, and hence church facilities are extremely limited.

Secondly, the West Point Reservation is, of all our military reservations, the least likely to be changed in location or altered as to its general purpose. In other words, its conditions are, so far as human foresight can estimate, fixed, and therefore the erection of a place of worship is not at all likely to interfere with either the present or prospective military uses of the reservation. Even this remote contingency is carefully covered by the provisions of the proposed legislation.

In view of these considerations the committee have deemed it proper to submit an amendment in the nature of a substitute, which is as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of War, in his discretion, may authorize the erection of a building for religious worship by any denomination, sect, or religion on the West Point Military Reservation: *Provided*, That the erection of such building will not interfere with the uses of said reservation for military purposes. Said building shall be erected without any expense whatever to the Government of the United States, and shall be removed from the reservation or its location changed, by the denomination, sect, or religious body erecting the same, whenever, in the opinion of the Secretary of War, public or military necessity shall require it, and without compensation for such building or any other expense whatever to the Government."

This amendment limits the scope of the original bill to the West Point Military Reservation instead of extending the legislation to cover all the reservations, the committee believing it wise that each reservation should make its request to Congress as its necessities in this respect may arise.

The committee therefore recommend the adoption of this amendment, and that when so amended the bill do pass.

Mr. LIVINGSTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman from New York in charge of the bill, does this give the right to all denominations to build upon that reservation? I understand there are fifteen, twenty, or thirty different denominations. Now, does this give the right to each of those to go upon that reservation and build churches? Is that the scope of your bill, or is it to confine it to one or two denominations?

Mr. MAHANY. The bill gives to the Secretary of War authority to grant, if the proposition appeals to his sense of fitness and necessity, a permit to erect a building for religious worship on this reservation.

Mr. LIVINGSTON. We may as well be plain about this matter. There is some one denomination that wants to build a church on that reservation. Suppose a dozen more go and ask the same privilege?

Mr. MAHANY. All can have it if in each individual case the Secretary of War should deem a permit advisable or necessary.

Mr. LIVINGSTON. We have a chapel and chaplain there, do we not?

Mr. MAHANY. There is a chaplain who belongs to the Episcopal Church.

Mr. LIVINGSTON. Of one denomination?

Mr. MAHANY. Certainly; as I understand it.

Mr. LIVINGSTON. I did not understand it to be denominational.

Mr. MAHANY. That is the fact nevertheless. The chapel services are conducted by an Episcopalian clergyman.

Mr. LIVINGSTON. Well, I think this will end in having 50 or 60 churches.

Mr. MAHANY. The gentleman is needlessly alarmed. The Secretary of War can be depended upon not to multiply church edifices to the detriment of the institution.

Mr. LIVINGSTON. I think it is a very dangerous discretionary power to give to the Secretary of War. It will end in sectarianism on every one of our reservations. First, there will be a Secretary of War who is a Methodist, and then he will be succeeded by a Presbyterian, and so on.

Mr. RICHARDSON. Has the Secretary of War discretion in this bill to terminate the permit for this church at any time?

Mr. MAHANY. At any time he sees fit.

Mr. LIVINGSTON. And then this denomination has the right to go into court for damages.

Mr. MAHANY. Not at all. The bill particularly provides:

Said building shall be erected without any expense whatever to the Government of the United States, and shall be removed from the reservation or its location changed by the denomination, sect, or religious body erecting the same whenever, in the opinion of the Secretary of War, public or military necessities shall require it, and without compensation for such building or any other expense whatever to the Government.

So it will be seen that the building must even be removed, at the expense of the denomination erecting it.

Mr. LIVINGSTON. I think we ought not to give any such power. This is an encroachment on the question of church and state.

Mr. MAHANY. On the contrary, it is a separation of church and state.

Mr. LIVINGSTON. This is the entering wedge of a church on that land. There is no question about that.

Mr. MAHANY. Why, as the gentleman has just been told, there is a church there already. The question involved is simply whether we will permit the cadets and officers of the West Point Reservation an opportunity to enjoy——

Mr. LIVINGSTON Let me ask my friend this question.

Mr. MAHANY. Pardon me for answering the other first. [Continuing:] The right of religious liberty guaranteed to every citizen of the Republic by the Constitution of the United States.

Mr. LIVINGSTON. That is all right.

Mr. MAHANY. If there is any union of church and state in this matter, it exists under the present conditions at West Point, where the Government has practically established an Episcopalian chapel, and yet denies to cadets and officers professing other creeds the opportunity to worship God in their own way.

Mr. LIVINGSTON. Is there not sufficient land adjacent to the reservation that can be bought for this purpose?

Mr. MAHANY. Land outside the reservation would be neither convenient nor advisable as the site for an edifice such as that proposed. To erect a chapel in the town would necessitate the granting of permits to enable the cadets to leave the confines of the reservation, and this has not found favor with the officers of the Academy. The practice has been tolerated; that is all.

Mr. LIVINGSTON. They have been going outside of the reservation?

Mr. MAHANY. Yes; to attend services in a rickety and dilapidated building made over into a temporary church.

Mr. BARTHOLDT. Will the gentleman allow me?

Mr. MAHANY. Certainly.

Mr. BARTHOLDT. How far is it?

Mr. MAHANY. Oh, a considerable distance, and in an undesirable part of the town.

Mr. BARTHOLDT. How many denominations are there in the United States?

Mr. MAHANY. Well, I am not familiar with the multitudinous number of religious sects. Perhaps the gentleman himself can answer.

Mr. BARTHOLDT. It is suggested by a gentleman near me that there are about 600 different denominations. If that is the case, each one would have a right to go to the Secretary of War and ask for the privilege of erecting a building upon this reservation.

Mr. MAHANY. If the gentleman will read the report of the committee——

Mr. BARTHOLDT. I have. I have carefully listened to it. That would give each one of these denominations the same right, and if that is the case, 600 different houses can be erected on this reservation.

Mr. MAHANY. Let me answer the gentleman before he becomes too enthusiastic over his own deduction. The committee in the report say, "Therefore the erection of a place of worship is not at all likely to interfere with either the present or prospective military uses of the reservation." To guard against any such contingency, the matter in every phase is left to the discretion of the Secretary of War.

Mr. BARTHOLDT. Would not that necessitate a discrimination against some of the denominations?

Mr. MAHANY. Not at all, either in theory or in fact.

Mr. MOODY. Do I understand—I did not quite catch the explanation—that this gives equal rights to all denominations to erect upon the reservation a place of worship?

Mr. MAHANY. If in the judgment of the Secretary of War the permits so requested do not interfere in any way with the military uses of the reservation.

Mr. MOODY. What provision is made for public worship under the auspices of the Government?

Mr. COX. They are complete.

Mr. MAHANY. That is an error. They are not complete. This bill aims to complete them. The Government, as I understand it, has a chapel there and a chaplain, but the services are in accordance with the Episcopalian ritual, and students professing other religions are debarred by the tenets of their faith from worshiping there.

Now, the committee have had this bill under careful consideration, have gone over every possible point of criticism, have weighed every objection, and their report is unanimous in favor of the measure. We contend that it is not fair, that it is not consistent either with the justice or the dignity of the United States, to afford religious instruction to a portion of the cadets and force the rest either to go without such instruction or attend a church which teaches doctrines contrary to their faith and their beliefs. That is an absolute deprivation of their religious rights.

Mr. MOODY. Upon the statement by the gentleman from New York [Mr. MAHANY] that this bill is reported by the unanimous vote of the Committee on Military Affairs, by whom it received

careful consideration, I shall not interpose my own personal individual opinion so far as to object to its consideration by the House, but I shall vote against it, as I believe it is vicious legislation, and I hope it will not pass.

Mr. MAHANY. So carefully did the committee consider this bill after it was introduced by the gentleman from New York [Mr. ODELL], that it underwent a change in toto, as the report shows, and the amendment is practically a new measure, framed to meet all possible objections.

Mr. NORTHWAY. Will the gentleman permit me?

Mr. MAHANY. With pleasure.

Mr. NORTHWAY. Do I understand the gentleman from New York to say that there would be room enough on the reservation for one church or more?

Mr. MAHANY. There is plenty of room on the ground.

Mr. NORTHWAY. Would there be room enough for all the churches?

Mr. MAHANY. It is hardly conceivable that any such question will ever arise, for few denominations would find any great necessity for the privilege; but accepting the statement of the gentleman from Missouri [Mr. BARTHOLDT], that there are 600 denominations in the country, I would naturally assume that there would not be room enough for all of these.

Mr. NORTHWAY. Then this would be a case of first come on the ground, first served, and the others will be excluded. So that some might be excluded from exercising their religious rights by attending the church they wanted to attend.

Mr. SULZER. The whole matter is in the discretion of the Secretary of War. There should be no objection to this bill. It is absolutely fair and ought to pass.

Mr. MOODY. I call the attention of the gentleman from New York to our trouble with the Indian schools. We began by granting equal privileges to all denominations, which was apparently a fair proposition, but we got into trouble about it, and we are now engaged in getting out of that trouble, if we can. Conflicts and religious jealousies between one sect and another arose, and that is just what will happen in case a private chapel is built at West Point. One denomination will establish a chapel there, and then another must establish a chapel there, and another, and so on.

Mr. ARNOLD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. MAHANY. I hope the gentleman will withdraw his objection for a moment, at least, until I can answer the contention of the gentleman from Massachusetts.

Mr. ARNOLD. I withdraw my objection for that purpose.

Mr. CORLISS. I call for the regular order.

PRIVATE LAND CLAIMS IN NEW MEXICO.

Mr. FERGUSSON. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10296) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the act amendatory thereto, approved February 21, 1893.

Be it enacted, etc., That section 18 of an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, as amended by the act approved February 21, 1893, be, and the same is hereby, further amended by striking out the words "within two years after the 1st day of December, 1892," as they stand in said act as amended, and inserting in lieu thereof the words "before the 4th day of March, 1901," so that the first clause of said section shall read as follows, namely: "That all claims arising under either of the next two preceding sections of this act shall be filed with the surveyor-general of the proper State or Territory before the 4th day of March, 1901, and no claim not so filed shall be valid."

Mr. CORLISS (interrupting the reading of the bill). Mr. Speaker, pending the demand for the regular order, is it in order for a member to ask unanimous consent for the consideration of a bill?

The SPEAKER. It is not. The gentleman from Michigan has demanded the regular order, which is the call of committees.

Mr. BLAND. I hope the gentleman from Michigan will let this bill be considered. It is very important to New Mexico.

Mr. CORLISS. This request, I understand, is made by a Delegate; and that being so, I withdraw for the present the demand for the regular order.

Mr. BLAND. It is a very important bill to the constituents of the gentleman from New Mexico.

The Clerk resumed and concluded the reading of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. This private land claim act has been already once extended, I understand.

Mr. FERGUSSON. Yes, sir.

Mr. DINGLEY. And it is now proposed to extend the time for filing claims three years longer?

Mr. FERGUSSON. Yes, sir.

Mr. DINGLEY. It seems to me there ought to be some end of this business.

Mr. FERGUSSON. If the gentleman will allow me, I will explain this matter in a moment.

The original act provided that all those persons who should be entitled to get their titles from the Government (which they had supposed themselves to own by virtue of a grant that was rejected by the land court) might apply for such title within two years from the passage of that act, which expired in 1893. The land court in the meantime was in operation all the while, passing one grant after another. The time was then extended to 1894, but a large number of grants have been passed on since 1894. In the meantime a great many of these poor people who were intended to be protected by the act of Congress were ignorant of their rights, and parties interested in grants which had been passed on before 1894 failed in many cases to make the proper application.

This bill has been very exhaustively examined by the gentleman from Pennsylvania [Mr. CHARLES W. STONE] and has been unanimously reported by the Committee on Private Land Claims. This land court is still in operation, passing on grants.

Mr. DINGLEY. This extends the time for the filing of claims three years?

Mr. FERGUSSON. No, sir. It only extends the time within which the holder of a home affected by one of these grants may take the necessary measures to secure title. In some cases a grant which for a hundred years had been supposed to be valid has been pronounced invalid by the land court and the land ordered to be restored to the public domain. This bill provides that in such cases the holder of a little home whose title has been affected by the decision of the land court may go to the land office of the district and upon suitable application get his title without any expense whatever.

Mr. DINGLEY. The original act was passed in 1891, and it was then stated that two years would be sufficient for the purposes contemplated.

Mr. FERGUSSON. I think not.

Mr. DINGLEY. In 1894 the act was extended——

Mr. FERGUSSON. Yes, sir.

Mr. DINGLEY. And it is now proposed to extend it to 1901.

Mr. SMITH of Arizona. Permit me a moment. The original act provided that the settlers who had lived on their little homes of less than 160 acres for more than twenty years must file their claims within two years after the passage of that act. The land court in the meantime was going on rendering judgments until the expiration of the two years.

This bill does not affect the land court at all, but under it these particular claimants who have been in actual occupation of these small tracts of land for twenty years or more will be allowed the right to make their filings as these judgments proceed. This bill simply extends the time within which proceedings to obtain title may be taken by the settler. The whole of the judgments of the court will have been completed by 1901.

Mr. DINGLEY. Does the gentleman think it necessary to make so long an extension as that? If we now make an extension to 1901, the act will by that time have run ten years.

Mr. SMITH of Arizona. But the judgments have not been running for ten years; in many instances they have been entered since the expiration of the time originally limited.

Mr. DINGLEY. Is this bill unanimously reported by the committee?

Mr. CHARLES W. STONE. It is not only unanimously reported by the Committee on Private Land Claims, but it has been submitted to the Secretary of the Interior and the Commissioner of the Land Office and has been approved by both of those officers.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BLAND, a motion to reconsider the last vote was laid on the table.

AUXILIARY NAVAL FORCE.

Mr. BOUTELLE of Maine. I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk and which is a matter of absolutely urgent importance to the Navy Department at this time.

The joint resolution was read, as follows:

Joint resolution (H. Res. 257) providing for the organization and enrollment of the United States auxiliary naval force for coast defense.

Resolved, etc., That a United States auxiliary naval force for coast defense is hereby authorized to be established, to be enrolled in such numbers as the President may deem necessary, and to serve for a period of one year, unless sooner disbanded by direction of the President.

SEC. 2. That the chief of the United States auxiliary naval force shall be detailed by the Secretary of the Navy from the active or retired list of the line officers of the Navy not below the grade of captain, who shall receive the highest pay of his grade while so employed.

SEC. 3. That enlistment into the United States auxiliary naval force shall be made by such officer or officers as the Navy Department may detail for the purpose, who shall also select from merchant vessels and other available sources such volunteers as may be deemed best fitted for service as officers in said force, and shall report to the Secretary of the Navy, for his action, their names and the grade for which each is recommended.

SEC. 4. That for the purposes of this organization the coast line shall be

divided into districts, each of which shall be in charge of an assistant to the chief of the United States auxiliary naval force; and such assistant chiefs may be detailed by the Secretary of the Navy from the officers of the active or retired list of the line of the Navy, or appointed by him from civil life, not above the rank of lieutenant-commander.

SEC. 5. That the officers and men comprising the United States auxiliary naval force shall receive the same pay and emoluments as those holding similar rank or rate in the Regular Navy; and all matters relating to the organization, discipline, and government of men in said force shall conform to the laws and regulations governing the United States Navy.

SEC. 6. That the chief of the United States auxiliary naval force may, with the consent of the governor of any State, in a similar manner enlist men in said force from the Naval Militia of that State, and recommend names of officers for appointment therefrom under the regulations hereinbefore prescribed.

SEC. 7. That the officers, warrant officers, petty officers, and enlisted men and boys of the United States auxiliary naval force thus created shall be paid from the appropriation "Pay of the Navy;" and said force shall constitute the inner line of defense; and the sum of $4,000,000, or so much thereof as may be required, is hereby appropriated, from any money in the Treasury not otherwise appropriated, for the purchase or hire of vessels necessary for the purposes of this resolution.

Mr. BLAND. Mr. Speaker, I think that should go to the Committee of the Whole. It is too important a bill.

I make the point that it must be considered in Committee of the Whole.

Mr. BOUTELLE of Maine. I was just about to ask unanimous consent that it be considered in the House as in Committee of the Whole, inasmuch as it carries an appropriation. I will say to the gentleman from Missouri and other gentlemen present that the resolution is urgently demanded at the present time. The Department has called for it with an earnestness that is emphasized by the defenseless state of some parts of our coast.

This is intended to supply an inner line of defenses. I will say that the organizations to which reference is made in the bill are practically perfected in a large portion of the States. Their distribution, however, is delayed by the lack of the necessary legislation. It is absolutely necessary that we should at once provide for the organization of this force.

Mr. McMILLIN. I would like to ask the gentleman from Maine what number of men provision is made for in this bill? That is to say, how many can be enlisted?

Mr. BOUTELLE of Maine. In answer to the gentleman from Tennessee I will state that no limit is placed on the number of men.

If the House will permit me, I would like to read letters from the Secretary of the Navy stating the exact effect and object of the legislation in question. They are as follows:

NAVY DEPARTMENT, *Washington, April 20, 1898.*

SIR: Referring to your communication of the 15th instant, in relation to the joint resolution providing for the organization and enrollment of the auxiliary naval force for coast defense, the receipt of which was acknowledged on the 16th idem, I have the honor, in response to your request for further information as to the practicability of the plan proposed, and as to whether there are precedents for the organization contemplated, to inform you that it is the purpose of the Department to make up the auxiliary naval force for coast defense from that class of seafaring men who have served on tugs and small vessels in local waters, and whose services, therefore, would be more valuable in their own localities than on the high seas. Many men who would not enlist regularly in the Navy for a period of three years can be counted upon to join, by short enlistments of a year or less, the "mosquito fleet."

The plan of the Department for the organization of this force is to appoint an officer of the Regular Navy, of or above the rank of captain, to act as chief of the auxiliary naval force. The coast is to be divided into a certain number of districts in charge of assistants to said chief. These officers are to examine the local vessels capable of being used as small gunboats or torpedo boats. They are to enlist the men and to appoint the officers, subject to the approval of the Navy Department. In this manner the Department is of opinion that unity of control and rapidity of mobilization will be attained.

In States having naval militia it is proposed to similarly enroll, with the consent of the governor, the State organizations, leaving their selection to the chief of the auxiliary naval force. This is rendered necessary by the fact that the naval militia are not all equally efficient, some of the States having appropriated little or nothing for their maintenance. For example, the naval militia of Ohio, being a comparatively new organization, and never having had service on the seaboard, could not be utilized in the same manner as could the older organizations of New York and Massachusetts. This force should, therefore, be entirely under Federal control.

The auxiliary naval force for coast defense should not be confused with the provision for the appointment of volunteers for the Regular Navy, a clause providing for which has been inserted in the naval appropriation bill as reported in the Senate.

In response to your specific question as to whether there are precedents for the organization contemplated, I have to state that there appears to be no precedent therefor. It may properly be added that there has never before been a naval militia which could form in part the basis of such an organization.

The entire measure should, in the opinion of the Department, be considered as an urgency war expedient. We can not man all our ships or provide for an efficient system of coast patrol without such a measure.

Very respectfully,

JOHN D. LONG, *Secretary.*

HON. CHARLES A. BOUTELLE,
Chairman Committee on Naval Affairs, House of Representatives.

NAVY DEPARTMENT, *Washington, April 23, 1898.*

SIR: Referring to our conversation of yesterday in relation to the draft of a joint resolution "providing for the organization and enrollment of the United States auxiliary naval force for coast defense," and to previous correspondence in the matter, I inclose herewith a draft of a section to be added to said resolution, which is intended to meet your views by prescribing the particular purpose for which the auxiliary force thereby created is to be used, and providing for the pay of the personnel from the appropriation "Pay of the Navy," as well as for an appropriation of $4,000,000 for the purchase of the vessels necessary to the carrying out of the resolution.

It has been decided by the Department that the plan of coast defense shall be carried out by dividing the seaboard into districts, according to the present arrangement of light-house districts, as follows:

First district, from St. Croix River, Maine, to and including Hampton Harbor, New Hampshire.
Second district, from Hampton Harbor to off Warren Point, New Jersey.
Third district, from Warren Point to off Shrewsbury Rocks, New Jersey.
Fourth district, from Shrewsbury Rocks to off Metomkin Inlet, Virginia.
Fifth district, from Metomkin Inlet to New River Inlet, North Carolina.
Sixth district, from New River Inlet to Jupiter Inlet, Florida.
Seventh district, from Jupiter Inlet to Perdido Entrance, Florida.
Eighth district, from Perdido Entrance to the southern boundary of Texas.

This plan involves placing gun vessels, torpedo vessels, and patrol boats, armed and manned, along the entire coast, and the defense of the coast will then consist, first, of the regular fleet; secondly, of the auxiliary fleet, the vessels of which have been acquired chiefly by purchase; and thirdly, of the flotilla to be established under the authority of the proposed resolution.

While the vessels to be purchased for the carrying out of the resolution will individually be inexpensive, the large number required will make the aggregate cost approximately $4,000,000. The appropriation of $50,000,000 for national defense is so far allotted that it will be necessary to otherwise provide for this line of vessels.

Very respectfully,

JOHN D. LONG, *Secretary.*

HON. CHARLES A. BOUTELLE,
Chairman Committee on Naval Affairs, House of Representatives.

SEC. 6. The personnel of the United States auxiliary force thus created shall be paid from the appropriation "Pay of the Navy," and said force shall constitute the inner line of defense; and the sum of $4,000,000, or so much thereof as may be required, is hereby appropriated, from any money in the Treasury not otherwise appropriated, for the purchase or hire of vessels necessary for the national defense.

I am informed that the Naval Militia in New York, for instance, is to-day organized and ready to be utilized and go into service as soon as this legislation is enacted.

Mr. McMILLIN. Will the gentleman permit another interruption?

Mr. BOUTELLE of Maine. Certainly.

The SPEAKER. The Chair would like to ask first if there is objection to the present consideration of the joint resolution?

Mr. BLAND. Mr. Speaker, I have made the point of order that it should be considered in Committee of the Whole House.

Mr. BOUTELLE of Maine. I ask that it be considered in the House as in Committee of the Whole.

Mr. BLAND. No. I object to that. This is a very important matter, and it should be considered under the rules in the proper way. Let it go to the Committee of the Whole.

The SPEAKER. Then, without objection, the gentleman from Maine will move the consideration of the joint resolution in Committee of the Whole. Is there objection?

There was no objection.

Mr. BOUTELLE of Maine. I move now that the House resolve itself into Committee of the Whole for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union, and the Clerk will report the title of the bill which has just been read.

The Clerk read as follows:

Joint resolution (H. R. 257) providing for the organization and enrollment of the United States auxiliary naval force for coast defense.

Mr. BOUTELLE of Maine. Mr. Chairman, I will state that it is proposed by the Department under the resolution to divide the seaboards into districts, as follows:

NAVY DEPARTMENT, *Washington, April 23, 1898.*

SIR: Referring to our conversation of yesterday in relation to the draft of a joint resolution "providing for the organization and enrollment of the United States auxiliary naval force for coast defense," and to previous correspondence in the matter, I inclose herewith a draft of a section to be added to said resolution, which is intended to meet your views by prescribing the particular purpose for which the auxiliary force thereby created is to be used, and providing for the pay of the personnel from the appropriation "Pay of the Navy," as well as for an appropriation of $4,000,000 for the purchase of the vessels necessary to the carrying out of the resolution.

It has been decided by the Department that the plan of coast defense shall be carried out by dividing the seaboard into districts, according to the present arrangement of light-house districts, as follows:

First district, from St. Croix River, Maine, to and including Hampton Harbor, New Hampshire.
Second district, from Hampton Harbor to off Warren Point, New Jersey.
Third district, from Warren Point to off Shrewsbury Rocks, New Jersey.
Fourth district, from Shrewsbury Rocks to off Metomkin Inlet, Virginia.
Fifth district, from Metomkin Inlet to New River Inlet, North Carolina.
Sixth district, from New River Inlet to Jupiter Inlet, Florida.
Seventh district, from Jupiter Inlet to Perdido Entrance, Florida.
Eighth district, from Perdido Entrance to the southern boundary of Texas.

This plan involves placing gun vessels, torpedo vessels, and patrol boats, armed and manned, along the entire coast, and the defense of the coast will then consist, first, of the regular fleet; secondly, of the auxiliary fleet, the vessels of which have been acquired chiefly by purchase, and thirdly, of the flotilla to be established under the authority of the proposed resolution.

While the vessels to be purchased for the carrying out of the resolution will individually be inexpensive, the large number required will make the aggregate cost approximately $4,000,000. The appropriation of $50,000,000 for

national defense is so far allotted that it will be necessary to otherwise provide for this line of vessels.

Very respectfully, JOHN D. LONG, *Secretary.*

Hon. CHARLES A. BOUTELLE, *Chairman Committee on Naval Affairs, House of Representatives.*

Mr. HUNTER. Let me ask the gentleman from Maine in charge of this proposition whether these men, provided for in the bill, are to be regularly enlisted as naval officers, or naval cadets, for this service?

Mr. BOUTELLE of Maine. If the gentleman will permit me, I will state that they are to be appointed, if he will observe the provisions of the bill, in accordance with their present organization. The bill provides specifically——

Mr. HOPKINS. That is, that the State organizations of Naval Militia are to be kept in their present form?

Mr. HUNTER. One moment——

Mr. BOUTELLE of Maine. I will answer the gentleman from Illinois [Mr. HUNTER] first.

Mr. HUNTER. The matter on which I seek information is this: Shall the men in the particular districts who are allowed to enter this service be confined to their several districts?

Mr. BOUTELLE of Maine. Not absolutely so, because, as the gentleman will understand, an emergency might arise for a vessel to carry information beyond the line of the district in which it serves. But the general object is to conform as far as possible to the laws of the different States in regard to the organization and employment of the Naval Militia.

Now, in regard to the officers, I will state that the bill provides that this whole force shall be under the command of a regular naval officer not below the rank of captain. I think one of the rear-admirals—a very competent officer—is now detailed for that purpose. Each of the districts is to be under the control of an assistant to the chief of the auxiliary force, and those assistants are to be appointed——

Mr. HUNTER. By the President, I presume from the reading of the bill.

Mr. BOUTELLE of Maine (reading)—

That for the purposes of this organization the coast line shall be divided into districts, each of which shall be in charge of an assistant to the chief of the United States auxiliary naval force; and such assistant chiefs may be detailed by the Secretary of the Navy from the officers of the active or retired list of the line of the Navy, or appointed by him from civil life, not above the rank of lieutenant-commander.

Mr. HUNTER. Now, I notice from the reading of the letter of the Secretary of the Navy that he speaks of gathering these troops from New York and Massachusetts. There seems to be a limitation there in that law.

Mr. BOUTELLE of Maine. No; the gentleman misunderstood. That was merely used as an illustration that they wanted the scope of this bill to be such that the Secretary would have discretion as to the organization, as to the enlisting or mustering in of the Naval Militia, because some of the Naval Militia were better adapted for coast-line service, having been drilled in those operations, and others had not, and he contrasted Ohio, for instance, with Massachusetts or New York, as illustrating that fact.

Mr. HUNTER. I wanted to combat the idea that there was to be a limitation upon the selection of these officers and men for this particular service.

Mr. BOUTELLE of Maine. Not at all as to locality; simply giving the Secretary of the Navy the discretion.

Mr. McMILLIN. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. BOUTELLE of Maine. I will yield to the gentleman from Tennessee.

Mr. McMILLIN. When we organized the land force we put a limit to the discretion of the President in the organization or in his calling for troops, I believe. Is there any objection to a limitation upon this?

Mr. BOUTELLE of Maine. In numbers?

Mr. McMILLIN. Yes.

Mr. BOUTELLE of Maine. Why, I do not know that there is, except that it is very difficult to limit it. It would seem to be better to trust to the discretion of the Department. They have an organization which they are perfecting, and they will not go beyond it. The provision is this:

That a United States auxiliary naval force for coast defense is hereby authorized to be established, to be enrolled in such numbers as the President may deem necessary, and to serve for a period of one year, unless sooner disbanded by direction of the President.

Mr. McMILLIN. Under that he could enroll half a million men.

Mr. BOUTELLE of Maine. Well, such number as he may deem necessary, to serve for a period of one year. It is an emergency measure, and is based upon exactly the same principles as the other legislation by which we have put into the hands of the Executive discretionary power to meet the exigency.

Mr. McMILLIN. But, Mr. Chairman, the bill makes no limitation as to when this shall be done.

Mr. BOUTELLE of Maine. Immediately.

Mr. McMILLIN. Immediately; but he may do it five years from now.

Mr. BOUTELLE of Maine. Oh, no; for one year.

Mr. McMILLIN. They serve for one year.

Mr. BOUTELLE of Maine. Certainly.

Mr. McMILLIN. They serve for one year, but there is no limitation upon the time within which the President shall exercise this authority; and whereas he can not under the general law go out and organize a great army now, he may organize this reserve force in time of peace, if I caught the reading of that bill correctly.

Mr. BOUTELLE of Maine. Will the gentleman suggest a modification which would meet his objection?

Mr. BLAND. Let it be amended so that it will not be in force beyond one year or the war.

Mr. BOUTELLE of Maine. Well, we will say—

And to serve during a period of one year from the passage of this act.

Mr. BLAND. Under the bill as it is worded the authority would last forever.

Mr. McMILLIN. I will try to prepare an amendment that will cover the objection.

Mr. BOUTELLE of Maine. I think that would meet it—

To serve for one year from the passage of this act.

Mr. CAPRON. Unless sooner discharged.

Mr. BOUTELLE of Maine. Unless sooner discharged.

Mr. McMILLIN. I want to limit the time during which the President can operate under this rule.

Mr. BOUTELLE of Maine. If the gentleman will prepare an amendment which will meet his objection, he can offer it.

Mr. McMILLIN. I will do so.

Mr. HOPKINS. I should like to ask the gentleman from Maine if this keeps the State naval organizations intact? Or, if they enlist under this, does it absolutely destroy the State organizations?

Mr. BOUTELLE of Maine. Of what?

Mr. HOPKINS. Of the Naval Reserve?

Mr. BOUTELLE of Maine. One way of answering that is not by a direct answer, but by stating that the Naval Militia are clamorously urging the passage of this bill. Some of them are waiting to be mustered in because of the nonexistence of legislation of this kind. As a specific answer, I will read the terms of the bill and the amendment prepared by the Department at the suggestion of the Naval Militia.

Mr. DALZELL. Let me ask the gentleman a question.

Mr. BOUTELLE of Maine. If I can answer one question completely, it will be better.

SEC. 6. That the chief of the United States auxiliary naval force may, with the consent of the governor of any State, in a similar manner enlist men in said force from the naval militia of that State, and recommend names of officers for appointment therefrom under the regulations hereinbefore prescribed.

That was the provision of the original bill. By the suggestion of the organized naval militia of a number of States there is recommended this amendment, which I interpret to be intended to provide for the exigency to which the gentleman from Illinois refers—the enlistment of these men in one body, or as nearly so as practicable.

In section 6 thereof, after the words "that the chief of the United States Auxiliary Naval Force," strike out the remainder of the section and substitute the following:

"Or such officers as the Navy Department may detail for such service, may, with the consent of the governor of any State, muster into the said force the whole or any part of the organizations of the naval militia of any State to serve in said Auxiliary Naval Force, and shall report to the Secretary of the Navy for his action the names and grades for which commissions in said United States Auxiliary Naval Force shall be issued to the officers of such naval militia, and shall have the power to appoint and disrate the petty officers thereof."

It is my purpose to offer this amendment at the proper time. I understand that meets the condition to which the gentleman refers.

Mr. DALZELL. I would like to ask the gentleman a question. In the Volunteer Army bill that we passed the direct result is that the National Guard constitutes the volunteer force of the United States Army. While they are the men who constituted the National Guard, they ceased to be National Guard and became the volunteer soldiers in the Volunteer Army. Now, is it not the purpose of this bill to put the Naval Reserve upon precisely the same footing?

Mr. BOUTELLE of Maine. No; I will state to the gentleman that is hardly the fact, because this is a special force, intended for special service of patrolling, and these men are not intended to be available for full service in the Navy. They are to serve in this auxiliary force for this specific service along a certain line of coast, and it was intended to recruit men for this purpose from certain men who would not be available for enlistment for a long time of service in the Navy or to make them eligible to be sent to any part of the world.

Mr. DALZELL. This transfers the Naval Reserves into the service of the United States.

Mr. STEELE. If it does not, it ought to.

Mr. COX. Will the gentleman state that again?

Mr. STEELE. I think it does put them in the United States service, subject to the orders of the Secretary of the Navy; and if it does not give him any authority, it ought to do so.

Mr. BOUTELLE of Maine. I will state to the gentleman that it does so precisely, but not in the comprehensive manner in which the suggestion was first made. It does not put the full Naval Reserve force into the service of the United States.

Mr. DALZELL. When they go into the United States service, they cease to be the Naval Reserves of the States, do they not?

Mr. BOUTELLE of Maine. They become subject to the United States law and United States control.

Mr. SULZER. For how long?

Mr. BOUTELLE of Maine. For one year. I will state to the gentleman from New York we have information from the executive of that State and gentlemen representing the Naval Militia that to-day the organization is completed and control by the Navy Department has been organized by Admiral Erben, who has been selected to command the Naval Militia. The organization is ready, but the vessels have not been secured. Now, the organization has not been perfected to utilize the men who, I understand, are under arms to-day awaiting this legislation.

Mr. SULZER. I will state that the Naval Militia approve of this bill, and are anxious to have it passed as early as possible.

Mr. BOUTELLE of Maine. They are urging its passage in the strongest possible terms.

Mr. HENRY of Mississippi. If this bill were to pass, how many men would it bring into the service of the United States?

Mr. BOUTELLE of Maine. I can not state.

Mr. HENRY of Mississippi. Approximately?

Mr. BOUTELLE of Maine. I can not do that. It is intended to be a patrol service along the whole coast, taking in tugboats and ferryboats and vessels of that class that are available for the purpose of establishing this patrol.

Mr. HENRY of Mississippi. A mosquito fleet.

Mr. BOUTELLE of Maine. A mosquito fleet, all up and down the coast, making our inner line of defense.

Mr. SHANNON. Would it be the duty of this force to patrol that portion of the coast and harbors that are mined?

Mr. BOUTELLE of Maine. I understand that a portion of the Naval Militia of New York are to be utilized for this purpose. Of course, the mines of our great harbors are under the official control of the United States Government, necessarily, and under the Army Department.

Mr. SHANNON. The necessity of that patrol is, of course, imperative.

Mr. BOUTELLE of Maine. Of course; it is obviously so. It is intended to organize the force so as to be able to carry rapid communications of any possible danger, and to perfect the system of signaling along our coast, and in all other ways do that patrol duty that is familiarly known by every member of the committee as the duty of the skirmish line, and to provide for emergencies that may occur, and to enable the assembling of any power of the Navy which may be necessary to defend threatened portions of our coast.

Mr. MITCHELL. Did not the gentleman from Mississippi ask a moment ago what the number of Naval Reserves was?

Mr. BOUTELLE of Maine. No; but how many we would enlist under this bill.

Mr. PEARCE of Missouri. I want to ask the gentleman from Maine whether this would be acceptable as an amendment, that the provisions of this law shall cease to be operative upon the declaration of peace between the Government of Spain and the United States?

Mr. BOUTELLE of Maine. Undoubtedly. Mr. Chairman, I would ask the gentleman from Tennessee [Mr. MCMILLIN], because you are all leading up to the same point, and it would be well to have a consensus——

Mr. MCMILLIN. I will say to the gentleman from Maine that I have drawn up what I consider will relieve the objectionable features of the bill.

Mr. BOUTELLE of Maine. Did the gentleman from Tennessee just hear the question of the gentleman from Missouri [Mr. PEARCE]?

Mr. MCMILLIN. Yes; but that only covers one defect. I think there ought to be two provisions added to this bill—first, that the power of the President to organize under it shall extend only during this war——

Mr. BOUTELLE of Maine. That is satisfactory.

Mr. MCMILLIN (continuing). And if the war terminates in less than a year the troops shall be immediately mustered out.

Mr. BOUTELLE of Maine. Yes; as soon as the exigency for them shall cease.

Mr. MCMILLIN. I have drawn up amendments which I think will cover it. They are as follows:

On page 1, line 5, after the word "necessary," insert the words "for the exigencies of the present war with Spain."

Also in line 6, page 1, after the word "year," strike out the words "unless sooner disbanded by direction of" and insert in lieu thereof the words "or less, and shall be disbanded by."

Also in line 7, page 1, after the word "President," insert the words "at the conclusion of the war."

Mr. PEARCE of Missouri. The only objection to that would be this, that if the men had been enlisted for one year's service, it would be hardly practicable to muster them out before the close of the service for which they enlisted.

Mr. MCMILLIN. I want no contracts, either in the Army or Navy, that men shall be kept in the service after the object for which they enlisted is attained. Let us, in the act organizing the force, give notice to these men that their services will be required only during the war. Now, Mr. Chairman, if it is in order at this time, I will offer these amendments.

The CHAIRMAN (Mr. PAYNE in the chair). It is not in order at the present time. This is general debate.

Mr. DOCKERY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from Missouri?

Mr. BOUTELLE of Maine. I do.

Mr. DOCKERY. Mr. Chairman, I desire to ask the gentleman in charge of the bill as to the proposed expenditure of $4,000,000. How is that to be expended, and for what purpose?

Mr. BOUTELLE of Maine. For the purchasing and chartering of such vessels as necessary to form this patrol.

Mr. DOCKERY. Is the appropriation recommended by the Secretary of the Navy?

Mr. BOUTELLE of Maine. Undoubtedly. The Secretary says, "While the vessels to be purchased for carrying out the resolution will individually be inexpensive, the large number required make the aggregate cost approximately $4,000,000."

Mr. DOCKERY. I supposed it was the policy of the Navy Department to secure such scouts as the *City of Paris* and other steamers of like speed to do this work.

Mr. BOUTELLE of Maine. Those vessels are the outer line; that is, the auxiliary force, or what we call the regular naval auxiliary force; they are fighting ships. Those vessels are liable to be dispatched at any time off to sea in any direction as scouts and commerce destroyers or whatever service they may be sent upon; but this patrol will be a permanent patrol up and down the coast, keeping in touch with one another, and keeping in signal communication with points of headlands along the coast, to guard against such raids as were made in the past by Paul Jones and that have been threatened to be made upon our coast in the present war.

Mr. DOCKERY. It is obvious that the provisions of this bill can be executed in such a way as to be of service in defense of the country, and yet there is a wide-open door in the purchase of boats and vessels that might involve us somewhere along the line in scandal.

Mr. BOUTELLE of Maine. I thought of all that, but we are now in war.

Mr. DOCKERY. I do not object to the bill with the amendment to be offered by the gentleman from Tennessee [Mr. MCMILLIN], but I do want to say to the Secretary of the Navy and to the Secretary of War in this connection that they can not exercise too close a scrutiny in expending the money that is committed to them in such enormous amounts.

I do not think any people in the world have ever shown more faith and more patriotism or confided more implicitly in executive officers than we have since Congress on the 8th day of March passed the $50,000,000 appropriation bill. I desire, therefore, to suggest to the Departments the dangers that may come to the Treasury under the guise of patriotism and result in scandals. I hope there will be none; and yet the Secretary of the Navy and the Secretary of War can not be too careful in the expenditure of the immense amounts committed to their discretion.

Mr. BOUTELLE of Maine. I have not incorporated any suggestion of that kind in my remarks, because——

Mr. HOPKINS. I think all gentlemen feel that as keenly as the gentleman from Missouri does.

Mr. DOCKERY. Yes; I think everybody does. I hope it is no offense to the gentleman from Illinois to suggest it.

Mr. HOPKINS. No; I appreciate the fact that we are all American citizens.

Mr. BOUTELLE of Maine. Mr. Chairman, I did not incorporate any suggestions of advice of that kind in my remarks, because in the first place I am not exactly aware how I can exercise any authority over the executive officers. I am not prepared to indulge in criticism in advance; and I generally address myself to the situation as I find it. The question to-day is not whether ordinarily in time of peace we would grant such latitude of appropriation as we do now. "It is a condition, not a theory, that

confronts us"—a very practical condition. We find from one end of the coast to the other a constant demand and appeal that something be done by the Navy Department to furnish protection to the coast against hostile assaults. The Navy Department is answering the appeals of the governors of States and the mayors of cities, North and South, on our Atlantic coast by the statement that the Department is doing what it can with our auxiliary cruisers to furnish protection, and will do more as soon as it obtains this legislation.

Under this condition of things, it seemed to our committee, and it seemed to me, an imperative duty to furnish the Department that which it says is necessary in order to organize a defensive patrol on the coast. Whether it costs money or not is another consideration. Whether the executive department is going to exercise the wisest discretion or not is a matter for which we must trust that department. But to-day this demand comes here from our Executive, who has been commanded by Congress to put the country in the condition in which it is to-day. He has received instructions from the legislative body to enter upon this war. We are now engaged in it; and we have to meet the expenses of it; we have to pay the bills. I believe this is one of the measures on which I would not be justified in hesitating to meet the imperative and earnest demands of the executive department for means to furnish a defensive patrol of our coasts. Hence I have brought this bill before the House, with the assent of our committee.

Mr. LOVE. Will such vessels as is proposed to be purchased under this bill be sufficient to resist a foreign foe?

Mr. BOUTELLE of Maine. They would not individually. They are intended for a patrol, for an inner line of defense.

Mr. LOVE. Does this measure provide for the enlistment of sailors for one year?

Mr. BOUTELLE of Maine. For one year.

Mr. LOVE. Would it not be well to say, "for one year or for the war?" Suppose the war should close in a few months, shall the Government continue the pay of these men for a year?

Mr. BOUTELLE of Maine. I was going to suggest to the gentleman from Tennessee [Mr. McMILLIN] whether he could not meet the suggestions just made by the gentleman, as well as the conditions which he has indicated, by inserting a few words in the first section rather than by adding a new section. The bill now reads:

In such numbers as the President may deem necessary, and to serve only for a period of one year or during the continuance of the existing war, unless sooner disbanded by direction of the President.

Mr. STEELE. The language of the volunteer act was "for one year unless sooner discharged."

Mr. BOUTELLE of Maine. The terms of this bill are similar—

To serve for a period of one year or during the continuance of the existing war, unless sooner disbanded by direction of the President.

Mr. McMILLIN. I am entirely willing to have my amendment inserted as a proviso to the first section instead of being submitted as an independent section. It would read, I think, in about this form:

Provided, That the provisions of this act shall cease to be operative after the conclusion of the present war with Spain; and the forces, officers, and men enlisted under this act shall be mustered out of the service immediately on the conclusion of such peace.

Mr. BOUTELLE of Maine. I think there will be no trouble in arranging this provision so as to meet the views of gentlemen who have made these suggestions. I will ask the Clerk to take down the amendment as I will read it:

Insert in line 6—

The CHAIRMAN. The bill is not now open to amendment.

Mr. BOUTELLE of Maine. I understand this proceeding is by unanimous consent.

The CHAIRMAN. Does the gentleman ask unanimous consent——

Mr. BOUTELLE of Maine. I ask that the general debate be considered as closed, and that we go on now to consider the bill for amendment.

Mr. LEWIS of Washington. Will not the gentleman allow me a few minutes?

Mr. BOUTELLE of Maine. Oh, I hope we shall not make speeches on this bill. Let us put the bill through as speedily as possible.

Mr. LEWIS of Washington. I should like to be heard for a few minutes. I ask the gentleman to yield to me.

Mr. BOUTELLE of Maine. I have nothing to yield.

Mr. LEWIS of Washington. I want to support this bill.

The CHAIRMAN. The gentleman from Maine asks that general debate be now closed.

Mr. LEWIS of Washington. I hope the gentleman will allow me one or two minutes in support of this bill.

Mr. BOUTELLE of Maine. I suggest to the gentleman that the debate under the five-minute rule will allow ample opportunity for any remarks which he may desire to submit.

Mr. McMILLIN. I suggest that the gentleman from Maine can reserve his time and allow other gentlemen who may want to occupy a little time to do so. I do not think there is any disposition to waste time on this subject.

Mr. BOUTELLE of Maine. How long does the gentleman desire?

Mr. LEWIS of Washington. I desire but a very few moments.

Mr. DOCKERY. I hope the gentleman from Maine will allow the debate to proceed.

Mr. BOUTELLE of Maine. I wish to yield to the gentleman from Washington a reasonable time.

Mr. LEWIS of Washington. I shall not want but a very few moments.

Mr. BOUTELLE of Maine. I yield five minutes, Mr. Chairman, to the gentleman from Washington, if I may be permitted to do so.

The CHAIRMAN. In the absence of objection, the gentleman from Maine will yield five minutes to the gentleman from Washington.

There was no objection.

Mr. LEWIS of Washington. Mr. Chairman, I recognize the fact, of course, that I would have been entitled to the floor in my own right, under the rules, but I desired only a very few moments to express what I recognize to be the views of the State which I have the honor to represent on this floor upon the pending question, and which views I believe will meet the approval, generally, of our people.

My position as to such increase of forces as that provided for in the pending joint resolution has been frequently expressed on the floor heretofore, and it seems scarcely necessary that I should again voice those opinions. I am one of those who believe that the Navy of the United States should be increased to the full strength necessary for the defense of our country against foreign foes [applause], and to this end I have ever given my voice and vote.

I believe also, Mr. Chairman, that the fighting in the interior, if fighting shall be necessary in the interior of our country, should be done by our volunteer forces, and for that reason I have been opposed steadily to any unnecessary increase in our standing Army. I do not believe it to be necessary in time of peace, and scarcely necessary in time of war, to perpetuate any Regular Army which would supplant the volunteers.

But there are other considerations which we must recognize: The time, the surrounding conditions, and the present necessities. The bill which is now before us presents an entirely new situation of affairs. The ships provided by the same are regarded as absolutely necessary to protect our coastwise commerce and many of our coast cities. It is a kind of a patrol service in the Navy, which is regarded by those who have charge of the naval service as being absolutely essential and one which I myself believe to be important and necessary.

The State I have the honor to represent, Mr. Chairman, has an exceedingly large seacoast line and very important interests upon the seacoast which need protection, and the measure proposed here seems to me to be in the interest of the protection of the commerce of Seattle, Tacoma, and other cities on Puget Sound which comes to us or departs from us to the Alaskan ports.

It is therefore important that that region of the country should be protected in that regard against privateers and ships of war of a hostile nation, which may be commissioned to prey upon that commerce.

There has come to me in the last two days frequent telegrams and a number of letters from merchants and others in my section informing me that they believed that privateers were being fitted out in South American States—at the instance of, or at least with the indorsement of, the Spanish Government—to prey upon their commerce on our Western coast.

Our merchants feel that there is a certain degree of danger, at least, in the threatening conditions. They have been fearful lest there should be no protection afforded to them, and have urged me to bring before the House such suggestions, in the way of legislation, as will afford them ample protection.

I may state that the measure now under consideration seems to me to be one that will meet their approval and afford them, if danger should arise, the necessary protection which our great commerce on the coast demands. To my mind it is a protective measure which will not only save, to a large extent, the commerce on the Western coast, but will also act as the eyes of the Navy in advertising the approach of such vessels of a foreign foe as may be likely to injure our cities and towns along the coast, and particularly in the entrance to Puget Sound.

If there be a well-grounded fear that the effect, which has been suggested by the gentleman from Missouri [Mr. PEARCE] and the gentleman from Tennessee [Mr. McMILLIN], of too great an expense will follow, it seems to me that a remedy can easily be applied by limiting the expenditures to the actual demand.

Speaking, therefore, for the constituency I represent, and for the Pacific coast generally, I give my most hearty indorsement to

the measure before the House, and trust that generally looking to the interest of the Pacific as well as to the Atlantic coast, this matter will receive the approval and the unanimous vote of this side of the House.

Mr. HOPKINS. Good for you, LEWIS!

Mr. LEWIS of Washington. It was for the purpose of expressing this approval as the Representative of that portion of the coast, and giving the House the news of the fears which prevailed there as further reasons, that I arose. Having no other object, I shall consume no further time. I thank the gentleman from Maine [Mr. BOUTELLE] for his courtesy and the House for its attention.

Mr. SIMPSON. It suits LEWIS. So I am for it. [Laughter and applause.]

The CHAIRMAN. The Clerk will now read the bill by paragraphs.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a United States auxiliary naval force for coast defense is hereby authorized to be established, to be enrolled in such numbers as the President may deem necessary, and to serve for a period of one year, unless sooner disbanded by direction of the President.

Mr. COX. I move to strike out the last word. I want to call the attention of the chairman of the Committee on Naval Affairs [Mr. BOUTELLE of Maine] to the proposition involved in this bill, for the purpose of getting a distinct understanding of it. Do I understand that the proposition in this bill is to charter and employ in the United States a certain character of vessels to patrol the coast along the United States?

Mr. BOUTELLE of Maine. Yes.

Mr. COX. The gentleman assents to that proposition. Now, I want to ask him, what is the character of the vessels which are to patrol the coast of the United States? And what kind of an opposition could they make to armed cruisers of the Spanish naval forces?

Mr. BOUTELLE of Maine. I will say to the gentleman from Tennessee that it is not, of course, intended to organize a force of war vessels that will be capable of engaging or resisting the powerful armed ships of the enemy.

Mr. COX. Then they must be a force that simply reports what is going on.

Mr. BOUTELLE of Maine. Substantially.

Mr. COX. Well, literally. Now, when you organize this force to patrol the coast of the United States from one point to another, and they report, does not that turn the whole organization which you propose to make into a police force, to observe and see what the Spanish fleets are doing?

Mr. BOUTELLE of Maine. The word "patrol" of course expresses it.

Mr. COX. Let us be fair.

Mr. BOUTELLE of Maine. I want to qualify an answer that I made a moment ago to this extent, that while, of course, it is not expected that we can put a cordon of heavy fighting war vessels around our shores, yet it is proposed that a portion of these vessels shall be fitted out as torpedo boats, and in that respect they would be aggressive and in many places would be formidable.

Mr. COX. Now, I ask my friend the chairman of the Committee on Naval Affairs do you believe that a Spanish naval force will ever approach the United States coast?

Mr. BOUTELLE of Maine. Well, that is a pretty difficult question, because up to the present time our experience with Spanish naval forces has been very exceptional.

Mr. COX. Yes; and you know as well as I do that they will not come to our waters to fight us.

Mr. BOUTELLE of Maine. I will say to the gentleman that, perhaps injecting a little American notion into my idea of what the Spaniards would do, I did anticipate the probability of some raids upon our coast.

Mr. COX. Well, now, let me ask you one question. They will never come here. I have no doubt about that, but probably you will disagree with me on that. But do you want to organize this force, that will cost the Government $4,000,000 a year, in anticipation of the probability that a Spanish fleet will approach the American shores?

Mr. BOUTELLE of Maine. That is exactly what we are advised to-day by the executive branch.

Mr. COX. And you do not believe, and I do not believe, that you will ever see a Spanish flag in sight of an American port, do you?

Mr. BOUTELLE of Maine. I do not want to say that. I do not feel so sure. At any rate, I do not feel that we will be justified in avoiding every precautionary measure that we can take to prevent the possibility of having severe loss inflicted upon us by such an assault.

Mr. COX. If you are going to make appropriations upon possibilities, you will never get to the end of it. I think we ought to legislate upon the idea of some probability.

Mr. BOUTELLE of Maine. Well, I will say to the gentleman that we are obliged to take our idea of the probabilities largely from the technical departments of the Government which are charged with giving judgment upon these subjects. While I may have my own opinions upon various points, it seems to me that, especially in a time of actual hostilities, I am bound to pay a great deal of deference to the judgment formulated by those gentlemen upon whom the great responsibility rests.

Mr. COX. That is right; but I should like to have the judgment of the chairman of the committee himself, for I have great confidence in it. I should like to ask him if he thinks we need a fleet to watch our coast against a Spanish squadron that will not dare meet us on the seas?

Mr. BOUTELLE of Maine. I do not think it is an unwise precaution to patrol our coast.

Mr. COX. You do not think it is unwise, but do you think it is a practical expenditure of this large amount of money, when I believe your judgment about it is that a Spanish fleet will never attack a point on the American coast?

Mr. BOUTELLE of Maine. Well, I will say that I should not feel any regret at having made such a wise precautionary expenditure, even if it should prove in the future to have been unnecessary.

Mr. COX. Yes.

Mr. BOUTELLE of Maine. I should feel a great sense of responsibility——

Mr. COX. Yes.

Mr. BOUTELLE of Maine. And it would be a responsibility that I am unwilling to take. This is the recommendation of the representatives of the executive department of the Government and an appropriation which they state the experts of the department believe to be necessary.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SEC. 3. That enlistment into the United States auxiliary naval force shall be made by such officer or officers as the Navy Department may detail for the purpose, who shall also select from merchant vessels and other available sources such volunteers as may be deemed best fitted for service as officers in said force, and shall report to the Secretary of the Navy, for his action, their names and the grade for which each is recommended.

Mr. McMILLIN. Before we pass over section 3, if the gentleman from Maine will permit——

Mr. BOUTELLE of Maine. Certainly.

Mr. McMILLIN. In section 3 this provision is found:

That enlistment into the United States auxiliary naval force shall be made by such officer or officers as the Navy Department may detail for the purpose, who shall also select from merchant vessels and other available sources such volunteers as may be deemed best fitted for service as officers in said force.

From what source is it contemplated that these officers shall come?

Mr. BOUTELLE of Maine. Why, there may be more or less men who can serve in this force who are not on board vessels. They are men who have served most of their lives on ships, but may have taken service in the docks or in various other places.

Mr. McMILLIN. What compensation would they get?

Mr. BOUTELLE of Maine. They are to be paid from the appropriation for the pay of the Navy. It is contained in the last section of the bill:

SEC. 7. That the officers, warrant officers, petty officers, and enlisted men and boys of the United States auxiliary naval force thus created shall be paid from the appropriation "Pay of the Navy."

Section 5 provides that they—

Shall receive the same pay and emoluments as those holding similar rank or rate in the Regular Navy.

Mr. McMILLIN. What is the highest rank to be given in this service?

Mr. BOUTELLE of Maine. The highest rank is that of a detailed officer.

Mr. McMILLIN. This also speaks of an assistant. What rank is it contemplated that assistant shall bear?

Mr. BOUTELLE of Maine. Not above the rank of lieutenant-commander. He—

shall be detailed by the Secretary of the Navy from the active or retired list—

Or shall be from civil life, not above the rank of lieutenant-commander.

Mr. MOODY. I will say to the gentleman from Tennessee that the fisheries furnish available resources for the appointment of both officers and men. There is a very large fleet of vessels required by the Northeastern fisheries, and the men are splendid seamen.

Mr. McMILLIN. I do not see any provision in this bill, though there may be one, as I have not had an opportunity to look over the bill fully, providing for giving preference to the militia of the Navy, the militia now organized in the States.

Mr. BOUTELLE of Maine. I will call the gentleman's attention to an amendment that I propose to offer.

Mr. McMILLIN. That is an amendment the gentleman contemplates offering later on?

Mr. BOUTELLE of Maine. Yes; and I will explain it then.

Mr. McMILLIN. It is well to give that preference where it should be given.

Mr. BOUTELLE of Maine. It is intended to do so.

The Clerk read as follows:

SEC. 4. That for the purposes of this organization the coast line shall be divided into districts, each of which shall be in charge of an assistant to the chief of the United States auxiliary naval force; and such assistant chiefs may be detailed by the Secretary of the Navy from the officers of the active or retired list of the line of the Navy, or appointed by him from civil life, not above the rank of lieutenant-commander.

Mr. OGDEN. Mr. Chairman, I move to strike out the last word.

While I am in favor of a bill of this kind, I desire to ask a question in regard to the purpose of the bill. I desire to ask the chairman of the committee whether when this force is organized and enlisted, in case of necessity, is there any provision in the bill that will authorize the President or Secretary of the Navy to use these men for other purposes not coast defense? I do not see that any such provision is now in the bill; but, like my friend from Tennessee, I have only casually glanced over the bill. Such a provision ought to be incorporated in the bill, because we might go into a long war; and where we have an auxiliary force that is to cost us $4,000,000, it may be necessary for them to be used outside of the waters of the United States and for other purposes not coast defense.

Mr. BOUTELLE of Maine. I will say to the gentleman I do not understand just how the general law might affect men in the service, but the intent of the bill is not to enroll men for general purposes of the Navy. It is intended to make them especially available for coast defense, with the end of enlisting a class of men, as the Secretary suggests, who might not volunteer for service in the Navy, which requires enlistment for several years.

Mr. OGDEN. I understand that fully, but as we propose to offer amendments to the Naval Reserve of the different States, and they were in this organization, it seems to me wise to intrust a little further power in case of absolute emergencies, so that they can be used for other purposes not coast defense. I believe it would be wise to do so, and I suggest that to the chairman.

Mr. BOUTELLE of Maine. There is a limitation on the use of the force in the character of the vessels that are to be employed. It is intended to employ a class of vessels that would not warrant making them available for distant cruising.

Mr. OGDEN. But we might need the men on other vessels who had learned seamanship on these vessels.

Mr. BOUTELLE of Maine. We can get those men. The idea of the Department was in this time of exigency, as we needed the patrol, we could probably secure the services of a large number of men who would be adapted and fit for the purpose who might not be willing to enlist for a term of three years in the naval service. That was the basis of this organization, and while it is to be under the naval control, it is to be a special force for a special purpose.

Mr. OGDEN. I favor the general provisions of the bill, but my idea was that it might be right enough to incorporate a provision in the bill that would allow these men to volunteer from the service provided for by this and be transferred to other service, because they would be a valuable addition. The experience that they receive here will enable them to go upon ships of war, and they will be far better qualified to fill the duties of seamen upon ships of war after this preliminary practice in coast duty than they otherwise would be.

Mr. BOUTELLE of Maine. Undoubtedly. I discussed that with the Navy Department, but the Secretary of the Navy thought it was advisable to have the division as it was provided for here.

Mr. BLAND. I would like to inquire whether the provision is made for the governor to appoint——

Mr. BOUTELLE of Maine. If the gentleman from Missouri will pardon me, I am going to read a proposed amendment for that section.

Mr. BLAND. If that is the intention of the section, it will have to be amended.

Mr. BOUTELLE of Maine. If the gentleman will give me his attention, I would like his judgment on this proposed amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In section 6 thereof, after the words "that the chief of the United States auxiliary naval force," strike out the remainder of the section and substitute the following:

"Or such officers as the Navy Department may detail for such service, may, with the consent of the governor of any State, muster into the said force the whole or any part of the organizations of the Naval Militia of any State to serve in said auxiliary naval force, and shall report to the Secretary of the Navy, for his action, the names and grades for which commissions in said United States auxiliary naval force shall be issued to the officers of such Naval Militia, and shall have the power to appoint and disrate the petty officers thereof."

Mr. BLAND. That does not give the governors of the States any authority to appoint.

Mr. BOUTELLE of Maine. No; it compels this officer to agree with the governor of the State and obtain his consent to muster in an organization, and when mustered in it may come under the authority of the United States. It provides for the retention of their officers, the particular officers chosen from the organization.

Mr. HUNTER. That amendment states that they may take in organizations or parts of organizations. It seemingly does not contemplate the mustering in of enlisted individuals, nothing less than parts of organizations. Whereas an individual might wish to enroll himself under the provisions of this statute, seemingly he could not do it.

Mr. BOUTELLE of Maine. Oh, yes; any man can enlist who chooses, but when it comes to a naval militia organization under the statute creating them, in most of the States they are organized under State law and are restricted to service within the State.

Mr. HUNTER. In our State we have some Naval Militia, but other parties would be very glad to volunteer in that service that would be fully qualified under the provisions of this bill.

Mr. BOUTELLE of Maine. Individually any man is eligible to enlist in this force. This was proposed by a gentleman representing the Naval Militia and the executives of some of the States, who desire, if possible, to maintain the autonomy of some militia organization where it could be done, and as it could not always be done, and could not be done in every case, because the force is liable to be divided up for use on board of small craft, the discretion is given to the enrolling officer, and by consent of the governor of the State he may enroll the whole or part of an organization.

Mr. McMILLIN. When I made my inquiry of the gentleman from Maine, I did so in the hope that some means would be devised of keeping in a considerable degree these organizations together after they go into the service. For this reason our policy has always been not to have a top-heavy navy or an immense standing army, and in order to do that we have stood ready to furnish all the militia needed as soon as the regulars were ready to do the first part of the work of the war.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. McMILLIN. Very well, Mr. Chairman, I will take the floor in my own right and then yield the balance to him. I think we will add much luster to that long and glorious future which I think is before the American people if we act with the wisdom that our fathers did. There is much encouragement to these organizations in the future if in this emergency after they are taken into the service of the country and kept in the service, and if we can devise the means for the Naval Reserve to be kept together, as has been devised in militia, I think we shall perform a great service to them and to the State.

Mr. BOUTELLE of Maine. This is for an emergency. The organization for a naval militia is in its infancy, but up to date it has been organized in a sporadic way. The exigency having arisen, the relations of the militia to war have been peculiar and their assistance has been availed of in different ways.

I understand that one of our regular cruisers is now manned by the Naval Militia; in other words, a division of the Naval Militia has gone on board one of the regular auxiliary vessels of the Navy and formed a crew. It is now proposed to utilize others of those organizations in this patrol force. I will say to the gentleman from Tennessee that several measures are now before Congress and under consideration having for their purpose the national organization of a Naval Militia; but they are still in an unprepared and unfinished state.

Mr. BELKNAP. Allow me to ask a question for information. I understand from the remarks of the gentleman from Maine that this measure meets the approval and wishes of the Naval Militia as giving them an opportunity to get into service—to have the actual sea service, which they now have not.

Mr. BOUTELLE of Maine. Of course I have not heard from all of the Naval Militia, but I have had communications and personal conference with some of the principal representative men of that organization; and I will say that as a matter of fact the amendment which I have just offered was recommended by a prominent member of the Naval Militia of the State of New York, with the assent and in conformity to the desire of the governor of the State.

Mr. BELKNAP. Is it not a fact that the passage of this bill will give the Naval Militia who can not now get into service an opportunity to be called upon?

Mr. BOUTELLE of Maine. Undoubtedly it will furnish the members of the Naval Militia, who, I understand, are now ready to participate in active service, an opportunity to be utilized at once.

Mr. SOUTHARD. It provides as far as possible with reference to the Naval Militia just what a clause in section 10 of the Volunteer Army bill provided with reference to the land militia.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The next section of the bill was read, as follows:

SEC. 7. That the officers, warrant officers, petty officers, and enlisted men and boys of the United States auxiliary naval force thus created shall be paid from the appropriation "Pay of the Navy;" and said force shall constitute the inner line of defense; and the sum of $4,000,000, or so much thereof as may be required, is hereby appropriated, from any money in the Treasury not otherwise appropriated, for the purchase or hire of vessels necessary for the purposes of this resolution.

Mr. BOUTELLE of Maine. If the gentleman from Tennessee will permit me once more to make a suggestion in regard to section 1, I would like to read to him an amendment which I have drafted, to see whether it does not cover the ground which he desires to cover:

That a United States auxiliary naval force for coast defense is hereby authorized to be established, to be enrolled in such numbers as the President may deem necessary for the exigencies of the present war with Spain, and to serve for a period of one year or less, and shall be disbanded by the President at the conclusion of the war.

Mr. McMILLIN. That would seem to cover the case, yet I would not like to leave any doubt whatever as to the authority of the President in this matter. I do not want the President (whoever he may be) to be authorized to continue this organization beyond the existence of the present war. If the gentleman's amendment accomplishes that object, I am content.

Mr. BOUTELLE of Maine. Does this meet the gentleman's view?

Mr. McMILLIN. I have proposed an amendment which I thought met the case; but if the gentleman's proposition is satisfactory——

Mr. BOUTELLE of Maine. I thought the limitations would better be inserted where the authorizations are made.

Mr. McMILLIN. I have no desire to offer my amendment if the gentleman's amendment covers the purpose.

Mr. BOUTELLE of Maine. The object of the gentleman from Tennessee and myself is, of course, to confine this organization to the present exigency.

Mr. McMILLIN. I think the gentleman's amendment covers the point desired. My amendment embodied the same idea, but in somewhat different language.

Mr. BOUTELLE of Maine. The meaning in the two cases is the same. I have thought it well that the limitations be coupled with the authorizations. I offer that amendment.

The CHAIRMAN. The gentleman from Maine [Mr. BOUTELLE] asks unanimous consent to return to the first section for the purpose of offering an amendment. Is there objection?

There was no objection.

The amendment of Mr. BOUTELLE of Maine was read, and agreed to.

Mr. LOVE. I desire to make an inquiry in regard to section 7. I observe in line 10 this language: "For the purchase or hire of vessels necessary for the purposes of this resolution." I wish to inquire whether the vessels which it is proposed to purchase or hire will be of such a character that they can be used by the Government in any way after the war. Suppose the war should soon terminate, could these vessels be used hereafter by the Government in any way?

Mr. BOUTELLE of Maine. That question can not be answered determinatively any more than the same question could be answered with regard to vessels already bought. Of course, vessels obtained by the Government for a special purpose and under circumstances of urgency are not always the best adapted for the desired purposes. We have got to take our chances about that. It is expected that these vessels will not in all cases, or even in a large number of cases, be adapted to warlike purposes. Under existing circumstances the Government will probably acquire control of tugboats and small craft of that description which have speed and reasonable seagoing qualities to form this patrol, but which may not be permanently useful.

Mr. LOVE. The probability is, then, that the Government will get hold of a very inferior class of vessels that will be almost worthless after the war and add nothing to the strength of our Navy.

Mr. BOUTELLE of Maine. Undoubtedly we shall get many vessels which we should not acquire if we had time to build such as would be in all respects desirable.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. McCALL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes.

The message also announced that the Senate further insisted upon its amendments to the bill (H. H. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, disagreed to by the House of Representatives, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAWLEY, Mr. PROCTOR, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FAULKNER, Mr. BAKER, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Vice-President had appointed Mr. PETTIGREW a conferee on the part of the Senate on the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, in place of Mr. FAULKNER, excused.

AUXILIARY NAVAL FORCE FOR COAST DEFENSE.

The committee resumed its session.

Mr. McMILLIN. Mr. Chairman, I desire to offer an amendment to be known as section 8, providing for the keeping of accounts of moneys expended under this act.

The CHAIRMAN. The gentleman will send his amendment, which the Clerk will read, to the desk.

The Clerk read as follows:

Add as section 8:

"That accounts shall be kept and reports made of the expenditures made under this act."

Mr. McMILLIN. Mr. Chairman, while I am willing to vote every dollar of appropriation that seems to be dictated by prudence, wisdom, or necessity, under the present circumstances, for the purpose of strengthening our military power or increasing the efficacy of our Navy during the pending war or in any case where we shall be involved in difficulties, I do not believe, as far as the present war with Spain is concerned, that there will be any necessity for the expenditure of a single dollar of the public money in this direction and under the present bill.

But believing that, I know that there will be a determined pressure of hundreds of pounds to the square inch—speaking in the engineers' phraseology with reference to the strain on boilers—on the officers of the Government to buy, in the first place, vessels that can not be sold elsewhere for the price, and that the Government would have to pay an unnecessarily large price for the purpose of taking into its service these vessels that would be utterly useless, possibly, in a few days or a few weeks. We will have more "tramp" vessels offered to us under this measure than could be inspected in many weeks, and hence the amendment I have offered is submitted with the desire of helping the officers of the Government to resist that pressure to which I have referred—a pressure that is sure to come under the operation of such a bill as this—and to place here a restriction that we ought to have placed in the $50,000,000 appropriation, if we did not, that the officers charged with the expenditure of the money shall render strict and rigid accounts of every dollar of that expenditure.

I believe that provision, Mr. Chairman, should go into every appropriation bill where a new line of appropriation is inaugurated. I do not believe that temptation should be thrown before the people of the country in any respect, or that the officers of the Government should be placed in a position where danger of the kind which menaces here should come to them. I believe that there ought to be one single, solitary line of operations in regard to all of the expenditures of the Government.

As a matter of fact, it must be evident to all that this war is going to be an expensive war. It will probably be the most expensive war, as far as the results, I mean, that we are going to obtain from it are concerned, that ever we have inaugurated. We have got to pay out a large sum of money, and very little return can be expected. It will take hundreds of millions of money to pay the cost of the war, as far as the Navy is concerned, whether we have a single land battle or not, and it is doubtful whether we will ever have one in any form; but, at all events, whether we do or not, the war is bound to cost an enormous sum of money.

The people of the United States will have to pay dearly for whatever they get out of the war, at all events, whatever form it may take. Hence we ought to have strict and careful accounts rendered of expenditures which are made by our officials. And in saying this there is no possible reflection on any of the officers of the Government who are charged with the duties of the expenditure of this money. We all know that in times of war matters have to be put through in a hurried form. We ought therefore to have strict and careful accounts of all these expenditures.

Mr. BOUTELLE of Maine. I will say to the gentleman from Tennessee——

Mr. RIDGELY. Will the gentleman from Tennessee allow an interruption?

Mr. McMILLIN. Certainly; I yield to the gentleman from Kansas, and will then yield to the gentleman from Maine with pleasure.

Mr. RIDGELY. I will ask the gentleman if he proposes in his amendment to restrict or regulate the purchase price of any vessels which may be purchased by the Government?

Mr. McMILLIN. I think the amendment carries out the suggestion of the gentleman. It provides that accurate reports shall be made of expenditures——

Mr. RIDGELY. My point, to which I wish to attract the attention of the gentleman, is that the Government may be compelled to pay a very much larger price than is necessary for such vessels as it may purchase.

Mr. McMILLIN. In any event, a return must be rendered, a full return of all expenditures made.

Mr. RIDGELY (continuing). I have a statement from a gentleman in whom I have confidence that he himself was offered an opportunity to buy a vessel a few weeks ago which was offered to him for $150,000, and for which the Government afterwards paid $260,000.

Mr. BOUTELLE of Maine. What is the name of the vessel, and who was the party?

Mr. RIDGELY (continuing). If that be the case, we ought to know something about it.

Mr. BOUTELLE of Maine. Mr. Chairman, the gentleman has been saying something doubtless of interest, and I would like to know what it is. I ask for order.

Mr. RIDGELY. I repeat for the benefit of the gentleman from Maine, as I was stating to the gentleman from Tennessee, that I had information from a gentleman in whom I have confidence that a vessel was offered to him for $150,000 which has since been purchased by the United States Government for $260,000.

Mr. BOUTELLE of Maine. Will the gentleman state who the party is who made this statement? Because this is an arraignment of the officers of the Government——

Mr. RIDGELY. I have not made inquiry as to the truth of the matter, but believe the party to be reliable.

Mr. BOUTELLE of Maine. You ought to make inquiry before you state a matter of that kind, and ought to give the name of the man who made the suggestion. If you will give me the name of the party who made that statement, I will investigate the matter in the committee instantly.

Mr. RIDGELY. I can not give the name of the vessel from memory, or the name of the party without his consent.

Mr. BOUTELLE of Maine. Well, give the name of the vessel, or anything connected with it, and I assure the gentleman that there shall be prompt action in the committee upon the matter, which will investigate thoroughly and fully the statement he has made.

Mr. RIDGELY. I can only state to the gentleman what was told me, and which I believe to be true. I am stating what was stated to me.

Mr. BOUTELLE of Maine. There used to be an adage that the truth as one believes it ought not always to be spoken; and one of the occasions when it ought not to be spoken is when you can not speak it authoritatively and in a manner to enable it to be met.

Mr. RIDGELY. Certainly, and I will say in answer to that——

Mr. BOUTELLE of Maine. A gentleman who arises in the House of Representatives and charges by implication, in an ambiguous manner, that somebody connected with the Government has paid an excessive price for a piece of property ought, in my judgment, to refrain from stating it, or to state it so particularly that the case can be looked up and brought home.

Mr. RIDGELY. In answer to that I will say that there seems to be great sensitiveness on the part of certain gentlemen here because somebody gets up and mentions what is current statement. I think we have a right to mention what is current report; and furthermore——

Mr. BOUTELLE of Maine. Who is the man? Is he a reputable man?

Mr. RIDGELY. He is a reputable man.

Mr. BOUTELLE of Maine. A responsible man?

Mr. RIDGELY. A responsible man.

Mr. BOUTELLE of Maine. I want his name.

Mr. RIDGELY. I will give you the name of the man, with his consent, and the name of the vessel. I will furnish it to you as the chairman of our Naval Committee.

Mr. BOUTELLE of Maine. Let us have it now.

Mr. RIDGELY. I will not give it to you now.

Mr. BOUTELLE of Maine. Why can you not give it now? You have made the statement. Now, are you willing to let this libel go out to the country without giving any specific information in support of it?

Mr. RIDGELY. I will furnish the name of the man and the name of the vessel.

Mr. BOUTELLE of Maine. When will you furnish it?

Mr. RIDGELY. Within a week.

Mr. BOUTELLE of Maine. Oh!

Mr. RIDGELY. As soon as I can see the man.

Mr. BOUTELLE of Maine. Why did you not wait a week before you made this charge?

Mr. RIDGELY. Because there was no such legislation up.

Mr. DALZELL. We ought to have the man's name now.

Mr. BOUTELLE of Maine. I think any member of Congress who takes the pains to get up upon the floor and make a charge by implication that somebody has been cheating the Government ought to make his charge good or give his authority on the spot.

Mr. KELLEY. Can not the gentleman take his own time, in his own way, to do these things?

Mr. BOUTELLE of Maine. No; not when he is able to take his time to fortify his statement before making it.

Mr. KELLEY. It is the gentleman's right on the floor of this House, notwithstanding the bombastic gentleman from Maine. And I have the same rights as every other member.

The CHAIRMAN. Does the gentleman from Maine yield?

Mr. BOUTELLE of Maine. No; I can not yield for any such purpose.

Mr. KELLEY. I want to impress that upon the mind of the gentleman from Maine.

The CHAIRMAN. Does the gentleman from Maine yield?

Mr. BOUTELLE of Maine. No; I can not yield.

The CHAIRMAN. The gentleman from Maine has the floor.

Mr. McMILLIN. I believe I had the floor, but I intended to yield it back to the gentleman from Maine.

Mr. RIDGELY. I hope the gentleman from Maine will allow a word. I do not regard it fair to be denied the right to reply to his remarks.

Mr. BOUTELLE of Maine. I desire to address a word to the gentleman from Tennessee in regard to his amendment, and to state that of course every dollar appropriated by this bill or by any other bill passed by Congress, except in a contingent fund, has to be accounted for, dollar for dollar, item for item. I am perfectly willing to have that precaution put on the bill; but I will say to the gentleman that I do not think it at all necessary, for, in my judgment, and I think his own experience will verify mine, not one dollar can be expended under this act except by that specific authorization, accounting, and auditing which is required by the general laws of the Government.

Mr. McMILLIN. Does not the gentleman think that expenditures could be made under the $50,000,000 appropriation which we passed a few days ago that would not require audit or report?

Mr. BOUTELLE of Maine. My information——

Mr. McMILLIN. I ask could it not be done?

Mr. BOUTELLE of Maine. I want to state what I understand to be the case. I will not state it officially, because I am not quite sure, but I have a very strong impression that the President of the United States, immediately after the passage of that bill, gave instructions that no money should be expended under it except on his own authorization, and that specific and separate accounts should be kept of every dollar expended. That is my understanding.

Mr. McMILLIN. This simply makes certain that which would have to be inferred without it.

Mr. BOUTELLE of Maine. I think it is no more necessary in this bill than it would be on any appropriation bill that Congress might pass. Will the Chair cause the amendment to be reported again?

The amendment was again read.

Mr. BOUTELLE of Maine. Would it not be better to make it a separate account?

Mr. McMILLIN. I suppose that would cover it.

Mr. DOCKERY. I desire to ask the gentleman——

Mr. McMILLIN. I have no objection to the amendment suggested by the gentleman from Maine.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McMILLIN. I accept the amendment.

Mr. DOCKERY. I take the floor for the purpose of asking the gentleman from Tennessee the special object of his amendment. I will be glad to have it reported again.

Mr. BOUTELLE of Maine. And, Mr. Chairman, if the gentleman will permit me, before reporting the amendment, I would like to have his particular attention for a moment. I know the gentleman has paid a great deal of attention to the system of expenditures. I stated to the gentleman from Tennessee that in my judgment, without any amendment whatever, every dollar of this appropriation will necessarily be expended under the specific kind of guaranty required by the laws in the Navy and the Treasury Departments.

Mr. DOCKERY. I did not hear the colloquy between the gentleman from Maine and the gentleman from Tennessee and caught indistinctly the reading of the amendment, and for that reason requested to have the amendment reported again.

The amendment was again reported.

Mr. DOCKERY. Let me suggest to my friend from Tennessee that the law now fully covers the matter of reports, unless he desires to incorporate the word "separate." In that event there would be a separate report; otherwise, under the existing statute, on the first Monday of January the Secretary of the Treasury would report an itemized statement of these expenditures.

Mr. MCMILLIN. Under this act?

Mr. DOCKERY. Under this act in connection with the statement of receipts and expenditures he is required to make.

Mr. MCMILLIN. The suggestion coming from both gentlemen, I think it is well to accept it as a part of the amendment.

Mr. HEPBURN. I would like to have the gentleman from Tennessee give me a reason why this amendment should be adopted; why he makes a departure in regard to this particular matter. Does he know of any expenditure that can be made where there is not an account made and report made?

Every expenditure is so treated; and it is utterly impossible for a dollar of this money to get out of the Treasury without a rendition of account; an account that will be approved by some one of the accounting officers. I can see no reason for trying to make an exception of this case. I do not see anything on which to base the necessity of having this account separately made when he understands there will be an account stated and report made.

Mr. MCMILLIN. Does the gentleman think the $50,000,000 we appropriated for under the provisions of that act will be accounted for item by item?

Mr. HEPBURN. Every item of it.

Mr. MCMILLIN. The gentleman construes that law differently from what I do.

Mr. HEPBURN. You will be able to find in the Treasury Department where every cent of it has gone, and a separate account is kept.

Mr. MCMILLIN. I am not stating what will be done, nor do I intend that anything that I am endeavoring to do here shall be taken as a reflection on any officer; but as an indication of the course that we thought should be taken, and where so much is being done by discretion, it ought to be done on statute or authority.

Mr. DOCKERY. Let me say, in reply to the statements of the gentleman from Iowa and the gentleman from Tennessee, that every dollar appropriated will be accounted for under an express provision of the statute requiring the Secretary of the Treasury, on the first Monday of each year, to report to Congress under separate heads of receipts and expenditures the items of receipts and expenditures for the prior fiscal year.

Now, as I understand it, the appropriation of $50,000,000 for the national defense being unusual and an emergency appropriation, the President directed, if I am not wrongly advised, that a separate account should be kept on the books of the Treasury.

Mr. BOUTELLE of Maine. Because it was a general appropriation.

Mr. DOCKERY. And involved very large discretion, and he very properly desired that a separate report should be made. Of course that will be made a part of the general report of the Secretary of the Treasury on the first Monday of next year, but will be segregated in the report so as to show the exact items of expenditures of the $50,000,000. I do not know the purpose of the gentleman from Tennessee. If he desires a separate account of the expenditure of the four millions, the word "separate" should be incorporated in the amendment.

Mr. MCMILLIN. That was my purpose, and I have accepted the amendment.

Mr. DOCKERY. Otherwise the $4,000,000 would be reported, as required by law, because not one cent of money can be expended by any officer of the United States without being reported to Congress on the first Monday of each year.

Mr. LOVE. An itemized account?

Mr. DOCKERY. An itemized account, under the separate heads of appropriation and receipts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOUTELLE of Maine. That being the case, Mr. Chairman, I presume the gentleman from Tennessee will hardly care to incorporate exceptions to the law in this bill.

Mr. MCMILLIN. I think in these appropriations, where made as extraordinary appropriations, they ought to be accounted for separately. If it was right to make that provision in the case of the $50,000,000 appropriation, it is right here. That is why I put in the amendment.

Mr. BOUTELLE of Maine. The President made that order in respect to the $50,000,000 because he wanted to be particularly careful.

The question was taken on the amendment; and the Chairman announced that the noes seemed to have it.

Mr. MCMILLIN. Let us have a division, Mr. Chairman, and see who do not want it.

The committee divided; and there were—ayes 47, noes 63.

So the amendment was rejected.

The CHAIRMAN. This completes the bill.

Mr. BOUTELLE of Maine. Mr. Chairman, I move that the committee rise and report the bill to the House with a recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House resolution 257 and reported the same back with sundry amendments with the recommendation that it do pass.

Mr. BOUTELLE of Maine. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments which the Clerk will report.

The Clerk read the amendments.

The SPEAKER. The question is on agreeing to the amendments. If no separate vote is asked for, the Chair will put the two amendments together.

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. BOUTELLE of Maine, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

CORRECTION.

Mr. MCCLEARY. Mr. Speaker, I find that on page 5410 of the RECORD I am credited with having introduced yesterday H. R. 10289, entitled "A bill to provide for strengthening the public credit, for the relief of the United States Treasury, and for the amendment of the laws relating to national banking associations."

As shown by the minutes of the Banking and Currency Committee, this bill is H. R. 9725, prepared by the special subcommittee of which I was chairman, which bill was introduced by me, amended by the committee, and adopted by it as the committee bill, becoming H. R. 10289. Under instructions of the committee on Banking and Currency the bill was introduced by the chairman of the committee [Mr. WALKER of Massachusetts]. The RECORD should be corrected to show that it was introduced by him.

The SPEAKER. The correction will be made.

Mr. COX. Mr. Speaker, I rise to an inquiry. I did not hear what was said by the member of the Committee on Banking and Currency. I am troubled to know what that committee has been doing. [Laughter.]

The SPEAKER. The Chair does not understand that that was the subject of the gentleman's statement. It was not what the committee had been doing, but what the clerks had been doing.

Mr. COX. I beg the pardon of the Speaker, but I did not hear what the Speaker said.

The SPEAKER. The gentleman from Minnesota has made a correction of the RECORD in regard to the bill on the subject of banking and currency.

Mr. COX. What was the report?

The SPEAKER. The gentleman from Minnesota, perhaps, will inform the gentleman from Tennessee.

Mr. MCCLEARY. The bill (H. R. 9725) upon which H. R. 10289 is based, having been introduced by me, bore my name upon its back, where the Clerk's indorsement is placed. The bill H. R. 10289, under instruction of the committee, was introduced by the chairman of the committee [Mr. WALKER] as a committee bill. The fact that the bill was introduced by the chairman was plainly indicated on the face; but, not being changed on the back, the Clerk by inadvertence credited it to me. My request is that the RECORD be corrected to show that it was introduced by the chairman [Mr. WALKER of Massachusetts].

Mr. COX. The trouble is, Mr. Speaker, they do not know how to report their bills. [Laughter.]

SUSPENSION OF CERTAIN PROVISIONS OF LAW RELATING TO QUARTERMASTER'S DEPARTMENT.

Mr. MARSH. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 10121, and I move to insist on the amendments of the House and consent to a further conference.

Mr. BAILEY. I would like to ask the gentleman from Illinois if that is the bill authorizing the suspension of the requirement of thirty days' publication of notice?

Mr. MARSH. It authorizes the suspension of several sections of the Revised Statutes.

Mr. BAILEY. Relating to the advertisement required for the purchase of property.

Mr. MARSH. It was amended by both Houses, and finally the conference report was made upon it. That conference report the Senate rejects and asks for a further conference.

Mr. BAILEY. I understand the progress of the various stages of the bill, but it is the bill that authorizes the purchasing of property without the thirty days' advertisement.

Mr. MARSH. That is the bill.

Mr. TODD. Mr. Speaker, would it be in order to ask that the bill be read as it will be if the House amendments are adopted?

The SPEAKER. The bill has been reported to the House a number of times. The Senate has disagreed to the conference report. If there be no objection, however, the bill will be reported again. The Chair hears no objection, and the Clerk will report the bill.

The bill was again read.

Mr. COX. I want to make a parliamentary inquiry. What is the status of that bill? Is it a Senate bill?

The SPEAKER. The committee of conference agreed upon a report, and the Senate disagreed to that report. The bill now comes back to the House for whatever action the House may see fit to take.

Mr. MARSH. The Senate disagreed to the report and asked for a further conference.

Mr. DOCKERY. Will the gentleman from Illinois [Mr. MARSH], who will be one of the conferees, allow me a suggestion? I think the contention of the Senate in respect to this matter is a sound one. I understand the Senate objects to the repeal of section 3709 of the Revised Statutes, and I think properly, because that section, which relates to advertising for supplies, now contains an emergency clause; that is to say, the Secretary of War under that section has authority, if in his judgment an emergency exists, to so declare; and that relieves him from the necessity of advertising in such cases.

Mr. MARSH. Let me say to the gentleman from Missouri that the reason the House conferees consented to a suspension of the section referred to was that under this section, as the gentleman will find by reading the language, the Secretary of War is not allowed to exercise his discretion except where the materials purchased are to be delivered immediately. Now, there is sometimes necessity to contract for the delivery of goods five or six weeks in advance.

Mr. HAY. Permit me to say to the gentleman from Missouri [Mr. DOCKERY] that he is entirely mistaken as to the grounds on which the conference report has been disagreed to.

Mr. DOCKERY. Then I have been incorrectly informed.

Mr. MARSH. I think the gentleman from Missouri must see the force of the point I just suggested. That section provided that where the Secretary of War availed himself of an emergency to dispense with the ordinary advertising the goods which it was desired to purchase must be delivered immediately.

Mr. HAY. That was an amendment put on the bill by the Senate itself, and the House agreed to it. Now, Mr. Speaker, I hope I may be allowed to state just what were the two points on which the House and the Senate conferees disagreed.

The SPEAKER. Does the gentleman from Illinois [Mr. MARSH] yield?

Mr. MARSH. Oh, yes.

Mr. HAY. I happened to be a member of the conference committee, and the two points on which the two Houses have failed to agree are these: In the first place, the House bill provided that the provision of the Revised Statutes should be suspended at the discretion of the Secretary of War. When the bill went over to the Senate they amended the bill in that respect. It was urged there that an executive officer ought not to have the power to suspend the operation of any statute.

When we went into conference on the bill the Senate conferees receded from the amendment which had been made by the Senate on that point. On another point the Senate had amended the bill so as to take from the Department presided over by Major Ainsworth certain clerks whom he is now using.

The House conferees refused to agree to this amendment of the Senate upon the ground that those clerks are needed in order to keep up the work of the present Bureau. On that point the Senate conferees agreed to recede. Those are the two points that were in controversy between the conferees of the two Houses.

Mr. DOCKERY. As I understand the gentleman, those were the chief points of difference between the conferees.

Mr. HAY. Yes, sir.

Mr. DOCKERY. But my statement relates to the contention of the Senate itself. I understood that the Senate—perhaps I have been incorrectly informed——

Mr. HAY. What I meant to say was that the House conferees agreed to the amendment put on the bill by the Senate as to section 3709.

Mr. DOCKERY. Yes. But as I understand (I may have been incorrectly advised), the Senate declined to agree to the conference report on the ground that section 3709 ought not to be modified as proposed by the conference report. I may be in error on that point.

Mr. MARSH. I will say to the gentleman that that matter will have careful consideration in the next conference.

Mr. DOCKERY. I only desired to call the attention of the gentleman from Illinois to that point. As I understand, the position of the Senate—and I think it a correct one—is this: That where the Secretary of War desires to make an immediate purchase demanded by military necessity he should have the discretion so to do. But where supplies are contracted for to be delivered some time in the future—after an interval of two, three, or four weeks—the law should not be repealed in regard to such contracts.

Mr. MARSH. That matter will have careful consideration in the conference.

Now, Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment and agree to the further conference asked.

The motion of Mr. MARSH was agreed to.

The SPEAKER announced the appointment of Mr. MARSH, Mr. GRIFFIN, and Mr. HAY as conferees on the part of the House.

NAVAL HOSPITAL CORPS.

Mr. BOUTELLE of Maine. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill I send to the desk.

Mr. OSBORNE. Mr. Speaker, before that I desire to submit a parliamentary inquiry.

The SPEAKER. Does it refer to the present motion? Otherwise it would not be in order.

Mr. OSBORNE. It relates to the proceedings in the House during the day.

The SPEAKER. The Chair will hear the parliamentary inquiry of the gentleman.

Mr. OSBORNE. I wish to ask, Mr. Speaker, having this morning objected to the consideration of the bill (H. R. 4073) authorizing the appointment of a nonpartisan labor commission, and being desirous of withdrawing that objection, if it would be in order for me now to do so?

The SPEAKER. It could not be withdrawn now, because the objection has had its effect to prevent consideration at the time the measure was proposed.

Mr. OSBORNE. I wish to state, Mr. Speaker, that I desire to withdraw the objection, having examined the bill proposed.

The SPEAKER. The Clerk will report the bill called up by the gentleman from Maine [Mr. BOUTELLE].

The Clerk read as follows:

A bill (H. R. 10220) to organize a hospital corps of the Navy of the United States, to define its duties, and regulate its pay.

Be it enacted, etc., That a hospital corps of the United States Navy is hereby established, and shall consist of pharmacists, hospital stewards, hospital apprentices (first class), and hospital apprentices; and for this purpose the Secretary of the Navy is empowered to appoint twenty-five pharmacists with the rank, pay, and privileges of warrant officers and to enlist, or cause to be enlisted, as many hospital stewards, hospital apprentices (first class), and hospital apprentices as in his judgment may be necessary, and to limit or fix the number, and to make such regulations as may be required for their enlistment and government. Enlisted men in the Navy or the Marine Corps shall be eligible for transfer to the hospital corps, and vacancies occurring in the grade of pharmacist shall be filled by the Secretary of the Navy by selection from those holding the rate of hospital steward.

SEC. 2. That all necessary hospital and ambulance service at naval hospitals, naval stations, navy-yards, and marine barracks, and on vessels of the Navy, Coast Survey, and Fish Commission, shall be performed by the members of said corps, and the corps shall be permanently attached to the Medical Department of the Navy, and shall be included in the effective strength of the Navy and be counted as a part of the enlisted force provided by law, and shall be subject to the laws and regulations for the government of the Navy.

SEC. 3. That the pay of hospital stewards shall be $60 a month, the pay of hospital apprentices (first class) $24 a month, and the pay of hospital apprentices $18 a month, with the increase on account of length of service as is now or may hereafter be allowed by law to other enlisted men in the Navy.

SEC. 4. That all benefits derived from existing laws, or that may hereafter be allowed by law, to other warrant officers or enlisted men in the Navy shall be allowed in the same manner to the warrant officers or enlisted men in the hospital corps of the Navy.

SEC. 5. That all acts and parts of acts, so far as they conflict with the provisions of this act, are hereby repealed.

The SPEAKER. Is there objection to the consideration of the bill under the motion proposed by the gentleman from Maine?

Mr. BAILEY. Mr. Speaker, reserving the right to object, I would like to have some explanation of this measure.

The SPEAKER. The gentleman from Maine desires to move that the House consider the bill in the House as in Committee of the Whole.

Mr. BAILEY. Which motion would not be in order.

The SPEAKER. It would not be in order, of course, without consent.

Mr. BOUTELLE of Maine. I have moved, Mr. Speaker, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. BAILEY. But preceding that there must be unanimous consent for the consideration of the bill.

I am only asking the gentleman for some explanation as to the objects and effect of the bill.

Mr. BOUTELLE of Maine. This bill, I will state to the gentleman from Texas, is to reorganize the hospital force of the United States Navy. It is a matter that is regarded as exceedingly important at present, and I have waited for some little time to get an opportunity to bring it before the House for consideration.

The Department is exceedingly anxious to secure prompt action

upon the matter, and the Medical Department is pressing it on me for consideration and immediate passage with great earnestness.

Of course it is unnecessary for me to say that such a reorganization of such a service is more than necessary under present conditions, and that if action is to be taken at all it should be taken promptly.

Mr. BAILEY. Let me ask the gentleman from Maine if this has been considered by any committee of the House; and if considered, if it is the unanimous report of the committee?

Mr. BOUTELLE of Maine. I will say to the gentleman from Texas that this has been unanimously reported by the Committee on Naval Affairs, on the recommendation of the Surgeon-General, as well as the Secretary of the Navy.

It is simply a reorganization of the present hospital service in the Navy, which has been recommended heretofore. This reorganization is based, to some extent, on the plan of the organization of the Army service, making that service more efficient, but involving, at the same time, necessarily a small expense.

Mr. BAILEY. Is there any increase in the salaries proposed by the bill?

Mr. BOUTELLE of Maine. There is a change in the rating and, of course, a slight increase in the compensation.

Mr. BAILEY. Does it involve a provision that this force shall be continued after the close of the present war?

Mr. BOUTELLE of Maine. This hospital service, I will explain to the gentleman, is intended to be a permanent service, and a reorganization is necessary for that purpose. It has become especially necessary by reason of present conditions, to which I need not refer, and a recommendation to this effect was made in the annual report of the Secretary of the Navy. There were several propositions in the shape of resolutions for this reorganization of the service proposed and considered by the committee. The committee have given the matter careful consideration, and have acted with due deliberation, as far as possible, in presenting the matter to the House. This is the unanimous report of the committee.

Mr. BAILEY. What I desire to know is if the bill expressly provides for the disbandment or disorganization of any such corps when the war is over?

Mr. BOUTELLE of Maine. No; it places the organization on a permanent footing. It does not increase the force, however, beyond what is necessary.

Mr. BAILEY (interrupting). It does not increase the establishment as it now exists?

Mr. BOUTELLE of Maine. Not to any material extent.

Mr. BAILEY. Will the gentleman tell us how much it does increase the service?

Mr. McMILLIN. Let me ask the gentleman from Maine, Has this report been printed?

Mr. BOUTELLE of Maine. The matter has been before the committee for some time and is ready for consideration. I will state to the gentleman from Texas confidentially, and to the gentleman from Tennessee as well, that I thought it desirable to get into Committee of the Whole in order to make a brief explanation of the matter. But if desired, I will make the statement now in full.

Mr. BAILEY. Mr. Speaker, I say to the gentleman from Maine frankly, if it was a bill merely and only reorganizing this particular branch of the naval service, I think it ought to wait until normal conditions are restored; whereas, if it is a bill to provide for the emergency now upon us, I am willing that it should be considered in an unusual way.

Mr. BOUTELLE of Maine. I will say to the gentleman right there that that is exactly the condition in which I bring it forward; that while it is a proposed reorganization that would be desirable in any event, it would not, perhaps, have met with such immediate favor at the hands of Congress (as all reorganizations are looked upon somewhat askance) but for the fact that it is absolutely necessary now. The existence of hostilities has rendered this imperative at the present time, while perhaps in time of peace we might have felt that we would pass it this month or during the next six months. It is absolutely essential to-day. The Surgeon-General's Department are urging it upon us in the most pressing manner, and so is the Secretary of the Navy.

Mr. BAILEY. Mr. Speaker, I am not going to object, but I want to say——

Mr. BOUTELLE of Maine. This is not a reorganization of the Medical Department of the Navy.

Mr. BAILEY. It is just the hospital arm of the Medical Department.

Mr. BOUTELLE of Maine. Yes; those men who have to do with the sick and wounded.

Mr. BAILEY. In view of the fact that we must incur such extraordinary expenditures, and in view of the fact that we must create so many new places for the present emergency, I do not believe that any committee of the House ought to ask us to vote to add men or to increase the money required for the ordinary administration of any department.

Mr. BOUTELLE of Maine. I will say frankly to the gentleman from Texas that I agree with him fully, and I would not bring before the House at this time any matter that was simply a reorganization for convenience. But this reorganization is of the men who are to take care of the sick and the wounded, and I believe it is absolutely important at this time.

Mr. BAILEY. I am willing that it be considered.

The SPEAKER. Is there objection?

Mr. McMILLIN. Let us have the report that accompanies it read.

Mr. BOUTELLE of Maine. The report is simply a formal one, but I have here memoranda containing all the information, which I intended to read as soon as we got into committee.

Mr. McMILLIN. If we do not get the statement before consent is given, then we are powerless to object if the information does not turn out to justify the proposed action.

Mr. BOUTELLE of Maine. If the gentleman prefers, I will make the statement now.

Mr. GAINES. We certainly prefer it now.

Mr. BOUTELLE of Maine. Well, if "we" prefer it now, we shall have it. Mr. Speaker, the Secretary of the Navy, in transmitting a draft of this bill, says:

NAVY DEPARTMENT, *Washington, December 27, 1897.*

SIR: I have the honor to transmit herewith a draft of a bill "to organize a hospital corps of the Navy of the United States, to define its duties, and regulate its pay," together with a memorandum in relation thereto, prepared in the Bureau of Medicine and Surgery for the information of the Department, and which it is thought will be useful to the committee.

It is understood that the operations of the Hospital Corps now existing in the Army are of a very satisfactory character, and for the reasons urged in the memorandum above mentioned, the Department regards the proposed organization of a similar corps for the Navy as a very desirable one, and, particularly as such organization can be accomplished and maintained with practically no additional expense, the measure in question is recommended to the favorable consideration of the committee.

Very respectfully,

JOHN D. LONG, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

The Surgeon-General of the Navy presents this memorandum to the Secretary of the Navy:

The proposed hospital corps bill for the Navy is modeled after the Hospital Corps bill of the Army, which corps was established by an act approved March 1, 1887. It has placed the Medical Department of the Army on a footing of efficiency that is in marked contrast with the Medical Department of the Navy. In the Army there are now men enlisted, educated, and trained for the especial purpose of caring for sick, disabled, or wounded men. They have an esprit du corps, an aptitude for their work, and are zealous in the performance of their duties, having always before them the hope of promotion for efficient service in their own department.

The idea of a hospital corps for the Navy is not a new one. It has been advocated by the Bureau of Medicine and Surgery for many years, but for various reasons has always failed of accomplishment. With the advent of the new Navy and modern battle ships, antiseptic surgery, and higher medical education, the present organization, or lack of organization, of the attendants on sick and wounded men, ashore and afloat, is a constant source of regret and humiliation to the medical officers of the Navy. It is, however, the best we can do under the present laws and regulations. I may be pardoned for referring to just one incident of personal experience under present conditions. The vessel of which I was surgeon was steaming into port; the assistant surgeon was absent on leave. One of the assistant engineers slipped in the engine room, was caught in the machinery and his thigh crushed just above the knee, the bone broken and all the soft parts crushed to a jelly. Immediate amputation of the thigh was necessary.

There was one apothecary and one nurse attached to the medical department. The nurse was a man who had been transferred from the force on deck; as soon as he saw the injury he ran away and hid himself. I had the injured officer moved to the steerage country, where I prepared to amputate, without any other assistance than that of the apothecary, to whom I gave the ether sponge after I had etherized the patient. At the first incision the apothecary fainted and fell on the deck. A lieutenant who had been looking down the hatch, seeing what had happened, came down and offered to assist me, but in a few moments he, too, had fainted and was lying on the deck alongside of the apothecary. Another lieutenant took his place, and with his assistance I completed the operation. The officer made a good recovery and went on the retired list. The possibility of such an occurrence should not exist in any well-regulated naval service; but it is liable to happen to any medical officer, more especially in time of war, under our present lack of organization. It could not happen after the establishment of a hospital corps with trained assistants.

Under present conditions our hospitals have very inefficient nursing service. The nurses are civilians, receiving very small pay, and without any hope of increase. They are not under military discipline, and are too often shiftless or intemperate.

For service at sea the baymen are shipped by the Bureau of Navigation, which Bureau has certainly endeavored to get the best class of men possible under the circumstances, but in consequence of the limited force allowed they are sent to sea without adequate instruction, and often prove inefficient and discontented when they see men of the deck force promoted for good service to positions of responsibility and increased pay, while for them there is no promotion.

The bill submitted for your consideration proposes the appointment of twenty-five pharmacists, with the rank, pay, and privileges of warrant officers. This is considered a fair and just recognition of ability and faithful service, and opens a grade for the advancement of a limited number of the present apothecaries, many of whom are graduates of a college of pharmacy, and all of whom would compare favorably in education and intelligence with the warrant officers now in the service. It is proposed to make them all available for sea service, but only to have one detailed for each flagship. They will alternate in sea and shore duty.

The hospital stewards will take the place of the present apothecaries at sea, on receiving ships, and at the smaller shore stations, and will eventually all be men promoted from the rate of hospital apprentice, first class.

Hospital apprentices, first class, will be men promoted from the rate of hospital apprentice, and will be the senior nurses at hospitals and on larger

vessels, and alone in vessels only entitled to one man having the present rate of bayman.

Hospital apprentices will be newly enlisted men, who will be the junior nurses at hospitals and on vessels where two baymen are at present allowed.

It is proposed to abolish the present rates of apothecary and bayman.

It is not intended to increase materially, if at all, the present number allowed, but the proposed organization will allow immediate expansion in case of war or sudden emergency without in any way modifying or interfering with the general plan. It will immediately add about 200 men to the enlisted force of the Navy.

They will be appropriated for under pay of the Navy, which will be increased by the amount necessary for the pay of enlisted men of various ratings.

The increase of pay attendant upon the promotion of twenty-five present apothecaries to the grade of warrant officer is but slight, as is shown on schedule annexed.

I can not too strongly urge your favorable consideration of the proposed plan of organization. It is due to the country as a progressive nation; it is due to the Navy to bring the Medical Department in accord with advancement in other departments; it is due to the officers and men of the service, who are entitled to careful and intelligent nursing when sick, disabled, or wounded, and it is due to the working force as a reward for faithful and conscientious work.

W. K. VAN REYPEN,
Surgeon-General United States Navy.

Mr. McMILLIN. Who holds the analogous offices now?

Mr. BOUTELLE of Maine. The apothecaries. This is a change of name.

Mr. SHAFROTH. Are there twenty-five apothecaries now?

Mr. BOUTELLE of Maine. There are ninety.

Mr. McMILLIN. Are the apothecaries now enlisted?

Mr. BOUTELLE of Maine. Yes, and rated.

Mr. McMILLIN. On the regular naval rolls?

Mr. BOUTELLE of Maine. Oh, yes; they are rated as apothecaries.

Mr. McMILLIN. How many of them are there now? If the gentleman has a statement showing the increases that are made, and the increases for salary, that is the point I want to get at.

Mr. BOUTELLE of Maine. The memorandum given by the Surgeon-General is this:

Memorandum in regard to pay in connection with the proposed hospital corps bill.

PRESENT MONTHLY PAY.

Apothecaries, 90, at $60 per month	$5,400
Baymen, 90, at $18 per month	1,620
	7,020

PROPOSED MONTHLY PAY.

Pharmacists, 20, at $75 per month	$1,500
Pharmacists, 5, at $100 per month	500
Hospital stewards, 65, at $60 per month	3,900
Hospital apprentices, first-class, 30, at $30 per month	900
Hospital apprentices, 60, at $20 per month	1,200
	8,000

It makes the monthly pay $8,000, as against $7,020 now.

Mr. McMILLIN. About $12,000 a year increase.

Mr. BOUTELLE of Maine. An increase of $980 a month, or $11,760 a year, to be accurate to a cent. Now, this bill proposes a reorganization of this entire force upon a modern, scientific basis. At the present there are 180, one-half of whom are apothecaries and one-half of whom are called "baymen," because the place where sailors are treated on a man-of-war is called the "bay." We have 180 divided into these classifications.

Mr. WILLIAMS of Mississippi. Will the gentleman from Maine permit me to ask him a question?

Mr. BOUTELLE of Maine. Certainly.

Mr. WILLIAMS of Mississippi. Are surgeons of the Navy concerned in this bill at all?

Mr. BOUTELLE of Maine. This does not affect the rank, pay, or condition of the surgeons themselves, but they are intensely interested, all of them, in having this bill enacted, because of the advantages it furnishes their corps. This is the corps of assistants to the surgeons.

Mr. WILLIAMS of Mississippi. I want to call the attention of the chairman of the Committee on Naval Affairs to what seems to me to be an anachronism, or strange thing. Some time since I received a communication from a doctor who had had yellow fever, who had treated yellow fever on a great many occasions, and had been through four or five epidemics. I communicated with the Navy Department and with the War Department his desire to enter the service as surgeon for service in Cuba during the war. I received a notification saying that he would have to go through a certain process, and I ascertained that he had to be under 29 years of age in order to be admitted.

Mr. LOVE. That is true. The act we passed a few days since makes the limit 29 years.

Mr. BOUTELLE of Maine. It was less than that. I will say to the gentleman that the age limit was less than that up to the time of the recent passage of the naval appropriation bill, when we changed it to 30.

Mr. LOVE. To 29.

Mr. WILLIAMS of Mississippi. I wanted to call attention to this. The doctors who will accompany the Army and Navy to Cuba will have more cases of yellow fever to treat than anything else. The doctor should be one who is skilled in the treatment of yellow fever, and there are no physicians who have been through epidemics of that kind who are not 29 years of age. Therefore it seems to me that that limit ought to be changed.

Mr. BOUTELLE of Maine. That was called to our attention, and we have changed the law in the recent appropriation bill.

Mr. WILLIAMS of Mississippi. What is the new age limit?

Mr. BOUTELLE of Maine. My recollection was that it was 30 years, but gentlemen around me seem to think that it is 29.

Mr. WILLIAMS of Mississippi. Thirty years would not admit these men. The last great epidemic of yellow fever was in 1878, when it was in Memphis, the State of Mississippi, and in seven or eight different places, and it seems to me that if you want men skilled in the treatment of yellow fever, you want to remove that limit.

Mr. BOUTELLE of Maine. My impression is that in appointing volunteers the President is not limited about the age. This is only for the regular service. I will say to the gentleman from Mississippi that the provision made in the regular naval appropriation bill for the appointment of volunteer officers simply says "volunteer officers of the line and staff," and the President, I think, can exercise discretion in regard to their appointment, but they are appointed to meet the exigencies of the war. The provision for surgeons is a general statute of the Government and a naval-service regulation.

Mr. WILLIAMS of Mississippi. Of course the gentleman will understand me. I do not know what the provision was. I addressed a communication to the Secretary of War and the Secretary of the Navy stating that this gentleman volunteered to serve in the Army or the Navy, and to serve until the close of the war. I received this reply, and I understand that three or four such replies have been received by other gentlemen.

Mr. LOVE. I had two similar replies.

Mr. WILLIAMS of Mississippi. And that was the volunteer service, because he wanted to volunteer to serve during the war.

Mr. BOUTELLE of Maine. My impression was that there was no limit.

Mr. CLARDY. Is it not a fact that this does not apply to the volunteers? Some of the surgeons that have been appointed by the governors of the States are largely over 30 years, and I am satisfied that it does not apply to the volunteers.

Mr. BOUTELLE of Maine. I think if the gentleman from Mississippi will make further inquiry he will find that there has been some misapprehension about the matter. I will take pleasure in inquiring into the matter myself.

Mr. LOVE. I have received two letters of that kind.

Mr. BOUTELLE of Maine. But that can not be affected by this bill, which is simply for the regular hospital corps.

Mr. CLARDY. The Surgeon-General of the Army stated distinctly only the other day in an interview that the surgeons of the Volunteer Army were appointed by the governors of the States on the recommendation of other parties of the State, and consequently this rule would not apply in those cases.

Mr. BOUTELLE of Maine. To which service did the gentleman apply—the Army or the Navy?

Mr. WILLIAMS of Mississippi. I applied to both. He said that he wanted to volunteer as an immune to serve during the war.

Mr. BOUTELLE of Maine. Did he get a reply from the Navy Department?

Mr. WILLIAMS of Mississippi. I got a reply from both—or from one of them.

Mr. LOVE. I received a reply from both the Army and the Navy Department in the last day or two to that effect.

Mr. McMILLIN. The gentleman from Maine has stated that this bill is for the permanent organization of this branch of the service. I want to call his attention to a portion of it. He will observe that he is authorizing the officers "to enlist or cause to be enlisted as many hospital stewards, hospital apprentices (first class), and hospital apprentices as in his judgment may be necessary, and to limit or fix the number and make such regulation as may be required," etc. You give absolute power to enlist all he wants, no limit in law, no limit to the discretion which he is given. It strikes me that it is a loose way of doing business at the best, and while I am willing to do it in raising an army in defense of the country, in the establishment of a permanent bureau I do not think it ought to be done, and I shall object to the consideration of the bill that does it.

Mr. BOUTELLE of Maine. What does the gentleman propose?

Mr. McMILLIN. We have given to-day discretion for the enlistment of any number of soldiers, marine reserves. Now, it is proposed, in a permanent branch of the Government, in this bill to give permission to enlist any number of officers wanted; there is no limit to the number. It strikes me that it ought not to be done. The gentleman's report does not show anything about the facts.

Mr. BOUTELLE of Maine. I was not permitted to read the statement of facts, although I struggled hard enough to do so. I

will say to the gentleman from Tennessee that there is no objection to limiting the force in any way.

Mr. McMILLIN. When we get into the consideration of a bill of this kind, then the power to limit goes away. We have tried that and it did not work.

Mr. BOUTELLE of Maine. I will make the suggestion that we provide for enlisting the same number——

Mr. McMILLIN. I do not know the number.

Mr. BOUTELLE of Maine. I will say 180. We have to bring bills up or we never could get them passed.

Mr. McMILLIN. You are asking unanimous consent here to pass this bill in an extraordinary way, and in reply to that I wish to say that no member of the House has had an opportunity to investigate it. If we find on investigation at the Departments that there ought to be a discretionary power given, it would undoubtedly be consented to.

Mr. BOUTELLE of Maine. What limit does the gentleman suggest?

Mr. McMILLIN. You put it in the power here in this bill to make the number unlimited. I do not know the number that is necessary and I can make no suggestion. I will look into it and make up my mind in regard to it.

Mr. BOUTELLE of Maine. I am performing my duty, as the gentleman understands, in trying to get the House to pass a bill to organize a force that is stated to me and my committee as absolutely necessary to take care of our sick and wounded in the very next emergency.

Mr. McMILLIN. I understand that; but the gentleman can not place me in any awkward attitude, and I know he would not do so intentionally. But you have said this is for the permanent government of the country, and yet you put no limit to it; you bring it up as an emergency measure and still say it is for permanent use.

Mr. BOUTELLE of Maine. This is merely a tentative form of the bill. I am willing to go into Committee of the Whole and have it subjected to the scrutiny and modification and suggestion of the members of the House, and I want the cooperation of the gentleman from Tennessee. I am not asking for anything extraordinary. I will ask the gentleman from Tennessee if we are not here for the purpose of considering legislation and perfecting legislation, what are we here for?

Mr. McMILLIN. That is the supposed object, but sometimes it fails.

Mr. BOUTELLE of Maine. Can you conceive a better object than making provision the day beforehand for the care of the sick and wounded that may be on the hands of the Government in a short time?

Mr. McMILLIN. I will not give an open field for what may be made a new bureau, to unload people and employees upon that the Government does not need. There ought to be a limit placed to the appropriation. I realize that the branch of the army service when enlisted for sixty or ninety days ought sometimes to be given discretion. But where you are providing for a permanent bureau that is to last forever you ought to place the proper brakes upon it and not allow men to be unloaded upon it that are not needed by the Government.

Mr. BOUTELLE of Maine. The gentleman is mistaken when he says that. This bill says that the Secretary of the Navy is empowered to appoint twenty-five pharmacists with the rank, pay, and privileges of warrant officers and to enlist or cause to be enlisted as many hospital stewards, hospital apprentices (first class), and hospital apprentices as in his judgment may be necessary——

Mr. McMILLIN. If that is not unlimited, I should like to know where there is a word that limits it.

Mr. BOUTELLE of Maine. It says twenty-five pharmacists.

Mr. McMILLIN. Yes; but in the other grade it is unlimited.

Mr. BOUTELLE of Maine. I desire to say to my friend that there is no limit to-day to the petty officers in the Navy. We limit the number of men in the aggregate, but for years past absolute discretion is vested in the Navy Department to appoint the petty officers at will.

Mr. McMILLIN. Does not the gentleman know that other Departments of the Government are conducted under civil-service rules, and where men who apply can not be appointed under those rules there is always a tendency to appoint them in other Departments where there is an open field?

Mr. BOUTELLE of Maine. I will say that in Committee of the Whole I shall be perfectly ready to specify the number that shall be enlisted, say 90 apothecaries and 90 others, making 180 men; that they shall be organized and subdivided into 20 pharmacists, 5 of another rate, 65 hospital stewards, 80 hospital apprentices of one grade and 60 of another.

Mr. McMILLIN. And even that increases the expenditure of this branch of the Government 10 per cent.

Mr. BOUTELLE of Maine. Eleven thousand dollars.

Mr. McMILLIN. Which is 10 per cent of the whole cost.

Mr. BOUTELLE of Maine. If the House of Representatives does not want to increase the expenditure for the hospital service of the United States Navy by eleven or twelve thousand dollars, it can vote not to do so. But it is my duty to ask the House to consider this subject, lying directly at the basis of the care of the sick and wounded, and to impress upon the House that we can not occupy time better this afternoon than in considering—modifying, if you like—and perfecting this beneficent measure.

Mr. McMILLIN. The gentleman persists in trying to put me—unintentionally I hope—in the attitude of objecting to the care of the sick and wounded. What I object to is the establishing of a bureau which you say ought to run for all time, and giving to its officers unlimited discretion to appoint as many people as they please—loading down the Government with useless employees. I object to any such thing and will always object to it.

Mr. BOUTELLE of Maine. Does not the gentleman think that he is unjust to me in saying that I am trying to "load down the Government with useless employees?"

Mr. McMILLIN. I do not believe the gentleman would himself do any such thing, but his bill does it. It puts it in the power of another officer to do it.

Mr. BOUTELLE of Maine. What officer?

Mr. McMILLIN. The officer who is to appoint these employees—the Secretary of the Navy.

Mr. BOUTELLE of Maine. The executive administration.

Mr. McMILLIN. I do not care who it is. I am not willing to put such power in anybody's hands. I do not want such power put in my hands; the gentleman would not want such power put in his hands, and we ought not to be willing to put it in the hands of others.

Mr. BOUTELLE of Maine. We have got to provide for these men either in this way or some other way. I have simply brought this measure forward to be discussed. I ask the gentleman from Tennessee to suggest in what other way we shall do this necessary thing.

Mr. McMILLIN. I hope the gentleman will let the matter pass over until I can investigate it. His report does not give us the full information to which we are entitled. If we come down to the plain facts, the rules of this House require that there shall accompany every important measure a report stating what the measure purports to do and the reasons for it. We get nothing of that kind from this report of ten lines. If I am to be put in the attitude of making objection improperly, I plead as my excuse the rules of the House and the insufficiency of this report. I have sent for a copy of this report in order that I might read it. It shows nothing concerning the merits of this measure. Therefore I shall have to wait until I can get information from other sources.

Mr. BOUTELLE of Maine. The report is entirely correct, regular, and customary. This is a technical matter. It is a matter which is to be explained upon its merits. I hold in my hand, and had partially completed the reading of, a better explanation of this whole subject than I could possibly make myself, because it is made by the head of this Bureau.

Mr. McMILLIN. When we have had an opportunity to see that document in print in the RECORD, so that we may read it and study it, we may not then find it necessary or proper to make objection. But in order that I may not be put in the attitude of making a statement in regard to this report which the facts do not bear out, I will read the three, six, nine, ten lines of this report.

Mr. BOUTELLE of Maine. Does the gentleman from Tennessee propose to make a criticism on the number of lines that are devoted to the reporting of a bill? I am astonished that a man of his experience should undertake to make a point of that kind.

Mr. McMILLIN. Oh, no. I simply maintain that this report does not give what the rules intend should be given in a case of this kind; it does not give an idea of the measure that it is supposed to indorse.

Mr. BOUTELLE of Maine. Certainly it does give a correct idea of it by stating what the measure is.

Mr. McMILLIN. I do not wish to do injustice to the gentleman nor to myself——

Mr. BOUTELLE of Maine. The gentleman may read and criticise the report if he wishes. I have no pride about it at all. If he had suffered as much as I have from the infliction of long-winded reports upon this House, reports which conveyed no information, he would appreciate and be grateful to me for refraining from submitting in this case a lengthy report. I could give the gentleman more concrete information about this bill in five minutes, standing here and orally explaining it, than I could by occupying a week in the preparation of typographical rot. [Laughter.]

Mr. McMILLIN. Well, in order that the House may appreciate how much credit is due to the gentleman for brevity and that "soul of wit" that is said to lie in it, I will read this report:

The Committee on Naval Affairs, having had under consideration the bill (H. R. 10220) "to organize a hospital corps of the Navy of the United States; to define its duties and regulate its pay," which is recommended by the Sur-

geon-General of the Navy as especially urgent at this time, hereby recommend its passage with the following amendments:

On page 2, in line 15, strike out the word "twenty-four" and insert the word "thirty."

In line 16 strike out the word "eighteen" and insert the word "twenty."

Mr. BOUTELLE of Maine. The gentleman from Tennessee can not do better than adopt that as a model for his reports and speeches.

Mr. McMILLIN. The gentleman seems to suppose that my speeches would be as much improved by having a model as his might be.

Mr. BOUTELLE of Maine. Perhaps not quite so much.

Mr. McMILLIN. Until I can investigate the subject more closely, Mr. Speaker, I must interpose an objection.

Mr. BOUTELLE of Maine. I ask unanimous consent that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of this bill.

Mr. McMILLIN. Mr. Speaker, until I can get the information which the report fails to give us I object.

Mr. BOUTELLE of Maine. The gentleman from Tennessee objects?

The SPEAKER. The gentleman objects.

PAN-AMERICAN EXPOSITION, CAYUGA ISLAND, NEW YORK.

Mr. CORLISS. Mr. Speaker, I demand the regular order.

Mr. ALEXANDER. Mr. Speaker, I ask the gentleman to yield for a moment to permit me to submit a request for unanimous consent for the consideration of Senate joint resolution 141, regarding the holding of a Pan-American Exposition in the year 1901 upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century.

Mr. CORLISS. I will yield for that purpose.

The SPEAKER. The joint resolution will be read, subject to the right of objection.

The joint resolution was read, as follows:

Whereas there has been duly incorporated, under the laws of the State of New York, by citizens of said State, a company organized for the purpose and with the object of preparing and holding a pan-American exposition on Cayuga Island, near Niagara Falls, N. Y., in the year 1901, to fittingly illustrate the marvelous development of the Western Hemisphere during the nineteenth century and to appropriately celebrate the opening of the twentieth century by a demonstration of the reciprocal relations existing between the American Republics and colonies; and

Whereas the legislature of the State of New York has, by unanimous vote, memorialized Congress to encourage the holding of said pan-American exposition; and

Whereas the proposed exposition, being confined in its scope to the Western Hemisphere, would unquestionably be of vast benefit to the commercial interests of the countries of North, South, and Central America: Therefore, *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the proposed pan-American exposition to be held on Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, in the year 1901, merits the encouragement and approval of Congress and of the people of the United States.

SEC. 2. That the President of the United States, upon receiving from the directors of said exposition company a statement showing to his satisfaction that the financial resources of said company are assured and ample to carry out the objects of said exposition, is hereby authorized to cause the attention of all governments in the Western Hemisphere to be called to the intent and purpose of the proposed pan-American exposition in such manner as he may deem most appropriate to secure their cooperation and participation therein.

SEC. 3. That all articles which shall be imported from foreign countries for the purpose of exhibition at said exposition shall be admitted free of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful during said exposition to sell for delivery at the close thereof any goods or property imported and actually on exhibition therein, subject to such regulations for the security of the revenue as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles when sold or withdrawn for consumption shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of their importation and to the terms of the tariff laws in force at that time.

SEC. 4. That in the passage of this joint resolution the United States does not assume any liability of any kind whatever, and does not become responsible in any manner for any bond, debt, contract, expenditure, expense, or liability of the said exposition company, its officers, agents, servants, or employees, or incident to or growing out of said exposition.

The SPEAKER. Does the gentleman from Michigan withdraw the request for the regular order?

Mr. CORLISS. I have withdrawn it, Mr. Speaker, for this purpose only.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. BAILEY. Mr. Speaker, I object.

Mr. ALEXANDER. Mr. Speaker, I trust the gentleman will withhold his objection for a moment, until I can make a brief explanation.

Mr. BAILEY. Mr. Speaker, I wish to state to the gentleman from New York that I am perfectly willing to allow a bill to pass which will permit the importation of articles without duty under proper limitations, but I am unwilling to see the Federal Government become sponsor for this or any other exposition.

We have reached a point now where State fairs are asking Federal aid. The request for such legislation as this comes up from many States, and I regret to say that one has come from my own State; and the time will come, if we continue the present practice, when these requests for special privileges will be made in behalf of county fairs.

The time is at hand, therefore, when this business should stop. We ought to take a determined stand against such legislation. For my own part I am willing, and perfectly willing, as I have said, to allow certain importations free of duty, but I think that is as far as we can go.

Mr. ALEXANDER. If the gentleman will permit me, the only effect of the bill proposed is to authorize the President, when he is satisfied that the resources of the organization proposed in this bill are sufficient and assured, to invite the attention of the Central and South American Republics to the exposition, with a view to their taking part in it. It does not involve the Government in any expenditure whatever.

The bill distinctly defines and declares that nothing shall be appropriated. Furthermore, section 4 of the bill provides that the salaries of the customs officers who take charge of the exhibits brought into the country shall be paid by the exposition authorities and not become a tax upon the Government.

Mr. BAILEY. Mr. Speaker, I have no doubt that all the gentleman has said has been stated in perfect good faith, and that he has given us all the facts in relation to this joint resolution as he understands them. But the gentleman from New York will recollect that the same was said in perfect good faith with reference to other expositions which have finally cost the Government millions of dollars.

I am free to say to the gentleman that I do not believe it is in the power of the Federal Government or that it is any part of its business to supervise expositions of this character in any part of the United States. The most such institutions should ask for is that the Government should make an exhibit itself, and pay the expenses of its own exhibition. It might be invited to exhibit such objects as are of interest to the people generally.

If the Government is going into the business of educating the people, I prefer to spend the money on the common schools rather than on these expositions; but I am unalterably opposed to spending it either way. These expositions are not the best way to educate the people, and if they were the way, public education is no business of the Federal Government, and that is the basis of my opposition to this bill.

Mr. ALEXANDER. Will the gentleman hear me one moment longer? In this bill there is not a cent asked for or expected, either for a Government exhibit or for the bringing in of exhibits. We do not now want anything from the Government. We simply desire that the President, when he is satisfied that our resources are ample and assured, be authorized to notify the Central and South American Republics of an exposition to be held at Cayuga Island in 1901. We do not now ask the Government to go there and erect a building and make an exhibit.

Mr. BAILEY. The very fact that the gentleman seeks to have the invitation extended by the President evidences a purpose to identify the Federal Government with that exposition. Now, I am free to say that the cost is not the only thing to which I object. I believe you are going far beyond the proper functions of this General Government when you permit it or compel it to supervise expositions given by the people in the various States, and if I knew it would cost nothing, I should still object to this bill in its present form. But while I am sure the gentleman from New York believes there will be no request for an appropriation, yet his confidence in that respect is most childlike and bland [laughter], for we know that they always do come for additional appropriations.

I will say to the gentleman what I said to the committee—without divulging any of the secrets which belong to the committee room—if they will cut out of this bill the provision which identifies the Federal Government with it, and will simply ask permission that exhibitors may bring in their goods and carry them back again, duty free, or if they remain here and are sold that they pay the duty which the law levies, I am willing to suspend the tariff laws to that extent.

Mr. ALEXANDER. That would cut out all there is in it for our present purpose.

Mr. BAILEY. But it is not all you do, and to prove that it is not, if you will cut the other provisions out of it, I will withdraw my objection.

Mr. ALEXANDER. Cut out what provision?

Mr. BAILEY. The one which authorizes the President to extend an invitation to foreign countries.

Mr. ALEXANDER. That would be cutting out the whole bill.

Mr. BAILEY. That is exactly what I said.

Mr. ALEXANDER. Do I understand the gentleman from Texas to say that he would object to the bill even if he knows there is no appropriation to be asked for in the future?

Mr. BAILEY. Undoubtedly, because I believe you are identifying the Federal Government with an affair that does not belong to it.

Mr. ALEXANDER. Did the gentleman object the other day

when we passed by unanimous consent a similar bill, or one which carried an appropriation, for the fair at Dallas, Tex.?

Mr. BAILEY. You did not pass this kind of a bill. You only permitted them to bring in the exhibits free. I propose to do that now. I want to say to the gentleman from New York, though, that I stood in my place and declared that if I had been in the committee room when it was considered I would have voted against the bill which even gave the Texas Fair that permission. My opposition does not depend on the latitude in which the fair may be held.

Mr. ALEXANDER. If the gentleman objects because this bill authorizes the President to call the attention of the Central and South American Republics to the fact that a Pan-American Exposition is to be held in 1901, then it is useless to parley further for unanimous consent.

Mr. BAILEY. I am very free to say, if you can not make a success of your exposition without identifying the Federal Government with it, it would be well to leave it unheld.

Mr. ALEXANDER. I ask the gentleman if he believes that simply authorizing the President to invite the attention of Central and South American Republics to the fact that a Pan-American Exposition will be held in Buffalo in 1901 identifies or involves the Government with it?

Mr. BAILEY. The Secretary of State could do that without the authority of Congress, if he saw fit to communicate to our official representatives in those countries the fact that a great exposition was to be held at Buffalo. He would not need the authority of Congress to do that.

Mr. ALEXANDER. But the gentleman knows very well that this bill is a preliminary one, similar in character to those passed for Philadelphia in 1876, for Chicago in 1893, for Nashville and New Orleans and Omaha, and the others.

Mr. BAILEY. And I resisted every one of those, and "the gentleman from Texas" knows that this is apt to be followed with exactly the same succeeding proposals that followed the preliminary bill in the case of Chicago, on which there was over $3,000,000 of expense.

Mr. ALEXANDER. Will the gentleman withdraw his objection if I substitute Secretary of State for President?

Mr. BAILEY. The Secretary of State would be acting for the Federal Government, the same. My contention on that point is that this authority is not needed to call attention of foreign countries to the fact. And I want to say to the gentleman from New York that I do not believe the Federal Government ought to be asked to become an advertising agent for an exposition to be held at Buffalo.

Mr. ALEXANDER. The gentleman from Texas does not explain how the authorization of the President called for by this bill would identify or involve the Government with it.

Mr. BAILEY. I have been unfortunate in expressing myself if I did not make myself understood by the gentleman.

Mr. CORLISS. I suggest, as the gentleman is not likely to get this bill through, I shall be obliged to call for the regular order.

The SPEAKER. Is there objection?

Mr. BAILEY. I object.

HOUSE EMPLOYEES.

Mr. ODELL. Mr. Speaker, I have a privileged report.

The Clerk read as follows:

Resolved, That the Committee on Accounts is hereby authorized, empowered, and directed to make investigation with all convenient speed as to the number of House employees, under what officer employed, whether appointed under statute or resolution, who are annual and who are session employees, the compensation paid them, and the necessity for their employment; and said committee, for the purpose of carrying this resolution into effect, is hereby empowered to send for persons and papers. The expense of such investigation to be paid out of the contingent fund of the House. Said committee, upon the completion of this investigation, to report to the House by resolution or otherwise for such action as may be deemed wise in the premises.

Mr. ODELL. This is a privileged report from the Committee on Accounts.

Mr. DOCKERY. Mr. Speaker, I understand that this resolution is offered by direction of the Committee on Accounts.

Mr. ODELL. Yes, sir.

Mr. DOCKERY. It seems in the right direction; but there ought to be some limitation upon the expenditure.

Mr. ODELL. The expenditure will only be the expense of the stenographer. That will be the only cost; therefore there is no necessity for making any limitation, and the expense will not amount to more than $200.

Mr. DOCKERY. We have committee stenographers of the House now, and if that is all the expense, it seems to me——

Mr. ODELL. Make it not to exceed the sum of $500.

Mr. DOCKERY. Make it $250.

The SPEAKER. If there be no objection, that amendment will be made.

The Clerk read as follows:

Provided, That the expense shall not exceed the sum of $500.

Mr. EVANS. Two hundred and fifty dollars.

The CLERK. Two hundred and fifty dollars.

Mr. DOCKERY. I hope it will not result in an increase of the force.

The question was taken; and the amendment was agreed to.

The resolution as amended was adopted.

On motion of Mr. ODELL, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

ORDER OF BUSINESS.

Mr. CORLISS. Mr. Speaker, I call for the regular order.

The SPEAKER. The call rests with the Committee on the Election of President, Vice-President, and Representatives in Congress.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions of the following titles; when the Speaker signed the same:

H. Res. 245. Joint resolution declaring the lands within the former Mille Lac Reservation, in Minnesota, to be subject to entry under the land laws of the United States; and

H. Res. 238. Joint resolution to readmit Nellie Grant Sartoris to the character and privileges of a citizen of the United States.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 3132. An act to provide for the disposition of abandoned imported merchandise.

SENATE RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution No. 38, providing for the printing of extra copies of report on the Alaskan gold fields and the opportunities they offer for capital and labor—to the Committee on Printing.

TRANSMISSION OF THE VOTES OF ELECTORS FOR PRESIDENT, ETC.

Mr. CORLISS. Mr. Speaker, I desire to call up for consideration the bill H. R. 8.

The Clerk read as follows:

A bill (H. R. 8) to amend sections 140 and 145 and repealing sections 143 and 144 of the Revised Statutes of the United States, relating to Presidential elections.

Be it enacted, etc., That sections 140 and 145 be amended so as to read as follows:

"SEC. 140. The electors shall dispose of the certificates thus made by them in the following manner:

"First. They shall, by writing under their hands, or under the hands of a majority of them, appoint a person to forward forthwith by express to the Secretary of State, at the seat of Government, who is authorized and directed to deliver the same to the President of the Senate, one of the certificates.

"Second. Such person designated as above shall forthwith forward by the post-office, through its registry department, to the Speaker of the House of Representatives, at the seat of Government, one other of the certificates.

"Third. Such person shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the electors shall assemble."

"SEC. 145. Every person who, having been delegated pursuant to sections 140 and 141 to deliver and forward the certificates as therein provided, and having accepted such services, shall refuse or neglect to perform the same, shall forfeit the sum of $1,000."

SEC. 2. That sections 143 and 144 be, and the same are hereby, repealed.

SEC. 3. That the cost of the transmission of said certificates as heretofore provided shall be paid, upon proper vouchers, out of the contingent fund of the House of Representatives.

Mr. HANDY. Is there a report?

Mr. CORLISS. I ask for the reading of the report.

The report (by Mr. MITCHELL) was read, as follows:

The Committee on Election of President, Vice-President, and Representatives in Congress respectfully report that they have had under consideration the bill (H. R. 8) relating to a change in the mode of transmission of the votes of electors for President and Vice-President from the several States of the Union to the seat of Government.

This measure is commended as being in the interest of economy, as there seems to be no valid reason why the returns should not be transmitted by the Post-Office Department of the Government and by express, rather than by the expensive method now in vogue. The expenses of transmitting the returns amount, under the existing law, to many thousands of dollars, without material advantage, and, in the opinion of the committee, the transmission of the votes of electors for said offices can be more safely transmitted as provided by this measure.

Your committee therefore recommend that the bill do pass.

Mr. CORLISS. Mr. Speaker, I yield the floor to the gentleman from Nebraska [Mr. MERCER] who introduced the bill.

Mr. MERCER. Mr. Speaker, this bill seeks to rectify a statute which has been upon the statute books for over one hundred years. It provides an economic way of sending to the capital of this country the official returns of the electoral college every Presidential election. This bill was introduced substantially in its present form and passed by the Fifty-fourth Congress. Every four years, as members of this House know, Presidential electors assemble in the several States and vote by ballot, and a messenger is elected to convey the returns to the Capitol at Washington.

This method now costs the Government in the neighborhood of $18,000 or $20,000 every time such a proceeding takes place. Oftentimes it brings about conflicts and quarrels among electors

over the selection of a messenger. When the legislation was placed upon the statute book which we now have, we had no railroads in this country, we had no express companies, and we had poor post-office facilities and the States were few and close together. This bill saves a large sum of money every Presidential election, and conforms the statutes of to-day to the existing conditions. I do not think any further remarks are necessary upon the measure at this time. Unless some one has a question to ask, I will ask for a vote.

Mr. BLAND. Mr. Speaker, I move that the House adjourn.

The question was taken; and on a division (demanded by Mr. BLAND) there were—ayes 69, noes 55.

LEAVE OF ABSENCE.

Pending the announcement, the following personal request was granted:

To Mr. NORTON, leave of absence for ten days, on account of important business.

The result of the vote was then announced, and accordingly (at 4 o'clock and 7 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of U. W. Davidson, administrator of Chatham Davidson, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William A. Lewis against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BOUTELLE of Maine, from the Committee on Naval Affairs, to which was referred the joint resolution of the Senate (S. R. 163) authorizing the Secretary of the Navy to present a sword of honor to Commodore George Dewey, and to cause to be struck bronze medals commemorating the battle of Manila Bay, and to distribute such medals to officers and men of the ships of the Asiatic Squadron of the United States, reported the same without amendment, accompanied by a report (No. 1309); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOOKER, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the House (H. Res. 221) for improvement of San Joaquin River and Stockton and Mormon channels, California, reported the same without amendment, accompanied by a report (No. 1313); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. Res. 184) for immediate repair of the piers in the harbor of Two Rivers, Wis., reported the same with amendment, accompanied by a report (No. 1310); which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MINOR, from the Committee on Claims, to which was referred the bill of the House (H. R. 1800) to reimburse George W. McKinsey, postmaster at Kokomo, Ind., for money paid out by him as said postmaster, reported the same with amendment, accompanied by a report (No. 1304); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9874) for the relief of John C. Coleman, of Emanuel County, Ga., reported the same without amendment, accompanied by a report (No. 1305); which said bill and report were referred to the Private Calendar.

Mr. McDONALD, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3506) authorizing the restoration of the name of Charles H. Vail, late a first lieutenant in the First United States Cavalry, to the rolls of the Army, and providing that he be placed on the list of retired officers, reported the same with amendment, accompanied by a report (No. 1306); which said bill and report were referred to the Private Calendar.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 2645) granting an honorable discharge to John B. Tredenick, reported the same with amendment, accompanied by a report (No. 1307); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 591) to correct the military record of Oliver Cæsar, reported the same with amendment, accompanied by a report (No. 1308); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Claims, to which was referred the bill of the Senate (S. 1212) for the relief of Paymaster James E. Tolfree, United States Navy, reported the same without amendment, accompanied by a report (No. 1311); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1218) for the relief of Pay Clerk Charles Blake, United States Navy, reported the same without amendment, accompanied by a report (No. 1312); which said bill and report were referred to the Private Calendar.

Mr. SULLIVAN, from the Committee on Claims, to which was referred the bill of the House (H. R. 5715) for the relief of Benjamin F. Jones, reported the same without amendment, accompanied by a report (No. 1314); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GRIFFITH: A bill (H. R. 10308) to establish at money-order post-offices in the Post-Office Department facilities for receiving deposits and for the repayment of the same—to the Committee on the Post-Office and Post-Roads.

By Mr. CALLAHAN: A bill (H. R. 10309) authorizing the St. Louis, Tecumseh and Lexington Railway Company to construct and operate a railway through the Territory of Oklahoma, and for other purposes—to the Committee on the Public Lands.

By Mr. LORIMER: A bill (H. R. 10327) authorizing the United States judges at Chicago, Ill., to appoint a librarian, who shall also act as messenger—to the Committee on the Judiciary.

By Mr. DALZELL: A joint resolution (H. Res. 265) preventing discrimination against graduates of legally chartered medical colleges in appointments to the Medical Corps in the Army, Navy, and Marine-Hospital Service of the United States—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 10310) to pension Thomas S. King, Tenth Regiment Michigan Volunteers—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 10311) for the relief of E. P. Atwood—to the Committee on Claims.

By Mr. CONNOLLY: A bill (H. R. 10312) to increase the pension of William T. Evans—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 10313) granting a pension to Laurilla M. Groom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10314) to pension Mary A. Wampler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10315) for the relief of Sarah M. Lansdown—to the Committee on War Claims.

By Mr. DINGLEY: A bill (H. R. 10316) for the relief of Georgie Smiley—to the Committee on Invalid Pensions.

By Mr. GARDNER: A bill (H. R. 10317) for the relief of the owners of the schooner *Twilight*—to the Committee on Claims.

By Mr. GRAFF: A bill (H. R. 10318) to increase the pension of George Patterson—to the Committee on Invalid Pensions.

By Mr. HEATWOLE: A bill (H. R. 10319) to correct the record of John Hauck—to the Committee on Military Affairs.

By Mr. HUNTER: A bill (H. R. 10320) to correct military record of Thomas J. Goodman—to the Committee on Military Affairs.

By Mr. LINNEY: A bill (H. R. 10321) for the relief of John G. Young—to the Committee on Claims.

By Mr. PUGH: A bill (H. R. 10322) granting an increase of pension to Richard Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10323) granting a pension to Jackson Brewer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10324) granting an increase of pension to William T. Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10325) for the relief of James C. Downey—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 10326) to remove the charge of desertion from Joseph D. Campbell—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 10328) granting a pension to Ann Collins—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH (by request): Petition of F. Peyton and 18 other attorneys of Washington, D. C., indorsing Judge Andrew C. Bradley as an upright, able, and just judge, and expressing disapproval of the charges made against him in a resolution introduced in the House—to the Committee on the Judiciary.

By Mr. BINGHAM: Memorials of the Board of Trade of Philadelphia, Pa.; also resolutions of the board of directors of the Grocers and Importers' Exchange of Philadelphia, and resolutions of District Assembly No. 49, Knights of Labor, of New York City, against the amendment limiting the free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELLE of Maine: Petition of the Annual Conference of the Methodist Episcopal Church of Bangor, Me., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Annual Conference of the Methodist Episcopal Church of Bangor, Me., for the passage of bills to prohibit the interstate transmission of gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Annual Conference of the Methodist Episcopal Church of Bangor, Me., favoring a bill to establish a Sabbath law for the national capital—to the Committee on the Judiciary.

By Mr. BROMWELL: Petitions of the Presbyterian Church of Elmwood Place, Ohio; Christian Endeavor Society of the Presbyterian Church, and the Woman's Christian Temperance Union of Wyoming, Ohio, in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Presbyterian Church of Elmwood Place, Ohio; Monday Club, Christian Endeavor Society of the Presbyterian Church, physicians and teachers, and the Woman's Christian Temperance Union, all of Wyoming, Ohio, asking for the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and to protect State anti-cigarette laws—to the Committee on the Judiciary.

By Mr. BURTON: Petitions of the Methodist Episcopal Church of Dover, Ohio, favoring the enactment of legislation to protect State anti-cigarette laws and to forbid the interstate transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petition of the Congregational Church of Dover, Ohio, praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Dover, Ohio, asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. CAPRON: Resolutions of the mayor and city council of Woonsocket, R. I., protesting against any reduction in the appropriation for the free-delivery service—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Manufacturers and Bottlers' Protective Association of Rhode Island, against a tax on bottled mineral water—to the Committee on Ways and Means.

By Mr. CLARKE of New Hampshire: Petition of the New Hampshire State Audubon Society and others, favoring the passage of Senate bill No. 4124, for the protection of birds—to the Committee on Agriculture.

By Mr. CORLISS: Petitions of the First Baptist Church, Memorial Presbyterian Church, First Congregational Church, Mount Hope Congregational Church, Fort Street Congregational Church, Arnold Methodist Episcopal Church, Memorial Methodist Episcopal Church, Cass Avenue Methodist Episcopal Church, Ninde Methodist Episcopal Church, Scotten Avenue Baptist Church, Grand River Avenue Baptist Church, and Woodward Avenue Baptist Church, all of the city of Detroit, Mich., in favor of the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of sundry churches of the city of Detroit, Mich., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. DALZELL: Memorial of the Board of Trade of Philadelphia, Pa., against the Senate amendment to Post-Office appropriation bill restricting deliveries—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Petition of Clarence Boyce and 25 citizens of Windsor, Vt., in favor of legislation which will more effectually restrict immigration and prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

By Mr. HILBORN: Resolution of the Chamber of Commerce of San Francisco, Cal., urging the completion of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., asking for the laying and maintaining of a telegraphic cable from San Francisco to the Farallon Islands—to the Committee on Interstate and Foreign Commerce.

By Mr. HOOKER: Petition of the Woman's Christian Temperance Union of Belfast, N. Y., praying for the enactment of legislation to protect State anti-cigarette laws and to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Belfast, N. Y., for the passage of a bill to forbid the sale of intoxicating beverages in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. HUNTER: Paper to accompany House bill to correct the military record of Thomas J. Goodman—to the Committee on Military Affairs.

By Mr. HURLEY: Memorial of the Philadelphia Board of Trade concerning the Post-Office appropriation bill—to the Committee on the Post-Office and Post-Roads.

By Mr. KITCHIN: Resolution of the manufacturers of Winston, N. C., protesting against 16 cents per pound tax on tobacco—to the Committee on Ways and Means.

By Mr. LINNEY: Resolution of the Wholesale Grocers' Association of Wilmington, N. C., protesting against additional tax on snuff, tobacco, etc., in stock—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Paper to accompany House bill No. 7992, in relation to the claim of widows and heirs of William Ryan and John S. Taylor, deceased—to the Committee on Claims.

By Mr. McCLEARY: Resolution of the Society of Colonial Wars in the State of Minnesota, through its secretary, Mr. Edgar Campbell Bower, in favor of the bill for the purchase, restoration, and preservation of the battle grounds of Fort Ticonderoga, N. Y.—to the Committee on Military Affairs.

By Mr. McINTIRE: Petitions of Rev. Joel T. Rossiter and others, W. H. Shedd and others, S. M. Byer and others, all citizens of the State of Maryland, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. MAXWELL: Paper in support of bill for the relief of Elijah McKendry—to the Committee on Military Affairs.

By Mr. POWERS: Petition of the Methodist Episcopal Church and Woman's Christian Temperance Union of Lincoln, Vt., praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of Mount Abraham Lodge, No. 21, and Woman's Christian Temperance Union of Lincoln, Vt., to prohibit the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. PRINCE: Petition of citizens of Ohio Grove Township, Mercer County, Ill., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise—to the Committee on the Judiciary.

Also, petition of citizens of Ohio Grove Township, Mercer County, Ill., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. ROBINSON of Indiana: Petition of L. Brames & Co., of Fort Wayne, Ind., against the proposed war tax on bottled mineral water—to the Committee on Ways and Means.

By Mr. SHERMAN: Petitions of Lodge No. 231, Brotherhood of Railroad Trainmen; New England Shoe and Leather Association, Boston, Mass.; D. K. Collins and 26 others, Bryson City, N. C.; O. T. Galbert and 19 others, McDonald, Tenn., favoring the passage of House bill No. 7130 and Senate bill 1575, relating to ticket

brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Union Christian Endeavor of Utica, N. Y., and vicinity, for the passage of a bill prohibiting the sale of intoxicants in public buildings at Washington, D. C.—to the Committee on Public Buildings and Grounds.

Also, petition of Christian Endeavor and First Baptist Church of Newport, N. Y., for the passage of a bill to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

By Mr. SPALDING: Petitions of the Presbyterian Church of Dearborn, and Sunday School Institute of Cambridge, Mich., for the passage of a bill to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of the Presbyterian Church of Dearborn, and Sunday School Institute of Cambridge, Mich., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. STRODE of Nebraska: Petitions of the Board of Trade of Philadelphia, Pa., and Knights of Labor, District Assembly No. 49, of New York City, against the amendment limiting the free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on the Post-Office and Post-Roads.

By Mr. TODD: Sixty-five petitions of citizens, societies, and labor organizations, viz: The Michigan Commercial Travelers' Association, United Commercial Travelers' Association, Typographical Union No. 18, Council of Trades and Labor Union, all of Detroit, Mich.; National Building Trades Council, of St. Louis, Mo.; Boot and Shoe Workers' Union No. 43; Branch 1 of the Union Labor League of Michigan; Council of Trades and Labor Union, of Detroit; common council of Saginaw; Grocers' Clerks' Union, of Grand Rapids; Lansing City Lodge, No. 384; Barbers' Union No. 188; Michigan Federation of Labor; Norway Mine Workers' Union; Jackson Miners' Protective Association, No. 6395; Central Trades Union of Bay City; Ludington Vessel Loaders' Union; Journeymen Barbers' Union of Bay City; Federal Labor Union, No. 6736; Local Union No. 14; International Longshoremen's Union of Tawas City; Cigar Makers' Union No. 393, of Cadillac; Iron Molders' Union No. 104, of Albion; Local Union No. 44; Longshoremen's Association; Lansing Typographical Union, No. 72; Iron Ore Mine Workers' Union No. 2, of Iron Mountain; Longshoremen's Union No. 62; Detroit River Lodge, No. 2; Amalgamated Association of Iron and Steel Workers; Cigar Makers' Union No. 184, of Bay City; Retail Clerks' Union No. 65, of Saginaw; Local Union No. 26, of Grand Rapids; Longshoremen's Union No. 30, of Port Huron; Salesmen's Union No. 18, of Grand Rapids; Mine Workers' Union No. 8, of Ishpeming; Longshoremen's Union No. 60, of Menominee; Iron Molders' Union No. 242, of Jackson; Cigar Makers' Local Union No. 22, of Detroit; International Association of Machinists; Cigar Packers' Union No. 284, of Detroit; Longshoremen's Association No. 24, of East Jordan; Brewers' Local Union No. 10; Retail Clerks' Association No. 131; Typographical Union No. 168, of Muskegon; Coopers' Union of Grand Rapids; Longshoremen's Union No. 25, of Bay City; Cigar Makers' Union No. 268, of Escanaba; Longshoremen's Association No. 42, of Grand Marais; Painters and Decorators' Union No. 37, of Detroit; Metal Polishers, Buffers, Platers, and Brass Workers' Union No. 1, of Detroit; Theatrical Protective Union No. 14, of Detroit; Broom Makers' Union No. 2; Carpenters' Union No. 19; Pattern Makers' Association of Detroit; Cigar Makers' Union No. 167, of Owosso; Sheet Metal Workers' Union No. 106, of Detroit; Machine Wood Workers' Union No. 41; Longshoremen's Union No. 16, of Detroit; Trades and Labor Council of Lansing; Grand Rapids Lodge No. 191; Association of Machinists; M. B. Allen and others, J. O. Banks and others, F. O. Rossman and others, J. W. Wilson and others, H. Jackson and others, all in the State of Michigan, protesting against the passage of the bill forbidding railroad-ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also (by request), petitions of Board of Trade of Grand Rapids, of Calhoun Lodge, No. 84, Brotherhood of Locomotive Firemen; Battle Creek Division No. 6, of Battle Creek, Order of Railway Conductors, and letter of George Reid, of Battle Creek, State of Michigan, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH: Petition of the Woman's Christian Temperance Union of Dansville, N. Y., praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. WANGER: Memorial of the Board of Trade of Philadelphia, Pa., protesting against any curtailment of the postal facilities of Philadelphia—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Woman's Christian Temperance Union, Methodist Episcopal Church, Friends' Meeting, and public-school teachers, of Falsington, Bucks County, Pa., favoring the enactment of legislation to protect State anti-cigarette laws and to forbid the interstate transmission of lottery messages by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Woman's Christian Temperance Union, Friends' Meeting, Methodist Episcopal Church, and public-school teachers, of Falsington, Pa., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 13, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday was read and approved.

Mr. PERKINS. Mr. Speaker, a privileged report——

ORDER OF BUSINESS.

Mr. DINGLEY. Mr. Speaker, I move that when the House adjourn, it adjourn to meet on Monday next.

The motion was agreed to.

Mr. MIERS of Indiana. Mr. Speaker, I would like to inquire if that means no evening session?

The SPEAKER. It does not necessarily. It means that whenever the House adjourns, it adjourn until Monday.

ACTS IMPOSING DUTIES ON IMPORTS.

Mr. PERKINS. Mr. Speaker, I present the following concurrent resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Joint Committee on Printing be, and are hereby, authorized and directed to cause to be printed, indexed, and bound in cloth, in one volume, all of the acts, as they appear in the United States Statutes, heretofore passed by Congress imposing duties on imports; 1,000 copies of said volume to be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the vote whereby the concurrent resolution was agreed to was laid on the table.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 4703.

Mr. BRUMM. I shall have to object.

Mr. GARDNER. It will take but a very few minutes.

Mr. BRUMM. I have agreed to ask for the committee to rise at an early hour, and this will involve discussion.

Mr. GARDNER. I do not think it will.

Mr. BRUMM. I object.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent——

Mr. BRUMM. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Pennsylvania calls for the regular order, which is equivalent to an objection. The Clerk will report the first bill.

GEORGE H. SPAULDING.

The SPEAKER laid before the House as unfinished business the bill (H. R. 9210) granting an increase of pension to George H. Spaulding, with Senate amendments.

Mr. RAY of New York. Mr. Speaker, I move that the House nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. RAY of New York, Mr. WARNER, and Mr. DRIGGS.

MARY I. VALENTINE.

The SPEAKER also laid before the House the bill (H. R. 584) granting a pension to Mary I. Valentine, with Senate amendment.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

F. L. BOTKIN.

The SPEAKER also laid before the House the bill (H. R. 4692) to pension F. L. Botkin, with Senate amendment.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. That concludes the unfinished private business.

ORDER OF BUSINESS.

Mr. BRUMM. I move that the House resolve itself into Committee of the Whole House for the purpose of considering, under the special order, reports from the Committee on Claims on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of business on the Private Calendar under the rule. Pursuant to a special order heretofore adopted, reports from the Committee on Claims have precedence to-day.

WILLIAM H. CROOK.

The first business was the bill (H. R. 1768) for the relief of William H. Crook.

The bill was read.

Mr. BRUMM. As the gentleman in charge of this bill is not here, I ask that it be passed over for the present without prejudice.

There being no objection, it was ordered accordingly.

JOHN A. FAIRFAX.

The next business was the bill (H. R. 3093) for the relief of John A. Fairfax, of the District of Columbia.

Mr. BRUMM. The gentleman from Virginia [Mr. RIXEY] who has charge of this bill is not here at present, although he was here a while ago. I ask that this bill be passed over informally for the present without prejudice.

There being no objection, it was ordered accordingly.

J. C. RUDD.

The next business was the bill (H. R. 637) for the benefit of J. C. Rudd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James C. Rudd, of Owensboro, Ky., the sum of $600, out of any money in the Treasury not otherwise appropriated, being the amount due said Rudd for the rent of a post-office building in the city of Owensboro, Ky.

Mr. CLARDY. Mr. Chairman, I move that this bill be laid aside to be reported to the House with a favorable recommendation. I am ready to make an explanation if anybody desires it.

Mr. DINGLEY. Let the report be read.

Mr. CLARDY. The bill simply provides for the payment of rent of a post-office for three years, the money allowed having never been collected from the Government.

The CHAIRMAN. The gentleman from Maine [Mr. DINGLEY] asks to have the report read.

The report (by Mr. CLARDY) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 637) for the benefit of J. C. Rudd, submit the following report:

The proof in this case shows that J. C. Rudd, of Owensboro, Ky., was the owner of a building in said city which was used and occupied by the postmaster at Owensboro from 1861 to 1875 for the distribution of the United States mail. Only for the latter part of this time, and after the office had been moved into a new building erected by said Rudd for a post-office and banking house (one room being especially fitted up with letter boxes, etc., for the use of the post-office), was there any special agreement as to the rental between said Rudd and Jesse Moore, the postmaster. It was then fixed at $300 per annum, none of which has been paid.

Your committee attach hereto letters from the Post-Office Department in relation to this claim, and ask that they be printed as a part of this report.

Your committee is of the opinion that the proof in this case, with the statements of the Post-Office Department, clearly show that the claimant is entitled to $600 for three years' rental for his property, and recommend the passage of the bill.

Mr. LOUD. I believe the Clerk has not read the whole of the report.

Mr. CLARDY. There are appended to the report some letters from the Post-Office authorities showing that this money for those three years' rent has never been paid.

The CHAIRMAN. The gentleman from California [Mr. LOUD], as the Chair understands, asks that the exhibits appended to the report be read.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 20, 1896.

SIR: I beg to acknowledge the the receipt of your favor of the 10th instant relative to a claim for rent of premises occupied by the post-office at Owensboro, Ky., from 1861 to 1875, which has been presented by Mr. J. C. Rudd, and to inform you, in reply thereto, that prior to April, 1865, the said post-office belonged to the fourth class; that from that date until July 1, 1872, it belonged to the third class, and that since the latter date it has belonged to the second class.

There has never been any provision made by Congress for payment of rent by the Government for premises occupied by post-offices of the fourth class, nor was there any authority in law under which the Department could allow for rent of premises occupied by post-offices of the third class until October 1, 1874, when the act of July 24, 1888, became operative.

Upon the advancement of this post-office to the second class (July 1, 1872) an allowance of $200 per annum was made by the Department for payment of rent for premises in which the said post-office was then located. This allowance was unchanged until April 1, 1879.

Very respectfully,

WM. L. WILSON,
Postmaster-General.

Hon. T. M. MAHON,
Chairman Committee on Claims, House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., April 3, 1896.

SIR: I send you herewith for your information a copy of a letter which I have this day addressed to the Hon. J. D. CLARDY.

Very respectfully,

F. H. JONES,
First Assistant Postmaster-General.

Hon. T. M. MAHON,
Chairman Committee on Claims, House of Representatives.

APRIL 3, 1896.

SIR: In reply to your letter of the 31st ultimo, I beg to inform you that I find by an examination of the records of the Auditor's office that the late postmaster at Owensboro, Ky., was not charged with any expenditure from the allowance made by the Department for rent of premises occupied by the said post-office prior to July 1, 1875.

Very respectfully,

____ ____,
First Assistant Postmaster-General.

Hon. J. D. CLARDY,
House of Representatives.

Mr. CLARDY. In reference to this bill, I simply wish to say that no claim is made for any time except from 1872 to 1875, during which there was $200 a year allowed for the rent of this post-office, which the Post-Office Department here says was never paid. This bill proposes that the $600 due for the rent of that post-office and never paid shall now be paid. I ask a vote on the motion that the bill be laid aside to be favorably reported.

Mr. HEPBURN. I should like to hear from the gentleman some explanation as to why this money was not paid. This seems to be an extraordinary condition. The allowance was made; and why was it not paid in this particular case?

Mr. CLARDY. The gentleman who occupied the position of postmaster died about the expiration of the term for which this rental is due, and he never made any application for payment. Why, I am not able to say. Possibly it was because that post-office had recently been changed to a second-class office; and the postmaster might not have been informed by the Department that he was entitled to make this claim for rent. I know of no other reason why the application was not made except the conditions which existed at that time.

Mr. LOUD. Does the gentleman know exactly or about what time this man died—in 1875, 1876, or 1877?

Mr. CLARDY. I can not tell the exact date, but my understanding from the affidavits in the case which are now on file is that he died about the expiration of those three years, and his term as postmaster expired about the same time. An affidavit from his son states that the postmaster never made any application for this amount and the money has never been paid. I do not think there is any doubt about the justice of the claim.

Mr. LOUD. Mr. Chairman, I should like to make a suggestion or two in regard to this bill, and I will not take more than a few minutes.

The House must have ascertained, I think, from the reading of the report and affidavits that this is a case in which somebody in pawing around at the Post-Office Department has discovered that this office was entitled to an allowance of $200 a year rent from 1872 to 1875.

And now they come to Congress and make a proposition that the Government of the United States shall pay a certain sum, to whom? To one J. C. Rudd, a man who never had any connection with any contract of this character or any transactions with the Departments of the Government which would justify the claim. No allegation of that fact is made anywhere, as far as I have been able to discover, and nothing is presented to show that he ever had a claim to file against the Government of any character for the rent of a building, or that he had any dealing with the Government in any respect.

Now, Mr. Chairman, what are the facts with which we have to deal as they appear here of record? This building was occupied as a post-office in the city of Owensboro from 1861 to 1875, and used for the distribution of the United States mails.

Mr. CLARDY. I would like to correct the gentleman. The facts do not show that.

Mr. LOUD. I am simply citing the report.

Mr. CLARDY. The gentleman is mistaken, because it is only for the latter part of this time and after the office had been moved into a new building, specially prepared for the post-office, that the claim was made. The building had been specially built

and arranged for a post-office. He had occupied the other building during that time, but no allowance was made for the payment of rent on that building, and no demand for payment has been made.

Mr. LOUD. Mr. Chairman, I accept the correction of the gentleman in that regard. I was only reading what appeared of record in the report here. It may be that no claim has been made for any rent prior to the date mentioned. But it does appear of record, and that, I presume, will not be denied, that one J. C. Rudd was the owner of the building which was used and occupied by the postmaster at Owensboro from 1861 to 1875 for the distribution of the United States mails. Now, it appears that some time about the last-named period, in 1871 or 1872, a new building was erected and the post-office was moved into it. Now, if there was any agreement as to the rental to be paid at that time or at any previous time or for the future, it appears nowhere of record.

There is not a word of evidence to show that the postmaster took the post-office into that new building under any possible agreement between him and the owner of the building; but, on the contrary, it is manifest that there was no agreement, because if there had been this sum of money would have been paid before. It is altogether likely that when this building was occupied as a post-office building it was occupied just as a great many other buildings of the same character are occupied for such purposes; that is to say, because it improves or enhances the value of adjacent property and is an advantage to the locality.

Mr. CLARDY. I would like again to be permitted to correct the gentleman.

Mr. LOUD. Very well.

Mr. CLARDY. The report states positively that an agreement was made at the rate of $300 a year for the rent of the building.

Mr. LOUD. There is nothing whatever in the report to show it. There is merely a statement, which does not pretend to give dates or facts.

Mr. CLARDY. There is something, however, in the affidavits attached to the application for payment, which are before the House, to show the action of the parties in making the contract.

Mr. HEPBURN. May I ask the gentleman from Kentucky by whom this contract was made—by the Government through its proper authorities with the owner of the building, or by the postmaster himself?

Mr. CLARDY. By the man owning the building and the postmaster.

Mr. HEPBURN. That would not place any obligation on the Government, in the absence of the right of the party to make the contract.

Mr. CLARDY. I do not want to mislead anybody or to permit any doubt to rest upon the minds of the members as to the exact status of this case; but, in my own judgment, there is no doubt whatever as to the validity of the claim.

Mr. LOUD. Mr. Chairman, whatever may have been the intention of the parties in making this agreement, or whatever may have been the right of the postmaster, it is evident from the language of the report itself, if that is to be construed as embodying the evidence before the committee, that there was no compensation due to this party except for the latter part of the term and after the post-office had been moved to this new building.

The report says in reference to this new building, that one room was especially fitted up with letter boxes, etc., for the use of the post-office. Now, was there any special agreement as to the rental between said Rudd and Jesse Moore, the postmaster? And that is the only reference I see to any special agreement; that is to say, there was no agreement previous to that.

Mr. CLARDY. Well, we do not claim anything before that.

Mr. LOUD. Now, it has been the custom, as I have said before, in some of the larger towns throughout the country to donate property to the Government for postal purposes because of the fact that the adjacent property is thereby largely enhanced in value. I might instance a syndicate of landowners in my own city, where certain premises were leased to the Government at a nominal rental of $1 a year, light and fuel included, in order to secure the post-office in a certain portion of the city. Of course such rental was not made for profit. It was not made because the rental afforded any approximation of the value of the property. That would be absurd to assume. But it was done simply for the purpose of securing the location of the post-office at that point.

This, Mr. Chairman, is a case that has been pending, as I understand, for a great many years. There are suspicious circumstances connected with it, and especially is it suspicious that they should come to Congress and endeavor to collect from the Government this amount of money for this rental after all of these years. But, be that as it may, there is nothing to show that there was ever an agreement between this man and the Government for the payment of this money. I am quite positive after the reading of the report that there was none. I can not, therefore, view the introduction of this proposition other than as a measure, as I said before, which proposes to take from the Treasury a certain amount of money which somebody at this late date presumably discovers to be due. Somebody has found out that this amount was not paid, and although the claim has lain dormant for all of these years and no attempt has been made to secure the payment, the account is now resurrected and brought here for action by Congress.

Mr. CLARDY. I want to say to the gentleman that he is entirely mistaken. There is not a word of truth in the statement, so far as this case is concerned.

Mr. LOUD. Well, I am only quoting from the records as they appear.

Mr. DINGLEY. I desire to know what are the facts in this case. As I understand the case from a hurried reading of the letter from the Postmaster-General, Mr. Wilson, there is but a slight basis for the claim. I may misapprehend the basis on which it rests.

Mr. LOUD. I will yield to the gentleman.

Mr. DINGLEY. This office was a fourth-class office originally.

Mr. CLARDY. Yes.

Mr. DINGLEY. It then became a third-class office.

Mr. CLARDY. Yes.

Mr. DINGLEY. Now, Postmaster-General Wilson says in his communication that prior to October 1, 1888, third and fourth class post-offices had no allowances for rent.

Mr. CLARDY. That is true, nor do we make any such claim.

Mr. LOUD. According to this report it was in the second class during the period for which they claim this $200. There is no doubt about that.

Mr. DINGLEY. What years is this claim for?

Mr. CLARDY. From 1872 to 1875. He states emphatically that from 1872 to 1875, $200 a year was allowed by the Department for the payment of rent for the premises in which this post-office was located. There is no doubt about the fact that the Government set aside $200 a year for the payment of this rent, and there is no doubt about the fact that it never was paid. There is no doubt that this gentleman is entitled to it as compensation for the rent of the building in which the post-office was located, because he never received anything. These are the whole facts in this case. What is the use in gentlemen coming up here and talking in the way they do about a little claim of this kind, when if they would think for five minutes and put a little common sense into these things they would be satisfied that it was a just and honest claim? If this is not an honest claim, then we never had one in this Congress since I have been here.

Mr. DINGLEY. I notice by the communication of the Postmaster-General to whom this claim was referred that there is no statement by him that this amount was not paid during that time.

Mr. CLARDY. If you will read the latter part of that you will see that it says:

> In reply to your letter of the 31st ultimo, I beg to inform you that I find by an examination of the records of the Auditor's Office that the late postmaster at Owensboro, Ky., was not charged with any expenditure from the allowance made by the Department for rent of premises occupied by the said post-office prior to July 1, 1875.

Mr. DINGLEY. But I am looking at the communication of the Postmaster-General to whom this was sent, and who was expected to present all the facts.

Mr. CLARDY. This that I have read was from the First Assistant Postmaster-General.

Mr. LOUD. That communication appears to be from the First Assistant, but it bears no signature.

Mr. CLARDY. It is a copy. I have the original. The letter was directed to me, and in a letter to the gentleman from Pennsylvania [Mr. MAHON], which is printed just above that, you will see it says:

> POST-OFFICE DEPARTMENT,
> OFFICE FIRST ASSISTANT POSTMASTER-GENERAL,
> *Washington, D. C., April 3, 1896.*
>
> SIR: I send you herewith for your information a copy of a letter which I have this day addressed to the Hon. J. D. CLARDY.
>
> Very respectfully,
> F. H. JONES.
> *First Assistant Postmaster-General.*
>
> Hon. T. M. MAHON,
> *Chairman Committee on Claims, House of Representatives.*

Mr. LOUD. Was the letter ever signed?

Mr. CLARDY. The copy I received was signed.

Mr. PERKINS. Did the postmaster pay no rent to this Mr. Rudd during that time?

Mr. CLARDY. He never has paid for those three years.

Mr. PERKINS. The postmaster paid no rent to him during that time?

Mr. CLARDY. No; and the postmaster died insolvent, and unless this man gets it in this way he will never get it at all.

Mr. BRUCKER. Has this claim been passed upon by the Court of Claims?

Mr. CLARDY. It has never been in the Court of Claims that I know of, but it has been in Congress for fifteen or twenty years, I do not know just how long, and it has been favorably acted upon by committees two or three times and passed by the House once or twice. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

The motion of Mr. CLARDY was agreed to.

JOHN A. FAIRFAX.

Mr. BRUMM. I now ask the Clerk to go back to the bill (H. R. 3093) for the relief of John A. Fairfax, of the District of Columbia. The gentleman from Virginia [Mr. RIXEY] is now here, and he has charge of the bill.

The CHAIRMAN. The gentleman from Pennsylvania asks now to take up the bill H. R. 3093. If there is no objection, the committee will return to that bill.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to John A. Fairfax, of the District of Columbia, $502, being the amount found due the said Fairfax by the Court of Claims of the United States April 9, 1894, from the United States, for work and labor in building roads and streets in said District, under the late board of public works therein, the said sum to be taken and accepted by the said claimant as in full for said services: *Provided*, That the said sum shall be paid from the unexpended balance of the amount appropriated by the act approved June 20, 1878, entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," to pay the workingmen employed in the public improvements under the late board of public works of the District of Columbia, or the contractors of the same.

Mr. RIXEY. The report in this case is very brief, and sets out so well the facts pertaining to this bill that I will ask the Clerk to read the report.

The CHAIRMAN. The Clerk will read the report.

The Clerk read as follows:

The Committee on Claims, to whom was referred the bill (H. R. 3093) for the relief of John A. Fairfax, of the District of Columbia, make a favorable report thereon.

The bill was referred to the Commissioners of the District of Columbia and by them to the auditor. The auditor reports that—

"Looking at this question merely from a legal standpoint, and as an ordinary claim, I could not conclude otherwise than against the liability of the Government; but there is another view of the matter which, upon a reconsideration of the subject, I feel constrained from a sense of justice to bring to your attention."

The auditor goes on to explain that when the board of public works was summarily abolished in 1874, many laborers who had worked for the contractors of the board were unpaid. By the act of June 23, 1874, the sum of $75,000 was appropriated to pay these laborers, the amount thus paid being deducted in the final settlement from the amount found to be due the contractors. It was afterwards ascertained that a large number of persons who had labored for, or furnished teams to, the contractors had not been paid in cases where the contractors themselves had been settled with in full, and Congress appropriated $75,000 June 20, 1878, for the relief of all such claimants. This appropriation was a gratuity, pure and simple, to the workingmen.

Mr. Fairfax presented his claim under this act, but on the ground that it was for subsistence furnished the contractor's laborers, and not for labor nor for hauling for the contractor, it was rejected. A technical reading of the letter of the law justified the rejection of this claim, but the intent and spirit of the statute would as clearly have sanctioned its allowance.

"Believing thus, I have the honor to recommend that Congress be asked to take such action as will make available a sufficient amount of the unexpended balance of the appropriation aforesaid to settle the claim under consideration, and that the accounting officers of the Treasury be authorized and directed to allow the same."

The claim has been submitted to the Court of Claims, and by them has been reported at the amount stated in the bill, namely, $502.

Mr. RIXEY. I will now ask the Clerk also to read the letters attached to the report.

The Clerk read as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 9, 1896.

DEAR SIR: The Commissioners have the honor to transmit herewith copy of a report of the auditor of the District of Columbia as their response to your reference to them of Senate bill 1604, "for the relief of John A. Fairfax, of the District of Columbia." The Commissioners concur in the auditor's recommendation.

Very respectfully, JOHN W. ROSS,
President Board of Commissioners of District of Columbia.

Senator JAMES MCMILLAN,
Chairman Committee on the District of Columbia,
United States Senate.

OFFICE OF THE AUDITOR, DISTRICT OF COLUMBIA,
Washington, April 8, 1896.

GENTLEMEN: I have the honor to return herewith Senate bill 1604, Fifty-fourth Congress, first session, "for the relief of John A. Fairfax," referred to me, with the following report:

When this claim was considered by me in a report made to the Commissioners February 15, 1895, I took the ground that inasmuch as the record of the board of public works showed that Contractor Shrider was settled with in full by J. C. Lay, auditor of the board, on the 21st of March, 1873, and Mr. Fairfax did not file his claim against Shrider until the 28th of March, 1872, a full week thereafter, that he had no just ground of action against the Government.

As opposed to the record evidence, Mr. Fairfax produced the affidavits of J. C. Lay, auditor, and Thomas J. Scott, messenger, in the office of Treasurer Magruder. Lay, in his affidavit, made in 1886, averred that there were $2,000 due to Shrider on the day Mr. Fairfax presented his claim, and that he so informed Treasurer Magruder at the time; and Scott swore, in 1892, that he remembered this statement having been made to Magruder by Lay in the presence of Fairfax. In the issue thus presented between Lay's record as auditor and Lay's affidavit from memory thirteen years thereafter, I accepted the former as the more reliable.

Looking at this question merely from a legal standpoint and as an ordinary claim, I could not conclude otherwise than against the liability of the Government; but there is another view of the matter which, upon a reconsideration of the subject, I feel constrained from a sense of justice to bring to your attention.

When the board of public works was summarily abolished in 1874, many laborers who had worked for the contractors of the board were unpaid. By the act of June 23, 1874, the sum of $75,000 was appropriated to pay these laborers, the amount thus paid being deducted in the final settlement from the amount found to be due the contractors. It was afterwards ascertained that a large number of persons who had labored for, or furnished teams to, the contractors had not been paid in cases where the contractors themselves had been settled with in full, and Congress appropriated $75,000 June 20, 1878, for the relief of all such claimants.

This appropriation, it will be seen, on the part of the Government, was a gratuity, pure and simple, to the workingmen. Mr. Fairfax presented his claim under this act; but on the ground that it was for subsistence furnished the contractor's laborers, and not for labor nor for hauling for the contractor, it was rejected.

A technical reading of the letter of the law justified the rejection of this claim, but the intent and spirit of the statute would as clearly have sanctioned its allowance.

Believing thus, I have the honor to recommend that Congress be asked to take such action as will make available a sufficient amount of the unexpended balance of the appropriation aforesaid to settle the claim under consideration, and that the accounting officers of the Treasury be authorized and directed to allow the same.

Very respectfully,
J. T. PETTY,
Auditor District of Columbia.

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

Mr. RIXEY. Mr. Chairman, the amount of this claim has been passed upon and ascertained by the Court of Claims, and it was recommended by the auditor of the District of Columbia and by the Commissioners of the District. I think there is no objection to it; and if no one has anything to say, I shall move that it be laid aside with a favorable recommendation.

Mr. HEPBURN. Mr. Chairman, it seems to me that this is the most astonishing claim that I have ever heard of yet being presented in this House. If I have caught correctly the intent of it from the reading of these papers, it is about this: A was a contractor to do certain work prior to 1873 in the city. B was a laborer employed by A. C is a groceryman that furnished supplies to B. Now, the Government has paid A. A did not pay B; but the Government then appropriated $75,000 to pay B. Now C, who is a groceryman, I take it, or furnished supplies of some kind to the laborers, comes in and insists that he shall be paid. The Government has twice paid the laborer, and now we are to pay the grocer, C, for supplies furnished the laborer, who failed to pay. Is not that a fair statement of the case?

Mr. RIXEY. I do not think it is.

Mr. HEPBURN. It is just as I gathered it from these papers. Now, if that is true, I submit, gentlemen, is not this a most extraordinary claim to be made, and is not this a wonderful comment upon the Committee on Claims, and another wonderful comment upon the Court of Claims? There can certainly be no responsibility upon the Government of the United States in any event to pay this bill.

Mr. RIXEY. Mr. Chairman, I know nothing as to whether the criticism of the gentleman from Iowa upon the Court of Claims is just or not; but I do know that his criticism as to the Committee on Claims is absolutely gratuitous and without foundation. If there is a committee in this House that works hard and gets little credit, it is the Committee on Claims. [Applause.] It is a committee upon which no member of this House desires to serve; and I would not be serving there now except that, being a new member, I did not know what it was when I was assigned to that committee. [Laughter.] It is a committee, Mr. Chairman, that gentlemen criticise and find fault with when in many instances they know nothing of the circumstances. Now, in this case this claim is to pay John A. Fairfax, a citizen of this District, a man who furnished supplies to the laborers who were employed upon the public works, and expected to be paid his bill when the works were completed and when the Government paid for that work.

Mr. HEPBURN. Will the gentleman permit me?

Mr. RIXEY. Let me get through.

Mr. HEPBURN. How did he expect to get paid? Was there any obligation on the part of the Government to pay? He expected payment from the men to whom he furnished the supplies, and there was a kind of gratuity given them.

Mr. RIXEY. I do not know what the law of this District is on this point. Whether the law would allow him to get his pay out of the Government on giving notice to the Government that he had furnished the supplies to these men, I can not say, but it is the law in most of the States, and I suppose it is the law here. When this work was partially completed, the board of public works was abolished by act of Congress. These laborers were not paid,

the people who furnished the supplies were not paid, and Congress appropriated $75,000 to pay these laborers and pay these claims.

Mr. HEPBURN. Well, the gentleman remembers that that was a pure gratuity.

Mr. RIXEY. That may be.

Mr. HEPBURN. To pay the laborers.

Mr. RIXEY. That may be. Instead of criticising the Court of Claims, the gentleman had better criticise the Congress of which he is a member for passing the bill to give this gratuity to the laborers. It was not a legal demand against the Government. But Congress thought proper to appropriate the money to pay these people, and instead of a criticism on the Committee on Claims it ought to be directed to Congress if that appropriation is an improper one. Fairfax presented a claim after the appropriation was made. It was rejected by the accounting officers, and the auditor of the District of Columbia says:

A technical reading of the letter of the law justified the rejection of this claim, but the intent and spirit of the statute would as clearly have sanctioned its allowance.

The auditor reports that the same reasoning which moved Congress to appropriate this $75,000 for the laborers was equally applicable to an appropriation for the people who had furnished these supplies.

It was a gratuity in either case. The appropriation has not been exhausted, the laborers have now been paid, and why should not Mr. Fairfax be paid for the supplies furnished by him?

Mr. BRUCKER. After paying the contractor and laborers, how much remains of the $75,000?

Mr. RIXEY. I do not know; but it is enough to pay this bill.

Mr. BRUCKER. Does this bill provide that it must be paid out of that balance?

Mr. RIXEY. This can not be paid at all unless it comes out of the unexpended balance. It seems to me that this bill, having been considered by the auditor of the District of Columbia and by the Commissioners, and recommended by them all, and being a meritorious and just claim, stands on the same footing as the claim of the laborers. The money is in the Treasury to pay it. I submit that it ought to be paid.

Mr. HEPBURN. I do not understand that a judgment has been rendered by the Court of Claims. I understand nothing more has been done by the court than to say that if there were a liability at all this would be the amount of the liability of the United States. So much for the Court of Claims.

With reference to the committee, I judged from this claim as to the action of the committee. I believe that this action is absolutely indefensible; that there is no warrant upon the part of that committee to report to this House that this sum of $502 is in any manner due from the United States. The gentleman admits it. The gentleman admits that even the laborers, under the law of the District, had no mechanics' lien in this particular instance, because he says the $75,000 appropriated by Congress was a gratuity. What becomes of your mechanics' lien and your suit, under which claim could be made, if the payment made by Congress was an entire gratuity?

But the gentleman now wants to go a step farther. While he admits in that admission that the mechanic himself had no lien, he now claims that he who furnished subsistence to the laborers without a lien has some kind of a moral or equitable lien claim against the Government of the United States. Now, if the gentleman wants to put this simply on the ground of a gratuity, because the Government is rich and can pay and this man is poor and has not received his pay, that is one thing. If he is ready to put it on that ground alone, well and good. But when he puts it on the ground of moral or equitable claim, that is an entirely different thing. I say that he can not find a statute in the United States that carries the law of mechanics' lien as far as he is now insisting upon. You can find it nowhere. Mind you, these are not supplies furnished to the contractor; it is simply subsistence furnished to the laborers in the employ of the contractor. Where do you find any authority for stating that the laws of all the States recognize the validity of claims like this?

Mr. Chairman, it may be that the House in its large ideas of refined equity may pay this claim, but I insist that there is no legal right, and I believe there is no moral claim. I believe there is no justice whatever in it, and that every other creditor of every laborer that works for the United States or for a contractor of the United States has the same claim upon the Government as this vendor of groceries.

Mr. RIXEY. As to the judgment of the Court of Claims, it did ascertain the amount due. Of course the court could not go further than that, and I place this claim upon equitable and moral grounds as due to Mr. Fairfax. Congress in 1874 appropriated $75,000 to pay these people, and the gentlemen who voted for that appropriation must have considered that there was some equitable ground upon which to base the appropriation.

Mr. HEPBURN. You need not "shake your gory locks at me." I did not vote for it.

Mr. RIXEY. Then direct your criticism to those who did. The equitable claim of these people arises in this way: The board of public works, which was created by Congress, was abolished by act of Congress—abolished before the work was completed and before the laborers were paid, and before Fairfax, who is now presenting this claim, was paid. Congress had the right to abolish the board of public works, but when it exercised that right as it did and stopped the work before it was completed, I maintain it was its duty to appropriate the money to pay the people who were thus deprived of the means of securing their pay.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. RIXEY. Certainly.

Mr. HEPBURN. Would you not carry this a little further? Suppose, now, the retail vender of groceries has not paid the wholesaler, has not the wholesaler a lien of the same character upon the Government?

Mr. RIXEY. It seems to me, Mr. Chairman, that it is unnecessary to consider questions of that sort which do not arise in this case. My friend stated that the laborers had all been paid twice.

Mr. HEPBURN. No; I said the contractor had been paid and the laborers had been paid.

Mr. RIXEY. Let me see if you are right in that. The auditor says:

When the board of public works was summarily abolished in 1874, many laborers who had worked for the contractors of the board were unpaid. By the act of June 23, 1874, the sum of $75,000 was appropriated to pay these laborers, the amount thus paid being deducted in the final settlement from the amount found to be due the contractors. It was afterwards ascertained that a large number of persons who had labored for or furnished teams to the contractors had not been paid in cases where the contractors themselves had been settled with in full, and Congress appropriated $75,000, June 20, 1878, for the relief of all such claimants.

It therefore appears that they have not been paid twice. It was afterwards ascertained that a large number of persons had not been paid, and the sum of $75,000 was appropriated by Congress. This bill provides that the claim is to be paid out of the money already so appropriated, and being recommended both by the auditor for the District of Columbia and by the Commissioners of the District—officials who ought to be and doubtless are familiar with all the circumstances—I move that it be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to; there being on a division—ayes 36, noes 30.

LEGAL REPRESENTATIVES OF JOHN W. BRANHAM.

The next business was the bill (H. R. 2425) for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service.

The bill was read, as follows:

Whereas John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service, contracted yellow fever while performing his duty as assistant surgeon in an infected city, and having died of yellow fever at his post of duty on the 20th day of August, 1893: Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the money not otherwise appropriated, to the legal representatives of John W. Branham the sum of $4,160, being the amount of salary and allowances for two years.

Mr. YOST. I ask for the reading of the report.

The report (by Mr. YOST) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2425) for the relief of the legal representatives of John W. Branham, having carefully considered the same, report it back to the House with the recommendation that it do pass.

Your committee find the following to be facts:

The late Dr. John W. Branham was an assistant surgeon in the United States Marine-Hospital Service, and was, on the 29th day of July, 1893, stationed at the marine hospital, Stapleton, N. Y.

The yellow fever had broken out at Brunswick, Ga., and the United States authorities had established quarantine regulations there.

On the 20th of July, 1893, the President of the United States, without any previous notice to Dr. Branham, under section 3, national quarantine act, approved February 15, 1893, detailed Dr. John W. Branham to proceed at once to Brunswick, Ga., and take charge of the port, and execute the regulations promulgated by the Secretary of the Treasury under said act. He immediately proceeded to Brunswick, Ga., and on the 20th of August, 1893, died of yellow fever, contracted while in discharge of the duties assigned him.

Your committee, while opposed to a civil pension roll in almost any form, think that a mere statement of the facts is sufficient to convince every patriotic citizen that the Government owes no higher duty to any of its citizens than it does to Mrs. Branham, widow of John W. Branham, whom we find is now a resident of the city of Baltimore, with two infant children, and penniless; and while we do not recommend that she be placed upon the pension roll, we see no reason why the act of Congress of May 4, 1882, which grants to the families of keepers and surfmen in the Life-Saving Service an amount equal to two years' pay of said keepers or surfmen in the event of death in the line of duty, should not be extended to his family, and this is what is proposed by the bill which we favorably recommend.

Your committee fearlessly blaze the way, as indicated in this report, because we think it an act of simple justice, and but poorly carrying out the implied obligation upon the Government to relieve the wants of the wife and children of one who heroically faced a danger fully equal to that encountered by the soldier in time of war.

Mr. YOST. I move that the bill be laid aside to be reported favorably to the House.

Mr. HEPBURN. I should like to have some explanation of this bill. There seems to be a new departure proclaimed here. The committee is presenting a new way, apparently, to get money out of the Treasury.

Mr. YOST. Mr. Chairman, for the purpose of explaining this measure, I have had the report read. Dr. Branham was an assistant surgeon in the United States marine hospital at New York. He was ordered to Brunswick, Ga., to take charge of the yellow-fever station there. Entering upon that duty, he contracted yellow fever and died in the line of service. His family can receive no pension. This bill proposes to pay to his heirs the amount of his salary and allowances for two years—the same that has been paid to surfmen who have died in the service. That is the whole case. In the Surgeon-General's report the gentleman will find the following:

In accordance with the above instructions, Assistant Surgeon Branham assumed charge of the Brunswick quarantine July 28, 1893. I will say here that he was chosen for this particular duty by reason of the fact that he was a native of Georgia, and therefore less likely to encounter the local prejudice which might be excited by the Government's assuming charge of this quarantine. A more important reason, however, was the fact that he had had previous quarantine experience, was a man of very unusual mental endowment, and with a marked stability of character and sound judgment, which made him particularly fitted for the trying position in which he was to be placed.

Dr. Branham, as stated, assumed charge of the Brunswick quarantine on July 28, 1893; on August 10, 1893, his illness was reported to the Bureau, and on August 20, 1893, he died of yellow fever while attended by two regular officers of the Marine-Hospital Service. He leaves a wife and an infant child.

The relief requested by this bill finds a precedent in the act of Congress, May 4, 1882, which grants to the families of keepers and surfmen in the Life-Saving Service an amount equal to two years' pay of said keeper or surfman in the event of death in the line of duty.

I earnestly urge the passage of this bill, leaving it to others to give expression to the implied obligations upon the Government to relieve the wants of the wife and child of one who heroically faced a danger fully equal to that encountered by the soldier in time of war.

I beg leave in closing this letter to transmit herewith an extract from the annual report of this Service for the year 1893, giving some previously expressed views upon this matter.

I have the honor to remain, very respectfully, yours,

WALTER WYMAN,
Supervising Surgeon-General, Marine-Hospital Service.

This man was ordered into the very jaws of death; he obeyed his orders and died in the line of duty.

The CHAIRMAN. The question is on the motion to lay the bill aside with a favorable recommendation.

The motion was agreed to.

BILLS PASSED OVER.

Mr. BRUMM. I ask unanimous consent that House bill 1474, to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due, and also House bill No. 4295, for the relief of William C. Dodge, be passed over for the present without prejudice.

There being no objection, it was ordered accordingly.

WILLIAM H. CROOK.

Mr. BRUMM. I ask that House bill No. 1768, which was passed over earlier in the day on account of the absence of the gentleman from Wisconsin [Mr. MINOR], be now taken up.

There was no objection.

The bill (H. R. 1768) for the relief of William H. Crook was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William H. Crook, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, as compensation for services as secretary to the President to sign land patents for the fiscal years of 1879, 1880, 1881, and 1882, inclusive, and which services were additional to his regular duties as executive clerk and disbursing agent, the amount being the same as was formerly paid for such service.

Mr. DOCKERY. I ask that the report be read.

Mr. MINOR. Yes; let the report be read; it is short.

The report (by Mr. MINOR) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 1768) hereto attached for the relief of W. H. Crook, having considered the same and the accompanying papers, submit the following report:

This bill, amended to $4,000 instead of $6,000, has twice passed the Senate—once April 2, 1884, and once July 8, 1886.

It has been reported on favorably by the Senate committees heretofore—in the Forty-eighth Congress, first session, Report No. 144, by Mr. Cameron, of Wisconsin, and recommending that the bill be amended from $6,000 to $4,000, and by Senator GRAY, of Delaware, January 13, 1886, Report No. 39, Forty-ninth Congress, first session, which report reads as follows:

[Senate Report No. 39, Forty-ninth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 100) for the relief of William H. Crook, having considered the same and accompanying papers, submit the following report:

The committee find the facts to be as stated in Senate Report No. 144, Forty-eighth Congress, first session, which said report is hereto annexed and made a part of this report, and is as follows:

"By the act of July 4, 1836 (Rev. Stat., section 450), Congress authorized the President to appoint a secretary with the title of "secretary to the President to sign land patents," at a salary of $1,500 per annum. This officer was continued down to 1878, having no other duty imposed upon him except to sign, in the President's name, the patents issued by the Government on the sales and grants of public lands. Under the act above cited, this officer, although in name a secretary to the President, was in fact, and was recognized by the law as, an officer of the Land Department, and during the greater part at least of the period above stated he occupied a room and desk in the General Land Office, having no duties to perform and no place at the Executive Mansion.

"By act of June 20, 1878 (20 Stat., page 183), the appropriation for payment of the salary of this officer was omitted, and the President was directed to designate one of his executive clerks to perform the duty of signing land patents.

"Mr. William H. Crook was then, and had been since 1871, an executive clerk, acting as disbursing officer of the Executive Mansion, and also in charge of the reception room. All of these duties he has continued to perform down to the present time. In addition to them he was designated by the President, July 1, 1878, as secretary to sign land patents, and since that time all the patents issued on sales and grants of public lands have passed under his hand.

The number of patents issued since July 1, 1878, has averaged about 40,000 each year and has steadily increased. The labor of the secretary in executing same has been very onerous, each patent having two signatures attached and all having to be checked off and accounted for. On account of his regular duties at the Executive Mansion Mr. Crook has been compelled to perform most of this extra work of signing patents out of office hours; but, notwithstanding this fact, we are assured that the work has been done more promptly and efficiently than when an officer was charged with the performance of this duty alone. In fact, Mr. Crook has, in addition to the other duties of his position, since July 1, 1878, performed, without compensation in any form, labor for which from 1836 to 1878 the Government paid $1,500 per annum.

We attach hereto, as exhibits, letters from Hon. J. A. Williamson, late Commissioner of the General Land Office, and Hon. W. K. Rogers, private secretary to President Hayes, both of whom, from their official positions, were familiar with the labor performed by Mr. Crook and the time and manner of its execution.

It seems to your committee that he is in justice and equity entitled to a fair compensation.

WASHINGTON, D. C., *September 30, 1881.*

SIR: Your note of this date is at hand. I fully agree with you that you should have extra compensation for signing land patents. Before this additional duty was assigned to you the President's secretary to sign land patents was allowed $1,500 a year for that service, and I think the service was worth the amount. The responsibility of the position, in addition to the clerical labor, is very considerable, and should be paid for. I think you are fully entitled to extra compensation, and sincerely hope that it may be given you.

Very sincerely, yours,

J. A. WILLIAMSON.

Col. W. H. CROOK,
Executive Mansion, City.

WASHINGTON, D. C., *November 13, 1881.*

DEAR SIR: I entirely agree with you that you should receive extra compensation for signing land patents. During the four years while I was private secretary to the President your regular duties as executive clerk and disbursing officer were sufficient to keep you employed all the time during office hours. The additional service you rendered in signing land patents was necessarily performed out of office hours, the greater part of it night work. Upon the omission by Congress (the act of June 20, 1878) of the usual provision for the salary of the secretary of the President to sign land patents, and the requirement that the President should designate one of the executive clerks to discharge the duties of the office, you were selected by President Hayes because of your familiarity with the work, having temporarily filled the position during the illness of the secretary appointed for the purpose by President Grant. It is a laborious and responsible position, and the work was carefully, diligently, and faithfully performed. I earnestly trust Congress will allow you full compensation for the service rendered.

Very truly, yours,

W. H. ROGERS.

W. H. CROOK,
Executive Clerk to the President.

DEPARTMENT OF THE INTERIOR, *Washington, June 26, 1884.*

DEAR SIR: It gives me pleasure to say in behalf of Mr. William H. Crook that while in the Senate I had occasion to examine into the merits of his claim for services as secretary to the President to sign land patents, and that I considered it a proper claim and favored it at that time. I think Mr. Crook is justly entitled to the compensation allowed by the bill as it passed the Senate in April last.

Very respectfully,

H. M. TELLER.

Hon. BENTON MCMILLIN,
Chairman of the Committee on Claims, House of Representatives.

[Forty-eighth Congress, first session. In the House of Representatives. May 31, 1884.—Ordered to be printed.]

An act for the relief of William H. Crook.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William H. Crook, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, as compensation for services as secretary to the President to sign land patents for the fiscal years of 1879, 1880, 1881, and 1882, inclusive, and which services were additional to his regular duties as executive clerk and disbursing agent, the amount being the same as was formerly paid for such service.

Passed the Senate April 2, 1884.

Attest: ANSON G. MCCOOK, *Secretary.*

On the foregoing report the following bill was passed (S. 100, Report No. 3897):

An act for the relief of William H. Crook.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William H. Crook, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, as compensation for services as secretary to the President to sign land patents for the fiscal years of 1879, 1880, 1881, and 1882, inclusive, and which services were additional to his regular duties as executive clerk and disbursing agent.

Passed the Senate July 8, 1886.

Attest: ANSON G. MCCOOK, *Secretary.*

In addition to the above, your committee herewith submit a copy of a letter of ex-President Hayes, the original submitted for inspection and comparison, the original letter being with W. H. Crook, the claimant. It is as follows:

FREMONT, OHIO, *January 26, 1887.*

DEAR SIR: I have your letter asking my opinion of the bill for your relief now pending in the House. You performed faithfully and well double duty after you began to sign land patents. The latter work was done outside of

office hours, and you are in fairness entitled to be paid for it. I hope and expect Congress will pass your bill. It is an act of simple justice.

Sincerely,

R. B. HAYES.

W. H. CROOK, *Executive Mansion.*

These services were performed for over four years and nothing has been paid therefor.

Your committee therefore recommend that the bill be passed.

Mr. DOCKERY. I suppose the gentleman from Wisconsin [Mr. MINOR] will be entirely content with an amendment fixing the allowance in this case at $2,000.

Mr. MINOR. Let me say to the gentleman from Missouri that a bill for the payment of $6,000 on account of these services has just passed the Senate.

Mr. DOCKERY. The payment of $1,000 a year for the performance of the simple duty of signing land patents would seem to be largely in the nature of a gratuity. I do not think the allowance should exceed $2,000.

Mr. MINOR. From 1836 to 1878 the Government paid $1,200 a year for this service.

Mr. HANDY. One thousand five hundred dollars a year according to the report.

Mr. MINOR. Yes, $1,500; and it has paid $1,200 ever since Mr. Crook ceased to perform this duty.

Mr. DOCKERY. But this officer has been paid handsomely for a long time; he has been receiving, I believe, $3,800 a year, which he is now getting—possibly not so much.

Mr. NORTHWAY. Two thousand two hundred dollars.

Mr. DOCKERY. The gentleman from Ohio corrects me, $2,200. Mr. Crook is a very accomplished officer, and I think that a compensation of $2,000 for this additional service would be about right.

Mr. MINOR. In my judgment, if this claim is a meritorious one, Mr. Crook ought to receive at least a thousand dollars a year for performing a duty for which, prior to his service $1,500 a year was paid, and since he has quit doing this duty, $1,200 a year. Now, I ask what possible ground there can be for the refusal of Congress to pay for the service which has undoubtedly been rendered, and which has been regarded, as I have shown by the statements of officials of the Government, as useful and necessary, and which required a large amount of time on the part of the person who rendered it.

Mr. DOCKERY. I was waiving all questions of that nature and proposing a compromise. It occurred to me that in order to close out the matter and square the books, as far as this account is concerned, that $2,000 would be a satisfactory and equitable adjustment.

Mr. MINOR. Why, Mr. Chairman, the patents signed by this official amounted to between 40,000 and 50,000 a year, and at the lowest estimate he had to sign not less than 133 a day. Does any man think it is more than justice, after all these years to pay him a trifling sum for that service?

Mr. HANDY. But let me suggest to the gentleman——

Mr. MINOR. Certainly.

Mr. HANDY. He was only working according to the law in the discharge of a duty assigned to him.

Mr. MINOR. Oh, no; the gentleman is mistaken. This was an additional duty which he was called upon to perform.

Mr. HANDY. Was it not his duty, under the statute, to perform exactly the work he was doing? According to the report of the committee this work was his statutory duty.

Mr. MINOR. No, sir. He was appointed for an entirely different service.

Mr. HANDY. But this duty was assigned to him.

Mr. MINOR. If the gentleman will permit me, I will state the facts. He was one of the executive clerks, selected by the President, and had certain duties to perform. By the act of July, 1876, the President was authorized to appoint a secretary with the title of "Secretary to the President to sign land patents," and whose salary was fixed at $1,600 per annum. But this official, the beneficiary of this bill, had nothing whatever to do but to act as disbursing clerk at the White House. This additional duty of signing land warrants was assigned to him subsequently.

Mr. HANDY. That is not the situation disclosed by the record, as I understand it. Here is the situation, as I gather it from the report of the committee: When Congress refused in 1878 to appropriate money to pay an official for the purpose of signing land patents, it also required the President to designate one of his executive clerks to perform that duty. He did so, and assigned Mr. Crook to that duty. So that whatever the gentleman may say, it became the duty of that clerk under the law to do the work assigned to him. According to the report which has been read here, he did nothing more than it was his full duty under the law to do. It does not seem that he is entitled now to extra pay any more than other persons who perform a duty which is assigned by the law may be entitled to extra pay.

Mr. MINOR. The gentleman is entirely mistaken.

Mr. HANDY. In what respect?

Mr. MINOR. He performed this duty during four years——

Mr. NORTHWAY. If the gentleman will permit an interruption, I would ask the gentleman from Delaware if there is any doubt that this clerk performed the duties which were assigned to him and that he performed them in addition to his regular duty?

Mr. HANDY. He performed the duties in accordance with the statute. It became his statutory duty to do the work which was assigned to him.

Mr. MINOR. If the gentleman will examine the report, he will find it says that this clerk was acting as disbursing officer of the Executive Mansion and also in charge of the reception room. All of these duties he continued to perform, and in addition to that he was designated by the President as "secretary to sign land patents."

Mr. HANDY. Let me call the attention of the gentleman to the language of his own report:

By act of June 20, 1878 (20 Stat., page 188), the appropriation for payment of the salary of this officer was omitted, and the President was directed to designate one of his executive clerks to perform the duty of signing land patents.

Now, the payment for that official was omitted by this law in one of the appropriation bills, and the President was directed to designate one of the executive clerks to perform the duty. In pursuance of that direction the President designated this man. In the performance of that duty thus assigned to him this executive clerk was doing exactly what the statute required of him. He was simply performing, in other words, his statutory duty. And yet here, twenty years after that time, he comes in and asks additional salary for performing the work required of him by law and under the law, work for which he was paid a salary ascertained by law.

Mr. NORTHWAY. Will the gentleman allow me a question?

Mr. HANDY. Certainly, if I am permitted to do so. I am occupying the floor by the courtesy of the gentleman from Wisconsin.

Mr. NORTHWAY. I wish to suggest to the gentleman this point: Suppose Congress should decide to dismiss one-half of the clerical force of the various Departments and impose upon the other half the duty of the performance of the entire work—work that the President must see shall be done under the law—does not the gentleman think that Congress should consider that fact in making payment for the services?

Mr. HANDY. If, in the discretion of Congress—taking as an illustration the possibilities of the extravagant assumption embodied in the suggestion of my friend from Ohio—it should put the duty of performing all the clerical work of the Government on one-half of the employees, thus reducing the force, and that half should continue in the performance of statutory duty, I do not think there could be any claim for back pay beyond what Congress might provide in the first instance for the performance of the duty.

Mr. MINOR. Mr. Chairman, I do not wish to take the time——

Mr. HANDY. I have only interrupted the gentleman, of course, with his consent. If necessary, I shall ask the floor in my own right.

Mr. MINOR. I am not objecting, of course, to the questions of the gentleman. But there are one or two points that I think are desirable to be considered in this connection. If gentlemen will examine the report, they will find that the Commissioner of the Land Office, Mr. Williamson, in 1881 recommended payment for the clerical service performed, and said that it was a just claim. He was Commissioner of the Land Office at that time. Mr. W. H. Rogers says that it is a just claim. Hon. H. M. TELLER, who was then Secretary of the Interior, and now a Senator, says that it is an honest and a just claim. Hon. Anson G. McCook, former Secretary of the Senate, gives the same report in regard to it; and finally President Hayes himself indorses the claim for an increase of pay in this case, because the work was done outside of office hours by this party, and says that he is in fairness entitled to the pay.

Mr. LOUD. Is this a Republican claim or a Democratic claim?

Mr. MINOR. Not a bit of it. It has nothing to do with politics.

Mr. LOUD. Because I notice that our friends on the other side are making a determined fight against it.

Mr. HANDY. I am sure I did not know this was a Republican claim. It can not be very much of a Republican claim, if this gentleman is still in office, as I understand he is. He has been held there under all Administrations.

Mr. MINOR. I desire to yield to the gentleman from Ohio [Mr. NORTON]. That will show you whether it is a Republican claim or not.

A MEMBER. It is an Ohio claim.

Mr. LOUD. This will help it, I think.

Mr. NORTON of Ohio. Whether it helps it or not, I think at least a fair understanding of this claim ought to be had. I first

desire to assure both sides of this House that I have given this a very careful consideration. My interest in the claim first arose by having a personal knowledge of the claimant, and I know and speak for him as one of the best officers ever employed by this Government, and one of the most faithful and strictly honest. And the best evidence that that is true and that he has been a faithful and efficient officer is that he has remained at the White House ever since the days when he was placed there by Abraham Lincoln. He is now an old man and comparatively penniless. If you think that the salary he has received, living a sober, honest, and industrious life, is so great, he ought to be rich, while I know of my own personal knowledge that to-day he is a very poor man.

Mr. KING. Will the gentleman permit an interruption there?

Mr. NORTON of Ohio. Yes.

Mr. KING. What was his remuneration at the time it is alleged he performed this service?

Mr. NORTON of Ohio. I will explain that to you, and I trust gentlemen will follow me while I give the whole facts. This bill has four times passed the Senate. The last time—this session—it passed for $6,000. The House bill is for $4,000, and represents the labor of signing all the land and mineral patents for four years. The Government had paid for over thirty years the sum of $1,500 a year for this service alone.

The Government, when it pays this claim, will have been the gainer $2,000 in compensation for the services rendered.

This represents the years 1878, 1879, 1880, and 1881, inclusive.

Now note it. During the years 1882 and 1883 an additional clerk was allowed at the White House and the work could be done in regular office hours; and no charge is made or included for those two years. When this direction of the President for one of his executive clerks to do this took place, for the time that that was done he made no charge. Now, commencing in 1884, the appropriation was restored, but only $1,200 a year was allowed for that exclusive service. It has since been made yearly; and the signing of land patents has been done at the Land Office, as it was prior to 1878, and the clerk who did that performed no other duties. It is true, however, that in the period during which Mr. Crook signed the land patents the number issued reached the highest yearly averages of any period in the history of our Government, reaching nearly 50,000 a year.

The statute restoring the salary and providing a clerk for this special work exclusively was by act of July 7, 1884, for the fiscal year ending June 30, 1885.

I call the attention of the gentleman from Missouri to that. You will find that in volume 23, Statutes at Large, 1885, Interior Department. The appropriation came to be dropped originally in this way: A man by the name of C. C. Coon was in 1877 dismissed from the service for cause, and he came here and succeeded in getting the appropriation discontinued which should have been allowed to his successor in office. At this time William H. Crook, the claimant here, was disbursing officer at the White House, charged with the performance of regular duties to be done each day. The President at this time requested Mr. Crook to sign these patents, which it was not supposed at that time would be a very great task. But it was found that it would be much greater than expected, and Mr. Crook was given to understand—given to understand by the President of the United States—and to prove that that is true there is not only the assertion of Mr. Crook and his special friends, but it is proven and the facts specifically stated by ex-President Hayes, now dead, in his letter. Who desires to deny that fact? He was directed by the President, not by law——

Mr. HANDY. Does the gentleman mean that the President was not directed by law to designate one of his executive clerks to perform this duty?

Mr. NORTON of Ohio. I do not deny that statement at all, but I said he directed him and gave him to understand, and he so states, for doubling his work. He was disbursing clerk at that office at that time and had been from the time that Abraham Lincoln became President, and he had the duties of that position to discharge. Not only has he done this, as you will remember, but he is one of the most useful, courteous, urbane, and hard-working gentlemen that there is about the White House or that ever has been there.

Mr. HANDY. I did not catch what the gentleman said that it was the President gave Mr. Crook to understand. Does the gentleman mean that when President Hayes designated Mr. Crook to do this duty, he gave Mr. Crook to understand that he would receive additional compensation therefor?

Mr. NORTON of Ohio. I do specifically state so.

Mr. HANDY. Does the record show that in any place?

Mr. NORTON of Ohio. The President's letter that has been read to you here shows it.

Mr. HANDY. I heard the letter read, but did not hear a word of that kind.

Mr. NORTON of Ohio. I shall be glad to have it read again before I am through.

Mr. HANDY. I hope the gentleman will read it and point that out, for that would be very material.

Mr. DOCKERY. He had no more authority to do so than you had.

Mr. HANDY. I know he had no authority to do it, and the letter does not say that he did do it. I think the gentleman is mistaken.

Mr. NORTON of Ohio. The letter will speak for itself, and when a claim can come into this House backed by the written assertion of a President of the United States or an ex-President of the United States that it is an honest claim, I believe that it has a much better indorsement than 90 per cent of the claims that come into this House.

Mr. KING. Why, conceding that, that would not establish its validity.

Mr. NORTON of Ohio. I will show you its validity before I get through. Now, the understanding was that, having to perform this service out of office hours, he would be paid extra therefor, and with the knowledge and consent of the President he did do it. The proof is that he did this work at nighttime; that he employed his wife, and she worked upon the Sabbath day, and at all hours, outside of the regular service, and he was compelled to do it in order to bring up and successfully accomplish the work that he did. His wife is now dead, leaving him alone in his old age penniless, save and except the amount of salary that he receives there now.

Now, then, objection is made that Mr. Crook was at the time drawing a salary. But it must also be remembered that he had to perform his regular duties, and was doing every duty required of him for the salary paid him; and now, when the President came to him and directed him to perform this duty, he assured him that he would receive compensation for it, as he worked out of office hours. Now, for the whole time, from that day to this, that claim has been urged, and then gentlemen expect to cut it down to one-half or less than what you paid for years and years for another to do that same service. That seems to me unjust to a man who has for all these years honestly and faithfully performed every duty due from him. The gentleman stands upon the validity of this claim. Any claim that is a just claim is a valid claim, as if it were designated specifically by a statute and for a particular purpose.

The work has been done, just as thousands of other men are paid for services rendered the Government without specific direction. This work had to be done. You had failed to make an appropriation for it. You take a man from other service and make him work at night and on the Sabbath for four years; and now when he comes to you with the Senate back of his claim, with every one of the employees of the Government and the Commissioner of the Land Office back of him, and when you have this assurance made to him by President Hayes, and when he tells you that it is an honest and a fair claim, now you want to say, "What is the validity of the claim?" Besides all that, let me say to the gentleman from Utah and the gentleman from Delaware that two, three, or four committees of this House have unanimously reported it, and to-day the committee comes here after having had a full and careful investigation and unanimously reports the same way.

Mr. HANDY. Will the gentleman permit me to ask him a question right there?

Mr. NORTON of Ohio. Certainly.

Mr. HANDY. You speak of the favorable reports of committees of this House on this claim. Let me ask the gentleman whether any committee of this House has ever reported adversely to this claim?

Mr. NORTON of Ohio. Not to my knowledge have they ever done so. If they have ever done so, I do not know it.

Mr. HANDY. I notice that the report speaks of the favorable Senate report heretofore made, and makes that a part of their report.

Mr. MINOR. It was reported in the Fifty-fourth Congress, in this House, favorably.

Mr. HANDY. Was it ever adversely reported?

Mr. NORTON of Ohio. I have not been in Congress long. This is my first term, as it is that of the gentleman, and I do not know whether any committee has ever reported against it; but I can say that if they have that they have done that which is unjust and wrong, and it is an outrage upon the honesty of this Government to an honest employee, doing honest work, and he ought to be paid an honest amount for it. This was no sinecure, and I think he is entitled to the full amount that the Senate gave him; but having agreed to accept, in order that he might have something for the work done, it was agreed that they should report it at $4,000, and he has stated that he would accept it for that reason.

Mr. KING. My distinguished friend has not answered the question which I in good faith asked him as to the salary which he received at the time he performed these duties. I understand that that position is a sinecure, as he is merely an executive disbursing

officer. Many clerks in banks will disburse during a year ten to a hundred times the amount of money required to be disbursed by this gentleman, and they do not receive the amount of salary that he received, and he has performed much less onerous duties than men who are compelled to disburse a great deal more money and who occupy much more responsible positions.

Mr. NORTON of Ohio. Whether the position of disbursing officer is a sinecure or not, I do know that there are many members of Congress who from the manner in which they perform their duties may be regarded as occupying a sinecure; but when the Government designates a salary and when an official is employed under the eyes of a Chief Executive of the Government, at least it ought to be considered that it is an honest position and an honest salary is to be paid, and that it should not be classed as a sinecure.

I never have filled the position of disbursing officer at the White House, but I do believe that I never crossed the threshold of that place but what I found this man employed and earnestly at work, either showing courtesies and kindnesses to the members of Congress or to some one else, always ready to do his duty and so efficient and necessary that no President has ever discharged him since he was placed there, and it seems as if that ought to be a sufficient answer to the gentleman from Utah.

Now, in conclusion, you may charge this, if you choose, as a fraud, as I have heard the words dropped here. If he is a fraud, then he should not be entitled to anything. There should be no question of dividing the amount. You can not compromise with fraud. I do not believe it is a fraud, because I believe there is no truer, no more honest, no more sincere gentlemen ever lived in this great nation than the men who have indorsed this very bill.

It does not require much fight on this floor when you want to pass a bill of $200,000 or $300,000 for things that are so doubtful that perhaps no man living could ever testify to their honesty and sincerity or their worth; but here is a man who was ready to do his duty in the days of 1861, so efficient and necessary to the President of the United States that he makes of him a personal selection, and he has been kept from those days to this. He is indorsed by men whose characters will live so long as nations shall live for honesty, patriotism, and truthfulness. [Applause.]

Mr. DOCKERY. Mr. Chairman, I desire to say that upon an examination of the merits, or rather the demerits, of this claim, which had for the moment passed from my mind, I desire to withdraw any suggestion that this claimant is entitled to $2,000 or any other sum. I want to say that if the claim for $4,000 is to rest upon the politeness, the urbanity, the courtesy, and the accomplishments and efficiency of the applicant, then I am willing to concede that the claim ought to be paid at once, because the claimant is efficient, he is accomplished in his particular line of work, and obliging. But, in my judgment, this claim has no proper foundation either in law or equity.

I did not understand its details at the outset; it had passed from my mind. In the first place, this gentleman has held one of the most desirable positions in the public service for a long term of years, and I admit he has graced the position. He has held it, I do not know how long, perhaps since some time in the sixties, and if he is "penniless," as suggested by my eloquent friend from Ohio [Mr. NORTON], it is his own fault and not the fault of the people of the United States.

How did this claim originate? It originated in consequence of a law passed in 1878. I did not know at the time I expressed myself as willing to pay him $2,000 that there was any such statute. But in the legislative appropriation bill approved June 19, 1878, appears the proviso:

> And the duties prescribed in the section of the Revised Statutes No. 450 shall devolve upon and be discharged by one of the executive clerks, to be designated by the President for that position.

That is the act of June 19, 1878, a deliberate act of Congress. Gentlemen will remember that was a time when Congress was engaged in the work of reforming the Executive Departments. What is section 450? It provides that—

> The President is authorized to appoint from time to time, by and with the advice and consent of the Senate, a secretary at a salary of $1,500 a year, whose duty it shall be, under the direction of the President, to sign in his own name and for him all patents for land sold or granted under authority of the United States.

Now, that section of the statute was deliberately repealed by the act of June 19, 1878. In other words, Congress said: "Mr. President, you have a sufficient clerical force to enable you to designate one of four clerks to perform the duty of signing land patents," and so Congress wrote it in the law. If any President—I do not understand the letter of the ex-President that way—but if any President assured this gentleman that he was to receive additional compensation, we all know that he had no more authority to give such an assurance than the humblest laborer in the Capitol, because the President of the United States must himself be responsible to the law.

Now, then, this gentleman has been in office a long period of time, and I do not complain of that fact, because I have held office myself quite a while [laughter]; but he has held office a long time and has received a good salary. I think he is an accomplished gentleman; but shall we at this late hour, when every dollar is demanded by the necessities of the Government, both civil and military, go into the Treasury and grant this official a gratuity? I do not think we ought to do it. He only disburses about $100,000 a year, and that includes the salary of the President.

Mr. KING. Do I understand the gentleman to say that he got this salary for disbursing $50,000 a year?

Mr. DOCKERY. One hundred thousand dollars a year.

Mr. KING. But $50,000 of that is the President's salary.

Mr. DOCKERY. He was a disbursing clerk in the Executive Office and that was his duty.

Mr. MINOR. Is that all of his duty? Only three or four days ago he came in here with the President's message and announced it to the House.

Mr. DOCKERY. Yes; but that was in the absence of the gentleman who usually attends to that duty.

Mr. HANDY. If this man is performing extra duty now under the theory of this bill now before us, we shall have a claim for additional duty that he is now performing.

Mr. DOCKERY. Oh, let me say to the gentleman that when we launch out into the uncertainty, or rather the certainty, of granting gratuities for extra hours of labor, then you must not stop at Mr. Crook, the executive clerk of the White House.

Go to the War Department, where the clerks are working overtime an hour and a half to two hours daily, and give them a gratuity. Go to the Post-Office Department, where, whenever there is a change of Administration, the clerks must work overtime two or three hours a day. Give them a gratuity also. So let us go into every office of the 18,000 clerks in this city. Take the money of the people and give it as a gratuity to these gentlemen who practically hold life positions, if you desire to do so, but do not do so under the theory that they have a right to this money. They have no such right. This money was paid into the Treasury by the people of the United States, and we have no right to take it out of the Treasury unless in liquidation of obligations incurred in the exercise of the legitimate functions of government under the law.

Mr. MAHANY. Is it not right that the Government should pay its servants for working overtime as well as that private institutions or establishments should pay their employees for extra service?

Mr. DOCKERY. The gentleman, if he will read the statutes of his country, will be able to answer that question for himself.

Mr. MAHANY. Well, I am asking the gentleman the question.

Mr. DOCKERY. The Government says "no;" the law says "no;" and I know of nothing more persuasive upon me than the laws of my country.

I would rather vote for this bill than to oppose it, because I know the gentleman who is the beneficiary. I admire him for his courtesy and efficiency. No man ever went to the White House who was not treated by this gentleman with all the courtesy and affability that befitted the occasion. I repeat, I would rather vote for this bill than oppose it; but it does seem to me that somewhere along the line of this war fever there ought to be a war inaugurated against these claims that are raiding the Treasury of the United States. [Applause.] Our people have a right to expect it; they demand it. Let us give all the money that is necessary to support this great Government, but not one dollar to this gentleman nor to any other civil or military employee not called for by the law or by the equity of the particular case.

Mr. MOODY. Will the gentleman allow me to ask him a question?

Mr. DOCKERY. Certainly.

Mr. MOODY. The gentleman has had great experience upon the Committee on Appropriations; and I wish to ask him whether it is not very often the fact that his committee, having charge of the salaries of the executive officers, find that owing to a change of conditions the duties of officers have lessened very much, and therefore it becomes desirable to abolish a particular office, consolidating its duties with those which have been performed by another official. That is very frequently done, is it not?

Mr. DOCKERY. Very frequently.

Mr. MOODY. Now, when Congress judges that additional compensation should be allowed to an officer in whom the duties of two officers have been vested, that is provided for in the legislative, executive, and judicial appropriation bill, is it not?

Mr. DOCKERY. That is a correct statement.

Mr. MOODY. Now, if I understand the gentleman's contention about this case, it is that Congress, finding the duties of these two offices could be advantageously performed by one official, enacted that those duties should be so performed.

Mr. DOCKERY. That was the statute.

Mr. MOODY. And having all the circumstances under consideration, Congress concluded that under the circumstances, notwithstanding the consolidation of the two offices, there was no occasion for any increase of salary.

Mr. DOCKERY. That is true.

Mr. MOODY. Now, if we twenty years afterwards go back and make an additional allowance to this officer, then we are rendering entirely ineffective the deliberate judgment of Congress in passing upon the facts as they existed at the time.

Mr. DOCKERY. Certainly.

Let me add further, for the benefit of the old members, that upon the Committee on Appropriations at the time when the bill was reported fixing this salary was that splendid Pennsylvanian, Samuel J. Randall. I am not certain whether the gentleman from Illinois [Mr. CANNON] was a member of the committee at that time; but if he was, I could pay him the same tribute I have paid to Mr. Randall, who I know was a member at that time, and who watched the expenditures of this Government with exacting scrutiny.

Now, let me say another thing, and then I will yield to the gentleman from Delaware [Mr. HANDY]. This bill is in violation of the spirit of our statutes. We have a law which absolutely prohibits any officer from receiving two salaries; and a further statute prohibiting any department from accepting voluntary service as a basis for compensation, or which might be made the basis for compensation. So that in my view—I say it regretfully; I dislike to vote against this bill, because I personally like this officer—I say that in my judgment there is not one iota of law or equity upon which to rest this claim either for $4,000 or $2,200, or for any other amount. I will now yield to the gentleman from Delaware.

Mr. HANDY. Mr. Chairman, my opposition to this claim is based entirely upon the statements made in the report of the committee—a report written to favor the claim. I do not know the gentleman who is to be the beneficiary of this bill. I do not know anything about the claim save as the facts are disclosed in this report and have been developed in the debate on the floor. I have no doubt from all that has been said that this is a very accomplished officer and a very worthy gentleman. I have no doubt that through all these years since Abraham Lincoln appointed him to office, he has faithfully performed his duties. The country has no cause to complain of him; and he has no cause to complain of the country. So far as the Government of the United States is concerned on the one hand, and so far as Mr. Crook is concerned on the other, they have served each other very well for over thirty years. Let us put all that to one side and come down to this claim. What is the claim?

Now, this claim, Mr. Chairman, is presented here for additional services supposed to have been rendered by this gentleman during four of the years he has been an executive clerk in the office of the President of the United States. How did these extra duties come about, and how were they imposed upon him as additional services? They are extra only in this, that they were additional to the duties he was required to perform under the law before Congress passed the act in 1878 to which reference is made in the report. He did not perform any duties extra and beyond the duties required of him under the law of 1878.

The gentleman from Missouri [Mr. DOCKERY] has quoted that law. The report of this committee itself exhibits the law with sufficient clearness. That law required the President of the United States to designate one of the executive clerks to perform a certain duty—namely, the duty to which reference is made in the pending bill. The President designated for that purpose this gentleman, Mr. Crook. Why did he designate this particular person? It is a fair assumption that he designated him because amongst all of the executive clerks, this man could with the least hardship perform the additional duties assigned to him.

The President probably designated him because the duties previously performed by him were light in comparison to the work other clerks were performing. The President, being responsible for the work, would naturally desire that the person who was most at liberty because of other duties should perform these new duties. It is fair to assume that he acted in a larger degree on this principle when he designated Mr. Crook as the executive clerk who should sign land patents.

Mr. MINOR. If the gentleman will permit me, I will ask him, in connection with what he is saying, why it is that President Hayes states in his letter that this work was done "outside of office hours," and that in his judgment this party "is in fairness entitled to be paid" for it?

Mr. HANDY. But the President does not say that.

Mr. MINOR. Oh, yes.

Mr. HANDY. Oh, no. I will take up the letter from President Hayes and call attention to it now, in view of the fact that the gentleman from Wisconsin has made reference to it. The President has simply expressed a hope that additional compensation should be allowed to Mr. Crook. There is nothing in this letter of ex-President Hayes to intimate that the President regarded the Government as under any legal obligation whatever to pay this extra amount. There is nothing in the letter that says anything about that. The President—or ex-President—simply expresses a hope that Congress will pass the bill to provide for the payment of what Mr. Crook thinks he ought to receive.

I am strongly of the opinion that the gentleman from Ohio [Mr. NORTON] has obtained a wrong impression from the reading of that letter. If the gentleman will follow it carefully, he will find that he is mistaken as to what the letter asserts. The President would have had no right to intimate to Mr. Crook, when he assigned this work to him, that extra pay would be forthcoming, although he might have expressed a good feeling and kindly sentiment and best wishes for Mr. Crook. His salary was statutory and could not be increased without action of Congress. There is nothing in the report before us to show that the President even suggested at the time anything about additional pay.

In 1887, long after the claim became due, if it ever was due, and after the President was out of office, President Hayes says only this:

FREMONT, OHIO, *January 28, 1887.*

DEAR SIR: I have your letter asking my opinion of the bill for your relief now pending in the House. You performed faithfully and well double duty after you began to sign land patents. The latter work was done outside of office hours, and you are in fairness entitled to be paid for it. I hope and expect Congress will pass your bill. It is an act of simple justice.

Sincerely,

R. B. HAYES.

This letter simply shows that the President was willing to accord to this officer credit for having faithfully performed his duty. It expresses a hope that the bill for his relief might pass. It seems to indicate further that the President was personally fond of the man. He seems to be an attractive kind of a man. Everybody who comes in connection with him seems to like him. Liking him, they are willing to aid him in his effort to advance his own condition. He had been connected with the President for four years, during which time he discharged his duties faithfully and well. The letter is a testimonial to Mr. Crook's good qualities. But it does not give a good and substantial reason for appropriating $4,000 additional back pay for clerical work done nearly twenty years ago.

The truth is, Mr. Chairman, that Mr. Crook had a statutory work to perform. He performed that duty during four years of President Hayes's Administration, just as he has performed his duty during all of the other thirty years that he has been in office.

Why did he perform any of these duties? Simply because he held office and received a statutory pay for performing the duties thereof. He received the same statutory pay during all of these years as the bills for such payment were passed.

I do not object to Mr. Crook's having $4,000 or $6,000 or $10,000 drop into his worthy and grateful hand. I might rejoice at his good fortune. That is not the question presented here. This money must come from the public Treasury, and we have no right to pay it unless it has been fairly earned. The bill itself is a trifling matter. It is the principle involved which we must consider.

Standing here as the representatives of the people of this country, we must guard the public funds more jealously than if they were our own. We have no right to be generous with the people's money. It is enough for us to be just in paying claims.

I can not see any reason why the Government should give gratuities to the officers of the Government beyond what their fixed salaries call for, no matter how well they discharge the duties which are imposed upon them by law. If a man does not desire to remain in the service for the performance of a specific duty imposed upon him by law, he need only notify the proper authorities. There is no reason why he should not relinquish the position.

This is a proposition to pay for "additional service" rendered some twenty years ago.

The services rendered were paid for under the law at the time. There is no warrant for the payment of the amount recommended here. There is no possible principle, it seems to me, on which you can proceed to found any just obligation upon the Government for the payment of this debt. If this gentleman had been a disagreeable person, if he had been personally offensive to persons who occupy prominent public positions, this application would never have been heard of. It is favored here and supported by gentlemen who knew the man and liked him. But, Mr. Chairman, because the man is known and because he is liked is no justification for us, as the representatives of the people, responsible for the expenditures of the public money, to grant a favor—because it would be nothing more or less than a favor—to any applicant for an appropriation in a case of this kind. Whether we know the man or like him or not, it makes no difference; our duty is plain and clear.

I do not know this man. I only know the claim, and I believe the situation here is that the man has merit and the claim has no merit. Since I know the claim and do not know the man, I am not tempted to approve of the claim. It can not be defended upon any ground, and I think the House understands that.

I want to yield such time as he desires to the gentleman from Texas [Mr. SAYERS], if he is on the floor.

Mr. DOCKERY. He is not in the Hall at this time.

Mr. HANDY. I reserve my time for the benefit of the gentleman from Texas [Mr. SAYERS].

Mr. BRUMM. The gentleman has no time to reserve.

Mr. HANDY. Why, yes, I have. The gentleman from Missouri [Mr. DOCKERY] took the floor in his own right, and yielded his time to me, and it belongs to me to yield to other gentlemen who may want to oppose this bill.

Mr. BRUMM. Then you claim you have been talking in the time of the gentleman from Missouri?

Mr. HANDY. Why, certainly.

Mr. BRUMM. Well, I do not care to get into a controversy at this time about that. Perhaps the gentleman may not want to insist on what he claims is his right.

I had not intended to say anything on this bill, but I want to say, in the first place, in answer to an attack—not direct, but a general remark against the Committee on Claims—that war should now be raised——

Mr. DOCKERY. I did not make any such claim.

Mr. BRUMM. Not the gentleman from Missouri alone, but the gentleman from Iowa [Mr. HEPBURN]. I want to say here that I challenge any Committee on Claims, or any other committee of this House, now or at any other time, to show that it has been more careful in considering these private claims than the committee of this Congress. By looking at this Calendar——

Mr. HEPBURN. Will the gentleman permit me a moment? In order to stop the floodgates of oratory that I may have unloosed, I want to withdraw all that I said about the Committee on Claims, and to say now that I think there is not a gentleman on that committee who is not absolutely immaculate in all of his purposes and more industrious than any other man now on the face of the earth. [Laughter.]

Mr. BRUMM. Well, we understand the extreme taffy that the gentleman is trying to give here now, but I wish still to give him a little of that eloquence that he is so much afraid of. By examining this Calendar you will find that we have, as a rule, and from day to day, hardly passed one bill a day in our committee. The highest number that you will find are four bills that we passed in one sitting, which in itself is evidence of the fact that our bills are carefully considered. We are not immaculate, as the gentleman would try to intimate. We make mistakes; but I can say that I challenge a thorough investigation of all the claims that this committee has reported.

Now, as to the claim under consideration, gentlemen say that the position held by Mr. Crook is a sinecure—that all he does is to disburse a hundred thousand dollars a year. Yet, in the same breath, they say they know him to be a courteous gentleman—urbane, polite, and accommodating. I ask these gentlemen, does he disburse this money to them, and is that the way they know him to be so urbane and polite? The very fact that they know him to be so is because they know him in his official capacity, which shows that he does something beyond merely disbursing a hundred thousand dollars a year. He is one of the executive clerks at the White House. He is there at all times, at the service of members of this House, at the service of Senators and members of the diplomatic corps, and he is busy during his entire office hours every day.

Now, as to a gratuity, Mr. Chairman, this is not a gratuity. We have the evidence and the statement of this honorable gentleman that the President told him, when he did this work, that he would be paid for it.

Mr. HANDY. Where do you find that statement?

Mr. BRUMM. The statement is shown by the testimony before the committee.

Mr. HANDY. It is not in the report anywhere.

Mr. BRUMM. Oh, no; of course no report is a full rehearsal of all the evidence before the committee. I will make the statement upon my responsibility that that statement was made to Mr. MINOR. It was in a letter sent to him, which was before the committee, that Mr. Crook was told that he no doubt would be paid. Relying upon such high authority as the President of the United States, he had a right to suppose that he would be paid if he did this extra work.

Now, what did it consist of? It consisted of work for which the Government had been paying $1,500 a year to other clerks. At a peculiar time, for some reason or other, I do not know what, nor do I care, a spirit of economy struck the Committee on Appropriations, and they consolidated the two offices. But the President saw the impracticability of it; and finding that they could not get along, he told this man, "You do this work, and no doubt you will be paid." The gentleman did it—did it after hours; did it on Sunday; had his wife help him. Not only that, but this economical Committee on Appropriations have been ever since paying $1,500.

Mr. NORTHWAY. Twelve hundred dollars.

Mr. BRUMM. My friend from Missouri [Mr. DOCKERY] is on that committee, and ever since then you have been paying somebody else $1,200 a year for doing this very work. Therefore, I say this is not a gratuity. This is a quid pro quo. This is money for services rendered under an employment by the President, and under the statement that he would be paid for the services rendered. The Senate asked for the full amount, at the rate of $1,500 a year, but we have cut it down to $1,000 a year, and this bill now is to pay him less than you have paid others every year for doing the same work before and since.

Mr. NORTHWAY. Mr. Chairman, I have no prejudice in this case, and all I know of the gentleman is as I have found him, a clerk in the White House. But I would like to correct two or three ideas set forth by the gentleman from Delaware [Mr. HANDY], and especially by the gentleman from Missouri [Mr. DOCKERY]. Now, they stand upon the law. Let me say to the gentleman from Delaware and the gentleman from Missouri that it is mighty easy for two able gentlemen like those to stand squarely by the law when the law is in their favor, when it covers the case of any officer of the Government; but it may be that they will have a case, and then they will ignore the law and stand upon the justness of the claim. Now, let us see what there is of this matter. In the history of this Government, from 1836 down to 1878, a clerk had been paid by the Government for doing this work at the rate of $1,500 a year, if we are to trust the reports.

The gentleman from Missouri says that the gentleman from Pennsylvania, Mr. Randall, being a very economic man, saw that he could consolidate the offices and save money for the Government, and the result was that they cut off this $1,500 clerk and put the duties upon another clerk. Now, why did they do it? It is perfectly apparent that the Committee on Appropriations at that time supposed that the work of this $1,500 clerk had been reduced to such an extent that they might dispense with a clerk and let the small amount of duties that he would perform be placed upon another clerk. My experience is that nobody on the earth is more ready to right a wrong that has been done by itself or any former Congress than this body, the House of Representatives. If it should turn out that the House of Representatives in 1878 misapprehended the amount of duties to be performed by the clerk, that they expected this work to be small, and they were mistaken in this, I know of no body of men under heaven more willing to right any such wrong.

Mr. HANDY. Will the gentleman allow me to ask him a question right there?

Mr. NORTHWAY. Certainly.

Mr. HANDY. Congress in 1878, as I understand, thought this office could be dispensed with and the work done without injustice to any one clerk.

Mr. NORTHWAY. Certainly.

Mr. HANDY. The next Congress evidently thought the same thing, for they did not change it. Then in 1882 Congress provided for a clerk at $1,200 in the Interior Department on the statement that it was inconvenient to carry these land patents backward and forward to the Executive Mansion; but that Congress evidently did not think that Mr. Crook had a good claim, for it did not provide for him and did not seem to consider that he had any claim upon Congress.

Mr. NORTHWAY. Now, what is your question?

Mr. HANDY. I want to know whether you do not think that that Congress, right near, possessed more means and better means of knowing about this work and a more correct estimation of whether he ought to have additional compensation than we do?

Mr. NORTHWAY. Now, if your question implied a fact, then I might say yes. It was not the same Congress. The Congress which comes here every four years is different, and even every two years.

Mr. HANDY. But they were nearer and had better opportunity to understand the question.

Mr. NORTHWAY. If the gentleman knows they had a better chance, then he is right. I think it takes a great time to right a wrong, and you know as well as I do that it takes quite a time to get an honest claim through this body. Now, here was a consolidation of the duties of the two offices.

Mr. GAINES. If the gentleman will permit me, a very distinguished officer of this House, whose name I will not call, once said to me that the object of the rules of this House was to prevent the passage of just claims.

Mr. NORTHWAY. I do not know how that is. Now, if the Committee on Appropriations did ascertain in 1878, for the first time, that they were paying $1,500 a year for that which ought not to be paid for, then what have you to say as to the conduct of the House in paying from 1836 down to 1878 that $1,500 a year? And if the Committee on Appropriations in 1878, the labor being the same, had made the discovery, then ought you not to complain if it takes four years to make a discovery that a wrong has been done?

Mr. HANDY. I feel like——

Mr. NORTHWAY. I do not yield.

Mr. HANDY. I beg the gentleman's pardon.

Mr. NORTHWAY. The Committee on Appropriations labored

under the suspicion that the duty of that clerk had been reduced. Now, the report shows that instead of the labor being reduced it actually increased, and he had to perform a greater amount of duty for that four years than there had ever had to be performed by any clerk occupying that position in the history of the Government. Now, that is a fact; so that instead of there being less duties to perform there were more, and Congress made a wrong step in that direction. Now, it is said Congress authorized the President by law to do a thing, and he stood upon the law, and this clerk must stand upon the law; and the gentleman from Missouri (I would be glad to have his attention, so that he may listen to me) stands upon the law—a public officer ought not to get any more than his salary. Yet the gentleman from Missouri voted (and I voted with him) to pay $10,000 to one of his able colleagues from the State of Missouri when he was getting paid $5,000 a year as a member of Congress, and that for service performed while he was a member of Congress.

Mr. DOCKERY. I do not now remember.

Mr. NORTHWAY. You do not remember the $10,000?

Mr. DOCKERY. I do not.

Mr. NORTHWAY. You do not remember the $10,000 that your colleague received, and you voted for it, and I voted for it, because I thought it was fair, and he was drawing a salary of $5,000? I refer to Mr. Heard. He was paid $10,000 by Congress when he was receiving a salary as a member of Congress.

Mr. DOCKERY. I do remember it as a just claim.

Mr. NORTHWAY. He was drawing his salary of $5,000 a year, and was paid $10,000, and the gentleman from Missouri voted for it, and so did I.

Mr. DOCKERY. I know nothing about the claim in connection with committee work. I was not a member of the committee reporting it. I am sure the gentleman is right in the statement that the claim was meritorious.

Mr. NORTHWAY. I am not saying anything about the committee or anything in connection with the committee, but he performed certain duties for which he was paid by Congress $10,000, and you voted for it, and so did I, and he received $5,000 a year salary as a member, and that was done in the Fifty-third Congress.

Mr. DOCKERY. I supposed that was for services performed prior to that.

Mr. NORTHWAY. No, sir; it was for services while a member of Congress.

Mr. HANDY. Working over hours.

Mr. NORTHWAY. I voted for it because he ought to have it. I did not stand up here as a lawyer and say that because there was no law for it he ought not to have it. Claims go through here, and not one in fifty are allowed by law or by virtue of any contract.

Mr. KING. Does not the gentleman think, in view of the law cited by the gentleman from Missouri, that it was a duty, mandatory on the President of the United States, to assign one of his clerks to the merely perfunctory task of affixing his name to the patents? Does not he think a man should be paid $4,000 or $5,000 for signing his name one or two hundred thousand times?

Mr. NORTHWAY. Now, the question the gentleman is asking me is a reflection upon the Congress for forty-two years, when that Congress appropriated $1,500 for the purpose of paying a clerk for signing his name in this perfunctory way for one or two hundred thousand times.

Mr. KING. I think Congress at that time was extravagant.

Mr. NORTHWAY. You have this year voted to pay a clerk $1,200 for the same duty.

Mr. KING. I did not do it intelligently, and now I have become aware of the fact, I am not willing to vote for it.

Mr. NORTHWAY. You will come here at the next Congress and vote for it willingly. There is such a thing as being overwise on our part, and sometimes I get there myself. [Laughter.]

Mr. KING. Certainly the gentleman is not overwise now.

Mr. HANDY. Would I interrupt the gentleman——

Mr. NORTHWAY. Certainly you would interrupt me, if I stopped. [Laughter.]

Mr. HANDY. I mean unpleasantly.

Mr. NORTHWAY. No; certainly not.

Mr. HANDY. I understand it has been said here that Mr. Crook did this additional work at home and that his wife helped him. I am puzzled about it. I understand the labor was signing the President's name, and I would like to know whether the wife, under the act, had authority to sign the President's name, too?

Mr. NORTHWAY. The gentleman is not asking that as a lawyer?

Mr. HANDY. No; as an humble member of the House.

Mr. NORTHWAY. I am glad to know that he is humble. [Laughter.]

Mr. GAINES. "He that humbleth himself shall be exalted."

Mr. NORTHWAY. The gentleman from Delaware does not understand that any such claim has been made. The labor consisted not only in signing the name of the President, but comparing papers, and even the wife could do that.

Now, I submit that here was an interregnum of four years when there was no clerk to do this work. The labor performed was greater than is performed now, a greater amount than at any time during the forty-two years, and yet gentlemen stand up here and say that under law and justice he should have nothing, where, if we had continued precisely as we are doing now, he would have been paid not only $4,000, but $4,800 for performing the same services. Gentlemen make no complaint of having paid it for forty-two years. If this man performs the labor, even though designated by the President to do it, he should be paid for it.

The gentleman from Utah asked if it was not the duty of the President to designate a clerk to perform the services? Certainly it was, because there was no clerk paid for it. The labor must be performed by some one or go unperformed. If the labor was performed, then the person performing it should have his pay for it. Gentlemen say there was no appropriation for it. We ought not to stand upon that. If the Committee on Appropriations, without due consideration, cut down the appropriation, we ought to right the wrong. We know the facts, and the committee that cut off the pay did not know the facts. They supposed the labor would be reduced largely during the four years. It transpires that the labor was increased; that there were a larger number of land warrants signed during the four years.

Mr. NORTON of Ohio. And most of them were for Utah, from whence comes the man that is opposing the bill. [Laughter.]

Mr. NORTHWAY. Very likely. Now that we have discovered the fact that the labor was largely increased, and that the Committee on Appropriations before made a mistake, we should correct the wrong, and I submit that it is proper for us to do so.

Mr. GAINES. I would like to inquire of the gentleman if this labor was in excess of the labor which this clerk had been in the habit of performing?

Mr. NORTHWAY. Yes; from 1861 to 1878 he had been receiving pay for performing certain other duties, and they had been paying another clerk for performing these duties $1,200 a year, and now this claimant only wants $1,000.

Mr. GAINES. As he continued to do this work year after year, knowing that there was no additional salary and knowing that his salary was so much a year, is not he estopped from claiming the extra amount?

Mr. NORTHWAY. Oh, I do not know that he could sue the Government. No one pretends that upon any of these claims the claimant can sue the Government. We have been voting millions of dollars at this session of Congress upon claims for which the Government could not be sued.

Mr. BURKE. Will the gentleman allow me a question?

Mr. NORTHWAY. Certainly.

Mr. BURKE. The gentleman speaks of this extra duty performed by this clerk and of his right for that reason to extra compensation. Was there anything that prevented this gentleman from resigning his office in order to escape the performance of this extra duty?

Mr. NORTHWAY. No. A member of Congress is the only man who is forced to stay in office; who can not resign. All the clerks under the Government may, of course, resign and get out of the way whenever they choose. I have heard that consideration urged here a great many times, but it never operated as an argument.

Mr. HEPBURN. Allow me a question. I am told that in the Forty-first Congress a new provision was inserted in the appropriation bill, providing that the person accepting the amount appropriated as salary should accept in full payment for all services rendered. Now, what effect does that provision have upon this gentleman's claim? This provision of the Forty-first Congress dates back of the period when this man began to perform these services.

Mr. NORTHWAY. It would have the effect to prevent the officer from suing in a court of law for the amount claimed to be due for extra services. But I do not believe that such a statement put in an appropriation bill is any more binding in a case of this kind than if it were left out. This is not a question of law, but a question of justice and equity.

Mr. HEPBURN. But is it not an equitable estoppel as well as a legal one?

Mr. NORTHWAY. I think it is not an equitable estoppel by any means, for an equitable estoppel is much stronger than a legal one.

Mr. Chairman, I have no personal interest in this claimant. I do not know anything of his politics nor from what State he hails.

A MEMBER. He is an Ohio man. [Laughter.]

Mr. NORTHWAY. I do not know that. It appears he has served under various Administrations during all sorts of political campaigns. I do not know whether he ever voted, and I do not care. I believe this to be a just claim and one which ought to be paid.

Mr. MOODY. Mr. Chairman, I wish to submit a very few observations upon this claim, which has come to my attention only as it has been reached in the business of the House.

It seems to me that the passage of this bill would be a very dangerous precedent. If we propose to go back over the last quarter of a century and rectify all the wrongs that preceding Congresses have done to the employees of the Government, we shall have our hands full.

Mr. NORTHWAY. Are we not doing that very thing in the passage of claims here constantly?

Mr. MOODY. No, I think not, in cases of this kind. It seems to me this case stands differently from any other which I have known to be reported by any Committee on Claims. In 1878 the Appropriations Committee, having charge of the executive civil service of the Government, concluded that certain work which had been theretofore performed by two clerks could with profit to the Government service be consolidated and done by one. Hence they provided for abolishing a clerkship in the Land Office, and provided specifically that the duty which had been performed by that clerk should thereafter be performed by one of the executive clerks of the President.

An executive clerk of the President was detailed under the provision of this act to perform this duty, and his salary was fixed at $2,000 or $2,200, whatever it may have been. He could continue in this employment, or could leave it, as he chose. The duties of his office were regulated by Congress, and the compensation for the performance of those duties was fixed by Congress. He chose to go on under the statute and perform the new duties of the office, and he chose to accept the compensation which Congress provided.

As the gentleman from Iowa [Mr. HEPBURN] has well pointed out, he did so under the provisions of a statute which provided specifically that the salary named in the appropriation bill should be received by the officer as full compensation for all the duties connected with his office. And that provision, I believe, has been in the appropriation bills from that day to this. As I understand, it has been put in those bills to avoid the very thing we are meeting now—to prevent employees of the Government from coming in and, under the plea of extra work, obtaining extra salary.

Now, this condition went on for four years. This man performed the duties of his new office under the provision of Congress. He did it silently or he did it under protest; and I do not care which horn of the dilemma you take. If for four years, without protest, he performed the duties of the new office and received as full compensation the salary which Congress provided for the performance of those duties—if he did that for four years and made no protest at the time, it is too late ten, fifteen, or twenty years afterwards to come here and ask us to give him extra pay.

Now, Mr. Chairman, suppose he did not do this extra work without protest. We all know that the Appropriations Committee meets every year. It hears the chiefs of the various bureaus, and it hears, among others, the secretary of the President. Every recommendation which comes from the President of the United States through his secretary is carefully considered and almost invariably heeded. Now, suppose that this clerk, instead of doing these duties without protest until years afterwards, had protested from year to year—had come to the Appropriations Committee and said, "You have provided double duties for this office without increasing the compensation, and you ought to increase it." Suppose he did that; and suppose the Appropriations Committee, its action being ratified by Congress, had steadily, year after year, said, "No; your salary is adequate for the performance of the new duties as well as the old; you must do your work as Congress has prescribed it to you, and you must do it for the pay which Congress has fixed."

Now, are we, under that condition of affairs, to go back, after all of these years, and undo the work which previous Congresses have seen fit to do? Are we to determine, by the action proposed here, that we can judge better than those who were on the spot at the time as to the existing conditions, and thus undertake to undo their work and reverse their judgment? I say, Mr. Chairman, that we ought not to undertake to do it. We have not the data before us on which to act intelligently. If we do so in this case, we shall have a thousand, ten thousand, aye, a hundred thousand cases in which similar demands will be presented for our consideration.

I repeat that, in my judgment, this is a dangerous bill; a new kind of a bill. It opens up a new way to reach the Treasury. It opens the gateway to every employee of any of the Departments of the Government, after years gone by, to make application for increases or changes in compensation because of the modification of the duties imposed upon them. If we pass the bill, we should pass it with our eyes open. It is a dangerous bill. It is a dangerous precedent. It is our duty, in my judgment, as guarding the interests of the people, to defeat it.

Mr. NORTON of Ohio. Did the gentleman ever hear of or vote for the Grant claim for some $80,000 or $100,000 from New England?

Mr. MOODY. I never heard of it.

Mr. NORTON of Ohio. Did the gentleman consider and vote for the Methodist book bill?

Mr. MOODY. I did not.

Mr. CANNON (to Mr. NORTON of Ohio). Did you? [Laughter.]

Mr. NORTON of Ohio. I did.

Mr. MOODY. But I do not think, Mr. Chairman, that balancing one claim against the other is the proper way to decide matters of public importance in this body. Sometimes we vote for claims, as it were, almost inadvertently, claims to which our attention has not been specially called and which seem to present themselves as favorable and proper. But this is a very different case. It has been by a mere accident that my attention was called to this claim. It is, in my judgment, unwise and dangerous legislation and a claim that ought not to be paid at all. Of course everybody has the right to his own judgment. But my judgment is against the payment of this claim. Each member can do as he pleases, but I am opposed to favorable action upon this measure.

Mr. MINOR. Mr. Chairman, I think this claim is thoroughly well understood and has been gone over thoroughly by the members of this House. Its merits or demerits are appreciated by all the members.

It is only necessary for me to say, in concluding the debate, that the Government has received the services of this gentleman, it has utilized the labor of Colonel Crook for four years, for which he has received no compensation, and prior to that time they paid $1,500 a year for that service, and since then $1,200 a year has been paid for it. During the time he performed the duty nothing has been paid.

This work was imposed upon him as a part of a public duty, and it remains to this House to determine whether or not he shall be paid. I have stated all of the facts in the case, as the records embodied in the report of the committee disclose the whole case.

I move, therefore, that it be laid aside with a favorable recommendation.

Mr. MOODY. Mr. Chairman, have I the right to move that this bill be laid aside with the recommendation that it do lie on the table?

Mr. DOCKERY. That is a parliamentary motion.

The CHAIRMAN. That motion would be in order.

Mr. MOODY. I make that motion, that the bill be reported to the House with the recommendation that it lie upon the table.

The question was taken on the motion of Mr. MOODY; and on a division (demanded by Mr. NORTON of Ohio) there were—ayes 73, noes 18.

So the motion was agreed to.

JOHN ROACH.

The next business on the Private Calendar was the bill (S. 1115) for the relief of the legal representatives of John Roach, deceased.

The bill was read, as follows:

Be it enacted, etc., That to carry out the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1884 (22 Stat., page 477), to pay to the legal representatives of John Roach, deceased, the sum of $28,160.25, for labor and material furnished by the said John Roach in completing the dispatch boat *Dolphin*, under the advice and assistance of the naval advisory board mentioned in said act, which amount is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

Mr. BRUMM. Mr. Chairman, this is a bill to pay the heirs of John Roach, deceased, the balance due for the building of the dispatch boat *Dolphin*. We had the whole matter up under discussion several weeks ago, on a bill for damages for the delay and detention in the construction of the three battle ships, the *Boston*, *Chicago*, and *Atlanta*. At that time the facts with reference to the bill under consideration were fully discussed before the House. There is hardly a member present who does not understand all the facts bearing on this claim.

Mr. LOVE. If the gentleman will permit me, I would like to ask him in what respect this bill differs from that to which he has referred? I do not wish to get the two bills mixed. I remember the bill that we heretofore considered and passed.

Mr. BRUMM. About the time that the *Dolphin* was finished, in March, 1885, the naval advisory board which under the law were appointed to supervise the building of the *Dolphin* reported that the boat was up to the requirements and should be accepted. About that time there was a change of Administration. Within a month after the new Secretary of the Navy came in a letter was written by the Attorney-General giving reasons why the *Dolphin* should not be accepted, advising that a second board be appointed for the purpose of ascertaining whether the *Dolphin* was not structurally weak and deficient in speed. That second board was appointed without warrant of authority of law. It was in violation of the original law under which this boat and others were built, and in direct violation of the contract entered into between the Government and John Roach, who then was alive, for the building of the *Dolphin*.

Throughout that entire work the naval advisory board which

was to supervise the building of the *Dolphin* did superintend the building of it. There was not a hammer stroke make or a bolt driven except under its direction. Nothing was done except under its direction, and after it was done the boat was ready to hand over according to the contract. I may say right here that the limit fixed by the act of Congress for bids for this boat was $400,000. John Roach took it for $80,000 less than that amount. He took it for $65,000 less than the next lowest bidder. So that the Government, under the contract, got the boat for $65,000 less than it could have got it in any other way. The boat was built. The advisory board had recommended its acceptance, but the Administration refused to take it.

The next board, known as the Belknap board, was appointed, and that board said that they believed the vessel was structurally weak, and that under a test it could not make 15 knots an hour. The boat being completed, of course they could not look inside of it. They could only have a superficial view of it, but in their opinion it was structurally weak, and under the test would not make the 15 knots an hour. That boat has since proven to be able to do more than 15 knots an hour, and has done it right straight along. But I want to give you the facts as we go along. The test was made, and the Secretary of the Navy stated that that test was without authority, because he had not authorized it. Yet it was made by the very board that the Administration had appointed to supervise this second or third test.

Upon the strength of the report of that second board, the Government refused to take the *Dolphin* for some time, but finally other tests were made, and the Government then accepted it, but insisted upon retaining $73,000 from the contract price. The boat was accepted and the money was paid, except the $73,000. Some time after that Mr. Roach was told that if he would permit a reduction they then would consider his claim. It was supposed that the reduction would be about seventeen or twenty thousand dollars; that unless he did submit to that, the Government would not pay him a cent and would not accept his boat, assuming still that it was structurally weak and short of speed. A committee was again appointed to ascertain whether the Government would be safe in accepting the proposition, which was to come from Roach, to pay him the $73,000 less seventeen thousand or twenty thousand dollars.

This board reported that it would be perfectly safe, not, however, alleging that there was any structural weakness. And I want to say here that even the Belknap board said that whatever structural weakness there was was due to the plan and not to the work itself. The very board on which they relied said that it was not the fault of the contractor, but the fault of the designer. However, under that provision Mr. Roach accepted $45,000 out of the $73,000. Instead of reducing it $17,000 or $20,000 they reduced it $28,000, cutting out some $10,000 which the Secretary himself had acknowledged was due to Roach. Under these conditions Roach accepted the money and gave a receipt in full of all demands, and that is the only point that I have heard raised against this bill, the fact that a receipt was given in full of all demands.

Mr. RIDGELY. Can the committee give us any report as to the history of the vessel since it has been in the service?

Mr. BRUMM. Oh, yes; I will read this, because it is interesting to those who have not read it.

Mr. LENTZ. Do you mean that you will read the entire report now?

Mr. BRUMM. No.

Mr. LENTZ. I should like to hear it.

Mr. BRUMM. The whole report?

Mr. LENTZ. Yes; I think you had better read all of it.

Mr. BRUMM. Well, if so, there is no use in my reading this part of it.

Mr. STEELE. I should like to ask the gentleman if this claim or demand that he should accept the reduction was on the ground that that vessel was structurally weak?

Mr. BRUMM. Yes.

Mr. STEELE. Now, I should like to know whether or not the history of that vessel has shown that it was or was not structurally weak.

Mr. BRUMM. The trial of the vessel shows just the contrary—that it is one of the best vessels that ever floated, that it stands without a peer to-day of its kind, and that its record has never yet been equaled in naval structure. That it traveled——

Mr. GAINES. What is the name of the vessel?

Mr. BRUMM. The *Dolphin*. It is the vessel that the late President, Mr. Cleveland, and his Secretary of the Navy went on their junketing tours, or their business tours, or their fishing tours.

Mr. GAINES. The best test of the strength of the vessel you have is carrying him. [Laughter.]

Mr. BRUMM. A very good evidence of the quality of the boat is shown by the fact that they selected this very boat from all others. And by the news yesterday I see that this boat has captured two Spanish prizes near Cuba. But here is its record:

The record of the *Dolphin*, which vessel began with a speed of 15.11 knots on her contract trial, and which has recently returned from a cruise around the world, is not less satisfactory. The results of the inspection of the vessel, after she has been three years and nine months in commission, are reported by the board of inspection, under date of October 2, 1889, as follows:

"The material used in the construction of this vessel and the workmanship speak well for the designers and the builders. Aside from the slight repairs to her bearings she is ready for another cruise. By the most liberal estimates, the work in the construction department can be done inside of a month. This, the first of the new Navy, makes a splendid showing for structural strength, fine material, and good care.

"Her captain reports that she can average 14 knots an hour for any length of time, and under favorable circumstances she can run 16 at sea.

"In the course of her cruise the *Dolphin* has run 58,000 miles in twenty months, and has been under steam 9,000 hours. In this prolonged run she has been stopped for repairs but once, and then for only two hours. This performance is probably without a parallel in the history of naval vessels, and bears conclusive testimony to the high skill of American artisans and the excellence of their work. Nor is it the less remarkable in view of the confident predictions with which, at the outset of her career, the official condemnation of the vessel was somewhat prematurely pronounced by expert and by inexpert judges.

"It is therefore proved by the test of actual cruising that the first modern experiments of the Department have come close to the highest standard of speed which had been reached at the date of their design, and that in structural strength, endurance, and workmanship they are not inferior to anything now afloat."

The record of the *Dolphin* since November 30, 1889, when the above was written, has been equally good.

It will thus be seen no vessel belonging to the Government has ever been put to a greater test than has the *Dolphin;* and it has thus been demonstrated, as stated, that she was properly constructed and that, therefore, the Government in withholding payment and deducting the $28,169.75 did an act of injustice to claimant, and in the opinion of your committee the Government should now pay this $28,169.75.

There is one place in the report which shows she has only had to stop two hours for repairs.

Mr. RIDGELY. Will the chairman of the Committee on Claims tell us why this claim was not included in that which recently passed?

Mr. BRUMM. Because they are entirely different and rest upon entirely different grounds. That claim and this could not have been put in the same declaration in any court of justice. They are as separate as any two claims can be.

Mr. RIDGELY. Does the bill if paid go to the same parties?

Mr. BRUMM. The same parties.

Mr. BODINE. Who gets the benefit of this claim—John Roach's creditors or heirs?

Mr. BRUMM. His heirs, or creditors, if he has any.

Mr. BODINE. At the time that he consented to receive this amount is it a fact that there was a moral compulsion to receive it or not get anything?

Mr. BRUMM. They had refused to take the ship. They had taken his shipyard, and he had made an assignment. He had to accept it under duress, and simply do that or get nothing. I move, Mr. Chairman, that the bill be laid aside.

Mr. LOVE. I want to ask the gentleman a question.

Mr. ROBB. Mr. Chairman, I am a member of the committee and desire to make a statement. I do not desire to go into any extended discussion of this bill. In opposing the bill which this committee passed for the payment to John Roach's representatives of the amount of $330,000 the discussion of this claim was involved, I stated then, as I stated before the committee, that I was opposed to this claim. I am opposed to it for the reason that the disputed facts, the disputed questions as between Roach and the Government, were compromised, and upon that compromise $45,000, I believe it was, was paid to Roach's assignees and accepted by them, and a receipt in full satisfaction given by them to the Government.

Mr. BURKE. Will the gentleman from Missouri allow me to ask him a question right there?

Mr. ROBB. Certainly.

Mr. BURKE. How long after the execution of that receipt until this claim was presented?

Mr. ROBB. I do not remember just when the claim was first presented to Congress, but it was some time afterwards.

Mr. BURKE. How many years has he slept on his rights?

Mr. ROBB. I do not remember the exact time, but the controversy originated over this claim in 1886.

Mr. GAINES. Under what circumstances did he make this release?

Mr. ROBB. I was just going to state that.

Mr. GAINES. Was there anything like duress; and if so, who brought it about?

Mr. ROBB. The receipt in full, I will say in answer to the question of the gentleman from Tennessee, was not given under duress, but was made under these circumstances: There was a disputed question as between the Secretary of the Navy and Mr. Roach. That disputed question was whether or not the *Dolphin* had been completed in pursuance of the contract entered into between Roach and the Government. The Secretary of the Navy took the position that it had not been so completed. Mr. Roach

took the position that it had been so completed. This receipt, I believe, was given by the assignees of Roach.

Mr. BRUMM. In 1886.

Mr. ROBB. I say the dispute was between the assignees of Roach and the Government when this receipt was given. The Secretary of the Navy and the assignees of Roach could not agree upon the compensation. Finally the Secretary of the Navy addressed a note or letter to the assignees of Roach, in which he stated that unless the assignees could suggest some terms of settlement they would have to go into the Court of Claims in order to adjudicate and have the court pass upon these facts. Now, in that note of the Secretary there was a suggestion that "unless they could suggest some terms of settlement." Following that came this suggestion. this proposition, that they would take $45,000 in settlement of the claim, which then, I believe, amounted to something in the neighborhood of $70,000.

Mr. BRUMM. Seventy-three thousand dollars.

Mr. ROBB. The proposition came from them and was then submitted to a board selected by the Secretary of the Navy to determine whether or not the Government could in justice accept this proposition to pay the $45,000. This board reported after investigation that they thought the Government would be safe in paying the sum of $45,000 in full satisfaction of all claims against the Government. Consequently the $45,000 was paid and a receipt in full was given.

Now, there was no duress involved in that. If a gentleman has a claim against me which I dispute, and I say to him, "In order to establish that claim you must go into a court and have that court determine the facts as well as the law involved," there is no duress about that on my part. The Government here is in exactly the same position. If we say there is duress involved here, can not we say it in any case where a claimant or a contractor comes in and says, "I am entitled to so much," and the officers say, "We will relegate you to the proper tribunal to determine it." I say there is no duress; it is a compromise, and the question whether or not he has received more or less than he was entitled to ought not to be considered here and that compromise disturbed. The compromise ought to be a settlement of the question.

Mr. GAINES. Will the gentleman allow me? Suppose the Government gets the party making the claim into a necessitous state, where he is obliged to make a sacrifice—I do not say that is this case—in other words, forces him into an assignment, and then takes advantage of his necessitous condition and gets out of him a compromise. What does the gentleman say to that? Is that so in this case or not?

Mr. ROBB. I do not know but that if the Government pursued a deliberate scheme to put the man in such a condition that he was not free to act as an individual, and was forced to make a compromise, that might be under duress; but there is nothing of the kind in this case. The Government did not force Mr. Roach to assign. The Government did not force the assignees of Mr. Roach to accept the proposition.

Mr. TALBERT. As I understand, this proposition before the committee now is to pay the difference between $45,000 and $73,000. After they accepted $45,000, they now come forward and claim the $28,000 in addition?

Mr. ROBB. That is it.

Mr. LENTZ. Was the $73,000 claimed for extra services?

Mr. LOVE. No; as a part of the original contract.

Mr. ROBB. A part of the original contract price with some additions made in this way. There would be changes made, and every change made was at the expense of the Government. That is, Mr. Roach was allowed a reasonable compensation for whatever change was made. But the amount claimed by Roach prior to his asisignment and the amount claimed by the assignees after the assignment was $73,000. The Secretary of the Navy, as I have stated, found upon these trials that the boat did not come up to the contract, and consequently refused to pay the full price, and it was upon a suggestion or proposition made by Roach's assignees that the compromise was effected and not upon a proposition coming from the Secretary of the Navy.

Mr. LOVE. And the Government accepted their proposition?

Mr. ROBB. The Government accepted their proposition, but not until it had submitted it to a board appointed to determine whether or not the Government could safely accept it.

Mr. TALBERT. Are not the facts of this transaction in evidence?

Mr. BRUMM. They are; there is no dispute about the facts.

Mr. ROBB. No, there is no dispute between the chairman and myself in regard to the facts; the only dispute between the chairman and myself is, the chairman contends that this compromise, this settlement, the giving of this receipt, was under duress, and I say it was not given under duress; that there was no duress, either express or implied. I say there is no duress, considered from any standpoint whatever.

Mr. STEELE. Will the gentleman allow me to ask him a question?

Mr. ROBB. Certainly.

Mr. STEELE. This boat was built under certain plans and specifications.

Mr. ROBB. It was.

Mr. STEELE. There were bids to do the work at a certain price, and the contractor, Mr. Roach, had the contract at a price of $65,000 below that of any other person. Does the gentleman mean to convey to the House the idea that Roach of his own accord accepted $28,000 less than he was entitled to under the contract?

Mr. ROBB. Mr. Chairman, in reply to the gentleman from Indiana, I will say, as I have stated before, that Mr. Roach, prior to his assignment, claimed that there was due him from the Government the sum of $73,000. After the assignment the assignees claimed there was due him the sum of $73,000. The Secretary of the Navy, after a trial, contended, and based his contention upon the reports made by the officials appointed for that purpose, that the ship had not been completed in pursuance of the terms of the contract, and refused to pay the sum of $73,000. There was some controversy between them, some correspondence between them, and finally the Secretary of the Navy suggested to the assignees of Roach that as they could not agree upon the disputed facts they should present their case to the Court of Claims in order that the court might pass upon the facts.

And in that same communication it is stated, "If you have any proposition to make looking to a settlement by the payment on the part of the Government of a less amount, I would be pleased to hear from you on that question." That was addressed to the assignees. They replied proposing that if the Government, without any further contention, would pay them the sum of $45,000, they would give the Government a receipt in full for all claims or demands on account of the building of this vessel.

Mr. HENRY of Mississippi. Was there a general assignment of all goods and chattels carrying with it this claim?

Mr. ROBB. They were the regular assignees.

Mr. HENRY of Mississippi. There was a general assignment?

Mr. ROBB. Yes, sir.

Mr. HENRY of Mississippi. Mr. Roach made a general assignment of all his interests?

Mr. ROBB. He made a general assignment, and this claim is presented by his legal representatives. I understand (although I did not go into that question) that the assignees made a final settlement and have been discharged. This claim is simply for a balance due. In other words, the legal representatives of Mr. Roach are in this position: They contend that if he had been paid what was justly due him, the assignees would have received $28,000 more than they did receive; and since the assignees failed to receive that sum, the estate did not get the benefit of it.

Mr. HENRY of Mississippi. But so far as the assignees are concerned, the estate has been finally settled.

Mr. TALBERT. These assignees had the full legal rights of assignees.

Mr. ROBB. They had full legal right to enter into this compromise—to take more or less—to accept or refuse to accept the $45,000 in full satisfaction.

Mr. MINOR. I wish to ask the gentleman whether it is the truth that the *Dolphin* is the fastest ship of its kind afloat, or, at least, the fastest ship of its kind in the American Navy?

Mr. ROBB. I am not familiar with naval affairs, and am unable to answer. I will, however, say this: Gentlemen may say what they please about the speed of the *Dolphin*, yet when those trial experiments were made and when this contention arose, as shown by the record in Senate Executive Document 153, neither the *Dolphin* nor any of those other ships came up to the specifications or requirements of the contracts under which they were to have been built.

But, Mr. Chairman, it does not make any difference whether this vessel came up to the contract or not. It does not make any difference whether it has the required speed or heretofore had it. It is enough for us to know that the high officials of the Government stood upon a disputed fact, and other parties to the contention compromised that question, and compromised of their own free will and accord. They were not forced to compromise. There was no duress.

Now, I want to refer to another question. As I remarked in the beginning, I do not care to take up time in discussing this question. Other gentlemen may want to discuss it. I simply wish to state my position in opposing the bill. It is not a very pleasant thing for me to oppose claims presented by the committee of which I am a member.

Now, I want to state this fact, which appeared in my previous remarks—that on the claim of the heirs of Mr. Roach for $330,000, they received $109,000 more than they were entitled to, allowing everything claimed for them in the report in that case. If gentlemen will take up the figures, if they will take into consideration what is stated in the affidavits in that report as just and reasonable compensation per day and per month for use and occupation and for labor, and make their own calculation—and they

need not go further than this report in making those calculations—if gentlemen will carefully make these calculations they will find that this House passed a bill allowing Mr. Roach's heirs $109,000 more than the evidence in support of the report shows he was entitled to.

I think it high time, Mr. Chairman, that this House should call a halt so far as concerns the allowance of the claims of the Roach heirs. They have already, in my opinion, received $100,000—I will even say $330,000—more than they are entitled to.

Mr. BELL. I would like to ask the gentleman a question. I understand him to say that Mr. Roach was insolvent and made an assignment, and that the assignees, as representatives of the creditors, made this compromise.

Mr. ROBB. Yes, sir.

Mr. BELL. Now, does it appear whether or not Mr. Roach finally paid his debts?

Mr. ROBB. I only know that fact from the statements made in the discussion of the other claim. It was stated in that discussion that the debts of Mr. Roach were paid in full. That was stated by the gentleman from Wisconsin [Mr. MINOR].

Mr. BELL. And there was no compromise with his creditors?

Mr. BRUMM. Let me say that the estate has been settled up and the assignees have been discharged.

Mr. BELL. That might be, but the point I make is this: If the assignee, as the representative of all the creditors, preferred to take $45,000 in cash rather than $75,000 as a claim against the Government, so that $30,000 of the claim was lost, then that should not be paid to Mr. Roach or his heirs.

Mr. ROBB. I see the position of the gentleman. He would contend that in such an event the creditors would be the proper claimants.

Mr. RIXEY. Was this settlement made before the assignment or afterwards?

Mr. ROBB. My impression is that it was after the assignment.

Mr. BRUMM. It was afterwards.

Mr. ROBB. Now, Mr. Chairman, the position I take is that it does not make any difference whether the debts of Mr. Roach were paid in full or not. It does not matter whether this should be in the form of a claim of the creditors of Mr. Roach or a claim of his heirs. I say that under the assignment the assignees were the legal representatives of the estate and had full authority to enter into the compromise, and having compromised the case, if they acted improperly in dealing with the estate, the creditors, if they lost thereby, might have an action against the assignees, or if the heirs lost thereby, the heirs might have an action against the assignees.

But, Mr. Chairman, it does not lie in the power of either heirs or creditors to come in here and question the validity of this compromise which has been agreed upon. Let us take as an illustration the position of an executor, a guardian, or administrator under a statute or an order of court, authorizing him to compromise a certain cause or action—giving him full power to make such compromise in the premises as in his judgment he deems desirable—and he comes back with such a compromise, claiming, in good faith, that it was made in the interest of the parties to the suit and for the preservation of the rights of all parties.

Could it be claimed that afterwards the heirs or persons interested in the estate could go again into the court and proceed against the party with whom the guardian, executor, or administrator had made the compromise under the statute or the order of the court? Why, undoubtedly not. It would be final, and necessarily final and binding upon all parties. There is nowhere in the law or in the practice before the courts of our country anything that would authorize the reopening of the case. It would be, under the agreement of all parties, a final settlement of it. There would be nothing in law or equity to authorize the reopening of such a case unless, of course, it was shown that there was fraud in the settlement.

Now, there is no allegation of fraud in this case between the Government and the representatives of the parties who are interested in the pending claim. Both parties had a full hearing; and there is no question that there was a thorough consideration of the issues between the Government and Roach and his assignees. They agreed upon a certain compromise. That compromise was presented to both parties and was accepted. Would it be suggested, as a matter of law or as a matter of common justice, that that compromise shall now be reopened and a new case presented after all of these years?

Would it be setting a proper precedent, if nothing else were concerned in the matter, after a case has been compromised, in pursuance of an agreement on both sides, to reopen that case and submit it for a new arbitration or a new judicial decision? Would it be just to the people we represent, after a case has been compromised by one of the Departments of the Government having authority to do so, that such compromise, after the payment of the amount under it, should be set aside by Congress and the whole matter reopened again and a larger sum paid?

Mr. Chairman, I do not believe that we ought to set any such precedent. It seems to me to be unworthy of this body to take such a position as that, and I do not believe it will be taken.

There have doubtless been other compromises made in which a party contracting with the Government has believed that he was injured; and if we shall undertake to reopen a settled question—a question that has received consideration by the Departments of the Government and which is supposed to have been finally settled—we may never know where it shall end, and the people of the United States may be involved in innumerable cases with as much or more merit than the one we are now considering.

Mr. GAINES. Will the gentleman permit me?

Mr. ROBB. Certainly.

Mr. GAINES. The gentleman has expressed his opinion fully upon this question. In looking over the testimony in the case he has come to a distinct conclusion. In other words, the gentleman, after waiting, has arrived at a conclusion that the Government is under no obligation to these parties. That is his opinion. Now, will he be kind enough to give us the facts on which he bases that opinion?

Mr. ARNOLD. That is well put.

Mr. GAINES (continuing). I think, Mr. Chairman, that the gentleman should now give us exactly the basis on which he founds his opinion. Let us have the exact facts in reference to the matter.

Mr. ROBB. We are the jury here to determine this case.

Mr. GAINES. Certainly; and that is precisely the point at issue. Will the gentleman state the facts?

Mr. BUTLER. Yes. Let the gentleman give us the "facts" which he claims to be before the "jury" and on which we are to base our opinion.

Mr. ROBB. The facts are a matter of record, and it seems scarcely necessary that I should refer to them again. You all understand them. Here was a contract for the building of a boat to perform a certain kind of service and to have a certain speed. It was provided that it should conform to certain conditions. It was provided that it should be completed in pursuance of certain contracts which are also matters of record. It was built by the contractor and submitted for trial by the proper officials of the Navy Department, and according to the law, and they did not pass it as being built in compliance with the law. They claimed that there were certain structural weaknesses developed in the boat.

The first trial, therefore, was a failure. The second trial was made, and that also proved to be a failure, and the facts were reported to the Secretary of the Navy. Something about the machinery broke down, according to the report, and this second trial was necessarily a failure. The report was made to the Secretary of the Navy and another trial was granted, on which trial the boat not only failed to show such structural strength as was required by the specifications of the contract, but it did not come up to the speed required.

So finally Roach rested upon the claim that the boat was built in full compliance with the contract, and having been paid large amounts, he contended that the Government owed him the balance, amounting to $73,000. The Government contended that it did not owe Roach the $73,000, and based its contention upon the fact that the contract had not been complied with. Neither Mr. Roach before his assignment nor the assignees after his assignment could induce the Secretary of the Navy to accept this boat as having been built in full compliance with the contract.

Mr. GAINES. What is the record since that time?

Mr. ROBB. The record since that time is this: When they could not agree, after a long correspondence and personal interviews, the Secretary of the Navy, in a letter to the assignees, suggested that they go before the Court of Claims and have their right adjudicated.

Mr. GAINES. That is the record of the case; but what is the record of the ship? What has that done since?

Mr. ROBB. Why, Mr. Chairman, I know nothing of the record of the boat.

Mr. GAINES. The only record is that it has carried Grover Cleveland off on some fishing trips.

Mr. ROBB. Mr. Chairman, I do not care, as I stated a while ago, to go into the question as to what the record of that ship has been since, or what it was before, for the reason that that is not involved in this case. I have tried to discuss this case simply as if I was discussing it before a court. I have tried to present it upon its legal aspect. I say, whether the ship came up to the requirements or not does not enter into this case, for the reason that these parties voluntarily compromised all these questions, and have accepted a certain amount from the Government and executed their receipt, and that is a settlement of the case.

I believe that is all I care to say.

Mr. BRUMM. Mr. Chairman——

Mr. GAINES. Now, will the gentleman from Pennsylvania [Mr. BRUMM] try to answer the questions which I have asked the

gentleman from Missouri [Mr. ROBB]? Just give us the facts, not your opinion. We want the facts.

Mr. BRUMM. As to duress?

Mr. GAINES. Yes; and the record of this man-of-war.

Mr. BRUMM. I will give that to you. It will take me a few moments. I want to say in the first place that what my friend calls this compromise, we claim was not a compromise. It was simply a forced condition. It was made upon a suggestion coming from the Secretary of the Navy. He said, "You make a proposition and we will consider it;" and in that suggestion the reduction was only to have been from seventeen to twenty thousand dollars.

Upon that proposition they had this board appointed to ascertain whether the Government would be safe in compromising with a reduction of from seventeen to twenty thousand dollars, and that board reported affirmatively. But instead of compromising on the basis upon which the conditions were thrown out to Mr. Roach, the Government afterwards kept back $28,160.75; so that the original condition was violated to start with.

But as to the duress, that was in this: The Government not only refused to take the *Dolphin* at the time, but when Mr. Roach told them, "I shall have to make an assignment," the Government still refused to pay him for building the vessels, upon a plea which afterwards proved to be entirely erroneous. Roach having made an assignment, the Government having taken possession of his yards, Roach was absolutely helpless. The Government had him on his back. It was while in this helpless condition, the Government having in its pocket $73,000 of money belonging to Roach for a completed ship, better than the contract called for, although it was in an experimental age, having forced him to give up his shipyards——

Mr. GAINES. What right had the Government to do that? Was it by the contract or the right of might?

Mr. BRUMM. Might makes right very often.

Mr. GAINES. Was it under contract that they had a right to do that?

Mr. BRUMM. Of course they had a legal right to take possession of the yards, because under the contract if Roach failed to finish those ships within a certain time the Government had the right to take the yards and finish them; and the other claim, you remember, was because of undue delay in doing that, that the Government did not act in good faith. But when this was done it was before all that. This is the thing that started the whole business, and when they had got Roach on his back and his money in their pocket and the possession of his shipyards, and the assignment made, it was then that they suggested, "If you come and do so and so, we will give you a certain sum of money;" so that was the duress.

Now, in answer to the gentleman, I say, Mr. Chairman, that if I make a compromise, and that compromise is an agreement that I will settle upon a certain condition, I certainly, under the law, have no right to include other conditions. But, sir, if a man comes to me with a revolver drawn at my head, and says, "Deliver or die," and I deliver under that threat, I have a right, under the law, afterwards to say, "You got that money from me under duress. You had a pistol at my head. You said to me, 'Deliver or die,' and I delivered rather than die." That is the fact in this case.

Mr. GAINES. That is a clear case of duress; but what are the facts?

Mr. BRUMM. Those are the facts. I have told you the facts.

Mr. GAINES. Now, what right had the Government to go and take charge of this property and take it away from this man? If it had the legal right to do it, where is your duress?

Mr. BRUMM. That is not involved in this case.

Mr. GAINES. If the Government had the legal right to go in and take charge of this, where is your case?

Mr. BRUMM. That is not the claim here at all. This is for the violation of a contract. The Government agreed to pay him $73,000 and did not do it. They owe him $28,000. You talk about "Deliver or die!" Why, in this case they not only made him "deliver," but he "died." So they have got "his money and his life." That is the fact in this case. I move that the bill be laid aside with a favorable recommendation.

Mr. ROBB. I would like to know what similarity there is between this case and the illustration by the gentleman where a man comes up to another one to deliver and tells him you must "sign this agreement or die."

Mr. BRUMM. Simply because the Government did hold him in their power. They had the money. The ship was there, and they refused to take the ship, upon a plea which was afterwards shown was entirely erroneous, and because the Government was very much stronger than Roach.

Mr. ROBB. Do I understand the gentleman to say that the Government turned the Navy on Mr. Roach and his assignees and compelled them to sign the receipt in full?

Mr. BRUMM. I will not answer that.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 3953. An act to provide an American register for the steamer *Catania;*

S. 4582. An act to provide an American register for the steamer *Centennial;*

S. 4562. An act granting a pension to Julia G. Fay;

S. 3005. An act granting a pension to Zenas T. Haines;

S. 2119. An act granting a pension to Elsie Desmond;

S. 2886. An act to increase the pension of Thaddeus M. Joy;

S. 1976. An act for the relief of Annie E. Ruff, widow of Charles F. Ruff, late lieutenant-colonel, Third Cavalry;

S. 1758. An act increasing the pension of George W. Peters;

S. 4031. An act for the relief of James J. Wheeler;

S. 3825. An act granting a pension to Maria S. Whitney;

S. 1619. An act granting a pension to Michael Lannon;

S. 3676. An act granting an increase of pension to Frank F. Carnduff;

S. 4547. An act granting a pension to Eli M. Couch;

S. 4485. An act granting a pension to John Lindquist;

S. 1519. An act granting a pension to Mrs. Jennie A. Kerr;

S. 4568. An act granting a pension to Jacob Miller;

S. 3122. An act granting an increase of pension to Mary F. Hobbie.

S. 3842. An act to grant a pension to Mrs. Mima A. Read;

S. 566. An act granting a pension to Mary A. Thomas;

S. 4533. An act to increase the pension of Lucinda Booth;

S. 4480. An act granting a pension to Winburn Hicks; and

S. 3743. An act granting a pension to Jane E. Augur.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 878. An act granting a pension to Lowell H. Hopkinson;

H. R. 1801. An act granting a pension to Catherine Clifford;

H. R. 2126. An act increasing the pension of William P. Haskell;

H. R. 5776. An act granting an increase of pension to Sidney J. Hare;

H. R. 2815. An act granting an increase of pension to Eliza Miller;

H. R. 7802. An act granting a pension to Emily A. Hausner;

H. R. 1540. An act granting an increase of pension to William H. Oliver;

H. R. 2318. An act for the relief of John T. Brewster;

H. R. 4488. An act granting an increase of pension to Peter Castle;

H. R. 2150. An act granting an increase of pension to Col. Benjamin Beach;

H. R. 2695. An act granting a pension to Oliver Betton;

H. R. 7672. An act to increase the pension of George W. D. Wade;

H. R. 8904. An act to pension Mrs. Mary E. Taylor;

H. R. 4675. An act granting an increase of pension to George Van Vliet, of Brookville, Pa.;

H. R. 6785. An act granting a pension to Julia L. Roberts;

H. R. 908. An act granting a pension to Zolman Tyrrell;

H. R. 3596. An act granting a pension to Mrs. Bettie Gresham;

H. R. 1825. An act to increase the pension of David Parker;

H. R. 4449. An act granting an increase of pension to Charles Beckwith;

H. R. 5006. An act to increase the pension of Edward Starr;

H. R. 4962. An act granting an increase of pension to William D. Foote;

H. R. 6209. An act to pension William Stephenson Smith;

H. R. 587. An act granting a pension to Henry H. K. Elliott;

H. R. 2231. An act granting a pension to C. S. Alvord;

H. R. 4691. An act to increase the pension of Charles Hoffman;

H. R. 6242. An act granting a pension to James C. Kinkle;

H. R. 3524. An act increasing the pension of Gustavus A. Kindblade;

H. R. 5522. An act to authorize the establishment of a life-saving station at or near Charlevoix, Mich.; and

H. R. 4372. An act concerning carriers engaged in interstate commerce and their employees.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 2023. An act to pension Henderson H. Boggs;

H. R. 2866. An act granting an increase of pension to Myntie L. Hamilton;

H. R. 8906. An act granting a pension to J. S. Waggener;

H. R. 772. An act granting an increase of pension to William Taylor;

H. R. 135. An act granting a pension to Michael Bassett;

H. R. 5067. An act to increase the pension of Franklin Hull; and
H. R. 4611. An act granting an increase of pension to Marcia C. Barnes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4518) to provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the insurgent forces, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3953. An act to provide an American register for the steamer *Catania*—to the Committee on the Merchant Marine and Fisheries.

S. 3005. An act granting a pension to Zenas T. Haines—to the Committee on Invalid Pensions.

S. 2119. An act granting a pension to Elsie Desmond—to the Committee on Invalid Pensions.

S. 2886. An act to increase the pension of Thaddeus M. Joy—to the Committee on Invalid Pensions.

S. 1785. An act increasing the pension of George W. Peters—to the Committee on Invalid Pensions.

S. 3676. An act granting an increase of pension to Frank F. Carnduff—to the Committee on Invalid Pensions.

S. 4485. An act granting a pension to John Lindquist—to the Committee on Invalid Pensions.

S. 4568. An act granting a pension to Jacob Miller—to the Committee on Invalid Pensions.

S. 3122. An act granting an increase of pension to Mary F. Hobbie—to the Committee on Invalid Pensions.

S. 3842. An act to grant a pension to Mrs. Mima A. Read—to the Committee on Invalid Pensions.

S. 3743. An act granting a pension to Jane E. Augur—to the Committee on Invalid Pensions.

S. 4480. An act granting a pension to Winburn Hicks—to the Committee on Invalid Pensions.

S. 566. An act granting a pension to Mary A. Thomas—to the Committee on Invalid Pensions.

S. 4533. An act to increase the pension of Lucinda Booth—to the Committee on Pensions.

JOHN ROACH.

The committee resumed its session.

Mr. LENTZ. Mr. Chairman, at the opening of this case I suggested that I should like to have the entire report read. It still seems to me that ought to be done before we pass upon this matter. But taking what has been brought out by the two gentlemen, the gentleman from Pennsylvania [Mr. BRUMM] and the gentleman from Missouri [Mr. ROBB], it does seem that this case does not present a very good front, justifying a raid on the Treasury for $28,000 just now. There was no pistol at anybody's head. John Roach was not saying to the Government, "You will force me into the hands of a receiver or assignee." That had all passed.

Assignees were representing the creditors, and John Roach joined with the assignees in the compromise, and, according to the statement of the gentleman from Missouri, the Secretary of the Navy had said unless a compromise could be effected there was but one thing to do, and that was to take the case before the Court of Claims—a better court than this Congress, a Court of Claims which could sit and hear deliberately and under the rules take evidence on the facts that are involved. These assignees and Mr. Roach said "No." There was no pistol at anybody's head. There was no duress. The most natural and the most businesslike method was proposed by the Navy Department for determining whether they should pay $73,000 or a smaller sum out of the money of the people in the settlement of this claim.

The assignees and Mr. Roach said they had better take $45,000. A compromise was made on those figures, and a receipt "in full satisfaction" given. Now, what evidence is there given here for our making a donation of $28,000 more? Was there any duress? Not a fact has been submitted to suggest any duress. Everyone knows that assignees take their own time in making settlements. That is not all. Three different examining boards had rejected this boat as unworthy of acceptance at the price contracted for it.

Now, it has been argued here that because Mr. Roach proposed to build this boat for $65,000 less than some other contractor, therefore the Government got it for less than its real worth. Nothing can be more absurd. If the Government lets a contract for the building of a boat, and one bidder offers to build it for $500,000 and another for $600,000 and another for $800,000 and the Government takes the bid at $500,000, is the Government obtaining that boat at $300,000 less than it is worth?

Mr. BRUMM. Nobody asserts that.

Mr. LENTZ. Then is the Government taking this boat in this case at $65,000 less than it is worth?

Mr. BRUMM. Nobody asserts that.

Mr. LENTZ. That has nothing to do with the case. John Roach knew what the boat was worth better than any man in this Congress. He proposed to build the boat on certain specifications for a certain sum. Three different trials, according to the evidence brought here before us, was given to the boat, and never at any trial did it meet the specifications of the contract.

Mr. BRUMM. The gentleman is mistaken.

Mr. LENTZ. No; I am not mistaken. I say that everything governing this case—every line, every word, every sentence here—goes to show that when the Government made the compromise on the basis of $45,000, it was paid upon the fact admitted by both parties to the contract that there was a failure on Mr. Roach's part to comply with the provisions of the contract.

It is desired now to overrule the experts who made this settlement, to overrule the final compromise of $45,000, and say that we will donate $28,000 more several years afterwards, because the *Dolphin* has taken a couple of prizes, or because the *Dolphin* has run so many thousand miles. That has not anything to do with it. If the *Dolphin* had been up to the contract, she might have taken more prizes; if she had been up to the contract, she might have run more thousands of miles without repairs.

The proposition we have before us as a court of claims—for that is what we are doing now—is to decide whether somebody wronged the assignees, whether there was duress when the assignees—and John Roach through them—settled with the Government. I say there has not been offered here, in anything the gentleman from Pennsylvania furnished, nor in anything the gentleman from Missouri furnished, a word that shows duress. I fail to have heard a single fact submitted showing that this Government in its settlement in full by paying $45,000 took advantage even so much as by a hair's breadth. And for that reason I say it is an absolute imposition upon the people to take $28,000 out of the Treasury and pass it over to anybody on account of this transaction.

I will admit, if some one will read this report and show duress, will show where the Government took advantage, that the amount should be paid. It might have taken advantage before the assignment was made. Suppose John Roach had said to the Government officials, "I must have $45,000 this afternoon to meet obligations at bank, and in the failure to get that sum I will go to protest, go into the hands of a receiver or an assignee," and the Government forced him to accept that amount rather than to go into the hands of an assignee, there might be some claim of duress. But that is not the case here. He was already in the hands of assignees. The assignees, with full deliberation——

Mr. BRUMM. He was thrown into the hands of an assignee by this very transaction. You knocked him down, and then you say, "Because you are down, I will not help you up."

Mr. LENTZ. Will the gentleman from Pennsylvania say that when the Government paid the $45,000 they lifted the assignment and took him out?

Mr. BRUMM. They helped him to that extent. He had to take that or nothing.

Mr. LENTZ. Do you say the payment of $45,000 lifted the assignment?

Mr. BRUMM. The estate is now in the hands of the heirs, and that $45,000 contributed largely toward it.

Mr. LENTZ. You do not say that the assignment was lifted by receiving the payment of $45,000. If you do say that, then you say this: That the assignees and the family of John Roach said, "It will pay us as a business proposition to accept $45,000 in full settlement rather than to put our case before the Court of Claims and try for a larger amount." Three tribunals have tested this boat and each one rejected it as inferior to the contract provision.

Mr. BUTLER. What was the contract speed to be made by this boat?

Mr. LENTZ. The only information I have is what the gentleman from Pennsylvania and the gentleman from Missouri have given us. I have not read the full report. I said at the beginning, and I say now, that before you ask us to overrule this full and satisfactory settlement made by the parties who had the facts before them, you ought to read this entire report to this Congress. I do not know anything about the speed except what I have learned from these gentlemen here, that three boards said the boat did not meet the contract.

Mr. BRUMM. That is not correct, and the gentleman did not say so.

Mr. BUTLER. The gentleman from Ohio wishes to be correct, and so do we all. If the gentleman from Missouri [Mr. ROBB] made that statement, he did not take it from the report, because we can all read and write, and the report contradicts that.

Mr. BLAND. The whole difficulty arose on that ground with the Navy Department. The charge that is made here that the Secretary of the Navy wanted to defraud him is a grave accusation.

Mr. BUTLER. Who said so?

Mr. BLAND. It has been said here time and again that the

Secretary of the Navy refused to pay the money because he wanted to defraud Roach.

Mr. BUTLER. How many trials were given to this boat?

Mr. LENTZ. The gentleman from Missouri is on the committee, and I suppose you are——

Mr. BUTLER. I am not.

Mr. LENTZ. Have you read the report?

Mr. BUTLER. I have.

Mr. LENTZ. All of it?

Mr. BUTLER. Yes.

Mr. LENTZ. I have not read it. I have no information except from what the gentlemen have given us here. I say the Secretary of the Navy said to these——

Mr. BUTLER. I only rose, Mr. Chairman, for one purpose, and that was to dispute a statement that the boat has never complied with the speed condition.

Mr. LENTZ. Then you are disputing the statement of a member of the committee.

Mr. BUTLER. The statement was made that upon three trials the vessel never complied with the conditions.

Mr. LENTZ. You are assuming to be familiar with all the facts of this case. Now answer a few questions.

Mr. BUTLER. No; I am not assuming that.

Mr. LENTZ. You claim that you have read the whole report. Now I ask you, Did the Secretary of the Navy offer to submit this question to the Court of Claims?

Mr. BRUMM. Let me answer the question.

Mr. LENTZ. No; the gentleman from Pennsylvania [Mr. BUTLER] says he has read the report.

Mr. BUTLER. I know nothing about that.

Mr. LENTZ. I thought you had read the report.

Mr. BUTLER. I have read it, but I do not propose to make any statement on that point, because I am not prepared at this moment to quote from the report.

Mr. BRUMM rose.

Mr. LENTZ. I am not putting my question to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. You do not want an answer.

Mr. LENTZ. Yes; I do. But I want an answer from this gentleman who assumes to know so much about the case.

Mr. BUTLER. I do not make any such assumption, but I do assume to be able to read.

Mr. LENTZ. You wanted to ask a few questions of a man who says, "I know nothing except what you and I and all members here have heard from the gentleman from Pennsylvania and the gentleman from Missouri." Everybody knows what has been said. The gentleman from Missouri says that he is upon that committee and discussed this very case; that it came up and was considered; that different boards were appointed to investigate this vessel and that all reported unfavorably. The gentleman from Missouri made the statement here that the Secretary of the Navy proposed to submit this claim to the Court of Claims, and that the assignees preferred to receive $45,000 and give a receipt in full rather than go to the Court of Claims, which could determine how much should be paid.

Now, I want to hear your statements [addressing Mr. BUTLER] and refer to your authorities, if you have any. I do not want to be catechised on a report which I say I never heard and which nobody here has heard except the members of the committee. If you know anything about this case, tell it to us. Did the Secretary of the Navy say, "Let this case go to the Court of Claims"? I ask the gentleman from Pennsylvania, is the gentleman from Missouri right when he says that?

Mr. BRUMM. I will answer.

Mr. LENTZ. Very well; answer.

Mr. BRUMM. There was a suggestion or proposition made by the Secretary of the Navy, "You had better submit this to the Court of Claims." He suggested that if the assignees would submit a proposition looking to a reduction, the Government might settle; otherwise it would force them to go into the Court of Claims.

Mr. LENTZ. The gentleman says "looking to a reduction." Is that in the letter of the Secretary of the Navy?

Mr. BRUMM. No; it is in the report and the testimony, and it stands uncontradicted.

Mr. LENTZ. Have you not the letter in that report?

Mr. BRUMM. I do not know whether that is in the letter.

Mr. LENTZ. We ought to have that letter read right here.

Mr. BRUMM. It is not here, so far as I know.

Mr. LENTZ. Where is that letter? Where is there a copy of it? If you are going to open up the question of the compromise settlement, it is very important to know whether it was under duress.

Mr. BRUMM. You have asked me one question, and I am trying to answer.

Mr. LENTZ. The important question is, What does the Secretary of the Navy say in that letter?

Mr. BRUMM. Here is the situation that presented itself: When the Government said to these people, "You must go to the Court of Claims;" when it said to a man it had knocked down financially, "You must go to the Court of Claims," the report of the Attorney-General for December, 1886, showed that at that time there were on the docket of that court 691 ordinary cases, 1,149 cases under the Bowman Act, 2,150 French spoliation cases, a total of 3,918 cases pending during the term of the court commencing December, 1885. That was the condition which presented itself when this generous Government said, "We have knocked you down financially, and we refuse to pay what we owe you. We will let you go to the Court of Claims."

Mr. LENTZ. Is it not a fact that hundreds of claims have passed through the Court of Claims since the filing of the French spoliation claims?

Mr. BRUMM. Yes; but not claims of persons whom the Government had knocked down and put in the condition of John Roach. There is the point.

Mr. LENTZ. We are not dealing with John Roach, but with his assignees. Is it not true that the claims before the Court of Claims must take their turn? Was there any reason why the claim of John Roach's estate should have any preference over others?

Mr. BRUMM. This is a different case from others. In this case the Government had forced the estate into bankruptcy.

Mr. LENTZ. We are not dealing with that question. After the estate was in bankruptcy a settlement was made with the representatives of that estate which was satisfactory to the estate.

Mr. BRUMM. It was not satisfactory.

Mr. LENTZ. They claim that it was.

Mr. BRUCKER. Let me call your attention to the language of the receipt itself.

Mr. LENTZ. I have the report before me here——

Mr. BRUCKER. If the gentleman from Ohio will permit me, I will direct the committee's attention to what the receipt says.

Mr. LENTZ. Very well; let us have the receipt.

Mr. BRUCKER. The receipt is as follows:

This settlement being made in pursuance of the proposition of the assignees of John Roach.

Mr. LENTZ. Then that, of course, is not "duress."

Mr. BRUMM. But it was made after a letter was sent and the proposition submitted that this receipt should be given——

Mr. LENTZ. But what I say is that there was no "duress" in the matter.

Now, the gentleman from Missouri [Mr. ROBB] proposes to give us some additional information in reference to this matter from the record, and I shall yield to him for that purpose.

Mr. ROBB. Mr. Chairman, the letter of the Secretary of the Navy is short and gives considerable information about this subject. With the permission of the committee, I will read that letter. It is as follows:

NAVY DEPARTMENT, *Washington, March 25, 1886.*

GENTLEMEN: As I told you at our last interview some two weeks since, my efforts at reaching a basis upon which to arbitrate the matters in dispute as to the *Dolphin* have not been as successful as I had hoped for.

Her late trials did not entirely eliminate the doubt as to her strength, and had the effect of bringing other defects into view—increasing rather than decreasing my difficulties.

I think you had better do what you suggested at our last meeting—make an offer of settlement outright.

A difficulty arises under our November agreement as to work not first-class.

The agreement contemplates that if not first-class it shall be made so. That involves in some cases taking out wholly and putting in new. Take the decks, for example. The evidence is so strong as to them as to make it quite plain that they are not first-class in character, as called for in the contract. To a large extent, however, they would do, though not up to contract.

Now, as to these things the law certainly is that no waiver by an inspector can relieve the contractor in such a case. But are they then to be taken out and substitution made? I see no good reason why they should not be kept so far as they will do and a money allowance made for difference in character.

If you will make an offer, I will consider it and endeavor to get at a basis upon which I can with justice to the Government settle the whole thing. It is a difficult matter to deal with, but, as I have, at the earnest solicitation of yourselves and Mr. Roach, undertaken it, we will go through if possible.

Very respectfully,

W. C. WHITNEY,
Secretary of the Navy.

GEORGE W. QUINTARD and GEORGE E. WEED,
Assignees.

Mr. BRUMM. That letter was written after the report submitted by the Belknap board, which we have proved to have been an erroneous report.

Mr. ROBB (continuing). Here is the letter in response to the Secretary of the Navy, bearing upon the same subject:

WASHINGTON, *April 30, 1886.*

SIR: In response to yours of 25th March last, we would say that in view of the differences which have arisen concerning the *Dolphin* and the claims of insufficiency made by the Department, we are willing, and now offer, to accept the sum of $45,000 in full settlement of all claims, except that the matter of the shafts shall rest upon the agreement heretofore made, and compensation shall or shall not be had as the facts shall hereafter appear upon the test therein provided for.

It will be remembered that we spent a considerable sum upon her for which we have made no claim, covering matters referred to by the examining board.

If not accepted, it is without prejudice to any part of our claim. This has the approval of Mr. Roach.

Yours, respectfully,

GEO. W. QUINTARD,
GEO. E. WEED,
Assignees.

Hon. W. C. WHITNEY,
Secretary of the Navy, Washington, D. C.

Now, Mr. Chairman, while I am on the floor I desire to read this receipt, which bears directly upon the question at issue, following the letter of the Secretary of the Navy and the letter of the assignees written with the approval of Mr. Roach:

Received from the United States the sum of $45,000 in full payment and satisfaction of all claims and demands whatsoever growing out of or in any manner connected, directly or indirectly, with the contract of the undersigned John Roach for the construction of the U. S. dispatch boat *Dolphin*, dated July 23, 1883, save and except an unsettled demand of $4,396.24 for "changing shafts," which is reserved for the further consideration and action of the Secretary of the Navy, this settlement not affecting the rights of either party so far as such unsettled demand is concerned.

The said payment of $45,000 is in full satisfaction of all claims and demands for or on account of the sum of $25,000 reserved, under and by virtue of the agreement dated November 3, 1885, relating to the completion of the *Dolphin*, from moneys due the said John Roach on "other transactions," being the balance of appropriation for use of shipyard and care and storage of the monitor *Puritan* as per act of March 3, 1885 (23 Stat. L., 459), this settlement being made in pursuance of a proposition from the assignees of John Roach, dated April 30, 1886, and accepted by the Secretary of the Navy June 25, 1886.

Witness our hands and seals this 10th day of September, A. D. 1886.

JOHN ROACH. [SEAL.]

In presence of—
JAMES MOONEY.

GEO. W. QUINTARD, [SEAL.]
GEO. E. WEED, [SEAL.]
Assignees of John Roach.

STATE OF NEW YORK, *County of New York, ss:*

On this 10th day of September, in the year 1886, before me personally came John Roach, George W. Quintard, and George E. Weed, to me known to be the individuals described in and who executed the above, and acknowledged that they executed the same for the purpose therein mentioned.

[SEAL.] GARRETT ROACH,
Notary Public, City and County of New York.

Mr. BRUCKER. What is the date of the letter of the assignees?

Mr. LENTZ. The letter is dated the 30th day of April, 1886.

I was about to call the attention of the House to the "duress" of which the gentleman speaks. The only claim for allowing the $28,000 to be filched from the Treasury by this process is "duress" upon these parties. Mark you, they claim that they were put under obligation to agree to a certain compromise with reference to the settlement of this claim.

But on the 26th day of March, 1886, the Secretary of the Navy, Mr. Whitney, makes a statement in reference to this matter, which is embodied in the report and on which, if these parties had any valid claim against the Government, it would have enabled them to go to the Court of Claims.

It will be observed, by reference to the correspondence set forth in the report accompanying this case, that George W. Quintard and George E. Weed, the assignees of John Roach, agreed to a proposition submitted by themselves, to accept in full payment of the amount actually due to John Roach, or his estate, the sum of $45,000.

Mr. BRUCKER. What is the date of that agreement?

Mr. LENTZ. The agreement that I am referring to now is dated the 10th of September, 1886.

Now, mark you, the proposition to compromise was made by the assignees in April, 1886, and it was not until September, 1886, that the assignees gave a receipt covering the entire settlement of this claim. You have not given us a single fact upon which to pay out this money. You can not go before any court of justice and justify the payment of a nickel on such a record as this. A receipt in full was given in September, 1886, following a proposition in April, 1886, to accept $45,000 in full satisfaction.

It was not to save John Roach from going into the hands of an assignee. John Roach's estate was being settled by assignees. Six months' time was taken before the receipt was given, and I say again, that no man can afford to vote for this $28,000 unless he is willing to make a donation of a thousand apiece to the first twenty-eight men who present themselves in the corridors here. You can make donations of thousands of dollars to better purpose than that. You have got thousands of widows of old soldiers and tens of thousands of decrepit old soldiers who ought to have some money out of your Treasury long before you go squandering it in this way. Let us keep ourselves within the lines of common sense and decency.

Mr. BAIRD. Will the gentleman allow me?

Mr. LENTZ. I will.

Mr. BAIRD. From whom did the proposition to accept $45,000 emanate?

Mr. LENTZ. From Roach's assignees, Quintard and Weed.

Mr. BRUMM. No, sir.

Mr. LENTZ. Mr. Whitney, as Secretary of the Navy, says:

As I told you at our last interview some two weeks since, my efforts at reaching a basis upon which to arbitrate the matters in dispute as to the *Dolphin* have not been as successful as I had hoped for.

The Government had already examined this before and rejected it as not according to contract. Mr. Whitney says in this letter:

The agreement contemplates that if not first class it shall be made so. That involves in some cases taking out material and putting in new. Take the decks, for example.

The Secretary said this after he had had experts examine it and report to him. Nobody criticises or questions the integrity of the Secretary of the Navy, and no man will dare step on this floor and say that he is in possession of information which the Secretary of the Navy concealed or rejected. The Secretary further says:

Take the decks, for example. The evidence is so strong as to them as to make it quite plain that they are not first class in character, as called for in the contract.

Here is a sworn officer of the Government, doing his full duty, saying that the evidence is plain and strong that the decks are not first class.

Now, as to those things the law is plain that no waiver by an inspector can relieve the contractor in such a case. If any agent of the Government undertakes to waive, he has not the authority to do so. There is no authority in the statutes allowing waivers, and the Secretary tells them so, and you and I stood up before the Speaker here and held up our hands and swore we would do our duty under the law, and we are not here for the purpose of making donations and gifts here to the estate of John Roach.

The offer of the Secretary of the Navy was this:

If you will make an offer now instead of taking out these decks and putting in entirely new material in certain other places—

To which they evidently had referred in the conversation two weeks prior. Now, in order to help you, he says, in substance, we can accept the boat notwithstanding the deficiencies if you make a reasonable offer of compromise. Rather than to subject you to a greater loss, rather than take and use so much as may be necessary of the $73,000 and tear out this defective material and rebuild in these parts ourselves, he says that the Government will give you the option to do one of the two things, either offer to accept a reduction or have so much of the money used as would be necessary to make it first class, and the Roach assignees took the one that was best for them and agreed to and did accept $45,000 in full settlement.

Mr. STEELE. Does not that savor a little of duress?

Mr. BRUMM. Do you not know as a fact that there was not a dollar's worth of expenditure on the *Dolphin?*

Mr. BUTLER. And never has been.

Mr. BRUMM. And never has been; that she was accepted just as she was; that that was merely a pretext, mere nonsense?

Mr. LENTZ. That does not prove anything. A man who has ever had a house built has accepted some things inferior to what he contracted for and insisted on a reduction, and then made no expenditure to correct the defect. The Secretary, with all these investigations and trials before him, said:

If you will make an offer, I will consider it and endeavor to get at a basis upon which I can, with justice to the Government, settle the whole thing. It is a difficult matter to deal with, but as I have, at the earnest solicitation of yourselves and Mr. Roach, undertaken it, we will go through, if possible.

Is that duress? At the solicitation of Mr. Roach and his assignees. Now, they came back after that and said, "Give us $45,000 and we will receipt you in full;" and six months after that they gave a receipt in full.

Now, I defy any man in this committee to step up here and say where Secretary Whitney or his examining commissioners were wrong. There is no evidence referred to by the gentleman from Missouri [Mr. ROBB] or the gentleman from Pennsylvania [Mr. BRUMM] or any other one in this body that shows the boat was not defective in the particulars mentioned by Secretary Whitney.

Mr. BRUMM. Oh, this very evidence shows it was not defective.

Mr. LENTZ. The mere fact that this boat has been on the water for a few years is no evidence that it is a first-class boat in all particulars. We will have to wait until after thirty years before we can find that it is a first-class boat.

Mr. BRUMM. Time has sufficiently demonstrated it.

Mr. LENTZ. I say the case is open, wide open, for somebody to show duress, for somebody to show why the Government owes a penny more on this contract. The mere fact that the *Dolphin* is a good boat, or a reasonably good boat, is not in the case. The Government contracted for a better boat than it got.

Mr. BRUMM. That is not correct.

Mr. LENTZ. Then the Secretary of the Navy was either a fool or a liar, if you are correct.

Mr. BRUMM. He might have been both.

Mr. LENTZ. I do not believe he was either. I say gentlemen on this committee are not informed on this claim, and you do not present satisfactory reasons for taking $28,000 of the money out of the Treasury. I say that the action of the Secretary of the Navy and the receipt in full of the assignees at the earnest solicitation of John Roach is the best testimony on earth, and you can not get any better evidence than Secretary Whitney, George W. Quintard, George E. Weed, and John Roach. I defy you to get better testimony than any one of these four, or either one of the four.

Mr. NORTON of Ohio. Will my colleague allow me to ask him a question for information?

Mr. LENTZ. Certainly.

Mr. NORTON of Ohio. Is that receipt in full signed by Roach as well as the assignees?

Mr. BRUMM. Certainly.

Mr. LENTZ (reading)—

Witness our hands and seals this 10th day of September, A. D. 1886.

JOHN ROACH. [SEAL.]
GEORGE W. QUINTARD, [SEAL.]
GEORGE E. WEED, [SEAL.]
Assignees of John Roach.

Mr. BRUCKER. Was that act acknowledged before a notary public?

Mr. LENTZ (reading)—

STATE OF NEW YORK, *County of New York, ss:*

On this 10th day of September, in the year 1886, before me personally came John Roach, George W. Quintard, and George E. Weed, to me known to be the individuals described in and who executed the above, and acknowledged that they executed the same for the purpose therein mentioned.

[SEAL.] GARRETT ROACH,
Notary Public, City and County of New York.

"For the purpose therein mentioned!" "Receipt in full satisfaction!" Now, the gentleman from Pennsylvania and some others say that these three men, one of them building the largest ships that ever had been built in this country, and men able to be the assignees of such a concern, had not the ordinary horse sense of children at school and that they did not know what they were doing, not competent to pass on their own claim, not able to know whether or not Mr. Whitney was right when he said "the decks are not first class, as contracted for," and that this boat was inferior in certain particulars.

Knowing their business, they admitted it was inferior, and they were willing to accept $45,000 rather than put the boat into the condition required under the contract. They went before a notary public and swore they knew what they were doing, and that it was right, and now you come up here and say that when they took that $45,000 it was under duress. You do not prove any duress. I do not know why, gentlemen, you are asking this Congress to steal $28,000 from the people and pass it over to John Roach's heirs. Why not give it to somebody else that needs it more if you are going to do anything of that kind?

Mr. BUTLER. The gentleman says that this is a steal.

Mr. LENTZ. I say it will be if you vote for it.

Mr. BUTLER. Then every man that votes for it is a thief?

Mr. LENTZ. You can decide that for yourself.

Mr. BUTLER. You say it is a steal.

Mr. LENTZ. I say it will be a steal of the people's money, in my judgment, and for that reason I shall not vote for it, and I shall pity the man that does vote for it.

Mr. BUTLER. Your pity, of course, will be very good!

Mr. LENTZ. I did not ask you for your opinion. I did not yield to you for any insults or any sneers. If you want to ask me a decent question, I will answer you with civility. I have the floor, and if you want to make a speech, get up and address the Chair, get your time, and make your speech. Gentlemen show they know nothing about the case and accept it on the mere statement of the committee; but we have presented the documentary evidence here showing that there is nothing to justify the vote of any man in this House to pay this $28,000 out of the Treasury. I do not care what his party affiliations are, no one can stand up anywhere, either in this House or elsewhere, and say why it should be paid, except that a part of the committee have reported in favor of it.

Mr. BAIRD. Has this claim ever been approved by any court or Department of the Government?

Mr. LENTZ. I have said a dozen times that there is no use in asking me questions about the report. I say the report ought to have been read. If the whole report had been read, it would not have been necessary to have had this discussion. So much of the report as has been read carries on the face of it no justification for paying this $28,000. I confess that all I know about the case is what I have gathered here from what gentlemen have said, and I have failed to hear one single word in justification of the payment of the amount of this claim.

Mr. COX. Mr. Chairman, this Roach claim went through the committee when I was a member of the committee, and on the claim presented the other day I voted for it, believing that was sufficiently ample compensation for anything that grew out of this transaction. I do not think from my examination of the matter that the payment of this claim ought to be voted for by the House.

Mr. ROBB. Mr. Chairman, I rise for the purpose of replying to a statement made by gentlemen that there was no evidence that there had been three trials of the *Dolphin*. I hold here the report, which shows that there were trials on December 17, December 29, December 30, and December 31. Now, there were some other trials that I have not here just now, but I find these. After those trials Capt. R. W. Meade, in his report, among other things, says:

> Not desiring to strain the vessel unnecessarily, I slowed the engines until the ship became dry and easy; the revolutions were then 40 per minute and the speed by log 3 knots, the ship being still head to wind and sea.
>
> I am satisfied, however, that had I continued to urge the *Dolphin* to full speed she would speedily have been in great jeopardy from the vast amount of water which would have continued to come on board owing to the absence of the usual "turtle back" fitted to small vessels required to run at high speed in rough water.
>
> Yet under like conditions of wind and sea the steamers of the Ward, Alexandre, or Cromwell lines, and even the small channel packets (half the size of the *Dolphin*), could have made their schedule speed without any difficulty. The gale was but a moderate one, and just before the heavy sea referred to was shipped I noticed several merchant vessels running before the wind under topgallant sails. The sea, however, was rough for a small vessel.
>
> The *Dolphin*, as at present fitted, can not safely be driven at full power even in moderately rough water, and my opinion is, she is merely useful for smooth-water dispatch.
>
> Under these circumstances it seems rather a misnomer to call her a "dispatch vessel."

That is the report of the official of the Government, who says, "It is a misnomer to call this vessel a dispatch boat."

Mr. BRUMM. That is a contradiction of other reports made by other boards, and it was afterwards shown that this report was wrong.

Mr. ROBB. The gentleman says that is in contradiction to other reports made by other boards, but upon all the reports the Secretary of the Navy based his action and based his letter, and thereupon arose the controversy with these assignees, and upon that difference between them this settlement was based.

I do not desire to discuss the question further, but I wished to show that I was right in saying that the boat had had three trials, and it appears that she had more than that, and that the *Dolphin* failed to come up to the contract, and it was upon that that the Secretary of the Navy rightfully acted in refusing to pay the contract price.

Mr. BAIRD. I would like to ask the gentleman if this claim has ever received the approval of any Department?

Mr. ROBB. I will say that this claim has never received the approval of any court or any Department of the Government. On the contrary, the claim has received the disapproval of the Navy Department, that had it under consideration.

Mr. BRUMM. Mr. Chairman, I now move that the bill be laid aside with a favorable recommendation.

Mr. HANDY. I move, Mr. Chairman, that it be laid aside to be reported to the House with the recommendation that it lie upon the table.

The CHAIRMAN. The question is on the motion of the gentleman from Delaware, that the bill be laid aside to be reported to the House with a recommendation that it lie upon the table.

The question was taken; and upon a division (demanded by Mr. HANDY and Mr. ROBB) there were—ayes 52, noes 62.

Mr. HANDY. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. BRUMM and Mr. HANDY.

The committee again divided; and the tellers reported—ayes 68, noes 69.

So the motion of Mr. HANDY was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Pennsylvania [Mr. BRUMM], that the committee report the bill to the House with a favorable recommendation.

Mr. HANDY. Is it necessary to give notice now that the yeas and nays will be demanded in the House?

The CHAIRMAN. The Chair thinks not.

The motion of Mr. BRUMM was agreed to.

Mr. BRUMM. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House, reported that the committee had had under consideration House bill 637, House bill 3093, House bill 2425, and Senate bill 1115, and reported the same back without amendments, with a recommendation that they do pass; also, that the committee had had under consideration House bill 1768, and reported the same back with the recommendation that it lie on the table.

WILLIAM H. CROOK.

The Clerk read the bill (H. R. 1768) for the relief of William H. Crook.

The SPEAKER. The question is upon agreeing to the recommendation of the committee that the bill lie upon the table.

The recommendation was agreed to.

On motion of Mr. DOCKERY, a motion to reconsider the vote whereby the recommendation of the committee was agreed to was laid on the table.

JOHN A. FAIRFAX.

The Clerk read the bill (H. R. 3093) for the relief of John A. Fairfax, of the District of Columbia.

Mr. PAYNE. Mr. Speaker, this bill ought not to pass. The facts are simple, and I can state them in a moment. Some man made a contract with the Government for the building of certain roads. The Government settled with him in full. After the Government had settled with the contractor in full it turned out that he had not paid all his laborers. Then Congress made a donation of $75,000 to pay the laborers. It paid every laborer what was due him from the contractor—not from the Government of the United States. Now it turns out that one of those laborers was indebted to this man Fairfax for supplies.

It was not the Government or the contractor who was indebted, but one of the laborers; and this bill proposes to pay Fairfax $502 for these supplies. Whether, after Fairfax gets his pay, there will be a bill to pay the man who sold the goods to Fairfax does not yet appear; and whether, further back, there will be a bill to pay the farmer who raised the supplies, and also the man who transported them to the wholesaler who afterwards sold them to Fairfax, does not yet appear.

The Court of Claims, it is stated in the report, has rendered its judgment upon this claim; but it appears simply that the matter was referred to the Court of Claims to find out how much the laborer owed Fairfax; and the Court of Claims found that the laborer owed Fairfax $502. That is all there is of this bill, as appears from the report and from the discussion before the House. I move that the bill lie on the table.

Mr. RIXEY rose.

Mr. PAYNE. If the gentleman from Virginia [Mr. RIXEY] wishes to say something in reference to this bill, I will withhold my motion. I simply yield to him for that purpose. I want to move that the bill lie on the table.

Mr. RIXEY. Mr. Speaker, it seems to me rather unfair that the gentleman from New York [Mr. PAYNE], after having presided as Chairman in Committee of the Whole, should now come upon the floor to fight this bill.

Mr. HANDY. Did not the gentleman from New York, as Chairman of the Committee of the Whole, report this bill to the House a few minutes ago with the recommendation that it pass?

Mr. RIXEY. The announcement was so made.

Mr. PAYNE. I think both these gentlemen know better than to make seriously these suggestions. [Laughter.]

Mr. RIXEY. Mr. Speaker, I have never contended that Mr. Fairfax or any of the laborers referred to ever had a legal demand against the Government. But I have insisted that this claim, like the claim of the laborers, is based upon equitable grounds, which appeal to the conscience of this House for payment out of the appropriation.

Many of the public works of this city were constructed under the board of public works, authorized and established by Congress. In 1874, before these works were completed, Congress abolished the board of public works, at a time when the laborers and Mr. Fairfax, who had furnished supplies, had not received their pay and could not be paid. It was at that time, in 1874, at the time of the repeal of the act creating the board of public works, that Congress appropriated $75,000 to pay the laborers, and, as I say, to pay the people who had furnished them with supplies.

At that time, when all the circumstances were of recent occurrence, this appropriation was made for the purpose of paying these laborers. It may be that they had no legal claim against the Government, but Congress evidently thought they had an equitable claim, and this appropriation was made.

When this matter was presented to Congress it was referred to the auditor of the District of Columbia for his recommendation. After reviewing the whole matter he says:

> Mr. Fairfax presented his claim under this act, but on the ground that it was for subsistence furnished the contractor's laborers, and not for labor nor for hauling for the contractor, it was rejected. A technical reading of the letter of the law justified the rejection of this claim, but the intent and spirit of the statute would as clearly have sanctioned its allowance.

This claim has received the indorsement of the auditor of the District of Columbia. His recommendation was referred to the Commissioners of the District and by them approved and concurred in.

Now, Mr. Speaker, I say that this claim is as equitable and just as any claim for which that appropriation was passed. There is a balance still in the Treasury for the purpose of paying claims of this kind, and this bill provides that this claim shall be paid, if paid at all, out of the appropriation of $75,000 which was made in 1874.

This man has not been paid. He furnished these supplies to the laborers, and did so upon the faith that they were employed by the Government; and but for the abolition of the board of public works by Congress he would have been paid, as the laborers would have been paid. Congress, by abolishing the board, took away from the contractor the means of paying these people. This man who furnished these supplies was not paid, nor were the laborers. Congress appropriated $75,000 for their payment; and the auditor of the District says that a liberal construction of that statute would cover this claim.

I do not know whether there are other claims or not. But I will say to the gentleman from New York, who seems to be apprehensive about other claims being presented, that none such have been presented to the Committee on Claims, and, so far as I am informed, this is the only unpaid claim of this character. It has been repeatedly reported favorably by committees of this House, and has passed the Senate. I take it to be just and equitable; and the appropriation having been made, it should be paid.

Mr. PAYNE. Mr. Speaker, I know nothing whatever of this claim except what appeared before the Committee of the Whole during its consideration to-day. The facts in relation to the claim were stated before the committee when the bill was under consideration. Seventy-five thousand dollars, it appears, was appropriated for the payment of the amount claimed here in 1872. The amount of the appropriation was deducted in the final settlement from the amount due to the contractors. It is understood, practically, to be a gratuity and was appropriated in that shape in behalf of the laborers employed by these contractors. In other words, it was an act of relief for certain laborers that had not been paid by these contractors, as it appears. It was a gratuity pure and simple to the workingmen.

The committee having the matter under consideration first reported adversely to it. They reported adversely because of the stand taken by the Commissioners of the District of Columbia and by the auditor. But subsequently, after bringing the necessary amount of influence or cajolery upon the auditor, they induced him to change his first opinion, and a request was made to the Commissioners that Congress be asked to take such action as would make available an amount necessary for the unexpended balance of the appropriation already made to settle the claims under consideration.

Of course the appropriation for $75,000 has lapsed and was covered back into the Treasury; and the question presented here is whether the House, after the contractors had been paid and all debts have been paid, as well as the laborers, shall go on and pay other obligations incurred by the contractors, with reference to which we have no interest whatever.

I move that the bill be laid on the table.

Mr. HEPBURN. Before that, I wish to call the attention of the gentleman in charge of the bill to a provision of the original law.

Mr. RIXEY. Mr. Speaker, I rise to a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. RIXEY. I desire to know whether the motion that the bill be passed should take precedence of the motion to lie on the table?

The SPEAKER. The question would first be put on the motion to lie on the table.

Mr. RIXEY. I shall submit the motion that the bill be passed, if the motion to lie on the table is defeated.

The question was taken on the motion of Mr. PAYNE; and on a division there were—ayes 60, noes 25.

Mr. HANDY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 86, nays 49, answered "present" 17, not voting 203; as follows:

YEAS—86.

Aldrich,	Dalzell,	Landis,	Sayers,
Alexander,	Danford,	Lanham,	Shafroth,
Allen,	Davenport,	Lawrence,	Showalter,
Arnold,	Dayton,	Little,	Simpson,
Baker, Ill.	Faris,	Loud,	Snover,
Barham,	Fischer,	Love,	Southard,
Belknap,	Fleming,	Lovering,	Sprague,
Boutell, Ill.	Gardner,	Lybrand,	Stallings,
Boutelle, Me.	Gibson,	McCall,	Steele,
Brewster,	Griffin,	McCleary,	Stevens, Minn.
Brown,	Grosvenor,	Marsh,	Stewart, N. J.
Brownlow,	Hamilton,	Maxwell,	Talbert,
Brucker,	Henderson,	Meekison,	Updegraff,
Bull,	Henry, Conn.	Miers, Ind.	Wadsworth,
Burton,	Henry, Miss.	Mitchell,	Walker, Mass.
Butler,	Henry, Tex.	Moody,	Wanger,
Capron,	Hepburn,	Morris,	Warner,
Clarke, N. H.	Hilborn,	Norton, Ohio	Weymouth,
Codding,	Hopkins,	Otjen,	White, N. C.
Connolly,	Howell,	Payne,	Zenor.
Cooper, Wis.	Kerr,	Perkins,	
Corliss,	Lacey,	Ray,	

NAYS—49.

Adamson,	De Armond,	Lloyd,	Stephens, Tex.
Baird,	Dinsmore,	McCulloch,	Stokes,
Ball,	Evans,	McMillin,	Sulzer,
Barlow,	Fitzgerald,	McRae,	Sutherland,
Bell,	Graff,	Maddox,	Terry,
Benton,	Handy,	Ogden,	Thorp,
Bodine,	Hartman,	Osborne,	Walker, Va.
Brantley,	Hay,	Peters,	Wheeler, Ky.
Brumm,	Howard, Ga.	Ridgely,	Wise,
Brundidge,	Kitchin,	Rixey,	Yost.
Burke,	Kleberg,	Robb,	
Castle,	Latimer,	Robertson, La.	
Davison, Ky.	Lentz,	Robinson, Ind.	

ANSWERED "PRESENT"—17.

Botkin,	Cowherd,	Griggs,	Settle,
Bromwell,	Cox,	Jones, Wash.	Tayler, Ohio.
Clardy,	Driggs,	McDowell,	
Cochran, Mo.	Gaines,	Mann,	
Cooper, Tex.	Griffith,	Otey,	

NOT VOTING—203.

Acheson,	De Graffenreid,	Knowles,	Robbins,
Adams,	De Vries,	Knox,	Royse,
Babcock,	Dingley,	Kulp,	Russell,
Bailey,	Dockery,	Lamb,	Sauerhering,
Baker, Md.	Dolliver,	Lester,	Shannon,
Bankhead,	Dorr,	Lewis, Ga.	Shattuc,
Barber,	Dovener,	Lewis, Wash.	Shelden,
Barney,	Eddy,	Linney,	Sherman,
Barrett,	Elliott,	Littauer,	Shuford,
Barrows,	Ellis,	Livingston,	Sims,
Bartholdt,	Ermentrout,	Lorimer,	Skinner,
Bartlett,	Fenton,	Loudenslager,	Slayden,
Beach,	Fitzpatrick,	Low,	Smith, Ill.
Belden,	Fletcher,	McAleer,	Smith, Ky.
Belford,	Foote,	McClellan,	Smith, S. W.
Benner, Pa.	Foss,	McCormick,	Smith, Wm. Alden
Bennett,	Fowler, N. C.	McDonald,	Southwick,
Berry,	Fowler, N. J.	McEwan,	Spalding,
Bingham,	Fox,	McIntire,	Sparkman,
Bishop,	Gillet, N. Y.	Maguire,	Sperry,
Bland,	Gillett, Mass.	Mahany,	Stark,
Booze,	Greene,	Mahon,	Stewart, Wis.
Bradley,	Grout,	Marshall,	Stone, C. W.
Brenner, Ohio	Grow,	Martin,	Stone, W. A.
Brewer,	Gunn,	Mercer,	Strait,
Broderick,	Hager,	Mesick,	Strode, Nebr.
Brosius,	Harmer,	Meyer, La.	Strowd, N. C.
Broussard,	Hawley,	Miller,	Sturtevant,
Burleigh,	Heatwole,	Mills,	Sullivan,
Campbell,	Hemenway,	Minor,	Sulloway,
Cannon,	Henry, Ind.	Moon,	Swanson,
Carmack,	Hicks,	Mudd,	Tate,
Catchings,	Hill,	Newlands,	Tawney,
Chickering,	Hinrichsen,	Northway,	Taylor, Ala.
Clark, Iowa	Hitt,	Norton, S. C.	Todd,
Clark, Mo.	Hooker,	Odell,	Tongue,
Clayton,	Howard, Ala.	Olmsted,	Underwood,
Cochrane, N. Y.	Howe,	Overstreet,	Vandiver,
Colson,	Hull,	Packer, Pa.	Van Voorhis,
Connell,	Hunter,	Parker, N. J.	Vehslage,
Cooney,	Hurley,	Pearce, Mo.	Vincent,
Cousins,	Jenkins,	Pearson,	Ward,
Cranford,	Jett,	Pierce, Tenn.	Weaver,
Crump,	Johnson, Ind.	Pitney,	Wheeler, Ala.
Crumpacker,	Johnson, N. Dak.	Powers,	White, Ill.
Cummings,	Jones, Va.	Prince,	Wilber,
Curtis, Iowa	Joy,	Pugh,	Williams, Miss.
Curtis, Kans.	Kelley,	Quigg,	Williams, Pa.
Davey,	Ketcham,	Reeves,	Wilson,
Davidson, Wis.	King,	Rhea,	Young.
Davis,	Kirkpatrick,	Richardson,	

No quorum voting.

The Clerk announced the following pairs:

Until further notice:

Mr. SHATTUC with Mr. DAVEY.

Mr. COLSON with Mr. SMITH of Kentucky.

Mr. COCHRANE of New York with Mr. BODINE.

Mr. WARD with Mr. BERRY.

Mr. WANGER with Mr. ADAMSON.

Mr. JOHNSON of North Dakota with Mr. SWANSON.

Mr. LITTAUER with Mr. MAGUIRE.

Mr. WILLIAM A. STONE with Mr. MCCLELLAN.

Mr. FOOTE with Mr. GRIGGS.

Mr. SAUERHERING with Mr. MCALEER.

Mr. HENRY of Indiana with Mr. GRIFFITH.

Mr. BROSIUS with Mr. ERMENTROUT.

Mr. MANN with Mr. JETT.

Mr. SHELDEN with Mr. TODD.

Mr. BARRETT with Mr. MARSHALL.

Mr. WHITE of Illinois with Mr. CAMPBELL.

Mr. WILLIAMS of Pennsylvania with Mr. COCHRAN of Missouri.

Mr. PUGH with Mr. RHEA of Kentucky.

Mr. BARNEY with Mr. DE GRAFFENREID.

Mr. DORR with Mr. DRIGGS.

Mr. SAMUEL W. SMITH with Mr. NORTON of South Carolina.

Mr. BELDEN with Mr. SULZER.

Mr. BISHOP with Mr. CLARK of Missouri.

Mr. MESICK with Mr. TATE.

Mr. MAHON with Mr. OTEY.

Mr. PRINCE with Mr. HINRICHSEN.

Mr. TAYLER of Ohio with Mr. BARTLETT.

Mr. STRODE of Nebraska with Mr. CARMACK.

Mr. JOHNSON of Indiana with Mr. PIERCE of Tennessee.

Mr. VAN VOORHIS with Mr. MCDOWELL.

Mr. WM. ALDEN SMITH with Mr. STROWD of North Carolina.

Mr. DOVENER with Mr. SPARKMAN.

Mr. MILLS with Mr. MCCORMICK.

Mr. TAWNEY with Mr. SIMS.

Mr. HICKS with Mr. BANKHEAD.

Mr. SOUTHWICK with Mr. STRAIT.

Mr. STURTEVANT with Mr. SLAYDEN.

Mr. ROBBINS with Mr. MOON.

Mr. CURTIS of Iowa with Mr. COWHERD.

For this day:

Mr. CHICKERING with Mr. WILLIAMS of Mississippi.

Mr. MILLER with Mr. CLARDY.

Mr. PITNEY with Mr. DOCKERY.

Mr. HEMENWAY with Mr. COOPER of Texas.

Mr. ACHESON with Mr. JONES of Virginia.

Mr. JENKINS with Mr. DAVIS.

Mr. SHERMAN with Mr. LEWIS of Georgia.

Mr. KULP with Mr. CLAYTON.

Mr. CURTIS of Kansas with Mr. KING.

Mr. JOY with Mr. LAMB.

Mr. GILLETT of Massachusetts with Mr. LIVINGSTON.

Mr. MUDD with Mr. HOWARD of Alabama.

Mr. NORTHWAY with Mr. SULLIVAN.

Mr. OLMSTED with Mr. TAYLOR of Alabama.

Mr. ELLIS with Mr. JONES of Washington.

Mr. YOUNG with Mr. COONEY.

Mr. BENNETT with Mr. LEWIS of Washington.

Mr. REEVES with Mr. CUMMINGS.

Mr. FLETCHER with Mr. GAINES.

Mr. BROMWELL with Mr. RICHARDSON.

Mr. CLARKE of New Hampshire with Mr. SETTLE.

Mr. BURLEIGH with Mr. STARK.

Mr. KETCHAM with Mr. COX.

Mr. HARMER with Mr. BRENNER of Ohio.

Mr. BROMWELL. I find I am paired with the gentleman from Tennessee, Mr. RICHARDSON. I voted "aye," and I wish to withdraw my vote.

Mr. SPARKMAN. My colleague, Mr. DAVIS, is absent on account of illness. Otherwise he would have been present to vote.

Mr. BALL. I desire to ask if the gentleman from Illinois, Mr. REEVES, is paired?

The SPEAKER. He is.

Mr. COWHERD. The gentleman from Iowa, Mr. CURTIS, was called out of the House a short time ago, and he requested me to protect him with a pair. I do not know how he would have voted on this bill, and therefore I have answered "present."

Mr. GAINES. Mr. Speaker, I should like to be recorded as "present."

Mr. STEELE. I think we ought to have a recapitulation of the vote.

Mr. CANNON. I should like to know how I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. CANNON. If, perchance, the roll call should show the absence of a quorum, would I be entitled to be marked "present"?

The SPEAKER. The Chair thinks that the gentleman would probably be entitled to be marked "present" if his name would make a quorum.

Mr. STEELE. I should like to have a recapitulation of the vote.

The SPEAKER. The Chair thinks that a recapitulation of the vote would not be necessary, as there are 86 yeas, 49 nays, present 17—not a quorum. The hour of 5 o'clock having arrived, the House under the rule is now in recess until 8 o'clock this evening; and the gentleman from Iowa, Mr. LACEY, will then please take the chair.

Accordingly (at 5 o'clock p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. LACEY as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the rule.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. TALBERT. Mr. Speaker, I ask, before we go into Committee of the Whole, that all bills removing charges of desertion be passed over for to-night.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that all bills removing the charge of desertion be passed over for to-night. Is there objection?

Mr. COX. What is the request?

Mr. TALBERT. That all bills for the removal of charges of desertion be passed over for to-night.

Mr. COX. Now, Mr. Speaker, I have been here every night for two months——

Mr. TALBERT. I hope the gentleman will not object. I hope he is not going to put himself in the position of advocating cases of desertion while a number of the old fellows who never deserted have claims for pension here.

Mr. RAY of New York. I have no doubt if the gentleman from Tennessee will see the gentleman from South Carolina about his case, he will consent to its being considered, as he has with other gentlemen on other nights.

Mr. COX. I have a case of a man who was wrongfully charged with desertion; and as to its merits, I will say it is as meritorious as any that has ever been offered here, and I want you to get it out of the way, and then I will not bother you any more.

Mr. TALBERT. Then I will make the request plain and simple; and if you want to object, crack away.

Mr. COX. Very well.

Mr. TALBERT. That is all right.

Mr. COX. Well, I have done it. I object. I do not think it is treating us right.

Mr. TALBERT. I can not submit to having those bills for the removal of the charge of desertion come up so long as the old fellows who stood at the time of war have their claims here.

Mr. COX. I have an old fellow standing here under a charge.

Mr. ROBINSON of Indiana. Mr. Speaker, I want to ask unanimous consent that upon the first call of the Calendar this evening only such bills be considered as are represented by the member present who introduced the bill in the House, and after the completion of the call under that order we again resume the consideration of the Private Calendar in its order.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that for this evening on the call of the Calendar only bills where the member who introduced the bill is present be considered.

Mr. ROBINSON of Indiana. And that the Senate bills may be considered.

The SPEAKER pro tempore. As to House bills. Is there objection?

Mr. RAY of New York. I want to say to the gentleman that in making that request he is simply hitting hard at his colleagues in the House——

Mr. ROBINSON of Indiana. Will the gentleman from New York yield for a moment until the request is put in the form in which I suggested it? That is on the first call of the Calendar under that rule, and then the call of the Calendar will be resumed for the consideration of all cases as they come up.

The SPEAKER pro tempore. The Chair will repeat the request.

Mr. COX. One moment. I want to see if I can get unanimous consent to take up one case—I have but two cases—one case for the removal of the charge of desertion. I know all the facts about it personally. He is a most worthy man and a most excellent gentleman. That is what I have been here for, and I have stayed for night after night——

Mr. RAY of New York. I have no doubt if you will go to the gentleman from South Carolina, he will do what he has done in a great many cases on other nights. When a gentleman of the House has satisfied him that he had a meritorious case, he withdrew objection and let the case come up. I have not the slightest doubt he will do so with the gentleman from Tennessee.

Mr. TALBERT. I am here representing the old soldiers, and upon the request of numbers from whom I have received letters, I take the stand against those cases, and I object to the gentleman's request.

The SPEAKER pro tempore. The Chair will restate the proposition of the gentleman from Indiana. That on the first call of the Calendar House bills considered will only be those where the member who introduced the bill is present. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. I would like to ask what was the request the gentleman has suggested?

The SPEAKER pro tempore. The only purpose is that those members here will have their bills considered to-night.

Mr. COX. I have been here every Friday night since Congress met.

The SPEAKER pro tempore. If there be no objection, that will be considered as the order.

Mr. RAY of New York. Before I make the motion to go into Committee of the Whole, I would like to ask if there is anything further between the gentleman from South Carolina and the gentleman from Tennessee?

Mr. TALBERT. I do not believe we ought to waste the time of this House by considering cases of desertion; and I want to give notice now that I will object to their consideration.

Mr. COX. We are in the House. I ask unanimous consent to take up the case of James W. Hardin. We have passed it two or three nights on this kind of suggestion; and if the gentleman will let me make a statement about this case and he then objects, I will have nothing further to say.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 685)——

Mr. MOODY. I do not think that is the gentleman's request. I understood the gentleman's request to be that he be permitted to make a statement in regard to this case.

Mr. COX. I ask this——

Mr. TALBERT. I object in advance to the consideration of a case for the removal of a charge of desertion.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 685) for the relief of James W. Hardin and to remove charge of desertion.

Mr. TALBERT. I object.

Mr. RAY of New York. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar under the rule, which has been read.

Mr. TALBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TALBERT. Do I understand that the gentleman from Tennessee objects to my request for unanimous consent?

Mr. COX. Mr. Speaker, I never interrupted a member in this House since I have been here, but if he will not let me make a statement about the case and objects before he knows a thing about it, this Calendar must go along in the regular way. I object to any sort of an arrangement. That is what he wants, and I will do it.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 87, noes 2.

Mr. TALBERT. No quorum, Mr. Speaker.

Mr. MOODY. Before the question of quorum is passed upon by the Chair, I would like to suggest to the gentleman from South Carolina that after we go into Committee of the Whole House it will be in his power to object to any case as it comes up.

Mr. TALBERT. I will say that I have great respect for the gentleman from Massachusetts, and I would yield to him as quickly as to anybody, but I am unwilling to allow this to proceed if they are going to consider the cases of deserters in preference to those of the old soldiers.

Mr. RAY of New York. You can raise that objection when the case is reached. If it is insisted to consider the cases of deserters in preference to other cases, you can object just as well.

Mr. TALBERT. If the gentleman will bring a quorum here, which ought to be done, that will obviate the difficulty. We ought not to legislate with such a slim attendance. It is not good legislation, it is not parliamentary, it is not good common sense.

To start with, they come in here and insist on taking up the cases of deserters and setting aside meritorious claims, and it is not good legislation. I shall object to it on all occasions. I do not do it in a spirit of captiousness or anything of that sort, but because I believe it is my duty.

Mr. MIERS of Indiana. Just one moment, Mr. Speaker. I saw this gone through with the other night, and I hope the gentleman will not insist; in two minutes he can put us in a position so that we can not do anything to-night, and I am sure the gentleman does not want to do that. He says that it is insisted that we shall take up deserters in preference to meritorious claims. That is assuming in advance that there are no meritorious claims. If there is a meritorious claim, if some man has had a wrong done him, I do not see why the charge of desertion should not be removed. But if he is a deserter, let us find it out and let us refuse to remove the charge. But if he is not a deserter, if a wrong has been done him, surely this House can find that out. I hope the gentleman will not insist on the point of no quorum.

Mr. TALBERT. I know there is common sense in what my friend from Indiana says, and I know this——

The SPEAKER pro tempore. The House will be in order; the question is not debatable.

Mr. RAY of New York. This matter, Mr. Speaker, is proceeding by unanimous consent. Now, I desire to ask my friend from South Carolina a question, and that is this: Have you any objection to proceeding with pension cases?

Mr. TALBERT. I have stated my position; and I will say to the chairman of the committee that I asked unanimous consent and objection was made, so that to proceed now is to open the way for the consideration of these cases that I object to.

Mr. MOODY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOODY. Would it be in order for the gentleman from New York, or any other member of the House, to move that the

House resolve itself into Committee of the Whole for the consideration of pension bills alone?

The SPEAKER pro tempore. The Chair thinks not, the House being in session under a special order.

Mr. NORTHWAY. I would like to ask the gentleman from South Carolina a question. Would you allow us to go into Committee of the Whole with the understanding that if there is any bill reached that you object to, a bill to remove the charge of desertion, we will let it pass by?

Mr. TALBERT. I made that request before, and it has been objected to.

Mr. COX. Mr. Speaker, I have no disposition to advocate any claim or oppose any claim unless I am thoroughly satisfied I am right in the position I take. I have on this Calendar the case of a man charged with desertion, one of the only two bills on the whole list in which I am interested. Now, I believe that the charge of desertion in this case was wrongfully made. I think this is just as meritorious a case as that of a man applying for a pension. I know this man; I personally know all about the facts. Now, for me to sit here and allow the gentleman from South Carolina to say, "You shall not present that claim; I will not even hear a statement about the claim," is something I am not going to submit to.

Mr. SIMPSON. Can the gentleman assure the House——

Mr. COX. I know all about the case.

Mr. SIMPSON. It is a good claim, is it?

Mr. COX. If I did not think so, I would not be here asking its consideration.

Mr. ROBINSON of Indiana. I wish to ask the gentleman from Tennessee a question. He is, I believe, a member of the Military Committee, which reports these bills for the removal of charges of desertion. In view of the care and attention which the gentleman, I know, has given to the business of that committee, I should like to ask him whether the committee is reporting here any bills for the removal of charges of desertion which are not deserving cases?

Mr. COX. I do not hesitate to say to the Speaker and the House that in my service on that committee I have never voted for a solitary claim unless I thought it absolutely just.

Mr. NORTHWAY. Let me make a suggestion to the gentleman. I have not a bill on this Calendar—I have not been able to get one there—so that I have no interest in the Calendar at all except the general interest which I feel in working off some of these private bills which are meritorious. As it seems almost impossible to get a quorum here at these night sessions, I would be very glad if we could by common consent effect some arrangement by which some of these meritorious cases may be disposed of.

Mr. COX. Will the gentleman let me ask him a question?

Mr. NORTHWAY. Certainly.

Mr. COX. I know everything about the facts of the case which I desire to bring up; I know how the charge of desertion originated; I know the man. Now, I ask the gentleman would he, if he were in my place, surrender his right on this floor by consenting to such an arrangement as the gentleman from South Carolina proposes?

Mr. NORTHWAY. I ought not to answer such a question as that. The only interest I feel——

Mr. COX. If the gentleman from South Carolina will allow me to make my statement, then, if he objects to this bill, I will cheerfully yield.

Mr. TALBERT. May I be permitted a word? I did not understand that I had gone so far as to refuse to hear a statement from the gentleman. I am always glad to hear him make a statement; he does it in such a nice, pleasant, earnest manner. He mistakes me if he thinks that I made any such objection. If the gentleman wants to make an hour's speech, I will carefully listen to him, because I know that while he is doing this no bill can be passed for the removal of the charge of desertion. So that, reserving my right to object, I am willing to listen to any statement the gentleman desires to make; but before he makes his statement, I would ask unanimous consent to have read an extract from a special to the Chicago Record which was handed to me——

Mr. COX. Mr. Speaker, I thought I had the floor. I am not taking any stock in Chicago Records.

The SPEAKER pro tempore. Does the gentleman from South Carolina withdraw the point of no quorum?

Mr. TALBERT. I do not.

The SPEAKER pro tempore. Then the Chair will count the House.

The SPEAKER pro tempore proceeded to count the House.

Mr. RIDGELY (before the count was concluded). I hope the gentleman from South Carolina will withdraw the demand for a quorum.

Mr. RAY of New York. Would it be in order for me to withdraw my motion?

Mr. TALBERT. I ask that the count be suspended for a few moments. I again ask permission to have this special to the Chicago Record read. It will show that we are entering upon another war. It will show further why it is that I have such an aversion to pensioning deserters. This has been sent to me by a Union soldier——

Mr. COX. I raise a point of order against the gentleman.

Mr. TALBERT. And I claim that I am representing here the true soldier.

Mr. MOODY. I rise to a parliamentary inquiry. Pending the declaration of the Chair on the question of a quorum, would it be in order to ask unanimous consent to waive the motion to go into Committee of the Whole and also to waive the demand for a quorum, so that the House may give consent that the gentleman from Tennessee shall make his statement and the gentleman from South Carolina read the newspaper extract? And then we can start all over again and possibly do some business, for it is evident, I think, that both gentlemen are ready to come to an agreement.

Mr. COX. I am perfectly content to make that arrangement. After I have made my statement, if any member of the House objects to removing the charge of desertion in this case, I will make no complaint and raise no question.

Mr. MOODY. I ask unanimous consent that the course of proceeding which I have indicated be adopted.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOODY] asks unanimous consent that the motion to go into Committee of the Whole be withdrawn. Is there objection? The Chair hears none.

Mr. MOODY. Now, I ask unanimous consent that the gentleman from Tennessee be permitted to make his statement with regard to the case in dispute, and that the gentleman from South Carolina be permitted to have his extract from the newspaper read at the Clerk's desk.

The SPEAKER pro tempore. Unanimous consent is asked that the gentleman from Tennessee [Mr. COX] be permitted to make a statement in regard to the bill H. R. 685. Is there objection?

There was no objection.

Mr. COX. Mr. Speaker, this bill was reported from the Committee on Military Affairs, on which committee I have been trying to serve and do my duty as far as I could understand it. The bill was reported by the committee after a careful examination of the matter, and every fact which I state in regard to the case I state from my own personal knowledge of the case. This man Hardin lives in my district, and a better citizen we have not got in the district. He is a most excellent man, quiet in his habits honorable in his dealings, and trustworthy in every respect. That is the man, and I know him well. In the latter days of 1862 I myself captured him and I put him on his parole. The trouble with the man was that he did not exactly understand the obligations of the parole, or the rules that govern those matters; but to his credit, as I think, he faithfully observed the parole which I gave him, and while observing that parole he was marked as a deserter.

Mr. MIERS of Indiana. He was simply a prisoner of war.

Mr. COX. He thought so, and he went to the State of Indiana. He never saw the order about paroled men reporting and being exchanged. What I feel about it personally is this: I put him in the hole, and I want to get him out of it. [Applause and laughter.] I have got no scum of a man, but a gentleman of the first water. Now, that is this case. I recommend this man as highly as I can. The trouble, I repeat again, grew out of the fact that when the general orders were issued by the Union Army for those who were paroled to report, I do not suppose he ever heard of them. He did not know anything about them at all, and he did not report. Then he was marked as a deserter. That is my case, and there is not a nicer gentleman in this House than this man.

Mr. CLARDY. This occurred while he was still under parole and virtually a prisoner of war.

Mr. COX. Yes; and at that time I would have paroled every man in the world if he had kept out of the Federal Army. [Laughter.]

Mr. Speaker, I ask unanimous consent for the present consideration of the bill.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent for the consideration of the bill.

Mr. BARTLETT. Mr. Speaker, I do not want to object, but I have a case here myself that has been here a long while. It is not a case for the removal of a charge of desertion. It is the case of the 85-year-old widow of a soldier of the war of 1812.

Mr. COX. I will vote for it.

Mr. BARTLETT. I want everybody to have a chance to vote for it. Now, I ask to amend the gentleman's request so as to include the consideration of this case.

Several MEMBERS. Oh, no.

Mr. BARTLETT. Then I object.

Mr. TALBERT. From the statement of the gentleman from Tennessee, I had concluded to withdraw my objection to his bill. [Applause.]

Mr. COX. Thank you, sir.

Mr. TALBERT. Now I send to the desk a clipping sent me by a soldier, and ask to have it read.

The SPEAKER pro tempore. The Clerk will read the article referred to.

The Clerk read as follows:

TROOPS LEAVE FORT CROOK.

[Special to the Chicago Record.]

FORT CROOK, NEBR., *April 13, 1898.*

At 4 o'clock this afternoon the Twenty-second Regiment marched to the depot and boarded cars for the South. The band played "The Star-Spangled Banner," and the several hundred civilians who had gathered to see the troops off cheered wildly. The wives and daughters of the officers added their cheers to the clamor.

Five hundred and five men and officers went aboard the cars and started for the South at 4.15 o'clock via the Missouri Pacific road. There were two sections of the troop train, made up of two Pullmans, fourteen coaches, one baggage car, five flat cars, and three stock cars. These carried the men and officers, the field pieces, wagons, horses, and a complete field equipment, one month's rations, all the available ammunition for the Gatling gun, one rapid-fire gun, and the mounted Hotchkiss. Every soldier was armed with Krag-Jorgensen rifles of the latest pattern.

Lieutenant Campbell and Major Kosper, with eighteen men, were left as a guard and to form the nucleus of the Veterans' Reserve Association, which is expected to take charge of the post in the event of war.

TWENTY-EIGHT COWARDS DESERT.

An extraordinary feature of the departure was the desertion last night of twenty-eight men. They left in singles and doubles during the night. It seems that all the soldiers knew what was going on, and that the deserters tried to get many others to go with them.

Some of the deserters told their comrades that they would all die of yellow fever and other diseases common to tropical climates if they went, while others asserted that the Government had not avenged the sailors of the *Maine*, and they were tired of serving such a nation. A description of each deserter has been furnished the police, and an extra effort is being made to apprehend them. An example will be made of them. It is considered that the men deserted practically in the face of the enemy, and the consequences will be serious.

Mr. TALBERT. Now, Mr. Speaker, I just want to refer to a number of laws that have been passed in the interest of deserters; then I have done. I have no comment to make upon that clipping which has been read, because it speaks for itself. I do not know who sent it to me. It came to me in a letter with the request to have it read. As we are entering upon the threshold of another war, it is not very well that we should be here encouraging deserters by removing charges of desertion and giving them pensions.

Now, after the first proclamation issued by President Lincoln, to all deserters who would come forward and have the charges of desertion removed, in addition to that, on August 7, 1882, a bill was passed further extending the time and privileges to all who had deserted to come in and have the charges of desertion removed. A great many availed themselves of that opportunity. On July 13, 1884, another bill of the same import was passed, and numbers availed themselves of that opportunity to have charges of desertion removed.

In May, 1886, another bill was passed; on March 2, 1889, another bill, and on July 27, 1892, another. The last bill was passed on March 2, 1895, removing all limitations whatever, and now they can go to the War Department without coming here and have the charge of desertion removed. So I see no reason why they can not go there under the act of March 2, 1895, and have the charge of desertion removed, if it ought to be removed. With the exception of the bill that my friend from Tennessee [Mr. COX] wishes to bring up, I again renew my request that for to-night we pass over all bills for the removal of the charge of desertion.

Mr. VINCENT. Do you mean to say that any deserter can go to the War Department and have a charge of desertion removed simply by applying to have it done?

Mr. TALBERT. That is my understanding. Under the other bills they were allowed so many years, but my understanding is that the act of 1895 removed all limitations.

Mr. HEPBURN. The gentleman is wrong about that.

Mr. RAY of New York. The gentleman is mistaken about that. It does not apply to all.

Mr. TALBERT. Well, that was my understanding, and I have just read over the dates of the various acts.

Mr. BARTLETT. In order to get the House out of a tangle, I want to withdraw any objection which I made to the request of the gentleman from Tennessee.

The SPEAKER pro tempore. Objection is withdrawn. The Clerk will report the bill.

JAMES W. HARDIN.

The bill (H. R. 685) for the relief of James W. Hardin and to remove a charge of desertion was read, as follows:

Be it enacted, etc., That James W. Hardin, of Wayne County, Tenn., be reinstated on the regular rolls of his company and regiment in military service of the United States, and that the charge of desertion be removed.

The following amendment, recommended by the Committee on Military Affairs, was read:

Insert at the end of the bill the following:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The SPEAKER pro tempore. Is there further objection to the present consideration of the bill just read?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. COX, a motion to reconsider the last vote was laid on the table.

Mr. RAY of New York. Now, Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under the rule.

Mr. TALBERT. Mr. Speaker, I ask to have my request put to the House.

The SPEAKER pro tempore. Before putting the motion of the gentleman from New York, the Chair will again put the request of the gentleman from South Carolina, which is that all bills for the removal of charges of desertion be passed over this evening. Is there objection?

There was no objection.

The motion of Mr. RAY of New York was agreed to.

The House accordingly resolved itself into Committee of the Whole for the consideration of bills on the Private Calendar under the rule, with Mr. EVANS in the chair.

WARREN W. MORGAN.

The first business on the Private Calendar was the bill (H. R. 6799) granting an increase of pension to Warren W. Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren W. Morgan, who served as a private in Company G, Eighth United States Infantry, in the Indian wars, and pay him a pension of $20 a month.

The following amendments recommended by the Committee on Pensions were read:

In line 8 strike out "twenty" and insert "twelve."

Add after the last word the words "the same to be in lieu of his present pension."

Mr. ROBINSON of Indiana. Mr. Chairman, I should like to know if some system has been adopted at the Clerk's desk for the purpose of ascertaining whether the member who introduced the bill is present.

The CHAIRMAN. The gentleman is present. The question is on the adoption of the amendments proposed by the committee.

The amendments proposed by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. ROBINSON of Indiana. Mr. Chairman, I suggest that the name of the introducer of each bill be read as the bill is read.

ARMENIAS H. EVANS.

The next business on the Private Calendar was the bill (H. R. 8551) to increase the pension of Armenias H. Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Armenias H. Evans, late a private in Company C, Sixth Regiment Virginia Volunteer Infantry, and Battery A, West Virginia Volunteer Light Artillery, and pay him a pension of $50 per month from and after the passage of this act in lieu of the pension he is now receiving.

The following amendments recommended by the Committee on Invalid Pensions were read:

After the word "pensions," in line 7, insert "at the rate."

In line 8 strike out "fifty" and insert "thirty" in lieu thereof.

From lines 8 and 9 strike out the following: "from and after the passage of this act."

Mr. TALBERT. Mr. Chairman, I should like to have the report in this case read.

Mr. GRAFF. Mr. Chairman, the facts in the case are these——

The CHAIRMAN. Does the gentleman from South Carolina insist upon the reading of the report?

Mr. TALBERT. I ask for the reading of the report. I think the report should be read. We have nothing but the Calendar on our desks, and we can not vote intelligently unless we know something about these bills.

Mr. LOVE. I think we either ought to have the report read, or the gentleman having the bill in charge should make some explanation of it.

Mr. RAY of New York. Mr. Chairman, I call for the reading of the report.

The CHAIRMAN. That has already been called for.

Mr. LOVE. I do not wish to obstruct these proceedings, but I should like to have some information concerning these cases.

The report (by Mr. WARNER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8551) granting an increase of pension to Armenias H. Evans, have examined the same and all the evidence and respectfully report:

This bill, as amended, proposes to increase from $12 to $30 the pension of Armenias H. Evans, of Pekin, Ill., private, Company C, Sixth West Virginia Light Artillery, who served from October 12, 1861, to January 18, 1865, and was honorably discharged. The records fail to show any disability during

his term of service. He has filed no claim for pension under the general law. October 18, 1890, he filed a claim under the act of June 27, 1890, alleging rupture on left side, and October 5, 1891, filed another, alleging partial deafness left ear and cataract on right eye, and bad teeth. The hernia is alleged, but not shown, to have originated while in the service about September, 1863. The disease of eyes began to affect him in 1889. Claim was allowed, and he was pensioned, for disease of eyes only, at $6 from October 5, 1891, and $12 from April 4, 1894.

Medical examination by board May 6, 1891, showed no hernia, but varicocele and disease of eyes. For the latter he was rated eight-eighteenths. April 4, 1894, he was again examined by board and no indications of rupture found. The examination, however, showed that his right eye was totally blind and the left eye nearly so, and that he was totally unable to do manual labor. He is shown to have glaucoma in both eyes and to be beyond any possibility of benefit by treatment.

The affidavit of John W. Lambert, of Peoria, Ill., dated July 26, 1893, shows that on August 30, 1892, both eyes were diseased and nearly blind, the vision in right eye then only slight perception of light; left eye, twenty two-hundredths. There were then well-defined cataracts of both crystalline lenses. Also disease of both optic nerves and choroid coats of both eyeballs; optic neuritis and chronic choroiditis. Prognosis at that time for future vision very unfavorable.

July 26, 1893, he was again examined by the same physician, and disease of both eyes was far advanced. No perception of light in right eye, and vision of left eye four two-hundredths. Cataracts of both lenses increased and will soon blind left eye. Prognosis for future vision hopeless on account of the nerve and choroidal complications.

Dr. William E. Schenck, in an affidavit dated December 23, 1897, and filed with this committee, shows that claimant has anæmia and atrophy of the optic nerves. The sight of right eye is entirely lost, and that of left eye so much impaired that it is impossible for him to go about without the aid and attendance of another person, and it is simply a question of a few months when he will be totally blind. He has consulted a number of specialists in regard to his eyes, but all concurred in the opinion that nothing can be done in the case.

It is also shown by evidence filed with this committee that soldier is destitute of property, income, or means of support, except his pension of $12 per month, and has a family of four. He is 55 years of age.

Your committee will not permit this blind and worthy soldier to become the inmate of a poorhouse. A reasonable increase is only just, and the bill is therefore reported back with the recommendation that it pass when amended as follows:

After the word "pensions," in line 7, insert "at the rate."

In line 8 strike out "fifty" and insert "thirty" in lieu thereof.

From lines 8 and 9 strike out the following: "from and after the passage of this act."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN I. BARROWS.

The next business on the Private Calendar was the bill (H. R. 877) granting a pension to Susan I. Barrows.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at $12 per month, subject to the provisions and limitations of the pension laws, the name of Susan I. Barrows, idiotic and dependent child of Silas Barrows, deceased, late a member of Company E, Eighth Regiment Maine Volunteers, said pension to be paid to her duly appointed guardian.

The amendments recommended by the committee were read, as follows:

In lines 4 and 5 strike out the following: "at $12 per month."

In line 8, after the word "Volunteers," insert "and pay her a pension at the rate of $12 per month."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RUSSELL R. KING.

The next business on the Private Calendar was the bill (S. 1887) granting an increase of pension to Russell R. King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Russell R. King, late a member of Company A, Eighth Michigan Volunteer Infantry, and pay him a pension at the rate of $12 per month, in lieu of the pension he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LEWIS D. BAKER.

The next business on the Private Calendar was the bill (S. 1480) granting an increase of pension to Lewis D. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis D. Baker, late of Company G, Fourteenth Regiment of New York Volunteer Heavy Artillery, at the rate of $20 a month, in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Artillery," insert "and pay him a pension."

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee.

Mr. LOVE. Mr. Chairman, I would like to have some explanation of this case. I do not say this in opposition to the bill, if the evidence is such as to justify the increase.

Mr. RAY of New York. Mr. Chairman, this case increases the pension of this soldier from $12 to $20 a month. The soldier was shot in the Army, and he is drawing his present pension of $12 a month on that account. He has been seized with and is now afflicted by deafness and other disabilities, which totally incapacitate him from doing anything whatever. He is very poor and needy, and $12 a month will not support him and take care of him. Therefore the Senate and the House have agreed to increase his pension to $20 a month, to keep him out of the poorhouse.

Mr. LOVE. The amount is fixed by the Senate.

Mr. RAY of New York. The amount is fixed by the Senate.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JENNIE E. BURCH.

The next business on the Private Calendar was the bill (S. 368) granting a pension to Jennie E. Burch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie E. Burch, a volunteer nurse during the war of the rebellion, and pay her a pension at the rate of $12 per month.

Mr. TALBERT. I submit again and ask unanimous consent that the reports accompanying these bills be read for the information of the House.

Mr. KELLEY. I have no objection to the reading of the report, in accordance with the gentleman's desire.

Mr. TALBERT. I want to ask unanimous consent that it be read.

Mr. RAY of New York. You have the right to have it read.

The CHAIRMAN. Any member has the right to demand the reading of the report.

Mr. TALBERT. I know I have the right; but I ask consent that they all be read.

Mr. GREENE. I object.

Mr. LOVE. Then we will insist on having them read.

Mr. TALBERT. If you want to object to the reading of the report, just crack your whip.

Mr. RAY of New York. I will say to the gentleman, if he desires it, I will demand the reading of the report in every case.

Mr. TALBERT. I have asked that it be done, and objection has been made.

Mr. RAY of New York. I will demand it.

The CHAIRMAN. Any member has the right to demand the reading of the report.

Mr. KELLEY. I am in favor of having the report read. This is a meritorious claim.

Mr. TALBERT. I do not do this in a spirit of captiousness, but I do it because it is right and ought to be done; and I am not afraid to ask for what is right.

The report (by Mr. STURTEVANT) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 368) granting a pension to Jennie E. Burch, have examined the same and the evidence and respectfully report:

This bill proposes to pension Jennie E. Burch, of Sioux Falls, S. Dak., as army nurse, at $12 per month. She filed a claim June 23, 1893, under the act of August 5, 1892, alleging service as army nurse at Fort Wayne and Evansville, Ind., and at Calhoun, Bowling Green, and South Carrollton, Ky., and on the hospital steamer *Thomas Tuft* in 1861 and 1862; that she contracted chronic diarrhea while so serving and is now disabled by that, together with rheumatism, neuralgia, varicose veins, and piles.

It is shown by the records that she was employed as a nurse in the marine hospital at Evansville, Ind., in December, 1861, but that hospital was not then a United States Army general hospital, though sick and wounded soldiers were cared for under contract. The War Department declines to accept her service as being "by competent authority."

It is shown by the testimony of Lieut. Nicholas Ensley, of Company E, Forty-second Indiana Infantry, that she served as nurse through the latter part of October, 1861, until about the latter part of April or the 1st of May, 1862, in regimental hospital and field hospital at South Carrollton, Calhoun, and Bowling Green, Ky.; also at the marine hospital at Evansville, Ind. In December, 1861, he was nursed by her in said hospital for measles.

Elias O. Rose, first lieutenant of Company A, Forty-fourth Indiana Volunteers, also testifies to her service as nurse in the regimental hospital of the Forty-fourth Indiana Volunteers at Evansville, Ind.

George W. McConnell, quartermaster of the Forty-fourth Regiment, testifies that she was with the regiment as a nurse from the time of its organization, in October and November, 1861, rendering then and thereafter service as a nurse.

John H. Rerick, assistant surgeon, Forty-fourth Indiana Volunteers, also testifies that she rendered service as nurse with that regiment.

Cary R. Frisbee testifies to having been cared for by her as nurse in the measles ward, hospital at Evansville, Ind.

Norman Sessions, Company H, Forty-fourth Indiana, testifies that he was cared for by her while sick in the service.

John H. Gillett, same company, testifies that she served as nurse in the regimental hospital in January and February, 1862, and on the boat the time of the trip to Fort Henry and Fort Donelson.

The father and mother of the claimant testify that she left her little child, 2 years old, with them, and served in the Army as nurse from that time, October 25, 1861, to April, 1862. That she returned home the last day of April, 1862, broken and sick from the strain and exposure, which ran her into typhoid fever, from which she was confined to her bed, and the effects follow her through life.

She was the wife of Joseph W. Burch, of Company A, also hospital steward, Forty-fourth Indiana Volunteers, and it does not appear whether said soldier is living or dead, or whether she or anyone else is pensioned on account of his service.

She is 58 years of age and physically disabled. Her financial condition is said to be very poor.

The bill is reported back with the recommendation that it pass.

Mr. TALBERT (during the reading of the report). I rise to a

point of order. It is impossible to hear the reading of the report, there is so much confusion.

The Clerk resumed and concluded the reading of the report as above.

The bill was ordered to be laid aside with a favorable recommendation.

ALMON STUART.

The next business on the Private Calendar was the bill (H. R. 2276) for the relief of Almon Stuart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Almon Stuart, of Minden, Kearney County, Nebr., late a private in Company I, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension of $30 per month.

Mr. RAY of New York. I ask for the reading of the report, Mr. Chairman.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2276) granting an increase of pension to Almon Stuart, have considered the same and all the evidence and respectfully report:

This bill proposes to increase from $12 to $30 the pension of Almon Stuart, of Mindon, Nebr., who served from August 27, 1861, to September 6, 1864, and was honorably discharged.

He filed and established a claim under the general law for gunshot wounds of right hip and left index finger, and was pensioned therefor at $3 from discharge and $6 from April 2, 1883, until July 7, 1890, from which date he was allowed $12 under the act of June 27, 1890, for gunshot wounds of right hip and left index finger, slight deafness in both ears, and cancer of nose.

It is shown by evidence filed with this committee that the cancer has progressed until it has destroyed almost the entire nose and the sight of right eye, and renders him wholly unable to do manual labor. He is 76 years of age. His financial condition is very poor, indeed.

This old soldier can survive but a very short time, and as he served his country faithfully for over three years, it will not see him in want. The case is exceptional and meritorious, and Congressional action is fully warranted.

The bill is reported back with the recommendation that it pass when amended as follows:

In line 6 strike out the following: "of Minden, Kearney County, Nebr."

At the end of line 9 insert "in lieu of the pension he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Almon Stuart."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside with a favorable recommendation.

Mr. TALBERT. Mr. Chairman, I rise to a question of privilege.

The CHAIRMAN. The gentleman will state it.

Mr. TALBERT. I want to read the act which I quoted here to-night. I stated that this act removed all limitations on the charge of desertion.

Mr. GREENE. Regular order!

Mr. MIERS of Indiana. I hope the gentleman will not take up the time——

Mr. GREENE. I object.

Mr. RAY of New York. Let me say to the gentleman from South Carolina, wait until the bill is read, and then you can take the floor and read that act if you desire to.

Mr. TALBERT. All right.

MARIA SOMERLAT.

The next business on the Private Calendar was the bill (S. 2878) granting a pension to Maria Somerlat, widow of Valentine Somerlat.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Somerlat, widow of Valentine Somerlat, late a private in Company A, Twenty-ninth Regiment Indiana Volunteers, and to pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Amend the title so as to read: "An act granting a pension to Maria Somerlat."

Mr. TALBERT. Before reading the report, Mr. Chairman, I want to set myself right. I stated that the act of 1895 removed the limitation for the relief of certain soldiers, and in proof that I was right, I will read it. It is as follows:

An act to further amend section 9 of the act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, passed March 2, 1889.

Be it enacted, etc., That section 9 of the act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, approved March 2, 1889, be, and the same is hereby, so amended as to remove the limitation of time within which applications for relief may be received and acted upon under the provisions of said act.

Approved March 2, 1895.

Mr. NORTHWAY. That does not apply to all charges of desertion.

Mr. TALBERT. It does; it is not restricted at all.

Mr. GREENE. It only applies to the time.

Mr. TALBERT. If the gentleman from Nebraska can not understand common English, I can not help it. I think the gentleman has done altogether too much objecting to-night.

The amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. RAY of New York. Mr. Chairman, I now ask unanimous consent that the next bill may be considered, notwithstanding the fact that the gentleman who introduced it is not here. It is a bill to pension James E. Jones. My colleague, Mr. GILLET, introduced it, and it is impossible for him to be here. I told him, at his request, I would try and take care of the bill for him. You all know that he has had no bill passed, and I think this is the only bill in which he is interested that has been reported from the committee.

Mr. MIERS of Indiana. Has the gentleman been here to help make up a quorum?

Mr. RAY of New York. He has been here very many nights.

Mr. MIERS of Indiana. Then if he has been present helping to make a quorum, I have no objection.

Mr. ROBINSON of Indiana. This seems to be an exceptional case, Mr. Chairman, and I think it should be taken up.

The request of Mr. RAY of New York was agreed to.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Jones, late brevet colonel and assistant quartermaster, and pay him a pension of $25 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "pension," insert the words "at the rate of."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOHN CONNOLLY.

The next business on the Private Calendar was the bill (H. R. 8243) to pension John Connolly, father of Thomas Connolly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Connolly, father of Thomas Connolly, late of Company A, Sixty-ninth Regiment New York Volunteer Infantry, in the war of the rebellion, and pay him a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the words "in the war of the rebellion."

Amend the title so as to read: "A bill granting a pension to John Connolly."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

BENJAMIN L. NOLAN.

The next business on the Private Calendar was the bill (S. 3807) granting a pension to Benjamin L. Nolan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Benjamin L. Nolan, late a private in Company D, Eighth Massachusetts Volunteer Infantry, and Troop G, Third United States Cavalry, and pay him a pension of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "pension," insert "at the rate."

The amendment recommended by the committee was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

PHILIP F. CASTLEMAN.

The next business on the Private Calendar was the bill (S. 1155) granting a pension to P. F. Castleman, of Oregon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $15 per month, the name of P. F. Castleman, who served as acting assistant quartermaster of Oregon Volunteers in the Indian war in Oregon of 1855 and 1856.

The amendments recommended by the committee were read, as follows:

Change the claimant's name in the title and in the body of the bill to "Philip F. Castleman."

Strike out the words "acting assistant quartermaster," in line 6, and substitute therefor the words "quartermaster's agent," that being his designation on the records of the Treasury Department.

The amendments recommended by the committee were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM A. BECKFORD.

The next business on the Private Calendar was the bill (S. 489) granting an increase of pension to William A. Beckford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Beckford, late first lieutenant of Company F, Eighth Regiment New Hampshire Volunteer Infantry, at the rate of $50 per month, in lieu of that he is now receiving.

Mr. LOVE. I call for the reading of the report.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 499) granting an increase of pension to William A. Beckford, have examined the same and report:

This bill proposes to increase from $30 to $50 per month the pension of William A. Beckford, of Bristol, N. H.

The soldier suffers from a gunshot wound, received in battle, through the shoulder and breast, which frequently breaks out and requires surgical operations. He is poor and has a helpless wife to support.

The case is a meritorious one, and the Senate bill is therefore reported back with the recommendation that it pass when amended as follows:

After the word "Infantry," in line 7, insert "and pay him a pension."

Mr. RAY of New York. Mr. Chairman, the evidence is very long which we printed, and I would ask the gentleman from Mississippi if he desires the reading of all the evidence? I want to say to him that the man was before the committee and I examined him personally. He was shot through the breast and has running sores and wounds which are open constantly and discharge from the shoulder and lungs. His wife is absolutely helpless and he has no property.

Mr. LOVE. I know nothing, of course, of the nature of the case, but thought it was remarkable that he should be pensioned at $50 a month. I should not have insisted on the reading of the report if the chairman had explained the case.

The committee amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

ALONZO B. CHATFIELD.

The next business on the Private Calendar was the bill (S. 4003) to construe an act approved June 3, 1884, rerating and including the disability of Alonzo B. Chatfield, late of Company B, Thirty-third Regiment of Illinois Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the act approved June 3, 1884, "rerating and including the disability of Alonzo B. Chatfield, late of Company B, Thirty-third Regiment of Illinois Volunteer Infantry, with that class of pensioners who have lost an arm at or above the elbow," be construed to be continuous in its provision: and the Commissioner of Pensions is hereby instructed to reenter and continue the name of said pensioner on the roll with the class mentioned in said act, and at the rate of pension provided for said class, from and after the passage of this act.

The bill was laid aside to be reported favorably to the House.

MARY A. BENJAMIN.

The next business on the Private Calendar was the bill (S. 862) granting a pension to Mary A. Benjamin

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Benjamin, widow of the late Horatio H. Benjamin, captain Company B, One hundred and thirteenth Regiment Ohio Volunteers, previously colonel, United States Volunteers, and to pay her a pension at the rate of $12 per month.

The bill was laid aside to be reported favorably to the House.

ADELAIDE H. LAMBERTSON.

The next business on the Private Calendar was the bill (S. 3254) granting a pension to Adelaide H. Lambertson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelaide H. Lambertson, as widow of Charles H. Kennon, late quartermaster-sergeant Company D, Second Regiment Rhode Island Cavalry.

The bill was laid aside to be reported favorably to the House.

ANDREW C. MENSCH.

The next business on the Private Calendar was the bill (S. 3443) granting an increase of pension to Andrew C. Mensch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew C. Mensch, late first lieutenant Company E, One hundred and thirty-second Regiment of Pennsylvania Volunteers, and private and captain of Company E, Two hundred and ninth Regiment of Pennsylvania Volunteers, and pay him a pension of $30 per month in lieu of the pension he is now receiving.

The amendment reported by the committee was read and agreed to, as follows:

In line 10, after the word "pension," insert "at the rate."

The bill as amended was laid aside to be reported favorably to the House.

PETER DALY.

The next business on the Private Calendar was the bill (S. 158) granting a pension to Peter Daly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, Peter Daly, late of Company K, First Regiment of United States Infantry, and pay him a pension of $12 per month.

The amendments reported by the committee were read and agreed to, as follows:

In line 5, after the word "laws," insert "the name of."

Add at the end of line 7 the words "in lieu of the pension he is now receiving."

Amend the title so it will read: "An act granting an increase of pension to Peter Daly."

The bill as amended was laid aside to be favorably reported to the House.

JUSTIN O. HOTTENSTEIN.

The next business on the Private Calendar was the bill (S. 9295) for the relief of J. O. Hottenstein.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. O. Hottenstein, of Humboldt, Kans., late of Company G, Twentieth Illinois Infantry, said pension to be at the rate of $24 per month.

The amendments reported by the committee were read, as follows:

In line 6 strike out the capital "J." and insert "Justin" in lieu thereof.

In same line strike out the words "of Humboldt, Kans."

In line 7 strike out all after the word "Infantry" and insert in lieu thereof "and pay him a pension at the rate of $24 per month."

Amend the title so as to read: "A bill granting an increase of pension to Justin O. Hottenstein."

Mr. RAY of New York. I move to amend this bill so as to make the amount of the pension $30 instead of $24.

Mr. LOVE. I should like to hear some explanation for this increase.

Mr. RAY of New York. This man is now drawing a pension of $24 a month. The gentleman from Illinois [Mr. WARNER] who is here can tell you the circumstances of this case. He saw this man on the battlefield shot through the chest and lungs and bleeding at the mouth. He has, as years have gone on, grown worse and worse, and is now in a very bad condition.

Mr. LOVE. The gentleman states that this man is already drawing $24 a month; and that is the amount which this bill proposes to pay.

Mr. RAY of New York. That is a mistake. The intention of the committee was to report in favor of a pension of $30 a month.

Mr. WARNER. I supposed in drawing this bill that under it the man would receive $24 per month additional, which he ought to have.

The amendment of Mr. RAY of New York was agreed to.

The amendments reported by the committee were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

CHARLES F. HOLLY.

The next business on the Private Calendar was the bill (S. 2220) granting an increase of pension to Charles F. Holly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Holly, late captain of Company H of the Second Colorado Cavalry, at the rate of $30 per month, in lieu of the pension now received by him.

The amendments reported by the committee were read, as follows:

In line 7, after the word "cavalry" insert the words "and pay him a pension."

In the same line strike out the word "fifty" and insert in lieu thereof the word "thirty."

Mr. LOVE. This bill provides that this man be placed on the pension roll, when, as I understand, he is already on the pension roll. Does this provide for an increase?

Mr. RAY of New York. This is an increase.

Mr. LOVE. I thought from the language of the bill he was already a pensioner.

Mr. RAY of New York. Every bill increasing a pension reads in this form:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, etc.

It places the man on the pension roll at an increased rate. This bill as amended provides simply for increasing his pension from $20 to $30 a month.

Mr. LOVE. On account of increased disability?

Mr. RAY of New York. Yes; his disabilities are very severe, and he is 77 years of age and very poor.

The amendments reported by the committee were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARY M'LAUGHLIN.

The next business on the Private Calendar was the bill (H. R. 3001) granting a pension to Mary McLaughlin.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $20 per month, the name of Mary McLaughlin, widow of the late James McLaughlin, captain of Company I, Tenth Regiment Kansas State Militia (certificate numbered 407126).

The amendments reported by the committee were read and agreed to, as follows:

In lines 4 and 5 strike out "at the rate of $20 per month."

Strike out all after the word "Militia," in line 9, and insert in lieu thereof "and pay her a pension at the rate of $20 per month."

The bill as amended was laid aside to be reported favorably to the House.

LUCIA A. HYNES.

The next business on the Private Calendar was the bill (S. 507) restoring to the pension roll the name of Lucia A. Hynes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll the name of Lucia A. Hynes, widow of John R. Hynes, late first lieutenant of Company A, Third Regiment New Hampshire Volunteer Infantry, captain and assistant quartermaster, and first lieutenant Twenty-fourth United States Infantry, and pay her a pension at the rate of $17 per month.

The following amendments recommended by the Committee on Invalid Pensions were read:

In line 4 strike out the words "restore to" and insert in lieu thereof the words "place on."

Amend the title so as to read, "An act granting a pension to Lucia A. Hynes."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELLEN E. NASH.

The next business on the Private Calendar was the bill (H. R. 6093) granting a pension to Ellen E. Nash, an army nurse during the war of the rebellion.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, at the rate of $12 per month, the name of Ellen E. Nash, who was an army nurse during the war of the rebellion.

The following amendments recommended by the Committee on Invalid Pensions were read:

In lines 4 and 5 strike out "at the rate of $12 per month."

At the end of line 6, add the following: "and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Ellen E. Nash."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

RICHARD T. SELTZER.

The next business on the Private Calendar was the bill (S. 1424) granting a pension to Richard T. Seltzer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard T. Seltzer, late private Company F, Fortieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $8 per month from the passage of this act.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In lines 8 and 9, after the word "month," in line 8, strike out the words "from the passage of this act."

Mr. TALBERT. Mr. Chairman, has the report been read?

The CHAIRMAN. The gentleman desires the report read.

The report (by Mr. MIERS of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1424) granting a pension to Richard T. Seltzer, have carefully examined the same and the evidence relating thereto and respectfully report:

This act proposes to pension, at the rate of $8 per month, Richard T. Seltzer, of 3316 High street, Denver, Colo.

The Senate report states the facts, and is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 1424) granting a pension to Richard T. Seltzer, have examined the same and report:

"A similar bill was introduced in the Senate during the Fifty-fourth Congress, passed the Senate, and was reported favorably by the House.

"The Senate report was as follows, which your committee adopt, and recommend the passage of the bill:

"The bill proposes to place upon the pension roll the name of Richard T. Seltzer, late private Company F, Fortieth Regiment Missouri Volunteer Infantry, at the rate of $12 per month. The report of the Commissioner of Pensions of the committee shows that petitioner was a pensioner under the act of June 27, 1890, at the rate of $8 per month; that said pension was discontinued August 17, 1895, upon the ground that he was not pensionably disabled under the said act.

"From the Commissioner's report it would appear that the claimant had been twice examined by the Denver (Colo.) board of surgeons, and it is stated that said board (date not given) rated him at eight-eighteenths; that on another occasion, March, 1894, said board found 'no disability.' The record shows that the action of dropping was not taken until sixteen months subsequent to the examination that developed no disability. It is not shown what testimony, if any, was submitted by the claimant to avert the threatened loss of his pension, and it is not stated in terms that the adverse examination was the last one made.

"For one of the disabilities for which this pension was granted the record shows treatment in the service, and the fact that some thirty years after it was found upon medical examination strongly tends to negative the conclusion that it has now ceased to exist. All the disabilities for which pensioned are those that are recognized as progressive in character, and while the papers before the committee do not afford positive affirmative evidence that they do now exist in a pensionable degree, they are equally defective in definitely showing that they have ceased to incapacitate the petitioner.

"From a consideration of all the facts presented, the committee is not satisfied that the title, once conceded, to pension has been properly divested, and therefore recommend the passage of the bill as amended hereby.

"Amend by striking out, in line 8, the word 'twelve' and inserting in lieu thereof the word 'eight.'"

The Senate bill is therefore reported back with the recommendation that it pass when amended as follows:

In lines 8 and 9, after the word "month" in line 8, strike out the words "from the passage of this act."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MRS. DIANA CLARK.

The next business on the Private Calendar was the bill (H. R. 2673) granting an increase of pension to Mrs. Diana Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Diana Clark, widow of Capt. Charles Clark, of Company B, Thirtieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of the pension which she now receives.

The Committee on Invalid Pensions recommended the following amendments:

In line 8 strike out the word "twenty" and insert the word "twelve."

Amend the title so as to read: "A bill granting an increase of pension to Diana Clark."

Mr. VINCENT. I move to amend the amendment of the committee by inserting the word "twenty" in line 8 instead of "twelve."

The CHAIRMAN. The Chair will state that if the committee amendment is voted down the gentleman's amendment will be unnecessary.

Mr. VINCENT. I hope this will be voted down, and that $20 a month will be inserted.

The CHAIRMAN. If the amendment is voted down, the amount will remain in the bill at $20.

Mr. VINCENT. I should like to have the amendment voted down, and I should like to state some reasons why it should be done. The committee amendment provides for $12 a month. The bill as originally introduced provided for $20 a month. I think this lady is entitled to at least $20 a month, if she is entitled to anything. Her husband was a soldier in the Union Army. Before that he was a soldier in the Mexican war. While serving as a soldier in the war of the rebellion he was discharged because of his feeble condition, because it was necessary to save his life. I think the evidence amply justifies the payment of $20 a month.

Mr. RAY of New York. Mr. Chairman, there is nothing in this case whatever to justify any pension of $20 a month. The committee carefully examined the evidence, and this woman is only entitled, under any circumstances, to $8 a month under the general law. We gave her $12 to help her out. Under the circumstances, this increase of $4 is a large increase, much more than the general law would give her. Her husband's death was not due to army service, and the bill as amended by the committee simply gives her $4 a month more than the widows throughout the country receive under the same circumstances. I trust that the committee will be supported in its action.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

EUGENE A. SHAW.

The next business on the Private Calendar was the bill (H. R. 8679) granting an increase of pension to Eugene A. Shaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Eugene A. Shaw, late a sergeant in Company C, Twenty-second Regiment of Kentucky Volunteer Infantry, upon the pension rolls of the United States, with an increase of pension to $25 per month, in lieu of any pension that he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 7, strike out the words "with an increase of pension" and insert in lieu thereof the words "and pay him a pension of."

Mr. TALBERT. Mr. Chairman, let us have the report in that case.

The CHAIRMAN. The gentleman from South Carolina asks for the reading of the report. The Clerk will read the report in the time of the gentleman from South Carolina.

The report (by Mr. DRIGGS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8679) granting an increase of pension to Eugene A. Shaw, have examined the same and all the evidence relating thereto and respectfully report:

This bill as amended proposes to increase from $12 to $18 per month the pension of Eugene A. Shaw, of Poplarflat, Ky., who served from December 2, 1861, to January 20, 1865, in Company C, Twenty-second Regiment Kentucky Volunteer Infantry, and was honorably discharged. He filed and established a claim under the general law for disease of eyes, and was pensioned therefor at $2 to January 18, 1890, and $4 until July 15, 1890, when he was allowed $12 under the act of June 27, 1890, for loss of right forearm.

The loss of arm occurred accidentally in a sawmill in 1869, and it appears from evidence filed that in consequence of that, impairment of sight, and a disability in the other arm, he is totally disabled for manual labor.

The soldier's financial condition is very poor. It is clear that a moderate increase is justified, and the bill is reported back with the recommendation that it pass when amended as follows:

In line 7 strike out the words "with an increase of pension" and insert in lieu thereof the words "and pay him a pension of."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

DANIEL G. GEORGE.

The next business on the Private Calendar was the bill (S. 506) granting an increase of pension to Daniel G. George.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel G. George, late of Company D, First Massachusetts Cavalry, and United States Navy, and pay him a pension of $30 per month, in lieu of that he is now receiving.

The following amendment recommended by the Committee on Invalid Pensions was read:

In line 8, after the word "pension," insert the words "at the rate of."

Mr. TALBERT. I call for the reading of the report.

Mr. LOVE. Mr. Chairman, I should like to have the report read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 506) granting an increase of pension to Daniel G. George, have carefully examined the same and the evidence relating thereto and respectfully report:

This bill proposes to increase from $12 to $30 per month the pension of Daniel G. George, of West Hampstead, N. H.

The Senate report states the facts, and is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 506) granting an increase of pension to Daniel G. George, have examined the same and report:

"Claimant enlisted September 16, 1861, in Company D, First Massachusetts Cavalry, and served in that regiment and in the United States Navy continuously until April 26, 1866. He was an especially brave soldier, and received a medal of honor for participation in the destruction of the Confederate ram *Albemarle*.

"During his services soldier received a comminuted fracture of the thigh, the bone being broken into eight pieces. This resulted in a serious shortening of the limb and a permanent disability. He is drawing a pension of $12 per month, several applications for increase having been rejected. He is now suffering from partial paralysis of the right side and organic heart disease. The paralysis has also practically destroyed the sight of one eye. He is entirely unable to perform any manual labor, and at times needs the care and attention of others.

"The following transcript from the records of the office of the adjutant-general of New Hampshire, and medical affidavits, are of interest in the case:

"STATE OF NEW HAMPSHIRE, ADJUTANT-GENERAL'S OFFICE,
"*Concord, March 29, 1897.*

"I certify that the official records of this office show that Daniel G. George enlisted on the 16th day of September, 1861, and was mustered into the service of the United States as a private in Company D, First Regiment Cavalry Massachusetts Volunteers, on the 17th day of September, 1861, for the period of three years.

"He is also officially reported as appointed first sergeant February 8, 1863; reenlisted January 1, 1864; transferred to United States Navy May 7, 1864, as an ordinary seaman, under the name of William Smith; served on the U. S. S. *North Carolina* and *Chicopee*; volunteered from *Chicopee* as one of the crew of the *Picket Laurel, No. 1*; captured October 27, 1864, at Plymouth, N. C.; paroled; served on U. S. S. *Hartford* and *Chicopee*; discharged, services no longer required, April 26, 1866, as cockswain from *Chicopee*; received medal of honor for participation in the destruction of the rebel ram *Albemarle* October 27, 1864, at Plymouth, N. C.

"A. D. AYLING, *Adjutant-General.*"

MEDICAL AFFIDAVIT.

STATE OF MASSACHUSETTS, *County of Essex, ss:*

In the matter of claim for pension of Daniel G. George, Company D, First Massachusetts Cavalry and United States Navy.

On this 20th day of February, A. D. 1896, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Franklin H. Allen, M. D., a resident of Haverhill, in the county of Essex and State of Massachusetts, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

I have known the said Daniel G. George about eighteen years. February 15, 1897, I examined the said Daniel G. George and found a partial paralysis of right side, partial loss of vision, right leg 2 inches shorter than left leg, which he informs me was contracted in the service. From the result of my examination I think he is unable to perform any manual labor. This is my own handwriting.

My post-office address is Haverhill, Mass.

FRANKLIN H. ALLEN, M. D.

STATE OF MASSACHUSETTS, *County of Essex, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words erased and the word "was" added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me, and that he is a physician of good standing in Haverhill, Mass.

[SEAL.] JARED M. DAVIS, *Notary Public.*

HAMPSTEAD, N. H., *February 22, 1897.*

I have examined Daniel G. George and find the following: Partial paralysis of right side; right eye nearly useless, owing to said paralysis; right leg 1¼ inches shorter than left; heart disease. I find these disabilities such that he can not perform manual labor.

ELMER E. LAKE, M. D.,
Hampstead, N. H.

FEBRUARY 23, 1897.

HAMPSTEAD, N. H., *Rockingham County, ss:*

Personally appeared the above-named, Elmer E. Lake, M. D., and made oath that the above certificate, by him signed, was true.

Before me:

[SEAL.] CHARLES W. GARLAND,
Notary Public.

"Your committee are of opinion that, in view of the long and exceedingly meritorious services of this soldier, and his present deplorable condition, the technicality as to whether paralysis is the result of the severe injury received in the service may well be waived and the increase asked for be granted. The bill is therefore reported back favorably, with a recommendation that it do pass."

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 8, after the word "pension," insert the words "at the rate of."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

IDA EMMOTT.

The next business on the Private Calendar was the bill (S. 3026) granting a pension to Ida Emmott, dependent and invalid daughter of the late Thomas Emmott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida Emmott, dependent and invalid daughter of the late Thomas Emmott, private in the Seventh Battery of Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

Mr. TALBERT. I should like to have some explanation of this bill.

Mr. RAY of New York. This is a case of a blind, deaf, dependent, helpless daughter of an old soldier. She has no property and no one to take care of her, and here is her condition: She has been of unsound mind since infancy, is totally deaf, and partially blind, and utterly dependent upon others for support. This is proved by an abundance of evidence. Her father had a good record as a soldier.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOSEPH PORTER.

The next business on the Private Calendar was the bill (S. 1477) granting an increase of pension to Joseph Porter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Porter, late a private in Company K, Eighth New York Heavy Artillery, at the rate of $30 per month, in lieu of the pension he is now receiving.

Mr. LOVE. I ask for the reading of the report or some explanation by the chairman.

Mr. RAY of New York. The gentleman says an explanation will answer. If that is so, I will give it, as the report is quite long. The evidence is given in detail.

This man had a first-class record. At the battle of Cedar Creek, Virginia, the enemy came upon them and they rushed for their guns. In the course of the battle he received a very severe injury to one arm; and when the fight was over, he found that he had been pierced through his hand by a bayonet. He took cold from lying out in the storm, and was taken with rheumatism, which has followed him all this time, until he is now partially paralyzed and is utterly helpless. He is very poor. The report gives the evidence in detail. It is a Senate bill.

Mr. TALBERT. How much is he getting now?

Mr. RAY of New York. He is now getting $12 a month, and we increased it to $30. The disability is increasing with old age. He is broken down, and ought not to go to the poorhouse.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY HANNAH CLARK.

The next business on the Private Calendar was the bill (H. R. 4977) granting a pension to Mary Hannah Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at $12 per month, subject to the provisions and limitations of the pension laws, the name of Mary Hannah Clark, dependent child of John W. Clark, deceased, late a member of Company B, Eighth Regiment Massachusetts Volunteers, and Company A, Fourth Regiment Massachusetts Heavy Artillery.

The amendments recommended by the committee were read, as follows:

In lines 4 and 5 strike out the words "at $12 per month."

After "Clark," in line 6, insert "totally blind and."

At the end of line 9 add the following: "and pay her a pension at the rate of $12 per month."

Mr. RAY of New York. I will say to the gentleman, without reading the report, which is quite a long one, that this is a case of a totally blind child of an old soldier. She has been blind from

her infancy. Her father and mother are both dead, and left no property, and the committee give her $12 a month.

Mr. MOODY. And the father died of disease contracted in the service.

Mr. RAY of New York. Yes; the father died of disease contracted in the service.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WIDOW OF HENRY W. PETER.

The next business on the Private Calendar was the bill (H. R. 8090) for the relief of the widow of the late Henry W. Peter, late contract surgeon of the United States Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Belle Peter, at the rate of $15 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "Peter," in line 5, and insert in lieu thereof the following: "Widow of Henry W. Peter, late acting assistant (contract) surgeon in United States Army, and pay her a pension at the rate of $12 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OSCAR A. PALMER.

The next business on the Private Calendar was the bill (S. 1473) granting a pension to Oscar A. Palmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar A. Palmer, late of Company F, One hundred and eleventh Regiment Ohio Volunteer Infantry, at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and pay him a pension."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FOSTER C. CARL.

The next business on the Private Calendar was the bill (H. R. 9195) granting a pension to Foster C. Carl.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll the name of Foster C. Carl, Company I, First Regiment of New York Mounted Rifles, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "thirty" and insert in lieu thereof the word "eighteen."

Mr. TALBERT. Mr. Chairman, let us have the report read.

The report (by Mr. DRIGGS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9195) granting a pension to Foster C. Carl, have examined the same and the evidence relating thereto and respectfully report.

This bill as amended proposes to pension, at the rate of $18 per month, Foster C. Carl, of Binghamton, N. Y.

This soldier enlisted in 1862 in Company I, First Regiment of New York Mounted Rifles, and served until the close of the war, when he was honorably discharged. He was only 17 years of age when he enlisted, and the consent of his parents was obtained by Capt. George H. Dean, who commanded the company and recruited it.

He was a strong, healthy young man when he entered the service, and was a good soldier, always ready for duty, and never flinched. This is shown by the testimony of his captain. He was taken sick about April 8 or 9, 1865, at Summerton, N. C., and was carried in an ambulance to the hospital at Petersburg, Va. After a few days he returned to his regiment and went from there to Fredericksburg, Va., but was not able to do any duty. He was granted a sick leave for thirty-five days, and was taken down with malignant typhoid fever, and was confined to his bed until March, 1866. He was attended by physicians whose affidavits are on file.

This sickness resulted in a permanent disease of the head and air passages and throat and bronchial tubes. Matter was discharged from the ears, and the throat continually filled with phlegm. It resulted in a permanent disability in the nature of a catarrhal trouble and a disease of the throat and general debility.

The soldier seems to have suffered from a malarial poisoning and is in a general feverish condition. The hearing and eyesight of the soldier are now seriously affected, and he suffers constantly from the same trouble of a catarrhal nature and is emaciated and physically unable to do but little work.

At the time he was taken down with the sicknesses referred to he had been in the saddle with his command for fifteen consecutive days and nights, being on the march nearly every night and engaged with the enemy nearly every day. Two special engagements were those at Jacksonville and Summerton, N. C.

There is no pretense that the soldier's disabilities are the result of vicious habits on his part, as he is shown to be a man of good character and correct life.

The soldier's claim for a pension has been refused on the ground that there is no pensionable disability as the result of army service. As all the disabilities from which the soldier suffers are shown to be of service origin, there is little excuse for this claim at the Pension Bureau. It is not pretended that he has incurred these disabilities since he left the service, and as he was strong and healthy when he entered the Army, and came out of it sick and broken down as the result of precisely the same diseases from which he now suffers, and as he had been under treatment therefor for some length of time before his discharge, it is difficult to understand how the medical referee could have arrived at the conclusion he did.

Dr. R. D. Eastman, of Berkshire, N. Y., Dr. George M. Hall, of Binghamton, N. Y., and Dr. Thomas B. Van Alstyne, of Binghamton, N. Y., physicians of long experience, testify to his physical disabilities and to his inability to perform manual labor. They have known the soldier for years and have treated him and given him frequent examinations. Two of these physicians have been members of a medical board of examiners for many years, and as they are men of the highest character and standing and have no interest in the claim whatever, it is the presumption that they state nothing but the truth. As the soldier contracted his diseases and disabilities in the service and as the result of hardships he there endured, it appears to your committee that a clear case is made for a reasonable pension.

The soldier has exhausted his remedy at the Bureau and Congressional action is therefore warranted.

The soldier is in necessitous circumstances without fault on his part, as he gave his strength to his country when a mere boy, and has struggled for a livelihood under adverse circumstances from that time until the present.

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 6 strike out the word "thirty" and insert in lieu thereof the word "eighteen."

The amendment recommended by the committee was agreed to.

Mr. TALBERT. Mr. Chairman, I would like to ask the chairman of the committee, as I did not learn from the reading of the report, if he ever applied for a pension?

Mr. RAY of New York. Yes, he applied at the Bureau.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MRS. SARAH FRY.

The next business on the Private Calendar was the bill (H. R. 8950) increasing the pension of Mrs. Sarah Fry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Sarah Fry, widow of Henry Fry, late of the United States Navy, war of 1812, and pay her a pension rated at $20 per month, the same to be in lieu of the pension now drawn by her.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8950) granting an increase of pension to Sarah Fry, have considered the same, and respectfully report as follows:

The claimant is the widow of Henry Fry, late purser in the United States Navy, war of 1812, and she is now a pensioner at $12 per month under the war of 1812 general pension act of March 9, 1878.

An affidavit of Dr. Alexander M. Mecray and Robert F. S. Heath, reputable citizens of Camden, N. J., sets forth that Mrs. Fry is 79 years old, totally incapacitated for any kind of work, and dependent upon the exertions and labor of her two daughters for support.

There are several precedents for the allowance of an increase of pension to the aged and needy widows of soldiers and sailors of the war of 1812, and your committee believe that such precedents may safely be followed in this case. Henry Fry's service covered the period from February, 1813, to March, 1814. He and the claimant were married December 27, 1841, and he died November 26, 1859.

The passage of the bill is respectfully recommended.

The bill was ordered to be laid aside with a favorable recommendation.

FELIX TATE.

The next business on the Private Calendar was the bill (H. R. 9140) granting a pension to Felix Tate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Felix Tate, a soldier of the Mexican war, to the sum of $50 per month.

The amendments recommended by the committee were read, as follows:

Change the spelling of the claimant's surname to "Tait."

Strike out the word "fifty," in line 5, and substitute therefore the word "twenty."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM S. SMITHSON.

The next business on the Private Calendar was the bill (H. R. 9729) to increase the pension of William S. Smithson, late Company D, Fifth Tennessee Volunteers, Mexican war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase to the sum of $24 per month the pension of William S. Smithson, late Company D, Fifth Tennessee Volunteers, Mexican war.

Mr. LOVE. Read the report.

The report (by Mr. SIMS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9729) increasing the pension of William S. Smithson, have considered the same and respectfully report as follows:

The claimant was a private in Company D, Fifth Tennessee Volunteers, and served from November 7, 1847, to March 6, 1848, in the war with Mexico.

He was allowed a pension of $8 per month under the provisions of the act of January 29, 1887, and the same was subsequently increased under the act of January 5, 1893, upon proof of destitution and inability to earn a support by manual labor.

Affidavits accompanying the bill show that the claimant is totally blind, and has been for several years. He is about 73 years old and wholly without means aside from his pension. It is further shown that he is a man of good character and habits, and that his condition of helplessness is in no wise due to vicious habits.

There are many precedents for the granting of relief in cases of this character, and in view of the facts set forth above the passage of the bill is recommended, with an amendment changing the initial "S" in claimant's name to "L."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM MANLEY.

The next business on the Private Calendar was the bill (H. R. 1858) for the relief of William Manley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Manley, late private of Company L, Sixteenth Regiment Michigan Volunteer Infantry, at the rate of $72 per month from the date of the approval of this act and in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and pay him a pension."

In line 7 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

In lines 8 and 9 strike out the words "from the date of the approval of this act."

Amend the title so as to read: "A bill granting an increase of pension to William Manley."

Mr. RAY of New York. Mr. Chairman, I would like to say, as the report is somewhat lengthy, that from a careful examination of this case we find this man was drawing a pension of $24 a month for disabilities of service origin, conceded and established at the Bureau. In addition to that, and in all human probability, as your committee believe, he is suffering from total paralysis of one side and partial paralysis on the other. He is a helpless man and very poor, and we increased it to this amount. We were almost of the opinion that he was entitled to $72 a month under the general law.

Mr. LOVE. Has he a family to support?

Mr. RAY of New York. Oh, yes.

Mr. TALBERT. I do not propose to oppose this bill, but I would like to ask why he could not get an increase from the Pension Bureau? I do not see why, if he is afflicted as the report states, he should not get it. It seems to me he ought to be pensioned to the full extent of the law, $72. I can not understand these things. If this is simply an appeal court from the Pension Bureau, let us know it.

Mr. RAY of New York. He got the pension of $24 a month for diseases of service origin. It was not paralysis that he got in the service. The medical referee declines to admit that paralysis is a result of disease contracted in the service. Your committee believe that it is almost certain that it is the result of service origin, and we give him the benefit of the doubt. We do not find this absolutely true; we do not go to the extent of $72, but we do give him $50 on account of his poverty, that being the least sum that will take care of him under the circumstances.

Mr. TALBERT. If it had not been for this technicality, the Pension Bureau would have given him $72 a month?

Mr. RAY of New York. That would have been their duty under the law.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

CLARA A. SHORT.

The next business on the Private Calendar was the bill (H. R. 1271) granting a pension to Clara A. Short.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Clara A. Short, widow of Martin C. Short, late captain of Company I, Thirty-first Regiment Wisconsin Infantry Volunteers, and pay her a pension of $25 per month.

Mr. LOVE. Let us have the report, Mr. Chairman.

The report (by Mr. BARBER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1271) entitled "A bill granting a pension to Clara A. Short," beg leave to submit the following report and recommend that said bill do pass with amendments.

This bill as amended proposes to pension at $20 per month Clara A. Short, of Brandon, Wis., the widow of Martin C. Short, who enlisted November 10, 1862, as first sergeant Company I, Thirty-first Wisconsin Volunteers. He was mustered in as first lieutenant, same company, April 27, 1864, and as captain May 27, 1865. He was mustered out with company July 8, 1865.

He filed and established a claim for pension under the general law, and was pensioned thereunder for chronic diarrhea and resulting dyspepsia and general debility at $9 per month, being rated one-half total of rank as first lieutenant, the rank which he held at the time when he incurred those disabilities.

He died February 17, 1894, and this claimant, his widow, filed a declaration under the general law March 26, 1894, alleging that soldier died from disabilities for which pensioned, complicated with diabetes.

Dr. J. D. Root testifies that he treated claimant professionally in his last sickness; that he died February 17, 1894, of diabetes, which was no doubt caused and his death hastened from his general debility and by his chronic stomach and bowel trouble, of which he had been a sufferer for years.

The claim was rejected by the medical referee December 31, 1896, on the ground that death resulted from diabetes, not shown to be due to chronic diarrhea and resulting dyspepsia and general debility, for which the soldier was pensioned. Before rejection the claim was sent out for special examination to obtain the testimony of the physicians who had treated him and knew most of his physical condition prior to and at the time of his death. The first special examiner who had the case in his report says:

"I secured the testimony only of those whom I knew to be most competent to state soldier's physical condition, symptoms, etc. Dr. Root, under whose care soldier was * * * bears a good reputation for truth. * * * It is the opinion of both Dr. Root and Dr. Turner that diarrhea was an indirect or remote cause of death. * * * I recommend admission."

The testimony of the physicians who attended claimant and knew him personally and his physical condition is positively to the effect that they believe his death was due to the disabilities for which he was pensioned, and that of the specialist on urinary diseases, who analyzed a specimen of his urine, is not adverse to the claim. The only adverse opinion found in the case is that of the medical referee of the Pension Office in the rejection of the claim.

In a decision dated August 21, 1897, Assistant Secretary Webster Davis quoted from a former decision the following:

"Where the evidence, lay and medical, goes to show that the cause for which pension was granted to a soldier was complicated with a disease which was the immediate cause of his death, the Department will sustain the widow's claim for pension on account of the soldier's death from said complication of causes, holding the same, for pensionable purposes, to be due to the line of duty in the service."

He then says:

"This decision, in my opinion, fully meets the issue presented by the medical referee and lays down a proper rule for the guidance of your Bureau in the adjudication of kindred cases."

Following the rule here laid down, the case should have been admitted in the Pension Office, as, if the immediate cause of death was not directly due to the pensioned disabilities, it was so complicated with them that they were necessarily important factors in producing death.

There is a claim pending in the Pension Office under the act of June 27, 1890, and, should it be admitted, as it probably will not be, it would not do justice to this claimant.

Claimant is 53 years of age; was married to the soldier June 25, 1876; has one child under 16 years of age, and is poor.

The case is meritorious in every respect, and is reported back with the recommendation that it pass when amended as follows:

In line 7, after the word "pension," insert the words "at the rate."

In same line strike out the word "twenty-five" and insert the word "twenty," so that it will read "$20 per month."

Mr. LOVE. I believe the bill provides for $20 a month.

Mr. RAY of New York. Twenty dollars is the sum she is entitled to on account of the rank of her husband, if entitled at all, and the committee find she is entitled to it. We consider the opinion of the Bureau, and we cite the decision of the Bureau itself. Under the evidence in this case she is entitled to it as a matter of law.

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MERLIN C. HARRIS.

The next business on the Private Calendar was the bill (S. 2357) granting an increase of pension to Merlin C. Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Merlin C. Harris, late a captain in the Ninety-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month, in lieu of the pension he is now drawing.

The amendment recommended by the committee was read, as follows:

The committee therefore recommend the passage of the bill, amended by striking out "fifty," in line 8, and inserting "thirty."

Mr. TALBERT. Mr. Chairman, I call for the reading of the report.

Mr. BRODERICK. This report is very lengthy.

Mr. TALBERT. Well, we want some explanation.

Mr. BRODERICK. This soldier enlisted in the war and served about four years and a half, was in active service, was two or three times taken prisoner, and was in three or four prisons during the war. He was a good soldier, and came out in poor health and was granted a pension by the Pension Bureau for disability incurred in the line of duty, and he is now receiving $14.50 a month under the general law. He has been wholly unable to perform manual labor for, I think, eight years, and has to have an attendant a portion of the time. I know him personally and know these things to be true.

Mr. MIERS of Indiana. He is without means, is he?

Mr. BRODERICK. Yes. He has a family. He did have a small farm, but he has nothing now.

Mr. TALBERT. I do not understand why he could not get a pension under the law.

Mr. BRODERICK. Simply on account of technicality.

Mr. TALBERT. If it was not for the technicality the pension would be larger?

Mr. BRODERICK. Larger than the committee propose to make it now.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

GEORGE L. DURBIN.

The next business on the Private Calendar was the bill (S. 853) granting an increase of pension to George L. Durbin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George L. Durbin, late a private in Company I, One hundred and thirty-fourth Regiment Indiana Infantry, and Company G, One hundred and forty-sixth Indiana Infantry, and pay him at the rate of $30 a month, in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9, after the word "him," insert the words "a pension."

Mr. LOVE. I call for the reading of the report.

Mr. OSBORNE. I think, Mr. Chairman, there is no need of reading the report. This man served throughout the entire war. He is entirely helpless. I know the man personally, and he is now very poor and without property.

The amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

CHARLES H. JOHNSON.

The next business on the Private Calendar was the bill (S. 2751) granting a pension to Charles H. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Johnson, private in Company E, First Regiment New Hampshire Heavy Artillery, and pay him a pension at the rate of $30 per month for total blindness, in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "for total blindness."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

EDWARD STANLEY.

The next business on the Private Calendar was the bill (S. 1075) granting an increase of pension to Edward Stanley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Stanley, who served as a private of Company G, Twelfth Regiment Maine Infantry Volunteers, at the rate of $24 per month, in lieu of the pension he is now receiving.

Mr. LOVE. Let us have the report.

The report (by Mr. BOTKIN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1075) granting an increase of pension to Edward Stanley, have carefully examined the same and the evidence relating thereto and respectfully report:

This bill proposes to increase from $6 to $24 per month the pension of Edward Stanley, of Fort Dodge, Kans.

The Senate report states the facts, and is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 1075) granting an increase of pension to Edward Stanley, have examined the same, and report:

"A similar bill was introduced in the Senate during the Fifty-fourth Congress, reported favorably, and passed the Senate. The report was as follows, which your committee adopt, and recommend the passage of the bill:

"'This soldier enlisted under the name of Lawrence Finley, May 3, 1862, as a private in Company G, Twelfth Maine Infantry Volunteers, from which he was honorably discharged June 5, 1865, by reason of expiration of his term of service. Under the name of Edward Stanley he was enrolled August 17, 1863, and mustered into service September 30, 1863, as sergeant Company H, First Louisiana Cavalry.

"'In the latter organization he participated in the battle of Carrion Crow Bayou, Louisiana, November 3, 1863, where he was seriously wounded in the head and was left for dead on the battlefield. A day or two after the battle he was picked up on the field by a scouting party of Confederates and left at a negro cabin. He was covered with blood from head to foot, and turkey buzzards flocking around him disclosed his location to the scouting party. In a few days he made his way back to the hospital in New Orleans, La. (from which he had enlisted in the First Louisiana Cavalry), and was admitted there November 13, 1863, and treated for gunshot wound of the head.

"'On November 30, 1863, he left the hospital and rejoined Company G, Twelfth Maine Infantry Volunteers, and continued to serve as a private in that company until honorably discharged June 5, 1865, again assuming the name of Lawrence Finley. He was again seriously wounded in the right leg at the battle of Winchester, Va., September 19, 1864, and was pensioned for same at $4 per month; increased to $6 under act of March 2, 1895.

"'The board of examining surgeons at St. John, Kans., who examined him April 20, 1892, rated him eight-eighteenths for gunshot wound of head and eight-eighteenths for functional disease of heart.

"'Testimony filed with the committee shows that claimant is totally disabled for the performance of manual labor, is in destitute circumstances, and is supported by the county authorities.'"

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 7, after the word "volunteers," insert the words "and pay him a pension."

Mr. LOVE. He is getting $6 a month, and it seems to be an increase of from $6 to $30. I would like to have some information. Why this increase?

Mr. BOTKIN. The report states the exact condition of the man. There is no question at all that his disabilities are of service origin. He is almost totally disabled and is a worthy citizen.

Mr. BRUCKER. He is now in the poorhouse?

Mr. BOTKIN. He is not in the poorhouse, but he is in a Soldiers' Home and is compelled to be separated from his family. The bill ought to carry $30 a month.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

CLARK W. HARRINGTON.

The next business on the Private Calendar was the bill (S. 769) to increase the pension of Clark W. Harrington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Clark W. Harrington, late a sergeant of Company I, Ninety-third New York Infantry, a pension of $50 per month, in lieu of the pension which he now receives.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the words "pay to" and insert in lieu thereof the words "place on the pension rolls the name of."

In line 5, after the word "Infantry," insert the words "and pay him."

In line 6 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments recommended by the committee were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

HARRIET M. KNOWLTON.

The next business on the Private Calendar was the bill (S. 408) to restore the pension to Harriet M. Knowlton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet M. Knowlton, widow of the late Major Knowlton of the Twenty-ninth Maine Volunteer Infantry, at the rate of $25 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

CHARLES DAGENFIELD.

The Clerk was proceeding to read House bill No. 5647, when

Mr. LENTZ said: Mr. Chairman, why is Calendar No. 700 passed over?

The CHAIRMAN. Possibly because the gentleman who introduced the bill is not here.

Mr. LENTZ. I introduced this bill. It is a bill to correct the military record of Charles Dagenfield. I know the facts.

The CHAIRMAN. It was unanimously agreed at the opening of this evening's session that bills removing the charge of desertion should be to-night laid aside without action.

Mr. LENTZ. This man was absent without leave from 6 o'clock in the evening until 5 o'clock the next morning. He was a musician, and he wants to join the same regiment again.

The CHAIRMAN. The consideration of that bill would not be in order at this time under the special rule adopted at the opening of the session to-night.

Mr. BELKNAP. This is not a desertion bill in the proper sense of the term. I am familiar with the case, and if the rule of the House will permit its consideration it ought to be taken up.

The CHAIRMAN. If it is not a desertion case, then, as it is not a pension case, it is not properly upon the Calendar for Friday night.

Mr. BELKNAP. I submit, of course, to the decision of the Chair; but this is a deserving case, and I wish it might be considered.

Mr. LENTZ. Can we not take up this bill by unanimous consent when we go back into the House?

The CHAIRMAN. That might be done by unanimous consent in the House.

Mr. TALBERT. This order having been made by the House, I submit it is not competent for the Committee of the Whole to undo it. Several gentlemen have come to me stating that they have in their charge very meritorious bills of this character. I therefore suggest that when we get back into the House those gentlemen, if it suits them, ask unanimous consent, make their statements, and then, if the cases prove to be meritorious—if, in fact, the men were not deserters—I will make no further contention against them.

The CHAIRMAN. The regular order will be proceeded with.

N. MILLER.

The next business on the Private Calendar was the bill (H. R. 5647) granting a pension to N. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of N. Miller, dependent father of Peter Miller, deceased, late a naval cadet, who was killed on the U. S. flagship *Tennessee*.

The amendments reported by the committee were read, as follows:

In line 6 strike out "N." and insert "Nels."

At the end of the bill add the words "and pay him a pension at the rate of $10 per month."

The amendments were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARY M. MACAULEY.

The next business on the Private Calendar was the bill (S. 486) granting a pension to Mary M. Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary M. Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers, upon the pension roll, subject to the provisions and limitations of the pension laws, and pay her a pension of $30 per month.

The amendments reported by the committee were read and agreed to, as follows:

In line 8, after the word "pension," insert the words "at the rate."

Amend the title so as to read: "An act granting a pension to Mary M. Macauley."

The bill as amended was laid aside to be reported favorably to the House.

CASSIUS M. CLAY.

The next business on the Private Calendar was the bill (S. 1119) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky and a major-general in the Army of the United States in the war of the rebellion.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Cassius M. Clay, sr., a major-general in the volunteer service of the United States in the war of the rebellion, and pay him a pension of $50 per month, in lieu of any pension he may now receive on account of such service.

The report (by Mr. GIBSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1119) granting a pension to Cassius M. Clay, sr., have carefully considered the same and the evidence relating thereto and respectfully report:

This bill proposes to pension, at the rate of $50 per month, Cassius M. Clay, sr., of Whitehall, Ky.

The Senate report states the facts, and is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 1119) granting a pension to Cassius M. Clay, have examined the same and report:

"A similar bill was introduced in the Senate during the Fifty-fourth Congress, passed the Senate, and was reported favorably by the House.

"The Senate report was as follows, which your committee adopt, and recommend the passage of the bill:

"The following is the military record of General Clay, as furnished by the War Department:

"*Case of Cassius M. Clay, sr., late major-general, United States Volunteers.*

"It is shown by the records that Cassius M. Clay was mustered into service as captain Company I, First Regiment Kentucky Cavalry (Mexican war), with the company June 9, 1846, at Louisville, Ky., to serve twelve months; that on August 31, 1846, he was absent from his company with leave; that on October 31 and December 31, 1846, he was present with his command, and that on January 22, 1847, he was taken prisoner by the enemy at Incarnation, Mexico. On the muster-out roll of the company, dated June 7, 1847, he is reported absent, taken prisoner at Incarnation, Mexico, January 22, 1847.

"The records also show that Cassius M. Clay was captain and major of a military organization designated 'The Cassius M. Clay Battalion' or 'Washington Clay Guards,' the members of which tendered their services to the Government in April, 1861, for the defense of the city of Washington until the arrival of the troops called for by the President's proclamation of April 15, 1861. There is no evidence that the organization was mustered into the military service of the United States, and there are no records of the force on file, excepting two manuscript rosters containing the names of the officers and enlisted men composing the organization, dated, respectively, April 18 and 23, 1861, and a manuscript roster of the officers of the battalion, dated April 28, 1861. These rosters do not show the period of service of the organization nor how long Cassius M. Clay commanded it.

"It is further shown by the records that Cassius M. Clay was commissioned major-general of volunteers April 15, 1862, to rank from April 11, 1862; that he accepted the appointment June 17, 1862; that on September 11, 1862, he was assigned to duty in the Department of the Gulf, and that his resignation as major-general of volunteers was accepted March 11, 1863.

"No record has been found showing that he received medical treatment while a member of either of the organizations mentioned, or while he was major-general of volunteers.

"Respectfully submitted.

"F. C. AINSWORTH,

"*Colonel, United States Army, Chief Record and Pension Office.*

"RECORD AND PENSION OFFICE,

"*War Department, February 4, 1897.*

"The SECRETARY OF WAR.

"General Clay resigned from the Army to accept the position of minister to Russia, to which position he was appointed by President Lincoln. He is now over 80 years of age, is in infirm health, and unable to give attention to business. He has a comfortable home for life, but our information is that he is without available means to meet his current and necessary expenses.

"For these reasons your committee report favorably the bill for his benefit with an amendment. Amend by striking out 'one hundred' and inserting 'fifty.'"

The bill is therefore reported back with the recommendation that it pass, when amended as follows:

In line 7, after the word "pension," insert the words "at the rate."

Amend the title so as to read: "An act granting a pension to Cassius M. Clay, sr."

The amendments reported by the committee (as appended to the report) were read.

Mr. GREENE. I should like to inquire of the chairman of the committee whether he knows anything about the financial circumstances of this applicant.

Mr. RAY of New York. I do not, except as the facts are represented to the committee.

Mr. GREENE. Is this the Cassius M. Clay we have read so much about?

Mr. RAY of New York. I understand it is.

Mr. GREENE. Well, is it not a fact that he owns a thousand-acre farm?

Mr. BERRY. He is a poor man.

Mr. RAY of New York. It is represented to us that he is a poor man.

Mr. BERRY. He has given away most of his property to his children and has nothing but a mountain farm, which is not very productive.

Mr. GREENE. How many acres?

Mr. BERRY. Three or four hundred.

Mr. GREENE. Not a thousand?

Mr. BERRY. Oh, no. As I have stated, he has given away most of his property to his children, reserving only a reversionary interest.

Mr. GREENE. He has an income from this farm?

Mr. BERRY. Yes; but it does not support him.

Mr. GREENE. The gentleman means it does not support him in the way he wants to live.

Mr. BERRY. He does not live lavishly.

Mr. GREENE. Does he not receive the income from a 400-acre farm there in Kentucky?

Mr. BERRY. It is a farm away up in the edge of the mountains.

Mr. GREENE. Ample to support a man in Cassius M. Clay's circumstances.

Mr. BERRY. Oh, no. Why, take the district of my colleague [Mr. PUGH], and there is not one man in ten who makes a good living from his farm.

Mr. GREENE. Has he any family?

Mr. BERRY. He has a young wife.

Mr. GREENE. Is he supporting her?

Mr. BERRY. I do not know; but he is a heroic old man, who has been a great statesman and an honored diplomatic representative of this Government.

Mr. GREENE. Does he not own one of the finest places in that whole section of country—one of the finest farms and residences?

Mr. BERRY. Oh, no. He has an old colonial place, with great big pillars in front of it, and not enough money to take care of it.

Mr. GREENE. That is, in the style in which he wants to run it.

Mr. BERRY. He does not run it in much style.

Mr. GREENE. I am opposed to the bill.

Mr. LOVE. What is the pension he is getting now?

Mr. BERRY. I think he is getting $8 a month as a soldier of the Mexican war. He was in the battle of Buena Vista, and was engaged in some of the hottest battles in the Mexican war.

Mr. LOVE. What is the amount asked for in this bill?

Mr. BERRY. I do not know. I believe it is $25 a month.

Mr. GREENE. I should like to ask further why it is that he asks this increase? Is he so poor?

Mr. BERRY. He is 84 years old.

Mr. GREENE. If he is so poor, why is it that in his published statements he repeatedly refers to his relatives' opposition to his marriage on the ground that they want to get his property? If he is so poor, if he has nothing, why is this vast estate creating all this trouble?

Mr. BERRY. An old man, 84 years of age, has a good many vagaries. You will find that out when you get there. [Laughter.]

Mr. GREENE. It strikes me that there are a great many old fellows who are getting small pensions who would like to swap their pensions for what he has.

Mr. LOVE. I wish to ask the Chair to state the amount of pension which this bill provides for.

The CHAIRMAN. Fifty dollars a month.

Mr. LOVE. Mr. Chairman, it seems to me, while I do not want to make captious objections to this bill, that there is no good reason why $50 per month should be paid in this case. It is admitted that this gentleman has a home and valuable landed estate, and the amount proposed in this bill is too much. He is not suffering from disabilities by wounds. I do not think it is wise at all to

grant this increase. I move to strike out "fifty" and to make it "thirty."

The CHAIRMAN. The question is on adopting the amendment proposed by the gentleman from Mississippi, to strike out "fifty" and insert "thirty."

The question being taken,

Mr. ARNOLD demanded a division.

The committee divided; and there were—ayes 12, noes 18.

Mr. TALBERT. Mr. Chairman, no quorum.

Mr. RAY of New York. Mr. Chairman, if it is in order, I move that the committee rise and report to the House favorably the bills which have passed the committee.

The CHAIRMAN. The gentleman from New York moves that the committee do now rise and report to the House favorably the bills which have been so considered by the committee.

Mr. TALBERT. I withdraw the point of no quorum.

Mr. GREENE. Let us finish this bill before the committee rises.

Mr. BERRY. The point of no quorum is withdrawn. Will the gentleman from New York [Mr. RAY] allow the consideration of this bill to be completed by the committee?

The CHAIRMAN. The point of no quorum being withdrawn, the amendment is disagreed to. The question is now on the amendment proposed by the committee.

Mr. LOVE. What is the amendment proposed by the committee?

The CHAIRMAN. The amendment proposed by the committee is simply the insertion of the words "at the rate."

The amendment was agreed to.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

The question was taken.

Mr. GREENE demanded a division.

The committee divided; and the Chairman announced, ayes 22.

Mr. TALBERT. Mr. Chairman, if it is in order, I move to strike out "fifty" and insert "forty." Let us compromise on this.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from South Carolina.

Mr. ARNOLD. I rise to the point of order. The Chair has announced the ayes on that vote and we have a right to have the noes.

The CHAIRMAN. The point being made, the motion of the gentleman from South Carolina was not in order at that time. Twenty-two have voted in the affirmative. Those opposed will rise.

The negative vote was taken; and the result of the vote was announced—ayes 22, noes 9.

Accordingly the bill was laid aside to be reported to the House with a favorable recommendation.

Mr. RAY of New York. Now, Mr. Chairman, I move that the committee rise and favorably report to the House the bills which have been so recommended by the committee.

The motion was agreed to.

The committee accordingly rose; and Mr. LACEY having resumed the chair as Speaker pro tempore, Mr. EVANS reported that the Committee of the Whole House had had under consideration divers bills and had directed him to report them back to the House, some with amendments and some without amendment, and with the recommendation that they do pass.

RUSSELL R. KING.

The first business was the bill (S. 1887) granting an increase of pension to Russell R. King.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES DAGENFIELD.

Mr. LENTZ. Mr. Speaker, I desire now to ask unanimous consent that the House take up the bill (H. R. 3364) to correct the military record of Charles Dagenfield. He was absent without leave from 6 o'clock in the evening until 5 o'clock in the morning from the Columbus post. He was a regular and a musician, and he wants to rejoin his regiment, which is on its way to Cuba; and for that reason I make this request.

Mr. BARTLETT. I ask to amend that request by including House bill 2694.

Mr. BELKNAP. One at a time.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. LENTZ] asks unanimous consent for the present consideration of the bill (H. R. 3364) to correct the military record of Charles Dagenfield.

Mr. LOUDENSLAGER. Is that a case of the removal of a charge of desertion?

Mr. BELKNAP. No; it is not.

Mr. LOUDENSLAGER. Does that come under the rule?

The SPEAKER pro tempore. It comes under the rule. The greater would include the less. Is there objection to the present consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Charles Dagenfield, late of Company H, Seventeenth Regiment United States Infantry, and to issue to said Dagenfield an honorable discharge from said service, to be dated November 15, 1895.

The following amendments, recommended by the Committee on Military Affairs, were read:

In line 4, after the word "to," strike out the words "remove the charge of desertion from" and insert in lieu thereof the word "correct."

In line 8, strike out the word "November" and insert in lieu thereof the word "December."

Mr. TALBERT. Mr. Speaker, I should like to hear the report in this case.

Mr. LENTZ. I can briefly state the facts. He was absent without leave from 6 o'clock in the evening until 5 o'clock the next morning; and he wants to rejoin his company.

Mr. TALBERT. Does he want to join the army that they are now raising?

Mr. LENTZ. Yes; he is a musician.

Mr. BELKNAP. In addition to what has been stated by the gentleman from Ohio, I should like to state that this man was punished severely by being imprisoned and dishonorably discharged. This is to set aside that finding. He was simply unjustly treated.

Mr. TALBERT. Did this occur since an enlistment under the last call?

Mr. BELKNAP. No; this is to remove the old charge, so that he can rejoin his company now.

Mr. TALBERT. If he wants to fight, I have no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

PETER BUCKLEY.

Mr. HILL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 3105. It is on the Calendar. This is a bill that has passed the Senate twice and has been reported twice unanimously by the Committee on Military Affairs, and simply failed because it was not reached on the Calendar at the last session. It is the only bill of this character that I have asked consideration of in three years.

I have known the man for twenty years. The case is a meritorious one and the man is poor. The Grand Army post say that if this charge is removed, as it ought to be, they will admit him and help the church to which he belongs to take care of him. I will guarantee that this is a worthy case, as I have known the man personally for twenty years.

The SPEAKER pro tempore. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (S. 3105) to correct the military record of Peter Buckley.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent for the present consideration of the bill the title of which has been read. Is there objection? [After a pause.] The Chair hears none.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause the records to be so amended as to remove the charge of desertion from the military record of Peter Buckley, late a member of Company E of the Eleventh Regiment of New York Volunteers, and that an honorable discharge be granted the said Peter Buckley as of the 25th of July, 1861, with the pay and emoluments due him at that date, without pension, pay, or other allowances.

Mr. TALBERT. I will ask the gentleman to please give us some explanation of the bill.

Mr. HILL. This young man was a minor, a legally bound apprentice to the Quintard Iron Works in New York. In 1861 he ran away from his apprenticeship and enlisted as a minor in the Ellsworth Zouaves. The regiment was all broken up at Bull Run and moved back to Annapolis. He went on a furlough, and while on furlough his guardian caught him and took him back to work and said he was discharged. He could take him under the law because he was a minor. The first he knew of this was ten years ago. He did not make application for pension, and does not.

Mr. TALBERT. Has the bill the usual amendment in it, that no pay or emolument shall become due or payable by reason of the passage of the act? If not, I move that amendment.

The SPEAKER pro tempore. That is a part of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES HENNESSY.

Mr. ROBINSON of Indiana. I ask unanimous consent for the present consideration of the bill (H. R. 3537) to remove the charge of desertion now standing against James Hennessy on the rolls of the War Department.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove the charge of desertion now standing on the records of the War Department against James Hennessy, of Concord, Ind., late a member of Battery B, Third New York Light Artillery, and to grant to said soldier an honorable discharge from the military service of the United States, to date from the final discharge of said battery from said service in the year 1865.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent for the present consideration of the bill which has been read. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was read, as follows:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. TALBERT. I would like the gentleman to make a short statement about that matter.

Mr. ROBINSON of Indiana. This is the case of a soldier who enlisted in New York, served two years, and won honorable promotion for good conduct in the service. He sought to return after twenty days' furlough, and wrote his commander to inform him when to return. The commander was killed in South Carolina and failed to return an answer, and the soldier was detained in New York.

Mr. TALBERT. He was not a bounty jumper?

Mr. ROBINSON of Indiana. He was not a bounty jumper nor a deserter in any sense.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. ROBINSON of Indiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE H. GIVENS.

Mr. PUGH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8861) granting an increase of pension to George H. Givens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of George H. Givens, who served in the Mexican war in Company D, First Kentucky Volunteer Cavalry, upon the pension roll with an increase pension of $25 per month, in lieu of any pension that he is now receiving.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent for the bill which has been read.

Mr. RAY of New York. Mr. Speaker, I want to say this: I would object to taking a pension bill up out of order were it not for the fact that the gentleman did not get his bill passed, being present, and the gentleman says he must be away next week. Therefore I raise no objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was read, as follows:

In line 7, strike out the words "twenty-five" and insert in lieu thereof the word "eighteen."

Mr. PUGH. Mr. Speaker, I hope the amendment recommended by the committee will not be agreed to. I wish to say that this old veteran is 73 years of age, and is in such a pitiable condition that he is entitled to $25 a month; and such a bill has been passed to-night.

Mr. RAY of New York. I want to say that the bill is reported properly, and for every cent we found the case would warrant; and if it be passed at all, as it is taken up, it ought to be passed as reported.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER pro tempore. The hour of 10 o'clock and 30 minutes p. m. having arrived, the House stands adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel L. Chestnut, administrator of Samuel Chestnut, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Internal Revenue in relation to the purchase of additional supply of paper for internal-revenue stamps—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of War recommending a credit in the accounts of Maj. Thomas H. Handbury—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War recommending a credit in accounts of Capt. H. F. Hodges—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Auditor of the War Department submitting an estimate of appropriation for an increase of the clerical force in his office—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DE VRIES, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3675) to examine, determine, and report the facts necessary to the establishment of free public highways into the Yosemite National Park and appropriating moneys therefor, reported the same without amendment, accompanied by a report (No. 1315); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. UPDEGRAFF, from the Committee on the Judiciary, to which was referred the joint resolution of the House (H. Res. 262) to authorize and direct the Secretary of the Treasury to refund and return to the Chicago, Milwaukee and St. Paul Railway Company $15,335.76, in accordance with the decision of the Secretary of the Interior dated March 3, 1898, reported the same without amendment, accompanied by a report (No. 1316); which said resolution and report were referred to the House Calendar.

Mr. CONNOLLY, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 1726) concerning attorneys and marshals of the United States, reported the same without amendment, accompanied by a report (No. 1317); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4932) to finally adjust the swamp-land grants, and for other purposes, reported the same without amendment, accompanied by a report (No. 1318); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. STRODE of Nebraska, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8862) granting an increase of pension to Jordan Thomas, reported the same with amendment, accompanied by a report (No. 1321); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5851) granting increase of pension to R. H. Woods, reported the same adversely, accompanied by a report (No. 1319); which said bill and report were laid on the table.

Mr. WEYMOUTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4654) granting a pension to Elizabeth Barnum, reported the same adversely, accompanied by a report (No. 1320); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CUMMINGS: A bill (H. R. 10329) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes—to the Committee on Military Affairs.

By Mr. STRODE of Nebraska: A bill (H. R. 10330) providing

for the resurvey of township No. 8, of range No. 30 west, of the sixth principal meridian, in Frontier County, State of Nebraska—to the Committee on the Public Lands.

By Mr. CALLAHAN: A bill (H. R. 10331) donating the abandoned military reservation known as Fort Supply, in Woodward County, Okla., to Oklahoma Territory for an asylum for the insane—to the Committee on the Public Lands.

By Mr. WALKER of Massachusetts: A bill (H. R. 10333) to so change the national-bank act as to secure to the people in all sections of the country an equal opportunity to freely use paper money—to the Committee on Banking and Currency.

By Mr. BURTON: A bill (H. R. 10338) granting an American register to certain foreign ships—to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 10332) to correct the military record of William H. Fore—to the Committee on Military Affairs.

By Mr. BREWSTER: A bill (H. R. 10334) for the relief of Katherine J. Dowling—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 10335) granting a pension to Caroline Buehler—to the Committee on Invalid Pensions.

By Mr. RIXEY (by request): A bill (H. R. 10336) to increase the pension of William Hall—to the Committee on Pensions.

Also (by request), a bill (H. R. 10337) for the relief of estate of Amos Jones, deceased, late of Stafford County, Va.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Philadelphia Drug Exchange, of Philadelphia, Pa., urging certain modifications of the revenue bill—to the Committee on Ways and Means.

By Mr. BINGHAM: Resolutions of the Philadelphia Drug Exchange, urging certain modifications of the revenue bill—to the Committee on Ways and Means.

By Mr. BOUTELLE of Maine: Petition of H. Parker and other citizens of the State of Maine, protesting against the passage of the bill forbidding railroad-ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Resolution of the Manufacturers and Bottlers' Protective Association of Rhode Island, against a tax on bottled mineral water—to the Committee on Ways and Means.

By Mr. BURTON: Petitions of Will J. McConnell and 600 other citizens of the State of Ohio, protesting against the passage of the bill forbidding railroad ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: Petitions of the Woman's Christian Temperance Union of Londonderry, Pa., praying for the enactment of legislation to protect State anti-cigarette laws and to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Londonderry, Pa., for the passage of a bill to forbid the sale of intoxicating beverages in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. CANNON: Petitions of the Will County Farmers' Institute, of Joliet, and Will County Christian Endeavorers, of Joliet, Ill., for the passage of a bill to substitute voluntary industrial arbitration for railway strikes—to the Committee on Labor.

Also, petitions of the Farmers' Institute and the Christian Endeavorers of Will County, Ill., urging the passage of a bill to prohibit the transmission by mail of newspaper descriptions of prize fights—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Christian Endeavorers and the Farmers' Institute of Will County, Ill., protesting against the reproduction of prize fights in the kinetoscope, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Farmers' Institute and the Christian Endeavorers of Will County, Ill.; Woman's Christian Temperance Union and Presbyterian Church of Joliet, and Christian and Presbyterian churches of Onarga, Ill., favoring the enactment of legislation to protect State anti-cigarette laws and to forbid the interstate transmission of lottery messages by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Methodist Episcopal Church, Woman's Christian Temperance Union, and others, of Chicago, Ill., for the passage of a bill to forbid interstate transmission of lottery and other gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Christian and Presbyterian churches of Onarga, Ill.; Woman's Christian Temperance Union and Presbyterian Church of Joliet, Ill., and Christian Endeavorers and Farmers' Institute of Will County, Ill., praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petitions of the Christian Endeavorers and the Farmers' Institute of Will County, Ill., favoring a bill to establish a Sabbath law for the national capital—to the Committee on the Judiciary.

Also, petitions of the Presbyterian Church and Christian Church of Onarga; Presbyterian Church and the Woman's Christian Temperance Union of Joliet, Ill.; Methodist Episcopal Church and the Woman's Christian Temperance Union and others, of Chicago, Ill., and Christian Endeavorers and Farmers' Institute of Will County, Ill., in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Joliet, Ill., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Petitions of the Womans' Christian Temperance Union, Methodist Episcopal Church, Congregational Church, Baptist Church, and two Epworth League societies, all of Kenosha, Wis., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petitions of sundry churches and Woman's Christian Temperance Union, of Kenosha, Wis., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. DALZELL: Resolutions of the Philadelphia Drug Exchange, relative to the war-revenue bill—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Petition of the Merchants' Association of New York City, against the amendment limiting the free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Chamber of Commerce of New York City, in favor of the passage of Senate bill No. 3414, for the establishment of an international American bank—to the Committee on Banking and Currency.

Also, protest of the Chamber of Commerce of New York, against the provision in House bill No. 10100 increasing the tonnage tax—to the Committee on Ways and Means.

Also, protest of John W. Rauch, superintendent of the Reading Eagle, Reading, Pa., against the stamp tax on proprietary articles—to the Committee on Ways and Means.

By Mr. FISCHER: Petition of Gustav Richelieu, to accompany House bill No. 10015, for relief—to the Committee on Claims.

By Mr. GROUT: Petition of the Board of Trade of Philadelphia, Pa., Frederick Fraley, president, against the amendment limiting the free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on the Post-Office and Post-Roads.

Also, petition of F. H. Richardson and 9 citizens of Windsor, Vt., in favor of the passage of the Lodge bill to prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Mississippi (by request): Petition of Carrie D. Vandervort and others, of Edwards, Miss., to prohibit the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. LOUDENSLAGER: Affidavits to accompany House bill No. 7992, in relation to the claim of widows and heirs of William Ryan and John S. Taylor, deceased—to the Committee on Claims.

By Mr. McDONALD: Petition of A. Thomas and other citizens of Frederick County, Md., in favor of legislation which will more effectually restrict immigration and prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

Also, petitions of St. Mark's Lutheran Church, Bethel United Brethren Church, and Woman's Christian Temperance Union, of Rohrersville, Md., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

By Mr. NORTON of Ohio: Protest of Frank J. Kelleher and 46 citizens of Marion, Ohio, against the reduction of postal facilities, and especially free mail delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. PETERS: Petitions of Retail Clerks' Union No. 148; the Trades Assembly; Kaw Valley Beef Butchers' Union, No. 4,

all of Kansas City, Kans., against the passage of the so-called anti-scalping ticket bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of R. H. Edgar and others, of Iola, Kans.; the Commercial Club of Ottawa, Kans., and E. D. Knox and others, of Baldwin, Kans., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Baldwin, Kans., in favor of the passage of the Broderick bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories and the bill to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

By Mr. RIXEY: Papers to accompany House bill for the relief of the estate of Amos Jones, deceased, late of Stafford County, Va.—to the Committee on War Claims.

By Mr. SHOWALTER: Petitions of the Methodist Episcopal Church of North Salem and the Woman's Christian Temperance Union of Ellwood City, Pa., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal Church of North Salem and the Woman's Christian Temperance Union of Ellwood City, Pa., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. WM. ALDEN SMITH: Petitions of the Methodist Episcopal Church of Owosso, Mich., to raise the age of protection for girls to 18 years and to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph—to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Owosso, Mich., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Methodist Episcopal Church of Owosso, Mich., for the passage of a bill to further protect the first day of the week in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of the Methodist Episcopal Church of Owosso, Mich., praying for the enactment of legislation prohibiting kinetoscope reproductions of prize fights in the District of Columbia and the Territories and the transmission by mail of newspaper descriptions of prize fights—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Methodist Episcopal Church of Owosso, Mich. praying for the enactment of legislation substituting voluntary arbitration for railway strikes—to the Committee on Labor.

By Mr. SPALDING: Petitions of the First Methodist Episcopal Church of Munith and the Baptist Church of Clarks Lake, Mich., in favor of the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of the Baptist Church of Clarks Lake and First Methodist Episcopal Church of Munith, Mich., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. STARK: Petition of the Congregational Church of Friend, Nebr., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Congregational Church of Friend, Nebr., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

By Mr. TODD: Petition of Frank P. Muhlenberg and 54 other citizens of Galesburg, Mich., in favor of the passage of a bill to prevent the desecration of the American flag—to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance unions of Dorrance, Cooper, and West Leroy, Mich., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Woman's Christian Temperance unions of Dorrance, West Leroy, and Parkville; Methodist Episcopal churches of Cooper and Benton Harbor, and Pioneer Commandery, of Benton Harbor, Mich., praying for the enactment of legislation to protect State anti-cigarette laws—to the Committee on the Judiciary.

By Mr. YOST: Petitions of G. F. Steen and others, of Harris Creek, Va., and M. H. Rodgers and others, of Nelson County, Va., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *May 16, 1898.*

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

O Thou who knowest our frame, who rememberest that we are dust, we come into Thy presence reverent, bowed, and sorrowful, because of the irreparable bereavement which has fallen upon our venerable and beloved father of the Senate, the senior Senator from Vermont, out of whose home the light and cheer, the grace and music of life have passed—the mother, the wife, the sister. We pray, O Lord, that in this unspeakable sorrow there may come the great consolation of the memory, sacred and benign, of many years of loving and lovely ministry, and the assurance of a faith that one who walked with Christ on earth and gained His spirit and the blessing of His life must be where Christ reigns now, and likewise the inspiration of hope that in that world where there is no more death, neither sorrow nor cry, neither shall there be any more pain, it is well with her.

As she awaits the coming of her beloved ones, the bond of love kept strong and unbroken, so may they gain heart of grace; and may we, sharing in their love and hope and cheer, bear us bravely and serenely for the rest of our journey. And when we are called to gather up our feet and depart, may it be in the faith of Christ, in the hope, sure and absolute, of the resurrection of the just. We humbly ask in His blessed name. Amen.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on the motion of Mr. HALE and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1887) granting an increase of pension to Russell R. King; and

A bill (S. 3105) to correct the military record of Peter Buckley.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 584) granting a pension to Mary I. Valentine; and

A bill (H. R. 4692) to pension F. L. Botkin.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 9210) granting an increase of pension to George H. Baldwin, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. WARNER, and Mr. DRIGGS managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 685) for the relief of James W. Hardin and to remove the charge of desertion;

A bill (H. R. 3364) to correct the military record of Charles Dagenfield;

A bill (H. R. 3537) to remove the charge of desertion now standing against James Hennessy on the rolls of the War Department;

A bill (H. R. 8861) granting an increase of pension to George H. Givens;

A bill (H. R. 10290) to amend an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the act amendatory thereto, approved February 21, 1893;

A joint resolution (H. Res. 195) calling upon the Secretary of War for information concerning the port of Sabine Pass; and

A joint resolution (H. Res. 257) providing for the organization and enrollment of the United States auxiliary force for coast defense.

The message further announced that the House had passed a concurrent resolution authorizing the Joint Committee on Printing to cause to be printed, indexed, and bound in cloth, in one volume, all of the acts, as they appear in the United States Statutes, heretofore passed by Congress imposing duties on imports; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 3132) to provide for the disposition of abandoned imported merchandise;

A joint resolution (H. Res. 238) to readmit Nellie Grant Sartoris to the character and privileges of a citizen of the United States; and

A joint resolution (H. Res. 245) declaring the lands within the

former Mille Lac Reservation, in Minnesota, to be subject to entry under the land laws of the United States.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint petition of the Afro-American League and sundry colored citizens of Stockton, Cal., praying that an investigation be made into the murder of the late postmaster at Lake City, S. C., and for the enactment of legislation with a view to make less frequent the occurrence of such crimes in the United States, and also that steps be taken to financially remunerate the family of the deceased postmaster; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TURLEY presented the petition of T. J. Howard and 31 other citizens of Tennessee, praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. FORAKER presented a petition of the Woman's Christian Temperance Union of Eagleville, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of Eagleville, Ohio, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Eagleville, Ohio, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented the memorials of C. L. Wirt and 29 other citizens, of W. S. Gibson and 24 other citizens, of O. J. Cheney and 7 other citizens, of A. J. Brindle and 18 other citizens, of A. P. Sanderson and 18 other citizens, of A. C. Gerhard and 19 other citizens, and of W. P. Plumer and 19 other citizens, all of Columbus, in the State of Ohio, remonstrating against the passage of the so-called anti-scalping ticket bill; which were ordered to lie on the table.

Mr. BURROWS presented a petition of 1,000 citizens at a meeting of the Methodist Episcopal Church of Owosso, Mich., and a petition of 98 citizens at a meeting of the United Brethren Sunday school of North Castleton, Mich., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented a petition of 1,000 citizens at a meeting of the Methodist Episcopal Church of Owosso, Mich., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which was ordered to lie on the table.

He also presented petitions of the congregations of the United Brethren Church and the Methodist Episcopal Church of Woodland and of the United Brethren Sunday school of North Castleton, all in the State of Michigan, praying for the enactment of legislation to prohibit the publication of pictures and descriptions of suicides except in scientific journals or on judicial order for identification; which were referred to the Committee on the Judiciary.

He also presented a petition of 1,000 citizens at a meeting of the Methodist Episcopal Church of Owosso, Mich., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Methodist Episcopal Church of Owosso, the Methodist Episcopal Church of Dearborn, the Congregational Church of Bethel, the United Brethren Church of Bethel, the Free Methodist Congregation of Bethel, and the Congregational Church and Sunday school of East Gilead; of 200 citizens of Hillsdale County; of the Sunday School Institute of Cambridge, and of the Young People's Society of Christian Endeavor of Bethel, all in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the congregations of the Methodist Episcopal Church of Woodland, the United Brethren Church of Woodland, the Methodist Episcopal Church of Owosso, and the United Brethren Sunday school of North Castleton, all in the State of Michigan, praying for the enactment of legislation to prohibit the reproduction of prize fights by the kinetoscope or other kindred devices in the District of Columbia and the Territories and the interstate transportation of materials of the same; which were ordered to lie on the table.

He also presented petitions of the congregations of the Methodist Episcopal Church of Dearborn, the Methodist Episcopal Church of Azalia, the Evangelical Church and Sunday school of East Gilead; the United Brethren Church, the Free Methodist Congregation, and the Young People's Society of Christian Endeavor of Bethel; of 200 citizens of Hillsdale County; of the Sunday School Institute of Cambridge, and of the United Brethren Sunday school of North Castleton, all in the State of Michigan, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. VEST presented a petition of the congregation of the New Hampton Church, of Missouri, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union, the Epworth League, and the Baptist Young People's Union, all of Montgomery City, in the State of Missouri, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. GEAR presented a memorial of District Assemby No. 49, Order of Knights of Labor, of New York City, remonstrating against the adoption of the proposed amendment to the Post-Office appropriation bill reducing the number of deliveries to four per day in all cities of the United States; which was ordered to lie on the table.

Mr. MANTLE presented a petition of Livingston Division, No. 371, Order of Railway Conductors, of Livingston, Mont., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Miles City, Mont., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of Miles City, Mont., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Miles City, Mont., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

Mr. COCKRELL. I present a petition of citizens of Lawrence County, Mo., who set forth that, "believing the war now declared against Spain will be made the basis of an excuse and demand for a 'gold or standard coin' bond issue by those interested in increasing the interest-bearing debt of the nation, and those interested in more firmly establishing the single gold standard; and believing that said bonds are unnecessary and against the best and most vital interests of our country and people, and believing that Lincoln, in his first issue of greenbacks, established a rule for the ready and sure and safe relief of every financial emergency, they, the residents of Lawrence County, State of Missouri, citizens of the United States, petition Congress to use all honorable means to defeat said bond issue, and in lieu thereof to do as Lincoln caused to be done, issue greenbacks or full legal-tender notes in sufficient amount to meet the present exigency; and they further petition Congress to endeavor to have coined into standard silver dollars, at the ratio of 16 to 1, without unnecessary delay, all of the silver seigniorage now in the possession of the Government." I move that the petition lie on the table, as the bill on that subject has been reported.

The motion was agreed to.

Mr. TURPIE presented a memorial of sundry retail druggists of Dunkirk, Ind., remonstrating against the imposition of a tax on medicines in stock; which was ordered to lie on the table.

He also presented a petition of Washington Division, No. 339, Order of Railway Conductors, of Washington, Ind., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented petitions of St. Anastasia Meslin Lodge, No. 46, Independent Order of Odd Fellows; of the Christian Endeavor Society of the Presbyterian Church; the Woman's Missionary Society of the Presbyterian Church; the Woman's Foreign Missionary Society; the congregations of the Presbyterian Church and the Christian Church; of the Epworth League of the First Methodist Episcopal Church; of the congregation of the Methodist Church; of the congregation of the First Evangelical Church; of the Young People's Association of the First Evangelical Church, all of Wabash, and of the congregation of the United Brethren Church of North Manchester, all in the State of Indiana, praying for the enactment of legislation to prohibit the sale of intoxicating

liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the St. Anastasia Meshin Lodge, No. 46, Independent Order of Odd Fellows; of the Woman's Missionary Society, the Epworth League of the Methodist Episcopal Church, the Young People's Association of the First Evangelical Church, the Christian Endeavor Society of the Presbyterian Church, the congregations of the Christian Church, the First Evangelical Church, the Presbyterian Church, and the First Methodist Church of Wabash; and of the congregations of the United Brethren Church and the Methodist Episcopal Church of North Manchester, all in the State of Indiana, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. PLATT of Connecticut presented a petition of the congregation of the Congregational Church of Goshen, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the Congregational Church of Goshen, Conn., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

Mr. MONEY presented a petition of the congregation of the First Methodist Episcopal Church South of Bay St. Louis, Miss., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Edwards, Miss., and a petition of the congregation of the First Methodist Episcopal Church of Bay St. Louis, Miss., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

REPORT OF A COMMITTEE.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9428) to authorize the Washington and Gettysburg Railway Company, of Maryland, to extend its line of road into and within the District of Columbia, reported it with amendments.

GEORGIA H. BERRY.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 4414) granting a pension to Georgia H. Berry, to report it favorably, with an amendment.

Mr. CULLOM. The bill is only three or four lines long, and I ask that it be put on its passage. It is a very meritorious bill. If it is to be passed at this session it should be passed at once.

Mr. COCKRELL. Let it be read for information.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Georgia H. Berry, widow of Col. William W. Berry, of the Fifth Kentucky Volunteer Infantry, and to pay her a pension of $30 per month.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Pensions was, in line 8, after the word "pension," to insert the words "at the rate."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH M'GUCKIAN.

Mr. JONES of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably without amendment the resolution submitted by the Senator from Maryland [Mr. WELLINGTON] on the 11th instant, and I ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That Joseph McGuckian be appointed a special watchman at a salary of $60 a month, to be paid monthly out of the contingent fund of the Senate, and that he be assigned to aid H. H. Lemon in the Dome of the Capitol, who was appointed a policeman by joint resolution approved July 7, 1882.

Mr. COCKRELL. Let the resolution lie over until to-morrow.

The VICE-PRESIDENT. The resolution will lie over.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4585) to correct the naval record of John Lindsay; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 4586) granting an honorable discharge to John B. Henry;

A bill (S. 4587) granting an honorable discharge to Pardon M. Bowen; and

A bill (S. 4588) granting an honorable discharge to Isaac Dulhagen (with accompanying papers).

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions;

A bill (S. 4589) granting a pension to James R. Ambrose (with an accompanying paper); and

A bill (S. 4590) granting a pension to Mary B. Wotring.

Mr. FORAKER introduced a bill (S. 4591) for the relief of A. Waddell and E. R. Miller, administrators of Theodore I. Gillett, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut introduced a bill (S. 4592) to pay certain judgments against John C. Bates and Jonathan A. Yeckley, captain and first lieutenant in the United States Army, for acts done by them under orders of their superior officers; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. TURPIE introduced a bill (S. 4593) increasing the pension of Thomas M. Chill, late private of Black Hawk war; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 4594) for the relief of Greenwood Rushing, of Shelby County, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4595) to pension Asa Moneypenny;

A bill (S. 4596) granting an increase of pension to Michael Matheney;

A bill (S. 4597) granting a pension to J. B. Garvey;

A bill (S. 4598) for the relief of Michael Shepherd;

A bill (S. 4599) for the relief of William D. Anderson;

A bill (S. 4600) granting a pension to William H. Sehon; and

A bill (S. 4601) to pension Hiram Rollins.

Mr. ELKINS introduced a bill (S. 4602) for the relief of Jacob W. Hudson, of Weston, Lewis County, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4603) for the relief of the estate of William Smallwood, deceased, late of Jefferson County, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4604) to remove the charge of desertion from the naval record of Charles Thompson; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4605) for the relief of Henry P. McMasters; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 4606) for the erection of a monument to the memory of Maj. Gen. Henry Knox, at Thomaston, Me.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

LAWS RELATING TO THE NAVY, ETC.

Mr. HALE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 3,000 copies of the Compilation of Laws Relating to the Navy, Marine Corps, etc., authorized by Senate resolution No. 143, Fifty-fourth Congress, first session, of which 500 copies shall be for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Navy Department.

Mr. HALE subsequently, from the Committee on Printing, reported the above concurrent resolution favorably without amendment; and it was considered by unanimous consent, and agreed to.

CONSTRUCTION OF THE NICARAGUA CANAL.

Mr. MORGAN. I submit a resolution and ask for its present consideration.

The resolution was read and considered, as follows:

Resolved, That the Secretary of the Interior is directed to send to the Senate information as to the progress made in the survey or other operations toward the construction of the Nicaragua Canal; and that he furnish

the Senate a statement of the outstanding debts or obligations of the Maritime Canal Company of Nicaragua, and of any proposition said company has submitted or may submit with reference to clearing off said debts and obligations, with a view to the transfer of any of the stock in said company to the United States, and of any other proposition that said company has submitted or may submit with reference to the payment by the United States of the sums expended in the survey and construction of said canal, or in any way connected with the same, together with a statement of such expenditures.

Resolved, That the Secretary of the Interior is directed to require of said Maritime Canal Company a report, to be made on the oath of its president, with reference to the stock and bonds of said company now outstanding, or that are promised to be delivered to any persons or corporations, and in reference to the property owned by said company, and the sums of money that have been expended in and about the construction and the surveys of the canal by said company.

Mr. MORGAN. I desire to say just a word upon the resolution. I wish to place in the RECORD, without delaying the Senate by the reading, a report recently made to the Department of State by Mr. Barrett, our minister at Siam, in regard to the Nicaragua Canal and the commerce of the United States with the Orient. I merely ask permission to incorporate it with my remarks.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama?

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

SOUTH'S PRODUCTS—OPPORTUNITY FOR BUILDING UP TRADE IN FAR EAST—ASIA'S MILLIONS IN NEED OF COTTON—ARGUMENT FOR NICARAGUAN CANAL AND HAWAIIAN ANNEXATION—IMPORTANT STATISTICS.

The following paper, bearing upon the opportunities presented by the conditions in the far East for building up a trade in products of the Southern States of the American Union, was furnished the Star by Mr. John Barrett, the United States minister to Siam. It is an elaborate presentation of a theme important to commercial circles.

"Does the South appreciate her opportunity in the far East? Does she realize that the mighty markets of Asia's millions await her best efforts at exploitation? If not, she should. The far East is not reserved for our Pacific Coast alone, not for the manufacturing cities of our Atlantic Seaboard only, not for the exclusive control of Europe; no, not by any means, but for the South of the United States as well, provided the opportunity is seized before it is too late.

"Some parts of the South and some Southerners, more enterprising than their competitors, are already at work, and, if they are reading what I write, can doubtless foretell my proposition. The average Southerner, however, will be skeptical in accepting my suggestion that his particular portion of the United States has any particular interest in the far East.

"To get to my point: King Cotton can tell the story!

"The far East wants the South's cotton; it wants a lot of it! It wants it now, and it wants a lot of it! It wants it now and in years it will want twenty times what it demands now.

"I am not indulging in harebrained fantasies nor writing for effect, as if perched on some lofty pinnacle of erudition, where I may look down and pity those who do not know as much as I, as it were, but am drawing conclusions from several years of the closest personal observation and study of trans-Pacific lands, peoples, and markets, and from frequent discussions with the best authorities on the resources and possibilities thereof. Though born and raised a Yankee, and now a devoted resident of the Pacific Coast, I have always taken a deep and sincere interest in the progress and development of Dixie, confirmed by extended travel in her favored States and by a course of study at one of her great institutions, Vanderbilt University, Nashville, while absent from my own college in the North for a temporary sojourn in the heart of the South, seeking information on her resources and possibilities.

"Figures might be quoted, statistics given, and argument upon argument of cold, dry facts advanced, but I will forbear introducing them here, because I am not sure that anyone will even read what I am writing, and I do not wish to destroy my very object of awakening interest among all by too technical review of the situation.

"Do not think I am 'cocksure'—do not think that I think I am. Rather than weaken my contentions by giving that impression, I will admit that I may be altogether mistaken; but permit me to advance a few facts in an effort to show that I am not mistaken.

"ASIA'S MILLIONS WANT COTTON.

"First. There are nearly 500,000,000 inhabitants of these lands—far surpassing the United States in area—whose shores are washed by the Pacific and are directly across the seas from our western coast.

"Second. The demands of these millions, though small individually, are vast in the aggregate, and are increasing with great rapidity—even more rapidly than the chief exports in commerce and trade have dared prophesy in their wildest moments of hypothetical reasoning—and still China is hardly awake yet. When she does move, look out for her. It will be like an avalanche.

"Third. Of this half billion population, 350,000,000 wear almost nothing but cotton clothing and use nothing but cotton materials for the hundred and one other uses that cloth is put to. The average Asiatic wears more clothing the more he progresses or comes into contact with foreigners. I do not know as that could be called progress, however, at least in the Tropics, because I have always found that the less clothing I wore the happier I was and the more work I could do—but that is not to my point. It is noticeable that the demand for cotton goods of all kinds has increased during the last few years far more rapidly than the population, and that sales are on an ascending scale, which means a brilliant future for the trade in cotton goods and raw cotton.

"CONDITION OF COTTON SUPPLY.

"Fourth. The supply of raw cotton in China is so small, compared to the total consumption of cotton goods, that it could never meet the demand if supplies from other lands, like India, Egypt, and America, were cut off. It is true that China even exports cotton, but that goes only to Japan and simply for manufacture, to be shipped back as cotton yarn or piece goods. Then, again, cotton-growing is not a science in China, while the soil and sun do not seem to suit it like our own favored Dixie's warmth and fertility. The product of 1 acre of good cotton land in the United States will equal that of 5 to 10 in China. The time may come when China's millions will learn how to grow all their cotton in China's numberless acres, but that day is so far distant as not to discourage the planters and manufacturers of the South in exploiting these Asiatic markets. And mind, please, I have only spoken of China. Japan can never supply her own mills with the raw product, now over one hundred in number and being added to every year. Eastern Siberia, Corea, Formosa, Cochin-China, Siam, Straits Settlements, Java, Borneo, and the Philippines are great purchasers of cotton goods, and even if mills should be started in their cities the raw product must still be imported.

"WILL THE SOUTH MEET THE DEMAND?

"Fifth. The tendency now of the far East, illustrated by the development of cotton manufacturing in Japan with headquarters at Osaka, and by the working and construction of numerous mills at Shanghai and other points in China—is to supply the market on the spot with the finished product instead of depending entirely on Europe and America. So the demand for raw cotton in Japan and China has suddenly jumped ahead into considerable proportion; and now comes the question: Can and will the South meet this demand and so provide herself with a vast new market, eventually free her from absolute reliance on those of Europe and home, and making her great staple an increased source of wealth to every cotton-producing State, and hence collectively to the entire South?

"INDIA, CHINA, AND EGYPT.

"Sixth. The field is not one to be controlled without competition. Far from it. The cotton merchants of India, China, and Egypt are making a vigorous effort to supply the far Eastern demand. Egypt counts on her near route by the Suez Canal and her cheap labor to eventually rule the market, while India and China contend that they have even a greater advantage in both these respects; but there are certain conditions favorable to American cotton which, if followed up properly, will more than counterbalance the nearness and cheapness of Indian, Chinese, and Egyptian supplies. One is the quality of American cotton. Both the Japanese and Chinese manufacturers distinctly prefer it. It is manufactured more easily and seems to make more and better cloth. Then, when placed on the market, the buyers prefer both the yarn and cloth made from it.

"FREIGHT RATES CHIEF EMBARGO.

"Seventh. The only serious difficulty in the way of American cotton is the price, which is made high solely by the freight rates from the South to Japan and China. I have visited every cotton manufactory of any importance in these two countries, and wherever I found them using Indian, Chinese, or Egyptian cotton, the managers frankly told me that they would buy American cotton exclusively if the combined rail and steamer charges were not often prohibitive. The American cotton now shipped to the far East is consumed by mills which have a special market, but they represent a small proportion of the total. In short, were freight rates favorable and did the Southern exporters push the market, American cotton would monopolize the supply for the mills of trans-Pacific lands. What then remains to be done?

"NICARAGUA CANAL THE KEY.

"Eighth. The supreme advantage to be gained, which will, with 'one fell stroke,' accomplish the end desired, is the early construction and operation of the Nicaragua Canal. Unless that waterway is dug I can not see how the South can ever win permanently even a fair share of this mighty Pacific trade, and that is the opinion of nearly all experts in the far East whom I have consulted. A trans-Isthmian canal is the key to the trans-Pacific. The long rail haul from the South to the Pacific seaboard will always keep the delivered cost of American cotton just beyond the point of general and successful competition. Dig the canal, and a large fleet of steamers will carry cotton in bulk from all Southern ports to the far East for the same rate that is now charged from San Francisco to Kobe and Shanghai. As this statement is read I can imagine a skeptical look on many faces and an insinuation that I am indulging in exaggeration.

"Ninth. Let us see. In the first place, the rates charged by steamers crossing the Pacific are equal to or greater than those charged by steamers from the Mediterranean going a greater distance, and not much less than the through rates from London, Liverpool, Hamburg, Bremen, and Amsterdam, thus showing that there is yet a large margin on the Pacific route that can be taken off if necessary.

"MOST IMPORTANT STATEMENTS.

"In the second place, I desire to lay before the planters and exporters of the South two most important statements made to me, respectively, by leading stockholders of the Nippon Yusen Kaisha, Japan's great navigation company, and the Peninsula and Oriental Steamship Company, England's chief foreign line, which two companies combined control more steamers than any other three, barring one German and one French system, in the world.

"The representative of the former said to me that the moment the Nicaragua Canal was opened his company would put on a fleet of at least ten large steamers to run from Japan and China to the leading ports of the South, the principal object of which would be to carry cotton. In order to have outward cargoes they might touch en route at San Francisco, and then possibly on the Atlantic side go on to Baltimore, Philadelphia, New York, and Boston, but their chief destination would be the Southern ports like Galveston, New Orleans, Mobile, Tampa, Charleston, Savannah, and Norfolk. He said this plan had been carefully considered by the company, and, in expressing surprise that the United States had not already dug the canal, added with pride, 'If Japan controlled the opportunity or concession, the canal would have been completed and opened to the world's traffic before this.'

"The representative of the Peninsula and Oriental informed me almost in a confidential way that his company had long considered the revolution of the trade of the world that would be accomplished by the construction of the isthmian canal, and intended to put on a special line of large carriers to run practically around the world via the Southern ports of the United States and through the canal to Asia, in order to carry the cotton of the South to Japan and China. From the latter they would take cargoes via Suez to Europe, from Europe to America, and so on. Certainly both of these are practical schemes, while they show the importance of the South's opportunity in the Pacific. Both authorities told me that their steamers would carry cotton from Southern ports to Japan and China at competitive rates with other sources of supply, and less than those now charged from San Francisco, Portland, and Seattle to Yokohama, Kobe, and Shanghai.

"HAWAIIAN ANNEXATION AND PACIFIC CABLE.

"Without weakening the force of my main proposition by introducing ulterior issues, but desiring to make my treatment of the question comprehensive, I would urge the South to use its powerful influence in favor of two other projects whose consummation is necessary if the United States would control the commerce and trade of the Pacific or become the great material and moral power in its waters—the annexation of Hawaii and the construction of a Pacific cable.

"We need Hawaii to properly protect our cotton, flour, and richly laden ships which, with the opening of the canal and the inevitable growth of our

merchant marine, will one day ply on the Pacific like the Spanish galleons of old; to provide them with a coaling station in mid-ocean under our flag; to prevent other nations from seizing and utilizing it as a point from which to dispatch commerce-destroying squadrons, and, in short, to make ourselves actual and not the theoretical masters of the Pacific seas. We require a Pacific cable under American control to telegraph cotton and other orders and fill or change them at the shortest notice and without the cost, surveillance, uncertainty, and roundabout way of the present system through Asia and Europe, on which we are now absolutely dependent.

"A FINAL APPEAL.

"In conclusion, therefore, I would appeal to the South to look carefully to the far East, to prepare to supply its demands and vigorously meet competition; to send capable and untiring agents to deal directly with Asiatic buyers; to sell at the lowest prices possible for the successful introduction of cotton; to place samples on exhibition in the principal markets; to urge the construction of a Pacific cable and the annexation of Hawaii; to try in the meantime to make railway and steamship companies quote the lowest rates possible in order that she may keep what little hold she already has, and, finally, and above all other considerations, bend her energies for the immediate construction of the Nicaragua Canal.

"The far East, with uncounted millions to clothe and feed, and with wealth to pay for such clothes and food, invites the United States to supply her wants. The Pacific Coast is awakening to the knowledge that she can supply the food in the form of flour. Will the South realize that she can supply the clothes in the form of cotton?

"The South's great opportunity to win new markets for her chief staple lies in the trans-Pacific lands. Will she seize the opportunity?"

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Alabama.

The resolution was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 685) for the relief of James W. Hardin and to remove the charge of desertion;

A bill (H. R. 3364) to correct the military record of Charles Dagenfield; and

A bill (H. R. 3537) to remove the charge of desertion now standing against James Hennessy on the rolls of the War Department.

The bill (H. R. 8861) granting a pension to George H. Givens was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 10290) to amend an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 13, 1891, and the act amendatory thereto, approved February 21, 1898, was read twice by its title, and referred to the Committee on Private Land Claims.

The joint resolution (H. Res. 195) calling upon the Secretary of War for information concerning the port of Sabine Pass was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 257) providing for the organization and enrollment of the United States auxiliary force for coast defense was read twice by its title, and referred to the Committee on Coast Defenses.

ACTS IMPOSING DUTIES ON IMPORTS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Joint Committee on Printing be, and are hereby, authorized and directed to cause to be printed, indexed, and bound in cloth, in one volume, all of the acts, as they appear in the United States Statutes, heretofore passed by Congress, imposing duties on imports; 1,000 copies of said volume to be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

The VICE-PRESIDENT. The morning business appears to be closed.

Mr. McMILLAN. According to the agreement on Thursday last, the Eckington and Belt Line bills are to be brought up and disposed of, if possible, in the morning hour. I should like very much to have those bills taken up. The first one to be disposed of is House bill 6148.

The VICE-PRESIDENT. The Senator from Michigan requests the consideration of the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company, of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes.

Mr. ALLISON. I ask the Senator from Michigan if the bill is likely to occupy much time?

Mr. McMILLAN. The bill has been read and remarks have been made on it. I do not think it will take much time. The debate, I think, will be very short; at least I hope so. If it takes any length of time and the Senator wishes to call up more important business, I shall not press it.

Mr. ALLISON. I desire to call up the tax bill this morning.

Mr. McMILLAN. We were almost ready to vote on the bill three or four days ago.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Michigan?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company, of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes.

The VICE-PRESIDENT. The Senator from South Dakota [Mr. PETTIGREW], when the bill was laid aside, had an amendment pending known as section 11. The Secretary will read the pending amendment.

The SECRETARY. It is proposed to add to the bill as an additional section the following:

That at any time after five years from the date of the passage of this act the Commissioners of the District of Columbia, or the Government of the United States, may acquire all the property of said company, by purchase or otherwise, for its actual value at the time the same is so acquired, without taking into account the value of any franchise now or heretofore granted, and may operate the same in the interest of the public, and the rights and privileges hereby granted shall be for a period of not to exceed twenty years.

Mr. PETTIGREW. I will amend my amendment by striking out "five" and inserting "ten;" so as to read: "That at any time after ten years," etc.

The VICE-PRESIDENT. The amendment will be modified as suggested.

Mr. PETTIGREW. Mr. President, I do not care to discuss this question further this morning, except to say that my purpose in offering the amendment is to stop the system of perpetual charters for the street railways of the city of Washington. It seems to me the Government ought to limit the duration of these charters and prevent the companies from bonding and capitalizing the right to occupy and use the streets of this city. We have already built up one great corporation which is stocked for $12,000,000 upon property not worth $5,000,000—$6,000,000 at the outside—and in the near future the people of this city must pay interest on $6,000,000 of stock which represents no investment whatever. Are we going to continue this system? Are we going to continue to issue perpetual charters giving away forever the right of the public to the use of the streets? That is the question involved.

It is surprising to me, it is almost remarkable, but really the only legislation of Congress which contains the provision that "Congress reserves the right to alter, amend, or repeal this act" is attached to the bills granting charters to the street railways of Washington. Why are those words placed in those acts? Every man knows that Congress always has the right to amend, alter, or repeal the acts of a former Congress. It seems to me they are placed there for the purpose of allaying fear and apprehension, for the purpose of silencing opposition, for the purpose of preventing those who are opposed to perpetual charters from thinking that Congress has granted a perpetual charter. They are idle words, entirely useless, and yet apparently they are placed there for a purpose. If they accomplished the purpose, it would be very well. If they do accomplish the purpose, then no person can object to the amendment which I offer, because the amendment which I offer definitely and specifically preserves the right to the public to take possession of the roads. It limits the charter, and it will prevent the watering of stock and the mortgaging of the future.

The whole world are investigating this question. All the great cities of Great Britain are looking into this question, and most of them have already commenced the operation of their own tramways. We ought to do the same, and we ought to begin in Washington. But if we are not ready to begin, now is the time, when these great charters are being granted, that we should reserve the power to do so.

The right to repeal the law will not affect vested rights. The roads can bond these properties for twice, three times, what they are worth and bond the franchise, and I doubt if it is within the power of Congress after that to interfere with the property. Therefore it seems to me that it is safe and proper that we should adopt this amendment.

I have been somewhat surprised, Mr. President, by the course of the people of Washington on this subject. When we undertook to reduce telephone rates, the business men of Washington were up in arms. Why? Because about 2,000 of them used the telephone. They were the men at the top; they were the rich men of this city. When we divided the amount that had to be paid for the use of the telephone, they were active and earnest, and organized a business man's league, and saved a few dollars to each one of them. When we undertake to control the watering of stock, and to limit the power to mortgage the franchise to encumber the streets of Washington, they are on the other side. They do not ride in street cars. It is the poor man who pays a 5-cent fare and rides in a street car. It concerns the bulk of the people of Washington and the business men are not heard. With unconcern they see their streets mortgaged by the issue of $12,000,000 of capital stock on a property worth $5,000,000, and they make no move in this direction. It would rather be expected that from them would come the effort to protect the future of their

city, to protect the interests of the public, and yet from them we hear nothing on this subject.

But, Mr. President, aside from what interest the business men of Washington ought to have in this subject the people of the United States are interested in it, and every representative in either body of Congress ought to have an interest in it. Every citizen of the Republic is interested in this city. If the course under legislation enacted by us shall be such as to indorse stock-jobbing and stock-watering operations, then we share in the disgrace.

The corporate interests of this country have pursued a course under our laws which has made this country a reproach and a byword throughout the world. By these operations they have accumulated the wealth of this great people in the hands of 250,000 men. Forty-four billion dollars of the wealth of the United States to-day is owned by 235,000 of our people. Fifty-two per cent of our people have no property whatever. This condition has been brought about by the granting of those franchises, of those rights which belong to the whole people, to a coterie of men who could gather together and command some capital. It has been brought about by the issue of stock, as in the case of one of the railroad companies in this city, to the amount of $12,000,000 on an investment of $5,000,000.

It appears to me, therefore, that it is the duty of the Senate and of the Congress of the United States to call a halt in these transactions and to stamp their disapproval upon this kind of business, and thus in a measure prevent the further accumulation of the wealth of this country. How can we maintain free institutions and a republican form of government among a population who own no estate in the soil and no interest in the country? Are we not rapidly approaching that precipice? Are we not rapidly approaching the point, have we not reached it already, Mr. President, where free institutions are endangered by the greed of man? I am well aware there is little profit or pleasure to any individual in attacking these abuses, and I am well aware that that duty can not be shirked except by the resignation of official position.

I hope the Senate will adopt this amendment. I have changed the time in which we can purchase these properties from five years to ten, not because I approve of an extension of the time but because Senators have said to me that they would favor the amendment if the period were ten years, and I am willing to gain something where it is impossible to gain everything.

Mr. MCMILLAN. Mr. President, I do not think it is worth while to take any more of the time of the Senate on this matter. The Committee on the District of Columbia, charged with these bills, has given a great deal of time to the study of these questions, and they believe that just now is not the time to put on an amendment of this nature. They believe that the first thing to be done is to get these two roads out of the courts and into a position where they can be changed from horse-car roads into rapid-transit lines. That is what the people of the District want. I am quite content to leave to the Senate the question as to the amendment proposed. If the Senate thinks it best to put on the bill an amendment of this kind, of course the committee will have to agree to it, but I do not believe the Senate will feel that way. I am quite willing to have a vote without further discussion.

Mr. CHANDLER. Mr. President, I would be willing to vote that all the railroad franchises in the District of Columbia should be held for a term of twenty years. I should prefer to vote for such a provision in one general bill, which would be applicable to all the street railways of the District of Columbia. I would vote for the amendment proposed by the Senator from South Dakota in so far as it provides that the rights and privileges granted shall be for a period of twenty years.

I do not, however, feel willing to assert at this time the right of the United States, through the District Commissioners, or through any other action of the Government, to take possession of this property and to cancel the franchise at the end of ten years or five years.

My reason is that given by the Senator from Michigan [Mr. MCMILLAN], that a grant of the right to build these roads subject, according to notice given in the act, to the right of the United States to take possession of the property at its value without paying anything for the franchise at the end of either five years or ten years will prevent the construction of the roads. The point of the chairman as against the Senator from South Dakota is distinctly this, that a notice of this kind, mentioning either ten years or five years as the limit of the grant contained in the bill, will prevent capital from constructing the railroads as they ought to be constructed. Mr. President, I think that position is correct.

I believe that a twenty years' franchise is long enough. I believe that capital can be secured under a twenty years' franchise. I do not believe that the capital will be invested that is necessary yet to be invested to complete the District railroad system under a limitation of either five years or ten years. Therefore I shall vote against the amendment proposed by the Senator from South Dakota if it has a five or ten years' limitation in it. If it has no such limitation, but only a twenty years' limitation, I shall be glad to vote for it.

Mr. PETTIGREW. Mr. President, of course the argument presented by the Senator from New Hampshire is the one familiar to everyone. There is not a city council in the land that does not have that argument presented to it whenever any corporation wants to secure public franchises. They say, "We must have all we want or we will not serve you. You must mortgage the future, you must mortgage your women and children for all time to come, or we will not make this investment." It is an argument that never ought to be used again. It is an argument unworthy of anyone to present to anybody anywhere. And yet that is the argument, and the only argument, the last argument presented why this amendment should not be adopted.

I remember very well that in 1878 there were no railroads in Dakota. They had built up pretty near to the line and they wanted to construct roads across the Territory. They came to the legislature with a law which their lawyers had drawn. It was to give them an irrepealable franchise, such a vested right as would prevent the legislature during all time from regulating the rates for carrying passengers and freight, and under the threat that if it was amended in any particular they would not build two railroads in Dakota, it was passed through the lower house. I was chairman of the committee on railroads, and struck out all the provisions which they thought gave them vested rights and finally forced it through the house of representatives. They built the railroads they told us they would not build. We said, "We will walk; we will use the means of conveyance which we have used heretofore before we will surrender the right in the future to control this means of transportation."

Mr. GALLINGER. If the Senator will permit me, I should like to ask him if when he was chairman of the committee on railroads of the Dakota legislature he incorporated a provision in that railroad bill that the State could take the road at the end of five years if it chose to do so? I should also like to know if any such legislation is on the statute book of South Dakota at the present time?

Mr. PETTIGREW. There is no such legislation, Mr. President. In 1878, twenty years ago, the questions were not as well understood as now. In those twenty years the work has been done which has accumulated the property of the people of this country in the hands of 235,000 men. Therefore the attention of the voters is aroused to these questions. We understand them better now than we understood them in 1878.

But, Mr. President, the same argument was then used. Notwithstanding that, the railroads were built. The argument presented by the Senator from New Hampshire is one that has always been used everywhere when corporate greed wishes to acquire that which belongs to the whole people. They will build the roads, but if they should not, then it is the duty of the city to furnish the necessary facilities, and it would be far better for us if they should do so.

It was argued that nothing could be done in Toronto; but when the city finally took the property, they found people glad to lease it, paying $800 a mile trackage and from 8 to 20 per cent on their gross income, and they took a charter for twenty years, which was to go back to the city at the end of that time for what it would cost to reproduce it. So it will be here. The pending bill and the Belt Line bill are charters by which these two companies get enormous rights. They are to be consolidated and to occupy a vast number of the streets of this city. Under these bills, if they pass without my amendment, they will be capitalized within ten years for from ten to fifteen million dollars above their investment and the people of this city will be called upon to pay interest upon that enormous capitalization.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. PETTIGREW].

Mr. PETTIGREW. On that I call for the yeas and nays.

Mr. BACON. Please have the amendment read.

The VICE-PRESIDENT. The amendment will be again read.

The SECRETARY. It is proposed to add to the bill as a new section the following:

That at any time after ten years from the date of the passage of this act the Commissioners of the District of Columbia, or the Government of the United States, may acquire all the property of said company, by purchase or otherwise, for its actual value at the time the same is so acquired, without taking into account the value of any franchise now or heretofore granted, and may operate the same in the interest of the public, and the rights and privileges hereby granted shall be for a period of not to exceed twenty years.

The VICE-PRESIDENT. Is the call for the yeas and nays sustained?

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH]. If he were present, I should vote "nay."

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL].

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. In his absence I will withhold my vote.

Mr. PERKINS (when his name was called). I am paired with the Senator from South Dakota [Mr. KYLE], and therefore withhold my vote.

Mr. PETTUS (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. PRITCHARD (when his name was called). I am paired on political questions with the junior Senator from South Carolina [Mr. MCLAURIN] who is absent from the Chamber; but as this is not a political question, I have decided to vote. I vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I do not see him in the Chamber, and therefore withhold my vote.

Mr. TURNER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN], and therefore withhold my vote.

Mr. WHITE (when his name was called). I desire to inquire whether the Senator from Idaho [Mr. SHOUP] has voted?

The VICE-PRESIDENT. The Senator from Idaho has not voted.

Mr. WHITE. I am paired with that Senator, and therefore withhold my vote.

The roll call was concluded.

Mr. RAWLINS. I inquire if the junior Senator from Ohio [Mr. HANNA] has voted?

The VICE-PRESIDENT. The junior Senator from Ohio has not voted.

Mr. RAWLINS. Then I withhold my vote, as I am paired with that Senator.

The result was announced—yeas 11, nays 36; as follows:

YEAS—11.

Allen,	Clay,	Mills,	Teller,
Bate,	Heitfeld,	Morgan,	Turley.
Berry,	Jones, Ark.	Pettigrew,	

NAYS—36.

Aldrich,	Deboe,	Lindsay,	Platt, N. Y.
Allison,	Elkins,	Lodge,	Pritchard,
Bacon,	Fairbanks,	McEnery,	Proctor,
Burrows,	Foraker,	McMillan,	Sewell,
Caffery,	Gallinger,	Mantle,	Spooner,
Carter,	Gear,	Martin,	Stewart,
Chandler,	Gorman,	Murphy,	Vest,
Cockrell,	Gray,	Nelson,	Wetmore,
Cullom,	Hawley,	Platt, Conn.	Wolcott.

NOT VOTING—41.

Baker,	Hansbrough,	Money,	Thurston,
Butler,	Harris,	Morrill,	Tillman,
Cannon,	Hoar,	Pasco,	Turner,
Chilton,	Jones, Nev.	Penrose,	Turpie,
Clark,	Kenney,	Perkins,	Warren,
Daniel,	Kyle,	Pettus,	Wellington,
Davis,	McBride,	Quay,	White,
Faulkner,	McLaurin,	Rawlins,	Wilson.
Frye,	Mallory,	Roach,	
Hale,	Mason,	Shoup,	
Hanna,	Mitchell,	Smith,	

So the amendment was rejected.

Mr. PETTIGREW. I offer the amendment which I send to the desk, to come in after the word "act" in line 12, of section 11.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "act," at the end of line 12, in section 11, on page 7, it is proposed to insert:

And the rights and privileges hereby granted shall be for a period of not to exceed twenty years.

Mr. ALLISON. I desire to ask the Senator from Michigan whether he will now consent that the bill which has been pending be laid aside for the time being? If we can have a vote upon it at once, however, I shall not object to its consideration.

Mr. PETTIGREW. I do not think it will take more than an hour or so to complete the bill; and, indeed, I presume half an hour will be sufficient. I would rather go on and finish it at this time.

Mr. ALLISON. I know what half an hour means in such cases.

Mr. MCMILLAN. I will give way to the Senator from Iowa in charge of the revenue bill if he desires to go on at this time.

Mr. PETTIGREW. I should prefer to go on for thirty minutes with the bill which has been pending. I do not think it will take more than that.

Mr. GALLINGER. I suggest to the Senator from Iowa that he give way for half an hour to have the pending bill concluded.

Mr. MCMILLAN. I will say that it is very important that the street railroad bills for this District should be promptly passed, but of course I know the revenue bill is very much more important.

Mr. ALLISON. If Senators desire to go on with the pending bill rather than take up the revenue bill, if they think the street railroad bill now under consideration a more important matter, I will not press the revenue bill further.

Mr. CULLOM. I hope there will be no further delay in taking up the bill in relation to the revenue in charge of the Senator from Iowa.

Mr. HALE. The Senator from Iowa announced on Thursday last that immediately on the termination of the routine morning business this morning he would call up this most important measure and ask the Senate to continue its consideration, and upon that the Senate adjourned over until to-day, giving Senators two days in which to examine it. If the Senator every morning is to yield to one thing and another, I can see plainly, and other Senators can see plainly, that the Senator's bill will go to wreck. There is only one way of passing the revenue bill, and that is to insist on its being considered.

Mr. ALLISON. If the Senator from Maine thinks I do not see that, he mistakes my understanding; but this matter is of no more importance to me than to every other Senator on this floor. I gave notice distinctly that I would call up the revenue bill this morning, and I only gave way this morning with the understanding that the bill in charge of the Senator from Michigan would not lead to debate. Now I am told its consideration will be concluded in half an hour or so. I know what that means, and all of us know what it means.

Mr. HALE. Undoubtedly; and therefore I hope the Senator will insist on the revenue bill being now considered.

Mr. MCMILLAN. I will withdraw the street railroad bill, which has been before the Senate, so as to allow the Senator from Iowa to proceed.

Mr. ALLISON. I am very much obliged to the Senator from Michigan.

The VICE-PRESIDENT. The bill will lie over, the amendment of the Senator from South Dakota [Mr. PETTIGREW] being pending.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 995) for the relief of George M. Anderson, of the State of Nebraska; and

A bill (S. 4566) to provide for the increased volume of work in the Adjutant-General's Department of the Army, due to the calling out of volunteers and the increase of the Regular Army.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4518) to provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the insurgent forces, and for other purposes.

WAR REVENUE BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa to proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALLISON. Mr. President, the bill which is now before the Senate comprises a large number of pages, and as reported to the Senate by the Committee on Finance a great many amendments are presented for the consideration of the Senate. I ask in the beginning that the usual course of procedure with this class of bills may be pursued, namely, that the formal reading of the bill may be dispensed with, and that the amendments proposed by the committee may be first considered as they are reached in the reading.

The VICE-PRESIDENT. Is there objection to that order of procedure? The Chair hears none, and the order is made.

Mr. ALLISON. Mr. President, on Thursday last, when I reported the pending bill from the Committee on Finance with amendments, the Senator from Maryland [Mr. GORMAN] took occasion to inquire whether the committee had prepared any statement in explanation of the bill, and especially in explanation of the amendments proposed by the committee. I stated at that time that I should endeavor to-day to make some analysis of the bill in a general way; and therefore, if the Senate will bear with me for a little while, I shall endeavor to make a general statement respecting its provisions.

As the measure came to us from the House of Representatives it was an internal-revenue bill. As it comes from the Finance Committee to the Senate it is still an internal-revenue bill. There are no provisions in it affecting the importation of articles, except that provision which makes the imported article pay the internal-revenue tax levied upon the like domestic article. Otherwise, I believe, it is wholly an internal-revenue bill.

When the bill came to us it embraced in all its clauses and in

all its parts a revenue measure, providing, first, for internal-revenue taxes, and aggregating, in round numbers, as estimated by the member from Maine in the other House who reported the bill in that body, $100,000,000. It also provided for the further raising of revenue by the issue of $100,000,000 of certificates of indebtedness, payable in one year, drawing a rate of interest not exceeding 3 per cent. It also provided for an issue of bonds, payable after ten years, but at the pleasure of the Government, running not to exceed twenty years, and bearing interest at the rate of 3 per cent per annum, payable quarterly. These are the general provisions of the bill as it came to us from the House of Representatives.

The details as to this $100,000,000 of taxation provided for an increase of the tax upon malt liquors and beer of $1 per barrel, with a rebate to the producers or manufacturers of these articles of 5 per cent. It also provided for various taxes on tobacco and its products, or rather various articles of manufactured tobacco, providing for a tax of 12 cents per pound instead of 6 cents, as now; providing a tax of $4 a thousand upon cigars instead of $3, as now; and also providing for doubling the tax upon cigarettes. It is estimated by the authors of the bill that the revenue will be increased $60,000,000 in round numbers by the increased taxes upon these two articles of beer and tobacco.

Then there are embraced in the bill two stamp schedules, one known as the adhesive-stamp section, which provides for adhesive stamps upon checks, bills of exchange, promissory notes, etc., and another schedule, known as Schedule B, which provides for the placing of an adhesive stamp upon all proprietary patented articles.

The estimate made by the Committee on Ways and Means of the House of Representatives as to the revenue to be derived from these two schedules is $130,000,000. The bill as it came from the House also provided for a tonnage tax, which was expected to yield perhaps $3,000,000 in addition. I believe those are the principal items of the bill as it came to us from the other House.

From such examination as I have been able to give to the bill as we received it, I am sure that the estimates of the revenue to be derived from Schedules A and B are greatly less than will be realized from the imposition of the taxes provided for in those schedules. When the bill came to the Finance Committee of the Senate we took it up for consideration and analyzed these schedules as best we could. In that analyzation the committee was led to believe that the provisions relating especially to Schedules A and B were too general in their nature to make them equitable and to make them effective in collection. So a number of amendments were proposed and are embodied in the bill as reported to the Senate.

In the consideration of the bill I may say there was very little difference among members of the committee as to the beer tax, the tobacco tax, and the taxes embraced in Schedules A and B, except as to the details of those several provisions.

Mr. WHITE. How was it in regard to the tonnage tax?

Mr. ALLISON. On the tonnage tax I think there was very little difference of opinion in the committee. As to these schedules, there was practically no division in the committee, except such division as came from a desire to perfect the bill; in other words, we all agreed that there should be an increased tax upon beer, an increased tax upon manufactured tobacco, etc., and that Schedules A and B should be embodied in the bill. Nor do I think there was any division in the committee so far as the estimates which were made of what the bill as it came from the House of Representatives would produce were concerned.

There were some other questions which confronted the committee, and which I have no doubt in the course of this debate will concern the Senate, which I think ought to be understood before the bill is taken up for consideration in detail.

In the first place, this bill is here only because the Government of the United States is involved in a war with a foreign country. If there were no war, there would be no necessity for this bill; and therefore it may be truly called what it is denominated, a war measure. If it be a war measure, it is necessary for us to know, in the first place, about how much revenue should be raised for the purpose of carrying on the war until the 1st day of July, 1899, although we all hope that the war may last but a few weeks or a few months at most. The expenses of this war, of course, can not be estimated with accuracy. Any estimate we make here will be but an approximate estimate of the cost of the war.

The committee has in print a statement, which is in the Finance Committee room, making an approximate estimate of what these expenses will be during the remainder of this fiscal year and during the whole of the next fiscal year. Those estimates were made by the Secretary of War and by the Secretary of the Navy. The Senator from California [Mr. WHITE] suggests that I insert these estimates as a part of my remarks, and I will do so. I will, however, first analyze them somewhat. The Secretary of War presented his statement on the 3d of May, and he presented it on the basis of 125,000 volunteers, not taking into account the expenses of the Regular Army, although the day after or the day before he appeared before us he stated that there would be an increase in the Regular Army of from 15,000 to 30,000 men, depending upon the enlistments in that branch of the service.

I believe the law authorizes the Regular Army in time of war to be increased to 64,000 men. The bill authorizing and directing the President to enlist 13,000 men in addition to the 120,000 already called for had not at that time been passed. His estimate for 125,000 men for the fiscal year beginning on the 1st of July, 1898, and ending on the 30th of June, 1899, was $150,923,527.08. Now, adding 15,000 more men to the Army must necessarily add to this estimate $15,000,000 more, in round numbers, making the estimate $165,000,000, instead of $150,000,000. The Secretary of War, being asked whether it was important that an addition should be made to his estimate because of the enlargement of the Regular Army, said he thought his estimate was sufficiently liberal under ordinary circumstances to embrace the Regular Army though it might be increased 15,000 or 20,000 men.

Mr. HALE. Before the Senator goes from the War Department, I will ask is the estimate made for the year from July to July?

Mr. ALLISON. It is made from the 1st of July, 1898, to the 30th of June, 1899.

Mr. HALE. It does not take into account the Army deficiency bill, appropriating $85,000,000, that we have already passed?

Mr. ALLISON. No. I shall reach that later.

Mr. HALE. I thought the Senator was going to the Navy Department.

Mr. ALLISON. At the present moment I am going to the Navy Department only for the same period.

The Secretary of the Navy was called before us and made as careful an estimate as he could for the same period, which was that there will be required for the next year $75,556,250 in addition to all that is appropriated in the naval appropriation bill for the next fiscal year, and, as Senators will remember, all the appropriations in that bill are immediately available.

Mr. HALE. About $65,000,000.

Mr. ALLISON. About $65,000,000. So the Secretary of the Navy estimates that for the next fiscal year there will be required $75,000,000 in addition to the appropriations already made. We have already appropriated under the act of March 3, 1898, $50,000,000, all of which has practically been expended.

Mr. WHITE. For war purposes.

Mr. ALLISON. For war purposes. That was the first of the emergency bills passed. Under the deficiency bill, to which the Senator from Maine alluded a moment ago, for the remainder of this fiscal year, for the Army, fortifications, etc., there was appropriated $35,700,000. There are some small items also, I believe, in that bill for the Navy, but they are very small. The fortifications act was increased $4,000,000 on account of expenditures for the remainder of this fiscal year and running over into a portion of the next, that bill making another addition of $4,000,000. There is now on our files and pending in the House of Representatives a naval deficiency of $22,275,000 for the remainder of this fiscal year, which is not included in the statement I have made as to the Navy.

These are the items of expenditure which I have aggregated in this table, showing that the total appropriations on account of the war are $379,192,000, covering the period from now to the 1st of July, 1899. These will be the probable expenditures, as estimated by the War and Navy Departments. I think it is hardly necessary for me to say that these estimates are considerably under what will be the expenditures of the Army and Navy for the next fiscal year.

When this statement of the Secretary of War was made he said to us that it did not include what might become extraordinary exigencies or extraordinary situations concerning the Army. Since that time arrangements have been made to order ten or fifteen thousand troops to the Philippine Islands. It does not need any investigation to ascertain that that will largely increase the expenditure for the Army, as it probably will for the Navy later on.

Mr. HALE. More than a million dollars a day.

Mr. ALLISON. More than a million dollars a day, as the Senator suggests.

It is necessary for us, in order to analyze further the situation of our finances, that we shall know what our ordinary expenditures will be and what our ordinary revenues will be. The Secretary of the Treasury estimates for the fiscal year ending June 30, 1899, receipts of $390,000,000, exclusive of the postal receipts, which were estimated at $92,000,000. Including these receipts was an estimate of $200,000,000 under the tariff legislation contained in what is called the Dingley tariff law.

I think we ought to deal with each other here respecting these questions with no other end in view than to reach the facts. I am satisfied that the estimate of the Secretary of the Treasury of the revenue to be derived under the existing tariff law of $200,000,000 a year is too high. I think it may be stated, under the circumstances of our importations and under the new conditions, that the revenues derived from imports will be considerably less than $200,000,000. I should be well satisfied if they should reach

$180,000,000. Of course that does not include the postal receipts, which are estimated at $92,000,000, which I think is also a high estimate. So I am satisfied that the receipts from these sources will be much less—at least that they will be a number of million dollars less—than the sum estimated by the Secretary of the Treasury.

I have had the clerk of the Committee on Appropriations to analyze the appropriations thus far made, with a view of ascertaining the situation of our expenditures aside from and without including any of the expenditures for war purposes; and I find, making an estimate as to the probable amount to be carried by the three or four bills which have not yet been finally passed, that our appropriations for the next fiscal year, including the permanent appropriations, will be $531,000,000, in round numbers. Of course that includes $51,000,000 for the sinking fund. Taking out the amount for the sinking fund, on the basis of the estimates of the Secretary of the Treasury, there would only be a surplus next year of $2,000,000 in round numbers. So, Mr. President, I think it will be sufficient to state——

Mr. COCKRELL. After deducting the sinking fund?

Mr. ALLISON. After deducting the sinking fund, allowing the receipts as estimated by the Secretary of the Treasury, and allowing the appropriations actually made, with fair estimates upon the final conclusion of the action of the conference committees, the surplus would be a little over $2,000,000. So I am prepared to state, as my own belief, that under the ordinary receipts and expenditures of our Government, and with normal conditions, there would still probably be a small deficit for the next fiscal year; and no man can estimate how our trade, especially our foreign trade, may be disturbed by the condition of war. It is not likely to be increased, but rather to be diminished thereby. Hence it is safe to say that our revenues to be derived from imports will be considerably diminished.

This condition as respects our finances being true, the question is, How much money shall we raise by taxation and how much by loans for the purpose of carrying on the war? I will state that upon this subject there was a diversity of opinion among the members of the Committee on Finance. I believed—and I am not going to state what others believed—that we should provide a minimum sum of $100,000,000, which I was willing to increase to $125,000,000, as the portion that taxation should bear to this necessary and extraordinary expenditure for the war. None of us, I presume, believe that this war is likely to last more than a year. It may be that it will. We shall provide in our appropriation, of course, for this year only, perhaps not for the whole of it; but we should provide in the pending bill for a sufficient sum to maintain at all hazards the war during the next fiscal year if it shall so long continue.

When we reached this point in our discussion the committee were somewhat divided. Some desired to raise a larger sum than $100,000,000 and some a larger sum than $150,000,000, but we undertook to raise a sum—by methods which I shall describe hereafter in a general way—which would approximate from one hundred and twenty-five to one hundred and fifty million dollars, and I believe we substantially agreed as to the various items up to that point.

If it be true that this bill as it came from the House would raise $105,000,000, as I think it would, then the amendments which we have put upon it, without, I may say, serious differences, will increase it to $150,000,000. There were put on it by a majority of the committee, in addition, a number of sections which were not agreed to by the minority. I ought to make this statement, as there was a division on the subject.

Mr. WHITE. Will the Senator from Iowa permit me? If I caught his statement, it was to the effect that the committee determined to raise an amount between one hundred and twenty-five and one hundred and fifty million dollars. My understanding is that the committee positively fixed about $150,000,000 as the amount. There was no minimum or maximum, but the expression of opinion was that in the neighborhood of $150,000,000 should be raised. I think that was the declaration of the committee.

Mr. ALLISON. I made no statement as to what the committee decided, because I did not believe I was at liberty to do so; but certainly I have no objection to stating that by a vote of the committee—it is proper to state what was done in committee in that direction—it was decided that we should raise $150,000,000 by the pending bill.

Mr. WHITE. I evidently misunderstood the Senator from Iowa.

Mr. ALLISON. The Senator did. I said there was this variety of opinion, ranging from a hundred to a hundred and fifty million dollars, and that some of the committee were for a higher sum still.

Mr. WHITE. That is correct.

Mr. ALLISON. I did not undertake to give the vote of the committee.

With the aid of persons who perhaps know more about it than I do, I have endeavored to make an analysis of what the bill will raise without the addition of the sections which have been placed in it by a majority of the committee. It having been shown that the committee voted for $150,000,000, I desire to show from statements which I have here, and which I think are understatements, that the pending bill, without the addition of the sections of which I am about to speak, will produce $150,000,000; and I believe it will produce more than that sum.

Mr. TELLER. I should like to ask the Senator, while he is analyzing the bill, to tell us what, in his judgment, the bill as it came from the House would have produced, and then what the Senate committee has added.

Mr. ALLISON. In a general way, without being specific, I will make that statement. I think the bill as it came from the House would produce $105,000,000; certainly one hundred to one hundred and five million dollars.

Mr. TELLER. I will ask the Senator if that is not considerably larger than the chairman of the committee in the House stated?

Mr. ALLISON. Yes.

Mr. TELLER. I wish the Senator would give the Senate and the country an idea as to where the errors are in the estimate of the chairman of the Ways and Means Committee.

Mr. ALLISON. It is not an easy thing, especially in the general statement I am making, to analyze each particular stamp tax and each particular item of the tax. When we reach Schedules A and B, which are the schedules that are estimated upon, I think I can show, and I will endeavor to show if need be, that there is more than $30,000,000 included in those schedules as they came from the House of Representatives; and I will be glad then to do so.

Mr. TELLER. I will say to the Senator from Iowa that I would not have interrupted him, but as we do not have a written report in this case, I think we are entitled to that information from the committee.

Mr. ALLISON. I certainly have no objection whatever to the interruption of the Senator from Colorado or any other Senator. Mr. President, I have here, and I may as well put it in the RECORD at this point, a careful estimate, and I think it is an underestimate, of what the bill will produce under our amendments which were not objected to in committee except as to matters of detail.

Mr. ALDRICH. Read it.

Mr. ALLISON. The statement shows that the tax on fermented liquors, under the provisions as they now stand, with our amendments, will yield $58,908,000, or $59,000,000 in round numbers. That I believe to be an underestimate of a million dollars at least. That includes the total revenue. Senators will see how this table is made up.

Mr. WHITE. It will raise $28,000,000 over the present revenue.

Mr. ALLISON. Not quite $28,000,000 over the present revenue.

Mr. JONES of Arkansas. I wish the Senator would state the estimated increase on the different items and not the total amount of the revenue.

Mr. ALLISON. This table is made up in a form which is not quite satisfactory to me, but I will say that the tax upon fermented liquors, as shown by the report of the Commissioner of Internal Revenue, in 1897 was $31,000,000 in round numbers; I think perhaps nearer $32,000,000 than $31,000,000. So that this would make an addition of $27,000,000. I am prepared to say that that is a million at least under what the revenue will be. The increased revenue, in my judgment, will be $30,000,000, probably $31,000,000.

The total additional revenue on tobacco and snuff, in the same attitude, will be $25,000,000, as provided for by the House. I will say here that although we have changed the details of the tobacco, snuff, and cigar provision, my judgment is that we have not materially changed the revenue that will be derived from that source. If we have changed it, we have increased it slightly; but I do not think we have materially changed it. In other words, I think our amended bill from beer and tobacco will produce substantially what the bill as it came from the House would produce, which is $60,000,000 additional; and that is a low estimate.

Mr. GRAY. Additional to the present income?

Mr. ALLISON. Additional to the existing law—$58,000,000.

Mr. WHITE. Will the Senator from Iowa have the figures which he read inserted as a part of his remarks?

Mr. ALDRICH. That is what the Senator from Iowa intends to do.

Mr. ALLISON. I intend to do so. We have placed a special tax upon banks and bankers, brokers, theaters, etc., bowling alleys, and billiard tables.

Mr. HALE. Not in the bill as it came from the House?

Mr. ALLISON. I am speaking of the amendments we have inserted and recommended to the Senate. The tax on bankers alone will amount to $2,500,000, and on brokers to $1,500,000; theaters, circuses, and exhibitions, $1,800,000; which I think is a high estimate.

Then we have increased the stamp tax on sales of stocks, bonds, and merchandise $10,000,000. We have increased the bank-check

tax five millions—from the estimates of receipts—bills of exchange, inland, $1,500,000; bills of exchange, foreign, $500,000. I do not think it is necessary for me to read each of these items, but footing them all up——

Mr. TELLER. I wish the Senator would put the statement in the RECORD. I think it would be very useful.

Mr. ALLISON. I am going to do so.

Mr. TELLER. If he does put it in, it is not necessary to read it.

Mr. ALLISON. I will put it all in.

Mr. HALE. It is not a long list. What are some of the items? I should like to know. Let us have the list read. It is not very long.

Mr. ALLISON. Very, well. I have estimated that the revenue from express and freight receipts, etc., covering bills of lading, will be $10,000,000.. That is an underestimate, and in my belief it will be more than that. Life insurance, $1,226,000; as readjusted the mortgage provision will yield $2,000,000 more, and all other items in Schedule B, including the tax on receipts, will yield $28,000,000. I refer to the additions which we have made to Schedule B.

Taking proprietary preparations and perfumery, the revenue will be $20,000,000; legacies and successions, $9,275,000. That probably is a fairly accurate estimate for the first year. If the tax shall continue for a number of years, it would be largely increased. Those are the items of increase in the bill as we have reported it.

Recapitulation—Summarizing the provisions of the bill.

Tax on—	
Fermented liquors	$58,906,120
Tobacco and snuff	43,840,560
Cigars and cigarettes	17,340,382
Manufacturers and dealers in tobacco	307,102
Bankers	2,394,600
Brokers, money and pawn	1,500,400
Brokers, commercial	213,094
Theaters, circuses, and other exhibitions	1,820,447
Bowling alleys and billiard tables	166,967
Stamp taxes:	
Sales of stocks, bonds, merchandise, etc	10,000,000
Bank checks	5,000,000
Bills of exchange (inland), promissory notes, etc	1,500,000
Bills of exchange (foreign), letters of credit, etc	500,000
Express and freight, covering all bills of lading	10,000,000
Life insurance	1,226,323
Mortgages	2,041,599
All other in Schedule B, including tax on receipts, say	25,000,000
Proprietary preparations and perfumery	20,000,000
Chewing gum	1,000,000
Legacies and successions	9,275,475
Total	215,033,069
Add to the above the revenue from taxes unchanged on the basis of receipts for year 1897:	
Spirits	82,008,542
Brewers (special tax)	160,927
Retail dealers in malt liquors	191,071
Wholesale dealers in malt liquors	278,801
Oleomargarine	1,034,029
Filled cheese	18,902
Bank circulation	85
Miscellaneous receipts	375,383
Total estimated revenues	299,100,899
Less revenues for 1897	146,619,593
Provided by the bill H. R. 10100	152,481,306

Mr. WHITE. If it will not interrupt the Senator from Iowa, I wish to ask whether there are any details in his hands as to these computations. Take, for instance, the succession tax. We have a statement that is apparently quite detailed so far as the figures are drawn out rather small, and unless there is some detail furnished or some theory upon which the computation is made, it is very difficult to form anything in the nature of an accurate estimate upon it. It must proceed purely upon matter of faith or judgment in the person making the general estimate, as, for instance, the theater and circus item, which I think is entirely overestimated.

Mr. ALLISON. I think it is an overestimate; but that is taken from the receipts as shown by the census of 1890. The Senator will bear in mind that all these estimates are very far from accurate. Take, for example, the stamp receipts. I will state that I have looked up the condition in 1872 with the view of seeing something of the growth and development of our country and what effect that growth would have upon these small stamps or small receipts. I call attention to this now, lest I may not think of it again.

In 1872, which was the last year of some of these stamp taxes, all of the stamps sold by the Post-Office Department amounted to $15,000,000. That was twenty-six years ago. All the stamps and all the stamped envelopes, and all the receipts of the Post-Office Department for what is known as first-class matter amounted to $15,000,000. In 1897, twenty-five years later, the same receipts of the Post-Office Department were $62,000,000, or more than four times the receipts at the first period, and at the first period all letters paid 3 cents, and during the last period less than an ounce in weight pay only 2 cents. Yet these receipts have swollen from $15,000,000 in round numbers to $62,000,000.

Take another item, that of bank deposits. I regret that I have not the document here, but I will state the result from memory. In 1882, only sixteen years ago, the tax upon bank deposits was less than $4,000,000, estimated at one-half cent, the bank deposits then being only seven or eight hundred million dollars—less than a thousand millions. In 1898, as shown by the report of the Comptroller of the Currency, the bank deposits of the United States were $6,000,000,000; and if the proposition of the Senators who have projected into the pending bill amendments which I do not think ought to be there is adopted, there will be raised, upon the basis of one-quarter of 1 per cent per annum upon bank deposits, the sum of $15,000,000 under this bill. So, whilst you have not accurate and detailed statements, by analogy and by comparison you can deal with these great questions, showing approximately what will be raised by this small tax and these small stamps in a country which has developed in the last few years as ours has and which is developing so rapidly.

Mr. ALDRICH. Will the Senator allow me to interrupt him?

Mr. ALLISON. Certainly.

Mr. ALDRICH. As I understood the Senator from Iowa, the figures he has read contain an estimate of the receipts from internal-revenue sources for the fiscal year ending June 30, 1899.

Mr. ALLISON. Yes, sir.

Mr. ALDRICH. I should like to have the Senator state clearly how much the aggregate sum which he expects will be received in that year will exceed the actual receipts in 1897. He has not yet made that clear to the Senate.

Mr. ALLISON. Under the bill as we have amended it, if our bill passes, without the additions of which I have spoken, there will be added to the internal-revenue receipts for the fiscal year 1899, in my judgment, $152,000,000.

Mr. WHITE. If the Senator from Iowa will permit me, in connection with the point just being made by him, can he state when the old bank tax was repealed and what the rate was?

Mr. ALLISON. The tax on deposits was a half per cent.

Mr. WHITE. When was it repealed?

Mr. ALLISON. In 1882 or 1883, perhaps; I think 1883. Of course we have statistics of the deposits of the banks then as now, and at that time the bank deposits of the United States were only a little over one-third of the bank deposits of 1898, showing our growth in this regard in sixteen years.

I now close what I intend to say upon the subject of the amendments of the Senate committee which are agreed to by all, or at least practically so, except as to the details.

I wish to call attention to the amendments which were placed in the bill by a majority of the Committee on Finance, and which are to be found, beginning with amendment 177, on page 59, and ending on page 72, with amendment No. 181. I will not stop at this time and in this general statement to state in detail what I believe will be realized from these sections. I have done the best I could with the aid I could secure from the census of 1890 and from other available data, and I will state that in round numbers these sections, which have been added by a majority vote of the committee, if they are embraced in the bill, will yield $75,000,000 in addition to all that I have stated.

Mr. SPOONER. Making over $225,000,000.

Mr. ALLISON. Two hundred and twenty-nine million dollars.

Mr. HALE. What do they cover?

Mr. ALLISON. In the first place, I will state briefly upon what data I make this statement. They embrace first the gross receipts of all transportation companies, whether by rail or water, including, of course, all express companies.

Mr. WHITE. Persons and corporations.

Mr. ALLISON. All persons and corporations, of every name and nature, who transport for hire. That item, I estimate, will yield from five to six million dollars; probably not more than $5,000,000. That is the first item. The next item is in respect to telegraph and telephone companies.

Mr. MASON. What page?

Mr. ALLISON. Page 60. This tax, I may say, is called an excise tax, but it is an excise tax of an indefinite amount in the aggregate, being one-quarter of 1 per cent of the gross receipts from all sources of the corporation there named.

Mr. GRAY. May I ask the Senator to what paragraph he confined the estimate he made of revenue arising therefrom at about $6,000,000?

Mr. ALLISON. The first paragraph in the amendments with which I am now dealing.

Mr. GRAY. Ending on page 60, line 2?

Mr. ALLISON. Ending on page 60, line 7.

Mr. GRAY. Including the express companies?

Mr. ALLISON. Including the express companies.

Mr. WHITE. Will the Senator from Iowa state the rate of taxation upon the same article in the former revenue act, passed during the civil war?

Mr. ALLISON. Two per cent, and 3 per cent part of the time. I am not arguing at this moment. I am trying to get at the facts as I conceive them to exist. Then telegraph and telephone companies are inserted. Of course it is impossible to ascertain exactly what the revenue from that source will amount to; at least I have not been able to do so, because I have been unable to secure accurate data as to telephone companies. The receipts of telegraph companies approach $30,000,000, and one-quarter of 1 per cent upon $30,000,000 is $75,000. The next is a quarter per cent upon all fire and life insurance companies, etc. I think that will yield a pretty large sum, but I am not able to state it. I think two or three million dollars. I guess at that, practically, without having the data upon which to base an accurate estimate. I do not know but that some other member of the committee has it. So with gas and electric light companies.

Then we come to the tax upon banks, and I have stated the data upon which I make the estimate of $15,000,000:

> That every person, bank, association, company, or corporation engaged in the business of banking shall pay a special excise tax which shall be equal to one forty-eighth of 1 per cent each month upon the average amount of the deposits of money subject to payment by check or draft, or represented by certificate of deposit or otherwise, whether payable on demand or at some future day.

If we take the reports of the Comptroller of the Currency as to the amount of bank deposits, which are made from data convenient and accessible to him, there will be levied upon this item alone $15,000,000.

Now we come to the large item in the amendments, and that is the provision which taxes every corporation, no matter what its product may be or what the capital may be, upon its receipts, to be stated monthly under oath. I put it upon record as my belief that that single section of the bill will yield from $40,000,000 to $45,000,000. In the first place, it covers every product in the United States that is sold by a corporation, whether that corporation be large or small. It covers everything that is manufactured in the United States if it be manufactured by a corporation, no matter whether that manufacture be annually $1,000 or $1,000,000. They are taxed upon a royalty of one-quarter of 1 per cent upon their gross receipts, which is the amount they receive from their products.

Mr. CULLOM. It covers mercantile establishments?

Mr. ALLISON. It covers all mercantile establishments, all trading establishments that are incorporated. It includes every corporation of every name and nature.

Mr. President, I do not intend to argue the question at this moment further than to state the objections I have to the provision. The first is that it creates a great duplication of taxes upon everything produced and upon everything sold. In 1890 the manufactured products of the people of the United States were more than $9,000,000,000 in round numbers. Those products were sold. If you estimate that three-fifths of them—and I have no doubt that is not an extravagant estimate—are made by corporations, you have an annual sale of manufactures in 1890 of $5,400,000,000.

It is fair to assume—and I only say this as giving a basis of my estimate—that all these products will be sold twice afterwards, and will be sold by people who are in some way connected with corporations. I know in the little city in which I live the great body of the business is done under the form of trading corporations and mechanical and manufacturing corporations. It is found that by that method manufacturers and traders are enabled to draw into their factories their mechanics and skilled laborers, and by means of certificates of stock, to give them a share in the product of their factory.

These small corporations have sprung up in every part of our country, and there are no exemptions in this provision. I have no doubt that in my own State there are five hundred such corporations which are engaged in the manufacture of butter and cheese. They are the farmers who have aggregated their little capital and subscriptions into $25 and $50 shares. They are thus engaged in this manufacture, and, indeed, I believe that this immense manufacture in the United States is largely carried on in that way by small corporations. There is produced in my State more than $36,000,000 in value of these farm products.

Mr. HALE. May I ask the Senator right there if it is not a fact that within the last ten years it has become a general practice in business for what have been partnerships heretofore and what have been individual enterprises to create themselves into corporations, so that a much larger proportion of business that was formerly private is done under the style of corporations and under an existence as corporations?

Mr. ALLISON. There is no doubt of it.

Mr. WHITE. It is a great misfortune, too.

Mr. ALLISON. There is a constantly increasing use of the general incorporation laws of States in order to engage in competitive occupations, and corporations are largely resorted to. They are resorted to on the idea that there is some special pecuniary advantage in having corporate authority. That can not be the case here. If these taxes were confined to those corporations which are in their nature securing pecuniary advantages by means of an incorporation, there might be a reason for it. I can see a reason why there might be a tax upon the gross receipts of an electric company where there are but one or two in a city, or that might apply to a telephone company where there is but one, or to a gaslight company, and so on.

But here are men in the same city trading. One is J. T. Somebody & Son, and they are engaged in buying and selling groceries. Another across the street is the A. B. Company, engaged in the same business, and the corporations are in the closest competition, but under this proposed taxation people who are incorporated are put at a disadvantage with the person or the partnership that is not incorporated. I will not enlarge at this time on that point, as I have no doubt it will be argued at greater or less length.

The Senator from Wisconsin [Mr. SPOONER] gives me a very good illustration of a reason why partnerships have been transferred to corporations under our State laws. I happen to know of a case in my own city where two successful men more than fifty years ago established the hardware trade. They have both passed away. They had children and grandchildren. When their children began to grow up, away along in the sixties, the two men who had been in partnership for many years placed their hardware business into a corporation in order that they might divide among the sons who were engaged with them in the business a portion of the fund, so that when they or either of them passed away the whole estate and the trade and business would not be obliged to be wound up in order to settle the estate.

Mr. WHITE. And they might have something analogous to perpetuity.

Mr. SPOONER. But death dissolves a partnership.

Mr. WHITE. If the Senator from Iowa will permit me, I will suggest to him that I think one of the principal reasons which has led to the formation of these corporations is the avoidance of personal liability and the ease with which insolvency may be disposed of.

Mr. ALLISON. I am not pretending now to argue against this particular provision except to show that it is an injustice to make this discrimination and distinction in this class of corporations. Of course there must necessarily be in taxing all the corporations that I have described an immense duplication of taxes. These amendments are not supported, I will say, by a minority of the committee. I think that should be understood. Certainly I shall not vote for them.

Mr. President, I have explained as well as I could the several details in the bill, and I will not occupy time as respects the loan provisions.

Mr. TURPIE. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Iowa yield to the Senator from Indiana?

Mr. ALLISON. Certainly.

Mr. TURPIE. I call the attention of the honorable Senator to the succession tax.

Mr. ALLISON. I thank the Senator from Indiana for calling my attention to that specifically. I did not enumerate it, although I mentioned it in the table which I sent to the Reporter and which will be printed. I there stated that the succession tax would yield, in round numbers, $9,000,000 during the next fiscal year.

Mr. TURPIE. I did not understand the honorable Senator from Iowa to say whether he was for or against the succession tax.

Mr. ALLISON. I stated, I think, that the Finance Committee were practically unanimous with regard to the details of the bill, except as to the section which I have just now briefly adverted to and the loan provision; but the Senator must remember that I voted in committee for the succession tax. I expect to vote for it on the floor. I hope that will be a satisfactory answer.

Mr. MASON. On what page is the succession tax?

Mr. ALLISON. On page 60, amendment 180. The only exceptions as respects taxes are those I have named as to corporations.

There are two provisions reported, one by a minority and the other by a majority, relative to the method of raising money to carry on the war not provided for by taxation.

Mr. TELLER. Will the Senator from Iowa allow me to ask him a question before he proceeds?

Mr. ALLISON. Certainly.

Mr. TELLER. I find on page 64 two amendments of the committee striking out sections 25 and 26. Will the Senator tell us whether that was done by the whole committee or by a minority, and why it was done?

Mr. SPOONER. To what do the provisions refer?

Mr. TELLER. One refers to the tonnage tax, but the other is difficult to state.

Mr. ALLISON. The Senator from Colorado must have been absent when I spoke of that provision. I stated very early in my

observations that the tonnage tax, which is section 26, was stricken out.

Mr. TELLER. I was out of the Senate a moment and I did not hear the Senator's statement.

Mr. ALDRICH. It was stricken out by the unanimous vote of the committee.

Mr. ALLISON. By the unanimous vote of the committee; there was no disagreement on that subject.

Mr. TELLER. How about the amendment on page 64, striking out section 25?

Mr. ALLISON. That was stricken out unanimously, although that was copied by the House committee from an old statute.

Mr. TELLER. Was it ever enforced?

Mr. ALLISON. The statute of 1864, from which it was taken, allowed the person who made a contract to charge it over to the purchaser. I do not know whether it has ever been decided that the provision was constitutional. We thought it not wise to retain it.

Now, there are two projects or plans here for the purpose of raising money not to be raised by taxation. The minority of the committee believed that it was wise, and now believe it is wise, to raise a larger sum by borrowing than the majority believe ought to be so raised, as I understand the position of the committee. The majority of the committee propose to raise $42,000,000 by issuing silver certificates upon what is known as the seigniorage or gain upon silver bullion that has never been coined. They propose to raise that, and then coin the silver dollars afterwards, amounting in round numbers to whatever that seigniorage, so called, amounts to, $42,000,000. They also propose to issue $150,000,000 of United States notes, commonly called greenbacks, which notes shall have all the attributes and perform all the functions and execute all the plans of the present greenbacks. In other words, it is proposed by those amendments to add to our currency $192,000,000.

The other proposition, which receives the support of the members of the Finance Committee who are on this side of the Chamber, is to borrow, if need be, for war purposes, $300,000,000, which borrowing shall take place as the money is needed, and only to be had when it is needed for the purposes of carrying on the existing war.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 4545) to provide for taking the Twelfth and subsequent censuses.

Mr. ALDRICH. If it will not interrupt the Senator from Iowa, I will call attention to the fact that the Calendar of Business printed to-day——

Mr. GORMAN. I ask that the unfinished business be laid aside informally.

The PRESIDING OFFICER. The unfinished business will be laid aside informally, if there be no objection.

Mr. ALDRICH. The Calendar of Business printed to-day contains three bills which are said to be unfinished business. Under the rules and practice of the Senate there can be but one unfinished business, and the other bills, if they have any status at all, should be denominated as special orders or be put under some other heading. I hope that the custom will be discontinued.

The PRESIDING OFFICER. At the request of the Senator from Maryland, the unfinished business will be laid aside temporarily.

Mr. ALLISON. Then, Mr. President, just at this point of time I will ask that the bill now under consideration shall continue the unfinished business from day to day until it is disposed of, and that when finished the present unfinished business shall be restored. I do not want to interpose every day at 2 o'clock to have the pending bill proceeded with. I ask unanimous consent that that be done.

The PRESIDING OFFICER. Will the Senator from Iowa please restate his proposition?

Mr. ALLISON. I ask that the pending bill may continue the unfinished business until it is disposed of, and that when it is disposed of, the unfinished business which was laid before the Senate at 2 o'clock shall then be restored to its place.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Iowa? The Chair hears none, and it is so ordered.

Mr. TURPIE. I request the Presiding Officer to state the unanimous-consent agreement in regard to the pending bill.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the consideration of the bill now before the Senate be continued until it is completed, and that at its completion the consideration of the unfinished business which was laid before the Senate at 2 o'clock shall be resumed. Is there objection? The Chair hears none. The Senator from Iowa will proceed.

Mr. ALLISON. Mr. President, I will repeat what I said before as respects bonds. It is the purpose of one portion of the committee to authorize the Secretary of the Treasury to borrow from time to time a sum not exceeding $300,000,000 for the purposes of war expenditures and for no other. We also propose to authorize the Secretary of the Treasury to borrow another hundred million dollars, from time to time as the exigencies may arise, to meet public expenditures, and issue certificates therefor bearing 3 per cent interest. We draw the distinction between these two classes as respects the war.

So one plan to be proposed by the bill is, first, to raise $150,000,000 by taxation, and so much of $300,000,000 as may be necessary from time to time by borrowing money. The other plan is to raise over $200,000,000 by taxation, and to issue greenbacks for the balance, or what is substantially the same thing, currency without interest, for the remainder.

In the statement I have made I have merely undertaken to analyze in a general way what is embraced in the bill, and I have so far refrained from arguing the various propositions that the Senator from Indiana did not even seem to know whether I was for or against the succession tax; and what led to that inquiry on his part may lead to still similar inquiries upon the part of other Senators. I expect, however, to be able to support the provisions of the bill in a general way, except those provisions which relate to the taxation of gross receipts (because that is what it is) on a portion of our people without taxing the gross receipts of another portion of our people, and that part of the bill which provides for borrowing money by issuing greenbacks.

Mr. WHITE. I desire to inquire of the Senator from Iowa whether he does not think it would be convenient to have printed for the use of the Senate a limited number of copies of the acts of 1864 and 1866 in so far as they relate to these immediate subjects? I refer to this matter because there are but few of those copies extant. Indeed, I have been unable to procure one for my personal use, and there is constant inquiry from Senators with reference to them. It seems to me it would not be amiss if the Senator from Iowa would request that a limited number of copies of the acts in question in so far as they pertain to this matter be published for the use of the Senate. They might be readily compiled by the Secretary.

Mr. ALLISON. I see no objection to that request. Mr. President. By unanimous consent, I suppose the clerk of the committee can be authorized to prepare whatever the Senator from California desires, and it can be printed.

Mr. ALDRICH. It can be printed for the use of the committee under the standing order. An order of the Senate is not, I think, necessary.

Mr. ALLISON. And copies can be distributed to all Senators under that rule.

Mr. WHITE. I understand, then, that that will be done.

Mr. ALLISON. That will be done. I ask unanimous consent that it be done.

The PRESIDING OFFICER. Without objection, the order will be made.

Mr. CHILTON. I should like to ask the Senator from Iowa one question in a matter of detail which he omitted. How much does he understand that that part of the Senate Finance Committee bill which strikes out the tax on existing stocks of tobacco will reduce the House bill?

Mr. ALLISON. I did not speak of that. Of course how much the amendment will reduce the amount will depend upon when the bill passes. Just at this moment they are rapidly decreasing their stocks on hand, I am told. I think probably it would make a difference in the bill of $2,000,000 and possibly $3,000,000. That is all I desire to say, Mr. President.

Mr. TELLER. I wish to ask the Senator from Iowa a question before he sits down. Is the Senator's objection and that of the portion of the committee which he calls the minority to the one hundred and seventy-seventh amendment, which is the tax on transportation companies, railroads, etc., that it raises too much money, or is the objection to the principle of the taxation? I did not understand really what the objection was.

Mr. ALLISON. I did not go into that. I will state to the Senator that if we retain the rest of the bill, it is too much tax to be placed upon railroads in my belief. We already have taxed all bills of lading for everything that they may transport, which is a heavy tax and which will amount to a great number of millions of dollars. I do not think in a proper distribution a tax should be levied upon the railroads to that extent.

The PRESIDING OFFICER. Complaint is made that the Senator from Iowa can not be heard.

Mr. ALLISON. And very justly.

Mr. TELLER. Then I understand the Senator to say, not that this tax is too much, but that he is opposed to any tax of that character, and that that is the sentiment of the minority of the committee.

Mr. ALLISON. So far from stating that, I stated the reverse of it.

Mr. TELLER. Then I wish the Senator would state again what his objection is to this particular provision.

Mr. ALLISON. I stated that there is already in the bill a provision which taxes all bills of lading 1 cent, and if duplicated 2 cents, and requiring every railway and transportation company to make such bills of lading and see that the stamp is put on. That is a tax upon transportation which will be a reasonably heavy one; and my answer to the Senator was that I thought if that tax was imposed it would be unjust to put an additional tax of a quarter of 1 per cent upon their gross earnings.

Mr. TELLER. Or even a less amount?

Mr. ALLISON. I did not say a less amount.

Mr. CHILTON. I should like to ask the Senator from Iowa a question. I understood the Senator to state in general terms that he thought the revenues from the one-quarter of 1 per cent tax on the gross receipts of corporations would produce from forty to forty-five million dollars annually. I should like to know where he gets the data and how he arrives at that conclusion. He did not give us any detail. It seems to me that that estimate is vastly too much.

Mr. ALLISON. I am very much obliged to the Senator from Texas for asking me that question. That does not relate to railway corporations or transportation companies.

Mr. CHILTON. I understand.

Mr. ALLISON. It relates to all corporations. I stated it from the best data I could get of the amount of products of manufactures by the census of 1890, which certainly was largely below the product of 1898, assuming that three-fifths of the manufactures were produced by corporations, which I think is a fair estimate. If that be so, there is $5,400,000,000 of receipts from these corporations that manufacture alone, and one-quarter of 1 per cent on that would be $13,500,000 upon manufacturing corporations alone.

I assume that the products of manufacturers are largely sold, first, to what are called wholesale dealers; that the wholesale dealers in turn sell these same products to retail dealers, and that the retail dealers in turn sell them to the consumers. So, taking the manufactured products of the country alone, which amount to nine thousand million dollars, those products are certainly sold three times—first, by the manufacturer; secondly, by the wholesale dealer, and thirdly, by the retail dealer, according to the course of trade in our country.

Mr. CHILTON. I thought the Senator stated the amount at $5,000,000,000, instead of nine thousand million dollars.

Mr. ALLISON. Five thousand four hundred million dollars.

Mr. CHILTON. That is right.

Mr. ALLISON. That relates to the articles created in our own country from iron ore and the raw product of coal to the finest fabric that is spun or woven or created by the mechanical skill of our people.

Mr. MORGAN. May I ask the Senator whether there is any corresponding duty laid on the importation of articles of a similar character which are made in other countries?

Mr. ALLISON. In the pending bill?

Mr. MORGAN. Yes.

Mr. ALLISON. There is no duty upon them.

Mr. ALDRICH. If the Senator will allow me, the same tax which applies to imported articles applies to the domestic articles when they are sold.

Mr. ALLISON. I was about to state that. I was speaking only of articles which are fabricated in our own country.

Our annual importations, according to the foreign valuations, amount in round numbers to $700,000,000 per annum, and they are sold certainly for $700,000,000 plus the transportation—I will say nothing about the tariff—plus the transportation when they reach our shores, and these specific importations are also sold plus the tariff. These imports when they reach our shores are paid for by the importers. The importer must return his one-fourth of 1 per cent upon the sales that he makes of every one of those articles. The importer will sell those articles to a jobber, who in turn will sell them again to a retailer, and thus this process, covering a thousand million dollars or more per annum, is carried into this scale of a quarter of 1 per cent, because this quarter of 1 per cent reaches every place where there is a corporation, little or big, or whatever it may be; it reaches all their receipts, no matter whether they pay out again 99 per cent or 90 per cent of those receipts for the raw material which they use.

Here is iron ore, if you please, in Alabama or on Lake Superior, that is worked out by a corporation—and it is generally worked out in that way—and that iron ore is sold and resold and sold again, over and over, and at each time, at each change, it pays one-quarter of 1 per cent, if it is done by a corporation.

Mr. ALDRICH. If the Senator will allow me, there is one other link in the ordinary chain of transactions which he has omitted entirely. All the chief manufactures are sold, in the first instance, by the manufacturers to commission houses; they sell them, in turn, to the wholesale dealers, and they in turn sell them to the retail dealers.

Mr. ALLISON. That is another illustration of what I was saying, which shows that this tax is like the air we breathe, practically it goes into everything and takes something out of everything that we consume in this country. So I say it is a duplication and it is a necessary thing which will have to be taken into the calculation of every manufacturer, every trader, every merchant, and business man, and will require him to sustain losses that the trade and business of this country will not justify.

Mr. WHITE. Mr. President, while I do not intend to enter into the discussion at this time about the matter, I wish to say generally, in considering this corporate tax, the Senate certainly will have to vote not only on the main question, but it will be plainly put before the Senate in such a way, for instance, as to present these questions: Will it be proper for the oil-refining interests of the United States to pay a delicate and patriotic tax to the Government at this time? Will it be proper for any of the great and vast business enterprises of this country to make a payment of any tax at this war time? Of course it can not be that Senators who object to a general corporate tax upon the ground that it involves those who are but little able to pay will find it in their hearts to object to a tax that will reach such legitimate subjects of taxation as these.

I simply call the attention of the Senate to the various provisions of the bill, so that when this matter comes up it may be made the subject of intelligent and full discussion.

There is no question that there are expressions in the bill which may be improved, and it is to be hoped, and no doubt will be found to be true, that every Senator will try to improve the bill and place it in such a position as to raise not only adequate revenue, but to put the burden upon some others as well as upon those who occasionally take a little tobacco or perhaps drink a glass of beer.

Mr. GORMAN. I should like to ask the Senator from Iowa whether this provision, as reported by the committee, of one-fourth of 1 per cent tax on gross receipts is the same upon the sugar trust and the great railroad corporations as it is upon the small business corporations of the country?

Mr. WHITE. If I understand the Senator's question correctly, it is the same upon all corporations, with the exception of a very few that are taken out of the bill entirely. There is no discrimination in the rates.

Mr. GORMAN. The rates are the same?

Mr. WHITE. Yes.

Mr. GORMAN. Then how does the Senator suggest that we shall have an opportunity to test the sense of the Senate as to that class of corporations? How will that opportunity be presented?

Mr. WHITE. The Senator will be asked, if necessary, to vote as to whether or not he is willing to impose a tax upon the sugar trust, or upon the oil-refining trust, and so upon various other interests. Of course if the amount is too large or too small in any particular case, no doubt facts will be produced here which will develop it.

It has been very difficult to get the figures. An attempt has been made to impose a rate—not the same amount—but to impose a rate which it was thought would be just. In the case of these great corporations, indeed, any rate would produce a large amount, as their profits are immense, though the rate might not be by percentage so very great. A very large percentage tax would perhaps be unjust, and yet one-fourth of 1 per cent is vastly less than the tax imposed during the last war. A majority of the committee thought it was just. At the same time, I suppose the majority of the committee is not wedded to that particular rate.

So far as I am concerned, I certainly am not, and I confess that in a great many of these matters I should like to have more information than I have, and will gladly yield any preconceived notions I have of the present rate when facts shall come before us showing that a mistake has been made, inasmuch as the end, I assume, all have in view is to do that which is just, whatever it may be, and to distribute the war burdens as well and as equitably as we can upon those in this country who may be able to pay them.

Mr. PETTUS. I desire some information from the Senator from Iowa in charge of the bill. I desire to know if there is any, and if so, what, distinction as to articles taxed after they have gone into the retailer's hands; in other words, on proprietary articles, tobacco, beer, and things of that sort—whether there is a period of time in the distribution of these articles when the tax does not reach them, or whether it reaches them in the last man's hands?

Mr. ALLISON. The Senator desires to know whether or not the taxes imposed by this bill will apply to persons who may have articles on hand for sale. As the Senate Committee on Finance has amended this bill, it provides respecting proprietary articles known as druggists' articles, such as may be in the mind of the Senator, that the proprietary article which has passed from the

manufacturer or maker shall be taxed, but only when sold at retail; so that all the stock of proprietary articles on hand mentioned in Schedule B are required to have a stamp affixed to them when the articles are sold at retail.

As to tobacco, we struck out the provision which directed that the stock on hand, which has already paid one tax, should be required to pay another, and the same as to beer.

Mr. CHILTON. I should like to ask the Senator from Iowa one question. He made an estimate in regard to legacies and successions. I ask what evidence he has on that subject? I made an estimate, but I do not think the Senator has given the data on which he made his.

Mr. ALLISON. I have not personally made the estimate, but it was made by another. It was made partially by the Senator from Colorado [Mr. WOLCOTT], who has looked into the matter somewhat, and also by the clerk of the Committee on Finance, by making comparison from data to be found in the last census.

Mr. JONES of Arkansas. Mr. President——

Mr. ALLISON. I understand the Senator from Arkansas desires to take the floor to speak to the pending bill.

Mr. JONES of Arkansas. I do; but the understanding of the Senate was that we should adjourn at an early hour to-day, and so it would be impossible for a Senator to make a statement in connection with the bill without having an interruption at a moment when it might be inconvenient for him to be interrupted. Therefore I prefer that the bill shall not be further considered to-day.

Mr. ALLISON. In view of the suggestion made by the Senator from Arkansas and in view of the fact that it was understood the Senate should adjourn at 3 o'clock, I ask that the bill may be laid aside; and I give notice that immediately after the conclusion of the routine morning business to-morrow I shall ask the Senate to proceed with the bill.

Mr. SPOONER. The Senator from Arkansas [Mr. JONES] being entitled to the floor.

Mr. ALLISON. Yes.

Mr. JONES of Arkansas. I understand I have the floor.

The PRESIDING OFFICER. The Senator from Arkansas is entitled to the floor.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. MILLS. Will the Senator withdraw that motion for a moment to allow me to present a petition?

Mr. ALLISON. I withhold the motion for a moment.

Mr. MILLS. I ask leave to present a petition, and ask that it may be read in full.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Texas? The Chair hears none, and the petition will be read.

The Secretary proceeded to read the petition, but before concluding was interrupted by

Mr. CHANDLER. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New Hampshire will state his question of order.

Mr. CHANDLER. The paper being read is a petition. The rule requires that the substance of such a paper shall be stated by the Senator presenting it. I do not wish to be understood as objecting to the line of reasoning adopted by the petitioners nor to the information which they give to the Senate as to the way the tariff bill should be framed and as to the way our foreign policy should be conducted. I only rise in the interest of the rule itself. It seems to me that the customary course ought to be pursued in regard to petitions and that the Senator from Texas should state the substance of the petition in the usual way.

Mr. MILLS. The reading of the petition is nearly concluded. There are only a few more lines of it left.

The PRESIDING OFFICER. The Chair will state to the Senator from New Hampshire that he is correct in his construction of the rule. The Chair will further state that when the petition was presented the Senator from Texas asked unanimous consent that it should be read; and the Chair stated the request of the Senator from Texas, and there was no objection; so it is being read under the unanimous-consent agreement of the Senate.

Mr. CHANDLER. Then, of course, I can make no objection; but when the Senator from Texas presents another petition so long as this and of the same character, however respectful the petition may be and however useful it may be that the Senate should know what is in it, I shall object to having the rule violated.

Mr. MILLS. I ask that the petition may be printed in the RECORD, and then we can all read it. It is from very able men.

The PRESIDING OFFICER. Without objection, the petition will be printed in the RECORD.

The petition is as follows:

To the honorable the Senate of the United States:

The petition of the undersigned, the president and a majority of the directors of the National Civic Club, of the borough of Brooklyn and city of New York, most respectfully represents:

Your petitioners, while fully recognizing the necessity of promptitude in devising measures for supplying the means of effectually carrying on the present war and the necessity also of subordinating considerations of convenience and profit to such necessity, nevertheless respectfully call attention to the great evils which have resulted to nearly every country engaged in a great war by the haste and want of proper consideration with which measures of taxation have been adopted, which have exercised most disastrous influences even after the war had ceased.

They would recall to the recollection of your honorable body the oppressive and almost ruinous effects of the internal taxes on manufactures and business generally enacted during our last war, which it was conceded absolutely destroyed at least thirty important branches of manufacture in the United States, besides greatly contracting manufactures in general; and they further call attention to the present misery of the people of Italy and Spain, inciting them to revolt from absolute starvation, which is the direct result of unwise and oppressive methods of taxation adopted hastily under the pressure of foreign wars and never corrected during peace.

Without attempting to criticise in detail the bill now pending before Congress for raising revenue by internal taxes (the details of which have, indeed, not been published by any newspaper of general circulation in this vicinity, if anywhere), your petitioners are informed and believe that, with the possible exception of stamp taxes, the whole burden of war expenses is, by the bill now pending, laid upon the people at large in proportion to their consumption and not at all in proportion to their wealth, thus increasing the burden relatively in proportion to the poverty of the taxpayer. Your petitioners are not prepared to assert that this result can be entirely avoided, but they respectfully urge that it should be to some extent counterbalanced by putting part of the burden upon the wealth and profits of the more successful part of our people.

To this end, your petitioners suggest:

1. That a moderate tax should be placed upon the earnings of corporations having special privileges, such as are not granted to individuals, for example, railroad companies, telegraph companies, express companies, gas companies, water companies, and similar corporations; that it is better to place such tax upon the net profits of such companies than upon their gross receipts, lest there should be excuse given for adding the tax to fares and freights, as was done during the last war; but that, in estimating such net profits, no allowance should be made for interest paid or anything beyond strict operating expenses. Such a tax as this is not in the least affected by the decision of the Supreme Court on the income tax in 1895.

2. That the customs tariff should be so far modified as to abolish absolutely prohibitory duties and to bring them down to the point where they will produce some revenue. This could be done on a number of articles without raising any question with reference to the general policy of protection. Recognizing that this policy is favored by a majority of the present Congress, your petitioners have no desire at present to raise any issue upon it. They only urge that when taxes are heavily increased upon articles of common consumption, and therefore the burden is imposed upon the poorer classes, patriotism requires that those classes which receive the benefit of absolutely prohibitory duties, to the exclusion of all revenue to the Government, should be as willing as the poor to make some sacrifice in the present emergency for the benefit of public revenue.

Finally, your petitioners beg to call attention to the extreme importance of certain questions which will come up before your honorable body for decision within a very short time, as the result of conquests of foreign territories. The inexpediency of unqualified annexation to our Union of territory acquired by conquest must be obvious to every thinking citizen. Such territories ought not to be acquired in any manner which will even imply any moral or honorable obligation ever to receive them as equal States of this Union. It is impossible to see where such annexation would stop. With our Federal Constitution prohibiting any distinction in voting privileges between any colors or races, conquests might be forced upon us against our will, involving the addition to our population of two or three times our entire present number. We might end by being governed by the Philippine Islands, instead of governing them.

Moreover, the extension of all Federal tax laws, including not only the tariff, but internal-revenue laws, to distant colonies would be disastrous to us and possibly fatal to them. Yet our Federal Constitution is imperative that such laws shall be uniform in every part of the United States. These laws are framed solely with reference to our own geographical situation and industrial development. No one would pretend that they are in the least fitted for the administration of distant islands and half-civilized or savage races.

Your petitioners therefore respectfully suggest that whatever new territory the United States may by force of circumstances be compelled to acquire should be taken subject only to a protectorate; that none of it should be annexed to and made a part of the United States, so as to be subject to our Constitution and laws, and that separate governments should be provided for such territories under the direction and absolute control of the United States, but without formal annexation.

Brooklyn, N. Y., May 12, 1898.

FREDERIC W. HINRICHS,
President National Civic Club of Brooklyn.
THOMAS G. SHEARMAN.
J. WARREN GREENE.
DICK S. RAMSEY.
HERMAN A. METZ.
J. HERBERT WATSON.
ALEX. McKINNY.
JOHN B. POPE.
WALTER C. BURTON.

EXECUTIVE SESSION.

Mr. ALLISON. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 17, 1898, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 16, 1898.

POSTMASTERS.

Charles W. Buckley, to be postmaster at Montgomery, in the county of Montgomery and State of Alabama.

Mary C. Matthews, to be postmaster at Hazlehurst, in the county of Copiah and State of Mississippi.

S. F. Scott, to be postmaster at Kansas City, in the county of Jackson and State of Missouri.

Laura V. Colson, to be postmaster at Middlesboro, in the county of Bell and State of Kentucky.

Addison P. Buck, to be postmaster at Foxcroft, in the county of Piscataquis and State of Maine.

John P. Woodman, to be postmaster at Oldtown, in the county of Penobscot and State of Maine.

Mark Swedberg, to be postmaster at Luverne, in the county of Rock and State of Minnesota.

Stephen B. Lovejoy, to be postmaster at Minneapolis, in the county of Hennepin and State of Minnesota.

Loring W. Morgan, to be postmaster at Fullerton, in the county of Nance and State of Nebraska.

P. F. Sprecher, to be postmaster at Norfolk, in the county of Madison and State of Nebraska.

Samuel A. Stacy, to be postmaster at Ord, in the county of Valley and State of Nebraska.

George H. Tice, to be postmaster at Perth Amboy, in the county of Middlesex and State of New Jersey.

George M. Brink, to be postmaster at Kingston, in the county of Ulster and State of New York.

Frank Foggin, to be postmaster at Port Richmond, in the county of Richmond and State of New York.

John W. Morris, to be postmaster at Piqua, in the county of Miami and State of Ohio.

John W. Arthur, to be postmaster at Webster, in the county of Day and State of South Dakota.

Julius Henry, to be postmaster at Corpus Christi, in the county of Nueces and State of Texas.

Ida L. Jones, to be postmaster at Navasota, in the county of Grimes and State of Texas.

J. M. Kindred, to be postmaster at Amarillo, in the county of Potter and State of Texas.

Henry F. Peery, to be postmaster at Kaufman, in the county of Kaufman and State of Texas.

George T. Childs, to be postmaster at St. Albans, in the county of Franklin and State of Vermont.

Halsey W. Allen, to be postmaster at Redlands, in the county of San Bernardino and State of California.

John E. Reynolds, to be postmaster at Redding, in the county of Shasta and State of California.

William P. Ware, to be postmaster at Whitecastle, in Iberville Parish and State of Louisiana.

John W. Fitzgerald, to be postmaster at Grand Ledge, in the county of Eaton and State of Michigan.

Frank B. Watson, to be postmaster at Three Rivers, in the county of St. Joseph and State of Michigan.

J. H. Williams, to be postmaster at Whitehall, in the county of Muskegon and State of Michigan.

REJECTION.

Executive nomination rejected by the Senate May 16, 1898.

POSTMASTER.

Dallas B. Smith, to be postmaster at Opelika, in the county of Lee and State of Alabama.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 16, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Friday was read and approved.

RELIEF TO THE INHABITANTS OF CUBA.

Mr. MARSH. Mr. Speaker, I have a conference report on Senate bill 4518, to provide assistance to the inhabitants of Cuba and arms, munitions, and military stores to the insurgent forces, and for other purposes.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4518) to provide assistance to the inhabitants of Cuba and arms, munitions, and military stores to the insurgent forces, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment as follows, viz: After the word "effective," in the last line of the amendment to the text, insert the word "fighting;" and after the word "war," in the same line, add the words "against Spain;" so that the section as amended will read:

"SEC. 2. That the President and general officers commanding troops in Cuba are hereby authorized to furnish to the Cuban people such arms, ammunition, equipments, and military stores and supplies as they may require in order to increase their effective fighting force in the existing war against Spain."

That the Senate recede from its disagreement to the amendment of the House amending the title of the bill, and agree to the same.

B. F. MARSH,
M. GRIFFIN,
Managers on the part of the House.

J. R. HAWLEY,
THOMAS H. CARTER,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. MARSH. I move the adoption of the report.

Mr. DOCKERY. Is there not a statement accompanying the report?

The SPEAKER. The statement will be read.

The statement was read, as follows:

The managers on the part of the House of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4518) have agreed, and the House conferees submit the following written statement in explanation of the accompanying conference report:

The Senate recedes from its disagreement to the amendment of the House amending the title of the bill and agrees to the same.

The Senate recedes from its disagreement to the amendment of the House to section 2, and agrees to the same with amendments as follows, viz: After the word "effective," in the last line of the amendment to the text of the bill, insert the word "fighting," and after the word "war," in the same line of the bill, add the words "against Spain;" so that the section as amended will read:

"SEC. 2. That the President and general officers commanding troops in Cuba are hereby authorized to furnish to the Cuban people such arms, ammunition, equipments, and military stores and supplies as they may require in order to increase their effective fighting force in the existing war against Spain."

The effect of these two amendments is to limit the furnishing of arms, ammunition, etc., to Cubans engaged in fighting the Spanish, and also limits the authority conferred by the bill to the period of the existing war with Spain.

B. F. MARSH,
M. GRIFFIN,
N. N. COX,
Managers on the part of the House.

Mr. MARSH. I move the adoption of the report.

The report was agreed to.

On motion of Mr. MARSH, a motion to reconsider the vote whereby the report was agreed to was laid on the table.

GEORGE M. ANDERSON.

Mr. GREENE. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate bill (S. 995) for the relief of George M. Anderson, of the State of Nebraska.

The Clerk read as follows:

Be it enacted, etc., That George M. Anderson, of Rock County, Nebr., be, and he is hereby, permitted and authorized to make a homestead entry of 160 acres on any of the public lands of the United States which are now, or may hereafter be, subject to homestead entry, and that in making proof thereof he shall be given credit for any time he may have spent in residing upon and improving homestead entry, by mistake, on the northeast quarter of section 28, township 95 north, of range 69, in Gregory County, S. Dak.

Mr. DINGLEY. Mr. Speaker, let the report be read.

The report (by Mr. SUTHERLAND) was read, as follows:

The Committee on Private Land Claims, to whom was referred the bill (S. 995) for the relief of George M. Anderson, of the State of Nebraska, beg leave to report the same favorably, with the recommendation that it do pass. We adopt the subjoined Senate report as a part hereof.

[Senate Report No. 21, Fifty-fifth Congress, first session.]

The Committee on Public Lands, to whom was referred the bill (S. 995) for the relief of George M. Anderson, of the State of Nebraska, beg leave to report the same back favorably, with the recommendation that it do pass as amended.

George M. Anderson resides at Mariaville, Rock County, Nebr. August, 1892, he established a residence on the NE. ¼ of sec. 28, T. 95 N., R. 69 W., in Gregory County, S. Dak., constructing thereon a sod house 14 by 30 feet, a sod barn 14 by 75 feet, an outside cellar 10 by 16 feet, dug and curbed two wells, fenced 75 acres, and put 80 acres under cultivation. These improvements had an aggregate value of about $600. The settlement on and improvement of the land was made in good faith by Mr. Anderson and with a view of acquiring title under the homestead laws, and in the full belief that he was locating upon that portion of the Big Sioux Indian Reservation opened to settlement by the proclamation of the President of the United States of February 10, 1890. His belief was founded upon the best information obtainable at the time.

When the United States survey was made in 1895, and the line between the ceded and reserved Indian lands in Gregory County, S. Dak., was established, he learned for the first time that the land he had taken as a homestead was within the boundaries of those set apart for the Indians receiving annuities at the Rosebud Agency. In August, 1895, Mr. Anderson abandoned his land in Gregory County, S. Dak., leaving his improvements, thereby sustaining a loss to the amount of their value, as above stated. His homestead entry and residence on and cultivation of said land were bona fide and continuous from August, 1892, to August, 1895.

The committee submit as a part of this report the following affidavits:

STATE OF NEBRASKA, *Rock County, ss:*

I, George M. Anderson, being duly sworn, depose and say that my postoffice address is Mariaville, Rock County, Nebr.; that in August, 1892, I established residence upon the NE. ¼ of sec. 28, T. 95 N., R. 69 W., in Gregory County, S. Dak., and made the following improvements thereon, to wit: Sod house, 14 by 30; sod barn, 14 by 75; outside cellar, 10 by 16; 2 good wells, curbed up; 75 acres fenced; 80 acres broken and under cultivation, of the aggregate value of $600; that said settlement and improvements were made in good faith, with the view of acquiring title to the land under the homestead laws, and in the full belief that the same was upon that portion of the Big Sioux Indian Reservation opened to settlement by the proclamation of the President of the United States dated February 10, 1890, which belief was founded upon careful observation and the best information obtainable.

That when the Government survey was made in 1895, and the line between the ceded and reserved lands in Gregory County, S. Dak., was established, I for the first time learned that land above described was within the boundaries of the land set apart for the Indians receiving annuities at the Rosebud

Agency; that in August, 1895, I abandoned said land, leaving thereon all of the above-described improvements, by which removal and abandonment I sustained a loss of not less than $650; that my residence upon said land was bona fide and continuous from August, 1892, to August, 1895, and was made and maintained with the view, as above stated, of acquiring title thereto under the homestead laws.

GEO. M. ANDERSON.

Subscribed and sworn to before me this 9th day of March, 1897.
[SEAL.] J. H. LAYNE, *Notary Public.*

STATE OF NEBRASKA, *Rock County, ss:*

I, George M. Anderson, being duly sworn, depose and say that my post-office address is Marlaville, Rock County, Nebr.; that in August, 1892, I settled upon NE. ¼ of section 28, T. 95 N., R. 69 W., in Gregory County, S. Dak.; and that I made upon the said land the following improvements, to wit, one sod house 14 by 30, sod stable 14 by 30, outside cellar 10 by 14, about 60 acres fenced with two wires, and 75 acres under cultivation, two good wells, curbed up; the aggregate value of said improvements was $650; that said settlement and improvements were made in good faith with the view of acquiring title to the same under the homestead laws, and in the full belief that the same was upon that portion of the Big Sioux Indian Reservation opened to settlement by the President's proclamation dated February 10, 1890, which belief was based upon careful observation and the best information obtainable.

That when the Government survey was made in 1895, and the lines between the ceded and reserved lands in Gregory County, S. Dak., established, I found that the land above described was within the boundary of the land set apart for the Indians receiving annuities at the Rosebud Agency; that in August, 1895, I abandoned said land, leaving thereon all of the above-described improvements, by which removal and abandonment I sustained a loss of not less than $650; that my residence upon said land was bona fide and continuous from August, 1892, until August, 1895, and was made and maintained with the view, as above stated, of acquiring title thereto under the homestead laws of the United States.

GEO. M. ANDERSON.

Subscribed in my presence and sworn to before me this 24th of March, 1897.
[SEAL.] G. A. HILLBURY, *Clerk District Court.*

STATE OF NEBRASKA, *Rock County, ss:*

We, W. H. Scott and Frank Sageser, being duly sworn, depose and say that after hearing the above affidavit read (which was made by George M. Anderson) hereby certify that the same is true in all respects, to the best of our knowledge and belief.

W. H. SCOTT.
FRANK SAGESER.

Subscribed in my presence and sworn to before me this 24th day of March, 1897.
[SEAL.] G. A. HILLBURY, *Clerk District Court.*

Your committee therefore recommend the passage of this bill, with the following amendment: Strike out the words "without any fees or payments to the Government, excepting the local land office fees," in lines 7, 8, and 9.

Mr. LACEY. Mr. Speaker, I should like to ask the gentleman from Nebraska what committee made the report.

Mr. GREENE. The Committee on Private Land Claims. This man simply went on the land by mistake, and made large improvements and lost them all; and now he wants the privilege of making an entry on other public lands.

Mr. LACEY. I think that ought to have been examined by the Committee on Public Lands. I followed the reading of the report, and the report seems to state facts that would justify the granting of relief; but it is not a subject for investigation by the Committee on Private Land Claims. However, I make no objection.

The SPEAKER. Is there objection to the present consideration of the bill. [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. GREENE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGES FROM THE PRESIDENT.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On May 11, 1898:

H. R. 5885. An act to amend section 5 of an act entitled "An act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes," approved July 13, 1892.

On May 12, 1898:

H. R. 9638. An act to increase the number of surgeons in the United States Army.

On May 14, 1898:

H. R. 5975. An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes;

H. R. 137. An act granting a pension to Annie Saffell;
H. R. 802. An act granting a pension to Benjamin F. Moulton;
H. R. 1546. An act granting a pension to Annie Wittenmyer;
H. R. 1722. An act granting a pension to Ellen O'Rorke;
H. R. 1897. An act granting a pension to Susan A. Huber;
H. R. 2119. An act granting a pension to Sallie Work;
H. R. 2762. An act granting a pension to Mary C. Case;
H. R. 5372. An act granting a pension to Hannah C. Pile;
H. R. 5775. An act granting a pension to Lewis K. Whitmore;
H. R. 5809. An act granting a pension to Charles E. Taylor;
H. R. 6515. An act granting a pension to Grace Gudgell;
H. R. 6680. An act granting a pension to Janet Wemple;
H. R. 6988. An act granting a pension to Emory T. Hipple;
H. R. 7449. An act granting a pension to William S. Adams;
H. R. 7952. An act granting a pension to William C. Ryan;
H. R. 8197. An act granting a pension to Mary B. Hulings;
H. R. 8860. An act granting an increase of pension to Calista Hadley;
H. R. 4160. An act granting an increase of pension to George W. Garrison;
H. R. 4981. An act granting an increase of pension to William D. Seamans;
H. R. 6928. An act granting an increase of pension to Eva Seeley;
H. R. 9043. An act granting an increase of pension to Ann M. Smith;
H. R. 4469. An act increasing the pension of Katherine L. Cushing; and
H. R. 1295. An act to increase the pension of Frederick G. Moore.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Treasury Department Steamboat-Inspection Service 300 copies each of the Proceedings of the Board of Supervising Inspectors of Steam Vessels for the year 1897 and 1898.

The message also announced that the Senate had passed the bill (S. 4578) to remove all disabilities imposed by the fourteenth article of the Constitution; in which the concurrence of the House was requested.

The message also announced that the Senate had passed Senate concurrent resolution 39, providing for the printing and binding of 3,000 copies of the Compilation of Laws relating to the Navy, Marine Corps, etc.; in which the concurrence of the House was requested.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4031. An act granting a pension to James J. Wheeler—to the Committee on Pensions.

S. 1619. An act granting a pension to Michael Lannon—to the Committee on Invalid Pensions.

S. 4547. An act granting a pension to Eli M. Couch—to the Committee on Invalid Pensions.

S. 1519. An act granting a pension to Jennie A. Kerr—to the Committee on Pensions.

S. 1976. An act granting an increase of pension to Annie E. Ruff—to the Committee on Invalid Pensions.

S. 4563. An act granting a pension to Julia G. Fay—to the Committee on Pensions.

S. 3325. An act granting a pension to Maria S. Whitney—to the Committee on Invalid Pensions.

S. 3466. An act granting a pension to Sarah Hamilton—to the Committee on Invalid Pensions.

S. 4582. An act to provide an American register for the steamship *Centennial*—to the Committee on the Merchant Marine and Fisheries.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 4567. An act to organize a volunteer signal corps.

ADJUTANT-GENERAL'S DEPARTMENT.

Mr. HULL. Mr. Speaker, I move to suspend the rules and pass Senate bill 4556, to provide for the increased volume of work in the Adjutant-General's Department of the Army, now on the Speaker's table.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the President is authorized, by and with the advice and consent of the Senate, to appoint one assistant adjutant-general with the rank of lieutenant-colonel and one assistant adjutant-general with the rank of major: *Provided*, That the vacancy created in the grade of colonel by this act shall be filled by the promotion of officers now in the Adjutant-General's Department according to seniority, and that upon the mustering out of the volunteer forces and the reduction of the Regular Army to a peace basis no appointments shall be made in the Adjutant-General's Department until the number of officers in each grade in that Department shall be reduced to the number authorized by the law in force prior to the passage of this act.

Mr. DOCKERY. Mr. Speaker, I demand a second.

Mr. HULL. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second may be considered as ordered. Is there objection?

Mr. SLAYDEN. I object, Mr. Speaker. I want to say a word in explanation of that.

The SPEAKER. Objection is made. The tellers will take their places. The gentleman from Iowa [Mr. HULL] and the gentleman from Texas [Mr. SLAYDEN] will take their places.

Mr. SLAYDEN. Mr. Speaker, I withdraw the objection.

The SPEAKER. The gentleman withdraws his objection. Is there further objection? [After a pause.] The Chair hears none. The gentleman from Iowa [Mr. HULL] has twenty minutes in favor of the bill and the gentleman from Missouri [Mr. DOCKERY] twenty minutes in opposition.

Mr. HULL. Mr. Speaker, the House Committee on Military Affairs reported the House bill unanimously in favor of adding 1 colonel, 1 lieutenant-colonel, and 1 major to the force of the Adjutant-General at this time. In 1894 Congress reduced the force in the Adjutant-General's Office by 1 colonel and 1 major. The bill as it passed the Senate put the force back in the Adjutant-General's Office exactly as it was prior to 1894. In addition to that, it provides that after the close of this war no further nominations shall be made to the office until the force is reduced to the number now provided for by law. I think every member of this House who has been at the War Department will bear me out in the statement that the Adjutant-General's Office is absolutely overworked. Every member of that force is in the office by 7 o'clock almost every morning, and a large part of the force is at work as late as 12 o'clock at night.

With all that, it is impossible for them to keep up with the demands made by the increased force being mustered in. This measure would be necessary even if the war should close in the near future, because for three months or more after the close of the war that office will be busily engaged in reducing the Army to a peace footing; so that I believe it is one of the measures that should be passed by Congress, and that it should have been passed long before this.

Mr. DOCKERY. Do I understand the gentleman from Iowa rests his claim for the passage of this bill upon the necessity for an increase in the clerical force of the Adjutant-General's Office?

Mr. HULL. No, sir; the clerical force could be increased, I think, without any difficulty. I rest my claim for the passage of this bill on the necessity for the permanent increase of the officers of that department—not the clerical force—while we have war.

Mr. MCCLELLAN. As I understand, the reason the volunteer officers who have been commissioned as assistant adjutants-general could not be assigned to that work is that after the war is over, and after the volunteers are disbanded, the increased force will be needed in getting the records in shape before the force in the Adjutant-General's Office is reduced.

Mr. HULL. Not only that, but I think that these officers require more training than the average of those in the Adjutant-General's Department.

Mr. MCCLELLAN. But some of those already there, I understand, are regulars.

Mr. HULL. Their work is so great that their time is absolutely taken up in the discharge of their duties with volunteers, and they could not be detailed for these positions in the Office of the Adjutant-General.

Mr. SAYERS. This bill, as I understand, is intended to supply the Adjutant-General's Office with additional force, is it not?

Mr. HULL. Yes, sir.

Mr. SAYERS. I do not think there is any question about the propriety of the passage of the bill.

Mr. HULL. I know there is not.

Mr. DOCKERY. The reason for my suggestion was that the matter of the increase of the clerical force in the Adjutant-General's Office is now pending before the Committee on Appropriations and is being examined by a subcommittee of that committee.

Mr. HULL. This has nothing to do with the clerical force.

Mr. STEELE. The fact is that these officers perform double functions; they act as military officers and also as clerks—necessarily so.

Mr. BAILEY. Is it not true that the officers appointed under this bill may hold their places for fifteen or twenty years; that they will not be mustered out when the Army is reduced to a peace basis until vacancies are created by death or resignation?

Mr. HULL. It is not intended that they shall be mustered out. They are promoted from the officers of the Army, and the bill simply provides that after peace is restored, when retirements or deaths take place, no other officer shall be promoted to fill these places. The retirements or deaths at the head of a corps soon work an equalization, and the two additional officers that this bill provides for would soon be dispensed with. A provision of law passed in 1894 cut off a colonel and a major and made it impossible to fill those places. In a few months after that provision was passed those positions became vacant and remained so.

Mr. BAILEY. The trouble is that we are creating two officers to meet an emergency, and we propose to continue those officers after the emergency has passed.

Mr. HULL. These are Regular Army places, and it is not intended that the officers shall be mustered out.

Mr. COX. Let me call attention to one point. When the war ceases the services of certain officers will necessarily cease; but it does not follow that in the Adjutant-General's Office these services cease immediately, because the labor is continuous to a certain extent in that office.

Mr. BAILEY. I perfectly understand that; and I perfectly understand that there might be a necessity for these additional officers for three or four months; but I do not believe there is any necessity that they should continue in service for three or four years, or perhaps fifteen or twenty years. If we are creating offices or providing armies to meet an emergency, the offices and the armies ought to go out of existence with the cessation of the emergency. That is my idea.

Mr. HULL. I reserve the balance of my time.

Mr. BAILEY. I desire to ask——

Mr. DOCKERY. I yield to the gentleman from Texas so much time as he may desire.

Mr. BAILEY. I merely wish to ask the gentleman from Iowa whether it is not true that there are now on the retired list officers entirely capable of performing these duties? Why could they not be detailed for this service?

Mr. HULL. Because the law absolutely prohibits it. And when we had a proposition to allow army officers to be detailed for staff duties, the overwhelming sentiment of the House was opposed to it. It was urged by men on the floor—I do not remember just who—and also urged upon us in committee by a great many members, that these men on the retired list had had their day, that active men were wanted in these places, and that we ought not to undertake to fill them by drawing from the retired list.

Mr. BAILEY. Of course; the object was to keep the men who have retired out of the way of men who desire promotion. That is the whole truth.

Mr. HULL. The opposition to the proposition came from the volunteers and from men in civil life, not from the Army itself.

Mr. BAILEY. I am not suggesting any interference with the volunteers. This, however, I understand to be a bill for the promotion of such persons as are now in the Regular Army. My suggestion is that there are men, possibly, on the retired list of the Army who might be detailed to perform this duty.

Mr. HULL. That could not be done, of course, without an act of Congress.

Mr. BAILEY. I understand that. But would it not be just as easy to pass such a special act of Congress as to put this measure through?

Mr. HULL. I stated before that a similar effort had met with defeat in the House. I think it would be difficult to pass such a bill. This bill has already passed the Senate, and the demand for its immediate enactment is urgent. No man who has been to the Adjutant-General's Office within the last three weeks can have failed to see the urgency of such a measure. It is impossible for the officers there to discharge their duties with promptness under present conditions. The needs of the service demand this increase.

I reserve my time, if it be necessary.

The SPEAKER. The question is on the motion of the gentleman from Iowa to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill passed.

BOARD OF MANAGERS, NATIONAL VOLUNTEERS' HOME.

Mr. GRIFFIN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H. Res. 237) appointing four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The SPEAKER. The joint resolution will be read.

The joint resolution was read, as follows:

Resolved, etc., That WILLIAM J. SEWELL, of New Jersey; Martin T. McMahon, of New York; JOHN L. MITCHELL, of Wisconsin, and William H. Bonsall, of California, be, and they hereby are, appointed members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States for the term of six years commencing April 21, 1898, and until their successors are elected; the said WILLIAM J. SEWELL to succeed himself, his present term expiring April 21, 1898; Martin T. McMahon to succeed himself, his present term expiring April 21, 1898; JOHN L. MITCHELL to succeed himself, his present term expiring April 21, 1898, and William H. Bonsall to succeed A. W. Barrett, whose term of office will expire April 21, 1898.

The SPEAKER. Is a second demanded?

Mr. LOUD. I demand a second.

Mr. GRIFFIN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, the only one of the appointments provided for in the joint resolution in reference to which any question seems to be made is that relating to the appointment from the State of California. The appointment of General SEWELL is a reappointment of himself to succeed himself. That

of General McMahon is of the same character, and that of Colonel MITCHELL, of Wisconsin, is also an appointment to succeed himself. These appointments are all agreed upon, without dissent, by every one interested, so far as the Committee on Military Affairs has been advised. The appointment, however, from California is a change. The committee recommend for that position Maj. William H. Bonsall, of Los Angeles.

In support of the action of the committee, I desire to say that one of the Senators from California, the only Senator who seems to have taken any active interest in the matter, or who has expressed an opinion to the Committee on Military Affairs of the House, favors the appointment of Major Bonsall for that position. Two other Representatives from the State of California who have taken some interest in suggesting the appointment for that place also favor Mr. Bonsall. A third gentleman who has taken an interest in the appointment on this board favors the selection of Colonel Smedberg, of San Francisco.

The recommendations from all parts of the State of California are overwhelmingly in favor of the appointment of Major Bonsall. The Committee on Military Affairs, in reaching the conclusion that it did reach, was guided by two important considerations. We concede the qualifications of each of the gentlemen to be ample and in all respects satisfactory. Each is worthy of the nomination and appointment. But the National Home for Disabled Volunteer Soldiers in the State of California is at Santa Monica, 500 miles away from San Francisco.

Major Bonsall is a resident of the immediate locality and resides within thirty minutes' travel of it, and can easily reach in a short time, by electric cars, the Home where his duties will require his attention. It is convenient for him at any time when his presence at the Home is required or rendered necessary, in which case he will have but thirty minutes by electric car to travel from his residence to the place where his duties will require his attention. Colonel Smedberg, the other candidate who was named, and the only one as competing with the nomination of Major Bonsall, resides in San Francisco, 500 miles distant from the local Home at Santa Monica.

I apprehend that it is understood by the members of this House that the Government pays the traveling expenses of the members of this Board of Managers in visiting the various Homes. The practice of the Board of Managers is to depend upon the local manager of every State in which a Home is located to keep them informed respecting the condition of that Home. Not only that, but the local member ought to be so situated that, without incurring these heavy traveling expenses, he may reach the Home speedily and inexpensively when his presence is required. It is economy to the Government. We considered that a second ground for making the recommendation which we have made.

The local member of a National Home in a State is a sort of arbiter and umpire, so to say, who determines differences which may arise between the management of the Home—that is, the governor, who lives at the Home, and his subordinates, as well as the inmates. How many times a member of the board residing in a State having a Home in it may be obliged to visit that Home, in order to keep it in proper condition and discipline, will depend altogether upon the success of the governor in keeping his subordinates in line and in enforcing the necessary discipline of the Home.

Mr. LACEY. Will the gentleman yield to a question?

Mr. GRIFFIN. Certainly.

Mr. LACEY. I notice you have put in this list two Senators of the United States. Is not that forbidden by section 6 of Article I of the Constitution?

Mr. HULL. No pay or emoluments are connected with the position.

Mr. LACEY. Section 6 of Article I of the Constitution provides that—

> No person holding any office under the United States shall be a member of either House during his continuance in office.

That is without reference to the question of compensation. Does not the Constitution expressly forbid the appointment of both these Senators?

Mr. GRIFFIN. It has not been so considered in the past, and I will say that a previous statute prohibiting Members of Congress and Senators from becoming members of this board was repealed, in order that they might hold that position. In my judgment the conclusion which has heretofore been reached with reference to their eligibility is a sound one. I am not aware, Mr. Speaker, that the question has ever been raised before; but if the practice is an erroneous one, it has been indulged in for many years.

Mr. HULL. Ever since the Home was started.

Mr. GRIFFIN. Ever since the origin of the National Home for Disabled Volunteers. It seems to me too late to-day to make the objection that they are not eligible. They receive no pay or emoluments of any kind.

Mr. HULL. If my colleague will yield for a minute, I will say that on the first organization of the board, when General Butler, of Massachusetts, was elected a member, and was also elected president of the board, he was a member of the House of Representatives.

Mr. GRIFFIN. Of course General Butler was a fine constitutional lawyer, and a presumption grows out of that fact that he, being a member of Congress, would not have accepted a position on this board were it contrary to the provisions of the Constitution.

Now, Mr. Speaker, I have stated why we have recommended Major Bonsall in preference to Colonel Smedberg. Another thing which I want to state to this House is that Colonel Smedberg is a retired regular army officer, and the volunteers who are the inmates of this home object to a regular army officer being placed upon the board to fix rules and regulations to govern them.

Mr. Speaker, I reserve the balance of my time.

Mr. LOUD. Mr. Speaker, I regret that I should feel compelled to take up any of the time of this House in a matter in which the House has no interest whatever. I do not believe there are five men in this body who have any interest in this question as to who may be appointed manager of the Soldiers' Home. I regret also, Mr. Speaker, that the gentleman from Wisconsin [Mr. GRIFFIN] has seen fit to move to suspend the rules and pass this bill, because it rather lends strength to the suspicion that I have had all this time, that there has been some unfairness practiced in relation to these appointments.

I supposed, after consultation with the gentleman as late as this morning, that he was to call this up for consideration by unanimous consent, which would have permitted any member of this House to offer an amendment to the resolution.

But I find that every advantage is to be taken of the situation, and I am prevented by the rules of this House from even offering an amendment. Now, I will briefly review the situation in this case. I do not propose to fight this. Neither should I have fought it if the gentleman had brought it up under a request for unanimous consent. I had the fortune, or misfortune, to serve during the late war. I have taken a somewhat prominent part in my own country, when there, in Grand Army matters. These appointments have been given, in days gone by, supposedly to people who are closely allied to the soldier interest. The soldier interest of the State of California, knowing that I was the only ex-soldier of the delegation, naturally in good faith came to me and urged not this one man, but one of three or four or five gentlemen who have been identified with the interests of the soldiers in the State of California.

I will tell you in a moment who vouches for and indorses this one man. Early in the winter I went to the chairman of the committee, whom I had supposed to be my close personal friend, based on many years of close association on the floor of this House, and notified him to inform me about what time he would reach these appointments. I went to him two or three times with that purpose in view. I was busy; he was busy himself. He asked me once or twice who my candidate was. I told him frankly that I had no candidate, and that my ultimate purpose was to get the delegation from California together, irrespective of any question of politics, and see if we could not make some selection that was acceptable at least to the majority of us, as this is not a matter of politics.

As I say, I was busy during the winter; so was the chairman of the committee. Time passed on, and when I made another request of the chairman of the committee, and stated whom I thought should be appointed, the chairman said, "I think that matter has been all settled." Then I asked a hearing before the committee, and discovered then that a recommendation was made last December by the Senator and, I understand, two of my Republican colleagues, and the same had been in that committee all the time, notwithstanding that I had been continually asking this gentleman to notify me when the time arrived for a conclusion.

Now, Mr. Speaker, I appeal to any man on the floor of this House if it does not lend strength to the suspicion of foul play. Much stress is laid upon the fact that this man, Major Bonsall, resides near the Home. That is the only leg the gentleman has to stand upon. I can say, gentlemen, in good faith, that all the rest of the managers of the Soldiers' Homes do not live close to the Soldiers' Homes; and the question of transportation, which weighs most, of course, in the case of the managers, is the concentrating of those delegates here in Washington, where they are compelled to come once a year to hold their annual meeting; and it would not make much difference whether the manager lived in Los Angeles or San Francisco when it comes to the matter of transportation.

The gentleman lays stress upon the ground that I had recommended one man. I said I was willing to indorse any of them, because there is no politics in this for me. The gentleman has made objection to the selection of Colonel Smedberg, on the ground that he was an army officer on the retired list. Let me say that no man is closer to the volunteer soldier in California than Colonel Smedberg. He is a most gallant officer, and left one of his legs in the South in the late unpleasantness. He is a man who for twenty-five years has taken the most active interest of any man

there in those matters, having held all those little positions where there was a great deal of work to do and no recompense.

Now, then, this matter has resolved itself into a condition that I regret to see. It is a mere matter of politics; and I will prove it to you before I get through, that the selection of this man is simply to pay a personal political debt of a man in the other end of this Capitol. I think this House had better retain the man who is in, although a Democrat, General Barrett, who is a most estimable man, who was a fine soldier. I was talking to the Representative from this district, who sat by me here a moment ago (I see him now), and who lives within a few miles of Los Angeles.

Says he, "Who is Major Bonsall? Is he the book man of San Francisco?" "No," I said; "he lives in Los Angeles." "Why," he says, "I have never heard of him." Neither do I believe either of my colleagues on this floor who have indorsed this man ever heard of Major Bonsall before. Colonel Smedberg, whom I have recommended, is known to the people of California as a reputable business man in the city of San Francisco, and has been for a great many years. Now, what is there in this case? Major Bonsall was a candidate for either the position of register or receiver of the land office at Los Angeles; and, unfortunately, I suppose, the Senator had promised two men this office, and he could not give it to both; and Major Bonsall must be provided for in this House. That is paying a political debt, and debauching the Soldiers' Homes of this country to pay a political debt.

These facts I presented to the committee with as great vigor as I was in possession of, and I propose, as I have done, to present it to the House. I regret, Mr. Speaker, that the selection of the managers of the Soldiers' Home has fallen into such a dirty, low, contemptible slough of politics as is demonstrated in this selection here to-day. I say that Major Bonsall, although he may be a good man, is wholly unknown to the volunteer soldiers of the State of California. If he ever had taken any interest, if he ever had affiliated with the soldiers of the State of California, they would have known him. I received a telegram a few days ago from a gentleman well known, a man I would have been perfectly willing to have had this place, a reputable gentleman well known all over the country, and he said, "Who is Major Bonsall?" He said: "To admit I don't know Major Bonsall, I suppose, is to admit I am unknown myself."

I see among this list of managers of the Soldiers' Home the names of many eminent gentlemen, men whose names are written on the pages of the history of this country and will be handed down to posterity; men who are loved, revered, and admired by the volunteer soldiery of this country; but when they come to contemplate that you have placed side by side with General Franklin, General SEWELL, General McMahon, and General Henderson, late a member of this House, a gentleman who has been put there to pay a paltry political debt, then I say the blush of shame will come over the face of every volunteer soldier of this country.

Now, Mr. Speaker, I have said all I have to say about this matter. I was impelled to do this through a sense of duty I felt that I owed to the cause of the soldiers of the late unpleasantness in the State of California. So far as it is in their power they will resent your act to-day, which I am satisfied will be consummated after having adopted the tactics you have——

Mr. DOCKERY. Well, I do not know.

Mr. LOUD. Well, I think so; but I want to call the attention of the committee on the floor of this House to the suggestion that it would be a more manly thing for you to do to let General Barrett, who is indorsed by neither the Republican members of the delegation nor by anybody else, but a man whom I believe—I do not know positively, but I believe—has rendered most efficient service upon this board—to let him remain for six years longer. I reserve the balance of my time.

Mr. GRIFFIN. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has seven minutes.

Mr. GRIFFIN. I yield four minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Speaker, so far as the political question is affected by the resolution, I want to say to the House that the question of politics did not enter into the consideration or report at all. We followed the universal rule since I have been a member of the committee of dividing these places between the two great parties, the party in power taking a majority of one of the board; and you have in this report two Democrats and two Republicans, so that the charge of politics is absurd. Major or Colonel Barrett was not even a candidate for reelection, did not ask for it, did not seek it, and, I understand, did not want it.

Mr. LOUD. I know he would accept it.

Mr. HULL. The gentleman from California says he spoke to me early, and he did. I said before it was settled we would be glad to have his views and that of other Republicans in California. He said it was all settled long ago, and that I told him it was settled. That is not so. It could not have been so, for it had not been even considered by the committee at that time.

Mr. LOUD. You said you thought it was settled.

Mr. HULL. I did not say I thought it was settled. I had not spoken to a member of the committee in regard to the matter; and when communications came to me bearing on the Soldiers' Home, I referred them promptly to the subcommittee, of which my colleague from Wisconsin [Mr. GRIFFIN] is chairman. It is now past the time for the offices to be filled, and we have before us the statement as to the relative merits of these men.

It is true that a United States Senator recommended Major Bonsall. It is also true that two Republican members of the House recommended Major Bonsall, and we assumed—we may have been mistaken—we assumed that the two Republican members from California were just as much in sympathy with the people of California as the distinguished gentleman who has just addressed the House. Before a vote was taken in the subcommittee and before a vote was taken in the full committee, before it was canvassed among any of us, the gentleman from California [Mr. LOUD] had a hearing before the committee and made his statement. He says Major Bonsall is unknown.

This is a contest between Republicans. Is Major Bonsall unknown? The chairman of the Republican State central committee of California recommended Mr. Bonsall. One United States Senator and two Members of this House recommended him. He lives near the Soldiers' Home, as my friend has said, and in view of all the facts and recommendation the committee was compelled to decide between the gentleman from California and the Senator and two leading Republicans, and while acknowledging his honesty and fairness, we did not believe we should be justified in turning down the two Republicans and the Senator. I believe, further, that it is better to select a man who lives not more than 50 miles from the Home, inasmuch as he is compelled to be there once a month and sometimes once a week, than to take one hundreds of miles away.

It is better in the interest of economy and good government and fair play and fair dealing. The committee believe that Major Bonsall is an honest and capable man, that he will be able to discharge his duties, and that he is known to the people of California. I believe that he will not be as unknown a factor as the gentlemen from California assumes, but that he is known to the people of California and will be able to discharge his duties. My understanding is that he served a term in the State senate; I think the papers show that.

Mr. LOUD. The gentleman is mistaken about that.

Mr. HULL. If a Senator and two Republican Representatives and the chairman of the Republican State central committee can indorse this man, he must be somewhat known.

[Here the hammer fell.]

Mr. GRIFFIN. Mr. Speaker, I feel that I am justified in replying to the charge which the gentleman from California [Mr. LOUD] has so ungraciously made. I have endeavored heretofore to bring this joint resolution up for consideration, and have waited the pleasure of the gentleman from California in order that I might do so. Once he had an unfortunate headache; at another time he had a conference report in charge. I waited; I deferred the bringing up of the question.

This morning, he knowing as well as I did that this is suspension day, I approached him on the subject, and asked him whether he had any objection to my calling this matter up to-day, and he said, "No; call it up and let us kick it out of the way." That was his language. He knew very well that that meant a suspension of the rules. He had an opportunity to object to the second being ordered when the request for unanimous consent was made. In view of these considerations, Mr. Speaker, I submit that it comes with ill grace from him to say that there was anything underhanded about the manner in which this joint resolution was brought up for consideration.

Mr. Speaker, until the gentleman rose to address this House to-day, personal matters did not enter into the consideration of this question. It was treated purely upon its merits—solely upon the advantage it might be to the proper government of the Soldiers' Homes and to the Government itself. It is evident that the difficulty grows out of a contention between the gentleman and some other Representatives; and so far as that may have a bearing on this question, I trust that this House will appreciate the fact that no question of merit is involved in it, and that it is not for the House to determine questions of this sort upon the likes or dislikes of gentlemen unless they reach the merits and affect them.

The Committee on Military Affairs knows nothing whatever respecting the attempt on the part of any of the Representatives, Senators, or other persons from California to pay political debts by elevating Major Bonsall to this position. He comes here indorsed, although he may not be known to the gentleman from California who has addressed the House—he comes here indorsed by some of the most prominent men in California. He certainly has a being. He exists. He lives near the Home in question. He is a man abundantly capable, according to the testimony presented

to the committee, and I will say that so far as anything to the contrary is concerned—so far as his alleged standing in his own State, his alleged lack of knowledge, his alleged lack of acquaintance with the State of California are concerned—when the gentleman from California [Mr. LOUD] appeared before our subcommittee in connection with this question no consideration of that kind was urged.

[Here the hammer fell.]

Mr. LOUD. Mr. Speaker, it is hardly in the proper course of procedure for my side of the question to close the debate. I only want to say in reply to what the gentleman from Wisconsin [Mr. GRIFFIN] has said——

Mr. COX. The gentleman will allow me to say that I believe he never appeared before the full committee. I was not present when he made his statement; but I was very happy when the controversy arose between the Republicans; when they got two Republicans and we two Democrats I was very willing to compromise on that.

Mr. LOUD. The gentleman is correct; I did not appear before the full committee.

I want to say to the gentleman from Wisconsin that I think he has always been, so far as it is possible for a man to be, perfectly fair on this question until to-day; and but for what had gone before I never should have thought anything of the transaction to-day. I feel that I was treated as I myself never would treat a member of this House. I was willing to overlook that until it came to the occurrence of to-day, when the gentleman moved to suspend the rules.

I told him that I should offer no objection to the consideration of the question; that I simply desired to present my position upon it. But the gentleman, it seems now, has at least lent suspicion to what went before—that every opportunity has been taken advantage of to suppress your humble servant, when I could have been suppressed in a perfectly easy way under the ordinary rules of the House. I feel that the committee have made a mistake which they would not have made if they had given this subject that investigation that they should have given it when they found there were two representations before the committee.

I have such confidence in the fairness of the gentleman from Wisconsin that I feel that if he were to investigate the conditions surrounding these two men, while he might not be persuaded to recommend Colonel Smedberg, he would see that the best interests demanded the selection of some other man than the one whom the committee now recommend—the selection of a man known to the people of the State of California.

There are some things in connection with this matter that I can not say on the floor of the House. I feel—and I have been perfectly honest with the gentleman, too—I feel from what I know that if this House adopts this report to-day it will make a very serious mistake, one which the gentleman himself I know would not make if he had given the subject investigation.

Mr. GRIFFIN. I call for a vote.

The question being taken on the motion to suspend the rules, there were—ayes 47.

Mr. HULL (before the negative vote was counted). I call for the yeas and nays.

The yeas and nays were ordered, 50 members voting in favor thereof.

The question was taken; and there were—yeas 126, nays 53, answered "present" 16, not voting 160; as follows:

YEAS—126.

Aldrich,	Danford,	King,	Russell,
Alexander,	Davenport,	Kleberg,	Sayers,
Arnold,	Davey,	Knox,	Settle,
Baker, Md.	Davidson, Wis.	Lacey,	Shattuc,
Barham,	Dollivor,	Landis,	Showalter,
Bartholdt,	Dorr,	Lawrence,	Smith, Ill.
Bartlett,	Dovener,	Lents,	Snover,
Belknap,	Eddy,	Lester,	Spalding,
Boose,	Evans,	Lewis, Ga.	Sperry,
Boutell, Ill.	Fenton,	Little,	Steele,
Brantley,	Fitzgerald,	Lovering,	Stevens, Minn.
Brenner, Ohio	Fletcher,	Lybrand,	Stewart, N. J.
Broderick,	Gardner,	McAleer,	Stewart, Wis.
Brown,	Gibson,	McCall,	Stone, C. W.
Brundidge,	Gillett, Mass.	McClellan,	Sulzer,
Bull,	Graff,	McCulloch,	Tayler, Ohio
Butler,	Griffin,	McDonald,	Terry,
Cannon,	Grow,	McRae,	Thorp,
Capron,	Gunn,	Marsh,	Tongue,
Clark, Iowa	Hager,	Miller,	Updegraff,
Clarke, N. H.	Hawley,	Minor,	Van Voorhis,
Codding,	Hay,	Moody,	Walker, Va.
Colson,	Heatwole,	Moon,	Wanger,
Connell,	Hepburn,	Morris,	Warner,
Corliss,	Hicks,	Northway,	Weaver,
Cox,	Hilborn,	Osborne,	Weymouth,
Crump,	Hill,	Otjen,	White, N. C.
Crumpacker,	Hopkins,	Payne,	Wilson,
Cummings,	Howard, Ga.	Perkins,	Wise,
Curtis, Iowa	Hull,	Ray,	Yost.
Curtis, Kans.	Kerr,	Rixey,	
Dalzell,	Ketcham,	Royse,	

NAYS—53.

Adamson,	De Graffenreid,	Kitchin,	Ridgely,
Allen,	De Vries,	Knowles,	Robb,
Baker, Ill.	Dockery,	Latimer,	Robinson, Ind.
Bankhead,	Fleming,	Linney,	Shafroth,
Barlow,	Fox,	Livingston,	Shuford,
Bell,	Greene,	Lloyd,	Simpson,
Bland,	Hartman,	Loud,	Stokes,
Bodine,	Henry, Miss.	Love,	Talbert,
Botkin,	Henry, Tex.	Maddox,	Vincent,
Brucker,	Howard, Ala.	Maxwell,	Wheeler, Ky.
Castle,	Hunter,	Meekison,	Williams, Miss.
Clardy,	Jones, Va.	Miers, Ind.	
Cooper, Wis.	Jones, Wash.	Ogden,	
Cowherd,	Kelley,	Richardson,	

ANSWERED "PRESENT"—16.

Benner, Pa.	Cochran, Mo.	Lewis, Wash.	Peters,
Berry,	Griffith,	McMillin,	Rhea,
Bingham,	Griggs,	Mahon,	Slayden,
Burke,	Lanham,	Marshall,	Stephens, Tex.

NOT VOTING—160.

Acheson,	Davison, Ky.	Lamb,	Sauerhering,
Adams,	Dayton,	Littauer,	Shannon,
Babcock,	De Armond,	Lorimer,	Sheldon,
Bailey,	Dingley,	Loudenslager,	Sherman,
Baird,	Dinsmore,	Low,	Sims,
Ball,	Driggs,	McCleary,	Skinner,
Barber,	Elliott,	McCormick,	Smith, Ky.
Barney,	Ellis,	McDowell,	Smith, S. W.
Barrett,	Ermentrout,	McEwan,	Smith, Wm. Alden
Barrows,	Faris,	McIntire,	Southard,
Beach,	Fischer,	Maguire,	Southwick,
Belden,	Fitzpatrick,	Mahany,	Sparkman,
Belford,	Foote,	Mann,	Sprague,
Bennett,	Foss,	Martin,	Stallings,
Benton,	Fowler, N. C.	Mercer,	Stark,
Bishop,	Fowler, N. J.	Mesick,	Stone, W. A.
Boutelle, Me.	Gaines,	Meyer, La.	Strait,
Bradley,	Gillet, N. Y.	Mills,	Strode, Nebr.
Brewer,	Grosvenor,	Mitchell,	Strowd, N. C.
Brewster,	Grout,	Mudd,	Sturtevant,
Bromwell,	Hamilton,	Newlands,	Sullivan,
Brosius,	Handy,	Norton, Ohio	Sulloway,
Broussard,	Harmer,	Norton, S. C.	Sutherland,
Brownlow,	Hemenway,	Odell,	Swanson,
Brumm,	Henderson,	Olmsted,	Tate,
Burleigh,	Henry, Conn.	Otey,	Tawney,
Burton,	Henry, Ind.	Overstreet,	Taylor, Ala.
Campbell,	Hinrichsen,	Packer, Pa.	Todd,
Carmack,	Hitt,	Parker, N. J.	Underwood,
Catchings,	Hooker,	Pearce, Mo.	Vandiver,
Chickering,	Howe,	Pearson,	Vehslage,
Clark, Mo.	Howell,	Pierce, Tenn.	Wadsworth,
Clayton,	Hurley,	Pitney,	Walker, Mass.
Cochrane, N. Y.	Jenkins,	Powers,	Ward,
Connolly,	Jett,	Prince,	Wheeler, Ala.
Cooney,	Johnson, Ind.	Pugh,	White, Ill.
Cooper, Tex.	Johnson, N. Dak.	Quigg,	Wilber,
Cousins,	Joy,	Reeves,	Williams, Pa.
Cranford,	Kirkpatrick,	Robbins,	Young,
Davis,	Kulp,	Robertson, La.	Zenor.

So (two-thirds having voted in the affirmative), the motion was agreed to.

The following pairs were announced:

Until further notice:

Mr. MILLS with Mr. MCCORMICK.

Mr. TAWNEY with Mr. SIMS.

Mr. HICKS with Mr. BANKHEAD.

Mr. SOUTHWICK with Mr. STRAIT.

Mr. STURTEVANT with Mr. SLAYDEN.

Mr. WM. ALDEN SMITH with Mr. STROWD of North Carolina.

Mr. JOHNSON of Indiana with Mr. PIERCE of Tennessee.

Mr. BISHOP with Mr. CLARK of Missouri.

Mr. MESICK with Mr. TATE.

Mr. PUGH with Mr. RHEA of Kentucky.

Mr. SAMUEL W. SMITH with Mr. NORTON of South Carolina.

Mr. WILLIAMS of Pennsylvania with Mr. COCHRAN of Missouri.

Mr. DAVISON of Kentucky with Mr. FITZPATRICK.

Mr. MCEWAN with Mr. VEHSLAGE.

Mr. MAHANY with Mr. BAIRD.

Mr. HOOKER with Mr. CATCHINGS.

Mr. BURTON with Mr. COONEY.

Mr. WILLIAM A. STONE with Mr. MCCLELLAN.

Mr. MAHON with Mr. OTEY.

Mr. WHITE of Illinois with Mr. CAMPBELL.

Mr. STRODE of Nebraska with Mr. CARMACK.

Mr. BARNEY with Mr. CRANFORD.

Mr. BARRETT with Mr. MARSHALL.

Mr. SHELDEN with Mr. TODD.

Mr. MANN with Mr. JETT.

Mr. BROSIUS with Mr. ERMENTROUT.

Mr. BENNETT with Mr. GAINES.

Mr. KIRKPATRICK with Mr. BURKE.

Mr. WARD with Mr. BARRY.

Mr. HENRY of Indiana with Mr. GRIFFITH.

Mr. PRINCE with Mr. HINRICHSEN.

Mr. VAN VOORHIS with Mr. MCDOWELL.

Mr. JOHNSON of North Dakota with Mr. SWANSON.

Mr. FOOTE with Mr. GRIGGS.
Mr. ROBBINS with Mr. MOON.
Mr. COLSON with Mr. SMITH of Kentucky.
Until Wednesday evening, May 18, 1898:
Mr. GROSVENOR with Mr. MCMILLIN.
For this day:
Mr. BELFORD with Mr. ZENOR.
Mr. JENKINS with Mr. DRIGGS.
Mr. YOUNG with Mr. CLAYTON.
Mr. HENDERSON with Mr. LANHAM.
Mr. MUDD with Mr. UNDERWOOD.
Mr. OLMSTED with Mr. TAYLOR of Alabama.
Mr. HITT with Mr. DINSMORE.
Mr. BELDEN with Mr. BREWER.
Mr. SHERMAN with Mr. MEYER of Louisiana.
Mr. HAMILTON with Mr. SPARKMAN.
Mr. HARMER with Mr. STALLINGS.
Mr. PEARCE of Missouri with Mr. SULLIVAN.
Mr. CHICKERING with Mr. BENNER of Pennsylvania.
Mr. MITCHELL with Mr. MAGUIRE.
Mr. COCHRANE of New York with Mr. BROUSSARD.
Mr. LITTAUER with Mr. ROBERTSON of Louisiana.
Mr. REEVES with Mr. BALL.
Mr. BURLEIGH with Mr. STARK.
Mr. FOSS with Mr. VANDIVER.
On this vote:
Mr. ACHESON with Mr. BENTON.

Mr. GRIGGS. Mr. Speaker, I am paired with the gentleman from New York, Mr. FOOTE, and therefore withdraw my vote.

Mr. RHEA of Kentucky. Mr. Speaker, I am paired with my colleague from Kentucky, Mr. PUGH, and withdraw my vote.

Mr. MCMILLIN. I would ask, Mr. Speaker, if the gentleman from Ohio, Mr. GROSVENOR, has voted?

The SPEAKER. The Chair is informed that the gentleman from Ohio has not voted.

Mr. MCMILLIN. I am paired with the gentleman from Ohio, and withdraw my vote.

Mr. BINGHAM. Mr. Speaker, I was sitting in the rear of the Hall and my attention was temporarily diverted when my name was called. I ask to be recorded as present.

The SPEAKER. The gentleman from Pennsylvania will be so recorded.

Mr. BERRY. Mr. Speaker, I am paired with the gentleman from New York, Mr. WARD, and desire to be recorded as present instead of voting.

Mr. COCHRAN of Missouri. Mr. Speaker, I have been paired generally with the gentleman from Pennsylvania, Mr. WILLIAMS. If he has not voted, I desire to withdraw my vote.

Mr. MCCLELLAN. Mr. Speaker, I have a general pair with the gentleman from Pennsylvania, Mr. WILLIAM A. STONE. If he were present, he would vote "aye" on this proposition, and for that reason I have broken the pair with him and voted in the affirmative myself.

The result of the vote was then announced as above recorded.

ANNUAL REPORT OF UNITED STATES CONSULS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Printing, and ordered to be printed:

To the House of Representatives:

I transmit herewith a communication from the Secretary of State, accompanying the annual reports of the consuls of the United States upon foreign industries and commerce. In view of the value of these reports to the business interests of the country, I indorse the recommendation of the Secretary of State that Congress authorize the printing of a special edition of 10,000 copies of the general summary entitled "Review of the world's commerce," and of 5,000 copies of Commercial Relations (including this summary), to enable the Department of State to meet the demands for such information.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *May 16, 1898.*

ADMINISTRATORS OF ISAAC P. TICE AND OTHERS.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith to the House of Representatives, in which it originated, House bill No. 2219, entitled "An act for the relief of the administrators of Isaac P. Tice, deceased, and others," without my approval.

The object of this bill is to confer upon the Court of Claims jurisdiction to retry and determine a case brought by the representatives of Isaac P. Tice against the United States in the Court of Claims in the year 1873 to recover from the Government the sum of $25,000, the alleged value of certain meters invented by Isaac P. Tice for the purpose of measuring the quality and strength of distilled spirits.

It was claimed that this amount, together with the sum of $733.33 for storage of said meters, was due to the claimant under a contract made between Tice and the Commissioner of Internal Revenue in pursuance of section 15 of the act of March 2, 1867 (14 Stats., 481). From the report of the case in 13 Court of Claims Reports, 112, it appears that the matter was fully and deliberately tried and argued both on behalf of the claimant and of the United States, and that at December term, 1877, the Court of Claims rendered a decision adverse to the claimant, expressly stating that the claimants had failed to establish their claim both in law and on the facts. Not satisfied with this conclusion of the Court of Claims, the claimants took an appeal to the Supreme Court of the United States, where the case was again argued and was decided, October term, 1878, the judgment of the Court of Claims being declared to be in accordance with the law and therefore affirmed. In these two decisions the law and the facts pertaining to the claim were fully set forth and discussed.

The bill further confers upon the Court of Claims jurisdiction to try and determine certain alleged claims of said Tice and others for money collected on account of the Tice meters, but not paid over to him or them under the regulations of the Treasury.

The amount of the latter claim, according to the report of the committee of the House of Representatives to which this bill was referred, is $140,000. It does not appear from the report of the committee, nor from any documents to which I have access, who are the other persons by whom this latter sum is claimed. The claim for $140,000 must have accrued prior to July, 1871, and therefore at this time is of at least twenty-seven years' standing.

It will thus be perceived that the object of the bill is to remove from the pathway of the claimants two legal bars to the prosecution of their claim in the courts—one, the bar of the statute of limitations, which requires all claimants against the Government to present their claims and bring actions thereon within six years from the time the cause of action accrues; and the other, that bar of estoppel which arises by reason of a former adverse judgment, rendered in a court of competent jurisdiction. This is not a general modification of the law in these respects, but a special application of it to these particular claimants.

If the principle on which the statute of limitations is founded is wise and beneficent, then the effect of it ought not to be impaired by special legislative exemptions in favor of particular persons or cases except upon very clear and just grounds, where no lack of diligence in the prosecution of the claim is apparent. I can not find in the papers submitted to me any sufficient grounds to justify a special exception from the ordinary rule in favor of these claimants. As to the claim for $140,000, no reason is stated why it was not included in the original suit nor why action upon it was not brought against the Government within the six years allowed by the statute for that purpose. To permit such an action to be brought now is simply, without any reason of a special nature, to grant a privilege to these claimants which is denied to all other citizens of the United States, in accordance with the provisions of the general statute of limitations. The principle underlying statutes of limitations and the reasons for the maintenance of such a rule of litigation are much more cogent when applied to claims against the Government than when applied to claims against individuals.

These claims do not differ in their character from ordinary business transactions such as transpire every day between private persons or business corporations. The Government can only defend itself against claims of this nature through its public officers and with the use of such public records as the Departments may furnish. Great difficulties are experienced by it in contesting fraudulent and unjust claims, and it is only fair in the interest of the public that a rigorous adherence to some rule of limitation should be maintained.

The provision of the bill which practically directs a new trial of the claim for $25,000, decided adversely to the claimants more than twenty years ago, is still more objectionable. These parties had their day in court. They produced their witnesses and were heard both originally and upon appeal, and upon the case they were then able to make the court decided they had no claim against the Government. It is now suggested that other witnesses have been discovered who can supply the lack of proof which was produced on the former trial. Such a ground for a new trial would never be considered in any court of law in the land in a case between private parties where such a length of time had intervened since the former trial. No explanation of a satisfactory nature is furnished for the failure of the claimants to produce these witnesses upon the original trial.

The bill further provides that upon a retrial of the original claim, or upon the trial of the new claim, the claimants shall be at liberty to offer in evidence the depositions of witnesses now on the files of any of the committees of Congress in relation to the aforesaid matters, which may be introduced as evidence in case of the death or disability of the deponents.

This provision will enable the claimants to present ex parte affidavits, prepared by the claimants or their attorneys, without opportunity being afforded to the Government to cross-examine, provided the claimants can show that the deposing witnesses are either dead or under disability, by which, no doubt, is intended any such disability by reason of absence, illness, and the like, as may render them legally incapable of being produced in person to testify upon the retrial. Such a provision as this is most dangerous to the interests of the Government.

I fail to see any reason in the facts connected with these claims for granting to these parties relief of this extraordinary nature.

The Treasury of the United States ought to be very carefully guarded against attacks of those who come forward with stale claims, and especially from the attacks of those who have already been fully heard according to the methods prescribed by the statutes.

To approve this bill would be to furnish a very dangerous precedent which would open the door to demands upon Congress in other cases which have been fully heard and determined.

For these reasons I am constrained to withhold my approval from this bill.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *May 16, 1898.*

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to retry and determine according to law and in equity the case of the administrators of Isaac P. Tice, deceased, against the United States, decided by the Supreme Court at the October term, 1878, and also to try and determine according to law and in equity the claims of said Tice and others for money collected on account of the Tice meters, but not paid over to him or them under the regulations of the Treasury, or based on contract with the United States, and that in said retrial and trials the statute of limitations shall not be available to the United States against the rights and claims of the estate of said Tice and others: *Provided, however*, That on the retrials or trials of said cases the United States or the claimant or claimants may offer in evidence any evidence given and filed in the prior trial, and also the depositions of witnesses now on file in the Court of Claims or on the files of any of the committees of Congress in relation to the aforesaid matter, which may be introduced as evidence in case of the death or disability of the deponents, together with such other material evidence as the United States or the claimant or claimants may wish to introduce: *Provided, however*, That all such evidence and depositions, alluded to as aforesaid, shall be subject to all other legal objections, and the court shall render its judgment in favor of the administrators of said Tice, or in favor of the other persons or their estates, for such sums as may be found to be due and unpaid to said Tice or others on any of said accounts: *Provided further*, That either party may appeal to the Supreme Court of the United States from the judgment of the said court.

The SPEAKER. The question is, Will the House, upon reconsideration, agree to pass the bill? On this question, by the Constitution, the vote must be taken by yeas and nays.

The question was taken; and there were—yeas 0, nays 139, answered "present" 18, not voting 148; as follows:

YEAS—0.

NAYS—139.

Adamson,	Curtis, Iowa	Hunter,	Pearce, Mo.
Aldrich,	Curtis, Kans.	Jenkins,	Perkins,
Alexander,	Dalzell,	Jones, Wash.	Peters,
Allen,	Danford,	Kelley,	Pitney,
Arnold,	Davenport,	Ketcham,	Ray,
Baker, Ill.	Davey,	King,	Richardson,
Baker, Md.	Davidson, Wis.	Kitchin,	Ridgely,
Bartholdt,	Davis,	Kleberg,	Rixey,
Belford,	De Armond,	Knox,	Robb,
Belknap,	De Graffenreid,	Lacey,	Robbins,
Bell,	De Vries,	Landis,	Robertson, La.
Bennett,	Dingley,	Latimer,	Robinson, Ind.
Benton,	Dockery,	Lentz,	Royse,
Bingham,	Dolliver,	Lester,	Russell,
Bland,	Dorr,	Lewis, Wash.	Sayers,
Bodine,	Dovener,	Little,	Settle,
Booze,	Evans,	Livingston,	Shafroth,
Botkin,	Faris,	Lloyd,	Shattuc,
Boutell, Ill.	Fenton,	Loud,	Showalter,
Brenner, Ohio	Fischer,	Love,	Simpson,
Broderick,	Fitzgerald,	Lovering,	Smith, Ill.
Bromwell,	Fleming,	Lybrand,	Smith, S. W.
Brown,	Fletcher,	McAleer,	Snover,
Brownlow,	Fox.	McCall,	Spalding,
Brucker,	Gaines,	McClellan,	Sparkman,
Brundidge,	Gardner,	McCulloch,	Sperry,
Burleigh,	Gibson,	McDowell,	Stephens, Tex.
Butler,	Gillet, N. Y.	McEwan,	Stevens, Minn.
Cannon,	Greene,	McRae,	Stewart, N. J.
Castle,	Griffin,	Mahany,	Stewart, Wis.
Catchings,	Grout,	Mann,	Stone, C. W.
Clardy,	Grow,	Marsh,	Sulzer,
Clark, Iowa	Hamilton,	Maxwell,	Talbert,
Clark, Mo.	Handy,	Meekison,	Terry,
Clarke, N. H.	Hartman,	Mercer,	Van Voorhis,
Codding,	Hay,	Meyer, La.	Walker, Mass.
Connell,	Heatwole,	Miers, Ind.	Walker, Va.
Connolly,	Henry, Conn.	Miller,	Wanger,
Cooney,	Henry, Miss.	Minor,	Warner,
Cooper, Tex.	Henry, Tex.	Moody,	Weaver,
Cooper, Wis.	Hepburn,	Morris,	Weymouth,
Corliss,	Hicks,	Northway,	Wheeler, Ky.
Cousins,	Hilborn,	Odell,	White, N. C.
Cowherd,	Hill,	Ogden,	Williams, Miss.
Cox,	Hopkins,	Osborne,	Wise.
Crump,	Howard, Ala.	Otjen,	
Crumpacker,	Howell,	Parker, N. J.	
Cummings,	Hull,	Payne,	

ANSWERED "PRESENT"—18.

Bartlett,	Ermentrout,	Maddox,	Swanson,
Benner, Pa.	Graff,	Mahon,	Vincent,
Berry,	Griffith,	Marshall,	Yost.
Burke,	Gunn,	Rhea,	
Cochran, Mo.	Lanham,	Slayden,	

NOT VOTING—148.

Acheson,	Driggs,	Littauer,	Smith, Ky.
Adams,	Eddy,	Lorimer,	Smith, Wm. Alden
Babcock,	Elliott,	Loudenslager,	Southard,
Bailey,	Ellis,	Low,	Southwick,
Baird,	Fitzpatrick,	McCleary,	Sprague,
Ball,	Foote,	McCormick,	Stallings,
Bankhead,	Foss,	McDonald,	Stark,
Barber,	Fowler, N. C.	McIntire,	Steele,
Barham,	Fowler, N. J.	McMillin,	Stokes,
Barlow,	Gillett, Mass.	Maguire,	Stone, W. A.
Barney,	Griggs,	Martin,	Strait,
Barrett,	Grosvenor,	Mesick,	Strode, Nebr.
Barrows,	Hager,	Mills,	Strowd, N. C.
Beach,	Harmer,	Mitchell,	Sturtevant,
Belden,	Hawley,	Moon,	Sullivan,
Bishop,	Hemenway,	Mudd,	Sulloway,
Boutelle, Me.	Henderson,	Newlands,	Sutherland,
Bradley,	Henry, Ind.	Norton, Ohio	Tate,
Brantley,	Hinrichsen,	Norton, S. C.	Tawney,
Brewer,	Hitt,	Olmsted,	Tayler, Ohio
Brewster,	Hooker,	Otey,	Taylor, Ala.
Brosius,	Howard, Ga.	Overstreet,	Thorp,
Broussard,	Howe,	Packer, Pa.	Todd,
Brumm,	Hurley,	Pearson,	Tongue,
Bull,	Jett,	Pierce, Tenn.	Underwood,
Burton,	Johnson, Ind.	Powers,	Updegraff,
Campbell,	Johnson, N. Dak.	Prince,	Vandiver,
Capron,	Jones, Va.	Pugh,	Vehslage,
Carmack,	Joy,	Quigg,	Wadsworth,
Chickering,	Kerr,	Reeves,	Ward,
Clayton,	Kirkpatrick,	Sauerhering,	Wheeler, Ala.
Cochrane, N. Y.	Knowles,	Shannon,	White, Ill.
Colson,	Kulp,	Shelden,	Wilber,
Cranford,	Lamb,	Sherman,	Williams, Pa.
Davison, Ky.	Lawrence,	Shuford,	Wilson,
Dayton,	Lewis, Ga.	Sims,	Young,
Dinsmore,	Linney,	Skinner,	Zenor.

So (two-thirds not voting in the affirmative) the House, upon reconsideration, refused to pass the bill.

The Clerk announced the following additional pair:

Until further notice:

Mr. TAYLER of Ohio with Mr. BARTLETT.

Mr. McDOWELL. Mr. Speaker, I desire to know if the gentleman from Ohio, Mr. VAN VOORHIS, voted?

The SPEAKER pro tempore. The gentleman from Ohio, Mr. VAN VOORHIS, voted.

Mr. McDOWELL. Then I desire to vote. I answered "present."

The Clerk called the name of Mr. McDOWELL; and he voted in the negative.

Mr. McCLELLAN. Mr. Speaker, has the gentleman from Pennsylvania, Mr. WILLIAM A. STONE, voted?

The SPEAKER pro tempore. The gentleman from Pennsylvania, Mr. WILLIAM A. STONE, did not vote.

Mr. McCLELLAN. I am assured that he would have voted "no" on this question, and therefore I have broken my pair and voted.

The result of the vote was announced as above recorded.

ASSAY OFFICE AT SEATTLE, WASH.

Mr. CHARLES W. STONE. Mr. Speaker, on behalf of the Committee on Coinage, Weights, and Measures, I move to suspend the rules and pass the bill (S. 3145) to establish an assay office at Seattle, Wash.

The SPEAKER. The gentleman from Pennsylvania [Mr. CHARLES W. STONE], on behalf of the Committee on Coinage, Weights, and Measures, moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and required to establish an assay office of the United States at Seattle, in the State of Washington; said assay office to be conducted under the provisions of the act entitled "An act revising and amending the laws relating to the mints and assay offices and the coinage of the United States," approved February 12, 1873; that the officers of the assay office shall be an assayer in charge, at a salary of $2,500 per annum, who shall also perform the duties of melter; chief clerk, at a salary of $1,500 per annum. And the Secretary of the Treasury is hereby authorized to rent a suitable building for the use of such assay office; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000 for salary of assayer in charge, chief clerk, and wages of workmen, rent, and contingent expenses.

The SPEAKER. Is a second demanded?

Mr. CANNON. Yes.

Mr. CHARLES W. STONE. I ask unanimous consent that a second may be considered as ordered.

Mr. CANNON. I have no objection to that.

The SPEAKER. The gentleman asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. PEARCE of Missouri. I object.

The SPEAKER. Objection is made, and the gentleman from Illinois [Mr. CANNON] and the gentleman from Pennsylvania [Mr. CHARLES W. STONE] will take their places as tellers.

The House divided; and the tellers reported—ayes 113, noes 2.

Accordingly a second was ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. CHARLES W. STONE] is recognized for twenty minutes, and the gentleman from Illinois [Mr. CANNON] to control the twenty minutes in opposition.

Mr. CHARLES W. STONE. Mr. Speaker, the bill that is before the House at this time is a Senate bill. It is practically the same as a bill introduced in the House and submitted to the Treasury Department, and upon which the Secretary of the Treasury reports, practically approving the passage of the bill. The purpose of it is simply to give to the gold producers of Washington and the Klondike regions the same facilities which in the past have been given other mining centers. The Government has established assay offices at Helena, Mont., Boise City, Idaho, and at Charlotte, N. C., for the little gold produced there, and at New York City on account of the important business there, and at St. Louis, Mo., for some reason, I do not know what, all of which have received relatively very much less than the probable production of gold that would come to Seattle.

The production of the Alaska field is difficult to approximate; the production of the Washington field for the last year is more than equal to the deposits of any assay office now existing except New York. If you add to that the large production which is unquestionable in the future from the Alaska field, you have more demand for an assay office at Seattle, it seems to me, that will accommodate that traffic than at any other point of the United States. A conservative estimate of the production of the Alaska field for the present year is $12,000,000.

The purchase of the material and leather bags and various appliances for bringing it out of that country in this present year is for an amount of $10,000,000, and the character of the production of Washington, with the increased production of eastern Oregon and the Klondike region and the region along the coast of Alaska, is estimated by some people as high as $20,000,000. But, placing the very conservative estimate on the production at $10,000,000 or $12,000,000, some facilities ought to be provided for taking care of it.

It is true there is a mint in San Francisco; but it is also true that of the incoming returning miners from the Klondike region it is estimated that 90 to 95 per cent of them come to Seattle. They do not come to San Francisco. Wherever the men may start from,

when they come back they come to Seattle, and there is where they are called upon to dispose of the product of their labors.

Now, it may be said they may take it and sell it as easily as any other producer sells the product of his labor. But it has been the policy of this Government to afford them a market that should have their confidence, and without paying large assay fees, giving to the miner the guaranty that he is properly treated and that the Government would take the product of their labor at the assay office, where there is no one interested in cheating them, where they simply submit it to a sworn officer of the United States and receive his certificate of its fineness and its character, and a draft, if desired, upon the subtreasury for its value.

This is simply a provision that this assay shall be made at Seattle for that great northwestern region. There are several points that have asked this accommodation; but an investigation by the committee satisfied them unanimously, and the opinion of the Treasury Department was to the same effect, that the most convenient point, the point which would accommodate this great incoming traffic most completely, was the city of Seattle. Especially is this true when you take into consideration the fact that the Canadian Government is proposing to compete for this product through its great banks by the establishment already of branch banks at Dawson for the purpose of purchasing the gold there and at Vancouver and Victoria.

Every effort is being made by the Canadian Government to attract the incoming product of these mines into its channels of trade instead of letting it come into the United States, where the gold would naturally come. All these considerations have prompted the committee to unanimously recommend the passage of this bill. It makes provision for putting in operation the assay office as economically as possible; but it is also advisable that it shall be done promptly, in order that it may be ready to receive the incoming product of this year's labor.

I yield five minutes to the gentleman from Washington [Mr. LEWIS].

Mr. LEWIS of Washington. Mr. Speaker, I observe as I rise something of a quiet smile on the faces of my Republican friends. They anticipate the repetition of the same old, old story. It is true that for months in this Chamber, in committee room, while at luncheon, and in their private homes I have besieged my friends with reasons incalculable and arguments unanswerable why the great city of the universe should have this assay office. My distinguished fellow-member, Governor SAYERS, insists that if he does not hasten to visit the great State of Washington at his first convenience he will soon be persuaded that not above but there is Paradise, particularly if I am left longer free to agitate this assay office. [Laughter.] I am delighted to congratulate you all that your agony is at an end. Soon you will have your fate as well as my own in your hands. This office is urged here to-day under some disadvantage. Prominent members on the Republican side are opposed both to the consideration and the passage of this bill. I regret this. I am satisfied they labor under a false impression.

This assay office is not sought as a favor, but as a Government necessity; not as a gift to Seattle or the State of Washington, but as a benefit to the Treasury of the United States. The necessity for having this assay office in that country is very apparently established from the fact that otherwise you lose the business of these miners and men engaged in Alaska. These miners come down from Alaska with their gold, and they can not have it assayed there. They could take it to the mint at San Francisco; but instead of going that distance, losing that time, they will return to Canada, at either Vancouver or Victoria, and there, as the gentleman from Pennsylvania has explained, to the Canadian banks, will have their gold assayed for no charge, pay them mint price, the Government of Canada getting the benefit of the gold for their country, and our American merchants lose the trade. This ought not longer be tolerated. Canada will not permit any of our citizens to take a miner's license out in any of the American cities or ports. This to prevent them trading in American cities and forcing them to go to Canadian towns, where they will have to purchase their supplies. This is our loss. It it a most unjust discrimination. You must help us to avoid this injustice,

Mr. HAY. How does this office help the matter?

Mr. LEWIS of Washington. It brings them with their gold to a city where they can have it assayed freely and without charge, and the American miner, all things being equal, is like every other American, a patriot to his country, and will come to her shores to scatter his possessions as well as to enjoy his blessings. [Applause.]

Mr. MAHANY. You say the Treasury Department has recommended this?

Mr. LEWIS of Washington. In two separate full communications; likewise the Director of the Mint.

Mr. MAHANY. Then I will be with you for that reason, as well as to be with my friend from Washington.

Mr. LEWIS of Washington. Mr. Speaker, I can not in more terse or complete detail describe Seattle's commercial and general advantage over all her competitors than to use the words of one of Seattle's eminent citizens, Hon. Erastus Brainerd, to whom I am indebted for much aid in the compilation of facts in this matter. From his figures and arrangement I inform you there is no known source of gold production so rich as Alaska and the northwestern territory of Canada, the gold belts of southeastern Alaska and of the Yukon River. By the energy and enterprise of American citizens in the establishment of lines of transportation and trade this unprecedentedly rich gold-producing area has been made tributary to the United States.

The product of the year 1897-98 from the Yukon-Klondike district alone is conservatively estimated at not less than $12,000,000, and the total of all Alaska and northwestern territories at over $20,000,000. This gold has been produced chiefly by American citizens. Every possible effort, as members of the House well know, has been put forth by Canada to divert the great trade which is at the basis of this product from the United States to Canada. The Dominion Parliament reports show both Conservative and Liberal united to this end. Every obstacle possible has been put in the way of the American miner, and no other need be considered, because the miners are practically all Americans, and every help has been extended to Canadian merchants. It is a known fact among mining men that miners will trade, as a rule, where they dispose of their gold. Heretofore they have traded in the United States. Now the Canadian Government has caused two branch banks—the Canadian Bank of Commerce and the British North American Bank—to be established at Dawson to buy and handle the Yukon gold.

Unless some step is taken to offset this Canadian movement, much of the trade is likely to be lost to us. Such a step is the establishment of a United States agency to buy gold—an assay office—at the most available point. The establishment of an assay office on the Yukon is impracticable by reason of climatic conditions, by lack of interior transportation, and by its remoteness from mints. Seattle is the natural point for establishment of such an office. It is only seventy-two hours from Alaska, and half a day from British Columbia. Thither not only the output of the Yukon will go, but that of southeastern Alaska, of Cooks Inlet, Copper River, and other similar points must go, for there the United States proper is first reached from Alaska. To send gold from Cooks Inlet, which last year produced nearly $750,000, to the Yukon would be an absurdity. The establishment of an assay office at Juneau would be open to the same objection, only in a less degree. The Government would then take all the risk of water transportation from Juneau, of nearly 1,000 miles, before the United States is reached.

There is still another reason relating to the gold product by itself why Seattle should be selected. The gold and silver product of the State of Washington itself is already important and increasing in value. The Secretary of the Treasury, in his letter of February 7, 1898, to the House Committee on Coinage, Weights, and Measures, estimates the gold product of Washington at $406,000 for 1896 and $500,000 for 1897. Add this amount to the Alaska and Yukon product and it will be seen that the bullion receipts at Seattle are of the first importance. At the present time to turn these into cash the miners, who naturally arrive at Seattle first, often with no cash in hand, must send their bullion to the assay office at Helena or to the mint at San Francisco, in either case causing a delay and loss of time to them of not less than one week. This difference in time, with its costs and annoyances, is not unlikely to make him dispose of his gold in Canada or in British Columbia, whereas if he could exchange it at once on arrival at Seattle, the nearest point on Puget Sound, he would go there.

The Atlantic coast, with a minimum gold product, affords opportunities to exchange gold at assay offices or mints at either New York, Philadelphia, Charlotte, N. C., or New Orleans. The Rocky Mountain belt and its spurs are provided for at Deadwood, Boise, Denver, Carson, and Helena; but the Pacific coast, from the Arctic Circle to Mexico, is provided with but one place where the citizen can secure the stamp of his Government on his gold, and that place is 1,000 miles distant from the present central receiving point of the greatest prospective and already great producing gold fields. Such a discrimination, in view of the facts, is unfair to enterprise. Last year alone the shipments of gold from Seattle, by Great Northern and Pacific express, to Helena and San Francisco equaled one-fifth of all the gold received at all the assay offices in the United States. They were equal to two-thirds of the Boise deposits, and seven times as large as the deposits at Charlotte. This year they will exceed all.

This measure is recommended by the Secretary of the Treasury. It has passed the Senate. It is of more than local importance. If adopted, it is likely to put millions of gold into circulation which otherwise may go elsewhere; and it will surely retain a large percentage of trade, which may be directed to Canada, which is not temporary, but permanent, and which has already amounted to millions of dollars.

The question may be asked, if Canada establishes banks at Dawson to buy gold, why would not establishment of American banks serve the same purpose? United States banks have no authority to do business in a foreign country. Moreover, the miners, being American citizens, naturally prefer the stamp of the United States on their metal. Our coin circulates in Canada. Canada has no coin and her bank notes do not circulate here, but they will serve to buy goods with in Victoria and Vancouver, and it is the purpose of the Canadians to try to force or to induce Americans to trade there rather than in Seattle, which at present has just enough advantage in price over Canadian tariffs to induce prospectors to outfit in Seattle rather than in British Columbia. With facilities for disposing of their gold in Canadian territory, which do not exist in the Pacific Northwest, many may be induced to make the British Columbia cities the base of their supplies.

The question may be also asked, what will become of the gold if the assay office is not established on Puget Sound?

There is little doubt that most of it will be sent to England for coinage there and be lost to our circulation. The Canadian Pacific Railroad, it is well known, has the closest possible connection with the Canadian Government. Its rail line crosses the continent, and its steamer lines cross both the Atlantic and the Pacific. It has been a most vigorous advocate of the diversion of the Klondike trade to Canada, because it gets the long transcontinental haul of all freights to British Columbia, the Canadian outfitting point for the Yukon, and it also gets the complete passenger haul. Its desire to get this trade can be seen by its reduction of rail passage from Boston, Mass., to Victoria to $25. Heretofore, since the railroad had been built, Canada has produced so little gold as to make its control a matter of little moment.

Now that it is likely to amount to not less than $10,000,000 a year for years to come, it is an item worth securing by any nation. If Canada, by affording facilities for the purchase of this gold, can both secure the gold and divert the trade, there is little doubt that the Canadian Pacific Railroad will undertake to deliver it by its rail and ocean lines to the London mint at a nominal figure. If it could secure the trade by doing so, it would pay the Canadian Pacific Railroad to haul the gold free of expense to the Canadian banks. An idea of this trade can be formed when it is known that 14,666 persons left Seattle for Alaskan points between January 1 and March 20 of this year, and they spent on an average not less than $200 each in Seattle, or practically $3,000,000, for goods produced in all parts of the United States.

This measure is not local, as it may seem. It is of importance to the manufacturers and workingmen of Illinois, of Massachusetts, of Pennsylvania, and of nearly all the great manufacturing States. For this spring's trade two Seattle houses each took a million pounds of bacon from Chicago. Baking powder by the carload came from New York, and woolens and hardware from Pennsylvania and Connecticut, rubber and leather from Massachusetts, and so all along the line. In the opinion of those competent to judge, this trade is only beginning. Shall Canada do more for the cities of British Columbia than the United States will do for the State of Washington, when so many other States are also interested? As to the location at Seattle I urge the facts I now state:

Her population (1897), 73,000; railroads, Great Northern, Northern Pacific, Canadian Pacific, Seattle and International, Columbia and Puget Sound; water lines, Alaska fleet (March) 90 vessels, Puget Sound "mosquito fleet" 68 daily, 133 total; ocean steam arrivals (1897), 293; general business (1897), $20,000,000; 300 manufactories, employing 4,000 hands; lumber cut, 77,000,000 feet; shingle cut, 402,000,000; coal produced, 472,311 tons; exports (11 months, 1897), $2,811,009; imports, $1,070,664; wheat shipments, 698,160 centals; flour shipments, 118,104 barrels; cotton shipments, 20,000 bales; assessed valuation, at 70 per cent actual value, $30,174,128; city revenue, $560,000; city expense, $500,000; city property, $2,000,000; city and county tax, 24.5 mills; graded streets, 100.75 miles; sewers, 36.17 miles.

City contains 28 square miles, 20 public schools, and State university; fire department, 68 men, 9 engines; bank clearances (eleven months, 1897), $30,906,482; mean temperature, warmest month, 64.7°; coldest month, 40.6°; Federal establishment—United States district court, custom-house, corps of engineers, steamboat inspectors, internal-revenue office, recruiting office, constructing quartermaster, army post, post-office, marine-hospital service, naval pay, dry dock (Port Orchard), and revenue-marine service.

Sir, all these estimates of figures can be added to largely when brought down to this date. And she but typifies the great State of which she is a glorious part. [Applause.]

The Treasury Department has evinced by constant expressions the necessity for us to have that gold. The Government in its present crisis greatly needs it, and aside from that the great demands of the Alaskan output, which undoubtedly this year will be $30,000,000, is enough alone to necessitate this office for our uses and the Government's welfare. I can not add to the reasons given by my friend in any stronger way; and I now yield two minutes to my colleague [Mr. JONES of Washington]. [Applause.]

Mr. JONES of Washington. Mr. Speaker, if it can be said that there are portions of the United States where gold is both produced and used as money, and there are other portions of the United States where gold is neither produced nor used as money, it might be urged with much force that all of the minting of the country ought to be done in that part of the country where gold is both produced and used, rather than in that part of the country where it is neither used nor produced. But in this case we are not asking to establish a mint in the city of Seattle. We are only asking to furnish the miners who come to that city, who come to that portion of the United States, with the same facilities that are afforded to other miners in other mining districts in other portions of the country.

This bill is of vastly greater importance, Mr. Speaker, than merely furnishing facilities that are only right to be furnished to this branch of the great industry of development of our mines and mineral resources. It is a matter of keeping the trade which legitimately belongs to the United States within its borders. As stated by my colleague—and I think the statement will bear a little stronger putting in this case—nearly all the vessels returning from Alaska stop either at Vancouver or Victoria on the British side. When they stop there, the miners aboard these vessels are assiduously informed that there they can exchange their gold for money without delay, cost, or annoyance, whereas if they come to our side of the line, they must be willing to do one of two things, either to take it to the mint at San Francisco and have it exchanged for money, or else they must take the chances of bartering it at the bank.

Nobody knows when he looks at a sack of gold how much it is worth. There is opportunity for very wide margin between the actual amount and the apparent amount of gold; and when the miner is compelled to barter it with a private individual, he never knows whether he is getting the worst of it or not, and for that reason every miner desires to place his product in the hands of the Government. On the other side of the line he can place it there and know that he is getting the full amount for that which he brings down without delay, without cost, and without annoyance.

But further than that, where he gets his money he is going to spend it, or at least a very large part of it. This trade legitimately belongs to us. Nine out of every ten of these men are American citizens, and their ultimate destination upon our side of the line is the city of Seattle, Tacoma, or some other port on Puget Sound. That is where nearly all of them intend to come when they start from Alaska, but many of them are side-tracked on the other side of the line because we have not been furnished the same facilities that they have on the other side of the line nor the same facilities that are furnished other mining districts. But in this case it is a question of a good deal more importance than merely furnishing facilities. It is all of that question and an infinitely more important one added to it—the question whether the Americans shall have this trade or whether we shall surrender it to the British on the other side of the line. [Applause.]

Mr. CHARLES W. STONE. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes.

Mr. HILL. Mr. Speaker, the chairman of the committee made a slight mistake in stating that the committee was unanimously in favor of the bill. If it is the intention of the Department to carry out the policy of paying for the shipping of gold from every part of the country to the mints, this bill ought to pass.

Mr. CHARLES W. STONE. I stated that this was the unanimous report in favor of the bill.

Mr. HILL. That is right.

Mr. CHARLES W. STONE. I would like to ask the gentleman if he was present in the committee when the bill was voted upon?

Mr. HILL. I was not. I do not dispute the gentleman's statement. The House ought to understand this measure. Juneau asks that an assay office be established there; Portland and Seattle ask that an assay office be established there. The House must settle the question whether it is going to take bullion at Juneau and pay the freight on it to San Francisco. I should be in favor of establishing an assay office at Seattle if the mint price was paid there, less the freight to the mint.

The question I raise is this, Whether we are in favor of taking the gold product of the mines at Juneau and the stamp mills in Alaska and bring it to the mints at our own expense. I am opposed to it. I have no doubt Seattle is the best place of the three. The thing I fear is that after the assay office is established at Seattle the calls will be persistent that further assay offices shall be established at Portland and at Juneau. It does not strike me that it is a good business proposition to go into, and I want the House simply to understand the situation.

Mr. CHARLES W. STONE. Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I would be glad to have the attention of the House for a brief time. If the House understands what this legislation means, and if it meets the judgment of the House, then amen; let it pass. But I do not want the House to pass this bill under a misapprehension.

Now, first, there is no place in the United States where gold bullion seeks a market where private assay offices and assayers can not at a very small charge perform the service and give the value of the bullion; so that the establishment of an assay office at Seattle, at Spokane, at Tacoma, at Juneau on the Yukon, or at Portland or any other point is not necessary to enable the producer or holder of the bullion to ascertain without considerable cost the value of his product. And there is no place in the United States where the holder of the bullion after he has ascertained its value can not get its value at the mint price, less the cost of transportation.

Now, in what I say I want to measure my words, and I say it upon the information and authority of the late Director of the Mint, Mr. Prescott. And what I am about to say everybody must understand to be true if he will stop and think a minute. Now, why should we establish an assay office at Seattle? There is no reason for it save one. I do not take into account one way or the other the $20,000 to begin the plant or the salaries of the assay officers. This measure would make a little office or two or three out there. That is of little consequence except to the persons who would draw the salaries.

Now, why is it that Seattle wants this office? And she does not want it half so much as citizens from my State want it. She wants it because every ounce of gold deposited in a Government assay office at Seattle brings the Philadelphia mint price. Now, how much less is it worth than the Philadelphia mint price? I have here a dispatch from the Treasury Department in response to an inquiry which I sent this morning:

Charges for transportation of gold from Seattle to Philadelphia, $3.06 per thousand.

Mr. CHARLES W. STONE. Why does not the gentleman give the price of transportation to the nearest mint?

Mr. CANNON. I inquired as to the cost of transportation to San Francisco, but the officers could not give it to me. They said they would do so as soon as possible. I have an unofficial statement that it is $2.50.

Mr. SHAFROTH. It can not be that.

Mr. CHARLES W. STONE. Not more than about 25 cents.

Mr. LEWIS of Washington. From 23 to 25 cents.

Mr. CANNON. I am making these statements on the best information I have been able to obtain. My friend here [Mr. CHARLES W. STONE] says that the cost of transportation to San Francisco is 25 cents a thousand; my friend over there [Mr. LEWIS of Washington] says 25 cents a thousand. I think my friends are mistaken. If the cost were only 25 cents a thousand, then parties would not be half so anxious to get an assay office at Seattle as they are. And I am not referring especially to my friends who represent the locality interested, or either of them, because they are not the most anxious persons to get this office established, except as they desire, of course, to represent their localities.

Now, if there should be established an assay office at Seattle where gold bullion can be deposited at the Philadelphia price, why should there not be one at Portland? Why should there not be one at Tacoma? Why should there not be one at Juneau? Why should there not be one at Spokane? Why should there not be one at every mining town? Why make fish of one and fowl of another?

I hold in my hand a communication—I am not going to give anybody's name—addressed to me:

It is important to our interests, and we think those of the United States, that an assay office be established at Seattle. A large amount of gold dust will come to that point, much of it largely from British possessions. If it is required to go to points farther East or South, or to San Francisco, you lose British shipments entirely.

Then the writer goes on to give an estimate.

Now, it is perfectly natural for parties who write such letters to look at this matter in the light of their own interests. But let me tell you where you ought to establish an assay office, if there is any point in establishing an assay office for the benefit of the miner, and if you want to get British gold. Establish it upon the Yukon, at Circle City. There is where the miner is. Who picks up the gold at the Yukon and transports it down to Seattle? The transportation company. And when the transportation company put it at Seattle, having, in most instances, bought it, it is enabled to unload it at the Philadelphia mint price. How much is that? Three dollars and six cents more than the commercial price at Seattle. It is not the poor miner who is to be benefited.

Oh, but you want to get British gold! If you want to get British gold, put your assay office at Circle City, away up on the Yukon, and you will get all the gold that is produced up there in British territory or American territory. It will cost you about six or seven dollars a thousand to transport it to the mint, but such a measure would relieve the poor miners up there working in the frosts of winter. There is no demand, however, for the establishment of an assay office up there where it would really give some relief.

The truth of the matter is that the law on this subject, enacted in 1879, and now on our statute books, is wrong. It provides that at any United States assay office the holder of the bullion may put down his bullion and Uncle Sam will pay him the Philadelphia or the San Francisco mint price for it. I tried to have that law amended at the last session, or it may have been this session. The combination swept me out. There were too many of these assay offices. Our Populist friends, strange to say, who always want to protect the Treasury, flocked together and to a man helped to "knock me out" on that legislation.

They are the greatest fellows on earth to pretend one thing and, to coin an expression of a constituent of mine, "protend" another. [Laughter.]

Now, what are the circumstances connected with this matter? We have seen what has been the experience of the past, and I hope, taking this proposition singly and alone, that we will not be induced to involve ourselves in similar unnecessary expenditures hereafter. I hope we will build no more institutions of this character. Not one of them.

Mr. BLAND. Will the gentleman allow me an interruption just there?

Mr. CANNON. With pleasure.

Mr. BLAND. When the gold is deposited at the Government assay office, and is paid for by the Government, it belongs to the Government, does it not?

Mr. CANNON. Undoubtedly.

Mr. BLAND. Well, is it not as good a way as the issuing of bonds, in the judgment of the gentleman from Illinois, to secure gold for the Government? [Applause.]

Mr. CANNON. Now, Mr. Speaker, the gentleman from Missouri knows that the question he asks has nothing whatever to do with the proposition which is now pending before the House. I want to say that every dollar expended in this way is, in my judgment, practically a waste of the public money. If you establish this office at the point proposed, there is no reason why one should not be established at Portland, at Tacoma, at Juneau, and all of the mining centers; because if it is a good thing in one place, it is a good thing in all other places; and if it pays the Government in one place, it will pay money in all of the other places just as well.

Now, if you are going to establish such an office at all, in place of establishing it at the point proposed by this bill, why not put it up on the Yukon River? If we have got to do the thing, for God's sake let us go up on the Yukon River and establish our office at Circle City, or somewhere up in that region, where the miner may obtain the advantage, if there is an advantage to be obtained, of the enhanced value of his product.

Mr. RIDGELY. Will the gentleman from Illinois allow me an interruption?

Mr. CANNON. Why, certainly.

Mr. RIDGELY. Does the gentleman from Illinois know that the Secretary of the Treasury opposed in the committee, when it was suggested, the establishment of an assay office on the Yukon River?

Mr. CANNON. Why?

Mr. RIDGELY. It was opposed by the Secretary of the Treasury.

Mr. CANNON. I ask you why it was opposed.

Mr. RIDGELY. That is for you to answer. You are suggesting the establishment of this assay office on the Yukon River for the benefit of the miners of that region. Why, let me ask you, did the Secretary oppose such an establishment? There must have been some reason for it.

Mr. CANNON. The gentleman knows well enough that the miners from that region are not supposed to carry the bullion in their pockets. Whether it costs $6 or $2 for the transportation of the bullion to the mints, somebody gets the benefit of it, whether it be the miner or the transportation company. I am perfectly willing to admit that the transportation companies in my State are interested in this business. All transportation companies are, and there is no reason why they should not be. These companies will take care of themselves, and all they ask of this body is to take care of the production, of the treasure itself. They only ask proper legislation in the direction of protecting the miners, and the transportation companies will find a way to take care of the miners and of themselves as well.

I only ask the House now not to adopt hasty and unnecessary legislation in this direction. I ask you not to adopt improvident legislation that will be of no advantage either to the miner or to the transportation companies.

But, says my friend—or one of my friends representing the State of Washington—the man who mines the ore can sell the

bullion at its full value in Victoria. I stop here now to challenge any statement of anybody that at Victoria the mint price at Philadelphia can be paid or will be paid by anybody for the bullion of the miner. It can not be true in the very nature of things.

Now, Mr. Speaker, that is about all I desired to say on this question. It seems to me that the matter is too simple to require any further discussion.

Mr. SHAFROTH. Will the gentleman from Illinois allow an interruption?

Mr. CANNON. Certainly.

Mr. SHAFROTH. If the transportation charge for bullion from Seattle to San Francisco is, as some gentlemen assert, only 25 cents on each $1,000, is not that expenditure on the part of the Government the cheapest mode of obtaining gold and placing it in the Treasury of the United States?

Mr. CANNON. Why, my friend must know that the figures he gives do not in any respect measure the cost of this service. The best information we have is that the cost is about $2 per thousand.

Mr. SHAFROTH. Do you mean to say that there is not more than 50 cents on the thousand difference between the charges for the transportation of gold from Seattle to Philadelphia than from Seattle to San Francisco?

Mr. CANNON. Such is my information. If the gentleman has any other information on the subject, of course he can state it in his own time and give it for the benefit of the House.

Mr. LEWIS of Washington. I ask the gentleman from Illinois to read the newspaper clipping which I hand to him, containing the information that the mint price is paid at Victoria by the Canadian Government. I give the gentleman an Associated Press dispatch, so that he may see it. The Canadian Government, of course, will not give us any official information as to anything they do.

Mr. CANNON. Now, this does not say any such thing, and I challenge the statement and make the declaration here, after something of inquiry, that neither the British Government nor the Canadian Government anywhere pays the mint price for gold, and this does not say that it does. Now, I want to yield a moment for a suggestion from my friend from Oregon [Mr. TONGUE].

Mr. TONGUE. Mr. Speaker, I want to offer an amendment to this bill at the close of my remarks.

The SPEAKER. No amendment is in order except by unanimous consent.

Mr. TONGUE. Well, after making a statement I will ask unanimous consent to be allowed to offer this amendment.

Mr. Speaker, I want simply to say that whatever arguments have been used in favor of establishing an assay office at the city of Seattle are of equal force for the establishment of an assay office at the city of Portland. The output of the mines of Oregon during the last calendar year, from the best information I can get, amounted to three and a half million dollars. The mining interests of Oregon are only just being developed.

While that is an old State, there are a great number of mines of which people knew nothing, which they have just begun to discover, and which they are developing with remarkable rapidity. I have assurances from men who have an opportunity of knowing, and who are reliable, that the output of the gold and silver mines of the State of Oregon for the coming calendar year will equal $7,000,000. If this is true, Oregon is going to be one of the greatest mining States of the Union, one of the most productive. There is no assay office in Oregon. There is none near Oregon. The city of Portland is situated upon the northern boundary, within 15 miles of the State of Washington and close to the Columbia River.

The mining sections of that State and of Washington are connected with Portland by a system of railroads. An assay office there will be of infinite benefit to the citizens of that State, as well as of the adjoining States. The mining interests of Oregon are sufficiently important to authorize this expenditure of money for the establishment of an assay office. The amendment I propose asks no appropriation for a building. The Government is about to construct a building, and it would require only a small outlay of money for the expense of running the office. The cost of sending ore to San Francisco will be but a very small item, will cost the Government but a very small amount of money.

I think the United States ought to encourage the mining interests of Oregon, at least to that extent. I hope there will be no opposition to this amendment. If the one office is established, certainly the other ought to be. If an assay office should be established at Seattle, there should be one established at Portland. I trust the amendment will not meet with any objection. I ask unanimous consent for the consideration of the amendment which I send to the Clerk's desk.

Mr. CANNON. Mr. Speaker, I suppose it is not in order to offer an amendment when a motion is made to suspend the rules. The gentleman asks unanimous consent that the amendment may be acted upon. I do not know whether that is in order.

The SPEAKER. It is in order only by unanimous consent.

Mr. CHARLES W. STONE. I object.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. CANNON. Objection is made. Now, I am glad my friend from Oregon [Mr. TONGUE] has said what he has. It shows just how this thing is. It is a proposition, if they can get an assay office established, to pay substantially $3 a thousand more than gold bullion is worth at Seattle. Portland can not do it because, as she has no assay office, she has got to pay the transportation herself. Now, there is the whole thing in a nut shell—favoritism, improper legislation, unwise legislation! There are enough assay offices already established; so that when I sought to have the law repealed some months back they flocked together and knocked me out. Now, I want this House to flock together unanimously enough so that the combination will not be made any stronger than it is.

Mr. TONGUE. I voted with you the other time.

Mr. CANNON. I will now yield two minutes to the gentleman from Connecticut [Mr. HILL], and then I will yield to the gentleman from Massachusetts [Mr. WALKER].

Mr. HILL. Mr. Speaker, I think there should be no misunderstanding about this. We are not going to get more gold in this country by having this assay office established at Seattle. It is a business proposition to bring trade and outfitting of outgoing and returning miners to Seattle. Now, that is a laudable ambition for the city of Seattle; but there is no mint in Canada, and that gold must come to us. If we leave the law as it is, it will go to San Francisco or the other American mints. I know of no reason why an assay office should not be established at Portland as well as at Seattle, for the product of that State is larger than that of Washington, if you confine it to the home product of the respective States.

If you are looking for Alaska gold, you will get that anyway. This is a question whether you will benefit the trade of Seattle at the expense of the other cities on that coast. That is all there is to it. It is not a question whether you are going to get more or less gold, and the members of the House ought to vote understandingly on that proposition, whether the United States Government can afford to pay $20,000 to build an assay office at Seattle and maintain it for the benefit of Seattle, or whether it can afford to do the same thing for the benefit of the commercial interests of Portland. You will neither get more nor less gold by the transaction.

Mr. WALKER of Massachusetts. Mr. Speaker, if I had known that my friend from Connecticut [Mr. HILL] would present the views which he has submitted, I should not have asked recognition. But I want to say to this House that you will only get a more or less proportion of gold mined in this country to remain here, whether you have a mint or assay office. Gold will go where there is a commercial demand for it; and you can neither get it to the place where there is not a commercial demand for it nor keep it when it goes without a commercial demand. It is impossible, and can not be done.

This country has not commercial, economic, or monetary demand for half the visible gold we now have. The fact is, we have two or three times more gold than we have an economic, commercial, or monetary demand for; and I am opposed to this whole thing. The people have equal use for the gold and for silver; they should be treated alike. I am opposed to taxing the people in the interest of either metal, and that is exactly what this bill proposes. It is to add just so much to the profit of mining gold; and all the effect it will have will be to supplement the profits of mining by the percentages that it saves to the miners, and also by helping the trade of Seattle, in which this gold is sought to be assayed, and that will be very small indeed.

The SPEAKER. The time of the gentleman has expired.

Mr. WALKER of Massachusetts. I would like one minute more.

The SPEAKER. The Chair hears no objection.

Mr. WALKER of Massachusetts. Mexico coins more silver per capita every year than there is in circulation per capita in Mexico, and so it has been for thirty years. Coining silver in Mexico does not add by the smallest fraction to the silver in circulation in Mexico. Every country, whether it be a gold measure of value country or not, will have just that much gold, and no more, that its trade demands if its laws are framed on true economics.

Mr. LEWIS of Washington. Your opposition is on the general law on the question?

Mr. WALKER of Massachusetts. I am opposed to all of them. I am opposed to assaying anywhere except at the mint. If I had my way I would make coinage of gold at the expense of the men who present the gold. There is no reason why owners of gold should be favored over owners of silver. [Applause.]

Mr. CHARLES W. STONE. Mr. Speaker, as to the general theories of the gentleman from Massachusetts, I propose to have

no discussion. I simply say that for one I am in favor of attracting into the United States of America all the gold that can legitimately be obtained. I am in favor of doing it by giving to the producers of gold in the extreme Northwest all the facilities that we give to North Carolina, that we give to Idaho and Montana, and all other sections, which have indicated the policy of this Government to be to encourage the production of gold. That would be a reason why we should put this assay office at Seattle, and not at Portland and not at Juneau and not at Circle City.

I propose to say simply, as to Oregon, that it has a large production, but it has an assay office on its eastern border almost, at Boise City; that provision is made to accommodate the people of Oregon there, and that western Oregon is not very far from the mint at San Francisco.

Mr. TONGUE. Will the gentleman allow me to ask him a question?

Mr. CHARLES W. STONE. I have not time. I propose also to say that, so far as the State of Washington is concerned, according to the estimates of the Director of the Mint, it has as large production of gold for the present year in proportion as the State of Oregon.

Mr. TONGUE. I would ask the gentleman how much that is?

Mr. CHARLES W. STONE. A careful investigation made by the committee and made by the Secretary of the Treasury demonstrates that it is impracticable to have an assay office at Juneau even, or at Circle City. The purpose of establishing it at Seattle is to accommodate all that production which comes from the Klondike and from the coast regions, the product of which is growing very large from year to year. In reply to the suggestion as to whether this gold would go to Victoria or Seattle, I will state that the British Government in the Province of British Columbia has an official assay office in the city of Victoria, and that we have not any corresponding accommodation at the next nearest point in the United States. Gentlemen say that it is proposed to favor the trade of Seattle.

I am in favor, Mr. Speaker, by any legitimate means, of favoring the trade of any American city in preference to the trade of a Canadian city. [Applause.] I propose to give to the city of Seattle the encouragement to its trade which the British Government gives to the city of Victoria in its trade, and I believe every patriotic American citizen will join in that purpose.

As to the ideas of economy advanced by the gentleman from Illinois [Mr. CANNON] upon the general proposition, I am not going to enter into a discussion with him. If it is proposed that every assay office, the one located at Deadwood, the one located at Boise City, the one located at St. Louis, shall pay the expenses of transportation from them to the mint, I will say nothing; but I say there is no more propriety in visiting upon the man who has brought his gold from the far regions of Alaska to Seattle the additional expense of taking it to the mint than there would be to impose it on other regions, and this House at this session has decided that that was not proper public policy.

Now, as to the cost of transportation, the gentleman rolls over his tongue the phrase "mint value at Philadelphia." I want to know if gold bullion has any different mint value at Philadelphia than it has at San Francisco. I want to know if there is any varying value, so far as the locality is concerned, in the value of gold. I take it not. The cost of transportation from the far Northwest to Philadelphia may be what the gentleman says. The cost of transportation from Seattle to the near mint at San Francisco, which does a very large portion of the gold minting of this Union, is one-quarter of 1 per cent.

Mr. CANNON. My friend can not afford to make that statement unless he has accurate information or proof. My reliable unofficial information is that it is over $2 a thousand.

Mr. CHARLES W. STONE. Can the gentleman give us any better information than his unofficial information? My reliable unofficial information, which is reiterated by other men on the floor, is that it is one-quarter of 1 per cent.

Mr. CANNON. I will give my friend what information I have.

Mr. CHARLES W. STONE. Let me finish my statement. There is no possibility of official information from Seattle to San Francisco until you establish your assay office at Seattle. The information I have given comes to me from the express charges by express companies that do the transportation from Seattle to San Francisco, and that is that it is one-quarter of 1 per cent.

Mr. CANNON. Well, that is $2.50 a thousand; that is a little more than I think it is.

Mr. CHARLES W. STONE. I did not go into the amount per thousand, but that is the information, that it is one-quarter of 1 per cent.

Mr. CANNON. That is a little high; it is a little less than $2.50 a thousand.

The SPEAKER. The time of the gentleman from Pennsylvania has expired. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. CANNON) there were—ayes 128, noes 17.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

AGREEMENT WITH INDIANS OF OKLAHOMA.

Mr. CURTIS of Kansas. Mr. Speaker, I ask that the rules be suspended and that the following bill pass: H. R. 10049, to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to open their reservation for settlement.

The bill was read, as follows:

A bill (H. R. 10049) to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to open their reservation for settlement.

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the 6th day of October, 1892, conclude an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma, formerly a part of the Indian Territory, which said agreement is in the words and figures as follows:

"Articles of agreement made and entered into at Fort Sill, in the Indian Territory, on the 21st day of October, 1892, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory.

"ARTICLE I.

"Subject to the allotment of land, in severalty to the individual members of the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory, as hereinafter provided for, and subject to the conditions hereinafter imposed, and for the considerations hereinafter mentioned, the said Comanche, Kiowa, and Apache Indians hereby cede, convey, transfer, relinquish, and surrender, forever and absolutely, without any reservation whatever, express or implied, all their claim, title, and interest, of any kind and character, in and to the lands embraced in the following-described tract of country in the Indian Territory to wit: Commencing at a point where the Washita River crosses the ninety-eighth meridian west from Greenwich; thence up the Washita River, in the middle of the main channel thereof, to a point 30 miles, by river, west of Fort Cobb, as now established; thence due west to the north fork of Red River, provided said line strikes said river east of the one-hundredth meridian of west longitude, if not, then only to said meridian line, and thence due south, on said meridian line, to the said north fork of Red River; thence down said north fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red River; thence down said Red River, in the middle of the main channel thereof, to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north, on said meridian line, to the place of beginning.

"ARTICLE II.

"Out of the lands ceded, conveyed, transferred, relinquished, and surrendered by Article I hereof, and in part consideration for the cession thereof, it is agreed by the United States that each member of said Comanche, Kiowa, and Apache tribes of Indians over the age of 18 years shall have the right to select for himself or herself 160 acres of land to be held and owned in severalty, to conform to the legal surveys in boundary; and that the father, or, if he be dead, the mother, if members of either of said tribes of Indians, shall have the right to select a like amount of land for each of his or her children under the age of 18 years; and that the Commissioner of Indian Affairs, or some one by him appointed for the purpose, shall select a like amount of land for each orphan child belonging to either of said tribes under the age of 18 years.

"ARTICLE III.

"It is further agreed that the land in said reservation shall be classed as grain-growing and grazing land; and in making selection of lands to be allotted in severalty as aforesaid, each and every Indian herein provided for shall be required to take at least one-half in area of his or her allotments of grazing land. It is hereby further expressly agreed that no person shall have the right to make his or her selection of land in any part of said reservation that is now used or occupied for military, agency, school, school-farm, religious, or other public uses, or in sections 16 and 36 in each Congressional township, except in cases where any Comanche, Kiowa, or Apache Indian has heretofore made improvements upon and now uses and occupies a part of said sections 16 and 36, such Indian may make his or her selection within the boundaries so prescribed so as to include his or her improvements. It is further agreed that wherever in said reservation any Indian entitled to take lands in severalty hereunder has made improvements, and now uses and occupies the land embracing such improvements, such Indian shall have the undisputed right to make his or her selection within the area above provided for allotments, so as to include his or her said improvements.

"It is further agreed that said sections 16 and 36 in each Congressional township in said reservation shall not become subject to homestead entry, but shall be held by the United States and finally sold for public-school purposes. It is hereby further agreed that wherever in said reservation any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians, the land so occupied may be allotted and confirmed to such society or organization, not, however, to exceed 160 acres of land to any one society or organization, so long as the same shall be so occupied and used; and such land shall not be subject to homestead entry.

"ARTICLE IV.

"All allotments hereunder shall be selected within twelve months from the ratification of this agreement by the Congress of the United States: *Provided*, The Secretary of the Interior, in his discretion, may extend the time for making such selection; and should any Indian entitled to allotments hereunder fail or refuse to make his or her selection of land in that time, then the allotting agent in charge of the work of making such allotments shall within the next thirty days after said time make allotments to such Indians, which shall have the same force and effect as if the selection were made by the Indian.

"ARTICLE V.

"When said allotments of land shall have been selected and taken as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the allottees, respectively, for the period of twenty-five years, in the time and manner and to the extent provided for in the act of Congress entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes,' approved February 8, 1887, and an act amendatory thereof, approved February 28, 1891.

"And at the expiration of the said period of twenty-five years the title

thereto shall be conveyed in fee simple to the allottees or their heirs, free from all incumbrances.

"ARTICLE VI.

"As a further and only additional consideration for the cession of territory and relinquishment of title, claim, and interest in and to lands as aforesaid the United States agrees to pay to the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory the sum of $2,000,000, in manner as follows:

"As fast as the lands opened for settlement under this act are sold, the money received from such sales shall be covered into the Treasury and placed to the credit of the said Comanche, Kiowa, and Apache tribes of Indians: *Provided*, That no part of said money shall be paid to said Indians until the question of title to the said lands is fully settled between said tribes and the Choctaw and Chickasaw tribes by a suit in the Court of Claims, as hereinafter provided, and said court shall by its decree direct the payment of said $2,000,000 to the tribes entitled to the same, as herein provided.

"Nothing herein contained shall be held to affect in any way any annuities due said Indians under existing laws, agreements or treaties.

"ARTICLE VIII.

"It is further agreed that wherever in said reservation any member of any of the tribes of said Indians has, in pursuance of any laws or under any rules or regulations of the Interior Department, taken an allotment, such allotment, at the option of the allottee, shall be confirmed and governed by all the conditions attached to allotments taken under this agreement.

"ARTICLE IX.

"It is further agreed that any and all leases made in pursuance of the laws of the United States of any part of said reservation which may be in force at the time of the ratification by Congress of this agreement shall remain in force the same as if this agreement had not been made.

"ARTICLE X.

"It is further agreed that the following-named persons, not members by blood of either of said tribes, but who have married into one of the tribes, to wit, Mabel R. Given, Thomas F. Woodward, William Wyatt, Kiowa Dutch, John Nestill, James N. Jones, Christian Ke oh-tah, Edward L. Clark, George Conover, William Deitrick, Ben Roach, Lewis Bentz, Abilene, James Gardloupe, John Sanchez, the wife of Boone Chandler, whose given name is unknown, Emmit COX, and Horace P. Jones, shall each be entitled to all the benefits of land and money conferred by this agreement, the same as if members by blood of one of said tribes; and that Emsy S. Smith, David Grantham, Zonee Adams, John T. Hill, J. J. Methuin, H. L. Scott, and George D. Day, friends of said Indians who have rendered to said Indians valuable services, shall each be entitled to all the benefits in land only conferred under this agreement, the same as if members of said tribes.

"ARTICLE XI.

"This agreement shall be effective only when ratified by the Congress of the United States:"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein amended.

SEC. 2. That the Secretary of the Interior is hereby authorized and directed to cause the allotments of said lands, provided for in said treaty among said Indians, to be made by an Indian inspector or by the agent of said Indians.

SEC. 3. That all allotments of said land shall be made under the direction of the Secretary of the Interior to said Indians within one year from the passage of this act, subject to the exceptions contained in article 4 of said treaty.

SEC. 4. That the lands acquired by this agreement shall within twelve months after the completion of allotments be opened to settlement by proclamation of the President, and be disposed of under the general provisions of the act of Congress approved May 2, 1890, entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in Indian Territory, and for other purposes," relating to the disposal of the public lands in that Territory, and also those general provisions of the act of Congress approved March 3, 1891, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1892, and for other purposes," relating to the disposal of public lands in said Territory.

SEC. 5. That the payment for said lands shall be made to the Indian tribes entitled to receive the same under the provisions of this act as fast as the lands opened for settlement under this act are sold and payment received for the same. The money received from such sale shall be covered into the Treasury and placed to the credit of the said Comanche, Kiowa, and Apache tribes of Indians: *Provided*, That no part of said money shall be paid to said Indians until the question of title to said lands is fully settled between said tribes and the Choctaw and Chickasaw tribes by a suit in the Court of Claims as hereinafter provided for. And said court shall direct the payment thereof, as herein provided, to the tribes that they may find entitled thereto.

SEC. 6. That none of the money or interest thereon which is, by the terms of the said agreement, to be paid to said Indians shall be applied to the payment of any judgment that has been or may hereafter be rendered under the provisions of the act of Congress approved March 3, 1891, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations."

SEC. 7. That should any of said lands allotted to said Indians, or opened to settlement under this act, contain valuable mineral deposits, such mineral deposits shall be open to location and entry, under the existing mining laws of the United States, upon the passage of this act, and the mineral laws of the United States are hereby extended over said lands. Whatever sums may be received for the sale of such mineral lands shall be placed to the credit of the tribes of Indians entitled thereto, as provided herein for nonmineral lands.

SEC. 8. That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty, as soon as the same are abandoned by said Comanche, Kiowa, and Apache tribes of Indians, jurisdiction be, and is hereby, conferred upon the United States Court of Claims to hear and determine the said claim of the Chickasaws and the Choctaws, and to render judgment thereon, it being the intention of this act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States and the Choctaw and Chickasaw nations, and the Comanche, Kiowa, and Apache tribes of Indians, in the premises, shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim; and the Attorney-General is hereby directed to appear in behalf of the Government of the United States; and either of the parties to said action shall have the right of appeal to the Supreme Court of the United States: *Provided*, That such appeal shall be taken within sixty days after the rendition of the judgment objected to, and that the said courts shall give such causes precedence: *And provided further*, That nothing in this act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

SEC. 9. That said action shall be presented by a single petition making the United States party defendant, and shall set forth all the facts on which the said Choctaw and Chickasaw nations claim title to said land; and said petition may be verified by the authorized delegates, agents, or attorneys of said Indians upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this act, or should they dismiss said suit, the same shall not be reinstated, and their claim shall be forever barred.

The SPEAKER. Is a second demanded?

Mr. CANNON. Mr. Speaker, I want to ask my friend, if he will allow me—and I hope unanimous consent will be given that this shall not be considered as debate—if he will not modify his motion so as to consider this bill in the House as in Committee of the Whole under the five-minute rule?

Mr. CURTIS of Kansas. I am perfectly willing if the gentleman desires.

Mr. CANNON. It seems to me it is so important a bill that there ought to be a little leeway given for inquiry and amendment.

The SPEAKER. If there be no objection, the gentleman can so modify his motion that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and the bill will be considered in the House as in Committee of the Whole. The first reading of the bill has taken place, and the second reading will now be for amendment. The Clerk will read.

Mr. DINGLEY. Mr. Speaker, before the bill is read for amendment, I suggest to the gentleman from Kansas that he give the House an explanation of the general scope and aim of the bill, that we may better understand it.

Mr. CURTIS of Kansas. Mr. Speaker, this is a bill to ratify an agreement with the Comanche, Kiowa, and Apache tribes of Indians, which was entered into in 1892. The bill, or a similar one, was favorably reported in the Fifty-fourth Congress from the Committee on Indian Affairs. At this session of Congress the committee unanimously agreed that it should be attached to the Indian appropriation bill, and since that time have directed that this bill be reported.

There are about 2,819 Indians on the reservation, and they occupy 2,900,000 acres of land. There are 477 families occupying their own dwellings, and it is claimed that within one year they will all be provided with homes. Under the agreement it will take about 450,000 acres of land for their allotment. The balance, 2,500,000 acres, is to be opened to settlement under the law opening the Territory of Oklahoma, which provides that the lands shall not be sold at a price less than that agreed to be paid to the Indians, and provides also that it shall not be sold for less than $1.25 an acre.

In the agreement it was provided that $2,000,000 should be paid for the surplus land; but your committee thought it best not to bind the Government to pay for the land at this time, but to authorize the selling of the land by the Government for the benefit of the Indians. As fast as the money is received from the sale it is to be deposited in the Treasury to the credit of the Kiowa, Comanche, and Apache tribes of Indians.

There is another question which came up in connection with this matter, and that is the claim of the Chickasaws and Choctaws. This land is located in what is known as the leased district. Your committee was of the opinion that these two tribes had no claim against this land or interest in it; but in order to protect the interests of the Government it is provided that the money shall be put into the Treasury and shall not be paid to either of the tribes until the question of the title is settled by the Court of Claims. The bill directs that the suit shall be brought by the Chickasaws and Choctaws within a certain time; that the court shall find which of the tribes is entitled to the money, and, when judgment is rendered, that then the money received from the sale of the land shall be paid to the tribes that the court may hold are entitled to it.

I think there is nothing in the claim of the Choctaws and Chickasaws, as they leased, by their treaty of 1855, to the United States all that portion of their common territory west of the ninety-eighth degree of west longitude for the permanent settlement of certain tribes of friendly Indians thereon. For this they were paid $800,000.

By the treaty of 1866, eleven years after they had leased this large tract of land to the Government, the Choctaws and Chickasaws, in consideration of the sum of $300,000, ceded to the United States the territory west of the ninety-eighth degree of west longitude, known as the leased district, which includes the lands covered by this agreement, and, in my judgment, when they ceded the lands for a valuable consideration eleven years after they had leased them they can not now claim that they only intended to make a new lease. The Government already had a permanent lease for which they had paid $800,000, and it is plain to me that the $300,000 paid eleven years later was to extinguish the title of the Choctaws and Chickasaws.

All the interests of the Government, we believe, are protected

in this matter. There is one section of the bill which provides that none of the money derived from the sale of these lands shall be held responsible for claims for damages against these tribes. That section was put in the bill because it was a part of the agreement with the Indians.

As a member of the Committee on Indian Affairs, who has been on the committee for five years, I want to say there has not been within that time more than one claim filed against the Kiowa, Comanche, and Apache tribes of Indians; and my recollection is that there has not been a single claim for damages against those Indians, though there may possibly have been one claim.

Mr. CANNON. I have been looking for the clause in the agreement to which the gentleman just referred, and I have not been able to find it. Is he quite sure it is in the agreement?

Mr. CURTIS of Kansas. I may be mistaken, but my recollection is that it is there. I have no objection to striking out section 6, which provides for this matter.

Mr. CANNON. I think that if it should be found on examination that this agreement exempts this sum of money from the payment of judgments of the Court of Claims in the Indian depredation cases, the agreement ought to be amended, besides striking out the provision referred to in this proposed legislation. My friend is aware of the legislation of 1891, sending to the Court of Claims what were known as the Indian depredation claims, amounting to forty or fifty million dollars. I have no doubt that a very small amount of it pertains to these tribes; but if their liability should be established by the court after full litigation, then the money must come from their fund or it must come from the Treasury of the United States. Hence I have suggested to my friend that section 6 be stricken out, and he has expressed a willingness that it should be done. I trust we shall carefully examine the agreement, so as to see whether this legislation ratifies that agreement, and if so, whether the language should not be modified.

Mr. CURTIS of Kansas. I am perfectly willing that such a modification should be made. If it is not in the agreement, there was some representation to the committee to the effect that there was a promise made to the Indians or some understanding that the money derived from the sale of the lands should not be used in the payment of claims against the tribes.

Mr. MADDOX rose.

Mr. CURTIS of Kansas. I yield to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. If the court should find that the reversionary interest in this property is in the Choctaw and Chickasaw Indians, how will it be possible for the United States to give title to the lands?

Mr. CURTIS of Kansas. The gentleman may remember that we had this matter up in our committee before.

Mr. MADDOX. Yes; several times.

Mr. CURTIS of Kansas. The gentleman reported a bill of this kind in the Fifty-fourth Congress, with the same provisions in regard to the claim mentioned, and we had the same claim before us; and the gentleman will remember that I took the ground that the Chickasaw and Choctaws had no valid claim against the lands because they had ceded them to the Government in 1866. The committee thought the provisions in the bill were sufficient, as all the Chickasaws and Choctaws claimed in the Fifty-first or Fifty-second Congress was that they were entitled either to the land or to $1.25 an acre for it. Now, under this bill no land can be sold for less than $1.25 an acre, which will give them all they ask, all they have claimed; and if the land is not sold, the United States will hold it in trust for them, and it will be subject to another treaty. I think this conclusion was arrived at when the gentleman from Georgia [Mr. MADDOX] was upon the committee.

Mr. MADDOX. When the gentleman gets through I want to say a few words for the purpose of informing the House what it is doing.

Mr. CURTIS of Kansas. I reserve the balance of my time.

Mr. CANNON. Before the gentleman does that will he allow me a single suggestion? Let me read a provision of the bill on page 10:

> SEC. 8. That, as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty, as soon as the same are abandoned by said Comanche, Kiowa, and Apache tribes of Indians, jurisdiction be, and is hereby, conferred upon the United States Court of Claims to hear and determine the said claim of the Chickasaws and the Choctaws, and to render judgment thereon.

Now, it seems to me that in the last line of this paragraph the word "judgment" should be struck out and "decree" substituted, and after the word "thereon" there should be added the words "settling the rights of the Chickasaws and Choctaws and of the Comanche, Kiowa, and Apache tribes of Indians."

Mr. CURTIS of Kansas. I have no objection to such an amendment. I wish to say to the gentleman from Georgia that there is already a suit pending which will probably be decided within a very few months, or possibly within the next month. We provide in this bill that the allotments shall be made within a year after the treaty is ratified, so that if in the meantime the decision is such as is expected by the gentleman from Georgia the matter can be arranged in that way. And of course the gentleman knows that a suit is now pending against the Wichita tribe of Indians for this amount.

Mr. MADDOX. That is true——

Mr. CANNON. And the courts will have to determine the matter.

Mr. MADDOX. I do not know what the court will determine, but I wish to call the attention of the House to a fact in connection with this matter, and I think it is worthy of consideration. In the Fiftieth or Fifty-first Congress the reservations of the Cheyenne and Arapahoe Indians were opened for allotment, as now proposed by the pending bill. They were opened up to settlement, and the older members of this body will remember that the gentleman from Arkansas, who was then a member of this body, Mr. Peel, came in and asked the House to appropriate $2,900,000 in a bill for the Choctaws and Chickasaws, who it was claimed had a reversionary or legal interest in the lands proposed to be allotted.

When these Indians relinquished their title, the property reverted to the Choctaw and Chickasaw Nations, and it was necessary that there should be some arrangement made with them to secure the Government title. That bill was passed and went to the President, and President Harrison vetoed the bill as it passed this body, and the Secretary of the Interior, in the opinion accompanying it, said he did not think that these Indians had any interest whatever in the property, but the House and the Senate, on a full consideration of the matter, came to a different conclusion and thought that they had an interest, and so determined, and they agreed to pay the sum of $2,900,000.

Mr. CANNON. Will the gentleman permit an interruption just there?

Mr. MADDOX. Certainly.

Mr. CANNON. If it does not interrupt my friend, I have an apt recollection of that transaction——

Mr. MADDOX. I remember the gentleman from Illinois was aiding me in my efforts to prevent the enactment of the legislation proposed.

Mr. CANNON. It was forced, I will state to the House, in the closing hours of the Fifty-first Congress on an appropriation bill by a Senate amendment, against the protest of the Committee on Appropriations, which I had the honor to represent at that time. After as exhaustive and as bitter a fight as the committee I represented has ever made, this matter was brought to the attention of the House for its final action.

The matter was determined at an early hour in the morning, some time near the hour, as the poet said, when "graveyards are supposed to yawn and give up their dead"—by an almost solid minority and a yielding majority that measure passed this body; and without undertaking to criticise anybody, or any party, or any member of this body, in my judgment the enactment was as iniquitous a provision of legislation as has ever passed the House of Representatives since I have had the honor to be a member of this body.

Mr. MADDOX. I think perhaps the gentleman from Illinois is entirely correct. I have quite a distinct recollection myself. I do not know, of course, who was responsible for it. I only know that the fact was accomplished. It is also a fact that if it was possible to pass such an appropriation at that time, which it is admitted was an improper measure, it might be done again. You have now a precedent for the action, and that precedent will be used to carry such a condition of things to a still further point.

Now, I have no possible interest in this matter one way or the other. I have served for about four years on the Committee on Indian Affairs, and this question has been presented constantly, continuously, and steadily all of that time. My idea has been to settle, in the first instance, the title of this property, and then consider the other conditions which necessarily follow.

Mr. CALLAHAN. May I interrupt the gentleman from Georgia for a few moments?

Mr. MADDOX. Certainly.

Mr. CALLAHAN. Do you undertake to say that the opening of this land for settlement affects in the slightest degree the title of the property?

Mr. MADDOX. Certainly.

Mr. CALLAHAN. How could that be possible?

Mr. MADDOX. Why, if I had the reversionary interest to the property, I would like to know who can sell it without my consent? It seems to me that that is a plain legal proposition that can hardly admit of any question.

Mr. CURTIS of Kansas. Will the gentleman permit me to ask him a question?

Mr. MADDOX. Yes.

Mr. CURTIS of Kansas. If I recollect aright, you were upon the subcommittee that investigated this claim?

Mr. MADDOX. Yes.

Mr. CURTIS of Kansas. I believe the gentleman will remember that I took the position that the Choctaws and Chickasaws had no claim, in my judgment?

Mr. MADDOX. Yes; I think so.

Mr. CURTIS of Kansas. And does not the gentleman remember that we virtually agreed to this proposition, submitting the matter to the court, and that the gentleman himself reported that bill?

Mr. MADDOX. Yes; we submitted it to the court, and, as I understand, that case is now pending.

Mr. CURTIS of Kansas. In this case we follow that very provision that was agreed upon by the gentleman from Georgia and myself, except that we protect the Government more than we did in that amendment.

Mr. MADDOX. Now, it is a fact that there is a case pending in which this title is going to be determined as to who this land belongs to. If it belongs to the Choctaws and Chickasaws, then we must treat with them.

Mr. LACEY. Let me ask the gentleman if any possible danger can occur when all the parties to that suit agree that the land shall be thrown open to settlement and the litigation finished up to determine who shall receive the proceeds? What harm can occur to the Government if it treats with all the parties?

Mr. MADDOX. Do I understand that the Choctaws and Chickasaws agree to this?

Mr. LACEY. They are fully protected.

Mr. MADDOX. If my friend will put in an amendment to this effect, that would settle the whole question, if they are to be made parties to the suit.

Mr. CURTIS of Kansas. They are parties to the suit. They must bring the suit within a certain time, or they are forever barred.

Mr. CALLAHAN. And the bill provides that their funds are protected until the question is settled.

Mr. STEPHENS of Texas. The provision of the bill is this:

Provided, That no part of said money shall be paid to said Indians until the question of title to said lands is fully settled between said tribes and the Choctaw and Chickasaw tribes by a suit in the Court of Claims as hereinafter provided for. And said court shall direct the payment thereof to the tribes that they may find entitled thereto.

I think that fully covers that.

Mr. MADDOX. The difficulty about that section is that we can not legislate the title out of these people, if it is in them, without their consent. That is the difficulty which presents itself under this section. Every lawyer here will see that readily. If the courts decide that this property, or the reversionary interest, belongs to the Choctaws and Chickasaws, what right has the Government to sell that land to anybody without their consent? If I have a reversionary interest in property, and it vests in me after certain conditions have been performed, who can appropriate my land and sell it without my consent? Perhaps these Choctaws and Chickasaws will say, "We could sell this land for vastly more money than you have received for it. We will not accept the bargain. We will not be bound by it."

Is there any court in this country which will hold those people to it unless they agree to it? That is a legal proposition which, as I have said, presents itself to every lawyer in the House. You can not do that sort of a thing. If the title is in them, you can not legislate it out without their consent.

I have no interest in this matter whatever, but I served on this committee for four years. I have watched this proposition. I have kept up with it. I find that the Government was mulcted out of $2,900,000 in the opening of the Cheyenne and Arapahoe Reservation, and I have attempted up to this time to protect the people from another such invasion on the Treasury. Now, having called the attention of the House to this question, I have no more to say.

Mr. CURTIS of Kansas. If the gentleman will permit me, I wish to say that the interests of the Government are even better protected than they were in the bill which he and I agreed upon in the Fifty-fourth Congress.

Mr. MADDOX. I remember we agreed about the suit, and that suit is now pending.

Mr. CURTIS of Kansas. And this is exactly the same kind of a provision under which that suit was brought.

Mr. MADDOX. I want to say to the House that I do not see any reason for hurry about this business, because this very identical question is now pending in the courts. Why not postpone this until that question is determined and settled as to who owns the title to this property? Then we shall know whom to deal with. That will settle it.

Mr. GAINES. That suit has been pending for several years, dragging along in the courts, has it not?

Mr. MADDOX. No; it has not been so long as that. It was only in the Fifty-fourth Congress that we authorized it.

Mr. CURTIS of Kansas. It was submitted in January.

Mr. MADDOX. I know it has not been a great while. It is getting along as well as could be expected. Now, the thing which suggests itself to my mind is that the best thing to do with this case is to postpone it until the next session and see what the decision of the court is, and then proceed intelligently.

Mr. STEPHENS of Texas. I do not think we should postpone this bill, because the country surrounding this reservation demands that it be opened up for settlement. The bill protects the Indians in every direction, because the money arising from the sale of the reservation is to be held in the United States Treasury, subject to the disposition to be made of the funds by the Court of Claims. The plain language of the bill is that the decree shall state to what tribe of Indians this money shall be paid.

There is what is known as the leased district, west of the ninety-eighth meridian, which was set apart to these wild tribes, several tribes having separate reservations. All the reservations except this one have already been opened up.

Now, we provide ample protection here for any suit or any claim arising between the Chickasaws and Choctaws and the Comanches, Apaches, and Kiowas. The land is to be sold at $1.25 an acre. The purchaser pays the amount to the United States, and the money remains in the Treasury pending any suit that the Chickasaws and Choctaws may bring to determine the title of the land. If it is determined that the Chickasaws and Choctaws have the title, then the court will decree it to them; and if it is determined in favor of the Comanches, Apaches, and Kiowas, the court will decree it to them. The consequence is that, both being before the court, they can be amply protected.

Now, on the question as to whether the Government has the right to open that country. We have passed upon this question, and it is not necessary to raise it here. A few days ago the House passed a bill opening up the entire Indian reservation of the Five Civilized Tribes. It is true the United States Government gave them patents to that land, and it was stated in the patents they should have it perpetually; but the Government reserved the right to control these Indians, and it has taken possession of the lands just the same as it has the right to take possession of this land west of the ninety-eighth meridian. The Government, at the time that this vast scope of country was settled by these Indians there, did not settle any of the wild tribes on it, but only the Five Civilized Tribes. But those Five Civilized Tribes did not at the time have a fee-simple title, and it has not been so regarded by the courts of the country.

If we have the right to allot the lands to the Five Civilized Tribes, we certainly have the same right to allot these lands to the wild tribes of Indians; and the trouble in this question is simply this—as to whether or not when the Government made a treaty a great many years ago with the Five Tribes to settle west of the ninety-eighth meridian it parted with that title, or whether it reserved its rights. That raises a legal question as to the construction of that treaty with the United States. The tribes were claiming it; the courts must settle it. There are no Indian courts; and what court must settle it? The Comanches and Kiowas never had a court of any kind. The consequence is this, being a legal question, it must go to the courts of the United States, because there is no other place to settle a legal question.

Then does it make any difference whether you try the title of the land or the money arising from the sale of the land? There is no difference. It is the same question exactly. Now, as to the policy of opening these lands up. There is no opposition, as I understand, to that. I represent a district adjoining this territory on the south. The reputable people in Kansas, in Oklahoma, in Texas demand that the country shall be opened up, because it has become the rendezvous of train robbers, murderers, thieves, and every other bad character of people that run from the different States of the Union and congregate there. It is for the benefit of the entire southwestern country that these bands centering on the reservation should be broken up, and in order to do that we must spend a large amount of money.

The governor of the Territory of Oklahoma in 1895 and 1896, Governor Renfrew, and the present governor this year have declared in messages directed to the President of the United States and to Congress in favor of opening all this reservation on the ground that it would break up these bands of outlaws congregated in that country. I think the bill ought to pass. The Indians in 1892 adopted this treaty on their part, the Government of the United States on their part being represented by three commissioners. The treaty was made and signed by the Government, making a treaty with the Indians and they signed it, and all we ask to-day is that the treaty be ratified by Congress.

Under that treaty, made by the Comanches, Kiowas and Apaches, and the Choctaws, and the Chickasaws, we provide in this bill that the Court of Claims may determine the question between those Indians. We must refer it to a court somewhere and some time, and it makes no difference whether you divide the money or the lands. We leave the money in the hands of the United States Treasury, to be distributed by the courts; and no one will be injured, but all the country will be benefited.

Mr. LACEY. Mr. Speaker, a portion of this land is claimed by

certain Indian tribes, or all of it, in fact. They have entered into a written contract authorizing the sale of the land. That, of course, binds them; but the contract is subject to approval by Congress. The proposition approves it in this bill with amendment. Now, there are other tribes, not parties to that contract, that claim an interest in the land, and the question suggested is whether Congress has the power to convey or to sell the interest of the Indians not parties to this contract. The Indians are the wards of the nation. If they were not the wards of the nation, being wards, the courts would have to decree and to give authority for the conveyance of the land.

But where the guardianship is held by the Government, supreme in power, giving to Congress the right to exercise and control these things, the guardian must be a legislative capacity, and when Congress declares the legislative title shall be disposed of, that binds all parties in the contract as well as those who are not bound by the contract. This bill is brought in, and we are modifying the contract. It is modified. It gives the Congress of the United States, as the guardian over each and every one of these tribes, accountable to nobody except the tribes, bound to the tribes only in an honorable way to preserve justice and right in its dealings with the tribes, the power to adjust this matter.

We have provided in this bill that the land shall be disposed of at once, the proceeds turned over to the court, so that if there is a conflict between the tribes, the conflict as to the land shall cease, and it shall be settled as to the funds which will be the proceeds of the sale of the land. That is the theory upon which the jurisdiction of the claims of the tribes not a party to the treaty is based.

Mr. CANNON. Has my friend read sections 8 and 9 of this bill?

Mr. LACEY. I have examined them, and it was deemed by the committee a sufficient protection as to those tribes or parties. Whatever rights might be claimed by the Chickasaws and Choctaws, it was thought they had no rights, but if they did, the right in the land could be transferred to the right in the proceeds.

Mr. CANNON. If we are legislating upon his theory—I must confess I have not enough inclination to combat his theory, and have no desire to do it—it seems to me that sections 8 and 9 ought to be recast.

Mr. LACEY. I am not sure that apt words have been used all the way through, and the bill is now being considered by sections so that it may be amended. I should be glad to hear my friend's suggestion as to what amendments ought to be made.

Mr. CANNON. Section 9 seems to provide that if the tribe of Indians do not bring an action within ninety days from the approval of this act their claim shall be forever barred. Now, I do not know, but it seems to me that is treating them as wards in one minute and as litigants in another. It seems to me sections 8 and 9 should be so recast, reciting the facts, that one of these tribes, either the Choctaws or the Chickasaws, claim an interest in this land, and in a certain event that the matter should be submitted as to the rights of the respective tribes to the Court of Claims, with such right to interplead as may be necessary; and upon full hearing a decree should be made, and after right of appeal has expired the money should be distributed. My friend is a much better lawyer than I am, and I only want to draw his attention to these two sections, that he may give them such consideration as is proper.

Mr. CALLAHAN. Mr. Speaker, we have the Kiowas, the Comanches, and the Apache Indians treating with the Government as an interested party on the one hand, and on the other hand the Territory of Oklahoma. These two parties are to be benefited by the conclusion of this agreement. The Indians have entered into and made a treaty, and the Government now comes forward to complete the treaty on its part, to confirm the agreement, and out of this will grow a remarkable blessing to the Territory of Oklahoma and to the Indians themselves. Unquestionably so. We will stimulate and aid the Indians and benefit them, and the opening up of these lands will benefit the Territory of Oklahoma and civilization in general.

Now comes in the other two tribes and present a claim to a part of these lands, a claim that has been before the Government and has been pressed, as I am advised, for a number of years, and investigation after investigation has been had, and it is unquestionably true that all the testimony they will ever be likely to produce has been before the committee, which has read the testimony and has decided that those tribes have no right, equitable or otherwise, in this land whatever.

Now, the question is, Shall we as a Congress, as a body to whom this matter is referred—shall we defer it to the disadvantage of Oklahoma and to the Kiowa, Comanche, and Apache Indians, for what is supposed to be, on the part of some at least, a mere claim, and a claim that has no actual foundation? That is a question that will be settled by this body this afternoon.

Now, I insist that, taking this view of the facts, their claims, if they have any, have been passed upon against them; and in view of the fact that this bill protects them, I insist that the proper course is to pass this measure.

Mr. MADDOX. The gentleman from Oklahoma refers to the treaty or an agreement made between the United States and the Indians. The agreement was between the tenant at will and not the landlord; the Chickasaws and Choctaws have the reversionary interest. The Comanches and Kiowas are simply tenants at will; they have no title there, and never will have. I want to call the attention of the House to another thing. We shall never get any money for these lands. The bill provides that $1.25 an acre shall be paid. I am assured by my friend from Arkansas that we will never get any money out of it.

He says we ought not to have any. How long has it been—just a few days ago—that my friend from Oklahoma was asking for a free-home bill to excuse all these people that had settled out there from paying anything, saying it was impossible for them to pay. Now, this measure provides for the payment of $1.25 an acre, and you will get nothing out of it but a lawsuit on your hands.

Mr. CURTIS of Iowa. If the land leases for 10 cents an acre, surely something will be received from that.

Mr. MADDOX. Did not the Cherokee Strip lease for that and more?

Mr. CURTIS of Kansas. It leased for 4 or 5 cents.

Mr. MADDOX. Did it not go as high as 10 cents?

Mr. SIMPSON. Some of it did, but only a small part.

Mr. STEPHENS of Texas. Is it not a fact that twice the House has had up the free-home bill——

Mr. MADDOX. Yes; and you will have it up a third time. It will come back from the Senate again. Now, the gentleman comes here and says these people are not able to pay for these lands——

Mr. CALLAHAN. That is not the question, whether they are able to pay for the lands or not. Stick to the text.

Mr. MADDOX. I insist that is the question for this House to consider. If these people are not going to pay for this land, we should not be fooled with the idea that we are going to get $1.25 an acre for it, and hold the money subject to this lawsuit. That is the idea on which it is proposed to put this bill through. My friend over here says we shall get no money. And I call these gentlemen to witness that we shall get none. What will be the result? Suppose the court should decide, as this House understands it has decided heretofore, that the reversionary title of this property is in the Choctaws and Chickasaws, then the Government will enjoy the benefit of paying for this land and giving it to the settlers.

I call in question another statement. How many times during the last three Congresses have we been asked to extend the time for the payment of these public lands out in the West? In near y every single case I think an extension has been asked from time to time. And now you propose to open more lands and put them in the same condition.

Mr. CURTIS of Kansas. Does not the gentleman understand that this bill provides that no money shall be paid until it is received from the sale of the lands, so that if the lands are not sold, there is nothing for the Government to pay?

Mr. MADDOX. But that money is not going to be paid. That is where the trouble will be.

Mr. CURTIS of Kansas. Then if the Government receives no money, it will not be out anything.

Mr. MADDOX. The gentleman is mistaken about that. That is where I differ from some other gentlemen on the legal proposition. If the Government takes hold of this property and proposes to allot it out to settlers, we shall have to pay for it if the courts of this country say the title is in the Choctaws and Chickasaws. We can not take the title from these people. I say now, as a legal proposition, that we can not legislate the title out of those people under any precedent of any court in this country; and if the title is in them, it will remain there notwithstanding your legislation.

Mr. KING. If the Indians by cession are willing to transfer their title to the Government, as I understand has been done here, could we not then by legislation deprive them of the title?

Mr. MADDOX. We could if they would agree to it. But let any man show me if he can by what act the Choctaws and Chickasaws have agreed to this proposition. They claim the reversionary title to this property. They say that when the Government ceases to use it for the purpose of settling friendly Indians upon it, the right of the Government ceases and the title reverts to them—the whole of it. That is what they claim, and this body, in the Fifty-second Congress, decided that the claim was a valid one. At the last term of this Congress we had an able opinion that the title vested in those people.

My contention now is that this matter should be postponed until the case already brought in the courts shall be settled and the question determined as to who really owns this land. When such a decision has been obtained, we can legislate intelligently. If the court should decide that the reversionary interest does not belong to the Choctaws and the Chickasaws, that the treaty behind all this, upon which that title is based, transferred the title

to the United States Government, then there will be nothing in the way of our legislation and we can go forward.

But this bill simply provides this: In order to establish a safeguard with reference to this question (and it is a grave one) it is provided that the money paid for the lands shall be held by the United States subject to a lawsuit; in other words, if the Choctaws and Chickasaws should show to the satisfaction of the court that the reversionary title is in them, then I suppose the object is to pay the $1.25 an acre to the Choctaws and Chickasaws. But suppose, gentlemen, that the Choctaws and Chickasaws say, "We will not accept your $1.25 an acre; our land is worth more than that." Under such circumstances what right has this Government or anybody else to say what price shall be paid for the property of those Indians if they have the title to it? Who can sell without their consent the reversionary interest in their lands? If you can get the Choctaws and Chickasaws to consent to the transaction, they will be bound by it. But it does not appear by this bill or anywhere else that they have consented.

Mr. STEPHENS of Texas. If the Indians are the wards of the Government, then has not the Government the right to direct the allotment of the land and to say how the Indians shall be paid for it?

Mr. MADDOX. The gentleman should understand that the Choctaws and Chickasaws are not the wards of this Government.

Mr. STEPHENS of Texas. I understand that they are.

Mr. MADDOX. I deny it. While other Indians are wards, this class of people are not. They have been able to take care of themselves; they have made several treaties with the United States Government which the Government has pledged itself to observe, in the language of the old Jacksonian treaty, "as long as water runs down hill and grass grows." That is what the treaty provides. Are we observing it?

Mr. SMITH of Kentucky. I understood the gentleman to say that this House had decided in 1892 or 1893——

Mr. MADDOX. In the Fifty-second Congress.

Mr. SMITH of Kentucky (continuing). That the reversionary right to these lands was in the Choctaws and Chickasaws.

Mr. MADDOX. Congress did so decide, and the Government paid $2,900,000 under that decision, and it has never been reversed. Now we have a case in court standing on all fours with the present proposition—a case in which this question will be settled, I apprehend, very soon. As I have said, my contention is that we should now postpone this matter until next session—until the court shall have decided who owns the title to this territory.

Do not, Mr. Speaker, let us get into the same trouble that we got into in reference to this matter in the Fifty-second Congress. We do not want to pay twice for these lands. Let us consider a little more carefully before we proceed, and know exactly what we are doing. There is no reason whatever for it. There is no reason why we should hasten to open up these lands when the probability is that the effect would be to lead us into serious troubles. Let us proceed slowly in a matter of so much importance as this. I see no reason why we are not in duty bound required to postpone the matter until the next session of Congress, when we will be in a better position to determine exactly what is proper to be done, and at that time we can act understandingly upon this proposition. There is no need for this haste.

Mr. GROW. Mr. Speaker, the policy in reference to the treatment of these Indian lands which has grown up in the last eight or ten years does not seem to me to be entirely a wise one. The old way of dealing with them was for the Government pay the Indians a certain sum for the lands they might be occupying and then assign them to some other location; and the lands they left were added to the public domain, subject to the general land laws applicable to the settlement of all other lands. Now treaties like this are made allotting certain lands and then treating the Indian as the owner in fee of all his claim outside of the lands allotted and fixing a price for the settler on such lands to pay the Government, to be held in trust for the Indians.

Mr. Speaker, there is no reason for preferring this new system over the old. Let the Indian occupy his allotted lands under our treaty regulations, and let the remainder outside of his allotments go into the public domain to be settled by homestead settlers, the same as any other portion of public lands. Why take from the settler who makes his home in the wilderness on these lands a sum greater than that taken from the settler on any other lands? Why should any difference be made with the settler.

The white settler has certain privileges under the homestead laws. He takes the other lands of the Government under certain conditions. Why impose greater burdens upon him when he settles upon lands acquired under recent treaties than upon lands heretofore acquired under treaties with Indian tribes and foreign nations? [Applause.]

These lands which remain after the allotment has been made to the Indians belong to the settler just as much to-day as did those acquired forty years ago, when the homestead law was first passed, and there is no justice in withholding from him the right to which he was then and is now entitled. [Applause.]

Why should the Government continue to pursue this new policy of paying the Indians a certain amount of money and then exacting that same amount from the settlers upon the lands outside of the allotments? Mr. Speaker, this practice of the Government is a greater outrage upon the settler than was perpetrated upon him under the old mode of disposing of the lands when the Government sold to the highest bidder.

I am opposed to this new policy. Mr. Speaker, why should the Government reverse its old policy and go back to a system which has been repudiated for forty years in this House and by the people? Every political party has adopted in its platform in national convention the free-homestead policy for actual settlers upon the public lands.

The treaties which are made for opening Indian reservations are made for the benefit of the public, and ought therefore to be a public charge, and it is a gross injustice to impose it on the white settlers who make a home on this specific land. Pay the Indian a fixed sum, I care not what it is, to leave his reservation or to abandon his tribal relation for single allotments of land. Let it be paid to the Indian for the public benefit, but do not charge the expense of doing it to the settlers who may find homes on the receding footsteps of the red man. [Applause.]

Mr. CURTIS of Kansas. I ask for the reading of the bill, and I ask unanimous consent to dispense with the reading of the preamble, or the treaty agreement.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that general debate be closed.

Mr. McRAE. I should like to have two or three minutes.

Mr. CURTIS of Kansas. Then, as soon as the gentleman from Arkansas [Mr. McRAE] concludes, I will renew my request.

Mr. McRAE. Mr. Speaker, I sincerely hope that this bill will pass, and I do not express that hope because I think the Government ought to get any money out of the transaction. Indeed, if I could have my way, I would have the amendment proposed by the committee voted down and ratify the agreement as made and pay for the land out of the Treasury. The honest way to pass this bill is to appropriate the money to pay for the land and open it to bona fide settlers. The plan proposed is unjust to the Indians, because it delays payment, and unfair to the settlers, because it makes them pay for their homesteads. I am opposed to selling lands that are fit for cultivation. It is wrong. When this land is opened for settlement, give it to the homeless settlers free of mortgage or lien, and do not undertake to make money out of it by selling it, and let the Department adopt some plan of disposal that will be fairer than giving it to the fastest runner.

I will not take up the time of the House to give the reasons why I believe the reservation should be opened, but every man in the West who knows anything about the conditions of Oklahoma and the Indian country knows that it ought to be opened at once. I hope that we shall not stop to discuss the question of when we shall eventually get the money back or whether we shall get a profit upon the investment in money. I do not believe the settlers will ever pay for it as long as the homestead law is in force.

Mr. STEELE. How are you going to dispose of the land if you do not allow the man who runs the fastest to get it and if you do not sell it?

Mr. McRAE. I am perfectly willing that it should be opened by proclamation, or in any other way, so as to let the qualified settlers get upon it and take it without the acre price.

Mr. STEELE. I should like to have you suggest some other way besides those two ways.

Mr. McRAE. We will not stop to discuss the method of opening now. We will leave it to the Department to open up the land in its own way, but we ought to let the settlers who want to cultivate it get upon it in some way. Under this bill as it is proposed to amend it, I think it is possible that the Indians may never get anything, if they must wait until the settlers pay for the land. I say the honest way for us would be to appropriate the money to pay the Indians for it, and open it to settlement under the homestead law, so as to enable people who want to cultivate it to do so.

Mr. CURTIS of Kansas. Now, Mr. Speaker, I ask for the reading of the bill.

The SPEAKER pro tempore. The gentleman from Kansas asks that general debate be now closed. Is there objection?

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the 6th day of October, 1892, conclude an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma, formerly a part of the Indian Territory, which said agreement is in the words and figures as follows:

Mr. CANNON. Mr. Speaker, after the word "agreement," in the last line of the first paragraph, I suggest the insertion of the words "as amended by this act."

Mr. CURTIS of Kansas. I have no objection to that.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

After the word "agreement," in the last line of the first paragraph, insert the words "as amended by this act."

The amendment was agreed to.

The Clerk read Articles I and II of the treaty.

Mr. DINGLEY. I ask unanimous consent to dispense with the reading of Articles III, IV, and V, as there are no amendments to be offered to them. The treaty has been read once.

The SPEAKER pro tempore. The gentleman from Maine asks unanimous consent to dispense with the reading of Articles III, IV, and V of the preamble. Is there objection? The Clerk calls the attention of the Chair to the fact that there is a committee amendment proposed to Article III.

Mr. DINGLEY. The understanding was that the bill which was offered for consideration was the bill which the gentleman from Kansas has modified. Therefore in Article IV the word "ninety" was stricken out. Unanimous consent was given to consider the bill as offered by the gentleman from Kansas, and that was modified somewhat from the printed bill.

Mr. LOUD. The Clerk is reading the bill which the gentleman from Kansas offered?

Mr. DINGLEY. Yes.

The SPEAKER pro tempore. With that understanding, is there objection to the request of the gentleman from Maine?

There was no objection.

The Clerk read Article VI.

Mr. CANNON. In the fifth line from the beginning of Article VI, after the words "the sum of," I move to amend by inserting the words "not exceeding."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 5, Article VI, line 5, after the words "the sum of," insert the words "not exceeding;" so that it will read: "the sum of not exceeding $2,000,000."

The amendment was agreed to.

Mr. CURTIS of Kansas. Mr. Speaker, I ask unanimous consent to dispense with the reading of Articles VIII, IX, and X.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein amended.

Mr. CANNON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Strike out the word "herein," in line 4, page 7; also after the word "amended," in the same line, insert "and recited in the preamble of this act."

Mr. CANNON. So that it will read. It is very short.

The Clerk read as follows:

Be it enacted, etc., That said agreement be, and the same hereby is, accepted, ratified, and confirmed as amended and recited in the preamble of this act.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That none of the money or interest thereon which is, by the terms of the said agreement, to be paid to said Indians shall be applied to the payment of any judgment that has been or may hereafter be rendered under the provisions of the act of Congress, approved March 3, 1891, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations."

Mr. CANNON. I desire to amend by moving to strike out the whole of section 6.

Mr. CURTIS of Kansas. There is no objection to that.

The Clerk read as follows:

Amend by striking out section 6.

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That, as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty, as soon as the same are abandoned by said Comanche, Kiowa, and Apache tribes of Indians, jurisdiction be, and is hereby, conferred upon the United States Court of Claims to hear and determine the said claim of the Chickasaws and the Choctaws, and to render judgment thereon, it being the intention of this act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States and the Choctaw and Chickasaw nations, and the Comanche, Kiowa, and Apache tribes of Indians, in the premises, shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim; and the Attorney-General is hereby directed to appear in behalf of the Government of the United States; and either of the parties to said action shall have the right of appeal to the Supreme Court of the United States: *Provided*, That such appeal shall be taken within sixty days after the rendition of the judgment objected to, and that the said courts shall give such causes precedence: *And provided further*, That nothing in this act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

Mr. CANNON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Strike out in line 8, page 10, the word "judgment" and insert the words "a decree;" also, after the word "thereon," in line 8, page 10, insert the following words: "settling the rights of the Choctaw and Chickasaw nations and of the Comanche, Kiowa, and Apache tribes of Indians, respectively."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MADDOX. I would like to hear that amendment. I did not get it quite.

The amendment was again reported.

Mr. MADDOX. Mr. Speaker, I would like to know what would be the effect of that amendment.

Mr. CANNON. Well, it seems to me that section 8, without amendment, provides possibly for, under a construction, suits being brought by one or other of these tribes against the Government and rendering a judgment thereon. Now, it seems to me that the United States has no interest in these lands except as a trustee, according to the theory of the gentleman from Iowa, as heretofore announced; and the object of striking out the word "judgment" and authorizing entering "a decree" contemplates a proceeding in the nature of an equitable proceeding; and the subsequent amendment, "settling the rights of the respective tribes," would authorize the entering of a decree at the end of the suit in the nature of an interpleader, if you choose, or compelling both by the trustee to determine the rights of the parties in interest.

Mr. MADDOX. What is to become of the white man who enters these lands under the invitation of the United States?

Mr. CANNON. Well, the white man, by other provisions of the bill, will be enabled to make his settlement under the land laws, and when he pays for the lands, as provided in this bill, if I understand it, then there is a fund that comes into the hands of the Government, the Government being the trustee, and the Government then pays the fund out to these Indians respectively as the decree may direct; and if there is no money paid into the hands of the Government, the Government being the trustee, why, of course, the Indians are to get nothing.

Mr. MADDOX. Well, the point is, Mr. Speaker, if I may be permitted for a few minutes, if there is no title in the United States to this property, certainly the United States can give none to anybody.

Mr. CANNON. Well, I will say to my friend, if I understand it—and there is a good deal I do not understand, about Indian legislation especially—if I understand the effect of the proposed legislation, it is to ratify an agreement with these tribes of Indians, by which agreement they cede their lands to the United States for a certain purpose, namely, that the United States may sell the same at a fixed price to a certain class of people, namely, settlers, and when that money is realized then the United States shall pay that money that it gets out to the Indians, but as other Indians, the Choctaws and the Chickasaws, set up some kind of title to this land, why this bill, as I propose to amend it, allows the Government in effect to file a bill in equity to determine the rights of the cestui que trust of the funds.

Mr. MADDOX. Now, if my friend will listen to me, I will tell him where the trouble is. The difficulty is here: The agreement that is made is made with the Comanches and Kiowas, who are only tenants at will. Under the treaty made with the Choctaws and Chickasaws, as construed by this House and the Senate, the United States Government's title extended only to this point, that is, that we will allow you to use these lands to settle friendly Indians upon. The Kiowas and Comanches were considered friendly and were allowed to settle on the reservation. When you have ceased to use it for that purpose, the House and the Senate have said the title reverts to the Choctaws and Chickasaws. Now, you have no agreement with the Choctaws and Chickasaws, who claim the reversionary interest and who have title to the property; you have only an agreement with the tenants at will, who have no title to the land and never did have.

Now, just a little further. That is a correct proposition, for I have been through the whole business and know all about it. You have no agreement with anybody who has got a title to these lands. The Kiowas and Comanches were settled there by act of the United States Government, under a treaty to settle friendly Indians, with the Choctaws and the Chickasaws, and, as I said before, it has been determined in this House and by the Senate that the reversionary title is in the Choctaws and Chickasaws, and they have made no agreement with the United States.

Now, the proposition is to go forward and let the land be settled and refer these matters to the court. Suppose the court decides that the reversionary interest is in the Choctaws and Chickasaws, what is the title that you give the settler worth? It is not worth a bawbee.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Mr. Speaker, I hope I may have a minute or so to answer my friend. I have no pride in this bill. As my friend knows, I did not report it. In fact, I have had to get what little knowledge I have of it on the run. I did hear what the gentleman from Iowa [Mr. LACEY] had to say about it, and I accepted his theory, namely, that the United States had plenary power

touching these lands: that the Indians were the wards of the Government, and the United States could substantially settle this question according to the dictates of the conscience of the United States.

Now, I am quite content, so far as I am concerned, that this whole legislation should go upon the table; but if it is to be enacted, by offering this amendment, with other amendments I have offered, I have been trying to make it certain that the United States will never have to pay one dollar to any of these Indians, either to one set or the other, until it gets the money from the settler to pay them with. That is first. Second, that if there is a contention between these Indian tribes, respectively, as to which is entitled to the money or what their interest is, that they shall interplead in the Court of Claims by bill: and the gentleman from Iowa, as I understand, is to follow with another amendment, more explicit, more express and direct than the one I have offered to the same end.

I want, if possible, if this legislation is enacted, that so far as the Treasury of the United States is concerned it will never have to pay a dollar, because it is acting as trustee in the premises, unless it comes into their hands for the sale of the land. I do not know whether I have been happy in doing that by these amendments or not, but in the hurried manner in which they have been offered and in which I have read the bill it seems that this amendment and the other amendments make a decided improvement on the bill itself before it was amended.

Mr. MADDOX. If my position is correct—and the facts as I have stated them are undoubtedly so—you can not legislate the title out of these people, and there is but one thing to do, and that is to postpone this matter until the Court of Claims has passed upon it.

Mr. CANNON. I am quite content that that should be done. I am only trying, on the theory that it is to pass, to get it in shape so that, whether any title can pass from the United States or not, no money will go out of the Treasury unless it has first been received.

Mr. MADDOX. That is the reason I was trying to find out the scope of the gentleman's amendment.

Mr. CANNON. I rather think the bill as amended does go that far; but it has necessarily been done hurriedly. I have no pride in it at all, and I only had that object in view which I have indicated.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk, continuing the reading of the bill, read as follows:

SEC. 9. That said action shall be presented by a single petition making the United States party defendant, and shall set forth all the facts on which the said Choctaw and Chickasaw nations claim title to said land; and said petition may be verified by the authorized delegates, agents, or attorneys of said Indians upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this act, or should they dismiss said suit, the same shall not be reinstated, and their claim shall be forever barred.

Mr. LACEY. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Strike out, in lines 8, 9, 10, 11, and 12, page 11, after the word "necessary," all following words to end of section and insert in lieu thereof the following:

"*Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this act, or should they discontinue said suit and the same be not reinstated, that the Attorney-General shall institute a suit in the name of the United States, making all said tribes parties defendant, in which suit the rights of said tribes to the proceeds of such land shall be determined."

Mr. MADDOX. I would like to put a legal question to the gentleman from Iowa. The reversionary interest of the Choctaws and Chickasaws depends upon conditions; until those conditions arise those Indians have no title to the land. They can not arise until you do what you propose to do in this bill. Now, how are you going to bring those Indians into court, and what standing will they have in court?

Mr. LACEY. So far as that is concerned, Mr. Speaker, the whole question as to the rights of the Choctaws and Chickasaws is, I believe, out of the case. I believe they have disposed of their rights and have none remaining. But conceding that they have rights to the utmost extent claimed by the gentleman from Georgia, then whatever rights they may have (if I am correct in the suggestion made a little while ago) can be conveyed by the United States as their guardian at any time; and we can also provide for a controversy in the courts between them and the other tribes to determine whether they have any rights at all.

With the bill as it was originally drawn, I think there was force in the suggestion of the gentleman from Georgia and the gentleman from Illinois that its provisions might cut out those two tribes without their having any day in court after the ninety days specified. Therefore I move to strike out that short limitation and to provide simply that if the Indians do not bring suit the Attorney-General, in behalf of the United States, shall bring suit to settle this question.

Thus the rights of the Indians as to the proceeds of these lands can not be cut off until a final determination by the court upon a case brought by themselves or brought by the Attorney-General in behalf of the United States, practically as guardian of the Indians. Of course this all rests upon the assumption that Congress has the power to take the Indian title and dispose of it for the use and benefit of the Indians, treating the proceeds as their property rather than the land itself.

The amendment of Mr. LACEY was agreed to.

Mr. CURTIS of Kansas. I ask unanimous consent that the Clerk be authorized to renumber the sections of this bill wherever necessary.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Kansas, a motion to reconsider the last vote was laid on the table.

Mr. STEELE. I move that the House adjourn.

The motion was agreed to.

Prior to the announcement of the vote, the following business was transacted by unanimous consent:

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 2023. An act to pension Henderson H. Boggs;

H. R. 4692. An act to pension F. L. Botkin;

H. R. 2866. An act granting an increase of pension to Myntie L. Hamilton;

H. R. 772. An act granting a pension to William Taylor;

H. R. 5067. An act to increase the pension of Franklin Hull;

H. R. 584. An act granting a pension to Mary I. Valentine;

H. R. 4611. An act granting an increase of pension to Marcia C. Barnes;

H. R. 135. An act granting a pension to Michael Bassett;

H. R. 8906. An act granting a pension to J. S. Waggner;

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3105. An act to correct the military record of Peter Buckley;

S. 4518. An act to provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the people of the Island of Cuba, and for other purposes; and

S. 1887. An act granting an increase of pension to Russell R. King.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FITZPATRICK, indefinitely, on account of important business.

To Mr. SHUFORD, for five days, on account of important business.

Mr. JOHNSON of Indiana, indefinitely, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MCEWAN obtained leave to withdraw from the files of the Fifty-fifth Congress without leaving copies papers in the case of Francis and Juriah Hay, no adverse report having been made.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 5 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, together with a list of preliminary examinations and surveys of projects for improvement and of the amounts of river and harbor appropriations by bills and by States, these data being called for by section 6 of the river and harbor act of June 30, 1896—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Superintendent of the Coast and Geodetic Survey submitting an estimate of appropriation for printing and issuing charts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a communication from the Assistant Secretary of War relating to a credit to the account of Capt. H. M. Chittenden—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Surgeon-General of the Marine-Hospital Service looking to legislation to enable that department to purchase medical works and journals—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting estimate of appropriations of an additional one-half to the appropriation for war expenses during the next fiscal year—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. EDDY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10170) for the relief of homestead claimants who serve in the Army, Navy, or Marine Corps of the United States in the existing war with Spain, and for other purposes, reported the same without amendment, accompanied by a report (No. 1343); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9554) granting certain lands to the city of Santa Barbara, Cal., reported the same with amendment, accompanied by a report (No. 1344); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MESICK, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5748) for the relief of I. Winslow Ayer, reported the same with amendment, accompanied by a report (No. 1322); which said bill and report were referred to the Private Calendar.

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1778) for the relief of Wesley Van Over, late of Company C, One hundred and ninth New York Volunteers, and Company G, Eighth Pennsylvania Cavalry, reported the same with amendment, accompanied by a report (No. 1323); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 89) for the relief of John E. Wilbur, reported the same without amendment, accompanied by a report (No. 1324); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 129) to amend "An act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892, reported the same without amendment, accompanied by a report (No. 1325); which said bill and report were referred to the Private Calendar.

Mr. McDONALD, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1747) authorizing the President to appoint and retire David McMurtrie Gregg, late captain, Sixth United States Cavalry, and late brevet major-general of United States Volunteers, with the rank and grade of captain, reported the same without amendment, accompanied by a report (No. 1326); which said bill and report were referred to the Private Calendar.

Mr. FENTON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1747) authorizing the President to appoint and retire David McMurtrie Gregg with the rank and grade of a captain, submitted the views of the minority on said bill, accompanied by a report (No. 1326, part 2); which said report was referred to the Private Calendar.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1737) to correct the military record of Patrick Hanley, reported the same without amendment, accompanied by a report (No. 1327); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10276) granting an increase of pension to George Witter, reported the same with amendment, accompanied by a report (No. 1328); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Connecticut, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4173) granting an increase of pension to Rebecca Otis, reported the same with amendment, accompanied by a report (No. 1329); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7362) to grant a pension to Junius Alexander, reported the same with amendment, accompanied by a report (No. 1330); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10055) granting a pension to James Burnett, reported the same without amendment, accompanied by a report (No. 1331); which said bill and report were referred to the Private Calendar.

Mr. BOTKIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3350) granting an increase of pension to Blanche E. Barlow, reported the same without amendment, accompanied by a report (No. 1332); which said bill and report were referred to the Private Calendar.

Mr. CASTLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2338) granting a pension to James C. Young, reported the same with amendment, accompanied by a report (No. 1333); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Connecticut, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3169) granting a pension to John P. Bevan, reported the same with amendment, accompanied by a report (No. 1334); which said bill and report were referred to the Private Calendar.

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3111) granting a pension to Cornelia M. Mason, reported the same with amendment, accompanied by a report (No. 1335); which said bill and report were referred to the Private Calendar.

Mr. BOTKIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2545) to pension Mary Elizabeth Hieskell, widow of the late Pay Director H. M. Hieskell, on the pension roll, reported the same with amendment, accompanied by a report (No. 1336); which said bill and report were referred to the Private Calendar.

Mr. CASTLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3110) granting a pension to Patrick Breen, reported the same without amendment, accompanied by a report (No. 1337); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1334) granting a pension to William J. Murray, reported the same with amendment, accompanied by a report (No. 1338); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2813) granting a pension to Barney Smith, reported the same without amendment, accompanied by a report (No. 1339); which said bill and report were referred to the Private Calendar.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1775) removing the charge of desertion against and correcting the military record of Elmer Stickle, late of Company D, Fifteenth New Jersey Infantry Volunteers, reported the same with amendment, accompanied by a report (No. 1340); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2656) removing the charge of desertion standing against Almon Springsteen, late Company F, One hundred and thirty-seventh Regiment New York Volunteers, reported the same with amendment, accompanied by a report (No. 1341); which said bill and report were referred to the Private Calendar.

Mr. DE VRIES, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2785) for the relief of Blanche T. Hunton, reported the same without amendment, accompanied by a report (No. 1342); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3487) for increase of pension of John W. Majors, reported the same with amendment, accompanied by a report (No. 1345); which said bill and report were referred to the Private Calendar.

Mr. WARNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5746) for the relief of Elizabeth D. Pittmann, reported the same with amendment, accompanied by a report (No. 1346); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Connecticut, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6427) for the relief of Clarissa A. Dunham, reported the same without amendment, accompanied by a report (No. 1347); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WALKER of Massachusetts: A bill (H. R. 10339) to so change the national-bank act as to secure to the people in all sections of the country an equal opportunity to freely use paper money—to the Committee on Banking and Currency.

By Mr. RICHARDSON: A bill (H. R. 10340) to authorize the extension of the Ninth street line of the Metropolitan Railroad—to the Committee on the District of Columbia.

By Mr. LINNEY (by request): A bill (H. R. 10341) to incorporate the National Congress of Mothers—to the Committee on the District of Columbia.

By Mr. DANFORD: A bill (H. R. 10342) to amend the immigration laws of the United States relative to the insane—to the Committee on Immigration and Naturalization.

By Mr. CALLAHAN: A bill (H. R. 10343) to provide for townsite entries of land in Oklahoma Territory, and for other purposes—to the Committee on the Public Lands.

By Mr. TODD: A bill (H. R. 10344) to purify the public service, and to prevent unjust discriminations by corporations against citizens of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. CUMMINGS: A bill (H. R. 10350) to provide for the payment of Northern Liberty Market House claims against the District of Columbia by drawback certificates—to the Committee on the District of Columbia.

By Mr. BUTLER: A joint resolution (H. Res. 267) that all officers serving in cooperation with the Navy, by direction of the President, shall receive the same pay and privileges as regular officers of the Navy—to the Committee on Naval Affairs.

By Mr. COX: A joint resolution (H. Res. 268) to print maps of the Island of Cuba—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEACH: A bill (H. R. 10345) granting an increase of pension to Abram O. Kindy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10346) granting an increase of pension to Franklin M. Burdoin—to the Committee on Invalid Pensions.

By Mr. BRODERICK: A bill (H. R. 10347) for the relief of Jacob W. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10348) for the relief of John Kischer—to the Committee on Military Affairs.

By Mr. COCHRAN of Missouri: A bill (H. R. 10349) removing the charge of desertion from the military record of David Housel—to the Committee on Military Affairs.

Also, a bill (H. R. 10351) for the relief of Baine C. Dent, ensign, United States Navy—to the Committee on Naval Affairs.

By Mr. MANN: A bill (H. R. 10352) for the relief of Maria McMurdie—to the Committee on Claims.

By Mr. MEYER of Louisiana: A bill (H. R. 10353) for the relief of the International Cotton Press Company, of New Orleans, La.—to the Committee on the Judiciary.

By Mr. MIERS of Indiana: A bill (H. R. 10354) granting a pension to Theresa Harter and others—to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 10355) to pension Catharine C. Goodrich according to the military rank of her husband—to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 10356) granting a pension to David Fluke—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 10357) to pension Mary E. Tucker—to the Committee on Invalid Pensions.

By Mr. LESTER: A joint resolution (H. Res. 266) for the relief of Ex-Cadet Midshipman Thomas H. Gignilliat—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petitions of the Commercial Exchange and the Master Builders' Exchange of Philadelphia, Pa., against the amendment limiting the free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on the Post-Office and Post-Roads.

By Mr. ALLEN: Petition of Amory Division, No. 207, Order of Railway Conductors, of Amory, Miss., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER of Illinois: Petition of H. Steingetter, Kohl & Ludwig, Hartnagel-Harrison Drug Company, and other druggists of Belleville, Ill., against that part of House bill No. 10100 which requires retail druggists to stamp their stock of proprietary medicines, etc.—to the Committee on Ways and Means.

Also petition of Liggett & Myers Tobacco Company, of St. Louis, Mo., and 75 other tobacco manufacturers, praying for a commission of 7½ per cent on stamps purchased from the Government—to the Committee on Ways and Means.

By Mr. BARHAM: Petitions of the Woman's Christian Temperance Union of Arcata, Cal., for the passage of bills forbidding the interstate transmission of lottery and other gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the First Presbyterian Church of Blue Lake, Cal., in favor of a bill to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. BELL: Petitions of the Woman's Christian Temperance Union, First Baptist Church, Young People's Union, and Sunday school of the First Baptist Church of Lake City, Colo., for the passage of bills to forbid the transmission of lottery messages by telegraph and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union and Baptist Church and societies of Lake City, Colo., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. BARTHOLDT: Petition of the Woman's Christian Temperance Union of Carondelet, Mo., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. BARTLETT: Petitions of Alexander Bros., W. P. Ponder, and Monroe Drug Company, druggists, of Forsyth, Ga.; W. H. Chambers, J. W. Blackburn, and W. A. Wright, druggists, of Barnesville, Ga., and The Swift Specific Company, of Atlanta, Ga., protesting against the passage of Senate bill No. 10100, imposing a tax on patent medicines—to the Committee on Ways and Means.

Also, petition of tobacco and snuff manufacturers, protesting against additional tax on snuff, tobacco, etc., in stock, and for discount on stamps purchased—to the Committee on Ways and Means.

By Mr. BENNER of Pennsylvania: Resolution of the board of directors of the Philadelphia Drug Exchange, Philadelphia, Pa., protesting against the clause in House bill No. 10100 requiring wholesalers and retailers to stamp existing stock of proprietary medicines, etc.—to the Committee on Ways and Means.

Also, petition of the Methodist Episcopal Church of Gettysburg, Pa., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Methodist Episcopal Church of Gettysburg, Pa., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

By Mr. BENNETT: Petition of Henry B. Haigh and other manufacturers of New York City, N. Y., indorsing Senate bill No. 4168 and House bill No. 7082, providing an additional force of employees in the Patent Office—to the Committee on Patents.

By Mr. BINGHAM: Resolutions of the Commercial Exchange and the Master Builders' Exchange, of Philadelphia, Pa., against the amendment limiting the free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on the Post-Office and Post-Roads.

By Mr. BODINE: Petition of James F. Smith and other citizens of Salisbury and vicinity, State of Missouri, urging the Government to issue noninterest-bearing, full legal-tender Treasury notes with which to pay the expenses of our war against Spain—to the Committee on Ways and Means.

By Mr. BROMWELL: Resolutions of the Manufacturers' Club of Cincinnati, Ohio, concerning the retention of territory acquired by conquest—to the Committee on Foreign Affairs.

By Mr. CARMACK: Petition of T. J. Howard and 31 other citizens of Collierville, Tenn., and 38 citizens of Memphis, Tenn., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. COUSINS: Petition of the Woman's Christian Temperance Union, Christian Endeavor, Iowa State Christian Association, Friends' Church, Epworth League, and Presbyterian Church, of Albion, Iowa, and Methodist Episcopal Church of Fairfax, Iowa, for the passage of a bill to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also (by request), resolutions of the Methodist Episcopal Church of Blairsville, Iowa, against a license law for Alaska—to the Committee on Alcoholic Liquor Traffic.

By Mr. COCHRAN of Missouri: Petitions of C. W. Bertram and others, Thomas Kennedy and others, F. S. Striblen and others, all citizens of the State of Missouri, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. COWHERD: Petitions of W. B. Richards and others

and F. P. Martin and others, all of Kansas City, Mo., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMPACKER: Petitions of the Woman's Christian Temperance Union of Lafayette, Ind., for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws, and to forbid interstate transmission of lottery messages by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Woman's Christian Temperance Union of Lafayette, Ind., asking for the passage of bills to raise the age of protection for girls and to prohibit the sale of intoxicating beverages in all Government buildings—to the Committee on the District of Columbia.

By Mr. DANFORD: Petition of public-school teachers of Freeport, Ohio, for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. ELLIS: Petition of the Ladies' Missionary Society of The Dalles, Oreg., in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ERMENTROUT: Petition of the World's Dispensary Medical Association, protesting against the tax on proprietary medicines in the proposed war-revenue bill—to the Committee on Ways and Means.

Also, memorial of the Board of Trade of Philadelphia, Pa., against the Senate amendment to Post-Office appropriation bill restricting deliveries—to the Committee on the Post-Office and Post-Roads.

By Mr. FARIS: Paper to accompany House bill No. 7543, for the relief of Benjamin Cornwell—to the Committee on Military Affairs.

By Mr. FISCHER: Numerous petitions of 12,000 business men, citizens, and voters in the several Congressional districts in the borough of Brooklyn, county of Kings, and Greater New York, protesting against the renewed attack on the present postal service, as proposed in Senate amendments to the Post-Office appropriation bill, striking out $1,000,000 for carrier service, thus reducing the number of deliveries to not more than four daily in the business centers of large cities—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZPATRICK: Evidence in support of the claim of Elizabeth McCowan—to the Committee on Invalid Pensions.

Also, paper in support of the claim of William Epperson—to the Committee on War Claims.

By Mr. GILLETT of Massachusetts: Petitions of the Woman's Christian Temperance Union and the Young People's Society of Christian Endeavor of the Baptist Church of North Uxbridge, Mass., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. HILL: Petitions of the Congregational churches of New Fairfield and Goshen, Conn., to forbid the transmission of lottery messages by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Congregational churches of Goshen and New Fairfield, Conn., praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petitions of the Congregational churches of New Fairfield and Goshen, Conn., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. JENKINS: Petitions of the Northwest Wisconsin Young People's Society of Christian Endeavor, at Chippewa Falls, Wis., praying for the enactment of legislation prohibiting kinetoscope reproductions of prize fights in the District of Columbia and the Territories and the transmission by mail of newspaper descriptions of prize fights—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Congregational Convention of Eau Claire, Wis., and the Young People's Society of Christian Endeavor at Chippewa Falls, Wis., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Congregational Convention of Eau Claire, Wis., and the Northwest Wisconsin Young People's Society of Christian Endeavor, for the passage of bills to prohibit interstate gambling by telegraph and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of the Northwest Wisconsin Young People's Society of Christian Endeavor, praying for the enactment of legislation substituting voluntary arbitration for railway strikes—to the Committee on Labor.

By Mr. LACEY: Protest of the Mahaska County Druggists' Association, William Beardsley, president, Oskaloosa, Iowa, against stamping druggists' goods in stock—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Memorial of the Board of Trade of Philadelphia, Pa., against the Senate amendment to Post-Office appropriation bill restricting deliveries—to the Committee on the Post-Office and Post-Roads.

By Mr. McCULLOCH: Petition of G. M. Roberts, late private in Company A, First Regiment of Tennessee Infantry Volunteers, for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. MAHON: Petitions of the Epworth League of Chambersburg, Pa.; Methodist Episcopal Church of McAlevys Fort, Pa., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Epworth League of Chambersburg, Pa., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. MANN: Papers to accompany House bill for the relief of Mrs. Maria McMurdie—to the Committee on Claims.

By Mr. OSBORNE: Protest of Henry G. Hay and other citizens of Cheyenne, Wyo., against the reduction of postal facilities, and especially free mail delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. PRINCE: Petition of Rock Island Division, No. 106, Order of Railway Conductors, of Rock Island, Ill., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Indiana: Petitions of W. J. Tyree, of Columbia City, Ind., and Sam G. Stone, of Butler, Ind., protesting against the war tax on drug stock on hand—to the Committee on Ways and Means.

By Mr. RUSSELL: Petition of James C. Hallock, to accompany House bill No. 9136, for the recognition of his public services as the originator of the clearing house of America—to the Committee on Claims.

By Mr. SHAFROTH: Petition of J. L. Judd and other citizens of Silver Plume, Colo., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Remonstrance of the Civic Club of Hartford, Conn., against amendments to the sundry civil bill abolishing forest reservations—to the Committee on Appropriations.

By Mr. TAYLER of Ohio: Petitions of J. F. Jamison and other citizens of New Waterford, S. E. Stricklin and others, of Salem, R. A. McLain and others, of Youngstown, all in the State of Ohio, favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Woman's Christian Temperance unions of New Baltimore and Salineville, Ohio, and Young People's Society of Christian Endeavor of the First Presbyterian Church of Salineville, Ohio, favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union and First Presbyterian Church of Salineville, Ohio, to raise the age of protection for girls to 18 years and to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph—to the Committee on the Judiciary.

Also, petitions of the Young People's Society of Christian Endeavor of the First Presbyterian Church of Salineville, Ohio, for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. TODD: Petition of the Church of Christ, First Congregational Church, and citizens of Kalamazoo, Mich., for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Pengelly Woman's Christian Temperance Union, of Kalamazoo, Mich., favoring the passage of a bill to prohibit kinetoscope reproductions of prize fights—to the Committee on Interstate and Foreign Commerce.

Also, protests of I. E. Wells, of Athens, and Frederick Stearns & Co., of Detroit, Mich., against the stamp tax on proprietary articles—to the Committee on Ways and Means.

Also, petitions of the Woman's Christian Temperance Union of Kalamazoo, Mich., and Methodist Episcopal Church of West Ovid, Mich., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal Church of West Ovid, Woman's Christian Temperance Union of Battlecreek, and Harvey B. Hatch and others, of Marquette, State of Michigan, for the

passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. WEAVER: Petitions of H. G. Leiner and 19 others, M. A. Wise and 19 others, Charles C. South and 19 others, Walker Wagner and 19 others, all citizens of the State of Ohio, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *May 17, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

SILVER COINAGE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 4th instant, a statement showing the coinage value of the silver bullion in the Treasury, and the amount of the seigniorage and the amount of the existing Treasury notes used in its purchase, and the amount of standard silver dollars coined under the act of July 14, 1890, and the amount of the seigniorage, and the amount of Treasury notes redeemed in such dollars and retired; which, on motion of Mr. GALLINGER, was referred to the Committee on Finance, and ordered to be printed.

JAMES H. SENTZ.

The VICE-PRESIDENT laid before the Senate a communication from the Court of Claims, transmitting a certified copy of the findings filed by the court in the case of James H. Sentz *vs.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

GEORGE H. BALDWIN.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9210) granting an increase of pension to George H. Baldwin and asking for a conference on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SHOUP, and Mr. MITCHELL were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3145) to establish an assay office at Seattle, Wash.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 10949) to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to open their reservation for settlement; and

A joint resolution (H. Res. 237) appointing four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1887) granting an increase of pension to Russell R. King;

A bill (S. 3105) to correct the military record of Peter Buckley;

A bill (S. 4518) to provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the people of the Island of Cuba, and for other purposes;

A bill (S. 4567) to organize a volunteer signal corps;

A bill (H. R. 135) granting a pension to Michael Bassett;

A bill (H. R. 584) granting a pension to Mary I. Valentine;

A bill (H. R. 772) granting a pension to William Taylor;

A bill (H. R. 2023) to pension Henderson H. Boggs;

A bill (H. R. 2866) granting an increase of pension to Myntie L. Hamilton;

A bill (H. R. 4611) granting an increase of pension to Marcia C. Barnes;

A bill (H. R. 4692) to pension F. L. Botkin;

A bill (H. R. 5067) to increase the pension of Franklin Hull; and

A bill (H. R. 8906) granting a pension to J. S. Waggner.

PETITIONS AND MEMORIALS.

Mr. CULLOM. I present a petition signed by the members of the Illinois State Brewers' Association, respectfully asking Congress to desist from the proposed additional tax of $1 per barrel on beer. The petition is signed, I should say, by several hundred firms and individuals, every one being in the brewery business in the State of Illinois alone. I move that the petition lie on the table, as the bill is now under consideration in the Senate.

The motion was agreed to.

Mr. CULLOM presented a petition of the Epworth League of Neoga, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of sundry members of the fire department of Collinsville, Ill., remonstrating against the enactment of legislation to establish in the Treasury Department a division to regulate insurance companies; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Grand Army of the Republic of the State of Kansas, praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. ALLEN presented a petition of the Woman's Christian Temperance Union of Indianola, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws, to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph, and to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was referred to the Committee on Public Buildings and Grounds.

He also presented a paper in support of the bill (S. 3370) granting a pension to Benjamin F. Trapp, of South Omaha, Nebr.; which was referred to the Committee on Pensions.

Mr. TURPIE presented a memorial of the Medical Society of Hendricks County, Ind., remonstrating against the passage of Senate bill No. 1063, for the further prevention of cruelty to animals in the District Columbia; which was ordered to lie on the table.

Mr. WETMORE presented a petition of the congregations of the Advent Christian Church and the Methodist Primitive Church, of Pascoag, R. I., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregations of the Advent Christian Church and the Methodist Primitive Church, of Pascoag, R. I., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. PRITCHARD presented a memorial of the Statesville Association of Tobacco Manufacturers, of Statesville, N. C., remonstrating against an increase in the tax on tobacco; which was ordered to lie on the table.

He also presented a memorial of sundry druggists of Winston, N. C., remonstrating against the imposition of a tax on proprietary medicines held in stock; which was ordered to lie on the table.

Mr. TELLER presented a petition of the Board of Missions of the Christian Church of Denver, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Board of Missions of the Christian Church of Denver, Colo., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Missions of the Christian Church of Denver, Colo., and a petition of the Woman's Christian Temperance Union of Gunnison, Colo., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Mohawk Club, of Detroit, Mich., praying for the imposition of an income tax with which to raise war revenue in lieu of a bond issue; which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of the Woman's Christian Temperance Union of Lafayette, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of Lafayette, Ind., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented memorials of Dr. I. A. Detchon, of Crawfordsville; of the Indianapolis Drug Company; of J. A. Wright, of Georgetown; of W. R. Halliday, of Lynn, and of Ben Fisher, of Logansport, all in the State of Indiana, remonstrating against the adoption of the provision in the war-revenue bill requiring the immediate stamping of proprietary medicines in stock; which were ordered to lie on the table.

He also presented a memorial of the Medical Society of Hendricks County, Ind., remonstrating against the passage of Senate bill No. 1083, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. MASON presented a memorial of sundry members of the fire department of Collinsville, Ill., remonstrating against the enactment of legislation to establish in the Treasury Department a division to regulate insurance companies; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Streator, Ill., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented petitions of the Farmers' Institute, of Joliet; of the Will County Christian Endeavorers of Joliet; of the Woman's Christian Temperance Union of Malden, and of the congregations of the Presbyterian Church and the Christian Church, of Onarga, all in the State of Illinois, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Will County Christian Endeavorers, of Joliet, Ill., and a petition of the Farmers' Institute of Joliet, Ill., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of the Farmers' Institute of Joliet; of the Will County Christian Endeavorers, of Joliet; of the congregation of the Methodist Episcopal Church of Malden, and of the congregations of the Presbyterian Church and the Christian Church of Onarga, all in the State of Illinois, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Farmers' Institute of Joliet, Ill.; of the Will County Christian Endeavorers, of Joliet, and of the congregations of the Presbyterian Church and the Christian Church of Onarga, all in the State of Illinois, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented a petition of the Will County Christian Endeavorers, of Joliet, Ill., and a petition of the Farmers' Institute of Joliet, Ill., praying for the enactment of legislation to prohibit the interstate and mail circulation of newspaper descriptions of prize fights; which were referred to the Committee on the Judiciary.

He also presented a petition of the Will County Christian Endeavorers, of Joliet, Ill., and a petition of the Farmers' Institute of Joliet, Ill., praying for the enactment of legislation to prohibit the reproduction of prize fights by the kinetoscope or other kindred devices; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Malden, Ill., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Farmers' Institute of Joliet, Ill., and a petition of the Will County Christian Endeavorers, of Joliet, Ill., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which were ordered to lie on the table.

He also presented a memorial of sundry druggists of Urbana, Ill., remonstrating against the imposition of a tax upon proprietary medicines held in stock; which was ordered to lie on the table.

Mr. SPOONER presented a petition of the Northwest Young People's Society of Christian Endeavor, of Chippewa Falls, Wis., and a petition of the congregation of the Congregational Church of Eau Claire, Wis., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the Congregational Church of Eau Claire, Wis., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Northwest Young People's Society of Christian Endeavor, of Chippewa Falls, Wis., and a petition of the congregation of the Congregational Church of Eau Claire, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Northwest Young People's Society of Christian Endeavor, of Chippewa Falls, Wis., and a petition of the congregation of the Congregational Church of Eau Claire, Wis., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented a petition of the Northwest Young People's Society of Christian Endeavor, of Chippewa Falls, Wis., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which was ordered to lie on the table.

He also presented a petition of the Northwest Young People's Society of Christian Endeavor, of Chippewa Falls, Wis., praying for the enactment of legislation to prohibit kinetoscope reproduction of prize fights in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Northwest Young People's Society of Christian Endeavor, of Chippewa Falls, Wis., praying for the enactment of legislation to prohibit the interstate and mail transmission of newspaper descriptions of prize fights; which was referred to the Committee on the Judiciary.

KIOWA, COMANCHE, AND WICHITA INDIAN AGENCY.

Mr. PETTIGREW. I present testimony taken before a subcommittee of the Committee on Indian Affairs in relation to the conduct of the Kiowa, Comanche, and Wichita Indian Agency, Okla., Capt. F. D. Baldwin, United States Army, acting Indian agent. I move that the testimony be referred to the Committee on Military Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 2002) granting an increase of pension to Byron R. Pierce, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 716) granting a pension to Mrs. Mary E. Woodworth;

A bill (S. 2453) granting a pension to Esther Jackson; and

A bill (S. 3900) granting an increase of pension to Amanda B. Sutherland.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2015) granting a pension to Lillian M. Yost;

A bill (S. 2729) granting a pension to Lydia E. Bowers; and

A bill (H. R. 8680) granting an increase of pension to William Tompkins.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2616) to pension Harriette F. Hovey;

A bill (S. 2494) granting a pension to Mary A. Colhoun;

A bill (S. 571) granting a pension to Mrs. Susan Mellsop;

A bill (S. 4550) granting an increase of pension to Col. John F. McMahon;

A bill (S. 4489) granting an increase of pension to John H. Crandall;

A bill (S. 3330) granting an increase of pension to H. B. Armstrong;

A bill (S. 4394) granting an increase of pension to Alexander Keen;

A bill (H. R. 4961) granting an increase of pension to George W. Osborn;

A bill (H. R. 8299) granting an increase of pension to Thomas S. Tefft;

A bill (H. R. 7321) granting an increase of pension to Lauritz Olsen;

A bill (H. R. 6411) granting an increase of pension to Henry K. Opp; and

A bill (H. R. 619) granting an increase of pension to Frank Rockwith.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 1386) granting an increase of pension to Albert Flanders, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. KENNEY, from the Committee on Pensions, to whom was

referred the bill (H. R. 6379) granting a pension to Joseph C. Berry, alias Joseph White, reported it with amendments, and submitted a report thereon.

Mr. PLATT of New York, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 713) to correct naval record of Charles F. Brown;

A bill (S. 4395) to remove the charge of desertion standing on the records against the name of Charles Thompson; and

A bill (H. R. 8614) to correct the naval record of George W. Sherrard.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1821) granting a pension to John Bailey; and

A bill (H. R. 6388) granting an increase of pension to Joseph R. Mathers.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 1827) granting an increase of pension to Stephen M. Davis, reported it without amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 2059) to authorize a retired list for enlisted men and appointed petty officers of the United States Navy, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER (for Mr. BAKER), from the Committee on Pensions, to whom was referred the bill (H. R. 4672) granting an increase of pension to Alfred D. Johnson, reported it without amendment, and submitted a report thereon.

OFFICERS OF THE NAVY.

Mr. HALE, from the Committee on Naval Affairs, reported a joint resolution (S. R. 167) ratifying and confirming certain temporary appointments of officers of the Navy; which was read the first time by its title.

Mr. HALE. I ask for the present consideration of the joint resolution.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the temporary appointments made by the President on and after April 21, 1898, and up to the date of the passage of this joint resolution, of officers of the line and staff of the Navy, are hereby ratified and confirmed, to continue in force during the exigency under which their services are required in the existing war: *Provided*, That the officers so appointed shall be assigned to duty with rank and pay of the grades established by existing law, and shall be paid from the appropriation "Pay of the Navy."

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

By unanimous consent, the joint resolution was considered as in Committee of the Whole.

Mr. COCKRELL. Let us hear the reasons for the passage of the joint resolution.

Mr. HALE. The Senate will remember that in the naval appropriation bill authority was given to the Secretary of the Navy to appoint certain temporary officers and raise certain men for exigencies not to extend beyond the existing war. Before the bill became a law and was signed by the President certain designations or appointments had been made by the Secretary of the Navy upon the suggestion by the committee to him that there would be no difficulty undoubtedly in Congress validating those appointments. The joint resolution is to cover those cases.

Mr. CULLOM. There are only a few of those officers.

Mr. HALE. There are only a few of them.

Mr. COCKRELL. Have those nominations been confirmed by the Senate?

Mr. HALE. I suppose they have. I suppose they came in in regular order. That I do not know. If the Senator would like to look at that point or have me look at it, the joint resolution can go over for a day.

Mr. CHANDLER. I suggest to the Senator that it appertains to a very few officers, probably not twenty.

Mr. HALE. It relates to only a few.

Mr. CHANDLER. And it makes a difference perhaps of four or five days or a week in the time of service.

Mr. COCKRELL. Were they nominated by the President and confirmed by the Senate?

Mr. CHANDLER. They either have been or are to be nominated by the President and confirmed by the Senate. The joint resolution simply gives them their rank and pay from the time at which they were appointed, which may have been half a dozen days, perhaps in some cases ten days or a fortnight, before the naval appropriation bill actually became a law. There can not be any objection to the joint resolution, I think.

Mr. HALE. Just such legislation as this was passed by Congress in 1861 to meet emergencies.

Mr. COCKRELL. I do not see any objection to it if the appointees were confirmed or are to be confirmed by the Senate.

Mr. HALE. Undoubtedly they are to be confirmed or have been already confirmed.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENT OF VOLUNTEERS.

Mr. CARTER. I am directed by the Committee on Military Affairs to report a bill, and I ask unanimous consent for its present consideration.

The bill (S. 4607) providing for the payment and maintenance of volunteers during the interval between their enrollment and muster into the United States service, and for other purposes, was read the first time by its title, and the second time at length, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pay and the allowance of such of the volunteers as are received into the service of the United States under the act of Congress approved April 22, 1898, and the acts supplemental thereto, shall be deemed to commence from the day on which they joined for duty and are enrolled at the battalion, regimental, or State rendezvous: *Provided*, That troops about to embark for service in the Philippine Islands may, in the discretion of the Secretary of War, be paid one month's wages in advance prior to embarkation.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

Mr. HALE. Let the bill be read again.

The bill was read the third time at length.

Mr. HALE. It applies only to cases of enrollment in the States where the troops afterwards are actually received into the service of the United States.

Mr. HAWLEY. Sworn in.

Mr. CARTER. That is substantially the provision of the bill.

Mr. HALE. Is that the exact bill?

Mr. ALLISON. That is the bill.

Mr. CARTER. I think it is the exact provision of the bill.

Mr. HALE. I do not think we ought to pass anything that gives pay under a State enrollment where the troops do not afterwards come into the actual service of the United States.

Mr. CARTER. It will be observed by a critical examination of the provisions of the bill that it applies only where the soldiers are accepted into the service of the United States.

Mr. HALE. The language is, "such of the volunteers as are received into the service of the United States."

Mr. CARTER. "Received into the service of the United States."

Mr. SEWELL. It is to cover the period from the mustering of the troops to the actual completion of their muster into the service of the United States, which may be one, two, or three weeks. It is to avoid our having an interminable number of claims by and by for that service.

Mr. HALE. It is to prevent, I suppose, the old way of the States paying them and being reimbursed afterwards.

Mr. CARTER. Yes; that is the intention.

The bill was passed.

BILLS INTRODUCED.

Mr. MASON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4608) granting a pension to Salem Rice; and

A bill (S. 4609) granting a pension to Andrew J. Lee (with accompanying papers).

Mr. ALLEN introduced a bill (S. 4610) granting a pension to Isaac D. Gregg; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 4611) for the relief of the estate of S. N. Clark, deceased, late of Hinds County, Miss.; which was read twice by its title, and referred to the Committee on Claims.

Mr. WHITE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4612) granting a pension to Caroline L. Guild; and

A bill (S. 4613) granting a pension to George G. Spear.

Mr. WHITE introduced a bill (S. 4614) granting an honorable discharge to James Powers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 4615) for the relief of David Horner; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CAFFERY (by request) introduced a bill (S. 4616) for the relief of Thomas Kergon, of Rapides Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 4617) granting a pension to

John F. Wentz: which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4618) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased;

A bill (S. 4619) for the relief of Mrs. Druzilla Stump; and

A bill (S. 4620) for the relief of the trustees of the Baptist Church of Guyandotte, W. Va.

Mr. ALLISON introduced a joint resolution (S. R. 168) to authorize and direct the Secretary of the Treasury to refund and return to the Chicago, Milwaukee and St. Paul Railway Company $15,385.76, in accordance with the decision of the Secretary of the Interior dated March 3, 1898; which was read twice by its title, and referred to the Committee on Indian Affairs.

BOOKS RELATING TO HAWAII.

Mr. WETMORE submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Printing:

Resolved, That there be printed in pamphlet form 1,000 copies of the "List of books in the Library of Congress relating to Hawaii," 500 copies for the use of the Senate and 500 copies for the use of the Librarian of Congress.

STENOGRAPHER FOR INTERSTATE COMMERCE COMMITTEE.

Mr. CULLOM submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce be authorized to employ a stenographer to report hearings before said committee during the present session of Congress, and that the stenographer employed to report the hearings on Senate bill No. 3354, to amend "An act to regulate commerce," be paid from the contingent fund of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 12th instant approved and signed the joint resolution (S. R. 6) providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims of the State of Tennessee against the United States.

The message also announced that the President of the United States had on the 14th instant approved and signed the following acts:

An act (S. 116) granting a pension to W. L. Faxon;

An act (S. 439) granting an increase of pension to Hannah Letcher Stevenson;

An act (S. 493) granting a pension to Mary A. Wise;

An act (S. 496) granting a pension to Simpson Everett Stilwell;

An act (S. 497) granting an increase of pension to Betsy B. Olin;

An act (S. 509) granting an increase of pension to Lafayette Tibbetts;

An act (S. 637) granting an increase of pension to Oliver P. Silvey;

An act (S. 732) granting an increase of pension to William H. H. Wright;

An act (S. 1476) granting an increase of pension to Louise M. Rice;

An act (S. 1541) granting a pension to "Itewayaka" or "One-armed Jim;"

An act (S. 1829) granting an increase of pension to James H. Kile;

An act (S. 3345) granting an increase of pension to Martha Ann Hynes;

An act (S. 4142) to provide a life-saving station on the westerly side of the harbor of Gloucester, Mass.; and

An act (S. 4452) authorizing the Campbell-Lynch Bridge Company to construct a bridge across the Arkansas River at or near Webbers Falls, Ind. T.

COMMITTEE SERVICE.

Mr. JONES of Arkansas was, on his own motion, excused from further service upon the Committee on Private Land Claims.

Mr. GRAY was, on his own motion, excused from further service as chairman of the Select Committee on Additional Accommodations for the Library of Congress.

Mr. TURPIE was, on his own motion, excused from further service as chairman of the Select Committee to Investigate the Condition of the Potomac River Front at Washington.

On motion of Mr. COCKRELL,

Mr. GORMAN was appointed chairman of the Committee on Private Land Claims;

Mr. JONES of Arkansas, chairman of the Select Committee on Additional Accommodations for the Library of Congress;

Mr. GRAY, chairman of the Committee on Revolutionary Claims; and

Mr. FAULKNER, chairman of the Select Committee to Investigate the Condition of the Potomac River Front at Washington.

HOUSE BILLS REFERRED.

The bill (H. R. 10049) to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to open their reservation for settlement, was read twice by its title, and referred to the Committee on Indian Affairs.

The joint resolution (H. Res. 237) appointing four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers was read twice by its title, and referred to the Committee on Military Affairs.

WAR REVENUE BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 10100.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

Mr. JONES of Arkansas. Mr. President, when Congress is asked to impose new taxes, or the people are asked to agree to pay new taxes, it is right that the reason for such taxation should be distinctly understood not only by the members of Congress, but by the public as well. It is unnecessary to say that without regard to politics every member of the present Congress, I believe without a single exception, stands ready to vote all of the money and all of the taxes necessary to a vigorous prosecution of the present war. While we all are willing to vote such taxes, we would not be performing our duty if we were to vote for taxes that are unnecessary. How much money it is necessary to raise under existing conditions is the first question presented for consideration.

As stated by the Senator from Iowa [Mr. ALLISON] on yesterday, the opinion of several of the Secretaries was asked on this question. I have carefully read the statement of the Senator from Iowa this morning, and while, in the main, he stated the opinions of those Secretaries, as I understood them, correctly, in some details it seemed to me they were not stated as I recollect them. But whether so stated or not I was not able to determine by a careful examination of the Senator's remarks as printed in the RECORD. The Senator's conclusion seemed to be that there was needed from the present time to the end of the next fiscal year, as I think he stated it, $379,192,000.

The number of statements and calculations which the Senator from Iowa is able to present to the Senate by the aid of the experts connected with the Appropriations Committee and the Finance Committee is somewhat bewildering. It is absolutely necessary for me to consider this thing in a simpler sort of way, free, as far as possible, from complications. Let me call the attention of the Senate to what will be the extraordinary expenses of the Government aside from and in addition to the ordinary expenses. Let us, in this discussion, keep this separate and apart from the ordinary appropriations.

When Secretary Gage was asked as to the amount of money that would probably be needed by the Government for war purposes and in addition to the ordinary expenses, having no relation whatever to the general expense, and not mixing them with that, he stated that at a rough estimate, not being able to make anything like an accurate calculation, he supposed it would amount to $25,000,000 per month. This would amount to an expenditure of $300,000,000, in addition to ordinary expenses, for the next fiscal year.

When Secretary Alger appeared before the committee, making his estimate on the basis of 125,000 volunteers, he stated that the expenditure would amount to a fraction over $150,000,000.

I will here insert the estimates of the Secretary of War and the Secretary of the Navy as printed by the Committee on Finance:

ESTIMATE OF THE SECRETARY OF WAR.

WAR DEPARTMENT, *Washington, May 3, 1898.*

Approximate deficiency estimates for the fiscal year 1898-99, War Department.

Commissary Department	$15,633,085.05
Quartermaster's Department	49,096,000.00
Paymaster-General's Office	62,033,098.39
Chief Signal Officer	228,000.00
Office Chief of Ordnance	4,124,633.00
Surgeon-General's Department	800,000.00
Office Chief of Engineers	5,000,000.00
Inspector-General's Office	348,480.00
	137,263,296.44
Add 10 per cent for contingencies	13,720,329.64
Grand total	150,983,527.08

Estimated on a basis of 125,000 volunteers.

R. A. ALGER, *Secretary of War.*

ESTIMATE OF THE SECRETARY OF THE NAVY.

NAVY DEPARTMENT, *Washington, May 4, 1898.*

SIR: I have had an estimate made by the various chiefs of bureaus of the amounts which in their judgment it will require, in addition to the provisions made in the naval appropriation bill, to maintain the Navy on a war

footing during the fiscal year ending June 30, 1899. The estimates are as follows:

Ordnance	$12,000,000
Equipment	10,000,000
Construction and Repair	12,000,000
Steam Engineering	9,000,000
Yards and Docks	6,250,000
Supplies and Accounts	5,500,000
Navigation	606,250
Bureau of Medicine and Surgery	200,000
Navy Department, to meet emergencies and extraordinary expenses (this item is entirely indefinite: if the war is prolonged, if ships are lost or destroyed, if unforeseen demands arise, as is possible in many ways, a great deal more might be necessary)	20,000,000
Total	75,556,250

Very respectfully,

JOHN D. LONG, *Secretary.*

CHAIRMAN FINANCE COMMITTEE UNITED STATES SENATE,
Washington, D. C.

When asked the question as to how much the filling up of the Regular Army, as was then proposed, from 25,000 men to 64,000 men, would increase this appropriation, he answered promptly that the calculation was sufficiently liberal to cover that, and that the estimate of $150,000,000 was enough to cover all these army expenses.

The Senator from Iowa on yesterday said that he thought that at the time the Secretary of War made this statement that there had been no provision made for the 13,000 other troops which have been provided for in addition to the 125,000. My recollection is to the contrary. Whether or not the law had at that time been passed authorizing the enlistment of those 13,000 men, if I am not very much mistaken the 13,000 men were taken into consideration, and that the Secretary said that the estimate of $150,000,000 was ample to cover this additional expense also. I so understood it.

Mr. ALLISON. If I do not interrupt the Senator from Arkansas, I will say that if he will turn to the statement he will see that it is based upon 125,000, whereas the real number of volunteers is now 138,000.

Mr. JONES of Arkansas. I stated a moment ago that the statement made by the Secretary of War was that on the basis of 125,000 men the expenditures of the War Department would amount to $150,000,000 and something more, and that when his attention was called to the fact that the Regular Army was to be increased and he was asked whether filling up the Regular Army from 25,000 to 64,000 men would increase that expenditure, he answered that the amount was ample to cover all that. At the same time his attention was called to the propositions to increase the Volunteer Army of 125,000 men by 13,000 men, and the statement was made at the time that the total war footing of the country would be something like 200,000 men, and as I understood the Secretary said his estimate was ample to cover all this. So $150,000,000 is the amount of money which the Secretary of War believes will be necessary for that branch of the military service during the whole of the next fiscal year, provided the war shall continue so long and be prosecuted on the footing now proposed.

Mr. ALDRICH. I do not suppose that it is vital in this discussion whether the facts are as stated by the Senator from Arkansas or not. I did not so understand the Secretary of War, and I think that none of the Senators sitting on this side of the Chamber so understood him.

Mr. JONES of Arkansas. There is no point of difference, as I understand it, except whether the Secretary of War included the 13,000 extra enlistments which are provided for over the 125,000. That he included the 125,000 who had been called for and the regular troops to be added in addition to the 25,000 there can be no sort of doubt. The other is a small matter and cuts but little figure, as suggested by the Senator from Rhode Island. My recollection of the statement of the Secretary of War is as I have stated it, and he estimates $150,000,000 for war expenses. But assuming that I am mistaken in this, then $165,000,000 at the outside, instead of $150,000,000, would be the amount necessary for the War Department.

Mr. Secretary Long, after appearing before the committee and making his statement, returned to the Department and made out a careful estimate for the Navy Department and sent that down the next day. His estimate was that it would take $75,000,000, in round numbers, for the Navy Department. Now, add $75,000,000 to $150,000,000, or for the sake of argument assuming the extreme ground, $165,000,000, you have $240,000,000 as the total proposed extra expenditure of the Government for military purposes for the next fiscal year, and it is to meet that extraordinary expense that this bill is proposed to be passed.

The Senator from Iowa stated yesterday, to quote his own language, that "this bill is here only because the Government of the United States is involved in a war with a foreign country. If there were no war, there would be no necessity for this bill." It is not here, at least the country is to understand it is not here, for the purpose of taking care of any deficiencies or making up any shortages which now exist in the revenue. The understanding is that the purpose of this bill is to provide for the extraordinary military and naval expenses of the Government on account of the existing war, and for this alone, and that other or ordinary expenses of the Government will be provided for by the laws now on the statute books. This being the case, it should not be difficult to determine what amount of money it is necessary to raise by the bill. Then we can easily determine how much should be raised by taxation during the year, and then what steps should be taken to take care of the balance.

Mr. HALE. Does the Senator believe that $75,000,000 will cover all appropriations needed for the Navy during the next entire fiscal year?

Mr. JONES of Arkansas. The Secretary of the Navy made his statement in writing, in which he said that above the ordinary expenses the expenses of the Navy Department incurred by reason of the existing war, for the fiscal year beginning on July 1 next and ending twelve months thereafter, would be a fraction over $75,000,000, and I presume the Secretary had the necessary information on which to make his estimate.

Mr. HALE. I only want to say——

Mr. JONES of Arkansas. In this connection I may state that to cover emergencies or to cover deficiencies, as will be seen by reference to the statement, there was an allowance of $20,000,000 in that $75,000,000 for things not provided for.

Mr. HALE. I have not seen the statement, and I do not know on what basis it is made; but judging from extra appropriations that have already been made and deficiency estimates to carry us only until December, I have no hesitation in predicting that it will cost very much more than that sum to carry all the naval appropriations for the entire fiscal year ending July 1, 1899. It will not do for the committee in laying taxation to depend upon spending no more than $75,000,000 in the Navy for the year above ordinary expenditures.

Mr. ALLISON. Will the Senator from Arkansas allow me a moment?

Mr. JONES of Arkansas. Certainly.

Mr. ALLISON. Let us get at the exact facts, as near as possible. The Secretary, in his statement, which is in print (I had a copy of it here yesterday, and I have now sent for some copies), said that it would require $75,000,000, in addition to the $23,000,000 added to the naval appropriation bill on account of the war, which would make about $100,000,000. Then he stated also that there was a deficiency appropriation which would be required between now and the 1st of July of $32,000,000 more. So the expenses from this time to the 1st of July, 1899, were stated by me yesterday in round numbers at $132,000,000, which in my judgment is far short of what the expenses will be.

Mr. CULLOM. I should like to inquire if that testimony was printed?

Mr. ALLISON. It is in print.

Mr. HALE. I do not believe that that large sum, if the war continues during the year, will cover the appropriations necessary for the Navy.

Mr. JONES of Arkansas. What has just occurred on the floor of the Senate, in my opinion, demonstrates the wisdom of those who act with me on the committee in insisting that there should not be a report of this bill without some investigation about the amount of money necessary to be raised. As I understand, the bill was passed through the House of Representatives without any estimates being made by any branch of the Government, without any statement being made by any Secretary as to the amount of money likely to be needed. We were asked to take the bill up and consider it by guessing at what might be wanted. Some of us were opposed to doing that and insisted on having estimates made by those who ought to be better informed than Senators are likely to be as to what the probable expenditures would be. I think the statement made by the Senator from Maine distinctly shows that it was wise that we had the opinion of those whose business it is to know what the public expenses of the Government will be before we propose to levy taxes to pay the expenses. Guessing should not be relied on in matters of such importance.

Mr. CULLOM. I understand that the testimony of these Cabinet officers was taken down and that it has been printed. If so, there ought not to be any conflict as to their statements.

Mr. JONES of Arkansas. I am sorry to say that the statement of the Secretary of the Treasury alone was taken down and printed. The Secretary of the Navy made a report, which he sent down the day following his statement before the committee, and upon which he was not examined by members of the committee. Unfortunately, the statement of the Secretary of War was not taken down at all. Many of us thought it ought to be done, but it was not.

Let me call attention to the last item in this estimate made by the Secretary of the Navy, as follows:

Navy Department: To meet emergencies and extraordinary expenses (this item is entirely indefinite: if the war is prolonged, if ships are lost or destroyed, if unforeseen demands arise, as is possible in many ways, a great deal more might be necessary), $20,000,000.

That, added to the preceding items, aggregates $75,556,250.

There is nearly 33 per cent of the whole of the appropriations estimated to cover contingencies that can not be known by the Secretary of the Navy at this time.

Mr. HALE. That, the Senator notices, is in addition to the provisions made in the naval appropriation act to maintain the Navy on a war footing during the fiscal year ending June 30, 1899. The $75,000,000, with the $20,000,000 allowance for unforeseen emergencies, does not include the extra amount beyond the ordinary expenditures, amounting to about $30,000,000, already appropriated for in the naval appropriation act. That would bring it up to over $100,000,000, or to $105,000,000. Then the deficiencies also that are estimated will bring it up to something like $125,000,000. I shall esteem it a piece of good fortune, Mr. President, if the war continues in full force for a solid year after the 1st of July, 1898, if we get out with a naval expenditure of $125,000,000.

Mr. JONES of Arkansas. Mr. President, not having the honor to be a member of the Committee on Appropriations, I do not know what the Committee on Appropriations did in providing in the naval appropriation bill for the next fiscal year. They probably included some extraordinary expenses that came up on account of the war. But in the calculations I have seen, those things are mixed up with so many other items that it is made difficult to separate one from the other, and it is hard to know what are legitimate expenses resulting from the war and what are appropriations that were put in the bill to meet necessary expenses which would have existed if there had been no war.

Mr. HALE. I will say to the Senator that that is not a very difficult thing.

Mr. JONES of Arkansas. Perhaps not to a member of the Committee on Appropriations.

Mr. HALE. The appropriations in the naval appropriation bill are not extensive in number, and the parts that relate to war expenditures over and above ordinary expenditures of the Navy, and which swelled that bill so that it is almost twice as large as it had ever been before, are very easily obtainable. I can give to the Senator at a later date the items which show $25,000,000 or $30,000,000 of extra expenditures.

Mr. JONES of Arkansas. It will all probably come out before the close of this debate.

Mr. CULLOM. If I may be allowed to ask the Senator from Maine a question, I find on the last page of the printed testimony an estimate by the Secretary of the Navy, May 4, 1898, amounting in the aggregate to seventy-five million and some hundred thousand dollars. Now, is that estimate for war purposes alone, outside of any appropriations we have passed in reference to the maintenance of the Navy?

Mr. ALLISON. It is in addition.

Mr. HALE. It is in addition to those.

Mr. CULLOM. I say it is outside of the other appropriations made, and for war purposes.

Mr. HALE. Undoubtedly. It is meant to cover extra expenditures by reason of the war and not the ordinary expenditures of the Navy Department if we were in time of peace. It also excludes a large proportion of the great naval appropriation bill that was passed by the Senate a fortnight ago.

Mr. CULLOM. I assumed that that was the case, but the remarks seemed to make it a little doubtful.

Mr. ALLISON. I stated with as much distinctness as I could, on yesterday, and the Secretary so states, that the $75,000,000 is in addition to the war provisions in the regular naval bill for the next year, and that it is in addition to the $23,000,000 that will be required for naval expenditures between now and the 1st of July. So the naval expenditures, clear and explicit and absolute, are, on the face of these papers, over $125,000,000 for the existing war, and I so stated yesterday.

Mr. CHILTON. Mr. President, I heard that statement, and I think it best for these conflicting ideas to be expressed here, so that they may be cleared up and the truth may be arrived at. I understood that the statement referred to, however, did not include the deficiency appropriation for this year of $22,000,000.

Mr. ALLISON. It did not.

Mr. CHILTON. On that we agree. I understood also that it included all the extraordinary expenses for next year. There is the difference.

Mr. ALLISON. It is just the contrary.

Mr. HALE. What is the language?

Mr. ALDRICH. Will the Senator read the language?

Mr. HALE. The language is:

> In addition to the provisions made in the naval appropriation bill to maintain the Navy on a war footing during the fiscal year ending June 30, 1899.

It is in addition.

Mr. CHILTON. I have not read the statement, but the Secretary of the Navy was before the Committee and endeavored to explain that matter fully. There is also, it will be observed here, an allowance which he mentions of $20,000,000 extra, which is a merely problematical thing. It is not known what part of the $20,000,000 it will be necessary to spend; it is merely an arbitrary allowance that he makes, as is shown by this statement.

Mr. JONES of Arkansas. However these things may be determined, one thing seems to me to be perfectly clear, and that is, that with the most extravagant calculations made by the gentlemen who are in favor of large appropriations, it is impossible to make it appear that it will be necessary to have $300,000,000 in addition to our ordinary expenses during the next fiscal year. With these extraordinary expenditures to be made, taking the sum for the sake of the argument at $300,000,000—it can not be made to reach that, even on the extravagant calculations which are made by the Senator from Maine [Mr. HALE] and others—but take that as the necessary amount to be raised, the next question for us to determine is, How will we provide for that $300,000,000 if we propose to do it at this time and in this bill?

In the first place, is it not necessary that all the expenditures which are believed to be necessary for twelve months shall be made now, when in fact the war may not last anything like a full year after July 1 next? Is it necessary for all the money to be provided for now in this bill that will be expended during the next year? The Congress of the United States is bound to assemble on the first Monday in December next, it is in session now, and will remain in session as long as the public interests require that it shall do so. In addition to that, the President can convene Congress whenever there is a necessity that it shall be done. Hence there is no imperative necessity that we shall provide now all the money which may by any possibility be needed during the next twelve months.

But suppose we do, and it is proposed to raise $300,000,000. The question is, How shall it be done? This bill as it came from the House of Representatives provided for raising practically $35,000,000 of additional revenue by an additional tax on tobacco; by an additional tax on beer, thirty-three millions, and thirty millions on stamps. In addition to that, it proposed practically to increase the bonded debt of the United States by the sum of $600,000,000. True, $100,000,000 of the bonds were not to be called bonds, but were to be called certificates; but they were to bear interest just as though they were bonds. A promise by the Government to pay a debt at a day in the future and to pay interest upon that debt, no matter by what name called, is practically a bond.

Here was a proposition, then, to expend possibly $300,000,000 in twelve months. To provide the money necessary for this expenditure $100,000,000 was to be raised by taxation and $600,000,000 besides was to be raised by the sale of bonds. Seven hundred millions of dollars was to be raised to meet an expenditure of less than $300,000,000. Many of us were not willing to pass a bill which provided for a scheme so unreasonable; hence we proposed some changes in the bill.

The plan to raise the $100,000,000 by taxation had some marked characteristics. It was not to be levied on the property of the country, but was to be levied, almost every dollar of it, upon consumption. The tax on beer nobody will deny is a tax on consumption; the tax on tobacco is also a tax on consumption, and the stamp tax, which was the other great item, was intended to be put upon every article of medicine, upon every "packet, box, bottle, pot, or phial" containing pills, powders, tinctures, lozenges, sirups, cordials, tonics, plasters; upon bonds, debentures, mortgages, deeds, bills of lading, etc., and, while general in its application, bears with greater proportional weight upon small transactions than upon larger ones, and is one of the most onerous, as well as one of the most vexatious forms of taxation which has ever been adopted in this country, in my opinion.

The Senate committee modified many of these provisions and made some additions to the bill which, I think, must commend themselves to the Senate as wholesome and be received by the people of the country with approval.

The first material change made in the bill was a provision for an inheritance tax. Property passing by inheritance or by will must contribute to the support of the Government under which this is done. There is no natural right by which any man can convey his property to another when he comes to die; and if the Government gives him the power to do this and the means of doing it, it is but just and reasonable that he should contribute something to the maintenance of the Government which gives him this right, and this is certainly as just as that the man who takes a glass of beer or who takes a chew of tobacco should be required to do so. We believe this to be a just and equitable tax and one which rests upon property.

We propose some other taxes in addition to those proposed by the House. One—I will not stop to read it—is a proposition to levy a small excise tax, equivalent to one-fourth of 1 per cent, on gross receipts of certain lines of business, whether by railroad, street railroad, sleeping car, canal, steamboat, ship, barge, etc., and a like tax is to be collected from those engaged in express business, telephone and telegraph, insurance, electric light, etc. A tax of one forty-eighth part of 1 per cent per month on bank deposits is also provided for. We have levied a large tax, a very large tax, on the people engaged in producing beer; we have levied a large tax on the people engaged in manufacturing tobacco, and we have put a very small tax, an infinitesimal tax in

comparison with the other, on the people who are engaged in transportation, banking, insurance, and other kindred occupations.

Mr. ALDRICH. Will it interrupt the Senator if I ask him a question?

Mr. JONES of Arkansas. Not at all.

Mr. ALDRICH. I think the question is of some importance. Does the Senator think that the tax imposed upon beer is a tax imposed upon the producers of beer or that it will fall upon them ultimately?

Mr. JONES of Arkansas. The tax on beer will fall on the beer trade, but what part the consumers of beer will pay and what part of it, owing to the competition among brewers, they themselves will be compelled to pay, and what part of it will be levied upon the dealers in beer even the Senator from Rhode Island, with all his astuteness and his wonderful information about the details of industrial enterprises in this country, can not figure out.

I do not believe the man lives who can tell what proportion of this tax will fall on any branch of the business; but this much we do know, Mr. President, and that is that there is a tax of $60,000,000 to be levied upon that business—that business involving an output annually, say, of $150,000,000—a tax of $60,000,000 is levied upon a production amounting to $150,000,000 a year; and yet the righteous soul of the Senator from Iowa [Mr. ALLISON] was vexed on yesterday because of our proposition to levy a tax which would bring $15,000,000 from the banks of the country upon deposits, which he said would amount to $6,000,000,000 a year. One is a tax of almost 40 per cent levied upon an industry; the other is a tax of about one-fourth of 1 per cent upon banking. The one is regarded with great equanimity while the other excites abhorrence.

Then, Mr. President, there is a proposition to levy a tax of one-fourth of 1 per cent on all other corporations. The question was raised on the floor yesterday as to whether that would apply alike to all corporations, small as well as large. It does. I confess that I should be glad to see some arrangement made by which we could exempt the smaller corporations from this tax. The larger ones are better able to pay in proportion to the amount of business they do than are the small ones. Small businesses are always laboring under disadvantages in competition with larger enterprises; and if there could be a way devised to relieve the small corporations from taxation, I for one would be glad to see it done. The great corporations, those that embrace millions of dollars of interest, should pay a small percentage on their gross income to the Treasury for the support of the Government under which they prosper and grow rich.

The Senator from Iowa on yesterday spoke of the difficulties which this tax would bring upon the small corporations. The very small corporations which would suffer from this tax seem to be those in whom alone he was interested. The fact that the small corporations would pay an exceedingly small tax did not seem to strike him. These very small corporations would pay a very small sum to the Government, but the great corporations, while paying a very light tax, would contribute materially toward the support of the Government and of the war. I hope they would do this cheerfully, but if not cheerfully done, it should nevertheless be done. Speaking of these small corporations, the Senator from Iowa on yesterday said:

> They are resorted to on the idea that there is some special pecuniary advantage in having corporate authority.

This, Mr. President, is exactly the idea on which we rest this proposition to levy a small tax upon the exercise of this privilege. There are advantages coming to people who transact their business in the form of corporations. It is unnecessary for me to detain the Senate to explain what these advantages are, for they are well known not only to the people interested, but they are well known to everybody else. One of the advantages suggested by the Senator from Wisconsin [Mr. SPOONER] on yesterday was their continuing in perpetuity, and, as suggested by the Senator from California [Mr. WHITE], there were other advantages of a very material kind, and these are advantages which those interested ought to be willing to contribute something to the Government for the privilege of exercising.

Mr. MASON. Will the Senator permit me a question?

Mr. JONES of Arkansas. Certainly.

Mr. MASON. I will take but a moment. I want the information. I have only read the bill hurriedly, and I ask the Senator, is it a correct construction of the proposition that a manufacturing corporation or a mercantile corporation would have to pay this tax, whereas its competitor, as stated on yesterday by the Senator from Iowa, right across the street, doing exactly the same kind of business, and which is its real competitor, is excused from the tax? Is that a true statement of the effect of that provision?

Mr. JONES of Arkansas. I think so.

Mr. MASON. Then, is it equal and fair taxation? Is it uniform?

Mr. JONES of Arkansas. I think so, for if there are not advantages to be derived from incorporating a business of this kind, no man need incorporate it. I will call the attention of the Senator to the fact that the tax levied is infinitesimal and can not have any very material effect upon any business. It is one-fourth of 1 per cent on the gross receipts of the business—25 cents on $100 worth of business. If there are advantages coming to a corporation such as were pointed out by several Senators on yesterday—if two old men who have been in business in the Senator's [Mr. ALLISON's] town for a great many years, and they wish to so organize their business as to make it practically immortal, so that it may go down to their sons and their sons' sons, making a practical entail of whatever rights they have, it seems to me right, and that they ought to be willing to contribute something to the support of the Government that gives them the right to do this thing.

The tax of one-fourth of 1 per cent, one-quarter of a dollar on a hundred dollars of business transacted, is certainly not a heavy tax, and any private individual doing business as a corporation who does not believe he gets an advantage of more than one-fourth of 1 per cent, one-fourth of a dollar on a hundred dollars, can and will easily get himself free of the tax by dissolving the corporation, going into business on his own private account, thus becoming personally responsible for his business, and taking the chances of its dying when he dies.

Mr. President, the marked and leading difference between this scheme of taxation as proposed by those with whom I acted in the Committee on Finance and those of the other side is that they seem to think that all taxes ought to be levied on consumption, while we believe that all taxes ought to be levied on property.

If it shall turn out, as the Senator from Iowa seems to think, that this bill will raise $225,000,000 from taxes, then I believe that some part of these taxes ought to be left out; but what part should be left out? I believe those taxes which rest upon consumption should be those omitted, and that those taxes which levy contributions for the benefit of the Government on property should be kept in the bill. Here we propose to increase the tax on beer a hundred per cent and we increase the tax on tobacco 166 per cent.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. JONES of Arkansas. Certainly.

Mr. SPOONER. Does the Senator consider the inheritance tax a tax on property?

Mr. JONES of Arkansas. Of course, if there is no property passing, there will be no tax.

Mr. SPOONER. But is it a tax on property?

Mr. JONES of Arkansas. No; it is not intended to be a tax on property, but it becomes tax where the property passes. I understand the technicality that the Senator from Wisconsin raises in the matter. I do not propose to go into that question of technicality. Of course we can not tax the property itself, but this is a tax on the privilege, and the property has to pay it; it comes out of the property.

Mr. SPOONER. The technicality is not one raised by me, but by the Supreme Court of the United States.

Mr. JONES of Arkansas. I am perfectly well aware of that fact also, but I hardly thought it was necessary to speak of it here. We all know that these taxes will be paid by the property, though of course we can not levy the taxes directly against the property, and we do not propose to do it.

Mr. CAFFERY. Then the tax is not on the property, but is levied upon the right of succession?

Mr. JONES of Arkansas. Yes, sir. That is the privilege the owner of the property gets by the law, and he pays something to support the law for the right of exercising that privilege.

Mr. STEWART. All taxes are paid out of property.

Mr. JONES of Arkansas. The spirit which moved the gentlemen who call themselves the minority, who are on the other side, is well illustrated by their action on the tax on tobacco.

The House of Representatives sent a proposition here to increase the tax on chewing and smoking tobacco 100 per cent; to make the tax 12 cents instead of 6 cents a pound, as it now is, on tobacco. The Senate committee has raised that tax from 12 to 16 cents a pound. A 16-cent tax on tobacco is a tax of about 100 per cent on the average value of smoking and chewing tobacco. The House of Representatives sent us a tax on cigars of $4 a thousand. The average price of a thousand cigars of a cheap variety would be perhaps $40 a thousand. So that a tax of $4 a thousand on cheap cigars is a tax of perhaps 10 per cent.

The members of the Senate committee, not satisfied with a tax of 12 cents per pound on tobacco, raised it to 16 cents per pound, and this amounts to 100 per cent tax on this article of almost universal consumption, and almost the only luxury indulged in by the masses, while they reduce the 10 per cent tax on cigars from $4 a thousand to $3.50. The consumers of cigars, in other words, must not be expected to pay such an exorbitant tax as 10 per cent on what they consume, while the poor devil who consoles himself with a short-stemmed pipe after a hard day's work must pay 100 per cent on what he consumes.

Mr. President, this system of taxation is wrong; it is inequitable; it is unjust; and the plan proposed by the gentlemen with whom I acted in the committee which proposes to so arrange these

taxes that they shall not be levied upon necessities, but shall be levied upon wealth, is just and equitable and fair.

One of the complaints made against this bill by the Senator from Iowa is that it was like the air we breathe. He says it goes into everything. I have always believed that that was the correct theory of taxation. Taxes ought to be made to bear equally and evenly everywhere, so that they may bear lightly, almost imperceptibly, upon all.

The Senator is not willing to levy a tax of one-fourth of 1 per cent upon the deposits of banks, amounting, as it does, to $15,000,000 on $6,000,000,000 of deposits, but he is anxious to levy a tax of 100 per cent on the tobacco consumed by the masses of the people of the country! These two proposed plans of taxation fairly illustrate the difference in the policy of the two sides. Which proposition is upon proper lines and which is not the Senate and the country will judge.

Mr. President, the principles of taxation will be understood after a while by the people of this country. Imagine a community in the South or West, such as many of us were familiar with forty or fifty years ago, where there are but few people and where there is scarcely any property, where the population consists of men who have their little cabins in which they and their families live, scattered around amongst the hills in an almost absolute wilderness. It was perfectly natural, under circumstances such as these, that there should be what we would call a road law, requiring every man physically sound and well between certain ages to contribute of his yearly labor ten days to open up the roads of the country.

Where there was practically no property, where all were equally interested, this was not an unjust system of taxation for this purpose; but when a country grows to be rich and prosperous, when there is a great accumulation of property, when commerce increases, when highways become a necessity, then for any man to say that those highways ought to be maintained by requiring each individual man to contribute an equal share, without regard to the property he owns, without regard to the business he transacts, would simply be monstrous and outrageous. If such a system is kept up after property increases, a man with absolutely no property might be compelled to contribute 3 per cent of the whole of his capital—his time—to maintaining highways, while a man of wealth would contribute only the same. Such a system can not continue.

With growing property, the first step to be taken beyond the tax on persons would be naturally a tax on property; and the justice in such a step is apparent. In the course of time and the increase of wealth a tax on incomes would become the most equitable system, and a system of taxing property would be abandoned in its turn. When a moderate tax on incomes would yield a sufficient revenue to support the Government, I believe that every dollar of tax levied for municipal, State, or national purposes ought to be paid by the profits of business. Such a tax under such conditions would be just and equitable. It is, of course, utterly impossible for us to levy such a tax here and now, but instead of doing the next best thing we can do, and levying taxes on wealth, we are continually levying taxes upon consumption, upon necessities, which, after all, are mere personal taxes.

This system of taxation has characterized the Republican party from its inception down to to-day. This system was necessary in the early life and poverty of the Republic, but we have outgrown all necessity for this now. But wherever you find a Republican, you find one who believes in levying taxes on consumption, on necessities, on poverty, and allowing property to go free. He believes in the text, "To him that hath shall be given; but from him that hath not shall be taken away even that which he hath." This idea has characterized their efforts to impose taxation everywhere; it has characterized their efforts in this bill; and it seems as if they can never shake off the old idea.

Mr. President, if some part of the taxes imposed by this bill are not necessary, I ask in the name of common sense, in the name of justice and humanity, that those taxes which are levied upon consumption, those taxes which rest upon human necessities, shall first be stricken out, and that those taxes which rest upon wealth and property shall remain in the bill.

I will not discuss the proposition to issue $42,000,000 of currency as against the $42,000,000 of silver seigniorage which belongs to the Government of the United States, which has been paid for and which it owns. We provided once, by an act passed by both Houses, for this, but it was vetoed. If an individual needing money has an asset which is valuable and recognized as valuable all over the world, and should refuse to use it, and should be fool enough to borrow money, leaving that asset unused, I think those interested in him might very well apply for the issuance of a writ de lunatico inquirendo. The Government of the United States would be no more justified in taking such a course than would an individual.

One other feature of this bill, Mr. President, against which there is some complaint, is the proposition to issue one hundred and fifty millions of greenbacks. One Senator said to me yesterday, evidently very much disturbed, "What, issue fiat money!" Mr. President, gold and silver may be fiat money, but a greenback note is a promise to pay and a promise to pay on demand the amount of money specified in the note itself; it is a due bill. The Senator from Iowa yesterday told us how wonderfully this country had grown, what magnificent developments had occurred; and he illustrated it by reference to the quantity of postage stamps sold in 1883 and the amount sold now. He might have gone a step further and said that the estimated wealth of this country in 1860 was perhaps $16,000,000,000 and that it is now $80,000,000,000.

We had outstanding at the close of the war more than twenty-seven hundred million dollars of interest-bearing debt and debt not bearing interest. We have shown to the world our ability, even in that time of our weakness, to take care of this great debt. Then who can say that our promise to pay the paltry sum of $150,000,000 will not be good? The people would readily and willingly accept those greenbacks in payment of any indebtedness due to them. Perhaps men of wealth would not advance gold and silver for them as they would for bonds, but they can be paid out to the people; they will be accepted gladly by the people; they will be used as money; they will not be sent to the Treasury for redemption, but they will form a part of the circulating medium of the country, will tend to relieve the present stringency, and will do good and not evil as long as they exist.

Mr. President, I will not undertake to discuss the details of this bill at this time. During the discussion, of course, the various items will come up and be considered, and the sharp contrast between the propositions of the other side and those of this side will be clearly and distinctly seen, much more strongly than I have been able to state them to-day. I will now content myself with this general statement of the principles which underlie the system on the one side or the other side. I believe that the strong common sense and patriotism of the Senate of the United States will not hesitate to decide this question aright in the interest of the people and in the interest of the honor of the United States.

Mr. ALDRICH. I should like to ask the Senator from Arkansas, if he is willing, to state to the Senate what amount he thinks should be raised by additional taxation by this bill?

Mr. JONES of Arkansas. I am willing, so far as I am concerned, to agree that the amount that should be raised is $150,000,000. I believe it would be better and wiser for us to levy more taxes than to issue interest-bearing obligations of the Government, as is proposed in this bill; and if I had to take my choice between doing that and issuing bonds, upon which interest should be paid and which can not be redeemed by the Government for ten or fifteen years, I would rather increase the present taxation, because it is in the interest of a nation, as well as of an individual, to pay its debts, as far as it can, promptly when they are made, and not to postpone the day of payment. It seems to me that the effort to issue bonds by this bill, when there is really no necessity for it, is a deliberate effort to take advantage of the patriotic impulse of the people to accomplish a nefarious purpose.

Mr. ALDRICH. If the Senator will allow me further, has he made any estimate, or have the majority of the committee who reported these provisions made any estimate, as to the amount of revenue to be raised from the excise tax upon gross receipts?

Mr. JONES of Arkansas. All the experts I know of about the Senate have been employed by the Senators on the other side, and I have not been able to see one of them, except for a minute. I have not been able to get any information except what I have worked out myself, and the Senator knows how difficult it is for one pressed for time as I have recently been to make such an estimate.

Mr. WHITE. Mr. President, I have no disposition to make any elaborate presentation in connection with the pending bill or any feature of it at this time, but I have compiled a few figures which I desire to incorporate in the RECORD as bearing more or less upon the subject in hand. I prefer to enter into the details of the measure when it is being regularly considered at length.

Something has been said with reference to the probable realization from this bill. While I have the highest respect for the distinguished Senators who have been guessing with reference to this matter, I confess I have not a great deal of confidence in the entire accuracy of their figures. Time was when I was less acquainted with those able gentlemen, and then I had more faith in this regard. I learn that it is impossible, even in ordinary tariff bills, to correctly calculate with reference to an expected income. There are so many intervening incidents, not only war, but other circumstances, which make it absolutely impossible to present a reliable estimate; and here at this moment, with information altogether less full than that ordinarily presented in connection with a revenue measure, any announcement of the funds obtainable is nothing more or less than a guess. Such are the statements hazarded by Senators upon the other side.

The sums to which I wish to call attention now are found in a

résumé of collections under recent revenue acts, and may be read in connection with the prophecies heretofore made regarding realizations from those measures. The last full fiscal year during which the McKinley bill was in operation terminated June 30, 1894. That measure produced in that year:

Customs	$131,807,758.88
Internal revenue	146,722,760.17
Miscellaneous	15,133,841.84
Total	293,664,360.89

The first full year of the operation of the Wilson bill ended June 30, 1896. The revenue received for that period was as follows:

Customs	$159,516,275.50
Internal revenue	145,850,780.29
Miscellaneous	18,441,083.92
Total	323,808,139.71

Then, examining the receipts of the year ending June 30, 1897, we have—

Customs	$176,316,393.18
Internal revenue	146,241,263.97
Miscellaneous	24,627,071.47
Total	365,807,836.32

When the Dingley bill was reported in the House of Representatives, its framers estimated a total revenue from it of $269,105,710, based upon the importations of 1896.

The Finance Committee of the Senate, speaking through the able Senator from Rhode Island [Mr. ALDRICH], differed with the House Committee and concluded that the House calculation was erroneous in a marked degree, and the same Senator estimated the producing capacity of the bill as amended in the Finance Committee to be $182,744,000.

The receipts from customs for the year 1897-98 up to May 1, 1898, have been $121,797,330.97.

Mr. GRAY. Two months short of a year?

Mr. WHITE. Yes.

Mr. GRAY. Ten months?

Mr. WHITE. Yes.

The receipts for the corresponding period of the fiscal year ending June 30, 1897, were $137,786,995.72, or $15,989,664.75 in excess of the later receipts.

The receipts for April, 1898, amounted to $14,193,976.99.

The receipts for the present month (May) will probably be about the same, perhaps a little less, and there is no reason to suppose that there will be any astonishing variances in June, certainly not in the direction of increased revenue; hence, if we estimate $30,000,000 as being the probable amount of customs receipts yet to come in for this fiscal year (and this seems to be a liberal calculation), the total receipts on that account will be something over $150,000,000.

The Senator from Iowa [Mr. ALLISON] stated yesterday that he would be very well satisfied if the receipts were $180,000,000. Undoubtedly, and so would we all be better satisfied than we will be, because those receipts can not be more than $150,000,000. I have no doubt my friend would be still better satisfied if he thought the receipts would be $250,000,000.

Mr. ALLISON. I stated that I would be well satisfied if the receipts were $180,000,000 for the fiscal year ending in 1899.

Mr. WHITE. I understood the Senator to refer to this fiscal year.

Mr. ALLISON. I would be more than satisfied if that should happen this year, which would mean, of course, an enormous increase of receipts for this month and the next. I was not quite so innocent as to suppose that we would receive $180,000,000 this year.

Mr. JONES of Arkansas. I understood the Senator to figure out that there would be a surplus. Was that for this year or next year?

Mr. ALLISON. For the year 1899.

Mr. JONES of Arkansas. For next year.

Mr. ALLISON. For the next year. I was not dealing at all with this year in my statement. I was dealing with next year.

Mr. WHITE. I did not assume any innocence upon the part of the Senator from Iowa, nor did I say that he stated that such an amount would be realized this year; and I believe the Senator from Iowa admits he would be better satisfied if we realized $180,000,000 this year. So, really, when we analyze it there is no special difference between us.

Mr. ALLISON. No. Will the Senator allow me for just a moment? I was giving the receipts and expenditures for the next fiscal year, and I stated in that analysis that the Secretary of the Treasury had estimated $200,000,000 from imports for the next fiscal year. I stated that that was an excessive estimate, in my judgment, without the intervention of these extraordinary circumstances. I stated that I should be well satisfied if it reached $180,000,000 next year, and I doubt very much whether it will reach $180,000,000.

Mr. WHITE. I feel exactly as does the Senator from Iowa about this whole subject. So we will have no difference.

Mr. ALDRICH. The estimate which the Senator has read, made by myself in connection with the act of 1897, was an estimate upon the bill as it then stood and not as it finally passed both Houses of Congress and became a law.

Mr. WHITE. It may be a question whether the bill as it finally became a law was not more of a revenue producer than the bill when it left the analytical hand of my friend the Senator from Rhode Island and fell into the Philistine camp.

Mr. ALDRICH. That may be, but the fact remains, nevertheless, that the estimate was made at a different stage than that of the final passage of the bill.

Mr. WHITE. There is no doubt that is correct.

Mr. STEWART. I should like to inquire of the Senator from Iowa whether the estimate which he makes is on the basis of issuing $150,000,000 of greenbacks and coining the seigniorage, as reported by the majority, or on the basis of issuing bonds? I think a difference of at least $150,000,000 in the revenue will result from the adoption of one or the other plan. I think I can demonstrate that. I should like to know which it is; whether the estimate is predicated upon more money or more taxation and less money? Because the revenue will be largely affected by that.

Mr. ALLISON. I certainly have no objection to answering the Senator from Nevada. I stated yesterday that the Secretary of the Treasury, in his last annual report, estimated the gross receipts at $390,000,000, and that in that estimate he included $200,000,000 for duties upon imports; and I stated that in my judgment the $200,000,000 was in excess of what would be realized, and I said that I would be fully satisfied with $180,000,000. Of course, I made that estimate upon the situation as it is and not upon any new suggestions that are to be made hereafter by the Senator from Nevada, which I have no doubt will be valuable and may change my view.

Mr. STEWART. Will the Senator from California allow me? At the time when we were putting out new money, fourteen years, while $500,000,000 of new silver was being put out, we retired over $1,200,000,000 of bonds and paid $60,000,000 of premiums to get them retired, applying on the debt $75,000,000 a year. Since we quit putting out new money we have gone into debt about $60,000,000 a year. So the difference between having a continuous supply of money and no money makes in the revenue probably one hundred and forty to one hundred and fifty million dollars a year. If greenbacks and silver certificates are put out, so as to make good times, that will make in your revenue next year at least $150,000,000. So all estimates as to future revenues, without taking that into consideration, must be entirely defective. We see what has gone by, and I think the difference in revenue will be more than $100,000,000 between bonds on the one hand and greenbacks and silver certificates on the other. I am going to demonstrate it hereafter. I think it is very foolish to commence making estimates until you know the basis.

Mr. WHITE. Mr. President, during the interesting interruption I have examined the remarks of the Senator from Iowa, and I find that he is, as usual, correct, and that he referred to the prophecy of the Secretary of the Treasury as to the next year, and, notwithstanding his faith in the present Administration, dissented from the Secretary.

Contrary to the expectations of that officer, the large tax imposed by the Wilson bill upon spirits has not reduced the revenue, for we find that the receipts for the present fiscal year up to May 1 on account of internal revenue amount to $138,767,465.34, while the receipts for the corresponding period of the fiscal year ending June 30, 1897, were $122,608,188.80, or a difference in favor of the present fiscal year on account of internal revenue amounting to $16,159,276.54.

Moreover, miscellaneous receipts for this year aggregate over $80,000,000, while for the corresponding period of the last fiscal year but $20,000,000 were received on this account. The increased miscellaneous receipts are accounted for by the Union Pacific and Kansas Pacific Railroad settlements. About $63,000,000 were received in this way. Of that money, practically $30,000,000 of bonds have been paid, according to the statement of the Secretary of the Treasury made before the Committee on Finance. Notwithstanding these large receipts, which aggregate for the present fiscal year, up to May 1, $340,926,950.18, as compared with $280,597,186.29, being the receipts for the corresponding period of the last fiscal year, showing a difference of $60,329,763.89, we find an excess of expenditures over receipts which amounted May 1 to $6,797,279.74, and this has been swollen, as shown by the Treasury statement of May 16, to $16,865,710.28.

At this rate there will be a deficiency at the expiration of the present fiscal year amounting to about $45,000,000; and when it is considered that outside of the money paid on account of bonds from the proceeds of the railroad sales about $33,000,000 went into

the Treasury, it is apparent that our revenue plan is exceedingly defective, and that it is manifest that the existing tariff law, under prevailing conditions and without unusual aids, such as that arising from the railroad settlement, will not come within $75,000,000 of supplying the Treasury.

It is absolutely impossible to say with any sort of definiteness how much the present bill will produce.

When the Wilson law was under consideration, we were told by the most notable Republican members of this body that outside of the income tax it would net $100,000,000; that we would have a surplus of that amount; and, as I had occasion once before to say, I was frightened, Mr. President, not being then so well acquainted with our friends as I am at present, at the possibility of such an enormous surplus; and I said to myself, "What will become of us if a hundred millions of surplus are added to our woes?" But experience shows that Senators were mistaken; that their ability and their integrity combined were unable to solve the intricacies and mystifications of the future. So when one talks to me about receipts under this bill, I still doubt, and I prefer to see the money rather than to read authority, however high, even though it emanates from the distinguished source which has lately sought to enlighten us.

Mr. President, as we consider the bill in detail, and I presume we will soon inaugurate its sectional consideration, we shall examine various subjects which will no doubt prove interesting, and perhaps some of us will be able to learn much.

Mr. ALDRICH. Mr. President, I appreciate as well as the Senator from California can how difficult it is to predict in advance the revenue to be derived from any general legislation upon tariff subjects. He has done me the honor to quote a statement which I made in regard to the revenue to be derived from the act of 1897. While I have no special pride in regard to my opinions or my capacity as a prophet, I desire to call his attention to the fact that the estimate which I made in regard to the act of 1897 was $182,000,000, as stated by that Senator. That included $8,000,000 to be derived from the duty on tea and twenty-seven or twenty-eight million dollars, as I remember it, to be derived from the additional tax upon beer and tobacco. The tea duties and the tax upon beer were left out of the bill by the action of the Senate itself. If we deduct these amounts from the $182,000,000, we find that the revenue I estimated would be derived from the other sources was approximately $150,000,000, or almost exactly the sum which the Senator now says was produced by the act of 1897.

Mr. WHITE. If the Senator from Rhode Island will permit me, I will suggest that there were various other things added, and that the entire disruption of the sugar schedule, upon which the Senator from Rhode Island had expended so much skill and labor, perhaps accounts for the fact that the bill was expected to yield more than the Senator from Rhode Island had calculated, without even eliminating the items of which he speaks.

Mr. ALDRICH. The sugar schedule as finally adopted was substantially the same in its effect as a revenue-producing power as it was then in the bill, as the results have shown. So far as that particular item is concerned no change was made. Of course other changes were made, other additions and other deductions, but the estimate was not far wide of the mark, and I believe that the estimate made yesterday by the Senator from Iowa, an estimate which has not been denied by any Senator upon the other side, of $151,000,000 of additional revenue, or $150,000,000 in round numbers, from the bill as reported by the Finance Committee, outside of the amendments suggested by the majority of the committee, will be found to be approximately accurate, if the bill shall become a law.

Mr. WHITE. I trust the Senator from Rhode Island does not hold that the Senators upon this side of the Chamber are estopped to deny statements made on the other side merely because such assertions are not instantly traversed. I am not acquainted with any Senator on this side who thinks the estimates referred to are accurate, and if a call for proof were made, none could be furnished—it is all speculative.

Mr. ALDRICH. I asked the Senator from Arkansas [Mr. JONES] at the conclusion of his remarks whether he has made any estimate of the amount to be derived from the additional amendments proposed by himself in behalf of the majority of the committee. I should like to repeat the question to the Senator from California, whether he has made any estimate of the additional revenue to be derived from that source?

Mr. WHITE. As we proceed with the bill and each schedule is under consideration, I will give my opinions. I do not know whether they will be so accurate as those of the Senator from Rhode Island when he made his estimate of $100,000,000 surplus from the Wilson Act, but I will give them for whatever they may be worth when we arrive at the proper point.

Mr. ALDRICH. The Senator from California suggested that the act of 1897 was changed somewhat after I made this estimate. If the act of 1897 was changed, what does he say about the act of 1894, after I made the suggestion, which was entirely transformed in this body and adopted by the other without dotting an "i" or crossing a "t"? It was made an entirely different measure from the first line to the last. I do not remember whether the Senator from California was one of the gentlemen who brought about that change, but a change so marked and so radical was never made, I think it is safe to say, in this body in connection with any measure as was made in the act of 1894. Even the name was changed.

Mr. WHITE. There is not very much in a name, as the Senator from Rhode Island will probably admit, in this connection, so far as the revenue capacity of a measure is concerned. The Senator from Rhode Island made his estimate of $100,000,000 surplus in the face of these additions to the bill. It was at the very close of the discussion and when the Senator from Rhode Island, and I might also add the distinguished Senator from Maine [Mr. HALE] whom I see in his seat, chided us for having made these additions, which would produce a terrifying surplus; and after they had made those statements not a "t" was crossed or an "i" was dotted, and the money was never received.

Mr. ALDRICH. I will not put my recollection against that of the Senator from California, but I will make another suggestion in this connection, which is that the income tax, from which we all expected to receive a considerable amount of revenue, was by the action of another body outside of this Chamber afterwards eliminated from the act.

Mr. WHITE. I will refresh the memory of the Senator from Rhode Island by reminding him that he said emphatically at that time that this was outside of the income tax, and I can refer him to the RECORD without the slightest difficulty.

Mr. ALDRICH. I would be very glad to see it in the course of this discussion.

Mr. WHITE. I have done it once, and I will do it again.

Mr. ALLISON. Mr. President, let the reading of the bill be proceeded with.

Mr. PETTUS. Before the reading is commenced, I should like to learn what is the understanding of the gentleman in charge of the bill as to when amendments can be made and what effect amendments adopted now have on those which are to be offered hereafter.

Mr. ALLISON. Yesterday it was unanimously agreed that the bill should be read for amendment and that the committee amendments should be first considered, and then other amendments will be in order. Of course under our system of dealing with these bills there is no difficulty in going back at any time or passing over any particular schedule or any particular amendment. If any Senator desires so to do, of course it will be passed over for the time being.

Mr. PETTUS. When an amendment offered by the committee has been adopted, then what?

Mr. ALLISON. It will remain in the bill, having been made as in Committee of the Whole, and will be voted upon again in the Senate when the bill comes into the Senate; or by unanimous consent, if it is deemed necessary to make any subsequent change, the Senate, as in Committee of the Whole, can go back and again consider the amendment. I do not think there will be any possibility of disturbance in dealing with the bill if we can only proceed rapidly.

Mr. PETTUS. My only purpose was that the adoption of an amendment proposed by the committee should not be conclusive on the Senate.

Mr. ALLISON. It will not be.

Mr. STEWART. Mr. President, I think estimates of the probable receipts from the tax bill on business before we have some idea of what the business is going to be are premature. If you put out more money you will have more business and you will have more revenue from your business. There are two schemes in the pending bill, one to issue bonds, which will absorb money and not put out money, and the other to put out $142,000,000 of new money. That will make a difference of at least $150,000,000 in the revenues under a bill like this. If you have a depression of business, as you will have if you offer bonds to absorb money now in circulation and make times tighter, because people will invest in the bonds, that will make business dull. If, on the contrary, you put out new money, you will be able to collect large revenues from your business, and before we know whether we are to have tools for business, we had better not be estimating what we can collect from the business.

I shall take occasion, before the debate is concluded, to give from statistics some little history of the revenue as connected with the volume of money and its effect from time to time. Of course if you are going to cut off business practically, as you will by offering investments for money and draw it out of circulation by your bonds, then you must make heavier taxation and you will get less money with your heavier taxation.

Mr. WILSON. May I interrupt the Senator to ask him a question? Does he think that to tax the deposits in the various banks will cause a contraction of the currency?

Mr. STEWART. I do not think the tax proposed on banks, a small tax, will have the effect of diminishing the deposits. It is a part of the circulating medium of the currency. All the expansion is bank expansion. That is the bubble which is the storm center of panics. When the last panic came, we had out forty-five hundred million dollars of bank credits, with $500,000,000, in round numbers, of reserves, and how much of the four thousand million dollars represented real cash in the banks and how much was mere wind we never knew. But we do know that when the storm came the wind subsided, and they were all broken.

I do not believe in large bank credits. I think there should be a supervision over banks, and they should not be allowed to loan more than 50 per cent of their money. They should keep money enough there so that they would not expand and create storm centers to be followed by panics. But I am not speaking with respect to that point. I do not think the tax here proposed will have any material effect. I am speaking of the business question. If you put out bonds by a popular loan, and people invest their money in that loan instead of investing it in business, it cuts into the Treasury. In that way you will get much less revenue than if you put out new money. The time has come when we ought to have new money. We ought to put out new money and let business revive. Then it would be possible to make an estimate of the probable revenue to be derived. Here it is the wildest possible guessing, and that will be the case until we know the basis upon which the revenue is to be produced, whether it is to be produced on a falling market, with contraction or dull times, or on a rising market and buoyant times, when everybody is busy, because that condition would, in my opinion, make a difference of at least $150,000,000 in the revenues to be obtained under the pending bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Finance was, in section 1, page 1, line 7, before the word "or," to strike out "stored;" so as to read:

That from and after the passage of this act there shall be paid, in lieu of the tax of $1 now imposed by law, a tax of $2 on all beer, lager beer, ale, porter, and other similar fermented liquors, brewed or manufactured, or sold, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, for every barrel containing not more than 31 gallons; and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. And section 3339 of the Revised Statutes is hereby amended accordingly.

The amendment was agreed to.

The next amendment was, in section 1, page 1, line 13, after the word "accordingly," to insert the following proviso:

Provided, That from and after the passage of this act a discount of 7½ per cent shall be allowed upon all sales of the stamps provided for by this section.

The amendment was agreed to.

The next amendment was, on page 2, after line 2, to strike out the following paragraph:

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe and furnish suitable stamps denoting the payment of the internal-revenue tax imposed by this section; and until such stamps are prepared and furnished, the stamps heretofore used to denote the payment of the internal-revenue tax on fermented liquors may be stamped or imprinted with a suitable device to denote the new rate of tax, and shall be affixed to all packages containing fermented liquors on which the tax imposed by this act is paid. And any brewer having possession of unaffixed stamps heretofore issued for the payment of the tax upon fermented liquors shall present the same to the collector of the district, who shall receive them at the price paid for such stamps by the purchasers and issue in lieu thereof new or imprinted stamps at the rate provided by this section; and if any packages of fermented liquor shall be sold, stored, or removed for consumption or sale after the passage of this act stamped only with the stamps hitherto used for the payment of the tax upon fermented liquor, and which have not received the imprint or device denoting the new rate of tax, the Commissioner of Internal Revenue shall, by assessment or otherwise, cause to be collected the additional tax imposed by this act upon such packages: *Provided*, That from and after the passage of this act a discount of 5 per cent shall be allowed upon all sales of the stamps provided for by this section.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, to insert the following:

SPECIAL TAXES.

SEC. —. That special taxes shall be, and hereby are, imposed as follows, that is to say:

1. Bankers using or employing a capital not exceeding the sum of $50,000 shall pay $100 for each license; when using or employing a capital exceeding $50,000, for every additional thousand dollars in excess of $50,000, $2. Every person, firm, or company, and every incorporated or other bank, having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or sale, shall be a banker under this act: *Provided*, That any savings bank having no capital stock, and whose business is confined to receiving deposits and loaning or investing the same for the benefit of its depositors, and which does no other business of banking, shall not be subject to this tax.

2. Brokers shall pay $50. Every person, firm, or company, whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion-coined money, bank notes, promissory notes, or other securities, for themselves or others, shall be regarded as a broker: *Provided*, That any person having paid the special tax as a banker shall not be required to pay the special tax as a broker.

3. Pawnbrokers shall pay $20. Every person whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon, shall be deemed a pawnbroker.

4. Commercial brokers shall pay $20. Any person or firm whose business it is as a broker to negotiate sales or purchases of goods, wares, produce, or merchandise, or to negotiate freights and other business for the owners of vessels, or for the shippers or consignors or consignees of freight carried by vessels, shall be regarded as a commercial broker under this act.

5. Custom-house brokers shall pay $10. Every person whose occupation it is, as the agent of others, to arrange entries and other custom house papers, or transact business at any port of entry relating to the importation or exportation of goods, wares, or merchandise, shall be regarded a customhouse broker.

6. Foreign insurance agents shall pay $50. Every person who shall act as agent of any foreign fire, marine, life, mutual, or other insurance company or companies shall be regarded as a foreign insurance agent.

7. Proprietors of theaters, museums, and concert halls shall pay $100. Every edifice used for the purpose of dramatic or operatic or other representations, plays, or performances, for admission to which entrance money is received, not including halls rented or used occasionally for concerts or theatrical representations, shall be regarded as a theater: *Provided*, That whenever any such edifice is under lease at the passage of this act, the tax shall be paid by the lessee, unless otherwise stipulated between the parties to said lease.

8. The proprietor or proprietors of circuses shall pay $100. Every building, space, tent, or area where feats of horsemanship or acrobatic sports or theatrical performances are exhibited shall be regarded as a circus: *Provided*, That no special tax paid in one State, Territory, or the District of Columbia shall exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be imposed for exhibitions within any one State, Territory, or District.

9. Proprietors or agents of all other public exhibitions or shows for money not enumerated in this section shall pay $10: *Provided*, That a special tax paid in one State, Territory, or the District of Columbia shall not exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be required for exhibitions within any one State, Territory, or the District of Columbia.

10. Proprietors of bowling alleys and billiard rooms shall pay $5 for each alley or table. Every building or place where bowls are thrown or billiards played, and open to the public with or without price, shall be regarded as a bowling alley or billiard room, respectively.

After the reading of the above amendment had been begun,

Mr. TURPIE. Mr. President, are amendments to the bill now in order?

The PRESIDING OFFICER (Mr. MILLS in the chair). The Senate is now considering the amendments proposed by the Committee on Finance. An amendment to the amendment of the committee will be in order.

During the reading of the foregoing amendment, when the Secretary had read the sixth paragraph, relating to foreign insurance,

Mr. ALLISON. I ask that that paragraph be passed over for the moment.

The PRESIDING OFFICER. The paragraph will be passed over.

The reading of the amendment having been concluded,

The PRESIDING OFFICER. Is there objection to the amendment? In the absence of objection, the amendment is agreed to.

The Secretary resumed the reading of the bill, and read as follows:

TOBACCO, CIGARS, CIGARETTES, AND SNUFF.

SEC. 2. That from and after the passage of this act——

Mr. MARTIN. I should like to have the tobacco schedule passed over for the present, if agreeable to the Senator from Iowa in charge of the bill.

Mr. ALLISON. If the Senator from Virginia desires that all the sections relating to tobacco shall be passed over, let that course be taken.

Mr. MARTIN. They are sections 2 and 3.

The PRESIDING OFFICER. By unanimous consent, sections 2 and 3, being the tobacco schedule, will be passed over.

Mr. ALLISON. Yes: all relating to tobacco.

The PRESIDING OFFICER. All of the tobacco schedule will be passed over.

Mr. BACON. Am I to understand that the Senate is now acting upon the amendments?

Mr. ALLISON. Certainly.

Mr. LINDSAY. We are agreeing to all amendments to which no one objects.

Mr. ALLISON. I agree that the tobacco schedule may be passed over.

Mr. BACON. I understand, anyhow, that under the liberal practice of the Senate when we have finished the amendments to any section it will still be considered as in order to move further amendments.

Mr. ALLISON. That is, any amendment offered by any Senator.

Mr. BACON. Yes, sir.

Mr. ALLISON. Undoubtedly.

Mr. BACON. Although the amendment proposed by the committee has been agreed to, it will still be open to amendment.

Mr. CULLOM. The rule is to go through the bill and act upon the committee amendments first, at any rate.

The PRESIDING OFFICER. The committee amendment is open to amendment.

Mr. FAULKNER. The Senator from Georgia speaks of having a distinct agreement on that point.

Mr. BACON. I am not speaking of parliamentary law, but of the liberal practice of the Senate. Of course under parliamentary law when an amendment has once been agreed to it can not be further amended, but under the liberal practice of the Senate the rule has been acted upon to permit a Senator, even after the amendment has been adopted by the Senate, to offer still further amendments to it, and I understand that to be the intention in this instance.

Mr. ALLISON. That I understand to be the practice of the Senate. Of course it is usual, where an amendment is proposed by a committee and a Senator desires to amend it, that he offer it at the moment. But I see no special objection to going back to any particular amendment and offering an amendment which adds to it or perhaps may change it in any way. In other words, I think we shall facilitate the consideration of the bill by acting with liberality as respects the offering of amendments.

Mr. BACON. Then I will now ask unanimous consent, in order that there may be no mistake about it, that that shall be the rule adopted in this case; that after we have gone through with the bill and the amendments proposed by the committee have been acted upon, it shall still be in order for any Senator to offer any amendment he wishes to either one of those amendments.

Mr. TURPIE. Or to the bill itself.

Mr. BACON. Or to the bill itself.

Mr. ALLISON. Certainly any amendment will be in order at any time to the bill itself, but suppose the Committee of the Whole shall agree to a particular amendment relating to a duty or a tax?

Mr. BACON. That is exactly what we want to have the right to amend.

Mr. ALLISON. Does the Senator desire that the consent agreement shall go to the point of taking up that amendment again and striking it out, or increasing it, or diminishing it?

Mr. BACON. That has been the very liberal and elastic practice under which the Senate has heretofore acted on a great many bills equally as important as this measure.

Mr. ALLISON. I am perfectly willing it shall be the rule now so far as I am concerned.

Mr. BACON. I am simply asking unanimous consent in order that we may not be misled. When I say "misled," of course I do not mean that we would be intentionally misled by anyone, but in order that we may make no mistake. In other words, under that practice a Senator would prefer not to interrupt the progress of the bill in the consideration of the amendments of the committee by offering individual amendments until they had all been finished.

Mr. ALLISON. The only difficulty about the matter is that we shall practically make no progress in that way except in the reading of the bill.

Mr. WOLCOTT. I desire to ask the Senator from Iowa, if all the amendments are to remain open, for what purpose the bill is now being read?

Mr. ALLISON. That is substantially the suggestion I make. For instance, we pass over the schedule respecting beer and the schedule relating to certain special taxes.

Mr. WOLCOTT. Banks.

Mr. ALLISON. Banks, etc. Of course, any Senator, later on in the consideration of the bill, can move to add any special item that he chooses to add to it, but to go back to reconsider everything that has been done, it seems to me, is too wide a latitude; we would be making no progress at all.

Mr. CULLOM. It is absolutely foolish to be spending time in the reading of the bill and not make any progress in its consideration. We ought to consider the bill with a view of passing it at some time.

Mr. JONES of Arkansas. If it is the intention of gentlemen on the other side to pursue an iron rule in this matter perhaps it would be better to have the thing gone over and have the contests one by one as we reach them. What action I would take in a given matter might depend somewhat upon what action was taken upon a subsequent amendment. I would be willing to let that amendment go with the idea that when the other was disposed of I would know what action I wanted to take on the first amendment. But if after we pass an amendment I have no right to take it up again, I think everybody ought to have notice of that fact, and we will have these things out as we go, line by line.

Mr. ALLISON. Certainly, Mr. President——

Mr. PLATT of Connecticut. When an arrangement was being made about the treatment of this bill, the Senator from Iowa said that he should be inclined, in case there was occasion for it, to go back, although an amendment had been agreed to, and open it; and I have no doubt he will be glad to do so if any occasion arises for it. I think it is a great deal better to leave it in that way.

Mr. JONES of Arkansas. The Senator's inclination is a somewhat doubtful quantity. He might be in a better temper one day than another. He might be very amiable when one amendment was taken up. I do not think it ought to be left to his inclination. I think we ought to have an understanding about the matter, so as to preserve the rights of Senators.

Mr. PLATT of Connecticut. I think it would be very much better to leave it to be determined whenever the consent is asked to go back to an amendment than to have an agreement now.

Mr. JONES of Arkansas. Then one objection could cut a Senator out of his right to offer an amendment.

Mr. PLATT of Connecticut. I think that would be very much better than to have a universal agreement that any amendment may be returned to. I do not think any trouble will arise in the consideration of the bill.

Mr. ALLISON. I desire to say to the Senator from Arkansas, who is equally and perhaps more responsible for this bill than I am, that I shall endeavor to be as amiable as possible on each and every day of its consideration.

Mr. JONES of Arkansas. I have great faith in the Senator's amiability, Mr. President.

Mr. ALLISON. I have no disposition, having nominal charge of the bill, to use the power, if it be a power, to interfere in the slightest degree with the wish of Senators generally.

Mr. JONES of Arkansas. Then, let it be understood by unanimous consent now, that a Senator has a right to go back to the amendments and not depend upon anybody's amiability. I have great faith in the Senator's amiability, but there may be some one not so amiable as the Senator from Iowa, and there may be objections. Of course, if the bill is to be considered under the regular rule as to amendments, any Senator can prevent our going back to an amendment already agreed to, unless we have an understanding to that effect.

Mr. WOLCOTT. Will the Senator from Iowa permit me? What is the sense, then, of having the bill read except for our own information? Why can not each of us read it separately as many of us have done, those on the committee especially? If we are to return to every amendment it stands for nothing when we have agreed to it. If a motion is hereafter to be in order to strike out or amend an amendment which has been agreed to, for what purpose are we having the bill read? Is it not better to wait until we are ready in some form to pass upon these questions? Or perhaps by agreement we can pass to some of the other amendments first.

I understand perfectly what the Senator from Arkansas refers to when he says that he may desire to offer certain amendments, or to strike out certain provisions, provided certain other amendments are passed upon favorably. There are amendments which perhaps those who may be opposed to some of these prior amendments would desire to have first considered. I make that suggestion to the Senator in charge of the bill.

Mr. FAULKNER. If the Senator will permit me one moment, I think the proceedings that have always been adopted on these bills are very easily understood and preserve the rights of everyone. I have never seen them in any way violated. For example, it is understood that if any committee amendment is objected to by any Senator while the bill is being read, that amendment will be passed over. Where the amendment has already been agreed to, the question is as to giving unanimous consent at this time to go back to reopen the question on an amendment adopted. Let us leave that in the discretion of the Senator from Iowa who has charge of the bill, and if he does not agree to it when asked by a Senator, the right of the Senator is absolutely preserved by determining to offer the amendment in the Senate when the bill has passed from the Committee of the Whole.

Mr. WOLCOTT. But, may I ask the Senator from West Virginia, suppose a Senator stands quiescent when an amendment of the committee is read and agreed to?

Mr. JONES of Arkansas. Suppose he is absent?

Mr. WOLCOTT. His rights are not abated at all.

Mr. FAULKNER. Not at all. When the bill has been reported to the Senate from the Committee of the Whole, he has the right to offer any amendment to an amendment made as in Committee of the Whole, and therefore he is absolutely protected in his right. For that reason, if the Senator who has charge of the bill saw that it was really an honest, legitimate attempt to amend the bill and to test the sense of the Senate upon the question desired by any Senator in offering the amendment, in order to avoid a vote in the Senate when the bill passed from the Committee of the Whole, he would, of course, at once consent that the amendment should be reconsidered that was adopted and have it open to amendment then. That has always been the practical action of the Senate.

Mr. CULLOM. I do not apprehend that there is anybody in the Senate who wants to take advantage of anyone else in the consideration of the bill. All that I want is that if we are going to take up the bill for consideration we shall really consider it with a view to coming to the end of the consideration and passing the bill at some time within a reasonable date, and any iron rule about it, I trust, is not going to be observed. I do not think that anybody is inclined to do so. I want to have the bill considered as though we were doing business, and not be going over it with no sort of inclination to do anything except to hear it read.

Mr. BACON. I do not think it was the understanding with

any considerable number of Senators that the bill was being read for the purpose of final action. I desire to say that when the bill was first taken up, the Senator from West Virginia and the Senator from Missouri were here talking together, and I leaned over the desk and asked them if their understanding was that the bill was then taken up for final action on the amendments as in Committee of the Whole, and they said, "No." Acting upon that remark, I myself did not form any other conclusion. If the liberal design stated by Senators is that by which we are to be guided, it seems to me the simple way is to consent to that course and not leave it for future understanding.

Of course if that is not to be done, and if the bill is up for final consideration on the amendments so far as the Committee of the Whole is concerned, Senators ought to know it. They are not in their seats, and certainly do not understand that the bill is being acted upon in that way. I shall myself ask that the bill be resumed at the beginning, because we did not so understand it. I am perfectly willing for it to continue from the point to which we have now progressed if the understanding is such as I suggest, but otherwise we ought to start over, and let Senators know it. Let us have a call of the Senate, if need be, in order that Senators may be informed of the fact that this important bill is up for final action so far as the Committee of the Whole is concerned.

Mr. ALLISON. Mr. President——

Mr. WOLCOTT. Will the Senator from Iowa yield to me for a moment?

Mr. ALLISON. Certainly.

Mr. WOLCOTT. The questions raised are very legitimately raised at this time. The Senator from Arkansas, in his opening remarks before the bill was read, clearly outlined the idea that if the estimate of the Senator from Iowa was correct, it might be the opinion of many Senators that the totality of the tax raised was too great; that certain amendments which are here reported were agreed to by the committee tentatively, with a view of securing them provided taxes were not raised to a certain extent by certain other amendments in the bill. Take, for instance, the license, we will say, on bankers. If it shall turn out to be true that the gross receipts are to be taxed, it might be well that certain Senators would say, "Having taxed the gross receipts, we do not care to license the calling;" or, if you like, as to adhesive stamps, which are required to be attached to receipts and which the bill requires shall be used by every shipper and every carrier, members of the Senate may well say, "We have taxed gross receipts; therefore we do not care to pass this stamp law, which is somewhat vexatious."

Therefore I suggest to the Senator from Arkansas and all who share his views whether it would not be wise at this stage of the bill to pass to page 79, which covers the amendments reported by the majority of the committee seeking to impose a tax of one-fourth of 1 per cent on the gross receipts of all corporations, and let the Senate discuss and act upon that particular amendment. All of us would then be left very much more free to act upon the other amendments reported in the measure.

The bill is reported by the Senator from Iowa on behalf of the committee, but, as he stated very lucidly in his opening remarks on yesterday, some of the amendments met the view of himself and his party colleagues, and other amendments, which were also passed by the majority of the committee, he opposes, and the two sets of amendments are such that all of us would vote differently if one set or the other were adopted, and nobody wants both adopted. Therefore I suggest to the Senator from Arkansas, if he be ready, whether we might not pass to amendment No. 177 and discuss the question first of the levy of the tax of a quarter of 1 per cent on gross receipts.

Mr. BATE. Before we pass from this question, it seems to me it ought to be very thoroughly understood, so that Senators may know what their rights are. I heard it declared just now, when one of the amendments was read, that in the absence of objection it was passed. Now, if I want to return to that amendment and offer an amendment to it, am I precluded therefrom? That is the very proposition, and it is the one upon which this debate has sprung up. I think those of us who desire to have amendments placed on the bill, whether it is an amendment to a committee amendment or otherwise, ought to have a distinct understanding as to what our rights are, and whether we can do so or not. The question now is whether we can put on an amendment to an amendment which we have passed upon. I do not understand the rule and practice to be as the Senator from West Virginia states it. I understand that we have our rights in the Senate separately and apart from those we have as in Committee of the Whole, and that no one can move an amendment to that which has been passed upon in Committee of the Whole unless he gives notice of that fact before the bill is reported to the Senate. All these things ought to be understood.

Mr. FAULKNER. The Senator from Tennessee is entirely mistaken. The rule is that notice only is required. Where a large number of amendments have been made as in Committee of the Whole, if a Senator wants to object to any of them and have them reread for adoption in the Senate, he gives notice that he will reserve the right to have a separate vote upon certain amendments. That is done only to avoid the necessity of voting upon all the amendments separately in the Senate. But his whole rights are reserved in the Senate to amend any amendment that was adopted in Committee of the Whole.

Mr. BATE. Do I understand, then, that it is concluded and agreed such shall be the rule, that if we desire to put on amendments to the bill after it gets into the Senate, we can do so regardless of the fact whether the amendment has been presented before or not?

Mr. FAULKNER. Yes.

Mr. BATE. That is the point. I think we had better have this matter clearly understood, so that we will get into no squabble about it afterwards. It is now up, and it ought to be disposed of finally.

Mr. JONES of Arkansas. In response to the suggestion of the Senator from Colorado, without consultation with my associates on the committee, I will say that his suggestion, as I understand it, strikes me very favorably. I think it would be a wise thing for us to take up the question on which we know the members of the committee to be divided. We might discuss that question and have it determined by the Senate. When the Senate has determined that question one way or the other, then it is easy for anyone to understand about what his policy will be as to the remainder of the bill. It will be impossible, however, to enter into the discussion of that question to-day, as I understand another order of the Senate is to take place at 3 o'clock. So it would be impossible for any one of the gentlemen who propose to present this case from our side to conclude an argument in the limited time now left. On what page does the Senator from Colorado propose we shall begin?

Mr. WOLCOTT. At amendment No. 177, on page 59.

Mr. JONES of Arkansas. That is what I understood.

Mr. ALLISON. Let me make a suggestion. We have proceeded somewhat with the bill to-day. The Senator from Arkansas expresses his own opinion as to proceeding immediately to the controverted amendments. I do not know but that that may be a wise thing to do. I think it may possibly facilitate the consideration of the bill. But as respects the controverted amendments, the inconsistencies of one set of amendments as against another set will not appear for some time in the bill. So I suggest that we go on with the bill as we are going on now, having the amendments read, and passing upon them as we choose to pass on them. Let us proceed in that way during the remainder of this day, which will give the Senator an opportunity to consult with his colleagues as to the time when we shall take up amendment No. 177; and it will give us also an opportunity to have a little further consultation upon the subject. So far as we proceed, pending that arrangement, it will be understood that any Senator, by unanimous consent, can go back and recall any amendment that has been agreed to.

Mr. JONES of Arkansas. Which shall have been agreed to.

Mr. BATE. Does not that require unanimous consent, though? That is my point.

Mr. ALLISON. I am willing that that should be done now.

Mr. BATE. I should like to have that understood.

Mr. JONES of Arkansas. That is what the Senator from Iowa is now suggesting.

Mr. BATE. In the case of the amendment which has just been acted upon, and which it was announced by the Chair was passed, can we without the unanimous consent of the Senate offer an amendment to it?

Mr. ALLISON. If unanimous consent be necessary, I ask that it be now given, so that no one can be taken by surprise as respects anything that we have considered in the Senate.

Mr. BATE. My suggestion is in regard to the future, not so much as to that amendment. But that is an illustration.

Mr. ALLISON. I propose that we go on this afternoon, having the bill read and amending it, if we agree to amendments, and so proceed to-morrow, unless in the meantime we all agree that it is wiser to take up the controverted amendments; and whatever progress we make to-morrow or to-day, it will be the privilege of any Senator to go back and ask for a reconsideration of any amendment which has been agreed to.

Mr. BATE. Then the view of the Senator, as I understand, is that the amendments already passed are to be considered open whenever so desired, and that we are not to be precluded from recurring to them by the previous action of the Senate.

Mr. ALLISON. I agree to that. If any Senator wishes to recur to any of the amendments, I shall not object to his doing so. I think there will be no difficulty in dealing with this matter. I suggest, therefore, that we proceed with the consideration of the bill, taking up the amendments of the committee as they are reached in the reading; and if any Senator desires that an amendment may be passed over, it may be done.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The reading of the bill will proceed.

The reading of the bill was resumed, beginning on page 14, section 4.

The next amendment of the Committee on Finance was, on page 15, section 5, line 25, after the word "shall," to strike out "upon conviction thereof, be fined not exceeding $50;" and in lieu thereof to insert:

Be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than $500, or be imprisoned not more than six months, or both, at the discretion of the court.

So as to read:

SEC. 5. That if any person or persons shall make, sign, or issue, or cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever, without the same being duly stamped for denoting the tax hereby imposed thereon, or without having thereupon an adhesive stamp to denote said tax, such person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than $500, or be imprisoned not more than six months, or both, at the discretion of the court, etc.

Mr. ALLEN. I should like to have the attention of the Senator from Iowa a moment. I suggest to him the propriety of inserting in section 5, after the word "shall," in line 19, the word "knowingly." That section provides:

That if any person or persons shall make, sign, or issue, or cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever, without the same being duly stamped, * * * such person or persons shall be deemed guilty of a misdemeanor, etc.

It is not an uncommon thing for a person to make a contract and through an oversight, not intentionally, to omit the stamp. Such a person should not be convicted of an offense. He should be convicted only in a case where he shall knowingly "make, sign, or issue, or cause to be made, signed, or issued, any instrument, document," etc., without a proper stamp.

Mr. CAFFERY. I suggest to the Senator from Nebraska, instead of "knowingly" to insert "with intent to defraud the Government." I think that would make it clearer.

Mr. ALLEN. I think it might be inferred that a man who knowingly declines or fails to put on the proper stamp intends to defraud the Government. That is the natural inference that would follow. I do not want to offer the amendment myself, but I suggest to the Senator from Iowa that the word "knowingly" be inserted after the word "shall," in section 5, page 15, line 19.

Mr. ALLISON. The penalty imposed is a very light one, and it seems to me that persons who ought to affix these stamps and fail to do so should be subjected to some penalty.

Mr. ALLEN. I should have no objection to their being subjected to the payment of a small sum for failure to do so, but this is in the nature of a misdemeanor, and it is made punishable. We are introducing an altogether new system of business to many of the people of this country. The older men remember the old stamp tax, but since that time a great many thousands and hundreds of thousands of men have engaged in business who know nothing about it whatever, and it would be strange now to introduce an entirely new system, that a man should be punished because of a mere oversight in not affixing the proper stamp to an instrument he executes.

So, if it is in order, Mr. President, I move to insert after the word "shall," in section 5, line 19, page 15, the word "knowingly."

The PRESIDING OFFICER. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. On page 15, section 5, line 19, after the word "shall," it is proposed to insert "knowingly;" so as to read:

That if any person or persons shall knowingly make, sign, or issue, or cause to be made, signed, or issued, any instrument, document, etc.

Mr. PLATT of Connecticut. I call attention to the fact that on page 24 of the bill it is provided that if the stamp has been omitted "by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States," the instrument can be taken to the collector, the stamp placed upon it, and the penalty remitted.

Mr. ALLEN. But I do not think a penalty ought to be inflicted unless the man is culpable. Before we inflict a penalty upon any person, he ought to have done or omitted to do something knowingly.

I do not want to detain the Senate or delay the passage of this bill, but there is another very difficult question connected with this section, and that is this: Congress can not pass a law that will make an instrument which is not properly stamped void in a State court.

Mr. ALDRICH. We are not trying to do so.

Mr. ALLEN. The State courts have decided against that, and the Supreme Court of the United States has decided against that. The State courts will not enforce a law of that kind.

Mr. ALLISON. If they will not, it will not become competent evidence. That is all.

Mr. ALLEN. The State courts will hold that it is competent evidence regardless of the stamp.

Mr. PLATT of Connecticut. The decisions are not uniform. Some have held that such papers would be competent evidence and others that they would not be.

Mr. ALLEN. But the Federal courts have held, as well as a majority of the State courts, that you can not tax their machinery and stop their procedure.

Mr. CHILTON. It does not occur to me that it would be useful to insert the word "knowingly," in section 5, as the Senator from Nebraska proposes. It might tend to confuse matters. The old statute read:

That any person or persons who shall make, sign, or issue, or who shall cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever.

That is the language of this provision. One of the court decisions on that clause of the old statute used this language:

This section is penal in its character both as to the forfeiture of the pecuniary penalty and as to the forfeiture of the instrument, document, or paper, etc.

Again it is said:

The omission to put the proper stamp upon any instrument should be deemed presumptive evidence of an intent to evade the statute, but nothing more. It is to be presumed that the parties were aware of the requirements of the statute. Thus, knowing the law, their omission to obey it must, in the absence of any explanations, be deemed willful and with intent to evade its requirements.

I also read from Bump's notes on the old statute the following comment:

The provision invalidating the instrument is punitory and can not be extended beyond the expressed will of the legislature. It is a punishment visited upon the offender to insure the payment of the duty imposed, and the offense is made to consist not in the accidental, but in the intentional, omission of the stamp with the purpose of evading such duty. This is the import of the language of the act.

Mr. ALLEN. Of course that is exactly so.

Mr. CHILTON. In other words, that statute was construed by the courts as it originally existed—and the new one is but a reproduction of the old statute—to mean that the act must be done with intent to evade the statute; and unless that element exists, no crime is committed.

Mr. ALLEN. Suppose an indictment were found in the exact language of this statute, does the Senator from Texas suppose a man could be convicted under it?

Mr. CHILTON. I think he could.

Mr. ALLEN. I have yet to learn that an indictment can be sustained against any person for an offense for a felony or a misdemeanor which does not contain in it the element of intentionally or knowingly doing wrong; and any court of respectable standing would sustain a demurrer to an indictment or a motion to quash it. The element of knowingly doing wrong must be made to appear upon the face of the indictment before it can be sustained.

The Senator from Wisconsin [Mr. SPOONER] who always watches me very closely—and I am glad to have him do so—shakes his head at that, but I am not prepared to accept even so eminent an opinion as his to the contrary of what I have stated.

Mr. SPOONER. I want to call the attention of the Senator to a case on this subject which I recollect, under a statute to prohibit the sale of liquor to minors, where a saloon keeper was indicted for selling liquor to a man who had all the appearances of not being a minor—a large man with a full beard, and all that, who stated that he was of age. On the trial it turned out that he was not of age, and the saloon keeper was convicted. The case was taken to the supreme court of Wisconsin on the precise proposition that is made here by the Senator from Nebraska, and the court held that the conviction was a proper one, that the offense was an absolute statutory offense, and that the saloon keeper was bound to know whether a person was or was not a qualified drinker. The court used that expression in that opinion.

Mr. ALLEN. The class of liquor cases which have been given to the world recently by the different States can hardly be taken as a test of the proper procedure on an indictment for an ordinary offense. I say, with all due respect, that many of the courts of the States, under an inflamed public sentiment in some instances, in the prosecution of liquor cases, have gone clear outside of the rules of ordinary criminal procedure; and I have no doubt the case the Senator refers to is one of them. I do say this, however, that possibly, with an exception of that kind—and the exception simply proves the rule—there is no instance where you can draw an indictment or information against a man for a crime or a misdemeanor, and not disclose on the face of that indictment or information the element of intentional wrongdoing, that the court will not sustain a demurrer to it or a motion to quash it, according to the practice of the particular jurisdiction.

Mr. SPOONER. It depends upon the statute.

Mr. ALLEN. And outside of that it is absolutely wrong. Take some man unfamiliar with the drafting of instruments, take, for instance, a man who makes a deed probably once or twice in his life, or a promissory note possibly not over once in a year, and punish him for a failure to affix a stamp upon that instrument

when he does it entirely unconscious of the fact that such an instrument requires a stamp; and that is wrong. He ought to be required, of course, to procure a stamp and affix it to the instrument, but he should not be taken before a court and punished for a failure to observe that requirement.

Mr. VEST. Will the Senator allow me to ask him a question?

Mr. ALLEN. I will.

Mr. VEST. Take the case of a man who imports goods through a port of entry into the United States who does not pay the duty; the goods are found upon him and he is carried before a United States commissioner, bound over, and then indicted by a grand jury; would it be a defense for him to say that he did not know that that was the import law of the country, but would he not be convicted notwithstanding his attempt to show that he did not know that to be the law? Is not that done every day?

Mr. ALLEN. I am not saying that would be a defense under those circumstances. We are not here administering laws; we are here making laws, or endeavoring to make them, and I submit to the sense of justice of the Senator from Missouri that it would be a travesty to take some farmer in the State of Missouri or elsewhere, some man unfamiliar with business forms and proceedings, take him before a court of justice, and punish him because he failed to fix an adhesive stamp to a deed or to any other instrument he might execute? I have more respect for the feelings of the ordinary man than to do that. I think he ought to be compelled, of course, to purchase the stamp and affix it; and I think if he willfully and knowingly refused to stamp the instrument, he should be convicted, but I would not convict a man simply because he was ignorant of business forms. That is all I have to say about the matter. That is my view of it.

Mr. VEST. I have simply to say that when you come to apply the principles of general equity to the revenue laws, either as to imports or as to internal revenue, and adopt the rule suggested by my friend from Nebraska, you nullify the whole business. You can not carry them out at all. Take, for instance, a case which I have in mind now, which excited great attention in this country, and in which a personal friend of mine was involved. He was coming over from Europe, and had some goods. He asked a person in whom he had great confidence, who had been to Europe several times, whether certain articles were dutiable or not. That person told him they were not. When he made his return, as the custom is on steamships, the customs officer came around and took the statement of the passenger, who did not put those goods in his return; in other words, he believed his friend was right when he said they were not dutiable. The goods were found upon him at the port of entry, and he was carried before a commissioner and bound over before a grand jury; and the court held, as it has held hundreds and thousands of times, that the party saying he did not know that was the law was no defense. You could not collect the revenue if the law were otherwise.

Take the issue which my friend suggests, that a man is to be acquitted because he says he did not know the law required a stamp to be put on certain instruments; how are you ever going to meet that issue? Who knows that? He alone knows it. How are you to prove that he did not know it, or that he did know it? The revenue laws of every civilized country in the world are administered upon the idea that a citizen must know what the law is; and if you permit any such defense as the Senator from Nebraska now suggests, you simply nullify the whole system.

Mr. ALLEN. The Senator from Missouri entirely misapprehends my position. I understand that no man can plead ignorance of the law as a defense; that every man is conclusively presumed to know the law, and that he will not be heard in any court to say that he did not. That question is settled; but that is not the question before the Senate at this time. That is a question of administering a law which is already made—a statute. Here we are engaged, not in the work of construing statutes which have been made, but in making statutes.

Now, what is the position of the Senator from Missouri? That every man is to be subjected to indictment and to punishment for omitting, however innocently, an adhesive stamp from an instrument he may execute. I do not believe that an innocent man should be punished for anything of the kind. I believe that a man who omits ignorantly or in an excusable way to affix an adhesive stamp to an instrument ought to be compelled to make the loss good to the Government, and to do it promptly; but if the omission takes place under such circumstances as to make it evident that he was innocent of any criminal purpose, he should not be punished for it. If the revenue laws of any civilized nation on the face of the earth, or semicivilized nation, are to the contrary, they are wrong, and there is no excuse for them in that respect.

What this Government wants is revenue. It wants every citizen to perform his duty, and I want to see every man perform his duty under this bill if it shall become a law; but I do not want to see a man who is not familiar with conveyances and business forms, who is as innocent as a babe, taken up and punished before a court on account of his mere ignorance, if he indemnifies the Government.

Possibly I ought not to have said anything about this matter, but let it go entirely. This, however, is so manifestly wrong, so manifestly unjust, so manifestly inexcusable, whatever the decisions may be, whatever refinements Senators may indulge in, that I believed it to be my duty to call attention to it; and having done so, I am satisfied to let it go.

Mr. CHILTON. Mr. President, I suggest that there should be added after the word "tax," in line 24, the words "with intent to evade the provisions of this act." I see those words are to be found in some of the old acts in regard to stamps in 1864, 1865, 1866, and along there.

Mr. ALLEN. I think you will find that language running all through those acts.

Mr. CHILTON. I suggest that the words I have stated be added, and I think they will meet the ideas of the Senator from Nebraska and perhaps be proper in themselves.

The PRESIDING OFFICER. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. On page 15, section 5, line 24, after the word "tax," it is proposed to insert "with intent to evade the provisions of this act."

The amendment was agreed to.

The PRESIDING OFFICER. Does the Senator from Nebraska withdraw the amendment submitted by him?

Mr. ALLEN. I withdraw my amendment, the amendment submitted by the Senator from Texas [Mr. CHILTON] having been adopted.

The PRESIDING OFFICER. The amendment of the Senator from Nebraska is withdrawn. The question recurs on the adoption of the amendment reported by the committee in line 25, on page 15, section 5, which has been stated.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, in section 5, on page 16, line 5, after the word "shall," to strike out "be deemed invalid and of no effect" and insert "not be competent evidence in any court;" so as to read:

And such instrument, document, or paper, as aforesaid, shall not be competent evidence in any court.

The amendment was agreed to.

Mr. ALLISON. Before proceeding with the reading of section 6, I desire to say at this point, in view of some differences respecting what I intended yesterday to include in the estimates of revenues and expenditures, distinguishing between ordinary revenues and expenditures and the expenditures for war purposes, that I intended to have inserted two tables upon that subject, but I did not do so in my observations, and therefore the Reporter very properly did not insert the tables. I think it will, perhaps, prevent confusion in the future if I ask leave now to have the tables printed in the RECORD.

The PRESIDING OFFICER. If there be no objection, such will be the order of the Senate. The Chair hears no objection, and it is so ordered.

The tables referred to are as follows:

ORDINARY APPROPRIATIONS, SECOND SESSION FIFTY-FIFTH CONGRESS.

Agricultural	$3,509,202.00
Army	23,192,802.00
Diplomatic	1,752,208.76
Fortifications $9,377,494, less $4,000,000 war appropriations	5,377,494.00
Legislative	21,625,846.65
Military Academy	468,689.23
Naval $56,098,783.68, less $23,000,000 war appropriations	33,098,783.68
Pension	141,233,830.00
Deficiencies passed, less $35,000,000 war appropriations	3,842,724.74
Miscellaneous passed	1,321,961.68
District of Columbia, estimated	7,000,000.00
Indian, estimated	7,600,000.00
Post-Office, estimated	99,200,000.00
Sundry civil, estimated	48,000,000.00
Ordinary deficiencies and miscellaneous, estimated	16,800,000.00
Permanent appropriations	117,836,220.00
Total ordinary appropriations, estimated	531,849,852.74
Less sinking fund	51,000,000.00
Total, less sinking fund	480,849,852.74
Total estimated revenues (including postal revenues)	482,874,647.37
Estimated revenues exceed estimated ordinary appropriations	2,024,794.63

WAR APPROPRIATIONS.

National defense act, March 9, 1898	$50,117,000
Army fortifications and Navy act, May 4, 1898	35,700,000
Fortifications	4,000,000
Naval act, increase over 1896 for war purposes	23,100,000
Naval deficiencies, 1898, for war purposes	22,275,000
Naval establishment for 1899, additional	75,000,000
Naval auxiliary bill	4,000,000
Immune bill and engineer bill, Army	15,050,000
Army for 1899, additional	150,000,000
Total appropriations on account of war	379,192,000

The reading of the bill was resumed. The next amendment of the Committee on Finance was, in section 6, page 18, line 16, after the word "shall," to strike out "on" and insert "be deemed guilty of a misdemeanor, and upon;" in line 17, after the word "thereof," to insert "shall;" in line 19, before the word "be," to insert "shall;" and in line 20, before the word "hard," to strike out "to" and insert "at;" so as to make the clause read:

Then, and in every such case, every person so offending and every person knowingly and willfully aiding, abetting, or assisting in committing any such offense as aforesaid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit the said counterfeit stamps and the articles upon which they are placed, and shall be punished by fine not exceeding $1,000 or by imprisonment and confinement at hard labor not exceeding five years, or both, at the discretion of the court.

The amendment was agreed to.

Mr. TURPIE. I think the word "offense," in line 15, page 18, should be pluralized, because the penalty attaches to all the offenses enumerated in the section.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 6, page 18, line 15, strike out the word "offense" and insert "offenses."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, in section 7, page 19, line 7, after the word "shall," to strike out "forfeit the sum of $50" and insert:

Be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty nor more than five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

So as to read:

And if any person shall fraudulently make use of an adhesive stamp to denote any tax imposed by this act without so effectually canceling and obliterating such stamp, except as before mentioned, he, she, or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty nor more than five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

The amendment was agreed to.

The next amendment was, in the same section, page 19, line 12, after the word "court," to strike out the proviso, as follows:

Provided, nevertheless, That any proprietor or proprietors of proprietary articles, or articles subject to stamp duty under Schedule B of this act, shall have the privilege of furnishing, without expense to the United States, in suitable form, to be approved by the Commissioner of Internal Revenue, his or their own dies or designs for stamps to be used thereon, to be retained in the possession of the Commissioner of Internal Revenue, for his or their separate use, which shall not be duplicated to any other person. That in all cases where such stamp is used, instead of cancellation by initials and date, the said stamp shall be so affixed on the box, bottle, or package that in opening the same, or using the contents thereof, the said stamp shall be effectually destroyed; and in default thereof the party making default shall be liable to the same penalty imposed for neglect to affix said stamp as hereinbefore prescribed in this act. Any person who shall fraudulently obtain or use any of the aforesaid stamps or designs therefor, and any person forging or counterfeiting, or causing or procuring the forging or counterfeiting, any representation, likeness, similitude, or colorable imitation of the said last-mentioned stamp, or any engraver or printer who shall sell or give away said stamps, or selling the same, or, being a merchant, broker, peddler, or person dealing, in whole or in part, in similar goods, wares, merchandise, manufactures, preparations, or articles, or those designed for similar objects or purposes, shall have knowingly or fraudulently in his, her, or their possession any such forged, counterfeited likeness, similitude, or colorable imitation of the said last mentioned stamp, shall be deemed guilty of a crime, and, upon conviction thereof, shall be punished by a fine not exceeding $500 or imprisonment not exceeding one year, or both.

The amendment was agreed to.

The next amendment was, in section 8, page 21, line 2, after the word "shall," to insert "be deemed guilty of a misdemeanor, and;" in line 3, after the word "thereof," to insert "shall;" and in line 4, after the word "dollars," to insert "or by imprisonment not exceeding six months, or both, at the discretion of the court;" so as to make the section read:

SEC. 8. That if any person or persons shall make, sign, or issue, or cause to be made, signed, or issued, or shall accept or pay, or cause to be accepted or paid, with design to evade the payment of any stamp tax, any bill of exchange, draft, or order, or promissory note for the payment of money, liable to any of the taxes imposed by this act, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax hereby charged thereon, he, she, or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $200 or by imprisonment not exceeding six months, or both, at the discretion of the court.

The amendment was agreed to.

The next amendment was, in section 9, page 21, line 16, after the word "shall," to insert "be deemed guilty of a misdemeanor, and;" in line 17, after the word "thereof," to insert "shall;" and in line 18, after the word "dollars," to insert "or by imprisonment not exceeding six months, or both, in the discretion of the court;" so as to make the section read:

SEC. 9. That the acceptor or acceptors of any bill of exchange or order for the payment of any sum of money drawn, or purporting to be drawn, in any foreign country, but payable in the United States, shall, before paying or accepting the same, place thereupon a stamp, indicating the tax upon the same, as the law requires for inland bills of exchange or promissory notes; and no bill of exchange shall be paid or negotiated without such stamp; and if any person shall pay or negotiate, or offer in payment, or receive or take in payment, any such draft or order, the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $100 or by imprisonment not exceeding six months, or both, in the discretion of the court.

The amendment was agreed to.

The next amendment was, in section 12, page 23, line 11, after the word "shall," to strike out "for every such offense" and insert "be deemed guilty of a misdemeanor, and;" in line 12, after the word "thereof," to insert "shall;" in line 13, after the word "dollars," to insert "or by imprisonment not exceeding six months, or both, in the discretion of the court;" so as to read:

SEC. 12. That any person or persons who shall register, issue, sell, or transfer, or who shall cause to be issued, registered, sold, or transferred, any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $50 or by imprisonment not exceeding six months, or both, in the discretion of the court.

The amendment was agreed to.

The next amendment was, in section 14, page 26, line 21, after the word "aforesaid," to strike out "shall be utterly void, and;" so as to make the section read:

SEC. 14. That it shall not be lawful to record or register any instrument, paper, or document required by law to be stamped unless a stamp or stamps of the proper amount shall have been affixed and canceled in the manner prescribed by law; and the record, registry, or transfer of any such instruments upon which the proper stamp or stamps aforesaid shall not have been affixed and canceled as aforesaid shall not be used in evidence.

The amendment was agreed to.

The next amendment was, in section 16, page 27, line 16, after the word "associations," to insert:

Whose capital stock does not exceed $10,000, and building and loan associations or companies that make loans only to their shareholders.

So as to read:

SEC. 16. That all bonds, debentures, or certificates of indebtedness issued by the officers of the United States Government, or by the officers of any State, county, town, municipal corporation, or other corporation exercising the taxing power, shall be, and hereby are, exempt from the stamp taxes required by this act: *Provided*, That it is the intent hereby to exempt from the stamp taxes imposed by this act such State, county, town, or other municipal corporations in the exercise only of functions strictly belonging to them in their ordinary governmental, taxing, or municipal capacity: *Provided further*, That stocks and bonds issued by cooperative building and loan associations whose capital stock does not exceed $10,000, and building and loan associations or companies that make loans only to their shareholders, shall be exempt from the tax herein provided.

The amendment was agreed to.

The next amendment was, in section 17, page 27, line 23, after the word "message," to strike out "on which the company's charges have been paid or are to be collected, except press news dispatches;" in line 25, to strike out the word "duty" and insert "tax;" on page 28, line 4, after the word "required," to insert "on each dispatch or message;" and after the word "companies," in line 5, to insert:

Provided, That the messages or dispatches of the officers and employees of any telegraph company concerning the affairs and service of the company and like messages or dispatches of the officials and employees of railroad companies sent over the wires on their respective railroads shall be exempt from this requirement: *Provided further*, That official messages of the several departments of the Government shall be exempt from the taxes herein imposed upon telegraphic and telephonic messages.

So as to make the section read:

SEC. 17. That on and after the 1st day of June, 1898, no telegraph company or its agent or employee shall receive from any person or transmit to any person any dispatch or message without an adhesive stamp, denoting the tax imposed by this act, being affixed to a copy thereof, or having the same stamped thereupon, and in default thereof shall incur a penalty of $10: *Provided*, That only one stamp shall be required on each dispatch or message, whether sent through one or more companies: *Provided*, That the messages or dispatches of the officers and employees of any telegraph company, etc.

The amendment was agreed to.

Mr. ALLISON (at 3 o'clock p. m.). The Senate having made another order for this hour to-day, I will not ask for the further consideration of the bill this afternoon.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE MILLIKEN.

Mr. HALE. Mr. President, I call for the special order, the memorial services in honor of the late Hon. S. L. MILLIKEN. I ask the Chair to lay before the Senate the resolutions of the House of Representatives.

The PRESIDING OFFICER (Mr. BATE in the chair). The Chair lays before the Senate the resolutions of the House of Representatives, which will be read.

The resolutions were read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *January 15, 1898*.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. SETH L. MILLIKEN, late a Representative from the State of Maine.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

Mr. HALE. Mr. President, I submit the resolutions which I send to the desk, and I ask that they may be read.

The PRESIDING OFFICER. The resolutions will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. SETH L. MILLIKEN, late a Representative from the State of Maine.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his memory.

Resolved, That a copy of these resolutions be transmitted by the Secretary of the Senate to the family of the deceased; and that, as a further mark of respect, the Senate will, at the conclusion of these ceremonies, stand adjourned.

Mr. HALE. Mr. President, my late colleague, the Representative from the Third Congressional district of Maine, was essentially a man of the people. All the honors that came to him in the course of a long public life were gained by near association with the people, by faithful service to them, and by keen appreciation of the everyday life, the preferences and prejudices, the desires and aversions of the public. Mr. MILLIKEN had an extensive service, both in the State of Maine and in Congress, where the State sent him. He had legislative training when a very young man, having been for two terms a member of the Maine house of representatives. Following that he was chosen to the important office of clerk of the supreme court for the county of Waldo, where he lived, and in 1882 he was elected to Congress, where he was continued until the day of his death. His service there covered a period of more than fourteen years. Not many men, Mr. President, since the formation of our Government have been continued so long in the popular branch of Congress.

Mr. MILLIKEN came of good ancestry, his mother's line running back to an old noble family in France, and his father having been a soldier in and a pensioner of the war of the Revolution. But his parents were plain people, in a narrow way of life, and from his earliest years Mr. MILLIKEN was left almost entirely to depend upon his own resources. He paid for his own schooling, he worked his way through college, and in all his after life he was in all things self-dependent and independent. He never forgot the lessons of such a life nor the people who extended to him sympathy and trust, and he was amply rewarded by the sympathy and trust reposed in him by his own district.

He was approachable, agreeable, genial always. He enjoyed being with men and women and children, whether at home or with strangers. He visited many States, and in the last twenty years of his life he made hundreds of political addresses, and wherever he went he made friends, because he took an interest in humankind. He loved talk and jest and story-telling, and all the things that go to make up companionship; and this was a great factor in accounting for the successes of his after life. There is no town in his district, whether large or small, where he had not friends, and very warm ones, who welcomed his coming and worked for his advancement, and who, if the need arose, would sit up nights to help him. So it came about, Mr. President, that long before Mr. MILLIKEN's death he had become one of the popular characters of the State of Maine. I knew him for more than thirty years, and I recall with satisfaction that during all that time we were friends, each glad to help the other.

These qualities upon which I have touched accounted very largely for Mr. MILLIKEN's success in the House of Representatives, and to this kindly side were added great devotion to the interests of his district and unwearied attention to all the details that such a life lays upon a Representative. There was no public building and no river and no harbor of the Third district to which he was ever inattentive. No claim of a constituent, whether it was for money due from the Government or for proper appointment to office, was laid aside or forgotten. No old soldier or his widow ever knocked at his door in vain. He entered largely into the other side, the more extensive side of public life. He participated freely in discussions upon public matters, being sharp, quick, incisive, and in that colloquial form which debates take on so often in the House of Representatives he asked a great many questions which were hard to answer, and made many points which greatly strengthened his side of the question. His committee work was faithful and laborious, and long before he left the floor he had become an authority on all questions of public improvement relating to public buildings.

As I remember him, Mr. President, he was a pleasing and persuasive speaker, and became thus not more by natural gift than by reading and study. I know that one of the things which attracted me to him in our early acquaintance was his liking for good books. I do not think he had the poetical imagination, or that his reading ran largely to that fountain of inspiration which we find in the great English poets, but he loved history and biography and travel, and whatsoever tells the story of man's endeavor and man's ambition. In that immortal gallery of Plutarch he knew them all, and he loved to dwell upon the pictures of great and noble characters, ancient and modern, and this broadened his mind, gave him amplitude and illustration, and communicated life to his speeches and addresses.

In his private life his virtues and good qualities were all of the larger order. His feelings leaned to the human and generous. He was never sordid or mean or envious or uncharitable or revengeful. His death was the first break in the entire Maine delegation in Congress for fifteen years. That State has the fashion of trusting freely and continuing to trust her Representatives. If the people of Maine know their shortcomings, as no doubt they fully do, that knowledge is never intruded to weaken and embarrass those who represent her here. The State of Maine has been most generous, Mr. President, in her dealings with her Senators and her Representatives. Mr. MILLIKEN's district was generous in dealing with him, and he was strong in the regard of that district on the day that he died, and there and here he will be long remembered.

Mr. MILLS. Mr. President, for many years it has been the custom of each House of Congress when one of its members died to set apart an hour when other business should cease and appropriate funeral obsequies should be rendered to the memory of the departed. These occasions bring vividly to our minds many pleasant recollections of our associates who have left us and joined the innumerable company that are gathered and are ever gathering on the shores of that world which lies beyond the boundaries of our comprehension. One after another of our colleagues falls out of line while we are marching on, and we pause for a moment and say a kind word over his inanimate dust and then close up the ranks and press on. We move on anxiously toward some point that is ever receding from our advancing steps. Life is a continuous struggle of restless forces for the achievement of objects that multiply before us as fast as we acquire them. There is no rest. The inexorable command is to move on. The capture of one prize only whets the desire for another. However noble the motive which animates us, however profound the gratification that follows the achievement of a great good, it fails to satisfy the craving to move onward and upward, the desire to attain a higher and a wider circle of human endeavor.

Our life is a treadmill whose wheel is ever revolving, and we are perpetually in motion with all our physical and mental forces to continue its revolutions. The inevitable law of our life is to move forward. We must continue the struggle and force the fighting at every step until we are mustered out. When that comes, as come it must to everyone, in its train it will bring sorrows, not as single spies, but in battalions. Ties which have grown and gathered around our hearts must be torn asunder. We must go down into the deep and converse with thoughts that live only in the stricken heart, and feel and realize how helpless we are to stay the hand of death or soothe the wounds that emphasize his mission. As we gather around the bier of the friend who goes before us, we may say kind words which may be cherished by many who hold his memory dear.

To-day we pay tribute to the memory of Hon. SETH L. MILLIKEN, one of the Representatives of the State of Maine, one who for sixteen years was elected to the House of Representatives. During nine of those years I served with him in that body, and knew him well and valued him highly for his many excellent qualities. He was a warm-hearted, brave, and generous man. He was constant in his friendships, strong in his convictions, and faithful in the discharge of his duties as a Representative of his people. He was quiet and retiring in his manners and amiable and lovely in his intercourse with his associates. Anyone could approach him, and his big heart was open to every appeal. I became very much attached to him while we served together in the House, and I had every evidence that words and deeds could give that he was my friend. On the floor he was a forcible, able, and ready debater. He was one of the ablest of the very able delegation that the State of Maine has had in Congress ever since my admission to the House in 1873.

That State has had the good judgment to select her representatives from her best men and keep them in Congress where experience is invaluable. He was elected to the House in 1883 and reelected to each subsequent Congress and died in the service of his State. He was a partisan as we all are. He supported his party with unfaltering fidelity and defended its measures and policies with earnestness and ability. In party conflict he was sharp and incisive, yet courteous; and in social intercourse as kind and gentle as a child. It was impossible for anyone to be much in his society without feeling strongly the ties of attachment. There was nothing in his nature to repel, but everything to attract.

No higher tribute can be paid to him than that of his own constituents in electing him for sixteen successive years. Their confidence was never withdrawn. He held it to the last moment of his life, and when the summons came he yielded his life and his public trust at the same moment. The continuance of his commission through so many years was the judgment of the most competent tribunal that he was an honorable, faithful, and efficient public servant. Nothing that I can say can add to that tribute paid by his constituents, and nothing that mortal man can say or do can mar or disfigure his splendid character. His work is accomplished, his mission is ended, and he has gone to that rest which sooner or later awaits us all. There is nothing left to us who knew him, labored with him, and loved him but to say "Farewell."

Mr. CARTER. Mr. President, the inhabitants of the shore land and the islands of the Penobscot Bay have been a seafaring,

log-driving, shipbuilding, hard-working, and matter-of-fact people from the earliest colonial days. When wooden ships held supremacy on the sea, the mariners of Maine were known in all the ports of Christendom. Their widely acquired knowledge, in common with the issue of well-driven bargains, added to the resources of home, so that where nature had done little, industry and perseverance did much to build up a thrifty, if not a wealthy, community. When the wooden sailer gave way to the steel steamer and our majestic merchant marine yielded in the presence of cruel and unequal conditions, the people of Maine received a severe blow, and felt the shock more keenly than any other portion of the Union. Their industry and philosophy did not, however, depart with the shipping enterprises. They hewed down and sold the forest, giving to the lumbering interest for many years predominance over all others.

Fishing was never neglected, but the fisheries could not support the State. As the forests gradually became exhausted and the fisheries less profitable, the good people of the Penobscot country turned their attention more to agriculture and to diversified manufacturing industries. They knew the winters were long and the summers short, but it did not occur to the body of the people to emigrate to other or more favored fields. They loved their country and its historic associations. The competition with localities more favored in climate, soil, and relation to markets has been severe; but in the long run tireless industry, prudent management, and well-directed economy have brought contentment, comfort, and affluence to the people of Penobscot Bay, while many communities favored by nature's most prodigal bounty seem disposed to complain of their fortune rather than to confess their faults.

The best men seem to grow where nature shows to man the most grudging disposition. Centuries of severe contest with ill fortune and hard conditions brought forth the race of men from which SETH MILLIKEN sprang. They turned a wilderness into a park. They reduced rocky hills to fertile garden spots. Riot and disorder have been strangers to the region in which they live. Devotion to the Government and to those who faithfully endeavor to administer its affairs is and always has been a leading feature in the character of the people of Maine. SETH L. MILLIKEN was a faithful Representative, and as such his people trusted and supported him. Having witnessed the glory and the decay of the shipping interests of his country, and being possessed of an abiding faith in the capacity of his people to compete with the world on terms of approximate equality, his zeal in behalf of legislation looking to the restoration of the merchant marine ended only with his life. He was a careful student of all matters of concern to the fisheries of the country at large, and gave particular attention to the vexed questions which have so long perplexed and annoyed the fishermen on our northeastern coast.

The protective-tariff policy in which his constituents became more and more deeply interested, as their manufacturing enterprises extended, had no more bold, fearless, and persevering advocate than he. He became a noted champion of every measure which he believed would tend to add to the prosperity of the people of his district. At the same time his mind had continental range and his patriotism knew no limit. To the private affairs of his constituents he gave his time and attention without regard for his personal comfort or ease. The old soldiers of his district gathered at his funeral in Belfast and mourned as for a friend whose like they did not expect to meet again. On every hand his constituents on that sad occasion referred to him in terms of affectionate familiarity as "SETH." For more than fourteen years he had served them in Congress, where he finally died at his post of duty. His sorrowing neighbors by the side of his grave bore witness that those who knew him best loved him most.

Believing in his honesty of purpose, his constituents gave him unfaltering support throughout a long legislative career. Their fidelity and devotion to their homes and their home people found expression in unfailing constancy to their Representative through good and evil report. Their faith was justified. SETH MILLIKEN was a manly man, a true friend, a genial companion, and an able representative of the interests confided to his care. In his soul the fervent spirit of genuine oratory slumbered, and when occasion called forth his latent powers, his oratorical outbursts commanded high place in the classic utterances of our parliamentary history. His nature was at war with affectation. Subordinate to natural impulses himself, it was not possible for him to indulge the hypocrisy he condemned wherever found. He did not pretend to be what he was not. His constituents and his colleagues were taken into his confidence, and they knew him as he was, without concealment, and, knowing him, they respected, trusted, and supported him.

Entering the Fifty-first Congress as a new member from a new State, I soon became indebted to Mr. MILLIKEN for many encouraging words and helpful acts. He was a considerate friend to the new member. A veritable embodiment of human nature, he was generous, congenial, kind-hearted, confiding, and just. My poor tribute to his memory issues from grateful remembrance of his many acts of personal kindness and consideration. To his bereaved family words here spoken can offer little consolation. He has gone before them to the land where partings are unknown, and, in the language of a gifted poet, we indulge the hope that—

> When soon or late they reach that coast,
> O'er life's rough ocean driven,
> May they rejoice, no wanderer lost,
> A family in heaven.

Mr. RAWLINS. Mr. President, having had a short acquaintance with the deceased during my service as a Delegate from Utah in the Fifty-third Congress, though coming from a locality far removed from his home, it has not been deemed unfitting that I should also say a few words in tribute to his memory.

The narrative of his life has been given by those who were longer and more intimately associated with him and who are able to form a just estimate of his character. From them we learn that his was a typical career of our national life. Born of comparatively plain and humble parents, but of sturdy, honest character, he was early cast upon his own responsibility. As a boy he went away to school at a distance. He there learned one lesson and mastered another lesson, solved one problem and then another, encountered and overcame obstacles, and with each effort gained new experience and additional vigor of mind. He thus developed and strengthened to manhood.

His neighbors and friends came to be proud of him, and the people of his county sent him to the legislature. He there proved worthy of their trust and fit to exercise higher duties and responsibilities. The people of his district sent him to Congress. For sixteen years he served in the House of Representatives, and during that time performed a leading part in framing legislation and in molding the policies of the nation. He came to be widely known. It is safe to say that there was no one so far removed, so hidden away among the mountains, so secluded in the wilderness, so absorbed in business or lost in the throngs of the city as not to know much of the career and public service of Mr. MILLIKEN, of Maine.

By his warm heart, his good fellowship, his genial disposition and eloquence, his industry and devotion to duty he not only endeared himself to his associates, but he supplemented and rounded out into completeness of power and influence the delegation from his State, which has long been recognized as among the strongest and ablest of any of those sent by any of the States constituting the great sisterhood of the Republic.

Mr. President, the forces of civilization began operation upon the Atlantic coast, proceeded thence step by step across the continent, until to-day we stand as it were upon the brink of the Pacific gazing out wistfully across its swelling waters, sighing for new lands to conquer and reclaim to freedom. In this work of renovation and reclamation the sons and daughters of Maine have performed their fair share. They are scattered everywhere. Their homes are erected like milestones across the continent. In this way former neighbors and friends of Mr. MILLIKEN more recently became my neighbors and friends and often came to make friendly and interested inquiry concerning him. Thus our people are bound together so that no diversity of material interests, no sectional differences, can divide us or sunder the ties which bind us together in one homogeneous nation.

The views of the deceased were widely tolerant. His sympathies were as boundless as our whole people. He began humbly; he ended a conspicuous national character. His life was devoted to the public service. From the citadel of the nation's power our messengers with reverent guard bore him away to the city of the dead, bounded on the one side by time, on the other by eternity.

Mr. GALLINGER. Mr. President, the senior Senator from the State of Maine has dwelt at length upon the character and achievements of the man who for so many years was his colleague in public life. In words of tenderness and eloquence he has paid tribute to his friend, and recounted the struggles and triumphs of him whose long life has come to an end. It is sufficient for me to add but a word—to bring a single flower of tender memory, and with loving hand place it on the grave of the dead statesman.

When SETH L. MILLIKEN died the State he represented lost one of her most illustrious sons and the Congress of the United States was deprived of the services of one of the ablest, most conscientious, and best-equipped men in public life. He was one of the famous quartet of statesmen who, by a long and devoted service in the House of Representatives, brought renown to the State of Maine and impressed upon the statutes of the country the result of wise deliberation, calm judgment, and mature conviction.

Mr. President, it was my privilege to serve with Mr. MILLIKEN four years in the House of Representatives. That was more than ten years ago, yet even then he had won recognition in that body and was regarded by the leaders of both of the great political parties as a man of thorough knowledge and unusual ability.

From that time to the day of his death he grew in influence and power, until it was universally conceded that he had fairly won a place in the front ranks of that great tribune of the people. As I remember him, he was industrious, painstaking, and accurate. In the committee room no less than in the House he brought to his work a well-stored mind and an honest purpose. He was courteous, approachable, obliging, and agreeable, while he was always firm in the right and conscientious in the work that he had in hand. In his view the public service rightfully claimed his best efforts, and as a result he achieved a well-deserved renown in a body that tests men in the crucible of an unerring and not over-indulgent judgment.

Such, Mr. President, was the man to whose memory this hour is devoted and in behalf of whom our feeble words of eulogy are spoken. He was a strong, self-reliant, manly man, knowing the right and having the courage to do it. A large share of his life work was in the public service, and the honorable record that he made will be as imperishable as truth, a proud inheritance to the loved ones whom he left behind.

Mr. President, on a chilly New England spring day the body of SETH L. MILLIKEN was consigned to the earth, in the beautiful cemetery of the town in which he had spent his life. As a member of the Congressional committee I recall the scene as though it had been but yesterday. The unostentatious home, the church crowded to the doors, the tender words of the preacher, the voice of music, and above all the evidences of a genuine sorrow depicted on the countenances of the assembled multitude, all united to demonstrate the affectionate regard and high esteem in which the dead man was held by those who knew him best.

As I turned from the grave the thought came to me that possibly those at home have a keener realization of the work done here than we are aware, and that the outpouring of the people was a tribute not only to a friend, but to a faithful and devoted public servant. On the grave of SETH L. MILLIKEN the early summer flowers are in bloom, and if his spirit hovers over the scenes of his labors and triumphs here, let us hope that it will serve as an inspiration to us all to act well the part that in the nation's progress and destiny we are called upon to perform.

Mr. FRYE. Mr. President, war with its excitements, distractions, and demands upon one's time has prevented me from the preparation of a fitting tribute to my personal friend and my late colleague in the House of Representatives, Mr. MILLIKEN. And yet I can not allow the occasion to pass in entire silence.

Maine's rugged and dangerous seacoast, her sterile and rocky farms, her cold climate and long winters, have somehow been productive of strong, vigorous, and successful men. The secret undoubtedly lies in the fact that life there from early boyhood onward is a struggle; that economy, patience, self-reliance, and habits of industry are its acquirements; but in a Republic like ours like experiences, conditions, and training produce anywhere, as a rule, like results, as the lives of the men of mark of this country well illustrate.

Sir, I believe that a large majority of the Senators who occupy seats in this Chamber owe that great success to a training and to acquirements like these. I saw but a moment ago sitting in one of these seats one who, as a poor boy, the son of a widowed mother, left England, crossed the ocean, crossed the plains, settled in a strange land, and struggled for life. To-day that dear old mother of his lives in a luxurious home erected by him, and he is a United States Senator.

Mr. MILLIKEN went to the same sort of a school and learned the same lessons, for he was born a poor boy, was dependent upon himself almost alone, but was not content to be a plowboy all his life. He was ambitious for an education. He secured it unaided, alone, graduating with honor at one of our New England colleges. He studied law, was admitted to the bar, and if he had been willing to give to that profession the devotion which that jealous mistress always insists upon having, he would have become eminent. But the political arena had wonderful attractions for him and its temptations were too great. He was a very earnest, ardent Republican, a partisan, as I think all honest men of strong convictions are.

Thoroughly equipped by a large experience with men, by extensive reading, by careful study, endowed by his Maker with a fine physique, an attractive voice, graceful manners, he became a very popular platform orator, and his services were in demand in every political campaign all over the country. With abounding resources and a marvelous capacity of drawing on them at sight, which few men possess, he very shortly in the House of Representatives won distinction as a debater and was recognized as a formidable adversary.

His devotion to the soldier and his dependents was most marked. He never seemed to consider any personal labor in their behalf as any personal sacrifice on his part, and his memory, so long as any of them survives, will be green indeed.

Mr. MILLIKEN was a man decidedly of a social nature. He had a warm and affectionate heart, and gained the friendship of all acquaintances. He was a very popular man in the State of Maine, and especially so at home. The Senator from Montana [Mr. CARTER], who was there but a few hours, recognized the fact and noticed this, that there the people, rich and poor alike, called him "SETH," not from any want of respect, but from warm and affectionate regard.

If he had faults—and who of us has not?—they were buried under the same sod that covered his body and are forgotten. His virtues alone are now remembered. God grant that we, departing, may leave behind us as many warm and grateful friends as did SETH MILLIKEN!

Mr. President, I ask for the adoption of the resolutions.

The PRESIDING OFFICER. The question is on the adoption of the resolutions submitted by the Senator from Maine [Mr. HALE].

The resolutions were unanimously agreed to; and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 18, 1898, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 17, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

CORRECTIONS.

The Journal of yesterday's proceedings was read.

The SPEAKER. In the absence of objection, the Journal as read will be approved.

Mr. TONGUE. I rise for the purpose of making a correction. In the course of the discussion yesterday, while the bill for the establishment of an assay office at the city of Seattle was pending, the chairman of the Committee on Coinage, Weights, and Measures [Mr. CHARLES W. STONE], having charge of that bill, stated, as near as I can remember the language, that from the report of the Director of the Mint it appeared that the production of precious metals in the State of Washington, present and prospective, equaled that of the State of Oregon. I find in the revised version of his remarks, as printed in the RECORD, that statement is not included.

I had expected, Mr. Speaker, to produce the evidence to show its incorrectness. The gentleman declined to permit me the opportunity to challenge its correctness yesterday or to request the proof. Now, I should like to know whether that omission is with the consent of the gentleman from Pennsylvania, and, if so, whether he is now prepared to admit that his statement was incorrect. If that is stated, I have no objection to the confirmation of the RECORD.

Mr. RICHARDSON. Mr. Speaker, this is not a correction of the Journal.

The SPEAKER. This is not a matter connected with the Journal.

Mr. RICHARDSON. It appears to be simply a controversy between two members as to a certain state of facts mentioned in the RECORD.

Mr. CHARLES W. STONE. I desire to say, however, in this connection, that the RECORD shows my statement just as the stenographer took it down. There has been no change by me.

The SPEAKER. Without objection, the Journal will be considered as approved.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 4566. An act to provide for the increased volume of work in the Adjutant-General's Department of the Army, due to the calling out of volunteers and increase of the Regular Army.

CONTESTED ELECTION—HUNTER VS. RHEA.

Mr. DAVENPORT. Mr. Speaker, I desire to submit a report from the Committee on Elections No. 1, in the case of W. Godfrey Hunter against John S. Rhea. This, I will state, is the unanimous report of the committee.

The SPEAKER. Does the gentleman report the resolutions of the committee?

Mr. DAVENPORT. Yes, Mr. Speaker; there are resolutions; and I ask their adoption.

The SPEAKER. The resolutions will be read.

The resolutions were read, as follows:

Resolved, That W. Godfrey Hunter was not elected a Representative to the Fifty-fifth Congress from the Third Congressional district of Kentucky, and is not entitled to a seat therein.

Resolved, That John S. Rhea was elected a Representative to the Fifty-fifth Congress from the Third Congressional district of Kentucky and is entitled to retain his seat therein.

The resolutions were considered, and agreed to.

NAVY, MARINE CORPS, ETC.

Mr. PERKINS. Mr. Speaker, I ask the present consideration of the concurrent resolution of the Senate in reference to a compilation of the laws affecting the Navy, the Marine Corps, etc.

The SPEAKER. The resolution will be read, subject to the right of objection.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 3,000 copies of the Compilation of Laws Relating to the Navy, Marine Corps, etc., authorized by Senate resolution No. 143, Fifty-fourth Congress, first session, of which 500 copies shall be for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Navy Department.

Mr. CORLISS. Mr. Speaker, have I the right to move an amendment?

The SPEAKER. The matter is not yet before the House. This is a question for unanimous consent.

Mr. CORLISS. If unanimous consent is given, would I have the right to move an amendment?

The SPEAKER. That would depend, of course, on the action of the gentleman in charge of the bill.

Mr. CORLISS. I ask the gentleman to yield to me for the purpose of offering an amendment.

Mr. PERKINS. I suggest, Mr. Speaker, that the first thing in order is the question of unanimous consent.

The SPEAKER. That is first in order.

Is there objection to the present consideration of the resolution?

There was no objection.

Mr. PERKINS. Now, Mr. Speaker, I would like to say to the gentleman from Michigan, as I understand the amendment he proposes to offer, that I hope he will make his request at some other time and on some other resolution. This is a Senate resolution providing for the printing of this compilation of naval laws, only a small number being set apart for the House and Senate, while the greater part is to supply the demand for the Navy Department.

I understand the amendment the gentleman proposes is to change the mode of distribution—that is to say, the proportion between the House and the Senate—of the copies of this compilation. As I understand his amendment, it is to provide that the House shall have three-fourths of the total number and the Senate one-fourth. But I think it would be better if the amendment were applied to some other resolution. And I ask the gentleman to withhold it for the present for that reason.

Mr. CORLISS. Mr. Speaker, in view of the explanation of the gentleman from Iowa, I will not ask to submit the amendment at this time.

The concurrent resolution was considered, and agreed to.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

WAR MAP OF CUBA.

Mr. COX. Mr. Speaker, I observe that a joint resolution introduced by myself, No. 268, in regard to printing maps of Cuba, was referred to the Committee on Printing. These maps, so far as they have been printed, have been printed at the War Office, and I submit that the resolution in question should be referred to the Committee on Military Affairs, and not to the Committee on Printing.

It is immaterial to me, so far as the mere question of reference is concerned, but in order to expedite the work I think the reference to the Committee on Military Affairs would be desirable.

Mr. RICHARDSON. As I understand it, Mr. Speaker, the map to which the resolution refers has been prepared by the Military Department of the Government. The Printing Office had nothing to do with it, and the proposition ought to go to the Committee on Military Affairs.

Mr. PERKINS. The Printing Office could only supply them by contracting with some other Department.

Mr. RICHARDSON. That is correct.

Mr. PERKINS. I think there will be no objection, so far as the Printing Committee is concerned, to make the change proposed.

Mr. RICHARDSON. I think not.

The SPEAKER. The Chair will state, however, that this requires unanimous consent. It is not a question of the Military Affairs Committee or the Printing Committee, but a matter of reference by the House itself.

Mr. RICHARDSON. But, Mr. Speaker, this is not a matter of printing, I will state.

The SPEAKER. The rule provides that "all proposed legislation or orders touching printing shall be referred to the Committee on Printing."

Mr. RICHARDSON. But the point is, Mr. Speaker, that this is not printing at all, but the making of a map. It is a military matter. The Chair, I see, smiles at my suggestion——

The SPEAKER. The Chair is a little bit lost in the intricacies of the subject. [Laughter.]

Mr. RICHARDSON. I ask the indulgence of the Chair for one moment. The House will remember that there is a very valuable map of the United States made by the Land Office. It is made, I believe, every year, or every two years. A few years ago the Committee on Printing reported a resolution to print that map, and very serious objection was made on the part of members here, the point of order being made that it did not belong to the Printing Committee. The Speaker then occupying the chair held that the resolution to print the map should not have gone to the Committee on Printing, but should have gone to some other committee. They call it "printing" a map, but it is making a map, and it is really not a part of the work of the Government Printing Office to make maps.

Mr. LOUD. How do you make them?

Mr. PERKINS. Permit me to say that the map is already made. It is printing a map the same as printing a book. The only difference is that the book is printed from type and the map is printed from a stone.

Mr. RICHARDSON. That is right.

Mr. PERKINS. The Printing Office does not do the work.

Mr. RICHARDSON. Not at all.

Mr. PERKINS. Because it belongs to the Bureau of Engraving and Printing or some other department.

Mr. COX. I understand you have no objection to this.

Mr. PERKINS. I have no objection.

Mr. RICHARDSON. None at all.

Mr. COX. Let it go on.

Mr. RICHARDSON. I hope it will be sent to the Committee on Military Affairs, because the War Department printed the map, and they own the stones from which the map is printed.

Mr. PERKINS. But we frequently have to print maps in connection with our work, and therefore it would hardly be well to establish the precedent that we had no authority to print a map.

Mr. COX. I ask unanimous consent that the resolution be sent to the other committee. The chairman of the Committee on Printing has no objection to that.

The SPEAKER. By unanimous consent, the resolution can be referred to the Committee on Military Affairs. The Chair has doubts whether the Committee on Military Affairs would have the right to report. However, if there be no objection, it will be referred to the Committee on Military Affairs.

There was no objection.

ARANSAS PASS, TEXAS.

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The resolution (Senate Con. Res. No. 37) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to prepare and submit plans, specifications, and estimates for the improvement of Aransas Pass Harbor, State of Texas, and especially to make plans and estimates for the removal of the sand bar at Aransas Pass and the deepening of the channel across said bar to a depth of at least 20 feet and a width of at least 150 feet at the bottom, so as to furnish an inlet for the passage of vessels from the Gulf of Mexico into Aransas Harbor; and in preparing said plans, specifications, and estimates the Secretary of War, or such Government engineers as he may designate to do the work, may consider the feasibility of utilizing such breakwaters now at said pass, constructed by the Aransas Pass Harbor Company, or the utilizing of any part of the same, and the value such use of such breakwater or material may be to the United States in deepening said channel; and in the estimate of such valuation any permanent damage which in the opinion of the Government engineers may have occurred by reason of the construction of said breakwater to said harbor or pass, or additional expense to the United States made necessary by reason of said attempted improvements in future improvements of said harbor or pass, shall also be considered by said engineers and reported by them. The engineers shall also report the approximate cost of construction of any breakwater of the said company which may be used by the Government, and also report the approximate cost of removing any part of said breakwater if it is deemed necessary to remove any portion of it.

That the Secretary of War is further directed to report to Congress at its next session.

Mr. CORLISS. Mr. Speaker, I ask for the regular order.

Mr. PAYNE. I hope the gentleman will not demand that yet.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

Mr. DINGLEY. Mr. Speaker, I think that is a rather complicated matter to be taken up by unanimous consent. It requires the estimation of damages for some private work that has been done. I think that had better be considered in the regular way.

The SPEAKER. Does the gentleman from Maine object?

Mr. DINGLEY. Yes.

The SPEAKER. The gentleman from Maine objects.

AMERICAN REGISTER FOR STEAMSHIP CENTENNIAL.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4582) to provide an American register for the steamship *Centennial*.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamship *Centennial*, owned by Peter Larsen, a citizen of the United States, to be registered as a vessel of the United States.

Mr. PAYNE. I ask that the Senate report, which accompanies the House report, be read for the information of the House.

The SPEAKER. Without objection, the Senate report will be read.

The Clerk read as follows:

The Committee on Commerce, to whom was referred the bill (S. 4582) to grant an American register to the steamship *Centennial*, having duly considered the same, submit the following report:

As will be seen by the accompanying letter from the Assistant Secretary of War, the War Department desires to charter this ship at once for military use. She is now under the Danish flag, but is entirely owned by citizens of the United States. She has been carefully examined by naval officers, who report that she is admirably adopted to transport troops to Manila, for which service she is desired, being a stanch vessel and in excellent condition. She has been recently employed in similar service, and will accommodate about 1,200 persons together with a large amount of freight. Her present location, at Seattle, is particularly advantageous at this juncture, as the voyage thence to Manila is shorter than from San Francisco by some 200 miles. It is absolutely necessary for the Government to employ ships now under other flags than our own, as there is not a sufficient number of American vessels on the Pacific Coast available. It is also necessary that these vessels shall be placed under the American flag.

In view of these facts and of the urgent need of the Government in this time of war, the committee recommend the passage of the bill.

WAR DEPARTMENT,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D. C., May 12, 1898.

DEAR SIR: It is the desire of the War Department to charter the steamship *Centennial*, owned by Mr. Peter Larsen, of Seattle, Wash., for military use during the war with Spain. I have the honor, therefore, to request that she may be put in commission at the earliest practicable date.

Very respectfully,

G. D. MEIKLEJOHN,
Assistant Secretary of War.

Hon. W. P. FRYE,
Chairman Committee on Commerce, United States Senate,
Washington, D. C.

Mr. TERRY. I understood from the reading of that report that this vessel is owned by American citizens.

Mr. PAYNE. It is.

Mr. TERRY. I should like to understand fully why it is that she is not entitled to American registry.

Mr. PAYNE. Because under the registry laws of the United States a vessel can not receive American register unless built in an American shipyard.

Mr. TERRY. That is the state of our registration laws?

Mr. PAYNE. That is the state of our registration laws.

Mr. TERRY. Where was this ship built?

Mr. PAYNE. I do not know where she was built. She is a Danish ship. She was built abroad. She is now under the Danish flag.

Mr. TERRY. It is now desirable to have her registered in order that she may be sold to the Government?

Mr. PAYNE. No; in order that she may be chartered by the Government to carry troops to Manila.

Mr. TERRY. Well, hiring and selling are somewhat akin.

Mr. PAYNE. Well, to speak accurately——

Mr. DOCKERY. Is the gentleman willing to accept an amendment to admit all ships free to American registry?

Mr. PAYNE. Most certainly the gentleman is not.

Mr. LOUD. Mr. Speaker, I would like to ask the gentleman if he does not regard it as rather dangerous to admit a vessel to register without any inspection whatever?

Mr. PAYNE. According to the statement made in the papers, she has been inspected.

Mr. LOUD. Does the gentleman think statements made in the papers should be presented to this House in that connection?

Mr. PAYNE. I mean the statement presented to the House and Senate. I do not mean the newspapers.

Mr. LOUD. The report that accompanies this bill gives it as the opinion of some naval officer that she is a stanch vessel. Now, does not the gentleman think that that is a very radical and dangerous departure?

Mr. PAYNE. Why, certainly it is. We are recommending this on account of a military necessity. The Government has chartered all the vessels that were suitable and available, and has only secured vessels capable of carrying 5,000 troops. The Government wishes to send more, and this seems to be the only available vessel in Seattle. It is found she can carry 1,200, and under the exigencies of the case the committee of the House has reported the bill for the consideration of which I ask unanimous consent. It is also urged by the Assistant Secretary of War, who has this matter in charge.

Mr. LOUD. You do not want to drown the soldiers who are going over there?

Mr. PAYNE. Certainly not. For that reason we want to get a good vessel chartered instead of having to take one that might be picked up on the coast, not a seaworthy vessel and unsuitable for making such a long voyage. It is in the interest of the American soldiers that I ask this.

Mr. LOUD. We have had some experience with matters of that kind, and find it is a very dangerous thing. Two or three of the vessels which have thus been granted registers have gone to the bottom already.

Mr. McEWAN. I desire to ask the gentleman a question.

Mr. PAYNE. The gentleman from New Jersey desires to ask me a question?

Mr. McEWAN. It is this: Why would it not have been more advisable instead of granting this privilege to any one man, to bring in a general law providing that under like circumstances any American citizen owning a proper vessel could have the same right as this bill gives to a particular and a specially favored man? For my part I am always against having special privileges accorded to one person or one corporation. It could just as well have been done in the way I suggest, and have tended to banish the feeling that is abroad that this House grants special privileges to individuals or to corporations.

Mr. PAYNE. I will say to the gentleman that if he will draw such a bill and submit it to the committee, they will consider it; but for one I do not feel capable of drawing a bill, properly guarded, to let in all these vessels.

Mr. McEWAN. Mr. Speaker, I shall urge no objection whatever to this bill, because the gentleman has manifested so much confidence in me as to say that I could do what he can not do. [Laughter.] I would like that to go into the RECORD and to the country.

Mr. PAYNE. If it can not get into the RECORD in any other way I will repeat it. [Laughter.]

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN REGISTER TO STEAMER CATANIA.

Mr. PAYNE. Mr. Speaker, I also ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (S. 3953) to provide an American register for the steamer *Catania*.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamer *Catania*, owned by M. Stanley Tweedie, a citizen of the United States, to be registered as a vessel of the United States.

Mr. PAYNE. Mr. Speaker, I ask the reading of the report, especially the Senate report, which accompanies the House bill, and which states the facts fully.

The Clerk read as follows:

The Committee on Commerce, to whom was referred the bill (S. 3953) to provide an American register for the steamer *Catania*, having duly considered the same, recommend the passage of the bill.

The facts of the case are fully presented in the accompanying sworn statement of the owner and are substantiated by documentary evidence presented to the committee.

Speedy action on the bill is desirable, in view of the fact that the vessel is to be chartered by the Government of the United States for immediate use as a hospital ship, as will be seen by the letter of the Assistant Secretary of War which is annexed.

DEAR SIR: Referring to the bill (S. 3953) to provide an American register for the steamer *Catania*, I beg to submit the following statement of the case, with accompanying evidence:

I, Montague Stanley Tweedie, a citizen of the United States, born in the city of New York and doing business at No. 9 Stone street, New York City, am the owner of the *Catania*, having purchased her as a wreck, through the Tweedie Trading Company, for the sum of $8,500. The Tweedie Trading Company purchased the wreck from its foreign owners, Messrs. M. Sloman & Co., Mrs. L. Broderman, widow of C. A. Broderman, Mr. John A. Edye, and J. H. A. Stroberck, of Hamburg, for the sum of $8,500 (see Exhibit A), and have since conveyed the vessel to me (see Exhibit B).

The agents of the foreign owners aforesaid, Messrs. Funch, Edye & Co., have certified that the *Catania* was offered for sale to numerous parties, that only two offers were received for the vessel, and that the Tweedie Company's offer of $8,500 was the best offer received, and accordingly the vessel was sold to the Tweedie Company. (See certificate of Funch, Edye & Co., agents, Exhibit C.)

The *Catania* is an iron schooner-rigged vessel of 2,198 tons gross register. (See full particulars, Exhibit D.)

The *Catania* was wrecked November 4, 1896, by stranding on a coral reef off the coast of Brazil while on a passage from Rio de Janeiro to New York. (See protest E.) Her injuries are recited in the survey made upon the vessel when she reached the port of New York. The survey was made by Lloyds surveyors, Messrs. Congdon & Mancor, N. F. Lasnoe, surveyor to German Lloyds, and Frank S. Martin, ship engineer and surveyor. (See survey, Exhibit F.) While the vessel was able to reach New York under her own steam, it was found when she arrived that she was badly damaged and unseaworthy. These surveyors have sworn that upon the arrival of the *Catania* at New York, and when she was surveyed by them, she was in a badly damaged and unseaworthy condition, requiring extensive repairs to put her in a first-class seagoing condition, and that they are satisfied that the vessel's injuries were the result of her stranding on a coral reef off Brazil as aforesaid. (See affidavits of surveyors, Exhibit G.)

Bids for repairs to the *Catania* in accordance with the specifications attached to survey (Exhibit F) and prepared by surveyors were requested from the following leading shipbuilding companies on the Atlantic coast: Morgan Iron Works, New York; John N. Robbins Company, Brooklyn; Quintard Iron Works, New York; Morse Iron Works, Brooklyn; Donald and J. McNeil, Brooklyn (Columbia Engineering Works); Reed & Duff, New York; Jas. Reilly Repair and Supply Company, New York; Lewis Nixon, Elizabeth, N. J.; Cramp Shipbuilding Company, Philadelphia; Newport News Shipbuilding Company, Newport News, Va.; Harlan & Hollingsworth, Wilmington, Del.

A copy of the letter of my agents, Messrs. Bowring & Archibald, submitting the specifications to the various shipbuilding concerns, is submitted herewith. (Exhibit H.)

Only two bids were received; one being from the Columbia Engineering

Works, of Brooklyn, to do the work at $24,270 (Exhibit I), and the other from the Morse Iron Works, of Brooklyn, N. Y., to do the work for $18,975. (See Exhibit J.) The Morse Works bid, being the lower of the two, was accepted, and the work covered by their bid was performed. The receipt of the Morse Iron Works for $19,366.10, paid them by me for their work, is submitted herewith. (Exhibit K.)

After work had begun on the *Catania* it was found that further repairs beyond those estimated were required, consisting of building over an entire new shelter deck, and extensive further repairs to boilers and engines. (Exhibit K.)

This work was done at a cost of $34,038.61.

I have also paid for dry docking in connection with the surveys and repairing of the *Catania* the sum of $2,800. (See Exhibit K.)

To recapitulate—

Repairs according to specifications	$19,366.10
Repairs in addition to those covered by specifications	34,038.61
Dry docking	2,800.00
Total repairs	56,204.71

It will be seen that the repairs, amounting to $56,204.71, are in excess of the law's requirements, being more than three times the purchase price of $8,500. As this vessel could be registered under the general law but for the fact that her wreck occurred outside of the limits of the United States instead of within the same, I hope you and your committee will favorably report S. 3052.

I desire to state that as soon as the *Catania* is registered she will be used by the United States Government as a hospital ship.

Very truly,

M. STANLEY TWEEDIE.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

DISTRICT OF COLUMBIA, *City of Washington:*

Subscribed and sworn to before me this 11th day of May, 1898.

[SEAL.] R. B. NIXON, *Notary Public.*

WAR DEPARTMENT,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D. C., May 12, 1898.

DEAR SIR: It is the desire of the War Department to charter the steamship *Catania*, owned by Mr. Montague Stanley Tweedie, of 640 Madison avenue, New York City, for military use during the war with Spain. I have the honor, therefore, to request that she may be put in commission at the earliest practicable date.

Very respectfully,

G. D. MEIKLEJOHN,
Assistant Secretary of War.

Hon. W. P. FRYE,
Chairman Committee on Commerce, United States Senate,
Washington, D. C.

Mr. PAYNE. Mr. Speaker, the facts, briefly, are these: This vessel was wrecked by striking a coral reef on the coast of Brazil. She was brought to New York, where she was sold for $8,500. The papers show that that was all she was worth. She was repaired at an expense of $56,000 in American yards. She is owned by American owners, and her owners would be entitled under the rules to have her admitted under a special act. In addition to this, she has been chartered as a hospital ship, and afterwards chartered as a transport, and is intended to be used as a transport. In addition to that, there is a letter of the Secretary of War to the Senate Committee several days ago, and I received a telegram yesterday from the War Office asking for the register of this ship as an American vessel.

Mr. LOUD. Now, Mr. Speaker, I would like to make one other suggestion. The vessel evidently is an old hulk, and they propose to admit it to American register without any inspection whatever. The other vessel did not appear to be a hulk. I want to submit to the House and to the Committee on Merchant Marine and Fisheries, Mr. Speaker, that I introduced a bill in this House some time ago providing an American register for a vessel which never had been wrecked, but upon which there had been spent over $180,000 in American shipyards. It was a first-class vessel, and if the committee had favorably considered that bill it would have passed the House, and we would have had a first-class steamship under the American flag, and not perhaps have had to take this Danish ship at Seattle. I want to say, further, in connection with this matter, if I am allowed to proceed for a moment; otherwise I shall have to object, that this vessel to which I am referring was forced upon its American owners under peculiar conditions.

The committee are thoroughly familiar with the facts. A steamship company having a contract with the New Zealand and Australian Governments, in order to secure that contract and in order to encourage American shipbuilding—and they did build two American ships—in order to carry out this contract, when they had this contract, were compelled to take this British vessel which I made an humble effort to have admitted to American register. I think I am not betraying any of the confidence, Mr. Speaker, of the committee, of which I am not a member, when I say that that committee considered that bill with great deliberation, and laid it upon the table without a dissenting vote. Yet the very same committee have had admitted and do admit to American register vessels one of which within a short time caused the sacrifice of the lives of 130 or 140 of our citizens on the Pacific coast, having been wrecked the first trip after she was admitted, and another one which I believe it is impossible to keep right side up.

I offer these few suggestions to show the discretion the Committee on Merchant Marine and Fisheries are using in disposing of cases of this kind. I never yet knew a case to come up before the House or a committee where there were some Eastern people interested in a steamship, no matter how old a hulk she might be, a vessel that should be rather condemned than admitted to American registry, but that it was perfectly easy to get a report and a bill through the House for admission; but when it comes to the admission of a vessel on the Western coast, first-class in every particular, a vessel worth $400,000 or $500,000, it is quite another thing. I am somewhat surprised at the unanimity of that committee in laying a measure of that kind on the table when they can advocate a measure like this. I shall not object to this bill, qut I wanted to offer these few suggestions.

Mr. PAYNE. The gentleman from California is referring to ancient history——

Mr. LOUD. Not very ancient, either; it was only two or three months ago.

Mr. PAYNE (continuing). With reference to the admission of some vessel to the registry. The committee have followed out the simple rule that where vessels have been wrecked in foreign waters and repairs are made in American shipyards they are admitted to registry if they are found to be stanch and strong. The gentleman speaks about this vessel as an "old hulk." I would like to know when a steel vessel ever becomes an old hulk. Experts say never; that they can always be repaired if they can be got into a dock, and that they always make as good a vessel if properly and thoroughly repaired as they were originally.

The vessel the gentleman alluded to came entirely outside any rule or any exception followed by the committee. This morning we admitted the *Centennial* to registry purely as a war measure, as it did not come under the rule. If the *Zelandia* ever comes into that condition, for one I shall be most happy to give her an American register, if she is needed and available to transport troops to Manila; but this vessel comes under all the exceptions the committee have ever adopted with reference to any vessel, and besides, it also has the urgent request of the Secretary of War.

Mr. LOUD. Does not the gentleman think she ought to be inspected? Why should not this vessel be subjected to the same inspection required of all other vessels which have been wrecked and nothing further is known about them except that they have been repaired? To-day this vessel is not worth over $60,000. Does not the gentleman think she ought to be inspected?

Mr. PAYNE. I do not think she needs any other inspection than what she has had.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was read a third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

VILLAGE OF FLANDREAU, S. DAK.

Mr. KELLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9604) to grant a right of way to the village of Flandreau, S. Dak.

The Clerk read as follows:

Be it enacted, etc., That a right of way be, and hereby is, granted to the village of Flandreau, S. Dak., to extend a certain highway, known as Prospect street, through a certain tract of land owned by the Government of the United States and described as follows: One acre lot fronting the south line of the southeast quarter of section 21, township 107, range 48, in Moody County, S. Dak., said lot running 120 feet on the south line of said described land by 363 feet deep, and the southeast corner thereof being 1,016 feet east of the southwest corner of the above-named quarter section.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Mr. Speaker, let the report be read.

Mr. LACEY. The report is somewhat lengthy, and perhaps an explanation might take the place of the report.

Mr. DINGLEY. That will be quite as acceptable.

Mr. LACEY. The Government owns about an acre of ground there, and in locating a street the village takes a small strip off from one side of it. Under the law the State of South Dakota can not secure the right of way under the ordinary condemnation proceedings, as the land belongs to the Government.

Mr. DINGLEY. Has this the approval of the Secretary of the Interior?

Mr. LACEY. It has.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. KELLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

JULIUS A. KAISER.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 1579, for the relief of Julius A. Kaiser.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Julius A. Kaiser upon the retired list of the Navy in

the grade of passed assistant engineer, as of the date he was entitled by law or Navy regulations to examination for promotion from assistant engineer to said grade.

Mr. McEWAN. Mr. Speaker, I would like to hear some explanation of this.

Mr. STEELE. I think we had better have the regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. The call of committees rests with the Committee on Election of President and Vice-President.

Mr. CORLISS. Mr. Speaker, I call up the bill (H. R. 8) to amend sections 140 and 145 and repealing sections 143 and 144 of the Revised Statutes of the United States, relating to Presidential elections.

The Clerk read as follows:

Be it enacted, etc., That sections 140 and 145 be amended so as to read as follows:

"SEC. 140. The electors shall dispose of the certificates thus made by them in the following manner:

"First. They shall, by writing under their hands, or under the hands of a majority of them, appoint a person to forward forthwith by express to the Secretary of State, at the seat of Government, who is authorized and directed to deliver the same to the President of the Senate, one of the certificates.

"Second. Such person designated as above shall forthwith forward by the post-office, through its registry department, to the Speaker of the House of Representatives, at the seat of Government, one other of the certificates.

"Third. Such person shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the electors shall assemble."

"SEC. 145. Every person who, having been delegated pursuant to sections 140 and 141 to deliver and forward the certificates as therein provided, and having accepted such services, shall refuse or neglect to perform the same, shall forfeit the sum of $1,000."

SEC. 2. That sections 143 and 144 be, and the same are hereby, repealed.

SEC. 3. That the cost of the transmission of said certificates as heretofore provided shall be paid, upon proper vouchers, out of the contingent fund of the House of Representatives.

Mr. CORLISS. Mr. Speaker, this bill will accomplish a saving of about $20,000 every four years. It avoids the useless expense of the electors coming to the city of Washington and bringing the returns of the election of President and Vice-President. This system has cost our country about $300,000 unnecessarily already, the expense being now from $18,000 to $20,000 every four years. This seems to be an unnecessary and unwarranted expense.

Mr. Speaker, I will now yield the floor to the gentleman from Texas [Mr. BAILEY].

Mr. BAILEY. Mr. Speaker, I do not desire to propound a question to the gentleman. I wish to say a word or two upon the bill when the gentleman is through.

Mr. CORLISS. Very well. I yield the floor for the present, reserving my time.

Mr. BAILEY. Mr. Speaker, I sympathize with every effort to economize the expenditure of public money; but it frequently happens that the public money can be well spent; and it ought never to be withheld in a case of that kind. For a hundred years the practice has been to send the electoral vote by messenger. That practice originated before there were any express companies, but while there were post-offices and post routes; and the only change which this bill makes in the present law is that it substitutes express companies for the messengers. Now, it might happen that the same railroad train which brings the mail containing the vote of a particular State might also bring the express car carrying the express package; and in the case of an accident which should burn up the mail and express car or which should carry the mail and express matter into some stream by the giving way of a bridge, we would have the vote of that State lost; and there is no provision in this bill for sending back to get new copies of it.

Although the bill provides that a copy of the electoral vote shall be lodged with the Federal judge of the district in which the electoral college holds its session, there is no provision in the bill authorizing the district judge to make a copy and transmit it. It seems to me that the saving of $20,000 every four years is trifling compared with the security that a messenger affords. I recall that within the last three or four months the President of the United States desired to have a particularly important document delivered into his hands, and he did not trust the mails or the express companies, but a special messenger was sent to bring to the capital the findings of the naval court of inquiry. That is simply an additional evidence that within the judgment of everybody a paper so important as the return of the electoral vote of a State ought not to be intrusted either to the mail or to express alone, but ought to be intrusted to a man who is ready to encounter any danger in the preservation and protection of it.

It seems to me that in this measure we are proposing to change a system that has prevailed for a hundred years and under which there has never been a single miscarriage of the electoral vote. It is proposed to change this system for the purpose of saving $20,000 every four years. The actual expense is less than that. It does not reach $20,000; it is somewhere between $18,000 and $20,000. And when all the present Territories are admitted as States into the Union, and they, like the present States, participate in the election of our President, and they, like the present States, send their electoral vote by messenger, the time will never come when the expenses of that proceeding can exceed $21,000 or $22,000—an average of less than $6,000 a year. Yet, for the purpose of saving that amount, it is proposed to commit the document certifying the voice of sovereign States to an express messenger who takes no oath of office.

It seems to me that when we send the vote by the mails, as we do to-day and as the bill proposes to continue, we at least give it into the keeping of an officer of the Government; we give it into the hands of a man who not only has imposed upon him a duty which every citizen must perform, but a special duty to the Government. When we dispense with the messenger and hand the electoral vote of a State to an expressman, we give it into the custody of one who is under no peculiar obligations to deliver it and who has taken no oath of office to the Government to perform the duty with fidelity.

I think it a very foolish economy which would lead us into the substitution of an express company in lieu of a messenger of the electoral college.

Mr. Speaker, reserving the balance of my time, I yield to the gentleman from Missouri [Mr. BLAND] as much time as he may desire.

Mr. BLAND. Mr. Speaker, this bill was being considered the other day when I moved an adjournment of the House. I did not like it then, and I thought it better that it should be further considered. I do not like the idea of committing a great public document such as the returns of the electoral vote of a State in private hands entirely. As I understand, the law now is that a copy of the electoral vote is filed with the district judge; a copy is sent also by mail and by messenger. That messenger delivers it to the officers of the Senate, and in that way it comes before the joint convention which makes the final count. A receipt is given for it. The transaction is a public one, carried on by public officers. Why commit this vote to private individuals? Why relegate this matter to express companies and the mail, from which we may never hear?

Mr. Speaker, we have had some difficulty in the past, not with the delivery of the electoral vote, but with the electoral count itself. I remember one occasion when the relations between this House and the Senate were very much strained on this question, when the whole country was excited about it. At that time had the electoral vote been committed simply to the mails and to express messengers the situation would no doubt have been complicated. The system as now in vogue has been tried. No objection can be found to it, except the little expense attending it. But in connection with the great question of the electoral vote and the inauguration of the President of the United States we ought not to hesitate at any reasonable expense which will make the result certain and secure, which will inspire the public mind with the belief that there is honesty and fairness in the transaction.

A proceeding such as that suggested by the pending bill would necessarily create suspicion from the very beginning and involve the proceedings in uncertainty, which are far more dangerous and far more expensive than the insignificant expenditure which is now involved in the present method. I do not think the House should hastily act upon a matter of this kind. We ought not to undertake to make a change of this character without a great deal more consideration and deliberation than has been possible to give to this matter.

Mr. DOCKERY. Mr. Speaker, I do not think that it is necessary to add much, if anything, to what has been so well expressed by the gentleman from Texas [Mr. BAILEY] and my colleague from Missouri [Mr. BLAND]. I should be glad if the gentleman from Michigan [Mr. CORLISS] who reports this measure to the committee would present arguments, if any exist, in support of the proposition at this time, because from a cursory examination of the bill and the report it seems to me there are no sufficient reasons for the approval of the proposition, while there are many reasons against it.

I think I may say that I am as fairly committed to the doctrine of economy as any gentleman on the floor of the House; but an economy of this character, proposing a change of what seems to be a proper mode of sending the electoral votes of the States to the capital of the country, ought not to meet the approval of this body unless good reasons can be shown for the change. Since no reason of any kind has so far been assigned for the passage of the bill, other than the mere fact of the saving of $20,000 every four years, it occurs to me that it ought to be rejected by the House.

Mr. COX. Will the gentleman allow me one suggestion?

Mr. DOCKERY. Certainly.

Mr. COX. Under the present arrangement, after the electoral votes have been cast, the electors meet in their several States and send a messenger with the votes to the capital under the law. Now, when you undertake to change that law, are you not violating that system, and is it not a matter that should require a very great deal of care and consideration before we assume to do a thing of that kind?

Mr. DOCKERY. Undoubtedly this is an entire change in the

law. The gentleman is entirely right. The old system, in vogue ever since the Government was inaugurated under the Constitution, will be changed if this proposition is adopted.

Mr. COX. This I understand to be an amendment to the statutes in that regard.

Mr. DOCKERY. Certainly.

Mr. Speaker, as well stated by the gentleman from Texas, the expense involved under the existing system is only about $20,000 each four years, or $5,000 a year. While we are endeavoring to legislate along various lines in the direction of economy, yet I think this is one of the old methods that had better be left untouched—a method that can not safely be changed.

I hope the House will vote down the proposition.

Mr. MERCER. Mr. Speaker, this measure was introduced for the purpose of accommodating the sending of the electoral returns from the various States to the existing conditions as they now prevail in this country.

The old law was passed in 1792, and from that time to this no modification or change has been made in it. This measure proposes to meet existing conditions.

The gentleman from Texas [Mr. BAILEY] said that the official returns sent through the express company and those sent through the Post-Office Department might both come on the same train and might possibly share the same fate if there was an accident. He said that a wreck might destroy both of them. The gentleman might also have suggested that the messenger might come on the same train, and if there was a wreck caused by a collision, a washout, the destruction of a bridge, or from any other cause, he might be killed and his official communication destroyed. You have two chances of escaping just that danger when you send these returns by the express companies or through the Post-Office Department.

Mr. BLAND. Will the gentleman allow me a question?

Mr. MERCER. Certainly.

Mr. BLAND. If the messenger is lost on the train, that would be a matter which would be well known to everybody. It would be a matter of public notoriety. But you might send your returns by mail or express and no one would know where they are.

Mr. MERCER. You mean that everybody would know that he was a messenger?

Mr. BLAND. Certainly.

Mr. MERCER. How could that be?

Mr. BLAND. Simply because he acts in a public capacity; he is a public messenger and is recognized as such from the time he leaves the State until he returns to it. But that is not the point. The point is the publicity of it, the sending of it by a messenger, and the receipt of it by a public officer, and not committing it to private individuals, which will lay a suspicion upon it from the very beginning. Some day you will have your electoral vote questioned. Difficulties will arise, and you will find this provision complicating matters.

Mr. MERCER. Some people will stick to precedents whether they are right or wrong; but since this law was enacted we have remarkably changed conditions in this great country of ours. We now have the express company; we have an improved postal system; and I will say to the gentleman from Missouri [Mr. BLAND], and also in reply to what was said by the gentleman from Texas [Mr. BAILEY], that if these returns by the express company and by the Post-Office Department do not arrive in the city of Washington before the first Wednesday in January, it becomes the duty of the officials of the Government to send to the district judge who has the remaining copy and ask that a messenger bring that copy to Washington.

Mr. BLAND. But the difficulty between the gentleman and myself is that here is a question between the State and the Federal Government. Under your proposed plan you have no State representative. We want a State officer to deliver the returns to a Federal officer. Then you have the two governments cooperating in a public manner which is understood. You commit the whole thing to a Federal officer, and the question whether he receives the return or not, and whether he performs his duty, is left entirely to the Federal authorities. The present system commits it both to the State authorities and the Federal authorities.

Mr. DINGLEY. The governor will act for the State.

Mr. MERCER. Certainly.

Mr. TERRY. In addition to what the gentleman from Missouri [Mr. BLAND] has stated, I would suggest that under the system you propose you may have the returns from your State in the hands of your political adversaries. We may have the returns from our State in the hands of a political adversary, instead of in the hands of the party representing the people who cast the votes. Then, in a closely contested election for President, the express company or the railroad company or its agent, being the adversary of the political party of the State from which the returns are transmitted, may withhold the same at a critical moment. The whole scheme is full of danger. It may strike on that side of the House at one time and on this at another time. It ought to be opposed on all sides of the House. We are removing too many of the old landmarks of the Constitution and of the fathers. Do not let us make a change like this, involving perhaps the peace of the whole nation, upon a mere question of dollars and cents.

Mr. MERCER. I am afraid the gentleman from Arkansas is not harmonious in his position. He indicates that he might suspect a United States district judge, for instance, but he would not suspect a messenger under the present system.

Mr. TERRY. Under the present system duplicates of the returns may be transmitted from the United States judge. That is one way. In another way they are sent by the messenger of the electors of the political party that prevailed in that particular election, and those returns, under this proposed bill, might be placed in the hands of your political enemies.

Mr. MERCER. I will say to the gentleman from Arkansas that in the bill now pending it is provided that the State authorities shall exercise jurisdiction and authority, so far as the conveyance of the returns by way of the post-office system and the express company is concerned, until after their delivery to such means of transportation.

Mr. TERRY. I understand; but you propose to cut off the expense of the messenger, as you say.

Mr. MERCER. Why, certainly. I thought you were always in favor of economy. I thought I was pleasing you.

Mr. TERRY. No; but under your proposed bill the McKinley electors from the State of New York would send no messenger here, the returns would go into the hands of the express company.

Mr. MERCER. And of the Post-Office Department.

Mr. TERRY. So the messenger sent with the Bryan returns from Arkansas would not come here, but the returns would go into the hands of the express company or the railroad company to bring here. I understand that to be the scope of this bill.

Mr. MERCER. You have a chance to use the express company and also the Post-Office Department through its registry division, and in case there is a failure, then this Government can send a messenger to the State and obtain the returns.

Mr. TERRY. Who will determine about that?

Mr. MERCER. Why, the Government at Washington will determine.

Mr. TERRY. Then the State governments are cut out from their part of it.

Mr. MERCER. Not at all.

Mr. TERRY. Does not the gentleman remember that the electors are State officers, not Federal officers?

Mr. MERCER. And they are protected under this measure.

Mr. TERRY. Yes; in the way that you do protect them.

Mr. DOCKERY. I desire to ask the gentleman if these returns have not been brought to the capital under the present law since the organization of the Government under the Constitution?

Mr. MERCER. Since 1792.

Mr. DOCKERY. Has there ever been any trouble or confusion in getting them delivered under the existing system?

Mr. MERCER. I am not quite clear about that. If the gentleman from Oregon were here, he could tell what the trouble was in the Cronin case, so called.

Mr. BLAND. The trouble in that case was not from the messenger, but from the fact that the President of the Senate refused to put the papers before the House. The messenger brought them all right. They were in the hands of the Senate, and the Secretary of the Senate lost them between the house and the Capitol, got them mislaid, and hence there was trouble that arose over the count in the House.

Mr. MERCER. I do not claim that there have been any mistakes, but as a matter of economy, and as a matter representing the changed conditions of this country, I think the bill is necessary and will be perfectly safe.

Mr. BLAND. If my colleague will allow me, the trouble is this. You put all the authority and responsibility upon a Federal officer.

Mr. MERCER. I deny that.

Mr. BLAND. I know you do, because you will let the express company bring the returns here to be delivered to the Secretary of the Senate. Now the State officer is ignored. Under the present plan the State officer receives a receipt for these returns; the State knows through its officers the return has been deposited with the Vice-President by the receipt that has been given to its own officer. Now there is a check between the State and the Federal Government. Under your plan the State may never know whether its electoral vote has been delivered or not. It is well enough to have checks and balances in so important a matter as this of the electoral count, and this measure will not be received by the public in any other manner than with a suspicion that something may be wrong in this electoral count if you do away with the present mode of the State participating in making its return and receiving its receipt.

Mr. MERCER. Section 141 remains on the statute book and is an absolute check against any mistake or error.

Mr. DOCKERY. Let me suggest this to the gentleman: This is the vote of a State that is to be delivered at the Federal capital.

Mr. MERCER. Certainly.

Mr. DOCKERY. And it has been delivered by a messenger for one hundred and twenty years, and there has been no trouble or confusion under the system. Then, I further suggest to the gentleman from Nebraska, why not let well enough alone? What is the necessity for a change? I am willing to follow the gentleman on all matters relating to the Omaha Exposition [laughter], but when he comes holding aloft the banner of economy and reform, I confess I am just a little suspicious. The bill may be all right, and possibly there may be sound reasons for it; but when the gentleman presents economic reasons, they have very little force and effect as relating to a question of this importance.

Mr. MERCER. I thought it would appeal especially to my friend. In fact I had him in mind when the bill was prepared.

Mr. DALZELL. Does the gentleman think there is any connection between the Omaha exhibition and reform? [Laughter.]

Mr. DOCKERY. I did not know but that this bill was intended to save $20,000, that might be appropriated for the use of that exposition. [Laughter.]

Mr. HOPKINS. Will the gentleman state what is to be accomplished by the change?

Mr. MERCER. It saves from $12,000 to $20,000 in the forwarding of these returns; and it will prevent every four years the wrangling and row which occurs in the several States to decide who shall be the messenger to carry the returns; and it is to accommodate the existing conditions by a change of legislation.

Mr. GREENE. If the gentleman will permit me to ask him a question. Suppose it turns out that these certificates, one sent by mail and another sent by express, do not arrive. Is there anything in your bill to provide for receiving or getting the returns in any other way?

Mr. MERCER. In reply to my colleague, I will say that section 141 reads as follows:

SEC. 141. Whenever a certificate of votes from any State has not been received at the seat of Government on the first Wednesday of January, indicated by the preceding section, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of the votes from that State has been lodged, and such judge shall forthwith transmit that list to the seat of government.

That section remains upon the statute books. So that there is a check in case of loss or accident, and under the pending measure I say it is absolutely certain that we will obtain the returns.

Mr. GREENE. The State, however, let me say, is entirely eliminated from the transaction.

Mr. MERCER. Of course, in case of accident. I suppose it would also be the case in case of an accident to a messenger being killed on a railroad. In such a contingency a messenger might have to be sent to the State for the returns.

Mr. CONNOLLY. I want to suggest this to the gentleman. Under the existing law the messenger carrying the returns to the seat of government represents the prevailing party of the State?

Mr. MERCER. That is true.

Mr. CONNOLLY. That makes it absolutely certain, then, that the returns will reach the seat of government in the same condition they leave the electoral college at home, does it?

Mr. MERCER. Yes.

Mr. CONNOLLY. There can be no reason conceived why he should change the returns. It is easy to see that the corporations and the express companies might be interested to change the returns intrusted to them.

Mr. MERCER. Would it be natural to suppose that the employees of the express companies and employees of the Post-Office Department would all be dishonest?

Mr. CONNOLLY. If it should come to a question between the mass of the people and the corporations, the corporations might save themselves by changing the returns, changing the result, and there ought not to be this great inducement held out. It is one dangerous to put into the hands of anybody.

Mr. CORLISS. This is not limited to express companies. It also provides for transmission through the Post-Office Department.

Mr. CONNOLLY. Suppose the Post-Office Department belongs to one Administration, and the result in the election changes that and turns that Administration out. The temptation may be held out to the employees of the Post-Office Department to save themselves and save their Administration by a change of the returns.

Mr. CORLISS. Would it not be just as dangerous, just as apt to occur, if any such hostility existed between parties, if the votes were transmitted by messenger? Would there not be just as much danger of intercepting the messenger?

Mr. CONNOLLY. No; there would be no danger of that.

Mr. CORLISS. Is there not more danger of intercepting a messenger with the returns than there would be of intercepting a registered package in the Post-Office Department or a package transmitted by express?

Mr. CONNOLLY. No; the man in whose custody the registered package is placed might have sufficient inducement himself to change the contents of the package.

Mr. CORLISS. What good would it do him to change it, when they can send back and get the original?

Mr. CONNOLLY. What good does it do to take any chances?

Mr. GREENE. How would they know it had been changed until the day they came to count the vote?

Mr. CONNOLLY. There are chances always taken, but for one hundred and twenty years the law has committed the custody of these returns to a messenger, who represents the prevailing party in the State and is the party interested; he is personally interested and he has every inducement to carry these returns and deposit them in safety.

Mr. McCULLOCH. And his honor is at stake in delivering them in safety.

Mr. CONNOLLY. And if there be any danger, if there is any trouble about the matter, the prevailing party can send a guard with the messenger who will see that he arrives in safety.

Mr. MERCER. This bill is so full of checks that I do not see how we can guard it any better.

Mr. CONNOLLY. The only purpose of the bill is to save $18,000 or $20,000, and it possibly might involve the country in a struggle from which it would never recover.

Mr. ROBINSON of Indiana. I would like to ask the gentleman how much he estimates the expense at the present time of sending the returns by the present method?

Mr. MERCER. Eighteen thousand dollars or $20,000.

Mr. ROBINSON of Indiana. And how much does the gentleman estimate the expense would be to transmit them in the way this bill provides?

Mr. MERCER. Merely nominal.

Mr. ROBINSON of Indiana. Well, I do not know about that. I beg to suggest that the Government pays quite a sum now for the transportation of Indian supplies, etc.

Mr. MERCER. This is not a bill to provide for the shipping of cattle.

Mr. ROBINSON of Indiana. Is that the only purpose of the bill, to save the cost of transmission?

Mr. MERCER. That is the principal reason, the saving of money.

Mr. COX. Mr. Speaker, these electors, selected by the different States, are officers of the State; they are not obliged to vote for anybody; they can vote for whom they please. Now, the electors meet in their State; they cast their vote, and appoint whom they please to transmit the vote to the seat of government. Have they not the right, when they meet and cast their vote, to choose their own method of transmission, and ought the right to say how they will transmit this vote to the seat of government to be taken away from them?

Mr. MERCER. What difference does it make to them, so long as their vote is actually and correctly sent to the seat of government?

Mr. COX. Now you are taking away the very point in this discussion. They should decide for themselves how they will send the vote, and they select their own man.

Mr. MERCER. I did not understand what the gentleman from Tennessee just said, as my attention was diverted.

Mr. COX. The electors decide that they will send their vote by a messenger, and they appoint their messenger.

Mr. MERCER. They do not decide it under the present system; the law says that they must so send it.

Mr. COX. That is what I say. Now, then, why should that be taken away from the electors?

Mr. MERCER. I do not think I am taking it away from them; I am giving them a chance to say how they will send the returns. They have two methods by which to send them, and in a case of mistake, they can send to the district judge and get another set of returns.

Mr. COX. That can be done now, in case of an accident to the messenger.

Mr. MERCER. If the messenger should drown, I suppose it could.

Mr. COX. Do you think it good policy to take away from the electors the right to send their own messenger with the vote?

Mr. CORLISS. Mr. Speaker I desire to say a few words, in conclusion, in reply to some of the objections which have been made to this bill by our esteemed friends on the other side.

It seems that in this case the habits of mind of certain gentlemen are so deeply seated that they can not see the good qualities that appeared to the committee in this measure. I realize that we are very apt to follow our habits, although they are wrong. For example, we go on from day to day appropriating the money of the people, because it is our habit. The gentleman from Missouri, who is on the Committee on Appropriations, brings in very large appropriations here for the maintenance of the Civil Service Commission—an absolutely worthless institution, a wart on the body politic of our country. [Laughter.] Through habit he

comes in here regularly with a proposition to appropriate the public money for the benefit of that worthless institution.

In other measures here we see illustrations of the force of habit. Go down to any of our Departments in the city of Washington, and you will find old barnacles occupying positions there, men who have been there for half a century and whose services are now utterly worthless; yet the gentleman from Missouri, representing the Committee on Appropriations, goes on appropriating money to maintain these people in their respective Departments. It is a habit; and that habit has so grown that he can not see when a measure is presented to relieve the people from such burdens.

This measure, it seems to me, is wise. In the first place, in the rapid transit of human affairs existing to-day we do not send a messenger when we desire to convey information: we give the message to the telegraph or the telephone, or by some other means we communicate it much more rapidly than any personal messenger could do it. It seems to me this bill is a move in the right direction.

Does the gentleman from Missouri [Mr. DOCKERY] or the gentleman from Texas [Mr. BAILEY] appreciate the fact that long before the electoral vote under the present system is put into the hands of the messenger the people of the country know what the vote of a particular State has been, and they would not submit to any robbing of the messenger or the registry department of the post-office or the express company for the purpose of defeating their rights?

Mr. BAILEY. Would the gentleman insist that because the vote of a State is known before the meeting of the two Houses for the electoral count, therefore the House and the Senate in joint session could count that vote on such information, without the official return? They can only count what is before them.

Mr. CORLISS. I insist that because there is a record kept in the State, because the district judge of the district in which the board meet has a record—the original record—the duplicate may be lost and yet there will be ample time under this bill to secure another duplicate, as there would be now if the messenger should lose the return intrusted to him.

Mr. BAILEY. Does the gentleman understand that the loss might not be known in time to allow that to be done?

Mr. CORLISS. You can know now if a messenger starting from Texas and coming to Washington is murdered on the way. Perhaps some persons may think that nobody would know it; but I believe that "murder will out," even coming from the State of Texas.

Mr. BAILEY. I have no doubt the gentleman thinks that a very bright and very wise reply. I do not think the House will agree with him. I give the gentleman to understand that a man's life is about as safe in Texas as a woman's life is in Michigan.

Mr. CORLISS. I presume that is so; and I am very glad that it is so.

Now, let me say to the gentleman that if these returns are certified by the proper officers chosen by the people, then under the provisions of this bill the people will be protected in three ways: First, the original or a duplicate is filed with the judge of the district court; secondly, the messenger selected, instead of coming personally to Washington, sends one copy to the Speaker of this House and another copy to the Vice-President of the United States. What is done under the present law? The messenger brings both those copies with him, so that both are in the hands of one person, while under this bill there would be a double protection, as the two copies would be sent different ways and by different means.

Mr. GREENE. Will the gentleman allow a question?

Mr. CORLISS. Certainly.

Mr. GREENE. Suppose that these returns should be tampered with on the way here. Suppose they reach here in time, but have been changed in transit. Could we ever know that they had been changed until the day they were to be counted; and would not that be too late to get another return?

Mr. CORLISS. In reply to the gentleman's inquiry, I will say that long before the election board in any State has its meeting it is known to every citizen who can read what the vote of the people of that State is.

Mr. GREENE. That is not the question. Nothing could be counted by the joint convention of the two Houses except the vote actually before them. Now, if the returns should have been tampered with on the road, they might arrive here all right, and the fact that they had been tampered with would not be known until the returns were opened for the purpose of being counted; and then it would be too late to get a duplicate return from the judge. What would be done in that case?

Mr. CORLISS. That condition could occur to-day.

Mr. GREENE. How?

Mr. CORLISS. There is nothing to prevent tampering with these returns at present, if the officers intrusted with them prove untrustworthy. The returns are brought here in December and are left in charge of some one until March, when the returns are counted.

Mr. GREENE. But are not the returns when delivered here receipted for, so that we always know in exactly whose hands they are?

Mr. CORLISS. And you would know that just as fully under the system proposed in this bill.

Mr. GREENE. But duplicates are lodged in different hands.

Mr. CORLISS. The Postmaster-General and his subordinates are under bond for the safe-keeping of the mail matter intrusted to them. And let me say that the history of our postal service shows that the registry department is one of the safest means in the country for transmitting money or other valuables.

Mr. GREENE. But, under the present system, do not copies of these returns pass into numerous hands, so that if they were tampered with we could know just who did it, which could not be the case under this proposed system?

Mr. CORLISS. Let me add a word further in this connection.

Mr. BLAND. Will the gentleman permit an interruption?

Mr. DOCKERY. Before the gentleman from Michigan takes his seat, I would like to say that I am somewhat at a loss to understand the ruthless assault which has been made upon me. The gentleman calls me personally to account for making or for assenting to certain appropriations reported by the Committee on Appropriations, of which I happen to be a member, especially the appropriation for the Civil Service Commission, which the gentleman charges is unnecessary and extravagant. Now, then, since the law requires an appropriation for the Civil Service Commission to be made, I would like to have the gentleman tell the House in what way I could have escaped my responsibility for the execution of the law?

Mr. CORLISS. I was simply calling attention by the suggestion to the habit of the gentleman from Missouri and members of the Appropriations Committee generally in making appropriations, many of which go through the House without question, and of course I had no personal reference to the gentleman himself.

Mr. DOCKERY. But does the gentleman from Michigan think it a fair occasion for criticism of me or upon the members of the Committee on Appropriations, when we report appropriations required by the law?

Mr. CORLISS. I would follow them up, as in this instance, by means that in my judgment would cure the evil.

Mr. DOCKERY. Does not the gentleman think that it is our duty and a correct "habit" to obey the law in making these appropriations?

Mr. CORLISS. Undoubtedly; I make no comment on that.

Mr. GAINES. Are you in favor of the civil-service law which you have been denouncing, as I understand it?

Mr. CORLISS. Certainly not.

Mr. GAINES. Are you opposed to the civil-service law which your party platform indorses?

Mr. CORLISS. I am.

Mr. GAINES. Then why do you not exhibit your faith by your works? [Laughter.]

Mr. BLAND. I would like to ask the gentleman——

Mr. GAINES (continuing). What has the gentleman done to show his faith? Has he any works which stand to his credit as an evidence of what he believes in that regard?

Mr. CORLISS (to Mr. BLAND). I have not been able to hear what the gentleman has been saying, there has been so much noise on this side of the House. [Laughter.]

Mr. GAINES. Yes; a question was put to the gentleman that he did not answer.

Mr. BLAND. I was going to suggest to the gentleman, in view of the change he suggests here, whether if, in his judgment, it would not also be a good plan to provide that all legal processes should be sent by mail, instead of delivered and served in person by an officer of the law, and have the returns also made by mail? According to the suggestion he makes here, we might save a great deal of money by that process and abolish the whole system which now exists.

Mr. CORLISS. Mr. Speaker, I move the previous question on the bill.

Mr. GAINES. "The wicked flee when no man pursueth." [Laughter.]

The question was taken; and the previous question was ordered.

The SPEAKER pro tempore (Mr. HEPBURN). The question is on the third reading and engrossment of the bill.

The motion was not agreed to.

Mr. DOCKERY. I move to lay the bill on the table. No; I withdraw that motion. The bill is dead enough now.

Subsequently Mr. DOCKERY said:

Mr. Speaker, I move to reconsider the vote by which the House refused to engross the bill relating to the electoral returns, and I move to lay that motion on the table.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. DOCKERY] moves to reconsider the vote by which the House

refused to order the engrossment and third reading House bill No. 8, and he moves to lay that motion on the table. Without objection, that motion will be agreed to.

There was no objection.

NONPARTISAN LABOR COMMISSION.

The SPEAKER pro tempore. The Committee on Labor was passed over without prejudice, and the gentleman from New Jersey [Mr. GARDNER] desires to call up a bill.

Mr. GARDNER. I call up, Mr. Speaker, the bill (H. R. 4078) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

The bill was read at length.

The SPEAKER pro tempore. The Chair would suggest to the gentleman from New Jersey that this bill is on the Union Calendar and not subject to call at this time.

Mr. BLAND. I want to make the point that it must be considered in Committee of the Whole.

Mr. GARDNER. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. BLAND. It does not come up in the morning hour under the rule?

The SPEAKER pro tempore. It does not.

Mr. BLAND. Then I object.

The SPEAKER pro tempore. The Chair sustains the point of order.

EIGHT-HOUR LABOR BILL.

Mr. GARDNER. Mr. Speaker, I call up the bill (H. R. 7389) limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of or work done for the United States, or any Territory, or the District of Columbia.

The SPEAKER pro tempore. The gentleman from New Jersey, on behalf of the Committee on Labor, calls up the bill H. R. 7389. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the time of service of all laborers, workmen, and mechanics employed upon any public works of, or work done for the United States, or any Territory, or the District of Columbia, whether said work is done by contract or otherwise, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States, or of any Territory, or the District of Columbia, or any person acting for or on behalf of the United States, or any Territory, or said District, or any contractor or subcontractor for any part of any public works of, or work done for the United States, or any Territory, or said District, or any person whose duty it shall be to employ or to direct and control the services of such laborers, workmen, or mechanics, or who has in fact the direction or control of the services of such laborers, workmen, or mechanics, to require or permit them, or any of them, to labor more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property.

SEC. 2. That each and every contract to which the United States, any Territory, or the District of Columbia is a party, and every contract made for or on behalf of the United States, or any Territory, or said District, which contract may involve the employment of laborers, workmen, or mechanics, shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor or any subcontractor doing or contracting to do any part of the work contemplated by the contract, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the stipulation directed by this act of $10 for each laborer, workman, or mechanic for each and every calendar day in which he shall labor more than eight hours; and the inspector or other officer or person whose duty it shall be to see that the provisions of any such contract are complied with shall report to the proper officer of the United States, or any Territory, or the District of Columbia all violations of the stipulation in this act provided for in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violations for which said penalties were imposed were by the contractor, his agents, or employees, or any subcontractor, his agents, or employees. No person on behalf of the United States, or any Territory, or the District of Columbia shall rebate or remit any penalty imposed under any stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error of fact.

SEC. 3. That any officer of the United States, or any Territory, or the District of Columbia, or any person acting for or on behalf of the United States, or any Territory, or the District of Columbia, who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment, or both, at the discretion of the court, the fine not to exceed $500, nor the imprisonment one year.

SEC. 4. That all acts and parts of acts inconsistent with this act, in so far as they are inconsistent, be, and the same are hereby, repealed. But nothing in this act shall apply to any existing contract, or to soldiers and sailors enlisted, respectively, in the Army or Navy of the United States, or to seamen on seagoing vessels.

The following amendments recommended by the Committee on Labor were read:

In line 14 of section 2, after the word "mechanics," strike out the words "on any public work."

Amend the title so as to read: "A bill limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of or work done for the United States, or any Territory, or the District of Columbia."

The SPEAKER pro tempore. The question is upon the engrossment and third reading of the bill.

Mr. SMITH of Arizona. Mr. Speaker, I should like to ask the gentleman in charge of the bill whether or not it applies to public buildings in a Territory which are purely Territorial buildings—for instance, a penitentiary?

Mr. GARDNER. I take it that it would.

Mr. SMITH of Arizona. Does it apply to every public building erected in the city of Washington—for instance, District building?

Mr. GARDNER. Yes; I take it that it would. It applies to all subjects over which Congress has jurisdiction. Whether it would apply to a particular building in a Territory or not would be a question of jurisdiction.

Mr. LEWIS of Washington. If the chairman of the committee will permit me, I should like to ask him a question. He remembers that we have tried to reach a conclusion upon the legal effect of our respective bills on this subject and on the disturbing point. I ask my friend from New Jersey [Mr. GARDNER] if he thinks the provisions of the bill are comprehensive enough to include contracts for public works, buildings, etc., which are being constructed in the several States, and subsequently let out by subcontracts?

Mr. GARDNER. When erected by subcontractors?

Mr. LEWIS of Washington. I will state to my friend that the question has arisen in several instances. Knowing his ability as a lawyer, I suppose he is aware of some of the adjudications. Under our former eight-hour law, which did apply to Government contracts, a contractor would obtain a contract from the Federal Government and then he would sublet, and the subcontractor would claim exemption from the law and escape liability.

Mr. GARDNER. The difficulty under that law is the reason for this bill being here.

Mr. LEWIS of Washington. The gentleman anticipates the information I was seeking. The contractor would subcontract, and the subcontractor would claim that the Federal statute did not apply to him—that he was controlled by the State laws alone. I am gratified to know that it is the opinion of the gentleman that this bill reaches that defect and remedies that evil.

Mr. GARDNER. That is the intention of the bill.

Mr. BRUCKER. Section 2 covers that.

Mr. LEWIS of Washington. I will continue my remarks upon the necessity of this measure, and beg to embody my full argument made before the committee.

Mr. GARDNER. I have no desire to speak upon this bill, and I yield to the gentleman from Illinois [Mr. BELKNAP].

[Mr. BELKNAP addressed the House. See Appendix.]

Mr. LACEY. I desire to offer an amendment.

Mr. SMITH of Arizona. I ask the gentleman to yield just a moment to me.

Mr. LACEY. I want to offer an amendment.

Mr. SMITH of Arizona. I want to ask the chairman of the committee whether or not those "Territories" mentioned in the bill have or have not the eight-hour law?

Mr. GARDNER. I think not, so far as I am informed. Mr. Chairman, in answer to the gentleman's inquiry, I will say to the gentleman now if he wants "Territory" stricken out of the bill that the committee will not object. Let me say, in a few sentences—which I think my throat will allow me—the committee was considering the localities over which Congress had jurisdiction—that is, Government works, work of the District of Columbia, and work in the Territories. It meant to cover the work where Congress had jurisdiction.

Mr. SMITH of Arizona. Does it cover Federal work in the Territory?

Mr. GARDNER. Yes.

Mr. SMITH of Arizona. But the language of the bill covers territorial work in the Territories. What business or right has Congress to interfere in our internal affairs? We suffer from too much of this already.

Mr. GARDNER. I will answer again, there will be no objection to striking out of the language of the bill that would cover Territorial work or not cover Territorial work, according to the law under which they were being erected, and according to the provisions of the statutes. If a structure of a Territorial government was such that it was removed from the operation of a bill like this, this bill would repeal nothing, in other words.

Mr. SMITH of Arizona. We have a legislature that has full control on all these questions; but as I am in sympathy with the eight-hour law—in perfect sympathy with it—I only wish to present here my protest against Congress assuming jurisdiction in any case in the Territories where they are prohibited by the Constitution from acting in similar cases in a State. I ask and appeal to the House to leave all questions after this to our local legislature, which is eminently able to take care of them; but, as I said before, being in sympathy with the eight-hour law, I shall not present an amendment. The legislature of a Territory, whatever mistakes it makes, is entitled generally to as much respect as that of a State legislature.

If this measure touched any other question than the one it involves, I would never consent to its passage. But I am so sincerely in sympathy with any action which may possibly ameliorate the present condition of labor in Arizona or elsewhere that I can not move to strike "Territories" from the bill, though I at the same time recognize the injustice—not to say impudence—of members of a committee who, while their States are leaving employers free to treat the laborer as they please, exhibit their sympathy for the working man's cause by voting the eight-hour law—not on their States, but on the Territories.

The eight-hour law is right on public buildings wherever erected. Eight hours of honest work is enough to demand in these cases, and, I think, in any case. Eight hours of honest work, eight hours of sleep, and eight hours for study and recreation properly consume the time which makes the days of man's life. I do not wish to be misunderstood in my position here. I am determined that I will not be misunderstood. I am, first, intensely opposed to Congress invading the Territories within their rightful domain of local legislation; and, in the second place, I am much in favor of the legislation limiting the hours of labor on public buildings to eight hours a day.

Between these two my choice must be made, and I do not hesitate to record myself in favor of this bill, even while I protest against your interference with our local affairs. I trust this measure may not hereafter be invoked as a precedent for still further Congressional raids on the natural rights of the people who are building in the Territories foundations for great future States.

Mr. Chairman, labor will never probably receive its just reward in any state of modern society. It is our manifest duty, however, to do all that legislation can to make its burdens less and its condition more prosperous and happy.

If by any word of mine I could induce one man to vote for any bill which would give adequate return for labor or lessen the burden of toil, I would feel that I had not lived in vain. The prosperous think too seldom of the poor. They always have and always will. Dives and Lazarus are increasing in numbers as the world moves on.

The obligation rests on statesmanship to curb the aggression of Dives and assuage the pain of Lazarus as far as human law can do it consistent with the individual liberty of the citizen. The problem is perplexing, as all know who have given careful thought to it. God said, "There shall be hewers of wood and drawers of water," but He never said that a man should hew wood all day and hoist water half the night and go home to hungry children.

Yet these are the conditions which the signs of the times indicate as rapidly approaching. When these conditions shall actually be upon us, our boasted civilization will pass into history and the greatest of all Republics will add another to the sad wrecks which strew the ocean of time. I am no pessimist. I have hope in the perpetuity of our institutions. I have pride in the glory of my country's achievements, but I can not sit silently by and see those uneven and unjust conditions abound which must ultimately result in its injury if not its destruction.

The burdens of government must be borne equally. There must be under the law no favored classes. There must be equality or there will be discontent and friction. Unjust advantages obtained under law create disrespect for all law. Law must find its due observance in the good will and consent of the people for whom it is made. Labor asks no advantages. If it did, the demand should be refused. It asks only fair treatment by a fair distribution of the burdens of government, and to this it is fully entitled, and this it should have. When a fair day's work shall receive a fair day's wage, free from unjust exactions, then we will indeed have a happy and prosperous people.

I am in favor of the eight-hour law as prescribed in this bill, and I hope to see a similar provision on the statute books of every State in the Union. But this will not accomplish all that is expected or desired. The root of the evil strikes deeper into soil which we have not here and now the time or proper occasion to examine.

It is enough now to say that no law can ever be passed which will equalize the accumulation or distribution of wealth. The thrifty will thrive, the laggard will fall behind in the race, the sluggard will sleep, and no law can prevent it. But law can prevent and must prevent a handicap on the laggard in the race of life, and law can prevent and must prevent the thrifty from stealing from the sluggard while he sleeps.

In plainer phrase, the law can prevent discrimination in favor of classes, and if we fail to abolish these discriminations which so plainly exist we shall fall short of our obligation to our country and humanity and will deserve condemnation at the judgment seat of the power which gave us presence in this Hall.

Mr. LACEY. I wish to call the attention of the House and the chairman of the committee to the amendment which I offer.

The Clerk read as follows:

On page 2, line 9, add at end of sentence the following words: "Nor to work upon public works or defenses in time of war."

Mr. LACEY. While the law now excepts the soldiers and sailors now enlisted and they may be called upon to work sixteen or twenty-four hours in time of battle, any one else is prevented from working more than eight hours in building forts or doing any work of that character, building an arsenal, or in any other emergency; and the only emergency excepted is one incurred by fire, flood, or danger to property. All that has been expressly forbidden. Now, it seems to me perfectly clear that this bill does not relieve the contractors who are building fortifications or erecting buildings for the manufacture of guns, powder, or any other necessity from the penalty of this act. If it is plain that it does, it ought to be made absolutely clear, and not in time of war tie the hands of the Government. It is not intended to cover any such thing.

Mr. GARDNER. There is no objection to the amendment of the gentleman from Iowa; but I do want to say that so far as the labor interests have spoken before the committee (showing how differently they construe the bill from the gentleman from Iowa) they are afraid that the provision as to the emergency caused by fire, flood, or danger to life or property will leave the War and Navy Department in a position to be eternally anticipating war, which in itself is always a threat and danger to life and property.

Mr. LACEY. Ought they not always to be preparing for it, night and day?

Mr. GARDNER. Oh, you are raising another question.

Mr. SULZER. Mr. Speaker, this is the eight-hour bill. It limits and restricts, under a severe penalty for any violation, to eight hours in any one calendar day the time of service of all laborers, workmen, and mechanics employed on any public works of or work done for the United States or any Territory or the District of Columbia, whether said work is done by contract, subcontract, or otherwise. I am heartily in favor of this bill, and I want to see it pass to-day. This bill, or one similar to it, has been before Congress a long time, and I am glad and congratulate the Committee on Labor that at last the bill is before the House for discussion and passage. There can be no valid objection to this bill, and I feel confident it will pass almost unanimously if it is not loaded down with amendments.

Mr. Speaker, I will say to the gentleman from Iowa [Mr. LACEY] regarding his proposed amendment that I deem it unnecessary and inexpedient. Let me say to him that in the Washington Navy-Yard, where they are working twenty-four hours, every hour day and night on account of the war, they only work the men eight hours a day—eight hours on and sixteen hours off. They work in squads or gangs, so that no man works more than eight hours out of the twenty-four. I think that ought to be so in regard to all work done by the Government, whether it is emergency work or not. In my judgment eight hours are long enough, and should constitute a day's work. I would like to see it less. In war or in peace no man should be compelled to work more than eight hours out of the twenty-four. Physical endurance can not stand much more, and more should not be required.

Mr. GARDNER. There is no objection to this amendment.

Mr. SULZER. Let me say I am not in favor of it.

Mr. TALBERT. I would like to say, Mr. Speaker, that this bill has the unanimous indorsement of the labor organizations in the country, and they have no objection to it whatever.

Mr. SULZER. They demand the enactment of this bill just as it is. It ought not to be loaded down with amendments to kill it.

Mr. GARDNER. That is a fact. There is not a single dissenting voice in the country.

Mr. SULZER. And there should not be a dissenting vote here. I hope there will be none. Let me most earnestly and sincerely say, Mr. Speaker, that I am now, and always have been, an advocate of this bill, to make eight hours a legal day's work. It is a good bill, and ought to pass unanimously. I hope it will pass without an amendment. Let us pass it just as it comes from the Committee on Labor. That is the way the representatives of organized labor want it to pass. If you start in to amend it, you will defeat it, or, at all events, delay its passage. So far as the Territories are concerned, I can not understand why they should be excepted from the rest of the country. What is good for the States ought to be good for the Territories. A day's work should be a day's work all over the country.

In my judgment, no man in this country ought to be compelled to work more than eight hours a day. That is long enough. I believe if this bill becomes a law just as it was reported from the committee it will do more to relieve and benefit the workers and the toiling masses of the country than any other thing we can do at this time by way of legislation. There are in the country to-day, it is said on good authority, upward of 5,000,000 people out of employment. Labor organizations all over the country are asking this National Legislature to enact this and other laws to remedy this crying evil. I hope the gentleman from Iowa [Mr. LACEY] will not insist on his amendment.

Mr. GARDNER. The amendment is all right.

Mr. SULZER. I differ with my friend. That amendment will nullify a good part of the bill. In my judgment the Government will have no difficulty in getting all the men it needs for any kind

of public work. We want fewer idle men and more work in this country. In case of emergency let the Government call for workmen, and I warrant there will be no difficulty in getting them. In the Washington Navy-Yard to-day, where they are working full time, as I said before, the whole twenty-four hours, they only work the men eight hours during the day. The navy-yard is only a little distance from here. Any one of you can go there and see for himself. And yet, sir, to-day in the city of Washington there are thousands and thousands of unemployed men and mechanics who have come here from all parts of the Union seeking employment at the navy-yard, but they can not get it. So it is all over the country—thousands and tens of thousands of men out of work, anxiously seeking work, but who can not find work.

I hope the amendment will be voted down and the bill passed just as it was reported from the committee.

I want to say that I am a friend of the wage earner. I want to see, and I hope the day is not far distant when we all shall see the eight-hour law the law all over the land and rigidly enforced in every State, every city, every town, and every village in the country. I believe it will be beneficial to the laborer, advantageous to the community in which he lives, and for the best interests of the Government. Too long hours make the wage earner a poor workman. Shorter hours, in my opinion, will produce better results all around and for all interests concerned. Every writer on political economy confirms this conclusion, and so great an authority as John Stuart Mill lays it down as a fundamental principle that any scheme for the amelioration of the social condition of the wage earner which does not proceed on this proposition as its foundation is for all permanent purposes a delusion and a snare.

For one I believe this bill when enacted into law is going to do a great deal of good. I am and always have been an advocate of shorter hours for a legal working day. The history of the past teaches us that every reduction in the hours constituting a day's work has resulted beneficially. We have gone on steadily, step by step, shortening the hours of labor and toil from sixteen hours to fourteen hours a day, from fourteen hours to twelve hours a day, from twelve to eleven hours, from eleven to ten hours, from ten to nine hours, and now we go from nine to eight hours a day, and in every instance it has been for the better. Statistics conclusively prove that every decrease in the number of hours constituting a legal workday has been for the advancement of the toilers and the progress of the masses.

These reductions in the hours of labor have decreased intemperance, increased knowledge, made better homes, happier and better clothed wives and children, brighter and more prosperous firesides, and in every way benefited the social relations, promoted happiness and contentment, and improved the moral, economical, and financial condition of the producing masses of our land.

In all the country I do not believe there is to-day a reasonable person who would advocate the proposition to again lengthen the hours making a legal workday. As the chairman of the committee has said, all authorities agree that the financial and social conditions of the laborer have improved with every reduction in the hours of daily service that up to this time has been made. We who believe in the short-hour theory contend, and defy successful contradiction, that to this system can be traced the decrease of poverty, pauperism, vice, and ignorance among our people, and their moral, social, and financial advancement and improvement.

Another point which I desire to briefly allude to is the admitted fact that decreasing the hours of toil increases the demand for labor, and the more demand for labor, as the price of labor is regulated by the law of supply and demand, the higher the wages that will be paid. It also increases the consumption of the products of labor, and hence increases the demand for production. Thus, sir, this policy in every way aiding, helping, elevating, and benefiting the workingmen, widening individual opportunity, making times better instead of worse, and at the same time building up on a sure and firm foundation the great business and industrial enterprises of our country. This system will also raise the social status of the laborer, and I stand with those who believe that the social status of the workman controls the law of wages, rather than the law of wages controls the status of the laborer.

There is another provision in the bill which I like, and that is the penalty. If this bill becomes a law, I doubt very much if any one will violate it. The penalty is very severe and all that could be asked for. The bill also provides for the enforcement of the eight-hour provision by the simple system of a clause in the contract instead of compelling the laborer to go to the courts. By this method all questions of personal and natural rights are avoided. This right of the employee is stipulated in the bond, and the penalty will prevent any violation.

Take it all in all, in my estimation this is the best bill for the workingman we have had before us in a long time.

It is a good bill, and there should be no objection to it. If this bill passes, and I have no doubt it will, I hope the chairman of the Committee on Labor, who is to be congratulated on the good work he is doing to-day for the people, will call up the labor-commission bill and pass that. Let us do that and then pass my bill to wipe out the sweating shops that infest the congested districts of our great cities, and then pass the bill regarding the transportation of prison-made goods. Let us do something for the toiling masses of this country who are out of employment, who vainly seek employment, and who can not get employment. [Applause.]

Mr. BLAND. The gentleman from New York [Mr. SULZER] refers to the labor-commission bill. I made the point that it ought to be considered in Committee of the Whole. I did not understand the bill, and I did not pay any attention to it, and I have now no objection to its consideration.

Mr. SULZER. I am glad to hear my good friend from Missouri say that. I know his heart is in the right place, and I know he is a friend of the toiling masses. I think the labor-commission bill a very important one. The commission will give the people of the country and the representatives of the people assembled in Congress very valuable information that every man here ought to have and that every man in the country ought to know.

Mr. DINGLEY. I trust my friend from New York will pardon me. I do not wish to mar his rhetoric, but when he speaks of 9,000,000 men out of employment, I trust he will modify it and get somewhere near the facts.

Mr. SULZER. The gentleman from Maine will not mar my rhetoric. I spoke from information, and that is that upward of 5,000,000 people are out of employment, and the Dingley tariff law did not give employment to any perceivable extent to this vast army of the unemployed. If times are improving now, it is caused by short crops abroad and the present war, not the Dingley law.

Mr. GAINES. I should like to inquire of the gentleman how many men in Maine are out of employment?

Mr. SULZER. The gentleman from Maine will answer that. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I should like to have the amendment of the gentleman from Iowa read.

The SPEAKER pro tempore. The Clerk will report the amendment again, if there is no objection.

The amendment was again read.

[Mr. FITZGERALD addressed the House. See Appendix.]

Mr. McMILLIN. Mr. Speaker, this is an important measure, and I regret that I have but a few minutes of time, for its magnitude deserves the most elaborate discussion. But I wish to make one or two observations. For very many years, indeed for many ages, the question has agitated the public mind as to where the right of labor to contract should end, and where the Government should interpose to discourage unreasonable length of hours. We live in an age of the most remarkable development of mechanics and inventions ever known in the history of the world; and I believe that judiciously framed laws looking to the limitation of labor to reasonable hours are wise.

I believe that the surest way for labor to get the benefit that it ought to receive from the vast improvements of the age in machinery, in skill, and in inventions is by shortening the hours of labor and by the increase of the years of the youth that may be employed in our factories. Whatever legislation can do to protect the child from excessive labor until it reaches the age where it has strength enough to labor, and until it shall have obtained such education as ought to be obtained as its equipment for life, is wise legislation. Then, after reasonable toil, whatever can be given to mankind for recreation, for reading, for education, is wise.

This bill provides for an eight-hour law to be enforced in works carried on by the Government. To prevent ruin to those who have taken contracts under a different system it provides for its application to future contracts instead of making it retroactive. There are hundreds of thousands of laborers idle now. It is claimed and believed by the authors of the bill and those who have urged it that the example thus set will work beneficially and that the custom of eight hours as a day's labor will prevail, thereby ameliorating the condition of those who toil for their daily bread.

Mr. Speaker, it is by toil that farms are cleared, factories built, wealth accumulated, and strength added to governments. There are no people in the world who work harder or to greater advantage than the people of the United States. Our labor is the most efficient in the world, because the most intelligent. It is the most highly educated labor to be found. No other people on earth devote half as much money to education annually as we do. Hence the intelligence of our labor. That high standard of intelligence

can be best maintained by keeping young children out of the factory till the rudiments of education can be obtained, till good physical vigor can be developed, and both intelligence and strength obtained.

Sir, even after this, if the toiler can have a little time each day from his farm or factory to devote to recreation and reading, his usefulness, both as a laborer and a citizen, will be increased.

Sir, in this great and free Republic all depends upon the strength, intelligence, and patriotism of the citizen. These qualities are the foundation of the Republic.

Mr. Speaker, believing that this bill will tend to improve the condition of the citizen and thereby enhance his value to his country, I shall give it my support.

Mr. GAINES. Mr. Speaker, I desire just here the indulgence of the House for a moment while I read a single resolution, one of the planks of a Democratic platform, adopted by the Democrats of the United States at their national convention held in 1868, by which Horatio Seymour, the gifted son of New York, was nominated for the Presidency.

This resolution, unanimously adopted, reads as follows:

Resolved, That this convention sympathize cordially with the workingmen of the United States in their efforts to protect the rights and interests of the laboring classes of the country.

I am happy to say that this convention assembled on "the 4th of July," 1868.

The Republican convention which nominated General Grant assembled in Chicago May 20, 1868, and ignored the organized "workingmen" of this country, and later on succeeded in electing General Grant, who received 3,015,071 votes, over Seymour, who received 2,709,613 votes. Thus the Republican party ignored at this early day the appeals of organized "workingmen" and defeated that party at the polls that did recognize them—the Democrats. I will not detain the House further by commenting on this Democratic plank nor the history of the Democratic party in maintaining in State and national legislation the letter and spirit of this resolution. It needs no comment.

I will add that the eight-hour labor law is a Democratic measure. The very first bill ever offered in Congress was introduced by a Democrat January 19, 1866, by the Hon. Mr. Rogers, of New Jersey; but it received an untimely burial by a Republican Judiciary Committee, to which it was unfortunately referred.

I have said enough to rivet your eyes upon the early history of this salutary legislation, and to point to its first friend in this House and on the hustings—the Democratic party. [Applause.]

Mr. LACEY. Mr. Speaker, this bill, which was prepared by the chairman of the Committee on Labor, was, it will be observed, introduced on the 27th of January, 1898—before there was any war going on outside of the House of Representatives. It has been approved by the Federation of American Labor. We were fighting some battles here; but the war was not immediately urgent, and the contingency which has been provided for in this amendment was not at that time taken into consideration. I am satisfied that the Federation of American Labor would approve this amendment thoroughly and would incorporate such a provision in the bill if it were to be introduced now for the first time.

Mr. GARDNER. The committee, as I have said, are willing to accept the amendment.

Mr. BRUCKER. I should like to have the amendment reported again.

The amendment was again read, as follows:

On page 2, line 9, at the end of the sentence, add "nor to work upon public works or defenses in time of war."

Mr. BRUCKER. I wish to ask the gentleman from Iowa whether that amendment as read would not operate with respect to all public buildings in course of construction during the period of actual warfare?

Mr. LACEY. Of course it might have that effect.

Mr. BRUCKER. That is just what I am afraid of.

Mr. LACEY. The object especially in view is to reach the arsenals. We have now an eight-hour law; but we are providing in this bill additional penalties for its violation. Eight hours under the law of the United States constitute now a day's work; but in this bill we propose to make it a criminal offense for a public officer to require a greater number of hours as a day's work. In time of war, however, necessities are likely to arise which may require laborers in the employ of the Government to work more than eight hours. This amendment is intended to recognize the fact that upon public works necessary for the defense of the country or the prosecution of the war it may be at times requisite for laborers to work more than eight hours a day. That, I presume, would be the fair construction put upon this legislation.

Mr. BRUCKER. This bill, as I understand, does not create any new offenses.

Mr. LACEY. Yes, it does. It provides that whoever violates its provisions shall be guilty of a misdemeanor and shall be subject to fine or imprisonment.

Mr. BRUCKER. That simply applies to Government officials and not to contractors or subcontractors who may employ labor; but let me say to the gentleman that the committee which reported this bill had under consideration the very proposition which he has submitted. We discussed section 2 and the exceptions that it makes in case of extraordinary emergency occasioned by fire or flood or danger to "life and property." The question of incorporating in the bill the very provision the gentleman has now offered was discussed in the committee, and they took the view that such a provision, if adopted, would apply to all public buildings in course of construction during the actual progress of a war; in other words, that such a provision would be entirely too broad, and we concluded that the provisions of section 2 would cover all emergencies.

Mr. LACEY. The law at present limits the work on those buildings to eight hours a day; but these additional penalties could very safely be remitted during time of war.

Mr. BRUCKER. I am afraid, Mr. Speaker, that the same advantage may be taken of this amendment, if adopted, that the representatives of the different labor organizations who appeared before our committee stated had been taken of the eight-hour law now upon our statute books. We have had an eight-hour law for years, but the trouble was we could not enforce it. Contractors and officials evaded it.

Mr. LACEY. But it is very much more important that Boston should be protected now than to enforce a strict requirement of any law, either in or out of war conditions.

I think the amendment I have offered relieves this proposition from the danger which surrounds it.

Mr. BRUCKER. But the trouble about the amendment of the gentleman is that it goes too far. It covers not only the construction of military defenses and fortifications, but everything else—public buildings and all.

Mr. BELKNAP. If the gentleman will permit me, it seems to me that the amendment would annul the bill and destroy its vitality.

Mr. LACEY. Oh, no; it simply preserves the bill, if the gentleman will examine the amendment.

Mr. BELKNAP. But your amendment, as I understand the reading of it, would extend to all public works—not only to public defenses of every character, but to all public works and buildings.

Mr. GARDNER. Mr. Speaker, I thought I had the floor. [Laughter.]

The SPEAKER pro tempore (Mr. PAYNE). The Chair is a little uncertain as to who is entitled to the floor [laughter], there seem to be so many members engaged in the controversy.

Mr. BRUCKER. I understood the gentleman from New Jersey had yielded to me, as I am a member of the committee reporting this bill.

Mr. GARDNER. I will yield to my friend if he will keep the floor for himself, and not let a half dozen occupy it at the same time.

Mr. BRUCKER. I shall endeavor to do so.

The reason I am solicitous about opposing any amendment to any of the sections of this bill, Mr. Speaker, lies in the fact that we have already an eight-hour law on our statute books which has been there for many years, and I presume when Congress passed that law it was intended to accomplish a certain purpose, to limit the hours of labor. But the representatives of the different labor organizations in this country who appeared before the Committee on Labor have demonstrated the fact that contractors and subcontractors had and could evade the law and, in its present form, make it practically a dead letter.

Now, the first consideration ought to be to secure the passage of an eight-hour law that can be enforced. Now, the amendment proposed by the gentleman from Iowa, unless it be modified, will, in my judgment, destroy or nullify to some extent at least the result which we seek to accomplish. This bill in effect is simply an amendment to the present eight-hour law, which, if passed, will prevent contractors and subcontractors and others engaged on Government contracts from taking advantage of the laboring men.

As to the amendment of the gentleman from Iowa [Mr. LACEY], unless modified, it will, in my judgment, nullify to some extent the salutary provisions of the bill which the committee intended for the protection of organized labor throughout the country, and more especially with reference to men who are engaged on public buildings or public works of any character.

I am therefore opposed to the amendment in its present form, and hope it will not be adopted.

Mr. GARDNER. I think I can suggest a modification of the amendment which will remove the difficulty and the objection to it.

I move to insert in the amendment, before the word "work," the words "military or naval."

Mr. LACEY. I will accept that amendment.

The amendment as modified was agreed to.

Mr. FLEMING. Mr. Speaker, I would like to ask the gentleman in charge of this bill a question for my own information.

What will be the situation, under the bill, of a contractor who undertook, say twelve or six months ago, to execute a piece of public work that may extend over a period of four or five years? Of course, he put in his bid on the basis of ten or eleven hours' work per day. Now you are cutting down the hours to eight. What is to become of him?

Mr. McCLEARY. As we have already an eight-hour law upon our statute books he could not plead ignorance of the law, because he had due notice of it.

Mr. GARDNER. Section 4 of the bill, if the gentleman will examine it, meets precisely the point to which he refers. It is provided there that "nothing herein contained shall apply to any existing contract."

Mr. FLEMING. I am obliged to the gentleman. I wanted to obtain the information.

Mr. FITZGERALD. I would like to ask, Mr. Speaker, whether an amendment could be offered to grade the pay of laborers at so much per hour? I mean with reference to men who are working on Government contracts?

Mr. GARDNER. That could not be done.

Mr. FITZGERALD. I would, if possible, propose an amendment paying them not less than 25 cents an hour, so that no man should receive less than $2 a day.

The SPEAKER pro tempore. The question is on the amendments proposed by the committee.

The amendments were considered, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GARDNER, a motion to reconsider the last vote was laid on the table.

The title of the bill was amended to conform to the amendments agreed to in committee.

Mr. LEWIS of Washington. Mr. Speaker, I should like to ask consent——

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. GARDNER] is entitled to the floor.

Mr. GARDNER. I will yield to the gentleman.

Mr. LEWIS of Washington. Mr. Speaker, the gentleman from New Jersey kindly yields for me to make a request that I be allowed to print some observations on this measure which has just passed.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to print some remarks in the RECORD upon the bill just passed. Is there objection?

Mr. DINGLEY. Let this be limited. Is this for the gentleman himself?

Mr. LEWIS of Washington. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FITZGERALD. I ask unanimous consent that those gentlemen who have spoken upon this bill to-day be given the privilege of extending their remarks.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that those who have spoken upon this bill to-day be given the privilege of extending their remarks in the RECORD. Is there objection?

Mr. MAHON. I do not object to any particular member having that permission, but I do not think we ought to make it general.

The SPEAKER pro tempore. This is for those gentlemen who have spoken upon the bill.

Mr. MAHON. I have no objection to that.

The SPEAKER pro tempore. Is there further objection?

There was no objection.

LABOR COMMISSION.

Mr. GARDNER. Mr. Speaker, I asked a while ago to take up the bill H. R. 4073, and I asked unanimous consent to consider it in the House as in Committee of the Whole. The gentleman from Missouri [Mr. BLAND] then objected, it being on the Union Calendar. That objection is now withdrawn. If there be no other objection, I again ask unanimous consent.

The SPEAKER pro tempore. That would not be in order under the present call of committees, the bill not being on the House Calendar.

Mr. GARDNER. Not by unanimous consent?

The SPEAKER pro tempore. The regular order was demanded, and the House was proceeding with the call of committees, which is the regular order.

Mr. KING. That being so, I call for the regular order.

Mr. SULZER. I hope the gentleman who called for the regular order will withdraw it for the purpose of considering this labor-commission bill. The bill ought to pass to-day. It is a good bill, and there should be no objection to it. I trust there will be none. Let us pass it now and do something for organized labor.

The SPEAKER pro tempore. The regular order is demanded. The call rests with the Committee on Labor.

Mr. FITZGERALD. Who called for the regular order?

The SPEAKER pro tempore. The regular order was demanded by the gentleman from Utah. So the only business in order is the call of committees. The call rests with the Committee on Labor.

Mr. MAHON. How long has the call of committees been on?

The SPEAKER pro tempore. The Chair is informed that it has proceeded for an hour and a half.

Mr. MAHON. Then the gentleman from New Jersey, under the rule, can make a motion to go into Committee of the Whole. I call the attention of the Chair to Rule XXIV:

After one hour shall have been devoted to the consideration of bills called up by committees, it shall be in order, pending consideration or discussion thereof, to entertain a motion to go into Committee of the Whole House on the state of the Union, or, when authorized by a committee, to go into the Committee of the Whole House on the state of the Union to consider a particular bill.

Mr. GARDNER. If it is in order to make a motion, it is in order to consider the bill by unanimous consent.

Mr. MAHON. I move we go into Committee of the Whole for the purpose of considering that bill.

Mr. GARDNER. I move that the committee resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering the bill H. R. 4073.

Mr. KING. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from New Jersey moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of a bill the title of which the Clerk will report.

The Clerk read the title of the bill (H. R. 4073) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

Mr. MOODY. Mr. Speaker, I desire to move an amendment to that motion, if it is in order. My amendment is—

And also to consider House bill 369.

The SPEAKER pro tempore. As the Chair remembers the rule, the amendment extends only to the substitution of another bill, not to the addition of one.

Mr. MOODY. I call the attention of the Chair to the wording of section 5 of Rule XXIV.

To which motion one amendment only, designating another bill, may be made.

Mr. MAHON. But the gentleman ought to have made his amendment to the motion. He can not do it now.

Mr. McMILLIN. Will the gentleman please indicate what is the nature of the bill he desires to have considered?

Mr. MOODY. It is a little bill reported by the Committee on Claims, a small matter. It would not take five minutes.

Mr. SULZER. I make the point of order that the gentleman's motion is too late.

The SPEAKER pro tempore. The Chair thinks the gentleman's motion is not too late. The motion has just been stated to the House.

Mr. SULZER. Then I hope the gentleman will withdraw his motion. I fear if he insists on it, this bill will be defeated.

Mr. DINGLEY. Is the bill to which the gentleman refers on the Calendar of the Committee of the Whole House on the state of the Union? It must be a bill on the Calendar of the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. What is the number of the bill designated by the gentleman from Massachusetts?

Mr. MOODY. There is nothing in the rule which makes it necessary that that bill, offered by way of amendment, should be upon the Union Calendar.

The SPEAKER pro tempore. Is the bill which the gentleman proposes to call up a bill on the Union Calendar?

Mr. MOODY. It is on the Calendar of the Whole House; not on the Union Calendar.

The SPEAKER pro tempore. That would not be in order, then. The rule plainly refers to bills on the Union Calendar. The question is on the motion of the gentleman from New Jersey.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MOODY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4073, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 4073) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

Be it enacted, etc., That a commission is hereby created, to be called the "Industrial Commission," to be composed as follows: Five members of the Senate, to be appointed by the presiding officer thereof; five members of the House of Representatives, to be appointed by the Speaker, and nine other persons, who shall fairly represent the different industries and employments,

to be appointed by the President, by and with the advice and consent of the Senate.

SEC. 2. That it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and to report to Congress and to suggest such legislation as it may deem best upon these subjects.

SEC. 3. That it shall furnish such information and suggest such laws as may be made a basis for uniform legislation by the various States of the Union, in order to harmonize conflicting interests and to be equitable to the laborer, the employer, the producer, and the consumer.

SEC. 4. That the commission shall give reasonable time for hearings, if deemed necessary, and if necessary it may appoint a subcommission or subcommissions of its own members to make investigation in any part of the United States, and it shall be allowed actual necessary expenses for the same. It shall have the authority to send for persons and papers and to administer oaths and affirmations. All necessary expenses, including clerks, stenographers, messengers, rent for place of meeting, and printing and stationery, shall be paid from any money in the Treasury not otherwise appropriated; however, not to exceed $50,000 per annum for expenditures under this section.

SEC. 5. That it may report from time to time to the Congress of the United States, and shall at the conclusion of its labors submit a final report.

SEC. 6. That the term of the commission shall be two years. The salary of each member of this commission appointed by the President shall be $3,600 per annum and actual traveling expenses.

SEC. 7. That any vacancies occurring in the commission by reason of death, disability, or from any other cause shall be filled by appointment of the President of the United States.

SEC. 8. That a sum sufficient to carry out the provisions of this act is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated.

Mr. GARDNER. I have only to say at this time, Mr. Chairman, that this bill is in the same form in so far as it can be, owing to the changed circumstances, this being the middle of the Congressional term, as the Phillips bill of the last Congress. It is in the same form which was agreed to in both Houses, or as nearly so as it can be in the same form at this time. I do not know that there is occasion to say another word. I take occasion at this time, Mr. Chairman, to send up an amendment to the Clerk's desk to meet the point raised by the gentleman from Georgia [Mr. LIVINGSTON] the other morning. It is probable that owing to the fact that some members of this commission, if appointed now or in a month or two, may serve after their terms as Members of Congress or as Senators have expired, where the question of transportation would arise and where it would not have arisen at the end of a Congress; so I offer this amendment to meet the case.

The CHAIRMAN. The Chair understands that there is an amendment proposed by the committee to the amendment of the committee.

Mr. GARDNER. That is not an amendment to the amendment of the committee.

The CHAIRMAN. The amendment which was offered the other day. The Clerk will report the amendment.

The Clerk read as follows:

In line 10, section 7, after the word "pay," insert the words "unless he shall be reelected."

Mr. GARDNER. Yes. I beg to withdraw that amendment and offer the following, which makes this a better bill.

The CHAIRMAN. The gentleman withdraws the amendment proposed and proposes the amendment which the Clerk will read.

The Clerk read as follows:

Page 3, line 4, section 6, strike out the word "and" and insert a period(.), and then insert the words "Each member of the commission shall be allowed;" so that it will read: "The salary of each member of this commission appointed by the President shall be $3,600 per annum. Each member of the commission shall be allowed actual traveling expenses."

The CHAIRMAN. The question is upon the amendment proposed by the gentleman from New Jersey.

The question was taken; and the amendment was agreed to.

The amendment recommended by the committee was read, as follows:

In section 7, line 3, strike out the words "of the President of the United States" and insert "by the officer and in the same manner as was the member whose retirement from the commission creates the vacancy. That in case the term of a Senator or Representative expires while a member of this commission, said Senator or Representative shall not thereby cease to be a member of said commission, but shall serve until the expiration of the term for which he was appointed, drawing pay from the time his term as Senator or Representative expires, at the same salary as those members of the commission appointed by the President of the United States."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. GARDNER. I move that the committee rise, Mr. Chairman, and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY, from the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4073 and had directed him to report the same back to the House with amendments and with the recommendation that as amended it do pass.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GARDNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. GARDNER. Mr. Speaker, the Committee on Labor have reported and directed me to bring up on the first call of the committee but one other bill, the bill H. R. 9334.

The SPEAKER. The call of committees is finished.

Mr. GARDNER. I want to make a statement, Mr. Speaker, and I ask indulgence for one moment. As I was going to say about this bill, it is a bill to prevent the transportation of prison-made goods from becoming a subject of interstate commerce. The committee have investigated that subject. For myself, I am satisfied that bill ought to pass; but I have not here, tabulated and ready, the information which I think this House would have a right to ask for. Now, if the members of the House are satisfied that they are ready to vote on a measure of this kind, I have no desire to delay.

Mr. MAGUIRE. Why do you not ask unanimous consent to bring it up?

Mr. GARDNER. Well, I do not want to do injustice to a measure by bringing it up here at a time when I do not think the committee are prepared to take that care of the bill that they ought.

Mr. MAGUIRE. That is another matter.

Mr. GARDNER. In other words, I would like to develop some method of finding out whether there is any opposition.

Mr. McEWAN. There is none developed.

Mr. SULZER. I hardly think there will be any opposition to this bill. I ask unanimous consent that this bill be now considered. I know all about this bill, and I have no hesitancy in saying it ought to receive the approval of this House. Let us take it up and pass it.

Mr. CANNON. Let us hear the bill read. We do not know what the bill is.

Mr. GARDNER. I am not prepared to offer further measures at all. If there is any opposition to this bill, I would not want to risk it to-day.

The Clerk read as follows:

A bill (H. R. 9334) to protect the free labor from prison competition.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HAY. I object.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 45 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4080) providing for a national exposition of American products and manufactures at the city of Philadelphia for the encouragement of the export trade, reported the same without amendment, accompanied by a report (No. 1348); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the joint resolution of the House (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States, reported the same without amendment, accompanied by a report (No. 1355); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DINSMORE, from the Committee on Foreign Affairs, to which was referred joint resolution of the House (H. Res. 259) to provide for the annexation of the Hawaiian Islands to the United States, submitted the views of the minority, accompanied by a report (No. 1355, part 2); which said views and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EDDY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8739) to authorize a resurvey of certain lands in Cheyenne County, in the State of Nebraska, and for other purposes, reported the same with amendment, accompanied by a report (No. 1359); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 4582) to provide an American register for the steamship *Centennial*, reported the same without amendment, accompanied by a report (No. 1350); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3953) to provide an American register for the steamer *Catania*, reported the same without amendment, accompanied by a report (No. 1351); which said bill and report were referred to the House Calendar.

Mr. DAVIS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2063) to authorize the White and Black River Valley Railway Company to build a bridge across the Black River in Arkansas, reported the same without amendment, accompanied by a report (No. 1357); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9553) in reference to photographing any guns which would give the strength of any fortifications of the United States, reported the same with amendment, accompanied by a report (No. 1358); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8501) for the relief of Corydon G. Crafts, reported the same with amendment, accompanied by a report (No. 1349); which said bill and report were referred to the Private Calendar.

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 351) granting a pension to Charles Howard, reported the same with amendment, accompanied by a report (No. 1352); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7257) for the relief of Rachel T. Abbott, of Wilkesbarre, Pa., reported the same with amendment, accompanied by a report (No. 1353); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2036) to increase the pension of Mary C. Cook, reported the same with amendment, accompanied by a report (No. 1354); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COOPER of Texas: A bill (H. R. 10358) to make available $15,000 heretofore appropriated for the expense of operating a dredge boat at Sabine Pass, Tex.—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT (by request): A bill (H. R. 10359) to raise means to meet public expenses—to the Committee on Ways and Means.

By Mr. BROMWELL: A bill (H. R. 10360) fixing the rate of postage on various classes of mailable matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FARIS: A bill (H. R. 10361) to remove the charge of enlistment in the Confederate army in certain cases—to the Committee on Military Affairs.

By Mr. STOKES: A bill (H. R. 10362) regulating the compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: A bill (H. R. 10363) to amend section 5 of an act approved July 22, 1892, entitled "An act to provide for the opening of alleys in the District of Columbia"—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARLOW: A bill (H. R. 10364) for the relief of Jennie E. Sawyer—to the Committee on Pensions.

By Mr. BLAND: A bill (H. R. 10365) to correct the military record of William R. Miller—to the Committee on Military Affairs.

By Mr. ELLIS: A bill (H. R. 10366) granting a pension to Vincent de Frietas—to the Committee on Pensions.

By Mr. ERMENTROUT: A bill (H. R. 10367) granting a pension to Hannah Dunlap, of Allentown, Pa.—to the Committee on Pensions.

By Mr. HAMILTON: A bill (H. R. 10368) granting a pension to Alexander Purdy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10369) granting a pension to Ellen W. Rice—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 10370) for the relief of Carlos W. Shane—to the Committee on Claims.

By Mr. MAHON: A bill (H. R. 10371) conferring on the Court of Claims jurisdiction with respect to certain claims—to the Committee on War Claims.

By Mr. RAY of New York: A bill (H. R. 10372) granting a pension to Phoebe A. Tennant—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 10373) for the relief of John Eastman—to the Committee on Claims.

By Mr. VINCENT: A bill (H. R. 10374) granting a pension to Mary P. Wiley—to the Committee on Pensions.

Also, a bill (H. R. 10375) granting an increase of pension to Almon R. Blodgett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10376) granting an honorable discharge to Michael Curren—to the Committee on Military Affairs.

By Mr. YOUNG: A bill (H. R. 10377) to pension Martha Loveland—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of James B. Black and other citizens of McKeesport, Pa., protesting against the renewed attack on the present postal service, as proposed in Senate amendments to the Post-Office appropriation bill, striking out $1,000,000 for carrier service and reducing the number of deliveries to not more than four daily in the business centers of large cities—to the Committee on the Post-Office and Post-Roads.

By Mr. BRODERICK: Petition of the Woman's Christian Temperance Union of Oneida, Kans., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of A. B. Harvey and other citizens of Muscotah and vicinity, State of Kansas, favoring the passage of Senate bill No. 3027 and House bill No. 6705, for pure flour—to the Committee on Ways and Means.

By Mr. BRUCKER: Petition of D. E. Prall & Co. and other citizens of Saginaw, Mich., relative to the stamp tax on patent medicines—to the Committee on Ways and Means.

Also, petition of the Cigar Makers' local union of Saginaw, Mich., favoring the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of George Ward Post, No. 398, Grand Army of the Republic, of Brant, Mich., in favor of the establishment of a national park at Stone River, Tennessee—to the Committee on Military Affairs.

Also, memorial of John McNulta and others, relative to the construction of a naval vessel to replace the old U. S. S. *Michigan*—to the Committee on Naval Affairs.

Also, petitions of the Congregational Christian Endeavor Society and the Asbury Methodist Episcopal Church, of Owosso, Mich., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Asbury Methodist Episcopal Church and Congregational Christian Endeavor Society, of Owosso, Mich., praying for the enactment of legislation prohibiting kinetoscope reproductions of prize fights in the District of Columbia and the Territories and the transmission by mail of newspaper descriptions of prize fights—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Congregational Christian Endeavor Society and Asbury Methodist Episcopal Church, of Owosso, Mich., for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of the Congregational Christian Endeavor Society and Asbury Methodist Episcopal Church, of Owosso, Mich., asking for the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia and to forbid the transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petitions of the Asbury Methodist Episcopal Church and Congregational Christian Endeavor Society, of Owosso, Mich., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes—to the Committee on Labor.

Also, resolution of the department of municipal statistics of Boston, Mass., asking for the annual publication of the main features of the official statistics of the cities of the United States having over 30,000 population—to the Committee on Labor.

Also, petition of the American Federation of Musicians, No. 57, of Saginaw, Mich., in favor of (1) the eight-hour law; (2) Senate bill No. 35, relative to use of writ of injunction; (3) Senate bill No. 95; (4) against convict-labor competition—to the Committee on Labor.

By Mr. BURKE: Petition of citizens of the State of Texas, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: Petitions of the Woman's Christian Temperance unions of Lincoln and Nottingham, Chester County, Pa., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Woman's Christian Temperance unions of Nottingham and Lincoln, Pa., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

By Mr. CONNELL: Resolution of the Wholesale Merchants' Association of Scranton, Pa., protesting against additional tax on snuff, tobacco, etc., in stock—to the Committee on Ways and Means.

Also, petition of H. C. Sanderson and 16 other citizens of Scranton, Pa., protesting against the passage of House bill No. 10100, imposing a tax on patent medicines—to the Committee on Ways and Means.

By Mr. DANFORD: Petitions of the Methodist Episcopal Sunday School and Woman's Christian Temperance Union of Freeport, Ohio, favoring bills to raise the age of protection for girls, to forbid the interstate transmission of lottery messages by telegraph, and in favor of a bill to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Freeport, Ohio, for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. ELLIOTT: Resolutions of the Chamber of Commerce of Charleston, S. C., protesting against the reduction of postal facilities, and especially free mail delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. ERMENTROUT: Resolution of the board of directors of the Philadelphia Drug Exchange, Philadelphia, Pa.; Dr. Fegley & Bro., Allentown, Pa.; George F. Metzger, West Bethlehem, Pa.; F. Stearns & Co., Detroit, Mich., and Shoemaker & Busch, Philadelphia, Pa., protesting against the clause in House bill No. 10100 requiring wholesalers and retailers to stamp existing stock of proprietary medicines, etc.—to the Committee on Ways and Means.

Also, petition of the Liggett & Myers Tobacco Company, of St. Louis, Mo., and 75 other tobacco manufacturers, praying for a commission of 7½ per cent on stamps purchased from the Government—to the Committee on Ways and Means.

Also, resolutions of District Assembly No. 49, Knights of Labor, of New York City, against the amendment limiting the free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on the Post-Office and Post-Roads.

Also, petition of August Hohl, of Catasauqua, Pa., against a tax on bottled mineral water—to the Committee on Ways and Means.

Also, petition of H. K. Mulford Company, of Philadelphia, Pa., protesting against the free distribution of hog-cholera serum by the Government—to the Committee on Agriculture.

Also, memorial of the American Anti-Usury Association, of Catasauqua, Pa., A. M. Campbell, general manager, in favor of substitute bill presented at his request to raise means to meet public expenses—to the Committee on Ways and Means.

By Mr. FITZGERALD: Memorials of the Board of Trade of Philadelphia, Pa., and of the Merchants' Association of New York City, against the amendment limiting the free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on the Post-Office and Post-Roads.

Also, petition of tobacco and snuff manufacturers, protesting against additional tax on snuff, tobacco, etc., in stock, and for discount on stamps purchased—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of retail druggists of New Britain, Conn., protesting against the tax on proprietary medicines in the proposed war-revenue bill—to the Committee on Ways and Means.

By Mr. HURLEY: Petition of the New York State Bottlers' Association, of Syracuse, N. Y., against the proposed war tax on bottled mineral water, etc.—to the Committee on Ways and Means.

By Mr. KERR: Protests of Lindsey Bros. and 12 other druggists of Mansfield, Ohio, against the stamp tax on proprietary articles—to the Committee on Ways and Means.

Also, petitions of the Baptist Young People's Union of Martinsburg, Ohio, praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; to raise the age of protection for girls to 18 years in the District of Columbia, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Baptist Young People's Union of Martinsburg, Ohio, asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Young People's Society of Christian Endeavor of Martinsburg, Ohio, asking that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. KING: Affidavit of Frank Harigan, and paper relating to his claim for extra work on sewer at Fort Douglas, Utah—to the Committee on Claims.

By Mr. KITCHIN: Petitions of druggists of Greensboro, N. C.; A. B. Matthews and other druggists, of Durham, N. C., protesting against the passage of Senate bill No. 10100, imposing a tax on patent medicines—to the Committee on Ways and Means.

By Mr. LACEY: Protest of H. W. Jones, of the Park and Outdoor Art Association, against the abolition of forestry reservations—to the Committee on the Public Lands.

By Mr. LITTLE: Petition of many citizens of Kingsland, Ark., protesting against the passage of the Dingley revenue bill—to the Committee on Ways and Means.

By McCLELLAN: Petition of 6 citizens of New York City, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTON of Ohio: Petitions of R. F. Johnston & Sons, J. E. Kern, Park Brothers, Fulton & Graetz, druggists of Bucyrus, Ohio, protesting against the clause in House bill No. 10100 requiring wholesalers and retailers to stamp existing stock of proprietary medicines, etc.—to the Committee on Ways and Means.

By Mr. ROBINSON of Indiana: Petitions of H. B. McCord, of Auburn, Ind., and H. W. Woodhurst, of Fort Wayne, Ind., against stamping druggists' goods in stock—to the Committee on Ways and Means.

By Mr. STURTEVANT: Petition of the Woman's Christian Temperance Union of East Millcreek, Erie County, Pa., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise—to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union of East Millcreek, Pa., and Rundell Grange, No. 871, Patrons of Husbandry, and Young Woman's Christian Temperance Union of Runsdell, Pa., for the passage of a bill to forbid the sale of intoxicating beverages in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. TAYLER of Ohio: Petitions of members of the Christian Church, Presbyterian Church, Baptist Church, Methodist Episcopal Church, and Gurney Friends of Salem, Ohio, to retain the Alaska prohibition law—to the Committee on the Judiciary.

By Mr. YOUNG: Paper of James M. McGee, M. D., to accompany House bill No. 7987 for the relief of Max Muller, late private of Company K, Third United States Infantry—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *May 18, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

CONSULAR REPORTS ON FOREIGN INDUSTRIES AND COMMERCE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Printing:

To the Senate:

I transmit herewith a communication from the Secretary of State, accompanying the annual reports of the consuls of the United States upon foreign industries and commerce. In view of the value of these reports to the business interests of the country, I indorse the recommendation of the Secretary of State that Congress authorize the printing of a special edition of 10,000 copies of the general summary entitled Review of the World's Commerce, and of 5,000 copies of Commercial Relations (including the summary), to enable the Department of State to meet the demands for such information.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *May 16, 1898.*

LIFE-SAVING SERVICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a report from the General Superintendent of the Life-Saving Service touching the facts in the case and the propriety of Congressional action in the matter of acknowledging the claims of W. A. Newell as the originator of the system of Life-Saving Service of the United States; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

SECOND ASSISTANT SECRETARY OF WAR.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a draft of a bill to provide for the appointment, during time of war, of a Second Assistant Secretary of War, who shall be appointed by the President, by and with the advice and consent of the Senate; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 3953) to provide an American register for the steamer *Catania;* and

A bill (S. 4582) to provide an American register for the steamer *Centennial.*

The message also announced that the House had agreed to the concurrent resolution of the Senate providing for the printing and binding of 3,000 copies of the compilation of laws relating to the Navy, Marine Corps, etc.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4073) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital;

A bill (H. R. 7389) limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public work of, or work done for the United States, or any Territory, or the District of Columbia; and

A bill (H. R. 9604) to grant a right of way to the village of Flandreau, S. Dak.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 4566) to provide for the increased volume of work in the Adjutant-General's Department of the Army, due to the calling out of volunteers and increase of the Regular Army; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of the Woman's Christian Temperance Union of Lafayette, Ind., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented memorials of Booe & Booe, of Cayuga; of H. W. Mordhurst, of Fort Wayne; of Floyd & Adams, of Shelbyville; of H. Mehlig, of Tipton; of George W. Waters, of Lowell; of H. C. Cook and W. R. Ramsay, of Mulberry; of Henry L. Loomis, of Union Mills; of Harry Wilson, of Waynetown, and of the Ward Bros. Drug Company, of Indianapolis, all in the State of Indiana, remonstrating against the adoption of the provision in the war-revenue bill requiring the immediate stamping of proprietary medicines in stock; which were ordered to lie on the table.

Mr. LODGE presented a petition of the Board of Trade of Worcester, Mass., praying for the appointment of an international commission to adjust the various subsisting points of difference between the United States and Canada; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Boston Merchants' Association, of Boston, Mass., remonstrating against the proposed reduction in the mail-carrier service in that city; which was referred to the Committee on Appropriations.

He also presented a petition of the Boston Merchants' Association, of Boston, Mass., praying that no change be made in the matter of the tonnage tax; which was ordered to lie on the table.

He also presented a petition of the Young People's Christian Union of Abington, Mass., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Christian Union of Abington, Mass., praying for the enactment of legislation to limit absolute divorces in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Young People's Christian Union of Abington, Mass., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Young People's Christian Union of Abington, Mass., praying for the enactment of legislation to exclude illiterate immigrants; which was ordered to lie on the table.

He also presented a petition of the Young People's Christian Union of Abington, Mass., praying for the appointment of a commission to investigate the labor problem; which was referred to the Committee on Education and Labor.

He also presented a petition of the Young People's Christian Union of Abington, Mass., praying for the enactment of legislation to prohibit the use of the American flag for advertising purposes; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Christian Union of Abington, Mass., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Young People's Christian Union of Abington, Mass., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which was ordered to lie on the table.

He also presented a petition of the Young People's Christian Union of Abington, Mass., praying for the enactment of legislation to prohibit kinetoscope reproductions of pugilistic encounters in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the Young People's Christian Union of Abington, Mass., praying for the enactment of legislation to prohibit the interstate and mail circulation of newspaper descriptions of prize fights; which was referred to the Committee on the Judiciary.

Mr. ROACH presented the memorial of W. S. Parker, secretary of the North Dakota Pharmaceutical Association, of Lisbon, N. Dak., remonstrating against the adoption of that portion of the war-revenue bill that levies a tax on all patent medicines; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 4569) for the relief of E. P. Atwood, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1189) for the relief of Charles Gallagher, and to refer his claims to the Court of Claims, reported it without amendment, and submitted a report thereon.

Mr. PLATT of Connecticut, from the Committee on Patents, to whom was referred the bill (H. R. 9815) appointing commissioners to revise the statutes relating to patents, trade and other marks, and trade and commercial names, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 671) appointing commissioners to revise the statutes relating to patents, trade and other marks, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 6512) granting an extension of letters patent No. 20694 to Mary J. Day, inventor, reported it without amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Claims, to whom was referred the bill (S. 3703) for the relief of George W. Graham, reported it with amendments, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 3576) for the relief of James Grace, reported it without amendment, and submitted a report thereon.

WILLIAM G. FORD.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 4405) for the relief of William G. Ford, administrator de bonis non of John G. Robinson, deceased, submitted a report thereon, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4405) entitled "A bill for the relief of William G. Ford, administrator de bonis non of John G. Robinson, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

SAMUEL M'KEE.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 1288) for the relief of Samuel McKee, to report it without amendment. This is a case where

the House has passed a bill to pay for expenses incurred in a contested-election case, and it has been the custom to allow the House to control those matters. I ask that the bill may be now considered. It is a very short bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Samuel McKee the sum of $1,718, for expenses incurred by him in a contest for his seat in the Fortieth Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs to report a bill, and I ask to have it read and put upon its passage.

The bill (S. 4621) to amend sections 10 and 13 of an act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, was read the first time by its title, and the second time at length, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of an act of Congress entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, be, and the same is hereby, amended by adding at the end thereof the following, to wit: "*And provided*, That officers of the Regular Army shall be eligible for such staff appointments, and shall not be held to vacate their offices in the Regular Army by accepting the same, but shall be entitled to receive only the pay and allowances of their staff rank."

SEC. 2. That section 13 of said act is amended so as to read as follows:

"SEC. 13. That the governor of any State or Territory may, with the consent of the President, appoint officers of the Regular Army in the grades of field officers in organizations of the Volunteer Army, and the President may appoint officers of the Regular Army in the grade of field officers in organizations of the Volunteer Army raised in the District of Columbia and the Indian Territory, and in the regiments possessing special qualifications provided for in section 6 of an act of Congress approved April 22, 1898, and in section 2 of the act of Congress approved May 11, 1898; and officers thus appointed shall be entitled to retain their rank in the Regular Army: *Provided*, That not more than one officer of the Regular Army shall hold a commission in any one regiment of the Volunteer Army at the same time: *And provided further*, That officers so appointed shall be entitled to receive only the pay and allowances of their rank in the volunteer organization."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 237) appointing four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, to report it favorably without amendment. It is a matter of form, I think, but immediate action is usual in this case, and I ask that the joint resolution be now considered.

There being no objection, the joint resolution was considered as in Committee of the Whole. It proposes to appoint WILLIAM J. SEWELL, of New Jersey; Martin T. McMahon, of New York; JOHN L. MITCHELL, of Wisconsin, and William H. Bonsall, of California, members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States for the term of six years commencing April 21, 1898, and until their successors are elected.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 4622) granting a pension to John S. Beaty; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 4623) to ratify agreements with the Indians of the Lower Brule and Rosebud reservations in South Dakota, and making an appropriation to carry the same into effect; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4624) for the allotment of unallotted lands belonging to the Seneca and Quapaw Indians in Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McMILLAN introduced a bill (S. 4625) to regulate insurance in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4626) to change the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4627) to amend section 5 of an act approved July 22, 1892, entitled "An act to provide for the opening of alleys in the District of Columbia;" which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. ELKINS introduced a joint resolution (S. R. 169) to prevent discrimination against graduates of legally chartered medical colleges in appointments in the Army, Navy, and Marine-Hospital Service; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO WAR REVENUE BILL.

Mr. MASON submitted an amendment intended to be proposed by him to the bill (H. R. 10100) to provide ways and means to meet war expenditures; which was referred to the Committee on Finance, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Education and Labor:

A bill (H. R. 4073) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; and

A bill (H. R. 7389) limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public work of or work done for the United States, or any Territory, or the District of Columbia.

The bill (H. R. 9604) to grant a right of way to the village of Flandreau, S. Dak., was read twice by its title, and referred to the Committee on Indian Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 10378) making appropriations to supply deficiencies in the appropriations for the payment of pensions, and for other objects, for the fiscal year 1898, and for other purposes; in which it requested the concurrence of the Senate.

QUARTERMASTER SUPPLIES, ETC.

Mr. HAWLEY. I submit a conference report upon House bill 10121.

The PRESIDENT pro tempore. The morning business is closed. The Senator from Connecticut presents a conference report, which will be read.

Mr. HAWLEY. The report was first presented about ten days ago. It has been considered two or three times. Let the report be read. It is short.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 9, 10, and 11.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, and 14; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "Sixth" and insert in lieu thereof the word "Third;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Add to the end of said amendment as a new paragraph the following:

"*And be it further enacted*, That during the existing war the Bureau of Ordnance of the War Department is authorized to purchase without advertisement such ordnance and ordnance stores as are needed for immediate use, and when such ordnance and ordnance stores are to be manufactured, then to make contracts without advertisement for such stores to be delivered as rapidly as manufactured."

J. R. HAWLEY,
REDFIELD PROCTOR,
F. M. COCKRELL,
Managers on the part of the Senate.

B. F. MARSH,
M. GRIFFIN,
JAMES HAY,
Managers on the part of the House.

Mr. SPOONER. It is difficult for me—I do not know how it may be with other Senators—to understand what modifications have been made by the conference report, as it refers to amendments only by numbers. I should like to have the chairman of the Committee on Military Affairs explain to the Senate fully, if he pleases, just what modifications have been made by the conference committee.

Mr. HAWLEY. The controversy arose over the proposal to repeal section 3709 of the Revised Statutes. I can easily have it read; but I suppose most Senators are very familiar with it. In order to satisfy, if it were possible, the critics, the Senate conferees receded and abandoned the repeal of section 3709, and knowing well the necessities of the Quartermaster's Department and the Ordnance Department more particularly, they substituted, in order to avoid the difficulties complained of and to give relief to the Ordnance Department, the following provision:

That during the existing war the Bureau of Ordnance of the War Department is authorized to purchase without advertisement such ordnance and ordnance stores as are needed for immediate use, and when such ordnance

and ordnance stores are to be manufactured, then to make contracts without advertisement for such stores, to be delivered as rapidly as manufactured.

Those five lines form the essence of the conference report as it stands now.

Mr. GORMAN. Do I understand the Senator from Connecticut in charge of the measure to say that the provision contained in the bill on page 2, lines 8 to 23, has been eliminated?

Mr. HAWLEY. Will the Senator please indicate it?

Mr. GORMAN. It is the provision to which attention was called in the Senate and which was controverted. It is in the original text of the bill, on page 2, lines 8 to 23. It has been passed upon by both Houses, and I did not catch from the reading of the report that that proviso had been stricken out. It provides:

That hereafter no part of the appropriations for the Quartermaster's Department shall be expended on printing, etc.

And then repeals practically the former provision. Is that stricken out of the bill by the conference report?

Mr. HAWLEY. That section is not, I take it. This is what is stricken out: The repealing of section 3709 of the Revised Statutes "so far as the same relates to the bureaus of the War Department, and all branches of the Army." The Senate conferees recede from that amendment striking out so much of section 3709, and leave it upon the statute book, substituting a moderate measure of relief in a new paragraph, which I have just read.

Mr. GORMAN. So the Senate conferees recede from that clause.

Mr. HAWLEY. Repealing section 3709 distinctly.

Mr. GORMAN. I understand the committee of conference have in addition authorized the Ordnance Bureau of the War Department to make contracts without advertisement for ordnance of any class or description, whether for immediate delivery or not.

Mr. HAWLEY. It does what I have read, and I will read it again:

That during the existing war the Bureau of Ordnance of the War Department is authorized to purchase without advertisement such ordnance and ordnance stores as are needed for immediate use—

If the articles be on hand manufactured, there is no difficulty about it at all—

and when such ordnance and ordnance stores are to be manufactured, then to make contracts without advertisement for such stores to be delivered as rapidly as manufactured.

The statutes limit the extent to which a man can contract. He is bound by the sum appropriated, and the law says he shall not go beyond it. The Government is entirely protected, in my opinion.

Mr. GORMAN. Does the Senator mean to say that the door is open for the Ordnance Department to make a contract for the delivery of cannon to be delivered one year or two years hence without advertisement?

Mr. HAWLEY. I do not know what the limitation in the statute is, but certainly the Bureau is not authorized to go two years. But when it must have a certain number of projectiles for cannon, they are not kept in toy shops and there are none on hand. The Bureau knows exactly who will make them, and exactly what it has got to pay, and can not go peddling around in the country for them.

Not more than three or four establishments can make them. The Bureau wants them for the best naval vessels or shore-defense vessels, for 10-inch or 8-inch guns, and must make a contract that they shall work twenty-four hours a day until they furnish enough. We do not want a red-tape tying up of the Bureau under those circumstances. If we have not an honest Chief of Ordnance, let us have him cashiered and turned out. But I tell you in the present circumstances you can not do the business we are trying to do without giving some such power of immediate purchase and immediate contract, day and night work, and the subdivision of some kinds of work, one part to this manufacturer, and another part to that manufacturer, and so forth. I can give the gentleman some information about that, but I will not do it in open session. If he desires, I will ask for a brief secret legislative session and the reading of something interesting.

Mr. GORMAN. I do no tthink that is at all necessary, for my information at all events. I will state all that I am trying to accomplish. I wish to give the Department complete authority to purchase where shell or shot and small arms or large arms are necessary to be acquired immediately—and "immedintely" under the construction of the statute given by the Attorney-General is sixty days—give the Department full authority to purchase anything that they deem necessary to get the Army and Navy in a condition to move. But what I do object to is this provision which, as I understand it, authorizes the Department to contract to the extent authorized by law for the delivery of material one or two years hence without advertisement. There is nothing——

Mr. HAWLEY. Mr. President, I call for a secret legislative session, a short one.

The PRESIDENT pro tempore. Is there a second to the motion?

Mr. SPOONER. I second the motion.

The PRESIDENT pro tempore. The motion is seconded. The Sergeant-at-Arms will close the doors and clear the galleries.

The Senate thereupon proceeded to deliberate with closed doors; and after further debate the conference report was agreed to.

EXECUTIVE SESSION.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and (at 12 o'clock and 58 minutes p. m.) the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened.

HOUSE BILL REFERRED.

The bill (H. R. 10378) making appropriations to supply deficiencies in the appropriations for the payment of pensions, and for other objects, for the fiscal year 1898, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

WAR REVENUE BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the revenue bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

Mr. ALLISON. Mr. President, on yesterday the Senate had reached page 28 of the bill and agreed to the amendment numbered 57, inserting the proviso from line 5 to line 13, in section 17, on that page. I ask unanimous consent that in line 7 there be inserted after the word "telegraph" the words "or telephone."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 17, on page 28, line 7, after the word "telegraph," it is proposed to insert "or telephone;" so as to read:

Provided, That the messages or dispatches of the officers and employees of any telegraph or telephone company concerning the affairs and service of the company, etc.

The amendment was agreed to.

Mr. TURPIE. Mr. President, the war now flagrant imposes upon us the duty of providing an extraordinary revenue to defray the expenses incident to its prosecution. The members of this body have but one purpose, which is to give to our country in its armed conflict with the Kingdom of Spain all the pecuniary and other aid necessary to the successful and auspicious issue of the contest, even to the last man and the last dollar. The differences here between us are only differences of method, differences as to the way in which the common purpose may be effected. Such differences resemble those which occur at the front and in the field with reference to the plan of campaign, with reference to whether a regiment shall be armed with Mauser or with Winchester rifles, with reference to the character of shot and shell or munitions to be furnished to a battle ship.

It is of advantage to the Republic that such differences should obtain. They are the only methods by which you may sift and search the overtures which are made to us. The free discussion here and elsewhere in respect to these differences will be the useful handmaid and companion of all legislation.

It is a very easy thing to say, "The country is at war and we must have money to conduct it, and it is immaterial how we procure the money." It is very easy to say this, but such is not the language of statesmanship; such is not the language even of intelligent and honest politics. It is rather the language of supine indifference and of careless or insolent presumption. An easy and indolent acquiescence in the scheme first proposed, because it is proposed by a particular party or favored by a particular department of the Government, is not evidence of a wholesome condition of public legislative sentiment.

It is very unfortunate, Mr. President, much to be regretted, that in the task now imposed upon us of raising an extraordinary revenue for war purposes we are to have no assistance from the law now in force in respect of the raising of revenue. It must be recollected, however, that the Dingley bill, as that law is commonly called, did not purport to be a measure for revenue. Its friends and promoters claimed that it was a measure for protection; that it would afford protection full and plenary to its beneficiaries. The claim is true. They predicted also that it would bring sufficient revenue for the Government upon a peace establishment. That prediction has not been verified. Indeed, sir, the revenue law commonly called the Dingley bill was not intended to produce revenue, at least for the public Treasury. It was laid out upon different lines; it has already become useless, and, in a sort, unserviceable. It is an excrescence, and has always been an anomaly in our fiscal system. It is one of those offensive tumors which the great dramatist has called "cankers"—"the cankers of a calm world and a long peace."

It is very timely at this juncture to ask the large majority of this Congress to recur once more to the text of the Constitution, that "Congress has power to levy and collect taxes," to ask a

consideration of the fact that levy and collection go together; they are undivided and indivisible, that when a tax is levied which is not to be collected, which is so high as to be uncollectible, when it is levied with the purpose of preventing importation and collection, it is not only an abuse of the power, but a nullification of it, and brings always the result of an inadequate and insufficient revenue. So I think after we have completed the present duties devolved upon us one of the first offices of the American Congress should be to revise the existing law upon the subject of revenue upon such lines, such divisions, such subdivisions, and such brackets as at least to afford money sufficient for the public expenditures in the ordinary peace establishment.

This failed experiment of the Dingley bill has brought to us an aftermath very unpleasant, very disagreeable. This aftermath follows us long; it is not to be gotten rid of; it is found even in this bill to provide revenue for war expenditures. The twenty-eighth section of the bill provides for the issue of a hundred million dollars of Treasury certificates, which shall be paid out for the purpose of defraying public expenditures—public expenditures, not war expenditures—a phrase carefully prepared, inserted, and deliberately retained for covering miscellaneous expenditures, both civil and military. Thus the twenty-eighth section of the pending bill provides a basketful of Treasury certificates, out of which may be supplied the deficiencies which may occur in the present revenue under what is called the Dingley Act.

I have heard the Democratic party charged in this Hall very severely with gross dereliction of duty in the fact that there was during a single month under the Wilson law a deficit in the revenue. We did not deny that deficit: but we had faith in the future of the law, that it would recover its efficiency and prove its power to render revenue sufficient for all purposes in ordinary times. We never resorted, at least, to the expedient presented in the pending bill. We never resorted to the expedient of concealing the deficiencies under the tariff act, and in the guise of public expenditures paying those deficiencies out of the Treasury in the shape of certificates. We have never done that. This bill, however, providing for war expenditures does it in express terms, and it is proposed now in this manner to close the incident of the Dingley deficit.

The first thing which the committee did in beginning the consideration of the pending bill was to call in attendance before it the three Secretaries most conversant with the needs of the Government for money, and asked of them their estimates for war expenditures for the fiscal year commencing on the 1st of July next, for we propose, without determining anything about the duration of the war, to levy taxes, to collect and derive revenue from other sources enough to satisfy any estimates that were made for the conduct of the war for one fiscal year at least; and in the statements of these officers there was very great unanimity. The Secretary of the Treasury said that it would require $25,000,000 a month for the prosecution of the war upon the present armament by sea and land, which made $300,000,000 for the calendar year.

The Secretary of War and the Secretary of the Navy, taking their joint accounts together, concluded as a safe estimate that it would cost $270,000,000 under the same circumstances to prosecute the war and pay its expenses in their Departments, and the $30,000,000 added are added as a provision for probable contingencies. This estimate embraced all the expenses of every kind necessary for prosecuting the present campaign, and embraced the expense of transportation to the Philippines, which was especially mentioned and provided for in these contingencies, and which is the largest item of expense possible to the proportion of the number of men in the campaign. It provided also for the recruitment of the Regular Army up to its full war limit, filling all the skeleton regiments. All of these were embraced in the estimate of $300,000,000 for the next fiscal year.

Mr. President, we are not traveling over any incalculable contingencies or on new ground. We have made the principal campaign once before, the campaign against Cuba. We have taken Havana and Morro Castle and the whole island. I say "we." The British Government did that in 1762. The colonies, our forefathers, contributed a very large quota of the troops employed there. They contributed all the supplies and munitions, both for the fleet and army, of that expedition. Indeed, the seaports of the colonies were used as bases of supplies both for the operation of the fleet and army against Cuba. Florida was not then with us. What is very singular, that campaign occurred in May and June. It was a land attack for the same reasons that this will be a land attack. The harbor of Havana was closed; it was not mined. It was closed by sunken hulks chained together in the channel. The active campaign lasted six weeks after landing, and there was a full possession of the island with all its cities. It was held for a year, when it was re-ceded to Spain.

All the lines of transportation and all the lines of expeditionary armed movement are well known, and the officers of the Army and Navy in charge now of the present expedition. These estimates are closely made as to actual expense, though they are liberally provided for by Congress.

The next question that occurred to the committee was how should the $300,000,000 be raised, and upon that our action was unanimous—$150,000,000 by taxation and $150,000,000 by other means—nor do I recollect now any disagreement with respect to the details of taxation. It is true we made very many amendments, and I think very profitable amendments, to the schedule of stamps and the schedule of excises, but the amendments which we made to the House bill were rather in the way of equality of distribution than of any increase of the amount. The stamps and excises provided up to Schedule B will undoubtedly yield $100,000,000. That is a safe estimate.

The other $50,000,000 the majority of the committee propose to raise by a tax upon corporations generally so called and by a tax upon succession. I was very glad to hear the approval of the honorable and learned Senator from Iowa who now sits next to me of the tax upon succession. It is a new feature in this legislation; the only new feature in it. It is a tax upon accumulation, accumulated capital, accumulated wealth. All the other taxes provided for are taxes upon consumption or upon industrial activity. They are taxes upon money which is being made, the wealth which is being created. Not a dollar is levied by any of these provisions upon money that has been made or wealth that has been accumulated and laid by.

Why should accumulations be exempt? Why ought not they to bear some portion of the burden, some pittance of the load which is put upon the active industries of the country and upon the wages that are being earned and the money which is now being made? I hope, sir, that this provision will receive the almost unanimous assent of the members of this body.

We impose also a tax upon corporations measured by the amount of gross receipts. The honorable and learned Senator from Iowa does not give his approval to that tax, and he makes a variety of objections to it. He says, in the first place, it is a duplication of taxation. Well, I have heard of the objection of multiple taxation, but I never knew that it rested upon lawful grounds. It has been made over and over again and defeated.

The dealers in tobacco and spirits and malt liquors living in incorporated cities pay seven taxes upon the same goods and the same business. Those taxes are paid by the same persons. The cases put by the honorable Senator from Iowa are not multiple taxes at all; they are not duplicate taxes of that description. The case put by the honorable Senator is where goods are sold by one corporation to another corporation and by those to patrons or customers, and each of the holders pays a certain tax. But they are not paid twice by the same person. They are only levied upon the same goods.

That can not be considered duplicate taxation. If it is, we will have to reenact the whole revenue measure upon the commodities of interstate and foreign commerce. When commodities of foreign commerce come into this country, they are once taxed. When they pass into the hands of buyers, they are liable to be taxed again against the buyers, and when they pass into the hands of customers they are liable to be taxed again against the customer. The same goods or goods of either of these varieties are liable to innumerable taxation and systems of taxation upon the same article and commodities, but not upon the same person. Therefore, they are not specimens of multiple taxation. Neither is the taxation provided for in this bill against corporations a real specimen of multiple taxation.

The honorable Senator, however, thinks that this tax will be very burdensome, and he instances 500 corporations in the State of Iowa engaged in various kinds of business. The little corporations would pay a little tax and the greater corporations would pay a greater one. But let us take the instance put by the Senator. Here is a corporation engaged in making butter and cheese. It sells to another corporation of middlemen who supply customers with the same. The Senator from Iowa has forgotten the great practice of apportionment prevailing under all these laws, the apportionment of taxation. For instance, in a stamp tax even upon a conveyance the cost of the stamp is frequently divided. It is apportioned.

In respect to this case, suppose $100 worth of goods are sold by the corporation in the first hand to another corporation engaged in the business, this is what would occur: Half of the tax would be divided between those two corporations. The first would pay 6¼ cents and the second would pay 6¼ cents on a hundred dollars. Both would carry the other 12½ cents over to the customer. Neither would impose any additional burden upon the customer. I speak from actual observation. The retail dealer would make and save the tax by cheapening a little the twine and paper with which he wrapped up his packages. The wholesale dealer would save and make his tax, or most of it, in the same method by an arrangement with respect to his packages.

Twenty-five cents on the hundred dollars is a tax too light, too much attenuated, too thin, to be burdensome to any corporation

or to any person. It was the object of the majority of the committee, out of the immense number of aggregates in detail, to derive a serviceable amount of revenue without excessive burdens imposed upon any corporation or any person.

There is another principle also which the honorable Senator overlooked, unintentionally overlooked, in his estimate of the excessive taxes upon corporations. It is that of the evasion of taxation, the avoidance of taxation. This was the subject of an address made by ex-President Harrison at Chicago last winter, and I suppose it may be lawful to mention it here.

The evasion and avoidance of taxation have called into action in this country a great deal of skill and ingenuity, and they have had very remarkable success, always in the direction of lessening taxation. I have heard it charged in courts of justice before now that corporations were especially expert in this practice of evasion. I do not know whether that is true or not, but I know not only in this country but in others that profession has become almost an expert profession, and that their skill and experience have largely detracted from estimated supplies of the revenue.

Many Senators here have undoubtedly attended a prize show at a State fair or a county fair. They have seen ticketed the prices of prize animals and of prize articles. There is a very remarkable contrast between the ticketed prices and the records of the assessor. The latter are always very much less. You may take the race horse, the favorite of the turf for the moment. One that is ticketed at $10,000 becomes in the presence of the assessor a very ordinary scrub. The moment the taxgatherer comes to the owner, he says: "It is true I have this horse, and I think he is worth to me $10,000. I do not know what he is worth to other people. It is extremely perishable property. He may get a leg broken to-morrow; he may die next day. I have a heavy insurance to carry; and if I must return his cash value on oath, my conscience obliges me to make these deductions." The assessor's rolls do not correspond with the ticketed prices. They never have done so.

In the same manner the large corporations of which the honorable and distinguished Senator has spoken engage in the business of railroad transportation, from which he has taken $9,000,000,000 of gross receipts and from which he has presumed and imagined millions of net revenue. These large corporations, sir, have furnished these figures for census purposes. They were not made for the purposes of taxation. They put them into their compilations with intention not to be for the purposes of taxation; and when it is required of them to furnish gross receipts for the purposes of taxation, it will be found that this dream of overabundance of revenue is a vision.

There is nothing in the bill which excessively taxes either a great or a little corporation in any sense. The only purpose is by this means to derive, as we think, together with the succession tax, $50,000,000, making the $150,000,000 based upon taxation. This is not an excessive estimate; this is a reasonable, safe estimate. We do not believe that from these sources the Government will derive less than $150,000,000 based upon taxes.

Now, sir, the committee, the majority of the committee at least, in the bill report provisions for increasing the revenue otherwise. They have proposed a partially limited coinage of silver, with the usual adjunct of silver certificates as a means of furnishing money for war expenditures.

Forty-two million dollars of silver is in the Treasury belonging to the people of the United States. It is idle—unemployed. It is in the custody of the Secretary of the Treasury, who is so scrupulously careful of this treasure committed to his charge that he has hitherto declined to touch, coin, or handle it. Questioned this morning as to why he does not use it, he would answer that he has no authority to do so without law. Let us, then, give him the authority to do so. Even then he would be loath, very loath, to part with it. He treats the silver reserve even more delicately than the reserve of gold. He is much attached to gold, but he cleaves to silver. Even with the authority to do so, the honorable Secretary would long hesitate, even prefer to issue bonds—$500,000,000 of bonds—according to the provisions of the House bill, bond upon bond, coupon upon coupon, here a million and there a million. He would prefer to tax all flesh from generation to generation rather than to coin money from the silver reserve.

Nevertheless the majority of the committee have thought it wise and necessary to report this measure in behalf of the coinage of silver in deference to the 15,000,000 voters in the United States who at the last Presidential election, in one form or another, in this method or that, expressed their wish for the restoration of silver to the mints.

We have thought it also better to report this provision in deference to that law of the land which engages the Government to coin and use, to use and coin both metals as standard money without discrimination; equality of use being necessary to equality of value; equality of use being essential to that of value and both being alike obligatory.

Many have been the sayings of the wise among our opposition brethren as to the necessity for unity at this time. Here is a place and point of unity. We shall see how far they will come if they will come a single step toward unity at this juncture.

Now, this section has little or no relation to the free and unrestricted coinage of silver. That beneficent doctrine we remit for the present to the broader arena of the hustings and the ballot in all confidence, being well assured that this great measure of relief and reform will become, sooner or later, the permanent policy of our country, and not only of our country, but of the majority of the commercial countries of the world.

The section proposing the issue of $150 000.000 of legal-tender notes is offered as a substitute, strong, pur'e, and steadfast, for the issue of bonds provided for in the House bill. All amendments are not betterments, but this substitute is a distinct, decided improvement and betterment. It will save to the taxpayers of the country millions of dollars in the way of interest. It prevents any addition to the funded or bonded debt of the nation. It prevents the sudden withdrawal of large sums of money from active circulation for the use of the Treasury. It furnishes an increase of the currency in safe, solvent, and honest money, now so much needed. It drives from the field the band of sutlers and camp followers who always follow in the rear of a great campaign, seeking to coin the blood and valor of the country into debentures that will put money in their purse.

Not only shall we, in this method, save a very large amount of annual interest, but we shall also prevent the growth of the influence of the syndicate of national debt upon the legislation and policy of this Republic, an influence wholly selfish, commercial, and ignoble to the last degree, an influence which, as Dunning said in a former generation concerning the influence of the Crown, has increased, is increasing, and which ought to be diminished. It is to the work of the syndicate of the national funded-debt holders that we owe the act strengthening the public creditor, that we owe the law for the demonetization of silver, that we owe the recent unnecessary enlargement of the bonded debt—all the evil consequences everywhere visible of a contracted and diminished supply of currency and an increasing amount of Federal taxation. More tax and less money is a very inferior policy upon which to prosecute a war.

The syndicate of the national debt has not only thus controlled, and always for evil, our domestic legislation, but it has, up to a very recent date, up to the 21st day of April last, controlled our policy in relation to foreign affairs. It resisted to the uttermost, to the last extremity, the recognition of the existence of the Cuban revolution. It preferred prompt payment and good security for the block of Spanish bonds held in its vaults. It preferred this to freedom, to independence, to any form of right or justice. No true friend of the country or of mankind ought to prefer such course of action as will aggrandize this infidel syndicate of national funded debt. It may perhaps be said, but it will be unjustly said, that the provision for the coinage of the silver reserved savors somewhat of partisanship, but the proposed issue of legal-tender notes is entirely devoid of that charge.

During the last war, from 1861 to 1865, these notes were the currency of the country. They even supplanted the subsidiary coin. We had 5, 10, 25, and 50 cent notes redeemable in stamps. The times were excellent—no failures; no assignments; no bankruptcy; intense activity in all industrial pursuits; a large domestic trade; a very large foreign commerce; no difficulty or disturbance of national exchange, and the war brought to a successful and honorable close. It is true, sir, that these notes were for some time at a discount of two or three hundred per cent, a discount entirely brought about by the influence and the action of the gold exchange abiding in the rear, sapping the public credit, and disparaging the national money.

Notwithstanding this, these currency notes rapidly appreciated, they approached par; but after the surrender at Appomattox they became par, because the victory and power of the Union imparted strength to the money of the Union, and because, further, there was a large business area in the Southern States which made an immediate demand for the United States legal currency notes, as large an amount as was then in circulation. These notes were at par and remained at par long before the pretended legislation for contraction and resumption which has falsely claimed the merit of bringing them to par, long before the recent system of selling bonds for gold, and thus strenthening the public credit by an increase of the public debt.

In 1878, just twenty years ago, a very large majority of both Houses of Congress, nearly two-thirds of the Senators and Representatives then in office, voted against the retirement of the United States legal-tender notes and against the further funding or strengthening of the public credit by the sale of bonds. I trust that twenty years afterwards, in 1898, the American Congress will be governed by the same regard as our brethren were a score of years ago to the rights and interests of the people; but, as I said before, the question of this issue is nonpartisan. The record shows that the first act for the issue of greenbacks passed

this body with only 7 dissenting votes. The second and succeeding acts (for $150,000,000 and other still larger sums) for the issue of legal-tender notes passed, many of them, without an objection, and always by a very large majority.

Democrats, Republicans, Independents, men of all parties, united in support of these measures for the issue of United States legal-tender notes. The Secretary of the Treasury, afterwards Chief-Justice Chase, was hailed as a deliverer—as one who, like Moses in the wilderness, had smitten the rock of national resources and had brought forth an abundant flow of supply. I do not know that any man of any party has ever questioned or will ever question the fact that the legal-tender notes so provided for was an ideal war credit, a currency which could be safely relied upon for immediate, constant, instant use in a juncture of emergency like this.

Who shall say, then, that we are forbidden now to use this means of defraying the expenses of the war? What forbids the use of this means to-day? Is it patriotism? No. Is it love of country? No. Is it a desire for a vigorous and successful prosecution of the war and the expulsion of the Spanish dominion from the American Hemisphere? No. None of these forbid a resort to the legal-tender note. It is the intense craving of the syndicate of national debt for coin bonds, which, I fear, are already prepared, pledged, and promised for delivery. That alone forbids it. This subterranean, devious cabal of the bond syndicate wish to guard against anticipated losses upon their Spanish fours by a new investment in this fresh issue of United States bonds.

The proposed issue of legal-tender notes is itself alone of all means of borrowing the most patriotic and the least expensive to the taxpayer. It is a loan, a voluntary loan, without interest, by the people to the Government of $150,000,000 during the next fiscal year for an indefinite period, determinable by the incident of redemption or retirement.

Why should anyone object to this voluntary loan? The five-dollar note and the five-thousand-dollar bond are payable in the same metals, and have exactly the same security and identical guaranties—that is, the ability of the people of the United States to pay taxes. That is what creates the credit of the United States. The credit of the United States, so much spoken of, is an effect, not a cause. That credit does not depend upon the action of banks or bankers; it depends solely upon the people, their capacity and willingness to pay the sums levied by taxation. When the people who pay these taxes are themselves willing to lend their credit to the Government, thus getting rid of the middlemen, so useless and so costly, what is the necessity for bonds at this time or any other?

Something is said in this bill, mention is made in this bill, of a popular loan—a popular loan, not a voluntary loan. No popular loan has ever succeeded unless by the method of a voluntary loan preceding it. The real popular loan is the small bond, and has followed directly the voluntary loan, and has been used as a method of redemption and retirement of the representative money—that portion of it deemed wisest to retire. In this manner the French national debt is owned by France; but that is saying very little. The English national debt is owned in England.

I heard a Senator say the other day, though I doubt the statement, that the United States bonds were owned in the United States. I think there is a great deal of doubt about that. But even if it were true, that is saying very little. This is what has been brought about in France. The French national debt is owned by the people of France. The majority of the people, the 6,000,000 voters of that country—more than half of that number—are holders of French bonds, evidences of the national debt. Of course they are small holders, but they are holders.

One of the most curious publications of this day is a little brochure, entitled Hearings before the Finance Committee, in which we examined the Secretary of the Treasury, or he examined us, with respect to the monetary strength of this country, in which he expressed the opinion that a popular loan—his popular loan—will not be a success—his popular loan with a notice of sixty or ninety days—without the previous increase of the volume of the currency. The Secretary of the Treasury goes on to say that in France the people owned the national debt; but he says our people did not own our national debt—the masses he meant; that "our people have larger opportunities;" that they would not subscribe to a popular loan; that they had savings banks; and he said there were no savings banks in France. I will quote his expressions:

Senator WOLCOTT. Please explain to the committee why you think individuals will not take the bonds.

Secretary GAGE. There are several reasons. In the first place, our people are very different from the French people, if you please, in whose country there are no savings banks. In our country there are 5,000,000 people who have money in savings banks at a general average rate of interest of 4 per cent. The money is available to them at any moment. The temptation and self-interest to invest in 3 per cent bonds and disturb their little balances in the savings banks is not very great.

In France the individual has his money, his little savings, stowed away in a stocking or a sack or a private hoard. It is in cash. It is drawing no interest, generally, and when the Government puts out a loan it is his opportunity. Our people have larger opportunities.

Nobody had said anything about France in this colloquy until the Secretary of the Treasury spoke of it; nobody had mentioned France or the French people. Why did he mention them? Our chancellor of the exchequer had in some manner discovered what I have just stated—that the French people, the French masses, owned the French national bonds; he had discovered that, and he must necessarily find some reason why the people of the United States should not own the bonded debt of the United States. That is the reason of his uninvited and wholly unexpected reference to France and the French people.

What reasons does he give, then, why the people of the United States should not own the debt of the United States? He says "our people have larger opportunities." They have very much larger opportunities. We have more than ten times the amount of territory, of arable tillage; we have twice the population; we have an annual increase of wealth and resources, especially in numbers, not matched by France, not matched by any power in Europe, and there are in this country many fields of new enterprise thoroughly unthought of and, indeed, inconceivable in such an old, settled country as France. Yes, our people have larger opportunities—much larger. But that is only an additional reason why the people of the United States should own the debt of the United States.

The Secretary of the Treasury says another reason why popular loans do not succeed in this country is that we have savings banks here; that 5,000,000 of our people are interested in savings banks. Well, what are the other 70,000,000 people interested in that they would not take a popular loan or propose a voluntary loan? The Secretary says there are no savings banks in France. That is very true. The Secretary does not assert that there never have been any savings banks in France. He could not do that. I have no doubt his knowledge of fiscal history has advised him that the tontine and all other systems of insurance and savings banks originated in Italy, passed rapidly to France, crossed the channel to England, Scotland, and Ireland, and later visited our shores; but now there are no savings banks in France. Why? Because about thirty years ago the Republic of France, that Government recognized by President Grant—the French Government—provided that the people of France should have their savings banks in the national treasury in bonds from $25 upward, not exceeding, I think, $500; and by a later enactment, I understand, up to $1,000.

There are no savings banks in France, because the people prefer to invest in French bonds issued for the national debt; and if the same trouble and the same method had been taken to provide that the people of the United States should purchase the bonds of the United States in like numbers and in like denominations, there would be no savings banks in the United States—not one—for the people will prefer legitimate security to a high rate of interest, and especially small holders will do so.

There are always two important effects of war, no matter when it comes or where. One is suspension of payment; the other is a war credit. The suspension of payment is noticeable here and provided for in this bill as it came from the other House. In the twenty-eighth section of the bill there is a suspension of payment, not only of specie payment, but an absolute suspension of payment to the amount of $100,000,000 for the year or two years therein mentioned. This is an instance of the suspension of payment that has not reached very far yet, and it is not alarming. That is the one usual ordinary incident when war occurs. The next is the war credit.

The question is how to formulate the national resources into monetary issues immediately available for the payment of military expenses. That has always been the question. The most usual method is to issue bonds in large blocks and to sell them; but that is not very old. The oldest national debt is not perhaps over one hundred and fifty years old; and as for the bonds themselves, there are none of them over thirty or forty years old, on account of the constant system of renewal and refunding in vogue. But this system of issuing bonds, for borrowing money, is the most usual system of making a war credit—it is the most usual and the most costly to the taxpayer.

In its effect it is the most undemocratic; it is the most anti-republican; it is the most thoroughly hostile to free institutions; it is the most adverse to liberal or popular government, because the tax imposed by it falls upon the not rich, upon the poor, the very poor. There never has been any other method in this country for the payment of the national debt than taxes upon consumption, taxes upon the family, taxes upon existence and generation, so that as men live or breathe or eat or drink they must pay taxes necessary for the liquidation of the national debt and the interest thereon.

I have served several sessions here, and I have never yet noticed an appropriation bill that did not have a provision in it, running into the millions, for the payment of the interest on the national debt; it occurs regularly every season. There was one Congress

which made no such appropriation. Some one has felicitously called it "the happy Congress." No one in public life now had the honor of a seat in that body. That was in 1836, during the Administration of General Jackson. There was no national debt, and consequently there was no appropriation for its payment. I do not know—I think it is improbable—that any member now in public life will ever be a constituent of an assembly as happy as that one, but I do see in the far future the adoption of a policy which, in the middle of the next century, may allow our citizens to see another session of "the happy Congress."

It is this solution made in France of furnishing a war debt, and at the same time suspending payment by a single instrumentality, a perfect solution made in the Republic of France, when, at the close of the Franco-Prussian war, the war indemnity amounted to a milliard, a thousand millions, and a most terrible and bloody war was waging at the same time in France itself, in its very vitals, the French Legislature provided for an issue of paper, full legal tender, nearly equal in amount to the war indemnity, which, with the gold and silver of the former kingdom and empire, constituted the currency of that time; and having circulated for three years without interest, they did in three years—one, two, three years—make provision, as this was a voluntary loan, for its retirement and redemption by a popular loan, a loan of which I have spoken, giving every taxpayer a chance to get a national bond. Every Frenchman when he pays his taxes knows he is going to get a rebate, a refund, to the amount of the interest on the national bond which he holds. They did that. It was a very remarkable and a very magnificent financial exploit, and entirely successful, both in peace and in war.

Of course, such a measure had great opposition, very great. The metropolitan press were against it; the titled and untitled aristocracy of France were against it; the capitalists of the Republic were against it; the venal and purchasable members of the National Assembly were against it. The Bank of France, the great fiscal organ of the Republic, stood neutral, willing to do, willing to obey whatever legislation was had. That was a great attitude for the Bank of France. The Bank of England never took such an attitude. It is not subject to external control; it is never touched by the popular pulse or will; but the Bank of France stood neutral. All these other forces were against it.

Who were for it? The people of France were for it; the 6,000,000 voters of France were almost unanimously for this system, as were the financiers—three of those were in the cabinet—men who had made a life study of finance, not in respect of their own gains and profits, for they were poor, but with respect to how the war credit could be established without injury to the people, to the masses of voters, and at the same time give abundant resources for military and naval operations. They had made that study, and it was in deference to their opinions that the people of the nation passed the legislation of which I have spoken. I believe, sir, that now would be a most excellent time in this Republic to follow the example of the Republic of France. They rejected altogether the modern system of funded indebtedness, of selling bonds in block to get money; and here I have a definition, taken from a French author, of what interest upon the national debt is. He says:

> It is the price which the people of a government pay for the use of their own money and credit to a syndicate who control legislation for the issue of bonds in behalf of such syndicate.

That is a perfect and faultless definition.

I trust, therefore, as the provision reported by the majority of the committee for the issue of $150,000,000 of legal-tender notes is thoroughly nonpartisan, it having heretofore obtained the support—the earnest, unanimous support—of men of all parties, it having been tried, and successfully tried, by the greatest and sternest of all experience, that we shall now return to that policy.

Mr. President, it may be well enough at present to glance at the parliamentary construction of this bill. The Constitution of the United States empowers Congress to levy and collect taxes. That is one section. In another section it is provided that bills for revenue shall originate in the House of Representatives. In another section Congress is empowered to borrow money on the credit of the United States. All these are separate sections.

In this bill we find two distinct provisions, one ending with the taxation levied, stamps and excises, corporation taxes, and taxes on succession; the other being a provision for the issue of Treasury certificates and for the issue of $300,000,000 of bonds—$500,000,000 in the language of the bill as it came from the House.

Here, then, it will be seen that the revenue portion of this bill could have originated only in the House of Representatives; but the loan portion of this bill, to borrow money, could have originated either in this House or in the other. It is clear enough, then, that the power to borrow money is not an exclusive power of the House of Representatives. It belongs to both branches of Congress, and is separate, distinct, and independent from a bill to raise revenue. Why, then, are the two united in the construction of this bill? Since the other House may make a separate loan bill as their own work and send it here, or we may do the same, vice versa, yet neither can constitutionally put a loan bill as a rider upon a revenue bill—a mere rider. That would be a gross violation of parliamentary and of constitutional law.

It may be well suspected—I dislike to entertain the suspicion very much, but I do entertain it—that this loan rider was put upon the revenue bill granting supplies for the purpose of compelling those who would not vote against the supplies to vote for the bond issue—I suspect that. I may be doing injustice to the framers and authors of this bill; but however that may be—granting that it is somewhat uncharitable—there is one thing sure beyond all suspicion, and that is that the makers and promoters of this House bill were well convinced that the bond issue could not stand upon its own merits; that there was no war necessity for an issue of bonds; that there was no emergency for an issue of bonds; and therefore they attached it as a rider to the revenue bill, to put Congress in duress as to the passage of the provision for the bonds, the revenue bill, providing supplies to the Army and Navy, being used as a force to compel those in this body who are opposed to the issue of bonds, and to compel a bond issue in the absence of any necessity or any emergency. That is very clear. Nothing is clearer, considering the parliamentary construction of the bill.

No man shall excel me, Mr. President, in the desire or effort, here or elsewhere, to bring the existing war with Spain to an honorable and auspicious issue. Every means of aid and comfort should be given to the gallant men who, at the front, by land or sea, are fighting the battles of our country against a public enemy. Yet, oh, how I wish that the glorious flag which they carry to victory should bless those whom it visits as well as those who bear it!

The policy of this Administration with respect to the war remains yet in the mystery of abeyance. The independence of the Cuban Republic, the belligerency of its army and navy, and its million of citizens in their great and successful struggle for freedom are yet unnoticed and unrecognized. We have communication, it is said, with the insurgents. It is an illicit intercourse; in the eyes of international law it is an irregular commerce.

I wish to direct attention at this time to what I regarded as very significant at the time of its utterance—I mean the remarks of the honorable Senator from Minnesota [Mr. DAVIS] respecting the recognition of the independence of the Cuban Republic. It is well to recall the occasion when these remarks were made. They were made on the very edge, the very eve, of action, just on the passage of the first resolution for armed intervention, while we were considering reports of conference committees. It was at such a time that the Senator from Minnesota used this language:

> In regard to the question of the recognition of the independence of Cuba, I think no man doubts. I think no man has any right to doubt, that, as the result of the intervention of this Government, the independence of that republic will follow immediately and that (for its existence must be conceded to be a historical and also a present fact) such recognition will be of the present government, inasmuch as it is well known that 80 per cent of the inhabitants of the Island of Cuba are in its favor.

That language was uttered on the 18th of April last, three days before the declaration of war. Three weeks have now elapsed since the time of this utterance, three weeks since the act of intervention here spoken of by the honorable Senator, who said that the act of intervention would result in the immediate recognition of the independence of the Island of Cuba, yet recognition still lingers, loiters in inaction. There is yet no expression upon that subject.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Maine?

Mr. TURPIE. Not at present, I thank you.

I take this language, sir, to be more than a prediction, uttered as it was during the time we were engaged in voting on the reports of the committee of conference; I take it to be a promise of recognition of the independence of the Island of Cuba. If intervention occurred, it has occurred. The promise of the recognition of independence was made. That promise must be kept.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Maine?

Mr. TURPIE. No; I am much obliged to you.

The PRESIDENT pro tempore. The Senator from Indiana declines to yield.

Mr. TURPIE. Mr. President, that promise must be kept. It must be kept to the hope, not only to the ear. It must be kept in deed, in verity, in truth, in fact. Intervention has come. It is now flagrant. Where is the promise? Where is the recognition of independence? Where is the sign of its coming?

Mr. HALE. Where is the Cuban Government, Mr. President?

Mr. TURPIE. Let me call your attention to a scene of the great dramatist, where Othello amuses the leisure of Brabantio with recounting his wonderful adventures by sea and land, to

hear which the fair Desdemona did most studiously incline and among those perils there was one specially mentioned, that of being taken captive and sold in slavery to the insolent foe. The ruler who attempts to sell the Republic of Cuba or the people of that republic into slavery for the Spanish debt will commit a sin unpardonable, not to be forgiven either in this world or the next.

Now we know what the situation is. The eloquent Senator from Kentucky [Mr. LINDSAY] fully explained that law; not only law, but the American construction of it. If we go down there and take possession of Cuba and hold it for future disposition, we take it as conquerors subject to the debt charged upon the island—subject to the Spanish fours chargeable upon Cuban receipts. If we afterwards transfer it by establishing or recognizing a government in that island, we transfer it only subject to the same debt and the same bondage. How, then, shall we, for our own safety, deal with this international question? There is but one way. It is to recognize the independence of Cuba before the sovereignty of the island rests in us by conquest. That disposes of the question of Spanish bonds, and they will not be disposed of in any other manner.

Mr. President, we shall put our trust in the God of battles, that out of this feebleness, this delay and infirmity, out of this darkness and mystery His omnipotent hand will work great gain to the cause of liberty, a larger room for the feet of freemen, a manifest and final delivery from the system of monarchical oppression and despotism wherever it obtains, and especially in the heretofore Spanish islands of the Mediterranean of the West.

Mr. President, whatever may be his high position in military or civil life, he must be a laggard in perception who looks upon the scope and purview of such an appeal to arms as we have made as a mere occasion for the recital of battles, marches, sieges, or escapes in the imminent deadly breach.

We of the United States have for the last quarter of a century stood by in unmoved silence, hardly even as observers, while one grand division of the earth's surface just south of the Mediterranean has been, from the Isthmus of Suez to the Cape of Good Hope, partitioned, subdivided among the great powers as the first triumvirate divided among themselves the Roman world. We have during the same period beheld aggressions, annexations, and allotment by the same nationalities of the country of the far East. Out of the flame and flash of that heroic, victorious sea fight at Manila we may become more interested lookers-on in the distant Orient.

These present treaty acquisitions of territory will, before the close of the next century, ripen into partitions like those of Africa, which shall include every arable acre from the Caucasus to the Chinese seas. We shall at that time be flanked east and west by great populations adverse and inimical to free and popular government, by the diplomacy of the balance of power as between the European nations, extended and thoroughly applied to Asia and to Africa, by the subtle approach of foreign force and influence, backed by vast armies and navies, who will assure us of their distinguished consideration, but who will entertain the unappeasable hunger for further territorial extension, and will conceive the notion that the doctrine of the balance of power extended upon the European schedule shall at least apply to the little countries of Central America and to certain portions of the east and west coast of South America.

It is, then, for the highest interest of our future peace and safety that these European international aspirations in respect to territorial increment in this hemisphere should now, at this time, be forever barred, foreclosed, and forbidden. Who is to do this? The United States in its history, growth, and development of more than a hundred and twenty years has obtained a conceded supremacy among American governments. We have not assumed this. It has come to us with the time and tide of events. We can not evade, defer, or deny the responsibility of this headship. Over against this world-grasping policy of the balance of power we place and for many years have maintained the doctrine of Monroe, and especially in respect to the Island of Cuba, announced with distinct emphasis in the manifesto of Ostend forty years ago. Let me read this document in the words of its great author:

> In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. With the existing colonies or dependencies of any European power in this hemisphere we have not interfered, and shall not interfere, but with the government who have declared their own independence and maintained it we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

Who believes that Cuba is now an existing colony of Spain, or that it has been such since February, 1895, the commencement of the second period of the war of the revolution? We are thus pledged to consider as an enemy, and we have declared Spain to be an enemy, of the United States, as we would have declared any other power that intervened to oppress the Cuban Republic or to control its destiny in any other manner. I would just as soon recede to Great Britain Staten Island or Long Island as to agree to recede to Spain any portion of the territory of the Island of Cuba.

This was indeed a great declaration. Our action should comport with our words. In so doing we show to the world that we are worthy of that primacy, that ascendency in American polity wherewith we are clothed. All our history in every stage leads up to this high prerogative. All our wars have been fought and won to this end and purpose, reserved to us not by fate or fortune, but by an overruling Providence, guiding our steps and the footsteps of our forefathers, leading kindly on even up to this hour. Every shot fired from the days of Concord and Lexington to those of Gettysburg and Appomattox promoted and foreshadowed this—our ascendency. Every bayonet gleamed with this meaning. That is what the war with Spain means; that is its interpretation and significance. It means the primacy of the United States in the affairs of the American Hemisphere—a disposing and controlling primacy, not to be denied or questioned.

I do not say unto you, "Tell it not." I say tell it, publish it in Gath, in Askelon, in London, Paris, Berlin; in the Winter Palace on the banks of the Neva. Proclaim we have a primacy among the nationalities of the New World. There is but one power in Europe who really apprehends and understands this primacy, who knows what it will cost to deny or to defy it; who knows also how much it would cost us to falter or to fail in its maintenance. There is only one Government in Europe which has challenged this primacy and has resorted to the arbitrament of the sword to annul and abrogate it. Spain is the first, and it will be the last European Government to take this course. It is a nation not only at war against us, but against liberty, against humanity, against the civilization of the age.

There can be but one issue of such a quarrel. Liberty intrenched in this continent will here prevail. In this faith we have already subdued kingdoms, wrought righteousness, more than once closed the mouth of the lion, and we may curb and conquer more powerful enemies than Spain. The victory that shall crown our arms will not be our success alone. It will be the triumph of even-handed justice over those ancient Bourbons of the Escurial, who have in the waste and lapse of centuries learned nothing of good and forgotten nothing of evil. These malign offenders have attempted to crush human freedom. They themselves will be subjected to a great and exceeding overthrow.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

The reading of the bill was resumed, beginning with section 18.

The next amendment of the Committee on Finance was, in section 18, page 28, line 15, after the word "stamp," to strike out "duties" and insert "taxes;" and in line 18, after the word "stamp," to strike out "duties" and insert "taxes;" so as to make the section read:

> SEC. 18. That all the provisions of this act relating to dies, stamps, adhesive stamps, and stamp taxes shall extend to and include (except where manifestly inapplicable) all the articles or objects enumerated in Schedule B, subject to stamp taxes, and apply to the provisions in relation thereto.

The amendment was agreed to.

The next amendment was, in section 19, page 28, line 21, after the word "ninety-eight," to strike out "no" and insert "any;" in line 21, after the word "person," to strike out "or persons, firms, companies, or corporations" and insert "firm, company, or corporation that;" on page 29, line 2, after the word "as," to strike out "enumerated and mentioned" and insert "provided for;" and in line 4, before the word "before," to strike out "duty" and insert "tax;" so as to read:

> SEC. 19. That on and after the 1st day of June, 1898, any person, firm, company, or corporation that shall make, prepare, and sell, or remove for consumption or sale, drugs, medicines, preparations, compositions, articles, or things, including perfumery and cosmetics, upon which a tax is imposed by this act, as provided for in Schedule B, without affixing thereto an adhesive stamp or label denoting the tax before mentioned, etc.

The amendment was agreed to.

The next amendment was, in section 19, page 29, line 4, after the word "mentioned," to strike out "and in default thereof shall incur a penalty of $100" and insert "shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than $100 nor more than $500, or be imprisoned not more than six months, or both, at the discretion of the court."

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Finance.

Mr. GORMAN. I desire to call the attention of the distinguished Senator in charge of the bill to the provision on page 29. I notice that among the provisions passed yesterday there is a similar amendment reported by the Committee on Finance, making the penalty for failure to place on the stamp, in payment of the internal-revenue tax, fine and imprisonment.

Mr. CHILTON. Fine or imprisonment.

Mr. GORMAN. Fine or imprisonment; very good. It provides

that it shall not exceed six months, at the discretion of the court. That runs through practically all of the provisions where stamps are required to be put on instruments of writing; and I suggest to the Senator that that is a very extreme penalty to be inflicted for the mere failure to put on a stamp in any one of these cases.

In the matter of proprietary medicines and manufactures, it is possible that it might be enforced without any great hardship; but when you come to notes, deeds, instruments of writing of any sort, it is different. Heretofore it was found that the only proper penalty was a fine, not making the instrument void, but imposing a penalty that could be corrected at any time by going to a collector of internal revenue and paying the additional tax. There was no difficulty at any time in enforcing it. There was no fraud ever claimed in that respect. Take the case of a note. Every note, draft, duebill, or order of every description is required to have on it a stamp. A great many people in the country will not be aware of this provision, and they will be brought up.

All of them probably will not be prosecuted and brought before a court, but let me call attention to the provision found in the act of 1866, when we had had some experience in this matter. I think it modified the previous act. It provided in all of these cases simply a fine and the ability to correct the mistake at any time; and I suggest to the Senator that that ought to be the provision here. I think the only exception, so far as I have been able to ascertain, is in the matter of corporations. You there impose a fine only and no imprisonment, but in every individual case the provision as it stands with this clause will work a great hardship. I have myself had some experience in the administration of a law of this character. I have known hundreds of cases, yes, thousands of cases, with country people, where they were not aware of it, did not have facilities to get the stamps, and failed to put them on.

No record could be made of a paper of that sort, and all they had to do was to go before the collector of internal revenue or any other officer in charge and pay the additional amount, and in that case, where we were in distress for money, authority was even given to remit the penalty where no intention to evade the law was shown. It does seem to me you are taking a very long step backward when you provide for imprisonment in any such case.

Mr. ALLISON. I am perfectly willing to consent that the words inserted on page 15, section 5, shall be inserted here—"with intent to evade the provisions of this act."

Mr. GORMAN. I think the provision of the House is the provision of the old law of 1866, and I think it runs back further than that; it certainly was the law from 1866 to the repeal of that act, and I think it was in the beginning. This penalty is too severe. There is no necessity for it. In these times there is no use to threaten our people, on account of a mere failure to put on a stamp, with imprisonment. The fine as provided in the House bill is precisely the same as in the act of 1866, and it was always found to be sufficient.

Mr. GRAY. What is the penalty in the bill as it comes from the House?

Mr. GORMAN. The words the committee propose to strike out on page 29.

Mr. GRAY. I see.

Mr. GORMAN. "And in default thereof shall incur a penalty of $100."

Mr. WHITE. Will the Senator from Maryland permit me?

Mr. GORMAN. With pleasure.

Mr. WHITE. I think in line 7 the words "not less than one hundred" ought to be stricken out. I think it was intended to strike those out.

Mr. ALLISON. I have already marked those words to be stricken out.

Mr. WHITE. The object in view, I think, was not to provide an excessive penalty, but to insure the enforcement of the law. Under the old provision the person in default must pay a penalty of $100. Under the new provision, with the amendment just referred to by the Senator from Iowa, it would be discretionary with the court whether he should pay $1 or $5 or $500. There may be cases—there are in almost all other classes of legislation—where the person in default would be in such a position as to resist the collection of the fine; and wherever a penalty of any sort is imposed in any law, there is usually a corresponding provision requiring imprisonment, which is really intended to enforce the fine. Under the House provision the party would pay necessarily a hundred dollars. Under the Senate amendment he might pay $1 or $500.

Mr. GORMAN. That is a criticism which I am glad to hear the Senator make, but I want to say to him that the experience of the Department and the Government has not shown it necessary to threaten our people with imprisonment in any case. As I have said, at the time when we taxed everything, and when we had collectors and assessors of internal revenue in every Congressional district north of the Potomac, when there were from one to five in every county constantly going around and assessing all sorts of things and the people had perfect notice of it, even then you had only this provision:

SEC. 158. *And be it further enacted*, That any person or persons who shall make, sign, or issue, or who shall cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever, or shall accept, negotiate, or pay, or cause to be accepted, negotiated, or paid, any bill of exchange, draft, or order, or promissory note for the payment of money, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this act, shall, for every such offense, forfeit the sum of $50, and such instrument, document, or paper, bill, draft, order, or note, not being stamped according to law, shall be deemed invalid and of no effect: *Provided*, That the title of a purchaser of land by deed duly stamped shall not be defeated or affected by the want of a proper stamp on any deed conveying said land by and person from, through, or under whom his grantor claims or holds title: *And provided further*, That hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon at the time of making or issuing the said instrument, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or if said instrument be lost, to a copy thereof, he or they shall appear before the collector of the revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of $50, and where the whole amount of the tax denoted by the stamp required shall exceed the sum of $50, on payment also of interest, at the rate of 6 per cent, on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such instrument or copy, and note upon the margin thereof the date of his so doing, and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid, to all intents and purposes, as if stamped when made or issued: *And provided further*, That where it shall appear to said collector, upon oath or otherwise, to his satisfaction, that any such instrument has not been duly stamped at the time of making or issuing the same by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamp, or to evade or delay the payment thereof; then and in such case, if such instrument, or if the original be lost, a copy thereof, duly certified by the officer having charge of any records in which said original is required to be recorded, or otherwise duly proven to the satisfaction of the collector, shall, within twelve calendar months after the 1st day of August, 1866, or within twelve calendar months after the making or issuing thereof, be brought to the said collector of revenue to be stamped and the stamp tax chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid, and to cause such instrument to be duly stamped. And when the original instrument, or a certified or duly proved copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon the payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument has been corrected pursuant to law; and the original instrument or such certified copy or the record thereof may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped: *And provided further*, That in all cases where the party has not affixed the stamp required by law upon any instrument made, signed, or issued, at a time when and at a place where no collection district was established, it shall be lawful for him or them or any party having an interest therein to affix the proper stamp thereto, or, if the original be lost, to a copy thereof; and the instrument or copy to which the proper stamp has been thus affixed prior to the 1st day of January, 1867, and the record thereof, shall be as valid to all intents and purposes as if stamped by the collector in the manner hereinbefore provided. But no right acquired in good faith before the stamping of such instrument or copy thereof and the recording thereof, as herein provided, if such record be required by law, shall in any manner be affected by such stamping as aforesaid.

But there never was found in the law any provision for imprisonment or for going before a court and dragging in the people in all these cases; and in every county of every State men will be found looking up these cases and harassing our people, bringing them before the courts, and no man can tell what the Federal judges will do now.

I submit, if we passed through the great rebellion without such a provision, it ought not to be inserted here, particularly as in the matter of great corporations you have left them free from any threat of imprisonment. It ought to be eliminated from every provision in reference to individuals.

Mr. WHITE. I desire to attract the attention of the Senator from Maryland to the fact that there is a clause in this very measure which provides for placing upon the instrument the stamp and the payment of a penalty. For instance, on page 23, it says:

Or, if said instrument be lost, to a copy thereof, he or they shall appear before the collector of internal revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law and of a penalty of $10, etc.

Mr. GORMAN. From what page does the Senator read?

Mr. WHITE. Page 23. That is the very provision in this bill, and it has not been eliminated.

Mr. GORMAN. If the Senator will follow up the penalty, he will find that in each one of these cases you have made this the penalty:

Shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than one hundred nor more than five hundred dollars, or be imprisoned not more than six months, or both.

Mr. WHITE. I understand. That does not cover the case alluded to by the Senator from Maryland. The general proposition which the committee was endeavoring to get at, as I understand, was to provide not an oppressive system. In the special instance referred to by the Senator from Maryland, on page 29, the bill as reported by the House, as in the former law, provided absolutely for the payment of $100. I think where there is an inadvertence there should be practically no fine at all; and for that reason I would not go so far as to say that it should be absolutely a hundred dollars. In that respect the amendment of the committee

was faulty. But I would leave it to the discretion of some one to ascertain whether there was a willful desire to evade the law.

Again, there are cases, too, where you can not collect any money, for the person may defeat you upon execution; and in that case there ought to be reserved some sort of penalty, whatever it may be deemed proper to reserve, to bring about the enforcement of the statute. I do not think a hundred dollars absolutely would be a good thing.

Mr. COCKRELL. Does the committee amendment make it absolutely not less than a hundred dollars?

Mr. WHITE. The Senator from Missouri probably did not hear what was said a moment ago. I called the attention of the Senator from Iowa to the fact that the words "less than one hundred nor," which were ordered to be stricken out in committee, have got in here, by inadvertence, and that they were withdrawn by the committee on the floor a few minutes ago, so that now the maximum is fixed and not the minimum, as is usual in misdemeanor sections.

Mr. COCKRELL. What is the language the Senator from Iowa proposes to strike out? It has not yet been stricken out.

Mr. ALLISON. I propose, in line 7, page 29, to strike out the words "less than one hundred nor." They are in the bill by inadvertence.

Mr. MILLS. Let the provision be read as proposed to be amended.

The SECRETARY. In line 7, page 29, it is proposed to strike out "less than one hundred nor;" so as to read:

Shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than $500 or be imprisoned not more than six months, or both, at the discretion of the court.

The amendment to the amendment was agreed to.

Mr. ALLISON. I propose to insert what was inserted on page 15 yesterday, "with intent to evade the provisions of this act." I would suggest one word to the Senator from Maryland as I am up. This penalty in the House bill and in the act of 1866 is a positive penalty, requiring the Government to initiate the proceedings. As was just now stated by the Senator from California, in case it turns out that there can be no recovery, it is a proceeding that is valueless, whereas if it is in the form of a misdemeanor it is very easy to punish, in the discretion of the court, in a limited way the person who is guilty. So my judgment is that the provision as it stands here now is a wiser and better one for the Government, and certainly it will not be oppressive upon anyone who does not intend to evade the provisions of the law.

Mr. WHITE. I might call the attention of the Senator from Iowa to a fact also in this connection. As far as these penalties affect the nonplacing of stamps upon instruments such as deeds, mortgages, notes, and so on in some of the States of the Union—in nine, for instance—the supreme courts have held that Congress has no power to limit or affect in any way the rules of evidence in State courts, and instruments which are unstamped, where the Federal statute even declared them invalid and declared them to be not evidence, they have permitted to be introduced and received in evidence, and they did in those cases have all the effect of stamped instruments, though the law with reference to them had not been complied with. Hence it seemed as if it were necessary, especially in jurisdictions where that view was entertained, that there should be some method, mild, but certainly adequate, to enforce the statute.

The PRESIDENT pro tempore. The Senator from Iowa has suggested another amendment to the amendment.

Mr. ALLISON. After the word "mentioned" I move to insert "with intent to evade the provisions of this act."

The amendment to the amendment was agreed to.

Mr. GORMAN. I move to strike out, in lines 8 and 9, the words "or be imprisoned not more than six months, or both."

The PRESIDENT pro tempore. The Senator from Maryland moves an amendment to the amendment, which will be read.

The SECRETARY. After the word "dollars," in line 8, page 29, strike out the words "or be imprisoned not more than six months, or both."

Mr. GORMAN. Let the whole clause be read as it will read if amended.

The Secretary read as follows:

Shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than $500, at the discretion of the court.

Mr. CHILTON. Mr. President, it does not seem to me that the amendment proposed by the Senator from Maryland is wise. The section to which the amendment is proposed refers entirely to the subject of perfumeries, cosmetics, medicines, and preparations of that kind. A man in the country, unused to stamping notes, receipts, and other papers referred to in the document schedule, might make or receive an instrument without thinking of the stamp, and it would be improper to subject him to the penalties which might by possibility be imposed under this law. But these reasons can hardly apply to the case of a man who manufactures or sells perfumeries, medicines, and things of that sort.

It seems to me that it would be injudicious to weaken the sanctions of this particular clause, because the very men who will be subject to it are men who must necessarily be more or less familiar with the revenue laws and accustomed to the business of stamping the manufactures which they produce or sell. I think it would be shortsighted to strike out entirely the imprisonment alternative in this particular section.

Mr. GORMAN. Mr. President, I stated a moment ago that in the case of manufacturers there is a stronger reason for this provision if you want to introduce into the law a provision that has never heretofore been found necessary. If we have reached a point where you want to take all these cases into court and make business for the lawyers and the judges and what not, well and good, if you apply it alone to the manufacturers. The Finance Committee of the Senate have in every provision of the bill inserted it except one, and that is where we are to deal with railroads and require them to put stamps upon bills of lading. There you have provided for nothing but a fine. You have provided for no imprisonment. No such provision has been inserted as you have applied to the rest.

If it is thought that you can not enforce this law by the ordinary machinery of the Department if it is applied to the great manufacturers, well and good; but I do insist that in the matter of stamps required to be put on notes, bonds, checks, and what not, dealt in by all the people of this country, it would be a great outrage to retain such a provision. I think it is an outrage in any case.

Mr. ALLISON. If the Senator from Maryland will allow me, I will state that the same rule applies to bills of lading that applies to everything in Schedule A. There is no attempt here in favor of any class of people. The railroad companies are required to put stamps upon bills of lading, and they are not only required to do that, but to make those bills of lading in every instance; and if they fail to put a stamp on a bill of lading, they are subject to the same penalties as other people.

Mr. SPOONER. If the Senator will allow me, I ask him why it would not be fair to provide, as suggested by the Senator from Maryland, that on conviction of the first offense the person shall pay a fine of not less than $100 nor more than $500, and that on conviction of a second offense he shall pay that fine with the additional penalty of imprisonment?

Mr. WHITE. Does the Senator propose to move that amendment?

Mr. SPOONER. No; but I ask why it would not be a good amendment?

Mr. ALDRICH. It is all in the discretion of the court.

Mr. SPOONER. But the point made is that it ought not to be in the discretion of the court to fine or imprison on the first offense. It has been thirty years or more since our people had to put stamps on papers.

Mr. GRAY. Mr. President, I do not believe that the imprisonment feature of this penalty is necessary. I do not think you will find any State law seeking to enforce provisions of a like kind where they deal in penalties of imprisonment. In fact, I believe that all our Federal laws are unnecessarily severe as compared with our State laws in every section and chapter of crime. The Federal laws are infinitely more severe. They are, I think, in all cases unnecessarily severe, and in some cases they are cruelly severe. I think we can get along and enforce this law reasonably without the imprisonment feature at all. The court will, of course, when it imposes the fine, commit it to the custody of the marshal, and the fine and costs will have to be paid.

Mr. GORMAN. I think if the Senator from Iowa will look on page 41, he will find that I am correct. On page 40, beginning at line 22, is the provision, under the subhead "Express and freight," which makes it the duty of every railroad or steamboat company, express company, etc., to put a stamp upon any bill of lading, etc. I read, beginning at line 10, on page 41:

Any failure to issue such bill of lading, manifest, receipt, or other memorandum shall subject such railroad company, carrier, express company, or corporation or person to a penalty of $50 for each offense.

Mr. ALDRICH. The Senator from Maryland certainly misapprehends the language there or he has not read it carefully. That is a penalty for not issuing a bill of lading.

Mr. GORMAN. Yes.

Mr. ALDRICH. The penalty for not putting a stamp upon one when issued is a penalty which is applied in another way.

Mr. GORMAN. But it is the same thing precisely.

Mr. ALDRICH. I beg the Senator's pardon. That is simply a provision that every railroad company must issue a bill of lading, and failing to do that, it must pay a fine of $50. As to what the penalty shall be for failing to stamp it after issued is another question entirely.

Mr. GORMAN. I do not know that there is any great force in that. A constituent of mine in a country district is required to put a stamp on a note for the purchase of a horse. If he fails to do so, he is liable to be taken 100 miles or 300 miles from his home,

brought up before a United States court, and fined in the discretion of the court or imprisoned. I suggest to the Senator that at no time in the history of the country, no matter how great the stress, has any such provision ever been made, and there is no necessity for it now.

I want to say that we passed over yesterday, while I happened to be absent, one or two sections that are to apply to this vast country of seventy millions of people; and when we get the bill into the Senate I shall certainly move to strike them out. If the Senators in charge of the bill think that persons ought to be threatened with imprisonment and fine and brought up in the courts, you will have a hundred thousand cases, probably. This tax will be made as odious as possible. While I am in favor of penalties as a means of paying a fair proportion of this war tax, I do not believe that in this day and at this time and under these conditions such extreme penalties ought to be imposed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Maryland to the amendment.

Mr. CULLOM. Let the Secretary state the amendment.

The SECRETARY. In line 8, page 29, amend the amendment by striking out the words "or be imprisoned not more than six months, or both."

Mr. CULLOM. I wish simply to say that in my judgment those words are not necessary in the bill.

Mr. CHILTON. Mr. President, I wish to call attention again to a distinction between the case of stamps on instruments and stamps on medicines. The handlers of patent medicines are people who do a great deal of business, and naturally they will be conversant with the stamp law and the amount of the stamp tax. On the other hand, the parties who give receipts and small notes may have few business transactions and are largely unaccustomed to judicial proceedings.

There is undoubted force in what the Senator from Maryland suggests with respect to the punishment for failure to affix stamps under Schedule A, but as applied to the section of the proposed law which punishes the failure to affix stamps to proprietary medicines, I do not think it would be wise to go to the length which he proposes. There has been already stricken out the fixed pecuniary penalty of $100. We have adopted a more liberal pecuniary limit than the old law permitted. We fix no minimum, while the old law fixed a certain fine of $100.

Now, to go beyond this and withdraw from the judge the discretionary power of imprisonment, as for a misdemeanor, might encourage evasions of the statute. It must be remembered also that in the case of stamp duties on documents there is an additional penalty which does not apply to the stamp duty on proprietary medicines, and that is that the document itself is put under the ban if the stamp is not upon it. The effect of the amendment proposed by the Senator from Maryland will be to leave a heavier penalty upon the man who fails to affix a stamp to a little promissory note than upon the man who fails to affix a stamp to a proprietary medicine.

Mr. GORMAN. I propose to strike it out.

Mr. CHILTON. But you still leave the document subject to objection as evidence.

Mr. GORMAN. No; I do not.

Mr. CHILTON. But the old law, which is reproduced in this bill, refused to admit in evidence an instrument that had no stamp upon it.

Mr. GORMAN. If the Senator will examine the old law, he will find that any man could correct it by going to the collector of internal revenue and paying for the stamps with a reasonable penalty.

Mr. CHILTON. That is in this bill also.

Mr. GORMAN. But he was not threatened with imprisonment.

Mr. CHILTON. In a case of inadvertent omission to affix the stamp the old law and this bill alike afforded a remedy, but in case of a willful evasion your amendment will result in more lenient treatment of the man who fails to put the stamp upon a proprietary medicine than of the man who fails to stamp a note. It is provided that the note shall be rejected from record and as evidence in court. No such penalty as that can be applied to proprietary medicines.

The effect of the amendment of the Senator from Maryland will be, as I said, to put the proprietor of medicines on a better ground than the man who willfully fails to stamp a note or receipt.

Mr. GORMAN. I have no such intention. I was rather unfortunate in my statement, if the Senator from Texas misunderstands the situation. That is not my contention at all.

Mr. CHILTON. I did not say that the Senator contended for that result. I was merely pointing it out.

Mr. GORMAN. No; I have no idea of doing it. The section which the Senator refers to was passed upon in my absence, as I stated, as reported by the committee, and for the first time the committee of which the distinguished Senator from Texas is a member provides that a man who simply fails to put a proper stamp on his note can be brought up before a United States court and fined and imprisoned. I want to go back and correct that. I want to make the same rule apply to everybody, because I do not believe it is necessary. I want to relieve this proposed law of what I think is an outrageous provision.

Mr. ALDRICH. I should like to ask the Senator from Maryland if he thinks it is an outrage for a manufacturer convicted before a court of an intention to evade a law of this kind to be imprisoned not exceeding six months, at the discretion of a court of the United States, if the manufacturer does so deliberately and with intent to defraud the Government of the United States? It seems to me that is hypercriticism. That is the way it strikes me.

Mr. GORMAN. I may be all wrong about it. As I said a moment ago, there may be some reason why you should take a manufacturer and in an extreme case, such as the Senator suggests, impose a heavy fine on him. I have never known of a case where imprisonment was necessary to enforce the law and to have good government. I have seen in my time, in the administration of the law, 5,000 people brought up from their homes hundreds of miles and dragged before United States commissioners, United States collectors, and the courts, but never, however, with such a stringent provision as the one under consideration.

In administering, myself, in a large part of the State of Maryland the law of 1866, I have seen honest, earnest farmers who were not observant of all of the provisions of the law give notes and instruments of writing and fail to get a stamp, although at that time, as I have said, they only had to ride to their county seat or write a letter to one of the internal-revenue officers, of whom there were from one to five in every county, practically, in the old States of the Union; and yet 5,000 cases of that sort came up and the expense and annoyance to them was greater than anything I have ever known in the way of interference with business interests.

There was not a single man on this floor in 1880 who would have advocated such a tax or any tax like it. It was by common consent agreed both by Republicans and Democrats that so great was the annoyance and so expensive to the people that the first thing to do was to wipe out this stamp tax as soon as the revenues of the Government were sufficient to do it. We all agreed to its repeal. The Democratic text from the very beginning up to the close of the war was that we should dispose of this class of tax, which is annoying and destructive to our people.

Now, I say to the Senator from Rhode Island if the corporations have become so bad since 1866 that the same penalties which were then in force are not sufficient, place what you please upon the corporations that have business control, so that there is no excuse for their failure to put on stamps. If you think it is necessary, if you think it is wise, put on your imprisonment clause. But what I desire I have called to the attention of the Senate now, because this is the first opportunity I have had. I want to go back and relieve the people of the country from such a burden. I do not want to see such officers as we have throughout the Union, all partisans, making cases and bringing our people into the United States courts, for that will be the effect of it. They will not be brought to a collector of internal revenue any longer, but will be dragged into court.

Mr. MILLS. And make costs.

Mr. GORMAN. And make costs, making the officers rich with their fees and impoverishing our people. No war with Spain, no amount of expense that the existing war will cost, will compensate for such a provision as this, in my judgment.

Mr. JONES of Arkansas. Mr. President, I agree very fully with the suggestion made by the Senator from Maryland as to all the cases mentioned by him. But the section under consideration does not apply to that class of people. The section under consideration applies to manufacturers who fail to put the stamps on their goods. Under the law referred to by him there was an imperative fine of $100 imposed in every such case. There was absolutely no discretion allowed. A fine of $100 had to be imposed and to be paid when there was a failure to place the stamps on the goods.

The pending bill, as proposed by the committee, allows a wider discretion. It permits a man, where a charge is made that there is a failure to put a stamp on the goods, to be fined in any sum not exceeding $500 or imprisonment at the discretion of the court, where there has been a willful violation of the law, where the judge presiding says that the intention has been to swindle the Government, where it has been done for the purpose of making money to evade the payment of a tax that is justly due the Government. The judge may, if he sees fit, impose a penalty of imprisonment or he may impose a fine. It may be a penalty of 1 cent, or $1, or $5, or $100, or $500. It simply leaves a wider discretion to the court in the cases of these corporations where they fail to put the stamps on the articles that are required by the law.

Mr. MILLS. What is the limit to the penalty of imprisonment?

Mr. JONES of Arkansas. Not more than six months. It may be one minute or one day. It simply provides a wider discretion to the court than existed under the old law.

Mr. President, I do think it was an unpardonable outrage that a man who by accident failed to put a stamp on a package of goods should be compelled by an infernal informer to pay a hundred dollars to the Government whether there was any intention to do wrong or not. I do not believe the old law was wise in that respect; I think it ought not to be repeated here on the statute books; but I do believe there should be a difference between men who erroneously, by accident or oversight, make a mistake and men who deliberately go about swindling the Government.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Maryland to the amendment of the committee as amended.

Mr. GORMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Mr. President, I shall vote against striking out that imprisonment clause as applied to this particular class of cases. I shall vote with the Senator from Maryland [Mr. GORMAN] and the Senator from Arkansas [Mr. JONES] in regard to the other provision, where a penalty is inflicted upon persons who may not have the opportunity of knowing the law and understanding its effect. There is, however, no excuse in this particular case; but I think the class of persons mentioned here, if they deliberately and willfully, with the intent to swindle the Government, fail or refuse to affix the stamp provided, ought to suffer the penalty; and I think the penalties here imposed are mild compared with what ought to be imposed for maliciously and intentionally violating the law.

Mr. MILLS. Mr. President, I think the penalties imposed in this bill are extremely excessive, and especially in this instance. There is great force in the remark made by the Senator from Delaware [Mr. GRAY] a while ago, that there is a very great difference in trying a citizen before a Federal court and trying him before a State court. In the first place, the State courts are held in the vicinity where the defendant resides, where his character is known; he is tried before his own people; he is tried where it is easy to procure evidence. That is not the case in the Federal courts, for then the defendant is carried away from his home, is kept away from his home, is tried before strangers, and is tried where it is difficult to get evidence in support of his contention.

This is a question which turns upon a man's intention. Who is to try that? Is it to be tried by the court alone, or is it to be tried by a jury? This offense is incomplete unless the defendant willfully and intentionally did this thing. Who is to try that intention? Upon whom is the burden of proof? What sort of testimony is to be admitted that is to fix the status of the offense?

Mr. ALDRICH. The burden of proof is plainly upon the Government. The act must be done with the intention of evading the law.

Mr. MILLS. What sort of testimony would you admit? Here comes up a case where a bottle of paregoric is sold without a stamp, and for that offense a penalty is proposed of six months' imprisonment and $500 fine.

Mr. COCKRELL. Not unless the man manufactured the article.

Mr. MILLS. I do not care whether he is a manufacturer or a user.

Mr. FAULKNER. This section covers not only the manufacturer, but the wholesale and retail dealer.

Mr. MILLS. I do not care who the man is. I simply want to put on record before the Senate my statement that the penalty is far in excess of the culpability of the offense. Besides that, I believe it is provided that the Federal judge can impose this penalty; and I want to call the attention of the Senate to some facts which, perhaps, some of our Southern people have not forgotten.

I remember seeing vast numbers of men dragged to a Federal court in my State—my colleague will remember it—for neglecting to cancel the stamps on old whisky barrels or on other articles, the stamps on which were required by law to be canceled. What was the result?

Informers came down there amongst our merchants seeking to find old whisky barrels having upon them stamps not canceled. They took one street in my town and went from one end of it to the other, and they took my people and carried them off to court, and they were indicted with these penalties hanging over them. That was not the end of it. The district attorney, who had them indicted, said he could not try them then, though they said, "We have our witnesses here and we want a speedy trial." They were kept there, and he would not try them until it was convenient for him to do so; and they were held there for weeks until they were obliged to compromise at the dictation of the district attorney and consent to be blackmailed before they could get out of the clutches of the Federal law.

This is the distinction between a trial before a Federal court and a trial before the district court of the State in which the offense is charged to have been committed; and I think this penalty ought to be stricken out.

Mr. WHITE. Mr. President, of course very many abuses creep into the administration of all departments of jurisprudence. So far as I am personally concerned, my contact with judges of the Federal courts has happily been of a different nature from that described by the Senator from Texas [Mr. MILLS]. Indeed, I have found that defendants in my part of the country can get a speedier trial in a Federal court than they can anywhere else. Still, that has nothing to do with the queston now before us.

There are differences, as has been said by the Senator from Arkansas [Mr. JONES], of a very marked character with reference to the various sections under which penalties have been annexed or affixed; but here is section 19, which provides:

> That on and after the 1st day of June, 1898, any person, firm, company, or corporation that shall make, prepare, and sell, or remove for consumption or sale, drugs, medicines, preparations, compositions, etc.

So it refers to those who shall make, prepare, and sell.

Mr. COCKRELL. And only to those.

Mr. WHITE. Certainly. That is, it is a conjunctive, and not a disjunctive.

Mr. FAULKNER. I will ask the Senator from California, as the Senator from Missouri seems to doubt my statement, whether or not that does not include not only manufacturers, but wholesalers and retailers as well?

Mr. WHITE. In my judgment it does not, unless you say that a retailer is a man who makes, prepares, and sells. Of course he may manufacture something and sell it.

Mr. FAULKNER. The section also says:

> Or remove for consumption or sale, drugs, medicines, preparations, etc.

So that it includes the retailer and wholesaler.

Mr. CULLOM. Every class.

Mr. GORMAN. It includes everybody.

Mr. CHILTON. I am inclined to think the Senator from West Virginia is right about that.

Mr. CULLOM. There is no doubt about it.

Mr. JONES of Arkansas. It seems to me, if the Senator from California will allow me, that the disjunctive conjunction "or" connects the words "sell," or "remove for consumption or sale." If the article is manufactured and sold, or manufactured and removed for sale, then the offense occurs, for this disjunctive conjunction connects the word "sell" and the word "remove." The language is "sell, or remove for consumption or sale." It does not make a man liable for the simple act of selling.

Mr. FAULKNER. If the Senator from Arkansas will look at the bill on page 58, amendment No. 175, which carries out the very provision here, he will see that it expressly includes wholesale and retail dealers.

Mr. WHITE. That is readily explained. Of course a retailer may be a manufacturer; but the proposition to which I arose is not connected at all with the point made by the Senator from West Virginia. We are confronted, I think, by a situation of this kind: If we are going to pass a statute which is to be enforced regarding those who are honest and is not to be enforced regarding those who are dishonest, very well; I can understand the force of this contention. But here is a case not where any injured innocent is to appear, but where the law requires that the act shall be deliberately done; and if it is difficult to prove that it is deliberately done, so much the better for the accused; and if he deliberately violated this law, and the party violating it is not to be subjected to a punishment which will amount to anything, it is well to say so, and we can trust to that honesty, which I believe will cover a multitude of drugs, as it is said to cover a multitude of sins in some directions, and let the law be enforced as to those who are willing to pay. In this event, I presume that several Senators who have spoken upon the subject will wish to revise their calculations as to the amount of revenue to be collected under this bill when it becomes a law.

Mr. CHILTON. I wish to make one further suggestion. Possibly the Senator from West Virginia [Mr. FAULKNER] is correct in the idea that this statute applies to the man who sells, though this construction is not clear; but suppose it does so apply? Senators in discussing this particular section point out abuses which they claim will grow up under a totally different section. The Senator from Maryland [Mr. GORMAN] talks about this being an unprecedented sort of punishment. He is entirely mistaken. Take the case of a package of smoking tobacco under existing law. If a man should not put a stamp upon it, he is liable to fine or imprisonment or both.

Let the little storekeeper sell a package of tobacco worth only 15 or 25 cents, and he is now liable to fine or imprisonment. Yet the Senator from Maryland argues the case as if this was a new departure in our Federal jurisprudence, as if nobody had ever been punished by imprisonment before for similar misdemeanors. Why should a man who makes or sells an unstamped package of smoking tobacco be subjected to a heavier penalty than a man who makes and sells a bottle containing some patent nostrum?

I can not see any reason for that distinction. I think there is a reason in the case which the Senator from Maryland describes, and I will cheerfully vote with him when we go back to that sec-

tion of the bill to ameliorate the amendment so far as it applies to stamps to be affixed to instruments.

Mr. ALDRICH. If the Senator will allow me, section 19 merely applies to manufacturers of these articles. Section 21 applies to other persons who may sell the articles after they are manufactured. The provision beginning in line 3, page 31, is:

> Or any other person who shall sell, send out, remove, or deliver any article or commodity, manufactured as aforesaid.

This section applies solely to manufacturers of these various articles.

Mr. CHILTON. Be that as it may, the point I make is that it is no more a hardship to the man who makes or sells patent medicines than to the man who makes or sells a package of tobacco.

The PRESIDENT pro tempore. The Secretary will call the roll on the amendment proposed by the Senator from Maryland [Mr. GORMAN] to the amendment of the committee as amended.

The Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. Smith]. If he were present, I should vote "nay."

Mr. HANNA (when his name was called). I am paired with the Senator from Utah [Mr. RAWLINS]. I therefore withhold my vote.

Mr. MALLORY (when his name was called). I am paired with the junior Senator from Vermont [Mr. PROCTOR], and therefore withhold my vote. If he were present, I should vote "nay."

Mr. PETTUS (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL].

Mr. THURSTON (when his name was called). I am paired with the Senator from South Carolina [Mr. TILLMAN], and therefore withhold my vote.

Mr. TURPIE (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL], who is absent from the Chamber, and therefore I withhold my vote.

Mr. WELLINGTON (when his name was called). I have a general pair with the Senator from North Carolina [Mr. BUTLER], and therefore withhold my vote.

The roll call was concluded.

Mr. TURPIE. I am informed that the Senator from Vermont [Mr. MORRILL] with whom I am paired would, if present, vote "nay" on this question. As I vote in the same way, I will take the liberty of recording my vote, and vote "nay."

Mr. MANTLE. I inquire whether the Senator from Virginia [Mr. MARTIN] has voted?

The PRESIDENT pro tempore. The Chair is informed that the Senator has not voted.

Mr. MANTLE. Then I withhold my vote, as I am paired with that Senator.

Mr. GEAR. The Senator from Nebraska [Mr. THURSTON] is paired with the Senator from South Carolina [Mr. TILLMAN] and I am paired with the Senator from New Jersey [Mr. SMITH]. I suggest to the Senator from Nebraska that we transfer our pairs, so that we may both vote.

Mr. THURSTON. With the understanding just had with the Senator from Iowa [Mr. GEAR], I will record my vote. I vote "nay."

Mr. GEAR. I vote "nay."

Mr. BURROWS (after having voted in the negative). I am paired with the Senator from Louisiana [Mr. CAFFERY] who is not present, and therefore I withdraw my vote.

Mr. DANIEL. I beg to inquire if the Senator from North Dakota [Mr. HANSBROUGH] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. DANIEL. I am informed that I am at liberty to vote on this question notwithstanding my pair, and I vote "nay."

Mr. WILSON. My colleague [Mr. TURNER] has been called away from the Senate Chamber. He stands paired with the Senator from Wyoming [Mr. WARREN]. I do not know how my colleague would vote if present.

The result was announced—yeas 26, nays 27; as follows:

YEAS—26.

Allen,	Faulkner,	McMillan,	Roach,
Bacon,	Frye,	Mills,	Spooner,
Bate,	Gorman,	Money,	Turley,
Berry,	Gray,	Murphy,	Vest,
Clay,	Hale,	Nelson,	Wetmore.
Cullom,	Lindsay,	Pasco,	
Elkins,	McLaurin,	Perkins,	

NAYS—27.

Aldrich,	Fairbanks,	McBride,	Teller,
Allison,	Foraker,	McEnery,	Thurston,
Carter,	Gear,	Pettigrew,	Turpie,
Chilton,	Hawley,	Platt, Conn.	White,
Cockrell,	Heitfeld,	Platt, N. Y.	Wilson,
Daniel,	Jones, Ark.	Pritchard,	Wolcott.
Davis,	Lodge,	Shoup,	

NOT VOTING—35.

Baker,	Hanna,	Martin,	Rawlins,
Burrows,	Hansbrough,	Mason,	Sewell,
Butler,	Harris,	Mitchell,	Smith,
Caffery,	Hoar,	Morgan,	Stewart,
Cannon,	Jones, Nev.	Morrill,	Tillman,
Chandler,	Kenney,	Penrose,	Turner,
Clark,	Kyle,	Pettus,	Warren,
Deboe,	Mallory,	Proctor,	Wellington.
Gallinger,	Mantle,	Quay,	

So Mr. GORMAN's amendment to the amendment was rejected.

Mr. GORMAN. Mr. President, under the arrangement made yesterday, so as to save time in the discussion of this matter hereafter, I ask now, while it is fresh in our minds, that we go back to page 15, section 5, which is the beginning of the provisions in regard to adhesive stamps. There the Senate by a vote struck out the House provision for a fine of $50 and imposed a fine of $500. The section as it came from the House read as follows:

> SEC. 5. That if any person or persons shall make, sign, or issue, or cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever, without the same being duly stamped for denoting the tax hereby imposed thereon, or without having thereupon an adhesive stamp to denote said tax, such person or persons shall, upon conviction thereof, be fined not exceeding $50, and such instrument, document, or paper, as aforesaid, shall be deemed invalid and of no effect.

The Senate struck out the words "upon conviction thereof, be fined not exceeding $50" and inserted a provision that they should be deemed guilty of a misdemeanor and subjected to fine or imprisonment, or both, at the discretion of the court. I move to reconsider the vote by which the amendment was adopted, or rather, as is suggested to me, I ask that the vote may be taken on the imprisonment clause.

Mr. JONES of Arkansas. I ask that there shall be order in the Senate and that the Secretary shall read the section proposed to be amended, so that the Senate can understand the question.

The SECRETARY. It is proposed to amend the committee amendment, in section 5, line 3, on page 16, after the word "dollars," by striking out "or be imprisoned not more than six months, or both."

Mr. GORMAN. No; I want to strike out the entire provision inserted by the Senate, so as to restore the House provision.

The PRESIDENT pro tempore. The Chair will inform the Senator from Maryland that that was amended as in Committee of the Whole. The Secretary will state the amendment which was made as in Committee of the Whole.

The SECRETARY. The Senate, as in Committee of the Whole, in section 5, page 15, line 25, after the word "shall," struck out the words "upon conviction thereof, be fined not exceeding $50," and in lieu thereof the following was inserted:

> Be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than $500, or be imprisoned not more than six months or both, at the discretion of the court.

A further amendment was made after the word "tax," in line 24, on page 15, by the Senate inserting the words "with intent to evade the provisions of this act;" and a further committee amendment was adopted after the word "shall," in line 5, on page 16, by striking out "be deemed invalid and of no effect" and inserting "not be competent evidence in any court."

Mr. GORMAN. I understand I have a right under the agreement made to have another vote on the amendment, and I desire to have that, so as to endeavor to have the amendment voted down which provides for a fine not exceeding $500 and imprisonment for not more than six months, which will permit the language of the bill to stand as it came to us from the House of Representatives, that any person who fails to affix the stamp required by law shall, upon conviction, be fined not exceeding $50.

Mr. CULLOM. Does the Senator believe that is sufficient?

Mr. GORMAN. I do; and that was the old law, which was enforced, and there was never any trouble about enforcing it. Besides that, the fine ought to be remitted if the act was not done intentionally.

Mr. JONES of Arkansas. The Senator does not mean to offer an amendment to amendment No. 36, in section 5, does he?

Mr. GORMAN. I do not.

Mr. CULLOM. I think the fine ought to be greater than $50, I should be willing, so far as I am concerned, to strike out the imprisonment clause from the provision adopted as in Committee of the Whole, but not to reduce the amount of the fine.

Mr. ALDRICH. An amendment has already been adopted by the Senate to this section which makes these penalties apply only in cases where the intent to evade the law is shown. As the bill came to us from the House of Representatives there was no such provision, and I ask the Senator from Maryland whether he desires to go back and use that language all the way through the sections, and have a penalty of but $50 apply in all cases, whether intent to defraud was shown or not?

Mr. GORMAN. I think the House provision is ample in all these cases. At all events, it is in this case, in my judgment. I do not propose by my amendment to affect amendment No. 36, covering the last two or three lines of section 5; but I desire a vote on the imprisonment clause of the section.

Mr. COCKRELL. I ask the Secretary to state where the words "with intent to evade the provisions of this act" were inserted.

The SECRETARY. After the word "tax," in line 24, on page 15, the Senate, as in Committee of the Whole, inserted the words "with intent to evade the provisions of this act."

Mr. BACON. I beg to suggest to the Senator from Maryland that he will accomplish the same purpose by simply striking out the words "five hundred dollars" in the Senate amendment and inserting "fifty dollars." He will then preserve the phraseology suggested by the Senate committee and accomplish the same purpose; and then he can move to strike out the clause in regard to imprisonment.

Mr. GORMAN. I have no objection to that, and I will modify the amendment to that extent.

Mr. ALDRICH. I suggest to the Senator from Maryland that he make that modification.

Mr. GORMAN. I have agreed to do so.

The PRESIDENT pro tempore. The Secretary will state the amendment of the Senator from Maryland as modified.

The SECRETARY. It is proposed to amend, on page 16, section 5, after the word "than," at the end of line 2, by striking out "five hundred" and inserting "fifty."

Mr. GORMAN. Then strike out the words "or be imprisoned not more than six months, or both."

The SECRETARY. It is also proposed, in line 3, after the word "dollars," to strike out "or be imprisoned not more than six months, or both, at the discretion of the court;" so as to read:

Such person shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine of not more than $50.

Mr. ALDRICH. I think the Senator from Maryland, on further consideration, will not propose that amendment. This section applies to stamps to be affixed to all kinds of instruments. For instance, a railroad company might be required to affix stamps amounting to $5.000 on a mortgage for $500,000, and would be subjected to a penalty of but $50 if they did not do it. It seems to me that that is going to a greater extreme than the Senator from Maryland intends to go. If he wants to restrict this to a fine alone and to reduce it below $500, I hope he will suggest a penalty somewhere near commensurate with the character of the offense.

Mr. GORMAN. I have no objection to the Senator, if he desires—he seems to dwell very largely upon corporations to-day—afterwards offering an amendment to this section providing that in cases of corporations they may be fined or imprisoned just as he sees proper.

Mr. ALDRICH. I only made a suggestion.

Mr. GORMAN. I understand the Senator's suggestion, and it was very shrewdly made, with a view to catch the popular idea that everything must be against corporations; but there are 70,000,000 people in this country who will be affected by this provision as it stands, and they are not corporations, but are the people who will suffer; they are the people who will, ignorantly and without knowledge, violate the provisions of this law and be dragged by Federal officials to the courts. We shall then have Government officials whose fees will be immensely swollen by this provision; and the power they will be able to exercise can not be measured in words. Now, if the Senator desires to make a special provision to cover corporations—which I know he is most anxious to do—he can very easily draft such a provision. What I am after now is to save the great masses of our fellow-citizens, who would be annoyed beyond measure by the enactment of this proposed legislation.

Mr. HALE. Let me ask the Senator if he believes under this provision that 5 per cent of these transactions would be by corporations?

Mr. GORMAN. No; I do not.

Mr. HALE. Would not almost all of them be individuals and not corporations, as the Senator says, who might be caught without a knowledge of the law? And really the question of corporations does not practically come in.

Mr. GORMAN. It does not.

Mr. ALDRICH. Perhaps I was unfortunate in using the words "railroad companies" in connection with this section. I suggested railroad companies because the railroad companies are about the only people who would give a mortgage on which $500 or more would be required in stamps. I take it for granted that neither the Senator from Maryland nor myself nor any other Senator in this body would be likely to give a mortgage which would require on it $500 worth of stamps.

Mr. HALE. I suppose it will be the rarest case in the world that an intentional violation of this law will be found. There will be some cases, not many, where by inattention, inadvertence, possibly ignorance, there may be infractions of the law.

Mr. ALDRICH. I suppose the Senator must have read the bill carefully. Is he aware that those cases are all provided for in other sections of the bill and are not covered by this section at all? This section only applies to intentional evasions of the law.

Mr. HALE. I know; but that is all technical. Everybody who has been a prosecuting officer knows that in many cases there is what would technically be called deliberation, knowledge of the law, when in truth and in fact there is ignorance and inattention. My experience is that almost all these penalties are made too large. They do not tend to enforce the law so well as moderate penalties would do.

Mr. BACON. While, as stated by the Senator from Rhode Island [Mr. ALDRICH] some moments ago, the burden of proof is on the Government, I desire to suggest that still in the trial of the question of intention the burden of proof would really be upon the defendant, because the presumption is that he knows the law, and the burden of proof would undoubtedly be upon him to show that he did not know it.

Mr. WHITE. I think it is evident that it is the sense of the Senate that as to matters of this kind and several others referred to by the Senator from Maryland the imprisonment section should go out; but I wish to call the attention of the Senator from Maryland to the fact that when this amendment is made just as he wishes it and if the House provision shall stand as it now stands, still the defendant will be dragged to court and witnesses will be brought there, and all those evils will take place, the only difference being in the extent of the punishment that may be inflicted. All the remainder of the annoyance will be present. I have stated my view as to this matter, but I do not think it worth while to go into any considerable insistence upon it.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maryland will be stated.

The SECRETARY. It is proposed to amend the committee amendment on page 16, line 3, by striking out the words "five hundred" and inserting "fifty," and after the word "dollars," in the same line, by striking out "or be imprisoned not more than six months, or both."

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment, to strike out "five hundred" and insert "fifty."

The amendment to the amendment was rejected.

Mr. GORMAN. I move to amend the amendment by striking out "five hundred" and inserting "one hundred," and on that I ask for the yeas and nays.

The VICE-PRESIDENT. Does the Senator from Maryland desire the vote taken on that amendment before the vote on the other part of the amendment is taken?

Mr. GORMAN. Yes.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 3, page 16, it is proposed to strike out "five" and insert "one;" so as to read "$100."

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment which has been stated.

Mr. GORMAN and Mr. BACON called for the yeas and nays, and they were ordered.

Mr. MALLORY. I should like to inquire if the other part of the amendment to the amendment is also included in this motion?

The VICE-PRESIDENT. It has not been acted upon yet.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. GEAR (when his name was called). I make the same transfer of my pair that I made before, and will vote. I vote "nay."

Mr. HANNA (when his name was called). I am paired with the junior Senator from Utah [Mr. RAWLINS], and withhold my vote.

Mr. MALLORY (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. MANTLE (when his name was called). I am paired with the junior Senator from Virginia [Mr. MARTIN], and therefore withhold my vote.

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER]. I should vote "yea," if he were present.

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Delaware [Mr. KENNEY], and therefore withhold my vote.

Mr. PETTUS. I have a general pair with the senior Senator from Massachusetts [Mr. HOAR].

Mr. SEWELL (when his name was called). I again announce my pair with the Senator from Wisconsin [Mr. MITCHELL].

Mr. THURSTON (when his name was called). The transfer of pairs which was made by the Senator from Iowa [Mr. GEAR] during the last roll call continues, and I will vote. I vote "yea."

Mr. WELLINGTON (when his name was called). I have a general pair with the Senator from North Carolina [Mr. BUTLER], and therefore withhold my vote.

The roll call was concluded.

Mr. McLAURIN (after having voted in the affirmative). I have a pair with the Senator from North Carolina [Mr. PRITCHARD]. I observe that he is out of the Chamber, and therefore withdraw my vote.

Mr. DANIEL (after having voted in the affirmative). I beg leave to withdraw my vote. I thought the Senator from North Dakota [Mr. HANSBROUGH] was here. I observe that he is not in the Chamber, and therefore withdraw my vote.

The result was announced—yeas 30, nays 16; as follows:

YEAS—30.

Allen,	Faulkner,	Money,	Spooner,
Bacon,	Frye,	Murphy,	Thurston,
Bate,	Gorman,	Nelson,	Turley,
Berry,	Hale,	Pasco,	Vest,
Carter,	Lindsay,	Perkins,	Wetmore,
Clay,	Lodge,	Platt, N. Y.	Wilson.
Cockrell,	McBride,	Roach,	
Elkins,	McMillan,	Shoup,	

NAYS—16.

Aldrich,	Davis,	Hawley,	Teller,
Allison,	Fairbanks,	Heitfeld,	Turpie,
Chilton,	Foraker,	McEnery,	White,
Cullom,	Gear,	Platt, Conn.	Wolcott.

NOT VOTING—42.

Baker,	Hanna,	Martin,	Quay,
Burrows,	Hansbrough,	Mason,	Rawlins,
Butler,	Harris,	Mills,	Sewell,
Caffery,	Hoar,	Mitchell,	Smith,
Cannon,	Jones, Ark.	Morgan,	Stewart,
Chandler,	Jones, Nev.	Morrill,	Tillman,
Clark,	Kenney,	Penrose,	Turner,
Daniel,	Kyle,	Pettigrew,	Warren,
Deboe,	McLaurin,	Pettus,	Wellington.
Gallinger,	Mallory,	Pritchard,	
Gray,	Mantle,	Proctor,	

So Mr. GORMAN'S amendment to the amendment was agreed to.

Mr. GORMAN. I move to strike out the words indicated in line 3.

The SECRETARY. After the word "dollars," in line 3, page 16, it is proposed to strike out "or be imprisoned not more than six months, or both."

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment which has been stated.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GORMAN. On page 21, line 4, after the word "dollars," I move to strike out the words "or by imprisonment not exceeding six months, or both."

The amendment was agreed to.

Mr. GORMAN. On the same page, line 18, after the word "dollars," I move to strike out "or by imprisonment not exceeding six months, or both."

The amendment was agreed to.

Mr. GORMAN. On page 23, line 13, after the word "dollars," I move to strike out "or by imprisonment not exceeding six months, or both."

The VICE-PRESIDENT The question is on agreeing to the amendment proposed by the Senator from Maryland.

Mr. ALLEN. The vote was taken on the last amendment before I had an opportunity to obtain the floor. In each of these cases, as I recall it, the penalty is incurred for a willful failure to affix a stamp. I do not believe it is wise to take off all penalties for an intentional violation of the law. I contended yesterday, and I think rightly, as I would contend at any time, that a mere inadvertent or ignorant failure to affix a stamp ought not to be punished if the party is required to make the Government whole; but I do not believe the bill, if it is to become a law, should be robbed of all its penal features, especially those features which impose a penalty for a known, open, willful, flagrant violation of its provisions. There is a great deal of difference between an innocent, inadvertent failure to observe the law and a known, open defiance of its provisions.

While I am willing, so far as I am concerned, to take out all the penal features of the proposed act so far as it can be done with safety, I do not think it should be robbed to the extent of making it inoperative.

Mr. ALDRICH. It is very evident that the Senate intends to make these amendments, but I should like to enter a protest, a feeble one, against taking out of the bill all the penalties where fraud is obliged to be proved before a person can be punished. In this particular case, it is the transfer of stock, and where there is a willful intent to violate the law, the penalty is to be stricken down. We had better not pass the bill at all than to pass an act which has no penalties to punish a violation of its provisions, especially a violation where the intent must be proved as in a case like this.

Mr. ALLEN. Or where intent is conceded.

Mr. ALDRICH. Where it is conceded.

Mr. TELLER. Where there can be no mistake about it.

Mr. ALDRICH. Where there can be no mistake about it.

Mr. FAULKNER. Where is the clause in relation to intent?

Mr. PLATT of Connecticut. In line 10, page 23, and the clause beginning in line 17 provides that if a mistake is made, the paper can be taken to the proper officer and stamped.

Mr. FAULKNER. As I understand this section, it covers any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A.

Mr. ALDRICH. Registrations or transfers.

Mr. FAULKNER. Any at all. Therefore it is as broad as Schedule A, and every argument that applies to that schedule applies to this, it strikes me.

Mr. ALDRICH. It only applies to transfers of these articles and not the articles themselves, simply transfers on the stock exchanges or anywhere else, and the violation must be willful, and the intent must be proved.

Mr. WHITE. In addition to that, as I had occasion to remark some time ago, the proviso that the documents shall be deemed invalid and of no effect in many jurisdictions will not amount to any penalty at all. So that the $50 will be the maximum that will be inflicted.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maryland.

The amendment was rejected.

The reading of the bill was resumed, beginning in line 9, page 29. The next amendment of the Committee on Finance was to strike out all after the word "chemical," in line 11, page 29, down to and including the word "aforesaid," in line 19, as follows:

Nor upon any medicine compounded according to the United States or other national pharmacopœia, or national formulary, or of which the full or proper formula is published in any of the dispensatories now or hitherto in common use among physicians or apothecaries, when not sold or offered for sale, or advertised under any other name, form, or guise than that under which they may be severally denominated and laid down in the pharmacopœias, formularies, or dispensatories, as aforesaid.

So as to read:

Provided, That no stamp tax shall be imposed upon any uncompounded medicinal drug or chemical, nor upon any medicine sold to or for the use of any person which may be mixed or compounded for said person according to the written receipt or prescription of any physician.

The amendment was agreed to.

Mr. CULLOM. I desire to inquire what became of the amendments on page 27. Have they been acted upon?

Mr. BURROWS. They have all been acted upon and agreed to.

Mr. CULLOM. I was not present at the time.

Mr. ALLISON. In line 22, page 29, after the word "any," I move to insert "practicing," and, after the word "physician," the words "or surgeon;" so as to read "any practicing physician or surgeon."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, on page 29, line 23, before the word "shall," to strike out "section" and insert "act;" so as to read:

But nothing in this act shall be construed to exempt, etc.

The amendment was agreed to.

The reading of the bill was continued to the end of section 19, on page 30.

Mr. FAULKNER. I should like to have the attention of the Senator in charge of the bill. There is an amendment which I desire to move to the text in section 19, and also in section 21, but as I understand the agreement of the Senate, the amendment can not be offered until after the amendments of the committee have been considered.

Mr. ALLISON. That was the understanding, and I hope that course will be pursued.

Mr. BACON. And I understand further that any motion to strike out entirely will not be made until all questions of amendment to the several sections have been acted upon.

Mr. CULLOM. That is the rule generally.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, on page 30, section 20, line 18, after the word "committed," to strike out "be subject to a penalty of $50, to be recovered, together with the costs thereupon accruing," and insert:

shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty nor more than five hundred dollars, or be imprisoned not more than six months or both, at the discretion of the court.

So as to make the section read:

SEC. 20. That any manufacturer or maker of any of the articles for sale mentioned in Schedule B, after the same shall have been so made, and the particulars hereinbefore required as to stamps have been complied with, or any other person who shall take off, remove, or detach, or cause, or permit, or suffer to be taken off, or removed or detached, any stamp, or who shall use any stamp, or any wrapper or cover to which any stamp is affixed, to cover any other article or commodity than that originally contained in such wrapper or cover, with such stamp when first used, with the intent to evade the stamp duties, shall for every such article, respectively, in respect of which any such offense shall be committed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty nor more than five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court, and every such article or commodity as aforesaid shall also be forfeited.

Mr. ALLISON. In line 22, after the word "not," I move to strike out "less than fifty nor."

The SECRETARY. After the word "not," in line 22, page 30, it

is proposed to strike out the words "less than fifty nor;" so as to read, "shall pay a fine of not more than $500."

The amendment to the amendment was agreed to.

Mr. BURROWS. I ask if the word "shall," in line 20, before the word "be," should not come out, for it says:

Shall for every such article, respectively, in respect of which any such offense shall be committed, etc.

Mr. ALLISON. That is better phraseology.

Mr. SPOONER. Let it be read as proposed to be amended.

The Secretary read as follows:

Shall for every such article, respectively, in respect of which any such offense shall be committed, be deemed guilty of a misdemeanor.

The VICE-PRESIDENT. Without objection, the word "shall," in line 20, will be stricken out. The question recurs on agreeing to the amendment as amended.

Mr. GORMAN. I shall not make a motion to strike out the imprisonment clause here or the one preceding it, because the Senate has just voted, by a very small majority, it is true, that they desire to keep in the penalty of imprisonment on agents of corporations. I desire to have it noted, however, that I dissent entirely from a penalty of that sort.

Mr. BACON. I shall feel constrained to offer the amendment, if the Senator from Maryland does not, and I wish to state my reasons therefor. If the section were limited to manufacturers, or even large dealers, or if it were of a character where the offense might not be very diminutive, then there might be some possible defense to such a penalty as this, but if I read this section aright, if a stamp is removed off a box of pills or off a vial of the smallest value in a drug store, not only the person who has removed it is liable to indictment on that account, but the owner of the store for having permitted it.

Of course either party might not be convicted, but it lays them liable to very great prosecution for a very small offense. It relates to every article that can be found in a drug store. The enumeration, if Senators will look at Schedule B, refers to boxes of pills and almost every other small article known in a drug store; it relates to any single act with reference to any one of those articles in a drug store, and it relates to defrauding the Government to the amount of 1 cent or one-quarter of a cent.

Mr. President, to have upon the statute books a criminal statute to the effect that if a man intentionally defrauds the Government out of one-quarter of a cent he shall be liable to a fine of $500 and imprisonment for the term of six months I do think is utterly without any reason, nor is it within the bounds of any defense. And the property is forfeited, as the Senator from Maryland suggests to me. While under the amendment offered by the Senator from Iowa, which has been agreed to, I understand, by the Senate striking out the minimum, the penalty could be very small, still it puts it within the power of a judge to impose a penalty absolutely disproportionate to the character of the offense.

Mr. WOLCOTT. I should like to call the attention of the Senator to a fact.

Mr. BACON. Certainly.

Mr. WOLCOTT. If the stamp is removed from a package to which a stamp has once been duly affixed, it can only be removed for the deliberate purpose of defrauding the Government. There is nothing else. The proposed statute only covers the offense of removing a stamp for the purpose of defrauding the Government by putting it on some other package which has not been stamped, or else by taking a cover from a bottle or package which has been duly stamped and putting it upon some other package.

Therefore it must be with the deliberate intention of defrauding the Government, and a man may do it five thousand times and never be caught, and the five thousand and first time he may be caught, and does the Senator say that because in each individual instance the amount involved is small, therefore a man, who must intend to swindle the Government, ought to be permitted to swindle it as long as he likes, but if he gets caught shall only pay a fine and not be imprisoned, because the particular stamp which he cuts off is a small one, as the Government tax is small?

Mr. BACON. In the limited experience which I have had at the bar I have never before heard it suggested because a man may have violated the law five thousand times and be caught the five thousand and first time, that when he was punished for the commission of the five thousand and first offense the perpetration of the crime in the other five thousand instances would also be included in the penalty; and yet that is the proposition of the Senator from Colorado.

That is not the way the law gauges the punishment which may be administered for the violation of law. The punishment is gauged as to the violation of the particular law and the particular infraction of that law under which and for which the party is indicted; and I stand to the proposition, notwithstanding the suggestion of the Senator from Colorado, that to put upon the statute book a law that a man who intentionally defrauds the Government out of one-quarter of 1 cent shall be liable to a fine of $500 and imprisonment for six months is utterly disproportioned to the character of the offense.

Mr. President, the fact, as stated by the Senator from Colorado, that it is an intentional violation is no answer to the suggestion I make, because that is a fundamental element in all crime—intention. I do not say that the party should be released from all punishment by reason of the smallness of the crime. I simply contend that the magnitude of the penalty should be in some degree proportioned to the magnitude of the offense.

This is a matter which relates to a very large number of a very respectable class in our community. There are drug stores everywhere. I repeat, it is not simply the criminal who is interested in this provision, it is the man who is liable to be charged with being a criminal when he may be innocent, and who may find it very difficult to prove that he is innocent, or rather to rebut whatever proof of guilt may be brought against him.

I do not think, in view of the suggestions which I have made, that the feature of imprisonment should be left upon this provision any more than in the other cases of stamps. If we have said that the penalty for imprisonment is disproportioned in the case of the other stamps upon which we have acted, why should we say that the disproportion does not apply in this case?

Mr. SPOONER. That applies to a case where a man might, in ignorance of the law, or by inadvertence, not put a stamp on.

Mr. JONES of Arkansas. But the words in this provision are that it shall be done "with the intent to evade the stamp duties."

Mr. SPOONER. As where he removes the stamp and puts it on something else, which, as the Senator from Colorado says, can not be anything but a deliberate fraud.

Mr. BACON. Granting all the Senator says, it simply comes back to the proposition which I originally suggested, that the penalty is disproportioned to the character of the offense.

Mr. SPOONER. The principle of law, de minimis non curat lex, does not apply to criminal statutes.

Mr. BACON. I hope the Senator from Wisconsin does not for a moment believe that I had reference to the application of any such principle. I shall not undertake to enter into a defense on that subject.

Mr. SPOONER. A man who would remove a 1-cent stamp from one article and put it on another would not be a little bit of a rascal because it was only a 1-cent stamp.

Mr. BACON. That may be true, but the offense is nevertheless a very small one.

Mr. SPOONER. The offense is in the fraud, not in the amount of the stamp.

Mr. BACON. Every criminal statute is based upon the fact that a crime is committed, and intentionally committed; but in the imposition of penalties we have those penalties graded according to the magnitude as well as the intention.

Mr. BURROWS. Will the Senator from Georgia pardon me?

Mr. BACON. Certainly.

Mr. BURROWS. It is a very trifling offense to take a postage stamp off a letter after it has been used and put it on another letter, and yet it is a felony by statute to remove one for that purpose, and the offender is liable to imprisonment for three years in State prison.

Mr. COCKRELL. And that applies to 1-cent as well as to 3-cent stamps.

Mr. BACON. Everything relating to the postal service is very much more carefully guarded than almost anything else. I will not trespass upon the time of the Senate. I offer my amendment.

Mr. WHITE. Of course the illustration made by the Senator from Georgia is an extreme one. He supposes what he would call, I presume, the minimum offender a man who, while having a fraudulent intention, does as little harm as he can and still commits a crime. The gentleman who is engaged in the business of deliberately committing crime and whose views on that subject are somewhat circumscribed is to the extent of his offense——

Mr. SPOONER. The Senator from California will allow me to say that it may be supposed every fellow who counterfeits a 50-cent piece ought to be punished 50 cents' worth as against the man who counterfeits a fifty-dollar bill.

Mr. WHITE. That would be the new system which it seems is to be injected into this measure. For instance, in the State of California the penalty for manslaughter is not to exceed ten years imprisonment, and yet the court in certain cases, where mitigating circumstances might be of the most remarkable character, would perhaps send the person convicted to jail for only a few days, whereas in an extreme case he would be sent to jail perhaps for ten years. Some reliance, some regard, some respect must be paid to the court. Of course if we are to proceed upon the theory that the court is a bigger rascal than the defendant, it would be very hard to legislate. Then we must elaborate our system and fix the penalties here notwithstanding the extent of our present labors.

Section 3374 of the Revised Statutes of the United States provides the following penalty:

Every person who removes from any manufactory, or from any place where tobacco or snuff is made, any manufactured tobacco or snuff without the same being put up in proper packages, or without the proper stamp for the amount of tax thereon being affixed and canceled, as required by law; or, if the same be intended for export, without the proper export stamp being affixed; or who uses, sells, or offers for sale, or has in possession, except in the manufactory, or while in transfer under bond or a collector's permit, from any manufactory, store, or warehouse, to a vessel for exportation to a foreign country, any manufactured tobacco or snuff, without proper stamps for the amount of tax thereon being affixed and canceled; or who sells, or offers for sale, for consumption in the United States, or uses, or has in possession, except in the manufactory, or while in transfer under bond or a collector's permit, from any manufactory, store, or warehouse, to a vessel for exportation to a foreign country, any manufactured tobacco or snuff on which only the stamp marking the same for export has been affixed, shall for each such offense, respectively, be fined not less than $1,000 nor more than $5,000, and be imprisoned not less than six months nor more than two years.

If for a pinch of snuff thus improperly abstracted and illicitly taken this penalty is to be inflicted, can it be expected that my friend from Georgia will allow any other business to be transacted until purloiners of snuff have been duly protected?

Mr. BACON. Mr. President, I simply desire to call attention to the fact that in each of the instances where the Senate has voted to strike out the penalty of imprisonment it has been in a case where the law was carefully guarded to those instances where there was an intentional violation of it, so that, so far as the intention to commit the fraud upon the Government is concerned, there is no distinction between the amendment which I propose and the half a dozen amendments for which Senators have already voted.

The VICE-PRESIDENT. The Secretary will state the amendment of the Senator from Georgia [Mr. BACON] to the amendment of the committee as amended.

The SECRETARY. On page 30, line 22, after the word "dollars," strike out the words "or be imprisoned not more than six months, or both."

The amendment to the amendment was rejected.

The amendment as amended was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Finance was, on page 31, section 21, line 5, before the word "thereon," to strike out the word "duty" and insert "tax;" so as to read:

That any maker or manufacturer of any of the articles or commodities mentioned in Schedule B, as aforesaid, or any other person who shall sell, send out, remove, or deliver any article or commodity, manufactured as aforesaid, before the tax thereon shall have been fully paid by affixing thereon the proper stamp, as in this act provided, etc.

The amendment was agreed to.

The next amendment was, on page 31, section 21, line 11, before the word "chargeable," to strike out the word "duty" and insert "tax;" so as to read:

Or who shall hide or conceal, or cause to be hidden or concealed, or who shall remove or convey away, or deposit, or cause to be removed or conveyed away from or deposited in any place, any such article or commodity, to evade the tax chargeable thereon, or any part thereof, etc.

The amendment was agreed to.

The next amendment was, on page 31, section 21, line 12, after the word "be," to strike out "subject to a penalty of $100" and insert "deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than one hundred nor more than five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court."

Mr. FAULKNER. I ask the Senator from Iowa to let that amendment be passed over, because it is to this section that I desire to move to strike out all that will include wholesale or retail dealers.

Mr. WHITE. The Senator will not object to striking out the words "less than one hundred nor."

Mr. ALLISON. I propose, in line 14, to strike out "less than one hundred nor."

Mr. FAULKNER. I have no objection to making that amendment to the amendment if the Senator desires, but then let the amendment as amended be passed over, because if the Senate agrees to the amendment that I will offer to the text of the bill, I shall be in favor of striking out the clause fixing the penalty of imprisonment. If the Senate does not agree to that amendment, it would be a question in the minds of some Senators whether the imprisonment penalty should be stricken out.

Mr. ALLISON. There will be no trouble about that.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Iowa to the amendment of the committee. The amendment to the amendment will be stated.

The SECRETARY. In line 14, page 31, section 21, after the word "not," strike out the words "less than one hundred nor;" so as to read:

Shall pay a fine of not more than $500, etc.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The amendment as amended will be passed over.

The reading of the bill was continued. The next amendment of the Committee on Finance was, on page 32, section 23, line 4, after the word "commodities," to strike out "as aforesaid" and insert "provided for in Schedule B;" and in line 9, after the word "commodity," to strike out "as aforesaid;" so as to read:

That every manufacturer or maker of any of the articles or commodities provided for in Schedule B, or his foreman, agent, or superintendent, shall at the end of each and every month make, sign, and file with the collector of internal revenue for the district in which he resides a declaration in writing that no such article or commodity has, during such preceding month or time when the last declaration was made, been removed, or carried, or sent, or caused or suffered or known to have been removed, carried, or sent from the premises of such manufacturer or maker other than such as have been duly taken account of and charged with the stamp tax, etc.

The amendment was agreed to.

The next amendment was, in section 22, line 20, after the word "shall," to strike out "forfeit $500" and insert:

Be deemed guilty of a misdemeanor, and upon conviction shall pay a fine of not less than one hundred nor more than five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

Mr. ALLISON. In line 22 I move to strike out the words "less than one hundred nor."

The amendment to the amendment was agreed to.

Mr. COCKRELL. Would it not be well to put in there the words "with intent to evade under this act," as applicable to such manufacturer or maker, or foreman, agent, or superintendent; so as to read:

And if any such manufacturer, maker, or his foreman, agent, or superintendent shall make any false or untrue declaration with intent to evade under this act such manufacturer or maker, etc.

It might be accidental. I do not know whether such a case is provided for.

Mr. ALLISON. Insert "with intent to evade the provisions of this act."

Mr. COCKRELL. Yes; after the word "declaration," in line 19, insert "with intent to evade the provisions of this act."

Mr. ALLISON. I do not object to that amendment.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "declaration," in line 19, insert the words "with intent to evade the provisions of this act."

Mr. ALLISON. That is right.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Finance was, on page 33, section 23, line 1, after the word "articles," to strike out "enumerated" and insert "provided for;" in line 4, after the word "person," to insert "except as otherwise provided in this act;" and in line 6, after the word "thing," to strike out "enumerated" and insert "provided for;" so as to make the section read:

SEC. 23. That the stamp taxes prescribed in this act on the articles provided for in Schedule B shall attach to all such articles and things sold or removed for sale on and after the said 1st day of June, 1898. Every person, except as otherwise provided in this act, who offers or exposes for sale any article or thing provided for in said Schedule B, whether the article so offered or exposed is of foreign manufacture and imported or of domestic manufacture, shall be deemed the manufacturer thereof, and shall be subject to all the taxes, liabilities, and penalties imposed by law for the sale of articles without the use of the proper stamp denoting the tax paid thereon; and all such articles of foreign manufacture shall, in addition to the import duty imposed on the same, be subject to the stamp tax prescribed in this act.

The amendment was agreed to.

Mr. GORMAN. Is it the intention of the Senator from Iowa to retain the words "1st day of June" in line 3, page 33?

Mr. ALLISON. What is the Senator's suggestion?

Mr. GORMAN. Does the Senator propose to have the bill go into effect on the 1st day of June?

Mr. ALLISON. It is the intention of the committee, of course, to fix a later date. It is better to strike out "1st day of June" and leave a blank.

The SECRETARY. On page 33, line 3, strike out the words "1st day of June."

Mr. GORMAN. I suggest to insert "July."

Mr. ALLISON. I will insert "the 15th day of June." I hope by that time we shall get the bill through. I move that amendment.

The SECRETARY. In line 3 strike out "first" and insert "fifteenth;" so as to read "15th day of June, 1898."

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Finance was, in section 24, line 23, page 33, after the word "expedient," to insert:

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is directed to procure any of the stamps provided for in this act by private contract whenever such stamps can not be speedily prepared by the Bureau of Engraving and Printing; and a sum sufficient to so procure said stamps is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That this authority shall expire on the 1st day of January, 1899.

So as to make the section read:

SEC. 24. That the Commissioner of Internal Revenue shall cause to be prepared for the payment of the taxes prescribed in this act suitable stamps

denoting the tax on the document, article, or thing to which the same may be affixed, and he is authorized to prescribe such method for the cancellation of said stamps, as substitute for or in addition to the method provided in this act, as he may deem expedient. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is directed to procure any of the stamps provided for in this act by private contract whenever such stamps can not be speedily prepared by the Bureau of Engraving and Printing; and a sum sufficient to so procure said stamps is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That this authority shall expire on the 1st day of January, 1899. And he may, with the approval of the Secretary of the Treasury, make all needful rules and regulations for the proper enforcement of this act.

Mr. GORMAN. I call the attention of the Senator from Iowa to line 2, on page 34, of the committee amendment:

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is directed to procure any of the stamps provided for in this act by private contract.

I suggest to the Senator that the word "private" ought to be stricken out. There is no such emergency here as would prevent a reasonable contract in this matter.

Mr. JONES of Arkansas. I do not think that was ever intended.

Mr. GORMAN. It would probably be so construed.

Mr. ALLISON. What is the amendment to the amendment?

The VICE-PRESIDENT. The amendment of the Senator from Maryland is to strike out the word "private," in line 2, page 34.

Mr. ALLISON. I agree to the amendment suggested by the Senator. The word was used only in contradistinction with the Bureau of Engraving and Printing.

Mr. GORMAN. It is not necessary.

The VICE-PRESIDENT. Is there objection to the amendment proposed by the Senator from Maryland to the amendment of the committee? The Chair hears none, and the word "private" is stricken out.

Mr. ALLISON. In line 4 I move to amend the amendment by inserting:

And a sum sufficient to procure the stamps authorized in this act is hereby appropriated.

Mr. COCKRELL. What is that amendment?

Mr. ALLISON. I am not certain that is quite right, but I want to provide a sufficient sum to immediately secure the stamps provided for in this act, making it a temporary appropriation which shall expire on the 1st day of January. I think provision should be made for it.

Mr. GORMAN. I understand that it is a difficult matter to estimate what amount will be required, but with the right to make contracts, of course, it gives a very wide latitude, and it is a class of appropriations that ought not to be made, as a rule. I ask the Senator whether it is not possible to fix some sum that will cover the expenditure, not to exceed so many hundred thousand dollars? As the Senator knows, this would allow a contract for any amount and for any length of time that the contract may run.

Mr. ALLISON. I am perfectly willing to say "not exceeding $75,000."

Mr. GORMAN. I think that is better.

Mr. ALLISON. I will say to the Senator that, in my judgment, it will not be necessary to make these contracts except for a few months, or perhaps a month or two. I have no doubt the Bureau of Engraving and Printing, after the law is in full play, will be able to manufacture all these stamps. The Commissioner of Internal Revenue so informed me this morning.

Mr. GORMAN. I hope the Senator will put in the sum of $75,000 or whatever amount he thinks will cover the expenditure.

Mr. JONES of Arkansas. Allow me to suggest that this is an amendment of some importance, and to allow the Senator from Iowa time to frame the amendment properly the Senate had better adjourn, so that the provision can be prepared by to-morrow morning.

Mr. ALLISON. Will not the Senator allow us just to complete the pending amendment?

Mr. JONES of Arkansas. I thought perhaps the Senator would prefer, as nothing is to be done except to frame the proposed amendment, to keep the matter in hand until to-morrow.

Mr. ALLISON. I had intended to make a motion to go into executive session when we reached Schedule A; but as there may be some difficulty about fixing the proper amount to be inserted here, I will allow the motion to be made now.

Mr. COCKRELL. It will be better to ascertain from the Commissioner of Internal Revenue the amount necessary.

SILVER BULLION IN THE TREASURY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 27th ultimo, information relative to the item of $906,966.70, silver bullion, as set forth in the statement of the condition of the United States Treasury on the 26th day of April, 1898, etc.; which was referred to the Committee on Finance, and ordered to be printed.

EXECUTIVE SESSION.

Mr. JONES of Arkansas. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 19, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 18, 1898.

UNITED STATES MARSHAL.

William F. Airey, of Maryland, to be marshal of the United States for the district of Maryland, vice Charles H. Evans, whose term will expire July 17, 1898.

APPRAISERS OF MERCHANDISE.

Henry R. Torbert, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the State of Maryland, to succeed Lloyd Wilkinson, resigned.

George H. Kolker, of Ohio, to be appraiser of merchandise for the port of Cincinnati, in the State of Ohio, to succeed Henry J. Schulte, removed.

SURVEYOR OF CUSTOMS.

John B. Hanna, of Maryland, to be surveyor of customs in the district of Baltimore, in the State of Maryland, to succeed Buchanan Schley, removed.

COLLECTORS OF CUSTOMS.

Meyer Hahn, of North Carolina, to be collector of customs for the district of Pamlico, in the State of North Carolina, to succeed Stephen H. Lane, whose term of office has expired by limitation.

Risdon M. Moore, of Texas, to be collector of customs for the district of Saluria, in the State of Texas, to succeed W. A. Fitch, whose term of office has expired by limitation.

COLLECTOR OF INTERNAL REVENUE.

George P. Waldorf, of Ohio, to be collector of internal revenue for the Tenth district of Ohio, to succeed George W. Hull, removed.

PROMOTIONS IN THE NAVY.

Capt. Silas Casey, to be a commodore in the Navy, from the 11th day of May, 1898, vice Commodore George Dewey, promoted.

Commander Benjamin P. Lamberton, to be a captain in the Navy, from the 11th day of May, 1898, vice Capt. Silas Casey, promoted.

Lieut. (Junior Grade) Harry George, to be a lieutenant in the Navy, from the 27th day of April, 1898, vice Lieut. Daniel D. V. Stuart, promoted.

Lieut. Commander Harrison G. O. Colby, to be a commander in the Navy, from the 27th day of April, 1898, vice Commander Samuel Belden, retired.

Lieut. John H. Moore, to be a lieutenant-commander in the Navy, from the 27th day of April, 1898, vice Lieut. Commander Harrison G. O. Colby, promoted.

Lieut. Commander Leavitt C. Logan, to be a commander in the Navy, from the 1st day of May, 1898, vice Commander Benjamin S. Richards, retired.

Ensign Ralph E. Walker, United States Navy, to be a second lieutenant in the Marine Corps, and Second Lieut. Amon Bronson, jr., United States Marine Corps, to be an ensign in the Navy, by transfer.

APPOINTMENTS IN THE NAVY.

John Benjamin Dennis, a citizen of Maryland, and William Sturgis Thomas, a citizen of New York, to be assistant surgeons in the Navy, to fill vacancies.

George Palmer Dyer, of New York;
Robert Harris Woods, of the District of Columbia;
Robert Hunter Orr, of Delaware;
William Alfred Merritt, of Maryland;
Franklin W. Hart, of the District of Columbia;
Harrison Lamar Robins, of Mississippi;
Webb Van Horn Rose, of New York;
William Henry Doherty, of Massachusetts;
Charles Williams Penrose, of New York;
Charles Morris, jr., of New York; and
Abel Brown Pierce, of Texas,
to be assistant paymasters in the Navy, to fill vacancies.

Homer Reed Stanford, of Tennessee, to be a civil engineer in the Navy.

Medical Inspector Hosea J. Babin, to be a medical director in the Navy, from the 7th day of May, 1898, vice Medical Director Edward S. Bogert, sr., retired.

Surg. Charles A. Siegfried, to be a medical inspector in the Navy, from the 7th day of May, 1898, vice Medical Inspector Hosea J. Babin, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant adjutant-general with the rank of major.

George S. Hobart, of New Jersey.

To be chief quartermaster with the rank of major.

Capt. John M. Carson, jr., assistant quartermaster, United States Army.

To be chief commissaries of subsistence with the rank of major.

James Oglethorpe Varnedoe, of Georgia.
James M. Moody, of North Carolina.
Samuel W. Hay, of Pennsylvania.

To be inspectors-general with the rank of major.

Capt. John G. Ballance, Twenty-second United States Infantry.
Henry H. Carlton, of Georgia.
Capt. William Crozier, Ordnance Department, United States Army.
John G. Evans, of South Carolina.

To be chief surgeons with the rank of major.

John M. G. Woodbury, of New York.
Lewis Schooler, of Iowa.

To be engineer officers with the rank of major.

First Lieut. James Franklin Bell, Seventh United States Cavalry.
Robert B. C. Bement, of Minnesota.
Hugh H. Gordon, of Georgia.
Edward De V. Morrell, of Pennsylvania.
William Dunbar Jenkins, of Mississippi.
First Lieut. Clement A. F. Flagler, Corps of Engineers, United States Army.
First Lieut. Lewis H. Strother, First United States Infantry.

To be assistant quartermasters with the rank of captain.

First Lieut. John C. W. Brooks, Fourth Artillery.
Frederick W. Cole, of Florida.
John C. Breckinridge, of New York.
William E. English, of Indiana.
Frederick H. Bugher, of the District of Columbia. The nomination of Frederick Buher, of the District of Columbia, to the above-named office, which was delivered to the Senate May 12, 1898, is hereby withdrawn.
Haldimand P. Young, of New York. The nomination of Haldeman P. Young, of New York, to the above-named office, which was delivered to the Senate May 12, 1898, is hereby withdrawn.

To be assistant adjutants-general with the rank of captain.

First Lieut. William M. Wright, Second United States Infantry.
William Joyce Sewell, of New Jersey.
Sherrill Babcock, of New York.
Harry S. New, of Indiana. The nomination of Harry S. New, of Indiana, for the appointment of assistant quartermaster with the rank of captain, delivered to the Senate May 12, 1898, is hereby withdrawn.
Beverly A. Read, of Texas. The nomination of Beverly A. Read, of Texas, for the appointment of assistant quartermaster with the rank of captain, which was delivered to the Senate May 12, 1898, is hereby withdrawn.

To be commissaries of subsistence with the rank of captain.

Stewart M. Brice, of New York.
Oliver Perry Smith, of Pennsylvania.
Edward R. Hutchins, of Iowa.
Salmon F. Dutton, of Vermont.
Orson Pettijohn, of Illinois.
John Landstreet, jr., of Tennessee.
Peter C. Deming, of New York.
Edward Glines, of Massachusetts.
Morton J. Henry, of Pennsylvania.
Philip M. Lydig, of New York.
James F. Jenkins, of Wyoming. The nomination of John F. Jenkins, of Wyoming, to the above-named office, which was delivered to the Senate May 12, 1898, is hereby withdrawn.
James Edward Calhoun, of New York.
John Carmichael, of Virginia.
Miller R. Downing, of Ohio.
Moses R. Doyon, of Wisconsin.
Wilson I. Davenny, of Illinois.
Seth M. Milliken, of Maine.

To be additional paymasters.

Frank M. Hammond, of Massachusetts.
James F. Rusling, of New York.
Winfield M. Clark, of Pennsylvania.
Stephen Gambrill, jr., of Maryland.
Henry C. Fitzgerald, of New York.
George F. Downey, of Utah.
John Demerit, of New Hampshire.
George W Fishback, of Missouri.
Timothy D. Keleher, of New York.
O'Brien Moore, of Texas.
Daniel W. Arnold, of Illinois.
Beecher Bradley Ray, of Illinois.
George Vandegrift, of Ohio.
William H. Stillwell, of Arizona.
George C. Stewart, of Georgia.
William B. Rochester, jr., of the District of Columbia.
George Thomas Holloway, of New York.
Robert S. Smith, of New York.
Herbert M. Lord, of Maine.
Seymour Howell, of Michigan.
Samuel R. McMillan, of Minnesota.
Clifford S. Walton, of the District of Columbia.
George B. Guild, of Tennessee.

POSTMASTERS.

Louis Altheimer, to be postmaster at Pine Bluff, in the county of Jefferson and State of Arkansas, in the place of J. H. Hudson, removed.

Ferdinand Havis was nominated February 15, 1898, whom the Senate failed to confirm.

James Brizzolara, to be postmaster at Fort Smith, in the county of Sebastian and State of Arkansas, in the place of James K. Barnes, resigned.

Henry J. Ritchie, to be postmaster at St. Augustine, in the county of St. John and State of Florida, in the place of D. B. Usina, whose commission expires June 23, 1898.

Louis J. Appel, to be postmaster at Highland, in the county of Madison and State of Illinois, in the place of Robert Kamm, whose commission expires June 23, 1898.

Homer E. Darst, to be postmaster at Eureka, in the county of Woodford and State of Illinois, in the place of W. A. Davidson, whose commission expired May 15, 1898.

John Kline, to be postmaster at Henry, in the county of Marshall and State of Illinois, in the place of R. C. McWilliams, whose commission expired May 5, 1898.

John D. Robards, to be postmaster at Greenfield, in the county of Greene and State of Illinois, in the place of M. G. Sisson, whose commission expires June 26, 1898.

Alonzo C. Sluss, to be postmaster at Tuscola, in the county of Douglas and State of Illinois, in the place of T. A. McIlvaine, whose commission expired February 27, 1898.

H. E. King, to be postmaster at Maquoketa, in the county of Jackson and State of Iowa, in the place of J. M. Swigart, whose commission expires June 7, 1898.

Eldie F. Caldwell, to be postmaster at Lawrence, in the county of Douglas and State of Kansas, in the place of George Innes, whose commission expired April 5, 1898.

Caroline G. Lyman, to be postmaster at Franklin, in St. Mary Parish and State of Louisiana, in the place of Marietta Bedell, whose commission expired March 19, 1898.

Edward Brown, to be postmaster at Thomaston, in the county of Knox and State of Maine, in the place of F. E. Gilchrest, whose commission expired April 7, 1898.

Thomas G. Herbert, to be postmaster at Richmond, in the county of Sagadahoc and State of Maine, in the place of G. R. Theobald, whose commission expired April 7, 1898.

Frank B. Purinton, to be postmaster at Fairfield, in the county of Somerset and State of Maine, in the place of William J. Bradbury, removed.

Joseph A. West, to be postmaster at Provincetown, in the county of Barnstable and State of Massachusetts, in the place of Eben Lothrop, whose commission expires May 28, 1898.

Lawson E. Becker, to be postmaster at Fenton, in the county of Genesee and State of Michigan, in the place of C. M. Topping, whose commission expires June 16, 1898.

Burton F. Browne, to be postmaster at Sand Beach, in the county of Huron and State of Michigan, in the place of J. L. Brennan, whose commission expires May 29, 1898.

Charles C. Salter, jr., to be postmaster at West Duluth, in the county of St. Louis and State of Minnesota, in the place of Edmund Caplis, whose commission expires June 2, 1898.

Louvenia Matthews, to be postmaster at Wesson, in the county of Copiah and State of Mississippi, in the place of Joseph C. Smylie, whose commission expired April 14, 1898.

D. W. Rhyne, to be postmaster at Lexington, in the county of Holmes and State of Mississippi, in the place of Lizzie Johnson, whose commission expired November 2, 1897.

Mark L. Doughty, to be postmaster at Farmington, in the county of St. Francois and State of Missouri, in the place of S. J. Tetley, whose commission expires June 11, 1898.

John H. Tower, to be postmaster at Sutton, in the county of Clay and State of Nebraska, in the place of John H. Tower, whose commission expires June 13, 1898. (Reappointment.)

George P. Dustan, to be postmaster at Peterboro, in the county of Hillsboro and State of New Hampshire, in the place of J. C. Swallow, whose commission expired April 5, 1898.

George H. Hitchcock, to be postmaster at Hanover, in the county of Grafton and State of New Hampshire, in the place of J. H. Foster, removed.

Luther H. Morrill, to be postmaster at Tilton, in the county of Belknap and State of New Hampshire, in the place of T. E. Fletcher, whose commission expired April 7, 1898.

Abram W. Boss, to be postmaster at Flemington, in the county of Hunterdon and State of New Jersey, in the place of F. A. Rice, whose commission expired April 7, 1898.

Milan J. Brown, to be postmaster at Little Valley, in the county of Cattaraugus and State of New York, in the place of W. W. Henry, removed.

Vernon A. Kent, to be postmaster at Westfield, in the county of Chautauqua and State of New York, in the place of D. K. Falvay, whose commission expires June 7, 1898.

Edward Reed, to be postmaster at Glens Falls, in the county of Warren and State of New York, in the place of Daniel O'Leary, jr., whose commission expired May 9, 1898.

Graham H. Wheeler, to be postmaster at Hammondsport, in the county of Steuben and State of New York, in the place of H. O. Fairchild, whose commission expired May 3, 1898.

John G. Wallenmeier, jr., to be postmaster at Tonawanda, in the county of Erie and State of New York, in the place of F. A. Ballard, removed.

J. W. Ammerman, to be postmaster at Eaton, in the county of Preble and State of Ohio, in the place of G. W. Rehfuss, whose commission expired October 20, 1897.

Ira Crawford, to be postmaster at Dayton, in the county of Montgomery and State of Ohio, in the place of J. C. Ely, whose commission expired February 16, 1898.

Robert F. Dent, to be postmaster at New Comerstown, in the county of Tuscarawas and State of Ohio, in the place of Garrett Bassett, whose commission expired October 28, 1897.

W. A. Dickie, to be postmaster at Dennison, in the county of Tuscarawas and State of Ohio, in the place of G. W. Finney, whose commission expired March 20, 1898.

A. J. Eminger, to be postmaster at Miamisburg, in the county of Montgomery and State of Ohio, in the place of C. E. Kinder, whose commission expired January 17, 1898.

W. S. Fornshell, to be postmaster at Camden, in the county of Preble and State of Ohio, in the place of O. D. Pocock, whose commission expired April 17, 1898.

James B. Fisher, to be postmaster at Marion, in the county of Marion and State of Ohio, in the place J. H. Thomas, whose commission expired April 17, 1898.

Robert S. Fulton, to be postmaster at Germantown, in the county of Montgomery and State of Ohio, in the place of C. E. Boehme, removed.

A. L. Jones, to be postmaster at Greenville, in the county of Darke and State of Ohio, in the place of G. W. Perry, whose commission expired February 7, 1898.

S. E. Loffer, to be postmaster at Degraff, in the county of Logan and State of Ohio, in the place of E. L. Cory, removed.

Robert V. Jones, to be postmaster at Sidney, in the county of Shelby and State of Ohio, in the place of Franklin Hunter, whose commission expired March 15, 1898.

Charles A. Lehrer, to be postmaster at Sandusky, in the county of Erie and State of Ohio, in the place of J. J. Molter, whose commission expired May 16, 1898.

C. A. McKim, to be postmaster at Celina, in the county of Mercer and State of Ohio, in the place of C. A. Wyckoff, whose commission expired January 9, 1898.

Robert M. Rownd, to be postmaster at Columbus, in the county of Franklin and State of Ohio, in the place of F. M. Senter, whose commission expired March 5, 1898.

Harry E. Taylor, to be postmaster at Orrville, in the county of Wayne and State of Ohio, in the place of P. E. Seas, whose commission expired January 9, 1898.

William M. Allison, to be postmaster at Mifflintown, in the county of Juniata and State of Pennsylvania, in the place of Harry E. Bonsall, whose commission expired April 11, 1898.

Frank Nichols, to be postmaster at Greenville, in the county of Greenville and State of South Carolina, in the place of William F. Metts, whose commission expired May 16, 1898.

Frank E. Britton, to be postmaster at Jonesboro, in the county of Washington and State of Tennessee, in the place of G. W. Willett, whose commission expires June 2, 1898.

F. M. Barton, to be postmaster at Terrell, in the county of Kaufman and State of Texas, in the place of Harry Galbraith, whose commission expired March 19, 1898.

L. E. Deger, to be postmaster at Velasco, in the county of Brazoria and State of Texas, in the place of J. L. Reese, removed.

Thomas W. Florer, to be postmaster at Waxahachie, in the county of Ellis and State of Texas, in the place of W. G. Williams, removed.

Carrie E. Hoke, to be postmaster at Taylor, in the county of Williamson and State of Texas, in the place of J. A. Simons, removed.

Cora M. Ralston, to be postmaster at Vernon, in the county of Wilbarger and State of Texas, in the place of L. M. Logan, whose commission expired March 5, 1898.

Robert S. Houssels was nominated to the Senate March 22, 1898, but failed of confirmation.

J. Scoonover, to be postmaster at Greenville, in the county of Hunt and State of Texas, in the place of Isaac Ardis, whose commission expired April 11, 1898.

Henry O. Wilson, to be postmaster at Marshall, in the county of Harrison and State of Texas, in the place of W. E. Lancaster, whose commission expired March 9, 1898.

Allen I. Harless, to be postmaster at Christiansburg, in the county of Montgomery and State of Virginia, in the place of W. M. Dunklee, whose commission expires June 11, 1898.

Hugh Eldridge, to be postmaster at New Whatcom, in the county of Whatcom and State of Washington, in the place of George W. Boyd, removed.

George W. Burchard, to be postmaster at Fort Atkinson, in the county of Jefferson and State of Wisconsin, in the place of Drummond G. Craig, whose commission expired April 11, 1898.

H. G. Kress, to be postmaster at Manitowoc, in the county of Manitowoc and State of Wisconsin, in the place of Henry Vits, whose commission expires June 29, 1898.

Ezra M. Rogers, to be postmaster at Hartford, in the county of Washington and State of Wisconsin, in the place of William Guillaume, whose commission expires June 7, 1898.

WITHDRAWALS.

Executive nominations withdrawn May 18, 1898.

Capt. James Parker, Fourth United States Cavalry, for the appointment of inspector-general of volunteers with the rank of major, delivered to the Senate May 12, 1898.

Capt. Henry C. Ward, Sixteenth United States Infantry, submitted to the Senate on the 12th instant, for the appointment of inspector-general with the rank of major.

J. M. Simeral, of Nebraska, submitted to the Senate on the 12th instant, for the appointment of commissary of subsistence with the rank of captain.

Richard H. Davis, of Massachusetts, submitted to the Senate on the 12th instant, for the appointment of assistant adjutant-general with the rank of captain.

CONFIRMATION.

Executive nomination confirmed by the Senate May 18, 1898.

POSTMASTER.

James Brizzolara, to be postmaster at Fort Smith, in the county of Sebastian and State of Arkansas.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 18, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read.

CORRECTION.

Mr. MOODY. Mr. Speaker, I desire to correct the Journal. As I heard it read, it states that upon the motion of the gentleman from New Jersey [Mr. GARDNER] that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill he named I made a motion to substitute another bill for the bill named by him. My motion was to add by way of amendment House bill 369 and not to substitute it for the bill named by the gentleman from New Jersey.

The SPEAKER. Under the rule a motion to amend is only in order by substituting one bill for another.

Mr. MOODY. The rule does not say amend by substitution; it says "to which motion one amendment only, designating another bill, may be made." I want to say that I did not know at the time that the bill should be designated as a substitute, and I should not have made the motion if that was the effect of it. But that was not my motion. The motion which I made was ruled out of order for another reason.

The SPEAKER. The Journal should state what happened. That is the reason why it was journalized in that way, because the idea is that the House shall have the opportunity of choosing between the two bills.

Mr. MOODY. I do not wish to be placed in the position of opposing a bill to which I was not opposed. I submit that I should be entitled to have the motion recorded in the Journal as it was actually made.

Mr. PAYNE. Mr. Speaker, the gentleman from Massachusetts [Mr. MOODY] did make a motion to designate another bill, and the Chair stated the rule; as he understood the rule it would only

allow of a motion to substitute. The gentleman insisted on his right to add another bill to the one named by the gentleman from New Jersey. The point of order was made that it was not a bill on the Union Calendar, and the ruling was made upon that point.

The SPEAKER. The correction will be made. If there is no other objection to the Journal, it will be considered as approved.

There was no further objection.

DEFICIENCY PENSIONS, ETC.

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations, I report the following bill (H. R. 10378) making appropriations to supply deficiencies in the appropriations for the payment of pensions, and for other objects, for the fiscal year 1898, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the payment of pensions, and for other objects, for the fiscal year ending June 30, 1898, and for other purposes, namely:

PENSIONS.

For Army and Navy pensions, as follows: For invalids, widows, minor children, dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $8,070,872.46: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same may be sufficient for that purpose: *Provided further*, That the amount paid to each of the several classes of pensioners shall be accounted for separately.

WAR DEPARTMENT.

For the employment of such additional force of clerks, messengers, laborers, and other assistants as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the existing situation may demand, $50,000.

For printing and binding for the War Department and its bureaus, to be executed under the direction of the Public Printer, $75,000.

That no money appropriated by the "act making appropriations to supply deficiencies in the appropriations for support of the Army for the fiscal year 1898, and for other purposes," approved May 4, 1898, shall be paid as additional increased compensation to soldiers performing in time of war what is known as extra or special duty, such payment being prohibited by the "act for the better organization of the line of the Army of the United States," approved April 26, 1898.

NAVY DEPARTMENT.

For one stenographer in the office of the Secretary of the Navy, from the date of the approval of this act and during the fiscal year 1899, at the rate of $1,800 per annum, $1,997.75, or so much thereof as may be necessary.

TREASURY DEPARTMENT.

For the following additional clerks in the office of the Auditor for the War Department and in the office of the Auditor for the Navy Department for a period not exceeding from the date of the approval of this act until and including December 31, 1898, namely:

Office of Auditor for the War Department: For eight clerks of class 4; seventeen clerks of class 3; ten clerks of class 2; and thirty clerks of class 1; in all, $55,866.32, or so much thereof as may be necessary.

Office of Auditor for the Navy Department: For two clerks of class 3; three clerks of class 2; four clerks of class 1; six clerks, at the rate of $1,000 per annum each; and four clerks, at the rate of $900 each; in all, $13,296.72, or so much thereof as may be necessary.

UNITED STATES COURTS.

For fees of witnesses, $95,000.
For fees of jurors, $75,000.

Mr. CANNON. Mr. Speaker, I want to state that the bill may go to the Calendar, and my information is that inside of an hour the bill will be in print and in the bill room, and then I will ask unanimous consent to go into Committee of the Whole and take such other steps as are apt to consider the bill. I desire to pass it to-day, and will be ready to begin in an hour if the House is so that I can test its sense at that time.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON. That is the order now made?

The SPEAKER. It is.

Mr. RICHARDSON. Has the bill been printed?

Mr. SAYERS. It will be printed in an hour.

CONTESTED-ELECTION CASE—BROWN AGAINST SWANSON.

Mr. CRUMPACKER. Mr. Speaker, I desire to give notice that after the reading of the Journal to-morrow I will call up for consideration the contested-election case of Brown against Swanson, from the Fifth district of Virginia.

PHOTOGRAPHING GUNS OF THE UNITED STATES.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9553) in reference to photographing any guns which would give the strength of any fortification of the United States.

The Clerk read as follows:

Be it enacted, etc., That it shall be unlawful for any person or persons, corporation or association, to print, publish, photograph, or reproduce by any process whatsoever, so as to make public in any wise, any information giving the power of the guns or the strength of any fortification of the United States.

SEC. 2. That any person convicted of the offense charged in the first section shall be deemed guilty of a felony and punished by imprisonment for not more than ten years or by a fine of not more than $5,000, or both, in the discretion of the court.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MCEWAN. I would like to ask, Mr. Speaker, if it would be in order to amend by inserting a proviso that this shall apply only in time of war?

The SPEAKER. An amendment can only be offered after the bill is up for consideration. Is there objection? [After a pause.] The Chair hears none.

The question now is on the amendment recommended by the committee, which the Clerk will report.

The Clerk read as follows:

Strike out of the sixth line the words "giving the power of the guns or" and insert in lieu thereof the words "as to."

The SPEAKER. The question is on agreeing to the amendment recommended by the committee.

Mr. RICHARDSON. That does not include the amendment of the gentleman from New Jersey [Mr. MCEWAN]?

The SPEAKER. No; it is on the amendment recommended by the committee.

The committee amendment was agreed to.

Mr. BENNETT. Mr. Speaker——

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from New York?

Mr. HULL. I yield to the gentleman from New York.

Mr. BENNETT. I desire to say that if the amendment proposed by the gentleman from New Jersey should be adopted it would nullify the whole bill.

Mr. HULL. That amendment is not yet before the House.

Mr. MCEWAN. Is it open to me now, Mr. Speaker, to offer an amendment?

The SPEAKER. The gentleman can propose an amendment.

Mr. MCEWAN. I move to amend, in line 5, after the word "whatsoever," by inserting the words "during time of war."

Mr. BENNETT. Mr. Speaker, this bill was drawn with the intention of having some secrecy thrown around the strength of our fortifications. As a case in point, gentlemen of the House will probably remember the notable case of Dreifuss in France. Captain Dreifuss was accused of having given away to Germany information as to the strength of one of the French fortifications, and for that reason he was exiled. But, so far as my investigation has gone, I am unable to find in any of our statutes any restrictions governing this point. It is now possible for a person to go upon a Government reservation used as a fortification and not only describe all the guns, but to take photographs or drawings and make them public without violating any law. And if the amendment of the gentleman from New Jersey should prevail——

Mr. BAILEY. The gentleman from New York will permit me to make this inquiry: If all that he has just described were done with the purpose of delivering the information to a public enemy, and it were actually delivered, would it not be treason?

Mr. BENNETT. No doubt it would be; but it would be very difficult indeed to secure the necessary proof. Such a course of conduct is not treason under the Constitution in time of peace. Still, if such information were given to the naval intelligence bureaus of any country in the world, it could keep that information and use it in time of war as well as in time of peace. It seems to me that the provision embraced in this bill is not an unreasonable one; and I do hope it will be adopted.

Mr. BAILEY. I wish to ask the gentleman again whether a newspaper would not be subject to the penalties of this bill if, in time of peace, its reporters should simply attempt to describe for the information of the people the condition of one of these fortifications?

Mr. BENNETT. In that case the editor of the newspaper or other parties concerned would be liable to be tried and put in jail.

Mr. BAILEY. That is what would take place if this bill should become a law; but I ask whether, if it becomes a law, it would not subject persons connected with newspapers to penalties for an innocent article describing the strength of fortifications in time of peace for the information of the American people?

Mr. BENNETT. If information were published in detail in a newspaper as to the absolute strength of the fortifications, it would be a violation of this bill. My impression is that it is the intention of the newspapers of the United States to be patriotic, and that as soon as the attention of their publishers is called to the fact that by publications of this kind they would be giving information which could be used against the United States they would probably refrain from such publications.

Mr. BAILEY. There is a great deal of force in that suggestion, so far as it applies to a time of war; but in time of peace it seems to me the people of this country are entitled to know what is being done in any department of the Government; and I do not believe

that if a newspaper should publish in time of peace, for the information of the public, the condition or strength of our fortifications, the publishers should be subjected to penalties of this kind.

Mr. BENNETT. Under certain circumstances such information might just as well be given in time of peace as after actual declaration of war.

Mr. NORTHWAY. As I understand, this is intended to be a permanent statute?

Mr. BENNETT. Yes, sir; that is the intention.

Mr. NORTHWAY. Now, in time of peace is it not entirely possible for persons representing any foreign country to learn the strength of our batteries, the precise condition of our fortifications, and so forth?

Mr. BENNETT. Of course it is.

Mr. NORTHWAY. Then the bill will not prohibit anything; for if any other nation wants to learn in time of peace the strength of our fortifications, it can do so, can it not?

Mr. BENNETT. The intention of this bill is to prevent anything of that kind. I believe that the freedom heretofore existing in the United States in this respect should not be permitted to continue.

I yield now to the gentleman from Iowa [Mr. HULL], the chairman of the committee.

Mr. DOCKERY. Before the gentleman from Iowa [Mr. HULL] proceeds, I wish to inquire whether this bill is approved by the Secretary of War.

Mr. HULL. I will say to the gentleman that it is approved by the Chief of Engineers, General Wilson; by the Chief of Ordnance, and by the Assistant Secretary of War, all of them giving it their cordial indorsement. Let me say further that if the amendment of the gentleman from New Jersey shall prevail, the bill will be utterly worthless. If information as to our coast defenses be given out in time of peace, it is impossible to change those batteries in time of war so as to make the information of no value to our enemy. A battery is a permanent affair.

This bill as originally presented went further than the committee believed it should, by prohibiting the giving of information as to the guns. We believed there was no objection to giving information as to the size and power of guns being shipped to a battery, but if information as to the placing of a battery, its location, and other details, if maps or photographs or full descriptions of such works should be published, either in time of peace or war, it would give the enemy the very knowledge they would want.

Mr. DOCKERY. Is it not true that it is customary to exchange information of this character between governments?

Mr. HULL. No; it is not true. All governments guard with the most jealous care——

Mr. DOCKERY. I mean in time of peace.

Mr. HULL. In time of peace and war both, the fortifications and everything connected with the defense of the nation.

Mr. McCLELLAN. Let me suggest to the gentleman that Captain Dreyfus was sent to prison for life for giving just such information in time of peace.

Mr. FISCHER. Will the gentleman from Iowa permit a question? I understand this bill provides that there shall be no photographs made for the purpose of disclosing the strength of fortifications?

Mr. HULL. Yes.

Mr. FISCHER. Why not insert the word "weakness?" That happens to be the case with most of our fortifications.

Mr. HULL. If we have no fortifications, then we do not care. In fact, it is of benefit to the country to have attention called to such a state. If we have one gun, it is so much strength. If we have none, there is nothing to disclose. Now I yield five minutes to the gentleman from New Jersey [Mr. McEWAN].

Mr. McEWAN. Mr. Speaker, one of the serious evils of a war is the readiness to pass legislation which we would not consider for one moment in time of peace, urged thereto by representations of its absolute necessity and the need of greatest haste. This makes the timid legislator forget the need of deliberation and accept any bill offered with the statement that it is made urgent by the war. He fears he will be considered unpatriotic if he hesitates. I have, therefore, several times since the war began run the risk of incurring the displeasure and perhaps the suspicion of this country as to my patriotism by opposing some of this kind of legislation and asking for becoming consideration—notably the issue of bonds, and yesterday in the case of granting registry to two vessels of foreign build, which gave to the owners of those vessels advantages which other equally good citizens do not enjoy, and again giving power to public officers, even if they be military officers, to purchase large quantities of supplies without competition. Now, to-day comes up another bill, which I submit has not received sufficient consideration, as can be readily seen from the crude form in which it is drawn, and which we are asked to pass at once and offhand.

Had the gentleman who introduced this bill drawn it in accordance with the few remarks that he made a few moments ago, I should not have had anything whatever to say about it; but I submit that this has not received any consideration whatever. If adopted, it would abridge the liberty of the press and even the liberty of speech. We know that almost from the time that history was first written, from the time there has been any printing at all in magazines, illustrated papers, or newspapers of any kind, it has been the custom to describe fortifications of all countries as among the interesting features in describing countries.

Mr. BENNETT. Will the gentleman from New Jersey name one?

Mr. McEWAN. Yes; I will name one—Morro Castle.

Mr. BENNETT. I will say to the gentleman that it would be necessary for them to give a detailed account of the strength of a fortification in order to violate the law.

Mr. McEWAN. If the gentleman puts that in as an amendment, I will, with the consent of the House, withdraw my amendment. Again I would ask how, under the wording of this law, can it be possible for students at West Point or at Annapolis, without violation of the law, to make any drawings whatever of these fortifications, or of any professor to tell of their strength? How can engineering go on as a profession if there is to be any such law as this? Do I hear some person say that the students have no business to know about the specifications for engineering?

Mr. MAHON. No one has any business to give information to the enemy.

Mr. McEWAN. This does not say anything about giving it to the enemy. It says that there shall be no printing, publishing, photographing, or reproducing by any process whatsoever, so as to make public in any wise any information as to the strength of any fortification of the United States.

Now, is it not a fact that in every magazine that you have ever read in which this or any other country or section is described there have been descriptions in a general way of fortifications as a part of the make-up of a country about which we have been reading? I submit that this bill is entirely too drastic and that it ought to be defeated or recommitted.

Mr. HULL. I will yield to the gentleman from Ohio [Mr. BROMWELL].

Mr. BROMWELL. Mr. Speaker, it seems to me this provision is not drastic enough. I should have been glad if this committee had reported a provision that the so-called contract work which is carried on in the fortifications of the United States should be abolished. I am told by the Chief of Engineers that when plans for fortifications for our harbors are made, for their construction, they are open to public competition. They are laid out before any person who chooses to come in and be a bidder. He can carry away copies of those plans, can know exactly where the mines and torpedoes are located. Now, the time of peace is the time when foreign countries prepare for war, and I hope that the amendment of the gentleman from New Jersey will not pass, because the dangers come to us not only in time of war, when we are more vigilant and when we watch these things, but more especially in time of peace, when we are off our guard.

I am told that the New York Herald a short time ago published a complete description of all the fortifications in New York Harbor, spread it broadcast to the world, so that the pilot of a hostile fleet could carry his ships in safety through all of the obstructions of the New York Harbor without any danger. Yet this poor wretch Downing committed suicide because he had been caught furnishing to the Spanish the location of our coal fleet. It seems to me that we have been altogether too free in giving the public information of the affairs of this country that for our own safety ought to be kept quiet; and I hope that the amendment of the gentleman from New Jersey will not carry and that the original bill will pass.

Mr. HULL. I yield to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Speaker, I do not believe this bill ought to pass. It is not only too severe in the punishment which it prescribes, but it is too broad in its scope. In my judgment this House can not afford to put itself upon record as in favor of any such a proposition. Let me call the attention of members to its provisions:

> It shall be unlawful for any person or persons, corporation, or association to print, publish, photograph, or reproduce by any process whatever, so as to make public in any wise, any information—
>
> Any information!—
>
> as to the strength of any fortification of the United States.

If the bill should become law, a newspaper that should print a statement to the effect that a thousand men had been sent to a particular fortification in the United States, its publishers could be arraigned and punished, either by imprisonment in the penitentiary for ten years or by a fine of $25,000, or both, at the discretion of a Federal judge.

The Secretary of War has already sufficient authority to exclude whomsoever he may from our fortifications. A proper and

vigilant exercise of such power will, in my judgment, effectually accomplish the object of this bill.

The danger is now that, because we are in the midst of war, we may increase the military power of the country, not only in time of war but in time of peace, and also adopt military methods of administration. The bill will not receive my vote.

Mr. BROWN. I should like to ask the gentleman whether it would not be in the same line with this bill to make it an offense for any newspaper to publish the strength of any army?

Mr. SAYERS. This is limited to fortifications.

Mr. BROWN. Would it not be in the same line to propose that?

Mr. SAYERS. Yes; you might as well do that.

Mr. BROWN. It appears to me that you might as well do that.

Mr. SAYERS. The bill ought to be defeated.

Mr. HULL. I yield two minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. It does seem to me that if there is any common-sense proposition which has been submitted to the House since the beginning of this war it is the bill which is now under consideration. As I understand it, this bill only prohibits the giving out of information as to fortifications and their strength. Now, is not that right? Have we been at peace so long that we can not now know how to conduct the war? Why, Mr. Speaker, if we are going to give to the enemy all our secrets, if we are going to give to the enemy descriptions of our forts, of our Navy, of our Army, then we are putting ourselves at the greatest disadvantage. Have we not an example of it before us now? Everybody knows where the American fleet is, but nobody knows where the Spanish fleet is. It would be of great importance to us if we knew where that fleet is.

But those who have control of the affairs of Spain are wise enough to keep that secret which, in order to conduct a successful war, ought to be kept secret. I do not believe that the construction placed upon this bill by the gentleman from Texas [Mr. SAYERS] could possibly be upheld by any court.

Mr. SAYERS. Will the gentleman allow me to ask him a question?

Mr. HAY. Certainly.

Mr. SAYERS. Suppose a 10-inch gun should be sent to Galveston, in my own State, to be put in a fortification there, and one of the papers should publish the fact that such a gun had arrived and was being put there. Would not the publishers be subject to the penalty prescribed in this bill?

Mr. HAY. Certainly not.

Mr. SAYERS. Why not?

Mr. HAY. Because that is a public matter that everybody would know everything about, and it would not come under the scope of this bill. Why, who could not tell that a 10-inch gun was being transported from one end of this country to the other?

Mr. SIMPSON. Will the gentleman allow me?

Mr. HAY. I can not answer two questions at once.

Mr. SIMPSON. The bill says:

So as to make public in any wise any information.

Mr. HAY. Any information about what?

Mr. SIMPSON. About the guns or fort.

Mr. HULL. No; the provision with reference to guns was stricken out.

Mr. SIMPSON. Well, as to the strength of a fortification.

Mr. HAY. About the strength of the fort.

Mr. SIMPSON. Do not the guns go to make up the strength of a fortification?

Mr. HAY. They do not go to make up the description of a fort and the different parts of it, so that the enemy could know where to make his attack. I say that this is a common-sense proposition. I say that it is one that ought to be supported, and it does seem to me to be a curious fact that no bill can be reported here which looks to the real defense of the country and to the real purpose of defeating the foe with whom we are contending, without adverse criticism being made, and, in my humble judgment, that sort of criticism which ought to have no weight with the members of the House.

Mr. DOCKERY. Mr. Speaker——

Mr. HULL. How much time do you desire?

Mr. DOCKERY. Two or three minutes.

Mr. HULL. I yield three minutes to the gentleman from Missouri.

Mr. DOCKERY. Mr. Speaker, at the risk of bringing myself within the purview of the criticism just pronounced by the gentleman from Virginia [Mr. HAY], I desire to dissent from the provisions of this bill. Something has been said about the present location of the Spanish fleet, or rather about the absence of information of its whereabouts, while it is alleged that we are all advised of the whereabouts of the American fleet. In view of the existing restrictions placed on information relating to the movements of our fleet by the Navy Department, no gentleman on this floor has now any information as to the location of the American fleet.

But, coming to this bill, I want to say that its general purpose, in my judgment, is a good one, that the number of guns in a fortification and the details of its surroundings, and such information as may be of value to an enemy should not be made public during a time of war. But the trouble with the committee is that it has so framed the bill as to enlarge its scope and bring within its ban innocent publishers of news, because the bill says that if you print "any information" in reference to the strength of the fortifications of the United States you do so under the menace of the second provision, which carries rigorous pains and penalties. Now, we all desire to secure proper secrecy in respect to our fortifications, and I think it possible to offer an amendment that will accomplish this purpose.

Mr. HULL. Will the gentleman accept this amendment: Insert, after the word "information," in line 6, the words "with the consent of the Secretary of War?"

Mr. BLAND. That would make the Secretary of War censor of the whole public press.

Mr. HULL. Not at all. It would make him the custodian of public defense.

Mr. DOCKERY. I do not think that amendment would answer the purpose, because, as suggested by my colleague, that places a power in the Secretary of War that he should not have, either in peace or war.

Mr. Speaker, the purpose of the bill is obvious, and we are all agreed as to it; but I do not believe that in the hurry of this debate we can perfect the bill as it should be perfected. We do not want to give to the enemy the strength of our fortifications, we do not wish to have them photographed, and do not desire any information as to fortifications made public that would embarrass the Government in its military or naval operations; but this bill is "wide open" and puts every publisher in the United States under its ban. I think the committee ought to consent to recommit the bill and then reconstruct it along a line that will accomplish the purpose they seek and yet not put all the newspapers of the United States at the peril of fines and imprisonment.

Mr. BLAND. I would like a few minutes.

Mr. HULL. Mr. Speaker, I want to say to the gentleman from Missouri [Mr. DOCKERY] and the gentleman from Texas [Mr. SAYERS] that so far as their contention is concerned—that they could have no information as to the guns—that is not true, clearly, because the words "giving the power of the guns" is stricken out of the bill. But so far as the fortifications themselves are concerned, if you throw it open so that in time of peace or war the newspapers can give full and detailed descriptions in the papers of the coast defenses, you might just as well not pass the bill at all. Of course there is known, in a general way, in all countries, just where the fortifications are; but the detailed information is not given; and of course we all admit that there must be a reasonable construction of statutes.

This bill has the indorsement of every man connected with the War Department possessing any information whatever on the question of coast defense; and, to my mind, to amend it so as to allow newspapers in the course of general information to write articles and give full information as to the batteries would defeat the very object of the bill. I know that we are all sensitive about the idea of curtailing the power of the press, and properly so. We ought to be. The press may have done some harm by too much enterprise, but great good as a whole. But there are certain lines, I believe, that the reputable newspapers of the United States will recognize should be followed out by the United States, even in giving information of any kind connected with our coast defense. Every other nation on earth has safeguards around their fortifications, every one of them. We have absolutely none. In most of the great nations the penalty is much more severe than in this bill. There are some fortifications that we all know about. Morro Castle has been referred to by the gentleman from New Jersey. We know all about Morro Castle and about the power of the guns.

Mr. McCLELLAN. It is obsolete.

Mr. HULL. Absolutely. Every ship that goes in and out of the harbor of Havana knows all about Morro Castle, but the modern shore defense is now hidden from view. Every man who goes up and down this Potomac River knows there are defenses, but does not know where they are, and of all the gentlemen in this House who have gone up and down the river to Fortress Monroe few if any have any information about the batteries except what they have received from the public press, and we are depending upon these batteries in time of war. If we gave out information as to the place of the batteries and descriptions of location of the guns, you might as well have them make photographs and maps, as the descriptions would be accurate enough to enable experts to draw a map accurate enough for all purposes.

Mr. GREENE. I want to say I am in sympathy with the general purpose of the bill; but does not the number and size of its guns at least enter into the strength of the fortification? Now, then, where this bill provides it shall be punishable to give out "any information," would not the simple announcement of the shipment of a gun and the size of a gun be a violation of the law? Because that is simply a reference to the strength of the fort, as the strength of the fort depends upon the number and size of its guns.

Mr. HULL. I think not. I do not believe the words "any information as to" ought to be stricken out.

I now yield two minutes to the gentleman from Iowa [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I dare say that there is not a man on this floor who is disposed to deny to the Government of the United States in this emergency any protection which may be required in order to secure the success of her arms. But my judgment is, Mr. Speaker, that this bill is dangerous in its provisions. The gentleman from Iowa [Mr. HULL], the chairman of the Committee on Military Affairs, dwells upon the importance of preventing the giving out of detailed information. Why, we can all testify to the impropriety of that; but this bill provides that "any information" given out shall subject the publisher to the penalty named in this act. It places every newspaper in this country at the peril of the enemy of that paper, and not the enemy of the United States. I think there might be a better method than is provided in this bill.

I think newspaper publishers would rather submit to a severe censorship even than the provisions of this bill, and it would be safer in its operation. There is no limit placed upon the bill. "Any information" that may be given out—and who is to be the judge? I think the bill, as has been suggested, better be revised.

Mr. HULL. I now yield five minutes to the gentleman from Tennessee [Mr. COX].

Mr. COX. Mr. Speaker, the difficulty in the matter lies in this. We are in war and we want to provide proper restrictions against the furnishing of information to the other side. That is the object of the bill. Now, we all agree upon the proposition that in time of war all of this information ought to be kept from the enemy. Nobody dissents from that. The trouble comes in that part of the bill where it undertakes to punish those that furnish information, and, as is emphasized here, "any information" in regard to the matter.

In considering the bill in my own mind, it operates upon me in this way: Where will you put the limit? How much shall be published and how little shall be published? It is useless to say that you limit the bill in its operation in time of peace, for upon the very first suggestion of war or the probabilities of war, this very information which has been procured in the time of peace will be obtained without any restriction whatever. Now, I concede the force of the suggestion that has been made, that in time of peace, when there is no agitation or probability of war, the bill is severe, but at the present time I think we had better let it go with the positive prohibition of any information at all, until peace is restored. Then we can revise the matter in a shape that will be satisfactory to all.

But I undertake to say, in conclusion, that I do not know a member on this floor—and I concede to them the utmost intelligence—that can draw that bill and tell where you shall say this information shall stop, what information may be published and what may not. I voted for this bill with the idea that in time of peace, as we have had for a number of years, I would modify the provisions of the bill; but in time of war I should most heartily support the present bill. At the present time they are photographing our forts and photographing our guns, and there is no more trouble in obtaining information of the status of our forts and guns for the Spanish Government than there is for the United States to obtain it itself. Therefore I support the bill.

Mr. HULL. I now yield five minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Speaker, one of the greatest objections to this bill is that it is unconstitutional. The Constitution provides, Article I, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the rights of the people peaceably to assemble," etc.

Now, I take it this bill means more than simply to print. It says "to publish." I do not suppose under this prohibition a Government officer could send information to Congress describing fortifications, for the bill makes no exceptions. Information detailing the situation of fortifications and asking for appropriations for it would come under the prohibition of the bill, and so would debate upon it in the House, except for the provision as to the freedom of debate here.

All publication, without exception, no matter whether it is printed or proclaimed or how. And as to what? As to the strength of any fortifications in the United States. Now, what constitutes the strength of a fortification of the United States? There is no definition of it; it is vague and uncertain. Does it mean the number of guns? Does it mean the number of soldiers? Does it mean whether that fortification is constructed of certain materials, or of certain other material? What does it mean? Why, my friend from Tennessee [Mr. COX] says he does not know. He does not believe a bill of this kind can be drawn intelligibly. According to his idea the whole of it is to be left to judicial interpretation. No man with safety can talk about the strength of a fortification, that a certain number of soldiers is going to a certain fort, or a certain supply of arms is to be sent to such a fortification, without laying himself liable to arrest under judicial construction of this bill. And it is made a felony; the punishment is very severe.

It does seem to me, Mr. Speaker, that when a bill, evidently contravening that portion of the Constitution which was designed to secure to our citizens freedom of speech and freedom of the press is presented here, it should be drawn with more care than this bill has received. It may be, sir, that in a Government like ours the guaranties of freedom of speech and of the press are connected with certain disabilities. And yet, sir, the fact that our citizens have been endowed with freedom of speech and of the press, for the purpose of general information and intelligence, makes us the proudest, the most powerful, and the most intelligent people on the globe.

Mr. Speaker, we must take these rights with the disabilities necessarily attending them. And while I would go as far as anyone in providing penalties for the punishment of anyone who may go about a fortification without the permission of the Secretary of War, the Secretary of the Navy, or whatever authority may have those fortifications in charge, and publish a detailed description of those fortifications so as to give information to the enemy, while such an offense should be made penal, I would reach the result in some sensible, substantial manner which would conform to the principles of constitutional liberty—the freedom of speech and of the press. This bill opens the door not only to legitimate prosecutions, but to illegitimate prosecutions—to spite work.

[Here the hammer fell.]

Mr. BLAND. Mr. Speaker, I would have been glad to occupy more time; but I have made my points as well as I could in the limited time allowed.

Mr. HULL. Mr. Speaker, I am ready for a vote.

Mr. DOCKERY. Will not the gentleman consent to let this bill go back to the committee to be reconstructed?

Mr. HULL. I think the House might just as well vote the bill up or down now, because if we are going to leave the door wide open, it can be done now.

Mr. BLAND. I think that the committee might frame a bill which would substantially accomplish the purpose in view without flying in the face of the principles of American freedom. We do not want to convert ourselves into slaves in order to free somebody else.

Mr. HULL. I have heard a great deal of talk in the past about "converting ourselves into slaves." There is nothing in this bill that will make a "slave" of my friend from Missouri, if it becomes a law. The bill is one which was introduced by the gentleman from New York [Mr. BENNETT]; which was referred to the War Department for consideration; which passed there from one bureau to another; which received the approval of the Chief of Engineers, the Chief of Ordnance, and the Assistant Secretary of War, and was then sent back to the committee with the request that we present it to the House and try to have it adopted as a measure of great importance to the Government.

Mr. COCHRAN of Missouri. I should like to ask the gentleman whether he is aware that the agitation of coast defense by the exposition of the weakness of our fortifications through the press continuously for ten years was necessary to bring about the construction of any fortifications anywhere. Without that agitation we never would have had any system of fortifications.

Mr. HULL. I do not think this bill will affect in any way any agitation as to the places where there is no proper defense. I think that will continue and should continue until we are fully protected.

Mr. COCHRAN of Missouri. I call the attention of the gentleman to the fact that every improvement in the fortifications of the United States has been brought about by the press calling attention of Congress repeatedly to the fact that there were no fortifications at certain points needing defense.

Mr. HULL. I am aware that the press has been very potential, and it no doubt will continue so.

Mr. COCHRAN of Missouri. As early as 1878 Samuel J. Tilden wrote a letter in which he called attention to the weakness of the coast defenses of the United States. His letter, addressed to the American Congress, and copious press comments which followed, conveyed the appalling information that at that time more than

one city on our Atlantic and Pacific coasts could have been taken by a single hostile man-of-war. Under this bill, it would be as unlawful for the press to call attention to the defenselessness of a poorly fortified city, with a view to securing additional fortifications, as to furnish a hostile force, by newspaper publications, valuable information as to the strength of fortifications. You propose to hamper the power of the press, so that it will be disabled not only from improperly advertising the details of methods used in fortifications, but also from agitating the necessity of works of defense at points where weakness exists. I believe that this bill, modified, might be a good——

Mr. HULL. I supposed the gentleman wanted to ask a question.

Mr. COCHRAN of Missouri. I ask whether the weakness of fortified towns, or the defenselessness of those which should be fortified, could be dwelt upon by the press under this bill?

Mr. HULL. This bill would simply make it an offense to give out information as to the strength of our batteries already established. It would have nothing to do with discussing the fact that we are inadequately fortified——

Mr. COCHRAN of Missouri. Would not such discussion pertain to the strength of our fortifications?

Mr. HULL. The bill would have nothing to do with the discussion of the fact that we were at particular points inadequately fortified. It would have absolutely nothing to do with the discussion of the necessity of coast defenses. It would only have to do with the giving out of detailed information as to the emplacements and strength of the batteries which may be erected.

A MEMBER. It does not say so.

Mr. COCHRAN of Missouri. Then the gentleman from Iowa says, as I understand him, that the bill will only prohibit giving any information as to the impregnable defenses?

Mr. HULL. Oh, no; if defenses were impregnable, it would be a different thing. I said nothing about "impregnable." Take the case of other great nations and their impregnable defenses. For instance, as to Gibraltar; you can not get the details of any part of the fortifications there. No newspaper can send its correspondent there and obtain such information.

Mr. COCHRAN of Missouri. I will ask the gentleman whether the War Department can not to-day issue orders absolutely controlling access to our fortifications?

Mr. HULL. It may issue such orders——

Mr. COCHRAN of Missouri. I mean in time of war.

Mr. HULL. But it would be impossible to punish a man for giving out information.

Mr. COCHRAN of Missouri. I will ask the gentleman whether a mere general order or regulation enforced by the War Department against giving this information as to its fortifications would not avail?

Mr. COOPER of Wisconsin. I desire, Mr. Speaker, to ask the chairman of the Committee on Military Affairs a question, which was suggested by a remark of the gentleman from Missouri [Mr. BLAND]. He has called attention to the fact that the Constitution of the United States prohibits Congress from passing any law abridging the freedom of the press; and lays stress upon the argument that Congress can not pass a law, under the Constitution, prohibiting a newspaper from publishing any fact. Now, that presents to my mind this question: Congress can, of course, pass a law prohibiting the dissemination through the mails of newspapers, periodicals, or magazines of any character which publish certain classes of advertisements for instance, lottery advertisements.

But while Congress can prohibit the dissemination of such matter through the mails, is it, as a matter of fact, true that Congress can prohibit the newspapers from publishing anything? While we can, as a Congress, having full power over the mails of the United States, prohibit the transportation through the mails of certain classes of publications, can Congress undertake to prohibit, under the constitutional provision, a newspaper from publishing any advertisement it sees fit to accept, and would not such a prohibition be a restriction of the freedom of the press?

Mr. HULL. Mr. Speaker, I think the assumption that the bill goes as far as the gentleman from Iowa [Mr. PERKINS] and the gentleman from Missouri [Mr. BLAND] and others seem to think is an entirely mistaken assumption. The bill provides:

> That it shall be unlawful for any person or persons, corporation, or association to print, publish, photograph, or reproduce by any process whatsoever, so as to make public in any wise, any information as to the strength of any fortification of the United States.

I do not believe the legal construction of the bill, or a proper construction, or even a reasonable construction of it, would apply to the ordinary discussion of such fortifications. It simply prohibits a published description of them which might be used by an enemy and make the fortifications less effective. It is intended to stop or prevent the detailed description to the world of the location of guns and the strength of our fortifications, which are matters that manifestly ought not to be in the hands of a public enemy.

Mr. SIMPSON. Will the gentleman from Iowa allow me to ask him a question?

Mr. HULL. Certainly.

Mr. SIMPSON. Do I understand the chairman of the committee to say that the Secretary of War has indorsed this bill?

Mr. HULL. I made that statement.

Mr. SIMPSON. It does not so appear, either in the bill or the report. The report says that the bill is "respectfully returned to the chairman of the Committee on Military Affairs of the House of Representatives, inviting attention to the accompanying reports of the Chief of Engineers and the Chief of Ordnance, United States Army," and signed by Mr. Meiklejohn, Assistant Secretary of War.

It does not seem from this statement that the Secretary of War has indorsed the bill.

Mr. HULL. The cordial indorsement given to the bill by the two chiefs of the bureaus, when returned by the Secretary of War, calling especial attention to bureau reports in that way, has always been taken as an indorsement on the part of the Secretary.

Mr. SIMPSON. It seems to be a very weak indorsement. He simply refers you to what the chiefs of these bureaus have said in reference to the matter.

Mr. HULL. Nevertheless it has always been considered as an indorsement, as the gentleman will find on an investigation of the matter.

But, Mr. Speaker, so far as I am individually concerned—I am not speaking now for the Committee on Military Affairs, but only for myself—I have no objection to putting into the bill, if desired, the words "except by authority of the Secretary of War." That will cover the objections urged against the form of the bill.

Mr. RIDGELY. Mr. Speaker, I would like, if the gentleman will allow me, about three minutes on this bill.

Mr. HULL. Certainly.

Mr. WHEELER of Kentucky. Before the gentleman yields, I would like permission to ask him a question.

Mr. HULL. I yield to the gentleman from Kentucky.

Mr. WHEELER of Kentucky. I noticed in the statement of the gentleman made a few moments ago that this bill does not prohibit "a discussion" of the subject of fortifications. Now, I would like to suggest to the gentleman that the law of "publication" is not confined to a mere written description or declaration, but may be established by an utterance or a discussion between two or more persons; which would be, in accordance with the decisions of the courts heretofore, a legal publication of the statement, and the bill would seem to prohibit such a discussion as that, and subject such persons to all the legal pains and penalties prescribed.

Mr. HULL. If the gentleman will permit me, it seems to me that the bill is clear on that point. It prohibits a publication in the ordinarily accepted sense of the word——

Mr. WHEELER of Kentucky. Yes; I understand that. But a "publication" may be an oral utterance as well as a printed publication.

Mr. RIDGELY. Mr. Speaker——

Mr. WHEELER of Kentucky (continuing). And I would ask the chairman of the committee where, in the history of jurisprudence, there has been a different construction placed upon the law of publication?

Mr. JONES of Washington. I would like to ask the gentleman from Iowa a question, with his consent.

Mr. HULL. Certainly.

Mr. JONES of Washington. I would like to ask if the rules and regulations governing our coast defenses and fortifications do not now prohibit unauthorized persons to go about and examine and photograph them in detail except under written permission from the officials in authority?

Mr. HULL. That is correct, but there is no punishment for a violation of that rule.

Mr. JONES of Washington. Then why not reach the point you have in view by permitting officers in charge of fortifications to prescribe such punishment as may prevent an infraction of that rule?

And before the gentleman answers that question I would like to make another suggestion as to how in the world we can derive any substantial benefit from prohibiting the publication of what anybody seems to have a right to go and get for himself. So long as it is possible to get the information, so long as a citizen—anybody—may go and obtain the information, it may just as well be public as not. For that reason I do not see any special advantage that the bill affords as a protection.

Mr. HULL. I think the gentleman will agree with me that if the War Department in time of war should catch a man making photographs they might possibly try him under martial law, but

in time of peace they could not, and you have no restrictions whatever. A penalty for a violation of a mere regulation would be dangerous. You can not tell what a regulation may be. You may have a regulation forbidding a thing, but if there is no penalty attached to it your regulation is of no benefit whatever.

Mr. JONES of Washington. But why could not all this be accomplished by preventing unauthorized persons taking these photographs? I do not understand where any good can be derived from prohibiting the publication in our newspapers of facts which any unauthorized individual may go and secure. Take myself, for instance. If I am going about these fortifications and I secure this information, it is entirely immaterial that I am prevented from publishing it in a newspaper. If I am an agent of Spain, I can go and send a cipher message and tell them all about it. If I get the information, it may just as well be published as not.

Mr. HULL. I now yield to the gentleman from Kansas [Mr. RIDGELY].

Mr. RIDGELY. Mr. Speaker, I wish to call the attention of the committee to what is, to my mind, an omission that is of greater importance in carrying out the purposes of this bill than all contained in the bill. It is a common practice, and, I believe, the universal practice of this Government, to let out by contract the construction of nearly if not quite all of our fortifications, and to furnish specifications in detail to the contractor. By this means we leave open a possibility by which any alert, vigilant, foreign government may get the absolute drawings of every fortification, and thereby, with the aid of engineers, determine exactly the shape, form, and strength of any and every fortification which we now have or which we may hereafter build, unless this committee will permit an amendment which will close this door.

I wish to ask if the committee object to an amendment that will from this time on forbid the Government letting out by contract the construction of fortifications, and will make it the duty of the officers to construct these fortifications under Government supervision, and keep the specifications and other information as a state secret? I have such an amendment prepared, and I want to know if the committee are willing that it shall become a part of this bill?

Mr. HULL. I have no objection.

Mr. RIDGELY. Then I offer it as an amendment.

Mr. HULL. There is an amendment now pending.

Mr. RIDGELY. I will read the amendment in my time, and hope it may come up later:

That hereafter no contract shall be let for the construction of fortifications, but all construction of fortifications shall be done by the Government, and all plans and specifications kept as a secret by the Government.

I will offer that when the proper time comes.

Mr. HULL. Mr. Speaker, as far as I am concerned, I have only the common interest in this bill that every other citizen has. Whether it shall be voted up or down is for the House to determine. It was introduced by Mr. BENNETT of New York, and is in the right direction. I simply want to say that whatever is done in this line should be done now. The bill is before the House, and there is no reason why it should not be voted up or down this morning.

I now yield the balance of my time to the gentleman from New York [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I call for the previous question.

The previous question was ordered.

Mr. CONNOLLY. Would it be in order now to move to recommit the bill to the committee?

The SPEAKER. It will be in order after the bill has been ordered to a third reading. The question is on the amendment of the gentleman from New Jersey [Mr. MCEWAN], which the Clerk will report.

The Clerk read as follows:

In line 6, page 1, after the word "whatsoever," insert "during a time of war."

The amendment was rejected.

The bill as amended was ordered to be engrossed and read a third time.

Mr. CONNOLLY. I now move to recommit the bill to the Committee on Military Affairs.

The question was taken; and on a division (demanded by Mr. BENNETT) there were—ayes 82, noes 54.

Mr. BENNETT. Mr. Speaker, I ask for tellers.

Tellers were refused, 33 members—not a sufficient number—rising in support of the demand.

Accordingly the bill was ordered to be recommitted to the Committee on Military Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 9210) granting an increase of pension to George H. Baldwin, disagreed to by the House of Representatives, had agreed to the conference asked by the House, and had appointed Mr. GALLINGER, Mr. SHOUP, and Mr. MITCHELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution and bills of the following titles:

S. R. 167. Joint resolution ratifying and confirming certain temporary appointments of officers of the Navy; in which the concurrence of the House was requested;

S. 4607. A bill providing for the payment and maintenance of volunteers during the interval between their enrollment and muster into the United States service, and for other purposes; and

S. 4414. A bill granting a pension to Georgia H. Berry.

The message also announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 1288. An act for the relief of Samuel McKee; and

H. Res. 237. Joint resolution appointing four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

On motion of Mr. CANNON, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10378) making appropriations to supply deficiencies in the appropriations for the payment of pensions, and for other objects, for the fiscal year 1898, and for other purposes, with Mr. HEPBURN in the chair.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill, to close general debate, and to read the bill under the five-minute rule for amendments.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with, that general debate be now closed, and the bill be read by sections for amendments. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

PENSIONS.

For Army and Navy pensions, as follows: For invalids, widows, minor children, dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $8,070,872.46: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same may be sufficient for that purpose: *Provided further*, That the amount paid to each of the several classes of pensioners shall be accounted for separately.

Mr. MCMILLIN. Mr. Chairman, I would like to ask the gentleman in charge of the bill whether this $8,000,000 item is for the naval pensions only, or for a deficiency in all classes of pensions?

Mr. CANNON. I could not hear the gentleman.

Mr. MCMILLIN. I asked if the $8,000,000 item included the invalid pensions and general pension list as well as the naval pensions?

Mr. CANNON. Oh, certainly.

Mr. MCMILLIN. What proportion of it is for invalid pensions, and what proportion for naval pensions?

Mr. CANNON. I can not tell the gentleman exactly; but it is substantially all for invalid pensions.

Mr. MCMILLIN. Substantially all for invalid pensions?

Mr. CANNON. It is the usual form of making appropriations for pensions. It is substantially all for invalid pensions.

Mr. MCMILLIN. So that there was substantially an eight-million-dollar deficiency for invalid pensions?

Mr. CANNON. Yes.

Mr. HENRY of Mississippi. That amount was expected at the time the last appropriation was made?

Mr. MCMILLIN. I remember that it was stated at the time the appropriation would be inadequate. What does this make the total appropriations for pensions?

Mr. CANNON. In round numbers, $148,000,000 for the current year. The gentleman will recollect that the appropriations for the current year were made at the last session of the last Congress. Now, the gentleman has in mind, I take it, what was said about the appropriation for pensions the coming year. A deficiency was prophesied then, and I think the prophecy will——

Mr. MCMILLIN. Will be fulfilled.

Mr. CANNON. Will be fulfilled. That is my judgment; but that matter will not be ascertained until the next session of Congress, commencing on the 1st of December next.

The reading of the bill was resumed and concluded.

Mr. CANNON. Mr. Chairman, before making the motion that the committee rise and report this bill with a favorable recommendation, it is proper for me to state that this bill, with the exception of the items for the Departments of Justice and Pensions, is purely a bill made necessary by the present war.

Mr. DOCKERY. I am glad the gentleman made that statement, and I desire the RECORD to show that the additional force in the Treasury Department, in the offices of the Auditors for the War and Navy Departments, were made necessary by the existing war.

Mr. CANNON. Certainly; and from no other standpoint.

Mr. DOCKERY. Yes; from no other standpoint.

Mr. CANNON. After full investigation by the committee in charge of deficiencies with respect to the various items that would come before the various subcommittees having information touching all those matters, your committee was unanimous in believing that these appropriations were absolutely necessary.

Now, Mr. Chairman, I move that the committee rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and Mr. PAYNE having assumed the chair as Speaker pro tempore, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10378, and had directed him to report the same to the House with the recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

WAGON AND MOTOR BRIDGE ACROSS THE MISSOURI RIVER AT ST. CHARLES, MO.

Mr. CLARK of Missouri. I ask unanimous consent for the present consideration of the bill (S. 4206) extending the time for the construction of a wagon and motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896.

The bill was read, as follows:

Be it enacted, etc., That the time for commencing the construction of a wagon and motor bridge across the Missouri River at St. Charles, Mo., as fixed by an act approved June 3, 1896, be extended to one year from June 3, 1898, and that the time for completing said bridge as fixed by the act aforesaid be extended to June 3, 1902.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. Mr. Speaker, I move that the House amendment to the Senate bill be adopted.

The amendment was read, as follows:

In line 9, after the word "hundred," strike out "and two."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. CLARK of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

REPRINT OF CURRENCY BILL.

Mr. McCLEARY. Mr. Speaker, the supply of House bill 10289 has been exhausted, and I ask unanimous consent for a reprint. That is the currency bill reported by the Committee on Banking and Currency.

Mr. STEELE. I would like to ask the gentleman when he is going to call up that bill?

Mr. DALZELL. I move that the House do now adjourn.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none, and it is so ordered.

Mr. DALZELL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 1 o'clock and 32 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a favorable recommendation, a draft of a bill for authorizing the appointment of a Second Assistant Secretary of War—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of the Navy submitting an estimate of appropriation for a confidential clerk for the Secretary of the Navy—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a communication from the Auditor for the Navy Department submitting an estimate of appropriation for an increase of the clerical force in his office—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CANNON, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 10378) making appropriation to supply the deficiency in the appropriations for the payment of pensions, and for other objects, for the fiscal year 1898, and for other purposes, reported the same without amendment, accompanied by a report (No. 1360); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10293) to incorporate the East Washington Heights Traction Railroad Company, in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1362); which said bill and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9075) to authorize the construction of a bridge across the Missouri River at or near Quindaro, Kans., by the Kansas City, Northeastern and Gulf Railway Company, reported the same with amendment, accompanied by a report (No. 1363); which said bill and report were referred to the House Calendar.

Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10379) to promote the efficiency of the Revenue-Cutter Service, reported the same in lieu of sundry bills, accompanied by a report (No. 1364); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9693) to regulate steam engineering and the inspection of stationary steam engines and boilers in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1365); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5463) granting an honorable discharge to Prentice Holmes, reported the same with amendment, accompanied by a report (No. 1361); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 10380) exempting mining claims owned by enlisted soldiers or sailors in the war with Spain from assessment work and for relocation and transfer of forfeited interests of nonenlisted co-owners—to the Committee on the Public Lands.

By Mr. COWHERD: A bill (H. R. 10381) to amend the law providing for the police fund and firemen's relief fund of the District of Columbia—to the Committee on the District of Columbia.

By Mr. MITCHELL: A bill (H. R. 10382) to amend section 4965, chapter 3, Title LX, of the Revised Statutes of the United States, relating to copyrights—to the Committee on Patents.

By Mr. CURTIS of Iowa (by request): A bill (H. R. 10383) to extend Rhode Island avenue—to the Committee on the District of Columbia.

By Mr. BROMWELL: A joint resolution (H. Res. 269) providing for the return of captured Confederate flags—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BULL: A bill (H. R. 10384) for the relief of John Dailey—to the Committee on War Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 10385) for the relief of George Brown—to the Committee on Pensions.

By Mr. DANFORD: A bill (H. R. 10386) to correct the military record of Clinton C. Harris—to the Committee on Military Affairs.

Also, a bill (H. R. 10387) to pension Emeline Allison—to the Committee on Invalid Pensions.

By Mr. DAVEY: A bill (H. R. 10388) to increase the pension of Alexander Gaal—to the Committee on Invalid Pensions.

By Mr. HURLEY: A bill (H. R. 10389) to amend the naval record of John Marshall—to the Committee on Naval Affairs.

By Mr. JOY: A bill (H. R. 10390) for the relief of John L. Smithmeyer and Paul J. Pelz—to the Committee on Claims.

By Mr. MADDOX (by request): A bill (H. R. 10391) for the relief of J. G. W. Mills—to the Committee on Claims.

By Mr. MITCHELL: A bill (H. R. 10392) in relation to refunding certain sums to port wardens and harbor masters of New York—to the Committee on Claims.

By Mr. MUDD (by request): A bill (H. R. 10393) for the relief of Emmart, Dunbar & Co., on account of work done by said firm for the District of Columbia—to the Committee on Claims.

By Mr. WM. ALDEN SMITH: A bill (H. R. 10394) granting a pension to Walter S. Cole—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTLETT: Petitions of Dr. J. M. Head, druggist, of Zebulon; W. L. Carmichael & Co., of Jackson, and the Bradfield Regulator Company, of Atlanta, all in the State of Georgia, protesting against the tax on proprietary medicines in the proposed war-revenue bill—to the Committee on Ways and Means.

By Mr. BENNETT: Petition of the joint conference of the Eastern district of the Evangelical Synod of Iowa, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BOUTELLE of Maine: Petition of F. Flagg and 14 other citizens, of Dexter and other towns in Maine, protesting against the passage of the so-called anti-scalpers' bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of Capt. John Dailey, to accompany House bill for his relief—to the Committee on War Claims.

By Mr. CLARDY: Papers to accompany House bill No. 9054, for the relief of the legal representatives of Lewis Tyns, deceased, late of the State of Alabama—to the Committee on War Claims.

By Mr. DANFORD: Paper to accompany House bill to correct the military record of Clinton C. Harris—to the Committee on Military Affairs.

Also, petition of Emilene Allison, of Richmond, Ohio, for a pension—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Petition of business men of Minneapolis, Minn., against the amendment limiting the free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on the Post-Office and Post Roads.

By Mr. HARTMAN: Petitions of the Woman's Christian Temperance Union of Miles City, Mont., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Miles City, Mont., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. HURLEY: Resolution of the Manufacturers' Association of Brooklyn, N. Y., in favor of the international banking bill—to the Committee on Ways and Means.

By Mr. McDONALD: Petition of Liberty Grove Grange, No. 54, Patrons of Husbandry, State of Maryland, favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Liberty Grove Grange, No. 54, Patrons of Husbandry, of the State of Maryland, in favor of pure food—to the Committee on the Judiciary.

By Mr. MAHANY: Petitions of J. D. McHugh, James J. Worthington, R. S. McMahon, and other citizens of the State of New York, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. C. H. Smith and 19 other clergymen of the Episcopal Church, at Buffalo, N. Y., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON: Protest of the Young Men's Business League of Chattanooga, Tenn., against the reduction of postal facilities, and especially free mail delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Franklin County, Tenn., favoring the establishment of a national military park at Stone River, Tenn.—to the Committee on Military Affairs.

By Mr. NORTHWAY: Petitions of the Christian Church of Conneaut, Ohio, and the Woman's Christian Temperance Union of Eagleville, Ohio, for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Woman's Christian Temperance Union of Eagleville, Ashtabula County, Ohio, praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of Eagleville, and the Christian Church of Conneaut, Ohio, for the passage of a bill to protect State anti-cigarette laws and to forbid interstate transmission of lottery messages by telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Petition of W. L. Devereaux and 9 other citizens of Clyde and vicinity, State of New York, in relation to the issue of Government bonds—to the Committee on Ways and Means.

By Mr. PRINCE: Petition of the Jordan Woman's Christian Temperance Union, of Penrose, Whiteside County, Ill., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. PUGH: Papers to accompany House bill No. 10324, to increase the pension of William T. Berry—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10322, to increase the pension of Richard Davis—to the Committee on Invalid Pensions.

Also, papers in support of House bill No. 10325, for the relief of James C. Downey—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10323, for the relief of Jackson Brewer—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petitions of H. E. Rice, of Larwill, Ind., and T. J. Forrey, of Wawaka, Ind., protesting against the war tax on drug stock on hand—to the Committee on Ways and Means.

Also, petition of Diether & Barrows, of Fort Wayne, Ind., favoring the passage of a bill to authorize and encourage the holding of a national exposition of American manufactured goods in Philadelphia in June, 1899—to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL: Petition druggists of Norwich, Conn., against stamping druggists' goods in stock—to the Committee on Ways and Means.

By Mr. STEELE: Petitions of E. C. Hart and 50 other citizens of Galveston, Tex., in favor of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Young People's Association of the First Evangelical Church, Missionary Society and Christian Endeavorers of the Presbyterian Church, First Evangelical Church, the Presbyterian Church, First Methodist Church, Epworth League, Women's Foreign Missionary Society, and Independent Order of Odd Fellows Lodge, all of Wabash, Ind., and Methodist Episcopal Church and United Brethren Church of North Manchester, Ind., favoring the passage of a bill to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of certain churches and societies of Wabash and North Manchester, Ind., in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. VINCENT: Papers to accompany House bill No. 10374, granting a pension to Mary P. Wiley—to the Committee on Pensions.

By Mr. WILLIAMS of Mississippi: Petition of G. O. Foster and 30 other citizens of the State of Mississippi, favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. WILLIAMS of Pennsylvania: Resolutions of the Chamber of Commerce of the State of New York, in favor of the passage of Senate bill No. 3414, for the establishment of an international American bank—to the Committee on Banking and Currency.

Also, protest of the Chamber of Commerce of New York, against the provision in House bill No. 10100 increasing the tonnage tax—to the Committee on Ways and Means.

Also, protest of Frederick Stearns & Co., of Detroit, Mich., against the stamp tax on nonproprietary medicines—to the Committee on Ways and Means.

Also, resolutions of the Philadelphia Drug Exchange, relative to the war revenue bill—to the Committee on Ways and Means.

Also, petition of the Methodist Episcopal Church of Fortyfort, Pa., favoring legislation providing that cigarettes imported in

original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Fortyfort, Pa., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

SENATE.

THURSDAY, *May 19, 1898.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MILLS, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with an amendment the bill (S. 4206) extending the time for the construction of a wagon and motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. HANSBROUGH presented a petition of the North Dakota Annual Conference of the Methodist Episcopal Church, of Casselton, N. Dak., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Jamestown, N. Dak., and a petition of the North Dakota Annual Conference of the Methodist Episcopal Church, of Casselton, N. Dak., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Jamestown, N. Dak., and a petition of the North Dakota Annual Conference of the Methodist Episcopal Church, of Casselton, N. Dak., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. ALLEN presented the memorial of John C. Tierney, president of the Nebraska State Retail Liquor Dealers' Association, of Omaha, Nebr., remonstrating against the proposed increase of the tax on beer; which was ordered to lie on the table.

He also presented the petition of John McConniff Division, No. 246, Order of Railway Conductors, of Wymore, Nebr., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of sundry citizens of Buffalo, Mo., praying Congress that instead of issuing bonds and increasing taxes it exercise its constitutional power and issue noninterest-bearing, full legal-tender Treasury notes with which to pay the expenses of the war with Spain; which was ordered to lie on the table.

Mr. FAIRBANKS presented sundry petitions of citizens of Indiana, praying for the enactment of legislation to secure to the people of the rural sections of the country free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Messick & Dodd, of Bedford; of Sam G. Stone, of Butler; of Dr. William A. Weiser & Co., of Bourbon; of H. D. Servies, of Newmarket, and of O. H. Nixon, of Spiceland, all in the State of Indiana, remonstrating against the adoption of the provision in the war revenue bill requiring the immediate stamping of proprietary medicines in stock; which were ordered to lie on the table.

Mr. MCMILLAN presented petitions of the congregations of the First Baptist Church, the First Presbyterian Church, and the First Methodist Episcopal Church, all of Croswell, in the State of Michigan, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of the congregations of the Fort Street Congregational Church, of Detroit; the Mount Hope Congregational Church, of Detroit; the First Congregational Church of Detroit; the Memorial Presbyterian Church, of Detroit; the First Baptist Church of Detroit; the Woodward Avenue Baptist Church, of Detroit; the Grand River Avenue Baptist Church, of Detroit; the Arnold Methodist Episcopal Church, of Detroit; the Palmer Memorial Methodist Episcopal Church, of Detroit; the Cass Avenue Methodist Episcopal Church, of Detroit; the Methodist Church of West Ovid, the First Methodist Episcopal Church of Munith, the United Brethren in Christ of Matherton, the Free Baptist Church of Pawpaw, the First Baptist Church of Pawpaw, the Presbyterian Church of Adrian, the Methodist Protestant Church of Adrian, the First Methodist Episcopal Church of Adrian, the United Brethren Church of Berrien Springs, the Methodist Episcopal Church of Berrien Springs, the Methodist Episcopal Church of Newburg, the First Baptist Church of Croswell, the First Presbyterian Church of Croswell, and the First Methodist Episcopal Church of Croswell; of sundry citizens of St. Joseph, and of Council No. 20, Royal Templars of Temperance, of Calhoun County, all in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Scotten Avenue Baptist Church, of Detroit; the Woodward Avenue Baptist Church, of Detroit; the First Baptist Church of Detroit; the Memorial Presbyterian Church, of Detroit; the First Congregational Church of Detroit; the Mount Hope Congregational Church, of Detroit; the Fort Street Congregational Church, of Detroit; the Arnold Methodist Episcopal Church, of Detroit; the Palmer Memorial Methodist Episcopal Church, of Detroit; the Cass Avenue Methodist Episcopal Church, of Detroit; the Methodist Episcopal Church of West Ovid, the First Methodist Episcopal Church of Munith, the Grand River Avenue Baptist Church, of Detroit; the First Methodist Episcopal Church of Pawpaw, the Presbyterian Church of Adrian, the Methodist Protestant Church of Adrian, the Methodist Episcopal Church of Adrian, the Evangelical Lutheran Church of Berrien Springs, the Methodist Episcopal Church of Newburg, the First Baptist Church of Croswell, the First Presbyterian Church of Croswell, the First Methodist Episcopal Church of Croswell; of sundry citizens of St. Joseph; of Council No. 20, Royal Templars of Temperance, of Calhoun County; of the Woman's Christian Temperance Union of Battle Creek, and of the United Brethren in Christ of Matherton, all in the State of Michigan, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. WILSON presented a petition of the Chamber of Commerce of Olympia, Wash., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. MORRILL presented a petition of sundry citizens of Vermont, praying for the enactment of legislation to secure to the people of the rural sections of the country free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Vermont, praying for the enactment of legislation to secure to the people of the country protection against the use of adulterated food products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Vermont, praying for the enactment of legislation to secure to the people of the rural sections the advantages of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of New York presented petitions of the Woman's Christian Temperance unions of Albany, Cedar Hill, Belfast, and Brooklyn, and of the Christian Endeavor Society of Utica, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Woman's Christian Temperance unions of Albany, Cedar Hill, Belfast, Brooklyn, and Dansville, and of the Christian Endeavor Society of the First Baptist Church of Newport, all in the State of New York, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance unions of Albany, Cedarhill, and Dansville, all in the State of New York, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

Mr. HAWLEY presented a memorial of the Civic Club of Hartford, Conn., remonstrating against the repeal of the bill for the reservation of the forests of the country; which was referred to the Committee on Appropriations.

He also presented a petition of the congregation of the Congregational Church of New Fairfield, Conn., praying for the enactment of legislation to raise the age of protection for girls to 18

years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the congregation of the Congregational Church of New Fairfield, Conn., and a petition of the congregation of the First Baptist Church of New London, Conn., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Congregational Church of New Fairfield, Conn., and a petition of the congregation of the First Baptist Church of New London, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of Middletown, Conn., and a petition of the congregation of the First Baptist Church of New London, Conn., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. DANIEL. I present a petition of the Military Association of the City of Norfolk, Va., praying that the navy-yard at that place be selected as a Government dockyard. I ask that the petition be printed in the RECORD and referred to the Committee on Naval Affairs.

There being no objection, the petition was referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD, as follows:

NORFOLK, VA., *May 14, 1898.*

To the honorable Senate and House of Representatives of the United States of America:

The Military Association of the City of Norfolk, composed of veterans of the Confederate and Union armies and navies, representing what they know to be the wishes of the people of this community and its vicinity, respectfully represent that the Norfolk Navy-Yard, from its geographical position on the Atlantic coast, is admirably suited for the Government dockyard, possessing advantages unequaled by any other location.

It was recommended by Admiral Vernon to the British Government in colonial days, after a careful survey of the eastern coast of North America, as the best harbor for the dockyard.

It was used as a rendezvous of the British navy during the Revolution.

President Washington rented a shipyard on the present site for the construction of one of the six frigates authorized to be built during his Administration, and 16 acres of the present yard was originally purchased for $12,000 by President Adams, under the act of Congress February 25, 1799, for the building of six 74-gun ships.

From that day to this it has been the favorite station of the Government for the building, repairing, and fitting out of ships of war.

It is situated on the southern branch of the Elizabeth River above the cities of Norfolk and Portsmouth.

It is defended by Fortress Monroe, and is accessible to the waters of North Carolina by two canals.

The Capes of Virginia, its ocean gateway, is open at all seasons and all stages of the tides to the largest ships.

It is in a latitude free from obstructing frosts in winter and exempt from the malignant fevers of more Southern ports.

Its climate enables outdoor work at all times of the year, and is especially desirable in the rigging of ships.

Up to a very recent date its channel has been kept of sufficient depth and width to enable the arrival and departure of vessels at all hours of the day and night.

Notwithstanding the fact that the channel from Hampton Roads to the navy-yard is, with the exception of a few reaches, 700 hundred feet wide and 25 feet deep at ordinary low tide (which, however, is decreased by the prevalence of southwesterly winds), it is considered imprudent to bring the heavy cruisers and battle ships up to the navy-yard, although the exigencies of the Navy Department demand it.

As in the progress of shipbuilding, vessels are every year increasing in size and draft of water, both for the naval and commercial marine, and as it is impetatively necessary for the public good that the vessels of the American Navy should be able at all times to enter and depart from this important station in perfect safety and without waiting for the tide, your memorialists therefore pray that Congress will appropriate the necessary amount to widen the channel continuously from Hampton Roads to the navy-yard to not less than 450 feet in width, including the removal of Lamberts Point shoal, and to deepen the channel to 28 feet at ordinary low tide.

Your memorialists would suggest that the phenomenal growth of the commerce of the port of Norfolk in the last five years, exceeding in percentage that of any port on the Atlantic or Pacific Ocean, warrants some consideration in making this expenditure, the Pocahontas steam coal trade alone having brought to Norfolk in the last twelve months some 2,000 heavy seagoing vessels, including 500 foreign steamships calling for American coals for fuel in crossing the Atlantic.

They further represent that in response to the public resolution No. 33, Fifty-fourth Congress, first session, the Secretary of War transmitted to the Speaker of the House of Representatives a letter dated March 25, 1896, from the Acting Chief of Engineers, inclosing a copy of estimate from Hampton Roads to the United States navy-yard, 150 yards in width and 28 feet in depth at mean low tide, which estimate placed the amount necessary to be excavated at 2,000,000 cubic yards of material, scow measurement, costing, at 18 cents per cubic yard, $360,000.

By reference to the annual report of the Chief of Engineers, dated September 30, 1897, it appears that in the channel from Hampton Roads and in the inner harbor of Norfolk and Portsmouth $92,594.43 has been expended, and the operations under this expenditure have decreased the amount necessary for the channel-way 150 yards wide and 28 feet deep at mean low tide, especially in the reach between Seawells Point and Bushs Bluff.

Your memorialists would call attention to the fact that there has been expended since the foundation of the Government upon this navy-yard up to the civil war —— millions of dollars, and since —— millions of dollars, and that it now possesses machine shops in many respects second to none at any navy-yard in the United States, for the construction and repairing of iron or steel ships of war; that while the dry docks are unfortunately too small for the reception of the largest cruisers and battle ships, yet the repairs incident to an engagement between the American fleet and that of the enemy would in few cases absolutely require the docking of the ship, as her bottom could be examined and cleaned by divers in the deeper reaches of Norfolk Harbor, where there is found from 30 to 35 feet of water. The repairs to the interior and upper works of the ship, and especially to the machinery, could be made with equal dispatch and efficiency, as in any other public or private ship yard in the country, while the neighboring shipbuilding plant at Newport News will afford in an emergency dockage for our largest ships.

Hampton Roads has been from the commencement of our Government our great naval rendezvous and to her sheltering waters our disabled fleets would come after any probable engagement in the present war. To subject them after reaching port to the necessity of going to sea again to encounter the elements in their crippled condition to reach League Island, Brooklyn Navy-Yard, the Boston Navy-Yard or that of Portsmouth, N. H., would be unwise, expensive, and possibly perilous.

Your memorialists are prepared to furnish to the Government reliable contractors who will remove the 2,000,000 cubic yards of material, which the United States engineer has reported would have to be removed, in three working months from the time the contract was given out. The operation requires ten first-class dredges with an aggregate scow-plant capacity of about 30,000 cubic yards. This large plant has been secured by the patriotic cooperation of a number of the largest dredging concerns on the Atlantic Coast. The organization whose cooperation we have secured is prepared to undertake the work and secure its entire completion in three months from the day of the beginning of the work and to carry on the work so as to complete one-third of the width of the channel of 150 feet during each month; so that in thirty days after the contract is awarded any cruiser or battle ship can go to the yard, with the assistance of the Government tug to keep her in the channel way.

To secure this dispatch your memorialists would state that the Secretary of War should have authority to give work out after ten days' notice, and our association binds itself and will give security through its officers for the faithful discharge of its obligation. That if the channel be so located within the width of the present improvement as to escape the removal of all located hard excavation; if the dumping grounds be such as to permit convenient and free access of scows at all stages of the tide; the work be carried on, at the discretion of the contractors, during Sundays and legal holidays and through as many hours each day as the contractors elect, and the supervision of the work on the part of the Government be such as to prevent any loss of working time to the contractors, the work would be undertaken and completed in three months, at the rate of 16 cents per cubic yard, scow measurement, instead of 18 cents, as estimated by the United States engineer in charge, or upon an estimate of 2,000,000 cubic yards, at a contract cost of $320,000, instead of $360,000, as estimated by the United States engineer.

Your memorialists would state that this syndicate of dredging companies has been formed under the auspices of the American Dredging Company of Philadelphia. L. Y. Schermerhorn, president, whose ability to fully and satisfactorily carry out all contracts undertaken will be indorsed by Gen. William P. Craighill and Gen. John M. Wilson, both of the Corps of Engineers of the United States Army, and Mr. M. T. Endicott, in charge of the Bureau of Yards and Docks of the United States Navy.

Your memorialists would represent to your honorable bodies that they consider this tender on the part of the American Dredging Company liberal under the circumstances, as the months during which the work would be in progress are those which require the large dredging plant assembled to be fully protected against the ravages of the teredo, which would be a considerable item of expense, and after the plant has incurred the expense of a long sea trip to and from the site of the work.

In conclusion, your memorialists, animated by a patriotic desire to contribute in every possible way to the success of their flag in the present war against Spain, are willing to take the responsibility of underwriting financially the leading dredging companies of the Atlantic Coast, to obtain for our Government the opportunity of securing the important work, at a cost not much greater than that of a large collier or of the resulting damages to one of our large ships from running upon some unseen obstruction in our rivers and harbors.

And your memorialists will ever pray.

WILLIAM LAMB, *President.*
A. M. HIGGINS, *Secretary.*
E. V. WHITE and
HARRY WHITEHEAD,
Committee of the Military Association of the City of Norfolk.

WASHINGTON, D. C., *May 17, 1898.*

REPORTS OF COMMITTEES.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 8349) granting additional powers to railroad companies created by laws of the United States and operating lines in the Indian Territory, reported it with an amendment.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1580) granting an increase of pension to Cutler D. Sanborn, reported it with amendments, and submitted a report thereon.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 2524) for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (H. R. 334) granting an honorable discharge to Samuel Johnston, reported it with an amendment, and submitted a report thereon.

EXTENSION OF HIGHWAY IN FLANDREAU, S. DAK.

Mr. PETTIGREW. I am instructed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 9604) to grant a right of way to the village of Flandreau, S. Dak., to report it without amendment, and I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STENOGRAPHER FOR INTERSTATE COMMERCE COMMITTEE.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CULLOM on the 17th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Interstate Commerce be authorized to employ a stenographer to report hearings before said committee during the present session of Congress, and that the stenographer employed to report the hearings on Senate bill No. 3354, to amend "An act to regulate commerce," be paid from the contingent fund of the Senate.

COMPILATION OF INTERNAL-REVENUE LAWS.

Mr. ALLISON. I submit from the Committee on Finance a report in compliance with the resolution of the 15th of May. It is a compilation of the internal-revenue laws of 1864, 1866, 1867, and 1872; in other words, embodying the internal-revenue laws up to 1873. I ask that the report be printed, and that an order be made to print 500 extra copies for the use of the Senate.

The order was read, as follows:

Ordered, That there be printed for the document room of the Senate 500 copies of internal-revenue laws 1861 to 1873, Senate Report No. 1123, Fifty-fifth Congress, second session.

The VICE-PRESIDENT. Is there objection to the order?

Mr. COCKRELL. Why not include the subsequent laws and have them all in one document?

Mr. ALLISON. These are the only laws bearing upon this question. This was done in pursuance of the order made the other day, and the work is already in print. I think it will cover the case.

The VICE-PRESIDENT. The Chair hears no objection, and the order is made.

BILLS INTRODUCED.

Mr. MCMILLAN introduced a bill (S. 4628) to authorize the construction of a bridge across the Anacostia or Eastern Branch of the Potomac River, on a line with First street SW.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALLEN introduced a bill (S. 4629) authorizing the Secretary of War to detail a Regular Army officer to command the guard at the Trans-Mississippi and International Exposition; which was read twice by its title, and referred to the Select Committee on International Expositions.

Mr. PLATT of New York introduced a bill (S. 4630) to increase the pension of Chauncey A. Bradley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a joint resolution (S. R. 170) authorizing the President of the United States to invite, through the proper channels, the Governments of England, France, Germany, Austria, Russia, Belgium, Switzerland, Mexico, and Venezuela to send details of troops to this country to participate in a jubilee to be given in New York by the trustees of the Red Cross Society of New York; which was read twice by its title, and referred to the Select Committee on International Expositions.

QUARTERMASTER'S SUPPLIES, ETC.

Mr. HAWLEY. I ask that an order be entered to print the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes. I ask that it be printed as finally passed on the conference report.

The VICE-PRESIDENT. Is there any objection to an order to print the bill as requested? The Chair hears none, and it is so ordered.

ARANSAS PASS HARBOR IMPROVEMENT.

Mr. MILLS. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, authorized and directed to prepare and submit plans, specifications, and estimates for the improvement of Aransas Pass Harbor, State of Texas, and especially to make plans and estimates for the removal of the sand bar at Aransas Pass and the deepening of the channel across said bar to a depth of at least 20 feet and a width of at least 150 feet at the bottom, so as to furnish an inlet for the passage of vessels from the Gulf of Mexico into Aransas Harbor; and in preparing said plans, specifications, and estimates the Secretary of War or such Government engineers as he may designate to do the work may consider the feasibility of utilizing such breakwaters now at said pass, constructed by the Aransas Pass Harbor Company, or the utilizing of any part of the same, and the value such use of such breakwater or material may be to the United States in deepening said channel; and in the estimate of such valuation any permanent damage which in the opinion of the Government engineers may have occurred by reason of the construction of said breakwater to said harbor or pass, or additional expense to the United States made necessary by reason of said attempted improvements in future improvements of said harbor or pass, shall also be considered by said engineers and reported by them. The engineers shall also report the approximate cost of construction of any breakwater of the said company which may be used by the Government, and also report the approximate cost of removing any part of said breakwater, if it is deemed necessary to remove any portion of it.

That the Secretary of War is further directed to report to the Senate at its next session.

Mr. HALE. Let the resolution go over and be printed.

Mr. MILLS. It is simply a resolution of the Senate calling for information. The same measure passed the Senate as a joint resolution, but it can not get through the House. I want to get the information from the War Department for the Committee on Commerce at the next session of Congress.

Mr. HALE. Is it simply a resolution asking for information?

Mr. MILLS. It is simply a resolution calling for information.

Mr. HALE. And the matter is not to be acted upon at this session?

Mr. MILLS. It is not to be acted upon until the report comes in. The report is to be made to the next session of Congress by the Secretary of War.

The VICE-PRESIDENT. The resolution directs the Secretary of War "to prepare and submit plans, specifications, and estimates for the improvement of Aransas Pass Harbor," etc.

Mr. HALE. Is it reported from the Committee on Commerce?

The VICE-PRESIDENT. The resolution was offered by the Senator from Texas. It is not reported by a committee.

Mr. MILLS. It is simply a resolution calling for information; precisely the same as the joint resolution that was passed, but we can not get the joint resolution through the House.

Mr. HALE. Let it be printed and go over.

Mr. MILLS. It simply calls for information.

Mr. HALE. I am afraid it goes too far.

Mr. MILLS. The joint resolution was passed without objection in the Senate.

Mr. FRYE. We passed a joint resolution on the same subject.

Mr. MILLS. The joint resolution was reported by the committee unanimously.

Mr. HALE. As a similar measure has already passed the Senate, I do not make any further objection.

The resolution was considered by unanimous consent, and agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 17th instant approved and signed the act (S. 3132) to provide for the disposition of abandoned imported merchandise.

The message also announced that the President of the United States had on the 18th instant approved and signed the following acts:

An act (S. 1586) to abolish the distinction between offered and unoffered lands, and for other purposes;

An act (S. 4518) to provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the people of the Island of Cuba, and for other purposes;

An act (S. 4566) to provide for the increased volume of work in the Adjutant-General's Department of the Army, due to the calling out of volunteers and the increase of the Regular Army; and

An act (S. 4567) to organize a volunteer signal corps.

MISSOURI RIVER BRIDGE AT ST. CHARLES, MO.

The PRESIDING OFFICER (Mr. CANNON in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 4206) extending the time for the construction of a wagon and motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, which was, in line 9, to strike out "and two."

Mr. COCKRELL. I move that the Senate concur in the amendment. It merely changes the date within which the work must be commenced from 1902 to 1900. The words "and two" are stricken out.

The amendment was concurred in.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 995) for the relief of George M. Anderson, of the State of Nebraska;

A bill (S. 3953) to provide an American register for the steamer *Catania;*

A bill (S. 4582) to provide an American register for the steamship *Centennial;*

A bill (S. 3145) to establish an assay office at Seattle, Wash.;

A bill (H. R. 1288) for the relief of Samuel McKee; and

A joint resolution (H. Res. 237) appointing four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

WAR REVENUE BILL.

Mr. ALLISON. I ask the Senate to proceed to the consideration of House bill 10100.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures, the pending question being on amendment No. 77, reported by the Committee on Finance, on pages 33 and 34 of the bill.

Mr. ALLISON. Yesterday, when amendment No. 77 was under consideration, suggestions were made by Senators respecting its phraseology. I have consulted with the Senator from Arkansas [Mr. JONES] who made some criticism, and now suggest two amendments.

After the word "is," on page 33, line 24, I move to strike out "directed" and insert "authorized;" so as to read:

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to procure any of the stamps provided for in this act, etc.

The amendment to the amendment was agreed to.

Mr. ALLISON. In line 3, on page 34, I move to strike out all after the word "Printing," down to and including the word "appropriated," in line 6, in the following words:

And a sum sufficient to so procure said stamps is hereby appropriated out of any money in the Treasury not otherwise appropriated.

If the amendment to the amendment is agreed to, it will leave the whole question of appropriating money for this purpose to be disposed of by the Committee on Appropriations in the regular appropriation bill, and in that way we can more clearly ascertain through an estimate from the Treasury Department the amount required.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. COCKRELL. I understand that the copies of the pending bill as reported to the Senate have been exhausted. I think we ought to have an order to print additional copies.

Mr. ALLISON. Very well.

Mr. COCKRELL. I ask that an order be made that 3,000 additional copies of the bill as reported from the committee be printed for the use of the Senate and sent to the document room.

There being no objection the order was reduced to writing and agreed to, as follows:

Ordered, That 3,000 additional copies of H. R. 10100, as reported to the Senate May 12, 1898, be printed to be sent to the Senate document room.

The VICE-PRESIDENT. Schedule A is next in order.

Mr. McLAURIN. Mr. President, it is fortunate for the American people in this great crisis that there exists at least one deliberative body where measures of importance can be thoroughly examined, section by section and line by line, in order that haste may not place upon the people unnecessary burdens at a time when the nation is already overburdened. In this bill and our action upon it the hopes of the Government are based for the means with which to carry on this war, while the hopes of the people are that while we will provide necessary revenues, we will not enact one section into law which will unnecessarily oppress the humblest citizen in the Republic. Revenue must be had.

No patriot will at this time question the wisdom or the unwisdom of the war. Our national honor and self-interest are at stake, and every citizen, in proportion to his ability to pay, owes it to the Government to contribute his share toward the extraordinary expenses incurred.

THE WAR INEVITABLE.

The American people love peace. They did not want war, and two Administrations did all in their power to avert it. But "whom the gods would destroy they first make mad." Spain supposed that the commercial instinct had stifled the patriotism of our people, but to her sorrow she found at Manila that greed for gain has not destroyed our manhood and that Dewey is a worthy successor to Farragut, Decatur, and Perry.

I have said that two Administrations sought to avoid war. I might have truthfully said that every Administration since the United States was a nation has sought to avert war with Spain. President George Washington complained that Spain incited the Indians to insurrection while pretending to be friendly, and every President since Washington has found occasion to inform Congress through messages of atrocities committed upon American citizens and American interests by the Government of Spain. It has been evident for many years that Spanish influences could not be allowed to exist upon the continent where our forefathers unfurled the banner of liberty and where freedom and progress have marked a new epoch in the civilization of the world.

The blighting influence of Spanish oppression could not be allowed to poison the atmosphere of the Western World. The conflict between those who love freedom and those who hate it, this trouble between the sons of liberty and the oppressors of the Old World, was bound to come, and the hand which touched the button that exploded the mine in Havana Harbor while at enmity with the United States unconsciously extended the influence of the flag of freedom over all the Western Hemisphere and sent the message of liberty even to the far-off waters of the Orient.

HUMANITY NOT CONQUEST.

Surely no nation ever had higher, holier ground for war—a war not for conquest, but for humanity; a war in behalf of mercy, peace, and civilization. The records of the past fail to disclose a parallel for the brutal and cruel destruction by Spain of an entire people, simply to perpetuate her sovereignty. It constitutes the blackest chapter in the annals of the human race.

Mr. President, we waited too long. We were too much engrossed in business, too wrapped up in the pursuit of our own pleasure and self-interests, to heed the groans of an oppressed and suffering people. But the Christ who died a cruel death by the hand of man was not deaf to the wail of starving children, the shriek of outraged womanhood, and the dumb agony of brave men. A just God will heed the prayer of a people in the supreme agony. We replied, "Am I my brother's keeper?" and the voice of God spoke in the awful roar and the blinding flash which sent 266 of our brave men to their death in the mud and slime of Havana Harbor. That was a summons to duty which all heard, and none will fail to heed.

Had belligerent rights been accorded the insurgents two years ago, the United States would not have been involved in this war, the *Maine* would still proudly ride the sea, and the flag of free Cuba float upon the breeze. It took a call like that of February 15, to which we could no longer shut our ears, which could not be dismissed, like the stories of starvation and distress, with the sneer of "jingo" and "yellow journalism." From that moment no power could avert the war. The American people needed the report of no court to tell them who destroyed the *Maine*, and the flame that lit up the sky and the menacing thunder of the explosion were but omens of the blaze of anger which swept over this land.

THE MORAL LAW INEXORABLE.

We are taught by history that nations, like individuals, are under the rule of eternal moral laws, which in the one case as well as the other inexorably avenge their own transgressions. An active sin invites no greater punishment than the omission of a plain duty.

What is our wealth, prosperity, civilization, and boasted statesmanship worth, if the suffering and misery which comes from selfishness and tyranny are not to be ameliorated? We have paid dearly for the failure to do our duty, and to say that the selfish, inhuman savagery of Spain shall receive no punishment is to impeach the justice of God and to deny His omnipotence.

War is inhuman. It is a relic of barbarism. It is a disgrace to Christian civilization. But Spain is a gangrene upon the civilization of the earth, and the kingdom of peace can only be extended by the removal of every drop of this poison blood from the international body. It has been truly said, "War is the sledge hammer of Providence," battering down despotism that justice and mercy may reign.

IMMEDIATE ACTION DEMANDED BY THE PEOPLE.

Mr. President, I am ready to vote for any measure which may be necessary to bring this war to a speedy conclusion. While we wait thousands in Cuba are houseless, helpless, and starving. They were starving when this war was declared, and many of them must have died ere now. While the peaceful blockade was rendered necessary in the opinion of those into whose hands the conduct of this war is committed, yet we can not lose sight of the fact that if Cuba was desolate and her people were dying two months ago, as so pathetically told by those Senators who visited the unhappy island, the condition now must pass all powers of description.

Every day means the loss of hundreds, perhaps thousands, of lives in Cuba. Let the money consideration be left out of the question entirely. When humanity is at stake dollars are as dross. The only question is how to strike, where to strike, and what is the earliest moment when it is possible to strike. Human lives are at stake in Cuba; the liberty of mankind is at stake in Cuba; the dearest principles for which our forefathers fought are at stake in Cuba, and our national prestige is at stake. Great, rich, and powerful, we must conquer Spain, and conquer her quickly, or lose caste among the nations of the earth.

And then, while war is in progress, the withdrawal of so many people from the peaceful pursuits of life decreases production, paralyzes business, and demoralizes public and private morals. Delay and uncertainty mean the loss of more money for the people than the cost of the war itself. It is to do but once, and the more quickly the better.

RESPONSIBILITY ON THE PRESIDENT.

Mr. President, it is the function of the Executive to carry this war forward, and in that function his authority is supreme, and

I am glad that it is. Had President Washington, when he occupied the position of Commander in Chief of the Army, been subject to the control of Congress, the same body which refused him supplies might have forever prevented him from achieving the independence of the Republic. The American people placed William McKinley at the head of the Army and the Navy of the nation; and however we may differ from the Executive in politics, yet every American is proud of the fact that no man yet placed by the people in the Executive chair has ever been false to the trust reposed in him, and such is my faith in American nature that I do not believe we will ever have a President in whom we can not place our confidence.

CONGRESS WILL DO ITS DUTY.

It is the province of Congress, it is the duty of Congress, to provide the means by which the President may be enabled to properly fulfill the duties devolving upon him. It is in this provision of means that the utmost scrutiny should be had and the most careful deliberation taken, without regard to personal belief, private interests, or party policies. There is no question that an increase of expenditures requires either an increase of revenue or a corresponding decrease in other lines of expenditures. The War Department and the Navy Department must necessarily be provided with more money than is ordinarily sufficient for their purposes. If this money could be saved by curtailing expenses in other Departments, such a course would undoubtedly be the wisest one. If it can not, then the necessary means must be provided by the people through some mode of taxation.

LESSON OF THE LAST WAR.

The experience of the dark days between 1861 and 1865 should teach us now to be very careful that in providing enough revenue we do not provide too much. We inculcated then a habit of extravagance in the conduct of public affairs which it has seemed impossible to break, and from which the people have suffered ever since. The United States Treasury has no use for a surplus, and the moment our revenue becomes greater than is necessary Congress is immediately called upon, not to decrease the revenue, but to provide something, and the nature of the "something" is not very well considered, upon which this money can be expended. I want to see every item in this bill closely scrutinized. If it is wise, I shall vote for it. When the bill is complete and all sections have been considered, then I want a careful estimate made to ascertain as nearly as possible if the revenue produced will be enough and yet not more than enough.

In my judgment it is the most important measure that has been considered by this body for many years. If this war is to have the effect of increasing extravagance in the departments of our Government, then it is but a question of time before the local burdens will become too great for our own people to bear and we will be confronted with the most serious problem that has ever arisen in our national existence.

STARTLING FIGURES.

Prior to 1860 the expenditures of the Federal Government per capita ranged from $1.35 to $2.20. They now range from $5 to $6. In addition to this, the State expenditures average $9.10 per capita; a total of between $14 and $15 per capita. As compared with these expenditures, the Statesman's Year Book gives the per capita of expense of Austria at $1.51; Russia, $2.75; the German Empire, including State expense, $5.90; the British Empire, including colonial expenses, $3.97; Japan, $1.60; Portugal, $1.08, and Mexico, $3.85. Prior to 1860 the people of the United States were freer from the burdens of taxation than the people of almost any other civilized country. To-day they pay heavier taxes than the people of any civilized nation.

The extravagance of the Federal Government is not confined to any one Department. In 1860 the expenses for Indians was less than $3,000,000. Last year, with one-half as many Indians, the expenses were three times as great. If the expenses increase in the same proportion with the decrease of the Indians, a simple calculation will show that the last Indian will cost this Government about $27,500,000 a year to support him.

The expense for pensions is five times as great as it was twenty-five years ago, and if pensions are to continue to increase in the same proportion to the decrease in the number of living soldiers that has been maintained during the past twenty-five years, then upon the death of the last surviving soldier, if he should live to be 100 years old, the pension roll ought to be about $600,000,000 a year.

There has been enough money expended upon rivers and harbors to build a double-track railroad and fully equip it upon each bank of every mile of navigable water in the United States. There was expended prior to 1860 $76,000,000. From 1867 to 1897 there was expended upon rivers alone over $226,000,000. In 1870 the receipts of the United States Government were $395,959,833.87. The expenditures were but $164,421,507.15. There was a large surplus in the Treasury constantly accumulating until within the past ten years.

The policies of the Government based upon war legislation had become settled, and certain protected interests demanded that those policies should not be relaxed or changed, and the result was that Congress deliberated, not for the purpose of finding out how to economically administer the affairs of state, but to discover some new lines of expenditure by which this surplus could be kept down and yet allow the oppressive taxes to remain as they were. With this record before us, and in consideration of the hundreds of millions of dollars that have been wrongfully extorted from a hard-working people, I appeal to my brother Senators to watch very carefully every line of this measure, in order that history may not repeat itself.

INIQUITY MASKED AS PATRIOTISM.

Let us not forget in that other war period in the history of our Government that there was rushed through in the flurry of patriotic excitement the most iniquitous legislation that has ever disgraced the statute books of this country, simply because it was labeled "war measure." I can not forget that the taxing power of this Government as a "war measure" was invoked to destroy State banks, or that to-day this unjust tax still remains to oppress the people whom I represent, in order that others may enjoy a monopoly of the currency-issuing functions.

The demonetization of silver and the interpretation of the word "coin" to mean "gold" were the parents of the bond deal of the last Administration, which netted a commission of at least $8,000,000 to a favored few. The whole constitutes a shameful chapter in American history. This brood of evils, which still vex and oppress our people, were hatched in that other war period, and its bitter experience should warn us to permit no influence to seduce or clamor to drive us into any course of legislation which tends toward extravagance or corruption.

DANGER.

There are now some symptoms that I do not like. This feverish haste and too ready desire to resort to bond issues, is the tangible indication of an influence which exists in this country more powerful than the President and more potent than Congress—an influence which has dictated, which does dictate, and which, if possible, will continue to dictate what this Government shall do. I refer to that secret, unseen, silent money power which in peace or in war dominates the Executive, transforms the lower House into a phonograph, and seeks even to paralyze the Senate.

This Chamber for some time has been the only branch of this Government where the voice of the people could be heard and plots for their spoliation exposed. I saw some signs of weakening when the vote for the recognition of the independence of Cuba was taken, and I fear now to witness the complete surrender of this, the last citadel of freedom and independence. The net has been carefully woven, and once entangled within its meshes, escape is well-nigh impossible. This, Mr. President, is a favorable time to recall the words of the immortal Lincoln in reference to the last war. He foresaw the effect of the deadly poison which at that time was injected into the financial and political structure of the body politic when he said:

> Yes, we may all congratulate ourselves that this cruel war is near its close. It cost a vast amount of blood and treasure. The best blood of the flower of American youth has been freely offered upon our country's altar that the nation might live. It has indeed been a trying hour for the Republic. But I see in the future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. As a result of war, corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all the wealth is aggregated in a few hands and the Republic is destroyed. God grant that my fears may prove groundless.

These words are as true as any prophecy in Holy Writ. In the blood-soaked ground of the last war was planted the seed from which has grown the entire crop of evils which afflict us. Let us not make the mistake that was made then. For my part, I would not put too large a sum of money into the Treasury at any one time. Let us provide ample sources of income and pay the money out as fast as it comes in without at any one time having a large reserve on hand.

THE OFFSPRING OF GREED AND CUNNING.

On the 1st of July, 1860, there was only $4,877,885.87 in the Treasury. The 1st of July, 1861, there was $2,862,212.92. The 1st of July, 1862, there was $18,863,659.96. The 1st of July, 1863, there was $8,421,401.22. The 1st of July, 1865, with an indebtedness of $2,221,311,918.29 interest-bearing debt, besides $458,090,180.25 of noninterest-bearing debt, it was only necessary to have in the Treasury $5,832,012.98. Even with this immense indebtedness the idea of a reserve being necessary never entered the head of an American financier. Our Treasury is not a banking institution. Its sole purpose is to collect the revenues and pay the expenses of the Government.

Such a thing as a reserve was never heard of until it became necessary to dispose of a surplus, and thus hide the fact that the people were being overtaxed. One hundred million dollars of the surplus was therefore called a reserve. And now that reserve is supposed to be a sacred thing, not to be tampered with or reduced under any circumstances whatever. If bonds are sold as provided in the amendment and several hundred million dollars put into the Treasury, it is a standing invitation to scheming cupidity, and

"from temptation, good Lord, deliver us." With that much money in the Treasury, every official in this Government who will not be coaxed and cajoled into schemes of wickedness, will be bullied into passive submission or driven out of public life.

There is an army in this country just as anxious to raid the Treasury as the citizen army is to fight Spain for the glory of the American flag. There is no need to issue a call for volunteers for the ranks of the Treasury raiders. The scent of plunder is sufficient to attract recruits. To my mind, this army of speculators and jobbers constitutes a far greater danger than war with Spain. Our coast is more easily protected from foreign foes than the Treasury from vicious legislation.

HOUSE AND SENATE BILLS COMPARED.

Mr. President, I have thus called attention to the effect of the war measure passed in 1862 for the purpose of showing that we have not yet recovered from its baneful effect. And yet, Mr. President, that measure, iniquitous as it was, constituted the acme of human wisdom as compared with the measure which the House sent to this body for consideration. The act of 1862 bases the taxes upon income, legacies, successions, bank capital, receipts of railroads, steamboats, and ferryboats, occupations, yachts, billiard tables, carriages, and family plate, all of which bore most directly upon the rich and none of which appeared in the bill as sent to the Senate from the House.

I have taken a few figures out of the Internal Revenue Commissioner's report for the year 1867. The aggregate receipts for 1867, after two statutes had been passed for the purpose of reducing the revenue, amounted to $265,920,474.65. Of this, banks, trust companies, and saving institutions paid on their dividends and additions to surplus $3,774,975.32; upon their circulation, $208,276; upon their deposits, $1,355,395; on their capital, $476,867. The railroads paid on dividends and profits $3,379,262; on gross receipts, $4,128,255. Insurance companies paid on dividends and additions to surplus $562,473.93; on premiums and assessments, $1,326,014. Telegraph companies paid $239,594. Express companies paid $558,359. Revenue stamps paid $16,034,718. Legacies and successions paid $1,861,429. Incomes paid $57,040,640. Carriages, yachts, and pianofortes paid $1,005,152. Special taxes paid $18,103,615.

Among the occupation taxes were bankers, $1,433,715; brewers, $238,155; brokers, $598,854. The revenue from whisky and tobacco was only one-third what it was last year; and it is at least safe to assume that any one of the items taxed then would bring three times as much now at the same rate of taxation.

It is a difficult matter to determine just how much money is rendered necessary by the war, and somewhat doubtful if there is not already enough in the Treasury to cover all contingencies. The complete failure of the Dingley bill as a revenue producer may have something to do with the cry for increased revenue.

THE DINGLEY DEFICIENCY BILL.

In the House Chairman DINGLEY calculated that the bill would produce $90,000,000 a year revenue. As, after deducting the amounts received from the Pacific Railroad, the present deficiency is about $63,000,000, it will be observed that the bill did not purport to raise any more revenue than was necessary to cover the deficiency caused by the Dingley bill; in fact, the best calculation would place this deficiency by the 1st of August at just about $90,000,000; and the fact that a bill was reported to raise only the amount that will be required to meet the ordinary expenses of the Government on account of the deficiency of the Dingley bill as a revenue producer would seem to indicate that the object was to borrow all of the money necessary to carry on the war.

"THE CLOVEN FOOT."

The Treasury Department is now paying all demands in gold, and in an interview in the Washington Post the following statement is made:

> When asked yesterday for the reasons as to the large disbursements in gold, Assistant Secretary Vanderlip explained that with the present large stocks of gold in the Treasury (about $100,000,000), with the daily revenue coming in paid substantially, as it is, in gold, it was imperative that disbursements should be made in similar funds. The fact, too, that the daily payments are now, and for some time to come will continue to be, in excess of the receipts, makes it plain that the large gold balance will be reduced. This will continue, he said, until by the proceeds of sales of the new bonds to be provided for, the receipts are augmented.

Mr. President, it is plain from this statement and the statement Secretary Gage made before the Senate committee that the Treasury Department is trying to force an issue of bonds upon this country. Gold is not being demanded, but they are trying to deplete the Treasury of gold. There is a large surplus of gold on hand, and as long as it remains in the Treasury there is no hope of obtaining authority to issue bonds. The Treasury officials are therefore paying the gold out of the Treasury as rapidly as possible in order to make an excuse for a bond issue. He has authority to issue Treasury certificates, but he does not wish to use that authority.

There is silver in the Treasury, and no one has refused to take the silver, but the silver is not offered. There is paper money in the Treasury, and no one has refused to accept this money, but it is not offered. Why? Mr. President, the reason is obvious. The Secretary of the Treasury has asked for the issuance of bonds, the House has done his bidding, but the Senate committee refused to carry out any such scheme. It is a singular coincidence that the policy of paying out this gold was adopted simultaneously with the starting of the opposition in the Senate committee against the issuance of these bonds. If the Treasury officials want to make a deficiency in the gold reserve, it is in their power to do so, but upon their heads let the blame rest.

If, in order to coerce the Senate into adding a $15,000,000-a-year interest account to the burdens already imposed upon the people, they deliberately seek to pay out the gold in the Treasury, let them go without gold and pay in Treasury certificates. There is admittedly a very large available cash balance, amounting to over $200,000,000, and this amount will defray the expenses of the war for some time to come.

If the Secretary of the Treasury succeeds in paying out all of this available cash balance, I hope that the reserve will never be again placed in the Treasury. We went through the last war without a reserve; we went through a century of history marked with wonderful prosperity and progress without a reserve; the darkest days of commercial disaster that have ever come over the United States were since we had a reserve, and while I do not blame the reserve with our financial panic, it certainly did not prevent it, nor even ameliorate its conditions. If the Secretary of the Treasury wants to do without a reserve, I say, let him do so; if he does not want to do without a reserve, let him quit paying out gold when it is not asked for, and pay the debts of the United States in Treasury notes.

INTEREST-BEARING BONDS UNNECESSARY.

The legal-tender notes of the United States constituting a noninterest-bearing debt, cheerfully accepted by the people of the United States who become its creditors, and costing not one dollar, were the stand-by of this country during the civil war and had the party indorsement of such men as Salmon P. Chase, Thaddeus Stevens, and John A. Bingham. As late as 1892, a year when the Republicans claim there was the greatest prosperity known for many years, the debt bearing no interest, which included Treasury notes, old demand notes, and fractional currency, amounted to $1,000,648,939.37. This amount has been decreased by over $600,000,000, so far as the Treasury is concerned, a part of which has been replaced with silver certificates; but as to these, the cash is in the Treasury to meet them, and they are not classed upon the Treasury books as noninterest-bearing debt.

A GREATER MENACE THAN WAR.

The noninterest-bearing debt of the United States could be safely increased to the point at which it stood in 1892. Instead, however, of increasing the noninterest-bearing debt, it is the policy of this Administration to wipe it out of existence entirely and to increase the interest-bearing debt by the issuance of bonds. Not only does the addition to our interest-bearing debt cost the people directly 3 per cent in interest, but it withdraws the amount of the entire interest-bearing debt from the taxable property of the United States, because the bonds are specifically exempt from taxation.

Mr. President, I am not an alarmist; but this Republic is at the present time in more danger from the spirit which seeks to profit by the Government instead of participating in its burdens than from any other cause. It is the ambition of too many people in the United States to draw from the Federal Treasury instead of paying into it. Every bondholder, having succeeded in so investing his money as to escape his just share of taxation, tries to find a similar investment for what other means he may have. There are 1,000,000 names already on the pension roll, and half as many more would have been there had those who bore them been successful in their applications.

There are 178,000 Federal officeholders; there are nearly 500,000 State and municipal officeholders. Including the bondholders, 2,000,000 people draw money directly out of the public Treasury. This equals about one-sixth of the entire voting population. This state of affairs can not be indefinitely continued. It has bred an ambition to escape the penalties of taxation, rather than to welcome the responsibilities along with the privileges of citizenship. There is a class, and I regret to say that there are many members in this class, who are proud of their ability to escape taxation.

As an illustration a case might be cited of a very able lawyer in Illinois, son of one of the early governors of that State, who had a very active and successful practice, with himself as his only client. His sole object of existence was to defeat taxation, and, possessed of ample property, he fought the payment of taxes upon it until he was a terror to the legislative and judicial branches of the government of Illinois. He had no other business, and he wanted none. Opposition to taxation was a mania with him. This is but one man, but he illustrates a class which is unfortunately very large.

In this connection I wish to call attention to the speech made

by ex-President Benjamin Harrison in Chicago upon February 22 of the present year:

TAX RESPONSIBILITY.

The special purpose of my address to-day is to press home this thought upon the prosperous, well-to-do people of our community, and especially of our great cities, that one of the conditions of the security of wealth is a proportionate and full contribution to the expenses of the State and local governments. It is not only wrong, but it is unsafe to make a show in our homes and on the street that is not made in the tax returns.

Equality is the golden thread that runs all through the fabric of our civil institutions—the dominating note in the swelling symphony of liberty. Equality, not of conditions, not of natural endowment, but of rights, is the foundation stone of our governmental structure. And as a corollary, necessary and imperative to this doctrine of an equality of rights, is the doctrine of a proportionate and ratable contribution to the cost of administering the Government. The duty of the State to protect life, liberty, and property is conditioned upon a fair contribution to the cost of government. A full and conscientious discharge of that duty by the citizen is one of the tests of good citizenship. To evade that duty is a moral delinquency, an unpatriotic act.

If we do not hold by this rule of proportion, which I think is an essential part of the definition of taxes, then everything becomes subject to the whim of the legislature. The whole revenue of a State may be derived from contributions exacted from a very small minority of its population, the majority going free. To allow such a system is not only to rob the minority thus unduly burdened, but is to rob the State of that which is essential to its healthy existence and, indeed, to the life of republican institutions. Honesty and carefulness in public expenditure will have no effective watchers. The watch of the minority will be ineffectual, and the majority will be careless as to the use of funds to the accumulation of which it has not contributed.

NAMES DELINQUENTS.

For very many years an opinion has been prevalent that the great bulk of the personal property of the States, especially of the class denominated "securities," including stocks, bonds, notes, mortgages, and such like, has escaped taxation. With a very few exceptions the great fortunes in this country are invested in such securities. The delinquency appears to be located largely in our great cities. Recent investigations of students of political science and recent tables prepared by State officials have disclosed an appalling condition of things. The evil seems to have been progressing until, in some of our great centers of population and wealth, these forms of personal property seem to have been almost eliminated from the tax list.

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Taxes are a debt of the highest obligation, and no casuist can draw a sound moral distinction between the man who hides his property or makes a false return in order to escape the payment of his debts to the State and the man who conceals his property from his private creditors.

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We must inaugurate, and at once, a system that shall equalize tax burdens. The men of wealth in our great communities should lead the movement. This great club, organized as a rallying center for loyalty and patriotic citizenship, should hear a call as loud and imperative as that which came to it during the years of the civil war.

Mr. Lincoln's startling declaration that this country could not continue to exist half slave and half free may be paraphrased to-day by saying that this country can not continue to exist half taxed and half free.

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If there is not enough public virtue left in our communities to make tax frauds discreditable; if there is not virility enough left in our laws and in the administration of justice in our courts to bring to punishment those who defraud the State and their neighbors: if crimes of fraud may stalk unrebuked and unpunished in our streets, how long will it be until crimes of violence make insecure the fortunes that have refused to contribute ratably to the cost of maintaining social order?

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SEES A WARNING.

These efforts should serve as a warning. The people will not consent that this state of things shall be accepted as a permanent condition. If we are to leave no taxes save such as in their nature necessarily exclude concealment and bribery, what tax will remain? If we admit the disgraceful conclusion that the state of public and private morals has become such in our country that the wealthy may not be brought under the law and compelled to yield it reverence and obedience, have we not confessed the failure of republican institutions?

The effects of the concentration of wealth in the hands of the few has already been as serious as was feared by President Lincoln. Mr. Holmes, one of the best-known statisticians of this country, estimates the present wealth of the United States at $60,000,000,000 and the number of families at 12,690,152. Of these, 11,593,887 families own $17,356,837,343, and 1,096,265 families own $42,643,163,657. Nine per cent of the families own 71 per cent of the wealth. Families to the number of 4,047 possess 70 per cent as much as do 11,593,837 families.

Mr. Shearman, the Brooklyn statistician, says:

The facts conclusively demonstrate that the wealthiest class in the United States is vastly richer than the wealthiest class in Great Britain. The average annual income of the hundred richest Englishmen is about $450,000, but the average annual income of the one hundred richest Americans can not be less than $1,200,000, and probably exceeds $1,500,000.

He divides the classes as rich, 182,090 families; wealth, $43,367,000,000; middle classes, $7,500,000; working classes, $11,215,000,000. The United States are practically owned by one-sixteenth of its population. And yet this class usually succeed in evading the payment of taxes.

In this country there is no income tax, nothing but a consumption tax, and admittedly the ratio of the amount consumed to the amount of income of the rich bears no just proportion to the same ratio as to the poor. The proceeds from income taxes in the leading countries last year were as follows: United Kingdom, $74,914,215; France, $44,498,922; Italy, $57,332,260; Japan, $1,434,259; Mexico, $2,200,000; the Netherlands, $4,620,000; Portugal, $6,199,700; Sweden, $7,150,000; Norway, $3,900,000; Turkey, $3,710,675. These figures are taken from the Statesman's Year Book. In no other country does the rich man escape taxation upon his income.

Mr. President, I see, just as ex-President Harrison says, that the future is fraught with great trouble unless there is a change in the tide of affairs, and the Congress of the United States, realizing the danger, so pilots the ship of state that she escapes the vortex into which she is being driven. The corporation, bank, and inheritance tax is a wise move and the best substitute possible for an income tax.

THOSE WHO PROFIT MOST SHOULD BEAR THEIR SHARE OF THE BURDEN.

Mr. President, the bill under consideration, as it came from the House, taxed the poor man and not the rich. The Senate committee has worked indefatigably, and the result of their labor is that they have presented us a bill which bears more equally upon all in proportion to their ability to pay. The bill as it now stands ought to have the approval of the Senate, with perhaps the exception of the stamp-tax feature, and I believe it would afford sufficient revenue with this eliminated. The bill should be passed as quickly as possible, but by this I do not mean that careful and full deliberation should be denied.

In the present bill there is a tax upon bonds, and, as a rule, no property so systematically escapes the burdens of taxation, both Federal and local, as bonds. This clause ought to receive the hearty support of every Senator. There is no politics in it. Bonds are held by Democrats, Republicans, and even by Populists, notwithstanding the opposition of the latter to the corporations whose indebtedness they represent.

Mr. President, under the House bill the speculators, who make more money, and cause others to lose more than any other class of men, escaped without taxation. In the present bill they are required to share the burdens of the Government. In the tax on bank checks, the Senate bill makes the rate more uniform and more just than in the House bill. The tax upon bankers and the exemption in favor of strictly mutual savings banks will affect a class that will derive profit from the war, while the exception exempts the class whose savings are small, and hence does not in any way retard or hinder the very desirable habit of saving upon the part of the wage earners. The tax upon brokers and insurance agents will also affect only those who can afford to pay the tax. The tax upon theaters and circuses is one that will be easily borne and will fall where it will result in no hardship to anyone. Bowling alleys and billiard rooms are places of amusement, and a tax upon them imposes no hardship.

The taxes upon dealers in the House bill were so provided that they fell most heavily upon small dealers. The Senate committee has very wisely and properly reversed this order and so regulated the tax that the merchant doing a large business pays in proportion to the amount of the business done. The tax upon conveyance has also been changed so as to make the tax bear a just proportion to the value of the property which changes hands.

Mr. President, no persons engaged in legitimate business will profit so directly and so largely from the war as the transportation companies. No tax was so cheerfully paid during the last war, and none will be more easily collected or result in less hardship under the present bill. In saying that the railroad companies ought to bear a very considerable proportion of the increased expenditure of the Government, I do not mean in any way to criticise the railroad companies, or fail to accord to them all the right and equities that should be allowed to a private individual. Their earnings will be greatly increased, and the tax of one-fourth of 1 per cent will not represent a considerable proportion of the extra profits they will make out of the necessary increase of business.

Insurance, telegraph, and telephone companies, it is well known, make in the aggregate very large profits, and while their business may not be increased by as large a percentage as in the business of railroad companies, yet it is but reasonable to state that the direct profits arising out of the war will more than pay the tax imposed. I do not think that anyone will oppose a tax upon gas and electric companies except the gas and electric companies themselves. The tax upon bank deposits is one of the very best in the bill for more reasons than one. It is a class of property which usually escapes taxation, but outside of that fact, and without regard to any opinion I might have as to the desirability or undesirability of our present banking system, this tax will have a tendency to reduce the amount of idle money that lies in the vaults of our banks. Bankers are preeminently conservative, and the moment the business world needs the use of money for the purpose of tiding over temporary difficulties the bank stops discounting paper. With a tax on average deposits, it will be an incentive to the banks to keep less money idle. It will have a tendency to increase the circulation, and materially assist in adding to the volume of business.

The tax upon legacies, while not altogether without difficulties, was not complained of during the last war. As a rule, the pleasure of inheriting money makes the inheritors perfectly willing to pay a tax upon it. It is distinctly a war measure, and as such has been successfully tried before. The excessive tonnage tax, which would have crippled our foreign trade, and had a direct effect upon the prices of our farm products, which constitute nearly three-fourths of our exports, has rightly been eliminated. The policy of borrowing money by bonds when there is a large surplus in the

Treasury and the lowest noninterest-bearing debt in thirty-six years, has rightly been eliminated by the Senate committee.

The coinage of the silver seigniorage and the issue of silver certificates to the extent of the bullion now in the Treasury does not by any means constitute a change in the present financial system. That silver was bought and paid for with the people's money under a law which positively required it to be coined. While the purchase of further silver bullion was stopped, there has been no change in the law which requires the coinage of that which has already been purchased. The fact that it can be circulated is shown by the Treasury now being short of silver certificates and of silver coin, and paying out gold as a matter of preference.

The provision of the bill requiring an additional issue of Treasury notes to the amount of $150,000,000 constitutes an increase of our noninterest-bearing debt to that amount, and ought not to provoke any adverse discussion. It does not bring up any of the greenback theories. It is simply borrowing that amount constituting about $2 per capita, from the people of the United States without paying interest in preference to borrowing of the bankers and paying interest. The amount is not excessive, being very much less than has been absorbed by the country within the period when every dollar of paper currency has been redeemable (at the option of the holder) in a dollar in gold. If the people could absorb a much larger issue in times of peace by reason of their faith in the Government, they can be relied upon to absorb this amount now without in any way affecting the stability of our currency.

Mr. President, I hope this bill can pass the Senate in as just and equitable a shape as it passed the committee. It may have defects. Some of these may be pointed out during the debate, while others may not be discovered until the law is put into operation. We want enough revenue and we do not want too much. We do not want to withhold a dollar that can be advantageously used. We do not want to pay a dollar as an unnecessary tribute to speculators, and we do not wish to provide a surplus in the United States Treasury. If possible, we must avoid the disastrous consequences which followed the passage of the war measure of 1862, or, rather, the failure to repeal it until after it had created an enormous surplus in the Treasury.

JUST COMPLAINT OF THE PEOPLE.

Mr. President, the American people are a patriotic people. In them the love of liberty is so great that they love its very name; they will bear any evil rather than submit to the control of a monarch. But, Mr. President, there has of late years been ominous murmurings in the workshop, around the fire in the corner grocery, in the homes, and even out on the farms. The agricultural classes, the last to rebel, these long-suffering, hard-toiling sons of the soil, are thinking along lines that they never thought before; they are saying harsh things about this Government; they are cherishing dangerous resentments.

While patriotism is active, yet they feel that there is a class against whom they are at enmity, and that the voice of that class has entirely too much potency in the shaping of public affairs. These murmurings go through the lower strata of society, and in the poorer quarters of the cities anarchistic meetings are held, and the murmurs do not stop there. They come up grade by grade through the different classes until they now permeate through four-fifths of the social fabric. In considering this bill we must not only consider how to conduct this Government economically, but how to raise the funds so as to press most lightly upon the poor and most heavily upon the rich.

INDUSTRIAL DESPOTISM SUPPLANTS INDUSTRIAL COMPETITION.

Mr. President, since the 1st of January the paper mills of this country, the bituminous coal operators, the pottery manufacturers, the glass manufacturers, the biscuit and cracker makers, and a large number of other industries have been formed into trusts. The constant tendency has been toward the creation of combines; the small operator has been frozen out. There has been such a concentration of wealth since the passage of the Dingley law as was never known in this country before. Mr. President, there should be some way to reach these men and to reach them so hard that these combinations would be unprofitable.

Mr. President, we are engaged in war. It is the universal experience of mankind that war creates a demand for goods during its continuance, and that by lessening the number of employees who are out of employment, by utilizing them in the service of their country, work during war is always more plentiful than during peace. Especially is this true where the war is outside of the country and there is no devastation at home.

But so successfully have the combines controlled, that in spite of the fact that the Government is giving employment to a hundred and twenty-five thousand volunteers and to many thousands who are at work upon munitions of war, Bradstreet reports for the month of April, that the Boston Rubber Shoe Company's plant, employing 3,500 hands, is shut down; the Roxbury Company's Carpet Mills, with 750 employees, is shut down; the great Smith & Thayer Mills, with 2,000 employees, is shut down; 250 shingle mills in the State of Washington have closed down; the Bessemer pig-iron producers have closed their mills; the mills at Manchester, N. H., employing 3,500 operators, are running on half time; the Rodman Manufacturing Company, at Allentown, R. I., operating both woolen and cotton mills, has shut down all their immense works.

Mr. President, what is the matter? Prices are rising every day; men are flocking from the workshop and the benches to rally around the flag of their country. These mills were closed so long that there is no surplus of product, and yet the voices of women and children are heard throughout this country crying for bread, when there is no bread; strong men search in vain for work and see their families suffer around them because no work is to be had. Mr. President, there is something wrong about the condition which makes this thing possible. The reason for the closing of these mills is obvious. They are controlled by trusts. They are closed to create a scarcity and raise prices; there can be no other purpose.

GAMBLERS RAISE THE PRICE OF BREAD.

There is one class of men taxed in this bill who should have a tax as nearly prohibitive as possible placed upon them. I refer to the dealers in futures. As soon as war was declared, they increased the price of breadstuffs and the bakers' trust increased the price of bread. The consumption of wheat will not be increased by this war. No wheat fields will be devastated, for wheat is not grown on the Atlantic and Pacific oceans. The area of wheat has not been lessened one acre, the product of wheat has not been lessened one bushel, the consumption of wheat has not been increased a pound, and yet, in order to make money out of the distresses of the nation, these men, after the farmers have sold all their stock and can no longer be benefited, have sent wheat to the highest point almost in the history of the world.

It is this band of leeches on the body politic, these financial cormorants who would swallow all of their fellow-beings, that should be made to pay the expenses of this war. Those expenses should not be raised by taxes upon consumption, for those taxes bear directly upon the widows and the orphans; they make the families at home of the soldiers in the field pay the expenses of the war.

The railroad companies, the express companies, the dealers in stocks and bonds, the bankers, and the brokers all directly profit by reason of the war. The manufacturers of iron and steel, of guns and powder, all make enormous profits. The man who has to borrow the money to support his family by mortgaging his little home makes no profit. The old one-armed soldier too old to go to the present war, who makes a scanty living by selling a few caddies of tobacco and a few boxes of cigars from some little hole in the wall where rents are cheap, makes no profit out of the war. The man who buys patent medicines in the hope of curing his sick wife or child because he can not afford the expense of a physician makes no money out of the war.

Mr. President, there are certain principles of taxation which every writer upon the science of political economy recognizes as fundamental. One of these is that the burdens of government should be borne in proportion to the benefits derived from the government. Another is that taxes should be equal. Another is that taxes should be uniform as to the classes taxed. Now, Mr. President, let us scrutinize this bill carefully. Let us make the men who are to reap the benefits shoulder the burdens. Let us see that these taxes are uniform and that the class upon which they fall is the class that can afford to pay them, and not the class that is already hopeless and discouraged by reason of fighting adverse fate under circumstances that do not admit of success.

Mr. President, in the name of the people of the United States, who in their collective capacity constitute the Government of the United States, we should take no action hastily, and every provision of this bill should be carefully weighed and wisely considered before we allow it to be placed upon the statute books. Let us discuss each section, not in a party spirit, nor for the purpose of saying pleasant things or things that will sound well, but with an honest endeavor to reach the best conclusion, no matter what the political or personal effects of such conclusion may mean to any of us.

When the appropriation of $50,000,000 was voted, we arose superior to party, and the record of that day will be looked upon with pride by the historian who, in future times, will put in print the story of the war between the United States and Spain. Let us carry out that same spirit in providing the means with which to bring this conflict to a speedy and glorious conclusion, so that its burdens will be distributed among the people in proportion to their individual capacities for carrying those burdens.

The VICE-PRESIDENT. The reading of the bill will be proceeded with.

The reading of the bill was resumed, beginning with Schedule A, line 11, page 34. The next amendment of the Committee on Finance was, in line 20, page 34, after the word "all," to insert "sales or memoranda of sales or deliveries or;" in line 23, after the word "whether," to insert "made;" in the same line, after the word "upon," to insert "or shown by;" in line 24, after the word "by," to insert "any;" in line 25, after the word "any," to insert

"delivery, or by any paper or agreement or;" in line 1, on page 35, before the word "evidence," to insert "other;" in line 2, after the word "sale," to insert "whether;" in the same line, after the word "holder," to insert "in any manner;" in line 4, before the words "the future," to insert "for;" and in the same line, before the word "stock," to insert "any;" so as to read:

SCHEDULE A.

STAMP TAXES.

Bonds, debentures, or certificates of indebtedness issued after the 1st day of June, A. D. 1898, by any association, company, or corporation, on each hundred dollars of face value or fraction thereo , 5 cents, and on each original issue, whether on organization or reorganization, of certificates of stock by any such association, company, or corporation, on each hundred dollars of face value or fraction thereof, 5 cents, and on all sales or memoranda of sales or deliveries or transfers of shares or certificates of stock in any association, company, or corporation, whether made upon or shown by the books of the association, company, or corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale, whether entitling the holder in any manner to the benefit of such stock, or to secure the future payment of money or for the future transfer of any stock, on each hundred dollars of face value or fraction thereof, 2 cents.

Mr. BACON. I should like to inquire of the committee whether it is the intention to make this section applicable to a case where there is no actual transfer, but simply an agreement to transfer. The word "agreement" is in this section; but if Senators will scan it closely, they will see that it does not relate broadly to any agreement, but it is limited to an agreement to transfer, as will be seen if you read the entire sentence. If the committee has had its attention attracted to this, and if it thinks it covers it, I will be very glad to have some Senator point it out. The reason why I make the suggestion is this: I remember that last year, when we had the tariff bill up, there was a suggestion of a similar tax in that measure, and there was a publication in some of the New York papers, whether authorized or not I do not know, but still it was certainly being contemplated, to the effect that if that provision should be inserted in the bill, those engaged in these stock-exchange operations would evade it by not making the transfer, but simply having agreements to transfer, and settling upon those agreements, without making any transfer whatsoever.

I do not know whether that would be feasible or not, but I remember very distinctly that there was a publication to the effect that such was the purpose. If it is feasible to do that, then the object of the bill in this particular would be defeated. I do not offer an amendment, for of course the committee have had this matter under consideration, and I am not in a position to judge of it as they are, but I should like to hear from the Senators on this subject.

Mr. ALDRICH. This amendment as amended is intended to cover precisely that case, and I think it does. It provides that any paper or agreement or memoranda to secure the future payment of money or for the future transfer of any stock shall pay a tax.

Mr. ALLISON. Amendment No. 88 is intended to cover all that.

Mr. BACON. Amendment No. 88?

Mr. ALDRICH. The following amendment provides that a stamp shall be affixed to the agreement.

Mr. BACON. I beg the Senator's pardon.

Mr. PLATT of Connecticut. Amendments Nos. 82 and 88.

Mr. ALDRICH. Amendments Nos. 82 and 88 together. The whole scheme will appear if the Senator will allow the next amendment to be read.

Mr. BACON. The next amendment probably discloses it.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has been stated.

The amendment was agreed to.

The next amendment of the Committee on Finance was, after the word "cents," in line 6, page 35, to insert the following proviso:

Provided, That in case of sale where the evidence of transfer is shown only by the books of the company the stamp shall be placed upon such books; and where the change of ownership is by transfer certificate the stamp shall be placed upon the certificate; and in cases where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. And any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale, or who shall in pursuance of any such sale deliver any such stock, or evidence of the sale of such stock or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than $500 nor more than $1,000, or be imprisoned not more than six months, or both, at the discretion of the court.

Upon each sale, contract, agreement, or other evidence of a sale of any products or merchandise at any exchange, or board of trade, either for present or future delivery, for each $100 in value of said sale, 1 cent, and for each additional $100 or fractional part thereof in excess of $100, 1 cent: *Provided*, That on every sale, contract, agreement, or other evidence of a sale as afore said, there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, contract, agreement, or other evidence of such sale, to which there shall be affixed a lawful stamp or stamps in value equal to the amount of the tax on such sale. And every such bill or memorandum shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers; and any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale, contract, agreement, or other evidence of a sale, or who shall, in pursuance of any such sale, contract, agreement, or other evidence of a sale, deliver any such products or merchandise without a bill or memorandum thereof as herein required, or who shall deliver such bill or memorandum without having the proper stamps affixed thereto with intent to evade the foregoing provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

Mr. BACON. I understand, of course, that the committee have given this very careful consideration, and if I mistake it of course they will excuse my failure to perceive their accomplishment of the purpose intended. The point to which I directed the attention of the committee is the distinction between a contract in which there is no sale, but simply an agreement that they will sell, and the other case. If there is anything in this bill, either in the original text as it came from the House or in the amendment as now proposed to the Senate, which would cover the case of an agreement to sell and put it beyond doubt, I am unable to discover it.

Mr. ALDRICH rose.

Mr. BACON. The Senator will pardon me just a moment, in order that he may take my idea, because I do not understand that there is any difference between the committee and myself as to the desire to cover that, but simply a question as to whether they have done it. I wish to call the attention of the committee to the places where the word "agreement" occurs. The first word in this schedule which could be construed to mean an agreement to sell is the word "agreement" in the first line on page 35, and yet I submit that any court would hold, in construing that language, that the word "agreement" there referred to an agreement of transfer or sale and would not cover the case of an agreement that they would hereafter transfer or sell.

I think the same suggestion is true as to any future recurrence of that word. There is no place in this section where the idea is covered that there shall be a tax upon an agreement, not of sale, but an agreement to sell, and I repeat that that is somewhat important in view of the fact that when the same suggestion of a tax was before the Senate last year the New York papers published the statement that the parties who were interested and would be interested if such a tax were imposed would evade it by not making actual sale, but by simply making agreements to sell and never selling, but settling their differences without having perfected such sale.

I suggest to Senators that unless they can show that I am wrong in my construction of the language they have used, possibly the purpose may be effected by inserting in the second line on page 35, after the word "sale," the words "or agreement to transfer or sell."

Mr. JONES of Arkansas. In what line?

Mr. BACON. The second line; so that it will read:

Any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale, or of an agreement to transfer or sell.

If the committee are satisfied that the law can not be evaded in that way, then the amendment is not needed. On the other hand, if they are satisfied that the language already used covers the point, the amendment is not needed.

Mr. ALDRICH. It seems to me an agreement to sell must be an agreement to transfer stock at some time in the future.

Mr. BACON. Not necessarily.

Mr. ALDRICH. It must include it by implication if not in express terms, because otherwise the title to the property would never pass. Otherwise it would mean nothing and the agreement would be void. The language, in my opinion, covers the case exactly as he has stated it; but I have no objection to putting in the words "sale or agreement to sell" in line 20, on page 34. I think it is now covered by the language used, but I am perfectly willing that those words shall be inserted.

Mr. MORGAN. That would make it clear.

Mr. ALDRICH. It would make it absolutely clear and cover the point suggested.

Mr. BACON. That is a good suggestion. I simply desire to add to it further that those words be repeated after the word "delivery."

Mr. ALLISON. After the word "sale," in line 14, on page 35:

Every bill or memorandum of sale or agreement to sell.

Mr. ALDRICH. After the word "sale," insert "or agreement to sell."

Mr. BACON. In the twentieth line?

Mr. ALLISON. In the fourteenth line.

Mr. ALDRICH. In the twentieth line first.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to insert, after the word "sales," in line 20, page 34, the words "or agreements to sell."

The amendment to the amendment was agreed to.

Mr. ALDRICH. "All sales, or agreements to sell, or memoranda of sales, or deliveries or transfers."

The SECRETARY. In line 14, page 35, after the word "sale," it is proposed to insert "or agreement to sell."

The amendment to the amendment was agreed to.

Mr. ALLISON. I ask the Secretary to repeat the first amendment suggested by the Senator from Georgia.

The SECRETARY. It is proposed to insert, after the word "sale," in line 2, page 35, the words "or of an agreement to transfer or sell."

Mr. ALDRICH. With the other amendments made, I do not think this amendment is necessary. I think it complicates the language used rather than otherwise.

Mr. BACON. I do not care for that particular amendment, just so that this section as amended will cover the point fully. The suggestion I made was subject to the suggestion of the Senator.

Mr. JONES of Arkansas. That seems to cover it.

The VICE-PRESIDENT. Is there any amendment proposed to line 14?

Mr. ALLISON. Let the Secretary repeat the words in line 2.

Mr. ALDRICH. That does not go in. I do not understand that the Senator from Georgia asks to have the amendment adopted.

Mr. BACON. I do not ask it at present.

The VICE-PRESIDENT. The amendment to the amendment is withdrawn. The proviso as amended is now before the Senate.

Mr. MALLORY. Let it be read as it will appear.

The VICE-PRESIDENT. There has been no change in the proviso, except in the fourteenth line, where the words "or agreement to sell," after the word "sale," were inserted. The amendment as amended is before the Senate. The question is on agreeing to the amendment as amended.

Mr. JONES of Arkansas. Let the Secretary read from the semicolon in line 10.

Mr. WOLCOTT. On what page?

Mr. JONES of Arkansas. On page 35; so that the effect of the amendment can be seen.

The Secretary read as follows:

And in cases where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers.

Mr. ALDRICH. I would suggest that perhaps the better place to put the amendment is in the tenth line, after the word "cases;" so as to read "and in cases of an agreement to sell, or where the transfer is by the delivery of certificates, etc.," there shall be a memorandum or bill to which a stamp shall be attached. I think that covers it.

Mr. BACON. I think it ought to be in both places, because the place where it is already inserted——

Mr. ALDRICH. All right; let it come in in the tenth line.

The SECRETARY. In line 10, page 35, after the word "cases," it is proposed to insert "of an agreement to sell or;" so as to read:

And in cases of an agreement to sell, or where the transfer is by delivery of certificate assigned in blank, there shall be," etc.

The VICE-PRESIDENT. Is there any objection to the amendment? The Chair hears none, and the amendment to the amendment is agreed to. The amendment in line 14 is withdrawn.

Mr. ALDRICH. That stands.

Mr. BACON. No; that stands.

The VICE-PRESIDENT. Without objection, the amendment as amended is agreed to.

Mr. ALLISON. I think there should be some modification in the next paragraph, on page 36—"upon each sale, contract, agreement, or other evidence of a sale of any products or merchandise."

Mr. JONES of Arkansas. In what line?

Mr. ALDRICH. Lines 4 and 5.

Mr. ALLISON. "Or of a contract or agreement to sell any products." That ought to be repeated.

Mr. BACON. In what line?

Mr. ALLISON. In line 5.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "agreement," in line 4, page 36, it is proposed to insert the words "to sell;" so as to read:

Upon each sale, contract, agreement to sell, or other evidence of a sale of any products or merchandise, etc.

Mr. ALLISON. That does not quite cover it.

Mr. BACON. Upon reflection the Senator will recognize that that is not the proper place for those words to come in.

Mr. ALLISON. It is not.

Mr. COCKRELL. After the word "of," in line 5, let the words "or agreement to sell" be inserted.

Mr. BACON. That is right.

Mr. ALLISON. After "merchandise?"

Mr. COCKRELL. After the word "of."

Mr. BACON. No.

Mr. COCKRELL. Insert there the words "agreement to sell any product."

Mr. JONES of Arkansas. Would it not be more comprehensive to let it come in after the word "each" and before the word "sale" in line 4, "Upon each agreement to sell, or sale, contract, agreement, or other evidence," etc.

Mr. ALDRICH. That is all right. It is better, I think.

Mr. SPOONER. What line?

Mr. ALLISON. Line 4, page 36.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "each," in line 4, page 36, it is proposed to insert the words "agreement to sell or;" so as to read:

Upon each agreement to sell, or sale, contract, agreement, or other evidence of a sale, etc.

Mr. ALDRICH. Then, in line 7, you will have to put in "of said agreement to sell or" before the word "sale."

Mr. SPOONER. Those words are in now.

Mr. ALLISON. I ask that the amendment may be passed over for the moment until we can get the proper phraseology to cover it.

Mr. ALDRICH. I think it is already in there now.

The VICE-PRESIDENT. The paragraph will be passed over temporarily.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, on page 37, line 8, before the word "drawn," to strike out "exceeding $20;" so as to make the paragraph read:

Bank check, draft, or certificate of deposit not drawing interest, or order for the payment of any sum of money drawn upon or issued by any bank, trust company, or any person or persons, companies, or corporations at sight or on demand, 2 cents.

Mr. GORMAN. I should like to ask the Senator in charge of the bill whether it is not wise to make the same discrimination in favor of small amounts drawn upon banks as in other cases where you tax notes, so as to let the small depositor——

Mr. CHILTON. Notes are all taxed.

Mr. GORMAN. You exempt in some cases up to $100.

Mr. CHILTON. Promissory notes are all taxed.

Mr. GORMAN. However that may be, would it very seriously affect the scheme of your bill for revenue if that concession were made to the small depositor?

Mr. ALDRICH. It undoubtedly would.

Mr. WOLCOTT. Abut 50 per cent, the statistics show.

Mr. ALDRICH. About $3,000,000 a year; and most of the people who draw small checks are not small depositors. Most of the small checks are drawn by large depositors; that is, in proportion to number.

Mr. GORMAN. Does it affect the drawers on savings banks?

Mr. ALDRICH. Not where there is no written order of withdrawal. If the withdrawal is by book, it would not be affected by this clause. No stamp would be required, and most withdrawals from savings banks are made by withdrawal on the book of the depositor.

Mr. WOLCOTT. I will say to the Senator from Maryland—and it will probably appeal to him at once—that under an exception of $20 the law can be evaded by drawing two checks, each less than $20, if one desires to do so.

Mr. GORMAN. The inducement would not be sufficient for that fraud.

Mr. WOLCOTT. If the inducement would not be sufficient, it would not seem that the tax is very onerous.

Mr. GORMAN. The tax in the aggregate means considerable to the small holders, in my judgment.

Mr. RAWLINS. I desire to suggest to the Senator from Maryland that the former law made an exception and limitation of $20.

Mr. ALLISON. Afterwards it was $10.

Mr. ALDRICH. The first exception was $20, and it was afterwards reduced to $10 and then abolished. The experience of the Government showed that it was better to have no limitation.

Mr. RAWLINS. I understand. There were large concerns which resorted to that habitually. They were prosecuted for violating or evading the law. A case went to the Supreme Court of the United States, and the court held that, although the firm had habitually resorted to the method of drawing checks of less than $20 for the very purpose of evading the law, it was lawful and they were not subject to any penalties.

Mr. COCKRELL. I should like to ask a question in regard to lines 6 and 7. They say:

Bank check, draft, or certificate of deposit not drawing interest, or order for the payment of any sum of money drawn upon or issued by any bank, trust company, or any person or persons, companies, or corporations at sight or on demand, 2 cents.

The next provision is:

Bill of exchange (inland), draft, certificate of deposit drawing interest, or order for the payment of any sum of money, otherwise than at sight or on demand, or any promissory note except bank notes issued for circulation, and for each renewal of the same, for a sum not exceeding $100, 2 cents; and for each additional $100 or fractional part thereof in excess of $100, 2 cents.

Let us take a case. Here is a bank with a capital of a million

dollars. I should like to have the Senator from Iowa to hear this. It has deposits of $17,000,000. If the phrase "bill of exchange (inland)" means drafts drawn by banks on correspondents, 2 cents on $100 or less and 2 cents for each additional $100, this bank would probably have to pay over $30,000 during the entire year. In one place the words are "bank check, draft, or certificate of deposit," and in another the words are "bill of exchange (inland), draft, certificate of deposit." Ought not the language be a little more explicit, so there would not be room for latitude of construction?

Mr. ALLISON. That is copied from the old law.

Mr. WOLCOTT. I think the suggestion is well made by the Senator from Missouri. We could meet it, if those in charge of the bill approve of it, by striking out the word "draft," in line 6, in which case it would be entirely covered by "order for the payment of any sum of money."

Mr. ALDRICH. There are two distinct kinds of drafts. One draft is a demand on sight. The other is one otherwise than at sight.

Mr. WOLCOTT. What is known as an inland bill of exchange is a draft as well. You go to the bank and say, "Give me a draft on New York for $100"——

Mr. ALDRICH. A bill of exchange drawn at sight is taxable under the first provision, and a bill of exchange drawn otherwise than at sight is taxable under the second division.

Mr. WOLCOTT. Oh, that is intended.

Mr. COCKRELL. Under the second section? Does the Senator say that a bill of exchange comes in under the second section?

Mr. ALDRICH. Certainly, when drawn otherwise than at sight or on demand.

Mr. COCKRELL. How about drafts?

Mr. WOLCOTT. It is the same.

Mr. ALDRICH. It is the same. They are two distinct classes of paper, well understood in their use.

Mr. COCKRELL. I understand. If the words "bills of exchange"——

Mr. JONES of Arkansas. The Senator from Missouri will allow me to make a suggestion. I think lines 6 to 10 relate to drafts and bills payable on demand. From line 11 on it relates to bills not payable on demand.

Mr. COCKRELL. There is nothing said about it.

Mr. JONES of Arkansas. In line 13 it is distinctly stated "otherwise than at sight or on demand."

The VICE-PRESIDENT. The question is on agreeing to amendment No. 89, striking out the words "exceeding $20."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, on page 37, line 14, after the word "circulation," to insert "and for each renewal of the same;" in line 16, before the word "cents," to strike out "five" and insert "two;" and after the word "cents," to insert:

And for each additional $100 or fractional part thereof in excess of $100, 2 cents.

So as to make the clause read:

Bill of exchange (inland), draft, certificate of deposit drawing interest, or order for the payment of any sum of money, otherwise than at sight or on demand, or any promissory note except bank notes issued for circulation, and for each renewal of the same, for a sum not exceeding $100, 2 cents; and for each additional $100 or fractional part thereof in excess of $100, 2 cents.

Mr. CLAY. I desire to call attention to one feature of the clause which has just been read:

Bill of exchange (inland), draft, certificate of deposit drawing interest, or order for the payment of any sum of money otherwise than at sight or on demand, or any promissory note except bank notes issued for circulation, and for each renewal of the same, for a sum not exceeding $100, 2 cents.

I understand that under that feature every time a man gives a promissory note ranging from one to one hundred dollars it must be stamped with a 2-cent stamp. Otherwise the note could not be sued on and would not be admissible as evidence in court. My idea is that that will be very unpopular legislation, and it will give a great deal of trouble. It will be found that when the farmers and business men come to make these notes they will frequently fail to stamp them, and there will be serious trouble in regard to it. I believe that feature of the bill ought to be stricken out. I move to strike out the words:

Or any promissory note except bank notes issued for circulation, and for each renewal of the same.

So that the clause will read:

Bill of exchange (inland), draft, certificate of deposit drawing interest, or order for the payment of any sum of money, otherwise than at sight or on demand, for a sum not exceeding $100, 2 cents.

It strikes me that that kind of legislation ought not to be resorted to except when the very life of the nation is involved, and that in a war with a little country consisting of 16,000,000 people we can raise enough money to pay the expenses of that war without resorting to such a measure. I believe it will be unpopular, and that the people will demand its repeal. I do not believe that promissory notes, the common business transactions of life, ought to be included.

The VICE-PRESIDENT. The amendment of the Senator from Georgia is before the Senate. It is to strike out from the text of the bill the words--

Or any promissory note except bank notes issued for circulation.

Mr. PLATT of Connecticut. It will be observed that the rate has been reduced from 5 cents a hundred, as it was fixed by the House, to 2 cents a hundred, and that the rate upon the higher amount has been stricken out. It ought to be remembered that promissory notes are given to a much greater extent by people of means than by people who have no means. The burden of this tax will fall upon people of large property rather than upon people of small property.

Mr. GORMAN. I should like to ask the Senator from Connecticut just what effect this change will have. The House scheme is to tax at 5 cents on notes not exceeding $100; and then up to $100 and not exceeding $200 10 cents, and so on until a note of twenty-five hundred dollars is reached. What is the effect of the proposed change on notes of larger amounts, say above $1,000?

Mr. ALDRICH. It reduces the House rate a little more than one-half, the House rate being 5 cents in place of 2 cents in the Senate committee's bill.

Mr. GORMAN. That is on the smaller notes. What is the effect on the larger notes?

Mr. ALDRICH. It is substantially the same.

Mr. PLATT of Connecticut. The rate went down as the amount increased.

Mr. ALDRICH. In the House bill the rate proportionately was less than on small notes. We make it the same on each $100. In answer to the suggestion made by the Senator from Georgia, I assume the Senate is not going to relieve promissory notes from taxation if it is going to have this tax on other forms.

Mr. CLAY. I desire to ask the Senator if it is true that all promissory notes will be taxed 2 cents?

Mr. ALDRICH. Two cents on the first hundred dollars.

Mr. CLAY. Two cents on the first hundred and then after that the tax is increased?

Mr. ALDRICH. No; the rate of the tax is not increased. There is a proportionate increase, of course, of 2 cents for each hundred dollars.

Mr. CLAY. And every time a small note is renewed an additional tax of 2 cents is also required?

Mr. ALDRICH. Certainly.

Mr. CLAY. In my judgment this will be a very unpopular tax and a tax that will give a good deal of trouble.

Mr. ALDRICH. We expect the whole of this tax to give trouble.

Mr. SPOONER. Did the Senator from Georgia ever know of a popular tax?

Mr. CLAY. I think it is a tax that will give a great deal of trouble in the business transactions of life. A great many men will give the notes, and the holders will not be aware of this law and they will have great trouble in collecting them. The notes can not be introduced in evidence at all in a court of justice unless they are stamped.

Mr. WHITE. There is no reason, I imagine, why promissory notes should be exempted, and yet an order for the payment of any sum of money carry a stamp. If the farmer referred to by the Senator from Georgia gave an order for the payment of money, he would have to stamp it, but, according to the Senator's proposition, if the farmer aforesaid should give to another a promissory note or should deal in promissory notes, he is to be exempted. That seems to be a very difficult distinction to sustain.

The amendment of the committee compels those who have larger transactions to pay more. That certainly is just. There can be no burdening in requiring 2 cents upon the renewal of a note. If a note is not to bear any tax when it is renewed, there must be some way of tracing it. There is no particular appearance in a renewed note to indicate that it has been renewed. If I owe a hundred dollars to you, Mr. President, and am unable to pay it and you see fit to allow me to give a new note, that note has all the appearance of the original. It is an original note in effect, and certainly bears upon its face no indication showing that it was renewed.

I do not think that anyone will suffer because of the imposition of this 2-cent tax who is able to sustain other burdens contained in the bill, and admitted to be necessary. It is a fact, I think, that the stamp tax will generally be unpopular. While some taxes may be said to be popular, I have never found anyone who was fond of paying taxes. Certainly a statement of that kind by anyone would seem to create some doubt as to the veracity of the party.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Georgia to strike out the words—

Or any promissory note except bank notes issued for circulation.

The amendment was rejected.

Mr. BACON. I think the suggestion of my colleague is not so much as to the burden of the tax as to the great inconvenience

and annoyance of parties who are dealing in very small transactions; and therefore, as the Senate has refused to strike out that clause, I move to amend the clause so as to read:

For a sum exceeding $100 and less than $200, 2 cents.

And then so on with the balance.

Mr. ALDRICH. I suggest that according to the agreement under which we are proceeding the committee amendments are to be disposed of first. The Senator can offer that amendment later.

Mr. BACON. I have only offered it in view of the fact that the Senate has already acted on the other proposition.

Mr. ALDRICH. I did not raise the point on the amendment of the Senator's colleague.

Mr. BACON. I will reserve it, then.

The next amendment of the Committee on Finance was, on page 37, in line 14, to insert, after the word "circulation," the words "and for each renewal of the same."

The amendment was agreed to.

The next amendment was, in line 16, after the word "dollars," to strike out "five" and insert "two;" so as to read, "for a sum not exceeding $100, 2 cents."

Mr. GORMAN. I wish to suggest right here that no such agreement as the Senator from Rhode Island has just announced can certainly be carried out. We must have the privilege of amending the amendments as we proceed. It is the only way we can deal with the bill.

Mr. ALDRICH. Undoubtedly. But the amendment suggested by the junior Senator from Georgia was an amendment to the text of the bill; and according to the agreement under which we are proceeding, as I understand it, it would not be in order until the committee amendments were disposed of.

Mr. GORMAN. But that amendment was voted upon.

Mr. ALDRICH. I did not raise the point, because I did not think it was of enough consequence.

Mr. GORMAN. I do not think the point ought to be raised. I think in dealing with a paragraph of this kind, where a question is raised, the only way is to move to amend it at once. Otherwise we shall have to go back and debate it over perhaps two or three times.

Mr. ALDRICH. The agreement of the Senate was the ordinary agreement which always applies to appropriation bills and which everyone very well understands. It was distinct and definite that the committee amendments should first be disposed of, and then the bill would be open to other amendments. Of course the committee amendments are themselves subject to amendment, but amendments to the text of the House bill are not in order until after the committee amendments are disposed of.

Mr. GORMAN. The Senator will see at once that we shall lose time by pursuing that course and then coming back and fighting it all over again.

Mr. ALDRICH. I have been trying so far as I could and so far as I had any influence to get ahead without these discussions.

Mr. GORMAN. They are going on, however.

Mr. JONES of Arkansas. It seems to me the proposition of the Senator from Georgia [Mr. BACON] is practically an amendment to the Senate committee amendment and that it would save time to allow it to be disposed of at this time. The committee propose to change the text of the bill by laying a tax of 2 cents instead of a tax of 5 cents. That is what is involved in this very amendment. The Senator from Georgia wants to limit that provision so that it shall apply only to notes exceeding $100, and it seems to me clearly to be an amendment to the amendment. While technically it proposes to strike out a part of the text as the bill came from the House, nevertheless it is a change of the amendment the committee propose in the text of the bill.

Mr. GORMAN. It is practically an amendment to the amendment of the committee.

Mr. ALDRICH. I have no objection to the amendment of the Senator from Georgia being acted upon.

Mr. BACON. I will then offer the amendment. In line 15, on page 37, I move to strike out the word "not" and to insert after the word "dollars," in the sixteenth line, the words "and less than $200;" so that it will read:

For a sum exceeding $100 and less than $200, 2 cents.

Mr. WOLCOTT. I should to ask the Senator from Georgia a question. If under his proposition a man should want to borrow $150, he might give two notes of $75 each, payable after thirty days. Would he have to stamp either of them under the amendment?

Mr. BACON. I do not understand the Senator's question.

Mr. WOLCOTT. Suppose a man goes to a bank to borrow $150. He wants to borrow it for thirty days. Under the amendment of the Senator, if he gave a note for $150 he would have to put a 2-cent stamp on it; but instead of doing that he does what is equally convenient and very common, he gives two notes of $75 each, both payable at the same time, in the same bank, at the same place and the same hour, a part of the same transaction, and by giving the two notes he does not have to stamp either. Is not that the case?

Mr. BACON. The Senator is correct as to that point. However, it may be possible to put in additional words which will cover a case of that kind, where there is an attempt to evade the law.

I call the attention of the Senator from Colorado to what I think is the main purpose here. In remote rural districts the transactions are very small. The people in many of them are very ignorant, and they have their little neighborhood interchange of five and ten and fifteen dollar obligations to pay. Those are the transactions that my colleague has in mind. This provision will bring trouble in having that class of people unnecessarily dragged into court because of the unintentional omission to observe the requirements of the law in fixing a stamp to their little rude country obligations in their ordinary small interchange of products and things of that kind or the loan of a very small amount of money.

Mr. WOLCOTT. My own impression is that the making of that exception would be an enormous detriment to the revenues to be derived under the bill. Small notes under $100 are by no means limited to people who are poor. The whole purpose of this law has been to create a tax for war revenues, and there has been an effort made by the committee to make the tax small. All taxes are vexatious and annoying. It has been the effort to make no tax financially burdensome, but to leave it so that every citizen of this country is made to realize that he is putting a stamp upon every transaction of life which is evidenced upon paper for the purpose of paying the expenses of this war.

There are great advantages, Mr. President, in letting the people in rural districts, where their transactions are small, have their patriotism fed and their attention called to the fact that they in turn are helping to bear the burdens of this war. It is not vexatious. It is upon the stump vexatious, but it is not financially burdensome to anybody. When the man gives a note for $15, he will put a 2-cent stamp upon it, and I do not care if he lives in the farthest back county in Georgia, it is not going to hurt him financially to put a 2-cent stamp on a fifteen-dollar note. He may think it is burdensome when election comes around and he is made to feel that he is a cruelly oppressed man, but in the ordinary relations of life a universal stamp of 2 cents on all the business affairs of life is not in the slightest degree burdensome.

Mr. BACON. I do not desire to go into the question of politics in this matter.

Mr. WOLCOTT. It seemed to me, with all due respect to the Senator, that the objection must be political and not financial.

Mr. BACON. The Senator entirely misconstrues my purpose. I do not know what prompts him to do so, but still he does.

Mr. WOLCOTT. Because I realize the breadth of character of the Senator, and I could not imagine that he believed anybody would be financially distressed by it.

Mr. BACON. Different conditions in Colorado, where there are not so much backwoods as in Georgia, may be the reason for it. I desire to say to the Senator, however, that if the backwoods of Colorado are like the backwoods of Georgia, the people of those communities have something very much more serious than 2-cent stamps to remind them of the war; because if the Senator will call the roll of those who go to the front to fight the battles of the existing war, he will find that the rural districts are, to say the least of it, as fully represented by the men they send to the front as the cities.

Mr. WOLCOTT. There is not the slightest doubt of that. That is also an excellent argument upon the stump; but it is also true that the people who are still at home in those rural districts have the right and the privilege of paying their share of maintaining the burdens of the war.

Mr. BACON. They will pay it. Mr. President, there is no doubt about that. Under our system of taxation they are paying very much more than their proportion. I venture to make that remark, even in the presence of the fear that I may again elicit from the Senator from Colorado the suggestion that it is a stump declaration and not one fitted for the august presence in which we now stand.

But, Mr. President, leaving that out of the case and coming back to business, I suggest that possibly the addition of the words after the amendment which I have already suggested, "not negotiated in any bank," might cure the difficulty suggested by the Senator from Colorado. The clause would then read in this way:

For a sum exceeding $100 and less than $200, not negotiated in any bank.

Mr. WOLCOTT. May I ask the Senator a question?

Mr. BACON. Certainly.

Mr. WOLCOTT. We are in this bill imposing upon bankers a license tax of a hundred dollars; under the amendment moved by the other side of the Chamber we are taxing their deposits; and I will ask the Senator if he desires to make it so that it will be more burdensome and expensive to borrow money at a bank, which is a place for the loaning of money, than to go to an individual and borrow money?

Mr. BACON. The great purpose is not to save the small amount of 2 cents; it is to save the inconvenience in the very small transactions in the rural districts, where it is not convenient for the people to do these things. I made the suggestion in deference to the apprehension expressed by the Senator from Colorado that advantage would be taken of the provision to cut up an amount which was intended to be embraced in a note and make two notes where otherwise only one would be made.

Transactions of that magnitude are most frequently had with banks. The burden would still be borne by the party who made the note. Everybody knows that the maker of a note will have to pay for the stamp. I think with that modification, the suggestion of the Senator from Colorado, which was certainly very pertinent, and which is really the only objection to this amendment that I can see, would be in a large degree met.

Mr. WOLCOTT. I suggest to the Senator that if a note is given as a negotiable note it may go into bank at any time. Are you, then, going to put a 2-cent stamp upon it when the bank takes it or are you going to leave it out? I must say, in answer to the suggestion of the Senator from Georgia, that it is no more burdensome in a back county in Georgia or in a rural district to put a 2-cent stamp on a promissory note than it is to put it on a letter. They can put a 2-cent postage stamp on a letter, if they write there, and they may just as well, and I think with no more inconvenience, put a 2-cent stamp on a note. I suggest, if the Senator wants to relieve the rural communities from inconvenience in the matter of stamps, they be not required to stamp letters. There is no more inconvenience in the one case than in the other.

Every post-office is going to have these stamps for sale. You can buy these stamps in the most remote district in the United States. There will be no place where you can not buy them. You can buy revenue stamps just as easily as you can buy postage stamps; one stamp has the same price as the other. It does not seem to me that the argument of inconvenience has weight in that view. It is no more burdensome to lick a stamp to put on a promissory note than to lick a stamp to put on a letter.

Mr. BACON. I understand the bill does not require that the stamps shall be sold in each post-office, but in only such as the Secretary of the Treasury may designate.

Mr. WOLCOTT. No; in all the post-offices.

Mr. ALDRICH. He can designate all the post-offices.

Mr. BACON. I understand the bill does have that phraseology.

Mr. ALDRICH. It allows him to designate every post-office in the United States, and he would unquestionably designate every post-office where there was any demand for stamps.

Mr. BACON. I do not think the comparison of postage stamps with revenue stamps is a legitimate one. The postage stamps relate to a system which is permanent, with which everybody is familiar and knows all about, whereas the system of revenue stamps is something which is extraordinary, made for an emergency, with which the people would take a very long time to become familiar.

I am very frank to say that if this stamp tax should become a law, to which I am not altogether favorable, I should be afraid to sign any paper without going and consulting a book to see what stamp I had to put upon it; and even if I should become so familiar, and if other Senators here become so familiar, with the provisions of this law that such an investigation would not be required, that is not going to be the case with the people who live in what the Senator from Colorado persists in calling the backwoods. I am referring to the junior Senator from Colorado [Mr. WOLCOTT], as I see the senior Senator from Colorado [Mr. TELLER] smiles at me.

Mr. TELLER. There are backwoods.

Mr. BACON. And there are good people in those backwoods, too.

Mr. WOLCOTT. I did not say a word about backwoods. I said "back counties."

Mr. BACON. Well, back counties. Back counties in our part of the country contain a good many woods. It may not be so in Colorado.

But, Mr. President, this is not a question of burden; it is not a question of 2 cents; it is a question of the convenience of this class of people, their freedom from annoyance, their freedom from liability for failure to comply with a law of this character. I do not think that the revenue which would be lost to the Government by simply exempting promissory notes under $100 in amount would amount to a great deal. I should like, if I am in error about that, to have the suggestion of the Senator from Iowa or the Senator from Rhode Island as to what it would be.

Mr. ALDRICH. To show the danger of amending a bill in this desultory way, I will say that the change suggested by the Senator from Georgia would be so far-reaching as to practically nullify the stamp provisions of the preceding paragraph. It would apply to all taxes and all orders for the payment of money, to all drafts and all bills of exchange less than $100, and if drawn at one day's sight it would allow them to evade the payment of any tax whatever.

Mr. BACON. How?

Mr. ALDRICH. Because it applies to all those, as well as to promissory notes.

Mr. BACON. The Senator's criticism may be correct, but I will simply state that that is not my design.

Mr. ALDRICH. I hope that before the Senator offers his amendment either he or his colleague will get it in such shape as he desires that we may know exactly what we are supposed to vote on. Under the old law, and I never heard that in the back counties of Georgia or anywhere else there was any trouble about it, this instrument paid a tax of 5 cents. I am not sure that the back counties of Georgia were then paying any tax, but I never heard anywhere any great criticism of the amount of the tax placed on a promissory note.

Mr. GORMAN. The statement of the Senator from Iowa in charge of the bill has not been controverted, so far as I have heard, that the bill as it has been reported from the Committee on Finance would produce a very much greater revenue than is intended to be levied. If that be so, I take it that if the tax on gross receipts of corporations and the legacy and succession tax remain on the bill there will be no earthly necessity for a stamp tax on notes, which unquestionably bears harshly and heavily upon people generally away from the centers of trade and commerce.

The Senator from Rhode Island says he never knew of any trouble in that respect. I have known of it. If the Senator will only look back at the records and the debates, not on partisan lines at all, he will find that there was a universal demand to relieve the people from this very annoying way of levying money, growing, as I said, out of the want of facilities in the interior and in the small towns.

I have no objection to having this provision perfected, but I should like to inquire of the Senator in charge of the bill if it is the intention to eliminate any part of this scheme that comes to us from the committee, and whether this provision in regard to stamp taxes on notes and so on should not be eliminated, if the tax on corporations is kept in the bill? I should like to know for my own information at this stage in the consideration of the bill. If the committee have come to no conclusion on the subject, of course the Senator will not be able to give a definite answer to my question.

Mr. ALLISON. If I understand the Senator's question, it is whether we intend to retain finally each of these provisions if we insert all of them. My own judgment is that if amendments 177 to 180 shall be included, a very large number of taxes included elsewhere could be very well dispensed with, but I take it for granted that we are not likely to do that. However, I know of no way of getting on with the bill and ascertaining whether we will or not, except to go on as we are going, taking each of these items as they come. I should myself like very much to know whether it is the intention of the Senate to include these amendments, which I think will yield a very large revenue. I estimated it the other day at $70,000,000. I may have put it possibly a little too high, but it will approach that sum. Therefore we could exempt these little notes, if we put that in, without any detriment to the revenue. But for the present I think we had better go on and keep in what we can and see what the judgment of the Senate will be as to the larger matters when we come to them.

Mr. GORMAN. I understand that we must go on, but I supposed that since the discussion began and the facts had been presented to us, probably the committee itself had agreed; and I think we should know it in voting upon these matters. For instance, I want to vote to eliminate any tax on notes described by the Senator from Georgia, if I can do it safely and leave revenue enough to the Government. I consider it one of the most objectionable taxes that is contained in the provisions of this bill. If the Finance Committee, with the light that has been thrown on the subject, will inform those of us who have not the opportunity to get the information, what is to be insisted on to raise the $150,000,000, I should like to know, and if it can be done, as I said, without the stamp tax, then I want the stamp tax to go out now.

Mr. ALLISON. Mr. President, there has been no great light, so far as I know, disclosed by the debate thus far upon the particular point now suggested by the Senator from Maryland [Mr. GORMAN]. The Senator says he wants to relieve promissory notes. Some of us want to relieve some other taxes which are in this bill, but after all I think it would be wiser to go on and do the best we can. If in the end it is found there is a great body of taxation thrown in here, it will enable us to eliminate from the bill Schedule A and all the burdens which are put upon the people who deal with banks or who deal with each other; then we can do that if that is thought wise. The Senator from Colorado [Mr. WOLCOTT] made the other day what I think was a very good suggestion, that at some time before the completion of this bill we ought to test the sense of the Senate upon these sections.

Mr. GORMAN. Yes.

Mr. ALLISON. But the Senator knows very well, I think,

because he has studied this bill with care, that if we include these taxes upon bank deposits and upon gross receipts, as provided for in the bill, we can go back and eliminate other taxes. I should think the first taxes to eliminate—though I do not wish to enter into that discussion now—would be the tax on receipts. If we insert a tax on gross receipts, then we should eliminate the tax on individual receipts, which would be a considerable tax.

Now we can go along, I think, without any very great difficulty and pick up here and there eliminations after we shall have inserted these great items, if we do insert them, and we may then agree with the Senator that the tax on promissory notes may be eliminated and also the tax on bank checks as well as on gross receipts, or we may think that Schedule B will be unnecessary at that time and we can eliminate cordials and proprietary articles, or some of them, which are provided for in Schedule B; but I do not see how we can pause now and eliminate each tax as we go along, beginning with promissory notes and then taking up bills of exchange, drafts, etc., and in that way exclude in order to make it absolutely necessary that we shall include.

I should like to have a free expression on the whole proposition which is presented here by the majority of the committee before I am willing to commence the process of exclusion.

Mr. GORMAN. Very good. Mr. President, that is the very point that I hoped to get the Senator to finally, and it was the suggestion made by the Senator from Colorado several days ago. Why not begin at once upon the three great propositions which are brought in here by the Committee on Finance, the tax on the gross receipts of corporations, the increased tax on banks, and the succession tax? And then we can proceed with the balance of the bill intelligently, wisely, and without loss of time. I trust the Senators in charge of the bill will agree that we shall proceed in that way. Why not take up the question of the tax on the gross receipts of corporations now? The three items I have named control what ought to be in this bill.

It is idle to discuss the matter in detail as we are doing now. Of course if what both the Senators from Georgia have presented in regard to this annoying tax to the people engaged in small business in the country should be eliminated, and if the corporations are not to pay a greater amount of tax or a sufficient amount to enable us to relieve the ordinary people of the country, the sooner we know it the better.

I trust the chairman of the committee will now agree to go to that section and begin with it now and let us discuss it and dispose of it.

Mr. CLAY. I want to ask the Senator from Maryland, Is it not true that, under this bill, when a party gives or renews a promissory note and neglects to place the stamp upon it, he is liable to fine and imprisonment?

Mr. GORMAN. Not to imprisonment. Yesterday, on my motion, the Senate struck out the provision as to imprisonment. Such a person will be subject to a fine of not more than $100; but the imprisonment clause has been stricken out on that class of obligations by the vote of the Senate yesterday.

Mr. ALDRICH. Mr. President, there is no difficulty about this question at all. We ought to proceed with the consideration of this bill as we proceed with the consideration of every other bill. If the amendment which the Senator from Maryland has referred to could be adopted when it was reached, it would be easy enough to go back to the provisions which conflict with it and strike them out, either in the Senate or in Committee of the Whole, by general consent.

I assume that no bill will pass Congress which does not contain a stamp tax upon bank checks and upon articles of that kind. This section simply provides for putting a stamp tax upon bills of exchange, drafts, certificates of deposit drawing interest, orders for the payment of any sum of money, and on promissory notes. If you exclude promissory notes, you will only change the form of the obligation into a draft, payable at one day's sight, or something of that sort. There will not be in terms any promissory notes given, but they will be all drafts or some form of obligation to evade the payment of the tax.

I think we might just as well meet this question now as at any other time, and I am as ready now to vote on the proposition of the Senator from Georgia as I shall be at any time. If we go on with the consideration of the bill, passing over for the time being those taxes which are imposed on telegraph companies or express companies and the stamp tax upon bills of lading, until we act upon the proposition to tax corporations generally, we shall make all the progress we ought to make, and make it in a much more orderly and much more satisfactory way, in my judgment, than we shall by pursuing any other course.

Mr. WOLCOTT. I desire to say as to the tax on promissory notes that I should like to remind the Senator from Maryland that that is a tax which exists in a heavy degree in every civilized country in the whole world except in the United States.

Mr. TELLER. Mr. President——

Mr. DANIEL. Will the Senator from Colorado permit me to ask a question for information?

Mr. TELLER. I yield to the Senator.

Mr. DANIEL. I ask the Senator from Rhode Island if he thinks we could get along without the stamp taxes if a corporation tax were put in the bill? Could we otherwise raise sufficient revenue?

Mr. ALDRICH. Personally I do not think we could, but that is simply a matter of individual judgment.

Mr. JONES of Arkansas. Why not?

Mr. ALDRICH. I assume that the scheme offered by the majority of the committee will never be adopted by the Senate as a whole, and I assume that it will be necessary to preserve some part of the stamp taxes; and if we are to preserve any, we certainly ought to preserve this paragraph.

Mr. TELLER. Mr. President, it seems to me that the primary difficulty we have to deal with here is that the committee are divided as to the amount which should be raised by the bill. The majority of the committee thought we ought to have $150,000,000, while the minority of the committee thought we ought to have much less than that. I have not been able to find out exactly what the minority thought we ought to have, but I will assume it was about what the House bill provided. The Senator from Iowa [Mr. ALLISON] said he thought it would be $100,000,000, which is some $12,000,000 above the House estimate.

If we are to determine what taxes we will put in this bill, as suggested by the Senator from Maryland, it seems to me that we should first determine how large a sum we ought to raise. Shall it be $150,000,000 or shall it be $100,000,000 or $200,000,000, or what shall it be?

I do not myself believe that this bill as it came from the committee is going to raise any such amount of money as the Senator from Iowa believes will result from it. I will say that my judgment on that proposition is probably exactly as good as that of the Senator from Iowa, because he was guessing and I am guessing and everybody else who speaks upon this subject is guessing as to the amount. There is no way of determining exactly the amount which this bill will produce. It will largely depend upon the condition of the general business of the country, whether it is prosperous and active, or whether it is in a depressed state. So you can not tell whether the amount will be $200,000,000 or $175,000,000 or $150,000,000.

I think there is only one way to go to work to determine this question, and that is to put in this bill such things as are the legitimate subjects of taxation, keeping in mind all the time that there should be a general distribution, so far as possible, so that it will be equitable and bear easily and not too heavily upon any particular industry or any particular persons.

We went through the experiment of the stamp tax and of other taxes during the civil war. As my colleague has said, every country in the world is dealing with that subject more or less and to a greater extent than we are, and while stamp taxes are disagreeable, so are all others. Taxes upon consumption are very unpopular in some sections and with some people.

I think we are not meeting in this bill what is a demand, and a just and equitable demand, which the people make, and that is that the wealth of the country shall bear its share of the burdens. There seems to be very little disposition to do that. The bill proceeds upon the theory that we are to collect a large amount of money and to collect it in small sums.

The Senator said the other day that one of the items will produce $75,000,000. If so, that probably is more than is fair in proportion to the amount to be raised, although $75,000,000 collected will not be burdensome, distributed as it will be distributed. I do not know what the Senate means to do about this. Are we to have $200,000,000 revenue or are we to have $100,000,000 revenue? I am in favor of $200,000,000; I am in favor of a bill which will produce revenue enough to pay practically, without going into debt, the cost of this war. I am in favor of making this bill a revenue bill, not for this war alone, but as a preparation for the next war.

I know of course, Mr. President, it is said that we are not going to have another war. I have heard within four months on this floor more than one Senator declare—generally when the doors were closed—that there was no possibility of a war in this country and that we need not make any preparations for one. We have discovered that that was a mistake. We will get through with this war without much trouble if the signs of the times are as I think they are, and if they appear to other people as they do to me. We shall, however, have a worse difficulty to meet in a few years than that which now confronts us. We all know how we have felt humiliated and annoyed at our lack of coast-defense preparation, at our lack of ships, and at our lack of munitions of war, which every great nation ought to have in keeping at all times.

I wish the committee would get together, if they can; and, if they can not, I wish the Senate would get together in some shape so that they may determine how much revenue we ought to raise. If we can determine that question, then we can determine very much better upon what items we are going to raise the necessary revenue or whether we are going to put the burden upon the next generation.

Mr. CULLOM. I believe in dividing the burden.

Mr. TELLER. The Senator from Illinois says he believes in dividing the burden. I do not believe in dividing it at all. The American people are rich enough to pay in this generation and in this year the cost of this little war with the 7 by 9 country with whom we are now contending. We may come in a few years to a condition where we can not do that. We may then be contending with powers much greater than Spain; and the chances are that we shall be. Then we may be compelled to run in debt; but we are abundantly able, without unduly imposing upon the people of this country, to raise sufficient revenue to pay inside of eighteen months or two years every dollar which this war will cost.

The people of the United States will not object to it if the taxation is righteously and properly laid. If all interests are taxed, if all classes of the people everywhere are compelled to bear a portion of this burden, there will be no complaint. There will be inconveniences, of course, in putting stamps upon notes and receipts; but these are little inconveniences which we can not afford to stop here to consider; we can not afford to eliminate from this system all the notes of a hundred dollars, or any other sum, any more than we can checks of $10 or $20.

Taxation, Mr. President, is burdensome anyway, and if we are to raise but $200,000,000 by this bill, the taxation will not be burdensome. We will not be taxed as Europe is taxed, and the National Government will not tax as the State governments are taxing. If there is any advantage in this system of government of ours, if there is any merit in what we are doing in trying to extend the area of freedom, then we ought to be willing, it seems to me, to pay the taxes now.

I am in favor of leaving in this bill everything that is in it; and if I had my way, I would put some things in it that are not in it now. I presume, before we get through with it, I shall have an opportunity to vote for some things which are not now in the bill that I think ought to be in the bill, and thus increase the revenues by putting a tax upon those who will escape taxation under this bill as it stands and who are abundantly able to bear it.

Mr. WHITE. Mr. President, looking over this matter, I feel I do not exactly understand the amendment offered by the Senator from Georgia, and I would be obliged if the Chair would order it to be read.

The PRESIDING OFFICER (Mr. CANNON in the chair). The Secretary will state the amendment.

Mr. BACON. In view of the suggestion made by the Senator from Rhode Island [Mr. ALDRICH] as to the effect of the amendment, I have eliminated promissory notes, as at first proposed by me, and I have changed the phraseology somewhat, intending to effect the same purpose originally indicated; but it is necessary to divide the paragraph on that account. So I propose to amend, after the word "demand," in line 13, on page 37, by inserting the words "for a sum not exceeding $100, 2 cents;" so as to make it applicable to the class of obligations referred to in the preceding lines. Then I propose to strike out the word "or," after the word "demand," and insert the word "and" in the same line; and in line 16 to insert the words "and less than $200, not negotiated in any bank."

Mr. JONES of Arkansas. Will the Senator restate the amendment? I did not catch it exactly.

Mr. BACON. I will hand it to the Senator. The purpose is simply to exempt notes under $100 in amount from that tax, without affecting any of the other classes of obligations stated in that paragraph.

Mr. WHITE. Mr. President, the man who holds a promissory note, who owns it, I presume is supposed to take care of the placing of a stamp upon it. Certainly he will have to do so when he proceeds to collect it. Now, whether it be in the backwoods, or the back counties, or the back trails, or anywhere else, the possession and holding and ownership of a promissory note is no evidence of impecuniosity. It seems to me that there are a great many people in different portions of the United States, in the large cities, who deal in small transactions at very high rates of interest, and who hold small promissory notes—various persons who, perhaps, are not any better able to pay than those referred to previously in this debate—and on principle I can not see why there should be any exemption in this case. Of course the stamp tax is general; and, as has often been said, it is exceedingly onerous. If we could get along without any of it, it would be much more pleasant; but whether we can or not depends upon what is done with this bill hereafter; and I presume, as stated by several Senators, that the process of elimination may be entered into if we find that we are to raise more money than the necessities of the Government require—a contingency, however, which I do not believe will arise.

Mr. BACON. I ask to have read at the desk the amendment as I have modified it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. On page 37, line 13, after the word "demand," it is proposed to insert "for a sum not exceeding $100, 2 cents;" in the same line, before the words "any promissory note," to strike out "or" and insert "and;" in line 15, after the word "sum," to strike out "not," and after the word "dollars," in line 16, to insert "and less than $200, not to be negotiated in any bank;" so as to make the clause read:

Bill of exchange (inland), draft, certificate of deposit drawing interest, or order for the payment of any sum of money, otherwise than at sight or on demand, for a sum not exceeding $100, 2 cents; and any promissory note except bank notes issued for circulation, and for each renewal of the same, for a sum exceeding $100 and less than $200, not to be negotiated in any bank, 2 cents.

Mr. ALDRICH. I inquire how much is to be paid if it is negotiated in a bank?

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Georgia [Mr. BACON].

Mr. CLAY. I call for the yeas and nays on the adoption of the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH]. If he were present, I should vote "nay."

Mr. MALLORY (when his name was called). I am paired with the junior Senator from Vermont [Mr. PROCTOR], and therefore withhold my vote. If he were present, I should vote "nay."

Mr. MORGAN (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "nay."

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Delaware [Mr. KENNEY]. In his absence, I withhold my vote.

Mr. PETTUS (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. HOAR], who is absent, and therefore I withhold my vote.

Mr. RAWLINS (when his name was called). I am paired with the junior Senator from Ohio [Mr. HANNA], and so withhold my vote.

Mr. THURSTON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. In his absence, I withhold my vote. If he were present, I should vote "nay."

The roll call was concluded.

Mr. MORRILL (after having voted in the negative). I understand the senior Senator from Indiana [Mr. TURPIE] has not voted, and therefore I withdraw my vote, as I am paired with that Senator.

Mr. GEAR. As announced, I am paired with the senior Senator from New Jersey [Mr. SMITH]. With the consent of the Senator from Alabama [Mr. PETTUS], I will transfer that pair to the Senator from Massachusetts [Mr. HOAR], which will permit the Senator from Alabama and myself to vote. I vote "nay."

Mr. PETTUS. Under that arrangement, I am at liberty to vote. I vote "nay."

Mr. ALLEN. In this connection, I desire to announce the pair of the junior Senator from Washington [Mr. TURNER] with the senior Senator from Wyoming [Mr. WARREN].

The result was announced—yeas 13, nays 41; as follows:

YEAS—13.

Bacon,	Clay,	Lindsay,	Turley.
Bate,	Daniel,	McLaurin,	
Berry,	Gorman,	Mills,	
Cannon,	Gray,	Mitchell,	

NAYS—41.

Aldrich,	Elkins,	Lodge,	Spooner,
Allen,	Fairbanks,	Mason,	Stewart,
Allison,	Foraker,	Nelson,	Teller,
Burrows,	Frye,	Pasco,	Vest,
Caffery,	Gallinger,	Perkins,	Wetmore,
Carter,	Gear,	Pettus,	White,
Chilton,	Hansbrough,	Platt, Conn.	Wilson,
Cockrell,	Harris,	Pritchard,	Wolcott.
Cullom,	Hawley,	Roach,	
Davis,	Heitfeld,	Sewell,	
Deboe,	Jones, Ark.	Shoup,	

NOT VOTING—34.

Baker,	Kenney,	Morgan,	Smith,
Butler,	Kyle,	Morrill,	Thurston,
Chandler,	McBride,	Murphy,	Tillman,
Clark,	McEnery,	Penrose,	Turner,
Faulkner,	McMillan,	Pettigrew,	Turpie,
Hale,	Mallory,	Platt, N. Y.	Warren,
Hanna,	Mantle,	Proctor,	Wellington.
Hoar,	Martin,	Quay,	
Jones, Nev.	Money,	Rawlins,	

So Mr. BACON'S amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, in line 16, page 37, after the word "dollars," to strike out "five" and insert "two;" and in the same line, after the word "cents," to insert:

And for each additional $100 or fractional part thereof in excess of $100, 2 cents. And the provisions of this paragraph shall apply as well to money

orders issued by the Government of the United States, and the price of such money orders shall be increased by a sum equal to the value of the stamps herein provided for.

So as to read:

Bill of exchange (inland), draft, certificate of deposit drawing interest, or order for the payment of any sum of money, otherwise than at sight or on demand, or any promissory note except bank notes issued for circulation, and for each renewal of the same, for a sum not exceeding $100, 2 cents; and for each additional $100 or fractional part thereof in excess of $100, 2 cents. And the provisions of this paragraph shall apply as well to money orders issued by the Government of the United States, and the price of such money orders shall be increased by a sum equal to the value of the stamps herein provided for.

Mr. PETTUS. I should like to have from the committee some explanation why Government orders are to be taxed.

Mr. ALDRICH. The Government postal authorities issue money orders, for which they charge certain rates. The express companies and certain banking institutions also issue money orders. Under the provisions of the bill as it passed the House the private institutions would have to pay the tax and the persons who bought such orders from the Government would escape it. This simply provides that the same tax shall be paid upon Government orders that is paid upon individual orders. The individual who sends the money order pays for the stamp.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, after line 22, on page 37, to strike out down to and including line 20, on page 38, as follows:

Exceeding $100 and not exceeding $200, 10 cents.
Exceeding $200 and not exceeding $350, 15 cents.
Exceeding $350 and not exceeding $500, 20 cents.
Exceeding $500 and not exceeding $750, 30 cents.
Exceeding $750 and not exceeding $1,000, 40 cents.
Exceeding $1,000 and not exceeding $2,500, $1.
Exceeding $2,500 and not exceeding $5,000, $1.50.
And for every $2,500, or part of $2,500 in excess of $5,000, $1: *Provided*, That upon promissory notes and other evidences of debt secured to be paid by mortgage, or by deed of trust upon real or personal property, or by any other conveyance of real or personal property intended as security for the payment of such promissory notes or evidences of debt, 25 cents.

The amendment was agreed to.

The next amendment was, on page 38, line 21, after the word "orders," to insert "by telegraph or otherwise;" and in line 1, page 39, after the word "pay," to strike out "the same rate of tax as inland bills of exchange or promissory notes" and insert "for a sum not exceeding $100, 4 cents, and for each $100 or fractional part thereof in excess of $100, 4 cents;" so as to read:

Bill of exchange (foreign) or letter of credit (including orders by telegraph or otherwise for the payment of money issued by express or other companies or any person or persons), drawn in but payable out of the United States, if drawn singly or otherwise than in a set of three or more, according to the custom of merchants and bankers, shall pay for a sum not exceeding $100, 4 cents, and for each $100 or fractional part thereof in excess of $100, 4 cents.

The amendment was agreed to.

The next amendment was, on page 39, line 6, before the words "or more," to strike out "three" and insert "two;" in line 8, before the word "dollars," to strike out "and fifty;" in line 11, before the word "cents," to strike out "three" and insert "two;" and in the same line, after the word "cents," to insert "and for each $100 or fractional part thereof in excess of $100, 2 cents;" so as to make the paragraph read:

If drawn in sets of two or more: For every bill of each set, where the sum made payable shall not exceed $100, or the equivalent thereof, in any foreign currency in which such bill may be expressed, according to the standard of value fixed by the United States, 2 cents; and for each $100 or fractional part thereof in excess of $100, 2 cents.

The amendment was agreed to.

The next amendment was, after line 13, on page 39, to strike out down to and including line 7, on page 40, as follows:

Above $150 and not above $200, 5 cents.
Above $200 and not above $500, 10 cents.
Above $500 and not above $1,000, 15 cents.
Above $1,000 and not above $1,500, 20 cents.
Above $1,500 and not above $2,250, 30 cents.
Above $2,250 and not above $3,500, 50 cents.
Above $3,500 and not above $5,000, 70 cents.
Above $5,000 and not above $7,500, $1.
And for every $2,500, or part thereof, in excess of $7,500, 30 cents.

The amendment was agreed to.

The next amendment was, to strike out from line 12 to line 21, inclusive, on page 40, as follows:

Express: Upon all boxes, bales, packages, articles, or bundles carried exceeding 3 miles, for the transportation of which any express company, or carrier, or person whose occupation is to act as such, receives a compensation of not over 25 cents, 1 cent.

When such compensation exceeds the sum of 25 cents and not over $1, 2 cents.

When one or more packages are sent to the same address at the same time, and the compensation therefor exceeds $1, 5 cents.

And insert:

Express and freight: It shall be the duty of every railroad or steamboat company, carrier, express company, or corporation or person whose occupation is to act as such, by rail or water or by both rail and water, to issue to the shipper or consignor, or his agent, or person tendering goods for transportation, a bill of lading, manifest, receipt, or other evidence of receipt and forwarding for each shipment received for carriage and transportation, whether in bulk or in boxes, bales, packages, bundles, or not so inclosed or included; and there shall be duly attached and canceled, as is in this act provided, to each of said bills of lading, manifests, receipts, or other memorandum, and to each duplicate thereof, a stamp of the value of 1 cent. Any failure to issue such bill of lading, manifest, receipt, or other memorandum shall subject such railroad company, carrier, express company, or corporation or person to a penalty of $50 for each offense, and no such bill of lading, manifest, receipt, or other memorandum shall be used in evidence unless it shall be duly stamped as aforesaid.

Mr. SEWELL. I should like to ask the Senator in charge of the bill if any estimate has been made as to the amount this provision will bring? It provides for a duplication of taxation by taxing a bill of lading and the receipt also. Is that the intention of the committee?

Mr. ALLISON. I made a statement the other day which included these items. I have a memorandum here. It will yield more than five or six million dollars. Of course it is impossible to secure accurate data, because the number of bills of lading is not accessible, so far as I know, in any statistical report; and therefore it must be, in a measure, an estimate. An officer of a railway company, known to me personally, happened to be here, and I asked him what he thought would be the daily number of bills of lading on the line of road which he represents—6,000 miles, perhaps, in all. After making some examination, he wrote me that it would amount to $75,000 daily. So I should say that this provision as amended will alone yield from eight to ten million dollars—probably $10,000,000.

Mr. SEWELL. I would ask the chairman of the committee if it is the intention to tax both the bill of lading and the receipt from the same party? The language of the bill would do it.

Mr. ALLISON. The receipt is for money. The bill is for the delivery of property. So there is not a tax upon the receipt——

Mr. SEWELL. But the receipt and the bill of lading are from the same individual. Take a shipment to a station, and a bill of lading is attached and a receipt, too. Are you going to tax both?

Mr. ALLISON. Of course they are the same thing in that particular instance, but we have here another bracket or item which taxes all receipts. That, of course, is not a double tax on bills of lading as well as receipts. A bill of lading is supposed to be a receipt for property.

Mr. SEWELL. The real state of the case is this: You take a shipment of goods from a station and a bill of lading is made out to follow the goods, and also a receipt. Are both to be taxed?

Mr. ALLISON. They are not.

Mr. SEWELL. I think the language ought to be changed somewhat, then.

Mr. ALDRICH. I think there is no objection to striking out the word "receipt" in the third line on page 41. It is all covered by the next provision.

Mr. SEWELL. I shall be perfectly satisfied if it merely provides for one stamp for each transaction.

Mr. ALDRICH. There certainly will be no objection to striking out the word "receipt" in the third line where it first occurs at the beginning of the line.

Mr. SEWELL. Will the committee let the amendment go over until I can frame an amendment or they can?

Mr. ALDRICH. That fixes it beyond any question.

Mr. SEWELL. Very good.

Mr. ALDRICH. It is not necessary to have the amendment go over.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 3, page 41, it is proposed to strike out the word "receipt."

The amendment to the amendment was agreed to.

Mr. BURROWS. I would suggest to the Senator in charge of the bill that on page 41, line 11, after the word "railroad," the word "steamboat" should be inserted, so as to cover the different companies mentioned in the beginning of the paragraph.

Mr. ALLISON. I have no objection to that.

The SECRETARY. After the word "railroad," in line 11, on page 41, it is proposed to insert "or steamboat;" so as to read:

Shall subject such railroad or steamboat company, etc.

The amendment to the amendment was agreed to.

Mr. GORMAN. I wish to call the attention of the Senators in charge of the bill to the fact that the penalty in this case for a refusal to use a stamp is only a fine, which I think is right, whereas in every other case the person is subjected to imprisonment where the stamp is not used.

Mr. CHILTON. It is not a failure to use the stamp. It is failure to issue a bill of lading. This penalty is a different thing.

Mr. JONES of Arkansas. That is correct.

Mr. GORMAN. In order to escape taxation the bill of lading will not be issued. So the principle is the same.

Mr. CHILTON. The other clause would apply to the corporation for failure to use the stamp. This is a double penalty, or it

amounts to a double penalty. It is intended to force the corporation to issue a written paper.

Mr. ALDRICH. In line 8, after the word "manifests," I move to strike out "receipts;" in line 10, after the word "manifest," I move to strike out "receipt;" and in line 14, after the word "manifest," I move to strike out "receipt."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

Mr. ALLISON. Amendment No. 101 runs down to and includes line 14, on page 42, and I ask that the whole may be read before a vote is taken.

The PRESIDING OFFICER. That course will be pursued. The remainder of the amendment will be stated.

The SECRETARY. After line 15, on page 41, it is proposed to insert:

> Telephone messages: It shall also be the duty, under like conditions and penalties, of every person, firm, or corporation owning or operating any telephone line or lines to give a receipt for every message or conversation transmitted over the said line or lines from any public or pay station thereon for which a charge of 15 cents or more is imposed, to which receipt shall be attached an adhesive stamp of the value of 1 cent——

Mr. MALLORY. I should like to inquire of the committee in regard to the paragraph relating to the tax on telephone messages. Is it the Senator's construction that the receipt provided for here, to be given to the sender of the message, is to be given at the time of sending the message, as in the case of telegrams?

Mr. ALLISON. I so understand.

Mr. MALLORY. There are some cases in which that is an impossibility, where, for instance, with a telephone company in a city like Washington, a request comes over the wire to connect the speaker with the long-distance telephone. There it would be impossible to give a receipt at the time. I am informed that that is a very large part of the business. If it is contemplated that there shall be kept a monthly account with subscribers who use the long-distance telephone, that could be done, but as the paragraph is now it seems to me to require the telephone company to do something that is impossible.

Mr. ALLISON. This does not apply to individual telephone transmissions. It merely applies to special messages, where there is a pay telephone.

Mr. MALLORY. I understand that; but take the case of an individual subscriber to a telephone company who wishes to have his line switched onto a long-distance telephone in the city of New York, for instance.

Mr. ALLISON. Does he pay anything for it?

Mr. MALLORY. Certainly he has to pay extra for it.

Mr. ALLISON. On the long distance?

Mr. MALLORY. Yes.

Mr. ALLISON. If he wants to use the long-distance telephone, he pays on the message. This is only intended to apply to pay stations, of which there are three or four thousand in New York.

Mr. GORMAN. I may go to a pay-telephone office on Pennsylvania avenue and call up Baltimore. I ask the office to call up Baltimore for me. The charge is 50 cents. How is it possible for me to get a receipt for the amount I pay? I now put the money in the slot, and there is no process by which I can get a receipt or by which the telephone company can give me one.

Mr. ALLISON. Will they not know somewhere that the Senator has called up Baltimore and paid 50 cents for it?

Mr. GORMAN. At the central office.

Mr. ALLISON. They are required to keep a memorandum.

Mr. WOLCOTT. May I explain that, so far as the telephone companies are concerned, the stamp is not affixed at all by the sender or receiver of the message, but the tax is paid according to monthly statements, which are certified by the company to the collector of internal revenue.

Mr. GORMAN. This paragraph does not so read.

Mr. WOLCOTT. The Senator will find it on page 42.

Mr. GORMAN. Explain to me what is the object of this provision:

> It shall also be the duty, under like conditions and penalties, of every person, firm, or corporation owning or operating any telephone line or lines to give a receipt for every message or conversation transmitted over the said line or lines from any public or pay station thereon, for which a charge of 15 cents or more is imposed, to which receipt shall be attached an adhesive stamp of the value of 1 cent.

Mr. WOLCOTT. That is at pay stations. At pay stations a receipt can always be given, for there is some one in charge of the pay station.

Mr. GORMAN. No; the process now is to drop your money in the box——

Mr. WOLCOTT. In the slot.

Mr. GORMAN. In the slot. The central office notifies you how much it is—10 cents, 20 cents, or 50 cents.

Mr. WOLCOTT. They will have to modify that regulation at the pay stations, so as to give a receipt and affix the stamp. At other than pay stations they make certification to the collector of internal revenue monthly of the number of messages, exceeding 15 cents, other than those upon which stamps are affixed.

Mr. GORMAN. I suggest to the Senator in charge of the bill that the provision might be changed so that the telephone company would exhibit their accounts every month to the collector of internal revenue, and not attempt to force them to give a receipt in each individual case. It is not like bills of lading on a railroad, where that is the ordinary transaction and where they make them in duplicate.

Mr. ALDRICH. If the Senator had looked upon the next page he would have seen that at stations where mechanical devices are used for the reception of the money they must make a return and pay on the return and not stamp receipts.

Mr. GORMAN. Why not, if the companies are to be assessed in this way, let the accounts be sworn to and returned monthly?

Mr. ALDRICH. The public pay station is easily regulated the other way.

Mr. GORMAN. The Senator can go into a bank or a railroad office, not a public pay station, and it is not conducted in that way. The privilege is given to gentlemen without charge, as a matter of convenience.

Mr. WOLCOTT. If I do not interrupt the Senator from Maryland too much, I will say you are forbidden by your contract to let others come in and talk over your telephone. It is one of the agreements you enter into, that other persons shall not use your telephone.

Mr. GORMAN. That is true only in some localities.

Mr. WOLCOTT. But at all the pay stations, except where slot machines are used, there is always somebody in charge, and it is as easy to give a receipt as it is for the telegraph company to do so. In offices where they have slots for the reception of the money, or at other than pay stations where there are not slots, then it is upon monthly return to the collector.

I wish to say to the Senator that while the telephone people do not want the tax, they are in entire agreement that this method of collecting is one of the most convenient for the company.

Mr. ALLISON. They have made no objection to it.

Mr. WOLCOTT. No objection, except they did not want the tax.

Mr. ALLISON. They would prefer not to pay the tax.

Mr. GORMAN. There has not been much time for objection; but if the gentlemen in charge of the bill feel that it is perfect without any suggestions, I know we are powerless to correct it. I think, though, that Senators on both sides of the Chamber who are advocating this extraordinary taxation, considering the embarrassing mode in which it is presented and the penalties that you have imposed for all these offenses and the threats to imprison, will regret that they have not taken a little more time and given a little more consideration to the convenience of the business people and to the interests of the ordinary people of the country.

Mr. WOLCOTT. I will say to the Senator that as a very humble member of the committee I shall be very glad indeed of any suggestions that will improve the method of collecting the tax or the method of levying it. It seemed to us that taxes levied by stamp, which paid themselves and certified their own payment, were very much more desirable than the employment of a vast number of assistant deputy collectors, whose duty it would be to inspect the business and offices and books of various concerns doing business; that wherever it could be self-evident at the close of the transaction that the Government had received its tax or excise, there the Government was the gainer, because the number of people employed was the minimum, there was very much less espionage and very much less opportunity for investigation of a wrong sort than in any other method of levying taxes.

So far as concerns passing over this amendment, I desire to say that there are amendments of some importance to be offered to this provision respecting bills of lading, and I had hoped to present the same to the Finance Committee and to get them, if possible, reported as committee amendments, or in any event to get them before the Senate soon; and if it is to be settled now, I should like to give notice that I shall ask to have the amendments put upon the bill later. I refer to the amendments as to which I have conferred with individual members of the committee.

Mr. ALLISON. I have no objection to passing over this amendment.

Mr. WOLCOTT. I should like to have it passed over, if there is no objection.

Mr. PASCO. While we are upon this amendment, I wish to direct attention to another matter, which, I think, should be considered by the committee. The complaint is that this tax upon the telegraph and telephone companies will operate differently. I understand that when a message is sent by telegraph the sender has to stamp it.

Mr. WOLCOTT. Yes.

Mr. PASCO. But when the message is sent by telephone then the telephone company has to put on the stamp.

Mr. WOLCOTT. There is no difference, if I do not interrupt the Senator. They are at the same liberty to exact payment of the customer as is the telegraph company.

Mr. PASCO. They can add to the cost of the message.

Mr. WOLCOTT. Yes.

Mr. PASCO. But the Government imposes upon the company the duty of affixing the stamp. So the person who sends the message can not be compelled by the Government to stamp it.

Mr. WOLCOTT. But the telephone company will not receive it unless it is stamped, and they can——

Mr. PASCO. They can increase their rates, but sometimes their rates are fixed by law.

Mr. WOLCOTT. I see the force of the suggestion of the Senator from Florida.

Mr. PASCO. We made a peremptory rate for the company in the District or a peremptory reduction, I forget which it is. Therefore the company will be compelled, if this provision is insisted upon, to put the stamps on.

Mr. WOLCOTT. I see the suggestion.

Mr. PASCO. It seems to me that while the amendment is being considered it would be well for the committee to take that matter under advisement and perhaps afford a remedy.

Mr. WOLCOTT. I think there is force in the suggestion which the Senator makes. I ask to have the amendment passed over.

Mr. COCKRELL. What amendment?

The PRESIDING OFFICER. Amendment No. 101. It will be passed over at the request of the Senator from Colorado.

The reading of the bill was resumed, beginning at line 14, page 42. The next amendment of the Committee on Finance was, on page 42, line 19, after the word "thereof," to strike out "50 cents" and insert "and all other:" in line 20, before the word "of," to strike out "bond" and insert "bonds;" in line 21, after the word "description," to strike out "other than" and insert "except;" in line 22, after the word "proceedings," to strike out "and such as are;" in the same line, after the word "otherwise," to strike out "charged" and insert "provided for;" and in line 23, after the word "schedule," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Bond: For indemnifying any person or persons, firm, or corporation who shall have become bound or engaged as surety for the payment of any sum of money, or for the due execution or performance of the duties of any office or position, and to account for money received by virtue thereof, and all other bonds of any description, except such as may be required in legal proceedings, not otherwise provided for in this schedule, 50 cents.

The amendment was agreed to.

The next amendment was, on page 43, line 8, after the word "any," to strike out "other;" in the same line, after the word "description," to strike out "than those" and insert "required by law not otherwise;" and in line 9, after the word "specified," to insert "in this act;" so as to make the clause read:

Certificate of any description required by law not otherwise specified in this act, 10 cents.

The amendment was agreed to.

The next amendment was, on page 43, line 16, after the word "steamer," to insert "or any renewal or transfer thereof;" so as to make the clause read:

Charter party: Contract or agreement for the charter of any ship, or vessel, or steamer, or any letter, memorandum, or other writing between the captain, master, or owner, or person acting as agent of any ship, or vessel, or steamer, and any other person or persons, for or relating to the charter of such ship, or vessel, or steamer, or any renewal or transfer thereof, if the registered tonnage of such ship, or vessel, or steamer does not exceed 300 tons, $3.

The amendment was agreed to.

The next amendment was, on page 43, line 25, after the word "such," to insert "for each note or memorandum of sale if not otherwise provided for in this act;" so as to make the clause read:

Contract: Broker's note, or memorandum of sale of any goods or merchandise, stocks, bonds, exchange, notes of hand, real estate, or property of any kind or description issued by brokers or persons acting as such, for each note or memorandum of sale if not otherwise provided for in this act, 10 cents.

The amendment was agreed to.

The next amendment was, on page 44, line 9, after the word "cents," to insert "and for each additional $500 or fractional part thereof in excess of $500, 50 cents;" so as to make the clause read:

Conveyance: Deed, instrument, or writing, whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value exceeds $100 and does not exceed $500, 50 cents; and for each additional $500 or fractional part thereof in excess of $500, 50 cents.

The amendment was agreed to.

The next amendment was, on page 44, after line 11, to strike out the following:

When the consideration exceeds $500 and does not exceed $1,000, $1.
Exceeding $1,000 and not exceeding $2,500, $2.
Exceeding $2,500 and not exceeding $5,000, $5.
Exceeding $5,000 and not exceeding $10,000, $10.
Exceeding $10,000 and not exceeding $20,000, $20.
And for every additional $10,000, or fractional part thereof, in excess of $20,000, $20.

The amendment was agreed to.

The next amendment, was on page 44, after the word "message," to strike out "except press news dispatches, for which the charge paid or to be collected does not exceed 25 cents;" so as to make the clause read:

Dispatch, telegraphic: Any dispatch or message, 1 cent.

The amendment was agreed to.

The next amendment was, on page 45, to strike out line 3, as follows:

When the charge exceeds 25 cents, 2 cents.

The amendment was agreed to.

The next amendment was, on page 45, to strike out after line 3, the following:

That any person, firm, or corporation owning or operating what is commonly known as a long-distance telephone line or lines, or other toll-telephone line or lines, whether such line or lines, or any part thereof, is or are operated separately or in connection with the similar lines of any other person, firm, or corporation, shall, on the first day of each month, return under oath to the collector of internal revenue in and for the district in which such person, firm, or corporation resides, the number of messages transmitted over the said respective separate or connected lines during the preceding month; the said return to include the paid messages so transmitted from individual or other subscribers to the telephone service of the said person, firm, or corporation, and from the respective public pay stations of the said person, firm, or corporation, together with the amount received for each such message so transmitted. Upon the failure of any person, firm, or corporation to make such return, or for the making of false returns, they shall, upon conviction thereof, be fined not exceeding $500.

On each message so transmitted for a distance of 30 miles or more where the charge for which, according to such sworn return, does not exceed 25 cents, said person, firm, or corporation shall pay a tax of 1 cent; when the charge exceeds 25 cents and does not exceed $1.50, 2 cents; when the charge exceeds $1.50 and does not exceed $5, 5 cents; when the charge exceeds $5, 10 cents.

The taxes hereby imposed upon telephone messages shall be assessed by the Commissioner of Internal Revenue, and the provisions of existing law relative to the assessment of taxes and of the 50 per cent penalties for neglect or failure to make return and of the 100 per cent penalty for the making of false returns and of the collection of such taxes and assessed penalties are hereby made to apply to the taxes imposed by this section: *Provided*, That official messages of the United States Government shall be exempt from the taxes herein imposed upon telegraphic and telephonic messages.

Mr. GORMAN. I should like to ask the Senator from Iowa a question. As I understand the provision as it stands now as amended, it is a tax of 1 cent on every message sent by the telegraph company to any person, no matter what the charge is or the distance?

Mr. ALLISON. It is a uniform tax.

Mr. GORMAN. It is a uniform tax of 1 cent?

Mr. ALLISON. Yes.

Mr. GORMAN. I ask the Senator if there is not great discrimination between that tax and the one that is levied on the telephone companies where they are required to pay 1 cent for every 15 cents they receive?

Mr. ALLISON. No.

Mr. WOLCOTT. Oh, no. Upon messages that cost 15 cents or over the tax is 1 cent.

Mr. GORMAN. For every message that costs 15 cents the tax is 1 cent; but in the case of the telegraph company, no matter what the cost of the telegram may be, 1 cent also is charged.

Mr. ALLISON. It is a discrimination against the telegraph company, if anything.

Mr. WOLCOTT. The minimum charge of the telegraph company is 15 cents. The telegraph company sends no messages for less than 15 cents.

Mr. SPOONER. Ten words.

Mr. WOLCOTT. Ten words. Therefore that is made the basis of the pay of their messages, but to put the telephone company on an equality we let messages that cost less than 15 cents go by telephone for nothing. When the telephone company reach the minimum price of the telegraph company, they have to pay a cent on each message.

Mr. GORMAN. A message under 15 cents is not taxed.

Mr. WOLCOTT. It goes free.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, on page 47, line 2, after the word "shall," to insert "hereafter;" in the same line, after the word "lives," to strike out "(not including policies of insurance against accident only):" in line 4, after the word "thereof," to strike out "two" and insert "ten;" in line 7, after the word "be," to strike out "1 cent for each unit of 5 cents of weekly premium" and insert "6 cents for each $100 or fractional part thereof on the amount insured;" and in line 10 to strike out the proviso, as follows:

Provided further, That cooperative life-insurance assessment orders and companies, as well as all policies issued by them, shall be exempt from taxation under this act.

So as to read:

Insurance (life): Policy of insurance, or other instrument, by whatever name the same shall be called, whereby any insurance shall hereafter be made upon any life or lives, for each $100 or fractional part thereof, 10 cents on the amount insured: *Provided*, That on all policies, for life insurance only, issued on the industrial or weekly-payment plan of insurance the tax shall be 6 cents for each $100 or fractional part thereof on the amount insured.

Mr. WHITE. I suggest that the life-insurance section be passed over for the present.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the section will be passed over at the request of the Senator from California.

Mr. LODGE. Is that the life-insurance section?

Mr. ALDRICH. It is the life-insurance section.

Mr. LODGE. It is to be passed over for the present.

Mr. ALDRICH. Yes. I suggest that amendment No. 123, in the thirteenth line, should be considered. I think there is no objection to that amendment.

The PRESIDING OFFICER. If there be no objection, the amendment will be stated.

The SECRETARY. After line 12, on page 47, the committee propose to strike out the following:

Insurance (on property): Upon each premium on each and every policy of insurance, reinsurance or renewal thereof, or other instrument, by whatever name the same shall be called, by which insurance shall be made or renewed upon property profits, titles, or liability of any description, whether perils by sea or by fire, or other peril of any kind, made by an insurance company, or its agents, or by any other company or person, $100 and under, 10 cents; exceeding $100 and not exceeding $500, 50 cents; $500 and upward, $1.

The PRESIDING OFFICER. Is there objection to the amendment of the committee?

Mr. CHILTON. I think that had better go over, to stand with the other. I think possibly some amendment may be necessary.

Mr. ALDRICH. As far as I know, there is no objection on the part of anybody else to the provision in regard to insurance other than life insurance.

Mr. CHILTON. I thought it was understood that the whole of the insurance provisions should go over.

Mr. ALDRICH. I think not.

Mr. CHILTON. All right, then.

Mr. ALDRICH. We can return to it if there is any objection, but I know of none.

The PRESIDING OFFICER. Is there objection to the amendment? The Chair hears none, and it is agreed to.

The next amendment of the Committee on Finance was, on page 47, after line 23, to insert:

Insurance (marine, inland, and fire): Each policy of insurance or other instrument, by whatever name the same shall be called, by which insurance shall be made or renewed upon property of any description (including rents or profits), whether against peril by sea or on inland waters, or by fire or lightning, or other peril, made by any person, association, or corporation, upon the amount of premium charged, one-half of 1 cent on each dollar or fractional part thereof.

Insurance (casualty, fidelity, and guarantee): Each policy of insurance, or bond or obligation of the nature of indemnity for loss, damage, or liability issued, or executed, or renewed by any person, association, company, or corporation, transacting the business of accident, fidelity, employer's liability, plate glass, steam boiler, burglary, elevator, automatic sprinkler, or other branch of insurance (except life, marine, inland, and fire insurance), and each bond undertaking or recognizance, conditioned for the performance of the duties of any office or position, or for the doing or not doing of anything therein specified, or other obligation of the nature of indemnity, and each contract or obligation guaranteeing the validity or legality of bonds or other obligations issued by any State, county, municipal, or other public body or organization, or guaranteeing titles to real estate or mercantile credits executed or guaranteed by any fidelity, guarantee, or surety company upon the amount of premium charged, one-half of 1 cent on each dollar or fractional part thereof.

The amendment was agreed to.

Mr. ALDRICH. I have prepared some amendments to the provisions on page 36 which, I think, answer the objections made this morning. I ask permission to offer them, and request that they be printed in order that members of the committee and members of the Senate may see them and ascertain whether they carry out the purpose that the Senate had in view. I simply offer them now.

The PRESIDING OFFICER. Does the Senator ask that they be read?

Mr. ALDRICH. No; I do not ask that they be read. I simply ask that they be printed; I shall offer them to-morrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSBROUGH. I make a like request. I submit an amendment which I intend to propose on page 41 in respect to telephone messages. I ask that it be printed.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, on page 49, after line 2, to insert "If for a period of time not exceeding one year, 25 cents;" so as to read:

Lease, agreement, memorandum, or contract for the hire, use, or rent of any land, tenement, or portion thereof, if for a period of time not exceeding one year, 25 cents.

The amendment was agreed to.

The next amendment was, on page 49, line 5, after the word "time," to insert "exceeding one year and;" so as to make the clause read:

If for a period of time exceeding one year and not exceeding three years, 50 cents.

The amendment was agreed to.

The next amendment was, on page 49, line 15, after the word "mortgage," to insert "or pledge;" in line 22, after the word "security," to strike out "and shall be redeemable before the sale or other disposal thereof;" in line 24, after the word "otherwise," to strike out "or any personal bond given as security for the payment of any definite or certain sum of money" and insert "on any of the foregoing;" on page 50, line 2, after the word "one," to strike out "hundred" and insert "thousand;" in line 3, after the word "exceeding," to strike out "five" and insert "one thousand five;" in line 4, after the word "dollars," to strike out "fifty" and insert "twenty-five;" and in the same line, after the word "cents," to insert:

And on each $500 or fractional part thereof in excess of $1,500, 25 cents: *Provided*, That upon each and every assignment or transfer of a mortgage, lease, or policy of insurance, or the renewal or continuance of any agreement, contract, or charter, by letter or otherwise, a stamp duty shall be required and paid equal to that imposed on the original instrument.

So as to read:

Mortgage or pledge of lands, estate, or property, real or personal, heritable, or movable, whatsoever, where the same shall be made as a security for the payment of any definite and certain sum of money, lent at the time or previously due and owing or forborne to be paid, being payable; also any conveyance of any lands, estate, or property whatsoever, in trust to be sold or otherwise converted into money, which shall be intended only as security, either by express stipulation or otherwise; on any of the foregoing exceeding $1,000 and not exceeding $1,500, 25 cents; and on each $500 or fractional part thereof in excess of $1,500, 25 cents: *Provided*, That upon each and every assignment or transfer of a mortgage, lease, or policy of insurance, or the renewal or continuance of any agreement, contract, or charter, by letter or otherwise, a stamp duty shall be required and paid equal to that imposed on the original instrument.

The amendment was agreed to.

The next amendment was, on page 50, after line 11, to strike out the following:

Exceeding $500 and not exceeding $1,000, $1.
Exceeding $1,000 and not exceeding $2,500, $2.
Exceeding $2,500 and not exceeding $5,000, $5.
Exceeding $5,000 and not exceeding $10,000, $10.
Exceeding $10,000 and not exceeding $20,000, $15.
And for every additional $10,000, or fractional part thereof, in excess of $20,000, $10.

The mendment was agreed to.

The next amendment was, on page 51, line 1, after the word "if," to strike out "less than" and insert "costing not exceeding;" so as to make the clause read:

Passage ticket, by any vessel from a port in the United States to a foreign port, if costing not exceeding $30, $1.

The amendment was agreed to.

The next amendment was, on page 51, after line 2, to insert:

Costing more than thirty and not exceeding sixty dollars, $3.

The amendment was agreed to.

The next amendment was, on page 51, line 5, before the word "dollars," to strike out "Exceeding thirty" and insert "Costing more than;" so as to make the clause read:

Costing more than $60, $5.

The amendment was agreed to:

The next amendment was, on page 51, after line 6, to strike out the following:

Power of attorney for the sale or transfer of any stock, bonds, scrip, or for the collection of any dividends, or interest thereon, 25 cents.

The amendment was agreed to.

The next amendment was, on page 51, after line 13, to strike out the following clause:

Power of attorney to receive or collect rent, 25 cents.

The amendment was agreed to.

The next amendment was, on page 51, line 17, after the word "same," to insert "to receive or collect rent, to sell or transfer any stock, bonds, scrip, or for the collection of any dividends or interest thereon;" and, in line 20, after the word "specified," to strike out "$1," and insert:

Twenty-five cents: *Provided*, That no stamp shall be required upon any papers necessary to be used for the collection from the Government of claims by soldiers or their legal representatives of the United States for pensions, back pay, bounty, or for property lost in the service.

So as to make the clause read:

Power of attorney to sell and convey real estate, or to rent or lease the same, to receive or collect rent, to sell or transfer any stock, bonds, scrip, or for the collection of any dividends or interest thereon, or to perform any and all other acts not hereinbefore specified, 25 cents: *Provided*, That no stamp shall be required upon any papers necessary to be used for the collection from the Government of claims by soldiers or their legal representatives of the United States for pensions, back pay, bounty, or for property lost in the service.

The amendment was agreed to.

The next amendment was, on page 52, to strike out from line 1 to line 17, inclusive, as follows:

Probate of will or letters of administration: Where the estate and effects for or in respect of which such probate or letters of administration applied for shall not exceed the value of $2,500, 50 cents.
Exceeding $2,500, and not exceeding $5,000, $1.
Exceeding $5,000, and not exceeding $20,000, $2.
Exceeding $20,000, and not exceeding $50,000, $5.
Exceeding $50,000, and not exceeding $100,000, $10.
Exceeding $100,000, and not exceeding $150,000, $20.
And for every additional $50,000 or fractional part thereof, $10.

The amendment was agreed to.

The next amendment was, on page 52, after line 22, to insert the following:

Receipts for the payment of any sum of money, or for the payment of any debt due, not being for the satisfaction of any mortgage or judgment or decree of any court, and not otherwise in this act especially enumerated, 1 cent.

The amendment was agreed to.

The Secretary continued the reading of the bill to Schedule B, concerning proprietary articles and preparations, etc., on page 53, line 12.

Mr. JONES of Arkansas. There are a number of provisions in Schedule B that I should like to look into, and I would be glad to have it passed over for the present.

Mr. ALDRICH. I suggest to the Senator from Arkansas that we can probably agree upon the amendments commencing on page 57 down to the end of the schedule. I believe there will be no objection to those commencing at "chewing gum," at the bottom of page 56. I think those paragraphs might be disposed of now.

Mr. JONES of Arkansas. I have no objection to continuing with the consideration of the bill, as suggested by the Senator from Rhode Island, unless some other Senator objects.

Mr. ALDRICH. Then I suggest that we commence now at line 25, on page 56.

The reading of the bill was resumed at line 25, on page 56. The next amendment of the Committee on Finance was, on page 57, line 1, after the words "jar, or," to strike out "other container of" and insert "package containing;" in line 3, after the word "value," to strike out "five" and insert "four;" in the same line, after the word "cents," to strike out "on each additional dollar's worth or fractional part thereof, an additional 5 cents" and insert "if exceeding $1 of retail value, for each additional dollar or fractional part thereof, 4 cents;" and in line 7, after the words "Internal Revenue," to insert "with the approval of the Secretary of the Treasury;" so as to make the clause read:

Chewing gum or substitutes therefor: For and upon each box, carton, jar, or package containing chewing gum of not more than $1 of actual retail value, 4 cents; if exceeding $1 of retail value, for each additional dollar or fractional part thereof, 4 cents; under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

The amendment was agreed to.

The next amendment was, on page 57, after line 8, to strike out:

Mineral and all other waters, and beverages not otherwise subject to internal-revenue taxes, imported or domestic, bottled for sale, upon each bottle or siphon containing one-half pint or less, one-fourth of 1 cent.
Upon each bottle or siphon containing more than one-half pint and not more than one pint, one-half of 1 cent; upon each bottle or siphon containing more than one pint, 1 cent.

Mr. LODGE. Mr. President, I should like to inquire whether it is the intention of the committee to relieve mineral waters from taxation in this bill by striking out these clauses?

Mr. ALDRICH. Some of them undoubtedly would be relieved by striking out these provisions.

Mr. SEWELL. Is not the Senator from Massachusetts in favor of that?

Mr. LODGE. I am in favor of striking this provision out, but what I wish to call attention to is the fact that as the bill now stands, while the committee has struck out this clause which taxes mineral waters directly, it leaves them taxed much more severely in the next clause of Schedule B, to which I am also opposed. I would find out whether the intention of the committee was to relieve mineral waters from all taxes, or whether it was simply to let off this part.

Mr. SEWELL. I hoped that the members of the committee were running on the line of temperance, and that they were going to leave mineral waters out entirely. What is the section to which the Senator from Massachusetts refers?

Mr. LODGE. The beginning of Schedule B, page 53, the first clause, line 17, where it says "waters." Then it provides that any waters sold under a trade-mark are to be taxed by a stamp duty much heavier than the one in the clauses now under discussion before the Senate.

Mr. WHITE. If the Senator from Massachusetts will permit me, I believe that the Senate has passed over the particular subdivision to which he now alludes. I think he is correct in his construction of that paragraph. It may require some attention hereafter.

Mr. LODGE. All I wanted to get at, I will say to the Senator from California, was the intention of the committee, to ascertain whether they intend to tax mineral waters under the first clause of Schedule B. I wanted it understood that this clause did not relieve them from taxation, but, on the contrary, they were much more heavily burdened than they were under the specific clause of the House bill.

The VICE-PRESIDENT. The question is on amendment No. 170, on page 57, in relation to mineral and all other waters, which has been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, on page 57, after line 16, to strike out "Wine, sparkling or otherwise, of any name or description, made from grapes or other fruits, or from rhubarb or other substances, or by the infusion of any matter in spirits, and offered as wine or as a substitute for wine," and insert "sparkling or other wines;" in line 21, after the word "sale," to strike out "whether domestic or imported;" and in line 22, after the word "less," to strike out "2 cents" and insert "1 cent;" so as to make the clause read:

Sparkling or other wines, when bottled for sale, upon each bottle containing 1 pint or less, 1 cent.

Mr. MILLS. Is it the intention to strike that out?

Mr. FRYE. It is provided for elsewhere.

Mr. COCKRELL. I should like to know whether the committee construe the first section of Schedule B as taxing all mineral waters, and whether that is the reason why the provision as to mineral waters has been stricken out on page 57? I should like to understand that.

Mr. ALDRICH. The provisions of Schedule B certainly would not tax all mineral waters; whether they would tax such mineral waters as are sold upon the plea that they are specifics for certain diseases, or sold under a trade-mark, is a question which I can not answer very intelligently at this moment, but certainly all mineral waters would not be taxed under the provisions of Schedule B.

Mr. WHITE. I believe it was the intention of the committee and of every member of the committee to exclude mineral waters, so called. So far as I am concerned, my attention was only called in the last two or three days to the point now made by the Senator from Massachusetts. I think the matter ought to be inquired into with more care than can be bestowed upon it here in the Senate Chamber.

Mr. LODGE. I will say the provisions in the first section of Schedule B do not cover all mineral waters. All mineral waters practically are sold under a trade-mark. They were not covered in the House provision, but the insertion by the Senate committee of the words "or trade-mark" brings every one of them in, practically, and places upon them a very much heavier taxation than the House of Representatives proposed. In fact, I think the inclusion of everything sold under a trade-mark is a very doubtful provision in itself, because the trade-mark is a very doubtful piece of property in many cases. I only wanted to call attention to it at this time, so that we may take it up when that section is considered.

Mr. ALDRICH. The principal objection made to the provision beginning in line 9, on page 57, as it came from the other House, was that it would make the payment of a tax necessary upon waters that were sold, not mineral waters, but simply pure waters that were sold by the barrel or the demijohn or otherwise for the benefit of people in various parts of the United States. There was no particular claim then made in regard to special waters, like Apollinaris water or Poland water. There was no allegation that those waters ought not to pay something; but this provision was stricken out so that those waters should not be taxed.

The question whether any waters ought to be taxed has never been discussed, I think, in the committee at all; but my own opinion about it is—and I am only speaking for myself personally—that as to some of those waters, where some peculiar virtue is claimed for them and where they bear a trade-mark, they ought to pay a small tax. They are medicines. It seems to me there is no hardship upon anybody in making those articles pay a small tax; but the committee, as I have said, have never considered that question at all. They will undoubtedly consider it in connection with the Schedule B, which has gone over.

Mr. WOLCOTT. The Senator from Missouri [Mr. COCKRELL] asked a question, a specific answer to which was overlooked. I will say, in reply to the Senator, that it was not the intention of the committee, in repealing the provision which taxes these natural waters, to impose thereby the tax of the preceding section. It was the sentiment of the committee that all these natural, ordinary table waters should be free. That was the distinct understanding of the unanimous committee. The section which the Senator from Rhode Island has had passed over may be more broad or may not be more broad than it should be, but it was contemplated that in that provision might be included certain waters which came from the earth, and which were advertised as specifics for certain diseases and sold as medicines. That was the distinction.

Mr. LODGE. The Senator from Colorado has stated the exact

distinction that I desired to get at, that it was not the intention of the committee to tax these pure natural waters from natural springs, for example, like the Poland spring, and yet that is a water sold under a trade-mark, and it would unquestionably be taxable under the first clause.

Mr. COCKRELL. And the water is sold also as beneficial to persons having certain ailments.

Mr. LODGE. Undoubtedly. But there are a great many springs the water from which is sold simply as pure drinking water. Such waters are sold largely in towns where the water supply is bad, and they are sold under a trade-mark. If it was the intention of the committee to exempt such waters from taxation, then they have got them under a much heavier taxation by using the words "or trade-mark" in that first clause.

Mr. WHITE. Mr. President, my recollection is substantially that stated by the Senator from Colorado [Mr. WOLCOTT]. Personally I do not believe in the taxation of any of these waters. I do not believe it possible to make a discrimination with reference to their medicinal qualities. They are all declared to be highly beneficial to health. Many of them will rejuvenate manhood, and it is only necessary to have a sufficient supply of those waters to convert an old man into a very young one, if we believe the advertisements. [Laughter.] So, unless we have some general language which will be applicable to all of these waters, it seems to me it will be impossible for the officers of the Government to enforce the statute at all.

Mr. WOLCOTT. I suggest to the Senator from California that perhaps if the proprietors of those springs of ordinary natural pure waters would quit advertising them as specifics for every ailment, they might save themselves the tax under Schedule B.

Mr. WHITE. They probably would.

Mr. SEWELL. I ask if the insertion of the words "or trade-mark," in line 1, on page 54, does not very much enlarge the scope of the section and take in an enormous number of articles which were not intended to be covered by it?

Mr. ALDRICH. That particular section is not now before the Senate.

Mr. WOLCOTT. That section has been passed over.

Mr. SEWELL. I beg pardon; I did not know that.

The VICE-PRESIDENT. The question is on the adoption of the amendments of the committee numbered 171, 172, and 173, from line 17 to line 23, on page 57; which have been read.

The amendments were agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, on page 57, line 24, after the word "pint," to strike out "four" and insert "two;" so as to make the clause read:

Upon each bottle containing more than 1 pint, 2 cents.

The amendment was agreed to.

The next amendment was, at the top of page 58, to insert the following:

That all articles and preparations provided for in this schedule which are in the hands of manufacturers or of wholesale or retail dealers on the 1st day of June, 1898, shall be subject to the payment of the stamp taxes herein provided for, but it shall be deemed a compliance with this act as to such articles on hand in the hands of wholesale or retail dealers as aforesaid who are not manufacturers to affix the proper adhesive tax stamp at the time the packet, box, bottle, pot, or phial, or other inclosure with its contents is sold at retail.

Mr. CHILTON. The Senator from West Virginia [Mr. FAULKNER] requested me to see that that amendment was passed over until his return. I do not see him in the Chamber, and therefore I ask that the amendment which has just been stated may be passed over.

The VICE-PRESIDENT. The Chair hears no objection, and the amendment will be passed over.

The next amendment of the Committee on Finance was, on page 58, after line 10, to insert the following as a new section:

SEC. —. There shall be an allowance of drawback on articles mentioned in Schedule B of this act on which any internal-revenue tax shall have been paid, equal in amount to the stamp tax paid thereon, and no more, when exported, to be paid by the warrant of the Secretary of the Treasury on the Treasurer of the United States, out of any money arising from internal taxes not otherwise appropriated: *Provided*, That no allowance of drawback shall be made for any such articles exported prior to June 1, 1898. The evidence that any such tax has been paid as aforesaid shall be furnished to the satisfaction of the Commissioner of Internal Revenue by the person claiming the allowance of drawback, and the amount shall be ascertained under such regulations as shall be prescribed from time to time by said Commissioner, with the approval of the Secretary of the Treasury.

The amendment was agreed to.

Mr. MANTLE. Mr. President, at this point I should like to ask the acting chairman of the committee if he will kindly explain why it is that stocks of manufactured tobacco, cigars, etc., on hand have been exempted in the bill as reported, and why it is that stocks of medicines and proprietary articles in retail drug stores have not been exempted?

I ask the question and desire an explanation because I have received a great many communications bearing upon this particular point, requesting me to endeavor to secure the exemption of these patent medicines and proprietary articles on hand in retail drug stores. Perhaps a statement from the Senator who has the bill in charge, or from some other member of the committee, explaining this discrepancy would be of value and would serve to answer the many inquiries which are coming to me.

Mr. GALLINGER. It will apply to stocks of wine on hand as well.

Mr. MANTLE. I have not that in mind particularly, as the communications which have reached me have borne more directly upon the question of drugs, medicines, and such articles.

Mr. ALLISON. Proprietary articles in the hands of wholesale and retail dealers have not hitherto been subjected to a tax. The committee were of opinion that if they were subjected to a tax, it should only be imposed when the articles were sold. Therefore we have so provided as to minimize the burdens upon dealers who have already acquired these articles by purchase. That idea actuated the committee in respect to proprietary articles.

As to manufactured tobacco, inasmuch as we had never imposed an additional tax where a tax had already been imposed and the articles were in the hands of dealers, whether wholesale or retail—but that matter has not yet been discussed in the Senate—the argument made against the taxation of tobacco on hand is that it could not be sold in competition with new tobacco manufactured after the passage of the act, and that to impose a tax upon dealers in tobacco would be to subject them to great loss, because they could not recover from the user or consumer of tobacco the amount of the tax paid.

These, I think, were the considerations which operated upon the committee in striking out the House provision, which does tax tobacco on hand. My own judgment is—I speak only for myself—that there ought to be a tax imposed upon stocks of tobacco on hand if it can be constitutionally imposed; but I do not think that tax should be equal to the tax imposed upon tobacco manufactured after the passage of this act. That is my opinion.

Mr. FRYE. I should like to ask the Senator one question. Of course, we have all received such letters as have been referred to by the Senator from Montana [Mr. MANTLE] from druggists all over the country, and I ask whether or not one request made by the druggists was that which has been complied with by the committee, that the stamp should not be required to be affixed until the article itself is sold?

Mr. ALLISON. That is the recommendation of the committee.

Mr. FRYE. And was not that the request of the druggists which came to the committee?

Mr. ALLISON. The committee have had a variety of requests. Many druggists object to the stamp being placed upon articles they purchase and which are in their stores. Others claim that it would be a great hardship to compel them to immediately place adhesive stamps upon any such articles.

Mr. FRYE. That is the complaint to which I allude.

Mr. ALLISON. And therefore they ask the committee to make a provision which will enable them to place stamps upon the articles when sold. The committee believed that to be a reasonable provision, and so have inserted it.

Mr. CHILTON. When sold at retail?

Mr. ALLISON. When sold at retail.

Mr. FRYE. I understand from the associated druggists, I think, of New England, or of Massachusetts, from letters sent to me a few days ago, that that provision as retained in the bill is satisfactory.

Mr. ALLISON. I have no doubt it is satisfactory to the great body of druggists, but my own judgment is that we ought to require stamps to be placed upon these articles when they are sold at wholesale as well as at retail. For example, take a druggist in a large city who has a stock of these articles on hand. He sells a dozen bottles or twenty-four bottles at wholesale. It seems to me that when that sale is made the stamps ought to be affixed.

Mr. FRYE. You would not require the stamp, then, to be affixed by the retailer alone?

Mr. ALLISON. Certainly not; but whether the article is sold at wholesale or retail. The committee has not discussed that question. It is one of the questions which we hope to discuss tomorrow. Whether or not this should be confined to the retail trade, I am not quite sure.

Mr. MONEY. Will the Senator allow me to ask him whether the change which has been made by the committee is satisfactory to the retail dealers as well as to the wholesale dealers?

Mr. ALLISON. Of course it is impossible to say.

Mr. MONEY. The Senator from Maine [Mr. FRYE] asked the question whether the dealers were not satisfied with the provisions of the bill that the stamp should be affixed to the article when sold, and not when held on the shelves. What I desire to know is whether the retailers have expressed any satisfaction with this provision of the bill?

Mr. ALLISON. I find a difference of opinion among the retailers. I think I have received as many as fifty or sixty letters from retail dealers in my own State and in other States objecting to this tax being paid only by the retail dealers. Of course, after this bill shall have become a law, and the retailers shall be